

No. 129248

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IN THE SUPREME COURT OF ILLINOIS

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IN RE: JAMES R. ROWE, KANKAKEE COUNTY STATE'S ATTORNEY, and  
MICHAEL DOWNEY, KANKAKEE COUNTY SHERIFF,

*Plaintiffs-Appellees,*

v.

KWAME RAOUL, ILLINOIS ATTORNEY GENERAL, JAY ROBERT PRITZKER,  
GOVERNOR OF ILLINOIS, EMANUEL CHRISTOPHER WELCH, SPEAKER OF  
THE HOUSE, DONALD F. HARMON, SENATE PRESIDENT

*Defendants-Appellants.*

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On Appeal from the Kankakee County Circuit Court  
22CH16  
The Honorable Thomas W. Cunningham

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**MOTION OF ILLINOIS NETWORK FOR PRETRIAL JUSTICE  
AND 389 OTHERS FOR LEAVE TO FILE A BRIEF *AMICI CURIAE* IN  
SUPPORT OF DEFENDANTS-APPELLANTS**

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Pursuant to Rules 345 and 361 of the Illinois Supreme Court, the member organizations of the Illinois Network for Pretrial Justice and 389 other organizations and individuals listed below and in the Appendix to their proposed brief, respectfully move this Court for leave to file the accompanying brief of *amici curiae* in support of Defendants—Appellants. In support of this motion, *amici* state the following:

### **INTERESTS OF *AMICI CURIAE***

1. As set forth below, the *amici* are comprised of numerous types of organizations and professionals, including among others community and civil rights organizations, researchers, attorneys, elected officials, and policy organizations based in Illinois and around the nation. Together, they have broad and deep experience in the area of pretrial policy and practice, as well as direct experience representing and supporting individuals, families and communities – particularly poor communities of color – who are most affected by existing systems of monetary bail. *Amici* are listed hereafter by category and are also listed in the Appendix attached to their proposed brief.

#### **The Illinois Network for Pretrial Justice**

2. The Illinois Network for Pretrial Justice is a coalition of more than 40 organizations based in communities throughout Illinois, whose goals include working to reduce pretrial incarceration and, more broadly, to end mass incarceration and address the root causes of socio-economic and racial inequity in our legal system. Many of the member organizations were instrumental in helping to shape, implement and evaluate the effectiveness of Cook County’s bond reform efforts. Specifically, they documented that after Cook County reduced its reliance on monetary bonds, the rates at which people returned to court and stayed free of re-arrests remained stable, and total crime rates also did not change in the following year.

3. Additionally, the Illinois Network for Pretrial Justice advocated for passage of the Pretrial Fairness Act in 2020 and 2021. Since then, many of its member organizations have provided technical advice and best-practices recommendations to stakeholders working to implement the Pretrial Fairness Act statewide.

4. The member organizations of the Illinois Network for Pretrial Justice are included in many of the categories below. They are designated by an asterisk (\*) below and in the Appendix to the brief.

**Organizations Working Against Gender-Based Violence and to Support Victims and Survivors**

5. The organizations working against gender-based violence and to support victims and survivors listed below and on page A1 of the Appendix represent the interests of survivors of gender-based violence, particularly sexual violence and violence committed by intimate partners and other family members. In the experience of the members and individuals supported by these organizations, survivors of gender-based violence are regularly endangered when people accused of committing harm are able to quickly pay money bonds and return home. In addition, survivors of gender-based violence are routinely criminalized for actions taken in self-defense and then incarcerated due to their inability to pay unaffordable money bonds. In the experience of these organizations, money bonds are not necessary to protect—and indeed are often harmful to—victims of gender-based violence.

Apna Ghar, Inc.  
Ascend Justice  
Between Friends  
Chicago Alliance Against Sexual  
Exploitation (CAASE)  
Community Crisis Center  
Connections for Abused Women and  
Their Children (CAWC)  
Family Rescue  
Freedom House

Illinois Coalition Against Domestic  
Violence  
Moms United Against Violence and  
Incarceration (MUAVI)  
Mujeres Latinas En Acción  
The Network: Advocating Against  
Domestic Violence  
Safe Passage  
Western Illinois Regional Council -  
Community Action Agency

### **Violence Prevention Organizations**

6. The violence prevention organizations listed below and on pages A1-A2 of the Appendix work to reduce violence in their communities. They have observed how wealth-based jailing exacerbates intracommunity violence by destabilizing the lives of community members and weakening family and community ties that are protective factors against violence. It is the experience of these *amici* that limiting pretrial incarceration allows people to maintain relationships, jobs, and stability in their lives while awaiting trial, which makes communities safer as a result.

BUILD Chicago  
Circles & Ciphers  
Honor With Action Illinois  
Live Free Illinois

Mothers/Men Against Senseless  
Killings (MASK)  
Nehemiah Trinity Rising\*  
Precious Blood Ministry of  
Reconciliation

### **Reentry Organizations**

7. The reentry organizations listed below and on page A2 of the Appendix provide support to people who are returning to the community following a period of incarceration. They have seen firsthand the difficulties community members face when trying to regain stability after being released from jails and prison. In the experience of these *amici*, wealth-based pretrial jailing needlessly subjects accused people to the increased risks of being unemployed or unhoused despite the fact that they have not been found guilty of a crime.

FirstFollowers  
Giving Others Dreams (G.O.D.) Inc.  
New Hour for Women and Children  
- Long Island

RITAS Ministry  
Safer Foundation  
Starting Over, Inc.  
The Uplift

### **Immigrant and Migrant Justice Organizations**

8. The immigrant and migrant justice organizations listed below and on page A2-A3 of the Appendix represent the interests of immigrants, migrants, and their families as they enter the United States and build lives here. In the experience of these *amici*, wealth-based pretrial incarceration has unique impacts on immigrant populations. The payment of money bonds removes needed funds from communities. Pretrial jailing can expose non-citizens to adverse immigration consequences when their incarceration brings them to the attention of immigration enforcement authorities. In addition, pretrial jailing leads to higher rates of guilty pleas and convictions, which, in turn, can lead to deportations that separate families and other negative immigration consequences.

Binational Institute of Human  
Development  
Dignidad  
Erie Neighborhood House  
Hispanic American Community  
Education and Services  
(HACES)  
Illinois Coalition for Immigrant and  
Refugee Rights (ICIRR)  
Immigrant Legal Resource Center  
Indo-American Center

Mano a Mano Family Resource  
Center  
National Immigrant Justice Center  
North Suburban Legal Aid Clinic  
Organized Communities Against  
Deportations (OCAD)  
The Resurrection Project  
Springfield Immigrant Advocacy  
Network  
United African Organization

### **Mental Health Advocacy Organizations and Service Providers**

9. The mental health advocacy organizations and service providers listed below and on page A3 of the Appendix represent the interests of Illinoisians who have been criminalized for or are experiencing mental health struggles. Many individuals incarcerated in Illinois jails have unmet mental health needs. Even when attempting to provide treatment, many features of jails and prisons are inherently detrimental to mental health, including: overcrowding, violence and abuse, forced solitude and isolation from

social networks, lack of privacy, lack of meaningful activity, insecurity about future prospects, and inadequate health services—especially mental health services. In the experience of these organizations, pretrial detention because of unaffordable money bond harms individuals and communities because people with mental health concerns are best served by receiving treatment and support in their communities.

Chicago Torture Justice Center  
Criminal Justice Advocacy for  
People with Mental Illness  
East Aurora Counseling, Ltd.  
Elliott Counseling Group  
Mental Health America of Illinois  
Mental Health Summit  
NAMI (National Alliance on Mental  
Illness) Illinois

NAMI (National Alliance on Mental  
Illness) Kane-south, DeKalb, and  
Kendall Counties  
Sana Healing Collective  
Urban Community Unity Solutions  
LLC  
Wolf Pack Therapy

#### **Harm Reduction Advocacy Organizations and Substance Use Service Providers**

10. The harm reduction advocacy organizations and substance use service providers listed below and on page A3-A4 of the Appendix represent the interests of Illinoisians who have been or could be criminalized for their use of drugs. Wealth-based jailing destabilizes the lives and endangers the health of people who use substances and their families without offering any benefit to them or their communities. In the experience of these *amici*, approximately half of incarcerated people have substance-related conditions and face increased risk of unnatural death and overdose as a result of incarceration. When substance-use treatment is necessary, it is most successful when offered voluntarily in community settings where health and safety is properly monitored and communal support is readily available. Among people in Illinois jails and prisons, it is estimated that only 17 percent of those in need of clinical treatment services actually receive those services during their incarceration. In the experience of these *amici*, Illinois' system of monetary bond,

which results in pretrial detention for many individuals with substance use disorders, increases both the harm to the jailed individuals who do not receive adequate treatment, as well as to the community as a whole.

A New PATH (Parents for Addiction  
Treatment & Healing)  
The Action Lab at the Center for  
Health Policy and Law,  
Northeastern University School  
of Law  
Cannabis Equity Illinois Coalition  
Drug Policy Alliance  
Illinois Harm Reduction & Recovery  
Coalition

Jolt Foundation  
New Directions Addiction Recovery  
Services  
The Porchlight Collective SAP  
The Puerto Rico Project  
Students for Sensible Drug Policy\*  
TASC, Inc. (Treatment Alternatives  
for Safe Communities)\*

### **Public Health and Disability Justice Organizations**

11. The public health and disability justice organizations listed below and on page A4 of the Appendix have expertise in policy, social services, and advocacy for the benefit of people with disabilities and community health. In the experience of these *amici*, the negative health impacts of the monetary bail system in Illinois are experienced not only by people jailed while awaiting trial. People who are incarcerated in congregate settings are often exposed to communicable diseases and unable to access the same level of care as they can in the community, and this preventable spread of diseases inside jails leads to spread in the larger community. People with disabilities are disproportionately detained pretrial (an estimated one-third to two-thirds of the jailed population has at least one disability). Their physical and mental health conditions frequently deteriorate in jails, which cannot provide the supports and services they need. This, in turn, negatively impacts their ability to successfully navigate their criminal cases, often leading to additional incarceration.

Access Living of Metropolitan  
Chicago\*  
AIDS Foundation Chicago  
Equip for Equality

Health & Medicine Policy Research  
Group  
Illinois Public Health Institute

### **Reproductive Justice Organizations**

12. The reproductive justice organizations listed below and on page A4 of the Appendix advocate for freedom, autonomy, safety, and equity in relation to pregnancy, birth, parenting, and reproductive healthcare. The majority of women who are jailed awaiting trial each year are parents. Pretrial incarceration separates parents and other caregivers from their children, impinging on the fundamental right to parent. Furthermore, when pregnant people are incarcerated, they may be denied their fundamental right to make decisions about reproductive healthcare such as obstetrics, gynecological, and abortion care. People who give birth while jailed awaiting trial are separated from their newborns, may be denied the ability to breastfeed or bond with their young children, and are at risk of losing custody if they do not have another loved one who can care for their children. For all of these reasons, it is the experience of these *amici* that ending monetary bail and reducing pretrial incarceration will increase reproductive health equity and justice.

Chicago Abortion Fund  
Chicago for Abortion Rights  
Illinois Caucus for Adolescent  
Health (ICAH)

Midwest Access Coalition  
Planned Parenthood Illinois Action  
SisterReach

### **Housing Advocacy Organizations and Service Providers**

13. The housing advocacy organizations and service providers listed below and on page A4-A5 of the Appendix provide housing assistance to people across Illinois. In the experience of these organizations, Illinois' current system of monetary bail leads to housing insecurity and homelessness. Data show that people who are jailed for even a few



days are more likely to report housing instability in the year after they are jailed. Just a few days in jail can lead to loss of jobs and income, putting entire households at risk of eviction. Lengthier periods of pretrial incarceration lead to loss of public benefits such as housing assistance. These *amici* also observe that, because people who are incarcerated awaiting trial are more likely to accept a plea deal in order to be released, even for charges that they might otherwise not be convicted of, monetary bond can lead to the numerous legal barriers to housing access that are attendant to a criminal conviction (including barriers to both market-rate housing and to affordable housing programs). Finally, these organizations observe that families throughout Illinois are currently forced to spend thousands of dollars to purchase the freedom of their loved ones, which reduces money available for other necessities such as rent and mortgage payments.

Chicago Coalition for the Homeless  
Chicago House and Social Service  
Agency  
Housing Action Illinois

Northwest Side Housing Center  
Radical Hospitality Ministries  
Saint Leonard's Ministries

### **Women's Empowerment and Civic Engagement Organizations**

14. The women's empowerment and civic engagement organizations listed below and on pages A5 of the Appendix engage women in Illinois to increase gender, racial, economic, and other forms of equity across the state. In the experience of these *amici*, Illinois' current system of monetary bail is harming women significantly. Women are financially disadvantaged in the payment of money bonds due to lower average earnings, and women also bear the brunt of paying bonds on behalf of sons, grandsons, romantic partners, and other loved ones. These harms are especially acute for Black women and other women of color. In addition, women who are jailed awaiting trial are often cut off from civic participation, including, in some cases, the fundamental right to

vote. While people incarcerated awaiting trial in Illinois are legally entitled to vote, this right is often unrealized in practice due to logistical or other barriers.

American Association of University  
Women - Illinois  
Illinois National Organization for  
Women (NOW)\*  
Justice for Wives Foundation  
League of Women Voters of  
Illinois\*

National Asian Pacific American  
Women's Forum (NAPAWF)  
Resistor Sisterhood  
She Votes Illinois  
YWCA Elgin  
YWCA Evanston Northshore  
YWCA of the University of Illinois

### **LGBTQI+ Organizations**

15. The LGBTQI+ organizations listed below and on page A5 of the Appendix represent the interests of lesbian, gay, bisexual, transgender, queer, and intersex individuals and communities. People who are LGBTQI+ are disproportionately likely to experience criminalization and incarceration, especially if they are also Black or people of color. It is the experience of these *amici* that LGBTQI+ individuals are less likely to be able to pay money bonds because of discrimination in employment and housing that denies them access to wealth. If incarcerated while awaiting trial, LGBTQI+ individuals are at a greatly increased risk of experiencing violence in jail, particularly sexual violence. These organizations therefore advocate to end the use of monetary bond in Illinois and reduce pretrial detention as a means of increasing safety for LGBTQI+ people and communities.

Brave Space Alliance  
Chicago Therapy Collective  
Equality Illinois  
Phoenix Center  
Pushing Envelopes Chicago

Transformative Justice Law Project  
(TJLP)  
Youth Empowerment Performance  
Project (YEPP)

### **Labor Unions and Workforce Development Organizations**

16. The labor unions and workforce development organizations listed below and on page A5-A6 of the Appendix represent the interests of members of the Illinois

workforce, as well as Illinois employers, who have been negatively impacted by wealth-based jailing. In the experience of these *amici*, the current system of monetary bail and pretrial detention causes many harms. It results in periods of pretrial detention that cause people to lose their jobs, reducing employment opportunities and economic prospects. It also causes employers to lose staff. Finally, because people incarcerated pretrial are more likely to accept a plea deal in order to be released, even if they otherwise might not be convicted, monetary bail causes the numerous legal barriers to employment that are associated with a criminal conviction.

17. Union members who serve as educators and medical providers see the detrimental impacts of money bonds and pretrial incarceration on their students and patients. In the observation of these *amici*, higher levels of policing and criminalization in Black and Latino neighborhoods result in these harms of monetary bail falling more heavily on communities of color and exacerbating existing economic, educational, and health inequity in Illinois.

Chicago Jobs Council  
Chicago Jobs with Justice  
Chicago Teachers Union

National Nurses United  
Revolution Workshop  
SEIU Healthcare Illinois

### **Faith-Based Organizations and Individual Faith Leaders**

18. The faith-based organizations and individual faith leaders listed below and on pages A6-A9 of the Appendix represent a diverse array of traditions and denominations throughout Illinois. Each of these organizations provides support for community members based in a belief system that calls upon them to address systemic inequity and injustice. In many instances, congregation members have experienced wealth-based incarceration firsthand through their own jailing, the jailing of a loved one, or through their organization's

efforts to support members of their surrounding communities. Many of these religious institutions have engaged in prison ministry work, which has taken them inside county jails to counsel incarcerated people and support their spiritual growth. These *amici* have seen how unaffordable money bonds have caused people in their communities to lose their jobs, housing, and even custody of their children, destabilizing the families of incarcerated people and their broader communities. (For individual *amici*, the listed affiliations are for identification purposes only.)

Abraham Lincoln Unitarian  
Universalist Congregation  
Believers Bail Out\*  
Bend the Arc: Jewish Action  
Champaign-Urbana  
Bishop Dan Schwerin, Northern  
Illinois, United Methodist  
Church  
Church of the Good Shepherd,  
Congregational  
Church World Service  
Clergy for a New Drug Policy\*  
Community Renewal Society\*  
Criminal Justice Task Force at First  
Unitarian Church of Chicago  
Daryle Brown, Dir. of Social Justice,  
Trinity United Church of Christ  
Eastside United Methodist Church  
Episcopal Diocese of Chicago Peace  
and Justice Committee  
Faith Coalition for the Common  
Good\*  
Faith United Methodist Church  
Faith United Protestant Church  
Gamaliel of Illinois  
Good Shepherd of Faith United  
Church of Christ  
Grace Church of Logan Square  
Interfaith Criminal Justice Task  
Force  
JCUA (Jewish Council on Urban  
Affairs)

Kimball Avenue United Church of  
Christ  
Leap of Faith Ministries  
Loop Church  
Masjid Al-Taqwa\*  
The National Council of Jewish  
Women - Chicago North Shore  
New Covenant Baptist Church  
Nuestra Señora de las Américas  
Episcopal Church  
Pastor Cletis Doss, Love Deliverance  
Evangelistic Church  
Pastor Elle Dowd, South Loop  
Campus Ministry  
President Sam Yeagle, Unitarian  
Universalist Fellowship of  
Decatur  
Quad Cities Interfaith\*  
Rabbi Beth Wing  
Rabbi Jessica Wainer  
Religious Action Center of Reform  
Judaism of Illinois (RAC-IL)\*  
Restorative Justice Team of Unity  
Temple  
Rev. Allen Harden, Minister,  
Beverly Unitarian Church  
Rev. Anna E. Roper, ELCA Clergy  
Rev. Carol Hill, Senior Minister,  
Park Ridge Community Church  
Rev. Charles Straight, Faith United  
Methodist Church

Rev. Claude R. King, Sr., First United Methodist Church: Downers Grove	Rev. Jason Lydon, Acting Minister of Religious Education, Second Unitarian Church of Chicago
Rev. Diane B. Tomlinson, Emmanuel Episcopal Church	Rev. Jeffrey L. Phillips
Rev. Dr. Beth Brown, Lincoln Park Presbyterian Church	Rev. Keith A. Kelsey-Powell, Rockford Urban Ministries
Rev. Dr. Brandon S. Perrine, New England Congregational Church	Rev. Lindsey Hammond, First Congregational United Church of Christ of Evanston
Rev. Dr. Carol Ann Munro, United Church of Christ	Rev. Martin E. Woulfe, Abraham Lincoln Unitarian Universalist Congregation
Rev. Dr. Cary L. Beckwith	Rev. Nicolle See Grasse, United Church of Christ
Rev. Dr. Eric Lemonholm	Rev. Pamela Rumancik, Retired Minister, Unitarian Church of Hinsdale
Rev. Dr. Jesse Tanner, First Congregational Church Elgin	Rev. Patrick D. Price, Minister, Unitarian Universalist Congregation of Quad Cities
Rev. Dr. K. Edward Copeland, New Zion Baptist Church	Rev. Paula Cripps-Vallejo, Humboldt Park United Methodist Church
Rev. Dr. Lucas Hergert, North Shore Unitarian Church	Rev. Rakel Evenson
Rev. Dr. Marlene Walker, Unitarian Universalist Congregation of Rock Valley	Rev. Rebecca Gant
Rev. Dr. Marshall E. Hatch, New Mount Pilgrim Missionary Baptist Church	Rev. Shawna Bowman, Friendship Presbyterian Church
Rev. Dr. Otis Moss III, Senior Pastor, Trinity United Church of Christ	Rev. Tom Bozeman, First Unitarian Church of Northwest Indiana
Rev. Dr. Scott Paeth, Edgebrook Community Church	Rev. Violet Johnicker, Rockford Urban Ministries
Rev. Dr. Thomas R. Gaulke, Gethsemane Lutheran in Cicero	Rockford Urban Ministries*
Rev. Dr. Walter Arthur McCray, Greater Union Baptist Church	San Lucas United Church of Christ
Rev. Erik Christensen, Pastor to the Community and Director of Strategic Initiatives at the Lutheran School of Theology	St. Agatha - St. Martin de Porres Catholic Parish
Rev. Frank Langholf	St. Augustine of Hippo Church
Rev. Gretchen Sylvester, Bethel United Church of Christ	St. Luke's Lutheran Church of Logan Square
Rev. Jason Coulter, Senior Minister, First Congregational Church of Evanston	Trinity United Church of Christ, Chicago*
	Unitarian Universalist Advocacy Network of Illinois*
	Unitarian Universalist Church of Bloomington-Normal
	The Unitarian Universalist Church, Rockford

Unitarian Universalist Prison  
 Ministry of Illinois\*  
 United Church of Rogers Park  
 United Congregations of MetroEast\*  
 Unity Fellowship Church

Unity Temple Unitarian Universalist  
 Congregation  
 Wesley United Methodist Church  
 Woodridge United Methodist Church

### **Racial Justice Organizations**

19. The racial justice organizations listed below and on page A10 of the Appendix represent community organizations working to address cultural and structural racism. Throughout Illinois, Black people are disproportionately jailed when compared to the number of Black people living in their county. The payment of money bonds extracts millions of dollars from already-disinvested and marginalized Black communities in Illinois each year. It is the experience of these *amici* that Illinois' current system of monetary bond exacerbates and compounds existing racial discrimination throughout the criminal legal system.

