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Thursday, April 30, 2009

By Tresa Baldas, National Law Journal

Misdemeanor courts are a waste of time and money.

So claims the National Association of Criminal Defense Lawyers, which on Tuesday issued a [first-of-its-kind national report on the status of misdemeanor courts across the country](#). The report, which involved 18 months' worth of research at courts in seven states, concluded that state and local governments are wasting millions of tax dollars to prosecute petty offenses, such as curfew and open container violations, loitering and feeding the homeless. The report found that taxpayers are footing the bill for more than 10 million misdemeanor prosecutions per year, paying an average of \$60 a day, per inmate, to incarcerate misdemeanor defendants.

Courts are also violating the constitutional rights of citizens who are being hauled into court, the report claims, and often coerced into cutting deals without legal representation.

The report, titled "Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts," comes on the heels of a recent announcement that misdemeanors will no longer be prosecuted in Contra Costa County, Calif., because of budget cuts.

Perfect timing, noted NACDL President John Wesley Hall, who called misdemeanor courts "a black hole for justice and resources." Hall added, "It's a huge waste of money when you think of the huge fundamental costs that go along with misdemeanor prosecutions -- the prosecution's time, the judge's time and jail incarceration time -- these are mostly hidden costs."

Hall said that a huge part of the costs to communities is jailing persons who cannot afford to pay fines. New York City's jail rates are especially high, he said, noting that it costs \$200 a day to house a jail inmate there.

Money issues aside, Hall said he's more concerned with misdemeanor courts "ramming" through defendants who can't afford a lawyer and coercing them into striking deals that have consequences, such as a crime showing up on a background check, costing someone a job or credit. He is also calling on the justice system to "find some way to decriminalize really, really minor offenses."

"It's a crime to have your pants too low? That shouldn't be a crime," he said.

The report, meanwhile, recommends that states divert nonviolent misdemeanor cases that do not affect public safety to programs that are less costly to taxpayers and repay society through community service or civil fines.

Gerald B. Lefcourt, an attorney in private practice in New York and a past president of NACDL, is calling for "smarter misdemeanor policies" in New York.

"By imposing fines and community service rather than jail time for the most minor offenses, New York City, New York State, and states everywhere, can save millions on costly prosecutions while still maintaining public safety," Lefcourt said in a statement. "And with a reduced caseload, public defenders will be able to provide the legal counsel the Constitution requires for more serious cases."