Criminal justice system vital — but expensive — to society

By JOE SCALES
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The U.S. Constitution guarantees every accused man his day in court, but it doesn’t guarantee it will be cheap.

It costs Baton Rouge taxpayers an average of $886 to operate one of its 13 district courts for one day, according to a Morning Advocate survey of local court operating expenses.

That doesn’t begin to take into account the costs of the many other public-funded agencies that support the court system.

Every time a case is heard in court, the presence of a judge, court reporter, bailiff, security guard, secretary and sometimes other members of the judge’s staff is required. Their salaries comprise the largest portion of the $886 daily court cost.

But a typical day in court might also include policemen, prosecutors, public defenders or a number of other government employees.

The public picks up a hefty tab to ensure that those accused of crimes get a fair shake.

District judge makes about $60,000 a year, prosecutors-regale $2,000 and higher.

If there is a jury, jurors have to be fed and paid. If the accused can’t afford an attorney, he gets one free.

If the coroner, a psychiatrist or some other expert has to testify, he gets paid from public funds.

Local officials say that if all the actual costs of the criminal justice system could be totaled up they would be phenomenal.

For example, it cost the state more than $100,000 to investigate, try, house, and execute convicted murderer Robert Wayne Williams, who confessed to shooting a 67-year-old security guard during a robbery.

State law allows a judge to assess criminals for what it cost the state to bring them to justice, but few judges use the law because, they say, the vast majority of criminals are indigent anyway.

The result is that the public gets indirectly billed for most criminal proceedings — unlike civil court where the losing party usually is assessed the cost of the trial.

"Most people who commit crimes are not in categories where you could get judgments from them," said District Judge Frank Foil, who presided over the Williams trial. "Most felony courts deal with people who probably are going to end up in jail. You can’t collect from people in jail."

Foil blames the huge costs of trying criminals on a system that allows so many appeals.

"It’s an unending situation," he said. "Something the system doesn’t seem to allow for the termination of a case. That’s why the system bogs down. It seems there should be an end to a trial. You have to limit the number of times that you can renew your appeal."

Foil said he does not want to blame lawyers for unnecessarily dragging out cases, but he acknowledged that criminals are eager to do anything they can to delay or prolong their day in court.

If a man is guilty of a crime, it generally doesn’t cost him any more to plead guilty immediately than to fight his case in court for the next 10 years.

"They take advantage of anything that works to their benefit," Foil said.

"I don’t think it’s the lawyers. I think it’s the overall technical attitude of the appellate courts," he said.

Williams, for example, committed his crime in 1979 and was convicted by a jury the next year, but his case continued in the appeals stage for another four years.

According to officials involved in the case, Williams’ trial was relatively simple as murder trials go. There were many witnesses to the crime, and Williams even confessed to firing the fatal shot.

One high-ranking prosecutor in the district attorney’s office, who asked that he not be identified, said the public is partly to blame because it increasingly demands harsher penalties for criminals while opposing plea bargaining.

A defendant who is facing a maximum sentence without being able to plea bargain is

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going to light his case all the way, the prosecutor said.

"Lawyers take advantage of the constitutional guarantees. I agree it costs too much, but how to cut down on it, I don't know," he said. "There is a theory that the criminal justice system will bankrupt this country before it is over," he said.

On the other hand, he added, the public places a lot of value on its security, and the criminal justice system is the price we pay for having a civilized society.

"It's not the criminal justice system that costs money — it's crime. If you didn't have crime you wouldn't need a criminal justice system," he said.

Just how much it costs for an average criminal to go through the criminal justice system is the subject of a federal study started three months ago.

Like the criminal justice process itself, the government-funded study won't come cheap. It is expected to take 21 months and will cost $700,000.

Matt McAuley, a Washington, D.C., research analyst working on the project, said the costs of handling a criminal case are much more complex than the average citizen realizes.

"Actually court time on a case only represents 5 to 10 percent of the actual time on a case," he said.

For every criminal who enters the system there are numerous public-paid employees to handle his case, beginning with the policemen who investigate the crime and ending with the jail guards or probation officials who must watch the criminal after he is convicted.

Salaries for the employees are the largest costs, but there is more to consider than just their time, according to McAuley.

"We're trying to show the true costs by including such things as pension funds and mortgages on public buildings. All of that cost something," McAuley said. The appeals procedures are so complicated that the federal study is not even going to consider that portion of a criminal's costs to society.

District Judge L.J. Hymel agreed that it is expensive, but said our system of justice comes at a high price.

"You're dealing with professionals in every area — police, the district attorney's office, secretaries, defense counsel, investigators, expensive equipment — you finally get to the court and you're dealing with the same thing again," Foil said.

"It's expensive, but I don't thing it's any more expensive than any other professional business. I just don't know if there is an answer.

"You're dealing with a man's liberty and possibly his life. The framers of our Constitution provided that a person can't be deprived of these things without due process of law," Foil said.

Public Defender Alton Moran said that whenever the court has to appoint an outside lawyer to represent an indigent defendant, the attorney gets $35 an hour for his in-court time and $25 an hour for out-of-court time.

If a criminal cannot afford an attorney, by law he must be given one, Moran said.

“They have to have good, competent representation or you can't put them in jail at all. We try to do that as economically as possible," he said.

East Baton Rouge Parish Clerk of Court Mike Cannon, however, said he believes the system has become so expensive because the people who run it have allowed it.

"Today it's totally accepted that the criminal justice system is run on taxpayer dollars. The public is unaware of what it is costing," he said.

Cannon said all officials are to blame for the system becoming so costly.

"What they don't do is sit back and analyze the system and think about what will make a big savings," he says.

His office has forms that can be used to calculate what criminal cases cost his office, but the problem, he says, is getting judges to assess criminals the costs.

"Everybody is of the philosophy that it is impossible to collect criminal court costs from convicted criminals. That is wrong. You can collect and you should collect," Cannon said.

Even small amounts would help, Cannon said. And the system should consider programs that would require work from convicts that would recoup some of the state's expenses.

"If every judge assessed criminal court costs it would save the taxpayers hundreds of thousands of dollars, and I'm just talking about the costs that are due the clerk of court," Cannon said.

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