Asian Americans Advancing Justice –  
 Chicago\*  
 Black Justice Project\*  
 Black Lives Matter: Bloomington-  
 Normal  
 Black Lives Matter: Springfield  
 Black Lives Matter: Will County  
 BlackRoots Alliance  
 BYP100  
 Chicago Alliance Against Racist and  
 Political Repression  
 Eliminate Racism 815

The Equitcity Racial Equity Movement  
 Grassroots Collaborative  
 Illinois Black Advocacy Initiative  
 Madison County Urban League Inc.  
 Nikkei Uprising\*  
 Peoria NAACP\*  
 The Praxis Institute  
 Rainbow Push Coalition  
 Rockford NAACP  
 Springfield Urban League Inc.  
 World Without Genocide

### **Member-Based Community Organizations**

20. The member-based community organizations listed below and on pages A10-A11 of the Appendix collectively represent tens of thousands of concerned Illinoisans of diverse backgrounds who actively work to improve the lives of all people in their communities. Many of the organizations specifically work to challenge unjust and

ineffective policies and practices related to policing and the criminal legal system. In the experience of these community organizations, Illinois' existing system of monetary bail harms and destabilizes their members and the communities they represent in numerous ways, such as increased unemployment, financial instability, housing instability, and fraying family and social ties. These harms can make the affected people and their families turn to desperate measures to survive, reducing community safety overall. In the observation of these *amici*, monetary bail predominantly harms poor people of color, who are disproportionately likely to be jailed and also disproportionately likely to be victimized.

33rd Ward Working Families  
 48th Ward Neighbors for Justice  
 A Just Harvest\*  
 Alliance for Civic Engagement  
 Brighton Park Neighborhood  
 Council  
 Change Peoria\*  
 Chicago United for Equity  
 Chicago Votes  
 Concerned Citizens of Precinct 12  
 Equity And Transformation (EAT)  
 Fox Valley Citizens for Peace &  
 Justice  
 Friends Who March  
 Indivisible Chicago - South Side  
 Indivisible Chicago Alliance  
 Indivisible IL9 -  
 Andersonville/Edgewater  
 Northwest Suburbs Organizing For  
 Action (NWSOFA) Indivisible

Not In Our Town / Not In Our  
 School - Bloomington-Normal  
 Not Me We  
 ONE Northside  
 The People's Lobby\*  
 Quad Cities Democratic Socialists of  
 America (DSA)\*  
 Southsiders Organized for Unity and  
 Liberation (SOUL)\*  
 Stand for Children Illinois  
 Team BluePage  
 United Neighbors of the 35th Ward  
 United Working Families  
 West Suburban Illinois Democratic  
 Socialists of America (DSA)\*  
 West Suburban Peace Coalition  
 Will County Progressives  
 Workers Center for Racial Justice\*

### **Illinois Criminal Justice Reform Organizations**

21. The Illinois criminal justice reform organizations listed below and on page A12 of the Appendix have expertise in our state's legal system. Collectively they have advocated for policy changes, analyzed the impact of policy changes, drafted policy and served as advisors during the implementation of criminal legal system reforms. They have

observed how wealth-based jailing has negatively impacted individuals, their families, and communities across Illinois. Some of these organizations also have researched, analyzed and documented how pretrial reforms in Cook County have not negatively impacted rearrest, crime or court appearance rates.

BPI (Business and Professional  
People for the Public Interest)  
Champaign County Bailout  
Coalition\*  
Chicago Appleseed Center for Fair  
Courts\*  
Chicago Community Bond Fund\*  
Chicago Council of Lawyers  
Coalition to Reduce Recidivism in  
Lake County\*  
Color of Equity  
Community Justice for Youth  
Institute  
CURE Illinois  
Debt Free Justice Illinois  
Eric Lurry Foundation

Fully Free Campaign  
Illinois Alliance for Reentry and  
Justice  
Illinois Justice Project  
Illinois Prisoner Rights Coalition\*  
Illinois Social Justice Alliance  
John Howard Association of Illinois  
Juvenile Justice Initiative  
Liberation Library  
Lucy Parsons Labs  
May 30th Alliance  
Parole Illinois  
Restore Justice\*  
Winnebago County Fund for Justice  
The Women's Justice Institute

### **National Criminal Justice Reform Organizations**

22. The criminal justice reform organizations listed below and on pages A13 of the Appendix have expertise in legal policy nationwide or in states outside of Illinois. Collectively, they have advocated for policy changes, analyzed the impact of policy changes, drafted legislation, or served as advisors during the implementation of criminal justice reform measures. Throughout the country, they have observed how wealth-based jailing has negatively impacted individuals, their families and communities. Several of these organizations have also analyzed and documented how bail reform measures have not negatively impacted crime or court appearance rates in jurisdictions across the country.

The Bail Project  
Center for American Progress  
Color of Change

Community Justice Exchange  
Detroit Justice Center  
Envision Freedom Fund



Fair and Just Prosecution  
 Families for Justice as Healing  
 Law Enforcement Action Partnership  
 (LEAP)  
 Legal Rights Center  
 Mass Incarceration Committee Legal  
 Defense Solidarity Project of the  
 National Lawyers Guild  
 MediaJustice  
 Minnesota Freedom Fund  
 National Bail Fund Network  
 National Legal Aid & Defender  
 Association

Partners for Justice  
 Pretrial Justice Institute  
 Prison Policy Initiative  
 Public Justice Center  
 Represent Justice  
 San Francisco Pretrial Diversion  
 Project  
 Silicon Valley De-Bug  
 Smart Decarceration Project at the  
 University of Chicago  
 Tucson Second Chance Community  
 Bail Fund  
 Vera Institute of Justice

**Law Firms, Solo Practitioner Attorneys, and Legal Organizations**

23. Many of the legal organizations, law firms and attorneys listed below and on pages A14-A15 of the Appendix—including the Law Offices of the Cook County and Champaign County Public Defenders and the members of the Illinois Association of Criminal Defense Lawyers—represent people accused of crimes in courts across Illinois. In their firsthand experience, wealth-based jailing makes it difficult for their clients to participate in their own defense. As a result, wealth-based jailing produces wrongful convictions, coerces people into unfair plea deals, and leads to longer sentences.

24. The civil legal services organizations listed below and on pages A14-A15 of the Appendix represent people in matters related to housing, public benefits, family law, and other matters based on their need and economic disadvantage. In the experience of these *amici*, Illinois’ money bond system further compounds legal and economic barriers to thriving communities, because it results in loss of employment, housing, public benefits, and custody of one’s children. The harms of the monetary bail system fall most harshly on individuals, families, and communities that are already experiencing economic precarity.

25. Other legal organizations, law firms and attorneys listed below and on pages A14-A15 of the Appendix have researched and litigated systemic challenges to systems of wealth-based jailing in other jurisdictions. These organizations have developed extensive expertise on pretrial systems throughout the United States. In their observation, many systems of wealth-based incarceration have been held, or likely could be held, to violate principles of equal protection and substantive due process, because they fail to rationally advance legitimate government aims such as ensuring that people return to court and remain free of arrests while awaiting trial.

ACLU of Illinois\*  
 Action Injury Law Group  
 Appellate Advocacy Center,  
 Northwestern Pritzker School of  
 Law  
 Beyond Legal Aid  
 Cabrini Green Legal Aid  
 Center on Race, Inequality, and the  
 Law at New York University  
 School of Law  
 Champaign County Public  
 Defender's Office  
 Chicago Lawyers' Committee for  
 Civil Rights  
 Children and Family Justice Center,  
 Northwestern Pritzker School of  
 Law  
 Children's Best Interest Project  
 Civil Rights and Police  
 Accountability Project of the  
 University of Chicago Law  
 School  
 Civil Rights Corps  
 Coalition Legal  
 Community Justice and Civil Rights  
 Clinic at Northwestern  
 University Pritzker School of  
 Law  
 Criminal Justice Institute at Harvard  
 Law School

Dvorak Law Offices LLC  
 Edwin F. Mandel Legal Aid Clinic  
 of the University of Chicago Law  
 School  
 The Exoneration Project  
 Federal Criminal Justice Clinic of  
 the University of Chicago Law  
 School  
 First Defense Legal Aid  
 Greater Chicago Legal Clinic  
 Illinois Association of Criminal  
 Defense Lawyers (IACDL)  
 Illinois Prison Project  
 Illinois State Bar Association  
 James B. Moran Center for Youth  
 Advocacy  
 Jenipher R. Jones, Esq., A People's  
 Law Office, LLC  
 Law Office of Karen Ranos LLC  
 Law Office of Lee A. Ayers  
 Law Office of the Cook County  
 Public Defender  
 Law Office of Vonya Quarles  
 Law Offices of Mark H. Kusatzky  
 Lawndale Christian Legal Center  
 Legal Aid Chicago  
 Legal Aid Society of Metropolitan  
 Family Services  
 Loevy & Loevy  
 The Moran Law Group

National Lawyers Guild of Chicago  
 Paulson & Vandersnick Law  
 Prusak and Harkins, LLC  
 Rights and Restoration Law Group,  
 LLC  
 Rights Behind Bars  
 Roderick and Solange MacArthur  
 Justice Center

Sentencing Advocacy Group of  
 Evanston (SAGE)  
 Shriver Center on Poverty Law\*  
 Silver Law Office PC  
 To Defend If Necessary, LLC  
 Uptown People's Law Center  
 Westside Justice Center  
 West Town Law Office  
 Woodward Law Office

### **Law Professors**

26. The law professors listed below and on pages A15-A17 of the Appendix have a profound interest in the correct interpretation of the law. They have studied and published articles on constitutional interpretation, criminal law, criminal legal system policy, and related matters. Based on their years of study and expertise, they believe strongly that ending monetary bail is constitutional and is sound public policy. (The listed affiliations are for identification purposes only.)

Janet Ainsworth, John D. Eshelman  
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 Amna A. Akbar, Charles W.  
 Ebersold and Florence Whitcomb  
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 State University, Moritz College  
 of Law  
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 Advocacy Clinic, University of  
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 W. David Ball, Professor of Law,  
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 Mary Bird, Director of Public  
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University Chicago School of  
 Law  
 Josh Bowers, Professor of Law,  
 University of Virginia School of  
 Law  
 Bruce A. Boyer, Curt and Linda  
 Rodin Professor of Law and  
 Social Justice, Loyola University  
 Chicago School of Law  
 Rachel Burg, Assistant Professor of  
 Law, Wisconsin Innocence  
 Project, University of Wisconsin  
 Law School  
 Cameron D. Clark, Clinical  
 Supervising Attorney, University  
 of California, Berkeley Law  
 Premal Dharia, Lecturer on Law and  
 Executive Director, Institute to  
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 Law School  
 Jeffrey Fagan, Professor of Law,  
 Columbia Law School

Marc D. Falkoff, Professor of Law & Supervising Attorney for NIU Prisoners' Rights Project, Northern Illinois University College of Law	Professor of Law, Penn State Law
Susan Feathers, Professor of Law & Assistant Dean for Pro Bono and Public Interest, Rutgers Law School	Alan Raphael, Associate Professor of Law, Loyola University Chicago School of Law
Craig B. Futterman, Professor of Law, University of Chicago Law School	Keramet Reiter, Professor, Department of Criminology, Law & Society & School of Law, University of California, Irvine
Lauryn Gouldin, Crandall Melvin Professor of Law, Syracuse University College of Law	Kim D. Ricardo, Professor of Law, University of Illinois Chicago School of Law
Bernard E. Harcourt, Isidor and Seville Sulzbacher Professor of Law and Political Science, Columbia Law School	Brendan Roediger, Professor of Law and Director of Civil Litigation Clinic, St. Louis University School of Law
Christopher Lau, Visiting Assistant Professor, Criminal Defense Clinic, Benjamin N. Cardozo School of Law	Leslie Rose, Professor Emerita, Golden Gate University School of Law
Darryl Li, Assistant Professor of Anthropology and Associate Member of the Law School, University of Chicago	Alison Siegler, Founding Director of the Federal Criminal Justice Clinic at the University of Chicago Law School
Suzanne A. Luban, Associate Director of the Stanford Criminal Defense Clinic, Stanford Law School	Jocelyn Simonson, Associate Dean & Professor of Law, Brooklyn Law School
Alan Mills, Adjunct Professor of Law, Northwestern University Pritzker School of Law	Stephen F. Smith, Professor of Law, University of Notre Dame Law School
Jonathan Oberman, Co-Director, Criminal Defense Clinic, Benjamin N. Cardozo School of Law	Katharine Tinto, Director of Criminal Justice Clinic, University of California, Irvine School of Law
Mae C. Quinn, Associate Dean for Experiential Education and	Ronald Tyler, Professor of Law and Director, Stanford Mills Clinic Criminal Defense Clinic, Stanford University
	Kate Weisburd, Associate Professor of Law, George Washington University School of Law

### **Professors, Researchers, and Academics**

27. The professors, researchers, and other academics listed below and on page A17-A18 of the Appendix have contributed to the extensive social science data regarding

the economic and racial inequalities caused by criminal legal system policies, including monetary bail. They have an interest in ensuring that jurisdictions adopt evidence-based policies that take into account the abundant social science research showing that monetary bail does not achieve its goals and exacerbates racial and economic disparities. (The listed affiliations are for identification purposes only.)

Tennille Nicole Allen, Ph.D.,  
Professor and Chair of  
Sociology, Lewis University  
Jessica Bird, Ph.D., Clinical Assistant  
Professor, Criminology, Law &  
Justice Department, University of  
Illinois at Chicago  
Brielle Bryan, Assistant Professor of  
Sociology, Rice University  
Leigh Courtney, Criminal Legal  
System Researcher, Urban  
Institute  
Matt Epperson, Associate Professor,  
University of Chicago  
Gina Fedock, Assistant Professor,  
University of Chicago  
Holly Foster, Professor of Sociology,  
Texas A&M  
David J. Harding, Professor of  
Sociology, University of  
California Berkeley  
John H. Laub, Distinguished  
University Professor Emeritus,  
University of Maryland  
Anna-Maria Marshall, Associate  
Professor of Sociology and Law,  
University of Illinois, Urbana-  
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Andreea Matei, Criminal Legal  
System Researcher, Urban  
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A. Naomi Paik, Associate Professor,  
Criminology, Law, & Justice and  
Global Asian Studies, University  
of Illinois, Chicago  
Tim Schnacke, Esq., Executive  
Director, Center for Legal and  
Evidence-Based Practices  
Sandra Susan Smith, Daniel &  
Florence Guggenheim Professor  
of Criminal Justice, Harvard  
Kennedy School  
Michael A. Stoll, Professor of Public  
Policy, University of California  
Los Angeles Luskin School of  
Public Affairs  
Kristin Turney, Professor of  
Sociology, University of  
California, Irvine  
Robert Werth, Associate Professor  
(Teaching) of Sociology,  
University of Southern California  
David Wilson, Professor, Geography and  
Geographic Information Science (GIS),  
University of Illinois Urbana-  
Champaign

### **Elected Officials and Government Agencies**

28. The elected officials and government agencies listed below and on pages A18-A19 of the Appendix represent constituencies in cities and counties across Illinois. Their localities and constituents have been harmed by wealth-based pretrial jailing. Each

official was elected to public office to represent the interests of their constituents, including people who are criminalized and jailed and their families and communities. In the experience of these officials, Illinois' current system of wealth-based pretrial jailing is adversely affecting all municipalities in Illinois, regardless of size, demographics, or income levels.

Alderman Jeff Crabill, Ward 8,  
Bloomington City Council  
Board Member Emily Rodriguez,  
District 8, Champaign County  
Board  
Alderman Daniel La Spata, 1st  
Ward, Chicago City Council  
Alderman Matthew J. Martin, 47th  
Ward, Chicago City Council  
Alderman David Moore, 17th Ward,  
Chicago City Council  
Alderman Carlos Ramirez-Rosa,  
35th Ward, Chicago City Council  
Alderman Michael D. Rodriguez,  
22nd Ward, Chicago City  
Council  
Alderman Rossana Rodriguez, 33rd  
Ward, Chicago City Council  
Alderman Byron Sigcho-Lopez, 25th  
Ward, Chicago City Council  
Alderman Andre Vasquez, 40th  
Ward, Chicago City Council  
State's Attorney Kimberly M. Foxx,  
Cook County  
President Toni Preckwinkle, Cook  
County Board of Commissioners  
Cook County Justice Advisory  
Council  
Commissioner Brandon Johnson, 1st  
District, Cook County Board  
Commissioner Josina Morita, 13th  
District, Cook County Board  
Commissioner Kevin Morrison, 15th  
District, Cook County Board

Commissioner Anthony Joel  
Quezada, 8th District, Cook  
County Board  
Township Supervisor Danielle  
Chynoweth, Cunningham  
Township  
Mayor Daniel Biss, Evanston  
Government Supervisor Angel  
Contreras, Joliet Township  
Township Trustee Cesar Escutia,  
Joliet Township  
Township Trustee Karl Ferrell, Joliet  
Township  
State's Attorney Eric Rinehart, Lake  
County  
Board Member Karl Coleman, 1st  
District, Macon County Board  
Board Member Krystle Able, District  
4, McLean County Board  
Board Member Marc Ayers, District  
12, Sangamon County Board  
Alderman Erin Conley, Ward 8,  
Springfield City Council  
Alderman Kristin DiCenso, Ward 6,  
Springfield City Council  
Alderman Shawn Gregory, Ward 2,  
Springfield City Council  
Alderman Lakeisha Purchase, Ward  
5, Springfield City Council  
Alderman Roy Williams, Ward 3,  
Springfield City Council  
Board Member Ronnie Bush,  
District B, Stephenson County  
Board

**THIS AMICI BRIEF WILL ASSIST THE COURT**

29. The Circuit Court’s ruling below—that the Pretrial Fairness Act’s<sup>1</sup> elimination of money bonds violates the Illinois Constitution’s Crime Victim’s Rights Amendment and Separation of Powers Clause—was premised on a number of factual conclusions. However, the Circuit Court necessarily reached its factual conclusions by pure assumption because the summary judgment record was devoid of testimony or other evidence regarding those factual premises.

