



THE CIVIC FEDERATION

OBSERVATIONS OF COOK
COUNTY FELONY BOND COURT
HEARINGS:

***ANALYSIS AND
FINDINGS***



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information, visit
civicfed.org/bondcourt2022*

NOVEMBER 3, 2022

TABLE OF CONTENTS

Executive Summary	4
Overview of Bond Court Process in Cook County	6
Upcoming Changes to the Pretrial Release Process	7
Overview of the Bond Court Watching Project	8
Definitions	10
Bond Orders	10
Condition Types	10
Public Safety Assessment Release Recommendations	11
Charge Categories	12
Findings	14
Overview of Cases Observed in Bond Court.....	14
Number of Bond Hearings by Judge	14
Top Charges by Charge Type	15
Violations of Bail or Probation.....	17
Bond Orders and Conditions	18
Bond Orders by Judge	18
Release Conditions by Bond Type	19
Bond Orders by Charge	21
Conditions Ordered by Charge.....	22
Bond Orders by Charge by Judge.....	23
Conditions: Pretrial Release Recommendations vs. Judges' Orders	26
Electronic Monitoring	26
Defendants Ordered to Sheriff's EM.....	28
Dollar Amounts Required for Release.....	29
Affordable Bonds	31
Conclusion	32
Appendix	33

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EXECUTIVE SUMMARY

Throughout the course of eight weeks during summer 2022, the Civic Federation, in partnership with the League of Women Voters of Cook County, observed felony bond court hearings in Cook County. The purpose of the project was to assess current proceedings and pretrial release decisions in felony bond hearings. This court watching project aimed to answer certain questions about bond court decisions that we have been unable to ascertain from data released by the Cook County Circuit Court, such as differences in release decisions between bond court judges, what kinds of release orders and release conditions are ordered by judges for particular types of charges or how closely judges appear to follow pretrial release recommendations based on pretrial risk assessments. Court observers collected data in 1,052 individual bond hearings including the name of the judge, the defendant's charges, release recommendations based on pretrial risk assessments and the judges' ultimate release orders, including any conditions of release.

This report serves as an update five years following the implementation of a bail reform policy in Cook County in 2017¹ and a precursor to new pretrial reforms set to take effect January 1, 2023 through Public Act 101-652, referred to as the SAFE-T Act.

The report presents the following **key findings**:

- **Top Charges:** Among the 1,040 cases for which court observers were able to capture the charges against the defendant, the largest portion, 45%, were for illegal gun possession. The next two most frequent charges were for drug possession (14%) and drug sales (9%), together totaling 23% of cases.
- **Pretrial Release Decisions by Bond Type:** In the sample of cases observed, judges ordered D-Bonds, which require payment of 10% of the dollar amount ordered by the judge in order to be released, in 66% of cases. I-Bonds, which do not require posting money for release, were ordered in 27% of cases. No bail, meaning the defendant was ordered to be held in detention, was ordered in 6% of cases. Cash Bonds, or C-Bonds, which require payment of 100% of the dollar amount ordered by the judge, were ordered in 1% of cases.
- **Use of Money Bond:** State statute contains an existing presumption toward release conditions that are non-monetary in nature.² Additionally, Cook County established a policy in 2017 requiring that conditions of release be non-monetary and the least restrictive necessary to reasonably assure the appearance of the defendant in court. Despite these presumptions toward non-monetary pretrial release, judges in Cook County ordered monetary bond in 66% of cases through the form of D-Bonds, and another 1% in the form of C-Bonds.
- **Pretrial Release Decisions by Type of Charge:** I-Bonds were ordered most frequently for drug sales and drug possession cases, whereas D-Bonds were frequently ordered in other types of top charges. D-Bonds were ordered by judges in the majority of cases involving "person" charges. For example, D-Bonds accounted for 80% or more of

¹ The Cook County Chief Judge adopted a new bail policy, General Order 18.8A, which took effect in September 2017 for felony cases. The policy was intended to prevent anyone from being held in jail pretrial due to inability to pay.

² 725 ILCS 5/110-5(a-5).

release orders in cases involving aggravated battery, gun possession, other gun charges and “other person” charges, and in 65% of robbery charges. No Bail was ordered frequently in more serious “person” charges: for example, in 78% of murder charges and 35% of robbery charges.

- **Affordable Money Bonds:** In addition to presumptions toward non-monetary pretrial release, Illinois statute and Cook County policy also require that the bail amount be considerate of the defendant’s financial ability.³ Cook County’s General Order 18.8A requires that when monetary release is deemed necessary to ensure public safety or the defendant’s appearance in court, the dollar amount must be considerate of the person’s ability to pay. However, the analysis found that 72% of the D-Bonds ordered by Cook County judges were amounts defendants indicated they could not afford; only 28% were dollar amounts the defendants said they could afford. Court observers noted that negotiations over the bail amount often occurred between judges and defense counsel to reach an agreed-upon dollar amount, and judges sometimes stated reasons for going above the amount the person said they could afford based on the nature of the charges or the person’s criminal history.
- **Use of Pretrial Release Conditions:** In general, judges ordered more restrictive conditions, such as electronic monitoring, for people charged with more serious charges involving a victim or use of force, gun possession or other gun charges (such as discharge of a firearm). Pretrial Monitoring and Pretrial Supervision, which require varying levels of court date reminders and check-ins with pretrial officers, were most frequently ordered for non-violent crimes such as drug and property charges.
- **Electronic Monitoring:** A total of 233 defendants, or 22% of all cases observed, were ordered to the Sheriff’s electronic monitoring (EM) program (this includes EM ordered with any bond type—D-Bonds, I-Bonds and C-Bonds). Another 48 defendants, or 4.5% of total cases observed, were ordered to the Chief Judge’s Curfew electronic monitoring program. A small number of defendants—13—were ordered to the Chief Judge’s GPS electronic monitoring program, which is typically used in cases involving domestic violence and orders of protection.
- **Violations of Bail:** Of the 1,052 total bond hearings observed, 126 people appearing in bond court, or 12%, had violated their conditions of bail on pending pretrial cases. Another 90 defendants, or 9% of cases observed, had violated probation or parole. The majority of these arrests were for nonviolent offenses. The most frequent new charge was for illegal gun possession, followed by drug possession and drug sales. More serious person-related crimes were much less frequent. Six people who had violated bail were charged with murder. There were no cases observed in which defendants in violation of their probation were charged with murder.
- **Observations of Bond Court Judges:** The bond court judges were observed to be professional and thoughtful in their conduct, and considerate of all factors involved in each case, including the defendant’s current charges, criminal history and home or work situation. They also frequently acknowledged when family members were present in court and how much the defendant or their family said they could post for bond. While court watchers did not identify any glaring outliers, some judges during the study ordered more stringent release conditions than others for similar types of charges.

³ 725 ILCS 5/110-5; and Cook County Chief Judge General Order 18.8A.

OVERVIEW OF BOND COURT PROCESS IN COOK COUNTY

Individuals arrested and charged with felonies in Chicago generally have bond court hearings at Central Bond Court (called the Pretrial Division) in the Leighton Criminal Court Building at 26th and California. The bond hearing is the person's initial hearing before a judge, and the last decision point in the process determining whether they will be held in jail.

Bond court hearings at Cook County Central Bond Court involve several components:

- An assistant State's Attorney reads the details of the charged offense and describes the defendant's criminal history, including outstanding warrants, violations and failures to appear for court dates;
- A Public Defender (or occasionally a private attorney) provides mitigating factors, such as the defendant's age, duration of residence in Cook County, education, job and family or home situation. Often, the Public Defender informs the judge of the amount of money the defendant can afford to pay for pretrial release;
- A pretrial services officer announces the defendant's Public Safety Assessment (PSA) score, which is intended to measure the risk of release, along with a corresponding release recommendation; and
- The judge hears all the factors involved in the defendant's case and makes a release decision at the conclusion of each individual's bond hearing.

Although the terms bail and bond are often used interchangeably, they refer to distinct aspects of the process. For purposes of this report, bail refers to the process of pretrial release, while bond is an agreement to abide by the conditions of release set by the judge.⁴ Payment of money is currently a form of bond, although the use of cash in the bail process will be eliminated beginning January 1, 2023 pursuant to Public Act 101-0652. See below for further discussion of upcoming changes to the pretrial release process.

The Illinois Bail Statute provides that all defendants are eligible for bail before conviction except where the proof is evident, or the presumption is great, that the defendant is guilty of certain offenses, including offenses that carry a maximum sentence of life imprisonment and offenses where the minimum sentence includes imprisonment without parole.⁵ Under current statute, monetary bail should be set only when it is determined that no other conditions of release will reasonably assure the defendant's appearance in court, that the defendant does not present a danger to any person or the community and that the defendant will comply with all conditions of bond.⁶

There have been several reforms of the Cook County pretrial process over the past decade aimed at reducing the number of jailed defendants charged with low-level crimes and the number of people held in jail due to inability to pay for their release.⁷ In 2013 Cook County Board President Preckwinkle requested intervention by the Illinois Supreme Court, which

⁴ Timothy R. Schnacke, *Fundamentals of Bail: A Resource Guide for Pretrial Practitioners and a Framework for American Pretrial Reform*, September 2014, p. 2.

⁵ 725 ILCS 5/110-4(a).

⁶ 725 ILCS 5/110-2.

⁷ For a more detailed overview of the history of the Cook County Bond Court process and reforms, see: The Civic Federation, [The Impact of Cook County Bond Court on the Jail Population: A Call for Increased Public Data and Analysis](#), November 15, 2017.

convened a pretrial reform committee in order to achieve collaboration between Cook County criminal justice system stakeholders. A report released by the Administrative Office of the Illinois Courts (AOIC) issued 40 recommendations, including better sharing of information among criminal justice agencies; bond court scheduling changes to allow more time for collection and verification of information by pretrial services officers; improved training of judges; development of comprehensive measurements of bond court performance and effectiveness; and establishing pretrial release criteria.⁸

In July 2015, Cook County began using a pretrial risk assessment called the Public Safety Assessment (PSA), to provide judges with risk assessment scores and associated release recommendations based on the defendant's likelihood of failing to appear in court and commit a new crime if released. Additionally, the County streamlined the intake process and worked toward improving data sharing between criminal justice stakeholders.

A new policy of the Chief Judge of the Cook County Circuit Court, which took effect September 18, 2017 for felony cases, was intended to ensure that defendants are not held in jail solely because they cannot afford to pay money bond.⁹ It directed judges to issue affordable bonds, or in cases in which the court determines that bail is not appropriate, to make official findings that the defendant will not appear as required and no conditions can assure the defendant's appearance in court or that the defendant poses a public safety threat. The policy created a presumption toward non-monetary release conditions and the least restrictive conditions necessary to ensure appearance of the defendant at future court proceedings. If the court determines monetary bail is necessary as a condition of release, it is required to find that no other non-monetary conditions will ensure the defendant's appearance and that the bail amount is not oppressive and considerate of the person's financial ability to pay.

An independent study by Loyola University found that the percentage of defendants released on I-Bonds (which do not require monetary payment for release) increased from 26% prior to the new policy to 57% after the new policy took effect, while having no negative impact on crime rates.¹⁰ However, bond court data published by the Cook County Chief Judge indicates that the number of people released on non-monetary I-Bonds more recently has decreased again to 28.5%.¹¹ The findings of this report are in line with the more recent data on the Chief Judge's dashboards.

UPCOMING CHANGES TO THE PRETRIAL RELEASE PROCESS

Legislation passed by the Illinois General Assembly in January 2021 and signed into law by the Illinois Governor in February 2021 enacted broad criminal justice reforms, including changes to the pretrial release process.¹² Pursuant to this new law, beginning in January 2023, judges statewide will no longer be allowed to require the payment of money for pretrial release. Rather, defendants will either be released (with any special conditions imposed by the judge) or held in jail.

⁸ Illinois Supreme Court, Administrative Office of the Illinois Courts, *Circuit Court of Cook County Pretrial Operational Review*, March 2014.

⁹ Circuit Court of Cook County, [General Order No. 18.8A](#).

