Bond Reform In Cook County & Illinois

Sharlyn Grace

WHAT IS BOND COURT?

In thousands of courtrooms across the country, individuals who are recently arrested are taken in front of a judge.

The judge will decide whether a person will remain in jail for the pendency of the case or be freed until the case is resolved.

This is called a bond hearing. In large jurisdictions like Cook County, there is a special bond court that deals exclusively with these types of hearings and nothing else.
Setting Bond in Cook County

Arrest → Released on I-Bond (most misdemeanors)

Sent to Bond Court (all felonies & some misdemeanors)

Given D-Bond → Able to Pay

Not able to Pay

CENTRAL BOND COURT
TYPES OF CHARGES

- Drug Cases: 49%
- Driving Offenses: 10%
- Retail Theft: 7%
- Other Cases: 34%


JUDGE’S OPTIONS:

1. **No Bond**: The accused person must stay in jail until case is over. He or she cannot bond out.
2. **I-Bond**: The accused person is released under their own recognizance.
3. **Electronic Monitoring (EM)**: The accused person is released, but must remain on house arrest.
4. **D-Bond**: The accused person can be released if the bond is paid.
THE LAST OUTCOME IS ESPECIALLY CONCERNING

The judge is saying two things:

Good news: You can be released!

Bad news: You or your family must be rich enough to actually get you out.

LAVETTE

Listen to Lavette narrate her own story: bit.ly/Lavette
CCJ’s Population Trends

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of People Inside</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>9,821</td>
</tr>
<tr>
<td>2012</td>
<td>10,410</td>
</tr>
<tr>
<td>2013</td>
<td>10,838</td>
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<tr>
<td>2014</td>
<td>9,602</td>
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<td>2015</td>
<td>8,630</td>
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<tr>
<td>2016</td>
<td>7,999</td>
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<tr>
<td>2017</td>
<td>7,452</td>
</tr>
<tr>
<td>2018*</td>
<td>6,091</td>
</tr>
</tbody>
</table>

+ 2,117 people on electronic monitoring

Harms of Pretrial Incarceration

- Lost jobs and housing;
- Less access to social support network;
- Disruption of care and medication for those in treatment;
- Removed from Medicaid and social security benefits (if more than 30 days);
- Financial costs to family members such as for commissary & phone calls; and
- Loss of child custody.
Pretrial Incarceration Leads To Prison

Creates Convictions:
- 4x greater likelihood of being sentenced to jail.
- 3x greater likelihood of being sentenced to prison.

Results in Longer Incarceration:
- 3x longer jail sentences.
- 2x longer prison sentences.

Increases Recidivism:
- During pre-trial period and for years afterward.
- Recidivism increases as length of incarceration increases.

STATE LEGISLATION

- The ILGA ended up passing the Bail Reform Act of 2017.
- Key reforms included:
  1) Requiring defense attorneys to be present at bond hearings.
  2) Allowing for a 2nd chance bond hearing process for a limited number of low level felonies.
  3) Directing judges to use the least restrictive method when setting bond.
- The Act was a step forward and provided a ceremonial boost, but left much reform to be achieved....
COOK COUNTY REFORMS

Advocacy and pressure on policy makers mounts, including lawsuit filed by Coalition partner against the Cook County.

Chief Judge Evans institutes General Order 18.8A in Cook County and creates new Pretrial Division.

Significant improvement in bond practices by judges begins.

Total Daily Jail Population

MoneyBondTotal  NoBondTotal  CountySentencedTotal
Efforts to Strengthen & Extend Local Progress to Entire State

Cook County Public Defender Amy Campanelli proposed a new Illinois Supreme Court Rule to improve the bond system in the entire state.

Advocates have provided technical and advocacy support for the proposed rule.

The Illinois Supreme Court just convened a Commission on Pretrial Practices.

Current Issues in Cook County

- In bond court, Judge Evans’ order is not being consistently followed by all judges.
- Judges are not giving incarcerated people bond reviews within 7 days.
- More than 3,000 people are still locked up at CCJ with no plan to review their cases.
- Concern regarding pretrial conditions and electronic monitoring.
Thank you!

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