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Guest commentary

Indigent defense system must be repaired

Louisiana's indigent defense system is broken and must be fixed. The criminal justice system is supposed to ensure that the deliverance of justice is swift, fair, accurate and final.

In 1963, in the landmark case *Gideon v. Wainwright*, the U.S. Supreme Court determined that the right to an attorney in criminal court is an essential part of American freedom, ruling that "the right of one charged with a crime may not be deemed a fundamental right in some countries, but it is in ours."

Louisiana's indigent defense system is a fragmented arrangement of 41 local offices. Most offices are locally supervised and rely primarily on local revenue derived from traffic tickets to provide services. In Louisiana, between 85-90 percent of all criminal defendants are represented by a public defender.

Across the state, public defense is drastically underfunded. Offices tend to be run down, computer equipment is outdated, there aren't enough lawyers to process cases quickly, and no resources exist to pay for investigators, experts adequate support staff. Public defenders generally make meager salaries, have limited or no medical benefits, receive no re-

tirement plan, have to pay for office overhead out of their own pocket and have crushing workloads.

Indigent defendants suffer the most. Their lawyers are overworked, underpaid and have to rely on prosecution and police experts because they cannot afford their own.

Only a small percentage of cases are assigned an investigator.

Defendants languish in jail for months or even years waiting for their turn in the backlog. During this time, many never meet with their lawyer until they arrive at court, moments before trial.

Taxpayers suffer too. Louisiana has the highest incarceration rate of any state in the United States, and any other nation in the world. We also have the highest rate of wrongful conviction. Since 1989, 25 innocent men have served over 325 years in prison for crimes they *didn't* commit. Louisiana taxpayers paid for this gross injustice.

Cases can only be prosecuted as quickly as there are public defenders to defend those accused. In Calcasieu Parish, the average felony charge takes 501 days to resolve. If you are arrested for a felony there,

it will be an average of 86 days before you even know the charges against you. The cost of housing inmates while they are waiting for trial is shouldered by local taxpayers. These costs are significant, often hundreds of thousands of dollars.

At a time when resources across Louisiana are limited for everyone, asking local taxpayers to pick up the tab for state inefficiency is an outrage.

Far from the ideal of swift, accurate, fair and final justice, our current criminal justice system takes months to dispose of cases, fails to accurately discern the guilty from the innocent, provides second-rate justice to poorer defendants, and is plagued by wrongful convictions and dropped prosecutions.

Louisiana urgently needs to improve its indigent defense system to make the most of precious tax dollars. Being tough on crime is not enough — we need to be smart on crime. And until we are, you and I are paying the price.

Heather H. Hall is the Director of the Louisiana Justice Coalition. For more information: www.lajusticecoalition.org