¹⁰ Don Stemen and David Olson, Loyola University Chicago, [Dollars and Sense in Cook County: Examining the Impact of General Order 18.8A on Felony Bond Court Decisions, Pretrial Release, and Crime](#), November 19, 2019.

¹¹ Circuit Court of Cook County Model Bond Court Dashboard, [Quarter 1, 2022](#) (January-March 2022).

¹² Public Act 101-0652, referred to as the Safety, Accountability, Fairness and Equity – Today Act, or SAFE-T Act.

Under the current pretrial system in Illinois, after a person is arrested they are brought before a judge for a bond hearing where the judge makes an initial decision about whether the person may be released from custody, with or without posting money, or held in jail. Under the current Illinois bail statute,¹³ there is already a presumption of non-monetary release and the least restrictive conditions necessary to ensure appearance of the defendant in court.¹⁴ All defendants are eligible for release before conviction, except where the proof is evident or the presumption is great that the defendant is guilty of certain offenses, including: offenses that carry a maximum sentence of life imprisonment; offenses where the minimum sentence includes imprisonment without parole; stalking; illegal gun possession in a school; or making a terrorist threat.¹⁵ The law directs judges to require upfront payments only when no other conditions of release will reasonably ensure that defendants will appear for future court dates and not pose a public safety risk. It also states that any cash bail should be “not oppressive” and “considerate of the financial ability of the accused.”¹⁶

The SAFE-T Act, set to take effect in January 2023, makes changes to the pretrial process by abolishing cash bail and creating additional changes to the pretrial release process. One key change is the process by which a person can be detained under the new law. Any person arrested and taken into custody will appear before a judge for an initial hearing. The judge may decide to release the defendant, with or without conditions. If the person is charged with an offense that is eligible for pretrial detention, the State’s Attorney can file a petition for a detention hearing.¹⁷ This will trigger a detention hearing, at which the judge will make a determination on whether to detain or release the defendant. There will continue to be a presumption of release, except when a person is charged with offenses eligible for detention¹⁸ or has a high likelihood of willful flight. Judges will also continue to be able to order existing conditions such as pretrial supervision (check-ins with a pretrial officer), electronic monitoring, drug testing and no contact orders. However, judges will not be allowed to use money as a condition of release, and many offenses will not be eligible for pretrial detention.

It is important to note that there have been discussions among members of the Illinois General Assembly of a potential trailer bill to amend certain portions of the SAFE-T Act, so there could be changes to these pretrial reforms. However, as of this writing no such amendments have been passed and these pretrial process changes are currently set to take effect January 1, 2023.

OVERVIEW OF THE BOND COURT WATCHING PROJECT

Over the course of approximately eight weeks during summer 2022, the Civic Federation, with the assistance of members of the League of Women Voters of Cook County, observed felony bond court hearings in Cook County. The purpose of the bond court watching project was to assess current proceedings and release decisions in felony bond hearings through the

¹³ 725 ILCS 5/110.

¹⁴ 725 ILCS 5/110-5(a-5).

¹⁵ 725 ILCS 5/110-4.

¹⁶ 725 ILCS 5/110-5(b).

¹⁷ When Public Act 101-652 takes effect in January 2023, pretrial release may be denied for people charged with any offense listed in 725 ILCS 5/110-6.1.

¹⁸ 725 ILCS 5/110-6.1.

collection of data not already publicly available through the Cook County Circuit Court.¹⁹ The report serves the dual purpose of assessing bond court proceedings five years following the new bail policy adopted by the Cook County Chief Judge in 2017, General Order 18.8A, and ahead of statewide pretrial reforms set to take effect on January 1, 2023 through Public Act 101-652, referred to as the SAFE-T Act. The SAFE-T Act includes a number of pretrial provisions known as the Pretrial Fairness Act, which make major reforms to the pretrial release process in Illinois including the elimination of cash bail.

The project aimed to answer the following research questions:

- How do judges' pretrial release decisions differ from one another? Are there outliers?
- How closely do judges follow release recommendations made based on pretrial risk assessments?
- How often do Cook County judges currently order monetary bonds and for what types of charges? Are the monetary bonds affordable?
- How often do judges order electronic monitoring and for what types of charges?

The scope of the court watching project covered two courtrooms at the Leighton Criminal Court Building: 1) felony bond hearings in Central Bond Court, held daily in Room 100 beginning at 12 p.m.; and 2) bond hearings in Branch 66 / Branch 98 held daily in Room 102 beginning at 11 a.m. Courtroom 102 handles bond hearings in specific types of cases including murder, sex crimes, escape and registry violations,²⁰ while all other felony and misdemeanor bond hearings are held in Room 100. Data were collected for felony cases only, and exclude misdemeanor bond hearings held in Room 100. The data also only include people arrested for felonies in Chicago and therefore exclude bond hearings held in suburban Cook County courthouses.

Court watchers observed bond court hearings on a total of 35 weekdays between June 9, 2022 and August 2, 2022, resulting in data collected for a total of 1,052 individual bond hearings. Data were collected on 29 separate dates from felony Central Bond Court hearings in Room 100²¹ and on 25 separate dates from Branch 66 and 98 bond hearings in Room 102.²² Please see the Appendix on p. 33 for a calendar of court observations.

The Cook County Circuit Court changed procedures during the COVID-19 pandemic in 2020 to allow for social distancing. Since the onset of the COVID-19 pandemic, the Cook County Circuit Court has held bond hearings via Zoom and has livestreamed bond hearings to the public on the Court's YouTube channel.²³ The start time of Central Bond Court was moved from 1:30 p.m. to 12:00 p.m. Initially, the Zoom video was livestreamed to the public, but subsequently the video image was removed and only audio has been made available. Therefore, the court observations were collected based on live audio only, without video images. Due to frequent

¹⁹ The Office of the Cook County Chief Judge makes some pretrial data available through bond court dashboards, which can be found on the Chief Judge's [website](#).

²⁰ Branch 98 hearings held in Courtroom 102 at the Leighton Courthouse also include extradition warrants, which were excluded for purposes of this analysis. Only hearings in which bail was set by the judge were included in this report.

²¹ Central Bond Court observations in Room 100 occurred on the following dates: 6/9, 6/10, 6/13, 6/16, 6/17, 6/20, 6/23, 6/24, 6/27, 6/28, 6/29, 7/1, 7/5, 7/6, 7/7, 7/11, 7/12, 7/13, 7/14, 7/15, 7/18, 7/19, 7/20, 7/21, 7/22, 7/26, 7/27, 7/29 and 8/2.

²² Observations of Branch 66/98 hearings in Room 102 occurred on the following dates: 6/9, 6/10, 6/15, 6/16, 6/22, 6/23, 6/24, 6/28, 6/29, 6/30, 7/5, 7/7, 7/8, 7/11, 7/13, 7/14, 7/15, 7/19, 7/20, 7/21, 7/22, 7/25, 7/26, 7/28 and 7/29.

²³ Links to the livestream for each court room are available at <https://www.cookcountycourt.org/HOME/LiveStream>.

audio problems throughout the course of the court observations, some data were unable to be recorded.

The key data points collected from each bond hearing included:

- The presiding judge;
- The defendant's charges;
- The public safety assessment score and release recommendation;
- The judge's release decision, including the bond type and any special conditions required of the defendant; and
- Other observations such as the length of time spent on each individual defendant's bond hearing, judges' acknowledgement of the defendant's family members present in court and how much money the defendant or their family indicated they could post for bond.

DEFINITIONS

The following sections define the terms used throughout the findings of this report, including the types of bond orders used by judges when determining pretrial release, the types of special conditions that judges may order as terms of release, release recommendations based on Public Safety Assessment scores and the categories used to classify defendants' charges.

BOND ORDERS

There are four main release types which judges in Cook County can order when considering a defendant's pretrial release:

- **D-Bond:** Requires upfront payment of 10% of the bail amount in order to secure release from custody pretrial;
- **I-Bond:** Release on recognizance, which does not require upfront payment for pretrial release;
- **C-Bond:** Requires upfront payment of 100% of the bail amount in order to secure release from custody pretrial;
- **No Bail:** The defendant may not be released and is held in custody.

In addition to these four bond order types, judges may order defendants to comply with special conditions of release, such as pretrial supervision or electronic monitoring. These conditions are discussed in further detail below.

CONDITION TYPES

All defendants released pretrial are required to comply with certain conditions including appearing in court, submitting to orders of the court, not departing the State without court permission, not violating any laws and surrendering firearms in their possession.²⁴ Additionally, the court may impose other conditions if they are found to be reasonably necessary to ensure the defendant's appearance in court and to protect public safety. These additional conditions include (but are not limited to) the following:

- No contact with victims or witnesses;
- Staying away from certain geographic areas;
- Not possessing a firearm;
- Drug or alcohol treatment or monitoring;

²⁴ 725 ILCS 5/110-10.

- Curfew ordered by the court;
- Pretrial supervision; and
- Electronic monitoring.

This report specifically examines the following types of special conditions ordered by judges in Cook County:

- **Pretrial Monitoring:** Defendants receive court date reminders.
- **Pretrial Supervision:** Defendants receive pretrial supervision consisting of check-ins with a pretrial officer. There are three levels of pretrial supervision:
 - Level 1 requires monthly face-to-face contact;
 - Level 2 requires face-to-face contact every other week; and
 - Level 3 requires both phone and face-to-face contact every other week. Judges did not specify which level of supervision defendants should receive when ordering pretrial supervision, but the level of supervision is based on the pretrial risk assessment score.
- **Pretrial Supervision with Curfew:** Requires pretrial supervision along with a curfew requiring the defendant to be home during a certain period, typically 7 p.m. to 7 a.m. unless the judge orders otherwise. Defendants on curfew must wear a radio frequency electronic monitoring ankle device. This program is administered by the Cook County Chief Judge.
- **Electronic Monitoring:** This program is administered by the Cook County Sheriff and is often referred to as Sheriff's EM, or simply EM. Defendants ordered to EM must wear a GPS ankle monitor and remain home 24 hours per day, seven days per week unless otherwise ordered by the court.²⁵ Judges may amend this to allow a defendant to work or attend school. Because this program involves 24/7 monitoring, it is considered more restrictive than the Chief Judge's curfew electronic monitoring program.
- **GPS Monitoring:** This is the second electronic monitoring program administered by the Cook County Chief Judge and is intended for defendants charged with violating an order of protection or cases involving domestic violence. Under this program, the defendant must wear a GPS monitoring ankle device and is not allowed to enter an exclusionary zone or come within 2,500 feet of the complaining witness/victim.

These conditions of release are always ordered as part of a bond order: for example, D-Bond with electronic monitoring; or an I-Bond with pretrial supervision.

In many cases, we observed that judges did not address any conditions. When the judge did not state any conditions on the record, they were counted as No Conditions Stated for purposes of this analysis.

PUBLIC SAFETY ASSESSMENT RELEASE RECOMMENDATIONS

Cook County utilizes a pretrial risk assessment called the Public Safety Assessment (PSA), developed by Arnold Ventures, to provide the courts with an objective, evidence-based assessment of a defendant's potential to commit a new crime or fail to appear in court upon release. The County began using the PSA in 2015. The PSA produces a risk score based on nine different factors including the defendant's age, current charge, any pending charges, prior convictions or sentences of incarceration and prior failures to appear in court. The assessment produces two numerical scores measuring the defendant's potential to commit new criminal

²⁵ Effective January 1, 2022, defendants are also allowed free movement two days per week. Public Act 101-0652.

activity and the potential to fail to appear in court; it also flags whether the defendant poses the risk of committing new violent criminal activity. Based on these scores, the assessment produces a release recommendation for the judge’s consideration.

For purposes of this report, we grouped the release recommendations into the following:

- **Release with No Conditions:** the judge may allow the defendant to be released without any special conditions other than to not commit any new crimes and to appear at all court hearings;
- **Release with Pretrial Monitoring:** the defendant will receive court date reminders;
- **Release with Pretrial Supervision:** the defendant must check in periodically with a pretrial officer in person or by phone or in person. There are three levels of Pretrial Supervision ranging from Level I-III. Level I supervision requires monthly face-to-face meetings with a pretrial officer, Level II requires biweekly face-to-face meetings and Level III requires biweekly face-to-face meetings and biweekly phone contact with a pretrial officer;
- **Release with Pretrial Supervision with Curfew:** Curfew refers to the electronic monitoring program run through the Office of the Chief Judge requiring defendants to be home from 7 p.m. until 7 a.m.;
- **Release on EM:** EM refers to the Cook County Sheriff’s electronic monitoring program requiring defendants to be home 24/7; and
- **If Released, Maximum Conditions Recommended:** the highest combined risk scores result in a recommendation of maximum conditions if released, which refers to any combination of the aforementioned conditions, up to and including pretrial detention.

