

THE PEOPLE'S LOBBY

Ending Money Bond and Reducing Pretrial Incarceration

The bail system in Illinois is broken. In Cook County Jail alone, more than 7,000 people are incarcerated on an average day, and more than 90% are pretrial detainees. Most are there because they cannot afford bail, and 73% of people in Cook County Jail are Black.

Requiring defendants to pay in order to secure their release before trial preys on defendants who have not been proven guilty of a crime but are poor. This then creates a cascade of negative consequences. Pretrial detention causes people to lose jobs and creates crises for individuals and families. People who are held while waiting for trial are much more likely to take plea deals that put convictions on their records, whether or not they are guilty of the crime, in order to secure release with a sentence of time already served. As a result, bail destroys thousands of people's lives, exacerbates mass incarceration in communities of color, and further worsens public safety since people held prior to their trials have a higher risk of committing future offenses than those released pending trial. But this isn't just a Cook County problem, this is an Illinois problem. Most of the inmates in our jails awaiting trial come from areas that have been hit hardest by the economic downturn and are now in jail because they are poor.

Working with Representative Christian Mitchell, **The People's Lobby has proposed HB 3421, The Equal Justice for All Act.** This state legislation will:

- Prohibit the use of money bond in its entirety. Nobody will be incarcerated before they go to trial simply because they cannot afford to pay a certain amount of money.
- Require courts to provide common sense pretrial services like reminder calls, text messages, and transportation assistance for low-income people accused of crimes.
- Ensure that people charged with nonviolent offenses will be released on their own recognizance as soon as possible, directly from police custody.
- Maintain public safety and judicial discretion. People charged with offenses involving violence will be given a hearing where a judge will determine whether they will be held or released. Pretrial release on recognizance will be the presumption, but judges will retain discretion to order detention, electronic monitoring, or other conditions of release for those who are found to have a specific risk of harming others or fleeing.
- Strengthen protections for people who are not automatically released by guaranteeing the right to counsel at bond hearings and making risk assessment score calculations discoverable.
- Improve court efficiency by requiring service of a Notice to Appear to people accused of violating their pretrial release conditions 48 hours before a warrant is issued.
- Increase government transparency and accountability by requiring the Clerk of the Court to submit monthly reports to the Supreme Court and publish quarterly reports on bond outcomes.

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