Illinois voters support making pretrial release the norm instead of charging money for it, according to new polling from Data for Progress and The Lab, a policy vertical of The Appeal. The old-school default of keeping people who are presumed innocent in jail unless they can afford bail has always been unfair, destructive, and dangerous, and that is especially true amid a pandemic that poses a unique threat to incarcerated people.

When informed that other jurisdictions have safely reduced jail populations through bail reform, 57% of Illinois voters support reforming the cash bail system and creating a presumption of pretrial release for most people, while only 29% oppose.

**Background**

The Illinois legislature will soon vote on a package of policing and criminal justice reforms, including the Pretrial Fairness Act. Introduced by Senator Robert Peters, the Act will tie pretrial release to public safety instead of money. It will require judges to release people charged with crimes before trial with the exception of a narrow set of felony offenses or if someone poses a specific harm to another individual. In all exceptions, the bill requires judges to impose the least restrictive conditions possible. The impact will be huge: data from 2016 revealed that 90% of all people in jail in Illinois were there on pretrial detention.

If the bill passes, Illinois will join a growing group of jurisdictions breaking from the failed, overly punitive policies of the past to shape criminal justice policy around data and lessons from the present. Over the past several years, other states and cities have reformed or eliminated money bail entirely, managing to significantly decrease the number of people held in jail without increasing crime rates.

After New Jersey implemented a statewide policy in 2014 to largely eliminate cash bail, for example, data showed no resulting increase in crime. Likewise, a 2018 policy in Philadelphia to stop seeking bail for misdemeanors and nonviolent felonies had no ill effect on people’s appearance in court or likelihood of being charged with a new crime.

Similar reform policies within Illinois have followed the same trend. A 2020 study of Cook County’s 2017 bail reform, which doubled the number of pretrial releases in its first six months, found no resulting increase in crime.
Illinois can make a difference not only for its own residents but by reviving momentum and modeling reform for states around the country. Nearly half a million people nationwide are incarcerated pretrial because they cannot afford money bail, taken from their homes and jobs and families simply because of their financial circumstances, and a disproportionate number of them are Black and Latinx.

Polling & Findings:

We polled a representative sample of 516 likely voters in Illinois, and found strong majority support for the bail reform in the Pretrial Fairness Act:

Cash bail reform has happened in many places around the country, including in 2017 in Cook County and in states like New York, New Jersey, and Pennsylvania. Studies showed crime did not increase when these states and counties instituted cash bail reform.

Knowing this, do you support or oppose reforming the cash bail system by creating a presumption of pretrial release for most people arrested?

Polling Methodology

From December 19 to December 21, 2020, Data for Progress conducted a survey of 516 likely voters in Illinois using web panel respondents. The sample was weighted to be representative of likely voters by age, gender, education, race, and voting history. The survey was conducted in English. The margin of error is ±4.3 percentage points.