



# Electronic Monitoring Review

**Cook County, Illinois**

Final Report – September 2022

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# EXECUTIVE SUMMARY

The use of electronic monitoring (EM) in Cook County has experienced significant growth since the beginning of 2020. Substantial growth in caseload for both Sheriff's and the Courts EM, combined with a transition to GPS technology, has increased workload and management challenges for both programs. The recently passed SAFE-T Act will create additional requirements for case review and movement scheduling. Most of the provisions of the SAFE-T Act will be effective January 1, 2023, however, some electronic monitoring requirements went into effect on January 1, 2022. Collectively, these developments place serious strain on programs that already face fundamental issues in mission, structure, and operations in managing the largest electronic monitoring caseload in the United States outside the federal government.

Fundamentally, there are two unique characteristics of Cook County's use of electronic monitoring compared to programs in other large urban jurisdictions. First is the size of the program. In 2021, Cook County agencies managed over 5,300 pretrial defendants on electronic monitoring. As of August 2022, the total EM population in the County was 3,845.

**CCSO Electronic Monitoring Population – January 1, 2010 to July 31, 2022**



Figure 1: Source, Cook County Sheriff's Office

This represents by far the largest electronic monitoring caseload in any county or city in the United States. Electronic monitoring caseloads for pretrial defendants in New York City and Los Angeles, which have much larger justice systems, number in the hundreds. Other jurisdictions simply do not rely on electronic monitoring to manage pretrial releasees at all, and instead use some other form of community supervision for those low-risk defendants.

The second unique aspect of electronic monitoring in Cook County is the existence of two independent electronic monitoring programs run by different county agencies, the Sheriff's Office and the Office of the Chief Judge, with different policies and procedures. While some jurisdictions may have separate community supervision programs for sentenced offenders and pretrial detainees, it is highly unusual to have two separate pretrial release programs administered by different agencies which feature heavy use of electronic detention. This is an approach that was not explicitly designed, but that has developed over time. Interviews indicate that despite the long-standing nature of this arrangement, there remains confusion among the public and justice system actors on the respective roles and differences between the Sheriff's EM and electronic monitoring as managed by the Office of the Chief Judge. The development of parallel electronic monitoring programs managed by the Sheriff's Office and the Office of the Chief Judge respectively impairs coordination of pretrial release programs and increases costs, without providing discernible benefits to the County.

Community stakeholders have pervasively negative impressions of both programs. Participants have reported being restricted from participation in their communities and have serious difficulties finding and maintaining employment; they may have their criminal legal system involvement improperly disclosed to landlords and employers; are restricted from accessing essential medical care; and they report that they are often re-incarcerated—sometimes due to issues beyond their control and before a chance for judicial review. A tremendous amount of time and effort is required to get even the most basic permissions for program participant movement.

Available research shows that the use of electronic monitoring does not have a statistically significant impact on reducing re-offending. The use of electronic monitoring, by itself as a program intervention, does not appear to have a positive impact on outcomes for persons on community supervision. Research shows electronic monitoring has no impact on Failure to Appear rates and is approximately 2.5 times more expensive than regular intensive supervision, with roughly the same outcomes.

Professional organizations indicate that best practices call for the use of electronic monitoring only for those individuals who truly require a higher level of supervision, as identified by an objective risk assessment system, and only used for the minimum time necessary. Where EM is employed, the use of a validated risk assessment instrument in screening and selecting individuals for electronic monitoring supervision is considered essential.

## **Issues with Electronic Monitoring in Cook County**

Local justice systems generally use electronic monitoring as an alternative supervision option in a continuum of comprehensive community supervision strategies, ranging from automated reminders for court appointments, to active case management by a probation officer with placement as needed in community treatment programs. While the use of electronic monitoring is not uncommon in the United States, very few jurisdictions have “electronic monitoring” programs where electronic monitoring is the only tool employed. Pretrial services programs with EM applied only to a small subset of supervised people are much more common.

Where other jurisdictions have developed comprehensive pretrial service programs over time, consistent with evolving research on evidence-based practices, the legacy of reliance on electronic monitoring as a primary means for pretrial release in Cook County has led to a degree of use of this technology that far exceeds other justice systems. While electronic monitoring can certainly be used to facilitate pretrial release, its current use in Cook County is siloed. Best practices dictate that EM should instead be treated as a specific tool within the larger context of a case management plan informed by the defendant’s criminogenic risks and needs and identified through evidence-based assessments.

By all accounts, the level of communication and coordination between the Courts and Sheriff’s electronic monitoring does not support an acceptable level of program performance. The Courts serve as gatekeeper into electronic monitoring, set the terms of supervision, and determine exit from the program. Timely response to violations, changes in supervision schedules, and other program requirements require clear, priority channels of communications. Problems in inter-agency coordination and communication underscore the management problems created by the current system of a Sheriff’s electronic monitoring program managed separately from Adult Probation under the Courts.

Best practices call for a single pretrial services agency that coordinates and manages the entire spectrum of supervision and program services for released defendants. A single agency responsible for the program simplifies communication, reduces overhead, and results in more consistent treatment of defendants. There are no discernible advantages to Cook County’s current system of dual electronic monitoring programs.

Together, Sheriff’s EM and Adult Probation’s Home Confinement Unit have an FY 2021 budget exceeding \$35 million with 276 staff. This is a substantial investment of county resources into a program that available research indicates should be used on a very limited basis for high-risk persons. If a significant portion of the over 3,500 persons on electronic monitoring can be released to community supervision with no difference in impact to public safety or court compliance, the potential for savings from a smaller electronic monitoring program are great. Consolidation of services under one agency could also produce greater consistency, efficiencies, and savings.

Finally, specific elements of the current electronic monitoring programs could also be improved to provide better service and outcomes. These include condition verification – judges need a better system for verifying current defendant conditions such as work schedule or medical requirements to determine suitability for release at the bond hearing. Often this information is not available, prolonging incarceration of a defendant who could be released. Schedule changes also present a challenge. The extended duration of many defendants on electronic monitoring creates a high volume of requests for schedule changes that must be approved. The current system for submitting these requests for approval has difficulty in efficiently processing these requests, creating unnecessary issues for defendants. A more streamlined system for submission and review of requests or additional staff dedicated to management of this function is necessary. Finally, the case management system to support electronic monitoring is outdated, inefficient, and does not provide an adequate level of service.

## **Recommendations**

- 1. Cook County justice system stakeholders should develop a shared vision of how electronic monitoring should be used in pretrial release consistent with national standards.** A common understanding and consensus on the use of electronic monitoring in Cook County is essential to the development of safe, effective pretrial release programs.
- 2. Develop a plan to consolidate all responsibility for pretrial supervision of released defendants including electronic monitoring.** The current system of dual pretrial release programs, one under the Sheriff and one managed by Adult Probation, is inefficient, confusing, and serves no positive program objective. Best practices call for all forms of pretrial supervision services be consolidated under a unified Pretrial Services program that can provide effective case management services for released defendants and coordination with the Courts. Electronic monitoring should be treated as a specific tool available to be used in a continuum of pretrial service options tailored to individual cases. Such a pretrial services agency may suitably be housed under a state-wide system, should one arise, or as part of the Pretrial Services Unit of Adult Probation in Cook County.
- 3. Reduce the number of defendants on electronic monitoring.** Research and professional organizations agree that there is no evidence that points to any benefits provided by large-scale use of electronic monitoring for pretrial defendants. Regular community supervision appears just as effective for most defendants and more effective for those assessed as low risk. Electronic monitoring should be used for short periods of time and focused on select groups of defendants with high-risk characteristics, often in conjunction with mandatory treatment programs. To reduce the current electronic monitoring caseloads, the County, working with the Courts, should conduct a review of each active order for placement on electronic monitoring

to determine whether a less restrictive form of supervision is supported by risk assessment and the defendant's behavior on the program. Individuals determined suitable for less restrictive supervision and compliant with court requirements should be removed from the program.

- 4. Conduct a validation and reliability study for the use of the PSA in Cook County.** Encouraging reliance on use of the PSA in pretrial release decisions requires customization to fit the specific characteristics of individuals entering the Cook County justice system. The fact that the PSA has not been validated for use in Cook County limits its predictive value and reduces confidence in its results. A reliability study is also required to ensure that administration of the PSA is uniform, objective, and consistent with the instrument's design. Recently, after submission of our draft report, the Office of the Chief Judge contracted with Harvard Law School to conduct a validation study of the PSA in Cook County. A report is expected in the near future.
- 5. Work with domestic violence advocates to determine better ways for courts to interact with victims whose abusers are on pretrial electronic monitoring.** Due to the prevalence of false alarms and unnecessary alerts to victims, advocates did not feel that the benefits of electronic monitoring outweighed the issues experienced by victims.
- 6. Adopt a graduated sanctions approach to program violations that requires explicit judicial approval prior to re-incarceration as opposed to Zero Tolerance policies to rules enforcement.** Currently, neither the Sheriff's Office nor the Office of the Chief Judge have clear written guidelines for what kinds of rule violations can lead to re-incarceration. This has led to a perception by community members that the programs, particularly the Sheriff's Office, enforces rules arbitrarily and re-incarcerates participants without warning, and sometimes when those participants are unaware that they have broken any rules. Best practices suggest that a more effective approach would employ a clear, objective set of graduated responses to violations, and that pretrial programs allow judges to make the final decision about whether a participant is re-incarcerated, so that participants' due process rights are protected.
- 7. Institute a mandatory status review of active orders for electronic monitoring placement every 60 days, with a presumption to remove program-compliant individuals off electronic monitoring.** The open-ended nature of current orders to electronic monitoring means that most compliant defendants will stay on the program until they have completed their obligations to the Courts, regardless of whether they, or the community, benefit from this level of supervision. The SAFE-T Act, recently passed by the Illinois General Assembly, will require a review of active orders to electronic monitoring every 60 days. Most of the provisions of the SAFE-T Act will

be effective January 1, 2023, however, some electronic monitoring requirements went into effect on January 1, 2022. In its plan to comply with this requirement, the County should prioritize release from orders to electronic monitoring at these reviews in the absence of serious public safety or court compliance issues.

**8. Conduct a staffing needs assessment for the electronic monitoring programs.**

The County should conduct a staffing needs assessment for both the Sheriffs and Court programs, especially if the use of electronic monitoring continues at the current level. As noted in the report, given the diversity of how electronic monitoring is used across the country, there are no accepted ratios of staff to defendants in these programs. Therefore, the staffing needs of each jurisdiction must be assessed independently given the unique nature of how they use electronic monitoring. This assessment would identify the appropriate number of staff needed to support existing program levels and would develop ratios of staff monitors to defendants on electronic monitoring that would help with any future scaling increases or decreases in the programs.

**9. Develop a system to expedite collection and transmission of information needed to verify defendant circumstances for consideration by the Bond Court.**

Lack of verification information can prolong defendants stay in detention or result in release orders that are not consistent with defendant characteristics. Investing appropriate front-end resources to the collection and reporting of this information will improve the pretrial release process.

**10. Develop a system to facilitate expedited review and approval of changes in movement schedules for persons on electronic monitoring.**

Delays in approval of requested schedule changes can have profoundly negative impacts on program participants, impacting employment, healthcare, and program treatment. Reduced caseloads may address some of the delays associated with the current system, but a reengineering of the process for submission, review, and approval of schedule changes should be developed to better support the program. A particular emphasis should be facilitation and processing of work-related schedule changes. Given the central role played by employment in reducing recidivism and maintaining compliance with the court, it is essential that electronic monitoring does not impair program participants employment status.

**11. Update the case management system used by Pretrial Services.**

An effective system of pretrial supervision requires modern data management systems that provide timely access to information within an interface that facilitates user data entry and report generation. The current systems used by the Sheriff's Office and Adult Probation are antiquated and difficult to use. An updated system could better support



tracking of program performance and outcome data for supervision of pretrial defendants.

Implementation of these recommendations requires the full engagement of the key stakeholders in a strategic planning process for the future management and development of the electronic monitoring program.

The first phase of this process is represented in this report which provides an objective description of the current electronic monitoring programs in the County and an assessment of program issues.

The next step in the development of a strategic plan, defining the future direction of the program, requires that the key justice system stakeholders reach consensus on the mission of the program and a future vision of what the program will attempt to achieve. For example, should the program be targeted to very specific types of pretrial defendants for limited periods of time to facilitate compliance with court orders, and which pretrial defendants should it be targeted to? Should electronic monitoring be managed as a stand-alone program, or instead integrated into a more comprehensive pretrial release and supervision program? The Office of the Chief Judge, the Sheriff, the State's Attorney, Public Defender, and the Office of the County President will all need to participate in this process of developing a common vision for how electronic monitoring can and should be used to support the justice system. Program goals such as failure to appear rates, program compliance, and completion rates can then be developed.

The final step in the strategic planning process sets out the specific processes and actions required to operationalize these goals. Depending upon the direction established by the stakeholders, these plans could address the recommendations made in this report:

- Consolidation of the two programs to one office
- Validation and refinement of the risk assessment instrument
- Reengineering program processes to reduce unnecessary burdens on program participants
- Policy development and documentation of program work rules
- Case management system support
- Aligning resources with program workload
- Development and reporting of program performance measures
- Create a graduated response to rule violations

While the strategic planning process unfolds, there are specific modifications to the current electronic monitoring programs that will require implementation to maintain compliance with recent changes in state law. These include instituting mandatory status reviews of defendants on electronic monitoring and developing systems to facilitate movement of monitored persons. These short-term actions can be taken within the context of the current programs while the

strategic planning process gets underway. The Sheriff's Office has initiated preliminary communication with the other stakeholders on these issues to implement these changes.

# 1. INTRODUCTION

The past 18 months have seen major changes in the use of electronic monitoring in Cook County. The COVID-19 pandemic challenged the entire justice system to mitigate the spread of the disease by reducing the number of people incarcerated in the County Jail. One element of the County's response has been increased reliance on electronic monitoring as an alternative to pretrial detention in the Jail. As the program expanded in size, the Sheriff's Office also shifted from Radio Frequency-based equipment (RF) to exclusive use of Geographical Positioning System (GPS) monitoring technology for the over 3,600 persons supervised under the Sheriff's program. Most recently, the Illinois General Assembly passed comprehensive justice system reform legislation that will make substantial changes in the management of electronic monitoring in the state.

In May 2020, the Cook County Justice Advisory Council (JAC) issued a Request for Qualifications (RFQ) for technical assistance in a review of the use of electronic monitoring in the County criminal justice system. The JAC identified the following goals for this review:

- Review the current state of knowledge on best practices in the use of electronic monitoring.
- Survey justice system stakeholder assessments of the current state of the use of electronic monitoring in Cook County.
- Conduct a gap analysis that identifies current program issues and areas for improvement.
- Support the development of an RFQ for an enhanced County electronic monitoring program.

The JAC selected CGL Companies and Chicago Appleseed Center for Fair Courts to provide this technical assistance and work on the project commenced in December 2020. CGL addressed the use of electronic monitoring and the operations of the County's programs using this technology. Appleseed conducted research on the perspectives of community-based service providers who interact with people assigned to electronic monitoring, focusing on i) effects on employment and education, (ii) effects on housing, (iii) requesting movement, (iv) experiences with rules, (v) effects on family and community engagement, (vi) effects on health and wellbeing/medical care, (vii) interaction with criminal cases, and (viii) the impacts of COVID-19 on participants.

## **Methodology**

The project team used a comprehensive information-gathering and data review process that utilized four primary approaches: data analysis, research/literature review, stakeholder interviews, and public engagement.

**Data Analysis:** Understanding the current use of electronic monitoring requires a review of available data on how individuals are placed on the program, the duration of stay on electronic monitoring supervision, and how technology is used to provide supervision. The project team developed a comprehensive request for data which was submitted to the Sheriff's Office and the Office of the Chief Judge (OCJ). Supplemental data was provided by the Cook County Office of Budget & Management Services. Additional program data was collected from public records available through the Illinois Freedom of Information Act, 5 ILCS 140, which included participant-level demographic, violation alerts, and program information for people assigned to electronic monitoring between 2015-2020.

Quantitative analysis of the Sheriff's electronic monitoring data was conducted with programming scripts to standardize, calculate, and redact information about charge descriptions, length of time spent on electronic monitoring, and demographic information for each person assigned to the Sheriff's electronic monitoring program in the time period covered by the data.

**Stakeholder Interviews:** To gain background and context for the review, the project team conducted interviews with key justice system stakeholders as well as program administrators and analysts. Interviews were conducted with representatives of the Sheriff's Office, the judiciary, the Office of the Chief Judge, the Office of the County Board President, and the Public Defender. These interviews focused on internal perspectives of the key issues with the use of electronic monitoring, its impact on the rest of the justice system, and opportunities to address system needs. Stakeholders interviewed represented the entire spectrum of the county criminal justice system. All interviews were conducted by video or tele-conference due to COVID-19 restrictions.

**Empirical Research and Literature Review:** The project team conducted a comprehensive literature review of research on the use of electronic monitoring and surveyed nationally recognized "best practices" in the use of the technology. The review covered academic journals; federal, state, and local agency-funded reports; and professional assessments of best practices. The review also included recent research by the University of Chicago on the Sheriff's electronic monitoring program.

**Community Stakeholder Interviews:** The project team's research on the experience of program participants utilizes primary and secondary data to inform a holistic picture of electronic monitoring usage and experiences in Cook County from the perspective of community organizations. Primary data gathered includes 24 semi-structured interviews with community organizations who work with electronic monitoring participants in varying degrees. The organizations interviewed make up the small number of organizations in Chicago who interact directly with the electronic monitoring programs- either in providing services to individuals under pretrial supervision or assisting with their cases. Interviews were audio recorded and then transcribed and coded according to theme and question. Qualitative data analysis involved

comparing coded interviews thematically, drawing conclusions from interviewee responses and contextualizing qualitative data with quantitative evidence.

The project team interviewed employees of the following organizations: Chicago Community Bond Fund, The Bail Project, Lawndale Christian Legal Center, Treatment Alternatives for Safe Communities (TASC), Lifespan, Westside Justice Center, Safer Foundation, Above & Beyond, Heartland Alliance, I AM Able, Westside Health Authority, Northside Transformative Law Center, Chicago Alliance Against Sexual Exploitation (CAASE), Legal Aid Chicago, Institute for Non-Violence, Equip for Equality, and Inspiration Corporation. The team also interviewed two Cook County Public Defenders. The organizations interviewed provide one or more of the following services: legal assistance or advocacy, bail assistance, service referrals, employment assistance, housing assistance, drug and alcohol counseling, mental health counseling, violence prevention, victim services, and reentry services for formerly incarcerated individuals.

In total, the project team interviewed 29 individuals from 18 different community organizations who had interacted with Cook County's electronic monitoring programs in some way and had enough interaction to speak about the programs in detail. The interviews were semi-structured in nature—structured to allow for data comparisons between interviews, yet flexibly approached to allow for new ideas and themes to emerge based on the individuals' unique experience. Due to COVID-19 pandemic restrictions, all interviews were held virtually, over the phone or on a video conference call.

## 2. ELECTRONIC MONITORING IN COOK COUNTY

This chapter provides brief background on electronic monitoring as a concept and on the history of electronic monitoring in Cook County. It then examines the current profile of participant populations in the programs, looking at the number of participants, demographic variables, location of electronic monitoring placements, and charges against individuals assigned to the program.

### **Background**

Electronic monitoring is a program of supervision for defendants awaiting trial, or as an alternative to incarceration for sentenced offenders. The technology provides the ability to monitor a person's movement relative to an approved schedule or presence in a designated area.

The first generation of electronic monitoring technology was developed in the 1980's and is commonly referred to as Radio Frequency (RF). Supervision with RF relies on a monitoring unit placed in a program participant's residence that communicates with an ankle bracelet worn by the monitored individual. If the person exits the range of the monitoring unit without authorization, the unit sends an alert to monitoring staff, resulting in investigation of the circumstances of the alert. This type of supervision is similar to house arrest and is sometimes referred to as "curfew monitoring," as it is used to assure a person's presence in an approved residence or area during designated times.

In the 1990's, advances in Global Positioning Systems (GPS) technology were applied to electronic monitoring to allow mobile, real-time tracking of a program participant's location. These systems consist of a transmitter/ankle device that communicate participant location via commercial cellular networks to monitoring centers. GPS systems can be used to establish zones of inclusion or exclusion, initiating an alert if the program participant enters a prohibited area or leaves a scheduled area of confinement. Insofar as GPS systems provide more flexibility in scheduling program participant movement, maintain extensive tracking data on individual movement, and have a simplified installation process, this technology has become the predominant form of electronic monitoring in use in the United States. In 2015, a survey by the Pew Trust found that 71 percent of electronic monitoring devices in use in the United States used GPS technology (Pew Charitable Trusts, 2016).

Growth in the use of electronic monitoring stalled in the 1990s due to data showing that it failed to achieve the stated goals of reducing costs, recidivism and overcrowding (Andersen and Andersen 2014). In the past decade, the use of electronic monitoring has grown once again in the pretrial process as local jurisdictions look to reduce jail populations and seek alternatives to cash bail (Stevenson, Fahy, and Sainju, 2016).

## History of Electronic Monitoring in Cook County

The legislative structure that encompasses the foundation of electronic monitoring in Illinois is found in three statutes:

- Illinois Pretrial Services Act, 725 ILCS 185: The Pretrial Services Act establishes the requirement for a pretrial services agency and broadly defines its organization, responsibilities, and duties.
- Electronic Monitoring and Home Detention Law, 730 ILCS 5/Article 8A: The law establishes the use of electronic monitoring/home detention and identifies the parameters for its use, describes program requirements for participants, sets offenses relative to escape or failure to comply, and identifies reentry requirements for Illinois Department of Corrections inmates placed on EM.
- Bail Act, 725 ILCS 5/Article 110: The Bail Act established the requirements, parameters, and procedures for the use of bail. This included a list of bailable offenses, guidelines for setting bail levels and conditions of release, and conditions when bail can be modified/revoked. It allows for the use of electronic monitoring as one tool of pretrial release. We note that recent legislation abolishes the use of monetary bail on or after January 1, 2023.

The above statutes have been impacted by the recent passage of the Illinois Safety, Accountability, Fairness and Equity-Today Act (SAFE-T Act), which creates reforms in the Illinois criminal justice system. Included in the legislation was the Pretrial Fairness Act which establishes reforms to pretrial services that; eliminate monetary bail, place limitations on pretrial incarceration, reduce penalties for pretrial release violations, and require reconsideration of incarceration and/or release conditions at each court date. As a result of this Act, the Illinois Supreme Court announced its intention to adopt a statewide pretrial services agency within the Administrative Office of the Illinois Courts. Most of the provisions of the SAFE-T Act will be effective January 1, 2023, however, some electronic monitoring requirements went into effect on January 1, 2022

The first substantial use of electronic monitoring in Cook County came in 1989 as a tool to divert charged persons from the Cook County Jail, as part of the County's plan to comply with a federal consent decree mandating a reduction in crowding at the Jail. The Sheriff's Administrative Release Program authorized the Sheriff to release up to 1,500 non-violent pretrial detainees to electronic monitoring when the jail population exceeded 85 percent of capacity. The program was one of the earliest and largest uses of electronic monitoring in the United States.

In 2008, the Circuit Court of Cook County expanded the Sheriff's Electronic Monitoring program, ordering additional lower-level pretrial detainees at the jail to electronic monitoring under the supervision of the Sheriff in lieu of money bond or release on their own recognizance

(I-Bond). The number of individuals supervised under Sheriff's electronic monitoring has since generally ranged from 2,000 – 2,500 participants since 2010, increasing to over 3,600 participants in 2020 due to COVID-19.

The Cook County Adult Probation Department, which supervises individuals pretrial as well as those sentenced to probation, initiated a separate electronic monitoring program in 2009, in response to the Cindy Bischof law (Public Act 95-0773) which authorized judges to order defendants charged or convicted of violating an order of protection to be supervised with GPS electronic monitoring equipment. In 2013, Probation expanded its use of electronic monitoring to include curfew compliance for probationers and pretrial defendants. The program has averaged approximately 500 – 600 participants since its inception, increasing to over 1,800 participants by 2021.

The Juvenile Probation Department also operates an Electronic Monitoring program for juveniles involved in the juvenile delinquency courts. This report focuses only on the monitoring of adult, pretrial defendants, and so the juvenile program is not examined in this report.

The evolution of the use of electronic monitoring in Cook County is unique. The very early and intensive use of electronic monitoring by the Sheriff to reduce jail crowding created the program infrastructure that was later expanded into a large pretrial diversion program. In most jurisdictions, management of pretrial release programs are the responsibility of probation or a separate pretrial services agency. Extensive use of electronic monitoring by sheriffs or corrections departments is rare, and often takes the form of early release programs for sentenced offenders.

### **Electronic Monitoring in Cook County Today**

The primary use of electronic monitoring in Cook County is as a condition of pretrial release. The major recognized goal of setting conditions of pretrial release is to ensure that an individual appears for all court dates and does not commit any crimes while released pretrial. (Supreme Court Commission Report, 2020) Consistent with these goals, 725 ILCS 7/110-5 establishes that, “the court shall impose the least restrictive conditions or combinations of conditions necessary to reasonably assure the appearance of the defendant for further court proceedings.”

