

ACLU Statement on Public Defense Bill Becoming Law

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BOISE- Governor Butch C.L. Otter today signed House Bill 504 into law, which allocates \$5.48 million for improvements in Idaho's public defender system. The law also requires the Public Defense Commission to set standards for public defender performance and mandates enforcement of those standards.

The following statement can be attributed to Leo Morales, the executive director of the American Civil Liberties Union of Idaho:

"House Bill 504 will begin the long process of fixing the state's broken public defense system, and we applaud the legislature and the governor for making it law.

"Although this legislation signifies historic progress, it serves only as a first step in providing relief to counties, public defenders, and most importantly, the thousands of jailed Idahoans suffering the consequences of a public defense system that can't do its job. The mere enactment of HB 504 will not correct the structural problems that prevent Idahoans who can't afford a private attorney from receiving the legal representation that is their constitutional due. Only with substantial additional work by the Idaho Public Defense Commission, Governor Otter, and the Idaho Legislature, buttressed by substantial additional funding, will we bring an end to a constitutional crisis that has robbed too many of their right to counsel—and sometimes their freedom.

"As the 2016 legislative session comes to a close, the real work in implementing HB 504 begins. We will be watching closely as the Idaho Public Defense Commission creates rules to set state standards for public defenders to follow. Although this legislation marks the first time state dollars have been allocated to fund trial-court-level public defense across the state, we expect that this financial allotment will do little to assist the counties and public defenders in meeting the standards to be developed by the Commission. The \$5.48 million allocated to fund HB 504 is a far cry from the nearly \$25 million experts estimate will be needed to bring all counties in Idaho into constitutional compliance. In essence, the state has made a down payment on Idahoans' Sixth Amendment rights, but the funding won't come close to ensuring constitutionally adequate legal representation for those who can't pay for an attorney. Without substantial additional funding and further efforts by the Public Defense Commission and this legislature, this bill will impose an unrealistic burden on local jurisdictions and simply will not fix Idaho's system.

"For over half a decade now, the ACLU has advocated at the Legislature, throughout the tenure of the Public Defense Interim Committee, and at the Public Defense Commission for an end to this crisis for Idaho families, our communities, and the state's economy. For too long, Idahoans have had their fundamental constitutional and human rights violated, day after day, because their public defenders are overworked, underpaid, and left with inadequate resources to match the prosecutors, police, sheriffs, investigators, witness coordinators, experts, laboratories, and support staff on the government's side.

"The ACLU sees the enactment of HB 504 as a long overdue framework for eventual, real-life reform. The legislature, the governor, and the Public Defense Commission must continue to work diligently to

fulfill the law's promise. In the meantime, the ACLU will continue to advocate—in the courts and at the legislature—for the rights of all Idahoans who have been accused of crimes but are unable to afford an attorney.”

For more information about the ACLU of Idaho and its work on public defense reform, visit:

<https://acluidaho.org/issues/criminal-justice/indigent-defense/>

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