



Law Office of the Cook County Public Defender

FY2018 Budget Presentation

October 26, 2017

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Mission

The Public Defender protects the fundamental rights, liberties, and dignity of each person whose case has been entrusted to the Public Defender's (PD's) Office by providing the finest legal representation.

Cook County Public Defender – Obligations Court Calls

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The Office is required to staff all criminal, traffic, juvenile, and child protection courtrooms and court calls in Cook County. Here is a snapshot of the various courts we must cover:

- | | |
|---|-----------------|
| • Felony Trial Division at 26th Street (~7,000 cases per month pending) | 36+ court calls |
| • Juvenile Justice (~3,000+ delinquency cases per month pending) | 13 courtrooms |
| • Civil (~3,100 child protection cases per month pending) | 13 courtrooms |
| • First Municipal (~4,000 misdemeanor/traffic/domestic cases per month pending) | 23 court calls |
| • Bridgeview (~1,900 cases per month pending) | 14 court calls |
| • Markham (~2,700 cases per month pending) | 13 court calls |
| • Maywood (~2,600 cases per month pending) | 15 court calls |
| • Rolling Meadows (~1,200 cases per month pending) | 12 court calls |
| • Skokie (~1,200 cases per month pending) | 15 court calls |

Total separate courtrooms/court calls that Public Defender must cover = **154**

Cook County Public Defender – Additional Obligations

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In addition to staffing courtrooms throughout the County, we have the following additional obligations that require staffing:

- Homicides – specially trained senior attorneys currently defending over 700 murder prosecutions.
- Co-defendants. To defend while doing our best to avoid conflicts of interest, we have a Multiple Defendant Division.
- Child Protection Conflict Division – representing the second parent in Child Protection Court.
- All indigent child protection appeals.
- Post-convictions – currently representing approximately 840 post-conviction clients.
- Forensic unit composed of attorneys with specific forensic knowledge to assist in cases dealing with scientific evidence.
- On March 14, 2017, Judge Evans ordered that the Public Defender is “deemed appointed” and authorized to appear at a police stations whenever someone in custody requests counsel throughout the County.

Cook County Public Defender – Program Inventory

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| Program Title (FTE/~Caseload till 8/2017) | Program Description |
|---|---|
| Administration (32 FTE) | Supervises departmental programs and manages administrative functions. Oversees internal employment litigation and labor relations. Engages in legislative coordination and media relations. Provides training to attorneys and staff. |
| Civil Representation (42 FTE/3,836) | Provides legal services to individuals facing charges of abuse, neglect, or dependency, individuals who the State seeks to involuntarily commit to a mental health facility. |
| Felony Representation (213.5 FTE/40,333) | Provides legal services to individuals facing felony charges other than homicide charges. |
| Homicide Representation (46 FTE/750) | Provides legal services to individuals facing homicide charges. |
| Juvenile Representation (47 FTE/4,243) | Provides legal services to individuals facing criminal charges who under 18 years of age at the time of the offense. |
| Misdemeanor Representation (131.5 FTE/57,648) | Provides legal services to individuals facing misdemeanor charges. |
| Multiple Defendant Representation (26 FTE/13,390) | Provides legal services to individuals in felony and first degree murder cases where more than one person is accused. |
| Mitigation (3 FTE/80) | Provides support to attorneys by conducting research regarding individuals represented by the Office and engaging in sentencing advocacy. |
| Investigations (61 FTE/3,251 per investigator annually) | Provides support to attorneys by conducting preliminary searches, serving court documents, locating witnesses, conducting interviews, preparing reports, taking photographs, testifying in court and transporting clients and/or witnesses. |
| Forensic Science and Trial Technology (11 FTE/343) | Provides legal services in cases involving forensic evidence. Provides training, case reviews, and litigation assistance to attorneys. Provides technological and presentation support and coordinates with the Bureau of Technology. |
| Child Protection Conflicts (14 FTE/8,784) | Provides legal services to individuals facing charges of abuse, neglect, or dependency, where more than one parent is charged. |
| Legal Resources (47 FTE/505) | Provides legal services to individuals in post-conviction matters and appellate cases. Provides legal research, training and litigation assistance to attorneys. |
| Specialty Courts (6 FTE) | Provides legal services to individuals in specialty courts, including Drug Treatment Courts, Mental Health Treatment Courts, Prostitution Court, and Veterans' Treatment Courts. |

