

EXECUTIVE SUMMARY

Court Monitoring Report - May 13, 2002

Duran v. Sheahan et al.Crowding and Conditions of Confinement
at the Cook County Department of Corrections

Prepared by:

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John Howard Association

Duran is a class-action, federal civil rights suit (under 42 U.S.C. § 1983) on behalf of all pretrial detainees at the Cook County Department of Corrections (CCDOC). The suit was filed in 1974 and a Consent Decree was signed in 1982. The John Howard Association (JHA) is the court-appointed monitor for this case. The JHA report of May 13, 2002 is the 19th major report to the United States District Court, Northern District of Illinois, on crowding and conditions of confinement at the Cook County Department of Corrections (CCDOC) submitted since November 14, 1989. This report covers the period May 1, 2001 through April 30, 2002, unless otherwise noted, and does not necessarily reflect ongoing changes at CCDOC or other portions of the Cook County criminal justice system. This summary focuses on data relating to jail population and crowding.

POPULATION AND CROWDING

For the 12-month period May 1, 2001 - April 30, 2002, CCDOC housed an average daily population of 10884.9 inmates in 10 jail divisions that contain a total of 9750 available beds. The table below reflects the actual number of available beds at CCDOC as of April 30, 2002, as well as the normal and projected capacities of each division.

**Cook County Department of Corrections
JAIL CAPACITY AND BEDSPACE DATA**

DIVISION	Normal Capacity	Available Beds (as of 4/30/02)	Projected Capacity
I	1235	1235	1235
II	1546 ^a	1546	1546
III	353	353	353
IV	704	512 ^b	704
V	992	992	992
VI	992	992	992
VIII	768 ^c	768 ^c	768 ^c
IX	1066	1066	1066
X	768 ^d	720 ^d	720 ^d
XI	1536	1536	1536
	9960	9912	9912

^a Includes 300 beds installed in conversion of old Central Kitchen into Dorm 4.

^b Current capacity reflects closure of 192 beds for renovation.

^c Includes 496 beds in Residential Unit (RU) Building, 151 beds in new Cermak Health Services (CHS) facility, and 121 beds in old CHS facility.

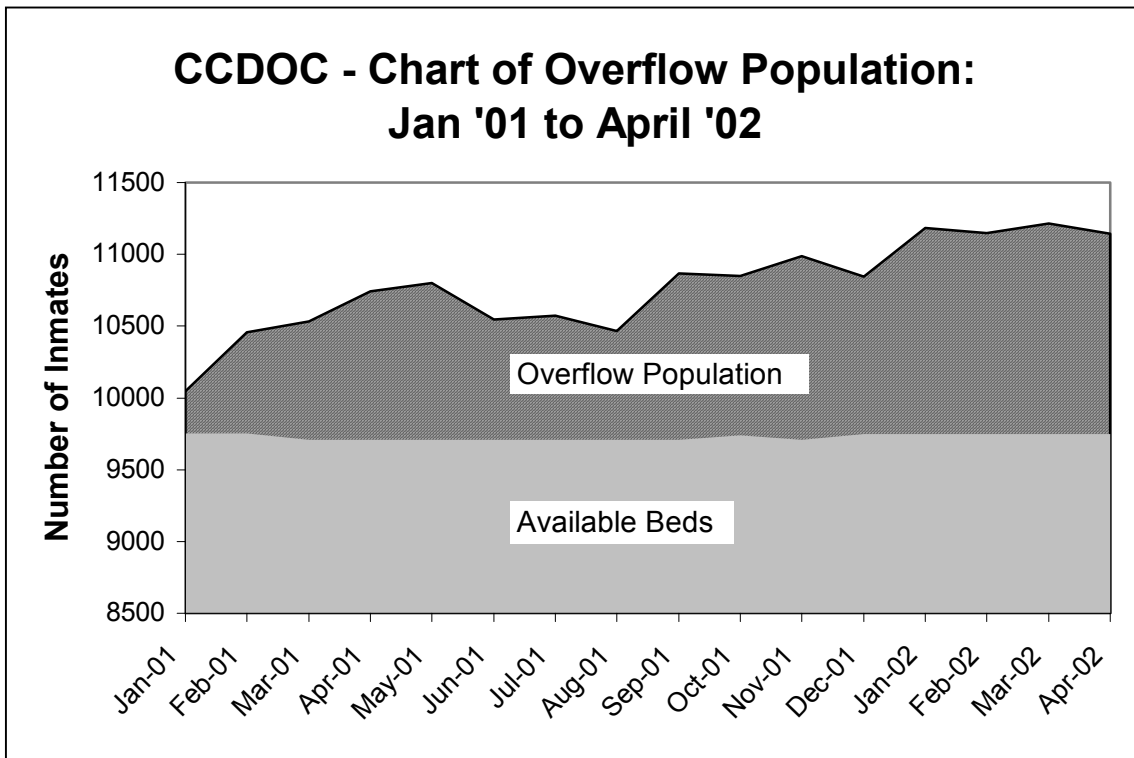
^d Design capacity is 768 beds; however, one (1) 48-bed unit is used as a Witness Quarters.

