

AN EXAMINATION OF U.S. AND ILLINOIS PRETRIAL PRACTICES, DETENTION, AND REFORM EFFORTS



JESSICA REICHERT, SENIOR RESEARCH ANALYST, CENTER FOR JUSTICE RESEARCH AND EVALUATION
ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

ALYSSON GATENS, RESEARCH ANALYST, CENTER FOR JUSTICE RESEARCH AND EVALUATION
ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

TANYA ANDERSON, PRETRIAL SERVICES COORDINATOR, ADMINISTRATIVE OFFICE OF THE ILLINOIS
COURTS; DAVID OLSON, PHD, LOYOLA UNIVERSITY CHICAGO; AND SCOTT RISOLUTE, ICJIA
ATTORNEY, CONTRIBUTED TO THIS ARTICLE.

Abstract: This article provides an overview of the main issues driving a renewed focus on pretrial detention, the effects of overuse of pretrial detention, and potential areas of reform with a focus on Illinois law and practices when possible. Illinois has made some progress in pretrial reform with its passing a Bail Reform Act effective in 2018. However, more data and research is needed in the area of pretrial practices.

Introduction

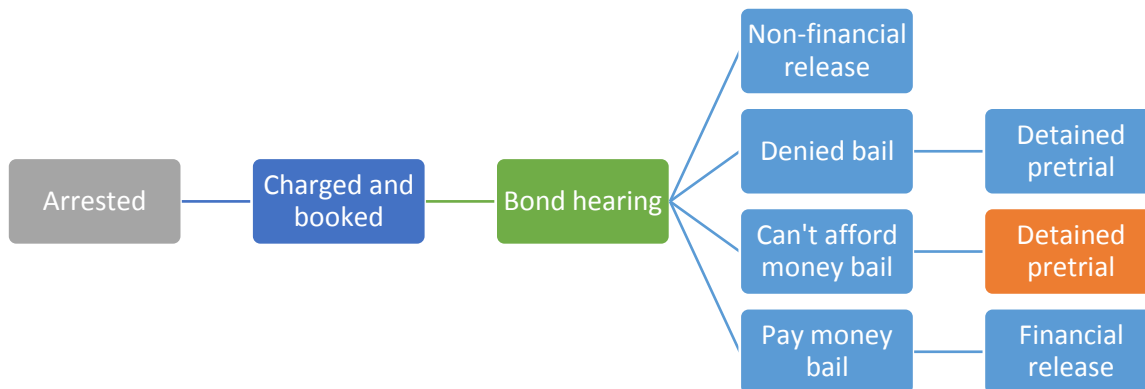
Pretrial practices encompass pretrial diversion efforts, pretrial services, bail decisions, and pretrial detention in jails, including the use of risk assessments for decision making. The purpose of pretrial practices is to increase public safety and ensure court appearances while protecting individual rights. However, many jurisdictions across the country are questioning the use of jail and bail, the monetary condition of release, due to its overuse, inequities, and negative consequences on defendants and public safety.¹

Use of Pretrial Detention in County Jails

People charged with felonies or specific types of misdemeanor crimes must appear before a bond court judge to determine the conditions of their liberty prior to the disposition of their criminal case. Judges typically base decisions on public safety considerations and the individual's likelihood of appearing for subsequent court hearings. Individuals may be held in jail without pretrial release depending on seriousness of the charges against them, potential penalties if convicted and whether the individual poses a real and present threat. *Figure 1* depicts the typical flow of people after arrest to pretrial detention or release in the country. It is estimated that of 100 individuals who have bail bond hearing, 34 are detained pretrial due to inability to pay cash bail.²

Figure 1

The Flow from Arrest to Pretrial Detention

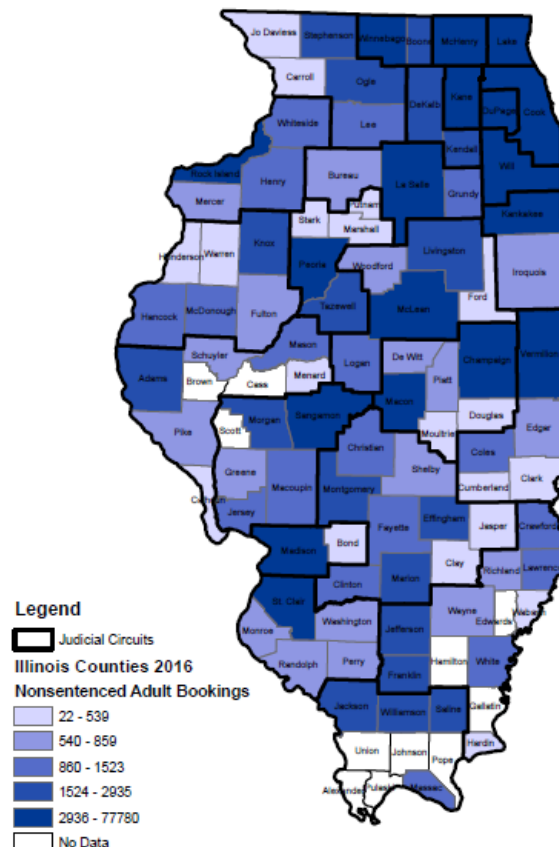


Two-thirds of the 450,000 people detained in U.S. jails on any given day are held in a pretrial status, and thus have not been convicted of a crime and are presumed innocent.³ In Illinois a similar pattern is evident, with 90 percent of those held in jail statewide being in a pretrial detention status, effecting more than 267,421 pretrial jail detainees per year.⁴ In addition to impacting large numbers of people, pretrial detention is also a very expensive practice. In Cook County the cost of a jail stay is estimated at \$143 per person per day.⁵

There are 92 county jails across the state's 102 counties. While jails are operated by county sheriffs and funded by county government, they are monitored by the State of Illinois through the

[Illinois Department of Corrections' Jail and Detention Standards Unit](#). By law, this unit is required to inspect county jails on health and safety practices an annual basis and make results [available to the public](#).⁶ The law also requires jails to report monthly data to this unit regarding the number and characteristics of jail detainees. *Figure 2* depicts the *total number* of pretrial jail detainees held in county jails in Illinois during 2016.

