

Rising to the Occasion Lessons Learned from Kane County

On February 22, 2021, Governor Pritzker signed into law a sweeping omnibus criminal justice reform bill (HB 3653) that impacts virtually every criminal justice system agency in Illinois. The provisions of this bill can be grouped into two broad categories, policing reform and pretrial reform, the latter referred to as the Pretrial Fairness Act (PFA). Most of the PFA provisions take effect January 1, 2023.

Following passage of the PFA, the Illinois Supreme Court asked the Illinois Supreme Court Pretrial Implementation Task Force, chaired by Judge Robbin Stuckert (ret.), to assume a leadership role regarding the legislation to help local counties prepare for the changes in the PFA. The Task Force was previously created in 2020 to prioritize and implement the recommendations made by the Supreme Court Commission on Pretrial Practices in its Final Report.

The Task Force is actively working to prepare all justice system partners throughout Illinois to implement the requirements of the PFA by its effective date. To accomplish this, the Task Force, its subcommittees, and other AOIC working groups are partnering with national, state, and local experts, including the Center for Effective Public Policy (CEPP) and Justice System Partners (JSP).

One of the ways the Task Force is supporting PFA implementation is by providing technical assistance to five pilot sites. The Illinois Supreme Court selected three judicial circuits and five counties as pilot sites: 2nd Circuit (Franklin and Gallatin Counties); 9th Circuit (Hancock and McDonough Counties) and 16th Circuit (Kane County). Each pilot site was asked to immediately begin exploring how the PFA would impact traditional operations. The pilot sites' primary objective was to take the lead in developing processes, tools, and practices which may be shared to support broader statewide PFA implementation. Below are examples of lessons learned from one such pilot site: Kane County.

Kane County

The Sixteenth Judicial Circuit serves Kane County, Illinois (population 531,000 in 2020). The court has six locations within the county and comprises 14 circuit judges and 17 associate judges. Approximately 26 different law enforcement departments serve the county. The county jail, operated by the Sheriff's Office, has capacity for 600 people.

Before being selected as a pilot site, Kane County had already convened its stakeholders to begin examining the statutory changes and developing new policies and procedures consistent with the statute. The key stakeholders involved in PFA implementation planning within Kane County include: the Circuit Clerk's Office, the State's Attorney's Office, the Public Defender's Office, members of the judiciary, law enforcement agencies, pretrial services (referred to as Court Services), as well as a community-based organization that serves survivors of domestic violence.

Bringing a collaborative team together for this purpose was critical to Kane County's process. Such a team builds cross-agency and community trust and understanding. It also ensures that the system as a whole—and not just a single agency—is clarifying existing practices and identifying redundancies, gaps, and opportunities for improvement.

As Kane County stakeholders embarked on planning for implementation, they developed solutions that are tailored to the specific characteristics of their jurisdiction. The lessons learned presented below describe those solutions and are organized in the context of the PFA's major statutory provisions.

Release with Citation: 725 ILCS 5/109-1(a-1), (a-3)

Under the PFA, there is a presumption that arresting officers will cite and release defendants arrested on traffic, Class B and C misdemeanors, petty/business offenses, and local ordinance violations (109-1(a-1)). There is also a presumption that officers will release people from custody without taking them before a judge if they are arrested on offenses that cannot be detained pretrial (109-1(a-3)).

While law enforcement has always exercised discretion in whether to take someone into custody, the PFA now specifies those offenses which should presumptively be released with a citation, rather than arrested. The law also requires law enforcement to confirm that the person has "proper identification" and gives the officer the discretion to detain until the first appearance any defendant who poses an obvious threat to the community or any person and/or has an obvious medical or mental issue that poses a risk to his or her own safety. Additionally, the PFA requires that law enforcement schedule the person released into court within 21 days.

- To ensure that law enforcement in Kane County has an opportunity to receive immediate guidance regarding cite and release decisions, the Kane County State's Attorney is hiring three additional assistant state's attorneys and one support staff. The additional staff will allow for the State's Attorney's Office to provide on-call advice to law enforcement in the field 24 hours a day, 7 days per week.

- The Kane County Circuit Clerk's Office does not have staff outside of normal business hours to assign case numbers, court dates, and judges for felony offenses. The Clerk, working with the Kane County Information Technology Office, is in the process of finalizing an online scheduling tool. This tool will allow law enforcement in the field to issue a citation and release defendants with all necessary information (e.g., case number, court date/time/location, judge/courtroom). In case the online scheduling tool is not yet operational by January 1, 2023, the Clerk is creating an interim solution of predetermined time slots for judges so law enforcement can enter hearing dates and times.
- The Kane County stakeholders recognize that operationalizing and training on issues regarding the decision to cite and release in the field, cite and release from the station, or hold for initial appearance rests with law enforcement exclusively, including the State's Attorney's Office.

Pre-First Appearance Activities: 725 ILCS 5/109-1(f), 110-5(f), 109-1(g), 110-5(d)

The PFA requires that every defendant, with few exceptions, has an in-person initial appearance (109-1(f)) and has access to defense counsel prior to their initial appearance (109-1(g)). Additionally, the PFA authorizes the state's attorney to petition the court for the denial of pretrial release for defendants charged with certain specified offenses. If a verified Petition to Deny Pretrial Release is filed by the state's attorney, a detention hearing will follow.

- Kane County Court Services uses current bond call data to estimate the impact of the PFA on court operations. Court Services creates a monthly report for all stakeholders detailing the volume of cases which, under the PFA, will be eligible for detention. The monthly reports also provide information regarding how many detention-eligible cases are related to domestic violence charges.
- Given that there are 26 different law enforcement agencies in Kane County, a procedure was needed to define which agencies would maintain custody of defendants being held prior to their initial appearance. The Kane County Sheriff and State's Attorney worked together to develop two separate procedures – one for agencies with 24/7 holding facilities and one for agencies without 24/7 holding facilities.
 - Agencies with holding facilities will maintain custody of defendants until transporting them to the Kane County Judicial Center no later than 7:30 a.m. the following day. Custody of defendants will then be transferred to the Sheriff's Office/County Jail.

- Agencies without holding facilities will transport defendants to the Kane County Jail after charging documents are completed. Custody will then be transferred to the Sheriff's Office/County Jail.

The Pretrial Service Act (725 ILCS 185 section 7(a)) directs that pretrial services should interview all arrested defendants unless exempt by the chief judge or director of the pretrial services agency.

- Given that Kane County Court Services uses the Public Safety Assessment (PSA), which does not require an interview, the chief judge will be issuing a general order not requiring Court Services to interview defendants.
- The monthly data reports produced by Court Services estimate that over 75% of detention-eligible cases in Kane County will be domestic violence related offenses. Court Services sees this moment as an opportunity to provide more specific assessment information for domestic/intimate partner violence cases. They developed a supplemental domestic violence form (designed to gather additional information about the incident) and the state's attorney will encourage law enforcement to complete the form at the time of any domestic/intimate partner violence arrest. Law enforcement would include this additional form when submitting the charging documents and synopsis. In appropriate cases, Court Services would use the form to complete an Ontario Domestic Assault Risk Assessment (ODARA) to serve as a supplement to the information already provided to the court and parties.

Detention Hearings: 725 ILCS 5/110-6.1

Currently, Kane County holds "bond call" seven days per week with weekend judicial coverage typically provided by a rotation of criminal and non-criminal court judges. Most hearings are held via remote video technology. Under the PFA, as noted above, initial appearances must be in person and detention hearing must be held immediately or within 24 or 48 hours if a continuance is requested.

- The Kane County chief judge is directing law enforcement to ensure defendants are brought to the Judicial Center no later than 7:30 a.m. each day, allowing the public defender and court services to have access to the defendant. Initial appearance hearings will begin at 10 a.m. For those defendants whom the state's attorney is not seeking detention, release conditions will be set during the initial appearance.

