

PROTECTING PUBLIC HEALTH THROUGH DECARCERATION

Holding Cook County's Criminal Courts Accountable During The COVID-19 Pandemic



**Coalition to
End Money Bond**

September 16, 2020

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"MASS RELEASE NOW: SOLIDARITY CARAVAN" ACTION ON APRIL 7, 2020 | PHOTO BY SARAH-JI RHEE

Dedication: To Those Who Lost Their Lives

Between April 5, 2020 and May 4, 2020, seven people lost their lives to COVID-19 while in the custody of Cook County Jail. This report is dedicated to their memories. Our Coalition mourns their loss and recommits to ensuring no additional members of our community die preventable deaths in Cook County Jail.

The below portraits of the men who died in Cook County Jail were created as part of the **Decarcerate Now Virtual Quilt Project** by **For the People Artists Collective** and Coalition to End Money Bond member **Chicago Community Bond Fund**.



William Sobczyk, 53



Jeffery Pendleton, 59



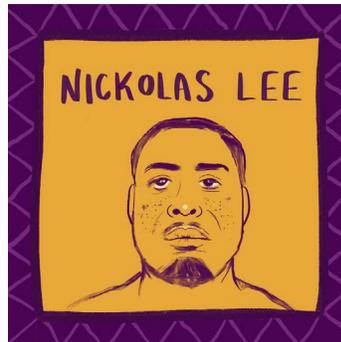
Leslie Pieroni, 51



Juan Salgado Mendoza, 53



Rene Olivo, 42



Nickolas Lee, 42



Karl Battise, 64

Artists' Statement:

"As artists and cultural workers, we know that mainstream media narrative consistently dehumanizes the lives lost within the state's walls, often providing very little more than a duplication of their arrest report or criminal histories. We believe no one's life is disposable, and any death from COVID-19 that happens in custody was absolutely a preventable death.

We also grapple with the reality that some of the people we are memorializing in this project have caused harm to people in our communities, and in no way aim to erase that actuality. We want to recognize survivors while also believing that carceral punishment, and death by incarceration, is not the solution to combating physical, sexual, and domestic violence in our communities."

Introduction

In March 2020, life as we knew it in the United States was turned upside down by the COVID-19 pandemic. People who were not incarcerated modified every possible aspect of our lives to prevent the spread of the highly contagious and deadly virus. Environments where many people previously gathered in person were shut down or dramatically shifted form: schools went remote; state legislatures stopped meeting; and non-essential businesses closed completely. Despite presenting even more extreme risks of an outbreak, jails, prisons, and immigration detention centers remained open. Millions of incarcerated people did not and do not have the same ability to control their environments and their risk of exposure to COVID-19. From the moment the novel coronavirus was confirmed in the United States, communities impacted by incarceration and advocates began calling for the release of people in jails, prisons, and detention centers as the only surefire way of stopping its spread and flattening the curve.

Incarcerated people are among the most vulnerable to outbreaks of infectious disease. Jails, prisons, and detention centers serve as the perfect incubators for viruses because of their cramped and unsanitary conditions. The social distancing we have all been instructed to practice by public health experts is impossible to achieve inside these facilities. Additionally, hygiene items are often hard to come by for incarcerated people; facilities typically distribute inadequate amounts of soap and cleaning supplies, and the high prices of additional supplies for sale through facility commissaries make them inaccessible to many people inside.



PERSON INCARCERATED IN COOK COUNTY JAIL MAKES A SIGN IN THEIR CELL WINDOW DURING THE "MASS RELEASE NOW: SOLIDARITY CARAVAN" ACTION ON APRIL 7, 2020 | PHOTO BY SARAH-JI RHEE.

Incarcerated people have a limited ability to fight the **spread of infectious disease** since they are confined in close quarters and unable to avoid contact with people who may have been exposed. Responses such as **lockdowns, placing people in solitary confinement, and limiting access to visits from loved ones** are punitive and ineffective at stemming outbreaks. Equally important, we know that **isolation further endangers people and limiting visitation also has adverse effects.**

Because of their extremely high rates of admissions and releases, jails present a particularly elevated threat to both incarcerated people and also surrounding communities. In Cook County, many dozens of people are released and admitted from the jail every day, and thousands of employees travel in and out each week. From the beginning of the pandemic, advocates were quick to warn that an outbreak in the jail would impact the entire region, recommending the immediate release of as many people as possible to reduce the possible impact after COVID-19 entered the jail.

While many elected officials quickly took dramatic steps to address COVID-19 in the community, they were extremely reluctant to heed widespread calls to decarcerate. As in many jurisdictions across the country, a coalition of organizations quickly banded together to demand a mass release to protect public health in Cook County. The Coalition to End Money Bond signed onto **an open letter with demands for decarceration and improved conditions** alongside more than 100 other community, legal, advocacy, and labor organizations in mid-March. The

Coalition then participated in a multi-week campaign that helped reduce the number of people incarcerated in the jail from **5,588 people** on March 17th to a low of **4,031 people** on May 9, 2020.

During that same time period, however, **more than 500 people** incarcerated in Cook County Jail contracted COVID-19, and **seven incarcerated people lost their lives**. More than 400 Sheriff's employees tested positive for COVID-19, and **three died**. On April 8, 2020, The New York Times identified Cook County Jail as **the top coronavirus hotspot in the United States**.