30. The proposed brief of *amici curiae* provides social science data and experiential evidence from communities throughout Illinois and nationwide regarding the impact of money bonds. Decades of research and experience establishes the following points.

31. First, data shows that the Circuit Court’s unfounded presumption that the elimination of money bonds in Illinois will endanger victims specifically, or the public generally, is wrong. Evidence from Cook County and numerous other states and localities that have reduced reliance on money bonds shows that money bonds are not necessary for community safety. Further, victims are not protected when wealthy people accused of crimes can simply pay their way out of jail, while poor people accused of the same behavior cannot.

32. Abolishing monetary bail is likely to *improve* the safety of victims as well as the public. This is because unaffordable money bonds increase the number of people who are jailed awaiting trial, including a very substantial number of people who will

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<sup>1</sup> The Pretrial Fairness Act will refer herein to the portions of the SAFE-T Act ruled unconstitutional in the order appealed from, namely Section 10-255 of Public Act 101-0652 and Section 70 of Public Act 102-1104.

eventually be found not-guilty or who otherwise never would be sentenced to additional jail or prison time. Pretrial jailing causes people to lose their jobs, housing, social and familial ties, and physical and mental health care. As a result, after they are released, people who were jailed pretrial are more likely to break the law out of desperation or trauma. Contrary to the Circuit Court's unsupported assumptions, evidence shows that monetary bail is likely to have a negative effect on community safety, especially the communities already most impacted by violence: those who are poor, Black and Brown.

33. Second, judges in Illinois do not need the authority to impose money bonds to satisfy the purposes of bail—*i.e.*, ensuring that accused people remain free of rearrest and return to court. Under the Pretrial Fairness Act, judges are *required* to consider the safety of individuals and the community during detention and conditions-of-release hearings. Further, research shows that people are equally likely to appear in court whether or not they are ordered to pay money bonds. In jurisdictions that have reduced reliance on monetary bail, failure-to-appear rates remained essentially unchanged. Indeed, research shows that the best way to get people to return to court is to simply send them a reminder. Finally, Illinois' current system of monetary bail is only an illusory incentive for people to return to court because most people who pay bonds never get their money back. Rather than an inducement to return to court, money bonds effectively are a tax that falls most heavily on already-disinvested Black families and communities in Illinois.

34. *Amici* submit that the statistical and experiential evidence presented in the appended brief will assist this Court in evaluating the Circuit Court's conclusions concerning the Pretrial Fairness Act's impact on crime victims, the community, and the administration of Illinois criminal courts.



35. *Amici* respectfully request that this Court grant leave to file the proposed brief of *amici curiae* in support of Defendants-Appellants. A proposed order is attached to this Motion.

Dated: January 26, 2023

Respectfully submitted,

/s/ Matthew J. Piers

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No. 129248

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IN THE SUPREME COURT OF ILLINOIS

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IN RE: JAMES R. ROWE, KANKAKEE COUNTY STATE’S ATTORNEY, and  
MICHAEL DOWNEY, KANKAKEE COUNTY SHERIFF,

*Plaintiffs-Appellees,*

v.

KWAME RAOUL, ILLINOIS ATTORNEY GENERAL, JAY ROBERT PRITZKER,  
GOVERNOR OF ILLINOIS, EMANUEL CHRISTOPHER WELCH, SPEAKER OF  
THE HOUSE, DONALD F. HARMON, SENATE PRESIDENT

*Defendants-Appellants.*

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On Appeal from the Kankakee County Circuit Court  
22CH16  
The Honorable Thomas W. Cunningham

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**DECLARATION OF MATTHEW J. PIERS**

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I, Matthew J. Piers, certify pursuant to 735 ILCS 5/1-109 as follows:

1. I am an attorney with the law firm of Hughes Socol Piers Resnick & Dym, Ltd. (“HSPRD”) in Chicago, Illinois, and I am licensed to practice law in Illinois.
2. I am one of the HSPRD attorneys who serves as counsel to the *amici curiae* listed in the Appendix to the Brief of *Amici Curiae* Illinois Network for Pretrial Justice and 389 Others in Support of Defendants-Appellants.

3. I certify that on information and belief, the facts set forth in the Motion of Illinois Network for Pretrial Justice and 389 Others for Leave to File a Brief *Amici Curiae* in Support of Defendants-Appellants are true and correct.

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned counsel certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Dated: January 26, 2023.

/s/ Matthew J. Piers  
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One of the Attorneys for *Amici Curiae*

**PROOF OF FILING AND SERVICE**

The undersigned, an attorney, certifies that on January 26, 2023, she caused the foregoing **Motion of Illinois Network for Pretrial Justice and 389 Others for Leave to File a Brief *Amici Curiae* in Support of Defendants-Appellants** and the attached **Brief of *Amici Curiae* Illinois Network for Pretrial Justice and 389 Others in Support of Defendants-Appellants** to be submitted to the Clerk of the Supreme Court of Illinois using the Court's electronic filing system. The undersigned further certifies that on January 26, 2023, she caused a copy of the above-named motion and brief to be served upon counsel for plaintiffs-appellants and defendants-appellees listed below through the electronic filing system and via electronic mail:

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 Darren Kinhead  
 John Hazinski  
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*Counsel for Plaintiffs-Appellees*

Upon acceptance of the brief by the Court's electronic filing system, the undersigned will mail the original brief plus twelve copies via the United States Postal Service to:

Clerk of the Supreme Court of Illinois  
Supreme Court Building  
200 E. Capitol Ave  
Springfield, IL 62701

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

/s/ Margaret E. Truesdale  
Margaret E. Truesdale  
One of the Attorneys for *Amici Curiae*

No. 129248

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IN THE SUPREME COURT OF ILLINOIS

---

IN RE: JAMES R. ROWE, KANKAKEE COUNTY STATE'S ATTORNEY, and  
MICHAEL DOWNEY, KANKAKEE COUNTY SHERIFF,

*Plaintiffs-Appellees,*

v.

KWAME RAOUL, ILLINOIS ATTORNEY GENERAL, JAY ROBERT PRITZKER,  
GOVERNOR OF ILLINOIS, EMANUEL CHRISTOPHER WELCH, SPEAKER OF  
THE HOUSE, DONALD F. HARMON, SENATE PRESIDENT

*Defendants-Appellants.*

---

On Appeal from the Kankakee County Circuit Court  
22CH16  
The Honorable Thomas W. Cunningham

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**[PROPOSED] ORDER**

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IT IS HEREBY ORDERED that the Motion of Illinois Network for Pretrial  
Justice and 389 Others for Leave to File a Brief *Amici Curiae* in Support of Defendants-  
Appellants is:

[     ] Granted and the attached brief shall be filed on the public record in this  
matter.

[     ] Denied.

DATED: \_\_\_\_\_, 2023

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Justice

# EXHIBIT

# A

No. 129248

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 IN THE SUPREME COURT OF ILLINOIS
 

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IN RE: JAMES R. ROWE, KANKAKEE COUNTY STATE'S ATTORNEY, and  
MICHAEL DOWNEY, KANKAKEE COUNTY SHERIFF,

*Plaintiffs-Appellees,*

v.

KWAME RAOUL, ILLINOIS ATTORNEY GENERAL, JAY ROBERT PRITZKER,  
GOVERNOR OF ILLINOIS, EMANUEL CHRISTOPHER WELCH, SPEAKER OF  
THE HOUSE, DONALD F. HARMON, SENATE PRESIDENT

*Defendants-Appellants.*

---

On Appeal from the Kankakee County Circuit Court  
22CH16  
The Honorable Thomas W. Cunningham

---

**BRIEF OF *AMICI CURIAE* ILLINOIS NETWORK FOR PRETRIAL JUSTICE  
AND 389 OTHERS\* IN SUPPORT OF DEFENDANTS-APPELLANTS**

---

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*Attorneys for Amici Curiae*

\*Appendix contains a list of all *amici*.



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## INTERESTS OF AMICI

*Amici* are 426 organizations and individuals who, collectively, possess a wealth of knowledge and experience regarding effective pretrial justice policy and practice in Illinois and throughout the nation. The Appendix to this brief contains a complete list of all *amici*. As described more fully in the accompanying Motion for Leave to File Brief of *Amici Curiae*, the expertise of *amici* is based both on extensive academic research and the personal experiences of clients, constituents, and members affected by the unjust, discriminatory, and ineffective systems of monetary bail in Illinois and elsewhere.

This broad coalition of *amici* represent extremely diverse communities in the State of Illinois and the nation, yet they all agree that the Pretrial Fairness Act will benefit community safety and is urgently needed. *Amici* present to the Court data, real-world consequences, and lived experiences resulting from Illinois’ current monetary bail system—information crucial to the Court’s assessment of the constitutionality of the Pretrial Fairness Act.

## SUMMARY OF ARGUMENT

The Circuit Court’s mistaken ruling that the Pretrial Fairness Act’s<sup>1</sup> elimination of monetary bail<sup>2</sup> violates the Illinois Constitution’s Crime Victims’ Rights Amendment and

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<sup>1</sup> The Pretrial Fairness Act will refer herein to the portions of the SAFE-T Act ruled unconstitutional in the order appealed from, namely Section 10-255 of Public Act 101-0652 and Section 70 of Public Act 102-1104.

<sup>2</sup> This brief adopts the definitions of “bail” and “bond” correctly used by the Illinois Supreme Court Commission on Pretrial Practices. *See* Illinois Supreme Court Commission on Pretrial Practices, *Final Report*, at 14 (Apr. 2020), <https://ilcourtsaudio.blob.core.windows.net/antilles-resources/resources/227a0374-1909-4a7b-83e3-c63cdf61476e/Illinois%20Supreme%20Court%20Commission%20on%20Pretrial%20Practices%20Final%20Report%20-%20April%202020.pdf> (defining “bail” as “[t]he process of releasing a defendant from custody with conditions set to reasonably assure public

Separation of Powers Clause rests on two incorrect factual premises: (i) that the elimination of monetary bail will impair public safety, putting victims and their families at risk; and (ii) that monetary bail is effective at promoting public safety and court appearance rates, and therefore is a necessary tool for criminal court judges. Both of these assumptions undergirding the Circuit Court’s decision are clearly refuted by robust data and social science research, as well as the extensive experiences of *amici* and their clients, constituents, and members.

Contrary to the Circuit Court’s unsupported conjectures that monetary bail is necessary to protect crime victims or the Illinois public, or to ensure that accused people return for their court dates, the relevant data presented in this brief demonstrates that Illinois’ current monetary bail system is not necessary to achieve any of those goals.

***First***, the Circuit Court’s unfounded presumption that the elimination of money bonds in Illinois will endanger victims specifically, or the public generally, in violation of the Crime Victims’ Rights Amendment, is wrong. Abolishing monetary bail is likely to *improve* the safety of victims as well as the public.

In jurisdictions such as Cook County, Illinois, as well as others across the country, where reliance on monetary bail has been significantly reduced, rearrests of people who are awaiting resolution of their criminal cases have not increased. Indeed, detaining people on unaffordable monetary bonds likely contributes to increased violations of the law because it destabilizes individuals, families, and communities—particularly poor communities of color. When accused people are locked up before trial due to unaffordable

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safety and court appearance”); *id.* (defining “bond” as “an agreement between the defendant and the court to reasonably assure public safety and reappearance in court”).

money bonds, they often lose their jobs, housing, health care, family and social ties, and potentially custody of their children. They face increased pressure to plead guilty in order to conclude their cases, and they are more likely to receive longer sentences, compounding the harm with more time behind bars. After detained people are released—to lives that have been entirely upended—they are more likely to commit further acts of desperation that violate the law.

Further, because Black people in Illinois are disproportionately likely to be arrested and jailed in the first place, the harms of these new acts of desperation fall on the very same population. In its attempt to protect victims, the Circuit Court disregarded the distressing fact that the people most likely to suffer from consequential unlawful acts are the same people likely to be harmed by unaffordable money bonds in Illinois: poor people of color. Even when individuals or their families can scrape together money for bail, payment of more than modest sums is likely to be financially devastating. The burden falls disproportionately on Black women, in particular, who pay money to bail their relatives and partners out of jail, bleeding funds out of already-disinvested communities and increasing poverty that, in turn, increases arrest rates.

The Circuit Court also disregarded the fact that Illinois' system of wealth-based detention illogically fails to adequately protect victims because accused people whose release is conditioned on paying a money bond and who do have access to money can often simply pay their way out of jail—regardless of any danger they may pose to another person.

These facts, as explained further below, establish that Illinois' current system of monetary bail does not promote the safety of victims or their families, and therefore the

Pretrial Fairness Act's changes to that system do not violate the Victims' Rights Amendment.

*Second*, the Circuit Court's incorrect conclusion that the Pretrial Fairness Act violates the Separation of Powers Clause is premised on the false notion that judges in Illinois need the authority to impose money bonds to satisfy the purposes of bail. The Pretrial Fairness Act does not eliminate the consideration of safety when judges make decisions about pretrial release, detention, and conditions of release. On the contrary, the Pretrial Fairness Act *requires* that judges consider whether a person poses a threat to the safety of any individual or the community when making decisions in detention and conditions-of-release hearings. Additionally, the Pretrial Fairness Act preserves ample release conditions, including tools that are far more effective than money bonds at ensuring that a person accused of a crime returns for scheduled court dates. Indeed, research shows that the most effective way to get people to return to court is to simply send them a reminder. Social science studies establish that people are equally likely to appear in court whether or not they are ordered to pay money bonds. In jurisdictions that have reduced reliance on monetary bail, failure-to-appear rates remained essentially unchanged.

Ultimately, the statistical and experiential evidence presented in *amici's* brief is a far more reliable indicator of how the Pretrial Fairness Act will impact crime victims, the community, and the administration of Illinois criminal courts than the Circuit Court's baseless intuition, which it inappropriately relied on in reaching its constitutional holdings. Because its holdings rest on factual premises that are fundamentally incorrect, the Circuit Court's judgment should be reversed.

## ARGUMENT

For decades, Illinois has recognized two purposes of bail: ensuring that people accused of crimes do not endanger any individual or the public, and ensuring that they return to court as required.<sup>3</sup> But as the Legislature recognized when it passed the Pretrial Fairness Act, Illinois' current system of monetary bail does not accomplish those objectives. In 2021, there were 174,102 people detained in Illinois jails.<sup>4</sup> Most of these presumptively innocent people were jailed not because they were determined to be dangerous to an individual or to the public, nor because they failed to return to court. They were locked up merely because they could not afford to pay a monetary bond. Studies in several jurisdictions show that 20 to 50 percent of people detained pretrial eventually have their charges dismissed or are found not guilty. Thus, were it not for our state's system of monetary bail, every year, tens of thousands of people could entirely avoid the damaging effects of incarceration. Because Illinois' system of monetary bond is *ineffective* at promoting safety for specific victims or the public at large, and is unnecessary to ensure that people return to court, the Circuit Court erred in determining that the Pretrial Fairness Act's changes to this system violate the Illinois Constitution.

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<sup>3</sup> See P.A. 86-984 §1, eff. Dec. 13, 1989 (“When from all the circumstances the court is of the opinion that the accused will appear as required either before or after conviction <<+AND THE ACCUSED WILL NOT POSE A DANGER TO ANY PERSON OR THE COMMUNITY AND THAT THE ACCUSED WILL COMPLY WITH ALL CONDITIONS OF BOND,+>> the accused may be released on his own recognizance.”).

<sup>4</sup> David Olson et al., *Individuals Held in Pretrial Detention and Under Pretrial Supervision in the Community*, Loyola Univ. Chicago Ctr. for Just. Blog (June 18, 2022), <https://loyolaccj.org/pfa/blog/pfa-jail>.

**I. EVIDENCE SHOWS THAT THE ELIMINATION OF MONETARY BAIL IS LIKELY TO IMPROVE PUBLIC SAFETY, UNDERMINING THE CIRCUIT COURT’S UNSUPPORTED ASSUMPTION THAT THE PRETRIAL FAIRNESS ACT THREATENS VICTIMS’ SAFETY AND THEREBY VIOLATES THE CRIME VICTIMS’ RIGHTS AMENDMENT.**

The Circuit Court incorrectly held that the elimination of monetary bail violates the Illinois Constitution’s Crime Victims’ Rights Amendment, Article I, Section 8.1(a)(9), based on the erroneous premise that money bonds help protect the safety of crime victims and their families, and that the elimination of money bonds thus impairs the court’s ability offer that protection.<sup>5</sup> This factual assumption is wrong. Ample social science research, as well as the extensive experience of *amici*, indicate that the Pretrial Fairness Act’s elimination of monetary bail is likely to promote public safety, making crime victims, their families, and the community at large safer.

A person’s ability to pay a monetary bail bears no relation to the safety threat a person presents.<sup>6</sup> Under a monetary bail system, people who may pose a risk to the community can often secure pretrial release by paying high bond amounts while people who do not pose a risk are routinely subjected to lengthy periods of pretrial detention

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<sup>5</sup> Memorandum of Decision at 15 (“[T]he provision eliminating monetary bail in all situations in Illinois, prevents the court from effectuating the constitutionally mandated safety of the victims and their families.”); *id.* at 16 (“The constitutional requirement of bail is meant to help ensure victims’ safety . . . .”); *id.* (“The court finds that setting an ‘amount of bail’ . . . for the protection of victims and their families has been stripped away . . . in violation of Article I, Section 8.1(a)(9).”).

<sup>6</sup> See Am. Bar Ass’n., *ABA Standards for Criminal Justice, Pretrial Release*, Std. 10-5.3(a) (commentary) at 111 (recognizing “*the absence of any relationship* between the ability of a defendant to post a financial bond and the risk that a defendant may pose to public safety”) (emphasis added); National Conference of Commissioners on Uniform State Laws, *Uniform Pretrial Release and Detention Act*, at 31 (2020), [http://www.clebp.org/images/Final\\_Act\\_With\\_Comments.pdf](http://www.clebp.org/images/Final_Act_With_Comments.pdf) (“Rationally, it is not logical to impose a financial condition for purposes of public safety.”).



merely because they lack the resources to pay even very low bond amounts. When perpetrators of violence who have access to funds can simply pay their way out of jail under Illinois' current system of monetary bail, victims and survivors can be harmed, particularly (though by no means exclusively) victims and survivors of domestic and gender-based violence.

