



Law Office of the
COOK COUNTY PUBLIC DEFENDER

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Amy P. Campanelli, Public Defender

Opening remarks to Finance Committee regarding FY2018 Budget

Good morning. Chairman Daley, Commissioners, and to the entire Board, thank you for giving me the opportunity to appear before you this morning to make a few opening remarks. I am Amy Campanelli, Public Defender of Cook County. With me today are my CFO, Peter Kocerka, First Assistant Keith Ahmad, Chief of Staff Lester Finkle, and other members of my office to answer any questions you may have concerning the budget for the Public Defender during Fiscal Year 2018.

The mission of the Public Defender is to protect the fundamental rights, liberties, and dignity of each person whose case has been entrusted to my Office by providing the finest legal representation. The President's recommendation for my office for Fiscal Year 18 is \$76 million. As I will explain, my office is already skeletal and cannot operate on anything less. I'm aware of the budget shortfall and the difficult task that this Board must make in allocating resources. But my office cannot take any additional cuts.

First and foremost, my office has the constitutional and statutory obligation to defend every person who cannot afford an attorney. The Sixth Amendment provides, "In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defense." In 1963, the United States Supreme Court interpreted this as requiring that counsel be provided, free of charge, to anyone charged with a felony. Since then, that same court held that counsel has to be provided, free of charge, to anyone charged with a misdemeanor, to juveniles, and to parents facing the loss of their children to the state.

Our Illinois statutes likewise require that the Public Defender "shall act as attorney, without fee," for every client we're appointed to represent.

More than just providing an attorney to someone who is poor and charged with a crime, my obligation goes farther. My lawyers have to provide effective representation. This means well-trained attorneys in the field of criminal defense and juvenile law. When that does not happen, there are consequences. In the last five years, for example, lawsuits were filed in Florida and New York because the number of public defenders handling cases was insufficient for the vast number of cases involved.

Every person has the constitutional right to be provided with effective legal representation, and as a result this Board has the obligation to provide proper funding to ensure that this occurs.

As you can see at Slide 2, this is a snapshot of court calls that I have to staff on a weekly basis. The

total number of courtrooms and court calls that I have to cover are 154, spread out across 14 different locations throughout Cook County. [5 suburban courthouses, 5 branch court locations, Juvenile court, Felony courthouse, the Daley Center, and the domestic violence courthouse.]

In addition to staffing courtrooms, I also have the obligation of defending clients in seven special settings – homicides, co-defendants in criminal cases, the second parent in child protection cases, child protection appeals, post-conviction cases, cases involving forensic or scientific knowledge, and police station representation. I have approximately 130 attorneys, plus support staff and investigators, handling these special types of cases, who are in addition to the attorneys who staff the felony, misdemeanor, and juvenile court calls on a regular basis.

As you can see on Slide 4, this is the makeup of my office, identified by the different types of programs that I am obligated to staff so that all clients are properly represented. The numbers on the slide depicts the recommended number of budgeted FTEs (full time equivalent positions), followed by the number of case appointments we've had through August 2017.

Slide 5 shows the caseload that my office is struggling with, as compared to the standards established by the American Bar Association and the Department of Justice. This is a result of my inability to hire into the approximate 60 vacancies that I have today, due to the additional holdbacks that I've had throughout this current fiscal year. Caseloads have increased to the detriment of my clients, who receive less focused representation. It also affects the attorneys who handle these cases, since deficient staffing affects morale, increases burn-out, and cause cases to linger and those who are charged to sit in jail longer.

From the least to the most serious cases, proper funding is needed. Take murders, for example. Last month, five homicide clients were found not guilty of first degree murder due to the excellent work of my highly skilled attorneys, yet they spent years in jail until their attorneys were able to fully prepare for their trials. That length of stay in the jail would be reduced if both my homicide task force and investigation unit were fully staffed. Just two days ago in Kansas City, it came to light that an innocent man sat in jail for 13 months because it took that long for his public defender to investigate his case. The news report claimed that the public defender had a caseload of about 100 cases. Some of my attorneys have more than 100 cases. Properly funded defense and prosecution ensures that cases are resolved quickly and fairly.

Fair and just resolution is also why it was so important and so historic that Chief Judge Evans entered an order that authorized public defenders to go into the police stations of Cook County whenever someone requests counsel. This crucial reform, which I fought for and was recommended by the police accountability task force, will discourage police misconduct at the police station, which leads to wrongful convictions, lawsuits for abuse, and community distrust. Accountability takes place only when someone independent is watching; my office is that independent monitor, the check and balance against police overreaching. Too many people don't even know their constitutional rights; our presence at the stationhouse gives teeth to those rights. But this recently added responsibility and opportunity will be undermined if proper funding is not provided to my Office.