PERSON WITH LOVED ONE INCARCERATED IN THE JAIL PROTESTING OUTSIDE OF THE JAIL. (APRIL 4, 2020)

Even as COVID-19 cases skyrocketed inside Cook County Jail, new people were admitted every day. Despite a reduction in both admissions and the overall number of people inside the jail in the spring, the number of people incarcerated in the jail increased by over 1,000 over the course of the summer, reaching **5,159 on September 4, 2020**. **At this rate, Cook County will see the number of people in jail soon return to pre-pandemic levels, running the risk of another major COVID-19 outbreak. As long as there is no cure, it is essential that the number of people incarcerated be kept low so as to minimize the impact of future outbreaks.**

At the same time, the number of people incarcerated in their homes on electronic monitoring, which had ballooned in the spring as judges used it as a way to get people out of the physical jail, remains elevated at **3,257 people on**

September 4th compared to **2,446 on March 17th**. **As a result, the total number of people in the Sheriff's custody, including both the jail and electronic monitoring, is now higher (8,416 people in total) than at this time last year (8,360 people in total).** Simply put, for the first time since 2015, the number of people under Cook County's correctional control is moving in the wrong direction.

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Community Organizing in Response to the COVID-19 Pandemic

The community response to the threat of COVID-19 inside Cook County Jail began before the virus officially entered the jail. On March 6th, Coalition member organization Chicago Community Bond Fund (CCBF) first **raised the alarm** about the harm that an outbreak of the virus would cause in the jail. One week later, more than 100 community, legal, advocacy, and union organizations released an **open letter** demanding the decarceration of Cook County Jail in the name of public health. While the letter focused on the need for mass release as the only viable solution to “flatten the curve,” it also included demands for improved conditions inside the jail and expanded rights for people on house arrest with electronic monitoring. On March 20th, the state of Illinois **shut down to stop the spread of COVID-19**.



Following these initial efforts, this growing coalition launched a **call-in campaign** to follow-up on the demands made in the open letter. Over the next several weeks, thousands of people sent emails and made phone calls to Cook County's Chief Judge, Sheriff, and State's Attorney demanding a mass release of people incarcerated in the jail.



A MOTHER WHOSE SON IS INCARCERATED PROTESTING OUTSIDE OF THE JAIL. (MAY 3, 2020)

A week after the open letter was issued, on March 22nd, the first Sheriff's deputy **tested positive for COVID-19**. In response, Coalition member organizations A Just Harvest, Chicago Community Bond Fund, and The People's Lobby, in partnership with Illinois Network for Pretrial Justice member Illinois Religious Action Center of Reform Judaism (RAC-IL), organized **a vigil led by faith leaders** outside the jail for the next day. Prayers were lifted up for the health and safety of the 5,500 people incarcerated in the jail. Later that same day, on March 23rd, the Cook County Sheriff's Office announced that **two people incarcerated in the jail had tested positive**. One of those individuals was incarcerated not because the court found him to be a flight risk or a danger to the community but simply because he had not been able to pay his \$25,000 bond.

At the start of the pandemic, more than 1,500 of the 5,500 people in the jail were incarcerated while awaiting trial only because they could not afford to pay their money bonds. To emphasize this, Chicago Community Bond Fund and **Believers Bail Out** partnered with Robert F. Kennedy Human Rights to stage a **mass bailout**. Together, the organizations paid \$120,000 in bond to free 18 people from the jail. This act helped protect the lives of those 18 people and shone a light on the fact that hundreds of people's lives were being put at risk solely because of their lack of access to wealth. The action also demonstrated the limits of individualized philanthropic

efforts: it would have taken millions of dollars to release everyone with an unpaid money bond. Even then, the problem could never be solved without policy change, as each person freed was quickly replaced by newly admitted people who could not afford to pay their money bonds.

As confirmed COVID-19 cases inside the jail increased exponentially from two on March 23rd to over 200 by early April, Coalition members, other advocates, and community organizers looked for ways to increase pressure on elected officials while maintaining social distancing. On April 7th, Coalition member organizations worked with others to bring more than 300 people together for a **solidarity car caravan** demanding a mass release of people from Cook County Jail, immigration detention, the Cook County Juvenile Temporary Detention Center, the Illinois Department of Corrections, and the federal Metropolitan Correctional Center.



"MASS RELEASE NOW: SOLIDARITY CARAVAN" ACTION ON APRIL 7, 2020



PERSON WITH LOVED ONE INCARCERATED IN THE JAIL PROTESTING OUTSIDE OF THE JAIL. (JULY 31, 2020)

Throughout the course of the pandemic, families with loved ones incarcerated in the jail have also been consistently taking action to demand justice for their loved ones. For months, families have organized weekly demonstrations outside the jail on Sundays. One such impacted person was **Cassandra Greer-Lee**, whose husband Nickolas Lee was the third person to die of COVID-19 while in the custody of the jail. Since Nick's untimely and unnecessary death, Cassandra has appeared in dozens of news stories, spoken at rallies across the city, and is among the loudest voices demanding the release and protection of everyone who remains incarcerated during the pandemic.



"We knew that COVID-19 was coming in January, yet my husband died in the Cook County Jail in April. The Sheriff and other county actors responded too slowly, even after the threat became clear. Had the Sheriff's Office done more earlier, my husband and the other six men in the jail's custody and three Sheriff's employees who have died from COVID-19 might still be alive today."
- Cassandra Greer-Lee, Widow of Nickolas Lee

Petition for Mass Release & Expedited Review Hearings

On the afternoon of Friday, March 20, 2020, Cook County Public Defender Amy Campanelli filed **an emergency petition** calling for the mass release of people incarcerated in Cook County Jail to protect their health and the health of the public during COVID-19. The petition listed several categories for release that largely mirrored the demands in **the earlier open letter** from community groups. A group of Coalition members and partners filed **an amicus brief** in support of the petition, emphasizing the serious nature of COVID-19 and the magnitude of the risk it presents to people in jail and the broader Cook County community.



