

**THE
IMPACT**
OF THE
**PRETRIAL
FAIRNESS ACT**

ON

**ELECTRONIC
MONITORING**

IN COOK COUNTY

**CHICAGO
APPLESEED**
CENTER FOR FAIR COURTS

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EXECUTIVE SUMMARY

Originally introduced as a less restrictive alternative to incarceration, electronic monitoring (EM) has evolved into a punitive system that disproportionately harms Black and Brown communities, reinforces carceral control, and perpetuates socioeconomic and racial inequities. People on electronic monitoring regularly face arbitrary rules, excessive surveillance, and significant barriers to employment, education, caregiving, and other essential tasks of daily living. These experiences replicate the many harms of incarceration in brick-and-mortar jails. In Cook County, Illinois, the system's extreme reliance on EM has subjected hundreds of thousands of people – predominantly Black men – to these conditions.

The Pretrial Fairness Act, passed in 2021, and its trailer bill, which followed in 2022, introduced statewide reforms that were intended to reduce the harms of pretrial electronic monitoring in Illinois. **The law initiated five specific changes: It (1) raised the standards for risk assessments relating to setting pretrial conditions and (2) for charging people with escape, and (3) guaranteed essential movement, (4) sentencing credit, and (5) 60-day reviews of EM conditions.** In this report, we've evaluated and provided policy recommendations related to four of these five reforms, as summarized below. Broadly, we've urged the Office of the Chief Judge and the State's Attorney's Office to practice data transparency, called on the State's Attorney's Office to request pretrial detention in fewer cases, and recommended that state and county officials take action to reduce the lengths of criminal cases.

HIGHER STANDARDS FOR ESCAPE

Very Successful

At first, this reform required the State to wait 48 hours before they could charge someone on EM with "escape"; as of December 2022, it instead only allows them to charge someone with escape if they intended to evade prosecution. **This has been very successful in reducing the number of escape charges filed.** Thus, our only recommendation is for advocates to watch out for potential rollbacks of this policy.

ESSENTIAL MOVEMENT

Somewhat Successful

This reform guarantees periods of movement on at least two different days per week for people on EM. **It has been successful in guaranteeing access to at least some movement for people on EM, but receiving permission for additional movement is still very difficult under one EM program.** We hope that the decision to phase out this program will resolve this issue, but we encourage more transparency in this process. We also recommend that judges consider the conditions of people's lives when imposing specific EM conditions.

GUARANTEED SENTENCING CREDIT

Somewhat Successful

This reform requires judges to grant sentencing credit for every day spent on restrictive EM. **It has led to more frequent and consistent granting of sentencing credit for time spent on EM, but judicial discretion has hindered its impact.** We recommend that judges grant sentencing credit to people for every day that EM restricted their movement.

60-DAY REVIEWS

Unsuccessful

This reform requires judges to reconsider whether EM is necessary every 60 days after its imposition. **Judges do not hold substantive or systematic 60-day reviews for people on EM, as they are mandated to.** We recommend policy that requires judges to conduct mandatory reviews every 30 days and that implements maximum lengths of stay on EM and non-discretionary step-down procedures for people who demonstrate good conduct on EM.

HIGHER STANDARDS FOR RISK

Not Evaluated

This reform requires that a judge may only impose EM when no less restrictive conditions could mitigate risk of danger or willful flight. We did not evaluate the implementation of this reform.

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INTRODUCTION

Electronic monitoring (EM) refers to the use of technology, such as ankle bracelets and GPS tracking devices, to surveil individuals accused or convicted of crimes. People on EM may be required to stay confined to their residence all day or for specific hours of the day (“home confinement”)—in which case they may only leave for pre-approved movement—or they may be free to move except for specified locations (“exclusion zones”), according to court orders.¹ In Illinois, someone may be placed on EM pretrial, as a probationary sentence, for parole or mandatory supervised release, or other less common reasons.² Pretrial or otherwise, electronic monitoring causes a multitude of harms for its subjects as well as the service providers, advocates, and loved ones who support them in their legal cases and daily lives. In this report, we will provide an overview of these harms, which manifest on both individual and systemic levels, to give a better understanding of the context behind our research.

Cook County, Illinois stands as a national outlier for its tremendous reliance on electronic monitoring to track people awaiting trial. At any given time, thousands of people are confined and surveilled by one of Cook County’s two electronic monitoring programs—one run by the Cook County Sheriff’s Office, which (at the time of publication) is currently being phased out, and the other by the Office of the Chief Judge of Cook County—and this number has grown tremendously over the past decade.

This report is intended to shed light on the outcomes for Cook County residents of four major reforms to pretrial electronic monitoring ushered in by the Pretrial Fairness Act,³ which advocates hoped would relieve some of its harms. Through interviews with prior participants, attorneys, and advocates and quantitative analyses of data from multiple Cook County offices, we found that the success of each reform varies in practice. We recommend additional policy reforms and changes to implementation to improve their effectiveness. This is uniquely important as electronic monitoring in the county undergoes the significant change of phasing out the Sheriff’s program and referring all EM cases to the Chief Judge’s program.

LITERATURE REVIEW

A FALSE ALTERNATIVE TO INCARCERATION

Electronic monitoring has routinely been hailed as an alternative to incarceration, but, over time, research⁴ as well as lived experiences of monitored people have shown it to be a false alternative—and actually a form of incarceration itself.⁵ Although pretrial EM allows a person to spend their pretrial period in their home or the home of someone they know rather than in jail, many of the harms of physical incarceration are replicated by EM. Generally, people on EM are required to remain inside their residences for much, if not all, of the day with little to no permission to leave. Any permitted travel beyond the geographic boundaries of a monitored person’s program—either on a regular basis, such as for work, or for a single time, such as for a medical emergency—is referred to as “movement.” Typically, “movement” is granted on a case-by-case basis by the agency that administers the program. These people are not only stripped of their liberties but also of their privacy, as their location is tracked at all times,⁶ and some monitoring devices even listen to their surroundings.⁷

¹ CGL Companies, & Chicago Appleseed Center for Fair Courts. (2022). Electronic monitoring review: Cook County, Illinois: Final report – September 2022. Cook County Government. Retrieved from <https://www.chicagoappleseed.org/wp-content/uploads/2022/09/Cook-County-EM-Final-Report-08-31-22-v2.pdf>

² 730 ILCS 5/5-8A-3. Retrieved on July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=RIGHTS%20AND%20REME%20DIES&Chapter=CORRECTIONS&ActName=Unified%20Code%20of%20Corrections.&ActID=1999&ChapterID=55&ChapAct=730+ILCS+5%2F&SeqStart=37800000&SeqEnd=39200000>

³ Safety, Accountability, Fairness and Equity-Today (SAFE-T) Act, Public Act 101-0652. (2021). Retrieved from <https://www.ilga.gov/documents/legislation/publicacts/101/PDF/101-0652.pdf>

⁴ Schenwar, M. & Law, V. (2021). *Prison by any other name: the harmful consequences of popular reforms*. ISBN: 9781620976975. The New Press: New York, NY.

⁵ American Civil Liberties Union. (2022). Rethinking electronic monitoring: A harm reduction guide. Retrieved from <https://www.aclu.org/publications/rethinking-electronic-monitoring-harm-reduction-guide>

⁶ Weisburd, K. (2020). Sentenced to surveillance: Fourth Amendment limits on electronic monitoring. *North Carolina Law Review*, 98(4), 717-778. Retrieved from <https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=6783&context=nclr>

⁷ Zoukis, C. (2014, September 19). “Some GPS monitoring devices capable of audio recording.” *Prison Legal News*. Retrieved from <https://www.prisonlegalnews.org/news/2014/sep/19/some-gps-monitoring-devices-capable-audio-recording/>

Diminished liberties and privacy liken electronic monitoring to a form of incarceration rather than an alternative. Though these people may not be physically in a jail cell, they experience many of the same harms of incarcerated people as well as other unique harms. In many cases, electronic monitoring actually widens the net of the criminal legal system, the surveillance state, and the practice of incarceration. An investigation by the Prison Policy Initiative of two jurisdictions that had significantly increased their use of electronic monitoring found that such increases were not accompanied by comparable reductions in jail populations.⁸ This is likely a result of electronic monitoring being imposed in cases where individuals would have otherwise been released with fewer to no restrictions.

DETRIMENTAL TO MENTAL & PHYSICAL HEALTH

Electronic monitoring has been found to inflict immense psychological and physical harm on people subjected to it.⁹ In a 2021 survey of people currently or formerly on EM, conducted by the Immigration Justice Clinic at Cardozo Law School, 88% of people reported that wearing an ankle monitor negatively impacted their mental health, with a large majority experiencing symptoms of anxiety and sleep disruption.¹⁰ Individuals shared that their feelings of anxiety stemmed from the stigma that comes with wearing an ankle monitor, the awareness of being constantly surveilled, and the fear of being re-incarcerated. The study also found that 97% of its survey participants experienced social isolation as a result of EM; they named embarrassment and stigma as factors in their withdrawal from social contacts.¹¹

In addition to the psychological harms, EM poses numerous risks to the physical health of monitored people, such as the device causing open sores¹² or swelling.¹³ The Immigration Justice Clinic survey referenced above found that one in five participants had experienced electric shocks caused by the ankle monitor.¹⁴ Electronic monitoring also poses risks to physical health by severely restricting a person's access to healthcare. In medical emergencies, people subjected to electronic monitoring are often unable to gain quick movement approval, leaving them with no choice but to violate the conditions of their EM in order to get the care they need,¹⁵ which may result in re-arrest and even additional criminal charges. Furthermore, stringent rules regarding movement are particularly harmful to people with disabilities because they cannot easily travel to obtain the medical and mental healthcare they may need.¹⁶

PERPETUATING SYSTEMIC RACIAL INEQUITY

Electronic monitoring exacerbates race and class inequities and disproportionately harms people with disabilities.¹⁷ As with policing and incarceration, Black and Brown people experience disproportionate surveillance and punishment under electronic monitoring. Black people compose 30% of people on supervision nationally while only accounting for 13% of the United States population;¹⁸ in Cook County specifically, Black people compose less than a quarter of the county population¹⁹ but account for 70% of people in the Sheriff's EM program as of June 1, 2025.²⁰ Black and Latine people continue to experience disparate treatment throughout their time on electronic monitoring. A study of paroled people in New York found that correctional staff were more likely to cite Black and Latine people

⁸ Sanders, E. (2023, October 30). "Not an alternative: The myths, harms, and expansion of pretrial electronic monitoring." Prison Policy Initiative. Retrieved from https://www.prisonpolicy.org/blog/2023/10/30/electronic_monitoring/

⁹ Kilgore, J., Sanders E., & Hayes, M. (2019). *No more shackles: Ten arguments against pretrial electronic monitoring*. MediaJustice. Retrieved from https://mediajustice.org/wp-content/uploads/2020/04/NoMoreShackles_PretialReport_2019-final-draft.pdf

¹⁰ Giustini, T., Greisman, S., Markowitz, P. L., Rosen, A., Ross, Z., Whitfield, A., Fialho, C., Castle, B., & Kang, L. (2021). Immigration cyber prisons: Ending the use of electronic ankle shackles. *Benjamin N. Cardozo School of Law Online Publications*, 3. Retrieved from <https://larc.cardozo.yu.edu/faculty-online-pubs/3/>

¹¹ Id.

¹² *Supra* note 8.

¹³ Besinger, B., & Ryckman, S. (2021). Septic malleolar bursitis in a patient with an ankle electronic monitoring device: A case report. *Clinical Practice and Cases in Emergency Medicine*, 5(1), 97-100. Retrieved from <https://escholarship.org/uc/item/2165v83m>

¹⁴ *Supra* note 10.

¹⁵ *Supra* note 1.

¹⁶ *Supra* note 5.

¹⁷ *Supra* note 5.

¹⁸ Horowitz, J. & Utada, C. (2018, December 6). *Community supervision marked by racial and gender disparities*. The Pew Charitable Trusts. Retrieved from <https://www.pew.org/en/research-and-analysis/articles/2018/12/06/community-supervision-marked-by-racial-and-gender-disparities>

¹⁹ United States Census Bureau. (2024, July 1). *Quick facts: Cook County, Illinois*. Retrieved from <https://www.census.gov/quickfacts/fact/%20table/cookcountyillinois/PST045222>

²⁰ Cook County Sheriff's Office. (2025, June 1). *Sheriff's Daily Report: 6/1/2025*. Retrieved from https://cookcountysheriffil.gov/wp-content/uploads/2025/06/CCSO_BIU_CommunicationsCCDOC_v1_2025_06_01.pdf

for EM rule violations,²¹ resulting in higher rates of re-incarceration and life destabilization. Additionally, due to systemic factors like economic inequities and racial discrimination in housing and employment, the harms of EM tend to be more destabilizing for Black and Latine people generally.