The County's current vendor for electronic monitoring services is Track Group, which provides the Sheriff's Department and the Probation Department with sufficient equipment to monitor the current caseload plus a shelf inventory of 30 percent of the total number of active units in use. Allpoints is responsible for inventory and maintenance of devices. Protocol (a Subsidiary of BI Incorporated) maintains a Monitoring Center that provides live 24 hour per day/365 days per year monitoring of all alarms or alert responses from active units in the field. Alerts generate immediate notification to designated county personnel for follow-up. The price for this service under the contract at the time of this review was \$5.21 per day per unit for GPS monitoring and \$4.85 per day per unit for RF monitoring.



The current electronic monitoring programs in Cook County supervised 5,253 people in pretrial status as of March 3, 2020. The majority were supervised by the Cook County Sheriff’s Office on GPS, with a smaller number being supervised by the Office of the Chief Judge. The average length of stay on electronic monitoring varies substantially among the different programs but averages approximately 97 days in aggregate.

Program	Pretrial Participants, March 3, 2021	Avg. Length of Stay
CCSO Electronic Monitoring	3,686	129 days
Adult Probation Home Confinement Unit – RF Curfew program	635	120 days
Adult Probation Home Confinement Unit – GPS Program	932	60 days
<b>Total/Overall</b>	<b>5,253</b>	<b>~97 days</b>

Figure 2: Source: Office of the Chief Judge and Sheriff’s Office

### Program Participant Screening

The Circuit Court of Cook County (Court) reviews the suitability of defendants for electronic monitoring and determines their placement under Sheriff’s Department supervision or the Probation. Upon arrest and booking, defendants are interviewed by Pretrial Services Division staff who review arrest reports, criminal histories and verify defendant information such as employment, housing, family, mental health, and substance abuse history. Given the rapidity in which the bond hearing occurs, verification of this information is often not completed prior to the bond hearing. Additionally, as part of this information gathering, Pretrial Services staff will conduct risk assessments of defendants prior to bond hearings, using the Public Safety Assessment (PSA) instrument.

In 2015, the County adopted the use of the PSA, a pretrial risk assessment tool developed by Arnold Ventures, to provide the courts with an objective, evidence-based assessment of a defendant’s potential to commit a new crime or fail to appear before the Court. The PSA has been recognized nationally as an effective tool to identify which defendants can safely be released prior to trial.

The PSA identifies and scores 9 different risk factors for defendants that can contribute to failure to appear in court or new criminal activity. These include:

- Age at current arrest
- Current violent offense

- Pending charge at time of the offense
- Prior misdemeanor conviction
- Prior felony conviction
- Prior violent conviction
- Prior failure to appear in past 2 years
- Prior failure to appear older than two years
- Prior sentence of incarceration

With this information the PSA produces an actuarial assessment of risk, summarized into three risk scores: the potential to commit new criminal activity (NCA), the potential to commit a new violent criminal activity (NVCA), and the potential to fail to appear (FTA) for court. In 2016, Cook County began using a locally developed “Decision Making Framework” that correlates these three PSA scores to a recommended level of supervision. This framework provides a spectrum of seven different supervision levels, ranging from release with no conditions, to release under electronic monitoring, to incarceration:

- Release with no conditions or pretrial monitoring
- Release with Monitoring – Court Date Reminders
- Release with Pretrial Supervision Level I (PSL I)– monthly face-to-face meetings, may be assigned to Probation electronic monitoring
- Release with Pretrial Supervision Level II (PSL II)– biweekly face-to-face meetings, may be assigned to Probation electronic monitoring
- Release with Pretrial Supervision Level III (PSL III)– biweekly face-to-face meetings and biweekly phone call check-ins, may be assigned to Probation electronic monitoring
- Release to Sheriff’s electronic monitoring
- Release not recommended (remain in jail).

The PSA and the Decision-Making Framework have not been validated for use in Cook County, meaning there has not been a formal study of whether the factors used by the PSA to produce risk scores are predictive of the actual behavior of defendants in Cook County. While the PSA has been successfully used in many other jurisdictions, a validation study of both the PSA and the Decision-Making Framework, specific to Cook County would increase confidence in its use. Recently, the Office of the Chief Judge has contracted with Harvard Law School to conduct a validation study of the PSA in Cook County. A report is expected in the near future.

The results of the PSA and pretrial interviews are presented to the Court at the initial bond hearing. The Court at that point may issue an order for release on recognizance (I-Bond), cash bail (D-Bond)<sup>1</sup>, detention in the Cook County Jail, release to electronic monitoring under the Sheriff, or release to supervision under Probation which may include electronic monitoring. The

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<sup>1</sup> Pursuant to Public Act 101-0652, the use of money bond in Illinois will be abolished effective January 1, 2023

most recent data available on court bond orders (July – September 2019) shows 7,297 defendants received an initial bail order during that three-month period. Of those, 52 percent were released on a personal recognizance bond (I-Bond) with no conditions. Another 16 percent received an I-Bond, but also had a condition of placement on Sheriff’s electronic monitoring. 20 percent of orders required a money bond.<sup>2</sup> Given the age of this data and the significant changes that have occurred in the justice system over the past two years, this data is not necessarily indicative of current practices.

Upon review of the PSA score and the pretrial service interviews, the judge may order the defendant to electronic monitoring under either the Sheriff or Probation. The orders to electronic monitoring will address the specific constraints placed on the movement of the defendant, which could include employment schedules, curfew hours, and stay-away zones. Interviews indicate that the Court typically places persons charged with lower-level offenses on Probation electronic monitoring, and defendants requiring more active supervision on Sheriff’s electronic monitoring. Appendix A contains a detailed flowchart of the electronic monitoring placement process. The rationale provided for this difference is that those individuals supervised under the Sheriff’s electronic monitoring program are considered “in custody” while those under Probation are not. This allows the Sheriff’s Office to apply more intensive sanctions for non-compliance than the courts. For example, if a participant violates their curfew in the Courts electronic monitoring program, they can be charged with a violation of bail bond. However, if they violate in the Sheriff’s program they can be charged with an escape from custody.

The investigation process for potential program is outlined in Appendix B.

### **Electronic Monitoring: Office of Chief Judge**

The Office of the Chief Judge (OCJ) supervises the Adult Probation Department, which electronically monitors some individuals released pretrial. The Adult Probation Department’s Home Confinement Unit supervises persons placed on electronic monitoring. The Unit has 85 staff including 60 probation agents, 13 supervisors, 11 technicians, and one administrative assistant. The FY 2022 budget for the Unit was \$11.1 million. Of this total, \$6.2 million, 62 percent of the budget, goes to staff costs with the remainder largely attributable to electronic monitoring equipment and services.

The Home Confinement Unit (HCU) uses both RF and GPS technology for electronic monitoring supervision. For domestic violence cases, it deploys GPS technology consistent with the Cindy Bischof law which allows courts to order defendants charged with violating an order of protection, domestic battery, etc. to wear a GPS monitoring device. As of August 2022, the Unit managed 1,625 individuals on electronic monitoring.

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<sup>2</sup> <http://www.cookcountycourt.org/ABOUT-THE-COURT/Office-of-the-Chief-Judge/Court-Statistics-and-Reports>

The active GPS caseload on this date was 916 individuals. The caseload was 74.9 percent male with nearly half below the age of 35. Approximately half of the caseload had been charged with a misdemeanor with the most common charge type being domestic violence. The following table profiles the GPS caseload managed by the OCJ.

**Demographic breakdown of GPS cases active on 3/31/2021**

	<b>Count (N=916)</b>	<b>Percentage</b>
<b>Gender</b>		
Male	686	74.9%
Female	53	5.8%
Missing*	177	19.3%
<b>Current age</b>		
17-25	131	14.3%
26-35	284	31.0%
36-45	178	19.4%
46-55	93	10.1%
>56	53	5.8%
Missing*	177	19.3%
<b>Charge type</b>		
Felony	291	31.8%
Misdemeanor	444	48.5%
Non-criminal	2	0.2%
Missing*	179	19.5%
<b>Charge Category</b>		
Violation of Order of Protection	95	10.4%
Domestic Violence	381	41.6%
Stalking/harassment	7	0.1%
Other person crime	109	11.9%
Weapons	32	3.5%
Property	17	1.9%
Drug	5	0.5%
Sex	46	5.0%
Other	13	1.4%
Missing*	211	23.0%

\*: Note: “Missing” indicates the demographic information for these participants has not been documented in the data provided.

The active RF caseload on this date was 775 individuals. The gender breakdown for the RF caseload is the same as the GPS program at 75 percent male. The age distribution shows nearly 60 percent of program participants are below the age of 36. Approximately 76 percent had been charged with a felony with the most common charge type being gun possession. The following table profiles the GPS caseload managed by the OCJ.

**Demographic breakdown of RF cases active on 3/31/2021**

	<b>Count (N=775)</b>	<b>Percentage</b>
<b>Gender</b>		
Male	581	75.0%
Female	53	6.8%
Missing*	141	18.2%
<b>Current age</b>		
18-25	237	30.6%
26-35	224	28.9%
36-45	90	11.6%
>45	83	10.7%
Missing*	141	18.2%
<b>Charge type</b>		
Felony	588	75.9%
Misdemeanor	38	4.9%
Non-criminal	1	0.1%
Missing*	148	19.1%
<b>Charge Category</b>		
Person	104	13.4%
Gun possession	216	27.9%
Violent gun	12	1.5%
Non-gun weapons offense	11	1.4%
Property	61	7.9%
Drug	83	10.7%
Sex	59	7.6%
Other	34	4.4%
Missing*	195	25.2%

\*: Note: “Missing” indicates the demographic information for these participants has not been documented in the data provided.

Prior to placement on GPS, the Social Services Department of Adult Probation conducts a domestic violence assessment in appropriate cases. GPS is used to monitor individuals charged with domestic violence. The use of GPS for these cases enables the designation of court ordered exclusion zones. These exclusion zones may be relative to a specific location or the victim’s location. To ensure the protection of the victim, the program provides victims with a notification application for the victim’s phone or will provide them with a phone if necessary. GPS tracking can identify when the defendant is near the victim and alert the HCU and the victim. Eighty percent of the HCU caseload on GPS are pretrial defendants charged with a misdemeanor domestic violence case. Staff report the average length of stay on GPS for these defendants is approximately 60 days.

For most non-domestic violence cases, HCU currently uses RF technology. The Court uses this technology for home detention or curfews, where defendants are required to be confined to their

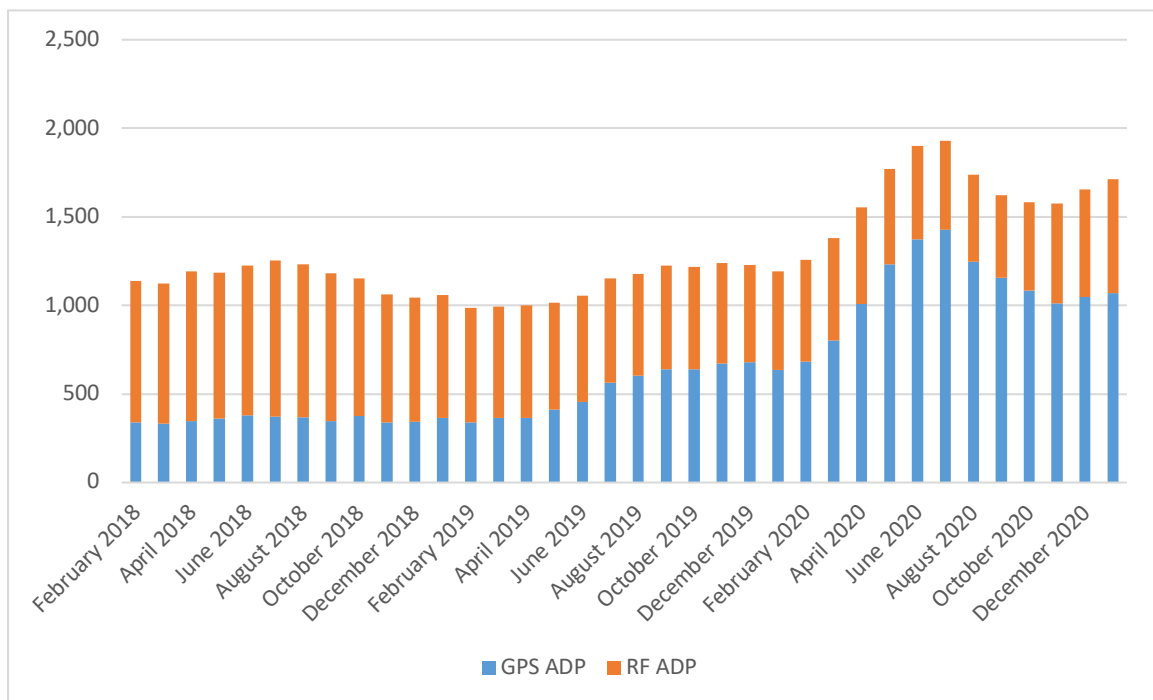
residence during a certain time of day. Typically, judges will order a curfew duration of 7:00 pm to 7:00 am. This allows for more unstructured movement during non-restricted times. Staff indicate the Unit may eliminate the use of RF supervision and convert all their caseload to GPS.

Violation of curfew for RF program participants is a violation of bail bond, not an escape and results in a requirement to report on the next scheduled court date. Violations for GPS program participants result in an immediate summons to court.

Staff reported that most program participants on RF monitoring are charged with felonies. The average length of stay on monitoring for these program participants is 120 days under normal circumstances, although COVID-related court delays have extended this time on RF in the past year. About 20% of RF caseload are sentenced as a condition of probation, with the remainder in pretrial status.

Program caseload averaged between 1,000 – 1,200 individuals from 2018 through February of 2020. At that time caseload rapidly grew to over 1,900 by July 2020, as the justice system responded to the Covid pandemic. Caseload then declined to roughly current levels. The increase has occurred almost entirely in the GPS program.

### OCJ EM Caseload, 2018 - 2020



The HCU provided no data on supervision caseloads or approaches, alerts, or program failures, of program participants so it is difficult to assess its performance. Staff described the current case management system as obsolete and not providing effective support or meaningful analysis of the current supervision program. For example, the only way to accurately track verified

violations of EM in the current system is to manually review the case record for every individual on EM. Although alerts are automatically sent to the contracted monitoring center and to Home Confinement, staff must manually verify whether the alert was valid and record it in the OCJ case management system. These validated alerts are entered as narrative information when a violation is sent to court. While violations are reviewed, verified, and acted upon following policy, the case management system cannot produce a report of this information.

HCU staff indicated that caseloads have risen in the past year due to the pandemic. The RF caseload reportedly averaged 532 active daily curfew cases per day in FY2020, increasing to 794 by March 3, 2021. During this same period, the GPS caseload peaked in July 2020 at approximately 1,500 cases before falling to 932 on March 3, 2021.

### **Electronic Monitoring: Sheriff's Office**

The Sheriff's Electronic Monitoring program (Sheriff's EM) is administered by the Community Corrections Bureau of the Cook County Sheriff's Office. The program supervises pretrial defendants released from the Cook County Jail pursuant to an order of the Court. In the last year, the program transitioned away from use of RF technology and now manages the caseload with GPS technology.

GPS devices are equipped with a two-way call feature, which allows electronic monitoring staff to communicate with the participant via the device. Participants must accept all incoming calls from the device. This feature is utilized to quickly communicate with participants in the event an alert is triggered and determine their status.

Sheriff's EM divides the administration of the program between four different entities:

- (1) Sheriff's staff, which sends out enforcement units, makes final violation and movement decisions, and liaises with the court;
- (2) Track Group, which provides the electronic monitoring equipment and is the main point recipient of the county contract;
- (3) Protocol (a Subsidiary of BI Incorporated) which runs the call center, communicates with participants about alerts from their devices, and
- (4) Allpoints, which is responsible for maintenance and repair of devices and for maintaining inventory.

Judges typically assign electronic monitoring at bond court but can also order that a person join the program later in the progression of their pretrial case. Sheriff's EM can interact with monetary bond as a condition of release in several ways:

1. I-Bond with electronic monitoring: A person is released on their own recognizance (without having to pay any money) but is ordered to participate in EM as a condition of their release
2. D-Bond with electronic monitoring as a condition of Release: A person is released only if they can pay a money bond, *and* they are ordered to participate in EM as a condition of their release
3. Electronic monitoring with D-Bond: A person is released on EM without having to pay any money; if they pay a bond amount, they are removed from Electronic Monitoring (much like bonding out of jail).

The 3<sup>rd</sup> option, though popular earlier in the decade, is rarely used now. D-Bond with electronic monitoring as a Condition of Release is the most common order. In May 2021, 82% of Sheriff's EM participants had paid some money bond but were still confined to electronic monitoring. There were also 1,108 people in the Cook County Jail held on money bonds who would still be confined to electronic monitoring if they are able to pay the bond.

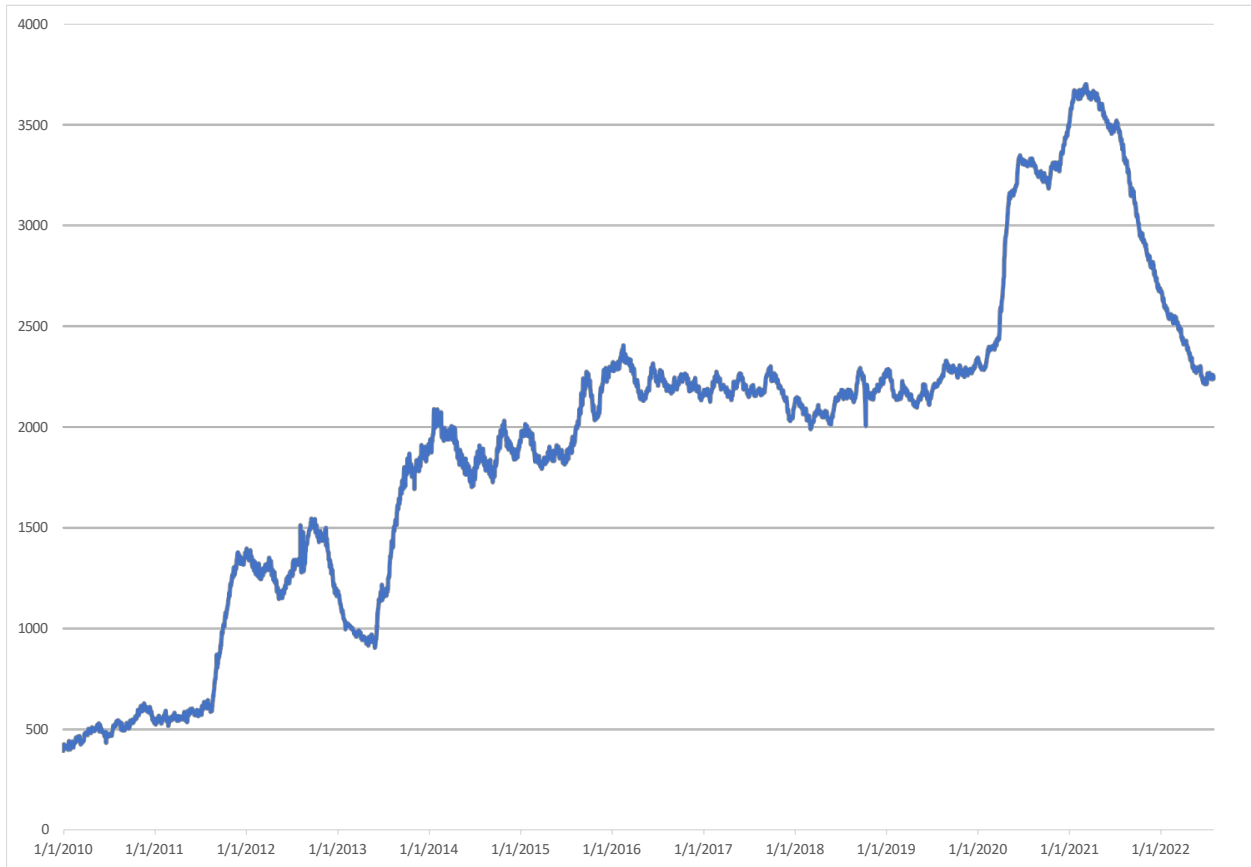
Money Bonds have been empirically shown to have no impact on court appearance rates or pretrial re-arrest rates. At the very least, however, Money Bonds, if paid, allowed people to go about their lives freely while they were presumed innocent. Despite a belief that Sheriff's EM has replaced money bond over time, the program instead exists largely alongside money bond.

Participant movement under Sheriff's EM is authorized by the Court's order which typically makes accommodations for court dates, employment, education, and medical appointments. These schedules often require adjustment as a case progresses due to changes in the defendant's circumstances. Requests for additional movement or changes in the approved schedule may be submitted via written request, 72 hours prior to the unscheduled event after the participant has uploaded verification documents online. Under provisions of the recently passed SAFE-T Act, all individuals on EM will have at least two days per week to move freely for 8-hour periods to complete essential life activities (job search, grocery shopping, attending treatment, etc). The Sheriff's Office subsequently allowed each EM participant free movement from 8:00 a.m. to 4:00 p.m. two days per week.

As of August 2022, Sheriff's EM managed 3,686 individuals on electronic monitoring. This represents an increase of 51 percent over the previous 12 months. The number of program participants increased sharply from March to June 2020, and then leveled off, with a more moderate increase in caseload in later 2020.



## CCSO Electronic Monitoring Population – January 1, 2010 to July 31, 2022



The FY 2022 budget provides funding for 133 investigators to support the program, with total staffing of 204 FTEs. This allows for the assignment of approximately 30-40 investigators per shift. Investigators are responsible for the on-boarding process, monitoring program participants and responding to alerts. The total budget allocated to electronic monitoring in FY 2022 was \$24.4 million. At the current caseload levels, Sheriff’s EM averages 18 program participants per investigator at a daily cost of \$27.84 per person monitored.

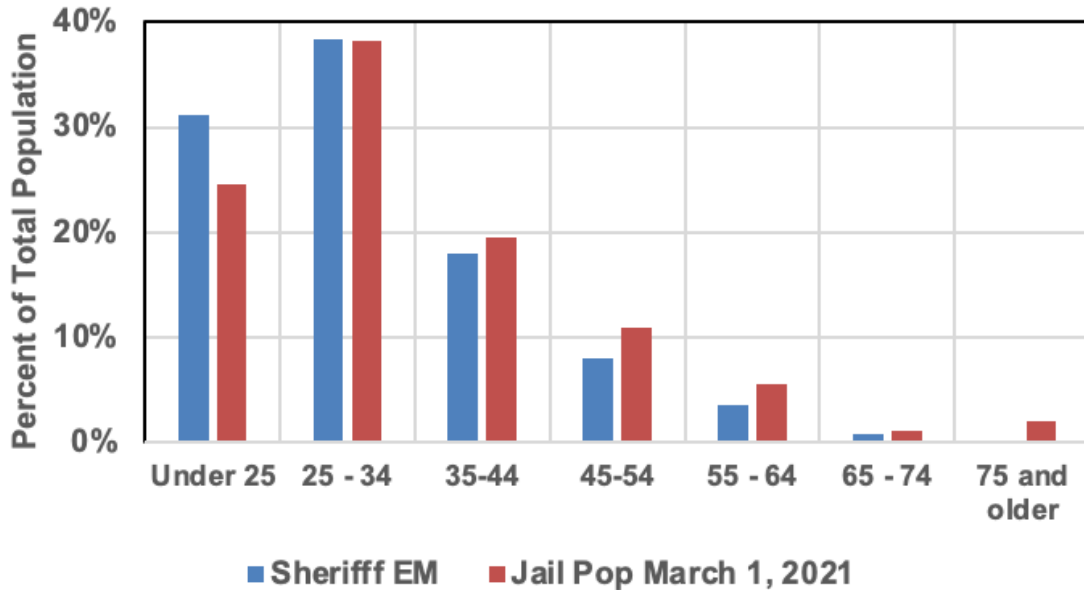
Persons placed on Sheriff’s EM are technically “in custody.” As a result, violations of the program can be charged as an escape, a new felony offense. While this status encourages program compliance, it also creates an incentive for defendants to prolong their stay on electronic monitoring to receive good time credits that will reduce any subsequent incarceration sentence (ILCS 5/5-4.5-100(b)). This creates expense for the County for monitoring and increases court workload.

