



INVESTIGATIONS

I. POLICY:

The Office of Statewide Pretrial Services (OSPS) will prepare pretrial investigation reports for arrested persons who are to be, or have been, presented in court for an initial appearance to assist the court in determining the terms and conditions of pretrial release. The Pretrial investigation report should contain verified information and data concerning the community ties, employment, residency, criminal record, and social background of arrested persons.

II. AUTHORITY:

Illinois Pretrial Services Act 725 ILCS 185/1, 7, 9-22, 30-31

Code of Criminal Procedure 725 ILCS 5/110-5, 6.1, 10

Illinois Sex Offender Registration Act 730 ILCS 150/1 *et seq.*

SUPPORTING MATERIALS:

NAPSA Standard 3.1

Illinois Supreme Court Commission on Pretrial Practices Final Report, April 2020

NIC, Essential Elements of an Effective Pretrial System and Agency, February 2017

RELATED POLICIES:

ODARA Policy

Disclosure of Records and Communications Policy

Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R) Scoring Instructions

III. PROCEDURE:

A. Criminal History

1. The OSPS Investigation Unit identifies new arrests and obtains a LEADS report from the Illinois State Police. The Investigation unit will assign the criminal history portion of the pretrial investigation report to OSPS staff.
2. When assigned a criminal history from any county, the OSPS staff shall review the LEADS report. If the LEADS report has not been pulled, the PSO shall send an email to OpsCenter@IllinoisCourts.gov.
3. OSPS shall include pending criminal charges and all verified charges that resulted in a sentence for a defendant. This includes juvenile cases, all criminal law violations (CF, CM, JD, TR, DT, DV, etc.), and cases where a defendant received supervision and charges



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were dismissed after successful completion of the supervision period. Do not include cases that were dismissed prior to a sentence being entered, or cases that have been expunged.

4. OSPS staff shall follow the criminal history handbook when entering a defendant's criminal history into the case management software.
5. Tools available when completing a criminal history include Judici, LEADS, Circuit Clerk records, jail booking records and other various internet-based websites.
6. To obtain federal criminal history information, an email request must be sent to the Investigation Unit, who will access Pacer or Index to locate the requested information.
7. For a defendant with an out of state criminal history, the PSO will need to utilize other electronic docketing systems such as Missouri Case.Net, Iowa Courts On-Line.
8. The Request for Criminal History Record Information (CHRI) form may also be utilized when OSPS staff are unable to locate criminal history information from available resources.

B. Interview:

1. Upon notification of new arrests, the Pretrial Services Officer (PSO) will contact the States Attorney's Office, Jail Administrator, or other applicable stakeholders to determine which defendants will be scheduled for initial appearance. (Some defendants are not formally charged by prosecutors or have charges reduced resulting in delegated release from custody.)
2. The PSO will report to the jail for the purposes of conducting pretrial interviews with all defendants awaiting an initial appearance.
3. All PSOs will adhere to rules and directives given by jail staff to ensure the safety of themselves and others. PSOs should be mindful that the jail staff may be handling emergency situations or other situations out of their control and shall treat all jail staff with patience, courtesy, and respect at all times.
4. The PSO will not conduct an interview if jail staff indicates the defendant:
 - a. Is a safety risk (aggressive, violent, etc.).
 - b. Is incapable of consenting to an interview.
 - c. Advised jail staff they do not want to be interviewed.
 - d. Is under the influence of alcohol or another substance and therefore incapable of consenting to an interview.
 - e. Is under isolation or quarantine due to a communicable disease.
5. When an interview is not conducted, the PSO must document why in the comment section of the pretrial investigation report.
6. When a PSO conducts an interview with the defendant, the interview shall be individually conducted in a location which assures an adequate opportunity for discussion consistent



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with security needs. To the extent practicable, the PSO shall make every effort to preserve confidentiality.

