

Principles for Respecting the Rights of People on Pretrial Electronic Monitoring in Cook County

Cook County operates two electronic monitoring programs for people awaiting trial. Together, they make up one of the largest pretrial electronic monitoring systems in the country.

Electronic monitoring replicates the most significant harms caused by incarceration in brick and mortar jails. The severe restrictions placed on people's liberty make it extremely difficult for people to work, access medical care, and perform basic tasks like grocery shopping or doing laundry. Electronic monitoring shifts the responsibility and cost of incarceration from the state onto monitored people and their loved ones. This technology disproportionately impacts [Black people](#) and resisting its spread represents [another front in the battle to end mass incarceration](#).

The [Pretrial Fairness Act](#) has ushered in a series of protections for people on electronic monitoring, reducing the harm it causes without compromising community safety. These state legislative changes are, however, mere minimums. As a leader in pretrial reform and the largest user of electronic monitoring in the state, Cook County can and should do more, including adopting the following principles:

1. **Use of electronic monitoring must be limited, if used at all.** There is [no evidence](#) showing that this technology improves community safety, and studies have shown that people released both with and without electronic monitoring have [extremely low rates of rearrest](#). Cook County should establish strict guidelines as to when electronic monitoring is imposed and work to discontinue its use.
2. **Monitored people must be treated with dignity and respect.** Electronic monitoring regulations cause people a tremendous amount of stress during an already difficult time in their lives. Monitored people are frequently treated as though they are guilty before trial or assumed to pose a threat, even when abiding by program rules. Monitoring staff are often unhelpful to people trying to obtain permission to get movement. County employees should be clear, kind, and patient with people on electronic monitoring and the people housing them.
3. **People must be afforded access to basic needs.** Cook County's rules for electronic monitoring must impose the least restrictive conditions, facilitate freedom of movement, and accommodate people's basic daily needs. Those rules must not prevent people from seeking help during an emergency or accessing medical care. People being monitored should be able to take part in family and community life, have the freedom to carry out parenting and other caregiving activities, and be able to access employment, legal services, mental and physical health care, education, and social and religious activities—all of which contribute to community stability and safety.

Individuals on electronic monitoring should be allowed to leave their homes for twelve hours a day to remove barriers to living a healthy and fulfilling life. This would give people awaiting trial in Cook County the same access to movement provided by the Illinois Department of Corrections.

4. **No aspect of electronic monitoring policy or practice should disproportionately impact marginalized populations, especially Black, brown and LGBTQ+ folks.** Black, Brown and lower-income people should not be disproportionately subjected to privacy invasions, criminalization and barriers to quality living that those placed on electronic monitoring devices frequently endure.

5. **Programs must be transparent.** Cook County's rules and data for electronic monitoring should be made publicly available on a specific Cook County website and be clearly communicated to account for language barriers, varying education levels, and disabilities. Medical warnings and risks associated with wearing [electronic monitoring devices](#) should be made clear to all individuals ordered to electronic monitoring.
6. **Monitored people and their loved ones must bear no financial burdens.** Cook County should continue to cover all costs of the technology and supervision. Monitored individuals and their family members should pay no daily fees or other charges.
7. **Everyone must receive credit for time served.** Since electronic monitoring is a form of detention, the Pretrial Fairness Act requires courts to count the time a person spends incarcerated on home detention towards any future sentence. Cook County should ensure that judges receive training on this aspect of the law and do not intentionally deny monitored people credit such as by setting parameters for movement just outside the legal standards.
8. **Privacy rights must be respected.** Cook County must institute safeguards for data collected from electronic monitors in order to respect the privacy rights of monitored people and their loved ones. Regulations must limit access to data, restrict the types of data collected, and set concrete timeframes for data deletion.
9. **Due process rights must be respected.** People subject to electronic monitoring must be able to appeal the conditions of their electronic monitoring, access their own tracking data, and challenge alleged violations of program rules. In accordance with the Pretrial Fairness Act, everyone should have the opportunity to have their electronic monitoring reevaluated in court every 60 days or less.

Cook County should ensure people on electronic monitoring and their loved ones are never subject to warrantless searches that threaten their due process rights, dignity, and privacy.

