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Opinion Exchange

THE ISSUES OF THE DAY AT STARTRIBUNE.COM/OPINION

Proposed blue-light special on justice raises red flags

● To encourage defendants to plead guilty (thus sparing taxpayers the cost of a trial), the state is willing to reclassify some crimes. But only for a while.

By RICHARD OHLENBERG

Although budget pressures have sent legislators and state officials looking high and low for potential savings, the criminal-justice system shouldn't be treated like a discount outlet or dollar store. Believe it or not, the Legislature is considering staging a sale on certain offenses, shifting some misdemeanors to petty misdemeanors for the next few years.

The object is to reduce costs by encouraging those accused to plead guilty without a trial, making justice in these cases somewhat like paying a traffic ticket. While the applicable offenses are not major felonies such as murder or criminal assault, they are not insignificant. Included in this discount-justice plan are offenses such as computer theft under \$250, possession of small amounts of marijuana in motor vehicles, receiving stolen property under \$250, credit-card fraud under \$250, criminal damage to property under \$250 and dishonored checks under \$125. The legislation also would convert all misdemeanors that a local unit of government might establish to petty misdemeanors for first-time offenders.

It is clear that conducting a full jury trial

is significantly more costly to the state than having a defendant plead guilty. Avoiding a trial would certainly be appealing to those charged as well. Many of those who pleaded guilty, however, would do so without the knowledge of the boomerang effect of this policy. Specifically, these petty misdemeanor offenses would still show up on a person's criminal record, something likely to raise concerns with potential employers. That is an outcome that doesn't fit with the traffic-offense scenario. The criminal record may clearly note the infraction as a lower-level, petty-misdemeanor offense. However, my experience has been that employers get very concerned when they see "criminal damage to property" or "credit-card fraud" on a person's record, no matter the amount of money involved. We should not implement a system where people are encouraged to plead guilty just to "get it over with" when the consequences to their future job prospects and ability to earn a living may be very significant. This is particularly true where the person may have a viable defense to the charge.

While I am sympathetic to the desire to save money in these precarious economic times and am concerned about maintaining and improving the speed at which cases are handled, we cannot forget the overall reasons for having sterner penalties in place. From a community's viewpoint, key goals of the criminal-justice system should be to keep

neighborhoods safe and to send a message to offenders that there are serious consequences for breaking the law. Equally important are the rights of individuals to contest the charges and to mount a vigorous defense. A system that sends the message that it is easiest to just plead guilty, even for those who may believe that they were wrongfully charged, sacrifices justice in the name of expediency and efficiency. That is a wrongheaded approach.

Though this public-safety bill may be sliding along some well-oiled tracks due to legislative time and budget pressures, I suspect that even its backers doubt its wisdom. The legislation is very specific in establishing the new penalties and procedures for a two-year period, and two years only. The hope among legislators seems to be that dollars may be more plentiful two years hence, but the sunset provision is a clear acknowledgement that this is not sound policy. If the changes were smart from a criminal-justice standpoint, the bill would call for them to be permanent.

Let's not make questionable savings the issue here, but rather look at the long-term consequences to public safety and to the community. Let's reject this hodgepodge of convenience.

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