A vertical bar on the right side of the page, composed of several vertical stripes of color: orange, yellow, green, and blue.

# 10 FACTS

ABOUT PRETRIAL

# ELECTRONIC MONITORING

IN COOK COUNTY

SEPTEMBER 2021

*Chicago Appleseed Center for Fair Courts & Chicago Council of Lawyers*



*Chicago Appleseed Center for Fair Courts is a volunteer-led, collaborative 501(c)(3) non-profit organization advocating for fair, accessible, and anti-racist courts in Chicago, Cook County, and across the state of Illinois.*



*The Chicago Council of Lawyers is Chicago's public interest bar association, advocating for the fair and effective administration of justice.*

*This report was researched, written, and all data was analyzed by Sarah Staudt and was edited and prepared by Stephanie Agnew on behalf of Chicago Appleseed Center for Fair Courts and the Chicago Council of Lawyers. An update was made to this report in November of 2021: see endnotes for details.*

*Full documentation and code used to generate the analysis in this report is available upon request.*

# TABLE OF CONTENTS.

<b>SUMMARY OF FACTS.....</b>	<b>01</b>
<b>BACKGROUND.....</b>	<b>02</b>
<b>FACTS.....</b>	<b>03-12</b>
<b>FACT 1 THE SHERIFF'S EM PROGRAM IS GROWING.....</b>	<b>03</b>
<b>FACT 2 PEOPLE ARE ON EM LONGER THAN EVER.....</b>	<b>04</b>
<b>FACT 3 IT PERPETUATES RACIAL DISPARITIES.....</b>	<b>05</b>
<b>FACT 4 HOUSE ARREST IS USED IN ADDITION TO BAIL.....</b>	<b>06</b>
<b>FACT 5 E-MONITORING DESTABILIZES COMMUNITIES.....</b>	<b>07</b>
<b>FACT 6 PRETRIAL SURVIELLANCE IS OVERUSED.....</b>	<b>08</b>
<b>FACT 7 MOST PEOPLE FOLLOW THE PROGRAM RULES.....</b>	<b>09</b>
<b>FACT 8 THE SYSTEM IS FLAWED AND PUNITIVE.....</b>	<b>10</b>
<b>FACT 9 THERE IS NO CLEAR BENEFIT TO THE PUBLIC.....</b>	<b>11</b>
<b>FACT 10 ELECTRONIC MONITORING IS TOO EXPENSIVE.....</b>	<b>12</b>
<b>ENDNOTES.....</b>	<b>13-14</b>

# SUMMARY OF FACTS:

## 1 THE SHERIFF'S EM PROGRAM IS GROWING.

The number of people incarcerated in Cook County Jail or on electronic monitoring (EM) has risen 23% since April 2020.

## 2 PEOPLE ARE ON EM LONGER THAN EVER.

In Cook County, over 1,000 people have been on EM for a year or more; 78% have been detained for over 3 months.

## 3 IT PERPETUATES RACIAL DISPARITIES.

Only 23% of the total Cook County population is Black, but over 74% of those on electronic monitoring (and in jail) are Black.

## 4 HOUSE ARREST IS USED IN ADDITION TO BAIL.

Today, 83% of the people on EM in Cook County had to pay a money bond to leave jail and be placed on electronic monitors.

## 5 E-MONITORING DESTABILIZES COMMUNITIES.

An average of 67% of people spend over 2 days in jail before getting out on EM, threatening jobs, school, family, and more.

## 6 PRETRIAL SURVEILLANCE IS OVERUSED.

Most people on pretrial electronic monitoring in Cook County - over 75% - are facing non-violent or low-level allegations.

## 7 MOST PEOPLE FOLLOW PROGRAM RULES.

Less than one in twelve people in Chicago are arrested for new allegations while on pretrial electronic monitoring.

## 8 THE SYSTEM IS FLAWED AND PUNITIVE.

Re-incarcerations for technical violations (rather than for new arrests) are four times higher in 2021 than in 2019.

## 9 THERE IS NO CLEAR BENEFIT TO THE PUBLIC.

Data suggests that electronic monitoring has no meaningful effect on the likelihood of re-arrests or appearances in court.

## 10 ELECTRONIC MONITORING IS TOO EXPENSIVE.

Despite the harms and lack of evidence, Cook County taxpayers spend \$19.5 million annually on the Sheriff's EM program.

# BACKGROUND.

**Cook County takes pride in its progress lowering the number of people in the jail over the last decade.[1] However, since the COVID-19 pandemic began, the County has drastically increased its use of a different kind of incarceration – electronic “monitoring.”** Electronic monitoring (EM) requires people to wear radiofrequency (RF) or GPS devices and stay confined in their homes, often for 24 hours a day, 7 days a week. Currently, over 3,000 people in and around Chicago are on electronic monitoring. This is a full 23% increase from April 1, 2020. For the first time in years, the total number of people incarcerated in Cook County is steadily growing, not shrinking.

There are two electronic monitoring programs used for accused people in Cook County:

- **The larger of the two is run by the Cook County Sheriff’s Office (CCSO).** This program, originally created in the late-1980s to help with jail overcrowding, has monitored over 300,000 people since its founding.[2] The Cook County Sheriff’s Office describes the program as a “community-based alternative incarceration concept.”[3] Judges, mostly those in Cook County’s Central Bond Court, make the decision about who is assigned to this program while awaiting trial.

The Sheriff’s EM program requires people to remain in their homes 24/7 unless they are given explicit permission by a judge and have that permission verified and approved by the Sheriff’s Office. This process is called “requesting movement.” If given permission for movement, detained people must go straight to and from their approved location. “Movement” is only allowed for specific activities - and is generally not approved for normal activities of daily living, like going grocery shopping, transporting children and family members to and from school or daycare, taking out the garbage, or attending family gatherings or funerals. If participants break these rules, even once, they can be rearrested by the Sheriff, without any prior approval needed by a Judge, and re-incarcerated in the Cook County Jail.

- **The second of Cook County’s electronic monitoring programs is the Home Confinement Unit run by the Adult Probation Department’s Pretrial Services Division, under the Office of the Chief Judge (OCJ).** Instead of a judge, the Pretrial Services Division itself makes the determination of who is placed on electronic monitoring with this program. There is no public information available about the number of people that the Pretrial Service’s Division’s electronic monitoring program monitors, how restricted their movements are, what they are charged with, how placement is decided, or any other basic information. This complete lack of transparency makes it impossible to analyze that program in any detail.

