



# **19<sup>th</sup> Judicial Circuit Bond Court and Lake County Adult Probation's Pretrial Services Unit**

January 30, 2018



# Bond Court

- Bond Court Process
- Bail Bond Considerations
- Setting Bonds
- Releases,
- Bond Supervision
- Remands
- Revocation of Bond



# Bail Reform Act of 2017

effective January 1, 2018

## ■ Right to Counsel in Bail Hearings

Provides a right to counsel at bail hearings. If the defendant desires counsel but cannot afford it, the court shall appoint a public defender or other licensed attorney.

## ■ Presumption of Non-Monetary Bail

Creates a presumption that any conditions of release shall be non-monetary, and the court shall impose the least restrictive conditions necessary to reasonably assure the defendant's appearance at future hearings, safeguard the public, and protect the integrity of judicial proceedings.

Requires the court to consider the defendant's socio-economic circumstances when imposing bail or setting conditions of release.

# Bail Reform Act of 2017

**effective January 1, 2018 (cont.)**

## ■ Automatic 2nd Look Bail Hearings

- ❑ Creates "Category A" offenses: Class X, 1, & 2 felonies, first degree murder, other violent felonies and violent misdemeanors
- ❑ Creates "Category B" offenses: business & petty offenses, misdemeanors, Class 3 & 4 felonies.
- ❑ Persons in custody for category B offenses due to inability to post monetary bail must be brought before the court at the next available court date or within 7 calendar days (whichever is earlier) for a rehearing on the amount of bail/conditions of release.



# Bail Reform Act of 2017

**effective January 1, 2018 (cont.)**

- **Bail Credit for Time Served**

Persons subject to bail on category B offenses shall have \$30 deducted from their monetary bail for every day incarcerated.

- **Statewide Risk Assessment Tool**

Encourages the Illinois Supreme Court to adopt a statewide risk assessment tool for use in bail proceedings which assesses whether the defendant poses a real and present threat to safety and assesses his/her likelihood of appearing at future proceedings

Encourages the Supreme Court to adopt a risk assessment tool which does not discriminate on the basis of race, gender, education level, or socio-economic status.

## Category A Offenses

All Class X felonies  
All Class 1 felonies  
All Class 2 felonies  
First degree murder (720 ILCS 5/9-1)

### **The following Class 3 and 4 felonies, specifically:**

Fleeing/attempting to elude a peace officer (625 ILCS 5/11-204)  
2nd/subsequent DUI (625 ILCS 5/11-501)  
Aggravated DUI (625 ILCS 5/11-501(d))  
Leaving the scene of an accident resulting in injury; failure to report within 30 minutes (625 ILCS 5/11-401)  
Involuntary manslaughter or reckless homicide (720 ILCS 5/9-3)  
Concealing a homicidal death (720 ILCS 5/9-3.4)  
Unlawful restraint (720 ILCS 5/10-3)  
Aggravated unlawful restraint (720 ILCS 5/10-3.1)  
Child abduction (720 ILCS 5/10-5)  
Indecent solicitation of a child (720 ILCS 5/11-6)  
Custodial sexual misconduct (720 ILCS 5/11-9.2)  
Child pornography (720 ILCS 5/11-20.1)  
Non-consensual dissemination of private sexual images (720 ILCS 5/11-23.5)  
Grooming (720 ILCS 5/11-25)  
Aggravated assault w/ a weapon or motor vehicle (720 ILCS 5/12.2)  
Aggravated battery (720 ILCS 5/12-3.05)  
Domestic battery (720 ILCS 5/12-3.2)  
Violation of an order of protection (720 ILCS 5/12-3.4)  
Criminal abuse/neglect of an elderly person/LTC resident/ disabled person (720 ILCS 5/12-4.4a)  
Reckless conduct causing great bodily harm/permanent disability or disfigurement of another (720 ILCS 5/12-5)

