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## **Juveniles Often Decline Counsel, Md. Study Finds**

By Lori Montgomery

Children accused of crimes in Maryland routinely waive their right to counsel or are represented by overworked and underpaid public defenders who rarely investigate the charges against them, according to a yearlong study of the state's juvenile justice system.

The study, being released today by the American Bar Association, concludes that poor representation of juvenile offenders results in the needless detention of thousands of Maryland children and "may be one of the largest contributing factors" in overuse of the state's crowded juvenile detention facilities.

"What we're finding is that Maryland is no different from any of the 11 other states we have thus far looked at," said ABA President Dennis Archer. "The end result of it is, regrettably, and almost predictably, that many children will find themselves in adult prison."

The study, conducted for the ABA by the Mid-Atlantic Juvenile Defender Center, is part of a national campaign to study the effectiveness of the juvenile justice system and to persuade states to bar juveniles from waiving their right to counsel. So far, researchers have examined courts in 12 states, including Maryland and Virginia.

The findings have been uniformly grim, Archer said. In at least one state -- Louisiana -- as many as 90 percent of juveniles chose to waive their right to counsel. In Virginia, it was about half.

In Maryland, the Office of the Public Defender invited the ABA to study the system about a year ago, after concerns that only a small percentage of cases ever reach a public defender. In the year that ended June 30, the office handled 13,850 cases against juveniles.

The study's authors found it impossible to say how many Maryland children waive their right to counsel because Maryland courts maintain "no readily available local or statewide data" on the number of children who pass through the system, how many have attorneys present, how many are detained or even what happens to their cases.

After observing court proceedings in 15 Maryland jurisdictions, researchers concluded that as many as 58 percent of juveniles in some counties choose to navigate the legal system alone, often because judges fail to advise them of the importance of legal representation.

Equally troubling, the study says, is the poor performance of public defenders who do take juvenile cases. Most are present only for final adjudication of the case and barely have time to consult with the child before they face the judge, the study found.

Cindy Boersma, counsel for finance and policy in the public defender's office, said some problems are already being addressed. For example, Gov. Robert L. Ehrlich Jr. (R) has agreed to increase state aid to the underfunded office by more than \$9 million by 2006.

Yesterday, the office called on Ehrlich and state lawmakers to go further, in part by adopting legislation to prevent children from waiving their right to counsel.