



Legislation Text

File #: Res 1229-2008, **Version:** *

Res. No. 1229

Resolution calling on the Governor of New York State and the New York State Legislature to adopt the recommendations of the Commission on the Future of Indigent Defense Services.

Council Members James, Gerson, Mark-Viverito, White Jr., Arroyo and Jackson

Whereas, The right of all defendants to an effective defense in criminal trials regardless of their ability to afford representation is a hallmark of the United States' (US) commitment to equal justice; and

Whereas, This right was affirmed in 1963 with the landmark US Supreme Court decision in the case of Gideon v. Wainwright where the Supreme Court unanimously ruled that state courts are required under the Sixth Amendment <http://en.wikipedia.org/wiki/Sixth_Amendment_to_the_United_States_Constitution> of the US Constitution to provide counsel in criminal cases for defendants unable to afford their own attorneys; and

Whereas, New York State similarly recognized this right in 1965 in the case of People v. Witek; and

Whereas, In the aftermath of the Supreme Court's decision in Gideon v. Wainwright, many states established Independent Public Defense Commissions to oversee the provision of those defense services and ensure that all defendants received fair trials and effective representation; and

Whereas, New York State mandated that these services be provided and paid for on county-by-county basis through an assigned counsel process under Article 18B of the County Law, or through contracting with competent agencies; and

Whereas, Service costs have increased, costing the counties of New York State a collective \$260 million and the City \$156 million in 2006 alone; and

Whereas, This growing expense leads to shortchanging the legal rights of poor defendants in the face of budgetary pressures; and

Whereas, According to a report administered by The Commission on the Future of Indigent Defense Services, there are significant shortfalls of defense services for poor defendants; and

Whereas, The report described the current state of indigent defense services as an on-going crisis in need of a state takeover to ensure fair and effective representation for all defendants, regardless of their ability to pay; and

Whereas, The report calls for the creation of an Independent Public Defense Commission, empowered to draft enforceable standards for caseloads and other issues critical to the provision of effective defense services to poor defendants; and

Whereas, New York State's provision of defense services for poor defendants must be commensurate with existing need and New York State's historic commitments; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Governor of New York State and the New York State Legislature to adopt the recommendations of the Commission on the Future of Indigent Defense Services.

WJH
LS# 4182
1/23/08