During the period May 1, 2001 - April 30, 2002, net population growth was + 3.2%, which translates to approximately 340 more inmates per day in April 2002 than were incarcerated at CCDOC in May 2001.

Increased crowding at CCDOC during the past 12 months has affected more inmates and more divisions of the jail than at any time during the past 10 years. An average of 1375.3 inmates were forced to sleep on floors nightly during the period May 1, 2001 - April 30, 2002. Since January 1, 2002, the number of inmates without beds has averaged 1620.8 nightly. The tables and chart below reflect levels of inmate population and crowding at CCDOC since January 1, 2001.

**Cook County Department of Corrections
2002 POPULATION AND CAPACITY SUMMARY**

	<u>Available Beds</u>	<u>Average Daily Population</u>	<u>I-Bonds (Daily Average)</u>	<u>Overflow Population (Daily Average)</u>
Jan	9750	11185.5	32.8	1645.5
Feb	9750	11146.8	26.0	1580.1
Mar	9750	11216.1	26.5	1638.5
Apr	9750	11141.6	22.1	1615.1
YEAR-TO-DATE TOTAL	na	na	3227	na
DAILY AVERAGE	9750.0	11173.4	26.9	1620.8



**Cook County Department of Corrections
2001 POPULATION AND CAPACITY SUMMARY**

	<u>Available Beds</u>	<u>Average Daily Population</u>	<u>I-Bonds (Daily Average)</u>	<u>Overflow Population (Daily Average)</u>
Jan	9752	10046.6	21.7	588.5
Feb	9752	10457.6	23.5	954.2
Mar	9710	10531.8	7.1	961.7
Apr	9710	10743.0	6.4	1215.0
May	9710	10801.1	10.8	1302.7
Jun	9710	10544.8	15.7	1088.4
Jul	9710	10570.7	12.4	1103.9
Aug	9710	10464.2	16.9	1008.4
Sep	9710	10866.6	16.3	1398.1
Oct	9740	10849.9	27.6	1335.2
Nov	9708	10989.4	35.4	1447.0
Dec	9750	10842.5	21.6	1361.8
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YEAR-TO-DATE TOTAL	na	na	6536	na
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DAILY AVERAGE	9719.6	10642.3	17.9	1147.1