### **Sheriff’s EM Program Participant Profile**

The typical participant in Sheriff’s EM is male, charged with a felony, in his early 30’s. The profile of the Sheriff’s EM caseload closely tracks that of the jail population. The average age of

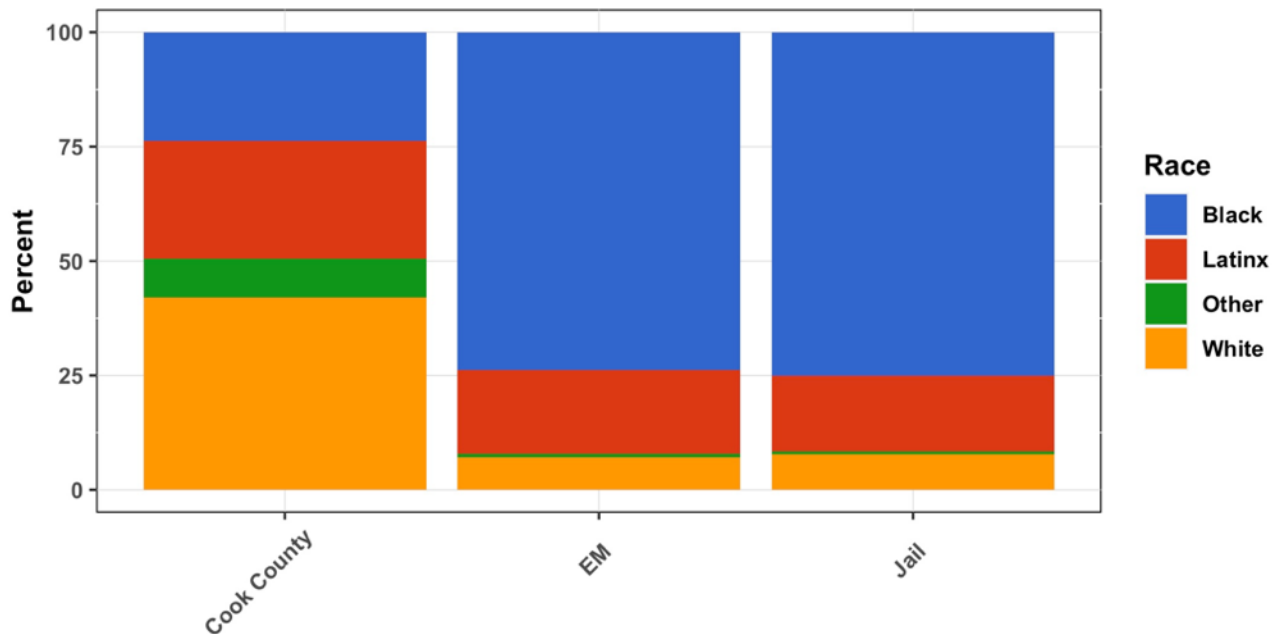
a participant is 31, with a numerical distribution skewed to participants below age 34. The program is 95 percent male.

### Age Distribution - Sheriff's EM vs. Jail Population



Consistent with the jail population, 73 percent of the Sheriff's EM population is Black, while 18 percent are listed as Hispanic/Latinx and 8 percent White. As in many other parts of the criminal

### Cook County, CCSO EM, and the Cook County Jail by Race





Offense Classification	Number	Percent
<b>Murder</b>	90	2.4%
<b>Class X</b>	819	22.2%
<b>Class 1</b>	386	10.5%
<b>Class 2</b>	924	25.1%
<b>Class 3</b>	556	15.1%
<b>Class 4</b>	804	21.8%
<b>Misdemeanor</b>	87	2.4%
<b>Petty/Traffic</b>	6	0.2%
<b>Unknown</b>	12	0.4%
<b>TOTAL</b>	3,684	100.0%

The charge profile of electronic monitoring program participants has changed over time. The most common charges currently are for gun possession offenses. In 2015, most program participants had been charged with a drug offense, with a relatively small number of cases involving a weapons charge. By 2020, the number of participants charged with a drug offense had declined sharply and the largest charge category was for firearm possession-related offenses, followed by individuals charged with person offenses<sup>3</sup>. As discussed below, the increased use of electronic monitoring for gun possession charges has not led to an increase in violence committed by EM participants, or any increase in arrests of Electronic Monitoring participants. In fact, people charged with gun possession crimes are among the least likely EM participants to be re-arrested pretrial.

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<sup>3</sup> An offense is categorized as a “person” offense if any person is the victim of the crime, whether or not it involves a firearm. An offense is categorized as a “gun possession” charge *only* if it does *not* involve violence against another person. So, for example, Armed Robbery, Aggravated Battery with a Firearm, and Vehicular Hijacking are all “person” crimes. Aggravated Unlawful Use of a Weapon (Gun Possession) and Aggravated or Reckless Discharge of a Firearm (which are charged when a gun is fired, but is not aimed at a person) are “gun possession” offenses.

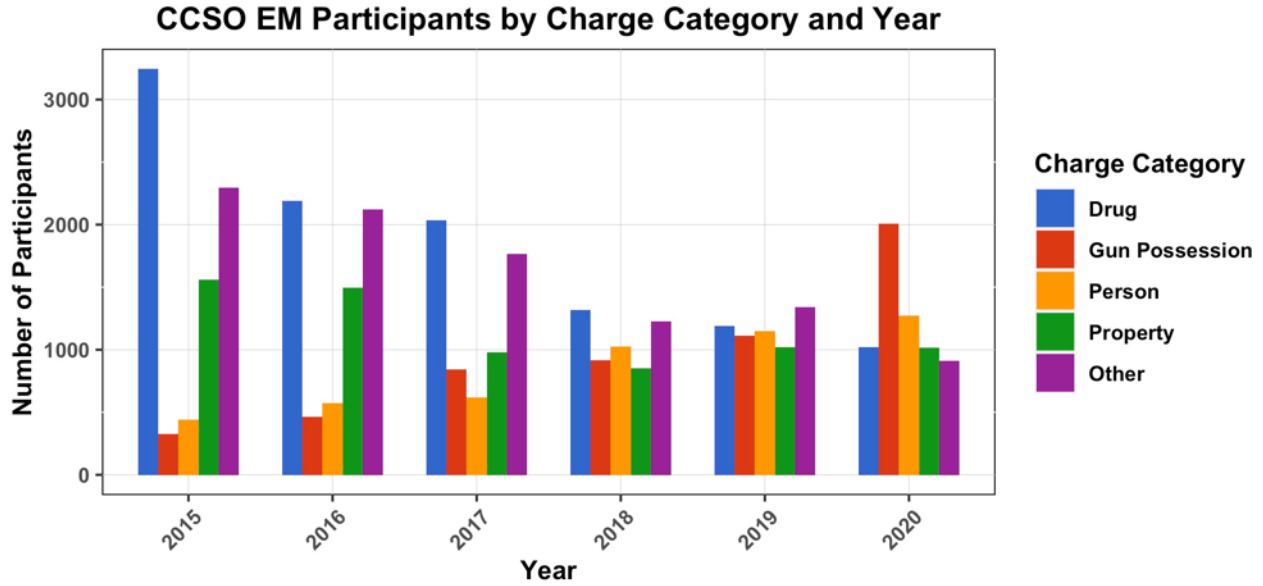


Figure 2: Data from Cook County Sheriff's Office

As of May 2021, approximately 43 percent of the Sheriff's EM caseload had been charged with a gun possession offense and 28 percent had been charged with a person offense.

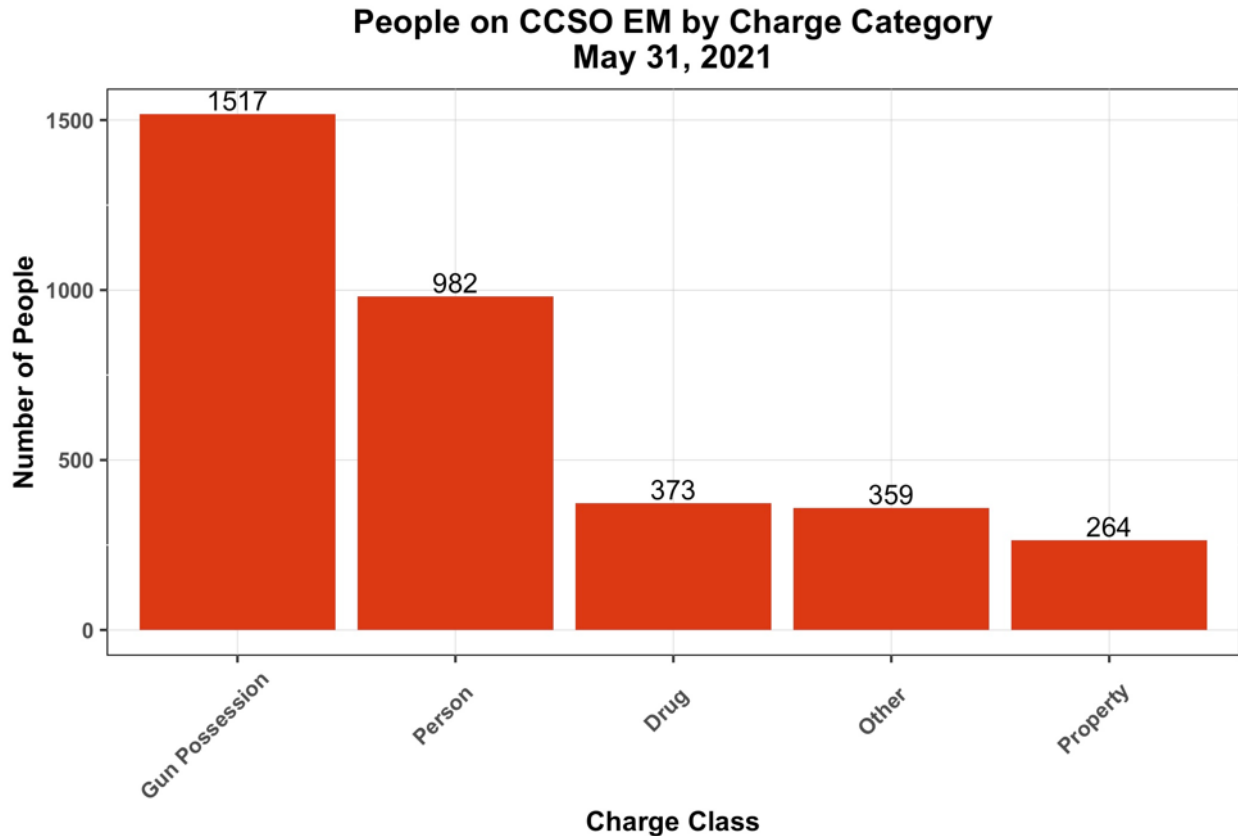
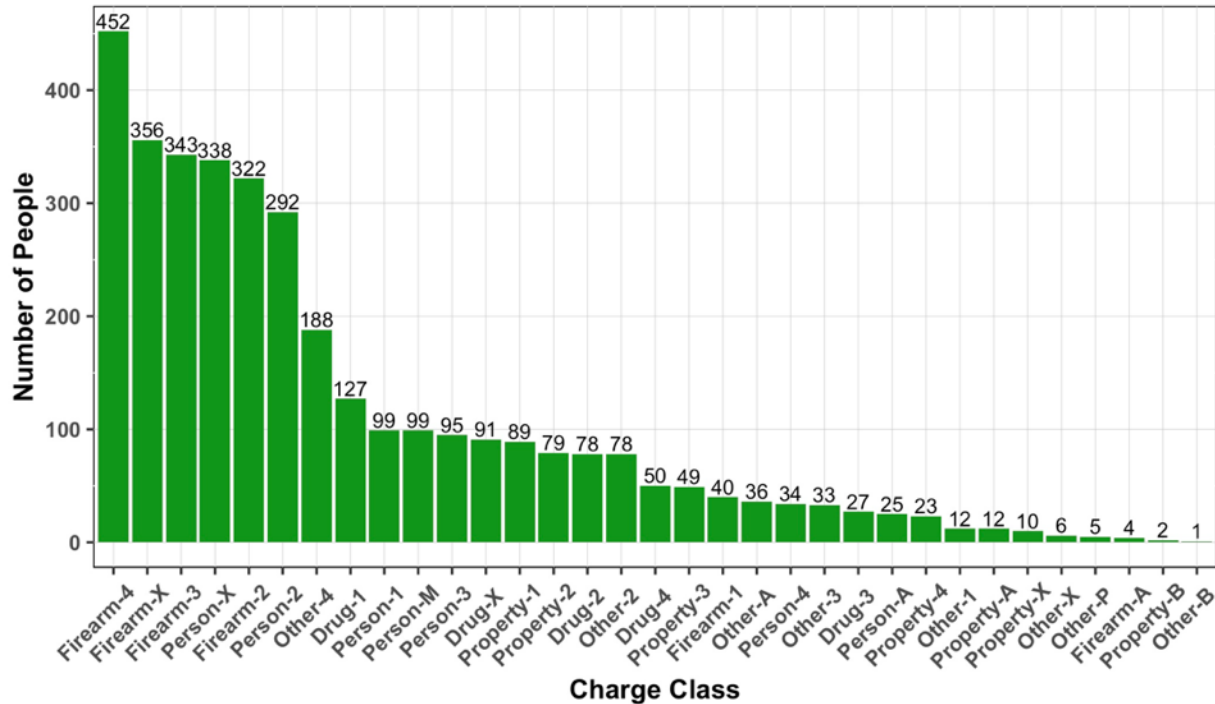


Figure 3: Data from Cook County Sheriff's Office

The distribution of cases by charge class includes both more and less serious gun possession offenses.

**People on CCSO EM by Class and Charge Category  
May 31, 2021**



Class 3 and 4 gun possession offenses are usually charges were a person who does not have felony background is accused of possessing a gun unlawfully. Class X gun possession offenses are often “Armed Habitual Criminal” charges, where people with gun crimes in their background are accused of again possessing a firearm.

A participant’s average length of stay on Sheriff’s EM is 129 days, but this is skewed by a small number of individuals who have been on electronic monitoring for over 2 years. A better measure of the typical length of stay under supervision is the median number of days on electronic monitoring, which is 73 days.

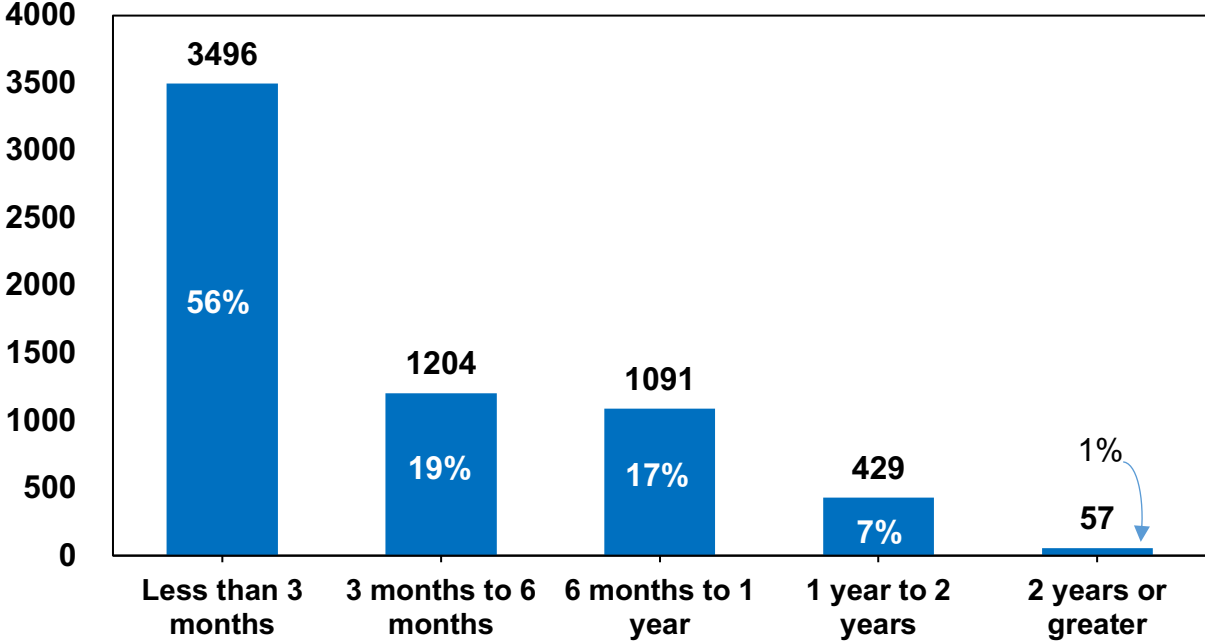
**Length of Stay on Sheriff’s Electronic Monitoring, March 2020 – March 2021**

<b>Total Releases from Sheriff’s EM</b>	<b>6,277</b>
<b>Average time on electronic monitoring</b>	129 days
<b>Median time on electronic monitoring</b>	73 days
<b>Maximum time on electronic monitoring</b>	1,378 days

More than half of those placed on the Sheriff’s EM, are released within 3 months. We note there were 57 individuals who had been on electronic monitoring for more than 2 years. The

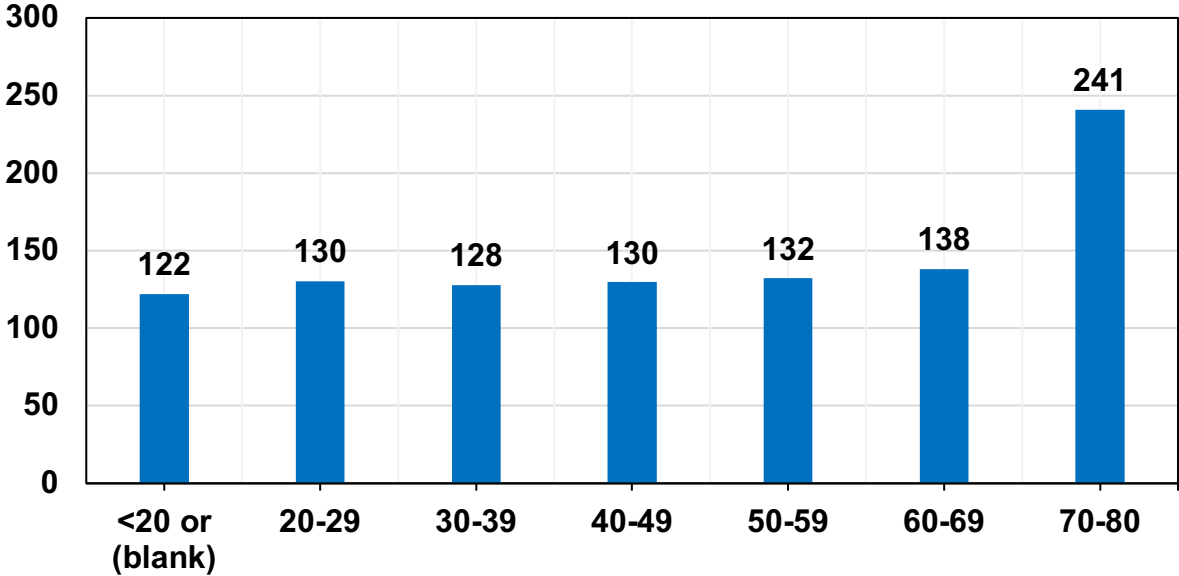
distribution of the duration of time on electronic monitoring shows that 75 percent of the caseload is on the program for six months or less.

### Time on Sheriff's EM - Distribution



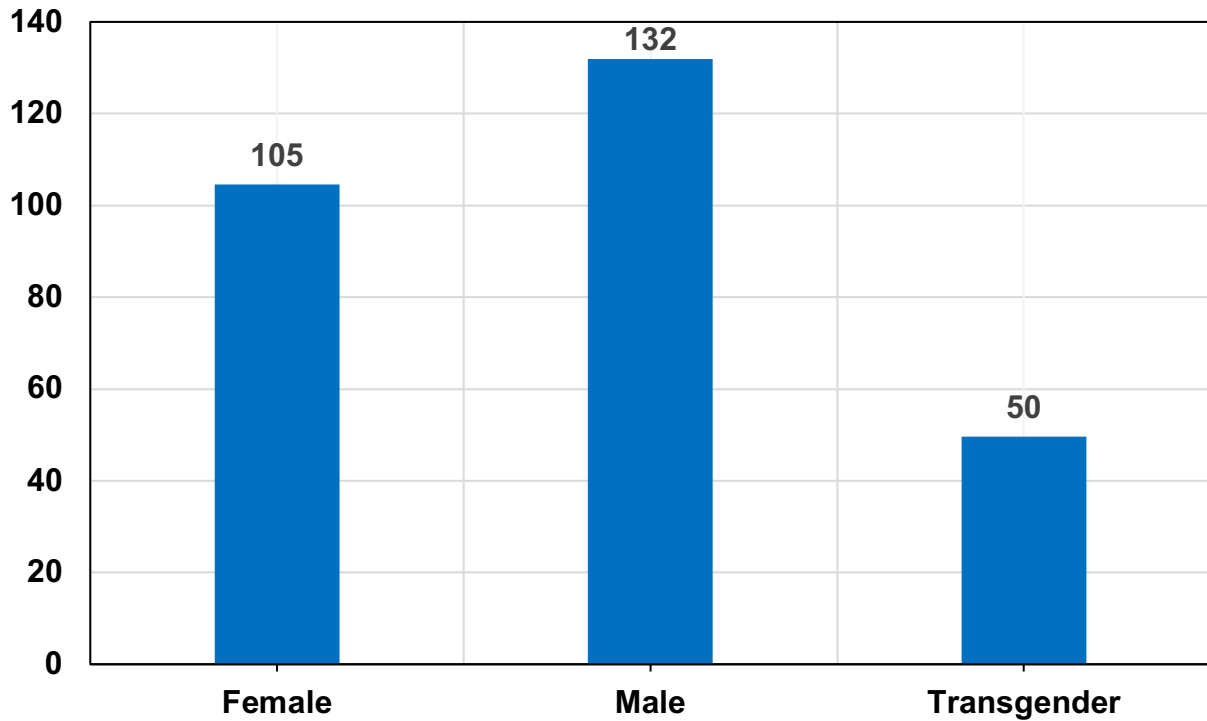
While relatively small in number, older defendants also tend to have a longer length of stay on electronic monitoring. This appears to be due to the specifics of the individual and/or case.

### Average Duration by Age, Sheriff's EM



Males generally spent a longer time on electronic monitoring than females. There were 5 transgender individuals placed on the Sheriff's EM and they stayed an average of 50 days with the longest serving 85 days.

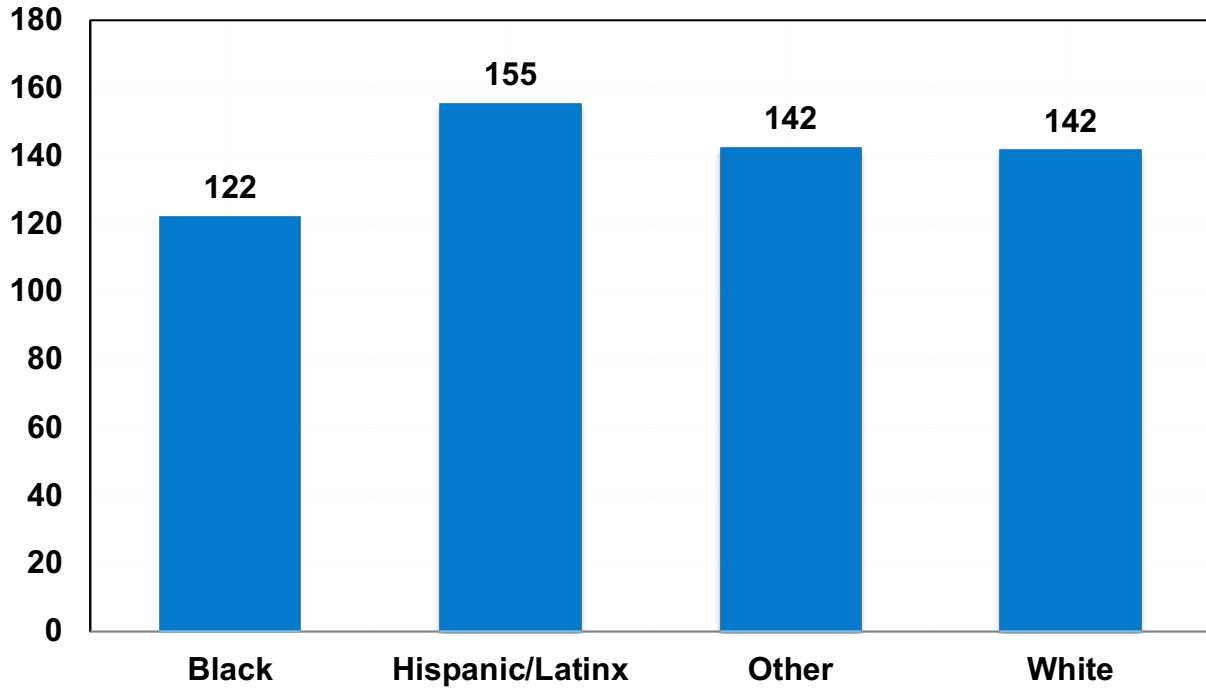
### Average Duration by Gender, Sheriff's EM



The length of stay by race showed that Hispanic/Latinx program participants had the longest duration of time on electronic monitoring and Black defendants had the shortest stays.