Several jurisdictions have sharply reduced or virtually eliminated this illogical and discriminatory system in which a person's freedom is determined not by their risk but by their wealth, and these jurisdictions have not seen increases in pretrial rearrest rates. Moreover, multiple recent studies identify a likely causal effect between pretrial detention and an *increase* in rearrest, while controlling for other variables. Pretrial detention is associated with an increase in rearrests likely due to its resulting disruptions in employment, housing, health care, and family and social ties. Studies indicate that when monetary bail is eliminated—and fewer lives are destabilized by unnecessary pretrial incarceration—crime victims, their families, and communities across Illinois will benefit from the resulting improvement in public safety.

**A. In Illinois and Across the Country, Reducing Reliance on Monetary Bail Has Not Resulted in Increased Rates of Rearrest.**

Many jurisdictions have reduced their use of money bonds, and multiple independent studies have confirmed that removing financial conditions of bail does not increase the rate at which people are rearrested or criminally charged while awaiting trial

in the community.<sup>7</sup> This has been the experience of Cook County, Illinois;<sup>8</sup> Philadelphia, Pennsylvania;<sup>9</sup> the State of New Jersey;<sup>10</sup> Yakima County, Washington;<sup>11</sup> Mecklenberg County, North Carolina;<sup>12</sup> and Washington, DC.<sup>13</sup> All of those jurisdictions significantly

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<sup>7</sup> See, e.g., Don Stemen & David Olson, *Dollars and Sense in Cook County, Examining the Impact of General Order 18.8A on Felony Bond Court Decisions, Pretrial Release, and Crime*, Loyola Univ. of Chicago, at 2, 10 (2020), <https://www.safetyandjusticechallenge.org/wp-content/uploads/2020/11/Report-Dollars-and-Sense-in-Cook-County.pdf>.

<sup>8</sup> *Id.*

<sup>9</sup> Aurélie Ouss & Megan Stevenson, *Does Cash Bail Deter Misconduct?*, at 1, 8 (Jan. 1, 2022), available for download at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3335138](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3335138) (After Philadelphia reduced its reliance on secured money bonds in February 2018, this 2022 study concluded: “We find no evidence that financial collateral has a deterrent effect on . . . pretrial crime.”).

<sup>10</sup> Glenn A. Grant, *2018 Annual Report to the Governor and the Legislature*, New Jersey Courts, at 13 (2019), <https://www.njcourts.gov/sites/default/files/2018cjrannual.pdf> (finding that after New Jersey virtually eliminated monetary bail in 2017, the state’s relatively high no-new-arrest rate remained stable at approximately 75%); Glenn A. Grant, *2021 Annual Report to the Governor and the Legislature*, New Jersey Courts, at 16-17 (2021), <https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-reform/cjr2021.pdf> (finding the same low rearrest rates four years after the near-elimination of monetary bonds and reporting criminal charge rates of less than one percent for serious first- and second-degree offenses and firearm offenses).

<sup>11</sup> Claire M. B. Brooker, *Yakima County, Washington Pretrial Justice System Improvements: Pre- and Post- Implementation Analysis*, Pretrial Just. Inst., at 6 (Nov. 2017), <https://justicesystempartners.org/wp-content/uploads/2018/02/2017-Yakima-Pretrial-Pre-Post-Implementation-Study.pdf> (finding no increase in rearrest rates following policy changes that reduced reliance on monetary bail and increased the pretrial release rate by 20%).

<sup>12</sup> Cindy Redcross et al., *Evaluation of Pretrial Justice System Reforms That Use the Public Safety Assessment*, MDRC 14, at 2, 30 (Mar. 2019), [https://www.mdrc.org/sites/default/files/PSA\\_Mecklenburg\\_Brief1.pdf](https://www.mdrc.org/sites/default/files/PSA_Mecklenburg_Brief1.pdf) (finding that after 2014 changes reducing the use of secured money bail, the percent of people who remained arrest-free during pretrial release remained stable at approximately 74%).

<sup>13</sup> Spurgeon Kennedy, *Freedom and Money – Bail in America*, Pretrial Services Agency for the District of Columbia (2012), <https://www.psa.gov/?q=node/97> (finding that in Washington, DC, where monetary conditions of release are prohibited, nearly 88% of people are released without financial conditions, 88% of those people are not rearrested

reduced or eliminated financial conditions of bail, and none saw any significant attendant increase in re-arrest rates.

The experience of Cook County is illustrative. In July 2017, Chief Judge Timothy C. Evans of the Circuit Court of Cook County issued General Order 18.8A (GO18.8A), which took effect in September 2017. GO18.8A created a process for more effectively implementing the requirement of then-existing state law that people who are arrested presumptively should be released without a money bond.<sup>14</sup> It further required courts to consider people's social and economic circumstances when setting conditions of release, thus calling for the use of lower bond amounts for those required to pay monetary bail. Researchers at Loyola University of Chicago carefully evaluated the impact of GO18.8A, and found that:

- (i) In the six months after it went into effect, GO18.8A greatly increased the use of I-Bonds (i.e., unsecured money bonds)<sup>15</sup> from 26% to 57%, resulting in 3,559 more people receiving an I-Bond in the six months after GO18.8A than the number of people who would have received I-bonds if pre-GO18.8A rates had continued;

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while in the community awaiting their trial, and 99% are not rearrested for a violent crime during the pretrial period).

<sup>14</sup> 725 ILCS 5/110-2(e) (eff. 1991) (“This Section shall be liberally construed to effectuate the purpose of relying on pretrial release by nonmonetary means to reasonably ensure an eligible person’s appearance in court, the protection of the safety of any other person or the community, that the person will not attempt or obstruct the criminal justice process, and the person’s compliance with all conditions of release, while authorizing the court, upon motion of a prosecutor, to order pretrial detention of the person under Section 110-6.1 when it finds clear and convincing evidence that no condition or combination of conditions can reasonably ensure the effectuation of these goals.”).

<sup>15</sup> Secured money bail requires upfront payment to secure pretrial release. In contrast, people are released on *unsecured* money bail *without making any payment*, though they may be required to pay money later if they fail to appear in court as scheduled following release.

- (ii) For people who were required to pay monetary bail, GO18.8A dramatically decreased the amount people had to pay to secure release from an average of \$9,316 to an average of \$3,824;
- (iii) The combined increased use of I-Bonds and decreased amounts of money bonds saved accused people and their loved ones a total of \$31.4 million that would have been paid in bonds in those first six months, resulting in significantly more resources being retained by communities;
- (iv) GO18.8A changed how thousands of people were released in that far fewer people were required to pay money to secure their release, but it also increased the percentage of people released immediately from 77% to 81%, which amounted to 500 people in the six months following implementation (and likely led to the much quicker release of many more people who were not tracked by the study); and
- (v) Despite the dramatically reduced use of monetary bail and lower bail amounts, and the increase in people released pretrial, GO18.8A had ***no effect*** on the odds of new criminal charges against people released pretrial.<sup>16</sup>

Of the people released pretrial *both before and after* GO18.8A, 97% were not charged with a new violent offense while on pretrial release.<sup>17</sup> Moreover, there was no statistically significant change in the level of crime reported in Chicago in the year after GO18.8A took effect.<sup>18</sup>

Accordingly, the Circuit Court incorrectly found that judges' ability to ensure the safety of victims and their families is impaired without the option to impose monetary bail.<sup>19</sup> On the contrary, jurisdictions that have reduced their reliance on monetary bail have not experienced increased risks to public safety, and specifically have not experienced increases in the rates of rearrest for people awaiting trial.

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<sup>16</sup> Stemen & Olson, *supra* note 7, at 2, 7, 10.

<sup>17</sup> *Id.* at 11.

<sup>18</sup> *Id.* at 12.

<sup>19</sup> *See* Memorandum of Decision at 16.

**B. Monetary Bail Destabilizes the Lives of Detained People, Their Families, and Their Communities, Resulting in Higher Rates of Rearrest and Harm to Public Safety.**

In addition to the fact that monetary bail does not improve public safety, monetary bail is actually likely to have *negative* effects on public safety because of tragic and life-altering consequences for those who are unable to pay, including loss of employment, education, housing, ability to care for dependent loved ones, and child custody, as well as the significantly increased difficulty of assisting in the defense of criminal charges.<sup>20</sup>

People who lose their jobs, housing, health care, and/or family ties while jailed awaiting trial are more likely to later violate the law out of economic desperation and trauma. The severe disruptions of the lives of those incarcerated lead to serious community-safety and other social consequences.<sup>21</sup> As a recent meta-analysis shows, “pretrial detention is a far greater threat to public safety than pretrial release. Not only does detention increase the risk that even low-risk individuals might reoffend (or be rearrested), but detention also initiates a series of collateral consequences downstream that are difficult for many to overcome.”<sup>22</sup>

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<sup>20</sup> See *In re Humphrey*, 11 Cal. 5th 135, 147, 482 P.3d 1008, 1015 (2021) (“Studies suggest that pretrial detention heightens the risk of losing a job, a home, and custody of a child.”); Paul Heaton et al., *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 Stan. L. Rev. 711 (2017), <https://review.law.stanford.edu/wp-content/uploads/sites/3/2017/02/69-Stan-L-Rev-711.pdf>; see *infra* Section I(C).

<sup>21</sup> Christopher T. Lowenkamp, *The Hidden Costs of Pretrial Detention Revisited*, Arnold Ventures, at 6 (Mar. 21, 2022), <https://craftmediabucket.s3.amazonaws.com/uploads/HiddenCosts.pdf> (analyzing individuals arrested and jailed in Kentucky and finding that “increasing the amount of time spent in pretrial detention was consistently associated with an [sic] increased odds of rearrest”).

<sup>22</sup> Sandra Susan Smith, *Pretrial Detention, Pretrial Release & Public Safety*, Arnold Ventures, at 3 (July 2022), [https://craftmediabucket.s3.amazonaws.com/uploads/AVCJI\\_Report\\_PretrialDetentionPretrialReleasePublicSafety\\_Smith\\_v3-1.pdf](https://craftmediabucket.s3.amazonaws.com/uploads/AVCJI_Report_PretrialDetentionPretrialReleasePublicSafety_Smith_v3-1.pdf).

1. **Monetary Bail Upends Lives and Destroys Families and Communities.**

Examples abound. Lavette Mayes, a Black mother of two and a business owner with no prior criminal record, at age 46 was incarcerated in Cook County Jail for fourteen months in 2015-2016 on an unaffordable money bond (initially set at \$250,000) after a domestic dispute.<sup>23</sup> Ms. Mayes was unable to see her daughter and son for more than a year and was in danger of losing custody.<sup>24</sup> She lost her business and her housing while in jail.<sup>25</sup> Eventually *amicus* Chicago Community Bond Fund<sup>26</sup> paid Ms. Mayes' bond, and she was released from jail on pretrial electronic monitoring. Despite believing she would be found not guilty if she went to trial, she agreed to a guilty plea with a one-day prison sentence just to end her case, have a normal relationship with her children again, and begin to rebuild her life.<sup>27</sup>

Money bail needlessly increases pretrial detention, and thus its attendant harmful consequences, in two ways. First, it increases the number of people detained for long periods of time because so many cannot afford to pay the amounts required.<sup>28</sup> Second, it

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<sup>23</sup> Matthew McLoughlin & Lavette Mayes, *I Spent 14 Months in Jail Because I Couldn't Pay My Way Out*, Truthout (June 19, 2017), <https://truthout.org/articles/i-spent-14-months-in-jail-because-i-couldn-t-pay-my-way-out/>.

<sup>24</sup> *Id.*

<sup>25</sup> ACLU, *Lavette's Choice*, YouTube (Jan. 23, 2018), <https://youtu.be/E0LFFXt5D0E>.

<sup>26</sup> Chicago Community Bond Fund is a not-for-profit community fund that pays monetary bonds for people charged with crimes in Cook County, Illinois, supporting individuals whose communities cannot afford to pay the bonds themselves and who have been impacted by structural violence. Approximately 2,383 donors contributed to Chicago Community Bond Fund in 2022, and approximately 77,000 donors have contributed more than \$10.9 million in total since November 2015.

<sup>27</sup> *Id.*

<sup>28</sup> Catherine S. Kimbrell & David B. Wilson, *Money Bond Process Experiences and Perceptions*, George Mason Univ. Dept. of Criminology, Law & Soc., at 1 (Sep. 9,

delays release and therefore extends detention for people who ultimately secure pretrial release. Under Illinois' current monetary bail system, even accused people who are ultimately ordered released on bond without payment of money or who can pay their required money bond may wait several days in jail for bail to be set. Those who can secure release on a money bond also must often wait a period of time for their family or community members to gather the funds after bail is finally set.<sup>29</sup> Under the Pretrial Fairness Act, by contrast, some categories of accused people are released immediately on their own recognizance, with any permissible and individualized conditions of release that the judge finds necessary and “the least restrictive means” to achieve the statutory purposes of bail.<sup>30</sup>

Many individuals who endure lengthy periods of pretrial detention would have avoided incarceration entirely if they had been offered a viable way to secure pretrial release that is not based on wealth. Recent studies in various jurisdictions indicate that approximately 20 to 50 percent of people detained pretrial eventually have their charges dismissed or are found not guilty.<sup>31</sup> For this large group of people, and likewise for many

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2016), [https://www.prisonpolicy.org/scans/Money\\_Bond\\_Process\\_Experiences\\_and\\_Perceptions\\_2016.pdf](https://www.prisonpolicy.org/scans/Money_Bond_Process_Experiences_and_Perceptions_2016.pdf); Wendy Sawyer, *How Does Unaffordable Money Bail Affect Families?*, Prison Pol’y Initiative (Aug. 15, 2018), <https://www.prisonpolicy.org/blog/2018/08/15/pretrial/>.

<sup>29</sup> See Olson et al., *supra* note 4.

<sup>30</sup> 725 ILCS 5/110-5, 110-10; P.A. 102-1104, § 70, eff. Jan. 1, 2023.

<sup>31</sup> Will Dobbie et al., *The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*, 108 Am. Econ. Rev. 201, 224 (2018), <https://pubs.aeaweb.org/doi/pdfplus/10.1257/aer.20161503>; Arpit Gupta et al., *The Heavy Costs of High Bail: Evidence from Judge Randomization*, 45(2) J. Legal Stud., at 15 (Aug. 18, 2016), available for download at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2774453](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2774453); Heaton et al., *supra* note 20, at 736; Emily Leslie & Nolan G. Pope, *The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments*, 60(3) J.L. & Econ. 529,

people detained pretrial who are persuaded to plead guilty solely to secure release on time already served or to sentences in the community (such as probation), all the negative effects of incarceration are attributable to pretrial detention, which is, in most cases, due to inability to pay money bond.<sup>32</sup> These negative impacts of incarceration are detailed below:

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536 (2017), available for download at <https://www.journals.uchicago.edu/doi/abs/10.1086/695285>; Megan T. Stevenson, *Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes*, 34 J.L. Econ. & Org. 511, 522 (2018), <https://www.econ.pitt.edu/sites/default/files/Stevenson.jmp2016.pdf>; Sarah Staudt, *Waiting for Justice: An Examination of the Cook County Criminal Court Backlog in the Age of COVID-19*, Chi. Appleseed Ctr. for Fair Courts (Jan. 28, 2021), <https://www.chicagoappleseed.org/2021/01/28/long-waits-for-justice-cook-county-criminal-court-backlog>.

<sup>32</sup> Currently, courts across Illinois set money bond for most people accused of crimes. See Jonah Stemen et al., *Estimating the Impact of the Pretrial Fairness Act: Bond Court Hearings in Cook, Lake, Winnebago, and McLean Counties* (Jul. 18, 2022), Loyola Univ. Chicago, <https://loyolaccj.org/pfa/blog/bond-court-observations> (73% in Cook County, 70% in Lake County, 63% in Winnebago County, and 58% in McClean County). The evidence shows that of the people in pretrial detention for whom a money bond is set, the vast majority (about 85-90 percent) are unable to secure their release because they cannot afford the money bond. See Kimbrell & Wilson, *supra* note 28, at 6.



- (i) **Pretrial incarceration has myriad economic consequences, such as: job loss,<sup>33</sup> lower wages,<sup>34</sup> decreased asset ownership,<sup>35</sup> and lower upward economic mobility.<sup>36</sup>**

Studies show that detention is likely to cause job loss and economic insecurity. *See* nn. 33-36. These statistics are borne out in the experiences of numerous individuals who have been detained in Illinois due to their inability to pay money bonds. For example, Andrea, at the time a 33-year old Latina mother of three grade-school aged children, lost her job as a home health aide in Chicago after she was incarcerated on an unaffordable \$100,000 D-bond (which required her to pay \$10,000 to be released) despite having no prior convictions.<sup>37</sup> In 2022, a Black man who is referred to as Robbie (a pseudonym), lost his job with a cable company before his family paid \$2,000 to bond him out of Champaign County Jail.<sup>38</sup> And in October 2019, Shannon, who is Black, lost his job as a forklift driver as well as his music career when he was ordered to pay an unaffordable

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<sup>33</sup> Harry J. Holzer, *Collateral Costs: Effects of Incarceration on Employment and Earnings Among Young Workers*, IZA Inst. of Labor Econ., at 27-28 (Oct. 2007), <https://docs.iza.org/dp3118.pdf>.

<sup>34</sup> Bruce Western et al., *The Labor Market Consequences of Incarceration*, 47 *Crime & Delinquency* 410, 424 (2001), available for download at <https://journals.sagepub.com/doi/10.1177/0011128701047003007>.

<sup>35</sup> Kristin Turney & Daniel Schneider, *Incarceration and Household Asset Ownership*, 53(6) *Population Ass'n of Am.*, at 2075 (Oct. 26, 2016), available for download at <https://pubmed.ncbi.nlm.nih.gov/27785712/>.

<sup>36</sup> The Pew Charitable Trusts, *Collateral Costs: Incarceration's Effect on Economic Mobility*, at 3 (2010), [https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes\\_assets/2010/collateralcosts1.pdf](https://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1.pdf).

<sup>37</sup> Chicago Cmty. Bond Fund, *Read Andrea's Story*, <https://chicagobond.org/portfolio-posts/read-andreas-story/> (last visited Jan. 21, 2023).

<sup>38</sup> Illinois Network for Pretrial Justice, *From Policy to Progress: A Roadmap for the Successful Implementation of the Pretrial Fairness Act*, at 8 (Jan. 2022), <https://endmoneybond.org/wp-content/uploads/2022/02/pfa-report-final-2.0.pdf>.

\$75,000 D-bond and instead spent 4.5 months incarcerated in Cook County Jail. He was released only when *amicus* Chicago Community Bond Fund paid the required \$7,500; he was subsequently acquitted.<sup>39</sup>

The devastating economic effects of monetary bond ripple far beyond the accused people who lose their jobs. When primary wage-earners are incarcerated, they are too often unable to financially support their children, spouses, or other dependents. Even when an accused person or their family is able to pay monetary bail, the payment of hundreds, thousands or tens of thousands of dollars is likely to drain the family of its savings and assets. Often relatives use their money or assets to pay bail for a loved one. In the experience of *amici*, the result is that countless Black mothers, grandmothers, wives and girlfriends in Illinois are forced to empty their savings, sacrifice their own standards of living, and mortgage their houses to bail a young Black son, grandson, or partner out of jail.<sup>40</sup> For the most part, as discussed in Section II.A.2 these families never get their money back. Recently, for example, Stephen Woodley publicly shared that his family member, who had placed a lien on her house to bail him out of Cook County Jail ten years ago, is still paying back the loan.<sup>41</sup> In Black communities that are already particularly under-

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<sup>39</sup> Chicago Cmty. Bond Fund, *Guilty Until Proven Innocent: Shannon's Experience with Pretrial Jailing and Electronic Monitoring in Cook County* (Mar. 31, 2022), <https://chicagobond.org/2022/03/31/guilty-until-proven-innocent-shannons-experience-with-pretrial-jailing-and-electronic-monitoring-in-cook-county/>.