CHARGE CATEGORIES

One of the key data points collected through the bond court observations was the defendant’s top charge, which were categorized as one of 11 possible charge categories selected for purposes of this report. The 11 top charge categories are described the table below. For each defendant appearing in bond court, observers recorded the current charges against the defendant. In cases where a defendant was charged with multiple crimes, we identified the top charge based on the highest class of charge. If two or more charges fell within the same charge class, the top charge was selected based on the nature of the crime.²⁶ In cases involving a new charge where the person was in violation of their bail or probation/parole due to the new charge, the new charge was used for purposes of the analysis.

Top Charge Category	Description	Most Common Charges in this Category
Aggravated Battery	Battery, which is any unwanted physical contact or causing bodily harm is considered aggravated based on a wide variety of circumstances including who the crime is	Aggravated battery; Aggravated battery of a police officer; Aggravated battery with a firearm;

²⁶ Nature of the crime was based on level of seriousness, ranked in the following order: person, weapon, drug, other (e.g., registry violation). For example, in one case where a defendant was charged with Class 4 unlawful use of a weapon and Class 4 driving on a suspended license, the Class 4 unlawful use of a weapon was selected as the top charge. In another example, a defendant was charged with possession of a stolen motor vehicle and possession of a weapon by a felon, both Class 2 felonies. In this case, we chose possession of a weapon by a felon as the top charge. In a third example, the defendant was charged with violation of a sex offender registration and possession of a controlled substance, in which case drug possession was selected as the most serious charge type.

Top Charge Category	Description	Most Common Charges in this Category
	committed against (children, person with an intellectual disability, person over age 60, pregnant, teacher, police officer, government official, transit employee), the location (in any public place, domestic violence shelter or place of religious worship), the discharge of a firearm, or the use of any other deadly weapon.	Aggravated battery with a deadly weapon
Drug Possession	Unlawful possession of any controlled substance or cannabis.	Possession of cannabis; Possession of a controlled substance
Drug Sales	Unlawful distribution of a controlled substance or cannabis.	Manufacture or delivery of a controlled substance; Manufacture or delivery of cannabis; Possession of a controlled substance with intent to deliver
DUI/Traffic	Driving under the influence or other traffic/motor vehicle violations.	DUI; Aggravated DUI; Driving on a revoked or suspended license; Aggravated reckless driving; Aggravated fleeing or attempting to elude a peace officer
Gun Possession	Unlawful possession of a firearm. This would include not having a valid Firearm Owners Identification (FOID) or Concealed Carry License, or possession of a ghost gun or gun with a defaced serial number.	Unlawful use of a weapon; Aggravated unlawful use of a weapon; Unlawful use of a weapon by a felon; Armed Habitual Criminal
Murder	The intentional killing or attempt to kill another person.	First Degree Murder; First Degree Attempted Murder
Other Gun Charge	Other non-possession gun-related charges, including discharging of a firearm.	Reckless discharge of a firearm; Aggravated discharge of a firearm; Armed violence
Other Person	All other crimes (excluding murder, aggravated battery and robbery) committed against an individual victim in which force was used or there was harm or the threat of harm.	Aggravated assault; Aggravated criminal sexual assault; Burglary or attempted burglary; Criminal sexual abuse; Domestic battery; Home invasion; Kidnapping; Manslaughter; Possession of child pornography; Predatory criminal sexual assault; Violation of an order of protection
Other	All other crimes not included in the previous categories, including registry violations, resisting	Escape/violation of electronic monitoring; Resisting a peace officer;

Top Charge Category	Description	Most Common Charges in this Category
	police officers or violations of electronic monitoring.	Failure to register as a sex offender
Property	Crimes that do not involve direct force or harm against another person and that involve taking or damaging property, trespassing or being in possession of stolen property.	Aggravated arson; Criminal damage to property; Criminal trespassing; Forgery; Fraud; Possession of fraudulent ID; Possession of a stolen motor vehicle; Retail theft; Theft
Robbery	Taking of someone's property by use or threat of force.	Robbery or attempted robbery; Aggravated robbery; Armed robbery; Vehicular hijacking; Vehicular invasion

FINDINGS

OVERVIEW OF CASES OBSERVED IN BOND COURT

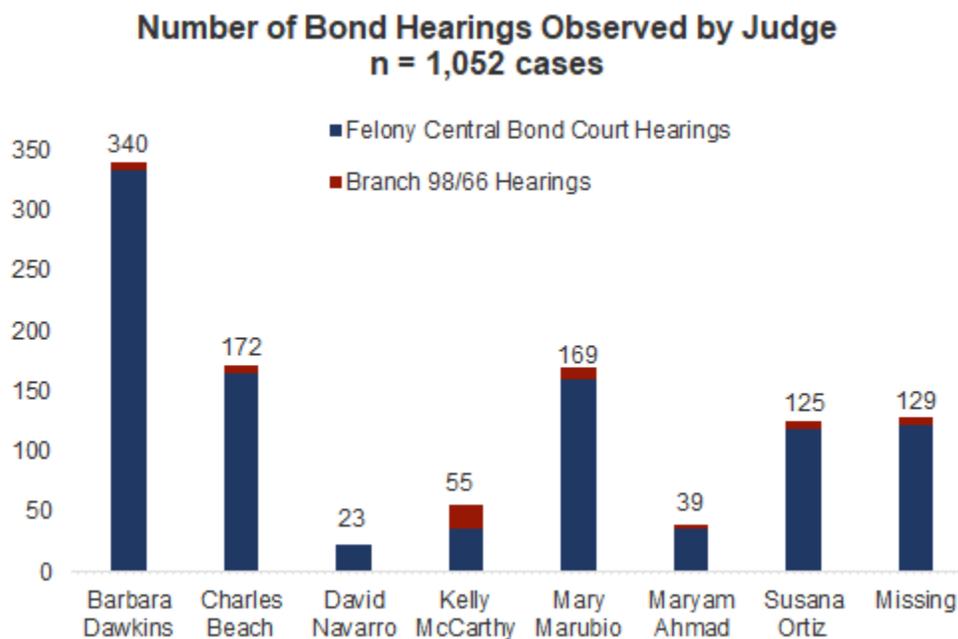
Throughout the course of eight weeks between June 9 and August 2, 2022, the Civic Federation in partnership with the League of Women Voters of Cook County collected data on a total of 1,052 individual bond hearings. Court observers listened remotely to live bond court hearings on 35 separate week days (excluding weekends) in two courtrooms at the Leighton Criminal Court Building in Cook County: felony bond hearings in Central Bond Court, held in Room 100, and Branch 66 / Branch 98 hearings in Room 102, which handle bond hearings in certain types of cases including murder, sex crimes, escape and registry violations. We collected data on 29 separate dates from felony Central Bond Court hearings in Room 100 and on 25 separate dates from Branch 66 and 98 hearings in Room 102.²⁷ The number of cases for which data were collected in felony Central Bond Court averaged approximately 30 cases per week day. The number of bond hearings held for Branch 66/98 in Room 102 was much smaller—an average of 2.4 cases per weekday.

Number of Bond Hearings by Judge

There are currently seven Cook County Circuit Court judges assigned to the Pretrial Division, which was established in September 2017 and oversees bond hearings, including Presiding Judge David Navarro. These seven judges assigned to the Pretrial division rotate through various court calls. The chart below shows the number of individual bond hearings observed by judge.

²⁷ Branch 98 hearings held in Courtroom 102 at the Leighton Courthouse also include extradition warrants, which were excluded for purposes of this analysis. Only hearings in which bail was set by the judge were included in this report.

Of the 1,052 total cases for which data were collected, 991 were for bond hearings held in felony Central Bond Court and 61 were bond hearings in Branch 98/66. The most frequently observed judge was Judge Barbara Dawkins, with 340 total bond hearings including 333 Central Bond Court hearings and seven Branch 98/66 hearings. We collected the smallest number of observations for Judges David Navarro and Maryam Ahmad. Judge Navarro was observed only once in an overflow Central Bond Court hearing.²⁸ Judge Ahmad was observed once in Central Bond Court, and for three bond hearings in Branch 98/66. Judge Kelly McCarthy also had a relatively small number of observations, with a total of 55; however, Judge McCarthy was the most frequently observed judge presiding over Branch 98/66 hearings (19 individual cases).



Top Charges by Charge Type

For purposes of this report, we selected eleven main charge categories used to classify the top charges observed in bond court. Many people appearing in bond court were charged with multiple crimes. In cases where the defendant had multiple charges, the top charge was determined based on the class of charge. In instances where two or more charges fell within the same charge class, the top charge was selected based on the nature and severity of the crime.²⁹

The following chart presents the number of charges observed within each of the 11 top charge type categories. Gun possession cases were by far the most frequent top charge, accounting for 466 cases, or 45%, of the total. Court watchers noted that gun possession cases frequently initiated from traffic stops, although it was not always clear why the person was pulled over. Gun possession charges most frequently consisted of “unlawful use of a weapon” or “aggravated unlawful use of a weapon.” Despite the term “use of a weapon,” in Illinois this type of charge actually refers to carrying or possessing a gun rather than using or discharging it. Frequently,

²⁸ Judge Navarro serves in an administrative role as presiding judge over the Pretrial Division in the Cook County Circuit Court.

²⁹ Nature of the crime was based on level of seriousness, ranked in the following order: person, weapon, drug, other (e.g., registry violation).

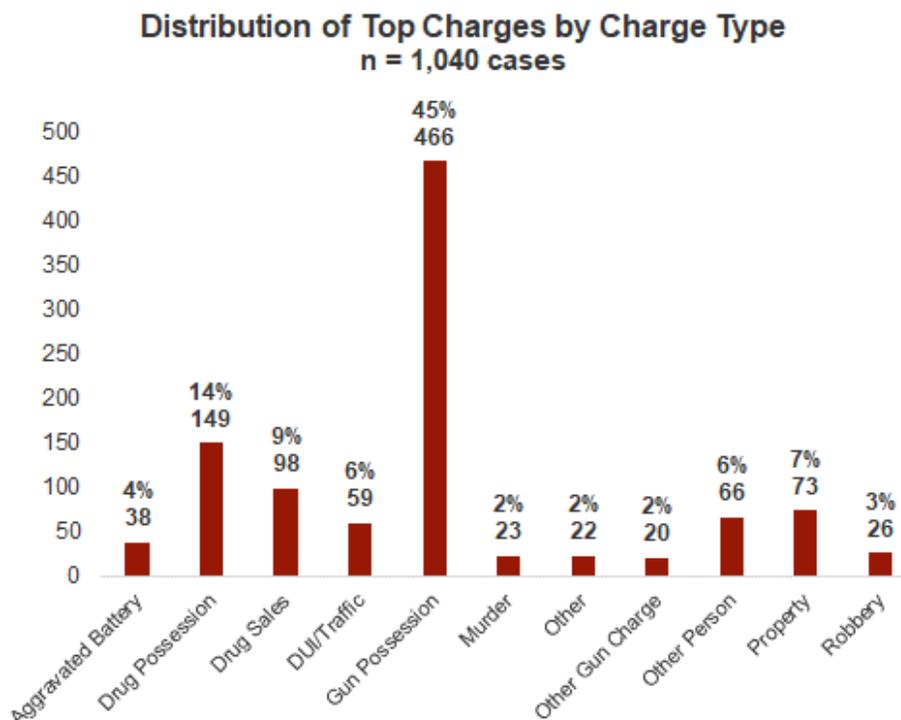
gun possession cases involved the person possessing a gun without a Firearm Owners Identification (FOID) card or a Concealed Carry License (CCL) or with a an expired FOID or CCL.

