

Cook County Public Defender's Office Proposed Plan for Budget Reductions totaling 10% of the President's FY18 Executive Budget Recommendation

HISTORY OF BUDGET CUTS TO THE PUBLIC DEFENDER'S OFFICE

- The Office has suffered budget cuts repeatedly over the years and we have no ability to weather additional reductions.
- In May 2017, we suffered a 1% holdback due to a revenue shortfall, which prevented us from filling vacancies. In July 2017, there was an additional 5% holdback, thus our inability to fill vacancies persisted.
- A 10% cut for FY18 would result in a 16% reduction in staffing levels since FY 17; and an 18% reduction since Amy Campanelli assumed office in FY15.

HOW WE GOT TO THE PRESIDENT'S RECOMMENDATION FOR FY18

- We submitted a FY18 budget request in the amount of \$81,240,434, however in working with the President and the Budget Department, our budget request was reduced by approximately \$5 million, leaving our request for FY 18 to just over \$76 million (\$76, 069, 750).

SNAPSHOT OF CURRENT WORKLOAD OBLIGATIONS

- The Sixth Amendment provides that "in all criminal prosecutions, the accused shall enjoy the right to.... have the assistance of counsel for his defense." This is also supported by case law and Illinois statutes.
- The Office is required to staff all criminal, traffic, juvenile and child protection courtrooms and court calls in Cook County — totaling 154 separate courtrooms and court calls that the Public Defender must cover.
- In addition to covering courtrooms and court calls, we have specially trained homicide attorneys, we serve as counsel for additional co-defendants (which saves the County money), judges appoint us to represent the second parent in child protection cases (which saves the County money), we represent clients on post-conviction petitions, we have attorneys who cover the evolving forensic science needs of the Office, and most recently, we were appointed by Chief Judge Evans to provide legal counsel at police stations.

DIRECT IMPACT THE PROPOSED CUTS WILL HAVE ON THE OFFICE

- A 10% cut would render representation of all of the Office's clients impossible. In order to meet the reduction, all of our 62 vacancies would be eliminated and approximately 50 staff would be laid off. Given the sheer make-up of our Office, the majority of the layoffs would be front line attorneys.
- Courtrooms would go unstaffed and caseloads would be astronomical. The only way that the County would avoid lawsuits from clients due to ineffective assistance of counsel would be to refuse appointments on new cases and close divisions of the Office.
- The result would be significantly higher costs for the County because the Sixth Amendment right to counsel is not optional. Costs would increase due to lengthier stays in jail, private counsel would be appointed at a cost that is significantly higher than the average cost of paying Assistant Public Defenders, and we would be exposing the County and our Office to the possibility of a class action lawsuit being filed, which could potentially cost millions of dollars in liability and fees.

CONCLUSION

- We simply cannot accommodate any further budget cuts beyond what we have already incurred, without exposing the County and our Office to significant legal exposure.
- The proposed budget cuts may save the County money in the short term, but these immediate savings will come at the cost of greater expense in the future.
- Most importantly, the indigent accused who rely on the Public Defender services to preserve their liberty will suffer. They deserve a properly funded Public Defender's Office.