



SUPERVISION

I. POLICY:

The Office of Statewide Pretrial Services (OSPS) will provide supervision to pretrial defendants to promote successful court appearance and public safety outcomes in accordance with statutory requirements and court-ordered conditions.

II. AUTHORITY:

Illinois Pretrial Services Act 725 ILCS 185/1, 7-8, 10, 18-29, 34

Code of Criminal Procedure 725 ILCS 5/110-5, 6, 10

SUPPORTING MATERIALS:

NAPSA Standards on Pretrial Release (2020)

NIC Essential Elements of an Effective Pretrial System and Agency (2017)

Illinois Supreme Court Commission on Pretrial Practices Final Report (2020)

III. PROCEDURE:

A. Defendant Intake: A PSO shall coordinate with the court and the jail to facilitate contact with the defendant upon release from custody. When operationally feasible, the PSO shall meet with a defendant to complete the intake appointment at the jail prior to the defendant's release.

1. At the initial intake appointment, the PSO will:
 - a. Review the pretrial supervision order to ensure the defendant understands the conditions of pretrial release.
 - b. Complete the intake in the case management software.
 - c. Explain the defendant's reporting requirements.
 - d. Remind the defendant of their next court date.
 - e. Explore solutions for any of the defendant's needs that may impact the defendant's ability to return to court and remain crime free.
 - f. Provide the defendant with referrals to community resources as needed, along with completing releases of information, if applicable.
 - g. Schedule the defendant's next OSPS appointment, if applicable.
2. Should the defendant fail to report to the intake appointment as ordered:



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- a. The PSO will attempt to contact the defendant by phone, text, email, etc. that day or the following business day at the latest. If unsuccessful, the PSO will send an OSPS Missed Appointment letter providing the defendant with details of an office appointment scheduled within the next seven working days.
 - b. The PSO and field supervisor must maintain communication regarding the intake status of defendants with high-profile cases or who have a high likelihood of pretrial failure, based upon the pretrial assessment. The court should be immediately notified when such defendants are unable to be located and have not reported to pretrial services.
 - c. If any defendant repeatedly fails to report for the intake appointment, the PSO must notify the court at the next status hearing.
- B. Supervision Guidelines: When a defendant is ordered to pretrial supervision, the PSO shall follow the following supervision guidelines to support the defendant's success.
1. General Guidelines: The following guidelines apply to all defendants ordered to pretrial supervision, regardless of assessment score or special circumstances:
 - a. The Pretrial Services Officer (PSO) will provide pretrial supervision for a defendant as ordered by the court until the completion of the pretrial phase (a plea is entered; the case is dismissed or other final disposition) or as otherwise directed by the court.
 - b. Defendants shall be monitored using least-restrictive, individualized, and effective supervision practices, consistent with the court order to support the goals of pretrial release.
 - c. When necessary, in-person and remote contacts shall be purposeful and used to promote pretrial success while not interfering with education, employment, and other protective factors.
 - d. Defendants shall complete an intake as described above.
 - e. Whether through court order or voluntary request by the defendant, a PSO shall explore the defendant's needs and seek solutions to support the defendant's success in returning to court and remaining crime free.
 - f. A PSO should attend all relevant court hearings. When a PSO is unable to attend court, the PSO shall notify their supervisor and the court and alternate arrangements shall be made.
 - g. A PSO shall distribute and collect the Pretrial Check-in form (digital or paper) at each court appearance. PSOs may distribute the digital form in advance of a court appearance.
 - h. A PSO shall provide written notification to the defendant of upcoming court appearances. When possible, the PSO should provide notification of court appearances and appointments with OSPS both verbally and in writing.
 - i. The PSO shall check the defendant's criminal history for new arrests within 1-5 business days before each court appearance.
 - j. Progress Reports shall be prepared and submitted to the court as described below.



