



Law Office of the **COOK COUNTY PUBLIC DEFENDER**

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Sharone R. Mitchell, Jr. • Public Defender

January 14, 2022

Sent via electronic mail to: david.evers@cookcountyil.gov

Re: Resolution 22-0618

To the Members of the Cook County Board of Commissioners:

Thank you for your leadership in convening the joint committee meeting between the Health and Hospitals Committee and the Criminal Justice Committee to discuss our efforts to keep Cook County communities safe. I commend your efforts over the last two years to pass the “Justice for Black Lives” resolution, “Declaring Gun Violence as a Public Health Crisis” resolution and “Designating Firearm and Ammunition Tax Revenues for Gun Violence Prevention” ordinance.

The Public Defender’s office has unique insight into violence prevention and an important role to play in public safety due to our perspective and our contact with affected communities. We represent clients who can’t afford a private attorney, the vast majority of whom are Black and Brown from communities most deeply impacted by mass incarceration, disinvestment, over-policing, and structural and community violence. What we see every day in our interactions with clients, families, communities and in courtrooms is that most people we represent are survivors of interpersonal violence and that is only exacerbated by the institutional violence of the criminal legal system. We represent people who are victims of crimes but who don’t necessarily report these incidents to the police; people who are not afforded any solutions to their issues in their communities. Our mission is to protect the fundamental rights, liberties and dignity of each person whose case has been entrusted to us by providing the finest legal representation.

Due to this perspective and our work as zealous advocates for our clients, we are best situated to change the narrative of the roots of violence, facilitate healing, and interrupt the cycle of violence. Our work limiting incarceration and punishment supports public safety by restoring stability and freedom, lessening exposure to trauma and violence, and contributing to community well-being.

There are four key ways that the Public Defender’s office is collaborating on this issue and is exercising a growing role in violence prevention.

1. We collaborate with multiple providers, organizations and agencies to connect our clients with services in their communities.

- a. We have a contract with and collaborate closely with the *Safer Foundation* to provide screening to clients awaiting their hearing in Central Bond Court as well as support in gathering evidence for motions to reconsider bond at Preliminary Hearing Court. Safer Foundation also provides support and information about the process to clients’ families.
- b. We have partnered with the *Chicago Community Bond Fund* and the *Bail Project* to ensure that our clients have access to release when they are unable to pay their bonds. Inability to pay bond results in loss of employment and housing, separation of families, and enumerable collateral consequences.
- c. Collaborating with *Cabrini Green Legal Aid* has expanded our capacity to provide expungement and sealing support to our clients. Having access to a clean record provides our clients with the ability to have greater access to employment, housing, education, and other resources essential to achieving their goals.