10. **Monitored people must not be punished for technology failures.** Electronic monitors [are subject to technology errors](#) that can cause [false alerts of violations](#). These alerts lead to unnecessary and harmful contact with law enforcement that traumatizes monitored people and their families. Cook County should ensure an alert is not the result of a technological error before responding and refrain from wrongful harassment, arrest, or reincarceration of monitored people.

If County employees enter a home to investigate an alleged violation, they should not treat the home as a crime scene: people should not be handcuffed, made to lie on the floor, or otherwise physically restricted during these inquiries. There should be oversight of the investigation and violations process and mechanisms for individuals to challenge those violations that are clear, readily available and for which the outcomes are transparent and ensure accountability.

11. **Reincarceration must be the last resort.** When a violation of electronic monitoring occurs, reincarceration should be the last resort. The Pretrial Fairness Act seeks to eliminate unnecessary pretrial incarceration by providing for graduated sanctions for technical and minor violations of electronic monitoring. Whenever possible, courts and supervising authorities should rely on alternate sanctions and avoid unnecessary revocation and reincarceration.

Principles for Respecting the Rights of People on Pretrial Electronic Monitoring in Cook County Endorsements

Illinois State Public Officials

State Senator Ann Gillespie
State Senator Lakesia Collins
State Senator Robert Peters
State Senator Mike Simmons
State Senator Ram Villivalam
State Representative Carol Ammons
State Representative Kelly Cassidy
State Representative William Davis
State Representative La Shawn K. Ford
State Representative Will Guzzardi
State Representative Theresa Mah
State Representative Kevin Olickal
State Representative Justin Slaughter

County and City Public Officials and Agencies

Cook County Justice Advisory Council
Cook County Public Defender Sharone R. Mitchell, Jr.
Cook County Commissioner Alma Anaya
Cook County Commissioner Monica Gordon
Cook County Commissioner Bill Lowry
Cook County Commissioner Josina Morita
Cook County Commissioner Anthony Joel Quezada
Cook County Commissioner Tara Stamps
Mayor Brandon Johnson, City of Chicago
Mayor Daniel Biss, City of Evanston
Alderman Leni Manaa-Hoppenworth
Alderman Matt Martin
Alderman Carlos Ramirez-Rosa
Alderman Byron Sigcho Lopez

Organizations:

33rd Ward Working Families
A Just Harvest
Access Living
Apna Ghar, Inc.
Asian Americans Advancing Justice | Chicago
Believers Bail Out
Books to Prisoners in Urbana
Cabrini Green Legal Aid
Cannabis Equity Illinois Coalition
Chicago Abortion Fund
Chicago Appleseed Center for Fair Courts

Chicago Community Bond Fund
Chicago Community Jail Support
Chicago Council of Lawyers
Chicago United Solidarity Project (CUSP)
Children's Best Interest Project
Clergy for a New Drug Policy
Color of Equity
Color of Change
Community Renewal Society
Dignidad, Brandeis University
Erie Neighborhood House

Equity and Transformation
Faith Coalition for the Common Good
Gay Liberation Network
Health & Medicine Policy Research Group
Illinois Alliance for Reentry & Justice
Illinois Black Advocacy Initiative
Illinois NOW
Justice and Witness Ministry of the Chicago
Metropolitan Association of the Illinois
Conference of the United Church of Christ
Lawndale Christian Legal Center
League of Women Voters of Cook County
Liberation Library
Live Free Illinois
Loop Church Chicago
Lucy Parsons Labs
Mandel Legal Aid Clinic of the University of
Chicago Law School
MediaJustice
National Lawyers Guild of Chicago
Nehemiah Trinity Rising
Nikkei Uprising
Organized Communities Against Deportations

Parole Illinois
Prison Policy Initiative
Quaker Peace and Service
Pushing Envelopes Chicago
Represent Justice
Restore Justice
Rockford Urban Ministries
Saint Leonard's Ministries
Sana Healing Collective
Sentencing Advocacy Group of Evanston
She Votes Illinois
Social Service Workers United Chicago
Students for Sensible Drug Policy
TASC, Inc. (Treatment Alternatives for Safe
Communities)
The People's Lobby
Unitarian Universalist Prison Ministry of Illinois
United Church of Rogers Park
United States Palestinian Community Network
Uptown People's Law Center
Women's Justice Institute
Youth Empowerment Performance Project
(YEPP)