

Chief Justice Rita B. Garman's testimony before the House General Services Appropriation Committee on Wednesday, March 18, 2015 and before the Senate Appropriations II Committee on March 19, 2015

GOOD AFTERNOON (MORNING), MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, AND THANK YOU FOR THE OPPORTUNITY TO PRESENT THE SUPREME COURT'S APPROPRIATION REQUEST FOR FISCAL YEAR 2016.

AS YOU KNOW, THE ILLINOIS CONSTITUTION VESTS THE SUPREME COURT WITH GENERAL ADMINISTRATIVE AND SUPERVISORY AUTHORITY OVER ALL COURTS IN THE STATE. THE JUDICIAL FUNCTION TOUCHES ALL ILLINOIS CITIZENS IN SOME MANNER, WHETHER AS LITIGANTS IN CIVIL ACTIONS, DEFENDANTS IN CRIMINAL CASES, WITNESSES, JURORS, OR AS RESIDENTS OF A COMMUNITY THAT IS MADE MORE SECURE BY THE EFFECTIVE OPERATION OF THE JUSTICE SYSTEM.

AS CHIEF JUSTICE, ONE OF MY ROLES IS TO ENSURE THAT OUR JUDICIAL OFFICERS HAVE THE RESOURCES NECESSARY TO INSURE EQUAL ACCESS TO JUSTICE AND PROMPT ADJUDICATION OF BOTH CRIMINAL AND CIVIL

PROCEEDINGS. THUS, I AM HERE TODAY TO SEEK THE RESOURCES REQUIRED FOR THE PROPER OPERATION OF THE JUDICIAL BRANCH.

WITH ME TODAY IS MICHAEL TARDY, DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS. WE ARE BOTH PREPARED TO ANSWER ANY QUESTIONS YOU MAY HAVE REGARDING OUR APPROPRIATION REQUEST.

LIKE THE LEGISLATURE, WHICH MAKES THE LAWS, AND THE EXECUTIVE BRANCH, WHICH ENFORCES THE LAWS, THE JUDICIAL BRANCH IS NOT MERELY AN AGENCY OF GOVERNMENT TO BE ADMINISTERED OR A DEPARTMENT TO BE MANAGED. THE JUDICIAL BRANCH IS A CO-EQUAL BRANCH OF GOVERNMENT, THE PROTECTOR OF CONSTITUTIONAL RIGHTS, THE SOURCE OF THE COMMON LAW, AND THE DISPENSER OF JUSTICE UNDER THE LAW.

WHILE THE JUDICIAL BRANCH IS A CO-EQUAL BRANCH OF GOVERNMENT, IT OPERATES ON ONLY 1% OR SO OF THE STATE'S TOTAL BUDGET. AGAIN THIS YEAR, I ASK THE LEGISLATURE TO COMMIT THIS SMALL, BUT VITALLY

IMPORTANT, SHARE OF THE STATE'S LIMITED RESOURCES TO FUNDING THE ESSENTIAL FUNCTION OF THE JUSTICE SYSTEM. IN RETURN, WE ACCEPT OUR RESPONSIBILITY TO USE THESE FUNDS WISELY, WITH THE HIGHEST DEGREE OF FISCAL RESPONSIBILITY AND OVERSIGHT.

THE SUPREME COURT SEEKS A TOTAL OF \$404.5 MILLION FOR FISCAL YEAR 2016 TO FUND THE OPERATIONS OF THE SUPREME COURT, THE APPELLATE COURT, THE OPERATIONAL PROGRAMS OF THE CIRCUIT COURTS, AND THE ADMINISTRATIVE OFFICE. \$373.9 MILLION IS REQUESTED FROM THE STATE'S GENERAL REVENUE FUND, WITH THE REMAINING \$30.6 MILLION REQUESTED AS EXPENDITURE AUTHORITY FROM THE COURT'S NON-GRF FUNDS.

OUR FISCAL YEAR '16 APPROPRIATION REQUEST CAN BE BROKEN DOWN INTO THREE CATEGORIES: JUDICIAL SALARIES, ORDINARY OPERATIONAL COSTS, AND FUNDING FOR PROBATION SERVICES.

THE FIRST AND LARGEST COMPONENT OF OUR REQUEST, \$190.5 MILLION, WILL PROVIDE FUNDING FOR SALARIES

AND BENEFITS FOR THE STATE'S 982 JUDICIAL OFFICERS WHO PRESIDE IN COURTROOMS IN 24 CIRCUITS, COVERING ALL 102 ILLINOIS COUNTIES.

BECAUSE JUDICIAL SALARIES ARE SET BY STATUTE, THE COURT MUST PAY JUDICIAL SALARIES AT THEIR STATUTORY LEVELS, REGARDLESS OF THE TOTAL AMOUNT APPROPRIATED. THUS, ANY CUT IN FUNDING FOR JUDICIAL SALARIES WOULD REQUIRE DEVASTATING CUTS TO OTHER VITAL SERVICES. NOT ONLY IS THIS AMOUNT - WHICH REPRESENTS ABOUT HALF OF OUR BUDGET REQUEST - INFLEXIBLE, IT REPRESENTS MONEY WELL SPENT. THE 982 MEN AND WOMEN WHO SERVE AS CIRCUIT, APPELLATE, AND SUPREME COURT JUDGES IN ILLINOIS ARE THE CORNERSTONE OF THE JUSTICE SYSTEM.

