



PRETRIAL FAIRNESS ACT GUIDEBOOK FOR THE SIXTEENTH JUDICIAL CIRCUIT



Chief Judge T. Clint Hull

Judge Julia Yetter

Ellen Schmid, Law Library

November 2022

Electronic access to this Guidebook is available at

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

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1. Purpose

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

2. Background of Pretrial Fairness Act / Legislation

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

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

3. Kane County PFA Implementation Task Force Members

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

State's Attorney's Office:

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

Public Defender's Office:

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

Court Services:

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

Circuit Clerk's Office:

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

Kane County Sheriff's Office:

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

Community-based Services:

Michelle Meyer, Executive Director - Mutual Ground

Police Departments:

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

Judiciary:

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

4. Case Initiation / Law Enforcement

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

A. Cite and Release / Hold for Court

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

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

B. Probable Cause Warrant / Summons

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

5. Pre-Initial Appearance

A. Notification and Paperwork Process

1. Law Enforcement Officers

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

2. Circuit Clerk's Office

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

B. Transport of Charged Defendants

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

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

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

C. Court Services Assessment Process

1. Assessment (PSA)
Court Services will complete the Public Safety Assessment (PSA) for all individuals held for their Initial Appearance. Given that the PSA does not require an interview, Court Services will not be required to meet with defendants prior to Initial Appearance. The PSA will be submitted to the State's Attorney's Office, Public Defender's Office, and the Court.
2. Other Assessments
Any other assessments that Court Services may complete will be determined at a future date.

D. Meeting with the Public Defender or Private Counsel

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

E. Notice to Victims

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

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

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

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

6. Initial Appearance and Setting Release Conditions

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

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

A. If a Charge is a Non-detainable Offense

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

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

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

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

1. The State's Attorney's Office

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

2. The Court

Will follow the procedures outlined in Section 7.

7. Detention Hearings

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

The court will conduct the hearing consistent with the provisions outlined in [725 ILCS 110-6.1](#).

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

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

AND

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

OR

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

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

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

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

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

A. Weekdays

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

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

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

B. Weekends

Saturdays:

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

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

Sundays:

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

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

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

C. Holidays

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

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

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

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

See Appendices for flowcharts and templates of forms and orders

Appendix A Kane County Flowcharts

Post-Arrest/Pre-Initial Appearance Flowchart

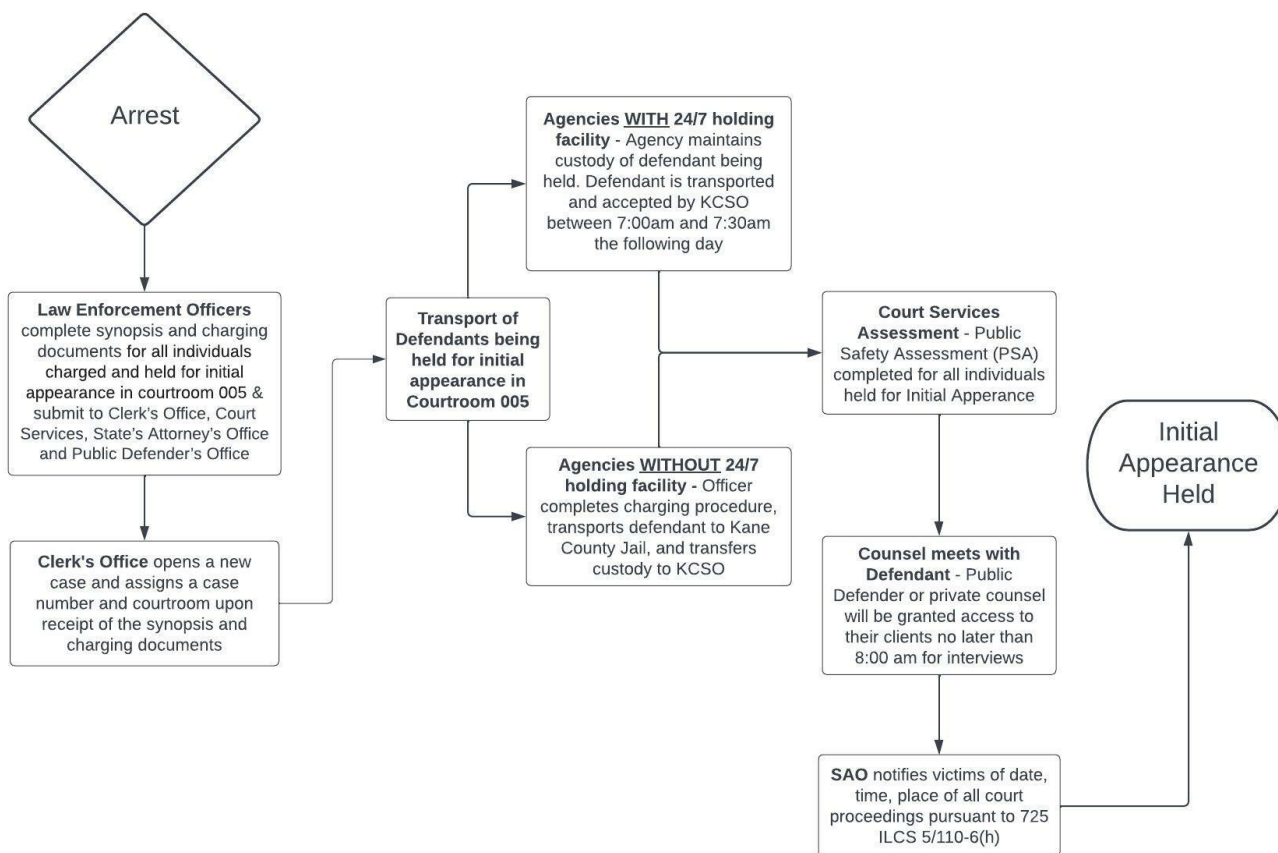


Figure 1

Initial Appearance / Release Conditions / Detention Hearing Flowchart

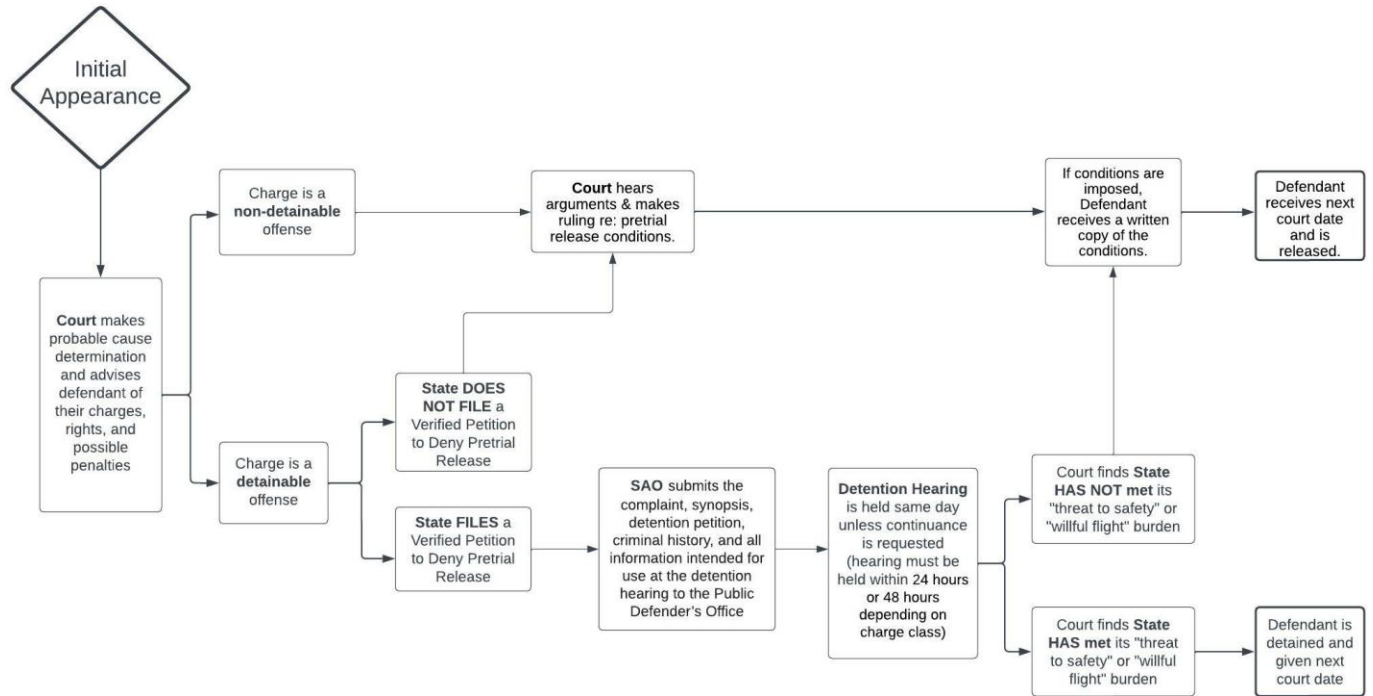


Figure 2

Appendix B Kane County Order Templates

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

Case No. _____

Petitioner		Defendant		File Stamp
Plaintiff(s) Atty.		Defendant(s) Atty.		
Judge	Court Reporter	Deputy Clerk		
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent				
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other _____				

ORDER TO SHOW CAUSE (CORSC)

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

Date _____ Judge: _____

SERVICE

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

A true copy of the original is on file in my office.

