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FOR IMMEDIATE RELEASE

May 14, 2015 – The National Association for Public Defense (NAPD) issued a **POLICY STATEMENT ON THE PREDATORY COLLECTION OF COSTS, FINES, AND FEES IN AMERICA'S CRIMINAL COURTS** calling for ending funding government on the backs of poor clients. Among other reforms, NAPD called for an end to money bail which too often means that poor people stay in jail and lose their low wage jobs while people with money enjoy the presumption of innocence and their freedom.

Calling for change now, **Tim Young**, Ohio Public Defender and Chair of NAPD said, “We must have courts that are focused on justice not on collecting revenue. The presumption of innocence pretrial should not be for people with money while the poor stay jailed, disproportionately impacting people of color; especially when there is no evidence that money bail has any correlation with the risk of reoffending or showing up in court. A fair and balanced system of pretrial release ought to be based on public safety, not on the person’s status as rich or poor.”

Cherise Fanno Burdeen, Executive Director, Pretrial Justice Institute said, “The Pretrial Justice Institute fully supports the National Association for Public Defense in its call for the end of money-based justice practices that lead to cycles of debt and incarceration. We believe that, at the pretrial stage, the use of money, in any way, should never result in the detention of an accused individual. The decision to release or detain a defendant should be based on an individualized measure of risk, not the ability to pay. NAPD’s Statement comes at a time when our nation is reconsidering long-standing practices that unfairly impact our poor and our communities of color and we applaud them for their leadership on this issue.”

Reform is needed now as demonstrated by the **United States Department of Justice’s Statement of Interest** in a case challenging unconstitutional pretrial release restrictions, stating, “Incarcerating individuals solely because of their inability to pay for their release, whether through the payment of fines, fees, or a cash bond, violates the Equal Protection Clause of the Fourteenth Amendment. *See Tate v. Short*, 401 U.S. 395, 398 (1971); *Williams v. Illinois*, 399 U.S. 235, 240-41 (1970); *Smith v. Bennett*, 365 U.S. 708, 709 (1961)... Fundamental and long-standing principles of equal protection squarely prohibit bail schemes based solely on the ability to pay.” *CHRISTY DAWN VARDEN, et al. v. THE CITY OF CLANTON*, Case No. 2:15-cv-34-MHT-WC, (Class Action).

The NAPD Statement stresses the harsh consequences of the unacceptable unequal treatment of those without money “Requiring monetary bond to ensure payment of fines and costs later in the case has other consequences when individuals cannot pay.

Whether a person can afford bail can be outcome determinative at trial or upon plea bargaining. Defendants who are detained for the entire pretrial period before their case is decided are over four times more likely to be sentenced to jail and over three times more likely to be sentenced to prison than defendants who are released at some point pending trial.”

The NAPD Statement calls for an end to the unsound criminal justice monetary policy in place across the country, “The collection of costs, fines, and fees in criminal courts across the United States are predatory and an economic failure. These predatory practices impact poor people in catastrophic and life altering ways and are disproportionately levied against people of color. Public policy weighs strongly against funding government on the backs of poor people.”

You can read the NAPD Policy Statement in its entirety online at: http://www.publicdefenders.us/sites/default/files/NAPD_Statement_on_Predatory_Collection_Practices.pdf

The National Association for Public Defense engages all public defense professionals into a clear and focused voice to address the grave systemic failure to provide the constitutional right to counsel, and to collaborate for solutions that bring meaningful access to justice for poor people. NAPD formed in 2013, and has thus far united 10,000 members in 75 organizations and hundreds of individual members into a cohesive, unwavering, irrepressible community capable of bringing justice to a broken system. *More information about NAPD is found at:* <http://www.publicdefenders.us/>

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