Other gun charges made up 2% of cases, or 20 cases, and consisted of charges including reckless discharge of a firearm, aggravated discharge of a firearm and armed violence.

Following gun possession, the second two most frequent top charges were drug possession (14% of cases) and drug sales (9%), which includes manufacturing/delivery as well as possession with intent to deliver.

Several top charge categories are considered “person” crimes: murder, aggravated battery,³⁰ robbery and other person. “Person” crimes refer to crimes committed against an individual victim in which force was used, or where there was harm or the threat of harm. Aggravated battery can include a variety of circumstances involving who the crime is committed against (a child, person with an intellectual disability, person over age 60, pregnant person, teacher, police officer, government official, transit employee), the location (in any public place, domestic violence shelter or place of religious worship), the discharge of a firearm, or the use of any other deadly weapon. Of the 38 aggravated battery cases observed, 22 were for aggravated battery of a police officer, and five involved the use of a firearm or deadly weapon.

Of the 26 robbery cases observed, three involved vehicular hijacking (one attempted) and another two were for vehicular invasion. Other person charges include all other charges involving a victim including burglary, domestic battery and assault. Murder or attempted murder charges accounted for 23 cases, or 2%.



³⁰ Aggravated battery is a felony, whereas battery is a misdemeanor.

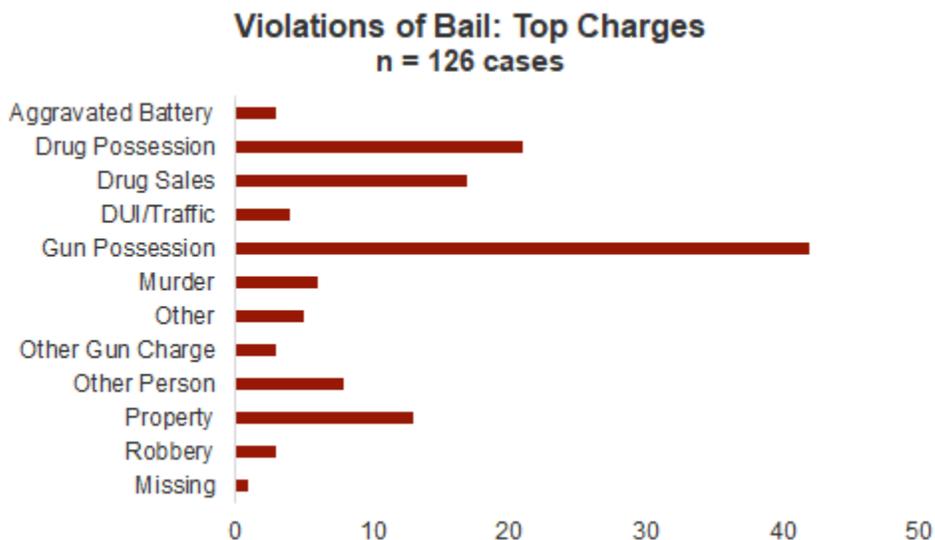
VIOLATIONS OF BAIL OR PROBATION

Court watchers observed that the vast majority of defendants had prior convictions or arrests. However, criminal history was not a formally collected data point for each case. Additionally, it was difficult to understand what constituted criminal history based on statements by the State's Attorneys.

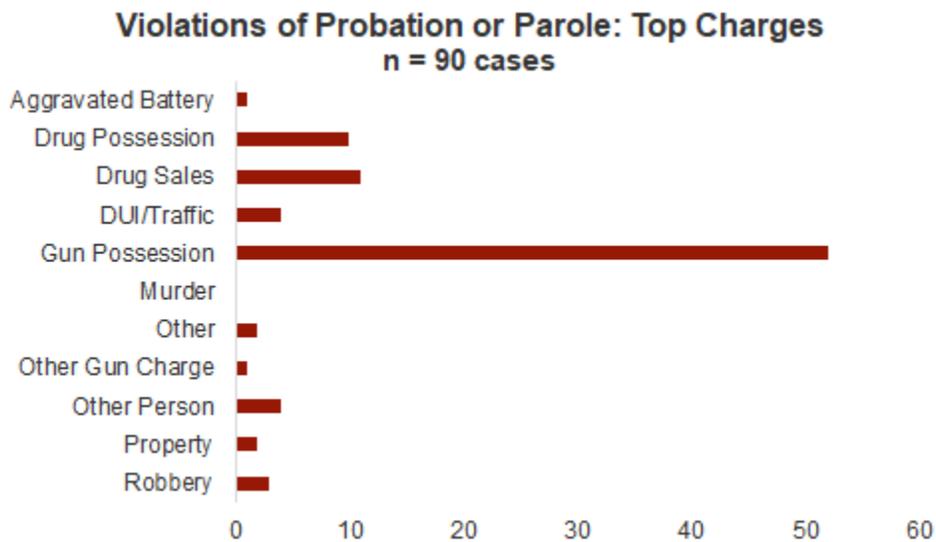
Court watchers did, however, attempt to collect data on the number of people appearing in bond court who had violated their bail (meaning they violated conditions of pretrial release) or probation/parole (meaning they violated conditions of release post-conviction). Of the 1,052 bond hearings observed, 126 people appearing in bond court, or 12%, had violated their conditions of bail on pending pretrial cases. Another 90 defendants, or 9% of cases observed, had violated probation or parole. Defendants who appear in bond court with violations of bail or probation/parole are given a bond order for their new charges, but are held no bail until they appear before the judge on the underlying case and the violation is resolved. This means that defendants who are ordered an I-Bond or a D-Bond (which would otherwise allow them to be released) on their new charge remain in custody until the violation is sorted.

The chart below shows the distribution of top charges among defendants who were out on bail pretrial and arrested on a new felony charge. The vast majority of these cases with underlying bail violations were for nonviolent offenses. Gun possession was the most frequent top charge for new arrests, accounting for one-third of new charges. As noted above, illegal gun possession is the most frequent top felony charge among all defendants appearing in bond court, regardless of whether they had violated their bail conditions or not. These charges often involve the possession of a firearm without a valid Firearm Owners Identification or Concealed Carry License. Court watchers noted that gun possession arrests for were often initiated from traffic stops.

The next three most frequent charges with underlying bail violations were for drug possession (17%), drug sales (13%) and property crimes (10%). More serious violent crimes, defined as person-related crimes including aggravated battery, robbery, murder and other person charges, were much less frequent. Six people who had violated bail were charged with murder, or 5%.



The next chart shows the distribution of top charges among defendants appearing in court with a violation of probation or parole. The most frequent charge is again gun possession (58%), followed by drug sales and possession, at 12% and 11% respectively. DUI/traffic charges and other person charges each accounted for 4%. There was no one charged with murder with an underlying probation or parole violation.



BOND ORDERS AND CONDITIONS

When making their release decisions, judges consider a number of factors including the defendant's charges and nature of the crimes, their criminal history, as well as mitigating circumstances such as the person's ties to the community, current employment and family obligations. Additionally, the Pretrial Services Department provides a risk assessment score and release recommendation for each defendant based on the Public Safety Assessment tool used in Cook County, which judges also may use to determine appropriate release conditions.

Bond Orders by Judge

While the Office of the Cook County Chief Judge makes pretrial data available through bond court dashboards, the data is not broken out by judge. One of the questions this court watching project aimed to answer is whether there appear to be variances between judges in their release decisions. This section examines the distribution of bond orders for each Pretrial Division judge observed.

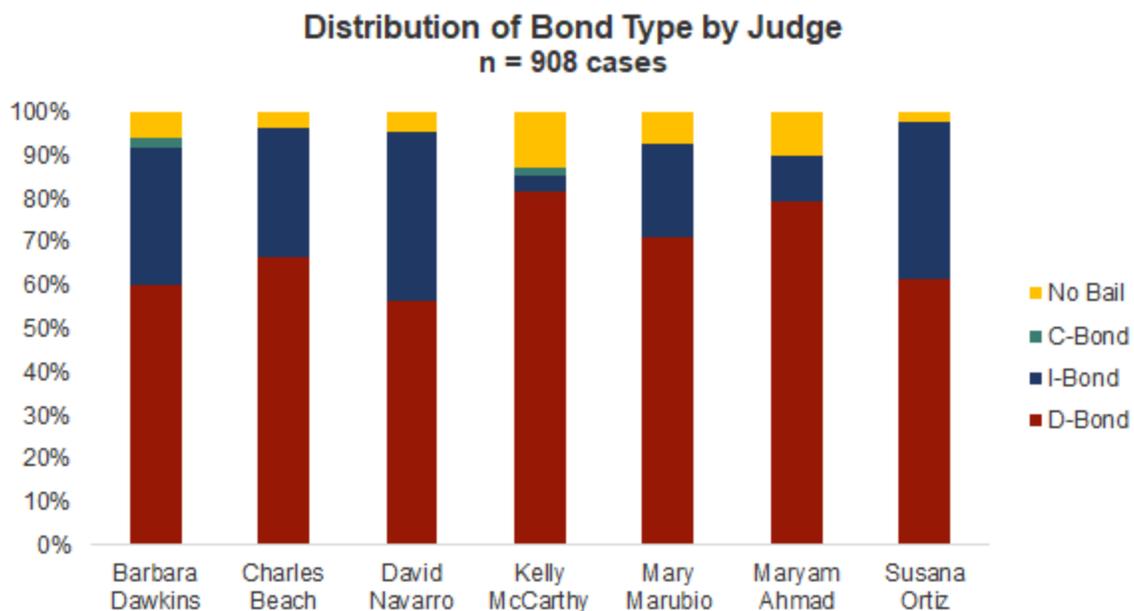
Overall, D-Bonds were by far the most commonly ordered type of bond across all judges, making up approximately 66% of all release orders. Judges ordered I-Bonds 28% of the time. C-Bonds, or cash bonds, were ordered in only nine cases. Seven of the nine C-Bonds observed were between \$300,000 and \$3,000,000, while the other two were for \$15,000 and \$20,000. No Bail, meaning the person must remain in custody, was ordered in 53 cases, or 6%.

The chart below shows the distribution of bond release orders by judge in 908 bond court hearings. This excludes instances where the judge's name was missing (129 cases) or the bond order was missing (19 cases), as well as one case that was dismissed. As displayed in the chart, there are some variances between the types of bond orders used most frequently by judges. Judge McCarthy ordered D-Bonds and No Bail more frequently than other judges.

However, part of this variance could be explained by the fact that Judge McCarthy was observed in Branch 66/98 hearings more than the other judges, where more serious cases are heard. Judge Ahmad also ordered more D-Bonds and no bail orders than most other judges. Judge Navarro ordered a higher percentage of I-Bonds compared to the other judges, although this was based on a small sample size of only 23 cases.

Court observers noted that the judges appeared to consider defendants' work and home life responsibilities when setting bond and conditions. For example, when the defendant indicated a responsibility to take care of their family members, judges in some cases ordered an I-Bond rather than a D-Bond. Additionally, some judges altered curfew or electronic monitoring orders to allow for people to go to work. In instances when the defendant lived outside Illinois or needed to travel outside Illinois for school or work the judges would generally allow the defendant to cross state borders as long as they did not pose a flight risk or violent criminal activity risk and agreed to appear at all court dates. Court observers additionally noted that in low-level cases (e.g., drug possession), judges often did not ask for mitigation from the defense attorney and automatically ordered an I-Bond.

On rare occasions when State's Attorneys requested no bail petitions, the judge usually granted the request for no bail. However, when judges felt that there was insufficient evidence to hold a defendant without bail, they denied the petition and instead ordered a high D or C bond. Judges devoted a significant amount of time to these cases and explained in detail their decision to defendants.



