



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

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PROPOSED RESOLUTION

COB #323962

EVIDENCE-BASED COOK COUNTY BAIL SYSTEM REFORM

Submitting a Proposed Resolution sponsored by John A. Fritchey, County Commissioner.

WHEREAS, The Cook County Jail is on the verge of capacity and there exist serious and legitimate concerns that it will exceed capacity this summer; and

WHEREAS, in such an event, the County faces the threat of being ordered to build another jail at a cost of tens of millions of taxpayer dollars on an unneeded facility; and

WHEREAS, our jail overcrowding situation is the consequence of a failing pretrial justice system; and

WHEREAS, while nationally, 60% of inmates in local jails are pre-trial detainees, pre-trial detainees account for 90% of the inmates in Cook County Jail; and

WHEREAS, approximately 70% of incarcerated pre-trial detainees are being held pursuant to charges for non-violent offenses; and

WHEREAS, in 2011, 79% of Cook County defendants were either ordered to pay financial bond to secure release pending trial or held without bond, 13% were ordered released subject to electronic monitoring and only 8% were released pursuant to an I-bond; which allows defendants to be released upon a signature but still subjects them to payment of the full bond amount if they fail to make a required court appearance; and

WHEREAS, by contrast, New York City releases approximately 70% of their felony pre-trial defendants on personal recognizance, and Washington, D.C. releases over 80% of their felony pre-trial defendants on personal recognizance, yet both cities have high court appearance rates and low re-arrest rates; and

WHEREAS, when properly administered, bail is designed to be a function of risk to society or flight risk, not simply a means test of ability to pay; and

WHEREAS, the overreliance on monetary bail, and the inability of many detainees is among the primary drivers of the level and growth in our jail population; and

WHEREAS, an overreliance on monetary bail additionally means that those too poor to pay remain in jail regardless of their risk level or presumed innocence; and

WHEREAS, pre-trial detainees are more likely to be convicted of a felony, receive a sentence of incarceration, and be sentenced longer than those released while awaiting trial; and

WHEREAS, pre-trial detention inherently hinders defendants from tending to their families, holding employment or otherwise participating in society, instead subjecting them to unnecessary immersion in prison culture; and

WHEREAS, the growing use of validated risk assessments create less need for money bail as people can be rated according to potential risk and released appropriately; and

WHEREAS, a Pew Center on the States study showed that 84 percent of surveyed American voters believed that community-based programs could be better used instead of relying on incarceration for people convicted of low-level, non-violent offenses; and

WHEREAS, according to the Justice Policy Institute, “evidence suggests that up to 25% more people could be safely released from U.S. jails while awaiting trial if the proper procedures are put in place, including valid risk assessments and appropriate community supervision”; and

WHEREAS, in fiscal year 2012, the Cook County Board of Commissioners appropriated over \$236 million dollars to its Department of Corrections, an increase of more than \$10 million dollars from 2011 and an increase of over \$57 million dollars since 2002; and

WHEREAS, a 25% reduction in the average daily jail population would save Cook County taxpayers millions of dollars annually; and

WHEREAS, the adoption of evidence-based assessment of risk in setting pre-trial conditions of bail, coupled with the expansion of pre-trial defendant interviews can substantially reduce the rate of pre-trial detentions without impairing the judicial process or threatening public safety.

NOW, THEREFORE, BE IT RESOLVED, that the Cook County Board of Commissioners urges the Cook County judiciary to work with other official stakeholders to design and implement a revised bail structure reflective of the true purpose and safeguards of bail, aimed toward a goal of lowering jail admissions by 25% over the next twelve months.