- On weekdays, detention hearings will be set for 1:30 p.m. that same day, unless a continuance is requested and granted by the court. On weekends, detention hearings will be held on Sundays only and will begin as soon as practicable following the conclusion of initial appearances. Holiday schedules will be set by the presiding judge of the criminal division.
- For the first three months of 2023, weekend judicial coverage will be handled exclusively by criminal court judges familiar with the new process under the PFA.

Issuing Arrest Warrants and Orders to Show Cause: 725 ILCS 5/110-3

Kane County acknowledges that some sections of the PFA are somewhat ambiguous and/or may contradict other legal authorities. To move forward on January 1, 2023, each court is obliged to make decisions regarding those provisions. One such ambiguity is the question of whether the statute requires the court to issue an order to show cause before issuing an arrest warrant for defendants on pretrial release who violate any pretrial release condition(s), including failing to appear. Additionally, the PFA is silent as to how an order to show cause should be served, e.g., personal service, via certified mail, or by regular mail.

- The Kane County Court has concluded that each judge will retain discretion regarding whether it must first issue an order to show cause, or whether it may issue a warrant immediately, depending upon the circumstances of the case.
- In Kane County, the court has opted to allow both in-person service as well as service via certified mail.

Revocation/Sanctions/Modifications: 725 ILCS 5/110-6

The PFA describes the options available to the court if a defendant on pretrial release is suspected of violating their conditions of release. The specific path a case takes will be determined by the parties and the judge hearing the case.

- In Kane County, any party may file a motion for a defendant's pretrial release condition(s) to be modified or removed. If a defendant is found to have violated pretrial release condition(s), the court may add/increase pretrial release conditions, impose sanctions, or revoke the defendant's release, depending on the circumstances (and as allowed by the PFA).

Transition from Monetary Bond

On January 1, 2023, money bonds will no longer be used. Some argue that it is necessary to create a plan of action for cases currently being held in custody on money bond to avoid a potential logjam of cases facing the courts at the beginning of the year.

Kane County considered several complimentary strategies to address this issue:

- (1) Decrease the use of money bond for new cases with non-detainable charges prior to January 1, 2023;
- (2) Review the cases held in jail on money bond that cannot be detained as of January 1, 2023;
- (3) Review the cases held in jail on money bond that are eligible for detention after January 1, 2023, but for whom the state's attorney does not intend to seek detention; and
- (4) review cases held in jail on money bond that are eligible for detention after January 1, 2023, and for whom the state's attorney intends to seek detention.

Kane county stakeholders worked collaboratively to discuss this issue and conducted preliminary analysis of the jailed population. Subsequently, the following decisions were made:

- The Kane County state's attorney's opinion is that the PFA does not apply retroactively and therefore does not apply to anyone charged prior to January 1, 2023. Consequently, the state's attorney notified all stakeholders of their decision not to file motions regarding defendants currently held on money bond.
- The Kane County court has determined that each judge retains discretion regarding applying PFA provisions retroactively, how to respond to motions by the parties, and whether to schedule bail review hearings *sua sponte*.

Forms Revision and Development

The breadth of changes that the PFA brings to Illinois requires each court to modify many of their court forms. While the Illinois Supreme Court's Implementation Task Force has developed sample forms that are available on the Task Force website, every jurisdiction will need to tailor those forms (or forms previously received from other jurisdictions) to reflect their own needs and priorities.

Kane County stakeholders addressed this major task collaboratively and deliberatively, with all system partners offering suggestions and refinements over several months of review. The table below provides a list of forms developed or changed by the county partners and was used to track progress.

Illinois Pretrial Fairness Act Document Checklist			
Form / Order Title	Stakeholder / Agency	Status	Finalized? Y / N
Probable Cause Warrant	Law Enforcement / Court		
Cite & Notice to Appear	Law Enforcement / Court		
Motion to Deny Pretrial Release	State's Attorney		
Summons to Appear	Clerk		
Order for Pretrial Conditions	Court		
Pretrial Release / Detention Order	Court		
Initial Appearance Order	Court		
Order Remanding Custody	Court		
Order to Show Cause	Court		
Motion for Revocation of Pretrial Release	State's Attorney		
Summons to Show Cause Hearing	Clerk		
Warrant for Violation	Law Enforcement / Court		
Motion / Notice for Sanctions	State's Attorney		
Revocation Order	Court		
Order for Sanctions	Court		

Communication and Training Dissemination

Preparing for the PFA has required all Kane County stakeholders to work collaboratively, have frank discussions regarding how to implement the new laws, and to acknowledge at times differing interpretations of substantive statutory language. This diversity of opinion, and the stakeholders' distinct roles and authority in the criminal justice process, delineate and limit the extent to which PFA policies and procedures can be standardized. To support operational implementation, the local leaders have developed a guidebook that provides staff and other partners with information and resources that define how the court is operationalizing the PFA.

The process of codifying these operational decisions into the guidebook provided another opportunity for all partners to verbalize and discuss their positions. While this was difficult, and at times contentious, the resulting conversations were an invaluable piece of PFA implementation planning. This process also highlighted the importance of creating trusting, collaborative group dynamics in the beginning of PFA implementation.

Once the court finalizes the guidebook, the court will share it with all stakeholders electronically and during an in-person, all stakeholder convening. The guidebook will effectively serve as a reference tool for all stakeholders, including the general public, to clarify how the court will implement the PFA. The court will also leverage the content as it creates additional training materials.

Conclusion

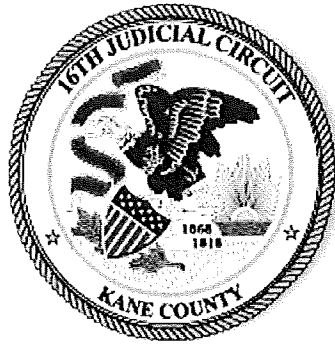
As a pilot site, Kane County assumed an early leadership role in the process of collaboratively implementing the PFA. While some of the challenges and differing interpretations of the PFA are still outstanding, Kane County stakeholders were able to move forward with implementation planning, nonetheless. Kane County's proactive and collaborative approach to PFA implementation serves as a model for the rest of Illinois.

Check <https://www.illinoiscourts.gov/courts/additional-resources/pretrial-implementation-task-force/> for the resources and latest updates from the Task Force.

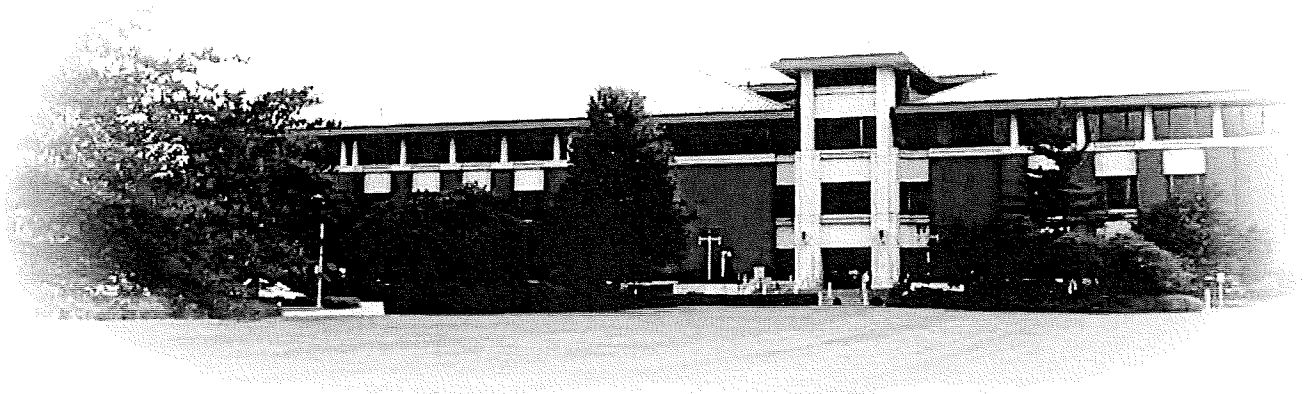
The Task Force makes the following resources available to the public on the web page:

- PFA Implementation Toolkit
- Flowcharts and Considerations documents
- Sample Orders
- Press Releases
- Announcements of Town Hall meetings
- Information about regional education seminars

Email pretrialtaskforce@illinoiscourts.gov with any questions.