FAITH LEADERS HOLD VIGIL IN SOLIDARITY WITH PEOPLE INCARCERATED IN COOK COUNTY JAIL PRIOR TO ORAL ARGUMENTS FOR THE PETITION FOR MASS RELEASE ON MARCH 23, 2020.

The Public Defender's petition specifically sought mass granting of release for categories of people, citing the inevitable and life-threatening delay that individualized decisions would cause. The Cook County State's Attorney's Office opposed the motion and argued instead for individualized hearings for each and every of the more than 5,000 people in jail at the time. In response to the emergency petition, the Office of the Chief Judge established an emergency bond review process through which the Public Defender's Office and the State's Attorney's Office were to facilitate batch reviews of cases. Sadly, the efficacy of the process was severely limited by lack of coordination between the offices and judges who refused release upon review. Data from both the Public Defender's and State's Attorney's offices showed that about **2,366 emergency bond reviews** were held between March 23 and April

22, accounting for only about 56% of the people incarcerated in the jail at the time.

Releases were also limited by opposition from the State's Attorney's Office. According to analysis by Coalition member **Chicago Appleseed**, the office opposed release in the vast majority of cases—**approximately 80%**—between March 23 and April 22. Although judges often released people even when the state's attorney did not agree, judges granted over 90% of motions when the State's Attorneys agreed to release compared to only 53% over the State's objection.

Nearly half of the more than 5,000 people incarcerated in Cook County Jail last spring at the height of the pandemic never had their detention reconsidered. Instead, their court dates were postponed with little or no information about when they might see a judge again as the courts remained closed until July. About 750 people had their motions for release denied. The people left behind by the emergency bond reviews were a diverse mix, and contrary to some media narratives, **not all were charged with serious felonies**. By May 15th, there were still over 300 people in the jail charged only with misdemeanors and over 100 people charged only with alleged drug offenses.

Federal Civil Rights Lawsuit

Improves Conditions & Provides Oversight

After the emergency bond reviews and other organizing efforts resulted in only insufficient numbers of people being released and no significant improvement in conditions inside the jail, litigation seemed like the last and best option to protect incarcerated people from the virus. On April 3rd, Coalition member Chicago Community Bond Fund partnered with the civil rights attorneys at **Loevy & Loevy, Civil Rights Corps**, and the **Roderick & Solange MacArthur Justice Center** to file **an emergency class-action lawsuit** against Cook County Sheriff Thomas Dart. The lawsuit sought the immediate release of medically vulnerable people in the jail and improved conditions for anyone remaining inside. The basis of the lawsuit's arguments rested on the inherently dangerous congregate setting of the jail and its inability to provide access to basic hygiene to mitigate the spread of COVID-19, including access to frequent handwashing with soap and water and the use of alcohol-based hand sanitizer.

Within a week, in response to **the accounts of horrific conditions inside the jail from incarcerated people** gathered by organizers and attorneys, the federal court **ordered the Sheriff's Office** to implement policies ensuring sanitation, testing, social distancing at intake, and the distribution of personal protective equipment. Several weeks later, the initial **temporary restraining order** was converted into **a preliminary injunction** after the Sheriff's Office failed to adequately improve conditions. While the Sheriff appealed the preliminary injunction, a majority of the measures ordered by the court **survived the challenge**, and the Sheriff's Office failed in its attempt to remove itself from federal court oversight.



"MASS RELEASE NOW: SOLIDARITY CARAVAN" ACTION ON APRIL 7, 2020. | PHOTO BY SARAH-JI RHEE.

In support of the lawsuit, Chicago Community Bond Fund volunteers have operated a hotline for people incarcerated in the jail to call and share first-hand accounts of conditions inside the jail. Dozens of volunteers have taken calls seven days per week from 9:00 AM to 8:00 PM, capturing the experiences of people incarcerated in the jail during the pandemic. These interviews were used to draft **declarations** that served as the centerpiece of litigation efforts, effectively combating the Sheriff's official line that everything was fine.

Thanks to reports from people inside and their loved ones, we were able to monitor conditions inside the jail in real time. Of greatest concern was the impossibility of social distancing and the number of people at serious risk for complications from COVID-19 who remained incarcerated in the jail during the pandemic. Nearly everyone in the jail, including people with serious health issues and increased vulnerability to the virus, lives in extremely crowded spaces. Prior to the federal court's temporary restraining order, hundreds of people were being housed in dormitories

where beds are a mere two feet apart from each other. Even outside of the dormitory settings, hundreds of people were crowded into cells holding two or more people. These conditions make social distancing totally impossible and were a clear target for the litigation. In response to the Court's temporary restraining order, the jail stopped double-celling people and dramatically reduced the number of people held in dormitories.

Access to hygiene products for incarcerated people was also demonstrably insufficient prior to the federal court's intervention. People incarcerated in Cook County Jail were receiving just one hotel-sized bar of soap every two weeks, which was to be used for not only handwashing but any other surface cleaning needed. After the temporary restraining order was issued, soap distribution was increased to two bars a week and hand sanitizer was made available, though access to it remains difficult. While this was an improvement, incarcerated people and advocates have still found these measures to be inadequate. The soap distributed to incarcerated people is used for hand washing, showering, cleaning living spaces and clothes, and many people report using a full bar of the soap in as little 48 hours.

Even prior to the pandemic, conditions inside the jail were filthy, with widespread instances of inadequate cleaning and mold. During the pandemic, the Sheriff's Office moved people into divisions of the jail that had been closed for several years, and incarcerated people reported that these areas were not cleaned before they were moved in and some even lacked drinking water.

