

IN RE: AUTHORIZATION OF THE USE OF TWO-)
WAY AUDIO-VISUAL COMMUNICATION) GENERAL
SYSTEMS FOR HEARINGS RELATING TO) ADMINISTRATIVE
PRETRIAL DETENTION AND CONDITIONS) ORDER. 23-21
OF PRETRIAL RELEASE)

Courts in the 24th Judicial Circuit have the same operational challenges set forth in said M.R. 31888. Obtaining necessary information and conducting any hearings on questions of pretrial detention or conditions of pretrial release within the statutorily specified timeframes will require increased judicial, pretrial, court staff, attorney, law enforcement, and other justice partner resources. In addition, courts in this Circuit will be conducting initial hearings not only for newly arrested individuals but also for dozens of individuals who are currently in pretrial detention, resulting in a temporary but significant influx of these types of hearings. Courts in this Circuit are taking reasonable steps to address the operational challenges including, but not limited to, adding staff, training existing staff to conduct the investigations and hearings, adjusting court schedules, reconfiguring courtrooms, and planning for disbursement of the fund established by 55 ILCS 5/3-4014 to enhance public defender services. Due to the anticipated volume of investigations and hearings on pretrial detention or conditions of pretrial release beginning September 18, 2023, and the current limited resources of the courts, state's attorneys, public defenders, and other justice partners in this Circuit, compliance with the SAFE-T Act will only be possible with the use of two-way audio-visual communication systems.

1. Due to the current operational challenges documented in this Order, there is a basis for courts in the 24th Judicial Circuit to use two-way audio-visual communication systems to conduct any hearings relating to pretrial detention and conditions of pretrial release where necessary;
2. Nothing in this Order shall limit the authority of the courts in this Circuit to require in-person hearings, if deemed appropriate;

3. Nothing in this Order impacts the provisions of the SAFE-T Act that govern the way in which hearings conducted by two-way audio-visual communication systems shall occur, including, but not limited to, the availability of a secure line over which the person in custody and his or her counsel may confer and communicate, the availability of a recording for purposes of an appeal, and the fact that confidential communications between the defendant and defense counsel shall not be recorded and shall be undertaken consistent with constitutional protections. See, e.g., 725 ILCS 5/106D-1(b), 110-6.6(b), and 109-1(g); and
4. This Order shall become effective September 18, 2023, and remain in effect until March 18, 2024.

Dated this 7th day of September, 2023.



Daniel J. Emge,
Chief Circuit Judge