BECAUSE OF THE PUBLICITY GIVEN TO CRIMINAL PROCEEDINGS, IT IS EASY TO THINK THAT THE COURT SYSTEM IS FOCUSED ENTIRELY ON CRIMINAL TRIALS. CRIMINAL JUSTICE IS, INDEED, A SUBSTANTIAL PART OF WHAT WE DO.

HOWEVER, THE CIVIL SIDE OF THE JUDICIAL SYSTEM IS MORE LIKELY TO DIRECTLY AFFECT THE LIVES OF AVERAGE CITIZENS. ALMOST EVERYONE IS INVOLVED AT SOME POINT IN A CIVIL PROCEEDING REGARDING DIVORCE, CHILD SUPPORT, ADOPTION, MORTGAGE FORECLOSURE, PROPERTY, EMPLOYMENT, GUARDIANSHIP, MENTAL ILLNESS, PERSONAL INJURY, DEBT COLLECTION, COMMERCIAL LITIGATION, OR COUNTLESS OTHER LEGAL MATTERS.

BECAUSE THE STATE IS BOUND BY THE CONSTITUTION AND BY STATUTE TO PROVIDE SPEEDY TRIALS IN ALL CRIMINAL CASES, LACK OF ADEQUATE RESOURCES CAN CAUSE THESE VERY IMPORTANT CIVIL MATTERS TO BE DELAYED SO THAT CRIMINAL MATTERS MAY BE PROMPTLY ADJUDICATED. UNNECESSARY DELAY OF THESE CIVIL CASES CAN HAVE VERY REAL AND SERIOUS CONSEQUENCES FOR THE PARTIES, THEIR BUSINESSES, AND THEIR FAMILIES.

THUS, FULL FUNDING OF JUDICIAL SALARIES BENEFITS EVERYONE WHO MAY HAVE BUSINESS BEFORE THE COURT. IF CIVIL DISPUTES ARE NOT RESOLVED PROMPTLY AND FAIRLY BY AN INDEPENDENT JUDICIARY, OUR

COMMUNITIES SUFFER. IN SUM, ACCESS TO THE JUDICIAL SYSTEM FOR RESOLUTION OF CIVIL DISPUTES PROVIDES A VITAL PUBLIC SERVICE AT A MODEST AND FAIR PRICE.

THE SECOND COMPONENT OF THE COURT'S APPROPRIATION REQUEST SEEKS \$65.3 MILLION TO SUPPORT OPERATING EXPENSES. THESE FUNDS PAY THE SALARIES AND BENEFITS OF NON-JUDICIAL STAFF MEMBERS INCLUDING STAFF ATTORNEYS, LAW CLERKS, LEGAL RESEARCH SPECIALISTS, LAW LIBRARIANS, AND INFORMATION SYSTEMS PROFESSIONALS, AS WELL AS ADMINISTRATIVE AND CLERICAL SUPPORT STAFF. THESE HARD-WORKING AND KNOWLEDGEABLE PROFESSIONALS KEEP THE WHEELS OF JUSTICE TURNING EFFECTIVELY AND EFFICIENTLY ON A DAILY BASIS.

THIS SUM ALSO INCLUDES FUNDING FOR RENTS, UTILITIES, FURNITURE, COMMUNICATIONS SYSTEMS, INFORMATION TECHNOLOGY, AND SECURITY FOR COURT PROPERTY. GIVEN THE FISCAL RESTRAINT WE CONTINUE TO EXERCISE, WE ARE ABLE TO OPERATE AN ENTIRE BRANCH OF STATE GOVERNMENT FOR THIS RELATIVELY SMALL

AMOUNT. AND WE CONTINUE TO LOOK FOR WAYS TO OPERATE EVEN MORE EFFICIENTLY.

THE THIRD PORTION OF THE COURT'S APPROPRIATION REQUEST, \$118.1 MILLION, FUNDS PROBATION SERVICES. THIS AMOUNT IS JUST UNDER ONE-THIRD OF THE JUDICIAL BRANCH BUDGET, BUT REPRESENTS A MOST IMPORTANT INVESTMENT IN OUR COMMUNITIES. INDEED, BECAUSE OF ITS IMPORTANCE, I WILL SPEND THE MAJORITY OF MY TIME TODAY FOCUSING ON THIS COMPONENT OF THE APPROPRIATION REQUEST.

THIS IS IN KEEPING WITH ARTICLE I, SECTION 11 OF OUR STATE CONSTITUTION, WHICH PROVIDES THAT "ALL PENALTIES SHALL BE DETERMINED BOTH ACCORDING TO THE SERIOUSNESS OF THE OFFENSE AND WITH THE OBJECTIVE OF RESTORING THE OFFENDER TO USEFUL CITIZENSHIP." WHEN THE GENERAL ASSEMBLY ADOPTED THE CODE OF CORRECTIONS IN 1973, IT ECHOED OUR CONSTITUTION, STATING THAT ONE OF ITS KEY PURPOSES WAS "TO RESTORE OFFENDERS TO USEFUL CITIZENSHIP."

