



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

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PROPOSED RESOLUTION

CALLING FOR A HEARING OF THE CRIMINAL JUSTICE COMMITTEE TO EXAMINE LENGTH OF STAY OF DETAINEES FOR THE COOK COUNTY DEPARTMENT OF CORRECTIONS AND ITS EFFECT ON JAIL POPULATION

WHEREAS, the Cook County Department of Corrections (CCDOC) has seen a drastic decrease in the number of detainees over the last 7 years to almost half of the prior over 10,000 average daily population; however as of November 2020 there are still over 8,600 detainees in custody including over 5,300 detainees housed inside the jail and over 3,200 in Community Corrections, which includes those on Electronic Monitoring (EM); and

WHEREAS, over 75% of detainees housed inside the jail are Black and over 15% are Latino, and over 72% of detainees in Community Corrections are Black and over 18% are Latino; and

WHEREAS, contributing greatly to these reductions have been pre-trial criminal justice reforms led by community leaders and the leadership of this administration and from the different stakeholders of the criminal justice system whether it be the Chief Judge, the Sheriff, the State's Attorney, the Public Defender, the Clerk of the Court etc.; however, laudable as these accomplishments are, there is more work that can and must be done to reduce the jail population especially for those detainees who have been incarcerated for extended periods of time; and

WHEREAS, the majority of detainees are presumed innocent and awaiting trial or are in custody while their case works its way through the court system; and

WHEREAS, currently 20% of detainees have a length of stay from 181 days to 1 year and 20% from 1 to 2 years, or 40% of the detainees in the CCDOC have been in custody for up to 2 years; additionally there are 232 detainees in custody for 3 to 4 years, and another 285 detainees in custody for 5 years or more all the way up to 10 years; and

WHEREAS, the Sixth Amendment right to a speedy trial enshrined in the Constitution and that the Supreme Court held as one of those fundamental liberties that the Due Process Clause of the Fourteenth Amendment makes applicable to the states, and stems from the legal maxim that justice delayed is justice denied both for the defendant and the injured party; and

WHEREAS, data from all parts of the criminal justice system, from law enforcement, jail administrators, judges, court administrators, to prosecutors and defenders, are vital to understanding the full scope of the factors contributing to jail populations and should be routinely analyzed for ways to more efficiently process their cases and thereby reduce the length of stay of detainees; and

WHEREAS, some of the factors that can affect length of stay of detainees include but are not limited to the following: multiple cases, drawn out cases for the benefit of the detainee, change of judges, cases "stuck" in the system, loss or change of private attorney, public defender or state's attorney, and mental health of the detainee; and

WHEREAS, in Cook County, it is estimated that up to 1/3 of inmates being held in the county jail have a mental illness on a given day, making the jail Illinois' and one of the nation's largest mental health facilities; and

WHEREAS, it costs on average \$143 per day to house an inmate at the Cook County jail that number jumps to upwards

of \$200 and sometimes far more for an inmate with a mental illness, due to the costs of medication and the extra supervision and care that are required to support them; and

WHEREAS, their cases tend to clog the courts with largely minor offenses that in turn lengthens the jail time for everyone, costing county taxpayers millions of dollars more every year, which doesn't include the associated court costs that put a strain on the entire criminal justice system in Cook County; and

WHEREAS, public safety accounts for \$1.3 billion of the County's \$6.18 billion FY2020 budget or over 20%, and the CCDOC FY2020 appropriation is \$337.8 million and Cermak Health Services, which provides mental health care for detainees has an appropriation of \$80.7 million; and

WHEREAS, not only is length of stay a matter of administering justice in an efficient and equitable fashion, it has a significant budgetary impact at the CCDOC and across the criminal justice system; and

WHEREAS, in light of the County's budget challenges exacerbated greatly by the current health care crisis, it is in the best interest of this government and the taxpayers of the County of Cook that all remedies and efficiencies that can be implemented should be studied and considered, including further reducing the jail population by more efficiently administering justice thereby reducing length of stay in custody, which will alleviate some of the budgetary pressures on County Government; and

WHEREAS, it is essential that this government understands the nature, scope and costs associated with the jail population especially for those detainees with extended lengths of stay in order to make informed decisions to better respond to, and make efficient use of our limited resources; and

WHEREAS, a public hearing of the Criminal Justice Committee is the ideal platform to bring together stakeholders from the County Criminal Justice system to address these matters;

NOW THEREFORE BE IT RESOLVED, that the Cook County Board of Commissioners does hereby request a public hearing be held to bring together key criminal justice stakeholders in order to fully understand the factors leading to increased length of stay for detainees at the Cook County Department of Corrections and its associated costs; and

BE IT FURTHER RESOLVED, that the Chief Judge, the Sheriff, the State's Attorney, the Clerk of the Court, the Public Defender, the Director of Cermak Health Services and any other pertinent representatives appear before the Criminal Justice Committee and be prepared to give an overview to the Committee and answer questions related to the length of stay of detainees at the CCDOC; and

BE IT FURTHER RESOLVED, that each stakeholder office conduct an analysis of detainee's cases who have been held at the CCDOC for five years or longer and be prepared to provide data on the factors that have contributed to their prolonged length of stay; and

BE IT FURTHER RESOLVED, that each stakeholder office be prepared to provide short and long-term solutions to address this matter in order to more equitably and efficiently administer justice in Cook County thereby reducing length of stay of detainees in the CCDOC.