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March 21, 2014

Hon. Timothy C. Evans, Chief Judge  
Circuit Court of Cook County  
50 W. Washington St., #2600  
Chicago, IL 60602

Dear Chief Judge Evans:

Enclosed please find the Administrative Office of the Illinois Courts' report to the Supreme Court of Illinois concerning Cook County pretrial services. The report, entitled *Circuit Court of Cook County Pretrial Operational Review*, is a comprehensive analysis of current processes and procedures utilized by pretrial staff and stakeholders in Chicago and Cook County suburban locations. The Court anticipates this report to be the first in a series of pretrial operational reviews statewide.

The report contains multiple recommendations across a broad array of policy areas. The purpose of the report is to facilitate movement toward meaningful change in pretrial structure and operations, including systemic improvements in information sharing, communication and training.

The Supreme Court is committed to working with you to ensure the success of Cook County pretrial services. In presenting this report as a strategic plan, the Court's Administrative Office will provide technical assistance and guidance throughout this process. Within the next few days, Director Michael J. Tardy will be contacting you to arrange a meeting to discuss recommendations and implementation issues.

On behalf of my colleagues, I wish to thank you and your staff for your cooperation and vital input during the review process. Through ongoing commitment, we will achieve a more effective and efficient pretrial process for the citizens of Cook County.

Sincerely,

Hon. Rita B. Garman  
Chief Justice

Enclosure

c: Justices of the Supreme Court of Illinois  
Michael J. Tardy, Director, AOIC



# **Circuit Court of Cook County Pretrial Operational Review**

**Illinois Supreme Court  
Administrative Office of the Illinois Courts**

In consultation with  
The National Center of State Courts

March 2014



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# Circuit Court of Cook County Pretrial Operational Review: Preliminary Report

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## INTRODUCTION

For decades, the highly publicized issue of jail over-crowding has plagued Cook County. Through the years, experts have examined Cook County's pretrial and bond court operations, studied crime statistical data, and recorded remedies, some of which resulted in operational, environmental, programmatic, and policy changes with varying effects.

From the point of arrest through the pretrial and bond court process, there is a critical dilemma that persists: whether to allow the defendant to remain in the community and continue to work and attend school, or to detain the defendant and alleviate any risk of failing to appear or committing another crime while awaiting trial. Ultimately, judicial discretion determines such decisions based upon the facts presented to the judge during bond court.

The Illinois Pretrial Services Act provides the legal framework for this process. In practice, it has become largely aspirational, rather than a model for everyday procedure. Under the Act, pretrial services would provide a pivotal function in collecting and verifying information to be used by the judge to determine bond and release conditions, and in providing post-release supervision as a means to respond to non-compliance with court conditions while awaiting trial. In 2013, Cook County pretrial services staff conducted 24,977 interviews/assessments and conducted 7,164 intakes on defendants ordered to pretrial supervision as reported through monthly statistical reports submitted to the Administrative Office. Unfortunately, however, the reliance upon the work of pretrial services is generally dismissed or minimized because of a lack of confidence in the credibility of the risk assessment and community living information.

During this operational review, it was evident that much of the information obtained by pretrial services officers was not verified, so the response from stakeholders and judges was understandable. Though a series of technological, managerial, interpersonal, and operational factors were substantiated during the review process and described in this document, there is no single group, program or "fix" that accounts for the fracture of the process. Notwithstanding, while there was non-reliance upon the risk assessment and other information and a limited number of cases placed under pretrial supervision, this was juxtaposed by judges overwhelmingly voicing support for pretrial services personnel and the need for the program.

Further, collection of statistical reports and other data has been cumbersome and inconsistent due to antiquated technology, unfamiliarity with the scope of data collected by respective stakeholder groups, absence of a coordinated data sharing process, and to a degree, data request protocols. Therefore, the data presented in this report is limited to that reported to the Administrative Office through the Adult Probation Department monthly statistical pretrial reports, data reported by the Cook County Circuit Court Clerk as contained in the Annual Statistical Reports to the Supreme Court, and publications

prepared by Loyola University professor/researcher on the jail population for the Cook County Sheriff's Reentry Council Research Bulletin. Data requests submitted to the Circuit Clerk's office, Pretrial Services and the Sheriff's department have been submitted by the Administrative Office and are pending.

While the impetus to conduct this review was a request by Chief Judge Evans for the funding of additional pretrial positions, such consideration must also be accompanied by systemic change. The two must not be separate. Unless there is a commitment amongst stakeholders to delve into these issues, reach consensus of resolutions and act to implement collaborative organizational and operational policies and practices in the pretrial and the bond court process, strictly adding positions will be minimally effective.

While challenges exist, this is also a time of great opportunity. Many positive partnerships and activities are underway in Cook County that foster institutionalizing change and favorable outcomes. These include the Cook County Integrated Criminal Justice Information Systems Committee (CCICJIS) and the plan to move from a paper-based to electronic systems of data exchange and sharing among stakeholders; the joint meetings of Cook County elected officials that are fleshing out issues and solutions to the process; the planned evaluation of the bond court process that will provide baseline performance data in Central Bond Court (CBC); and the Administrative Office's initiative, in conjunction with a notable national research team, to validate a statewide pretrial risk assessment tool.

## **EXECUTIVE SUMMARY**

The Supreme Court of Illinois approved an operational review of the Circuit Court of Cook County's Pretrial Services Program following the Court's deferral of Chief Judge Evans' request to fund fifteen (15) additional pretrial services positions. The purpose of the review was two-fold: 1) to examine current policies and practices relative to pertinent Illinois statutes, Administrative Office standards for pretrial services and emerging best practices; and 2) to provide analyses and recommendations to the Court for consideration. This review is the first in a series of pretrial operational reviews statewide.

The twelve (12) member review team was comprised of staff from the Administrative Office's Executive, Court Services and Probation Services Divisions and consultants from the National Center of State Courts (NCSC) that examined three functional components: Administration, Data and Technology, and Pretrial and Bond Court Operations and Processes. Team members were assigned to these functional areas based upon expertise and experience.

On-site reviews were conducted at the Circuit Court's six districts in Chicago, Skokie, Rolling Meadows, Maywood, Bridgeview, and Markham and at the Adult Probation Department's Walnut Street facility in Chicago on December 13 and 14, 2013, as well as

January 13 through 17, 2014. Approximately 147 stakeholders representing the judiciary, probation/pretrial services, Cook County Sheriff, State's Attorney, Public Defender, and Circuit Court Clerk were interviewed.

Six central themes emerged during the course of this process that serve as the framework for the recommendations and future considerations:

- The current state of stakeholder information sharing is in need of substantial improvement. This includes upgrading case management systems and access to new technologies. There is an absence of coordinated, electronic exchange of data and information among the Cook County Sheriff, Pretrial Services, State's Attorney, Public Defender, and the Circuit Court Clerk.
- There is a general lack of understanding of the pretrial services function by stakeholders and Probation Department staff. Additionally, it is apparent that the Pretrial Services Program in Cook County is undervalued, despite its existence for nearly two decades under the 1995 integration of the Pretrial Services and Adult Probation Departments.
- There has been a gradual erosion of a management and leadership structure dedicated to the Pretrial Services Program. Upper management and supervisors straddle oversight for pretrial services and probation personnel and have limited time to build and implement a strategy that restores the integrity of the pretrial program and its critical role in the administration of justice.
- There is a lack of training and cross-training opportunities for pretrial services staff and stakeholders.
- Judicial discretion on setting bonds and release conditions is predictably varied. The goals, criteria, and procedures for the three different electronic monitoring programs administered by the Cook County Department of Corrections (CCDOC) and the Home Confinement Unit of the Adult Probation Department as a condition of curfew are not clearly defined and articulated to stakeholders.
- While stakeholder groups collect and analyze data to measure program outcomes and effectiveness, there is no coordinated process to comprehensively examine and report on pretrial and bond court performance and effectiveness.

The following recommendations are presented for the Court's consideration:

### **Pretrial Management**

1. **Recommendation:** Management should reconcile and submit AOP-3 Forms to the Administrative Office to update the list of staff members that perform pretrial duties and are eligible for pretrial reimbursement.
2. **Recommendation:** The current organizational structure, which vests administrative authority in one position for three major court operations (Adult Probation Department, Social Service Department and Pretrial Services), creates an operational and programmatic span of control that is



overly broad. A Chief Probation Officer should be hired/designated to be responsible for the Adult Probation Department with a Pretrial Services Division.

3. **Recommendation:** Restructure the Adult Probation Department and establish a separate Pretrial Services Division with designated pretrial personnel including managers, supervisors, and officers with an infrastructure and resources to support programs and training.
4. **Recommendation:** Pretrial and court management should develop an operational budget, including additional staffing needs, to ensure sustainability at Central Bond Court (CBC) and the suburban courts.
5. **Recommendation:** Pretrial Policies and procedures across court locations need to be assessed and changes implemented to standardize procedures when needed, without impairing practices that reflect the particular circumstances of each court. This includes guidelines and practices for daily operational procedures and processes for pretrial officers, supervisors, and managers at CBC and the suburban court locations.
6. **Recommendation:** Pretrial management should take steps to increase judicial awareness of pretrial roles, available services and options, and benefits. This includes efforts at the local court level to meet with pretrial staff, develop regular internal reports on pretrial programs, and provide feedback to the bench on the outcomes of referrals.
7. **Recommendation:** Pretrial management and the judiciary should consider establishing clear and appropriate criteria for pretrial release recommendations.
8. **Recommendation:** Management should establish committees comprised of pretrial services officers, supervisors and managers to develop and implement a pretrial services training plan for officers, for supervisors and managers, and for cross-training. An assessment of the training needs should be conducted and a plan of action should be developed in coordination with the Administrative Office to provide relevant and regular in-service training to pretrial personnel.
9. **Recommendation:** Efforts are needed at both the system-wide level and at individual suburban court locations to show greater pretrial leadership by:
  - engaging in policy level discussions with other stakeholders;
  - soliciting information for improving services; and
  - providing performance measures and feedback on pretrial activities.

10. **Recommendation:** Management should ensure consistent and accurate statistical data, including juvenile and adult probation, pretrial services and specialized caseload data, are promptly reported to the Administrative Office as required. Ongoing evaluation of quality controls and other measures should be conducted in order to minimize and/or eliminate reporting of inconsistent or missing data, particularly with regard to pretrial data from the suburban courts and special programs.
11. **Recommendation:** Pretrial management should work with staff and judges to reach consensus on various policy interpretations, terms and definitions and ensure that this information is provided to affected system stakeholders. Forms and other documents should be reviewed for consistency and understanding.

#### Pretrial and Bond Court Processes

12. **Recommendation:** Consideration should be given to allow pretrial officers to make specific recommendations regarding conditions of pretrial release, including drug screening and program referrals. This would be predicated on pretrial staff's ability to conduct more thorough screenings of offenders in order to gain sufficient information to make informed recommendations.
13. **Recommendation:** The judiciary should consider the possibility of utilizing the pretrial screening process to determine eligibility for appointed counsel and the ability to provide reimbursement.
14. **Recommendation:** Pretrial topics should be included in appropriate judicial training programs and cross-training for stakeholders.
15. **Recommendation:** Pretrial management and the Sheriff's department should prepare information for dissemination to the bench regarding various monitoring technologies and how they are used, including:
  - How frequently these options are currently used in order to establish a baseline utilization measure; and
  - Routine evaluation of utilization rate change as a result of increased education. (Defense and prosecution representatives may need to be included in the discussion).
16. **Recommendation:** An ongoing evaluation of offender compliance with EM conditions should be conducted for both the Home Confinement Curfew EM and the Sheriff's EM programs. Performance measures should be identified and monitored including appearance rate, failure to appear rate, compliance with conditions of release, and completion of any special conditions. Information should be shared with the criminal justice community to ensure effective utilization of these release options.

17. **Recommendation:** Assuming for the near future that the Cook County Sheriff continues to make release decisions under the Administrative Release Program (ARP) in accordance with the consent decree, access to pretrial interview and assessment information would be helpful in making these release decisions.

#### Pretrial Interviews and Assessments

18. **Recommendation:** The Sheriff's department should establish and implement a plan to electronically disseminate relevant Chicago Police Department (CPD) arrest and criminal history information and reports on defendants before they are transported to CBC for bond hearings.

19. **Recommendation:** Establish computer and printing capability, connectivity, and access for pretrial officers in order to access LEADS and the circuit clerk's automated system in the CCDOC interview area.

20. **Recommendation:** Pretrial management should assess the feasibility of expanding criminal background checks to include NCIC information.

21. **Recommendation:** The Sheriff's department and pretrial management should collaborate on an electronic or supervised signature process to allow the defendant his/her right to confirm consent or refusal to participate in the interview process.

22. **Recommendation:** Pretrial management should develop and implement an electronic "fillable" Pretrial Interview File Form and Pretrial Services Bond Assessment Form for use by probation/pretrial personnel that can be disseminated electronically to relevant stakeholders.

23. **Recommendation:** Pretrial management should ensure access to interpreters for limited English proficient individuals during the pretrial services interview through bilingual staff. For less common languages, pretrial and court managers should contact the Cook County Office of Interpreter Services to access their list of contract interpreters, and install telephones to enable use of telephonic interpretation through Cook County's Language Line account.

24. **Recommendation:** In collaboration with local funding and building authorities, efforts should be undertaken to conduct an assessment of the physical areas for pretrial interviewing in the CCDOC interview area, and an improvement plan with priorities should be established.

25. **Recommendation:** Changes to current pretrial processes, staffing, and schedules should be explored, including expanding pretrial staff hours and coverage; adjusting bond court schedules to allow additional time for report preparation; and re-structuring staff responsibilities in larger offices so that

screening, supervision, and verification functions are completed by separate dedicated staff teams. This could include 24/7 staffing at CBC.

## Bond Court Governance

26. **Recommendation:** Court management is encouraged to take steps to increase communication between Divisional presiding judges regarding the coordination of felony case processing and the transfer of cases from the Municipal to the Criminal Division.
27. **Recommendation:** Court management is encouraged to evaluate training and educational program curriculum for new judges to ensure that members of the bench assigned to bond courts have adequate education and experience in criminal matters.
28. **Recommendation:** The need for greater mental health services is not solely a pretrial issue but impacts the criminal justice system overall. As such, it is an issue that warrants discussion at a higher level among Cook County criminal justice and social service agencies.
29. **Recommendation:** Pretrial and court management should conduct a further assessment of low bond defendants in custody and, based on the results, consider reinstating secondary reviews of these defendants who remain in custody without holds. At a minimum, court management should investigate the feasibility of sharing information and assessment gathered by pretrial with both the Sheriff's office and the Public Defender's office, in order to facilitate these initiatives.
30. **Recommendation:** The role of pretrial in identifying potential program participants should be further explored to determine if pretrial should have a more proactive role in screening and referral of offenders to diversion or problem solving court programs.
31. **Recommendation:** Pretrial and judicial management should meet with public defense representatives regarding their concerns about the pretrial assessment process and determine what steps can be taken to assure defense counsel that the pretrial process does not impinge upon clients' constitutional rights or jeopardize the pending case. This discussion may need to be extended to state's attorneys as well to ensure that the pretrial assessment process works solely for the purpose of assisting the judge in setting a reasonable bond and release conditions.
32. **Recommendation:** Court management should re-examine the decision to close the suburban weekend bond courts. Attention should be paid to the fiscal impact associated with scheduling, staffing, transportation and paperwork for

subsequent hearing dates in the suburban districts, and whether, as a whole, the decision to consolidate at CBC has resulted in cost-savings.

### Caseflow Processing and Data Exchange

33. **Recommendation:** The Cook County Circuit Court is encouraged to review current processes, analyze data on total time to disposition as well as interim time frames, and make a commitment to further addressing caseflow management issues based on this initial analysis.

34. **Recommendation:** Criminal Justice Systems are comprised of a complex set of processes, each of which is inter-dependent upon multiple entities to complete. CCICJIS should develop a vision that describes how cases and individuals will progress through the Cook County Justice System. The Committee should consider for analysis purposes breaking the system into three parts:

- *Intake* - all the activities, processes and information beginning at arrest through the first court appearance in the court that will dispose of the case.
- *Adjudication* - all activities, processes and information needed to manage and dispose of a case (i.e., basic caseflow management).
- *Sentencing and Compliance* - all information necessary for development of sentencing recommendations and decisions; once sentence is imposed, information necessary for monitoring of court orders and conditions.

35. **Recommendation:** In addition to development of a new vision for case and defendant processing, the following issues should be considered by the CCICJIS:

- Will there be a single number used for identification of offenders and supported in all systems? How will individuals (victims, witnesses, attorneys, judges) “connected” to cases be identified? Who will resolve issues of identity?
- What rules need to be developed or modified to facilitate implementation of automated processes?
- What information do all entities require for monitoring of overall system performance?
- What performance standards or measures will be implemented with these new systems?
- What benefits can be realized in meeting performance standards?

36. **Recommendation:** Future planning and design of criminal justice information systems should include pretrial/probation services representatives as key stakeholders.

## Program Performance and Outcome Measurement

37. **Recommendation:** The Administrative Office should work with local pretrial programs to establish criteria for program evaluation and conduct program evaluations and audits on a periodic basis.
38. **Recommendation:** With input from the bench and other system stakeholders, pretrial management should develop program performance outcomes and measures, including measures for internal and external use.
39. **Recommendation:** Pretrial services performance should be evaluated according to the percentage of interviews of eligible defendants conducted and verified with a goal of achieving at least 85% of those booked into the CCDOC within 24 hours of arrest.
40. **Recommendation:** The Administrative Office will dedicate personnel to work with the Cook County Pretrial Program and other pretrial programs around the state to provide policy guidance, training and technical assistance while maintaining a central role in program evaluation, promotion of best practices, and program monitoring.

## PURPOSE, SCOPE, AND METHODOLOGY

During its September 2013 Term, the Supreme Court approved the Administrative Office to conduct a review of the Circuit Court of Cook County Pretrial Program's operations following the Court's deferral of Chief Judge Timothy Evans' request to fund fifteen (15) additional probation officer positions to supplement pretrial services. The purpose of this operational review was to examine the Circuit Court's current policies and practices relative to the Pretrial Services Act (725 ILCS 185), the Probation and Probation Officer's Act (730 ILCS 110), the Administrative Office's *Illinois Pretrial Procedural and Operational Standards Manual, rev. December 2001* (Appendix A), and emerging national best practices in pretrial services.

The twelve (12) member review team was comprised of staff from the Administrative Office's Executive, Court Services and Probation Services Divisions, as well as consultants from the National Center of State Courts (NCSC). The scope of the review included:

- Structured interviews/focus groups with key justice stakeholder groups representing the judiciary, Cook County Sheriff, pretrial/probation, State's Attorney, Public Defender and Circuit Court Clerk;

- Examination of the governance and functions of the pretrial organizational and bond court structures;
- Review of procedures, guidelines and authority for release of pretrial defendants; and
- Review of case-flow processes and procedures for the exchange and dissemination of critical documents and reports from the time of arrest to the bond court hearing.

The review process consisted of three primary topical components: Administrative (including the pretrial services organizational structure, job descriptions, funding, policies and procedures, and training); Data and technology (including information exchange, case-flow, and statistical data); and Pretrial and Bond Court Operations and Processes (including screening, assessment, interview, and post-release supervision).

On December 13 and 14, 2013, four Administrative Office review team members conducted preliminary observations of pretrial services and bond court operations at Rolling Meadows and CBC, and Home Confinement and post-release pretrial supervision at the Walnut Street facility. This afforded team members the opportunity to obtain a general overview of processes and operations, and provided a preparatory point for further examination from the perspective of each stakeholder group.

The full team review was conducted January 13 through January 17, 2014. A copy of the observation and interview schedule is contained in Appendix B. On-site observations and interviews/focus groups were conducted January 14 through 16, 2014. Stakeholder groups were provided a list of prospective questions prior to the entrance meetings. Follow up interviews continued with stakeholders through early February 2014. During the course of this process, approximately 147 persons were interviewed or participated in focus groups, as indicated in Table 1.

**Table 1**

**Composition of Interview/Focus Group Participants**

<b>Stakeholder Group</b>	<b>Number of Participants</b>
Judiciary	28
Probation/Pretrial Services	65
State's Attorney	15
Public Defender	13
Sheriff	12
Circuit Clerk	14
<b>Total</b>	<b>147</b>

Separate entrance meetings were convened with the judiciary, Cook County Circuit Court Clerk, Adult Probation/pretrial services, and the Cook County Department of Corrections (CCDOC) on January 13, 2014. A preliminary exit meeting was convened on January 17,

2014 with Director Michael Tardy, review team members, and Chief Judge Evans and his staff to summarize observations and emerging themes during the on-site review.

Additionally a select group of team members inventoried the scope of statistical data available through public domain and research publications. The group also discussed technology and types of data collected with information technology managers representing the Court, probation/pretrial services, sheriff, and the clerk's office beginning in December 2013. Formal requests for specific data reports were submitted in January and February 2014. At the time of the writing of this report, these requests are still pending.

## PRETRIAL SERVICES AND BOND COURT - STRUCTURE AND OVERVIEW

### Legal Framework

The U.S. Constitution, as interpreted by the U.S. Supreme Court in *Gerstein v. Pugh*, 420 U.S. 103 (1975), requires that a person arrested without a warrant must be promptly taken before a judge for a determination of probable cause for the arrest. In 1991, the Supreme Court further clarified, in *County of Riverside v. McLaughlin*, 500 US 44 (1991), that "promptly" means within 48 hours of arrest. The statutory framework for this process in Illinois is found in Article III of the Code of Criminal Procedure of 1963 (725 ILCS 5/109-1 et seq.).

All persons are eligible for bail/bond before conviction in Illinois, except where the proof is evident, or the presumption is great, that the defendant is guilty of certain statutorily-enumerated offenses (e.g., capital offenses, offenses which carry a maximum sentence of life imprisonment, or where the minimum sentence includes imprisonment without parole).

A deposit bond, or "D-bond" is a cash bond in which the defendant, or surety, must pay 10% of the total bond amount in order to secure the defendant's release from custody. Recognizance bonds, or "I-bonds," are bond orders in which the defendant is released from custody without pledging any funds upfront.

Section 110-2 of the Code of Criminal Procedure authorizes the use of recognizance bonds when the court is of the opinion that the defendant will appear as required, comply with all conditions of bond, and will not pose a danger to any person or the community. The Code encourages the use of recognizance bonds, furthering the purpose of relying on contempt of court proceedings or criminal sanctions, instead of financial loss, to assure the defendant's compliance. The Code directs judges to set monetary bail only when no other conditions of release will reasonably ensure that the defendant will appear at future court dates and that the defendant will not present a danger to any person or to the community.



In determining the type of bond or conditions of pretrial release, judges are required by the Code to consider more than 30 statutory factors pertaining to the nature of the charge(s) against the defendant, his or her criminal history, prior instances of failure to appear, and the defendant's home and community information, such as place of residence, family ties, employment, education, character, and mental condition. In addition, several other provisions set specific bond procedures for particular types of offenses. For example, Section 110-5.1 specifies the procedure for setting bond in the case of a person charged with domestic violence.

In issuing a bond order, the Code instructs judges to set a bond amount that i) is sufficient to assure compliance with the conditions imposed; ii) is not oppressive; iii) is considerate of the financial ability of the accused; and iv) in cases involving possession or delivery of drugs, considers the full street value of the drugs seized. The Code does not require the imposition of specific bond amounts, though it does require that in the event that a defendant is charged with an offense that is punishable by fine only, the total bond amount must not exceed double the amount of the maximum penalty. Within these statutory guidelines, setting bond is largely a function of judicial discretion.

### **History of Pretrial Services in Illinois**

The origin of pretrial services in Illinois begins with the 1963 bail reform efforts and creation of provisions in the Illinois statutes for posting 10% of a cash bond and eliminating the role of a bail bondsman to obtain release from custody on bond. Inconsistent application of the provisions of the bail statutes across Illinois resulted in the development of an *Illinois Pretrial Release Manual* by the Study Committee on Bail Procedures of the Illinois Judicial Conference. This manual was distributed to the Illinois judiciary and law enforcement officials in July of 1977.

The Study Committee issued its final report in March 1978 and recommended that the Illinois Supreme Court adopt several rules related to pretrial release. One proposed rule, Rule 406, would allow local circuit courts to establish pretrial services agencies for the purpose of investigating and reporting to the court information related to the defendant's eligibility for pretrial release from custody. It also provided for establishing conditions of release and supervision in the community by a pretrial services officer.

With the passage of the Illinois Probation and Probation Officers Act in 1978, the Illinois Supreme Court established the Division of Probation Services under the Administrative Office of the Illinois Courts with the purpose of developing probation standards, including those for pretrial supervision. Additionally, in 1978 the Administrative Office established a process for collecting raw data from law enforcement agencies, state's attorneys and circuit clerks in order to monitor rates of pretrial detention, nonappearance for trial, re-arrest while on pretrial release and the effect of various bail mechanisms on these areas of data.

In December 1980, the Study Committee submitted to the Illinois Supreme Court a supplement to its 1978 report. The supplement detailed "Performance Standards for

Illinois Pretrial Services Agencies" that were recommended for implementation with either stand alone, full-time, pretrial agencies or small, rural probation departments providing pretrial services on a part-time basis in addition to standard probation supervision. It was not until July 1987, with the passage of Public Act 84-1449, that these standards were codified in the Pretrial Services Act.

## Pretrial Services Act

The Pretrial Services Act (725 ILCS 185.1 et seq.) statutorily requires each circuit court in Illinois to establish a pretrial services agency providing courts with accurate background data regarding pretrial release of persons charged with felonies, and providing effective supervision of such persons' compliance with the terms and conditions imposed on pretrial release.

The Act also requires that all pretrial services agencies be independent divisions of the circuit courts, supervised by a director appointed by and accountable to the chief judge. All employees must be full-time (except secretarial staff), supervised by the director, and subject to hiring and training requirements established by the Supreme Court. Funding for pretrial services agencies, including all personnel and operational costs, is to be paid from monies appropriated to the Supreme Court by the General Assembly.

The Act requires pretrial services agencies to perform, at a minimum, the following duties:

- Interview and assemble information and data concerning community ties, employment, residency, criminal record, and social background of arrested persons appearing in bond court on felony charges;
- Submit written reports of those investigations to the court, along with such findings and recommendations, if any, as may be necessary to assess:
  - The need for financial security to ensure the defendant's appearance at later proceedings; and
  - Appropriate conditions imposed to protect against the risks of nonappearance, commission of new offenses, or other interference with the orderly administration of justice before trial;
- Assist the court in determining the appropriate terms and conditions of pretrial release;
- Supervise compliance with pretrial release conditions, and promptly report violations of those conditions to the court and prosecutor to assure effective enforcement;
- Cooperate with the court and all other criminal justice agencies to develop programs to minimize unnecessary pretrial detention and protect the public against breaches of pretrial release conditions; and

- Monitor the local operations of the pretrial release system and maintain accurate and comprehensive records of program activities.

In addition, with the approval of the chief judge, pretrial agencies may also supervise compliance with the terms and conditions imposed by the courts for appeal bonds, or any other pretrial service activities delegated by the court. The Act confers standing authority on pretrial services agencies to interview and process all persons charged with non-capital felonies; however, the chief judge and the pretrial director may establish interviewing priorities where resources do not permit total coverage.

The Pretrial Services Act contains several provisions regarding the conduct and format of pretrial interviews. It provides that no person shall be interviewed by a pretrial services agency unless he or she has first been apprised of the identity and purpose of the interviewer, the scope of the interview, the right to secure legal advice, and the right to refuse cooperation. Interviewers are required to exclude questions concerning the details of the current charges against the defendant. Information collected during the interview must be recorded on uniform interview forms. Statements made by the defendant during the interview, or evidence derived there from, may only be used by the court in making a bond determination, and are not otherwise admissible as evidence in the criminal proceeding.

After conducting pretrial interviews, the Act requires pretrial agency employees to immediately verify and supplement the information before submitting reports to the court. At a minimum, verification must include the interviewee's prior criminal record, residency, and employment circumstances. The Act directs the chief judges to assist in establishing and maintaining cooperation with the circuit clerks and law enforcement information systems in order to assure prompt verification of prior criminal records. Reports submitted to the court must be submitted on a uniform reporting form established by the Supreme Court, and copies must also be provided to all parties and counsel of record.

In preparing and presenting written pretrial reports, the Act requires that pretrial services agencies shall, in appropriate cases, include specific recommendations for the setting, increase, or decrease of bond; the release of the defendant on his or her own recognizance; or the imposition of special conditions of release. Written reports must set forth any and all factual findings on which such recommendations are based, together with the source of each fact. In order to establish objective internal criteria for assessing pretrial risk, pretrial agencies may utilize so-called "point scales," provided, however, that no defendant shall be considered eligible or ineligible for a particular recommendation solely based upon his or her point score.

Pursuant to the Act, information and records maintained by pretrial services agencies which have not been disclosed in open court may not be released, other than to an employee of the Probation and Court Service Department, without the express permission of the defendant. Defendants are entitled to all information and records about themselves that are maintained or collected by the pretrial services agency. Additionally a

representative of the pretrial services agency shall, where feasible, be present or otherwise available to the court during bond hearings. At such hearings, the factual findings, conclusions and recommendations in the pretrial report may be challenged by either the prosecution or the defense.

The Pretrial Services Act also designates pretrial services agencies as the entity with primary responsibility for supervising and reporting non-compliance with the terms and conditions specified in the defendant's release order. Pretrial agencies must notify supervised persons of court appearance obligations, and may also require supervised persons to report periodically, via telephone or in person, to verify such compliance. The Act also requires pretrial agency personnel to regularly monitor the arrest records of local law enforcement agencies to determine whether any supervised person has been charged with a new offense in violation of his or her release order. In such an event, the pretrial agency must prepare a formal report informing the court and the prosecutor of the new charge. In addition, pretrial agencies must also submit reports to the court, defendant's attorney, and the prosecutor whenever apparent violations of the release order have occurred, or when modification of the release order is deemed in the best interest of either the defendant or the community.

As a part of the Administrative Office's efforts to establish pretrial services in each circuit, a pretrial services coordinator position was created in its Probation Services Division in 1987. Gradually this position assumed additional duties and by 2001, pretrial was integrated with existing staff. Additionally, an initial body of pretrial services procedural and operational standards was developed in 1990 and disseminated by the Administrative Office, with the assistance and input of judges and probation administrators. These standards were revised in 1995 and again in 2001 with judicial and probation input to reflect changes in Illinois statutes and pretrial practices at the national level. The Illinois pretrial standards were written to ensure that pretrial programs provide value to the pretrial process and serve the needs of the court.