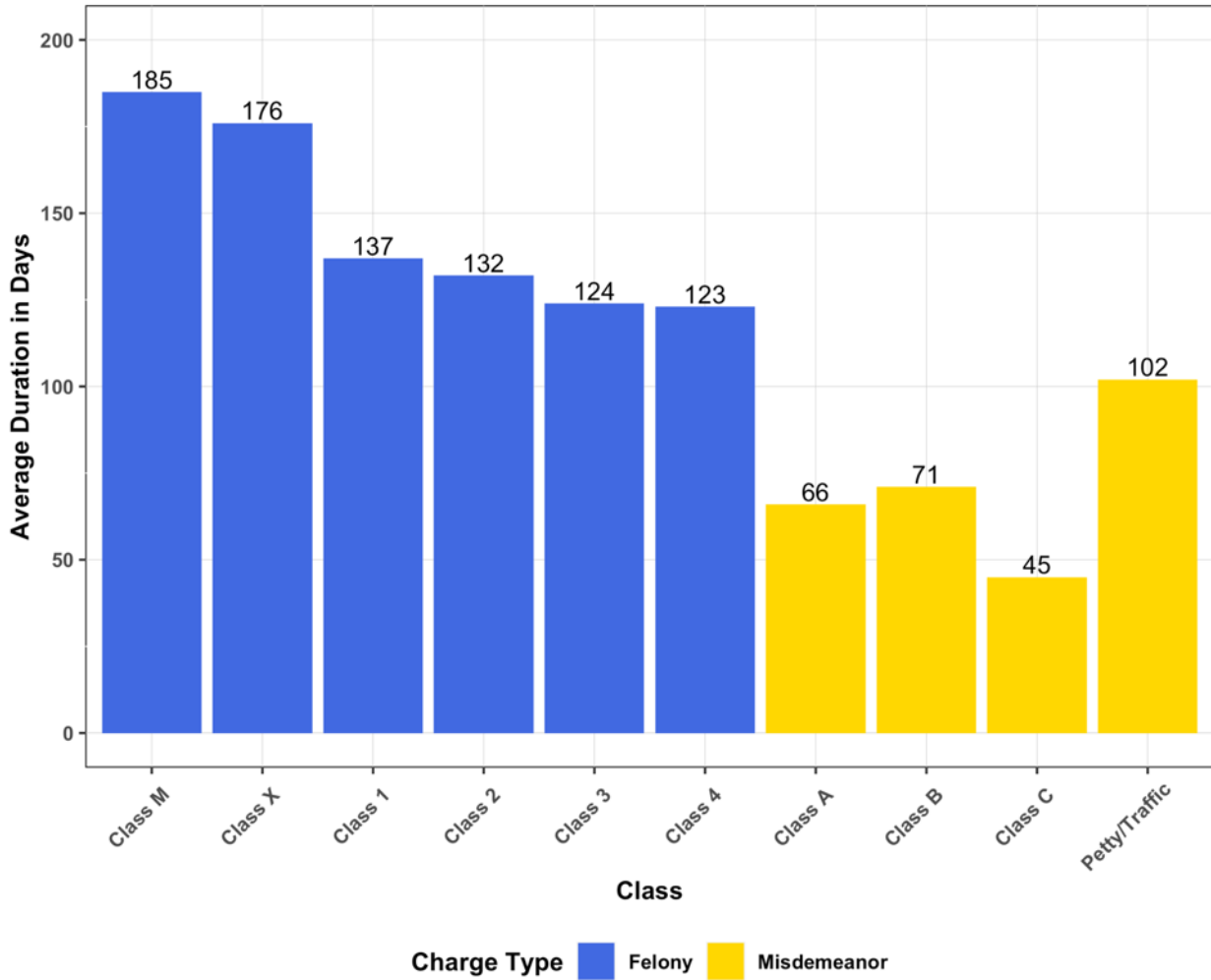


## Average Duration by Race

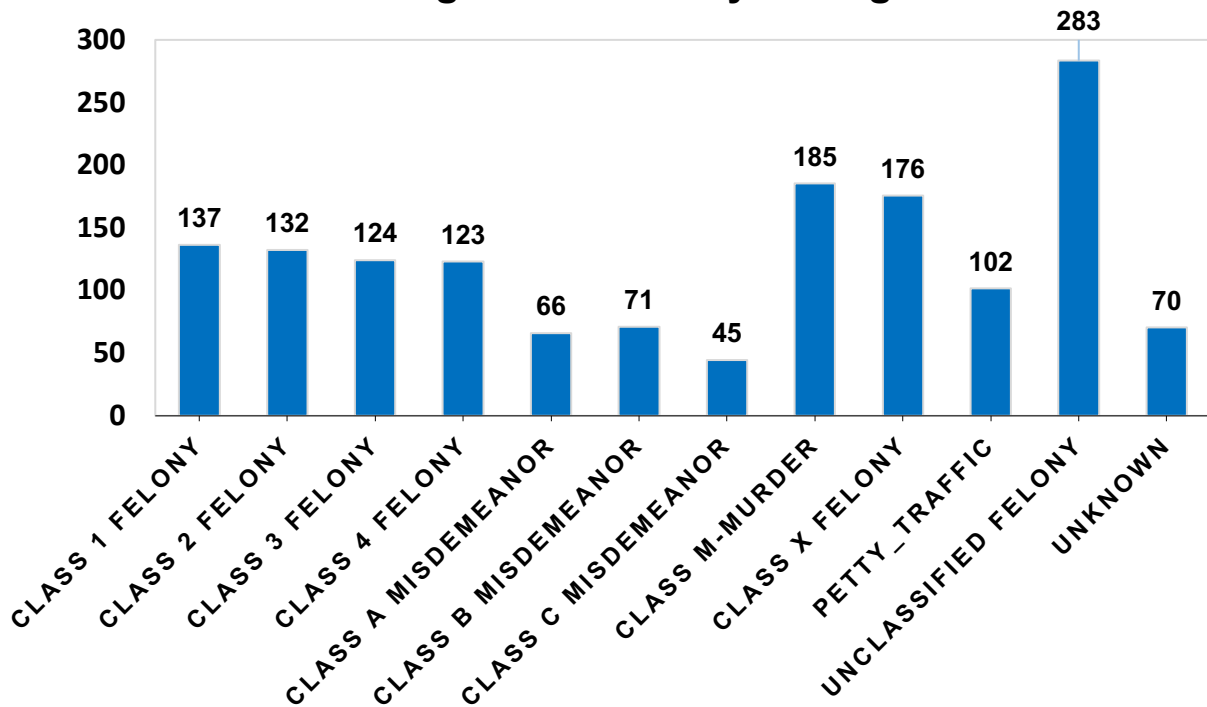


Data on length of stay on electronic monitoring by charge shows that defendants with more serious charges have longer periods of supervision.

**Average Duration on Sheriff's EM by Charge Class,  
March 2020-March 2021**



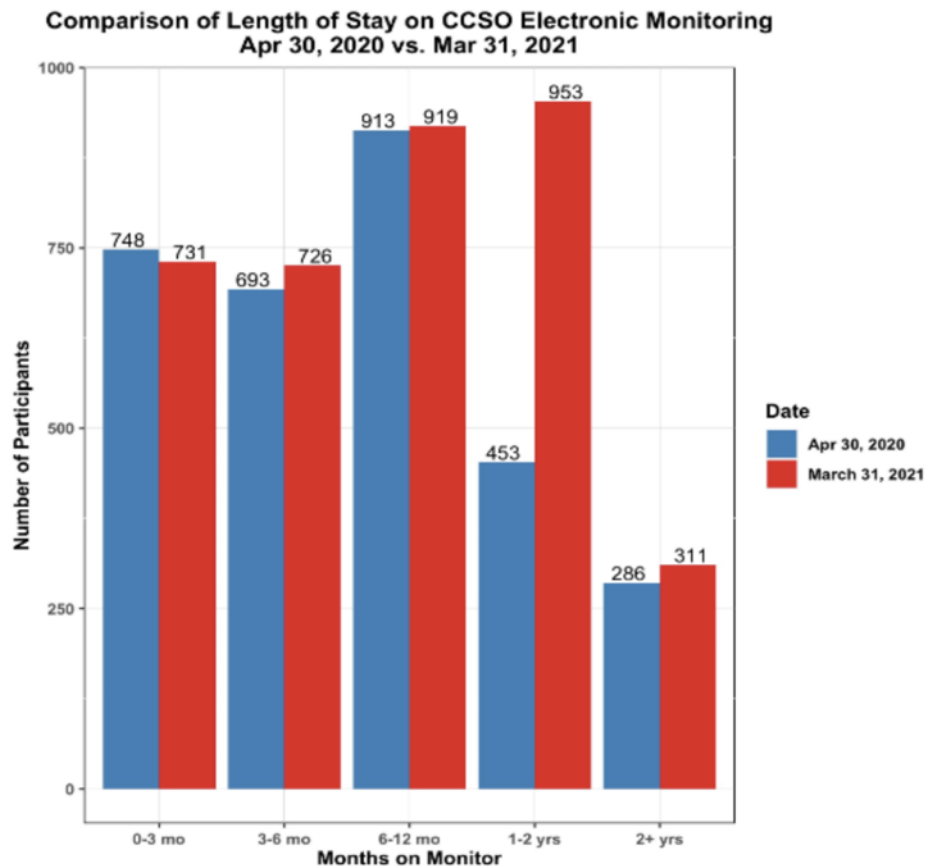
**Average Duration by Charge**



## Effect of COVID-19 on Length of Stay

Throughout the COVID-19 pandemic, the Sheriff's EM has expanded to unprecedented levels. As of May 3, 2021, 3,579 individuals were on Sheriff's EM— a 69% increase from the prior year.

This population growth was due to two main factors: (1) more reliance on EM in order to lower the jail population during the Cook County Jail's April 2020 COVID-19 outbreak, and (2) the slowdown in court processing, which has slowed the normal disposition rate of cases, forcing much longer stays on electronic monitoring due to the lack of progress on their cases.<sup>4</sup> Although there are still individuals cycling through the EM program at a normal rate, the number of people who have been on electronic monitoring for over one year has more than doubled.



<sup>4</sup> As the pandemic has subsided, and after completion of the analysis and submission of a draft report, the Sheriff's EM population has decreased, falling to 2,220 in August 2022.

## Efficacy & Public Safety

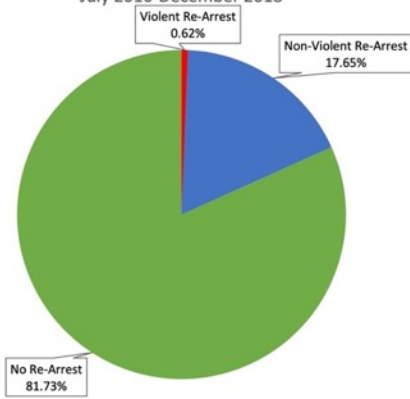
Public conversations around Cook County’s electronic monitoring program have often focused on perceived public safety implications of the program. Few, however, have focused on whether Electronic Monitoring is meaningfully altering the behavior of the people assigned to it, such that they appear in court more or are arrested for fewer crimes. The answer from the data we have been provided is no – Electronic Monitoring has no substantial effect on failure to appear rates and re-arrest rates, or on re-arrest rates for violent crimes. People on EM have the same extremely low rates of re-arrest as other pretrial defendants who are released without the monitor. In addition, it does not seem to be the case that the increase in the use of electronic monitoring for people charged with gun possession crimes has led to any increase in the re-arrest rates of people released on electronic monitoring. In fact, people charged with gun possession crimes are amongst the least likely to be re-arrested while on electronic monitoring.

## Efficacy

When comparing people released on electronic monitoring to those released without electronic monitoring, available data suggests that EM makes no meaningful impact on rates for re-arrest pretrial or on failure to appear rates. Put simply, placing an individual on EM did not make them statistically more likely to appear in court or statistically less likely to be arrested pretrial. Although neither the Chief Judge’s Office nor the Sheriff’s Office provided direct information on rates of re-arrest and failure to appear, an anonymized dataset was published in May 2019 by the Office of the Chief Judge that documented outcomes for over 58,000 people with felony cases who appeared in felony bond court between July 1, 2016 and December 31, 2018 [<http://www.cookcountycourt.org/HOME/ Bail-Reform>].

As is true of people released without EM, most people (82%) appear to all their court dates, and about 17% are re-arrested for some crime while released – this includes arrests for misdemeanors, ordinance violations, and failures to appear in court. In both free and Electronically Monitored pretrial populations, the rate of re-arrest for *violent* crime is extremely low – less than 1% in the sample of releases we studied.

Arrests While Released Pretrial- People on Electronic Monitoring  
July 2016-December 2018



Arrests While Released Pretrial- People NOT on Electronic Monitoring  
July 2016-December 2018

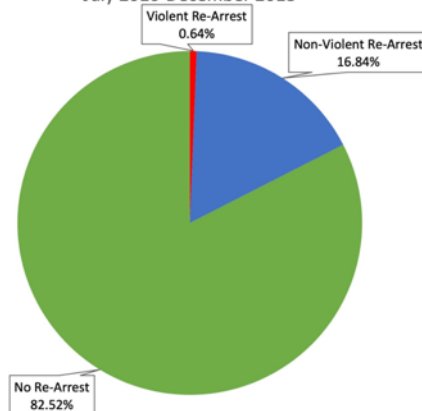
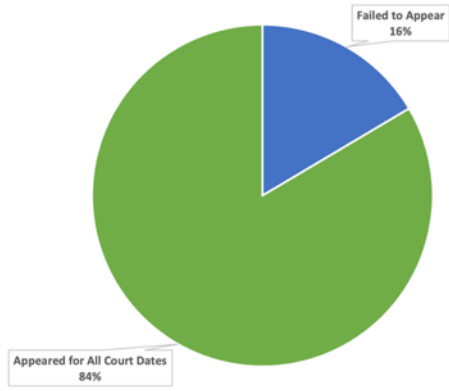


Figure 4: Office of the Chief Judge Data

Appearance in Court - People on Electronic Monitoring  
July 2016-December 2018



Appearance in Court - People Released WITHOUT Electronic Monitoring  
July 2016-December 2018

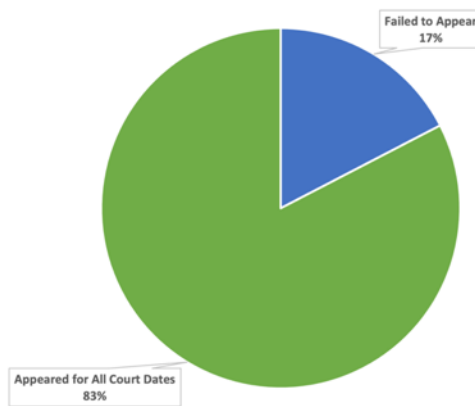


Figure 5: Office of the Chief Judge Data

## Public Safety

As noted above, the re-arrest rate for individuals released on electronic monitoring for violent crime is extremely low. In addition, few Sheriff’s EM Participants ultimately break movement rules and “go AWOL” – the term colloquially used when an individual is absent from their home or other approved movement location and cannot be located or is located but cannot provide a satisfactory explanation for why they are not in their approved location. 88% of people never went “AWOL”, which means that they followed all of the movement restrictions that the program places on participants.

Particular emphasis in the public has been placed on the large numbers of individuals charged with gun possession and other gun-related crimes who are released on electronic monitoring. There is no evidence that people charged with gun possession have a higher likelihood of being re-arrested for crimes, or for violent crimes, than any other group of arrestees. In fact, the opposite is true. Data analyzed for the Sheriff’s office by the University of Chicago Crime Lab shows that people charged with gun possession arrests have the *lowest* rates of re-arrest for violent crime, and the second-lowest rates for all re-arrests. The Crime Lab’s study looked at all people between January 2015 and March 2018 who had been re-arrested by the Chicago Police Department within 6 months of being placed on EM, a total of 14,713 people. Of the 1,280 people in that group who were charged with Gun Possession, 67 were re-arrested, and only 2 – in over 3 years of participants - were re-arrested for a violent crime. Those charged with violent crimes, armed or unarmed, had higher rates of re-arrest, but overall, these rates were still low. Out of the almost 15,000 people arrested, only about 150 of them were rearrested for violent crime, and about 760 were re-arrested at all.

Share of Initial Chicago EM Placements that Terminated within 180 Days, Coinciding with CPD Arrest

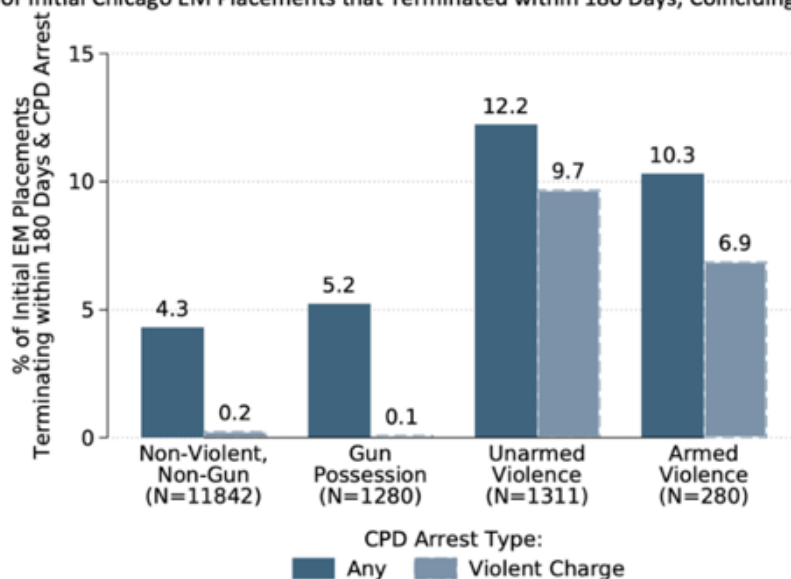


Figure 6: CrimeLab Report to Sheriff’s Office

A second report by Crime Lab created for CCSO looked into a group of individuals charged with gun possession crimes and other gun-related felonies who were placed on EM between August 1, 2019 and July 31, 2020, a total of 945 people. The vast majority of them – 95.5% - were not re-arrested. Only 43 people were re-arrested. Of those who were, only 4 were arrested for new gun-related crimes. Half of the re-arrests were for issuance of a warrant, which usually reflects an arrest for a missed court dates or for violations of the technical terms of EM.

### 3. RESEARCH AND BEST PRACTICES

Even though electronic monitoring technology has been in use in the United States for nearly 40 years, there is relatively little research on how it is used and its impact. The primary issue appears to be the wide variety of approaches to the use of electronic monitoring which makes generalizable research difficult. Some jurisdictions use electronic monitoring as a stand-alone program while others embed the use of the technology as simply one tool in a larger case management program or strategy. The technology has been used as a diversion from prison for sentenced people convicted of felonies as well as pretrial supervision for persons charged with misdemeanors. The objectives of the use of electronic monitoring range from simply providing an alternative to incarceration, to reducing crime and/or recidivism through improving the effectiveness of community supervision. Targeted populations range from juvenile delinquents to high-risk parolee sex offenders. With this diversity of approaches and applications, the absence of quality research and standard program models is understandable.

#### **Prevalence of Electronic Monitoring Technology**

There are no databases that document the use of electronic monitoring technology in the United States on an ongoing basis. A 2012 national survey of pretrial agencies found that over two-thirds of jurisdictions in the United States utilize some form of electronic monitoring technology (Erez et al., 2012; Pretrial Justice Institute, 2009). A Pew Trusts survey in 2015 found approximately 125,000 active electronic monitoring devices in use in the United States. Seventy-one percent of these devices used GPS technology. GPS technology has steadily replaced Radio Frequency technology over the last decade. (Pew Charitable Trusts, 2016).

These 125,000 active devices represented about 2.7 percent of the total US population under community supervision by criminal justice agencies at that time according to the Bureau of Justice Statistics (Bureau of Justice Statistics, 2020). While the number of people on electronic monitoring is very small relative to the overall number of individuals on community supervision, Pew noted that the number of electronic monitoring devices in use increased by 140 percent from 2005-2015. A primary source of this increase appears to be expanded use of electronic monitoring by Immigration & Customs Enforcement (ICE) for management of undocumented non-citizens. As of 2018, ICE maintained 38,000 detainees on electronic detention, by far the largest caseload of any government agency in the United States (National Immigration Forum, 2019).

The number of individuals managed on electronic detention in Cook County is high relative to other jurisdictions. A survey of other jurisdictions by the Cook County's Sheriff's Office in 2020 found that Cook had the largest electronic monitoring caseload of any unit of local government in the United States, followed by Marion County (Indianapolis) with 3,257 individuals on electronic monitoring. Harris County, Texas has recently achieved EM caseloads exceeding

4,000 people. By contrast New York City and Los Angeles County make much more limited use of electronic monitoring.

### Electronic Monitoring Programs in Other Counties

Jurisdiction	EM Population
Cook County	3,645
Marion County	3,257
Miami-Dade County	1,234
New York City	1,150
Washington DC	500
Los Angeles County	336

Source: Cook County Sheriff's Office

### Electronic Monitoring Outcomes

A review of the research literature shows a general lack of widely accepted evaluations of the use of electronic monitoring in community supervision or the circumstances under which it is most effective. Research on the actual impact of the use of electronic monitoring is mixed.

Early research on use of electronic monitoring found little evidence that it is effective in reducing jail overcrowding, lowering costs to the system, or improving outcomes of people on supervision (Bonta, Wallace-Capretta, and Rooney, 2000a; Renzema and Mayo-Wilson, 2005; Courtright, Berg, and Mutchnick, 1997; Finn and Muirhead-Stevens, 2002; Lily et al., 1987). A recent international meta-analysis of 17 high-quality studies of the use electronic monitoring found that the use of electronic monitoring does not have a statistically significant impact on reducing re-offending, except for programs targeted to sex offenders. (Belur, et. al., 2020)<sup>5</sup>. One study of individuals on probation in Florida suggested that EM moderately reduced the rate of technical violations like failures to report to probation officers. (Bales et. al. 2010)

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<sup>5</sup> Belur et al note: "Overall, our findings indicate that EM has been shown to produce positive effects for certain offenders (such as sex offenders), at certain points in the criminal justice process (post-trial instead of prison), and perhaps in combination with other conditions attached (such as geographic restrictions) and therapeutic components. The evidence suggests it is less effective at reducing recidivism for other offender sub-groups and under different conditions."



Much of the existing research has focused on electronic monitoring in the context of post-conviction outcomes, with little on its use in pretrial supervision specifically. Differences in goals, legal aims, and organizational structure in pre-conviction and post-conviction uses of electronic monitoring make comparisons difficult. (Maxfield and Baumer, 1990). In the pretrial space, specific studies find that people on electronic monitoring were supervised for slightly longer periods of time than people on traditional pretrial supervision, which consisted of weekly check-ins, and received somewhat higher numbers of technical violations, although violations were low overall (Sainju et al., 2018). Another important difference in the pretrial space is that electronic monitoring is being used pre-conviction, meaning it cannot legally be intended to serve as a punishment. Despite this, studies continually find that electronic monitoring is accompanied by lasting and severe collateral consequences to employment, housing, family life, and health (National Institute of Justice, 2011; Martin, Hanrahan, and Bowers, 2009; Payne and Gainey, 1998; Kirk, 2020). A study of federal pretrial defendants in New Jersey found no difference in failure to appear rates compared to defendants with similar risk characteristics (Wolf, K. T., et. al. 2017). A meta-study of the effectiveness of electronic monitoring in reducing failure to appear or new criminal arrest pending case disposition found the existing research to be inconclusive (Bechtel, K., et. al. 2017).

There is also currently no high-quality research on the use of electronic monitoring as a supervision strategy for persons assessed as low-risk or charged with less serious offenses. However, there is extensive research that shows lower risk individuals who receive enhanced levels of supervision re-offend at a *higher* rate and have *higher* recidivism rates than comparable individuals supervised at lower levels of intensity (Lowenkamp, C. & Latessa, E., 2014). When used for low-risk offenders, electronic monitoring has the potential to increase detection of technical violations, which may result in elevated rates of revocation and incarceration. compared to less intrusive forms of supervision (Gies, et. al., 2013). The American Probation and Parole Association (APPA) however, notes that while electronic monitoring may not provide the same level of benefits as low-intensity supervision commensurate with risk level, it is still a superior alternative to incarceration for these individuals (American Probation and Parole Association, 2019). The research indicates that electronic monitoring is not appropriate for low-risk offenders.

## **Management**

Generally, there is little good research available on core aspects of the operations of electronic monitoring programs. Key program management issues that have not been studied include:

- Relative efficacy of Radio Frequency versus GPS technology for different types of clients
- Optimal duration of time to be supervised through electronic monitoring
- Optimal caseload staffing for effective management of clients on electronic monitoring

- Effectiveness of electronic monitoring used in conjunction with other case management techniques

The lack of research or consensus on management best practices reflects the lack of standardization in how these programs are used. Significant differences in target populations, program objectives, and the small scale of most electronic monitoring programs have made identification of best practices that may be generally implemented very difficult.

However, available research does support the importance of using a validated risk assessment instrument in screening and selecting individuals for electronic monitoring supervision. The use of a valid assessment instrument plays an important role in determining the supervision levels required to address risk and criminogenic needs (Gies, 2013).

Also, the APPA proposes that evidence-based practices supported by research on other criminal justice programs may be applied to electronic monitoring, even though the use of these practices in electronic monitoring has not been researched (APPA, 2019). In this vein, although there is no research on the optimum caseload management levels, the APPA recommends a ratio of 20 clients per officer for intensive supervision and 50 clients per officer for moderate to high-risk clients, based on best practices in probation supervision. Also, the well-established principles that specific program interventions need to be structured into more comprehensive case management plans and that program violations should be addressed swiftly and with certainty may logically be applied to electronic monitoring (Hawken, A., & Kleiman, M. 2009).

Best practices in pretrial supervision are rapidly becoming more specific as research begins to focus on this area. Significant investments by large foundations, such as the MacArthur Foundation and Arnold Ventures, and community mobilization and organizing around ending cash bail have spurred new public attention, litigation, and empirical studies.

