

# DOLLARS AND SENSE IN COOK COUNTY

Examining the Impact of General  
Order 18.8A on Felony Bond  
Court Decisions, Pretrial Release,  
and Crime

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Supported by the John D. and Catherine T. MacArthur Foundation

This research was supported by the John D. and Catherine T. MacArthur Foundation through the Safety and Justice Challenge Research Consortium (Consortium). Launched in 2019, the Consortium advances criminal justice research, grounded in the efforts and data of Safety and Justice Challenge sites, to expand the field's collective knowledge of how to safely reduce the overuse and misuse of jails and racial and ethnic disparities through fair and effective pretrial reforms. The Consortium is comprised of research organizations who develop and are granted projects under independent review by a panel of academic, policy, and practice experts, including individuals with lived experience. The Consortium is managed by the CUNY Institute for State and Local Governance.



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# DOLLARS AND SENSE IN COOK COUNTY

## Examining the impact of General Order 18.8A on felony bond court decisions, pretrial release, and crime

### INTRODUCTION

Bail reform efforts across the United States have accelerated in recent years, driven by concerns about the overuse of monetary bail, the potentially disparate impact of pretrial detention on poor and minority defendants, and the effects of bail decisions on local jail populations. Proponents of bail reform advocate for reducing or eliminating the use of monetary bail, arguing that many defendants are held in jail pretrial solely because they cannot afford to post bail. Opponents counter that reducing the use of monetary bail or increasing the number of people released pretrial could result in more defendants failing to appear for court hearings (FTAs) or committing crimes while on pretrial release.

Evaluations of recent bail reform efforts indicate that these efforts have not been associated with increases in new criminal activity. In 2017, for example, New Jersey eliminated cash bail, resulting in a drop in the number of pretrial detainees but no change in crime rates.<sup>1</sup> An evaluation of New York City's Supervised Release – which allowed judges to release certain defendants under specific supervisory conditions in lieu of monetary bail – found that the program had no impact on FTAs or arrests for new crimes among those released.<sup>2</sup> Similarly, in 2018, the Philadelphia District Attorney's Office created a presumption of no cash bail for twenty-five non-violent offenses; an evaluation of the policy found a 41% reduction in the use of monetary bail and a 22% reduction in pretrial detention, but no increase in FTAs or new criminal charges for those released pretrial.<sup>3</sup>

On September 17, 2017, the Chief Judge of the Circuit Court of Cook County issued General Order 18.8A (GO18.8A) to reform bail practices in Cook County.<sup>4</sup> GO18.8A established a decision-making process for bond court judges. Under the order, bond court judges were to first determine whether a defendant should be released pretrial and, if not, hold the defendant in jail. If the defendant could be released, GO18.8A created a presumption of release without monetary bail; however, if monetary bail was necessary, the order stated that bail should be set at an amount affordable for the defendant. In the end, GO18.8A established a

presumption of release without monetary bail for the large majority of defendants in Cook County and encouraged the use of lower bail amounts for those required to post monetary bail.

A debate has played out in the media regarding the link between GO18.8A, the types of individuals released pretrial, and the number and percent of individuals charged with a new crime while on pretrial release. The debate centers around an evaluation of GO18.8A conducted by the Office of the Chief Judge (OCJ).<sup>5</sup> The OCJ's evaluation found that the number and percent of felony defendants released pretrial increased after GO18.8A but that the percent of felony defendants charged with a new crime while on pretrial release was similar before and after GO18.8A.

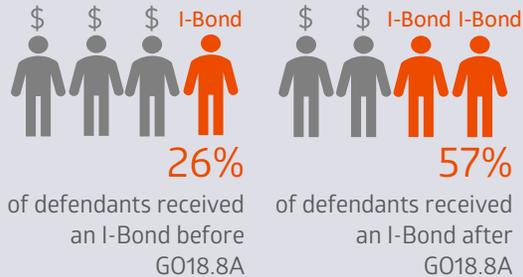
Subsequent analyses by the media<sup>6</sup> and academics<sup>7</sup> suggested that the OCJ's evaluation underestimated the percent of defendants charged with a new crime after GO18.8A. These subsequent analyses identified several methodological problems with the OCJ's evaluation that could potentially influence the findings: a truncated follow-up period for individuals released after GO18.8A, a failure to account for seasonality in follow-up periods for individuals released before and after GO18.8A, and a conservative definition of violent offenses used to estimate rates of new violent criminal activity of those released. These critiques suggested that GO18.8A may have led to an increase in new criminal activity of those released pretrial and contributed directly to increases in crime in Chicago and Cook County.

These subsequent analyses, however, also suffer from methodological problems similar to those in the OCJ's evaluation. By relying on the same public data collected and distributed by the OCJ, these analyses were unable to correct for the critiques made of the OCJ's analyses – namely a truncated follow-up period and a failure to account for seasonality – without making assumptions about, and estimations of, underlying recidivism rates of those released.<sup>8</sup> More importantly, the analyses were unable to verify or refute the OCJ's analyses of bond court decisions, release rates, or new criminal activity through the independent analysis of defendant- and charge-level court or jail data. As a result of these methodological shortcomings and contradictory findings, the actual impact of GO18.8A remains unclear. Missing from the discussion to date, is a rigorous, objective, external assessment of the impact of GO18.8A that can correct for these problems.

With data provided to the Institute for State and Local Governance (ISLG) at the City University of New York, Loyola University Chicago's Center for Criminal Justice Research, Policy, and Practice undertook an evaluation of the impact of GO18.8A on four outcomes: bond court decisions, pretrial release, pretrial release outcomes (FTAs, new criminal activity, and new violent criminal activity), and crime rates. This research was funded as part of the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge Research Consortium.

## PRIMARY FINDINGS

### GO18.8A increased the use of I-Bonds and reduced the costs of bail for defendants



**\$31.4 million** in bond costs were avoided by defendants in the six months after GO18.8A due to increased use of I-Bonds and lower D-Bond amounts

### GO18.8A increased the percent and number of people released pretrial



500 more defendants were released in the six months after GO18.8A than would have been if release rates had remained unchanged



### GO18.8A had no effect on new criminal activity or crime



17% of defendants released before GO18.8A failed to appear for a court hearing

20% of defendants released after GO18.8A failed to appear for a court hearing



17% of defendants released before and after GO18.8A had a new criminal case filed while on pretrial release



There was no statistically significant change in the amount of crime in Chicago in the year after GO18.8A



3% of defendants released before and after GO18.8A had a new violent criminal case filed while on pretrial release

## A NOTE ON DATA AND METHODS

This report details two sets of analyses: 1) an analysis of bond court decisions, pretrial release, and pretrial release outcomes for defendants charged with felonies in Cook County and 2) an analysis of crime rates in Chicago. This section briefly details the data and methods used in the analyses. For a detailed description of data and analytic methods see Appendix A.

### Felony Bond Court Decisions and Pretrial Release

The analyses of felony bond court decisions, pretrial release, and pretrial release outcomes relied on data for all cases filed in the Circuit Court of Cook County between January 1, 2013 and April 30, 2019, all defendants screened using the Public Safety Assessment (PSA)<sup>9</sup> between October 1, 2015 and April 30, 2019, and all individuals admitted to or released from the Cook County jail between May 1, 2013 and May 2, 2019. These data provided information on defendant demographics, charges, bond court decisions, and jail bookings and releases.

The analyses examined two groups of defendants: a pre-GO18.8A cohort consisting of all defendants with an initial felony bond court hearing in the six months between November 1, 2015 and April 30, 2016 and a post-GO18.8A cohort consisting of all defendants with an initial felony bond court hearing in the six months between November 1, 2017 and April 30, 2018. Overall, the analyses included 12,756 defendants in the pre-GO18.8A cohort and 11,372 defendants in the post-GO18.8A cohort. For each cohort, a series of outcomes were tracked from the initial bond court date until the case was disposed or for twelve months, whichever came first. This follow-up period ensured the same duration of at-risk periods for both pre- and post-GO18.8A cohorts and accounted for potential seasonality during time at risk.

The first outcome examined was the initial felony bond court decision. All individuals arrested for a felony in Cook County appear for a bond court hearing before a judge who sets bail and determines the location and date of the next court appearance. Bond court judges may impose four different bond types:

- Individual recognizance bond (I-Bond) for which defendants are released without having to post monetary bail
- Deposit bond (D-Bond) for which defendants pay 10% of the bail amount in order to secure release from jail
- Cash bond (C-Bond) for which defendants pay the full value of the bail amount in order to secure release from jail
- No bail in which defendants are denied bail and ordered to remain in jail

Judges also may impose electronic monitoring (EM) as a condition of release, which requires defendants to pay a fee

before being placed on EM. Based on these options, the analyses categorized the bond decision into four possible outcomes – I-Bond, EM, D/C-Bond, and No Bail – which was used to categorize defendant/cases for subsequent analyses.

The second outcome examined was release pretrial. If a defendant spent any time outside of jail during the follow-up period, they were considered released pretrial.

For defendants released pretrial, three additional outcomes were examined: failure to appear (FTA), new criminal activity, and new violent criminal activity. FTA was defined as a defendant failing to appear for any court event in the case during the follow-up period. New criminal activity was defined as any new misdemeanor or felony case filed

## General Order 18.8A - Procedures for Bail Hearings and Pretrial Release

*This order is intended to ensure no defendant is held in custody prior to trial solely because the defendant cannot afford to post bail, to ensure fairness and the elimination of unjustifiable delay in the administration of justice, to facilitate the just determination of every criminal proceeding, and to preserve the public welfare and secure the fundamental human rights of individuals with interests in criminal court cases,...*

- 4. If the court determines that release on bail is not appropriate, the court shall...make one or more of the following findings and state the finding(s), together with sufficient supporting facts, on the record in open court:
  - a. the defendant will not appear as required, and no condition or combination of conditions of release can reasonably assure the defendant 's appearance in court; or*
  - b. the defendant poses a real and present threat to any person or persons...**
- 5. When setting bail, there shall be a presumption that any conditions of release imposed shall be non-monetary in nature, and the court shall impose the least restrictive conditions or combination of conditions necessary to reasonably assure the appearance of the defendant for further court proceedings...*
- 7. When the court determines that monetary bail is a necessary condition of release, the court shall, in substance, make the following findings and state them, together with sufficient supporting facts, on the record in open court:
  - a. no other conditions of release, without monetary bail, will reasonably assure the defendant 's appearance in court;*
  - b. the amount of bail is not oppressive, is considerate of the financial ability of the defendant, and the defendant has the present ability to pay the amount necessary to secure his or her release on bail...**

against the defendant within Cook County during the follow-up period. New violent criminal activity was defined as any new misdemeanor or felony case with a top charge of a Person offense filed against the defendant within Cook County during the follow-up period.

The examination of bond court decisions and pretrial release outcomes relied on a series of multivariate statistical models that isolated the influence of specific defendant and case characteristics. Specifically, the analyses used logistic regression models, which estimate the effects of defendant and case factors on the odds of specific outcomes (e.g., the odds of receiving an I-Bond or the odds of having a new criminal case filed during the follow-up period). The sections below summarize the most important results of the logistic regression models. The full results of all logistic regression models are presented in Appendix B.<sup>10</sup>

Following each logistic regression model, expected rates of each outcome were estimated using predicted probabilities, which represent the expected outcome for the average defendant/case. The predicted probabilities are reported as the percent of defendants with each outcome after controlling for all defendant and case factors. For example, calculating the predicted probability of receiving an I-Bond provides an estimation of the percent of defendants who would receive an I-Bond taking into account defendant characteristics, offense types, and PSA scores that influence the likelihood of receiving an I-Bond.

### **Crime Rates**

The analyses of crime rates relied on data obtained from the Chicago Police Department's online public data portal. A series of Bayesian Structural Time Series (BSTS) analyses estimated the degree to which crime levels were different than would have been expected between the pre- and post-GO18.8A periods. For these analyses, historical data on the number of violent and property crimes were used to model expected crime rates using factors known to influence crime and proxies for policing activity. Actual crime rates were then compared to these expected crime rates to determine whether crime rates fell within expected ranges.

# BOND COURT DECISIONS

General Order 18.8A established a presumption of release without monetary bail for the large majority of defendants in Cook County. This presumption implies an increased use of I-Bonds - individual recognizance bonds for which defendants are released without having to post monetary bail - after the implementation of GO18.8A. Our analyses indicate that GO18.8A was associated with an increase in the odds of receiving an I-Bond.

Figure 1 shows trends in bond court decisions before and after GO18.8A. Each dot in the graphs represents a two-week average of the percent of felony defendants receiving an I-Bond, EM, D/C-Bond, and No Bail at their initial bond court hearing.<sup>11</sup> As Figure 1 shows, bond court decisions changed markedly after GO18.8A. Prior to GO18.8A, 20% to 40% of felony defendants received an I-Bond at their initial bond court hearing. After GO18.8A, 50% to 60% received an I-Bond. Figure 1 also shows that the use of I-Bonds decreased slightly over time after GO18.8A. In November 2017 - immediately after implementation of GO18.8A - 59% of felony defendants received an I-Bond; by April 2018, this decreased to 55%.

