

CHICAGO COUNCIL OF LAWYERS/CHICAGO APPLESEED LUNCHEON

October 1, 2014—Juliana Stratton Remarks

Good Afternoon.

I'm absolutely delighted to be here this afternoon to celebrate the good work of the Chicago Council of Lawyers and the Chicago Appleseed Fund for Justice. I am particularly grateful to Executive Director Malcolm Rich for this invitation to share with you the work of the Cook County Justice Advisory Council and, particularly, how we have worked in partnership with Chicago Appleseed to find effective solutions to injustice.

Before I begin my remarks, I'd like to acknowledge my boss, Cook County Board President Toni Preckwinkle, in her absence, as well as the Chair of the Justice Advisory Council, Illinois Supreme Court Justice Anne Burke, also in her absence.

Someone once said these words: "Hope sees the invisible, feels the intangible, and achieves the impossible."

If you've been working to reform our criminal justice system in Cook County, I suspect that these words may strike a chord. Think about it: our collective hope for a fair and just criminal justice system in Cook County must first begin with seeing the invisible. It must begin with the understanding that those of us with the privilege of serving in the legal profession, have an obligation to not only preserve the integrity of our field, but an equally critical obligation to examine the system to determine if it truly provides justice for all. And, when it doesn't—and, we all know, in many ways it does not—we must be the advocates for those who may feel invisible, who don't have the same access to justice merely because of their socio-economic status or education level or skin color or zip code. Hope sees the invisible.

Moreover, those of us working to reform our system must also feel the intangible. As attorneys, our pro bono work literally means that we are doing something for the public good. Our individual cases and the hours that we spend pro bono are incredibly important. Yet, there's also the seemingly intangible concepts of "fairness" and "justice" and "equality" that require vision beyond each individual client or case, and compels us to take a more comprehensive look at the system as a whole to determine how it can be better not just for our own clients, but for anyone who finds themselves walking through the doors of the courthouse. Hope feels and is motivated by the intangible.

Finally, hope achieves the impossible. And, this is where I want to focus the bulk of my remarks this afternoon. I want to share with you the work that has been done under the leadership of Cook County Board President Toni Preckwinkle and the Cook County Justice Advisory Council over the past almost four years which exemplifies this idea that if we don't lose hope, we can truly change the trajectory of a very complex and problematic system.

During her campaign for Cook County Board President, her transition into office, and throughout her first term in office, President Preckwinkle has prioritized the safe and appropriate reduction of the populations of the Cook County Jail and the Cook County Juvenile Temporary Detention Center. She tasked the Justice Advisory Council (formerly known as the Judicial Advisory Council) with pushing forth her criminal and juvenile justice reform agenda, promoting both social justice and fiscal responsibility, or being a good steward of taxpayer dollars in the realm of public safety. Specifically, President Preckwinkle set forth four key public safety goals: first, to reduce the over-reliance on pretrial detention; second, to do so in a way that preserves public safety; third, to promote successful reintegration into communities for those exiting detention; and, fourth, to promote fair and equitable access to justice.

Many of you have likely read a newspaper article here or there or you've otherwise heard of some of the individual initiatives we've undertaken to further these goals. However, perhaps it has been somewhat difficult to get the full picture of all that has transpired over the last four years. I thought it would be helpful to provide an overview of the work of the Justice Advisory Council and the progress which has been made. And, I'd really like to emphasize, progress has, indeed, been made. However, there is much more work to do and it will require the thoughtfulness and ideas and engagement of everyone in this room.

Just to give a bit of context, you probably know that Cook County has the biggest unified court system and the largest single site jail system in the Country. There are currently almost 9000 inmates in the general population of the Cook County Jail. 93 percent of inmates are awaiting trial, and they languish in the jail not because a judge has ordered them held without bond, but primarily because they cannot afford to pay their bail. According to research by Loyola University Professor David Olson, approximately 70 percent of those in the jail are currently charged with a non-violent offense. And, less than 20 percent of those being released from our jail are heading to prison.

For the other 80 percent, they're cases could end up with charges being dismissed, or a finding of not guilty, or an order to probation. So, when we think of public safety, most of the individuals in the jail will ultimately return to their communities without going to prison. For those that are a flight risk or threat to public safety and on their way to prison, those are the ones where pre-trial detention is especially appropriate. Yet, again, unfortunately, too many are held in the jail for far too long simply because they cannot afford to post bond.

