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The First Year of the Pretrial Fairness Act

Beginning September 18, 2023, the Pretrial Fairness Act fundamentally altered pretrial practices in Illinois. What can we say about the workings and effects of the new law at the one-year point?

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The Pretrial Fairness Act (PFA) has now been in operation in Illinois for one full year. Beginning September 18, 2023, the PFA fundamentally altered pretrial practices in Illinois. The law eliminated the use of cash bail in all criminal cases, prohibited pretrial detention altogether for most defendants, and established new and uniform processes, timelines and decision standards for pretrial detention and release hearings, among many other changes. What can we say about the workings and effects of the new law at the one-year point?

We now have data from a variety of state and local sources that give us a picture of the ways Illinois pretrial detention and release practice and decision-making

have changed since a year ago, and the varying effects being felt in local jails and courthouses. It's still early, of course, for any kind of definitive findings—our evaluation is ongoing, and will run at least through December 2025. Ultimate questions about the effects of the new law on defendants, on court and jail operations, and on public safety can't be answered till more time has passed and more data becomes available. Moreover, one of our most consistent findings is that the effects of the PFA vary by county and region, making even simple generalizations about its “statewide” effects problematic, if not meaningless.

This report is intended to provide a snapshot of what we're learning, at a significant point in time. We can say something about the kinds of cases in which detention is being sought and granted, and the kinds of conditions being imposed on those who are released pretrial. We have some limited information from which to judge the extent to which people released under the PFA are successfully abiding by the law and returning to court.

And we know that this information, though provisional, is of vital interest to the public and the field.

We'll continue to share findings, insights, and questions as they emerge. And in the meantime, where possible, we have worked with state and local agencies to make the data we are using for our evaluation accessible to the public through data tools on our website. [\[1\]](#)

PFA Background



About Loyola CCJ's Evaluation



Prior Evaluation Findings



How Has Pretrial Hearing and Decision-Making Practice Changed Under the PFA?

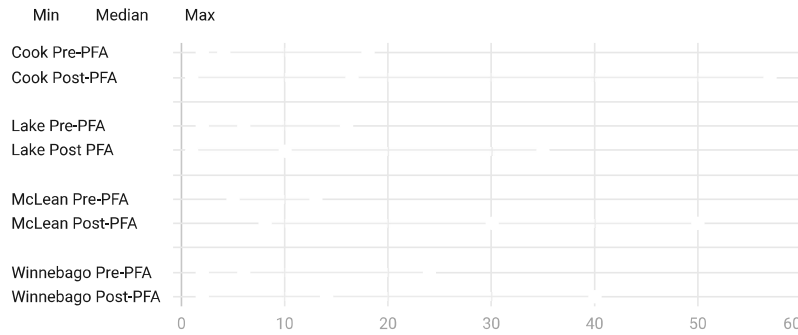
Both court observations and interviews with practitioners confirmed that the PFA has fundamentally changed pretrial practice in Illinois.

Our observations of pretrial hearings in multiple counties, [9] including pre-and post-implementation observations in four counties, [10] indicated that, at least when detention was at issue, PFA hearings were longer and more deliberative than pre-PFA bail hearings. In particular, PFA hearings featured more discussion, a broader range of issues, closer scrutiny of the evidence, and a tighter focus on risk.

- **Duration of Hearings.** In the counties where we observed hearings before and after PFA implementation, we noted a significant increase in the duration of detention hearings. Before the PFA, bond court hearings observed were almost uniformly short, with median lengths between 4 and 6 minutes. Post-PFA “conditions” hearings, in which the only issues concerned terms and conditions of release, were also short, with medians between 4 and 5 minutes. But hearings in which the state sought detention took longer in all the counties we visited, with median lengths that varied from 10 to 30 minutes. In more complex and contested cases, we observed detention hearings that lasted close to an hour — an unheard-of length in the period before the PFA.

After the PFA, hearings in which detention was at issue were significantly longer in all counties.

This chart shows the minimum, maximum, and median hearings times in cases in which bond was imposed (pre-PFA) or detention was imposed (post-PFA).



Hearing times are measured in minutes.

[Get the data](#)

- **Issues Raised.** Prior to the PFA, in all counties observed, bond court hearings featured little individualized argumentation. Following PFA implementation, hearing argumentation was more varied and substantive. Both prosecution and defense raised a broader range of case-specific issues, there was more examination of the evidence and its weight, and the two sides were more likely to engage directly on a common set of factors acknowledged to be relevant to the detention/release decision.
- **Reasons for Decisions.** Prior to the PFA, it was common practice for judges to issue bond decisions without citing any reasons for them: in the courts we observed, bond decisions were announced without articulated reasons between 49% and 88% of the time. After the PFA took effect, judges in the same four counties more often cited reasons for their decisions, and always in cases in

which detention was at issue. And those reasons were more likely to relate to the facts and case characteristics raised by the parties.

Pre-PFA bond hearings featured little overlap in factors cited for and against monetary bail. Rarely did judges provide reasons for imposing bail.

This charts shows the percent of cases in which a specific factor was mentioned by a court actor in making an argument during bond hearings. Cases include only those in which monetary bond was imposed.