There was a contrasting drop in the use of EM and D/C-Bonds after GO18.8A. Prior to GO18.8A, 20% to 30% of defendants received EM, decreasing to just less than 10% after GO18.8A. Similarly, 40% to 60% of felony defendants

received a D/C-Bond before GO18.8A, dropping to 20% to 40% after GO18.8A. However, in contrast to I-Bonds, the use of D/C-Bonds increased over time after GO18.8A, rising from 22% in November 2017 to nearly 43% in April 2018. Finally, the use of No Bail increased after GO18.8A, rising from less than 4% of cases to roughly 8% of cases.

**The percent of defendants receiving an I-Bond increased after GO18.8A.**

While the descriptive statistics indicate an increase in the use of I-Bonds after GO18.8A, this increase could be due to differences in the types of defendants or cases appearing in bond court before and after GO18.8A. In order to control for such differences, a series of logistic regression models were generated to examine the odds of a defendant receiving an I-Bond. The analyses indicate that GO18.8A was associated with a statistically significant increase in the odds of a defendant receiving an I-Bond, after controlling for defendant and case factors.

In addition to statistically isolating the effect of GO18.8A on the likelihood of defendants receiving I-Bonds, the logistic models also revealed that defendants were less likely to receive an I-Bond when they were male, younger, charged with a Person or Weapons offense, charged with a higher

Figure 1. Time trends in bond court outcomes

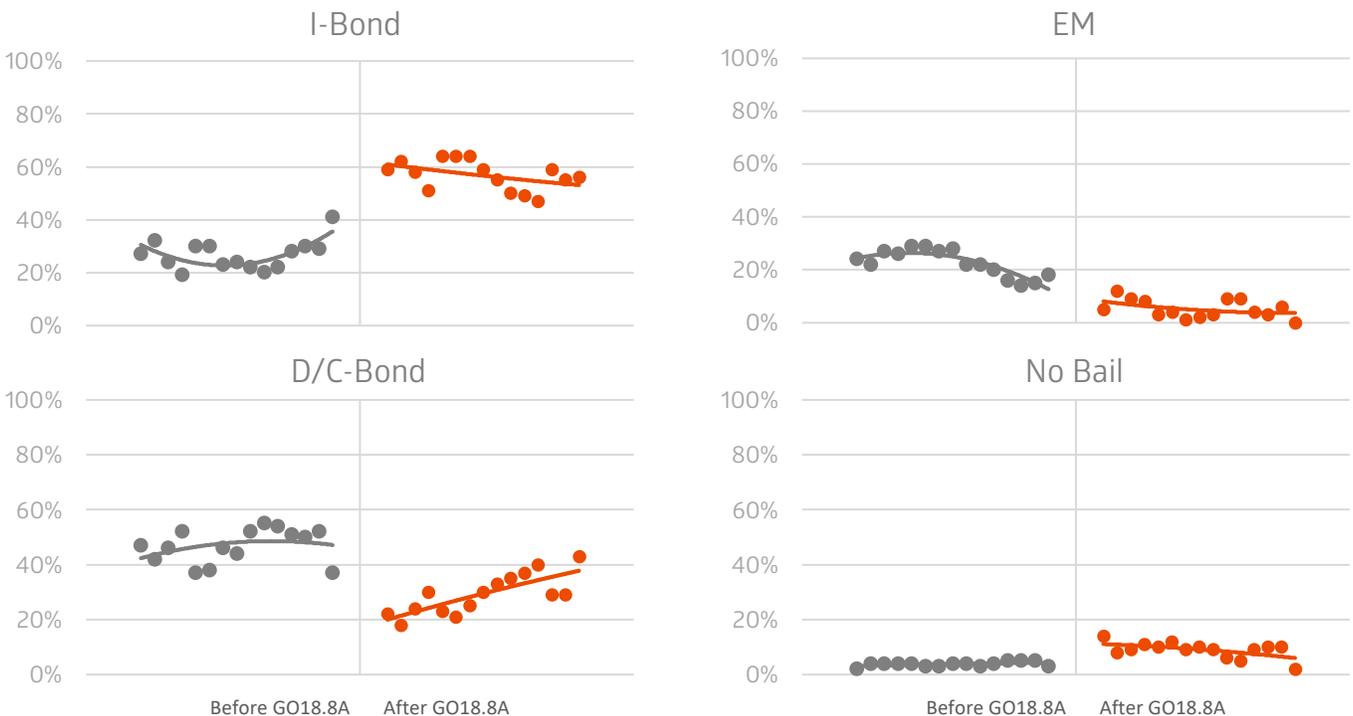


Figure 2.  
Probability of receiving an I-Bond before and after GO18.8A

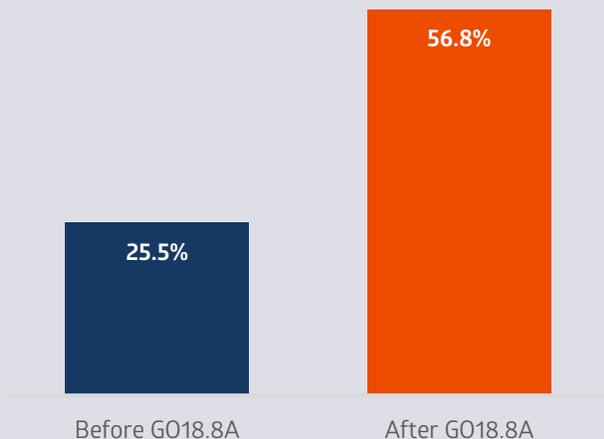


Figure 3.  
Number of additional people receiving an I-Bond due to GO18.8A



11,372 defendants with an initial bond court hearing in the six months after GO18.8A

- 2,900 defendants would have received an I-Bond if the pre-GO18.8A rates had continued.
- 6,459 defendants received an I-Bond after GO18.8A.
- 3,559 *additional* defendants received an I-Bond after GO18.8A than would have if pre-GO18.8A rates had continued.

 =1,000 defendants

felony class, or charged with more felony offenses, and when they had a violation of probation or bail bond and higher PSA scores. Defendant race was not associated with the odds of receiving an I-Bond.

After controlling for defendant and case factors, roughly 26% of defendants were expected to receive an I-Bond before GO18.8A compared to 57% after GO18.8A (Figure 2).<sup>12</sup> To put the increased use of I-Bonds into context, of the 11,372 defendants with an initial bond court hearing in the six months after GO18.8A, just 2,900 would have received an I-Bond if the pre-GO18.8A rates had continued (Figure 3). However, the statistical model revealed that 6,459 defendants received an I-Bond after accounting for defendant and case characteristics. Thus, 3,559 additional defendants received an I-Bond in the six months after GO18.8A than would have if pre-GO18.8A rates had continued.<sup>13</sup>

**3,559 defendants - who would have been required to post monetary bond to secure release before GO18.8A - did not have to post any monetary bond after GO18.8A**

Although defendant race was not associated with the odds of receiving an I-Bond before GO18.8A, the analyses revealed that race was associated with receiving an I-Bond after GO18.8A, with Black defendants more likely than White defendants to receive an I-Bond after GO18.8A. Controlling for other defendant and case factors, roughly 25% of Black defendants received an I-Bond before GO18.8A compared to 26% of White defendants (Figure 4).<sup>14</sup> After GO18.8A, 56% of Black defendants received an I-Bond compared to 54% of White defendants.<sup>15</sup> This difference was statistically significant.

To put this in context, of the 7,869 Black defendants with an initial bond court hearing in the six months after GO18.8A, just 1,952 would have received an I-Bond if the pre-GO18.8A rates had continued. The statistical model revealed that 4,415 of these defendants received an I-Bond after GO18.8A. Thus, 2,463 Black defendants received an I-Bond after GO18.8A who would not have received an I-Bond before GO18.8A. There was an increase in the likelihood of receiving an I-Bond for White defendants as well; but, the increase was not as great. Of the 2,578 White defendants with an initial bond court hearing in the six months after

Figure 4.

Probability of receiving an I-Bond before and after GO18.8A and number of defendants impacted, by race



GO18.8A, 673 would have received an I-Bond if the pre-GO18.8A rates had continued and 1,382 received an I-Bond after GO18.8A. Thus, 709 White defendants received an I-Bond after GO18.8A who would not have received an I-Bond before GO18.8A.

**GO18.8A reduced the financial burden on defendants by \$31.4 million in the six months from November 1, 2017 to April 20, 2018**

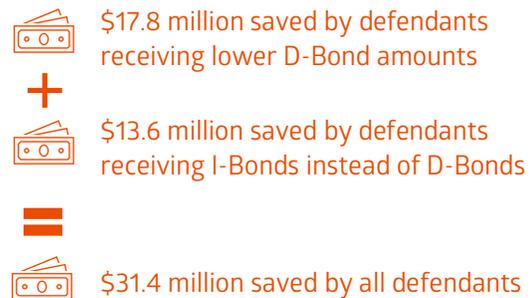
GO18.8A also encouraged the use of lower bail amounts for defendants required to post D-Bonds - deposit bonds for which defendants pay 10% of the bail amount in order to secure release from jail. In addition to the increased use of I-Bonds after GO18.8A, there also was a reduction in the average bond amounts individuals with a D-Bond had to pay to secure pretrial release. Before GO18.8A, defendants receiving a D-Bond were required to pay an average of \$9,316 to secure release; this decreased to an average of just \$3,824 after GO18.8A.<sup>16</sup> Thus, the financial burden on individual defendants who received a D-Bond after GO18.8A was reduced by \$5,492. This means that the 3,256 defendants who received a D-Bond in the six months after GO18.8A would have had to post a combined \$30,332,896 to secure release if the pre-GO18.8A bond amounts had continued. However, these defendants had to post just \$12,450,944 to secure release under the post-GO18.8A amounts. Thus, the financial burden on these defendants was reduced by \$17,881,952 (Figure 5).<sup>17</sup>

The financial burden on all defendants was reduced even further. As noted above, 3,559 additional defendants received an I-Bond in the six months after GO18.8A. If these defendants had been required to post D-Bonds instead to secure pretrial release, they would have posted an average of \$3,824 or a total of \$13,609,616 in bond. Thus, GO18.8A resulted in an additional reduction of roughly \$13.6 million (\$3,824 per individual) in bond to secure release.

Overall, GO18.8A saved defendants and their families a total of \$31.4 million in just the first six months after GO18.8A - \$17.8 million from reduced bond amounts for D-Bonds and \$13.6 million from the increased use of I-Bonds.

Figure 5.

Total bond savings for defendants with I-Bonds and D-Bonds



# PRETRIAL RELEASE

Although GO18.8A did not explicitly call for expanded pretrial release, the increased use of I-Bonds and the decreased bail amounts for D-Bonds may be expected to lead to more defendants released pretrial. The analyses presented here indicate that GO18.8A was associated with a slight increase in the odds of pretrial release.

Figure 6 shows trends in pretrial release before and after GO18.8A. Each dot in the graphs represents a two-week average of the percent of felony defendants who were released pretrial – meaning that they spent any time outside of jail during the 12-month follow-up period. As Figure 6 shows, the percent of defendants released pretrial increased slightly for all bond types after GO18.8A, from just *below* 80% to just *above* 80%. Trends were slightly different for various bond types. The percent of defendants released pretrial increased after GO18.8A for defendants receiving D/C-Bonds, but decreased for defendants receiving EM. And pretrial release rates remained stable for defendants receiving I-Bonds.