The preliminary injunction issued by the federal court remains in effect while litigation efforts persist. Volunteers continue to monitor both conditions inside the jail and the Sheriff's attempts to meet the requirements laid out by the federal court.



THIS UNDATED PHOTO OF DORMS IN COOK COUNTY JAIL SHOWS THE IMPOSSIBILITY OF SOCIAL DISTANCING.

By the Numbers: Analyzing Cook County's Response to COVID-19 in the Jail

Data obtained through a Freedom of Information Act (FOIA) request to the Cook County Sheriff's Office allowed an examination of who was in Cook County Jail and why at different points in time. We examined how racial disparities increased as a result of COVID-19 related releases, the age of people released, the increased use of electronic monitoring, and what kinds of bond decisions kept people incarcerated during the pandemic.

Racial Disparities: White People Benefitted Most

Although the number of people incarcerated in Cook County Jail dropped by nearly 1,700 between its highest point **on March 9th** and its lowest point **on May 9th**, **decarceration efforts benefitted white people incarcerated in the jail more than Black and Latinx people. The number of Black people incarcerated in the jail dropped 27%, and the number of Latinx people incarcerated in the jail dropped by 29%. In contrast, the number of white people incarcerated in the jail dropped by 42%.** Before the pandemic, and now, far more Black people remain incarcerated at Cook County Jail than white people despite the fact that Cook County itself is 56% white, 20% Latinx, and 26% Black. On **August 31, 2020**, there were 3,974 Black people inside the jail compared to just 438 white people.

Age: Older People Were Released at the Highest Rate

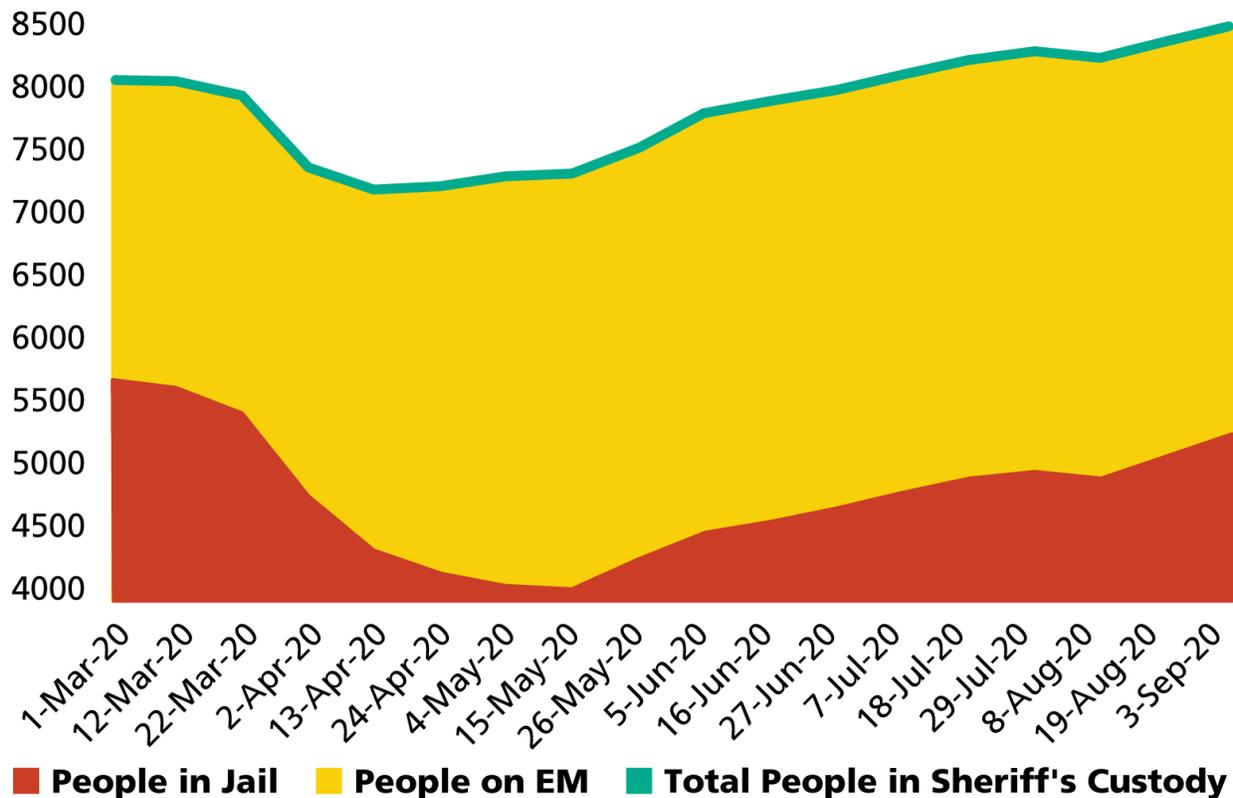
Release was primarily granted to people over the age of 45. The number of incarcerated people between the ages of 45 and 50 decreased by 42%, and the number of people over 55 decreased by 50%. While this is positive, these releases still left hundreds of people at high risk for COVID-19 complications in the jail. As of the end of May, there were still 632 people over age 45 in the jail. Of the seven people who lost their lives to COVID-19 while in the custody of Cook County Jail, five were over age 45, and the other two were both 42 years old.