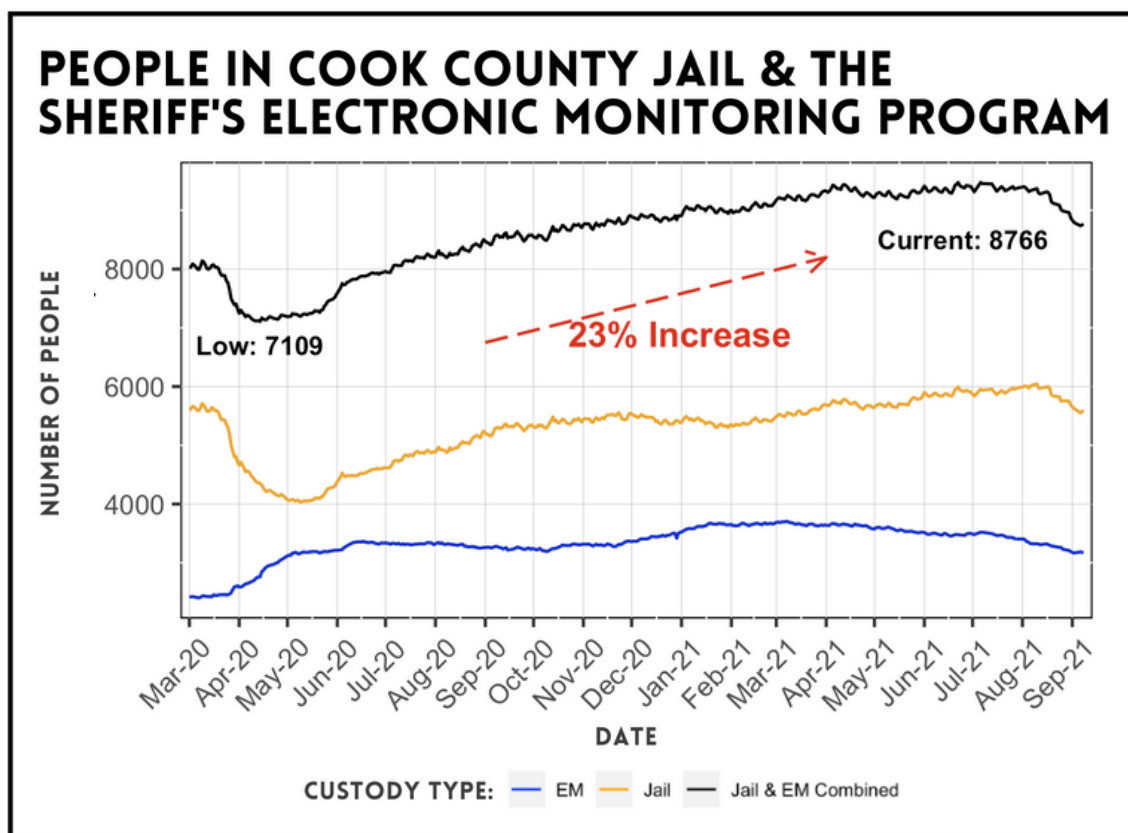
**This report catalogs ten basic facts about the Cook County Sheriff’s Electronic Monitoring Program to help readers understand the breadth of this program, who exactly is affected, and to make a determination as to whether it is worth the millions of dollars spent each year to maintain it.**

Because of this difference in the transparency of the Sheriff’s Office in comparison to the Office of the Chief Judge, this report focuses on the Sheriff’s program only; going forward, any reference to “electronic monitoring” refers to that program unless otherwise noted. The information herein is based on an analysis of copious data from the Cook County Sheriff’s Office – obtained both publicly, via the CCSO’s website, and through Freedom of Information Act (FOIA) requests by Chicago Appleseed Center for Fair Courts. This data allows an examination of who is confined, why they are confined, for how long, and whether they are rearrested while on electronic monitoring.

# 1 THE SHERIFF'S EM PROGRAM IS GROWING.

THE NUMBER OF PEOPLE INCARCERATED IN COOK COUNTY JAIL OR ON ELECTRONIC MONITORING (EM) HAS RISEN 23% SINCE APRIL 2020.

**Electronic monitoring is a form of incarceration, not an alternative.** As the current policies in Cook County note: "The Sheriff's EM program is a home detention program. Accordingly, you must remain inside your home twenty-four hours a day unless prior permission for movement has been granted by the court and verification has occurred from the Sheriff's Office."<sup>[4]</sup>



**FIGURE 1:** Populations of the Cook County Jail and the Sheriff's Electronic Monitoring Program over time from March 2020 through August 2021.

During the COVID-19 pandemic, the number of people on electronic monitoring has risen. As explained below, this is partially due to more assignments for pretrial detainees to be incarcerated on EM instead of inside the Cook County Jail (CCJ), but more importantly, to a decrease in the number of releases from electronic monitoring. As court proceedings have slowed, people are spending longer and longer periods of time on electronic monitoring. In August of 2021, there was a notable decline in the EM population – this progress must be maintained. Even with this decrease, however, the electronic monitoring population remains 31% higher than it was in March of 2020.

**As the jail population also increases, the combined effect is that today, 23% more people are incarcerated (in their homes or behind bars) than were incarcerated last year, in May of 2020.**

**Because of this, Cook County can no longer accurately claim that its population of people incarcerated pretrial is shrinking.** This reversal of a years-long trend towards decarceration should concern everyone in the County – advocates and residents both inside and outside the court system.

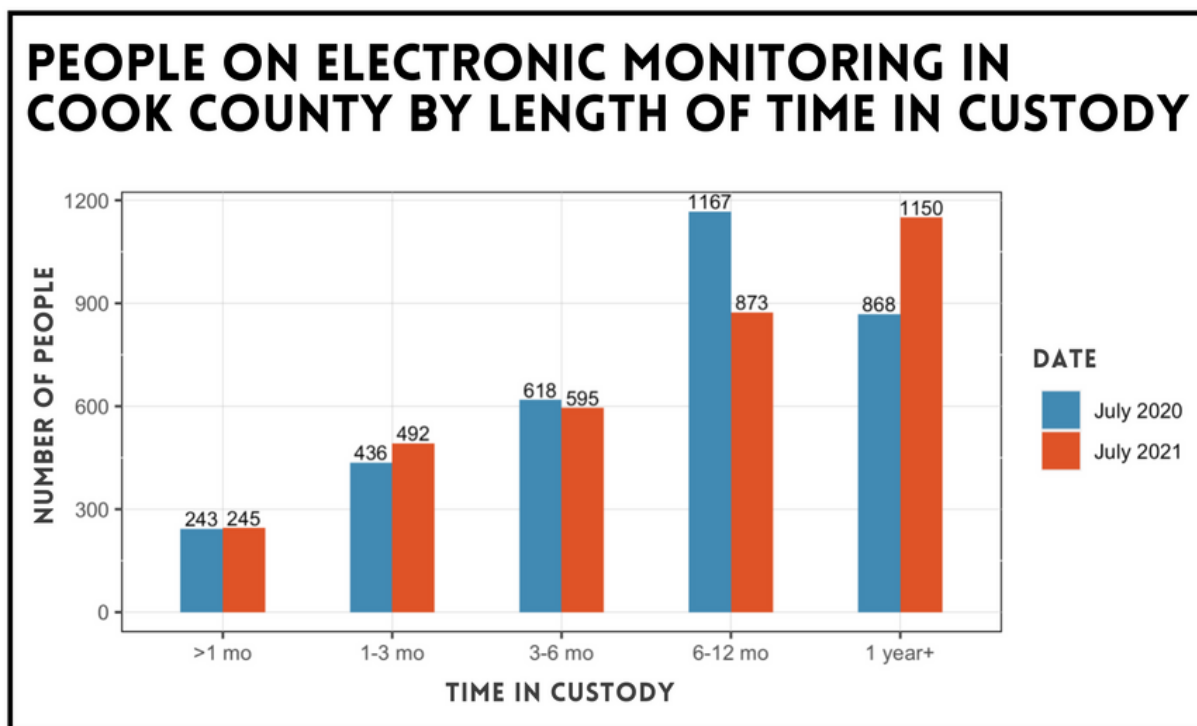
## 2 PEOPLE ARE KEPT ON EM LONGER THAN EVER.

IN COOK COUNTY, OVER 1,000 PEOPLE HAVE BEEN ON EM FOR A YEAR OR MORE; 78% HAVE BEEN DETAINED FOR OVER 3 MONTHS.

