

IN THE CIRCUIT COURT OF THE TENTH JUDICIAL CIRCUIT OF ILLINOIS
ADMINISTRATIVE ORDER 91-2

In order to insure that, throughout the five counties of the Tenth Judicial Circuit of Illinois, all constitutional and statutory rights of those arrested, either with or without a warrant, are fully recognized when Court is not regularly in session, the following is adopted as an Administrative Order of this Court.

IN PEORIA COUNTY:

1) On the first day Court is not regularly in session (typically Saturday), the procedure outlined in the State's Attorney's statement of December 21, 1990, and attached hereto, will be the procedure followed. In addition to setting bonds, the Duty Judge will make determinations of probable cause to detain.

2) On the second consecutive day Court is not regularly in session (typically Sunday), again the procedure outlined in the State's Attorney's statement of December 21, 1990, will be followed except, after completion of the drafting of the charges, instead of delivering them to the Duty Judge, the Duty Judge at twelve noon (12:00 p.m.) will conduct "bonding court" in Courtroom 321 of the Peoria County Courthouse by the two-way closed circuit television system. The Assistant State's Attorney will bring the paperwork from the jail to Courtroom 321 prior to noon.

All those arrested who have not been previously brought before a Judge will appear. In addition to the matter outlined in Section 109-1 of Chapter 38, Illinois Revised Statutes, the Duty Judge will determine whether or not probable cause for detention exists.

In all cases where the defendant is unable to post bond and the Public Defender is appointed, the Duty Judge will set those for the next regularly scheduled Court day, when the Public Defender will be present in Courtroom 321.

3) The third consecutive day Court is not regularly in session will be conducted as the first day.

4) The fourth consecutive day Court is not regularly in session will be conducted as the second day.

5) On the first regular work day after a holiday, when no televised bonding court was held on the previous day (typically a Tuesday following a Monday holiday), all those arrested and in custody, who have not yet appeared before a Judge, will be brought before the Presiding Judge in Courtroom 321 before noon via closed circuit television. The specific time will be determined by the Presiding Judge. It will be the responsibility of the State's Attorney to have completed all necessary paperwork, so that probable cause for detention determinations, proceedings pursuant to Section 109-1 of Chapter 38, Illinois Revised Statutes, and any other appropriate matters can be addressed at that time.

6) With the exception of the preceding Paragraph (5), the traditional procedure for processing those arrested on days when Court is regularly in session will be followed.

IN MARSHALL, PUTNAM AND STARK COUNTIES:

1) Immediately upon arrest by authorities within said counties, with or without a warrant, if the arrestee is held in custody, it shall be the

responsibility of the Sheriff's Office of the arresting county to contact the State's Attorney of that county within one hour, if between 8:00 o'clock a.m. and 9:00 o'clock p.m. and otherwise by 9:00 o'clock a.m. the next day (in no event more than 12 hours following arrest, even if this requires that the State's Attorney be contacted at home or elsewhere). In the event that the State's Attorney cannot be located within that time, the person designated by the State's Attorney as his assistant shall be contacted within that same period of time.

2) If Court will be in regular session in such county within forty-eight (48) hours following arrest, it shall be the responsibility of the State's Attorney's Office to schedule an initial hearing for said defendant to be held as soon as possible within said period of forty-eight (48) hours. If a special setting will be required to afford defendant an initial hearing within said period of forty-eight (48) hours following arrest, it shall be the responsibility of the State's Attorney or person designated by him, immediately upon receiving notification of arrest from the Sheriff's Office, to contact the Resident Circuit Judge (or the Presiding Judge assigned to said county, if the Resident Circuit Judge is unavailable, or any Resident Circuit Judge or Associate Judge residing within Marshall, Putnam and Stark Counties, if both the Resident Circuit Judge and Presiding Judge are unavailable) to schedule the initial hearing which (unless otherwise ordered for good cause shown) shall be held in open court at the courthouse of said county.

3) The State's Attorney or person designated by him shall have the responsibility of immediately advising the Sheriff's office of the date, time and place scheduled for such initial hearing.