PRETRIAL FAIRNESS ACT GUIDEBOOK FOR THE SIXTEENTH JUDICIAL CIRCUIT



Chief Judge T. Clint Hull

Judge Julia Yetter

Ellen Schmid, Law Library

November 2022

Electronic access to this Guidebook is available at

<https://www.illinois16thjudicialcircuit.org/>

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1. Purpose

This guidebook was developed to support the Kane County Court partners in navigating the Pretrial Fairness Act (PFA) and to help provide information and resources that will assist in implementation. This document was developed in collaboration with key stakeholders and after almost a year of meetings to plan for the PFA. We understand that this guide will not answer all questions, but we hope it will serve as a resource.

2. Background of Pretrial Fairness Act / Legislation

The Illinois Supreme Court Commission on Pretrial Practices was created in 2017, and their Final Report was issued in April 2020. The Pretrial Fairness Act (PFA) includes many of the changes recommended in the Commission's Final Report, such as establishing new processes for pretrial release and detention decisions while also abolishing the use of cash bail. Governor Pritzker signed the PFA into law on February 22, 2021, effective January 1, 2023. Since then, the Illinois Supreme Court Pretrial Implementation Task Force has collaborated with the Administrative Office of Illinois Court, Loyola University, experts from the National Institute of Corrections and the National Association of Pretrial Services Professionals, and others to help every jurisdiction in Illinois implement the provisions of the PFA.

Note: Unless otherwise indicated, all in-text citations reference sections under 725 Illinois Compiled Statutes, Section 5, effective January 1, 2023.

3. Kane County PFA Implementation Task Force Members

The following task force members committed a great deal of time and effort to this project. Each member brought their own unique perspectives and expertise to the implementation planning process. This guide and the attached resources are the direct results of their hard work and dedication.

State's Attorney's Office:

Jamie Mosser, Kane County State's Attorney
Christine Bayer, First Assistant State's Attorney
Steve Sims, Assistant State's Attorney

Public Defender's Office:

Rachele Conant, Kane County Public Defender
Brenda Willett, First Assistant Public Defender

Court Services:

Lisa Aust, Executive Director
LaTanya Hill, Director
Kyle Grenfell, Deputy Director
Chris Starkovich, Finance Manager
Jason Mathis, Supervisor

Circuit Clerk's Office:

Theresa Barreiro, Kane County Circuit Clerk
Monica Lawrence, Deputy Clerk
Laura Steging, Business Process Manager

Kane County Sheriff's Office:

Ron Hain, Sheriff
Perparim (Pete) Osmani, Corrections Commander
Lieutenant Joel Directo
Lieutenant Scott McKanna
Captain Scott Flowers
Sergeant Mark Tousignant
Deputy Krysta Kaus

Community-based Services:

Michelle Meyer, Executive Director - Mutual Ground

Police Departments:

Deputy Chief Armando Sanders, Montgomery Police Department
Commander Kevin Stankowitz, Carpentersville Police Department
Deputy Chief Adam Schuessler, Elgin Police Department
Lieutenant Andrew Wolcott, Aurora Police Department
Lieutenant Ted Grommes, Aurora Police Department
Commander Kevin Senne, Elgin Police Department

Judiciary:

Chief Judge Clint Hull
Judge Julia Yetter
Judge Salvatore LoPiccolo
Judge David Kliment
Judge Elizabeth Flood

4. Case Initiation / Law Enforcement

Under the PFA, there are some offenses for which pretrial release may not be denied. For these offenses (traffic, Class B and C misdemeanors, petty/business offenses, and local ordinance violations), there is a presumption that arresting officers will cite and release the defendant without taking the defendant before a judge (725 ILCS 5/109-1(a-3)). While law enforcement has always exercised discretion in whether to take someone into custody, the PFA now specifies those offenses that should generally be released with a citation rather than arrested. The law also recognizes the need for law enforcement to positively identify individuals and provides law enforcement with the discretion to assess whether a defendant poses a threat to the community or any person and/or whether the defendant has a medical or mental issue that poses a risk to their own safety. Additionally, PFA requires that law enforcement provide a court date, to be held within 21 days, for defendants who are cited and released.

A. Cite and Release / Hold for Court

Upon contact with a person, law enforcement, in consultation with the KCSAO, will decide to:

- Cite and release a person at the scene, or
- Cite and release from the police station as circumstances dictate, or
- Arrest and hold the person at the law enforcement agency/Kane County Jail for court the following day.
- Law enforcement will follow the procedure established by the Circuit Clerk for assigning a case number and court date.

B. Probable Cause Warrant / Summons

During an investigation, law enforcement may make a decision to seek an arrest warrant or summons from the court upon the court's finding of probable cause. Depending on the class of charge and additional factors as presented, the court will determine if a warrant or summons is appropriate. The State's Attorney will instruct law enforcement regarding the method of service (i.e., personal, first-class mail, certified mail).

5. Pre-Initial Appearance

A. Notification and Paperwork Process

1. Law Enforcement Officers

Will complete the synopsis and charging documents for all individuals charged and held for initial appearance in Courtroom 005. Law enforcement will submit these documents to the Clerk's Office, Court Services, State's Attorney's Office, and Public Defender's Office.

2. Circuit Clerk's Office

Will open a new case and assign a case number and courtroom upon receipt of the synopsis

B. Transport of Charged Defendants

1. Law Enforcement Agencies WITHOUT a 24/7 holding facility

Shall complete the charging procedure, transport a defendant being held for their initial appearance in Courtroom 005 to the Kane County Jail, and transfer custody to the Kane County Sheriff's Office. and charging documents.

2. Law Enforcement Agencies WITH a 24/7 holding facility shall maintain custody of a defendant being held for their initial appearance in Courtroom 005. The defendant shall be transported to and accepted by the Kane County Sheriff's Office between 7:00 a.m.-7:30 a.m.

C. Court Services Assessment Process

1. Assessment (PSA)

Court Services will complete the Public Safety Assessment (PSA) for all individuals held for their Initial Appearance. Given that the PSA does not require an interview, Court Services will not be required to meet with defendants prior to Initial Appearance. The PSA will be submitted to the State's Attorney's Office, Public Defender's Office, and the Court.

2. Other Assessments

Any other assessments that Court Services may complete will be determined at a future date.

D. Meeting with the Public Defender or Private Counsel

By Administrative Order, the Public Defender will be appointed to all cases prior to the Initial Appearance unless private counsel has entered their appearance. The Public Defender or private counsel will be granted access to their clients beginning no later than 8:00 a.m. for interviews. Kane County Sheriff's Officers will assist with transporting individuals for an in-person interview with a Public Defender or private counsel.

E. Notice to Victims

The State's Attorney's Office is responsible for notifying crime victims of the date, time, and place of court proceedings for the following hearings 725 ILCS 5/110-6(h):

- Initial Appearance/appearances at which pretrial release conditions are set
- Detention Hearings
- Revocation of Pretrial Release Hearings
- Any hearing that modifies pretrial release conditions that relate to contact with a victim/witness

If the court determines that the victim was not given timely notice or was not adequately informed of the proceeding, the court will not rule on any substantive issues.

Victims must also be informed of their opportunity to obtain an order of protection at each hearing.

6. Initial Appearance and Setting Release Conditions

During the Initial Appearance, the court will advise the defendant of their charges, rights, and potential penalties 725 ILCS 109-1(b). The court will make a determination regarding probable cause.

Decisions regarding release, conditions of release, and detention prior to trial should be individualized, and no single factor or standard should be used exclusively to make a condition or detention decision 725 ILCS 110-6.1(f)(7).

A. If a Charge is a Non-detainable Offense

The court will hear arguments and rule as to the imposition of pretrial release conditions. The defendant will be given their next court date and released. If the court imposes conditions, the defendant will be provided a written copy of the conditions.