Next I'd like to address the budget shortfall and the impact of a 10 percent reduction on my office. As Slide 6 shows, this would constitute a cut of \$7.6 million. My office cannot absorb such a cut, and still fulfill its constitutional and statutory obligations. Since 95 percent of my budget is for personnel, it is obvious where these cuts would have to come from. A cut of this depth would mean eliminating approximately 60 vacancies, plus laying off approximately 50 personnel. A 10 percent cut would result in a 16 percent reduction in my staffing levels. Layoffs would be unavoidable since I have no projects or non-personnel expenses that can be eliminated. My entire office would have to be reshuffled. I would have to close divisions and refuse to represent thousands of criminal, traffic, juvenile or child protection clients. Private counsel would have to be appointed, or else those clients would be unrepresented. If cases are delayed or clients have to wait months or longer to receive representation, there is no question that lawsuits would be filed against the County. Costs would skyrocket.

This is not a doomsday scenario. It is merely the natural result of failing to fund what is constitutionally required.

Slide 7 shows my staffing and budget level since FY2015. With a potential 10 percent cut, my staffing levels drop significantly. A longer view can be seen in Slide 8, showing my staffing for the past 20 years, as well as a chart showing case appointments from January to August of this year. I want to point out that extrapolating these numbers for the entire calendar year of 2017, the Office can expect to be appointed to approximately 41,000 felonies, 240 homicides, and 97,000 misdemeanors. At the same time, the Office can expect to dispose of approximately 21,000 felonies, 200 homicides, and 74,000 misdemeanors. The number of pending cases will increase, because dispositions are not keeping pace with new appointments. Just looking at my current depleted staffing levels, we see fewer cases being disposed and cases taking longer to be resolved. Adding another 50 layoffs, dispositions will be fewer and caseloads will grow even higher.

My office already is falling behind in the goal to avoid a backlog by disposing of as many cases as we are appointed to, and this is in light of the trend toward fewer arrests in the past few years. Why? Because where there is a courtroom, I have to staff it. Wherever there is injustice, whether in court or at the police station, I have to oppose it. And while arrests may be trending down, the work involved in defending each case is increasing, due to the prevalence of body cameras, dashboard cameras, video recorded interrogations, complex forensic issues, and minimum sentences for many offenses.

I want to remind the Board that charges are filed by the State only after the investigation has been completed by law enforcement. I come into the picture only after the arrest and charges are filed; that is where our investigation starts. Checks and balances require us to do our own independent investigation for every case we handle.

My office is also the best bargain when it comes to the cost of defending criminal cases. As you see on Slide 9, currently, on average, we dispose of a felony case for under \$1200. On average, we also dispose of a misdemeanor case for about \$160. The obsolete and often ignored rate for paying

private criminal counsel is \$40 an hour for their in-court services. Even at that rate, the services of the public defender are far below what a private attorney would charge the County. I don't have to tell this Board how much private attorneys charge, since I know that you approve payments for private counsel every month. Proper funding for my office saves this County money. I don't bring in revenue, but in the realm of public safety, I save you money.

Lastly, I want to highlight our program outcomes and strategic initiatives, reflected in Slides 10 and 11. I already mentioned our access to those who are still at the police station; our presence there will cut down on false confession cases and allegations of police misconduct. This past year, we worked with the Chief Judge on bond court reform, and in fact I recently submitted a request to the Illinois Supreme Court for statewide bond court reform. We've collaborated with Health and Hospitals to provide mental health screening in bond court and linkage back to community. We've worked with the Sheriff and the State's Attorney to reduce the jail population. We've sponsored legislation for the proper treatment of juveniles, expungement and sealing, and working to make probation available for more non-violent offenders. I worked with all the stakeholders in creating a restorative justice court. And, in an effort to improve community outreach, my office launched a web page for the public to access.

As for initiatives, I continue to work on legislative reform, especially in the realm of sentencing. My new case management system should launch in the coming fiscal year. We also are pushing forward on more police accountability. And next year, we will receive the first payment from the MacArthur Foundation, which was achieved after years of collaboration with the other criminal court stakeholders.

Let me end with a story about the value we provide. In May of this year, one of my supervisors was called by an assistant state's attorney and told that juveniles were being held in Chicago Heights on suspicion of murder. She started a text tree and one of my assistant public defenders volunteered to go to the police station to advise them. He got there after 11 p.m., where he met a 14-year-old girl who was scared to death. By protecting her rights and preventing her from being overwhelmed by the police, the police realized there was no evidence against her. My attorney walked her out of the building uncharged. That same lawyer learned that another juvenile was being held at the same station; he invoked that young boy's rights, and two days later, after the police accepted there was no evidence against him, that boy was released. We protected two children from a wrongful and costly prosecution.

Liberty and due process are among our most precious rights. The public defender protects those rights. My office must be properly funded. Thank you for allowing me to speak, and I am ready to answer any questions that you may have.