<sup>40</sup> See Saneta deVuomo-Powell et al., *Who Pays? The True Cost of Incarceration on Families*, Ella Baker Ctr. for Human Rights, at 9 (Sept. 2015), available for download at <https://forwardtogether.org/tools/who-pays/> (summarizing research showing that “[w]omen bear the brunt of the costs—both financial and emotional—of their loved one’s incarceration.”).

<sup>41</sup> Coalition to End Money Bond, *Advancing Justice: Examining the Intersection Between the Pretrial Fairness Act and People with Disabilities*, at 40:00 (Oct. 19, 2022),

resourced and disinvested, the monetary bail system results in draining yet more money and assets, which in turn results in economic deprivation and suffering.

**(ii) Pretrial incarceration leads to housing instability and insecurity.<sup>42</sup>**

When individuals lose their jobs due to pretrial incarceration, they also often lose their housing because they are unable to continue paying rent or mortgage bills. As a result, their families often lose housing as well. For example, in 2017, Miguel, a Latino father, was unable to pay a \$50,000 D-bond to be released from Cook County Jail. Miguel lost his job. As a result, Miguel's family, which included his then three-year-old daughter, lost their apartment and was forced to stay with relatives.<sup>43</sup> Timothy, a 30-year-old Black father of three children in suburban Glendale Heights, was working full time at a real estate company when he was jailed on a \$100,000 D-bond. Unable to work, Timothy could not pay the rent, and the landlord evicted his family. After Timothy's attorney won a bond reduction and he was released on condition of electronic monitoring, he and his family spent months sleeping on an air mattress in his sister's front room.<sup>44</sup> Gordon was a formerly-homeless, disabled Black man who had suffered five heart attacks. In May 2017, he finally got his own apartment for the first time. But a few months later, an arrest and a \$50,000 D-bond resulted in his incarceration at Cook County Jail for four months. If not

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<https://www.facebook.com/endmoneybond/videos/2546519902163171/> (testimony of Stephen Woodley).

<sup>42</sup> Amanda Geller & Marah A. Curtis, *A Sort of Homecoming: Incarceration and the Housing Security of Urban Men*, 40(4) Soc. Sci. Res. (Jul. 1, 2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3173782/>; Cody Warner, *On the Move: Incarceration, Race, and Residential Mobility*, 52 Soc. Sci. Res. 451, 461 (2015), <https://www.sciencedirect.com/science/article/abs/pii/S0049089X15000794?via%3Dihp>.

<sup>43</sup> Chicago Cmty. Bond Fund, *Miguel's Story* (Oct. 10, 2017), <https://chicagobond.org/2017/10/10/ccbf-pay-bail-for-miguel/>.

<sup>44</sup> *From Policy to Progress*, *supra* note 38, at 12.

for the Chicago Community Bond Fund bailing him out just in time to pay his rent, he would have been evicted and lost the only apartment he had ever had.<sup>45</sup>

**(iii) Pretrial incarceration leads to loss of child custody, fraying parent-child bonds;<sup>46</sup> and other forms of relationship dissolution.<sup>47</sup>**

Data from the Prison Policy Initiative shows that approximately 23,000 individuals were detained in local jails in Illinois due to inability to pay bail on any given day in 2018,<sup>48</sup> and more than half of those individuals were likely to be parents of minor children.<sup>49</sup> Children are traumatized and family relationships suffer due to these involuntary separations; the Centers for Disease Control and Prevention classifies parental incarceration as an Adverse Childhood Experience (ACE),<sup>50</sup> which causes childhood stress and contributes to worse health, behavioral and educational outcomes.

The experience of individuals assisted by *amici* in Illinois starkly illustrates these harms. For example, in addition to Ms. Mayes, who nearly lost custody of her two children

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<sup>45</sup> Chicago Cmty. Bond Fund, *Gordon's Story* (Apr. 22, 2019), <https://chicagobond.org/2019/04/22/gordons-story/>.

<sup>46</sup> Kristin Turney & Christopher Wildeman, *Redefining Relationships Explaining the Countervailing Consequences of Paternal Incarceration for Parenting*, 78(6) Am. Soc. Rev. 949, 949 (2013), available for download at <https://journals.sagepub.com/doi/10.1177/0003122413505589>; Sawyer, *supra* note 28; Annie E. Casey Found., *A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities* (Apr. 2016), <https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>.

<sup>47</sup> Leonard M. Lopoo & Bruce Western, *Incarceration and the Formation and Stability of Marital Unions* (Aug. 2005), 67(3) Journal of Marriage and Family, at 721, available for download at <https://www.jstor.org/stable/3600200>.

<sup>48</sup> Prison Policy Initiative, *Illinois profile*, <https://www.prisonpolicy.org/profiles/IL.html> (last visited Jan. 21, 2023).

<sup>49</sup> Sawyer, *supra* note 28.

<sup>50</sup> CDC, *Fast Facts: Preventing Adverse Childhood Experiences*, <https://www.cdc.gov/violenceprevention/aces/fastfact.html> (last updated Apr. 6, 2022).

during her fourteen-month detention, as discussed *supra* at 12, Chicago Community Bond Fund paid money bail for Andreiana, a Black 18-year-old high school senior with a preschool-aged son, who was jailed on a bond of \$15,000 after she was attacked by her partner and fought back against him in 2018.<sup>51</sup> After a difficult four-month separation, Andreiana's young son refused to hug her when she first returned home because he feared she had abandoned him. Chicago Community Bond Fund also prioritizes paying money bond for pregnant women in Illinois jails, such as Morgan<sup>52</sup> and Naomi,<sup>53</sup> who otherwise would be forced to immediately surrender custody of their newborns after delivery and miss crucial parental bonding time.

Most parents do not have access to charitable resources to help pay their bail. For example, Kam, the Black father of an 18-month-old daughter with serious health conditions, was incarcerated before trial in DuPage County in Fall 2018 on an unaffordable \$150,000 D-bond.<sup>54</sup> Even after the judge reduced his bond to \$75,000, he could not pay it. As a result, Kam's partner, Kaylen, was solely responsible for bringing their daughter to all of her medical appointments and hospital stays, but taking so much time off cost Kaylen her job. Kam's unaffordable money bond hindered both parents from financially

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<sup>51</sup> Chicago Cmty. Bond Fund, *Andreiana's Story* (Jan. 29, 2020), <https://chicagobond.org/2020/01/29/andreianas-story>.

<sup>52</sup> Chicago Cmty. Bond Fund, *Read Morgan's Story*, <https://chicagobond.org/portfolio-posts/read-morgans-story> (last visited Jan. 21, 2023).

<sup>53</sup> Chicago Cmty. Bond Fund, *Read Naomi's Story*, <https://chicagobond.org/portfolio-posts/read-naomis-story/> (last visited Jan. 21, 2023).

<sup>54</sup> Coalition to End Money Bond, *Pursuing Pretrial Freedom: The Urgent Need for Bond Reform in Illinois*, at 14 (June 17, 2019), <https://endmoneybond.org/wp-content/uploads/2019/06/final-cemb-report.pdf>.

supporting their child, while also preventing Kam from supporting Kaylen and their daughter emotionally and logistically through their health care challenges.<sup>55</sup>

**(iv) Pretrial incarceration leads to loss of health insurance coverage<sup>56</sup> and damage to mental health.<sup>57</sup>**

Individuals who are detained while awaiting trial typically lose eligibility for public benefits, including Medicaid. *See* n. 56. The lack of continuity of health care and harsh conditions of detention often exacerbate underlying physical and mental health problems. Gordon<sup>58</sup> had survived five heart attacks when pretrial detention in Cook County Jail on an unaffordable D-bond resulted in an additional hospitalization for chest pains. Ulonda lost her job at a moving company and her housing, and temporarily lost custody of her three children, when she was jailed in Sangamon County, Illinois, and was unable to pay a money bond. Her dire situation and her inability to obtain support from friends and family

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<sup>55</sup> *Id.*

<sup>56</sup> *See* Emily Widra, *Why States Should Change Medicaid Rules to Cover People Leaving Prison*, Prison Policy Initiative (Nov. 28, 2022), <https://www.prisonpolicy.org/blog/2022/11/28/medicaid/> (noting that federal Medicaid rules allow cancellation of coverage for incarcerated people); *see also* Illinois Dept. of Human Svcs., Cash, SNAP, and Medical Manual: § PM 03-10-01, *Prisons and Jails*, <https://www.dhs.state.il.us/page.aspx?item=14428> (last accessed Jan. 21, 2023) (those residing in a county jail in Illinois are not eligible for medical coverage except for hospitalizations).

<sup>57</sup> Jason Schnittker et al., *Out and Down: The Effects of Incarceration and Psychiatric Disorders and Disability*, 53(4) J. Health & Soc. Behav. 448 (Feb. 3, 2011), <https://paa2011.populationassociation.org/papers/110115>; Kristin Turney et al., *As Fathers and Felons: Explaining the Effects of Current and Recent Incarceration on Major Depression* (2012), 53(4) J. Health & Soc. Behav., available for download at <https://journals.sagepub.com/doi/10.1177/0022146512462400>.

<sup>58</sup> *Gordon's Story*, *supra* note 45.

from jail, in conjunction with preexisting mental health conditions—which went untreated in the jail—led her to attempt suicide in jail.<sup>59</sup>

2. **Because of its Financially and Socially Destabilizing Effects, Monetary Bail May Tend to Increase the Likelihood of Rearrest.**

Not only does pretrial detention due to inability to pay money bond harm the accused individuals, their families, and communities, but studies across jurisdictions find that pretrial detention may actually *increase* the likelihood of future rearrest.<sup>60</sup> Although the studies cannot identify the precise causation, scholars posit—and common logic indicates—that because detention can lead to job loss and housing instability, and negatively affect interpersonal relationships and physical and mental health, it may make people more inclined to commit acts of survival or desperation that violate the law.<sup>61</sup>

An extensive study published by Arnold Ventures in 2022 analyzed the cases of almost 1.5 million people who were jailed before trial in Kentucky between 2009 and 2018.<sup>62</sup> It concluded that time spent in pretrial detention “is associated with a consistent and statistically significant increase in the likelihood of rearrest,” even controlling for a person’s previously-assessed risk of rearrest.<sup>63</sup> Specifically, any amount of time spent in jail over 23 hours was correlated with approximately 1.5 times the likelihood of rearrest compared to the odds of rearrest for people assessed to be at comparable risk who spent

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<sup>59</sup> *From Policy to Progress*, *supra* note 38, at 16.

<sup>60</sup> See *In re Humphrey*, 482 P.3d at 1015–16 (“[W]hile correlation doesn't itself establish causation, time in jail awaiting trial may be associated with a higher likelihood of reoffending, beginning anew a vicious cycle.”).

<sup>61</sup> Heaton et al., *supra* note 20, at 760.

<sup>62</sup> Lowenkamp, *supra* note 21, at 1.

<sup>63</sup> *Id.* at 4.

0-23 hours in jail.<sup>64</sup> The study built on an earlier analysis, which likewise found that the additional days people were jailed before trial was associated with an increased risk of rearrest even two years *after* their cases concluded.<sup>65</sup> Two other studies similarly adduced evidence that persons detained pretrial were more likely to be rearrested months and years later than were comparable people who were released pretrial.<sup>66</sup>

Illinois' monetary bail system contributes to delays in pretrial release because an accused person can often wait more than 24 hours to have bail set, and it can then take several days or weeks for accused people and their families and community members to gather the necessary funds. As the above studies indicate, these delays may correlate with an increased risk of rearrest. Consequently, rather than increasing public safety, monetary bail is in fact likely to have a detrimental effect on public safety in both the short and long term.<sup>67</sup> At the same time, there is no evidence that pretrial detention due to monetary bail somehow makes specific crime victims safer in the short or long term.

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<sup>64</sup> *Id.* at 5.

<sup>65</sup> Christopher T. Lowenkamp et al., *The Hidden Costs of Pretrial Detention*, Arnold Found., at 20 (Nov. 2013), [https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF\\_Report\\_hidden-costs\\_FNL.pdf](https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_hidden-costs_FNL.pdf).

<sup>66</sup> Heaton et al., *supra* note 20, at 718; Gupta et al., *supra* note 31, at 3, 39.

<sup>67</sup> In addition to the myriad harms to accused people and their families and the negative impact on public safety, the increased rate of detention that money bail causes comes at enormous cost to taxpayers. Across Illinois, detention in county jail costs on average \$111 *per day* per person. Illinois Sentencing Policy Advisory Council, *2021 Update: Dynamic Marginal Costs in Fiscal Impact Analyses*, at 1 (Feb. 2020), <https://spac.icjia-api.cloud/uploads/DMC%202021%20Update%20-%20IDOC%20and%20Jail%20costs-20210217T21163662.pdf>. The average length of pretrial detention in Illinois from 2020 to 2021 was 34 days. Olson et al., *supra* note 4. Last year 174,102 people were admitted to jail and detained pretrial across Illinois. *Id.* With these data points in mind, pretrial detention in Illinois would appear to cost north of \$650 million per year. Monetary bail also hurts Illinois businesses because when employees cannot pay a money bond, their continued detention and absence from work interrupts business operations and increases



Perhaps even more troubling, the statistical tendency for incarceration to correlate with increased future arrests is not limited to the detained people themselves. Researchers find that even short-term parental incarceration (less than 3 months) is associated with a higher probability of a child's future criminal conviction and criminal legal system contact, even when differences in family background characteristics are taken into account.<sup>68</sup> In other words, the likely public safety harm caused by pretrial incarceration due to monetary bail can produce a devastating domino effect because such incarceration is correlated with not only increased rearrest rates respecting the persons detained but also with potential legal system contact by future generations.

3. **The Public Safety Consequences of Monetary Bail Disproportionately Harm Black and Brown People and Communities.**

Monetary bail greatly exacerbates already troubling racial imbalances. People and communities of color most frequently suffer monetary bail's harsh consequences because people of color are both disproportionately detained pretrial on unaffordable money bonds and disproportionately victimized by the overall negative impact on community safety caused by such needless detention.

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turnover, which in turn implicates additional recruiting costs and impedes businesses' ability to maintain a skilled workforce vital for their success.

<sup>68</sup> Lars H. Andersen, *How Children's Educational Outcomes and Criminality Vary by Duration and Frequency of Paternal Incarceration*, 665(1) *Annals Am. Acad. Pol. & Soc. Sci.*, at 162 (May 2016), available for download at <https://www.jstor.org/stable/24756096>; see also Megan Cox, *The Relationships Between Episodes of Parental Incarceration and Students' Psycho-Social and Educational Outcomes: An Analysis of Risk Factors*, Temple Univ., at 4 (May 2009), [https://scholarshare.temple.edu/bitstream/handle/20.500.12613/1018/Cox\\_temple\\_0225E\\_10157.pdf?sequence=1](https://scholarshare.temple.edu/bitstream/handle/20.500.12613/1018/Cox_temple_0225E_10157.pdf?sequence=1) (reporting on literature pointing to a positive correlation between parental incarceration and children's likelihood of incarceration when they reach adulthood).

Black people in the United States are four times more likely to be jailed pretrial than white people, according to a 2015 study.<sup>69</sup> While data regarding pretrial detention rates for Latino people are difficult to interpret because people who identify as Latino often are undercounted, some studies indicate that Latino people are also more likely to be detained pretrial than white people in the United States.<sup>70</sup>

Of those detained statewide in Illinois' jails in 2019, 50% were Black and 33% were white.<sup>71</sup> In contrast, Illinois' total population is 14.7% Black and 60% White.<sup>72</sup> Likely contributing to this disparity is the fact that, due to the longstanding racial wealth gap, people of color are less likely to be able to afford monetary bonds.<sup>73</sup> Indeed, poverty rates for Black people in Illinois (26%) are significantly higher than for white people (9%).<sup>74</sup>

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<sup>69</sup> Ram Subramanian et al., *Incarceration's Front Door: The Misuse of Jails in America*, Vera Inst. for Just., at 11 (Feb. 2015, updated July 29, 2015), [https://www.vera.org/downloads/publications/incarcerations-front-door-report\\_02.pdf](https://www.vera.org/downloads/publications/incarcerations-front-door-report_02.pdf).

<sup>70</sup> Stephen Demuth & Darrell Steffensmeier, *The Impact of Gender and Race-Ethnicity in the Pretrial Release Process*, 51(2) Oxford Univ. Press, at 237-38 (May 2004), available for download at <https://www.jstor.org/stable/10.1525/sp.2004.51.2.222>; Traci Schlesinger, *Racial and Ethnic Disparity in Pretrial Criminal Processing*, 22 Justice Quarterly 170, 181-183 (June 2005), available for download at <https://www.tandfonline.com/doi/abs/10.1080/07418820500088929>.

<sup>71</sup> Olson et al., *supra* note 4.

<sup>72</sup> U.S. Census Bureau, *QuickFacts: Illinois*, <https://www.census.gov/quickfacts/fact/table/IL/RHI225221> (last visited Jan. 21, 2023).

<sup>73</sup> A Pew Research Center study of federal data found that the median wealth of white households was 13 times the median wealth of black households in 2013. See Rakesh Kochhar & Richard Fry, *Wealth Inequality Has Widened Along Racial, Ethnic Lines Since End of Great Recession*, Pew Res. Center (Dec. 12, 2014) <https://www.pewresearch.org/fact-tank/2014/12/12/racial-wealth-gaps-great-recession/>.

<sup>74</sup> PovertyUSA, U.S. Conf. of Cath. Bishops, *Maps & Data: Illinois 2019*, <https://www.povertyusa.org/data/2019/IL> (last visited Jan. 21, 2023).

These racially disproportionate detention rates also harm the communities of color where previously-detained individuals usually return after release. Statewide in Illinois, Black and Latino people are 26% more likely to be victimized by violence than white people.<sup>75</sup> In Chicago, data from 2022 show that the same Black and Latino community areas with the highest arrest rates are also the same community areas with the highest homicide rates, and 95% of homicide victims were Black, Latino, or both.<sup>76</sup> It is the experience of *amici* in Cook County and throughout the State of Illinois that people from the very same communities who are most frequently victimized are also more likely to be arrested and jailed on unaffordable money bonds. While the societal, inter-personal and personal factors that lead to the overlap in these circles are complex and inter-related, it is undoubtedly true that similar factors that place a person at risk of violating the law (lack of educational and economic opportunities, experiences of racism and other forms of discrimination, political disempowerment, trauma, addiction, housing instability, lack of physical and mental health care, and many others), also place the same person and their family and community at risk of being victimized.