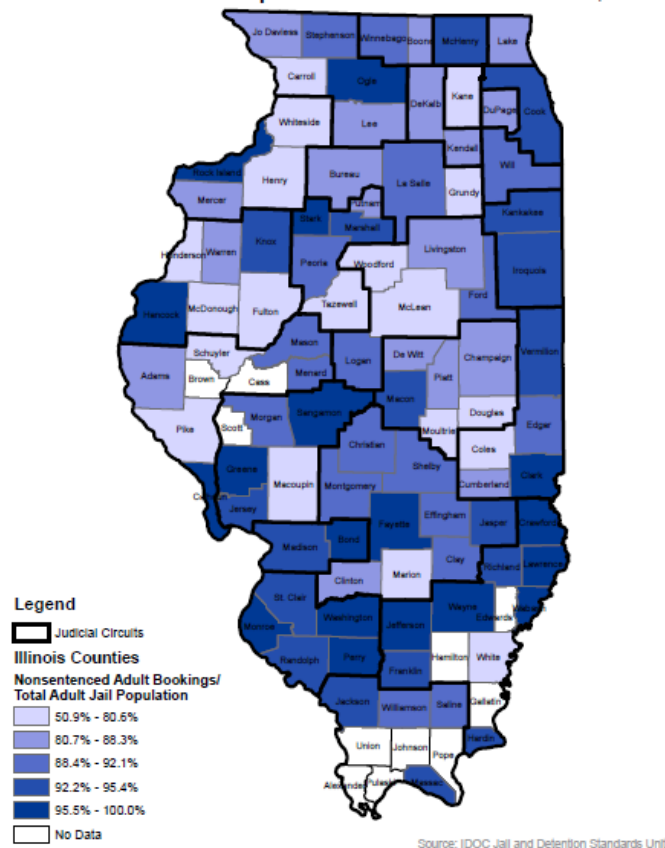
Figure 2
Number of Illinois Pretrial Jail Detainees by County, 2016



Source: IDOC Jail and Detention Standards Unit, 2016

Figure 3 illustrates the varying use of jails for pre-trial detention across Illinois counties by percentage of the adult jail population in each county accounted for by pretrial detainees. In 2016, percentages of jail populations held in a pretrial status ranged from 51 percent in Tazewell County to 100 percent in Calhoun County. As illustrated, utilization of jail for pre-trial versus sentenced populations varies across Illinois counties.

Figure 3
Percentage of Illinois Jail Population Detained Pretrial



Sixty-one percent of the 25,068 individuals released pretrial in Illinois in 2016 were released on supervision; 39 percent were released with no supervision.⁷ Of the 15,390 new cases on pretrial supervision that year, 78 percent were male, 61 percent were between 21 and 41 years old, 41 percent were Black, and 40 percent were White.⁸

Consequences of Overuse of Jail for Pretrial Detention

Research shows the use of pretrial detention does not decrease likelihood of recidivism in certain populations, and in some instances, may increase the likelihood. In a 2018 study, Dobbie and colleagues used quasi-random assignment of defendants to different bail judges and found “pretrial detention has no detectable effect on future crime.”⁹

Other research found that for low-risk defendants, days spent in pretrial detention was associated with significant *increases* in committing new crimes.¹⁰ Although the reasons for the increase are unclear, evidence suggests pretrial detention and criminal conviction contributes to negative monetary and employment outcomes.¹¹ The finding is further supported by the evidence-based risk principle which finds lower-risk individuals should receive low-intensity supervision to achieve better outcomes.¹²

Indigent defendants are arguably most impacted by monetary conditions of release which results in pretrial detention. One study found the average defendant earned less than \$7,000 in the year prior to arrest and only 50 percent of defendants are able to post bail even when set at \$5,000 or less.¹³ In a study of defendants in Philadelphia, researchers found pretrial detention leads to a 41-percent increase in the amount of non-bail court fees owed, such as court costs, victim restitution, lab tests, and probation expenses.¹⁴ In Illinois, depending on the bond type, defendants owe 10 percent of, or full, bond amount.¹⁵

Those held in pretrial detention fare worse in court because it weakens defendants' bargaining positions during plea negotiations.¹⁶ Lowenkamp and colleagues found pretrial detention increased the likelihood of subsequent sentences to jail and prison, as well as longer jail and prison sentence (*Figure 4*). This is consistent with another study finding pretrial detention significantly increases the probability of conviction (13 percent) due to an increase in guilty pleas.¹⁷ In addition, pretrial detention comes at a high cost to taxpayers—an estimated \$14 billion each year in the United States.¹⁸

Figure 4
Pretrial Detention's Impact on Sentencing¹⁹

4x	• Greater likelihood of being sentenced to jail
3x	• Longer jail sentences
3x	• Greater likelihood of being sentenced to prison
2x	• Longer prison sentence

Practices to Reduce Pretrial Detention

The following practices and programs are designed to minimize defendants' involvement in the criminal justice system while balancing public safety.

