Unique Challenges of Indigent Defense Work in D.C.: An Investigator's Perspective

My name is Maryanne Magnier and I am an investigative intern at Georgetown Law’s Criminal Justice Clinic. In this talk, I will explore the challenges of defense work for low-income people both on a nationwide level and in Washington, D.C. specifically.

Washington, D.C. is one of the most heavily policed cities in the country, in terms of officers per capita. Policed neighborhoods tend to be low-income, typically minority neighborhoods, leading to a large racial disparity in arrests made. Eight out of ten people arrested are black. The vast majority suffer from mental illness and/or addiction. These statistics are reflected in our clientele. This talk will contextualize these issues and explore how we have ended up in a vicious cycle of poverty and criminalization in D.C.

The problem begins early with the school-to-prison pipeline. Only slightly over half of the students in Washington D.C. graduate from high school. Many of our clients at the clinic are first introduced to the criminal system at their schools themselves. Additionally, schools with less funding are less able to provide adequate support for students, especially those with mental illnesses. One of our clients suffered from bipolar disorder that was not diagnosed until she was over thirty years old. She said all her life she just thought she had “anger issues.” If her family or school had more money, it would have not have taken her so long to get diagnosed. Jails have become substitutes for mental health systems, which will be further explored. In addition, many of our clients are homeless. It is hard to find them and continuously get them to court when they have no homes, phones, or definite access to transportation. Defense is made more difficult when you do not have reliable access to your client.
One of the biggest issues is how arbitrary the system is. The Metropolitan Police Department (MPD) has flexibility in who they charge and what they charge them with. The most recent case I was assigned to regards a fight between two homeless men. Our client was the only one arrested, and there was no reason given for this. When the client gets to court, if the judge finds him guilty, he or she will have a large amount of leeway in sentencing. A client could either go to jail or on probation, just by chance of whose courtroom he or she ends up in that day. My talk will explore how a lack of standardization, accountability, and oversight has led to an unfair system with no way to see what works and what does not.

There are other problems unique to Washington, D.C.’s criminal system. D.C. is one of the remaining jurisdictions left which have a “trial by ambush” system where the defense does not find out who the prosecution’s witnesses will be until the day of the trial. This leaves the defense, which already has less access to information and resources, at further disadvantage. This will be further discussed in my talk.

Washington, D.C. actually has some of the best and highest-paid public defenders in the country. The answer to this problem is not to put the burden on the defense. Rather, there needs to be widespread reform on a national level tackling the issues above. My time as an investigator for indigent defense cases have led me to see these problems firsthand.