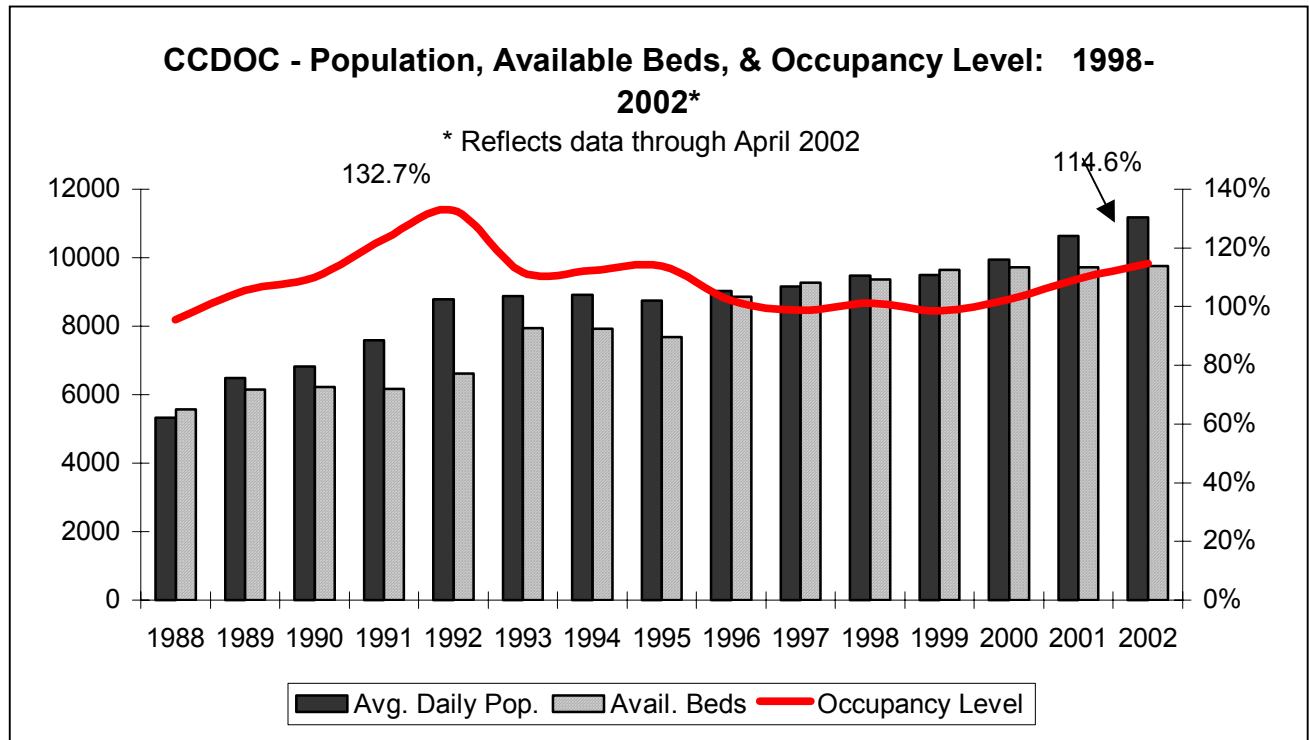
A broader perspective on patterns of growth for inmate population, jail bedspace, and related factors is evident from a review of annualized data for the period 1988 - 2002 shown in the table and chart below. Measured against population and capacity levels in 1988, the CCDOC inmate population has increased by 109.7%, while jail capacity has only increased by 75%. The most recent result of this uneven growth has been three consecutive years (2000 - 2002) in which jail occupancy levels have substantially exceeded capacity.

The data in the institutional growth table clearly reveal the continued growth of the inmate population at CCDOC: inmate population increased by 17.8% between 1999 and the first four months of 2002. This increase, combined with an increase of 1.2% in the number of available beds, led to the largest number of inmates sleeping on floors at CCDOC since 1992. As a reminder, December 30, 1988 remains the last occasion when no inmates were sleeping on floors.

**Cook County Department of Corrections
INSTITUTIONAL GROWTH: 1988 – 2002**

	Avg. Daily Population	Yr -Yr Growth	Avail. Beds	Yr -Yr Growth	Occupancy Level	Overflow Pop.	Yr - Yr Growth
1988	5327	na	5571	na	95.6%	138.7	na
1989	6492	+21.9%	6150	+10.4%	105.6%	582.8	+320.2%
1990	6827	+ 5.2%	6217	- 1.1%	109.8%	806.0	+38.3%
1991	7590	+11.2%	6173	- 0.7%	123.0%	1499.4	+86.0%
1992	8789	+15.8%	6623	+ 6.6%	132.7%	2443.0	+62.9%
1993	8881	+ 1.0%	7953	+20.1%	111.7%	1543.4	+36.8%
1994	8907	+ 0.3%	7927	- 0.3%	112.4%	1455.7	- 5.7%
1995	8751	- 1.8%	7683	- 3.1%	113.9%	1360.4	- 6.5%
1996	9035	+ 3.2%	8857	+15.3%	102.0%	624.7	- 54.1%
1997	9153	+ 1.3%	9262	+ 4.6%	98.8%	414.1	- 33.7%
1998	9475	+ 3.5%	9360	+ 1.1%	101.2%	531.9	+28.4%
1999	9492	+ 0.2%	9639	+ 3.0%	98.5%	304.3	- 42.8%
2000	9953	+ 4.9%	9721	+ 0.9%	102.4%	535.4	+75.9%
2001	10642	+ 6.9%	9720	~ 0.0%	109.5%	1147.1	+73.1%
2002*	11173	+ 5.0%	9750	+ 0.3%	114.6%	1620.8	+41.3%
Cum. Growth	+5846	+109.7%	+4179	+75%	+19.0%	+1482.1	+568.3%