### **Pretrial Structure and Workload**

There are 65 probation and court services departments and 16 juvenile detention centers, 15 of which are under the authority of the Judicial Branch, providing services to Illinois' 102 counties. Approximately 83% of probation departments have established pretrial units or officers that provide pretrial functions as a part of their job duties. The other approximately 17% either provide no pretrial services, or provide them on an "as needed" basis when ordered by the court. Services include assessment, bond investigations, drug testing, electronic monitoring, supervision, referral for services, or home confinement.

Of the 14 departments that provide full-time pretrial services, the following data reflects supervised caseload and successful discharge data for 2011, 2012 and 2013:

Table 2

Pretrial Cases Supervised			
Case Type	2011	2012	2013
Felony	11,974	12,160	9,078
Other	4,139	3,687	3,437
Total	16,113	15,847	12,515

Table 3

Pretrial Cases Supervised - Discharged Successfully			
Case Type	2011	2012	2013
Felony	7,866	8,111	8,316
Other	3,129	3,002	2,816
Total	10,995	11,113	11,132

The following tables contain bond revocation data for 13 of the 14 established pretrial units, excluding Cook County, which is currently not reporting this information.

Table 4

Pretrial Cases Supervised - Bond Revoked - Failure to Appear			
Case Type	2011	2012	2013
Felony	184	127	140
Other	54	40	45
Total	238	167	185

Table 5

Pretrial Cases Supervised - Bond Revoked - Rules Violations			
Case Type	2011	2012	2013
Felony	335	538	343
Other	37	36	66
Total	372	574	409

Table 6

Pretrial Cases Supervised - Bond Revoked - New Offense			
Case Type	2011	2012	2013
Felony	149	116	109
Other	45	33	56
Total	194	149	165

## Funding for Pretrial Services

As indicated in Table 7 below, the initial appropriation to the Supreme Court's budget for the reimbursement of salaries to pretrial service agencies began in SFY1990, with \$810,780 appropriated to fund 179 positions in Cook County. The first reduction in Cook

County's number of positions was in SFY1999 by 17% (n=26 positions) due to local policy decisions. Beginning in SFY2000, eleven (11) additional pretrial programs across the state were also allocated funding. Since SFY2008, the number of Cook County positions funded dwindled by 75 positions (72%) from its initial level.

Table 7

**Statewide Pretrial Appropriations and Cook County  
Allocations and Funded Positions  
SFY 1990 - 2014**

SFY	Appropriation	Cook County Allocation	Cook County Positions Funded
1990	\$810,780	\$810,780	179
1991	\$1,100,000	\$1,100,000	179
1992	\$984,700	\$984,700	179
1993	\$935,500	\$935,500	179
1994	\$1,100,000	\$1,100,000	179
1995	\$1,155,000	\$1,155,000	179
1996	\$1,201,200	\$1,201,200	179
1997	\$1,249,200	\$1,249,200	179
1998	\$1,299,200	\$1,299,200	179
1999	\$1,364,200	\$1,364,200	153
2000	\$3,418,800	\$3,297,300	125
2001	\$4,418,800	\$3,818,800	125
2002	\$4,418,800	\$3,803,800	125
2003	\$3,887,500	\$3,346,300	125
2004	\$3,887,500	\$3,346,300	117
2005	\$3,300,208	\$2,556,376	117
2006	\$3,300,665	\$2,549,975	117
2007	\$3,384,622	\$2,626,474	117
2008	\$3,520,908	\$2,731,625	104
2009	\$3,506,103	\$2,693,139	104
2010	\$3,038,600	\$2,353,634	104
2011	\$3,311,500	\$2,600,000	104
2012	\$3,463,816	\$2,665,000	104
2013	\$3,500,564	\$2,750,000	104
2014	\$3,889,388	\$3,000,000	104
<b>Total</b>	<b>\$65,447,554</b>	<b>\$55,338,503</b>	

The number of funded positions officially recorded by the Administrative Office as pretrial positions is based upon "change/status forms", known as AOP-3 forms, submitted by the Adult Probation Department. In reviewing the listing of names on this approved pretrial list, there are over 30 names that need to be eliminated or updated (due to retirements or job re-assignments) by the department. Currently sixty (60) personnel are claimed, vouchered and reimbursed from this list. Efforts have been made to reconcile and update the list, however, the Administrative Office is currently awaiting the submission of completed AOP-3 forms to transfer, add or modify positions for reimbursement purposes.

1. **Recommendation: Management should reconcile and submit AOP-3 Forms to the Administrative Office to update the list of staff members that perform pretrial duties and are eligible for pretrial reimbursement.**

Since SFY2010, the funds appropriated for salary reimbursement are allocated using a funding model based upon evidence-based practices. The formula utilizes data reported by the probation department to calculate workload (staffing need). Pretrial funding category dollars are allocated to the fourteen (14) established pretrial units; other departments providing pretrial functions are allocated dollars under a separate funding category.

## COOK COUNTY PRETRIAL SERVICES – STRUCTURE AND OVERVIEW

### History of Pretrial Services

Pursuant to statutory authority and standards established by the Administrative Office, the Circuit County of Cook County Pretrial Services Department (PSD) was established under the office of the chief circuit judge as a separate department in 1990 to address myriad emerging concerns including ongoing overcrowding at the Cook County Jail by felony offenders, a rise in domestic violence cases and the need for a centralized juvenile detention screening process.<sup>1</sup> The Department's 179 staff were assigned to 13 locations throughout the county providing a range of services including pre-release investigations of felony and domestic violence defendants, juvenile detention screening, "second chance" review of low bond cases and post-release supervision.

PSD also provided the court with a second review of felony defendants unable to post a cash bond. A unit of the department regularly reviewed the cases of these individuals who had remained in jail after ten days to determine their viability for release on pretrial supervision, and made recommendations for bond review hearings to the assigned trial judge. By 1993, this unit was reportedly responsible for 30 to 50 defendants per month being released on pretrial supervision.

In June 1995, a Pretrial Services Judicial Oversight Committee was created under General Administrative Order 95-9PSD (Appendix C) to establish policies and procedures for the PSD, coordinate the activities of TASC<sup>2</sup> clients, and require the director and employees to report to the Committee as directed. In 1995 PSD was merged into the Adult Probation

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<sup>1</sup> The juvenile detention screening function, originally conducted by this department, no longer exists. However, pretrial officers still have responsibility for domestic violence cases and felony traffic cases, as well as a youthful offender diversion program.

<sup>2</sup>TASC (Treatment Alternatives for Safe Communities) is a not-for profit organization providing behavioral health recovery management services for individuals with substance abuse and mental health disorders who are currently in Illinois criminal justice, corrections, juvenile justice, child welfare, and other public systems.

Department, with the intention of integrating the continuation of services from the time of bond hearing through the completion of a sentence of probation.

In August of 1996, the Circuit Court of Cook County adopted General Order No. 18.8, which outlined suggested procedures for first appearance hearings and setting bail. Echoing the ruling in *Gerstein*, the Order instructs judges to first make a probable cause determination, then advise the defendant of the pending charges and his or her right to counsel or a public defender. Judges are then instructed to consider the facts surrounding the defendant's arrest and the defendant's past criminal acts and conduct, allowing the defendant's attorney the opportunity to advise of any mitigating circumstances. After a full hearing, the Order instructs judges to set bail pursuant to the statutory requirements, with emphasis toward issuing recognizance bonds in appropriate cases.

Early on, efforts were made to train probation officers and managers about pretrial services to assist with staff acceptance of the integration of the two departments. Beginning in 1999, funding constraints prompted a decision by the local court to only have pretrial conduct bond reports in the City of Chicago which impacted the future of pretrial services. This decision significantly reduced the workload and the number of positions was also reduced to 153.

In December 2008, major procedural and organizational changes were enacted at CBC. These included the elimination of closed-circuit televised bond call and expansion of the Pretrial Services Unit so interviews could be conducted in all appropriate felony cases and post-release supervision could be provided for more defendants. The expansion included the assignment of nearly 25 additional probation officers to handle interviewing, supervision and curfew monitoring.

## **Pretrial Management and Organizational Structure**

Despite nearly two decades since the reorganization of the Pretrial Services and Adult Probation Departments into one entity, a culture and environment of separateness still exists amongst the different levels of the organization. At inception, PSD was organized with three-tier managerial and supervisory structure: Director, Deputy and Supervisors. When PSD merged into the Adult Probation Department it initially remained as a separate division, and gradually the staffing levels and programming began to erode.

The current organizational structure of the pretrial services staff and percentage of time dedicated to pretrial services is contained in Appendix D and summarized in Table 9 below. Sixty (60) officers and supervisors are dedicated 100% of the time to pretrial services. Another XX officers and supervisors (primarily assigned to the Home Confinement Unit) are dedicated 50% to 85% of the time to pretrial services, with the remaining time dedicated to probation functions. The seven upper tier managers (Acting Chief Probation Officer, Assistant Chiefs and Deputy Chiefs) dedicate a combined average of 16% of their time to pretrial services.



Table 8

**Number of Pretrial Services Supervisors and Officers  
By Circuit Court District and Percentage Time Dedicated**

<b>Circuit Court District</b>	<b>Supervisors/Percentage Time to Pretrial Services</b>	<b>Officers/Percentage Time to Pretrial Services</b>
First Municipal District – Chicago Home Confinement Unit	4 Supervisors -100% 5 Supervisor – 50%	34 Officers -100% 25 Officers – 50%
Second Municipal District - Skokie	1 Supervisor (vacant)	3 Officers – 100%
Third Municipal District – Rolling Meadows	1 Supervisor – 50%	4 Officers – 100%
Fourth Municipal District – Maywood	1 Supervisor – 60%	4 Officers – 100%
Fifth Municipal District – Bridgeview	1 Supervisor – 80%	5 Officers – 100%
Six Municipal District – Markham	1 supervisor – 85%	6 Officers – 100%

The current organizational structure is inadequate to provide effective management to pretrial services since managers must straddle their time between probation and pretrial, with the primary focus on probation. In general, pretrial staff members view themselves as being on the lowest rung in the organizational ladder. Perceptions at the pretrial supervisor and officer levels consistently indicate a lack of faith in overall leadership and refer to management’s limited understanding and knowledge of pretrial functions.

In focus group discussions, pretrial officers at all locations voiced concerns over the absence of effective management and supervision from supervisors and managers who oversee pretrial services. Pretrial staff also noted that unclear and inconsistent processes and practices among officers and a lack of pretrial-specific training has lead to an overall frustration and lack of faith in the management structure.

The judicial interviews suggest that there is a great deal of truth in the perception that pretrial is a misunderstood and perhaps an unappreciated function of the judicial system. Judicial awareness of the role of pretrial services, the processes followed by officers, available resources, etc., varies considerably among members of the bench. In interviews, most judges were not aware of current pretrial staffing levels and did not know where they fit within the court hierarchy.

While judges were generally supportive of pretrial services, their level of interaction, reliance on, and knowledge about the role and function of pretrial services was varied at each of the district locations. Several judges had little to no knowledge of how pretrial staff obtains and verifies information contained in risk assessment reports. Most, however, were extremely empathetic toward pretrial staff, believing that, overall, pretrial services is understaffed, and lacks adequate time or tools necessary to provide adequate, verified information. It appears that there have not been any recent attempts to meet with or educate the bench about the Pretrial Services Program and available services.

Whether these perceptions are based on anecdotal information or actual experiences, they are pervasive among the individuals interviewed and have a substantial impact on morale. The factors that contributed to the gradual erosion of pretrial services must be examined to understand the background and history, and then used to build and implement a strategy that preserves the integrity of the pretrial services program and its role in the administration of justice.

Additionally, the Adult Probation and Social Service Departments are headed by one individual who expends time as Acting Chief Probation Officer of the Adult Probation Department and as Director of the Social Service Department. The Chief Probation Officer position should be dedicated to the Adult Probation Department full-time. The size, diversity of programming and complexity of both the Adult Probation and Social Service Departments warrant separate chief managing officers for each. Having management who is invested in and well-educated about pretrial would also aid in building consistency and communication within the division, which could lead to more consistent and understandable practice.

2. **Recommendation:** The current organizational structure, which vests administrative authority in one position for three major court operations (Adult Probation Department, Social Service Department and Pretrial Services), creates an operational and programmatic span of control that is overly broad. A Chief Probation Officer should be hired/designated to be responsible for the Adult Probation Department with a Pretrial Services Division.
3. **Recommendation:** Restructure the Adult Probation Department and establish a separate Pretrial Services Division with designated pretrial personnel including managers, supervisors, and officers with an infrastructure and resources to support programs and training (Appendix E).
4. **Recommendation:** Pretrial and court management should develop an operational budget, including additional staffing needs, to ensure sustainability at CBC and the suburban courts.
5. **Recommendation:** Policies and procedures across court locations need to be assessed and changes implemented to standardize procedures when needed without impairing practices that reflect the particular circumstances of the court. This includes guidelines and practices for daily operational procedures and processes for pretrial officers, supervisors, and managers at CBC and the suburban court locations.
6. **Recommendation:** Pretrial management should take steps to increase judicial awareness of pretrial roles, available services and options, and benefits. This includes efforts at the local court level to meet with pretrial

staff, develop regular internal reports on pretrial programs, and provide feedback to the bench on the outcomes of referrals.

7. **Recommendation:** Pretrial management and the judiciary should consider establishing clear and appropriate criteria for release recommendations.
8. **Recommendation:** Management should establish committees comprised of pretrial services officers, supervisors and managers to develop and implement a pretrial services training plan for officers, for supervisors and managers, and for cross-training. An assessment of the training needs should be conducted and a plan of action should be developed in coordination with the Administrative Office to provide relevant and regular in-services training to pretrial personnel.
9. **Recommendation:** Efforts are needed at both the system-wide level and at individual suburban court locations to show greater leadership by:
  - engaging in policy level discussions with other stakeholders;
  - soliciting information for improving services; and
  - providing performance measures and feedback on pretrial activities.

## Roles and Responsibilities

The collective bargaining agreement between the chief judge and the American Federation of State, County and Municipal Employees covers adult probation and pretrial officers. The latter became granted full rights under the agreement through a Memorandum of Understanding. At CBC, pretrial officers are assigned to one of three different job titles, with specific responsibilities, as summarized below, with detailed functions and requirements contained in Appendix F. Suburban pretrial officers perform both pre-and post-release functions.

**Pre-release officer:** Investigates and interviews defendants, reviews arrest reports and criminal histories, verifies information, conducts risk assessments, presents written and oral information to the court, monitors and processes cases from Misdemeanor Court, and collects DNA and urine samples.

**Post-release officer:** Conducts intakes and supervises defendants assigned to Pretrial Unit, monitors and verifies compliance with court conditions, notifies defendants of court dates; collects department fees, prepares status/progress reports for the court, provides information to assist the court in modifying conditions of release.

**Bond court officer (previously court liaison):** Screens and initiates recommendation reports on defendants in custody in the trial phase of the case, interviews defendants; presents information to the court to assist in bond decisions, and apprises the court of the status of defendants on post-release supervision.

Pretrial officers at all locations work either a 7:30 a.m. – 3:30 p.m. or 8:30 a.m. to 4:30 p.m. schedule Monday-Friday. With the elimination of the weekend and holiday bond court calls in the suburban courts, all pretrial officers must now work weekend rotations in CBC.

## Workload Analysis

### Jail Admissions and Discharges

CCDOC is among the largest jails in the United States in terms of the sheer number of individuals housed at any given time. As indicated in Table 8 below, jail admissions rose slightly between 2011 and 2012, increasing roughly 6.6%. A comparative analysis between the two years indicates that the largest number of admissions were for violent offenses, followed closely by drug law violations. In tandem, these two classes of offenses account for more than half of all admissions in the two year period, while property and DUI/traffic offenses accounted for an additional third of the admissions when combined. As the data indicates, although there was a year-to-year increase in admissions, the composition of admissions by offense type remained comparable and showed little variation.

Table 9

**Jail Admissions by Offense Type  
Calendar Year 2011 and 2012**

Offense Type	2011	2012	% of 2012 Total
Violent	20,567	22,201	29.1%
Property	12,790	14,016	18.3%
Drug-Law Violations	19,238	20,168	26.4%
DUI/Traffic	11,022	12,502	16.4%
Sex	1,578	1,685	2.2%
Other	4,706	4,251	5.6%
Unknown	1,762	1,574	2.1%
<b>Total</b>	<b>71,663</b>	<b>76,397</b>	<b>100%</b>

Source: Cook County Sheriff's Reentry Council Research Bulletin, March 2013; David E. Olson PhD

Yet, for the purpose of this review, the number of cases discharged – more specifically, those defendants discharged via bond is presented. In order to gain insight into this aspect of discharge, it is perhaps best to inspect three key figures: 1) the overall percentage of defendants discharged by posting bond, 2) the percentage of defendants who post bond within 48 hours or less, and finally 3) the average length of stay for defendants who eventually post bond.

Review of CCDOC discharge data in the three year period between 2010 and 2012 yields relatively consistent outcomes (Figure 1). In each of the three years, the highest proportion of discharges was from those defendants who were able to post bond. It should also be

noted that there was less than 3% variation over the three year period. In 2010, roughly 30.6% of defendants posted bond, followed by 33% in 2011, and 32% in 2012.

Similarly, a closer examination of those detainees who are able to post bond reveals that the roughly 57.8% were able to post bond within 48 hours or less over the same three year period (Figure 2). Again, there was less than 3 percent variation between years, with roughly 57.1% posting in 2010, 57.0% in 2011, and 59.4% in 2012 respectively.

Of those individuals that were able to post bond to be discharged in the same three year period, the average number of days those individuals spent in custody was relatively stable as well (Figure 3). In 2010, the average number of days spend in custody was 11, followed by 12.9 days in 2011 and finally 13.4 days in 2012. Therefore, the average number of days inmates who posted bond spent in custody was again fairly consistent over the sample, while the number of days has risen slightly.

Figure 1

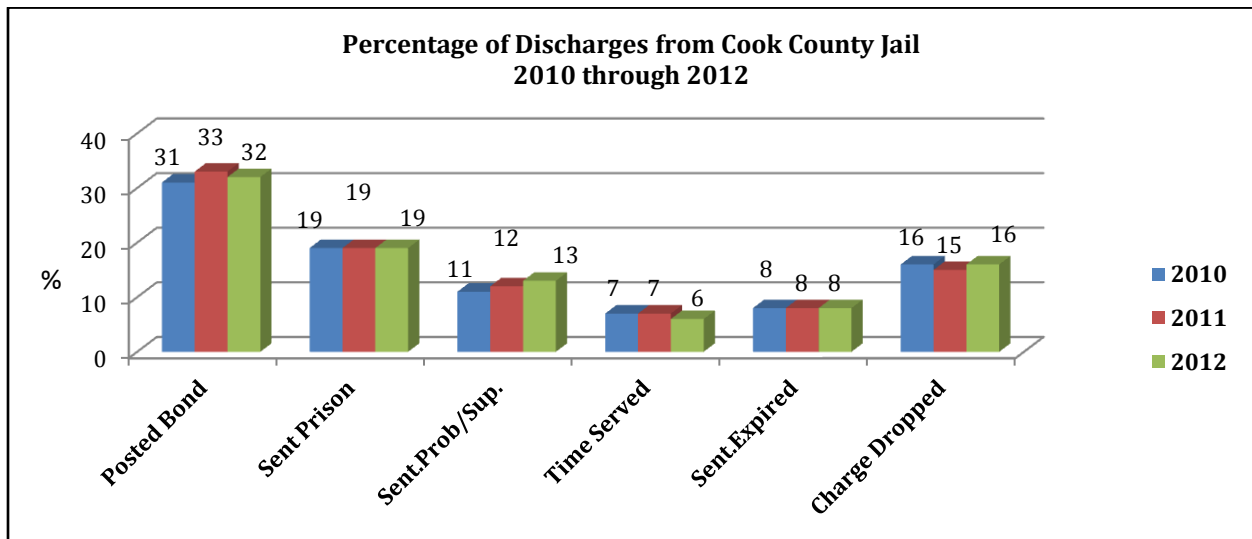


Figure 2

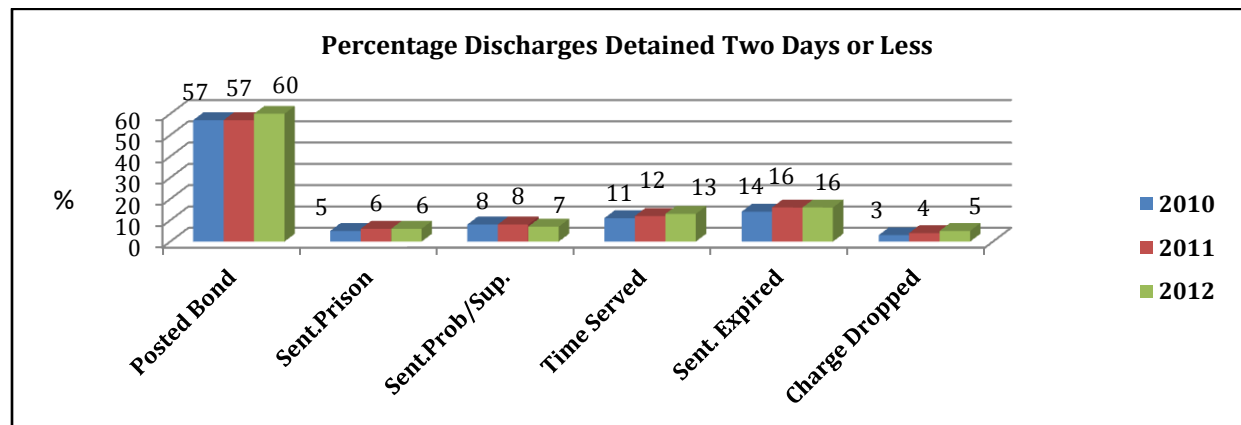
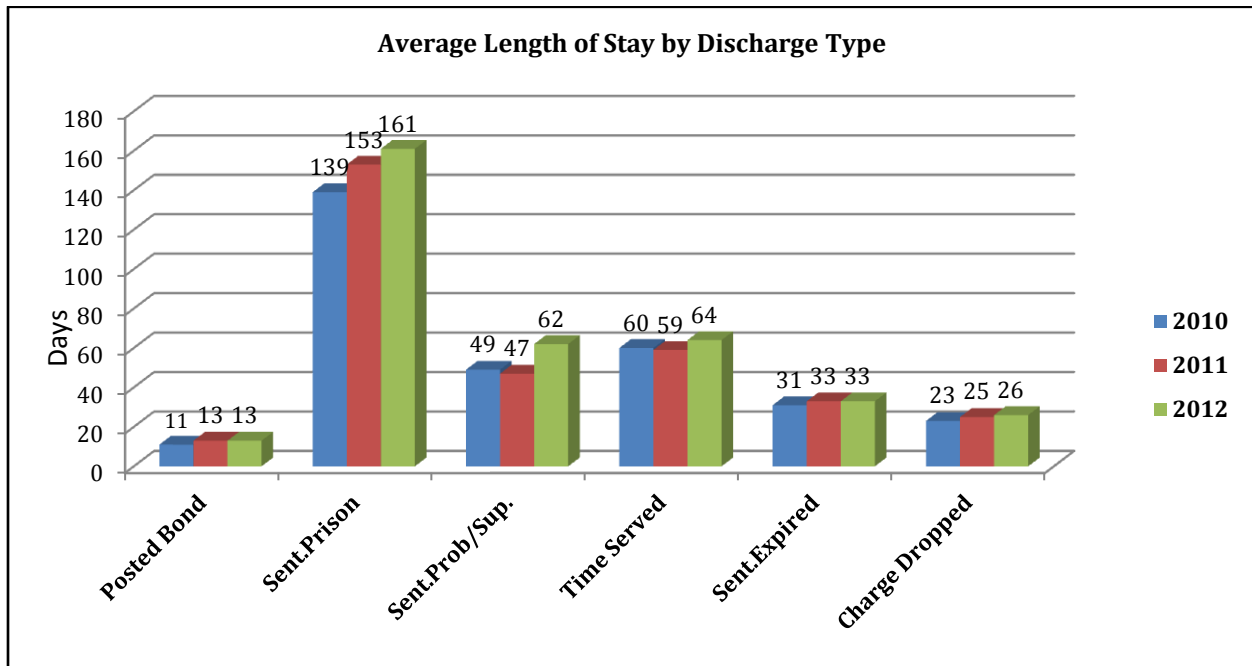


Figure 3



### Data Reporting

Probation departments are statutorily required to submit statistical data reports to the Administrative Office of the Illinois Courts in accordance with the Probation and Probation Officer's Act. Statistical data, including juvenile and adult probation, pretrial services, and specialized caseload data, are reported monthly. Additionally, data and information is also collected through each department's Annual Probation Plan.

The Adult Probation Department's automated case management system, PROMIS, was developed in the 1970's and utilizes COBOL programming. The system is deficient in its capabilities and functionality to collect and extract information, access reports, or exchange data. Most reports must be programmed into the system which can result in four to six week delays. Pretrial staff inputs assessment and case information into PROMIS on each defendant consistent with pretrial services policies and procedures. As noted previously, a request for additional PROMIS data is submitted and pending.

The Department instituted quality controls and improvements after a series of discussions with Administrative Office staff beginning in 2010 regarding inconsistent or missing data. Of particular concern was the under-reporting and absence of pretrial data from the suburban courts and special programs. The Department revised data entry screens and expanded data fields to improve data quality.

Throughout the operational review process, the ability to obtain timely and accurate data has been an ongoing area of concern. The Review Team has received corrected reports during the review process, prompting concerns as to the accuracy and integrity of the Adult Probation Department's data collection and reporting protocols. In comparing data

reported on monthly reports to data reported on a standardized report, each generated by PROMIS, the information remains problematic. Reports generated at different times and for varying purposes often do not yield the same data; therefore, it is difficult to ascertain which data is credible.

Table 10 below illustrates this problem. It shows data from three different reports compiled by the Adult Probation Department. Two reports – the Monthly Pretrial Report and the Monthly Probation Statistical Report – are submitted to the Administrative Office. A third report is generated for use by the management within the Adult Probation Department. Although these three reports purportedly document the same information for the same time period, each report gives different figures. In addition, none of these reports agrees with the monthly numbers reported to the Administrative Office. This demonstrates the difficulty in relying on any numbers from the system and the problems in utilizing the PROMIS data system.

Table 10

**Comparison of Three  
Pretrial Interview/Bond Reports Generated by PROMIS**

	Statistical Report Comparison for 2013												
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
<b>Monthly Adult Statistical Report (Section XIV. C. Bond Reports) (AOIC)</b>	1,999	1,822	2,286	2,259	2,178	2,190	2,236	2,323	2,019	1,532	1,750	1,427	24,021
<b>Cook County Monthly Pretrial Management Report (Internal)</b>	2,223	2,012	2,286	2,259	2,178	2,190	2,236	2,323	2,019	2,207	2,323	2,001	26,257
<b>Cook County Pretrial Monthly Statistical Report (AIOC)</b>	2,055	1,918	2,253	2,137	2,147	2,097	2,065	2,197	2,015	2,133	2,030	1,930	24,977

Department Management is currently working with Chief Circuit Judge Evans' office in developing a Request for Proposal for a new information system, and is actively engaged in the CCICJIS Committee.

- 10. Recommendation: Management should ensure consistent and accurate statistical data, including adult probation, pretrial services and specialized caseload data, are promptly reported to the Administrative Office as required. Ongoing evaluation of quality controls and other measures should be conducted in order to minimize and/or eliminate reporting of inconsistent or missing data, particularly with regard to pretrial data from the suburban courts and special programs.**

## Workload and Staffing Needs

As previously noted, the genesis for the operational review was a request for fifteen (15) additional pretrial staff. To examine workload and staffing needs, monthly Cook County pretrial data over a three year period (2011, 2012 and 2013) was reviewed and analyzed.

Pretrial bond report and end of year supervision data reported to the Administrative Office are used in calculating staffing need and allocation of salary reimbursement based upon the approved formula. As indicated earlier in this report, the funding formula is applied statewide utilizing probation, pretrial and juvenile detention data submitted by each jurisdiction.

Table 11

**Pretrial Defendants on Supervision by Gender and Offense Category**

	2011		2012		2013	
Gender	Felony	Other	Felony	Other	Felony	Other
Male	5,411	1,914	4,289	1,602	4,261	1,342
Female	1,069	420	972	330	1,269	292
SubTotal	6,480	2,334	5,261	1,932	5,530	1,634
<b>Total</b>	8,814		7,193		7,164	

\*\*Other" category includes misdemeanor, traffic, and DUI

Table 12

**Pretrial Defendants on Supervision by Race/Ethnicity and Offense Category**

	2011		2012		2013	
Race/ Ethnicity	Felony	Other	Felony	Other	Felony	Other
Black	3,985	525	3,269	395	3,123	368
Hispanic	941	321	691	236	812	201
White	1,494	1,402	1,259	1,219	1,530	985
Other*	60	86	42	82	65	80
SubTotal	6,480	2,334	5,261	1,932	5,530	1,634
<b>Total</b>	8,814		7,193		7,164	

\*Includes American Indian, Asian, and Other

Table 13

**Pretrial Defendants on Supervision by Age and Offense Category**

	2011		2012		2013	
Age	Felony	Other	Felony	Other	Felony	Other
17 & Under	769	8	619	9	581	8
18 to 20	1,765	240	1,608	188	1,469	145
21 to 30	2,020	755	1,769	620	1,809	505
31 to 40	801	582	554	467	652	409
41 to 49	581	428	344	378	462	319
Over 50	544	321	367	270	557	248
SubTotal	6,480	2,334	5,261	1,932	5,530	1,634
<b>Total</b>	8,814		7,193		7,164	



Demographic information presented above is recorded on intakes to the pretrial services program with some condition of post-release supervision. The profile of a pretrial defendant is typically a black male between the ages 18-30 years.

Table 14

**Pretrial Defendants Investigated (Interview, Record Check and Bond Report)**

	2011		2012		2013	
	Felony	Other*	Felony	Other	Felony	Other
	16,697	0	18,163	871	22,555	2,422
<b>Total</b>	16,697		19,034		24,977	

Pretrial investigations have increased 49.5% (n=8,280) from 16,697 to 24,977 in 2011 and 2013, respectively, which reflect efforts to improve reporting, quality assurance and investigation/operational processes. Investigations reported in the "other" category are only reflective of the collection of data from the suburban courts.

Table 15

**Pretrial Defendants on Post-Release Supervision (End of Year)**

As of December 31, 2011	On December 31, 2012	On December 31, 2013
1,830	2,328	2,448

As indicated in a previous section of this report, since State Fiscal Year (SFY) 2010, the Administrative Office applied a data-driven formula to determine staffing need and funding allocation. The formula is modified each fiscal year based upon funding appropriated to the Supreme Court's budget and if based upon evidence-based practices.