Specifically, prior to GO18.8A, 60% to 70% of felony defendants who received a D/C-Bonds at their initial bond court hearing were released pretrial. After GO18.8A, 70% to 80% were released. In contrast, the percent of defendants receiving EM who were released pretrial decreased from 75% to 80% before GO18.8A to 50% to 60% after GO18.8A; in fact, Figure 6 shows that release rates for defendants

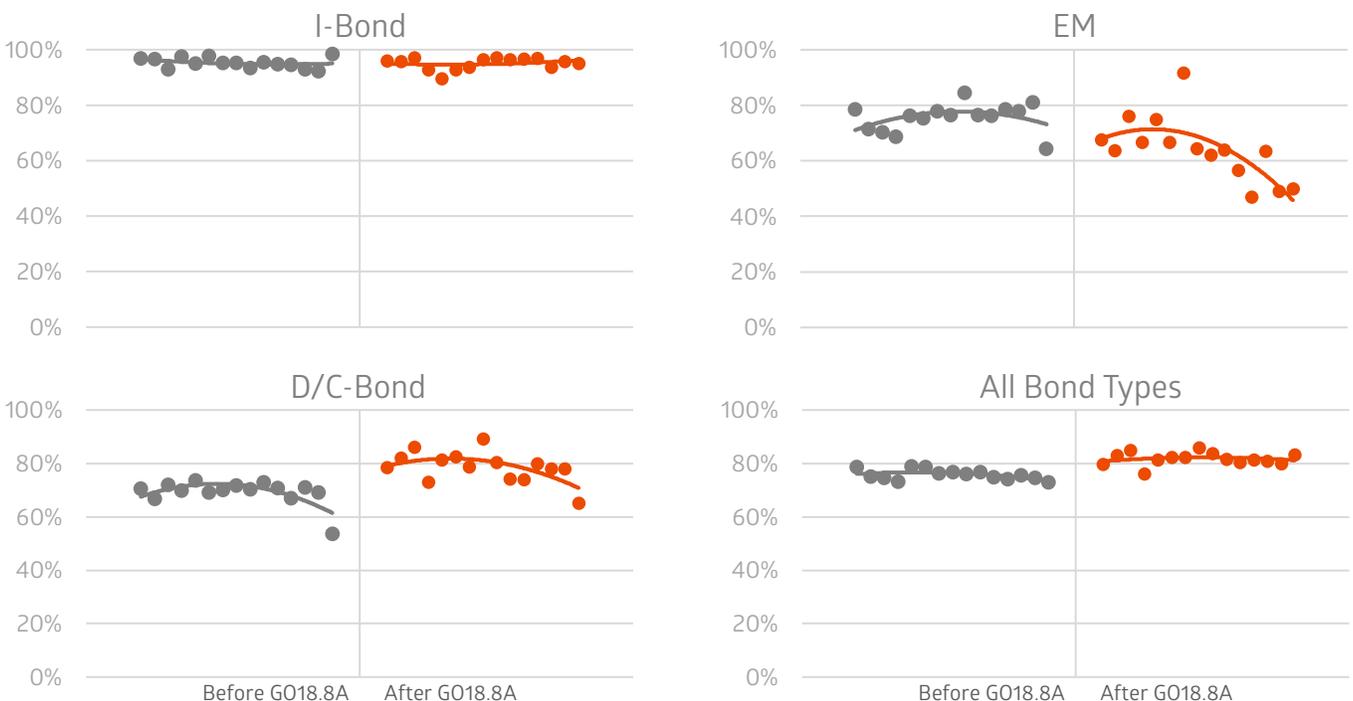
receiving EM also decreased slightly over time after GO18.8A from 76% in November 2017 – immediately after implementation of GO18.8A – to 50% by April 2018. Finally, both before and after GO18.8A, almost all felony defendants who received an I-Bond were released pretrial (approximately 95%).<sup>18</sup>

**The percent of defendants released pretrial increased slightly after GO18.8A.**

While the descriptive statistics indicate an increase in pretrial release after GO18.8A, again, this increase could be due to differences in the types of defendants or cases appearing in bond court before and after GO18.8A. In order to control for such differences, a series of logistic regression models were generated to examine the odds of a defendant being released pretrial; these estimates include all defendants who appeared in bond court, regardless of the bond type imposed. The analyses indicate that GO18.8A was associated with a statistically significant increase in the odds of a defendant being released pretrial, after controlling for defendant and case factors.

While there was an overall increase in the likelihood of release, the analyses also revealed that defendants were less likely to be released when they were male, Black,

Figure 6. Time trends in pretrial release



younger, charged with a Person offense, charged with a higher felony class, charged with more felony offenses, or they had higher PSA scores or received EM, a D/C-Bond, or No Bail.

After controlling for defendant and case factors, roughly 77% of defendants were expected to be released before GO18.8A compared to roughly 81% after GO18.8A (Figure 7). To put this increased probability of pretrial release in context, of the 11,372 defendants with an initial bond court hearing in the six months after GO18.8A, 8,700 would have been released if pre-GO18.8A rates had continued (Figure 8). However, the statistical models revealed that 9,200 defendants were released. Thus, just 500 additional defendants were released in the six months from November 1, 2017 to April 30, 2018 as a result of GO18.8A who would not have been released before GO18.8A.<sup>19</sup>

Just 500 additional defendants were released in the six months after GO18.8A than would have been if release rates had remained unchanged.

Overall, the increased use of I-Bonds and the reduction in average bail amounts after GO18.8A did not dramatically increase the percent or number of people released pretrial. However, GO18.8A did change *how* people were released – far fewer people were required to post monetary bond to secure their release, resulting in individuals and their families not having to post nearly \$31.4 million in bond.

Figure 7.  
Probability of pretrial release before and after GO18.8A

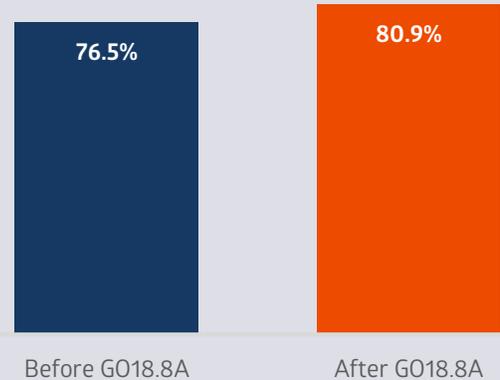


Figure 8.  
Number of additional people released due to GO18.8A



11,372 defendants with an initial bond court hearing in the six months after GO18.8A

- 8,700 defendants would have been released if the pre-GO18.8A rates had continued.
- 9,200 defendants were released after GO18.8A.
- 500 *additional* defendants were released after GO18.8A than would have been if pre-GO18.8A rates had continued.

 =1,000 defendants

## PRETRIAL RELEASE OUTCOMES

General Order 18.8A decreased the use of monetary bail and increased the percent and number of defendants released pretrial. Critics contend that such changes result in more defendants failing to appear for court hearings (FTAs) and more defendants committing crimes while on pretrial release. The following sections examine the impact of GO18.8A on FTAs, new criminal activity, and new violent criminal activity. For each of these outcomes, a series of logistic regression models were generated to examine the odds of defendants released pretrial having each outcome. Our analyses indicate that GO18.8A was associated with a slight increase in the odds of an FTA but was not associated with the odds of new criminal activity or new violent criminal activity.

### FAILURE TO APPEAR

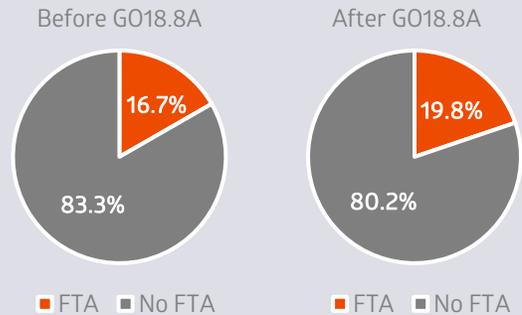
The analyses tracked defendants released pretrial to determine if there was an FTA associated with any court event in the case during the follow-up period (i.e., until the case was disposed or for twelve months, whichever came first). The analyses indicate that GO18.8A was associated with a statistically significant increase in the odds of a defendant having an FTA, after controlling for defendant and case factors.

While there was an overall increase in the odds of an FTA, the analyses also revealed that released defendants were less likely to have an FTA when they were older, charged with a Person or Weapons or Drug offense, charged with a higher felony class, or received EM or a D/C-Bond. Defendants were more likely to have an FTA when they had higher PSA scores indicating higher risk of FTA or new criminal conduct and spent more time on pretrial release.

**GO18.8A was associated with a slight increase in the odds of an FTA.**

After controlling for defendant and case factors, 16.7% of released defendants were expected to have an FTA before GO18.8A compared to roughly 19.8% after GO18.8A (Figure 9). In other words, of the 9,200 defendants who were released in the six months after GO18.8A, we would have expected 1,536 to have an FTA if the pre-GO18.8A rates had continued. However, the statistical model revealed that 1,822 defendants had an FTA after GO18.8A. Thus, just 286 additional defendants had an FTA in the six months from November 1, 2017 to April 30, 2018 as a result of GO18.8A.

Figure 9.  
Probability of FTA before and after GO18.8A



### NEW CRIMINAL ACTIVITY

The analyses also tracked defendants released pretrial to determine if they had any new misdemeanor or felony case filed against them within Cook County during the follow-up period. The analyses indicate that, after controlling for defendant and case factors, there was no statistically significant change in the odds of released defendants being charged with new criminal activity after GO18.8A.

**GO18.8A had no effect on the odds of new criminal activity of defendants released pretrial.**

The analyses did indicate that defendants were less likely to have new criminal activity when they were female, White, older, charged with a Person or Drug offense, or they spent longer on pretrial release.<sup>20</sup> Defendants were more likely to have new criminal activity when they were charged with a higher felony class, had higher PSA scores indicating higher risk of FTA or new criminal activity, had a violation of probation/bail, or received EM. There were no differences in the likelihood of new criminal activity between defendants who received I-Bonds and defendants who received D/C-Bonds.

After controlling for defendant and case factors, 17.5% of released defendants were expected to have new criminal activity before GO18.8A compared to 17.1% after GO18.8A (Figure 10); this difference of 0.4 percentage points was not

Figure 10.  
Probability of new criminal activity before and after GO18.8A

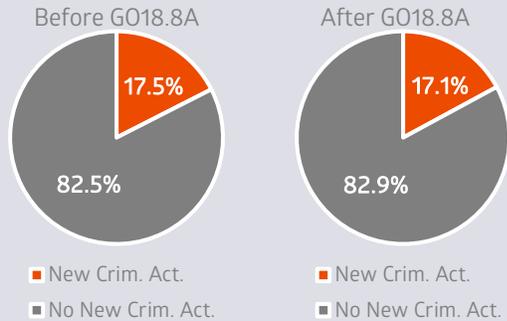


Figure 11.  
Probability of new violent criminal activity before and after GO18.8A

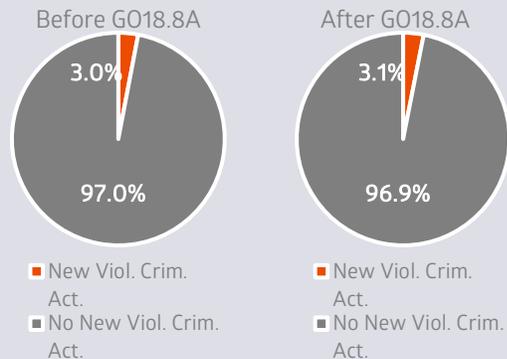
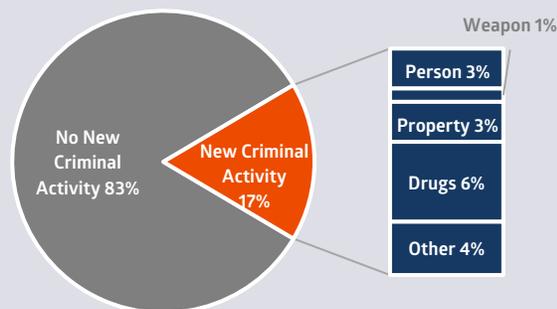


Figure 12.  
New criminal activity before and after GO18.8A, by offense type



statistically significant. Thus, most defendants released pretrial were not charged with new criminal activity during the follow-up period – 82% of released defendants before GO18.8A and 83% of released defendants after GO18.8A.

### NEW VIOLENT CRIMINAL ACTIVITY

The analyses also tracked released defendants to determine if they had any new violent criminal activity – any new felony or misdemeanor case with a top charge of a Person offense filed against the defendant within Cook County during the follow-up period. The analyses indicate that there was no statistically significant change in the odds of released defendants being charged with new violent criminal activity.

**GO18.8A had no effect on the odds of new violent criminal activity of defendants released pretrial.**

After controlling for defendant and case factors, just 3.0% of released defendants were expected to have new criminal activity before GO18.8A compared to 3.1% after GO18.8A (Figure 11). Although this represents an increase of 0.1 percentage points, the difference is not statistically significant. Put differently, of the defendants released pretrial before and after GO18.8A, 97% were not charged with a new violent offense while on pretrial release.

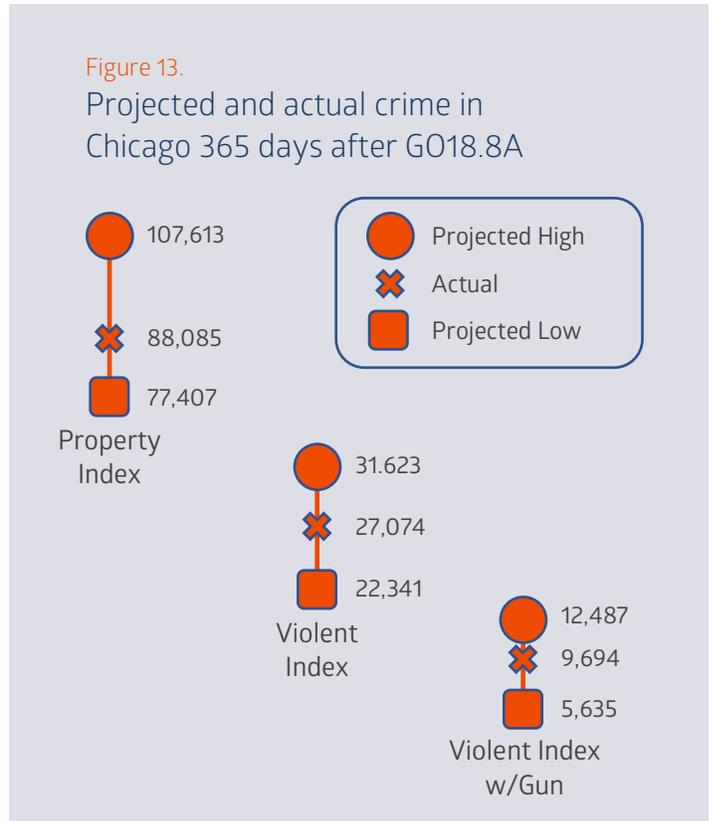
Defendants were less likely to have new violent criminal activity when they were female, White, older, and charged with a Drug offense. Defendants were more likely to have new violent criminal activity when they were charged with a Person offense, had a violation of probation/bail, or received a D/C-Bond. No other defendant or case factors were associated with the odds of new violent criminal activity. While those originally charged with a Person offense and released pretrial were more likely to have a new violent offense, a relatively small percent had this outcome. Specifically, just 6.0% of those originally charged with a Person offense and released pretrial had a new violent offense, compared to 2.8% of those originally charged with other crimes.