7. At the beginning of each interview, the PSO will read the Consent to Pretrial Interview Form to the defendant and ask them to either sign or verbally consent to the interview. If the defendant consents, the PSO will proceed with the interview and complete the Pretrial Services Investigation Interview Form.
 - a. If the defendant declines the interview, the defendant will sign the form or acknowledge they decline to be interviewed, and no further information will be requested from the defendant.
 - b. A defendant may terminate the interview at any time. When the defendant expresses a desire to terminate the interview, the PSO shall immediately conclude the interview, and shall not request further information from the defendant.
8. The PSO may terminate an interview at any point if they believe any of the factors identified in section 4a above to be present. Additionally, an interview may be terminated if the defendant refuses to participate, harasses, or attempts to intimidate the PSO, displays actions which would make the interview impossible, etc. If possible, the officer should attempt to re-direct the defendant to reengage with the interview. However, if this is unsuccessful or not reasonable the officer should terminate the interview, shall document the reasons in the comments section of the report and shall promptly notify their supervisor.
9. The PSO shall utilize the Pretrial Services Investigation Interview Guide to conduct the interview. The PSO shall not ask a defendant any questions about the circumstances surrounding their arrest. If the defendant begins to discuss the arrest, the PSO shall redirect the defendant back to the interview. The PSO shall not include any details of the arrests or statements made by the defendant that pertain to the underlying charges.
10. Should a defendant make suicidal or homicidal statements or any statements that would affect the safety and security of the facility, jail staff must be notified as soon as possible, either by ending the interview, if warranted, or immediately following the interview. Following notification to the jail, the OSPS Incident Report shall be completed.
11. Should a defendant make any suicidal or homicidal statements or threats to themselves or others, these statements shall be included in the investigation report.
12. If discovered that a defendant has a pending case in another jurisdiction or is being supervised by another agency or another OSPS Pretrial Services Officer, the PSO completing the investigation shall notify the other agency or the PSO of the new arrest.

C. Verification Process:

1. After interviewing defendants, the PSO shall promptly verify and supplement the information provided in the interview by contacting the collateral contact(s) identified by



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the defendant during the interview. PSOs shall not contact employers or other persons unless the contact was identified and approved by the defendant.

2. At minimum, the PSO shall attempt to verify the defendant's criminal record, residency, and employment circumstances. To obtain quality information from collateral contacts, PSOs should use open-ended questions. If a collateral contact is not able to be reached by phone initially, officers can leave a voicemail or text message explaining who they are and the purpose of their call. Assuming time allows a minimum of two attempts to verify should be made. In attempts to verify information, pretrial staff are not to disclose details or circumstances surrounding the alleged charge. PSOs may provide publicly available information to collateral contacts, such as the date and time of the defendant's court appearance.
3. In cases where a defendant is charged with a criminal offense and the alleged victim is a family or household member, the defendant is prohibited from returning to the alleged victim's residence for a minimum period of 72 hours after the defendant's release from jail (Code of Criminal Procedure 725 ILCS 5/110-10(d)). Additionally, the court may order a no contact order as a condition of release. If the defendant cannot or likely will not be able to return to their current residence, this should be noted in the report, including possible alternate addresses where the defendant could live if released from custody.
4. Regarding defendants charged with sex crimes, the court may order as a condition of release that the defendant may not reside with the complaining witness or minor children and must find an alternate residence. PSOs shall notify defendants who have been convicted of certain sex offenses and/or crimes against children of their obligation to register and shall check the Sex Offender Registry and the Murderer and Violent Offender Against Youth Database to ensure registration (Illinois Sex Offender Registration Act 730 ILCS 150/1, *et seq* and Murderer and Violent Offender Against Youth Registration Act 730 ILCS 154/1, *et seq*).