Throughout 2020 and 2021, the Cook County Criminal Courts have been processing cases at a much slower rate than normal.[5] As a result, many people are languishing in jail and on electronic monitoring for longer periods of time than they typically have in the past.

**Currently, 1,150 people in the Chicago area are on electronic monitoring and have been for over a year. This is 32% higher than the same time last year. Today, 78% of the people in the Cook County Sheriff's Electronic Monitoring Program have been detained for at least 3 consecutive months.**

**Since people who are alleged to violate the rules of electronic monitoring are subject to re-incarceration, it is likely that most or all of these individuals have been fully in compliance with the rules of the electronic monitoring for the past year.** This level of compliance suggests that these people are low risk for missing court and/or for being rearrested.



**FIGURE 2:** Number of people detained on the Sheriff's Electronic Monitoring Program by length of time in custody, July 2020 compared to July 2021.

**In Cook County, judges in the criminal courts can remove people from the electronic monitoring program at any time, but too often, the default is for people to continue on electronic monitoring for the whole pretrial period, all the way until the end of their trial.** Starting in January 2022, all people in Illinois will be entitled to a mandatory review of their electronic monitoring status every 60 days. Additionally, a new requirement will ensure EM is only used when it is the only possible way to prevent someone from intentionally causing harm to another person or missing court.[6] The Courts could and should consider applying this rule immediately, reviewing all people who have been on electronic monitoring for more than 60 days and removing them from the program if they have been compliant and do not pose any clear risk to others.



# 3

## IT PERPETUATES RACIAL DISPARITIES.

ONLY 23% OF THE TOTAL COOK COUNTY POPULATION IS BLACK, BUT 74% OF THOSE ON ELECTRONIC MONITORING (AND IN JAIL) ARE BLACK.

As is true in other parts of the criminal legal system, Black people are over-represented in Cook County's electronic monitoring population.

The percentage of Black residents who are incarcerated in their homes on EM is over 3 times the percentage of Black people in Cook County overall.[7]

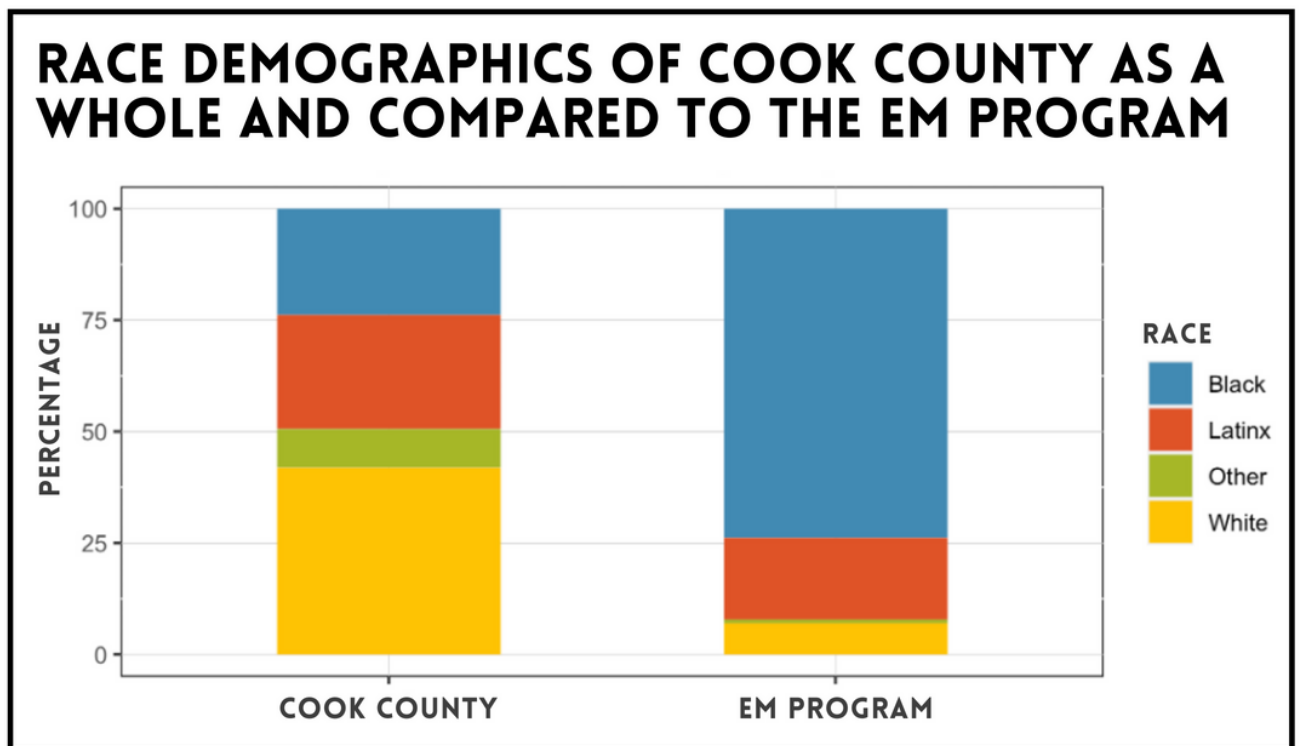


FIGURE 3: Race demographics of the population of Cook County compared to race demographics of the Electronic Monitoring Program.

**It is common knowledge that the criminal legal system harms Black communities at a massively disproportionate level. The fact remains that electronic monitoring is another facet of this system that mostly impacts Black - and to a lesser extent Latinx - families and communities in and around Cook County and throughout the country.**

Behind Detroit, Chicago is the second-most segregated city in the United States; given the city's long history of racial segregation,[8] pretrial electronic surveillance is a nearly invisible program for white Chicagoans but a pervasive one for Black Chicagoans. Unlike people in Cook County Jail, people on electronic monitoring are physically present in their communities, which means that the increased enforcement - Sheriff's visits, equipment checks, and other policing of those on electronic monitoring - happens *in these communities*, exacerbating the already disparate police presence on the West and South Sides of the city.



# 4 HOUSE ARREST IS USED IN ADDITION TO BAIL.

TODAY, 83% OF THE PEOPLE ON EM IN COOK COUNTY HAD TO PAY A MONEY BOND TO LEAVE JAIL AND BE PLACED ON ELECTRONIC MONITORS.

The electronic monitoring program is discussed often in the media and amongst politicians as if it is used more now than in the past a result of Cook County's recent de-emphasis on unaffordable money bonds in release decisions.[9] This is not the case.

**In order to be on electronic monitoring, most people in Cook County have already had to pay a monetary bond to secure their release from jail.** There is a major misconception that electronic monitoring is used as an alternative to money bail, when in fact, it is all the more oppressive because it is being used *in addition* to cash bail. Pretrial surveillance has always and continues to exist alongside the money bond system.

As of July 31, 2021, about 83% of the people on electronic monitoring in Cook County, 2,821 of 3,357 people, were marked as having paid a D-Bond[10] with electronic monitoring.