B. If a Charge is a Detainable Offense, but the State is not Filing a Petition to Detain

The court will hear arguments and rule as to the imposition of pretrial release conditions. The defendant will be given their next court date and released. If the court imposes conditions, the defendant will be provided a written copy of the conditions.

C. If a Charge is a Detainable Offense and the State Chooses to File a Petition to Detain

1. The State's Attorney's Office

Will file its verified petition to deny pretrial release with the Circuit Clerk and will submit the complaint, synopsis, detention petition, criminal history, and all information intended for use at the detention hearing to the Public Defender's Office.

2. The Court

Will follow the procedures outlined in Section 7.

7. Detention Hearings

When the State's Attorney files a Verified Petition to Deny Pretrial Release, a detention hearing may be held the same day. If either party requests a continuance, the detention hearing will occur within 24 hours (for misdemeanors and Class 4 felonies) or 48 hours (for Class 3 and above felonies).

The court will conduct the hearing consistent with the provisions outlined in 725 ILCS 110-6.1.

At the detention hearing, the State's Attorney must prove by clear and convincing evidence that:

- The proof is evident, and the presumption great that the defendant has committed a qualifying offense

AND

- The defendant poses a real and present threat to the safety of a specific, identifiable person or community, and no condition of release can negate the threat

OR

- No conditions of release can negate the real and present threat of the defendant's willful flight from prosecution

If the court finds that the State has met this burden, the court will order the defendant's detention, make a written finding, and provide the next court date.

If the court finds that the State has not met this burden, the defendant will be released with conditions set by the court and notified of their next court date.

8. Timeline for All Initial Appearances and Detention Hearings in Courtroom 005

All Initial Appearances for defendants being held in custody in Kane County will take place in person in Courtroom 005 at the Kane County Judicial Center per general order.

A. Weekdays

7:00 a.m.-7:30 a.m. Defendants will be brought to the Kane County Judicial Center to speak with the Public Defender or private counsel.

10:00 a.m. Initial Appearances will begin.

1:30 p.m. Hearings on Petitions to Deny Pretrial Release will begin.

B. Weekends

Saturdays:

7:00 a.m.-7:30 a.m. Defendants will be brought to the Kane County Judicial Center to speak with the Public Defender or private counsel.

10:00 a.m. Initial Appearances will begin.

Sundays:

7:00 a.m.-7:30 a.m. Defendants will be brought to the Kane County Judicial Center to speak with the Public Defender or private counsel.

10:00 a.m. Initial Appearances will begin.

Hearing Time – Petitions to Deny Pretrial Release: Upon completion of Initial Appearances, hearings on petitions to deny pretrial release will begin as soon as practicable from the last initial appearance hearing.

C. Holidays

Holiday schedules will be set by the presiding judge of the Criminal Division.

9. Revocation of Pretrial Release, Modification of Conditions, and Sanctions

Upon the motion of any party, a defendant’s pretrial release condition(s) may be modified or removed. If the defendant is found to have violated pretrial release condition(s), sanctions may be imposed or the court may revoke the defendant’s release. Victim notification is required. See Notice to Victims [725 ILCS 5/110-6\(h\)](#)

- Alternatives to Warrants: [725 ILCS 5/110-3](#)
- Revocation of Pretrial Release: [725 ILCS 5/110-6\(b\)](#)
- Modification of Conditions: [725 ILCS 5/110-6\(g\)](#)
- Sanctions for violating conditions of release: [725 ILCS 5/110-6\(d\)](#)