* Includes data through April 2002.

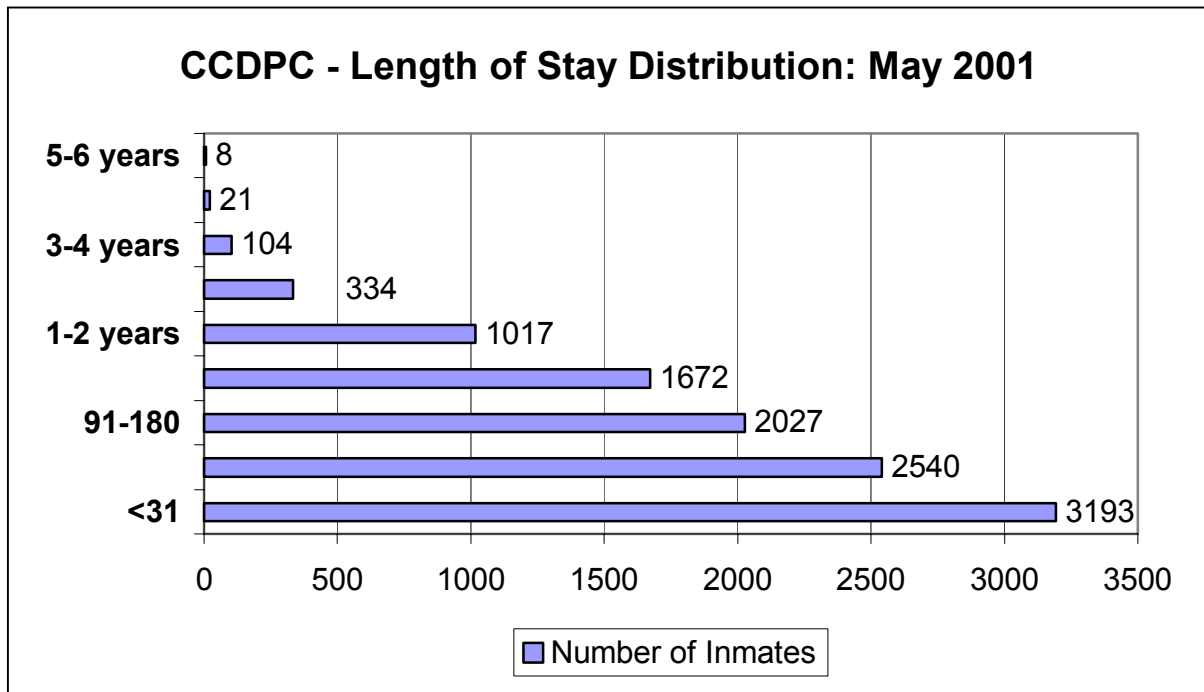


This population growth has occurred without a significant change in the number of admissions to CCDOC. Data obtained from CCDOC during 2001 clearly reveal that much of the crowding problem at CCDOC has been attributable to extraordinarily lengthy periods of pretrial and/or pre-sentencing incarceration.

