

# 16 Ways to Get Out of Jail or Complications to Understand in Discharge Planning

Cook County Jail is the largest single site jail in the country and is part of the largest single unified court system in the country. The numbers are staggering with over 100,000 admissions a year with 300-375 new admissions and discharges every day. 10% of the population take medication daily with most of those taking psychotropic drugs. It treats more psych patients daily than any 3 of the state mental health facilities. It is an important site recognized by the Centers for Disease Control in controlling infectious disease and sexually transmitted diseases. On any given day the 100 acre facility sends up to 14 buses of individuals to court and back. There is an average of 11,000 individuals on a given day and has housed close to 14,000 individuals at the height in a facility designed for less than 10,000.

While the public often blames the sheriff for the number of persons in custody, the sheriff actually controls few of the releases. Discharges are actually dictated by law, courts, and other state and county departments. This makes discharge planning difficult and frustrating and requires very flexible, quick, and timely interventions if the response is to be effective with any given individual. There are also a large number of reasons for a person to be released. Here is a fairly comprehensive list of the ways a person gets released along with some background on each:

**1. Sheriff's Release-** As a result of a federal lawsuit on over-crowding, the sheriff is required to release a certain number of detainees regardless of judicial decisions in court in order to ensure that the jail is not overcrowded. No discharge planning is done although this can be considered. It is the only time in which the release is totally controlled by the sheriff. This is a form of an I-Bond in which a person is required to report to court without a cash bond posted but is not a release controlled by the judge on the current case.

**2. Bond-** This is a guarantee by the person, family, friends, or interested party that a defendant will come to court regarding a case or forfeit a cash deposit set by the court through a bond hearing (10% of the bond is bail). Outsiders control the day of the release. The release is four to six hours after the posting of bail.

**3. Innocent-** A person in jail is detained pending trial. If they are found innocent, they will be returned to jail and released after verifying their identity, examining for existing warrants, parole or probation holds etc. This processing takes 4-8 hours depending upon the time of the day and is the usual release process for all detainees. All releases are through division 5 and often occur at night. Upon release, you go through and pick up property and receive a bus card good for a ride and a transfer. Money on the books and any property over \$100 will be returned to you in the form of a check.

**4. Found Guilty and Sentenced with a release date-** If found guilty and the sentence is for less than a year, you can serve your time in Cook County. You will be given a release date and be released in the AM of that day with bus card and property.

**5. Time Considered Served or SOL-** Often times cases are dismissed (SOL- Stricken on Leave) or plead guilty with time considered served (TCS). In these cases, you will be returned to the jail and processed out that evening with a bus card and property.

**6. Quick Release-** Woman, as a result of a lawsuit involving questions of unnecessary and invasive strip-searches of innocent woman, are given the option upon return from court of being released immediately without returning to their cell without a strip search and with an extremely abbreviated process. In doing so, they forfeit a chance to get their property themselves by returning to their cell. Their belongings instead are collected by an officer. The person is still entitled to their property not in the cell and a bus card. A lawsuit is pending that will cause this to apply to males.

**7. Illinois Department of Corrections (IDOC- State Prison)-** Those sentenced to prison for a term of longer than a year are sent to Joliet (men) or Dwight (woman) where they will be assessed for special needs and risk classification and transferred to the appropriate IDOC (Illinois Department of Corrections) facility. Transport to Joliet or Dwight may take approximately a week after sentencing.

**8. Division of Mental Health (DMH for UST or NGRI-** Those found unfit to stand trial (UST- unable to assist one's lawyer in their own defense) or those found Not Guilty by Reason of Insanity (NGRI- not responsible for one's actions at the time of the crime) are sent to the state hospital and placed under the jurisdiction of the state mental health system. Within a week, they are evaluated by forensic evaluators and sent to Chester (males- High Risk), Elgin (Women, Males Med Sec), or Alton (DD). Following the assignment by the evaluator, transport to (or later back to) may take 14 days awaiting transport. Cermak is county funded and provides all health care services including mental health services in the jail. IDOC provides health services in prisons. DMH pays for mental health services in state hospitals as well as support services for city lock-ups.

**9. Treatment Beds-** TASC, Thresholds, probation mental health through court order may hold a person awaiting a treatment bed though a planned release while coordinating treatment. This is generally an agreement as alternative to a longer sentence or reduced charges. For substance abuse treatment, the wait can be quite lengthy. There are also treatment and educational programming within the jail which may reduce a sentence.

**10. Pre-Trial Release-** At a judge's prerogative, a judge may choose to release a detainee before a disposition pending an investigation or as a trial release into treatment while awaiting a final disposition.

**11. Civil Commitment-** In a very few cases, psychiatrists at Cermak, can civilly commit an extremely vulnerable inmate unable to care for self or a danger to others directly to a civil hospital upon release. The person would be transferred to one of 3 state hospitals per protocol with a certificate for evaluation and potential admission.

**12. Boot Camp-** There are about 250 beds dedicated to boot camp as an alternative to jail or prison time.

**13. Fugitive Warrants-** These are people detained who have holds for warrants from other states, counties or USCIS (United States Citizenship and Immigrations Services). There is a 30 day period for extradition.

**14. County or Police Transfers-** Within the state, courts may transfer and states attorneys may together by agreement develop arrangements with cases in multiple jurisdictions to accommodate concurrent or consecutive sentence for multiple cases.

**15. Parole or Probation Holds-** Probation and parole may hold a person following and pending disposition of current case. The sheriff then notifies the relevant authorities of the disposition of the case allowing the appropriate authorities to take that disposition into account before releasing the detainee. Parole and/or probation may further detain and individual due to additional violations.

**16. CIS Holds-** The Citizenship and Immigrations Services Department (CIS) can put a hold on those detainees with pending charges who are in the country without proper identification and permission. This has become an increasingly common and growing number of detainees unable to leave the jail as they await the slow deportation process. INS is therefore in charge of the release.