To calculate Cook County's staffing need, the SFY2014 funding formula and 2013 Cook County data contained in Tables 14 and 15 was applied:

- *Post release supervision.* (End of year cases on post-release supervision using a ratio of 1 officer to 75 cases). Calculation:  $2,448/75= 32.64$  officers
- *Bond investigations.* (One (1) hour per investigation times total number of investigations, divided by 2,080 annual work hours). Calculation:  $1 \text{ hr} \times 24,977 / 2,080=12$  officers
- *Pretrial supervisors.* (1 supervisor to 7 officers ratio). Calculation:  $32.64 \text{ officers} + 12 \text{ officers}/7=6.37$  supervisors

Based upon the formula and the data reported, there is staffing need of 51 positions. Currently there are 60 full time staff dedicated to pretrial services and an additional 34 supervisors and officers dedicating proportionate amounts of time to pretrial functions. Unless pretrial and bond court organizational and operational processes are changed to

address the series of issues contained in this report, additional staff are not warranted and would be minimally effective.

## Cook County Policies and Procedures

The *Cook County Pretrial Services Policies and Procedures* were updated June 1, 2012 and prescribe the procedures for pretrial functions for the Department (Appendix G). A review of these policies and procedures by the Review Team found them to be generally consistent with the Pretrial Services Act and the *Illinois Pretrial Services Procedural and Operational Standards*, revised in 2001.

In interviews, however, pretrial staff members consistently indicated that there were inconsistencies regarding definitions and terms used in the court. Many judges concurred. Local offices and courtrooms have developed work standards and processes over time that reflect the preferences of individuals rather than accepted Departmental standards or policies. This may be a result of inadequate local supervision, lack of clear policy direction, or both. Pretrial officers noted that they frequently receive varied responses to specific situations and most expressed confusion about proper procedures and uncertainty on how to handle some of the daily demands of their jobs. Pretrial employees also reported that they receive no written operational guidelines or daily procedures to follow.

Further, pretrial employees also reported a wide variation in daily practice and procedure at the different district locations. This is very apparent on weekends when suburban pretrial officers report to CBC for weekend bond court. The pre-release officers at CBC have virtually no interaction with other staff teams (court liaisons and post-release) and do not receive training on others' roles, so they are ill-equipped to fill in should there be staff shortages. To address these inconsistencies, policies and procedures at all locations must be reviewed and a single set of clear daily operating standards must be implemented. In addition, clear definitions and standards must be in place to ensure quality performance measurement information and feedback.

**11. Recommendation: Pretrial management should work with staff and judges to reach consensus on various policy interpretations, terms and definitions and ensure that this information is provided to affected system stakeholders. Forms and other documents should be reviewed for consistency and understanding.**

## Risk Assessment Tool

An effective and reliable risk assessment instrument is essential to the pretrial release decision-making process. Cook County's current risk assessment form was most recently modified in February 2012 with assistance from Dr. Marie Van Nostrand, a noted expert in the field, but it was not validated (the instrument's ability to predict risk for a targeted population, substantiated through a rigorous research process). The assessment form

measures the likelihood that a defendant will fail to appear at future court hearings or be rearrested once released from custody.

The tool measures nine factors using numeric values on a scale of 0 to 10+ and also includes a discrete, scaled list of options for the bond court judge to consider. Seven of the nine factors address criminal history; the other two focus on employment and residence. The updated form allows for additional information relative to such factors as mental health history, gang affiliation, living arrangements, and alcohol/substance abuse to be reported.

The revised form does not allow for recommendations by pretrial officers. Other than providing a risk score, officers are not currently permitted to provide specific recommendations regarding release or release conditions, and because the information is unverified and often incomplete, the information and assessment provide little value to the bond process. The current form also eliminates the previous version's override component, which allowed the scorer to manually adjust a defendant's final score if special circumstances warranted it.

Research on effective pretrial programming points to the benefit of a validated pretrial risk assessment and the implementation of a continuum of pretrial supervision options. Objective risk and needs assessment tools that have been validated for the local population are critical to determining which defendants are considered to be low risk for flight or commission of a new crime, as well as determining the defendant's need for services or intervention (e.g. drug treatment/testing, intensive or non-intensive supervision).

The Administrative Office is currently working with Drs. Marie VanNostrand and Christopher Lowenkamp to implement a new validated pretrial assessment instrument statewide. Cook County is among three Illinois counties that have been selected for testing and validation of the instrument, which was originally developed by the Laura and John Arnold Foundation, a philanthropic organization based in Houston, Texas. The instrument is gaining widespread acceptance in other states and jurisdictions.

At no cost to Illinois, each pilot site will provide data to validate and field test the new tool. Input and feedback will be garnered from pretrial services personnel and judges assigned to bond courts from those jurisdictions regarding its efficacy, reliability and efficiency. Once the field testing of the tool and input is completed, the Administrative Office will determine whether to adopt and standardize the tool for Illinois pretrial services operations.

**12. Recommendation: Consideration should be given to allow pretrial officers to make specific recommendations regarding conditions of pretrial release, including drug screening and program referrals. This would be predicated on pretrial staff's ability to conduct more thorough screenings of offenders in order to gain sufficient information to make informed recommendations.**

Pretrial interviews do not appear to probe with regard to an offender's financial situation. The assignment of public counsel appears to be by default with little consideration given to determining indigence. Arguably, delaying the process to determine financial status might prove to be counter-productive, given the large number of offenders who would still qualify. However, many jurisdictions have used the screening process as a way of verifying eligibility, thereby reducing the number of referrals and requiring offenders with some means of reimbursement to offset the costs of representation. The funds can then be reinvested in the appointed counsel budget.

**13. Recommendation: The judiciary should consider the possibility of utilizing the pretrial screening process to determine eligibility for appointed counsel and ability to provide reimbursement.**

## Training

Administrative Office training standards require that all sworn probation staff participate in orientation and receive a minimum of 40 hours of training within the first year of employment. Thereafter, they are minimally required to complete 20 hours of training annually. In Cook County, officers assigned to the Pretrial Services Program must attend mandatory training sessions which include the following topics: pretrial policy and procedures; data entry procedures; LEADS<sup>3</sup> certification or re-certification; and reading and interpreting criminal histories. Pretrial officers engage in on-the-job training by shadowing veteran pretrial officers.

Pretrial staff also participate in advanced training, including: LEADS re-certification; teamwork; burnout prevention; ethics/values; conflict resolution; self-defense; and use of force. There are also elective training opportunities which are constructed through an annual surveying process.

During interviews, pretrial staff indicated a relative lack of training on pretrial-specific topics. Although some mandatory training is required, much of this appears to be redundant for experienced employees. There is a perception among pretrial staff that pretrial services is at the bottom of the list with regard to training programs and resources. Many pretrial staff members indicated an interest in cross-training with judges who are responsible for criminal dockets and more information on pretrial practices and research.

**14. Recommendation: Pretrial topics should be included in appropriate judicial training programs and cross-training for stakeholders.**

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<sup>3</sup> The Illinois Law Enforcement Agencies Data System

## Electronic Monitoring Release Programs

While the decision to impose specific conditions of release resides with the presiding judge, the discussions which occurred during this review indicate that, in addition to having very diverse opinions regarding the efficacy of monitoring technology, there may also be some misunderstanding or lack of information about the various technologies, how they work and how they are monitored. Judges want to make informed decisions and should be comfortable with the level of supervision that is provided. In addition, concerns about how these monitoring techniques may jeopardize due process must be addressed.

Electronic monitoring (EM) has been widely embraced as a way to closely track offender movement while serving as a deterrent to the commission of further offenses for pretrial detainees and sentenced offenders. EM is seen as an essential tool in reducing jail crowding by electronically monitoring offenders in lieu of incarceration, and has been used as an alternative for over 20 years. Although much of the EM research focuses on the application of EM for post-conviction offenders, there is a body of research that examines the efficacy of EM applied in pretrial settings. Results of EM are mixed, likely due to the fact that increased monitoring makes it more likely that the defendant will be caught violating his or her conditions. More research is necessary to accurately assess the effectiveness of electronic monitoring tools with treatment and other targeted interventions used for pretrial release.

Three electronic monitoring programs are operated for pretrial defendants in Cook County: one managed by the Adult Probation Department's Home Confinement Unit, and two managed by the Cook County Sheriff through CCDOC.

The Home Confinement Unit initially began tracking curfew compliance through random in-person or telephone checks for pretrial defendants who were given a curfew condition in their bond order. The Unit began conducting GPS (global positioning system) surveillance for persons charged with a violation of an order of probation (VOOP cases) pursuant to the enactment of the Bischof Law. In 2013, the Unit expanded operations in order to utilize EM to supervise curfew compliance as well. Known as "Curfew EM", the program capacity is 800, with approximately 520 probation and pretrial defendants under monitoring at a given time. Approximately 200 (38%) are on pretrial Curfew EM.

The Cook County Sheriff's Electronic Monitoring Program population consists of roughly 2,400 individuals, with approximately 130 of those defendants being released under the sheriff's own authority (as discussed below), and the remainder ordered to EM by a judge, either as a condition of bond, or pursuant to an order remanding the inmate to one of the CCDOC's non-custodial supervised release programs. Participants in EM are released from the jail on either a full-time or part-time basis, and are monitored by the sheriff's staff 24 hours a day via an electronic ankle bracelet, which transmits a signal to a separate receiver connected to the participant's home telephone line.

The Sheriff's department initiated its own electronic monitoring program in 1989, pursuant to a 1982 federal consent decree to alleviate overcrowding conditions at the jail. Known as the Administrative Release Program (ARP), the program is carried out pursuant to a judicial order granting the CCDOC temporary authority to release up to 1,500 non-violent offenders when the total jail population reaches 85% capacity. Under the ARP program, a panel of three retired magistrates reviews the case files of all eligible pretrial inmates, and determines, based on the defendant's charging offense, background, criminal history, community information, and the statutory bond factors, whether to recommend the inmate be released on EM. Beginning December 15, 2008, judges also began ordering certain pretrial defendants to the Sheriff's Electronic Monitoring Program in lieu of deposit (D) or recognizance (I) bonds.

The Sheriff's EM program is monitored in much the same way as the pretrial Curfew EM program, with some minor differences. Defendants on the sheriff's EM are still considered to be "in custody" of the CCDOC. This has several implications. First, it speeds up the criminal process, in accordance with statutory "speedy trial" requirements. Secondly, since EM defendants are still "in custody" any perimeter violation is treated as an "escape" and the Sheriff's officers generally respond by bringing the defendant back into CCDOC custody until the defendant's next court appearance.

In interviews, many judges expressed concern about the level of supervision that occurs with the various EM programs, and several indicated that they felt the Sheriff's program in particular was too lenient in addressing violations. Several judges indicated a belief that offenders under the Sheriff's EM program were allowed a substantial number of "out of range" alerts before appropriate action was taken. Other judges were unsure of the capacity and details of the various EM programs, and therefore were reluctant to utilize them.

15. **Recommendation:** Pretrial management and the sheriff's department should prepare information for dissemination to the bench regarding various monitoring technologies and how they are used, including:
  - How frequently these options are currently used in order to establish a baseline utilization measure; and
  - Routine evaluation of utilization rate change as a result of increased education. (Defense and prosecution representatives may need to be included in the discussion).
  
16. **Recommendation:** An ongoing evaluation of offender compliance with EM conditions should be conducted for both the Home Confinement Curfew EM and the Sheriff's EM programs. Performance measures should be identified and monitored including appearance rate, failure to appear rate, compliance with conditions of release, and completion of any special conditions. Information should be shared with the criminal justice community to ensure effective utilization of these release options.

17. **Recommendation:** Assuming for the near future that the Cook County Sheriff continues to make release decisions in accordance with the consent decree, access to pretrial interview and assessment information would be helpful in making these release decisions.

## PRETRIAL SERVICES AND BOND COURT OBSERVATIONS

### Central Bond Court

#### Intake Process

As indicated in Appendix H, the CCDOC is responsible for intake, processing, and custody of all pre-bond arrestees. CCDOC staff coordinates the movement of all custodial arrestees from the time they are transported to the jail by local police departments, through the pretrial screening and bond court process, up until the time of pretrial release or until the disposition of their criminal proceeding, in the case of defendants who remain in custody during the pre-trial phase.

On a daily basis, the CPD transports approximately 65 to 100 defendants via buses to the prisoner dock from 5:30 a.m. until approximately 9:00 a.m. Defendants arriving after the 9:00 a.m. cutoff are processed and held at the jail until the following day's bond call. CPD provides an original and two copies of the arrest packet including an arrest report, complaint, inventory sheet, CLEAR<sup>4</sup> report, criminal history, and traffic reports and/or arrest warrants, as applicable. The Sheriff's department maintains one copy, and disseminates the original packet to the Circuit Clerk's office and a copy to the State's Attorney's office. They also make copies of the arrest report for pretrial services and the Public Defender's office. The Sheriff's staff does not provide a copy of the CLEAR report to pretrial services staff.

#### Screening and Pretrial Interviews

On a daily basis, an average of eight to ten pre-release officers are assigned to screen (triage), run criminal history reports, interview, assess, and verify a range of information before CBC at 12:00 p.m. each day. They begin their shifts at 7:30 a.m., arriving at the CCDOC to begin the initial screening and interview processes for newly arrested defendants at 8:00 a.m. On the weekends and holidays, pretrial officers from the suburban districts are also scheduled into this rotation.

Within an interior room near the CCDOC intake area, two pretrial officers receive copies of the CPD arrest reports in batches, and screen all incoming defendants to determine

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<sup>4</sup> CLEAR (Citizen Law Enforcement Analysis and Reporting) is the criminal data collection and reporting system used by the Chicago Police Department and other Cook County municipalities who opt to report within the system.

eligibility for a pretrial services interview/assessment. Defendants excluded from the interview process pursuant to Department policies include defendants charged with Class X felonies, those on warrant or hold status, and those currently on probation or parole. One officer manually writes the defendant's name on the *Pretrial Services Screening Log* and also manually creates a *Pretrial Interview File*, a goldenrod, legal size folder/form that records a defendant's responses during the interview process. The *Interview File* contains a WARNING provision, to be read aloud by pretrial officers, notifying defendants of their right to refuse participation in the pretrial interview process.

During this time, a second triage officer uses a laptop to run and print a CLEAR background check, which provides a photograph and criminal history for each defendant. A fingerprint identification number assigned by CPD, known as the IR number, is utilized by pretrial services as the defendant identifier until a case number is assigned by the circuit clerk later in the day. Only the criminal history obtained through the CLEAR report is used to determine eligibility for the pretrial interview and assessment. Oftentimes, it is also used as the only criminal history report utilized during the verification and assessment process as well.

Triage officers provide the *Interview File* folders containing the CLEAR reports and arrest reports to the interviewing officers, and assign each defendant to a particular interview carrel. Usually seven or eight officers conduct pretrial interviews. First the officer identifies the defendant by verifying his or her photograph and the IR number written in black magic marker on the defendant's forearm. The officer then reads the WARNING provision from the Interview File folder aloud, and verifies that the defendant has consented to the pretrial interview. Although the WARNING provision contains a space on the folder for the defendant's and a witness's signature, due to CCDOC policy prohibiting defendants from having or using pens or pencils, the signature area always remains blank. The defendant's consent to be interviewed and have his or her self-reported information verified is required under current law and Administrative Office pretrial standards. The defendant has the right to speak to a lawyer before answering any questions and can choose not to cooperate. While this information is conveyed to the defendant by the pretrial officer, written consent is never obtained. After giving warnings, pretrial officers proceed to interview each defendant, manually making notations and selections on the *Interview File* folder.

On average, pretrial interview officers are assigned between 10 and 20 cases a day each, depending on the number of pre-screened defendants and officers available on any given day. During the five days in which the review team was on site, 393 defendants appeared in bond court, and approximately 62% of those defendants received pretrial interviews. While the triage officers are completing their work, it is not unusual for the interviewers to wait nearly one hour before a steady stream of defendants are moved by CCDOC officers into the interview area. During this time, interview officers sit idle at their stations, unable to do any other work. During focus group discussions with pretrial staff, most indicated that the large amount of down time while waiting to conduct pretrial interviews was a major obstacle to their ability to provide adequate risk assessments to the court.



On average, each interview lasts approximately eight to ten minutes. At approximately 10:30 a.m., the CCDOC staff "cuts off" the interview process, in order to move the defendants along in the lineup and prepare them for bond court. Often the interview stage is ended before pretrial officers have had a chance to interview all eligible defendants.

The absence of electronic arrest information results in redundancy and duplication of efforts, causing significant delays and down time in completing the pretrial services screening, interview, assessment, and verification checks. If the arrest report and the criminal history contained in the arrest packet were scanned and simultaneously disseminated to all stakeholders, this information could be processed earlier in the morning. (It is understood that a committee has been formed comprised of Cook County stakeholders from the courts, Clerk's office, State's Attorney, Sheriff, and Public Defender's offices discussing this matter).

The establishment of computer access for pretrial services officers to LEADS and the circuit clerk's automated system in the interview area would also significantly increase productivity and risk assessment validity. Pretrial staff almost unanimously indicated a desire to have this type of computer access during the morning down time. Oftentimes, pretrial officers must rely solely on CLEAR reports, which only include criminal history for Chicago and any Cook County municipalities that choose to report into the CLEAR system. The Illinois State Police's LEADS database contains statewide criminal history information, including data from the CLEAR system.

The physical environment of the pretrial interview area contains two rows of nine (18 total) side-by-side carrels used by interview officers for interviewing male defendants. Five holding cells line the wall that borders the interview carrels, which are small stalls about three feet wide and eight or nine feet high, surrounded by plexi-glass on three sides. Each carrel has a communication device installed about four feet from the floor, which contains a flush-mounted speaker/microphone on the defendant's side and an adjustable microphone/speaker on the pretrial officer's side. A steel stool is mounted to the concrete floor about three to four feet below the communication device, making it virtually impossible for defendants to remain seated during the interviews.

Of the defendants observed, all stood and spoke with their mouth upon the microphone and then placed their ear against the speaker in order to hear. Inside the carrel, defendants' voices are muffled and oftentimes inaudible due to background noise from adjacent interviews, holding cells, defendant movement, ceiling fans, and feedback from the microphones themselves. Above the interview carrels, a large HVAC exhaust system circulates air and further contributes to the surrounding undertones of movement and the interview process. Review team members observed pretrial officers sitting on multiple stacked chairs in order to get closer to the microphone and speaker, and at times witnessed defendants and officers resort to using hand signals or other forms of makeshift sign language to communicate information back and forth.

Female defendants are interviewed after the males, in a separate room containing five carrels. These carrels are wooden framed with a desk area on the interviewer side.

Pretrial officers and public defenders share this interview area and are seated, facing a defendant who stands and leans over to speak. It was noted that in this area, the noise level was minimal, even while four of the five carrels were in use.

Conditions in the area for pretrial interviewing are less than ideal, affording pretrial staff minimal ability to comply with Administrative Office pretrial standards, which require interviews to be individually conducted in facilities or locations which assure adequate opportunity for discussion. During focus group discussions with pretrial officers, the physical environment for interviewing was a major topic of concern. Staff members were nearly unanimously displeased with the physical structure and the process by which they had to conduct interviews.

Pretrial staff also voiced safety concerns and mentioned that complaints to supervisors/managers regarding issues with the Sheriff's officers have gone unanswered and unaddressed. Many pretrial staff members expressed apprehension regarding the unresponsiveness of jail staff and recounted prior instances in which pretrial staff had been left alone with defendants for extended periods of time in the interview area, usually while they waited for CCDOC officers to grant them elevator access.

Review team members observed a Spanish-speaking pretrial officer who was available to interview those defendants needing Spanish language interpretation. However, when the Spanish-speaking officer is not available, or if a defendant speaks a language other than Spanish or English, the standard procedure is that the defendant in question will not be interviewed at all. Pretrial staff indicated they are unable to utilize the services of any of the foreign-language interpreters employed by the Court.

While major facility improvements are probably not achievable in the near future, modifications to interview and office areas, along with better access to information would improve the quality of interviews and reduce time lost in returning to offices to retrieve information. The poor quality of some interview areas and lack of privacy inhibits the interview process by making it difficult to communicate and establish trust with defendants.

**18. Recommendation: The sheriff's department should establish and implement a plan to electronically disseminate relevant CPD arrest and criminal history information and reports on defendants before they are transported to CBC for bond hearings.**

**19. Recommendation: Establish computer and printing capability, connectivity, and access for pretrial services officers in order to access LEADS and the circuit clerk's automated system in the CCDOC interview area.**

**20. Recommendation: Pretrial management should assess the feasibility of expanding criminal background checks to include NCIC information.**

21. **Recommendation:** The sheriff's Department and pretrial management should collaborate on an electronic or supervised signature process to allow the defendant his/her right to confirm consent or refusal to participate in the interview process.
22. **Recommendation:** Pretrial management should develop and implement an electronic "fillable" Pretrial Interview File Form and Pretrial Services Bond Assessment Form for use by probation/pretrial personnel that can be disseminated electronically to relevant stakeholders.
23. **Recommendation:** Pretrial management should ensure access to interpreters for limited English proficient individuals during the pretrial services interview through bilingual staff. For less common languages, pretrial and court managers should contact the Cook County Office of Interpreter Services to access their list of contract interpreters, and install telephones to enable use of telephonic interpretation through Cook County's Language Line account.
24. **Recommendation:** In collaboration with local funding and building authorities, efforts should be undertaken to conduct an assessment of the physical areas for pretrial interviewing in the CCDOC interview area and an improvement plan and priorities should be established.

### **Verification and Risk Assessment**

Consistent with Administrative Office pretrial standards, after completing the pretrial interviews, officers return to their offices in order to verify information obtained during the interviews regarding prior criminal history, employment, education, residency, past treatment for substance abuse or mental health issues, and family in the area. Criminal record checks other than CLEAR reports are done through the LEADS and the National Crime Information Center (NCIC) of the Federal Bureau of Investigation, as time allows.

All other verifications are done by telephone interview. However, due to the roughly 90-minute window between completion of interviews at 10:30 and bond court beginning at noon, officers are frequently unable to completely verify much of the information gathered. Compounding this short timeframe is the fact that pretrial officers must rely on CCDOC staff to grant them access to the lower-level elevators leading back up to the pretrial officers. Delays in waiting for elevators can sometimes take 30 minutes or more. Because officers do not have access to computers or telephones in the pretrial interview areas, all verification must wait until officers can return to their desks.

During the verification stage, pretrial officers must also look up case numbers in the circuit clerk's case management database, and manually enter the case numbers on all pretrial paperwork. The case numbers in the database are assigned after the clerk's office receives the original copy of each arrest report and complaint from the sheriff's staff, which usually

happens around mid-morning.<sup>5</sup> After completing the verification process, pretrial officers complete the *Bond Assessment Form*, which must be submitted to the court, State's Attorney, and Public Defender/private counsel by 11:45 a.m.

During interviews with members of the judiciary at CBC, the Review Team noted a wide variation in the extent to which judges relied on the pretrial assessment and community life information (education, family, job history, living arrangement, etc.) in informing their bond decisions. Many judges reported that their reliance on this information was minimal, mostly due to a belief that the information was too limited, and largely unverified. Further, many judges reported that information they consider to be vitally important, such as the specific details surrounding a defendant's prior offenses or failures to appear, are largely lacking from the pretrial risk assessments.

The accuracy and timeliness of pretrial reports are the most critical factors that determine their usefulness to the bench. Clearly, the amount of time and quality of information available to pretrial officers to prepare reports and make recommendations has a direct impact. There are a number of factors at play, including access to criminal record information, ability to verify offender statements, and availability of other offender information.

**25. Recommendation: Changes to current processes, staffing, and schedules should be explored, including expanding pretrial staff hours and coverage; adjusting bond court schedules to allow additional time for report preparation; and re-structuring staff responsibilities in larger offices so that screening, supervision, and verification functions are handled by separate dedicated staff teams. This could include 24/7 staffing at CBC.**

## Bond Court Governance

In the Circuit Court for Cook County, misdemeanor and felony bond calls are assigned to the Municipal Division. Felony cases are subsequently transferred to the Criminal Division. CBC holds bond court once a day, seven days a week. Twelve judges are assigned to a rotating bond call to accommodate weekday, weekend and holiday schedules. Bond calls are also held throughout the day on weekdays at each of the other five Municipal Division courthouses in Rolling Meadows, Skokie, Markham, Bridgeview and Maywood. Effective May 2012, weekend and holiday bond court operations from the five municipal districts were terminated and are now held at CBC.

The bifurcated governance structure for the management of bond calls and the processing of criminal matters between the Municipal and Criminal Divisions creates a systemic need

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<sup>5</sup> It is the Circuit Court Clerk's understanding that a case number may not be issued unless and until the original paper copy of the complaint, citation, or warrant is received. The Clerk's office does not accept photocopies or electronic versions of these documents.

for improved coordination in such areas as scheduling, bond reviews and caseload management.

Several judges who were interviewed by the Review Team also expressed concerns regarding the qualifications of some of their colleagues assigned to conduct bond hearings. Many of the judges interviewed had wide-ranging experience in criminal matters, with some coming from criminal defense or prosecution backgrounds, while others had no real prior experience with criminal cases at all.

**26. Recommendation: Court management is encouraged to take steps to increase communication between Divisional presiding judges regarding the coordination of felony case processing and the transfer of cases from the Municipal to the Criminal Division.**

**27. Recommendation: Court management is encouraged to evaluate training and educational program curriculum for new judges to ensure that members of the bench assigned to bond courts have adequate education and experience in criminal matters.**

### **Bond Hearings and Process**

CBC judges hear felony cases during the week; on the weekends and holidays, judges also hear misdemeanor cases. The defendants are brought from CCDOC to a holding cell adjacent to the courtroom in anticipation of bond court.

To the judge's immediate right sits a CPD officer and the bailiff; to the immediate left are four circuit clerks. The Public Defender and Assistant State's Attorney sit directly in front of the bench. Two pretrial officers sit at a table to the far right of the bench, near the jury box. Each bond hearing begins when the clerk calls the case number and passes the file to the judge. Private attorneys' cases are called first and typically last four to five minutes each.

Cases handled by the Public Defender are called next, and are conducted in what can only be described as an "assembly line." Defendants are lined up in the order in which cases will be called, and arranged so that three defendants are in place at all times – one in front of the judge receiving a bond hearing, the next "on deck" next to the jury box, and a third waiting just inside the door to the holding cell. When his or her number is called, each defendant is led to the bench, and stands with hands behind his/her back next to the Public Defender/attorney with a Sheriff's deputy directly behind.

For the overwhelming majority of bond hearings observed, the process was the same: the judge read the charge and determined there was probable cause, then allowed prosecution to read the particulars of the charged offense and adult (and sometimes juvenile) criminal history, highlighting any outstanding warrants or failures to appear. The Public Defender

then offered mitigating factors, including residency information, employment and education status, number of dependents, marital status and living arrangements.

After hearing this information, the judge would set bond, schedule the next court date, and move on to the next case. After the bond order was set by the judge, a CPD officer held up a white sheet of paper with the branch court and date of the next court appearance written with magic marker so the defense, prosecution, pretrial, clerks and visitors were able to take down this information. On rare occasion, judges were observed speaking directly to defendants or their family members who appeared in court.

The entire process generally takes 30 seconds or less per defendant – oftentimes less than 10 seconds. As one defendant is led away from the bench, the next defendant is already standing before the judge and his or her case number is being announced. Some defendants being lead out were observed scanning the visitors seating area, perhaps for family or friends, and were seemingly confused by what had happened. Several CCDOC staff members were observed explaining bond orders to defendants who were being processed back into the jail after leaving bond court. Team members were told this is a common practice, as defendants are often confused about the amount or type of bond they have received.

## Case Outcomes

In most cases, the amount or type of bond issued is determined by the judge without recommendations from either the prosecution or defense. Review team members did not witness prosecution make specific recommendations, other than to "request the court set a high bond." Likewise, the defense was rarely observed making a bond recommendation, other than to "request electronic monitoring" in select cases. At no point was the pretrial services *Bond Assessment Form* discussed or mentioned by any of the parties. Though it was verified with the Clerk's office that those forms are placed inside the bond hearing case file, not a single judge made reference to or acknowledged the pretrial risk assessments. One team member observed a private attorney reference a defendant's "low risk" pretrial score when asking for a low bond, but no further discussion of the issue occurred.

When interviewed by the Review Team, most judges admitted that they gave very little consideration to the pretrial risk assessment scores. Few judges understood how the risk score was generated, and several indicated that they would like to know more about the validity of the scoring instrument before assigning more weight to the scores. Even among judges that did give consideration to the risk assessment scores, most responded that they viewed the scores as merely advisory. Most judges relied more heavily on the criminal history and background information presented by the State's Attorney, because it was more comprehensive and detailed.

The types of bonds ordered vary extremely from judge to judge, and from defendant to defendant. The most frequent types of bonds and/or conditions ordered were:

- Deposit or "D-Bonds" ranging anywhere from \$10,000 to \$750,000

- Recognizance or "I-Bonds" ranging anywhere from \$10,000 to \$90,000
- Electronic Monitoring or "EM"
- I-Bonds with Electronic Monitoring or "IEM" ranging anywhere from \$5,000 to \$50,000
- Pretrial Services and/or Home Confinement

Effective interventions during the pretrial stage may lay the groundwork for continuing intervention in the post-adjudication stage. Information about the individual should follow him or her from one stage to the next and transitions are planned to ensure that the positive trajectory of interventions are not impeded or disturbed. Inter-agency supervision (via the criminal justice system) and treatment (via the behavioral health system), work best for individuals when these systems collaborate and necessary information flows seamlessly between them.

Defendants who post bond or who receive recognizance bonds are processed and released from the jail. A small percentage of defendants who are given D-bonds or I-bonds are also ordered to pretrial supervision, which is carried out by pretrial post-release staff. Referral to pretrial supervision is noted, along with the terms and conditions of release, by the judge on the defendant's release order. Overall, the number of defendants observed by review team members being assigned to pretrial supervision was a very small percentage of the total number of defendants appearing in bond court. Specifically, during the five days that the Review Team observed bond court operations, approximately 14% (54) of the 393 defendants appearing in bond court were ordered to pretrial supervision.

Table 16 and Figures 4 and 5 provide a snapshot of outcome data generated from the PROMIS system for the 2013 reporting period. As indicated in a previous section of this report, data reported through PROMIS is inconsistent; the source for the information in Tables 16 is reportedly from the management report.

**Table 16**

<b>Total Interviews by Court Location</b>				<b>Interviewed and Ordered to Pretrial Supervision by Court Location</b>			
<b>Court Location</b>		<b>Total</b>	<b>% Total</b>	<b>Court Location</b>		<b>Total</b>	<b>% Total</b>
<b>Interviews All Bond Types</b>	CBC	18,364	69.94%	<b>Interviews All Bond Types</b>	CBC	3,591	54.5%
	Suburban	7,893	30.06%		Suburban	2,994	45.5%
	Total	26,257			Total	6,585	

The total number of defendants interviewed by pretrial officers during the reporting period was 26,257, with 69.9% of those conducted by staff at CBC. Of all defendants interviewed at all locations, 6,585 cases or 25% were ordered to pretrial supervision. Data regarding the number of cases ordered to the sheriff's release programs and the duration of time defendants remained on supervision has been requested and is pending.

