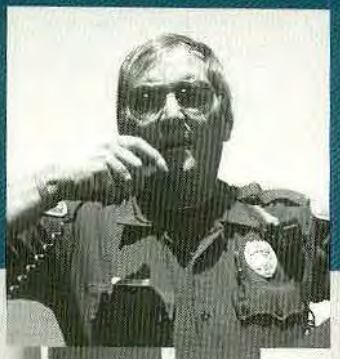
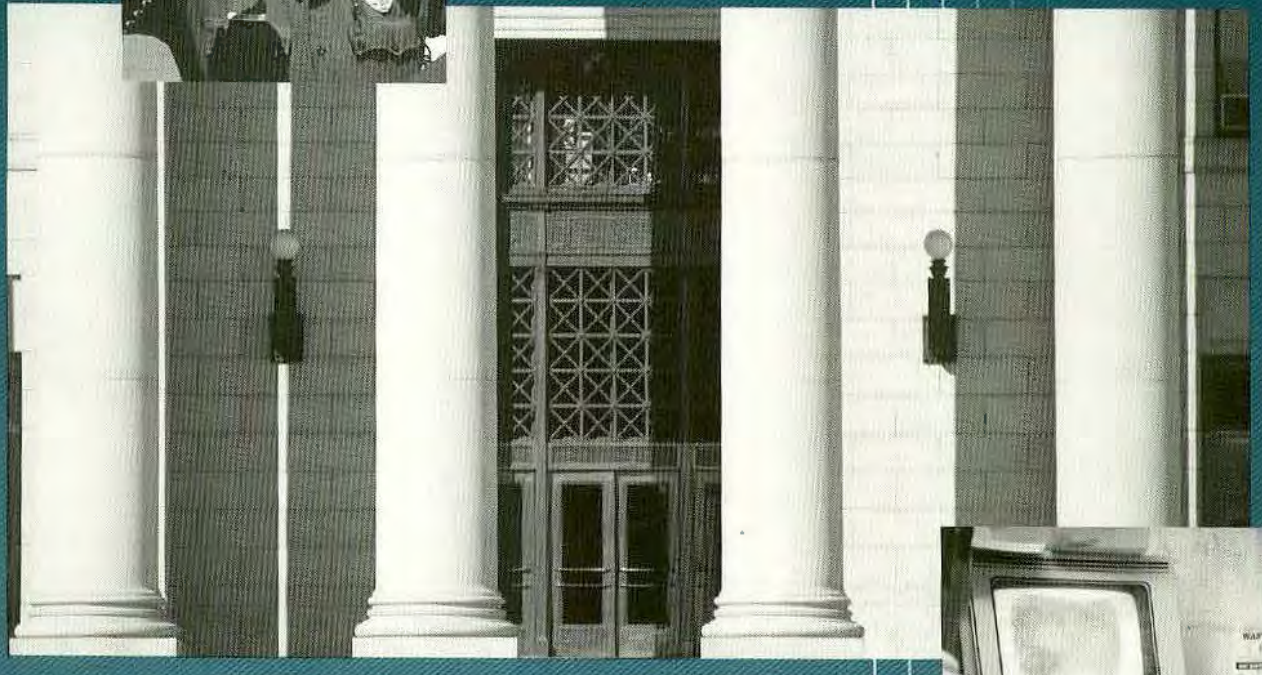
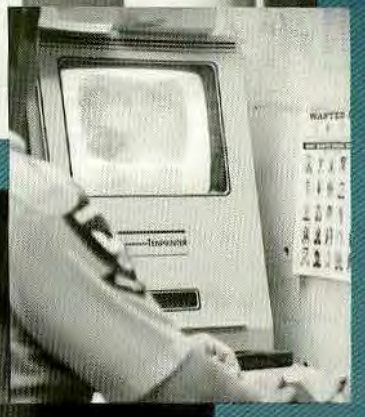
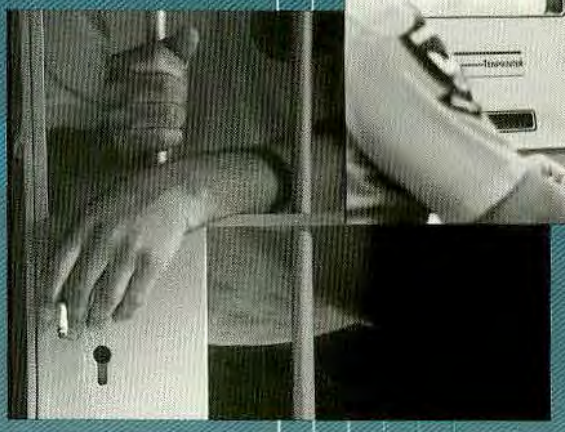
TRENDS AND ISSUES 1997

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY









TRENDS AND ISSUES 1997

Illinois Criminal Justice Information Authority

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Created in 1983, the Illinois Criminal Justice Information Authority is a state agency dedicated to improving the administration of criminal justice. The Authority works to enhance the information tools and management resources of state and local criminal justice agencies, and it serves as a statewide forum for criminal justice coordination, planning, and problem solving. It also is responsible for research, information systems development, and administration of federal anti-crime funds. The Authority's specific powers and duties are spelled out in the Illinois Criminal Justice Information Act [20 ILCS 3930/1 et seq.].

The Illinois Criminal Justice Information Authority is governed by a 15-member board of state and local leaders from the criminal justice system, plus experts from the private sector. Authority members help develop priorities and monitor their progress. The agency's day-to-day work is carried out by a full-time professional staff working out of the Authority's Chicago office.

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We would also like to thank several people and agencies whose assistance and insight proved invaluable to this report. For help with the law enforcement chapter, we thank Dr. K.P. Srinath and Arifur Arain of Abt Associates, Inc. (Cambridge, Mass.) who developed the survey sample, calculated the final estimates, and helped manage the dataset in the data collection project. We also thank Data Shop, Inc. (Janesville, Wis.), who provided data entry services and coding assistance for the law enforcement data collection project. Thanks to Denise Meyer and James Watson of the DuPage County Data Processing Department for generating automated offense and arrest data for the sheriff's department and many police agencies that are part of that county's Criminal Justice Information System (CJIS). We also thank John Firman of the International Association of Chiefs of Police, and all the sheriff's departments and police agencies that contributed data to the chapter.

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Message from the governor

To the people of Illinois,

As governor of Illinois, it is my distinct pleasure to see *Trends and Issues 1997* published for the benefit of all citizens interested in crime and justice. As the fifth installment of this prestigious report, *Trends and Issues 1997* provides a snapshot of where we stand and where we are going in our battle with crime in Illinois.

Trends and Issues has always been a resource that presented the facts no matter their harsh quality. *Trends and Issues 1997* is no different. Drug abuse amongst our young has dramatically increased. Gangs have moved out of major urban areas into the suburbs and rural communities. Crime committed by juveniles continues to be a major issue.

All of the news, however, is not bad. *Trends and Issues 1997* points to new strategies that are being developed every day to combat crime. Community policing has taken root in many communities. Chicago's Alternative Policing Strategy is quickly becoming a model for the nation. At the same time, law enforcement agencies across the state are using new and better technologies to communicate more efficiently and share information more effectively.

I congratulate and thank the Illinois Criminal Justice Information Authority, Chairman Peter B. Bensinger, former Executive Director Thomas F. Baker, Acting Executive Director Candice Kane, and the staff for their diligent effort in producing *Trends and Issues 1997.*

Sincerely,

Jim Edgar

Jim Edgar
Governor

Message from the chairman

Trends and Issues 1997 is the first attempt in several years to paint a comprehensive statistical portrait of crime and justice in Illinois. It is, in essence, a state of the state report devoted specifically to criminal and juvenile justice and their components — law enforcement, prosecution, the courts, and corrections. It is intended to serve as a resource for policy-makers, practitioners, and just about anyone interested in crime and justice in Illinois.

Although this report is the fifth *Trends and Issues* to be published by the Authority, it is the first to be released since 1991. Why release another *Trends and Issues* now? Part of the reason is that crime continues to be at the top of the list of concerns for Illinois residents. In a 1996 poll of Illinois households, education and crime were cited as the most important problems facing the state, and 62 percent of the survey respondents said that they think violent crime is on the rise.

Just as important, much has happened since the Authority's last *Trends and Issues* was released in 1991; in many ways, criminal justice looks much different today than it did just a few years ago. Our crime problem is changing. The way we deal with crime is changing. And if we are to find and implement effective strategies for combating crime in the 21st century, we'll need an accurate picture of where we are today as well as where we have been.

Trends and Issues 1997 provides that picture. Our report provides an update on the organization and operation of the justice system and reflects our analysis of crime and justice system trends into the mid-1990s. It also presents information on a variety of topics that have become increasingly important during the course of the decade. Some are cause for concern, such as the expanding presence of street gangs and the rise in drug use by Illinois youth. Some are cause for optimism, such as the emergence and success of community policing.

Trends and Issues 1997 devotes special attention to the juvenile justice system. Illinois has been at the forefront of juvenile justice since it established the country's first juvenile court in 1899. Nearly a century later, the system is still struggling to respond to the many complexities of modern society that are reflected in today's young offenders. Juvenile crime is a major problem. Since our success or failure with young people today will likely shape the scope of our crime problem tomorrow, our report devotes an entire chapter to juvenile justice trends and issues.

Our report also places special attention on technology. From DNA profiling, to computers in police cars, to the Internet, technology is changing the resources available to criminal justice in an unprecedented manner. *Trends and Issues 1997* highlights the criminal justice application of several new technologies in a special section of the report.

Trends and Issues 1997 would not have been possible without the hard work of many individuals and the cooperation of numerous agencies across the state. Primary credit goes to the Authority's research and editorial staffs for their outstanding work in compiling, analyzing, and presenting the information contained in the report. They produced a comprehensive collection of statistical information that is both readable and insightful. Also instrumental, however, were those agencies and individuals who provided data and advice along the way. Our acknowledgments could never adequately thank them for their contribution and effort.

Special thanks go to Associate Judge Thomas F. Baker, who served as executive director of the Authority from July 1994 through December 1996. It was under Director Baker's leadership

that *Trends and Issues 1997* became a reality.

Finally, I would like to thank the members of the Authority and other criminal justice leaders in Illinois for the manner in which they have supported *Trends and Issues* since our first report was released in 1987. Their advocacy is one of the primary reasons the *Trends and Issues* series has been sustained.

If we are serious about understanding and solving the increasingly complex problems confronting criminal justice in Illinois, we must use research and analysis as a guide. Policies and programs are more likely to be effective when they are built on empirical observation and facts rather than conjecture or perception. As a central source of sound information and accurate data concerning crime and the justice system, *Trends and Issues 1997* is a key resource for anyone interested in improving the administration of justice in Illinois.

Whether you are a legislator, policy-maker, practitioner, or researcher, I invite you to use *Trends and Issues 1997* to better understand crime and justice in Illinois. Feel free to call upon our staff at the Authority if you have questions or need additional information. We will gladly provide advice concerning the interpretation of data used in the report, and raw data will be made available to anyone who would like to use the information for further research. If you have any comments or criticisms, I also hope you will share them with us so that our future research meets your needs.

Sincerely,

Peter B. Bensinger
Chairman
Illinois Criminal Justice Information Authority

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Introduction

Trends and Issues 1997 is a report about crime and justice in Illinois. It describes the organization and operation of the state's justice system, tracks statewide and regional trends in crime and the processing of offenders, and presents important criminal and juvenile justice issues that have emerged this decade.

Trends and Issues aims to help all Illinoisans better understand crime and justice in our state. It presents basic information concerning crime and every component of the justice system — law enforcement, prosecution, the courts, and corrections — in a single document that relies heavily on graphics. Although the report is based on data and research, information is presented in an easy-to-use, nontechnical format.

This is the fifth *Trends and Issues* published by the Authority. The first was released in 1987, the most recent in 1991. Earlier reports focused on drug abuse, scarce resources, and the link between inadequate education and crime, problems that are clearly still having an impact today. But *Trends and Issues 1997* is not about the status quo. In many ways, crime and justice in Illinois looks very different today than it did at the turn of the decade when we released our earlier reports. Our crime problem is changing, the way we deal with crime is changing, and *Trends and Issues 1997* can help us better understand the changes that are taking place.

THE CHANGING VIOLENT CRIME PROBLEM

After years of record increases, Illinois is experiencing an ebb in violence. In the latter 1980s and early 1990s, Illinois suffered a huge increase in violent crime. But between 1993 and 1995, the number of violent crimes reported to the police in Illinois fell 3.2 percent (Figure 1), while the state's violent crime rate, which controls for shifts in population, dropped 4.3 percent. Even violence attributed to juveniles appears to be subsiding, as the number of juveniles taken into police custody for violent offenses fell 4 percent over the same two-year period.

Yet violence is not down everywhere in Illinois. Urban jurisdictions outside of the Chicago metropolitan area — where violent crime rates have been gradually increasing since the late 1980s — have yet to see a drop in violence. In rural regions of the state, the violent crime rate more than doubled between 1992 and 1995.[1]

Increases in violence in the late 1980s and early 1990s came at a time when Illinois' drug and gang problems were escalating as well.

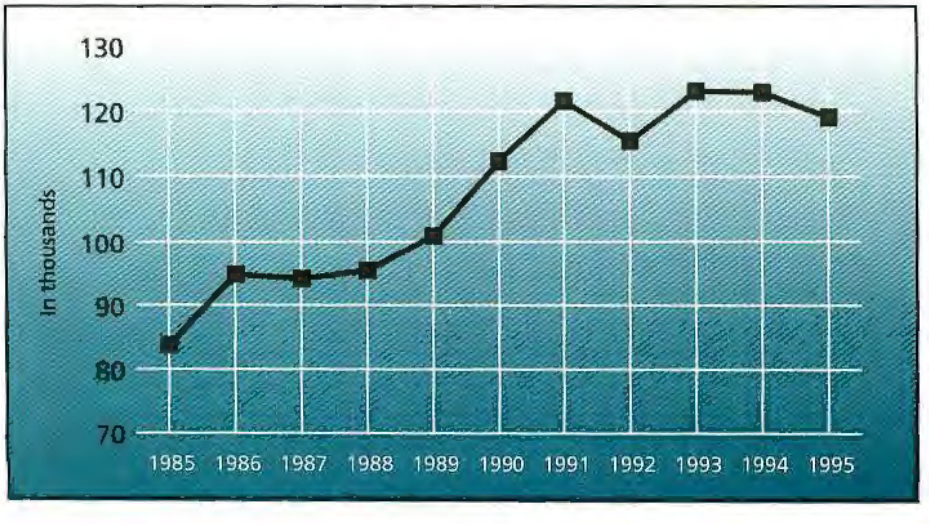


Figure 1

Violent index offenses reported to police

Source: Illinois Uniform Crime Reports/Illinois State Police

THE CHANGING DRUG PROBLEM

Trends and Issues 1989 documented the seriousness and complexity of the drug problem in Illinois in the late 1980s. It predicted the rising tide of drug arrests and the impact drug offenders were to have on the justice system throughout the 1990s. It also warned of the imminent danger posed by crack cocaine.

Although crack cocaine first emerged in Illinois in Chicago in 1988, the drug was primarily found only in the Chicago and East St. Louis areas as late as 1991. Within the next few years, however, crack cocaine began to spread across the entire state. While urban areas were hit particularly hard, suburban and rural communities were far from immune from the problem.

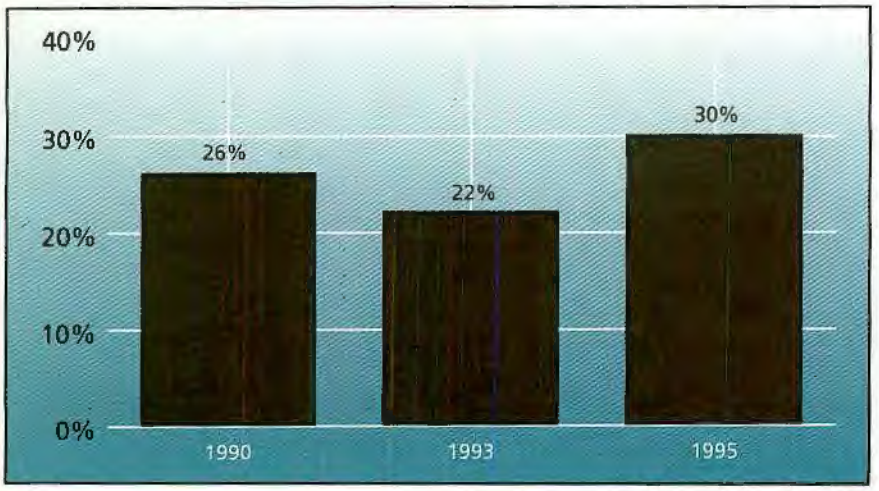
Perhaps the most troubling recent development related to drugs is an increase in drug use among young people in Illinois. The Illinois Department of Alcoholism and Substance Abuse has been conducting drug use prevalence surveys among representative samples of school-age youths in Illinois since 1990. More than 36,000 7th through 12th graders participated in the surveys.

Although the percentage of young people reporting that they had tried an illicit substance at least once during their lifetime fell from 26 percent in 1990 to 22 percent in 1993, it jumped to 30 percent in 1995 (Figure 2). The percentage reporting regular use of an illicit substance increased from 15 percent in 1990 to nearly 21 percent in 1995.[2]

Figure 2

Percent of Illinois school-age youths reporting having ever used drugs

Source: Illinois Department of Alcoholism and Substance Abuse



AN ESCALATING STREET GANG PROBLEM

Criminal street gangs were once a concern primarily for large, urban cities. That is no longer the case. Street gangs have emerged in previously unaffected jurisdictions and can now be found even in suburban and rural parts of the state. Today, no community, regardless of size or geographic location, can rightfully feel immune from gang activity.

Illinois has also experienced an alarming increase in street gang-motivated violence, particularly lethal violence, in recent years. In Chicago, street gang-related homicides increased more than fourfold between 1987 and 1995, jumping from 51 to 215. Beginning in 1994, street gang-motivated homicide became the most common type of homicide in Chicago for the first time. Although statistical documentation can sometimes be difficult to obtain, other communities report an increase in street gang violence as well.[3]

THE IMPACT OF CRACK COCAINE ON VIOLENCE

Leading criminologists have recently suggested that the emergence of crack cocaine, the recruitment of young people into the drug industry, and the proliferation of high-powered weapons among young people, are closely linked and can help explain the rise in violence experienced by most of the country in the latter 1980s and early 1990s.[4]

The theory suggests that the emergence of crack cocaine created an immensely lucrative new drug market. Lured by the potential for economic profit, young people were recruited into crack distribution networks, partly because they work cheaper than adults, partly because they tend to receive less severe sanctions than adults, and partly because they tend to be daring and willing to take risks. Like all participants in the drug industry, these young people armed themselves for protection and to settle disputes. Over time, a local "arms race" develops, and firearms of increasing lethality begin to permeate not only the

drug market, but entire communities, as bigger, more powerful weapons become necessary for status and self-defense. The outcome is an unprecedented rise in violence.[5]

Can the emergence of crack cocaine help explain the rise in violence that occurred in Illinois in the late 1980s and early 1990s? Although Illinois did experience an increase in violence attributed to young people and an escalation in lethal violence committed with high-powered weapons during that time period, it is difficult to determine the degree to which the crack trade might be responsible. Still, there is evidence that crack cocaine did have an impact.

In an attempt to better understand the relationship between crack cocaine and violence in Illinois, the Authority examined trends in crack seizures and firearm-related crime in 10 Illinois counties where crack recently surfaced.[6] In general, the analysis found that firearms crimes were relatively stable in the years prior to the emergence of crack. Then, as crack emerged and seizure quantities began to climb, there was a concomitant and parallel increase in firearms offenses. In essence, as the crack problem inereased, so did specific forms of violence (Figure 3).

GANGS, DRUGS, AND VIOLENCE

While drugs, gangs, and violence are clearly linked, there is a popular perception that where one is found, so are the others. This may not always be the case.

An Authority study of street gangs and crime in Chicago found that street gangs tend to specialize in either violence or entrepreneurial activities, such as drug dealing, and that gang-related lethal violence was more likely to grow out of turf battles than from drug markets. These findings suggest that street gang crime is not monolithic, but rather diverse, affecting different neighborhoods in different ways. One neighborhood may be a hot spot for street gang drug activity, while another nearby is a battleground for turf wars, and yet another is unaffected by street gang activity. Strategies for reducing street gang crime *and* drug crime must recognize these differences.

A NEED FOR NEW STRATEGIES

Prior editions of *Trends and Issues* also documented the ever-increasing demands being placed on the justice system. There were more arrests, more people in jail, more court cases, and more people on probation and in prison — yet crime and violence were still increasing.

By the start of the decade, most parts of the state's criminal justice system were already facing record activity levels, and financial resources were not keeping pace with the system's needs. As state and local officials tried desperately to match up limited resources with seemingly unlimited demands, the need for bold new strategies was apparent.

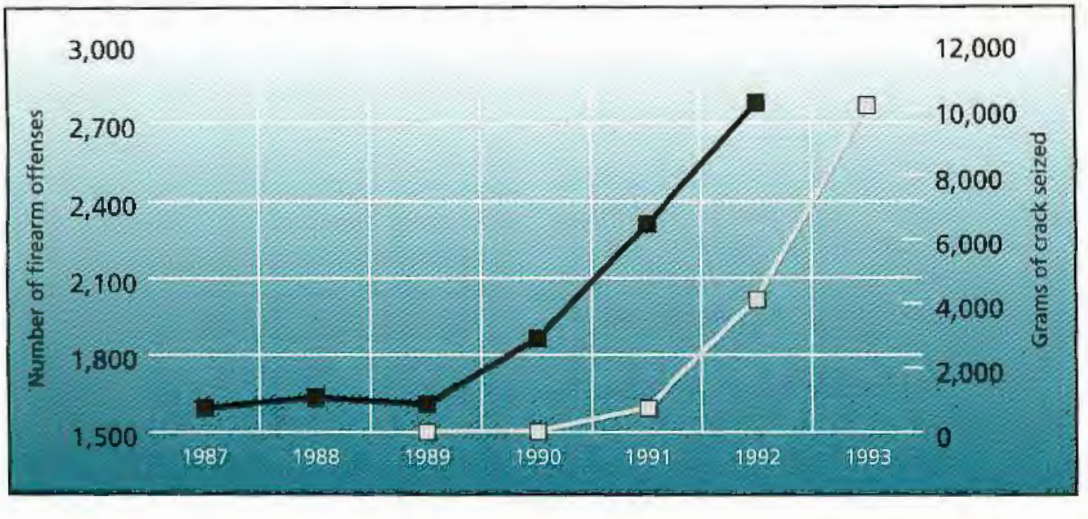


Figure 3

Firearm offenses and the quantity of crack seized in 10 Illinois counties

crack seized

firearm offenses

Source: Illinois Criminal Justice Information Authority

COMMUNITY POLICING

Perhaps the most visible change in our approach to crime control has come in the area of policing. Law enforcement agencies of all kinds are adopting a new policing philosophy based on problem solving and community partnership. Community policing is based on the realization that crime, disorder, and fear are closely related, and that the police must work with citizens to solve problems and prevent crime rather than just respond to calls for service. Community policing typically means change within the police organization as well, as decision making is decentralized, and information sharing is improved in an effort to provide patrol officers with what they need to engage in community-based problem solving.

Community policing initiatives in Illinois have had good success. For example, an evaluation of Chicago's Alternative Policing Strategy (CAPS), one of the largest community policing initiatives in the country, found decreases in perceived crime problems in prototype police districts, and improved relationships between the police and the community.[7]

INNOVATION ACROSS THE SYSTEM

New programs designed to protect the public, while at the same time making more efficient use of available resources, have been implemented in other parts of the system as well. For example, several counties have implemented pretrial programs that supervise and provide services to offenders in the community while they are awaiting trial. These initiatives help reduce pretrial misconduct, alleviate jail crowding, and ensure that jail space is available for the most serious offenders. Specialized drug courts, which expedite the processing of drug offenders and link offenders to treatment programs, are being used for the first time. The Illinois Department of Corrections has initiated a variety of innovations, including Impact Incarceration Programs for younger, nonviolent offenders. These "boot camps" have helped to reduce recidivism at the same time that they free up prison cells for violent offenders. These and other new initiatives hold great promise, and they reflect a tough, but more efficient, approach to crime control in Illinois.

WHAT IS RESPONSIBLE FOR THE RECENT REDUCTION IN VIOLENCE?

Like Illinois, many parts of the country recorded decreases in violent crime over the past couple of years. Several possible explanations for the reductions have been proposed, including community policing, tougher criminal laws and an increase in the number of offenders incarcerated, stabilization of crack cocaine drug markets, and statistical regression to more normal levels of violence after years of record increases.

Although there is a logical basis to believe that each of these factors has played a role, scientific evidence supporting a definitive explanation is lacking. If we hope to sustain the reductions in violence, it will be critically important to find and understand causative factors in an objective, empirical manner.

A CRISIS IN JUVENILE JUSTICE

Much attention has been focused on juvenile justice in recent years. By the mid-1990s, juvenile violence had been rising for several years, the state's juvenile justice system was seriously overloaded, and a series of tragic cases involving kids killing kids was attracting national media attention. Concern about juvenile crime was heightened by national reports predicting a future wave of youth violence as the population of young people grows. Here in Illinois, a special legislative committee was convened to examine the state's juvenile justice system, and House and Senate leaders held special hearings on juvenile justice issues.

The crisis in juvenile justice was not without merit. During the late 1980s and early 1990s, more and more juveniles were being taken into police custody for violent offenses, firearms offenses, and serious drug crime, and juvenile activity was clearly increasing across all parts of the system. The number of delinquency petitions filed in juvenile courts was on the rise. Juvenile probation caseloads were growing. And the number of juveniles committed to the Illinois

Department of Corrections was increasing. By 1996, the institutional population of IDOC's Juvenile Division exceeded capacity by almost 60 percent, and juvenile detention centers were in a similar predicament.

One way Illinois and other states have tried to deal with serious juvenile crime is by transferring more juveniles to adult courts. This has been accomplished, at least in part, by expanding the list of offenses eligible for automatic transfer to criminal court. Interestingly, an Authority analysis of transfer cases from Cook County, where most transfers occur, found that while most juveniles transferred on murder or armed robbery charges were incarcerated, a high percentage of drug and weapons offenders were not. This means that although they remained in the community, they were less likely to receive services than their counterparts processed in juvenile court.[8]

While increased attention has been focused on juvenile offenders, it is equally important to recognize that juveniles are often victims as well. More than 1.3 million cases of child abuse and neglect were reported to the Department of Children and Family Services (DCFS) between fiscal years 1983 and 1995, and the number of cases reported annually has skyrocketed (Figure 4). Recent research documenting the impact of family violence found that children who were neglected or abused, or who witnessed violence in the home, were more likely to commit violent acts later in life.

NEW STRATEGIES FOR REDUCING JUVENILE VIOLENCE

Recent research on juvenile delinquency and the career paths of violent juvenile offenders provides a foundation for developing new strategies for reducing juvenile violence. Findings from the National Youth Survey tell us that a small percentage of offenders are responsible for most violent crime, and that there is a considerable time lag between the peak age of offending and the peak age of arrest, suggesting the justice system is intervening too late.[9] Two landmark studies, *The National Program of Research on the Causes and Correlates of Delinquency* and Sampson and Laub's *Crime in the Making*, tell us that chronic violent offenders have multiple risk factors in their backgrounds, including deficits in such areas as family and school, and that across the life course, the causes of crime are rooted in weakened social bonds to family, school, and work.[10] It is apparent from each of these studies that reducing juvenile violence requires a mix of prevention and early intervention.

Risk-focused approaches to prevention have been successfully used to reduce cardiovascular disease and traffic fatalities, and they hold considerable promise for reducing violence. More than 30 years of research in health and medicine has identified precursors of violence called risk factors. Risk factors can be found in the community, the family, schools, peers, and the individual.

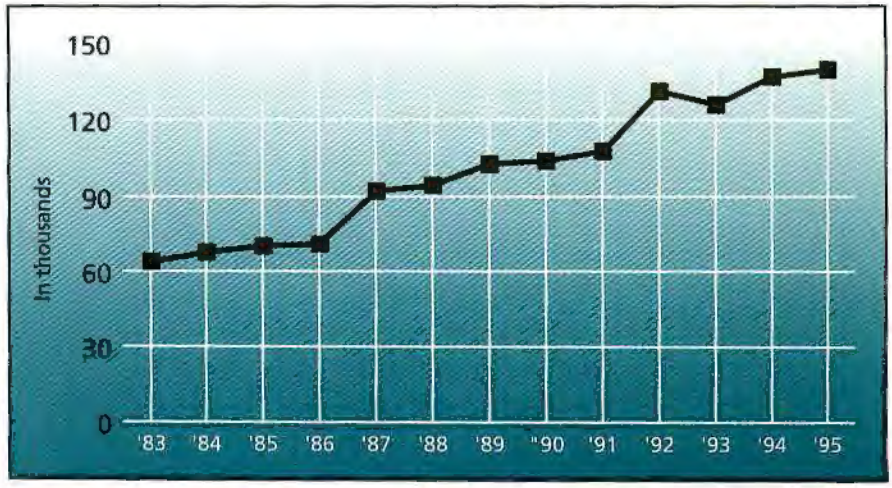
Protective factors that can mediate the impact of risk factors have also been identified. The interaction of risk factors and protective factors explain why some youth succumb to delinquency and others do not. As risk factors are decreased and protective factors enhanced, the likelihood of delinquency and violent offending is reduced.

Reducing exposure to risk factors like child abuse and lack of education is an important first step. We know that dropping out of school, for example, is a risk factor for delinquency and that three out of every four prison inmates in Illinois did not complete high school. Yet an intolerably high number of children — more

Figure 4

Reported cases of child abuse and neglect in Illinois, 1983-1995

Soucre: Illinois Department of Children and Family Services



than 35,000 — drop out of school in Illinois each year.

While it may not be the job of those of us in the justice system to solve these problems directly, we must avoid the temptation to define our role too narrowly. The evidence is quite compelling: reducing juvenile violence requires a multifaceted approach that incorporates both prevention and early intervention. It is incumbent on all of us in the justice system to look beyond the boundaries of institutions to identify common goals and create interdisciplinary partnerships to achieve them.

PREPARING FOR THE FUTURE

Thirty years ago, the President's Commission on Crime and the Administration of Justice issued its landmark report, *The Challenge of Crime in a Free Society*.[11] The commission's report set the agenda for an unprecedented array of justice system improvements. Increased professionalism among criminal justice personnel and a more formal recognition of the interrelatedness that exists between criminal justice agencies were among the commission's most important accomplishments. As the 21st century approaches, Illinois is facing new challenges in both of these areas.

As the demographic profile of Illinois' residents changes in the coming years, criminal justice administrators from every component of the justice system will face new pressures to recruit personnel in a way that more closely reflects the makeup of the community. Training that reflects the norms and diversity of the community will also be important.

Shifts in the demographics of the offender population will present new challenges as well. We are already seeing an influx of female offenders — they are one of the fastest growing segments of the prison population — and the prison population in Illinois is likely to age considerably in the next few decades as more offenders serve longer sentences under truth-in-sentencing and other measures. The special needs — such as health care — and costs associated with these offenders must be planned for today.

The emerging new federalism of the 1990s will present new challenges as well. The new federalism as it is applied in the criminal justice arena is different from that found in other public policy areas. Rather than a devolution of responsibilities from federal to state government, the new federalism as it applies to criminal justice bypasses the state in favor of direct financial support of local jurisdictions. Direct funding for local police departments under the Community Oriented Policing Services (COPS) program, and the Local Law Enforcement Block Grant Program, are primary examples.

The critical issue for criminal justice is not which form of support is preferred — state-based or local — but rather how to ensure that systemwide planning and coordination takes place. When additional police officers are placed on the street, they arrest more offenders. This places increased demands on jails, prosecutors, public defenders, courts, and correctional agencies. When the available resources of any of these agencies are insufficient to absorb the new demands, the system begins to break down, and the quality of justice is severely diminished. Planning and coordination are key to the effective administration of justice, and there is a chronic need for these activities throughout the criminal justice system.

One of the most important objectives proposed for criminal justice by the President's Commission 30 years ago was the elimination of injustices so that the system can earn the respect and cooperation of all citizens.[12] While the vast majority of criminal justice personnel perform their duties with professionalism and fairness, even under the most trying circumstances, improprieties on the part of even one individual can damage public trust and confidence in the system. Professionalism and fair treatment for every individual are essential elements of justice, and they remain a principle challenge today.

Notes

1. To provide useful comparisons of offense and arrest rates among different types of jurisdictions in Illinois, the state was divided into five subregions: 1) Chicago, 2) suburban Cook County, 3) collar counties, 4) urban counties (outside of Cook and the collar counties), and 5) rural counties. The collar counties are the five which border Cook County (DuPage, Kane, Lake, McHenry, and Will). Urban and rural counties are defined by whether or not they lie within a Metropolitan Statistical Area (MSA). For additional detail, see the chapter on law enforcement.

2. *Youth Study on Substance Use: Comparing the 1990, 1993 and 1995 Results*. Illinois Department of Alcoholism and Substance Abuse, October 1996. Regular drug use refers to use in the past month.

3. For example, see *Mobilizing Illinois, Report and Recommendations to the Governor*, Governor's Commission on Gangs, October 1996.

4. Alfred Blumstein, *Violence by Young People: Why the Deadly Nexus*, National Institute of Justice Journal, August 1995.

5. Ibid.

6. Violence was measured by the number of firearms offenses reported to the police, including violent Index offenses committed with a firearm and unlawful use of a weapon offenses, while crack activity was measured by the quantity of crack seized by law enforcement agencies and submitted to crime labs for analysis.

7. *Community Policing in Chicago, Year Two: An Interim Report* (June 1995), and *Community Policing in Chicago, Year Three* (November 1996), both prepared by the Chicago Community Policing Consortium for the Illinois Criminal Justice Information Authority. The consortium is coordinated by the Institute for Policy Research (formerly the Center for Urban Affairs and Policy Research), Northwestern University. It also includes faculty and students from Loyola University of Chicago, DePaul University and the University of Illinois-Chicago.

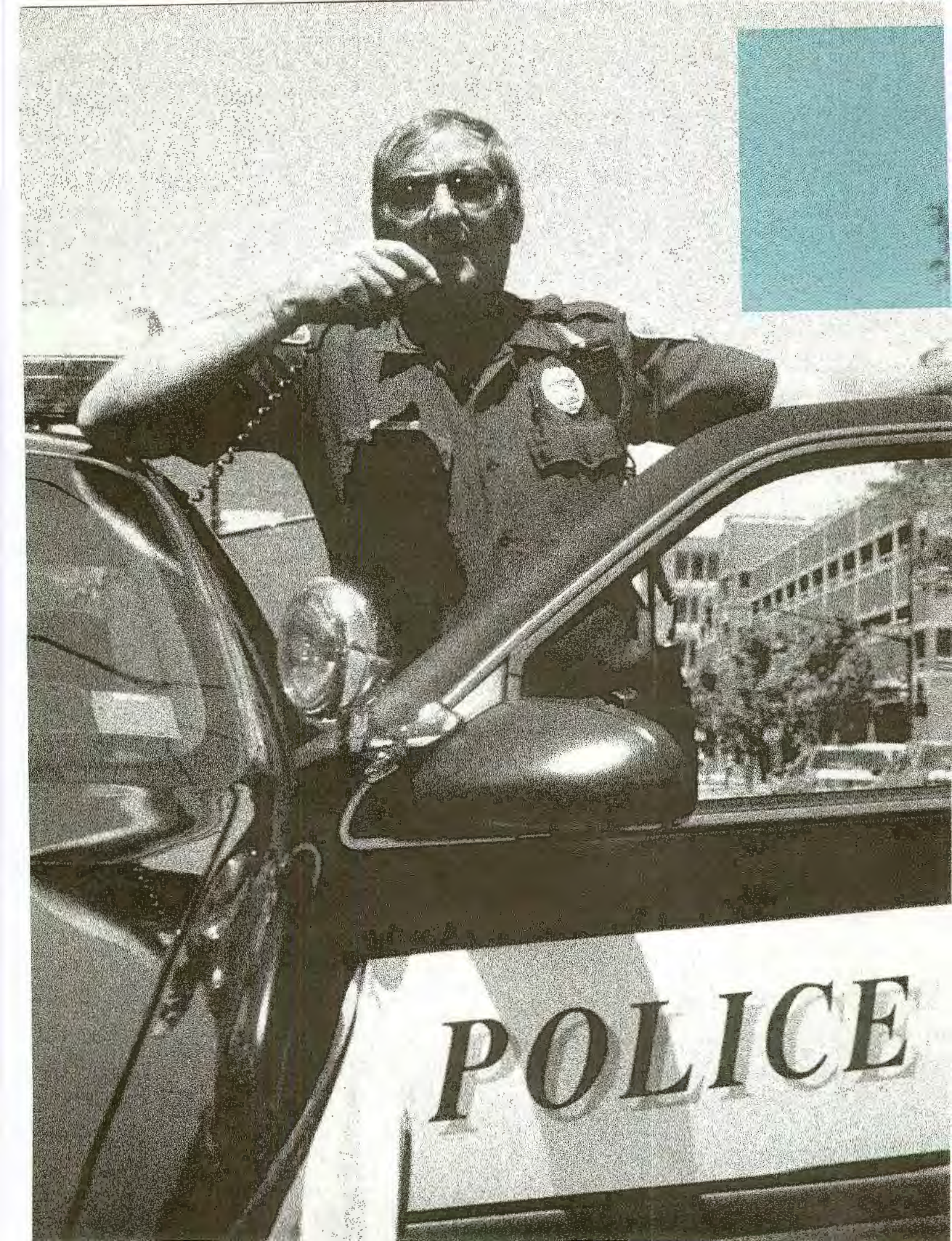
8. The analysis was based on 503 juveniles transferred to criminal court in Cook County during a 16-month period from 1992 to 1994.

9. *The National Youth Survey*, conducted by Delbert S. Elliott at the University of Colorado, began studying a nationally representative sample of about 17,000 youths aged 11 to 17 in 1976. The most recent wave of interviews occurred in 1993, when the study participants were between the ages of 27 and 33. See Delbert S. Elliott, Serious Violent Offenders: Onset, Developmental Course, and Termination, The American Society of Criminology 1993 Presidential Address, *Criminology*, Volume 32, Number 1, February 1994.

10. The National Program on the Causes and Correlates of Delinquency has studied large samples of high-risk, inner-city youth in Denver, Pittsburgh, and Rochester, New York. See the *Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders*, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1995. Also, in *Crime in the Making*, Robert Sampson of the University of Chicago and John Laub of Northeastern University reanalyzed data originally collected as part of a landmark study of delinquency several decades earlier. See Robert J. Sampson and John H. Laub, *Crime in the Making, Pathways and Turning Points Through Life*, Harvard University Press, Cambridge MA, 1993.

11. *The Challenge of Crime in a Free Society*, A Report by the President's Commission on Law Enforcement and Administration of Justice, U.S. Government Printing Office, 1967.

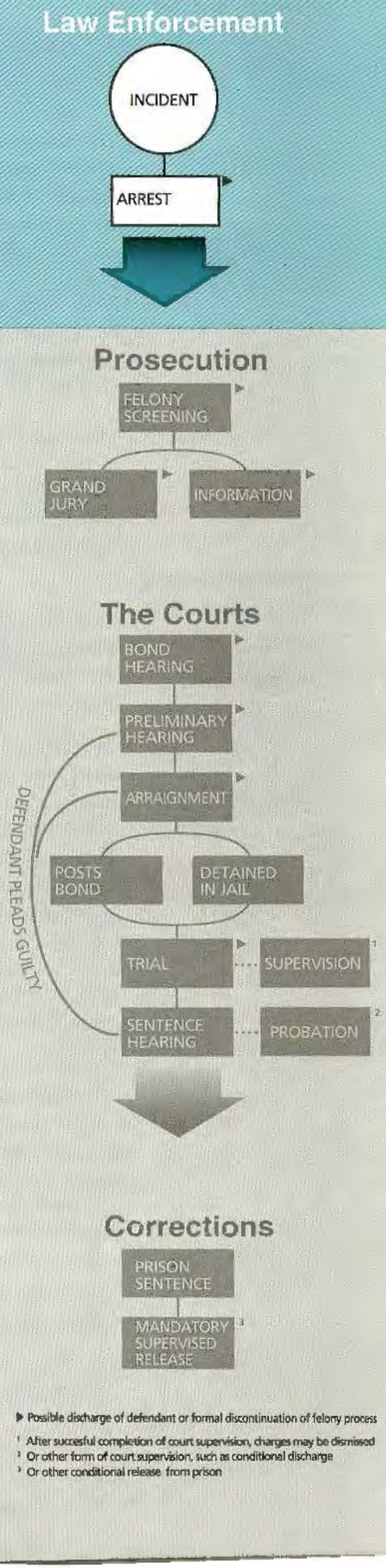
12. Ibid.


POLICE

Law Enforcement

***W**hat are the typical functions of law enforcement agencies? What are the most common violent crimes reported in Illinois? How often are firearms used to commit violent crimes? What are the recent trends in gang-related crime? What are the most recent trends in drug arrests?*

In answering these questions, this chapter looks at the changing nature of law enforcement in Illinois. It discusses how law enforcement is carried out , including special task forces and community policing efforts. Also included is an analysis of crime and arrest trends in Illinois since 1984.



OVERVIEW

The ways in which law enforcement agencies address crime have been changing over the past decade. Some jurisdictions are becoming more populous and facing changes associated with growth, while others are shrinking and facing problems that accompany decline. During the 1980s, inner cities became poorer as middle-class residents moved to suburban areas, taking with them the tax dollars that support schools and other public services and institutions.[1]

Many suburban areas changed during this time as well. Local police officials were alarmed to find in their own communities problems — drug dealing, homelessness, poverty, and crime — traditionally associated with more populous places.

According to the latest national victimization surveys, only 42 percent of the violent crimes committed nationwide in 1994 were reported to police.

These changes affected the fundamental nature of police work. In many jurisdictions, police workloads increased, but the resources available did not keep pace.[2]

The nature of the workload also changed as police were increasingly drawn into social emergencies that can produce violence if left unattended. Officers were asked to mediate domestic disputes, deal with young runaways, force landlords to provide heat, or compel tenants to meet the terms of a lease. Thus, police have been drawn deeper into the social structures of communities, causing police officials to adopt new strategies, such as community policing, to meet that challenge.

In many ways, the police profession has taken the initiative to change the nature of how its work is done. This change resulted from the realization that crime, disorder, and fear are closely interrelated. Many police agencies are now stressing prevention and addressing disorder before it becomes crime.

HOW DO CRIMES GET REPORTED TO POLICE?

According to the latest national victimization surveys, only 42 percent of the violent crimes committed nationwide in 1994 were reported to police.[3] Specifically, 32 percent of rapes and other sexual assaults, 55 percent of robberies, and 40 percent of all assaults were reported to police. Property crimes were reported even less frequently — only about one-third were reported. While more than three-fourths of motor vehicle thefts were reported to police, only about one-fourth of other thefts and about one-half of household burglaries were reported.

Data also indicate certain other patterns in crimes reported to police. Victims were more likely to report violent crimes that were completed (as opposed to attempted), crimes resulting in injury, theft of items valued at $250 or more, and forcible entry. A more detailed look at crime-reporting patterns reveals several factors affecting the likelihood of a crime being reported to police. According to a national victimization survey:[4]

- Completed robberies, simple assaults, burglaries, and motor vehicle thefts were reported more often than attempts at these crimes.
- In general, victims of violent crimes reported the crime to police more often when the offender was a stranger.
- Women were more likely than men to report violent victimizations to the police.
- Blacks were more likely than whites to report violent victimizations to the police.
- The youngest victims of crime — those between the ages of 12 and 19 — reported crimes to the police less often than others.

The most common reason victims gave for reporting violent crimes was to prevent further attacks from the same offender. The most common reason victims gave for reporting property crimes was simply that the incident was a crime. The most common reason for not reporting violent victimizations was that the crime was a private or personal matter. The most common reason given for not reporting a

property crime was that the stolen item was recovered.

HOW IS LAW ENFORCEMENT ORGANIZED IN ILLINOIS?

Most police services are organized, administered, and financed at the municipal or county level. There are, however, both state and federal law enforcement agencies that also operate in Illinois. In 1996, the following agencies performed law enforcement functions:

• 913 municipal police departments, which employed 31,661 full- and part-time sworn officers. Nearly half these officers work for the Chicago Police Department. The primary responsibilities of these departments are to enforce state laws and local ordinances, and to prevent and reduce crime (see next section for more detail on specific police functions). A 1993 national survey of police agencies for the Law Enforcement Management and Administrative Statistics (LEMAS) program found that large Illinois agencies (100 or more officers), had an average of 19 municipal officers per 10,000 population, compared to a national average of 22.

• 102 sheriff's departments, with a total of 3,971 sworn law enforcement officers and 4,459 correctional officers. Besides providing police services in unincorporated areas of their counties, sheriffs' departments operate county jails and community-based corrections programs, provide security for courts and other public buildings, and assist municipal police departments (see next section for more detail on specific functions of sheriffs' departments). The LEMAS survey found that large Illinois sheriffs' departments had an average of five officers per 10,000 population, compared to a national average of 11.

• State-level law enforcement agencies, the largest of which is the Illinois State Police (ISP) with 1,997 sworn officers. Through its Division of Operations, ISP troopers patrol state and interstate highways, enforce traffic laws, and respond to emergency situations. The division's special agents investigate major crimes, including large-scale drug offenses, white-collar crimes, and fraud. They also assist local agencies with special short-term needs. ISP's Division of Administration provides a statewide telecommunications network through the Law Enforcement Agencies Data System (LEADS), among other responsibilities. ISP's Division of Forensic Services maintains a system of eight crime laboratories to analyze evidence in serious crimes. More than 90 percent of the work performed at the labs is on cases submitted by local agencies. ISP's Division of Internal Investigation is responsible for investigating alleged acts of misconduct in executive-level state agencies.

In 1996, the Illinois Secretary of State's Office employed 132 officers who have expertise in auto theft investigations, vehicle-related consumer fraud, fraudulent identification, hazardous explosive device recognition and disposal, and traffic regulation enforcement. The Secretary of State's Department of Police also provides security for the State of Illinois Capitol Complex in Springfield. The Operations Division deploys uniformed officers to inspect licensed automobile and automobile parts dealers and to conduct anti-drunk driving patrols and other traffic enforcement programs. The Special Services and Investigation Division uses plainclothes officers to combat auto theft and fraudulent identification rings.

In addition, the Department of Natural Resources employed 152 officers to enforce the Conservation Code, which includes laws pertaining to fish, game, forestry, boating, snowmobiling, and endangered species. The Department of Central Management Services employed 45 officers to provide police services at the State of Illinois Center in Chicago. The Illinois Commerce Commission employed 15 officers to enforce laws relating to intrastate transportation of property.

• 42 colleges and universities, 29 railroads and other transportation departments, 31 park districts, five forest preserves, three conservation districts, two hospitals, three fire department arson investigation units, two water districts, one public housing authority, one civic center, and one zoo.

Several federal law enforcement agencies also operate within Illinois:

• The Federal Bureau of Investigation is the principal investigative arm of the U.S. Department of Justice. It is charged with gathering evidence and locating witnesses in cases involving federal jurisdiction. The FBI's priorities are organized crime (including drug trafficking), violent crime, terrorism, foreign counterintelligence, and white-collar crime. The FBI also offers cooperative services such as fingerprint identification, lab examination, police training, and the National Crime Information Center (NCIC), which contains information files pertaining to fugitives, other offenders, vehicles, and crime evidence.

• The Drug Enforcement Administration (U.S. Department of Justice) is the lead agency for enforcing federal drug laws and regulations. The DEA investigates major narcotic violators who operate at interstate and international levels. It also seizes and forfeits assets associated with illicit drug trafficking, enforces regulations governing the legal manufacture and distribution of controlled substances, manages a national narcotics intelligence system, and conducts training and research.

• The Bureau of Alcohol, Tobacco, and Firearms (U.S. Treasury Department) enforces and administers federal firearms and explosives laws, as well as laws covering the production, taxation, and distribution of alcohol products. ATF agents suppress the illegal trafficking, possession, and use of firearms and explosives. They also investigate arson-for-profit schemes and generally assist federal, state and local law enforcement agencies in reducing crime and violence.

• The U.S. Marshals Service (U.S. Department of Justice) provides support and protection to the federal courts, apprehends federal fugitives and maintains custody of and transports federal prisoners. It also seizes, manages, and sells property that is forfeited to the government by drug traffickers and other criminals.

• The Immigration and Naturalization Service (U.S. Department of Justice) controls entry into the United States by aliens, maintains information on alien status, and facilitates certification of citizenship. The agency also apprehends and deports those aliens who enter the country illegally, who commit certain serious crimes in this country or whose authorized stay has expired, or whose stay is determined to not be in the public interest.

• The U.S. Secret Service (U.S. Treasury Department) protects the president, other high government officials, visiting federal executives and their families, as well as distinguished foreign visitors. The agency investigates and arrests offenders for counterfeiting coins, currency, or stamps and for other crimes that involve obligations or securities of the United States. The Secret Service also investigates fraud cases involving electronic fund transfer, use of credit and debit cards, and food stamps.

• The U.S. Customs Service (U.S. Treasury Department) interdicts and seizes contraband, such as exports and imports of illegal drugs and high-technology weapons. It cooperates with other federal agencies and foreign governments to suppress illegal narcotics and pornography. The service also enforces a wide range of requirements to protect the public such as radiation and radioactive material standards, and prohibitions on certain foods, drugs, and hazardous substances.

• The Postal Inspection Service (U.S. Postal Service) enforces more than 100 federal statutes involving mail fraud, mail theft, mail bombs, illegal drugs, and child pornography. It is also responsible for protection of all postal employees.

• The Internal Revenue Service (U.S. Treasury Department) administers and enforces matters of civil and criminal violations of tax laws.

• Finally, the U.S. Army, Navy, Air Force, Marines, and Coast Guard perform law enforcement functions as they pertain to violations of military law, as well as to the entire realm of national security.

In addition to governmental law enforcement agencies, growing numbers of private law enforcement agencies are operating in Illinois. These agencies use civilian personnel (who are not vested by law with full police powers) to perform law enforcement and security tasks that may not require highly trained police officers. In

1996 in Illinois, 291 security contractor agencies employed more than 47,000 registered employees, including security guards and other support personnel. About 8,000 of those employees were registered to carry firearms. There were also 228 proprietary security force agencies, which provided security personnel specifically for banks and certain retail establishments. In addition, 405 registered private detective agencies employed 711 individual private detectives, and 361 registered alarm contractors employed 546 individuals.

WHAT TRAINING AND EDUCATION DO LAW ENFORCEMENT OFFICERS RECEIVE?

As the nature of police work has become more complex, police professional organizations and accreditation groups have advocated for higher levels of officer education. Research has documented the benefits of advanced formal education for police officers. A late-1970s study found that officers with a four-year college degree received only one-third of the number of citizen complaints received by officers with less education. Additionally, the college graduates used 50 percent fewer sick days and had 60 percent fewer injuries on duty.[5]

In 1989, 502 state, county, and municipal agencies from across the United States participated in the most comprehensive study yet in this field.[6] The study concluded that college-educated officers performed policing tasks better; were better oral and written communicators; were more flexible in dealing with diverse cultures, lifestyles, races, and ethnicity; and had fewer disciplinary problems.

The 1993 LEMAS survey included questions about the educational requirements for police recruits. Although most Illinois agencies require only a high school education, the percentage of agencies that require a college education is above the national average. Among Illinois municipal police departments responding to that survey, 25 percent required new applicants to have a college degree (compared to 7 percent nationally); 13 percent required some college (compared to 12 percent nationally); and the remaining 63 percent required only a high school diploma (compared to 81 percent nationally).

Courts throughout the nation have recognized that municipalities and law enforcement chiefs and other management personnel have a duty to adequately train police officers they employ. Courts have found that these managers can be held liable for the acts of officers under the principle of "vicarious liability" if a citizen is injured and the injury was caused by the administrator's negligence in appointing or failing to properly train, retrain, or supervise the officer.

The Illinois Law Enforcement Training and Standards Board, also called the Police Training Board (PTB), administers and certifies basic training programs and courses for local law enforcement agencies and their personnel. The basic training programs are offered at six police training academies: the Police Training Institute at the University of Illinois at Urbana-Champaign; the Cook County Sheriff's Police Academy; the Belleville-Area College Police Academy; the Suburban Law Enforcement Adademy at College of DuPage; the Illinois State Police Training Academy; and the Chicago Police Department Training Academy.

The Illinois State Police also provides a basic course and field training for its own recruits. The Chicago Police Department Training Academy is primarily for its own recruits, but also serves recruits from the Chicago Housing Authority Police and some suburban departments.

Since 1976, all newly appointed full-time officers have been required to meet specific minimum standards before being certified by the State of Illinois. Since 1996, part-time officers must undergo basic training as well.[7] The requirements for full-time officers include the following:

- Successful completion of a 400-hour basic law enforcement curriculum;
- Successful completion of a 40-hour firearms training course;
- Passing a comprehensive examination administered by PTB; and

• Meeting minimum physical training standards for new officers.

The LEMAS survey revealed that the median number of training hours for large Illinois municipal departments was 920 (compared to 1,120 hours nationally); for sheriffs' departments, the number was 732 hours (compared to 880 hours nationally); and for ISP, it was 1,360 hours (compared to 1,120 hours nationally).

PTB's basic law enforcement curriculum for Illinois officers instructs in police work's legal aspects (such as arrests, use of force, and rights of the accused), crisis intervention and other human behavior issues (such as crowd behavior, child abuse, crime prevention, and investigation), and other procedural aspects of police work (such as communications, traffic law enforcement, firearms instruction, and first-aid training).

Besides the basic recruit training program, PTB also administers and coordinates training programs for experienced police officers. In 1982, police agencies throughout Illinois collectively formed 16 mobile training units, administered by PTB, which deliver in-service training within established geographic regions. The courses center on specific needs, and reflect a wide range of topics such as police radar, suicide prevention, gang crimes, drug abuse, and juvenile justice. ISP also offers PTB-certified advanced training courses to local agencies.

WHAT ARE THE TYPICAL FUNCTIONS OF LAW ENFORCEMENT AGENCIES?

The functions of law enforcement agencies vary dramatically depending on the type of agency. Even among similar types of agencies, such as municipal police departments, activities may differ depending on the level of crime, citizens' requests for services, and the individual administrators' management styles.

If law enforcement is narrowly defined as applying sanctions (arrests) to behavior that violates the law, then police actually spend only a small portion of their time enforcing the law. Some studies suggest that only about 10 percent of citizen complaints to police require enforcement of the law.[8] More than 30 percent of the calls are appeals to maintain order (for example, to mediate a domestic dispute or to disperse an unruly crowd); 22 pereent are for information-gathering activities (such as asking routine questions at a crime scene or inspecting crime scene evidence); and 38 percent are to provide other services (such as assisting injured people, providing animal control, or answering fire calls). Agencies with a strong community policing philosophy have a different range of functions which include a greater emphasis on activities such as meeting with community residents and organizations and various forms of problem-solving analysis.

The 1993 LEMAS survey contains information on law enforcement agencies' areas of primary responsibility. Survey responses indicate significant differences across agencies. For example, while all the municipal police departments, county sheriffs' departments, and the state police considered accident investigation and traffic enforcement to be areas of primary responsibility, fewer agencies considered functions such as fingerprint processing and animal control to be so. Functions such as court security and jail operation were more prevalent among sheriffs' departments than municipal police (Figure 1-1).

HOW DO POLICE MAKE ARRESTS?

Except under certain circumstances, police are required to have a valid warrant before making an arrest. Arrest warrants are issued in two different ways. In one, a victim, or complaining witness, goes directly to a prosecutor with information about a crime, signs a complaint, and appears before a judge who is authorized to issue an arrest warrant for the suspect in that particular crime. In other cases, a law enforcement officer files the complaint and goes before a judge to seek a warrant.

An officer may make an arrest without a warrant if he or she witnesses a felony or misdemeanor being committed. Police may also make an arrest if there is probable cause that a felony occurred and that the person who would be

Figure 1-1

Percent of law enforcement agencies having primary responsibility for various functions

Law enforcement function	Municipal Police (Illinois)	Municipal Police (National Average)	Sheriff's Departments (Illinois)	Sheriff's Departments (National Average)	State Police (Illinois)	State Police (National Average)
Accident investigation	100%	100%	100%	60%	yes	100%
Dispatching calls for service	88%	89%	83%	84%	yes	82%
Fingerprint processing	69%	87%	50%	79%	yes	55%
Traffic enforcement	100%	100%	100%	85%	yes	100%
Ballistics testing	6%	13%	17%	18%	yes	45%
Animal control	50%	32%	0	9%	no	0
Traffic direction and control	100%	94%	83%	66%	yes	86%
Emergency medical services	6%	15%	0	8%	yes	20%
Search and rescue	31%	35%	50%	75%	yes	39%
Jail operation	13%	10%	83%	86%	no	0
Court security	13%	12%	33%	19%	no	8%
Civil defense	13%	12%	33%	19%	no	6%
Civil process serving	0	6%	83%	94%	no	6%

taken into custody committed the crime. But unless it is an emergency, police may not enter a person's home without a warrant to make an arrest.

In addition to sometimes being legally required, an arrest warrant can protect an officer or department from liability; an invalid arrest without a warrant can lead to departmental discipline, a false-arrest lawsuit against the officer, or a damage action under federal or state civil rights statutes.

An arrest is formally made by a law enforcement officer when he or she indicates by word or action an intention to take a person into custody. However, when a person is arrested, he or she is not necessarily charged with a crime. A certain number of the people arrested are taken into custody, questioned, possibly put into a lineup, and then released without being charged with an offense. The proportion of arrests to people charged depends upon the type of crime. In a complex investigation, for every one person who is eventually charged, several people may be arrested and briefly held. In addition, some

people are charged and prosecuted without ever being arrested, such as when suspects are indicted by a grand jury, served with a summons, or issued a notice-to-appear in court. The number of arrests recorded does not necessarily equal the number of people charged with crimes.

Both federal and state courts have ruled on what constitutes a lawful arrest. The Illinois Supreme Court held in 1983 that a law enforcement officer has the authority to arrest someone if the officer has reasonable grounds to believe the person is violating, or has already violated, the law.[9] The evidence needed to make a valid arrest does not have to amount to proof of guilt. It must simply show that the suspect could reasonably have committed the crime. Probable cause can be established without the officer personally observing the commission of a crime. The officer may have observed activities that reasonably suggest that the suspect committed a crime, or may have received information from police radio bulletins, witness or victim reports, anonymous tips, or leads from informers.

Municipal police officers generally confine their arrests to within the boundaries of their communities. Until recently, this general rule was reinforced by an 1869 Illinois Supreme Court ruling that, without an arrest warrant, a local officer had no authority to make an arrest outside the municipality's geographical limits. In 1995, however, the State Code of Criminal Procedure was amended to authorize officers to make arrests in any state jurisdiction if they are investigating an offense that occurred in their primary jurisdiction, or if the officer is on duty and personally witnesses the commission of a felony or misdemeanor.[10] Other instances when police officers may work and make arrests outside their jurisdiction include:

Police district cooperation
By law, the police of any municipality in a police district (the area that includes the corporate limits of adjoining municipalities within a single county) have full authority and power as peace officers in any part of the district to exercise that authority and power. Additionally, the mayor of any municipality in the district and the chiefs of police in the police district may use the police forces under their control anywhere in the district. Local law enforcement officers have implicit authority to make arrests for federal crimes as well.[11]

Hot pursuit
Police may continue the immediate pursuit of a person into another Illinois jurisdiction, if that person is trying to avoid arrest.[12]

Request from another jurisdiction
State law allows any law enforcement officer to command the assistance of people 18 years old or older, thus giving them the same authority to arrest as the officer.[13] If the individual is a police officer from another jurisdiction, that officer is empowered to make an arrest outside the officer's own jurisdiction.