See Appendices for flowcharts and templates of forms and orders

Appendix A Kane County Flowcharts

Post-Arrest/Pre-Initial Appearance Flowchart

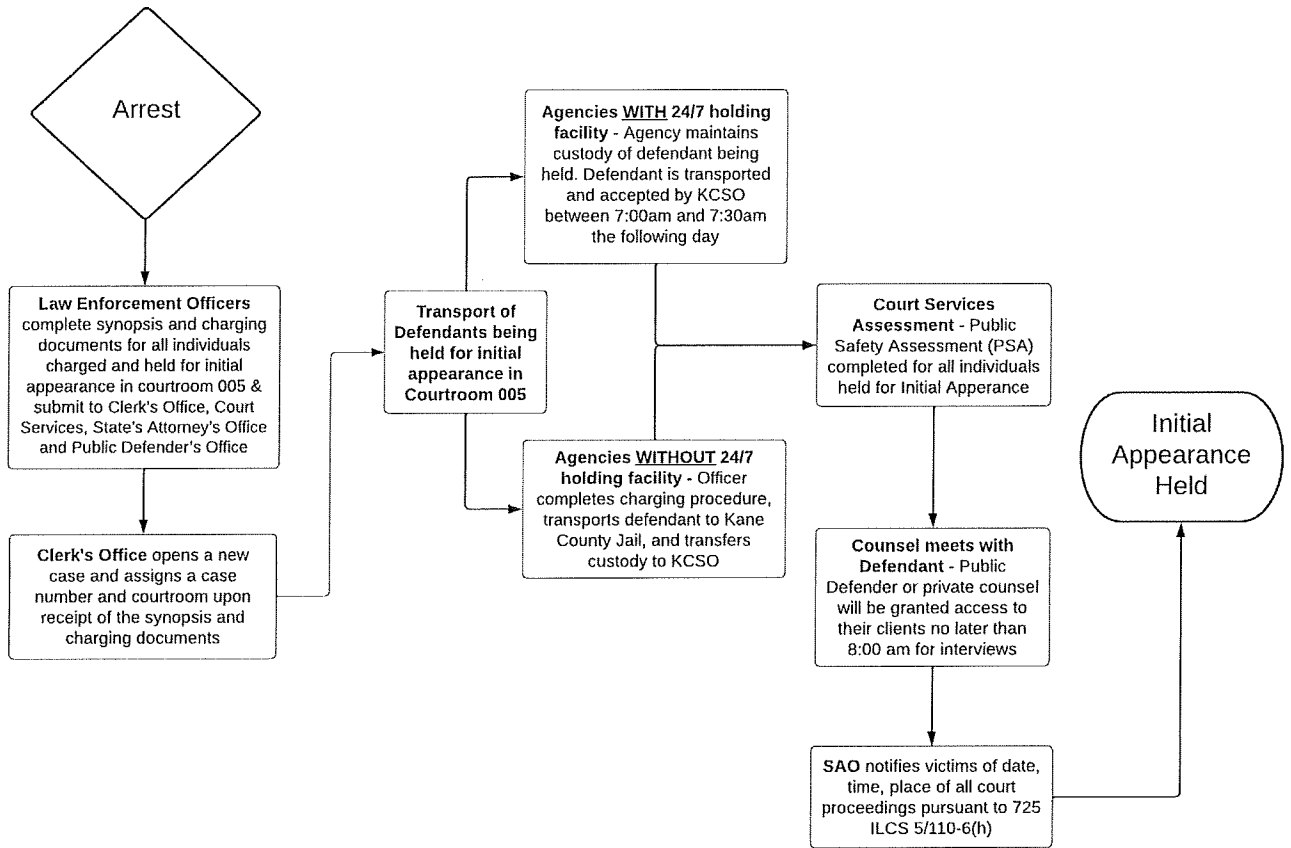


Figure 1

Initial Appearance / Release Conditions / Detention Hearing Flowchart

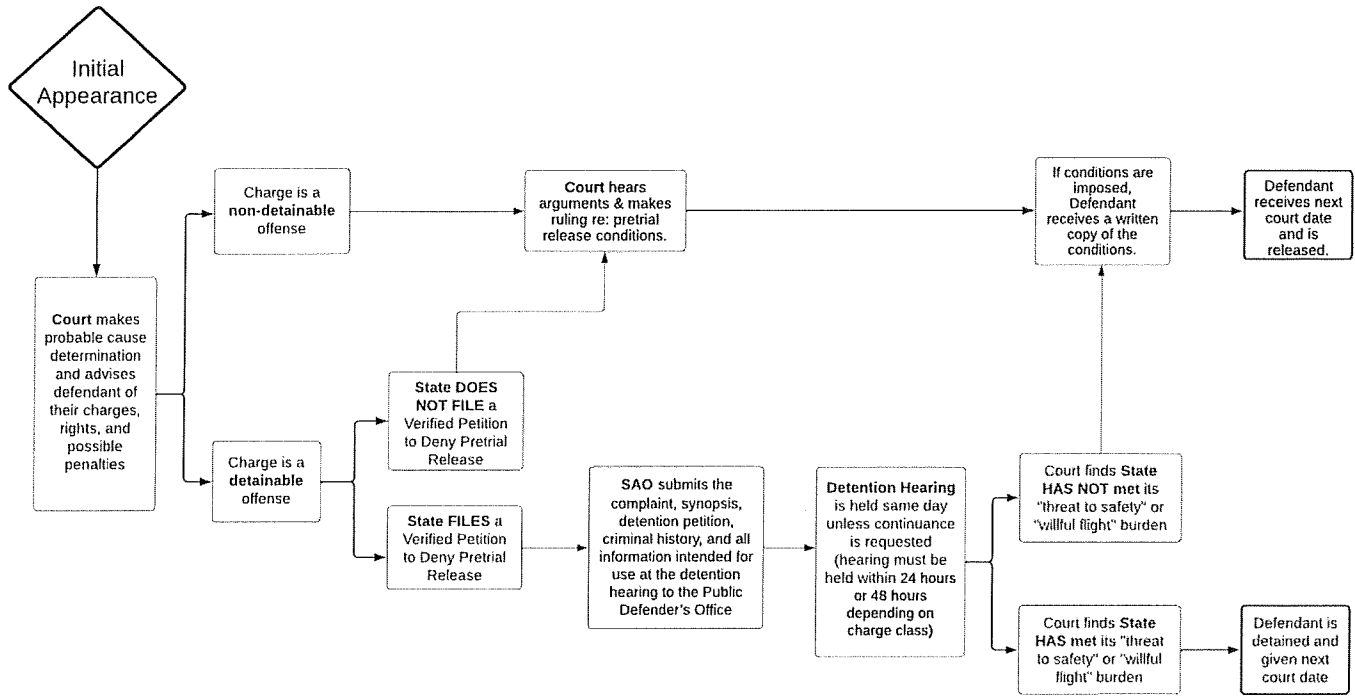


Figure 2

Appendix B Kane County Order Templates

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS

Case No. _____

Petitioner		Defendant		
Plaintiff(s) Atty.		Defendant(s) Atty.		
Judge	Court Reporter	Deputy Clerk		
A copy of this order should be sent _____ has been sent _____				
Plaintiff Atty. Defense Atty. Other _____			File Stamp	

ORDER TO SHOW CAUSE (CORSC)

Defendant shall appear on: _____ at _____ am/pm <input type="checkbox"/> Kane County Judicial Center, 37W777 Route 38, St. Charles, in Room _____ OR <input type="checkbox"/> Kane Branch Court, 530 S. Randall Rd., St. Charles OR <input type="checkbox"/> Aurora Branch Court, 1200 E. Indian Trail, Aurora OR <input type="checkbox"/> Elgin Branch Court, 150 Dexter Ct., Elgin to show cause why they should not be subject to Revocation of Pretrial Release or Sanctions as provided in 725 ILCS 5/110-6.	<input checked="" type="checkbox"/> A certified copy of this order shall be served upon the Defendant at least 48 hours in advance of the scheduled hearing. Defendant failed to appear in court as required by their conditional release. Facts: _____ _____ Defendant is charged with a Class B or Class C Misdemeanor, petty offense, traffic offense, or ordinance violation that is alleged to have occurred during the defendant's Pretrial Release. Facts: _____ _____ Defendant failed to comply with the reporting requirements of Pretrial Services Department. Facts: _____ _____ Defendant failed to comply with the terms of EHM/GPS: Facts: _____ _____ Defendant violated any other condition of Pretrial Release set by the court. (725 ILCS 5/11-10) Facts: _____ _____ _____				
NOTICE IF YOU FAIL TO APPEAR BEFORE THE COURT AT THE TIME AND PLACE SET FORTH ABOVE, A WARRANT MAY BE ISSUED FOR YOUR ARREST					
DEFENDANT: Name: _____ Address: _____ City, State and Zip: _____					
DEFENDANT'S PHYSICAL DESCRIPTION BELOW					
RACE	SEX	HT.	WT.	HAIR	EYES
PHYSICAL MARKS OR SCARS					
Driver's License No. _____					
Defendant's Date of Birth _____					
			Date _____ Judge: _____		

SERVICE

Defendant Accepts Service of this Order on this date: _____
A copy of this Order was mailed to the defendant on this date: _____
_____ Signed

A true copy of the original is on file in my office. Attested to this _____ <p style="text-align: center;">Theresa E. Barreiro Clerk of the Circuit Clerk Kane County, Illinois</p> By: _____ <p style="text-align: center;">Deputy Clerk</p>

P1-CR-058 (10/22)

White - Clerk Green - Sheriff Yellow - Service Clerk Pink - Defendant Gold - SAO

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

Case No. 1

Plaintiff(s)		Defendant(s)		File Stamp
Plaintiff(s) Atty.		Defendant(s) Atty.		
Judge	Court Reporter	Deputy Clerk		
A copy of this order should be sent has been sent Plaintiff Atty. Defense Atty. Other _____				

ORDER - SANCTIONS HEARING FOR VIOLATION OF PRETRIAL RELEASE CONDITIONS (OSHV)

Defendant is present in court and represented by counsel (725 ILCS 5/110-6(d)). (DPW)
State has filed a Verified Petition Requesting a Hearing for Sanctions for Violations of Pretrial Release Conditions pursuant to 725 ILCS 5/110-6(d). (SHSP)

The Court holds the Sanctions Hearing pursuant to 725 ILCS 5/110-6(d). (SHCM)

SANCTIONS HEARING HELD BASED ON: (725 ILCS 5/110-6(c))

- Arrest for an offense other than a Felony or Class A Misdemeanor (SHBF)
- Arrest on a warrant issued because of a Failure to Appear at a show cause hearing (SHBW)
- Felony or Class A Misdemeanor arrest when the underlying charge is a Class B or C Misdemeanor or lower (SHBV)
- Felony or Class A Misdemeanor arrest when the underlying charge is a Class A Misdemeanor (SHBA)
- Violation of: Electronic Monitoring/GPS (SHBE) DV Order of Protection (SHBO)
- Civil No Contact Order (CHBC) Stalking No Contact Order (SHBS)

Technical Violations of conditions of pretrial release set under 725 ILCS 5/110-10 (SHBT): _____

Other violations of Pretrial Release Conditions (725 ILCS 5/110-10) (SHBV): _____

FINDINGS:

The Court finds by clear and convincing evidence that the defendant violated a term of their pretrial release, the defendant had actual knowledge the action would violate a court order, and that the violation was willful and was not caused by a lack of access to monetary resources. (725 ILCS 5/110-6(e))

DENIED - No Sanctions Ordered. The State was unable to prove violation by clear and convincing evidence. (SHHD)

IT IS HEREBY ORDERED:

DEFENDANT IS SANCTIONED (725 ILCS 5/11-6(f))

Verbal Admonishment (SGV)

Written Admonishment (SGW): _____

Fine (max \$200) (SGF) _____ Jail (max 30 days) (SGK) _____ EHM/GPS (SGE)


Modification of Pretrial Release Conditions (See attached Pretrial Release Conditions Order) (SGM)

Case continued to: _____, at _____ am / p.m.

- Kane County Judicial Center, 37W777 Route 38, St. Charles, in Room _____ **OR**
- Kane Branch Court, 530 S. Randall Rd., St. Charles **OR** Aurora Branch Court, 1200 E. Indian Trail, Aurora **OR**
- Elgin Branch Court, 150 Dexter Ct., Elgin

Dated: _____ Judge: _____

P1-CR-055 (10/22) White - Clerk Green - Court Services Yellow - SAO Pink - Defendant Gold - Attorney


PEOPLE OF THE STATE OF ILLINOIS
 CITY OR VILLAGE OF _____
 A Municipal Corporation, Plaintiff,
 VS.

