

Mid-Atlantic Juvenile Defender Center Press Release

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NEW REPORT SHOWS MARYLAND'S CHILDREN ARE BEING DENIED DUE PROCESS Lack of Counsel is Hindering Justice for Young Offenders

Annapolis, MD – A report released today by the Mid-Atlantic Juvenile Defender Center and the American Bar Association documents, for the first time, that Maryland's children and youth in the juvenile justice system are often denied access to defense counsel.

The report, entitled *Maryland: An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*, found that, an astonishing 40-58% of children and youth waive their right to counsel, navigating the legal system alone despite the fact that they are entitled to be represented by a lawyer. The report also found that a decade of underfunding for the Office of the Public Defender has caused significant gaps in juvenile defense representation.

“Poor and minority children are most affected by unchecked policies and practices that allow for uneven access to counsel and insufficient representation,” said Ilona Prieto Picou, director of the Mid-Atlantic Juvenile Defender Center and principal author of the study. “The absence of well-trained, well-resourced counsel at these critical stages is denying Maryland's youth due process.”

The report identifies numerous systemic barriers to effective representation of Maryland's children including:

- exceedingly high caseloads for public defenders;
- poor pay; absence of support staff;
- an overall undervaluation of the role of defense counsel; and
- lack of consistent oversight.

The most serious are the absence of counsel at important stages of the process; eligibility requirements for public defender services that deny poor children access to counsel; and inadequate preparation of cases affecting all proceedings from detention hearings and arraignments to post-disposition proceedings.

“Everybody, including the Office of the Public Defender, is re-examining their effectiveness in the juvenile justice system to improve outcomes for Maryland's children,” said Stephen E. Harris, the Public Defender for the State of Maryland, who welcomed the report as a tool to improve representation. “We invited the American Bar Association to evaluate our juvenile representation. These findings confirmed what we have been advocating for years: that the right to counsel requires adequate resources to be a meaningful right. We are determined to use this report to create internal policies to ensure that every child is represented and represented well.”

One of the most significant findings of the report is that children's inability to obtain counsel may be one of the largest contributing factors to Maryland's overuse of detention. For public defenders preparing for detention hearings caseloads are high, resources are minimal, information is scarce, and time is short, resulting in substandard detention advocacy.

"We know through our work in the community that children and families are suffering through the juvenile system alone. Our communities need public defenders who have time to talk to youth and their families, who can identify programs in the community so that youth do not go to dangerous facilities like Cheltenham and Waxter," says Cameron Miles, community outreach coordinator for the Maryland Juvenile Justice Coalition, referring to two facilities that have high rates of suicide and injury for young offenders.

The report will be released during a press conference to announce a nationwide advocacy initiative on providing quality counsel for juveniles by the American Bar Association.

Dennis Archer, the President of the American Bar Association, will host a press conference at the National Press Club in Washington, DC at 9:30 am.

The Mid-Atlantic Juvenile Defender Center is a multi-faceted juvenile defense resource center serving the District of Columbia, Maryland, Puerto Rico, Virginia and West Virginia. The MAJDC is committed to working within communities to ensure excellence in juvenile defense and to promote justice for all children.

The American Bar Association is the largest voluntary professional membership association in the world. With more than 405, 000 members, the ABA provides law school accreditation, continuing legal education, information about the law, programs to assist lawyers and judges in their work, and initiatives to improve the legal for the public.