	Prosecution	Defense	Judge
	Prosecution	Defense	Judge
Current Charge	70%	1%	8%
Priors Convictions	24%	0%	11%
Victim	28%	5%	2%
Parole/Probation Status	13%	0%	11%
Strength/Weakness of Evidence	5%	13%	2%
Risk Assessment	15%	4%	15%
Open Cases/Warrants	2%	0%	2%
First Arrest	0%	9%	1%
Family/Friends in Courtroom	0%	1%	0%
Inability to Pay/Indigent	0%	8%	0%
Flight Risk	1%	5%	2%
Employment/Education	0%	38%	0%
Community Ties	0%	74%	0%

Based on observations of 133 bond hearings.

[Get the data](#)

Post-PFA detention hearings featured more overlap AND more diversity in factors considered.

This charts shows the percent of cases in which a specific factor was mentioned by a court actor in making an argument during detention hearings.

	Prosecution	Defense	Judge
	Prosecution	Defense	Judge
Current Charge	68%	25%	64%
Priors Convictions	52%	18%	45%
Victim	42%	15%	31%
Parole/Probation Status	19%	4%	14%
Strength/Weakness of Evidence	51%	45%	51%
Risk Assessment	23%	20%	40%
Open Cases/Warrants	16%	3%	13%
First Arrest	2%	8%	3%
Family/Friends in Courtroom	0%	16%	9%
Inability to Pay/Indigent	0%	3%	0%
Flight Risk	4%	3%	4%
Employment/Education	1%	51%	9%
Community Ties	2%	54%	9%

Based on observations of 1,037 detention hearings.

[Get the data](#)

Practitioners involved in detention and release proceedings at the county level confirmed these basic trends. One clear theme of our practitioner interviews, which are ongoing, concerns the ways that the PFA has resulted in the prioritization and frontloading of detention cases. Both by limiting the availability

of detention and by requiring that the state signal its intention to detain early in the process, the law has had the effect of dividing what had been an undifferentiated mass of bond court cases into two groups, which are handled very differently:

- **“Conditions” cases.** In the mass of cases where detention is not at issue — either because it’s not a detention-eligible charge or because the state is not seeking it — the process of determining appropriate conditions of release is relatively simple. Hearings tend to be shorter and less intensive, and often feature little substantive dispute. [\[11\]](#)
- **Detention cases.** Cases in which detention is sought, on the other hand, absorb far more of prosecutors’, defenders’ and courts’ attention and resources. The process is frontloaded — decisions must be made quickly, and information must be reviewed and shared on tight deadlines. More hearing preparation is required, discovery is more extensive, and hearings themselves are more formal, more resource-intensive, more complex, and more structured than pre-PFA bond court hearings.

Both defenders and prosecutors reported being challenged by the new demands and deadlines imposed by the PFA. The law puts a particular strain on already-strapped and short-handed defenders, [\[12\]](#) and new state funding for defense doesn’t necessarily fix the problem. [\[13\]](#)

The PFA creates new responsibilities and burdens for prosecutors as well. Previously, prosecutors generally made only cursory presentations in bond hearings, and often no specific recommendations as to bond amount. The PFA now requires them to review reports, evidence and criminal histories in every case eligible for detention, [\[14\]](#) decide whether or not to file a petition, assemble and share all relevant discovery materials, and mount a persuasive case for detention, usually all on the same day. [\[15\]](#)

For judges, the PFA’s detention eligibility rules, decision standards, and required findings necessitate a more structured and formal approach to pretrial hearings. Accordingly, at least in the early going, they have been conducting PFA hearings with an eye to transparency, being careful to articulate reasons for their decisions, point to case-specific facts to support them, and establish an adequate record for subsequent appellate review. [\[16\]](#)

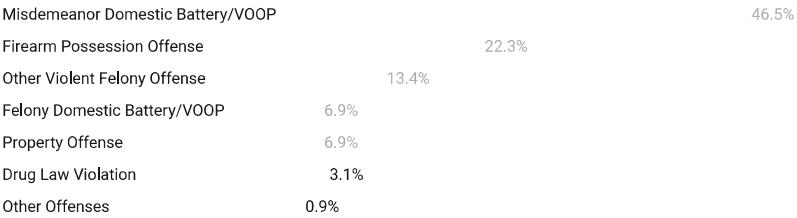
Who is Eligible for Detention and Who is Being Detained Under the PFA?

The PFA makes pretrial release mandatory, except for two broad groups, who are eligible for pretrial detention subject to the required proofs: (1) a “public safety” group consisting of those accused of a set of specified violent and/or serious

offenses and shown to pose a risk to public safety, [17] and (2) a “risk of flight” group including those accused of any felonies above the level of Class 4 and shown to pose a risk of flight from prosecution. (To justify detention of an individual in either group, it must also be shown that no release condition would acceptably mitigate the risk.) While the latter eligibility group is potentially much larger, in practice few detention cases in the PFA’s first year have been justified under the flight-risk exception. Accordingly, unless otherwise noted, when we focus on the universe of “detainable” cases in this report, we are discussing cases falling within the public safety exception.