Case No. _____
 DCN No. _____

DEFENDANT'S NAME (LAST) (FIRST) (MIDDLE)	
DEFENDANT'S ADDRESS	
DEFENDANT'S PHONE	DEFENDANT'S DOB

**IN THE CIRCUIT COURT FOR THE
 SIXTEENTH JUDICIAL CIRCUIT
 KANE COUNTY, ILLINOIS**

COMPLAINT

The Complainant states under oath that on or about the stated date, in Kane County, the Defendant committed the stated offense(s), in violation of the indicated Chapter and Section of the Illinois Compiled Statutes or the Ordinances of the City or Village, as all fully set forth herein, in that said defendant:

DEFENDANT'S PHYSICAL DESCRIPTION BELOW

RACE	SEX	HEIGHT	WEIGHT	EYES
PHYSICAL MARKS OR SCARS				
DEF DRIVER'S LIC NO				
COMPLAINANT'S NAME				
COMPLAINANT'S ADDRESS				
COMPLAINANT'S PHONE				
ALLEGED OFFENSE			CITATION	
ALLEGED OFFENSE			CITATION	
ALLEGED OFFENSE			CITATION	
CHARGED AS:	ILCS	LOCAL ORDINANCE		
DATE OF OFFENSE				
NEXT COURT DATE	HOOR	JUDGE		
COURT LOCATION AND ADDRESS				
ROOM NUMBER:				
POLICE AGENCY	POLICE REPORT NO.			

You are to appear at _____ agency to get fingerprinting on _____ at _____

Signed: _____

The Foregoing Complaint is subscribed and sworn to before me on _____ (Date)

 Judge or Notary Public

NOTICE TO APPEAR

YOU, THE ABOVE NAMED DEFENDANT, are hereby notified to appear before the Court at the LOCATION, DATE, and TIME listed above. This Court may issue an Order to Show Cause, Summons, or Warrant if you fail to appear.

This COMPLAINT and NOTICE TO APPEAR was personally served upon the above named defendant this date: _____

This COMPLAINT and NOTICE TO APPEAR was mailed to the above named defendant at the above address this date: _____

 Peace Officer

The Foregoing Notice to Appear is subscribed and sworn to me this date: _____

 Notary Public

Sign up for text reminders for your court dates. Visit the Kane County Circuit Clerk website at cic.countyofkane.org. Click on "Court Reminders - Learn More" tab

P1-CR-057 (09/22)

White - Clerk Yellow - Agency Pink - Defendant Gold - SAO

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

Case No. _____

Plaintiff(s)		Defendant(s)		File Stamp
Plaintiff(s) Atty.		Defendant(s) Atty.		
Judge	Court Reporter	Deputy Clerk		
A copy of this order should be sent has been sent to: Plaintiff Atty. Defense Atty. Other _____				

ORDER REMANDING CUSTODY

Defendant: Name _____ Address _____ City, State, Zip _____	THIS MATTER being before the Court on a sworn complaint in writing filed herein; Defendant has been arrested without a warrant and the Court finds probable cause for the arrest; OR Defendant has been arrested on an outstanding warrant; AND Defendant to be Detained pending a hearing on the State's Verified Petition to Deny Pretrial Release; OR Defendant is ordered detained until further order of court. Defendant is to be held in the custody of the Sheriff pending a revocation hearing on the State's Verified Petition to Revoke Pretrial Release. Defendant's pretrial release is revoked, defendant is to be detained until further order of court. Following a sanctions hearing the defendant is sentenced to _____ days in the Kane County Jail as a Sanction for violating conditions of Pretrial Release. Good Time to Apply _____ Credit for _____ days time served
---	--

Check here if this is a new address.

To Appear:		
Date	Time	
Room No.	Judge	
Location		

Offense:

Chapter and Section:

IT IS ORDERED that the defendant be remanded to the custody of: The Sheriff of Kane County, and that the Sheriff have Defendant before this Court at the time and place set forth herein.

Date: _____

Judge: _____

NOTICE THIS IS THE COMMAND OF THE CIRCUIT COURT AND VIOLATION THEREOF IS SUBJECT TO THE PENALTY OF THE LAW
--

A true copy of the original is on file in my office. Attested to this _____ Theresa E. Barreiro Clerk of the Circuit Clerk Kane County, Illinois By: _____ Deputy Clerk

P1-CR-053(B) (10/22)

White - Clerk

Yellow - Service Clerk

Pink - Sheriff

Gold - Defendant

By virtue of the within Order Remanding Custody I have taken the body of the within named defendant and have delivered him/her to the keeper of the common jail of

Kane County, Illinois,
The City or Village of _____, Illinois,

Date: _____

Fees -- Service and Return	_____
Miles	_____
Total	_____

(Sheriff or Peace Officer)

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

Case No. _____

Plaintiff(s)	Defendant(s)		
Plaintiff(s) Atty.	Defendant(s) Atty.		
Judge	Court Reporter		Deputy Clerk
A copy of this order should be sent _____ has been sent to:			
Plaintiff Atty.	Defense Atty.	Other _____	File Stamp

INITIAL APPEARANCE ORDER (IAO)

- Defendant appearing before the Court for a post-arrest hearing in person **AND**
- with **OR** without the assistance of an interpreter, the Court finds and Orders as follows:
- Defendant has been arrested on an outstanding warrant **OR**
- Defendant has been arrested without a warrant **AND** the Court
- finds probable cause **OR** (PRCSF)
- found probable cause at a prior hearing **OR**
- finds no probable cause in this matter and Defendant is to be released in this case only *instantly*. (PCNF) (OREL)
- The Public Defender's Office (630-232-5835) is present and appointed to represent the Defendant for
- this hearing **OR** all proceedings **OR**
- Private counsel is present on behalf of the Defendant
- Defendant has been advised of the following:
1. The charges against Defendant (Copy to be provided).
 2. The right to have an attorney, and if indigent, to have an attorney appointed.
 3. Failing to appear for any scheduled court hearing could result in an Order to Show Cause or a Warrant being issued.
 4. The right to have notice of this arrest given and to communicate with the foreign consulate if Defendant is a Foreign National (FNA).
- Defendant requests notice be given and/or contact be made **OR**
- Defendant makes no such request that notice be given or contact be made.
- The Defendant has (a) child(ren) under 18 years old **AND** the Court has a reasonable belief that the child(ren) may be neglected as a result of the Defendant's arrest, incarceration, or otherwise, and therefore orders Court Services to immediately make a report to DCFS. (CSN)

Defendant is to appear for _____, on _____, at _____ before the Judge sitting at the

Kane County Judicial Center, 37W777 Route 38, St. Charles, in Room _____ **OR**

Kane Branch Court, 530 S. Randall Rd., St. Charles **OR** Aurora Branch Court, 1200 E. Indian Trail, Aurora **OR**

Elgin Branch Court, 150 Dexter Ct., Elgin **OR**

via Zoom kanecourt.org

Pretrial Release Conditions Ordered per separate Order

Date:

Judge:

P1-CR-050 (10/22)

White - Clerk Green - Court Services Yellow - SAO Pink - Defendant Gold - Attorney

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

Case No. _____

Plaintiff(s)		Defendant(s)		
Plaintiff(s) Atty.		Defendant(s) Atty.		
Judge	Court Reporter	Deputy Clerk		
A copy of this order should be sent has been sent to:				
Plaintiff Atty. Defense Atty. Other _____				
				File Stamp

PRETRIAL RELEASE/DETENTION ORDER (PRDO)

This Court finds that the Defendant is charged with a detainable offense pursuant to 725 ILCS 5/110-6.1(a) and having held a hearing on State's Petition to Deny Pretrial Release on further finds as follows:

Release from Custody Order (PRDOR)

The Court DOES NOT find by clear and convincing evidence that one or more of the following is true:

- A. The proof is evident or the presumption great that the defendant committed a detainable offense pursuant to 725 ILCS 5/110-6.1; **OR**
- B. The defendant poses a real and present threat to the physical safety a specific, identifiable person or persons, or, in the case of a non-probationable forcible felony, to the community at large; **OR**
- C. No condition or combination of conditions can mitigate the real and present threat to the safety of any person persons or the risk of defendant's willful flight to avoid prosecution.