Overall, just 6% of released defendants were charged with a new Drug offense, 4% with a new Public Order offense, 3% with a new Property offense, and 1% with a new Weapon possession offense (Figure 12).

## AGGREGATE LEVELS OF CRIME

As the preceding analyses indicate, GO18.8A was associated with a slight increase in the likelihood that defendants charged with a felony offense were released pretrial, resulting in an estimated 500 additional people released in the six months after GO18.8A. However, there was no change in the likelihood that released defendants were charged with new criminal offenses while on pretrial release.

To gauge the degree to which there were changes in the overall amount of crime in Chicago following GO18.8A, a series of Bayesian Structural Time Series (BSTS) models were generated to compare the number of Property Index Crimes, Violent Index Crimes, and Violent Index Crimes with a Gun reported to the Chicago Police Department before and after GO18.8A.<sup>21</sup> These models created estimated ranges of how many crimes would be expected in the 365 days after GO18.8A based on pre-GO18.8A crime patterns and other factors that correlate with crime, but are unaffected by GO18.8A.<sup>22</sup> Actual crime rates were then compared to these estimates. In all of these models, the number of crimes observed during the post-GO18.8A period were not statistically different than the number of crimes projected to occur.<sup>23</sup>



There was no statistically significant change in level of crime in Chicago in the year after GO18.8A.

As Figure 13 shows, the analyses estimated that between 77,407 and 107,316 Property Index Crimes would be reported in Chicago in the 365 days following GO18.8A. There were 88,085 actual Property Index Crimes reported during this period. In other words, the number of Property Index Crimes that occurred in Chicago in the year after GO18.8A was within the range that would normally be expected. To conclude that GO18.8A increased (or decreased) crime, the number of crimes would have had to be above (or below) the projected range. Similarly, the number of Violent Index Crimes was projected to be between 31,623 and 22,341 in the 365 days following GO18.8A; there were 27,074 actual crimes reported. Finally, the number of Violent Index Crimes with a Gun was projected to be between 5,635 and 12,487, and there were 9,694 actual crimes reported. Again, all were within the expected ranges.

## CONCLUSION

General Order 18.8A had two clear objectives – create a presumption of release without monetary bail for the large majority of felony defendants in Cook County and consider defendants’ ability to pay monetary bail. The analyses described here indicate that GO18.8A achieved its intended objectives.

There was a significant increase in the use of I-Bonds, from 26% of defendants receiving I-Bonds before GO18.8A to 57% receiving I-Bonds after GO18.8A. The impact of this shift was dramatic – 3,559 additional people received an I-Bond in the six months after GO18.8A than would have if these rates had remained unchanged. The real impact of this change – none of these defendants had to post monetary bail to be released pretrial, saving these defendants and their families \$13.6 million in avoided bond costs.

GO18.8A also led to a dramatic change in bond amounts imposed for defendants receiving D-Bonds. Average bond amounts for defendants with D-Bonds decreased from \$9,316 before GO18.8A to \$3,824 after GO18.8A. Again, the real impact of this change – the 3,256 defendants who received D-Bonds in the six months after GO18.8A saved \$17.8 million in bond costs needed to secure release.

Combined with the avoided bond costs associated with the increased use of I-Bonds, GO18.8A saved defendants and their families over \$31.4 million in the six months after GO18.8A. Although most money posted as bond is eventually returned once the case is resolved, this is money that defendants and their families do not have available to them throughout the duration of the case. In other words, GO18.8A allowed defendants and their families to have \$31.4 million available to be used for rent, food, and medical care while their case was being resolved.

Overall, the percent and number of individuals released pretrial changed very little after GO18.8A. After controlling for defendant and case characteristics, the percent of defendants released pretrial increased from 77% before GO18.8A to 81% after GO18.8A. Just 500 more people were released in the six months after GO18.8A than would have been released if these rates had remained unchanged. Moreover, the risk assessment tool adopted as part of Cook County’s bond court reforms appears to be providing judges with additional insights to better inform bond court decisions. Specifically, the analyses described here found that the higher the risk level, the less likely the defendant was to receive an I-Bond or to be released pretrial.

In the end, GO18.8A did not dramatically change the number of people released pretrial. What did change was *how* people were released pretrial.

GO18.8A also had no impact on new criminal activity or new violent criminal activity of those defendants released

pretrial. Overall, the probability of new criminal activity remained at roughly 17% before and after GO18.8A. Similarly, the probability of new violent criminal activity remained constant at just 3% before and after GO18.8A. And overall crimes rates in Chicago – including violent crime rates – were not any higher than expected after the implementation of GO18.8A.

Thus, GO18.8A increased the use of I-Bonds, decreased the financial burden on defendants and their families, and increased the percent and number of people released pretrial – all without affecting new criminal activity of those released or increasing crime.

Opponents of bail reform may continue to argue that reducing the use of monetary bail and increasing the number of people released pretrial will result in more defendants committing more crimes while on pretrial release. But that is not what happened following bail reform in Cook County, consistent with experiences following bail reform in New York,<sup>24</sup> New Jersey,<sup>25</sup> and Philadelphia.<sup>26</sup> Like these other reform efforts, GO 18.8A demonstrates that it is possible to decrease the use of monetary bail and decrease pretrial detention – and lessen the financial, physical, and psychological harms that come with pretrial detention – without affecting criminal activity or crime rates.

Everyone wants safe communities. Releasing people on their own recognizance does not make communities less safe. Taking money away from people to secure their release does not make communities safer – but it does impose a significant burden on those individuals and their families who are least able to afford it.

# APPENDICES

## APPENDIX A – DATA AND METHODS

### Felony Bond Court Decisions and Pretrial Release

#### Data

The current study relied on three sets of data initially provided to the Institute for State and Local Governance (ISLG) as part of the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge (SJC). These data were provided to the Center for Criminal Justice Research, Policy, and Practice under a grant from the SJC Research Consortium to examine the impact of GO18.8A on bail decisions, pretrial release outcomes, and crime in Cook County.

The first set of data included all cases filed in the Circuit Court of Cook County between January 1, 2013 and April 30, 2019 (court data).<sup>27</sup> These data were originally obtained from the Clerk of the Circuit Court of Cook County, which collects and maintains data on all criminal court cases filed in Cook County. Though administrative data have limitations (e.g. they are collected to track cases not to conduct research, and data entry and terminology use may vary over time), the court data provided rich detail on defendant characteristics, bond court decisions, initial and final charge information, dates and outcomes of all court events, final charge dispositions, and sentences. Unique defendants were identified using the Individual Record number (IR Number); unique cases were identified using the court case number (CR Number).<sup>28</sup> The combination of IR Number and CR Number was used to identify unique defendant/case combinations.<sup>29</sup> The court data included 714,327 unique defendant/case combinations.

Court data were structured so that each court event appeared as a separate row in the dataset. In other words, the data were structured so that each row in the dataset represented a unique court event for each defendant/case combination, with a specific court event date for each event. These court events included bond court, arraignment, disposition, sentencing, and general hearings. For each unique defendant/case combination, the analyses identified the initial (earliest) bond court date. Initial analyses of the data indicated that individual defendants were often associated with multiple court cases that had bond court hearings on the same date. The analyses treated separate cases that involved the same defendant and the same bond court hearing date as a single case, which reduced the total number of defendant/cases to 711,947. Since the analyses focused on initial bond court decisions, it also was necessary to identify any defendant/case combinations that overlapped in time in the dataset (e.g., if a defendant had an initial bond court hearing in Case 1 and had a bond court hearing in Case 2 before the disposition of Case 1); in such instances, the bond court hearing in Case 1 was included as

the controlling case, which reduced the total number of defendant/cases to 558,680.

Since cases often involve multiple charges, a procedure was devised to categorize cases according to the "top charge" at case filing. To determine the top charge at case filing, filed charges were first ranked by offense severity according to the state's three-part misdemeanor and six-part felony classification system. Filed charges were then classified into five distinct offense types (person, weapons, property, drugs, public order/other). The filed charge with the highest offense severity in a case was designated as the initial top charge for analysis purposes. When a case contained two filed charges with the same offense severity but different offense types, charges were ranked according to offense type in the following way: person (most serious), weapons, property, drugs, public order/other (least serious); when a case contained two filed charges with the same offense severity and the same offense type, charges were allowed to randomly select as the top charge. For the analyses, only defendant/cases with a felony as the top charge in the case were included, which reduced the number of defendant/cases to 203,003.

The second set of data included information for all felony defendants screened using the Public Safety Assessment (PSA, a pre-trial risk assessment instrument developed by the Arnold Foundation) between October 1, 2015 and December 9, 2019 (PSA data). These data were originally collected by Cook County Adult Probation - Pretrial Services Unit and obtained from the Office of the Chief Judge (OCJ). The PSA data included information on defendant characteristics, initial charge information, pretrial risk assessment scores (risk of failure to appear, risk of new criminal activity, and risk of new violent criminal activity flag), initial bond court decisions, and bond court condition recommendations. Unique defendants were identified using the IR Number and unique cases were identified using CR Number. As above, the combination of IR Number and CR Number was used to identify unique defendant/case combinations. The PSA data included 104,158 unique defendant/case combinations.

Court data and PSA data were then merged using the CR Numbers and IR Numbers to link the datasets. As noted in the OCJ's bond court report,<sup>30</sup> the PSA was implemented for felony defendants on a pilot basis in Central Bond Court beginning July 2015 and was implemented in Suburban Districts for felony defendants in August 2016. As such, PSA information was not available for 66.4% (134,854) of all defendant/cases in the court data. The analyses accounted for missing PSA data by including multiple models with and without PSA information (see analytic strategy below).

Finally, the third set of data included information for all defendants admitted to or released from the Cook County jail between May 1, 2013 and May 2, 2019 (jail data). These data were originally obtained from the Cook County Sheriff's office, which collects and maintains data on all

individuals admitted to and released from the Sheriff's custody. The jail data provided detail on defendant characteristics, holding offenses, jail admission and release dates, and reason for release (if released). Unique defendants were identified using the Inmate Identification Number (Inmate Number); unique bookings associated with specific court cases were identified using the Jail Booking Number (Booking Number). The jail data included 346,171 unique defendant/booking combinations.

Jail data were restructured so that each entry and exit from the jail appeared as a separate row in the dataset. In other words, the data were restructured so that each row in the dataset represented a jail entry or jail exit for each defendant/booking combination, with a specific jail entry date or jail exit date. Many defendant/booking combinations had multiple jail entries/exits if the defendant was admitted to and released from jail custody multiple times during the duration of a case. The jail data were then merged with the combined court/PSA dataset.

The jail data also included IR Numbers for each unique defendant and CR Numbers for each unique case. The merged court/PSA/jail dataset was then sorted according to IR Number, CR Number, and event date (i.e., court event date, jail entry, jail exit date). This final merged dataset then included events for each defendant/case combination in chronological order.

The final merged dataset contained 5,084,471 rows of data, representing every court event and jail entry/exit for unique defendant/case combinations in which a top charge in the initial bond court hearing involved a felony.

### Sample

The purpose of the analyses was to examine changes in bond court decisions, pretrial release, and pretrial release outcomes before and after GO18.8A. Thus, a pre-GO18.8A cohort of defendants was selected and compared to a post-GO18.8A cohort. The current analyses included a pre-GO18.8A cohort consisting of all defendants with an initial felony bond court hearing in the six months between November 1, 2015 and April 30, 2016 and a post-GO18.8A cohort consisting of all defendants with an initial felony bond court hearing in the six months between November 1, 2017 and April 30, 2018. Overall, the analyses included 12,859 defendants in the pre-GO18.8A cohort and 11,372 defendants in the post-GO18.8A cohort.

For each cohort, a series of outcomes was tracked from the initial bond court date until the case was disposed or for twelve months, whichever came first (follow-up period). A critique of the initial OCJ report was a difference in follow-up periods for the pre-GO18.8A and post-GO18.8A cohorts. In order to ensure an equal follow-up period for the two cohorts and a follow-up period that would allow sufficient tracking of outcomes, it was necessary to restrict the cohorts to a six-month window. Since court data included court events only through April 30, 2019, it was necessary

to limit the post-GO18.8A cohort to cases only through April 30, 2018, which would allow a twelve month follow up for the latest case. Also, to ensure that the post-GO18.8A cohort began after the implementation of GO18.8A, the cohort necessarily began on November 1, 2017. A similar pre-GO18.8A cohort was chosen using the same start and end dates (November 1, 2015 and April 30, 2016). The follow-up periods ensured the same duration of at-risk periods for both the pre- and post-GO18.8A cohorts, accounted for potential seasonality during time at risk,<sup>31</sup> and ensured that the two cohorts and follow-up periods did not overlap in time.