2. **Expanding the conversation about criminalized survivorship and shifting the narrative on the roots of violence in Cook County and punitive solutions. Here are some recent examples:**
 - a. [Mayor Lori Lightfoot and police leaders lean on flawed information to argue releasing criminal defendants on electronic monitoring worsens violence problem - Chicago Tribune](#)
 - b. [There's No Second Amendment on the South Side of Chicago | The Nation](#)
 - c. [Black Lives Matter Protesters Are Facing Felony Charges a Year After Uprisings | Teen Vogue](#)
3. **Re-imagining our advocacy role and providing holistic representation:**
 - a. Our ***Mental Health Unit*** provides clients experiencing mental health issues with access to housing, treatment, and other wrap around services. Our clinicians work side by side with our attorneys, providing assessments for mental fitness and psychological evaluations throughout the life of the case.
 - b. Due to the support of the Cook County Board of Commissioners, we have been able to launch our ***Immigration Pilot Unit***, allowing our attorneys to provide a continuum of legal representation for individuals that may have separate cases in immigration court.
 - c. Our ***Police Station Representation Unit*** provides 24/7 legal representation to anyone who is arrested and detained by law enforcement in Cook County. We have also advocated for a provision in the SAFE-T Act Trailer bill, recently signed by the governor, that ensures individuals in police custody have a right to make three phone calls within three hours and that a poster be visible providing information on these rights and the telephone number for the police station unit.
 - d. We plan to expand our ***mitigation practice***. Mitigation Specialists and case workers provide client support in the form of social histories and connecting clients to the services that they need in order to find safety, opportunities and stability in their communities.
 - e. We also continue to challenge unjust and often unconstitutional practices through the work of our ***Legal Resources Division*** to overturn wrongful convictions.
 - f. Our ***Forensics Science Division*** litigates cases involving any forensic evidence to ensure rights are being protected.
 - g. We've expanded our ***Juvenile Justice Division*** to include an Assistant Public Defender to support our clients with educational advocacy and re-engagement with school.
 - h. The Cook County Board has recently announced that our office will receive requested ARPA dollars to develop two ***Community Defense Centers***. These centers, in partnership with area restorative justice and violence prevention practitioners, will provide residents in greater Roseland/South Chicago and greater West Garfield Park/Humbolt Park with legal services, community empowerment, advocacy and education. The centers will be staffed by a defense attorney, case manager, licensed clinical social worker, artist in residence, office administrator and violence interrupter.
4. **Collaborating with organizations and county agencies on alternatives to punitive justice:**
 - a. Our office has and continues to collaborate with the Cook County State's Attorney, Office of the Chief Judge, Justice Advisory Council, and community organizations to develop and expand alternatives to traditional prosecution. These programs aim to connect clients with community programming. Attorneys across our divisions have advocated for clients to participate in programs such as the Supporting Education and Employment Development (SEED) program, Mental Health Court, Drug Court, Restorative Justice Community Courts, Veteran's Court.
 - b. The Public Defender's office is increasing its use of restorative justice theory and practices in our effort to offer holistic representation. So far, we are continuing to build our relationships with the Chicago Restorative Justice Hubs and have helped create the Restorative Justice Community Court. Recently, Governor Pritzker signed SB 64, which promotes restorative justice as an alternative to incarceration by making privileged any communications that occur during the RJ process and protecting it from court proceedings. We are also currently working with restorative justice practitioners to think through restorative justice-based solutions for juveniles charged with carjacking.

- c. Our work goes beyond the courtroom. We also collaborate with advocates and organizers to push for broader systemic change. Our **legislative and policy team** advances legislation on the state and local level to support our clients' ability to find opportunity and stability and avoid the permanent punishments of contact with the criminal legal system. For example, in the last year, we've successfully passed bills to (1) end the ban on supervised visits between parents, children and siblings and (2) ensure individuals in police custody have access to three phone calls within three hours. Our office also collaborates with stakeholder and community partners in coalitions that aim to reduce violence in our communities. For instance, the [Illinois Blueprint for Peace Coalition](#) advocates for innovative and proven approaches to peace and healing in Illinois' communities in response to gun violence. The Coalition embraces policies and actions that will:
- i. Increase health and healing among residents impacted by gun violence and reduce gun violence by addressing the underlying trauma that shapes decisions to carry guns and the harm caused by gun violence.
 - ii. Decrease racist and carceral responses to gun violence, including by advocating for alternatives to prosecution for gun possession cases.
 - iii. Intervene in the institutional abandonment and divestment of communities of color that is at the root of intracommunal violence by increasing community resources and supporting community-led alternative conflict resolution initiatives.

In order to continue this work, we need your help to ensure equitable investment in public defense. We're encouraged by the investments the Cook County Board has made from the ARPA funds; however, our grant funding and our budget pales in comparison to the rest of the criminal justice stakeholders. For instance, the Cook County State's Attorney's budget is more than double our budget and in FY 2021, the State's Attorney Office received more than \$39 million in federal, state, and private grants, whereas our office received less than a million.

Our office is uniquely positioned to create the kind of stability that actually promotes safety for our clients and their communities. We look forward to collaborating on expanding the public safety potential of public defense; dismantling harmful strategies that further criminalize, punish and destabilize individuals and communities; and investing in proven methods that prevent violence, build community resources, and promote healing.

Warm Regards,

A handwritten signature in blue ink, appearing to read "Sharone R. Mitchell, Jr.", with a stylized flourish at the end.

Sharone R. Mitchell, Jr.
Cook County Public Defender