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COOK COUNTY IN THE CROSSHAIRS: PUBLIC HEALTH, PUBLIC SAFETY, AND THE BUDGET CRISIS OF 2007

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**COOK COUNTY IN THE CROSSHAIRS:
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A Report Submitted to the Cook County Board of Commissioners
by Staff of the John Howard Association of Illinois¹
January 30, 2007

Cook County in Crisis

Cook County is facing a serious budget crisis, certainly not the first but perhaps the most serious in recent history. This year, we are told that the size of the budget deficit requires drastic across-the-board cuts to many agencies and significant cuts to all county agencies. The proposed cuts will result in enormous reductions in basic services to the citizens of Cook County. These reductions will effect poor and underserved populations the most.

The purpose of this report is to show how proposed cuts in the area of corrections and criminal justice will adversely affect not only the children, women and men who are incarcerated, but the public health and safety of every citizen of the City of Chicago and all other portions of Cook County. The proposed cuts will soon cost more than alternative courses of action that are available to the County. All told, the risks and costs of acting rashly, without considering most of the foreseeable consequences of these reductions, will almost certainly be catastrophic. Moreover, by the time the mistakes are apparent to all, it will be too late to make a correction except at even greater cost.

Crisis requires decision and action, but a crisis does not excuse blunders. At the John Howard Association of Illinois, we believe that rational decision-making, some of which can be done in the month remaining before a budget must be passed, will help the County save more money than the proposed cuts will and, most important, better protect public safety and save the lives and health of thousands of Cook County citizens. A little more thought and a little less haste will avoid blunders that will plague Cook County for years to come.

I The Impact of Proposed Cuts in Health Services at the Jail and the Juvenile Detention Center

As are many others who have appeared before this Board, the staff of the John Howard Association of Illinois is deeply concerned that proposed cuts in health services at the County's hospitals --- particularly Stroger and Provident --- and other health service facilities and programs will have dire effects on the health of lower income citizens whose needs are greater than their middle-class and more affluent neighbors.

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Community representatives and the many dedicated physicians, nurses, and other health providers have already begun to describe the inevitable results of these cuts.

In this report, our focus is on the impact of reductions in health services at adult and juvenile corrections facilities. But our concern is for the entire community.

On Thursday morning of last week (25 January 2007) we learned of lay-offs and cuts in health service made the previous day at the Cook County jail that threaten not only the lives and well being of the individuals who are incarcerated but of the entire community. We fear that we may soon hear of similar kinds of cuts to the planned expansion of mental health and medical services which are intended to correct child-endangering deficiencies at the Cook County Juvenile Temporary Detention Center. We are opposed to these lay-offs, threats to needed services for children, and the dangerously precipitous manner in which the have been brought about.

Health Services at the Jail

Health care for jail inmates, already reduced repeatedly in previous years, has already experienced significant and irrational cuts and faces still more reductions. Screening programs for sexually transmitted diseases (STD's) which have demonstrated their effectiveness repeatedly over the years in positively impacting public health throughout Cook County², have been cut back in previous years and were recently eliminated by President Stroger and the Chief of the Bureau of Health Services, Robert Simon, M.D. Pap screening for female inmates has also been eliminated. Even more alarming are proposed cuts affecting the screening program for TB, which is particularly prevalent among jail inmates.³ ENT services have been minimal or non-existent for nine months, and dental services for jail inmates have been reduced to treatment of dire emergencies. Annual physicals, including TB testing, for the hundreds of inmates incarcerated for one year or more have been discontinued.

It appears to us that President Stroger and Chief Simon are also responsible for the summary dismissal of *more than half of the medical staff* at Cermak Health Services, including the Medical Director, Associate Medical Director, Director of Infection Control, and other experienced providers of critical correctional health services. The elimination of these positions last Wednesday afternoon, 24 January 2007, with no notice whatsoever and no interim arrangements put into place brings to mind the infamous "Saturday Night Massacre" perpetrated by the ill-fated Nixon administration in 1974.