Thus, contrary to the Circuit Court's unspoken and simplistic factual assumption that crime victims are an entirely separate class of people in need of protection under Art. I §8.1(a)(9),<sup>77</sup> data show that the people likely to be victimized are the same people likely

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<sup>75</sup> Alliance for Safety & Just., *Illinois Crime Victims' Voices*, at 5 (Dec. 2016), [https://allianceforsafetyandjustice.org/wp-content/uploads/2016/12/ASJ-Illinois-Crime\\_survivors-FINAL-online.pdf](https://allianceforsafetyandjustice.org/wp-content/uploads/2016/12/ASJ-Illinois-Crime_survivors-FINAL-online.pdf).

<sup>76</sup> See Kori Rumore, *Chicago Homicides in 2022*, Chi. Trib. (Jan. 3, 2023), <https://www.chicagotribune.com/news/breaking/ct-chicago-homicides-data-tracker-20220426-iedehzuq5jdofbhwt3v2w6cjoy-story.html>.

<sup>77</sup> See Memorandum of Decision at 15-16.

to be harmed by unaffordable monetary bonds in Illinois: those who are Black, Latino and poor.

C. **Pretrial Detention Results in More Convictions and Harsher Sentences Regardless of Guilt or Innocence, Which in Turn Harms Community Safety.**

As with Ms. Mayes, the Black mother in Chicago who pleaded guilty rather than contest the charges against her so she could finally be released and parent her children, *supra* at 12, pretrial incarceration often causes people to not defend against their charges for reasons that have nothing to do with their guilt or innocence. This can result in harsher punishments and worse case outcomes for individuals who are detained,<sup>78</sup> as reflected by nationwide data. Studies show that detained people are more likely to plead guilty and more likely to receive longer sentences,<sup>79</sup> which in turn hampers their ability to make positive social contributions and support themselves after they are released. These negative effects on case disposition harm not only the person detained but also community safety. Neither the public in general nor crime victims in particular are better protected by an innocent person pleading guilty as a means to finally secure their release from jail—

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<sup>78</sup> Other anecdotal evidence from around Illinois shows that pretrial detention often results in worse outcomes, including the temptation to plead guilty even if a person is innocent. For example, in 2017, George (a client of *amicus* Chicago Community Bond Fund) was acquitted of a charge of aggravated unlawful use of a weapon, but he had considered accepting a guilty plea just to get out of jail. A judge had imposed an unaffordable \$50,000 D-bond, despite George’s lack of a prior record and his status as a 19-year-old high school student and soon-to-be father. George was incarcerated for eight months before being bailed out by Chicago Community Bond Fund and ultimately being found not guilty. Chicago Cmty. Bond Fund, *Read George’s Story*, <https://chicagobond.org/portfolio-posts/george/> (last visited Jan. 21, 2023).

<sup>79</sup> Lowenkamp, *supra* note 21, at 5 (finding that “those released pretrial were about one-half to three-quarters as likely to receive a sentence to prison or jail compared to detained counterparts” and “when those released pretrial were sentenced to incarceration, they were sentenced to shorter periods of incarceration than were those that were detained”).

burdening them with all the future consequences of a criminal conviction and attendant social and economic disadvantages—while in many circumstances the actual perpetrator of the offense for which they stand accused remains free. And, as discussed above, longer periods of incarceration increase the risk of rearrest, which is also detrimental to community safety and victims alike.

Since judges differ greatly in their bail decisions, some recent studies have utilized the near random assignment of judges in arraignment hearings to measure the effects of pretrial detention on case outcomes. These studies have consistently found that, among people who would have been able to secure release before a different judge, pretrial detention and the assignment of money bonds increase the likelihood of conviction primarily through an increase in guilty pleas—likely as the result of their weaker bargaining power during plea negotiations relative to individuals released before trial.<sup>80</sup> Studies also indicate that pretrial detention increases both the likelihood of a jail sentence and the length of the sentences people receive.<sup>81</sup> The fact that an accused person's

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<sup>80</sup> Dobbie et al., *supra* note 31, at 201; Gupta et al., *supra* note 31, at 1; Leslie & Pope, *supra* note 31, at 529; Stevenson, *supra* note 31, at 1; *see also* Heaton et al., *supra* note 20, at 711, 753 (showing that pretrial detention increases guilty plea rates by comparing groups of individuals whose bail hearings took place on a Tuesday to those whose bail hearings took place on a Thursday—the latter of which was more likely to pay money bond and be released, likely because family and friends had an easier time assisting with paying bond over the weekend).

<sup>81</sup> Heaton et al., *supra* note 20, at 711; Christopher T. Lowenkamp et al., *Investigating the Impact of Pretrial Detention on Sentencing Outcomes*, Arnold Found., at 3 (Nov. 2013), [https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF\\_Report\\_state-sentencing\\_FNL.pdf](https://craftmediabucket.s3.amazonaws.com/uploads/PDFs/LJAF_Report_state-sentencing_FNL.pdf) (individuals detained for the full pretrial period are more likely to be sentenced to jail or prison and for longer periods of time); Christopher M. Campbell & Ryan M. Labrecque, *Effect of Pretrial Detention in Oregon: Testimony to the Senate and House Judiciary Committees*, Portland State Univ., at 8 (Mar. 29, 2019), [https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1068&context=ccj\\_fac](https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1068&context=ccj_fac) (individuals detained pretrial are more likely to receive a sentence of incarceration); J.C. Oleson et al., *The Effect of Pretrial Detention on Sentencing in Two Federal Districts*, 33

conditions of pretrial release—and likelihood of detention—are so significantly impacted by the “luck of the draw” on judicial assignment magnifies the other aspects of unfairness and irrationality surrounding monetary bail.

Given that pretrial detention correlates with increased convictions and guilty pleas as well as longer sentences, the race gap in pretrial detention caused by money bail also translates into greater racial disparities in case outcomes. In New York City, for example, researchers concluded that racial disparities in pretrial detention rates explain 40% of the gap in the likelihood between Black people and white people being sentenced to prison, and 28% of the gap in the likelihood between Latino people and white people being sentenced to prison.<sup>82</sup>

These findings also are consistent with the experience of *amici* Illinois Association of Criminal Defense Lawyers and Law Office of the Cook County Public Defender, who find that their clients who are unable to pay bond—the majority of whom are Black and Latino—are more likely to be convicted and more likely to be sentenced to longer terms of incarceration.

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Justice Q. 1103, 1104 (2014), available for download at <https://www.tandfonline.com/doi/full/10.1080/07418825.2014.959035> (pretrial detention is associated with increased prison sentences); Meghan Sacks & Alissa R. Ackerman, *Bail and Sentencing: Does Pretrial Detention Lead to Harsher Punishment?*, 25(1) Criminal Justice Policy Review, at 59 (Oct. 19, 2012), available for download at <https://journals.sagepub.com/doi/abs/10.1177/0887403412461501> (pretrial detention significantly and negatively affects the length of sentences); Mary T. Phillips, *A Decade of Bail Research in New York City*, NYC Criminal Justice Agency, at 127 (Aug. 2012), <https://www.prisonpolicy.org/scans/DecadeBailResearch12.pdf> (people detained pretrial are more likely to be sentenced to incarceration and for longer periods); Marian R. Williams, *The Effect of Pretrial Detention on Imprisonment Decisions*, 28(2) Criminal Justice Review, at 299 (Sept. 16, 2016), available for download at <https://journals.sagepub.com/doi/10.1177/073401680302800206> (people subject to pretrial detention were more likely to be incarcerated and receive longer sentences).

<sup>82</sup> Leslie & Pope, *supra* note 31, at 529.

In sum, researchers and *amici* find that people detained pretrial are more likely to be found guilty and to receive harsher sentences than similar individuals who are not incarcerated prior to trial—consequences that multiply the harmful effects discussed above on accused people, victims, and entire communities.

**D. Illinois’ Existing System of Monetary Bail Harms Victims and Survivors.**

As discussed above, a system of monetary bail does not promote public safety, and moreover, it fails to protect individual victims of violence as well. In the experience of *amici* categorized in this brief as Organizations Working Against Gender-Based Violence and to Support Victims and Survivors, when wealth and economic access determine whether an accused person is released before trial, people charged with domestic or sexual violence can often secure their release irrespective of their risk to victim or public safety, allowing for pretrial witness intimidation, coercion, or further incidents of victimization.

On the other hand, and equally harmful to victims of gender-based violence, the monetary bail system often detains abuse victims who fight to defend themselves against their abusers. This happened to Andreiana, mentioned above, who was jailed on an unaffordable money bond in Cook County (until Chicago Community Bond Fund paid her bail) after she fought back against physical abuse from a domestic partner.<sup>83</sup> In these situations, monetary bonds impede rather than advance the safety of survivors, and of the general public.

In place of this illogical and unsafe system of wealth-based detention, the Pretrial Fairness Act ensures that pretrial incarceration decisions are based on comprehensive

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<sup>83</sup> *Andreiana’s Story*, *supra* note 51.

release hearings complete with case analysis, assessments, victim participation, prepared arguments, and an explanation on the record of the judge's decision whether to detain or release a person, and on what conditions. Victims of domestic and sexual violence are therefore better protected from the unsafe release of a charged person and from unjust detention due to their own safety needs or misguided criminalization.<sup>84</sup>

For these reasons, the Circuit Court's finding that the Pretrial Fairness Act's elimination of monetary bail would be likely to endanger victims has no basis in fact.

**II. MONETARY BAIL IS NOT AN EFFECTIVE TOOL FOR ACCOMPLISHING ANY LEGITIMATE OBJECTIVE OF THE BAIL SYSTEM, AND THEREFORE THE ELIMINATION OF MONETARY BAIL DOES NOT UNDULY INFRINGE ON JUDICIAL AUTHORITY AND DOES NOT VIOLATE THE CONSTITUTIONAL SEPARATION OF POWERS.**

The Circuit Court also incorrectly held that the Pretrial Fairness Act's abolition of monetary bail would impermissibly infringe on the court's inherent authority to make bail determinations and thereby violate the Separation of Powers Clause in Article II, Section 1 of the Illinois Constitution.<sup>85</sup> Yet evidence shows that monetary bail does not actually promote legitimate judicial ends. It does not increase court attendance or avoidance of rearrest, which are the very purposes of bail. *See supra* n. 3. Simply put, restrictions on the judiciary's ability to impose a *wholly ineffective* pretrial condition cannot unduly infringe on judicial authority. Moreover, under the Pretrial Fairness Act, courts continue

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<sup>84</sup> See The Network, *Gender-Based Violence Survivor Protections in the Pretrial Fairness Act* (Feb. 2022), <https://the-network.org/wp-content/uploads/2022/02/PFA-HANDOUT.pdf>.

<sup>85</sup> See Memorandum of Decision at 32.



to have an extensive menu of options for managing pretrial release to ensure accused people return to court.<sup>86</sup>

**A. Requiring Accused People to Pay Money Bond to Secure their Pretrial Release Does Not Promote Public Safety or Court Appearance Rates.**

As detailed in Section I, monetary bail does not promote public safety during the pretrial period and in fact may worsen public safety because pretrial detention increases the likelihood of rearrest and future criminal charges. *See supra* at 6-30. Money bond is equally *ineffective* at promoting bail's other purpose: ensuring that people released pretrial continue to appear in court as required through the disposition of their case.

**1. Experience in Illinois Proves that Appearance Rates Remain Stable Despite Decreasing Reliance on Monetary Bail.**

After Cook County increased the use of I-Bonds and the number of people released pretrial through GO18.8A, the percentage of people attending all court appearances remained above 80% (83.3% before GO18.8A and 80.2% after GO18.8A).<sup>87</sup> The high, and stable, percentage of people who returned to court proves that monetary bonds are not necessary to ensure court appearances. This evidence is bolstered by the experience of *amicus* Chicago Community Bond Fund, which utilizes donated funds to pay bail for

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<sup>86</sup> The Circuit Court's erroneous assumption that money bonds accomplish the purposes of bail also apparently factored into its conclusory finding that the General Assembly's elimination of money bonds amends the Sufficient Sureties Clause of the Illinois Constitution. Memorandum of Decision at 27. *Amici* point this Court to its opinion in *People ex rel. Gendron v. Ingram*, 34 Ill. 2d 623, 626 (1966), in which the Court rejected petitioner's claim that the General Assembly's *de facto* elimination of professional sureties (without change to the constitution) violated his purported constitutional right to "sufficient sureties." The Court found that "sufficient sureties" in no way required professional sureties because "sufficient" meant "sufficient to accomplish the purpose of bail" and "a professional surety does not accomplish the purpose of bail." *Id.*

<sup>87</sup> Stemen & Olson, *supra* note 7, at 10.

individuals who cannot afford to do so in Cook County or surrounding counties in Illinois. Out of the 935 clients who Chicago Community Bond Fund has assisted to date, over 91% have not forfeited their bonds for any failure to appear in court. Each of the people for whom Chicago Community Bond Fund made a payment otherwise would have been detained pretrial because of their inability to pay. The fact that these people returned to court at such high rates shows that accused people generally are incentivized to appear in court regardless of whether they have the money to pay a bond.

2. **In Illinois, Monetary Bond Is An Illusory Incentive to Return to Court Because Most Bond Money is Applied To Other Court Costs.**

Under Illinois' current pretrial system, paying a monetary bond is largely a false incentive for reappearances because statutes permit courts to apply money bonds at the conclusion of a criminal case to fines, fees, assessments, court costs, restitution, and attorneys' fees,<sup>88</sup> and in *amici's* experience this mechanism often sidesteps any indigency waiver that might otherwise apply. Between 2016 and 2020, approximately 80% of bond money paid statewide was applied to various court expenses, and only 20% was refunded to the person who paid the money or to the attorney who represented the accused person.<sup>89</sup> Since most bond money is not returned, the reason many people in Illinois are returning to court following pretrial release probably is not because they expect to get their bond money back. Further, if imposing monetary bail as a pretrial release condition were truly necessary

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<sup>88</sup> Civic Fed'n, *Elimination of Cash Bail in Illinois: Financial Impact Analysis*, at 9 (Aug. 2022) [https://www.civicfed.org/sites/default/files/financial\\_impact\\_of\\_eliminating\\_cash\\_bail\\_report\\_revised\\_august\\_2022.pdf](https://www.civicfed.org/sites/default/files/financial_impact_of_eliminating_cash_bail_report_revised_august_2022.pdf).

<sup>89</sup> *Id.* at 10.

to incentivize people to return to court, the system would not be structured to apply the majority of money bonds to fines and to assessments that otherwise might have been waived.

### **3. Data from Other Jurisdictions Establishes Equivalent Appearance Rates Without Monetary Bonds.**

The studies examining experiences in other jurisdictions further establish that people are equally likely to appear in court even as use of monetary bonds decreases. When reliance on monetary bond significantly decreased in Philadelphia,<sup>90</sup> New Jersey,<sup>91</sup> Yakima County, Washington,<sup>92</sup> and Mecklenburg County, North Carolina,<sup>93</sup> court reappearances were stable in each jurisdiction.

The results of a 2013 study examining court appearance rates for nearly 2,000 accused people in Colorado further illustrate the needlessness of money bonds. The Colorado study compared people who were assessed to pose comparable non-appearance and public safety risk in two groups: (i) those released on secured money bail and (ii) those who were released on unsecured recognizance.<sup>94</sup> Researchers found that releasing a person

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<sup>90</sup> Ouss & Stevenson, *supra* note 9, at 13, 17 (finding that despite the significant increase in the percentage of people released on non-monetary conditions in Philadelphia (22%), there was no change in the overall failure-to-appear rates).

<sup>91</sup> Grant, *2018 Annual Report to the Governor and the Legislature*, *supra* note 10, at 5 (finding that the court appearance rate remained high at 89 percent when New Jersey virtually eliminated money bail, compared to 93 percent before implementation).

<sup>92</sup> Brooker, *supra* note 11, at 6 (finding that 73% of accused people attended all court appearances before and 72% of accused people attended all court appearances after Yakima County reduced reliance on monetary bonds).

<sup>93</sup> Redcross et al., *supra* note 12, at 28 (finding that even though secured money bail was used significantly less often and fewer people were detained pretrial, the percentage of released people who made all of their court appearances remained stable at approximately 82% in Mecklenburg County).

<sup>94</sup> Michael Jones, *Unsecured Bonds: The As Effective and Most Efficient Pretrial Release Option*, Pretrial Just. Inst., at 9 (Oct. 2013), <https://www.nmcourts.gov/wp->

on an unsecured bond is *as effective as* a secured money bond at achieving court appearance while in the community pretrial.<sup>95</sup> Moreover, the use of secured money bond did not increase the likelihood that a person who missed court would be more quickly located and returned to custody: people released on secured and unsecured bonds were at-large on failure-to-appear warrants at equal rates.<sup>96</sup>

A study that compared pretrial outcomes for accused people before judges who more frequently authorized release on unsecured bond conditions versus judges who more frequently required a secured money bond for release reached the same conclusion: that requiring people to pay monetary bail does not promote court appearance more effectively than release on unsecured conditions.<sup>97</sup>

Given that requiring accused people to pay money to secure their release does not protect, and is likely detrimental, to public safety and also yields no benefits in terms of court appearance rates, it is not surprising that courts in other jurisdictions have found that systems of monetary bail that result in detention solely for inability to pay violate principles of due process and equal protection. These courts have found that proponents of monetary bail failed to provide a legitimate justification for courts to treat people accused of similar offenses differently solely based on their ability or inability to pay money bond, and that

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[content/uploads/2020/11/Unsecured\\_Bonds\\_The\\_As\\_Effective\\_and\\_Most\\_Efficient\\_Pretrial\\_Release\\_Option\\_Jones\\_2013.pdf](#).

<sup>95</sup> *Id.* at 11.

<sup>96</sup> *Id.* at 16.

<sup>97</sup> Claire M. B. Brooker et al., *The Jefferson County Bail Project: Impact Study Found Better Cost Effectiveness for Unsecured Recognizance Bonds Over Cash and Surety Bonds*, Pretrial Just. Inst., at 5, 7 (June 2014), [http://www.clebp.org/images/Jefferson\\_County\\_Bail\\_Project- Impact\\_Study - PJI\\_2014.pdf](http://www.clebp.org/images/Jefferson_County_Bail_Project- Impact_Study - PJI_2014.pdf).

people are constitutionally entitled to individualized determinations about whether monetary conditions are necessary to ensure public safety and court appearance.<sup>98</sup>

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<sup>98</sup> See *Walker v. City of Calhoun, GA*, 901 F.3d 1245, 1272 (11th Cir. 2018) (holding that district court could properly enjoin a municipality’s policy of requiring money bond for release on misdemeanor charges without a prompt opportunity for a bail hearing, but vacating preliminary injunction that required a bail hearing within 24 hours rather than constitutionally-mandated 48 hours); *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (affirming preliminary injunction requiring federal immigration authorities to consider non-citizens’ ability to pay when setting conditions of release pending removal proceedings, because a “bond determination process that does not include consideration of financial circumstances and alternative release conditions is unlikely to result in a bond amount that is reasonably related to the government’s legitimate interests” in ensuring released people appear for future court dates); *Pugh v. Rainwater*, 572 F.2d 1053, 1057 (5th Cir. 1978) (en banc) (“The incarceration of those who cannot [afford an automatically-set amount of bail], without meaningful consideration of other possible alternatives, infringes on both due process and equal protection requirements.”); *Welchen v. Bonta*, No. 2:16-CV-00185-TLN-DB, 2022 WL 4387794, at \*5 (E.D. Cal. Sept. 22, 2022) (holding Sacramento’s bail schedule violates substantive due process because it is not narrowly tailored to ensure public safety or to minimize flight risk); *Buffin v. City & Cnty. of San Francisco*, No. 15-CV-04959-YGR, 2019 WL 1017537, at \*23 (N.D. Cal. Mar. 4, 2019) (holding that San Francisco’s bail schedule fails strict scrutiny in that it “merely provides a ‘Get Out of Jail’ card for anyone with sufficient means to afford it” and “bears no relation to the government’s interests in enhancing public safety and ensuring court appearance”); *Caliste v. Cantrell*, 329 F. Supp. 3d 296, 312 (E.D. La. 2018), *aff’d on other grounds*, 937 F.3d 525 (5th Cir. 2019) (holding that Orleans Parish Criminal District Court had no legitimate interest in detaining people without an individualized determination of their ability to pay bonds); *In re Humphrey*, 482 P.3d at 1012 (2021) (holding that “the common practice of conditioning freedom solely on whether an arrestee can afford bail is unconstitutional,” and remanding for a new bail hearing determining ability to pay); *Valdez-Jimenez v. Eighth Jud. Dist. Ct. in & for Cnty. of Clark*, 136 Nev. 155, 162, 460 P.3d 976, 984 (2020) (“[F]or bail to be reasonable, it must relate to one of these two purposes—to ensure the appearance of the accused at all stages of the proceedings or to protect the safety of the victim and the community. Otherwise, it will necessarily be excessive in violation of the Nevada Constitution’s bail provisions.”); *Brangan v. Commonwealth*, 477 Mass. 691, 699, 80 N.E.3d 949, 959 (2017) (“Each eligible defendant’s right to an individualized bail determination that takes his or her financial resources into account is further supported by the constitutional principles of due process and equal protection.”).

