

KEEP THE DETENTION ELIGIBILITY NET: PEOPLE CHARGED WITH LOW-LEVEL CRIMES SHOULD NOT BE JAILED PRETRIAL

The Pretrial Fairness Act is designed to address the harm wealth-based pretrial jailing has caused Black, Brown, and poor communities by reducing the number of people in jail in Illinois. For decades, courts have wielded full discretion to jail people whenever they wanted by using unaffordable money bonds. They've used that power to jail hundreds of thousands of Illinoisans who aren't charged with serious crimes and don't pose a threat to anyone. **We know what unlimited discretion to jail people looks like: mass incarceration.**

The Pretrial Fairness Act rebalances power in our courts. It still allows people to be jailed when they are charged with serious crimes, but puts limits on the circumstances when people can be jailed for lower level crimes. These limits are called the **detention eligibility net**. Removing these limits would gut the Pretrial Fairness Act, increase jailing, and worsen racial disparities.

➤ **The detention eligibility net ensures that jail populations will not increase.**

Most people arrested in Illinois (63%) are accused of lower-level offenses. Right now, many of these people spend days or weeks in jail until their families can find the money to bail them out. The Pretrial Fairness Act is designed to make sure that those people are released immediately by stopping courts from being able to jail them (unless they are already on pretrial release, probation, or parole).

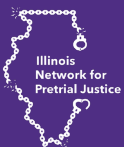
If the legislature changes the law to allow anyone charged with anything to be denied pretrial release, then people charged with lower level crimes will spend more time in jail than they do right now. This will increase jail populations. More time in jail further disrupts people's lives, increases the risk people will be re-arrested in the future, and wastes taxpayer dollars.

➤ **The detention eligibility net focuses courts' attention on the most serious crimes.**

The Pretrial Fairness Act ensures that serious crimes like sexual assault and domestic violence are given more of the court's time and energy, while less serious charges are moved more quickly through the court system. If every charge is detainable, courts will spend too much time evaluating the cases of people accused of minor offenses instead of focusing resources on more serious cases.

➤ **The Illinois Supreme Court Commission on Pretrial Practices specifically recommended that the legislature adopt a detention eligibility net.**

The majority of the Illinois Supreme Court Commission members were law enforcement and court officials. They wrote that legislation should "[set] forth enumerated offenses, by name and statute, that are detention eligible." The Pretrial Fairness Act draws on the Commission's years of work and research. This key recommendation must be followed to preserve the purpose of the law.



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