AN INEFFECTIVE TOOL

Notably, electronic monitoring does not meaningfully reduce someone's likelihood of failing to appear at their court dates, being accused of committing another offense, or experiencing another arrest.²² In fact, the aforementioned harms and tight restrictions experienced by people on EM can directly cause rearrest: An analysis of pretrial EM in Los Angeles found that 94% of rearrests were due to technical program violations rather than new criminal cases.²³ According to the University of Chicago's Radical Innovation for Social Change (RISC) lab, which studies the Sheriff's EM program, over 80% of the alerts in 2021 were "false positive[s]," which required manual review and "threaten[ed] to distract [the Cook County Sheriff's Office] and call center staff from more serious alerts."²⁴ Thus, EM is not only ineffective but also counterproductive as a tool for preventing violations of pretrial release.

It's also expensive. From 2018 to 2025, the combined budget of Cook County's two EM programs increased from \$11.2 million to almost \$35 million.²⁵ In some jurisdictions, it costs thousands of dollars to operate EM technology on a single person for one year²⁶ – all while failing to decrease overall costs through reductions in jail populations, as explained above.²⁷ Across the United States, it is estimated that nearly 500,000 people were on some form of electronic monitoring in 2022, either through the criminal legal system or Immigration and Customs Enforcement (ICE).²⁸ The expansion of EM increases overall spending on surveillance and incarceration rather than community-based strategies proven to improve public safety.

BACKGROUND

PRETRIAL ELECTRONIC MONITORING IN COOK COUNTY

As of June 2025, almost 3,700 people were being electronically monitored in Cook County as they awaited their trials.²⁹ Down from a peak of more than 5,000 people on a given day in 2021,³⁰ this number represents one of the largest pretrial EM caseloads in any county or city in the United States.³¹ Cook County's reliance on EM to supervise people on pretrial release is unique, as most jurisdictions use other forms of community supervision for

²¹ Bradner, K. & Schiraldi, V. (2020, March 12). *Racial inequities in New York parole supervision*. Columbia University Justice Lab. Retrieved on July 7, 2025, from <https://justicelab.columbia.edu/content/racial-inequities-new-york-parole-supervision>

²² Anderson, C., Valentine, E., & Holman, D. (2023). *Assessing the effectiveness of pretrial special conditions: Full findings from the Pretrial Justice Collaborative*. MDRC. Retrieved from https://www.mdrc.org/sites/default/files/PIC_Special_Conditions.pdf; Wolff, K. Dozier, C., Muller, J., Mowry, M., & Hutchinson, B. (2017). The impact of location monitoring among U.S. pretrial defendants in the District of New Jersey. *Federal Probation*, 81(3), 8-14. Retrieved from https://www.uscourts.gov/sites/default/files/81_3_2_0.pdf; Hawken, A. & Kleiman, M. (2009). *Managing drug-involved probationers with swift and certain sanctions: Evaluating Hawaii's HOPE*. National Institute of Justice. Retrieved from <https://www.ojp.gov/pdffiles1/nij/grants/229023.pdf>

²³ Virani, A. (2022). *Pretrial electronic monitoring in Los Angeles County*. UCLA School of Law Criminal Justice Program. Retrieved from https://law.ucla.edu/sites/default/files/PDFs/Criminal_Justice_Program/Electronic_Monitoring_in_Los_Angeles_Report-FINAL.pdf

²⁴ University of Chicago's Radical Innovation for Social Change (RISC) Lab. (2021). *GPS EM location alert analysis Nov. 2021* [Slides]. Retrieved by Lucy Parsons Labs and accessed on April 17, 2025, from <https://www.documentcloud.org/documents/22052939-presentation-gps-em-location-alert-analysis-nov-2021/>; Chapman, M. & Frazier, N. (2022, June 9). "False alarms." *Chicago Reader*. Retrieved April 17, 2025, from <https://chicagoreader.com/news/false-alarms/>

²⁵ Preckwinkle, T. (2018). *Executive Budget Recommendation, Volume 2*. Cook County Board of Commissioners. Retrieved from https://opendocs.cookcountyil.gov/budget/archive/2018_Annual_Appropriation_Volume_2.pdf; *supra* note 37.

²⁶ Weisburd, K., Bhadha, V., Clauson, M., Elican, J., Kahn, F., Lawrenz, K., Pemberton, B., Ringler, R., Schaer, J., Sherman, M., & Wohlsdorf, S. (2021). Electronic prisons: The operation of ankle monitoring in the criminal legal system. *GWU Legal Studies Research Paper*, 41. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3930296

²⁷ *Supra* note 8.

²⁸ Zhang, J., Kang-Brown, J., & Kotler, A. (2024). *People on electronic monitoring*. Vera Institute. Retrieved from <https://www.vera.org/publications/people-on-electronic-monitoring>

²⁹ *Supra* note 19; Cook County Adult Probation Department. (n.d.). *Adult Probation Home Confinement Unit Pretrial Curfew population by charge type – 6/6/2025*. Retrieved June 17, 2025, from <https://www.cookcountycourt.org/department/adult-probation/adult-probation-department-research-statistics/electronic-monitoring>

³⁰ Cook County Office of the Chief Judge. (2023). *Circuit Court of Cook County Model Bond Court Dashboard*. Retrieved from [https://ocj-web-files.s3.us-east-2.amazonaws.com/documents/Q3-2023%20Data%20Dashboard%20\(Final\).pdf](https://ocj-web-files.s3.us-east-2.amazonaws.com/documents/Q3-2023%20Data%20Dashboard%20(Final).pdf)

³¹ *Supra* note 1.

“low-risk” people released until their trials.³² Also unique is the setup of pretrial electronic monitoring in Cook County. Unlike any other jurisdiction, Cook County has managed two distinct EM programs, one run by the Community Corrections Department of the Cook County Sheriff’s Office (“the Sheriff’s program”) and another run by the Home Confinement Unit in the Adult Probation Department of the Office of the Chief Judge of Cook County (“the Chief Judge’s program”). Although these programs are different, there has historically been no clear distinction about why or how someone gets placed into one program or the other.

ELECTRONIC MONITORING PROGRAMS IN COOK COUNTY	
Sheriff's Program Under Community Corrections	Chief Judge's Program Under Adult Probation
FY 2025 Budget: \$18,264,740	FY 2025 Budget: \$16,717,378
June 2025 Population: 1,263	June 2025 Population: 2,571

The harms inflicted on people on pretrial electronic monitoring are not only extreme but long-lasting: Accused people in Cook County often wait a long period of time for their trial, and they may spend most if not all of it on EM. We found that the median length of a felony trial case that had a trial between January 2023 and October 2024 was 22 months, and more than three-quarters of these cases lasted longer than a year.³³ Restrictive pretrial conditions such as electronic monitoring regularly pressure accused people to accept plea deals in order to avoid long wait times before their trial.³⁴

FIGURE 1 makes it clear that cases lasting more than two years have become increasingly common.

FIGURE 1:
LENGTH OF COOK COUNTY FELONY CASES RESULTING IN TRIAL BY DISPOSITION YEAR (2011-2024)

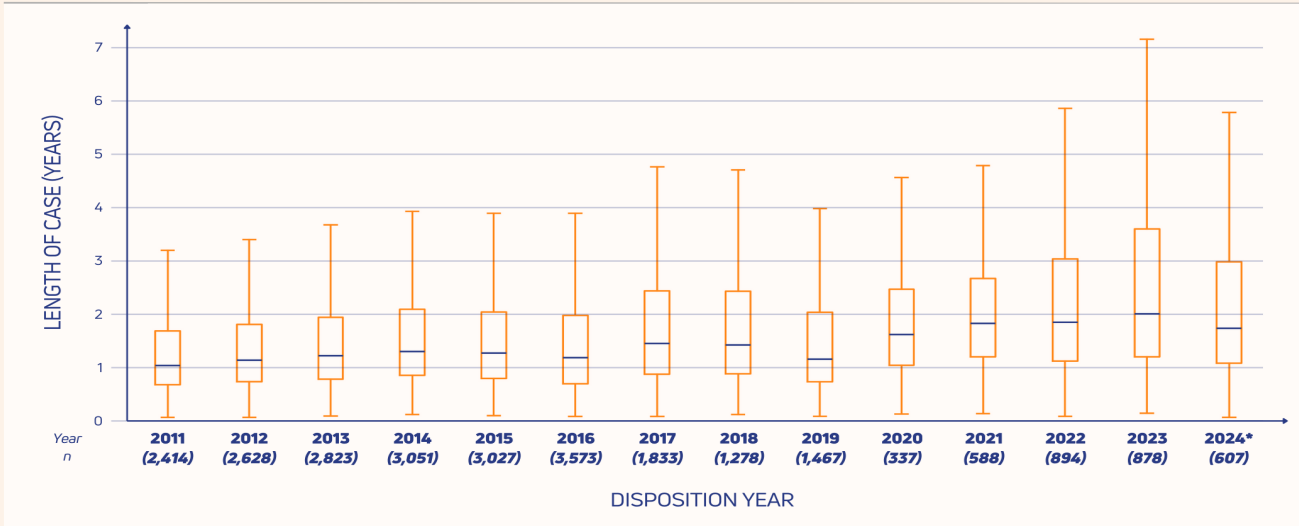


FIGURE 1: This box plot represents the distributions of the length (in years) of 25,398 felony cases prosecuted by the Cook County State’s Attorney’s Office that resulted in trials between 2011 and 2024, grouped by disposition year. The plot for 2024 only includes cases disposed between January and October 2024 because later data is not readily available.

³² Dholakia, N. (2024, January 30). *Electronic monitoring is an extension of mass incarceration*. Vera Institute of Justice. Retrieved from <https://www.vera.org/news/electronic-monitoring-is-an-extension-of-mass-incarceration>

³³ Cook County State’s Attorney’s Office. (2024, November 30). *Cook County Government Open Data – Cook County State’s Attorney’s Office’s Felony Dashboard: Dispositions*. Retrieved January 17, 2025, from https://datacatalog.cookcountyil.gov/Legal-Judicial/Dispositions/apwk-dzx8/about_data

³⁴ Mulcahy, S. (2025, April 10). “Sheriff to shutter electronic monitoring unit.” *Chicago Reader*. Retrieved from <https://chicagoreader.com/news/electronic-monitoring-cook-county-sheriff-judge/>

Although both of Cook County’s electronic monitoring programs experienced an incline in population in 2020, likely due to the COVID-19 pandemic, EM usage decreased in the months following the implementation of the Pretrial Fairness Act in September 2023, with the Sheriff’s program population continuing to decline even below pre-pandemic levels.³⁵ However, this trend has not continued; beginning in the last quarter of 2024, the total EM population has risen back to its levels before the Pretrial Fairness Act, with the Chief Judge’s program continuing to grow and surpassing the Sheriff’s program in size in early 2024.

FIGURE 2 visualizes the changing populations by program in greater detail.

