



In Session: Sidebar

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Petty crime doesn't pay

Jami Floyd, In Session anchor

NEW YORK -- We are wasting millions of tax dollars to prosecute petty offenses in this country, creating huge deficits in state and local budgets, and violating the Constitution while we're at it. That's according to a new report from the National Association of Criminal Defense Lawyers. And it is true, we criminal defense attorneys are a biased bunch, always looking out for the Constitution. But if that's not enough to convince you, think about the cost.

Incarceration costs an average of \$50 to \$60 per person per day; and that's not counting the expensive prosecution of these kinds of cases.

Like most criminal lawyers, I cut my teeth on misdemeanors; I can tell you, from personal experience, the volume is staggering. The average state misdemeanor rate is 3,500 cases per 100,000 citizens. That means taxpayers are paying for more than 10 million misdemeanor prosecutions per year. The courts are clogged, public defenders and prosecutors are forced to handle hundreds more cases than they can ethically manage, while spending just minutes preparing for each case. And yes, defendants are completely deprived of their constitutional right to counsel.

[Click on link to view NACDL report.](#)

In three major cities – Atlanta, Chicago, and Miami, public defenders have more than 2,000 cases per lawyer,

per year. In New Orleans, it is more than 18,000. (that is not a typo — 18,000; since Hurricane Katrina, the criminal defense bar has been depleted, leaving those defenders still in New Orleans with an unmanageable number of cases).

I don't care how law and order you are, no one can countenance an attorney having only minutes to spend per client.

That's quantity. When we consider the quality of cases, the solution becomes clear: Loitering, curfew and open container violations. These kinds of infractions present no risk to public safety. They don't belong in the criminal justice system at all.