Judges in CBC are less likely to order defendants to pretrial services than their counterparts in the suburban courts. Of the 18,364 cases interviewed at CBC, 3,591 (19.6%) were ordered to pretrial supervision. In the suburban courts, 7,893 cases were interviewed and 2,994 (37.9%) cases, or nearly twice the rate at CBC, were ordered to pretrial supervision. One factor that may account for this variance is the fact that CBC staff only interview felony defendants during the weekdays. In many suburban courts, pretrial staff interviews a higher proportion of misdemeanor DUI and domestic case defendants as well.

Figure 4 below emphasizes the data regarding bond type and pretrial supervision within CBC and the suburban courts. Judges ordered I-bonds and pretrial supervision in 2,751(72.4%) of felony cases in CBC, whereas suburban judges ordered the same at a significantly lower rate of 1,049 cases (27.6%).

Figure 4

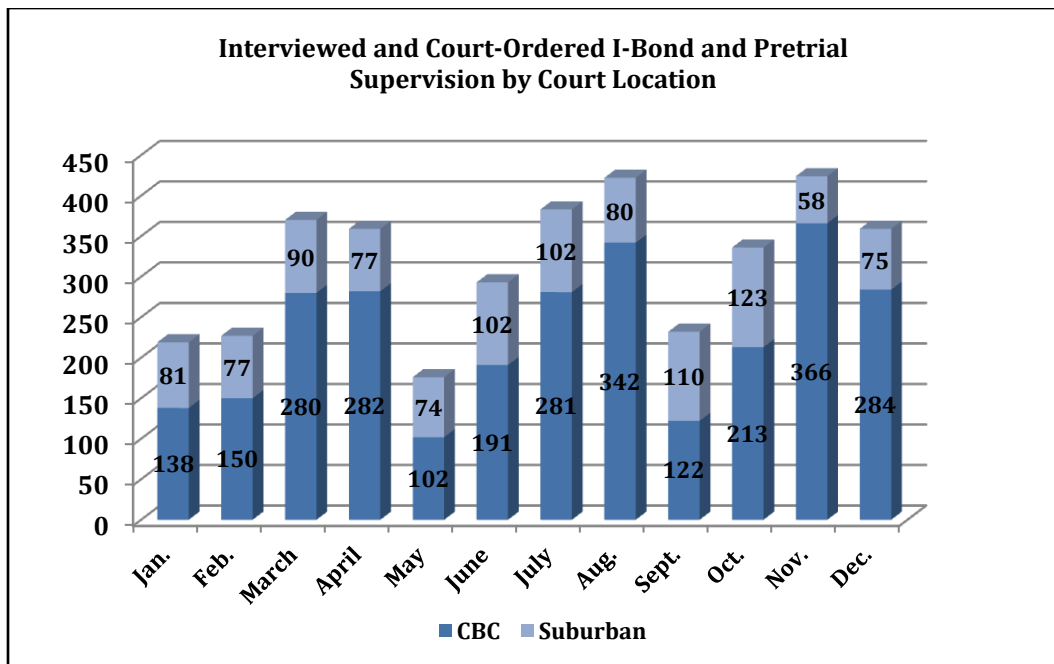
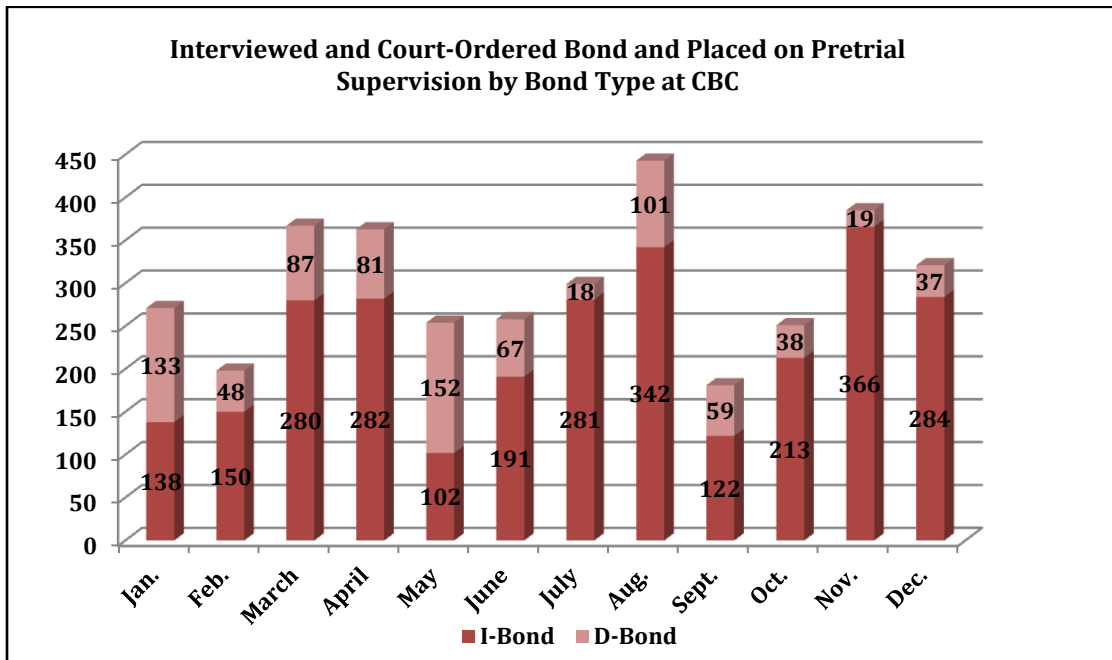


Figure 5 presents CBC interviews which resulted in I-Bonds and D-Bonds by month for 2013. The rate at which D-Bonds were ordered decreased dramatically beginning in May 2013. One factor that may account for this modification may be the Home Confinement Unit's implementation of EM for defendants ordered to curfew.



Figure 5



### Pretrial Release and Supervision

After bond court, a pretrial supervisor verifies the information on the release order and assigns the case to a post-release officer. The post-release officer again verifies all pertinent information and develops an individual plan of supervision, according to the terms of the release order. Consistent with Administrative Office pretrial standards, within seven days of the defendant's release from CCDOC custody, a post-release officer contacts the defendant and conducts a post-release interview, during which the officer reviews the defendant's release order, and informs the defendant of the conditions of his or her release and the consequences for non-compliance.

Pretrial supervision plans vary according to the defendant's history and the judge's order. Most require the defendant to periodically report to his or her pretrial officer, remain employed or in school, attend counseling or other treatment as necessary, submit to drug testing, or adhere to a curfew. There is no indication that post-release supervision officers do any home visits or field visits to employers or service providers.

In the past, a division within the Pretrial Services Department was charged with notifying defendants of their next court date on the day before. Defendants were also notified by mail approximately one week prior to the next court date. While this practice is contained in the Department's pretrial policy, it has reportedly not been continued. Currently the only advance notification defendants receive comes from the judge when the next court date is set.

Pretrial post-release officers compile status reports after every contact with the defendants under their supervision, which are then provided to the court, the prosecution, and the defense at subsequent court dates. In the event that a defendant fails to report to his or her post-release officer or fails to comply with any of the conditions of release, pretrial staff also prepare formal status reports notifying the court and the parties of the non-compliance, consistent with Administrative Office pretrial standards.

All pretrial curfew monitoring is done by the department's Home Confinement Unit. If the defendant has been ordered to Home Confinement, he or she will generally be fitted for an electronic monitoring bracelet, which monitors his or her movements through a third-party vendor. If, at any time, the defendant is not where he or she is supposed to be (e.g. home, school, or work), the unit notifies the third party vendor, which monitors the defendants twenty four hours a day, seven days a week. The third party vendor submits daily reports to the Unit, reporting the previous days' movements and/or violations. Home Confinement officers then determine the appropriate response – in some cases, a follow up with the defendant will ensure continued compliance with the curfew. Other times, a Home Confinement officer will notify the appropriate pretrial post-release officer, who will then refer the matter to the court.

As noted earlier in this report, the Cook County Sheriff also operates an extensive Electronic Monitoring Program, which is similar to the Home Confinement Unit's curfew program. Prior to being released on EM, however, these defendants are first screened by CCDOC for eligibility in the EM program. The review team was unable to obtain documentation verifying the eligibility criteria for the sheriff's EM program, but anecdotal evidence suggests that there are a large percentage of individuals who are ordered to EM, but remain ineligible, mainly due to lack of a stable residence.

CCDOC staff refers to these individuals as "No Place to Stays." It is unclear what becomes of those individuals who cannot be released on EM, however, in September 2013, the sheriff's office issued a Request For Proposal (RFP), seeking alternative housing solutions for such individuals. This suggests that these defendants remain in CCDOC custody until the conclusion of their criminal case. The RFP notes that, on a daily basis, between 100 and 300 defendants who are ordered to EM are subsequently found to be ineligible.

Defendants who are eligible for EM are processed, fitted with an electronic monitoring bracelet, and released from the jail within 24 hours of their bond hearing. If, for some reason, CCDOC staff is unable to release the defendant within 24 hours, the EM order automatically converts to a D-bond, and the defendant must post 10% of the total bond amount in order to be released. The review team is not aware of any current statutory provision or local rule authorizing this 24-hour rule, but according to several stakeholders, the practice is part of a standing agreement between the Circuit Court and CCDOC.

Defendants who are ordered held without bail, or who are unable to post the required funds in order to be let out on a D-Bond, will remain in custody until the conclusion of their criminal proceeding. Defendants who remain at the jail go through the CCDOC screening

and classification process, in order to determine where they will be housed within the jail and what type of treatment or services they will receive, if any, during their stay.

CCDOC staff conducts in-person interviews and criminal background and history checks for each defendant, in much the same way that pretrial does. However, CCDOC staff does not utilize any of the pretrial assessment information or any of the reports compiled by pretrial staff.

Most pretrial representatives interviewed rated community support as good or adequate, though more community services and options for defendants would be a plus. In particular, the lack of mental health services, which is a challenge not unique to pretrial services, is noted by all. Many judges indicated that they would be more inclined to use pretrial release if more mental health program options were available.

Pretrial supervision practices are diverse, so that determining impact is often difficult to capture and apply across jurisdictions. It is known, though, that basing a system on objective risk with interventions targeted to higher risk offenders has proven to be effective with pretrial and sentenced offenders.

**28. Recommendation: The need for greater mental health services is not solely a pretrial issue but impacts the criminal justice system overall. As such, it is an issue that warrants discussion at a higher level among Cook County criminal justice and social service agencies.**

Pretrial services formerly had a number of staff members dedicated to reviewing cases in which defenders were unable to post relatively low bonds. These “second chance” proceedings were an opportunity to evaluate these cases to ensure that defendants were not being held on low bonds due to indigence. This activity was phased out following merger of the pretrial and probation divisions. Recent studies have pointed to the presence of a significant percentage of defendants who appear to be in custody due to their inability to post a low cash bond. Although the Sheriff may release these offenders under his authority, there is no coordination with pretrial.

The Public Defender's office recently initiated the Bond Reduction Initiative at CBC. Grant dollars from the MacArthur Foundation were secured for the Public Defender's Office by the Cook County Justice Advisory Council to contract with Safer Foundation to hire four caseworkers. These caseworkers conduct post-bond hearing investigations, including interviews and verifying information to determine if there are grounds to file Petitions to Reduce Bond for any of the defendants. This activity is also not done in collaboration with pretrial services staff.

**29. Recommendation: Pretrial and court management should conduct a further assessment of low bond defendants and, based on the results, consider reinstating secondary reviews of defendants who remain in custody without holds. At a minimum, court management should investigate the feasibility of sharing information and assessment gathered**

**by pretrial with both the Sheriff's office and the Public Defender's office, in order to facilitate these initiatives.**

## **Suburban Locations**

### **Intake Process**

As indicated in Appendix I, in the suburban courthouses, the Review Team observed the same general process at each of the five locations, with minor differences at each location. The suburban pretrial interview and bond court process is vastly different from the process observed at CBC.

Municipal police departments transport defendants to the Sheriff's custody for bond court throughout the day. Generally, defendants arriving before 3:00 pm will receive a bond hearing that same day; defendants arriving after 3:00 pm will be held over until the following day's bond call, with one exception. In the 4<sup>th</sup> Municipal District, defendants must be brought to the Sheriff's prisoner dock by 8:00 am in order to receive a bond hearing that day.

After dropping off the prisoners, municipal police officers hand deliver arrest packets to the Clerk's office and wait for the Clerk's staff to enter the information into their automated system. It is at that time the Clerk's staff assigns a case number.

Municipal police departments also provide sheriff's deputies with multiple copies of the arrest packets, which are then disseminated to each of the stakeholders, with one exception. In the 5<sup>th</sup> Municipal District Courthouse, pretrial services staff does not receive copies of the arrest packets, and interview officers at that location conduct interviews with no prior knowledge about a defendants' charging offense, criminal history, or background.

### **Problem Solving Courts**

A number of problem solving court programs (drug, domestic violence, veterans) have been developed to serve criminal offenders in Illinois and in Cook County. One of the recognized best practices of these programs is early identification and referral. The Domestic Violence court process in the Rolling Meadows District Courthouse was observed. The pretrial officer was observed interviewing a VOOP (violation of order of protection) case defendant. This officer had developed relationships with the local police department staff throughout the years and is provided names of defendants prior to transport to the courthouse. This afforded him the opportunity to run a LEADS report, access clerk's records and conduct an interview. Because this was a VOOP case, the Social Service Department completed an evaluation in conformance with statute.

Further investigation may be needed to determine how the pretrial process can better dovetail with diversion and problem solving court programs, as well as with in-house programs offered by the Sheriff's Department.

**30. Recommendation: The role of pretrial in identifying potential program participants should be further explored to determine if pretrial should have a more proactive role in screening and referral of offenders to diversion or problem solving court programs.**

### Screening and Pretrial Interviews

Sheriff's deputies process the arriving defendants into CCDOC custody and assign them to one or more holding cells, where they remain until their bond hearing. In most cases, holding cells are located adjacent to the courtrooms, and offer a degree of privacy where pretrial officers are able to conduct interviews away from other defendants and staff, though this is not always the case. For example, at the 6<sup>th</sup> Municipal District Courthouse, defendants are held in private "day room" type holding cells which allow for private, one-on-one interviews. However, if there happens to be a large number of defendants awaiting bond court on a given day, there may be several defendants assigned to a single cell, requiring pretrial officers to conduct interviews through a locked steel door, within earshot of other defendants.

In most of the suburban locations, pretrial services staff interview all defendants appearing in felony bond court and domestic violence bond court (misdemeanors and felonies). There is generally no triage or screening process to determine whether any of the defendants should not be interviewed, as is the practice at CBC. At the Bridgeview location, a screening process is conducted by the Sheriff's staff, which determines who will be interviewed and then escorts defendants to the interview rooms without providing the defendant's arrest packet or any other information to pretrial staff.

Pretrial interviews at the suburban locations are conducted in the same manner as at CBC. Pretrial officers ask a series of questions and hand write answers on the *Pretrial Interview File* folder. In many cases, interviewers were observed reading the WARNING provision, notifying the defendant of his or her right to refuse participation in the pretrial interview, however, this practice was not consistent. As with CBC, defendants in the suburban districts are not allowed to sign the consent provision on the file folder.

At the Maywood facility, it was observed that pretrial services officers do not normally fill out the entire *Interview File* folder. The rationale given for this was a lack of time available to complete the entire form. As a consequence, *Bond Assessment Forms* submitted to the court are likewise incomplete.

Pretrial interviews generally take between 5-10 minutes, after which, pretrial officers at some locations return to their offices to run LEADS and CLEAR reports, conduct background checks, and verify information obtained during the interview process.

Verification is typically done via telephone contact and in some cases by speaking with the defendant's family members who may be present at the courthouse awaiting the bond hearing. In addition, in many cases pretrial staff is provided with police reports or a list of defendants before they arrive at the courthouse, and are thus able to run criminal history reports before interviews are conducted. This practice, however, is not consistent at all locations, and appears to depend on the relationship between the Sheriff's staff, local police departments and pretrial staff.

While many pretrial officers spend some limited time before bond court verifying information obtained during interviews, this is not always the case. In many instances, pretrial staff were observed scoring risk assessments with no verification whatsoever. For example, at the 3<sup>rd</sup> Municipal District Courthouse, a pretrial interview was conducted approximately 10 minutes before the start of the defendant's bond hearing. After the interview, the pretrial officer had just enough time to fill out the risk assessment, which was based on the unverified, self-reported information obtained during the interview and previously-run criminal history reports, before handing the form to the judge as the bond hearing began.

Interviews with defense counsel in the suburban locations revealed a high level of discomfort with the pretrial assessment process. Many saw the collection of information about their client's past history and current substance abuse as potentially prejudicial to their case. As a result, offenders were frequently advised to not cooperate with the pretrial interview process.

**31. Recommendation: Pretrial and judicial management should meet with public defense representatives regarding their concerns about the pretrial assessment process and determine what steps can be taken to assure defense counsel that the pretrial process does not impinge upon clients' constitutional rights or jeopardize the pending case. This discussion may need to be extended to state's attorneys as well to ensure that the pretrial assessment process works solely for the purpose of assisting the judge in setting a reasonable bond and release conditions.**

## Bond Court

Suburban bond hearings begin at 9:00 a.m. and are placed on the docket through the day, as needed. The process in the suburbs is similar to the CBC process. For the most part, judges were not observed engaging the pretrial staff or referencing to the assessments, however, one judge made reference to defendants' assessment scores on more than one occasion. In some cases judges also asked questions directly to the defendant and/or his or her family members who happened to be present.

As with CBC, the Review Team observed that the amount and type of ordered bond varied, depending on the judge, the defendant's history, and the charged offense. Overall, bond hearings in the suburban locations generally lasted longer (4-5 minutes, on average), and

judges spent more time developing special conditions of bond, setting curfew times, and asking follow up questions to both the prosecution and defense. In addition, several different types of bonds were ordered at the suburban courts that were not observed at CBC. For example, in one hearing, a judge ordered a "Default Bond with EM" which is believed to be an order placing the defendant on the Sheriff's Electronic Monitoring Program, but allowing the defendant to post 10% of the bond amount and be released from electronic monitoring on recognizance.

One practice that was observed at all suburban locations is the practice of scheduling hearings one to two days after a weekend or holiday bond hearing at CBC. This is standard practice, pursuant to General Administrative Order 2012-02 (Appendix J), which closed the suburban courts on weekends and holidays and consolidated them at CBC. The standard procedure is for weekend CBC judges to schedule a suburban defendant's next hearing date at the suburban municipal district court for the second regular business day following the initial bond hearing at CBC. The sole purpose of this subsequent suburban hearing is to schedule the defendant's next court date in the suburban district court, though at times suburban judges will modify bond orders or clarify special conditions that may have been ordered at CBC. The rationale for this practice is that CBC judges are unable to schedule hearing dates for the suburban courts. As a result, defendants are transported back to their suburban districts in order to allow the local judges to coordinate hearings with prosecution, defense counsel and local police agencies.

Many of the various stakeholders interviewed by the Review Team indicated that the closure of the weekend suburban bond courts was a major source of concern. Suburban representatives from both the State's Attorney's and the Public Defender's offices reported wide inconsistencies in the type and amount of bonds issued at CBC as compared to the suburban locations. For example, stakeholders in Bridgeview reported that the bonds issued at CBC tended to be lower and more lenient than those generally ordered in Bridgeview. There is a generally-held opinion by stakeholders and judges that the bonds set in the suburban districts are more reflective of the community standards and expectations than those set at CBC. In addition, almost all stakeholders view the closure of weekend suburban bond courts to be an extreme waste of resources, especially in the case of defendants who remain in custody during the pretrial phase, as they must be physically transported from the main jail to the suburban courthouse for a subsequent hearing two days after the CBC hearing, only to be given a next court date and transported back to the jail.

- 32. Recommendation: Court management should re-examine the decision to close the suburban weekend bond courts. Attention should be paid to the fiscal impact associated with scheduling, staffing, transportation and paperwork for subsequent hearing dates in the suburban districts, and whether, as a whole, the decision to consolidate at CBC has resulted in cost-savings.**

## Pretrial Release and Supervision

The pretrial release and supervision functions in the suburban courts do not differ greatly from the processes at CBC. After bond court concludes, defendants are taken back into the Sheriff's custody, and processed and either released after posting bond, or transported back to CCDOC, where they may be assigned to a cell or released on Electronic Monitoring. For those defendants who have been ordered to pretrial supervision as a condition of bond, the process is also very similar. Pretrial supervisors verify the information on the release order and assign the cases to an officer. The officer verifies all pertinent information and develops an individual plan of supervision, according to the terms of the release order. Within seven days of the defendant's release from CCDOC custody, the officer contacts the defendant and conducts a post-release interview, during which the officer reviews the defendant's release order, and informs the defendant of the conditions of his or her release and the consequences for non-compliance. Suburban pretrial officers also compile status reports after every supervision contact which are then provided to the court, the prosecution, and the defense at subsequent court dates.

The major difference at the suburban locations, however, is the fact that pretrial officers conduct all pretrial functions – pretrial assessment and verification, court liaison, and post-release monitoring and supervision. At the CBC, there are dedicated teams for each of these functions. In the suburban locations, pretrial officers spend a large portion of their day conducting pretrial interviews, running LEADS and other reports, and sitting in court during bond hearings, leaving what appears to be very little time left in the day to attend to pretrial supervision of defendants.

## Technology and Data Exchange

Caseflow management is a process that focuses on how cases progress from filing to disposition and what courts can do to most effectively manage that process. The principles of caseflow management include early and continuous control of cases by the court, productive events, control of continuances, and court leadership, among others. Discussions with judges, state's attorneys and public defenders highlighted problems with the management of criminal cases.

While the purpose of this review is not to address caseflow management issues per se, the review team would be remiss not to note that the current process appears to generate unnecessary delay in resolving Cook County criminal matters. The result is longer average length of stays in the jail, additional resources dedicated to court appearances, and higher overall system costs.

- 33. Recommendation: The Cook County Circuit Court is encouraged to review current processes, analyze data on total time to disposition as well as interim time frames, and make a commitment to further addressing caseflow management issues based on this initial analysis.**



There is general recognition among stakeholders that the current state of information gathering and sharing is in need of substantial improvement. This includes not only having a robust client management system for data collection, client supervision and performance and outcome measurement, but also information sharing between law enforcement, pretrial services, CCDOC, and the Clerk's office. In general data sharing can be characterized as minimal and limited to paper exchanges (one exception is the State's Attorney's office which transmits case charges daily through a direct XML data exchange to the clerk's office for uploading into the circuit court's system).

Various efforts are already underway to upgrade information systems for probation/pretrial services, the Circuit Court Clerk's office and the Sheriff's Department, as well as increase the capacity for inter-department information sharing. Projected timeframes indicate within the next two years, each Cook County justice system stakeholder will have acquired or begun implementation of a new system. These should be coordinated.

In addition, County officials are implementing technologies to facilitate data sharing among justice agencies and the Circuit Court. Information technology staffs are working closely together through the Cook County Integrated Criminal Justice Information Systems Committee (CCICJIS) to coordinate activities and identify opportunities to move from paper based to electronic systems, data exchanges and processes where possible.

Implementation of new technologies can provide significant opportunity for performance improvement in Cook County. However, to be fully realized, the stakeholders need to work together to develop a common understanding of intended outcomes when these new systems are fully implemented, and to create opportunities to reengineer processes to reduce time and improve information delivered to decision makers. The benefits of a cooperative approach are common understanding of existing processes and operations and taking advantage of capabilities new systems offer, realizing the significant cost and time savings or performance improvements that could be achieved once implemented, and addressing present day issues and needs.

To fully leverage these new capabilities and improve the integration of processes that support processing of persons and cases through the Cook County Justice System, the following should be considered by the Committee:

**34. Recommendation: Criminal Justice Systems are comprised of a complex set of processes, each of which is inter-dependent upon multiple entities to complete. The CCICJIS Committee should develop a vision that describes how cases and individuals will progress through the Cook County Justice System. The Committee should consider for analysis purposes breaking the system into three parts:**

- ***Intake* – all the activities, processes and information beginning at arrest through the first court appearance in the court that will dispose of the case.**

- **Adjudication** – all activities, processes and information needed to manage and dispose of a case (i.e., basic caseflow management).
- **Sentencing and Compliance** – all information necessary for development of sentencing recommendations and decisions; once sentence is imposed, information necessary for monitoring of court orders and conditions.

35. **Recommendation:** In addition to development of a new vision for case and defendant processing, the following issues should be considered by the CCICJIS:

- Will there be a single number used for identification of offenders and supported in all systems? How will individuals (victims, witnesses, attorneys, judges) “connected” to cases be identified? Who will resolve issues of identity?
- What rules need to be developed or modified to facilitate implementation of automated processes?
- What information do all entities require for monitoring of overall system performance?
- What performance standards or measures will be implemented with these new systems?
- What benefits can be realized in meeting performance standards?

36. **Recommendation:** Future planning and design of criminal justice information systems should include pretrial/probation services representatives as key stakeholders.

### Program Evaluation and Performance Measures

Pretrial programs rely on a variety of service providers, including home monitoring vendors, drug treatment agencies, and mental health programs, among others. An ongoing system for assessment of the effectiveness of these programs and services should be an integral part of a pretrial services program. Program evaluation is a systematic process for assessing the actual results or outcomes of program efforts against the intended outcomes of the program. Evaluation helps meet these important objectives:

- Assess program effectiveness in achieving goals;
- Determine whether a program should be continued or discontinued;
- Determine whether a program meets statutory and rule requirements;
- Determine if program outcomes are attributed to program activities or other factors;
- Promote program improvement through modification of program operation or design.

Whether essential programs and services are under the direct supervision of pretrial or performed by outside agencies or contractors, regular monitoring is essential to ensure that programs are working effectively. Monitoring can assist in a variety of program management areas:

- Identify areas in need of improvement
- Justify continuing utilization of/referrals to program services
- Provide reliable data to guide program and policy decisions
- Improve program credibility
- Ensure that program managers and service providers focus on important outcomes
- Determine whether the program is meeting administrative or procedural goals

**37. Recommendation: The Administrative Office should work with local pretrial programs to establish criteria for program evaluation and conduct program evaluations and audits on a periodic basis.**

Many criminal justice agencies are committed to improving their effectiveness through the collection and analysis of performance data on an ongoing basis. They review, share, and discuss their data collaboratively, regardless of whether the results are positive or undesirable. They may consider performance data in terms of cost effectiveness to make strategic and data-driven decisions about resource allocation. Data and analysis are useful in informing policy at the state and local level, assessing the effectiveness of programs, and in demonstrating results to key stakeholders and the public.

High-performing court systems throughout the world increasingly rely on performance measurement and management to drive their success. An effective performance measurement and management system facilitates agile decision making by collecting, compiling, analyzing, displaying performance data and by notifying, warning and informing judicial leaders and managers about their courts' performance.

The District of Columbia Pretrial Services Agency (PSA) measures its success in meeting its critical outcomes through three primary measures:

1. Percentage of defendants rearrested for violent or drug crimes pretrial;
2. Percentage of cases in which a defendant failed to appear for at least one court hearing;
3. Percentage of defendants who remain on release at the conclusion of their pretrial status without a pending request for removal or revocation due to noncompliance.

The agency has further defined performance measures in four performance areas, including the risk assessment and supervision phases, integration of treatment, and community partnerships:

*Risk Assessment*

- Percentage of defendants who are assessed for risk of failure to appear and re-arrest;

- Percentage of defendants for whom PSA correctly identifies eligibility for appropriate appearance and safety-based detention hearings.

#### *Supervision*

- Percentage of defendants who are in compliance with release conditions at the end of supervision;
- Percentage of defendants whose noncompliance is addressed by PSA either through the use of an administrative sanction or through recommendation for judicial action.

#### *Integrating Treatment into Supervision*

- Percentage of referred defendants who are assessed for substance abuse treatment;
- Percentage of eligible assessed defendants placed in substance abuse treatment programs;
- Percentage of defendants who have a reduction in drug usage following placement in a sanction-based treatment program;
- Percentage of defendants connected to educational or employment services following assessment by the Social Services and Assessment Center;
- Percentage of referred defendants who are assessed or screened for mental health treatment;
- Percentage of service-eligible assessed defendants connected to mental health services.

#### *Partnerships*

- Number of agreements established and maintained with organizations and/or agencies to provide education, employment, or treatment related services or through which defendants can fulfill community service requirements

**38. Recommendation: With input from the bench and other system stakeholders, pretrial management should develop program performance outcomes and measures, including measures for internal and external use.**

**39. Recommendation: Pretrial services performance should be evaluated according to the percentage of interviews of eligible defendants conducted and verified with a goal of achieving at least 85% of those booked into the CCDOC within 24 hours of arrest.**

## NATIONAL BEST PRACTICES

### Evidence-Based Practices in Pretrial Services

The term *evidence-based practice (EBP)* has been adopted by community corrections, probation services, problem-solving courts, and pretrial services programs. There are both similarities and differences between pretrial EBPs and those relevant to other criminal

justice areas such as probation and community corrections. One of the principal differences is that pretrial programs are designed for individuals who are charged but not convicted of criminal offenses. This distinction means that EBP for pretrial must be consistent with the legal foundation that ensures the rights of offenders during the adjudicatory process.

Dr. Marie VanNostrand<sup>6</sup> points out that the legal foundation of pretrial services suggests that the application of EBP should more accurately be labeled as “legal” evidence-based practices, or LEBP, which includes interventions and practices that are consistent with the relevant legal basis for pretrial release. She suggests that LEBP for pretrial consists of the following components:

1. Assess Actuarial Risk/Needs
2. Enhance Intrinsic Motivation
3. Target Interventions (risk, need, responsivity, dosage, treatment)
4. Skill Train with Directed Practice (using cognitive behavioral treatment methods)
5. Increase Positive Reinforcement
6. Engage Ongoing Support in Natural Communities
7. Measure Relevant Processes/Practices
8. Provide Measurement Feedback

Research relating to pretrial services and specific practices has been limited but continues to develop. Much of the research has focused on risk assessment methodologies and aspects of supervision.

In 2010 the Vera Institute of Justice<sup>7</sup> released a report outlining EBPs for pretrial screening and supervision. These principles are as follows:

- 1. Utilize an objective, research-based risk assessment instrument to assist judicial officers in making release decisions.*

The cornerstone of evidence-based practices is based on the use of a valid risk and needs assessment, matching the level of risk and need to the appropriate supervision practices and services *and* ensuring that the services provided are effective at improving outcomes. The growing body of research demonstrates that neither punishment-only nor deterrence-only programs have much positive effect on reduced recidivism among criminal offenders. However, increasing evidence is showing that programs that focus on behavior change do have significant positive effects in terms of reduced recidivism rates.