² The success of the combined efforts of county health officials and the City of Chicago's Department of Health/Public Health were well documented for the period 1989 – 2003, when these efforts led to remarkable success in reducing rates of gonorrhea, Chlamydia, and other STD's in the City of Chicago and many other portions of Cook County. Budget cuts beginning in 2004 led to the end of universal voluntary testing of newly admitted jail inmates.

³ Within recent weeks, one case of multiple-drug resistant tuberculosis (MDR-TB) was diagnosed at the jail and the inmate was successfully isolated and treated. Whether such deadly contagion can be avoided consistently in the future is very much in doubt, given the nature and severity of the proposed budget cuts.

Cuts in a number of on-site health services and programs at Cermak will *not* result in the cost savings predicted by the current administration.⁴ The health conditions of inmates will continue to require treatment, which will have to be arranged at Stroger or Provident Hospitals, entailing delays, complications, and significantly higher costs to transport and guard these inmates, as was commonly if ineffectively done for many years.⁵ Jails, particularly those that are crowded, are ideal environments for transmission of communicable diseases, whose incidence is much higher among inmate populations, most of whom have more health problems and poor track records of accessing treatment, than among the general population.

The budget reductions already imposed and additional proposed cuts have already begun to undo 25 years of hard work by scores of dedicated professionals and threaten to plunge the Cook County Jail back toward the abysmal conditions of the mid-1970's, when Duran and Harrington were filed and a Special Grand Jury justifiably condemned almost every aspect of jail operations, which included escapes, suicides, and untold suffering for thousands of inmates in an overcrowded and understaffed jail. The program and staff cuts in health services already implemented and being planned may well lead to suspension or loss of Cermak's accreditation by the National Commission on Correctional Health Care when it learns of these and other changes that violate professional standards.

Cuts in mental health services threaten to jeopardize a successful suicide prevention program. Even more ominous are the potential effects of releasing inmates back to communities throughout Cook County with physical and/or mental problems that are not fully controlled --- or even properly diagnosed.

The physical and mental health of jail inmates *is* a matter of public health.⁶ Roughly three of every four inmates released from Cook County Jail every year --- which translates to approximately 75,000 people annually --- return home to Chicago neighborhoods, villages and towns throughout suburban Cook County. They come into contact with family members, friends and colleagues who may never have seen the County Jail, but who are susceptible to the diseases spread there. The National Commission on Correctional Health Care provides ample documentation for the proposition that the health of jail and prison inmates invariably relates to the health of the larger community.⁷

⁴ This apparent concern for savings did not preclude the assignment of an *Assistant* Chief Operating Officer, who is not a licensed medical professional, to Cermak within recent months. Apparently, Doctor Simon feels the jail can operate with only a handful of physicians but needs two highly paid administrators.

⁵ In 2006, Cermak provided 19,000 specialty care visits onsite, with only 3,000 sent to Stroger. This can be expected to change dramatically, flooding Stroger and other facilities themselves facing massive cuts.

⁶ The Director of the National Center for HIV, STD, and TB Prevention for the U.S. Centers for Disease Control, Kevin A. Fenton, M.D., Ph.D. confirmed that Cermak “. . . acts as a *public health safety net for the county*. Medical services at the Cook County Jail reach *some of the most neglected and underserved populations in Cook County*.” [emphasis added] October 2006 letter. Of course, this description was written about Cermak as it was before recent devastating budget cuts.

⁷ National Commission on Correctional Health Care, *The Health Status of Soon-to-Be-Released Inmates: A Report to Congress*, March 2002.

The service cuts affecting medical and mental health care at the jail put the inmate population (100,000 annual admissions), jail staff (more than 3,000), and the citizenry of Cook County at enormously increased risk of exposure to communicable diseases or pandemic. These cuts seriously undermine Cook County's ability to defend its citizens against catastrophe.

