



# Supreme Court of Illinois

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## **PRINCIPALS IN COOK COUNTY JUSTICE SYSTEM CONTINUE SYSTEMIC REVIEW OF PRETRIAL OPERATIONS**

A task force of principals summoned by the Illinois Supreme Court to review Cook County pretrial release and detention procedures recently completed a two-day visit to Washington, D.C., and Montgomery County Maryland to view, firsthand, pretrial operations at those sites.

After returning from the Washington area, the principals participated in a meeting last week with Supreme Court Chief Justice Rita B. Garman, Ret. Chief Justice Ben Miller and Ret. U.S. District Court Judge David Coar.

At the meeting, the principals discussed the operational review of Cook County Pretrial Services operations conducted by the Administrative Office of the Illinois Courts (AOIC) and its Director Michael Tardy under the authority of the Supreme Court. The detailed analysis of Cook County pretrial operations is contained in a report released in March. Since its release, the AOIC and Chief Judge Evans' office have worked progressively to bring the report's 40 recommendations to fruition. The principals agreed to prioritize the 40 recommendations, many of which require systemic involvement from all the principals, and meet monthly to collaborate in their continuing effort to enhance the administration of justice in Cook County.

A significant feature of the pretrial bond process observed in Washington and Montgomery County is the move away from using cash bonds to secure the defendant's presence at subsequent court appearances without risking community safety. Instead, the two venues rely on a comprehensive pretrial risk screening instrument utilized by well-trained staff. This risk assessment tool is a component of a systems approach coordinated with the sheriff and other pretrial stakeholders. Washington also operates under a preventive detention statute that denies bond to defendants accused of any one of a defined list of serious and violent crimes while other lower risk offenders are released into the community. Illinois currently operates under a cash bond system to secure the court presence of defendants and has no preventive detention statute.

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## **Continued Systemic Review of Cook County Pretrial Operations Add One**

"The trip was very productive and presented an opportunity to learn about different but successful models," said Mr. Tardy. "It is noteworthy that both Washington and Maryland, which operate from different statutory frameworks than Illinois, have initiated bail reform procedures which use risk assessment protocols to aid in determining judicial decisions to detain or release. While our analysis continues, the principals are committed to moving forward with a review of national models of best practices that will foster and enable systemic improvements in Cook County."

Those who made the June 22-23 trip were Cook County State's Atty. Anita Alvarez; Clerk Dorothy Brown of the Cook County Circuit Court; Cook County Public Defender A.C. Cunningham; Chief Judge Timothy C. Evans of Cook County Circuit Court; President Toni Preckwinkle of the Board of Commissioners of Cook County; Retired Chief Justice Miller; Ret. U.S. District Court Judge Coar; and Mr. Tardy.

Sheriff Tom Dart of Cook County was unable to make the trip but participated in last week's meeting as part of the task force of principals continuing the evaluative process of pretrial procedures.

That process dates to an invitation by the Illinois Supreme Court to convene the principals last October. It was motivated by the Supreme Court's own initiative to improve the pretrial process throughout Illinois, and was further supported by a letter to the Supreme Court by President Preckwinkle citing the need for reform. A request by Chief Judge Evans for more staff in Cook County pretrial operations led to the report issued by Mr. Tardy and the Administrative Office.

Ret. Chief Justice Miller and Ret. Judge Coar were invited by the Supreme Court to act as facilitators for the principals' meetings on these criminal justice matters.

In response to one of the report's recommendations calling for training of pretrial staff in Cook County, the Administrative Office conducted a two day intensive training with nationally recognized pretrial experts on June 26 and June 27.

Each of the principals offered brief comments on the ongoing process as it has progressed so far:

"Our visit to Washington, D.C. and Montgomery County, Maryland allowed us a valuable opportunity to compare those jurisdictions' policies and procedures to ours", **said State's Attorney Anita Alvarez.** "As the elected Chief Legal Officer of Cook County, I am open to considering new approaches that create efficiencies in the system as long as doing so does not create a threat to public safety. We remain committed to evaluating any new ideas to determine if they would be helpful in realizing those goals in Cook County. I am thankful to the Supreme Court for its leadership in this regard."

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## **Continued Systemic Review of Cook County Pretrial Operations Add Two**

“I am inspired by the Illinois Supreme Court’s attention and hands-on approach to improving Cook County’s pretrial release and detention procedures,” **said Cook County Clerk Dorothy Brown**. “I found the visit to observe the programs in Washington, D.C. and Montgomery County, to be informative. I believe that some of the methods we viewed have merit and could be workable in Cook County with related mental health, drug treatment and other support.

“I am very committed to continuing to meet, and work with Cook County criminal justice system stakeholders to ensure that we create pre-trial release and detention procedures that protect the public, reduce recidivism and the cost of incarceration, while also ensuring that individuals will show up in court,” added Clerk Brown.

"What we saw in the Washington area was that 85 percent of all defendants were released on recognizance bonds (non-cash bonds) with conditions. That is very appealing so long as the conditions are not too restrictive," **said Cook County Public Defender Abishi Cunningham**. "Conditions should not be so restrictive as to cause a defendant to fail. The 'preventive detention', however, of 15 percent of all inmates is particularly troublesome because there is a constitutional right to bond."

"Judge Evans has proposed a pilot program for our bond court to explore how these ideas will work in Cook County. All stakeholders are committed to reducing the population at the jail. Whether the process we observed in Washington and Montgomery County, MD, can be successful in Cook County is yet to be determined."

"I'm pleased to be a part of this working group and appreciate that the Illinois Supreme Court is continuing to take an active role in reducing Cook County's criminal case backlog," **said Cook County Sheriff Thomas J. Dart**. "I am hopeful that this process will yield overdue solutions to the complex problems faced by our criminal justice system."

“At last week’s principals' meeting,” **said Chief Judge Timothy C. Evans**, “I introduced a potential pilot program that would focus greater emphasis and resources to pretrial services operations. This could result in less reliance on cash bonds and lead to the release of more individuals who do not represent a danger to public safety and will likely return to court for their next appearance.”

“I also shared with the principals numbers from the Cook County Sheriff which showed that compared to the same time last year, there are 1,000 more pretrial detainees on electronic monitoring and that the population of the Cook County Jail is down by more than 1,400.” (June 3, 2013, jail population was 10,155; July 11, 2014, jail population was 8,695. June 1, 2013, EM population was 752; July 10, 2014, EM population was 1752.)

“I am confident that with the Supreme Court helping to facilitate cooperation among the stakeholders, the work we are doing now will ensure justice prevails at the pretrial stage, not only in Cook County, but throughout Illinois.”

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## **Continued Systemic Review of Cook County Pretrial Operations Add Three**

“Last month’s visit to Washington, DC and Montgomery County, Maryland gave us a first-hand look at two court systems that are successfully using validated risk assessment tools to determine who should be detained pre-trial,” **said Cook County Board President Toni Preckwinkle**. “Cook County far exceeds the national average for pretrial detention, and 70% of those awaiting trial in the jail are currently charged with non-violent crimes. This is bad fiscal policy and it leaves us with fewer resources to deal with the people charged with violent offenses. I am encouraged by preliminary results from the bond court demonstration project that we implemented last year with the support of the MacArthur Foundation. It’s another example of how providing judges with verified information about the defendants who stand before them can help lower their bond amounts and ultimately, help reduce the jail population.”

“I am grateful to the Illinois Supreme Court for organizing the trip and for convening monthly meetings with all the stakeholders in the public safety arena. We still have a number of issues to tackle as we strive to make systemic change in our court system and I look forward to making some headway on that end,” Preckwinkle continued.

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