

IL Supreme Court Justice: Progress Being Made in Improving Cook County Criminal Justice, But Much More Needed

Illinois Supreme Court Justice Anne M. Burke was the featured speaker at the lunch following the Annual Meeting of the League of Women Voters of Cook County on May 2, 2016. At the League's request, she spoke about the pre-trial procedures within Cook County, which were also the focus of the recent report by the Criminal Justice Interest Group of the League.

Some of the key points made by Justice Burke were:

- 90% of those held in Cook County jail are awaiting trial, as opposed to serving a sentence after being found guilty. The length of stay of those awaiting trial is well above the national average.
- By law, a bond hearing must be held within 72 hours for anyone arrested. Personnel in the Pre-Trial Services department under the Chief Judge interview the arrestee to obtain information pertaining to the likelihood the person might flee or commit another crime if released prior to trial, and provides that information to the bond court judge. Providing better information to that judge is key to having that person released on a low-cash bond, on electronic monitoring, or on the person's own recognizance (referred to as an I-bond). A new bond assessment tool is being piloted within Cook County now.
- Justice Burke said that Cook County should emulate Maryland by moving to a no-cash bail system. This would mean that people would be released, subject to certain conditions (e.g., electronic monitoring), or, if deemed necessary, held in jail until trial. But no one would be held in jail simply because he or she could not afford to pay a bond, which regularly occurs now.
- Bond court judges need more supervision and need to be held accountable.
- Another problem is the paper system in place to keep track of the recommendations to and decisions by judges in bond court. The Administrative Office of the Supreme Court is working with the Cook County Clerk of the Circuit Court to develop an electronic system.
- As noted in the League's study, there is a huge disparity between the time given to dealing with individuals in the bond courts in the Cook County suburbs and the Central bond court at 26th and California in Chicago: 10 to 15 minutes per individual in the suburban courts vs. 90 to 120 seconds at the Central bond court. Justice Burke recommended that the League pursue this issue.
- In March 2014, the Illinois Supreme Court approved a comprehensive study of the Cook County pre-trial services program which contained 40 recommendations for improving the system. Justice Burke stated that all 40 have been designated as having been "completed," but 28 of these require ongoing monitoring.
- Cook County recently failed to get a McArthur Foundation challenge grant of money to improve the system because of the perceived lack of collaboration among the Criminal Justice stakeholders and lack of evidence that these stakeholders were willing to work together. These stakeholders include the Chief Judge, the Sheriff, the State's Attorney, the Public Defender, and the Clerk of the Circuit Court.

Justice Burke provided examples, which she said were not unique, of the human tragedies caused by the problems with the pre-trial system in Cook County. In one case, a man waited 114 days for trial on a charge of stealing a Snickers bar because the man could not afford the bond set. In another case, a man was charged with having half a marijuana joint and 2 Viagra pills. A \$50,000 bond was set. He was in jail for ten days, during which he lost his job, before the Sheriff's office went to the State's Attorney's office, which agreed to drop the charges.

The Illinois Supreme Court's Administrative Office is continuing to work with Cook County on improving the pre-trial system. Measures are being put into place now to track progress and that will allow people to be held accountable. But much still needs to be done. The Cook County League will continue to advocate and watch for improvements.

To read the League's pre-trial report, go to the League's web site (www.lwvcookcounty.org) and click on "Criminal Justice" under the "Interest Group" heading at the top of the page: . There is a link to the report on that page under "Publications."