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Civil Rights Commission Passes Resolution on Indigent Defense

Lansing – On Monday, May 24, 2010, the Michigan Civil Rights Commission unanimously passed a resolution on the right to adequate indigent defense counsel.

The Commission noted that the right of a person accused of a crime to be represented by counsel is explicitly enshrined in both the Sixth Amendment to the US Constitution and Article 1, Section 20 of the Michigan Constitution. Further, to protect the civil and constitutional rights of all, Michigan must maintain a public defense delivery system that meets national standards and provides the effective assistance of counsel.

“The Commission was convinced that the costs of not providing effective counsel are indeed a civil rights concern,” said Commission Chair Matthew Wesaw. “To an individual, the human impact, the human cost of ineffective counsel can be devastating. The state, however, pays the costs to incarcerate thousands of individuals who may have been determined innocent, or received a lesser sentence had the system worked the way it should.”

Interim Department of Civil Rights Director Krichbaum added, “Michigan cannot afford a system of justice based on ability to pay, including the many disparate impacts that exist along with such a system. While the Commission has not decided on further actions at this time, this resolution adds a valuable first step by identifying that this is indeed a civil rights issue.”

For more information on the Commission, please visit www.michigan.gov/mdcr.

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