Increase in Electronic Monitoring

At the same time that the number of people incarcerated in Cook County Jail was dropping, the number of people incarcerated in their homes through electronic monitoring (EM) skyrocketed. **There are now more people under EM house arrest in Cook County than ever before. On June 17, the program reached its peak of 3,365 people, and it has remained almost as high throughout the summer.** On August 31, the number of people on Sheriff's EM was **3,260**. Every single one of these people is presumed innocent and still awaiting trial.

Both before and during the pandemic, electronic monitoring has overwhelmingly been used to incarcerate Black and Latinx people. Ninety-one percent of the people in the electronic monitoring program are either Black or Latinx. The rise of electronic monitoring has been driven by many of the same factors that are causing the jail population to rise over the summer, including that cases did not resolve or move forward due to court closures from March through July and the ongoing lack of jury trials. It is also less common for people on house arrest to have money bonds; often, there is no way for someone to secure their release from house arrest without getting a judge to review and change the bond. Additionally, many judges place people on electronic monitoring after reviewing unaffordable money bonds that had previously kept them in the jail—rather than granting them their pretrial freedom, which they would have received if they were able to afford to pay their original bonds in the first place. According to the Public Defender's office, between March 23 and April 24, about 448 people were released from Cook County Jail with EM after having their bonds reviewed due to COVID-19.

Increase in Pretrial Electronic Monitoring During COVID-19 (March 1 - Sept. 3, 2020)



While the courts and elected officials see electronic monitoring as a reasonable alternative to incarcerating people in jail during the pandemic, the reality is that house arrest also puts people at risk. The conditions of house arrest with electronic monitoring are extremely restrictive. People on house arrest with electronic monitoring are not allowed to perform the most basic of life functions, such as going to the grocery store or laundromat. They need extensive documentation to get permission to go to work or attend doctor's appointments, and their requests are often arbitrarily denied. Emergency medical attention, which is of particular importance in this moment, is often nearly impossible to obtain. If a person is having a medical emergency, the Sheriff's Office, which oversees EM, requires onerous verification procedures. Often, Sheriff's officers instruct the person to request an ambulance and tell them they will only be allowed to go to the hospital if the responding EMTs decide the person needs medical attention. Using an ambulance is expensive and may not be covered by insurance, making this a major deterrent to obtaining medical care. This procedural barrier is particularly concerning during the pandemic, when we are all instructed to seek medical attention as soon as we show symptoms related to COVID-19.

Types of Bonds Throughout the COVID Crisis for People in Cook County Jail

Data obtained through a Freedom of Information Act (FOIA) request to the Cook County Sheriff's Office reveals the reasons people were incarcerated in Cook County Jail at three different points in time. The first date, April 1st, is from shortly after the state of emergency was declared; the second date, May 13th, is when the number of people incarcerated in the jail was at its lowest point; and the third date, August 31st, is from the end of summer and as close to publication of this report as possible.

The data shows that the majority of people in the jail during the pandemic could have been released if Cook County Judges had properly reviewed their cases and set a legally permissible bond. Many of the people currently in the jail, however, have never had a meaningful review of their bond status. It is also important to recognize that the original bond decisions were almost all made quickly, in bond hearings usually lasting less than five minutes, with little evidence presented. When the courts slowed down and only granted certain detainees emergency bond reviews, thousands were left behind by the process, and languished in the jail for months with no information about when they might next see a judge who could review their detention.

Explanation of terms:

Money Bonds: These people have money bonds on all of their cases. If they had the money to pay those bonds, they could walk out of the jail.

Reviewable No-Bond Holds: These people have a “no-bond hold” in one or more cases, which was set by a Cook County Judge. Although these holds are sometimes based on the seriousness of the charge, they also arise in less serious cases where a person is on probation or has another case pending when they are arrested. Legally, a substantial hearing process is required to hold a person without bond, and convincing evidence has to show the person is likely to hurt someone if released or will not show up for court. This constitutional requirement, however, is almost never met in Cook County. Nearly all no-bond holds are set in short initial bond hearings, and few result from a meaningful review of a person’s likelihood to flee the jurisdiction or pose a danger to anyone.

Electronic Monitoring Orders - No Place to Stay: These people were ordered to the Sheriff’s Electronic Monitoring program but have no approved home to live in while they await trial on house arrest. This could be either because the individuals are homeless or because the Sheriff’s office has decided that their home is not an acceptable location. These people could easily be freed if a judge removed the condition of Electronic Monitoring.

Not Releasable: These people cannot be released by a Cook County judge because they have a case in another jurisdiction and an authority outside of Cook County has ordered their detention.

Type of Bond	April 1	May 13	August 31
Unaffordable Money Bond	24.7% (1185)	26.8% (1078)	23.6% (1233)
No-Bond Hold - Reviewable	33.7% (1618)	54.8% (2206)	52.5% (2744)
EM Order - No Place to Stay	3.2% (151)	1.5% (61)	2.4% (127)
Total in Need of Bond Review	61.5% (2954)	83.1% (4025)	78.5% (2994)
Not Releasable	38.4% (1844)	16.9%	21.6% (1128)

The COVID-19 Community Courtwatching Effort

In May, as the number of people in Cook County Jail reached new historic lows, the Coalition to End Money Bond focused on preventing new admissions to the jail. Concerned that warmer temperatures would bring more arrests and push the number of people in jail back up, the Coalition trained more than 100 people to observe Cook County's Central Bond Court as part of the **COVID-19 Community Courtwatching Project**. Over the course of two weeks, volunteers observed every bond hearing in Cook County's Central Bond Court. Courtwatchers observed bond court from May 18th through June 6th and witnessed 868 bond hearings.

