Principles of Bail Reform in Illinois

The pretrial detention system in Cook County needs reform. Cook County Jail incarcerates approximately 7,500 people per day. An additional 2,000 people are under the Sheriff’s supervision through electronic monitoring. More than 90% of the people detained are pretrial and thus presumed innocent—a considerably higher rate than the national rate of 67%. Approximately two thirds of unconvicted people incarcerated or on electronic monitoring in Cook County would be free if they could afford to pay a monetary bond.

The overuse of pretrial incarceration and monitoring comes at tremendous personal cost to impacted individuals and entire communities. Pretrial detention leads to lost jobs, lost housing, and even lost custody of children. In addition, people detained pretrial are more likely to be convicted. They also receive longer sentences compared to people released pretrial with similar backgrounds and charges. African Americans receive disproportionately high monetary bonds and are disproportionately unable to pay these bonds. Seventy-three percent of the people incarcerated in the Cook County Jail are African American despite the fact that African Americans make up only 25% of Cook County’s population.

Recent history has shown that the population of Cook County Jail can be decreased substantially with no impact on public safety or court appearance rates. The following six principles provide guidance for reform efforts designed to reduce the number of people incarcerated pretrial in Cook County Jail.

1. Access to money should not determine whether or not an accused person is detained in jail or subject to other conditions pending trial.

2. Pretrial services programs should be used to promote court attendance and provide needed services and not place unnecessary conditions on the accused person.

3. Conditions of bail should not prevent an accused person from performing basic personal responsibilities, impose direct or indirect economic costs, or unduly expose the accused person to new criminal charges.

4. Pretrial detention and other restrictions on liberty should be used only as a last resort to ensure community safety and the defendant’s appearance in court.

5. Data on detention and release outcomes should be collected and made available for public review and system assessment purposes. Risk assessments, if used, must be validated, transparent, and their impact must be tracked.

6. Administrative reforms should be made to ensure court practices conform to the law. Judges should receive education and training consistent with existing law and these principles.
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Endorsements

Elected Officials:
Cook County Commissioner Jesús "Chuy" García

Organizations:
A Just Harvest
Action Now
American Civil Liberties Union (ACLU) of Illinois
Bluhm Legal Clinic at Northwestern Pritzker School of Law
Business and Professional People for the Public Interest (BPI)
Cabrini Green Legal Aid
Chicago Appleseed Fund for Justice
Chicago Community Bond Fund
Chicago Council of Lawyers
Chicago Lawyers' Committee for Civil Rights Under Law
Chicago Urban League
Chicago Votes
Community Activism Law Alliance (CALA)
Community Renewal Society
Criminal Justice Task Force, First Unitarian Church
Hughes Socol Piers Resnick & Dym, Ltd.
Illinois Justice Project
John Howard Association
Justice and Witness Ministry of the Chicago Metropolitan Association, Illinois Conference, United Church of Christ
Juvenile Justice Initiative
League of Women Voters of Cook County
League of Women Voters of Illinois
Nehemiah Trinity Rising
Northern Illinois Conference of the United Methodist Church
Northern Illinois United Methodist Women
Roderick and Solange MacArthur Justice Center
The Next Movement
The People’s Lobby
The Sargent Shriver National Center on Poverty Law
TASC, Inc. (Treatment Alternatives for Safer Communities)
Thresholds
Safer Foundation
Showing Up for Racial Justice (SURJ) Chicago
Southsiders Organized for Unity and Liberation (SOUL)
Unitarian Universalist Advocacy Network of Illinois
Unitarian Universalist Prison Ministry of Illinois
United Congress of Community and Religious Organizations (UCCRO)
Workers Center for Racial Justice

Current as of July 25, 2017