### Dependent variables

The analyses examined five dependent variables. The first dependent variable, I-Bond, captured whether a defendant received an I-Bond at the initial bond court hearing (1 = I-Bond imposed; 0 = Other bond type imposed). The raw court data included eight bond types: release on conditions (ROC), I-Bond, electronic monitoring (EMI), C-Bond, D-Bond, D-Bond with electronic monitoring (D-Bond/EMI), No Bail, and Bond to Stand. These were combined in to four bond types as follows: I-Bond (ROC, I-Bond), EM (EMI), D/C-Bond (C-Bond, D-Bond, D-Bond/EMI) and No Bail (No Bail). Initial bond court hearings with a bond type of Bond to Stand (0.4% of cases) were dropped from the analyses. If a defendant had multiple bond court hearings on the same day for different cases, we used the most restrictive bond court decision as the controlling decision and treated these separate cases as a single case. In such instances, bond court decisions were ranked from I-Bond (least restrictive) to EM to D/C-Bond to No Bail (most restrictive). This initial bond court decision was then used to categorize defendant/case combinations for subsequent analyses. If a defendant received a revised bond court decision later in a case, the initial bond court decision was still used to categorize the case.<sup>32</sup>

For each defendant/case combination, the initial bond court date was determined and an end date 12 months from the initial bond court data was created; if the defendant/case combination was disposed, the disposition date was also included. These dates were used to calculate the follow-up period for each defendant/case combination – from the initial bond court data to the disposition date or to the end date, whichever came first.

The second dependent variable, Released, captured whether a defendant was released pretrial (1=Released pretrial; 0=Not released pretrial). If a defendant spent any time outside of jail during the follow-up period they were considered released pretrial.

The third dependent variable, FTA, captured whether a defendant had a failure to appear while on pretrial release (1=Failure to Appear; 0=No Failure to Appear). FTA was calculated only for defendants released pretrial. If a defendant had any failure to appear flag during the follow-up period, they were considered to have a failure to appear.

The fourth dependent variable, New Criminal Activity, captured whether a released defendant had a new criminal case filed in Cook County while on pretrial release (1=New Criminal Activity; 0=No New Criminal Activity).<sup>33</sup> New Criminal Activity was calculated only for defendants released pretrial. If a defendant had any new case filed during the follow-up period, they were considered to have new criminal activity.

Finally, the fifth dependent variable, New Violent Criminal Activity, captured whether a released defendant had a new criminal case filed for a Person offense while on pretrial release (1=New Violent Criminal Activity; 0=No New Violent Criminal Activity). New Violent Criminal Activity was calculated only for defendants released pretrial. If a defendant had any new felony or misdemeanor case filed during the follow-up period in which the most serious filed charge was a Person offense, they were considered to have new violent criminal activity.<sup>34</sup> Person offenses included murder, kidnapping, criminal sexual abuse or assault, assault, battery, domestic battery, reckless conduct, robbery, vehicular hijacking, and violation of an order of protection.

#### Case-level variables

Case-level variables in the present study included several defendant, offense, and case processing characteristics.

Defendant characteristics were drawn from the court data and included information on demographic attributes of defendants. The analyses included a trichotomous variable measuring defendant race/ethnicity (0=Defendant White (reference), 1=Defendant Black, 3=Defendant Hispanic/Other). The court data included one variable capturing defendant race and ethnicity in the following categories: American Indian and Alaskan Native, Asian/Pacific Islander, Black Latino/Hispanic, Black non-Latino/Hispanic, Other, Unknown/Missing, White Latino/Hispanic, White non-Latino/Hispanic. These categories were initially recoded into two variables measuring race (White, Black, American Indian and Alaskan Native, Asian/Pacific Islander, Other/Missing) and ethnicity (Hispanic, Non-Hispanic). However, it was evident that Hispanic ethnicity was not captured consistently in the court data; just 1.7% of defendants in the pre-GO18.8A cohort were Hispanic compared to 16.3% of defendants in the post-GO18.8A cohort. Thus, in order to ensure the inclusion of these defendants and the ability to examine the effects of race and ethnicity, a single race/ethnicity variable was created with Hispanic, American Indian, Alaskan Native, and Asian/Pacific Islander defendants included in a third race/ethnicity category. The analyses also included defendant sex (0=Female (reference), 1=Male) and age (in years). A variable capturing whether the defendant was in violation of probation or bail bond was also included (0=No Violation (reference); 1=Violation). A defendant was determined to have a violation of probation if they had a sentence of probation imposed within one year prior to the initial felony bond court hearing date; a defendant was

determined to have a violation of bail bond if they had a charge of violation of bail bond included in a prior case.

PSA scores measuring risk of FTA or New Criminal Activity were coded as ordinal variables with three categories (1-2 (low risk) (reference), 3-4, and 5-6 (high risk)). A third dichotomous PSA score measuring risk of New Violent Criminal Activity was also included (0=No Risk, 1=Risk). PSA scores were missing for 26.4% of the sample (35.5% of the pre-GO18.8A sample and 16.0% of the post-GO18.8A sample). In order to include PSA scores in the analyses, missing values were recoded (Missing=99) to ensure the cases were not dropped. Cook County Adult Probation and the Office of the Chief Judge have found that over 90% of felony defendants receive an assessment. The high missing rate here is likely not due to Adult Probation - Pretrial Services failing to meet assessment obligations; rather, it is likely due to data quality issues and the study's difficulty in matching defendants across court and PSA datasets.

Offense characteristics included the number of filed charges (continuous), number of filed felony charges (continuous), and offense severity, which was coded as an ordinal variable with seven categories (0=Unspecified Felony (least serious) through 6=Murder (most serious)). The type of offense was measured with a categorical variable measuring the most serious offense in the defendant/case combination (0=Property (reference), 1=Person, 2=Weapons, 3=Drugs, 4=Public Order/Other).<sup>35</sup>

Lastly, one case processing variable was included: weeks at risk (continuous), which measured the number of weeks a defendant was released from jail during the follow-up period. This was calculated only for defendants released pretrial and included only the time that they were not physically in the jail.

#### Analytical strategy

The impact of defendant, offense, and case characteristics on case outcomes was analyzed using standard statistical procedures to examine categorical data in multivariate settings. Specifically, the baseline estimations relied on a series of multivariate logistic regression models to estimate the effect of these factors on the dependent variables listed above. All models are estimated using Stata 14.

For each dependent variable, the analyses considered three models. The first model included the pre- and post-GO18.8A cohorts with a control for the pre- and post-periods. This allowed an estimation of the impact of GO18.8A on the odds of the outcome (e.g., odds of 1-Bond, Release, etc.), controlling for defendant, offense, and case characteristics. Two separate models were then run separately for each of the pre- and post-GO18.8A cohorts; this was to examine potential variation in the influence of defendant, offense, and case characteristics during the two time periods. Following each model, expected rates of each outcome were estimated using predicted probabilities generated using the Stata *margins* command. Predicted probabilities

represent the expected rate of a specific outcome after controlling for all defendant and case factors.

Although results generated by the logistic regression models are informative, these may be biased due to differences in the pre- and post-GO18.8A cohorts. To minimize this problem, propensity scores were used to reconfigure the study sample to include similar offenders. The creation of matched samples explicitly takes into consideration that the variables differentiating each cohort may not be independent of the variables associated with case outcomes. These models report the average effect of GO18.8A on the specific outcome.

## Crime Rates

### Data

The current study relied on data obtained from the Chicago Police Department's online public data portal. Data included incident-level information on the number of Violent Index Offenses, Property Index Offenses, and Violent Index Offenses with a Gun. Counts of these offenses were aggregated by day and week.

### Control variables

Control variables in the present study included several factors that correlate with crime, but are unaffected by GO18.8A. For the day of each criminal incident, the following information was included: whether the day was a weekend day or a holiday, the average daily temperature, the level of precipitation, the monthly unemployment rate, and the number of drug arrests. Because unemployment rate data was only available on a monthly basis, these monthly unemployment rate measures were used for all days during a particular month. Drug arrests were included as a proxy variable to measure the degree to which police were making arrests for "on-view" behaviors (i.e., an indicator of how aggressively police were approaching enforcement).

### Analytic strategy

To gauge the degree to which there were changes in the overall amount of crime (Violent Index offenses, Property Index Crimes, and Violent Index Crimes with a Gun) in Chicago following GO18.8A, Bayesian Structural Time Series (BSTS) models were used to develop a counterfactual forecast of how many of these crimes would have been expected in the 90 day- and 365 day-period following the implementation of GO18.8A based on pre-GO18.8A crime patterns and the control variables noted. These analyses create a range of the expected number of crimes for each crime type which are then compared to the actual number of offenses reported to the Chicago Police Department in each of these crime categories before and after GO18.8A.

A total of 16 multivariate models were developed and tested. For each of the three types of crime examined, models were developed examining daily crime counts as well as weekly crime counts, and also to gauge 90 day-

impacts and 365 day-impacts of GO18.8A on crime. The pre-GO18.8A period used to train the BSTS models covered October 1, 2015 to August 31, 2017, while the post-period covered October 1, 2017 to August 31, 2019. September 2017 was excluded as the reform was implemented during that month.

## APPENDIX B – LOGISTIC REGRESSION RESULTS

### Descriptive Statistics

Descriptive statistics for the study sample are presented in Tables B.1 and B.2. Table B.1 includes descriptive statistics for the entire study sample and separately for the pre-GO18.8A and post-GO18.8A cohorts; Table B.2 includes descriptive statistics only for the defendants in the sample who were released pretrial, and separately for those released in the pre-GO18.8A and post-GO18.8A cohorts.

The first outcome variable, I-Bonds, showed significant variation across the pre- and post-GO18.8A cohorts: overall, 39.9% of defendants in the sample received an I-Bond at the initial bond court date, but the percent of defendants receiving an I-Bond was significantly lower for the pre-GO18.8A cohort than for the post-GO18.8A cohort (25.6% vs. 55.9%). There was also an increase in the second outcome variable, the percent of defendants released pretrial; overall, 78.3% of defendants in the sample were released pretrial, with 75.7% of the pre-GO18.8A cohort released pretrial compared to 81.3% of the post-GO18.8A cohort.

Table B.1 also shows that defendants in the overall sample and in the pre- and post-GO18.8A cohorts tended to be male and Black, with these percentages increasing slightly in the post-GO18.8A cohort; roughly 30% of defendants were 18-25 years old, but the largest proportion of defendants were over 36 years old. There was a slight increase in the percent of defendants in violation of probation/bail bond, with 7.2% of defendants in the pre-GO18.8A cohort in violation of probation/bail bond compared to 11.8% of defendants in the post-GO18.8A cohort. Defendants tended to be charged with unspecified, Class 3, or Class 4 Felonies, and over 40% were charged with Drug offenses. The percent of defendants charged with Weapons offenses was lower in the pre-GO18.8A cohort compared to the post-GO18.8A cohort (8.0% vs. 13.4%); conversely, the percent of defendants charged with Property offenses was higher in the pre-GO18.8A cohort compared to the post-GO18.8A cohort (10.3% vs. 14.2%). The majority of defendants (over 70%) in the overall sample and in the pre- and post-GO18.8A were charged with a single felony and over 40% were charged with a single offense. Finally, the mean PSA scores – for FTAs, New Criminal Activity, and New Violent Criminal Activity – remained constant in the pre- and post-GO18.8A cohorts.

Table B.1. Descriptive Statistics for Initial Sample

	Full Sample	Pre-GO18.8A	Post-GO18.8A
Total Cases <sup>36</sup>	24,056	12,756	11,300
I-Bond Released	39.9% 78.3%	25.6% 75.7%	55.9% 81.3%
Female	14.4%	15.3%	13.4%
Male	85.6%	84.7%	86.6%
White	18.8%	20.2%	17.4%
Black	63.2%	61.7%	64.8%
Hispanic/Other	18.0%	18.1%	17.8%
18-25 years old	31.8%	32.3%	31.2%
26-35 years old	29.0%	28.3%	29.9%
36+ years old	39.2%	39.4%	38.8%
Viol. of Prob./Bail	9.3%	7.2%	11.8%
Unclassified Felony	11.5%	12.3%	10.6%
Class 4 Felony	45.7%	46.1%	45.6%
Class 3 Felony	13.9%	13.3%	14.8%
Class 2 Felony	11.7%	10.9%	12.7%
Class 1 Felony	6.5%	6.2%	6.9%
Class X Felony	9.9%	10.6%	8.8%
Murder	0.7%	0.6%	0.7%
Person Offense	11.1%	10.9%	11.3%
Weapon Offense	10.5%	8.0%	13.4%
Property Offense	17.5%	20.3%	14.2%
Drug Offense	42.9%	42.3%	43.5%
Other Offense	18.0%	18.4%	17.6%
1 Charge	43.2%	45.2%	41.0%
2 Charges	21.8%	20.9%	22.7%
3+ Charges	35.0%	33.9%	36.3%
1 Felony Charge	75.9%	77.8%	73.7%
2 Felony Charges	16.2%	15.5%	17.1%
3+ Felony Charges	7.9%	6.7%	9.2%
PSA FTA Score (mean)	2.5	2.5	2.5
PSA New Crim. Act. Score (mean)	2.9	2.9	2.9
PSA New Viol. Crim. Act. Score (mean)	0.6	0.5	0.7
Missing PSA	26.3%	35.5%	16.0%

The remaining outcome variables – FTA, New Criminal Activity, New Violent Criminal Activity – showed little variation across the pre- and post-GO18.8A cohorts (Table B.2). Overall, 18.3% of released defendants in the sample had an FTA during the follow-up period, with the percent of released defendants with an FTA slightly lower for the pre-GO18.8A cohort than for the post-GO18.8A cohort (16.7% vs. 19.8%). There was also a slight increase in New Criminal Activity; overall, 17.3% of released defendants in the sample were charged with New Criminal Activity, with 16.7% of the pre-GO18.8A cohort released pretrial compared to 17.8% of the post-GO18.8A cohort. Finally, overall, 3.1% of released defendants in the sample were charged with New Violent Criminal Activity during the follow-up period, with the percent of released defendants with New Violent Criminal Activity slightly lower for the pre-GO18.8A cohort than for the post-GO18.8A cohort (2.9% vs. 3.2%).

