



# Office of the City Clerk

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## Legislation Text

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**File #:** R2017-391, **Version:** 1

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### RESOLUTION

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, as home to Cook County Department of Corrections, the largest single jail site in the United States, and carrying an average daily population of about 9,000 detainees, Chicago has a singularly vested interest in matters pertaining to detention practices; and

WHEREAS, bonding practices have long been the subject of criminal justice reform discussions and they are now at the forefront of efforts that are before the 100<sup>th</sup> Illinois General Assembly (General Assembly) and others spearheaded by the Cook County Sheriffs Office; and

WHEREAS, among the measures that the Illinois General Assembly is contemplating is House Bill 2456, Representative Lashawn K. Ford's proposal to release a first-time offender charged with a non-violent offense on his or her own recognizance (I-Bond) unless the court makes a specific finding that a cash bond is necessary to secure his or her appearance in addition to any other conditions; and

WHEREAS, another proposal is Representative Christian L. Mitchell's House Bill 3421, which would abolish monetary bail and instead employ a validated risk assessment tool at pre-trial release hearings (bond hearings); and

WHEREAS, Senator Bill Cunningham introduced Senate Bill 1980, which would allow a defendant to be held without bail in gun crimes, if after a hearing, a judge makes a finding that releasing the defendant on bond would create "a real and present threat" to public safety; and

WHEREAS, the Illinois Criminal Justice Information Authority reports Illinois jails booked over 284,000 people in 2014 compared to 108,000 people booked in 1981; and

WHEREAS, the daily cost of housing one detainee is \$64.00, with an annual per detainee cost of \$23,400; and

WHEREAS, this jail population increase and corresponding costs strain already burdened state and local government finances; and

WHEREAS, ninety percent (90%) of detainees at the Cook County Department of Corrections Jail are awaiting trial; and

WHEREAS, in the Cook County Jail system December 2016, over the course of thirty (30) days in December 2016, twenty-five percent (25%) of inmates charged with gun offenses were able to

post bond while only four percent (4%) of those arrested for retail theft were able to bond out and be released; and

WHEREAS, nationally, there is a movement toward a risk-based system that considers flight risk and public safety risk instead of money bail system; and

WHEREAS, in Washington, D.C., after applying a risk-based system, approximately ninety percent (90%) of individuals charged with crimes are released without posting any money and that same percentage does subsequently appear for trial; and

WHEREAS, also in Washington, D.C., ninety percent (90%) of defendants released without posting money were not arrested prior to having their cases resolved and the ten percent (10%) who were rearrested, were arrested for non-violent crimes; and

WHEREAS, along with D.C., the states of California, Colorado, Indiana, Kentucky, and New Jersey are among the jurisdictions striving to reform or reduce bail use; and

WHEREAS, overcrowding in the Cook County Department of Corrections system has been a chronic issue that has resulted in Federal Court oversight; and

WHEREAS, it has been reported that, in 2016, the Cook County Department of Corrections system saw successful efforts to reduce the populations specifically by undertaking measures that include releasing those unable to pay bonds of less than \$1,000 or those held for non-violent offenses if their cases could not be heard within thirty (30) days; and

WHEREAS, bond practices that more effectively retain violent or high flight risk offenders in detention, while releasing those not falling within those parameters might also alleviate such overcrowding; and

WHEREAS, in a May 21, 2017, 60 Minutes report, the Cook County Sheriff Tom Dart observed that the county jail has become a "dumping ground" for the poor and mentally ill and suggests that, conservatively, half of the people it houses should not be there, as they pose no danger to others; and

WHEREAS, Sheriff Dart further offers that, on average, if 200 to 300 of its detainees could procure \$500, they could be released; and

WHEREAS, the balanced discussion between criminal justice reform in general, bond practice changes in particular, and overall public safety is one that the City Council strives to foster;

WHEREAS, the City Council stands ready to work with our County partners to seek equitable and viable solutions as well as informed decisions about matters that directly affect the safety and well-being of Chicago's residents; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHICAGO: That the Cook County Sheriff, the Cook County State's Attorney, and the Cook County Public Defender's Office, or their respective designees, are asked to appear at a hearing before the City Council Committee on Public Safety to provide information on the impact of the current bail bond statute and the pending legislation on Chicago residents and communities, and to expound upon any efforts that the members of the City Council might undertake to help effect progress on this matter. [ J /

Edward M. Burke Alderman, 14<sup>th</sup>  
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