

Cook County

Public Defender's Office

Jonathan Reid
Illinois State University
jpreid@ilstu.edu

During the summer of 2003 I witnessed the judicial process in this country first-hand as an intern with the Investigation's Unit of the Cook County Public Defender's Office. I worked out of the main office next to the Cook County courthouse and at the Juvenile Courthouse. I spent one month in their adult felony division and one month in their juvenile division. My jurisdiction primarily included the City of Chicago. My primary duty included accompanying investigators out on assignments given to them by the lawyers. The investigators basically served every need of the lawyers. I will discuss my two months working for the office and the various tasks I performed and the wide variety of cases I worked on.

I primarily worked with two investigators. First, I worked with Rosa, a female Hispanic with a Master's degree in Criminal Justice, who works at the adult felony division. Then at the juvenile division, I worked with Elmer, who had a Bachelor's in Criminal Justice from Lewis University. The adult division was considered the place to be if you were an investigator because there was less pressure compared to the juvenile division. At the juvenile division cases had to be processed in a more timely fashion because the offenders were children and were not allowed to be incarcerated as long as

adults. The average case in juvenile division had to be processed in a week or so whereas in the adult division some cases went on for months or even years. Some investigators just did not like the fact they were working with children either because it was so much more depressing.

There were also differences between the duties each investigator could perform. There were three different levels: sixteen, eighteen and twenty. If you were a sixteen you could only serve subpoenas. If you were an eighteen or twenty you could not only serve subpoenas but you could also work on the actual investigation of the cases. The pay scales were also different for the three levels. Both offices that I worked at were staffed primarily by investigators who had at least a college degree, which I found to be very surprising considering their salary is far less than that of a police officer who might only hold an associate's degree. Most investigators I talked with loved the fact they could work on their own time and were not kept at the office all day doing paperwork. They loved the freedom of the job and going out and performing the duties which the lawyers handed them. Most investigators had good relations with the lawyers. Each investigator was assigned a certain group of lawyers. Some did not like certain lawyers because they felt they were too pushy and they did not give them enough time to work on certain cases.

There are three major differences between the public defender's investigators and the state's attorney's investigators. First, the state's investigators were armed with guns. The public defender's office has never allowed their investigators to be armed with any sort of weapon. Second, the state's investigators had county vehicles (Ford Crown Victorias). The public defender's office did not have enough money in the budget to pay

for cars. And third, the state's investigators received a great deal more in pay than the public defender's office. The duties, however, are almost exactly the same.

One of the most frequent duties an investigator performs is serving subpoenas to witnesses and persons related to the case. Daily my investigator and I would have to serve about two or three subpoenas throughout the city. Mainly the subpoenas were nothing more than court orders for people to go to court on a certain date for a certain trial. In adult court the subpoenas would be read as the "People of the State of Illionis v. (defendant's name)" and for juvenile subpoenas, it read "In the Interest of (minor's name)". I served more subpoenas in the juvenile division than in the adult division. Some subpoenas we had to serve were for records for a case. I served some subpoenas to mental institutions and some to various hospitals for health records on a defendant. Another type of subpoena frequently served was to the Chicago Police Records Department. This was either for a defendant's criminal record or possibly 911 tapes regarding the incident.

Serving subpoenas was never fun and in fact can be a very dangerous situation for the investigators. We never really knew what the cases were about. For all we knew, the subpoena could have been to a rival gang member who witnessed our client kill one of his friends. That could have been a very dangerous situation but most often people just did not want to be bothered by going to court. One time when I was working for the juvenile division we had to serve a subpoena to a woman and she got very mad at us because she said that this was not her child and she was tired of having to go to court for children that were not hers. She told us that she would not go to court and to leave her alone. Usually in situations like that we would just tell them to call the lawyer in charge

of the case. Sometimes the lawyer would not need them for court. We never told them that if they do not show up in court the Sheriff's Police would go looking for them. We never really wanted to escalate the situation.

