



NAPD Statement November 27, 2016

This month's elections produced for our federal government a change in course of grave importance for all whose lives are impacted by our criminal justice system, our immigration policies and the legal framework that guarantees our civil rights. As the national voice of the public defense community, NAPD will stay its course. Our reaction to the political changes of today is clear: to maintain and strengthen our efforts to protect our clients, through litigation and reform, from restricted civil liberties, mass-incarceration, debtor's prisons, racial profiling, harsh immigration policies, the school-to-prison pipeline, harmful collateral consequences and the many other injustices faced by vulnerable communities in our society.

The need for systemic reform is of long standing, but that need is sharpened by the emergence of new leadership on the national stage promoting policy changes which are alarming our clients. NAPD's members are fierce and tireless defenders of Constitutional rights, holding law enforcement and other government agencies accountable to our guiding principles of equal justice, individual liberty and the rule of law. We are idealistic and pragmatic because we must be both to serve our clients, whether in the courtroom or in our work for systemic reform.

What steps should we take now and going forward to advance our mission?

As we have in the past, we will work with diverse and even unlikely partners to advance the goals of our client communities.

We will work with local legislators to prove that public safety can be guaranteed while passing reasonable legislation and reducing jail and prison populations. Criminal justice reform is a bi-partisan issue, and it is one that must continue regardless of changes in political leadership.

We will increase our efforts to engage in community dialogue and outreach to reassure the communities in which we live and work of our commitment to protecting their rights. And we will continue to fight prejudice against our client communities wherever we find it.

We will expand and re-double our efforts to provide support and legal advice to immigrant communities concerning the impact of immigration policies.

We will resist any efforts, either nationally or locally, to implement "stop and frisk" or "show your papers" laws which violate the Fourth Amendment and often state law as well.

We will vigilantly guard against attacks on the rights of religious, ethnic, LGBTQ, racial or other minorities, and any actions undermining the independence of our judiciary.

We will continue to press local, state and nationwide efforts to reform police practices. These efforts include work by the Black Lives Matter movement and others to stop the unjustified use of violence by police. We also will continue to play a critical role by litigating racial and ethnic justice issues in court, exposing disparities in arrests, bail and sentencing. We will also continue to look within, to examine implicit bias as we go about fulfilling our duties to the individuals we are honored to represent.

We will continue the fight for bail and pretrial reform. Pretrial detention is the front door to mass incarceration.

We will redouble our efforts to reduce collateral consequences of conviction that block access to jobs, housing, education, transportation, and voting rights—all of which are necessary for successful, productive membership in families, communities, and our broader society. We will in addition advocate for reducing the many unnecessary criminal offenses to violations that do not carry with them such restrictions.

We will continue to assert that all clients should be provided counsel if they are too poor to afford an attorney, and that any court in America that proceeds without counsel should stop this practice immediately.

We will advocate for persons who are being jailed due their poverty and their inability to pay fines and fees, and will further work to ensure that no one is being jailed because they are poor.

We will let our clients know every day that we are there for them, that we have their back and that we will continue to fight for them.

We are used to fighting the toughest battles, and we never, ever quit, even if things look bleak and uncertain. This is the public defender way, and it will carry us — and our clients and their families — as we forge ahead, shoulder to shoulder.



Mark Stephens
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