IN KEEPING WITH THIS GOAL, THE GENERAL ASSEMBLY ENACTED THE "PROBATION AND PROBATION OFFICERS ACT" IN 1977, AND LATER AMENDED IT TO INCLUDE A JUVENILE DETENTION FUNCTION AND A FUNDING SCHEME. THIS LEGISLATION EXPRESSED A RECOGNITION THAT AN INVESTMENT IN PROBATION NOT ONLY CUTS PRISON COSTS, IT ALSO IMPROVES OUTCOMES, BENEFITING THE PROBATIONER, HIS OR HER FAMILY, AND THE ENTIRE COMMUNITY.

ILLINOIS PRESENTLY HAS 2,530 PROBATION OFFICERS WHO ARE CHARGED WITH SUPERVISING APPROXIMATELY 134,000 PROBATIONERS. THROUGH COMPETENT CASE MANAGEMENT AND ACTIVE SUPERVISION, THESE PROFESSIONALS OVERSEE, ASSIST, AND MANAGE OFFENDERS WITH THE TWIN GOALS OF PROMOTING PUBLIC SAFETY AND IMPROVING INDIVIDUAL OUTCOMES.

THESE GOALS ARE ACHIEVED THROUGH THE APPLICATION OF "EVIDENCE-BASED PRACTICES" IN COMMUNITY CORRECTIONS. PROBATION CASE MANAGEMENT IS BASED ON IDENTIFYING THE RISK LEVEL OF EACH

OFFENDER, WITH HIGHEST RISK OFFENDERS RECEIVING THE MOST INTENSIVE SUPERVISION AND SERVICES. PROVEN RISK REDUCTION TECHNIQUES ARE USED TO INFLUENCE CHANGE IN OFFENDERS' BEHAVIOR.

APPROXIMATELY 75% OF ILLINOIS' PROBATIONERS SATISFACTORILY COMPLETE THEIR TERMS OF PROBATION IN THE MANNER PRESCRIBED BY THE SENTENCING COURT. THIS INCLUDES PAYMENT OF RESTITUTION TO VICTIMS, PAYMENT OF FINES AND FEES, AND PARTICIPATION IN TREATMENT PROGRAMS AND OTHER COURT-ORDERED CONDITIONS.

WHILE THE 75% SUCCESS RATE IS IMPRESSIVE, IT COULD AND SHOULD BE BETTER. IN ADDITION, WE COULD REDUCE THE INCARCERATION RATE BY USING PROBATION SERVICES AND PROGRAMS THAT HAVE BEEN PROVEN EFFECTIVE IN REDUCING RECIDIVISM.

FAILURE TO FULLY REALIZE THE BENEFITS OF EFFECTIVE PROBATION SERVICES JEOPARDIZES THE SAFETY OF OUR COMMUNITIES, BUT JUST AS IMPORTANTLY, IT ALSO SQUANDERS AN OPPORTUNITY TO UTILIZE PROVEN

METHODS TO GUIDE PROBATIONERS BACK TO LAW-ABIDING CITIZENSHIP. AND WHILE THESE INDIVIDUALS HAVE COMMITTED CRIMES, THEY ARE OFTEN AMONG OUR MOST VULNERABLE CITIZENS.

OUR COMMUNITIES, OUR STATE'S FISCAL HEALTH, AND THESE INDIVIDUALS ARE BEST SERVED WITH EARLY AND INTENSIVE INTERVENTION TO ADDRESS ISSUES OF ALCOHOLISM AND SUBSTANCE ABUSE, MENTAL HEALTH, LACK OF JOB SKILLS, FAMILY VIOLENCE, POVERTY, AND MANY ADDITIONAL COMPLEX BEHAVIORAL AND HEALTH MATTERS THAT ARE HIGHLY CORRELATED WITH CRIMINAL CONDUCT.

THE PROFESSIONALS WHO EMPLOY EVIDENCE-BASED PROBATION PRACTICES CALL THESE "CRIMINOGENIC RISK FACTORS." YOU AND I MIGHT CALL THEM COMMON SENSE SOLUTIONS TO THE UNDERLYING CAUSES OF CRIME.

SO PROPERLY FUNDING AN EFFECTIVE PROBATION SYSTEM IS THE RIGHT THING TO DO. AND, FRANKLY, AN INVESTMENT IN PROBATION SERVICES IS MONEY WELL SPENT. IT IS MUCH LESS EXPENSIVE TO MONITOR AN

OFFENDER IN THE COMMUNITY THAN IT IS TO INCARCERATE HIM. THE ANNUAL COST PER OFFENDER COMMITTED TO THE ILLINOIS DEPARTMENT OF CORRECTIONS IS APPROXIMATELY \$22,000. CONTRAST THAT WITH \$4,237 - THE ANNUAL COST OF SUPERVISING AN ADULT PROBATIONER ASSESSED AT THE MAXIMUM RISK LEVEL.