FIGURE 2:
AVERAGE PRETRIAL ELECTRONIC MONITORING POPULATION IN COOK COUNTY BY QUARTER YEAR & PROGRAM (2018-2025)

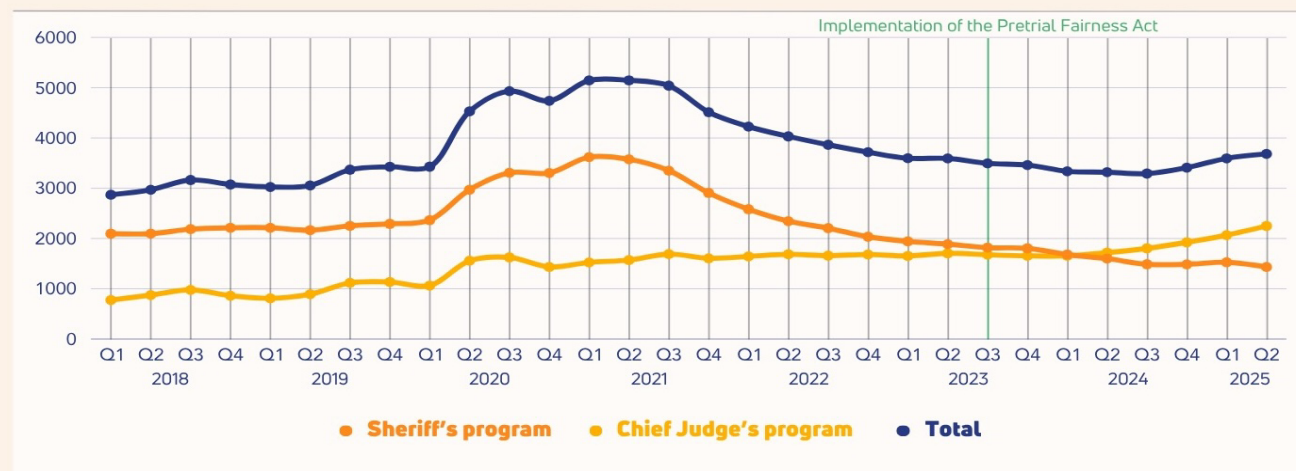


FIGURE 2: This line graph represents the average population on electronic monitoring in Cook County by program for each quarter year from Quarter 1 of 2018 to Quarter 2 of 2025. For the Sheriff’s program, the quarter-year average is the mean population of the first day of each month for which the data is available; for the Chief Judge’s program, the quarter-year average is the mean population across all days (aggregated by the Office of the Chief Judge) from 2018 to 2022 and the mean population of the first day of each month for which the data is available from 2023 to 2025.

SHERIFF’S PROGRAM

The Sheriff’s program—one of the first EM programs in the country—was created in 1989 as a tool to monitor people released from the Cook County Jail in response to a federal consent decree that required a reduction in crowding at the jail.³⁶ The Sheriff’s program has since become a fixture in the Circuit Court of Cook County’s pretrial operations: Over 300,000 people have been monitored since its inception,³⁷ and, as of June 2025, approximately 1,300 people were being surveilled.³⁸ The adopted budget for the electronic monitoring section of the Community Corrections Department was approximately \$26.6 million in 2024 and \$18.3 million in 2025.³⁹

Our analysis of data from the Sheriff’s Office, visualized in FIGURE 3, reflects changing charge demographics of people in the Sheriff’s program.⁴⁰ Drug-related charges, the most common charge category among EM participants

³⁵ Cook County Adult Probation Department. (2024, December 6). *Pretrial services weekly report: Electronic monitoring population demographics 12/6/2024*. Retrieved on July 21, 2025, from <https://www.cookcountycourt.org/departments/adult-probation/adult-probation-department-research-statistics/electronic-monitoring>; Cook County Sheriff’s Office. (2023). *OpenData archive*. Retrieved from <https://cookcountysheriffil.gov/data/>

³⁶ Buckley, M. (2024, December 23). “Electronic monitoring in Cook County: Officials poised to make changes but few details available.” *Chicago Tribune*. Retrieved from <https://www.chicagotribune.com/2024/12/23/electronic-monitoring-changes/>

³⁷ Cook County Sheriff’s Office. (n.d.). *Electronic monitoring program placement*. Retrieved December 19, 2024, from <https://cookcountysheriffil.gov/departments/electronic-monitoring-program/electronic-monitoring-program-placement/>

³⁸ Approximations of the average population of the Sheriff’s program from 2018 to 2025 might be a slight overestimate because they are based on totals of Community Corrections, of which the EM program is the largest segment but not the entirety of the population accounted for. However, these estimates are consistent with the Sheriff’s Office’s EM-specific population data. See Cook County Sheriff’s Office. (2024, November 30). *CCSO Electronic Monitoring Population – January 1, 2010, to November 30, 2024*. Retrieved from <https://cookcountysheriffil.gov/wp-content/uploads/2024/12/EM-Population-2010-2024.pdf>; *supra* note 19.

³⁹ Preckwinkle, T. (2025). 1232 Community Corrections Department. In *Fiscal 2025: Cook County Annual Appropriation Bill, Volume 2: Department Line Item* (pp. P-43–P-44). Cook County Board of Commissioners. Retrieved on July 23, 2025, from https://www.cookcountyil.gov/sites/g/files/wwpo161/files/documents/2025-02/Volume%20%20%20Adopted%202025_Web.pdf

⁴⁰ Data accessed from the Cook County Sheriff’s Office via Freedom of Information Act (FOIA) request.

in 2018 (20%), now trail behind firearm, person, and property charges at 7% of such cases. Firearm-related charges—gun possession rather than gun discharge, sale, or delivery in a large majority of cases⁴¹—have increased from accounting for 17% of cases in the Sheriff’s program in 2018, to 35% in 2020 then 37% in 2021, and held steady within that range through 2024.⁴²

CHIEF JUDGE’S PROGRAM

In 2009, a second pretrial EM program was established by the Adult Probation Department’s Home Confinement Unit (overseen by the Office of the Chief Judge) in response to the Cindy Bischof Law,⁴³ which authorized judges to order GPS monitoring for people charged with violating orders of protection.⁴⁴ The Home Confinement Unit expanded in 2012 to oversee curfew compliance for people sentenced to probation and people awaiting trial, introducing radio frequency (RF) technology in addition to GPS monitoring.⁴⁵ The Chief Judge’s EM program currently manages a population of more than 2,500 people.⁴⁶ The adopted budget for the Home Confinement Unit was \$12.2 million in 2024 and \$16.7 million in 2025.⁴⁷

On its website, the Adult Probation Department notes some differences between Cook County’s two EM programs.⁴⁸ First, the Chief Judge’s program orders its participants to report to pretrial officers, whereas the Sheriff’s program rarely does. Second, the Chief Judge’s program usually sets a curfew (e.g., 7:00 pm to 7:00 am), whereas the Sheriff’s program most often requires complete house arrest – 24-hour confinement – with some approved movement. Finally, people charged with domestic violence offenses or accused of violating protective orders have historically been assigned more often to the Chief Judge’s program.

As with the Sheriff’s program, gun possession cases represent a large proportion of people on the Chief Judge’s program as well: They accounted for almost one third of such cases in June 2025.⁴⁹ The increased reliance on EM for firearm charges reflects larger trends in the enforcement of gun possession in Cook County, the annual caseload for which has more than doubled since 2018, even as total arrests have decreased. Chicago Appleseed highlighted

FIGURE 3:

CHARGE CATEGORIES AS PERCENTAGES OF SHERIFF’S EM PROGRAM POPULATION BY BOOKING YEAR (2018-2024)

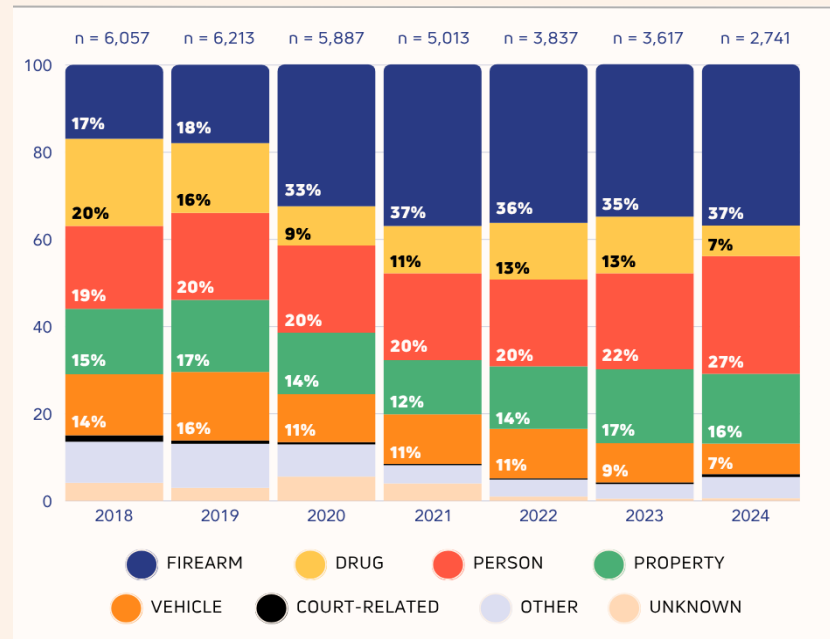


FIGURE 3: This bar graph represents charge categories as percentages of 33,365 cases in the Cook County Sheriff’s electronic monitoring program by booking year from 2018 to 2024.

⁴¹ Johnson, N., Segal, A., Simkin, M., Agnew, S., Butler, K., & Payton, B. (2024). *Punishing fear: The devastating impacts of the war on gun possession in Chicago*. Chicago Appleseed Center for Fair Courts. Retrieved from https://www.chicagoappleseed.org/wp-content/uploads/2024/10/20241030_Gun-Possession-Facts.pdf

⁴² Data analysis required our team to organize charges into categories; our decisions in that process may differ from categorizations reported by court actors.

⁴³ Cindy Bischof Law, Public Act 095-0773. (2009). Retrieved from <https://ilga.gov/documents/legislation/publicacts/95/095-0773.htm>

⁴⁴ Circuit Court of Cook County. (n.d.). *Adult Probation electronic monitoring program*. Retrieved February 13, 2025, from <https://www.cookcountycourt.org/departments/adult-probation/electronic-monitoring>

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Preckwinkle, T. (2025). 1280 Adult Probation Department. In *Fiscal 2025: Cook County Annual Appropriation Bill, Volume 2: Department Line Item* (pp. L-16–L-20). Cook County Board of Commissioners. Retrieved on July 23, 2025, from https://www.cookcountyl.gov/sites/g/files/yywepo161/files/documents/2025-02/Volume%202%2020Adopted%202025_Web.pdf

⁴⁸ Supra note 44.

⁴⁹ Cook County Adult Probation Department. (n.d.). *Adult Probation Home Confinement Unit Pretrial Curfew population by charge type – 6/6/2025*. Retrieved June 17, 2025, from https://ocj-web-files.s3.us-east-2.amazonaws.com/documents/20250606_Adult%20Probation%20Home%20Confinement%20Unit%20Pretrial%20Curfew%20Population%20by%20Charge%20Type.pdf?VersionId=g2YlnymHvWtIJQGH5ul6yo2107XS5nJ

the expansion of policing, prosecution, and punishment of gun possession over the past decade in our recently published report, *Punishing Fear: Facts about the War on Gun Possession in Chicago*.⁵⁰ Our mixed-methods analysis reflected that this “War on Guns” parallels and has come to overtake the War on Drugs in Cook County as an apparatus for controlling and incarcerating Black and Brown Chicagoans.

REFORMS TO ELECTRONIC MONITORING

Over the past five years, people have become increasingly aware of the pitfalls of pretrial electronic monitoring as its reach into people’s everyday lives has grown. This awareness, and decades of data backing up the concerns, ushered in some significant reforms to the system in Cook County and throughout the state of Illinois.

PROGRAM CONSOLIDATION IN COOK COUNTY

As stated above, Cook County is unique in that it has two duplicative pretrial EM programs. This is not a national best practice, nor is it seen in other jurisdictions throughout the country. Advocates have raised alarm bells about this situation for decades, and on November 21, 2024, the Cook County Board of Commissioners finally moved to change it by approving a budget that reallocated funding from the Sheriff’s Office’s budget into the Office of the Chief Judge’s budget,⁵¹ paving the way to consolidate the county’s two EM programs into one. This move was in part a response to a report commissioned by the Cook County Justice Advisory Council and co-authored by CGL Companies and Chicago Appleseed Center for Fair Courts in 2022.⁵² Researchers, advocates, and community members had similarly urged⁵³ Cook County to consolidate the two programs for years because of the harms reported by people subjected to the Sheriff’s program.⁵⁴ The consolidation began on April 1, 2025, with the Cook County Sheriff’s Office no longer being assigned new cases, but at the time of publication, there are still people who will remain under that program’s supervision until their cases are resolved. The consolidation of these two programs is an important reform for the people of Cook County, but because the timeline is unclear and because the research in this report was primarily conducted before the consolidation was announced, we will not comment on the effects of this change here.