Juvenile Detention Center Health Services

Also serious are the effects of budget cuts (or attempts to "hold the line" against mandated budget increases) at the Cook County Juvenile Temporary Detention Center. The Detention Center has deservedly been the focus of much media attention, critical reviews by the John Howard Association, the JDAI self evaluation team, and most recently the Chicago Bar Association. The shortcomings of safety and services for children at the Detention Center according to Constitutional standards is, of course, the subject of a federal law suit, Doe v. Cook County, et. al.

Among the children at the Cook County Juvenile Temporary Detention Center are many who have serious mental health problems, including being clinically depressed and bi-polar. The present state of mental health services at the Detention Center can only be described as dangerously inadequate. Mental health services are understaffed, there is insufficient access to needed specialists, and there are poor communications and little agreement between mental health and security or "counselor" staff. The John Howard Association staff and visitors have heard first-hand of recent incidents and deficiencies in mental health services. These have been reported to court-appointed officials who will forward the reports to a federal judge who has already expressed displeasure at Cook County's failure to address glaring problems at the facility, but the immediate concern must be for the children at risk.

John Howard Association observers have been positively impressed by some of the new mental health staff, but we still have reservations about the numbers of staff and their assignments. For example, while a nurse is supposed to be available at intake, there are no psychologists or mental health experts to observe or interview youth at intake. And, there is less than 24 hour coverage by mental health staff at the Detention Center, opening the door to a critical lack of mental health services to react to an off-hour crisis. The situation is at best precarious; there has to be more improvement or there will be continued, and dangerous, failure.

On January 15, 2007, a Plan prepared by experts and Court-appointed monitors requiring scores of changes went into effect. The Plan requires increases in mental health and medical staffing from existing service providers, notably Cermak Hospital and the Isaac Ray Center.⁸ The mental health portion of the Plan, prepared by a distinguished

⁸ Court monitors in Doe v. Cook County recommended expanding an existing contract with the Isaac Ray Center in order to more rapidly commence needed services than would be possible if the County went through the lengthy process of issuing a Request for Proposals (RFP's) and bidding. In selecting Isaac Ray

children's mental health expert whose appointment was agreed to by Cook County, will when implemented require a considerable increase in the level of services for mentally ill children at the Detention Center. Cook County is under a six-month timetable to achieve substantial compliance with the Plan or face a probable request for court intervention by the American Civil Liberties Union and its colleagues.

The John Howard Association is anxiously watching to see how quickly and positively the County responds to the terms of the Plan in the area of mental health services. We are anxious because a request to contract for adequate mental health services for the Detention Center was originally scheduled for presentation to the County Board on January 9, 2007. For some reason the request to enter into a contract was not then presented to the Board. In the current environment, we have to be concerned about the delay and about the County's commitment to implementing mental health provisions as specified in the Plan. In the view of the John Howard Association of Illinois staff, veering from the Court-ordered Plan will be dangerous to children at the Detention Center.

II The Impact of Proposed Cuts to the State's Attorney's office, the Public Defender's office, and other Agencies

The proposed cuts reach into the State's Attorney's and the Public Defender's offices, whose ranks have already been depleted in previous years. Both offices have detailed the impact of proposed cuts and make the point that fewer staff will inevitably lead to delays in the court system, and delays mean that inmates stay in jail longer

In presentations to the County Board, the State's Attorney and the Public Defender have detailed what the loss of diversion from jail and delays in court case processing time will cost Cook County. Their analysis constitutes a fairly standard approach of conservatively estimating the number of days of additional jail time that might result from staff reductions and multiplying that by the number of cases and the "per diem" cost of the jail for each inmate. This is an accepted way to measure financial cost. But it is deceptively inaccurate and, in the situation in which Cook County finds itself, *inaccurate on the side of understating* the financial impact of the Board's proposed cuts.