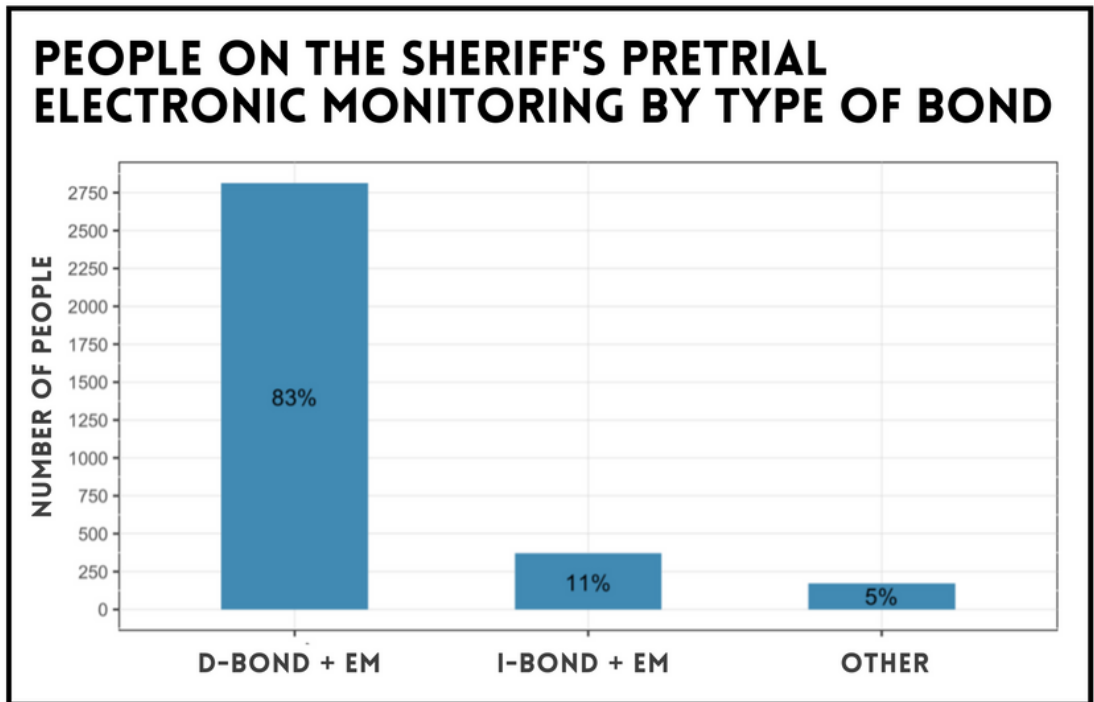


FIGURE 4: Breakdown of type of bond paid by people on the Sheriff's pretrial Electronic Monitoring Program as of July 31, 2021.

This means that these people had to meet both conditions – they had to pay a money bond to be released from jail in the first place, and once released, they still remained confined to their homes under electronic surveillance.

This number has increased in the past year: on June 30, 2020, 73% of people on electronic monitoring had also paid a money bond.[11] This double injustice serves no purpose in enhancing public safety; data continually shows that the use of money bond is ineffective in ensuring that people appear in court and does not appear to significantly impact rearrest rates.[12] As detailed below, Cook County's own data suggests that EM itself has little effect on re-arrest or failure to appear rates.

## 5 E-MONITORING DESTABILIZES COMMUNITIES.

ON AVERAGE, 67% OF PEOPLE SPEND OVER 2 DAYS IN JAIL BEFORE GETTING OUT ON EM, THREATENING JOBS, SCHOOL, FAMILY, AND MORE.

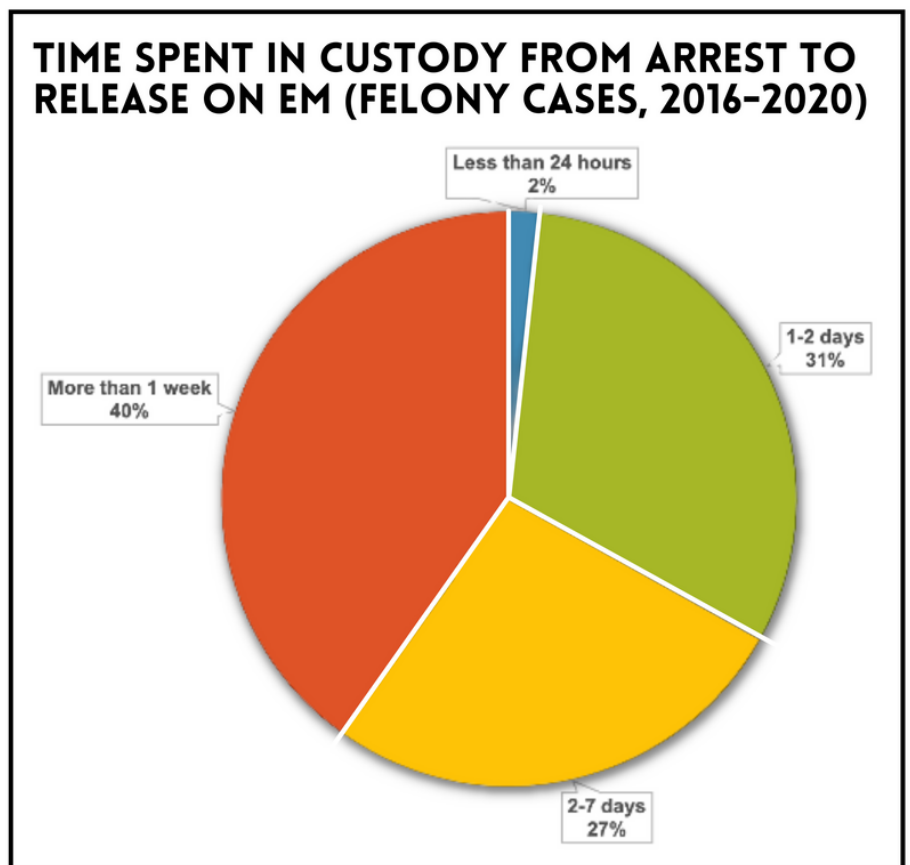
The majority of people who end up on electronic monitoring spend at least some time in Cook County Jail before being put on house arrest, in part because most people must post a cash bail in order to be placed into the Sheriff's Electronic Monitoring Program.

Of 10,000 people who were booked into the jail within two days of an arrest by the Chicago Police Department (CPD) and were later released on EM, nearly all spent at least 24 hours incarcerated.[13]

Even more disturbingly, over two-thirds of those people spent at least 2 days in the jail, and 40% spent at least a week, before being released to the electronic monitoring program - a purported "alternative" to jail time.

**These delays wreak havoc on people's lives.** Although some believe that EM allows individuals to continue activities of daily living, such as working, the disruption caused by delays before release threatens people's ability to keep their existing employment. Many community

groups working with system-involved individuals report that once people are released onto EM, it often takes additional time to get approval for "movement" to go to work - and if someone does not have a job, or loses it due to no approved movement, getting approval to leave home for new job interviews is also extremely difficult. The Sheriff's Office requires verification from an employer of an interview before the person leaves their home, making it impossible to attend job fairs, seek out jobs that require walk-in applications, or meet an employer without fully disclosing one's pretrial status. Clearly, pretrial electronic monitoring has much of the same potential to affect livelihood that pretrial incarceration in CCJ does.



**FIGURE 5:** Time spent in custody between arrest and release onto pretrial Electronic Monitoring people charged with felonies from 2016 through 2020.

# 6 PRETRIAL SURVEILLANCE IS OVERUSED.

OVER 75% PEOPLE ON PRETRIAL ELECTRONIC MONITORING IN COOK COUNTY ARE FACING NON-VIOLENT OR LOW-LEVEL ALLEGATIONS.

