

LWVCC Criminal Justice Interest Group Report- May 2022 to May 2023

Intro:

The Criminal Justice Interest Group started at the Annual Meeting in 2014. The LWVCC board elected to start this group after reading a Pretrial Report completed by the Administrative Office of the Illinois Courts. The report cited numerous problems in the pretrial system and we wanted to find out more. After 18 months (early 2016) we completed our first report based on numerous interviews with Stakeholders in the CJ system, We also read many articles and reports about problems with pretrial justice. We came up with 11 recommendations. Three years later (early 2019) we updated the progress (or lack thereof) of these recommendations. The LWVIL also updated its criminal justice position in 2021. In January of 2021, the General Assembly of Illinois passed the SAFE-T Act. The first part of this new law was set to get rid of monetary bail, our first recommendation and a recommendation of the LWVIL. This was to take place in January of 2023. We thought we were home free: And then came the lawsuits! Everything was on hold.

This report details our group's reaction to all of this and more.

Summer:

We started the summer of 2022 with an in-depth interview with then Chief Justice Anne Burke and the Chair of the Pretrial Services Group Cara Smith. Laura Davis and I asked many questions about the SAFE-T Act and the obstacles to full implementation. Justice Burke assured us the the high court had set up many focus groups throughout the state covering various topics including data collection and training of judges. Cara Smith told us her position and staff had been funded by the General Assembly in order to assure a smooth transition. Justice Burke was excited about the fact that all Illinois counties would now have pretrial services, despite the fact that such services had been mandated by a law passed in 1987!

Also during the summer, 20 league members partnered with members of the Civic Federation to watch and report on bond court hearings. We observed over 1000 cases at central bond court (26th and California) via zoom. The largest number of cases involved gun or drug possession. Judges negotiated with defendants over the amount of bond each could afford. Most cases (64%) had money bond. Many others had Electronic Monitoring. The Civic Federation put out a report with a press release in the fall. But much of the news surrounding this got buried by the fall elections.

Fall:

At our meetings in the fall we discussed upcoming changes to the SAFE-T Act. Much misinformation was out there about emptying jails and letting dangerous people on the streets. The General Assembly held its fall veto session and tweaked some of the language of the new law.

We also discussed a new report which we all read by the Appleseed Lawyers for Fair Courts on the problems of Electronic Monitoring. We read their recommendations and supported them all. We especially supported having all 3500 recipients of EM under one program instead of 2 (one is administered by the Chief Judge of Cook County and the other by the Sheriff). We decided to write a letter in support of this report to be sent at a later time.

We also discussed the Cook County Budget Hearings. We were happy to note that the stakeholders were getting ready for the new SAFE-T Act by hiring more prosecutors, public defenders, etc. Also more courtroom space was being planned for the 2 hearings that would take place if a defendant was to be held before trial (instead of only one). A first appearance or conditions hearing would be first. Then a detention hearing would be held within 48 hours if the prosecutor wanted the defendant held at CC Jail before trial

Winter:

We were stunned when during the last week of 2022, a Kankakee judge agreed with the 60 prosecutors who sued the state over the SAFE-T Act. It was unclear if the act would go into effect in the counties that did not sue. The Supreme Court soon decided that half and half would not work and an “expedited hearing was scheduled”.

Also during this time, a Police Perjury report was released (by Appleseed lawyers) that we read and discussed. 2/3 of wrongful convictions in Illinois were due to police lying on reports or at trial. A meeting with Chief Judge Evans and Appleseed lawyers was arranged. The judge promised a commission to look into the problem.

Spring:

Oral arguments took place over the SAFE-T Act in March. We met as a group soon after to discuss some of the constitutional arguments of the plaintiffs. We did not agree that this act “mixed branches of government”. The legislature has passed dozens of laws that dictate judicial behavior. We also did not agree that the victims’ rights section of the Illinois Constitution was ignored. Many victims’ rights groups had a hand in writing this legislation. We did agree with the Chief Justice’s opinion that the plaintiffs lacked standing. This act did them no harm.

We also read and discussed another report by Loyola University professors who studied bail reform around the nation. They found that getting rid of monetary bail had no effect on future offenses or on the future court appearance rate.

Our electronic monitoring letter was sent this spring to the Finance Committee of the CC Board of Commissioners.

It is May Again:

As May of 2023 is upon us again, we wait impatiently for the Supreme Court’s opinion. If the SAFE-T Act is upheld, we are planning another round of court watching with the Civic Federation. We will continue to meet with Appleseed lawyers and with the JAC (Justice Advisory Council) to gather our information. As I write this report, the Chicago Tribune is running a series about delays in murder cases that take years. We may look further into this topic. We will also be monitoring any change to the Electronic Monitoring Program and other provisions of the SAFE-T Act.

As a group we continue to meet every other month. On the months we do not meet, we continue to have book discussions on relevant topics. One such discussion on the book “Gun Fight” was particularly lively as the author was an insider in the gun industry.

We never seem to run out of topics to discuss and act upon.
Submitted by Jan Goldberg. May of 2023