For a jail (or juvenile detention center) to experience significant reductions or increases in costs due to a change in population, sufficient bed space has to be freed up to allow staffing to be decreased or a unit closed, or added to require a unit to open. Apart from costs of items such as meals, soap, and maybe a small amount of over time, adding or taking out a few score inmates might have only a modest immediate cost impact on a jail with 9,500 inmates. There is little cost savings in reducing the number of juveniles on the average living unit from 19 to 17 and only marginal cost increases when the unit

the Monitors sought the assistance of a mental health organization that has a proven track record of forensic mental health services and an established relationship with Cermak Health Services, now the parent agency for the Cook County Juvenile Temporary Detention Center's health services.

population changes from 17 to 19. Thus it may seem that the impact of changes in the availability of a diversion program or in case processing time are marginal, or within the ability of a large system to absorb.

This is not the case in a jail or a juvenile detention center that is on the edge of capacity, as is the case for both in Cook County. The addition of even a few hundred inmates, or a few dozen more children, poses huge problems and greatly increases costs and liability for the County. We have already alluded to the increased health hazards when jail inmates are forced to sleep on the floor or double up in cells. Other costs flow from necessary overtime and increased staffing. For these and other reasons we hope to elaborate, the estimated dollar cost of assumed delays in case processing sorely understates the problem and the cost to the county caused by some of the proposed cuts in both the public defender and the state's attorney's offices.

In addition, the impact of proposed budget cuts on the jail and the detention center cannot be understood by looking at only one agency at a time. It is important to look at the full array of programs and court processes that decrease or help control jail or detention center populations. Among these are:

- The State's Attorney's "drug school" is a valuable diversion from jail which has a proven track record of reducing recidivism and human tragedy.
- The relatively new but reportedly successful drug courts, which have already received national recognition, provide treatment options to incarceration and help reduce recidivism. Drug Courts help inmates gain release, treatment and a job in the course of a year; they are reported to reduce re-arrests.⁹
- Meaningful felony review by seasoned prosecutors assigned to police stations, screens out weak cases after arrest and expedites case processing for those that are more serious and provable.
- The Sheriff operates an entire Department of Women's Justice Services, which provides supervision, counseling and assistance to hundreds of former inmates—over 2100 in 2006. These services help keep families together while the mother undergoes treatment and attends school. The entire program recognizes the high rate of victimization among women in trouble, and attempts to address the consequences of rape, disempowerment, and abuse among them. The Sheriff's Department and related programs are national models of service and a less expensive alternative to jail. They are also slated for elimination.
- The Sheriff operates a home detention program and a Men's Day Reporting Program which serve as "pressure relief valves" when the jail approaches overcrowding. As many as 30,000 men have participated in the Men's Day

⁹ Charles Edelstein, et al., Review of the Cook County Felony Case Process and Its Impact on the Jail Population, (Criminal Courts Technical Assistance Project, American University) (Washington, D. C. September 26, 2005) (also called "the Trotter Report") at p. 11-12. This report also describes the impact of mental health courts, p. 13, and pre-trial screening, which does not, however, include screening in drug cases, at p. 22-23.

Reporting program since its inception in 1993. Both of these programs are slated for elimination.

- The Sheriff operates an electronic monitoring program, also serving as a “pressure valve,” through which up to approximately 1200 inmates can be released to their home and job, and monitored electronically as a means of assuring their location daily. Last year, the Sheriff decreased electronic monitoring, and the population at the jail started to increase to the point at which the Federal Court in Duran expressed his displeasure.
- The Sheriff operates a “boot camp,” a sentencing option for young male offenders facing jail or prison time. The boot camp offers counseling, schooling, GED testing, and employment while an inmate is still serving time, and assistance with jobs and supporting services once released. The Boot Camp has about 240 beds in a structured but far less secure environment than at the jail.
- On the juvenile side, the County has funded an array of day reporting, counseling, and treatment programs. Some of these are independent and some are operated through juvenile probation. These programs are all an outgrowth of a remarkable experiment that occurred when the Annie E. Casey Foundation joined with County agencies and government to reduce the population at the Detention Center from over 800 to less than 500, and now nearly 400 children.

