

Key Findings from “Protecting Public Health Through Decarceration: Holding Cook County’s Criminal Courts Accountable During The COVID-19 Pandemic”

The report documents the Coalition to End Money Bond’s efforts to reduce the number of people incarcerated in the Cook County Jail during the pandemic and how the county stakeholders responded. Read the full report at endmoneybond.org/covid19.

Overview

1. The Coalition participated in a multi-week campaign that helped reduce the number of people incarcerated in the jail from **5,588** people on March 17th to a low of **4,031 people** on May 9, 2020. This was accomplished through public advocacy, protests, and litigation efforts.
2. In total, **more than 500 people** incarcerated in the jail have contracted COVID-19, and **7 incarcerated people have lost their lives**. More than 400 Sheriff’s employees have tested positive for COVID-19, and **three have died**.
3. A majority of people in the jail during the pandemic could have been released if judges had properly reviewed their cases and set a legally permissible bond.
4. Decarceration efforts benefitted white people incarcerated in the jail more than Black and Latinx people. The number of Black people incarcerated in the jail dropped 27%, and the number of Latinx people incarcerated in the jail dropped by 29%. In contrast, the number of white people incarcerated in the jail dropped by 42%.
5. Release was primarily granted to people over the age of 45. The number of incarcerated people between the ages of 45 and 50 decreased by 42%, and the number of people over 55 decreased by 50%. While this is positive, these releases still left hundreds of people at high risk for COVID-19 complications in the jail. As of the end of May, there were still 632 people over age 45 in the jail. Of the seven people who lost their lives to COVID-19 while in the custody of the jail, five were over age 45, and the other two were both 42 years old.

Expedited Bond Review

The Coalition to End Money Bond collaborated with the Cook County Public Defender to pursue a mass release of people incarcerated in the jail by petitioning the court to make decisions en masse. While the court denied the petition, it did lead to creation of an expedited bond review process.

1. Of the 2,366 people who received a bond review between March 23 and April 22, 2020, 750 people had their motions for release denied.
2. Nearly half of the more than 5,000 people incarcerated in the jail last spring at the height of the pandemic never had their detention reconsidered.
3. Releases were limited by the State’s Attorney’s Office opposition. According to analysis by Coalition member **Chicago Appleseed**, the office opposed release in the vast majority of cases—

approximately 80%. Judges granted over 90% of motions when the State's Attorneys agreed to release compared to only 53% over the State's objection.

4. The people left behind by the emergency bond reviews were a diverse mix, and contrary to some media narratives, **not all were charged with serious felonies**. By May 15th, there were still over 300 people in the jail charged only with misdemeanors and over 100 people charged only with drug offenses.
5. Many judges placed people on electronic monitoring after reviewing unaffordable money bonds that had previously kept them in the jail—rather than granting them their pretrial freedom, which they would have received if they were able to afford to pay their original bonds in the first place. According to the Public Defender's office, between March 23 and April 24, 2020, about 448 people were released from the jail with EM after having their bonds reviewed due to COVID-19.

Community Courtwatching

Courtwatchers observed bond court from May 18th through June 6, 2020 and witnessed 868 bond hearings.

1. Unconstitutional unaffordable monetary bonds were the single largest reason why people were admitted to the jail during the pandemic.
2. Of the 338 people who judges ordered to pay money bonds, 53% were unaffordable.
3. Black people were given more unaffordable money bonds than any other racial group and were among the most likely to be denied release entirely.

The Current Landscape

1. Currently, the total number of people in the Sheriff's custody, including both the jail and electronic monitoring, is now higher (**8,416 people in total**) than at this time last year (**8,360 people in total**). Simply put, for the first time since 2015, the number of people under Cook County's correctional control is moving in the wrong direction.
2. At the same time that the number of people incarcerated in the Jail was dropping, the number of people incarcerated in their homes through electronic monitoring (EM) skyrocketed. There are now more people under EM house arrest in Cook County than ever before. On June 17, 2020, the program reached its peak of **3,365 people**, and it has remained almost as high into the fall.
3. As of August 31, 2020, there were over 400 people awaiting transfer to IDOC without any way to resolve their charges or violations or to bond out of jail.
4. According to the Cook County State's Attorney's Office's public data, in a "normal" year (2017-2019), the Cook County Criminal Courts enter an average of 6,759 case dispositions between April 1 and June 30. These include, dismissals, guilty pleas, and trials. In 2020, the courts resolved just 463 cases in the same period—just 7% of their usual total.