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Meet 'em and plead 'em

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Young people accused of juvenile offenses in Illinois barely get to meet their public-defender lawyers before facing a juvenile judge in a detention hearing. At that hearing, they're sometimes pressured to admit guilt on the spot. If they don't, the judge may impose a "trial tax" — a harsher punishment for putting the court through the bother of a trial.

Those and other revelations appear in a newly released report on the Illinois juvenile court system, which was issued by the Children and Family Justice Center at Northwestern University Law School and the National Juvenile Defender Center.

The report portrays the juvenile justice system as hurried and sometimes haphazard. Accused juveniles sometimes fall into the hands of inexperienced public defenders and prosecutors who are trying to work their way up to adult felony court.

The report ought to concern everyone worried about crime. The juvenile system is society's last chance to reform kids on a downward slide toward adult crime and prison. The public is much safer when the juvenile system works well.

Young people are entitled to a detention hearing within 40 hours of being taken into custody, and they're entitled to be represented by a lawyer at that hearing. Youngsters from poor families end up with public defenders. Public defenders, however, usually don't learn who their client is or what the alleged offense is until moments before the hearing begins. Since they barely know the kid's name, they can't argue very effectively for his freedom. "Most Illinois defenders do not call witnesses, and many do not make more than cursory arguments on behalf of their clients," says the report.

For lack of an effective lawyer, many kids may be winding up in detention when they'd be better off with their parents. A kid who isn't dangerous when he goes into juvenile detention may be dangerous when he comes out.

Whether a young offender winds up in custody depends mainly on the judge. Some reserve the punishment for the most serious offenses. But the report notes one unnamed judge who reportedly "loves" the detention center and uses the lockup to "scare" kids, especially those who are acting up at home.

Once a juvenile is arrested, police or other authorities have to decide whether to release him to his parents or hold him until a detention hearing is held. That decision is haphazard, too. In one unnamed jurisdiction, according to the report, the staff of the local juvenile detention center staff makes the decision. Since the center is paid for each child in custody, the staff tends to hold on to them. More than 90 percent of those children are released once they reach a judge at a detention hearing. In a different county, the head of a juvenile detention center complained that police were using it as a babysitting service rather than trying to track down parents to pick up their children.

More than 70 percent of juvenile cases are handled by plea bargain: The young offender pleads guilty, ostensibly in exchange for a more lenient sentence. Public defenders, lacking time to prepare for a trial, often press youngsters to accept the deals. Judges sometimes join in, indicating that punishment will be worse after a trial. As a result, some youngsters end up with juvenile records they may not deserve.

The cure for this broken system involves a hefty dose of money for more people and court resources. "High case loads, especially in large metropolitan areas (coupled with recent budget cuts) force children's lawyers to tread water, responding to high volume court calls rather than focusing on the needs of their individual clients," says the report.

With intense competition for limited public funds, it will be difficult for governors and legislators to find the money. The long-term benefits to all of us make it worth the effort.

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