Electronic monitoring is most frequently used for a type of allegation that is treated differently in Cook County than in any other jurisdiction: illegal gun possession.

**Of all people on electronic monitoring in Cook County today, around 45% have a gun possession arrest where no one was harmed as their highest charge.**

The most common firearm-related charge for people on EM is "Aggravated Unlawful Use of a Weapon," which, despite the misleading name, does not involve firing, brandishing, or even necessarily touching or holding a gun. Instead, it refers to "possession" of a gun by any person who is not appropriately licensed by the state to possess it. In order to be licensed, a person must have a Firearm Owner's Identification (FOID) license. In Illinois, a person can only get a FOID if they are (1) over 21 years old, (2) have no convictions for felony charges as a juvenile or an adult, and (3) go through the process of obtaining the FOID license, which requires multiple forms of legal ID and a background check. In order to carry a gun outside the home in Illinois, a person must also have a concealed carry license. That license requires a \$150 application fee and 16 hours of training. It is, of course, reasonable for the state to impose requirements to ensure that people who carry guns do so safely. However, the burden of these requirements - like the burden of any licensing requirement - is that some people will have less access, and will engage in behavior without a license because they lack the means to obtain one.

**Gun possession without a license is a misdemeanor in most states, or no license is required at all. In Illinois, it is a felony that carries a mandatory minimum prison sentence.** Though these sentencing enhancements were enacted with the goal of reducing gun violence, they have not done so and instead, they have simply helped swell the number of primarily Black, young Illinoisans who become entangled in the felony criminal legal system - and eventually in jail and prison.

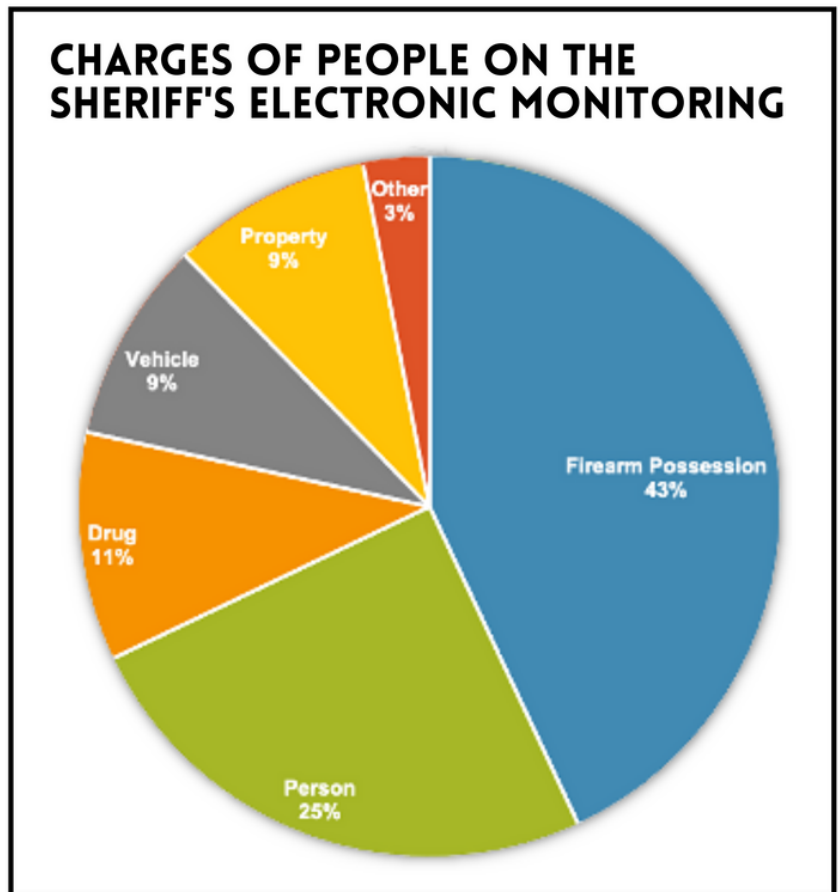


FIGURE 6: Breakdown of charges of people in the Sheriff's pretrial Electronic Monitoring Program as of July 31, 2021.

**Today, many people are on electronic monitoring because they are accused of other non-violent crimes: drug charges make up 11% of the EM population, while DUIs and Driving on a Suspended License cases make up 9%.**

# 7 MOST PEOPLE FOLLOW THE PROGRAM RULES.

LESS THAN ONE IN TWELVE PEOPLE IN CHICAGO ARE ARRESTED FOR NEW ALLEGATIONS WHILE ON PRETRIAL ELECTRONIC MONITORING.

Between 2016 and 2020, there were about 18,229 people in Chicago (serving a total of 23,014 pretrial periods) who spent some period of time on EM through the Sheriff's Office.

The vast majority of these people, over 91%, were not re-arrested while on electronic monitoring.[14]

Overall, 2,045 people – less than 9% of people on EM – appear to have been arrested by CPD at a time before the end of their time on EM – or, for those who were marked "AWOL" (absent without leave), the end of their time marked as that status.

However, just 8.8% of EM participants were arrested by the Chicago Police for new allegations; many of those people were rearrested for warrants, for the failure to appear in court, or for technical violations of their release that do not represent new alleged crimes.