ILLINOIS’ PRETRIAL FAIRNESS ACT

In February 2021, the Safety, Accountability, Fairness, and Equity-Today (SAFE-T) Act,⁵⁵ inclusive of the Pretrial Fairness Act, was signed into law in Illinois. The Pretrial Fairness Act led to the creation of an Office of Statewide Pretrial Services within the Administrative Office of the Illinois Courts⁵⁶ and, as of September 2023, abolished money bond and replaced it with a pretrial system where an accused person’s ability to pay is never a factor in pretrial detention, among other changes.⁵⁷ Under the new system, judges may deny pretrial release only if an accused person is facing one of the clearly delineated detention-eligible charges and poses a real and present threat to a specific person or community based on the specific articulable facts of the case, and/or is likely to evade prosecution; furthermore, pretrial conditions must be decided within 24 to 48 hours after arrest and must be reviewed at every court date.⁵⁸

The Pretrial Fairness Act also created substantial reforms to reduce the harm to and protect the rights of adults⁵⁹ subjected to EM in Illinois. While the Pretrial Fairness Act was not implemented in its entirety until September

⁵⁰ *Supra* note 41.

⁵¹ Quig, A. D. (2024, November 21). “Cook County budget passes without property tax or fee increases.” *Chicago Tribune*. Retrieved from <https://www.chicagotribune.com/2024/11/21/cook-county-budget-passes/>

⁵² *Supra* note 1.

⁵³ Agnew, S. (2022, September 22). “TESTIMONY: Comments against electronic surveillance at Cook County Board of Commissioners meetings.” Chicago Appleseed Center for Fair Courts. Retrieved from <https://www.chicagoappleseed.org/2022/09/22/cook-county-board-of-commissioners-testimony-against-electronic-surveillance/>

⁵⁴ James, P., Kilgore, J., Kirk, G., Mueller, G., Sanders, E., Staudt, S., & Jackson Wilson, L. (2022). *Cages without bars: Pretrial electronic monitoring across the United States*. Shriver Center on Poverty Law, MediaJustice, & Chicago Appleseed Center for Fair Courts. Retrieved from <https://www.chicagoappleseed.org/wp-content/uploads/2022/10/cages-without-bars-final.pdf>; *supra* note 1.

⁵⁵ *Supra* note 3.

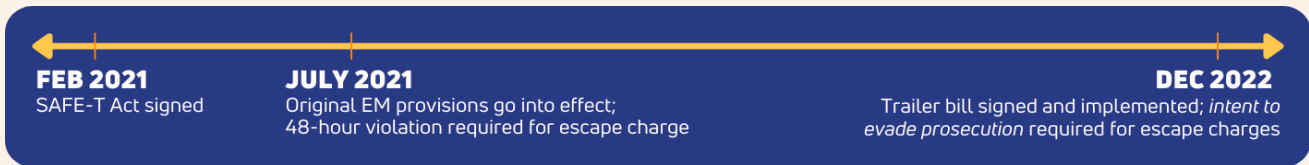
⁵⁶ Illinois Supreme Court. (2021, August 24). *Illinois Supreme Court unveils plans for future statewide pretrial system*. Retrieved from <https://www.illinoiscourts.gov/News/1002/Illinois-Supreme-Court-unveils-plans-for-future-statewide-pretrial-system/news-detail/>

⁵⁷ *Supra* note 3.

⁵⁸ 725 ILCS 5/110-6.1. Retrieved July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=&Chapter=&ActName%20=Code%20of%20Criminal%20Procedure%20of%201963.&ActID=1966&ChapterID=54&ChapAct=725+ILCS+5%2F&SeqStart=16900000&SeqEnd=19600000>

⁵⁹ These reforms do not apply to juvenile criminal cases; this report focuses only on adult cases for people on EM.

2023, the changes to EM went into effect in July 2021 and were revised in December 2022 when a trailer bill was passed.⁶⁰ Below, we summarize the reforms to EM.



Higher Standards for Risk

The Pretrial Fairness Act created higher standards for risk in judgments regarding pretrial EM. Now, to impose pretrial EM, a judge must decide that no less restrictive condition or combination of conditions would protect an identifiable person from imminent, serious physical harm or ensure the accused person's appearance at future court sessions. The court must also document in the record their basis for this decision.⁶¹ *We do not evaluate the implementation of this reform in the present report.*

Essential Movement

The Pretrial Fairness Act also guarantees periods of movement on at least two different days per week for people on EM. Unlike before the change in the law, this reform ensures that monitored people are able to complete essential tasks of daily living—such as grocery shopping, caring for themselves and their loved ones, and attending job interviews and medical appointments.⁶² In 2022, a trailer bill clarified that periods of essential movement must be “reasonable” lengths of time as determined by the court.⁶³

Mandatory 60-Day Reviews

This provision requires that judges re-evaluate the pretrial conditions imposed on people on EM every 60 days. If at any point less restrictive conditions would ensure the safety of an identifiable person or ensure the accused person's appearance in court, the conditions must be changed to remove them from electronic monitoring.⁶⁴

Higher Standards for Escape Charges

After the passage of the Pretrial Fairness Act in 2021, the law required a 48-hour waiting period before the State could charge someone on EM with “escape” for allegedly violating their movement conditions.⁶⁵ This provision was included because the devices used in electronic monitoring are notoriously faulty, meaning they often initiate false alerts.⁶⁶ In 2022, this was replaced with a charging requirement that the monitored person be accused of leaving their geographic boundary *knowingly* and “with the *intent* to evade prosecution.”⁶⁷

Guaranteed Sentencing Credit

Because of the Pretrial Fairness Act, courts are now required to provide sentencing credit to more people who spent time on EM before trial. If someone is convicted of a crime for which they were monitored pretrial, the court must grant them credit for every day they spent on EM that imposed “restrictions on liberty such as curfews restricting movement for 12 hours or more per day.”⁶⁸ This credit is applied toward any sentence imposed on them for that case.

⁶⁰ Public Act 102-1104. (2022). Retrieved from <https://www.ilga.gov/documents/legislation/publicacts/102/PDF/102-1104.pdf>

⁶¹ 725 ILCS 5/110-5(g) and (h). Retrieved on July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=&Chapter=%20&ActName=Code%20of%20Criminal%20Procedure%20of%201963.&ActID=1966&ChapterID=54&ChapAct=725+ILCS+5%2F&SeqStart=16900000&SeqEnd=19600000>

⁶² 730 ILCS 5/5-8A-4(A-1). Retrieved July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=RIGHTS%20AND%2020REMEDIES&Chapter=CORRECTIONS&ActName=Unified%20Code%20of%20Corrections.&ActID=1999&ChapterID=55&ChapAct=730+ILCS+5%2F&SeqStart=37800000&SeqEnd=39200000>

⁶³ *Supra* note 60.

⁶⁴ 725 ILCS 5/110-5(i). Retrieved on July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=&Chapter=&ActName=Code%20of%20Criminal%20Procedure%20of%201963.&ActID=1966&ChapterID=54&ChapAct=725+ILCS+5%2F&SeqStart=16900000&SeqEnd=19600000>

⁶⁵ *Supra* note 3.

⁶⁶ Chapman, M. & Frazier, N. (2022, June 9). “False alarms: A recurring trauma for many on house arrest in Cook County.” *The Triibe*. Retrieved from <https://thetriibe.com/2022/06/false-alarms-a-recurring-trauma-for-many-on-house-arrest-in-cook-county/>

⁶⁷ *Supra* note 60.

⁶⁸ 725 ILCS 5/5-4.5-100(b). Retrieved July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=RIGHTS%20AND%2020REMEDIES&Chapter=CORRECTIONS&ActName=Unified%20Code%20of%20Corrections.&ActID=1999&ChapterID=55&ChapAct=730+ILCS+5%2F&SeqStart=29200000&SeqEnd=31700000>

METHODOLOGY

We employed a mixed-methods approach to gain a comprehensive understanding of the impact of four Pretrial Fairness Act electronic monitoring reforms that went into effect in 2021 and 2022. We interviewed people directly impacted by EM and their service providers and analyzed quantitative data from the Cook County Sheriff's Office. We conducted 17 semi-structured interviews in November and December 2023 with four people formerly involved in the Sheriff's pretrial EM program, four people formerly involved in the Chief Judge's pretrial EM program, one prior participant of both EM programs, four defense attorneys and public defenders, and four service providers and advocates. Interviews were intentionally semi-structured to facilitate comparison among interviews while maintaining flexibility for new ideas and themes to emerge based on individuals' experiences. We created three interview guides: one geared toward directly impacted people, another toward attorneys, and a third toward service providers and advocates. Each interview was approximately an hour long and conducted via Zoom, and interviews were audio-recorded and later transcribed so interviewers could focus on building interpersonal rapport.

We conducted two rounds of coding using the flexible coding method,⁶⁹ which is well-suited for a study with limited background information. Through multiple iterative discussions, we identified overarching themes from the interviews and generated a series of analytic codes. Then, we used a qualitative data analysis platform to code interview excerpts based on the coding scheme we had developed; each interview was coded by two researchers to improve quality and consistency. The series of excerpts attributed to each code were then systematically reviewed and summarized, and excerpts that strongly demonstrated a code were identified. The summaries and excerpts collocated in this process became the basis for the findings discussed in the report.

Data from the Cook County Sheriff's Office was requested and analyzed under the Freedom of Information Act (FOIA),⁷⁰ which ensures the public's access to data from various public officials and offices in Illinois. We received data from the Sheriff's Office on the start and end date of each participant's EM period and all charges for which pretrial EM was imposed between 2018 and 2024. We also analyzed publicly available population data from the Sheriff's Office, the Office of the Chief Judge, and the State's Attorney's Office in Cook County.⁷¹

LIMITATIONS

The public has incredibly little access to data on the Chief Judge's electronic monitoring program because the judiciary is not subject to the Freedom of Information Act in Illinois.⁷² Because judicial officials are not required by law to respond to FOIA requests with the data requested, we could only rely on the limited data willfully and consistently published by the Office of the Chief Judge to track the population and trends of the Chief Judge's program. This will prove to be a greater hurdle once the Office of the Chief Judge solely manages all EM participants and presumably houses most relevant data. Furthermore, as of November 30, 2024, the Cook County State's Attorney's Office (CCSAO) has stopped updating data on their Felony Dashboard, which was created in 2019 because of former State's Attorney Kim Foxx's commitment to transparency,⁷³ so we only have data on the length of criminal cases and filing of escape charges through October 2024.

Additionally, interviews were conducted between November and December 2023, and did not include people who were on EM at the time. Finally, as noted above, this report does not discuss the consolidation of Cook County's

⁶⁹ Deterding, N. M. & Waters, M. C. (2018). Flexible coding of in-depth interviews: A twenty-first-century approach. *Sociological Methods & Research*, 50(2), 708-739. Retrieved from <https://doi.org/10.1177/0049124118799377>

⁷⁰ Freedom of Information Act, 5 ILCS 140. Retrieved on July 1, 2025, from <https://www.ilga.gov/Legislation/ILCS/Articles?ActID=85&ChapterID=2>

⁷¹ *Supra* note 33; Cook County Sheriff's Office. (2024, November 30). *CCSO Electronic Monitoring Population – January 1, 2010, to November 30, 2024*. Retrieved from <https://cookcountysheriffil.gov/wp-content/uploads/2024/12/EM-Population-2010-2024.pdf>; Cook County Office of the Chief Judge. (2023). *Circuit Court of Cook County Model Bond Court Dashboard*. Retrieved <https://www.cookcountycourt.org/departments/adult-probation/adult-probation-department-research-statistics>; Cook County Adult Probation Department. (2024, December 6). *Pretrial services weekly report: Electronic monitoring population demographics 12/6/2024*. Retrieved from <https://www.cookcountycourt.org/departments/adult-probation/adult-probation-department-research-statistics/electronic-monitoring>; Cook County State's Attorney's Office. (2024, November 30). *Cook County Government Open Data - Cook County State's Attorney's Office's Felony Dashboard: Initiation*. Retrieved March 5, 2025, from https://datacatalog.cookcountylil.gov/Legal-Judicial/Initiation/7mck-ehwz/about_data

⁷² *Supra* note 70.

⁷³ Hudson, W. (2019, May 29). "State's Attorney Kim Foxx goes public with crime data." *Citizen Newspaper Group*. Retrieved from <https://citizennewspapergroup.com/news/2019/may/29/states-attorney-kim-foxx-goes-public-crime-data/>

two EM programs (which began in April 2025) in great detail because this research was primarily conducted before the change took effect and the timeline is presently unclear. We will continue to monitor the impact of this change on EM in the coming years.