4) Pertaining to arrests made upon warrants issued by another county: Such defendants shall be accorded the same rights provided to other arrestees under this Administrative Order except that, if such defendant may without additional delay be provided an initial hearing in the county issuing such warrant, pursuant to Section 109-2(a) of the Illinois Code of Criminal Procedure, or if such defendant waives his right to an initial hearing, pursuant to Section 109-2(b), no initial hearing shall be provided in the arresting county and arrangements shall be made by the Sheriff's Office of the arresting county for prompt transfer of the defendant to the custody of the charging county for further proceedings.

5) Pertaining to warrantless arrests only: It shall be the responsibility of the arresting agency to complete its arrest reports to the satisfaction of the State's Attorney of that county to enable such State's Attorney to properly present the State's case upon the issue of initial probable cause.

6) At the hearing, if on a warrantless arrest, the Court shall first conduct a probable cause hearing. If probable cause is not found at such initial hearing, the defendant shall be released. If probable cause is found, or if the defendant was arrested pursuant to warrant, the Court shall proceed to arraign the Defendant, bond will be set and other matters may be considered, pursuant to Sections 109-1 and 109-1.1 of the Illinois Code of Criminal Procedure.

7) It shall be the responsibility of the Sheriff's Office of the arresting county to assure that the defendant is transported to said hearing and to assure that proper security is provided during transport and while

court is in session.

8) These procedures anticipate attendance at the hearing of the defendant and the State's Attorney or his designated assistant. The Public Defender, Circuit Clerk, and the Court Reporter will not be required to attend, if not already present in the course of their regular duties.

9) Pertaining to defendants merely housed for the benefit of the arresting or charging county: The responsibilities imposed by this Administrative Order remain the responsibilities of the arresting and/or charging county. The responsibility of the Sheriff's Office of the housing county shall be limited to ascertaining that the arresting and/or charging county has accorded, or will timely provide for, such defendant's initial hearing.

10) The aforesaid procedures apply only to those cases wherein defendant is to be held in custody and do not apply to cases wherein defendant is not held in custody, as where defendant has been given a notice to appear or promptly bonds out upon arrest. In those noncustody cases, arraignment shall occur on defendant's return date, as shown on his or her bond or notice to appear.

IN TAZEWELL COUNTY:

I. Five O'Clock Judges

It is essential that at least one judge is in the courthouse until 5:00 p.m. each day to handle unscheduled matters, including emergency Temporary Restraining Orders and Orders of Protection. Accordingly, each of the judges sitting in the Tazewell County Courthouse will be responsible, on

a weekly, rotating basis, for staying in the building until at least 5:00 p.m. The schedule of judges having five o'clock duty shall be kept by the Administrative Secretary.

II. Criminal Cases - First Court Appearances

A. General Rule. A person arrested and detained shall be brought before a judge during the first work day after arrest, unless it is practicable to do so on the day of arrest.

B. Weekday Appearances. On Monday through Friday persons arrested and detained shall be brought to court as follows: traffic cases at 11:00 a.m.; misdemeanor cases at 1:00 p.m.; and felony cases at 3:00 p.m.

C. Weekend Appearances.

1. Persons arrested and detained without a warrant shall appear in Weekend Court, according to the schedule in Section II, C, 4 of this Order.

2. The Weekend Court Judge shall preside at the "civil process desk" in the Tazewell County Jail. The defendant shall be present. The judge shall comply with Section 109-1(b) of the Code of Criminal Procedure. The judge shall also conduct a hearing on the issue of probable cause to detain the defendant. The judge shall retain the original charge and other documents and deposit them in the Circuit Clerk's Office during the next business day. No guilty pleas may be accepted.

3. Each Circuit and Associate Judge residing in Tazewell County will be responsible, on a weekly, rotating basis, for presiding over Weekend Court. The schedule of judges having weekend duty shall be kept by the Administrative Secretary.

4. Weekend Court Schedule.

(a) On ordinary weekends, Weekend Court will be held at 9:00 a.m. Sunday.

(b) On three-day weekends, Weekend Court will be held at 1:00 p.m. on the second day of the weekend (Sunday on three-day weekends including a Monday holiday).

(c) On four-day weekends, Weekend Court will be held at 1:00 p.m. on the second day of the weekend and at 9:00 a.m. on the fourth day of the weekend (Friday and Sunday, respectively, during the Thanksgiving weekend).

(d) The State's Attorney or his Chief Assistant shall notify the Weekend Court Judge at least one hour before the scheduled session if there is no need to convene the session.