Attested to this _____

Theresa E. Barreiro

Clerk of the Circuit Clerk

Kane County, Illinois

By: _____

Deputy Clerk

PI-CR-058 (10/22)

White - Clerk

Green - Sheriff

Yellow - Service Clerk

Pink - Defendant

Gold - SAO

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

Case No. I

Plaintiff(s)		Defendant(s)		File Stamp
Plaintiff(s) Atty.		Defendant(s) Atty.		
Judge	Court Reporter	Deputy Clerk		
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent				
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other				

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

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

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

- ☐ Arrest for an offense other than a Felony or Class A Misdemeanor **(SHBF)**
- ☐ Arrest on a warrant issued because of a Failure to Appear at a show cause hearing **(SHBW)**
- ☐ Felony or Class A Misdemeanor arrest when the underlying charge is a Class B or C Misdemeanor or lower **(SHBV)**
- ☐ Felony or Class A Misdemeanor arrest when the underlying charge is a Class A Misdemeanor **(SHBA)**
- ☐ Violation of:

<input type="checkbox"/> Electronic Monitoring/GPS (SHBE)	<input type="checkbox"/> DV Order of Protection (SHBO)
<input type="checkbox"/> Civil No Contact Order (CHBC)	<input type="checkbox"/> Stalking No Contact Order (SHBS)

- ☐ Technical Violations of conditions of pretrial release set under 725 ILCS 5/110-10 **(SHBT)**: _____
- ☐ Other violations of Pretrial Release Conditions (725 ILCS 5/110-10) **(SHBV)**: _____

FINDINGS:

- ☐ The Court finds by clear and convincing evidence that the defendant violated a term of their pretrial release, the defendant had actual knowledge the action would violate a court order, and that the violation was willful and was not caused by a lack of access to monetary resources. (725 ILCS 5/110-6(e))
- ☐ **DENIED** - No Sanctions Ordered. The State was unable to prove violation by clear and convincing evidence. **(SHHD)**

IT IS HEREBY ORDERED:

- ☐ DEFENDANT IS SANCTIONED (725 ILCS 5/11-6(f))
 - ☐ Verbal Admonishment **(SGV)**
 - ☐ Written Admonishment **(SGW)**: _____
- ☐ Fine (max \$200) **(SGF)** _____ Jail (max 30 days) **(SGK)** _____ EHM/GPS **(SGE)**
- ☐ Modification of Pretrial Release Conditions (See attached Pretrial Release Conditions Order) **(SGM)**
- ☐ Case continued to: _____, at _____ am / p.m.
 - ☐ Kane County Judicial Center, 37W777 Route 38, St. Charles, in Room _____ **OR**
 - ☐ Kane Branch Court, 530 S. Randall Rd., St. Charles **OR** ☐ Aurora Branch Court, 1200 E. Indian Trail, Aurora **OR**
 - ☐ Elgin Branch Court, 150 Dexter Ct., Elgin

Dated: _____ Judge: _____

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

 PEOPLE OF THE STATE OF ILLINOIS

CITY OR VILLAGE OF _____

A Municipal Corporation, Plaintiff,
VS.

Case No. _____

DCN No. _____

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

DEFENDANT'S PHYSICAL DESCRIPTION BELOW

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

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

COMPLAINT

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

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

Signed: _____

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

Judge or Notary Public

NOTICE TO APPEAR

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

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

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

Peace Officer

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

Notary Public

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

P1-CR-057 (09/22)

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

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

Case No. 			
Plaintiff(s)	Defendant(s)	File Stamp	
Plaintiff(s) Atty.	Defendant(s) Atty.		
Judge	Court Reporter		Deputy Clerk
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent to:			
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other 			

ORDER REMANDING CUSTODY

Defendant:
Name
Address
City, State, Zip
<input type="checkbox"/> Check here if this is a new address.
To Appear:
Date Time
Room No. Judge
Location
Offense:
Chapter and Section:

THIS MATTER being before the Court on a sworn complaint in writing filed herein;

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

IT IS ORDERED that the defendant be remanded to the custody of:

- ☐ The Sheriff of Kane County, and that the Sheriff have Defendant before this Court at the time and place set forth herein.

Date:

Judge:

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

A true copy of the original is on file in my office.

