

In the Case of an Arrest

When someone makes a police report of an abusive incident, the police may do further investigation. If they decide there is enough evidence of a crime, then they may arrest the abusive party or issue an arrest warrant.

In the case of a **Domestic Battery arrest**, the court process in **DuPage County** is as follows:

1. The defendant will be held in jail until the next possible bond court hearing. Bond Court is held at 8:00 AM & 4:00 PM on business days and at 8:00 AM only on weekends & holidays. A judge will review the charges and an Assistant State's Attorney will give the judge information about the case. Based on the information available, the judge will set a bail amount. The defendant must pay 10% of this amount to be released from jail (for example, if bail is \$10,000, the defendant must pay \$1000 to bond out). Once the required amount is paid, the defendant will be released.
2. ***The defendant is prohibited from returning to the victim's home or having any contact with the victim for 72 hours*** after being released from jail. It may be important to seek an Emergency Order of Protection before the end of this time period.
3. Within about a month, you will receive a packet of information in the mail from the State's Attorneys Office. Give them your mailing address and phone number and keep it current by calling 630-407-8000.
4. When a defendant is arrested, the People of the State of Illinois (represented by the State's Attorney) become the *plaintiffs* in the case. You are considered a *witness*. This means that you cannot drop the charges. It also means that you do not need to hire a private attorney to represent you in the case.
5. Within about 6 weeks of the arrest, the defendant will have a court date (called the arraignment date) to *plead either guilty or not guilty*. You may be mailed notice of the arraignment date. **You are not required to attend the arraignment, but you may attend if you choose.**
6. If the defendant pleads guilty, the judge will pronounce the sentence at that time. If the defendant pleads not guilty, the judge will set a trial date for approximately two months later.
7. You may receive a Notice of Trial, asking you to testify as a witness. Depending on the court's caseload, trial dates may be rescheduled multiple times. The Notice of Trial includes instructions on using an automated call-in system, which will inform you whether the trial will take place on the assigned date and if your testimony is required. *Depending on the available evidence, the State's Attorney may choose to go forward with the case or drop the charges.*
8. At the trial, the judge will ask you to testify. You will be asked to describe the incident that led to the arrest. Any other adult witnesses will follow, and the arresting officer may also be present to testify. Then the defendant will be allowed to testify.
9. Based on the evidence presented, the judge or jury will decide a verdict of guilty or not guilty.
10. The sentencing will depend on the previous arrest record of the defendant.
 - First offense: The charge may be reduced from domestic battery to simple battery. The most likely sentence is one year of supervision, court costs and/or fines, and counseling. DuPage County Psychological Services, a program which has specialized treatment services targeted toward domestic violence offenders, provides any mandated counseling services.
 - Previous offenses: The offender may be sentenced to probation instead of supervision.
 - The maximum sentence for domestic battery is one year in prison and \$1000.00 in fines. This maximum sentence is usually given only in severe cases, or when the defendant has multiple prior convictions for similar crimes.

For general information concerning this process, please contact Family Shelter Service at (630) 407-8813. For information about your specific case, please call the State's Attorneys Office at (630) 407-8000.

Family Shelter Service provides services that are free of charge and confidential.