Release Conditions by Bond Type

There were six main categories of release conditions imposed by judges analyzed in this report:

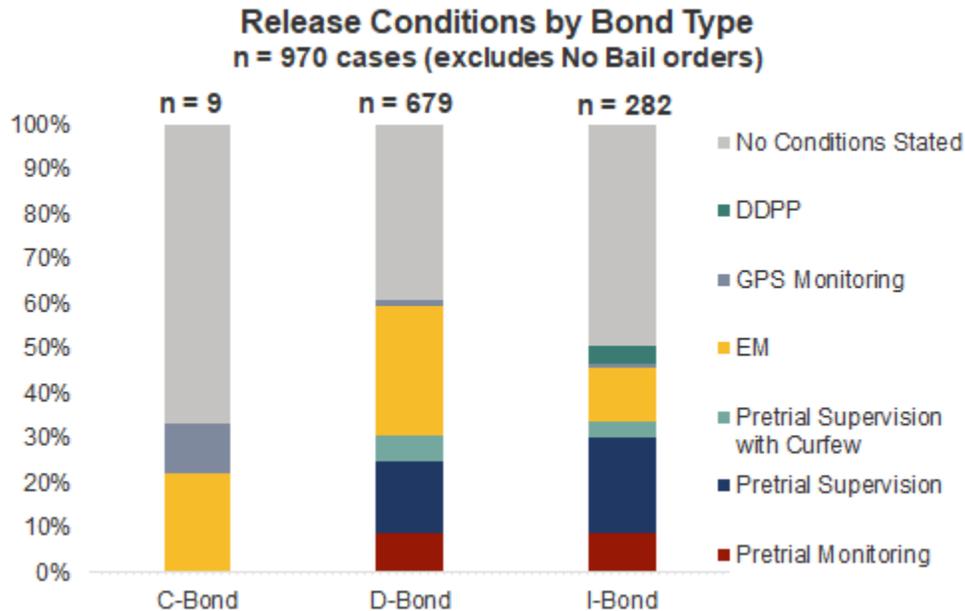
- No Conditions:** The judge may allow the defendant to be released without any conditions other than to not commit any new crimes and to appear at all court hearings. In many cases, court watchers observed that judges did not address any conditions. When the judge did not state any conditions, they were counted as No Conditions Stated for purposes of this analysis.

- **Pretrial Monitoring:** Defendants receive court date reminders.
- **Pretrial Supervision:** Defendants receive pretrial supervision consisting of check-ins with a pretrial officer. There are three levels of pretrial supervision with increasing check-in requirements based on the supervision level.
- **Pretrial Supervision with Curfew:** Often referred to simply as “Curfew,” this is an electronic monitoring program overseen by the Office of the Chief Judge, which requires the defendant to wear a radio frequency ankle monitoring device and to be in their home between the hours of 7 p.m. to 7 a.m. unless otherwise ordered by the judge. The Curfew electronic monitoring program is ordered in addition to pretrial supervision.
- **Electronic Monitoring:** Defendants must wear a GPS electronic ankle monitor and remain in their ordered location 24/7. This program is administered by the Cook County Sheriff and is often referred to as Sheriff’s EM, or simply EM.
- **GPS Monitoring:** Judges may order GPS Monitoring for defendants who are charged with violating an order of protection. The defendant must wear a GPS monitoring ankle device and is not allowed to enter an exclusionary zone or come within 2,500 feet of the complaining witness/victim. This program is administered by the Cook County Chief Judge.

Though not a condition of release, some defendants are referred to a **Drug Deferred Prosecution Program (DDPP)**, which is available to first time, non-violent drug offenders. The program allows defendants to avoid prosecution if successfully completed. We included the DDPP as a release conditions for purposes of capturing this outcome in applicable cases. A total of 12 people from the sample of cases observed were referred to the DDPP in bond court. This represents just 8% of the 149 drug possession cases observed.

The chart below shows these release conditions ordered along with each type of bond (D-Bond, I-Bond or C-Bond). No conditions were stated in the majority of cases. Electronic monitoring was the second most-used condition, and was paired with all three types of bonds. Most frequently EM was ordered along with a D-Bond. In these cases, the defendant would need to post monetary bond in order to be released and placed on electronic monitoring. Pretrial monitoring and pretrial supervision were also frequently ordered with both I-Bonds and D-

Bonds. Among the small number of C-Bonds (nine cases) EM was ordered with two of those cases and GPS monitoring was ordered for one case.



Bond Orders by Charge

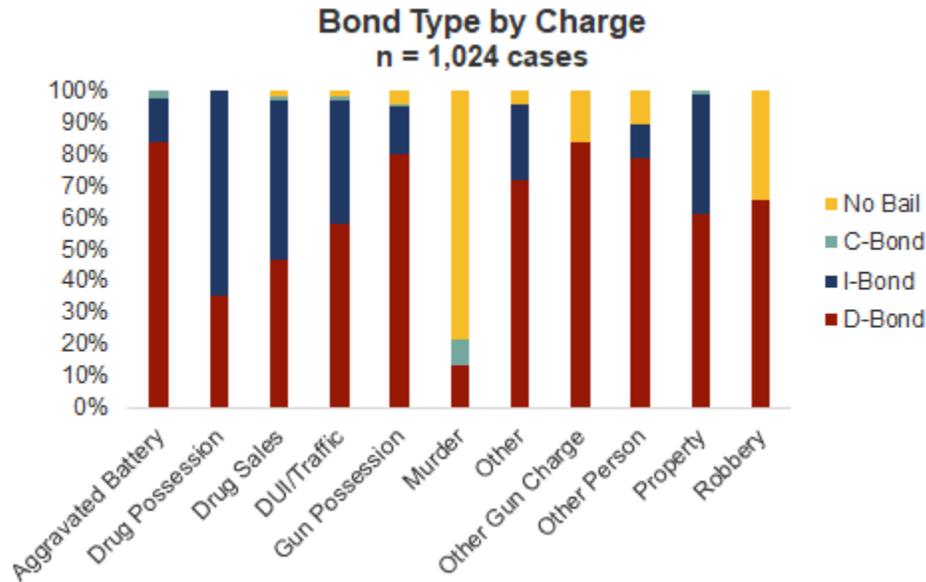
The chart below shows the percentage of each bond type ordered for each top charge. It excludes cases where the charge or bond type were missing. Overall, D-Bonds were ordered in 66% of cases, followed by I-Bonds, which were ordered in 27% of cases. No bail was ordered in 6% of cases and Cash Bonds, or C-Bonds, were ordered in just 1% of cases.

I-Bonds, which do not require posting money for release, were ordered most frequently for Drug Sales and Drug Possession cases, whereas D-Bonds, requiring payment of 10% of the bail amount for release, were ordered in the majority of other top charge types.

D-Bonds were ordered in the majority of cases involving “person” charges. For example, 84% of people charged with aggravated battery received a D-Bond; 83% of people charged with other gun charges received a D-Bond; and 79% of people charged with Other Person charges received a D-Bond. In robbery charges, 65% of defendants were ordered a D-Bond.

No Bail was ordered frequently in several types of “person” charges. For example, 35% of people charged with robbery were held No Bail. In murder cases, 78% of defendants charged with murder were held No Bail and the remainder were ordered to pay either cash bonds or D-Bonds. No Bail was also ordered for several Other Gun Charges, which were typically charges involving discharge of a firearm.

C-Bonds, were ordered infrequently—in only nine cases—for charge types including aggravated battery, murder, gun possession, drug sales, property and DUI/traffic.



Conditions Ordered by Charge

The chart below shows the percent distribution of release conditions ordered for each top charge category. In the majority of cases, the judges did not state any specific conditions of release. These cases were counted within the category No Conditions Stated. There were no conditions stated in a total of 423 cases, or 41% of the total sample.³¹

The most frequently used condition set by judges across all case types was electronic monitoring (EM). EM was ordered in 231 cases, or 22% of the total sample. EM was ordered by judges most frequently for cases involving aggravated battery, gun possession, other gun charges, robbery, other person charges and property charges.

GPS monitoring is another form of electronic monitoring used in domestic violence cases. A total of 13 people were ordered to GPS monitoring, primarily for cases involving domestic violence charges such as domestic battery/aggravated domestic battery or violation of an order of protection. GPS monitoring is also used in some non-domestic violence cases when specific location monitoring is warranted.³²

Pretrial Supervision with Curfew electronic monitoring was only ordered by judges in 48 cases, or 5% of the total. About half of the people ordered to the Curfew program were charged with gun possession, and the remaining Curfew orders were for a variety of other charge types.

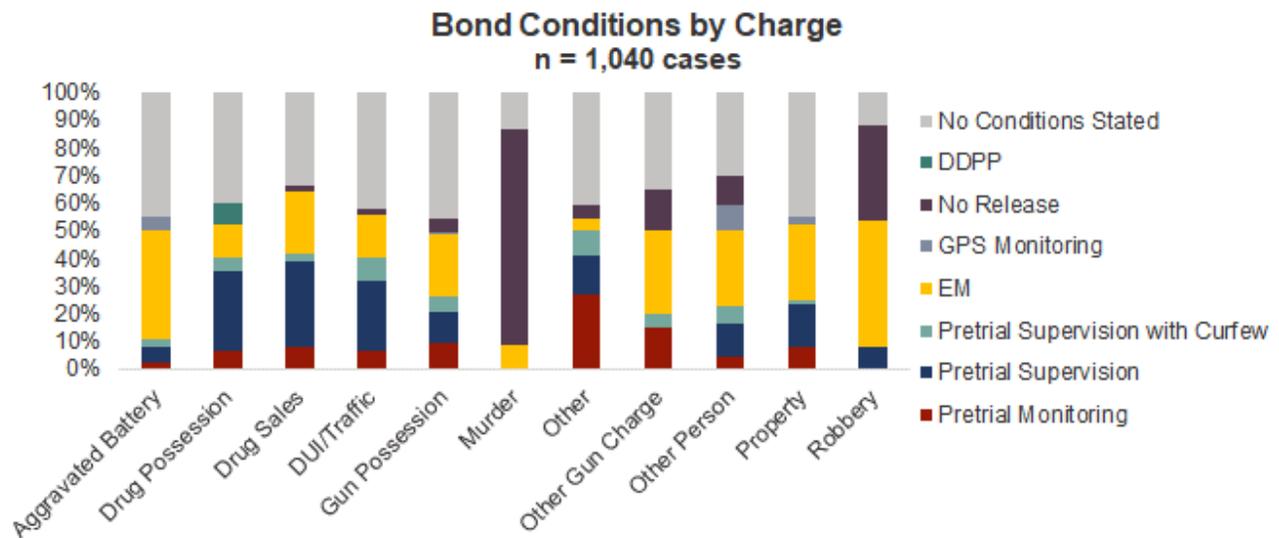
Pretrial Monitoring and Pretrial Supervision, which require varying levels of court date reminders and check-ins with pretrial officers, were most frequently ordered for drug sales and drug possession, property charges and other charges.

Judges ordered No Release, meaning the defendant is held no bail and must remain in custody until their next court date, most frequently for murder charges, followed by robbery charges. For

³¹ Note that No Conditions Stated may also include a small number of cases where the conditions ordered by the judge was inaudible or missed by the observer.

³² For example, there was one case in which the defendant was charged with arson, and the judge ordered GPS monitoring as well as a stay-away order from the location of the property.

murder and attempted murder cases, No Release was ordered 78% of the time, and EM was ordered in two cases (9%). For robbery cases, 9 (35%) people were held without release and 12 (46%) were ordered to EM.



Bond Orders by Charge by Judge

In general, court observers found that the judges were respectful to all participants in the court hearings, professional and thoughtful in their conduct. The judges acknowledged when the defendant's family members were present in court. They typically asked how much the defendant or their family could afford to post for bond, which sometimes led to negotiations involving some give and take. The judges often explained the reasoning behind their decisions, took enough time to ensure they had complete and accurate information before rendering a decision, and appeared to consider all factors involved in each case, including the defendant's current charges, criminal history and home or work situation. The majority of individual hearings lasted between two and five minutes, with extra time taken when needed.

Observers noted that it was often difficult to understand the conditions defendants needed to comply with upon release. However, Judges Ahmad, Marubio and Ortiz each frequently took time to explain to defendants what the bond order meant and what their judgement required of the defendant.