As you can imagine, detaining so many people pretrial is not only devastating to our communities, but it's also terribly expensive. 86 percent of those in the jail are people of color, often coming from the same six or seven zip codes. And studies show that over 50 percent of the people released from the jail will return within 3 years. And as for Cook County

taxpayers, we are spending \$143 a day to detain someone in the jail. So with this recidivism rate, and the expense to taxpayers, we really have to ask ourselves whether this is a good return on our investment, or whether there are safe and suitable alternatives which should be implemented and/or expanded.

So, very early in her administration, President Preckwinkle convened a meeting with all of the criminal justice stakeholders and asked if they agreed that reducing the jail population **was** a shared goal we could work towards together. Each of them—Chief Judge Evans, Sheriff Dart, Clerk Brown, State’s Attorney Alvarez, and Public Defender Cunningham—agreed that their respective offices would work towards that goal. Unfortunately, in the years to follow, instead of seeing the jail population go down, it went up—averaging just over 10,000 and dangerously close to capacity for most of 2013. As I mentioned before, the population is now down to under 9000—a 10 percent reduction year over year. And, while I cannot point to one particular causal factor, I can say that the leadership of President Preckwinkle, the increasing cooperation amongst the public safety stakeholders, combined with external collaborations with Chicago Appleseed and other justice reform partners, has collectively resulted in moving the needle and having a more streamlined vision for what’s possible in the very near future.

So, the Justice Advisory Council took the approach of focusing on coordinated criminal justice reform. From the beginning, it was apparent that we could not make progress by focusing on any one project or aspect of the system, rather we had to identify opportunities for spearheading and/or supporting initiatives which, to some degree, engaged all of the public safety stakeholders. This approach has been critical in light of the fact that the County Board President cannot direct the stakeholders.

- President Preckwinkle established the County's first-ever Performance Management process, which convenes regular meetings of the stakeholders throughout the year to agree upon performance metrics and track and share data.

- In 2012, the President and the Board of Commissioners, tasked the Justice Advisory Council with conducting a comprehensive study of central bond court. Through this process, the Justice Advisory Council held conversations with the public safety stakeholders, including, but not limited to, bond court judges, law enforcement, and those who have been through bond court as defendants, to get their recommendations on how the process could be improved.
- As a result of the bond court study, President Preckwinkle invested more than \$800,000 towards improving the bond court interview space so that it complies with the Illinois Pretrial Services Act by providing more confidential and humane space for the interviews, including private interview carrels.
- Also as a result of that study, a Motion to Reconsider call was established to allow defendants who could not afford their bonds to go back before a judge to ask the bond be reduced. In support of this effort, President Preckwinkle invested in additional staff for the Public Defender's Office, as well as contractual staff to help gather verified information on community ties to help inform the judges.
- Last year, the Justice Advisory Council was awarded a \$450,000 grant from the MacArthur Foundation to expand our bond court reform program, which helped us add additional staff and an evaluation component to track outcomes. We have seen great preliminary results from this effort, with an average of 70% of motions won and bonds being reduced a majority of cases.

- Annually, the Justice Advisory Council awards \$800,000 in recidivism reduction grants and \$1.9 million in violence prevention, intervention, and reduction grants. These funds are awarded to promising community based organizations who either are working to keep people out of jail in the first place, or helping them stay out once they've exited detention.
- And late last year, President Preckwinkle wrote a letter to the Illinois Supreme Court asking for their help with our court system in Cook County. All seven members of the court convened a meeting with the public safety stakeholders and assigned two retired judges to work with the stakeholders on an on-going basis. Those meetings continue monthly, and have included site visits to Washington, DC and Montgomery County, Maryland to observe systems which do not rely on cash bonds. The stakeholders continue to discuss, amongst other things, the report released by the Administrative Office of the Illinois Court earlier this year regarding recommendations to improve pretrial services in Cook County.

It's important to point out that there have been several projects undertaken by the Justice Advisory Council in conjunction with Chicago Appleseed. When President Preckwinkle wrote to the Illinois Supreme Court in September of last year, Chicago Appleseed provided research on the propriety and need for state supreme court interventions and helped outline many of the needs and shortcomings of our current bond and pre-trial services systems.

Chicago Appleseed has been a tremendous contributor to our Justice Advisory Council Focus Committee, helping to research and strategize around varying tasks related to criminal justice reform. This group of attorneys meets regularly and has considered the efficacy of supplemental court calls, has organized forums on pretrial services, bond court reform, and court efficiencies, and has developed proposals for street-level diversion programs.