Hate crime (720 ILCS 5/12-7.1)  
Stalking (720 ILCS 5/12-7.3)  
Aggravated stalking (720 ILCS 5/12-7.4)  
Cyberstalking (720 ILCS 5/12-7.5)  
Endangering the life or health of a child (720 ILCS 5/12C-5)  
Reckless discharge of a firearm (720 ILCS 5/24-1.5)  
Unlawful sale/delivery of firearms (720 ILCS 5/24-3)  
Mob action (720 ILCS 5/25-1)  
Harassment by telephone (720 ILCS 5/26.5-2)  
Dogfighting (720 ILCS 5/48-1)  
Involuntary servitude (720 ILCS 5/10-9(b)(5) or (6))  
Criminal sexual abuse (720 ILCS 5/11-1.50(a)(1) or (2))  
Compelling a confession or information by infliction or threat of bodily harm (720 ILCS 5/12-7)  
False personation of a peace officer (720 ILCS 5/17-2(b)(3))  
Unlawful use of a weapon, sawed-off or silencer (720 ILCS 5/24-1(a)(7)(ii) or (a)(6))  
Failure to register as a sex offender (730 ILCS 150/10)

### **The following Class A, B, and C misdemeanors, specifically:**

Aggravated assault (720 ILCS 5/12.2)  
Battery (720 ILCS 5/12-3)  
Domestic battery (720 ILCS 5/12-3.2)  
Violation of an order of protection (720 ILCS 5/12-3.4)  
Reckless conduct causing bodily harm/endangering safety of another (720 ILCS 5/12-5)  
Endangering the life or health of a child (720 ILCS 5/12C-5)  
Unlawful sale/delivery of firearms (720 ILCS 5/24-3)  
Mob action (720 ILCS 5/25-1)  
Harassment by telephone (720 ILCS 5/26.5-2)  
Criminal sexual abuse (720 ILCS 5/11-1.50(b) or (c))



