

# EXECUTIVE SUMMARY

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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.