Attested to this

Theresa E. Barreiro
Clerk of the Circuit Clerk
Kane County, Illinois

By:
Deputy Clerk

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

White - Clerk

Yellow - Service Clerk

Pink - Sheriff

Gold - Defendant

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

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

Date:

Fees -- Service and Return	<input type="text"/>
Miles	<input type="text"/>
Total	<input type="text"/>

(Sheriff or Peace Officer)

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

Case No. _____

		File Stamp
Plaintiff(s)	Defendant(s)	
Plaintiff(s) Atty.	Defendant(s) Atty.	
Judge	Court Reporter	Deputy Clerk
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent to:		
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other _____		

INITIAL APPEARANCE ORDER (IAO)

- Defendant appearing before the Court for a post-arrest hearing ☐ in person **AND**
- ☐ with **OR** ☐ without the assistance of an interpreter, the Court finds and Orders as follows:
- ☐ Defendant has been arrested on an outstanding warrant **OR**
- ☐ Defendant has been arrested without a warrant **AND** the Court
- ☐ finds probable cause **OR (PRCSF)**
- ☐ found probable cause at a prior hearing **OR**
- ☐ finds no probable cause in this matter and Defendant is to be released in this case only *instanter*. **(PCNF) (OREL)**
- ☐ The Public Defender's Office (630-232-5835) is present and appointed to represent the Defendant for
- ☐ this hearing **OR** ☐ all proceedings **OR**
- ☐ Private counsel is present on behalf of the Defendant
- ☐ Defendant has been advised of the following:
1. The charges against Defendant (Copy to be provided).
 2. The right to have an attorney, and if indigent, to have an attorney appointed.
 3. Failing to appear for any scheduled court hearing could result in an Order to Show Cause or a Warrant being issued.
 4. The right to have notice of this arrest given and to communicate with the foreign consulate if Defendant is a Foreign National (FNA).

☐ Defendant requests notice be given and/or contact be made **OR**

☐ Defendant makes no such request that notice be given or contact be made.
- ☐ The Defendant has (a) child(ren) under 18 years old **AND** the Court has a reasonable belief that the child(ren) may be neglected as a result of the Defendant's arrest, incarceration, or otherwise, and therefore orders Court Services to immediately make a report to DCFS. **(CSN)**
- Defendant is to appear for _____, on _____, at _____ before the Judge sitting at the
- ☐ Kane County Judicial Center, 37W777 Route 38, St. Charles, in Room _____ **OR**
- ☐ Kane Branch Court, 530 S. Randall Rd., St. Charles **OR** ☐ Aurora Branch Court, 1200 E. Indian Trail, Aurora **OR**
- ☐ Elgin Branch Court, 150 Dexter Ct., Elgin **OR**
- ☐ via Zoom kanecourt.org
- ☐ Pretrial Release Conditions Ordered per separate Order

Date: _____

Judge: _____

P1-CR-050 (10/22)

White - Clerk

Green - Court Services

Yellow - SAO

Pink - Defendant

Gold - Attorney

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

Case No. _____

Plaintiff(s)	Defendant(s)	File Stamp	
Plaintiff(s) Atty.	Defendant(s) Atty.		
Judge	Court Reporter		Deputy Clerk
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent to:			
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other _____			

PRETRIAL RELEASE/DETENTION ORDER (PRDO)

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

Release from Custody Order (PRDOR)

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

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

Detention Order (find one or both below)

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

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

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

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

Case No. _____

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

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

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

☐ Appeal Rights Given

NEXT COURT APPEARANCE

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

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

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

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

Date: _____

Judge: _____

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

Case No. _____

Plaintiff(s)	Defendant(s)	
Plaintiff(s) Atty.	Defendant(s) Atty.	
Judge	Court Reporter	Deputy Clerk
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent to:		
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other _____		
		File Stamp

PRETRIAL RELEASE CONDITIONS ORDER (PRCO)

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

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

☐ None ☐ Monitoring ☐ PSL1 ☐ PSL2 ☐ PSL3 ☐ PSL4 ☐ Maximum Conditions

☐ Reporting levels may not be modified by pretrial staff based on Defendant's compliance.

☐ Defendant must report to the Pretrial Services Unit at the Kane County Judicial Center, 37W777 Route 38, St. Charles, IL 60175, first floor, Suite 150, immediately upon release OR if closed, no later that the following business day **OR**

☐ Defendant must call 630.762.2772 within one business day of release to set an appointment

☒ Defendant shall obey all court orders and processes; report all address changes to the Circuit Clerk within 24 hours; not commit any criminal offenses.

