

For the purposes of this assignment I use my hometown of Chicago, IL.

Question 1: What is the incarceration rate in this municipality, and how does it compare to the overall US rate? Is there any available information on incarceration rates by race?

According to the Prison Policy Initiative, in Illinois, the incarceration rate is 564 per 100,000 people. By race, 258 per 100,000 white people are incarcerated, 472 per 100,000 for Latino, 821 per 100,000 for Native, and 2128 for Black people.¹ Compared to the U.S, the total incarceration rate is lower in Illinois but not by much (U.S. incarcerates 698 according to PPI). Closer to Chicago, in Cook County the number of people given sentences of incarceration in 2018 (to choose a pre-2020 year) was 9,941², and the population of Cook County is 5.1 million. This comes out to 194 persons per 100,000 as the incarceration rate. Some alarming details about the demographics of the incarcerated people from Chicago are that “roughly two-thirds of the 35,000 prisoners who are released from Illinois prisons each year return to just seven zip codes on the West and South sides of Chicago, where black male unemployment is over 40 percent. ... One 2008 study found that, in Illinois, 68 percent of those imprisoned are African American, and of the drug offenders who are returning to Chicago after release, 92 percent are African American.”.³

Question 2: If someone were arrested in this municipality for driving while intoxicated (or whatever that charge is called in this place), where would they be held immediately after their arrest? If you were a friend or family member trying to bail them out, what would that process look like?

The Illinois DMV has a very specific timeline of what should/could happen when you're pulled over by the police officer. If the officer has reason to believe you've been driving under the influence, they will submit you to a field sobriety test (walking in a line, etc). If they think you failed then you will be formally asked to submit to a breathalyzer, and arrested and taken to jail. If you refuse, then your license automatically is suspended. Otherwise, if your breath reveals BAC between 0.5 and 0.8 then your license won't be suspended, but the arrest will remain on your record. If it's over 0.8, then you receive a receipt after your arrest saying your license will be suspended after 45 days following the arrest. Length of suspension depends on the number of prior DUIs and any other incidents that may have occurred while driving. You will be required to post bail, and your car may or may not be towed.⁴ Bail amounts vary depending on the jail and 'administrative fees'. One estimate ranges bail to be from \$100 to \$2,500 for DUI bail, but

¹<https://www.prisonpolicy.org/profiles/IL.html>

²<https://news.wttw.com/sites/default/files/article/file-attachments/2019-07%20Final-Report-Kim%20Foxy-Fox-Print.pdf>

³https://www.google.com/url?q=https://ssa.uchicago.edu/ssa_magazine/end-mass-incarceration&sa=D&st=1600785860071000&usq=AFQjCNF11BSmKeKC19k5w-J1y8iBJUCU-w

⁴ https://www.cyberdriveillinois.com/publications/pdf_publications/dsd_a118.pdf

depending on the severity of the crime the judge can hold the person without bail. But you don't just have to make bail, there's also the costs of getting your car back after it's impounded, paying lawyers in court, the remedial alcohol safety classes and counseling, you could pay for a breathalyzer device to install in your car so that you can avoid suspension, otherwise you lose income potentially from not being able to drive.⁵

Question 3: If someone were facing a misdemeanor charge (say, shoplifting something worth \$20), what court would handle their case? What if they were facing a felony charge (something like aggravated assault)?

In Chicago, it seems that misdemeanor charges (which is any crime punishable by less than 1 year of incarceration) are handled by the Circuit Courts of Cook County. Specifically in the city, there are 4 locations for the misdemeanor courts, all on the south or west side of Chicago.⁶ There is only 1 court that handles felony charges and it's also a part of the Circuit Courts of Cook County. It's located on the south side of Chicago at 2600 S California Ave.⁷ The Cook County State Attorney does seem to offer diversion programs for misdemeanors pre or post plea. There's a deferred prosecution program, where if you go through the program charges will be dropped. Similarly there are other programs that the individual could be qualified for, but there are only 5. One of which is a restorative justice court in North Lawndale. (This is Cook County, not just Chicago).⁸

Question 4: If someone were being detained pre-trial, or they were sentenced to jail time in their misdemeanor case, where would they be held? Is there any information available (either from local media investigations, or from government investigations) about the conditions in this facility? Can you find any information about the death rate among people held here?

Cook County Jail in Chicago houses people detained pre-trial. It is the third largest jail-system in the country. It's hard to find conditions of the prison in pre-Covid times, especially in Cook County Jail. Covid conditions overwhelm all past articles. The Chicago Bond Fund reported that "Cook County Jail is reopening divisions and buildings that were shut down due to them being condemned, [with] inhumane and unsanitary living conditions, but yet are good enough to house new inmates, which blatantly violates their rights."⁹ The cleanliness of Cook County Jail has been especially poor, resulting in CCJ being one of the largest hotspots in the country earlier

5

<https://chicagoduilawyers.net/how-much-is-bail-for-a-duit-in-illinois/#:~:text=If%20a%20DUI%20suspect%20has%20circumstances%20of%20the%20DUI%20arrest.&text=Some%20report%20paying%20as%20little%20administrative%20fees%20to%20the%20jail.>

6

<http://www.cookcountycourt.org/ABOUT-THE-COURT/Municipal-Department/First-Municipal-District-Chicago/Misdemeanor-Section>

⁷ <http://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Criminal-Division>

⁸ <https://www.cookcountystatesattorney.org/resources/misdemeanor-diversion-programs>

9

<https://chicagobond.org/2020/04/03/testimony-from-inside-cook-county-jail-about-the-conditions-needs-of-incarcerated-people/#:~:text=Cook%20County%20Jail%20is%20reopening.2%2C%201%2C%20and%205.>

into the pandemic.¹⁰ Pre-pandemic, from 1995 to 2004 there 178 deaths in CCJ.¹¹ In 2017 at least 22 people died in Cook County Jail, many of them from suicide or medical issues related to withdrawal¹². As a point of reference, CCJ holds around 7500-9000 detainees per day. In downtown Chicago there's also the Metropolitan Correctional Center where you can be held pretrial if you are being held without bail.