The next set of charts compares the types of bond ordered by each judge for each charge type. The following were some distinctions observed for each judge:

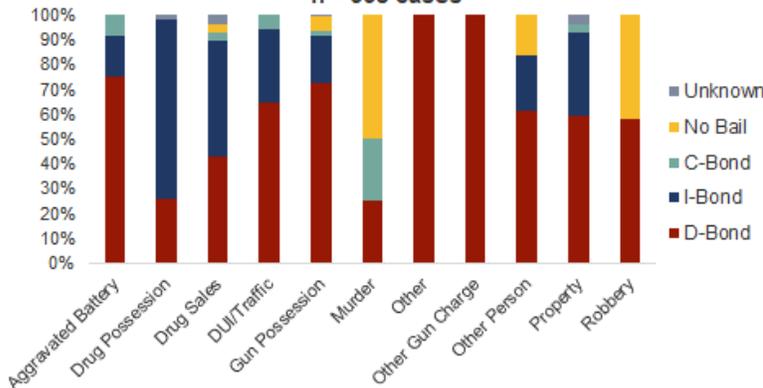
- **Judge Barbara Dawkins:** Judge Dawkins was observed in the largest number of cases, or 338. Her bond orders were in line with other judges. Observers noted that she weighed the impact on the victim and danger to the community heavily and tended to impose very high D or C bonds in cases of a severe nature.
- **Judge Charles Beach:** Judge Beach's bond orders were in line with other judges for similar charges. Observers noted that he frequently altered conditions of release for gainfully employed defendants so that they could continue working. He also considered how much money a defendant had in their possession at the time of arrest when setting monetary bond.
- **Judge David Navarro:** Judge Navarro was only observed in 23 cases in which he presided over an overflow bond court room due to a large number of cases to be

handled that day. There were only four charge types among these 23 cases. Judge Navarro tended to set I-Bonds in a larger percentage of cases than the other judges, particularly in cases involving aggravated battery, drug sales and DUI or other traffic violations.

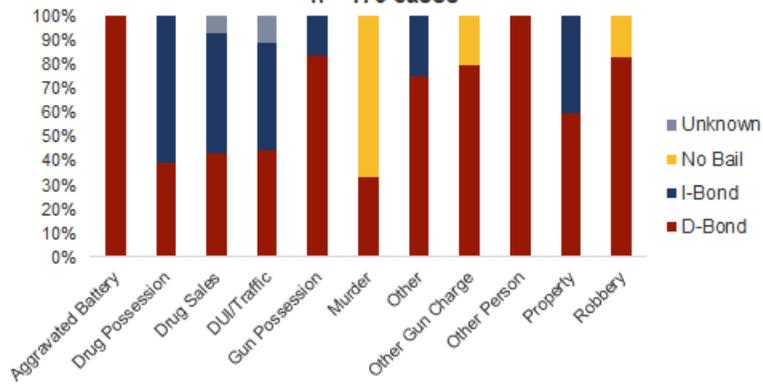
- **Judge Kelly McCarthy:** Judge McCarthy had a relatively small number of observations, with a total of 55; however, Judge McCarthy was the most frequently observed judge presiding over Branch 98/66 hearings in 19 individual cases. Judge McCarthy issued more D-Bonds than I-Bonds compared to other judges across all charge types. She frequently ordered D-Bonds in cases where other judges would typically order I-Bonds such as Drug Possession and Drug Sales charges. Judge McCarthy was the only judge to order I-Bonds less than half the time for drug possession charges. She also ordered D-Bonds in all Drug Sales cases, while the other judges ordered I-Bonds in more than half of cases involving Drug Sales.
- **Judge Mary Marubio:** Judge Marubio ordered D-Bonds in the majority of cases, with an especially large percentage of money bonds ordered for gun possession and “Other Person” charges. She tended to order a low D-Bond or an I-Bond with electronic monitoring or curfew in cases when the defendant was especially young so that the person could remain with their family.
- **Judge Maryam Ahmad:** Judge Ahmad was observed in only 39 cases. Judge Ahmad set D-Bonds most frequently, with the exception of a few drug possession cases and one DUI/other traffic case in which she ordered I-Bonds. She ordered D-Bonds in all Drug Sales cases, while other judges more frequently set I-Bonds. She set No Bail in 100% of murder charges (two cases) and “other” charges (a single case involving resisting a police officer with an Illinois Department of Corrections hold due to violating probation).
- **Judge Susanna Ortiz:** Judge Ortiz’s bond orders were in line with several of the other judges. She ordered I-Bonds in the majority of drug-related cases, and D-Bonds in the majority of gun-related charges and “Other Person” charges. She noted when defendants were charged with crimes eligible for a \$30 a day credit³³ and considered the current credit balance in setting D-Bonds. In some cases, she went against affordable bond requests, noting when she felt this was warranted. She made a point of encouraging young defendants to seek more positive situations.

³³ Public Act 100-1001, the Bail Reform Act of 2017, added a requirement that people charged with “Category B” offenses (non-violent misdemeanors and Class 3 or 4 felonies) shall have \$30 deducted from their monetary bail for each day the person is incarcerated.

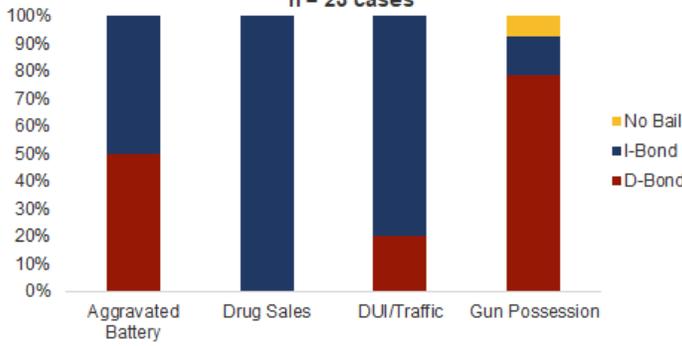
Judge Dawkins: Bond Type by Charge
n = 338 cases



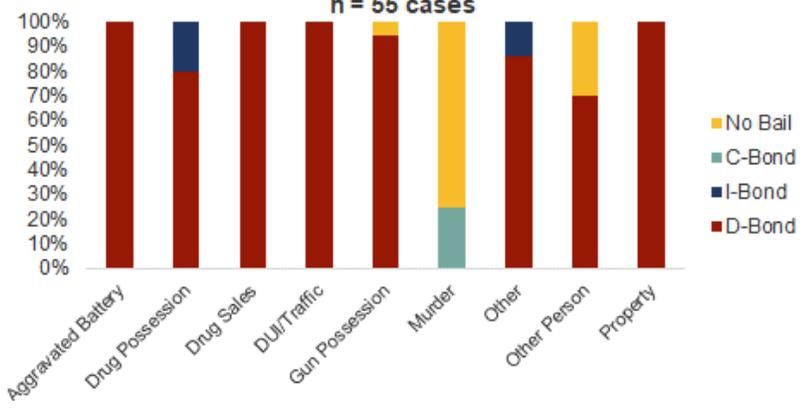
Judge Beach: Bond Type by Charge
n = 170 cases



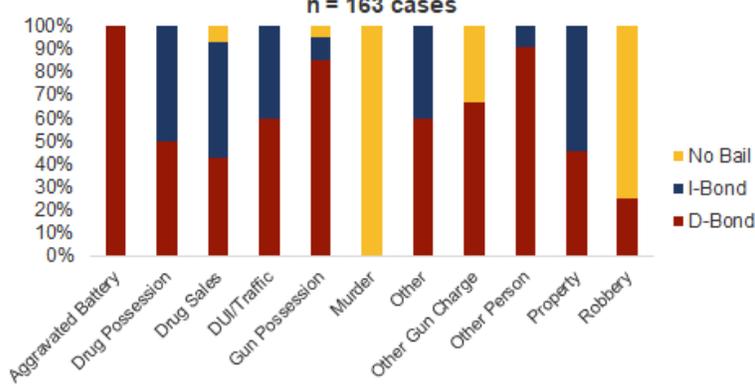
Judge Navarro: Bond Type by Charge
n = 23 cases



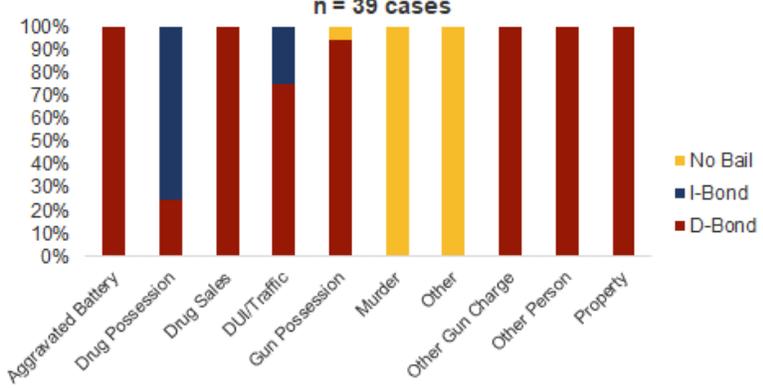
Judge McCarthy: Bond Type by Charge
n = 55 cases



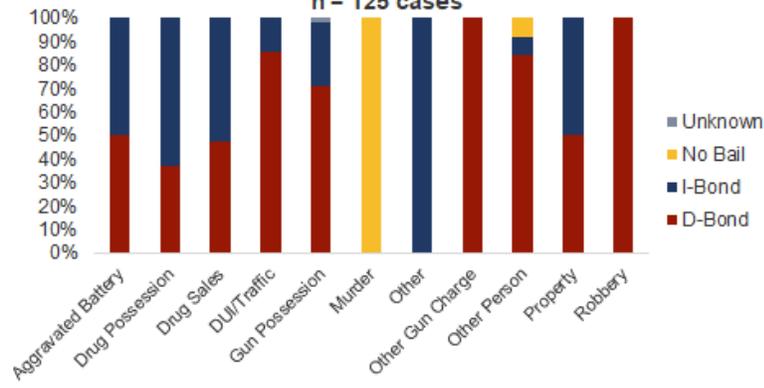
Judge Marubio: Bond Type by Charge
n = 163 cases



Judge Ahmad: Bond Type by Charge
n = 39 cases



Judge Ortiz: Bond Type by Charge
n = 125 cases



CONDITIONS: PRETRIAL RELEASE RECOMMENDATIONS VS. JUDGES' ORDERS

This section compares the pretrial release conditions recommended by Pretrial Services to the conditions actually ordered by judges as conditions of their release orders. Conditions recommended by Pretrial Services are based on a pretrial risk assessment that produces a risk score measuring the defendant's likelihood of committing a new crime while on pretrial release or failing to appear in court. For descriptions of each term, see the definitions of Public Safety Assessment Release Recommendations and Condition Types on p. 11.

As shown in the table below, the conditions recommended by Pretrial Services often do not correspond with the conditions ordered by the judge. For example, of the 308 people who were recommended to have Pretrial Supervision, the judges ordered Pretrial Supervision in 108 cases. Electronic Monitoring (EM) was used frequently by judges—in a total of 233 cases—compared to only 50 people being recommended to EM by Pretrial Services.

In the majority of cases, the judges did not state on the record any conditions. These were classified as "No Conditions Stated." However, "No Conditions Stated" could potentially also include instances when the conditions ordered by the judge were missed by the court watcher.

Conditions Recommended by Pretrial Services:	Conditions Ordered by Judge:								Total
	Pretrial Monitoring	Pretrial Supervision	Pretrial Supervision with Curfew	EM	GPS Monitoring	No Conditions Stated	No Release	DDPP	
No Conditions	8	20	14	21		150	2	1	215
Pretrial Monitoring	58	14	7	34	1	71	6	2	193
Pretrial Supervision	14	108	12	76	6	79	13		308
Pretrial Supervision with Curfew		1				1	1		3
EM		1	3	24		21	1		50
Max Conditions	1	14	3	52	6	32	33		141
No Assessment	2	3	7	7		33	5		57
Missing	2	8	2	19		42	3	9	85
Total	85	169	48	233	13	429	64	12	1,052

ELECTRONIC MONITORING

There are three types of pretrial electronic monitoring used in Cook County: 1) Sheriff's Electronic Monitoring program, 2) Curfew program overseen by the Office of the Cook County Chief Judge; and 3) GPS monitoring program, also administered by the Office of the Cook County Chief Judge. Although these programs are each administered by different offices, judges make the decisions about which pretrial defendants are ordered to electronic monitoring. Each program serves a different purpose, but all three represent forms of surveillance over people released pretrial.