- 2. Use the risk assessment results to set meaningful supervision conditions.*

The risk principle is a well-established concept in the corrections field. The risk principle indicates that offenders should be provided with supervision and treatment levels that are

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<sup>6</sup> Marie VanNostrand, PhD. “Legal and Evidence Based Practice: Application of Legal Principles, Laws and Research to the Field of Pretrial Services” (National Institute of Corrections and the Crime and Justice Institute, April 2007).

<sup>7</sup>Vera Institute, Evidence-Based Practices in Pretrial Screening and Supervision,

consistent with their levels of risk to reoffend if there is an expectation of risk reduction and behavioral change. Low risk offenders have few risk factors; high-risk offenders have many risk factors. Years of research has determined that while more intense interventions are more effective with higher-risk offenders, they can actually increase the failure rates of low risk offenders. In other words, interventions should target offenders with higher probability of non-compliance and provide these individuals with more intensive interventions, and not over-program low risk offenders.

Offender assessment is most reliable when officers, supervisory and management staff, and judges are formally trained to use assessment instruments, including using the most effective methods of obtaining data (interview, official records, collateral verification); using correct scoring procedures; minimizing the use of overrides; and using the assessment information to inform case decisions throughout the supervision process. In addition, the assessment tool should be validated on the population it is used for. Validity of risk assessment instruments is the most important supportive principle behind the proper utilization of these instruments. Namely, the instruments' predictions must be supported by research showing it can identify different groups of offenders with different probabilities of reoffending for the location in which the instrument is being used.

*3. Gather information for risk assessments through defendant interviews but verify that information with other sources.*

One of the major ways in which pretrial services adds value to the process is through the verification of information presented to the court. This improves the confidence that judges have in the process. In addition to verifying criminal history and failure to appear information on state and local databases, many jurisdictions conduct broader checks as well, utilizing information from the FBI's NCIC system for out of state records. Verification with family members, employers, and sources of financial information must also be balanced against the possible negative impact that the revelation of the offender's arrest status may have on their employment or school enrollment. The time required to conduct background checks and verification must also be weighed against the additional delays that result.

*4. Vary the level of pretrial supervision and programming according to the specific risk of defendants, using intensive supervision only with the highest risk defendant.*

A study of defendants released on conditions in the Federal courts shows that imposing unnecessary alternatives to detention on low-risk defendants is counter-productive. Lower risk defendants are the most likely to succeed if released pending trial and in most cases release should be recommended. The study found that defendants released to the alternatives to detention program who were lower risk were less likely to be successful pending trial in contrast to defendants in the moderate to higher risk levels who were more likely to be successful if released to the alternatives to detention program. An alternative to detention, with the exception of mental health treatment when appropriate, generally decreases the likelihood of success for this population and should be recommended sparingly.

*5. Establish specialized programs for defendants with special needs.*

Understanding what services are available, what their eligibility requirements are, and how drug-involved individuals or those in need of mental health and housing services can access them is critical to programming during pretrial, community supervision, and post-conviction phases. These services should not be confined to drug treatment programs or detox centers but may include shelters, legal services, food pantries, workforce development programs, and other resources which promote stability and thereby increase the probability of compliance.

Responsive criminal justice systems make efforts to build a continuum of services and interventions that allow individuals in need of substance abuse or mental health treatment to progress through the system with uninterrupted services. These are critical timeframes for success or failure of recovery efforts. Intensive drug treatment, for instance, optimally lasts a minimum of three months. Inflexible conditions of supervision may similarly impede positive outcomes in an individual's rehabilitation program. Although there are still many research questions to be answered in this area, emerging research points to improved criminal justice and behavioral health outcomes among those individuals who begin treatment while incarcerated and continue that treatment, uninterrupted, in their communities upon release.

*6. Develop a formal system of reminders for all defendants to help ensure appearance at scheduled court dates.*

A low-cost but effective intervention to increase appearance rates is to simply remind defendants of their court dates, either by mail or phone, using an automated system or in person. Dr. VanNostrand reviewed data from evaluations and studies spanning a 30 year period to assess the effectiveness of court date notification programs. The target populations among the studies varied and ranged from defendants issued a citation/summons for minor offenses to those charged with felony offenses. Techniques include "live" calls, automated systems, mail notification, and combinations of these techniques. The researchers concluded that court date reminders are successful in reducing the incidence of failures to appear. Recent studies of the impact of text messages to increase appearance rates<sup>8</sup> and compliance with court-ordered financial sanctions in the Nebraska courts has also yielded positive results.<sup>9</sup>

*7. Create meaningful consequences for violation of pretrial release conditions.*

The Cook County Circuit Court deals with a large number of offenders with substance abuse issues. Effective responses to substance abuse require an understanding of the recovery process, which often involves periods of progress and relapse. The process takes time, and success is incremental. While responsive criminal justice systems do hold drug-

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<sup>8</sup> Mitchel Herian and Brian Bornstein. Reducing Failure to Appear in Nebraska: A Field Study. The Nebraska Lawyer. September, 2010.

<sup>9</sup> Nial Raaen. Nebraska Court Compliance Pilot, National Center for State Courts, July 2013.

involved individuals accountable, they also set realistic goals and benchmarks when it comes to the behavior change and recovery process.<sup>10</sup> This may require maintaining offenders on community release status in spite of lapses in sobriety and abstinence, provided they continue to be connected with treatment services.

Programs may impose zero tolerance or “three strikes” policies which make it difficult to appropriately address relapses. In the context of substance abuse treatment relapse is not necessarily a failure. One failed urinalysis is not necessarily a reason to terminate treatment. Additionally, there are other considerations for realistic supervision conditions which include the availability of treatment beds or openings, the availability of appropriate treatment, and the ability of the supervising authority to carry out its part of the conditions.

## National Standards

Two organizations have promulgated standards for pretrial services: the American Bar Association (ABA) and the National Association of Pretrial Services Agencies (NAPSA). The ABA standards, updated in 2007 and currently under revision, provide guidance on pretrial decision-making from arrest through the court process.

The ABA states that “[t]he purposes of the pretrial release decision include providing due process to those accused of crime, maintaining the integrity of the judicial process by securing defendants for trial, and protecting victims, witnesses and the community from threat, danger or interference. The law favors the release of defendants pending adjudication of charges. Deprivation of liberty pending trial is harsh and oppressive, subjects defendants to economic and psychological hardship, interferes with their ability to defend themselves, and, in many instances, deprives their families of support. These standards limit the circumstances under which pretrial detention may be authorized and provide procedural safeguards to govern pretrial detention proceedings”.<sup>11</sup> The full ABA standards are available at:

[http://www.americanbar.org/publications/criminal\\_justice\\_section\\_archive/crimjust\\_standards\\_pretrialrelease\\_toc.html](http://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_pretrialrelease_toc.html)

The NAPSA and ABA standards are consistent and both shape policy and practice. The primary audience for the NAPSA standards are pretrial services directors and staff in order to assist in organizational and procedural operations of pretrial services agencies. The NAPSA standards are available at:

<http://www.napsa.org/publications/2004napsastandards.pdf>

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<sup>10</sup> Principles of an Effective Criminal Justice Response to the Challenges and Needs of Drug-Involved Individuals. The National Judicial College, 2012.

<sup>11</sup> American Bar Association, Criminal Justice Section, 2007.



The size and organization of pretrial services programs across Illinois vary considerably. Cook County, as the largest, understandably is the focus of a great deal of attention. Recognizing that there are differences between jurisdictions, there is much the Administrative Office can do to act as a broker that facilitate networking and information exchanges, providing training and technical assistance, and evaluating the effectiveness of pretrial tools and programs on a state-wide basis.

**40. Recommendation: The Administrative Office will dedicate personnel to work with the Cook County Pretrial Program and other pretrial programs around the state to provide policy guidance, training and technical assistance and maintain a central role in research, promotion of best practices, and program monitoring.**

## **APPENDIX**



**Illinois Pretrial Services  
Procedural  
and  
Operational Standards Manual**

**Revised  
December 2001**

**Administrative Office of the Illinois Courts  
Probation Services Division  
816 S. College  
Springfield, Il 62704-2608**

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# ADMINISTRATIVE

## 1.1 Authority

- I. The Pretrial Services Act. (725 ILCS 185)
- II. Section 15 of the Probation and Probation Officers Act. (730 ILCS 110/15)

## DISCUSSION

The authority for developing and approving programs for pretrial services is vested with the Illinois Supreme Court, and includes providing reimbursement for operation of pretrial services programs pursuant to the above-cited acts.

## 1.2 Definitions

- I. "Division" means the Division of Probation Services of the Supreme Court. (730 ILCS 110/9b)
- II. "Assistant Director" means the Assistant Director of the Administrative Office of the Illinois Courts, Division of Probation Services.
- III. "Pretrial Services Agency" means the agency or department established or designated by the circuit court to provide those duties prescribed by the Pretrial Services Act.
- IV. "Department" means a probation or court services department that provides probation or court services and such other related services assigned to it by the circuit court or by law. (730 ILCS 110/9b)
- V. "Director" means the individual appointed by the Chief Judge to supervise the pretrial services agency. This individual may be the Chief Adult Probation Officer or Director of Probation and Court Services.
- VI. "Bail" means the amount of money set by the court which is required to be obligated and secured, as provided by law, for release of a person in custody in order that he will appear before the court in which his appearance may be required and that he will comply with such conditions as set forth in the bail bond.
- VII. "Bail Bond" means an undertaking secured by bail entered into by a person in custody by which he binds himself to comply with such conditions as are set

- VIII. "Recognizance" means an undertaking without security entered into by a person by which he binds himself to comply with such conditions as set forth therein and which may provide for the forfeiture of a sum set by the court for failure to comply with the conditions thereof. (725 ILCS 5/110-2)
- IX. "Variance" means the method utilized to recognize in writing the existence of unique circumstances in local jurisdictions which require deviation from a standard policy as written. Variances are not exemptions.

## DISCUSSION

The definitional terms contained in this section do not represent an exhaustive terminology list. Local pretrial service agencies are encouraged to develop their own definition sections which build on the terms presented in this manual.

### **1.3 Applicability**

- I. The Division shall approve all circuit court plans for the establishment of pretrial services agencies.
- II. All pretrial services agencies, and any probation department with an authorized pretrial position(s), shall operate according to the minimum standards contained within this Operational Standards Manual.
- III. Any circuit with an approved pretrial service agency or any department with authorized pretrial service officers is required to establish and maintain policies and procedures for the day-to-day operation of the pretrial services program which are consistent with, but may exceed, the minimum standards contained within this Operational Standards Manual.

## DISCUSSION

The Division will assist each circuit court in the development of initial plans and budgets for the establishment of pretrial services agencies. The Division will also assist departments with authorized pretrial officers in the development of local manuals which are consistent with the minimum standards contained in this Operational Standards Manual.

The Division will monitor the operation of pretrial services programs to insure that minimal operating standards are maintained. All approved pretrial service programs must develop local policies and procedures, which should exceed minimum standards whenever possible.

## 1.4 VARIANCES

- I. Variances may be authorized by the Assistant Director or his designee(s) for cause.
- II. Variance requests must be submitted by the Director of the Pretrial Services Agency in writing to the appropriate Division Field Coordinator for review and presentation to the Assistant Director.
- III. In instances where a timely response may be required, the Pretrial Services Agency/Department may contact the appropriate Division Field Coordinator for verbal authorization of a variance on a temporary basis. The Department shall still be required to submit a written variance request pursuant to these standards within seven (7) days of verbal authorization.
- IV. Variance requests must include:
  - A. The specific rule, standard, guideline, directive or policy for which a variance is being sought;
  - B. A justification for the variance with details supporting the request; and
  - C. The period of time for which the variance is being requested.
- V. Except for variances that are provided on a temporary basis pursuant to Section 'III', a variance shall not be effective until approved in writing by the Division and shall be in effect only for the time specified by the Division.
- VI. A copy of the approved variances shall be maintained by the Division in a file for said purposes and by the department(s) as appropriate.
- VII. The Division will notify the department in writing of any variance requests denied.

## 1.5 ESTABLISHMENT OF PRETRIAL SERVICES AGENCY

- I. Each chief circuit judge, in conjunction with staff from the Administrative Office of the Illinois Courts' Division of Probation Services, shall assess the need for pretrial services in the circuit and identify a recommended configuration for the pretrial services agency. This recommendation shall be based on:

- A. Number of counties in the circuit;
  - B. Number of arresting agencies;
  - C. Number of arrests by class of offense;
  - D. Time and place of bond hearings;
  - E. Location and capacity of jails and lockups;
  - F. Administrative structure of probation and court services;
  - G. Availability of office space;
  - H. Current practices pertaining to bond hearings; and,
  - I. Any other available baseline data
- II. The chief judge shall appoint a director who shall provide for the development and coordination of pretrial services in the circuit.
- III. An Administrative Order shall be issued by the chief judge appointing the Director. A copy of this order shall be forwarded to the Administrative Office of the Illinois Courts' Division of Probation Services.

### DISCUSSION

It is recommended that pretrial services be a neutral information gathering arm of the court. As such, efforts must be taken to ensure the independent nature of these services. Based on recommendations of the Study Committee on Bail Procedures of the Illinois Judicial Conference, pretrial service agencies should be independent divisions coordinated by a director of court services under the office of the chief judge. However, this ideal structure is not currently practical in most circuits in Illinois due to the volume of pretrial activity and available resources.

The design of pretrial services should be closely coordinated with existing structures of probation and court services in each circuit. To ensure the uniform and consistent delivery of pretrial services, it is recommended that, when feasible, each circuit have a single pretrial services agency.



## 1.6 REQUIRED FORMS

- I. Uniform Interview Form (PTS-01)
  - A. All pretrial services agencies shall complete the Uniform Interview Form (PTS-01) for each defendant interviewed consistent with the instructions for said form which are contained in this manual.
  - B. The Uniform Interview Form, when completed, shall be used as the basis for submitting recommendations to the Court.
  - C. The Uniform Interview Form shall be maintained by the pretrial services agency for review and modifications as additional information is made available.
  
- II. Uniform Reporting Form (PTS-02)
  - A. Pretrial services agencies shall complete a Uniform Reporting Form and submit it to the court for each defendant interviewed who remains in custody at the completion of the verification process.
  - B. The Uniform Reporting Form shall be used by pretrial services agencies when reporting to the court on cases where the agency believes that additional or modified conditions are appropriate, and should be imposed on earlier release orders.
  - C. The Uniform Reporting Form should contain all factual findings, conclusions and recommendations of the pretrial services agency regarding the need for financial security to assure the defendant's appearance for later court proceedings and suggested conditions of release.
  
- III. Uniform Release Order (PTS-03)
  - A. Each pretrial services agency may be ordered by the court to prepare and complete for the court's approval the Uniform Release Order.
  - B. The Uniform Release Order shall contain those conditions approved by the court which were contained in the Uniform Reporting Order and shall become part of the conditions of the bail bond.
  - C. The Uniform Reporting Order shall be approved by the supervisor or Director of Pretrial Services prior to submitting to the court.

IV. Non-Compliance Reports (PTS-04)

- A. Each pretrial services agency shall develop a Non-Compliance Report to be used by the agency to notify the court of any supervised person's non-compliance with the terms and conditions of pretrial release as specified in the Uniform Release Order.
- B. The pretrial services agency shall provide a copy of each Non-Compliance Report submitted to the court to the defendant, defendant's attorney of record, and the prosecutor.

V. Uniform Statistical Reporting Form (PTS-05)

- A. Each pretrial services agency shall submit a monthly Uniform Statistical Reporting Form to the Division on or before the 15th day of the following month.
- B. The Statistical Report Form shall be completed consistent with the instructions for said form which are contained within this manual.

**1.7 PERSONNEL**

- I. The pretrial services agency shall develop written job descriptions, position titles, and applicable performance evaluation instruments for each position consistent with guidelines established by the Division.
- II. The job description, position titles, and performance evaluation instruments shall be approved by the Division pursuant to guidelines established for compensation plans and performance evaluations and shall be on file within the agency.
- III. Each employee in the pretrial services agency shall receive a copy of the job description, position title, and performance evaluation instruments of the position which they occupy.
- IV. Revision of job descriptions, position titles, and performance evaluations must be approved by the Division prior to being implemented by the agency.

## 1.8 DRUG TESTING

- I. If the chief judge determines that the pretrial services agency shall conduct drug testing as a component of the pretrial screening process and/or as a condition of pretrial release as provided by 725 ILCS 5/110-6.5, the pretrial services agency shall develop written policies which shall include:
  - A. Description of individuals to be tested.
  - B. Detailed description of the procedures by which urine samples would be obtained from defendants and methods used for ensuring secure handling of samples and test results.
  - C. Description of testing technology and equipment that will be used to test for drug use. This should include identification and location of laboratory services and cut off levels.
  - D. Description of procedures for re-testing of samples found positive for certain drugs.
  - E. Description of how positive test results would be incorporated into recommendations to the court and subsequent supervision plans.
  - F. Description of procedures to be used for monitoring conditionally released defendants for further drug use.
  - G. Identification of what drugs defendants will be tested for.
  - H. Description of how and/or who will pay for drug testing.
  - I. Other policies and guidelines established by the Administrative Office of the Illinois Courts (see the Drug Testing Guidelines).
  - J. Description of what data will be collected and why.
  - K. Confidentiality policy.
  
- II. Each pretrial services agency which provides drug testing shall submit written policies and procedures to the Division prior to the implementation of drug testing.

## DISCUSSION

The use of drug testing as a means for the identification of drug abusers and as a condition of release at the pretrial stage of the criminal justice has been receiving a great deal of attention over the past several years. Pretrial services agencies are urged to carefully research the need, cost, and impact of provided drug testing before initiating a drug testing component.

Each department should read Estimating the Costs of Drug Testing for a Pretrial Services Program, Bureau of Justice Assistance Monograph, June, 1989, and Integrating Drug Testing Into a Pretrial Services System. A Program Brief, Pretrial Services Resource Center, June, 1990.

# INTERVIEWS AND VERIFICATIONS

## 2.1 INTERVIEWS

- I. Pretrial services agencies shall have standing court authority to interview and process all persons charged with non-capital felonies.
- II. The chief judge and director may establish interviewing priorities where resources do not permit total coverage.
- III. The chief judge and director should continuously assess the benefits of agency intervention before and/or after the first appearance of accused persons.
- IV. No persons shall be interviewed by an officer of the agency unless he or she has first been apprised of the identity and purpose of the interviewer, the scope of the interview, the right to secure legal advise, and the right to refuse cooperation. This admonishment should be provided to each defendant in writing and signed by each defendant and officer.
- V. Pretrial services officers should carefully exclude any questions concerning the details of the current charge.
- VI. Statements made by the defendant during the interview, or evidence derived therefrom, are admissible in evidence only when the court is considering the imposition of pretrial or post-trial conditions to bail or recognizance, or when considering the modification of a prior release order.
- VII. Interviews shall be individually conducted by pretrial services officers in facilities or locations which assure an adequate opportunity for discussion, consistent with security needs.
- VIII. Ongoing communication and cooperation between the agency director and the sheriff, or other affected law enforcement agencies, is essential to assure that pretrial services officers have prompt access to all prisoners after booking.
- IX. Pretrial services officers shall respect and comply with all local jail rules while conducting interviews.

## 2.2 VERIFICATION

- I. The pretrial services agency shall, after interviewing arrestees, immediately verify and supplement the information required by the Uniform Interview Form (PTS-01) before submitting its report to the court. Minimum verifications shall include the interviewee's prior criminal record, residency and employment circumstances.
- II. The chief judge or his/her designee shall assist the director in establishing and maintaining access to the circuit clerk and law enforcement information systems to assure prompt verification of prior criminal records and other related court records.
- III. Verified and supplemental information should be recorded as such on the uniform reporting form (PTS-02).
- IV. Each pretrial services agency shall develop written policies and procedures for implementing the provisions of federal and state laws and regulations governing the accuracy, completeness, privacy, security, collection, retention, storage, dissemination and timely disposition of criminal history records information.

## DISCUSSION

The purpose of verifying the information collected from the defendant is to insure that an informed detention decision can be made by the court. Defendants may provide incorrect information during the interview. If information given by the defendant is not correct, the defendant should be asked to explain the inaccuracy. Often this will correct inconsistencies. However, if it appears the defendant has purposely given false information, the pretrial services officer should advise the court of the inconsistency. Verification of information can be achieved by calling or otherwise speaking with the verifiers given by the defendant. Pretrial services officers should be aware that when speaking with verifiers that your call may be the first they have heard of the arrest. Do not disclose the current charge to the verifier. Pretrial services officers should ask open ended questions to the verifier.

It is recommended that the director develop written agreements with circuit clerks, local law enforcement officials and the Department of State Police which would identify procedures for obtaining access to criminal history records and/or other court related information by the pretrial services agency.

Pretrial services agencies must insure through policies and procedures that the agency obtains the most current status of the interviewee's criminal history record before such information is recorded or disseminated by staff.

The director should provide for routine audits of agency records and procedures to insure that only accurate and to the fullest extent possible complete criminal history record information is maintained.

## RECOMMENDATIONS TO COURT

### 3.1 Recommendations

- I. Verified and supplemental information assembled by the pretrial services agency shall be recorded on a uniform reporting form (PTS-02).
- II. Pretrial services agencies interviewing arrested persons shall submit a report of their information and findings to the court in all cases where the individual remains in custody at the completion of the verification process, and in such additional cases where the agency believes that additional or modified conditions are appropriate and should be imposed on earlier release orders.
- III. Reports shall be in writing, signed by an authorized representative of the pretrial services agency after approval by a supervisor or the director. Copies of the report shall be provided to all parties and counsel of record.
- IV. A representative of the pretrial services agency should be present or otherwise available to the court at the first appearance or such later hearings at which the pretrial report is to be considered by the court.
- V. Written reports (PTS-02) shall set forth all factual findings on which any recommendations and conclusions contained therein are based together with the source of each fact, and shall contain information and data relevant to the following issues:
  - A. The need for financial security to assure the defendant's appearance for later court proceedings; and
  - B. Appropriate conditions imposed to protect against the risk of non-appearance and commission of new offenses or other interference with the orderly administration of justice before trial.
- VI. In preparing and presenting written reports, pretrial services agencies shall, in appropriate cases, include specific recommendations for: the setting, increase, or decrease of bail; the release of the defendant on his own recognizance; and the imposition of pretrial conditions to bail or recognizance designed to minimize the risks of non-appearance, the commission of new offenses while awaiting trial, and other potential interferences with the orderly administration of justice.

- VII. Pretrial services agencies may establish objective internal criteria "point scales" by which recommendations shall be made to the court. These "point scales" for evaluating risk shall be used as a tool in developing consistent agency policies and to remove individual bias. No defendant shall be considered ineligible for agency recommendations by sole reference to such point scales. Agencies using point scales should develop policies providing for periodic review and validation of their point scales.
- VIII. Recommendations made by pretrial services agencies should not exclude a person solely on the basis of the offense charge.
- IX. Release recommendations should not discriminate against a class of persons based on age, sex, race, economic status, religion or other factors irrelevant to risk of non-appearance or pretrial crime.
- X. Pretrial services agencies shall develop a written description of policies relating to the development of recommendations to court. These policies should include the use of internal criteria, i.e. "point scales" if applicable.
- XI. Pretrial services agencies, after approval by the chief judge, shall submit to the Division all written policies and procedures relating to the development of recommendations to court.

## DISCUSSION

Pretrial services agencies should maintain a strong presumption in favor of pretrial release on personal recognizance.

Based on the verified information collected during the interview process, agencies may identify factors which would demonstrate a probability of non-appearance or danger to the community. In these situations, it will be necessary for agencies to recommend conditions of release which would reduce the probability of non-appearance or pretrial crime. The least restrictive conditions should always be considered.

The decision to release or detain accused persons is the judge's responsibility. The more verified information a judge can receive the better the ultimate decision. The use of objective "point scales" has been a widely accepted practice by pretrial service agencies to insure a consistent agency policies regarding the likelihood of pretrial misconduct or non-appearance.

Point scales identify those factors which are considered as critical in determining a person's likelihood of meeting the obligations of release and those factors which are common with persons prone to violating conditions of release. By assigning a point value to these verified factors which are considered indicators of success (i.e. established residency, employed, no prior criminal record, etc.) and subtracting those factors which are considered indicators of risk (i.e. lack of established residency, prior history of failing to appear at court, unemployed, etc.) a pretrial agency can provide recommendations to the judge based on verified information, not just "hunches". These recommendations should be considered as a 'tool' for the court's consideration.



Each circuit should determine the extent to which they want the pretrial services agency to make specific recommendations, if any, regarding the decision to release a person.

If a pretrial services agency is expected to make such recommendations, it would be essential that the director of the pretrial services agency develop some "form" of objective point scale. This scale will provide a basis for consistent agency recommendations and should be approved by the chief judge and reviewed by the state's attorney and public defender prior to its adoption. Point scales must be reviewed and validated periodically to insure their usefulness to the agency and the court.

A sample point scale is provided for information purposes only. Each individual agency must develop its own.

PRETRIAL SERVICES  
RECOMMENDATION CRITERIA

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I.	<u>Residence</u>		
	A.	<u>Length at present address</u>	
		6 months or less; undominciled	2
		Over 6 months to 1 year	1
		Over 1 year	0
	B.	<u>Location of residency</u>	
		Out-of-state or out-of-country	2
		County resident under 1 year	1
		County resident over 1 year	0
	C.	<u>Living with at present</u>	
		Non relative, friend	2
		Self	1
		Relative (including spouse)	0
II.	<u>Family in area</u>		
		Family out-of-state or out-of-county	2
		Family in county	0
III.	<u>Employment/School</u>		
		Unemployed and/or not attending school	2
		Inconsistent, sporadic, or part-time employment; irregular school attendance	1
		Employed at least 20 hours per week or relatively stable employment the last year; homemaker; attends school regularly; disabled	0
IV.	<u>Prior Record (past 10 years)</u>		
	A.	<u>Felony convictions and Delinquent adjudications</u>	
		One or more prior convictions for a Class X or non-probationable Class 1 felony	2
		One or more prior convictions for a probationable offense	1
		No prior felony convictions	0

B. Prior record of misdemeanor, traffic or local ordinance convictions

2 or more misdemeanor convictions	2
3 or more local ordinance and/or traffic convictions or 1 misdemeanor conviction (Add 1 to score if DUI offense)	1
No Misdemeanor, traffic, or local ordinance convictions	0

C. Violent/Assaultive Convictions

One or more prior convictions for violent offenses	2
One or more prior misdemeanor or local ordinance convictions for violent offense	1
No prior record of violent offenses	0

V. Pending Charges

Pending Felony	2
Pending misdemeanor/traffic/ordinance	1
No pending charges	0

VI. Previous Failure to Appear (FTA)

One or more felony FTA	2
One or more CM, TR, OV, FTA	1
No prior FTA	0

VII. Probation/Parole Status

Currently on probation or parole	2
Prior probation or parole	1
No prior probation or parole	0

VIII. Substance Use

Regular, active use of drugs/alcohol	2
Occasional use of drugs/alcohol	1
No drug/alcohol use reported	0

TOTAL SCORE \_\_\_\_\_

RECOMMENDED SCALE: 0 - 9 Release on recognizance  
10 - 14 Conditional Release  
15 + Cash plus conditional release

# MONITORING COURT APPEARANCES/SUPERVISION

## 4.1 POST RELEASE INTERVIEW

- I. The pretrial services agency shall conduct a post release interview with each releasee as soon as possible after the court enters an order for release.
- II. The pretrial services agency shall describe to the releasee each condition of release, suggestions for complying with each condition, services that can be provided by the agency or others, and the next scheduled court dates.
- III. Each pretrial services agency shall develop a case face sheet for individuals released under the supervision of the agency.
- IV. Each case face sheet shall include, at a minimum, the following information:
  - name of individual
  - address
  - phone number
  - name of employer, phone/address
  - date of release
  - court case number
  - conditions of release
  - next scheduled court appearance
  - space to log in contacts with defendant, (i.e., date, type of contact, comments)
- V. Each case face sheet shall be maintained in the individual case file folder and updated with new information, i.e., address change, court dates, etc., as needed.

## DISCUSSION

The post release interview is critical to the establishment of a clear understanding of the conditions and expectations of the pretrial release agency to the defendant.

This interview will also allow for an opportunity to review the information obtained during the brief, initial interview.

At this interview, the pretrial services officer who is responsible for monitoring the conditions of release can be introduced, if not done so previously.

The defendant should be advised of the potential benefits of complying with the conditions, as well as the penalties for failure to comply. This meeting should be used to complete any necessary forms or referral information for services in which the defendant has been ordered to participate or voluntarily chooses to participate.

If a third party custodian is involved with a case, they should be included in this post release meeting.

The use of a case face sheet is required for each defendant released to the supervision of the Pretrial release agency.

Those agencies having the capacity for automating records should incorporate the information contained on their case face sheet into the automated system and provide a hard copy for each file.

A sample case face sheet is provided for your consideration.



## 4.2 NOTIFICATION OF COURT HEARINGS:

- I. The pretrial services agency shall develop procedures to provide written notification to supervised persons of court appearance obligations that are clear and easy to understand and are provided well in advance of the appearance.

### DISCUSSION

Experiences from pretrial release programs have indicated that high failure to appear rates are often caused by inadequate notification procedures within the court process, rather than deliberate non-compliance behavior of released persons.

Ideally, each defendant will be provided at the court hearing some type of written notification either contained on their release order or some other form. Although other agencies such as the clerk of the court, may also be providing notice of court hearings, each pretrial services agency must go beyond the current system to insure prompt and accurate notification.

Those agencies with automation capacity should attempt to integrate the notification requirements into their system.

In addition to the written notification, pretrial services agencies should also consider the use of these other activities which increase emphasis on court appearances;

- a. Phone calls to each releasee the day before scheduled court hearings to remind them of the time and place of the hearing.
- b. Recommend each releasee to appear at the pretrial services agency office the day of each court hearing.
- c. If releasee fails to appear for hearing, request delay by the court before issuing a warrant, to allow pretrial staff to contact releasee.

Each jurisdiction will require different approaches to this problem. The pretrial services agency should continually monitor this area and provide options for reducing the failure to appear rate which causes multiple problems to all facets of the court system.