INMATES BY TIME IN CUSTODY
MAY 21, 2001

<i>Length of Stay</i>	<i>Number of Inmates</i>	<i>% of Inmate Pop.</i>
< 31 days	3193	29.3%
31 - 90 days	2540	23.3%
91 - 180 days	2027	18.6%
181 - 365 days	1672	15.3%
1 - 2 years	1017	9.3%
2 - 3 years	334	3.1%
3 - 4 years	104	1.0%
4 - 5 years	21	0.2%
5 - 6 years	8	<0.1%

Recent data confirm that this problem has continued: the average length of stay (LOS) for all inmates held in the 10 divisions of CCDOC on February 22, 2002 was 187.5 days, or slightly more than six (6) months. Male inmates, who make up almost 90% of the total population, had an average LOS of 195.7 days, while female inmates had an average LOS of 117.8 days. More astounding was the fact that 3,802 male inmates housed in CCDOC's three maximum-security divisions, who represent slightly more than one-third (33.9%) of the total CCDOC population, had an average LOS of 297.1 days, or slightly less than 10 months per inmate.



Reducing Crowding at the Jail

A number of programs continue to operate to reduce jail crowding. These programs operate only by virtue of a 1983 federal court order issued in this case that authorizes jail officials to release those inmates with the least serious charges and lowest bonds who have been incarcerated longest. For a number of years, jail officials released inmates on “I-Bonds”, a release on recognizance with no supervision. This was eventually supplemented by an Electronic Monitoring Program, Day Reporting Programs for men and women, a 300-bed residential substance abuse treatment program, and other release mechanisms that provide varying types and levels of supervision. Most of these programs are operated by the Cook County Department of Community Supervision and Intervention (CCDCSI), another branch of the Office of the Sheriff of Cook County. CCDCSI programs operate at the South Campus, a cluster of buildings at 31st Street and California Avenue.

Between May 1, 2001 and April 30, 2002, CCDOC officials issued a total of approximately 7,700 I-Bonds, which represents an average of 21.1 I-Bond releases per day for this 12-month period. During this period, the release mechanisms listed below have maintained average daily caseloads as shown

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Release Mechanisms for CCDOC Inmates

PROGRAM	AVERAGE DAILY CASELOAD
Electronic Monitoring Program	1,220
Day Reporting Program	600
Sheriff's Female Furlough	105
M.O.M.'s Program	14
PreRelease Center	295
TOTAL	<u>2,234</u>

Despite these programs, crowding at CCDOC has increased. The urgency of the current crisis was evident on April 16, 2002, when Sheriff Michael F. Sheahan announced he was considering the use of tents to house CCDOC inmates. While JHA is adamantly opposed to such a measure, which is likely to jeopardize the health and safety of inmates and staff, we sympathize with Sheriff Sheahan in his search for solutions to a problem that has intensified during recent years. Sheriff Sheahan cited JHA data on length of stay at CCDOC in his description of the jail as a "long-term inmate warehouse", a purpose for which jails were never intended.

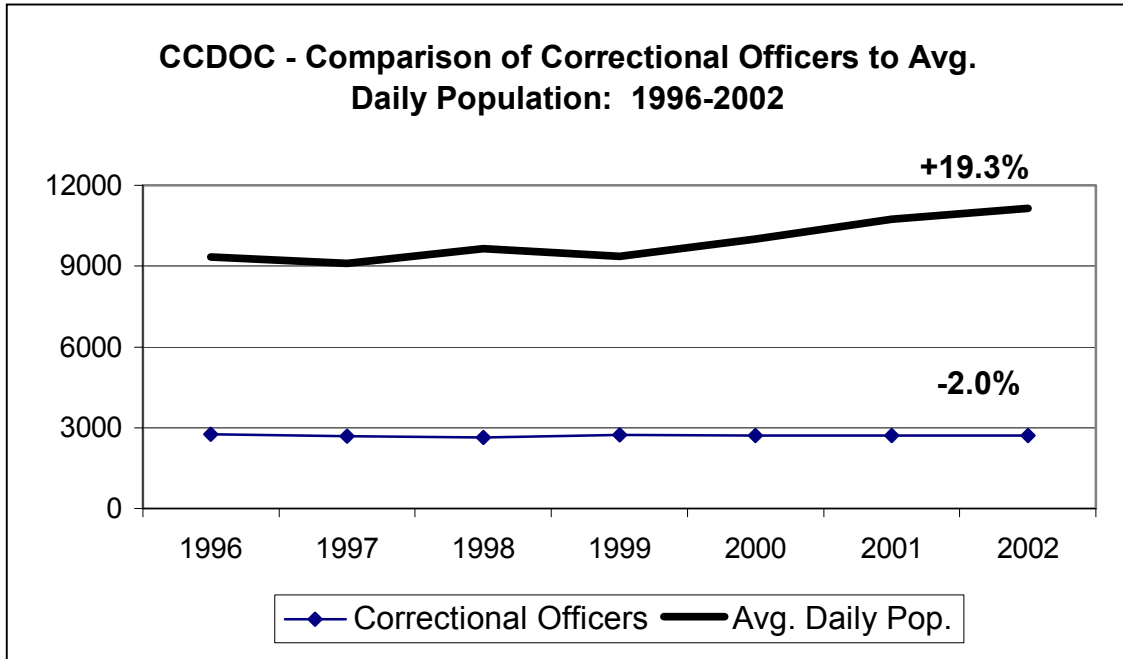
Some Cook County officials and others involved with CCDOC and this litigation have discussed the possibility of acquisitions to provide additional bedspace to reduce the level of crowding at CCDOC. While short-term measures should certainly be explored, JHA staff recommend that Cook County officials prioritize their efforts to expedite case processing and expand existing programs that provide supervised release for inmates of CCDOC. In this regard, we restate our recommendation to reevaluate the feasibility of expansion and/or replication of CCDCSI programs at other locations in Cook County away from the CCDOC complex.

