



Key Findings from **\$tate of Injustice:** A Community Review of Bond Courts in Illinois

In the summer of 2022, the Illinois Network for Pretrial Justice undertook a statewide court-watching project to document the real human costs of the current money bond system and demonstrate the absolute necessity of fully implementing the Pretrial Fairness Act on January 1, 2023. In seven counties - Champaign, DuPage, Kane, McLean, Peoria, Sangamon, and Winnebago - 56 trained volunteer court-watchers observed 1,026 bond hearings and detailed information about the cases they watched and their impressions of the proceedings as a whole. Here is some of what we found:

Racism and racial disparities are pervasive.

"When I [as a White court-watcher] approached the courtroom, the bailiff asked if I was there to court-watch. When people of color approached, they were asked if they were there for their own case or someone else's." - court-watcher in Champaign County

- Only 9% of people living in the seven counties are Black, but Black people accounted for 44% of the people we observed in bond court.
- Of the counties we observed, the most extreme disparity for Black residents was in DuPage County. Black people were 5.6 times more likely to appear in the bond court population, than the overall county population and Latine people were 1.6 times more likely to appear in the bond court than in the general population.

Bond amounts are set arbitrarily and well above what people can afford.

"There does not seem to be much rhyme or reason to what the judge sets the bond amount at. The prosecutor would generally ask for a high [dollar] amount, the public defender would ask for a lower [dollar] amount, and the judge would throw out a number either somewhere in between the two, or up to the full [dollar] amount the prosecutor first mentioned." - court-watcher in DuPage County

- The DuPage and Kane County courthouses are just 13 miles from each other. In DuPage County, 83% of people have to pay money bonds, and in Kane County just 30% of people do.
- Court-watchers consistently observed judges knowingly set bonds well above what accused people said they could afford—or not ask what they could afford at all.

Video hearings confuse and disadvantage accused people.

"I worry that having the accused Zoom into court, they may be unaware that they have a public defender for the bond hearing. Also, even if they are aware, they can only communicate in open court in front of the prosecutor..." court-watcher in Kane County

- Almost three quarters (71%) of the court-watchers' responses that noted the confusing and inaccessible nature of bond court mentioned the use of video hearing technology as a contributing factor to that confusion and inaccessibility.
- Accused people appearing via video conference were often observed to have had no opportunity to confer with their attorneys prior to their bond hearings, limiting their ability to fully engage with their legal counsel and increasing their risk of making statements that prosecutors could leverage against them.

**The full "\$tate of Injustice" report can be found at [bit.ly/ StateOfInjustice](https://bit.ly/StateOfInjustice)
For more information about the Pretrial Fairness Act, go to PretrialFairness.org.**