One major problem we always had with the subpoenas was driving all the way to the person's home and discovering they were not home. Rules of the Circuit Court of Cook County states subpoenas are to be delivered in person, so mailing them was out of the question and so was leaving them at the front door. Standard procedure was to have three copies of the subpoena and have them sign two. One copy for the lawyer with the signature on it, one for the investigator with a signature on it for his/her records, and the third copy for the person to which it was served. If the person was not home, standard procedure was to leave a copy there and then fill out an attempt of service form. This did not mean, however, that the investigator did not have to go back the next day and try again. I would have to say serving subpoenas was the most boring aspect of the job and 100% of the investigators did not like serving them either, especially when it could take days before you could find the person to which the subpoena should be served.

Another unpleasant duty that the investigators performed for the lawyers was taking injury photos. When clients are arrested and taken to Cook County Jail or even the Juvenile Detention Center many are roughed up a little by either the police or the correctional staff. The client then has the right to ask for his/her lawyer and demand something be done about his/her injuries. The lawyer then immediately fills out a form requesting that photos be taken. The investigator then goes into the jail or detention center and takes as many photos as are necessary to document the injuries. The photos can then be presented in court. I participated in taking photos of an adult client and a

juvenile client. According to our adult client he had his head split open by the correctional staff. The juvenile client, on the other hand, said he was beaten by the police and had many fresh bruise marks all over his back and neck. He was only thirteen years of age. Injury photos are never a delightful duty for the investigators because they are tedious to perform and sad at times, depending on the client.

Most frequently, I dealt with cases involving drugs. My first case ever, in fact, was a case involving drugs. I went out with an investigator to take photos for our client who got caught selling drugs. We went to an apartment complex on the west side of Chicago, my very first taste of some of the worst neighborhoods. I went into the apartment complex and we had to find the landlord to let us into a vacant room on the second floor. The landlord lived in a dirty apartment with the stove on for heating. He also would not go up to the second floor because the last time he had been up there he had been shot in the mouth through the door. I was quite scared my first day on the job. The reason we had to go up there was because we had to take photos of the layout of the room and the hallway because our client's story differed from that of the police. We had many drug cases like this, including one where the police said that our client used a mailbox to place drugs so his clients could pick them up inside. We went to the scene and there happened to be no mailbox at the location or anywhere near it, so we took photos of the entire area for our client's court appearance.

Most drug cases were pretty open and closed except for ones that involve schools or churches. The law increases the penalty for selling drugs within 1,000 feet of these designated areas. So in most of our drug cases we were not necessarily contending our client did not sell drugs but that he/she was not within 1,000 feet of a school or a

church for example. In the police report it would specify the place such as a school or church, and then we had to locate the place and measure with a special instrument the exact amount of feet. In one case, the police report said that our client was within 1,000 feet of a church, so we went to the scene to investigate. When we got there we found no such church, in fact, it was an apartment building and the tenant had a Jesus sign in the window. Hopefully, our client got out of that charge. Police do not always tell the truth and no case is ever open and shut.

My favorite case was a gun case. Our client was charged with unlawful use of a weapon. He was a Latin King, which I later discovered is one of the two biggest gangs in the city along with the Gangster's Decipals. We went to his house to find out exactly what happened from his mother, who was at the scene of the incident. The story went like this, according to his mother. His mother was sitting at the kitchen table with her friend just talking and our client was sitting in the living room with his friends. They all heard a gunshot outside their house and then a minute later one of our client's friends came into the house and said that he shot the gun to scare the police off. I guess it is a gang tactic that when the police are trying to pull over one of their own they fire a gun into the air because they know the police care more about the gun than they do a traffic violation or anything else for that matter. So our client's friend fired the gun and ran through the snow into the house. The police, of course, went looking for whoever fired the gun and went house to house searching for the shooter. They finally saw footsteps in the snow coming from the alley and going into the house so they knew they found their man. They knocked on the door, opened it, and told everyone to "Sit the f*ck down and shut up!". The mother of our client was pushed down on the sofa and was told to be