CONDITIONS OF CONFINEMENT

The **Duran** Consent Decree contains provisions regarding sanitation, maintenance, staffing, food service, personal hygiene, visiting, disciplinary and grievance procedures, and access to law libraries. The JHA report of May 13, 2002 contains extensive observations regarding these issues, but our findings regarding these issues are not readily amenable to summarization. Copies of the complete report are available for inspection at the JHA office. We have included information on correctional officer staffing and injuries to inmates and staff, since these are particularly relevant to current levels of crowding and safety at CCDOC. The data below reflect the number of security staff positions at CCDOC since 1996.

Cook County Department of Corrections SECURITY STAFF POSITIONS November 1996 - April 2002

	<u>Nov 1996</u>	<u>Dec 1997</u>	<u>Aug 1998</u>	<u>Aug 1999</u>	<u>Apr 2000</u>	<u>Apr 2001</u>	<u>Apr 2002</u>	<u>Increase/ Decrease</u>
Captains	33	27	25	33	33	33	33	0 (0.0%)
Lieutenants	71	51	53	71	70	70	70	- 1 (-1.4%)
Sergeants	176	119	116	176	175	175	175	- 1 (-0.6%)
Officers	2480	2482	2446	2446	2426	2426	2426	-54 (-2.2%)
	<u>2760</u>	<u>2679</u>	<u>2640</u>	<u>2726</u>	<u>2704</u>	<u>2704</u>	<u>2704</u>	<u>-56 (-2.0%)</u>
<i>Available Beds</i>	9213	9299	9395	9757	9710	9710	9750	+ 537 (+5.8%)
<i>ADP</i>	9343	9107	9645	9374	10013	10743	11142	+1799 (+19.3%)



The data reveal no change in the number of CO positions in CCDOC budgets since December 1, 1999. In addition, the number of security staff positions at CCDOC has decreased by 22 since August 1999, while the average daily inmate population has increased by more than 1,350. The fact that no new security positions have been provided to CCDOC during this period of continued population growth is exacerbated by new problems in keeping budgeted positions filled in a timely fashion.

For the past several years, the task of maintaining an adequate cadre of security staff at CCDOC was facilitated by the availability of a substantial training budget that permitted the hiring and training of cadets before positions were officially vacated. This resource contributed to reducing the periodic staffing shortages that affected CCDOC for a number of years. This budget item was cut in the FY 2002 budget, as part of budget cuts imposed on most county agencies. As a result, CCDOC officials have been unable to accelerate the process of filling vacant security positions, resulting in greater delays in replacing employees who terminate employment with CCDOC.