The goal of the project was to see how, if at all, bond decisions were being impacted by the COVID-19 pandemic and to maintain public pressure on judges not to order new people into the jail. Next to the decision of innocence or guilt, the type of bond someone receives is the most important decision made in a criminal case. On a normal day, an unaffordable money bond could mean the difference between going home to one's community or being locked in a cage. During the COVID-19 pandemic, bond decisions have become a matter of life and death.

“ Unconstitutional, unaffordable money bonds were the single largest reason people were admitted to Cook County Jail during the pandemic.

Despite these stakes, observers watched judges continue to set unaffordable money bonds, even as defense attorneys continuously raised the dangerous conditions inside the jail. While a majority of bonds set during the observation period were I-bonds (which do not require payment of money to secure pretrial release), when money bonds were set, they were most often set at an amount the person said they could not afford to pay. For example, a majority of people aged 50 and older who appeared in bond court during our courtwatching effort were either given an unaffordable money bond or no bond, resulting in their incarceration.

Black people are disproportionately targeted by police and as a consequence are overrepresented in Cook County's Central Bond Court. Eighty percent of the people who appeared in Central Bond Court during our courtwatching were Black, despite the fact that only 26% of Cook County residents are Black. This display of systemic racism would be alarming under normal circumstances, but it is particularly alarming during a pandemic that has found Black people to be at the highest risk for complications related to COVID-19. **Black people were also given more unaffordable money bonds than any other racial group and were among the most likely to be denied release entirely.**

While other county stakeholders were taking steps to reduce the number of people incarcerated in Cook County Jail, our courtwatching efforts revealed that judges' decisions were insufficiently changed by the outbreak of COVID-19. **Unconstitutional, unaffordable money bonds were the single largest reason people were admitted to Cook County Jail during the pandemic.**

Types of Bond

Type of Bond	Total	Percentage
I-Bond (No money required)	322	37%
D-Bond (Money required)	338	39%
No Bond (Denied release)	62	7%
Not Available	146	17%

Affordability of Money Bonds

Types of Money Bond	Total	Percentage
Affordable	129	38%
Unaffordable	178	53%
Not Available	31	9%

EA,PI: East Asian, Pacific Islander

Multi: Multiracial

SA/I/A: South Asian/Indian/Arab

Type of Bonds by Race

Type of Bonds	Black	EA/PI	Latinx	Multi	SA/I/A	White
D-Bond	262 (49%)	0	38 (48%)	29 (38%)	2 (100%)	6 (27%)
I-Bond	223 (42%)	1 (100%)	39 (49%)	41 (53%)	0	14 (64%)
No Bond	50 (9%)	0	3 (4%)	7 (9%)	0	2 (9%)
Total	535	1	80	77	2	22

Affordability of Bonds by Race

Type of Money Bond	Black	EA/PI	Latinx	Multi	SA/I/A	White
Affordable	102 (42%)	0	13 (41%)	13 (46%)	1 (50%)	0
Unaffordable	138 (58%)	0	19 (59%)	15 (54%)	1 (50%)	5 (100%)

Type of Bonds by Age

Type of Bond	18-24 years old	25-34 years old	35-44 years old	45-54 years old	55-64 years old	65 years old or older
D-Bond	93 (40%)	158 (49%)	52 (54%)	24 (57%)	7 (37%)	3 (50%)
I-Bond	118 (51%)	138 (43%)	39 (40%)	12 (29%)	9 (47%)	2 (33%)
No Bond	12 (9%)	25 (8%)	6 (6%)	6 (14%)	3 (16%)	1 (17%)
Total	223	321	97	42	19	6

Affordability of Bonds by Age

	18-24 years old	25-34 years old	35-44 years old	45-54 years old	55-64 years old	65 years old or older
Affordable	30 (36%)	71 (49%)	13 (29%)	10 (43%)	3 (50%)	2 (67%)
Unaffordable	54 (64%)	75 (51%)	32 (71%)	13 (57%)	3 (50%)	1 (33%)

Type of Bonds by Gender

	Women	Men
D-Bond	21 (30%)	314 (49%)
I-Bond	42 (61%)	271 (42%)
No Bond	6 (9%)	56 (9%)
Total	69	641

Affordability of Bonds by Gender

	Women	Men
Affordable	3 (19%)	126 (44%)
Unaffordable	13 (81%)	162 (56%)

*Race and ethnicity identifications were made by observers and are not based on self-identification. They are therefore imperfect, but also may reflect the assumptions made by and implicit biases held by judges and other actors.

Types of Bonds by Judge

	Judge Willis	Judge Beach	Judge Navarro	Judge Lyke	Judge Marubio	Judge Ortiz
D-Bond	26 (43%)	11 (19%)	117 (51%)	71 (44%)	83 (58%)	30 (45%)
I-Bond	34 (56%)	45 (79%)	76 (33%)	79 (48%)	54 (38%)	34 (52%)
No Bond	1 (2%)	1 (2%)	38 (16%)	13 (8%)	7 (5%)	2 (3%)

Affordability of Bonds by Judge

	Judge Willis	Judge Beach	Judge Navarro	Judge Lyke	Judge Marubio	Judge Ortiz
Affordable	7 (32%)	1 (11%)	31 (31%)	51 (75%)	29 (36%)	10 (37%)
Unaffordable	15 (68%)	8 (89%)	70 (69%)	17 (25%)	51 (64%)	17 (63%)

Lack of Disposition: Cases at a Standstill

Since the COVID-19 Community Courtwatching Program ended, the number of people in the jail has continued to increase. One primary reason the number of people incarcerated in the jail has grown—and will continue to grow—is that the normal outflows that lead to release are closed or are operating much more slowly than they did before March. Under normal conditions, people cycle through the jail, entering when they are arrested and leaving when they pay a money bond, get a new bond, or when their cases resolve. When people are found not guilty or have their cases dismissed, they leave the jail without any sentence. When people are convicted, they are either placed on probation and released from jail or are sentenced to time in prison and transferred to the custody of the Illinois Department of Corrections (IDOC). People are also transferred to IDOC when they are picked up on parole violations and leave the jail to have those violations resolved by the Illinois Prisoner Review Board.