Cutting or reducing the effectiveness of attorneys and programs across the board which today cumulatively prevent increases in the jail population will inevitably lead to increases in the jail population approaching historical highs.

Our prediction is supported by recent experience. Toward the end of 2006, the Sheriff’s office reduced the use of its Electronic Monitoring program. As court monitor, we noticed an increase in the jail population, and insisted that the program be reinstated. It was, and the jail population came under control for the time. Our concern is that a disruption to the several programs would magnify the impact we observed from reduction in the use of one program.

It bears repeating, that crowding will exacerbate the risks caused by the loss of medical and mental health staff. With more inmates in jail, intervention in the spread of STD’s by testing and treating jail inmates would have had a greater positive impact on public health due to the increased jail admissions. The higher jail population will mean that the truncated medical staff’s inability to forestall the spread of TB and other communicable diseases in the jail will have greater consequences to the larger community. In the event of a flu virus or other pandemic, of course, one could expect the worst for both jail staff and jail inmates.

At the juvenile detention center, the impact of budget cuts and reductions in programs is hardly a matter of speculation. In the late 1990’s the Cook County Juvenile Temporary Detention Center achieved a remarkable reduction in its population through its participation in the Annie E. Casey-sponsored Juvenile Detention Alternatives Initiative

(JDAI), from a record level of 840 youth (in a 498 bed facility) to a current level of approximately 425 youth. The reduction was accomplished through the introduction of alternatives programs and discipline in the administration of admission criteria, something that remains in the control of the Cook County Juvenile Probation Department. Various alternatives programs are operated under contract with the County and through juvenile probation. We are not fully informed of the status of many of these programs under the current budget proposals. But history compels the conclusion that if these programs are cut or reduced, the population at the Detention Center may begin to increase almost immediately. These programs are cost effective and, in our opinion, should be *increased* significantly to permit further reductions in the numbers of youth in custody.

Like the jail, the Cook County Juvenile Temporary Detention Center is precariously poised on the edge of being overcrowded. Even a slight increase in the numbers of children assigned to the Detention Center will soon carry it over the top.

The Loss of Infrastructure

As we have described, the different agencies and programs have a diffused, attenuated impact on inmate populations at the jail and the Cook County Juvenile Temporary Detention Center. This has implications for the decision to impose budget cuts.

If the proposed cuts are implemented and the alternative programs including drug courts, State's Attorney's drug school, electronic monitoring, women's programs, and the Sheriff's boot camp are eliminated, and as we predict the jail population increases as a result, the County will be hard pressed to know where to turn for relief since no single program, or even two or three, have demonstrated the capability to curtail the jail population by themselves. No single program could be called out of "retirement" with the expectation that it could alone significantly reduce burdening jail populations. And, since sharply reducing or terminating programs disbands the staff and dismantles the infrastructure necessary to operate those programs, it will be no simple matter to reinstate any of the programs now being cut. Rebuilding lost infrastructure will take time and more money than is now being saved, especially for complex programs such as the women's programs or the Sheriff's boot camp.

Because the County government has already cut positions from the medical unit at Cook County jail, we may see the consequences of unwise budget cuts in medical and mental health services sooner than we had expected. In the event a federal court order requires the County to reintroduce the medical and mental health programs, or the outbreak of disease or a tragic increase in suicides compels a competent, fully staffed medical and mental health program at the jail, the County Board will find itself challenged by the formidable task of pulling together staff with the training, experience and motivation to follow those who were precipitously removed last Wednesday afternoon, January 25th, 2007. Rebuilding the infrastructure taken down by the stroke of an administrator's pen on

a lay-off notice will be neither easy nor cheap. It will be much the same for other valuable programs that are proposed to be eliminated or cut.