IN ADDITION TO THE NEED FOR AN ADEQUATE NUMBER OF PROFESSIONALLY TRAINED AND COMPETENT PROBATION OFFICERS, TWO ADDITIONAL FACTORS DRIVE THE NEED FOR INCREASED PROBATION FUNDING: JUVENILE DETENTION AND PRETRIAL SERVICES.

FIRST, JUVENILE DETENTION IS A SYSTEM FOR HOUSING AND PROVIDING SERVICES TO JUVENILES AWAITING TRIAL OR WHO HAVE BEEN ADJUDICATED DELINQUENT. SIXTEEN JUVENILE DETENTION CENTERS ACROSS THE STATE ARE OPERATED BY THE JUDICIAL BRANCH. THESE CENTERS PROVIDE SECURE, SHORT-TERM CUSTODY FOR YOUTHS FOR WHOM A JUDGE HAS ORDERED CONFINEMENT. THE GENERAL ASSEMBLY'S ENACTMENT OF P.A. 96-1199, WHICH RAISED THE AGE OF JUVENILE

COURT JURISDICTION TO 18, HAS CONTRIBUTED TO AN INCREASE IN ADMISSIONS TO THESE JUVENILE FACILITIES.

THE ANNUAL COST FOR COMMITMENT OF A JUVENILE OFFENDER TO THE ILLINOIS DEPARTMENT OF JUVENILE JUSTICE IS APPROXIMATELY \$70,000. THE ANNUAL COST FOR SUPERVISING A JUVENILE PROBATIONER AT THE MAXIMUM RISK LEVEL IS \$7,033.

SECOND, PRETRIAL SERVICES OFFICERS EVALUATE ARRESTEES AND PROVIDE INFORMATION THAT JUDGES USE TO DECIDE WHETHER A DEFENDANT MAY BE SAFELY RELEASED INTO THE COMMUNITY PENDING TRIAL. THESE OFFICERS MONITOR THOSE WHO HAVE BEEN RELEASED PENDING TRIAL TO INSURE THEIR COMPLIANCE WITH COURT-ORDERED CONDITIONS AND THEIR APPEARANCE AT SCHEDULED COURT DATES.

PRETRIAL SERVICES, PROPERLY FUNDED AND STAFFED, KEEPS ILLINOIS' JAIL POPULATION DOWN AND AVOIDS EXPOSING MINOR OFFENDERS TO MORE SERIOUS CRIMINAL

INFLUENCES. IT ALSO ALLOWS OFFENDERS WITH JOBS AND FAMILY RESPONSIBILITIES TO REMAIN FUNCTIONAL WITHIN THE COMMUNITY UNLESS AND UNTIL FOUND GUILTY OF A CRIME.

THERE IS A SIGNIFICANT CORRELATION¹ BETWEEN PRETRIAL DETENTION AND THE RISK OF REOFFENDING. JUST THINK OF WHAT THAT MEANS - IF WE CAN REDUCE THE LENGTH OF PRETRIAL INCARCERATION, EVEN FOR PEOPLE WHO ARE SUBSEQUENTLY FOUND GUILTY OF A CRIME, WE CAN REDUCE THEIR RISK OF REOFFENDING BY ALMOST HALF. THIS IS BUT ONE EXAMPLE OF THE JUDICIAL SYSTEM'S INCREASED EMPHASIS ON RATIONAL DECISION MAKING, SUPPORTED BY RELIABLE DATA.

PROJECTED IMPACT OF A 10% CUT IN JUDICIAL BRANCH
APPROPRIATIONS

NOW THAT I HAVE OFFERED YOU A VERY DETAILED OVERVIEW AND THE PRINCIPLED RATIONALE FOR THE RESOURCES BEING REQUESTED TO SUSTAIN ILLINOIS' JUDICIAL BRANCH OF GOVERNMENT IN SFY

¹ ARNOLD FOUNDATION - 2013 - CORRELATION AT .50 LEVEL OF SIGNIFICANCE.

'16, I WANT TO ADDRESS, AND I KNOW THAT SENATOR KOTOWSKI HAS INVITED, WHAT WOULD BE THE IMPACT OF A 10% REDUCTION IN FUNDING FOR THE JUDICIARY.

FIRST, OF COURSE, THE SUPREME COURT CANNOT, NOR WOULD IT, REDUCE THE NUMBER OF, OR COMPENSATION FOR, ILLINOIS' JUDGES. THE MEN AND WOMEN WHO DON THE ROBES DAILY IN OUR 102 COUNTIES ARE IN PUBLIC OFFICE RESULTING FROM THE LAWS THAT THE GENERAL ASSEMBLY ENACTS REGARDING THE NUMBER OF JUDGESHIPS AND THEIR COMPENSATION IS ALSO FRAMED IN STATUTE AND CASE LAW. BECAUSE JUDICIAL SALARIES COMPRISE 51% OF OUR REQUIRED EXPENDITURES, A 10% REDUCTION IN FUNDING (\$34.4 MILLION) FOR THIS BRANCH OF GOVERNMENT WOULD, IN REALITY, RESULT IN AN OVER 20% REDUCTION IN THE TWO REMAINING CORE AREAS, COURT OPERATIONS AT THE SUPREME, APPELLATE AND TO AN EXTENT, THE CIRCUIT LEVEL AND PROBATION.