Table B.2 also shows that few differences in defendant and case characteristics existed between the initial sample and the released sample of defendants. The primary differences involved charge factors. A slightly larger proportion of released defendants were charged with Unspecified, Class 3, or Class 4 Felonies than the overall sample (74.9% vs. 70.1%). Similarly, a slightly higher proportion of released defendants were charged with Property, Drug, or Other Offenses than the overall sample (82.8% vs. 78.4%). Differences between the pre- and post-GO18.8A cohorts observed in the initial sample also remained in the released sample. Among released defendants, there was a slight increase in the percent of defendants in violation of probation/bail bond and a slight increase in the percent of defendants charged with Weapons offenses in the post-GO18.8A cohort compared to the pre-GO18.8A cohort.

	Full Sample	Pre-GO18.8A	Post-GO18.8A
Total Cases <sup>37</sup>	18,024	8,891	9,133
FTA	18.3%	16.7%	19.8%
New Crim. Act.	17.3%	16.7%	17.8%
New Viol. Crim. Act.	3.1%	2.9%	3.2%
Female	15.6%	16.6%	14.7%
Male	84.4%	83.4%	85.3%
White	19.5%	20.5%	18.4%
Black	61.9%	60.6%	63.2%
Hispanic/Other	18.6%	18.9%	18.4%
18-25 years old	30.9%	31.3%	30.7%
26-35 years old	28.1%	27.0%	29.2%
36+ years old	41.0%	41.7%	40.1%
Viol. of Prob./Bail	8.9%	6.2%	11.7%
Unclassified Felony	9.5%	10.4%	8.6%
Class 4 Felony	51.5%	51.2%	51.8%
Class 3 Felony	13.9%	12.9%	14.9%
Class 2 Felony	10.9%	9.9%	11.8%
Class 1 Felony	6.1%	5.5%	6.7%
Class X Felony	8.0%	9.9%	6.1%
Murder	0.07%	0.08%	0.07%
Person Offense	7.4%	7.7%	7.2%
Weapon Offense	9.7%	7.5%	11.9%
Property Offense	17.3%	19.8%	14.9%
Drug Offense	49.2%	48.5%	49.9%
Other Offense	16.3%	16.6%	16.1%
1 Charge	42.1%	43.9%	40.3%
2 Charges	22.3%	21.2%	23.4%
3+ Charges	35.6%	34.9%	36.4%
1 Felony Charge	77.7%	79.2%	76.2%
2 Felony Charges	15.6%	14.8%	16.5%
3+ Felony Charges	6.7%	6.0%	7.3%
PSA FTA Score (mean)	2.5	2.5	2.5
PSA New Crim. Act. Score (mean)	2.9	2.9	2.9
PSA New Viol. Crim. Act. Score (mean)	0.3	0.3	0.3
Missing PSA	23.0%	32.8%	13.6%
Weeks at Risk (mean)	20.1	19.7	20.4

### I-Bond – Logistic Regression Models

A series of logistic regression models examined the association between GO18.8A and the odds of defendants receiving an I-Bond (Table B.3). Model 1 assesses the influence of GO18.8A on the full sample; this allows for examination of the influence of GO18.8A on the likelihood of receiving an I-Bond, controlling for defendant and case factors. Models 2 and 3 examine the pre- and post-GO18.8A cohorts separately; these models allow for examination of changes in the influence of different defendant and case factors pre- and post-GO18.8A. Odds ratios for GO18.8A and for defendant and case factors represent the independent influence of that factor on the odds of receiving an I-Bond.

Estimates from Model 1 show that, controlling for a number of defendant and case factors, defendants with a bond court hearing after GO18.8A were *more likely* to receive an I-Bond. Specifically, having a hearing after GO18.8A increased the odds of receiving an I-Bond by 516%.

Several defendant and case factors also affected the odds of receiving an I-Bond. Male defendants and younger defendants were less likely to receive an I-Bond. While Hispanic/Other defendants were more likely than White defendants to receive an I-Bond, Black defendants were neither more nor less likely than White defendants. As Model 1 indicates, receiving an I-Bond also was related to several offense factors, with defendants charged with more serious felonies, Person/Weapons/Other offenses, and multiple felony charges less likely to receive an I-Bond; in contrast, defendants charged with Drug offenses were more likely to receive an I-Bond relative to defendants charged with Property offenses. Defendants with higher PSA scores for risk of FTA, New Criminal Activity, and New Violent Criminal Activity were less likely to receive I-Bonds.

Estimates remain fairly stable when considering the likelihood of receiving an I-Bond pre-GO18.8A (Model 2) and post-GO18.8A (Model 3). The most notable difference is the impact of defendant race. As Model 2 indicates, before GO18.8A, being Black or Hispanic/Other was not associated with the odds of receiving an I-Bond; however, as Model 3 indicates, after GO18.8A Black and Hispanic/Other defendants were *more likely* to receive an I-Bond relative to White defendants.

To further examine the effect of GO18.8A on the likelihood of receiving an I-Bond, propensity score matching was used to generate a sample of comparable sets of defendants in the pre- and post-GO18.8A cohorts. This procedure allows the pairing of defendants in the pre-GO18.8A cohort with “equivalent” defendants in the post-GO18.8A cohort based on defendant and case factors. The matching routine is based on the specification of a selection model aimed at minimizing the compositional differences across subsamples. Failing to account for these differences would confound the effect of GO18.8A on the odds of receiving an I-Bond with the effects of differences in defendant and case factors between the pre- and post-GO18.8A cohorts.

	Model 1 Full Sample (Odds)	Model 2 Pre- GO18.8A (Odds)	Model 3 Post- GO18.8A (Odds)
GO18.8A	6.16***	--	--
Female (ref.)	--	--	--
Male	0.49***	0.49***	0.53***
White (ref.)	--	--	--
Black	0.98	0.92	1.16*
Hisp./Other	1.12*	1.09	1.28***
Age	1.01***	1.01***	1.01***
Offense Class	0.79***	0.81***	0.75***
Prop. Off (ref)	--	--	--
Person Off.	0.17***	0.20***	0.20***
Weapon Off.	0.25***	0.11***	0.30***
Drug Off.	3.01***	3.08***	3.13***
Other Off.	0.49***	0.44***	0.59***
Total Charges	1.01	0.95**	1.04**
Fel. Charges	0.75***	0.79***	0.74***
Viol. Pro./Bail	0.89*	0.68***	0.94
PSA FTA	--	--	--
Score 1-2 (ref)	--	--	--
Score 3-4	0.85***	0.81**	0.86*
Score 5-6	0.71**	0.83	0.64***
Missing	0.33***	0.40***	0.19***
PSA NCA	--	--	--
Score 1-2 (ref)	--	--	--
Score 3-4	0.39***	0.24***	0.56***
Score 5-6	0.21***	0.11***	0.27***
Missing <sup>38</sup>	--	--	--
PSA NVCA	0.39***	0.21**	0.36***
Missing	--	--	--
-2 log likelihood	-11,656.06	-5,674.68	-5,752.03
Negerlkerke pseudo R	0.28	0.22	0.25
Chi-Square	8,987.13***	3,332.15***	3,980.27***
N	24,056	12,756	11,300

\*p<.05; \*\*p<.01, \*\*\*p<.001

To calculate a propensity score for each defendant, a logistic model was fit. Next, individuals were matched on the basis of their propensity scores. The newly configured matched samples were then used to measure the effect of GO18.8A on the likelihood of receiving an I-Bond. Given that the matched samples were relatively balanced, variations in the defendants receiving I-Bonds may be attributed to the impact of GO18.8A.

Results for the matched sample shown in Table B.4 indicate that GO18.8A significantly increased the odds of receiving an I-Bond. Specifically, GO18.8A increased the percent of defendants receiving an I-Bond by roughly 30 percentage points.

GO18.8A coefficient	0.301***
Standard Error	0.007
95% bounds: lower, upper	0.286, 0.315

\*p<.05; \*\*p<.01, \*\*\*p<.001

#### Release – Logistic Regression Results

The next series of logistic regression models examined the association between GO18.8A and the odds of defendants being released pretrial (Table B.5). Model 4 assesses the influence of GO18.8A on the full sample; Models 5 and 6 examine the pre- and post-GO18.8A cohorts separately. Odds ratios for GO18.8A and for each defendant and case factor represent the independent influence of that factor on the likelihood of a defendant being released.

Estimates from Model 4 show that, controlling for defendant and case factors, defendants with a bond court hearing after GO18.8A were *more likely* to be released pretrial. Specifically, having a hearing after GO18.8A increased the odds of being released pretrial by 42%.

Several defendant and case factors also affected the odds of being released pretrial. Male defendants, Black defendants, younger defendants, and defendants with probation/bail bond violations were less likely to be released. Defendants charged with more serious felonies, Person/Weapons/Other offenses, and multiple felony charges were less likely to be released; in contrast, defendants charged with Drug offenses were more likely to be released relative to defendants charged with Property offenses. Finally, defendants with higher PSA scores for risk of FTA, New Criminal Activity, and New Violent Criminal Activity were less likely to be released. Surprisingly, defendants with more total charges were more likely to be released.

Estimates remain fairly stable when considering the likelihood of being released pre-GO18.8A (Model 5) and post-GO18.8A (Model 6). The most notable difference is the impact of Weapons offenses on release. As Model 5 indicates, before GO18.8A, defendants charged with Weapons offenses were *more likely* to be released pretrial

	Model 4 Full Sample (Odds)	Model 5 Pre- GO18.8A (Odds)	Model 6 Post- GO18.8A (Odds)
GO18.8A	1.42***	--	--
Female (ref.)	--	--	--
Male	0.81**	0.82***	0.81*
White (ref.)	--	--	--
Black	0.83***	0.86*	0.74***
Hisp./Other	1.03	1.09	0.87
Age	1.02***	1.02***	1.02***
Offense Class	0.90***	0.92***	0.85***
Prop. Off. (ref.)	--	--	--
Person Off.	0.62***	0.72***	0.45***
Weapon Off.	0.88	1.29**	0.56***
Drug Off.	1.39***	1.28***	1.53***
Other Off.	0.72***	0.83*	0.53***
Total Charges	1.05***	1.04**	1.05**
Fel. Charges	0.95*	0.97	0.92**
Viol. Pro./Bail	0.84**	0.67***	1.14
PSA FTA	--	--	--
Score 1-2 (ref.)	--	--	--
Score 3-4	1.00	0.93	1.10
Score 5-6	0.80*	0.78	0.88
Missing	0.877*	1.04	0.70***
PSA NCA	--	--	--
Score 1-2 (ref.)	--	--	--
Score 3-4	0.73***	0.92	0.52***
Score 5-6	0.59***	1.07	0.30***
Missing	--	--	--
PSA NVCA	0.69***	0.63***	0.82
Missing	--	--	--
I-Bond (ref.)	--	--	--
EM	0.19***	0.19***	0.15***
D/C-Bond	0.22***	0.17***	0.32***
No Bail	0.02***	0.02***	0.02***
-2 log likelihood	-9,667.27	-6,001.60	-3,563.49
Negerlkerke pseudo R	0.23	0.15	0.34
Chi-Square	5,780.36***	2,133.12***	3,736.01***
N	24,056	12,756	11,300

\*p<.05; \*\*p<.01, \*\*\*p<.001

relative to defendants charged with Property offenses; however, as Model 6 indicates, after GO18.8A, defendants charged with Weapons offenses were *less likely* to be released pretrial. In addition, before GO18.8A, PSA scores for risk of New Criminal Activity were not associated with odds of release; however, after GO18.8A, defendants with higher PSA scores for risk of New Criminal Activity were less likely to be released.

To further examine the effect of GO18.8A on the likelihood of pretrial release, propensity score matching was used to generate a sample of comparable sets of in the pre- and post-GO18.8A cohorts. Results for the matched sample shown in Table B.6 indicate that GO18.8A significantly increased the odds of pretrial release. Specifically, GO18.8A increased the percent of defendants released pretrial by roughly 6 percentage points.