Detention Order (find one or both below)

(DANGEROUSNESS STANDARD) The Court DOES find by clear and convincing evidence that:

- A. The proof is evident or the presumption great that the defendant committed a detainable offense pursuant to 725 ILCS 5/110-6.1 (a); **AND**
- B. The defendant poses a real and present threat to the physical safety of _____ specific, identifiable person(s), or, in the case of non-probationable forcible felony, to the community at large; **AND**
- C. No condition or combination of conditions set forth in 725 ILCS 5/110-10(b) can mitigate the real and present threat to the physical safety of any person or persons (**DODSS**); **OR** of a non-probationable forcible felony, the real and present threat to any person(s) or the community at large (**DODSF**).

(WILLFUL FLIGHT STANDARD) The Court DOES find by clear and convincing evidence that (DOWF):

- A. The proof is evident or the presumption great that the defendant committed a felony detainable offense pursuant to 725 ILCS 5/110-6.1 (a); **AND**
- B. The defendant has a high likelihood of willful flight to avoid prosecution.
- C. No condition or combination of conditions set forth in 725 ILCS 5/110-10(b) can mitigate the risk of willful flight

Case No. _____

The Court's findings that the defendant committed a detainable offense are based upon the following:

The Court's findings that the defendant poses a real and present threat to the safety of a specific, identifiable person or persons OR that the defendant poses a high likelihood of willful flight are based upon the following:

The Court's findings that less restrictive conditions would not assure safety to the community and assure the defendant's appearance in court are based on the following:

Appeal Rights Given

NEXT COURT APPEARANCE

Defendant is to appear for status on _____, at _____ before the Judge sitting at the

- Kane County Judicial Center, 37W777 Route 38, St. Charles, in Room _____ **OR**
 Kane Branch Court, 530 S. Randall Rd., St. Charles **OR** Aurora Branch Court, 1200 E. Indian Trail, Aurora **OR**
 Elgin Branch Court, 150 Dexter Ct., Elgin

THEREFORE, it is the order of this court that the defendant shall be released from custody on pretrial release with the conditions set forth in the Pretrial Release Conditions Order. **(OREL)**

THEREFORE, it is the order of this court that the defendant shall be remanded to the custody of the Sheriff for confinement in the county jail pending trial. While in custody, the defendant shall be given reasonable opportunity for private consultation with counsel, and for communication with others of their choice by visitation, mail, and telephone. Further, the Sheriff shall deliver defendant as required for future court appearances. **(OROT)**

Date:

Judge:

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

Case No. _____

Plaintiff(s)	Defendant(s)		
Plaintiff(s) Atty.	Defendant(s) Atty.		
Judge	Court Reporter		Deputy Clerk
A copy of this order should be sent has been sent to:			
Plaintiff Atty. Defense Atty. Other _____			
		File Stamp	

PRETRIAL RELEASE CONDITIONS ORDER (PRCO)

Taking into account all of the considerations set forth in 720 ILCS 5/110-2 and 110-5, the Court finds the below-listed conditions of pretrial release are necessary to reasonable assure the appearance of the defendant in court, assure the defendant does not commit any criminal offense while on pretrial release and complies with all the conditions of pretrial release.

Defendant is to comply with the following Pretrial Supervision Release level (choose one):

- None Monitoring PSL1 PSL2 PSL3 PSL4 Maximum Conditions
- Reporting levels may not be modified by pretrial staff based on Defendant's compliance.
- Defendant must report to the Pretrial Services Unit at the Kane County Judicial Center, 37W777 Route 38, St. Charles, IL 60175, first floor, Suite 150, immediately upon release OR if closed, no later that the following business day **OR**
- Defendant must call 630.762.2772 within one business day of release to set an appointment
- Defendant shall obey all court orders and processes; report all address changes to the Circuit Clerk within 24 hours; not commit any criminal offenses.
- Defendant shall not leave the State of Illinois without permission of the Court;
- Defendant shall have no contact or communication, direct or indirect, with the following person(s): (NCWSP)
- Defendant shall stay away from the following address(es) and/or location(s): (NEASA)

- Defendant may return to the above address on one occasion with a prearranged police escort to retrieve personal belongings
- Defendant shall not possess a firearm or dangerous weapons and Defendant shall surrender any firearms, FOID card and concealed carry license to the police department. (OPSF)
- Defendant shall not use intoxicating or controlled substances (excluding alcohol) unless lawfully with a prescription
- Defendant shall refrain from the use of alcohol. (OSUB)
- Defendant shall undergo a: substance evaluation mental health evaluation through KCDC (OPKC) other treatment provider
- Comply with treatment recommendations and sign a consent for release of information to PTS regarding attendance compliance.
- Other:

I hereby acknowledge and state that I understand and will follow the Pretrial Release Conditions set forth in this Order, that all Orders are in effect until further Order of Court unless otherwise indicated above, and that failing to follow these Conditions may result in Revocation of Pretrial Release and/or criminal charges.

Date:

Defendant:

Date:

Judge:

P1-CR-052 (10/22) Page 1 of 1 White - Clerk Green - Court Services Yellow - SAO Pink - Defendant Gold - Attorney

**IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS**

Case No. _____

Plaintiff(s)		Defendant(s)		
Plaintiff(s) Atty.		Defendant(s) Atty.		
Judge	Court Reporter	Deputy Clerk		
A copy of this order should be sent has been sent				
Plaintiff Atty. Defense Atty. Other _____				
				File Stamp

ORDER - REVOCATION HEARING FOR VIOLATION OF PRETRIAL RELEASE CONDITIONS (ORH)

Defendant is present in open Court in custody (725 ILCS 5/110-6(b)(3)) (DPIC)

REVOCATION HEARING HELD BASED ON:

The Court's Motion (725 ILCS 5/110-6(b)) (RHCM)

The State's Verified Petition for Revocation of Pretrial Release (725 ILCS 5/11-6(b)(1) & (2)) (RHSP)

FINDINGS FOR REVOCATION:

After considering all of the relevant circumstances including, but not limited to, the nature and seriousness of the violation or criminal act alleged, the Court finds by clear and convincing evidence that no condition or combination of conditions of release would reasonably assure the appearance of the defendant or prevent a subsequent Felony or Class A Misdemeanor charge (725 ILCS 5/11-6(b)(4)).

Additional Information/Findings made by the Court: _____

DENIED - Defendant is to remain on pretrial release. (RHD)

IT IS HEREBY ORDERED:

DEFENDANT IS DETAINED (RHGD)

Additional conditions ordered by the Court pursuant to 725 ILCS 5/110-6(h): _____

Additional conditions of pretrial release/modifications of conditions of pretrial release in lieu of revocation:

(RHGA) (725 ILCS 5/110-6(b)(5)) (See attached Pretrial Release Conditions Order)

Appeal Rights Given

Case continued to: _____, at _____ am / p.m.

- Kane County Judicial Center, 37W777 Route 38, St. Charles, in Room **OR**
 Kane Branch Court, 530 S. Randall Rd., St. Charles **OR** Aurora Branch Court, 1200 E. Indian Trail, Aurora **OR**
 Elgin Branch Court, 150 Dexter Ct., Elgin

Dated: _____ Judge: _____

PI-CR-054 (10/22)

White - Clerk Green - Court Services Yellow - SAO Pink - Defendant Gold - Attorney

Appendix C Kane County Warrant Template

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS

Case No. _____

_____ A Municipal Corporation, Plaintiff,

DCN No. _____

ARREST WARRANT

File Stamp

TO ALL PEACE OFFICERS IN THE STATE OF ILLINOIS - GREETINGS:

You are hereby commanded to arrest the defendant designated herein and bring said person without unnecessary delay before a Judge of the Circuit Court for the Sixteenth Judicial Circuit, Kane County, Illinois, in the Courtroom and in the City or Village designated herein, or if absent or unable to act, before the nearest or most accessible Court in said County, to answer a charge or petition made against said person in violation of Illinois Compiled Statutes as set forth. You are hereby directed to hold said person until a hearing regarding pre-trial release conditions, detention or violation of pre-trial release conditions is heard.