Deflection and Diversion Programs: Alternatives to Arrest

Police officers are often as referred to as “gatekeepers” of the criminal justice system due to their discretion to offer certain individuals assistance or programming instead of arrest which may lead to pretrial detention and further court involvement.²⁰ Police “deflection” or front-end diversion programs within police departments offer access to social service and treatment programs which can include mental health services and substance abuse treatment.²¹ These programs are relatively new, starting in 2015, and there is no rigorous research completed to date.²²

Police diversion programs engage individuals after involuntary contact with police officers. Officers can issue a citation in lieu of arrest for those alleged to have committed a crime.²³ [Law Enforcement-Assisted Diversion \(LEAD\)](#) in Seattle allows officers to divert those facing a low-level drug and prostitution charge. In lieu of arrest, LEAD caseworkers offer case management, housing, job attainment, and enrollment in substance use disorder treatment. Research on LEAD found a 58 percent lower likelihood of arrest after four years, 1.4 fewer jail bookings per year, 39 fewer days in jail per year, and an 87 percent lower likelihood of a period of incarceration after the program.²⁴

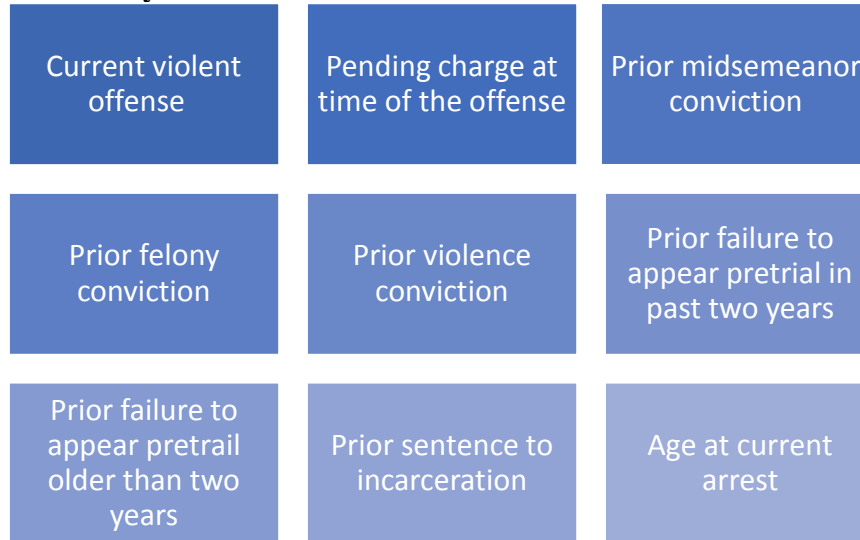
Police officers also can use specialized responses to mental health crises and calls for service, including crisis intervention teams. These responses can potentially divert individuals to mental health services rather than arrest. Research has found these responses yield greater officer knowledge of mental health conditions and more positive police attitudes toward those with mental health conditions.²⁵ However, there is little rigorous evaluation of other outcomes.²⁶

Pretrial Risk Assessment Tools

A pretrial risk assessment tool provides the court with an objective researched-based measurement of pretrial failure for defendants released from custody during the pretrial phase of their case.²⁷ Such validated tools can help judges make risk-based decisions on detention and release, thereby reducing potential bias and subjectivity about who should be detained pretrial. A variety of [pretrial risk assessment tools](#) are available for use.

The latest in a move toward a [universal tool](#), the [public safety assessment \(PSA\)](#) was developed through the Laura and John Arnold Foundation, is proprietary and upon formal request to the foundation, and provided free of charge to jurisdictions. The PSA was externally validated in a study of 750,000 pretrial cases in 300 U.S. jurisdictions.²⁸ It can be done quickly and does not require an interview with the defendant. The PSA provides risk scores for three outcomes: (1) failure to appear, (2) new crime, and (3) new violent crime during the pretrial period (*Figure 5*). To date, the PSA is being used in 30 cities in Arizona, Florida, Kentucky, New Jersey, and select counties in California, Illinois, North Carolina, New Mexico, Ohio, Pennsylvania, South Dakota, Texas, Washington, and Wisconsin. In Illinois, the PSA is being piloted in Cook, Kane, and McLean counties.²⁹

Figure 5
Nine Public Safety Assessment Tool Measures to Guide Pretrial Decision-Making



Source: The Laura and John Arnold Foundation

The majority of courts in Illinois use the [Virginia Pretrial Risk Assessment Instrument or Revised Virginia Risk Assessment](#), developed by the Virginia Department of Criminal Justice Services in 2003 and later revised in 2016.³⁰ The factors examine a defendant’s status at the time of the arrest beyond that of the PSA Factors include primary charge type, pending charges, criminal history, two or more failures to appear, two or more violent convictions, residency at one location less than one year, unemployment for two years prior to arrest, and history of drug abuse.³¹ The data are collected through criminal justice records, but personal interviews also are required to obtain information. The instrument was validated as a predictor of pretrial outcomes for use by pretrial services agencies.³²

A 2017 Texas A & M University study found validated risk-assessment tools successfully predict defendants’ probability of pretrial failure and results in better pretrial classification—fewer high-risk defendants are released, and fewer low-risk individuals are detained.³³ Risk assessment tools are not 100 percent accurate but are intended to improve the outcomes overall. While research indicates that risk assessment tools can reliably predict behavior, it is unknown whether the tools improve the defendants’ criminal justice outcomes. Betchel and colleagues in a 2017 meta-analysis of pretrial research on risk assessments noted, “It appears that the research we reviewed lacks enough methodological rigor to make any concrete conclusions.”³⁴

Reduced Use of Bail

Bail are the conditions of release set by a judge and *bond* is the court ordered agreement for release. Those held in jail pretrial with no release eligibility have a “no bond” order. In Illinois, Individual Recognizance Bonds (I-Bonds) free defendants without requirement of providing monetary value to the court. Monetary conditions of release are given to the county circuit court clerk to secure pretrial release.

In Illinois, commercial bondsmen are prohibited.³⁵ Illinois allows for the defendants to post 10 percent or the full bail amount depending on the court-ordered condition of release. Monetary conditions of release are paid to the sheriff's department and funds are then transferred to the clerk's office. Depending on the offense, the court or statute may require 100 percent of bail or a cash bond (C-Bond) to affect release.³⁶ The amount of cash bond is set by law for some misdemeanor charges. [Illinois Supreme Court Rules establish a bail schedule](#) for most misdemeanor offenses including traffic, ordinance, conservation, and petty offenses. Bail amounts for felony offenses are left to the discretion of the judge, who will consider the risk of failure to appear, risk to public safety, and [37 factors as outlined in statute](#), which can be guided by a risk assessment tool if one is used.