GO18.8A coefficient	0.059***
Standard Error	0.007
95% bounds: lower, upper	0.045, 0.073

\*p<.05; \*\*p<.01, \*\*\*p<.001

#### FTA – Logistic Regression Results

The next series of logistic regression models examined the association between GO18.8A and the odds of released defendants receiving an FTA (Table B.7). Model 7 assesses the influence of GO18.8A on the full sample; Models 8 and 9 examine the pre- and post-GO18.8A cohorts separately. Odds ratios for GO18.8A and for each defendant and case factor represent the independent influence of that factor on the likelihood of a FTA.

Estimates from Model 7 show that, after controlling for defendant and case factors, released defendants with a bond court hearing after GO18.8A were *more likely* to have an FTA. Specifically, having a hearing after GO18.8A increased the odds of an FTA by 24%.

Hispanic/Other defendants and older defendants were less likely to have an FTA. Defendants charged with more serious felonies and Person/Weapons/Drugs/Other offenses also were less likely to have an FTA. Finally, defendants with higher PSA scores for risk of FTA and New Criminal Activity were more likely to have an FTA; in contrast, defendants with higher PSA scores for risk of New Violent Criminal Activity were less likely to have an FTA. Defendants with an initial bond type of EM or D/C-Bond were less likely to have an FTA, but defendants with an initial bond type of No Bail were more likely to have an FTA, relative to defendants with an initial bond type of I-Bond. Finally, defendants who spent more time in the community were more likely to have an FTA.

Estimates remain fairly stable when considering the likelihood of an FTA pre-GO18.8A (Model 8) and post-GO18.8A (Model 9). The most notable difference is the

	Model 7 Full Sample (Odds)	Model 8 Pre- GO18.8A (Odds)	Model 9 Post- GO18.8A (Odds)
GO18.8A	1.24***	--	--
Female (ref.)	--	--	--
Male	0.92	0.84*	1.02
White (ref.)	--	--	--
Black	0.96	1.03	0.90
Hisp./Other	0.82**	0.87	0.76**
Age	0.99***	0.99***	0.99*
Offense Class	0.90***	0.89***	0.92***
Prop. Off. (ref.)	--	--	--
Person Off.	0.51***	0.55***	0.47***
Weapon Off.	0.33***	0.27**	0.37***
Drug Off.	0.47***	0.47***	0.46***
Other Off.	0.74***	0.78*	0.68***
Total Charges	0.98	0.99	0.98
Fel. Charges	1.00	1.00	0.99
Viol. Pro./Bail	1.12	0.91	1.23**
PSA FTA Score	--	--	--
1-2 (ref.)	--	--	--
Score 3-4	1.41***	1.35***	1.45***
Score 5-6	2.20***	1.78**	2.52***
Missing	1.70***	1.38***	2.20***
PSA NCA Score	--	--	--
1-2 (ref.)	--	--	--
Score 3-4	1.27***	1.28*	1.28***
Score 5-6	1.17	1.29	1.12
Missing	--	--	--
PSA NVCA	0.64*	0.37***	0.84
Missing	--	--	--
I-Bond (ref.)	--	--	--
EM	0.80***	0.74***	0.69**
D/C-Bond	0.86***	0.75***	0.96
No Bail	3.69***	8.51***	2.21***
Weeks at risk	1.01***	1.01***	1.01***
-2 log likelihood	-8,155.18	-3,785.46	-4,331.55
Negerlkerke pseudo R	0.05	0.05	0.05
Chi-Square	801.92***	433.53***	415.42***
N	18,024	8,891	9,133

\*p<.05; \*\*p<.01, \*\*\*p<.001

impact of bond type. As Model 8 indicates, before GO18.8A, defendants with an initial bond type of D/C-Bond were *less likely* to have an FTA relative to defendants with an initial bond type of I-Bond; however, as Model 9 indicates, after GO18.8A, there were no differences in the odds of an FTA for defendants with an initial bond type of D/C-Bond and defendants with an I-Bond.

To further examine the effect of GO18.8A on the likelihood of an FTA, propensity score matching was used to generate a sample of comparable sets of defendants in the pre- and post-GO18.8A cohorts. Results for the matched sample shown in Table B.8 indicate that GO18.8A significantly increased the odds of an FTA. Specifically, GO18.8A increased the percent of defendants with an FTA by roughly 4 percentage points.

GO18.8A coefficient	0.038***
Standard Error	0.007
95% bounds: lower, upper	0.023, 0.054

\*p<.05; \*\*p<.01, \*\*\*p<.001

#### New Criminal Activity – Logistic Regression Results

The next series of logistic regression models examined the association between GO18.8A and the odds of released defendants being charged with new criminal activity while on pretrial release (Table B.9). Model 10 assesses the influence of GO18.8A on the full sample; Models 11 and 12 examine the pre- and post-GO18.8A cohorts separately. Odds ratios for GO18.8A and for each defendant and case factor represent the independent influence of that factor on the likelihood of new criminal activity.

Model 10 shows that, controlling for defendant and case factors, released defendants with a bond court hearing after GO18.8A were neither more nor less likely to be charged with new criminal activity. Put differently, GO18.8A had no impact on the odds of a released defendant being charged with new criminal activity.

Several defendant and case factors, however, did affect the odds of new criminal activity. Defendants who were male, Black, and younger were more likely to have new criminal activity. As Model 10 indicates, defendants charged with more serious felonies also were more likely to have new criminal activity, but defendants charged with Person/Drugs/Other offenses were less likely to have new criminal activity; defendants charged with Weapons offenses were neither more nor less likely to have new criminal activity relative to defendants charged with Property offenses. Finally, defendants with higher PSA scores for risk of FTA and New Criminal Activity were more likely to have new criminal activity; while, defendants with higher PSA scores for risk of New Violent Criminal Activity were less likely to have new criminal activity. Defendants with an initial bond type of EM were more likely to have

Table B.9. Logistic Regression Models, New Criminal Activity

	Model 10 Full Sample (Odds)	Model 11 Pre- GO18.8A (Odds)	Model 12 Post- GO18.8A (Odds)
GO18.8A	0.97	--	--
Female (ref.)	--	--	--
Male	1.38***	1.36***	1.39***
White (ref.)	--	--	--
Black	1.37***	1.60***	1.20*
Hisp./Other	0.88	0.99	0.81
Age	0.97***	0.96***	0.97***
Offense Class	1.17***	1.13***	1.20***
Prop. Off (ref)	--	--	--
Person Off.	0.65***	0.64**	0.59***
Weapon Off.	0.87	0.84	0.84
Drug Off.	0.50***	0.57***	0.40***
Other Off.	0.67***	0.83	0.52***
Total Charges	1.00	0.98	1.01
Fel. Charges	1.03	1.03	1.03
Viol. Pro./Bail	2.75***	1.13	4.45***
PSA FTA	--	--	--
Score 1-2 (ref)	--	--	--
Score 3-4	1.26***	1.06	1.43***
Score 5-6	1.42**	1.05	1.73***
Missing	1.04	1.09	0.85
PSA NCA	--	--	--
Score 1-2 (ref)	--	--	--
Score 3-4	1.39***	1.38***	1.38***
Score 5-6	1.42***	1.61**	1.28
Missing	--	--	--
PSA NVCA	0.75*	0.63*	0.78
Missing	--	--	--
I-Bond (ref.)	--	--	--
EM	1.16*	1.29**	0.97
D/C-Bond	0.91	0.93	0.96
No Bail	0.71	1.08	0.55**
Weeks at risk	0.97***	0.97***	0.96***
-2 log likelihood	-7,830.72	-3,890.94	-3,836.31
Negerlkerke pseudo R	0.10	0.07	0.14
Chi-Square	1,672.68***	580.26***	1,295.29***
N	18,024	8,891	9,133

\*p<.05; \*\*p<.01, \*\*\*p<.001

new criminal activity, but defendants with an initial bond type of D/C-Bond or No Bail were neither more nor less likely to have new criminal activity, relative to defendants with an I-Bond. Finally, defendants who spent more time in the community were less likely to have new criminal activity.

Estimates remain fairly stable when considering the likelihood of new criminal activity pre-GO18.8A (Model 11) and post-GO18.8A (Model 12). The most notable difference is the impact of PSA scores. As Model 11 indicates, before GO18.8A, PSA scores for risk of an FTA were unrelated to new criminal activity; however, as Model 12 indicates, after GO18.8A, defendants with higher PSA scores for risk of an FTA were more likely to have new criminal activity. A second notable difference is the impact of initial bond type. Before GO18.8A, defendants with an initial bond type of EM were more likely to have new criminal activity, but defendants with an initial bond type of D/C-Bond or No Bail were neither more nor less likely to have new criminal activity, relative to defendants with an initial bond type of I-Bond; after GO18.8A, however, bond type was unrelated to new criminal activity (the negative, significant finding for No Bail is likely due to the very small number of defendants released with No Bail).

To further examine the effect of GO18.8A on the likelihood of new criminal activity, propensity score matching was used to generate a sample of comparable sets of defendants in the pre- and post-GO18.8A cohorts. Results for the matched sample shown in Table B.10 indicate that GO18.8A had no impact on the odds of new criminal activity.

GO18.8A coefficient	0.005
Standard Error	0.007
95% bounds: lower, upper	-0.009, 0.020

\*p<.05; \*\*p<.01, \*\*\*p<.001

#### New Violent Criminal Activity – Logistic Regression Results

The final series of logistic regression models examined the association between GO18.8A and the likelihood of released defendants being charged with new violent criminal activity while on pretrial release (Table B.11). Model 13 assesses the influence of GO18.8A on the full sample; Models 14 and 15 examine the pre- and post-GO18.8A cohorts separately. Odds ratios for GO18.8A and for each defendant and case factor represent the independent influence of that factor on the likelihood of new violent criminal activity.

Estimates from Model 13 show that, controlling defendant and case factors, released defendants with a bond court hearing after GO18.8A were neither more nor less likely to be charged with new violent criminal activity. Put differently, GO18.8A had no impact on the odds of a released defendant being charged with new violent criminal activity.

	Model 13 Full Sample (Odds)	Model 14 Pre- GO18.8A (Odds)	Model 15 Post- GO18.8A (Odds)
GO18.8A	1.05	--	--
Female (ref.)	--	--	--
Male	1.43*	1.53*	1.34
White (ref.)	--	--	--
Black	1.40**	1.79**	1.15
Hisp./Other	1.14	1.43	0.95
Age	0.96***	0.96***	0.95***
Offense Class	1.04	1.02	1.04
Prop. Off. (ref.)	--	--	--
Person Off.	1.84***	2.34***	1.41
Weapon Off.	1.23	1.40	1.09
Drug Off.	0.54***	0.65**	0.45***
Other Off.	1.15	1.19	1.11
Total Charges	1.04	1.03	1.04
Fel. Charges	0.97	0.96	0.98
Viol. Pro./Bail	1.48***	1.33	1.56**
PSA FTA Score	--	--	--
1-2 (ref.)	--	--	--
Score 3-4	1.27	1.11	1.39*
Score 5-6	1.62*	2.14*	1.41
Missing	1.08	1.29	0.81
PSA NCA Score	--	--	--
1-2 (ref.)	--	--	--
Score 3-4	0.94	1.00	0.90
Score 5-6	1.10	0.95	1.16
Missing	--	--	--
PSA NVCA	1.41	1.02	1.70*
Missing	--	--	--
I-Bond (ref.)	--	--	--
EM	1.00	1.09	0.78
D/C-Bond	1.27*	1.16	1.39*
No Bail	0.87	0.71	0.95
Weeks at risk	0.97***	0.97***	0.96***
-2 log likelihood	-2,408.59	-1,160.90	-1,238.54
Negerlkerke	0.07	0.06	0.09
pseudo R			
Chi-Square	373.79***	153.51***	237.66***
N	18,024	8,891	9,133

\*p<.05; \*\*p<.01, \*\*\*p<.001

Several defendant and case factors, however, did affect the odds of new violent criminal activity. Defendants who were male, Black, and younger were more likely to have new violent criminal activity. As Model 13 indicates, defendants charged with Person offenses were more likely and defendants charged with Drug offenses were less likely to have new violent criminal activity relative to defendants charged with Property offenses. PSA scores and initial bond types were not associated with new violent criminal activity. Finally, defendants who spent more time in the community were less likely to have new violent criminal activity.

Estimates remain fairly stable when considering the likelihood of new violent criminal activity pre-GO18.8A (Model 14) and post-GO18.8A (Model 15). The most notable difference is the impact of race and gender. As Model 14 indicates, before GO18.8A, defendants who were male and Black were more likely to have new violent criminal activity; however, as Model 15 indicates, after GO18.8A, defendant gender and race were unrelated to new violent criminal activity. A second notable difference is the impact of initial bond type. Before GO18.8A, bond type was unrelated to new criminal activity; however, after GO18.8A defendants with an initial bond type of D/C-Bond were more likely to have new violent criminal activity, relative to defendants with an initial bond type of I-Bond. Finally, as Model 14 indicates, before GO18.8A, PSA scores for risk of new violent criminal activity were unrelated to new criminal; however, as Model 15 indicates, after GO18.8A, defendants with higher PSA scores for risk of new violent criminal activity were more likely to have new violent criminal activity.

