



## Idaho Prosecuting Attorneys Association, Inc.

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2017 Officers September 29, 2017,

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**Idaho Prosecuting Attorneys Association, Idaho Sheriff's Association and Fraternal Order of Police- Executive Board Response to article; *Politico points to Idaho, Rep. Perry, in report on how conservative lawmakers are pushing public defense reform***

<http://www.spokesman.com/blogs/boise/2017/sep/25/politico-points-idaho-rep-perry-report-how-conservative-lawmakers-are-pushing-public-defense-reform/>

<http://www.politico.com/magazine/story/2017/09/24/how-conservatives-learned-to-love-free-lawyers-for-the-poor-215635>

Idaho's Prosecutors and law enforcement agree that the Sixth Amendment is an important fundamental constitutional right in this country. The Sixth Amendment reads: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

No one is committed to these tenets more than prosecutors and law enforcement. That is why Representative Perry's comments in the politico.com article "**How Conservatives Learned to Love Free Lawyers for the Poor** By reframing the issue around the evils of big government, Republicans are notching victories that have eluded more liberal legislatures" dated September 24, 2017 are disheartening to Idaho's prosecutors and law enforcement.

Representative Perry joins the article's attack on law enforcement as a "tyrannical government." But the law enforcement system Representative Perry tells us we should fear is keeping Idaho's streets safe, making Idaho one of the safest states in the country to raise a family and enjoy a high quality of life. Our prosecutors and law enforcement officers have transformed Representative Perry's own legislative district into a livable community after years of drive-by shootings and tremendous gang violence. Idaho's law enforcement and prosecutors work hard every day to ensure that the constitutional rights

of Idaho citizens are preserved and that public safety is maintained for the thousands of law abiding Idaho citizens who work hard to provide for their families and expect to have a safe community in which to raise their children.

Politico notes that Representative Perry “fixated” on one statistic. Representative Perry claims that “approximately 95 percent of criminal cases are plea-bargained, in part because public defenders are too overwhelmed to take them to trial. That means the state never even has to prove you did anything...they hold all the cards.” This comment is inaccurate and a disservice to Idaho’s citizens and the dedicated public defenders, prosecutors and judges who work within tight budgets to ensure our justice system works.

There is little evidence to support Representative Perry’s conclusion that cases are plea-bargained *because* public defenders are too overwhelmed. In fact, the Bureau of Justice Statistics Report, upon which the Politico article relies, notes that in the country’s largest counties, roughly the same number of privately represented defendants plead guilty as those represented by public attorneys, showing that workload has little to do with the decision to plead guilty pursuant to a plea bargain. Defendants do not plead because public defenders are overwhelmed. They plead because that is the appropriate resolution of their case.

Law enforcement and prosecutors are experiencing a measurable increase in felony crime. The misguided ideas expressed by Representative Perry in the Politico article threaten to encourage more anti-law enforcement legislation and policies in our state.

As for Idaho’s prosecutors and law enforcement officers, the public safety of all Idaho citizens will remain their top priority. Prosecutors and law enforcement remain committed to the tenets of the Sixth Amendment, striving to uphold the rights of every citizen and continuing to make Idaho a safe place to live.

Idaho Prosecuting Attorneys Association

Idaho Sheriff’s Association

Idaho Fraternal Order of Police - Executive Board