The full bail amount is returned, minus administrative fees of 10 percent retained by the clerk's office per statute, to the defendant if they make all court appearances. If the defendant fails to make all court appearances, a bond forfeiture hearing may be conducted.³⁷

If a defendant cannot post bond or the alleged offense is a felony with no predetermined bond eligibility, the defendant is placed in a holding cell until brought before judge. According to Illinois statute, any person arrested shall be taken without unnecessary delay before the nearest and most accessible judge in the county.³⁸ Professional associations, such as the American Bar Association and National Association of Pretrial Services Standards, highlight the importance of a defendant's counsel representation to effectuate a meaningful first appearance before a judicial officer and help ensure the fair and appropriate administration of pretrial justice regarding bail decisions.³⁹ If the judge makes a preliminary determination that probable cause exists to detain someone charged with a crime, the judge sets bond and other conditions of release. If the person in custody is unable pay the bond, a second hearing on bail is held within seven days. In Illinois, victims have the right to notification of the pretrial release hearing and pretrial release.⁴⁰

The Illinois [Bail Reform Act of 2017](#) supports the use of the least restrictive conditions based on an individual's risk of pretrial risk rather than the financial ability to secure release from custody. The Act:

- Creates a presumption that any conditions of release shall be non-monetary.
- Encourages the Illinois Supreme Court to adopt a statewide risk assessment. Also encourages the Supreme Court to adopt a risk assessment tool which does not discriminate on the basis of race, gender, education level, or socio-economic status.
- Creates Category A and Category B offenses. Defendants charged with a Category B offense that remain in custody due to their inability to financially secure their release must be brought back before the court at the next available court date or within seven calendar days (whichever is earlier) for a rehearing on the amount of bail/conditions of release. While awaiting a hearing, the defendant will have \$30 deducted from the amount of bail for everyday incarcerated.

Many jurisdictions across the country are reducing use of cash bail, using it only for those posing the highest risk. These jurisdictions include Arizona, Colorado, Kentucky, New Jersey, West Virginia, and Washington, D.C., as well as U.S. federal pretrial services.⁴¹ New Jersey was the only state awarded an "A" grade in pretrial reform from the Pretrial Justice Institute, in part

because every county uses a validated pretrial assessment tool.⁴² Washington, D.C. virtually eliminated bail and noted that 90 percent of those released pretrial made court appearances, 91 percent were not rearrested prior to trial, and 98 percent were not arrested for a violent crime prior to trial.⁴³

Pretrial Services and Supervision

Pretrial services divisions are responsible for defendant screening, completing pretrial risk assessments, and providing personal and criminal background data regarding defendants charged with felonies and misdemeanors. Defendant interviews may be used to gather this information; however, the American Bar Association and National Association of Pretrial Services Agency Standards urge pretrial services agencies to ensure interviews are voluntary and that defendants are informed of their right to refuse an interview.⁴⁴

In addition, pretrial services divisions supervise compliance with terms and conditions imposed by judges at bond court and notify defendants of upcoming court dates. Pretrial supervision may include electronic monitoring, drug testing, or other supervision conditions, such as substance use disorder treatment and mental health services.⁴⁵ Illinois pretrial services are guided by the Pretrial Services Act, which requires each judicial circuit court establish a pretrial services agency.⁴⁶

The American Bar Association recommends the use of pretrial supervision because of pretrial services' ability to accurately predict defendant risk, produce fairer sentences, and save money.⁴⁷ However, research is contradictory; some studies validate its benefits and others refute them.⁴⁸ A 2017 study in two states found those on pretrial supervision were significantly more likely to appear for court.⁴⁹ A 2017 meta-analysis of research on pretrial services found restrictive supervision conditions and court notification reduced failure to appear rates, but with no reduction in pretrial arrest.⁵⁰ Therefore, it appears that more restrictive bond types are associated with lower failure to appear rates. Of the nine effect sizes generated in the study, quantifying the differences between groups, seven favored more restrictive bond types and two favored less restrictive bond types. These findings should be interpreted with caution, however, as it is not known how the groups may have differed due to the lack of demographic and criminal history information.

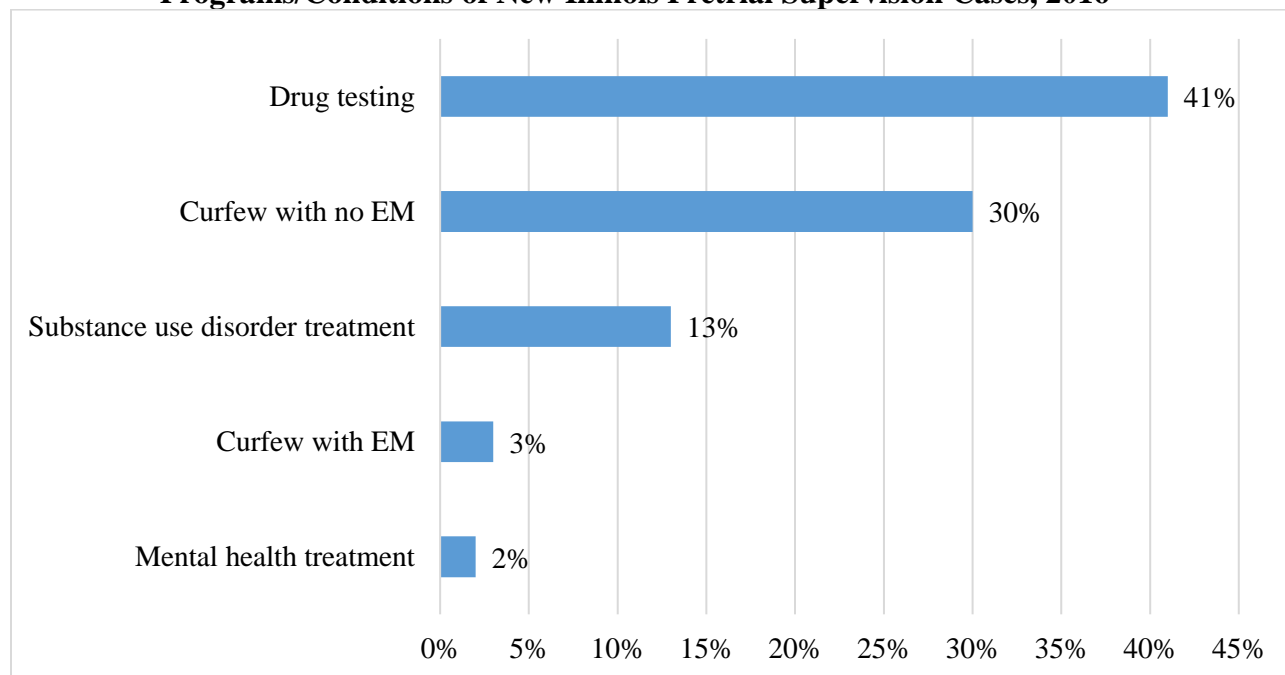
On the practice of offering court date reminders, Betchel et al. noted in their 2017 meta-analysis research “court notification might be a reliable practice that could produce moderate reductions in failure to appear at what many might consider to be minimal cost.”⁵¹ On the use of pretrial drug testing, VanNostrand and colleague’s 2011 review of pretrial research found no empirical evidence that drug testing used during pretrial was effective at deterring or reducing pretrial failure.⁵²

