

Joint ACCD-NACDL Resolution to Attorney General Eric Holder Seeking Justice System Impact Statement for USDOJ Criminal Justice Funding Decisions

August 1, 2012

WHEREAS, The American Council of Chief Defenders is a national community of public defense leaders and a section of the National Legal Aid & Defender Association dedicated to securing a fair justice system and ensuring high quality legal representation for people facing loss of life, freedom, or family;

WHEREAS, The National Association of Criminal Defense Lawyers is an international organization with approximately 10,000 direct members in 28 countries, and 90 state, provincial, and local affiliate organizations totaling more than 40,000 attorneys, private criminal defense lawyers, public defenders, active U.S. military defense counsel, law professors, and judges, dedicated to their mission of ensuring justice and due process for persons accused of crime, fostering the integrity, independence and expertise of the criminal defense profession, and promoting the proper and fair administration of criminal justice;

WHEREAS, The American Bar Association is a voluntary bar association with almost 400,000 members whose mission is to serve equally the members, the legal profession, and the public by defending liberty and delivering justice as the national representative of the legal profession;

WHEREAS, The American Bar Association in 1992 adopted a resolution that urges the establishment of appropriate mechanisms at the federal, state, territorial, and local levels to ensure the preparation of “justice system impact statements” that examine and analyze the funding, workload, and resource impact of proposed legislation and executive branch orders or actions for each and every element of the criminal and civil justice system, including, but not limited to, law enforcement, prosecution, public defense, probation, corrections, courts, civil legal services, and dispute resolution.

WHEREAS, the United States Department of Justice distributes substantial funding to local criminal justice systems;

WHEREAS, the vast majority of the United States Department of Justice funding is provided to law enforcement, which further exacerbates the resource imbalance in the criminal justice system, that favors the judicial and prosecutorial functions over indigent defense;

NOW, THEREFORE, BE IT RESOLVED THAT:

In the interest of

- providing information to decision-makers to allow them to make better decisions about allocating taxpayer money;

- empowering decision-makers to allocate funds based on a cost-benefit analysis; and
- avoiding the negative consequences that often occur when resources are supplied to one component of the interdependent criminal justice system without consideration of the impact on the other components;

The United States Department of Justice should require that its criminal justice grant programs adopt a grant application requirement that applicants complete a “justice impact statement” if the grant project anticipates generating additional arrests and prosecutions. The “justice impact statement” should include an assessment of the impact of the award of the grant on the indigent defense system, the courts, the probation function, and secure and community correctional facilities.

The United States Department of Justice should, before deciding how to allocate its grants funding, consider the affect its funding will have on the criminal justice system as a whole.

Respectfully,



Edward C. Monahan

Chair

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Access to Justice Initiative

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