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# State budget cuts clog criminal justice system

## Most states cut court funding 10 percent to 15 percent within the past three years

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[ATLANTA](#) — Prosecutors are forced to ignore misdemeanor violations to pursue more serious crimes. Judges are delaying trials to cope with layoffs and strained staffing levels. And in some cases, those charged with violent crimes, even murder, are set free because caseloads are too heavy to ensure they receive a speedy trial.

Deep budget cuts to courts, public defenders, district attorney's and attorney general offices are testing the criminal justice system across the country. In the most extreme cases, public defenders are questioning whether their clients are getting a fair shake.

Exact figures on the extent of the cuts are hard to come by, but an American Bar Association report in August found that most states cut court funding 10 percent to 15 percent within the past three years. At least 26 states delayed filling open judgeships, while courts in 14 states were forced to lay off staff, said the report.

The National District Attorneys Association estimates that hundreds of millions of dollars in criminal justice funding and scores of positions have been cut amid the economic downturn, hampering the ability of authorities to investigate and prosecute cases.

"It's extremely frustrating. Frankly, the people that do these jobs have a lot of passion. They don't do these jobs for the money. They are in America's courtrooms every day to protect victims and do justice," said Scott Burns of the National District Attorneys Association. "And they're rewarded with terminations, furloughs and cuts in pay."

The ripple effects have spread far beyond criminal cases to even the most mundane court tasks, such as traffic violations and child custody petitions. The wait to process an uncontested divorce in San Francisco, for example, is expected to double to six months as the system struggles to absorb state budget cuts that have led to layoffs of 40 percent of the court's work force and the closing of 25 of 63 courtrooms.

Some wealthier residents are turning to private arbitrators to hear their cases, said Yasmine Mehmet, a family law attorney in San Francisco who advises some of her clients to settle disputes outside the public court system.

"We're seeing huge delays in getting trial dates and just getting standard documents processed," she said. "The courts are just so overwhelmed. They just don't have the people-power to handle these cases."

The cuts come as civil and criminal caseloads for many state and county systems have swelled. Maine had a 50 percent increase in civil cases during the last five years, in part because of foreclosures related to the nation's housing crisis, records show.

Iowa's court system is struggling to recover from cuts in 2009 that forced officials to lay off 120 workers and eliminate 100 vacant positions. Staffing levels there are now lower than in 1987, while district court filings since then have increased 66 percent.

Public defenders, whose offices also are absorbing cuts, are taking more clients.

"If you don't have enough lawyers to handle the cases, it leaves them open to speedy-trial challenges and ineffective assistance of counsel," said Ed Burnette, a vice president of the National Legal Aid & Defender Association.

Some of the lapses are testing speedy-trial rules, in some cases resulting in dismissals that otherwise are hard to win. In Georgia, trial and appellate courts have dismissed a handful of indictments against suspects accused of violent crimes because they could not be brought to trial fast enough.

In one case, a judge tossed out murder charges against two Atlanta men because it took Fulton County prosecutors four years to indict them after they were arrested and charged with a 2005 shooting. Local prosecutors say strained resources were partly to blame for the delay.

Legal agencies that represent the poor and depend on government grants also have been hit hard.

State funding for the Georgia Resource Center, which represents indigent death penalty defendants in post-conviction proceedings, has fallen by about \$250,000 over three years. This year, the center fell short on a \$300,000 grant from a foundation, forcing layoffs of a paralegal and an assistant administrator and the reduction to part-time status of a staff attorney.

"We've been running on a shoestring for years and we are minimally available to take care of all the guys on death row," said Brian Kammer, the center's executive director, who said he is writing grant applications at the same time he is representing death row inmates. "But with this kind of funding loss, we're getting crippled."

New York and California are among the states that have been hit hardest by budget cuts.

California's attorney general's office has considered eliminating units that work with local law enforcement agencies on gang and drug crimes as a way to address a projected \$70 million in budget cut over two years.

After the San Francisco Superior Court laid off 67 staffers and shuttered courtrooms because of budget cuts, judges warned it could take residents hours just to pay a traffic fine in person. The court would have been forced to make deeper cuts had it not received an emergency \$2.5 million loan from the state.

New York lawmakers slashed \$170 million from the Office of Court Administration's \$2.7 billion budget, forcing layoffs and a hiring freeze. Judges were ordered to halt proceedings at 4:30 p.m. sharp to control overtime pay, and courts also were told to call fewer potential jurors, who cost \$40 a day.

Defendants in New York are generally supposed to see a judge within 24 hours of their arrest. But staff cuts left them waiting an average of about 50 hours over the summer, said Julie Fry, vice president of the Brooklyn division of the union representing Legal Aid lawyers.

"People were waiting for two, three and four days at a time. Some are waiting for administrative code violations, like riding bicycles on the sidewalk or sleeping on a subway train," she said.



Dave Martin / AP  
Alabama's Supreme Court Chief Justice Chuck Malone talks with reporters in Montgomery, Ala.

"This really disrupts people's lives. Some of these people are on the cusp of being employed, and they can't afford missing a few days of work."

In Alabama, the state's top judge rescinded an order issued by his predecessor that would have dramatically reduced the schedules for civil and criminal trials, telling a local newspaper that the cost of additional jury trials was "not that significant." The move was aimed at coping with a budget that had dropped nearly \$30 million in the last year.

"Victims should not become victims of our system," Judge Chuck Malone said in August.

The trial for one high-profile case there was delayed almost a year.

An Alabama man accused of killing his wife while on a honeymoon scuba diving trip in Australia was supposed to be in court in May, but his trial is now scheduled for February because of a shortage of bailiffs and other court personnel. Statewide, more than 250 people have been laid off from Alabama's trial courts.

In California, attorneys with the Sacramento County district attorney's office are taking on heavier caseloads while the office scales back popular services such as its community prosecution program, which dispatched staffers to meet with neighborhood associations to address quality-of-life issues such as public drunkenness.

Attorneys also refer misdemeanor cases to pretrial diversion programs, while marijuana possession, trespassing and other such crimes are often treated as mere infractions.

"We're doing it as best we can," said Jan Scully, the top prosecutor in the county where the state capital is located. "But doing it as best we can doesn't mean we're doing it as best we should be doing."