

**Chief Justice Lloyd A. Karmeier – Opening Remarks at
Budget Appropriation Hearings
March 27-28, 2019**

Good afternoon (morning), Mr. Chairman and members of the committee.

My name is Lloyd Karmeier; I am the Chief Justice of the Illinois Supreme Court. With me today are Marcia Meis, Director of the Administrative Office of the Illinois Courts, and Kara McCaffrey, Assistant Director who serves as our fiscal officer, both of whom are available to answer questions, and the Hon. Susan Clancy Boles, Chief Judge of the 16th Judicial Circuit, who can give you her perspective on funding and probation.

Mr. Chairman, with your indulgence I would like to make brief opening remarks to help explain the critical needs of the Judicial Branch of Government, and then we will be happy to try to answer any questions you may have.

My three-year term as Chief Justice will be coming an end this October, so this is my third and final opportunity to appear before you to

present the Judicial Branch's Appropriation Request. Over these past three years, representing the third branch of government has been a tremendous honor and an obvious highlight to my professional life. That said, the fiscal challenges we all have faced, and continue to face, can be daunting, as you well know. It is my hope today, as we discuss the Judicial Branch's budget request, that you will see the importance of fully funding the court system so that the judiciary can fulfill its constitutional duties to provide equal access to justice, to provide prompt and fair adjudication of legal proceedings, and to provide assurances of due process while ensuring public safety.

The Judicial Branch serves tens of thousands of court users across Illinois every single day, whether they are litigants, victims, witnesses, jurors, law enforcement, or other justice stakeholders. Every Illinois resident benefits from the services provided in courthouses and other court facilities located in each county throughout our great state.

Given that, you might be surprised to know that the Judicial Branch's FY 2019 General Revenue Fund appropriation of \$344.8

million is less than 1% of the overall State of Illinois Budget. Not only that, our budget has remained flat for five (5) consecutive years, all while the costs to administer justice continued to escalate. We in the judiciary recognize that meeting the fiscal needs of the various agencies of State Government have been a challenge for you in recent years.

But I come before you today - not on behalf of a State Agency, but as the leader of a co-equal branch of state government – to make a simple request: provide the Supreme Court with sufficient funding to guarantee every court user a justice process that is efficient, effective and fair, just as intended and guaranteed by our U.S. and Illinois Constitutions.

Based on my past discussions with your committee, I know some members may have questions about the salaries we as judges are paid. The Supreme Court does not set and we have no control over the salaries paid to judges. Salaries are determined by the legislature and we thank you for the compensation you have provided to all of us over the years.

And as you know, the salaries once set are protected by the Illinois Constitution so there is no room to cut expenditures in that area.

And although judicial salaries comprise a substantial portion of our budget, there are over 900 judges in the State of Illinois, including the Supreme Court, the Appellate Court, and the circuit and associate judges working all over the State of Illinois, I assure you our budget covers much more than that. Today I hope to help you, on behalf of every Illinois resident, to get a better understanding of who we are, what we do and what financial obligations have been placed on us either by the Illinois Constitution or State Statute.

A couple of weeks ago, we presented a Law School for Legislators program at the Supreme Court Building – just across the street. Many of your colleagues were present – perhaps even you or some of your staff were able to participate. If you were, you have already learned that the Supreme Court not only hears oral arguments and writes opinions - the Court also has administrative and supervisory authority over all Illinois courts and judicial agencies and programs. This is an awesome

responsibility, and it requires resources to accomplish so many important Supreme Court programs and initiatives we provide to you and everyone whose lives touch the justice system. I will mention just a few.

No doubt you are aware that the Supreme Court initiated a statewide mandatory e-filing initiative for the Supreme Court, Appellate Court, and Trial Courts. The benefits of E-filing are clear - simplifying the process, efficiencies in time and resources, accessibility for judges, clerks, parties, and the public – but what may not be obvious is that electronic filing, electronic records, and so forth, while necessary, are very expensive. And although you enacted a special fee and fund to help defray the costs of e-filing, that fee will provide for only about ½ of the total cost of keeping that system up and in continuous operation. But we have to keep pace and remain relevant. The Illinois courts must have adequate funding to meet the ever-changing needs of a modern world, including our efforts to meet the needs of the ever increasing numbers of

Self Represented Litigant which require more clerical and judicial time and assistance.

