

To: Cook County Board of Commissioners
Re: Finance Committee Meeting, October 10, 2017
From: Juliet S. Sorensen
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Court cuts will cost Cook County

At the Bluhm Legal Clinic, practicing attorneys educate the next generation of lawyers by zealously advocating for our clients – including in Cook County’s civil, criminal, and juvenile courtrooms – and through systemic policy analysis and reform.

In view of this work, we are concerned that cuts to the county budget would be detrimental to the work of the public defender, state’s attorney, judges, probation, clerks, and more. The cuts would do more than make it difficult to run a government office. They are very likely to put public safety and Constitutional rights at serious risk.

If the budget changes were targeted and consistent with a goal of forging a smarter justice system that did not criminalize addictions and other public health issues and that reduced its reliance on expensive incarceration, some spending cuts could be supported. But the widespread cuts being contemplated have the singular goal of a smaller budget and ignore the damage that would be done to the justice system and our neighborhoods.

Cuts to courts will reverse Cook County’s progress toward a smarter justice system. When resources are suddenly scarce, it is often legacy systems that have the power to preserve their place in the system, while carefully-nurtured reforms are pruned away. This is especially counterproductive when those reforms not only bring better outcomes, but do so at a lower overall cost than traditional approaches.

This scenario played out in real time recently when the State of Illinois’ budget crisis undercut criminal justice reform. Cook County stakeholders must not forget what happened. Reimbursements for alternatives to incarceration through Adult Redeploy Illinois slowed, and important safety net services were cut. Court services and sentencing options available to judges were limited, and the community-based service provider infrastructure was permanently damaged. Meanwhile, the lights stayed on at the more expensive, less-effective Illinois Department of Corrections.

Cook County cannot afford to replicate these upside-down priorities.

We are concerned that if it does, the public defender's office will lose 15% of its current courtroom attorneys and will not be able to meet its Constitutional obligations to defend indigent clients in court, much less represent its clients during police interrogations. The state's attorney's office will not be able to independently evaluate police evidence and assess defendants for diversion suitability, much less review past cases for errors via its Conviction Integrity Unit. Courts will not be able to screen defendants for flight and crime risk before a bond hearing, much less support the new order of the Chief Judge ensuring bonds are set at amounts defendants can afford.

These functions save money by reducing the expensive pipeline of bad cases processed through the criminal system, and they improve outcomes. Many are also newer initiatives that are likely to be among the first "extras" to be cut. And as cases slow down – and with less money for the courts, they will certainly slow down – more people will spend more days awaiting trial in the expensive Cook County Jail, and its population will swell. Cook County can certainly expect lengthy, complicated, and expensive lawsuits if defendants' rights to counsel and to speedy trial are jeopardized.

Of course, it is quite possible to make smarter decisions that would save money. But this only occurs when there is a chance to be truly frugal: to properly align system incentives, make a rational plan about priorities, and scale programs down – and up. Cuts in expensive, ineffective punishments should be paired with increased spending on the services needed to support success.

When cuts are made to the courts without this advance work, government is not being frugal, it is being shortsighted and even wasteful. Our system will become shoddier and more run-down, not more efficient and effective. And we will learn for ourselves what so many caught up in the criminal justice system already know too well: it's extremely expensive to be poor. The county will effectively take out a payday loan against its own court system. And the costs of not having the capital up front to make wise long-term choices may snowball until they become almost insurmountable.

The proposed cuts are too broad and deep to result in thoughtful prioritization and reasoned reductions. Cook County has many worthy funding priorities and few appetizing revenue options, but the county can't afford to end much-needed progress and protections in our criminal courts.

Thank you for your consideration. Please contact us with any questions you may have.

CC: Honorable Timothy C. Evans, Chief Judge, Circuit Court of Cook County
Cook County State's Attorney Kimberly M. Foxx
Cook County Public Defender Amy Campanelli