Warrant arrest
Every arrest warrant in Illinois is directed to all law enforcement officers in the state, and a warrant may be executed by any officer (or by a private citizen specifically named in the warrant) at any location in the state that falls within the geographic boundaries named in the warrant.[14]

WHAT IS THE DANGER OF POLICE PURSUITS?

High-speed automobile pursuit, a custom long accepted by both police and the public, is now closely scrutinized as a result of recent events across the nation in which high-speed pursuits have resulted in property damage, injuries, and death. These events, and the ensuing lawsuits, are causing police officials, the public, and the media to question the efficacy of pursuits within the overall realm of public safety.

During the past 15 years, researchers have conducted five major studies addressing the causes and outcomes of police pursuits. Three studies examined high-speed pursuits involving the California Highway Patrol (CHP),[15] the Dade County (Florida) Sheriff's Office,[16] and the Baltimore County (Maryland) Police Department.[17] Another study examined data from 75 law enforcement agencies in nine western and southern states.[18] The most recent study, conducted by the CHP in 1992, was based on a data network developed by the International Association of Chiefs of Police (IACP)

and contained data from all law enforcement agencies in California.[19]

When the data were combined in a later report, the five studies exhibited striking similarities.[20] The combined data suggest that a collision of some type can be expected to occur in 32 percent of police pursuits. An analysis of the severity of these collisions reveals that 20 percent result in property damage, 13 percent result in personal injury, and 1.2 percent result in at least one death. In further examination of collisions in which someone died or was injured, approximately 70 percent of the pursuit-related injuries and fatalities involved the occupants of the pursued vehicles, 14 percent involved the pursuing law enforcement personnel, and 15 percent involved innocent bystanders. The studies found that police successfully apprehended suspects in 72.2 percent of the pursuits.

Researchers from both the regional nine-state study and the Dade County study concluded that all pursuits should be considered potentially dangerous. They also said the dangers should be addressed through written policies, practical training programs, and supervision.

Illinois law requires the PTB to annually review police pursuit procedures and make available suggested police pursuit guidelines for law enforcement agencies.[21]

WHEN CAN POLICE USE DEADLY FORCE?

When making an arrest, a law enforcement officer must determine the degree of force needed to successfully complete the arrest. Officers must have specific legal justification to use deadly force during an arrest.

Both federal and state laws govern use of deadly force. In 1985, the U.S. Supreme Court held that "there can be no question that apprehension by the use of deadly force is a seizure subject to the reasonableness requirement of the Fourth Amendment.... To determine the constitutionality of a seizure, we must balance the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of governmental interests alleged to justify the intrusion.... It is plain that reasonableness depends not only on when a seizure is made, but also how it is carried out."[22]

Under Illinois law, an officer is justified in using deadly force "only when he reasonably believes that such is necessary to prevent death or great bodily harm to himself or another person, or when he reasonably believes that: (1) such force is necessary to prevent the arrest from being defeated by resistance or escape; and (2) the person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay."[23]

WHAT ARE THE RESTRICTIONS ON POLICE INTERROGATION OF A SUSPECT?

Police interrogation of a criminal suspect is strictly regulated by court-made rules based on constitutional law. A confession or a statement obtained by an officer who fails to follow these rules normally cannot be used as evidence against the person who made the statement, and evidence obtained as a result of the police taking advantage of such a statement cannot be used in court.

"Miranda" warnings must be given, prior to interrogation, to a criminal suspect who is in custody or is otherwise deprived of his or her freedom in any significant way.[24] Ever since the U.S. Supreme Court's 1966 *Miranda vs. Arizona* decision, police have been required to clearly tell suspects they do not have to answer questions, and that if they do, the answers can and will be used as evidence. The suspects must also be informed of their right to have a lawyer present before being questioned, and that if they cannot afford to hire a lawyer, one will be provided at no cost. A subsequent decision in 1989 by the U.S. Supreme Court in *Duckworth vs. Eagan*, ruled that police, when advising suspects of their rights, may change the exact

wording of the "miranda" warning, so long as what is said to a suspect is similar in meaning.[25]

WHAT ARE THE RESTRICTIONS ON POLICE SEARCHES AND SEIZURES?

Law enforcement officers have the power to conduct searches if there is probable cause to believe that evidence of a crime is present. Searches must be limited in time and area, and must be directed toward specific things. Under the exclusionary rule, evidence seized in an improper search cannot be introduced at a trial.

As a general rule, a search must be supported by a valid search warrant or the consent of the subject. There are, however, some exceptions. During an arrest, police may search the person being arrested and the immediate surroundings. Similarly, during hot pursuit of an armed felony suspect, police may search a building for the suspect. Also, officers may search a car for contraband or evidence if the car was in motion when seized and there is probable cause to believe that it contains contraband or evidence of a crime. The U.S. Supreme Court clarified this rule in 1991 in *Florida vs. Jimeno* to reinforce the right of officers to search the contents of a closed container inside a car without obtaining separate permission from the suspect, if that closed container might reasonably hold the object of the search.[26] In an emergency, officers may also search a person, vehicle, or property if it is necessary to prevent injury or loss of life, or to prevent serious property damage. In addition, police may search any person or property with consent.

The rights of police to conduct searches and seizures expanded during the late 1980s. In 1989 in *U.S. vs. Sokolow*, the U.S. Supreme Court ruled that law enforcement's use of drug courier "profiles" does not violate the requirement for reasonable suspicion when making a stop — in this instance, a traveler suspected of carrying controlled substances.[27] In this particular case, federal drug agents saw the defendant doing several things that fit their profile of a drug courier: paying cash for airline tickets and taking a short trip to a city (Miami) known as a source for drugs. The Supreme Court upheld the constitutionality of the arrest, saying that although any one of the factors making up the profile was consistent with innocent travel, taken together they supported a reasonable suspicion that the defendant was carrying drugs. The court ruled that the evaluation of a stop requires consideration of "the totality of the circumstances."

In 1989 in *Florida vs. Riley*, the Supreme Court ruled that helicopter surveillance without a warrant of areas within the boundaries of a person's home was permissible.[28] In this case, the defendant had a partially covered greenhouse on the "curtilage" — within the legal boundaries — of his home. Police, responding to tips that marijuana was being grown in the greenhouse, made circular helicopter flights over the greenhouse at a height that allowed them to see the evidence through gaps in the roof. The Supreme Court disagreed with the defendant's claim that the overflight was a "search" requiring a warrant. It ruled that the defendant had no reasonable expectation of privacy against warrantless police observation since the observation came from a public vantage point, in this case, airspace approved by the Federal Aviation Administration.

In 1995, the Supreme Court ruled on *Arizona vs. Evans*.[29] In that case, a suspect was arrested by police during a routine traffic stop when the police car's computer indicated that there was an outstanding warrant for his arrest. A subsequent search of the suspect's car revealed a bag of marijuana, and he was charged with possession. The arrestee later claimed that the marijuana was seized improperly, because the arrest warrant on him had been previously quashed in court. The warrant had failed to be recalled from the warrant information system by the court clerk, and therefore appeared as active to the arresting officer. The Supreme Court upheld the lawfulness of the seizure, ruling that the exclusionary rule does not require suppression of evidence where the erroneous information resulted from clerical errors of court employees; thus, police acted reasonably in relying on the computerized warrant record.

Most recently, in 1996, in *Whren et al vs. United States*, the Supreme Court ruled that police may stop motorists for traffic violations even if their

real motive is to investigate possible drug trafficking and other crimes.[30] The court held that evidence obtained in the course of such a traffic stop is admissible as long as the police had probable cause to believe a traffic violation was committed. The case began when vice-squad officers noticed a truck stopped at a stop sign for an unusually long time in a "high drug area." When they approached the truck, it suddenly turned without signaling and sped off. The police pursued and stopped the truck, and as they approached it noticed two bags of crack cocaine. Police made the stop on the premise that the motorist violated a traffic law stating that "an operator shall give full time and attention to the operation of the vehicle." In upholding the stop and the seizure, the Supreme Court ruled that a reasonable officer could have stopped the car for the suspected traffic violation.[31]

HOW DO POLICE CONDUCT CRIMINAL HISTORY CHECKS ON ARRESTEES?

When in the field and when booking people who have been arrested, police routinely conduct inquiries of available criminal history record systems; this determines whether the subject has a record of prior or pending cases that may affect how he or she is processed. Arresting agencies normally check their own files and make inquiries to the state's computerized criminal history (CCH) system, which is maintained by the Illinois State Police. The inquiry to the CCH system allows agencies to also simultaneously check the Interstate Identification Index, a national system that can determine whether the subject has a federal record or a record in another state.

The importance of criminal history records to police as well as to other criminal justice officials is paramount. Research has shown that as many as two-thirds of all people arrested for criminal offenses have prior criminal records, often including offenses in multiple jurisdictions or states.[32]

Criminal history records (or rap sheets) can be extremely useful to the police officer in the field. When an officer makes a stop, information about the stopped person's dangerousness or past violent activity can save the officer's life. In addition, a suspect's criminal record may determine whether a crime has occurred, such as possession of a firearm by a felon. A suspect's status as an escapee or his or her failure to comply with conditions of a current probation or parole status, similarly, may become known from the criminal record — if it is complete and current.

HOW DO AUTHORITIES USE FINGERPRINTING?

Police routinely collect fingerprints from most offenders as part of the booking process of an arrest, except when only traffic laws have been violated.[33] Fingerprints are used to conduct background checks on alleged offenders. Although computerized criminal history inquiries can be made in the field through the Law Enforcement Agencies Data System (LEADS), these inquiries are made without positive identification of the subject. Fingerprint-based inquiries, on the other hand, provide positive identification.

Fingerprinting also is part of the reporting process of the arrest to the Illinois State Police. State police use the fingerprints and information pertaining to an arrest to update an offender's criminal history record or to start one for someone with no previous record. The reporting of the arrest triggers the creation of a new part of that person's criminal history record that will track that particular case. Any subsequent events in the case are reported by the state's attorney (any charges filed in court), the circuit court clerk (the disposition of the court case if there is one), and the custodial institution (admission to and release from a jail or prison), if applicable.

Fingerprinting, then, provides positive identification of the subject and is crucial for:

- Searching the CCH and other criminal history record systems;
- Linking prior arrest and conviction records to people who subsequently use false names; and

• Ensuring the admissibility of criminal records in subsequent proceedings for such purposes as sentencing.

The past decade has produced two very important developments in fingerprint identification technology: livescan technology and automated fingerprint identification systems (AFIS). Livescan technology replaces the traditional ink and paper method of fingerprinting with an electronic process that converts the fingerprint image into a digital record. AFIS allows for the electronic storage and rapid retrieval of digital fingerprints, dramatically speeding up the criminal history record inquiry process (see the Technology section for a more detailed explanation of livescan and AFIS).

WHAT ARE SOME EMERGING ISSUES IN LAW ENFORCEMENT?

In addition to the topics already discussed in this section, there are several emerging national issues that organizations such as the International Association of Chiefs of Police (IACP), the Police Foundation, and the Police Executive Research Forum (PERF) are closely monitoring. They include:

• Development of protocols for police in dealing with stalking cases;

• Workload issues associated with a growing number of false security alarm calls;

• Use of pepper spray by police as a fundamental option in the use of force;

• The impact of a new federal law which forces police officers to turn in their guns if convicted anytime of a domestic violence incident (even prior to service);

• The increasing number of women and minorities in policing, especially in leadership positions; and

• Ways in which community policing impacts the justice system, and how the system promotes or inhibits advances in community policing.

Law enforcement officials will need to watch these issues because of their potential impact on individual departments and on the entire law enforcement community.

Notes

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3. Craig Perkins and Patsy Klaus, *Criminal Victimization 1994*, Washington, DC: Bureau of Justice Statistics, 1996.

4. *Criminal Victimization in the United States, 1993*, Washington, DC: Bureau of Justice Statistics, 1996.

5. B.E. Sanderson, "The Relationship of College Education to Job Performance," *Police Chief*, August 1977, pp.62-63.

6. D. Carter, A. Sapp & D. Stephens, *The State of Police Education: Policy Direction for the 21st Century*, Washington, DC: Police Executive Research Forum, 1989.

7. Public Act 89-170; effective Jan. 1, 1996.

8. James Q. Wilson, *Varieties of Police Behavior*, Atheneum, N.Y.: Atheneum (by permission of Harvard University Press), 1971.

9. *People vs. Pankey*, 94 Ill. 2d 12, 445 N.E. 2d 284 (1983).

10. 725 ILCS 5/107-4.

11. *United States vs. Janik*, 723 F. 2d 537 (7th Cir. 1983).

12. *People vs. Carnivale*, 21 Ill. App. 3d 780, 315 N.E. 2d 609 (1st Dist. 1974).

13. 725 ILCS 5/107-8.

14. 725 ILCS 5/107-9(e).

15. *California Highway Patrol Study*, California

Highway Patrol, 1983.

16. Dr. Geoffrey P. Alpert, and Dr. Roger G. Dunham, *Metro-Dade Pursuit Policy Study*, 1988.

17. "Motor Vehicle Pursuit Study," Baltimore County (Maryland) Police Department, Planning and Research Unit, December 1988.

18. Erick Beckman, Ph.D., "A Report on Law Enforcement and Factors in Police Pursuits," Michigan State University, School of Criminal Justice, October 1985.

19. California Highway Patrol, Management Division, "Police Pursuit Data — Report to the State Legislature," 1992.

20. Tim Grimmond, "Police Pursuits" in *The Police Chief*, Vol. LX, No. 7, July 1993, pp. 43-47.

21. 50 ILCS 705/7.5.

22. *Tennessee vs. Garner*, 105 S. Ct. 1694 (1985).

23. 720 ILCS 5/7-5.

24. *Miranda vs. Arizona*, 384 U.S. 436 (1966).

25. *Duckworth vs. Eagan*, 109 S. Ct. 2875 (1989).

26. *Florida vs. Jimeno*, 500 S. Ct. 248 (1991).

27. *U.S. vs. Sokolow*, 109 S. Ct. 1581 (1989).

28. *Florida vs. Riley*, 109 S. Ct. 693, (1989).

29. *Arizona vs. Evans*, 115 S. Ct. 1185 (1995).

30. *Whren et al. vs. United States*, Docket 95-5841; decided June 10, 1996.

31. Some courts have adopted a "would have" standard for police stops of the type in *Whren et al vs. United States*, in which the motivation of the police officer is questioned. But most lower courts have adopted a "could have" standard, in which vehicle stops are upheld as long as a reasonable officer in the same circumstances *could have* stopped the car for the suspected traffic violation. Under this standard, the state of mind of the officer regarding whether the suspects may have committed other crimes is not at issue.

32. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, *Statutes Requiring the Use of Criminal History Record Information*, Criminal Justice Information Policy series, by Paul L. Woodard, SEARCH Group, Inc., Washington, DC: Government Printing Office, June 1991.

33. Traffic violators are generally issued citations rather than being arrested, and are not fingerprinted. With the exception of traffic offenses, arresting agencies in Illinois are required to submit fingerprints and information for each adult who is arrested for a felony, Class A misdemeanor, Class B misdemeanor, Driving Under the Influence, motor vehicle theft (625 ILCS 5/4), and aggravated fleeing or attempting to elude a police officer (625 ILCS 5/11-204.1).

Community policing is no longer a new concept in law enforcement management. Introduced and developed in the early 1980s, community policing offers an alternative to the "professional model" of policing that emerged in the 1960s as part of a nationwide move toward professionalism. With the elimination of corruption as their primary motive, police managers assigned officers to rotating shifts and moved them frequently from one geographical location to another. Management also instituted a policy of centralized control, designed to ensure compliance with standard operating procedures. These changes, however, resulted in the separation of the police from the community.

This social distancing was reinforced by technological developments. By the 1970s, rapid telephone contact with police was viewed as a way to quickly respond to crimes. In reality, answering the overwhelming number of calls for service left police little time to prevent those calls from recurring, and severely limited their interaction with the community. In some communities, police and the public had become so isolated from one another that an attitude of "us versus them" prevailed between the police and community members.

These problems led several organizations within the policing field to advocate for improvements in policing methods. Groups such as the Police Foundation, the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the National Sheriff's Association, and the International Association of Chiefs of Police, conducted much of the basic research that led police to rethink traditional policing methods, and which laid the groundwork for the development of a community policing philosophy.

Community policing assumes that neither the police nor citizens can be the sole providers of community maintenance and order; both police and citizens must actively cooperate to successfully control crime.

Under community policing, police work with citizens to identify and solve crime problems, rather than simply responding to calls for service. Citizens give police ideas and information, not just about specific crimes, but about problem areas and community issues such as abandoned buildings and drug houses. Overall, community policing places greater discretion with line personnel and requires more earnest contacts between police and the community. The means by which police can encourage citizen interaction include the following:

- Foot or park-and-walk patrols;
- Establishment of "mini-police stations" within the community;
- Regular community meetings;
- Citizen advisory committees;
- Community newsletters;
- Neighborhood Watch programs; and
- Follow-up information for crime victims concerning case outcomes and dispositions.

Community policing calls for police to work with all neighborhood groups to find ways to preserve harmony. The police must recognize differences among community groups and work to build cooperative bonds needed to maintain order, provide a sense of security, and control crime. Community policing recognizes the value of activities that contribute to the orderliness and well-being of a neighborhood. Helping accident or crime victims, working with residents to improve neighborhood conditions, and providing emergency social service referrals are some of the activities that help develop trust between police and the community. This trust increases access to valuable information that leads to solving and preventing crime, and engenders support for needed crime control measures.

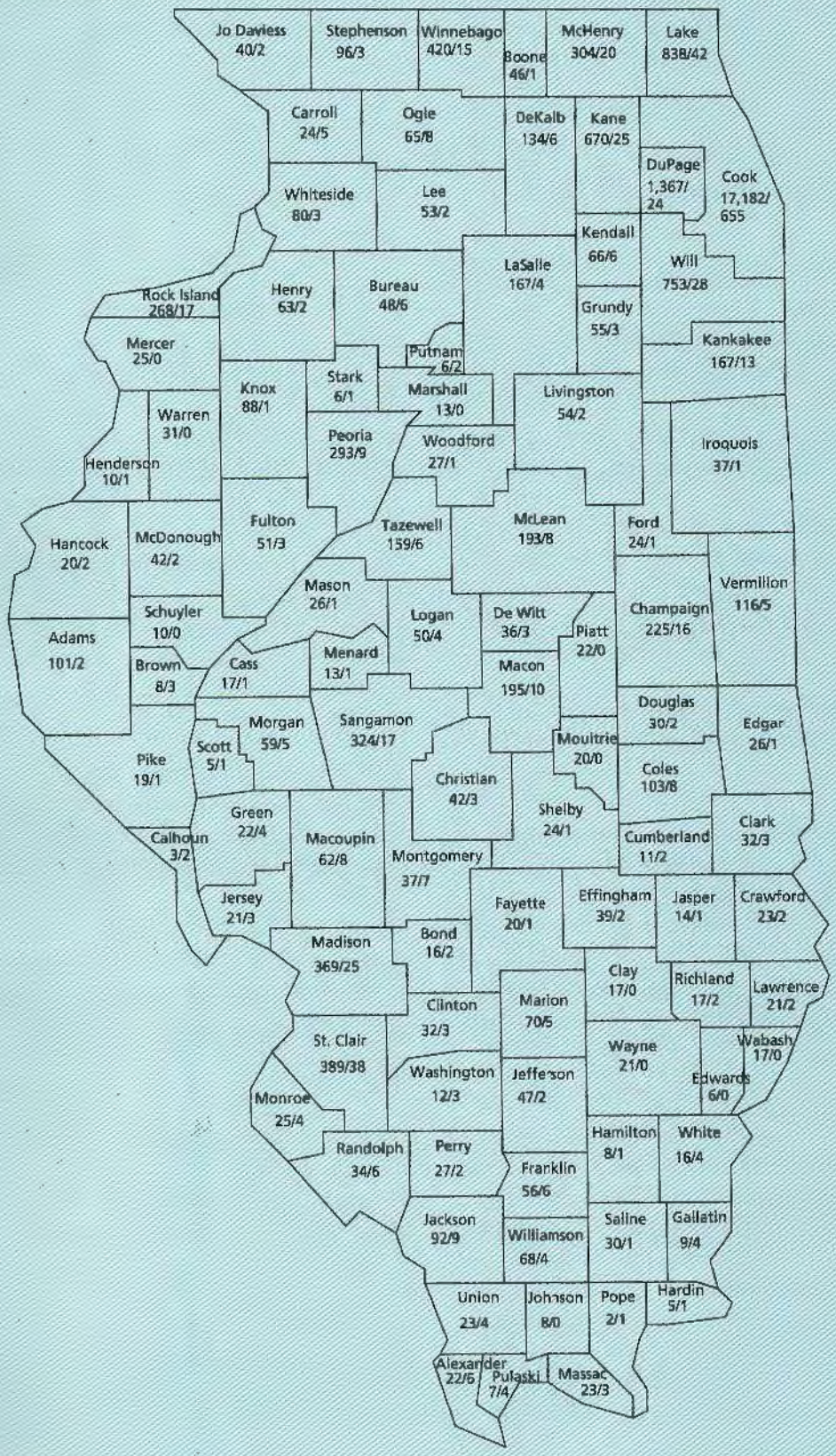


Figure 1-2

Impact of the COPS program in Illinois

N1/N2:

N1 = 1993 census of local law enforcement personnel, 27,229

N2 = Law enforcement personnel added through COPS program, 1,269

Illinois State Police added through COPS: 73

(As of January 1996)

Source: Office of Community Oriented Policing Services, U.S. Department of Justice

By participating in an "abbreviated" basic police training program, community residents better understand the role and function of the police, applications of the law, and the need for citizen participation in neighborhood crime intervention and prevention.

Despite these general characteristics, there is no "official" definition of community policing, and no single community policing model exists — different people and different communities see it in different ways and from different perspectives. Community policing is a philosophy rather than a strict methodology and is tailored to meet the specific needs of the community in which it is applied. It acknowledges that each community or neighborhood is likely to have different problems that may require different solutions.

With the creation of the U.S. Department of Justice's Community Oriented Policing Services (COPS) program in October 1994, any jurisdiction with sworn law enforcement officers can use federal funds to hire additional officers in conjunction with a community policing program. To be eligible for these federal funds, law enforcement agencies must demonstrate that hiring new officers will lead to expanded community policing efforts, and that they intend to continue community policing and retain the new positions after the grant expires.

Community policing in Illinois

Community policing's prevalence and impact are increasingly being recognized throughout the country, and Illinois is no exception. Although Chicago, Joliet and Aurora have had community policing programs in place for several years, the COPS program has helped community policing expand across the state. From inception in 1994 though January 1996, the COPS program awarded grants to 414 municipal agencies and 62 county sheriff's departments in the state, and to the Illinois State Police. As a result, 1,269 full-time community police officers were added to the ranks and deployed (Figure 1-2). In addition to large, metropolitan-area departments, sheriff's departments in three of the five collar counties, nine of the 20 urban counties, and 44 of the 76 rural counties received COPS grants during that time. [The collar counties are the five that border Cook County — DuPage, Kane, Lake, McHenry and Will. Urban and rural counties are defined by whether or not they lie within a Metropolitan Statistical Area as defined by the U.S. Bureau of the Census.[1]]

Several innovative community policing programs in Illinois have received national recognition, and the state has become a recognized leader in the advancement of community policing. Among these programs are the Chicago Alternative Policing Strategy (CAPS), the Aurora/Joliet Neighborhood-Oriented Policing and Problem Solving Demonstration Project (NOP), and the Geographically Oriented Community Policing Program (Geo-Com) of the Illinois State Police.

Chicago Alternative Policing Strategy

CAPS, one of the largest community policing initiatives in the country, began in April 1993 in five of Chicago's 25 police districts. The department used these five prototype districts as an experiment to evaluate and modify its basic CAPS model before expanding the program citywide in 1994 and 1995.

The program restructured policing around small geographical areas. While not abandoning aggressive law enforcement, CAPS relies on beat officers to establish working relationships with residents while on patrol. A key aspect of the program is a system of beat meetings where the police and the community identify and develop plans for addressing neighborhood problems, not just their symptoms. To improve problem solving and increase communication and trust between police and residents, beat officers do not rotate shifts.

Chicago implemented a new dispatch policy so beat officers could dedicate more time to their beats. Under this policy, "beat integrity" is maintained by not assigning beat officers to other beats, except when all other options are exhausted. Officers assigned to "rapid response" cars handle most of the overflow from beat officers. If those officers are unavailable, specialized district tactical or gang unit officers or field sergeants are dispatched. Only if those officers or sergeants are unavailable is a beat officer assigned to a call off his or her beat.

CAPS also collaborates closely with other city agencies to help remove graffiti, tow abandoned vehicles, repair street lights, and address other neighborhood problems that encourage crime. The vast majority of citizens are affected more by these types of quality-of-life issues than major crimes, gangs, and drugs. CAPS helps city agencies prioritize problems that have an effect on neighborhood crime, disorder, and safety.

An Authority-funded evaluation by the Chicago Community Policing Evaluation Consortium indicated that, during its first two years, the prototype CAPS program in the first five districts had improved police-community relations, and had an impact on crime and the perceptions of public safety.[2] Citizens perceived greater police presence and a decrease in crime problems in all five prototype districts. The evaluation also recorded reductions in street-level drug dealing, gang-related violence, and other violent crimes. Based on program successes in the prototype districts, CAPS expanded citywide.

CAPS continues to evolve to meet new challenges and opportunities. To help citizens and police manage their new roles and responsibilities, police officers and citizens began participating in an ongoing Joint Community Police Training program in spring 1995. This program is the country's first large-scale attempt to train neighborhood residents and police to solve problems in a community policing setting. It was designed to help citizens identify and analyze problems and learn how they can most effectively work with police in solving them.

Other developments include planned organizational changes within the department and a new effort to promote CAPS awareness. Several technological innovations will also improve the program. Each of the city's 279 beats will have a voice mailbox simplifying and improving citizens' ability to contact their beat officers. Chicago also has implemented a new computerized crime mapping system and a new high-technology communications center to manage data on officer/unit workload, beat integrity, and crime patterns.

The Aurora-Joliet Neighborhood-Oriented Policing and Problem Solving Demonstration Project

In July 1991, the Authority awarded a four-year multiphase grant to the Aurora and Joliet police departments to develop and expand their community policing capabilities. The success of the Aurora and Joliet community policing initiatives — which were intended to serve as community policing models for other Illinois cities — prompted their expansion from the small targeted areas to citywide implementation in 1995.[3]

An Authority-funded evaluation by the Chicago Community Policing Evaluation Consortium indicated that, during its first two years, the prototype CAPS program in the first five districts had improved police-community relations, and had an impact on crime and the perceptions of public safety.

Aurora and Joliet continue to implement new programs — such as citizen police academies — to enhance their respective community policing efforts. By participating in an "abbreviated" basic police training program, community residents get a better understanding of the role and function of the police, applications of the law, and the need for citizen participation in neighborhood crime intervention and prevention.

The Aurora Police Department plans to open the first of three neighborhood precinct stations by early 1997. These stations will provide both police and social services. The city of Aurora showed its commitment to community policing by opening its first neighborhood-based community center, with offices for city services and two community policing officers. In addition, participation in citizen foot and car patrols continues to increase in Aurora through an active neighborhood watch program.

The Joliet Police Department has most recently developed its Schools Are For Education (SAFE) program. This program establishes partnerships among the police, schools, and local residents to maintain safe school conditions and reduce neighborhood crime and disorder in selected geographical areas surrounding the schools.

Illinois State Police's Geographically Oriented Community Policing

With the implementation of its Geographically Oriented Community Policing (Geo-Com) strategy in April 1996, the Illinois State Police established itself as one of the first state police agencies in the country to embrace community policing. Geo-Com establishes a partnership between state and local agencies in addressing mutual public safety issues through communications, cooperation, and coordination of resources and information.

Specifically, Geo-Com defines a contiguous geographical area within a state police district, organized logically around political, legal, and county or municipal boundaries. The area may include one or two counties, a metropolitan center, or an urban neighborhood.[4]

Geo-Com officers are required to live in their own Geo-Com area. They act as liaisons between state and local agencies, and assist in the development of Citizens Advisory Councils, which are composed of residents who advise and guide Geo-Com officers on community

needs. Geo-Com officers patrol local and state routes within their Geo-Com area, work with municipal and county agencies in addressing problem areas, and provide prompt local and state resource and referral information to these agencies. Geo-Com officers also serve as backup to local law enforcement agencies and help analyze and resolve public safety problems.

As of fall 1996, ISP had 67 Geo-Com officers in 44 counties. Plans call for at least one Geo-Com officer to be assigned to each county in Illinois. Twenty-one Geo-Com officers are designated as community violence prevention officers, a key component of Geo-Com. These officers are deployed strategically, by region, in those districts with the highest violence and gang-related activities.

Notes

1. A geographic area qualifies as a Metropolitan Statistical Area (MSA) in one of two ways as defined by the U.S. Bureau of the Census: if it includes a city of at least 50,000, or if it includes an urbanized area of at least 50,000 population with a total metropolitan population of at least 100,000. In addition to the county containing the main city or urbanized area, an MSA may include counties having strong economic or social ties to the central county. Based on this definition, there are 26 counties in Illinois that are part of an MSA (Cook, collar, and urban counties) and 76 counties that are not part of an MSA (rural).

2. *Community Policing in Chicago, Year Two: An Interim Report*, prepared by the Chicago Community Policing Evaluation Consortium for the Illinois Criminal Justice Information Authority, June 1995. The consortium was coordinated by the Center for Urban Affairs and Policy Research, Northwestern University. It also included faculty and students from Loyola University of Chicago, DePaul University, and the University of Illinois-Chicago, and staff members from the Authority.

3. *Aurora/Joliet Neighborhood-Oriented Policing and Problem Solving Demonstration Project: Executive Summary*, Final Report, submitted to the Illinois Criminal Justice Information Authority, Center for Research in Law and Justice, University of Illinois-Chicago, August 1993.

4. Illinois State Police, *Geographically Oriented Community Policing*, 1996.

THE DATA

Previous editions of *Trends and Issues* relied almost exclusively on the Illinois Uniform Crime Reports (I-UCR) as the source of offense and arrest statistics for the state. The national UCR program has existed since 1930, and the I-UCR since 1972.

Under the I-UCR program, all law enforcement agencies in the state were required to report monthly data to the Illinois State Police (ISP), which manages the program. The data could be reported either on paper, on magnetic disks or cartridges, or on-line through a statewide telecommunications network. Other agencies, especially small ones, submitted I-UCR data through another department, usually the county sheriff. Until the early 1990s, Illinois was one of only a handful of states to require incident-level reporting of offenses and arrests. In other words, agencies were required to submit to ISP detailed information about every offense and arrest in their jurisdiction, not just monthly summaries of offenses and arrests.

Incident-level data allows police officials and researchers to identify with precision where and when crime takes place, what form it takes, and the characteristics of offenders and victims. This greatly enhances the ability of crime analysts to use data for crime fighting, crime prevention, and allocation of resources.

The I-UCR program included six types of data: offenses, arrests, detailed homicide reports, property loss data, data on law enforcement officers assaulted or killed, and law enforcement employment information. The types of data used most extensively in *Trends and Issues* are the offenses and arrests.

The offense data pertain to all offenses known to police. Following police investigation, these offenses are then coded as either having "actually occurred" or as being "unfounded" (determined not to have occurred), or they are referred to the responsible jurisdiction (when the offense was reported to the wrong agency). The I-UCR offense information is recorded for more than 200 crime types. All offense analyses in this chapter are based on "offenses actually occurring" (in UCR terminology); for this report, however, they are called "reported offenses." I-UCR arrest statistics contain the age, race, and sex of all people arrested in the state. These data are recorded in the same crime categories as the I-UCR offense information.

In 1988, the FBI (which manages the national UCR program) drafted guidelines for a greatly expanded crime-reporting format, called the National Incident-Based Reporting System (NIBRS) and began accepting NIBRS data in 1989. In some respects, NIBRS involved enhancements at the federal level that were already in place in Illinois. In particular, NIBRS intended to establish incident-based reporting on a national scale. It also attempted to expand the number of crime categories from the eight index crime categories to 22 crime categories that include 46 specific offenses (although Illinois agencies were already reporting more than 200 crime types under the I-UCR program).

In the NIBRS format, agencies are asked to report detailed information about victims, offenders, arrestees, and circumstances of crimes. The data provide separate breakdowns for crimes against individuals, businesses, institutions, government, religious organizations, society/public, and other victim entities. The data also provide details concerning weapons used, victim injuries, and the specific values of stolen and recovered property.

One of the most important aspects of NIBRS reporting is elimination of the hierarchy rule. Under the UCR program, the "hierarchy rule" dictated that if more than one crime was committed by the same person or group of people and the time/space intervals separating the crimes were insignificant, then only the most serious crime would be reported. For example, if a burglar broke into a dwelling, assaulted one resident, and murdered a second, only the murder would be reported in the UCR system.

Under the NIBRS format, all three crimes would be reported as offenses within the same incident. Crime statistics under NIBRS, therefore, would show a significant increase from previous years since, for the first time, all crimes were being counted.

Formidable problems and delays have hindered NIBRS' implementation, both at the national level and in Illinois. Although 33 states have incorporated NIBRS reporting requirements into their state standards, only nine states have been certified and are reporting NIBRS data to the FBI. They have been designated as being in full compliance. These nine states constitute only 3 percent of the U.S. population. To identify obstacles and impediments to full participation from the other states, in September 1995 the Bureau of Justice Statistics (BJS) of the U.S. Department of Justice awarded funding to the National Consortium for Justice Information and Statistics, known as SEARCH, to conduct a study of NIBRS implementation. The study will analyze and document the processes, costs, and efforts required by law enforcement agencies to produce NIBRS data for their state crime systems, or for the FBI where there is no state-level program. It will also identify promising and cost-effective approaches to encouraging wider adoption of NIBRS.

On Jan. 1, 1992, Illinois' version of NIBRS, the Revised Illinois Uniform Crime Reporting Program (R-IUCR), began operating. By the end of 1993, 810 law enforcement agencies out of 866 that report data directly to ISP had reported crime data using the R-IUCR system. This new system, however, experienced significant reporting and data collection difficulties for both the reporting agencies and ISP, stemming from complexities associated with the expanded reporting requirements; ISP was only able to release 1993 summary data for 535 of those agencies, and the data were incomplete from many of them. By the end of 1994, ISP suspended the collection of R-IUCR data, and it implemented a simplified reporting procedure for offense and arrest statistics beginning with 1993 data. ISP requested annual aggregate totals for crime index offenses, crime index arrests, and drug arrests for 1993 and 1994, and monthly totals in these same categories beginning in January 1995.

These aggregate totals lack the detail needed for many of the offense and arrest analyses needed for *Trends and Issues*. For example, the arrest totals reported by law enforcement agencies combine adults arrested with juveniles taken into police custody. It is necessary to collect these two types of data separately for more meaningful analyses.[1] Therefore, the Authority has supplemented the summary offense and arrest data collected by ISP by collecting four types of data for 1993, 1994, and 1995 from a sample of law enforcement agencies across the state. The four types of data are:

Offenses Known to Police
Law enforcement agencies reported annual offense totals for each of the eight index crimes and for "Unlawful Use of Weapon." In addition, agencies indicated the numbers of violent index offenses and "Unlawful Use of Weapon" offenses that involved handguns, and the numbers that involved other firearms.

Weapons Seized
Agencies reported annual totals for handguns, other firearms, and miscellaneous weapons that they seized or otherwise removed from citizens.

Adult Arrests
Agencies reported annual adult arrest totals for each of the eight index crimes, as well as Unlawful Use of Weapon, Possession of Cannabis, Manufacture/Delivery of Cannabis, Possession of a Controlled Substance, and Manufacture/Delivery of a Controlled Substance — by sex and age of arrestee.

Juveniles Taken Into Police Custody
Agencies reported annual totals for juveniles taken into police custody for each of the eight index crimes, UUW, Possession of Cannabis, Manufacture/Delivery of Cannabis, Possession of a Controlled Substance, and Manufacture/Delivery of a Controlled Substance — by sex, and age of the juvenile, and by the police's disposition of the case (whether the juvenile was station adjusted or referred to court).

The data collected from the sample set of police agencies were used to calculate statewide and

regional estimates for each of the data elements collected. To construct time-series analyses of statewide and regional offense and arrest trends, these estimates were then added to 1982-1992 data derived from the original I-UCR system. Appendix B contains a complete description of the sampling strategy, data collection, weighting and estimation procedures, and calculations of standard errors.

HOW ARE CRIMINAL INCIDENTS RECORDED IN ILLINOIS?

When an incident is reported to law enforcement authorities in Illinois, police first investigate whether a crime actually occurred and, if so, exactly what type of crime it was. If a crime has indeed been committed, the officers must then confirm that the incident took place within their jurisdiction. Only then can the agency count the incident in its I-UCR statistics (or for the 1993-1995 statistics collected by the Authority) as an offense actually occurring. If the officers determine that the crime happened outside their jurisdiction, they will refer the incident to the appropriate law enforcement agency, which will then include the incident in its offense count.

To understand the offense statistics used in this report, two points should be remembered:

- The offense totals measure only those crimes that law enforcement authorities learn about, not all crimes that occur.

- Inevitably, there will be differences in how individual agencies decide whether a reported incident is really a crime (as defined in the Illinois statutes) and, if it is a crime, which offense category best describes the incident. A purse-snatching, for example, could be categorized as a robbery or as a theft, depending on the degree of force used by the offender.

WHAT IS THE CRIME INDEX?

Many of the offense and arrest statistics in this chapter focus primarily on what is known as the Crime Index. The eight crime categories that make up this index, when taken together, provide some indication of how much serious crime has occurred in the jurisdiction, region, or state. Four of the index crimes in the UCR are violent crimes — murder, criminal sexual assault, robbery, and aggravated assault — and four are property crimes— burglary, larceny/theft, motor vehicle theft, and arson (see Figure 1-3 for definitions of the index crimes).[2]

The FBI considered several factors when selecting the crimes to be included in the Crime Index: the seriousness of the crime, how frequently the crime occurs, the crime's pervasiveness in all geographic parts of the country, how consistently jurisdictions define the crime, and the likelihood that the crime will be reported to the police. The Crime Index does not include a number of crimes that, nonetheless, might be considered serious — simple assaults and batteries, kidnapping, child abuse, criminal sexual abuse, unlawful use of a weapon, all drug offenses, and vandalism, among others. However, arrest trends described in this chapter do include some non-index offense types— violations of the Cannabis Control Act and Controlled Substances Act, and "Unlawful Use of Weapon."

Throughout this chapter, violent index crime is analyzed separately from property index crime. The vast majority of index crime is property crimes, and for analytical purposes, it is more revealing to separate the two. Otherwise, a large jump in the overall Crime Index could imply that serious crime against people is rising when, in fact, a property crime such as larceny/theft may account for most of the increase.

Besides the index crime categories, offenses and arrests can also be categorized as felonies and misdemeanors, depending on the statutory penalties imposed upon conviction. Crimes that carry a sentence of one year or more in prison are considered felonies. Technically, however, these labels are more appropriate at the prosecutorial rather than the law enforcement level. The classification of an offense as a felony or misdemeanor (and the various classes of felonies and misdemeanors) sometimes depends on aggravating circumstances or other factors, such as previous convictions, determined at the prosecutorial stage of the case. In addition, the offense type named in the prosecutorial charge

may differ from the offense type named on the arrest document.

HOW HAS THE CHICAGO POLICE DEPARTMENT REPORTED ITS CRIME DATA?

The Chicago Police Department participated in the national UCR program long before the state system was created. When Illinois initiated mandatory UCR reporting in 1972, CPD continued to report its statistics using the national format. This meant that for several years CPD was reporting UCR information differently from the rest of the law enforcement agencies in the state.

This situation caused two problems for tabulating statewide crime statistics. First, CPD offense and arrest information was much less specific than that of other jurisdictions in Illinois; the national program (whose format Chicago was following at the time) required only aggregate monthly statistics to be reported, while the Illinois system required specific, incident-level information on each offense and arrest. Second, CPD was reporting fewer categories of crimes than were the other jurisdictions in the state, again because the national program did not require it.

In 1984, CPD began reporting incident-level offense statistics to the I-UCR program, as well as reporting offense data for additional categories of non-index crimes. CPD's reported offenses have been more precisely placed into the eight index categories since then, especially for index aggravated assault. Prior to 1984, CPD counted only aggravated battery offenses in this index category. Starting that year, however, the department began to include statutory aggravated assault in the index category. In addition, it began reporting statutory aggravated assault arrests in its official tabulation of index aggravated assault arrests in 1988. The third component of the index category, attempted murder, continues to be excluded by CPD in both its offense and arrest totals. Also, in 1988, CPD began to include attempts in its tabulation of motor vehicle theft arrests. CPD continued reporting aggregate level arrest statistics to I-UCR up through the duration of that reporting program.

In 1983, CPD made another important change in how it recorded crime data: it established new procedures for categorizing reported crimes as either "actually occurring" or "unfounded." These changes created huge increases in their offense totals for 1983, and especially 1984, for certain major crimes.[3]

According to one study, these reporting changes affected most types of violent crime, except for murder and armed robbery with a firearm.[4] The result was a 51-percent jump in the number of violent offenses reported by CPD between 1982 and 1983. In 1984, the first full year the reporting changes were in effect, the violent offense total was 132 percent higher than the 1982 figure. Because violent crime totals for the entire state are driven largely by CPD figures, the statewide total also increased dramatically in 1983 and 1984. Compared with the 1982 figure, the number of violent crimes reported statewide was one-third higher in 1983 and 64 percent higher in 1984. These reporting changes must be kept in mind when analyzing crime trends over time, not only for Chicago but also for Illinois as a whole.

WHAT INFORMATION SOURCES ARE USED IN THIS CHAPTER?

The Illinois offense and arrest statistics used in this chapter were derived from four sources:

- Automated I-UCR data for the years 1982-1992, and yearly summary statistics for 1993-1995 from the Crime Studies Section of ISP's Division of Administration;
- The 1982-1992 editions of ISP's *Crime in Illinois*;
- Automated arrest data for 1982-1992 from CPD's Data Systems Division; and
- The 1993-1995 offense and arrest data collected by the Authority.

From 1982 through 1992, CPD arrest data were reported to I-UCR in an aggregate format; arrest totals for specific age groups were, in certain

cases, estimated by ISP. In this report, the CPD's automated arrest data were used for age-specific arrest rates in those years. For the years 1993 through 1995, data from the CPD and other law enforcement agencies were derived from the Authority's data collection project.

Chicago homicide statistics were derived from the Chicago Homicide Dataset, which has been maintained by the Authority since 1979.[5] One of the largest and most detailed datasets on violence ever collected in the United States, it contains information on every homicide in police records from 1965 to 1995 — more than 100 variables and nearly 23,000 homicides. It is organized so that questions about victims, offenders, or incidents (and interrelationships between them) can be answered. For example, it is possible to conduct an analysis of the risk of death and trends in offender characteristics for a specific type of homicide, for specific racial/ethnic, age, and gender groups — within specific neighborhoods — and to follow these patterns for 30 years.

GANG DATA

The gang analysis is based on the Chicago Homicide Dataset and a dataset that contains information on all street gang-related offenses that occurred in Chicago from 1987 through 1994. Both datasets have been collected with the close cooperation of the Chicago Police Department.

The street gang-related offense dataset includes 63,141 incidents in Chicago from 1987 through 1994 that were flagged as "street gang-related"

Figure 1-3

What are the eight index crimes?

The FBI defines four violent and four property index crimes as follows:

Violent Index Crime

Murder. The willful killing of a person. Index murder also includes voluntary manslaughter, which is the death of a person caused by gross negligence of any individual other than the victim.

Sexual Assault. Until 1984, "rape" was defined as the carnal knowledge of a female, forcibly and against her will. On July 1, 1984, Illinois sexual assault laws became gender-neutral and broadened the old concept of rape to include many types of sexual assault. This index crime now includes all sexual assaults, completed and attempted, aggravated and non-aggravated.

Robbery. The taking of, or attempt to take, anything of value from the care, custody, or control of a person by force or threat of force or violence.

Aggravated Assault. The intentional causing of, or attempt to cause, serious bodily harm, or the threat of serious bodily injury or death. This category includes aggravated assault, aggravated battery, and attempted murder. In Illinois, "assault" is a threat, and "battery" is an actual attack. "Aggravated" means that serious bodily harm, or the threat of serious bodily harm, is involved.

Property Index Crime

Burglary. The unlawful entry into a structure to commit a felony or theft; this category also includes attempted burglary.

Larceny/Theft. The unlawful taking or stealing of property or articles without the use of force, violence, or fraud. This category includes attempted theft, burglary from a motor vehicle, and attempted burglary from a motor vehicle.

Motor Vehicle Theft. The unlawful taking or stealing of a motor vehicle; the category also includes attempted motor vehicle theft. "Motor vehicle" includes automobiles, trucks, buses, and other vehicles.

Arson. The willful or malicious burning of, or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle, aircraft, or personal property of another.

by police investigation. This information is extracted from a citywide incident data file by the Chicago Police Department and provided regularly to the Authority for analysis.

CPD's determination that an offense was street gang-related is based on the motive of the offender. The preponderance of evidence must indicate that the incident grew out of a street gang function. Gang membership of either the offender or the victim is not enough, by itself, to determine gang-relatedness. These cases are further reviewed by CPD's Gang Crimes Section for evidence of traits normally indicative of street-gang related offenses.

IIR SURVEY DATA

The Institute for Intergovernmental Research sent questionnaires to 274 Illinois jurisdictions, chosen because they had been identified by at least one earlier study as having a gang problem.[6] Of the 274 jurisdictions, 229 responded, an 84 percent response rate. These 229 responding agencies include 206 police departments and 23 sheriff's offices. Most (123) of the 206 police departments were located in cities with a population under 20,000 in 1991, 62 had populations from 20,000 to 49,999, and 19 had populations from 50,000 to 999,999.

The national survey by IIR was necessarily brief. It asked whether each jurisdiction had a youth gang problem in each of four time periods: the 1970s; the 1980s; 1990-1994; and 1995. The survey also asked each jurisdiction the following information:

- The number of youth gangs they had in 1995 and the number of gang members in that same year;
- The number of homicides which had gang members as perpetrators or victims in 1995;
- Whether they had a youth/street gang unit or officer, a gang prevention unit or officer, or both; and
- Whether, in the judgement of the respondent, their youth gang problems were getting worse, better, or staying the same.

The survey defined "Youth Gang" as "a group of youths in your jurisdiction, aged approximately 10 to 22, that you or other responsible persons in your agency or community are willing to identify as a 'gang.'" The survey was limited to youth gangs, and excluded motorcycle gangs and hate or ideology groups.

DUI DATA

The DUI arrest statistics used in this report were derived from the Illinois Secretary of State's Office; these data provide a more complete accounting of DUI arrests than I-UCR. The Secretary of State's database contains statewide data from 1986 on, and includes only those offenders who either failed or refused a chemical blood alcohol test; it does not include those arrests based on the officer's observations, where the driver passed the chemical test. The Secretary of State's Office estimates that this latter category of DUI arrests makes up only about 5 percent of the total.

POPULATION DATA

The population statistics used to calculate offense rates were provided by three sources. Chicago population figures for 1982-1989 were derived from the Chicago Department of Planning; figures for 1990-1994 are from the U.S. Census Bureau, and the 1995 Chicago figures are estimates by Authority staff. County populations for 1990 to 1995 were derived from the Population Counts and Resident Population Estimates, from the Population Distribution and Population Estimates branches of the U.S. Bureau of the Census. Similarly, statewide population counts for specific age groups were taken from population counts and resident population estimates for single years of age from those same branches of the Bureau of the Census.

The offense statistics for the United States and eight largest U.S. states were taken from the 1995 edition of the FBI's *Crime in the United States*.

Notes

1. Historically, the Uniform Crime Reporting Program has requested "juvenile arrest" data from law enforcement agencies. In actuality, juveniles are not arrested, but are taken into police custody — an entirely different and less formal process than an adult arrest. The use of the "juvenile arrest" category for UCR reporting may have created some confusion and inconsistency among law enforcement agencies as to what exactly is being counted in that category (i.e., what level of police contact is considered a "juvenile arrest"?).

2. The national UCR's list of index crimes is somewhat different. The FBI collects data on the crime of rape, which has a narrower definition than criminal sexual assault in Illinois.

3. Although the changes in recordkeeping practices officially began in 1984, actual changes in data recording began in the final months of 1983. The offense data for 1983, therefore, show a slight increase, but the bulk of the effect from recordkeeping changes is reflected in 1984 figures. For a detailed analysis of how the changes in the Chicago Police Department's reporting practices affected the number of robbery and assault offenses, see Carolyn R. Block and Sheryl L. Knight, *Is Crime Predictable? A Test of Methodology for Forecasting Criminal Offenses* (Chicago: Illinois Criminal Justice Information Authority, 1987).

4. Block and Knight, 1987.

5. The Chicago Homicide Dataset has been compiled by Carolyn R. Block of the Authority and Richard L. Block of Loyola University of Chicago with the close cooperation of CPD. Initially, this data collection was established by Richard L. Block (Loyola University of Chicago) and Franklin Zimring (University of Chicago Law School), working with the Chicago Police Department. Margo Wilson and Martin Daly of McMaster University also have contributed to data collection, and numerous researchers and policy makers have used the data for policy analysis or causal modeling. The Chicago Homicide Dataset has been maintained by the Illinois Criminal Justice Information Authority since 1979.

6. The National Youth Gang Survey sent questionnaires to all jurisdictions identified as having a potential gang problem in two national studies by Walter Miller and Klein and Maxson, or listed in a study of Illinois done by the Chicago Crime Commission.

TRENDS AND ISSUES

This section presents statewide offense and arrest trends since 1984. Several changes in the Chicago Police Department's crime-reporting practices took place in the early 1980s (described in the Data section of this chapter), which resulted in a more accurate set of index offense and arrest totals beginning in 1984. Also, Illinois' criminal sexual assault law went into effect at this time, and resulted in an increased count from what was previously reported under the category of "rape."[1] Therefore, the inclusion of data prior to that year would suggest sharp increases in index offenses and arrests from 1983 to 1984, when those increases were, in fact, greatly affected by reporting changes.

Nearly 620,000 index crimes were reported in Illinois during 1984. Eleven years later, in 1995, that total had risen about 6 percent, to 655,000 index offenses. Non-index offenses have not been available from the I-UCR program since 1992. Prior to that year, non-index offenses consistently exceeded the number of index offenses annually by a ratio of about 2-to-1.

HOW MUCH REPORTED CRIME IN ILLINOIS INVOLVES VIOLENT OFFENSES?

Although violent crimes tend to receive the most public attention, in Illinois (as in the rest of the nation) they are clearly outnumbered by property crimes. Between 1984 and 1995, the number of reported property index crimes exceeded the number of reported violent crimes by about 5-to-1 (Figure 1-4). While the number of property crimes remained fairly stable during the period, the number of violent crimes increased by more than 40 percent. Violent crimes rose from 84,281 in 1984 to 118,801 in 1995. The ratio of property to violent index crimes decreased during that time from more than 6-to-1 to about 4.5-to-1. The general trend of increasing violent crime began to change in the 1990s. Between 1993 and 1995, there was a 3.2 percent drop in violent crime statewide.

WHAT ARE THE MOST COMMON VIOLENT CRIMES REPORTED IN ILLINOIS?

Of the four violent index crimes, the most common in Illinois are robbery and aggravated assault. In 1995, these two crimes made up 93 percent of all violent index crimes reported in the state. Murder and criminal sexual assault accounted for the remaining 7 percent.

The trends since 1984 for robbery and aggravated assault have differed from one another. Robberies remained stable until 1989, when they began to rise sharply each year until 1991 (Figure 1-5). From 1988 to 1991, the robbery

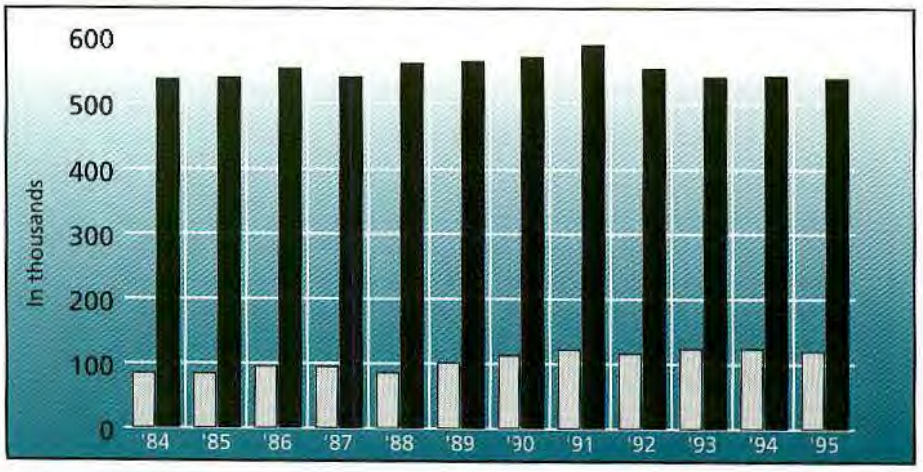


Figure 1-4

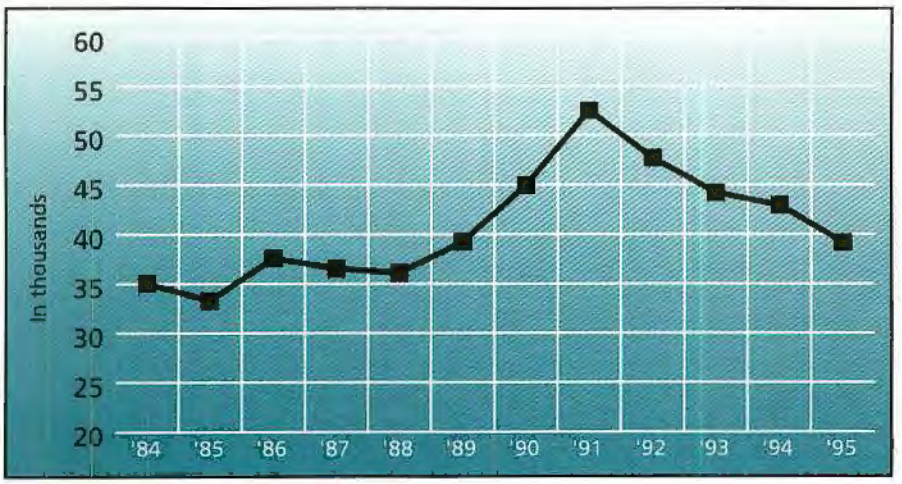
Violent and property index offenses reported in Illinois, 1984-1995

Total Property Index
Total Violent Index

Source: Illinois State Police/ Uniform Crime Reports and ICJIA survey

Figure 1-5

Reported robberies in Illinois, 1984-1995



Source: ISP/UCR and ICJIA survey

total rose about 45 percent. Robberies then began to decrease in 1992, and continued to decrease each year thereafter. From 1991 to 1995, there was a 25 percent decrease in robberies. Aggravated assaults in Illinois exhibited a gradual increase from 1985 until 1991 (a 39 percent increase), and again in 1993 (a 21 percent increase over the previous year), before leveling off in 1994 and 1995 (Figure 1-6).

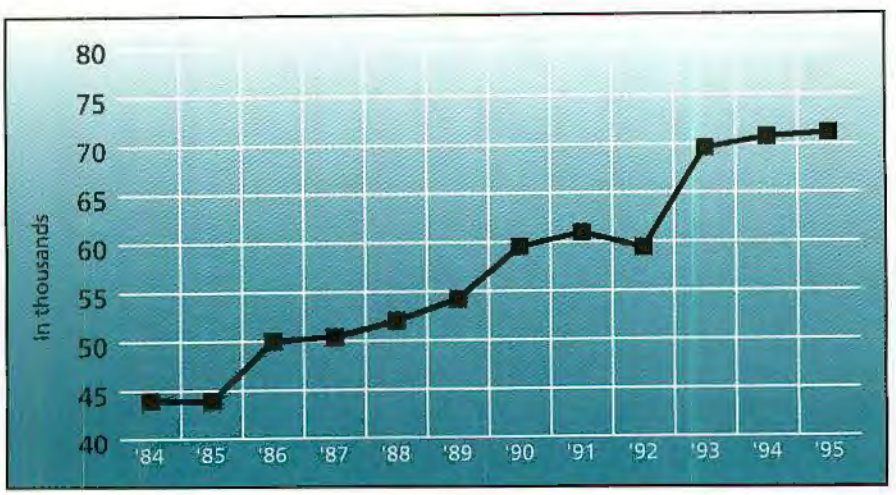
The number of reported murders and criminal sexual assaults has also fluctuated since 1984. Murders increased from 977 in 1987, to 1,406 in 1994 (a 44 percent increase), before dropping to 1,228 in 1995 (Figure 1-7). Criminal sexual assaults increased sharply in 1985, the first full year Illinois' criminal sexual assault law was in effect, and then increased gradually each year until 1993 (Figure 1-8). From 1993 to 1995, there was a 5 percent decrease, the first decrease since the sexual assault law went into effect in July 1984.

WHAT PROPORTION OF THE STATE'S VIOLENT CRIMES OCCUR IN CHICAGO?

In 1995, Chicago accounted for about 23 percent of the state's population, but more than 60 percent of all violent offenses reported statewide occurred in the city. As a result, statewide violent crime trends are largely determined by offense patterns in Chicago. The city accounted for an even higher percentage of the state's violent crimes between 1984 and 1992, averaging about 73 percent of the total. Between 1992 and 1995, however, Chicago's violent offenses dropped 13 percent. Consequently, Chicago's

Figure 1-6

Reported aggravated assaults in Illinois, 1984-1995



Source: ISP/UCR and ICJIA survey

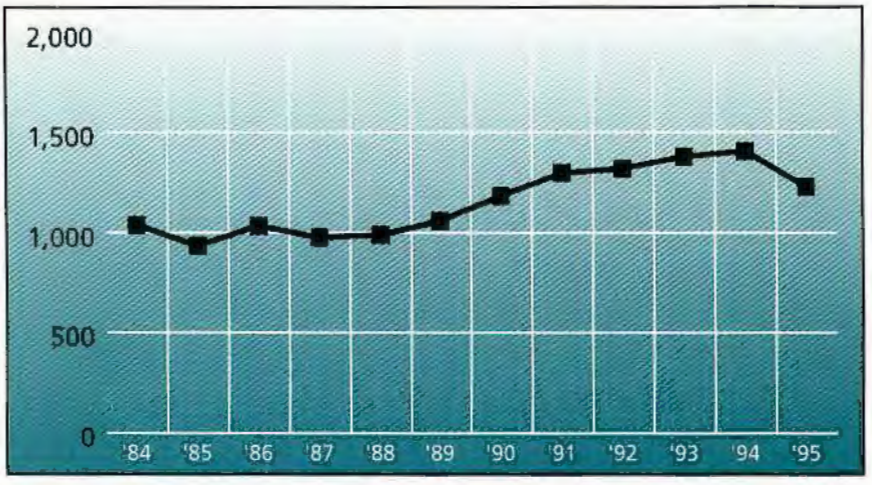


Figure 1-7

Reported murders in Illinois, 1984-1995

Source: ISP/UCR and ICJIA survey

portion of the statewide total decreased to about 62 percent.

WHICH REGIONS OF THE STATE HAVE THE MOST VIOLENT CRIME PER CAPITA?