Question 5: If someone were sentenced to prison time in a felony case, where might they be held? (For both this question and the previous one, there might be multiple places a person could end up. If that's the case, tell us the agency that would hold the person in custody, and either tell us a little bit about the whole prison system or else just pick one prison to talk about.) Is there any information available (either from local media investigations, or from government investigations) about the conditions in this facility? Can you find any information about the death rate among people held here?

For short prison sentences you can end up at the Metropolitan Correctional Center in downtown Chicago. Otherwise, you go into the Illinois State Prison system, at one of 22 state prisons. A report in the 1980s documented that "crowding is made worse by the bad physical condition of many of our prisons. These many problems reduce to two: Illinois' prisons are mostly too old, and the corrections system does not have enough room for a steadily increasing prison population."¹³ And it doesn't look like much changed over the last 40 years: "That can mean that people are housed in very inhumane conditions. It can be dangerous for the people who work in those prisons, that can lead to less programming, so less opportunities for recidivism reduction," she said. Rose added that overcapacity prisons may also result in cutbacks on visitation hours for families and loved ones of inmates due to a lack of staff or space."¹⁴ It seems all sources lead to pointing out how overcrowded Illinois prisons are, at all points in the last few decades. From 2001-2016 there were anywhere from 70 to 120 deaths per year with a system housing 49,000 inmates.¹⁵

Question 6: Can you tell how much this jurisdiction spends on courts and incarceration in a year? How did you try to figure it out, and what did you find?

Illinois appropriates around 1 billion per year on state prisons and parole. In 2014 they appropriated and spent 1.3 billion.¹⁶ Estimates show that "Illinois spends an estimated \$22,000

¹⁰

<https://chicagobond.org/2020/05/13/new-court-filings-reveal-that-conditions-in-cook-county-jail-remain-dire/>

¹¹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2078256/>

¹²

<https://chicagobond.org/wp-content/uploads/2018/10/money-for-communities-not-cages-why-cook-county-should-reduce-the-sheriffs-bloated-jail-budget.pdf>

¹³ <https://www.ncjrs.gov/pdffiles1/Digitization/83505NCJRS.pdf>

¹⁴ <https://will.illinois.edu/news/story/new-report-says-illinois-prisons-are-nearly-40-percent-overcapacity>

¹⁵ <https://www.bjs.gov/content/pub/pdf/msfp0116st.pdf>

¹⁶

<http://www.icjia.org/cjreform2015/research/illinois-prison-overview.html#:~:text=Illinois%20Prison%20Costs,billion%20on%20the%20prison%20budget.>

in operational expenses to incarcerate one person for a year.[1] This figure rises to \$37,000 when accounting for capital costs and employee benefits, including pensions.”¹⁷ If you have not already seen it, the Chicago Million Dollar Block shows how much money was spent incarcerating people in Chicago from 2005-2009.¹⁸ With respect to courts, the cost of operating all circuit clerks’ offices totaled \$220,321,677 in 2018.”¹⁹

Reflection: I think I learned a lot about Chicago and Illinois in the process of answering these questions. The thing that immediately comes to me when I think about this process is learning that Cook County Jail has notorious delay rates. We read in readings people being held for months and even a few years before a sentencing, but in Cook County Jail it seems that the norm is 2 year minimum. I read a story about someone waiting a decade for their sentencing/trial. For some reason, I also had the misconception in my head that there were multiple jails throughout the city and you were brought to the one closest to the alleged crime, but this is clearly not the case as there is one jail for a county of 5 million people. I had thought there would be a system of jails. Similarly, I thought there was a ‘Chicago’ prison. There isn’t, really. There’s that one prison downtown that also serves as jail sometimes. I’ve definitely passed that building before not giving it another glance, it looks like every other skyscraper/tall building in the city. So that was also personally surprising for me. Lastly, I’m also pretty appalled that in the 40 years since a report I found, overcrowding is still a huge issue. Overcrowding dropped a bit these last 2 years, I think one report I read said it was the lowest since the 1990s. But in 1980 they already thought that was overcrowded, and I don’t think many new prisons have been built... so we’re still no better off than 40 years ago.

¹⁷ <https://www.civicfed.org/iifs/blog/trends-illinois-department-corrections-spending-and-prison-population>

¹⁸ <https://chicagosmilliondollarblocks.com/>

¹⁹ <https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/27396fcb-d360-4628-98b4-8a35118678cf/2018%20Administrative%20Summary.pdf>

MIT OpenCourseWare
<https://ocw.mit.edu/>

17.271 "Mass Incarceration in the United States"
Fall 2020

For information about citing these materials or our Terms of Use, visit: <https://ocw.mit.edu/terms>.