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Resolution supporting bail reform in Lake County.

RESOLUTION

WHEREAS, money bail, sometimes called cash bail or a secured bond, is a system of pretrial release in which an individual who has been accused but not found guilty of a crime can “temporarily” pay a fee to be released from custody prior to additional court proceedings or trial; and

WHEREAS, Proponents of the pretrial release system have characterized the use of money bail as a way to maximize release, enhance public safety, and ensure prompt and regular appearances in court; however, research demonstrates money bail is unnecessary and ineffective; jurisdictions that enacted bail reform and no longer rely on money bail have excellent court appearance rates, fewer people in jail, and strong public safety outcomes; and

WHEREAS, the National Association of Black County Officials, the National Association of Counties, the American Bar Association, the National District Attorneys Association, and others have condemned the money bail system as a system that discriminates against the poor; and

WHEREAS, 90 percent - 95 percent of the individuals incarcerated in the Lake County Jail are pretrial inmates, meaning that they have not been convicted of the alleged crime and are merely awaiting a court proceeding or trial. In Lake County, and nationally, 75 percent of these individuals most serious alleged charge are property, drug, or other non-violent offenses. Nationally, pretrial inmates accounted for 95 percent of the growth of jail population over the last twenty years; and

WHEREAS, recent court decisions have ruled that the incarceration of individuals who cannot afford money bail without meaningful consideration of other alternatives is a violation of due process and equal protection; and

WHEREAS, research has shown that individuals who are incarcerated pretrial are more likely to plead guilty, be convicted of a felony, receive longer sentences, get less attractive plea bargain offers; and become “reentry” clients, regardless of charge

or criminal history; and

WHEREAS, pretrial incarceration has profound effects on both the individuals who are incarcerated and the taxpayers. On the individual level, pretrial incarceration can result in the loss of employment, medical benefits, housing, and child custody. On the societal level, the cost to taxpayers is astounding. Nationally, the total annual cost to state and local governments for pretrial incarceration is estimated at $14 billion; and

WHEREAS, evidence-based pretrial assessments of a person's likelihood to appear in court and remain arrest-free while awaiting trial can increase successful pretrial release outcomes and diminish racial disparities without jeopardizing public safety, imposing unnecessary financial conditions, or impairing the judicial process; and

WHEREAS, the Lake County Board strongly believes that whether an individual remains in jail awaiting trial should not depend on his or her ability to pay for his or her freedom, but should instead be determined by whether he or she poses a threat to public safety or is a flight risk.

NOW, THEREFORE, BE IT RESOLVED, that the Lake County Board does hereby strongly oppose racial, gender, and socio-economic disparities in the criminal justice system and specifically encourages comprehensive reforms in the pretrial process to ensure the fair and equal treatment of all citizens regardless of race, sex, color, creed, national origin, religion, or socio-economic status; and

BE IT FURTHER RESOLVED, that the Lake County Board urges federal and state legislatures to adopt laws and policies that:

1) Give judicial officers more discretion to consider all pretrial release conditions that maximize release, enhance public safety, ensure appearances in court, and reduce reliance on cash bail; and
2) Permit a court to order a defendant to be held without bail where public safety warrants pretrial incarceration and no conditions of pretrial release would suffice, and require that the court state on the record the reasons for detention, as does the Nineteenth Judicial Circuit Court does; and
3) Use the least restrictive conditions of release that protect the public safety, and tailor pretrial conditions to the individual's circumstances, as does the Nineteenth Judicial Circuit Court; and
4) Use evidence-based, locally validated, pretrial assessments and management in making the determination, as does the Nineteenth Judicial Circuit Court; and

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5) Invest in alternatives to pretrial incarceration through increased pretrial services, such as court date text reminders, drug rehabilitation, and various forms of supervision, such as GPS monitoring, drug tests, check-ins; and
6) Monitor effectiveness of pretrial assessments through outcome measures, such as release rates, appearance rates, and safety rates; and
7) Pursue further research on the efficacy of pretrial interventions and identify necessary improvements; and
8) Promote training and development that addresses how using best practices and identifying sources of implicit bias can reduce racial, ethnic, and gender disparities;

BE IT FURTHER RESOLVED, that the Lake County Board strongly supports bipartisan legislation introduced in the Illinois House and Senate aimed at reforming Illinois' cash bail system; and

BE IT FURTHER RESOLVED, that the Lake County Board supports the Illinois Supreme Court's pilot program and encourages the expansion of the program into more courts throughout the State; and supports Illinois Governor J.B. Pritzker and Lt. Governor Juliana Stratton's recent criminal justice reform measures.

DATED at Waukegan, Illinois, on March 10, 2020.

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