## Category B Offenses

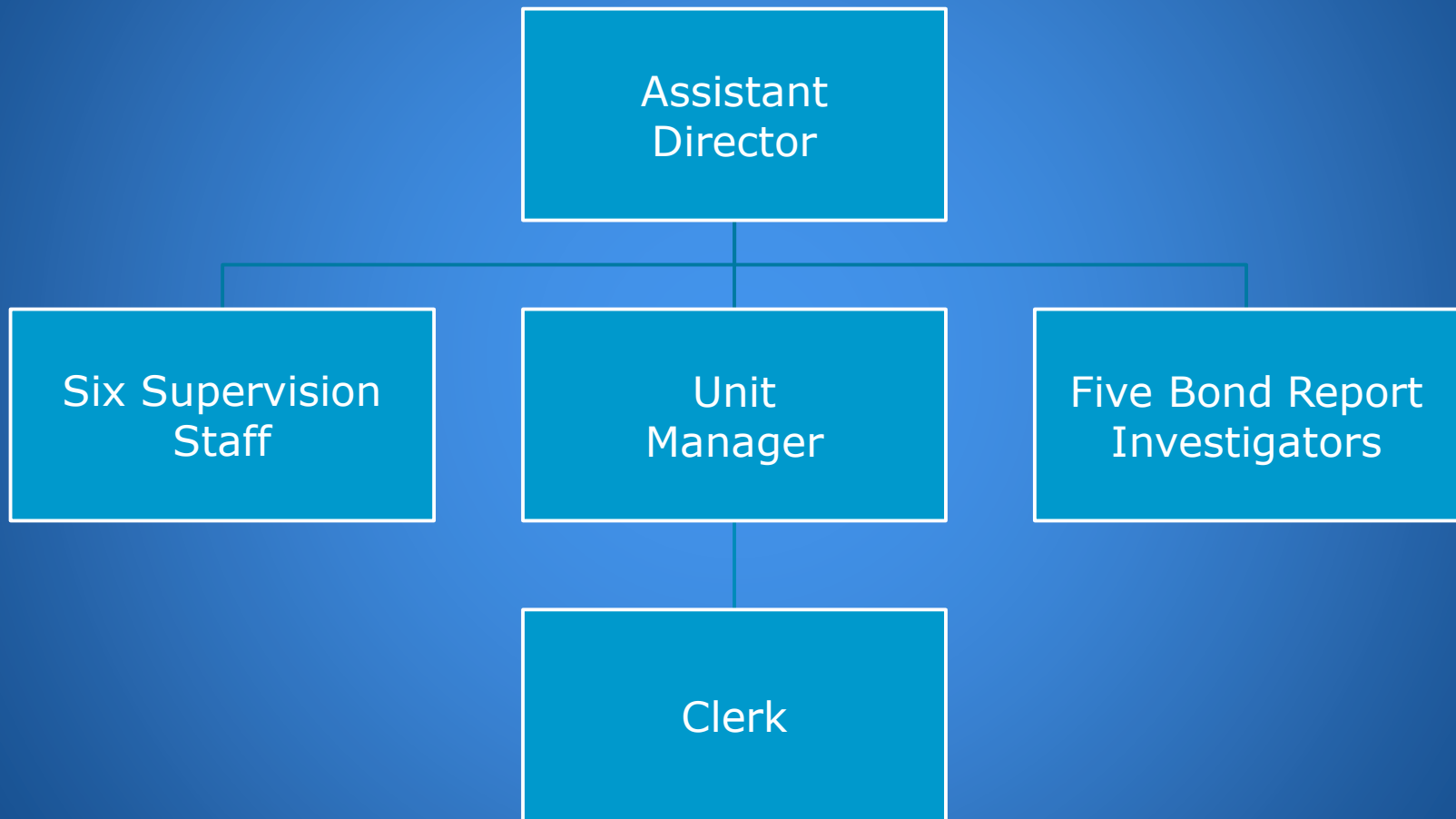
Business offenses

Petty offenses

Class A, B and C misdemeanors, other than those specified as  
Category A

Class 3 and 4 felonies, other than those specified as Category A

# Pretrial Services Unit





# A Short History of Lake County Pretrial Services

- Pretrial Services started with four staff in 1983; today there are eleven staff, a supervisor, and an administrative clerk.
- In February 1986 the Pretrial Bond Supervision (PTBS) component was added.



# The Basic Functions of Pretrial Services

- **Bond Reports:** The *Investigative* Function
- **Bond Supervision:** The *Supervision* Function



# Bond Report Investigation Procedures

- Interview Defendant.
- Obtain Criminal Record Information.
  - Arrests and Convictions: Is he a recidivist?
  - FTA History: does he come back to court?
  - Active status in the criminal justice system?
    - Pending Charges?; On Probation? Parole? Active Warrants?
- Community Stability Factors.
  - Theory of Community Ties (residence; employment).
- Social/Behavioral Problems.
  - Substance Abuse; Mental Illness; Family/Domestic Issues.
- Verify Information.



# Making a Bond Recommendation

- Based on the information collected, make an appropriate bond recommendation that takes into account failure-to-appear (FTA) risk and community safety.
- Will the individual return for court? Will the individual stay out of trouble?
- Assessing Risk: A *Combined* Approach.
  - Objective Risk Assessment Tool
  - Officer's Subjective Assessment



## The Nine Factors that Best Predict the Level of Risk in Lake County

- Active Criminal Justice Supervision-1
- Pending Charges-1
- Outstanding Warrants-1
- At least one prior conviction for a felony or misdemeanor-1
- Two or more FTA's-1
- Two or more convictions for a violent crime-1
- Length of time at current address-2
- Unemployed-1
- History of Drug Abuse-1



## Additional Considerations

### Additional Risk Considerations:

- ☐ One or more current charge is violent
- ☐ One or more of the current charge is First Degree Murder, a class X Felony or a class 1 Felony
- ☐ The defendant is currently under active criminal justice supervision
- ☐ The defendant has a juvenile criminal record
- ☐ The defendant has a significant mental health concern
- ☐ The defendant is affiliated with a gang
- ☐ Other(s):

### Mitigating Factors:

- ☐ The defendant self-surrendered
- ☐ Other(s):



