

The Honorable Andrew M. Cuomo
Governor of New York State
Executive Chamber, NYS State Capitol
Albany NY 12224

September 2, 2016

Dear Governor Cuomo:

The National Association for Public Defense ("NAPD") urges you to sign the pending legislation that will require New York State to reimburse its counties for the cost of providing public defense services.

We are an association of more than 14,000 public defenders and public defense professionals, including the staff of over 100 organizations from around the nation. Our purpose as a national organization is to be a "focused voice to address the systemic failure to provide the constitutional right to counsel, and to collaborate with diverse partners for solutions that bring meaningful access to justice for poor people." Public defense delivery is an "all day, every day" effort. There must be a sufficient number of trained lawyers with access to appropriate support staff and expert resources in order to effectively do that work.

We have seen many examples of local funding sources being unable to sustain quality public defense services. These and other systemic failures deprive public defense clients of their constitutional rights and have both human and fiscal costs. Such costs include those incurred when people are unnecessarily detained pending trial due to a lack of persuasive advocacy for release. These burdens fall disproportionately on people of color and on the poor.

We view the broad support for the bill that is coming to you as a sign of its value and its viability. County officials and public defense providers alike have urged its enactment. A representative of the Judiciary has written about the importance of legislation providing for state funding and regulation to improve the quality of public defense representation. Many editorials and opinion pieces use New York history and experience in describing the need for you to act.

From our national perspective, we urge your support. NAPD's foundational principles support the establishment of a statewide public defense system, which is overseen by an appropriately independent and knowledgeable board or commission. The need for the provider to exist at a state level is to ensure that services are consistent in quality, efficiency, effectiveness, and that the same standards are applied in all subdivisions throughout the state. Where local delivery of public defense services is prevalent without oversight and centralized administration there is significant risk of unjustified variations in the quality of

services in the state’s various jurisdictions. Oversight and consistent administration throughout each state provides a necessary mechanism to evaluate and improve service delivery.

NAPD has 10 organizational members in New York State, and individual members in nearly two dozen additional jurisdictions. New York benefits from many tremendous public defender advocates, which, when combined with the opportunity to advocate within a public defense system with sufficient resources and oversight, will significantly increase access to justice for all poor people guaranteed public defense services in the state.

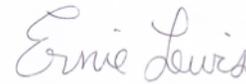
Across the country, public defenders and others who care about justice are advocating for reliable, sufficient funding of the fundamental right to counsel and for creation of strong public defense systems that are able to address local challenges with solutions that comply with best practices.

You have the opportunity to not only bring about such change for New York but also to make it an example for the nation.

Sincerely,



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Chair, NAPD Steering Committee



Ernie Lewis
Executive Director, NAPD

ON BEHALF OF THE NAPD STEERING COMMITTEE

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