FINDINGS & RECOMMENDATIONS

This report discusses the impact in Cook County of four of five reforms to electronic monitoring ushered in by the passage of the Pretrial Fairness Act in Illinois. Below, we present our findings and recommendations related to these reforms – all of which went into effect in July 2021 with two revised in December 2022 – based on interviews and analyses of quantitative data.

ESSENTIAL MOVEMENT

In July 2021, the Pretrial Fairness Act ensured permission for people on pretrial EM to leave their homes at least twice per week in order to complete essential tasks of daily living and added more necessities to the list of approved reasons for movement. In December 2022, added language clarified that “days” means “a reasonable time period during a calendar day” as specified by the court order.⁷⁴ Our analysis sought to determine the scope and reach of the essential movement reform and identify circumstances where people on EM may still be unable to complete essential tasks. Because the process and most likely outcome of requesting movement vary greatly between Cook County’s two EM programs, we have separated our findings by program.

Before the Pretrial Fairness Act

SHERIFF’S PROGRAM

Interviewees explained that, prior to the essential movement reform, movement for people in the Sheriff’s program was typically authorized through a court order, which was a strenuous process that only granted accommodations for court dates, medical appointments, education, or employment. Movement requests for more basic tasks, such as taking the trash out or doing laundry, could be made only by calling the Sheriff’s Office and were not always granted. The Sheriff’s program also required people to re-submit their requests for movement every 30 days; this was a significant barrier for people on EM because it required an employer to fill out paperwork on a monthly basis. To request a change to one’s movement—for a changing work schedule, for example—an individual needed to submit a written request and verification documents at least 72 hours prior to the change. One attorney described the difficult process of gaining approved movement for clients: *“It required a huge amount of follow-up, a huge amount of documentation. . . it really was set up to make it as hard as possible to get movement without a court order, and sometimes with a court order.”*

Other attorneys and advocates similarly described the movement process of the Sheriff’s program to be very time-consuming because of poor communication and mismanagement of documents. These barriers placed unrepresented people at a huge disadvantage. Without an attorney with the capacity to facilitate obtaining a court order or communicate with pretrial officers, people who needed movement for essential tasks were often unable to receive approval. Moreover, receiving a court order did not guarantee one’s right to movement because, according to the attorney quoted above, *“court orders got lost all the time.”*

Although it was possible for participants to call the Sheriff’s Office and ask permission to complete basic tasks, the administration of rules was inconsistent. A person who spent time on EM said this of the Sheriff’s program:

Nobody knew the rules. Nobody knows anything. [...] I would get permission to take my trash out one day, and then a day later, a different person would go: “You’re not allowed to take out your trash, you were never allowed to take out your trash.” So, what rule I had to deal with that day really depended on who answered the phone that day. There was no real consistency.

This lack of clarity exacerbated the difficulties of participants because there was no reliable path to gain approval to complete essential tasks. The strenuous and inconsistent process for obtaining movement had devastating

⁷⁴ *Supra* note 60.

consequences for people in the Sheriff's program, as it hindered their capacity to care for themselves in basic ways. Another prior participant discussed these consequences:

I asked for permission to go to the grocery store so I could buy food for myself. That took three months. [...] I didn't have in-unit laundry. I don't know what I would have done to keep my clothes clean. I don't know how that would have looked. I had to have friends and family essentially do everything for me because I just couldn't do anything.

This same person also experienced a house visit from a police officer who accused them of “*sneaking out to take [their] trash out.*” Their experience echoes that of many participants of the Sheriff's program before 2021. Under stringent conditions and a poorly managed system of movement review, many monitored people were unable to complete basic, essential tasks without the support and labor of their loved ones:

I [was] dependent on people. . .having to kiss a lot of butt, you know, basically dealing with a lot of people and things I didn't want to deal with because I knew that I needed things done. [...] The 'essential movement,' man, would've helped me so much.

The Sheriff's limits on movement placed a burden on people's communities of support or, if no one was willing and able to help them, required they live for months without essential items such as groceries, medication, or cleaning supplies. This was not only inconvenient but, for some, even damaging to their health. One prior participant noted that “*even when you're locked up in jail, you get the option of commissary, meaning you can have access to hygiene and get things that you need just to survive.*” On electronic monitoring, another form of incarceration, accused people are not guaranteed essential supplies and face significant barriers to accessing them.

CHIEF JUDGE'S PROGRAM

Before the implementation of the reforms, the Chief Judge's EM program utilized a case management model where participants in the program were paired with a pretrial officer and primarily communicated movement requests with that officer. According to interviewees familiar with both programs, this model provided greater access to movement than the Sheriff's program because it facilitated the process and created a way for participants to advocate for themselves. Two attorneys felt that the case management system was preferable for attorneys and their clients: “*It was a lot easier. . .because you had that person that you could call, it wasn't a different person answering the phone every time like the Sheriff's EM [program].*”

A second attorney, interviewed separately, agreed and stated:

The attorneys preferred [the Chief Judge's program] because they didn't have all the arbitrary rules that the Cook County Sheriff's Department would have. . .it's easier to navigate the waters of Pretrial Services and [get] your client movement. It was much better versus with the Sheriff's Department that came up with excuse after excuse after excuse as to why they could not grant somebody movement.

These testimonies highlight the importance of consistency and demystification. Participants in the Chief Judge's program were more successful in obtaining movement because the process was stable and communication was clear. Communicating long-term with the same pretrial officer might have made it easier for the officer to understand why participants needed the movement they were requesting:

[Participants in the Chief Judge's program] have a specific pretrial officer that they check in with regularly, so they can call that person and say, “hey, I know my curfew is. . .7:00 to 7:00, but I need to work on this day until 8:00 pm, so I won't get home until 8:30,” and the pretrial officer could approve that movement without a court order.

Under the Pretrial Fairness Act

SHERIFF'S PROGRAM

The essential movement reform was especially consequential for participants of the Sheriff's program. A service provider discussed the shift they observed as a result of the change:

It's definitely improved the quality of life [for accused people on EM]. I know that people are thrilled to be

able to walk their kids to school two days out the week and pick them up from school two days out the week, [or] go to the grocery store [or] go get a haircut.

People are now *"able to grocery shop and go to job interviews and [do] everything that they previously were not able to do,"* according to one advocate, improving their capacity to maintain stability as their criminal case progresses. Unfortunately, our findings show that, even after the implementation of the essential movement reform, obtaining and maintaining additional movement beyond the guaranteed two days per week has continued to be incredibly difficult for people in the Sheriff's program. The Sheriff requires participants to reapply for movement every 30 days through an onerous application process. A defense attorney we interviewed discussed how their client had submitted the required paperwork every 30 days and been approved for work-related movement every time until, in November 2023, the Sheriff's Office suddenly denied his request:

I have a client who just lost his job. [...] He'd been there for two years. [...] [and] had been getting movement for work. [...] until right before Thanksgiving. They didn't approve his most recent submission of his work schedule. [...] and now [his employer] fired him even though he had been, like, a star employee, but because he had too long where he wasn't approved to go to work, [his employer] fired him.

The Sheriff's Office provided no clear explanation as to why they revoked this participant's movement after months of consistent approval. The same attorney described this as an ongoing pattern: *"It's pretty difficult for my clients to independently get approval for movement, even when it's enumerated in the law, like work."* For participants of the Sheriff's program, for whom movement was inaccessible prior to the reform, the Pretrial Fairness Act has failed to guarantee their capacity to attend work regularly, especially for those with long commutes:

A lot of the people I work with, they have. [...] factory jobs and stuff and so they start really, really early. Sometimes folks are getting on the bus at like five in the morning to get to their jobs. [...] Any extension of the [movement] time. [...] would be really valuable for people.

Technical issues with devices and administrative errors made by the Cook County Sheriff's Office have apparently hindered the success of the essential movement reform. We spoke with someone who was falsely accused of violating their EM conditions while at their approved place of employment:

[Police] came to my job one day thinking. [...] I wasn't supposed to be outside or whatever. And I'm like: "Bro, like, y'all can't come in, I work at a [...] school. [...] [and] all these little kids, they see. [...] y'all badges [and] guns out looking for me." [...] They was loud. [...] and my boss is telling them like: "Why's y'all out here like, we know exactly what he's going through. [...] he's working," like, "why are y'all looking for him?" and [the officers] were trying to make somebody take me to jail.

Despite taking every necessary precaution to secure movement for work, this person was harassed, threatened, and humiliated in front of colleagues and students. We were told by another prior participant that they got fired because CCSO officers were harassing them at work due to signal issues:

I lost [my] job because of EM, because they kept coming into [my job] saying, when I was at work: "We don't have a signal, we don't have service." I work in a warehouse—I don't think you're gonna have a signal in a big warehouse—so they would have me stop working and go outside. I had to do that every day and go outside in a job where. [...] you can't get off the line, so I lost the job because of EM.

Another interviewee who lost their job after repeated difficulties with the Sheriff's Office expressed that it would be *"way easier to make money moving weight [selling or delivering controlled substances] than it would be to get a job and go to work"* because of movement restrictions. The very purpose of EM, in theory, is to enable people to contribute to their communities while being monitored by the state; if they are not able to maintain employment while on EM, then the program is not successful.

Gaining approval for movement remains difficult for people in the Sheriff's program, but the essential movement reform has reduced the amount of time defense attorneys devote to these requests, resulting in them spending more time on other elements of their clients' cases. According to a public defense attorney, once the reform went into effect: *"We got less phone calls about needing movement. [...] because now they [already] have the opportunity to go get groceries or to even go to the laundromat."* However, these continued inconsistencies and the poor management by the Sheriff's Office mean that attorneys still often need to act as intermediaries to advocate for movement for their clients, which takes time away from preparing for hearings and trials.

CHIEF JUDGE'S PROGRAM

According to our interviews, the Chief Judge's program did not change much as a result of the essential movement reform. Unlike the Sheriff's program, the Chief Judge's system of granting movement was fairly accessible prior to the Pretrial Fairness Act. Still, the reform improved the program's flexibility in granting movement, as participants are now allowed to choose the two days they will be guaranteed movement each week based on their needs. The people most in need of the Pretrial Fairness Act's essential movement provision were those on 24-hour house arrest, required to stay at home all day, every day. All three such participants we interviewed explained that their difficulty in gaining movement was removed after the implementation of the essential movement reform.

A NOTE ON MENTAL HEALTH & STIGMA

Though multiple interviewees shared that the essential movement reform has improved their mental health by reducing barriers to caring for themselves and their reliance on other people, the shame and isolation of EM remain for many:

I was given [essential movement] in February 2022. That's when I was given the right to make my own choices the day I wish to go out at least twice a week, but [by] then the stigma I had restricted me from having the urge to go out.

Another explained:

I felt depressed because. . .that was the worst experience of my life. [...] I felt like my whole rights were being taken away from me. I felt like. . .there was nothing to live for the whole time. [...] The shame that it brought me was something that I thought I would never recover from.

This reform has provided relief for people subjected to pretrial electronic monitoring, but it has not eliminated the trauma inherent to the experience.

Recommendations

Effectively and transparently consolidate Cook County's pretrial electronic monitoring programs into one program managed by the Office of the Chief Judge. The consolidation of these two programs is an important reform,⁷⁵ but the timeline for the transition is unclear. The reallocation of funds from the Sheriff's Office to the Office of the Chief Judge is a big step toward phasing out the Sheriff's EM program, but there are still people who remain in the program currently and will for an unclear period of time.⁷⁶ Since the Chief Judge's program is better administered to provide people with a more predictably navigable system for movement requests and approvals, this consolidation will likely improve people's access to movement while on EM. Furthermore, Chief Judge Evans could help improve transparency around the transition, in part, by regularly releasing data on the number of people on EM, how long they're monitored, and what charges they face. It's important that Chief Judge Evans release this data willingly and proactively given that his office is not subject to the Freedom of Information Act.⁷⁷

The Chief Judge's program should continue its flexible administration of movement requests and should continue its one-on-one case management model. As the Chief Judge comes to manage all pretrial EM in Cook County, we anticipate the size of the program increasing dramatically. We encourage the Office of the Chief Judge to maintain its individualized case management model as the number of people they monitor increases, because the need for consistent, time-sensitive responses to movement requests will only increase with a larger group of monitored people.