Chicago clearly accounts for the majority of violent crime reported in Illinois. But the city also is home to nearly one-quarter of the state's population and has nearly 20 times more people than Rockford, the state's second largest city. If population is accounted for, is violent crime still more frequent in Chicago than in other Illinois regions?

Comparing annual crime rates in five types of jurisdictions — Chicago, suburban Cook County, the collar counties, downstate urban, and rural — suggests that the population characteristics of a jurisdiction are directly related to violent crime rates: the greater the population density of an area, the higher its violent crime rate (Figure 1-9).[2] In every year between 1984 and 1995, Chicago had the highest violent crime rate of the five regions — more than 2,000 violent crimes were reported per 100,000 population, or one for every 50 city residents. The second highest violent crime rate was in downstate urban areas, followed by the suburban areas in Cook and the collar counties, and then rural areas.[3]

Violent crime trends for the five regions did vary somewhat over the past decade. Chicago's violent crime rate rose steadily from 1985 through 1991, before declining each year since then. In suburban Cook County and the downstate urban and rural regions there has been a gradual increase over the 10-year period, with the violent crime rate in rural regions doubling in 1993 over the previous year. In the collar

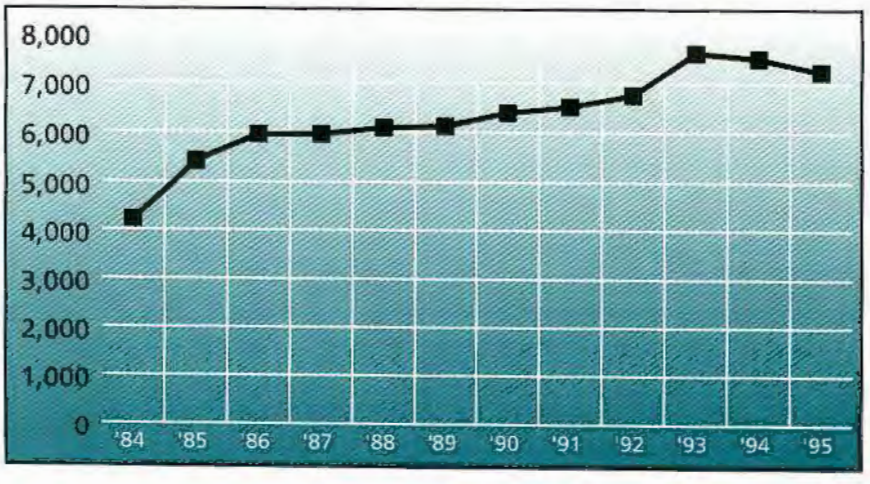


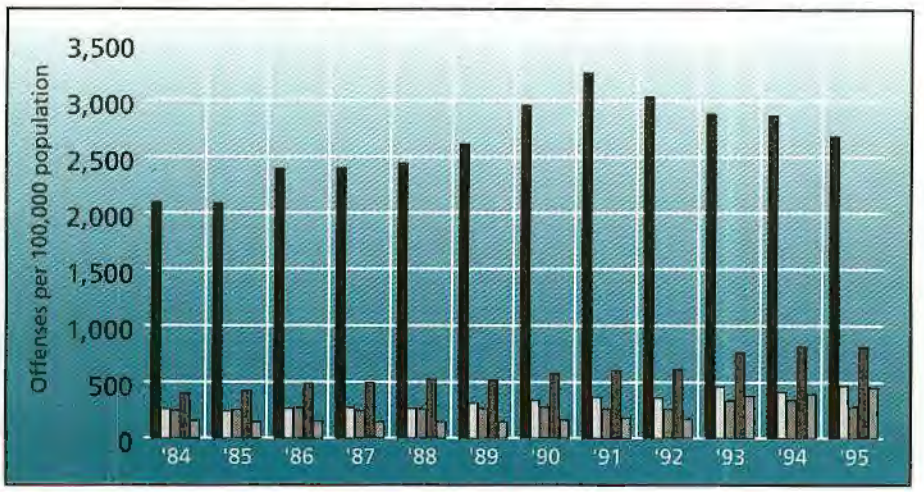
Figure 1-8

Reported criminal sexual assaults in Illinois, 1984-1995

Source: ISP/UCR and ICJIA survey

Figure 1-9

Violent index offense rates by region, 1984-1995



Source: ISP/UCR and ICJIA survey

counties, the overall increase was interrupted by slight declines in 1991 and 1992, and then again in 1995.

HOW OFTEN ARE FIREARMS USED TO COMMIT VIOLENT CRIMES?

From 1993 to 1995, police recovered more than 70,000 handguns (71 percent of them in Chicago) and more than 18,000 other firearms (46 percent in Chicago).

How often firearms are involved in the commission of violent crimes in Illinois varies from crime to crime. Firearms are much less likely to be used in violent crimes in which the victim survives than in homicides. From 1993 to 1995, in Illinois jurisdictions excluding Chicago:

- Of all robberies, about a third involved handguns, and one in 43 involved other firearms;
- Of all aggravated assaults, about one in nine involved handguns, and one in 40 involved other firearms; and
- Of all criminal sexual assaults, only about one in 37 involved a firearm of any type.

In contrast, during the same period, 53 percent of all murders involved handguns and 11 percent involved other types of firearms. Historically, in those years in which the most murders have occurred, the percentage involving firearms also has been higher. In 1981, for example, 61 percent of the 1,232 murders in Illinois involved firearms. During the late 1980s, when the number of murders was lower, the percentage involving firearms was also lower — about 56 percent between 1985 and 1988. Since then, the number of murders has risen, and during the past three years 64 percent have involved firearms. The increase in Chicago homicides during the past 30 years is attributable to a corresponding rise in firearm-related homicides. By 1995, 73 percent of all Chicago homicides involved firearms.

The Chicago Homicide Dataset shows two distinct trends in firearm homicides from 1965 to 1995. The first trend was a rapid increase in firearm homicides from 1965 to 1975, and the second was the sharp increase from 1988 to 1994. These two trends were driven by patterns in two different types of firearm homicide (Figure 1-10). An increase in homicides committed with a nonautomatic handgun accounted for the rapid climb from the mid-1960s to the mid-1970s. In 1965, there were 95 Chicago homicides committed with a nonautomatic handgun, but by 1973 that number had risen to 376. Homicides with other types of firearms did not increase during that time. In contrast, the rapid increase in firearm homicides in recent years was driven by a dramatic climb in homicides committed with semiautomatic weapons. These homicides rose from 78 in 1988 to 383 in 1994. In 1995, for the first time in a decade, there was a slight decrease in homicides committed with these types of weapons. However, semiautomatic weapons clearly remain the weapons of choice. Of all Chicago

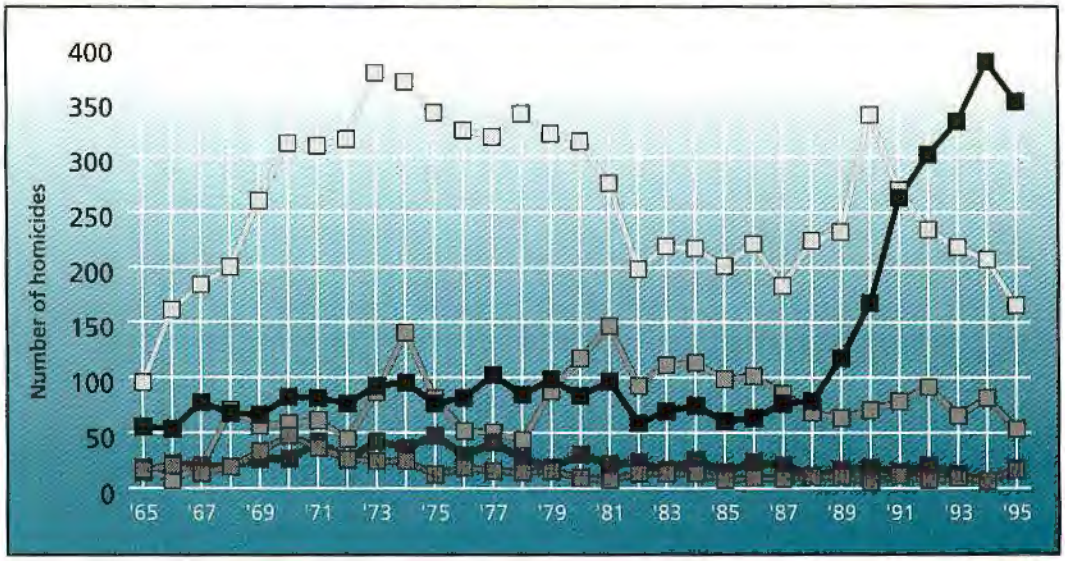


Figure 1-10

Types of firearms used in Chicago homicides, 1965-1995

Source: Chicago Homicide Dataset

firearm-related homicides in 1995, 58 percent involved semiautomatic weapons.

HOW ARE THE AGES OF HOMICIDE VICTIMS AND OFFENDERS IN CHICAGO CHANGING?

Increasingly, teens and young adults have comprised the group of persons who are most at risk of being murdered. The Chicago Homicide Dataset was used to study victimization rates for victims in various age groups. The analysis revealed that over the past 30 years, the risk of homicide victimization in Chicago has increased most dramatically for 15- to 19-year-olds and 20- to 24-year-olds (Figure 1-11). Victimization for both groups increased sharply from 1988 to 1994, before decreasing slightly in 1995. During this time, 15- to 19-year-olds, for the first time, became the most victimized age group. At the same time, the risk of being murdered either declined or remained stable for every older age group (calculated at five-year intervals, from 25 to 29 years old, to age 75 and older) and every younger age group (birth to 4 years old and 5 to 9 years old). In summary, the increased risk of being murdered in the early 1990s was confined to victims between the ages of 15 and 24.

Trends in the ages of homicide offenders in Chicago were similar to trends in the ages of homicide victims (Figure 1-12). After being stable or declining slightly from 1970 to 1988, homicide offender rates rose sharply for youth aged 10 to 24. There was a decline in offender rates in 1992 and 1993 for all but the youngest

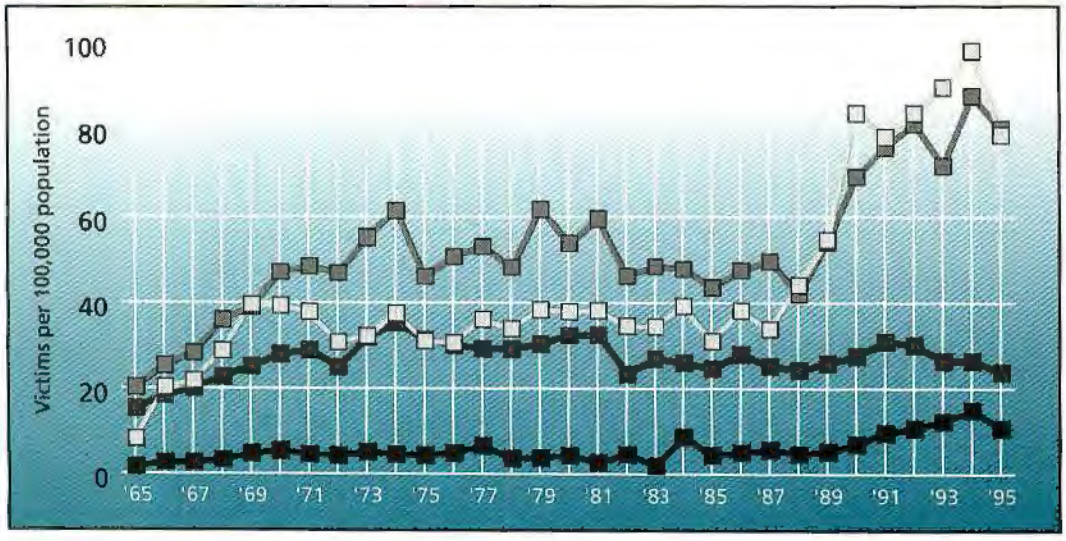


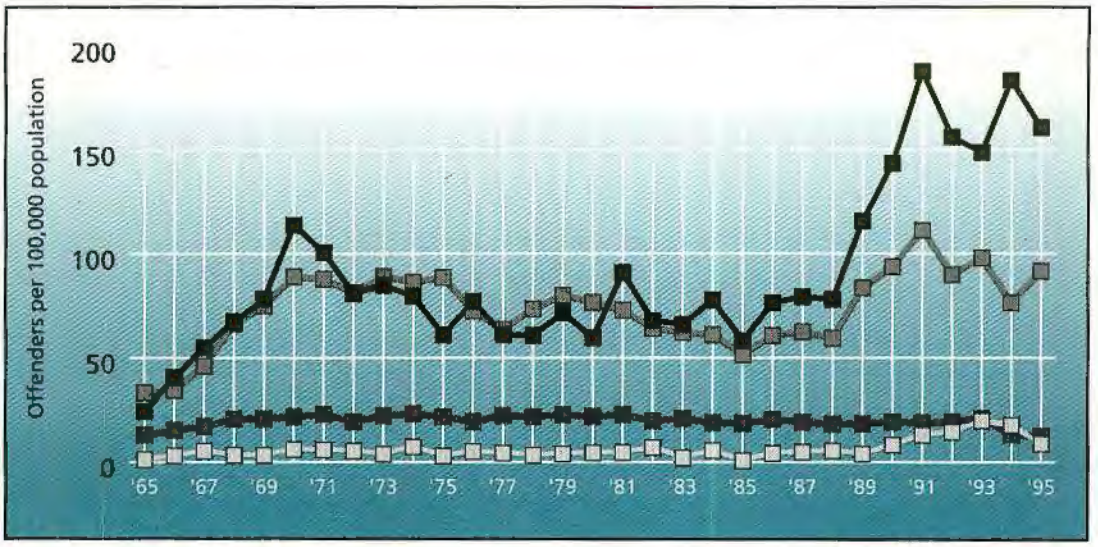
Figure 1-11

Chicago homicide victimization risk, 1965-1995

Source: Chicago Homicide Dataset

Figure 1-12

Chicago homicide offender rates, 1965-1995



Source: Chicago Homicide Dataset

age group (10 to 14). But since then the data suggest an unclear trend. The 15- to 19-year-old age group had a significant increase in 1994, while the rate for 20- to 24-year-olds has generally declined over the past four years.

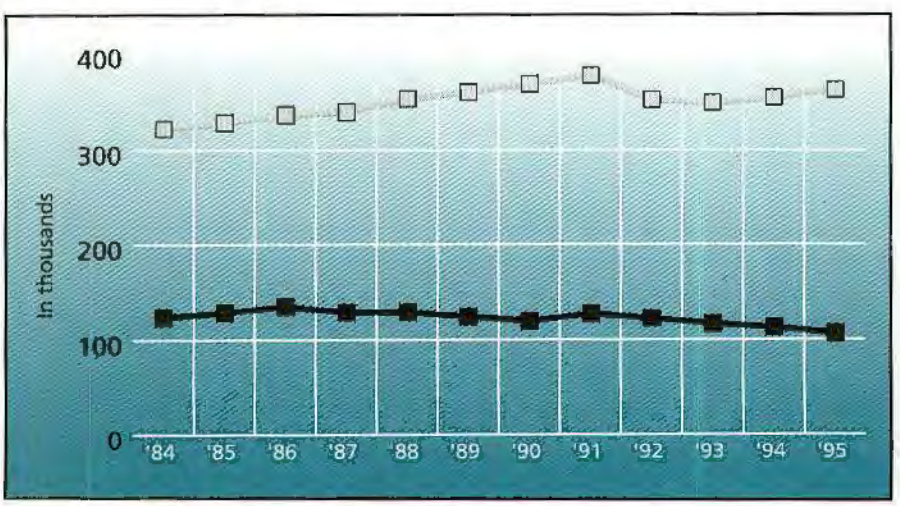
WHAT IS THE MOST COMMON PROPERTY CRIME REPORTED IN ILLINOIS?

Larceny/theft has been the most common property index crime reported in Illinois each year since 1984. In 1995, it accounted for more than two-thirds of the reported property offenses in the state. Burglary was the second most common property crime and motor vehicle theft the third in every year between 1984 and 1995. Arson was the least reported and made np less than 1 percent of all property crimes statewide during that period.[4]

This distribution of property crimes is important for understanding crime patterns in Illinois. Although burglary, motor vehicle theft, and arson generally attract more public attention, larceny/theft is a much more common crime (Figure 1-13). The trends over time for these offenses have differed as well. While the number of reported property crimes statewide remained about the same from 1984 through 1995, reported thefts have increased by 12 percent, and reported burglaries, motor vehicle thefts, and arsons have actually decreased. Burglaries fell 20 percent during that time, and arson fell by 21 percent. Motor vehicle thefts fell by 13 percent (Figure 1-14).

Figure 1-13

Reported burglary and larceny/theft in Illinois, 1984-1995



Source: ISP/UCR and ICJIA survey

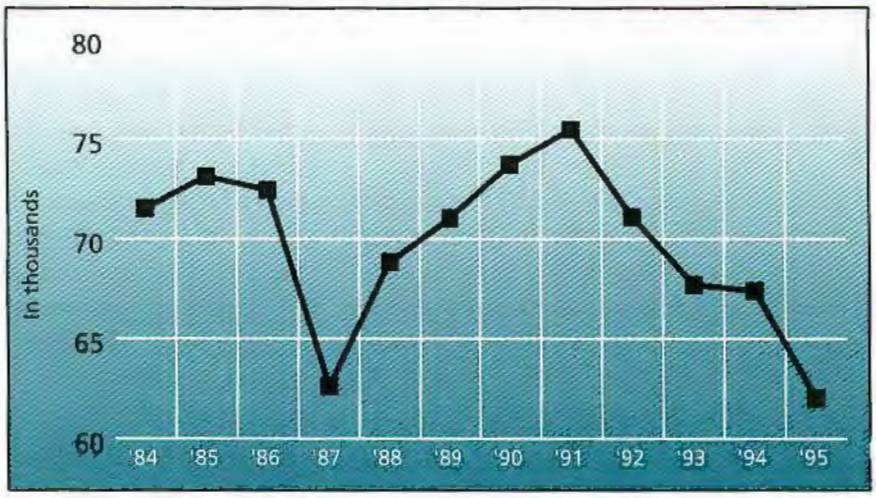


Figure 1-14

Reported motor vehicle theft in Illinois, 1984-1995

Source: ISP/UCR and ICJIA survey

WHAT PROPORTION OF THE STATE'S REPORTED PROPERTY CRIMES OCCUR IN CHICAGO?

Although more than 60 percent of all violent crimes reported in Illinois take place in Chicago, the majority of reported property crimes in the state are committed outside Chicago. In 1995, for example, about 37 percent of the reported burglaries, larceny/thefts, motor vehicle thefts, and arsons in the state occurred in Chicago. This percentage has steadily decreased since 1984, and more sharply since 1992, when Chicago's property crime totals began decreasing.

WHICH REGIONS OF THE STATE HAVE THE MOST PROPERTY CRIME PER CAPITA?

Crime rates were used to measure the relative frequency of property crime in different regions of the state. As with the analysis of violent crime rates, property crime rates were calculated for five types of jurisdictions — Chicago, suburban Cook County, the collar counties, downstate urban, and rural. Although population density was directly related to property crime rates, the differences between jurisdictions were much less pronounced than they were for violent crime rates. In every year between 1984 and 1995, Chicago had the highest property crime rate of the five regions — generally between 7,500 and 8,400 property crimes per 100,000 population during that period — or about one for every 12 city residents. The second highest property crime rate was in the downstate urban areas, followed by suburban Cook County, the collar counties, and the rural region (Figure 1-15).

Although Chicago's violent crime rate was three to five times higher than the rate in the next highest region (downstate urban), and nearly 12 times higher than the rate in rural regions in

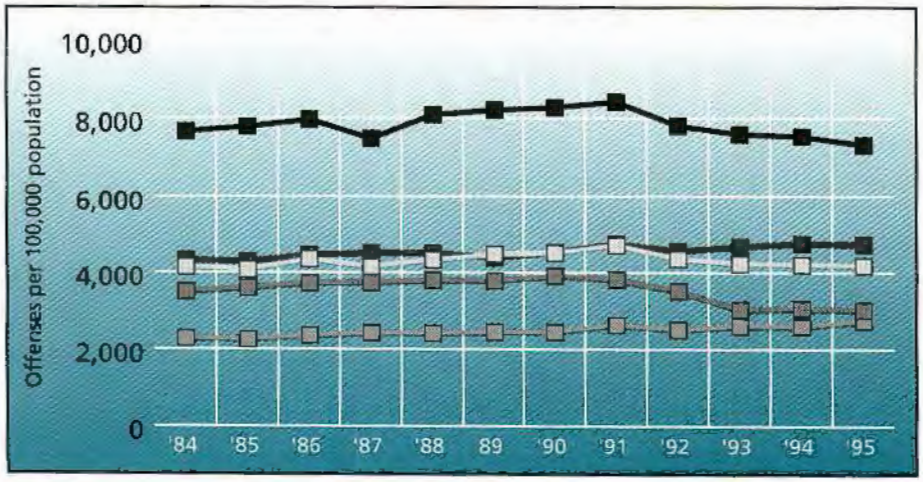


Figure 1-15

Property index offense rates by region, 1984-1995

Source: ISP/UCR and ICJIA survey

certain years, this was not true with property crime rates. In 1995, Chicago's property crime rate was 1.55 times higher than the downstate urban rate, 1.75 times higher than the suburban Cook County rate, 2.4 times higher than the collar counties' rate, and only 2.7 times higher than the rural rate — the lowest rate among the five regions. Although the property crime rates in the downstate urban and rural regions have generally risen over the past decade, the rates in Chicago, suburban Cook County, and the collar counties began to decrease in 1992.

WHAT IS THE EXTENT OF THE GANG PROBLEM IN ILLINOIS?

Criminal street gangs are a major concern in Illinois and across the nation. Violence, drug trafficking and other crimes attributed to street gangs have increased in recent years, and gang problems have emerged in previously unaffected jurisdictions. Today, no community, regardless of size or geographic location, can rightfully feel immune from gang activity.

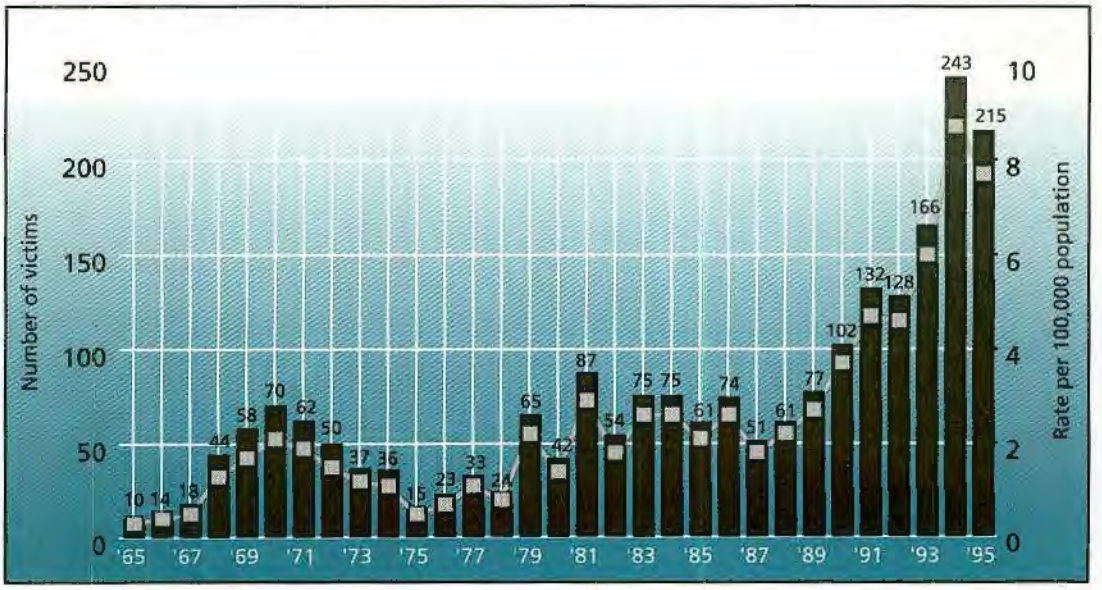
In Illinois, an Institute for Intergovernmental Research (IIR) survey of 229 law enforcement agencies found that 196 of them reported gang problems in 1995. These agencies said there were more than 42,000 gang members in their jurisdictions.

The results of the IIR survey show that gangs are not confined to Cook County or even to the larger and more urban police jurisdictions but have become a statewide problem in Illinois. According to the survey, the percentage of police jurisdictions reporting gang problems has increased dramatically since 1970, regardless of the population size of the jurisdiction. In general, of the police departments responding to the IIR survey, the departments in cities with medium populations (20,000-49,999) or large populations (50,000-999,999) reported that their gang problems began in the 1970s or 1980s. In comparison, the departments in small cities and rural areas (under 20,000) reported that their gang problems began in the early 1990s.

While it is clear that street gangs are involved in drugs, violence and other criminal activity, documenting the extent and nature of the problem with any precision is difficult. A major reason for this is the lack of standard definitions across jurisdictions regarding exactly what constitutes a gang-related incident. For example, one jurisdiction might classify a homicide as gang related whenever the perpetrator or victim is associated with a street gang, regardless of the motivation for the incident. Another jurisdiction might classify a homicide as gang related only when the incident is specifically related to street gang activity.

Figure 1-16

Gang-motivated homicides, 1965-1995



Source: Chicago Homicide Dataset

While more and more attention has been focused on criminal street gangs by government officials, the media and others, information on the extent and nature of the problem is more often anecdotal than the result of systematic assessment. An accurate understanding of the gang problem is necessary if we are to develop and implement effective strategies for combating street gangs in Illinois.

The Illinois Criminal Justice Information Authority analyzed patterns and trends in gang crime activity using the best data available in Illinois. The data capture information on every gang-related homicide from 1965 to 1995, as well as every nonlethal gang-related criminal incident from 1987 to 1994 recorded by the Chicago Police Department.

While Chicago may not be representative of other communities in Illinois, the analysis provides a framework for understanding street gang crime in greater detail than ever before.

WHAT ARE THE TRENDS IN GANG CRIME IN CHICAGO?

In 1996, the Chicago Police Department estimated there were 132 street gangs in the city, and more than 75 different street gangs were represented at least once in the 63,141 street gang-motivated criminal offenses in Chicago between 1987 and 1994.

Overall, of the 22,985 homicides occurring in Chicago between 1965 and 1994, 8.6 percent were classified as street gang-motivated, which was less than the proportion accounted for by homicides of intimate partners (11.4 percent) or by robbery or other instrumental homicides (17.3 percent) during that time.[5] However, this has varied widely from year to year, from lows in 1965 (2.5 percent of the 397 homicides) and 1975 (1.8 percent of the 822 homicides) to peaks in 1991 (14.3 percent of 921) and 1994 (26.2 percent of 916 homicides). In 1994, street gang-motivated homicides accounted for the largest proportion all homicides, thus making it the most common type of homicide in Chicago for the first time.

More recent trends show that the number of street gang-related homicides recorded annually in Chicago increased more than fourfold between 1987 and 1995, jumping from 51 to 215, with the largest number occurring in 1994 at 243 (Figure 1-16). The spurt in the early 1990s culminated in a street gang homicide death rate of nearly nine per 100,000 population (8.62) in the peak year of 1994, compared to rates well below three per 100,000 population in all years prior to 1990.

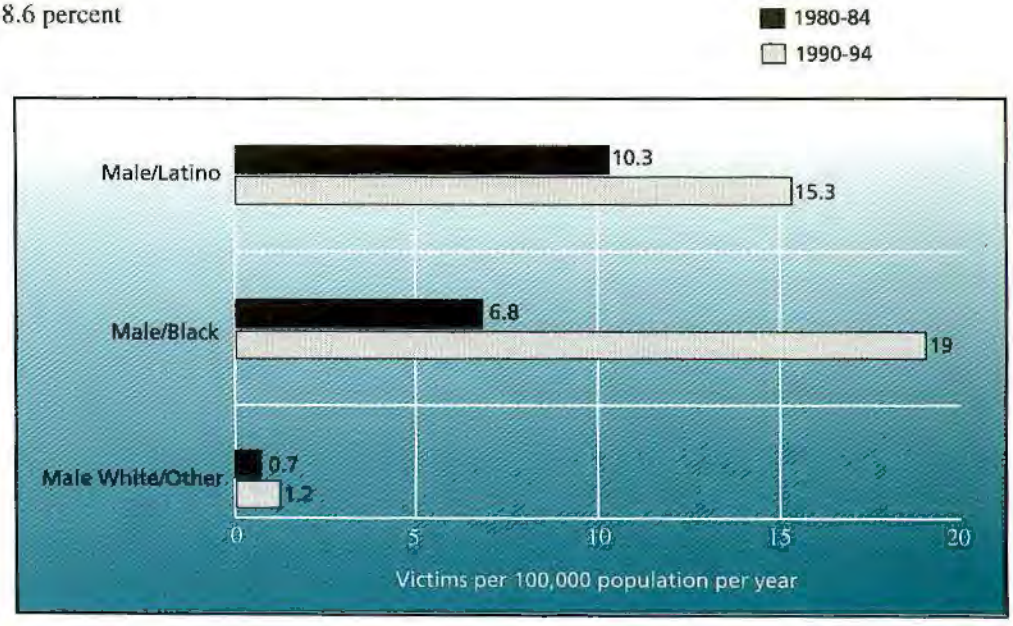
In the early 1990s, the annual death rate for victims of street gang-motivated homicide averaged 19 deaths per 100,000 population per year for male African-Americans, and 15 deaths per 100,000 population for male Latinos. Non-Latino white males and all groups of females had a much lower risk of being killed in a street-gang motivated homicide (Figure 1-17). In the early 1980s (1980 to 1984), the average annual death rate was seven per 100,000 for African-American males, 10 per 100,000 for Latino males, and much lower for all other groups.

The number of street gang homicides that are committed with a firearm follows the same pattern from year to year as total gang-motivated homicides. In contrast, gang homicides committed with another type of weapon or no

Figure 1-17

Annual risk of victimization in Chicago gang homicides, 1980-84 and 1990-94

Source: Chicago Homicide Dataset



weapon are low and stable across the 30 years examined (Figure 1-18). In the recent surge of street gang-motivated homicides, the number of firearm homicides reached 235 (97 percent of all gang-motivated homicides) in 1994, compared to only eight nonfirearm homicides.

In the 1990s, there were large increases in the number of street gang homicides with semiautomatic weapons, compared to moderate increases in nonautomatic handgun homicides and homicides in which the type of firearm was unknown (Figure 1-19). From 1987 to the peak year of 1994, street gang homicides with semiautomatic weapons increased from 11 to 150, while other handgun homicides increased from 22 to 52 and those with an unknown firearm increased from 13 to 24. Beginning in 1991, the weapon of choice for street gang homicides appears to have changed. Most of the huge increase in gang-related deaths from 1990 to 1995 is accounted for by killings with semiautomatic weapons.

Most street gang violence involves conflicts between rival gangs (intergang conflict), although violence within gangs (intragang conflict) is surprisingly common. Of the 956 street gang-motivated homicides between 1987 and 1994, 11 percent were intragang, 75 percent were intergang, and 14 percent were murders of nongang victims by a gang member (Figure 1-20).

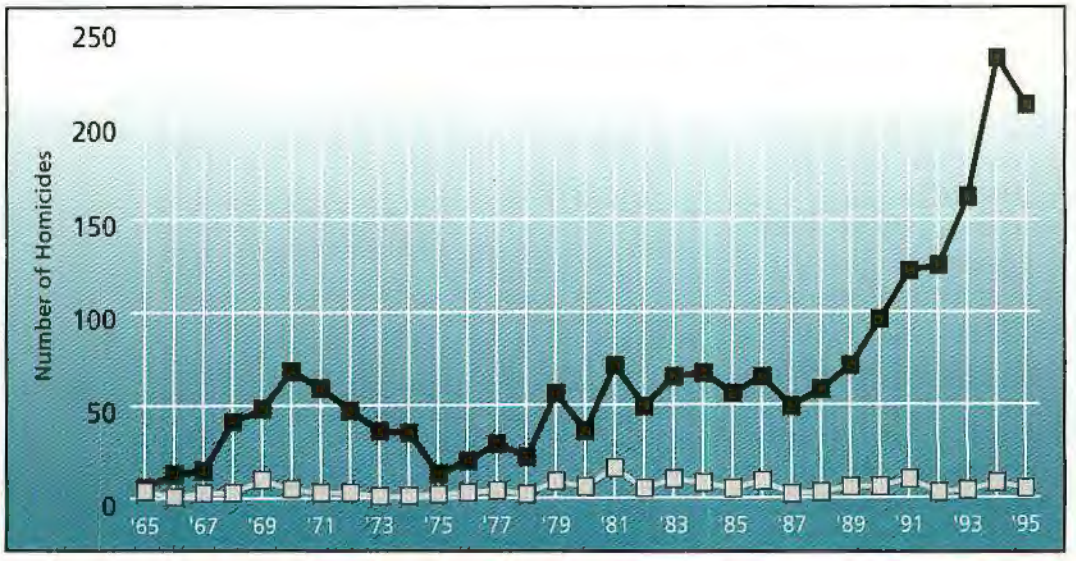
Offenders in Chicago street gang incidents — regardless of whether they involve violent, drug, or other crime types — not only tend to cluster within the teenage and young adult years, but even within this limited age range tend to cluster at a few specific ages. By far, the most common ages are 15 through 18, with the numbers declining sharply after age 18. In particular, 16 and 17 are the peak ages for all offense types (Figure 1-21). These two ages were responsible for 16,600 (31 percent) of the 53,837 violent offenses from 1987-1994, 8,890 (23 percent) of the 38,906 drug offenses, and 6,234 (30 percent) of the 20,454 other offenses.

Street gangs in Chicago also tend to specialize in either violence or entrepreneurial activities. Data for the years 1987 through 1994 show that, in general, a greater proportion of the offenses attributed to Latino gangs tend to be violent offenses, compared to the offenses attributed to African-American gangs. In contrast, African-American gangs tend to specialize in drug offenses (Figure 1-22). This same specialization has been found in other gangs across the country.

Because gang activity tends to be specialized, and because Chicago gangs tend to be concentrated in particular areas of the city, Chicago neighborhoods differ in the degree to which they suffer from violent gang activity vs. drug gang activity. Some neighborhoods, where the gangs

Figure 1-18

Chicago gang-motivated homicides, 1965-1995



Source: Chicago Homicide Dataset

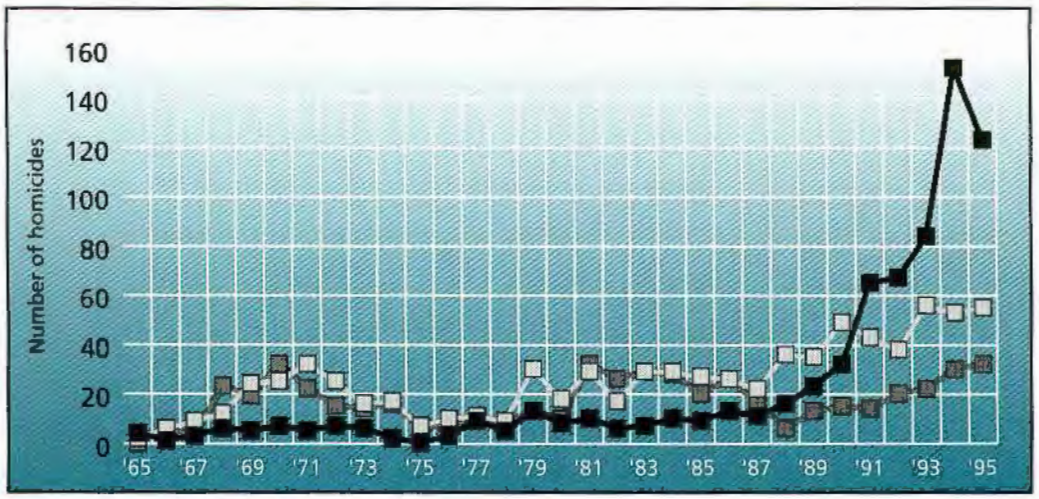


Figure 1-19

Chicago gang-motivated homicides by firearm type, 1965-1995

Source: Chicago Homicide Dataset

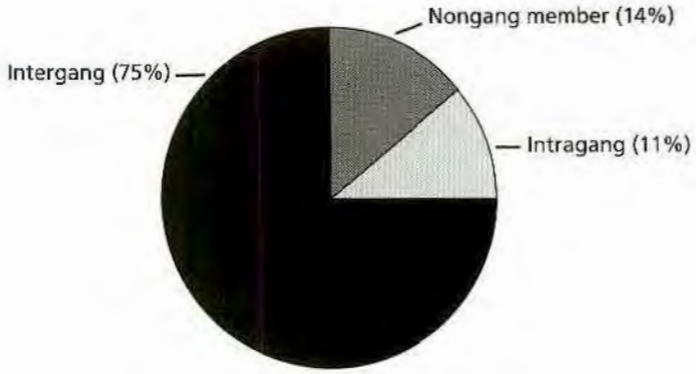


Figure 1-20

Chicago gang homicide victimization, 1987-1994

Source: Chicago Homicide Dataset

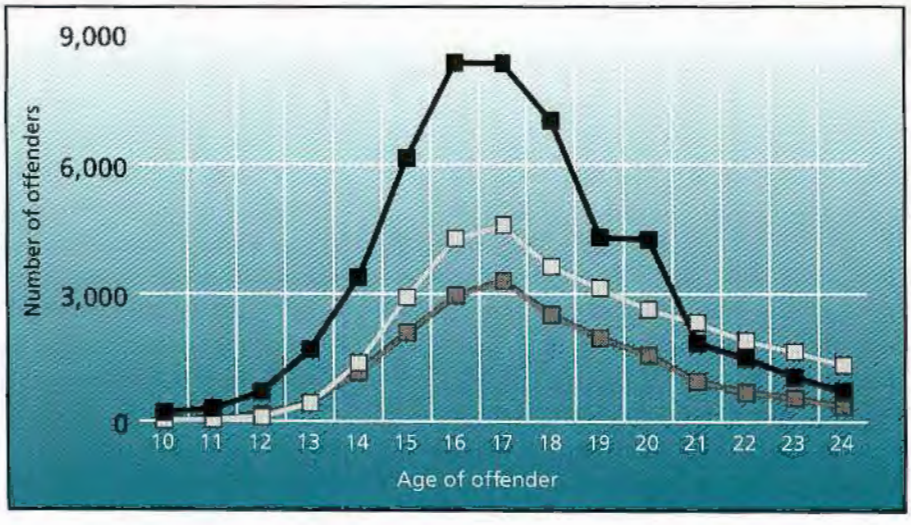


Figure 1-21

Chicago street gang offenders by age and offense type, 1987-1994

Source: CPD incident, victim, and offender datasets

Figure 1-22

Criminal offenses by Chicago street gangs, 1987-1994

Offenses by gang affiliation (% of gang's total offenses)

Source: Chicago Police Department

	Homicides	Nonlethal violence	Drug offenses	Other offenses	Total offenses
Black Gangster Disciples	213 (1.1%)	6,990 (35.4%)	10,050 (50.9%)	2,486 (12.6%)	19,739
Vice Lords	135 (1.2%)	3,218 (28%)	6,663 (58%)	1,468 (12.8%)	11,484
Latin Kings	116 (1.4%)	4,161 (51.5%)	1,757 (21.7%)	2,045 (25.3%)	8,079
Black P Stones	61 (2.1%)	841 (29.4%)	1,462 (51.2%)	493 (17.3%)	2,857
Latin Disciples	47 (1.9%)	1,299 (53%)	554 (22.6%)	552 (22.5%)	2,452
Other African-American gangs	74 (1.8%)	1,343 (33.2%)	2,025 (50%)	608 (15%)	4,050
Other Latino gangs	201 (2.1%)	4,261 (45.3%)	2,415 (25.7%)	2,522 (26.8%)	9,399
Non-Latino white gangs	21 (1.2%)	835 (49.5%)	223 (13.2%)	608 (36%)	1,687
Racially mixed or other gangs	23 (1.2%)	921 (46.9%)	639 (32.6%)	380 (19.4%)	1,963
Unknown or unclear	65 (4.5%)	863 (60.3%)	281 (19.6%)	222 (15.5%)	1,431

specialize in violent turf battles, intersect with a concentration of gang violence. Other neighborhoods intersect with a dense concentration of gang drug offenses. Street gang-related homicides tend to cluster within concentrations of nonlethal violence, not within the densest concentrations of drug offense areas.[6]

Over the 30 years from 1965 to 1994, only 43 (2.2 percent) of the 1,984 Chicago street gang-related homicides involved a drug motive (including five cases of probable drug involvement). There was only one drug-motivated incident in the street gang homicides in the decade from 1965 to 1974, eight from 1975 to 1984, but 34 from 1985 to 1994. This increase, however, was dwarfed by the increase in drug-motivated homicides among Chicago homicides in general (Figure 1-23). From a low of 22 nongang-related drug-motivated homicides in 1981, nongang drug homicides rose to peaks of 116 in 1989, 128 in 1992, and 117 in 1994, while there were only three gang-related drug-motivated homicides recorded in 1981, two in 1989, two in 1992, and six in 1994.

Although it is commonly believed that the increase in drug-motivated violence is inextricably connected to street gangs, research has shown that most drug-motivated homicides are not gang related. An examination of Los Angeles crack dealing in 1984 and 1985 determined that two common beliefs — that street gangs are ideally suited for crack distribution, and that mid-level distributors employ street gangs to control drug market territories — were both false.[7] Gang experts Malcolm W. Klein and Irving A. Spergel, in separate research, have concluded that the typical organizational structure of street gangs is not particularly suited to the business of drugs.[8] Both found that gang members used drugs, and that individual gang members dealt drugs. But, as Spergel has written, the relationships among

"drug use, trafficking, and participation in more lethal gang violence...are not necessarily connected and are often quite distinct."[9] Thus, the Chicago evidence that drug-motivated homicides tend not to be street gang-related does not appear to be accidental, but is consistent with a body of research from around the country.

The finding that street gang-related lethal violence is more likely to grow out of turf violence than from drug markets — also agrees with earlier studies in Chicago as well as studies nationwide. In general, the street gang situations that are potentially most lethal are those of escalating turf battles where gangs are battling over territory boundaries.

These findings suggest that street gang crime is not monolithic, but rather diverse, affecting different neighborhoods in different ways. One neighborhood may have a concentration of street gang drug activity, while another nearby is a battleground for turf wars, and yet another is plagued by both. Strategies for reducing street gang crime must recognize these differences.

To be effective, intervention tactics must be tailored to the specialized activities of specific gangs and the manner in which street gang crime manifests itself in the community.

HOW DOES CRIME IN ILLINOIS COMPARE TO OTHER STATES?

Violent and property index crime rates provide only general reference points for putting crime in Illinois in a larger perspective (Figure 1-24).

Illinois' violent crime rate in 1995 was 40 percent higher than the national rate, while the state's property crime rate was just slightly above the national rate. Among the nation's eight largest states, Illinois was third in violent crime rates in 1995 (behind Florida and California), and fourth in property crime rates (behind those same states and Texas.)

WHAT IS THE LEVEL OF DRUG USE IN ILLINOIS?

Although measuring drug use is difficult, data from the criminal justice and public health systems can be helpful in estimating demand. These sources indicate that, in general, drug use among youth has been increasing nationally. The percentage of high school seniors across the country reporting regular drug use has increased for the second consecutive year. In 1994, almost 22 percent of the seniors in a national survey reported regular drug use (defined as use in the past month), compared to 18 percent in 1993, and 14 percent in 1992.[10] Paralleling the recent increase in reported drug use by high school seniors has been a decline in the perceived dangerousness of drugs. In 1994, 19.4 percent of the students in the survey perceived danger in

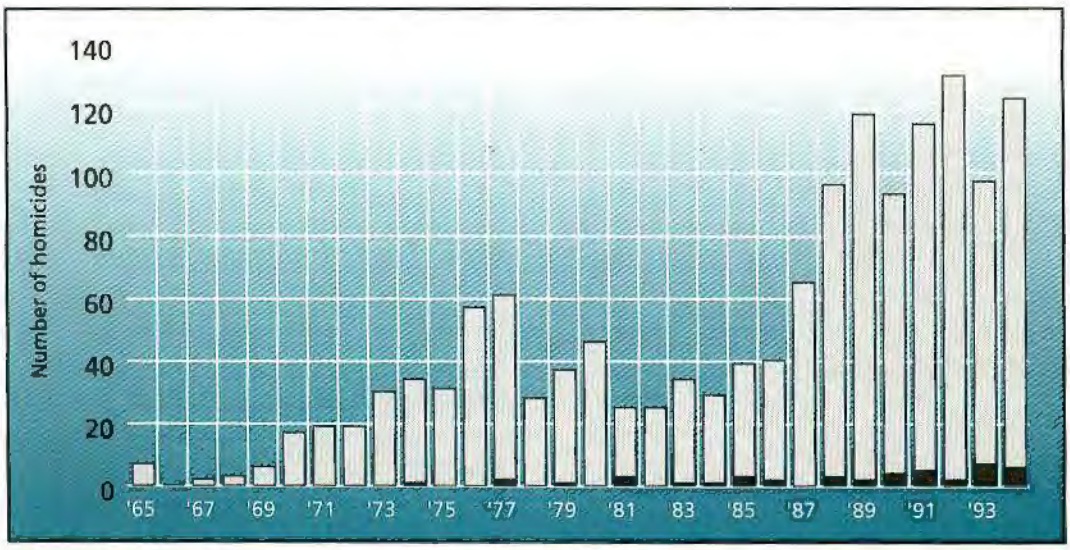


Figure 1-23

Chicago drug-related homicides 1965-1994

Source: Chicago Homicide Dataset

Figure 1-24

Crime rates per 100,000 people in 1995

Source: FBI, *Crime in the United States*, 1995

Jurisdiction	Violent crime rate	Property crime rate	1995 est. population
United States	684.6	4,593.0	262,755,000
California	966.0	4,865.1	31,589,000
Texas	663.9	5,020.5	18,724,000
New York	841.9	3,718.3	18,136,000
Florida	1,071.0	6,630.6	14,166,000
Pennsylvania	427.3	2,937.6	12,072,000
Illinois	**960.9**	**4,664.9**	**11,752,000**
Ohio	482.5	3,922.7	11,151,000
Michigan	687.8	4,495.0	9,549,000

Note: Figures are for the eight largest U.S. states.

limited marijuana use, compared with 27 percent in 1991. Similarly, 55 percent of the students perceived danger in using cocaine once or twice in 1994, compared to 60 percent in 1991.

In 1990, 1993 and 1995, the Illinois Department of Alcoholism and Substance Abuse surveyed more than 36,000 young people in grades seven through 12 across the state about their use of drugs.[11] The percentage of young people that reported ever having used an illicit substance fell from 26.1 percent in 1990 to 22.4 percent in 1993, before increasing to 30 percent in 1995. The percentage reporting regular use jumped from 15.3 percent to 20.7 percent between 1993 and 1995. Among junior high school students in Cook County, African-Americans reported the highest percentage (29.3 percent) of lifetime illicit drug use in 1995, followed by Hispanics (26.2 percent) and whites (19.2 percent). Lifetime illicit drug use among African-Americans in junior high school in Cook County increased from 8.9 percent in 1993 to 29.3 percent in 1995. Overall, the percentage of students statewide who reported ever having used marijuana, cocaine or heroin increased between 1993 and 1995.

Although drug use is relatively low among the general population (as reported through surveys), a much higher level of use has been documented among individuals who come into contact with the criminal justice system. One of the most widely cited indicators of drug use among arrestees is the Drug Use Forecasting (DUF) program, operated in 23 cities across the country.[12] The DUF program collects urine samples from arrestees and then tests them for the presence of illegal drugs. Chicago has participated in the DUF program since 1987. Results from drug tests performed between October 1987 and January 1996 reveal that more than three-fourths of the 6,876 male arrestees tested were positive for at least one illicit substance. Of those arrestees testing positive, 56 percent tested positive for cocaine and 23 percent tested positive for opiates.

In 1995, the Authority funded an expansion of the DUF program in Illinois to six counties outside of Cook. Preliminary data from the study, which was conducted by Treatment Alternatives for Special Clients (TASC), showed that drug use among arrestees is lower downstate than in Chicago (Figure 1-25). Among the 831 male downstate arrestees tested, 65 percent were positive for illicit drugs, slightly lower than the 79 percent testing positive in Chicago. Among the downstate arrestees, 45 percent tested positive for marijuana, 32 percent tested positive for cocaine and 2 percent tested positive for opiates in 1995. Despite the fact that arrestee drug use is lower downstate than in Chicago,

drug use among downstate arrestees increased significantly between 1991 and 1995. The percentage of downstate arrestees testing positive for any illicit drug jumped from 36 percent in 1991 to 65 percent in 1995, while the percentage testing positive for cocaine increased from 21 percent to 32 percent.

Variations in the percentage of arrestees testing positive were found across the six counties participating in the study (Adams, Champaign, Peoria, St. Clair, Will, and Winnebago). The percentage testing positive for any illicit substance ranged from a high of 67 percent in Winnebago County, to a low of 47 percent in Adams County. Winnebago and Peoria Counties had the highest percentage of arrestees testing positive for cocaine, 47 percent and 39 percent respectively; while Champaign and Will Counties had the highest percentage testing positive for marijuana, 46 percent and 44 percent, respectively.

Although the Chicago DUF program does not collect information on female arrestees, the downstate study included both males and females. The test results revealed differences in substance abuse by gender, with 48 percent of the female arrestees testing positive for cocaine, compared to 33 percent of the males. On the other hand, 44 percent of the male arrestees tested positive for marijuana, compared to 27 percent of the females.

WHAT ARE THE MOST RECENT TRENDS IN DRUG ARRESTS?

Statewide, arrests for controlled substance violations among adults have increased dramatically during the past eight years. The 1995 total of 43,986 arrests is more than three times higher than the 1987 total. In comparison, arrests for cannabis violations increased by only 26 percent. From 1984 through 1987, cannabis arrests outnumbered controlled substances arrests, but that has not been the case since. In 1995, arrests for controlled substances outnumbered those for cannabis nearly 2-to-1 (Figure 1-26).

For both categories of drugs, arrests for possession were much higher than arrests for manufacturing or delivery. From 1993 to 1995, 94 percent of all cannabis arrests were for possession. Similarly, 85 percent of all controlled substance arrests were for possession.

Some drug investigations and drug arrests are carried out by multi-agency teams that receive special funding for that purpose. Drug enforcement task forces are formed by local units of government that want to combine resources with the Illinois State Police (ISP) to combat drug trafficking and abuse. Each participating local law enforcement agency contributes personnel to the task force, which is directed by an ISP special agent. Although Illinois' drug enforce-

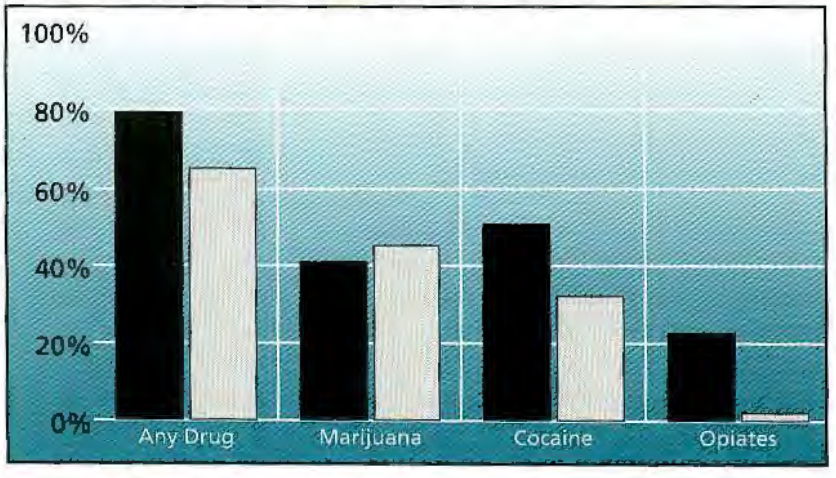


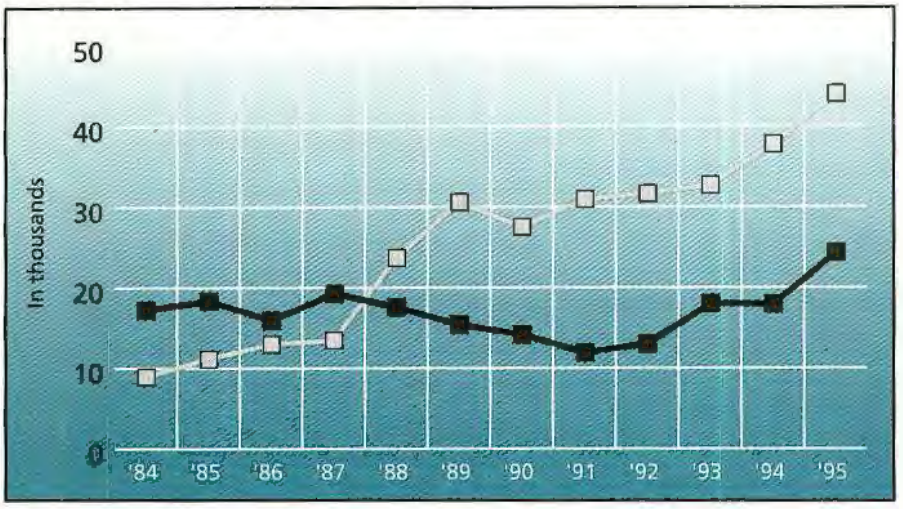
Figure 1-25

Percent of male arrestees testing positive for drugs in Illinois, 1995

Source: 1995 TASC study of Illinois DUF program

Figure 1-26

Illinois drug arrest totals, 1984-1995



Source: ISP/UCR and ICJIA survey

ment task forces are not required to restrict their activities to drug law enforcement, most do.

Metropolitan Enforcement Groups (MEGs) are created and structured in the same way as the task forces, but, unlike task forces, are recognized in state statutes and receive state funding. There are currently 13 drug enforcement task forces and 10 MEGs operating in 83 of Illinois' 102 counties, covering 90 percent of the state's population.

MEGs and task forces made 3,275 arrests in fiscal year 1995, of which 57 percent were for cocaine offenses and 34 percent were for cannabis.[13] The rest were mostly for opiate offenses. The majority of MEG and task force arrests involved delivery (76 percent) rather than possession offenses (Figure 1-27). With the influx of federal funding, the number of drug arrests by MEGs and task forces doubled between 1988 and 1993, and then declined slightly over the next two years. In 1995, MEGs and task forces accounted for about 5 percent of all drug arrests in Illinois.

WHAT IS THE AVAILABILITY OF ILLICIT DRUGS IN ILLINOIS?

During the past two years, the Authority has conducted surveys of each MEG and task force in Illinois on the availability of drugs in their area. Questions were asked concerning the availability of certain drugs, and the results were tabulated. Based on survey responses, cocaine, crack cocaine, and cannabis were all reported to be readily available across all regions of the state, as was LSD to a somewhat lesser degree. Heroin was reported to be more readily available in Cook County than elsewhere, while methamphetamine was reported to be more readily available in rural areas. These assessments remained fairly consistent between 1995 and 1996.

Price and purity data also suggest that cocaine is in plentiful supply. For example, data from Illinois State Police crime labs indicate the average purity of cocaine samples weighing 2.1 to 24.9 grams fell from 67 percent in 1989 to 53 percent in 1990, but then increased to 62 percent in 1991, and 64 percent in 1992. Since that time, the purity of samples weighing 2.1 to 24.9 grams has averaged between 60 and 70 percent. The average purity of samples weighing between 25 and 35 grams followed a similar trend. Based on traditional supply and demand economic models of drug markets, the purity data suggest an increase in cocaine availability in 1991 and 1992, and a stable supply since.

The price of drugs is another market indicator that can be used to assess availability. Lower prices tend to suggest a sufficient supply to meet demand, while increasing prices indicate decreased availability. The average price of cocaine in Illinois has remained relatively stable since 1991, averaging between $90 and $100 per gram. A statewide survey of MEG and task force units indicated that the average price of cocaine

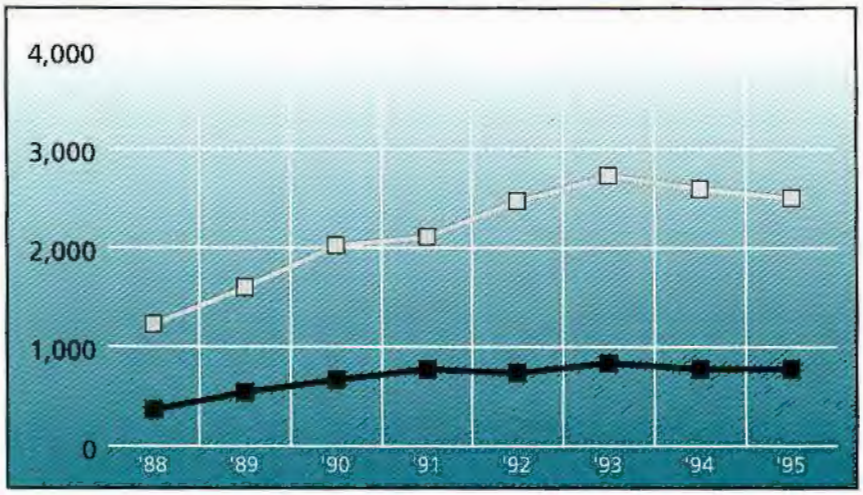


Figure 1-27

MEG unit and narcotics task force drug arrests by offense type, 1988-1995

Source: MEG grant reports to ICJIA

was $103 per gram in 1995, and $90 per gram in 1996.

Although Illinois is a "consumer" state for most drugs (meaning drugs are imported into the state for consumption), Chicago has become a supplier of crack cocaine throughout the Midwest. Intelligence information from the DEA and data from the National Institute on Drug Abuse (NIDA) indicate Chicago is one of five source cities for crack cocaine distribution across the United States, along with Detroit, Los Angeles, New York and St. Louis.

The availability and use of crack cocaine has increased throughout Illinois, particularly in urban areas. In 1995, 17,119 grams of crack cocaine were seized outside of Chicago. This was 8 percent less than in 1994, but nearly 75 percent more than the amount seized in 1992. In addition, the amount of crack cocaine seized in rural counties increased from 15 grams in 1989, to 2,576 grams in 1995.

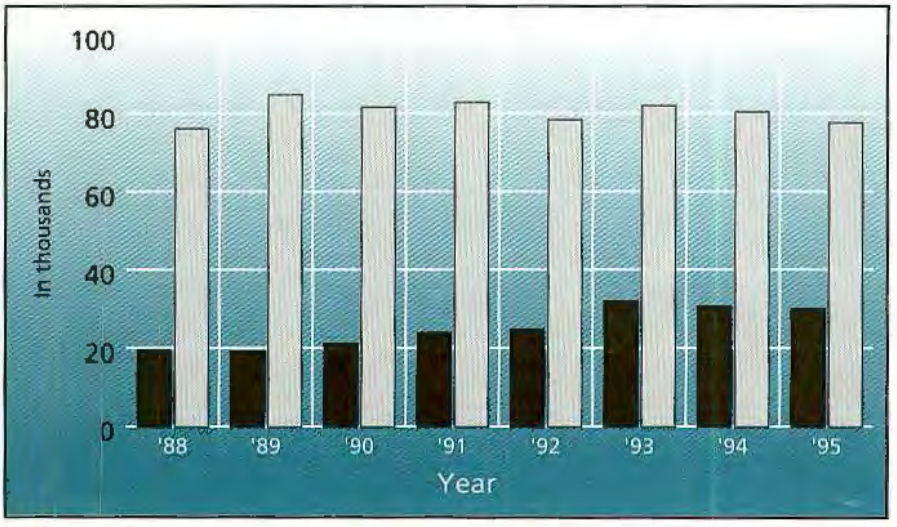
The DEA's Chicago Field Division has reported an increase in the availability of high-quality heroin in the Chicago area. Chicago continues to be one of the few cities within the DEA's Domestic Monitor Program (DMP) to report the availability of all four major types of heroin (Mexican black-tar, Mexican brown heroin, Southwest Asian and Southeast Asian white heroin). The DMP has indicated that since 1991 there has been a major shift in the heroin market in Chicago, with the predominant form of heroin changing from Mexican brown to Southeast Asian white.