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- k. If a defendant fails to appear in court, the PSO shall attempt to contact the defendant and provide instructions to resolve the missed court date. This shall be documented in the case management software.
 - l. If a defendant fails to attend a pretrial appointment, the PSO shall attempt to contact the defendant to reschedule the appointment over the next two business days (i.e., by phone, text, email, checking to see when they have court and going to that court date to talk to them, etc.). If unsuccessful, the PSO will send an OSPS Missed Appointment letter, which includes a new appointment scheduled within the next seven working days.
 - m. PSOs must make every effort to keep the defendant engaged in attending court dates, complying with pretrial conditions, and attending pretrial appointments. This includes proactively contacting the defendant to schedule/reschedule appointments, remind them of court, notify them of missed court dates/warrants, etc. All of these attempts shall be documented in the case management software.
2. Contact Standards. The PSO shall consider the defendant's individual circumstances, court-ordered special conditions, self-identified defendant needs and risk of committing new criminal activity in determining contact frequency. A PSO shall utilize the below as minimum contact standards for defendants ordered to pretrial supervision, unless otherwise directed by court order or approved by a supervisor.

Scoring for the VPRAI-R and/or ODARA shall be used to identify at which level the defendant will be monitored. If both the VPRAI-R and ODARA have been scored and the two scores do not match the same contact standard below, the PSO will utilize the higher of the two levels indicated. If the charged offense involves intimate partner violence and an ODARA has not been scored, the PSO shall supervise at least as a Level 2. If neither a VPRAI-R nor ODARA has been completed and it is not practical to complete such an assessment (for example, a legacy case transferred from a Probation Department where the original offense happened months or years ago), the class of offense shall be utilized to identify supervision level, as indicated below.

- Level 1: VPRAI-R score of 0-4; or any felony, misdemeanor, traffic, or other charge not captured below in Level 2 or Level 3
 - No active monitoring or supervision is needed.
- Level 2: VPRAI-R score of 5-8; ODARA score 0-4; violent or firearm-involved class 3-class 4 felonies; or felony drug distribution
 - Following the intake appointment, the defendant and the PSO shall have in-person or remote contact once every two months.
 - PSO should consult the Defendant Contact Guide (attached) for each contact following the intake.



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- Level 3: VPRAI-R score of 9-14; ODARA score 5-13; or violent or firearm-involved class X-class 2 felonies
 - Following the intake appointment, the defendant and the PSO shall have in-person or remote contact once a month.
 - PSO should consult the Defendant Contact Guide (attached) for each contact following the intake.
- C. Progress Reports: A PSO shall inform the court of the defendant's progress, both compliant and noncompliant, at each pretrial hearing through a progress report. The PSO may inform the court of the potential need to modify conditions in these reports.
1. The progress report shall minimally include date of most recent criminal history check, date and outcome of drug screens (if applicable), treatment involvement (if applicable) and progress with any court ordered conditions.
 2. The progress report will be provided to the court, state's attorney, and defense counsel, unless otherwise directed by the court.
 3. When a defendant has been compliant with a condition of pretrial release for 60 days (or at other established timeframes) the PSO may recommend the condition be reduced or removed.
 4. If a defendant is on electronic monitoring, the PSO shall provide information on compliance with this condition no less than every 60 days.
 5. A PSO shall inform the court of the defendant's failure to comply with any of the conditions of pretrial release, including conduct that may justify a modification of pretrial release conditions, sanctions, or a revocation of pretrial release.
 6. An additional progress report may be submitted between pretrial hearings when the defendant is out of compliance with court ordered conditions. The PSO must document all attempts made to bring the defendant into compliance. In these situations, supervisor approval is required.
- D. Violation Reports: A PSO must complete a violation report upon discovery of a new criminal arrest. A PSO shall only file a violation report for technical violations when directed by the court or as directed through other OSPS policies (i.e., electronic monitoring).
1. Upon discovery of a new criminal arrest, a violation report shall be submitted no later than two business days after discovery of the arrest.
 2. All Violation Reports and necessary attachments shall be filed with the court and disseminated to the state's attorney and defense counsel, unless otherwise directed by the court.
 3. PSOs are responsible for monitoring the progress and outcome of the violation and making proper notation of such in the case management software.
 4. When making recommendations in violation reports, the PSO shall consider the seriousness of the violation, whether it appears to be willful, and the extent to which the defendant's actions impaired the effective administration of court operations or caused an increased risk to individual or public safety.