More specific to electronic monitoring, professional organizations generally advocate limited use of electronic monitoring. The APPA indicates that electronic monitoring should be used for only those individuals who truly require a higher level of supervision, as identified by an objective risk assessment system, and only used for the minimum time necessary (APPA, 2019). In its 2020 report, the Illinois Supreme Court evaluated the research on electronic monitoring and found that “there is no research that indicates this condition [electronic monitoring] promotes public safety or court appearance.” (Illinois Supreme Court Commission on Pretrial Practices, 2020)

Top national policy and professional organizations such as the Pretrial Justice Institute (PJI), Advancing Pretrial Policy and Research (APPR), the American Civil Liberties Union (ACLU), and the National Association of Pretrial Service Agencies (NAPSA) advocate for significant decreases in detention and supervision for pretrial defendants - reiterating U.S. Supreme Court case *United States v. Salerno*, 481 U.S. 739 (1987) that pretrial “release should be the norm, and detention a carefully limited exception.” Illinois Law defines Electronic Monitoring as a form of

confinement (730 ICLS 5/5-4.5-100). APPR, a research initiative by Arnold Ventures, recommends electronic monitoring be used “sparingly if at all,” citing the lack of evidence supporting its effectiveness. If electronic monitoring is used, APPR recommends that it be used only for those in high risk categories. Another study funded by Arnold Ventures found that high levels of supervision for low- to moderate-risk defendants actually increased the likelihood of violations of conditions of pretrial release (Lowenkamp and VanNostrand, 2013). This finding reinforces the idea that punitive supervision measures such as electronic monitoring are not just neutral additions, but instead harmful to pretrial success, safety, and community wellbeing.

The National Association of Pretrial Service Agencies updated its Standards for Pretrial Release in 2020, reflecting the most up- to-date legal understandings and empirical research on pretrial supervision. The standards state:

This Standard assumes that any condition other than an order for the defendant to make all scheduled court appearances and refrain from criminal behavior pretrial would qualify as a “significant restraint of liberty” within the meaning of the *Gerstein v. Pugh*, 420 U.S. 103 decision. In particular, these Standards regard frequently-imposed conditions of pretrial supervision such as drug testing, regular reporting to a supervising authority, **or electronic surveillance** as significant restraints [emphasis added].

The NAPSA standards state that “conditions aimed at punishment, rehabilitation or any other purpose are prohibited” and place the burden on the court to find clear and convincing evidence that the defendant be detained. Any justification against the presumption of release on personal recognizance must be “rebutted by evidence of a substantial risk of failure to appear for scheduled court appearances or risk to public safety” (Standard 3.3, 2020). These standards also emphasize that risk assessments’ higher risk categories identify “a lesser probability of success, not necessarily a likelihood of failure,” meaning that such “evidence of substantial risk” is difficult to establish.

One study found that nearly 85% of people designated “high risk” by Arnold Ventures’ PSA risk assessment made all scheduled court appearances and remained arrest free pretrial (VanNostrand and Keebler, 2009). The vast majority of defendants will appear for court without any pretrial conditions; it is in the court’s best interest legally, financially, and from an organizational capacity to limit its use of pretrial electronic monitoring as much as possible.

## **Cost**

Research shows that when used as a diversion from incarceration, electronic monitoring is a cost-effective strategy. Studies have shown the cost of incarceration is up to six times higher than the cost of electronic monitoring (Bales, et. al., 2010).

However, when compared to other community supervision approaches, electronic monitoring is more expensive, due to the cost of equipment, the monitoring services, and generally lower

caseloads. A California study of the use of electronic monitoring for high-risk parolees convicted of sexual offenses, found that supervision with electronic monitoring was approximately 2.5 times more expensive than regular intensive supervision, with roughly the same outcomes (Omori, M. K., & Turner, S. F. (2015).

In essence it appears that the cost-effectiveness of electronic monitoring depends upon its use. The technology provides savings when used for individuals who would otherwise be incarcerated. However, electronic monitoring is much more expensive than standard community supervision and is therefore not cost-effective for persons that can be supervised in the community through less intensive means.

The key take-aways from the research reviewed here are that there is little evidence that pretrial electronic monitoring provides benefits above what release *without* monitoring would provide. When EM is compared to the harms of full pretrial incarceration in jail, it is found to be less harmful; but it is more expensive and perhaps less effective than other, less restrictive forms of pretrial supervision.

## 4. IMPACT ON PROGRAM PARTICIPANTS

The primary focus of the program team's interviews with Cook County service providers were to identify their impressions of how electronic monitoring affects the lives of program participants. These findings are categorized into four sections: (1) Employment, (2) Housing, (3) Physical Health and Access to Medical Care, and (4) Mental Health. It is important to note that researchers did not interview any program participants directly. Instead, the research team focused on learning about their experiences through the perspectives of the community stakeholders who interact with them and help them achieve their goals.

Because the research team interviewed service providers, this research on participants' experiences has an unavoidable limitation – by definition, it reflects only the experience of participants who have a connection with these community stakeholders. Many participants in electronic monitoring programs do not have a connection to a local community organization like the ones interviewed, and so it is impossible to draw conclusions about *all* participants' experiences from the interviews we conducted.

### Effects on Participant Employment

Electronic monitoring can pose challenges to individuals' ability to obtain and keep a job or keep up with their education. The Sheriff's Office indicates it permits individuals to maintain their employment during their time on electronic monitoring. In practice, the challenges with the Sheriff's movement request process can make it difficult to achieve regularly scheduled authorized movement from the Sheriff's Office.

*Limitations on Types of Employment.* Many of the interviewees we spoke with work at organizations that assist clients in finding employment and noted that the Sheriff's EM program makes the job search process more difficult.

The first problem electronic monitoring program participants face in finding potential employment is identifying open job prospects or getting approval from the Sheriff's Office to continue a current job. A court order is required for many kinds of work that people on electronic monitoring commonly seek. The "Work/School Procedure" Directive (Policy 1202 of the Sheriff Office Administration's Policy Manual), notes that a court order is specifically required for any of the following types of work:

“(1) Babysitting/daycare, (2) Barber/beauty shop, (3) Cable/Satellite Company, (4) Car repair (alley mechanics), (5) Carpet layer, (6) Construction, (7) Decorator, (8) Doorman/Security, (9) Janitor, (10) Junker, (11) Moving Company, (12) Modelling/Rehabbing Company, (13) Painter, (14) Paper Route, (15) Parking Lot Attendant, (16) Pool Hall, (17) Salesman (door to door), (18) Street peddler, (19) Tavern, lounge, or bar, (20) Temporary Agency, (21) Truck or Cab Driver, (22) Window Washer, (23) Unverified Job, (24) Any other job not at a set location.”

The above list of jobs does not seem to share obvious commonalities. Although some of the jobs listed – paper route, cable/satellite company – by definition require that the participant regularly move location, others – barber/beauty shop, car repair, doorman/security– are generally set at one location.

Because many of the jobs on this list are disproportionately held by Black, Latinx, and other people of color, the restrictions can contribute to the racial wealth gap and disparities in employment. Nationwide, Black workers make up 12.1% of the labor force, but account for 34% of parking attendants, 30% of barbers, 31% of security officers, 16% of childcare workers, 17% of janitors, and 17% of moving company workers—to name a few. Latinx workers make up 17.6% of the labor force, but account for more than 50% of many construction jobs, such as drywall, insulation, cement, roofing, carpeting, and painting.<sup>6</sup> It is unclear why these jobs require special scrutiny, while other positions that may require travel (i.e. pharmaceutical sales, traveling nurse, substitute teacher) have not, but it is likely that many of them are disproportionately held by Black and Latinx individuals—who also make up the majority of the people on EM.

*Forcing Disclosure of Court Involvement at Job Interviews.* Program requirements can create difficulties in the job search process from beginning to end. Movement approval requires 72 hours' notice to the Sheriff's Office with required documentation and this is difficult to get for one time-appointments for job interviews. Respondents noted that interviews are often scheduled with less than 72 hours' notice, which can result in lost employment opportunities. Interviewees also stated that initial job interview movement requests are sometimes denied the first time that they are sent, causing participants to have to reschedule interviews – something that, understandably, potential employers are not always able or willing to do.

This documentation process places burdens not only on program participants but on the employers as well. By its nature, this process requires informing potential employers that the participant is on electronic monitoring and actively being monitored by Sheriff's deputies. The Sheriff's Office requires verification of the appointment on employer letterhead and must often be signed—which forces employers to go through the process of printing, signing, re-scanning, and emailing a verification letter. All of this must be completed when the movement is requested.

At the exact time that a job seeker is trying to make a positive impression with a prospective employer, they are required to inconvenience their potential employer and disclose that they have been accused of a crime and have a criminal case pending. The fact that a person has a criminal case pending is not information that an employer would normally have access to because it is not a conviction record and does not need to be disclosed at any point in the job application process.<sup>7</sup> The laws protecting job interviewees from questioning about arrests and pending cases are in

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<sup>6</sup> <https://www.bls.gov/cps/cpsaat11.htm>

<sup>7</sup> See: <https://www.illinoislegalaid.org/legal-information/5-types-background-checks-when-applying-job>

place to protect the presumption of innocence and, in part, to help un-convicted people avoid the stigma even an unproven allegation of criminal behavior can cause at the hiring stage.

*Disincentivizing Employers from hiring EM Participants.* The intent of the existing Sheriff's EM requirements is to ensure the safety of the community and provide restrictions on defendant activities and movement. However, these requirements pose disincentives that can negatively impact a program participants success.

Interviewees reported that the inflexibilities regarding how program participants are paid, what times they work, and whether they can get movement for additional tasks that need to be completed outside of work hours have led several employers who previously worked with program participants to stop accepting participants into their employment programs. Employment, especially during COVID, has often required employees to have flexible schedules to fill holes in employer work rosters due to staff absences. The 72-hour notice limits program participants ability to flexibly fill gaps in an employer's work schedule.

Other practices can impact program participant employment. For example, it was reported that an unofficial practice has led to the restriction that individuals cannot be paid in gift cards (a common feature of transitional jobs programs). Additionally, regular calls and check-ins from the Sheriff to employers regarding an individual can negatively impact employment.

Given the relatively small number of employers who are willing to hire individuals who have felony convictions or who are actively involved in the criminal legal process, interviewees expressed frustration that the electronic monitoring program makes collaborations with employers harder, rather than easier. As one respondent put it:

“If one of the goals of the criminal justice system as a whole is to help people become productive members of society, not allowing a person to work and go to their job is to the detriment of that goal. If someone cannot work, what are they going to turn to?”

The requirements do not end at hiring, as Sheriff's EM requires that employed program participants submit a pay stub every 30 days to verify employment. We were informed this can trigger additional Sheriff's Office communication with the participant's employer confirming/verifying employment. All of these issues can negatively impact an individual's ability to make money to provide for themselves and their families.



## Effects on Housing

Interviewees commonly noted the ways in which the electronic monitoring program has complicated program participant housing situations, including household disruptions at late hours of the night; inflexibility for unhoused individuals; increased friction between household members; and even caused eviction due to electronic monitoring affiliation.

Electronic monitoring housing placements cause disruptions for neighbors, family, or friends who may be required to host program participants. For a participant to be released from the jail and begin the program, they must have an approved home address within Cook County, and the people living in the home must consent to living with a person on electronic monitoring. Interviewees noted that many program participants live with parents, grandparents, and other relatives.

Due to a program restriction which states participants must live with another adult while they are on electronic monitoring, few interviewees described working with participants who had stable housing in their own name. This is also unsurprising, given the age profile of program participants –30% are under the age of 25-years-old. Interviewees note that many of their clients and employees are sleeping in overcrowded homes, on couches or in hallways.

This, too, tracks with the demographics of the populations most affected by the criminal legal system. A report from the Chicago Coalition for the Homeless noted that in 2018, there were more than 75,000 people in Chicago who were experiencing homelessness. Most (76%) were not in shelters, but instead were living temporarily with friends, relatives, or acquaintances. Community stakeholders noted that electronic monitoring takes these precarious arrangements and makes them permanent.

*Rejection of Housing Placements.* Interviewees reported that it is common for program participants' pre-incarceration homes to be rejected as a valid home for program placement. Sometimes the Sheriff's Office rejects the participants' preferred housing placement, and participants must find an alternative home to avoid staying in jail. Community stakeholders often did not fully understand the reasoning for these housing rejections.

The lack of approved housing can lead to re-incarceration. If the housing placement is rejected, the program participant is kept in jail until a housing placement is found. Several shelters contracted by the County – including but not limited to A Safe Haven on the West Side and Henry's Sober Living on the South Side, provide housing to program participants, however these programs sometimes have waitlists for beds, causing participants to stay in jail until a bed is available. Interviewees who had experience with the program note that since the Justice Advisory Council took charge of finding housing placements for unhoused participants in late 2020, placements were being made much more quickly and successfully than they had previously.



*Inflexible Rules for People Struggling with Housing Instability.* Interviewees felt that many electronic monitoring program rules exacerbate, rather than help, housing instability. For example, participants are inhibited by restrictive movement policies that prevent them from qualifying for certain housing, as well as policies which restrict participants' abilities to change addresses when and if they do eventually qualify.

One organization that specifically works to place people in transitional housing expressed frustration that the electronic monitoring movement policy often prevents their clients from qualifying for housing. Because the availability of transitional housing beds often appears suddenly, clients need to be able to attend an intake appointment quickly to claim that bed. Availability does not last long enough for participants to complete the 72-hour deadline of requesting movement from the Sheriff. Interviewees also noted that there were strict rules around when and how often individuals can change residences. There are two rules that specifically govern requests for address changes:

12. You must be in the Program for at least 30 days before you are able to request a relocation to a new Approved Residence. Such a request should be submitted to the EM Program in writing. Participants are only allowed to relocate once while on the program.

13. You cannot relocate to another residence until you have received approval from the Sheriff's Office. Even if an emergency arises, you must notify the Sheriff's Office prior to leaving your Approved Residence.

Multiple interviewees noted that these rules were not waived in emergency situations where their clients could no longer safely stay where they were housed. Failure to follow these rules can lead directly to re-incarceration.

### **Effects on Family and Community Engagement**

Electronic monitoring not only impacts the individuals who are placed in the program, but also their families and loved ones. As stated above, a person on electronic monitoring must live with another adult; when agreeing to take in a loved one, many community stakeholders report that family members often do not fully understand the requirements of the program and how they might be affected. This leads to stress added onto familial relationships that can lead to relational burdens, disruptions, and psychological exhaustion.

*Restriction on Daily Activities.* The way electronic monitoring restricts daily activities can make life at home with family quite different for participants than it was when they were free. Participants are unable to assist in doing simple things around the house such as taking out the trash or doing laundry. This does not just frustrate the family members in the home, but also creates a sense of helplessness in the individual on electronic monitoring. One organization shared this experience from one of their clients:

One of our clients said “...basically, I can’t be a man...like, my grandmother has to wash my underwear,” because they don’t have laundry in their home. So, she has to take it to [a laundromat], you know, and [the client] is just embarrassed. He’s like, “how am I ever going to...learn to be a functioning adult if I’m not able to be a functioning adult?”

Furthermore, the lack of movement approval to find employment or go to work negatively impacts families financially, which can contribute to stress in familial relationships. If the individual on electronic monitoring is the sole financial provider for their family and is unable to move to go to work, then the lack of income threatens all aspects of their life and the lives of their families and children. Even when everyone in the family contributes to expenses, the individual on electronic monitoring may not be able to contribute in-kind (i.e., grocery shopping, going to the laundromat, running errands). This not only creates financial hardship for all, but also puts a strain on the individual, often creating feelings of inferiority and worthlessness. This issue was further exacerbated during the COVID-19 pandemic. Many of us in the free community discovered significant scarcity of necessities (food, paper products, etc.) when we were shopping, requiring us to go from store-to-store trying to stock up on those products. This is not an option for those on electronic monitoring, who must provide 72-hour notice for any movement.

*Burdens on Parenting and Family Life.* Familial relationships, like any others, are constantly evolving. Even community organizations’ clients who have moved in with close family members report that these relationships have been affected. One interviewee stated that they have had families send their loved one back to jail because they did not know what they were “signing” up for when agreeing to house them while they are on Sheriff’s EM. The following quote from a community organization interview further demonstrates how electronic monitoring causes psychological stress on all family members:

*“I have one person who basically had to go live with his girlfriend [because of EM Housing Rules], and that was fine, but they thought [his EM placement] was for a couple months. It's been a year now. This is especially true during the pandemic...it's taxing and people get angry. Plus, when you add siblings to the mix? Then you've got an annoying sister who knows that you can't leave the house just to cool off who just like will needle you—it's traumatizing for the families and it's psychologically exhausting.”*

Host family members, particularly those living in public housing, also sometimes encountered legal problems with landlords and were often threatened with eviction due to a family member being on electronic monitoring.

Even when participants do have a stable home to be placed within, electronic monitoring causes disruption within the home due to unplanned inspections that can be late at night and disrupt household members and neighbors. This includes consenting to a “safety tour” of the home, as well as various visits, sometimes late at night, by Sheriffs’ deputies wearing body cameras. One interviewee described a client, a woman in her 60s, who begged to be taken off electronic monitoring because Sheriff’s deputies were consistently coming to “check in” in the middle of the night, causing her embarrassment in front of her neighbors. Other interviewees noted that these “check-ins” sometimes involve an entire Sheriff’s squad. The disruption caused to the household by having a person living with an electronic monitoring bracelet can be substantial.

Other participants had family that lived outside Cook County; any out-of-county placement is automatically rejected by CCSO. One interviewee noted that their client had been told by his judge that he must find a place to stay within the county limits, even though the relocation was more costly and time-consuming because he lived with his partner and their young children, demonstrating the impact electronic monitoring placements may have on more than just the life of the participant.

### **Effects on Participant Physical Health, Wellbeing, and Access to Medical Care**

Almost all the organizations we spoke with expressed that in medical emergencies, the inability for quick movement approval leaves individuals with no choice but to violate the rules of electronic monitoring to access medical care. A violation of electronic monitoring can result in a violation of their bond, which could lead to a possible escape charge as well as re-arrest and incarceration. Multiple organizations provided us with specific examples of individuals being re-incarcerated after doctor’s appointments, emergency room visits, and attending to other medical needs. Movement is easier to obtain for recurring or non-urgent medical appointments. Many interviewees noted that program administrators threatened re-incarceration regardless of a participant’s reason for requesting movement or disobeying program rules, leading participants to feel that they were constantly under threat of re-incarceration even when they were trying their best to abide by program policies.

From a program participant’s perspective electronic monitoring rules can create a dilemma for participants who cannot get movement for necessary medical care. If they do not go to their appointment, they may risk their health, but if they go without approval, they may risk their freedom. Similarly, if someone’s household member experiences a medical emergency, participants, especially those who are caretakers for children or for elderly relatives, face an ethical dilemma causing them to decide between violating their restrictions or not getting medical care for their loved one.

## **Effect on Participants' Mental Health**

Many of our interviewees noted that electronic monitoring had sometimes profound effects on participants' mental health. Some of those effects were a result of the barriers to obtaining treatment that electronic monitoring created, much like the issues outlined above related to physical health. However, interviewees also noted that the program itself can change the way participants see themselves, leading to feelings of isolation, depression, and helplessness.

Problems with movement make obtaining mental health treatment more difficult than it already is, exacerbating well-known problems with long wait lists for treatment, especially residential treatment beds. One interviewee who specializes in getting participants into mental health care noted that they had had clients who had missed multiple opportunities to get into residential care solely because movement wasn't approved in time for intake appointments.

Lastly, stigma from the larger society negatively impacts the mental health of the individual on electronic monitoring. The larger narrative around electronic monitoring being shameful leads the individual on electronic monitoring to internalize those messages and feel embarrassed. One organization we spoke with expressed the narrative that her clients are always met with suspicion and are made to feel like they are doing something bad. The mental strain that is caused by this larger narrative goes unacknowledged and in turn untreated.

## 5. ELECTRONIC MONITORING PROGRAM ANALYSIS

The primary elements of an effective system of supervising defendants on pretrial release are well-established (National Association of Pretrial Service Agencies, Standards on Pretrial Release: Revised 2020; Pretrial Detention Reform Workgroup, Pretrial Detention Reform: Recommendations to the Chief Justice, California 2017; Pierce-Danford, C., Guevara, M. 2013). These elements include the following:

- Well-defined mission and program eligibility criteria
- Objective, risk-based assessment of program participants
- A continuum of evidence-based programs and supervision approaches administered in an effective case management system
- Limited use of high-intensity supervision to those cases with high-risk conditions
- Periodic reviews of defendant status with a goal of progressive movement to lower levels of supervision
- Appropriate staffing to assure manageable caseloads
- Well-defined policies guiding program staff activities
- Clear channels of communication between the courts, pretrial services, detention, and law enforcement
- Collection of data on program outcomes to assess performance and guide future program development

The use of electronic monitoring in Cook County has several problematic features that are inconsistent with research on the use of alternatives to incarceration generally, as well as the limited research that has been conducted on the use of electronic monitoring in pretrial services. There are also issues with the structure and management of electronic monitoring in Cook County that likely impair the effectiveness and efficiency of its use.

### **Program Mission**

Beginning with its initial implementation by the Sheriff's Office in the 1980's, electronic monitoring had primarily been used to release pretrial defendants from the Cook County Jail with a primary goal of reducing jail crowding. The program eventually transitioned into a condition of release for pretrial defendants as ordered by the Courts. In effect, electronic monitoring has served as an alternative pretrial release program, in parallel with the programs offered by Probation and Pretrial Services within the County. In interviews, stakeholders clearly regard Sheriff's EM as a distinct program, or stand-alone strategy.

While the use of electronic monitoring is relatively common in the United States, very few jurisdictions have standalone "electronic monitoring" programs. Where electronic monitoring is used, it generally functions as just one supervision option in a continuum of comprehensive community supervision strategies, ranging from automated reminders for court appointments, to

active case management by a probation officer with placement in as needed in community treatment programs. Treating electronic monitoring as a separate and distinct supervision program in effect confuses means and ends.

Electronic monitoring can be used to facilitate pretrial release; however, its current use in Cook County is narrow and siloed. It should instead be treated as a specific tool within the larger context of a case management plan informed by the defendant's criminogenic risks and needs, identified through evidence-based assessments. The National Association of Pretrial Services Agencies (NAPSA) has established the following professional standards for pretrial release programs:

“The goal of pretrial monitoring, supervision, and support is to promote court appearance, public safety, and compliance with court-ordered conditions.

Monitoring, supervision, and support should include:

- (i): the least restrictive interventions needed to promote pretrial success;
- (ii): notification of upcoming court appearances;
- (iii): assignment to pretrial specific monitoring or supervision staff and communication with assigned staff to report circumstances that may affect the defendant's reporting to court as required, public safety or compliance to court-ordered conditions;
- (iv): monitor defendants' compliance with court-ordered conditions, including addressing initial compliance or infractions of court-ordered conditions administratively;
- (v): inform the court of new arrests or defendant conduct that may warrant a modification of bail;
- (vi): recommend lower or higher levels of supervision when appropriate; and
- (vii): facilitate the return to court of defendants who miss scheduled court dates.

Pretrial supervision should be individualized to a defendant's assessed risk level and risk factors and based on the least restrictive conditions necessary to reasonably assure the defendant's future court appearance and arrest-free behavior.” (NAPSA 2020)

This change in the use of electronic monitoring requires development of a common strategic vision for the management of pretrial release among key Cook County justice system stakeholders.

*Recommendation 1: Cook County justice system stakeholders should develop a shared vision of how electronic monitoring should be used in pretrial release consistent with national standards.*

## **Organization**

The fact that Cook County has two distinct pretrial release programs which rely on electronic detention, one under the Sheriff and one under the OCJ, is extremely unusual in the United States. While some jurisdictions may have separate community supervision programs for sentenced offenders and pretrial detainees, no other local justice system in the United States has two separate pretrial release programs administered by different agencies which feature heavy use of electronic detention. This is an approach that was not explicitly designed, but that has developed over time. Interviews indicate that despite the long-standing nature of this arrangement, there remains confusion among the public and justice system actors on the respective roles and differences between the Sheriff's EM program and electronic monitoring as managed by Probation.

Best practices call for a single pretrial services agency that coordinates and manages the entire spectrum of supervision and program services for released defendants. A single agency responsible for the program simplifies communication, reduces overhead, and results in a more consistent treatment of defendants. There are no discernible advantages to Cook County's current system.

Of the two programs, the OCJ electronic monitoring program aligns more closely with evidence-based practices and appropriate staffing models. The program uses a staffing model that gives each participant an assigned caseworker with whom they can correspond about movement. Community stakeholders reported that this model is much more successful than the call center model that Sheriff's EM uses and allows both participants and their advocates to have a single point of contact when issues arise.

OCJ policies are also less carceral and more focused on facilitating release than Sheriff's EM policies. Many OCJ participants are on a 7pm to 7am curfew, rather than full house arrest, and rules are more relaxed on how movement needs to be verified and documented. This cuts down on overhead by reducing the number of requests for special movement (since participants already have 12 hours a day to take care of work and other tasks) and facilitates participants' employment, education, and other productive activities.

Neither program is perfect, but the OCJ program provides a better model for a pretrial release monitoring program.

The current system of dual pretrial release programs, one under the Sheriff and one managed by Adult Probation, is inefficient, confusing, and serves no positive program objective. Best practices call for all forms of pretrial supervision services be consolidated under a Pretrial



Services program that can provide effective case management services for released defendants and coordination with the Courts. Electronic monitoring should be treated as a specific tool available to be used in a continuum of pretrial service options is be tailored to individual cases. Such a pretrial services agency may suitably be housed under a state-wide system, should one arise, or as part of the Pretrial Services Unit of Adult Probation in Cook County.

