

SUMMARY OF INTERVIEWS OF PRO SE INDIANA YOUTH

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D is a 17 year old youth sent to the Department of Corrections (DOC) Madison facility about 3 months ago. She has been in and out of the juvenile court system for about a year and a half, primarily as a result of truancy related problems.

D lives with both parents, who have supported her and have always wanted her to remain at home. Her problems at school stemmed at least in part from being victimized there, an issue she never felt was addressed sufficiently for her to return. She was provided some services in the community but was brought back before the court twice for probation violations as a result of continued school problems primarily. Among other penalties, she served some time on weekends in juvenile detention.

After an incident where she attempted to intervene to protect a family member, D was charged with criminal trespassing, her first delinquency offense. That offense, along with a charge of violating probation, resulted in her commitment to DOC.

D never had the services of an attorney to assist her in these proceedings. She watched a video and signed a statement saying she understood her rights. She didn't feel that the court would do anything significant given the nature of her offenses. She and her mother talked about an attorney, but she did not think an attorney could "get her out of this."

During her final court appearance, she again waived counsel and was sent to detention to wait her disposition. She believed she was going to just be on house arrest. Instead she spend a few weeks in detention, after which time her mother found an attorney to help her. She hasn't heard from this person but she said he was in touch with her mother. After several weeks in detention, a hearing was held to dispose of her case, but she was not present.

D thought a lawyer would be expensive and that her parents would have to pay for one. But she would do it all differently now because she feels it would have changed the outcome and she would not have gone to DOC. "I'd wish I could take it all back."

K is fourteen and has been at the Madison Juvenile Correctional Facility about four months now. She comes from a mid-sized county and hopes to be released in about another month.

K has a history of mental health issues individually and within her family. As a result, she has a pattern of running away from home which started about a year ago. Her

parents divorced and this has caused behavior problems which she has acknowledged. K was also charged with disorderly conduct for an incident which occurred with a provider, and was sent to juvenile detention as a result.

K did have an attorney for her detention hearing but that individual spoke with her only briefly before the hearing and did not advocate for her release, in spite of her mother's request that she return home. The attorney was also present at the disposition hearing but again did not speak with her until about 5 minutes before the hearing and had her read some information. K did not understand what the attorney was supposed to do, and felt that individual advocated sending her off in spite of her wish to return home because she felt "it was what was best for her."

Not surprisingly, when K returned to court a few months later on a probation revocation, she did not invoke her right to counsel. She did not think anything was going to happen, and did not think an attorney would help her anyway. She thought her probation officer would be on her side and that was enough.

J is a sixteen year old girl from a rural Indiana county. She has been in the Indiana Department of Corrections at Madison, Indiana for about three months. J has been hospitalized for suicide attempts in the past and has been on suicide precautions during her stay in the department of correction. J's judge sent her to DOC after she failed to progress in a residential treatment facility. She has never had a lawyer. Her only juvenile delinquency charge is for fighting with her mother.

Before she was in the juvenile justice system, J was placed in a mental health treatment facility when she was 13. She stayed in the placement for over year. She was home for about a month when she got into a fight with her mother. Her mother called the police, and J was charged with the delinquent act of battery. When she went to court, the only person with J was her mother. She doesn't remember the judge ever asking her if she wanted an attorney or explaining what an attorney could do for her. J doesn't think she could have had an attorney even if she wanted one because her mom wanted her locked up. J didn't understand some things in court. Her judge "gets real mad." She didn't ask questions in court because it would have made him mad.

When asked who was there to help her in court, J said, "the probation officer, I guess." When asked how the probation officer helped her, J thought about it and replied, "He didn't. He wanted me to be locked up, too."

J would have liked to have been closer to home. She is several hours away from her mother, who, like many parents, has never been to Madison Correctional Facility to visit.

M is a sixteen year old girl from a rural Indiana county. She has been in the Indiana Department of Corrections at Madison, Indiana for about three months. M has been to juvenile court many times. The last time, she was charged with theft. She admitted to the charge, and her judge sent her to DOC. M had a lawyer at every hearing. Her judge explained her rights. Her mother was with her in court and told her to ask for an attorney. M didn't feel like she would make the judge mad by asking for an attorney. Although her judge wasn't really nice, M thinks he was fair.

M said her attorney "bent over backwards" for her. M understood what to expect at each hearing because her lawyer met with her ahead of time and explained what was going to happen. M is outgoing, and she has no trouble speaking out, but her attorney helped by putting things in clearer words. M's attorney argued for other placements and asked for house arrest. Her attorney got one charge dropped. Still, M knew she was coming to the DOC because her probation officer had warned her about it.

When asked the difference between a probation officer and a public defender, M replied, "My attorney was fighting for me, and my probation officer was kind of against me because she wanted me to go to Girl's School." Without her attorney in court with her, M "would have felt small."

