



NYCLU

NEW YORK CIVIL LIBERTIES UNION

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September 17, 2014

Dear Friends,

Today the NYCLU releases an important report documenting the reality that poor and innocent New Yorkers caught up in the criminal justice system are sent to jail undefended and alone because of the disgraceful state of public defense services.

The report focuses on public defense services in five counties: Onondaga (Syracuse), Suffolk, Ontario, Schuyler and Washington. With disturbing frequency, people in these counties who cannot afford a private attorney appear before a judge without legal representation or are forced to navigate the criminal justice system with a revolving cast of overworked attorneys who lack time and resources necessary to ensure justice is done. Indigent defendants often lose their jobs, their homes, their children, and their liberty in this broken system. The public loses confidence that the criminal justice system convicts the right people and does so fairly.

This report places the onus for this crisis squarely upon the government of New York State. The State has no public defense system, but rather a patchwork system of public defense services run by each county. There is no uniform model of defense services; there are no enforceable standards. Funding and resources are largely dependent upon expenditures by counties, which in many places are grossly inadequate. This failure compromises the work of public defense lawyers across the state.

The lawyers who agree to serve as public defenders are not responsible for the state's abdication of its constitutional duty to the poor. Many county defenders are forced to handle hundreds more cases than any attorney could possibly manage, with little or no training and few, if any, support personnel, never mind the resources for investigators or expert witnesses needed to mount a meaningful defense. Prosecutors, on the other hand, have access to police officers and staff investigators to work up cases, crime labs to analyze evidence, and vastly greater budgets. Our adversarial system of justice assumes that prosecution and defense are on a level playing field. *State of Injustice* shows the game is rigged.

As a former public defender myself, this issue is personal. Across New York there are capable, committed public defenders who make extraordinary efforts to serve their clients, despite a severe lack of resources; many of these lawyers provide first-rate legal representation notwithstanding the constraints under which they operate. Not surprisingly, those counties that commit greater resources to public defense services often provide higher quality legal representation. But until the state ensures that every public defender in every county has the resources she needs to do her job, justice will not be done.

State of Injustice is being released as a lawsuit challenging the constitutionality of New York's public defense system is about to go to trial. The charges are not new. For decades the failures of public defense services have been exhaustively documented in studies and reports that reach the same conclusion: indigent defendants are routinely denied their right to counsel, in violation of the U.S. Constitution and the Constitution of New York. The time has come to do something about it.

Sincerely,

A handwritten signature in cursive script that reads "Donna Lieberman".

Donna Lieberman
Executive Director