As a result of the increased availability of Southeast Asian heroin, purity levels of heroin in Chicago have increased dramatically. In 1988, the purity of heroin seized by the DEA averaged 4 percent, while the national average was nearly 25 percent. By 1994, heroin purity levels in Chicago had reached 28 percent, roughly 10 percent under the national average (39.7 percent pure). Chicago epidemiologists and treatment providers have reported that the higher purity levels may be a response to younger users' desire to snort the drug rather than inject it intravenously.

While Southeast Asian white heroin is more expensive than brown heroin, the average price of an ounce of white heroin decreased 33 percent between 1991 and 1994 in Chicago. In 1991, the Community Epidemiology Work Group (CEWG) reported that an ounce of white heroin was selling for nearly $7,500. The price remained at the $6,500 to $7,000 range between 1992 and 1993, before falling to $4,500 to $5,000 an ounce in 1994. In June 1995, the Cook County Metropolitan Enforcement Group reported that the Chicago area price had fallen to $3,500 an ounce. These price decreases

Figure 1-28

Illinois violent and property offense arrest totals, 1988-1995



Source: ISP/UCR and ICJIA survey

indicate a sufficient supply of heroin to meet its demand.

HOW MANY ADULTS ARE ARRESTED FOR VIOLENT AND PROPERTY CRIMES IN ILLINOIS?

In this section, all arrest data pertains to adults, aged 17 and older. (Taking a juvenile into police custody is a different, less formalized police transaction — and technically not an arrest. For more information on juvenile crime, see the chapter on Juveniles.)

Just as reported property crimes outnumber reported violent crime in Illinois, the number of arrests for property crimes also exceeds the number of arrests for violent crimes, but not by as wide a margin (Figure 1-28). Between 1988 and 1995, there were approximately 3.2 property crime arrests for every violent crime arrest in the state. This ratio was about 4-to-1 during the late 1980s and 2.6-to-1 since 1993.

Between 1988 and 1995, arrests for property and violent crimes followed completely different patterns. Statewide, violent crime arrests increased steadily through 1992, rose sharply in 1993, and have declined moderately the past two years. Arrests for property crimes alternately increased and decreased nearly every year until 1995, when arrests fell for the second straight year. Overall, for the period, violent crime arrests increased 54 percent, while property crime arrests increased by less than 2 percent.

The distribution of violent crime arrests is similar to that for violent offenses: most arrests are for aggravated assault and robbery. In 1995, 79 percent of the violent crime arrests were for aggravated assault, 13 percent were for robbery, and only 8 percent were for murder and criminal sexual assault combined. The distribution of property crime arrests statewide in 1995 was also similar to the distribution of offenses: 83 percent of property crime arrests were for larceny/theft, 7 percent for burglary, 9 percent for motor vehicle theft, and 1 percent for arson.

HOW MANY PEOPLE ARE ARRESTED FOR DUI IN ILLINOIS?

Although not an index crime, driving under the influence (DUI) is a major law enforcement — and public safety — issue in Illinois. The Illinois Secretary of State's Office provides the most complete data on DUI arrests in the state. These data, available since 1986, include only violations for which the office received a copy of the arresting officer's sworn report — where the driver either failed or refused the chemical test. Arrests in which the officer observed evidence of intoxication — despite the driver's having passed a chemical test — are not included. The Secretary of State's Office, however, has estimated that such presumptive DUI arrests account for only five percent of the state total. The office's arrest figures, therefore, should cover approximately 95 percent of the state total. In other words, since the Secretary of

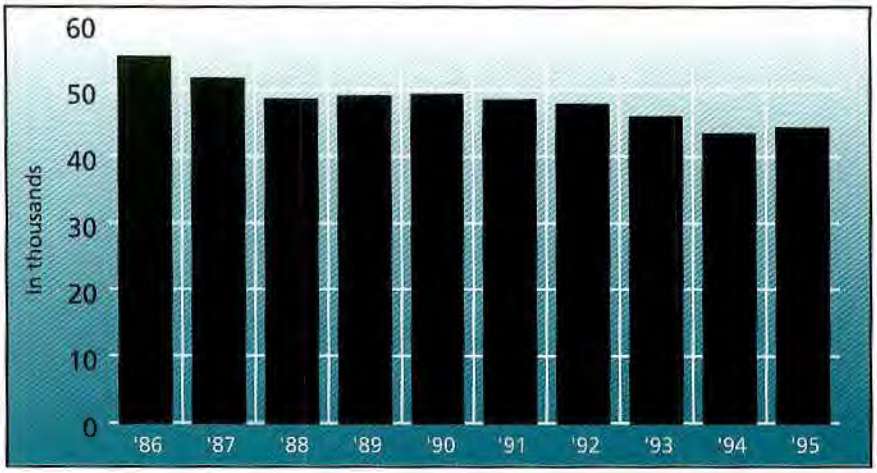


Figure 1-29

DUI arrests in Illinois, 1986-1995

Source: Illinois Secretary of State's Office

State's Office recorded 44,433 DUI arrests in 1995 in which the driver refused or failed the chemical test, we can assume the total of all DUI arrests to be about 46,800.

There has been a sharp and consistent reduction in DUI arrests over the past decade (Figure 1-29). The 1995 DUI total is nearly 20 percent lower than the total recorded by the Secretary of State's Office in 1986. More detailed DUI statistics from 1994 paint certain profiles of drinking drivers in Illinois:

- Males aged 21 to 24 had the highest DUI arrest rate (21.2 per 1,000 licensed drivers); the rate was more than four times higher than that of other drivers arrested for DUI (5.2 per 1,000).
- Drivers who refused chemical testing represented 40 percent of the DUI arrests.
- Women made up 14 percent of those arrested for DUI.
- 77 percent of the drivers arrested for DUI were first-time offenders, while 23 percent had previous DUI arrests within the previous five years.

WHICH AGE GROUPS ARE MOST CRIME PRONE?

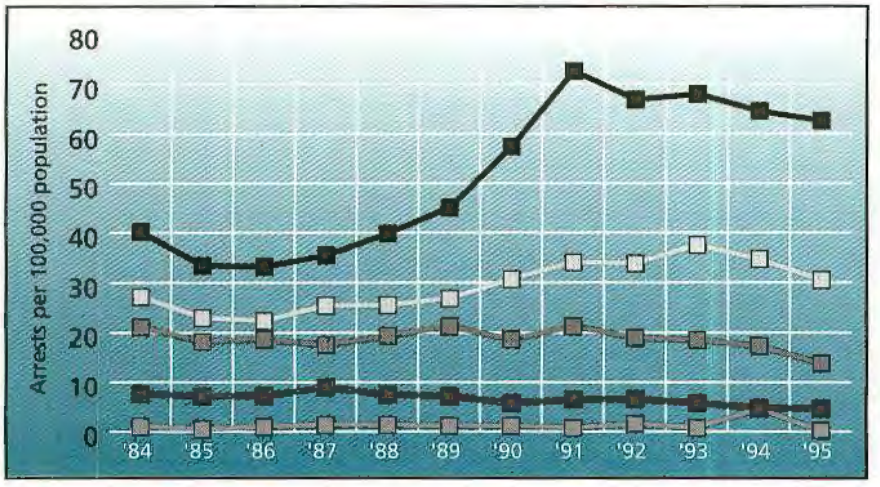
Criminologists often argue that different age groups have different propensities to commit crimes.[14] In general, older teenagers and young adults are thought to commit more crimes than older adults. The number of people arrested at any age is not necessarily an indication of the number of crimes committed by that age group. However, arrest rates do indicate which age groups are most crime prone for certain specific offense types.

Age-specific arrest rates are calculated by dividing the number of arrests for an age group by the number of people in that age group for a particular year; the rates are then expressed as the number of arrests per 100,000 people in the age group. For this report, age-specific adult arrest rates for each property and violent index crime, and for four types of drug crimes from 1984 to 1995 were calculated for five different adult age groups: 17 to 21, 22 to 25, 26 to 30, 31 to 60, and people 61 and older.

Arrest rates in Illinois varied substantially among the five age groups. The highest arrest rates for all index crimes were consistently associated with the youngest age groups in each of the 12 years analyzed. The degree of differences in arrest rates between the age groups, however, varied extensively across offense types, and from year to year within each offense type.

Figure 1-30

Illinois age-specific murder arrest rates, 1984-1995



Source: ISP/UCR and ICJIA survey

WHICH AGE GROUPS HAVE THE HIGHEST ARREST RATES FOR VIOLENT CRIME?

The following is a summary of age-specific arrest rates for the four violent index crimes:

Murder

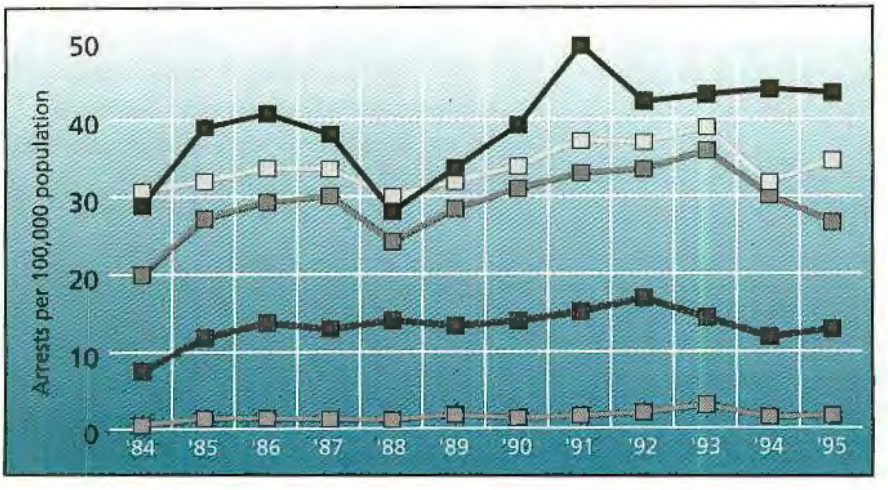
Murder arrest rates were highest among the younger age groups. Arrest rates for all five age groups generally increased from 1985 through 1991, and then generally decreased during the last four years (Figure 1-30). For 22- to 25-year-olds, the murder arrest rate was highest in 1993, while 1991 was the peak year for 17- to 21-year-olds. Despite the overall declines during the past four years, the 1995 murder arrest rate for 17- to 21-year-olds of 62.6 was 87 percent higher than the 1985 rate for that group. The arrest rate for 22- to 25-year-olds increased by 33 percent during that period to a 1995 level of 30.5 arrests per 100,000. In contrast, the murder arrest rates for the 26 to 30, 31 to 60, and 61 and older age groups actually decreased between 1985 and 1995 — by 25 percent, 35 percent, and 67 percent, respectively.

Criminal Sexual Assault

For criminal sexual assault, 17- to 21-year-olds and 22- to 25-year-olds consistently had the highest rates (Figure 1-31). In 1984 and 1988, however, the arrest rate for 22- to 25-year-olds was slightly higher than that of the youngest group. The criminal sexual assault arrest rate for the 26- to 30-year-olds over much of the 12-year-period was just slightly below the rates of the youngest two groups. Rates for all three of the youngest age groups were fairly steady in the mid-1980s before dropping sharply in 1988. For 17- to 21-year-olds, the criminal sexual assault rate reached its peak in 1991 (49.3 arrests per 100,000), dropped off the next year.

Figure 1-31

Illinois age-specific criminal sexual assault arrest rates, 1984-1995



Source: ISP/UCR and ICJIA survey

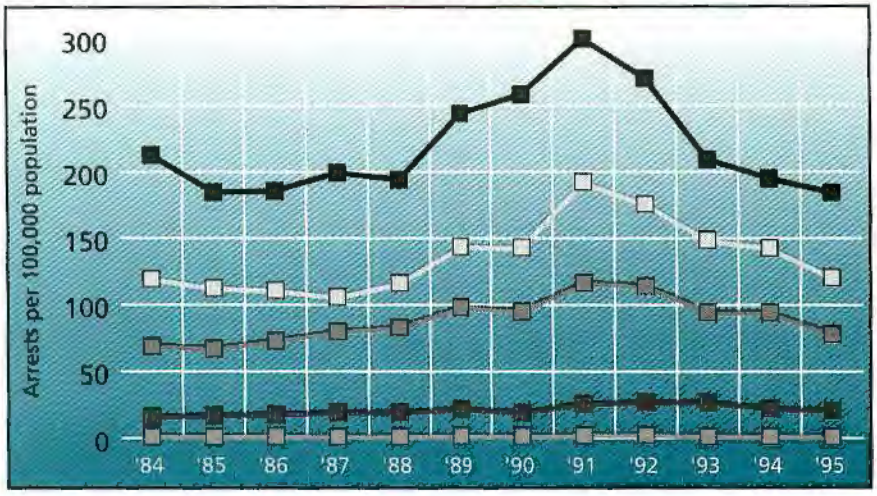


Figure 1-32

Illinois age-specific robbery arrest rates, 1984-1995

Source: ISP/UCR and ICJIA survey

and then remained stable. The rates for 22- to 25-year-olds and 26- to 30-year-olds rose steadily until 1993, and then declined the next year.

Looking at the period between 1985 and 1995, the criminal sexual assault arrest rate for the 26-30 age group actually decreased slightly (2 percent). The rates for 17- to 21-year-olds, 22- to 25-year-olds, 31- to 60-year-olds, and 61-year-olds and over increased during that period by 11 percent, 8 percent, 8 percent, and 21 percent, respectively.

Robbery

Arrest rates for robbery also were highest among the youngest age groups, with the rates for 17- to 21-year-olds significantly higher than for the other age groups. Similar to murder arrest rates, robbery arrest rates for all age groups generally increased until 1991, and have decreased sharply since then (Figure 1-32). For 17- to 21-year-olds, the 1991 rate of nearly 300 arrests per 100,000 was 63 percent higher than the 1985 rate. By 1995, however, the arrest rate for that group had dropped 39 percent to a level approximately equal to the rate from a decade earlier. Similarly, it can be seen that robbery arrest rates were only slightly higher in 1995 than they were in 1985 for 22- to 25-year-olds, 26- to 30-year-olds, and 31- to 60-year-olds. For 61-year-olds and older, the rate was nearly identical. For all five age groups there was a sharp decline between 1991 and 1995.

Aggravated Assault

Since the Chicago Police Department has been reporting statutory aggravated assault arrests only since 1988, that year was selected as the baseline for examining the age-specific arrest trends for the index aggravated assault category. Again, the rates were highest for the youngest age groups. Generally, arrests rates for all age groups decreased slightly in 1989, increased steadily through 1992, exhibited a large jump in 1993, and have remained stable since then (Figure 1-33). For the entire seven-year period, aggravated assault arrest rates for 17- to 21-year-olds, 22- to 25-year-olds, and 31- to 60-year-olds nearly doubled. Aggravated assaults reached a peak in 1993, when there were 790 arrests per 100,000 population among 17- to 21-year-olds, 598 arrests for 22- to 25-year-olds, and 475 arrests for 26- to 30-year-olds.

WHICH AGE GROUPS HAVE THE HIGHEST ARREST RATES FOR PROPERTY CRIME?

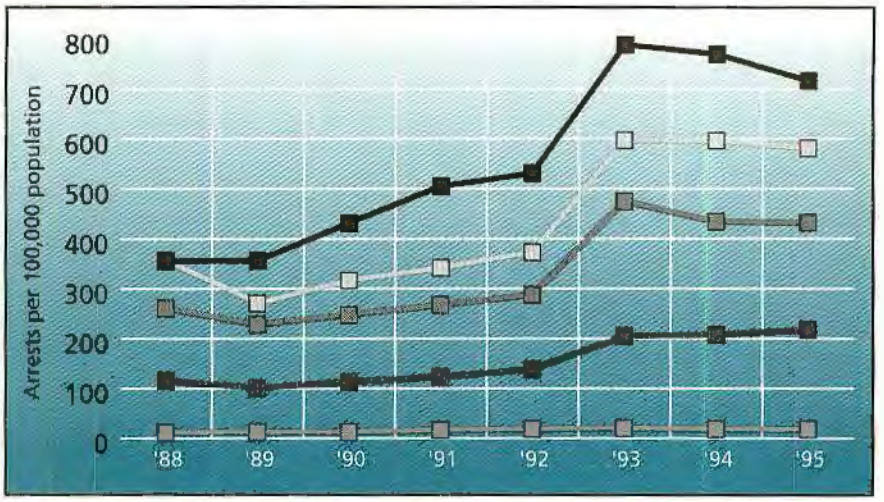
For the property crimes of burglary, larceny/theft, motor vehicle theft, and arson, differences in arrest rates between 17- to 21-year-olds and the other age groups are more evident than among violent crime arrest rates:

Burglary

Although burglary arrest rates for 17- to 21-year-olds have been higher than rates for the

Figure 1-33

Illinois age-specific aggravated assault arrest rates, 1988-1995



Source: ISP/UCR and ICJIA survey

other age groups, that gap has narrowed recently. Overall, burglary arrest rates were steady between 1984 and 1988, increased moderately in 1989, and have been decreasing since then (Figure 1-34). In particular, there was a sharp drop in 1993. For the entire 12-year period, burglary arrest rates declined by 39 percent for 17- to 21-year-olds, by 38 percent for 22- to 25-year-olds, by 16 percent for 26- to 30-year-olds, by 5 percent for 31- to 60-year-olds, and 73 percent for those 61 years and older.

Larceny/Theft

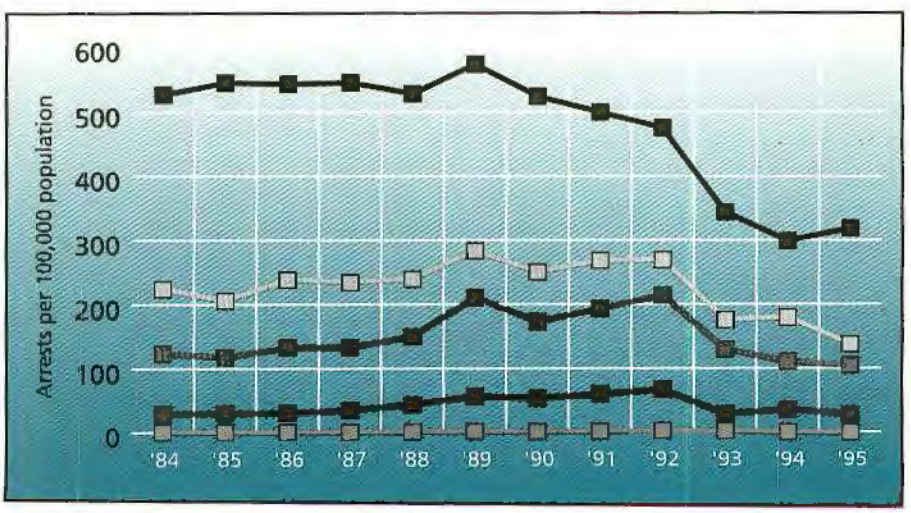
Larceny/theft arrest rates also are highest for the 17- to 21-year-old age group. Larceny/theft arrest rates for all age groups increased moderately from 1984 through 1989, and then followed different age-based patterns (Figure 1-35). For 17- to 21-year-olds, the rate declined in 1992, before leveling off; for 22- to 25-year-olds and 26- to 30-year-olds, the arrest rates alternately decreased and increased for the next few years, before decreasing steadily the past two years. Looking at the entire 12-year period, larceny/theft arrest rates have increased by 30 percent for 26- to 30-year-olds, and 58 percent for 31- to 60-year-olds, but have only slightly increased or have decreased for the other age groups.

Motor Vehicle Theft

Statewide motor vehicle theft arrest data are available for 1993 through 1995. The difference in arrest rates between 17- to 21-year-olds and the other four age groups was very pronounced;

Figure 1-34

Illinois age-specific burglary arrest rates, 1984-1995



Source: ISP/UCR and ICJIA survey

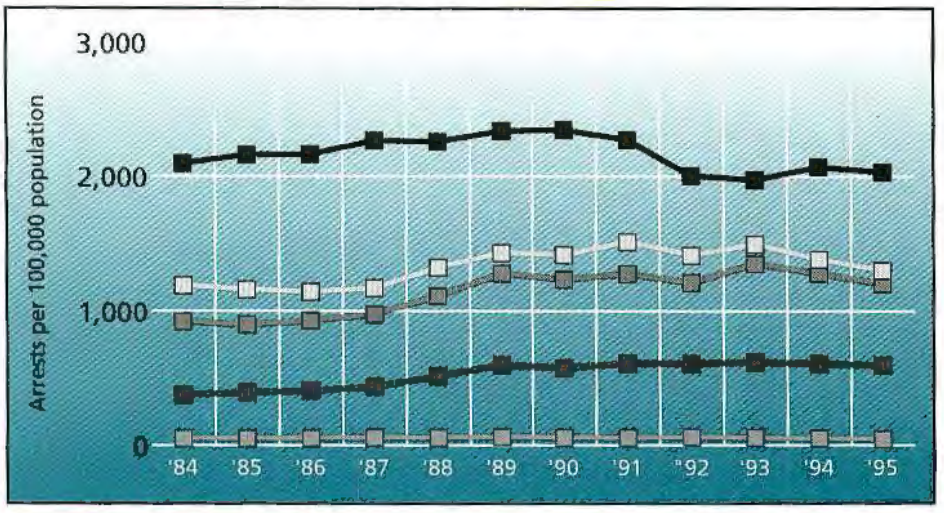


Figure 1-35

Illinois age-specific larceny/theft arrest rates, 1984-1995

Source: ISP/UCR and ICJIA survey

it was double the rate for the next highest group, the 22- to 25-year-olds (Figure 1-36). During the past three years, motor vehicle theft arrest rates decreased slightly for 17- to 21-year-olds, decreased by 30 percent for those 61 years and older, and increased slightly for the middle three age groups.

Arson

Arrest rates for arson are very low. In the peak year of 1993, the most frequently arrested group — 17- to 21-year-olds — had a rate of just 17 arrests per 100,000. In 1995, the arrest rate for 17- to 21-year olds was more than double the rate for 22- to 25-year olds, the next highest group. Arson arrest rates overall increased between 1984 and 1988, before declining the next year. There were sharp increases for the two youngest groups in 1993, before the rates returned to their earlier levels in 1994. The arson arrest rates increased again in 1995 for both groups. For 26- to 30-year-olds, the rate peaked in 1991, before declining in each of the last four years. Arrest rates for the two eldest groups have declined since 1992.

WHAT ARE THE AGE-SPECIFIC ARREST TRENDS FOR WEAPONS VIOLATIONS?

Arrests for unlawful use of a weapon are largely associated with the youngest adult age groups (Figure 1-37). The 1995 rate for 17- to 21-year-olds of 419 arrests per 100,000 was 81 percent higher than the rate for 22- to 25-year-olds, which was 83 percent higher than the arrest rate

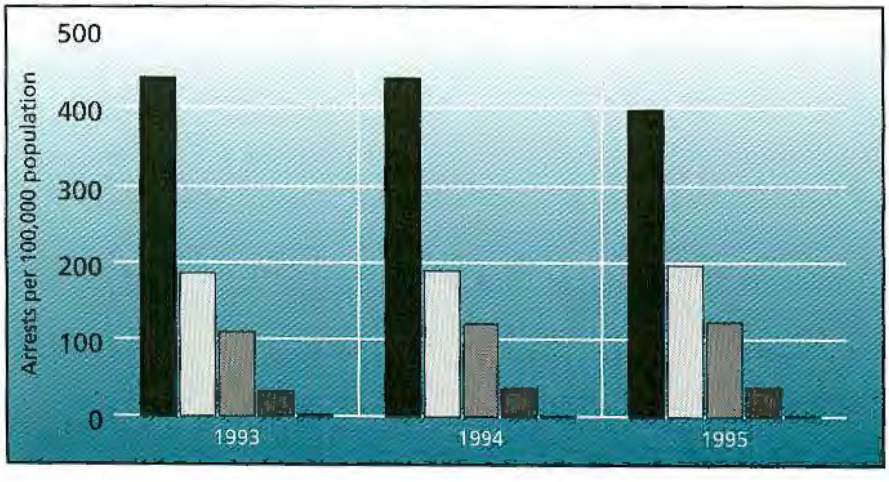


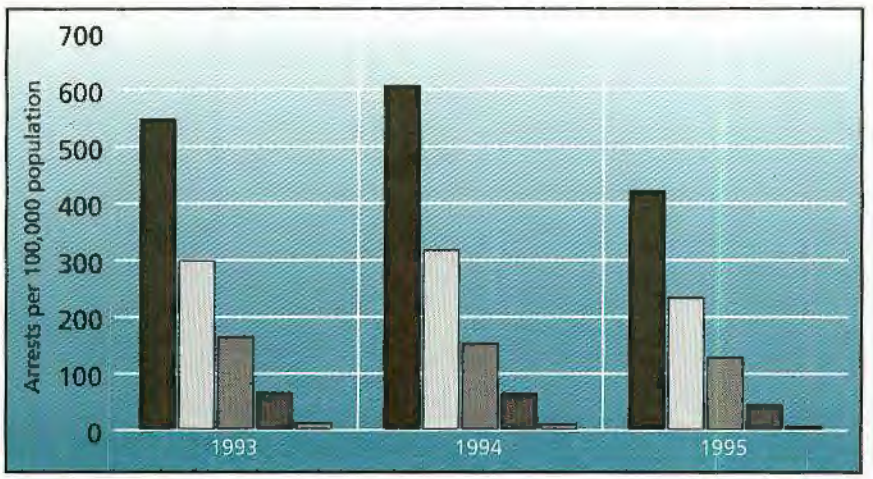
Figure 1-36

Illinois age-specific motor vehicle theft arrest rates, 1993-1995

Source: ICJIA survey

Figure 1-37

Illinois age-specific unlawful use of a weapon arrest rates, 1993-1995



Source: ICJIA survey

for 26- to 30-year-olds. The arrest rate for 26- to 30-year-olds was about three times higher than the rate for 31- to 60-year-olds, and that rate was nearly nine times higher than the rate for 61-year-olds and over. The rates for all five age groups decreased, however, between 1993 and 1995.

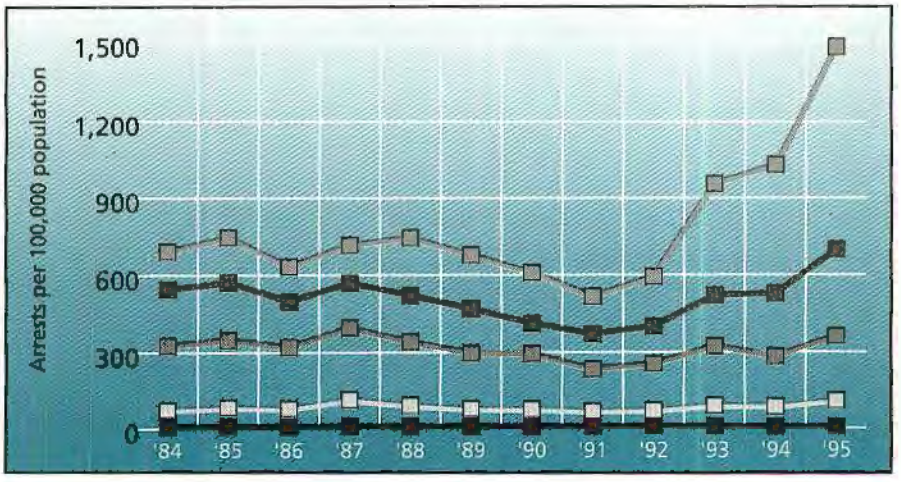
WHAT ARE THE AGE-SPECIFIC ARREST TRENDS FOR DRUG VIOLATIONS?

Arrest rates for possession, manufacture, or delivery of cannabis have been highest for 17- to 21-year-olds during the entire 12-year period, and the gap between the rate for that group and the other age groups has widened considerably since 1993. The cannabis arrest rate has increased sharply since 1991 for all age groups except those 61 and older. For 17- to 21-year-olds, the arrest rate has nearly tripled during that time (Figure 1-38). For 22- to 25-year-olds, 26- to 30-year-olds, and 31- to 60-year-olds there have been concurrent increases of 90 percent, 56 percent, and 62 percent, respectively.

Those 17 to 21 years old have had the highest arrest rates for possession, manufacture, or delivery of controlled substances — but only since 1988. In contrast to the patterns found for all other crime types, during the years 1984 through 1987, 22- to 25-year-olds actually had higher arrest rates for this crime. Until 1987, 26- to 30-year-olds also had a higher arrest rate than the youngest group. In 1995, the rate for 17- to 21-year-olds (1,352 arrests per 100,000) was only 35 percent higher than the rate for 22- to 25-year-olds. Arrest rates for controlled substance violations had, by far, the greatest increase of any offense type over the past 12

Figure 1-38

Illinois age-specific cannabis arrest rates, 1984-1995



Source: ISP/UCR and ICJIA survey

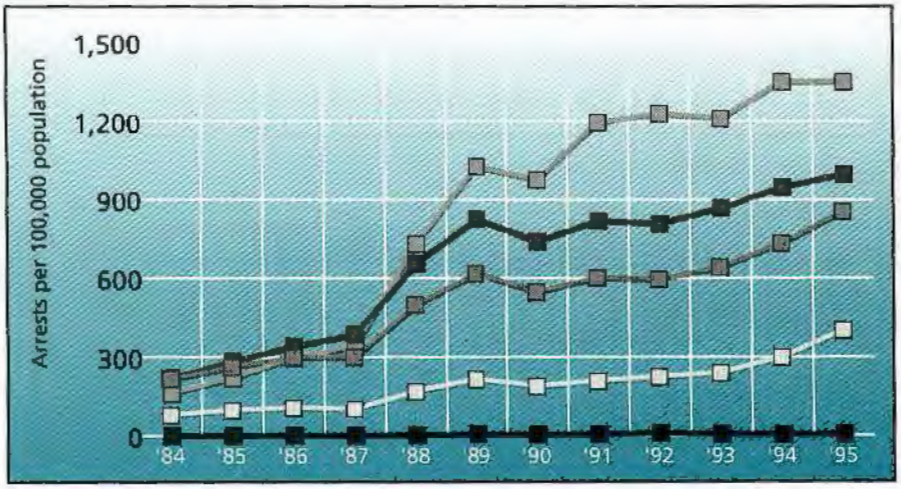


Figure 1-39

Illinois age-specific controlled substance arrest rates, 1984-1995

Source: ISP/UCR and ICJIA survey

years (Figure 1-39). The 1995 rate for 17- to 21-year-olds is eight times higher than the 1984 rate, and between three and five times higher for each of the other age groups.

Notes

1. Besides adding new offenses to the category of criminal sexual assault, the 1984 changes in the law also generated more publicity about the crime. Law enforcement officials were trained in how to record criminal sexual assaults under the law, and advocacy and police organizations that encourage victims to report sexual assaults and to testify against sex offenders became more influential and successful.

2. To provide useful comparisons of offense and arrest rates among different types of jurisdictions in Illinois, as well as for other discussions in the Law Enforcement section of *Trends & Issues*, the state was divided into five subregions: 1) Chicago, 2) suburban Cook County, 3) collar counties, 4) urban counties (outside of Cook and collar counties), and 5) rural counties. The collar counties are the five which border Cook County (DuPage, Kane, Lake, McHenry, and Will). Urban and rural counties are defined by whether or not they lie within a Metropolitan Statistical Area (MSA).

A geographic area qualifies as an MSA in one of two ways defined by the U.S. Bureau of the Census: if it includes a city of at least 50,000 or if it includes an urbanized area of at least 50,000 population with a total metropolitan population of at least 100,000. In addition to the county containing the main city or urbanized area, an MSA may include counties having strong economic or social ties to the central county. Based on this definition, there are 26 counties in Illinois which are part of an MSA (Cook, collar, and urban counties) and 76 counties which are not part of an MSA (rural). To measure the relative frequency of violent crime in jurisdictions that have different population characteristics, crime rates must be used. Here, crime rates measure the per capita amount of reported crime in a region of the state, by calculating the number of crimes for every 100,000 people.

3. When comparing crime rates across regions, it is important to remember that both I-UCR and Authority-collected data represent only those crimes reported to police. Therefore, differences in crime rates may be partially due to regional differences in crime reporting practices by citizens and crime recording practices by local law enforcement agencies.

4. Arson was designated as an index crime in 1980, while the other three property index crimes — burglary, larceny/theft, and motor vehicle theft — had been established by the FBI as index crimes since the 1930s.

5. In instrumental homicides, the offender's dominant motive is to acquire money or property; for example: robbery, burglary, arson for profit, contract killing or gangland "hits," or murder to protect a drug market or other enterprise.

6. Conclusions based on an analysis of gang "Hot Spot Areas." See the September 1996 Research Bulletin "Street Gangs and Crime: Patterns and Trends in Chicago," published by the Illinois Criminal Justice Information Authority.

7. Malcolm W. Klein, Cheryl L. Maxson, and L.C. Cunningham, "Crack, Street Gangs and Violence," *Criminology*, 29:623-650 (1991).

8. Malcolm W. Klein, *The American Street Gang: Its Nature, Prevalence, and Control* (New York: Oxford University Press (1995); and Irving A. Spergel, *Youth Gangs: Problem and Response*, report to the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (1991).

9. Spergel, *Youth Gangs: Problem and Response*.

10. These data are from a series of nationwide surveys of high school seniors conducted by the University of Michigan's Institute for Social Research for the National Institute on Drug Abuse from 1975 through 1994. The survey design is a multistage random sample of high school seniors in public and private schools.

11. *DASA Youth Study on Substance Abuse: Comparing the 1990, 1993, and 1995 Results*, 1995, conducted by Chestnut Health Systems Inc., for the Illinois Department of Alcoholism and Substance Abuse Needs Assessment Office.

12. The National Drug Use Forecasting (DUF) study began in 1987 with funding from the National Institute of Justice (NIJ). Using urinalysis, the DUF program tests arrestees for recent drug use.

13. This total includes adults arrested, as well as juveniles taken into police custody.

14. See *Age-Specific Arrest Rates* (Washington, DC: Federal Bureau of Investigation, Uniform Crime Reporting Program, 1984). Also, Carolyn R. Block, *The Meaning and Measurement of Offender's Age in Criminology Research* (paper presented at the annual meeting of the American Society of Criminology, 1986).

FINANCE

Each level of government — municipal, county, and state — is ultimately responsible for providing the financial resources needed for the law enforcement activities in its jurisdiction. There are dramatic differences, however, in how each level of government raises the money to fund its law enforcement activities.

HOW MUCH DO LAW ENFORCEMENT AGENCIES SPEND?

Governmental entities in Illinois (state, counties, and municipalities) spent more than $1.8 billion on law enforcement during fiscal year 1993, the most recent year for which this type of data are available.[1] This was 9.9 percent higher than the $1.6 billion (in constant dollars) spent in 1990, and 25.2 percent higher than the $1.4 billion spent in 1980 (Figure 1-40).

Municipalities

In 1993, local entities in Illinois, including municipalities and counties, spent $1.58 billion on law enforcement. This represented nearly 88 percent of the total amount spent on law enforcement in Illinois that year.[2] Most police departments are paid for through local general revenue (or corporate) funds, which are supported by a variety of property taxes, sales taxes, state and federal aid, and fees — some of which are generated by the police department themselves. In addition, some police departments receive money from other municipal funds to pay for specialized law enforcement services.

The Chicago Police Department (CPD) has the largest budget of any law enforcement agency in Illinois. CPD spending increased 22.9 percent (in constant dollars) between 1990 and 1994, when it reached $748 million (Figure 1-41).[3]

Counties

Law enforcement and correctional services provided by county sheriffs' departments in Illinois are funded primarily through county general funds. As with municipalities, county funds are supported largely by local taxes, intergovernmental revenue, and service charges.

In 1992, the most recent year for which statewide county spending is available for Illinois, counties spent $179.9 million on police protection — approximately 10 percent of the $1.7 billion spent on police protection in Illinois that year.[4]

Figure 1-40

Spending on law enforcement in Illinois by governmental unit, 1993

Governmental unit	Amount spent	Percent of total
Local*	$1,581,014,000	87.8%
State	$219,884,000	12.2%
Total	$1,800,898,000	100%

*Local includes county, municipal, township, school district, and special district governmental units.

Source: U.S. Bureau of the Census, Government Finances

Figure 1-41

Chicago Police Department spending, 1990-1994

Fiscal year	Budgeted appropriation for personnel	Spending on other accounts*	Total
1990	$548,466,006	$17,334,694	$565,780,700
1991	$585,573,024	$21,291,915	$606,864,939
1992	$638,753,295	$18,211,247	$656,964,542
1993	$697,063,536	$17,166,375	$714,229,911
1994	$728,350,379	$20,174,718	$748,525,097

*Spending in this category includes contractual services, commodities and materials, equipment, permanent improvements, contingencies, special purpose/financial, and specific purpose/general.

Source: Chicago Police Department, Finance Division

The Cook County Sheriff's Department operates the second largest law enforcement agency in Illinois and the largest sheriff's department. The department's expenditure of more than $270 million in 1995 was a 25 percent increase over 1992's budget. Of that total, $131.8 million (48.7 percent) was spent on corrections, $57.2 million (21.1 percent) was spent on court service, and $33.9 million (12.5 percent) was spent on police protection. The remainder was spent on other programs, such as community service, community supervision and intervention, and the sheriff's merit board.

State

The Illinois State Police is primarily funded by the state's General Revenue Fund, but also is supported through the state Road Fund, which contains money the state receives from a variety of sources — including motor vehicle license fees, inspection fees, highway sign permits, overweight fines for trucks, the federal government, local governments, and investment income. Only about 1 percent of all expenditures from the General Revenue Fund in 1994 went to finance the state police.[5] But this $124.9 million in General Revenue money accounted for 60.5 percent of ISP's total spending that year. ISP also received $52.7 million from the Road Fund, which covered 24.6 percent of ISP spending that year. Some of the money in the Road Fund actually comes from fines collected by ISP (discussed in the following pages). The remainder of ISP funding came from a variety of smaller funds that are used primarily for specialized programs and services.

HOW MUCH REVENUE DO LAW ENFORCEMENT AGENCIES GENERATE THROUGH FEES?

In addition to relying on tax dollars, law enforcement agencies at all levels of government impose various fees and fines to cover the costs of specific law enforcement services and to support specialized programs. Overall, these sources account for a small portion of law enforcement spending in Illinois. But in many cases, they cover all or most of the costs of certain law enforcement programs or services.

State

The Illinois State Police uses two state funds, financed through fees, to pay for specific services it provides. The State Police Services Fund contains fees and registration charges that ISP collects from other government agencies for various law enforcement services, such as providing criminal conviction information for background checks. Seventy-seven percent of this fund comes from fees assessed to other Illinois state agencies, 7.5 percent are fees paid by local governmental units, and the remainder are fees paid by the federal government, private organizations or individuals, and other states. The Firearm Owner's Notification Fund, funded through a portion of the $5 fee on Firearms Owner's Identification Cards, covers ISP's costs for sending expiration notices to FOID card holders.[6] Together, these two funds totaled $12.9 million in 1994, or a little over 6 percent of ISP funding sources.

Counties

Sheriffs' departments in Illinois are funded largely through county general revenue funds. Some of the money in those funds is generated by sheriffs' departments through fees paid by litigants in civil cases as well as people convicted of crimes. These fees pay for many of the services that sheriffs' departments provide, including serving warrants and subpoenas, transporting prisoners, and attending court.

The amount of the fees counties are permitted to assess is set by statute, and depends on the county's classification.[7] For the purpose of fixing the fees, counties are divided into three classes based on population — those with a population of less than 25,000 are considered "first class," those with a population of more than 25,000 and not exceeding 1,000,000 are "second class," and those with a population exceeding 1,000,000 are "third class." The fees collected by county sheriffs' departments in counties of the first and second class can be increased by county ordinance.

Municipalities

Like county sheriffs' departments, municipal police departments generate revenue for their municipalities through fees for various services. But unlike sheriffs' departments, municipal

police agencies are not governed by state statute in deciding what services to charge for, and what their fees should be. Each police department sets its own fee schedule and, consequently, fees vary from municipality to municipality. Some of the services for which police departments may charge fees include unlocking car doors, answering false burglar alarms, and providing copies of traffic accident reports.

In 1995, for example, the Chicago Police Department collected $820,351 for accident and other police reports, and $110,155 for gun registration. These funds as well as other revenue collected by CPD were deposited in the city's General Revenue Fund.

WHAT LAW ENFORCEMENT ACTIVITIES ARE FUNDED THROUGH CRIMINAL FINES?

Some fines imposed by courts directly finance related law enforcement activities, especially those involving illegal drugs. Seven out of every eight dollars in fines collected from violators of the state's Controlled Substances, Cannabis Control, and Narcotics Profit Forfeiture acts are split among municipal, county, and state governments. The amount each entity gets is based on their involvement in the case.[8] Proceeds returned to municipal governments are used directly for the enforcement of drug laws. Proceeds returned to the counties are deposited in their general revenue funds. Proceeds sent to the state are deposited in the Drug Traffic Prevention Fund, which the Illinois State Police uses partially to support the metropolitan enforcement groups (MEGs) located throughout the state. Assets seized in drug cases and forfeited by the court are distributed in a similar manner.

In addition to receiving proceeds from drug fines, ISP also assesses fines for overweight vehicles traveling on the state's highways. These fines, which are collected by the clerk of the circuit court where the violation occurred, are deposited in the state Road Fund, which in turn supports ISP troopers. In 1994, approximately $5.4 million in overweight vehicle fines was deposited in the Road Fund.

Other Revenue

There have been a number of officers added to local police departments through federal programs. The U.S. Department of Justice has provided more than $130 million to Illinois through the Community Oriented Policing Services (COPS) program. The Local law Enforcement Block Grants program has provided more than $24 million to law enforcement in Illinois. Another source of funding for law enforcement agencies has been the Edward Byrne Memorial State and Local Law Enforcement program, as set forth in the federal Anti-Drug Abuse Acts of 1986 and 1988. This program has provided both federal discretionary and formula grant funds to local, county, and state law enforcement agencies. The formula grant funds, which are administered in Illinois

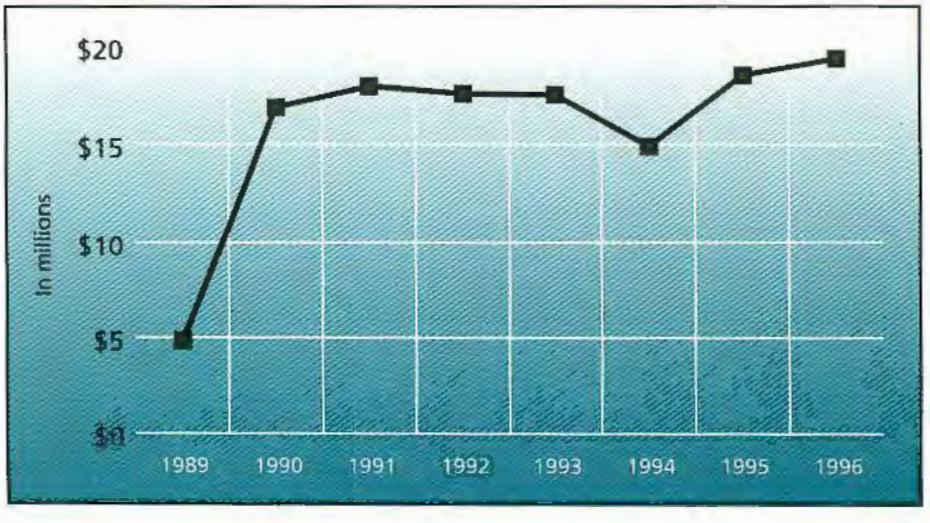


Figure 1-42

Federal "Byrne" funding for drug and violent crime control in Illinois

Source: Illinois Criminal Justice Information Authority, Federal and State Grants Unit

by the Illinois Criminal Justice Information Authority, are used for drug enforcement, violent crime, and criminal justice system improvement projects. Discretionary funds are administered directly by the Department of Justice, Bureau of Justice Assistance. The Authority awarded $4.8 million in Byrne funds in 1989. By 1996, the amount of Byrne funds awarded by the Authority had increased to 19.3 million (Figure 1-42).

HOW IS THE TRAINING OF LAW ENFORCEMENT PERSONNEL IN ILLINOIS FINANCED?

Police training, some mandated by state law, is a major expense for law enforcement agencies. But departments are reimbursed for a portion of their training expenses by the Illinois Law Enforcement Training and Standards Board (also known as the Police Training Board, or PTB).

PTB is funded largely from surcharges imposed in certain criminal and traffic fines. These surcharges are actually mandatory financial penalties that have been assessed since 1982 for violations of selected criminal and traffic laws, and they amount to 10 percent of the fine. The office of the clerk of the circuit court where the conviction occurred assesses and collects the surcharge, keeps 2 percent to cover its own administrative expenses, and remits the remaining 98 percent to the state treasurer for deposit in the Traffic and Criminal Conviction Surcharge Fund. Since 1992, counties also have had the option to either keep 6 percent of fines that are $55 or less, or 5 percent of fines that are greater than $55. If counties use either of these methods, they are not permitted to keep the additional 2 percent to cover administrative expenses.[9]

In state fiscal year 1995, PTB received nearly $10 million. Almost all of PTB's annual budget comes from the Traffic and Criminal Conviction Surcharge Fund, with the remainder coming from federal or state grants for specific training purposes. In addition to covering its internal operations and various grants to law enforcement agencies, PTB's budget is used to reimburse county, municipal, and other law enforcement agencies (such as university, railroad, and hospital police) for training expenses. These reimbursements may include the cost of tuition at training schools certified by PTB, salaries of the trainees, and travel and room and board expenses for each trainee. Local agencies are reimbursed at a rate of 50 percent of eligible expenses.

While these reimbursements represent an expenditure for the state, they can also be considered a transfer payment to local agencies, and therefore a source of revenue for counties and municipalities. There is a circular flow of some of the money, from the counties that originally collect the traffic and criminal conviction surcharge, to the state treasury, to PTB, and then back to the local units of government that participate in law enforcement training programs.

In state fiscal year 1995, PTB provided local agencies with $5.4 million for law enforcement training, down from approximately $5.5 million in 1994. The vast majority of these funds went to municipal law enforcement agencies (Figure 1-43).

Figure 1-43

Police Training Board funding for local agencies, state fiscal year 1995

Agency type	Number courses completed	Reimbursement	Percent of total
Municipalities	2,871	$4,522,468	83.4%
County law enforcement	113	$230,334	4.2%
County correctional	748	$569,625	10.5%
Colleges and universities	52	$70,087	1.3%
Park districts/ miscellaneous	25	$32,162	0.6%
Total	3,809	$5,424,676	100%

Source: Illinois Law Enforcement Training and Standards Board

In addition to reimbursing local law euforcement agencies for training, PTB also funds 16 mobile regional training units throughout the state. These units were established in 1982 to provide in-service training in different regions of Illinois. In state fiscal year 1996, regional training units received approximately $3.3 million from PTB, bringing the agency's total awards for the year (local agency reimbursement plus regional training units) to $8.7 million.

HOW MUCH DOES IT COST TO PUT A LAW ENFORCEMENT OFFICER ON THE STREET?

While salaries are clearly the chief cost associated with putting law enforcement officers on the street, they are not the only expense. The marginal costs of law enforcement (the additional cost to produce one more officer) also includes fringe benefits, uniform, vehicle, and training.

As one example, figures recently prepared for the DuPage County Board by the DuPage County Sheriff's Department estimated the cost of adding one sheriff's deputy at between $51,886 and $61,697 for salaries, benefits, social security, and medical insurance. Costs for commodities, uniforms and ammunition added another $912, and vehicle costs per officer were $6,266 (with a little more than 50 percent of the vehicle cost attributable to depreciation).[10]

Notes

1. U.S. Bureau of the Census, *Government Finances*, U.S. Government Printing Office, Washington, D.C. Available on the Internet at the following address: http://www.census.gov/ftp/pub/.

2. U.S. Bureau of the Census, *Government Finances in 1992-93*, U.S. Government Printing Office, Washington, D.C. (1994). "Local governmental units" include municipal entities, townships, school districts, and special districts; "police protection" includes police patrols and communications, crime prevention activities, detention and custody of persons awaiting trial, traffic safety, and vehicular inspection.

3. Chicago Police Department's fiscal year runs from Jan. 1 through Dec. 31.

4. U.S. Bureau of the Census, *Government Finances in 1991-92*, U.S. Government Printing Office, Washington, D.C. (1993).

5. State fiscal years run from July 1 through June 30 (fiscal year 1995, for example, began July 1, 1994, and ended June 30, 1995).

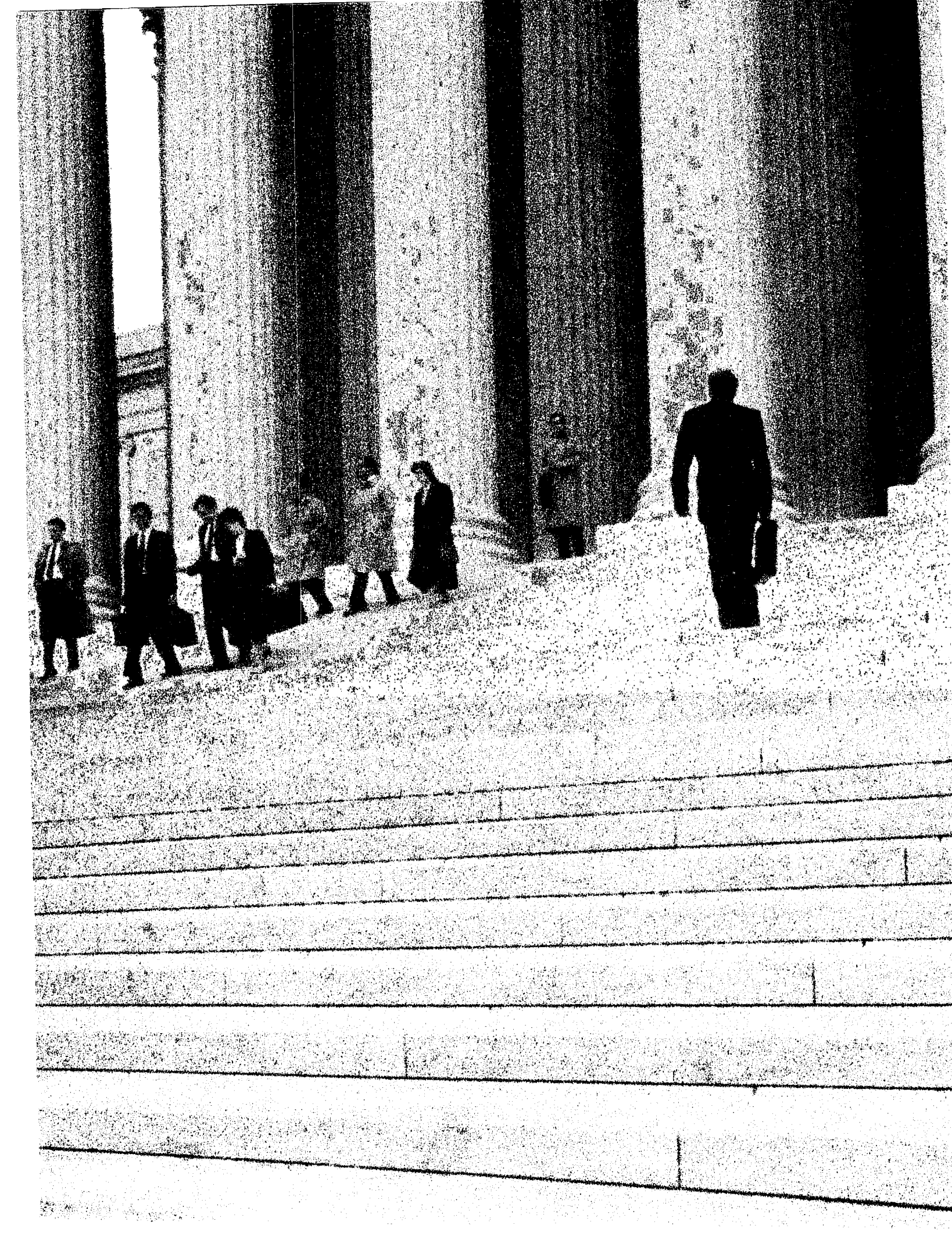
6. The $5 fee the state receives following the issuance or renewal of a FOID Card is divided as follows: $3 is deposited in the state's Wildlife and Fish Fund, $1 is deposited in the General Revenue Fund, and $1 is deposited in the Firearm Owner's Notification Fund. Any excess money in the Firearm Owner's Notification Fund is used to ensure the prompt and efficient processing of FOID Card applications.

7. 55 ILCS 5/4-1001.

8. Ill Rev. Stat., 720 ILCS 570/413. The remaining dollar is deposited in the state's Juvenile Drug Abuse Fund, which the Department of Alcoholism and Substance Abuse uses to fund a variety of anti-substance abuse programs for young people. The formulas used to distribute fines collected under these three drug laws are extensive, and the exact manner in which the money is distributed depends largely on the circumstances of each individual case.

9. For counties to use either of these methods, the county board must vote on the method that they will use.

10. DuPage County Sheriff's Department.

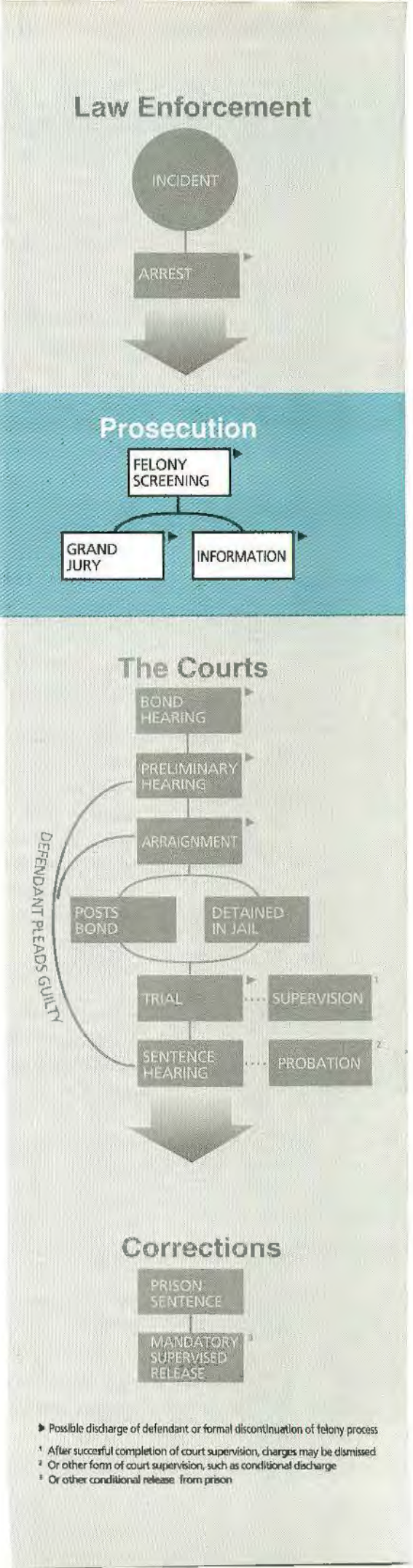


Prosecution and Public Defense

***W**hat do state's attorneys do? How many felony and misdemeanor cases are filed in Illinois each year? How many felony defendants plead guilty? What services are available for crime victims and witnesses?*

This chapter answers these questions and looks at the organization and duties of state's attorneys' offices in Illinois. It discusses how prosecutions are initiated and how charges are filed in court.

The chapter also discusses the role of public defenders in Illinois. It looks at how public defense is organized and how public defense works in criminal appeals.



OVERVIEW

The legal process in the United States is an adversarial system in which parties on opposing sides of a conflict are represented by legal counsel. In criminal legal proceedings, prosecutors represent the state on behalf of complainants — and the people of the state — and defense attorneys represent those who have been accused of committing crimes. In Illinois, lawyers appointed or elected to serve as public officers of the state undertake prosecution; defense attorneys may be hired private practitioners or may be appointed by the state to serve indigent defendants. This chapter focuses on prosecution and one aspect of criminal defense, the publicly funded defense of indigent citizens.

WHO PERFORMS PROSECUTORIAL DUTIES IN ILLINOIS?

After a suspected offender has been identified and arrested, or after a complaint has been filed, the prosecutor evaluates the case, files formal charges in court, and handles the case through trial and possible appeals. In Illinois, several public officials perform prosecutorial duties on behalf of the state. The state's attorney, attorney general, and the Office of the State's Attorneys Appellate Prosecutor all have prosecutorial authority in Illinois.

- State's attorneys are the most visible criminal prosecutors in Illinois. Each of the state's 102 counties is served by a state's attorney, who is elected by the people of that county to a four-year term. They are empowered to commence and carry out all civil and criminal prosecutions in their counties. In addition, they also defend all actions and proceedings brought against their county or against county or state officers employed in their county. They are required to assist the attorney general when needed and to assist in appeals cases originating from their county.
- The Illinois attorney general is chosen in a statewide election every four years. The attorney general is authorized to represent the state in all cases presented before the Illinois Supreme Court in which the state has an interest. The attorney general provides services to statewide grand juries. After consulting with the state's attorney of any county involved in a statewide grand jury investigation, the attorney general may present the evidence and prosecute the indictment. The attorney general can also defend state officers in any Illinois or U.S. court. The attorney general can attend and/or assist in the trial of any accused offender in the state.
- The Office of the State's Attorneys Appellate Prosecutor represents the state on appeals cases at the request of state's attorneys, although individual state's attorneys are ultimately responsible for appeals originating in their counties. The Illinois General Assembly created this office in 1977 to coordinate and expedite criminal appeals on behalf of state's attorneys, thereby enabling them to devote more of their resources to trial litigation. In addition to its primary duties of preparing, filing, and arguing criminal appeals, the appellate prosecutor's office provides state's attorneys with educational and training services. In 1994, for example, the office conducted trial advocacy training sessions for state's attorneys and assistant state's attorneys in Illinois. Training focuses on all areas of trial advocacy including opening statements, direct examination, cross examination, introduction of evidence, impeachment of witnesses, and closing arguments.

HOW ARE STATE'S ATTORNEYS' OFFICES ORGANIZED AND STAFFED?

The majority of criminal prosecutions in the state are initiated and pursued by county state's attorneys. The size and the complexity of state's attorneys' offices vary considerably, and reflect the needs and available resources of different counties. In large or densely populated counties, the state's attorney's office usually includes both the elected state's attorney and a staff of assistant prosecutors, investigators, and support personnel. In small, rural counties, the state's

attorney often performs all prosecutorial functions, with little or no assistance.

WHAT DO STATE'S ATTORNEYS DO?

State's attorneys have wide discretion in deciding whether to seek indictments, file charges, or reduce charges in cases presented to them. Additionally, state's attorneys establish administrative policies and procedures that best serve, using available resources, the needs of their counties.

All state's attorneys perform the same basic functions in criminal cases: initial screening of charges, investigating and preparing cases, filing formal charges in court, coordinating the participation of witnesses and victims, negotiating pleas, participating in jury selection, administering pretrial and trial procedures, and making sentencing recommendations. State's attorneys, at their discretion, also handle criminal appeals.

HOW ARE CRIMINAL PROSECUTIONS INITIATED?