OUR OPERATIONAL INFRASTRUCTURE, WITH A COST OF \$64.3 MILLION, ENSURES THE PERSONNEL AND TECHNOLOGY ARE IN PLACE TO KEEP OUR REVIEWING COURTS OPEN AND EFFICIENT. THERE ARE NO SUBSTANTIAL SAVINGS TO BE ACHIEVED HERE WITHOUT SHUTTERING OUR REVIEWING COURTS FOR SUBSTANTIAL PERIODS OF TIME AND DELAYING OR DENYING JUSTICE. THE SUPREME COURT'S CONSTITUTIONAL MANDATE TO EXERCISE GENERAL ADMINISTRATIVE AND SUPERVISORY AUTHORITY OVER THIS BRANCH OF GOVERNMENT PRECLUDES DISMANTLING THE VERY INFRASTRUCTURE WHICH KEEPS US RUNNING.

AS SUCH, THAT LEADS TO A MOST CRITICAL AND DIRE SITUATION AS THE COURT WOULD BE FACED WITH THE UNACCEPTABLE CHOICE TO APPLY A \$34.4 MILLION REDUCTION (A 35% FUNDING REDUCTION) TO PROBATION, WHICH IS ALREADY UNDERFUNDED, TO ACHIEVE A 10% REDUCTION IN FUNDING TO THE JUDICIAL BRANCH.

LET ME HIGHLIGHT FOR YOU IMPACTS ON OUR COMMUNITIES AND OUR CITIZENS, AS WELL AS AGAIN OFFER FOR YOUR CONSIDERATION THE RETURN ON INVESTMENT REALIZED IN ADEQUATELY FUNDING PROBATION:

- POTENTIAL 35% REDUCTION IN PROBATION OFFICERS MEANS A CONCOMITANT REDUCTION IN THE NUMBER OF OFFENDERS WHO CAN BE MEANINGFULLY SUPERVISED - AS SUCH OVER 47,000 ADULT AND JUVENILE PROBATIONERS CURRENTLY RECEIVING PROBATION SUPERVISION WILL BE IN OUR COMMUNITIES EITHER UNDER SUPERVISED OR NOT SUPERVISED. A POTENTIAL 35% REDUCTION IN PROBATION'S STATEWIDE WORKFORCE COULD RESULT IN LOSING OVER 880 OFFICERS (ADULT, JUVENILE, PRETRIAL AND YOUTH DETENTION) IN OUR 24 CIRCUITS.

- INCREASED RISK THAT MORE PROBATIONERS WILL END UP IN PRISON - APPROXIMATELY 75% OF ILLINOIS' ADULT PROBATIONERS SATISFACTORILY COMPLETE THEIR TERM OF PROBATION IN THE MANNER PRESCRIBED BY THE SENTENCING COURT. REDUCED FUNDING WILL JEOPARDIZE EFFECTIVE PROBATION SERVICES AND PROGRAMS THAT PROVIDE OPPORTUNITIES TO BUILD SKILLS AND ADDRESS BEHAVIORAL OR PSYCHOLOGICAL ISSUES AND ALLOW PROBATIONERS TO PARTICIPATE AND CONTRIBUTE IN THE COMMUNITY. REMEMBER, THE COST OF PROBATION SUPERVISION FOR MAXIMUM RISK OFFENDERS IS \$5,000/YR AND \$7,000/YR FOR JUVENILE OFFENDERS, WHILE INCARCERATION COSTS ARE FROM 5 TO 10 TIMES THAT RATE. THE SAVINGS PERCEIVED TO BE ACHIEVED BY REDUCING PROBATION FUNDING WILL BE LOST SIMPLY IF 1,000 ADULTS ARE ADMITTED TO IDOC AND 170 JUVENILES ARE ADMITTED TO IDJJ.

- DECREASED PROGRAMMING AND SUPERVISION - APPROXIMATELY 70% OF ADULT PROBATIONERS ARE ASSESSED MAXIMUM OR MODERATE RISK TO RE-OFFEND. EVIDENCE-BASED PRACTICES REQUIRE REDUCED CASELOADS AND MORE INTENSIVE INTERVENTIONS AND MONITORING FOR THIS POPULATION IN ORDER TO BE SUCCESSFUL, AND A 35% REDUCTION IN FUNDING WOULD DANGEROUSLY REDUCE THE ABILITY TO EFFECTUATE THESE PRACTICES. RESEARCH ON OFFENDER RISK LEVELS SUGGESTS A 57% PROBABILITY FOR A HIGHER RISK OFFENDER TO RE-OFFEND, ABSENT TARGETED PROGRAMMING AND SUPERVISION. UNDER THIS DATA DRIVEN SCENARIO, IT IS REASONABLE TO PROJECT THAT OF THE 47,000 OFFENDERS WHO WOULD BE UNSUPERVISED, 60% WILL BE MEDIUM OR MAXIMUM RISK, AND OVER 26,700 (OR 57%) OF THEM WILL COMMIT NEW CRIMES WHILE UNSUPERVISED IN ILLINOIS' COMMUNITIES. WE NOW HAVE TO ADD THE COST OF EACH CRIMINAL ACT FOR LAW ENFORCEMENT, JAIL, VICTIM IMPACT, PROSECUTION, DEFENSE BAR,

