



## Report gives state's Youth Court system scathing review

By Jimmie E. Gates  
[jgates@clarionledger.com](mailto:jgates@clarionledger.com)



**Rep. George Flaggs**

Mississippi's Youth Court system compromises public safety and violates the constitutional rights of children because of overwhelming caseloads and inadequate resources, according to a report.

The two-year study by the Mississippi Youth Justice Project of the Southern Poverty Law Center and the National Juvenile Defender Center also outlined other problems plaguing the system, including:

- Untimely appointment of attorneys to represent youths.
- Inadequate representation of youths.
- An overflow of referrals from schools.

Youth courts are overrun with referrals from local schools where children are routinely arrested for minor, school-related offenses that drain resources, clog dockets and fill detention-center beds, according to the study.

Jennifer Riley-Collins, an attorney with the Mississippi Youth Justice Project, said the constitution guarantees youths the right to counsel but that many aren't receiving adequate representation in a system that lacks resources and is understaffed.

"The failures of the juvenile indigent defense system have important implications for public safety," said Riley-Collins, who coauthored the study. "When a youth court defender meets her client moments before court without any information about the child's background, like mental health records, school records and family history, there is no way that defender can possibly help the court identify appropriate, rehabilitative services."

Forrest County Youth Court Judge Michael McPhail said his county hasn't seen the kind of problems the study cited.

"We're not overwhelmed, and our caseload has been decreasing," McPhail said.

McPhail said it would be difficult for him to believe any Youth Court judge would appoint an attorney who isn't going to adequately represent a child.

"Every Youth Court judge I know wants to have children adequately represented," McPhail said. "That will prevent the case from being appealed."

The study committee didn't name the counties members visited.

When the study was undertaken, Mississippi Chief Justice Jim Smith wrote a letter to judges asking them to allow committee members to observe court proceedings.

A team of local attorneys and national experts in juvenile justice observed Youth Court proceedings and visited juvenile detention centers in 15 counties throughout the state during the summer of 2005.

In addition to the visits, information for the findings and assessments were gained from interviews with Youth Court judges, prosecutors, defense attorneys, Youth Court counselors, parents and children, Riley-Collins said.

At a Tuesday news conference at the state Capitol announcing the release of the study, two youths who had gone through the Youth Court system spoke about their experiences.

One youth and his parents said they had a positive experience with the attorney who handled his case, while the other youth and his mother said they had to replace their attorney.

Anthony Barbour, now 18, of Jackson said he was falsely accused but that his attorney constantly checked on him. When the case went to trial in Youth Court, he was acquitted.

"I was blessed to have this person in my life," Barbour said of his attorney.

But Marquan Watson, 14, of Laurel said his attorney didn't see him while he was in detention. His family said the attorney also didn't keep the family informed.

Marquan won his case after a new attorney was hired, his mother, Kenya Watson, said.

"I know children need proper representation," Kenya Watson said. "Proper representation makes a difference."

Riley-Collins urged both families not to discuss details of the cases, such as the charges, since they occurred in Youth Court.

As part of its recommendations to correct deficiencies, the report urges the Legislature to increase resources to youth courts, including social workers and investigators.

Addressing the group at the state Capitol, state Rep. George Flaggs, D-Vicksburg, said the report was excellent and pledged his support to seek additional funding in the upcoming legislative session for indigent defense of youths and for support staff.

Flaggs, House Juvenile Justice Committee chairman, also said the goal should be community-based programs for youths instead of incarceration.