What offenses are charged against those eligible for detention on public safety grounds? Combining data from the 77 counties served by the Office of Statewide Pretrial Services (OSPS) with data from an additional 11 non-OSPS counties plus Cook County (a total of 89 of Illinois’ 102 counties) provides a useful picture here. [18] Still, it is important to point out that Cook County accounts for a majority (59%) of the cases from these 89 counties. Out of nearly 25,000 detention-eligible cases filed across these 89 counties during the PFA’s first ten months, more than half (53%) involved domestic violence charges—including 46% in which the top charges were misdemeanor domestic batteries or violations of orders of protection (VOOP), and another 7% in which the top charges were felony-level offenses of the same kind. [19] The remaining detention-eligible cases (nondomestic) included top charges involving forcible felonies, and nonprobationable firearm possession, property, or drug-law violation offenses.

Out of nearly 25,000 detainable cases filed across 89 counties, 53% involved domestic violence charges.



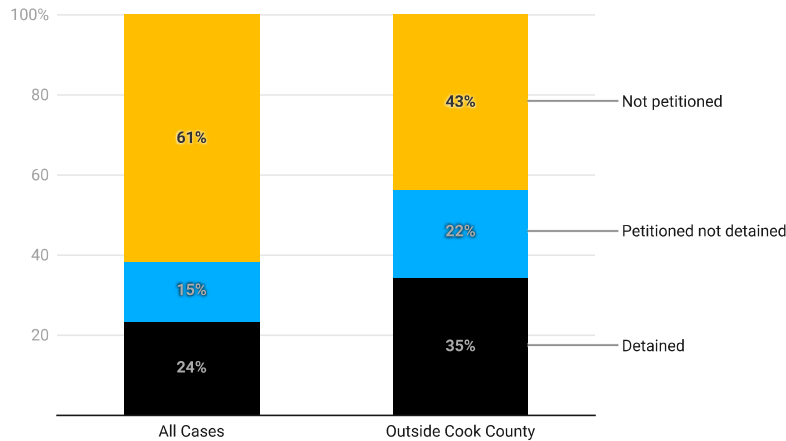
Source: Loyola Center for Criminal Justice Analyses of data from the Office of Statewide Pretrial Services for 77 counties, 11 non-OSPS counties plus Cook County from September 18, 2023 through June 2024. • [Get the data](#)

How were these cases handled? The short answer is that, out of the whole group of close to 25,000 cases, about 39% had a petition for detention filed, and about 24% of the 25,000 cases were in fact detained pretrial. The proportions that were petitioned and detained varied according to the types of charges involved, as you might expect. Almost three-quarters of misdemeanor domestic battery/VOOP went unpetitioned, compared with only 27% of felony-level domestic batteries/VOOP offenses. By comparison, 50% of all the non-domestic violence cases eligible for detention were not petitioned for detention. Overall, across these 89 counties combined, only 9% of cases involving misdemeanor domestic battery/VOOP were actually detained, while 45% of those charged with a felony-level domestic battery/VOOP were detained and 36% of those charged

with the other detainable offenses ended up detained. However, the percent of eligible cases petitioned for detention and detained was lower in Cook County than in the other 88 counties combined, and because Cook County accounts for such a large share of the cases included in the analyses, their practices influence these overall rates.

In the nearly 25,000 detainable cases filed in 89 counties, 24% of defendants were detained at their initial court hearing after the PFA.

When considering only the 88 counties outside Cook County, 35% of defendants charged with a detainable offense were detained at their initial court hearing after the PFA.



"Detainable cases" includes only cases detainable under the public safety consideration.

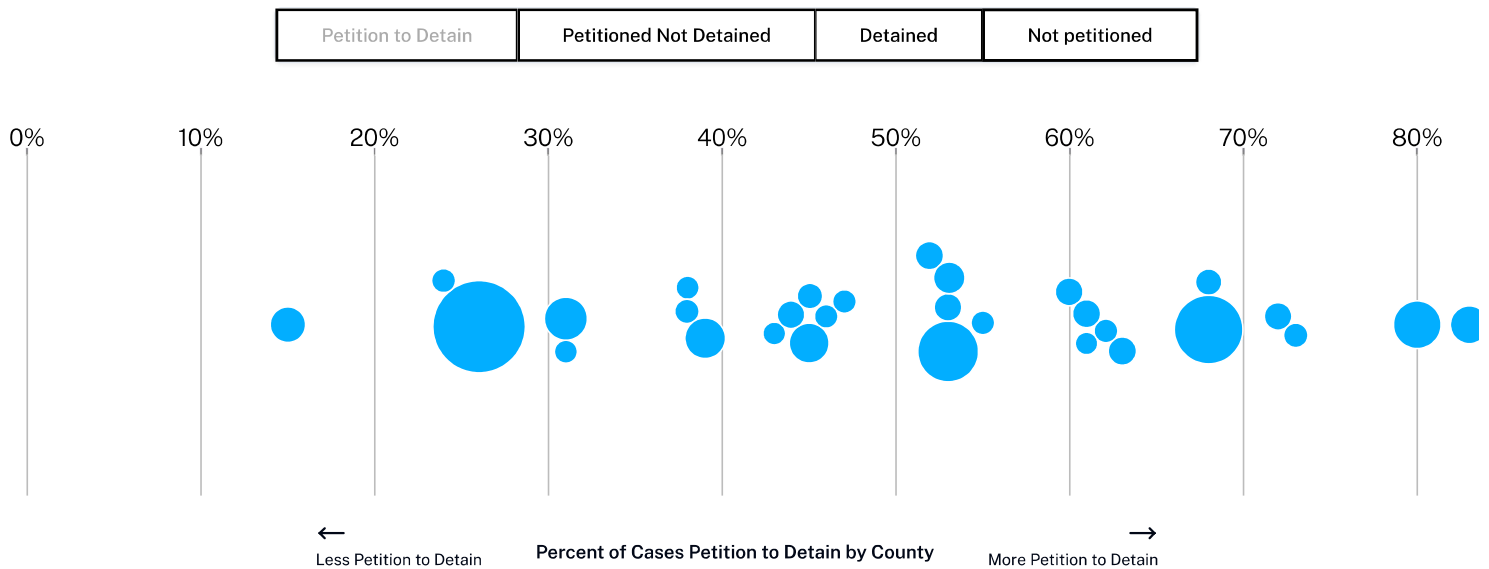
Source: Loyola Center for Criminal Justice Analyses of data from the Office of Statewide Pretrial Services for 77 counties, 11 non-OSPS counties plus Cook County from September 18, 2023 through June 2024. • [Get the data](#)

