

Fact Sheet: Black Communities must be involved in the Creation of a Statewide Public Defense System in Illinois

Landmark civil rights era cases such as *Gideon v. Wainwright* (*Gideon v. Wainwright*, 372 U.S. 335, 344 (1963)) found it to be the “obvious truth” that fair representation was not possible without access to counsel for all accused people. Despite this Illinois’ current county-based public defender system has underserved Black people across the State for decades¹. Public Defenders remain underfunded, understaffed and overwhelmed, impacting the quality of representation in the counties where Black people reside across Illinois². The States choice to maintain a county-based system has resulted in poor outcomes in the following areas:

- In every county, resources afforded to public defense fail to meet modern national practice standards
- The State of Illinois has created no standards related to the provision of public defense. Resources and practices vary dramatically, creating inequitable access to a Constitutional right for Black Illinois residents.
- The state spends less than one dollar to defend Illinoisans from criminal charges for every \$200 it spends to pursue criminal charges via police, prosecution, and prison.
- In more than half of Illinois counties, there is no public defender office⁸.

Fiscal Year 2024 Budget		
County	Public Defender	States Attorney
Cook ³	\$102,266,47	\$203,655,662
St Clair ⁴	\$1,045,555	\$2,321,910
Champaign ⁵	\$1,787,756	\$3,048,675
Dupage ⁶	\$6,591,509	\$14,879,590
Peoria ⁷	\$2,436,865	\$5,205,383

The Illinois Supreme Court created the Judicial Conference Criminal Indigent Defense Task Force (“Task Force”) to address challenges to quality legal representation. The Task Force recommended full state funding for trial-level public defense services, the establishment of an independent Administrative Office of Public Defense (AOPD) and State Public Defender Commission. However, these recommendations lack critical impact from the Black communities and people that utilize public defender services.⁹

Fund A Statewide Public Defender System that supports & partners with Black communities.

Despite the potential benefits of a new, statewide system, without community guidance and input from Black people and Black advocacy organizations, the issues of the past system are at risk of repeating themselves. In order to create a more equitable system for representation, we recommend:

- Conducting listening sessions led by community based organizations across Illinois.
- Form an Advisory Board and Governing Board for the Statewide Trial-level Public Defender Office with Black community representation.
- Commission community-based research to access impacted communities’ needs.
- Develop strategy to improve representation provided to parents in abuse and neglect proceedings.

¹ Maria Hawilo, Thomas F. Geraghty. “3 Challenges and Opportunities for the New Cook County Public Defender.” *Injustice Watch*, 8 Jan. 2024, www.injusticewatch.org/criminal-courts/public-defenders/2021/cook-county-public-defender-challenges-opportunities/.

² Appleseed, Chicago. “You Have the Right to Chronically-Underfunded and Overworked Counsel: The Need for Improved Support of Public Defense in Cook County and Beyond.” *Chicago Appleseed Center for Fair Courts*, 11 Aug. 2021.

³ “Current Budget Information.” *Cook County*, 2024, www.cookcountyil.gov/Budget.

⁴ *St. Clair County Illinois*, www.co.st-clair.il.us/departments/auditor/budgets

⁵ Champaign County Illinois, Urbana. “Champaign County Board.” *Champaign County Budgets* | *Champaign County Illinois*, www.co.champaign.il.us/CountyBoard/budget.php. Accessed 15 Feb. 2024.

⁶ “Dupage County Finance and Budget Visualization.” *OpenGov*, 2024, [dupageil.opengov.com](https://opengov.com)

⁷ “Budget Information.” | *Peoria County, IL*, 2024, www.peoriacounty.gov/395/Budget-Information.

⁸ North Western Pritzker School of Law., Issue Brief: Creating a Statewide Public Defense System in Illinois (2024)

⁹ State of Illinois Office of the Illinois Courts. “ State of Illinois Office of the Illinois Courts.” *Administrative Office of the Illinois Courts*, 28 Mar. 2023, www.illinoiscourts.gov/News/1222/Illinois-Supreme-Court-announces-creation-of-Criminal-Indigent-Defense-Task-Force/news-detail/.