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October 3, 2019

Honorable Timothy C. Evans
Chief Judge, Circuit Court of Cook County
50 W. Washington Street, Room 2600
Chicago, Illinois 60602

Dear Chief Judge Evans,

The Sheriff's Electronic Monitoring (EM) program was created in the late 1980s as part of federal court oversight due to dangerous jail overcrowding. At the time, the new technology was clearly a better alternative to the then practice of correctional officers unilaterally issuing I-bonds to detainees to free up space on the tiers. Until recently, the program continued to serve as a release valve to overcrowding - one focused on relatively low-level offenders who could not afford to post unreasonably high bonds. Today, thanks to our collective reform efforts, we have far fewer non-violent detainees in jail and the jail population is consistently below 6,000, well under the counts of more than 11,000 just a few years ago.

Currently, the Sheriff's EM program is being used to address a different problem; namely, monitoring the release of high-risk pre-trial defendants posting relatively low bonds. In large part, the Circuit Court orders EM as a safety net for individuals charged with violent and gun-related offenses, who often have long rap sheets and a history of skipping court. For many EM participants, the Sheriff's Office does not know why the Court orders EM or the Court's expectations. Most orders for Sheriff's EM provide no factual basis for its use or stated expectations for those on it and fail to recognize the purpose and limitations of the Sheriff's EM program. This disconnect is concerning, and currently there is no mechanism or process established in the law to balance the Court's orders with the capacities of the Sheriff's EM program or to modify those orders and to adjust the Sheriff's program to the needs of the Court.

However, there is an alternative that already exists in statute and has been identified by the legislature as the appropriate approach to pre-trial monitoring. The Illinois legislature specifically requires the Office of the Chief Judge to operate a pre-trial release program for criminal defendants who may:

"Be placed under direct supervision of the Pretrial Services Agency, Probation Department or Court Services Department in a pretrial bond home supervision capacity with or without

the use of an approved electronic monitoring device subject to Article 8A of Chapter V of the Unified Code of Corrections.” 725 ILCS 5/110-10(b)(14).

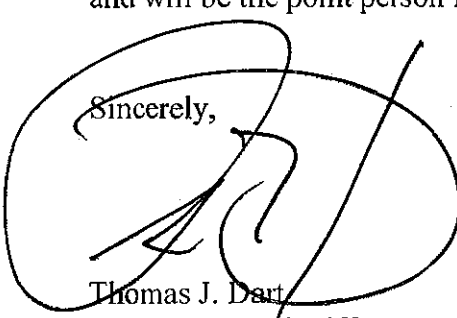
This is the only mandated electronic monitoring program for pre-trial defendants in state law. The legislature clearly orders the Chief Judge to maintain such an EM program because of the processes and policy found in the larger and encompassing *Pretrial Services Act*, 725 ILCS 185 et. seq. “Each circuit court shall establish a pretrial services agency to provide the court with accurate background data regarding the pretrial release of persons charged with felonies and effective supervision of compliance with the terms and conditions imposed on release.” 725 ILCS 185/1. The Act goes on to explain Pretrial Services will be an “arm of the court,” “accountable to the chief judge.” 725 ILCS 185/2 and 3.

In nearly every other major jurisdiction in the country, these wholesale electronic monitoring programs are run by the judiciary. Unlike the Sheriff, the judiciary can modify the system-wide conditions of pre-trial release and therefore manage a better program for high-risk offenders. 725 ILCS 185/10. The judiciary can ensure the resources match the population. The judiciary can step-down compliant or low-risk individuals off the program, freeing up staff to focus on high-risk offenders. 725 ILCS 185/16. The judiciary is also better positioned to step-up individuals who are non-compliant and re-incarcerate them.

In connection with analyzing the fiscal year 2020 budget, a few commissioners suggested taxpayers could save money by combining the Sheriff’s Electronic Monitoring Program with your Pretrial Services Monitoring Program. After some review, I believe a consolidation not only makes fiscal and operational sense but also will help improve public safety. Consolidation will eliminate any duplication of efforts by our respective offices and allow us to realize other efficiencies, with the Court managing its own release decisions and making individual and system-wide adjustments. The Sheriff’s Office would continue to assist your office with any law enforcement needs, including apprehending participants who have gone AWOL or escaped.

I understand this will mean a transfer of positions and resources from the Sheriff’s Office to the Office of the Chief Judge. Several organizational, yet critical, issues remain to be discussed and overcome. Chief of Staff Brad Curry has been in touch with your executive staff on this matter and will be the point person for my office on these discussions.

Sincerely,



Thomas J. Dart
Cook County Sheriff