J is a 17 year old who was sent to DOC on a probation violation and possession of a weapon. He is from a larger county and has been at DOC for a few months now. He was previously on probation and spent some time in juvenile detention.

J has an IEP and has some difficulty with school. He needs extra help. He did not remember being asked by the court about whether he needed an attorney. He thought he knew what would happen and did not think that having an attorney would help. He thinks some lawyers are helpful, but some really aren't.

J felt that his experience in court wasn't helpful. "They just wanted me out of the courtroom. They said they didn't to see my face." He pleaded guilty to violating his probation because of school attendance, and not being in contact with his probation officer. He thought the P.O. was going to recommend house arrest but that did not happen.

J would ask for an attorney if he could do it over again. He had other individuals who could have been present in court with him, like his school principal, and feels this could have made a difference in the outcome of his case.

D is a 17 year old who was sent to the DOC earlier this year after an unsuccessful placement in a private facility. He has had contact in the juvenile justice system off and on for 3 years. His initial charges stemmed from a battery related to a school

fight, and he was placed on probation. He had an attorney for that hearing who spoke with him briefly and encouraged him to plead guilty to the charge.

Six months later, D was “messing up at school” and was found with marijuana. He was detained but did not ask for a lawyer at that time. His later charge involved possession of a weapon, for which he was detained for a two month period before being placed. He did not understand why he was detained for so long. Eventually he was sent to a private facility where he spent several months. Upon his release he returned to his community school where he was required to be with other students with whom he had had difficulties. The school placement was problematic, resulting in a review hearing which landed him at DOC. Other family issues were creating conflicts for D at that time as well.

D didn't really think he could “beat his charges” so he never asked for a lawyer. He didn't see another option beyond DOC for where he could go and didn't think that a lawyer could help him.

CJ was 16 when he arrived at DOC about two months ago. His legal trouble began when about two years ago with truancy related conduct for getting to school late a lot. He was charged and asked if he wanted an attorney. His parents encouraged him to get it over with. So he pled guilty and was put on probation for 6 months.

CJ allegedly violated some of the terms of his probation with a dirty drug screen, truancy and attendance problems with a mentoring program he was to attend. He was placed in detention, and advised again about his right to counsel. CJ understood that if he asked for an attorney to challenge the allegations, “it takes longer (in detention).” He decided at his parents' urging to “get it over with.” He went to the DOC for six months as a result of this violation of probation.

CJ was released but about 6 months later he was arrested on a misdemeanor charge involving several youth and for violating his probation. He was detained for two and a half months pending trial. He did not understand what a lawyer could do for him on this case so did not ask for one. Instead, he conducted the trial himself. He did not understand that he could ask for discovery or subpoena witnesses. He did not know how to do any investigation of the facts of his case. He admitted he did not understand how to cross examine the one witness called by the prosecutor. He did not know how to argue the law of his case.

He was again sent to DOC. CJ wanted to have his probation officer advocate for him because he felt he needed an advocate. Both the prosecutor and the probation officer recommended he go back to DOC. CJ was without anyone who could advocate for his return home with other options.

L, age 17, has been at Logansport Correctional Facility for about a month. He has a court date scheduled in another month for the court to review his placement. L was committed to the Department of Correction for being a repeat truant. He is from a large county. L had never had an attorney. He admitted to being truant, but wanted to tell the judge that it wasn't his fault because his school kept putting him out or suspending him for things like having his shirt untucked. It seemed like they were trying to find the littlest thing to put him out of school. L was offered an attorney, but did not ask for one because he did not think it would make any difference. The judge and probation office both told L he would go to DOC if he came back to court again, so that is what happened. L does not think his probation officer was on his side because he wanted L to go to DOC.

L did not know what the hearings were for when he went to court. He went to court several times. When asked what he would like to tell other kids about the need for an attorney, L said he would tell them to get a lawyer if they didn't think it was their fault that they were in trouble. He wishes he could have told his side of the story, but the judge would not listen to him.

S is 16 years old, he is from a large community. S is at Logansport Correctional Facility. He has been there for a couple of weeks and believes he will get out in about three more months. He has been doing very well, but wants to go back home. S was found delinquent for being truant a few months ago. He then stopped going to school and was expelled from his high school. S went to pick up his younger brother from his middle school and was charged with criminal trespassing. S says when he was expelled, he was told he was not allowed on the high school property, so he didn't know he was not allowed on the grounds of the middle school. When S went back to court on the new charge, he admitted because his probation officer told him to admit. She told him it would help his case.

If he could do things differently as far as the court proceedings went, S would have asked for an attorney. S thinks an attorney could have made a difference because he was working with a tutor, a mentor, a counselor and a therapist. They could have helped if they had been in court. When S gave up his right to an attorney, no one explained to him what an attorney could do – not the judge, not the video he was told to watch, and not his probation officer. After he went to court, S was sent to the detention center. S thought he was going back to court for a dispositional hearing. He did not realize he was going to the DOC until they came to transport him.

