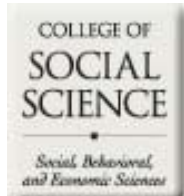


MICHIGAN STATE HOUSE JUDICIARY COMMITTEE  
REPRESENTATIVE MARK MEADOWS, CHAIRMAN



December 14, 2009

Representative Meadows, thank you for the wonderful opportunity to testify about the need for public defense reform in Michigan, particularly as it relates to children and youth in Michigan's juvenile or criminal justice system. Thank you to Representative Constan and Representative Amash for your leadership with the House Subcommittee on Indigent Defense.



The issue of ensuring effective legal representation for children when facing delinquency or criminal charges has been a topic of concern to me for many years. My name is Francisco Villarruel, and I am a professor in the Department of Family and Child Ecology at Michigan State University. For over 10 years, I have focused my research and publications on justice issues facing youth of color in the justice system – ranging from legal defense representation to prison and jail issues to collateral consequences.

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Family and Child Ecology

As pointed out in the National Legal Aid and Defender Association's report on Michigan's public defense system, "Juvenile justice representation is considered in many ways as an afterthought all across the state of Michigan. As inadequate as adult representation is, the treatment of kids in delinquency proceedings is far worse."

Youth are the future of our society – the way we treat them says a lot about us as a nation. What kind of nation and State are we if we are willingly throwing lives away that could otherwise be transformed? For children facing delinquency charges, what is the message they receive about their value and importance to the world if we do not ensure they receive even adequate representation?

Youth are very often told to waive counsel, without any requirement for them to talk to a defense attorney before making that decision. Defense attorneys in juvenile courts often have caseloads far above national recommended limits, which truly hinder their ability to represent the children.

Michigan has no standards as far as qualifications or training for attorneys representing kids facing delinquency or criminal charges. Training for defense attorneys in issues specifically as it relates to child psychology and brain development is nonexistent in

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Michigan. Training for regarding immigration consequences of pleas, admissions, or delinquency findings is also critically lacking.

This problem becomes even worse when it comes to children being waived into adult court. Many children who are transferred to adult criminal court never have the opportunity to get back on the right track or to receive services available in juvenile courts. Around 200,000 children are tried, sentenced or incarcerated as adults every year in our country. Michigan was recently identified in a Lyndon B. Johnson School of Public Affairs report as providing the worst outcomes for young offenders who are tried and sentenced after being waived over to the adult criminal justice system. This is unacceptable.

National statistics and a number of studies have repeatedly shown that youth of color are continually overrepresented in every stage of the juvenile justice system. I recently authored a report entitled *America's Invisible Children: Latino Youth and the Failure of Justice* (May 2009). We found that Latino children are 43% more likely than white youth to be waived to the adult system and 40% more likely to be admitted to adult prison.

A defense attorney has the unique position of being the “first line” of defense for a child facing charges. That attorney, if equipped within a working, more effective and adequately funded public defense system, could work to change a child’s life by identifying the real story, the real needs of an individual. Does the child have a mental health problem or a drug problem that needs to be treated? Would that be a better option than incarceration? What is the child’s home or family situation? Also, is the child in danger of deportation depending on the outcome?

Trained and culturally competent defense attorneys with specific understanding of child development and related issues would be much more able to help their young clients access cost-effective services that would help reduce recidivism. Besides being the right thing to do for our children, this would be the more pragmatic solution and would use taxpayer dollars much more efficiently and effectively.

The current budget challenges of the state notwithstanding, it is important to recognize that the move toward more punitive sanctions compromise needed supports and monies for diversion, intervention, and prevention programs for all youth. Consider the vast difference in the cost of annual appropriations for elementary and secondary students with the cost of community based interventions and long term adjudication. Your support of legislation that would enable Michigan to meet and enforce national standards for public defense would ensure adequate state funding for this critical function and also convey the message that children and youth in Michigan matter to our legislator and our state’s future.

Thank you again for this opportunity. Please join me and countless others in supporting public defense reform.

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