The Supreme Court has also created a Judicial College to provide comprehensive and collaborative training to judges and judicial branch stakeholders. Judicial Branch Stakeholders include everyone who works within the judicial system, judges, circuit clerks, security officers, probation officers and the like. This effort is critical to maintaining the quality of the justice system and making it responsive to the changing needs of all of the people of Illinois.

There are many other important initiatives that need resources but perhaps the most important is probation. In Illinois, probation is the responsibility of the Judicial Branch. We have learned that not everyone is clear about the difference between parole and probation – Parole is an early release from prison and comes under the jurisdiction of and you fund that through the Department of Corrections. But probation occurs prior to, and oftentimes instead of, jail or prison time. Those on

probation are supervised in the community and are expected to follow certain conditions.

Probation is funded through a partnership of local funding along with State funding. By statute, the Supreme Court is responsible for reimbursing the salaries of probation officers in all of Illinois' 102 counties – and the statute says this must be 100% reimbursement of those salaries. We don't set the salaries for Probation Officers. And remember – the Supreme Court budget has been flat for five years now. So our budget remains the same while every expense for the court system has gone up, including probation. As a result, the reimbursement amounts have declined so much that, in current Fiscal Year 2019, the Judicial Branch is only able to reimburse the counties at 66% of the required level, about \$45 million short of what we asked for and needed this current fiscal year to meet our statutory obligation.

Having trained and qualified Probation Officers and the ability to place certain offenders on probation is important for many reasons. First, although prison is appropriate for serious, chronic and violent

offenders, probation is a far more effective use of taxpayer dollars for what most offenders are convicted of – non-violent, low level offenses. Illinois taxpayers currently pay about \$38,000 a year to house an adult offender within the Department of Corrections. Again, that is a cost you fund through the DOC. But it costs only about \$2,500 a year for that same individual to be supervised by a probation officer- a good part of which we fund. This is an incredible savings for the State, but it is a societal win too – probationers remain at home with their families, they can keep their jobs, pay taxes and contribute to the community.

Those on probation also recidivate at a much lower rate than those in prison. What I mean by this is that those who successfully complete probation are less likely to cycle in and out of the criminal justice system. This is especially true when probation has the funding to provide the treatment and services necessary to help an offender turn their life around and become a success story. And isn't that what we all want?

The cost differential is even more dramatic for juvenile offenders. The cost to supervise a juvenile in the community – again, especially when probation has the money to provide programming and treatment services - is only about \$3,700 per year. Compare that to housing the juvenile within the Department of Corrections for about \$70,000 per year.

Add to that the obvious and proven benefits of specialty courts such as Mental Health, Drug, DUI, and Veterans Courts, and you can see that the failure to adequately fund these programs will contribute to more people in prison, a higher recidivist rate, and greater societal costs.

Finally, trained Probation Officers are essential in the new focus on closely scrutinizing the need for monetary bail in that they do the pre-trial risk assessments that help the court decide the risk of danger to the community and the likelihood that the charged individual will appear in court as directed if no cash bail is set. Reducing the jail population by such screening of those charged but presumed innocent is resulting in substantial savings at the county level.

In sum to spend more on the DOC which does and should have a dwindling population while leaving our budget flat - essentially a cut - in the face of rising expenses despite the substantial cost savings and societal benefits of probation creates a disconnect that burdens the State treasury and does not serve the people of Illinois.

While the court continues to be a good steward of state resources and continues to find ways to do more with less, there comes a point where we simply run out of options – we have come to that point. The Supreme Court’s requested funding level of just over \$423 million for FY 2020 will provide the necessary resources to meet our obligations to Illinois, including our constitutional and statutory obligation of \$138 million for probation reimbursements.

To further illustrate this point, I have asked Chief Judge Susan Clancy Boles, to offer a local perspective on how decreased probation funding has impacted the delivery of justice in Kane County.

(Chief Judge Boles remarks)

In closing, I would like to thank you for the opportunity to discuss the funding needs. I am hopeful for your commitment to ensuring the Supreme Court has sufficient resources to meet our constitutional responsibilities as the third branch of government.

We are happy to answer any questions you may have.