# The higher the score, the greater the risk!

- LOW RISK [0-1] {10%}
- BELOW AVERAGE RISK [2] {19%}
- AVERAGE RISK [3] {27%}
- ABOVE AVERAGE RISK [4] {40%}
- HIGH RISK [5-10] {53%}



# The Risk Assessment

- Illinois Pretrial Services Act
- Evidence-Based Risk Assessment that has been validated twice for Lake County
- Standardizes the assessment process
- Informed decision making
- Identify those defendants who will most likely return to court and can be safely released back into the community pending case disposition



## Pretrial Bond Supervision (PTBS): The Supervision Function

- PTBS is a supervised pretrial release alternative to jail incarceration and financial conditions of release.
- Bond Supervision involves supervising defendants who have been released from jail pending trial and monitoring their compliance with court-ordered conditions of release, including curfew restrictions and drug testing.



# Pretrial Bond Supervision Procedures

- PTBS Intake and Program Orientation
- Risk Assessment & Case Classification
- Supervision & Casework
  - Courtdade Notification
  - Monitor client's compliance with bond conditions.
  - Drug Testing
- Violations
  - Monitoring Arrest Records
  - Reporting Violations to Court



# Case Classification

- The Lake County Pretrial Risk Assessment Instrument also serves as the empirical foundation for the case classification of PTBS defendants.
- The LCPRAI helps prioritize supervision based on the defendant's level of risk.
  - The Risk Principle



