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## **Editorial: Look at the cost of petty prosecution**

LINCOLN, Neb. -- Lancaster County Public Defender Dennis Keefe didn't get very far last year with his suggestion that the community could save money by changing its approach to minor crimes.

Now there's a new national study to lend support to his cause. Local county and city elected officials should pay heed as they start working on their budgets for next year.

Keefe noted last year that the city misdemeanor docket was "out of control," logging a 56 percent increase in the number of misdemeanors in the past five years.

Because so many of the city ordinances call for the possibility of a jail sentence — for example, letting your dog run at large is punishable by a jail term — that means public defenders often are appointed to represent people who cannot afford an attorney, in order to meet constitutional requirements.

**Keefe's arguments were echoed in a report, "Minor Crimes, Massive Waste: The Terrible Toll of America's Misdemeanor Courts" released last month by the National Association of Criminal Defense Lawyers.**

**Based on research in seven states over 18 months by the Defender Initiative at Seattle University, the study concluded that millions of dollars are being wasted across the country.**

**John Wesley Hall, president of the trial lawyers' organization, told the**

**National Law Journal, "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."**

**The group's report recommends revising misdemeanor crimes into infractions that carry penalties such as fines or community service.**

One step Lincoln city government could take would be to review its ordinances to see where penalties could be changed. Another course of action would be for local judges to agree on offenses in which they would rule out the possibility of a jail sentence.

In jurisdictions in other parts of the country, local prosecutors recently have stopped prosecuting misdemeanors because of budget cuts. Contra Costa County, Calif., for example, recently announced the policy. The example may spread rapidly in California because of the state's budget woes.

Lincoln and Lancaster County have the opportunity to deal with the issue in a more rational way.

Surely local elected officials don't need the urgency of a pending financial crisis to force them to take a look at reform that is gathering support nationwide and has the potential to save taxpayer money.