

**CJCC Jail Population Management Subcommittee**  
**April 4, 2011 Report**  
**Gregory Allen - Chair**

Here are the three topics the SAO is proposing for further consideration, discussion, and possible action by the CJCC or its jail subcommittee.

**1. Administrative Order establishing bonds for low-risk felonies**

- A. The State's Attorney's Office is considering a proposal for an Administrative Order to be drafted and agreed upon with the judiciary, with the input and cooperation of jail staff, establishing a method by which all justice system players could streamline the bonding process (and expected speedy release) for "low-risk" felonies.
- B. "Low risk" felonies could be defined as (generally, hypothetically, and for example): probation eligible non-violent Class 4 and Class 3 felonies, with consideration given to the facts of the offense, the defendant's prior criminal record, and any other bond considerations.
- C. Under such an Administrative Order, the State's Attorney's Office would have the ability and discretion to set a bond of Personal Recognizance up to a maximum of \$3000 (10%) (three hundred dollars) for these "low risk" felonies, informing jail staff immediately upon reaching that decision (during the screening process), and allowing the defendant to post that bond and be released from custody prior to appearing in person in bond court before a judge.
- D. The anticipated jail bed-time savings would be between a few hours and a few days, depending on how the case would have otherwise proceeded through the system.

**2. Improve and reform the Work Release Program**

- A. Work release sentences provide a positive alternative for defendants by allowing them to maintain employment, earn money, and otherwise remain productive members of society while they are satisfying their (sometimes mandatory) jail sentences. Even when defendants participate correctly, supervising work release sentences is very taxing on jail staff and raises persistent issues of manpower, contraband, and safety. When defendants shirk their work release sentences, they make a mockery of the judicial system and take unfair advantage of the mercy of the court.
- B. Multiple problems have been identified with the current work release program and the day-to-day implementation thereof: defendants reporting late, defendants failing to report for multiple days, ambiguity in confinement orders filled out by attorneys and signed by judges, verification problems with a defendant's employment (Are they actually working? For what hours? According to whom?), multiple forms of procedural delay once potential violations of work release are identified by jail staff, and the prolonged delay between violation and accountability.
- C. The McLean County Jail confinement order should be redesigned to make it easier for attorneys and judges to clearly describe the jail sentence being contemplated by the parties and ordered by the court.
- D. Monitoring and enforcement procedures should be reformed.
  - Improve communication procedures between jail staff and SAO regarding "escape" notifications and screenings. Speed up SAO action to hold work release abusers accountable for noncompliance.

- Empower jail staff to quickly terminate a defendant's further release on work release when that defendant reports late, fails to report, or otherwise violates the terms of sentence. To the extent that jail staff may already be authorized to do this under existing law and procedure, that authority should be clarified and procedures implemented.

3. **Should (must) the McLean County Jail be used as a "drunk tank"?**

- A. The jail is routinely obligated to hold intoxicated persons in custody, waiting for them to "sober up" before they can be safely released or otherwise moved. Holding and monitoring nonviolent intoxicated persons – who would otherwise be released if not for their intoxication – regularly consumes jail space, time, and manpower.
- B. What else can be done with intoxicated persons? Is it the proper and necessary role of the McLean County Jail to hold them? How can we better balance the multiple considerations: legal obligation, liability, individual safety, public safety, jail overcrowding, cost, manpower...?