5. Law Enforcement Guidelines.


(a) On ordinary weekends, persons arrested and detained before 10:00 a.m. Friday must be taken to the appropriate court on Friday. See Section II, B of this Order. Persons arrested after 10:00 a.m. Friday should be taken before the appropriate judge before 5:00 p.m. Friday, if practicable. Persons arrested and detained after 10:00 a.m. on Friday and before 10:00 p.m. on Saturday, shall be taken to Weekend Court at 9:00 a.m. Sunday. Persons arrested and detained after 10:00 p.m. on Saturday should be taken to Weekend Court, if practicable. Otherwise, they should be taken to the appropriate court on Monday.

(b) On three-day weekends, the guidelines in subsection (a)

above apply with the following additions: Persons arrested and detained before 10:00 a.m. on Sunday shall be taken to Weekend Court at 1:00 p.m. Sunday; and persons arrested after 10:00 a.m. on Sunday shall be taken to the appropriate court on Tuesday.

(c) On four-day weekends, persons arrested and detained before 1:00 p.m. on Wednesday shall be taken to the appropriate court before 5:00 p.m. on Wednesday. Persons arrested and detained after 1:00 p.m. on Wednesday and before 10:00 a.m. on Friday shall be taken to Weekend Court at 1:00 p.m. on Friday. Persons arrested and detained after 10:00 a.m. on Friday or on Saturday shall be taken to Weekend Court at 9:00 a.m. on Sunday.

ENTERED THIS 30th DAY OF SEPTEMBER, 1991.



DONALD E. COURSON, Chief Judge
Tenth Judicial Circuit

County of Peoria



KEVIN W. LYONS
STATE'S ATTORNEY

PEORIA COUNTY COURTHOUSE
PEORIA, ILLINOIS 61602

December 21, 1990

GENERAL OFFICES
(309) 672-6900

WEEKEND/HOLIDAY BONDING COURT

Implemented to review the arrests of Defendants taken into custody from Friday through Sunday and during holiday periods, the following procedure defines the roles of those involved in carrying out this practice:

ARRESTING OFFICER: Prepares the written police report relative to the subject's arrest. The report may be typed but is expected to be handwritten on uniform report forms. This report should be completed by the end of the officer's shift to be utilized by the prosecutor at his or her next jail appearance.

POLICE AGENCY: A copy should be made of the arresting officer's report and forwarded to the Peoria County Jail for use at the next scheduled bonding review period.

JAIL BOOKING: An accurate list should be prepared of all newly arrested subjects that are still in custody at the scheduled bonding period and police reports received should be arranged in the same order as the prepared in-custody list.

Booking should notify in-custody subjects of any bond which is set by the court or notice/release authorized by the prosecutor. Charges returned by the Judge (signed or unsigned) should be provided to transport officers for delivery to the State's Attorney's Office on the morning of the next court day for filing by the Circuit Clerk.

ASSISTANT STATE'S ATTORNEY: The prosecutor should arrive at the jail in time to review the police reports of subjects in-custody but not yet charged. The prosecutor should draft a complaint (if a misdemeanor) or an information (if a felony) as he or she deems appropriate and using uniform forms from which the Sheriff's clerical staff can type the formal charge. A suggested bond should be noted on the charge.

The prosecutor may authorize a Notice to Appear after a careful evaluation of the facts. Release without charges can be authorized by the prosecutor.

SHERIFF'S CLERICAL STAFF: The charges handwritten by the prosecutor should be typed on uniform complaint/information forms and should be completed by 11:30 a.m. for transport to the assigned judge.

SHERIFF'S DEPUTY: The typed charges should be delivered to the assigned judge promptly at 12:00 noon on the day completed by the prosecutor. The charges should be delivered by the deputy and prosecutor.

The home address of the judge is not to be shared with others and the charges are to be delivered to the judge's residence unless otherwise requested.

JUDGE: Upon review of the charges presented and the suggested bond, the Court may set the bond and place its signature accordingly. The bond may, of course, be set higher or lower than the suggested bond and the Court may elect to not set a bond without additional in court information. In the event the judge is unable to be available at the time scheduled, he or she should pre-arrange for an alternate judge to be available and should timely notify the jail booking sergeant at 697-7841.

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