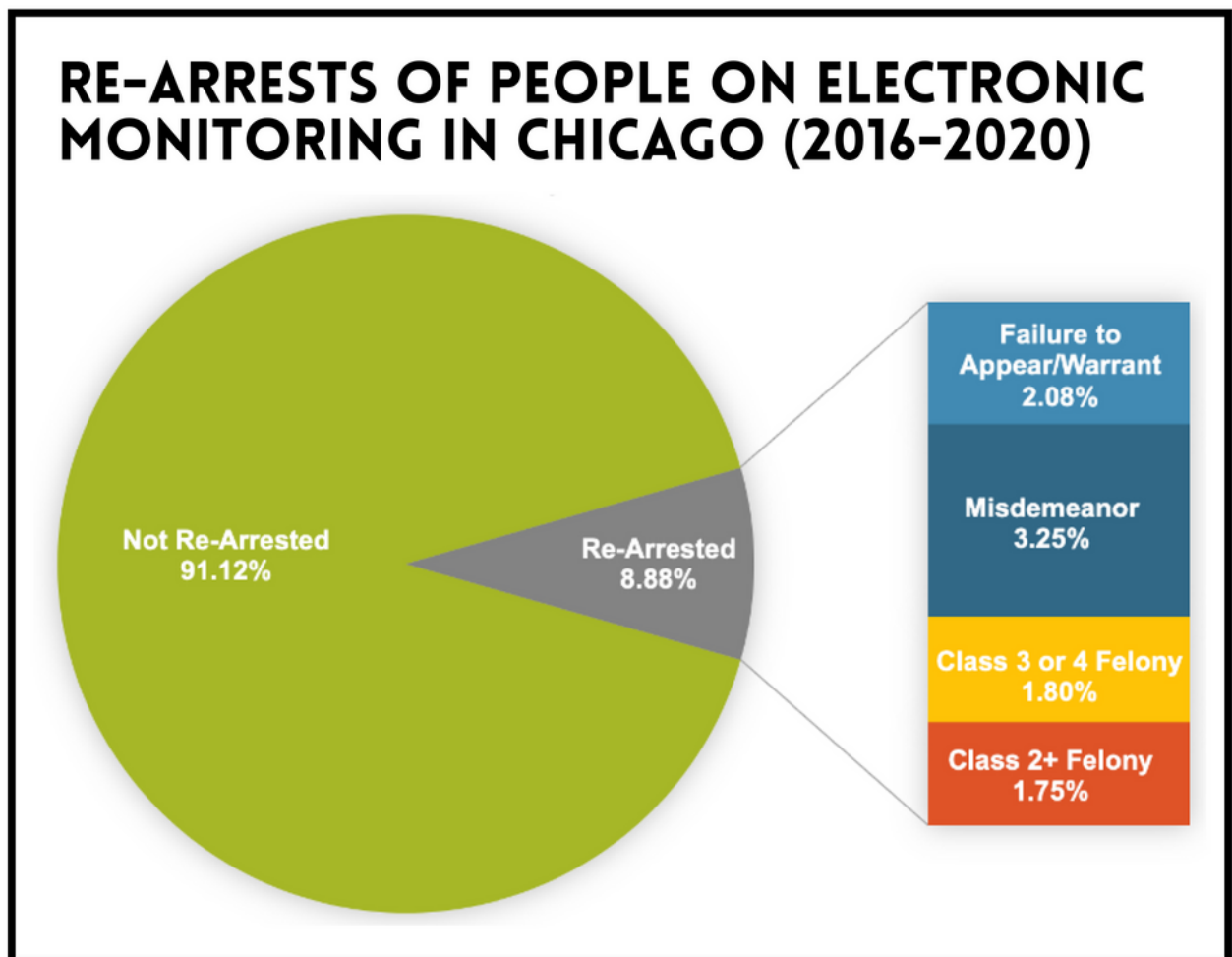


FIGURE 7: Re-arrests of people on the Sheriff's Electronic Monitoring by the Chicago Police Department (CPD) from January 2016 through June 2020.



## THE EM SYSTEM IS FLAWED AND PUNITIVE.

RE-INCARCERATIONS FOR TECHNICAL VIOLATIONS (RATHER THAN FROM NEW ARRESTS) ARE FOUR TIMES HIGHER IN 2021 THAN IN 2019.

People who are on electronic monitoring can be re-incarcerated by the Sheriff’s Office if they are alleged to have broken the rules of the program by leaving their homes when they were not authorized to do so. These are technical violations of the pretrial program – they do not represent criminal or even antisocial behaviors, just that someone may not have been in perfect compliance with the Sheriff’s very strict rules or that the electronic monitoring technology may have glitched.[15]

**People can be violated and re-incarcerated for being late returning from work, going to a doctor’s appointment or the hospital without authorization, or taking out their trash.**

In 2020, the Cook County Sheriff’s Office announced that it was switching its entire electronic monitoring system to GPS devices that track exactly where a person is at all times from Radio Frequency bands, which simply record whether someone is in their home.[16] Advocates warned that switching completely to GPS devices would drastically increase the number of people re-incarcerated for “non-criminal behavior.” That seems to be exactly what has happened.

**In the first 6 months of 2019, 123 people were re-incarcerated because they allegedly failed to comply with the rules of the electronic monitoring program. In the first 6 months of 2021, that number had more than quadrupled to 546 people.**

Around 22% of the people who were re-incarcerated 2021 were removed from EM not because of new allegations, but because the Sheriff’s Office determined that they had a technical violation of pretrial release.

An additional 8% were re-incarcerated because they had no place to stay – essentially, because they needed to move from where they had originally been placed on EM. In 2019, Technical Violations and No Place to Stay issues each represented 5% of electronic monitoring terminations.

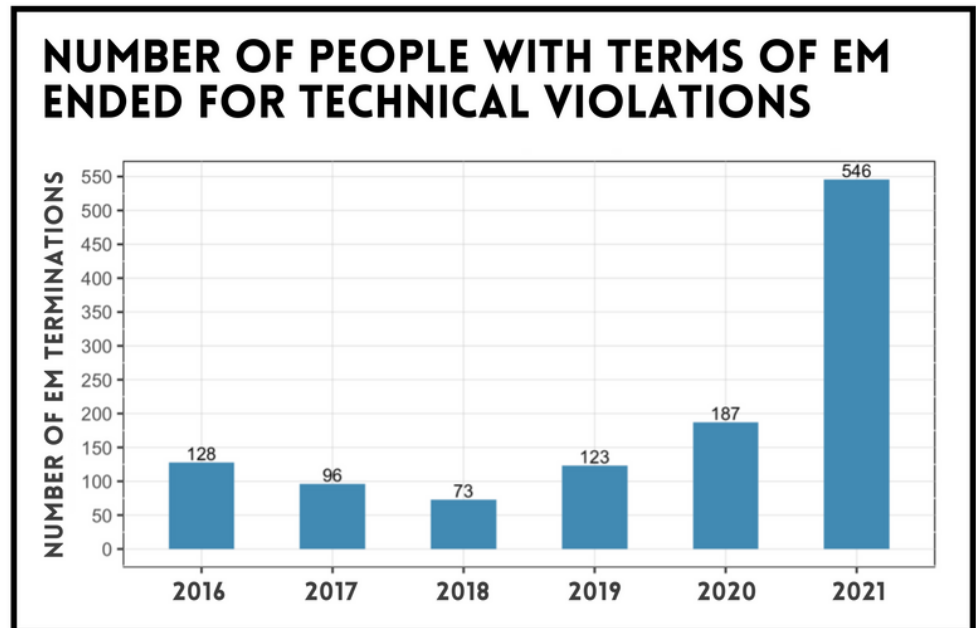


FIGURE 8: Terminations of EM for technical violations from January through June of each year (2016-2021) according to data from the vendor, BI Inc.

**There is no justifiable reason to incarcerate people for experiencing housing instability or for allegedly violating draconian technical rules.** The increase in re-incarceration for technical violations shows that the Sheriff’s Electronic Monitoring Program creates a pipeline for legally presumed innocent, otherwise law-abiding people to be funneled back into the jail.