*Recommendation 2: Develop a plan to consolidate all responsibility for pretrial supervision of released defendants including electronic monitoring.*

### **Degree of Reliance on Electronic Monitoring**

Nationally, Cook County is an outlier in its heavy use of electronic monitoring. With over 5,000 individuals supervised on electronic monitoring as of March 2021, Cook County has by far the largest number of persons monitored with this technology of any major urban jurisdiction in the United States. Caseloads for pretrial defendants in New York City and Los Angeles for example number in the hundreds. The key difference appears to be that Cook was an early adopter of the technology. Where other jurisdictions have developed comprehensive pretrial service programs over time, consistent with evolving research on evidence-based practices, the legacy of reliance on electronic monitoring as a primary means for pretrial release in Cook County has led to a degree of utilization of this technology that far exceeds other justice systems.

Comparisons of pretrial release programs across different jurisdictions should be made with caution, and consider potential differences in crime, demographics, and justice system policies. However, the degree to which Cook County relies on electronic monitoring for pretrial release is notable, particularly given the lack of research that indicates it works as a general community supervision strategy. A review of best practices in pretrial programs and practices suggests that electronic monitoring should be used selectively. There is no evidence that large-scale use of electronic monitoring provides positive outcomes in terms of compliance with court requirements. Regular community supervision appears just as effective for most defendants and more effective for those assessed as low risk. Recommended uses for electronic monitoring focus on select groups of defendants with high-risk characteristics for short periods of time, often in conjunction with mandatory treatment programs.

The open-ended nature of current orders to electronic monitoring mean that most defendants will stay on the program until they have completed their obligations to the Courts, regardless of their behavior or degree of compliance. The SAFE-T Act, recently passed by the Illinois General Assembly, will require a review of active orders to electronic monitoring every 60 days. In its plan to comply with this requirement, the County should prioritize release from orders to electronic monitoring at these reviews in the absence of serious public safety or court compliance issues.

To reduce the current electronic monitoring caseload, the County, working with the Courts, should conduct a review of each active order for placement on electronic monitoring to



determine whether a less restrictive form of supervision is supported by risk assessment and the defendant's behavior on the program. Individuals determined suitable for less restrictive supervision and compliant with court requirements should be removed from the program.

*Recommendation 3: Reduce current electronic monitoring caseloads.*

## **Risk Management**

The foundation of effective pretrial diversion programs is the use of an objective, validated risk assessment instrument that reliably identifies a defendant's public safety risk profile, criminogenic program needs, and likelihood of compliance with the courts. The PSA used by Pretrial Services to assess defendants should provide this information and establish an evidence-based basis for decisions on pretrial release and the conditions for release. However, interviews with many stakeholders indicated that meaningful use of the PSA is limited and inconsistent.

The most obvious evidence for the limited relevance of the PSA to pretrial release decisions is the surge in releases to electronic monitoring that occurred in 2020, absent any changes in the PSA instrument or its scoring. This sudden change in release patterns implies a significant change in the use of judicial discretion in release decision-making. Unfortunately, the project team was not able to review data on PSA scoring and release decisions, so the factors driving court decisions on pretrial release are speculative; whether there is a consistent policy guiding judicial decisions, or whether each judge relies on their own individual experience.

Interviews indicated a common perception that many judges use electronic monitoring as a "safety net", requiring its use for defendants that could be released to a lower level of supervision. This practice, rather than basing electronic monitoring on defendant risk, uses the technology more generally as an additional hedge against the potential that the released defendant may commit a crime upon release. The irony here is that research demonstrates that low-risk individuals placed on higher levels of supervision, such as electronic monitoring, have higher rates of technical violations, new offenses, and are more likely to be returned to detention. Generalized use of electronic monitoring for released defendants, beyond those cases with a clear public safety interest, may then produce worse outcomes for defendants and the community.

Several interviewees noted that in the current system, defendants that present public safety issues stay in jail, but that released defendants that can function in the community do not really need electronic monitoring. This suggests that the use of electronic monitoring is not primarily associated with risk.

The use of electronic monitoring in domestic violence cases presents another aspect of risk management. Currently, domestic violence cases are a major focus of the OCJ GPS program. Prior to placement on GPS, the Social Services Department of Adult Probation conducts a domestic violence assessment. The use of GPS for these cases enables the designation of court ordered exclusion zones. These exclusion zones may be relative to a specific location or the

victim's location. To ensure the protection of the victim, the program provides victims with a notification application for the victim's phone or will provide them with a phone if necessary. GPS tracking can identify when the defendant is near the victim and alert the HCU and the victim. Eighty percent of the HCU caseload on GPS are pretrial defendants charged with a misdemeanor domestic violence case. Staff report the average length of stay on GPS for these defendants is approximately 60 days.

As part of this evaluation, we interviewed several domestic violence advocacy organizations to learn more about their experience with electronic monitoring. These organizations provide counseling, civil and criminal legal services, community education, and court advocacy.

Advocates for domestic violence and sexual assault victims frequently indicated that electronic monitoring, in the way currently managed, does not benefit victims, improve community safety, or provide peace of mind. While these advocates understood the goals of the program – to reduce the jail population – advocates felt that the poor quality of the monitoring only placed victims in increased danger.

Interviewees noted that electronic monitoring was often touted as a safety solution for victims, but that in practice, the lack of reliability of the program undermined any safety benefit. One respondent described the program as “performative” for victims; another noted that “on paper, electronic monitoring is a good idea, but in reality it is not reliable and is dangerous because of the technology.”

As with OCJ Pretrial Services electronic monitoring, there was a lack of clarity among community providers about how exactly the program worked, how people were selected to be placed on the program, and what exactly the rules were.

A final risk management issue for the County's pretrial release program is the lack of validation for the PSA. A common explanation for some characteristics of the Cook County justice system is the unique challenges and characteristics of persons entering the justice system. This in fact is the precise reason why it is essential to validate the PSA for use in Cook County so that it can reliably predict how its measures correlate with the behavior and risk profiles of individuals under assessment.

Encouraging reliance on use of the PSA in pretrial release decisions requires customization to fit the specific characteristics of individuals entering the Cook County justice system. The fact that the PSA has not been validated for use in Cook County limits its predictive value and reduces confidence in its results. A reliability study is also required to ensure that administration of the PSA is uniform, objective, and consistent with the instrument's design.

*Recommendation 4: Conduct a validation and reliability study for the use of the PSA in Cook County.*

*Recommendation 5: Work with domestic violence advocates to determine better ways for courts to interact with victims whose abusers are on pretrial electronic monitoring.*

## **Coordination and Communication**

By all accounts, the level of communication between the Courts and Sheriff's EM does not support an acceptable level of program performance. The Courts serve as gatekeeper into electronic monitoring, set the terms of supervision, and determine exit from the program. Timely response to violations, changes in supervision schedules, and other program requirements requires clear, priority channels of communications. Problems in inter-agency coordination and communication underscore the management problems created by the current system of a Sheriff's EM program managed separately from pretrial services under the Courts.

One striking finding from our interviews was the large amount of confusion among community stakeholders in terms of how the electronic monitoring programs are structured, who they were talking to when they spoke on the phone to program staff, and what powers those individuals had. We heard conflicting information from respondents as to which entity – whether the third-party vendor or the Sheriff's Office – was responsible for movement requests and issues with equipment. When stakeholders were asked whether their participants were on the Office of the Chief Judge's program or Sheriff's EM, they often did not know and reported that their participants were often also confused about who administered their supervision.

This level of confusion cannot simply be attributed to a failure of these professionals to ask questions about the protocols and services of government entities. Many of our interviewees spent multiple hours each week negotiating movement approvals for their clients and have been doing so for several years. Still, frequent changes in policy and a lack of clear chain of command and communication lines between the call center and Sheriff's staff means that many of these professionals remain unclear about aspects of a program they work with daily. When asked what could be improved about the program, respondents frequently mentioned that the communication within the Sheriff's EM program was one of the most pressing problems. Respondents complained of being denied the ability to speak to a supervisor, unprofessional behavior, frequent staff turnover, and conflicting information when talking with Sheriff's officers.

Despite the frequent interactions these professionals have with the County's electronic monitoring programs, many were unaware that multiple agencies operate these programs, and, when asked about their experiences, could not be sure which program they were describing because of a failure of the programs to identify themselves on the phone and clearly explain program parameters. Organizations expressed a lack of clarity about what role third-party contracted companies played in Sheriff's EM and what entity was actually responsible for approving or denying movement.

Those that had interacted with the third-party call center vendor(s) reported negative experiences with staffers who lacked knowledge of program protocols. Respondents felt that the third-party served only to make movement requests more difficult – failing to return phone calls, explain ever-changing processes, and blocking direct contact with the Sheriff’s staff. Communication between this third-party vendor, the courts, and the Sheriff was poor. The vendor caused delays in processing movement requests, often taking so long that organizations were required to submit new requests. Respondents experienced court orders not submitted to the movement system or the vendor failing to upload documents from employers, resulting in the Sheriff either denying approved movement or in charging false violations against participants. One respondent commented the following regarding the vendor:

“They're not involved with the Sheriff. They're not involved with the person. They're just these people that seem to sit in a dark room, and don't really understand why they're doing what they're doing.”

This confusion was not limited to interactions with external organizations. Interviews with Cook County Public Defenders also described a lack of knowledge within the court system itself, with employees of the Circuit Court Clerk’s Office frequently asking for the wrong categories of information or not filling out the appropriate paperwork when court orders regarding electronic monitoring were filed. Like community treatment providers, the Public Defenders interviewed also described having “their own personal list of contacts and phone numbers” for the EM officers that change frequently and are distributed throughout the office informally.

One particularly destructive communications issue is the failure of the Sheriff’s staff to notify participants’ legal representatives of the re-incarceration of their clients. All defense attorneys interviewed, both public and private, reported that it was common for their clients to be “picked up” by Sheriff’s deputies and taken into custody without any notice given to participants’ lawyers or their families. Instead, attorneys sometimes only learned about the re-arrest 24-to-48-hours later, when their clients appear in court. In an extreme case, a client waited weeks due to a lack of notification to the Public Defenders’ Office.

Attorneys noted that there is rarely a full hearing regarding the violation and the system responds in a wide variety of ways. Sometimes, judges re-release a participant with just a warning, other times, State’s Attorneys file escape from electronic monitoring felony charges, or violation of condition of bail bond petitions. Even if a judge agrees to release the individual back onto electronic monitoring, it sometimes takes 48-to-72-hours for someone to be returned home by Sheriff’s deputies. The whole process can take days; interviewees described situations where these re-incarcerations led their clients to lose jobs and housing.

Several attorneys described multiple situations where their clients went through this process for minor rule violations – one lawyer described an instance where a client was violated for running out of the house briefly to retrieve their pet cat that got outside. The most common scenario,

according to attorneys and community providers, was that the system reported that their clients were out of the home when in fact they had not left the premises.

The OCJ also suffers from poor communication with community stakeholders and participants, although community stakeholders described better communication with OCJ than with Sheriff's EM. Organizations that provide treatment services were able to communicate directly with their participant's assigned pretrial officer if there was any issue in accessing services. The OCJ program also does not require the same level of documentation for movement and seems to utilize more consistent practices.

Interviewees noted that they often did not know how to advise their clients on OCJ electronic monitoring when problems did arise, because of the lack of clearly posted policies and procedures regarding the program. Community organizations were not able to find information about these programs easily, making it difficult to know what was expected of their clients. There is almost no information about the program on the Chief Judge or Adult Probation Department websites, and there do not seem to be any public facing brochures about the program.

In the OCJ program, defense attorneys and other providers reported that defendants were not always appropriately informed that they were being placed on electronic monitoring through pretrial services. Our respondents noted that OCJ often required electronic monitoring even for people who were already checking in with pretrial services, whether in-person or on the phone. The responsibility was placed on the defendant to report to pretrial services to set up the equipment, but the contact information provided during the bail determination was sometimes incorrect or was not well articulated at the hearing. Defense attorneys also reported that both they and their clients were sometimes surprised at court to receive a negative report from pretrial services alleging unauthorized movement. As one of our interviewees stated, the individuals they served sometimes found themselves in court unaware that they had disobeyed program rules:

“[Participants] show up to court on their felony case and not have the ankle monitor on and they have no idea what anyone was talking about. And then like the pretrial people would be like, well, we tried going out [to install the equipment], like at 3am. And nobody answered. And the person's like, ‘Well, I was sleeping, or I don't live at that address anymore’. And it ends up putting the [individual] in a bad light, but it really is typically not them trying to be evasive. It's that they don't even know that this is a requirement.”

In short, our interviews revealed that there was a lack of transparency on the rules and protocols of the EM programs—and even around who a person was speaking to when they called a posted number for help. Our interviewees were primarily social service professionals helping participants get approval for basic activities of life – work, school, and medical appointments. Those who were most successful in working with the program did so through back channels and

personal connections with Sheriff's staff that they had informally developed over years of interactions.

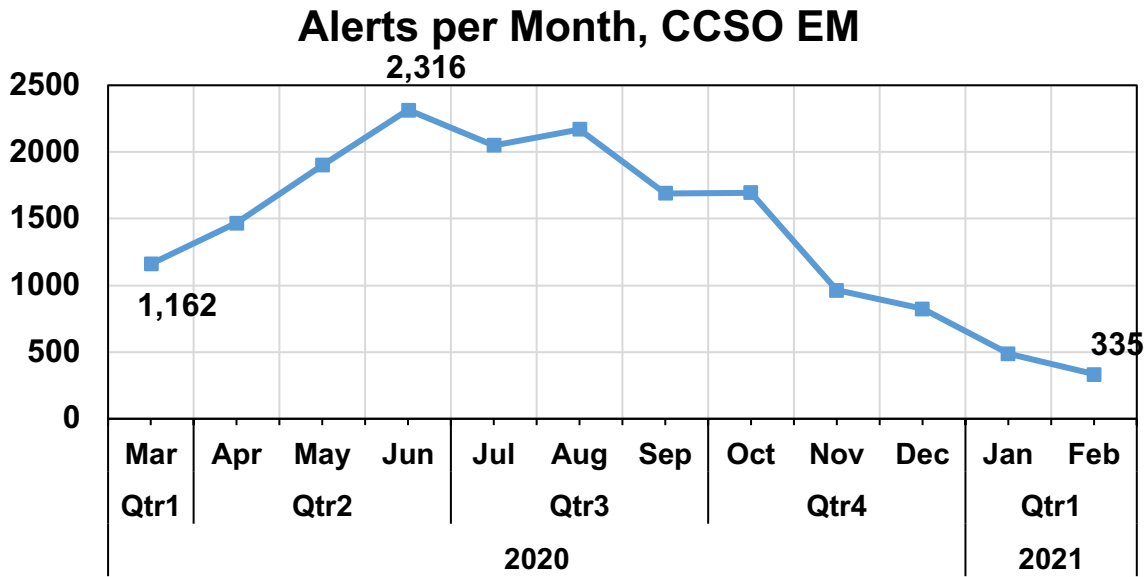
A defense attorney described:

So, it's all just a big mess. One hand doesn't talk to the other. The judge will issue an order, the clerk will put it in the system somehow and it never seems to manage to get to the EM department...And it doesn't matter what it is, it doesn't matter if it's movement for a doctor's appointment, it doesn't matter if it's movement for a medical procedure, if it's movement for work, there always seems to be this, "oh, we lost it, we can't find it, can you send it again," or "it's being processed, but your client can't move." So, it's been very inconvenient. And then the clients get angry at me because they want to know why they're not able to go to work, they're going to lose their job. And so it's been a really big problem.

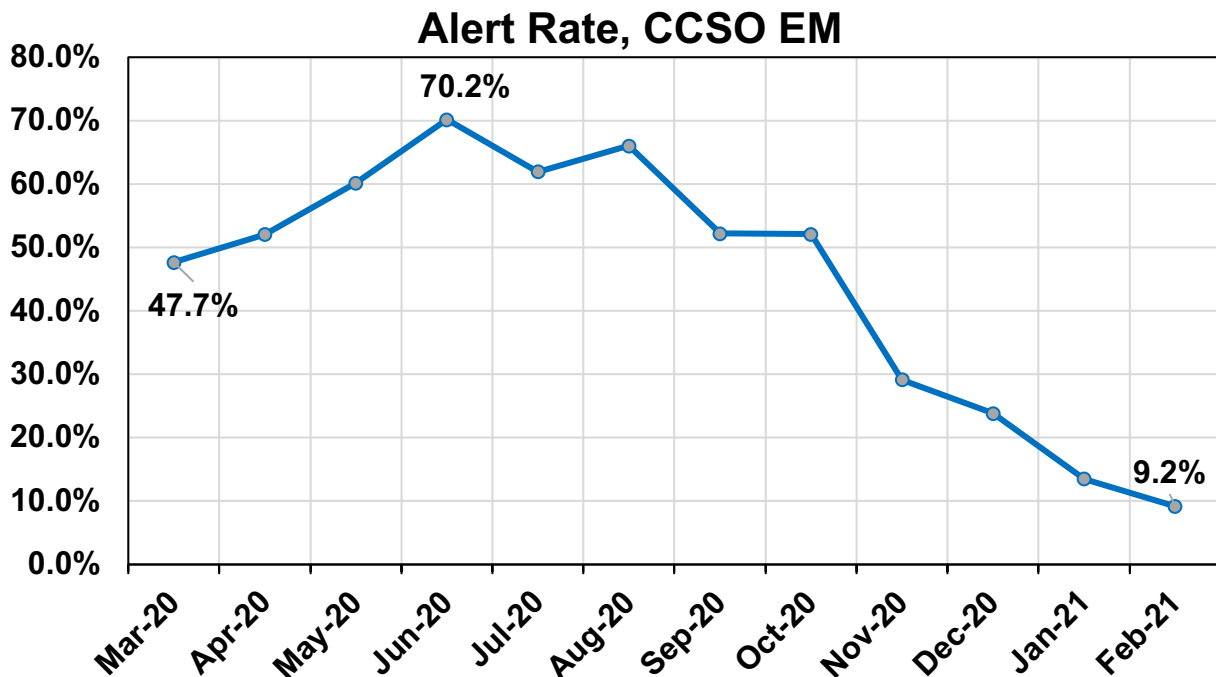
All of these communication and coordination problems would be better addressed with one centralized pretrial services program that provided electronic monitoring as part of a continuum of pretrial services. The current dual set of programs causes large caseloads, poor communication, and unclear practices, and leaves participants and their advocates unsure how to be successful on EM.

### **Monitoring System Alerts**

Monitoring system alerts can be for a wide variety of issues including unauthorized, movement into an exclusion zone, or tampering with the monitoring device. During the 12 months preceding March 2021, 17,061 alerts were recorded by the system. The monthly number of alerts climbed from over 1,100 in March 2020, to 2,316 by June of that year at which time the number of alerts began to decrease, falling to 335 in February 2021. Sheriff's Office staff attributed this rise in alerts as due to the transition to GPS that occurred during this period, as well as normal seasonal variation, alerts typically increase in the summer.



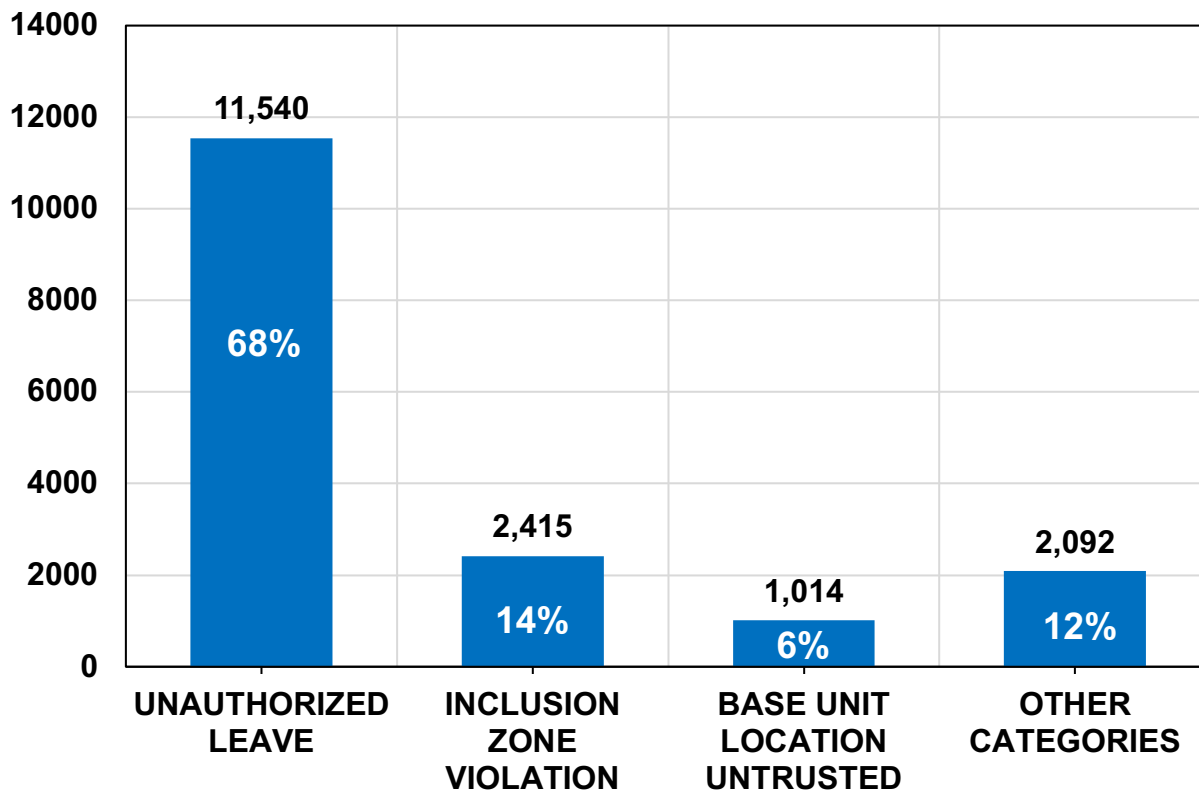
Controlling for changing population levels on electronic monitoring, the “Alert Rate” divides the number of alerts by the average population on supervision. The alert rate climbed from 48 percent in March 2020 to 70 percent in June 2020 before decreasing. By February 2021, the alert rate had fallen to 9 percent (335 alerts for an ADP of 3,653).



The Sheriff’s Office also tracks the reason for the alert. The bulk of the alerts (11,540 or 68 percent) are noted as resulting from an “Unauthorized Leave”. Inclusion zone violations and

“Base Unit Location Untrusted” represented another 20 percent of the alerts. A breakdown of this information is provided in the following figure.

### Alert Reasons, CCSO EM

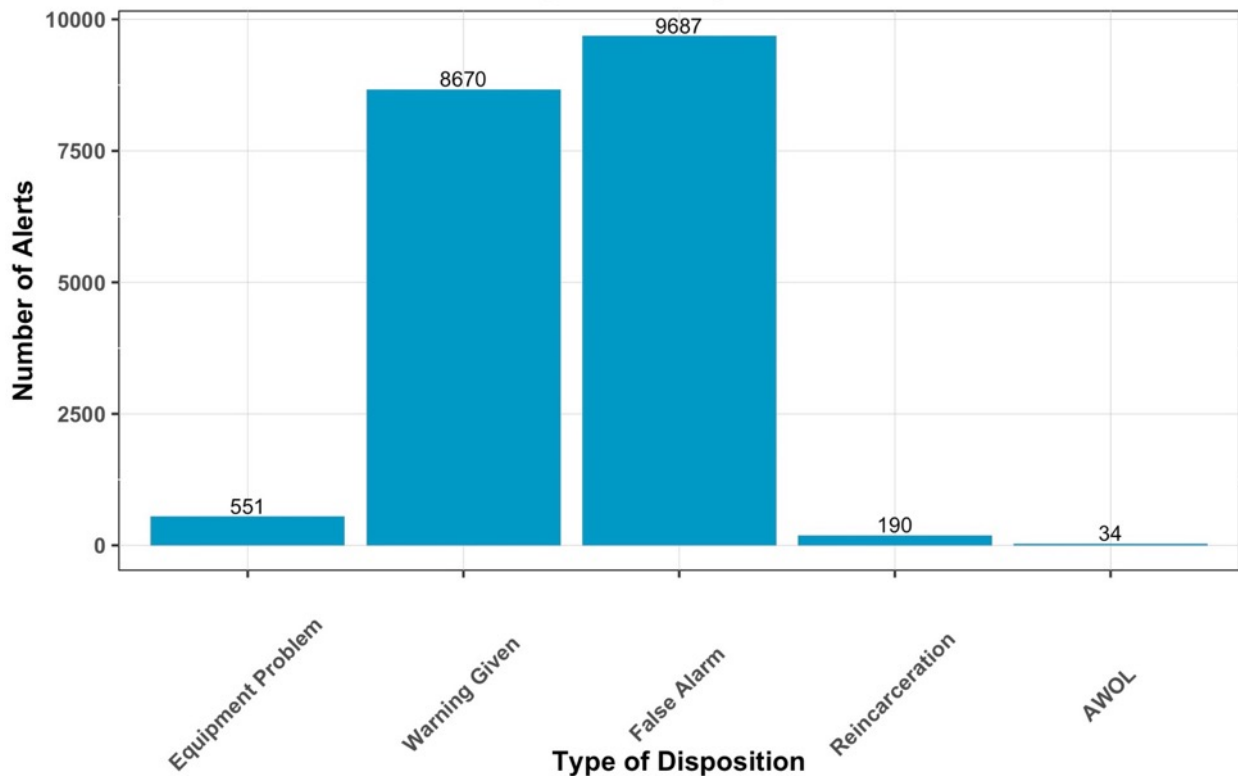


Data obtained from a FOIA request looked at all alerts generated by BI’s system from April 1, 2020, to April 1, 2021. There were over 167,000 “alerts” – meaning that the equipment made some indication that a person was outside of zone or there was some other problem. Of those, only about 11% (about 19,000) were actually disposed of by Sheriff’s staff. It is unclear whether the remaining 89% of alerts involved action by BI employees, contact with participants, or some other response.

