

Key Takeaways from Monitoring Cook County's Central Bond Court: A Community Courtwatching Initiative

What is General Order 18.8A?

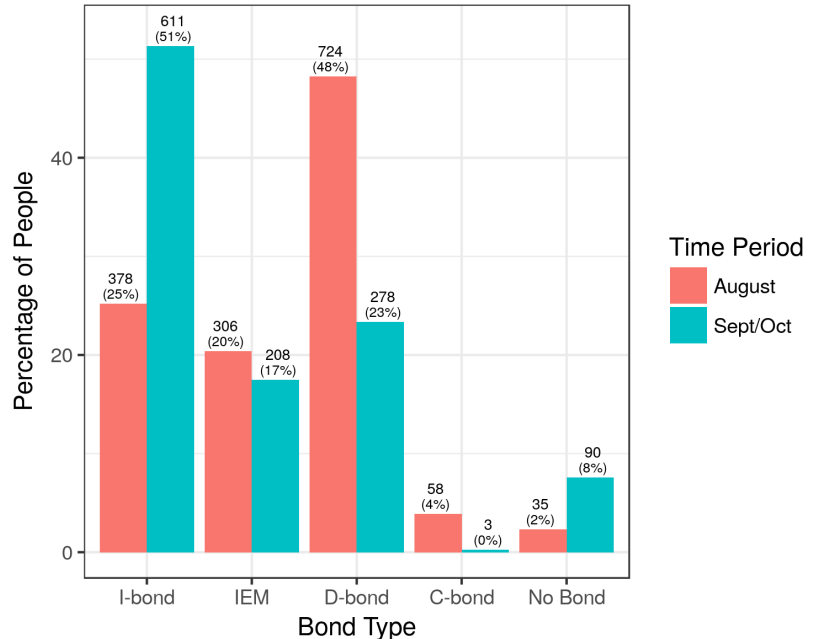
A court order issued by Chief Judge Timothy Evans, states that money bonds should be set in amounts that people can pay. No person should be detained pre-trial simply because they are unable to afford their bond.

What changes have occurred since the implementation of the order?

Rates of pretrial release have nearly doubled and the use of monetary bond has dropped by half.

Are money bonds being set in amounts people can pay?

Sometimes. While judges asked substantially more people what they could afford to pay -- rising from about 7 percent to 80 percent--nearly a quarter of accused people still received unaffordable bonds after the implementation of the Order.



How consistent is the application of the General Order?

Not very. For example, for a given charge, one judge gave 91 percent of individuals I-bonds while another gave only 7 percent I-bonds. Some Judges are adhering to the General Order, while others ignore it. The current lack of Judicial accountability has created a capricious process in which one of the biggest determinants of bond outcomes is the Judge, rather than the relevant facts.