Because of the risk of COVID-19 spread, IDOC has limited transfers to IDOC from all jails in the state, including Cook County Jail. This has included people sentenced to prison, but it also includes people arrested for parole violations. Incarceration for parole violations is particularly difficult to address in the current context. None of those alleged violations have yet been proven, and many of them are technical or minor violations, such as failure to obey curfew or meet with a parole officer. Sometimes the violations are caused by a new misdemeanor arrest. Even if the new case is dismissed, the parole violation caused by the arrest traps them in Cook County Jail. As of August 31, 2020, there were over 400 people awaiting transfer to IDOC without any way to resolve their charges or violations or to bond out of jail.

More importantly, however, cases in the criminal courts are not resolving as a routine matter of course by ending in a plea of guilty, a trial, or a dismissal. Although Cook County courts re-opened in July over Zoom, fewer cases than usual are being heard. According to the State's Attorney's Office's data, the median length of a felony case that ends in a plea of guilty is approximately five months. As of June 30, the courts are significantly behind schedule in resolving cases. This is unsurprising given that the courts were restricted to emergency motions for the majority of the spring, but it still causes serious issues, particularly for allowing people to resolve their cases and exit the jail. **According to the State's Attorney's Office's public data, in a "normal" year (2017-2019), the Cook County Criminal Courts enter an average of 6,759 case dispositions between April 1 and June 30. These include, dismissals, guilty pleas, and trials. In 2020, the courts resolved just 463 cases—just 7% of their usual total.**

There are fewer cases being initiated as well, but the decrease is not nearly as dramatic and thus does not balance out the lack of resolutions. On average, between 2017-2019, the courts arraigned 5,266 cases between April and June. This year, the courts arraigned 1,473—about 28% the normal number of cases.

Conclusion

The dramatic decrease in the number of people in Cook County Jail this past spring was driven by a combination of grassroots community organizing and system-initiated emergency bond reviews. During the busiest week for emergency bond hearings, March 19-26, a total of 822 people were released from the jail. Not all of those people, however, were released as a result of their cases being brought in front of a judge. Many scraped together funds to pay unaffordable money bonds that had been previously unattainable for their families.

Unfortunately, the number of people incarcerated in the jail has almost returned to pre-pandemic levels. As of September 4, 2020, there are **5,159 people** in the jail, 1,128 more than on **May 9th**. This large number of people makes the jail again highly vulnerable to another COVID-19 outbreak. The number of people incarcerated in the jail has risen from its May 2020 low for three primary reasons: lack of bond reviews, cases are starting and not ending, and the ongoing use of unaffordable money bonds by judges.

As described earlier, the COVID-19 emergency bond reviews stopped short of reaching everyone in the spring and have not been resumed for people admitted this summer. Hundreds of people were released during the first week of emergency bond reviews, but there has not been a similar wave of releases since. This is true despite the fact that 1,425 of the people in jail on August 31, 2020 were admitted to the jail after April 1 and thus were not reviewed as part of the original emergency process.

Secondly, people with open cases must be given a way to resolve them. As of early September, the Cook County Courts have been closed or partially closed for almost six months. New arrests and cases filed, however, continue to bring new people into the jail. Unless the courts begin allowing cases to move forward, the number of people incarcerated in the jail will continue to rise rapidly.

Contrary to some media narratives, what is not driving the significant increase in the number of people in jail is any increase in crime or arrests. In fact, the number of felony arrests was drastically lower between May 1 and July 31, 2020 than it was during the same months in 2019. Chicago Police referred fewer than half as many felony arrests to the State's Attorney's Office for review during that time.

To once again successfully reduce the number of people in Cook County Jail, the State's Attorney, Public Defender, and judges must work together to resolve outstanding cases and resume bond reviews for every person in custody who has not had one since the pandemic began.

Most importantly, every elected official or other stakeholder must address the large number of people who remain incarcerated simply because they cannot afford to pay a money bond. During the pandemic, the majority of new people booked into Cook County Jail were admitted because judges ordered them to pay unaffordable money bonds.

Unfortunately, the issue of unaffordable money bonds could have been avoided had Cook County Central Bond Court judges simply followed existing policy. In 2017, Cook County's Chief Judge Timothy Evans issued **General Order 18.8A**, which instructs judges to set bonds only at amounts that people can afford. This court rule was put in place in response to the Coalition to End Money Bond's community organizing and litigation efforts demanding an end to wealth-based incarceration in Cook County. While judges do not adhere to the order consistently, community efforts to hold judges accountable have caused the number of people incarcerated in the jail

to drop by more than 2,000 on any given day compared to before the order. This reduction has protected the constitutional rights of people in Cook County and saved lives during the pandemic. **Had the order been fully implemented, even more lives would have been saved—especially given that two of the people who died were in jail only due to unpaid money bonds.** In addition, hundreds of people may not have suffered the trauma of being in danger or contracting a serious illness in the worst possible conditions.