To further examine the effect of GO18.8A on the likelihood of new criminal activity, propensity score matching was used to generate a sample of comparable sets of defendants in the pre- and post-GO18.8A cohorts. Results for the matched sample shown in Table B.12 indicate that GO18.8A had no impact on the odds of new violent criminal activity.

Table B.12. Propensity Score Matched Samples – Average Effect of GO18.8A on New Violent Crim Act	
GO18.8A coefficient	0.002
Standard Error	0.003
95% bounds: lower, upper	-0.004, 0.008

\*p<.05; \*\*p<.01, \*\*\*p<.001

## NOTES

<sup>1</sup> Chloe Anderson, Cindy Redcross, and Erin Valentine (2019). Evaluation of Pretrial Justice System Reforms That Use the Public Safety Assessment: Effects of New Jersey's Criminal Justice Reform. New York City: MDRC.

<sup>2</sup> Melanie Skemer, Cindy Redcross, and Howard Bloom (2020). Pursuing Pretrial Justice Through an Alternative to Bail: Findings from an Evaluation of New York City's Supervised Release Program. New York City: MDRC.

<sup>3</sup> Oren M. Gur, Michael Hollander, and Pauline Alvarado (2019). Prosecutor-Led Bail Reform: Year One. Philadelphia: Philadelphia District Attorney's Office.

<sup>4</sup> Office of the Chief Judge Circuit Court of Cook County . General Order 18.8A - Procedures for Bail Hearings and Pretrial Release (July 17, 2017).

<http://www.cookcountycourt.org/Manage/Division-Orders/View-Division-Order/ArticleId/2562/GENERAL-ORDER-NO-18-8A-Procedures-for-Bail-Hearings-and-Pretrial-Release>. Accessed September 1, 2020

<sup>5</sup> Office of the Chief Judge Circuit Court of Cook County (2019). Bail Reform in Cook County: An Examination of General Order 18.8A and Bail in Felony Cases. Chicago: Office of the Chief Judge Circuit Court of Cook County.

<sup>6</sup> David Jackson, Todd Lighty, and Gary Marx (2020). "Bail Reform Analyses by Cook County Chief Judge Based on Flawed Data, Undercounts New Murder Charges," Chicago Tribune (February 13, 2020).

<sup>7</sup> Paul G. Cassell and Richard Fowles (Forthcoming). "Does Bail Reform Increase Crime? An Empirical Assessment of the Public Safety Implications of Bail Reform in Cook County, IL." Wake Forest Law Review.

<sup>8</sup> James Austin and Wendy Naro-Ware (2020) pointed out additional methodological problems encountered in the Cassell and Fowles analyses, namely "equating arrests with crimes committed; using relative rate rather than the actual rate of change in estimates; ...failing to account for changes in prosecutorial policies that may have increased the number of felony filings; and applying national state prison recidivism rates to Cook County pretrial releases" (4) see James Austin and Wendy Naro-Ware (2020). Why Bail Reform is Safe and Effective: The Case of Cook County. Washington, DC: The JFA Institute.

<sup>9</sup> The PSA is a pre-trial risk assessment instrument developed by the Arnold Foundation and implemented in Cook County beginning in 2015.

<sup>10</sup> Using these data, we initially conducted a series of analyses to replicate those detailed in the OCJ report. These initial analyses relied on the same date range to identify a pre-reform cohort (July 1, 2016 through September 30, 2017) and a post-reform cohort (October 1, 2017 through December 31, 2018), definition of eligible cases and defendants (i.e., "initial felony bond hearings of defendants

with completed PSAs"), follow-up period (i.e., cases followed through disposition or March 28, 2019), and definition of outcomes (i.e., failures to appear (FTA) and new criminal case filed before case disposition). We were able to replicate the descriptive findings detailed in the OCJ's report, with the exception of release rates. Our analyses, relying on an independent analyses of individual-level data provided by the Clerk of the Circuit Court of Cook County and the Cook County Sheriff, found higher rates of release than those described in the OCJ's report. The results of the replication analyses are available upon request.

<sup>11</sup> The x-axis represents the bi-weeks within the cohort. The trend lines are the quadratic trends in outcomes.

<sup>12</sup> These numbers represent the predicted probabilities of receiving an I-Bond. These predicted probabilities are the expected outcome for the average defendant/case. The predicted probabilities are reported as the percent of defendants with each outcome after controlling for all defendant- and case-level factors.

<sup>13</sup> The estimated number of people affected by the change in the use of I-Bonds was calculated by comparing the number of people predicted to receive an I-Bond after GO18.8A to the number of people who would have received an I-Bond after GO18.8A had the pre-GO18.8A I-Bond rates remained unchanged. Thus, the calculation was: ('post-GO18.8A predicted probability of I-Bond' X 'number of defendants in post-GO18.8A cohort') - ('pre-GO18.8A predicted probability of I-Bond' X 'number of defendants in post-GO18.8A cohort'). The final result was 3,559 people. This is an estimate because, first, there is no way to know how many people would have been given I-Bonds had GO18.8A not been implemented and, second, the I-Bond rates pre- and post-GO18.8A are based on predicted probabilities accounting for defendant and case factors.

<sup>14</sup> To determine if the effects of different defendant and case factors varied before and after GO18.8A, the logistic regression models were run separately for each period. Defendant race was one factor that displayed variable effects before and after GO18.8A. As the logistic regression models indicate, the effect of race on the odds of receiving an I-Bond was not statistically significant in the pre-GO18.8A cohort; however, the effect of race was statistically significant in the post-GO18.8A cohort.

<sup>15</sup> As noted in Appendix A, a limitation of the current study was the lack of information on Hispanic ethnicity, particularly in the pre-GO18.8A cohort. It is unclear how Hispanic defendants may have been categorized in court data during this period, including whether they were categorized as White defendants. As such, ethnicity is not included in the analyses; rather, three race/ethnicity categories were created – White, Black, Hispanic/Other. Thus, the interpretation of the change in the likelihood of receiving an I-Bond for White and Black defendants may be

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affected by these categorizations in the court data. If data allowed for a more accurate categorization, these observe changes and the interpretation of disparities may be different.

<sup>16</sup> The bond amounts reflect 10% of the face value of the bond, or the amount defendants would have to pay to secure their release.

<sup>17</sup> Although most of the posted bond is eventually returned once the case is resolved, this is money that the defendant or their family do not have available to them throughout the duration of the case.

<sup>18</sup> It is possible that defendants receiving an I-Bond are held due to warrants in other jurisdictions. A separate graph showing defendants receiving No Bail who were released is not included, given the low number of defendants with No Bail pre-GO18.8A.

<sup>19</sup> To determine if the effect of different defendant and case factors varied before and after GO18.8A, the logistic regression models were run separately for each period and the probability of pretrial release was generated for select defendant and case factors. Defendant race was one factor that displayed variable effects before and after GO18.8A.

After controlling for defendant and case factors, roughly 75% of Black defendants and 77% of White defendants were expected to be released before GO18.8A. Release rates for both Black and White defendants increased after GO18.8A; however, 81% of Black defendants were expected to be released after GO18.8A compared to 83% of White defendants. Thus, GO18.8A was associated with no change in racial disparities in pretrial release; rather, a slight racial disparity in release rates continued after GO18.8A. Although it is beyond the scope of the current analyses, this requires additional exploration. Defendant race likely also picks up variance associated with socio-economic status and ability to pay bond amounts. Despite the reduction in overall bond amounts detailed in the current study, ability to pay a D-Bond amount might explain some of these differences in release rates. If this were the case, that would suggest differential implementation of “affordability” in the decision process outlined in GO18.8A.

<sup>20</sup> The influence of weeks at risk in the community on new criminal activity is contrary to expectations. However, this may be an indication that, if defendants are committing new offenses while on pretrial release, it is likely they are committing those offenses very soon after release.

<sup>21</sup> The BSTS method was developed by researchers at Google and originally made available to other analysts via an R package named CausalImpact. - K. H. Brodersen, F. Gallusser, J. Koehler, N. Remy, S. L. Scott. (2015). “Inferring causal impact using Bayesian structural time-series models,” *The Annals of Applied Statistics* 9: 247–274. URL: <https://projecteuclid.org/euclid.aos/1430226092>. doi:10.1214/14-AOAS788, publisher: Institute of Mathematical Statistics.

<sup>22</sup> Projecting crime out more than 365 days from the policy implementation period examined in this report was not done because of the inability to account for all of the changes to policy and practice (both criminal justice and beyond) that could influence crime levels. For the most part, these control variables were correlated with the crime measures in the directions that would be expected. There was a positive correlation between average temperature and all crime measures, with higher temperatures being correlated with more crime (indicative of the seasonality of crime). There was an inverse correlation between precipitation and all crimes other than murder (if there was precipitation, there were fewer crimes). Unemployment rates were positively correlated with Violent Index Crime with a Gun, but were not correlated with the overall Violent Index Crime and inversely related to Property Index Crimes. There was an inverse correlation between arrests for drug-law violations and all crimes examined except for Property Index Crimes. Finally, for all crimes other than Property Index Crime, crimes tended to be higher on weekends.

<sup>23</sup> This is estimated using a 68% confidence interval.

<sup>24</sup> Melanie Skemer, Cindy Redcross, and Howard Bloom (2020). *Pursuing Pretrial Justice Through an Alternative to Bail: Findings from an Evaluation of New York City’s Supervised Release Program*. New York City: MDRC.

<sup>25</sup> Chloe Anderson, Cindy Redcross, and Erin Valentine (2019). *Evaluation of Pretrial Justice System Reforms That Use the Public Safety Assessment: Effects of New Jersey’s Criminal Justice Reform*. New York City: MDRC.

<sup>26</sup> Oren M. Gur, Michael Hollander, and Pauline Alvarado (2019). *Prosecutor-Led Bail Reform: Year One*. Philadelphia: Philadelphia District Attorney’s Office.

<sup>27</sup> The initial data set provided by ISLG included cases with court event dates as early as September 29, 1960. To ensure we captured only those cases initiated after 2013, we deleted all cases that had a court event with an event date earlier than January 1, 2013.

<sup>28</sup> The court data included cases that originated in both municipal court and felony court. Cases that originate in municipal court are initially given a municipal court case number; if such cases are subsequently transferred to felony court, they are then given a new felony court case number. In such cases, a central booking number is used to link the cases across courts. For the current analyses, a unique case number was created by ISLG for such cases and was used in place of the municipal and felony court case numbers to track cases and court events.

<sup>29</sup> The analyses track defendant/case combinations since defendants could have multiple cases during the study period. For example, a defendant may have multiple bond court hearings on the same day for different cases. It also is possible for the same defendant to appear multiple times in the dataset if they have multiple cases initiated during the study period.

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<sup>30</sup> See, Office of the Chief Judge Circuit Court of Cook County (2019). *Bail Reform in Cook County: An Examination of General Order 18.8A and Bail in Felony Cases*. Chicago: Office of the Chief Judge Circuit Court of Cook County, at page 3.

<sup>31</sup> All defendants in the sample were tracked until their case was disposed or for a full twelve months, whichever came first, ensuring that all follow-up periods potentially covered both summer and winter months.

<sup>32</sup> This explains why defendants with, for example, No Bail are released from jail.

<sup>33</sup> Due to the availability of data, it was only possible to examine new charges filed in Cook County. Thus, new charges filed in other jurisdictions are not included.

<sup>34</sup> This provided a broader definition of New Violent Criminal Activity than defined in the OCJ's report. While the OCJ report included only Part I felony offenses, we included any misdemeanor or felony Person offense, including simple assault and domestic battery.

<sup>35</sup> Weapons offenses include Unlawful Use of a Weapon, Unlawful Use of a Weapon by a Felon, Aggravated Unlawful Use of a Weapon, Unlawful Possession/Purchase of Firearms and Firearms Ammunition, Unlawful/Aggravated/Reckless Discharge of a Firearm, Armed Habitual Offender, Gunrunning, Unlawful Sale/Delivery of a Firearm, Armed Violence.

<sup>36</sup> Total cases reported here are slightly lower than the total samples due to missing values for some variables.

<sup>37</sup> Total cases reported here are slightly lower than the total samples due to missing values for some variables.

<sup>38</sup> Missing values for PSA scores for risk of New Criminal Activity and risk of New Violent Criminal Activity were omitted due to collinearity with missing values for PSA scores for risk of FTA. Thus, only the coefficients for PSA scores for risk of FTA are reported in this and all subsequent logistic regression tables.

## Acknowledgements

A special thank you to Branden DuPont at the Medical College of Wisconsin for his assistance with the analyses of Chicago crime rates. Thank you to Jennifer Ferone and Reagan Daly at the Institute for State and Local Governance at the City University of New York for their insights and support. Finally, we would like to thank Laurie Garduque and Maria Speiser of the MacArthur foundation for their support throughout this project.

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### Suggestion citation

Don Stemen and David Olson. *Dollars and Sense in Cook County: Examining the Impact of General Order 18.8A on Felony Bond Court Decisions, Pretrial Release, and Crime*. Chicago: Loyola University Chicago, 2020.



Supported by the John D. and Catherine T. MacArthur Foundation

 This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

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