



NLADA | American Council of Chief Defenders

NACDL – NLADA NEWS RELEASE

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FOR IMMEDIATE RELEASE

DOJ Needs to Consider Its Full Impact on System, Say Public Defenders and Private Criminal Defense Lawyers

WASHINGTON, DC (Aug. 20, 2012) – The National Association of Criminal Defense Lawyers (NACDL) and the American Council of Chief Defenders (ACCD) Section of the National Legal Aid & Defender Association have issued a joint resolution calling on legislators and criminal justice policy-makers to prepare “justice system impact statements” for any proposed legislation or policy change that impacts federal, state or local criminal justice systems. The joint resolution released today proposes that the U.S. Department of Justice, which already distributes substantial funding to local police and prosecutors, fund such studies through its criminal justice grant programs.

The joint resolution notes that the American Bar Association adopted a similar resolution more than 20 years ago, urging preparation of impact statements to accompany all proposed criminal justice legislation and executive branch orders affecting law enforcement, prosecution, public defense, probation, corrections, courts, civil legal services and dispute resolution and mediation programs. The NACDL-ACCD resolution goes further, exhorting the Justice Department also to prepare impact statements when issuing grant money.

Ed Monahan, ACCD Chair and Kentucky Public Advocate said, “Our nation’s chief law officer, United States Attorney General Eric Holder, accurately identifies the acute nature of the problem, ‘it is clear to me that the crisis in indigent defense has not ended.’ Today, shoulder to shoulder with the National Association of Criminal Defense lawyers we call on the Department of Justice to take the next step in balancing the landscape to insure a more just system. This is what the American Bar Association called for long ago. Now is the time.”

The resolution notes that by far the largest share of U.S. Department of Justice funding to states and localities goes to law enforcement, further exacerbating the existing resource imbalance in favor of judicial and law enforcement functions over indigent defense programs. Justice system impact statements would:

- Provide information to decision-makers to enable them to make better decisions about allocation of taxpayer money;
- Inform decision-makers and empower them to allocate funds based on cost-benefit analysis; and
- Avoid the negative consequences that often occur when resources are oversupplied to one component of a criminal justice system without consideration of the impact on, and at the expense of, the other components.

“This idea was first proposed 20 years ago. It is as sound now as it was then, only now we have the benefit of hindsight and can see the negative impact that ill-considered legislation and policy decisions have had on the criminal justice system,” said Leesburg, Va., public defender Bonnie Hoffman, co-chair of NACDL’s Indigent Defense Committee.

“When politicians and government officials create new crimes and new enforcement strategies, they ignore the price tag. They do not consider how much will be spent on police, prosecutors, probation officers, jails and prisons. And they never consider the impact on the nation’s over-extended and under-funded indigent defense system.”

Moving from hindsight to foresight, Hoffman said, “It’s time to change that. It’s time to require that decision-makers quantify and justify any new expenditure of scarce taxpayer dollars, and provide for appropriate funding to ensure justice for all.”

In addition, the resolution proposes that the Justice Department require that its criminal justice grant program also adopt a grant application requirement that applicants furnish a justice impact statement if the grant project anticipates generating addition arrests and prosecutions. The study would have to include an assessment of the impact of the award of the grant on the indigent defense system, the courts, the probation function, and existing secure and community correctional facilities.

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The National Association of Criminal Defense Lawyers is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL’s 10,000-plus direct members in 28 countries – and 90 state, provincial and local affiliate organizations totaling more than 40,000 attorneys – include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system.

National Association of Criminal Defense Lawyers

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National Legal Aid & Defender Association (NLADA) is America’s oldest and largest nonprofit association devoted to excellence in the delivery of legal services to those who cannot afford counsel. For 100 years, NLADA has pioneered access to justice at the national, state and local level through the creation of our public defender system, development of nationally applicable standards for legal representation, groundbreaking legal legislation and the creation of important institutions such as the Legal Services Corporation. The American Council of Chief Defenders, a section of NLADA, is a national community of public defense leaders dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom or family.

National Legal Aid & Defender Association

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