

Obscuring the Truth: How **Misinformation** is Skewing the Conversation About Pretrial Justice Reforms in Illinois

Executive Summary

Pretrial justice reform in Illinois has been championed by people impacted by wealth-based jailing, advocates, legislators, survivors of domestic and sexual violence religious groups, and community organizations for years, and planning for what is now the **Pretrial Fairness Act** has been happening in earnest since 2017. Nevertheless, opponents of reform have launched a sophisticated, multilayered misinformation campaign in an attempt to undermine the legislation and influence public opinion.

This report looks at the last five years of pretrial justice reforms in Cook County, Illinois to analyze how misinformation is being weaponized to co-opt public discourse about the criminal legal system and public safety more broadly. As case studies, we look at Chief Judge Timothy Evans' 2017 **court order** instructing judges to set money bond only in amounts that accused people and their families can afford; electronic monitoring and how politicians have used it to mislead the public about this form of pretrial release; and, the elimination of money bond in the Pretrial Fairness Act, which is part of the larger SAFE-T Act.

The way misinformation arises and spreads is both intricate and convoluted. This report examines the three most common origins of misinformation:

- Lies from public officials—including Chicago Mayor Lori Lightfoot and Cook County Sheriff Tom Dart
- Bad data used to perpetuate false narratives under the guise of “research”
- Misinterpretations of the law that are easily believed by the general public who lack legal expertise.

Though the sources may differ, one element is unfortunately omnipresent, and that is the role of the media in lacking the time, resources, and in some cases the desire to rigorously fact check and consult with experts on their stories. Due to these constraints, broadly speaking many outlets favor a “tell all sides” style of reporting that is well-documented as contributing to the rise of Donald Trump. By amplifying and giving credence to the false statements made by public officials, or to misleading data without first checking for accuracy, the media has played a regrettable role in misinforming the public.

In order to control the spread of misinformation, this report highlights the following recommendations to anyone reporting on the pretrial legal system, knowing that opponents, whether in Illinois or outside of it, will attempt to manipulate data and outright lie about proposed reforms:

1. **Get background information** on how the pretrial legal system has traditionally functioned and how reforms are intended to impact the system.
2. **Review case information** before publishing details about cases, especially when a case is being invoked by a public official as “proof” of something.
3. **Diversify sources** so that the community perspective is represented, and stories about opposition to reform also represent input from reformers. Too often stories that introduce the public to reforms tend to ensure that the perspective of opponents is included, whereas stories about challenges to reform simply explain the reforms in lieu of including reformers’ perspectives on the attacks.
4. **Consult experts** to verify the validity of attacks on reforms or data being cited before amplifying it. Be it legal experts with knowledge of the legislation or academic researchers—consulting experts will help slow the spread of misinformation.

The nonstop newscycle has created an immense amount of pressure for media outlets to be the first source for any breaking story. This dynamic plays right into the hands of bad actors seeking to spread misinformation and change public opinion. The media are our last defense in the era of disinformation and we encourage outlets big and small to evaluate their standards and protocols for preventing the proliferation of misinformation, particularly on the topics of criminal legal system reform and public safety.



Want to take a deeper dive? Read the Illinois Network for Pretrial Justice’s New Report “Obscuring The Truth” at bit.ly/PretrialTruth!