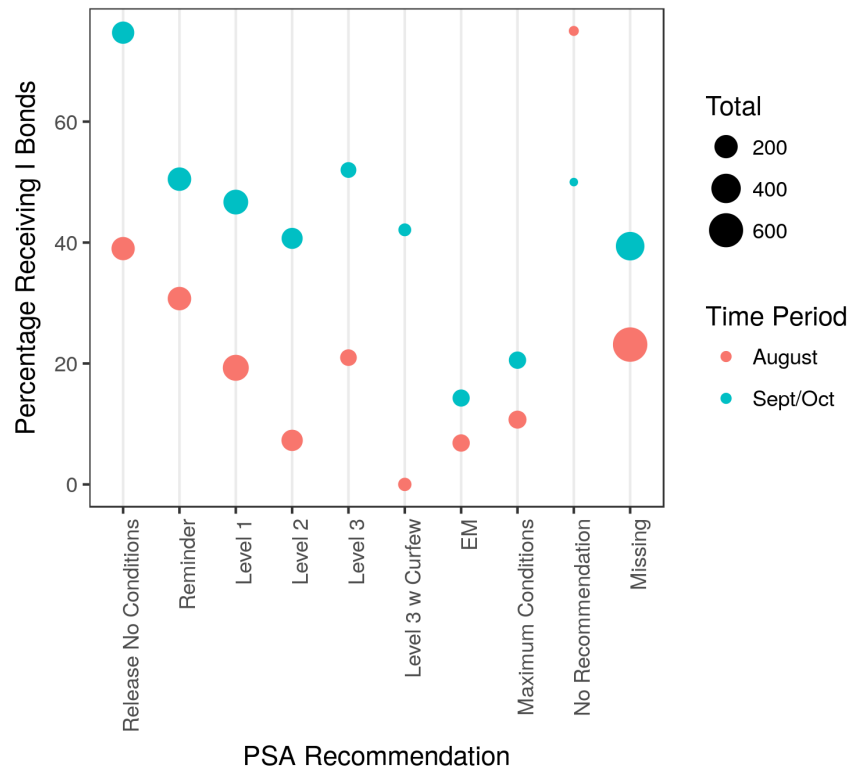
Rates of I-Bonds by Judge by type of charge											
Judge	Overall	Traffic (non-DUI)	Traffic (DUI)	Drug Possession	Drug Sales	Gun Possession	Retail Theft	Other Property	Robbery	Agg. Battery	Other Persons
David Navarro	37% (22/59)	100% (1/1)	100% (3/3)	67% (6/9)	67% (6/9)	8% (1/13)	100% (1/1)	40% (2/5)	0% (0/1)	50% (1/2)	NA (0/0)
John Lyke, Jr.	42% (209/495)	50% (7/14)	44% (8/18)	65% (77/119)	54% (44/81)	18% (12/67)	53% (8/15)	54% (14/26)	17% (4/23)	7% (2/30)	32% (11/34)
Mary Marubio	39% (59/150)	71% (5/7)	50% (3/6)	67% (24/36)	25% (3/12)	33% (5/15)	100% (6/6)	57% (4/7)	33% (2/6)	21% (3/14)	17% (1/6)
Michael Clancy	41% (158/384)	41% (7/17)	48% (10/21)	72% (76/105)	39% (16/41)	24% (11/46)	60% (6/10)	54% (14/26)	6% (1/16)	14% (3/22)	21% (6/28)
Sophia Atcherson	75% (95/126)	90% (9/10)	100% (2/2)	79% (15/19)	100% (5/5)	67% (6/9)	67% (2/3)	50% (1/2)	62% (5/8)	91% (29/32)	85% (17/20)
Stephanie Miller	50% (68/135)	75% (3/4)	100% (2/2)	81% (25/31)	62% (10/16)	26% (7/27)	80% (4/5)	83% (5/6)	25% (2/8)	31% (4/13)	22% (2/9)

This report was written by the Coalition to End Money Bond and released February 27, 2018.
For more information, please visit bit.ly/CTEndMoneyBond.

What is the Public Safety Assessment (PSA)?

The PSA is a pretrial “risk assessment tool” that uses a person’s age, current charge, and past record of convictions to try to predict whether they will miss a court date or be re-arrested while their current case is pending. What it is really doing is testing whether someone’s “profile” is similar to a group of people who missed court or were rearrested, and then making predictions about this person’s chances of success. Using those comparisons, the PSA then recommends release with varying levels of conditions, which can range from simple reminder calls and check-ins with a pretrial services officer to curfews or house arrest with electronic monitoring.

Since we know past court involvement is dependent on the policing practices in a person’s neighborhood and their race, the PSA is using racially biased data to make its predictions. At the same time, the PSA consistently recommends release at higher rates than bond court judges have historically granted it and may help reduce variation between judges.



Are Judges following the PSA’s recommendations more closely after the order?

Yes, more people recommended for release are getting I-Bonds and fewer people are being given electronic monitoring.

What changes are still needed to ensure fairer outcomes?

1. End the use of secured money bond (payment before release) in Illinois.
2. Stop unfairly funding the courts through bond money
3. Improve access to Central Bond Court and jail data
4. Facilitate attendance at future court dates with reminders and other supports
5. Train judges and other court personnel on detention hearings and pretrial release procedures
6. Ensure fair ordering and timing of bond court proceedings
7. Improve Pretrial Services