

Iowa View: Iowa court watchers help keep eye on justice

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Have you ever wondered how our justice system works? You might think you know from watching "Law & Order," "Boston Legal," or "The Practice." Maybe you think you know from following a murder trial covered by the Register.

But if you really want to know what justice looks like for the thousands of defendants, victims and witnesses every year in Polk County, just spend a morning or afternoon at our courthouse at Fifth and Mulberry streets in downtown Des Moines.

For every case that draws the attention of the media, there are hundreds of others that are of importance to only those involved. Walk into any criminal or juvenile courtroom at the Polk County Courthouse and you will get an education on what the police stop people for, what crimes judges consider serious enough to send defendants to jail or prison, which defense attorneys zealously advocate for their clients and which don't, and which prosecutors have a sense for the spirit of the law as well as the letter of the law.

Recently, I received a call from a friend who knows that I volunteer with AMOS (A Mid-Iowa Organizing Strategy) and that AMOS is starting a court watch program modeled after similar efforts springing up around the country. He asked if I would observe a juvenile court hearing at the courthouse the next day.

At the hearing, a judge would consider whether a 16-year-old girl would be released to her mother or spend Christmas at the Polk County Detention Center. The girl had been stopped by police in August for intoxication, and, because of some poor decisions since then, she was placed in detention on Nov. 30. My friend said the girl's mother told him how poorly she was treated by the judge who presided over her daughter's previous hearing.

The next day I met the girl's mother at the courthouse. We sat outside the courtroom and talked for nearly 30 minutes until being advised that the hearing had been moved to the third floor. We got there just in time to see her child, 16 years old but appearing much younger, being led down the public corridor wearing prison-like garb, her hands clasped together and her wrists secured by leather restraints connected with heavy gauge chain. I followed her in and found a seat in the back of the courtroom.

The judge entered, introduced himself and explained that he was filling in for the judge originally assigned the case. The prosecutor said she was filling in for another prosecutor. Finally, the defense attorney, having just met the girl outside the courtroom, said he was filling in for a fellow public defender. It seemed the only person who knew anything about the case was the juvenile court officer who had been supervising the girl.

While this was supposed to be a hearing, it did not appear that there would be testimony. The lawyers, juvenile court officer and judge talked among themselves, but neither the girl nor her mother were called as witnesses. The only question was whether a "shelter bed" was available for the girl as an alternative to the locked detention center. When it became clear that the girl would not return home, I nudged the defense attorney and whispered that surely the mother had a right to say something. A few minutes later he informed the judge that the mother wanted to speak.

She rose hesitatingly, and tearfully pleaded for her daughter to be released to her care. Then she asked permission to give the judge an affidavit she had prepared. The judge received it and said he would put it in the court file but that he would not read it, as he only had five minutes.

The saving grace for this girl was that, while cellphone calls were being made to find a bed, the judge did read the affidavit. He appeared visibly moved by it. In the affidavit, copies of which were given to others in the courtroom, the mother referred to the previous court appearance:

"I am still in shock over what occurred at court. ... I remember the judge informed me that I needed to show participation in some type of services in order to regain my daughter. I did not know, no one throughout these years has even suggested, that I did something worthy of losing my daughter. ... I may have simply caught the judge on a bad day. ... It is my sincere hope that other young persons and their families are not treated the way I was in court on a hearing where every outward indication was that this was a court designed to aid my daughter."

The judge talked with the girl and accepted her commitment to participate in a "day treatment program." He spoke with the mother again, who assured him that she would contact authorities if her daughter failed to follow through. The judge then entered an order releasing the girl to her mother.

Court watchers around the country are having an impact. They are asking how our justice systems can become more transparent.

Should justice system professionals be subject to scrutiny in the way other public servants are? Should the general public take a more active role in monitoring the decisions and performances of those entrusted with the business of justice in our communities?

With the help of AMOS court watchers, perhaps these questions will be

answered.

ABOUT THE AUTHOR

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