# 9 THERE IS NO CLEAR BENEFIT TO THE PUBLIC.

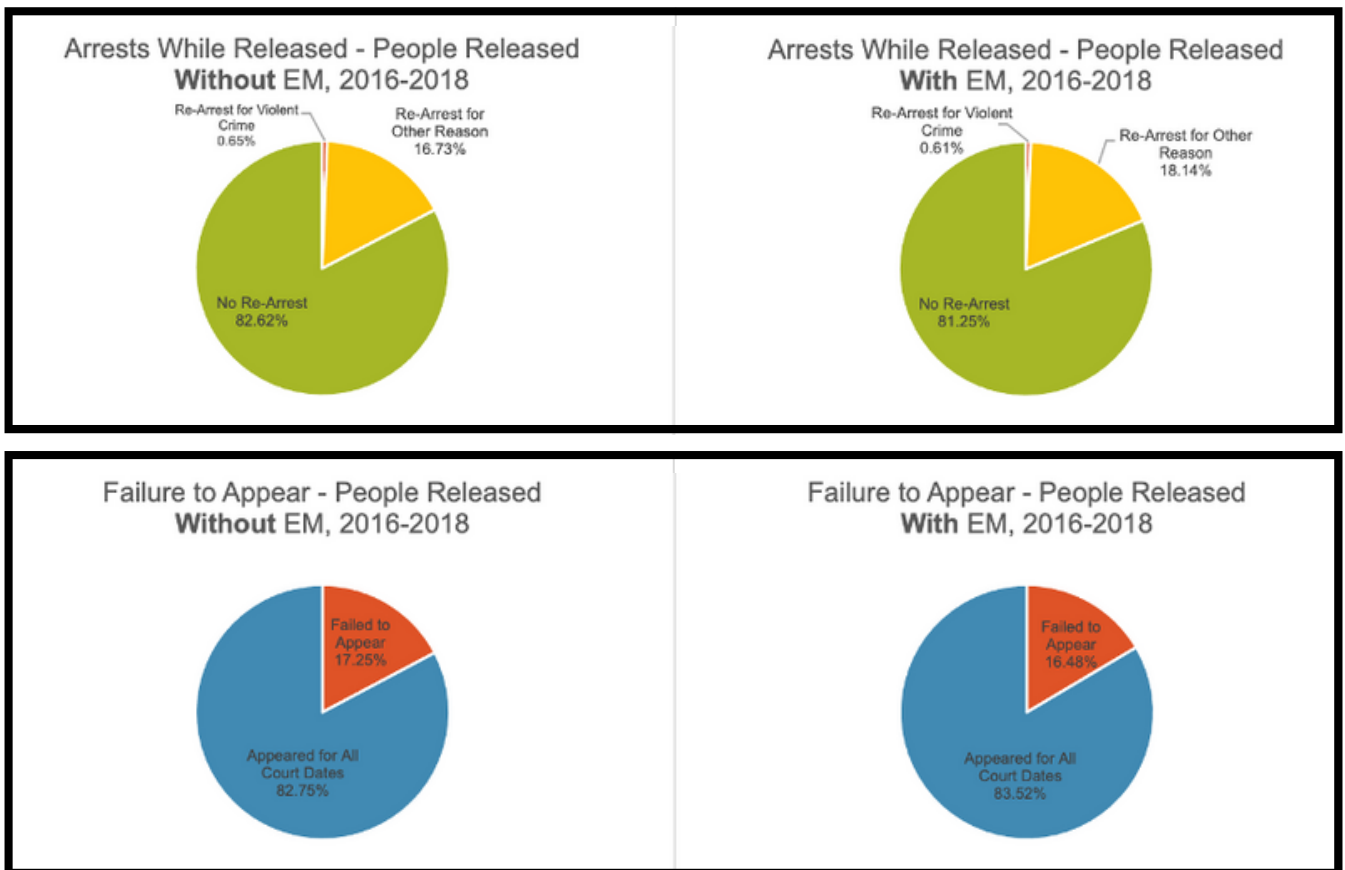
**DATA SUGGESTS THAT ELECTRONIC MONITORING HAS NO MEANINGFUL EFFECT ON THE LIKELIHOOD OF REARREST OR APPEARANCES IN COURT.**

Pretrial programs have two legitimate goals – to prevent accused people from doing anything that negatively impacts public safety and to assure they make their court dates. Electronic monitoring does not seem to affect either goal. Instead, people on electronic monitoring have the same very low chance of being rearrested while at home pretrial as those who are released *without* electronic monitoring.

**Simply, putting someone on electronic monitoring does not apparently make them more likely to appear in court or less likely to be rearrested pretrial.** As is true of people awaiting trial without electronic monitoring, most people (83%) show up to all their court dates and only about 18% are taken back into custody for some reason while released – this includes arrests for alleged misdemeanors, ordinance violations, and failures to appear in court.

**In both free and electronically monitored pretrial populations, the rate of rearrest for alleged "violent" crime is extremely low – less than 1%, according to the sample of releasees presented in the data from the Office of the Chief Judge.[17]**

**These numbers suggest a disconnect between the heavy usage of pretrial jailing and electronic monitoring by the courts and the very low rates of rearrest for "violent" crimes among those who are released.** Since 2015, Cook County has placed 17.5% of people charged with new felony cases on electronic monitoring – a total of more than 30,000 people.



**FIGURE 9:** Rates of re-arrests and failures to appear in court for people released pretrial in Cook County – both on electronic monitoring and without – from 2016 through 2018.

# 10

## ELECTRONIC MONITORING IS TOO EXPENSIVE.

DESPITE THE HARMS AND LACK OF EVIDENCE, COOK COUNTY TAXPAYERS SPEND OVER \$19.5 MILLION ANNUALLY ON THE SHERIFF'S EM PROGRAM.

In 2021, Cook County's budget appropriation for the Sheriff's Community Corrections Department was \$19,542,855. Notably, this includes 134 full-time positions but is not Cook County's only spending on electronic monitoring – taxpayers also spend another \$12 million per year on the Adult Probation Department's Pretrial Services Division's electronic monitoring program.

**Ideally, pretrial services would be holistic, non-punitive, and provided in the community by grassroots, non-governmental groups totally unrelated to the corrections or legal systems.** It is an important statement on Cook County's over-reliance on surveillance and incarceration that it spends over twice as much on electronic confinement programs as it does on all other pretrial services. These budget numbers are a result of allowing electronic monitoring programs to remain unexamined in Cook County for far too long.

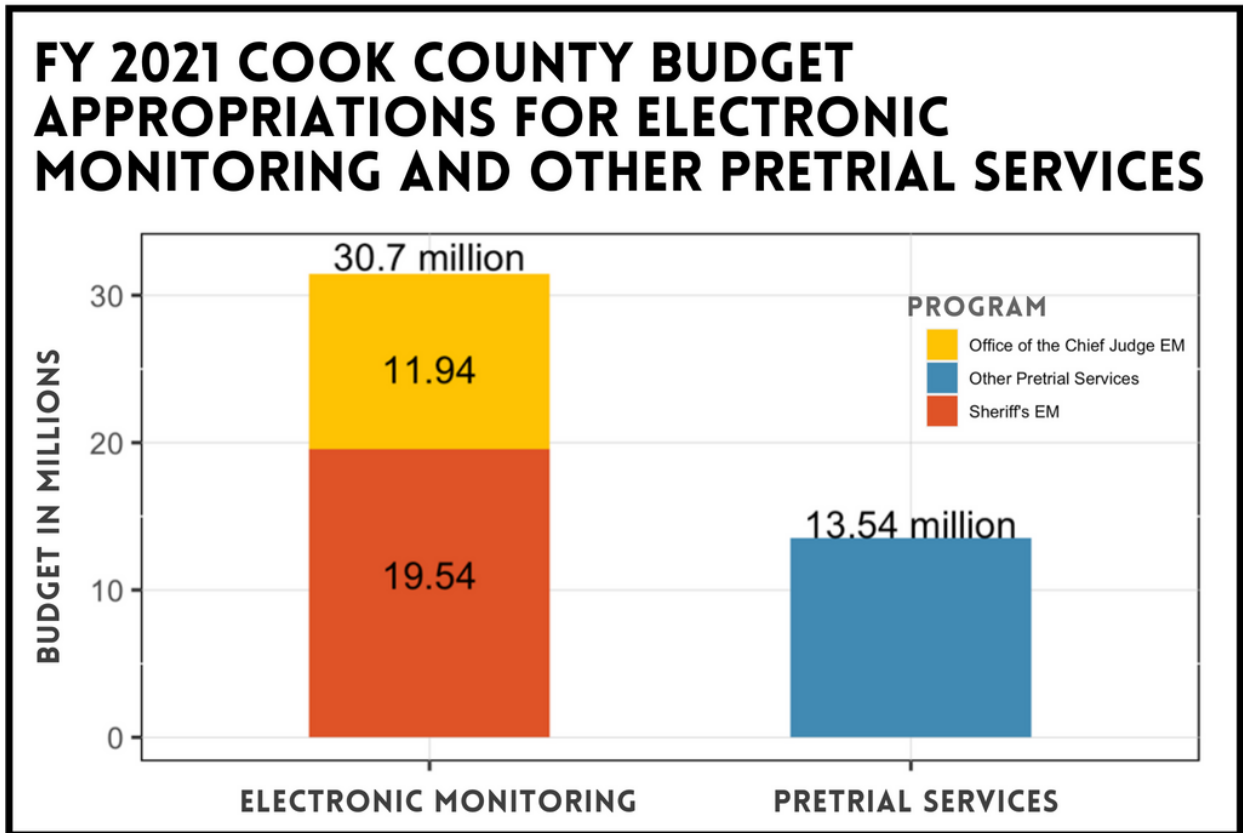


FIGURE 10: Budget appropriations for Electronic Monitoring and other Pretrial Services in Cook County for Fiscal Year (FY) 2021.

