

The Kentucky Post
September 24, 2002

Report: Youths get day in court

By Paul A. Long

Juveniles charged with breaking the law in Kentucky have a better chance of being represented by a competent attorney than they did seven years ago, according to a report being released today.

Yet girls are being arrested at an ever increasing rate; minority youths remain far more likely to be arrested, convicted and locked up; and many juveniles still feel rushed through the justice system, the study shows.

“I don’t like the courtroom — everybody stares right through me like I am not there,” one unidentified youth says in the report, compiled by the American Bar Association’s Juvenile Justice Center and the Children’s Law Center in Covington.

The report on the state of juvenile justice in Kentucky is a follow-up to one done in 1996, which found the system rife with problems.

At the time, attorneys had extremely high caseloads, many juveniles went to court without an attorney and follow-up after the youth was locked up was non-existent.

Since then, the state has made a concerted effort to improve, the report shows.

More money has been funneled into the Department of Public Advocacy, which represents most juveniles.

That allowed the department to hire more lawyers, open more offices around the state, raise salaries, decrease turnover and lower caseloads.

It also created a post-conviction branch to handle the cases of juveniles who may have been wrongly convicted.

Now, most juveniles have a lawyer to represent them in court, the report says. Those attorneys are actually working with the youths, instead of doing little to help them.

But those attorneys still are pressed for time and rarely meet their clients until they get into court, the report says.

Many youths continue to waive their right to an attorney. The growing number of Hispanic youths is not being met with a corresponding increase in attorneys knowledgeable about their language and culture, the report says.

A number of outside influences clog up the juvenile justice system, the report says. The erosion of confidentiality for the arrested juvenile is a growing problem.

The emergence of “zero tolerance” policies in schools is turning bad conduct into criminal behavior. The state has yet to find a way to deal with people with mental health problems, particularly juveniles.

While many of the juveniles interviewed reported that they were treated fairly in court, and their lawyers represented them well, a number of consistent problems remained.

“When asked about how they felt when addressed by the judges, juveniles typically reported feeling nervous, angry, and scared,” the report said.

“Others felt that the judges patronized them by talking down to them or talking above their level of understanding. In several cases, juveniles felt the judge had already made up his or her mind before they came into the courtroom. — Confusion and anxiety seems to be common.”

About half of those interviewed said they didn’t know their lawyer’s name.

Many felt their attorneys moved forward without regard to their thoughts or feelings.

Many left court bewildered.

“When asked what advice they would give to lawyers to better help juveniles in trouble, the most common response was simply, ‘listen,’” the report said.