III Impact on Corrections from Proposed Cuts to the Sheriff's Budget

At the Cook County Jail, the numbers of Correctional Officers remains woefully inadequate. These shortages were described for years by the John Howard Association of Illinois as court-appointed monitor in Duran v. Sheehan, et. al., the long-standing federal law suit against the jail. They were documented by an independent staffing study purchased by the County Board, the findings of which were submitted to the federal court without dispute. The shortfall in Corrections Officers is to be remedied by the Sheriff's hiring of 250 additional Corrections Officers annually starting in 2006, which was done, and for two more years (2007 and 2008) thereafter. County Board President Todd Stroger has appropriately recommended hiring the third of four installments of this year's new Corrections Officers at an estimated first year cost of more than 9.4 million dollars, an amount that will increase substantially every year thereafter.

Consequently, the size of the Sheriff's staff should not be an issue for the John Howard Association. We have no expertise and little opinion in how court security or policing or other functions for which the Sheriff is responsible should be staffed.

However, we are concerned, without being fully informed, about other budget cuts which have been proposed to or considered by the Sheriff.

One alleged proposal is to reduce or even eliminate the Sheriff's deputies which run north and south side branch courts. There are six of these courts, and they hear a large volume of misdemeanor cases and preliminary hearings in certain types of felony cases when the arrest occurs in certain areas of the County. Closing or curtailing these courts would have an inverse impact on the jail population.

Each of the branch courts has a lockup attached to it. Generally about 15-30 people who were arrested in the night are brought into these lockups. Their cases are heard the next morning, and then they are released on bond or after the case is dismissed. If the case is not dismissed and the arrested person does not make bond, he or she is sent to the Cook County jail for admission.

If the branch courts are closed or their operation curtailed, people who are now held in the lockup for a hearing will have to be taken to the County Jail and placed in the already overcrowded lock up there. If the average number of arrested persons in the six branch courts is 20, closing or curtailing the lockups would result in another 120 more inmates being sent directly to the jail lockup each day. Their cases would be heard the next day, actually about 1:30 pm., at the bond court at the criminal courthouse at 26th and

California Streets. Both the jail lock up and, as we shall note below, bond court are at capacity at present.

We are also concerned about statements about the Sheriff's police force which operates in towns and unincorporated areas of the County. The John Howard Association of Illinois does not have an expertise or experience in the way in which a police department is staffed or in jurisdictional assignments which have become an issue in the public debate. However, we are familiar with the fact that the Sheriff operates lockups used by towns and townships. These may now be closed due to staff reductions, further taxing the jail's limited space and staff with another influx of overnight prisoners.

Again, the John Howard Association of Illinois has no expertise, experience or opinion about the adequacy of staffing in the Sheriff's office other than at the jail. But our interest in criminal justice and community safety does prompt an observation: research has shown that the presence, or perceived presence of police and the possibility of apprehension is a far more effective deterrent to criminal activity than is the more remote threat of incarceration or the length of sentence which might be imposed, if convicted. To some extent ---dependent on the mission of the Sherriff's police and factors not known to us--- a reduction in policing may lead to increased criminal activity. Assuming that increased criminal activity results in more arrests then there will be an increase in the use of the jail. From the point of view of managing the jail population as well as public safety, it might be wise to leave the police on the streets as a deterrent, rather than to call them out after the crime has been committed.

IV The Litigation Factor

Virtually all Cook County officials are familiar with several of the major federal class-action cases against the jail and the juvenile detention center, but few may have a full appreciation of how many tens of millions of dollars in capital projects, personnel costs, and legal costs, have been expended because of these cases. Prudence dictates that the County Board consider the costs and consequences of cutting programs and services that have shielded it from greater financial liability than has hitherto been imposed.

History shows that significant financial liability can attach for failure to provide the kinds and levels of services which are now to be eliminated or drastically reduced. In 1990, Judge Milton Shadur imposed fines of \$ 1,000 per day for one year (and threatened to increase the fines and impose them personally on Cook County officials) for their persistent failure to take action to address increased crowding and problematic conditions of confinement at the jail. Former President George W. Dunne was able to avert court-imposed financial penalties by hiring former United States Attorney Thomas Sullivan and his colleagues at Jenner & Block. That firm then advised Cook County officials what they had to do to comply with a Consent Decree they themselves had signed. The costs of hiring counsel on top of the much larger costs of addressing many compliance issues

has never been calculated and is one of many hidden costs that the County will have to absorb if its budget cuts render conditions unconstitutional.