Charging a suspect with a crime in Illinois is typically done in one of two ways. After an investigation and arrest, local law enforcement authorities (a police or sheriff's department) may file criminal charges against the suspect directly with the court. The right of local law enforcement to "direct file" a criminal charge against a person must be authorized by the county state's attorney. In most large jurisdictions, however, such as Cook County, police refer almost all serious or felony charges to the state's attorney for review or screening. During this initial screening process, the state's attorney determines whether a case should be prosecuted and what specific charges should be filed with the court. Jurisdictions that do not screen out cases at this early stage, but instead accept most arrests for prosecution, tend to have higher dismissal rates later in the criminal justice process.[1]

The state's attorney examines several details during felony screening, including physical evidence, probable witness testimony, and the suspect's sworn statements. The state's attorney decides whether to approve, modify, or drop the booking charges; to add charges to those indicated by the police; or to request that further investigation be conducted prior to a final decision on filing charges.

Reasons why state's attorneys reject cases at the initial review stage include the following:

- Failure to locate key witnesses;
- Reluctance of victims or witnesses to testify;
- Lack of physical evidence or eyewitness information linking the suspect to the crime;
- Delay in processing physical evidence that has been gathered; and
- Violation of the suspect's constitutional rights.

HOW ARE CHARGES FILED WITH THE COURT?

After screening a case and accepting it for prosecution, the state's attorney files formal charges in court. Under Illinois law, a criminal prosecution may be initiated by indictment, information, complaint, or a combination of the three — all of which are documents submitted to the court. Some states require a grand jury indictment to prosecute all cases, but in Illinois, grand jury indictments are optional to commence a prosecution. An information or indictment must initiate all felony prosecutions. Explanations of the three methods of filing charges in court follow.

Information

This is a sworn, written statement, signed by a state's attorney and presented to the court, which charges someone with the commission of an offense. An information must be signed by the state's attorney and sworn to by the state's attorney or another person, such as the arresting officer. Any prosecution initiated by an information must include a preliminary hearing before a judge to establish probable cause that the suspect committed the crime, unless the hearing is waived by the defendant. If the judge decides there is no probable cause to believe the defendant has committed the offense, the defendant is discharged.

Even if the judge finds no probable cause at the preliminary hearing, the state's attorney may still seek a bill of indictment from a grand jury. In these situations, the state's attorney must inform the grand jury of the preliminary hearing's finding, and the grand jury has the right to obtain and examine testimony heard at the preliminary hearing.

Complaint
This is a sworn, written statement, presented to the court, in which the complainant or another witness charges someone with the commission of an offense. A complaint must be sworn to and signed by the complainant.

Indictment
This is a written statement presented by a grand jury to the court, which charges someone with the commission of an offense. The grand jury determines whether there is probable cause that a person has committed an offense — in other words, whether there are reasonable grounds to believe that a particular person has committed a specific crime. Although the state's attorney presents most cases to the grand jury, the grand jury has independent investigative powers. State's attorneys usually issue subpoenas in the name of the grand jury for witnesses to appear, but the grand jury may subpoena witnesses on its own.[2]

Grand juries in Illinois consist of 16 jurors. People chosen to serve on a grand jury must be U.S. citizens and must be registered voters in the county that the court serves. A quorum of at least 12 jurors must be present for the grand jury to perform its duties. At least nine votes are needed to indict.

Once at least nine grand jurors agree that there is reasonable cause to believe a person has committed an offense, the state's attorney prepares a bill of indictment charging that person with the offense. The foreman of the grand jury signs the bill of indictment — called a True Bill — which then allows the state's attorney to bypass the preliminary hearing, and proceed directly to the arraignment stage of the prosecution. If evidence presented to the grand jury does not warrant an indictment, the state's attorney returns a No True Bill, and the charges are dropped.

Grand jury proceedings are secret, and grand juries are often used when sensitive information must be protected. In narcotics cases, for example, it is important to protect the identities of undercover officers and informants. Some cases involve suspects who might flee if they knew about possible criminal charges. At the court's direction, a bill of indictment may be kept secret, except for the issuance and execution of a warrant against the person being indicted.

The number of grand juries allowed to sit at one time and the amount of time each grand jury serves depends on the county's population. In all counties, however, no grand jury may serve for more than 18 months, and no more than six grand juries may sit at the same time. The same guidelines apply to statewide grand juries.[3]

HOW CAN A CRIMINAL CASE BE DISPOSED OF, OTHER THAN TRIAL?

The prosecution of criminal offenses is typically associated with trial proceedings. Many criminal cases are disposed of by other means before they ever reach trial. A variety of possible dispositions in criminal cases can occur after arrest and before trial. (For a discussion of the trial process, see the "Courts" chapter.) The following are some examples:

State motion to dismiss
The state can move to dismiss charges under a variety of circumstances. These dispositions may be final or interim, and they may be based on constitutional issues, or purely administrative. Although the state's attorney makes the motion for dismissal, the court officially grants the motion.

Two common types of state motions to dismiss are the *nolle prosequi* and the *SOL* (stricken off the record with leave to reinstate). The nolle prosequi, the more common of the two, is a formal entry on the court record that indicates the prosecutor will not pursue the action against the defendant. In felony cases, it may be used any time between the filing of the case and the judgment, although it often occurs during the preliminary hearing. The SOL dismissal, used in some jurisdictions including Cook County,

allows the prosecutor to dismiss the charges for the time being, but have the option to resume criminal proceedings in the case at a later date.

A prosecutor may request dismissal of charges for the following reasons:

• *Plea bargaining arrangements.* When a single defendant is facing multiple charges, he or she may sometimes exchange a guilty plea on one charge to dismiss or reduce the seriousness of the other charges. In a 1992 study of prosecutors' offices nationwide, more than 90 percent of prosecutors said they considered a defendant's criminal history and willingness to cooperate with the prosecution when determining whether to offer a plea bargain. Half the prosecutors reported workload as a factor affecting plea negotiations.[4] In Illinois, the defense attorney or the prosecuting attorney can initiate the plea bargaining process. Once a plea has been negotiated, the trial judge may accept or reject it.

• *Victims or witnesses who cannot be located, are reluctant to testify against the defendant, or whose testimony is vague or contradictory.* Sixty-nine percent of prosecutors in the 1992 study reported that they *declined, diverted* or *deferred* cases because of reluctant *victims.* Problems with reluctant *witnesses* were cited by 37 percent of the prosecutors in the survey.[5]

• *Violation of the defendant's constitutional rights.* In the same study, 55 percent of prosecutors reported cases dismissed due to search and seizure problems, and 20 percent reported dismissal due to speedy-trial time restrictions. The least prevalent constitutional violation was the defendants right to counsel, which was cited as a problem by 7 percent of the prosecutors.[6]

• *Administrative procedures.* In certain jurisdictions, including Cook County, a grand jury indictment may supersede an information that has already been filed. In these instances, the information is technically "dismissed" (as a purely administrative procedure), and the indictment is then used as the charging document.

• *Pretrial diversion.* Sometimes the prosecutor and the court may agree to drop criminal charges under the condition that the defendant successfully completes a special program.

Defense motions

The court may dismiss a case by granting a motion of the defense. Some examples follow:

• *Faulty grand jury proceedings.* A grand jury that was not properly selected returns an indictment, or the indictment is based completely on the testimony of an incompetent witness.

• *Improper documentation of the charges.* The charge does not state an offense, or the wrong person is named in the charge.

• *Improper pretrial procedure.* A defendant charged with a felony did not receive a preliminary hearing or indictment by a grand jury.

• *Improper jurisdiction or venue.* The court in which the charge was filed did not have jurisdiction, or the county is an improper place of trial.

• *Breach of prosecution laws.* Multiple prosecution for the same act, breach in speedy trial laws and breach in the statute of limitation — initiation of prosecution within a defined time period.

• *Administrative.* In plea-bargain agreements or other arrangements when the defendant has been granted immunity, even though the agreement was made with the state's attorney, the defense must file a motion to dismiss the charges.

New charges can be filed or prosecutors can seek a new grand jury indictment in cases that are dismissed because of flaws in grand jury proceedings, in documentation of the charges, or in pretrial procedure. After dismissal, the court may order the defendant be held in custody or that bail be continued pending the return of a new indictment or new charge. In situations involving improper jurisdiction or venue, the court may have the case transferred to a court with adequate jurisdiction or to a proper place of trial, rather than dismissing the case.

Defendant failure to appear

Some judicial circuits in Illinois have created warrant calendars to eliminate from their active court calendars those cases in which defendants have failed to appear in court and have forfeited their bond or in which fugitive warrants have

lapsed after a specified period of time. These cases are formally "dismissed," but may be reinstated if the defendant is subsequently apprehended.[7]

Guilty plea

A guilty plea eliminates the need for a trial. If probable cause is established, the defendant must enter a plea — either guilty, guilty but mentally ill, or not guilty — to charges filed.[8] A defendant's plea becomes official only at arraignment and after the court has fully explained the consequences of the plea to the defendant, such as waiver of the constitutional right to a trial by a jury of peers. Based on data collected from 41 jurisdictions across the country, including Cook County, 92 percent of convictions occurring within a year after arrest ended through a guilty plea. Nearly four out of five guilty pleas were to a felony charge and murder defendants were most likely to have their cases adjudicated by trial (27 percent).[9]

The defendant decides whether to plead guilty, and several factors may influence that decision: severity of the charge and possible sentence; the quantity and quality of evidence linking the defendant to the crime; whether there are arguable issues of fact in the case; and the terms of any guilty plea negotiation. After pleading guilty, the defendant bypasses trial proceedings and is sentenced.

DO PROSECUTORS PARTICIPATE IN MULTIJURISDICTIONAL TASK FORCES AND SPECIAL UNITS?

In addition to their usual functions, state's attorneys, the Illinois Attorney General's Office, and even appellate prosecutors sometimes team up with other criminal justice agencies and prosecutors' offices to form task forces and specialized prosecution units.

In 1992, nearly one-third of prosecutors' offices across the nation, including several in Illinois, participated in task forces with other jurisdictions. Eighty percent of these task forces focused on drugs, while others focused on street gangs, racketeering, and auto theft.[10] Multijurisdictional collaboration allows different criminal justice agencies to join forces to fight crime by working closely together on cases. This involves sharing resources, information, and coordination skills focused on prosecution and investigation of criminal cases. This approach to crime fighting enhances the quality of cases being investigated and prosecuted. In some instances, prosecutors from separate counties coordinate in this manner. In 1988, for example, state's attorneys from DuPage, Lake, McHenry, and Kane counties joined forces in a multijurisdictional drug prosecution program.

Illinois' Cash Transaction Reporting Unit and Drug Conspiracy Task Force is a multi-jurisdictional effort that specializes in combatting drug trafficking and the associated crime of money laundering. This program, which began in 1992, consists of staff from the Attorney General's Office and Illinois State Police. To enable the task force to cross jurisdictional boundaries to investigate, indict, and prosecute drug traffickers and money laundering crimes, the Illinois General Assembly in 1991 passed the Statewide Grand Jury Act. The act allows, upon the attorney general's application and the chief justice of the Illinois Supreme Court's approval, a circuit court judge to convene a grand jury with jurisdiction that extends throughout the state.[11] However, county grand juries and state's attorneys continue to have primary responsibility for investigating, indicting, and prosecuting offenders.

In other instances, prosecutors collaborate with other criminal justice agencies within their own jurisdictions. In 1988, specialized drug prosecution programs were created in Cook, Lake, McHenry, Will, Kane, DuPage, and St. Clair counties. State's attorney offices and law enforcement agencies (Metropolitan Enforcement Groups — MEGs — or Illinois State Police Task Forces) in each county joined forces in an effort to combat drug crimes. These drug prosecution programs were designed to collaboratively provide focused prosecutorial procedures and investigative techniques for each case assigned to the program. These collaborative efforts enhance the quality of cases. With better prepared cases, the chances of successful prosecution is increased. The appellate prosecutor's office collaborates with

law enforcement MEGs, task forces, or local police agencies in all other Illinois counties to insure the same kind of enhanced and successful investigation and prosecution of drug cases.

In 1993, the Illinois State Police and Illinois Attorney General's Office joined forces to establish the Homicide/Violent Crime Strike Force. The strike force helps investigate and prosecute unsolved homicide and violent crime cases in St. Clair and Madison counties.

ARE VICTIMS AND WITNESSES OF VIOLENT CRIMES PROTECTED AND COMPENSATED?

Victims and witnesses of violent crimes have special needs, and their participation in the criminal justice process is essential to successful prosecution of violent criminals. For these reasons, Illinois has established a number of programs to assist victims and witnesses of violent crimes. Victims of violent crime include people who are either physically injured as a result of a violent crime perpetrated against them, who suffer damage to or loss of property as a result of a violent crime against them, or who are related to a murdered victim, such as a spouse, parent, child, or sibling. A victim of violent crime, as described by the federal Victims of Crime Act Crime Victim Assistance Grant Program, is "a person who has suffered physical, sexual, or emotional harm as a result of the commission of a crime."[12] Witnesses of violent crimes are people who have personally observed the commission of a violent crime and are willing to testify for the prosecution.

Illinois law provides victims and witnesses of violent crimes with certain rights. Some of the rights for victims include:

- Fair treatment and respect to privacy throughout criminal proceedings;
- Notification of court proceedings and the right to communicate with the prosecution;
- Being informed about the conviction, sentence, imprisonment, and release of the defendant;
- Explanation, in nontechnical language and upon request, of the details of any plea or verdict;
- Victim advocate assistance to ensure the cooperation of employers and minimize possible pay loss;
- Provision, where possible, of a secure waiting area during court proceedings;
- Notification of the right to submit victim impact statements at sentencing;
- Timely disposition of the case following the arrest of the defendant and reasonable protection from the defendant during the criminal justice process;
- The presence of an advocate or support person at all court proceedings and;
- The right to restitution.

Witnesses' rights include:

- Advance notification by the office of the state's attorney of all court proceedings requiring the presence of the witness;
- Notification of any court appearance cancellations (to avoid having witnesses waste time appearing in court when not needed);
- State's attorney or victim advocate intervention with witnesses' employers to ensure employer cooperation with the criminal justice system, in order to minimize the witness's loss of pay or other benefits resulting from court appearances.
- Secure waiting areas, whenever possible, during court proceedings to ensure that the witness is not in close proximity to defendants or their families and friends.

Enacted in 1984, the federal Victims of Crime Act (VOCA) helps provide services to victims of violent crimes. These services are funded by criminal fines, forfeited bail bonds, penalty fees, and special assessments imposed on offenders by federal agencies, including the U.S. attorneys offices, the U.S. courts, and the U.S. Bureau of Prisons. No tax funds are used. The federal Office for Victims of Crime oversees the disbursement of these funds and distributes to states part of the money through grants. These states in turn provide subgrants to public and other organizations that serve crime victims.

The Illinois Criminal Justice Information Authority is the state agency in Illinois that

receives VOCA grants and awards subgrants to a variety of organizations serving victims in Illinois. Organizations that receive VOCA subgrants include state's attorney's offices, coalitions against sexual assault and domestic violence, and grass-root and local organizations such as Mothers Against Drunk Driving, St. Mary's Hospital Advocacy Program, Uptown Center Hull House Association, and University of Illinois' Anti-Violence Project. Other subcontracting agencies include county children's advocacy centers. As of February 1996, 69 of Illinois' 102 counties had VOCA-funded victims programs in operation.[13]

Victim assistance includes services such as crisis intervention, counseling, emergency transportation to court, temporary housing, criminal justice support and advocacy. Crime victim compensation is defined as a direct payment to, or on behalf of, a crime victim for crime-related expenses. These expenses can include unpaid medical bills and other expenses incurred as a result of a violent encounter, such as replacement of eyeglasses, mental health counseling, funeral costs, and lost wages. Crime victim compensation from VOCA-funded victim programs is administered through the Illinois Attorney General's Office and the Court of Claims. Currently, there are six prosecutor-based victim/witness programs funded by VOCA money in Illinois. These programs are in Lake, Macon, Cook, DuPage, Kane and Kankakee counties.

In addition to VOCA funds, most state's attorney victim/witness programs receive funds from the attorney general's Violent Crime Victim Assistance (VCVA) Program. The Illinois Violent Crime Victims Assistance Fund provides funding to victim-witness centers across the state.[14] The Attorney General's Office is responsible for selecting applicants who are qualified to establish or operate a victim-witness center. The VCVA grants are financed through fines collected from defendants convicted of violent crimes and certain other felonies and misdemeanors listed in the Illinois Vehicle Code. These fines are deposited into the Violent Crime Victims Assistance Fund of the State Treasury. During fiscal year 1996, the fund awarded 47 grants to victim/witness programs in Illinois state's attorneys' offices.[15]

WHAT IS PUBLIC DEFENSE?

Just as prosecutors seek justice on behalf of the people of the state, defense attorneys do so on behalf of those accused of committing crimes. Defense attorneys serve as advocates for defendants throughout the criminal justice process.

The 6th and 14th amendments to the U.S. Constitution guarantee people accused of crimes the right to be assisted by counsel. Through a series of decisions over many years, the U.S. Supreme Court has expanded the scope of the right to counsel to cover all important stages of the criminal justice process, including interrogation by police, preliminary hearings, arraignments, trial, and various post-trial procedures. Under Illinois law, anyone detained for any cause, regardless of whether or not the person is charged with an offense, has the right to consult with an attorney in private at the place of custody for a reasonable number of times, except in cases where there is imminent danger of the person escaping.

Although public defenders were originally authorized to provide legal counsel only to indigent adult defendants charged with criminal offenses, case law and amendments to the authorizing legislation have expanded the public defender's role to include providing counsel in paternity cases and cases of juvenile delinquency, abuse, and neglect.

In *Gideon vs. Wainwright* (1963) and *Argersinger vs. Hamlin* (1972), the U.S. Supreme Court held that the right to counsel applies to anyone accused of a crime for which a sentence of imprisonment may be imposed.[16] These decisions mean that the right to an attorney cannot be denied to a defendant who is unable to pay for legal counsel. For felonies and misdemeanors that can result in a sentence of incarceration, the state must provide an attorney to indigent defendants, at state expense.

HOW IS PUBLIC DEFENSE ORGANIZED IN ILLINOIS?

Anyone charged with an offense is allowed counsel before pleading to a charge. Indigent defendants are advised of their right to counsel

during the preliminary hearing. If the court determines that the defendant is indigent, the court assigns a public defender or licensed attorney to represent him or her. Defendants who request court-appointed counsel are required to sign an affidavit, and any defendant who knowingly falsifies information concerning assets and liabilities is liable to the county for the costs of the defense.

In Illinois, public defenders are appointed by the circuit court of the county in which they work. One exception to this is the appointment of the Cook County public defender, who is selected by the County Board. In large counties, such as Cook, the public defender may be a full-time appointee with a large staff of attorneys. In smaller counties, the public defender may be the only public defense attorney in the county, and may in fact work only part-time. In some counties, the circuit court contracts with private attorneys to provide public defense, either through long-term contracts or on a case-by-case basis.

Illinois counties with 35,000 or more inhabitants are required to have a public defender's office; counties with fewer than 35,000 people are not required to create this office, but may do so if approved by the county board.[17] Any two or more adjoining counties within the same judicial circuit may, by joint resolution of their county boards, create a common public defender's office.

Public defenders' offices may use either a vertical or horizontal strategy in representing clients. In vertical representation, one public defense attorney handles a case through all stages of litigation, from preliminary hearing to arraignment to trial to sentencing. In horizontal representation, the public defense attorney is assigned to a courtroom rather than to a case and handles all defendants that pass through that courtroom. Under this strategy, the defendant is represented by a different attorney at each stage of litigation.

Both strategies have advantages and disadvantages. In vertical representation, a single attorney has an opportunity to get to know the case and the defendant thoroughly, providing continuity of knowledge of the case and fostering an attorney/client relationship. Vertical representation is resource intensive, however, and is best employed in counties with large public defenders' offices or in counties with low needs for public defender services. Smaller offices with few or no assistant public defenders generally provide vertical representation simply because there are no other attorneys to take the case as it passes through the system.

In public defenders' offices with disproportionately high indigent populations and small public defender staffs, however, any advantage of vertical representation may be lost to high workloads. In such counties, horizontal representation may be a more effective use of resources.

Some counties employ both methods of representation. For example, the Lake County Public Defender's Office provides horizontal representation for felony cases. On the other hand, the Cook County Public Defender's Office uses vertical representation for homicide and juvenile delinquency cases, and is working to implement a vertical strategy in all cases.

WHAT DO PUBLIC DEFENDERS DO?

Public defense attorneys provide representation to indigent clients for juvenile and adult circuit court hearings, as well as while the defendants are in police custody (during lineups and questioning, for example) and at post-conviction hearings, including appeals. Although these responsibilities generally apply to public defenders throughout the state, the point at which public defenders enter criminal proceedings differs depending on the county and the available resources.

When asked in an Authority survey at what stage of adult criminal proceedings was their office typically appointed, most of the 45 public defenders answering this question said they were appointed at the time of the first court appearance (35 of the 45 public defenders or 76 percent).[18]

Public defenders are customarily assigned to cases by the presiding judge after a bond hearing or during a preliminary hearing in which the judge has established the defendant's

indigence. In some counties, public defenders' offices have established programs to get the public defender involved in a criminal case at the defendant's first court appearance, rather than waiting until the judge appoints a public defender.

For example, in 1987, the Lake County Public Defender's Office established the Bond Court Project. Public defenders are present at all bond hearings and become aware of indigent defendants in need of representation at this early pretrial stage. Similarly, the Cook County Public Defender's Office has an Early Entry Unit that ensures that attorneys are present at all night bond court hearings, to offer representation to indigent defendants. However, whether or not a public defender is actually appointed at the bond hearing varies according to the policy of the presiding judge. Public defenders working in early representation projects report that judges are increasingly appointing them at the bond hearing, allowing more time for thorough preparation of the defendant's case. In addition, programs such as these may help reduce jail crowding by providing timely legal representation to an indigent defendant who may qualify for pretrial release programs or lower bond amounts.

Other innovative programs have focused on improving the quality of defense for indigent defendants. The Cook County Public Defender's Office and the Lake County Public Defender's Office have established jail interview programs. Each attempts to interview clients within 48 hours of the client's being remanded to jail at a bond hearing. In the past, clients may have been in jail awaiting trial for days and, in some cases, weeks before information was gathered for their defense.

HOW DOES PUBLIC DEFENSE WORK IN CRIMINAL APPEALS?

The constitutional obligation of the state to provide defense services to indigents extends to appeals as well. The State Appellate Defender's Office handles all appeals for indigents outside of Cook County. In Cook County, the public defender's office has a separate appeals division. If the county public defender does not represent an indigent defendant in an appeal, the court may appoint the Office of the State Appellate Defender to handle the case.[19]

The Office of the State Appellate Defender was created in 1972 by the Illinois General Assembly. In addition to representing indigent people in criminal appeals, the office also provides educational services to public defenders throughout the state, including seminars on special topics.

Under the direction of the state appellate defender, who is appointed to a four-year term by the Illinois Supreme Court, the office employs 82 attorneys plus support personnel. The agency provides services through five district offices, one in each of the state's appellate court districts — in Chicago, Elgin, Ottawa, Springfield, and Mt. Vernon. The agency also has an administrative office and an Illinois Supreme Court Unit in Springfield. The Illinois Supreme Court Unit handles death penalty cases appealed directly from the circuit court to the Illinois Supreme Court.

The Office of the State Appellate Defender has worked with a committee appointed by the chief justice of the Illinois Supreme Court to ensure that death row inmates receive adequate counsel in the appeals process. In 1989, at the recommendation of this committee, the Illinois Supreme Court Committee on Post-Conviction Review was created to coordinate all federal and state post-conviction cases. The unit screens, trains, and works with private attorneys who handle the appeals of death row inmates.

Criminal appeals in which a state statute has been held invalid, and appeals by defendants who have been sentenced to death by the circuit court, bypass the state appellate court and are taken directly to the Illinois Supreme Court.

In 1989, Illinois passed legislation that expanded post-conviction counsel for defendants convicted of felonies and defendants sentenced to death.[20] The legislation allowed for the following:

- The court may appoint counsel other than a county public defender with the consent of the defendant and for good cause.

• If counsel other than a public defender or state appellate defender is appointed, the court reviewing the appeal of a defendant convicted of a felony will determine how much the counsel is paid for expenses, generally up to $1,500, incurred in the appeal review proceedings.

• The Illinois Supreme Court will determine compensation, which generally may not exceed $2,000, for the attorneys of indigent defendants on death sentence appeals, if the attorney petitions the court in writing. The treasurer of the county where the case was tried will pay the compensation on the order of the Illinois Supreme Court.

• When appeals on a death sentence have been exhausted, any attorney appointed by the Illinois Supreme Court to provide post-conviction counsel for indigent defendants sentenced to death may submit bills to the state appellate defender's office for payment of services rendered.

Notes

1. *Report to the Nation on Crime and Justice*, second edition (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 72.

2. 725 ILCS 5/112.

3. 725 ILCS 215/6.

4. Prosecutors in State Courts, *1992, Bureau of Justice Statistics, p. 5.*

5. Ibid., p. 6.

6. Ibid., p. 6.

7. Under certain circumstances, trial proceedings may commence in the absence of the defendant (725 ILCS 5/115-4.1).

8. For defendants who plead guilty but mentally ill, the court can accept this plea only if the defendant has been examined by a clinical psychologist or psychiatrist and if the judge has examined the results, has held a hearing on the issue of the defendant's mental condition, and is satisfied that there is a factual basis for the claim that the defendant is mentally ill at the time of the offense (725 ILCS 5/113-4).

9. *Felony Defendants in Large Urban Counties*, 1992, Bureau of Justice Statistics.

10. *Prosecutors in State Courts, 1992*, Bureau of Justice Statistics, p. 4.

11. 725 ILCS 215.

12. Victims of Crime Act, Victim Assistance Grant Program, Final Program Guidelines (as published in the *Federal Register*, Oct. 27, 1995, p. 5.)

13. *ADAA/VOCA Program Report*, Illinois Criminal Justice Information Authority, Federal and State Grants Unit, Oct. 9, 1996.

14. 725 ILCS 240/10.

15. Illinois Attorney General's Office "Violent Crime Victims Assistance Act Program History," fax transmission, Oct. 10, 1996.

16. *Gideon vs. Wainwright 372 U.S. 335* (1963), *Argersinger vs. Hamlin 407 U.S. 25* (1972).

17. 55 ILCS 5/3-4000 et seq.

18. Illinois Criminal Justice Information Authority survey. Forty-six of Illinois' 95 public defenders responded to the survey.

19. Often, the state appellate defender's office handles those Cook County appeals in which there is a conflict of interest that requires the Cook County public defender to request to be withdrawn from the case (for instance when a client has a conflict of interest with another client represented by the public defender's office).

20. 725 ILCS 5/121.

THE DATA

There is no statewide system for compiling data from prosecutors in Illinois; each state's attorney's office collects and maintains its own statistics at the county level. Statewide information concerning key decisions by prosecutors — such as the number and types of cases accepted or rejected for prosecution, information about caseloads, and the flow of cases through a state's attorney's office — is not available.

The Administrative Office of the Illinois Courts (AOIC), the Office of the State's Attorneys Appellate Prosecutor, and the Office of the State Appellate Defender compile information on criminal cases once they have reached the jurisdiction of the courts. The AOIC compiles yearly data on the number of criminal cases filed, the number of defendants who plead guilty, and the number prosecuted at trial. This information is published in the AOIC's annual report to the Illinois Supreme Court. The two appellate offices compile information on indigent cases and other appeals.

These data sources are limited in their capacity to describe precourt functions of prosecution and public defense. Activities that occur before cases reach the court, such as plea bargaining and withdrawals or dismissals, are not recorded on a statewide basis. The AOIC compiles information documenting the trends in the numbers of guilty pleas and trial dispositions involving felony defendants. This information is used in this chapter to provide an indication of what happens to cases once probable cause has been established.

Several characteristics of the AOIC data presented in this chapter should be kept in mind. The AOIC information regarding guilty pleas and convictions relates to defendants, not cases. Cases and defendants are not directly comparable since one case may have more than one defendant or a single defendant may be involved in more than one case.

In addition, occasional differences in how data are gathered across the state, especially between Cook County and the rest of Illinois, make it difficult, and sometimes impossible, to compile certain data for statewide presentation. The wide discretion afforded state's attorneys and judges in carrying out their responsibilities in Illinois contributes to regional differences in policies and procedures, which, in turn, affect how certain activities are measured and reported to the AOIC.

Differences in counting can occur even when the same measures are used. This happens not only between counties but also within the same jurisdiction. For example, when two or more defendants are involved in a single case, some state's attorneys file a single case charging all the defendants, while others file a separate case for each suspect. Public defenders, on the other hand, are appointed to defend individuals, where each defendant is an individual case. Another example of counting differences occurs in Cook County, where an undetermined number of conservation and local ordinance violations are counted as misdemeanors. In the rest of the state, similar violations are reported under different categories.

Inconsistencies such as these make certain comparisons impossible. For this reason, case filings in Cook County are analyzed separately from those in the remainder of the state, and the two should not be compared. Furthermore, felony and misdemeanor cases in Cook County are counted differently, so they too should not be compared.

One final note: the data presented in this chapter cover different time periods. All the AOIC data are reported in calendar years, while statistics from the state appellate prosecutor's office, the state appellate defender's office, and the Illinois Court of Claims cover the state fiscal year, which runs from July 1 through June 30. Data from the Cook County Public Defender's Office are reported in the county's fiscal year, which runs from Dec. 1 through Nov. 30.

TRENDS AND ISSUES

The remainder of this chapter focuses on current trends and issues associated with criminal prosecutions in Illinois, including:

- The number of criminal cases filed;
- The number of felony defendants prosecuted;
- The number of criminal cases that end in guilty pleas;
- The workloads of prosecutors and public defenders; and
- Compensation provided to victims of crime.

HOW MANY FELONY CASES ARE FILED IN COOK COUNTY ?

The number of felony prosecutions (case filings) in Cook County dropped slightly (about 5 percent) between 1991 and 1992 (Figure 2-1), from 35,743 to 33,950; however, over the next three years, the number of felony cases filed in Cook County increased 41 percent, reaching 47,880 in 1995. By comparison, only about one-third of that many felony cases — 16,486 — were filed in Cook County in 1980.

Because more than one case can be filed against a single defendant, or more than one defendant can be tried in a single case, the number of cases filed and defendants are not always the same. For example, in 1991 and 1992, there were approximately 10,000 more defendants than cases filed. In 1993 and 1994, however, the number of felony defendants almost equaled the number of cases filed, and in 1995, 47,880 felony cases were filed, involving 47,650 felony defendants.

HOW MANY MISDEMEANOR CHARGES ARE FILED IN COOK COUNTY?

The number of misdemeanor cases in Cook County is inflated by an unknown number of ordinance and conservation violations that are recorded as misdemeanors. Also, misdemeanors in Cook County are reported as charges filed, rather than cases, so the statistics cannot be compared with the number of felony cases in the county.

The number of misdemeanor charges filed in Cook County increased 78 percent between 1990 and 1994, before decreasing 18 percent, to 344,438 in 1995.

HOW MANY CRIMINAL CASES ARE FILED OUTSIDE COOK COUNTY?

From 1990 through 1995, the number of felony and misdemeanor cases filed in the rest of Illinois followed different patterns than cases in Cook County.

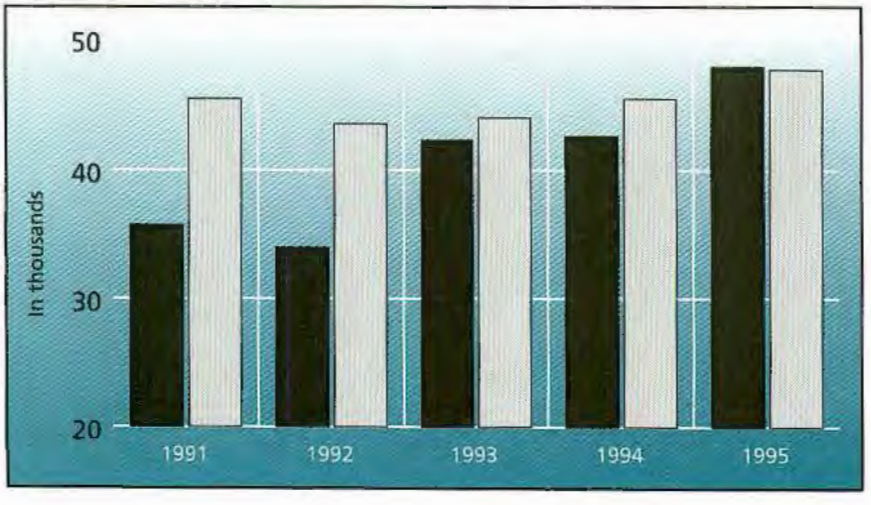


Figure 2-1

Felony cases and felony defendants in Cook County, 1991-1995

Source: Administrative Office of the Illinois Courts (AOIC)

Felony case filings outside Cook County have shown a gradual but steady increase from 1990 through 1995, increasing 24 percent overall during that period, from 33,592 to 41,685 (Figure 2-2).

Misdemeanor case filings outside Cook County hovered just below 120,000, until a slight increase occured in 1992. In 1993, misdemeanor filings outside Cook County returned to near-1991 levels and remained approximately the same until 1995, when there were 126,428 filings. Throughout this period, the ratio of misdemeanor charges to felony cases filed outside Cook County remained stable at three to one.

HOW MANY FELONY DEFENDANTS PLEAD GUILTY?

It is difficult to present a comprehensive picture of defendant dispositions in Illinois. Primarily, this is because the number of defendants who have their cases dismissed or who fail to appear in court cannot be accurately measured. Statistics are kept, however, on the number of defendants who plead guilty.

In Cook County, the number of guilty pleas decreased between 1991 and 1992, leveled off between 1992 and 1993, then began a steady climb to a high of 32,973 guilty plea dispositions in 1995. Guilty pleas for the rest of Illinois increased from 17,530 in 1990 to 21,279 in 1992. The number of guilty plea convictions remained relatively stable from 1992 to 1994, then rose slightly in 1995 to 22,692.

Nationwide, 92 percent of convictions for felonies in 1992 were guilty pleas.[1] In Cook County between 1990 and 1993, guilty pleas accounted for about 88 percent of all convictions. However, by 1995, 92 percent of all convictions were a result of guilty pleas (Figure 2-3). For the rest of Illinois, guilty pleas accounted for a slightly higher percentage of convictions. During the period between 1990 and 1995, about 95 percent of all convictions were the result of guilty pleas. (Figure 2-4).

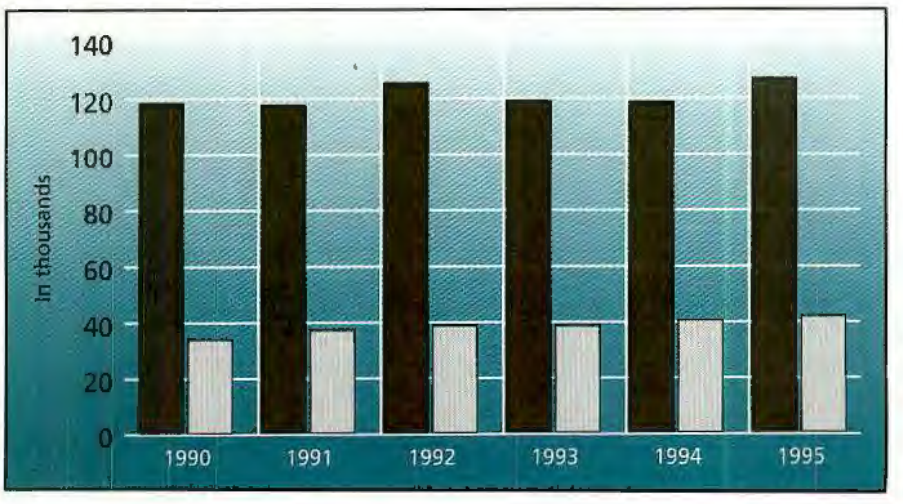
Felons convicted through trials tend to receive stiffer sentences than those who plead guilty. According to a Bureau of Justice Statistics study, an estimated 75 percent of felons convicted by a jury received a prison term, compared to 48 percent convicted by a judge, and 44 percent who pled guilty.[2] On average, prison sentences were longer for felony defendants convicted by a jury (190 months) than those convicted by a judge (88 months), or those who pled guilty (72 months).

WHAT IS THE WORKLOAD OF STATE'S ATTORNEYS IN ILLINOIS?

Because state's attorney's offices differ in their methods of assigning cases, it is difficult to uniformly measure the number of cases handled by each county prosecutor in Illinois. Some offices use vertical representation, in which a single assistant state's attorney follows a case

Figure 2-2

Cases filed outside Cook County, 1990-1995



Source: AOIC

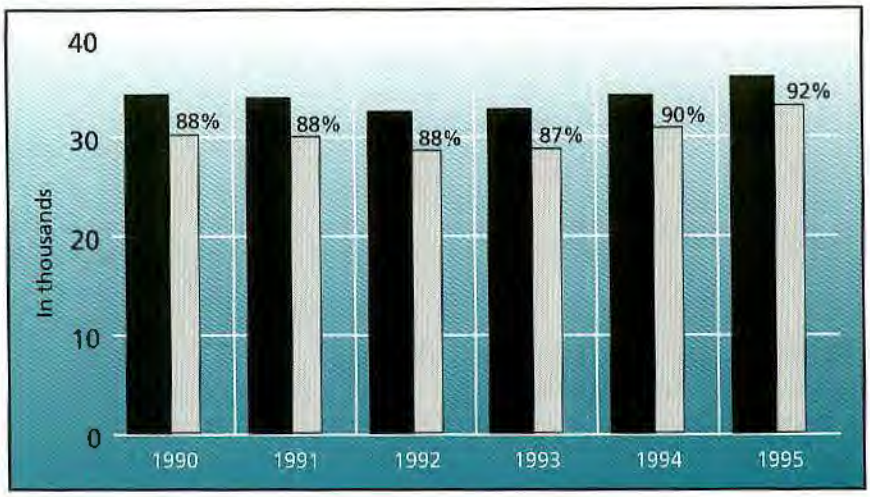


Figure 2-3

Total convictions compared to guilty pleas in Cook County, 1990-1995

Guilty Plea
Total Convictions

Source: AOIC

from preliminary hearing through sentencing. Other offices use horizontal representation, in which different assistant state's attorneys handle a case at different stages of the judicial process. Also, it is difficult to measure caseloads because state's attorneys do not report their case data to a central, statewide repository.

In an effort to better understand prosecutor caseloads in Illinois, the Authority conducted a survey of state's attorney's offices across the state. Fifty-eight of 102 state's attorney's offices responded, and they provided information concerning the number of prosecutors assigned to felony cases. Together with case filing data, these statistics were used to determine the ratio of new felony cases filed each year in a county to the number of assistant state's attorneys assigned to felony cases. This determines the approximate caseload for the county's prosecutors. But because it does not take into account cases reinstated or carried over from previous years, it does not give a complete picture. Still, this ratio is one indicator of prosecutors' caseloads for the more serious criminal cases that enter Illinois' criminal justice system.[3]

In 10 of the offices responding to the Authority survey, between 151 and 225 new felony cases were filed for each prosecutor in 1995.[4] In 14 state's attorney's offices, there were 101 to 150 new felony cases per prosecutor. In 21 counties, there were 51 to 100 new felony cases for each prosecutor. And in 13 state's attorney's offices, there were fewer than 50 new felony cases for each prosecutor.

Among the counties with the largest populations that responded to the survey, Cook had a ratio of one prosecutor to every 84 new felony cases; Kane had a ratio of one prosecutor to every 103 new felony cases; and Will had one prosecutor for every 144 new felony cases. Large prosecutor caseloads are not confined to counties with

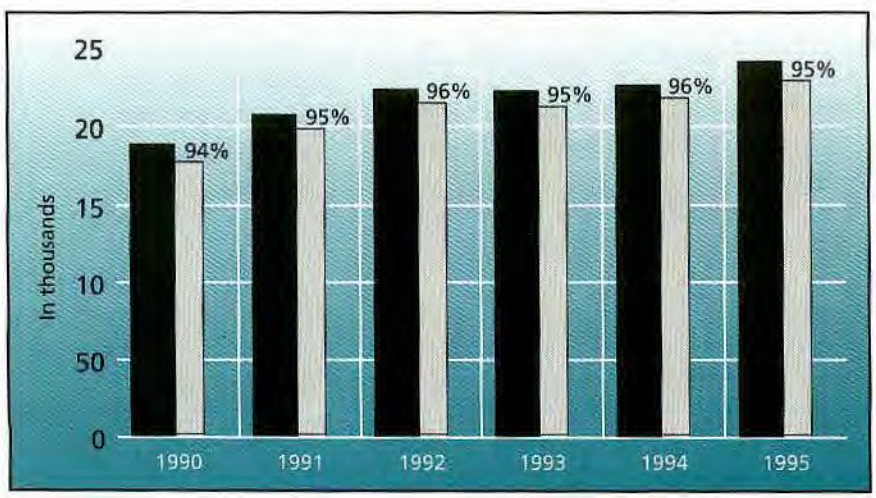


Figure 2-4

Total convictions compared to guilty pleas outside of Cook County, 1990-1995

Guilty Plea
Total Convictions

Source: AOIC

the largest populations: both Edgar and Union counties filed more than 150 new felony cases per prosecutor in 1995. In 10 counties (Edgar, Union, Morgan, Fayette, Perry, Wabash, Greene, Monroe, Woodford, and Crawford) where the elected state's attorney has no assistants and is the sole prosecutor, more than 100 felony cases were filed per prosecutor.

WHAT IS THE PROSECUTOR'S ROLE IN SERVING VICTIMS AND WITNESSES?

The prosecutor's role in the lives of victims and witnesses is not limited to legislative requirements. The Cook County State's Attorney's Office operates an Administrative Services Bureau that manages a Victim-Witness Unit.[5] As of December 1995, the state's attorney's Victim-Witness Unit had a staff of 63 full-time and two part-time victim-witness specialists. Services are provided to victims and witnesses in all felony and preliminary hearing courts and juvenile delinquency courts in Chicago, and all felony trial courts throughout suburban Cook County.

Besides crime victims in general, specialized services are available for victims of sexual assault, domestic violence, and gang crimes, as well as for seniors, the disabled, and gay and lesbian victims. Staff members also assist victims with postconviction proceedings, such as appeals and parole hearings.

The victim-witness unit is organized into eight components, which include juvenile court, misdemeanor domestic violence, sexual assault, homicide services, felony trials, felony preliminary hearings (Chicago), postconviction cases, and county-wide specialists.

Just as prosecutors have certain responsibilities to victims of crimes, victims too have certain responsibilities to help in the prosecution of crimes. These responsibilities are outlined in the Rights of Crime Victims and Witnesses Act.[6]

For example, victims must promptly report the crime to police, cooperate with criminal justice authorities throughout all aspects of the proceedings, testify for the state at the defendant's trial, and notify authorities of any changes in address.

HOW MUCH COMPENSATION DOES THE STATE PAY TO CRIME VICTIMS?

Illinois' bill of rights for victims of violent crimes requires state's attorneys to inform victims about the social services and financial assistance available to them and to help victims take advantage of these programs. In Illinois, financial assistance is available to victims of violent crimes and their families through the 1973 Crime Victims Compensation Act.[7]

Prior to the enactment of the federal Victims of Crime Act of 1984, compensation awards in Illinois were supported solely by General Revenue funds appropriated by the Illinois General Assembly. Since then, the state program has been supplemented with federal money as well.

Up to $25,000 may be awarded to each victim to cover expenses incurred as a direct result of the crime, including medical costs, counseling, loss of earnings, tuition reimbursement, funeral and burial services, and loss of support for dependents of a deceased victim.[8] The maximum compensation for loss of earnings is $1,000 a month, and the maximum for funeral expenses is $3,000. The program does not compensate for loss of, or damage to, personal property or for pain and suffering.

Between state fiscal years 1990 and 1995, more than $35 million was awarded to 7,869 victims of violent crime in Illinois. In both 1994 and 1995, nearly $9 million was awarded in victim compensation claims (Figure 2-5).

Forty-four percent of the 17,828 compensation claims that were filed between fiscal years 1990 and 1995 resulted in awards to victims. To receive compensation, a victim must report the crime to police within 72 hours and must cooperate with authorities in apprehending and prosecuting the offender.

The victim is still eligible for compensation if the offender is not apprehended or convicted. The Attorney General's Office investigates each claim and recommends whether it should be awarded, denied, or dismissed. The Illinois Court of Claims decides each case and disburses

awards. Claims may be denied for several reasons: if the victim fails to report the crime within 72 hours, if the victim provokes the crime or engages in illegal conduct at the time of the crime, or if the loss is not eligible for compensation (for instance, if it is covered by insurance or public aid).

HOW MANY CRIMINAL APPEALS ARE FILED IN ILLINOIS?

The Illinois Appellate Court is the first court of appeal for cases adjudicated in the trial courts, except for cases involving the death penalty, which are appealed automatically to the Illinois Supreme Court (see "Courts" chapter for more information about the Illinois Appellate Court). Every defendant who is found guilty has the right to appeal. Even a defendant who pleads guilty may appeal if he or she files a motion to withdraw the plea within 30 days of when the sentence was imposed, and if the trial court grants the motion.

The Office of the State's Attorneys Appellate Prosecutor assists most state's attorneys outside Cook County with criminal appeals. In 1995, 1,462 appeals cases were handled by the state's attorneys appellate prosecutor — 5 percent more than the number handled in 1990.

The Office of the State Appellate Defender represents virtually all indigent defendants pursuing appeals from counties outside Cook, as well as a substantial number of those from Cook County. Appellate appointments increased 38 percent between 1990 and 1995, from 1,593 to 2,211.

WHAT IS THE WORKLOAD OF PUBLIC DEFENDERS IN ILLINOIS?

There is no uniform, statewide system for public defenders to compile and report certain types of data. Aggregate statistics on the number of cases handled by public defenders in Illinois are unavailable, and as a result, it is difficult to measure their workload. To gain an understanding of the workload of public defenders, the Authority surveyed public defenders and private lawyers performing public defense duties in Illinois' 102 counties. Forty-six public defenders representing indigent clients in 49 counties responded to the survey.[9]

An approximate caseload can be determined by comparing the number of available public defense attorneys with the number of felony cases public defenders are appointed to handle.[10] As part of the Authority survey, public defenders were asked to list the number of assistant public defenders in 1995 — both full and part-time — and the number of felony cases assigned to their offices in 1995.[11]

In 14 of the 36 responding counties, between 100 and 230 felony cases were handled per public defense lawyer in 1995. In 10 counties, there were 70 to 100 felony cases for each public defense lawyer. In five counties, there were 50 to 70 felony cases per public defense lawyer, and in seven counties there were fewer than 40 cases for each public defense lawyer.

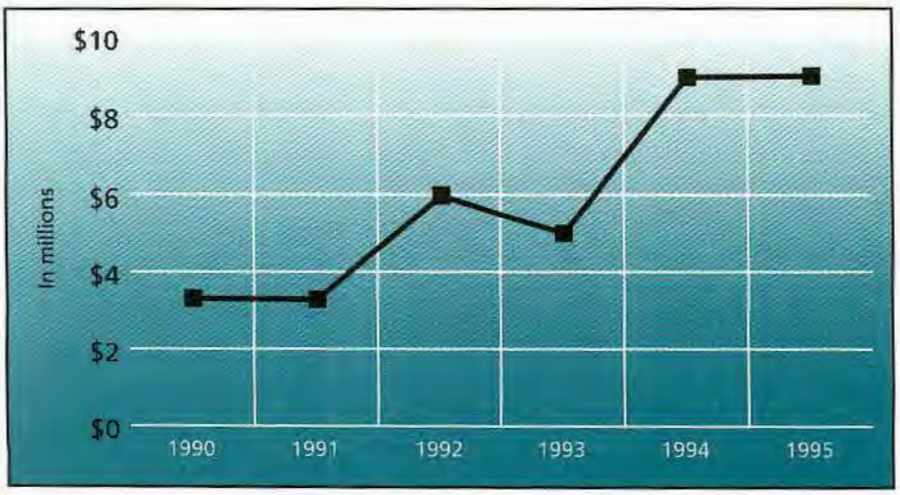


Figure 2-5

Compensation awarded to victims of crime in Illinois

Source: AOIC

Offices in six counties — Peoria, Will, DuPage, Cook, Lake, and Winnebago — each reported handling 1,000 or more cases in 1995, with the Cook County Public Defender's Office handling 49,640.

Notes

1. *State Court Sentencing of Convicted Felons*, 1992. Bureau of Justice Statistics.

2. Ibid.

3. The felony case filing/prosecutor ratio is based on a comparison of new felony case filings during 1995 to the number of prosecutors handling felony cases.

4. Information about the number of assistant state's attorneys assigned to felony cases in 1995 was collected through an Illinois Criminal Justice Information Authority survey. Fifty-eight counties out of the 102 responded to the survey. The ratios are based on information provided by these 58 counties and data collected from the Administrative Office of the Illinois Court's *Annual Report to the Supreme Court of Illinois*.

5. See "Description of the Cook County State's Attorney's Victim-Witness Assistance Program" in the *Process and Impact Evaluation of the Services Provided to Victims of Crime by the Cook County State's Attorney's Office's Victim-Witness Assistance Program*. A proposal submitted by the Illinois Criminal Justice Information Authority to NIJ, 12/14/95.

6. 725 ILCS 120/7.

7. 740 ILCS 10/11.

8. 740 ILCS 45/10.

9. The 49 counties represented by survey respondents include: Bond, Boone, Brown, Cass, Carroll, Champaign, Clay, Clinton, Cook, Crawford, Cumberland, De Kalb, Douglas, DuPage, Edwards, White, Effingham, Fayette, Fulton, Gallatin, Greene, Hancock, Hardin, Henry, Jackson, Jasper, Jefferson, Jo Daviess, Johnson, Lake, McDonough, Mason, Monroe, Peoria, Piatt, Pike, Putnam, Randolph, Rock Island, Schuyler, Stark, Stephenson, Vermilion, Wabash, Warren, Whiteside, Will, Winnebago, and Woodford.

10. A felony appointment or case for public defenders is a person (defendant) not a charge(s).

11. Out of the 95 public defense lawyers who represent the 102 counties of Illinois, 46 responded to the survey. Of those 46, 34 responded to each question used to measure caseload. These 34 public defense lawyers represent indigent clients in 36 counties.

FINANCE

State's attorneys' offices in Illinois receive funding from three primary sources: (1) their counties' general revenue funds; (2) the state government, for partial reimbursement of salaries; and (3) indirectly, through various fees, fines, and grants, many of which are earmarked for specific prosecutorial activities. Unlike the state's attorneys' offices, the state does not pay for a portion of the salary of the appointed public defender. Because the public defender's office has no real mechanism to generate revenue similar to the fees and fines generated by state's attorneys' offices, the major source of funds for each public defender's office is the county's general revenue fund. In response to that situation, the Illinois Criminal Justice Information Authority in 1996 designated $500,000 in federal Anti-Drug Abuse Act funds for public defense services statewide.

HOW MUCH MONEY IS SPENT FOR PROSECUTION AND PUBLIC DEFENSE IN ILLINOIS?

Across 57 counties outside of Cook where data were readily available, an average of $432,446 was spent in 1995 for county state's attorney's offices.[1] Half of the 57 reporting counties had

expenditures totaling more than $158,394, and half had expenditures less than that amount.[2] In Cook County, $73.9 million was spent in 1995 for the state's attorney's office.

Across 53 counties outside of Cook where data were available, an average of $165,822 was spent for public defense services in 1995.[3] Individual county expenditures ranged from a low of $13,749 in Edwards county to a high of $1,436,097 in DuPage County. Half of the 53 reporting counties had expenditures totaling more than $63,491, and half had expenditures less than that amount. In Cook County, $40 million was spent in 1995 for the Cook County Public Defender's Office.

Among those same offices, median expenditures by region for state's attorney's offices were roughly $4.1 million in the collar counties, $273,000 in downstate urban counties and $150,000 in rural counties. Median public defense expenditures by region were: $1.3 million in collar counties; $92,000 in downstate urban counties; and $53,000 in rural counties.

HOW MUCH MONEY IS APPROPRIATED FOR APPEALS IN ILLINOIS?

Appropriations have been higher for the State Appellate Defender's Office than for the State's Attorneys Appellate Prosecutor in most years. This is primarily because the appellate defender's office has a broader range of responsibilities. For example, the appellate defender's office represents on appeal indigent defendants from across the state, including some from Cook County. The appellate prosecutor does not handle any Cook County appeals. The appellate defender's office also represents death penalty defendants in their automatic appeals to the Illinois Supreme Court. In addition, the office provides investigative services to court-appointed counsel and to county public defenders, and it assists counties with populations of fewer than 1 million people in planning trial-level defense services.

Appropriations for the appellate prosecutor more than doubled between 1988 and 1995, rising from about $3.6 million to more than $7.3 million. Appellate defender appropriations increased steadily from 1988 to 1992, rising from about $4.6 million to about $8 million. Appropriations dropped 23 percent to about $6.1 million in 1993, before rising again to nearly $7.6 million in 1995.

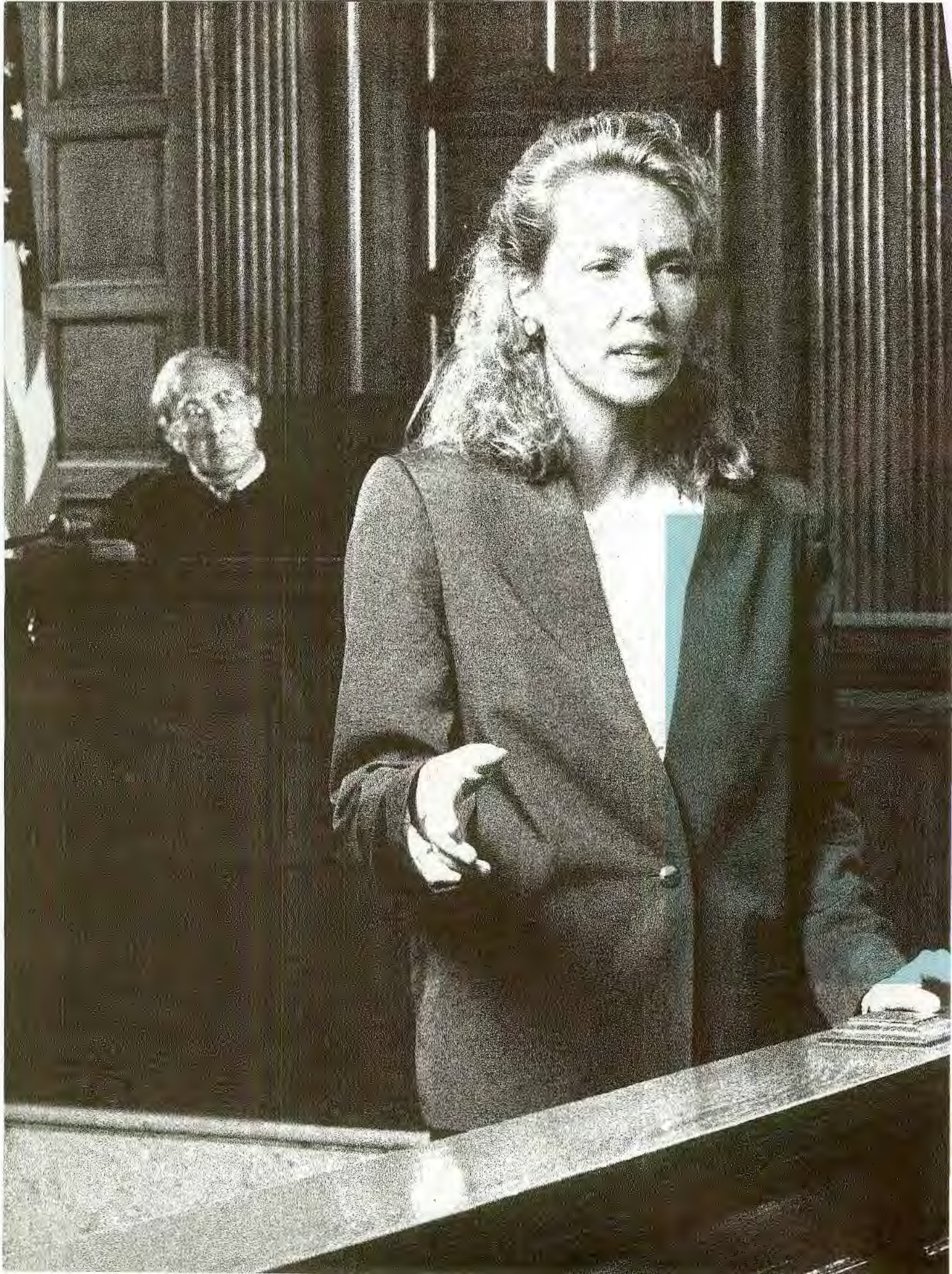
Notes

1. Expenditure data were collected from 1995 county financial reports submitted to the State of Illinois Comptroller by individual counties. State's attorney data were available for 57 counties and public defense data were available for 52 counties.

2. The 57 counties that provided 1995 reports of state's attorney expenditures were: Alexander, Bond, Brown, Bureau, Carroll, Champaign, Christian, Clay, Clinton, Coles, Crawford, Cumberland, De Kalb, DuPage, Edwards, Effingham, Fayette, Fulton, Green, Grundy, Hamilton, Hancock, Henderson, Iroquois, Jackson, Jasper, Jersey, Jo Daviess, Kankakee, Kendall, Knox, Lake, Lawrence, Lee, Logan, Macoupin, Madison, Marion, Mason, Menard, Monroe, Piatt, Pike, Pulaski, Putman, Randolph, Sangamon, Schuyler, Shelby, Vermillion, Wabash, Warren, Washington, Wayne, Whiteside, Winnebago, and Woodford.

3. The 53 counties that provided 1995 reports of public defense expenditures are: Alexander, Bond, Bureau, Carroll, Champaign, Christian, Clay, Clinton, Coles, Crawford, Cumberland, De Kalb, DuPage, Edwards, Effingham, Fayette, Fulton, Greene, Grundy, Hancock, Henderson, Iroquois, Jackson, Jasper, Jersey, Jo Daviess, Kankakee, Kendall, Knox, Lake, Lawrence, Lee, Logan, Macoupin, Madison, Marion, Mason, Monroe, Piatt, Pike, Pulaski, Putman, Randolph, Sangamon, Schuyler, Shelby, Vermillion, Warren, Washington, Wayne, Whiteside, Winnebago, and Woodford.

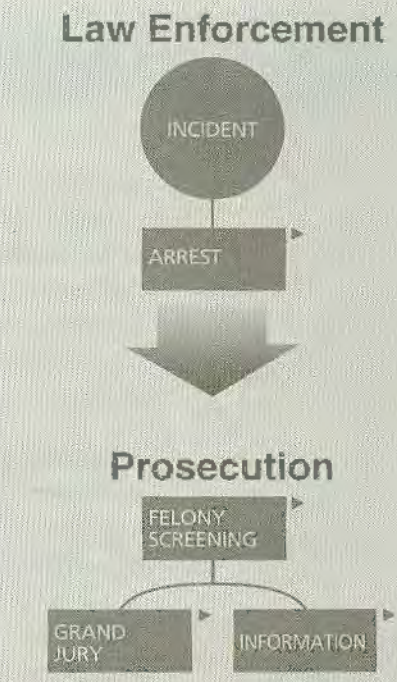
4. State's attorney and public defender expenditure figures were available for two collar counties — DuPage and Lake. State's attorney expenditure figures for 11 of Illinois' 19 urban counties and 44 of Illinois' 77 rural counties were available. Public defender figures were available for 10 of Illinois' 19 urban counties and 41 of 77 rural counties.