But it isn't just that Cook County and other counties differed. In reality both the likelihood of a detention petition being filed and the likelihood of its being granted varied widely across individual counties. In the 89 counties examined, 31 processed at least 100 detention-eligible cases since the PFA went into effect, [20] and across these 31 counties petition rates varied all the way from 15% to 95% (i.e., what percent of eligible cases were petitioned for detention), and detention rates from 11% to more than 50% (i.e., what percent of eligible cases were actually detained). Thus, while producing measures at the state-level are useful, recognizing that there is considerable variation across individual counties is important to understanding how the PFA is being implemented across a diverse state.

Of the cases with a detainable offense, the percent with a detention petition filed and the percent resulting in detention varied across Illinois counties.

In some counties, over 70% of defendants charged with detainable offense faced a petition to detain, while in other counties less than 30% faced a petition to detain.

Each ● is one of 32 Illinois counties with >100 cases scaled by the number of detainable cases.



Both individual-level and county-level factors affected the likelihood of a detention-eligible case being petitioned and detained. Different counties have different case mixes, of course, with some having to deal with a more serious range of cases or defendants with different risk factors than others. But even apart from this, different counties also have different judges and prosecutors, different norms and risk tolerances — and all these may contribute to different rates at which they seek and impose detention.

At the individual level, the biggest factor influencing the likelihood of being detained was the seriousness of the charged offense — the more serious the crime class, the more likely the defendant would be detained. In addition, if the defendant was under some form of supervision at the time of the alleged offense (e.g., on probation or on mandatory supervised release) that also increased the likelihood of detention being sought and granted. We also found that the filing of a detention petition and the granting of detention was slightly higher in the first few months of the PFA, when the law was new, than in the subsequent seven months examined. After accounting for case and defendant characteristics, there was still variation across individual counties and types of counties; in Cook County detention was sought and imposed less often than other urban counties include in the analyses, and in rural counties detention was less often sought and granted when compared to urban counties outside of Cook County.

How Have Detention and Release Rates Changed under the PFA?

We analyzed pre- and post-PFA court data from 22 Illinois counties [21] to get a sense of how detention and release rates may have changed under the new law. It's difficult to make a one-to-one comparison between PFA detention and release rates and bond court outcomes under prior law. [22] For our analysis, we

examined the initial outcome in court to release a defendant or impose bond under the prior law; but we also made the assumption that, in cases governed by prior law, those defendants who were still in jail custody more than 3 days after bond-setting had been effectively “detained,” and all others had been “released.” [23] Before the PFA, roughly 51% of defendants were detained at their initial court hearing, through the imposition of bond; after the PFA, just 9% of defendants were detained at their initial court hearing. Examining defendants held for 3 days or more, the pre-PFA “detention” rate for all misdemeanor and felony offenses was about 33% across those 22 counties. After the PFA, the overall detention rate for all offenses was only 9%.

In 22 counties examined, the percent of defendants detained at their initial court hearing decreased markedly for all offense types.

Prior to the PFA, on average 51% of defendants were detained or required to post bail; after the PFA, on average 9% of defendants were detained at their initial hearing.

	Pre-PFA (Bond/Detained at Initial Hearing)	Post-PFA (Detained at Initial Hearing)
Non-Detainable Misdemeanors	35%	1%
Non-Detainable Felonies	73%	11%
Detainable Offenses	77%	33%
All Offenses	51%	9%

"Detainable offenses" includes only cases detainable under the public safety consideration. Numbers reflect the average percent of defendants detained or with bond imposed (Pre-PFA) and detained (Post-PFA) at their initial hearing across all 22 counties.

Source: Loyola Center for Criminal Justice Analyses of case management data from clerks of court in 22 counties for cases initiated between September 18, 2023 and June 30, 2024. • [Get the data](#)

In 22 counties examined, the percent of defendants detained more than 3 days after their initial court hearing decreased markedly for all offense types.

Prior to the PFA, on average 33% of defendants were detained more than 3 days; after the PFA, on average 9% of defendants were detained at their initial hearing.