Cook County Public Defender – Caseloads vs Standards

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Caseloads

Felonies – each felony assistant is handling an average of **255 felony cases** over the course of one year

Misdemeanors – each misdemeanor attorney is handling an average of **780 misdemeanor cases** over the course of one year.

Homicides – each homicide attorney has an average of **19 homicide cases** pending

Standards and best practices

American Bar Association Guidelines for Indigent Defense Caseloads – a public defender shall handle **no more than 150 felonies or no more than 400 misdemeanors** in any given year.

Compendium of Standards for Indigent Defense Systems from the United States Department of Justice – homicide attorneys should **not defend more than 15 homicide cases** at any time.



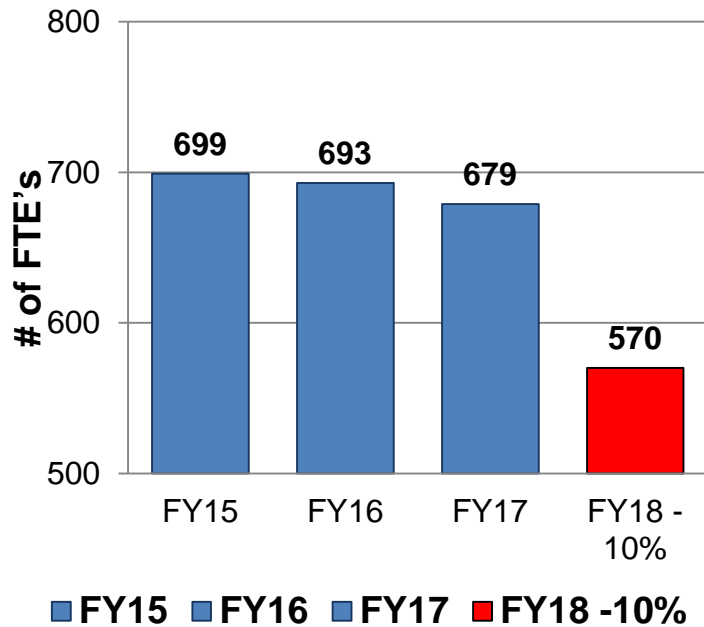
- **Additional proposed reduction from President's recommendation:** \$ 7,606,974
- **Personnel cuts that would be needed:**
 - Approximately 50 Layoffs @ \$2.8 M
 - Approximately 60 vacancies to be eliminated @ \$4.7M
- **Non-Personnel expenses available to cut:**
 - \$0 non-personnel
- **Impact:**
 - Clients would be unrepresented
 - Anticipated lawsuits
 - Increased costs to County through payment to private counsel

