



State of Illinois
Circuit Court of Cook County

Chambers of
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Chief Judge

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PRESS RELEASE
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Chief Judge signs order to provide free lawyers for arrestees in CPD custody

On-call attorneys now available for consultations in police stations

CHICAGO (March 14, 2017) Circuit Court of Cook County Chief Judge Timothy C. Evans signed an order today that will help individuals held in Chicago Police Department custody gain access to a free attorney in the police station.

Currently, the vast majority of arrestees do not receive legal representation until their first court appearance, which is for a bail hearing.

“I want to ensure that constitutional rights are protected from the earliest point of contact with the criminal justice system,” Chief Judge Evans said. “The concept of ‘justice’ demands that we take this step to strengthen an individual’s rights and the public’s confidence in the system.”

“In the eyes of the law, everybody is innocent until proven guilty. Everybody deserves access to justice. They should always have the opportunity to speak with an attorney before talking to anybody else,” Chief Judge Evans said.

The order signed by Chief Judge Evans designates the Law Office of the Cook County Public Defender to send one of its attorneys to the police station or designate a volunteer private attorney to attend in place of an assistant public defender. In 2015, 89 percent of defendants in the Circuit Court of Cook County were represented by the Law Office of the Cook County Public Defender.

Arrestees will have access to assistant public defenders on Mondays through Fridays from 8 a.m. to 4 p.m. Volunteer attorneys from First Defense Legal Aid will assist individuals during all other hours and on weekends and holidays.

Through a Freedom of Information Act request, First Defense Legal Aid reviewed statistics for 2016 and found that less than 1 percent of all Chicago arrests last year resulted in an attorney visit at a police station. There were 838 attorney visits recorded for the 86,677 arrests in Chicago in 2016.

Arrestees still must ask to speak with an attorney, but now there will be signs posted in the 22 Chicago Police Department stations that have lock-up facilities. The signs will provide the number for arrestees to call to reach either a public defender or First Defense Legal Aid. To avoid unnecessary calls to the phone number, the number is not being publicly released and will only be made available in the police stations.

The Chief Judge's order does not guarantee attorney representation, as it will be based on the staffing capacity of the Cook County Public Defender and First Defense Legal Aid to assist individuals who request an attorney. Chief Judge Evans has received assurance that efforts will be made to accommodate as many individuals as possible.

The General Administrative Order will further protect an individual's constitutional right to counsel under the Sixth Amendment and right to a fair trial under the Fifth and 14th Amendments. It will help ensure the fundamental protections established by the U.S. Supreme Court more than 50 years ago in *Gideon v. Wainwright*, 372 U.S. 335 (1963).

The order also aligns with Illinois law, which holds:

(725 ILCS 5/103-3) (from Ch. 38, par. 103-3)

Sec. 103-3. Right to communicate with attorney and family; transfers.

(a) Persons who are arrested shall have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or in any other reasonable manner. Such communication shall be permitted within a reasonable time after arrival at the first place of custody.

(b) In the event the accused is transferred to a new place of custody his right to communicate with an attorney and a member of his family is renewed.

The order signed by Chief Judge Evans comes after meetings that the Chief Judge held with several system stakeholders and interested parties, including the Law Office of the Cook County Public Defender, First Defense Legal Aid, the Cook County State's Attorney's Office, Chicago Appleseed Fund for Justice, The Chicago Bar Association and the West Side Justice Center.

The respective leaders of the following organizations issued these statements regarding today's announcement:

Amy P. Campanelli, Cook County Public Defender: "This is a huge step forward for my clients and the criminal justice system in Cook County. It brings integrity to the process. There is no greater right than the right to counsel when someone is arrested. This is *Gideon* week for public defenders all over the country, because the ruling in *Gideon v. Wainright*, which guaranteed the right to counsel for those who are arrested but are too poor to afford their own attorney, was issued on March 18, 1963. As then-Attorney General Robert F. Kennedy said, because Mr. Gideon filed his own crude, handwritten petition asking for the right to counsel, 'The whole course of American legal history has been changed.' Today, the course of legal history in Cook County has changed thanks to the vision and action of Chief Judge Timothy C. Evans. I thank Chief Judge Evans for his courage on behalf of all the citizens of Cook County."

Kimberly M. Foxx, Cook County State's Attorney: "The legitimacy of the justice system depends on protecting the constitutional rights of people who come in contact with it. Today's announcement affirms the commitment of all the stakeholders in the justice system to ensuring that no one is denied their constitutional right to counsel."

Eliza Solowiej, Executive Director of First Defense Legal Aid: "Chicago holds the record for wrongful convictions based on false confessions made to police without the benefit of counsel. The Chief Judge's action promises to end that epidemic and prevent much human suffering. Cities that have made legal aid available to arrestees have seen a decrease in violent crime. The Chief Judge's order is a step toward a more peaceful Chicago." (*Executive Director Solowiej added that anyone can call 1(800)LAW-REP4 to report the arrest of friends or relatives and request legal aid for the up-to 72 hours they are with the Chicago police.*)

Malcolm C. Rich, Executive Director of Chicago Appleseed Fund for Justice: "Chicago Appleseed applauds this move toward a fairer administration of justice for all persons. We look forward to working with DataMade, a civic technology company, to demonstrate the effectiveness of this important criminal justice reform. This research will document how many persons will get legal representation after their arrest, how long it takes to get this representation, and what outcomes occur because of this representation. Our goals are to show to what extent providing lawyers to persons soon after their arrest helps them individually, and to document how this legal assistance helps the criminal justice system be fairer and more effective."

Daniel M. Kotin, President of The Chicago Bar Association: "The Chicago Bar Association commends Chief Judge Evans for recognizing a problem that existed in arrestees obtaining their constitutionally guaranteed legal representation during the hours they are detained in police custody, and for taking action, through this order, to remedy this problem. This is one example, among many, of Chief Judge Evans showing great leadership by listening to a community concern, analyzing it and taking action to remedy it."

Brendan Shiller, Board President of the West Side Justice Center: "This leadership from Chief Judge Evans and the Cook County courts will usher in a new era in Chicago that will simultaneously protect constitutional rights and reduce crime."