Judges should take the conditions of people's personal lives into account in deciding their EM conditions. People who have caregiving responsibilities, for instance, should be given less restrictive electronic monitoring conditions.

⁷⁵ *Supra* note 1.

⁷⁶ *Supra* note 51.

⁷⁷ *Supra* note 70; Judicial Privacy Act, 705 ILCS 90. Retrieved July 1, 2025, from <https://www.ilga.gov/Legislation/ILCS/Articles??DocName=&ActID=3418&ChapterID=50&SeqStart=100000&SeqEnd=500000&Print=True>

As one community-based support provider explained: *"If somebody [the accused person] care[s] for has medical issues that [require] them to be coming and making constant requests for movement and there's evidence of that, that should be taken into consideration."*

60-DAY REVIEW

As of July 2021, the Pretrial Fairness Act requires judges to reconsider the imposition of electronic monitoring every 60 days and reduce conditions (or release participants from EM entirely) if less restrictive conditions could ensure their appearance in court without concern for the safety of others. Our research sought to determine whether people on EM are receiving prompt, thorough, and systematic 60-day reviews that result in fair outcomes and whether the average length of stay on EM has decreased since this reform was implemented.

Before the Pretrial Fairness Act

Prior to the Pretrial Fairness Act, there were rarely viable means for people on pretrial electronic monitoring to have their EM conditions reconsidered. When asked about the frequency of judges reconsidering conditions before the 2021 reforms, we were told by one attorney: *"Never, never, never. I mean, we had maybe a handful of people move to, you know, get off of the monitoring, but [judges] never do it sua sponte [voluntarily]."*

To have an EM order reconsidered before the Pretrial Fairness Act, attorneys needed to file a motion, and respondents recall that defense attorneys rarely did so. Before the reform, reconsidering a person's EM order reopened a person's bond case, which meant that all pretrial conditions options were on the table, including incarceration, so filing such a motion was risky. As one defense attorney explained:

There were judges who would vindictively say: "Well, now you've reopened the question of bond, I'm going to shoot a money bond up and this person is now held in custody." [...] There were only a small number of cases in which I did have reconsideration for electronic monitoring. . .it just wasn't a legally safe thing to do.

Under the Pretrial Fairness Act

Overall, the 60-day review reform has not been effective in increasing the frequency of reconsideration of electronic monitoring. Despite the statute requiring them to do so, many public defenders we interviewed affirmed that judges are not proactively conducting 60-day reviews, or at least not in any systematic way. One interviewee who was monitored by the Sheriff's program in 2022-2023 for over a year affirmed this claim, telling us that they had never even heard of the 60-day review requirement.

Even in cases where attorneys remind judges to reconsider their client's case after 60 days, judges often treat the reconsideration as a formality rather than a substantive hearing that could change pretrial conditions. As one attorney explained:

I can say, "judge, we've not done an electronic monitoring review, it's supposed to be done every 60 days," and they'll go, "okay," and they'll put something on the record. It'll take like 30 seconds, and. . . sometimes they'll ask the State to [argue] the facts again, and they'll go, "okay, reviewing the facts, and all things considered, I'm determining that it's still necessary for [the defendant] to remain on electronic monitoring." And like, that's the review. It's not like a big hearing.

The nature of charges that routinely result in pretrial EM may play into judges' decision-making processes. Gun-related offenses, for example, make up one-third of people on pretrial EM in Cook County and are treated by judges with extreme caution, despite the fact that the majority of gun-related charges are nonviolent possession charges. As one defense attorney shared: *"All the judges are just all very afraid of gun cases, and so they will just mostly keep them on [EM]."* Judges' concerns about their reputations likely play a role, according to one defense attorney:

I think judges are very reluctant to release somebody who's charged with a serious offense. . .because they're afraid that if they do release them, and that person commits another offense while they're out, that it's going to reflect poorly on the judge.

In some cases, when judges did not proactively conduct a 60-day review, the defense has decided not to pursue it because of how removal from EM would reduce the amount of sentencing credit their client would receive if they were found guilty. One defense attorney noted:

I always. . .caution [clients], like, "hey, but if you're off [EM], you're not accruing any jail time credit." [...] So it was typically only people who weren't satisfied with. . .the movement, where they lived in a. . .place where they just need to get out every once in a while and they weren't able to do so. They were just like, "I need to get off electronic monitoring."

Similarly to pretrial detention, electronic monitoring increases the likelihood that an accused person will plead guilty to charges. As in the example above, many accused people would prefer to be removed from EM than to accrue sentencing credit because electronic monitoring is so restrictive; it is critical that attorneys do not make assumptions about their clients' priorities. The sentencing credit reform, its impact on judicial and attorney behavior, and our recommendations for improvement are the subject of a future section.

FIGURE 4:

PERCENTAGE OF PEOPLE RELEASED FROM THE SHERIFF'S EM PROGRAM WITHIN X DAYS BY BOOKING YEAR (2019-2024)

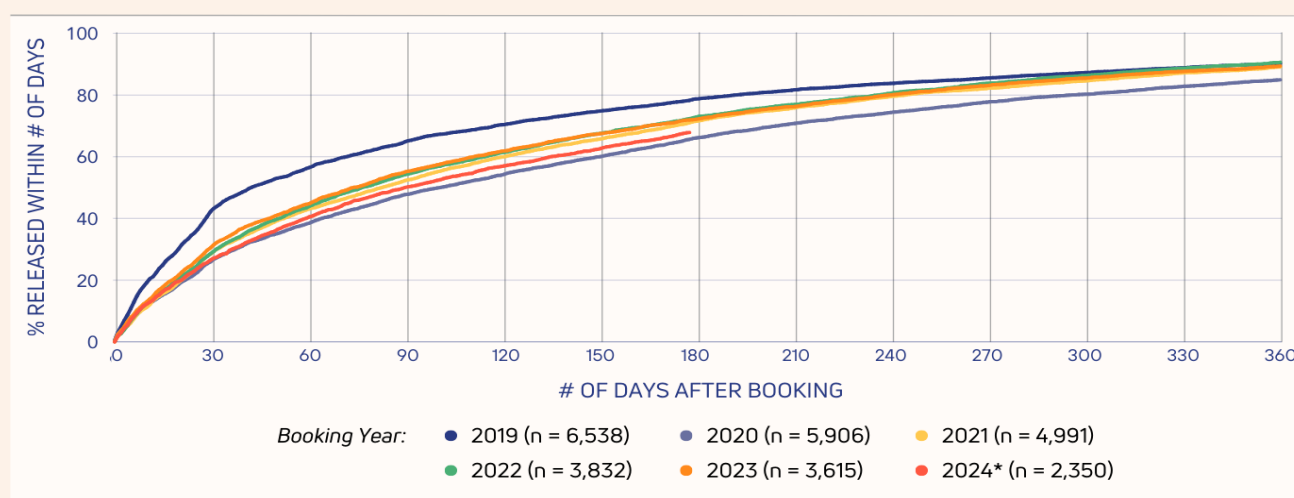


FIGURE 4: This line graph estimates the cumulative distribution functions of release for 23,140 participants in the Cook County Sheriff's EM program as a function of length of time on EM, grouped by booking year. Note that only bookings between January and October were included for 2024 to be able to ensure at least 180 days after booking for the data available. Also, we used the amount of time before someone's initial release and did not take into account subsequent placement on EM for violations of pretrial conditions.

Quantitative analysis of records from the Sheriff's program also reveal the minimal effectiveness of the 60-day review reform. **FIGURE 4** visualizes the probability distribution of length of stay in the Sheriff's program, grouped by booking year for 2019 through 2024. That is, the horizontal axis represents length of stay in days up to one year, and the vertical axis identifies the percentage of EM participants (of each booking year) released in that number of days or fewer. As the figure depicts, there was a large shift between 2019 and 2020 where people in the Sheriff's program were more likely to stay on EM much longer; in fact, the median amount of time increased from less than 60 days to nearly 4 months. Since then, that amount of time has never returned to its pre-2020 distribution. If 60-day reviews were regularly resulting in the release of participants from EM, we would expect to see a sharp increase in the percentage of people released around the 60-day mark for participants booked in 2022 or 2023, which we do not. Though on average people are spending less time on EM since the implementation of the Pretrial Fairness Act, this change likely reflects a gradual return to pre-pandemic EM timeframes. It is important to note that this analysis is unable to identify people who were moved from one EM program to the other rather than released from EM entirely.

Recommendations

Require judges to review electronic monitoring conditions every 30 days rather than every 60 days. Three interviewees noted to us the need to shorten the time between reviews. During the pretrial period, accused people are regularly ordered to appear before a judge, so reviewing EM conditions every 30 days would not be burdensome

on judges. One defense attorney pointed to juvenile court as a reference, where reviews are conducted every 30 days for pretrial detention or EM and are more often substantive considerations.

In juvenile court, they do these reviews every 30 days for detention or electronic monitoring, and it's different how they do it in juvenile court. And so maybe that could be looked at as an example of how these reviews should actually be conducted, because. . . I feel like they're making more critical decisions about actually looking at how the client's been doing while they've been on electronic monitoring.

Develop and implement strict rules with maximum lengths of stay on EM based on details of the case in order to mitigate the impact judicial discretion may have on the fates of people subjected to pretrial EM. According to one former defense attorney:

Ultimately, we need bright-line rules that say: "If you're charged with 'x' charge that's significantly low-level, electronic monitoring is not an option," and let's say, you know, "electronic monitoring is. . . limited to 'x' amount of time. . . with a different default [for different types of charges]."

The Pretrial Fairness Act already set a maximum length of time for which someone may be detained before their trial: 90 days, excluding continuances by the State with good cause shown or by the defendant.⁷⁸ We recommend that a maximum length of stay be established for EM as well, given that it replicates many harms of pretrial detention.

Develop and implement a non-discretionary step-down process for EM participants who demonstrate good conduct. In these cases, EM conditions should be automatically decreased and then eliminated without judicial approval. The public defender who made this recommendation explained:

I think if [people on EM] show high levels of. . . successful compliance, like they don't have any violations or anything like that, then maybe after 60 days they can be stepped down from [being on EM] to just being on a curfew. . . and [if] they still haven't had any, you know, incidents or situations, then just take them off completely.

A built-in process of this kind is beneficial because it systematizes and automates the review process, while also incentivizing people to continue following restrictions – even when it is isolating, traumatizing, or stressful – to achieve the guaranteed reduction in their conditions.

ESCAPE CHARGES

In Illinois, a person on electronic monitoring who “knowingly escapes or leaves from the geographic boundaries” set by their program may be charged with “escape.” The class of their escape charge depends on the primary charge of their case.⁷⁹ People on EM for a felony charge may be charged with Class 3 felony escape, punishable by probation or 2 to 5 years in prison.⁸⁰ If someone on EM for misdemeanor charges does the same, they may face a Class B misdemeanor escape charge, eligible for up to six months in prison.⁸¹ Regardless of the underlying charge, an individual armed with a dangerous weapon upon alleged “escape” is subject to a Class 1 felony escape charge, punishable by 4 to 15 years in prison.⁸² The first version of the Pretrial Fairness Act’s escape charge reform, which was implemented in July 2021, required that individuals “remain [absent without leave] from electronic monitoring for at least 48 hours” before the State could file an escape charge.⁸³ This policy was in effect until December 2022, at which point the 48-hour requirement was removed and replaced with language requiring the State to prove that an EM participant “knowingly escape[d] with the intent to evade prosecution” in order to charge them with escape.⁸⁴

⁷⁸ 725 ILCS 5/110-6.1(i). Retrieved July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=&Chapter=&%20ActName=Code%20of%20Criminal%20Procedure%20of%201963.&ActID=1966&ChapterID=54&ChapAct=725+ILCS+5%2F&SeqStart=16900000&SeqEnd=19600000>

⁷⁹ 730 ILCS 5/5-8A-4.1. Retrieved July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=RIGHTS%20AND%20REM%20EDIES&Chapter=CORRECTIONS&ActName=Unified%20Code%20of%20Corrections.&ActID=1999&ChapterID=55&ChapAct=730+ILCS+5%2F&SeqStart=37800000&SeqEnd=39200000>

⁸⁰ Id.

⁸¹ Id.

⁸² Id.

⁸³ *Supra* note 3.

