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## Editorial: Change needed in prosecuting minor crimes

TACOMA -- A Seattle University law professor makes a good case for changing the way courts handle misdemeanors such as marijuana possession and driving with a suspended license.

In an 18-month study, Robert Boruchowitz found that defendants' constitutional rights are routinely violated in many of the nation's misdemeanor courts – most significantly by the lack of enough public defenders to handle heavy caseloads. Scores of defendants receive little or no legal advice and are pressured into plea agreements that might not be in their best interests.

If that weren't bad enough, Boruchowitz and fellow researchers found that millions of taxpayer dollars are wasted when courts prosecute relatively minor crimes rather than resolve them out of court.

Even if an army of public defenders could be hired – and that's not feasible – prosecuting misdemeanor cases would still result in criminal records and heavy fines that can burden defendants for years to come, not to mention steep jail costs. A better idea, Boruchowitz argues, is to decriminalize some charges, including misdemeanor marijuana possession, and treat them like traffic violations instead of crimes. That alone would alleviate about a third of caseloads and save millions of dollars.

He recommends diverting more cases to out-of-court programs, giving defendants opportunities to pay their debt to society by working off fines through community service. That's been effective in King County, where jail costs dropped 24 percent after its diversion program went into effect for people whose drivers licenses have been suspended.

Offenders are able to get their licenses back and work off their fines through community service programs or work crews. And they can take steps to clear their records. That's important, because records for even minor offenses can cause long-lasting problems for people when they apply for jobs, schools and housing.

For his report, "Minor Crimes, Major Waste," Boruchowitz teamed with the National Association of Criminal Defense Lawyers. Researchers looked at statistics and observed courtrooms in several states, including Washington. Some of the worst problems in this state were found in Lynnwood, Bainbridge Island, Burlington, Pasco and Franklin County.

With criminal justice costs eating up anywhere from 60 to 80 percent of many governments' budgets, it's in everyone's interest to find ways to reduce those costs – especially in ways that still hold people accountable for breaking the law.