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- E. Pretrial Supervision Records: Pretrial defendant records shall be stored in OSPS case management software.
1. The PSO must record detailed case notes of all contacts with the defendant or with any person or agency regarding the pretrial defendant.
 2. The PSO will store all documents for each defendant, including but not limited to court orders, reports, releases of information, and third-party documents. Police reports shall not be stored in a defendant's file.
 3. The PSO will document all case closures, including if a case is dismissed, the defendant is sentenced, the defendant is deceased, the defendant is found not guilty, etc.
 4. If a defendant is in custody in another jurisdiction (i.e., IDOC, another county jail) for over 90 days, the PSO shall list the case as inactive.
 5. If a warrant is issued for a defendant, the PSO shall attempt to contact the defendant and provide instructions to resolve the issue. This shall be documented in the case management software. If the PSO is unsuccessful in helping the defendant resolve the warrant within a reasonable period of time (i.e., 2 business days), the PSO shall staff the case with their supervisor. Defendants on Electronic Monitoring or defendants with active cases in other jurisdictions shall remain active. Upon approval of their supervisor, PSOs shall list as inactive defendants who are not on EM and do not have any other active OSPS pretrial cases.
- F. In-custody: Defendants who are ordered to pretrial supervision and remain in jail pending a condition of the court will not be actively supervised until their release from custody or the order of the court requires a PSO to engage the client before the release takes place.
1. When the order of the court requires a PSO to actively monitor the defendant while the defendant remains in jail, the PSO shall complete the intake in the case management software, complete the intake with the defendant at the jail and complete any necessary community referrals.
- G. OSPS and Probation Collaboration
1. The PSO will collaborate with probation officers to ensure public safety, court appearance and compliance with conditions.
 2. When a defendant is ordered to pretrial supervision and the defendant is also being monitored on a probation case, the PSO will monitor the defendant on the pretrial case unless ordered not to by the court.
 3. As ordered by the court or OSPS policy, the PSO shall transition cases to probation by providing the probation department with a summary of the defendant's participation and compliance with pretrial release conditions.



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Defendant Contact Guide

When meeting with defendants on supervision, the below guide provides examples of phrases that may be used during the meeting. Our goal is to be intentional and create collaborative working relationships while ensuring pretrial success. PSO's shall practice active listening, OARS (Open-ended Questions, Affirmations, Reflective Listening, & Summarizing Statements) and MI (Motivational Interviewing).

Below are examples of questions you could ask to gather necessary information.

- While utilizing OARS and MI ask how the defendant is doing.
 - "How's it going?"
 - "Tell me more about how things have been going for you?"
 - "What have you been up to since we last talked?"
 - "What's new with you?"
 - "Thanks for making time to talk with me today."

- Ask the defendant about their progress with their court conditions. Provide positive reinforcement, feedback and assistance as needed. Follow up on any treatment referrals/ROIs, drug testing, EM, no contact orders...
 - "What questions do you have regarding your court conditions?"
 - "I see your last drug test was negative. That's great!"
 - "That is a great example of utilizing your treatment skills!"

- Ask the defendant if they need assistance with anything and if they have any concerns.
 - "What concerns do you have about...?"
 - "How can I help you?"
 - "You're doing a really great job with all of this. Is there anything I can do to support you?"

- Ask the defendant if anything has changed since the last time you both spoke.
 - "Thank you for talking with me today. Has anything changed since the last time we spoke?"
(Such as address, phone number, police interaction...)
 - "Is there anything you would like to talk about that we haven't already?"
 - "Thank you for bringing that to my attention."

- Review next court date. Give court verbal reminder and for in-person contacts also provide a written reminder.
 - "Thank you for meeting with me today, your next court date is on _____. I have also written it on your appointment card as a reminder. Have a good day, we will see you soon."
 - "Do you have a ride or childcare arranged that day?"