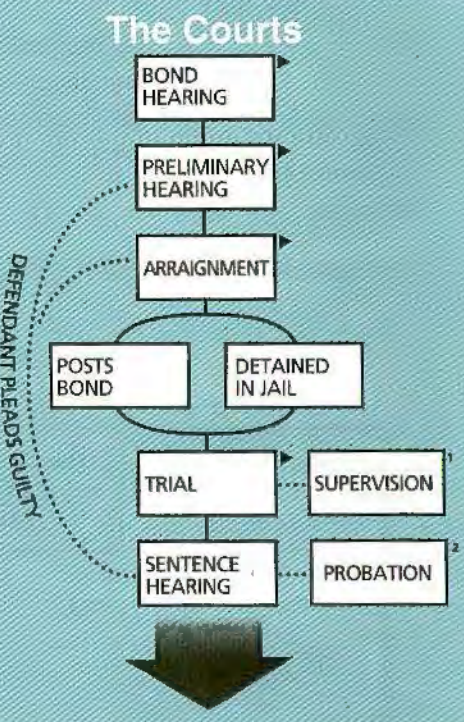


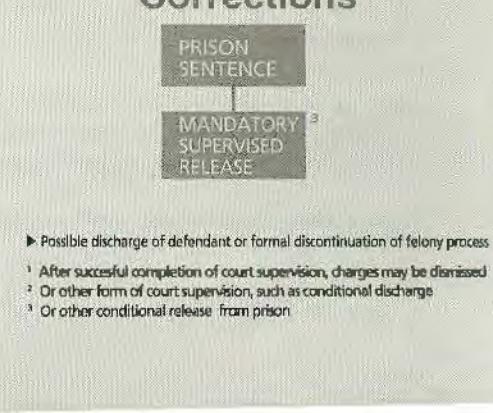
The Courts

How many criminal cases are handled by Illinois courts each year? How are courts organized? When does a criminal case go to trial? How are juries chosen? How long does it take for a criminal case to go through the court system?

This chapter answers these questions and provides an overview of the Illinois court system, including discussions on probation departments, drug courts, and criminal appeals. The chapter explains criminal conviction, sentencing options, and truth-in-sentencing. It also tells what courts are doing to help relieve jail crowding.







OVERVIEW

Under the U.S. Constitution, courts resolve disputes, interpret the law, and apply sanctions to lawbreakers. In this capacity, courts are the final arbiters of the rules by which society is governed. The court system as a whole deals with a wide range of matters, from small claims disputes to violent crimes.

Criminal courts are based on an adversarial system in which representatives from the state (the state's attorney) and representatives of the accused (the defense attorneys) argue the facts of a case before an impartial party, either a judge or jury. A criminal case is brought to trial after a state's attorney has decided that evidence collected by law enforcement officials warrants that charges be brought against a suspect, who from then on is referred to as the defendant.

Beyond being a fair and impartial arena for resolving conflict, courts function as the final decision maker and answer the following questions: Should the defendant be granted release on bond? If so, what bond conditions and amount should be set? Does probable cause exist to move further with the criminal matter? Has evidence been presented which shows guilt beyond reasonable doubt? If a conviction of guilt has been decided by the court or jury, what sentence should be imposed? Beyond these examples of pretrial and trial responsibilities decided by the courts, Illinois' courts also have post-trial duties, including the community supervision of offenders on probation.

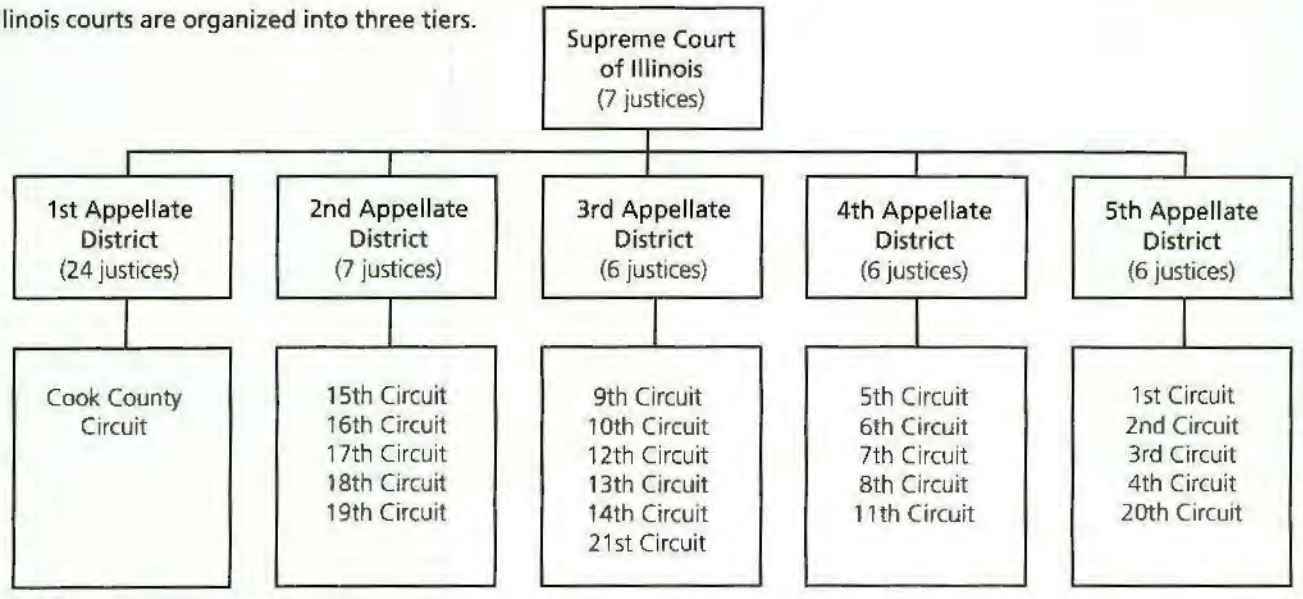
HOW ARE STATE-LEVEL COURTS ORGANIZED IN ILLINOIS?

In 1964, Illinois became the first state in the nation to adopt a unified court system — a uniform statewide structure overseen by a single centralized administrating and rule-making agency. Prior to the 1964 reorganization, Illinois had a variety of different courts at the local level, including circuit courts, justice-of-the-

Figure 3-1

Illinois court structure

Illinois courts are organized into three tiers.



Note: These numbers reflect Supreme Court and Appellate Court justices who preside over both criminal and civil cases. The Appellate Court numbers include not only justices elected by the voters but also Circuit Court judges assigned to the Appellate Court by the Illinois Supreme Court as of November 1996.

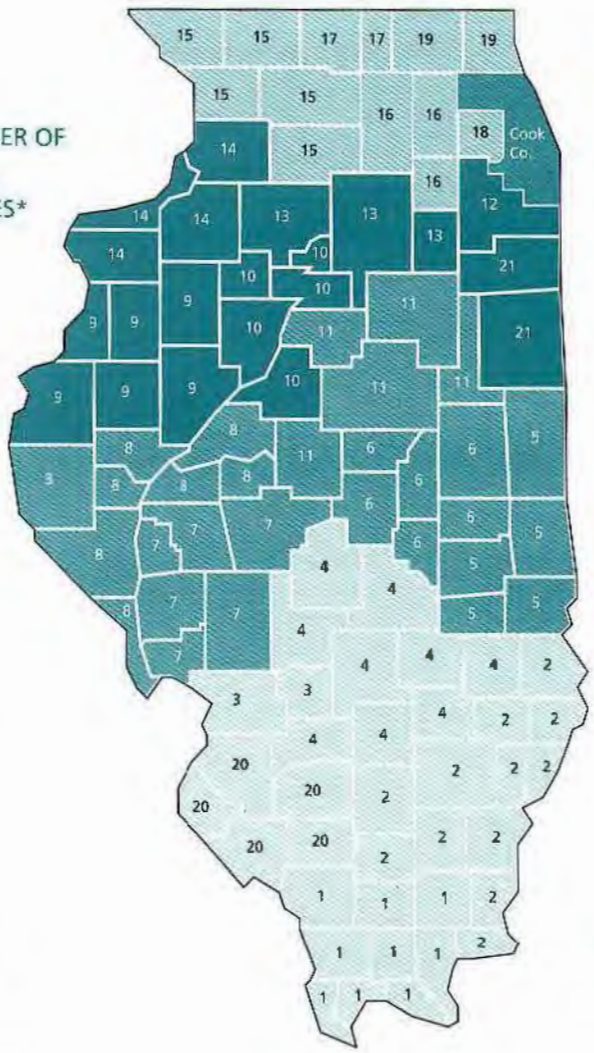
Source: Administrative Office of the Illinois Courts

Illinois courts are organized into 22 judicial circuits and five appellate districts.

CIRCUIT	NUMBER OF CIRCUIT JUDGES*	NUMBER OF ASSOCIATE JUDGES*	NUMBER OF TRIAL JUDGES*
COOK COUNTY	258	137	395
1	14	7	21
2	15	5	20
3	9	10	19
4	12	6	18
5	9	6	15
6	14	9	23
7	11	10	21
8	10	5	15
9	9	7	16
10	10	11	21
11	10	8	18
12	6	15	21
13	7	5	12
14	12	10	22
15	7	6	13
16	14	27	41
17	7	12	19
18	12	26	38
19	12	27	39
20	11	12	23
21	5	3	8
ILLINOIS	474	364	838

Note: These numbers reflect circuit and associate judges who preside over both criminal and civil cases.

Source: Administrative Office of the Illinois Courts



- 1st Appellate District
- 2nd Appellate District
- 3rd Appellate District
- 4th Appellate District
- 5th Appellate District

* As of November 1996

Figure 3-2

Illinois judicial circuits and appellate districts

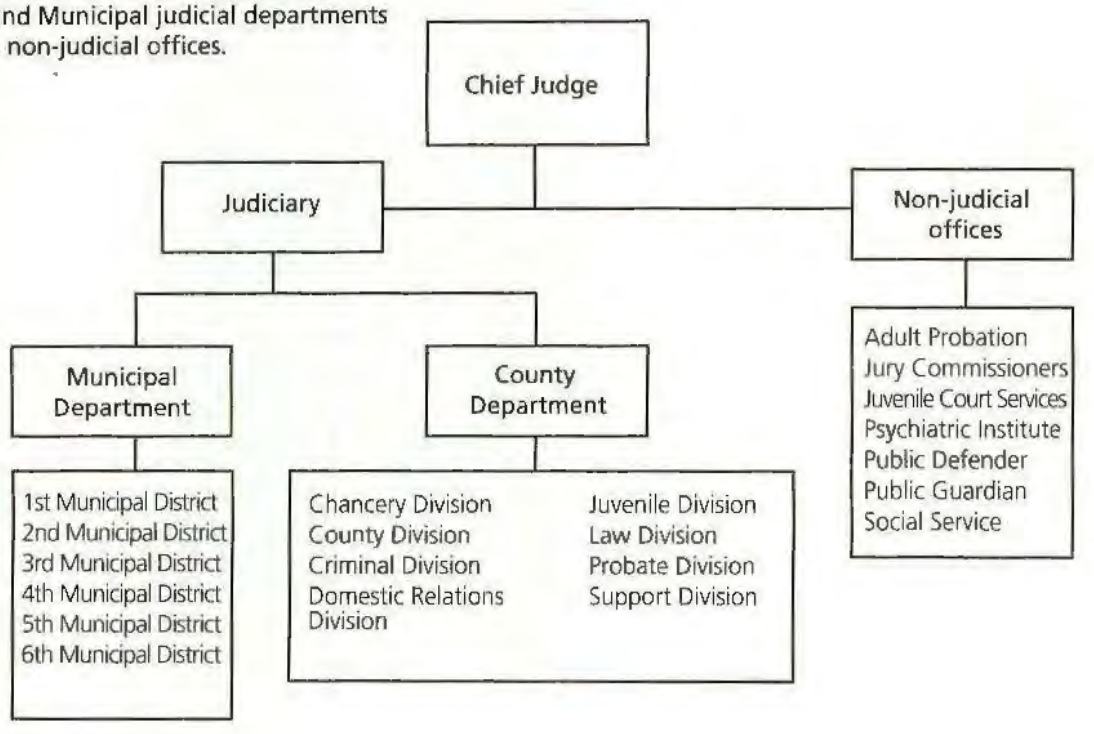
peace courts, and police magistrate courts. The 1964 unification eliminated all trial courts except the circuit courts.

The Illinois criminal court system has three tiers: trial, or circuit, courts; the Illinois Appellate Court; and the Illinois Supreme Court (Figure 3-1). The majority of all criminal matters, both misdemeanor and felony, are heard and resolved in circuit courts. The circuit courts review the facts of a case and render a disposition on the defendant. The Illinois Appellate Court is a single intermediate court of appeals. The Illinois Supreme Court has, depending on the case, either original or appellate jurisdiction.[1] While all states have courts of last resort (called the supreme court in most states), Illinois is one of 38 states that also has an intermediate court of appeals.

Each of Illinois' 102 counties has at least one trial court organized within 22 judicial circuits statewide (Figure 3-2).[2] These circuits can contain as many as 12 counties; Cook, DuPage, and Will each make up a single judicial circuit.

Under Illinois' unified court system, a strictly administrative division between "lower-level" and "higher-level" exists within some circuits' trial courts. Lower-level trial courts are primarily responsible for processing misdemeanor cases, from initial court hearings through trial

The Circuit Court of Cook County consists of County and Municipal judicial departments and various non-judicial offices.



Source: Circuit Court of Cook County

Figure 3-3

Circuit Court of Cook County

and sentencing. These courts may also handle bond and preliminary hearings for felony cases. Higher-level courts primarily handle felony trials and sentencing hearings.

In 1995, the Cook County Circuit Court accounted for more than 55 percent of the 4,249,833 court cases filed in Illinois. Because of this tremendous volume of cases, the Cook County Circuit Court is divided into two departments: the Municipal Department and the County Department (Figure 3-3). The Municipal Department is organized into six geographic districts, each of which has a criminal and a civil division. The 1st Municipal District, which encompasses Chicago, is the largest of the districts. Within the 1st Municipal District, preliminary hearing courtrooms are designated for particular offense types, such as homicides and sexual assaults. Additionally, a preliminary hearing court is designated to exclusively handle repeat offenders. The majority of criminal proceedings handled within the Municipal Department are misdemeanor cases or felony preliminary hearings, similar to lower-level courts in other circuit courts. The County Department covers the entire county. Its eight divisions (the Chancery, County, Domestic Relations, Juvenile, Law, Probate, Support, and Criminal) operate in five locations.[3]

A felony case bound over for trial in the Municipal Department is then heard in the County Department's Criminal Division in Chicago or in one of the five suburban locations. The Career Criminal Program, which focuses on the identification and prosecution of habitual offenders, operates within the Criminal Division in cooperation with the Cook County State's Attorney's Office.

HOW ARE CIRCUIT JUDGES SELECTED AND RETAINED?

Circuit court judges in Illinois are elected to six-year terms by the voters in that circuit. The number of elected circuit court judges in each circuit is determined by state statute. When a circuit judgeship becomes vacant prior to the completion of a judicial term, a temporary appointment to the position can be made by the state Supreme Court. These temporary positions are then filled during the next primary and general election. Judges running for re-election

may submit their name to the voters unopposed for an additional six-year term. To be retained, the incumbent judge must receive affirmative votes from at least 60 percent of the voting constituency.

Each judicial circuit is allocated a certain number of associate judges, based on population density. When court caseloads increase, the Illinois General Assembly is empowered to create additional associate judge positions to supplement the number of elected circuit judges. These associate judge positions are allocated among the circuits by the Illinois Supreme Court, depending on judicial workloads. Judges are appointed to these positions by a nominating committee consisting of the chief judge and other circuit judges. The number of circuit judges on the nominating committee depends on both the circuit's population and the total number of circuit judges. Associate judges are usually limited to duties within the lower trial-level courts.[4] As of May 1996, there were 474 elected circuit judges and 364 appointed associate judges serving in Illinois. Of those judgeships, 47 percent were assigned to the Cook County circuit.

HOW ARE ILLINOIS' APPELLATE AND SUPREME COURTS ORGANIZED?

The Illinois Appellate Court is the first court of appeal for all criminal cases except those involving the death penalty (which are automatically appealed to the Illinois Supreme Court) and those in which a federal or state statute was applied that was later held invalid. Both the defendant and the prosecution may appeal rulings of the trial court, with one exception. The U.S. Constitution protects defendants against double jeopardy — being tried twice for the same crime — and prosecutors cannot appeal a court disposition of not guilty.[5]

In individual cases, the appellate and supreme courts in Illinois ensure trial courts have correctly interpreted the law. When defendants disagree with the trial courts' interpretations of the law, they may file an appeal. For example, a defendant may argue that evidence allowed by the trial court was obtained in an unconstitutional manner. For each petition of appeal the appellate court may take one of several actions. If the court determines the appeal does not have judicial merit, it can deny the petition. If the court determines the petition does in fact have merit, it can affirm, reverse, modify, or vacate the original trial court's decision, or it can remand the case back to the trial court for reconsideration. In the above example, the appellate court may remand the appeal back to the original lower court — ordering a new trial and specifying that the questionable evidence that had been previously introduced in the first trial not be admissible. Under certain limited circumstances, decisions of the appellate court can be appealed to the Illinois Supreme Court, the state's highest court.[6]

The Illinois Appellate Court is divided into five judicial districts. Except for the 1st District, which is exclusive to Cook County, all districts are composed of five or six judicial circuits. Voters in each appellate district elect appellate court justices to 10-year terms. As of June 1996, there were a total of 49 appellate judges: the 1st District had 24, the 2nd District had seven, and the 3rd, 4th, and 5th districts each had six.[7] An appellate court executive committee is convened of the presiding judges of each district. In the 1st District, the presiding judges from each of the appellate divisions (six divisions as of June 1996) serve with the presiding judges of the 2nd, 3rd, 4th, and 5th districts.

The seven justices who sit on the Illinois Supreme Court are elected in a process similar to that for circuit court and appellate judges, and serve 10-year terms. One justice is elected from each of the 2nd through 5th districts, and three justices are elected from the 1st District. While all Supreme Court justices preside jointly over all cases brought before the court, only a quorum of four justices is necessary for a decision. The seven justices elect a chief justice from among themselves to serve a three-year term.

The Supreme Court is in session in Springfield, and occasionally in Chicago, for five one-month terms each year during January, March, May, September, and November. During each term, the Supreme Court issues opinions, holds conferences, hears oral arguments, rules on

motions, and considers modifications to judicial rules. Circuit court cases where the death penalty has been imposed and/or where a statute has been found to be unconstitutional may be appealed directly to the Supreme Court. The Supreme Court also hears appeals from the appellate court, to resolve questions arising from the U.S. or the state of Illinois constitutions, or when a district of the appellate court certifies that a case is of such importance it should be decided by the Supreme Court.

In addition to being the state's highest judicial tribunal, the Supreme Court is also the general administrative and supervising authority over Illinois' unified court system. To assist the court in this role, the chief justice appoints a director of the Administrative Office of the Illinois Courts (AOIC). Within the court's administrative authority is the power to prescribe the number of appellate divisions for the state's judicial districts, and the time and place for the appellate divisions to sit. The court also presides over the appointment of associate judges and the filling of judicial vacancies by appointment. Although the lower courts have some degree of autonomy, the final authority for the administration and operation of Illinois' unified court system rests with the Supreme Court.

HOW ARE THE FEDERAL COURTS ORGANIZED IN ILLINOIS?

The federal court system, like the Illinois system, consists of three tiers. The lowest tier consists of 94 U.S. district courts, in 11 federal judicial districts. These courts serve all 50 states and the territories of Guam, the Northern Marianas, and Puerto Rico. Three U.S. district courts are located in Illinois: the Northern District, administratively based in Chicago; the Central District, based in Springfield; and the Southern District, based in East St. Louis. These courts serve as the trial courts of original jurisdiction in federal matters, such as offenses that occur on federal property or interstate crimes such as drug trafficking.

The 12 circuits of the U.S. Court of Appeals constitute the intermediate court of appeals at the federal level. Illinois is one of three states in the 7th Circuit. The U.S. Court of Appeals hears appeals from the U.S. District Courts. The appellate courts have the power to review all final decisions and certain procedural decisions of the district courts.

The final tier is the U.S. Supreme Court, the nation's highest court. The Supreme Court hears appeals from both the state supreme courts and the U.S. Court of Appeals. The U.S. Supreme Court is empowered with wide discretion on whether or not to hear a case's appeal. The Supreme Court is composed of the chief justice of the United States and eight associate justices.

All federal judges — district court, appellate court, and Supreme Court — are nominated by the president and confirmed by the U.S. Senate. All appointments are for life.

WHAT ARE THE MAIN RESPONSIBILITIES OF TRIAL COURTS IN ILLINOIS?

At both the state and federal levels, important differences exist between trial and appellate courts. The trial courts come to a legal determination based on the facts of a particular case. Appellate courts, on the other hand, review laws involved in the trial court's decision and how those laws were applied in reaching a decision.

The role of trial courts in Illinois begins much earlier, and extends further, than the trial alone. The trial court's role in a case often begins prior to the filing of charges against an individual. A law enforcement authority, for example, may go before a trial court judge for an arrest or search warrant. Since the courts oversee probation and other community supervision programs, they remain involved in cases long after imposing a sentence. But the most visible of the criminal court's functions are the events from pretrial procedures through sentencing.

WHAT ARE THE PRETRIAL RESPONSIBILITIES OF THE COURTS?

Starting with an arrest, the movement of a case through the criminal court system is a lengthy process of elimination. At the various transaction points within the court system, several suspected offenders exit, either temporarily or

permanently, the court process. A 1986 national study by the Bureau of Justice Statistics reports that of every 100 typical felony arrests brought to the prosecutor's office, 55 cases proceeded past the preliminary hearings stage (Figure 3-4).[8] Of those 55 cases, 52 pled guilty, two were found guilty by the court, and one was acquitted by the courts. Since Illinois does not have a statewide offender-based tracking system, it is not possible to gather similar data specific to Illinois cases. However, since Illinois' processing procedures are identical to those identified in the national study, it can be assumed Illinois is very close to the national averages.

Three preliminary stages in any court case — the bond hearing, the preliminary hearing, and the arraignment — occur early within the judicial process. While all three are independent and distinct processes, they often overlap. For example, the bond hearing and the preliminary hearing often occur during the same proceeding; however, a separate, formal arraignment is required.

The bond hearing

In a typical felony case, the bond hearing is the first time the defendant appears in court. At this point, the defendant is formally notified of the charges filed, and the court decides whether the defendant may await trial in the community after posting a certain bond, or whether the defendant must be held without bond.

The bail bond system helps guarantee a defendant's reappearance in court, without requiring that the defendant be held in jail. The monetary deposit increases a defendant's personal stake in court appearances and law-abiding behavior while on bond. In many jurisdictions, however, the strain placed on county jails by the growing pretrial population has required the courts to release some offenders on their own recognizance, sometimes with other types of supervision, even without a cash bond.

In most cases, bond decisions have three parts: setting the bond type, setting the associated bond amount, and setting release conditions. In most cases involving serious felony charges, the defendant usually receives a deposit bond, also referred to as a D-bond. The defendant must secure 10 percent of the bond's full amount in cash, or be held in the county jail until the outcome of the case or until the 10 percent can be secured. If a defendant is charged with a Class X felony under the Illinois Controlled Substances Act, the court may require that 100 percent of the bond be deposited.

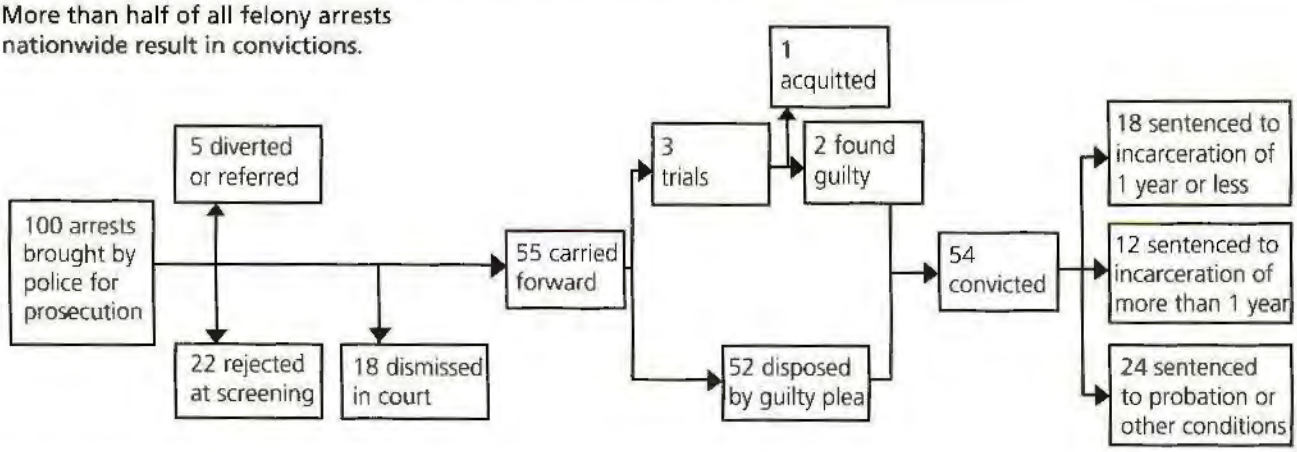
In addition to the cash deposit, the bond often attaches certain conditions that must be met by the defendant. If these conditions are not met, the defendant risks having bond revoked. Absence from a required court appearance results in the forfeiture of the entire bond amount.

Illinois judges may deny bond in certain circumstances based on the defendant's criminal history and on the charges against the defendant. For certain offenses, when the defendant poses a threat to community safety and presumption of

Figure 3-4

Typical outcome of 100 felony arrests brought by police for prosecution

More than half of all felony arrests nationwide result in convictions.



Source: Bureau of Justice Statistics

guilt is great, bond can be denied.[9] The court may also deny bond if the court perceives the defendant to pose a high risk of flight from the jurisdiction, such as cases where a sentence of death or life imprisonment is applicable. In 1992, the offenses of stalking and aggravated stalking were included in the list of offenses in which bond can be denied.

Defendants charged with lesser felonies or misdemeanors, and who do not pose a flight risk, may be released on an individual recognizance bond, often called an I-bond. A defendant who is granted an I-bond does not have to secure a bond deposit, but may be liable for a specified bond amount if the defendant does not appear at all required court proceedings. In addition to judicially issued I-bonds, another type of I-bond is used in Cook County, where a federal court ordered the county to relieve jail crowding. These I-bonds are granted by the jail, rather than the Cook County criminal courts, to pretrial detainees who could not secure the 10 percent set by the court. These jail I-bonds are secured through the Cook County Sheriff's Department instead of the courts.

The preliminary hearing

The preliminary hearing is one way in which the state's attorney may charge a defendant with a crime. (For further information on how charges are filed within Illinois' courts, please refer to the "Prosecution and Defense" chapter.) During the preliminary hearing, the state's attorney attempts to show, through a summary of the case evidence, that probable cause exists and that the defendant should be bound over for trial.[10] The state's attorney presents the summary of evidence, called an information, to the circuit court judge. At the hearing, the judge decides whether sufficient evidence exists to warrant further court action. If the state's attorney cannot show probable cause, either that the offense occurred or that the defendant might be responsible, the judge can dismiss the charges.

The arraignment

If the court finds probable cause at the preliminary hearing (or if the defendant is indicted or a complaint is filed), the defendant is then bound over for arraignment. Arraignment is the process of formally charging the defendant with one or more offenses. At this point, the defendant enters his or her initial plea to the court regarding his or her culpability in the offenses charged. If the defendant pleads guilty to the charges, the case proceeds to the sentencing hearing. A plea of not guilty requires that a trial date be set. Since the bond and preliminary hearings often take place at the same hearing, it is not unusual for the defendant to enter a plea at the first court appearance. However, the plea does not enter the official court record until the formal arraignment.

If a plea bargain is to be arranged, the process usually begins prior to the arraignment. Plea bargaining is the process of securing an agreement between the prosecution and the defense that the defendant will plead guilty in court in return for a lesser charge or leniency in sentencing.

Procedures for reaching a plea agreement are set forth by the Illinois Supreme Court. After an agreement has been reached, the prosecutor and defense attorney call a case conference before the judge to lay out the substance of the case and the proposed agreement, and the judge approves or rejects the agreement.

Plea bargaining is often seen by the public as a failure of the criminal justice system. Although the benefits to the defendant are easily seen in the plea bargaining process, the state also benefits. Plea bargaining encourages a defendant to plead guilty rather than go to trial. More defendants pleading guilty means less strain on the court system. In 1995, 93 percent of the nearly 60,000 convicted felony defendants pled guilty to charges against them. If plea bargaining was not allowed within Illinois courts, a case backlog would create a tremendous financial burden on the state's tax system.

DO BAIL BONDS ENSURE A DEFENDANT WILL APPEAR IN COURT?

While the expressed purpose of the bond system is to ensure the defendant's presence in court, bonds cannot guarantee the appearance of all defendants. For example, a 1992 Authority study of more than 2,000 pretrial releasees in

Cook County found that nearly one-third of the defendants released on deposit bonds failed to appear in court.[11] Defendants released on court I-bonds (individual recognizance) had a slightly higher failure-to-appear rate than those released on a deposit bond. The failure-to-appear rate was even higher (nearly 50 percent) among the defendants released by the jail on an individual recognizance bond (jail I-bond).

In general, males had higher failure-to-appear rates than females across all bond types. Among defendants released on deposit bonds, 30 percent of men and 21 percent of women failed to appear in court within 30 days of their scheduled appearance. Among defendants released on court I-bonds, 34 percent of men and 31 percent of women failed to appear.

Differences in rearrest rates were also noted. Defendants released on jail I-bonds had the worst track record for staying out of trouble while out on bond. Seventeen percent of females released on deposit bonds were rearrested while awaiting trial, compared to nearly 19 percent of females released on court I-bonds, and 34 percent of those on jail I-bonds. Nearly 39 percent of the males released on deposit bonds were rearrested, compared to 33 percent of the men released on court I-bonds, and 47 percent for those released on jail I-bonds.

To reduce the number of defendants who fail to make court appearances, or who are rearrested while awaiting trial, the Cook County Sheriff's Department implemented several programs to stringently monitor pretrial releasees. These programs are operated by the Cook County Sheriff's Department of Community Supervision and Intervention (DCSI) and include a house arrest program, a day reporting center, and a residential pre-release drug treatment facility. In addition to strict supervision, the programs provide pretrial releasees with substance abuse treatment opportunities, and the ability to continue employment or education. They also notify program participants of future court appearance dates. (For further discussion of DCSI programs, see "What Are the Courts Doing to Help Solve Crowding in Correctional Facilities?")

WHEN DOES A CASE GO TO TRIAL?

The defendant's plea during the arraignment determines whether or not a criminal case goes to trial. Before the actual trial starts, there are a series of pretrial hearings, initiated by either the defense or the prosecutor. Both the defense and the prosecution seek judicial decisions regarding such issues as the admissibility of evidence, the legality of the arrest, or the appropriateness of the bond amount. During these hearings, the defense may seek motions to dismiss the case or enter into plea bargaining conferences.

Both the United States and the Illinois constitutions guarantee every defendant the right to trial by a jury of his or her peers. The defendant may waive this right and opt for a trial before a judge — this option is called a bench trial.

The 6th and 14th amendments of the U.S. Constitution guarantee a defendant the right to a public and speedy trial. The U.S. Supreme Court has established four factors that must be weighed in determining if this constitutional guarantee has been violated: the length of the delay, the reasons for the delay, whether the defendant asserted the right to a speedy trial, and whether the delay prejudiced the case against the defendant.

Under Illinois law, people being held before trial must be tried by the court within 120 days from the date they are first detained, unless the delay was caused by the defendant. This time limitation is excluded from cases in which the defendant has given cause for delay in requesting a hearing regarding mental fitness to stand trial.[12] The definition of a speedy trial increases to 160 days from the date the defendant demands trial for people who are released on bond. Additionally, if the court agrees to a prosecution request for additional time to obtain evidence, the case may be continued for up to 60 more days. The prosecution must prove that due diligence was exercised in attempting to obtain evidence and that the evidence may be reasonably expected to be obtained at a later date. An additional 60-day continuance may be granted if time is needed to obtain DNA test results. If it is determined that the defendant's constitutional rights regarding a speedy trial

were violated, all charges against the defendant must be dropped.

HOW ARE JURIES CHOSEN?

In Illinois, juries are chosen from a list that combines registered voters, residents with a state identification card, and licensed vehicle drivers.[13] Jury selection administration differs depending on the jurisdiction. In some jurisdictions, prospective jurors are notified by mail that they must be available to serve on a specific date and time. In other jurisdictions, people are selected for a set term and must report to the courthouse each day to see if their services are required. The length of these terms vary by county.

Several districts, including Cook County, use a one day/one trial system. Under this system, a juror is notified by mail to report to the courthouse on a specific day.[14] If the person is selected that day, he or she serves for the duration of that one trial and will not be called for jury duty again for 12 months after the end of the trial. The names of people not selected that day are removed from the random selection pool for the next 12 months.

Regardless of how selection is administered, all juries are chosen from that day's pool of potential jurors. Potential jurors are selected from the pool and then are either challenged or accepted by the defense and the prosecuting attorneys. Attorneys are allowed to reject a certain number of jurors without stating a reason — called a peremptory challenge — and may also challenge any juror for cause. In the past, peremptory challenges allowed the attorneys to reject a potential jury member for any reason. But two recent U.S. Supreme Court rulings prevent attorneys from disqualifying potential jurors on the basis of race or ethnicity, or of gender.[15] The number of peremptory challenges are limited depending on the type of case.[16] Each side is given 14 peremptory challenges in cases involving the possible imposition of the death penalty, seven in cases where the possibility of imprisonment exists, and five in all other cases. For a juror to be excluded through "for cause" challenges, the attorney opposing the juror's selection must give the court specific reasons for the challenge. The trial judge then decides if the juror should be excluded. There is no limit on the number of "for cause" challenges that may be raised during the selection process.

Most trials require 12 jurors and two alternate jurors. In DUI and misdemeanor criminal cases, only six jurors and two alternates are selected. In more complex felony cases, additional alternates may be impaneled. Once impaneled, jurors are instructed by the court to return a verdict — either guilty or not guilty — for each of the charges against the defendant. All decisions made must be unanimous. If the defendant's sanity has been an issue during the case, the judge may instruct the jurors to consider two other possible verdicts: guilty but mentally ill, and not guilty by reason of insanity (for further information on these verdicts see "How are mentally ill offenders tried and sentenced in Illinois?" in this chapter).

HOW ARE SENTENCES IMPOSED?

If the defendant is found guilty of any charges, the court must sentence the defendant. In most cases, the judge imposes the sentence at a subsequent sentencing hearing. In Illinois, upon motion of the state's attorney, the death penalty may be imposed upon the defendant in a separate proceeding. The death penalty is imposed either through a jury's unanimous decision, or by the court alone if the defendant waives the right to a jury.[17]

While many factors may influence the sentence imposed by the court — for example, public sentiment regarding the role of punishment or availability of alternative sentencing options — two of the strongest factors are the severity of the crime and the defendant's prior criminal history. In Illinois, felony and misdemeanor offenses are classified for sentencing purposes by degree of severity. In order of decreasing severity, these classifications are first degree murder; Class X felonies; Class 1, 2, 3, and 4 felonies; and Class A, B, and C misdemeanors (Figure 3-5). State legislation mandates imprisonment for certain classifications and offenses: all first degree murder cases where the death penalty is not imposed, almost all Class X offenses, and certain Class 1 and 2 felonies.[18]

Illinois' criminal code defines nine classes of felony and misdemeanor offenses. An * indicates that the classification may be upgraded for a second offense.

Figure 3-5

Examples of offenses in each classification

Source: Illinois Compiled Statutes

FIRST-DEGREE MURDER

CLASS X FELONY

Aggravated Criminal Sexual Assault

Aggravated battery of a child

Home Invasion

Armed Robbery

Manufacture/Delivery of no less than 15 grams of a controlled substance

Aggravated Kidnapping (for ransom)

CLASS 1 FELONY

Second-degree murder

Attempted Armed Robbery

Criminal Sexual Assault*

Vehicular hijacking

Aggravated Kidnapping (not for ransom)

CLASS 2 FELONY

Aggravated Criminal Sexual Abuse

Ritual mutilation

Burglary

Arson

Manufacture/Delivery of between 500 and 2,000 grams of cannabis

CLASS 3 FELONY

Theft (more than $300 but less than $10,000 in value)

Forgery

Involuntary manslaughter

Aggravated Battery

CLASS 4 FELONY

Possession of less than 15 grams of a controlled substance

Stalking*

Hate crimes*

Patronizing a juvenile prostitute

CLASS A MISDEMEANOR

Criminal Sexual Abuse*

Retail theft*

Violation of an order of protection*

Gambling*

Domestic Battery*

Prostitution*

CLASS B MISDEMEANOR

Manufacture/Delivery of less than 2.5 grams of cannabis

Criminal damage to firefighting apparatus

CLASS C MISDEMEANOR

Assault

Criminal trespass to property

For other offenses, probation or conditional discharge may be imposed unless the offender's imprisonment is necessary for the safety of the public.[19] Misdemeanor incarceration sentences may not exceed one year.

States generally use either a determinate or indeterminate sentencing structure. Under indeterminate sentencing, each convicted defendant is given a sentence as defined by a range of years (such as a prison sentence of five to 10 years). Within the indeterminate structure, judges are given a great deal of discretion regarding the sentence length range. Additional discretion is also given to a state's parole board in determining how much of the imposed sentence an offender will serve in prison.

Illinois and 19 other states use a determinate sentencing structure that defines by statute sentencing options available to judges (Figure 3-6). On the other hand, 29 states use an indeterminate structure that gives more discretion to the sentencing judge.[20] In Illinois, statutes give a narrow sentencing range within which judges must work. A judge is given a minimum and a maximum sentence length within which to take into consideration any mitigating or aggravating circumstances, for example, no prior criminal record on the part of the criminal defendant or a lack of serious injury during the commission of the crime. Aggravating circumstances could include an extensive previous criminal history, the brutality of the crime, or the inability of the victim to have protected himself. Aggravating circumstances allow the judge to exceed the maximum sentence length. For example, under Illinois law, the sentence for first degree murder is 20 to 60 years in prison. But if a judge determines there were aggravating circumstances, the offender can be sentenced to prison for the rest of his or her natural life.

Figure 3-6

Sentence term ranges as of November 1996

Illinois law spells out specific sentence lengths for different statutory classes of offenses.

WHY DID ILLINOIS ADOPT DETERMINATE SENTENCING MEASURES?

Until 1978, Illinois had an indeterminate sentencing structure. Determinate sentencing was a response to complaints that indeterminate sentencing allowed for the possibility of sentencing bias. Opponents of indeterminate sentencing suggested that dissimilar sentences were being handed down for similar offenses. Many saw this variance as being racially motivated. Critics of the indeterminate system also pointed to the possibility of bias not only in the courts but also within the state's parole board, which controlled an offender's release once the minimum sentence was served.

CRIME CLASSIFICATION	PROBATION TERM	IMPRISONMENT TERM		MANDATORY SUPERVISED RELEASE TERM AFTER PRISON
		Without aggravating circumstances	With aggravating circumstances	
First-degree murder	Not applicable	20-60 years	Death penalty*	Not applicable
			Natural life imprisonment**	Not applicable
			60-100 years	3 years
Habitual offenders	Not applicable	Natural life	Natural life	Not applicable
Class X felony	Not applicable	6-30 years	30 60 years	3 years
Class 1 felony	4 years or less	4-15 years	15-30 years	2 years
Class 2 felony	4 years or less	3-7 years	7-14 years	2 years
Class 3 felony	30 months or less	2-5 years	5-10 years	1 year
Class 4 felony	30 months or less	1-3 years	3-6 years	1 year
Class A misdemeanor	2 years or less	Less than 1 year	Less than 1 year	Not applicable
Class B misdemeanor	2 years or less	6 months or less	6 months or less	Not applicable
Class C misdemeanor	2 years or less	30 days or less	30 days or less	Not applicable

*In eligible cases only, where the prosecutor seeks the death penalty and it is imposed by unanimous decision of the jury.

**In cases where the defendant is eligible for the death penalty or cases in which the offense was accompanied by exceptionally brutal or heinous behavior.

Source: 730 ILCS 5/5-6-3, 5/5-8-1, 5/5-8-2, 5/5-8-3

Proponents of determinate sentencing argued that it would greatly reduce sentencing and release bias.

WHAT IS TRUTH-IN-SENTENCING?

During the last few years, many states across the country have adopted legislation requiring offenders sentenced to prison to be incarcerated for a defined percent of their sentence. Although Illinois' determinate sentencing practices set the length of sentence, the corrections system has some control over the actual time served by an inmate. A sentence may be reduced, for example, as a reward for good behavior or to relieve prison crowding. Because of these options, an offender may actually serve a substantially shorter period in prison than the sentence would suggest — often reducing a sentence by one day for each day of good behavior.

Without these means of awarding time off for good behavior, the amount of new prison space needed to accommodate the additional time offenders stay in prison could be financially staggering. Prison officials would also be deprived of an important means of encouraging orderly behavior. On the other hand, many public officials see these "time off" rewards as a threat to community safety.

In 1995, Illinois adopted truth-in-sentencing legislation that, for some offenses, limits the percentage of a sentence that may be reduced by the Department of Corrections. People convicted of murder in Illinois must now serve 100 percent of their sentences. Offenders convicted of other serious violent offenses must serve no less than 85 percent of their sentences. Judges must also, upon sentencing an offender, make public the minimum amount of time the person sentenced to prison will actually serve, except for sentences of death or natural life.[21]

WHAT ARE SPECIFIC SENTENCING OPTIONS IN ILLINOIS?

Under Illinois law, the courts have several basic sentencing options. Depending on the offense, these options may be used singularly or in combination (Figure 3-7).[22]

Probation

In Illinois and throughout the United States, the most frequently used sentencing option is probation. People sentenced to probation are released back into the community under prescribed court-ordered conditions, always including supervision by a probation officer. The Administrative Office of the Illinois Courts, Probation Division, is the state agency which oversees and develops probation programs operated on the county level, and probation officers are employees of the individual circuit courts.

As with a prison sentence, the length of a probation sentence may vary depending on the seriousness of the offense, but must fall within a statutorily defined range. While on probation, the offender must meet all court-ordered conditions and must not commit any new criminal offenses. If the court finds that an offender has violated terms of the probation, the court may revoke the probation sentence and

DEATH PENALTY

INCARCERATION

Prison/Jail

Impact Incarceration (Boot Camps)

Periodic Imprisonment/Work Release

COMMUNITY-BASED SANCTIONS

Intensive Probation Supervision (IPS)

Home Confinement/Electronic Monitoring

Probation (Maximum, medium, or minimum supervision)

- Restitution to victims
- Public/community service
- Random Drug Testing
- Mandatory Treatment
- Orders of Protection
- Specialized Caseloads (DUI Program)
- Supervision Fees

Conditional Discharge

Court Supervision

Fine/Costs

Figure 3-7

Illinois sentencing options (from most to least restrictive/ punitive) as of November 1996

replace it with imprisonment or other sentencing options.

Periodic imprisonment
Periodic imprisonment is more punitive than probation, but less so than complete incarceration, and may be applied to all offenses except first degree murder, and Class X and Class 1 felonies. In many instances, periodic imprisonment is used in combination with probation. Periodic imprisonment requires the offender to report to a correctional facility (usually a county jail) for a portion of every day or for a designated number of days during the week. Periodic imprisonment enables offenders to remain employed or in school while serving their sentences.

Conditional discharge
Like probation, a sentence of conditional discharge allows the offender to return to the community after sentencing.[23] A conditional discharge sentence is usually imposed when the court believes the severity of the offense was not severe enough to deserve probation. In most counties, people on conditional discharge report to county-appointed social workers rather than probation officers.

Incarceration
Incarceration is confinement in a county-operated jail or a state-operated correctional facility. Illinois' determinate sentencing structure and truth-in-sentencing laws define the sentence range that convicted offenders must serve in jail or prison, based on the type of offense.

Repair of criminal damage to property
Offenders can be sentenced to clean up or make repairs to any properties that were damaged or destroyed during the commission of a crime.[24]

Fines
Fines are often used in combination with other sentences. State law establishes the maximum amount the court can order an offender to pay, and the fine must be used in combination with another sentence when the offense is a felony.[25] Fines are often used to recoup some of the costs of processing a defendant through the court system.

Restitution
When restitution is ordered by the court, the offender is usually required to pay the victim for physical or monetary loss incurred as the result of the offender's criminal act, or to provide services in lieu of money. State law mandates that the courts must order restitution in all cases where there is bodily injury or damage to property.[26] Like fines, restitution is often used in combination with another type of sentence, such as probation. However, neither restitution nor a fine can be the sole disposition for a felony conviction.[27]

Beyond these basic sentencing options, statutes also permit judges to place additional conditions on offenders as a part of their sentences. In most cases, these conditions include mandatory drug testing, completion of a drug treatment program, or completion of a set number of community service hours. One of the most frequently used options is house arrest. Under house arrest, an offender is released back into the community with severe restrictions placed on his or her mobility. In most cases, an offender placed under house arrest is required to remain within their residence at all times. Under certain circumstances, the courts will allow offenders time outside their residences for employment, education, medical services, or substance abuse treatment. House arrest is predominately used in combination with the application of electronic monitoring devices. An electronic device, usually connected to a band around the offender's ankle, signals a law enforcement officer when an offender has violated their allowed radius of movement.

House arrest and electronic monitoring are often used in combination as a condition of probation or conditional discharge. In 1992, legislation allowed the Illinois Department of Corrections to place certain offenders (usually older offenders) under house arrest during the final portion of their prison sentence. Several violent and severe drug offenses are excluded from this incarceration possibility.

Except for sentences to natural life imprisonment, every prison sentence since 1978 has included a predetermined post-release term in which the offender is released into the commu-

nity, but is subject to rules and regulations of the Illinois Prisoner Review Board. The length of this supervision, called mandatory supervised release, is determined by state law, depending on the crime.

UNDER WHAT CIRCUMSTANCES IS THE DEATH PENALTY A SENTENCING OPTION?

Since June 1977, Illinois legislation has allowed for the death penalty under strictly defined circumstances. A sentence of death may be imposed upon an offender convicted of first-degree murder if the defendant was at least 18 years of age at the time of commission and one or more of the following aggravating conditions exists:[28]

- Murder of more than one person;
- Murder of an on-duty police officer, correctional officer, emergency medical technician, or firefighter;
- Murder of a child less than 12 years old and as the result of exceptionally brutal or heinous behavior;
- Murder of a correctional inmate;
- Murder of a witness in a pending court case;
- Murder for financial gain, referred to as a contract murder;
- Murder committed in a cold, calculated, and premeditated manner;
- Murder during the commission of a highjacking of an airplane, train, ship, bus, or public conveyance;
- Murder during the commission of another felony, such as a robbery, criminal sexual assault, or arson;
- Murder as a result of a drive-by shooting;
- Murder as part of an act of torture;
- Murder ordered by the leader of an illegal drug conspiracy; and
- Murder during the commission of certain offenses under the Illinois Controlled Substances Act.

Unlike many other states, prosecutors in Illinois may wait to seek the death penalty until after the conviction. Several other states require prosecutors to state at the formal arraignment whether or not they are seeking the death penalty; if they do, these cases are often referred to as capital murder cases.

In Illinois, if a prosecutor seeks the death sentence upon conviction, a separate hearing is held by either the jury or the court to decide the following: (1) whether the defendant is indeed eligible for the death penalty; (2) if found eligible, whether aggravating or mitigating circumstances existed; and (3) whether a death sentence should be imposed. If the court or the jury (by unanimous decision) determine that the defendant is eligible and no mitigating circumstances exist to preclude a sentence of death, the court shall impose a death sentence.[29] If the decision is being made by a jury, and the jury cannot unanimously agree on a death sentence, the court must impose a sentence of imprisonment.

WHAT IS THE APPEALS PROCESS IN DEATH PENALTY CASES?

In 1994, 31 men were executed in the United States. According to the Bureau of Justice Statistics, those men had been on death row for an average of 10 years and two months, and represented only 1 percent of all inmates on death row. As of Dec. 31, 1994, inmates on death row nationwide had awaited execution for an average of 6.9 years.[30] The primary reason for the delay in carrying out their sentences is the lengthy appeals process available to inmates sentenced to death, designed to minimize the chance of executing an innocent person.

Death penalty appeals bypass the Illinois Appellate Court and are filed directly with the Illinois Supreme Court. If the Illinois Supreme Court denies an appeal, made on the grounds that the death sentence was unjustly imposed, the case may be filed with the U.S. Supreme Court for review.

If the appeal is denied by the U.S. Supreme Court, the defendant may begin a second round of appeals by filing a post-conviction relief petition with the original trial court. Post-conviction relief petitions raise new objections

based on denial of the defendant's rights during the initial trial. If the trial court denies the relief petition, the defendant may appeal the decision to the Illinois and U.S. supreme courts.

If the U.S. Supreme Court denies the relief petition, the defendant may begin a third round by filing a writ with the U.S. District Court alleging that the defendant's civil rights are being denied by imposition of a death sentence. If the writ is denied by the U.S. District Court, it may go forward to the U.S. Supreme Court. If the writ is denied by the Supreme Court, the appeals process ends.

After the appeals process is exhausted, a defendant may write to the governor requesting a commutation of the death sentence or a stay of execution.

HOW ARE PROBATION DEPARTMENTS ORGANIZED?

Probation systems in the United States differ according to the branch of government under which they operate (executive or judicial) and the level of government under which they operate (state or local). Illinois is one of 18 states whose probation system is operated by the courts — the judicial branch — rather than by an intergovernmental commission, which is part of the executive branch.

Illinois is one of nine states where probation supervision is administered locally by individual probation departments. The Administrative Office of the Illinois Courts, Probation Division, oversees the overall provision of statewide probation services. In most other states, probation is supervised by the state, or by a commission of state and local governments.

The administration of each probation department in Illinois varies according to the needs and resources of each county or circuit. Most Illinois counties have a single probation department that oversees all criminal supervision caseloads, including probation, conditional discharge, and court supervision.[31] The Circuit Court of Cook County, however, has separate departments for supervising those people sentenced to probation and those sentenced to conditional discharge or court supervision.

People sentenced to probation are overseen by the Cook County Adult Probation Department, while people sentenced to conditional discharge or court supervision are supervised by the Cook County Social Service Department.

Several Illinois counties operate various specialized probation programs to meet caseload and programming needs. The largest of these specialized programs are Intensive Probation Supervision (IPS), Intensive Drug Abuser Probation (IDAP) and the Specialized DUI Caseload Probation Program. IPS provides a dispositional alternative to incarceration, allowing the court to place certain types of felony offenders into a highly structured, community supervision program instead of committing them to the Department of Corrections. IPS is limited to felony offenders for whom a sentence of three to seven years imprisonment is otherwise statutorily prescribed. In 1996, 19 Illinois counties operated adult IPS programs.

Illinois' IDAP program was developed as an alternative supervision mechanism for drug-dependent probationers who would otherwise be placed on regular probation. Its objectives are to improve probation departments' capacity to identify and serve drug offenders, to enhance community safety through the increased surveillance of drug offenders, and to improve overall case management strategies for this high-risk offender population. Nine IDAP programs were operating in Illinois in 1995.

The Specialized DUI Supervision Program targets people convicted of driving under the influence of alcohol or drugs who have been identified by probation officers as high risks for repeating the offense. The program does not provide counseling services but helps to better identify, monitor, and provide intervention and referrals to those offenders during the early portions of their supervision. In 1996, 19 Illinois counties were operating specialized DUI programs.

WHAT ARE THE COURTS DOING TO MEET THE CHALLENGE OF INCREASED WORKLOADS?

Misdemeanor and felony cases in Illinois increased 24 percent between 1985 and 1995. Court resources have not kept up with the rising number of criminal cases entering the system. To meet this challenge, Illinois courts have worked to streamline the services they provide. The Administrative Office of the Illinois Courts works with circuit courts to develop ways to improve case flow management. The AOIC offers seminars and training programs to judges and other court officials on such topics as how to restructure court case calendars and how to anticipate future increases in court activities. Larger circuits have also hired court administrators with backgrounds in finance and time management, allowing circuit judges to focus on legal matters. In some counties, specialized courts have been established for certain types of cases to help ensure that criminal proceedings are not unnecessarily delayed. Examples of these courts are specialized drug courts operating in Cook and Madison counties, domestic violence courts in Cook County, and courts designated to handle violent felony cases in several counties. Restricting one type of case to a particular courtroom allows all officers of that courtroom to develop better methods for processing that type of case without reducing a defendant's rights to due process.

HOW DO DRUG COURT PROGRAMS OPERATE?

One of the largest specialized court programs in Illinois is the Cook County Drug Court. During the past several years, the number of drug case filings has increased significantly. In many larger urban jurisdictions, including Cook County, increases in drug cases in the late 1980s threatened to limit the court's capacity to process both drug and other felony cases. In addition, many drug offenders were returning to court repeatedly on new drug offenses.

A number of court officials across the country realized that for courts to effectively process cases, two things needed to be done: find a way to expedite drug cases and find an alternative to incarcerating people for minor drug offenses. In 1989, the Criminal Courts of Dade County (Miami area) in Florida began operating the first court specifically for drug cases. Under the program, judges have the option of sentencing offenders charged with lesser offenses, such as possession, to a treatment program rather than to incarceration.[32]

In October 1989, officials from the Cook County Circuit Court began operating five nighttime drug courts. While developing the program, officials had to make decisions on a number of issues including: what types of cases would be heard (all types of drug cases or only lesser charges), the creation of guidelines to manage plea agreements, and how to manage the large number of guilty pleas usually associated with drug cases, as well as staff and personnel problems in working the courts at night. An evaluation of Cook County's program by the U.S. Department of Justice, Bureau of Justice Assistance, found it to be successful in efficiently reducing the processing time for drug cases, reducing the number of trials, and reducing the number of public defenders needed by defendants.[33]

Since the drug court began operating, Cook County has added three more night courts to hear drug cases. In addition, in October 1996 Cook County began operating a juvenile division drug court. With a projected annual caseload of 300 juvenile drug cases, the programming is more treatment focused rather than being strictly punitive.

In an effort to increase efficiency in the processing of drug cases and reduce drug-related crime, the Madison County Alternative Treatment and Assessment Court (MC-ATAC) links offender monitoring with accessibility to drug treatment. Under court guidelines, drug offenders stipulate to a guilty plea and agree to participate in required treatment programming. The program requires that offenders commit to a mandatory two-year involvement; if participants do not successfully complete the program, they are automatically found guilty of the stipulated charges and sentenced. Charges against an offender are dropped upon successful program completion.

WHAT ARE COURTS DOING TO HELP SOLVE CROWDING IN CORRECTIONAL FACILITIES?

Courts can affect both the number of people being held in pretrial detention and the number of people being incarcerated.

As more cases enter the criminal court system and case processing time lengthens, the number of new cases coming in outpaces the number of cases being settled. The defendants in many of these cases are not eligible, or are financially unable, to be released on bond; at the same time, county jails are unable to hold them all. To compensate, several Illinois circuit courts and probation departments have implemented alternatives to pretrial detention.

In 1995, Macon and Peoria counties instituted a series of programs to reduce the number of pretrial detainees. These pretrial service programs were designed to improve the courts' release and detention decision process by providing more accurate and nonadversarial information to judicial officers and by better monitoring released pretrial arrestees and ensuring their compliance with release regulations. Within a year, Macon County was able to increase the use of recognizance bonds by 10 percent.

Both counties have also instituted programs that provide sentencing options other than incarceration in the county jail for drug and other nonviolent offenses. In 1995, Peoria County's Probation Department started the Peoria County Drug Intervention Program. The program provides drug offenders with closer supervision and better access to treatment while on probation. The program is expected to reduce the number of probation violations and thus reduce the number of offenders returned to the county jail. Macon County opened a Day Reporting Center to allow closer supervision of high-risk offenders on supervision or probation within the county.

The Cook County Sheriff's Department of Community Supervision and Intervention (DCSI) operates a series of programs that work to alleviate jail crowding. The series of four programs remove offenders — both sentenced offenders and those who cannot make bond — from the Cook County Department of Corrections for supervision within the community. Included within these programs is the nation's largest pretrial electronic monitoring program. Revised in 1991, the program uses electronic devices to restrict authorized participant movement (movement is monitored by an ankle-bracelet and an electronic receiver linked to DCSI computers). Electronic monitoring allows the county to release detainees from jail with limited threat to community safety.

Other pretrial programming areas unite community supervision with various offender counseling resources. The Day Reporting Center (DRC) and the Pre-Release Center (PRC) supervise detainees while providing substance abuse, life skills, educational, and vocational counseling. The DRC is a community-based facility, where more than 200 nonviolent pretrial detainees report Monday through Friday for three to eight hours of daily supervision and rehabilitative services. Unique to this program is the onsite availability of drug treatment services. The PRC is a residential facility for drug dependent pretrial detainees. The program operates on voluntary admission, to ensure participants enter with a positive attitude toward rehabilitation. Opened in 1993, the center, with treatment assistance provided by the Gateway Foundation, works to break the drug addictions of male offenders.

The DCSI also works to relieve correctional crowding through placement of sentenced offenders into the Sheriff's Work Alternative Program (SWAP). SWAP allows sentenced offenders to work off their sentences through supervised community service, rather than jail time. Since 1989, convicted felons and misdemeanants have been sentenced directly to SWAP as an incarceration alternative. SWAP offenders are also ordered to pay a participation fee which allows the program to be self-supportive rather than rely on county tax assistance.

HOW ARE MENTALLY ILL OFFENDERS TRIED AND SENTENCED IN ILLINOIS?

Illinois law provides for psychiatric evaluation and treatment for any offender in the criminal justice system who may suffer from mental illness. Illinois law also regulates the prosecution, sentencing and supervision of people determined to be mentally ill or sexually dangerous. These laws guide how and whether a defendant can be ordered to stand trial and provide special verdicts for mentally ill defendants. They also govern the commitment, treatment, and registration of sexually dangerous people.

Unfit to stand trial

At any point during the court process, the prosecution or the defense counsel may request that a defendant undergo psychiatric evaluation. If the evaluation finds that the defendant suffers from a mental or physical condition that prohibits him or her from understanding the charges or participating in the defense, the court can find the defendant unfit to stand trial.

Defendants found unfit to stand trial are committed to a psychiatric hospital for treatment until it has been determined that they are able to understand and participate in the court proceedings.

Guilty but mentally ill

A finding of guilty but mentally ill states that the offender, at the time of the crime's commission, possessed a mental disorder which impaired his judgment, but still allowed him to know right from wrong in his actions. Once found guilty but mentally ill, the defendant is sentenced to either prison or probation for a determined length. However, if sentenced to the Department of Corrections, an evaluation of neeessary treatment is undertaken by medical staff. If it is determined that resources are not available for the proper mental health treatment, the defendant may be transferred to the Department of Mental Health and Developmental Disabilities for supervision. If sentenced to probation, the defendant is required to obtain mental health services within the community.

Not guilty by reason of insanity

To be acquitted because of insanity, the defense must show that a defendant suffered from a mental disorder at the time of the crime's commission, which did not allow him to perceive the wrongfulness in his actions.