	Pre-PFA (Detained >3 days after Intial Hearing)	Post-PFA (Detained at Initial Hearing)
Non-Detainable Misdemeanors	16%	1%
Non-Detainable Felonies	56%	11%
Detainable Offenses	61%	33%
All Offenses	33%	9%

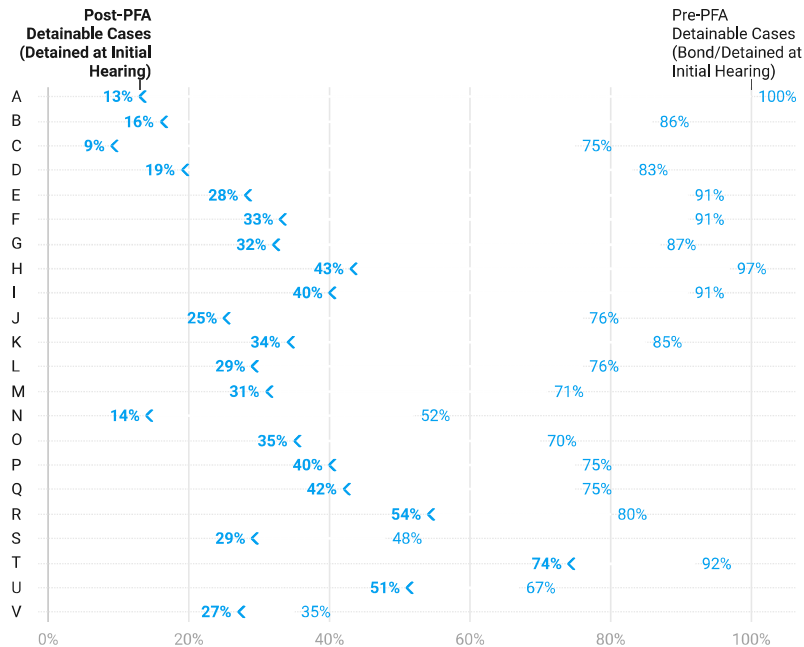
"Detainable offenses" includes only cases detainable under the public safety consideration. Numbers reflect the average percent of defendants detained more than 3 days (Pre-PFA) and detained (Post-PFA) at their initial hearing across all 22 counties.

Source: Loyola Center for Criminal Justice Analyses of case management data from clerks of court in 22 counties for cases initiated between September 18, 2023 and June 30, 2024. • [Get the data](#)

Detention rates for detainable offenses also changed markedly, from 77% to 33%. But here again, counties’ detention rates varied significantly, both before and after PFA implementation began. Before the PFA, most of these 22 counties detained defendants charged with detainable offenses in over 75% of cases; only three counties detained fewer than 50%. However, after the PFA, only one county still detained nearly 75% of defendants charged with detainable offenses; rather, fifteen counties detained less than 1/3 of such defendants.

In 22 counties examined, the percent of defendants charged with a detainable offense who were detained at their initial court hearing decreased in all counties.

Prior to the PFA, several counties imposed bail or detained defendants in over 90% of detainable cases. After the PFA, nearly all counties detained less than 50% of defendants charged with a detainable offense at the initial hearing.



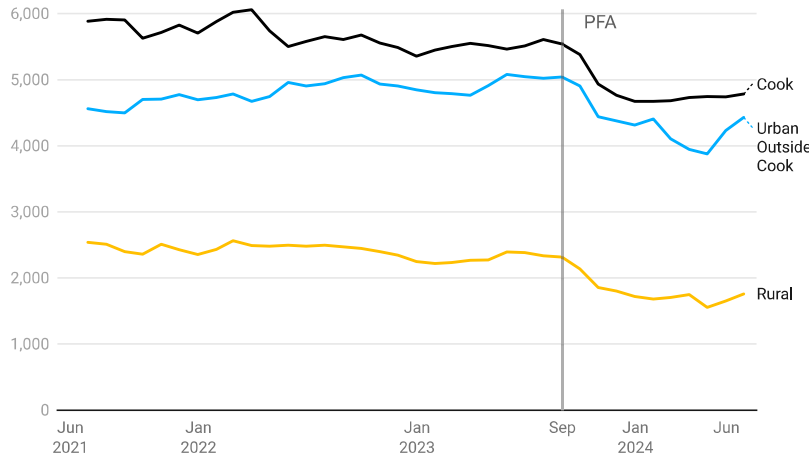
"Detainable cases" includes only cases detainable under the public safety consideration.

Source: Loyola Center for Criminal Justice Analyses of case management data from clerks of court in 22 counties for cases initiated between September 18, 2023 and June 30, 2024. • [Get the data](#)

How Have Jail and Pretrial Supervision Populations Changed Under the PFA?

As some feared and others hoped, the overall number of people held in jail pretrial declined after the PFA took effect in Illinois. Specifically, the monthly average jail populations fell 14% in Cook and other urban counties, and 25% in rural counties, with the sharpest drops occurring in the first few months of implementation. [\[24\]](#)

Pretrial jail populations fell after Illinois' Pretrial Fairness Act went into effect, down 14% in Cook County, 14% in other urban counties and 25% in rural counties



Source: Loyola's Center for Criminal Justice analyses of data provided by the Illinois Department of Corrections' Jail and Detention Standards Unit and supplemental data from Cook and Lake County • [Get the data](#)

Here again, however, there was considerable variation from county to county. Each county had its own post-PFA pattern, and some counties saw increases in average daily jail populations.