In addition, a large body of research supports the risk principle for supervising individuals—higher-risk defendants should receive high-intensity services and lower-risk defendants should receive low-intensity services.⁵³ Low risk defendants should be released with minimal or no conditions.⁵⁴ Therefore, if the risk principle is applied to lower risk, pretrial defendants—who as

defendants have not convicted of any offense—they may fare worse with more restrictions and services.⁵⁵

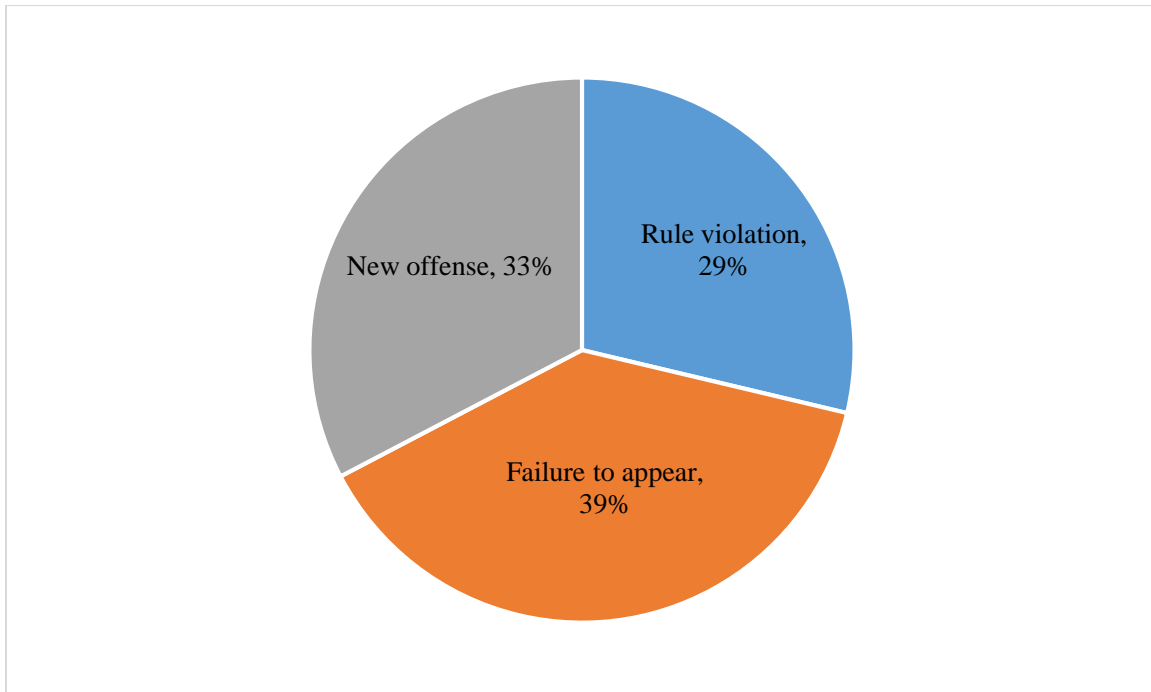
The Administrative Office of the Illinois Courts (AOIC) collects data each month on pretrial services, from 25 percent of counties.⁵⁶ For those counties, there were 15,390 new 2016 pretrial services cases and 75 percent were ordered to some program or condition (*Figure 6*).⁵⁷ Bonds were revoked from those receiving pretrial services for failure to appear in court (39 percent), being arrested for a new offense (33 percent), and technical violations of pretrial supervision (29 percent) (*Figure 7*).⁵⁸

Figure 6
Programs/Conditions of New Illinois Pretrial Supervision Cases, 2016



Source: ICJIA analysis of Administrative Office of the Illinois Courts data
Note: 25 percent of Illinois counties reporting, EM is electronic monitoring.

Figure 7
Percent of Individuals Dropped from Illinois Pretrial Supervision and Whose Bond was Revoked, by Reason, 2016 (n=1,248)