Sexually dangerous people

Since 1949, Illinois has had special statutes that define provisions for the involuntary civil commitment of people who are determined to be sexually dangerous.[34] A sexually dangerous person is defined as someone who is found to have a mental disorder, shown to have existed for at least one year, that is coupled with "a criminal propensity to the commission of sex offenses." In Illinois, the commission of any criminal offense may be used as grounds for filing a civil petition to have a person declared sexually dangerous.[35] If, after a psychiatric evaluation, a judge finds a person to be sexually dangerous, that person is committed to the Department of Corrections' Menard Psychiatric Facility until the court determines he or she is no longer sexually dangerous.[36]

In 1992, Illinois legislation mandated that people who have been declared sexually dangerous register with local law enforcement agencies upon their return to the community. A sexually dangerous offender must notify the local police or sheriff's department of his presence within 30 days of moving into the community. A sexually dangerous offender is required to remain registered for 10 years after having been declared sexually dangerous, or 10 years after release, whichever is later.[37]

Notes

1. The Illinois Supreme Court exercises original jurisdiction in habeas corpus matters. Also, any conviction in which a sentence of death is imposed is appealed directly and automatically from the Circuit Court to the Illinois Supreme Court.

2. Twenty-one of Illinois' 22 judicial circuits are numbered; the other circuit, which covers Cook County, is simply called the Circuit Court of Cook County.

3. The County Division handles mental health, adoption, inheritance tax, and election supervision cases as well as real estate tax objections, special assessments, condemnations of municipal property, annexations, and marriage petitions by minors.

4. When granted permission by the chief judge of the circuit, associate judges may preside over certain felony case functions.

5. Prior to a not-guilty verdict, the prosecution can file an interlocutory (nonfinal) appeal on certain pretrial rulings that affect the state's ability to proceed with the case. For example, the prosecution may appeal a court ruling that the defendant's confession be suppressed.

6. Decisions of the Illinois Supreme Court can be appealed to the federal appellate system and ultimately to the U.S. Supreme Court, or in some instances, if questions of federal law or U.S. Constitutional issues arise, an appeal may proceed directly from the state Supreme Court to the U.S. Supreme Court.

7. These totals include not only those Appellate Court justices who are elected by the voters, but also any Circuit Court judges assigned by the Illinois Supreme Court to serve on the Appellate Court as the business of the court requires, including those recalled from retirement from the Circuit Court for temporary assignment. State law sets the number of Appellate Court justices who are elected from each judicial district: currently, 24 justices are elected from the First District, seven from the 2nd, six from the 3rd, six from the 4th, and six from the 5th.

8. *The Prosecution of Felony Arrests, 1986* (Washington, D.C.: Bureau of Justice Statistics, 1989), p. 2.

9. A hearing must be held to determine whether bail should be denied to a defendant charged with a nonprobationable offense when it is alleged that the defendant's release on bail would pose a real and present threat to the physical safety of any person (Illinois Constitution, Article 1, Section 9; 725 ILCS 5/110-6.1).

10. Defendants may waive their right to a preliminary hearing. If the defendant waives this right, the case goes directly to arraignment.

11. *Cook County Pretrial Release Study* (Chicago: Illinois Criminal Justice Information Authority, 1992).

12. 725 ILCS 5/103-5.

13. 705 ILCS 305/1 and 705 ILCS 310/2.

14. Counties using the one-day/one-trial selection system are Alexander, Clark, Cook, DuPage, Jo Daviess, Johnson, Kane, LaSalle, Ogle, Richmond, Scott, and Stephenson.

15. *Baston vs. Kentucky*, 476 U.S. 79 (1986); *J.E.B. vs. Alabama*, 511 U.S. 127 (1994).

16. In trials with more than one defendant, each defendant is allowed eight peremptory challenges in capital cases, five in cases punishable by imprisonment, and three in all other cases. If several charges have been consolidated against one defendant, the number of challenges is determined by the most serious charge (State Court Rule 434 (d)).

17. 720 ILCS 5/9-1.

18. Under certain circumstances, a defendant who has been convicted of criminal sexual assault, but who is a family member of the victim, may be sentenced to probation (730 ILCS 5/5-5-3 (c)).

19. 730 ILCS 5/5-5-3.

20. *National Assessment of Structured Sentencing*, Washington, D.C.: Bureau of Justice Assistance, 1996.

21. 730 ILCS 5/5-4-1.

22. 730 ILCS 5/5-5-3.

23. 730 ILCS 5/5-1-4.

24. 730 ILCS 5/5-5-3 (b) (5).

25. 730 ILCS 5/5-9-1.

26. P.A. 89-689.

27. 730 ILCS 5/5-5/3 (b).

28. 720 ILCS 5/9-1.

29. When consideration of the death penalty is requested by the prosecutor, the sentencing

hearing is conducted before the jury that determined the defendant's guilt. If the defendant pleaded guilty to first-degree murder or was convicted at a bench trial, or if the court for good cause discharges the jury that determined the defendant's guilt, the sentencing hearing is conducted before a jury impaneled specifically for sentencing purposes. If the defendant waives a jury for the sentencing hearing, it is conducted before the judge alone (720 ILCS 5/9-1(d)).

30. *Capital Punishment, 1994*, Washington, D.C.: Bureau of Justice Statistics, 1996.

31. Supervision is a disposition of conditional and revocable release without probationary supervision, but under such conditions that reporting requirements are imposed by the court. Upon successful completion of the supervision period, the defendant is discharged and a judgment dismissing the charge is entered (730 ILCS 5/5-1-21).

32. *Miami's "Drug Court:" A Different Approach*, (Washington, D.C.: National Institute of Justice, 1993).

33. *Drug Night Courts: The Cook County Experience*, Washington, D.C.: Bureau of Justice Assistance, 1994.

34. 725 ILCS 205/1.01.

35. 725 ILCS 205/3.

36. 725 ILCS 205/9.

37. 730 ILCS 150/7.

THE DATA

The majority of data presented in this chapter was provided by the Administrative Office of the Illinois Courts (AOIC). Data from the AOIC was taken primarily from the annual report of the Illinois courts, statistical summaries and the probation and court services statistical reports.

Because of reporting changes in published data over the past few years, the types of data presented in previous editions of *Trends and Issues* are not available in the same detail. Prior to 1993, data were published regarding information specific to offense felony class for dispositions of guilt and for sentences to the Illinois Department of Corrections and to probation. However, in recent years, these data elements have been reported only on an aggregate felony level. Although Illinois has one of the best court reporting systems in the country, it is only possible to determine the total number of felony convictions in Illinois; the data do not allow for analysis by the various felony classifications. This same reporting change also affects data on sentences imposed. Due to this reporting limitation, the Authority cannot present statewide trends in the number of violent crime or drug cases being processed through the criminal courts. Statistics on drug cases, however, are available from the Cook County Circuit Court.

Probation caseload data are supplemented with more detailed information on the characteristics of adult and juvenile probationers taken from an intake survey of all people (3,939 adults and 1,051 juveniles) placed on probation during May 1995. The intake survey was sponsored by the Administrative Office of the Illinois Courts, Probation Division, with support from the Authority. Survey results were analyzed by Systems Development Associates. Results from the 1995 intake survey are compared with results from a similar survey conducted in May and September 1990.

TRENDS AND ISSUES

How many criminal cases are handled within Illinois' courts each year? How many felony convictions are handed down? What percentage of felons are sentenced to the Illinois Department of Corrections, compared to the percentage of felons sentenced to probation? How long are felony offenders sentenced to prison in Illinois? How many, and what type of offenders are being supervised within county probation departments? This section will analyze these and other issues regarding the workload within Illinois' criminal courts.

HOW MANY CRIMINAL CASES ENTER ILLINOIS' COURTS ANNUALLY?

The Administrative Office of the Illinois Courts reports data on the activity and workloads of each judicial circuit's criminal and other types of courts. Throughout the state, information is available at the county level only for total felonies and total misdemeanors — the totals are not broken down by offense type. While these data are limited in their descriptive quality, they do provide a strong indication of the number of criminal cases being filed and disposed of in Illinois' courts.

There were 1,327,703 court cases (excluding traffic violations, which accounted for about 68 percent of all court cases) filed in Illinois in 1995. This represented a 7 percent increase over the number of cases filed in 1988. The number of *criminal* cases filed between 1988 and 1995 increased at twice that rate, reaching 560,431 cases in 1995. The increase in the number of criminal cases filed was fueled by a 65 percent increase in felony cases, which jumped from 54,208 in 1988, to 89,565 in 1995. Misdemeanors, which outnumbered felony cases by 7-to-1 between 1988 and 1995, increased by only 8 percent during that same period (Figure 3-8).

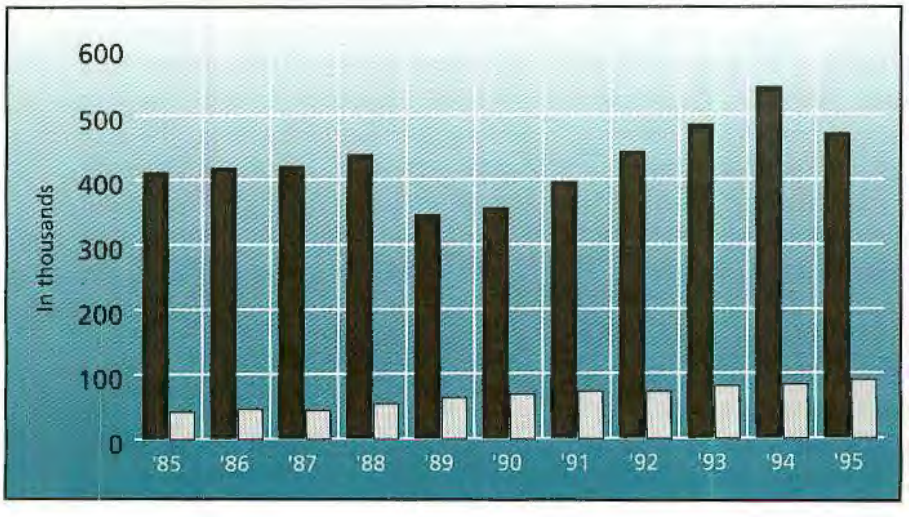
In Cook County, the number of felony cases filed each year jumped 90 percent between 1988 and 1995, when the county accounted for more than half of the felony cases filed in Illinois (Figure 3-9). Rural counties, while accounting for only 15 percent of statewide felony filings, experienced the next largest regional increase in felonies filed between 1988 and 1995. There were 14,601 felony cases filed in rural counties in 1995, 64 percent more than the number filed in 1988.

WHAT PERCENT OF CRIMINAL FILINGS INVOLVE DRUG CHARGES?

Currently, it is not possible to determine how many of the criminal filings in Illinois involved some type of drug charge, or whether they

Figure 3-8

Criminal cases filed in Illinois circuit courts, 1985-1995



Source: Administrative Office of the Illinois Courts (AOIC)

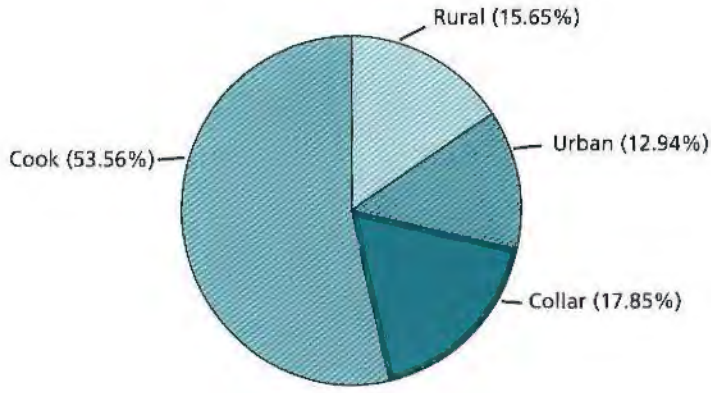


Figure 3-9

Distribution of felony cases filed in Illinois circuit courts by region, 1995

Source: AOIC

involved possession or trafficking offenses (for more information, see the "Data" section in this chapter). However, it is possible to track drug-related case filings in the state's largest judicial circuit — Cook County.

Since 1991, the Circuit Court of Cook County has monitored the number of felony cases involving drug charges. Between 1991 and 1994, the number of felony cases involving drugs increased 37 percent, from 13,318 to 18,233 (Figure 3-10). By 1994, felonies involving drugs accounted for more than one half of Cook County's total felony filings. In 1994, 95 percent of felony drug filings in Cook County were exclusively for drug charges; only 5 percent involved additional nondrug felony charges.

HOW MANY FELONY CASES ARE DISPOSED OF IN ILLINOIS?

While the number of felony cases filed increased dramatically between 1988 and 1995, the courts have been able to dispose of felony cases at a nearly equivalent rate. Between 1988 and 1995, the number of felony cases disposed of annually increased 64 percent — from 51,590 to 84,640 — nearly equal to the 65 percent increase in felony filings during the same period (Figure 3-11).

Between 1988 and 1992, the number of felony cases disposed of outnumbered new felony filings by 4 percent. However, between 1993 and 1995, this trend nearly reversed, with new filings outnumbering felony dispositions by nearly 4 percent.

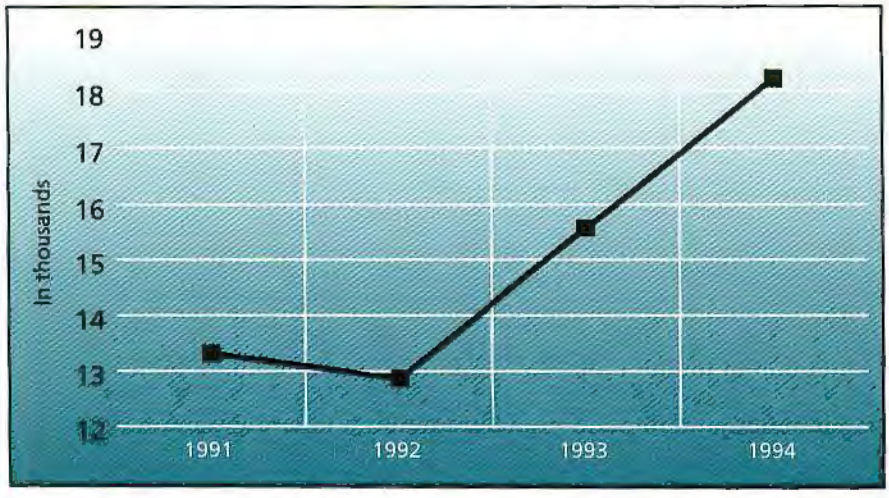


Figure 3-10

Drug cases filed in Cook County Circuit Court

Source: Circuit Court of Cook County

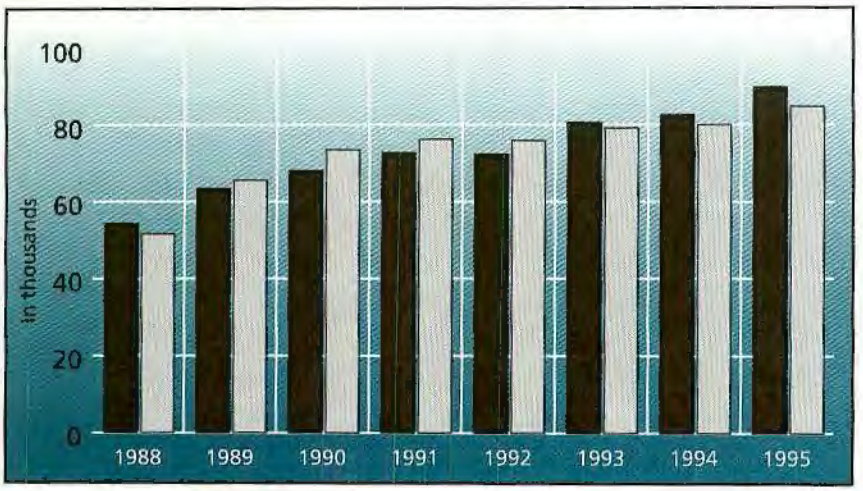


Figure 3-11

Felony filings vs. felony cases disposed of in Illinois, 1988-1995

Source: AOIC

While felony case dispositions increased between 1988 and 1995, the annual number of misdemeanor cases disposed of decreased. In 1988, 494,664 misdemeanor cases were disposed of statewide; by 1995, the annual total fell 5 percent, to 469,093 cases (Figure 3-12).

HOW LONG DOES IT TAKE FOR CASES TO GO THROUGH ILLINOIS' COURT SYSTEM?

When the number of criminal cases entered into Illinois' court system increases faster than the courts' ability to dispose of prior cases, a case backlog can occur. A severe backlog in the processing of cases, particularly criminal cases, can place great pressure on the courts to speed the process.

A case backlog places fiscal strain on the courts, which try to properly handle a growing number of cases with a limited number of courtrooms and judicial officials; it also brings into question the defendant's right to a speedy trial. In 1979, the Speedy Trial Act established the time limits for the processing of felony defendants in Illinois. The law stipulates that defendants in custody must be brought to trial within 120 days of their arrest, while defendants released on bail or their own recognizance must be tried within 160 days.

Researchers have calculated court backlogs in different manners, often depending on the availability of data. One frequently used measure is the "backlog index." This index is calculated by dividing the number of cases pending or active at the beginning of a year by the number of cases terminated during that year. If the figure produced through this calculation is less than one, it indicates the portion of a year that is required to process an average case. If the figure is greater than one, the yearly growth in pending cases is outpacing the court's ability to process cases.

The backlog index provides limited information, because it is an aggregate average of all types of felony cases, without taking into account the seriousness of the charge(s) involved. The severity of the charge can greatly affect the amount of time it takes to process a felony case. A 1988 study found that in Cook County, a Class 4 felony case on average took 155 days to process, while a felony murder case took 43 percent longer, averaging 270 days to process.[1] Even so, the backlog index provides the best

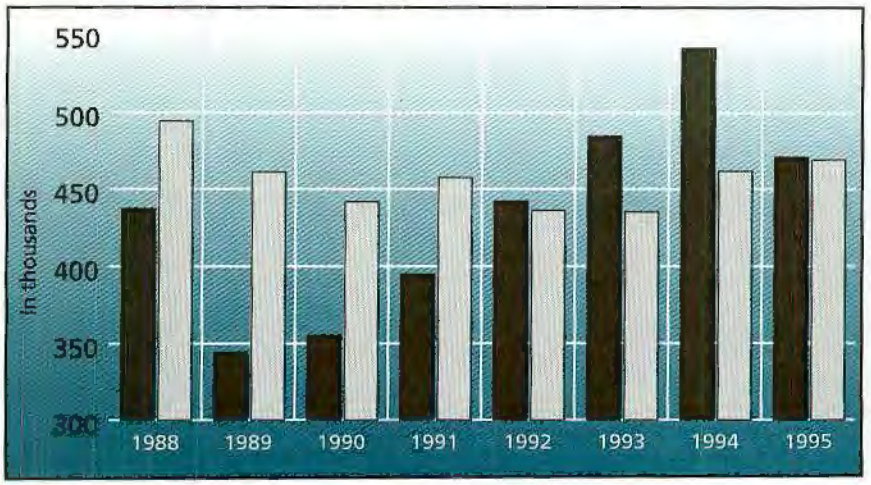


Figure 3-12

Misdemeanor filings vs. misdemeanor cases disposed of in Illinois, 1988-1995

Source: AOIC

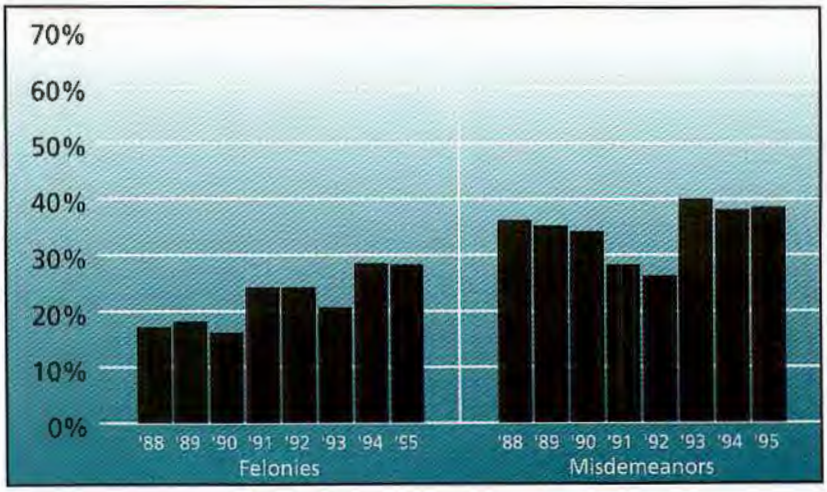


Figure 3-13

Percent of total cases pending more than 12 months, by filing type

Source: AOIC

available historical look at the average amount of time it takes Illinois courts to process a felony.

In 1988, Illinois' statewide felony backlog index was 0.51, meaning felony cases took an average of 189 days to process. Between 1988 and 1991, the index decreased every year to a low of 0.45 or 165 days. However, after 1991, the backlog index increased every year. In 1995, the index was up to 0.53, indicating that, on average, 195 days were needed to process a felony case in Illinois.[2]

Even at their lowest — 165 days — the courts' average processing time over the past several years has been longer than the maximum amount of time allowed by the Speedy Trial Act. This is a result of continuances. Any time the defense requests and receives a continuance of court proceedings, the "clock" stops until the court proceedings begin again. If, for example, a defendant asks for a continuance of 30 days, those days are not included in the total amount of time between arrest and disposition.

For several reasons, such as limited resources and complexity of case issues, the defense frequently requests continuances in felony cases. The 1988 Cook County study found that of 10,000 felony cases examined, nearly 87,000 continuances were allowed — averaging nearly nine continuances per case.[3]

In addition to these means of examining backlogs within the courts, the AOIC keeps track of all cases that have been active for more than one year. Between 1988 and 1995, the number of felony cases pending more than 12 months increased statewide (Figure 3-13). In 1988, 17 percent of all active felony cases were pending more than one year; by 1995, this amount had increased to 28 percent.

ARE FELONY CONVICTIONS IN ILLINOIS INCREASING?

Felony convictions nearly doubled in Illinois between 1988 and 1995, increasing from 33,052 to 59,892. Most of the increase occurred between 1988 and 1990, when felony convictions jumped 60 percent, from 33,052 to 52,995 (Figure 3-14).

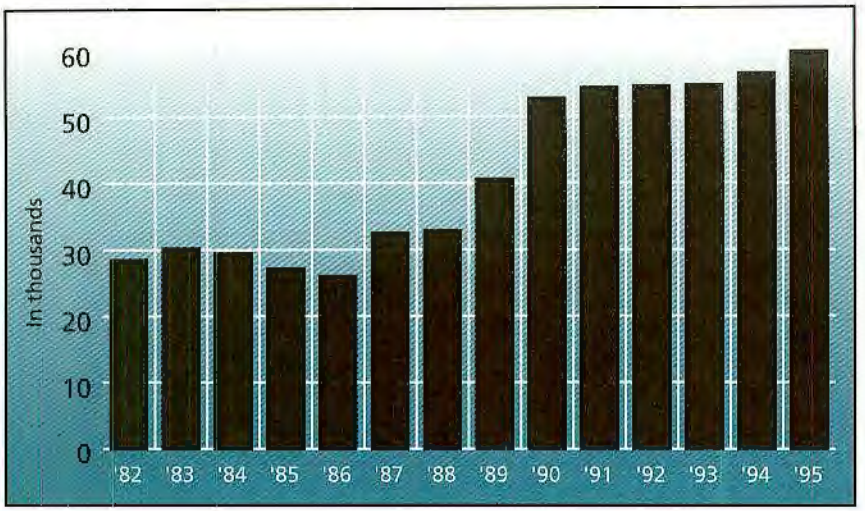
Almost 60 percent of all felony defendants convicted in Illinois between 1988 and 1995 were convicted in the Circuit Court of Cook County. Like statewide trends, felony convictions in Cook County increased dramatically between 1988 and 1990 — jumping 85 percent, from 18,275 to 33,857 — before leveling off in 1991. Between 1991 and 1995, felony convictions increased 11 percent in Cook County, from 32,483 to 35,917.

The overall number of felons convicted is greater than the number of cases disposed of because some cases involve the adjudication of multiple defendants. For example, a robbery case may result in the disposal of one case, but the conviction of two or more defendants.

Figure 3-14

Felony convictions in Illinois, 1982-1995

Source: AOIC



WHAT PROPORTION OF FELONY DEFENDANTS PLEAD GUILTY?

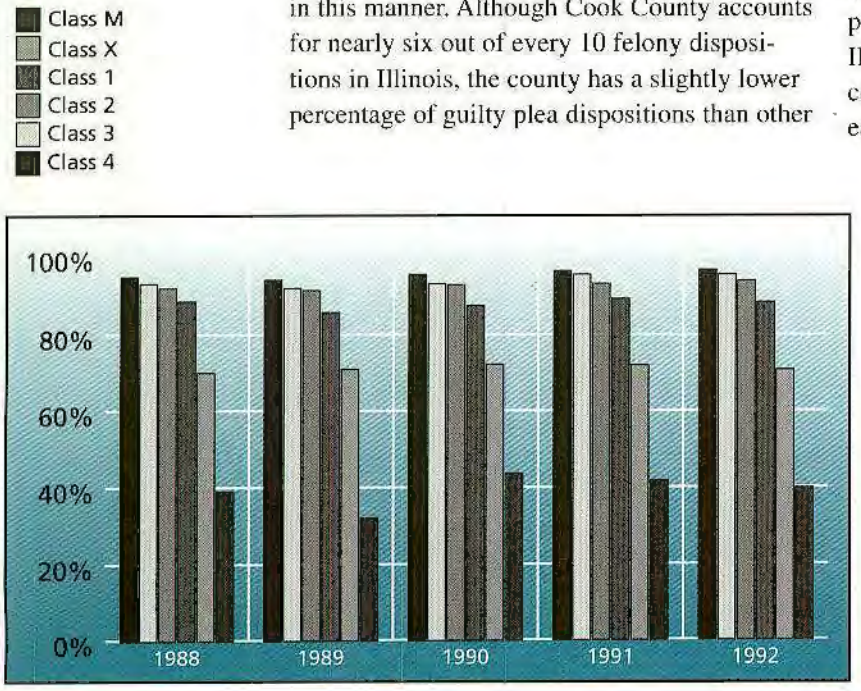
In Illinois, there are three ways of adjudicating felony cases: the acceptance of a guilty plea, the verdict of a jury, or the verdict of the court, which is also known as a bench trial. The vast majority of felony dispositions in Illinois, and nationally, come from the defendant pleading guilty.

In 1995, 59,892 defendants were convicted of a felony in Illinois. Of those convicted, 93 percent pled guilty. Statewide, the percent of felony cases disposed of through a guilty plea has increased every year since 1988, when less than 88 percent of felony convictions were obtained in this manner. Although Cook County accounts for nearly six out of every 10 felony dispositions in Illinois, the county has a slightly lower percentage of guilty plea dispositions than other regions. Of the 35,917 felony defendants convicted in Cook County in 1995, 92 percent were convicted through guilty pleas. In the collar counties, 93 percent of convictions were through guilty pleas. In rural counties, 95 percent of convictions were through guilty pleas. And in urban counties outside of Cook and the collar counties, more than 96 percent of felony convictions were the result of guilty pleas.

Figure 3-15

Percent of felony convictions obtained through guilty pleas, by class

Source: AOIC



The most recent year for which data regarding guilty pleas by felony offense class are available is 1992. Disposition data from 1992 show that the percentage of felons convicted by a guilty plea increased as the felony class decreased (Figure 3-15). For example, only 40 percent of people convicted of first degree murder in Illinois pled guilty, while 71 percent of Class X convictions resulted from a guilty plea. With each subsequent felony class, the percentage of total convictions resulting from a guilty plea increases: 88 percent of Class 1; 94 percent of Class 2; 95 percent of Class 3; and 97 percent of Class 4.

Guilty pleas are usually agreed upon by the defendant in return for the prosecutor's recommendation of a lesser sentence or a reduction in charges by the prosecution — a plea bargain. While many people within the general public and the judicial system do not like the use of plea bargaining, the vast and increasing numbers of defendants entering the court system make it a necessity.

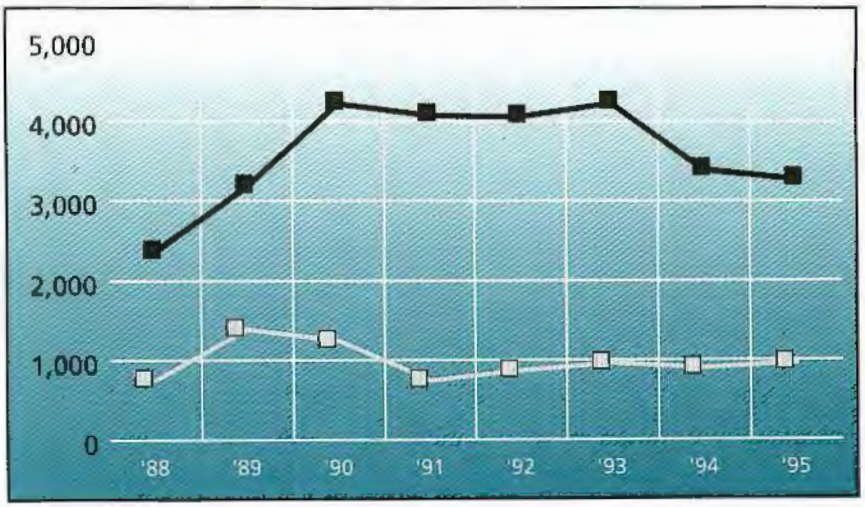


Figure 3-16

Felony defendants convicted by bench and jury trial outcomes in Illinois, 1988-1995

Source: AOIC

HOW MANY DEFENDANTS ARE CONVICTED THROUGH A TRIAL?

Statewide in 1995, only 7 percent of felony convictions were rendered by either a jury or the court, a slight decrease from the 9 percent of 1988 convictions obtained through a trial. Of the 4,227 guilty verdicts in Illinois, 77 percent (3,265 verdicts) were rendered through bench trials, where the case is presented only to a judge and not a jury (Figure 3-16). While jury verdicts accounted for less than 2 percent of all felony convictions in 1995, they represented nearly one-fourth of total statewide trial verdicts.

Data regarding the number of defendants tried but acquitted have not been published since 1989. In 1989, nearly one out of every three offenders who were tried in Illinois were acquitted. Of the 2,556 felony defendants acquitted in 1989, 87 percent were acquitted by the court and the remaining 13 percent were acquitted by a jury. Of the 7,647 defendants receiving trial dispositions in 1989, defendants in jury trials were more likely to be found guilty than defendants in bench trials. In 1989, less than one-half of defendants in bench trials were convicted (42 percent), compared to 59 percent of defendants in jury trials.

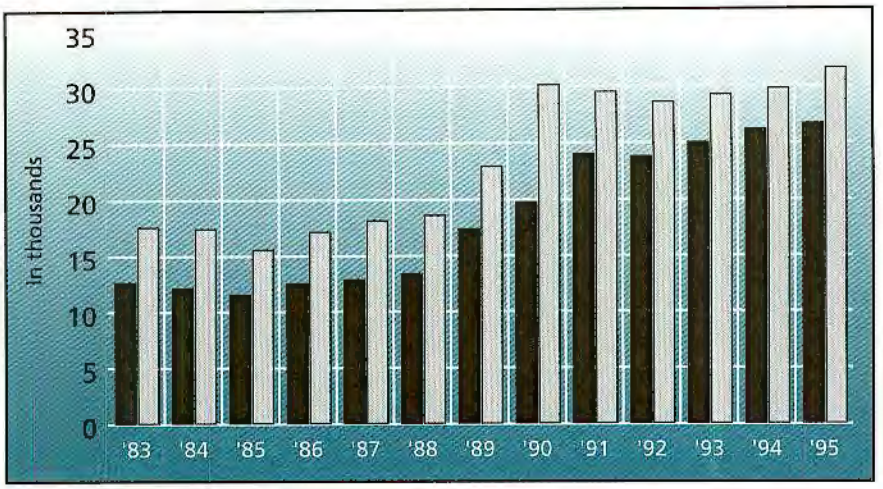
HOW MANY CONVICTED FELONS ARE SENTENCED TO PRISON IN ILLINOIS?

Since 1978, when Illinois shifted to determinate sentencing and instituted the Class X offense category, the annual number of prison sentences imposed has increased nearly threefold. Between 1979 and 1983, prison sentences increased 53 percent in number, from fewer than 8,300 to more than 12,700. The annual number of prison sentences imposed remained relatively stable between 1984 and 1987, increasing less than 6 percent. Between 1988 and 1991, however, prison sentences increased nearly 80 percent, from 13,312 to 23,924. A large portion of this increase can be attributed to the increase in prison sentences for drug offenses. After 1991, the number of prison sentences increased at a more gradual pace. Between 1992 and 1995, the number of prison sentences imposed increased 12 percent, from 23,727 to 26,602.

While current data are not available from the courts on prison sentences imposed by felony class (the last year for which this data were published was 1992), data from 1988 through 1992 indicate that the distribution of sentences by felony class was shifting. Sentences for Class 1 and Class 4 felonies increased as proportions of all prison sentences imposed from 1988 through 1992, while sentences for Class M, Class 2, and Class 3 felonies decreased. Even though the number of sentences for Class X offenses increased 78 percent between 1988 and 1992, they accounted for the same proportion —

Figure 3-17

Felons sentenced to prison and felons sentenced to probation in Illinois, 1983-1995



Source: AOIC

19 percent — of total prison sentences both years.

Between 1988 and 1992, prison sentences for Class 1 felony offenses nearly tripled, while prison sentences for Class 4 offenses increased 85 percent. The majority of Class 4 sentences were for possession of a controlled substance, with Cook County accounting for 87 percent of the statewide total. During this same period, Class 2 felony prison sentences increased 68 percent; followed by Class M and Class 3, increasing 48 percent and 35 percent, respectively.

HOW MANY CONVICTED FELONS IN ILLINOIS WERE SENTENCED TO DEATH?

Since 1988, 102 people have received a sentence of death from Illinois' trial courts. Illinois averaged nearly 13 death sentences per year, ranging from a low of seven in 1995 to a high of 17 in 1988. Between 1988 and 1995, one out of every two death sentences in Illinois was imposed in Cook County.

HOW MANY FELONS RECEIVE A PROBATION SENTENCE?

In Illinois, while all felony offenses are eligible for imposition of a prison sentence, certain convicted felons — with the exception of Class X offenders and those convicted of first-degree murder — are eligible for a probation sentence rather than incarceration. The sentencing alternative of probation is used to allow less dangerous offenders to remain in the community, in hopes that these offenders will be able to find or maintain employment or education, and avoid further contact with the criminal justice system. The court's placement of a convicted felon on probation depends on a combination of the seriousness of the offense, the defendant's previous criminal history, and the threat that the offender may pose to a community's safety.

In 1995, 31,518 convicted felons in Illinois received a sentence of probation, a 70 percent increase from the 18,522 probation sentences imposed statewide in 1988 (Figure 3-17). Cook County accounted for 49 percent of all felony probation sentences in 1995.

As with prison sentences, probation sentences have leveled off in recent years. Between 1990 and 1995, felony probation sentences increased by only 5 percent statewide. Between 1990 and 1995, the number of probation sentences imposed decreased in both Cook and the collar counties by 5 percent and 12 percent, respectively. In the urban and rural counties, the number of probation sentences increased.

Between 1988 and 1992 — the last year for which detailed breakdowns are available — the number of probation sentences imposed for Class 1 convictions more than tripled. By comparison, probation sentences increased 75 percent for Class 4 offenses, 46 percent for Class 2 offenses, and 15 percent for Class 3 offenses.

Although the number of Class 1 probation sentences increased the most between 1988 and 1992, they accounted for the smallest proportion of all felony probation sentences, 7 percent in 1988 and 15 percent in 1992. In 1988, most felony probation sentences were for Class 3 offenses, 35 percent. By 1992, Class 3 offenses accounted for only 25 percent of all felony probation sentences. On the other hand, probation sentences for Class 4 felony offenses accounted for the largest proportion (33 percent) of all felony probation sentences in 1992. In 1988, Class 4 offenses accounted for 29 percent of all felony probation sentences.

WHAT PROPORTION OF FELONS ARE SENTENCED TO PROBATION?

Between 1988 and 1995, a total of 398,445 felony offenders received either a sentence of imprisonment or probation; 21,681 received other, nontraditional sentences, such as court supervision or community service. Fifty-one percent of felony offenders received a probation sentence, while 44 percent were sentenced to a term of incarceration within the Illinois Department of Corrections. The remaining 5 percent of felony offenders were sentenced to sanctions other than probation or imprisonment (Figure 3-18).

HOW LONG ARE PRISON SENTENCES?

In 1995, prison sentences imposed under determinate sentencing averaged 4.8 years in length (these excluded those cases that had aggravating or mitigating circumstances, which statutorily allowed the judge to impose a sentence outside of the defined lengths). This was slightly less than the average sentence length of 5.1 years in 1992 and 5.3 years in 1988. In 1995, more than one-half of all felony prison sentences were for three years or less, while 17 percent were for more than six years.

Across offense types, only prison sentences for violent crimes (excluding sex offenses) increased in length between 1985 and 1995, with most of the increase accounted for by first-degree murder sentences. In 1985, violent offenders were sentenced to an average of 8.4 years in prison. By 1995, the average sentence length imposed on violent offenders had increased slightly, to 8.5 years (Figure 3-19).

The largest sentence length decreases occurred for drug and sex crimes. In 1985, the average drug sentence imposed was 3.6 years, compared to the 1995 average of 3.3 years. Similarly, sentences for sex offenses decreased from an average length of 9.4 years in 1985, to an average length of 8.5 years in 1995.

While prison sentence lengths for drug offenses have decreased during recent years, drug sentences continue to account for an increasing proportion of prison sentences imposed. Between 1988 and 1995, prison sentences for drug offenders increased more than fourfold, from 2,862 to 13,379. More than 7,000 (79 percent) of the drug sentences during this time period were from Cook County.

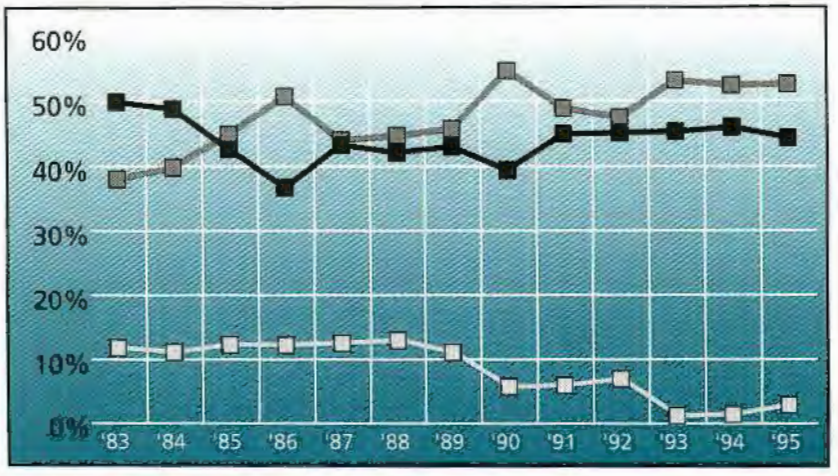


Figure 3-18

Proportional breakdown of felony sentences imposed in Illinois, 1983-1995

Source: AOIC

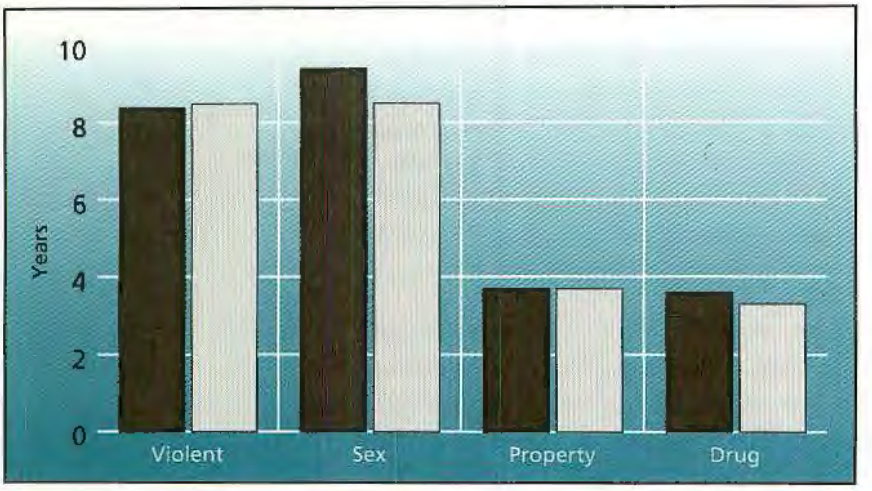


Figure 3-19

Average length of prison sentences by offense type

Source: Illinois Department of Corrections

Much of the increase in the number of drug sentences can be attributed to an increase in the number of sentences imposed for Class 4 felony possession of a controlled substance. Between 1988 and 1995, the number of prison sentences imposed for this offense increased 740 percent. While the number of offenders sentenced for this offense increased dramatically, the average sentence length decreased from 1.8 years in 1988 to 1.6 years in 1995.

WHAT ARE THE CASELOADS OF PROBATION DEPARTMENTS IN ILLINOIS?

Because Illinois' prisons continue to lack space for the growing number of convicted felons, greater numbers of more serious offenders are being sentenced to county-based probation departments. Increasing caseloads and limited resources have put pressnre on the departments to provide adequate supervision that benefits the offender, but also protects the safety of local communities.

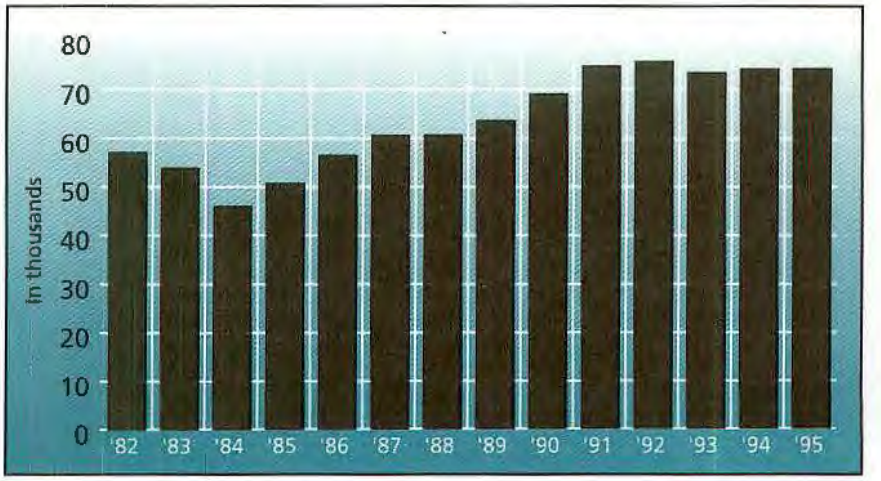
Between 1988 and 1995, adult probation caseloads in Illinois increased 22 percent, rising from fewer than 61,000 in 1988 to more than 74,000 probationers in 1995 (excluding offenders placed on specialized probation programs such as intensive probation supervision) (Figure 3-20). During this period, probation caseloads grew the most in urban counties outside of Cook and the collar counties (45 percent) followed by the rural counties (22 percent).

The growing use of probation as a sentencing alternative to incarceration during this period is evident in the increasing number of felony offenders placed on probation. In 1988, about half of all active adult probationers were serving a felony sentence. By 1995, more than 60 percent of the nearly 75,000 active adult probationers were serving a felony sentence, and in Cook County, more than 65 percent of all active adult cases were felony offenders.

Beyond basic supervision required of all caseloads, many adult probationers are ordered to various types of treatment, including drug and/or alcohol, mental health, or sex offender treatment. Between 1992 and 1995, the number of probationers ordered to treatment increased slightly, from 16,320 to 16,795, accounting for 21 percent and 22 percent of the entire active adult caseload, respectively. During 1995, more than two-thirds of probationers receiving

Figure 3-20

Adult probation caseloads in Illinois, 1982-1995



Source: AOIC, Probation Division

treatment were ordered to some form of treatment for alcohol or drug abuse, or a combination of both. Within most jurisdictions, the number of probationers in need of treatment exceeds the capabilities of available service resources.

WHAT ARE THE CHARACTERISTICS OF ADULT PROBATIONERS?

Detailed demographic and criminal history information is not available on all offenders placed on probation. However, information from a May 1995 survey of probationers at intake provides a snapshot of the Illinois probation population at that time. The survey, conducted by the Adminstrative Office of the Illinois Courts, captured detailed information on 3,939 adult probationers and it helped document a recent demographic shift regarding the gender of probationers. While men account for an overwhelming majority of adult probationers in Illinois, women are making up a growing proportion of the probation caseloads 19 percent in 1995, compared to 15 percent in 1990.[4] In 1995, 35 percent of adult probationers were between the ages of 21 and 30 years of age, and 28 percent were 31 to 40 years old (Figure 3-21). Fifty-six percent of probationers were white, 32 percent were African-American, and 10 percent were Hispanic (Figure 3-22).

Of the 1995 intakes, 46 percent reported having an educational achievement level below the 12th grade (Figure 3-23). More than 34 percent of probationers were unemployed (Figure 3-24). Seventy-nine percent reported their annual income as less than $20,000, with 52 percent reporting an annual income of less than $10,000.

Traffic offenses accounted for 28 percent of the probation sentences. Nearly 24 percent of the sentences were for alcohol- or drug-related offenses. Twenty-one percent were for crimes against property, while 14 percent of the probationers were serving a sentence for violent offenses. Of those offenses involving a victim, 42 percent of the victims were related to the probationers.

A sentence of 13 to 24 months of probation was imposed in 46 percent of the cases, and 38 percent received a sentence of up to one year of supervision. Of those surveyed, fewer than one-half (46 percent) were ordered to some form of treatment.[5] Probation officers' perceptions of an offender's need for treatment was consistently higher than what the court ordered, especially in cases involving drug and/or alcohol treatment. While 39 percent of the probationers were ordered to undergo treatment by the court, probation officers perceived that 50 percent needed treatment.[6]

With respect to previous contact with the criminal justice system, 72 percent of the probationers had been previously arrested, with 43 percent reporting their first arrest between the ages of 10 and 19. Thirty-five percent had been on probation before, and 10 percent had served a prior prison sentence.

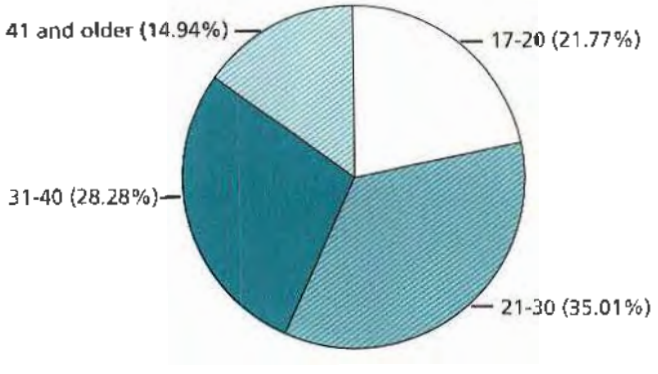


Figure 3-21

Age of adult probation intakes, May 1995

Source: AOIC Intake Survey

Figure 3-22

Ethnicity of adult probation intakes, May 1995

Source: AOIC Intake Survey

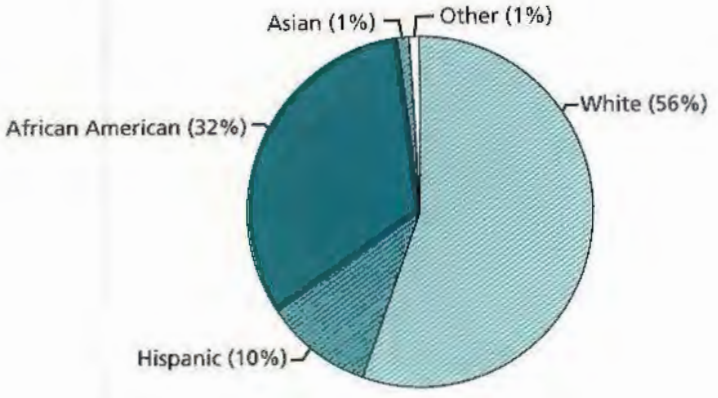


Figure 3-23

Education level of adult probation intakes, May 1995

Source: AOIC Intake Survey

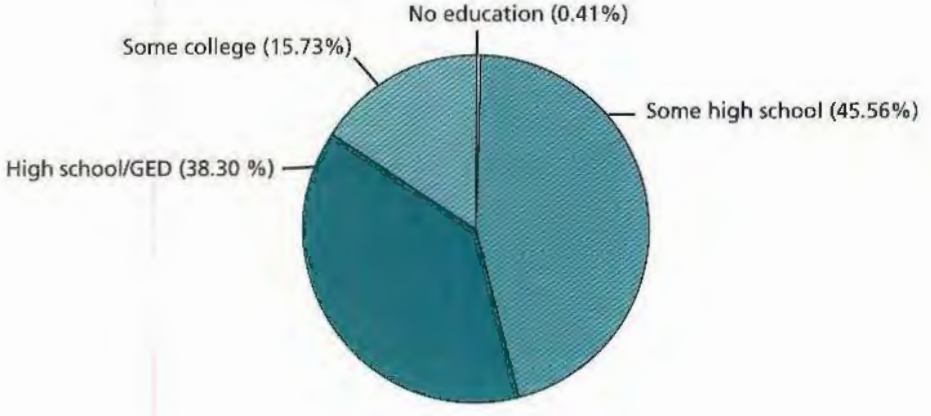
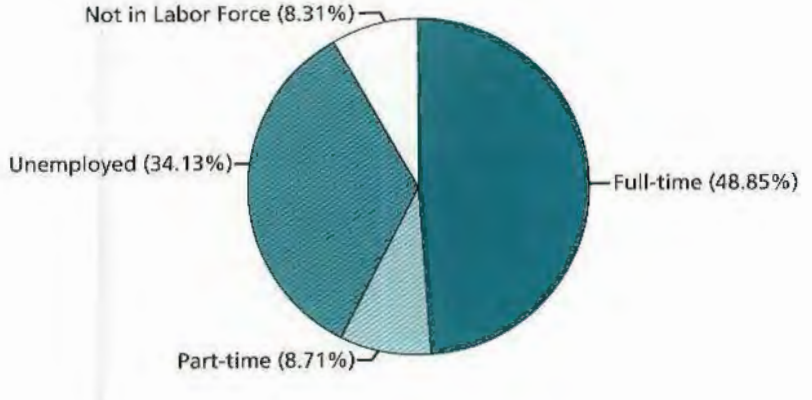


Figure 3-24

Employment status of adult probation intakes, May 1995

Source: AOIC Intake Survey



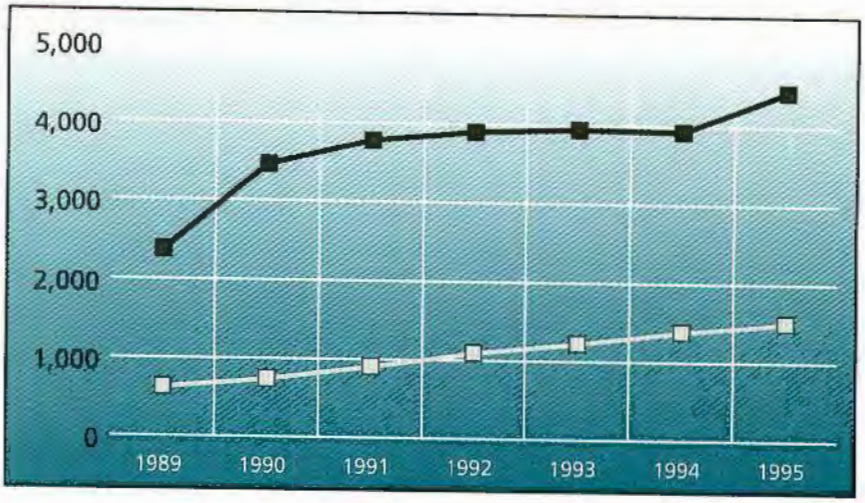


Figure 3-25

Specialized DUI and intensive probation supervision caseloads

Source: AOIC, Probation Division

HOW MANY PROBATIONERS IN ILLINOIS ARE DUI OFFENDERS?

While the statewide adult probation population serving a sentence for driving under the influence (DUI) increased between 1989 and 1995, their proportion of the total active adult population decreased. During this time period, the number of probationers on DUI or Specialized DUI probation caseloads increased 5 percent, from 14,575 in 1989 to 15,490 in 1995.

Because DUI probationers present unique problems, the AOIC has developed specialized supervision programs which operate in several counties. Eligible offenders are those determined to be alcoholic or chemically dependent; those who have had more than one DUI conviction during the previous five years; or those who have been convicted of driving with a license revoked through a previous DUI conviction. The program includes identification, monitoring, intervention, and referral to treatment during the initial period of supervision. The program allows the supervising probation officer to assist in the offender's treatment but places the responsibility of recovery and successful program completion on the offender.

At the end of 1996, 19 counties were operating specialized DUI probation programs. Between 1991 and 1995, the caseloads within the specialized programs increased 18 percent, from 3,770 to 4,438 probationers (Figure 3-25). Based on a demographic profile of the 1994 DUI specialized caseload, nearly 59 percent of the probationers were over 30 years of age. The majority of these probationers were white (79 percent), male (89 percent), and employed full-time (64 percent). The Illinois driving privileges of nine out of every 10 program participants had been either suspended (21 percent) or revoked (70 percent).

HOW MANY ADULTS ARE UNDER INTENSIVE PROBATION SUPERVISION?

Although most adult probationers are sentenced to "traditional" probation supervision, a number of more serious offenders — who would most likely otherwise be sentenced to the Illinois Department of Corrections — are placed on Intensive Probation Supervision (IPS). In 1995, nearly 2 percent of all active adult cases were under IPS programs operating in 19 Illinois counties. The programs' abilities to handle higher-risk cases frees up additional prison space for more serious violent and drug offenders.

IPS sentences consist of a highly structured 12-month program with the most restricted supervision taking place during the first quarter. After the first three-month period, the supervision requirements gradually decrease through the rest of the sentence. Sentencing options of either complete discharge from further supervision or transfer to traditional probation placement are available upon completion of IPS; the majority of IPS offenders go on to serve an additional period of supervision.

Since the program's inception, the annual IPS population has increased each year. In 1991, about 900 offenders were placed on IPS. By 1995, the IPS population increased 64 percent, with nearly 1,500 offenders being supervised in Illinois. In 1995, nearly 60 percent of the statewide IPS cases were being supervised in Cook and the collar counties.

According to the AOIC's Probation Division, the majority of IPS offenders are convicted of a Class 2 felony offense for which a sentence of imprisonment ranging between three to seven years is statutorily prescribed. While most IPS participants are serving sentences for property offenses, such as burglary, theft, or arson, nearly a quarter of the population is serving a sentence for sexual assault, robbery, aggravated assault, or other probationable violent offenses.

The program's ability to serve as an alternative to prison also provides a monetary relief to the Illinois criminal justice system. According to IDOC, the average annual cost to incarcerate a person in Illinois is $16,710. The annual cost of IPS is reported at less than one-fourth that of imprisonment, averaging $4,000 per year.

WHAT ARE THE OUTCOMES OF CRIMINAL APPEALS IN ILLINOIS?

In 1995, 4,360 criminal appeals were filed with the Illinois appellate courts, an increase of 28 percent over the number of criminal appeals filed in 1988. Between 1988 and 1995, the number of criminal appeals disposed of by Illinois' appellate courts increased 39 percent, from 3,354 to 4,666 (Figure 3-26). Of the 4,666 appeals ruled upon in 1995, 63 percent of the lower courts decisions were affirmed in full by the appellate courts. Between 1988 and 1995, the percent of appeals resulting in a full reversal of the lower court's decision ranged from 1.5 percent to slightly more than 2 percent. In 1995, 1.6 percent of criminal appeals disposed of resulted in a complete reversal. In 1995, 21 percent of criminal appeals were disposed of without an order or opinion of the Appellate Court. Dispositions without an order do not set precedents for further cases, and usually are the result of the successful dismissal of the appeal by one of the two parties involved.

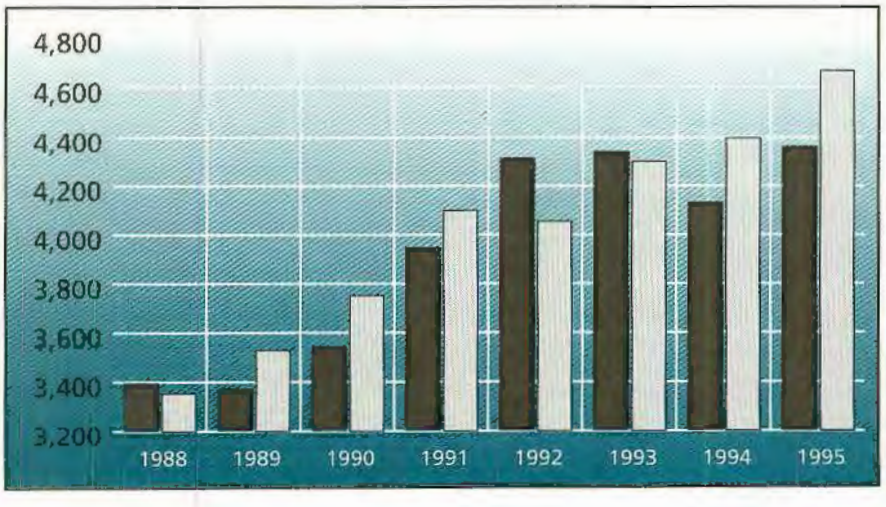
During recent years, the appellate courts, while increasing the number of appeals disposed of, also reduced the amount of time between appeal filing and disposition. In 1988, 14 percent of filed appeals required more than two years between filing and disposition; by 1995, this had decreased to 11 percent. During the same period, the percent of cases disposed of within 18 months of filing increased from 21 percent in 1988 to 28 percent in 1995.

Notes

1. *An Assessment of the Felony Case Process in Cook County, Illinois, and Its Impact on Jail Crowding,* Washington, D.C.: The Adjudication Technical Assistance Project, 1989.

Figure 3-26

Criminal appeals filed and disposed of in Illinois appellate courts



Source: AOIC

2. The backlog "index" is calculated by using the number of pending or active cases at the beginning of a year, and dividing them by the number of cases terminated by the year's end. These numbers are reported by the Administrative Office of the Illinois Courts.

3. *An Assessment of the Felony Case Process in Cook County, Illinois, and Its Impact on Jail Crowding*, Washington, D.C.: The Adjudication Technical Assistance Project, 1989.

4. A similar survey of probationers was conducted in 1990 using two intake months.

5. Based on data reported in the Administrative Office of Illinois Courts, *Annual Report to the Supreme Court*, 22 percent of the entire 1995 probation population was ordered to some form of treatment, versus 46 percent of the May 1995 probation intake sample.

6. Probation officers were also surveyed regarding their various risk assessment measures and perceived offender needs.

FINANCE

In fiscal year 1992 (the most recent year for which data are available), the Bureau of Justice Statistics reported that 18 percent of Illinois' total direct expenditures for the state justice system was devoted to judicial and legal services.[1] Beyond operation of the circuit, appellate, and Supreme Court, this figure also represented the amount designated for the provision of public defense and prosecution services.

Although court expenditures accounted for only 18 percent of total justice expenditures in Illinois, the proportion of local justice expenditures allocated to court-related activities is considerably higher than state-level justice expenditures. For example, during 1992, 41 percent of total county justice expenditures were for court activities, compared to 19 percent of state justice expenditures.

According to the Office of the Comptroller, Illinois appropriated $208,722,500 for the operation of judicial agencies during state fiscal year 1995 — 26 percent more than in fiscal year 1989 (Figure 3-27). However, this does not include the amounts appropriated for the operation of the offices of the state appellate defender and prosecutor.[2] (For detail on these appropriations, see the "Prosecution and Public Defense" chapter).