D. Assessments:

1. PSOs must complete formal training before scoring any assessment.
2. Prior to completing the assessment, the PSO shall confirm with the Circuit Clerk or State's Attorney's Office what charges were filed against the Defendant. If the PSO is unable to ascertain the filed charges, the PSO must use the booking charges to complete any assessments.
3. After the criminal history check is completed and a defendant has been interviewed, the PSO shall complete the Virginia Pretrial Risk Assessment Instrument-Revised (VPRAI-R). Please see separate VPRAI-R scoring instructions.
4. The Ontario Domestic Assault Risk Assessment (ODARA) shall be completed when the present charge is one of intimate partner violence such as Domestic Battery, Violation of Order of Protection, etc. between a male perpetrator and female survivor. If ordered by the court, a PSO shall complete the ODARA on other charges of intimate partner



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violence regardless of the gender of the defendant or the survivor. Please see separate ODARA scoring guidelines and policy.

5. Assessments will be completed within the case management software and included in the Pretrial Investigation Report.
6. If the filed charge(s) is not available before the first appearance, the PSO shall complete the VPRAI-R utilizing the booking charge(s). Once the filed charge(s) information is available, the assessment must be rescored if the filed charge(s) would alter the score. Scoring the VPRAI-R once the filed charge information is available may impact the VPRAI-R score as charges can be amended from a felony to a misdemeanor, or vice versa. If a VPRAI-R is filed utilizing the booking charges and the score changes once completed utilizing the filed charges, the VPRAI-R shall be refiled with the court.

E. Pretrial Investigation Report:

1. A PSO shall file a pretrial investigation report for all defendants who are in custody and will appear before the court. This shall include defendants arrested for a new offense and may include defendants who have been detained on a Failure to Appear (FTA) warrant for pretrial cases. Note that an investigation for an FTA will not include an assessment.
2. A Pretrial Investigation Report will be completed even when a defendant is not interviewed. The Pretrial Investigation Report will include basic information about the defendant, the pending charges, a criminal history, and an indication that the defendant was not interviewed. Additional information may be included from previous Pretrial Investigation Reports, Presentence Investigation Reports, and other available records.
3. All information collected during the investigation including, present charge information, demographic information, information gathered during the defendant interview, verified information, assessments, and criminal history shall be entered in the case management system, which will build the Pretrial Investigation Report.
4. Upon completion of the Pretrial Investigation Report, a Supervisor shall review and approve the report before it is filed with the court to ensure quality, accuracy, and completeness.
5. Once reviewed and approved, the Pretrial Investigation Report will be marked confidential and copies will be submitted to the State's Attorney Office, defense counsel, and the court to allow sufficient time to be reviewed by all parties prior to the Initial Appearance. A copy will also be saved in the case management system. All report corrections must be made in the case management system for proper record retention. Please follow all E-filing guidelines for counties that require reports to be submitted via E-file. Reports that are required to be submitted via email shall be sent utilizing email encryption.

F. Court Appearance – Initial Appearance



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1. A PSO or other OSPS staff shall, where feasible, be present for the initial appearance or any later court proceeding where the Pretrial Investigation Report is to be considered by the court. At such hearings, pretrial officers may be called on to testify to the factual findings, conclusions, and recommendations regarding pretrial release conditions in the report. Any information contained in the report may be challenged by the defendant, their attorney, or the prosecutor. Additionally, the court or other members of the proceeding may inquire about the findings contained in the assessment tools risk factors, score, and scoring mechanisms.

G. Documentation

1. Following the conclusion of the initial appearance, the officer shall enter the judicial outcome information (recognizance, bond amount, conditions, if pretrial supervision was ordered, next court date and any other pertinent information) into the case management software. This entry will complete the First Appearance Summary Report.
2. All documents gathered as a result of the investigation, including notes, Consent to Pretrial Interview, Investigations Interview Guide, any received orders, shall be scanned and attached to the 1st Appearance Record in the case management software. Police reports and LEADS reports shall not be scanned into the CMS.
3. Once all information is documented, if no pretrial supervision is ordered, no additional steps are required. If supervision is ordered, PSOs shall follow the supervision policy for intake guidelines.