Apart from the numbers detained, how have jail populations otherwise changed since the PFA took effect? Preliminary analyses of jail populations in selected counties where we have access to more detailed data [25] suggest two kinds of change:

- **Length of Stay.** We noted a decline in the proportion of the jail population held for short periods, and an increase in the proportion held for longer periods.
- **Offense Mix.** At least in Cook County, we noted a large increase in the proportion of the jail population charged with person and weapon offenses, and a decrease in the proportion held for drug, DUI, property, and public order offenses.

The Cook County Jail saw declines in the average daily population for all categories, except for defendants who had been in the jail for one year or longer.

This chart shows the numerical difference in the average daily population of Cook County Jail based on how long defendants had been detained in the jail.

Difference	
1-3 Days	-32
4-7 Days	-24
8-30 Days	-70
31-60 Days	-41
61-364 Days	-19
1 Year+	48

This compares the average daily population of the Cook County Jail for 8 months after the PFA to the average daily population for 8 months before the PFA.

[Get the data](#)

The Cook County Jail saw declines in the average daily population for all offense categories, except Person and Weapon Offenses.

This chart shows the numerical difference in the average daily population of the Cook County Jail based on the most serious charge filed in the defendant's case.

Difference	
DUI/vehicle offense	-21
Drug offense	-69
FTA/Warrant	3
Person offense	103
Property offense	-82
Public order offense	-140
Weapon offense	17

This compares the average daily population of the Cook County Jail for 8 months after the PFA to the average daily population for 8 months before the PFA.

[Get the data](#)

If these findings turn out to be representative of the state as a whole, they would be consistent not only with the basic design of the PFA, but with the early impressions of many of the practitioners we interviewed. Except for very short jail holds that may precede hearings on release conditions in some counties, [26] the PFA prohibits pretrial detention of most defendants, and does away with the once-routine jail stays necessitated by the time it took to raise money needed for bonds. Defense attorneys we interviewed believed that the PFA's detention eligibility restrictions had in fact reduced this form of short-term detention in their counties. [27] They also had the sense that the mix of those detained had

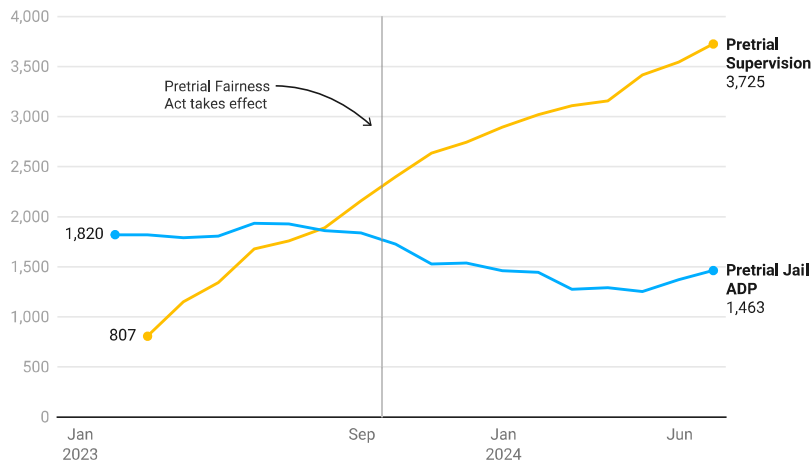
changed, with defendants accused of violent and serious offenses being more likely to be jailed, and jailed longer, than under the cash bail system. [28]

Pretrial Supervision

Our research prior to the implementation of the PFA found that the vast majority of individuals awaiting disposition of a criminal case were neither detained in jail nor on [pretrial supervision](#). While that overall pattern remains — that most people awaiting disposition of their criminal case are not detained or on supervision — there have been some shifts. Unlike pretrial jail populations, pretrial supervision populations have increased since the PFA was implemented. In fact, statewide reductions in detention numbers have been more than offset by increases in the numbers of defendants released to the community but placed on pretrial supervision or electronic monitoring. [29]

The counties that saw the most dramatic increases in pretrial supervision were those served by OSPS — which is partly explained by the fact that in many cases, before the arrival of OSPS, those same counties had no previous pretrial supervision capacity at all.

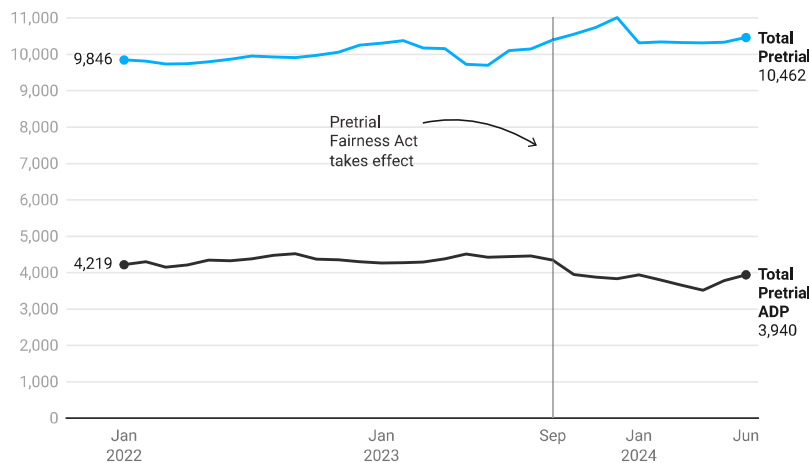
Across 44 counties, the increase in defendants under pretrial supervision post-PFA dramatically exceeded the post-PFA drop in the pretrial jail population.