- Probable Cause Found for Arrest Warrant to Issue
- Violation of Pre-Trial Release Conditions - Warrant to Issue
- Interstate Compact Case

DEFENDANT						
LAST NAME	FIRST NAME	(M.I.)	(QA)			
DRIVER'S LIC NO	DRIVER'S LIC STATE	PHONE NUMBER				
ADDRESS	CITY		STATE	ZIP		
DATE OF BIRTH	RACE	SEX	HEIGHT	WEIGHT	EYES	HAIR
PHYSICAL MARKS OR SCARS						
OFFENSE						
COMPLAINANT						
DATE OF OFFENSE	ARRESTING AGENCY		REPORT NUMBER		CASE STATUS	
ALLEGED OFFENSE			CITATION		CLASS	
SERVICE OF THIS WARRANT IS LIMITED TO						
Pre-Trial Detention/Conditions or Violation of Conditions						
<input type="checkbox"/> Hold for Pre-Trial Detention or Conditions of Release Hearing <input type="checkbox"/> Hold for Violation of Pre-Trial Release Conditions Hearing <input type="checkbox"/> Hold for Extradition Hearing						
COURT LOCATION AND ADDRESS				JUDGE	ROOM NUMBER	
PLEASE SELECT A JUDGE						
DATE			SIGNATURE			
9/14/22						
FEES						
SERVICE + RETURN	MILEAGE	MISC. FEES	TOTAL			
RETURN OF SERVICE						

I have executed this warrant by arresting the within Named defendant on the day and time indicated below.				
POLICE AGENCY	DATE SERVED	TIME SERVED	OFFICER	BADGE NUMBER

Appendix D Kane County Summons Template

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS

A Municipal Corporation, Plaintiff,

Case No.

DCN No.


SUMMONS TO APPEAR

DEFENDANT YOU ARE HEREBY COMMANDED TO APPEAR ON THE DATE AND TIME AND PLACE AS INDICATED. THE COURT MAY ISSUE AN ORDER TO SHOW CAUSE OR A WARRANT FOR YOUR ARREST IF YOU FAIL TO APPEAR.

Failed to Appear
Probable Cause

File Stamp

TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS:
The herein named Defendant is hereby commanded to appear at the date and time as indicated.

DEFENDANT							
LAST NAME	FIRST NAME	(M.I)	(T)				
DRIVER'S LIC NO	DRIVER'S LIC STATE	PHONE NUMBER					
ADDRESS	CITY	STATE	ZIP				
DATE OF BIRTH	RACE	SEX	HEIGHT	WEIGHT	EYES	HAIR	
PHYSICAL MARKS OR SCARS							
OFFENSE							
COMPLAINANT							
DATE OF OFFENSE	ARRESTING AGENCY	REPORT NUMBER	CASE STATUS				
ALLEGED OFFENSE	CITATION	CLASS					
SERVICE OF THIS SUMMONS IS							
NEXT COURT DATE							
NEXT COURT DATE	HOUR	JUDGE					
COURT LOCATION AND ADDRESS	9:00	AM	ROOM NUMBER				
PLEASE SELECT A JUDGE							
DATE	SIGNATURE						
10/27/22							
FEES							
SERVICE + RETURN	MILEAGE	MISC. FEES	TOTAL				
RETURN OF SERVICE							
I have executed this summons on the Defendant by:		Personal Service	US Mail	on the date and time below			
DATE/TIME SERVED	SIGNATURE	OFFICE/AGENCY	BADGE NUMBER				

Appendix E

IL Pretrial Implementation Task Force Resource Links

(Flowcharts, Consideration Documents, and Town Hall Meetings)

Note: These documents are drafts and subject to change. They are shared here for review and suggested edits can be sent to pretrialtaskforce@illinoiscourts.gov.

- [Release by Citation Flowchart and Implementation Considerations](#) *June 14, 2022*
- [Release from Custody Flowchart and Implementation Considerations](#) *June 14, 2022*
- [Pre-First Appearance Activities Flowchart and Implementation Considerations](#) *July 18, 2022*
- [Setting Release Conditions Flowchart and Considerations](#) *August 3, 2022*
- [Detention Hearing Flowchart and Implementation Considerations](#) *October 21, 2022*
- [Modifying, Sanctioning or Revoking Conditions of Release Flowcharts](#) *September 15, 2022*
- [Issuing Arrest Warrants and Orders to Show Cause Flowchart and Considerations](#) *August 10, 2022*

Town Hall Meetings

The Task Force hosts monthly town hall meetings via Zoom, which started on June 23, 2022. These meetings answer questions about the Pretrial Fairness Act and provide an update on the work of the Task Force as it prepares for the changes coming after the Pretrial Fairness Act goes into effect. Town halls typically are scheduled for the third Thursday of the month at noon. For more information, visit the Task Force website:

<https://www.illinoiscourts.gov/courts/additional-resources/pretrial-implementation-task-force/>

Appendix F Glossary of Terms

Item	Definition
Cite and Release	The process by which law enforcement will intervene then release an individual after issuing them a citation and notice to appear (NTA) within 21 days without detaining the individual for appearance in 005. Select charges are eligible for cite and release including traffic, misdemeanor, petty and business offenses, as well as some felony offenses.
Detainable Offense	A charge for which pretrial release may be denied after a hearing held on a verified petition filed by the State's Attorney's Office (SAO).
Non-detainable Offense	A charge for which pretrial release shall not be denied. When law enforcement intervenes on a non-detainable charge, they may deliver the defendant to court for the setting of release conditions, after which the defendant shall be released for future appearance in court. While all non-detainable charges are eligible for "cite and release," the SAO may choose to have some individuals charged with non-detainable offenses held to appear before a judge (005) to seek the imposition of pretrial release conditions.
Notice to Appear (NTA)	Documentation an individual receives instructing them to appear in court with a specific day, time, and location.
Petition to Deny Pretrial Release	A petition that may be filed by the SAO at an individual's first appearance before a judge or within 21 days of the individual's arrest, asking the court to deny pretrial release of that individual.
Pretrial Release Hearing	A hearing that is held when an individual is charged with a detainable offense AND the SAO files a verified petition seeking to have the court deny pretrial release. Per statute, this hearing is to be held within 24 hours of the individual's first appearance if the charge is a class 4 felony or a misdemeanor, and within 48 hours of the first appearance if the charge is a class 3 felony or higher. Limited discovery is required to be provided by the SAO to the defense.

Pretrial Services (PTS)	A unit within Court Services in the Judicial Center comprised of eleven (11) pretrial officers and two (2) supervisors. This unit is responsible for providing the court with a risk assessment on every defendant who appears in bond call AND supervising every defendant ordered to pretrial supervision as a release condition.
Probable Cause (PC) Warrant	A warrant that is issued by the court when it has been presented with a sworn criminal complaint charging a new offense, and when the court finds from the complaint and examination of the complainant there is probable cause to believe that the person against whom the complaint was made has committed an offense. Such a warrant may also be issued by the court upon the grand jury's return of a true bill of indictment charging a person with an offense.
Public Safety Assessment (PSA)	The risk assessment currently used by Court Services. It is a static tool (based entirely of legal history) comprised of nine (9) items, and so does not require an individual to be interviewed.
Release Condition	An order that a defendant is expected to follow when released after arrest. Release conditions may include avoiding a specific party or location, staying free of illicit substances, and reporting to Pretrial Services. Release conditions may be modified by a judge via court order. For defendants ordered to pretrial supervision, Pretrial Services will monitor compliance with release conditions and provide updates to the court.