☐ Defendant shall not leave the State of Illinois without permission of the Court;

☐ Defendant shall have no contact or communication, direct or indirect, with the following person(s): **(NCWSP)** _____

☐ Defendant shall stay away from the following address(es) and/or location(s): **(NEASA)** _____

☐ Defendant may return to the above address on one occasion with a prearranged police escort to retrieve personal belongings

☐ Defendant shall not possess a firearm or dangerous weapons and Defendant shall surrender any firearms, FOID card and concealed carry license to the police department. **(OPSF)**

☐ Defendant shall not use intoxicating or controlled substances (excluding alcohol) unless lawfully with a prescription

☐ Defendant shall refrain from the use of alcohol. **(OSUB)**

☐ Defendant shall undergo a: ☐ substance evaluation ☐ mental health evaluation through ☐ KCDC **(OPKC)** ☐ other treatment provider

☐ Comply with treatment recommendations and sign a consent for release of information to PTS regarding attendance compliance.

☐ Other: _____

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

Date: _____

Defendant: _____

Date: _____

Judge: _____

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

Case No.

Plaintiff(s)	Defendant(s)	
Plaintiff(s) Atty.	Defendant(s) Atty.	
Judge	Court Reporter	Deputy Clerk
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent <input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other 		
		File Stamp

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

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

REVOCATION HEARING HELD BASED ON:

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

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

FINDINGS FOR REVOCATION:

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

Additional Information/Findings made by the Court:

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

IT IS HEREBY ORDERED:

☐ **DEFENDANT IS DETAINED (RHGD)**

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

☐ Additional conditions of pretrial release/modifications of conditions of pretrial release in lieu of revocation:
(RHGA) (725 ILCS 5/110-6(b)(5)) (See attached Pretrial Release Conditions Order)

☐ Appeal Rights Given

☐ Case continued to: , at am / p.m.

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

Dated: Judge: _____

P1-CR-054 (10/22)

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

Appendix C Kane County Warrant Template

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

Case No. _____

_____ A Municipal Corporation, Plaintiff,

DCN No. _____

ARREST WARRANT

File Stamp

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

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

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

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

I have executed this warrant by arresting the within Named defendant on the day and time indicated below.

POLICE AGENCY DATE SERVED TIME SERVED OFFICER BADGE NUMBER

Appendix D Kane County Summons Template

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT KANE COUNTY, ILLINOIS			
		Case No. 	
		DCN No. 	
<p>SUMMONS TO APPEAR</p> <p><u>DEFENDANT YOU ARE HEREBY COMMANDED TO APPEAR ON THE DATE AND TIME AND PLACE AS INDICATED. THE COURT MAY ISSUE AN ORDER TO SHOW CAUSE OR A WARRANT FOR YOUR ARREST IF YOU FAIL TO APPEAR.</u></p> <p> <input type="checkbox"/> Failed to Appear <input type="checkbox"/> Probable Cause </p>		<div style="border: 1px solid black; height: 100px; width: 100%; text-align: center; line-height: 100px;">File Stamp</div>	
<p>TO ALL PEACE OFFICERS OF THE STATE OF ILLINOIS:</p> <p>The herein named Defendant is hereby commanded to appear at the date and time as indicated.</p>			
DEFENDANT			
LAST NAME		FIRST NAME	(M.I.) (Ti)
DRIVER'S LIC NO	DRIVER'S LIC STATE	PHONE NUMBER	
	IL		
ADDRESS	CITY	STATE	ZIP
DATE OF BIRTH	RACE	SEX	HEIGHT WEIGHT EYES HAIR
PHYSICAL MARKS OR SCARS			
OFFENSE			
COMPLAINANT			
DATE OF OFFENSE	ARRESTING AGENCY	REPORT NUMBER	CASE STATUS
ALLEGED OFFENSE	CITATION	CLASS	
SERVICE OF THIS SUMMONS IS			
NEXT COURT DATE			
NEXT COURT DATE		HOUR	JUDGE
		9:00 AM	
COURT LOCATION AND ADDRESS		ROOM NUMBER	
PLEASE SELECT A JUDGE			
DATE		SIGNATURE	
FEES			
SERVICE + RETURN	MILEAGE	MISC. FEES	TOTAL
RETURN OF SERVICE			
I have executed this summons on the Defendant by: <input type="checkbox"/> Personal Service <input type="checkbox"/> US Mail on the date and time below			
DATE/TIME SERVED	SIGNATURE	OFFICE/AGENCY	BADGE NUMBER

Appendix E

IL Pretrial Implementation Task Force Resource Links

(Flowcharts, Consideration Documents, and Town Hall Meetings)

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

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

Town Hall Meetings

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

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

Appendix F Glossary of Terms

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

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