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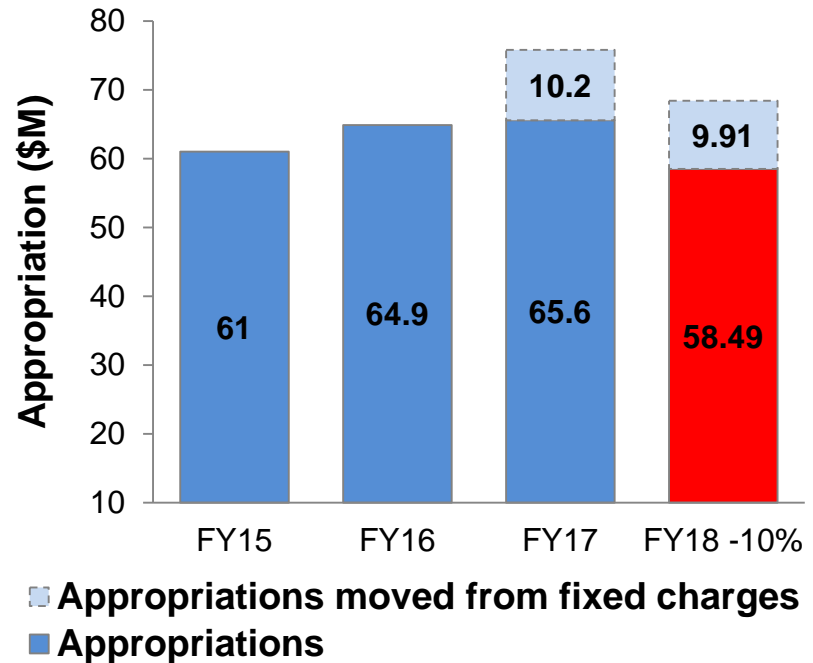
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Staffing

