

The Public Value of Public Defense

There are substantial financial benefits to society when public defense systems are properly funded. Public defenders who are competent, who have manageable workloads, and who have professional independence insure that the rights guaranteed by our Constitution are protected and insure that no one's liberty is taken unless and until they are proven guilty. Importantly, public defenders lower costly incarceration rates for counties and states by advocating for pretrial release and alternate or reduced sentences. When staffed adequately, public defenders increase efficiencies and prevent overcharging and expensive wrongful convictions. In addition to protecting the freedoms of the accused, public defense is central to our public safety. Prosecution, public defense, courts, and law enforcement all serve vital roles ensuring the justice system works reliably and efficiently. This diagram shows how costs for counties increase when persons spend more time incarcerated pretrial than necessary for public safety.

[see graphic below]

Time (behind bars) = \$\$\$\$\$

How taking advantage of pretrial release options saves serious money.

Keeping low risk defendants out of jail keeps people contributing to the tax base rather than being housed at taxpayer expense. The Administrative Office of the Courts has released statistics that show that recent increases in pretrial release of low risk defendants has been done with no harm to public safety or rise in crime.

The increases in release have been estimated to have saved \$25 million in county jail expenses during the first year of HB463.

Public safety rates statewide remain constant regardless of rate of release.

More savings possible: 79 counties are below the statewide average release rate of 70%.

Jail costs (\$36.59 per person per day average) add up when defendant is incarcerated during legal process



Jail costs stop when defendant is released.

77 days at a cost of \$2,817.43 - Average length of time spent on pretrial release, according to the AOC