

# ISSUING AN ARREST WARRANT

To sign an electronic arrest warrant, the issuing judge must be logged into <https://sw.illinoiscourtservices.net> . When the arrest warrant case number is initially clicked, the “Case Information” page will appear. As can be seen in the example below, the charges and their respective classifications will be displayed.

Case Information			
Complaint Number	OW202300009192	Defendant	<b>John Doe</b>
Report/Incident No	BEPPC2300707	County	DUPAGE
Case Status	PROCESSING..	Arresting Agency	BENSENVILLE
State's Attorney Approval		Impounded	No
Case Number	Type	Class	Charge
	CF	2	AGGRAVATED DUI - 3RD VIOLATION - BAC .16 OR MORE (d)(2)(B)
	CM	A	ATTEMPT - CRIMINAL DAMAGE TO GOVT SUPPORT PROPERTY - \$500 TO \$10,000
	TR	P	DRIVING TOO FAST FOR CONDITIONS, OR FAILURE TO REDUCE SPEED TO AVOID AN ACCIDENT
	MT	A	DRIVING WITH LICENSE REVOKED

When signing an arrest warrant, the standard form (See below) will appear to the reviewing judge. Under **Release/Detention** the judge will have two choices. The first is to **“Release on Personal Recognizance”** and the second is to detain the defendant **“Defendant to be held without release to be brought before the court.”**

The reviewing judge needs to first ascertain the class offense that is listed. The one listed in the example below is FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER IN MOTOR VEHICLE. This is NOT a detainable offense, so normally the reviewing judge would check the “recognizance authorized. circle. However, if the arresting officer states that he/she **“reasonably believes the accused poses a threat to the community or any person, (ii) a custodial arrest is necessary because the criminal activity persists after the issuance of a citation, or (iii) the accused has an obvious medical or mental health issue that poses a risk to the accused's own safety,”** then the reviewing judge should check the second circle indicating detention. The offense is still NOT detainable, but it allows for the Bond Court judge to order appropriate Pre-Trial Release conditions.

The image shows a screenshot of a legal form with several sections. A red circle highlights the "Release/ Detention" section. The "Offenses" section contains a table with one row: "FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER IN MOTOR VEHICLE" with the statute "625 ILCS 5/11-204(a)". The "Mileage Limitations" section has radio buttons for "DUPAGE", "Illinois", "No Limitaion", "DeKalb, DuPage, Lake, McHenry, Kane, Kendall, Will and Cook Counties", "Midwestern States - IL, IN, WI, IA, MO, KY, MI and MN", and "Other". The "Release/ Detention" section has radio buttons for "Release on personal recognizance authorized" and "Defendant to be held without release to be brought before this Court". There is also an "Other" field with a text input box.

Violation	Statute
FLEEING OR ATTEMPTING TO ELUDE POLICE OFFICER IN MOTOR VEHICLE	625 ILCS 5/11-204(a)

**Mileage Limitations**

DUPAGE  Illinois  No Limitaion

DeKalb, DuPage, Lake, McHenry, Kane, Kendall, Will and Cook Counties

Midwestern States - IL, IN, WI, IA, MO, KY, MI and MN

Other

**Release/ Detention**

Release on personal recognizance authorized

Defendant to be held without release to be brought before this Court

Other

## DETAINABLE OFFENSES

If ANY of the offenses is one that is categorized as “Detainable,” the issuing judge should check the circle preceding the option to detain the Defendant so that the matter may be reviewed by Bond Court personnel.

### Class B, C, Petty Offenses, and routine minor Traffic Offenses

For ALL a Class B, C, Petty Offenses, and routine minor Traffic Offenses the officer is supposed to issue a citation and **NOT** seek an arrest warrant per 725 ILCS 5/109-1. The exception is when the officer **“reasonably believes the accused poses a threat to the community or any person, (ii) a custodial arrest is necessary because the criminal activity persists after the issuance of a citation, or (iii) the accused has an obvious medical or mental health issue that poses a risk to the accused's own safety.”** In that case, a warrant may issue. The offense is still NOT detainable, but it allows for the Bond Court judge to order appropriate Pre-Trial Release conditions.

### Detainable Class A Misdemeanors

1. Stalking
2. Violation of an Order of Protection
3. Violation of a Civil No Contact Order
4. Violation of a Civil No Stalking Order
5. Domestic Battery 720 ILCS 5/12-3.2
6. Criminal Sexual Abuse 720 ILCS 5/11-1.5

7. Any Offense charged under 720 ILCS Chapter 11 (Sex Offenses) **EXCEPT** the following - Unless the Defendant poses a real and present threat to the safety of any person or persons or the community:

Prostitution	720 ILCS 5/11-14
Solicitation of a Sexual Act	720 ILCS 5/11-14.1
Patronizing a Prostitute	720 ILCS 5/11-18
Obscenity	720 ILCS 5/11-20
Public Indecency	720 ILCS 5/11-30
Adultery	720 ILCS 5/11-35
Fornication	720 ILCS 5/11-40
Bigamy and Marrying a Bigamist	720 ILCS 5/11-45

## DETAINABLE FORCIBLE FELONIES

Treason	Residential Burglary
First Degree Murder	Home Invasion
Second Degree Murder	Vehicular Invasion
Predatory Criminal Sexual Assault of a Child	Aggravated Arson
Aggravated Criminal Sexual Assault	Arson
Criminal Sexual Assault	Aggravated Kidnaping
Armed Robbery	Kidnaping
Aggravated Robbery	Aggravated Battery Resulting in Great Bodily Harm
Robbery	Aggravated Battery Resulting in Permanent Disability or Disfigurement
Burglary where there is Use of Force Against Another Person	ANY OTHER FELONY WHICH INVOLVES THE THREAT OF OR INFLICTION OF GREAT BODILY HARM OR PERMANENT DISABILITY OR DISFIGUREMENT

## OTHER FELONY OFFENSES

Non-Probationable Felonies {other than forcible felonies (listed above)}

Aggravated Stalking

Aggravated Domestic Battery

## THE FOLLOWING FELONY SUBSECTION OFFENSES (INCLUDING ATTEMPT) ARE DETAINABLE

When the issuing Judge clicks on the **“Complaint”** link, a page will open that will show the name of the charge and the statutory citation.

