Toni Preckwinkle's plan to shrink the jail population
By Mick Dumke
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Toni Preckwinkle wants to get people out of Cook County jail.

She also wants to keep them from going there in the first place. And in the cases where people have to be locked up, Preckwinkle would prefer they limit their stay—and not return.

The Cook County board president says it's a matter of both money and justice. She rattles off a series of numbers she’s grown used to wielding in the presence of skeptics: “We spend roughly half a billion dollars on the jail every year. Seventy percent of the people are awaiting trial for nonviolent offenses, and the recidivism rate is about 52 percent …”

Savvy about keeping her reform credentials in the news, Preckwinkle recently did a round of media appearances to review her first year in office. She agreed to talk with me about her goal of reshaping the county’s $1 billion-a-year criminal justice system, starting with shrinking the number of nonviolent offenders behind bars.

For decades crafty politicians have been finding creative ways to convince voters that they’re cracking down on crime, mostly by playing on racial fears and locking up black men on drug charges.

But Preckwinkle is a wily politician herself, and she’s betting that concerns about crime have evolved. She argues that voters don’t just want "toughness"—they want smarts. And she knows they’re tired of being asked to pay more and more for policies with unclear results.

That’s why she’s set a 2012 goal of cutting the daily inmate rolls by at least 1,000, or more than 10 percent. It would save taxpayers $5 million.

“What’s happened is that the financial circumstances are so bad for government at all levels that people are willing to consider options that they never would have considered in the past,” she says. “And frankly the people who are strongest on ‘Let’s get tough on crime’ are often the people who are most tight-fisted when it comes to fiscal policy.

“So you get two kinds of allies: people who see the devastation and the impact in our black and brown neighborhoods, and then the people who think, ‘Why are we wasting all this money in the way we’re dealing with low-level possession and petty crime?’”

Preckwinkle’s jail campaign really began this summer, when she declared that the war on drugs had “failed.” She then pressured Chicago Mayor Rahm Emanuel to get city police to stop making arrests for misdemeanor marijuana possession. There are about 23,000 of these arrests a year, which end up costing the county at least $78 million annually in court and jail expenses.
The mayor has since said that police are looking into changes, and a number of aldermen have proposed an ordinance that would allow cops to issue tickets for possession of a third of an ounce or less.

“Anything that moves toward keeping people out of the jail for low-level drug offenses is a good idea,” Preckwinkle says. “Eighty percent of the people in our jail come from Chicago, so if Chicago changes the way it deals with low-level drug offenses, that’ll have a dramatic impact on our jail population.”

Yet she’s aware that a switch from arrests to tickets won’t automatically end the grass gap—the enormous racial disparity in who’s busted for pot.

“Sure, but it’s the beginning of the conversation,” she says. “The way our police operate has a disproportionately bad impact on African American communities as well as Latino communities. That’s why I say the jail is the intersection of race and poverty. It’s not an accident that the jail is filled with black and brown people. It’s not a lottery that determines whether you end up in jail. It’s a function of the neighborhood where you live and how the police treat you.”

Marijuana possession arrests are just part of the problem: they accounted for about 3 percent of the 77,942 jailings in Cook County in 2010, according to an analysis by Loyola University professor David Olson. Other drug charges added up to 25 percent of the total.

That means there were about as many people incarcerated for drug violations as for violent crimes.

Plus, Preckwinkle notes that these figures don’t count anyone jailed for theft, burglary, prostitution, or other crimes that were committed to fund drug habits. And more than 80 percent of jail inmates tested positive for drugs this spring, the last time everyone was checked. “So even if they’re not there for a drug offense, clearly their substance abuse was one of the things that brought them into contact with the criminal justice system.”

The good news, she says, is that all the top officials in the county’s criminal justice constellation—Preckwinkle, Chief Judge Timothy Evans, Sheriff Tom Dart, State’s Attorney Anita Alvarez, and court clerk Dorothy Brown—have agreed to work together to reduce the inmate population. They’re starting by trying to keep people away from jail in the first place. For example, the recently passed 2012 county budget includes additional funding for drug treatment and other social services.

“On any given day perhaps 30 or 40 percent of people in the jail are struggling with mental illnesses, and 85 percent of the people in jail get no treatment or no services, so they’re just sitting there,” Preckwinkle says. “We’ve got to get them to supportive housing and help stabilize their lives.”

County officials have also tried keeping nonviolent offenders on a tether rather than locking them up—since 2009, the number of people on electronic monitoring has soared from 200 to 1,100.

But so far it hasn’t pushed the jail population down much. The average daily population was about 9,000 this summer, roughly what it’s been the last couple years.
“We think judges are learning more about electronic monitoring and using it for low-risk people instead of moderate-risk,” Preckwinkle says. “But what exactly is happening we still have to determine.”

Preckwinkle also has her sights set on bond court, where judges determine—usually in less than a minute—how much money each defendant has to post in order to walk free, or whether that’s an option at all.

“The first thing we’re focusing on is bond court, because that’s the gateway to the system,” Preckwinkle says. “It’s arbitrary, capricious, and denigrating to the poor people who are there, both as alleged perpetrators, and their families. I mean, it’s medieval.

“We’re going to allocate resources to see that there is a more intensive interview of people before they come to bond court so that the state's attorney and the public defender are better informed. Does the person actually have the job they’ve claimed? Are they still in school? Does the person have a home they can refer to? Those are questions that there’s no time to get an answer to now. The review of the circumstances of the defendant is a charade in bond court.”

Of course, many defendants would avoid bond court altogether—and taxpayers would save millions of dollars a year—if prosecutors simply stopped taking drug possessors and other petty offenders into the court system. But they don’t want to be accused of letting up on bad guys any more than the police who send them these cases.

That’s just one example of how our costly drug and jail policies could be reformed without still more time being spent on political maneuvering.