⁸⁴ *Supra* note 60.

Prior to the reform, individuals on electronic monitoring in Cook County were regularly charged with escape—often in cases where it was inappropriate, unjustified, or inaccurate. People may be charged with “escape” for violating conditions of their pretrial release, such as entering an exclusion zone or arriving home after their curfew.⁸⁵ Often, escape charges were incurred because prosecutors and judges failed to consider the context in which an accused person left their home. In some cases, people violated the geographic boundaries of their EM conditions to complete essential tasks, or to care for themselves or family members. An illustrative scenario was provided as an anecdote by a service provider, where a mitigating circumstance of fleeing for the safety of a child did not preclude them from being charged with or convicted of escape:

There was one woman who, well, [when] she ran away from the monitor. . .she took one of her kids with her because the child was being abused in the home. [...] She ended up getting an escape charge, but then she ended up getting a kidnapping charge [too]. . .then she got banned from the state where her child lived.

Additionally, the monitoring devices used in both the Sheriff’s and the Chief Judge’s EM programs are known to experience technological malfunctions that trigger inaccurate violations. According to the Radical Innovation for Social Change (RISC) research lab at the University of Chicago, more than 80% of the alerts sent to the CCSO are “false positives.”⁸⁶ Someone who spent time in the Sheriff’s program commented:

I even had multiple sheriffs come to the house and go: “Hey, [the technology is] thinking that you’re across the street, but we’re in the room with you, so we see that you didn’t leave. Your monitor’s just funky, and also the weather is bad.”

Before the reform, these false alarms contributed greatly to the high volume of escape charges. For example, a policy expert relayed the experience of someone falsely convicted of escape:

The story about the appeal that came down, earlier this year I think, for someone who was charged with escape and given a 10-year sentence because he went and took a shower in his sister’s apartment—which was in the same apartment building as the [GPS inclusion] zone—and then returned to his apartment, and they charged him with felony escape.

Although this individual was found not guilty of the underlying drug charges of his case, he was found guilty of an escape charge and received a 10-year sentence.⁸⁷ By the time a unanimous panel of judges overturned the escape conviction in 2023, he had served five years in prison—the entire sentence of the underlying charge for which he was found not guilty.

Along with the risk of an escape charge, these false alerts have led to many traumatic experiences for people on EM and their families. One person who spent time in the Sheriff’s program described a terrifying experience when an officer arrived at their home for a false alert:

The monitor was actually defective or something because I never left the house. . .[but] I got handcuffed and put on my kid’s bed like I tried to escape. It was crazy. I was literally sleeping in my bed. So you know, it’s crazy—like, what the heck? My kid’s got school in the morning.

Charging people with escape can be a coercive mechanism employed by prosecutors to elicit a guilty plea. According to a former defense attorney:

Escape charges, because they were cases that you picked up while you were out on bond, were required to be run consecutively with your underlying case, which means that instead of just having an extra charge

⁸⁵ 730 ILCS 5/5-8A-4.15. Retrieved July 1, 2025, from <https://www.ilga.gov/legislation/ILCS/details?MajorTopic=RIGHTS%20%20AND%20REMEDIES&Chapter=CORRECTIONS&ActName=Unified%20Code%20of%20Corrections.&ActID=1999&ChapterID=55&ChapAct=730+ILCS+5%2F&SeqStart=37800000&SeqEnd=39200000>

⁸⁶ *Supra* note 65; Mulcahy, S. (2025, February 5). “Economics gone wild.” *Chicago Reader*. Retrieved May 2, 2025, from <https://chicagoreader.com/news/electronic-monitoring-steven-levitt-freakonomics/>

⁸⁷ Mitchell, C. (2023). “Cook County Sheriff Tom Dart’s electronic monitoring rules are ambiguous, an appeals court finds.” *WBEZ Chicago*. Retrieved from <https://www.wbez.org/criminal-justice/2023/04/20/cook-county-electronic-monitoring-rules-unclear-court>

that then would be negotiated away in a plea deal. . you were stacking – you're basically adding a mandatory jail[ing] to the prison term. . on top of whatever you were facing in your underlying case.

Consequently, prosecutors were often able to get individuals on EM to plead guilty to underlying charges by offering to drop the escape charges. The former defense attorney quoted above went on to call the escape charges “an incredibly potent bargaining chip for state's attorneys because consecutive sentencing is so punishing.”

Under the Pretrial Fairness Act

Escape charges have become much rarer under the Pretrial Fairness Act, which required a 48-hour waiting period before prosecutors could charge someone on EM with escape, and a trailer bill to the Pretrial Fairness Act, which increased the of proof for the charge. We evaluated the effectiveness of this reform in reducing the quantity of escape charges, especially for EM participants who do not intend to evade prosecution. Following a gradual increase in felony escape charges filed over five years, the number of such charges filed by the CCSAO decreased significantly in 2021, when this reform was initially implemented, and then again in 2022.

FIGURE 5 shows how, in 2023, just over 100 escape charges were filed in contrast to more than 500 only three years earlier.⁸⁸

FIGURE 5:

FELONY ESCAPE CHARGES FILED BY THE COOK COUNTY STATE'S ATTORNEY'S OFFICE BY YEAR (2012-2024)

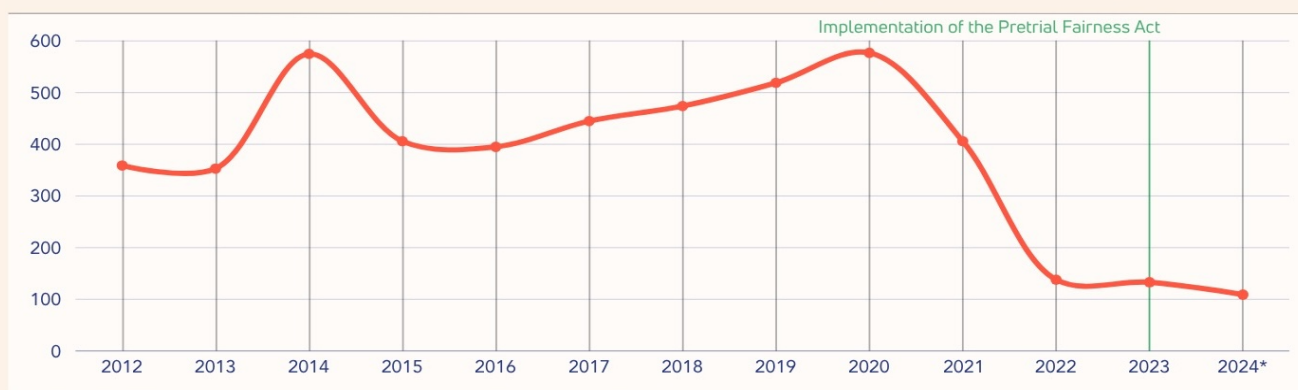


FIGURE 5: This line graph represents the number of felony escape charges filed by the Cook County State's Attorney's Office (CCSAO) each year from 2012 to 2024. This data is only readily available through October 2024 because, as of the time of publication, the CCSAO has stopped updating their Felony Dashboard. We used the fact that 14% of escape charges were filed in November or December from 2012 to 2023 to predict the year-end count for 2024.

A service provider mentioned the noticeable impacts that this reform has had, noting that they “think it’s working” because they “don’t see people coming in with escape charges anymore.” Similarly, a defense attorney noted that their clients now receive very few escape charges compared to “before, [when] it was just arbitrary.” Although this reform has reduced escape charges that often result from false alerts, it does not prevent the burdens that policing strategies impose on monitored people.

A NOTE ON REPORTS OF CRIME & VIOLENCE

It is worth noting that reports of neither violence nor crime have increased since the implementation of this reform in Illinois.⁸⁹ In fact, 2025 is poised to be the fourth year in a row that overall reports of violent crime in Chicago have declined, with a “nearly 40% decline in overall shootings” compared to the first six

⁸⁸ Cook County State's Attorney's Office. (2024, November 30). *Cook County Government Open Data - Cook County State's Attorney's Office's Felony Dashboard: Initiation*. Retrieved March 5, 2025, from https://datacatalog.cookcountyl.gov/Legal-Judicial/Initiation/7mck-ehwz/about_data

⁸⁹ Griffin, P., DuPont, B., Stemen, D., Olson, D., & Ward, A. (2024). *The first year of the Pretrial Fairness Act*. Loyola University of Chicago Center for Criminal Justice. Retrieved from <https://pfa-1yr.loyolaccj.org>

months of 2024.⁹⁰ Both Memorial Day and the Fourth of July (two holidays notorious for high rates of violence in Chicago) saw their least violent years in 16 and 6 years, respectively, in 2025.⁹¹ This means that the implementation of this reform has appeared to succeed in avoiding unnecessary involvements with the criminal legal system without any downside.

Recommendation

This reform has been successful for both of Cook County's pretrial electronic monitoring programs, so advocates and legislators should watch out for attempts to roll back these protections. As has been demonstrated by anecdotes and case data, this reform has successfully reduced the number of escape charges filed against EM participants. Given the volume of charges based on false alerts before the reform, this means that fewer people are being punished for technological errors and accusations that ignore the context in which someone left their home. Thus, our only recommendation is to ensure that this reform stays in place.

SENTENCING CREDIT

The Pretrial Fairness Act requires judges to count every day an accused person spends on pretrial electronic monitoring toward any sentence that may be eventually imposed on them if they are convicted for that case. This applies to anyone on pretrial EM at the time the reform took place (July 2021) or subsequently. According to the legislation, an accused person is entitled to sentencing credit for EM when it imposes "restrictions on liberty such as curfews restricting movement for 12 hours or more per day and electronic monitoring that restricts travel or movement."⁹²

Before the Pretrial Fairness Act

Prior to the Pretrial Fairness Act, whether or not a person on pretrial electronic monitoring received credit toward their sentence depended significantly on which program was monitoring them. According to our interviews, people in the Sheriff's program regularly received credit toward their sentences, whereas people in the Chief Judge's program rarely received credit. Interviewees explained that, because the Sheriff's program was understood to be more restrictive, judges considered it more worthy of sentencing credit, regardless of their movement conditions. As one interviewee explained: *"I've never had a problem with Cook County judges awarding that credit for every day that they're on Sheriff's EM. [...] I haven't seen any judges really question that or try to deny somebody's credit."*

On the other hand, judges rarely granted sentencing credit to people in the Chief Judge's program, likely because it was regarded as the more lenient of the two with regard to conditions and requests. As one defense attorney explained:

Most judges saw. . .the rule [as] you give sentence credit, and that was sort of the default understanding of EM, certainly [in the Sheriff's program]. Now [with the Chief Judge's program]. . .the understanding was that you didn't get credit.

Moreover, it was very difficult to convince a judge to grant sentencing credit because, prior to the Pretrial Fairness Act, the law was not clear as to whether such credit was required.

You could argue with the judges, but there was really no point. [...] The legal precedent was murky enough that judges always had a leg to stand on in saying they were denying sentencing credit, even if I didn't agree with them.

⁹⁰ Charles, S. & Kubzansky, C. (2025, June 28). "Violent crime drops to levels not seen in a decade in Chicago during first half of 2025." *Chicago Tribune*. Retrieved on July 8, 2025, from <https://www.chicagotribune.com/2025/06/28/chicago-crime-drops/>

⁹¹ Miller, V. & Samra, M. (2025, July 7). "Chicago sees least violent Fourth of July in at least 6 years." *Chicago Sun-Times*. Retrieved on July 7, 2025, from <https://chicago.suntimes.com/crime/2025/07/07/chicago-sees-least-violent-fourth-of-july-in-at-least-6-years-despite-mass-shootings>

⁹² *Supra* note 68.

Our research sought to understand whether the Pretrial Fairness Act's sentencing credit provision has had a substantial positive impact for people subjected to EM, whether the Act's language unnecessarily excludes some people subjected to electronic monitoring, and how judicial discretion has affected the results of this reform. Overall, we found that the sentencing credit reform has been successful in ensuring that people on electronic monitoring receive credit toward their sentence, which has been particularly impactful for people in the Chief Judge's program. The guarantee of credit preserves time and energy for defense attorneys who no longer need to fight for their clients to receive sentencing credit.