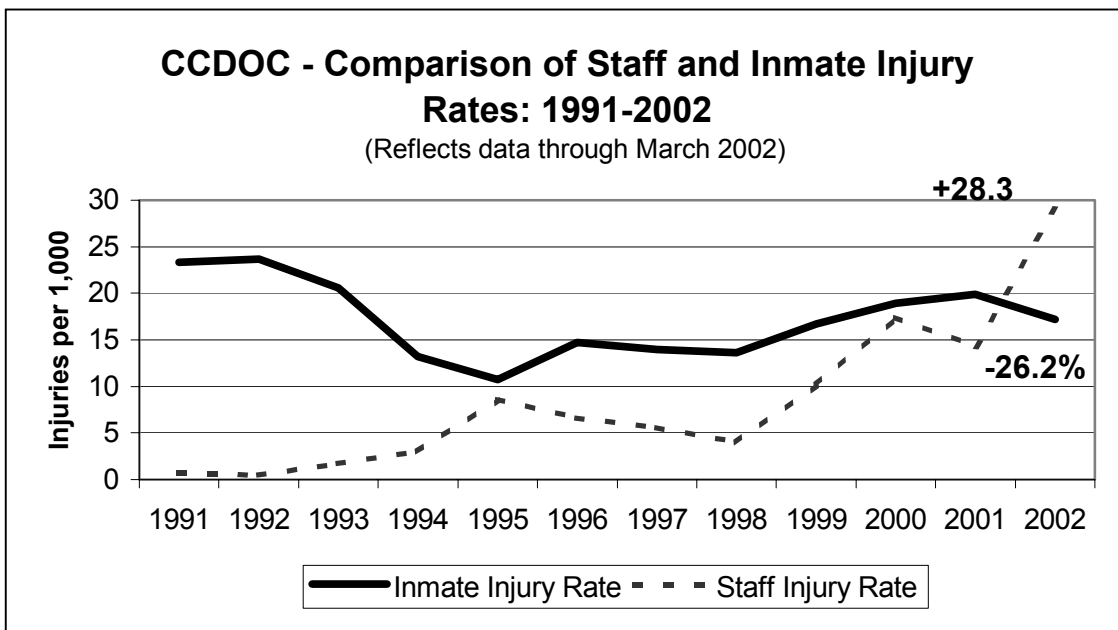
The fact that CCDOC has experienced a significant increase in inmate population with no increase in security staffing may well be one of the factors affecting the number of injuries to inmates and staff at the jail. The table below contains data on injuries at CCDOC since 1991.

**Cook County Department of Corrections
MONTHLY INJURY RATE (INMATES) AND STAFF INJURIES**

	<u>Injuries per 1,000 inmates</u>	<u>Year-to-Year Change</u>	<u>Staff Injuries</u>	<u>Year-to-Year Change</u>
1991	23.3	na	0.7	na
1992	23.7	+ 1.7%	0.5	- 28.6%
1993	20.6	- 13.1%	1.7	+240.0%
1994	13.2	- 35.9%	3.0	+ 76.5%
1995	10.7	- 18.9%	8.6	+186.7%
1996	14.7	+ 37.4%	6.6	- 23.3%
1997	14.0	- 4.8%	5.6	- 15.2%
1998	13.6	- 4.9%	4.0	- 28.6%
1999	16.7	+ 22.8%	10.2	+155.0%
2000	18.9	+ 13.2%	17.4	+ 70.6%
2001	19.9	+ 5.2%	14.3	- 31.0%
2002 ^a	17.2	- 13.6%	29.0	+102.8%
Cumulative Change	- 6.1	- 26.2%	+ 28.3	+4043.9%

NOTE: Data for inmate and staff injuries represent monthly averages.

^a 2002 data through March 31, 2002.



These data reveal that, despite a slight decrease in the rate of injuries to inmates in recent months, the injury rate remains higher than it was in the years 1994 - 1998 when crowding was less severe at CCDOC. It is somewhat comforting to note that the rate of injuries to inmates has not increased to even higher levels, given the level of crowding at CCDOC in recent months. It should be noted that the severity of injuries sustained in some incidents during the period covered in this report is a sufficient cause for concern, despite the fact that the statistical incidence of injuries has not increased.

The data also reveal a significant increase in the number of injuries to staff, which are currently occurring more frequently than at any time during the past decade. While the number of injuries sustained by staff is fortunately still not large in absolute terms, the increase in the frequency of injuries to staff should be a cause for concern by CCDOC administrators.