

# North Carolina Indigent Defense Services

- \* Created in 2001 after a legislation study commission found that indigent defense suffered as to both cost-effectiveness and quality from lack of a central agency to provide coordinated planning, oversight and management.
- \* See the Indigent Defense Services Act, N.C. Gen. Stat. § 7A-498 et. seq.

# North Carolina Indigent Defense Services

- \* Goal: Ensure fair and just proceedings by providing effective representation in a cost-effective manner.
- \* Recruit the best and brightest North Carolina attorneys to represent indigent clients.
- \* Ensure that every attorney representing indigent clients has the qualifications, training, support, and resources they need to be effective advocates.

# North Carolina Indigent Defense Services

- \* Costs of not providing effective representation:
  - \* Wrongful convictions
  - \* Excessive pre-trial detention
  - \* Increased pressure on innocent persons to plead guilty
  - \* Excessive sentences
  - \* Collateral consequences that can affect a person's ability to earn a living

# Insufficient Resources

- \* 2019 workload study by the National Center for State Courts concluded North Carolina's public defender offices required an increase of 73 percent over current staffing levels to effectively handle caseloads.
- \* Private counsel leaving public defense rosters because of unsustainably low pay rates.
- \* IDS repeatedly ending fiscal year in debt

# North Carolina Commission on the Administration of Law and Justice

- \* Recommendations:

- \* Establish public defender offices throughout the state
- \* Provide oversight, supervision and support to all counsel providing indigent defense services and provide them with reasonable compensation
- \* Implement uniform indigency standards
- \* Implement uniform qualification and workload standards

# First Appearance Representation

- \* NCCALJ report also recommends that the law be amended to require a first appearance for all detained defendants within 48 hours or the next day that court is open.
- \* Presently, people charged with a misdemeanor are not entitled to a first appearance, and in some counties may remain in pre-trial detention without a lawyer for a significant period of time. Even short periods of pre-trial detention may cause people to lose a job or housing.



# Reclassification of Misdemeanors

- \* 2011 IDS study looked at reclassification of 31 misdemeanors that rarely or never resulted in active time or probation:
  - \* 12 resulted in dismissal without leave at least 75% of time
  - \* 21 resulted in dismissal without leave at least 50% of the time
  - \* For all but two – DWLR and misdemeanor conversion- the percent of cases that resulted in active time was less than 1%



# Conclusions

- \* Indigent defense could save approximately \$2.25 million in attorney fees if all 31 IDS selected statutes are reclassified as infractions. However, indigent defense costs represent only a small portion of the cost of these cases to the court system. There are additional prosecution, court, jail, corrections, and probation costs.
- \* Cost savings excluded non-DWI motor vehicle related DWLR cases, which are likely significant.

# Other Reforms

- \* Encourage law enforcement to issue citation instead of arrest in misdemeanor cases
- \* Pretrial diversion programs