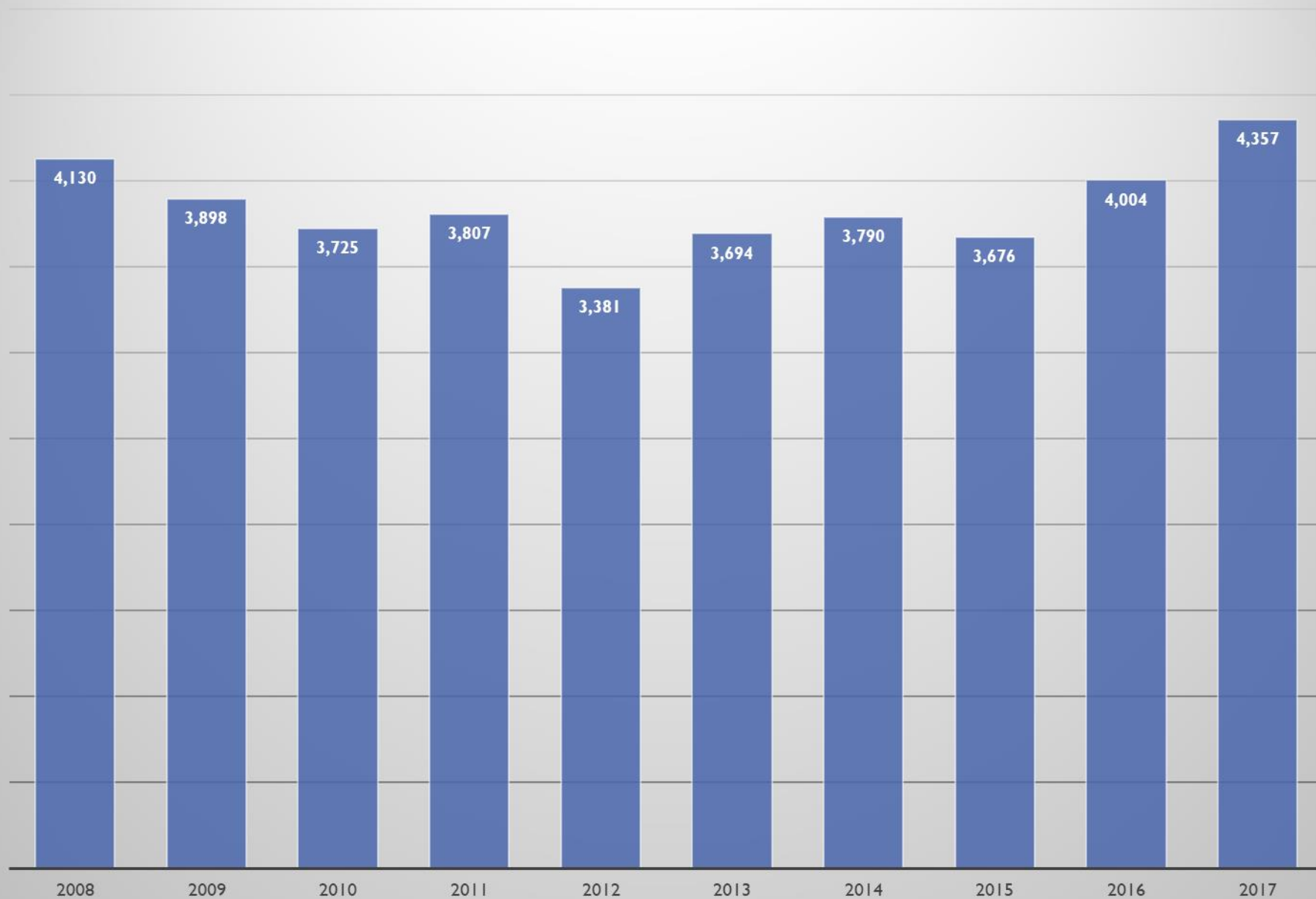
# Case Classification

- Cases are classified into one of three levels of supervision based on:
  - Class of Crime
  - Nature of Charges (violent or non-violent)
  - Defendant's Risk Score

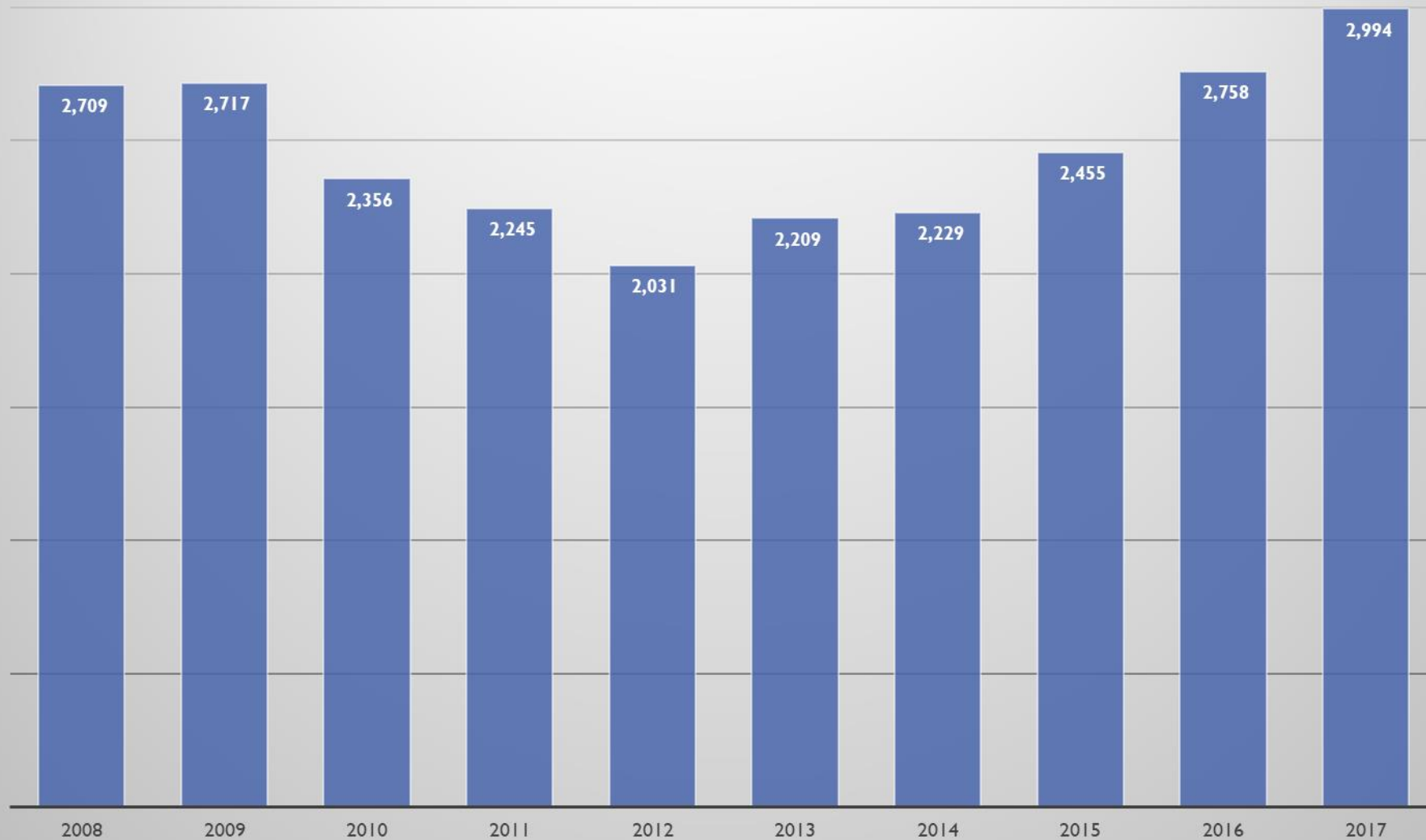
# Jail Admissions with and without and Pretrial Bond Investigation

