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Wayne County cuts will sacrifice lawyers for young offenders

By Beth Arnovits

On May 27, 2009, a tersely worded letter from a Wayne County circuit judge to the president of the Legal Aid and Defender Association (LADA) gave notice that the contract under which the association provides public defense service to low-income children would be terminated on July 1.

At a time when Michigan's public defense delivery system is attracting national attention as one of the country's very worst at protecting the constitutional right to counsel, the impending termination of the LADA contract is another sign of the ongoing deterioration of Michigan's current public defense services in these tough economic times.

And simply put, the decision is "penny wise and pound foolish."

LADA is a nonprofit, charitable organization that has provided comprehensive legal advocacy for 100 years — advocacy that saves both taxpayer dollars and young lives by identifying more effective and less costly alternatives to incarceration for at-risk children, and making sure the rights of all their young clients are protected.

While LADA has struggled for years with declining funding and increasing demands, it is a lifeline for children like "Yvette," a Detroit-area teenager.

Yvette was fifteen when she was found responsible for an assault. Having grown up in an environment of drug abuse and violence, Yvette had been drinking since the age of twelve, was sexually active and smoked marijuana. Her LADA attorney made it her personal goal to ensure Yvette received the treatment she needed so she could ultimately return to the community.

Six months after Yvette began her stay at a juvenile facility, her LADA attorney discovered Yvette's court-ordered drug treatment came in the form of pamphlets about substance abuse and her counseling consisted of a monthly group therapy session.

Yvette had only one advocate, her LADA attorney, who successfully argued in court that Yvette receive the treatment she needed. Today, Yvette is back in her community, has not reoffended, and now has a much better chance of living a drug-free life because her attorney had the skills and time to ensure Yvette had access to the help she needed.

National studies find that 65 percent of children committed to state corrections facilities through the juvenile justice system suffer from a diagnosable mental illness — the vast majority rated as serious illnesses. Up to 75 percent of incarcerated children have mental health disorders. Almost 50 percent are dealing with problems related to substance abuse.

These figures highlight the important work of a new State House Judiciary Subcommittee currently examining legislative reforms to provide adequate state funding and bring our current public defense system up to national standards.

The committee should also look at what is happening to LADA and other defender programs and make sure our state's defense attorneys can effectively serve Michigan's most vulnerable children.

At the same time, constituents and taxpayers should contact policymakers in Wayne County and in Lansing to say that fiscal responsibility is more than a budget cut here and a budget cut there. Fiscal responsibility is about supporting efforts that work efficiently and effectively with the tax dollars received.

No one will deny the difficult budget challenges facing officials in Wayne County, but Yvette's story shows that effective defense representation for children in the juvenile justice system is not only required by the Constitution, it also saves money and lives by identifying treatment for problems that can never hope to be solved by an expensive prison cell alone.

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