quiet. They stormed through the house looking for the gun and grabbed the mother's friend and brought her outside. They told the mother's friend that she better sign the consent to search the house form, so she naturally did. The police then went upstairs to our client's uncle's room and knocked on his door. He was frightened because he heard the gunshots and now people were yelling at him to open the door or they would kick it down. The uncle then called 911 and said that someone was trying to break into his room and he heard gun shots. The 911 dispatcher told him that it was possibly the police but to not open it. The police finally knocked the door down and started searching his room. They told him to talk and that would save him a lot of trouble. He refused and then they left his room to proceed downstairs where they then found the gun in the staircase. They then lined up all the boys in the kitchen and said, "Who shall we pin this on tonight?". The police then picked our client and placed him under arrest for unlawful use of a weapon. I informed my investigator that the whole case should be thrown out because the mother's friend signed the consent to search the house form when it was not her house. She had no legal right signing that form. When I went back to the office I found an exact case referring to this situation; it is a violation of the 4th amendment to search and seize anything when someone who has no legal attachment to a place signs the consent to search form for that place. I never found out exactly what happened with our client but I believe the case had to be thrown out because of police error. I also loved this case because I could not believe how the police conducted their business that night. I found it quite comical that the uncle called 911 because the police were kicking his door down.

Another case that I found quite interesting was a 1st degree murder case. I was so excited by the fact that I was able to work on a real murder case and a 1st degree case for that matter. The case involved two drug dealers and a dispute over their territory. Our client worked for the man he killed. His boss had always worked the same spot selling drugs for quite some time and our client worked another less profitable one for his boss. His boss got into some legal trouble one day and was sentenced to a couple months in jail. During that time our client decided to take over his spot for him since it was a very profitable area. His boss did not care because he was still reaping some of the benefits. When his boss got out of jail our client did not want to leave the spot and this is when the confrontation began. One day our client and his boss started to argue about something, no one really ever heard what but it was believed to be a fight over territory. The fight escalated and our client decided to punch his boss in the face at which time the boss told his girlfriend on his cell phone, "I have to go baby, I have to f*ck someone up!". Our client became scared at this point and realized he made a wrong decision by punching him, so he pulled out his revolver and pointed it at him. They then wrestled on the ground and our client shot his boss in the stomach, the face and finally the back. He then ran off and most of the neighborhood saw him do it. Our client was finally apprehended and placed under arrest for the murder. My investigator and I conducted many witness interviews to come up with the above story.

The next step was to brainstorm ideas as to how we could best defend our client; the attorney for the case became more involved at this point. I even got to go inside the jail, the maximum security division, and meet with our client to discuss the case. It was quite sad because this was his first real offense and the crime he committed did not match

his personality. He refused to use profane language in front of us when telling the exact story and said “yes mam/sir” or no “mam/sir” in response to our questions. He was the perfect example of a corrupted youth. We decided that it was best to go for 2nd degree murder instead of self-defense because the gun he used was a revolver. A revolver has a much more difficult trigger to pull versus a semi-automatic weapon, in which it is easier to fire more than one bullet. If it was a semi-automatic weapon the defense for our client could have been he impulsively fired three shots in self-defense. Since it was not a semi-automatic weapon it would have not been plausible to say that he was acting in self defense when he had to forcefully pull the trigger back each time to fire the shots. We did, however, believe it was 2nd degree murder because it happened in the heat of the moment, not pre-meditated and his boss did pose some threat to him. We were going to have people in the neighborhood testify that his boss had earlier beaten people up and even possibly killed someone or had someone killed. This would make the jury believe our client was scared at the time he pulled the gun out because his boss told his girlfriend on his cell phone, “I have to f*ck someone up!”. The case was overall very interesting to investigate because it took weeks to find many of the witnesses and to conduct all the interviews. Many of the stories were different and it was a long time before the story seemed to fall into place.