**B. Under the Pretrial Fairness Act, Courts Have Ample Tools Available to Promote Court Attendance and Public Safety.**

Although the Pretrial Fairness Act eliminates one previously available pretrial condition—the payment of money—it allows judges to set the other conditions “necessary to ensure the defendant’s appearance in court, ensure the defendant does not commit any criminal offense, ensure that the defendant complies with conditions of pretrial release, prevent the defendant’s unlawful interference with the orderly administration of justice, or ensure compliance with the rules and procedures of problem solving courts.”<sup>99</sup>

Often, however, the best way to get people to show up to court is to simply remind them when they have to be there. Studies have shown that court date reminders—which can be delivered through letters, postcards, live calls, robocalls, text messages, email, or other means—reduce failure to appear rates by approximately 25 to 50 percent.<sup>100</sup>

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<sup>99</sup> 725 ILCS 5/110-10(b); P.A. 102-1104, § 70, eff. Jan. 1, 2023.

<sup>100</sup> See Marie VanNostrand & Kimberly Welbrecht, *State of The Science of Pretrial Release Recommendations and Supervision*, Pretrial Just. Inst., at 15-20 (June 2011), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0015/1653/state-of-the-science-pretrial-recommendations-and-supervision-pji-2011.ashx.pdf](https://www.ncsc.org/_data/assets/pdf_file/0015/1653/state-of-the-science-pretrial-recommendations-and-supervision-pji-2011.ashx.pdf); Brice Cooke et al., *Using Behavioral Science to Improve Criminal Justice Outcomes: Preventing Failures to Appear in Court*, U. Chicago Crime Lab, at 4 (Jan. 2018), <https://www.ideas42.org/wp-content/uploads/2018/03/Using-Behavioral-Science-to-Improve-Criminal-Justice-Outcomes.pdf>; Brian H. Bornstein et al., *Reducing Courts’ Failure-To-Appear Rate by Written Reminders*, 19 Psych. Pub. Pol’y & L. 70, 73-74 (2012), <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1601&context=psychfacpub>; David I. Rosenbaum et al., *Court Date Reminder Postcards: A Benefit-Cost Analysis of Using Reminder Cards to Reduce Failure to Appear Rates*, 95(4) *Judicature* 177, 179-180 (2012), [https://ppc.unl.edu/sites/default/files/resource-files/judicature-article-rosenbaum\\_1.pdf](https://ppc.unl.edu/sites/default/files/resource-files/judicature-article-rosenbaum_1.pdf); Timothy R. Schnacke et al., *Increasing Court-Appearance Rates and Other Benefits of Live-Caller Telephone Court-Date Reminders: The Jefferson County, Colorado, FTA Pilot Project and Resulting Court Date Notification Program*, 48(3) *Ct. Rev.* 86, 89, 92 (2012), <https://digitalcommons.unl.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1396&context=ajacourtreview>.

The Pretrial Fairness Act also leaves intact courts' ability to impose numerous non-monetary pretrial conditions, including, among others: (i) reporting to Pretrial Services; (ii) refraining from possession of a firearm or other dangerous weapon; (iii) not departing the State of Illinois absent leave of court; (iv) avoiding contact with certain individuals; (v) refraining from going to specific geographic areas or premises; (vi) requiring use of vehicle ignition interlock devices for individuals charged with operating under the influence; (vii) electronic monitoring; (viii) undergoing a drug or alcohol evaluation; (ix) undergoing a mental health evaluation; and (x) observing a curfew.<sup>101</sup> And under the Pretrial Fairness Act, courts continue to have authority to enforce orders of protection issued for specific victims.

In short, the elimination of monetary bail does not unduly infringe on judicial authority, because requiring people to pay money bail achieves no legitimate judicial aims. Monetary bail promotes neither public safety nor court appearance. The Pretrial Fairness Act allows judges to use other, more effective, tools to achieve those ends.

## CONCLUSION

As demonstrated above, the Circuit Court's rulings that the Pretrial Fairness Act's elimination of money bond violates the Illinois Constitution's Crime Victim's Rights Amendment and Separation of Powers Clause were premised on incorrect and unsupported factual assumptions. The undersigned *amici curiae* urge this Court to reverse the Circuit Court's fundamentally flawed decision and enter judgment for the Defendants-Appellants in this matter.

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<sup>101</sup> 725 ILCS 5/110-10(b); P.A. 102-1104, § 70, eff. Jan. 1, 2023.

Dated: January 26, 2023

Respectfully submitted,

/s/ Matthew J. Piers

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*Attorneys for Amici Curiae*



**RULE 341(c) CERTIFICATE OF COMPLIANCE**

I, Margaret E. Truesdale, certify that this brief conforms to the requirements of the Supreme Court Rules 341(a) and (b). The length of this brief, excluding pages containing the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, and the Rule 341(c) certificate of compliance is 37 pages.

/s/ Margaret E. Truesdale  
Margaret E. Truesdale  
One of the Attorneys for *Amici Curiae*

### List of Amici Curiae

*\* Denotes members of the Illinois Network for Pretrial Justice*

#### **Organizations Working Against Gender-Based Violence and to Support Victims and Survivors**

<b>Name</b>	<b>Location</b>
1. Apna Ghar, Inc.	Illinois – Chicago
2. Ascend Justice	Illinois – Statewide
3. Between Friends	Illinois – Chicago
4. Chicago Alliance Against Sexual Exploitation (CAASE)	Illinois – Statewide
5. Community Crisis Center	Illinois – Elgin
6. Connections for Abused Women and Their Children (CWAC)	Illinois - Chicago
7. Family Rescue	Illinois – Chicago
8. Freedom House	Illinois – Bureau, Henry, Marshall, Putnam, & Stark Counties
9. Illinois Coalition Against Domestic Violence	Illinois – Statewide
10. Moms United Against Violence and Incarceration (MUAVI)	Illinois – Chicago
11. Mujeres Latinas En Acción	Illinois – Chicago
12. The Network: Advocating Against Domestic Violence	Illinois – Chicagoland
13. Western Illinois Regional Council – Community Action Agency	Illinois – Fulton, Hancock, Henderson, Knox, McDonough, & Warren Counties

#### **Violence Prevention Organizations**

<b>Name</b>	<b>Location</b>
14. BUILD Chicago	Illinois – Chicago
15. Circles & Ciphers	Illinois – Chicago

16.	Honor With Action Illinois	Illinois – Statewide
17.	Live Free Illinois	Illinois – Statewide
18.	Mothers/Men Against Senseless Killings (MASK)	Illinois – Chicago
19.	Nehemiah Trinity Rising*	Illinois – Chicago
20.	Precious Blood Ministry of Reconciliation	Illinois – Chicago

### Reentry Organizations

Name		Location
21.	FirstFollowers	Illinois – Champaign-Urbana
22.	Giving Others Dreams (G.O.D.) Inc.	Illinois – Chicago
23.	New Hour for Women and Children – Long Island	National – New York
24.	RITAS Ministry	Illinois – Aurora
25.	Safer Foundation	Illinois – Statewide
26.	Starting Over, Inc.	National – California
27.	The Uplift	National

### Immigrant and Migrant Justice Organizations

Name		Location
28.	Binational Institute of Human Development	Illinois – Chicago
29.	Dignidad	National
30.	Erie Neighborhood House	Illinois – Chicago
31.	Hispanic American Community Education & Services (HACES)	Illinois – Waukegan
32.	Illinois Coalition for Immigrant and Refugee Rights (ICIRR)	Illinois – Statewide
33.	Immigrant Legal Resource Center	National
34.	Indo-American Center	Illinois – Chicago
35.	Mano a Mano Family Resource Center	Illinois – Lake County
36.	National Immigrant Justice Center	National
37.	North Suburban Legal Aid Clinic	Illinois – Highland Park and Highland
38.	Organized Communities Against Deportations (OCAD)	Illinois – Chicagoland



39.	The Resurrection Project	Illinois – Chicago
40.	Springfield Immigrant Advocacy Network	Illinois – Springfield
41.	United African Organization	Illinois – Statewide

### **Mental Health Advocacy Organizations or Service Providers**

<b>Name</b>		<b>Location</b>
42.	Chicago Torture Justice Center	Illinois – Chicago
43.	Criminal Justice Advocacy for People with Mental Illness	Illinois – Statewide
44.	East Aurora Counseling, Ltd.	Illinois – Aurora
45.	Elliott Counseling Group	Illinois – Central Illinois
46.	Mental Health America of Illinois	Illinois – Statewide
47.	Mental Health Summit	Illinois – Statewide
48.	NAMI (National Alliance on Mental Illness) – Kane-south, DeKalb, and Kendall Counties	Illinois – Kane, Dekalb, & Kendall Counties
49.	NAMI (National Alliance on Mental Illness) Illinois	Illinois – Statewide
50.	Sana Healing Collective	Illinois – Chicagoland
51.	Urban Community Unity Solutions LLC	Illinois – Chicago
52.	Wolf Pack Therapy	Illinois – Chicago

### **Harm Reduction Advocacy Organizations and Substance Use Service Providers**

<b>Name</b>		<b>Location</b>
53.	A New PATH (Parents for Addiction Treatment & Healing)	National
54.	The Action Lab at the Center for Health Policy and Law, Northeastern University School of Law	National
55.	Cannabis Equity Illinois Coalition	Illinois – Statewide
56.	Drug Policy Alliance	National
57.	Illinois Harm Reduction & Recovery Coalition	Illinois – Statewide
58.	Jolt Foundation	Illinois – Peoria

59.	New Directions Addiction Recovery Services	Illinois – Woodstock
60.	The Porchlight Collective SAP	Illinois – East St. Louis
61.	The Puerto Rico Project	Illinois – Chicago
62.	Students for Sensible Drug Policy*	National
63.	TASC, Inc. (Treatment Alternatives for Safe Communities)*	Illinois – Statewide

### Public Health and Disability Justice Organizations

Name	Location
64. Access Living of Metropolitan Chicago*	Illinois – Statewide
65. AIDS Foundation Chicago	Illinois – Statewide
66. Equip for Equality	Illinois – Statewide
67. Health & Medicine Policy Research Group	Illinois – Statewide
68. Illinois Public Health Institute	Illinois – Statewide

### Reproductive Justice Organizations

Name	Location
69. Chicago Abortion Fund	National
70. Chicago For Abortion Rights	Illinois – Chicago
71. Illinois Caucus for Adolescent Health (ICAH)	Illinois – Statewide
72. Midwest Access Coalition	National – Midwest
73. Planned Parenthood Illinois Action	Illinois – Statewide
74. SisterReach	National – Midwest

### Housing Advocacy Organizations and Service Providers

Name	Location
75. Chicago Coalition for the Homeless	Illinois – Chicago
76. Chicago House and Social Service Agency	Illinois – Chicago
77. Housing Action Illinois	Illinois – Statewide
78. Northwest Side Housing Center	Illinois – Chicago
79. Radical Hospitality Ministries	Illinois – Wheaton



80.	Saint Leonard's Ministries	Illinois – Chicago
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### Women's Empowerment and Civic Engagement Organizations

Name		Location
81.	American Association of University Women – Illinois	Illinois – Statewide
82.	Illinois National Organization for Women (NOW)*	Illinois – Statewide
83.	Justice for Wives Foundation	Illinois – Joliet
84.	League of Women Voters of Illinois*	Illinois – Statewide
85.	National Asian Pacific American Women's Forum (NAPAWF)	National
86.	Resistor Sisterhood	Illinois – Springfield
87.	She Votes Illinois	Illinois – Statewide
88.	YWCA Elgin	Illinois – Elgin
89.	YWCA Evanston Northshore	Illinois – Evanston
90.	YWCA of the University of Illinois	Illinois – Champaign-Urbana

### LGBTQI+ Organizations

Name		Location
91.	Brave Space Alliance	Illinois – Chicago
92.	Chicago Therapy Collective	Illinois – Chicago
93.	Equality Illinois	Illinois – Statewide
94.	Phoenix Center	Illinois – Springfield
95.	Pushing Envelopes Chicago	Illinois – Chicago
96.	Transformative Justice Law Project (TJLP)	Illinois – Statewide
97.	Youth Empowerment Performance Project (YEPP)	Illinois – Chicago

### Labor Unions and Workforce Development Organizations

Name		Location
98.	Chicago Jobs Council	Illinois – Statewide

99.	Chicago Jobs with Justice	Illinois – Chicago
100.	Chicago Teachers Union	Illinois – Chicago
101.	National Nurses United	National
102.	Revolution Workshop	Illinois – Chicago
103.	SEIU Healthcare Illinois	Illinois – Statewide

### Faith-Based Organizations and Individual Faith Leaders

Name		Location
104.	Abraham Lincoln Unitarian Universalist Congregation	Illinois – Springfield
105.	Believers Bail Out*	National
106.	Bend the Arc: Jewish Action Champaign-Urbana	Illinois – Champaign-Urbana
107.	Bishop Dan Schwerin, Northern Illinois, United Methodist Church	Illinois – Chicagoland
108.	Church of the Good Shepherd, Congregational	Illinois – Chicago
109.	Church World Service	International
110.	Clergy for a New Drug Policy*	Illinois – Statewide
111.	Community Renewal Society*	Illinois – Chicagoland
112.	Criminal Justice Task Force at First Unitarian Church of Chicago	Illinois – Chicago
113.	Daryle Brown, Dir. of Social Justice, Trinity United Church of Christ	Illinois – Chicago
114.	Eastside United Methodist Church	Illinois – Chicago
115.	Episcopal Diocese of Chicago Peace and Justice Committee	Illinois – Chicago
116.	Faith Coalition for the Common Good*	Illinois – Springfield
117.	Faith United Methodist Church	Illinois – Dolton
118.	Faith United Protestant Church	Illinois – Park Forest
119.	Gamaliel of Illinois	Illinois – Statewide
120.	Good Shepherd of Faith United Church of Christ	Illinois – East St. Louis
121.	Grace Church of Logan Square	Illinois – Chicago
122.	Interfaith Criminal Justice Task Force	Illinois – Chicago
123.	JCUA (Jewish Council on Urban Affairs)	Illinois – Chicagoland

124.	Kimball Avenue United Church of Christ	Illinois – Chicago
125.	Leap of Faith Ministries	Illinois – Joliet
126.	Loop Church	Illinois – Chicago
127.	Masjid Al-Taqla*	Illinois – Chicago
128.	The National Council of Jewish Women – Chicago North Shore	Illinois – Northbrook
129.	New Covenant Baptist Church	Illinois – Chicago
130.	Nuestra Señora de las Américas Episcopal Church	Illinois – Chicago
131.	Pastor Cletis Doss, Love Deliverance Evangelistic Church	Illinois – Springfield
132.	Pastor Elle Dowd, South Loop Campus Ministry	Illinois – Chicago
133.	President Sam Yeagle, Unitarian Universalist Fellowship of Decatur	Illinois – Decatur
134.	Quad Cities Interfaith*	Illinois – Rock Island
135.	Rabbi Beth Wing	Illinois – Rockford
136.	Rabbi Jessica Wainer	Illinois – Lombard
137.	Religious Action Center of Reform Judaism of Illinois (RAC-IL)*	Illinois – Statewide
138.	Restorative Justice Team of Unity Temple	Illinois – Oak Park
139.	Rev. Allen Harden, Minister, Beverly Unitarian Church	Illinois – Chicago
140.	Rev. Anna E. Roper, ELCA Clergy	Illinois – Elmhurst
141.	Rev. Carol Hill, Senior Minister, Park Ridge Community Church	Illinois – Park Ridge
142.	Rev. Charles Straight, Faith United Methodist Church	Illinois – Dolton
143.	Rev. Claude R. King, Sr., First United Methodist Church: Downers Grove	Illinois – Downers Grove
144.	Rev. Diane B. Tomlinson, Emmanuel Episcopal Church	Illinois – Rockford
145.	Rev. Dr. Beth Brown, Lincoln Park Presbyterian Church	Illinois – Chicago
146.	Rev. Dr. Brandon S. Perrine, New England Congregational Church	Illinois – Aurora
147.	Rev. Dr. Carol Ann Munro, United Church of Christ Minister	Illinois – Chicago
148.	Rev. Dr. Cary L. Beckwith	Illinois – Wood River



149.	Rev. Dr. Eric Lemonholm	Illinois – Rockford
150.	Rev. Dr. Jesse Tanner, First Congregational Church Elgin	Illinois – Elgin
151.	Rev. Dr. K. Edward Copeland, New Zion Baptist Church	Illinois – Rockford
152.	Rev. Dr. Lucas Hergert, North Shore Unitarian Church	Illinois – Deerfield
153.	Rev. Dr. Marlene Walker, Unitarian Universalist Congregation of Rock Valley	Illinois – Rockton
154.	Rev. Dr. Marshall E. Hatch, New Mount Pilgrim Missionary Baptist Church	Illinois – Chicago
155.	Rev. Dr. Otis Moss III, Senior Pastor, Trinity United Church of Christ	Illinois – Chicago
156.	Rev. Dr. Scott Paeth, Edgebrook Community Church	Illinois – Chicago
157.	Rev. Dr. Thomas R. Gaulke, Gethesmane Lutheran in Cicero	Illinois – Cicero
158.	Rev. Dr. Walter Arthur McCray, Greater Union Baptist Church	Illinois – Chicago
159.	Rev. Erik Christensen, Pastor to the Community and Director of Strategic Initiatives at the Lutheran School of Theology	Illinois – Chicago
160.	Rev. Frank Langholf	Illinois – Rockford
161.	Rev. Gretchen Sylvester, Bethel United Church of Christ	Illinois – Elmhurst
162.	Rev. Jason Coulter, Senior Minister, First Congregational Church of Evanston	Illinois – Evanston
163.	Rev. Jason Lydon, Acting Minister of Religious Education, Second Unitarian Church of Chicago	Illinois – Chicago
164.	Rev. Jeffrey L. Phillips	Illinois – Winnetka
165.	Rev. Keith A. Kelsey-Powell, Rockford Urban Ministries	Illinois – Rockford
166.	Rev. Lindsey Hammond, First Congregational United Church of Christ of Evanston	Illinois – Evanston
167.	Rev. Martin Woulfe, Abraham Lincoln Unitarian Universalist Congregation	Illinois – Springfield
168.	Rev. Nicolle See Grasse, United Church of Christ Clergy	Illinois – Arlington Heights