The current situation is very similar to that in 1990, except that now several major class-action suits are underway against the jail and one is underway against the juvenile detention center. With lawsuits pending, the County can not expect the normal delay required between the filing of a new law suit and the entry of court orders under it. Federal courts seem disinclined to recognize budget problems as a defense in jail condition cases, as we are all reminded by the order to hire additional Corrections Officers at the County Jail in the Duran litigation.

The County should consider the advantages of managing its jail and detention center to comply with Constitutional standards. Deficiencies of constitutional dimensions can result in intervention by a federal court which will have implications for the County budget, even if less dramatic than in Doe or Duran. In King v. Walker, a case involving the due process rights of alleged parole violators now before United States District Court Judge Robert W. Gettleman, an agreed order will require the Sheriff's Office to initiate daily transportation of inmates from lockups and the jail to the Illinois Department of Corrections' Northern Reception Center in Joliet. This remedial order puts additional demands upon the Sheriff's staffing and budget.

Litigation over conditions and crowding in the jail and at the Cook County Juvenile Temporary Detention Center has cost the taxpayers of Cook County millions over the years. A number of individual and smaller class-action suits are still active, and their outcome may require changes in practice at the jail and in the courts. At least one well-known legal services organization with a long history of successful litigation against government agencies has indicated a very real interest in filing yet another class-action suit alleging inadequate medical care. Mental health services are the subject of another class action civil rights law suit.

Corrective actions in advance of the filing of law suits can lead to significant savings in legal fees and in judgments against the County. What concerns us is that many of the proposed budget cuts will produce the opposite of a legitimate and timely response to problems at both the jail and the Detention Center, will provoke litigation, and will as a result greatly increase costs and decrease the County's ability to control its own budget.

V Recommendations For Achieving Real Cost Savings.

The John Howard Association of Illinois recognizes the difficult position in which the County Board finds itself. But given the severity of the consequences of proposed cuts in criminal justice, we urge the County Board to consider the following alternatives:

1. As a first step, the John Howard Association of Illinois urges the County Board to abandon the current model of crisis management. Every agency head, director, and corrections administrator that we speak to is spending all of his or her time

simply trying to figure out how to plug the holes, how to keep the ship afloat. No one we have talked to has any time for rational planning, for consideration of how to achieve economies, how to make things work better. In the corner of government we observe, the order of the day is chaos. Chaos is the breeding ground for mistakes, and mistakes are being made. Good people and good institutions are being let go with nothing to replace them.

2. Build, rather than destroy, program infrastructure: The County should hold on to the home detention, drug school, and community placements for juveniles that it now has. It should build on some of these to increase its ability to move away from relying on incarceration in the Cook County jail.
3. If the County were to take the time to come up for air and catch its breath, look around, and use the sense of crisis to bring about real and result-producing change in its criminal justice system, it could achieve great and lasting cost reductions with no adverse impact on public safety. Examples:
 - a. Alter the patterns of arrests and charging for drug possession and some other lesser crimes. Illinois incarcerates lower level drug offenders than any other state save California. This can be altered with changes in policing, arrest, charging, and plea bargaining practices here in Cook County. The potential impact may be found in the 2005 “Trotter Report:” for example by taking the steps to assure that petty offenders are no longer held in jail for an average of 11 days while they scrape together bond, the County could ease the pressure on the jail.¹⁰ It is our opinion, publicly stated and reported to the federal court in Duran, that changes in procedures and policies could result in the diversion of enough people from jail and sufficiently shorter length of stays in jail to close an entire division of the jail with no impact on public safety.
 - b. Establish a meaningful pre-trial services program which promotes and arranges the release of inmates under terms and conditions that will help assure an inmate complies with those terms and conditions.
 - c. Put a meaningful decision-oriented problem solving bond process in place at 26th and California, with Prosecutors and Defense Attorneys participating and responsibly gathering facts upon which a court can base a careful decision. The current bond hearing process, well described in the book Courtroom 302, is inadequate to the task of making rational decisions about the amount of bond to be set for new defendants.
 - d. Shorten long pre-trial delays. Despite commendable efforts to expedite case processing led by Presiding Judge Paul P. Biebel, Jr., scores of