T. is seventeen years old and from a rural, northeastern county. He is an articulate young man who already has attained his GED and is signed up to start attending

classes at Ivy Tech Community College once he is released from the Indiana Department of Correction (DOC). He was sent to DOC for his first adjudication after a brief stay at a detention center. The judge said the goal was for T. to see what it was like to be locked up if he continues his criminal behavior.

Prior to the initial hearing, T. did not see the petition alleging delinquency or any documents because he does not live with his parent and she received all of the court documents. Prior to going into the courtroom, T. met with the probation officer and his mother. Both told him just to agree with the allegations and get the case over.

During the initial hearing, the judge and assigned prosecutor did most of the talking and spoke very quickly. T. did not understand a lot of the terms and was confused during much of the hearing. He did ask the judge to repeat something once. But, when the judge seemed to get mad about being interrupted, T. just said, "Yes, Sir" to all of the remaining questions.

T. remembers being advised of his rights, including the right to counsel, but does not remember anyone saying that an assigned attorney could be free of charge. Given the pressure from his parent to just admit, he agreed to waive the right to counsel and proceed *pro se*. T. does not remember being advised of any disposition options. If he had it all to do again, he would ask for an attorney who understands the process and could explain what to expect.

T. is from a very small, rural, western county. He has been through juvenile court proceedings multiple times for substance-related offenses and has never had an attorney assigned. T. feels rather hopeless about his prospects in life because of his family's criminal history and his own inability to stay off drugs.

From arrest to disposition was eighteen days, with the initial hearing and disposition hearing occurring on the same day.

During the disposition hearing, T. was asked what the outcome should be and responded that the court had done about everything else except DOC. It was only later that he remembered that residential or inpatient treatment facilities were an option, and he had never been through intensive substance abuse treatment away from the temptations in his home. T. pointed out that he did not have to leave home to use drugs, which made him afraid of options like house arrest.

During all of his cases, T. did not see the point of having an attorney, as it was obvious he committed the delinquent acts. His family always encouraged him to just own up to his mistakes, and so he did. In hindsight, T. thinks that an attorney could have helped him with any plea negotiations or figuring out disposition alternatives. He also thinks an attorney could have been a buffer between the assigned deputy prosecutor and T., as that prosecutor has prosecuted other family members and "was mean" to T. throughout the hearing.

About the right to counsel in general, T. noted that young kids or those new to the juvenile justice system should have an attorney to help them be less scared.

J. is from a rural, northeastern county. This is his third time at DOC and he has never had an attorney. J. steals and commits burglaries because he lives in poverty and needs the money. Throughout his cases, J. has never been placed in a detention center or residential treatment facility. He is continuing to work on his GED and hopes to go to college eventually.

During the most recent juvenile court hearings, the judge did most of the talking. J.'s family left it up to him whether he wanted an attorney. J. did not feel that an attorney was necessary; as he knew what disposition the probation officer was recommending and knew what was going to happen. J. does not remember the judge asking what J. wanted for his disposition.

When reflecting on what he wishes had been different about his case, J. mentioned that he has always appeared before the same judge and, therefore, the outcome was destined to always be the same. But this time, J. had straightened out some between the arrest and disposition hearing by changing friends and staying out of trouble. He wished that the judge had taken this change into consideration and continued J. on probation that included a counseling program. Historically, to J., probation has just seemed like a way for the county to make money with very few services. He was only obligated to do some community service and meet with probation monthly.

For other kids, J. feels that an attorney is not necessary if the kid is caught red-handed. If there is "no proof," the child should get an attorney.

T. is from a rural, northeastern county and this is his first formal case and he was sent to DOC for the misdemeanor offense. Prior to this case, he has had more than one informal adjustment period.

Before the initial hearing, T. did not know what the allegations were. During the hearing the probation officer and the assigned prosecutor did most of the talking. There was a lot of legal speech that T. did not understand. When the rights were reviewed with T., he requested an attorney. The judge said, "Are you sure?" Ultimately, T. appeared for three hearings without an attorney, but had an attorney for the final disposition hearing.

Once T. had an attorney assigned, it turned out to be a negative experience. The attorney met with T. once for about thirty minutes before the disposition hearing and

seemed to focus most of the attention on T's educational history. T. wanted to ask for probation and possibly house arrest. On probation, he hoped to have more intense, one-on-one counseling. During the informal adjustments, T. had participated in group therapy, but not individual counseling. The assigned attorney told T. that he could get counseling while locked up, and T. did not fight with the attorney.

If T. were giving advice to other children, he would advise to have an attorney throughout the process in order to have a better game plan, possibly get a plea agreement, and to ensure that the court hearings are fair. If the attorney does not help, get another one. In his case, by the time an attorney came in at the end of the process, it did not make a difference.
