

**COPY**

IN THE FIFTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF ILLINOIS

**FILED**

MAR 25 2024

Kimberly A. Reed  
CLERK OF THE CIRCUIT COURT  
OGLE COUNTY

In re: )  
)  
Conducting Hearings Pursuant ) Admin. Order #  
to SAFE-T Act )

24-4

**ORDER**

On September 18, 2023, the pretrial release provisions of Public Acts 101-652 and 102-1104, commonly known as the Safety, Accountability, Fairness and Equity-Today Act (SAFE-T Act), went into effect. *See Rowe v. Raoul*, 2023 IL 129248. The SAFE-T Act requires Illinois circuit courts to conduct in-person hearings, under certain circumstances or at certain stages of a case and within statutorily specified timeframes, to determine whether a defendant should be detained or continue in detention and, if not, what conditions of pretrial release should apply (if any). *See generally* 725 ILCS 5/106D-1, 109-1, 109-2, 110-5, 110-5.2, 110-6, 110-6.1 (West 2022)

The SAFE-T Act permits these hearings to be conducted by two-way audio-visual communication systems if, among other exceptions, the chief judge of the circuit orders the use of those systems due to operational challenges in conducting the hearings in person. The Illinois Supreme Court, in an order entered in M.R. 31888, found operational challenges in conducting in-person hearings exists 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 circuit courts, state’s attorneys, public defenders, and other justice partners. On March 18, 2024, the Illinois Supreme Court entered an amended order in M.R. 31888, finding there are still statewide operational challenges to conducting all hearings relating to pretrial detention or conditions of pretrial release pursuant to the SAFE-T Act in-person for the six (6) months

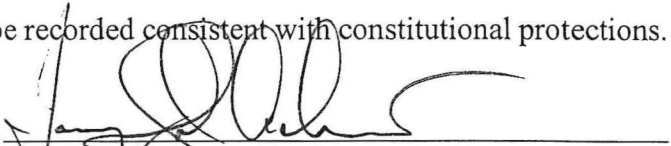
following March 18, 2024, particularly those hearings that must be done within condensed timeframes. In addition to the operational challenges identified by the Illinois Supreme Court, the five circuit courts in the Fifteenth Judicial Circuit (comprised of the counties of Lee, Ogle, Stephenson, Carroll, and Jo Daviess) suffer from the following operational challenges in conducting in-person hearings relating to pretrial detention or conditions of pretrial release pursuant to the SAFE-T Act: difficulty transporting defendants to the respective court buildings due to security staff shortages, a shortage of security staff to accompany defendants and remain with the defendants in the courtrooms during hearings, and insufficient funding to hire additional security staff to facilitate transportation of defendants to and from court buildings and the jails as well as to remain with the defendants in the courtroom during court proceedings.

IT IS HEREBY ORDERED that:

1. The Chief Judge of the Fifteenth Judicial Circuit approves the operational challenges documented in Illinois Supreme Court Amended Order M.R. 31888 and orders the use of two-way audio-visual communication systems be allowed for hearings held to determine whether a defendant should be detained or continue in detention and, if not, what conditions of pretrial release should apply;
2. The additional operational challenges identified in this order experienced by all circuit courts within the Fifteenth Judicial Circuit provide a basis to allow hearings by two-way audio-visual communication systems;
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, and that confidential communications between the defendant and defense counsel shall not be recorded consistent with constitutional protections.

Dated: March 22, 2024



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Jacquelyn D. Ackert, Chief Judge