

Paul Richmond, Attorney
Law Office of Paul Richmond
2023 East Sims Way, #263
Port Townsend, WA, 98368
Phone (360) 379-5575
Fax (360) 379-5116

Thank you for Allison Arthur's article giving some hearing to the crisis in public defense. Though Jefferson has its own unique set of problems (there are for example more than 60 trained officer-investigators working for the Jefferson Sheriff and Port Townsend Police, and Zero full time investigative staff working for this public defenders office) public defense is chronically under funded and Washington has one of the worst problems.

As WSBA President Stan Bastian wrote in a recent issue of Bar News:

“Washington rank(s) 50th in the nation in providing state funding for the costs of trial courts, prosecution, and public defense. That's right, 50th out of 50. Less than three-tenths of one percent of the State's budget (is) dedicated to funding the judicial branch of government. ¹

Why this should worry most of us is that any one of us can find ourselves accused of a crime. A study by the U.S. Justice Department published in the mid-1990s found that more than 98% of the U.S. population had committed a felony. (This study used data compiled before the creation of the 1995 Crime Bill, 1996 Anti-Terrorism and Effective Death Penalty Act, or for that matter, the PATRIOT Act.) Combining with this is the fact that one of the few growth industries left in this country is the construction of prisons and you have what has become for many already, a nightmare. (For example, estimates are that the number of blacks in U.S. prisons will soon equal the number of blacks in slavery in the U.S, prior to the Civil War.)

The norm for criminal defense is that all sides recognize there are not enough resources, especially for public defense, and make deals, or let cases slide. (Most lawyers who move from public defense to private criminal defense find their case load reduced to a fraction of what it was, yet all their hours are filled.)

The addition of a single additional public defender and minor salary increases for those already there is modest. A community willing to pay for zealous law enforcement, should be equally willing to pay for those resources that make sure zealous law enforcement does not step on the rights of citizens.

There is a term for what you get when all laws benefit the police and there no resources to make sure these police are kept honest. It is called a police state.

¹ <http://www.wsba.org/media/publications/barnews/oct07bastian.htm>