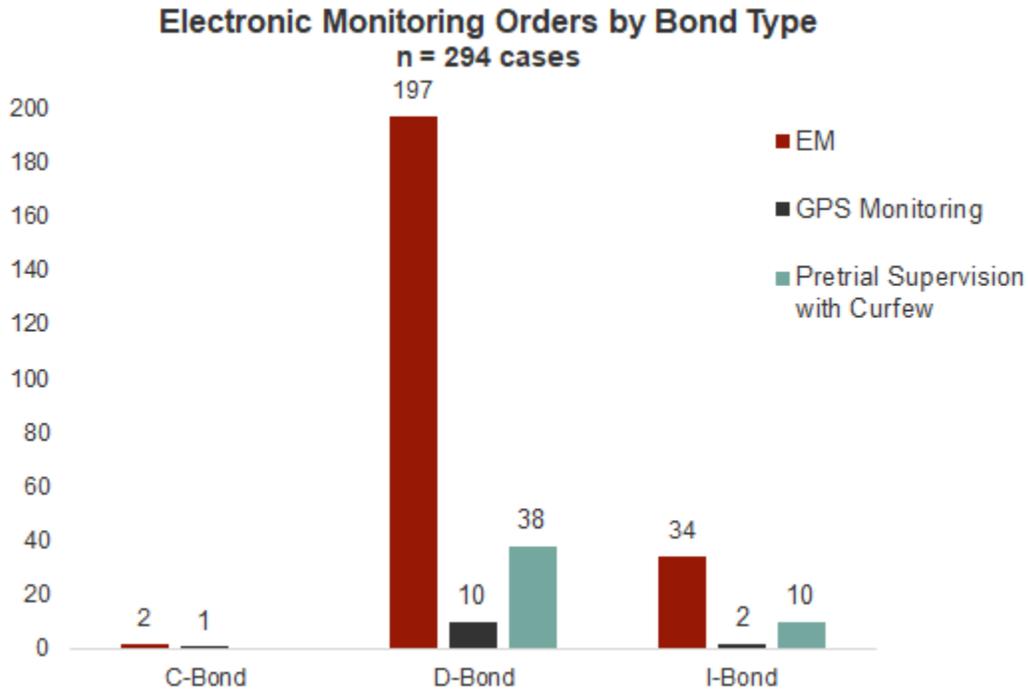
- Electronic Monitoring:** The Sheriff's electronic monitoring program, referred to simply as Electronic Monitoring (EM) is the most frequently used electronic monitoring program in Cook County and is administered by the Cook County Sheriff. This electronic monitoring program was created in 1989 to alleviate overcrowding at the Cook County Jail. The Sheriff's EM program requires people to wear a GPS ankle monitoring device

and to remain in their home 24/7, unless otherwise approved by a Cook County Circuit Court judge.

- **Curfew:** The Chief Judge’s Curfew program, sometimes also referred to as home confinement is a form of electronic monitoring that judges may order along with Pretrial Supervision, which means that in addition to home confinement defendants must check in periodically with a pretrial officer. Individuals in this program must be in their home from 7 p.m. until 7 a.m. unless otherwise ordered by a Cook County Circuit Court judge, and wear a radio frequency ankle monitoring device. This program is administered by the Cook County Circuit Court’s Adult Probation Department. Because it is less restrictive than the 24/7 location monitoring of the Sheriff’s EM program, this form of monitoring is typically used for defendants who pose less of a public safety risk than those ordered to EM.
- **GPS Monitoring:** The Chief Judge’s GPS monitoring program is used in cases involving domestic violence or violations of an order of protection. Individuals in this program must wear a GPS monitoring ankle device and is not allowed to enter an exclusionary zone or come within 2,500 feet of the complaining witness/victim. This program is administered by the Cook County Circuit Court’s Social Services Department.

The following chart shows the three types of electronic monitoring, as ordered in association with the three bond types—D-Bond, I-Bond and C-Bond. A D-Bond with EM requires the defendant to post 10% of the ordered dollar amount, and if the defendant pays for release, they are placed on electronic monitoring. An I-Bond with EM does not require the defendant to pay for their release, but if they are released they are placed on electronic monitoring. A C-Bond with EM requires the defendant to pay 100% of the ordered bond amount, and if released, they are placed on electronic monitoring.

As shown in the chart, the Sheriff’s electronic monitoring program (EM) is by far the most frequently ordered among the three electronic monitoring programs. It was most frequently ordered along with a monetary D-Bond. Electronic monitoring was ordered with a D-Bond in 197 cases (representing 86% of all orders to Sheriff’s EM, and 67% of total electronic monitoring orders of any type) and with an I-Bond in 34 cases. The Curfew electronic monitoring program was also ordered along with a D-bond more frequently than with an I-Bond, but in far fewer instances. C-Bonds with any form of electronic monitoring are rare—used in only three cases.

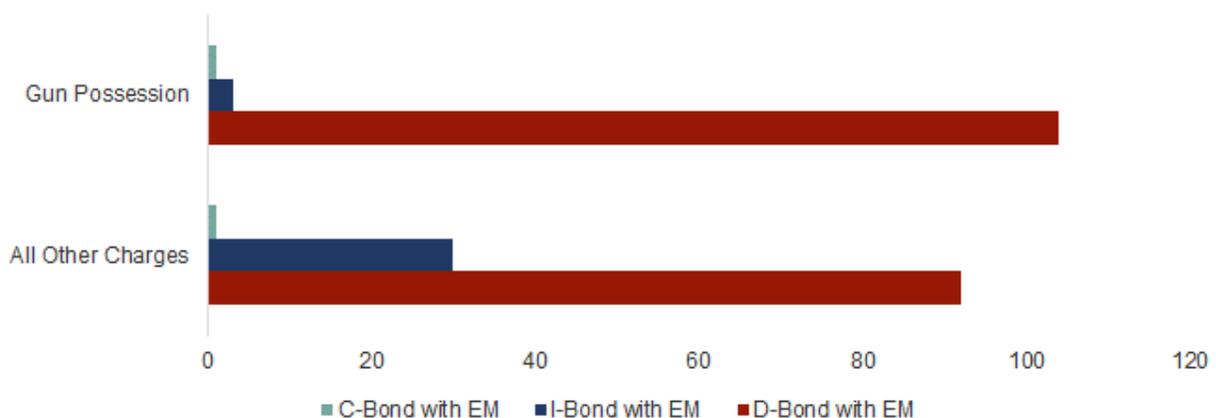


Defendants Ordered to Sheriff's EM

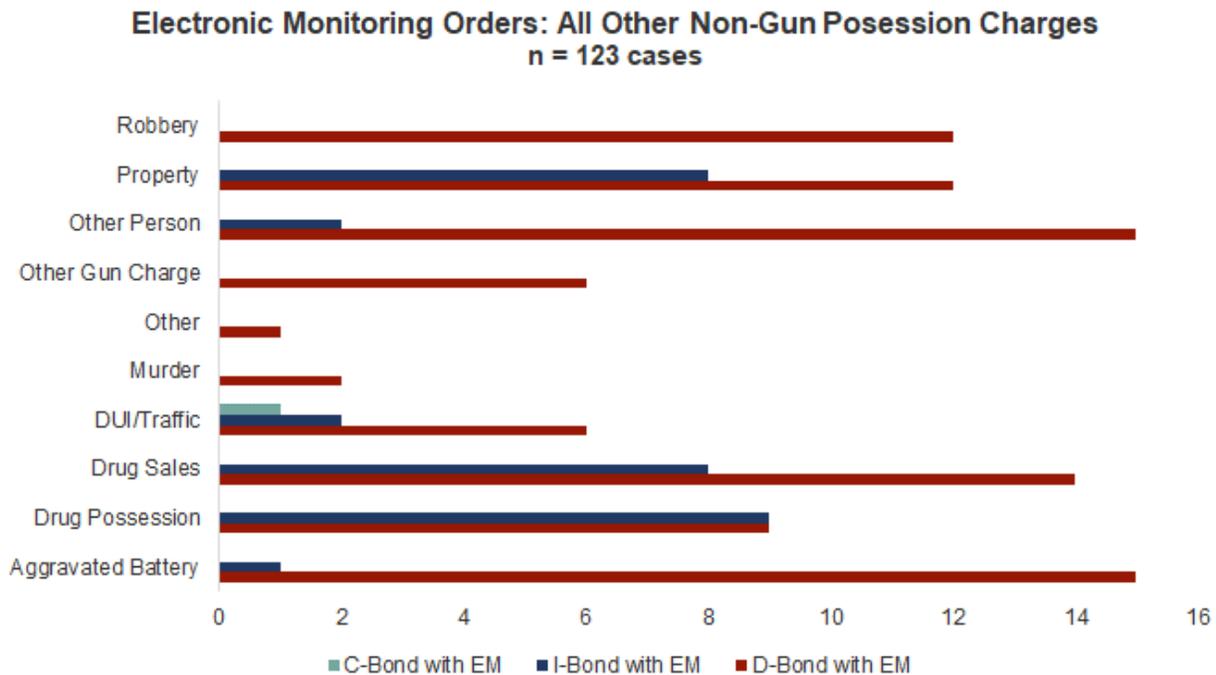
The chart below shows the number of orders to the Sheriff's EM program for gun possession and all other charges, by bond type. Court observers captured a total of 231 Sheriff's EM orders (in cases where the charge was also recorded), representing 22% of all cases observed. There were 123 total EM orders for gun possession charges, and 108 total EM orders for all other charges. D-Bonds with EM were ordered in 104 gun possession cases, while 92 D-Bonds with EM were ordered for other charges. I-Bonds with EM were ordered in just three gun possession cases, but 30 other types of charges.

Electronic Monitoring Orders: Gun Possession Charges vs. All Other Charges

n = 231 cases



The next chart provides more detail regarding electronic monitoring orders for the All Other Charges category in the chart above (non-gun possession charges). The majority of EM orders for these cases, 75%, were ordered with a D-Bond. D-Bonds with EM were ordered frequently for “person” charges, including robbery, aggravated battery and “other person” crimes. However, D-Bonds with EM were also ordered frequently in cases involving property and drug charges. I-Bonds with EM were mainly ordered in non-violent offenses including drug sales, drug possession and property crimes.

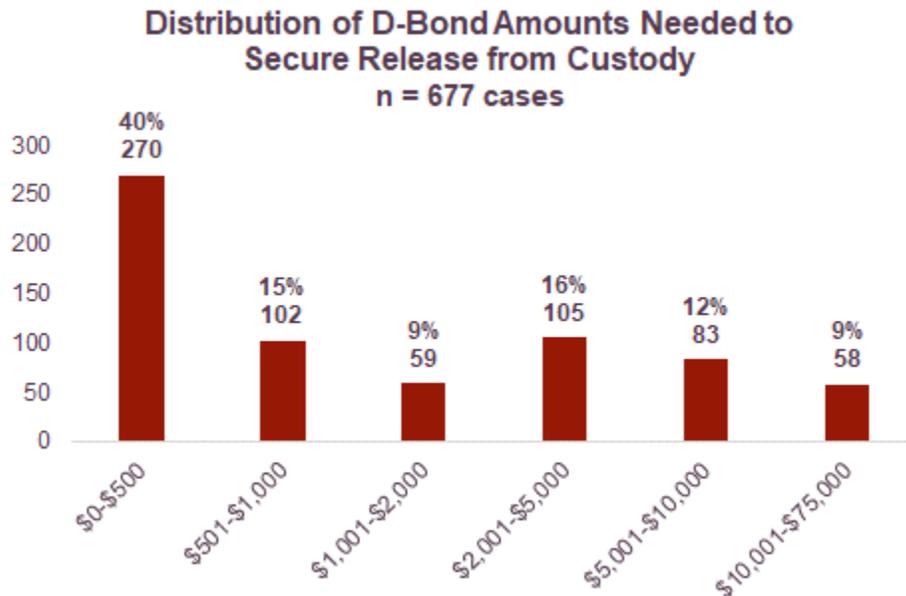


DOLLAR AMOUNTS REQUIRED FOR RELEASE

Court observers were able to collect data on D-Bonds and the corresponding dollar amount needed to secure release from custody for 677 cases. D-Bonds require payment of 10% of the dollar amount associated with the bond order. Among those 677 D-Bonds, 40% required posting \$500 or less in order for the defendant to be released pretrial. Another 39% were ordered to pay an amount between \$500 and \$5,000. A smaller percentage, 9%, of D-Bonds required payment of more than \$10,000.

