

Doing “Calcasieu Time”: Broken System Means Residents Wait Years for Trial at Taxpayer Expense

Pray that you’re never accused of a crime in Calcasieu Parish. Because if you are, and if, like 90 percent of all Calcasieu residents you’re unable to afford a private attorney, you could sit in jail for years awaiting trial, with little contact with your state-appointed attorney. For Calcasieu residents like Adrian Citizen, Sig Van Dyke, and members of a class-action lawsuit challenging the delays in the public defense system, this is the reality.

In 1963, the U.S. Supreme Court ruled in *Gideon v. Wainwright* that Americans have a constitutional right to legal representation. If someone accused of a crime cannot afford a lawyer, states are required to provide one. The Louisiana State Constitution clearly states, “the legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.” The state is shirking this responsibility, turning a blind eye to a system where public defenders are nearly paralyzed by excessive case loads imposed on them. The result is incomprehensible delay and grave injustice.

While all eyes remain on New Orleans where the Katrina-shattered justice system is still in shambles over a year later, the fact is that Louisiana’s justice system has been broken for years. Many people speak of Orleans Parish defendants “doing Katrina time” because they’ve sat in jails around the state for the past 16 months without access to attorneys. But way before Katrina and Rita hit, however, defendants here have been doing “Calcasieu time” – sitting in jail for 24, 48, or even as many as 72 months before their case goes to trial, with little contact with a lawyer.

Adrian Citizen’s been waiting more than four years for his trial; a member of the Calcasieu class-action lawsuit has been waiting four years, too. Sig Van Dyke languished in prison for six years before a judge found the state had violated his right to a speedy trial and ordered him released. When the appeals court reversed the decision, Mr. Van Dyke pled to a lesser offense to avoid the uncertainty of being held indefinitely without a trial.

The only comprehensive study of the Calcasieu system was released in July 2003. That study reported that in Calcasieu Parish, defendants arrested for a felony crime must wait an average of 86 days – nearly three months – to find out the charges against them. For a felony crime, it takes an average of 501 days from the day of arrest to the day the case is resolved. Two years later, the situation is much the same.

All Calcasieu residents are affected by these delays. Of course they are unfair to the accused and their loved ones. Delays are also unfair to the victims and their families, who wait for justice. And, for the residents of Calcasieu there is no assurance that the correct people are in jail. All too often, the truth of a person’s guilt or innocence isn’t figured out in a court by a judge and jury – but at a bargaining table when defendants know all too well how slowly the wheels of justice turn. Moreover, hundreds of thousands of tax dollars are wasted to house the people in jail waiting for delayed trials, wasting money that could be used for more pressing parish needs.

More than two years ago, in September 2004, a class-action lawsuit against the state was filed in Calcasieu Parish on behalf of nine lead plaintiffs, all of whom were criminal defendants assigned

to the Calcasieu Public Defender's Office. At the time of filing, the nine lead plaintiffs had been languishing in jail for between 12 and 28 months. Two years later, most have pled. After waiting years to go to trial, with minimal contact from their lawyers, they likely have lost faith in the justice system.

More than a decade ago, the Louisiana Supreme Court recognized serious problems in Louisiana's indigent defense system and called on state lawmakers to remedy a looming crisis. The state has failed to act and lawsuits, like the one filed in Calcasieu, are the result. Our residents need to know that they can trust the justice system and rely on its outcomes. It's up to the Louisiana Legislature to fix the crisis in the state's indigent defense system.

As 2006 draws to a close, the state continues to stall, public defenders grapple with a backlog of cases, defendants have waited another year for their day in court, and all Calcasieu residents lose. Let's hope 2007 is the year that real justice comes to Calcasieu – and all parishes across Louisiana.

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