LWVCC Criminal Justice Interest Group- May 2021-May 2022

During the past year we have continued to meet via zoom every other month. On the months we do not meet for regular business, we have met for discussions about recent books dealing with criminal justice. Dianne Schmidt is our discussion leader. Our regular business meetings have been mostly concerned with the implementation to the new Pretrial Fairness Act. This act contains many of the original 11 recommendations that we have issued in 2 reports, including elimination of cash bail, expansion of diversion programs, expansion of Restorative Justice courts, and dealing with mentally ill arrestees. Most of the information that we collect between meetings comes from our usual sources including bond court judges, spokespersons in the Sheriff’s and Chief Judge’s offices, meetings with Appleseed lawyers, studies from Loyola University and the Civic Federation, and various media outlets. Our focus continues to be pretrial. This is the part of the criminal justice process that sets the tone for all that follows.

This past year has seen an increase in crime. It is difficult to balance public safety with criminal justice reform. Our job as league members is to gather information and follow through on overseeing that our recommendations are implemented in a just manner. Our job is also to inform each other and the general public about what works and what does not. We know that certain approaches to crime in the past have led to over incarceration. We stand at a crossroads in 2022. Here, in Illinois, we are about to implement the most sweeping reforms in decades. It is important to get it right,

Some of the details that we have been following include:

1. The New Public Safety Assessment.

Known as the PSA, it has been used in Cook County since late 2017. It is an instrument that predicts a defendant’s flight risk and risk of reoffending while awaiting trial. Judges use it, along with a written report by pretrial managers, to help decide if a defendant needs to be jailed before trial.

All 102 counties will soon use something like the PSA. The new law mandates this. The Administrative Office of the Illinois Courts has set up a working group of legal experts in order to implement this.

2. Bond Court.

With the elimination of cash bail in January of 2023, changes here will be huge. The Civic Federation has asked us to partner with them for a bond court watching project that may begin this fall in order to assess “before and after” changes. Also, there are 5 new bond court judges (out of 6) about whom we would like to gather more information

3.Diversion Programs.

The Chicago PD has partnered with the Chicago Health Dept. to start a program called NADP (Narcotics Arrest Diversion Program).for arrestees. This year over 700 arrestees have been diverted from arrest and enrolled in a drug treatment program through an agency called Thresholds. This program is only piloted on the West Side, but is supposed to spread throughout the city soon.

Restorative Justice courts are running in 3 areas, North Lawndale, Avondale, and Englewood. These courts maintain a 50% graduation rate currently. We will continue to monitor their progress in the hopes that this model can spread to the suburbs.

4. Electronic Monitoring.

EM is a middle ground used by judges. It is a compromise between complete freedom and complete incarceration before trial. A recent report by Appleseed lawyers have emphasized 10 facts about the program. Many (83%) of the recipients also pay bail at the moment. Cook County spends $20 million on this program. The Sun-Times recently reported problems with recipients when they are supposed to be doing errands, although all are equipped with a GPS.

We will continue to monitor this program.

5. Mental Health of Arrestees.

The Public Defender of Cook County Sharone Mitchell will continue to have a Mental Health Unit among his public defenders. The Kane County PD and Sheriff also have this unit. The Cook County Sheriff has officers equipped with tablets that can contact social workers or psychologists who are on call. This program is currently piloted in Oak Lawn, Blue Island, and most recently, Northbrook. Chicago PD is also using crisis teams with social workers and paramedics partnering with officers in order to address this issue.

6. Data Collection.

As part of the new Pretrial Fairness Act, data collection must be shared among all 102 counties. There is a task force working now on what types of data to collect, and how to share it. Getting correct data has always been a problem. Courts are not subjected to FOIA requests. That might change with some recently proposed legislation.

Data that connects current crime increases to criminal justice reform has been debunked by studies by Loyola University and the Civic Federation. However public perception about criminal justice reform is still a problem. Educating the public is key.

We will continue to monitor the implementation of the Pretrial Fairness Act. We expect 2022-23 to be an especially busy time for the Criminal Justice Group.

Submitted by Jan Goldberg -April, 2022