These data only include the 44 counties served by OSPS during entire January 2023 to June 30, 2024 period where complete average daily jail population data were also available.

Source: Loyola's Center for Criminal Justice analyses of Office of Statewide Pretrial Services (OSPS) and Illinois Department of Corrections Jail and Detention Standards Unit data. • [Get the data](#)

In non-OSPS counties outside of Cook County, average monthly pretrial jail populations fell by roughly 500 people after the PFA went into effect and pretrial supervision populations increased by roughly 300



Source: Loyola's Center for Criminal Justice analyses of data provided by the Illinois Department of Corrections' Jail and Detention Standards Unit and the Administrative Office of the Illinois Courts • [Get the data](#)

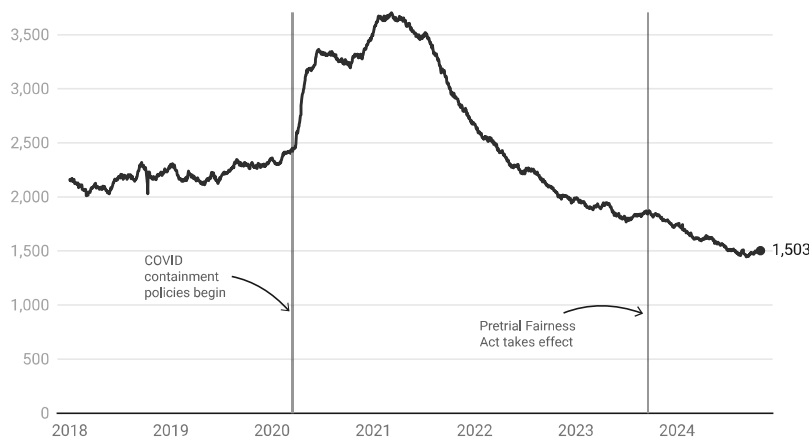
In Cook County, the average jail population declined by about 900 people, while the total number on some form of pretrial supervision in the community increased by 2,200. Non-OSPS counties outside Cook County also saw a pretrial supervision increase, but not enough to offset reductions in pretrial detention.

Electronic Monitoring

Prior to the PFA, there was some concern that the new law might trigger an unnecessary expansion in the use of pretrial electronic monitoring — particularly in counties served by OSPS, which for the first time would be providing GPS monitoring at no cost to the county or the defendant. There were similar concerns in Cook County, where the Sheriff operates an extensive pretrial electronic monitoring program. In fact, however, the electronic monitoring population in Cook is down substantially.

Cook County Sheriff's Electronic Monitoring Population

On October 28th the Cook County average daily electronic monitoring population is down **-18.6%** — a difference in individuals on EM of **-343.0** since the implementation of the PFA on September 18th.



We use a technique called *git scraping* update this data. The Github repo can be found [here](#).

Chart: Branden DuPont & Don Stemen [Loyola Center for Criminal Justice](#) • Source: [Cook County Sheriff's Office Jail Population Data Archive](#) • [Get the data](#)

So far, however, GPS monitoring has been ordered in only about 9% of nondetained OSPS cases. GPS was most commonly used in cases where detention would otherwise have been available: in a third of cases in OSPS counties where a petition to detain had been filed but not granted, GPS was ordered as a condition of release.

Practitioner interviews confirmed that it is typically the defendant's counsel advocating electronic monitoring, rather than the state. Some prosecutors we spoke to expressed reservations about using electronic monitoring, particularly in cases where it might eventually result in "time served" credit against a prison sentence. [\[30\]](#)

How Has Hearing Attendance Changed Under the PFA?

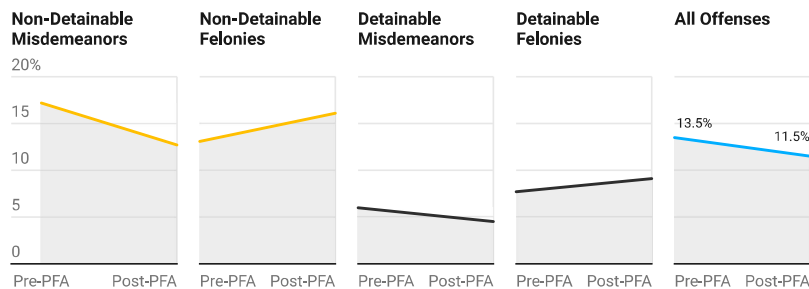
Because the PFA mandated pretrial release of most defendants and ended the practice of requiring them to post money as security for hearing attendance, many predicted that it would result in an increase in failures to appear (FTAs) at required court hearings. Indeed, some practitioners we interviewed reported that missed hearings has been a problem in their counties under the PFA. Others believed that hearing attendance was unchanged. While we are still untangling this issue, the data we have so far do not show any dramatic increase in FTAs under the PFA.

