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U.S.

# Some Police Push Back on Bail Reform, Citing Wave of Killings

Law enforcement increasingly calling on judges to hold more violent suspects pending trial; Advocates say pretrial release is responsible for only a small number of crimes



By *Joe Barrett* [Follow](#)

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Law-enforcement officials in Chicago say judges need to stop releasing accused violent offenders before their trials to help stem a surge in violent crime.

In April, a 7-year-old girl was killed in a McDonald's drive-through by someone who police said had been let out on electronic monitoring. Police also point to a recent homicide, stabbing and a carjacking allegedly committed by people on electronic monitoring.

Last Saturday, a local rapper charged with multiple violent felonies was gunned down as he was coming out of a Cook County jail on electronic monitoring. Two women were also injured in the ambush. In addition to the concern that suspects might commit crimes, officials say they are also struggling to fight against retaliatory killings, which often result in bystanders being shot or killed.

“It’s madness,” said Chicago Police Superintendent David Brown. “It’s making us all less safe,” said Mr. Brown of suspects in violent crimes being released on electronic monitoring, which has greatly increased since a 2017 change of policy in Cook County Circuit Court that also lowered some bails.

In large cities like New York, Los Angeles, and Chicago, more elected prosecutors have in recent years described themselves as progressives, with goals that include incarcerating fewer people, tackling the root causes of crime and lessening racial inequities in the justice system. One of the movement’s leading lights, Philadelphia District Attorney Larry Krasner, won his Democratic primary in May by a wide margin and is strongly favored to win re-election in the fall.

These prosecutors are increasingly running into conflict with police officials who say their agenda has contributed to a surge in crime.

At the same time, several states, including New York, New Jersey and California, have passed laws in recent years to make it easier for suspects to be released from jail while they await trial. Illinois this year passed a law that will eliminate cash bail entirely by 2023.

Chicago is the latest city where law enforcement have called out such laws for contributing to violent crime. New York partially rolled back a new bail reform law just a few months after it went into effect in early 2020. New York City Police Commissioner Dermott Shea has said that judges are still letting too many violent offenders onto the streets.

Miami Police Chief Art Acevedo, who serves as president of the Major Cities Chiefs Association, has also said judges need to get tougher to stem the current wave of shootings and murders.

In Cook County, judges presume a defendant will be eligible for release unless the judge thinks that person poses a clear and present danger to others, based on input from the defense, prosecutors and an assessment tool that aims to predict how likely an accused offender is to show up for court or pose a risk to the public.

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Proponents of bail reform, a plank of a broader progressive criminal-justice platform, hope to reduce prison populations and allow suspects who can't afford cash bail to be released. Advocates say that the number of crimes committed by these suspects is too small to account for the rise in crime.

Police officers and other critics say the project has made the streets less safe.

In the last three months of 2020, homicides rose 32.2% in cities with a population of at least one million, according to the Federal Bureau of Investigation's Quarterly Uniform Crime Report. The trend appears to have continued in the first quarter: Murders were up 29% in 63 of the 70 cities that are part of the Major Cities Chiefs Association, a group representing police leaders in the nation's largest cities.

In Chicago, shootings are up 11% this year and homicides are about even with last year's elevated pace as the city continues to recover from the Covid-19 pandemic and the social unrest brought on by last year's killing of George Floyd in Minneapolis. Over the July 4 weekend, 100 people were shot and 18 people were slain, police said. Over last year's Fourth of July weekend, 17 people were fatally shot and 70 more were wounded, according to the Associated Press.

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At a city council meeting ahead of the holiday weekend, Mr. Brown argued that judges needed to get tougher.

“If one person is killed on electronic monitoring, we need to rethink electronic monitoring,” he said, of the system that provides those accused of crimes with an electronic ankle bracelet that tracks their movements.

Cook County Circuit Court officials say their policy isn’t to blame for the current rise in crime.

“Looking at individual tragic cases in isolation may contribute to the speculation that releasing individuals before trial rather than incarcerating them means an increase in crime,” said Chief Judge Timothy Evans. “Research has shown that bail reform has not led to an increase in crime.”

The Cook County Sheriff’s Office has repeatedly called for pretrial release to be used only for nonviolent defendants, but judges have shown a growing willingness to release accused violent offenders under the new ground rules—especially in the era of Covid, according to data released by the sheriff.

On July 12, 2016, 19 people accused of murder were on electronic monitoring. The number stands at 100 this week. The number of people on electronic monitoring has also grown dramatically, from an average of 503 a day in 2010 to 3,508 as of July 12, with 72.4% facing trial for violent crimes or gun-related offenses, according to the sheriff’s office.

“We continue to do our best to monitor these individuals around the clock, but a monitoring bracelet cannot predict human behavior and will never be able to stop a bullet,” the sheriff’s office said.

In a study of the Cook County program, Don Stemen, head of Loyola University's criminal justice and criminology department, and a co-author found that of the 9,200 people released in the first six months of the program about 500 wouldn't have been released under the old model.

The study found that the rate of defendants who failed to turn up in court at least once ticked up to 20% from 17%, but the percentage of released defendants who were charged with a new violent crime during their release had stayed the same, at 3%.

The study also found that the reforms had saved people accused of crimes some \$31 million in bail costs over that initial six-month period. Even though much of that would be refunded when someone appears in court, bail can pose a significant hardship on suspects and their families, he said.

Insha Rahman, vice president of advocacy and partnership at the Vera Institute of Justice, which champions evidence-based solutions to end mass incarceration and deliver public safety, said that these court policies are being unfairly targeted by police leaders.

"There are cities like Dallas, Texas, that didn't do bail reform or Oklahoma City, and we've seen the same sort of uptick in shootings and homicides despite no reform having happened," she said. "It's the wrong target."

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