Of the alerts that the Sheriff’s Office responded to, the largest category was false alarms, followed by violations where warnings or admonishments were given. This data does not seem to reflect all of the re-incarceration problems that community stakeholders described. It did seem that sometimes, re-incarcerations were made when there had not been an alert immediately beforehand – instead, Sheriff’s personnel would appear at a participant’s home when they were in compliance and reference previous violations as a reason for incarceration. Still, this selection of alert disposition gives a general impression of how common at least some kinds of “false alarm” alerts are. About 52.8% of the dispositions in this dataset were either false alarms or equipment malfunctions.



### Types of Alert Dispositions, CCSO EM April 2020-April 2021



Although warnings were often given, there does not seem to be an official policy regarding when warnings are to be given and when re-incarceration or a marking of an individual as “AWOL” is appropriate. This likely contributes to participant experiences with false alarms described by community partners.

#### Participant Experience with False Alarms

Equipment failures are a fact of life for individuals on electronic monitoring and the organizations that serve them. Interviewees noted that despite how often these issues occur, technical glitches were nearly always treated as if they were intentional violations, with Sheriff’s deputies threatening to re-incarcerate participants, and staff, calling at all hours of the night to confirm that the participant was home<sup>8</sup>. This often occurred even after it had been established that a technical problem with the equipment existed and accusing participants of violations that were physically impossible.

<sup>8</sup> Community interviewees noted that it was often difficult for participants to tell whether they were being called by the call center (Protocol/BI), the equipment repair contractor (AllPoints) or the sheriff’s office itself, because callers often did not clearly identify themselves on the phone.

As the Sheriff's office switched all participants to GPS monitoring in 2019-2020, interviewees reported an increase in false accusations of violating movement. One interviewee related the following client experience:

This person has been on EM without issue for months. And then his attorney got a notice from the Sheriff's Office that they were filing this violation and [the lawyer] requested to see, you know, what was the violation? And so, the Sheriff's Office provided a map with this line of everywhere this person went and it was like they were an Olympic sprinter, like darting all over their neighborhood, going down alleys. [And the Sheriff's office claimed] he left his house this day and he did all this movement. No part of me questions that he was telling me the truth when he said, "I did not leave my house that day." And we were at the point where we're [asking], can we like try to like FOIA the closed circuit cameras in the neighborhood to show that this person was not walking down the street at these times. And then all of a sudden, the Sheriff just pulls the request, no explanation at all.

The Bail Project, a non-profit which pays bail for individuals who are referred to them from the Public Defenders' Office, noted that it tracks the re-incarcerations of the clients it pays bonds for. They reported that they had often had clients call them reporting equipment problems, and they would tell their clients to call the Sheriff's Office. When they did, the person on the phone would tell the participant to come in and bring the technology so it can be replaced. Instead, however, participants were arrested and not released. The Bail Project reported that its numbers showed that about 50% of the re-incarcerations in their records are due to communications errors where movement was approved by court order, but the Sheriff's Office claimed to have never received the documentation.

The Sheriff's own documents show a similarly high rate of false alarms and technical glitches. A presentation given on January 21, 2021, by the University of Chicago to Sheriff's Office staff noted that 80% of alerts from the GPS EM vendor are "false positives" with 15% of CCSO EM participants being flagged with a false positive alert each day. However, data from January through March 2021 shows some decrease in the total number of alerts being received, which may indicate that Sheriff's Office is successfully reducing false alarms.

## **Domestic Violence Victim Experiences with False Alarms**

Advocates expressed a lack of clarity about how exactly the electronic monitoring program worked, how people were selected to be placed on the program, and what exactly the rules were. In some cases, victims elected to carry a GPS device or download an app on their phones so that there could be a “buffer” zone around them that the accused was not allowed to enter. Other victims did not choose to use this service, so the program only created exclusion zones around fixed locations like the victim’s home and workplace. Although it is designed to provide peace of mind and useful information to victims, advocates reported that this program causes significant stress for victims due to equipment notifications that were inconsistent due to faulty technology and due to the court’s response.

Victims receive an alert on a phone that lets them know when the defendant (individual on GPS) is nearby either in a “buffer” zone or restriction zone. Victims are also supposed to receive a phone call or be visited by the police, but this does not always happen. Unlike the strict restrictions on movement in the Sheriff’s EM program, advocates reported that alerts when the participant is in the buffer zone were often not considered “true” violations by judges and supervision officers, and rarely resulted in the monitored individual being taken into custody.

Advocates reported that judges in these cases were unlikely to violate based on these GPS violations, often only admonishing the defendant. The large number of technical glitches and incorrect location signals reportedly contribute to judges not taking violations seriously. The court often gives the defendant on GPS the benefit of the doubt with these technical violations (a significant difference from what we were told regarding the Sheriff’s EM program). Victims perceived this lenience as a lack of accountability and resented having to come to court only to have a judge dismiss their concerns.

This lack of enforcement makes the rules of the program unclear. Advocates reported instances where defendants push the boundaries of the program, purposefully coming close to the victim and engaging in a type of “psychological abuse” without being held accountable through violations or any form of restorative justice. These frequent notifications added only more stress to victims without assurances for safety.

Adding to the confusion, victims also often experience “false alarm” notifications saying that their abuser was in the buffer zone, only to later find out the alert was a result of equipment malfunction. Victims would check in with supervision officers or the Chicago police only to learn the alert was incorrect. Sometimes the victim would learn through court hearings that the defendant had violated or been lost by GPS for weeks or months at a time, but that they had not received an alert. One advocate described a case where a female victim had the police coming and banging on her home in the middle of the night, disrupting her landlord, in response to a false violation of the GPS.

Both domestic violence survivors and the accused experience disruptions to their housing stability and employment due to the program. Victims received frequent audible alerts, often multiple times a day, while at work. EM program administrators were described as careless with the personal information of victims, informing the defendant of the victim's address or showing up at the victim's work or home. While participants on this form of GPS are not restricted to the same extent as the other EM programs, the visibility of the ankle bracelet causes stigma and places them at risk for violation frequently - often creating additional court appearances that victims also feel obligated to attend, which further burdens them in participating in the prosecution of their cases.

Primarily because of the false alarms, advocates did not feel that the benefits of electronic monitoring outweighed the issues experienced by victims. They indicate that any initial feeling of safety produced by the program was quickly eroded by the constant violations and alerts they received by victims.

### **Policies**

Neither Probation or the Sheriff's Office provided current policies that establish the operational rules and procedures that guide the operation and management of their electronic monitoring programs. Best practices call for detailed policies and procedures that clearly define how programs operate. Interviews indicated that current policies are limited, creating at least the potential for inconsistent, arbitrary administration of the program. The lack of well-defined policies in a lack of common understanding throughout the justice system regarding how individuals are placed on electronic monitoring, how they are supervised, as well as how the PSA is used by courts, and how individuals on electronic monitoring can request schedule changes. Several interviews indicated that lack of adequate policies contributes to the failure of the system to be fully transparent.

System stakeholders need to decide on program goals and mission which will then allow for development of comprehensive operational policies consistent with these goals.

### **Rule Enforcement in the Sheriff's Electronic Monitoring Program**

The Sheriff's Electronic Monitoring program operates as a "zero tolerance" program, holding participants to a stringent set of rules. CCSO policies state that any rule violation can be considered grounds for re-incarceration and criminal prosecution. The top of the participant contract states that "[The participant's] signature further indicates that you are aware that violations of the rules and regulations of the CCSO carry with them the risk of criminal prosecution and re-incarceration." In addition, re-incarceration decisions are made by sheriff staff, and arrests are carried out before information about a specific violation is presented to a Judge. Fundamentally, this represents a "zero tolerance" approach to rule violations.

It is important to note that this approach to pretrial rule violations is not followed by the Chief Judge's EM Program. The Adult Probation Department's program does not allow for immediate re-incarceration of participants by program staff. Rather, it allows judges to make the decision of whether program violations warrant re-incarceration or another sanction.

Although it is difficult to determine exactly how often participants are actually re-incarcerated for non-criminal violations of program rules, a consistent theme throughout community stakeholder interviews was that participants are consistently fearful of being re-incarcerated. Many community stakeholders reported that the "zero tolerance" approach is re-iterated to participants frequently, even when they are speaking to Sheriff's deputies to clarify the rules. As a result, participants perceive the enforcement of these rules as arbitrary, and unpredictable. They stated that this uncertainty creates a great deal of mental and emotional stress for their clients. Three different community stakeholders independently described their clients as "living in terror" of Sheriff's deputies' enforcement of program rules.

NAPSA standards do not recommend a zero tolerance approach to pretrial rule violations. Rather, they note that a range of different responses to violations should be available, and that judges should make careful decisions about which sanctions to impose:

4.6(e) Defendants who violate a condition of release, including failing to appear in court, may be subject to a warrant for arrest, modification of release conditions, an order of detention, or prosecution on criminal charges. In considering what actions to recommend to the court when a defendant appears to have violated conditions of release, pretrial services agencies should take account of the seriousness of the violation, whether it appears to have been willful, and the extent to which the defendant's actions resulted in impairing the effective administration of court operations or caused an increased risk to individual or public safety.

In the commentary to this rule, NAPSA standards add that : "[sanctions for violation' should not be unilaterally decided upon, but should be carefully discussed in all possible permutations, with system stakeholders and decision makers prior to practice."

There are two key ways that CCSO policy diverges from this statement of best practices. First, it gives sheriff's deputies, rather than judges, the power to determine whether re-incarceration, one of the most serious possible sanctions for a pretrial violation, is warranted. This invites inconsistency, with dozens of investigators possibly making different decisions about which rule violations should lead to incarceration. Second, CCSO policy does not have a clear menu of responses to different kinds of violations, with more serious responses reserved for more serious violations. This means that participants, community stakeholders who work with them, and system-side staff do not have a clear set of shared expectations about how violations will be responded to.

## **Manner of Rule Enforcement**

One theme in nearly all our interviews was that pretrial EM participants were treated as if they had already been found guilty of a crime and were inherently untrustworthy. Many respondents reported that their participants often were not believed when common exigencies to Sheriff's deputies – late busses, equipment failures, medical emergencies, and getting locked out of the house. In short, individuals felt they were treated as if they had already been convicted of a crime.

In addition, rule enforcement was often done in a way that participants felt was endangering. For example, In-Person check-ins with participants often involved deputies appearing in full uniform, with firearms visible, and often in large numbers. This was particularly damaging in neighborhoods where police raids and other police action are common; participants, their children, families, and neighbors felt they were in danger during what should have been a routine check-in to make sure a participant was present at home.

*Recommendation 6: Adopt a graduated sanctions approach to program violations that requires explicit judicial approval prior to re-incarceration as opposed to Zero Tolerance policies to rules enforcement.*

## **Length of Time on Electronic Monitoring**

Judicial orders for electronic monitoring in Cook County are open-ended with no end date. Individuals who are placed on electronic monitoring and are successfully meeting program requirements rarely move out of the program as there are no periodic status reviews to reduce supervision levels for program participants. This practice can unnecessarily extend the duration of supervision beyond levels required to assure public safety and compliance with court requirements.

Best practices call for limiting the amount of time on electronic monitoring as much as possible. Currently Sheriff's EM has nearly 1,500 individuals who have been on electronic monitoring for more than 6 months. If a review of cases indicates that individuals are complying with court and program requirements, it should be possible to move them off electronic monitoring to a less intense form of supervision.

The current system however creates incentives for defendants to prolong their stay on electronic monitoring. The fact that defendants receive good time for their time on electronic monitoring reportedly leads some to attempt to delay their cases in hopes of reducing potential future prison time. This creates court backlogs, additional work for electronic monitoring staff, and unnecessary expense for the County. Periodic status reviews to move cases off electronic monitoring can address this issue.

This issue may be resolved by recent legislation that requires the court to conduct a review of cases every 60 day to determine the necessity of electronic monitoring.<sup>9</sup>

*Recommendation 7: Ensure that the now legally required case reviews are effective at removing people from EM when no safety or appearance concerns are apparent.*

## **Cost**

Together, Sheriff's electronic monitoring and Probation's Home Confinement Unit have an FY 2021 budget exceeding \$30 million with 219 staff. This is a substantial investment of county resources into a program that available research indicates should be used on a very limited basis for high-risk persons. As cited earlier, electronic monitoring has been found to be up to 2.5 times more expensive than normal community supervision, with no difference in outcomes. If a significant portion of the over 5,000 persons on electronic monitoring can be released to community supervision with no difference in impact to public safety or court compliance, the potential for savings from a smaller electronic monitoring program are great. Consolidation of services under one agency could also produce greater efficiencies and savings.

If, however, the County chooses to continue its current approach to electronic monitoring, Sheriff's EM will require additional resources. The 51 percent growth in the size of the program in 2020 in conjunction with the move to place the entire program on GPS technology produced a substantial increase in workload for Sheriff's EM staff (GPS technology produces increased alerts and requires more active management than RF equipment). In FY 2019, with an average caseload of approximately 2,500, the Sheriff's Electronic Monitoring Unit had 182 approved FTEs. In FY 2021, with a caseload of over 3,600, staffing is down to 134 FTEs.

At current staffing levels, both community stakeholders and system stakeholders describe the staff at both electronic monitoring programs as overworked and overwhelmed. The FY 2021 Sheriff's Office budget provides funding for 82 investigators to support the program, with total staffing of 134 FTEs. This allows for the assignment of approximately 15-20 investigators per shift. Investigators are responsible for the on-boarding process, monitoring program participants and responding to alerts. The total budget allocated to electronic monitoring in FY 2021 was \$19.5 million. At the current caseload levels, Sheriff's EM averages 45 program participants per investigator at a daily cost of \$14.53 per person monitored.

Although there is not specific research on appropriate caseload sizes for electronic monitoring case workers, APPA proposes that evidence-based practices supported by research on other criminal justice programs may be applied to electronic monitoring, even though the use of these practices in electronic monitoring has not been researched (APPA, 2019). In this vein, although there is no research on the optimum caseload management levels, the APPA recommends a ratio

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<sup>9</sup> Public Act 101- 0652; 725 ILCS 5/110-5(i)



of 20 clients per officer for intensive supervision and 50 clients per officer for moderate to high-risk clients, based on best practices in probation supervision. Currently, in Sheriff's EM caseloads are well above the standards recommended by APPA. By definition, electronic monitoring should only be used for intensive supervision – the Sheriff's EM current ratio of 45 participants per investigator is nearly double what APPA standards suggest is appropriate for intensive supervision caseloads.

If caseloads remain at current levels, the increased workload associated with GPS and elevated levels of violations, alerts, and movement requests will require an increase over current staffing levels to assure adequate service levels. The County should conduct a staffing needs assessment for both the Sheriffs and Court programs, especially if the use of electronic monitoring continues at the current level. As noted in the report, given the diversity of how electronic monitoring is used across the country, there are no accepted ratios of staff to defendants in these programs. Therefore, the staffing needs of each jurisdiction must be to be assessed independently given the unique nature of how they use electronic monitoring. This assessment would identify the appropriate number of staff needed to support existing program levels and would develop ratios of staff monitors to defendants on electronic monitoring that would help with any future scaling increases or decreases in the programs.

*Recommendation 8: Conduct a staffing needs assessment for the electronic monitoring programs.*

### **Program Management**

Specific elements of current electronic monitoring programs could be improved to provide better service and outcomes. These include condition verification – judges need a better system for verifying current defendant conditions such as work schedule or medical requirements to determine suitability for release at the bond hearing. Often this information is not available, prolonging incarceration of a defendant who could be released.

*Recommendation 9: Develop a system to expedite collection and transmission of information needed to verify defendant circumstances for consideration by the Bond Court.*

### **Schedule Changes**

When asked to identify the most serious difficulties their clients experience while participating in Sheriff's EM, all interviewees indicated that process for "movement requests" for permission to leave home was the largest problem. The extended duration of many defendants on electronic monitoring creates a high volume of requests for schedule changes that must be approved by the courts. The current system for submitting these requests for approval has difficulty in efficiently processing these requests, creating unnecessary issues for defendants. A more streamlined



system for submission and review of requests or additional staff dedicated to management of this function is necessary.

The term “movement” is generally used to refer to any departure from the participant’s assigned residence; “authorized movement” refers to a trip that has been explicitly approved ahead of time by the Sheriff’s Office and “unauthorized movement” refers to any trip that has not been approved ahead of time. Our findings show that the process for requesting permission seems to frequently change and is poorly understood by community organizations. Respondents also experience instances where requests are met with no response or a delayed response from the Sheriff’s Office. Consequences to participants for not receiving appropriate permission are often severe, despite the persistent confusion and inconsistent enforcement. One respondent described this environment as a culture of “punishment and fear” that “terrorized” individuals within their own communities.

Many of the organizations interviewed are regularly in contact with the Sheriff’s EM program to request movement on a client’s behalf as part of their own programming. These organizations set out to assist clients whose success is dependent on receiving authorized movement to access services or meet daily needs. Some organizations are only in contact with the Sheriff once movement is denied, while others assist with the process from beginning to end.

The primary way for EM participants and community organizations to contact the Sheriff’s Office is through a phone number (877-326-9198) or email address, [cookcountysheriff@BI.com](mailto:cookcountysheriff@BI.com)<sup>10</sup>. Interviewees reported that contact through the number and email address provided by the Sheriff’s Office are often ineffective, resulting in no answer or hours of wait time. Interviewees stated that movement requests submitted to the designated email address often fail to show up in the system.

Respondents reported that the most effective way for community-based service providers to successfully secure movement on behalf of participants in their programs was access to a direct phone number for a staff person within the Sheriff’s Office. Typically, this means organizations need to have the direct office line, and sometimes the personal cell phone, of a Sheriff’s Officer to successfully request movement for participants. Though these connections were established to work around the broken contact system, phone numbers often change hands or individual officers are transferred or leave their positions altogether. This has forced organizations to start over in their attempt to identify and build relationships with an officer on the ‘inside’ of the Sheriff’s Office to complete their requests and assist clients successfully. The need for “special

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<sup>10</sup> The fact that this email address was at BI.com confused many interviewees, who were unsure what role BI incorporated played in the CCSO EM program. It was unclear to our interviewees, many of whom have been corresponding with this email address for months or years, exactly where or who these messages go to and whether the Cook County Sheriff Office’s staff or private company staff are responsible for it.

contacts” like this creates a differential experience among EM participants, limiting those without ‘insider access’ to long delays or no movement approval at all.

Even when organizations had an “inside contact,” respondents report the process of working with program operators to request movement as arduous and time intensive. Organizations consistently mention spending a large amount of time requesting movement for their clients—often several hours a week. Several respondents, particularly defense attorneys, commented that navigating with this program alone could be someone’s full time job.

All respondents mentioned that they sometimes must submit paperwork a week or more in advance to hear back in a timely manner, even though the Sheriff lists 72 hours as the amount of notice required for movement in its policies. All movement, even consistent recurring movement (such as necessary weekly medical appointments, for example), must be renewed every 30 days with a new request. This requirement leads to unnecessary disruptions in employment and treatment while also likely unnecessarily burdening the Sheriff’s system. Incorrect information captured in the jail, such as incorrect inmate ID numbers, misspelled names, or incorrect dates of birth also causes delays or denials of movement requests.

Organizations mentioned that since early 2020, the Sheriff’s Office no longer accepts movement requests without a court order. This means that movement approval now lies solely under the discretion of the judge and is only available monthly at scheduled court dates—unless a defense attorney is able to request a faster court hearing. The delay to request a court hearing is often a few days. Though respondents reported that court orders have smoothed the process for movement approval, they have not wholly solved the problem of delayed or denied movement permission. Sheriff’s Office staff continue to regularly report to community organizations and participants that they had not received emailed or faxed orders.

Delays in processing movement requests for activities the Sheriff has ostensibly deemed appropriate can and has often resulted in dangerous circumstances and reverberating consequences for people in the program. Several respondents described emergency situations where clients were left in unsafe living conditions or were unable to attend substance use and mental health treatments. Treatment providers found it difficult to get clients on EM into treatment programs, as they would lose their spots while waiting for the Sheriff to approve the movement requests. Other respondents report cases of gunshot victims having trouble securing movement for medical appointments. Participants frequently experience denied requests for daily activities such as purchasing food, getting tested for COVID-19, or caring for children and family. These situations are not only frustrating and disheartening for participants and community service providers, but in some instances, can place people in unnecessary danger.

Without intense and ongoing advocacy by these organizations, the program participants that our interviewees worked with were unable to successfully get movement. Respondents mentioned

that defendants would give up on securing employment, treatment, or other services because of these problems. One respondent commented:

I think the vast majority of people, though, get that first request for a job interview denied or find out... that I have to tell this person who has not even looked me in the eyes yet that...“I need you to send a letter to the Sheriff's Office, requesting my presence for a job interview,” Like, most people aren't going to make that phone call. And like, there's shame and embarrassment and all this stuff that's tied up into that. Or like, just this depression that like, “Oh, they know that I'm like on this monitor, like they're not gonna take my case. They're not gonna hire me. Like, why am I even trying?” And so, you know, I think it's like a smaller percentage of people that we actually go through the steps of sending the letters, making the phone calls, having those repeated conversations with them about how to do stuff. But, uh, and I, I don't, I don't think it's cause like, you know, other people are having success.

The organizations we interviewed recommend that their clients document all the numerous interactions that both they, themselves, and the organization have with the Sheriff's Office regarding movement, as there is currently no system for accountability or correction when the participant has followed the proper procedure but is still denied movement. Respondents recommended there should be more documentation and accountability to this process.

Collectively, our interviews suggest that delayed movement requests and failed Sheriff's Office interactions are counter-productive to the aims of promoting public safety, lowering the likelihood of rearrest, and improving the wellbeing of the community.

Community stakeholders report that communication between the call center run by Protocol Inc (a division of BI Inc.) and the Sheriff's office is generally extremely poor. Documents sent to Protocol often do not appear in the Sheriff's system, and vice versa. In addition, Protocol staff often provide inaccurate information to participants about program rules and their current status. The OCJ has a superior system in which an investigator is assigned to each participant who can approve movement, determine whether violations have occurred, and communicate directly with participants.

*Recommendation 10: Develop a system to facilitate expedited review and approval of changes in movement schedules for persons on electronic monitoring.*

## **Privacy**

Protection of program participant data is another issue of concern. A recent report verified by the Sheriff's Office found that BI International, one of the private vendors contracted for electronic monitoring in Cook County, had a significant data leak that exposed private information including defendant movement data. The Sheriff's Office was alerted and took quick action within 24 hours to close access to the data.

However, the leak highlights the amount of personal information that the electronic monitoring programs hold about individuals, and the need to appropriately protect that data. GPS schedules provide a huge amount of personal information about a participant's life, habits, family, and whereabouts. Anyone placed on electronic monitoring should be assured their information remains confidential. The County and Sheriff's Office should publicly investigate these data leaks and take contractual action against the vendor for the leaks. The County should also ensure future safeguards are in place to prohibit these types of issues.

## **Case Management**

Finally, interviews indicated that the case management system used by Probation is outdated, inefficient, and does not provide an adequate level of service. An effective system of pretrial supervision requires modern data management systems that provide timely access to information within an interface that facilitates user data entry and report generation. The current system used by Pretrial Services is antiquated and difficult to use. An updated system could better support tracking of program performance and outcome data for supervision of pretrial defendants.

*Recommendation 11: Update the case management system used by Pretrial Services.*

## **Strategic Plan**

Implementation of these recommendations requires the full engagement of the key stakeholders in a strategic planning process for the future management and development of the electronic monitoring program. The strategic planning process is designed to answer three questions:

1. Where are we now?
2. Where do we want to go?
3. How will we get there?

This report addresses the first question, "Where are we now?" in providing an objective description of the current electronic monitoring programs in the county and an assessment of program issues.

The next step in the development of a strategic plan, defining the future direction of the program, requires that the key justice system stakeholders reach consensus on the mission of the program and a future vision of what the program will attempt to achieve. For example, should the program be targeted to very specific types of pretrial defendants for limited periods of time to facilitate compliance with court orders, or should it be used more broadly as a condition of release to reduce the jail population? Should electronic monitoring be managed as a stand-alone program, or instead integrated into a more comprehensive pretrial release and supervision program? The Office of the Chief Judge, the Sheriff, the State's Attorney, Public Defender, and the Office of the County President will all need to participate in this process of developing a

common vision for how electronic monitoring can and should be used to support the justice system. Program goals such as failure to appear rates, program compliance, and completion rates can then be developed.