AND ADDITIONAL COURT PROCEEDINGS - ALL OF WHICH FAR EXCEED THE SAVINGS ACHIEVED BY REDUCING PROBATION FUNDING BY \$34.4 MILLION DOLLARS.

- SUSPENSION OF EFFECTIVE PROGRAMS AND INTERVENTIONS

STATEWIDE, PROBATION STAFF ARE USING ASSESSMENT TOOLS TO DETERMINE RISK, AND CASE MANAGEMENT STRATEGIES AND COGNITIVE-BEHAVIORAL INTERVENTIONS TO ADDRESS CRIMINAL ATTITUDES, VALUES, AND BEHAVIOR. THE BUILDING OF SUCH SKILL-SETS IS CRITICAL, AS COMMUNITY-BASED PROVIDERS ARE SHUTTERING THEIR DOORS OR CUTTING SERVICES DUE TO FISCAL CONSTRAINTS. EFFECTIVE PROGRAMS AND INTERVENTIONS IMPLEMENTED BY PROBATION STAFF WOULD BE ABANDONED AND PROBATION WOULD BE REDUCED TO GROUP "CHECK-INS" IN MANY JURISDICTIONS.

- DECREASED FUNDING DOESN'T JUST AFFECT ADULT PROBATION - A 35% CUT WILL DIMINISH PROGRAMS FOR JUVENILE DETENTION, PRETRIAL SERVICES, AND PROBLEM SOLVING COURTS.

JUVENILE DETENTION

- SIXTEEN JUVENILE DETENTION CENTERS PROVIDE SECURE, SHORT-TERM CUSTODY FOR YOUTH AWAITING TRIAL, OR FOR WHOM A JUDGE HAS ORDERED CONFINEMENT FOR A DELINQUENT ACT. THESE CENTERS COULD NOT BE ADEQUATELY STAFFED TO PROVIDE FOR THE SAFE AND SECURE CUSTODY OF THE YOUTH WHO ARE PLACED THERE. FOR THOSE YOUTH WHO COULD BE DETAINED, CONFINEMENT TO CELLS WOULD GREATLY INCREASE AND EFFECTIVE PROGRAMMING WOULD BE LOST.

ADULT PRETRIAL SERVICES

- PRETRIAL OFFICERS EVALUATE ARRESTEES BEFORE TRIAL TO PROVIDE INFORMATION TO THE JUDGE TO ASSIST IN DETERMINING WHO MAY OR MAY NOT BE SAFELY RELEASED INTO THE COMMUNITY PENDING TRIAL. THIS RISK ASSESSMENT FOCUSES ON THE CRUCIAL RISK ISSUES OF THE LIKELIHOOD OF COMMITTING A NEW OFFENSE AND THE RISK OF FAILING TO APPEAR AT A COURT HEARING. SHOULD THE COURT DETERMINE THAT THE RISKS FOR COMMUNITY RELEASE CAN BE MITIGATED, PRETRIAL OFFICERS MONITOR THESE INDIVIDUALS ENSURING APPEARANCE FOR TRIAL. RESEARCH INDICATES DEFENDANTS ASSESSED HIGH RISK HAVE A 55% LIKELIHOOD FOR NEW CRIMINAL ACTIVITY, 40% FOR FAILURE TO APPEAR AND 11% FOR NEW VIOLENT ACTIVITY (SOURCE: *DEVELOPING A NATIONAL MODEL FOR*

PRETRIAL RISK ASSESSMENT. JOHN AND LAURA
ARNOLD FOUNDATION.

WWW.ARNOLDFOUNDATION.ORG). AS SUCH,
UNSCREENED DEFENDANTS WILL EITHER REMAIN
IN CUSTODY BECAUSE THEIR RISK IS UNKNOWN,
OR, IF THEY ARE RELEASED AND ARE HIGH
RISK, THEY POSE A 55% LIKELIHOOD OF
COMMITTING A NEW OFFENSE OR FAILING TO
APPEAR IN COURT.

- PRETRIAL SERVICES, PROPERLY FUNDED AND
STAFFED, KEEP ILLINOIS' JAIL POPULATION
DOWN AND AVOID EXPOSING LOWER RISK
DEFENDANTS TO MORE CRIMINAL INFLUENCES.
IT ALSO ALLOWS OFFENDERS WITH JOB AND
FAMILY RESPONSIBILITIES TO REMAIN IN THE
COMMUNITY UNTIL AND UNLESS FOUND GUILTY OF
A CRIME.