## 4.3 SUPERVISION OF RELEASE CONDITIONS:

- I. Each pretrial services agency shall establish written procedures for the supervision of releasees by pretrial services officers. These procedures should identify at a minimum; the type of contact, frequency of contact, and purpose of contacts.
- II. Supervision contact with releasees shall focus on;
  - (1) Review of conditions of release
  - (2) Compliance with conditions of release
  - (3) Reminding releasee of next court obligation
  - (4) Discussion of any problems or concerns of releasee

- III. The level of supervision contact should be consistent with available resources and should not cause delay in the quality or timeliness of the initial interview and reporting requirements of the agency.
- IV. All communications concerning the supervision of the releasee should be noted in the individual case file on the case face sheet. This should include all correspondence received or sent by the agency and all attempted contacts with the releasee.
- V. Each pretrial services agency shall establish written procedures which provide for regular monitoring of local law enforcement arrest records by the pretrial services agency.
- VI. Pretrial services agencies shall identify those supervised persons not in compliance with conditions of release and make every effort to bring them into compliance.

The level of supervision provided by each agency will depend on many factors such as availability of staff and diversity of conditions used by the court when releasing persons on conditional release (i.e. electronic monitoring, drug testing, home detention, etc.).

The primary focus of each agency is to provide the court with timely, verified information. The supervision of persons released is an important function, but should not drain resources and ultimately reduce the agency ability to achieve its primary function.

Pretrial services agencies must urge the judiciary to order only those conditions of release which are required to insure the accused meets all court obligations and stays "trouble-free". There will be a tendency to order conditions of supervision to accused persons who are currently released on a recognizance bond. This practice of "over supervision" could seriously jeopardize the agency's ability to serve all accused felons, as well as widen the net of supervision unnecessarily. This situation is especially important if the agency uses intensive supervision and/or electronic monitoring.

All persons released under the supervision of the agency should minimally have monthly contact with the agency to insure that the conditions of release are being met. Additionally, each releasee should be required to contact the agency office on days of scheduled court hearings.

Other levels of contact should be determined by the agency staff on a case by case basis. However, if an agency uses home detention with electronic monitoring, or drug testing, additional levels of contact must be developed and included in written descriptions of the program.



#### 4.4. NON-COMPLIANCE REPORTS

- I. Pretrial services agencies shall have primary responsibility for reporting non-compliance by interviewees with the terms and conditions of pretrial release specified in the release order.
- II. Pretrial services agencies shall submit reports to the court, defendant and defendant's attorney of record, and prosecuting attorney whenever:
  - (a) Apparent violations of other conditions imposed by the court under the uniform release order have occurred; or
  - (b) Modification of the uniform release order and conditions thereof are deemed in the best interests of either the accused or the community.
- III. The pretrial services agency shall, with approval of the chief judge, develop an internal discipline process for supervised persons who have committed:
  - A. Technical violations of release conditions;
  - B. Failure to appear for court obligations;
  - C. New criminal offenses.
- IV. The internal discipline process shall be in writing and available to the agency staff.
- V. Any sanctions contained within the internal discipline process should be based on a continuum ranging from verbal/written reprimand to filing of a non-compliance report.
- VI. Pretrial services agencies in selected jurisdictions may establish specialized "Failure to Appear" units. These units would provide for a centralized effort to track court appearance activity by pretrial defendants and to minimize the use of warrants for failing to appear.

#### DISCUSSION

Conditions of release imposed by the court should be treated seriously and rigorously enforced. In monitoring compliance with conditions of release, the pretrial services agency should have directions in evaluating the seriousness of any non-compliance. Factors that should be considered include the nature of the condition, the reasons for non-compliance and the degree of violations. The setting of discipline which fits the violation will allow the maximum opportunity for each supervised person to comply with the court order while maintaining the integrity of the program.

Each pretrial services agency must develop its own policies and procedures to provide a disciplinary process within the agency.

Pretrial services agencies are encouraged to discuss this issue in depth with the chief circuit judge, the state's attorney, and defense attorneys. From such a discussion, acceptable parameters of internal discipline can be determined on a local level. The overall case supervision process will function more smoothly when all parties, including the releasee, understand the parameters of acceptable behavior and the consequences for infractions.

#### **4.5 OTHER PRETRIAL SERVICES ACTIVITIES**

- I. Pretrial services agencies shall have written authorization of their chief judge and the Division prior to the involvement of the agency in any additional functions.

#### **DISCUSSION**

Pretrial services agencies may assist the court in other pretrial services activities which include, but are not limited to; pretrial interviewing, reporting and monitoring of non-felony cases, assistance to probation departments in the development of presentence investigations. The participation of pretrial services agencies in other pretrial services activities shall be considered only after careful determination that responsibilities of the agency to persons charged with non-capital felonies are properly being provided and resources are available for expanded duties.

#### **4.6 COMMUNITY RESOURCES COORDINATION AND DEVELOPMENT**

- I. Pretrial services agencies shall cooperate with all other criminal justice agencies in the development of programs to minimize unnecessary pretrial detention and protect the public against breaches of pretrial release conditions.
- II. Pretrial services agencies shall develop written procedures which provide for the development of contacts with media, law enforcement, and various community groups to promulgate pretrial coverage. These procedures should be approved by the chief judge and made available to all pretrial services staff.
- III. Pretrial services agencies shall cooperate with agencies providing services to defendants to assure that comprehensive services are made available.
- IV. Pretrial services agencies shall maintain a list of referral agencies which provide social services such as employment assistance, alcohol or drug abuse treatment, psychiatric or family counseling, housing assistance, medical aid, etc. The pretrial services agency should establish relationships with these agencies to permit referral of defendants who express need for such services and of persons who are charged with meeting a condition of release that is related to participating in some type of service.

- V. Pretrial services agencies shall support and encourage the development of programs and practices that will improve the pretrial performances of defendants and insure attention to the rights of the accused.
- VI. Pretrial services agencies should compile a list of all persons detained after their first appearance to be assured that the court, prosecution, and defense counsel are aware of the detention and of any change in circumstances that may require a review of prior court decisions.
- VII. Pretrial services agencies should assist in the development of release plans for high risk defendants by locating appropriate treatment programs, if necessary.

#### **4.7 ASSISTING LAW ENFORCEMENT AGENCIES**

- I. The pretrial services agency shall provide such information to law enforcement agencies as may be necessary to insure immediate execution of the arrest warrant, summons, or other process used to compel the appearance of a supervised person before the court.
- II. The pretrial services agency shall develop written policy and procedures for the access and distribution of agency records to law enforcement agencies.
- III. The pretrial services agency shall attempt to locate and persuade all supervised persons to return to court voluntarily.

#### **4.8 COORDINATION WITH OTHER RELEASE AGENCIES**

- I. Pretrial services agencies shall offer supervisory services to similar release programs operating in Illinois and other jurisdictions.
- II. Pretrial services agencies should develop written procedures for factual investigations, and supervision of persons arrested and charged in other jurisdictions.

#### **DISCUSSION**

The possibility of persons being arrested in jurisdictions outside their county of residency is quite high. This factor alone should not eliminate their opportunity to be considered for release.

Pretrial services agencies should attempt to assist other pretrial agencies in the verification of information and "supervision" of release conditions whenever possible.

Since each agency may have limited resources, agencies should coordinate their request for assistance prior to making recommendations to court.

If an agency is willing to assist in the "supervision" of a person, the originating agency should provide to the receiving agency copies of all pertinent file information and court orders. The releasee should be instructed to notify the receiving agency at a scheduled time.

Upon receiving the referral, the agency should supervise the case consistent with other cases, and maintain communication with the sending agency.

Agencies not contacted prior to the release of an accused person should not be obligated to provide for supervision of the releasee.

#### **4.9 THIRD PARTY CUSTODIANS**

- I. Pretrial services agencies shall develop written procedures for the use of organizational and individual third party custodians in the supervision of released persons.
- II. Each third party custodian should have the capacity to:
  - a) Supervise the defendant as indicated by the court,
  - b) Advise the pretrial services agency of any violation of the conditions of release,
  - c) Attend court hearings and testify, as required,
  - d) Attend meetings with pretrial services agency staff as needed.
- III. Each third party custodian must be interviewed and approved for use by the court and the pretrial services agency before receiving a releasee for supervision. A written interagency agreement should be on file in the pretrial services agency and reviewed annually.

#### **DISCUSSION**

The use of both organizational and individual third party custodians can provide extended release options for judges to consider at the pretrial based hearing.

Third party custodians provide the court with a recognized living environment to assist persons who may have no residency or acceptable residency. Also, third party custodians provide the court with additional "supervision" of releasees in the community. This supervision does not replace the general case management responsibilities of pretrial services agencies.

Organizational third party custodians, such as Salvation Army, YMCA, group homes, halfway houses, etc., are agencies which have experience in providing housing and /or supervision to individuals in the criminal justice system.

Individual third party custodians are usually friends of the accused who offer to provide housing for the defendant.

The availability of third party custodians is dependant upon each jurisdiction and community. These services, especially organizational third party custodians, would possibly require payment by the county or the defendant. Each department should develop minimal standards for each third party custodians to follow. These standards should be approved by the court. Each written agreement with approved third party custodians should be reviewed annually.

#### 4.10 VOLUNTEERS

- I. If volunteer services are utilized by a pretrial services agency, written procedures for the selection, training, supervision, and use of volunteers shall be developed by the pretrial services agency.

#### DISCUSSION

Volunteers have been used extensively by pretrial agencies. However, due to difficulties such as unreliability and high turnover, the Study Committee on Bail Procedures recommended that only professionals should deal with the responsibilities of pretrial services agencies.

Each agency should determine if and how volunteers can be involved with their agency.

#### 4.11 CONFIDENTIALITY

- I. Information and records maintained by the pretrial services agency which have not been disclosed in open court during a court proceeding shall not be released by the pretrial services agency to any individual or organization, other than employees of a probation and court services department, without the express written permission of the interviewed or supervised person at or near the time the information is to be released. An individual shall have access to all information and records about himself or herself maintained by or collected by the pretrial services agency. The principle of confidentiality shall not bar a pretrial services agency from making its data available for research purposes to qualified personnel, provided that no records or other information shall be made available in which individuals interviewed or supervised are identified or from which their identities are ascertainable.
- II. The pretrial services agency shall obtain from the interviewee or supervised person only that information which is directly related to release considerations.
- III. The pretrial services agency shall establish a written policy on the extent to which defendants and/or other criminal justice personnel shall have access to defendant's files. When information is released, a note describing the information, the date, the time, the person providing the information and the person to whom it is given should be made and put in the file.

#### 4.12 STATISTICS

- I. Pretrial services agencies shall monitor local operations and maintain accurate and comprehensive records of program activities.
- II. Pretrial services agencies shall maintain a case-tracking system which includes information on charges, court appearances, failures to appear, adjudication, and sentencing, as well as time spans between arrest, notification of charges, release, and case disposition.
- III. Pretrial services agencies shall submit the monthly Uniform Statistical Reporting Form (PTS-05) to the Division on or before the 15th day of the following month consistent with appropriate instructions.

## ILLINOIS PRETRIAL SERVICES FORMS SECTION

The Pretrial Services Procedural and Operational Standards Manual provides for the use of several forms. These forms were originally designed by the Study Committee on Bail Procedures of the Illinois Judicial Conference and have had some minor revisions as they appear in this manual.

As one of the statutory mandates of the Pretrial Services Act, several of these forms are required by the Supreme Court to insure uniformity in the delivery of pretrial services in Illinois. It will be necessary to periodically review and make revisions to these forms. Departments must use these forms unless they have received approval from the Division to use alternative formats.

**UNIFORM INTERVIEW FORM  
(PTS - 01)**



COUNTY PRETRIAL SERVICES AGENCY INTERVIEW FORM

CW Lives W/Def. Y N NCIC # \_\_\_\_\_ Time of Arrest \_\_\_\_\_ Date \_\_\_\_\_

DCN # \_\_\_\_\_ IR# \_\_\_\_\_ IBI # \_\_\_\_\_ Felony Class X 1 2 3 4 \_\_\_\_\_

Charge \_\_\_\_\_ Misdemeanor Class A B \_\_\_\_\_

FIRST AND MIDDLE NAME \_\_\_\_\_ LAST NAME \_\_\_\_\_

Aliases \_\_\_\_\_ Citizen: Y N Race: W B H O

Sex: M F DOB: \_\_\_\_\_ Birthplace: \_\_\_\_\_ Height: \_\_\_\_\_ Weight \_\_\_\_\_

AREA RES For: \_\_\_\_\_ Street Addr: \_\_\_\_\_ Apt.# \_\_\_\_\_

CITY: \_\_\_\_\_ STATE/ZIP: \_\_\_\_\_ BUY or RENT Length of Res: \_\_\_\_\_

Landlord: \_\_\_\_\_ Lives with: \_\_\_\_\_ Rel: \_\_\_\_\_

Care of: Y N Phone: \_\_\_\_\_ Listed in whose name: \_\_\_\_\_

CONCUR ADDR: \_\_\_\_\_ Apt.# \_\_\_\_\_ City: \_\_\_\_\_

State/Zip: \_\_\_\_\_ Length of Res: \_\_\_\_\_ Phone: \_\_\_\_\_ Ref: \_\_\_\_\_

Lives with: \_\_\_\_\_ Rel: \_\_\_\_\_

PRIOR ADDRESS: \_\_\_\_\_ Length of Res: \_\_\_\_\_

Lived With: \_\_\_\_\_ Rel: \_\_\_\_\_

EMPLOYED: Y N PRESENT EMPLOYMENT OR SUBSTITUTE: \_\_\_\_\_

Length of Empl: \_\_\_\_\_ Full Time: Y N Type: \_\_\_\_\_ Income: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_ Can Contact: Y N

Former or Current: F C Employment: \_\_\_\_\_

Length of Empl: \_\_\_\_\_ Full Time: Y N Type: \_\_\_\_\_ Income: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Telephone: \_\_\_\_\_ Can Contact: Y N

Student At: \_\_\_\_\_ Education in Years: \_\_\_\_\_ Student ID #: \_\_\_\_\_

Remarks: \_\_\_\_\_

Physical Prob: \_\_\_\_\_ Treat: \_\_\_\_\_ Med: Y N Type: \_\_\_\_\_

Mental Health: \_\_\_\_\_ Entered: \_\_\_\_\_ Length of Stay: \_\_\_\_\_

Narcotics: Y N Treatment: \_\_\_\_\_ Alcoholic: Y N Treatment: \_\_\_\_\_

BOND: Y N County \_\_\_\_\_ Charge \_\_\_\_\_ Due \_\_\_\_\_ Where \_\_\_\_\_

Y N County \_\_\_\_\_ Charge \_\_\_\_\_ Due \_\_\_\_\_ Where \_\_\_\_\_

PROB/PAROLE: Y N Charge \_\_\_\_\_ P.O. \_\_\_\_\_ Phone: \_\_\_\_\_

PROB/PAROLE: Y N Charge \_\_\_\_\_ P.O. \_\_\_\_\_ Phone: \_\_\_\_\_

WARRANT OUTSTANDING: Y N Remarks: \_\_\_\_\_

MARRIED: Y N Lives with Spouse: Y N Lives with Children: Y N Number of children: \_\_\_\_\_  
 OTHER FAMILY in area not living with Defendant: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_

REFERENCES: Name: Address Rel. Phone  
 1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_  
 5. \_\_\_\_\_

REMARKS: \_\_\_\_\_

Arr. Agency: \_\_\_\_\_ Arr. Off.: \_\_\_\_\_ Ref. Off.: \_\_\_\_\_

CHARGES: Shift: \_\_\_\_\_ Arrest #: \_\_\_\_\_ Time of Inter.: \_\_\_\_\_  
 S M T W T F S Charge: \_\_\_\_\_

RECOMMENDATION:

PR  Conditions  Drug Test  Bail  No Rec. \_\_\_\_\_  
 Custody  Report  Live  Employ  Study  Narc  CW  Area  Curfew at \_\_\_\_\_

FINAL ACTION: CHARGE:  Rel. Due: \_\_\_\_\_ Crim. Due: \_\_\_\_\_ Traf.  Not Rel. \_\_\_\_\_

COURT:  PR  Cond.  Surety \_\_\_\_\_  Cash \_\_\_\_\_  No Bond  Other: \_\_\_\_\_

Conditions:  Custody  Report  Live  Employ  Student  Narc.  C.W.  Area  Curfew  Other \_\_\_\_\_

Appearance Date: Due: \_\_\_\_\_ Court: \_\_\_\_\_

BOND:	DATE	CASE#	CHARGES	APPEARANCES	JUDGE	RELEASE
1.						
Remarks:						
2.						
Remarks:						
3.						
Remarks:						
4.						
Remarks:						

PROB/PAROLE:	CHARGES	DATES ON & OFF	PO/Ph#	ADJUSTMENT/REC.
1.				
Remarks:				
2.				
Remarks:				
3.				
Remarks:				

# WARNING

My name is \_\_\_\_\_ and I represent the \_\_\_\_\_ County Pretrial Services Agency. I wish to ask you some questions about your background to be used by the Judge in setting your bond. You must understand, however, what your rights are before I ask any questions.

You have the right to remain silent and you are not required to say anything to me or to answer any questions. Any information that you give will become a part of a public record and can be used against you in court. If you say, for example, that you live one place and it turns out that you live somewhere else, the fact that you lied or even that you were mistaken can be used against you.

You have the right to talk to a lawyer for advice before I question you and to have him with you while I question you. If you cannot afford a lawyer, one will be appointed to represent you.

If you want to answer any questions now without a lawyer present, you have the right to stop answering at any time. You also have the right to stop answering at any time until you talk with a lawyer. Any information given by you up to this point, however, may be used against you in court.

If you wish to speak to me now, I ask you to sign this paper which signifies that I read the above to you, that you understand your rights, and that you wish to conduct this interview in the absence of counsel.

\_\_\_\_\_  
s/Defendant

\_\_\_\_\_  
s/Witness

\_\_\_\_\_  
Time am/pm

OR

REFUSED TO SIGN AFTER BEING WARNED AT \_\_\_\_\_ AM/PM

INITIALLY DECLINED INTERVIEW, BUT LATER CONSENT:

I understand the warning given me and on the advise of counsel, \_\_\_\_\_ Esq. I wish at this time to be interviewed.

\_\_\_\_\_  
s/Witness

\_\_\_\_\_  
Time am/pm

\_\_\_\_\_  
s/Defendant

I have advised my client of his rights and advised him to cooperate with the \_\_\_\_\_ County Pretrial Services Agency.

s/Attorney \_\_\_\_\_ at \_\_\_\_\_ an

**UNIFORM REPORTING FORM  
(PTS - 02)**

COUNTY PRETRIAL SERVICES AGENCY

To:

People of the State of Illinois \_\_\_\_\_ No. \_\_\_\_\_
V.

Charge \_\_\_\_\_ D.O.B. \_\_\_\_\_

RESIDENCE - FAMILY

VERIFIED BY

Present Address \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

Length of residence \_\_\_\_\_ Lived with \_\_\_\_\_

Former address \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

Length of residence \_\_\_\_\_ Lived with \_\_\_\_\_

Marital Status \_\_\_\_\_ Area resident for \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

Other Family ties in Area (not living with def.) \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

EMPLOYMENT-SUPPORT

Present Employment \_\_\_\_\_ Income \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

How long \_\_\_\_\_ Type of work \_\_\_\_\_

Prior employment \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_

How long \_\_\_\_\_ Type of work \_\_\_\_\_ Reason for leaving \_\_\_\_\_

If unemployed, how supported \_\_\_\_\_ Education \_\_\_\_\_

RECORD OF APPEARANCE AT COURT PROCEEDINGS \_\_\_\_\_

OUTSTANDING WARRANTS OR DETAINERS/OTHER PENDING CHARGES \_\_\_\_\_

PRIOR CONVICTIONS \_\_\_\_\_

REMARKS \_\_\_\_\_

RECOMMENDATION

[ ] PERSONAL RECOGNIZANCE - Indicated by the defendant's strong ties to the community and his minimal threat to the safety of any other person or the community.

[ ] CONDITIONAL RELEASE - Indicated by the relatively weak community ties of the defendant and/or his potential threat to the safety of any other person or the community.

[ ] Condition I: Custody release to \_\_\_\_\_

[ ] Condition II: (if checked, the following is recommended)

[ ] a. That the defendant must reside at \_\_\_\_\_

[ ] b. That the defendant must reside with \_\_\_\_\_

[ ] c. That the defendant must report weekly to the \_\_\_\_\_ County Pretrial Services Agency by telephone;

[ ] d. That the defendant must be in at night by 10:00 PM, or by \_\_\_\_\_ because the defendant \_\_\_\_\_

[ ] Condition III: (if checked, the following is recommended)

[ ] a. That the defendant must obtain employment or become a student within five (5) days and report this to the \_\_\_\_\_ County Pretrial Services Agency immediately.

[ ] b. That the defendant must maintain his present employment or student status.

[ ] Condition IV: That the defendant may not consume alcohol or frequent places dispensing same.

[ ] Condition V: That the defendant be detained evenings and weekends.

[ ] Other Conditions: (if checked, the following is recommended)

[ ] a. That the defendant undergo drug testing and necessary treatment.

[ ] b. That the defendant stay away from the complaining witness during the pendency of this matter.

[ ] c. \_\_\_\_\_

[ ] DOES NOT RECOMMEND RELEASE on personal recognizance or a conditional release. The Agency recommends other conditions as determined by the Court because \_\_\_\_\_

A positive recommendation will be made to the \_\_\_\_\_ County Pretrial Services Agency if and when the listed impediment is removed. \_\_\_\_\_

Pretrial Services Agency Representative \_\_\_\_\_ Date \_\_\_\_\_

Signature

**UNIFORM RELEASE ORDER**  
**(PTS - 03)**

# Circuit Court

People of the State of Illinois

OF \_\_\_\_\_ COUNTY

Case No. \_\_\_\_\_

Defendant's name \_\_\_\_\_

Defendant's address \_\_\_\_\_

Defendant's phone # \_\_\_\_\_

**YOU ARE HEREBY RELEASED ON THE CONDITIONS INDICATED BELOW:**

PERSONAL RECOGNIZANCE	<input type="checkbox"/>	PERSONAL RECOGNIZANCE. Your personal recognizance, provided that you promise to appear at all scheduled hearings, trials, otherwise as required by the Court, and comply with the following conditions.
BAIL BOND	<input type="checkbox"/>	BAIL BOND. Your cash bail bond, to be forfeited should you fail to appear as required by the Court, and subject to the following conditions.
AMOUNT OF \$ _____	<input type="checkbox"/>	MANDATORY CONDITIONS. The mandatory conditions of your recognizance or bail bond are (1) that you may not leave the State of Illinois without permission of the Court; (2) that you may not violate any criminal statute of any jurisdiction while released; (3) that you will appear in Court as required time to time; and (4) that you will obey all orders and process of the Court.

**YOU ARE RELEASED ON THE FOLLOWING ADDITIONAL CONDITIONS INDICATED BELOW:**

<input type="checkbox"/> 1) SUPERVISORY CUSTODY	You hereby agree to be placed in the custody of who agrees (a) to supervise you in accordance with the conditions below, (b) to use every effort to assure your appearance at all scheduled hearings, trials, or otherwise and (c) to notify the _____ County Pretrial Services Agency immediately in the event you violate any conditions of release or disappear. Agency telephone _____	Custodian's name _____ Custodian's address _____ Custodian's phone # _____ SIGNATURE OF CUSTODIAN _____
<input type="checkbox"/> 2) YOU ARE TO REPORT	<input type="checkbox"/> weekly <input type="checkbox"/> in person <input type="checkbox"/> The _____ County Pretrial Services Agency, Add: _____ Floor, Phone: _____ TO _____ <input type="checkbox"/> other - specify _____ <input type="checkbox"/> by phone <input type="checkbox"/> Your attorney, whose name and address is shown below.	
<input type="checkbox"/> 3) YOU ARE TO LIVE	<input type="checkbox"/> at _____ address _____ phone # _____ <input type="checkbox"/> with _____ name and relationship to defendant _____ phone # _____ <input type="checkbox"/> at _____ address _____ phone # _____ being in at night by _____ PM time	
<input type="checkbox"/> 4a) YOU ARE TO WORK	<input type="checkbox"/> by obtaining a job within _____ days and reporting it to the _____ County Pretrial Services Agency by Phone: _____ <input type="checkbox"/> By maintaining your job at _____ Employee name and address _____	
<input type="checkbox"/> 4b) YOU ARE TO STUDY	<input type="checkbox"/> by enrolling in school at _____ Name of school and address _____ <input type="checkbox"/> by maintaining your student status at _____ Name of school and address _____	
<input type="checkbox"/> 5) YOU ARE TO STAY	<input type="checkbox"/> away from complaining witness. <input type="checkbox"/> within the _____ area.	
<input type="checkbox"/> 6) OTHER CONDITION	_____	
<input type="checkbox"/> 7) OTHER CONDITION	_____	

**VIOLATION OF CONDITIONS:** You are further instructed that a warrant for your arrest will be issued immediately upon any violation of a condition of this release. Any violation of these conditions may result in the increase modification of your recognizance and the revocation of your right to release and detention pending disposition of your case.

**FAILURE TO APPEAR:** For any failure to appear as required before a judge or other judicial officer, you shall be subject to prosecution and subject to the following penalties:  
 (IF FELONY CHARGE) A fine of not more than \$10,000 and imprisonment for not less than one year and not more than 3 years.  
 (IF MISDEMEANOR CHARGE) A fine of not more than \$1,000 and imprisonment for not more than one year.

**OFFENSES COMMITTED DURING RELEASE:** You are further instructed that one of the mandatory conditions of your recognizance or bail bond is that you are not to violate any criminal statute of any jurisdiction. If grounds exist to believe that you have this condition, a warrant for your arrest will be issued and your bail on these charges will be increased, modified or totally revoked pending disposition of this case.

NEXT DUE BACK	In Courtroom _____ at _____ A.M. on _____ P.M. or when notified and you must appear at all subsequent continued dates. You must also appear	YOUR ATTORNEY _____ name _____ _____ address _____ phone # _____
---------------	--	---

DEFENDANT'S SIGNATURE \_\_\_\_\_ I understand the penalties which may be imposed on me for willful failure to appear or for violation of any conditions of release and agree Add: \_\_\_\_\_ to comply with the conditions of my release and to appear as required.

WITNESSED BY \_\_\_\_\_ (title of agency) \_\_\_\_\_

**IMPORTANT:** YOU ARE TO NOTIFY IMMEDIATELY THE \_\_\_\_\_ COUNTY PRETRIAL SERVICES, TELEPHONE NUMBER \_\_\_\_\_ OF ANY CHANGE OF ADDRESS, EMPLOYMENT, OR CHANGE IN STATUS OF ANY RELEASE CONDITIONS, ANY REARREST FOR ANY OFFENSE BASED ON PROBABLE CAUSE MAY BE GROUNDS FOR REVOCATION OF THIS ORDER.

Date \_\_\_\_\_ Signature of Judge \_\_\_\_\_

**NON-COMPLIANCE REPORT**  
**(PTS - 04)**



## COUNTY PRETRIAL SERVICES AGENCY NON-COMPLIANCE REPORT

TO: JUDGE \_\_\_\_\_

RE: \_\_\_\_\_

DATE: \_\_\_\_\_ 19 \_\_\_\_\_

CASE #: \_\_\_\_\_

The above named defendant has failed to comply with his/her conditions of release by; (Explain) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Pretrial Service Officer

copy:

States Attorney  
Public Defender/Private Counsel

**UNIFORM STATISTICAL REPORTING FORM**  
**(PTS - 05)**



# Pretrial Services Monthly Statistical Report

Circuit \_\_\_\_\_ Department \_\_\_\_\_ Month/Year \_\_\_\_\_ Preparer \_\_\_\_\_

I. Investigation Eligibility			Felony	Other
A. Number eligible for Pretrial Interview				
B. Number released prior to interview or initial bond hearing				
C. Number investigated				
1. Number investigated by a record check only				
2. Number investigated with interview, record check and a bond report submitted				

II. Pretrial Release			Felony	Other
A. Number released with no supervision on all bond types				
B. Number released with Pretrial Services Agency supervision on all bond types				

III. Demographics of New Pretrial Supervision Cases				
A. Sex			Felony	Other
1. Male				
2. Female				
Total				
B. Age			Felony	Other
1. 17 and Under				
2. 18 - 20				
3. 21 - 30				
4. 31 - 40				
5. 41 - 49				
6. 50 and Over				
Total				
C. Race and Ethnicity			Felony	Other
1. American Indian				
2. Asian				
3. Black				
4. Hispanic				
5. White				
6. Other				
Total				
D. Background			Felony	Other
1. Employed				
2. High School Graduate				

IV. Programs Ordered for New Cases		
A. Substance Abuse Treatment		
B. Mental Health		
C. Sex Offender Treatment		
D. Drug Testing		
E. Curfew		
1. Electronically Monitored		
2. Non-electronically Monitored		
F. Other (explain)		

V. Caseload Summary			Felony	Other
A. Number Supervised at beginning of Month				
B. Number released with Pretrial Supervision				
C. Number dropped from Pretrial Supervision				
1. Successful				
2. Bond Revoked				
a. Rules Violation				
b. Failure to Appear				
c. New Offense				
D. Number supervised at end of Month				

VI. Violations		Reported	Bond Revoked
A. Technical			
1. Rules Violations			
2. Failure to Appear			
B. New Offense			



## ***PRETRIAL SERVICES MONTHLY STATISTICAL REPORT INSTRUCTIONS***

### **I. Investigation Eligibility**

- \* This number (A) includes all defendants arrested and booked in lockups who are eligible to be released on bond based on your jurisdiction's screening priorities during the reporting period.
- \* This number (B) includes all defendants who were eligible in (1.A), but were released by any method prior to your agency completing an interview during the reporting period.
- \* This number (C) includes all defendants investigated by your agency during the reporting period. This number may include referrals on individuals entering a lock-up in a different reporting period, but being referred during this reporting period. This number should include all record checks performed by the unit, including those performed for other units of a court services department.
- \* All categories in this section (I.) should be separated as a Felony or Other based on the most serious charge.

### **II. Pretrial Release**

- \* These numbers are to track those investigated by Pretrial Services by types of release i.e., supervised vs. unsupervised, by offense type.

### **III. Demographics of New Pretrial Supervision Cases**

- \* These numbers are a breakdown of each assigned to Pretrial Services (II.B). This should be broke out by Felony and all other. The total in each subsection (Sex, Age, Race), will equal II.(B). Age is at time of release to Pretrial Services.
- \* The number in III.(D) Background will be those who were employed/high school graduate at the time of their release. This should be broke out by Felony and all other.

### **IV. Programs Ordered for New Cases assigned supervision**

- \* These numbers are for programs court ordered as a condition of release to the Pretrial Services Agency. Court ordered programs for defendants counted in II.(B) should be counted here. A defendant may have multiple programs ordered or no programs ordered, therefore, the total of this section will not be reflective of any other section. Include all substance abuse evaluations/treatment in IV.(A) i.e., AA, TASC, other treatment agencies. Home Confinement/Home Detention is considered a form of curfew. The number ordered should be enumerated under the appropriate category of electronic or non-electronic monitored. Programs ordered which do not fit under the listed categories are to be enumerated under Other, with an explanation on the back or attached sheet.