¹⁰ Charles Edelstein, at al., Review of the Cook County Felony Case Process and Its Impact on the Jail Population , (Criminal Courts Technical Assistance Project, American University) (Washington, D. C. September 26, 2005) (also called “the Trotter Report”) at p. 35, 37. Data in the Trotter report also suggests that significant reductions in the jail population could be realized by such steps as allowing conditional pleas of guilty on minor drug charges prior to the return of laboratory tests, which now causes a 21 day delay, at p. 9. The Report strongly recommends improvements to judicial bond setting, at p. 21.

- inmates still remain incarcerated for periods of 3 to 5 years and longer, durations unheard of anywhere else in the United States. What can be the barrier to adjudicating most of these cases fairly and constitutionally in a fraction of these periods? How much jail time could have been (and could yet be) saved by reducing these inordinate jail stays substantially?
- e. Move mentally ill inmates from the Cook County jail to other services. The jail's enormous population of mentally ill inmates could be reduced significantly with restoration of funding for the Thresholds program, which won awards for its achievements in keeping many of these people out of jail and functioning as law-abiding citizens in the community.
4. Take advantage of outside resources, shared information, and collaboration to further define solutions. Mechanisms for collaboration between various agencies are in place. The Cook County Criminal Justice Coordinating Council should be invigorated with the inclusion of representatives from private agencies and advocacy groups such as the John Howard Association, and with university, law school, bar leaders, and others with long experience working in and with local government.
 5. Because the task of maintaining and increasing programs that benefit jail inmates is hard and may come at the expense of other areas of Cook County government, we suggest that Cook County officials solicit input and assistance from the Taxpayers Federation and other organizations with expertise in the broader arena of government agencies, services, and funding.

Conclusion:

This report has dealt at length with dangerous, adverse impacts which the proposed budget cuts will have on health and safety in the community and at the jail and the juvenile detention center. We remind the Cook County Board of Commissioners that the proposed budget cuts will have other adverse impacts on essential justice which we, at least, are unable to quantify. With the end of these programs we lose forever: whatever reduction in recidivism would have resulted from inmate participation in the State's Attorney's drug school, the number of men and women would have made the first of what will have to be many steps away from abusive drug use, the number of young men whose lives would have been turned around by a GED and a job gained while in the Boot Camp, or the number of jailed women for whom the treatment of depression and counseled reunification with their children would have helped preserve her family.

As others have eloquently said, the quality of justice is diminished when the public defender is unable to serve as an independent voice for the powerless and the unpopular, unable to fight for justice for all of the accused, and unable to plead for mercy for the

guilty.¹¹ Safety is put at risk when law enforcement is absent from the streets of our communities. Courts cannot function if prosecutors lack the resources to prosecute vigorously when necessary and extend mercy when the outcome may be improved thereby. We mention these things lest we forget what it is our system of justice is meant to do, and how important it is to preserve it.

County government has declared that it has a serious budget crisis. We urge the County Board to use the motivating power of a crisis to engineer changes that will produce real savings while protecting residents of the county. John F Kennedy described courage as “grace under pressure.” The current crisis is an opportunity for the County Board to show courage as well as wisdom and prudence. Certainly the John Howard Association of Illinois is hardly alone in promising that, if this County Board rises to the occasion, we will do our best to help.

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¹¹ Letter, Randolph N. Stone, Esq., to the Cook County Board of Commissioners dated 29 January 2007