PROBLEM SOLVING COURTS

○ THERE ARE 103 PROBLEM SOLVING COURTS THROUGHOUT ILLINOIS SERVICING APPROXIMATELY 4,000 DEFENDANTS WHO ARE UNDER THE SUPERVISION OF PROBATION OFFICERS; 63 DRUG COURTS, 23 MENTAL HEALTH COURTS, AND 17 VETERAN COURTS. THE SURVIVABILITY OF THESE COURTS WITH A 35% BUDGET REDUCTION IN FUNDING IS NOT PLAUSIBLE.

• THE GOVERNOR'S ANNOUNCED PLAN TO TACKLE PRISON CROWDING RELIES HEAVILY UPON A VITAL AND FULLY FUNCTIONAL COMMUNITY CORRECTIONS COMPONENT. REDUCING THE CAPACITY AND EFFECTIVENESS OF PROBATION ONLY SERVES TO UNDERMINE THAT ULTIMATE GOAL OF REDUCING THE PRISON POPULATION WHILE PROTECTING COMMUNITY SAFETY.

FOR FISCAL YEAR 2015, THE COURT REQUESTED \$117.5 MILLION TO PROVIDE FULL FUNDING FOR PROBATION SERVICES, JUVENILE JUSTICE, AND PRETRIAL SERVICES. UNTIL THAT TIME, FUNDING FOR PROBATION SERVICES HAD STOOD FOR YEARS AT LESS THAN 65% OF THE STATUTORILY REQUIRED LEVEL.

YOU RESPONDED BY APPROPRIATING APPROXIMATELY \$97.4 MILLION, WHICH REPRESENTED AN INCREASE OF 35% OVER THE PREVIOUS YEAR'S SPENDING. WHILE THIS WAS A MAJOR STEP FORWARD, IT STILL LEFT THE PROBATION SYSTEM SHORT OF FULL COMPLIANCE WITH STATUTORILY-MANDATED FUNDING.

THE INCREASED APPROPRIATION, SUPPLEMENTED BY STRICT FISCAL DISCIPLINE, ALLOWED US TO CREATE APPROXIMATELY 160 NEW POSITIONS FOCUSING ON HIGH-RISK OFFENDERS, AND TO INCREASE FUNDING FOR JUVENILE DETENTION, PRETRIAL SERVICES, AND PROBLEM-SOLVING COURTS.

MY PLEA TO YOU TODAY IS TO PRESERVE THIS SUCCESS. IT IS CRUCIAL THAT THE STATE OF ILLINOIS COMMIT RESOURCES TO FUNDING PROBATION AT THE STATUTORY LEVEL. DO NOT ALLOW OUR PROBATION SYSTEM TO LOSE GROUND THAT HAS BEEN WON THROUGH SUCH EFFORT AND COMMITMENT.

SUSTAINING THE STATE'S COMMITMENT TO FUNDING COMMUNITY-BASED CORRECTIONS HAS AN EXPONENTIAL IMPACT. INDIVIDUALS WHO ARE SUPERVISED BY PROBATION OR PRETRIAL SERVICE OFFICERS REMAIN IN THEIR COMMUNITIES, PRESERVING FAMILY UNITY, REMAINING EMPLOYED, AND ALLEVIATING OVERCROWDING IN OUR PRISONS AND JAILS. IN TERMS OF ECONOMICS, FOR EVERY DOLLAR SPENT ON INCARCERATION, ADULT PROBATION REQUIRES ONLY 19¢, AND JUVENILE PROBATION COSTS ONLY 10¢.

I HAD THE PRIVILEGE LAST FALL OF ADDRESSING THE ANNUAL MEETING OF THE ILLINOIS PROBATION AND COURT SERVICES ASSOCIATION. AFTERWARDS, I HAD THE OPPORTUNITY TO TALK TO SOME OF THE OFFICERS AND TO

ASK THEM ABOUT THEIR WORK. WHILE I CERTAINLY HEARD ABOUT THEIR NEED FOR MORE PERSONNEL AND RESOURCES, I WAS MOST IMPRESSED WITH THEIR SUCCESS STORIES.

ONE OFFICER TOLD ME ABOUT A BRIGHT BUT TROUBLED YOUNGSTER WHO COMMITTED A SERIOUS OFFENSE, BUT HAD NO PRIOR HISTORY OF CRIME. HE FINISHED 8TH GRADE WHILE IN JUVENILE CUSTODY, WAS PLACED IN A STABLE FOSTER HOME, AND WENT ON TO GRADUATE FROM HIGH SCHOOL.

A YOUNG WOMAN WHO COMMITTED CRIMES TO FUND HER ADDICTION SUCCESSFULLY COMPLETED DRUG COURT AND WAS ABLE TO FIND WORK, OBTAIN SAFE HOUSING, AND REGAIN CUSTODY OF HER CHILD.

