

KOOTENAI COUNTY COMMISSIONERS TAKE A STEP BACKWARDS IN FIRING LONSTANDING PUBLIC DEFENDER

ACLU sends letter to commissioners to express concerns and to demand explanation

Boise, ID—Kootenai County Commissioners last week voted to terminate the Public Defender contract with John Adams, the county's longstanding public defender who has served as the public defender for the last 17 years. The news reached the ACLU of Idaho over the weekend.

In a letter sent to Kootenai County Commissioners today the ACLU expressed dismay with the decision by the county to terminate the contract with Mr. John Adams, who is one of the best public defenders in the entire state.

“We are not surprised that the press described the legal community's reaction condemning your decision as “swift and loud” said the joint letter of the ACLU of Idaho and the ACLU's National Office in New York City. “Coming, as it does, almost exactly 50 years after the United States Supreme Court's landmark decision in *Gideon v. Wainwright*, guaranteeing all Americans' right to be defended against their government, your effective termination of one of Idaho's best public defenders will serve as an especially ominous illustration of the grave failures of this state's unconstitutional indigent defense system.”

The ACLU letter raises a core issue at the heart of Kootenai County's public defender system—the lack of independence from undue political influence of the commissioners. In a 2010 National Legal Aid and Defenders Association (NLADA) independent report authorized by the State Criminal Justice Commission, the NLADA specifically flagged the need in Kootenai County to protect the Public Defender's office from undue political influence. Independence is essential for any indigent defense system to function adequately.

Immediately following the release of the NLADA's report on indigent defense in Idaho, which found the public defender systems in Kootenai and six other counties to be unconstitutional, the ACLU of Idaho began its own close examination of the defender systems throughout the state. The ACLU has now identified several counties whose defender systems exemplify the failings of the State of Idaho as a whole in complying with the *Sixth Amendment* in the Bill of Rights.

Today however, with the decision to terminate the contract of one the best public defender's in the state, the ACLU discloses that Kootenai County is one of the counties it has identified to highlight how systemic issues in the State's indigent defense system have led to unconstitutional conditions, such as inadequate professional independence of the public defender resulting from the commissioners in Kootenai County.

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