According to two defense attorneys, however, some judges have shifted their strategy following the reform, intentionally ordering accused people to a curfew of less than 12 hours to ensure that they do not receive sentencing credit: *"We have heard of judges who are gaming the system and giving people 11 hours of movement and saying: 'Okay, well, now, I don't have to give you credit.'"*

Though seemingly not a widespread pattern, this use of judicial discretion has led to some people being precluded from earning credit for their time spent incarcerated through home confinement. On one hand, judges setting curfews at less than 12 hours could make EM less restrictive for monitored people, which is objectively a good thing—but it is concerning and against the spirit of the reform for a judge to intentionally prevent monitored people from receiving sentencing credit. This reform – and judges' discretion to not give sentencing credit – has *"changed the way [attorneys] write these curfew orders,"* one defense attorney explained: *"If I'm able to get a client on a curfew or I'm asking to adjust their curfew because [of] their work schedule. . . I need to make sure [they] have at least 12 hours where [they're required to be] at home."*

The legislation also notes that "restrictions on liberty such as . . . electronic monitoring that restricts travel or movement" guarantees sentencing credit.⁹³ It is concerning that judicial discretion regarding what EM conditions pose "restrictions on liberty" has created an incentive wherein attorneys strategically advocate for more restrictive conditions for their clients.

Recommendation

Sentencing credit should be given automatically to all people whose electronic monitoring conditions restrict their travel and movement, even if their curfew is for less than 12 hours. As referenced earlier, the legislation guarantees sentencing credit for people whose liberty is restricted because of pretrial EM conditions, including limits on their freedom to travel and move. By systematically requiring sentencing credit for all people eligible, this change would prevent judges from circumventing the reform by setting people's curfews just below 12 hours to prevent them from receiving credit, and it would alleviate defense attorneys' burdens to ask for more restrictive conditions.

SUMMARY

Our mixed-methods analysis revealed varying levels of effectiveness among the four primary electronic monitoring reforms in the Pretrial Fairness Act:

- ? The essential movement reform has been very consequential for people in the Sheriff's EM program but remains difficult to navigate. The reform has given participants guaranteed movement on at least two days per week, enabling them to complete essential tasks they previously could not. However, obtaining any additional movement from the Sheriff's Office remains extremely opaque and unpredictable, continuing the great difficulties in maintaining employment and receiving health care that people experienced prior to the reform. We are hopeful that the consolidation of Cook County's two pretrial electronic monitoring programs into one program managed by the Office of the Chief Judge will improve people's access to movement while on EM, as the Chief Judge's program is better administered and more navigable.
- X The mandatory 60-day review reform has, unfortunately, been ineffective, as judges seldom conduct such reviews of their own accord and almost never hold substantive hearings with the meaningful possibility of

⁹³ *Supra* note 68.

removing someone from EM. Although the amount of time people are generally spending on pretrial electronic monitoring has decreased since 2020, there is no evidence that participants are being released more often as a result of these reviews.

- ✓ The Pretrial Fairness Act's provision implementing higher standards for escape charges has been incredibly effective. The reform has successfully decreased the number of escape charges filed against people on pretrial electronic monitoring in Cook County, especially in cases with false alerts or where a monitored person did not intend to evade prosecution.

- ⚡ The sentencing credit reform has been somewhat effective in guaranteeing the application of time spent on electronic monitoring toward one's sentence if convicted. However, some judges utilize a loophole wherein they avoid granting sentencing credit by setting curfews at just below the 12-hour threshold. We encourage judges to follow the spirit of the statute by rightfully granting sentencing credit to people even if their curfew lasts less than 12 hours.

CONCLUSION

The statewide reforms ushered in by the Pretrial Fairness Act in 2021 have led to incredible improvements for people on pretrial electronic monitoring in Cook County. Although these reforms have reduced some of the harms caused by EM for people awaiting trial, they have not been implemented as effectively as possible or to their fullest extent. With the exception of the reforms to escape charging, which have successfully decreased the number of escape charges filed, these reforms have been undermined by administrative roadblocks or judicial discretion.

The recommendations above include specific implications for the Pretrial Fairness Act's reforms to guarantee movement, sentencing credit, 60-day reviews of conditions, and higher standards for charging people with escape. Below, we provide several broader recommendations for improvement to the administrators of pretrial surveillance and electronic monitoring in Cook County:

- We strongly advise the Office of the Chief Judge to make data on their EM program transparent. Transparency is essential for the public to be able to critique and call for changes to the program. Proactive transparency will be increasingly important moving forward, given that pretrial EM in Cook County will soon be housed entirely under the Office of the Chief Judge, which is not required to respond to data requests under the Freedom of Information Act.⁹⁴ Future evaluation of pretrial electronic monitoring in Cook County will soon only be possible if the OCJ makes relevant data available to the public voluntarily, or legislation is passed to require Illinois courts to answer FOIA requests. This would benefit the Office of the Chief Judge as well; data transparency is the best way to demonstrate that they are following best practices. We request that this data be organized at the case-level rather than aggregated in any way; include information about the charges, start date, end date, and alerts for each participant; and be broadly available to the public in a clean, digital format, with only personally identifiable information removed. This is the only possible way to monitor EM implementation on a large scale.
- We urge the Cook County State's Attorney's Office to practice data transparency, especially with regard to pretrial detention and electronic monitoring. As of November 30, 2024, the State's Attorney's Office has stopped publishing data on their Felony Dashboard.⁹⁵ Although State's Attorney O'Neill Burke confirmed that she would "drill down on the State's Attorney's Office data" once she took office,⁹⁶ and although the office recently published case-level data on pretrial detention and EM,⁹⁷ the data is not in an easily accessible format. We encourage the CCSAO to publish this data as a CSV file as was previously done with the Felony Dashboard operated by her predecessor, Kim Foxx.

⁹⁴ *Supra* note 70.

⁹⁵ *Supra* note 88.

⁹⁶ Henderson, E. & Feurer, T. (2024, December 2). "Eileen O'Neill Burke sworn in as Cook County State's Attorney." *CBS News*. Retrieved from <https://www.cbsnews.com/chicago/news/eileen-oneill-burke-cook-county-state-attorney-swearing-in/>

⁹⁷ Cook County State's Attorney's Office. *Cook County Government Open Data - Cook County State's Attorney's Office's Felony Dashboard: Detention*. Retrieved from <https://www.cookcountystatesattorney.org/cook-county-states-attorney-detention-dashboard>

- **We also recommend that the Cook County State's Attorney's Office request pretrial electronic monitoring only in cases where it will truly benefit public safety.** As shown in **FIGURE 2**, Cook County's pretrial electronic monitoring population is still higher than it was prior to the COVID-19 pandemic. Given the extensive harms of EM documented throughout this report, we encourage the CCSAO to recommend pretrial release without EM for more cases. Unfortunately, State's Attorney O'Neill Burke announced on December 2, 2024, that her office would be petitioning the court to detain anyone charged with certain gun possession offenses,⁹⁸ representing a harsher strategy than her predecessor without any evidence that it will reduce gun violence. We encourage the State's Attorney to utilize evidence-based approaches and avoid requesting pretrial detention or EM when it is not absolutely necessary. Every year, gun possession charges – non-violent licensure offenses that do not inherently mean the accused person poses a danger to anyone – compose an increasing proportion of people on EM in Cook County. Prosecutors must consider each gun possession case individually and stop requesting EM for low-level gun possession charges altogether.
- **We recommend that the State of Illinois take measures to reduce the length of criminal cases, especially in Cook County.** As we mentioned earlier, the median length of a felony case that goes to trial in Cook County is nearly two years.⁹⁹ The number of regular reviews of electronic monitoring conditions in each case would be fewer if criminal cases were disposed of more quickly. One way to create a more efficient system is to create a statewide public defense system that provides greater and more equitable funding for public defenders. With such a large population of people awaiting trial on electronic monitoring in Cook County, public defenders face unreasonably high caseloads, an issue previously reported on by the Sixth Amendment Center.¹⁰⁰ Greater resources for public defenders throughout the state would enable them to hire more staff, which would reduce caseloads and thereby allow public defenders to devote more time to their clients' cases, including efforts to prevent and appeal monitoring or improve EM conditions. The State Public Defender Act,¹⁰¹ commonly referred to as the Funded Advocacy & Independent Representation (FAIR) Act, was passed by both chambers of the Illinois General Assembly in May 2025 and will establish a statewide public defense system in Illinois, an important step toward equitable public defense.

Electronic monitoring is physically, mentally, socially, economically, and legally harmful; the Pretrial Fairness Act's reforms have created a streamlined pathway for reducing these harms. As the county moves to fold the Sheriff's program into the Chief Judge's program, it has the opportunity to continue making history with the Pretrial Fairness Act. We encourage Cook County stakeholders to use this report as a guide for how to do it as humanely and fairly as possible.

⁹⁸ Cook County State's Attorney's Office. (2024, December 2). "Cook County State's Attorney Eileen O'Neill Burke announces new detention policy to increase public safety and protect victims." [Press Release]. Retrieved from <https://www.cookcountystatesattorney.org/news/cook-county-states-attorney-eileen-oneill-burke-announces-new-detention-policy-increase-public>

⁹⁹ *Supra* note 33.

¹⁰⁰ Sixth Amendment Center. (2021). *The right to counsel in Illinois: Evaluation of adult criminal trial-level indigent defense*. Retrieved from https://6ac.org/wp-content/uploads/2024/02/6AC_illinois_report_2021.pdf

¹⁰¹ State Public Defender Act. HB5842 – 103rd Illinois General Assembly (2023-2024). Retrieved from <https://legiscan.com/IL/bill/HB5842/2023>

APPENDIX

CHICAGO APPLESEED'S HISTORY WITH ELECTRONIC MONITORING

As part of Chicago Appleseed Center for Fair Courts' mission, we have advocated for reform of the pretrial system since 2007, when we published one of the first reports of its kind about the Cook County felony courts.¹⁰² Our findings made clear that people jailed pretrial are overwhelmingly poor and that pretrial incarceration limits accessible and fair justice. As a means to reduce the jail population and limit some of the harms of incarceration, we recommended that there be "more research and training for all bond court personnel about the use of electronic monitoring for defendants awaiting trial."¹⁰³ At the time of that recommendation, we did not predict the rapid expansion of this technology and the ultimate harm that it would cause communities in subsequent years.

In the past five years, we have published several reports exposing the myriad harms of pretrial EM: In 2021, we produced research highlighting key issues with pretrial EM in Cook County, detailed in our report, "10 Facts about Electronic Monitoring in Cook County."¹⁰⁴ In 2022, we partnered with the MediaJustice and Shriver Center to publish "Cages Without Bars,"¹⁰⁵ a report about EM across the United States, as well as a comprehensive evaluation of Cook County's EM programs as part of a contract with the Cook County Justice Advisory Council and in collaboration with CGL Companies.¹⁰⁶ Throughout this time, we have consistently raised concerns about the pretrial electronic monitoring program run by the Cook County Sheriff's Office and recommended that the county's two programs be consolidated under the Office of the Chief Judge or a statewide Office of Pretrial Services.¹⁰⁷ On November 21, 2024, the Cook County Board of Commissioners followed our recommendation, voting to pass a budget that reduced funding for the Cook County Sheriff's pretrial electronic monitoring and put the county on track to consolidate its two EM programs into one administered by the Office of the Chief Judge.¹⁰⁸

¹⁰² Chicago Appleseed. (2007). A report on Chicago's felony courts. Retrieved from http://chicagoappleseed.org/wp-content/uploads/2012/08/criminal_justice_full_report.pdf

¹⁰³ Chicago Appleseed. (2011). Cook County Central Bond Court. Retrieved from <http://www.chicagoappleseed.org/wp-content/uploads/2012/06/Bond-Court-Report-Final-2011.pdf>

¹⁰⁴ Chicago Appleseed Center for Fair Courts. (2021). 10 facts about pretrial electronic monitoring in Cook County. Retrieved from https://www.chicagoappleseed.org/wp-content/uploads/2021/11/202109_10-Facts-EM-Cook-County-EM-FINAL-updated.pdf

¹⁰⁵ *Supra* note 54.

¹⁰⁶ *Supra* note 1.

¹⁰⁷ Agnew, S. (2022, September 19). "REPORT: Cook County electronic monitoring review." Chicago Appleseed Center for Fair Courts. Retrieved from <https://www.chicagoappleseed.org/2022/09/19/report-cook-county-justice-advisory-councils-electronic-monitoring-review/>

¹⁰⁸ *Supra* note 51.



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