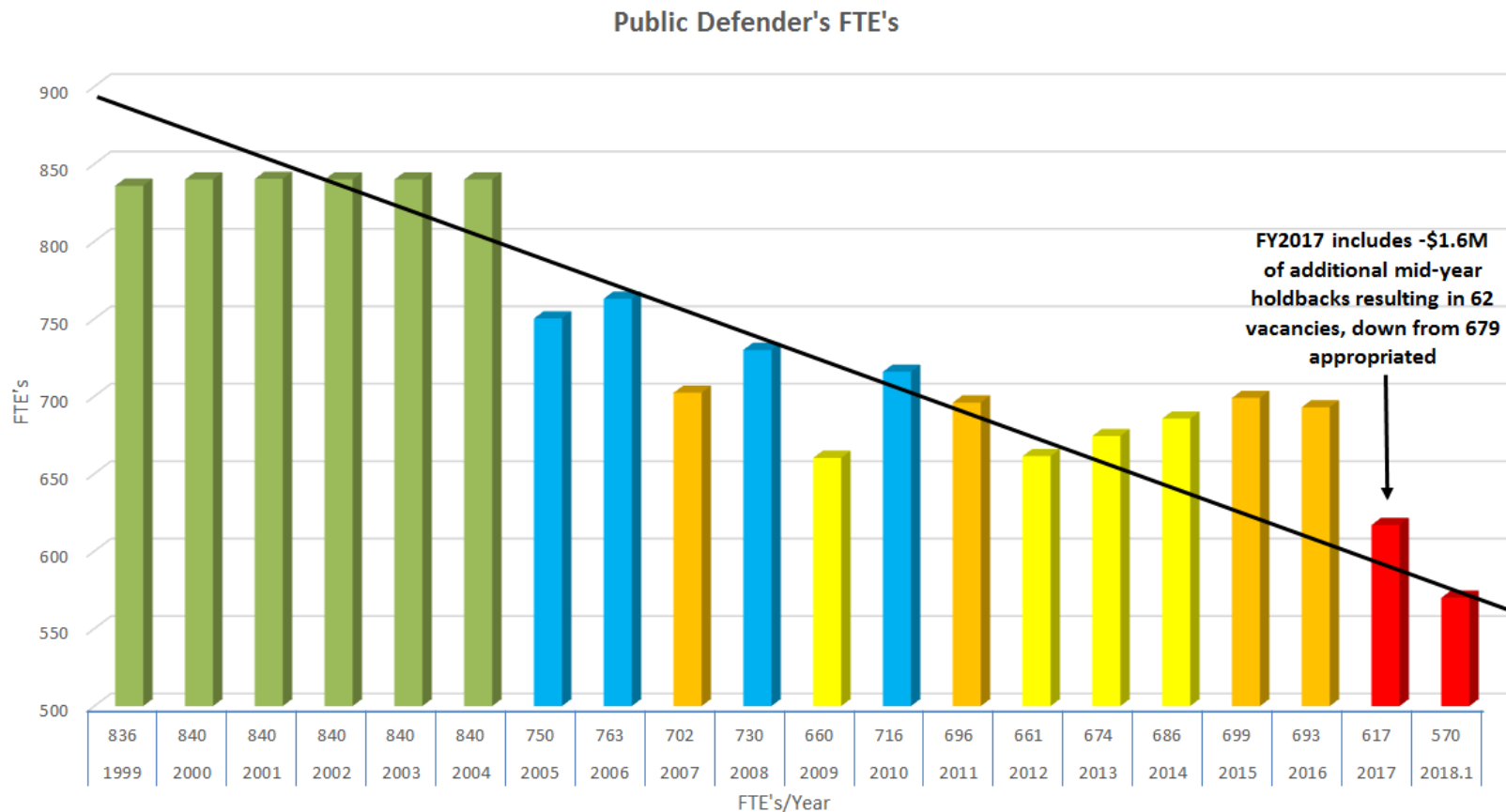


Budget



Cook County Public Defender – Staffing & 2017 Cases

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| | New case appointments January through August 2017 | Cases disposed January through August 2017 | Pending as of August 31, 2017 |
|---------------------|---|---|----------------------------------|
| Felonies | 27,338 | 12,995 | 12,785 |
| Homicides | 158 | 134 | 721 |
| Misdemeanors | 64,400 | 49,484 | 8,303 |

Cook County Public Defender – Costs

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Cost effectiveness of Public Defender

Representation by Public Defender

- \$864 per disposed felony (approximately \$1,170 with fringe benefits)
- \$122 per disposed misdemeanor (approximately \$165 with fringe costs)

Private counsel

- \$40 an hour for in-court services, \$30 for out-of-court (pursuant to 725 ILCS 5/113-3) Exception – higher hourly fees permitted if “the trial court certifies that such payment is necessary to provide fair compensation for protracted representation.” (pursuant to 725 ILCS 5/113-3(c))
- Child protection cases - \$75 an hour for in-court services, \$50 for out-of-court
- No cap on number of hours

Special State’s Attorney rate

- \$185 per hour

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Discussion of 2017 Department and Program Outcomes

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- Police station representation
- Bond court reform
- Collaboration with CCHHS to provide mental health screening in bond court and linkage back to community
- Collaboration with Sheriff and State's Attorney to reduce CCDOC population
- Public Defender web page (www.cookcountypublicdefender.org)
- Legislation (counsel for juveniles under 15, expungement and sealing, drug reforms, probation for formerly non-probationable offenses)
- Creation of Restorative Justice court
- Year-round training for over 600 staff, including three-day training seminar for 300 attorneys



- Legislative reform (Class X sentencing, residential burglary)
- Case management system (eDefender)
- Progress in police accountability
- Receipt of MacArthur Foundation grant and cooperation with other stakeholders

Cook County Public Defender– 2018 STAR goals and targets

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| Performance Metric Name | 2016 Year End Actual | 2017 Q1 Actual | 2017 Q2 Actual | 2017 Year End Projection | 2017 Year End Target | 2018 Year End Target |
|---|-------------------------|-------------------|-------------------|--------------------------------|-------------------------|-------------------------|
| Felony Program Output Metric | | | | | | |
| Number of Felony dispositions | 19,451 | 3,835 | 5,036 | 17,742 | 17,742 | 17,742 |
| Felony Program Efficiency Metric | | | | | | |
| Average Felony cases disposed per attorney | 102.9 | 22 | 29 | 102 | 102 | 102 |
| Felony Program Outcome Metric | | | | | | |
| % change in disposed Felony cases (quarterly) | N/A | N/A | 31% | (9%) | (9%) | 0 |
| Zero Based Budget Metric | | | | | | |
| Cost per (Non-Homicide) Felony disposition | 998 | \$1,215 | \$925 | \$1,050 | \$1,050 | \$1,050 |