Analysis of court data from 22 counties indicates that overall FTA warrant rates —as measured by the percentage of released defendants with at least one FTA warrant issued within 6 months of their initial hearing/release or as of the time of

case disposition, whichever came first — actually declined slightly, from 13.6% before the PFA to 12.5% after. The change was not the same across offense types. Defendants charged with non-detainable misdemeanors and detainable misdemeanors (i.e., domestic battery/violations of orders of protection) experienced decreases in FTA warrant rates, while defendants charged with non-detainable and detainable felonies saw increases. Specifically, those charged with non-detainable felonies (Class 3 and higher felonies detainable only under the little-used willful flight standard and Class 4 non-detainable felonies) saw the largest increase, from 13.1% before the PFA to 16.1% after the PFA. Several defendant- and case-level factors were related to FTA warrant rates. Older, white defendants tended to have higher FTA warrant rates, as did those charged with more serious offenses.

In 22 counties examined, overall FTA Warrant rates decreased after the PFA, from 13.5% to 11.5%.

FTA Warrant rates for detainable and non-detainable misdemeanor offenses decreased after the PFA. However, rates for detainable and non-detainable felony offenses increased.



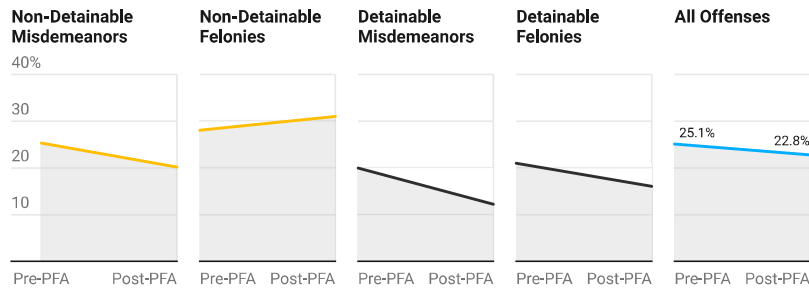
This chart shows the percent of defendants with at least one failure to appear Warrant within 6 months of their initial court hearing or the disposition of their case, whichever came first.

Source: Loyola Center for Criminal Justice Analyses of data from 21 counties for defendants charged and released between September 18, 2022 and December 31, 2022 (Pre-PFA) or charged and released between September 18, 2023 and December 31, 2023 (post-PFA). • [Get the data](#)

But this is far from the final word. First, there is no one right way to measure hearing attendance. [31] For example, when we include any instance of hearing nonattendance — whether or not an FTA warrant was issued — resulting FTA rates are higher; however, even using this broader measure, FTA rates appear to have decreased following PFA implementation (from 25.1% to 22.8%). [32]

In 21 counties examined, overall FTA rates (with and without a warrant issued) decreased after the PFA, from 25.1% to 22.8%.

FTA rates - measured simply as any missed court date - decreased after the PFA for all offense types except non-detainable felony offenses. FTA rates for non-detainable felonies increased from 28.1% to 31.0%.



This chart shows the percent of defendants with at least one failure to appear within 6 months of their initial court hearing or the disposition of their case, whichever came first. These numbers do not include Cook County.

Source: Loyola Center for Criminal Justice Analyses of data from 21 counties for defendants charged and released between September 18, 2022 and December 31, 2022 (Pre-PFA) or charged and released between September 18, 2023 and December 31, 2023 (post-PFA). • [Get the data](#)

Lengthening the measurement period from six to twelve months would also change the results, as would limiting the analysis to include only defendants with serious charges. Moreover, not all of the post-PFA cases used in the analysis have been closed. Finally, the PFA also made changes to the statutory provision governing issuance of warrants for nonattendance, creating a new summons option and leaving it somewhat unclear whether FTA warrants before and after the amendment are sufficiently equivalent to permit one-to-one comparisons.

[33]

In any case, while more analysis is needed here, in some ways it would not be surprising if the PFA did not have much of an impact on hearing attendance. [Other research](#) has cast doubt on the assumption that the fear of forfeiting a posted money bond provides a strong incentive to return to court. And our own prior research on Illinois' cash bail system showed that in most cases the money in jeopardy (1) was not the defendant's and (2) [wouldn't be coming back](#) anyway.

What Can We Say About Crime and Public Safety Under the PFA So Far?

While we lack the data needed for a causal analysis at this point, we can say at least that crime in Illinois did not go up following PFA implementation. In fact, reported violent and property crime declined in rural counties and in Cook and other large counties, though not in every county. Using data collected by the Illinois State Police through the National Incident Based Reporting System (NIBRS), we compared reported crime in each of Illinois' counties during the first six months of 2023 (before the PFA) with crime reported during the first six months of 2024 (after the PFA). [34] The statewide volume of reported crimes

declined 11% between the two periods. Violent crime declined 7%, and property crime declined 14%.

This does not answer the question of the PFA's impact, if any, on crime and public safety. It's possible, for example, that crime would have declined further in the absence of the PFA. But it does confirm the unanimous sense of the Illinois practitioners we interviewed, that (as several of them put it) "the sky did not fall" when the PFA went into effect.

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