The screenshot displays a web interface for 'Criminal Case Complaints'. On the left is a sidebar menu with options: Dashboard, Warrant List, Test Webcam, and Statutes. The main content area is titled 'Counts' and shows 'Number of Counts in this Case : 2'. Two counts are listed:

Statutory Citation	Charge Description	CF	Class	N/A
720 ILCS 646/60(a)	POSSESSION OF METHAMPHETAMINE - LESS THAN 5 GRAMS	CF	Class: 3	N/A
720 ILCS 570/402(c)	POSSESS CONTROLLED SUBSTANCE - OTHER DRUG - ANY AMOUNT	CF	Class: 4	N/A

Below each charge description is a brief description of the offense, such as 'knowingly and unlawfully possessed approximately .518 grams of 3,4-Methylenedioxymethamphetamine, a controlled substance,'.

NAME OF OFFENSE	STATUTE NUMBER
Aggravated Discharge of a Firearm	720 ILCS 5/24-1.2
Aggravated Discharge of a Machine Gun or a Firearm Equipped with a Device Designed or Use for Silencing the Report of a Firearm	720 ILCS 5/24-2.5
Reckless Discharge of a Firearm	720 ILCS 5/24-1.5
Armed Habitual Criminal	720 ILCS 5/24-1.7
Manufacture, Sale or Transfer of Bullets or Shells Represented to be Armor Piercing Bullets, Dragon's Breath Shotgun Shells, Bolo Shells, or Flechette Shells	720 ILCS 5/24-2.2
Unlawful Sale or Delivery of Firearms	720 ILCS 5/24-3
Unlawful Sale or Delivery of Firearms on the Premises of any School	720 ILCS 5/24-3.3
Unlawful Sale of Firearms by Liquor License	720 ILCS 5/24-34
Unlawful Purchase of a Firearm	720 ILCS 5/24-3.5
Gunrunning	720 ILCS 5/24-3A
Firearms Trafficking	720 ILCS 5/24-3B
Involuntary Servitude	720 ILCS 5/10-9(b)
Involuntary Sexual Servitude of a Minor	720 ILCS 5/10-9(c)
Trafficking in Persons	720 ILCS 5/10-9(d)
Reckless Homicide and Involuntary Manslaughter	720 ILCS 5/9-3
Residential Burglary	720 ILCS 5/19-3
Child Abduction	720 ILCS 5/10-5
Child Endangerment	Felony violations of 720 ILCS 5/12C-5
Hate Crime	720 ILCS 5/12-7.1
Aggravated Unlawful Restraint	720 ILCS 5/10-3.1
Threatening a Public Official	720 ILCS 5/12-9
Aggravated Battery with a Deadly Weapon other than by Discharge of a Firearm	Subdivision (f)(1) of 720 ILCS 5/12-3.05

Cruel Treatment, Aggravated Cruelty, and Animal Torture	Felony violations of 510 ILCS 70/3.01, 3.02, or 3.03 of the Humane Care for Animals Act
Aggravated Driving Under the Influence while Operating a School Bus with Passengers	Subdivision (d)(1)(B) of 625 ILCS 5/11-501 of the Illinois Vehicle Code
Aggravated Driving Under the Influence Causing Great Bodily Harm	Subdivision (d)(1)(C) of 625 ILCS 5/11-501 of the Illinois Vehicle Code
Aggravated Driving Under the Influence after a previous Reckless Homicide Conviction	Subdivision (d)(1)(D) of 625 ILCS 5/11-501 of the Illinois Vehicle Code
Aggravated Driving Under the Influence Leading to Death	Subdivision (d)(1)(F) of 625 ILCS 5/11-501 of the Illinois Vehicle Code
Aggravated Driving Under the Influence that Resulted in Bodily Harm to a Child Under the Age of 16	Subdivision (d)(1)(J) of 625 ILCS 5/11-501 of the Illinois Vehicle Code
Unlawful Use or Possession of Weapons by Felons or Persons in the Custody of the Department of Corrections Facilities	720 ILCS 5/24-1.1
Aggravated Unlawful Use of a Weapon	720 ILCS 5/24-1.6
Aggravated Possession of a Stolen Firearm	720 ILCS 5/24-3.9
<b>Any Felony Offense other than a Class 4</b> , and the person has a high likelihood of <b>willful flight</b> to avoid prosecution.	<p><b>“Willful flight”</b> means intentional conduct with a purpose to thwart the judicial process to avoid prosecution. Isolated instances of nonappearance in court alone are not evidence of the risk of willful flight. Reoccurrence and patterns of intentional conduct to evade prosecution, along with any affirmative steps to communicate or remedy any such missed court date, may be considered as factors in assessing future intent to evade prosecution.</p> <p>725 Ill. Comp. Stat. Ann. 5/110-1</p>