**Electronic surveillance has been a fixture of the criminal courts for over 30 years, but it does not show any significant benefit to the public that would justify such a large budget appropriation.** Cook County should prioritize investments in grassroots, non-court-related services to support people involved in the criminal legal system that are led by and based in their own communities. Electronic monitoring is an expensive, oppressive, and ineffective program. The time for shrinking the program's size and budget, and for re-evaluating the way Cook County provides pretrial services, has come.



# ENDNOTES.

- <sup>1</sup> See e.g., “A Better Way: How Cook County is Reducing its Jail Population Through Innovation and reform” (Civic Consulting Alliance, June 2016), accessible at [https://www.ccachicago.org/wp-content/uploads/2016/06/Civic-Consulting-Alliance\\_Case-Study\\_Public-Safety\\_FINAL.pdf](https://www.ccachicago.org/wp-content/uploads/2016/06/Civic-Consulting-Alliance_Case-Study_Public-Safety_FINAL.pdf).
- <sup>2</sup> See “Electronic Monitoring Program Placement” available at <https://www.cookcountysheriff.org/emlos/program-placement-information/> (accessed August 20, 2021).
- <sup>3</sup> *Id.*
- <sup>4</sup> Cook County Sheriff’s Office, Community Corrections – “Electronic Monitoring (EM) Program (GPS) Information Sheet,” available at <https://www.cookcountysheriff.org/wp-content/uploads/2020/09/EM-Participant-Packet.pdf> (accessed August 20, 2021).
- <sup>5</sup> See e.g., Chicago Appleseed Center for Fair Courts: “Checking on the Cook County Criminal Court’s Case Backlog” (July 30, 2021) at <https://www.chicagoappleseed.org/2021/07/30/checking-on-the-cook-county-criminal-court-case-backlog/>; “Waiting for Justice: An examination of the Cook County Criminal Court backlog in the age of COVID-19” (January 28, 2021) at <https://www.chicagoappleseed.org/2021/01/28/long-waits-for-justice-cook-county-criminal-court-backlog/>; “As the Pandemic Rages, the Cook County Jail Population Grows” (November 20, 2020), at <https://www.chicagoappleseed.org/2020/11/20/pandemic-rages-cook-county-jail-grows/>; and “Cook County Courts Massively Behind Schedule on Criminal Cases” (September 24, 2020), at <https://www.chicagoappleseed.org/2020/09/24/cook-county-courts-massively-behind-schedule-on-criminal-cases/>.
- <sup>6</sup> The SAFE-T Act was signed in February 2021 and includes a variety of criminal legal system reforms, such the Pretrial Fairness Act, which includes these provisions and will abolish money bail across Illinois in January 2023. See e.g., <https://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=101-0652> for the full bill text. A previous version of this report stated that EM status will be reviewed every 90 days, instead of every 60 days.
- <sup>7</sup> This is also true of people incarcerated in the Cook County Jail; EM replicates the same racial disparities.
- <sup>8</sup> See e.g., “Segregation Among Issues Chicago Faces 100 Years After Riots” (Noreen Nasir, July 2019) for *Associated Press*, accessible at <https://apnews.com/article/us-news-ap-top-news-riots-chicago-united-states-d759f01363584b3a9aa232f07082475a>.

- <sup>9</sup> See e.g., “Report Finds Bail Reform in Chicago Reduced Pretrial Incarceration Without Hurting Public Safety” (Ethan Corey, November 2020) for *The Appeal*, accessible at <https://theappeal.org/report-finds-bail-reform-in-chicago-reduced-pretrial-incarceration-without-hurting-public-safety/>.
- <sup>10</sup> Cook County uses three types of bonds: “I Bonds,” which are essentially recognizance bonds; “D Bonds,” which require the arrested person to pay 10% of the bond amount ordered by a judge to be released from Cook County Jail; and “C Bonds,” which require that the individual pay the full ordered amount. Any type of “bond” given can be paired with requirements for electronic monitoring. “No Bond Holds” are also given regularly, which require people to stay inside the jail while they await trial.
- <sup>11</sup> A previous version of this report stated that on June 30, 2020, 61% of people on electronic monitoring had paid a money bond to leave jail and be placed on EM. The correct percentage is 73%.
- <sup>12</sup> See “The Downstream Consequences of Misdemeanor Pretrial Detention” by Paul Heaton, Sandra Mayson, and Megan Stevenson. 69 *Stan. L. Rev.* 711 (March 2017).
- <sup>13</sup> In order to determine how long people spent in custody between their arrest and their release from the Cook County Jail, we linked data on arrests by CPD with data on EM bookings from the Sheriff’s Office.
- <sup>14</sup> In order to determine how many people were re-arrested while they were released on electronic monitoring, we looked at data on each person on the CCSO’s electronic monitoring between January 2016 and June 2020, and compared that to the arrest information for the Chicago Police Department for the same period of time. We then found all the people who were marked as being arrested and having their stint on electronic monitoring end in the same 3-day period.
- <sup>15</sup> The GPS monitors used by the Cook County Sheriff’s Office are repeatedly cited as ineffective, sending false alerts and faulty signals. See, e.g., “On house arrest with Mohawk Johnson” (Leor Galil, March 2021) for *Chicago Reader*, at <https://chicagoreader.com/music/on-house-arrest-with-mohawk-johnson/>.
- <sup>16</sup> See e.g., “Cook County Defendants on Electronic Monitoring to Switch to GPS Bracelets by Fall” (Matthew Hendrickson, August 2020) for *Chicago Sun-Times*, at <https://chicago.suntimes.com/crime/2020/8/18/21374336/cook-county-defendants-electronic-monitoring-switch-gps-bracelets>
- <sup>17</sup> This information is based off of an anonymized dataset was published in May 2019 by the Office of the Cook County Chief Judge that documented outcomes for over 58,000 people with felony cases who appeared in felony bond court between July 1, 2016 and December 31, 2018. That dataset can be accessed here: <https://www.cookcountycourt.org/HOME/Bail-Reform>.

**CHICAGO APPLESEED CENTER FOR FAIR COURTS  
& CHICAGO COUNCIL OF LAWYERS**

**750 N. LAKE SHORE DRIVE, FOURTH FLOOR  
CHICAGO, ILLINOIS 6061**

**PH: (312) 988 6565**

**E: CAFFJ@CHICAGOAPPLESEED.ORG**

**WWW. CHICAGOAPPLESEED.ORG**

**WWW. CHICAGOCOUNCIL.ORG**