Source: ICJIA analysis of Administrative Office of the Illinois Courts data

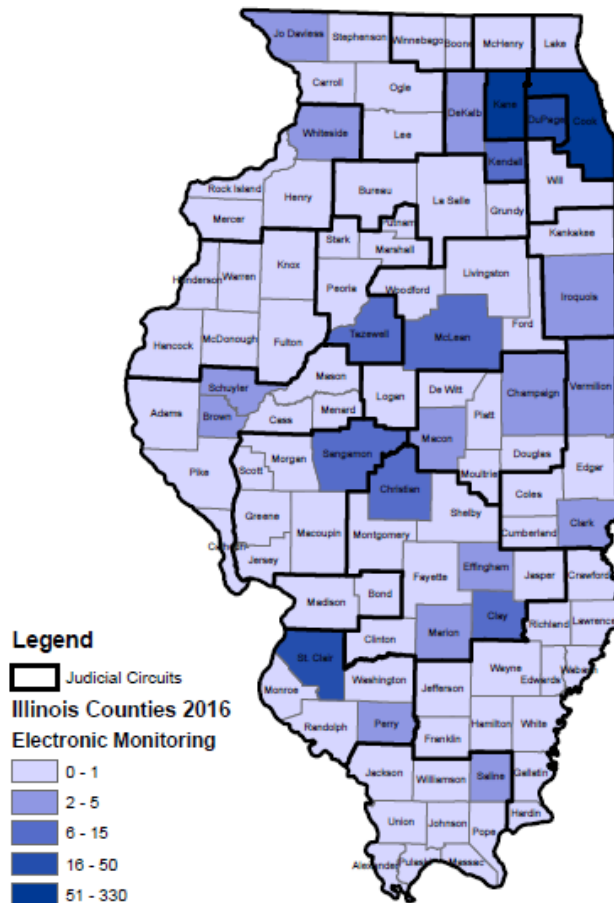
Note: 25 percent of Illinois counties reporting

Electronic monitoring. The number of defendants or convicted offenders on electronic monitoring (EM) through ankle bracelets rose 140 percent in 2015 to 125,000 people in the country.⁵⁹ There are two types of EM:

- GPS (global positioning system) which tracks exact location in real time.
- RF (radio frequency) which notify of the absence or presence at a fixed location, i.e., home or work.⁶⁰

Pretrial services and sheriff's departments can oversee EM of pretrial defendants. According to Illinois' Cindy Bischof Law, in a domestic violence case, if the defendant was arrested for violating an order of protection, the court shall order GPS EM as a condition of bail.⁶¹ *Figure 8* shows the number of Illinois adults on EM as a part of their supervised pretrial release by county. According to the AOIC, 606 defendants were on EM through pretrial services in 2016.

Figure 8
Number on Supervised Pretrial Release on Electronic Monitoring, 2016



Source: Administrative Office of the Illinois Courts, 2016

Little is known about the effectiveness of EM at pretrial as most studies focus on EM use after conviction.⁶² A 2017 study of federal pretrial defendants in New Jersey found reduced likelihood of new arrest but no difference in failure to appear compared to defendants with similar risk characteristics.⁶³ To date, effectiveness of EM to reduce failure to appear or new criminal arrest pending case disposition is inconclusive.⁶⁴

While summative data is annually reported by county to AOIC, no detailed data currently exists on Illinois or county use of electronic monitoring either pretrial or after conviction.⁶⁵

Conclusion

Defendants are presumed innocent. After factoring in likelihood of reappearance in court, defendants should be offered the least restrictive option and afforded all rights. Evidence-based, risk assessment tools may help guide pretrial detention and release decision-making and reduce the number detained in jail.

Illinois has made some progress in pretrial reform and was awarded a “C” grade by Pretrial Justice Institute, while the nation as a whole received a “D” grade.⁶⁶ In addition to the 2017 Bail Reform Act, an [Illinois Supreme Court Commission on Pretrial Practices](#) has been charged with conducting a comprehensive review of the Illinois pretrial detention system, evaluating current pretrial detention practices, studying the fiscal impact, and providing recommendations for change which include evidence-based practices.

More data and research is needed in the area of pretrial practices. A 2017 meta-analysis found little rigorous research on pretrial detention.⁶⁷ The majority of reviewed publications were legal reviews and policy pieces lacking methodological rigor, negating concrete conclusions on pretrial practices.⁶⁸ While more than 20 percent of the country’s prison and jail inmates are awaiting trial, the impact of pretrial detention on defendants is unclear.⁶⁹ In addition, pretrial data is lacking and in Illinois, like most states, no statewide system of data collection for the courts exists.⁷⁰

This project was supported by Grant #16-DJ-BX-0083, awarded to the Illinois Criminal Justice Information Authority by the U.S. Department of Justice Office of Justice Programs’ Bureau of Justice Assistance. Points of view or opinions contained within this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Suggested citation: Reichert, J. & Gatens, A (2018). *An examination of U.S. and Illinois pretrial practices, detention and reform efforts*. Chicago, IL: Illinois Criminal Justice Information Authority.

¹ Pretrial Justice Institute. (2017). *Pretrial justice: How much does it cost?* Washington, D.C.: Author.

² Rabury, B., & Kopf, D. (2016). *Detaining the poor: How money bail perpetuates an endless cycle of poverty and jail time*. Northampton, MA: Prison Policy Initiative.

³ Ortiz, N. R. (2015). *County jails at a crossroads: An examination of the jail population and pretrial release*. Washington, DC: National Association of Counties.

Pretrial Justice Institute. (2017). *Pretrial justice: How much does it cost?* Washington, D.C.: Author.

⁴ Illinois Department of Corrections Jail and Detention Standards Unit 2016 data

⁵ Holtzer-Glier, L. (n.d.) *Inside the massive jail that doubles as Chicago's largest mental health facility*. Retrieved from <http://humantollockjail.vera.org/the-massive-jail-that-doubles-as-chicagos-largest-mental-health-facility/>

⁶ See Illinois statute 730 ILCS 5/3-15-2(b).

Note: The Illinois Department of Corrections’ Jail and Detention Standards Unit ensures compliance with Illinois County Jail Standards, Illinois Municipal Jail and Lockup Standards, and the Federal Juvenile Justice Delinquency Prevention Act.

⁷ Administrative Office of the Illinois Courts (2018). [Illinois pretrial data]. Unpublished raw data.

⁸ Administrative Office of the Illinois Courts (2018). [Illinois pretrial data]. Unpublished raw data.

⁹ Dobbie, W., Goldin, J., & Yang, C. S. (2018). The effects of pretrial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. *American Economic Review*, 108(2): 201-40.