## V. Caseload Summary

- \* The number in sections (V.A.) should always equal the number in sections (V.D.) from the previous monthly report.
- \* (V.B.) should equal (II.B.) respectively.
- \* (V.C.) are those defendants previously reported as released to the Pretrial Services Agency, who were dropped from supervision by court action during the reporting period.
- \* Successful is defined as all defendants dropped from supervision with the supervised case disposed of by the court who did not have their bond revoked by court action. This should be broke out by Felony and all other.
- \* All numbers in (V.C.2) must be by court action.  $2a+2b+2C= C2$  in each column (Felony/ Other)
- \*  $C1+C2=C$ . This should be broke out by Felony and all other.
- \*  $(V.D.) = (V.A.) + (V.B.) - (V.C.)$

If a case is dropped by court action and the defendant appears in court and is subsequently released again to the supervision of the Pretrial Services Agency, they must be reported in section I. and considered as a new case for statistical purposes.

## VI. Violations

- \* The number appearing in this section are for violations of bond on defendants under the active supervision of the Pretrial Services Agency.
- \* (VI.A.1) is a violation of any court ordered condition of bond other than Failure to Appear and the allegation of a new offense.
- \* (VI.A.2) is a willful Failure to Appear in court.
- \* (VI.B.) is the allegation of a new offense which could result in a revocation of bond.
- \* The Reported column are those violations reported by the Agency to the Court or State Attorney for consideration of revocation of bond.
- \* Bond Revoked is an official action by the court remanding the defendant to custody.
- \* If violations occur that include rules, FTA and New Offense in any of the columns, they should be counted once within the most serious row. Most serious is New Offense, then FTA, then Rules. Only one violation per defendant should be enumerated.
- \* Bond Revocations reported should equal the respective subheading in (V.C.2). This should be broke out by Felony and all other. If a bond is revoked and the defendant is returned to the Pretrial Agency for supervision, then they are considered a new entry onto the caseload as of the date of new release.

Cook County Pretrial Services and Bond Court Operational Review  
January 13 – 17, 2014

Appendix B

Monday, January 13, 2014	Tuesday, January 14, 2014	Wednesday, January 15, 2014	Thursday, January 16, 2014	Friday, January 17, 2014
<p>8:30 a.m. Entrance meeting (Circuit Clerks) Mtg Site: Daley Center Rm1001</p> <p>11:00 a.m. Entrance meeting (judiciary) Mtg Site: AOIC</p> <p>1:00 pm – Entrance Meeting (pretrial services)Mtg Site: 26<sup>th</sup> Street, Group Room, Lower Level</p> <p>2:00 pm – Meeting/Focus Group/Tour of Jail (sheriff/court services and DOC) Mtg Site: 31st Street</p>	<p>8:00 – 4:30 p.m.</p> <p>Team A – Central Bond Court</p> <p>Team B – Rolling Meadows Court House</p> <p>Team C – Maywood Courthouse</p>	<p>8:00 – 3:30 p.m.</p> <p>Team A – Markham</p> <p>Team B – Central Bond Court</p> <p>Team C - Bridgeview</p> <p>4:00 Review Team Debrief</p>	<p>8:00 – 4:30 p.m.</p> <p>Team A – Walnut Facility (a.m) Central Bond Court (p.m.)</p> <p>Team B – Skokie</p> <p>Team C – Central Bond Court</p> <p>2:30 Meeting w/Court and Probation Data Managers (3 team members)</p>	<p>8:30 a.m. – Team debriefing meetings @ AOIC</p> <p>1:00 p.m. Preliminary exit w/ Director Tardy, Chief Judge Evans &amp; Jesse Reyes (tentative)</p>

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

General Administrative Order No. 95-9

Subject: Appointment of Pretrial Services Judicial  
Oversight Committee

IT IS HEREBY ORDERED:

Effective June 22, 1995, a Pretrial Services Judicial Oversight Committee is hereby created within the Circuit Court of Cook County. The Pretrial Services Oversight Committee shall establish policy and procedure for the Pretrial Services Department of the Circuit Court of Cook County. The Director and employees of the Pretrial Services Department shall report to the Judicial Oversight Committee as the Committee may direct.

The Committee shall also coordinate the activities of Treatment Alternatives for Special Clients, Inc. (TASC) within the Circuit Court of Cook County.

The Pretrial Services Judicial Oversight Committee shall be comprised of the following members:

Honorable Thomas R. Fitzgerald  
Presiding Judge, Criminal Division  
Chairperson

Honorable Sheila M. Murphy  
Presiding Judge, Sixth Municipal District

Honorable Anthony S. Montelione  
Presiding Judge, Fifth Municipal District

Honorable Earl E. Strayhorn  
Presiding Judge, First Municipal District


General Administrative Order No. 95-9  
Page 2

Honorable Robert P. Bastone  
Supervising Judge, First Municipal District

Honorable William J. Hibbler  
Presiding Judge, Juvenile Justice Division

Dated this 22nd day of June, 1995. This Order shall be  
spread upon the record and published.

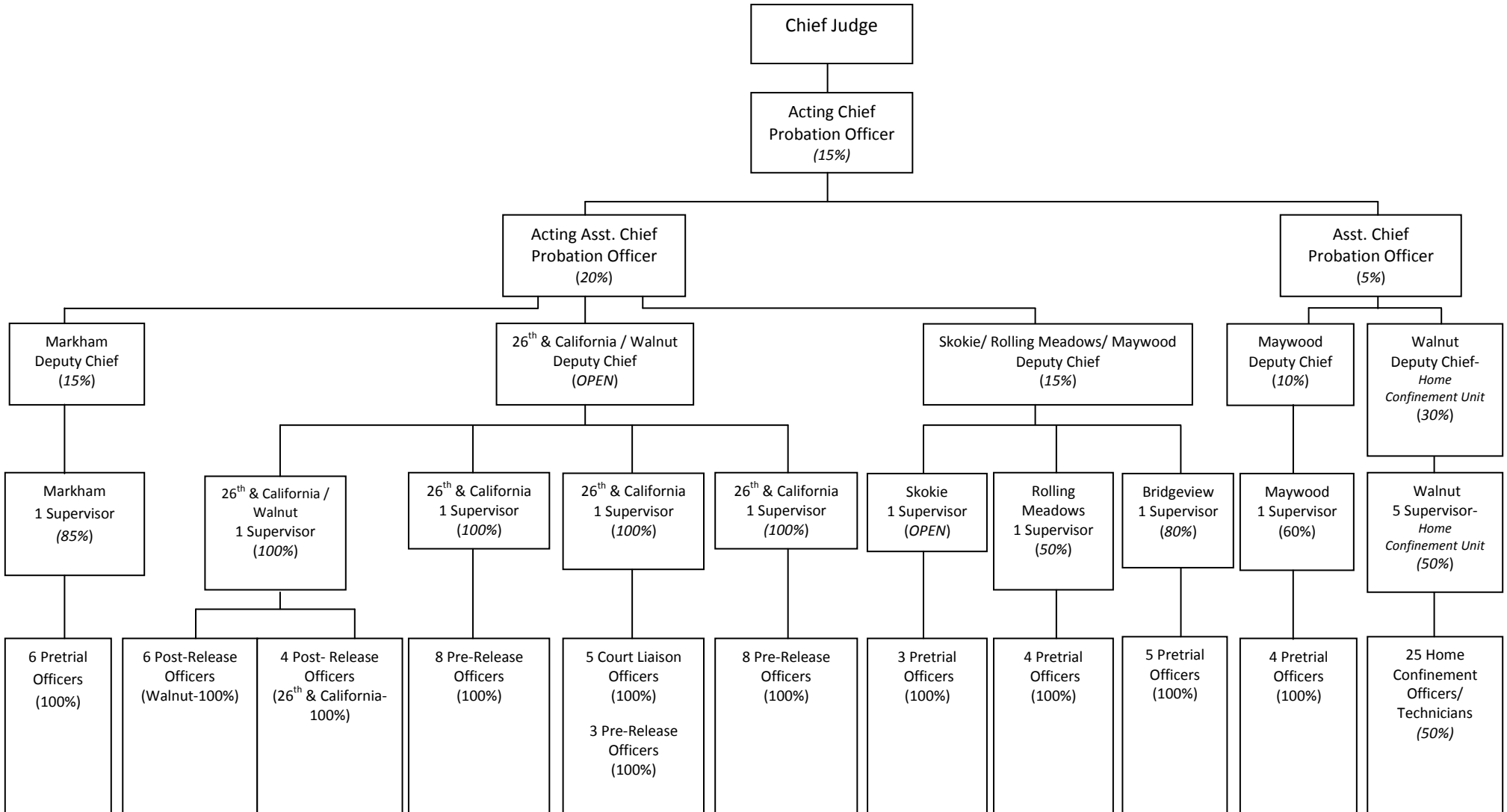
ENTER:

  
\_\_\_\_\_  
Donald P. O'Connell  
Chief Judge  
Circuit Court of Cook County

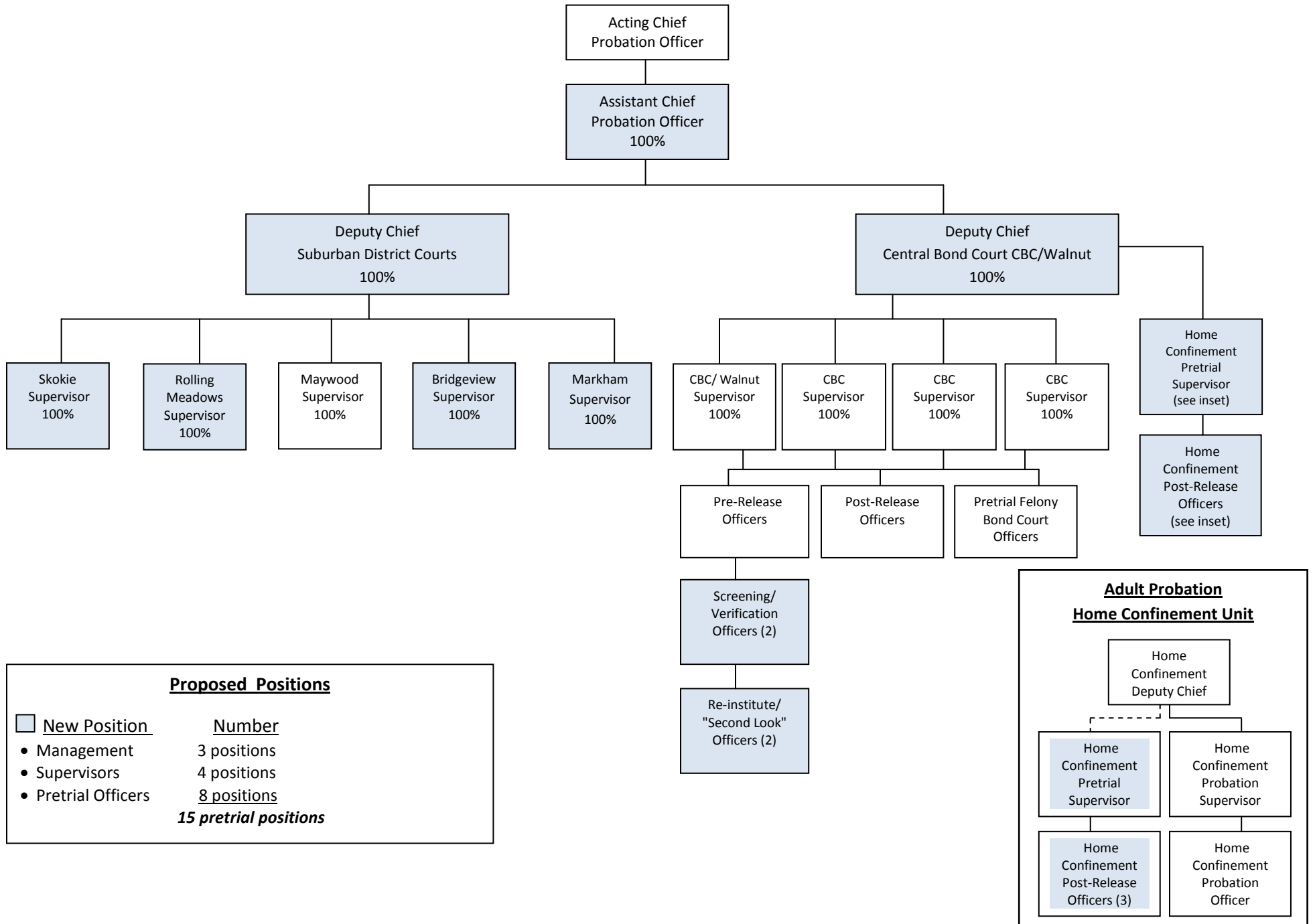


# Circuit Court of Cook County

## Pretrial Services Organizational Structure by Percentage of Pretrial Time



# Proposed Pretrial Services Division



<b>Proposed Positions</b>	
<span style="display: inline-block; width: 10px; height: 10px; background-color: #d9e1f2; border: 1px solid black;"></span> <u>New Position</u>	<u>Number</u>
• Management	3 positions
• Supervisors	4 positions
• Pretrial Officers	<u>8 positions</u>
<b>15 pretrial positions</b>	

**Timothy C. Evans**  
Chief Judge

**STATE OF ILLINOIS**  
**CIRCUIT COURT OF COOK COUNTY**  
**ADULT PROBATION DEPARTMENT**

**Jesús Reyes, AM, LCSW**  
Acting Chief Probation Officer



**CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT**

Job Title: Sworn Supervisor  
Grade: PS3  
Reports To: Deputy Chief

**ESSENTIAL DUTIES:**

1. Review work assignment of staff and document levels of performance. Complete workload audits and staff performance appraisals. Work with assigned staff in identifying both strengths and weaknesses regarding line staff performances and initiate recommendations regarding performance.
2. Monitor compliance of assigned staff with all department policies and procedures, monitor the work environment by reviewing the allocation of office space and assignment of personnel. Initiate recommendations to Deputy Chief for allocation of resources available to the Division.
3. Schedule and monitor assignment of staff and operations within a supervisory unit to ensure equitable workload distribution and the attainment of operational goal.
4. Identify training needs for assigned staff for performance deficiencies and assist in training as needed. Introduce new policies and procedures to all assigned staff. Orient all newly sworn staff to case/court responsibilities and procedures.
5. Investigate and report all assigned staff grievances and complaints in a thorough and timely manner.
6. Identify divisional goals, both long and short term in conjunction with the Deputy Chief. Set supervisory unit goals to achieve divisional goals.
7. Analyze, prepare and utilize management reports generated for the supervisory unit.
8. Ensures that court mandates and laws are upheld.
9. Monitor and accompany staff in the field if required.
10. Provide guidance and counseling and if needed, recommend and deliver corrective action for staff
11. Perform all other duties as assigned.

**QUALIFICATION REQUIREMENTS:**

1. Within six months of employment, be a resident of the State of Illinois.
2. Possess a minimum of a Bachelor's degree from an accredited college or university or equivalent experience.
3. Possess the ability to type, complete data entry and basic computer skills specifically, word processing spread sheets and data bases in accordance with assigned work.
4. Exhibit an attentiveness to detail.
5. Possess excellent oral and written communication skills.
6. Demonstrate sensitivity to issues of confidentiality and professionalism.

7. Maintains stability under pressure or opposition.
8. Be an experienced on-the-job trainer.
9. Demonstrate positive leadership abilities.
10. Can establish priorities and a course of action for handling multiple tasks. Arranges in advance to have necessary tools, equipment and supplies available.
11. Possess the ability to exercise independent judgment within prescribed limits and complete miscellaneous projects and problem solving.
12. Ability to perform a variety of tasks, often changing assignments on short notice.
13. Possess the ability to complete field work, which may entail ability to get in and out of a car, climb stairs and walk moderate distances.
14. Possess a valid Illinois Driver's License and the availability of an insured motor vehicle.

**Timothy C. Evans**  
Chief Judge

**STATE OF ILLINOIS**  
**CIRCUIT COURT OF COOK COUNTY**  
**ADULT PROBATION DEPARTMENT**

**Jesús Reyes, AM, LCSW**  
Acting Chief Probation Officer



**CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT**

Job Title: Pretrial Services Pre-Release Court Probation Officer  
Division: Sworn Staff  
Grade: PS1/PSB  
Reports To: Sworn Supervisor

**ESSENTIAL DUTIES:**

1. Interview defendants who are arrested and detained in jail and are awaiting a hearing for consideration or reconsideration of bail;
2. Review arrest reports and criminal histories to determine eligibility for bond;
3. Investigate and interview defendants prior to bond hearings to gather information about their criminal records, residence, communities, employment, education, mental health, substance abuse histories and social backgrounds;
4. Verify information through record review and collateral contacts: complete bond assessment forms;
5. Present written and oral information in court, review conditions of bond with defendants assigned to Pretrial Services and provide reporting instructions;
6. Identify defendants that remain in custody as a result of failure to post bond;
7. Verify information via interviews and collateral contacts to provide the court with information pertinent to the possible review of bond conditions;
8. Collect urine samples and DNA if necessary;
9. Complete the data entry of all work processed in court;
10. Monitor and process work from Misdemeanor Court;
11. Perform all other duties as assigned;

**QUALIFICATION REQUIREMENTS:**

1. Within six months of employment, be a resident of the State of Illinois.
2. Should possess a minimum of a Bachelor's Degree from a four year accredited college or university, or equivalent experience.
3. Ability to complete data entry of all work assigned.
4. Possess the ability to master various computer systems utilized by the Adult Probation Department.
5. Possess the ability to retrieve information from PROMIS System.
6. Exhibit an attentiveness to detail.
7. Ability to utilize proper grammar, sentence structure and spelling.
8. Demonstrate sensitivity to issues of confidentiality and professionalism.
9. Possess excellent filing, organizational and oral and written communication skills.
10. Maintains stability under pressure or opposition.
11. Ability to perform a variety of tasks, often changing assignments on short notice.
12. Flexibility to work a rotating schedule, including holidays and weekends.

**Timothy C. Evans**  
Chief Judge

**STATE OF ILLINOIS**  
**CIRCUIT COURT OF COOK COUNTY**  
**ADULT PROBATION DEPARTMENT**

**Jesús Reyes, AM, LCSW**  
Acting Chief Probation Officer



**CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT**

Job Title: Pretrial Services Post-Release Court Probation Officer  
Division: Sworn Staff  
Grade: PS1/PSB  
Reports To: Sworn Supervisor

**ESSENTIAL DUTIES:**

1. Supervise defendants who are assigned by judges in Central Bond Court to report to the department's Pretrial Services Unit;
2. Perform intakes on newly assigned pretrial defendants;
3. Monitor and verify defendants' compliance with conditions of bond through supervision, guidance and referrals to appropriate services;
4. Remind/notify defendants of their court date;
5. Collect department fees. Utilizing fee assessment scale when necessary;
6. Prepare status/progress reports regarding defendant's performance on pretrial supervision;
7. Provide information, when appropriate, to assist the courts in modifying conditions of pretrial release;
8. Enter case information into computer system and maintain accurate records and files;
9. Testify in court proceedings when needed;
10. Perform all other duties as assigned;

**QUALIFICATION REQUIREMENTS:**

1. Within six months of employment, be a resident of the State of Illinois.
2. Should possess a minimum of a Bachelor's Degree from a four year accredited college or university, or equivalent experience.
3. Ability to complete data entry of all work assigned.
4. Possess the ability to master various computer systems utilized by the Adult Probation Department.
5. Possess the ability to retrieve information from PROMIS System.
6. Exhibit an attentiveness to detail.
7. Ability to utilize proper grammar, sentence structure and spelling.
8. Demonstrate sensitivity to issues of confidentiality and professionalism.
9. Possess excellent filing, organizational and oral and written communication skills.
10. Maintains stability under pressure or opposition.
11. Ability to perform a variety of tasks, often changing assignments on short notice.
12. Possess the ability to exercise independent judgment within prescribed limits and complete miscellaneous projects and problem solving.

**Timothy C. Evans**  
Chief Judge

**STATE OF ILLINOIS**  
**CIRCUIT COURT OF COOK COUNTY**  
**ADULT PROBATION DEPARTMENT**

**Jesús Reyes, AM, LCSW**  
Acting Chief Probation Officer



**CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT**


Job Title: Pretrial Bond Court Probation Officer  
Division: Sworn Staff  
Grade: PS1  
Reports To: Sworn Supervisor

**ESSENTIAL DUTIES:**

1. Screen and initiate recommendation reports on defendants who are in custody in the trial phase of their case.
2. Interview the defendant and present the information to the court in order to assist the judge in making bond decisions.
3. Those officers, who serve in the felony trial court unit, apprise the courts of the status of defendants reporting to post release as a condition of their bond.
4. Perform all other duties as assigned.

**QUALIFICATION REQUIREMENTS:**

1. Within six months of employment, be a resident of the State of Illinois.
2. Should possess a minimum of a Bachelor's Degree from a four year accredited college or university, or equivalent experience.
3. Possess the ability to type complete data entry in accordance with assigned work.
4. Possess the ability to master various computer systems utilized by the Adult Probation Department.
5. Possess the ability to retrieve information from PROMIS System.
6. Ability to maintain a necessary level of completeness.
7. Exhibit an attentiveness to detail.
8. Ability to utilize proper grammar, sentence structure and spelling.
9. Demonstrate sensitivity to issues of confidentiality and professionalism.
10. Possess excellent filing, organizational and oral and written communication skills.
11. Maintains stability under pressure or opposition.
12. Ability to perform a variety of tasks, often changing assignments on short notice.
13. Can establish priorities and a course of action for handling multiple tasks. Arranges in advance to have necessary tools, equipment and supplies available.
14. Possess the ability to exercise independent judgment within prescribed limits and complete miscellaneous projects and problem solving.
15. Possess the ability to complete field work, which may entail ability to get in and out of a car, climb stairs and stand and walk for long distances.
16. Possess a valid Illinois Driver's License and the availability of an insured motor vehicle.



CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT POLICY AND PROCEDURE

*19.01 Pretrial Services – Case Management*

*Effective Date: June 1, 2012 Replaces policy from November 26, 2010 Page 1 of 6*

**.01 Authority**

Illinois Criminal Law and Procedure, Chapter 725 ILCS 185, and Circuit Court of Cook County General Order 99-6.

**.02 Applicability**

To all department employees, particularly those sworn staff assigned to the Pretrial Services Division.

**.03 Purpose**

To establish the protocol used to initiate the pretrial supervision process.

**.04 Policy**

By judicial order, all persons charged with non-capital felonies and misdemeanor cases may be screened by the Pretrial Services Division in order to assist the court in determining candidates for release on bond, and to monitor their compliance prior to trial. Violations of Orders of Protection shall be screened as ordered by the court.

**.05 Case Interview**

Assigned officers shall be responsible for obtaining all pertinent criminal background information. Officers shall attempt to verify all criminal background information and data concerning the defendant's community ties, employment, residence, criminal record, and social background, in order to assist the court in determining the appropriate terms and conditions of release.

All interviews shall be conducted individually by officers to ensure their privacy and security.

No defendants shall be interviewed by an officer unless s/he has first been apprised of the pretrial officer's identity and the purpose of the interview, the scope of the interview, the right to secure legal advice, and the right to refuse cooperation.

The "WARNING" on the APD file folder (PS 400) shall be read verbatim to every defendant prior to the interview. The interviewing officer shall complete the Interview Form in its entirety. Also included for court presentation shall be the Bond Recommendation Form (PS 1720). This form shall be submitted to the court at the bond hearing and/or provided verbally at the preference of the judge. All reports submitted to the court shall be signed by an authorized representative of the department. Copies of the reports shall be provided to all parties and counsel of record. The Pretrial Services supervisor shall ensure that verification is complete and that the appropriate recommendation has been presented to the court.





*19.01 Pretrial Services – Case Management*

*Effective Date: June 1, 2012 Replaces policy from November 26, 2010 Page 2 of 6*

**.06 Case Assignment**

For cases assigned to Pretrial Services, the judge presiding in bond court will enter an order for the defendant's release with conditions of bond. The bond court officer shall log the defendant's conditions of bond release on an Order of Special Conditions of Bond (PS 405) and their next scheduled court appearance.

A postrelease interview shall be conducted with each defendant within the first seven (7) working days after the court enters an order for release. The Pretrial Services officer shall describe to the defendant each of the conditions of release; the department's function in seeing that those conditions are met; the defendant's responsibility to the department; their next court date/report date, time and location; and a review of any assessed Pretrial Services fees (see 08.06 Collection of Restitution and Fees). Fees may be modified by the pretrial officer as a result of economic hardship with proof of income.

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The supervisor shall verify the correct assignment of their code and the officer's code, and ensure equality of case workloads within their unit, when possible.

**.07 Case Management**

The pretrial officer assigned to supervise a new case shall:

1. Print a case summary.
2. Check the defendant's custody status within one (1) day of assignment.

**If Not In Custody**

- a. Phone defendant and/or send Introductory Letter with fee instructions.
- b. Follow appropriate contact standards and requirements.
- c. Verify the next court date in the data system.
- d. Notify Home Confinement by fax and hard copy with pertinent information on all applicable cases for defendants that are released from custody. The pretrial officer shall verify that the information was received.
- e. Initiate appropriate progress report, status, and address verification reports.



**CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT POLICY AND PROCEDURE**

*19.01 Pretrial Services – Case Management*

*Effective Date: June 1, 2012 Replaces policy from November 26, 2010 Page 3 of 6*

**When Defendant is in custody**

- a. Check status of custody, (frequency will be determined by management), a minimum of two (2) times per week and enter into PROMIS System. If there is a change in custody status, follow the above procedures "If Not in Custody." At the first in-person contact with the defendant, the officer shall again verify all pertinent information.

**Upon Release From Custody**

- a. The pretrial officer shall outline a plan of supervision with the defendant during the first in-person contact.
- b. All supervision contacts with defendants shall consist of:
  - Reviewing the conditions of release;
  - Verifying compliance with the conditions of release;
  - Verifying complete home address, education, and employment;
  - Informing the defendant of the department's twenty-four (24) hour supervision access telephone number (see 09.10, Twenty-four Hour Supervision Access).
  - Reminding the defendant of his/her next court date. The pretrial officer shall make a follow-up phone call within two (2) to three (3) working days prior to the next court date to remind the defendant of their court appearance, when possible.
  - Providing the defendant with a new appointment date and time after each contact.
  - Entering all appointments into the PROMIS System.
  - Entering all communication concerning defendants on a Contact Form (PS04), placing it in their individual case file, and entering it into the PROMIS System.

Supervisors shall ensure that the initiation of a PROMIS System record was completed, and that all information received was verified. The conditions of release shall be consistent with those ordered by the judge on the Order of Special Conditions by comparing the data file with the court file.

Officers shall continuously monitor the conduct and circumstances of defendants before trial, and shall submit reports to the court.

19.01 Pretrial Services – Case Management

Effective Date: June 1, 2012 Replaces policy from November 26, 2010 Page 4 of 6

When there is a new arrest, an alleged violation of bond or a request for modifications of conditions of bond:

- The supervising Pretrial Services officer shall prepare a formal status report describing the nature of the non-compliance for presentation to the court on the next court date;
- The Pretrial Services officer in court shall provide copies of the status report or violation(s) to the defense attorney, prosecuting attorney, and to the court.

Felony trial court officers shall be responsible for obtaining court dispositions from the clerk's court sheets and entering them into the PROMIS System within three (3) working days of the last court date.

If after thirty (30) days in custody or after forty-five (45) calendar days on active warrant status, or after the defendant's initial appearance at the Preliminary Hearing, the felony trial court pretrial officer shall submit a form requesting to terminate pretrial supervision to the assigned felony trial judge for determination of continued pretrial supervision. After which the supervising pretrial officer shall close the case in the PROMIS System.

**.08 Case Transfer**

If a case is transferred from one court facility to another, the case shall be transferred as long as there are post-release pretrial officers at that facility. The supervising officers shall make sure that the cases are updated, all status reports are prepared, and the files are forwarded to their supervisor. The supervisor shall conduct an audit of the case and forward the case to the supervisor of the location receiving the case. Cases that are not up-to-date shall not be transferred and shall be sent back to the receiving work location. The receiving supervisor shall review the case and change the officer and supervisor assignments.

**.09 Monitoring of Special Conditions**

A judge may order the defendant to comply with special conditions. It shall be the responsibility of the supervising Pretrial Services officer to coordinate with specialized unit personnel, the monitoring of the special condition(s). All special conditions of curfew monitoring shall be supervised by the Home Confinement Unit (see Chapter 12 - Home Confinement Unit). Officers shall keep the court advised of the defendant's progress or lack of progress with their special conditions, and may present a status report to court to modify the conditions, if necessary.



**CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT POLICY AND PROCEDURE**

*19.01 Pretrial Services – Case Management*

*Effective Date: June 1, 2012 Replaces policy from November 26, 2010 Page 5 of 6*

**.10 Failure to Report/Failure to Comply**

After one (1) failure to report or one (1) failure to comply with their conditions of release, a Failure to Comply Letter (PT 506) shall be sent by the supervising Pretrial Services officer to the defendant, scheduling an office visit within ten (10) calendar days. When a defendant cannot be located or the Failure to Comply Letter is returned, the supervising officer shall check the PROMIS System, the clerk's computer system and/or LEADS to determine if any new arrests have occurred. A check of the jail records shall be reviewed to determine if the defendant is in custody and the determination shall be documented in the PROMIS System by the supervising Pretrial Services officer.

**.11 Documentation of Court Dispositions**

The designated Pretrial Services officer may generate a status report from the PROMIS System informing the court that the defendant is in compliance with his/her release conditions. The status report shall be filed with the Clerk of the Circuit Court on the next court date for the court's disposition, (see 09.05.09, Status Reports).

**.12 Violation for Non-Compliance of Special Conditions**

When the defendant fails to comply with the special conditions of his/her pretrial release, the court officer shall file a status report describing the nature of the non-compliance with the court. The disposition shall be noted on the case file jacket, the Pretrial Services Contact Form, and entered into the PROMIS System.

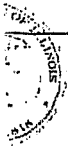
**.13 Termination of Pretrial Services Supervision**

When the supervising officer verifies that a final disposition has been entered in court on their case, the officer shall close the case and shall review the contents of the file, discarding any old or impertinent information. The officer shall then forward the file to the assigned Pretrial Services supervisor for review.

The pretrial officer's supervisor shall then review the case closing entry, conduct a case closing audit, and close the case in PROMIS System, when appropriate.

**.14 Sentence to Probation**

Upon a sentence to probation, the Pretrial Services case file shall follow the defendant's probation placement within fourteen (14) working days (See Chapter 9, Caseload Supervision).



CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT POLICY AND PROCEDURE

*19.01 Pretrial Services – Case Management*

*Effective Date: June 1, 2012 Replaces policy from November 26, 2010 Page 6 of 6*

Reviewed and approved by the Department Managers' Committee February 22, 2012.