Every year, hundreds of thousands of people are incarcerated in Illinois pretrial simply because they cannot afford to pay a money bond. The incarceration of these individuals violates both the federal and state constitutions. A person's access to wealth should never determine whether they are caged. It is truly disturbing that in this moment, the size of a person's bank account is allowed to be the determining factor in whether they are exposed to a life-threatening illness. **COVID-19 has further magnified the harms caused by pretrial incarceration, and the Illinois legislature must take action to end money bond. Lives are depending on it.**

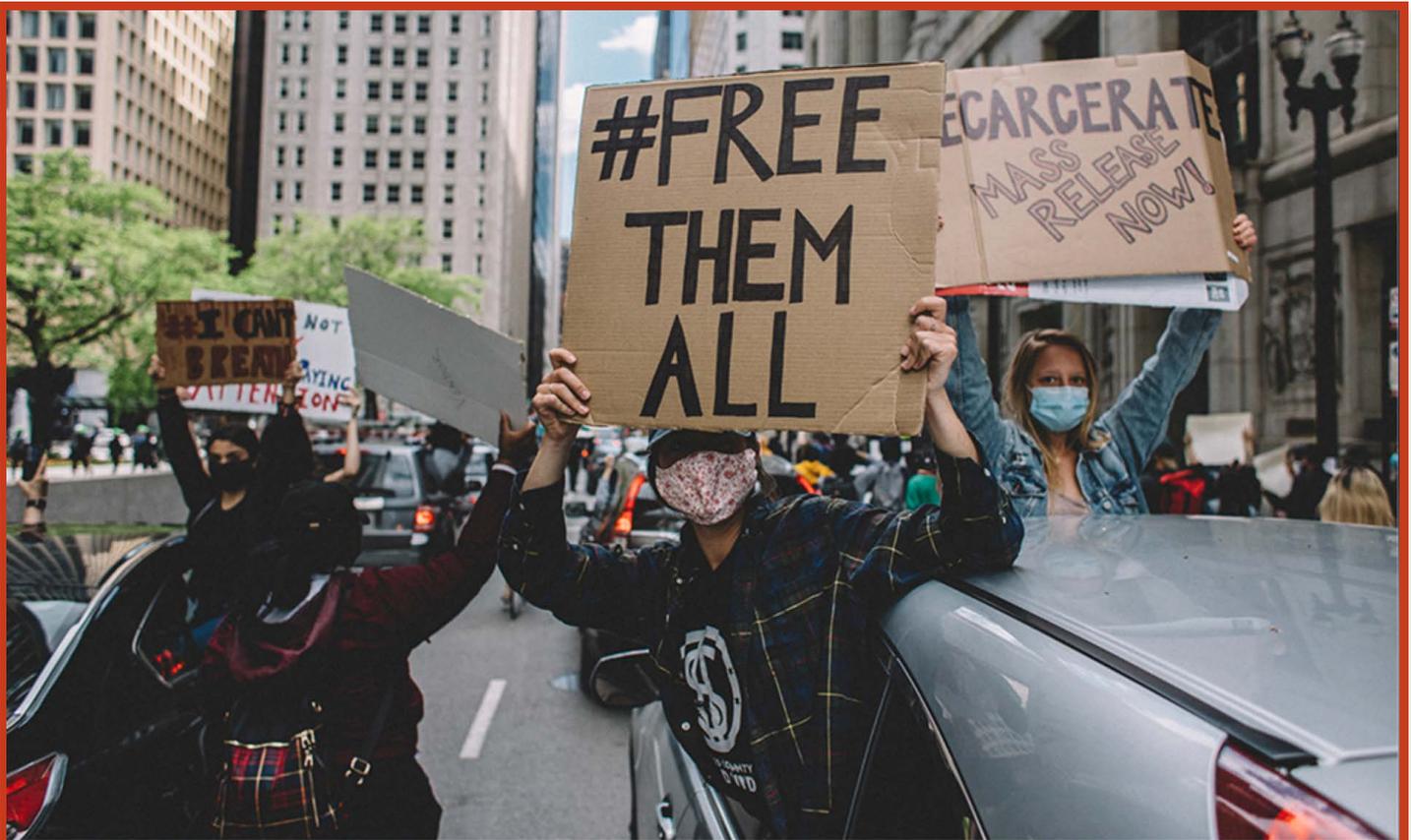


PHOTO FROM A #BLACKLIVESMATTER CAR CARAVAN IN DOWNTOWN CHICAGO. SUMMER 2020.

COVID-19 has further magnified the harms caused by pretrial incarceration, and the Illinois legislature must take action to end money bond. Lives are depending on it.

About the Coalition to End Money Bond

The Coalition to End Money Bond formed in May 2016 as a group of member organizations with the shared goal of stopping the large-scale jailing of people simply because they were unable to pay a money bond. In addition to ending the obvious unfairness of allowing access to money determine who is incarcerated and who is free pending trial, the Coalition is committed to reducing the overall number of people in jail and under pretrial supervision as part of a larger fight against mass incarceration.

The Coalition to End Money Bond is tackling bail reform and the abolition of money bond as part of its member organizations' larger efforts to achieve racial and economic justice for all residents of Illinois.

The current members of the Coalition to End Money Bond are:

ACLU of Illinois

A Just Harvest

Believers Bail Out

**Chicago Appleseed Fund
for Justice**

**Community Renewal
Society**

Illinois Justice Project

**Justice and Witness
Ministry of the
Chicago Metropolitan
Association, Illinois
Conference, United
Church of Christ**

Nehemiah Trinity Rising

**The Next Movement at
Trinity United Church of
Christ**

**The Shriver Center on
Poverty Law
Southsiders Organized
for Unity and Liberation
(SOUL)**

The People's Lobby

**Workers Center for Racial
Justice**



**Coalition to
End Money Bond**
www.endmoneybond.org