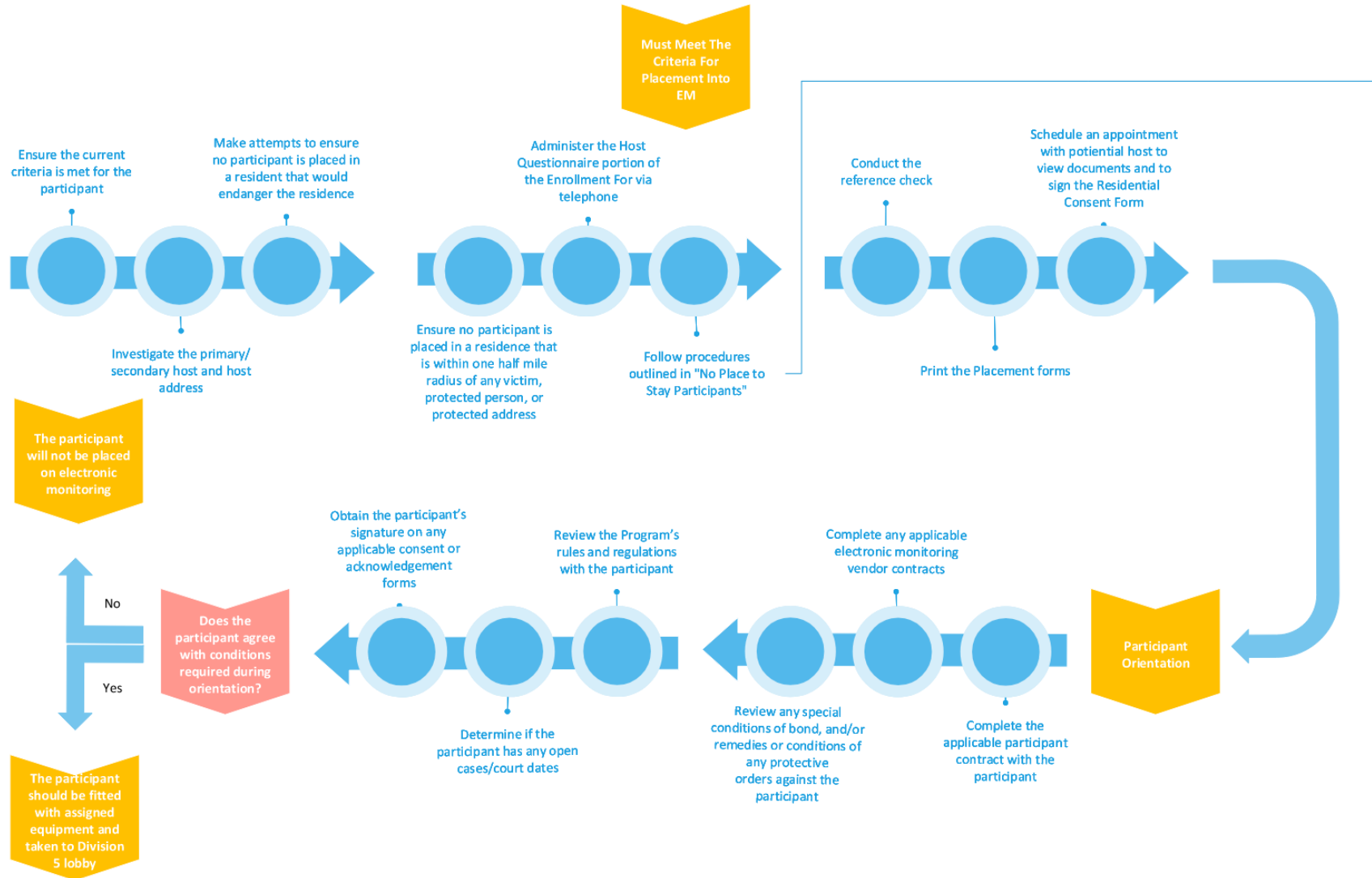
The third step in the strategic planning process sets out the specific processes and actions required to operationalize these goals. Depending upon the direction established by the stakeholders, these plans could address the recommendations made in this report:

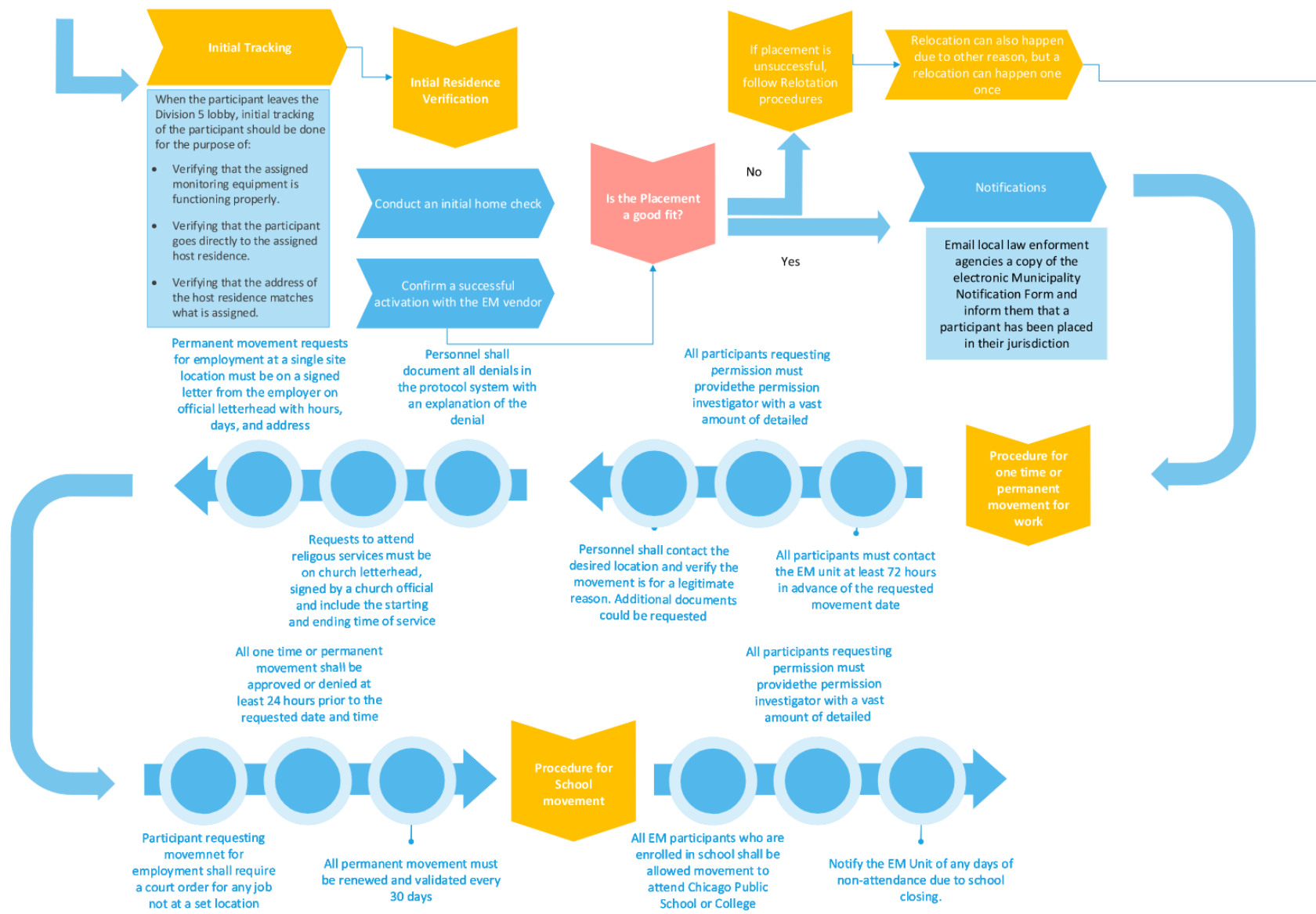
- Consolidation of the two programs to one office
- Validation and refinement of the risk assessment instrument
- Reengineering program processes to reduce unnecessary burdens on program participants
- Ending Zero Tolerance Rule Enforcement and Requiring Judicial Approval for Re-Incarceration
- Policy development and documentation of program work rules
- Case management system support
- Aligning resources with program workload
- Development and reporting of program performance measures

While the strategic planning process unfolds, there are specific modifications to the current electronic monitoring programs that will require implementation to maintain compliance with recent changes in state law. These include instituting mandatory status reviews of defendants on electronic monitoring and developing systems to facilitate movement of monitored persons. These short-term actions can be taken within the context of the current programs while the strategic planning process gets underway. The Sheriff's Office has initiated preliminary communication with the other stakeholders on these issues to implement these changes.

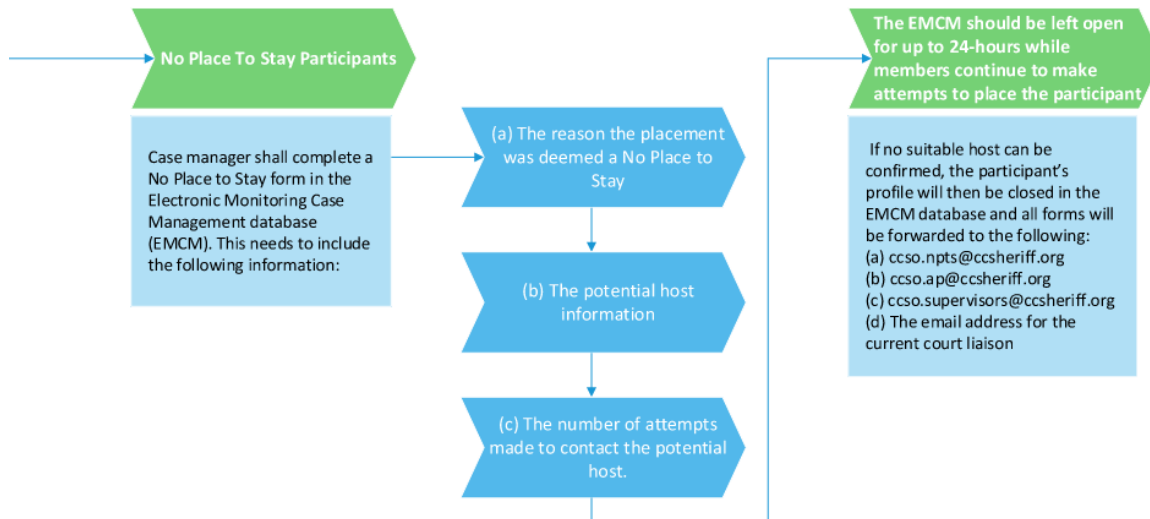
## **APPENDIX A**

### **Electronic Monitoring Placement Process**







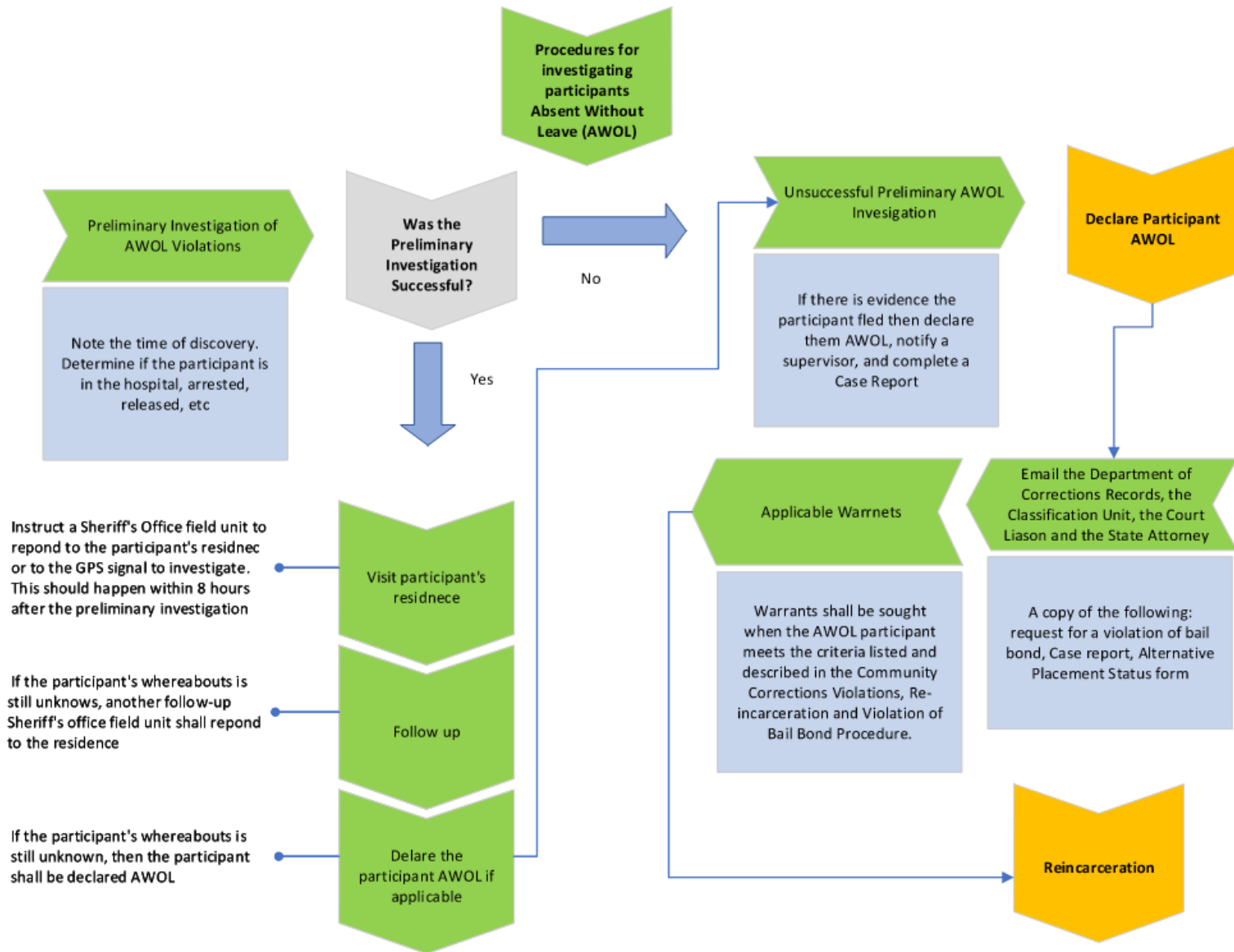


If time or safety requires that a participant be removed from an EM residence, members shall:

- (a) Dispatch a field unit if appropriate (immediately if safety is an issue).
- (b) Conduct a placement investigation into an alternative electronic monitoring residence.
- (c) Contacting Records to ensure the alternative residence meets the criteria of this order;
- (d) Requesting an AP Criminal History Summary to be completed and emailed to the investigator.
- (e) Ensure the Host Questionnaire is conducted.
- (f) If a suitable residence is found, follow the steps outlined in the subsection entitled Screening and Enrollment for Placement.
- (g) If a suitable residence is not found, or other problems are discovered, return the participant to Receiving, Trust and Classification Unit

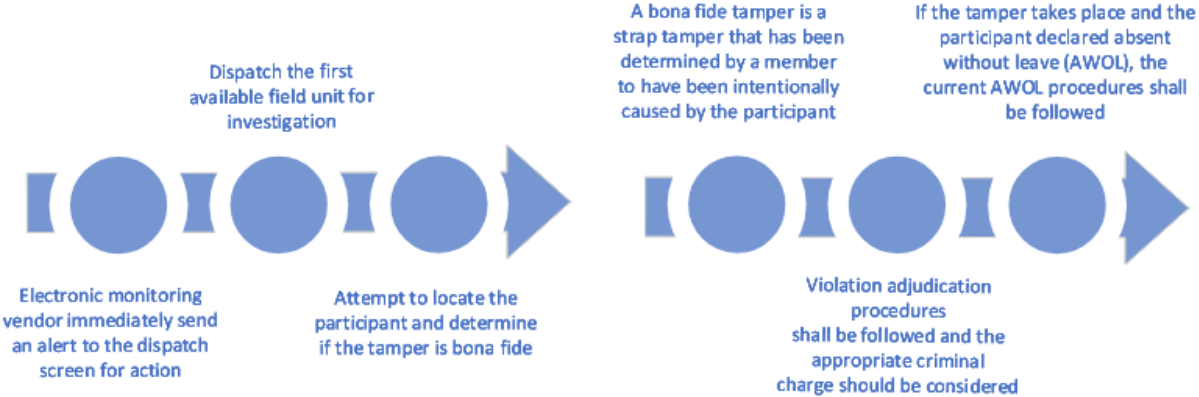
## **APPENDIX B**

### **Electronic Monitoring Violation Investigation Process**

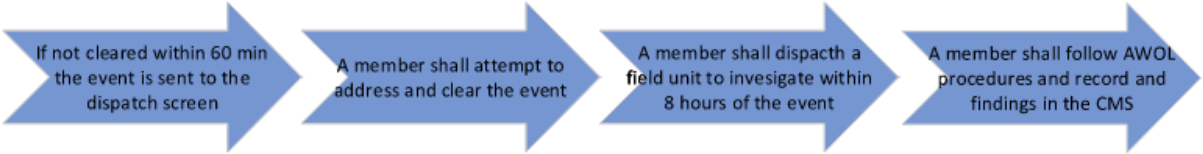


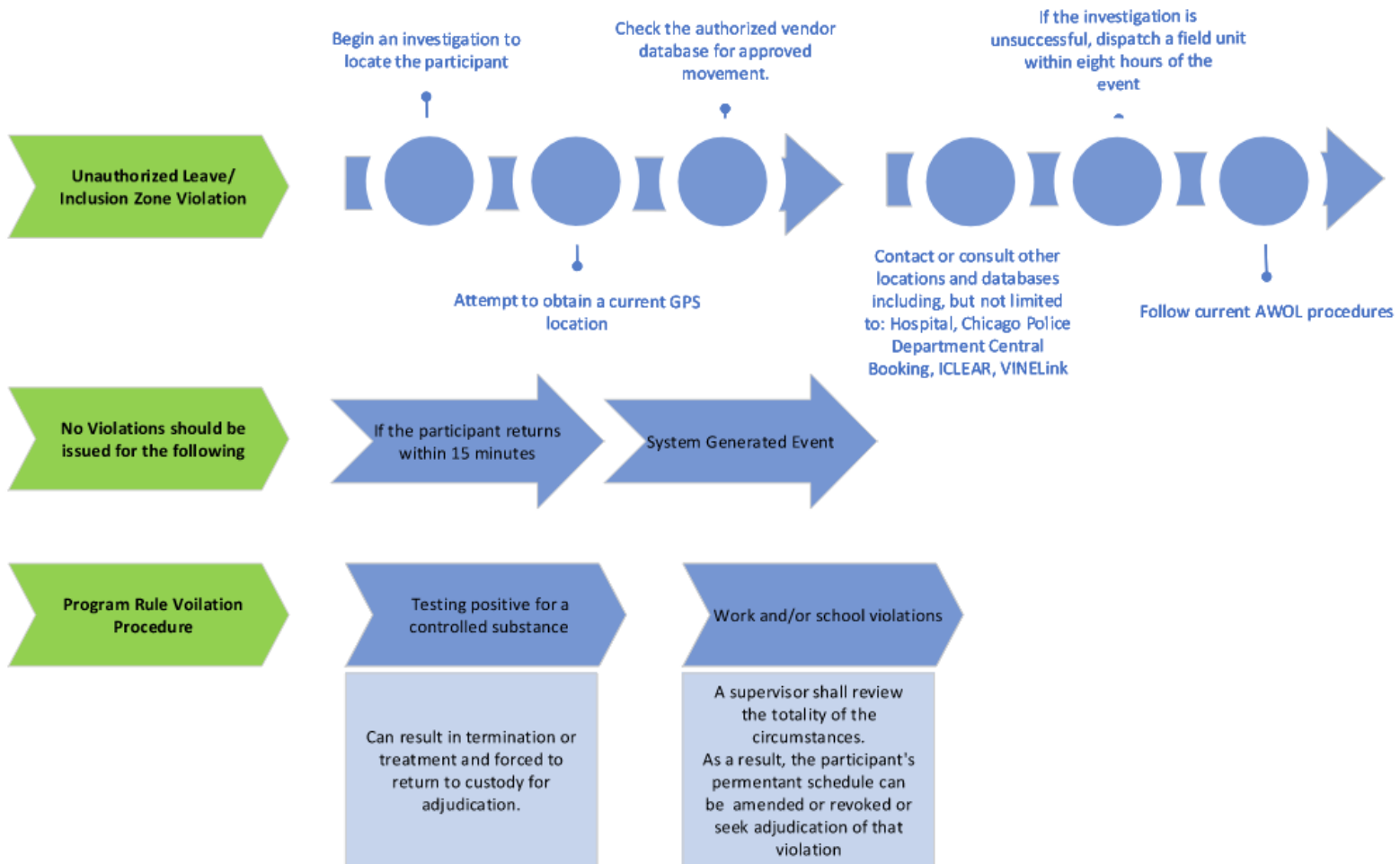
## Electronic Monitoring Violations

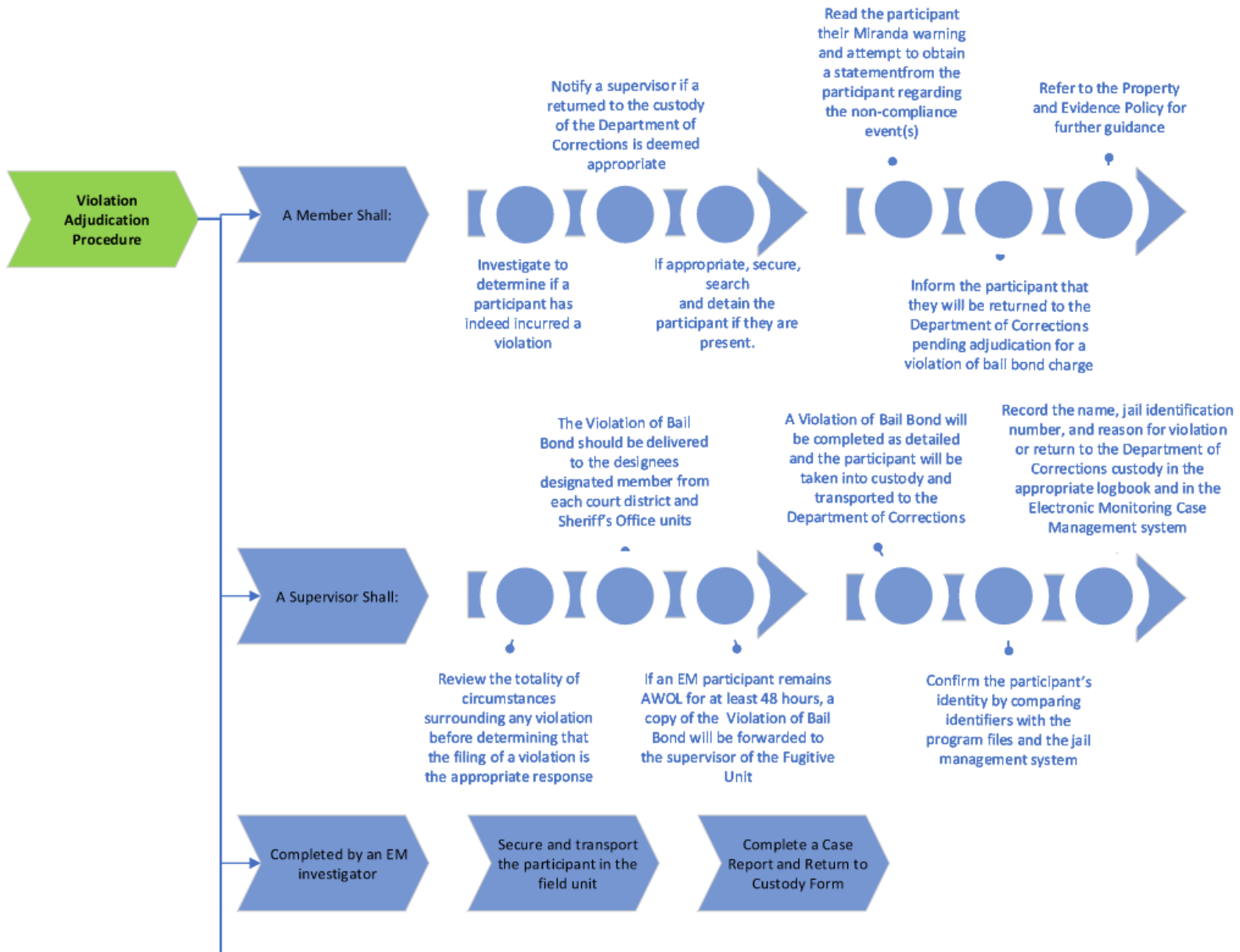
### Strap Tamper (GPS)/Sleep Mode (GPS)

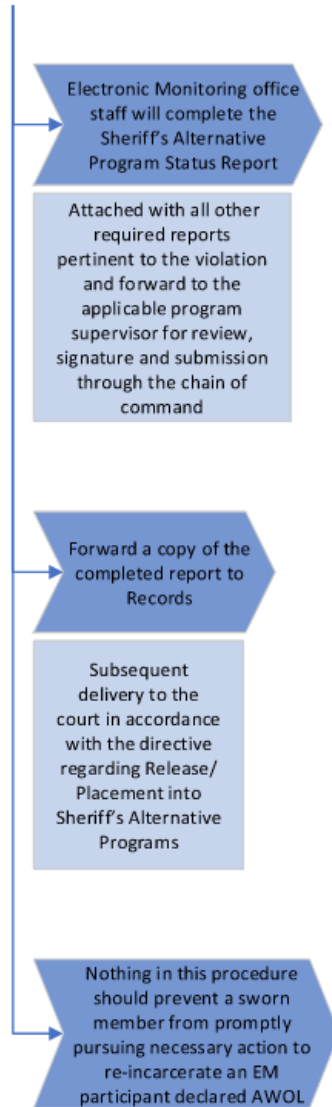


### Communication Loss











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