ANOTHER YOUNG MAN HAD REPEATEDLY RUN AWAY FROM HOME AND ABUSED DRUGS AND ALCOHOL. AFTER HE WAS CHARGED WITH CRIMINAL DAMAGE TO PROPERTY, HE MIGHT HAVE GONE TO JAIL, BUT BASED ON A PRETRIAL ASSESSMENT OF HIS RISK FACTORS, HIS CASE WAS CONTINUED UNDER SUPERVISION. THAT MEANT THAT IF HE

FULLY COMPLIED WITH THE COURT'S ORDERS, THE CHARGE WOULD BE DROPPED. UNDER THE SUPERVISION OF A PROBATION OFFICER, HE GOT HIS G.E.D. AND SUCCESSFULLY COMPLETED HIS PROBATION. HE WAS ABLE TO ENLIST IN THE ARMY, WHERE HE TRAINED AS A MEDIC. HE HAS SINCE MARRIED AND SETTLED DOWN.

A WOMAN WHO WAS CHARGED WITH VIOLATING AN ORDER OF PROTECTION IN 2003 COULD HAVE BEEN JAILED FOR UP TO A YEAR. INSTEAD, SHE WAS PLACED ON PROBATION AND OFFERED SERVICES TO ADDRESS HER OWN TRAUMATIC PAST AND HER SUBSTANCE ABUSE ISSUES. SHE COMPLETED HER PROBATION AND HAS NOT REOFFENDED IN OVER 12 YEARS.

THERE ARE THOUSANDS OF SIMILAR STORIES AND, IN EACH CASE, THE INDIVIDUAL'S PROGRESS WOULD NOT HAVE HAPPENED WITHOUT COMPETENT SUPERVISION AND INTERVENTION BY DEDICATED PROBATION PROFESSIONALS.

TO ENSURE THAT SUCCESS STORIES LIKE THESE CONTINUE, WE MUST FUND PROBATION AT THE STATUTORILY-REQUIRED LEVEL. CUTTING PROBATION

FUNDING MEANS CUTTING COMMUNITY-BASED INTERVENTION, MONITORING, AND REHABILITATION PROGRAMS THAT HAVE BEEN PROVEN TO BE EFFECTIVE, EVEN WITH HIGH RISK OFFENDERS.

IN CLOSING, I WOULD LIKE TO ACKNOWLEDGE THE CHALLENGE FACING THIS COMMITTEE. YOU HAVE THE UNENVIABLE TASK OF ALLOCATING THE STATE'S LIMITED RESOURCES AMONG MANY VITAL AND NECESSARY PROGRAMS, ALL WHILE ENSURING THAT THE SAFETY OF ILLINOIS' CITIZENS IS PROTECTED. GIVEN RECENT DEVELOPMENTS SURROUNDING FUNDING FOR THE DEPARTMENT OF CORRECTIONS AND HEIGHTENED INTEREST IN REDUCING RECIDIVISM, I OFFER THE ASSISTANCE OF OUR PROBATION DEPARTMENTS STATEWIDE, AS WELL AS THE RESOURCES OF THE JUDICIAL BRANCH AS A WHOLE.

LET US HELP. APPROPRIATE THE \$.19 ON THE DOLLAR THAT WILL ALLOW PROBATION OFFICERS TO DO WHAT THEY DO BEST: SUPERVISE, COUNSEL, AND MENTOR OFFENDERS WITHIN THE COMMUNITY TO IMPROVE PUBLIC SAFETY THROUGH OFFENDER RISK REDUCTION.

FINALLY, I WOULD BE REMISS IF I DID NOT EMPHASIZE THE CENTRAL ROLE THAT THE JUDICIAL BRANCH PLAYS IN PROTECTING AND ENHANCING THE LIVES OF ALL CITIZENS AND TAXPAYERS. THE ESSENTIAL ROLE OF THE "THIRD BRANCH" IS THE PRESERVATION OF CIVIL ORDER. SWIFT AND EFFICIENT ADMINISTRATION OF JUSTICE IS THE BEDROCK OF A WELL-FORMED AND PROSPEROUS SOCIETY. ILLINOIS' JUDICIAL OFFICERS TAKE AN OATH TO FAITHFULLY, HONESTLY, AND IMPARTIALLY ADJUDICATE DISPUTES THAT ARE DESTINED TO ARISE IN OUR SOCIETY. I ASK FOR YOUR ASSISTANCE IN PROVIDING THE RESOURCES THAT ENABLE US TO CARRY OUT OUR OATHS AND OUR CONSTITUTIONAL RESPONSIBILITIES.

ONCE AGAIN, I THANK YOU FOR YOUR ATTENTION TODAY, AND I LOOK FORWARD TO FURTHER DIALOGUE WITH THIS COMMITTEE AS WE CONTINUE THE LEGISLATIVE APPROPRIATIONS PROCESS. MY STAFF AND THE STAFF OF THE ADMINISTRATIVE OFFICE WILL BE GLAD TO PROVIDE YOU WITH WHATEVER INFORMATION OR ASSISTANCE YOU MAY

NEED GOING FORWARD. I WOULD NOW LIKE TO INVITE
QUESTIONS OR COMMENTS FROM THE COMMITTEE.