Hon. Robbin J. Stuckert  
Chief Judge, 23rd Judicial Circuit DeKalb County Courthouse  
133 W. State Street  
Sycamore, IL 60178

Honorable Robbin Stuckert:

For more than 85 years, the Metropolitan Planning Council has worked to create prosperous, equitable and sustainable communities throughout the Chicago region by implementing solutions that result in vibrant neighborhoods, quality housing, and a strong economy. Because of our interest in a thriving Chicago region and our deep knowledge of the costs of racial inequity, MPC supports reforms to pretrial detention, including eliminating money bail, waivers for inequitable fines and fees, and implicit bias training for representatives of the criminal justice system.

Throughout the U.S., hundreds of thousands of people languish in local jails simply because they lack the financial means to pay bail. The results are lost jobs, lost housing, and severed families and community ties. In addition, court fines, fees and costs that people simply cannot afford to pay regularly lead to lost opportunities, whether through jobs, housing, suspension of driver’s licenses and even re-incarceration.

As of December 2017, we estimate that 3,300 people are incarcerated in Cook County Jail (CCJ) due to an inability to pay their bail. These 3,300 people represent approximately 57 percent of the current jail population, and a yearly total of $198 million ($60,000 per detainee) in county taxpayer dollars due to unnecessary pretrial detention.

These statistics are grim, but they become even more so in light of their racially inequitable distribution. Racial disparities have been documented in nearly every aspect of the criminal justice system, from traffic and street stops to arrests to sentencing. As we documented in our report The Cost of Segregation, racial inequity, perpetuated in part by the criminal justice system, costs Chicago alone approximately 4.4 billion dollars and 229 lives per year. These are unacceptable costs for all Chicagoans, and demonstrate the need for decisive policy action.

Thankfully, momentum is growing to address these racially and economically inequitable outcomes. The State should act swiftly to ensure that the criminal justice system does its part to rectify the problem. As we argued in Our Equitable Future, the State should take the following actions to address racial inequity in pretrial penalties:

- Eliminate wealth-based pretrial detention by prohibiting the use of secured money bail;
• Create a statutory waiver for the imposition of criminal court fees and costs on the poor;
• Require implicit bias training for judges, prosecutors, public defenders, pretrial services officers and all criminal court system staff.

These changes are in line with Illinois State law, which already requires judges to consider the ability of accused people to pay a monetary bond. In 2017, Cook County Chief Judge Timothy Evans created a process for judges to follow this law with the goal of eliminating pretrial detention based only on poverty. [75]

In taking these actions, the State can strive toward racial and economic equity while ensuring the safety of Illinois’ residents and saving money. We know this because of the experience of other governments. For example, in Washington D.C., 85 percent of defendants are released without bail, yet 90 percent of them show up for their court dates and 91 percent of them stay out of trouble while free. The district also saves at least $398 million a year—more than $1 million a day—by releasing defendants into supervision programs that are far less expensive than keeping the defendants behind bars. [76]

We are heartened to see that the State takes the issue of pretrial detention seriously enough to solicit input from stakeholders and community groups. We thank you for the opportunity to speak on this matter, and we welcome the opportunity for further discussion.

Sincerely,

MarySue Barrett
President
Metropolitan Planning Council