169.	Rev. Pamela Rumancik, Retired Minister, Unitarian Church of Hinsdale	Illinois – Hinsdale
170.	Rev. Patrick D. Price, Minister, Unitarian Universalist Congregation of Quad Cities	Illinois – Quad Cities
171.	Rev. Paula Cripps-Vallejo, Humboldt Park United Methodist Church	Illinois – Chicago
172.	Rev. Rakel Evenson	Illinois – Bolingbrook
173.	Rev. Rebecca Gant	Illinois – Bloomington-Normal
174.	Rev. Shawna Bowman, Friendship Presbyterian Church	Illinois – Chicago
175.	Rev. Tom Bozeman, First Unitarian Church of Northwest Indiana	National – Indiana
176.	Rev. Violet Johnicker, Rockford Urban Ministries	Illinois – Rockford
177.	Rockford Urban Ministries*	Illinois – Rockford
178.	San Lucas United Church of Christ	Illinois – Chicago
179.	St. Agatha – St. Martin de Porres Catholic Parish	Illinois – Chicago
180.	St. Augustine of Hippo Church	Illinois – East St. Louis
181.	St. Luke’s Lutheran Church of Logan Square	Illinois – Chicago
182.	Trinity United Church of Christ, Chicago*	Illinois – Chicago
183.	Unitarian Universalist Advocacy Network of Illinois*	Illinois – Chicago
184.	Unitarian Universalist Church of Bloomington- Normal	Illinois – Bloomington-Normal
185.	Unitarian Universalist Church, Rockford	Illinois – Rockford
186.	Unitarian Universalist Prison Ministry of Illinois*	Illinois – Statewide
187.	United Church of Rogers Park	Illinois – Chicago
188.	United Congregations of MetroEast*	Illinois – East St. Louis
189.	Unity Fellowship Church	Illinois – Godfrey
190.	Unity Temple Unitarian Universalist Congregation	Illinois – Bloomington
191.	Wesley United Methodist Church	Illinois – Aurora
192.	Woodridge United Methodist Church	Illinois – Woodridge

## Racial Justice Organizations

Name	Location
193. Asian Americans Advancing Justice – Chicago*	Illinois – Chicago
194. Black Justice Project*	Illinois – Peoria
195. Black Lives Matter: Bloomington-Normal	Illinois – Bloomington-Normal
196. Black Lives Matter: Springfield	Illinois – Springfield
197. Black Lives Matter: Will County	Illinois – Will County
198. BlackRoots Alliance	Illinois – Statewide
199. BYP100	National
200. Chicago Alliance Against Racist and Political Repression	Illinois – Chicago
201. Eliminate Racism 815	Illinois – Rockford
202. The Equiticity Racial Equity Movement	National
203. Grassroots Collaborative	Illinois – Statewide
204. Illinois Black Advocacy Initiative	Illinois – Statewide
205. Madison County Urban League Inc.	Illinois – Madison County
206. Nikkei Uprising*	Illinois – Chicago
207. Peoria NAACP*	Illinois – Peoria
208. The Praxis Institute	National
209. Rainbow Push Coalition	National
210. Rockford NAACP	Illinois – Rockford
211. Springfield Urban League Inc.	Illinois – Springfield
212. World Without Genocide	International

## Member-Based Community Organizations

Name	Location
213. 33rd Ward Working Families	Illinois – Chicago
214. 48th Ward Neighbors for Justice	Illinois – Chicago
215. A Just Harvest*	Illinois – Chicago
216. Alliance for Civic Engagement	Illinois – Statewide
217. Brighton Park Neighborhood Council	Illinois – Chicago

218.	Change Peoria*	Illinois – Peoria
219.	Chicago United for Equity	Illinois – Chicago
220.	Chicago Votes	Illinois – Chicago
221.	Concerned Citizens of Precinct 12	Illinois – East St. Louis
222.	Equity And Transformation (EAT)	Illinois – Chicagoland
223.	Fox Valley Citizens for Peace & Justice	Illinois – Fox Valley
224.	Friends Who March	Illinois – DuPage County
225.	Indivisible Chicago – South Side	Illinois – Chicago
226.	Indivisible Chicago Alliance	Illinois – Chicago
227.	Indivisible IL9 Andersonville/Edgewater	Illinois – Chicago
228.	Northwest Suburbs Organizing For Action (NWSOFA) Indivisible	Illinois – Chicagoland
229.	Not In Our Town / Not In Our School – Bloomington-Normal	Illinois – Bloomington-Normal
230.	Not Me We	Illinois – Chicago
231.	ONE Northside	Illinois – Chicago
232.	The People's Lobby*	Illinois – Chicagoland
233.	Quad Cities Democratic Socialists of America (DSA)*	Illinois – Quad Cities
234.	Southsiders Organized for Unity and Liberation (SOUL)*	Illinois – Chicagoland
235.	Stand for Children Illinois	Illinois – Statewide
236.	Team BluePage	Illinois – Lisle
237.	United Neighbors of the 35th Ward	Illinois – Chicago
238.	United Working Families	Illinois – Chicago
239.	West Suburban Illinois Democratic Socialists of America (DSA)*	Illinois – Chicagoland (Western Suburbs)
240.	West Suburban Peace Coalition	Illinois – Chicagoland (Western Suburbs)
241.	Will County Progressives	Illinois – Will County
242.	Workers Center for Racial Justice*	Illinois – Chicagoland

## Illinois Criminal Justice Reform Organizations

Name	Location
243. BPI (Business and Professional People for the Public Interest)	Illinois – Statewide
244. Champaign County Bailout Coalition*	Illinois – Champaign
245. Chicago Appleseed Center for Fair Courts*	Illinois – Cook County
246. Chicago Community Bond Fund*	Illinois – Cook County
247. Chicago Council of Lawyers	Illinois – Chicago
248. Coalition to Reduce Recidivism in Lake County*	Illinois – Lake County
249. Color of Equity	Illinois – Highland Park
250. Community Justice for Youth Institute	Illinois – Chicago
251. CURE Illinois	Illinois - Statewide
252. Debt Free Justice Illinois	Illinois - Statewide
253. Eric Lurry Foundation	Illinois – Joliet
254. Fully Free Campaign	Illinois – Statewide
255. Illinois Alliance for Reentry and Justice	Illinois – Statewide
256. Illinois Justice Project	Illinois – Statewide
257. Illinois Prisoner Rights Coalition*	Illinois – Statewide
258. Illinois Social Justice Alliance	Illinois – Statewide
259. John Howard Association of Illinois	Illinois – Statewide
260. Juvenile Justice Initiative	Illinois – Statewide
261. Liberation Library	Illinois – Statewide
262. Lucy Parsons Labs	Illinois – Chicago
263. May 30th Alliance	Illinois – Rockford
264. Parole Illinois	Illinois – Statewide
265. Restore Justice*	Illinois – Statewide
266. Winnebago County Fund for Justice	Illinois – Winnebago County
267. The Women's Justice Institute	Illinois – Statewide



## National Criminal Justice Reform Organizations

Name	Location
268. The Bail Project	National
269. Center for American Progress	National
270. Color of Change	National
271. Community Justice Exchange	National
272. Detroit Justice Center	National – Michigan
273. Envision Freedom Fund	National – New York
274. Fair and Just Prosecution	National
275. Families for Justice as Healing	National – Massachusetts
276. Law Enforcement Action Partnership (LEAP)	National
277. Legal Rights Center	National – Minnesota
278. Mass Incarceration Committee Legal Defense Solidarity Project of the National Lawyers Guild	National
279. MediaJustice	National
280. Minnesota Freedom Fund	National – Minnesota
281. National Bail Fund Network	National
282. National Legal Aid & Defender Association	National
283. Partners for Justice	National
284. Pretrial Justice Institute	National
285. Prison Policy Initiative	National
286. Public Justice Center	National – Maryland
287. Represent Justice	National
288. San Francisco Pretrial Diversion Project	National – California
289. Silicon Valley De-Bug	National
290. Smart Decarceration Project at the University of Chicago	National
291. Tucson Second Chance Community Bail Fund	National – Arizona
292. Vera Institute of Justice	National

## Law Firms, Solo Practitioner Attorneys, and Legal Organizations

Name	Location
293. ACLU of Illinois*	Illinois – Statewide
294. Action Injury Law Group	National
295. Appellate Advocacy Center, Northwestern Pritzker School of Law	National
296. Beyond Legal Aid	Illinois – Chicago
297. Cabrini Green Legal Aid	Illinois – Chicago
298. Center on Race, Inequality, and the Law at New York University School of Law	National
299. Champaign County Public Defender's Office	Illinois – Champaign County
300. Chicago Lawyers' Committee for Civil Rights	Illinois – Statewide
301. Children and Family Justice Center, Northwestern Pritzker School of Law	Illinois – Statewide
302. Children's Best Interest Project	Illinois – Statewide
303. Civil Rights and Police Accountability Project of the University of Chicago Law School	Illinois – Statewide
304. Civil Rights Corps	National
305. Coalition Legal	Illinois – Waukegan
306. Community Justice and Civil Rights Clinic at Northwestern University Pritzker School of Law	Illinois – Chicago
307. Criminal Justice Institute at Harvard Law School	National
308. Dvorak Law Offices LLC	Illinois – Chicago and Willowbrook
309. Edwin F. Mandel Legal Aid Clinic of the University of Chicago Law School	Illinois – Statewide
310. The Exoneration Project	National
311. Federal Criminal Justice Clinic at the University of Chicago Law School	National
312. First Defense Legal Aid	Illinois – Chicago
313. Greater Chicago Legal Clinic	Illinois – Chicago
314. Illinois Association of Criminal Defense Lawyers (IACDL)	Illinois – Statewide
315. Illinois Prison Project	Illinois – Statewide
316. Illinois State Bar Association	Illinois – Statewide



317.	James B. Moran Center for Youth Advocacy	Illinois – Evanston
318.	Jenipher R. Jones, Esq., A People's Law Office, LLC	National – Colorado and South Dakota
319.	Law Office of Karen Ranos LLC	Illinois – Lansing
320.	Law Office of Lee A. Ayers	Illinois – Chicago
321.	Law Office of the Cook County Public Defender	Illinois – Cook County
322.	Law Office of Vonya Quarles	National – California
323.	Law Offices of Mark H. Kusatzky	Illinois – Northfield
324.	Lawndale Christian Legal Center	Illinois – Chicago
325.	Legal Aid Chicago	Illinois – Chicago
326.	Legal Aid Society of Metropolitan Family Services	Illinois – Chicago
327.	Loevy & Loevy	National
328.	The Moran Law Group	Illinois – Chicago
329.	National Lawyers Guild of Chicago	Illinois – Chicago
330.	Paulson & Vandersnick Law	Illinois – Rock Island
331.	Prusak and Harkins, LLC	Illinois – Chicago
332.	Rights and Restoration Law Group, LLC	Illinois – Chicago
333.	Rights Behind Bars	National
334.	Roderick and Solange MacArthur Justice Center	National
335.	Sentencing Advocacy Group of Evanston (SAGE)	Illinois – Evanston
336.	Shriver Center on Poverty Law*	National
337.	Silver Law Office PC	Illinois – Chicago
338.	To Defend If Necessary, LLC	Illinois – Chicago
339.	Uptown People's Law Center	Illinois – Statewide
340.	West Town Law Office	Illinois – Chicago
341.	Westside Justice Center	Illinois – Chicago
342.	Woodward Law Office	Illinois – Chicago

## Law Professors

Name		
343.	Janet Ainsworth, John D. Eshelman Professor of Law Emerita, Seattle University School of Law	



344.	Amna A. Akbar, Charles W. Ebersold and Florence Whitcomb Ebersold Professor, The Ohio State University, Moritz College of Law
345.	Anavictoria Avila, Clinical Supervising Attorney, Policy Advocacy Clinic, University of California, Berkeley Law
346.	W. David Ball, Professor of Law, Santa Clara University School of Law
347.	Shima Baughman, Professor of Law, University of Utah College of Law
348.	Mary Bird, Director of Public Service Programs, Loyola University Chicago School of Law
349.	Josh Bowers, Professor of Law, University of Virginia School of Law
350.	Bruce A. Boyer, Curt and Linda Rodin Professor of Law and Social Justice, Loyola University Chicago School of Law
351.	Rachel Burg, Assistant Professor of Law, Wisconsin Innocence Project, University of Wisconsin Law School
352.	Cameron D. Clark, Clinical Supervising Attorney, University of California, Berkeley Law
353.	Premal Dharia, Lecturer on Law & Executive Director, Institute to End Mass Incarceration, Harvard Law School
354.	Jeffrey Fagan, Professor of Law, Columbia Law School
355.	Marc D. Falkoff, Professor of Law & Supervising Attorney for NIU Prisoners' Rights Project, Northern Illinois University College of Law
356.	Susan Feathers, Professor of Law & Assistant Dean for Pro Bono and Public Interest, Rutgers Law School
357.	Craig B. Futterman, Professor of Law, University of Chicago Law School
358.	Lauryn Gouldin, Crandall Melvin Professor of Law, Syracuse University College of Law
359.	Bernard E. Harcourt, Isidor and Seville Sulzbacher Professor of Law and Political Science, Columbia Law School
360.	Christopher Lau, Visiting Assistant Professor of the Criminal Defense Clinic, Benjamin N. Cardozo School of Law
361.	Darryl Li, Assistant Professor of Anthropology and Associate Member of the Law School, University of Chicago
362.	Suzanne A. Luban, Associate Director of the Stanford Criminal Defense Clinic, Stanford Law School
363.	Alan Mills, Adjunct Professor of Law, Northwestern University Pritzker School of Law
364.	Jonathan Oberman, Co-Director of the Criminal Defense Clinic, Benjamin N. Cardozo School of Law

365.	Mae C. Quinn, Associate Dean for Experiential Education & Professor of Law, Penn State Law
366.	Alan Raphael, Associate Professor of Law, Loyola University Chicago School of Law
367.	Keramet Reiter, Professor, Department of Criminology, Law & Society & School of Law, University of California, Irvine
368.	Kim D. Ricardo, Professor of Law, University of Illinois Chicago School of Law
369.	Brendan Roediger, Professor of Law & Director of Civil Litigation Clinic, St. Louis University School of Law
370.	Leslie Rose, Professor Emerita, Golden Gate University School of Law
371.	Alison Siegler, Founding Director of the Federal Criminal Justice Clinic at the University of Chicago Law School
372.	Jocelyn Simonson, Associate Dean & Professor of Law, Brooklyn Law School
373.	Stephen F. Smith, Professor of Law, University of Notre Dame Law School
374.	Katharine Tinto, Director of Criminal Justice Clinic, University of California, Irvine School of Law
375.	Ronald Tyler, Professor of Law & Director, Stanford Mills Clinic Criminal Defense Clinic, Stanford University
376.	Kate Weisburd, Associate Professor of Law, George Washington University Law School

### Professors, Researchers, and Academics

Name	
377.	Tennille Nicole Allen, Ph.D., Professor and Chair of Sociology, Lewis University
378.	Jessica Bird, Ph.D., Clinical Assistant Professor, Criminology, Law & Justice Department, University of Illinois at Chicago
379.	Brielle Bryan, Assistant Professor of Sociology, Rice University
380.	Leigh Courtney, Criminal Legal System Researcher, Urban Institute
381.	Matt Epperson, Associate Professor, University of Chicago
382.	Gina Fedock, Assistant Professor, University of Chicago
383.	Holly Foster, Professor of Sociology, Texas A&M University
384.	David J. Harding, Professor of Sociology, University of California Berkeley
385.	John H. Laub, Distinguished University Professor Emeritus, University of Maryland



386.	Anna-Maria Marshall, Associate Professor of Sociology and Law, University of Illinois, Urbana-Champaign
387.	Andreea Matei, Criminal Legal System Researcher, Urban Institute
388.	A. Naomi Paik, Associate Professor, Criminology, Law, & Justice and Global Asian Studies, University of Illinois, Chicago
389.	Tim Schnacke, Esq., Executive Director, Center for Legal and Evidence-Based Practices
390.	Sandra Susan Smith, Daniel & Florence Guggenheim Professor of Criminal Justice, Harvard Kennedy School
391.	Michael A. Stoll, Professor of Public Policy, University of California Los Angeles Luskin School of Public Affairs
392.	Kristin Turney, Professor of Sociology, University of California, Irvine
393.	Robert Werth, Associate Professor (Teaching) of Sociology, University of Southern California
394.	David Wilson, Professor, Geography and Geographic Information Science (GIS), University of Illinois Urbana-Champaign

### **Elected Officials and Government Agencies**

<b>Name</b>	
395.	Alderman Jeff Crabill, Ward 8, Bloomington City Council
396.	Board Member Emily Rodriguez, District 8, Champaign County Board
397.	Alderman Daniel La Spata, 1st Ward, Chicago City Council
398.	Alderman Matthew J. Martin, 47th Ward, Chicago City Council
399.	Alderman David Moore, 17th Ward, Chicago City Council
400.	Alderman Carlos Ramirez-Rosa, 35th Ward, Chicago City Council
401.	Alderman Michael D. Rodriguez, 22nd Ward, Chicago City Council
402.	Alderman Rossana Rodriguez, 33rd Ward, Chicago City Council
403.	Alderman Byron Sigcho-Lopez, 25th Ward, Chicago City Council
404.	Alderman Andre Vasquez, 40th Ward, Chicago City Council
405.	State's Attorney Kimberly M. Foxx, Cook County
406.	President Toni Preckwinkle, Cook County Board of Commissioners
407.	Cook County Justice Advisory Council
408.	Commissioner Brandon Johnson, 1st District, Cook County Board
409.	Commissioner Josina Morita, 13th District, Cook County Board
410.	Commissioner Kevin Morrison, 15th District, Cook County Board

411.	Commissioner Anthony Joel Quezada, 8th District, Cook County Board
412.	Township Supervisor Danielle Chynoweth, Cunningham Township
413.	Mayor Daniel Biss, Evanston
414.	Government Supervisor Angel Contreras, Joliet Township
415.	Township Trustee Cesar Escutia, Joliet Township
416.	Township Trustee Karl Ferrell, Joliet Township
417.	State's Attorney Eric Rinehart, Lake County
418.	Board Member Karl Coleman, 1st District, Macon County Board
419.	Board Member Krystle Able, District 4, McLean County Board
420.	Board Member Marc Ayers, District 12, Sangamon County Board
421.	Alderman Erin Conley, Ward 8, Springfield City Council
422.	Alderman Kristin DiCenso, Ward 6, Springfield City Council
423.	Alderman Shawn Gregory, Ward 2, Springfield City Council
424.	Alderman Lakeisha Purchase, Ward 5, Springfield City Council
425.	Alderman Roy Williams, Ward 3, Springfield City Council
426.	Board Member Ronnie Bush, District B, Stephenson County Board