



## Supreme Court of Illinois

September 13, 2023

### ILLINOIS SUPREME COURT'S COMPREHENSIVE PREPARATIONS FOR THE END OF CASH BAIL

Illinois has a long history of pretrial reform efforts starting with the abolishment of bail bondsmen in 1963. Those efforts continue as Illinois becomes the first state to abolish cash bail on Sept. 18. The Illinois Supreme Court has taken significant steps to prepare the Judicial Branch for pretrial reform. These efforts began with the formation of the Commission on Pretrial Practices in 2017, which consisted of all three branches of government and criminal justice stakeholders. The Commission issued its final report in 2020 and that led to the creation of the Pretrial Implementation Task Force (Task Force).

The Task Force worked throughout 2022 to prepare and educate the public and stakeholders on the Pretrial Fairness Act (PFA). That work went right up to December when a court ruling and action by the Illinois Supreme Court paused implementation. Additional steps taken by the Supreme Court and its related bodies are detailed below ahead of Sept. 18.

#### Commission on Pretrial Practices

The Illinois Supreme Court Commission on Pretrial Practices (Commission) was [formed in 2017](#) and was comprised of members of all three branches of Illinois government and criminal justice stakeholders. These individuals spent two years studying best practices in use around the country, consulted pretrial reform experts, listened to stakeholders throughout the state, and analyzed the myriad sources of academic and professional analysis of pretrial issues.

The Commission held public hearings in Springfield, Champaign/Urbana, Chicago, and Freeport between April and June 2019. The written comments and testimony submitted during those public hearings were incorporated into the final report and recommendations. A [preliminary report](#) was completed in December 2018 and the [final report](#) was released in April 2020.

#### Pretrial Implementation Task Force

The Task Force was [formed in 2020](#) to prioritize and implement the recommendations of the Commission's Final Report. After the passage of the SAFE-T Act, the Task Force was further charged with preparing and educating all Illinois counties and stakeholders on the Act's provisions, including the Pretrial Fairness Act (PFA).

Nine town halls were held monthly via Zoom to provide updates to court stakeholders. The town halls covered topics such as an introduction to the PFA, release by citation, release from custody, pretrial assessment tools, and first appearance hearings. The Task Force also hosted six day long, in-person regional education seminars across Illinois to overview pretrial justice and the implementation of the PFA.

Task Force resources including flowcharts and considerations documents, as well as video of town halls and a list of Task Force members and subcommittees, can be found [here](#).

## **Illinois Judicial College Committee on Pretrial Education**

Last month, the Court [announced](#) the creation of the Illinois Judicial College Committee on Pretrial Education (CPTe) as a Standing Committee of the Illinois Judicial College (Judicial College), elevating pretrial education from its current Pretrial Board Workgroup status in the Judicial College.

The establishment of the CPTe followed the Court's determination to sunset the Task Force and to promote comprehensive pretrial education as an aid to the Judicial Branch in its preparedness and readiness to interpret and apply the SAFE-T Act law. The Judicial College started hosting Pretrial Provisions of the SAFE-T Act webinars in late August.

The CPTe will provide judges, pretrial officers and other judicial branch justice partners ongoing continuing education and the educational opportunities to overview and discuss the substantive and procedural law, rules, materials, and pretrial resources.

## **Office of Statewide Pretrial Services**

The Illinois Supreme Court created the Office of Statewide Pretrial Services (OSPS) in August of 2021 to provide pretrial services in counties where pretrial services did not exist. The [Pretrial Services Act](#) became effective on July 1, 1987, providing the legal framework for the pretrial process in Illinois. Section 1 of the Act provides that "[e]ach circuit court shall establish a pretrial services agency," and that goal is finally coming to fruition through a combination of county-based pretrial departments and OSPS.

Under the direction of Director Cara LeFevour Smith, OSPS has quickly grown to a staff of approximately 170 and is operational in 70 Illinois counties. OSPS will begin serving Will County in early October 2023. The OSPS county map is available [here](#). They can be reached by phone at 217-558-2113 or via email at [pretrialservices@illinoiscourts.gov](mailto:pretrialservices@illinoiscourts.gov).

## **Public Defender Fund**

The Legislature created a \$10 million Public Defender Fund to be used by the Illinois Supreme Court to provide funding to all counties except Cook for public defenders and public defender services.

The 101 counties that are a part of the fund will receive from \$77,000 up to \$147,555 using a formula based on several factors. This additional funding is expected to be transformative for public defenders and their clients across Illinois. It is expected to be distributed in the next few weeks.

## **Data collection**

The ability to monitor and analyze the effectiveness of the Safe-T Act is contingent upon the ability to collect pretrial data and produce useful reports to the Administrative Office of the Illinois Courts (AOIC), Chief Judges, stakeholders, and the public. OSPS and other AOIC divisions have been working to identify existing capabilities and gaps that need to be closed to allow data collection and reporting.

Pretrial data will come from two sources: The OSPS Pretrial application, and existing circuit court Content Management Systems (CMS). OSPS developed and trained OSPS staff on the use of the OSPS Pretrial application, which is used in 71 counties. The application contains various useful features to collect data for OSPS. Court case management systems provide some data, but also have some gaps that need to be resolved. To help collect this data, the AOIC is working on solutions to guide court CMS partners and clerks on the data needs and procedural changes necessary in courtrooms.

## **Court reporters**

Last year, the Court [announced last year](#) amendments to appellate rules for the implementation of the Pretrial Fairness Act (PFA). Those rules provided that, if a hearing under the Pretrial Fairness Act is conducted by means of two-way audio-visual communications or other electronic recording system, the audio or audio-visual recording shall be used as the report of proceedings for the purpose of appeals. Given the great variability in technological resources available to official court reporters throughout the state, as well as inconsistent levels of training on audio or audiovisual systems, a court reporter would typically be able to create a traditional transcription of the proceedings much more quickly than preparing the audio or audiovisual file for the record on appeal.

The Illinois Supreme Court announced on Sept. 11, 2023, an order intended to provide flexibility to official court reporters in their role as recorders of court proceedings for the purpose of appeals.

## **Additional rule changes**

The advent of pretrial reform prompted the amendment of 20 Illinois Supreme Court rules and the repeal of seven more. Those amendments were held in abeyance while the Court considered a challenge to the constitutionality of the Pretrial Fairness Act, and they will now take effect on September 18, with the commencement of the pretrial hearings contemplated by the Act. The Court's website also now provides forms for appeals from those hearings.

**(FOR MORE INFORMATION, CONTACT: James Brunner, Public Information Officer of the Illinois Supreme Court at 217.208.3354 or [jbrunner@illinoiscourts.gov](mailto:jbrunner@illinoiscourts.gov).)**