Court observers noted that generally the more serious the charges, the more money the defendant would be ordered to pay for their release, although there was significant variance based on the circumstances of each case. The highest D-Bond amount observed was \$750,000, requiring payment of \$75,000 for the defendant’s release.

The distribution of D-Bond dollar amounts needed to secure release from jail custody are shown in the chart below. The median D-Bond amount needed to pay for release was \$1,000.



In addition to D-Bonds, judges may order a cash bond, or C-Bond, which requires payment of 100% of the dollar amount associated with the bond order. C-Bonds are rare, and were observed in only nine cases. C-Bond dollar amounts in these nine cases ranged from \$15,000 to \$2 million. C-Bonds appeared to be used in serious cases such as attempted murder or gun-related cases with aggravated circumstances. The majority of C-Bonds were ordered by the same judge: Judge Barbara Dawkins ordered eight of the nine cash bonds observed. The other cash bond was ordered by Judge McCarthy for an attempted murder case, at the request of the State’s Attorney until a no bail petition could be filed.

The following cases involved cash bond orders:

- The defendant was charged with aggravated arson (a property charge). Pretrial services recommended maximum conditions if released. The judge ordered a \$300,000 cash bond with GPS monitoring as a condition of release.
- The defendant was charged with robbery and aggravated battery to a peace officer. Pretrial services recommended maximum conditions if released. The judge ordered a \$300,000 cash bond, along with a no contact with the stores robbed or victims or witnesses.
- The defendant was charged with armed habitual criminal, aggravated possession of motor vehicle and aggravated battery to police officer (the most serious charge in this case was armed habitual criminal, a Class X felony, which is categorized as illegal gun possession in this report). Pretrial services recommended maximum conditions if released. The judge ordered a \$300,00 cash bond with GPS monitoring as a condition of release.
- The defendant was charged with manufacture and delivery of a controlled substance (a drug sale charge). Pretrial services recommended release on electronic monitoring. The judge ordered a \$1 million cash bond on the new charge, but the defendant would be held no bail due to violating bail on a previous charge.
- The defendant was charged with aggravated unlawful use of a weapon (a gun possession charge) and had violated bail on a previous murder case. Pretrial services

recommended release with pretrial supervision. The judge ordered a \$3 million cash bond.

- The defendant was charged with attempted murder of a police officer. The judge ordered a \$300,000 cash bond, noting the defendant's lack of any prior criminal history and their work and family obligations.
- The defendant was charged with aggravated fleeing and attempting to elude police (a traffic charge), as well as violating bail on a previous charge. Pretrial services recommended release with pretrial supervision. The judge ordered a \$20,000 cash bond with electronic monitoring as a condition of release.
- The defendant was charged with armed habitual criminal (a gun possession charge) and had seven prior felony convictions. Pretrial services recommended release with pretrial supervision. The judge ordered a \$15,000 cash bond with electronic monitoring as a condition of release.
- The defendant was charged with several charges: aggravated battery to a police officer, resistance/obstructing police officer, aggravated carjacking, attempted murder of police officer, possession of stolen motor vehicle (the most serious charge in this case was attempted murder). Pretrial services recommended maximum conditions if released. The judge ordered a \$2 million cash bond at the request of the State's Attorney, who requested a substantial bail until a no bail petition could be filed.

Affordable Bonds

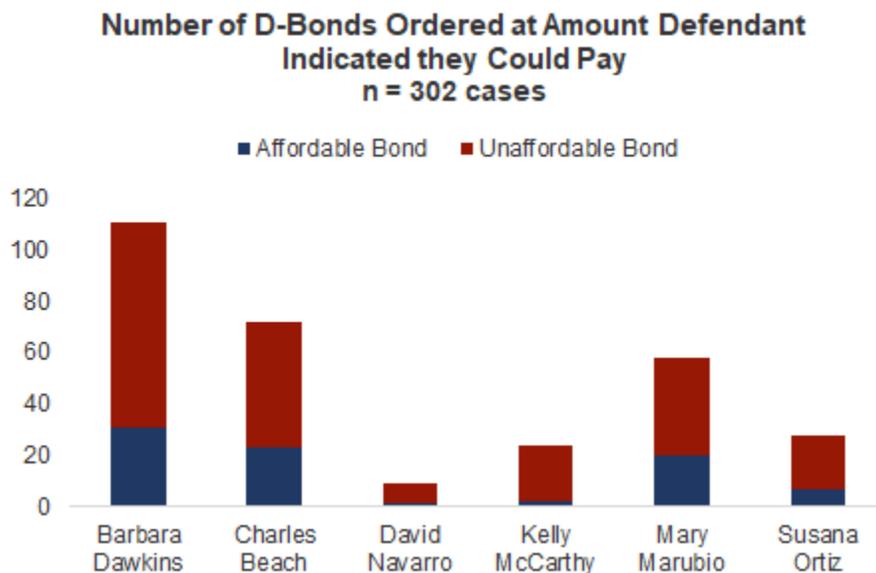
A new bail policy instituted in 2017 by Chief Judge Timothy Evans for the Cook County Circuit Court, General Order 18.8A, was intended to prevent judges from setting unaffordable money bail amounts.³⁴ The General Order stated that conditions of release shall be non-monetary in nature and least restrictive necessary to reasonably assure the appearance of the defendant for further court proceedings. When the court determines that monetary bail is a necessary condition of release, the General Order requires judges to ask about the defendant's ability to pay a bail amount, consider their financial ability and make a finding on the record that the individual "has the present ability to pay the amount necessary" to secure release. Defendants who remain in jail due to inability to post bond are granted a bond review within seven days.

The next chart examines a sample of cases in which the court watchers were able to collect data regarding the defendant's ability to post monetary bond when the judge issued a D-Bond. This information was recorded in 302 cases across six of the bond court judges (Judge Maryam Ahmad is excluded because this data was not collected for that particular judge; additionally, the chart excludes cases where the judge's name was missing). Of those 302 cases, the majority of D-Bond orders were for dollar amounts above what defendants or their family members indicated they could pay. Only 28% of these D-Bonds were amounts defendants said they could pay.

In relation to the total number of D-Bonds observed by judge, Judges Beach and Marubio ordered the largest percentage of affordable D-Bonds. Judges Navarro and McCarthy ordered

³⁴ Office of the Chief Judge, Circuit Court of Cook County, *General Order No. 18.8A – Procedures for Bail Hearings and Pretrial Release*, July 17, 2017

the smallest percentage of affordable D-Bonds, although both of these judges had smaller sample sizes than the other judges.



Court observers noted that there appear to be a variety of reasons why a judge may order a D-Bond amount above what the defendant can afford. In some cases, the judges indicated that the crime warranted a higher bond amount, or noted the value of narcotics or stolen items and set bond based on that value. For certain cases, it appeared the judge had a pre-conceived dollar amount based on the defendant’s charges and criminal history. In several instances, there appeared to be a negotiation between the judge and the defendant’s legal counsel, where the judge stated the amount requested would not be enough for release. The two parties would then negotiate a higher bond amount. In some cases, judges also appeared skeptical of the amount the defendant said they could afford and there were also some instances observed where the defendant initially said a bond was unaffordable, but then said they ultimately could post it.

CONCLUSION

This bond court watching project was intended to shed light on current Cook County bond court processes and outcomes, and to fill in gaps in data not currently made available by the Cook County Circuit Court.³⁵ The analysis found that despite an initial move away from money bond following Cook County pretrial reform in 2017, cash bail is still used in the majority of cases regardless of the type of charge. While people accused of murder were generally ordered to be held in jail without bail, cash bail was frequently used in cases where the person was charged with a serious, violent felony. Court watchers found that people charged with lower level non-violent crimes were generally released on recognizance or cash bond. Based on our sample of court observations, approximately 12% of defendants appearing in court had violated their bail, and another 9% had violated conditions of parole. The vast majority of people appearing in court with these violations were charged with illegal gun possession. A very small number were charged with murder or other serious violent crimes. Additionally, the analysis found that despite

³⁵ Bond court data made available by the Cook County Circuit Court can be found at <https://www.cookcountycourt.org/HOME/Model-Bond-Court-Initiative>.

the use of a pretrial risk assessment tool in Cook County, judges often did not follow the pretrial release recommendations.

The data collected from this project can be used to compare outcomes after the statewide changes to pretrial release processes take place next year. The elimination of cash bail in Illinois beginning in January 2023 will likely reshape the way bond hearings are held in Cook County, who is held in jail or released pretrial and how special conditions are used. However, it is not yet fully known how the change will impact the number of people detained or released pretrial. The Civic Federation and League of Women Voters intend to continue to monitor pretrial processes in Cook County after the Pretrial Fairness Act takes effect.

However, we also urge the Cook County Circuit Court to produce detailed data on the impact of the new law once it goes into effect. As the first State to legislatively end cash bail, observers nationwide will be looking to Illinois as a model. Given the politicization of criminal legal system reforms, it will be extraordinarily important for Court leaders and government officials to release information to help researchers and members of the general public understand how new pretrial processes are impacting criminal defendants, court outcomes and public safety.

APPENDIX

The following calendar presents the schedule of court hearings observed and the number of individual cases for which data were collected from each observation day. Court watchers observed bond court hearings on a total of 35 weekdays between June 9, 2022 and August 2, 2022 (excluding weekends), resulting in data collected for a total of 1,052 individual bond hearings.

The scope of the court watching project covered two courtrooms at the Leighton Criminal Court Building: 1) felony bond hearings in Central Bond Court, held daily in Room 100 beginning at 12 p.m.; and 2) bond hearings in Branch 66 / Branch 98 held daily in Room 102 beginning at 11 a.m. Court room 102 handles bond hearings in specific types of cases including murder, sex crimes, escape and registry violations. Court room 102 also includes extradition warrants, which were excluded from the analysis; only hearings in which bail was set by the judge were included in this report. All other felony and misdemeanor bond hearings are held in Court room 100. Data were collected for felony cases only, and therefore excludes misdemeanor bond hearings held in Room 100, as well as any felony bond hearings occurring in suburban courthouses.

Data were collected on 29 separate dates from felony Central Bond Court hearings in Room 100 and on 25 separate dates from Branch 66 and 98 bond hearings in Room 102, as detailed in the schedule below. The number of cases for which data were collected in felony Central Bond Court averaged approximately 30 cases per week day. The number of bond hearings held for Branch 66/98 in Room 102 was much smaller—an average of 2.4 cases per week day.

Key: Room # - # of cases observed

June 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7	8	9 Room 100 - 23 Room 102 - 2	10 Room 100 - 34 Room 102 - 2	11
12	13 Room 100 - 36	14	15 Room 102 - 4	16 Room 100 - 49 Room 102 - 2	17 Room 100 - 45	18
19	20 Room 100 - 51	21	22 Room 102 - 3	23 Room 100 - 23 Room 102 - 3	24 Room 100 - 30 Room 102	25
26	27 Room 100 - 33	28 Room 100 - 41 Room 102 - 3	29 Room 100 - 30 Room 102 - 5	30 Room 102 - 2		
July 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Room 100 - 47	2
3	4	5 Room 100 Overflow (Room 3A15) - 23 Room 102 - 1	6 Room 100 - 19	7 Room 100 - 36 Room 102 - 1	8 Room 102 - 1	9
10	11 Room 100 - 29 Room 102 - 2	12 Room 100 - 37	13 Room 100 - 31 Room 102 - 2	14 Room 100 - 35 Room 102 - 2	15 Room 100 - 33 Room 102 - 3	16
17	18 Room 100 - 33	19 Room 100 - 38 Room 102 - 4	20 Room 100 - 30 Room 102 - 5	21 Room 100 - 36 Room 102 - 1	22 Room 100 - 36 Room 102 - 3	23
24	25 Room 102 - 1	26 Room 100 - 31 Room 102 - 2	27 Room 100 - 37	28 Room 102 - 3	29 Room 100 - 34 Room 102 - 3	30
August 2022						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	1	2 Room 100 - 36	3	4	5	6