



October 18, 2017

Dear President Preckwinkle and Cook County Board of Commissioners:

We write on behalf of the Chicago Appleseed Fund for Justice and the Chicago Council of Lawyers. Our organizations work in a collaborative partnership to promote evidence-based, pragmatic solutions to make justice more efficient and effective, and ensure equal access to the justice system for vulnerable populations.

We strongly urge the County Board to refrain from cutting the budgets of the Cook County Public Defender's and State's Attorney's offices. Such cuts could threaten the fundamental rights of indigent defendants in Cook County to an adequate defense and undermine much-needed efforts at reform in the State's Attorney's Office.

**Cuts to the Public Defender's budget imperil the constitutional rights of Cook County residents accused of crimes.**

Allocation of resources for the Public Defender is one of the few line items in the county budget that is constitutionally required. The Sixth Amendment to the U.S. Constitution guarantees an adequate criminal defense for the indigent, and Cook County is obligated to provide such a defense by adequately funding our Public Defender's Office. Furthermore, such front-end cuts to spending on robust and effective criminal defense only lead to further costs imposed as a result of increased incarceration, prosecution, and other downstream criminal justice system costs.

Lessons from other jurisdictions are instructive. In places like New Orleans, Louisiana and Kansas City, Missouri, underfunded public defender's offices have contributed to clogged court dockets and bloated jail populations. These overburdened and insufficiently funded offices have found themselves facing lawsuits asserting violations of their constituents' Sixth Amendment right to counsel. Cook County is of course not yet at that point, but the County Board must ensure that it never does by providing adequate funding to the Public Defender's Office.

**Cuts to the Public Defender's budget will cause greater economic and social costs than the amount saved through the cuts.**

A decreased budget has the obvious consequence of increasing the caseloads carried by Assistant Public Defenders, which in turn slows the disposition of criminal cases and leads to increased costs borne by the County.

First and foremost, increased caseloads will lengthen stays in the jail. While estimates vary between \$89.00 and \$143.00 for the daily cost of housing someone in the Cook County Jail,

there is no doubt that the cost is substantial. Even defendants who are released pretrial result in additional costs to the County and the defendants themselves through pretrial monitoring programs and longer case processing times.

Diversion of resources from the Public Defender's office may also interfere with promising initiatives by that office to more rapidly dispose of criminal matters and protect the rights of defendants. For example, the recently launched Stationhouse Representation Program has resulted in the early dismissal of cases that would likely have been dismissed later on—but only after taking up resources via the Sheriff's, States Attorney's, and court's budgets. This sort of early intervention helps avoid unnecessary criminal justice costs and also protects County residents from disruptions that make them less able to contribute to our shared economy and social good.

Adequate investment in criminal defense for the indigent is a constitutional obligation, and not one that the County Board should take lightly. It is also a smart investment. We strongly urge the County Board refrain from implementing cuts to the budget of the Cook County Public Defender.

**Cuts to the budget of the State's Attorney's Office will undermine vital reform efforts currently underway.**

One of the greatest impediments to an equitable and just court system is the lack of clear information and data about the current workings and impacts of that system. As a result, criminal justice reform advocates have long struggled to understand the scope of challenges facing the court system. In the past, efforts to collect data and understand the system through rigorous analysis have been met with antipathy or resistance by the Cook County State's Attorney's Office.

Since taking office in December 2016, State's Attorney Foxx and her administration have been working with Chicago Appleseed and other justice reform organizations to increase public understanding of the criminal justice system and effective functioning of the State's Attorney's Office. This openness to collaboration represents important progress towards a system that is more just, transparent, and accountable.

We are also acutely aware that the kind of data analysis needed to improve transparency is not the ordinary work of lawyers, and in fact requires the development of new capacities within the State's Attorney's Office. The State's Attorney's Office has shown that while their commitment to transparency is sincere, their ability to produce and analyze data is limited by their already constrained staffing.

In addition, staffing shortages in crucial areas of reform within the State's Attorney's Office such as the Conviction Integrity Unit and the Alternative Sentencing and Prosecution Unit suffer when staffing vacancies are left unfilled or positions cut. We encourage the Board to do everything within its power to avoid further cuts to the budget of the State's Attorney's Office.

**The currently proposed cuts must be avoided if we are to continue improving our justice system in Cook County.**

Through our collaborations with both the Public Defender's and State's Attorney's offices, we have observed first-hand the negative impact of already implemented budget cuts. Any additional reduction in funding for either office will only undermine the efforts of both offices to make Cook County's justice system more equitable. We sincerely hope that the Board of Commissioners will consider the detrimental effect that significant budget cuts would have on the truly necessary initiatives and reforms that are currently underway in Cook County.

Sincerely,

Malcolm Rich  
Executive Director of Chicago Appleseed Fund for Justice  
Executive Director of Chicago Council of Lawyers

Steve Art  
President, Chicago Appleseed Fund for Justice

Matt Daniels  
President, Chicago Council of Lawyers

CC: Cook County State's Attorney Kimberly M. Foxx  
Cook County Public Defender Amy Campanelli