¹⁰ Lowenkamp, C. T., Van Nostrand, M., & Holsinger, A. (2013). *The hidden costs of pretrial detention*. New York, NY: The Laura and John Arnold Foundation.

Note: In the article the determination of “low-risk” was not defined.

¹¹ Dobbie, W., Goldin, J., & Yang, C. S. (2018). The effects of pretrial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. *American Economic Review*, 108(2): 201-40.

¹² Lowenkamp C. T., & Latessa, E. J. (2004). Understanding the risk principle: How and why correctional interventions can harm low-risk offenders. *Topics in Community Corrections*, 3–8.

¹³ Dobbie, W., Goldin, J., & Yang, C. S. (2018). The effects of pretrial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. *American Economic Review*, 108(2): 201-40.

¹⁴ Stevenson, M. (2016). *Distortion of justice: How the inability to pay bail affects case outcomes*. Philadelphia, PA: University of Pennsylvania Law School.

Note: Those who do not pay court fees may be threatened by sanctions or criminal prosecution. See Gleicher, L. & DeLong, C. (in press). *The cost of justice: The impact of criminal justice financial obligations on individuals and families*. Chicago, IL: Illinois Criminal Justice Information Authority.

¹⁵ See Illinois statute 725 ILCS 5/110-7

¹⁶ Dobbie, W., Goldin, J., & Yang, C. S. (2018). The effects of pretrial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. *American Economic Review*, 108(2): 201-40.

¹⁷ Stevenson, M. (2016). *Distortion of justice: How the inability to pay bail affects case outcomes*. Philadelphia, PA: University of Pennsylvania Law School.

¹⁸ Pretrial Justice Institute. (2017). *Pretrial justice: How much does it cost?* Washington, D.C.: Author.

¹⁹ Lowenkamp, C. T., Van Nostrand, M., & Holsinger, A. (2013). *The hidden costs of pretrial detention*. New York, NY: The Laura and John Arnold Foundation.

²⁰ Engel, R. S., Cosaro, N., & Ozer, M. M. (2017). The impact of police on criminal justice reform. *Criminology & Public Policy*. 16(20), 375-402.

²¹ Reichert, J., & Gleicher, L. (2017). *Rethinking law enforcement’s role on drugs: Community drug intervention and diversion efforts*. Chicago, IL: Illinois Criminal Justice Information Authority.

²² Reichert, J., & Gleicher, L. (2017). *Rethinking law enforcement’s role on drugs: Community drug intervention and diversion efforts*. Chicago, IL: Illinois Criminal Justice Information Authority.

²³ See Illinois statute 725 ILCS 5/107-12.

²⁴ Collins, S. E., Lonczak, H. S., & Clifasefi, S. L. (2015). *LEAD program evaluation: Recidivism report*. Seattle, WA: University of Washington LEAD Evaluation Team, Harm Reduction Research and Treatment Lab.;

Collins, S. E., Lonczak, H. S., & Clifasefi, S. L. (2015). *LEAD program evaluation: Criminal justice and legal system utilization and associated costs*. Seattle, WA: University of Washington LEAD Evaluation Team, Harm Reduction Research and Treatment Lab.

-
- ²⁵ Taheri, S. A. (2016). Do crisis intervention teams reduce arrests and improve officer safety? A systematic review and meta-analysis. *Criminal Justice Policy Review*, 27(1), 76-96.
- ²⁶ Gatens, A. (2018). *Responding to individuals experiencing mental health crises: Police-involved programs*. Chicago, IL: Illinois Criminal Justice Information Authority.
- ²⁷ Pretrial Justice Institute (n.d.). *Pretrial risk assessment*.
- ²⁸ The Laura and John Arnold Foundation. (2013). *Developing a national model for pretrial risk assessment*. New York, NY: Author.
- VanNostrand, M., & Lowenkamp, C. (2013). *Assessing pretrial risk without a defendant interview*. New York, NY: The Laura and John Arnold Foundation
- ²⁹ Cadigan, T. P., & Lowenkamp, C. T. (2011). Implementing risk assessment in the federal pretrial services system. *Federal Probation*, 75, 30-34.
- ³⁰ T. Anderson, personal communication, February 5, 2018.
- ³¹ Danner, M, J. E., VanNostrand, M., & Spruance, L. M. (2016). *Race and gender neutral pretrial risk assessment, release recommendations, and supervision: VPRAI and Praxis revised*. St. Petersburg, FL: Luminosity, Inc.
- ³² VanNostrand, M., & Rose, K. J. (2009). *Pretrial risk assessment in Virginia*. Virginia Department of Criminal Justice.
- ³³ Carmichael, D., Naufal, G., Wood, S., Caspers, H., & Marchbanks, M. P. (2017). *Liberty and Justice: Pretrial practices in Texas*. College Station, TX: Texas A & M University, Public Policy Research Institute.
- ³⁴ Betchel, K., Holsinger, A. M., Lowenkamp, C. T., & Warren, M. J. (2017). A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, 42, 443-467.
- ³⁵ National Conference on State Legislatures. (2013). *Pretrial release: Illinois*. Retrieved from <http://www.ncsl.org/research/civil-and-criminal-justice/pretrial-release-illinois.aspx>
See Illinois statute 725 ILCS 5/102-9; 725 ILCS 5/110-7 & 8.
- ³⁶ T. Anderson, personal communication, May 10, 2018.
See Illinois statute 725 ILCS 5/110-7.
Note: Cook County uses Deposit Bonds (D-Bond) equal to 10 percent of bail to be paid directly to the court instead being passed through a bondsman.
- ³⁷ Note: 10 percent of bond goes to county circuit clerk for administrative fees. See Illinois statute 725 ILCS 5/110-7(f).
- ³⁸ See Illinois statute 720 ILCS 5/109-1.
- ³⁹ Pilnik, L. (2017). *A framework for pretrial justice: Essential elements of an effective pretrial system and agency*. Washington DC: U.S. Department of Justice, National Institute of Corrections.
- ⁴⁰ See 725 ILCS 120/4.5(s) & (b); 725 ILCS 5/110-5.1; 730 ILCS 5/5-8A-7; 705 ILCS 105/27.6
- ⁴¹ Mock, B. (2017, November). How New Jersey is leading the post-bail revolution. *CityLab*. Retrieved from <https://www.citylab.com/equity/2017/11/how-new-jersey-is-leading-the-post-bail-revolution/544691/>
- ⁴² Pretrial Justice Institute. (2017). *The state of pretrial justice in America, 2017*. Washington, DC: Author.
- Mock, B. (2017, November). How New Jersey is leading the post-bail revolution. *CityLab*. Retrieved from <https://www.citylab.com/equity/2017/11/how-new-jersey-is-leading-the-post-bail-revolution/544691/>