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Jesús Reyes  
Acting Chief Probation

**CIRCUIT COURT OF COOK COUNTY ADULT PROBATION DEPARTMENT  
PRETRIAL SERVICES BOND ASSESSMENT FORM**

Judge: \_\_\_\_\_ Date: \_\_\_\_\_

Defendant: \_\_\_\_\_

Case #: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

**RISK ASSESSMENT**

Time at Residence

Less than one year 2  
 One year or more 0  
 Verified Yes No

Previous Failures to Appear

Five or more 5  
 Two to four 3  
 One 1  
 None 0

Employment/Education

Unemployed/not in school 2  
 Employed/in school/primary caregiver 0  
 Verified Yes No

Felony Convictions

Two or more 3  
 One 1  
 None 0

Pending Case (excluding current case)

Felony 2  
 Misdemeanor 1  
 None 0

Currently on Probation or Parole

Yes 2  
 No 0

Case #: \_\_\_\_\_

Two or More Violent Convictions

Yes 2  
 No 0

Court Date: \_\_\_\_\_

# of Arrests Within Last 5 Years

Three or more 2  
 Two or less 0

Drug Convictions/History of Drug Abuse

Yes 2  
 No 0

**TOTAL SCORE**

- 0 - 2 *Low Risk: Minimum intervention*
- 3 - 4 *Low-Medium Risk: Limited supervision and use of appropriate conditions*
- 5 - 7 *Medium Risk: Supervision and use of appropriate conditions*
- 8 - 9 *High-Medium Risk: Increased supervision and use of appropriate conditions*
- 10 + *High Risk: Highly restrictive conditions if released*

**ADDITIONAL INFORMATION**

- (Check Box if Verified)
- Date of most recent arrest previous to current charge: \_\_\_\_\_
  - Lives with: \_\_\_\_\_
  - Yes No Currently employed Start date: \_\_\_\_\_ Hours of work: \_\_\_\_\_
  - Yes No Custodial parent (mo./yr.) \_\_\_\_\_
  - Yes No Primary caregiver or student
  - Yes No Gang member
  - Yes No Mental health history/symptoms indicate possible need for evaluation/treatment
  - Yes No Current alcohol/substance abuse indicate possible need for evaluation/treatment
  - Yes No Homeless/lives in shelter/unstable address which may interfere with EM program criteria

Comments: \_\_\_\_\_

Pretrial Officer \_\_\_\_\_

COOK COUNTY  
ADULT PROBATION DEPARTMENT  
PRETRAIL SERVICES DIVISION

INTERVIEW FILE

CASE: Screen/Int. Closed \_\_\_\_\_ Computer Entry Date: \_\_\_\_\_  
TYPE: Mail Notification \_\_\_\_\_  
Post Release Supervision \_\_\_\_\_ By: \_\_\_\_\_  
Curfew \_\_\_\_\_

Case type changes to \_\_\_\_\_

INTERVIEW DATE: \_\_\_\_\_ INTERVIEWING OFFICER: \_\_\_\_\_

MUNICIPAL CASE NO.: T \_\_\_\_\_ FELONY CASE NO. \_\_\_\_\_

NAME: \_\_\_\_\_ CASE LOCATION: \_\_\_\_\_

D.O.B. \_\_\_\_\_ (Last) AGE: \_\_\_\_\_ (First) BIRTH LOCATION: \_\_\_\_\_ (M) SSN: \_\_\_\_\_

ALIAS: \_\_\_\_\_ D.O.B. \_\_\_\_\_ IR NO. \_\_\_\_\_  
(Last) (First) (M)

RD NO: \_\_\_\_\_ CB NO: \_\_\_\_\_

SEX: \_\_\_\_\_ RACE: \_\_\_\_\_ HT: \_\_\_\_\_ WGHT: \_\_\_\_\_ EYES: \_\_\_\_\_ ISB NO: \_\_\_\_\_

HAIR: \_\_\_\_\_ SCARS/TATTOOS/BIRTHMARKS: \_\_\_\_\_ FBI NO: \_\_\_\_\_

CHARGE(S): (1) \_\_\_\_\_ TYPE: \_\_\_\_\_ (2) \_\_\_\_\_ TYPE: \_\_\_\_\_

ARREST DATE: \_\_\_\_\_ OFFENSE DATE: \_\_\_\_\_ ARREST AGENCY: \_\_\_\_\_

INTERPRETER: NAME: \_\_\_\_\_ Verif. \_\_\_\_\_

CURRENT ADDRESS: \_\_\_\_\_  
(Street) (Apt. #) (City) (State) (Zip Code)

TEL. NO.: (\_\_\_\_) \_\_\_\_\_ LIVING W/ \_\_\_\_\_ RELATION: \_\_\_\_\_

DESCRIPTION: \_\_\_\_\_ COUNTY: \_\_\_\_\_

LENGTH AT RES.: \_\_\_\_\_ IS CURRENT RESIDENCE YOUR MAILING ADDRESS: Y / N

IF NO, WHERE? \_\_\_\_\_  
(Street) (Apt. #) (City) (State) (Zip Code)

TEL. NO.: (\_\_\_\_) \_\_\_\_\_ NAME ON MAILBOX: \_\_\_\_\_

PREVIOUS ADDRESS: \_\_\_\_\_  
(Street) (Apt. #) (City) (State) (Zip Code)

LIVED WITH: \_\_\_\_\_ LENGTH AT ADDRESS: \_\_\_\_\_

**FAMILY INFORMATION:**

MARITAL STATUS: M S W D SPOUSE'S NAME: \_\_\_\_\_

FATHER'S NAME: \_\_\_\_\_ MOTHER'S NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

(City) (State) (Zip Code) (City) (State) (Zip Code)

HOME TEL. NO.: (\_\_\_\_) \_\_\_\_\_ HOME TEL. NO.: (\_\_\_\_) \_\_\_\_\_

WORK TEL. NO.: (\_\_\_\_) \_\_\_\_\_ WORK TEL. NO.: (\_\_\_\_) \_\_\_\_\_

NO. OF CHILDREN: \_\_\_\_\_ AGES OF CHILDREN: \_\_\_\_\_

DO THEY RESIDE WITH YOU? Y / N IF NO, WHERE: \_\_\_\_\_

PAY SUPPORT? Y / N AMT. \$ \_\_\_\_\_ PER \_\_\_\_\_

**REFERENCES:**

NAME: \_\_\_\_\_ NAME: \_\_\_\_\_ Ver  
TEL. NO.: ( ) \_\_\_\_\_ TEL. NO.: ( ) \_\_\_\_\_  
RELATION: \_\_\_\_\_ RELATION: \_\_\_\_\_

**EMPLOYMENT:**

CURRENT EMPLOYER: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
OCCUPATION: \_\_\_\_\_ LENGTH OF EMPLOY. \_\_\_\_\_ TEL. NO.: ( ) \_\_\_\_\_  
WAGES: \$ \_\_\_\_\_ per \_\_\_\_\_ NO. OF HOURS PER WK: \_\_\_\_\_ DAYS / NIGHTS / SWING \_\_\_\_\_  
CAN WE CONTACT: Y / N SUPERVISOR'S NAME: \_\_\_\_\_

PRIOR EMPLOYER: \_\_\_\_\_ ADDRESS \_\_\_\_\_  
TEL. NO.: ( ) \_\_\_\_\_ FROM: \_\_\_\_\_ TO: \_\_\_\_\_  
OCCUPATION: \_\_\_\_\_ REASON LEFT: \_\_\_\_\_

**OTHER INCOME:**

G.A. \_\_\_\_\_ ADC \_\_\_\_\_ UNEMP. COMP. \_\_\_\_\_ FAMILY \_\_\_\_\_ SSI \_\_\_\_\_ V.A. \_\_\_\_\_ ODD JOBS \_\_\_\_\_  
W/COMP. AMT. \$ \_\_\_\_\_ REC. SINCE: \_\_\_\_\_ COMMENTS: \_\_\_\_\_

STUDENT INFORMATION: STUDENT? Y / N FT / PT DATE LAST IN SCHOOL: \_\_\_\_\_  
LAST GRADE COMPLETED: \_\_\_\_\_ REASON LEFT: \_\_\_\_\_  
NAME: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
SPECIAL ED? Y / N COMMENTS: \_\_\_\_\_

MILITARY RECORD: IN MILITARY? Y / N BRANCH: \_\_\_\_\_  
RANK: \_\_\_\_\_ ENTRY DATE: \_\_\_\_\_ DISCH. DATE: \_\_\_\_\_ TYPE: \_\_\_\_\_

CITIZEN? Y / N NATIVE COUNTRY: \_\_\_\_\_

DRIVER'S LIC. NO.: \_\_\_\_\_ ISSUING STATE: \_\_\_\_\_  
AUTO MAKE/YEAR: \_\_\_\_\_ LICENSE PLATE NO.: \_\_\_\_\_

PHYSICAL HEALTH: CURRENT PHYSICAL AILMENT/DISABILITY Y / N  
TYPE: \_\_\_\_\_ REC. TREATMENT: Y / N WHERE: \_\_\_\_\_  
WHEN: \_\_\_\_\_ MEDICATION/COMMENTS: \_\_\_\_\_

MENTAL HEALTH: CURRENT PROBLEM? Y / N HISTORY OF PROBLEMS? Y / N  
TYPE OF PROBLEM: \_\_\_\_\_ EVER RECEIVED TREATMENT? Y / N  
IF YES, WHEN: \_\_\_\_\_ WHERE: \_\_\_\_\_  
TREATED BY: \_\_\_\_\_ LENGTH OF TREATMENT: \_\_\_\_\_  
MEDICATION COMMENTS: \_\_\_\_\_



**SUBSTANCE ABUSE:**

- |     |   |     |    |
|-----|---|-----|----|
| 1.  | Do you use drugs or alcohol more than 2xs per week?   | Yes | No |
| 2.  | Did you use drugs or alcohol within 48 hrs. of your arrest on these charges?                            | Yes | No |
| 3.  | Have you been arrested when using drugs or alcohol on any previous charges?                             | Yes | No |
| 4.  | Have you been arrested on DRUG or alcohol charges before this arrest?                                   | Yes | No |
| 5.  | Have you tried to stop using drugs or alcohol?  | Yes | No |
| 6.  | Has anyone complained about your drug or alcohol use?   | Yes | No |
| 7.  | Have you been in a fight when using drugs or alcohol?   | Yes | No |
| 8.  | Have you been expelled or suspended from school because of drugs or alcohol?                            | Yes | No |
| 9.  | Have you lost a job because of drugs or alcohol?  | Yes | No |
| 10. | Do you think you have a problem with drugs or alcohol?  | Yes | No |
| 11. | Have you been in counseling for alcohol or drug use?<br>Counseling year / length: _____<br>Where? _____ | Yes | No |
| 12. | Are you interested in obtaining drug or alcohol counseling?<br>(Name) _____ (Location) _____            | Yes | No |

TOTAL NUMBER OF "YES" ANSWERS \_\_\_\_\_

	<u>DRUG</u>	<u>DATE LAST TAKEN</u>	<u>HOW LONG</u>	<u>METHOD OF INGEST.</u>	<u>DAILY/WKLY. COST</u>
1.	_____	_____	_____	_____	_____
2.	_____	_____	_____	_____	_____

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_

OFFICIAL CRIMINAL HISTORY: \_\_\_\_\_ SOURCE OF INFORMATION: \_\_\_\_\_

GANG: Y / N NAME: \_\_\_\_\_

FEL. ARRESTS: \_\_\_\_\_ FELL. CONVICTIONS: \_\_\_\_\_ MISD. ARRESTS: \_\_\_\_\_ MIDS. CONV. \_\_\_\_\_

JUVENILE HISTORY: Y / N IF SO, EXPLAIN: \_\_\_\_\_

NO. OF INCARCERATIONS: \_\_\_\_\_ TOTAL FTAs \_\_\_\_\_

**CURRENTLY ON:**

- \_\_\_\_\_ PRETRIAL SERVICES
- \_\_\_\_\_ ELEC. MONITORING
- \_\_\_\_\_ PROBATION
- \_\_\_\_\_ HOME CONFINEMENT
- \_\_\_\_\_ COND. DISCHARGE
- \_\_\_\_\_ SUPERVISION
- \_\_\_\_\_ MAND. SUP. RELEASE (PAROLE)

**PENDING CASES:**

- (1) CHARGE: \_\_\_\_\_ CRT. DATE: \_\_\_\_\_
- CASE NO.: \_\_\_\_\_
- LOCATION: \_\_\_\_\_
- (2) CHARGE: \_\_\_\_\_ CRT. DATE: \_\_\_\_\_
- CASE NO.: \_\_\_\_\_
- LOCATION: \_\_\_\_\_

CHARGE: \_\_\_\_\_ DATE STARTED: \_\_\_\_\_ LENGTH: \_\_\_\_\_

OFFICER: \_\_\_\_\_ TEL. NO.: (\_\_\_\_) \_\_\_\_\_

PREVIOUS VIOLATIONS? Y / N

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MUNICIPAL CASE NO. \_\_\_\_\_ FELONY CASE NO. \_\_\_\_\_

WARNING !!!

My name is \_\_\_\_\_ and I work for the Cook County Pretrial Services Department. We will be gathering information from you about your family, residence, employment, health, criminal history, drug and alcohol use, and other court cases. The information that we get will be verified and used to set conditions of release. It may also be released to appropriate agencies to implement those conditions of release and will become part of the public record. You have the right to talk to a lawyer before answering any questions, and one will be appointed to talk with you if you cannot afford to hire one. You have the right to remain silent and you are not required to say anything to me or to answer any questions. By signing this folder, you consent to be interviewed and give us the right to inspect all records kept by any agency concerning you.

DEFENDANT SIGNATURE \_\_\_\_\_

WITNESS SIGNATURE \_\_\_\_\_

**VERIFICATION:**

COMPLETED BY OFFICER: \_\_\_\_\_ SPOKE WITH: \_\_\_\_\_

NOTES: \_\_\_\_\_

DEFENSE ATTORNEY'S NAME: \_\_\_\_\_ PHONE NO.: (\_\_\_\_) \_\_\_\_\_

CONDITIONS AS ORDERED BY JUDGE: \_\_\_\_\_

**COURT APPEARANCES:**

Date	Judge	Branch Location	Disposition	Next Date	Comments

POST RELEASE OFFICER ASSIGNMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_ 1.0 WK. UNITS      \_\_\_\_\_ 1.8 WK. UNITS      \_\_\_\_\_ 3.0 WK. UNITS      \_\_\_\_\_ CURFEW

CASE CLOSING DATE: \_\_\_\_\_ CASE REACTIVATED DATE: \_\_\_\_\_ CASE CLOSING DATE: \_\_\_\_\_

REASON: \_\_\_\_\_ REASON: \_\_\_\_\_ REASON: \_\_\_\_\_

SUPERVISOR'S INITIALS: \_\_\_\_\_ CLERICAL'S INITIALS: \_\_\_\_\_ SUPERVISOR'S INITIALS: \_\_\_\_\_

SUPERVISOR'S INITIALS: \_\_\_\_\_

# ASSIGNMENT OF CASES - CENTRAL BOND COURT

DATE \_\_\_\_\_

#	OFFICER	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1																	
2																	
3																	
4																	
5																	
6																	
7																	
8																	
9																	
10																	
11																	
12																	
13																	
14																	
15																	

TRIAGE OFFICER \_\_\_\_\_

TRIAGE OFFICER \_\_\_\_\_

TRIAGE OFFICER \_\_\_\_\_

SUPERVISOR \_\_\_\_\_



**Cook County Adult Probation Department Bond Court Pretrial Services Daily Statistical Report**

Section I: I-Bond Interviews	
I-Bond Interviews, placed on pretrial supervision	_____
I-Bond Interviews, not placed on pretrial supervision	_____
I-Bond, EM Assigned to Pretrial	_____
<b>Total I-Bond Interviews</b>	<b>0</b>

**Date:** \_\_\_\_\_

**Completed By:** \_\_\_\_\_

**Supervisor:** \_\_\_\_\_

**Bond Court Judge:** \_\_\_\_\_

Section II: D-Bond Interviews	
D-Bond Interviews, placed on pretrial supervision	_____
D-Bond Interviews, not placed on pretrial supervision	_____
D-Bond, EM Assigned to Pretrial	_____
<b>Total D-Bond Interviews</b>	<b>0</b>

Section III: C-Bond Interviews	
C-Bond Interviews, placed on pretrial supervision	_____
C-Bond Interviews, not placed on pretrial supervision	_____
<b>Total C-Bond Interviews</b>	<b>0</b>

Section IV: No Bail Interviews	
<b>Total</b>	<b>0</b>

Section V: Total C-Bond, D-Bond, I-Bond & No Bail Interviews:	
<b>Total</b>	<b>0</b>

Section VI: Total Interviewed on Pre-Trial Supervision	
<b>Total</b>	<b>0</b>
<b>% All Interviewed Placed on Pre-Trial Supervision</b>	<b>#DIV/0!</b>

Section VII: Not Interviewed	
Class X Felonies	_____
Parole	_____
Refusal	_____
Non-Responsive	_____
Other (background, DOC holds)	_____
Probation	_____
Warrants/New Charges	_____
<b>Total Not Interviewed</b>	<b>0</b>
<b>Total Felony Bond Hearings</b>	<b>0</b>

Section VIII: Sheriff's Electronic Monitoring	
Interviewed - recommended to EM by Judge	_____
Not interviewed - recommended to EM by Judge	_____
<b>Total EM</b>	<b>0</b>
<b>Percentage of Interviews Placed on EM</b>	<b>#DIV/0!</b>

**Cook County Adult Probation Department Bond Court Pretrial Services Daily Statistical Report**

Section I: I-Bond Interviews	
I-Bond Interviews, placed on pretrial supervision	_____
I-Bond Interviews, not placed on pretrial supervision	_____
<b>Total I-Bond Interviews</b>	<b>0</b>

Section II: D-Bond Interviews	
D-Bond Interviews, placed on pretrial supervision	_____
D-Bond Interviews, not placed on pretrial supervision	_____
<b>Total D-Bond Interviews</b>	<b>0</b>

Section III: C-Bond Interviews	
C-Bond Interviews, placed on pretrial supervision	_____
C-Bond Interviews, not placed on pretrial supervision	_____
<b>Total C-Bond Interviews</b>	<b>0</b>

Section IV: No Ball Interviews	
	0

Section V: Total C-Bond, D-Bond, I-Bond & No Ball Interviews	
	0

Section VI: Total Interviewed on Pre-Trial Supervision	
	0
All Interviewed Placed on Pre-Trial Supervision	#DIV/0!

Section VII: Not Interviewed	
Class X Felonies	_____
Parole	_____
Refusal	_____
Non-Responsive	_____
Other (background, DOC holds)	_____
Probation	_____
Warrants/New Charges	_____
<b>Total Not Interviewed</b>	<b>0</b>
<b>Total Felony Bond Hearings</b>	<b>0</b>

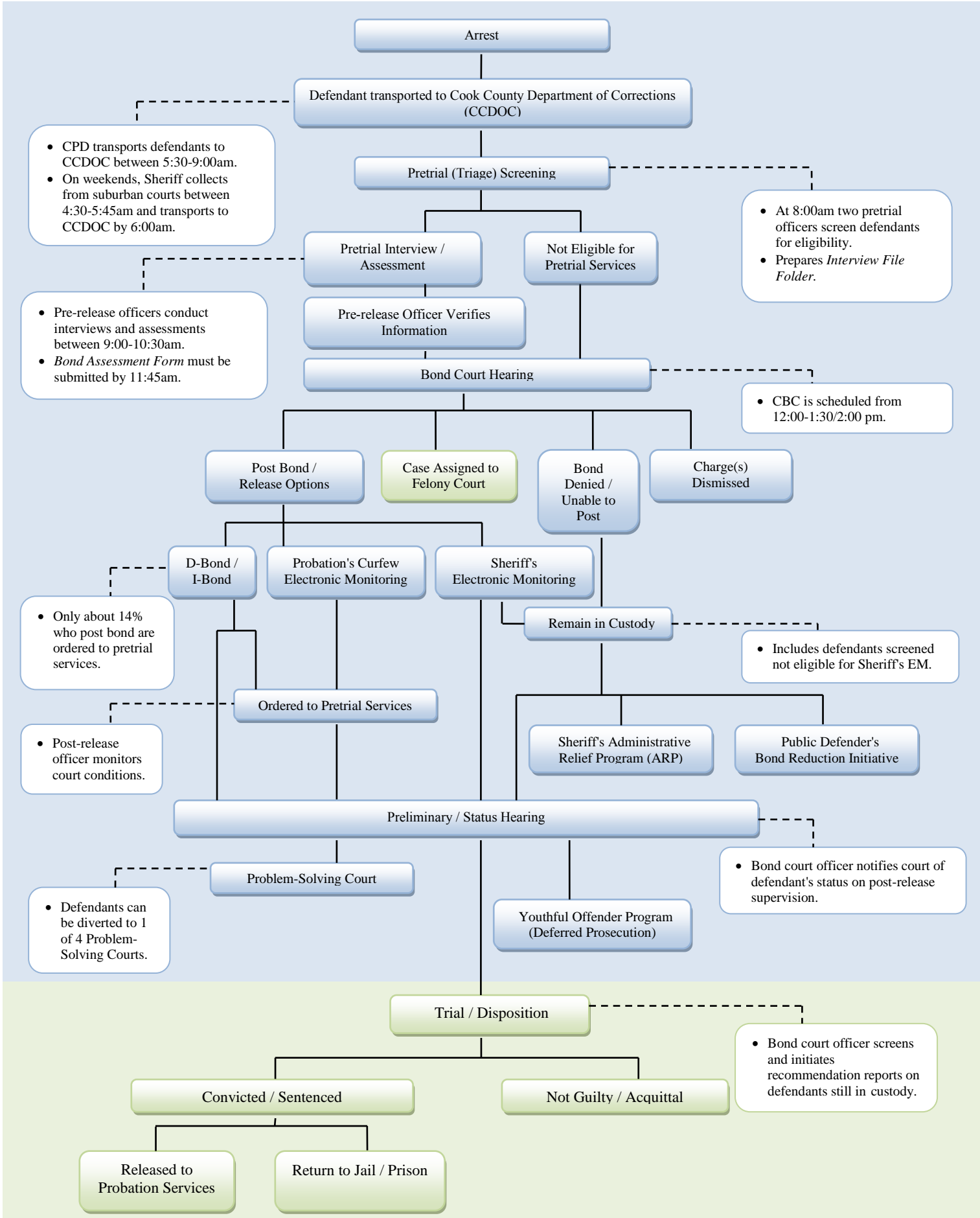
Section VIII: Sheriff's Electronic Monitoring	
Interviewed - recommended to EM by Judge	_____
Not Interviewed - recommended to EM by Judge	_____
<b>Total EM</b>	<b>0</b>
Percentage of Interviews Placed on EM	#DIV/0!

Date:	_____
Completed By:	_____
Supervisor:	_____
Bond Court Judge:	_____

# COOK COUNTY CENRAL BOND COURT (CBC) FLOW CHART

Municipal Division

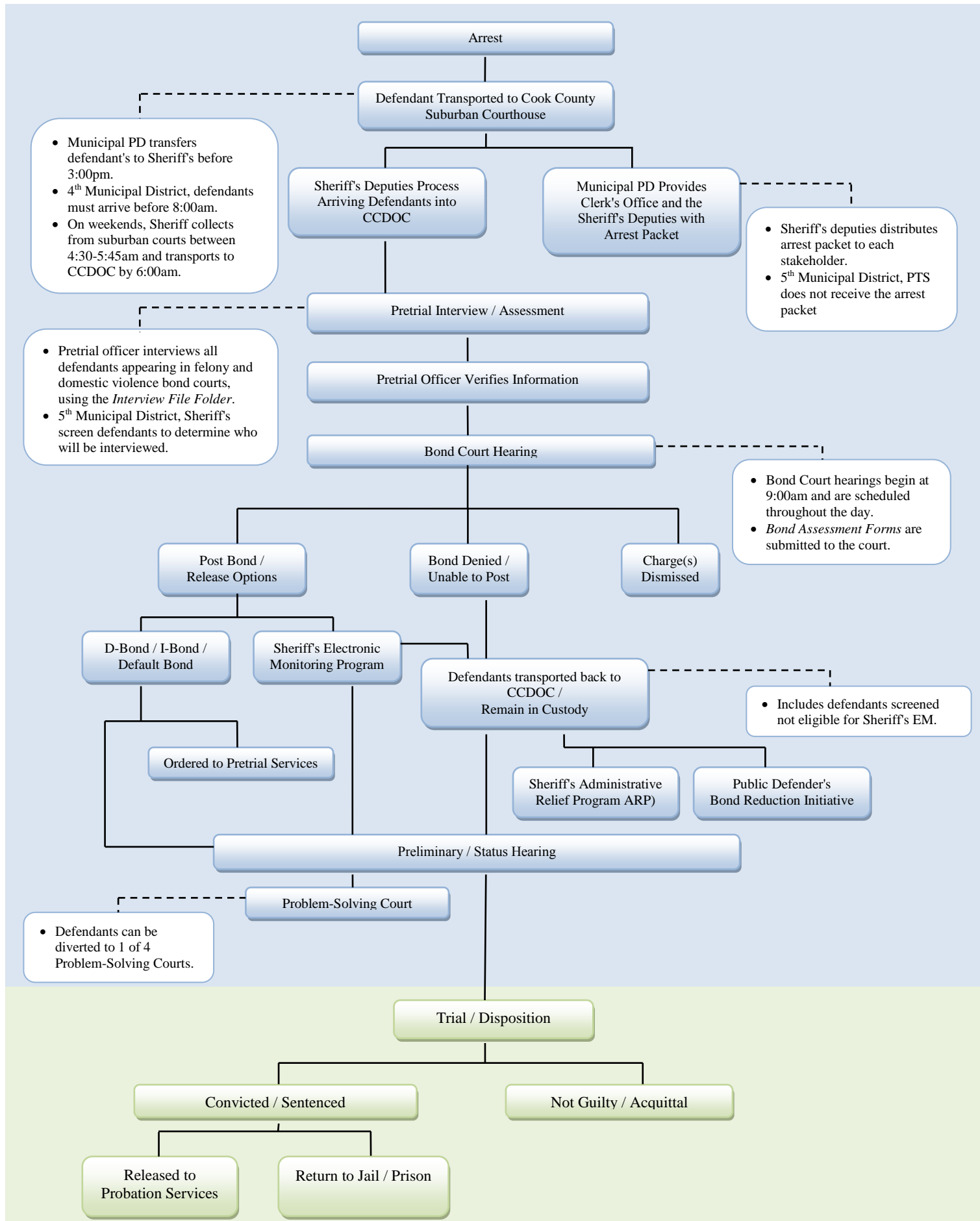
Criminal Division



# COOK COUNTY SUBURBAN DISTRICT COURTS FLOW CHART

**Municipal Division**

**Criminal Division**





**IN THE CIRCUIT COURT OF COOK COUNTY****GENERAL ADMINISTRATIVE ORDER 2012-02**

**SUBJECT: Weekend and Holiday Bond Court, Municipal Districts Two, Three, Four, Five and Six**

**IT IS HEREBY ORDERED** that all weekend and holiday bond court operations in the suburban municipal districts of the Circuit Court of Cook County are terminated pursuant to the following schedule:

1. Second Municipal District, 5600 Old Orchard Road, Skokie, Illinois, effective May 5, 2012;
2. Third Municipal District, 221 Euclid, Rolling Meadows, Illinois, effective May 5, 2012;
3. Fourth Municipal District, 1500 Maybrook Drive, Maywood, Illinois, effective May 5, 2012; and
4. Sixth Municipal District, 16501 South Kedzie Parkway, Markham, Illinois, effective June 9, 2012.

All suburban weekend and holiday bond court operations shall be held at Central Bond Court (Branch 1) at the George N. Leighton Criminal Court Building, 2600 South California Avenue, Room 100, Chicago, Illinois. Central Bond Court convenes daily at 12 noon.

All law enforcement agencies located within the geographical areas of all of the suburban districts, including the Fifth Municipal District, shall transport all detainees in need of an initial bail hearing on Saturday, Sunday or holidays to one of the following locations:

1. the prisoner dock of the George N. Leighton Criminal Court Building, 2600 South California Avenue, Chicago, Illinois, between 6 a.m. and 7:30 a.m. by means of the north gate on California Avenue; or
2. the Cook County Sheriff's detainee lockup located in the Sixth Municipal District courthouse, 16501 South Kedzie Parkway, Markham, Illinois, between 4:30 a.m. and 5:45 a.m. for transport by sheriff's personnel to Central Bond Court at 6 a.m.; or
3. the Cook County Sheriff's detainee lockup in the Fourth Municipal District courthouse, 1500 Maybrook Drive, Maywood, Illinois, between 4:30 a.m. and 5:45 a.m. for transport by sheriff's personnel to Central Bond Court at 6 a.m.

All detainees must be accompanied by all materials necessary for processing by the Clerk of the Circuit Court of Cook County and the Cook County State's Attorney and shall be tendered to the Cook County Sheriff's Office on the prisoner dock or at the Sheriff's detainee lockups.

After the detainee is accepted for processing by the Cook County Sheriff's Office on the prisoner dock or at the detainee lockups, the presence of the arresting officers or transporting agency is not required for the bond court call.

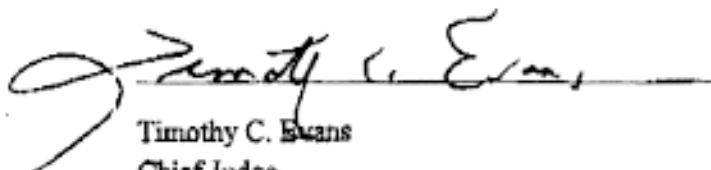
At the time bail is set in Central Bond Court, the next court appearance for all cases arising in the suburban municipal districts will be scheduled for the second regular court business day after the detainee's initial appearance in Central Bond Court as follows:

District	Room	Time
Second Municipal District	105	9 a.m.
Third Municipal District	108	9 a.m.
Fourth Municipal District	113	9 a.m.
Fifth Municipal District	103	9 a.m.
Sixth Municipal District	101	9 a.m.

This order supersedes all provisions governing the operation of weekend and holiday bond court for all suburban municipal districts in previous orders of this Court, including those of the Second, Third, Fourth, Fifth and Sixth Municipal Districts, except Cook County Circuit Court General Order 18, Proceedings in Multiple Arrests (effective August 1, 1996, as amended).

IT IS FURTHER ORDERED that this order be spread upon the records of this Court and published.

Dated this 18<sup>th</sup> day of April, 2012.



Timothy C. Evans  
Chief Judge  
Circuit Court of Cook County

