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A bird files over barbed wire on top of fences at the Richard J. Donovan Correctional Facility in San Diego, Calif., on March 26, 2014.

INSIGHT: It's Time for a New Mindset in the Criminal Justice System

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Disrespect and disregard for criminal defendants contributes to a criminal justice system focused on finding guill and incarceration. Los Angeles criminal defense attorney Lar Verestan asys reforming the system takes a new mindset, and focusing on prevention and limiting prosecutorial immunity can help.

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Criminal defense attorneys deserve major respect. They're the essence of the essential workforce in the midst of the pandemic—physically appearing in court to advocate on behalf of society's cast-offs, fighting for justice in a system often stacked against them and their clients.

Despite significant reforms over the course of the past decade, too many underprivileged and minority defendants are still viewed as less than human, and 'innocent until proven guilty' is merely a dream for them.

As long as the system continues to disrespect defendants, their attorneys will be, for all intents and purposes, guilty by association. They will find themselves disrespecte within the system and forced to work harder and jump through more hops to protect their clients' interests. They will see prosecutors treated with greater deference than their peers on the other side of the sides.

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Justice is best served when all parties—judges, prosecutors, and defense attorneys—
work in a collaborative and respectful manner to achieve a just outcome. In a system
that tilts precipiously against mitomities and the underprivileged—who are at higher
risk of arrest—the goal should be to find solutions, not simply to lock people up.

Replacing the win-at-any cost mentality with an adversarial system based on mutual

Reform Punitive Mindset

Prosecutors represent "the people"—including criminal defendants—but they're part of a system that pushes them to get convictions at any cost. They have almost unlimited discretion to file fatages, to bump misindemensors up to fellonies, and to impose onerous conditions in an effort to force defense attorneys to accept bad deals for their clients.

On top of this, prosecutors have absolute immunity for any wrongdoing committed in the course of their official duties and can hide excensating discovery evidence or the unavailability of witnesses from the defense without personal consequences in the management of the principle of the properties without protection of the principle of the properties without protection the important of the principle of carrier fairly in the press of places. They should be the norm, not the exception.

It's time to consider limiting prosecutorial immunity. Prosecutors must be equally invested in the quest for justice and should be held accountable for any roadblocks

Society has paid a steep price for a puritise mindset and it's time for judges, prosecutors, and defense attorning to thisis seriously about the roles they play in the criminal justice team. Calls to reform police departments in the wake of George Royd's death are overdue, but also enforcement works within the context of a system that continues to price law and order above human digital yard personal redemption.

Every year thousands of men and women—many innocent, most minorities, a significant percent mentally ill—are relegated to prison for months, years, and somedimes decades. Prisons have no purpose other than punishment, and hundred of thousands—your galds, hard-luck sees, mentally ill—are written off and locked up for drugs, burglay, and other nonviolent offenses. They're condemned to lose any chance at redemption.

Embrace Prevention and Rehab

As part of our collective soul-searching about historical inequities, we must embrace a model that focuses on prevention and rehabilitation, rather than putting people behind bars and throwing away the key.

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It's not about defunding plote, but addressing the underlying problems that lead to criminal behavior. The system should be preventive, dealing with issues before they get out of hand, allocating funds to programs that neally make a difference.

People dealing with issues such as mental illness and addiction don't deserve to be penalized; they deserve a second chance. Instead of being warehoused, they should be learning life skills and contributing to society.

Other countries have successfully implemented diversion for drug users. In Portuga most drug users are referred to "Commissions for Drug Addiction Dissuasion" rather an prison; Swedish drug policy emphasizes prevention and treatment, with free treatment provided through the health-care system and municipal social services.

Alternatives to incarceration in this country have also been shown to be effective, but we remain overwhelmingly committed to the incarceration model.

A Model: The CASA Program

Programs such as the federal Conviction and Sentence Alternatives(CASA) help defendants tackle issues such as drug addiction, mental illness, or just plain bad decision-making that led them to commit crimes.

CASA uses a collaborative model to address behavior, rehabilitation, and the safety of the community. Participants show up in court at least every couple of weeks to meet with fellow participants, a judie, assistant U.S. attorneys, jubilic defenders, and prietral services officers. They submit to random drug tests and check in regularly with their assigned pertral services officer. If they successfully complete the intensive program, they can avoid prison or even have their cases dismissed outright.

It's time that we significantly step up funding for these types of programs at both the state and federal level while expanding their scope to include multiple points of review—prosecutor, judges, perial differs, defense counsel. We must ensure that consideration is given to the benefits of diversion for every appropriate defendant as we work register to get deepering defendants—most of them minorities—off the prison rolls and back into society.

Until the criminal justice system fundamentally changes to provide both dignity and second chances to those caught in its cycle, the criminal defense bar will continue to be second-class citizens, along with the disadvantaged clients they represent.

This column does not necessarily reflect the opinion of The Bureau of National Affairs, Inc. or its owners.

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