-
- ⁴³ Pretrial Services Agency for the District of Columbia. (n.d.) *Performance measures*. Retrieved from https://www.psa.gov/?q=data/performance_measures
- ⁴⁴ Pilnik, L. (2017). *A framework for pretrial justice: Essential elements of an effective pretrial system and agency*. Washington DC: U.S. Department of Justice, National Institute of Corrections.
- ⁴⁵ Pilnik, L. (2017). *A framework for pretrial justice: Essential elements of an effective pretrial system and agency*. Washington DC: U.S. Department of Justice, National Institute of Corrections.
- ⁴⁶ See Illinois statute 725 ILCS 185/0.01.
- ⁴⁷ American Bar Association. (n.d.). *Criminal justice section standards: Pretrial release*. www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_pretrial_release_toc.html.
- ⁴⁸ VanNostrand, M., Rose, K.J., & Weibrecht, K. (2011). *State of the science of pretrial release recommendations and supervision*. Washington, D.C.: Pretrial Justice Institute.
- ⁴⁹ VanNostrand, M., & Lowenkamp, C. (2013). *Exploring the impact of supervision and pretrial outcomes*. New York, NY: The Laura and John Arnold Foundation.
- ⁵⁰ Betchel, K., Holsinger, A. M., Lowenkamp, C. T., & Warren, M. J. (2017). A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, 42, 443-467.
- ⁵¹ Betchel, K., Holsinger, A. M., Lowenkamp, C. T., & Warren, M. J. (2017). A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, 42, 443-467.
- ⁵² VanNostrand, M., Rose, K.J., & Weibrecht, K. (2011). *State of the science of pretrial release recommendations and supervision*. Washington, D.C.: Pretrial Justice Institute.
- ⁵³ Lowenkamp C. T., & Latessa, E. J. (2004). Understanding the risk principle: How and why correctional interventions can harm low-risk offenders. *Topics in Community Corrections*, 3–8.
- ⁵⁴ Danner, M, J. E., VanNostrand, M., & Spruance, L. M. (2016). *Race and gender neutral pretrial risk assessment, release recommendations, and supervision: VPRAI and Praxis revised*. St. Petersburg, FL: Luminosity, Inc.
- ⁵⁵ Lowenkamp C. T., & Latessa, E. J. (2004). Understanding the risk principle: How and why correctional interventions can harm low-risk offenders. *Topics in Community Corrections*, 3–8.
- ⁵⁶ T. Anderson, personal communication, May 23, 2018.
- ⁵⁷ Administrative Office of the Illinois Courts (2018). [Illinois pretrial data]. Unpublished raw data.
- ⁵⁸ Administrative Office of the Illinois Courts (2018). [Illinois pretrial data]. Unpublished raw data.
- ⁵⁹ Fahy, S., Gelb, A., Gramlich, J., & Stevenson, P. (2016). *Use of electronic offender-tracking devices expands sharply*. The Pew Charitable Trusts. Retrieved from <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2016/09/use-of-electronic-offender-tracking-devices-expands-sharply>
- ⁶⁰ Note: GPS stands for Global Positioning System and RF stands for Radio Frequency,
- ⁶¹ Cindy Bischof Law [Public Act 95-773] took effect January 1, 2009. See Illinois statute 725 ILCS 5/110-5(f); 730 5/5-8a-7.
- ⁶² Wolff, K. T., Dozier, C. A., Muller, J. P., 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.

⁶³ Wolff, K. T., Dozier, C. A., Muller, J. P., 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.

⁶⁴ Betchel, K., Holsinger, A. M., Lownkamp, C. T., & Warren, M. J. (2017). A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, 42, 443-467.;

VanNostrand, M., Rose, K., & Weibrecht, K. (2011). *State of the science of pretrial release recommendations and supervision*. Washington, DC: Pretrial Justice Institute.

⁶⁵ Note: The Administrative Office of the Illinois Courts collects summative, not case-level, data annually on some aspects of court practices, including electronic monitoring, and presents that in an annual report. See

http://www.illinoiscourts.gov/SupremeCourt/AnnualReport/2016/2016_Statistical_Summary.pdf

⁶⁶ Pretrial Justice Institute. (2017). *While nation gets a “D” on pretrial justice, several states show promise of reform*. Retrieved from <http://www.pretrial.org/third-states-failing-pretrial-justice-says-new-report/>

Note: New Jersey was the only state to get an “A” grade

⁶⁷ Betchel, K., Holsinger, A. M., Lownkamp, C. T., & Warren, M. J. (2017). A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, 42, 443-467.

⁶⁸ Betchel, K., Holsinger, A. M., Lownkamp, C. T., & Warren, M. J. (2017). A meta-analytic review of pretrial research: Risk assessment, bond type, and interventions. *American Journal of Criminal Justice*, 42, 443-467.

⁶⁹ Dobbie, W., Goldin, J., & Yang, C. S. (2018). The effects of pretrial detention on conviction, future crime, and employment: Evidence from randomly assigned judges. *American Economic Review*, 108(2): 201-40

⁷⁰ Note: The Administrative Office of the Illinois Courts collects summative, not case-level, data annually on some aspects of court practices and presents that in an annual report. See http://www.illinoiscourts.gov/SupremeCourt/AnnualReport/2016/2016_Statistical_Summary.pdf