I also worked on a rape case involving a father and his daughter. I did not spend a lot of time on it, however, because I was transferred to the juvenile division. During the little time I spent on it though I was able to see that every rape case is not always full of concrete evidence. The daughter accused the father of telling her that she better take off her underwear and let him have sexual intercourse with her or he would punish her. She

was taken to the hospital the next day by her mother (the mother and father were divorced) and she was given a rape kit. The only evidence was a bruise on her hymen. When we were given the case we were told to talk to our client's sister because she knows the daughter real well and the relationship between the daughter and father. The sister told us that her brother had just been out of prison about two months and had been spending time with his daughter. She also told us that she had taken care of the little girl numerous times and that one time she caught the little girl in the act of stealing toys from her daughter. She told her brother about it and he told her that she was to be grounded for what she had done and the very next day was when she told her mother she had been raped. In the beginning, I believed that the father was guilty but after hearing that I was not so sure anymore. The next step for the case was to see if the bruise on the hymen could have been caused by a variety of things. After all, would not a grown man have caused a little more damage to a little girl than just a simple bruise on her hymen? I guess I never will look at rape cases the same because you really never know what happened. The little girl could have really just been mad at her father for punishing her.

Lastly, I would like to discuss a little of what I did at the juvenile detention center. I primarily served subpoenas every day because there were so many of them but I performed some other duties. One involved juvenile intake forms. Whenever a juvenile was arrested, the Investigations Unit had to fill out an intake form for the offender as soon as possible, generally the very next day, with the exception of weekend offenders. There were two types of forms: non-secure and secure. The secure ones were filled out in the morning because these were juveniles who had been placed into custody of the detention center and had spent the night. Examples of questions asked were their

criminal history, if they were attending church and school regularly, and would their parents take them if the judge released them. Non-secure juveniles were ones that were not placed into custody so their forms were filled out in the afternoon when they showed up for their probable cause hearing. The forms were basically used to give the lawyer some background information about the offender and anything that could make the child look better in front of the judge so they could be put on house arrest instead of staying in the detention center. These forms were used at the probable cause hearing. I was fortunate enough to witness two hours of probable cause hearings. Basically, the prosecution reads the police report and discusses the background of the juvenile. The public defender presents his information regarding the juvenile and most often asks that the child be placed under house arrest until the official court date. The overall purpose of the hearing is to determine if the crime committed is the crime the juvenile should be charged with and if the state has the right person. The judge, 100% of the time, binds the case over for trial. The judge then rules whether or not the child be placed in custody of the center or house arrest. Most cases I witnessed the judge allowed the child to go home. One interesting probable cause hearing involved a case in which a little girl slashed another girl across the face with scissors during recess at school. The prosecution told the public defender before the girl came into the courtroom that she wanted that girl to be placed into custody no matter what. I found it interesting how the public defender and the prosecution had a fairly good relationship and they discussed what they would do together before the juveniles even came in. In general, my experience with the juveniles was drastically different than with the adults.

Overall my experience with the public defender's office was a great one. The biggest concept I learned though is that justice is neither fair nor equal in this country. The system is set up in favor of the prosecution. Many lawyers and investigators told me that everyone favors the state. The judge works for the state, the coroner works for the state, and even the county works for the state. One example of the county playing the legal system unfairly is the fact the county budget allows for the state's investigators to have cars and higher salaries but the public defender's investigators receives neither. I also learned a lot about life for many of the people that I helped to defend. You can read all the text books you want but until you see what the legal system looks like from the inside, like through the eyes of a poor black defendant in the inner city, you never really understand anything. Working in the neighborhoods I did, such as the projects of Chicago, you realize it is a jungle out there. It is a constant battle between the police and the criminals, sometimes though there is a fine line between the two. With the knowledge gained and the life lessons I learned during my short experience in the Cook County Public Defender's Office, I could easily write a novel. My experience was nothing short of life altering.