		May 2017 to Mid-July 2017				
Number of Confinement Days	Total Confinements	Percentage of Total Confinements	Bond Report Completed	Percentage	No Bond Report	Percentage
0	595	44.74%	56	9.41%	539	90.59%
1	195	14.66%	15	7.69%	180	92.31%
2	58	4.36%	17	29.31%	41	70.69%
3	59	4.44%	20	33.90%	39	66.10%
4	46	3.46%	17	36.96%	29	63.04%
5	33	2.48%	18	54.55%	15	45.45%
6 to 10	95	7.14%	36	37.89%	59	62.11%
11 to 25	87	6.54%	43	49.43%	44	50.57%
26 to 50	97	7.29%	53	54.64%	44	45.36%
Over 50	91	6.84%	67	73.63%	24	26.37%
TOTAL	1330	100.00%	306	23.01%	1024	76.99%
Total Confinement 3 plus days	508	38.20%	254	50.00%	254	50.00%

## Pretrial Services Investigations



## Pretrial Bond Services - Total Cases on Bond Supervision



# Pretrial Services Outcome Data

## Remanded Offenders with Bond Investigations

Snapshot (1/2017 – 3/2017) 90% were identified as above-average or high risk

Risk Level	17-Jan	17-Feb	17-Mar	TOTAL
Low	2.60%	0.90%	0	1.20%
Below Average	5.20%	1.80%	3.50%	3.50%
Average	10.50%	3.60%	2.60%	5.60%
Above Average	13.10%	20.90%	13.00%	15.60%
High	68.40%	72.70%	80.90%	74.00%
TOTAL	114	110	115	339

## PTBS Term Types (2010-2016)

- Successful Completion – 8925 80.7%
- Revoked Technical - 671 – 6.1%
- Revoked Failed to Appear -918 – 8.3%
- Revoked New Offense – 539 – 4.9%

## Successful Completion Outcomes (2010 – 2016)

- Court Supervision – 802 – 8.9%
- Il. Dept. of Corrections -177- 1.9%
- Jail/CBCC - 161 – 1.8%
- JCONE – 18 – 0.2%
- Nolled/Not Guilty – 2214 – 24.8%
- Probation/CD – 929 – 10.4%
- Probation – 3278 – 36.7%
- Probation w/Jail/CBCC – 866 – 9.7%
- PTBS Vacated – 480 – 5.4%

## Overall Outcome after discharged from PTBS

Community Supervision – 6036 – 67.5



# **Pretrial Services – Other Programs**

- Failure to Appear Program
- Bischof and Diane's Law Investigations
- Bischof and Diane's Law Bond Supervision Program
- Referral Source for Problem Solving Court
- Drug Testing for Family Court and General Court