And, one particular collaboration for which we are especially grateful for the leadership and support of Chicago Appleseed is the creation of the Access to Community Treatment—or, ACT—Court. The ACT court is a groundbreaking model diversion court which diverts drug dependent individuals away from prison and into Medicaid-funded treatment. Chicago Appleseed staff members were the chief designers of the court model and serve as project managers for the court. The Justice Advisory Council was represented on the steering committee for the ACT court and helped secure funding for the court. I should point out that Judge Biebel, who is here today, led a planning process that included not only Chicago Appleseed and the President's Office, but also the Judiciary, the State's Attorney's Office, the Public Defender's Office, and treatment providers. The planning process, and subsequent implementation, was an example of collaboration at its best—with stakeholders cooperating with each other and getting things done for the good of the people who would be much better off getting appropriate treatment, rather than just sitting in a jail cell.

Time will not allow me to mention every example of cooperation, collaboration, partnership, or joining of forces with a goal of systemic change. But, as I stand here today, I can say that wheels are turning, change is happening, and I am thoroughly convinced that many of the improvements are being institutionalized and that there is no turning back. Are we where we need to be? Of course not. But, I'm hopeful. I'm hopeful that you will hear these examples of what can be accomplished when we pool our collective resources and ideas towards real systemic change, and that you'll be inspired to support these efforts.

We need lawyers and judges cooperating with the other stakeholders to continue to move this work forward. As you consider your pro bono work, continue to recognize the immense value of your individual representation of clients. Yet, at the same time, don't lose sight of the broader injustices in the system that impact not only your individual clients, but the masses that find themselves entangled in this complex system. We need lawyers and law firms and bar associations on board with this work.

We need your critical thinking and problem solving skills to help us identify solutions to the problems we see in this system. I'd respectfully ask that you also give time to these wide-ranging issues to help protect our most vulnerable populations who find themselves in this system.

What are the opportunities for diversion, and at which points in the process? How do we reduce the recidivism rate? What are the opportunities presented by the Affordable Care Act, and the ability to link people to more cost-effective community based mental health or substance abuse treatment rather than the jail? How are we sharing—or, not sharing—data amongst stakeholders, and what is the impact on our system? What technology or memoranda of agreement do we need to improve information sharing? Is our system operating at the highest level of efficiency, or are there ways to improve case processing? And how are we going to get all of these individuals with criminal backgrounds back to work, so they can support their families and lead productive lives?

These questions and more will continue to be explored by the President's office in her next term. President Preckwinkle continues to prioritize her public safety agenda and I've heard it from her own mouth: we need the bar to get engaged with concrete, policy-oriented measures that will help create a system that provides fair and equitable justice for all. And there's several ways to do that.

First, you can join any one of the Collaboration for Justice Committees convened by the Chicago Council of Lawyers and the Chicago Appleseed Fund for Justice. Those committees include the Criminal Justice Reform Advisory Committee, the Committee on the Administration of Justice and Court Reform, the Committee on Child Support Reform, and the Committee on Immigration Court Reform.

Each of those committees are solutions oriented and they need your voice.

I would also urge you to visit Central Bond Court at the Leighton Criminal Court building. Perhaps many of you do not practice criminal law and you've never been to bond court. However, it's an eye-opening experience to see a process that is really the gateway to the jail. The 9000 people that I mentioned are in the jail today, all got there by going through bond court. If you care about improving our system, I urge you to take an hour and visit in the very near future.

And, finally, if you have ideas—something that you've thought of that you might have said, "You know, I wonder why we don't do XY or Z in Cook County. It could really help improve our system or its processes..." Tell us. Write a letter to President Preckwinkle. Let her know "we spoke"—and, you'd like to get involved. Then, working in partnership with Chicago Appleseed, I'm sure there are plenty of ways that we can plug you in to this work.

I won't lie to you...sometimes it feels impossible. But, things are happening...slowly, but surely. And, nationwide, the conversation is taking place about the repercussions of locking up too many people. So, continue to be engaged...keep fighting for justice...and, even when progress is not so obvious, don't give up hope. For, hope sees the invisible...feels the intangible, and achieves the impossible. And, what once seemed impossible here in Cook County, is on a path of progress. And with all of us in this room doing our part, what once was seemingly impossible, will indeed become a reality.

Thank you.