Of the total 1995 appropriations, more than 38 percent ($79.4 million) were designated for judicial salaries, and 36 percent were for the operation of Illinois' circuit courts. The Illinois Supreme Court and the appellate courts accounted for 3 percent and 7 percent of total judicial appropriations, respectively. Between 1989 and 1995, state appropriations for circuit court operations increased 11 percent, from $68.1 million to $75.4 million, while appropriations for the appellate courts and Supreme Court increased 20 percent, from $12.5 million to $15 million, and 45 percent, from $4.8

Figure 3-27

State appropriations for Illinois judicial agencies*

*Does not include appropriations for the offices of the state appellate defender and prosecutor

Source: Office of the Illinois Comptroller

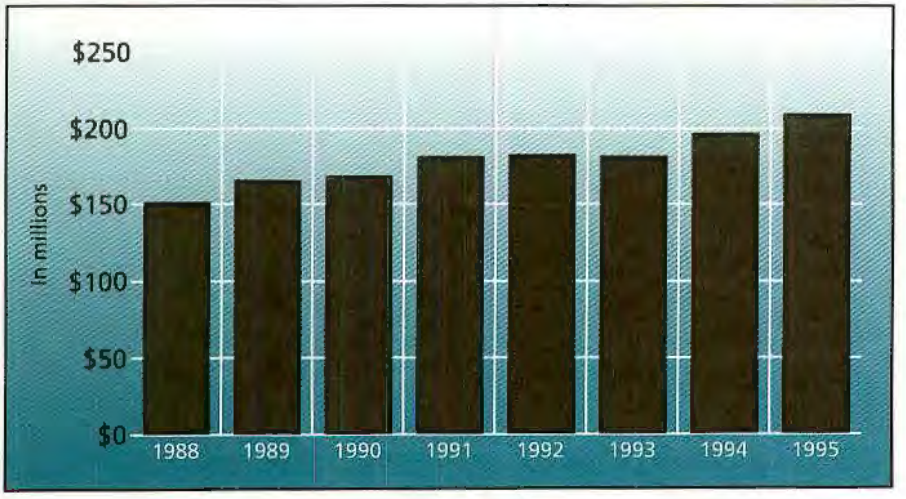
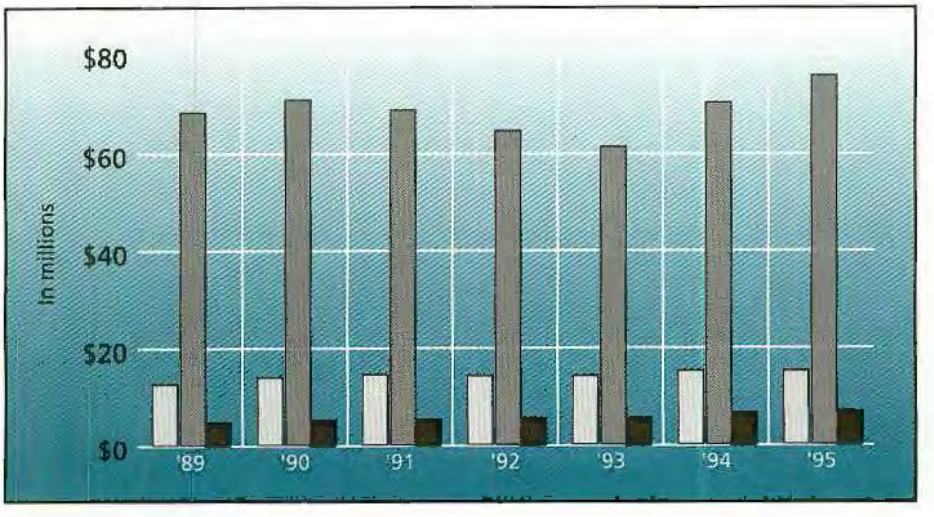


Figure 3-28

State appropriations for Illinois courts, by court type

Circuit Court
Appellate Court
Supreme Court

Source: Office of the Illinois Comptroller



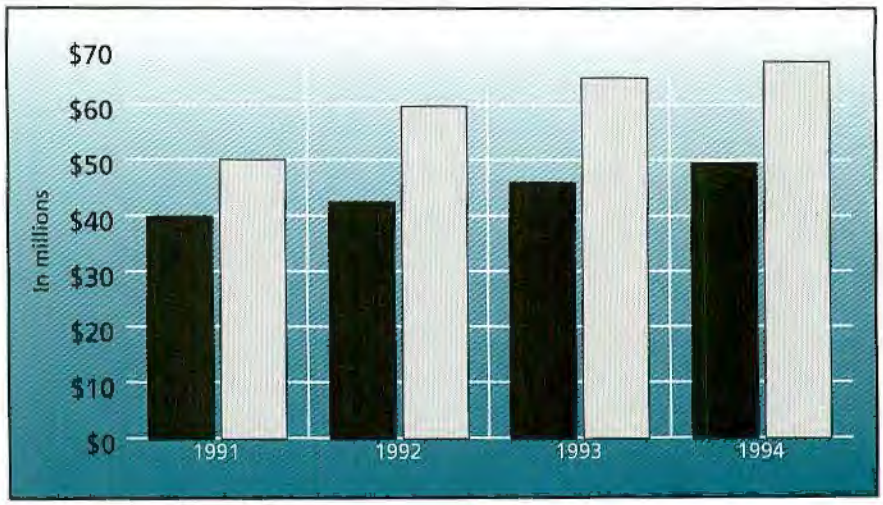


Figure 3-29

Probation expenditures for Cook County and the rest of Illinois

Source: AOIC

million to $6.9 million, respectively (Figure 3-28).

Another source of information regarding the costs and financing of Illinois' court system is the state fiscal year expenditures for the operation of probation departments. Between state fiscal years 1991 and 1994 (the most current year for which data are available), expenditures for probation operations increased 30 percent, from $90,296,883 to $117,679,917.[3] Between 1991 and 1994, probation expenditures in Cook County increased 35 percent, to more than $68 million, compared to the rest of Illinois, where probation expenditures increased 24 percent, to almost $50 million (Figure 3-29). In 1994, Cook county accounted for 57 percent of statewide probation expenditures.

Notes

1. *Sourcebook of Criminal Justice Statistics, 1994*, Bureau of Justice Statistics, Washington, D.C., 1995.

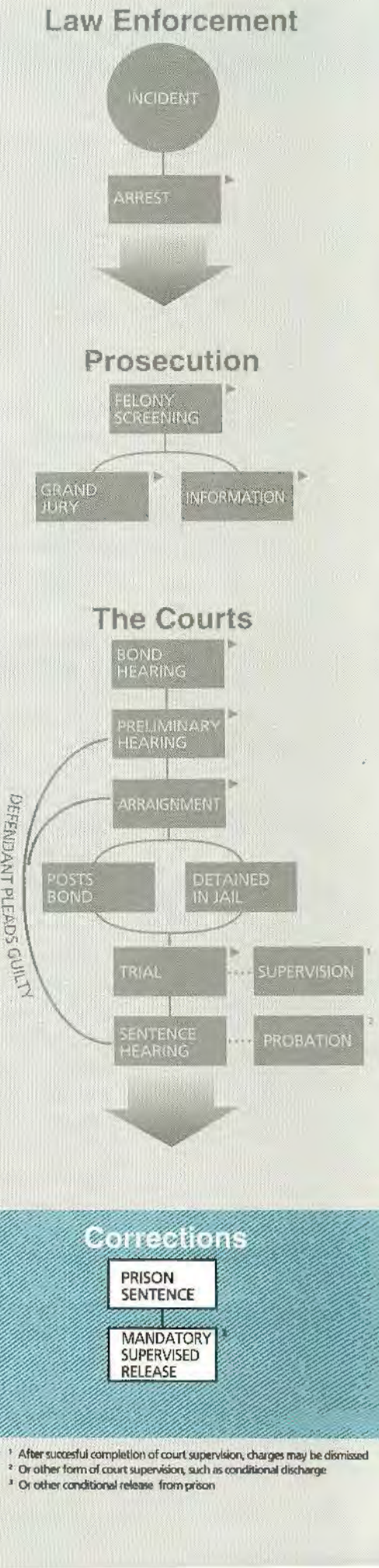
2. *Illinois Appropriations 1995*, Comptroller's Office, State of Illinois, Springfield, Illinois, 1996.

3. *Annual Probation Statistics, 1991-1994*, Administrative Office of the Illinois Courts, Springfield, Illinois.

Corrections

How many people are under some form of correctional supervision in Illinois? How have jail and prison populations changed in recent years? What are some alternatives to incarceration?

This chapter provides an overview of the operational and managerial issues faced by correctional institutions. The chapter discusses impact incarceration programs, mandatory supervised release, and PreStart. It also explains what corrections officials are doing to manage their most dangerous inmates, inmates with mental health problems, and inmates with HIV and AIDS, among other issues.



[1] After succesful completion of court supervision, charges may be dismissed
[2] Or other form of court supervision, such as conditional discharge
[3] Or other conditional release from prison

OVERVIEW

As with other aspects of the criminal justice system, correctional institutions in Illinois are operated at the local, state, and federal levels. County jails and municipal lockups operate at the local level, the Illinois Department of Corrections (IDOC) is responsible for corrections for the state, and the federal government operates three penitentiaries and one jail in Illinois.

This chapter provides an overview of operational and managerial issues faced by county jails, municipal lockups, the Illinois Department of Corrections, and federal institutions. It looks at inmate trends, special populations, and treatment, education, and alternative programs at IDOC.

HOW ARE JAILS ORGANIZED IN ILLINOIS?

As of June 1996, 91 of the state's 102 counties operated county jails. In Illinois, county jails are administered by county sheriffs. The 11 counties that do not operate jails — Brown, Cass, Cumberland, Edwards, Gallatin, Hamilton, Johnson, Pope, Pulaski, Scott, and Union — have contractual arrangements with nearby counties to house inmates at a per-diem rate.

In Illinois, county jails house both pretrial detainees (people accused of crimes who are awaiting trial and have not posted bond or were denied bond) and convicted misdemeanants (offenders serving sentences of less than one year). County jails also temporarily house convicted felons awaiting transfer to prison or felons appearing in court on new charges. In addition, felons may serve time in a county jail as part of periodic imprisonment sentences. In July 1983, the state stopped sending convicted misdemeanor offenders to IDOC facilities.

While two out of three jails in the United States were built to hold fewer than 50 inmates, only about half of the county jails in Illinois are that size. During fiscal year 1995, the average daily population of Illinois' county jails ranged from just two detainees in Carroll and Putnam counties to 5,883 detainees in the Cook County Jail. Twenty-two of Illinois' 91 county jails, including Cook County Jail, have the capacity to house more than 100 inmates; 18 can house between 50 and 100 inmates; and the majority — 51 jails — can house fewer than 50 inmates.

One federal jail — the Metropolitan Correctional Center (MCC) — is in Illinois. The 26-story facility in Chicago opened in 1975 and has a rated capacity of 431 inmates. The MCC is classified as an administrative facility. It is designed for people serving short-term sentences or awaiting trial or sentencing, and houses prisoners of all security levels.[1]

HOW ARE MUNICIPAL LOCKUPS ORGANIZED IN ILLINOIS?

Municipal detention facilities operate in a number of Illinois' law enforcement jurisdictions. In fiscal year 1995, 194 municipal detention facilities reported population data to IDOC. These facilities processed 109,151 adult inmates in fiscal year 1995; 83 percent (or 90,766) were men, and 17 percent (or 18,385) were women. Municipal lockups, which are operated by cities, towns, or villages rather than counties, are used to hold people awaiting trial or other criminal proceedings. Unlike jails, municipal facilities are not used to hold sentenced offenders.

HOW ARE JAILS AND LOCKUPS MONITORED?

IDOC's Jail and Detention Standards Unit monitors the compliance of county jails, municipal lockups, and juvenile detention centers with minimum standards set by Illinois statute. The unit evaluates the physical conditions of facilities; the health, safety, and treatment of detainees and staff; and the security provided to the community. The unit also collects and reports statistical information on jail and municipal lockup populations.[2] The Jail

and Detention Standards Unit was dissolved in 1992 as a result of budget constraints, but was re-established in July 1995. There is a gap in statistical information for the three-year period the unit did not exist.

Illinois law requires all full-time correctional officers working in county jails to receive five weeks (200 hours) of correctional officer training within the first six months of employment.[3] Exceptions can be made, however, to allow for an extension of up to three months, under certain circumstances.

HOW IS IDOC ORGANIZED?

IDOC is responsible for providing care, custody, and treatment for all people sent to state prisons, including newly sentenced offenders and those returned to prison for violating the conditions of their release. IDOC's mission is to "protect the public from criminal offenders through a system of incarceration and supervision which securely segregates offenders from society, assures offenders of their constitutional rights, and maintains programs to enhance the success of the offender's re-entry into society."[4] The department's job is really twofold: to ensure public safety through the incarceration and supervision of offenders, and to meet the basic needs of inmates in its custody.

IDOC is led by the state director of corrections, a cabinet officer appointed by the governor with the advice and consent of the Illinois Senate. The department is organized into several different divisions with varying purposes and priorities.

- *Director's Office:* The director's support staff serves as a liaison to the general public, the legislature, and the executive and judicial branches of government. In addition, the office provides technical assistance in meeting compliance with fiscal audits and the American Correctional Association accreditation standards. Also included is the Office of Public Information, central screening, legal services, and inmate issues.

- *Office of the Chief Deputy Director:* Performs the functions of personnel administration, employee relations, operation of Illinois Correctional Industries, and inmate transfer administration.

- *Division of Finance and Administration:* Oversees the administration and financial management of the department. This division includes the Office of Health Services, the Planning and Research Unit, the Capital Programs Unit, the Fiscal Support Unit, the Procurement Section, the Information Services Unit, and the Budget and Accounting Services Section.

- *Division of Support Services:* Units under this division include the Canine Unit, the Jail and Detention Standards Unit, the Fugitive Apprehension Unit, the Internal Investigations Unit, and the Training Academy.

- *Division of Administrative Services:* Assists in the development, coordination, and monitoring of the department's policies and standards, including intergovernmental relations, affirmative action, and the Chief Record Office.

- *Division of Adult Institutions:* Provides custody for, meets the basic needs of, and offers program opportunities to all adults sentenced to prison by the courts and to all violators of release conditions who are returned to prison. There are 26 adult correctional institutions statewide.

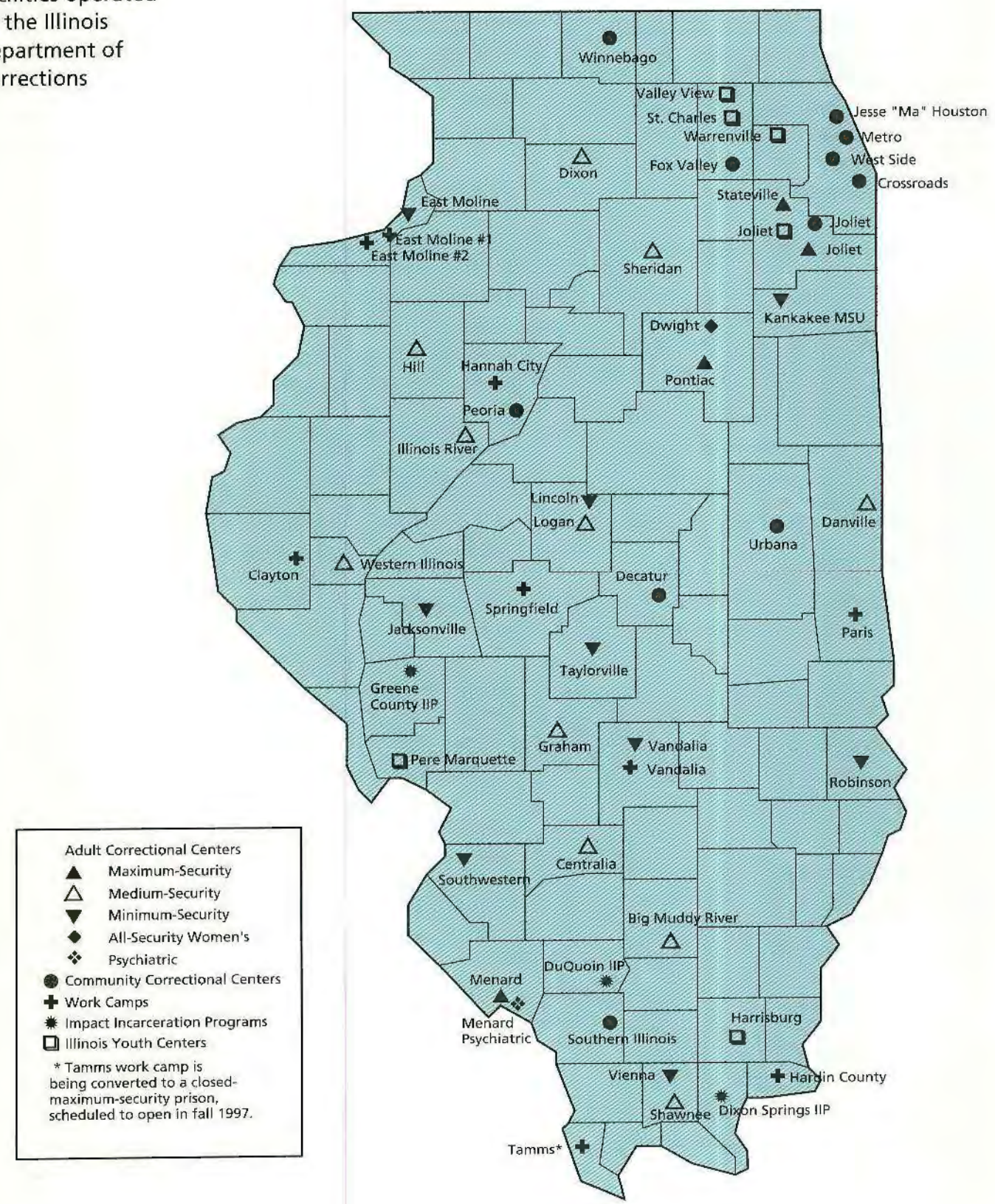
- *Juvenile Division:* Provides care, custody, and rehabilitative programs for all juveniles committed to IDOC by the courts. The division includes six residential centers and three district field service offices under the deputy director.

- *Community Services Division:* Provides all agency work release, parole, and electronic detention supervision. Each of these community-based functions are focused on the safe and successful return of inmates to the community. There are 11 community correctional centers statewide.

On June 30, 1996, there were 13,671 correctional employees in IDOC, making it one of the largest state agencies in Illinois. At that time 84 percent of IDOC's work force — 11,481 employees — worked in adult correctional facilities as correctional officers or as professional or support personnel. At the end of fiscal year 1996, IDOC was responsible for more than 38,000 people in its custody, and the

Figure 4-1

Facilities operated by the Illinois Department of Corrections



department's operating costs included $503.8 million for salaries and benefits, $295 million for administration and operations, and $1.45 million for maintenance and repair.

IDOC operates a wide variety of adult facilities to meet the needs of its population. In 1996, the department operated four maximum-, 11 medium-, and nine minimum-security institutions; one all-security prison for women (Dwight); one psychiatric unit at the Menard Correctional Center; two prison farms; nine work camps, and three impact incarceration programs, also referred to as boot camps. (Figure 4-1).

In addition, some offenders in IDOC's custody are held in 11 community correctional centers that the department either directly operates or uses on a contractual basis. These centers provide selected low-risk inmates with a structured, intermediate step from institutional life to the community.

In response to the rapid increase in the state prison population, IDOC is in the process of building and expanding some of its institutions. The newest facility, the Big Muddy River Correctional Center, added 1,904 medium-security beds to the system in 1993. Since then, IDOC has increased its bed space by 2,894 by adding new cell houses at existing facilities, adding work-camp and boot-camp beds, and converting an abandoned school into a minimum-security drug treatment center.

Although the Illinois General Assembly has not specifically allocated money for prison construction for the last two years, IDOC will add beds in the coming years. Through a lease-purchase arrangement, work camp facilities are being built in Vandalia and Pittsfield, and a 448-bed cell house in each of four existing facilities — Dwight, Dixon, Logan, and Graham correctional centers — will also be built. Through capital funds previously appropriated, IDOC also will open a 500-bed "Super Maximum" security facility in Tamms.

HOW ARE INMATES PROCESSED INTO IDOC?

After they have been sentenced to prison by the courts, newly convicted offenders (or former inmates who have violated the conditions of their release) are transferred from a county jail to one of four IDOC reception and classification centers. About 70 percent of all IDOC prisoners are processed at the reception and classification center at the Joliet Correctional Center, primarily because of the great number of offenders sentenced by the courts in nearby Cook County and the collar counties. The remaining male inmates are processed at the Graham or Menard correctional centers, and all female prisoners are processed at the Dwight Correctional Center. In fiscal year 1996, 78 percent of all admissions were offenders sentenced as new court admissions; 18 percent were offenders who received new sentences for felonies committed while on mandatory supervised release (MSR); and 4 percent were offenders returned for technical violations of the provisions of their release without a judge's sentence.

The reception and classification process usually takes from one to 10 days. During this time, inmates' identities are verified; their money and other personal property are surrendered and inventoried; their medical, psychological, educational, and vocational backgrounds are evaluated; and they are given physical examinations. IDOC then uses a classification system to match the characteristics and needs of inmates with appropriate security levels, supervision, available space, and programs, and determines the institution to which each offender will be assigned. Assignments may also be influenced by other factors, such as crowding at specific institutions.

At least once a year, each prisoner is given a reclassification review to evaluate the suitability of the inmate's security classification. Reclassified inmates may be assigned to a different institution, have their security grade within the same institution changed, or receive new program assignments.

WHAT TYPES OF EDUCATIONAL AND TREATMENT PROGRAMS ARE AVAILABLE IN IDOC?

Once in prison, many inmates are given work assignments, usually within their institution. Prisoners may also participate in academic and vocational training and in substance abuse and sex offender treatment.

All educational programs operate as part of Corrections School District 428, established in 1972 by the Illinois General Assembly. Prison schools provide academic and vocational instruction to inmates confined by the department. In addition, the school district contracts with community colleges and private colleges and universities for college-level instruction. In fiscal year 1995, 9,088 inmates participated in educational programs. More than one-third of these were in GED programs, and almost 30 percent were in mandatory basic education programs. Also in fiscal year 1995, 3,174 inmates were in vocational programs; 25 percent of these participants were in cooperative work training programs.

Since Jan. 1, 1987, IDOC inmates who score below the sixth-grade level in reading and math on the Test of Adult Basic Education are required to attend a 90-day instructional program.

Substance abuse programming is available in some form at each adult IDOC facility. A number of institutions, however, provide more intensive substance abuse treatment and education. The entire Southwestern Correctional Center provides 600 treatment beds exclusively for inmates receiving substance abuse treatment. Other facilities that provide large programs include Sheridan (285 treatment beds), Vandalia (100 treatment beds), and Dwight (91 beds). Participation in substance abuse treatment is voluntary. Some of the other services available to inmates identified with substance abuse problems include:

- *Graham and Sheridan Outpatient Treatment Programs.* These programs, designed to complement those of the Department of Alcoholism and Substance Abuse (DASA), are funded therapeutic treatment communities within these institutions. These step-down programs serve participants who complete the DASA program. Intensive outpatient treatment services, provided through purchase-of-service contracts, include therapy, educational groups, individual counseling, and 12-step meetings.

- *Logan, Taylorville, and Big Muddy River Treatment Communities.* These substance abuse education programs are similar to those at Graham and Sheridan, but do not have direct links to DASA. They are designed to provide group and individual counseling, peer group counseling, drug education, relapse prevention counseling, AIDS education, aftercare, and community service referrals upon release. Logan and Taylorville each have 30-bed units, while Big Muddy River has a 50-bed unit.

- *All Impact Incarceration Programs ("boot camps").* Participants receive a minimum of 15 hours of drug education. Those who need additional treatment may receive up to 120 hours. A post-release treatment plan is also developed for each participant.

In addition to substance abuse, educational and vocational programs, IDOC also provides sex offender treatment programs — designed to address the specific needs of sex offenders. Inpatient programs are located at two facilities, Graham and Big Muddy River; the East St. Louis Community Service Center provides post-release supervision to sex offenders.

WHAT ARE IMPACT INCARCERATION PROGRAMS?

In response to escalating prison populations and soaring costs associated with incarcerating offenders, Illinois, like most states, has sought alternatives to incarceration. One such program, the Impact Incarceration Program (IIP) — also referred to as "boot camp" — was established by law in July 1990.[5]

IIP's goal is to better serve the community and the youthful offender, while at the same time helping to reduce an ever-increasing prison population. The IIP provides a 120- to 180-day sentencing alternative to traditional incarceration for young adult felons. It is a structured environment that addresses problems that may

contribute to an inmate's criminal activity. The program focuses on offenders at risk of continued criminal activity because of substance abuse, poor social skills, and other related problems. The intent is to build character, instill a positive sense of maturity and responsibility, and promote a positive self-image that will motivate the offender to become a law-abiding citizen. Younger, nonviolent offenders who would otherwise serve traditional prison sentences are referred to the IIP by the sentencing judge. If IDOC accepts them, and if they successfully complete the program, they are released from residential custody. If they fail the program, they must serve the remainder of their prison sentence.

In 1993, the Governor's Task Force on Crime and Corrections found IIP to be an appropriate alternative for nonviolent offenders. The task force also found that IIP was capable of saving money, reducing recidivism, educating inmates, and freeing up bed space for more violent offenders.[6]

Illinois' first IIP facility, the 220-bed Dixon Springs IIP, opened on Oct. 15, 1990. The program proved so successful that two more 200-bed facilities were opened: the Greene County IIP in 1993 and the DuQuoin IIP in 1994.

On Aug. 11, 1993, Gov. Jim Edgar signed Public Act 88-0311, expanding the statutory eligibility criteria for IIP participation. Under the new statutory criteria, the maximum sentence imposed for IIP-eligible candidates was expanded from five to eight years; the age limit was increased from 29 to 35 years; and those sentenced to IDOC a second time could participate in the IIP in addition to those incarcerated for the first-time.

As of June 30, 1996, judges had referred 13,367 offenders to IIP. Of those, IDOC admitted 8,599, or 64 percent. Since IIP was implemented in October 1990, nearly $20.5 million has been saved due to the shorter stay of the participants. During fiscal year 1996, the cost savings from IIP was $7,011,046. The program saved 833,139 days of incarceration for the 1,593 graduates.[7]

Beginning with the first IIP graduation in February 1991, 5,672 inmates have completed the 120-day program. There have been 2,233 program failures, including 743 cases that resulted from disciplinary termination. Voluntary dropouts accounted for 67 percent, or 1,490, of the program failures.

Recidivism rates for inmates participating in IIP indicate that graduates return to prison less often for new crimes than inmates who did not participate in IIP. An IDOC analysis showed that of the first 1,388 graduates from the program, 25 percent were returned to prison for committing a new crime within three years after their release. In a comparison group of parolees who did not participate in the IIP, 35 percent returned to prison for a new crime.[8]

HOW MAY INMATES BE RELEASED FROM PRISON?

All inmates sentenced to prison in Illinois since Feb. 1, 1978, have received determinate sentences. A determinate sentence is for a specific length of time and must fall within a range established by statute for each offense class. Inmates have a predetermined release date that is calculated from their date of admission, sentence length, and good-conduct credits. When an inmate is released, a predetermined period of supervision follows, called mandatory supervised release (MSR).

Prisoners sentenced prior to Feb. 1, 1978, received indeterminate sentences, in which a judge set a minimum and maximum range. Once they have completed their minimum sentence, these inmates can be released on parole if the parole is approved by the Prisoner Review Board. In 1995, the Prisoner Review Board heard 567 parole reviews of inmates still serving indeterminate sentences. As of June 30, 1996, 579 inmates were still serving indeterminate sentences in Illinois.

The Prisoner Review Board, consisting of 11 members and a chairman, is an independent quasi-judicial entity that makes decisions on a range of adult and juvenile prison inmate matters. Originally established to make parole decisions about inmates under indeterminate sentencing, the board's primary role since 1978

has been to review good conduct credit awards and to hold hearings to determine whether good conduct credits should be revoked or, upon the recommendation of IDOC, whether lost good conduct credits should be restored. In addition, the board determines the conditions all inmates must follow after release from incarceration and whether those who violate conditions of release must be returned to IDOC.

Inmates sentenced in Illinois are eligible to receive credit on their sentences based on good conduct, which is reviewed by the Prisoner Review Board.[9] In 1995, the Prisoner Review Board heard 4,635 reviews concerning adult good-conduct issues and 22,050 adult mandatory supervised release reviews. The following types of credit can be awarded:[10]

- Each inmate, except for those sentenced under truth-in-sentencing guidelines, receives a one-day good-conduct credit, which reduces by one day the period of incarceration set by the court for each day in prison, except when a term of "natural life" or death has been imposed. (See the Trends section of this chapter for a discussion of truth-in-sentencing guidelines.)
- The director of IDOC may award up to 180 days of additional good-conduct credit for meritorious service, as he or she deems appropriate. Inmates convicted of certain more serious offenses are only eligible for up to 90 days of credit for meritorious service.
- Additional credit may be awarded to qualified inmates for participation in educational, vocational, substance abuse, or correctional industry programs provided by the department; one half-day of credit is awarded for each day an inmate spends in a program, but only after specific goals have been accomplished. After completing the prison sentence, minus any good-conduct credits, the inmate is still subject to community supervision while under mandatory supervised release.

WHAT IS MANDATORY SUPERVISED RELEASE?

Following incarceration, each former inmate serves one, two, or three years of mandatory supervised release administered by IDOC. MSR replaced traditional parole in Illinois with the enactment of determinate sentencing in 1978. MSR is intended to provide supervision and management of released offenders. Part of the condition of MSR is participation in PreStart's Phase II initiative associated with community service centers or other treatment programs (see discussion below). During MSR, strict conditions of behavior are established. Failure to meet these conditions can result in a return to prison for the remainder of the original term. The Prisoner Review Board is the final arbiter of the conditions of release supervision. It also determines whether a released prisoner violated conditions of supervision, as may be charged by the PreStart agent, and whether a return to prison should result from the violation. Only prisoners sentenced prior to February 1978 are under the jurisdiction of the traditional parole system.

WHAT IS ILLINOIS' PRESTART PROGRAM?

On July 1, 1991, Illinois introduced a new element into the mandatory supervised release program — PreStart. PreStart, operated by IDOC, is a two-phase prerelease education (Phase I) and post-release assistance program (Phase II) that marks a departure from the traditional parole model in Illinois.

Pbase I of the program begins in the institution and involves the preparation of an individual development plan as well as counseling and education. Phase II begins when the inmate is released. It is supported by federal funds and involves supervision and community services. The community service centers assist participants in implementing the individual development plan assembled in the institution during Phase I. Eighteen community service centers statewide, staffed by correctional counselors, provide assistance to participants. PreStart aims to prepare inmates for life after prison through preparation in the institution

during Phase I and by helping them to adjust to the community after release in Phase II.

For specific groups of former inmates, IDOC provides the following services:

- Four community drug intervention programs (CDIP), which provide services and drug testing for releasees clearly exhibiting substance abuse problems.
- Contracted services, such as outpatient treatment programs, for selected sex offenders.
- A Special Intensive Supervision Unit (SISU) for certain releasees thought to be especially dangerous and of high risk to public safety, as well as for those released from Impact Incarceration programs. The SISU served an average daily population of 1,362 former inmates in 1996. Of those, 878 (64 percent) were on electronic detention .

With funding provided by the Illinois Criminal Justice Information Authority, Southern Illinois University at Carbondale conducted an 18-month process and impact evaluation of the PreStart program. Some of the major findings indicated that IDOC has done a commendable job in developing an innovative inmate reintegration program. The evaluation found that PreStart releasees returned to prison at a rate of about 11.7 percent during the first year in the community, compared to 32.3 percent for inmates released in 1990, before PreStart began. Recidivism was especially low among inmates who had been placed under special care or supervision after release from prison, such as electronic detention or intensive supervision as part of the community-based drug intervention program.[11]

A strong correlation between drug use and rearrest was also found within the PreStart sample. Among the PreStart sample, 32 percent of the releasees reported drug use since their release from prison. Of this group, 51 percent reported being arrested since release, while only 24 percent of those who reported not having used drugs said they had been arrested since release. While the relationship between drug use and rearrest seems strong, only 31 percent of releasees reporting post-release drug use felt they had a substance abuse problem.

Several specific areas of the PreStart program were targeted for improvement during fiscal year 1995, most of which were identified in the process and impact evaluation, including communication issues, program development, program assessment, staff training, and facility upgrades in community correctional centers.

HOW MANY FEDERAL PRISONS ARE IN ILLINOIS?

In 1994, the Federal Bureau of Prisons operated 79 prisons nationwide, three of which are located in Illinois. The Bureau operates institutions at four different security levels — minimum, low, medium, and high. Security levels are based on such features as the presence of external patrols, gun towers, security barriers, or detection devices.

The federal penitentiary at Marion, in Williamson County, is a high-security institution for men. Marion houses some of the most serious and violent offenders in the federal system and maintains a strict policy of extensive restriction within the institution. It has a rated capacity of 713. The Federal Correctional Institution at Greenville, in Bond County, is a medium-security institution for men and also has a federal work camp. It opened in 1994 with a rated capacity of 768. The Federal Correctional Institution at Pekin, in Tazewell County, another medium-security federal prison for men also opened in 1994. The facility has a rated capacity of 1,024.

Notes

1. *The American Correctional Association Directory*, 1995.

2. *Jail & Detention Statistics and Information for Fiscal Year 1995* (Abridged), Jails and Standards Unit, Illinois Department of Corrections, 1995. (Reflects figures from 76 out of 91 county jails reporting in 1995.)

3. 50 ILCS 705/8.1.

4. *Insight Into Corrections*, Illinois Department of Corrections, 1995, p.5.

5. 730 ILCS 5/5-8-1.1.

6. *Governor's Task Force Report on Crime and Corrections*, Final Report, Illinois Criminal Justice Information Authority, March 1993.

7. *1996 Annual Report to the Governor and the General Assembly*, Impact Incarceration Programs, Illinois Department of Corrections.

8. Ibid.

9. 730 ILCS 5/3 6-3.

10. *Prisoner Review Board Annual Report*, 1995.

11. *The Implementation and Impact of Illinois PreStart Program: A Final Report*, Illinois Criminal Justice Information Authority, July 1996.

THE DATA

The majority of the data presented in this chapter was provided by the Planning and Research Unit of the Illinois Department of Corrections (IDOC). Additional data and information were taken primarily from publications produced by IDOC, including: *Statistical Presentation*, *Insight into Corrections*, *Human Services Plan*, and *Impact Incarceration Program Annual Report*. Jail data is collected and maintained by IDOC's Jail and Detention Standards Unit. (As a result of budgetary constraints, this unit did not exist during fiscal years 1992 through 1994. Information on average daily jail populations for those years is not available, and estimates were used.) In addition, in fiscal year 1995, only 76 of Illinois' 91 county jails and 196 of Illinois' 286 municipal lockups reported population information.

Average daily population refers to the cumulative number of days spent in a county jail by all inmates, divided by the total number of days in one year (365). End of fiscal year or calendar year data refer to population figures on the particular day marking the end of the year: for example, June 30 for the end of the state fiscal year, and Dec. 31 for the calendar year.

Information and data relating to the Prisoner Review Board was extracted from the Illinois Prisoner Review Board's *Annual Report*. Information on federal prisons in Illinois was taken primarily from the American Correctional Association's *Directory of Juvenile and Adult Correctional Departments, Institutions, Agencies and Paroling Authorities*, 1995.

IDOC maintains more specific and detailed information than many other components of the Illinois criminal justice system, tracking every inmate who enters and exits the system. Information on inmate demographics, offenses, death row population, and mandatory supervised release is maintained by IDOC's Offender Tracking System (OTS). The OTS is a comprehensive, on-line adult inmate control, tracking, and reporting system. Installed in October 1988, the system is based at the state's central computer facility in Springfield. Since then, major upgrades have been made to the system. The OTS tracks adult offenders from reception and classification through parole release and discharge, or their return to IDOC's custody.

The OTS provides the following information on all inmates currently or formerly in its custody:

- Reception information;
- Classification of institution;
- Sentence calculation;
- Record maintenance;
- Transfer of inmates between facilities;

- Population counts;
- Housing placement decisions;
- Programs and assignments;
- Writs/bonds/furloughs;
- Medical/dental information;
- Reclassification issues;
- Parole preparation;
- Warrants;
- Gang information;
- Visitor information;
- Activity of inmates within institutions;
- Call passes;
- Inmate payroll; and
- Scheduled movements.

Statistical data regarding inmate population, admissions, and demographic characteristics are maintained by IDOC on the Offender Tracking System (OTS). This system allows for comprehensive maintenance and information on all offenders in IDOC custody. IDOC categorizes the offense type of offenders into four distinct categories. The following offenses are included in each offense type:

Person offenses: homicide, kidnapping, assault, battery, forced harm, home and vehicular invasion, robbery, armed robbery, weapons offenses, aggravated arson, and armed violence.

Property offenses: theft, retail theft, forgery, deception, fraud, burglary, residential burglary, arson, criminal damage to property, and motor vehicle offenses, including motor vehicle theft.

Drug offenses: possession, manufacture/delivery of cannabis, controlled substances, or paraphernalia; and driving under the influence.

Sex offenses: rape and sexual assault before 1984, criminal sexual assault; aggravated criminal sexual assault, criminal sexual abuse, other sex offenses, and people classified as sexually dangerous.

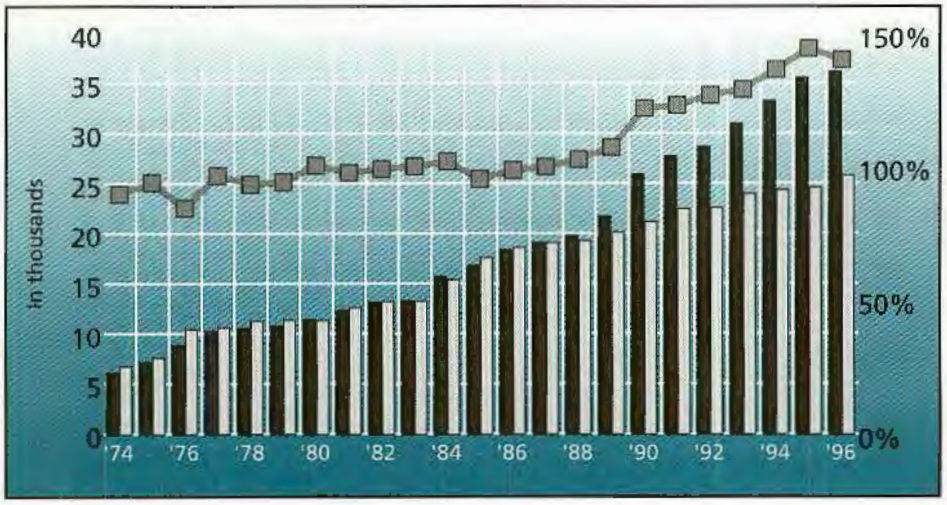
TRENDS AND ISSUES

Corrections officials nationwide are constantly struggling with the pressure of ever-increasing prison and jail populations without the necessary space to adequately house offenders. In fiscal year 1996, all of the adult institutions operated by the Illinois Department of Corrections had average daily populations above their designed capacity.[1] At the end of fiscal year 1974, the average daily adult inmate population at IDOC facilities was 6,101. By 1996, that number had risen to 36,373. Meanwhile, the capacity at adult institutions has not kept pace with the population growth. Capacity at IDOC institutions rose from 6,775 in 1974, to just 25,825 inmates in 1996. The inmate population at IDOC institutions reached 100 percent of designed capacity in 1987; by 1996, the inmate population was 40 percent over designed capacity (Figure 4-2).[2]

In February 1992, in an attempt to help address some of these pressures and concerns, Gov. Jim Edgar created the Task Force on Crime and Corrections. The governor charged the task force with exploring new ways not just to deal with prison crowding, but also to protect society, to ensure justice, and to do so in an affordable, cost-effective manner. In its final report, the task force offered several recommendations for reducing recidivism, initial entry into prison, and long-term prison costs. Recommendations that were eventually implemented include the expansion of the eligibility criteria for participation in an Impact Incarceration Program and construction of a super maximum-security institution to manage some of the most dangerous and predatory inmates.

Figure 4-2

Inmates in IDOC institutions and designed capacity, fiscal years 1974-1996



Source: IDOC

HOW MANY PEOPLE ARE UNDER SOME FORM OF CORRECTIONAL SUPERVISION?

In 1995, there were almost 1.6 million men and women in the nation's prisons and jails — an increase of 66,843 in state prisons, and 5,216 in federal prisons since 1994.[3] In total, 5.3 million people were on probation, in jail or prison, or on parole at the end of 1995 — nearly 3 percent of all adult residents in the United States.

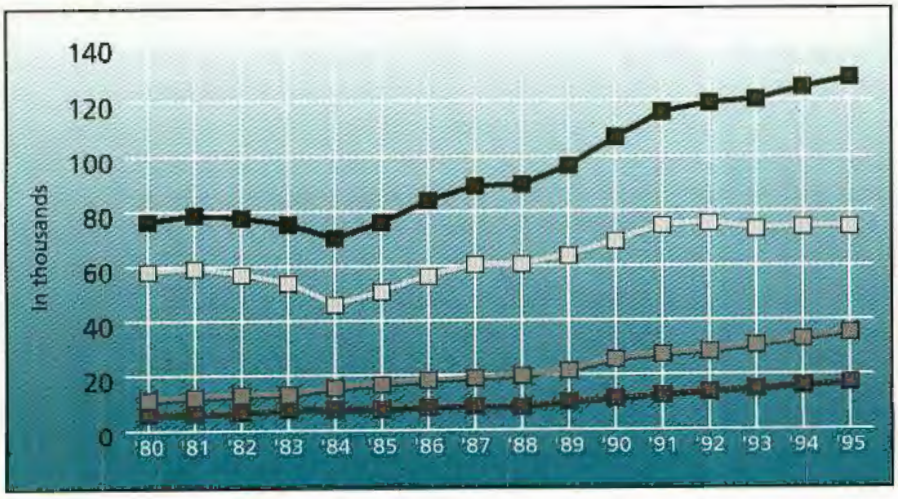
State and federal prisons, which primarily house felons serving sentences of one year or more, held about two-thirds of the incarcerated population, or 1,078,357 inmates, at the end of 1995. The other one-third were confined in locally operated jails, which normally hold people awaiting trial or serving sentences of less than one year.

On June 30, 1995, 507,044 people were in local jails and another 34,869 were under jail supervision in such programs as electronic monitoring, house detention, community service or alternative work programs. Women accounted for 6.1 percent of all state and federal inmates and 10.2 percent of those in local jails in 1995. There were 63,998 women held in state or federal prisons, and 52,452 in local jails.

In 1991, Illinois' incarceration rate ranked seventh highest among the 50 states and the District of Columbia. At the end of 1995, Illinois was eighth in the country, with an incarceration rate of 324 people for every 100,000 residents.[4]

Figure 4-3

Adults under correctional supervision in Illinois, 1980-1995



* 1992-1994 estimated

Source: IDOC, Jail and Detention Standards Unit, and AOIC

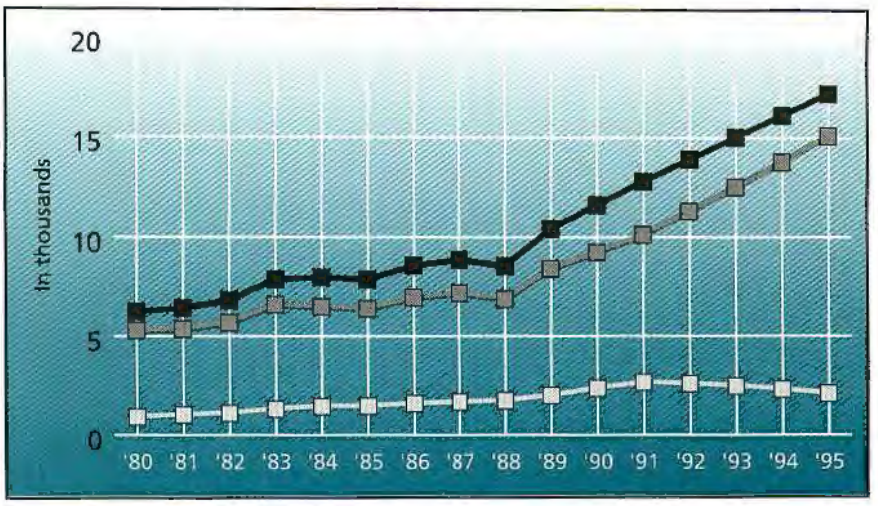


Figure 4-4

Average daily population of county jails in Illinois, 1980-1995*

(*1992-1994 are estimates. 1995 figures are based on 76 county jails reporting, out of 91.)

Source: IDOC

Between 1980 and 1995, the number of adults under correctional supervision in Illinois — including prisons, jails, probation, and community corrections — increased 68 percent, from 76,676 to 128,476 (Figure 4-3).[5] During this time, the number of adults on probation increased 27 percent, from 58,300 to 74,259. The number of people on electronic detention increased from 468 in 1990, to 858 in 1996.

HOW HAS ILLINOIS' JAIL POPULATION CHANGED IN RECENT YEARS?

Between fiscal years 1985 and 1995, the average daily jail population in Illinois more than doubled, from 7,904 to more than 17,000 (Figure 4-4).[6] During this 10-year period, the Cook County Jail accounted for about 63 percent of Illinois' jail population. In 1995, 88 percent of the average daily population in Illinois' county jails was pretrial detainees. This percentage has remained relatively constant since 1980.

HOW HAS THE PRISON POPULATION CHANGED IN RECENT YEARS?

Between fiscal years 1970 and 1996, the number of inmates in IDOC facilities increased from 7,936 to 36,373 (Figure 4-5). As a result of determinate sentencing, beginning in 1978, more felons were sentenced to prison with longer sentences. Also in 1978, Illinois lawmakers created a new class of felony offenses — Class X. Convicted Class X offenders must serve prison sentences and are not eligible for alternative sentences. Although prison population growth slowed in the early 1980s, the

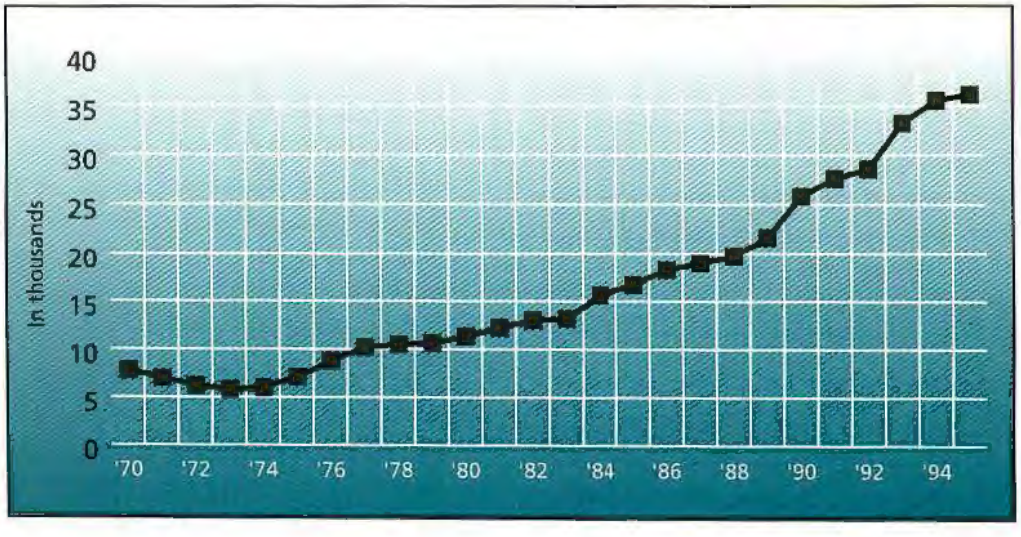


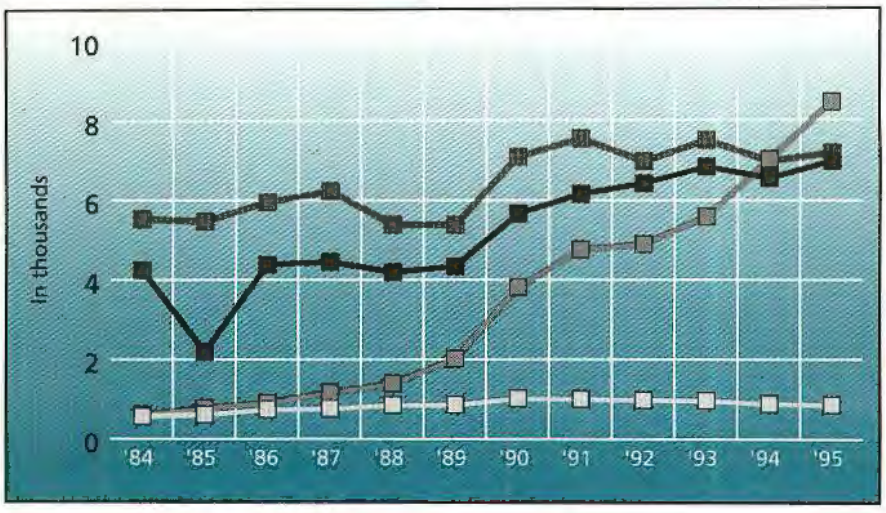
Figure 4-5

IDOC Adult population, fiscal years 1970-1995

Source: IDOC

Figure 4-6

Admissions to IDOC by offense type, 1984-1995



Source: IDOC

number of inmates in IDOC almost doubled between fiscal years 1986 and 1996, from 18,410 to 36,373.

Determinate sentencing has contributed to an increase in the number of violent offenders in prison, as well as in the number of drug offenders in prison. The number of inmates incarcerated for crimes against a person and sex offenses doubled between 1984 and 1996, from 10,227 to 20,465. At the end of fiscal year 1996, there were 5,984 murderers in Illinois prisons. Slightly less than two-thirds of the prison population at the end of fiscal year 1996 had been convicted of the most serious crimes (Class X and Class 1 offenses, and murder). Because these crimes carry long mandatory sentences, offenders remain in prison longer and add to the population pressure.

The number of drug offenders in IDOC also has increased dramatically. At the end of fiscal year 1984, there were 599 inmates serving time in IDOC for a drug offense; by 1996, this number jumped to 8,878. This increase can partly be explained by statutory changes enacted over the last decade for drug offenses and shifts in judicial attitudes toward repeat drug offenders. The majority of drug offenders admitted to IDOC were sentenced for possession of a controlled substance, a Class 4 felony.

HOW MANY PEOPLE ARE ADMITTED TO AND RELEASED FROM IDOC EACH YEAR?

The number of admissions to IDOC more than doubled between fiscal years 1984 and 1996, rising from 10,148 to 21,847. In 1996, 64 percent of all new court admissions were from Cook County. The rate of admissions per 100,000 residents in Illinois increased from 91 to 197 during this time.[7] Between fiscal years 1984 and 1996, the number of drug offenders admitted to prison increased from 596 to more than 8,500 (Figure 4-6).

In 1984, drug offenders accounted for 4 percent of all admissions; by 1996, they had increased to 38 percent of all admissions. During the same period, the number of violent and property offenders declined as a proportion of total admissions by 13 percent and 19 percent, respectively.

The increase in the number of drug offenders admitted to IDOC is well documented. For example, Class 4 possession of a controlled substance, Class 2 manufacture-delivery of a controlled substance, and Class 1 manufacture-delivery of a controlled substance accounted for three of the top four most frequently imposed sentences in 1995 (along with Class 2 burglary). Together, these three drug offenses accounted for 31 percent of all prison sentences imposed that year.[8]

The number of admissions to IDOC can also be

examined by offense class. Of the 21,847 inmates admitted to IDOC in fiscal year 1996, about 3 percent, or 539 inmates, were admitted for murder, while 11 percent, or 2,509 inmates, were admitted for a Class X offense. Class 2 felony offenses accounted for the largest percentage of total admissions (29 percent), followed by Class 4 offenses (20 percent), Class 3 offenses (19 percent), and Class 1 offenses (18 percent).

In fiscal year 1996, 22,095 inmates exited IDOC. Of those, 37 percent were drug offenders, 33 percent were property offenders, 25 percent were inmates who committed a crime against a person, 4 percent were sex offenders, and the remaining 1 percent were released for other crimes. The majority of offenders released — 21,369 — were released onto mandatory supervised release. In fiscal year 1996, males accounted for 91 percent of all exits, and females accounted for 9 percent. Of the 20,187 males who were released from IDOC in fiscal year 1996, 37 percent were drug offenders, 32 percent were property offenders, and 26 percent were offenders who committed crimes against a person. Of the 1,908 females who exited IDOC that same year, property offenders accounted for 41 percent (774), and drug offenders accounted for 42 percent (797). In addition, 13 percent of all females released that year had been incarcerated for crimes against a person.

HOW HAS THE PROFILE OF ILLINOIS PRISON INMATES CHANGED?

At the end of fiscal year 1996, 45 percent, or 17,094 of the inmates were serving time for crimes against a person; 23 percent, or 8,877, were drug offenders; 23 percent, or 8,736, were property offenders; and 9 percent, or 3,371, were sex offenders (Figure 4-7).

Since 1984, African-American, white, and Hispanic inmates have accounted for a variable portion of the total population in IDOC. The percentage of whites in the IDOC population decreased from 33 percent in 1984 to 24 percent in 1996. African-Americans accounted for 60 percent of the 1984 IDOC population and 65 percent of the 1996 population. Hispanics accounted for 7 percent of the IDOC population in 1984 and 10 percent in 1996 (Figure 4-8).

Between fiscal years 1986 and 1996, the average age of an offender in IDOC increased from 29 to 31 years old. Although the majority of inmates in IDOC were between the ages of 21 and 35 during both years, the percent accounted for by this age range decreased from 69 percent to 62 percent. Subsequently, the percent of inmates 36 to 45 years old increased from 13 percent to 22 percent of the total population. The percent of inmates over 45 remained relatively constant between fiscal years 1986 and 1996, increasing from 6 percent to 8 percent.

OFFENSE TYPE	June 30, 1984		June 30, 1996	
	Number	% of population	Number	% of population
Person	8,592	51%	17,094	45%
Property	5,715	34%	8,736	23%
Drug	599	4%	8,877	23%
Sex	1,635	10%	3,371	9%
Total*	16,828	100%	36,373	100%

Figure 4-7

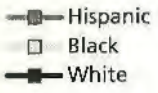
IDOC population by offense type

(*Totals include other types of offenses, such as mob action, bribery and gambling, that are not shown on chart)

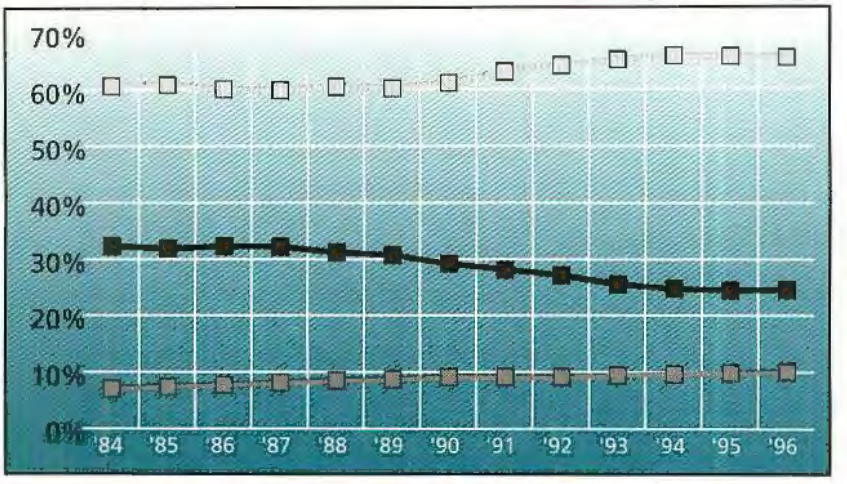
Source: IDOC

Figure 4-8

Percent of IDOC population by race, fiscal years 1984-1996



Source: IDOC



HOW MANY REQUESTS ARE MADE FOR EXECUTIVE CLEMENCY?

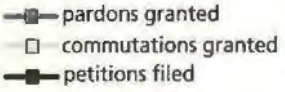
The Illinois Prisoner Review Board makes executive clemency recommendations to the governor. The board hears two types of executive clemency cases: commutations, in which offenders request reductions in their prison sentences; and pardons, in which offenders ask to be released from IDOC.

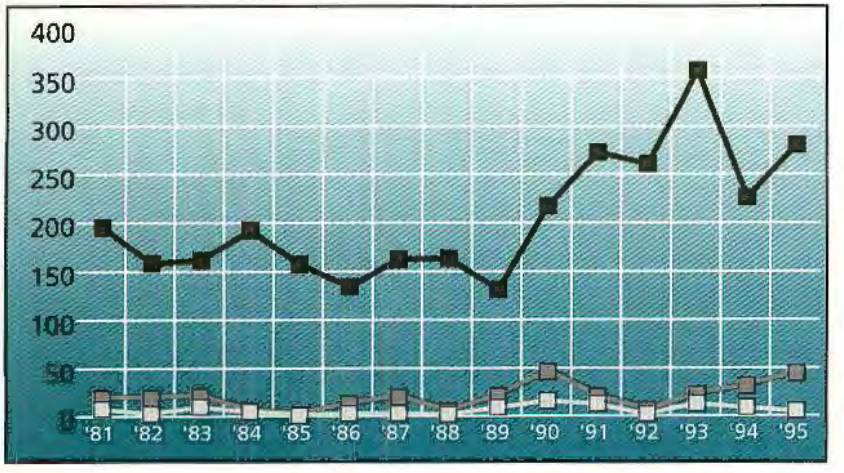
The board maintains a docket of executive clemency petitions that are reviewed four times a year. The number of petitions filed each year increased from 195 in 1981 to 280 in 1995 (Figure 4-9).[9] Of the 3,065 petitions filed between 1981 and 1995, 3 percent resulted in commutations and 10 percent received pardons. Out of the 280 petitions filed in 1995, five commutations and 44 pardons were granted. One moot petition was filed in 1995, and 46 petitions were still pending. All clemency petitions recommended by the board must be approved by the governor. In 1994, nine women were granted commutation on the grounds that they had suffered abuse at the hands of their husbands, boyfriends, or domestic partners; in 1995, five women's sentences were commuted on the same grounds. In 1994, four women convicted of killing their husbands or boyfriends were pardoned on similar grounds.

Figure 4-9

Executive clemency cases heard by the Prisoner Review Board

Source: IDOC





It is expected that clemency requests will stay at a relatively high level because inmates now serving determinate sentences do not have an opportunity for parole and must serve the sentence imposed by the courts unless the governor grants them release through executive clemency.[10]

Under a law that took effect July 7, 1995, inmates who file for executive clemency and have their request turned down cannot file another clemency request for at least one year. (Previously, state law allowed prisoners to re-petition the Prisoner Review Board for executive clemency immediately after a request was turned down.) Inmates can only apply sooner if new information becomes available, or if the petitioner can show a change in circumstances of a compelling humanitarian nature.[11]

HOW MUCH MORE TIME WILL OFFENDERS SPEND IN IDOC UNDER TRUTH-IN-SENTENCING GUIDELINES?

In 1995, Illinois passed a truth-in-sentencing law that requires people convicted of the most serious violent offenses to serve at least 85 percent of their sentences. These offenses include attempted murder, aggravated criminal sexual assault, and criminal sexual assault. Also, people convicted of offenses such as home invasion and armed robbery are subject to truth-in-sentencing if the crimes resulted in great bodily harm to the victim.[12] Convicted murderers must now serve 100 percent of their sentences. Prior to the new law, as a result of good behavior and other credits, murderers served an average of 46 percent of their sentences. Between August 1995 and December 1996, 413 people were admitted to IDOC under the new truth-in-sentencing laws. Of those, 43, or 10 percent, were admitted for first degree murder. IDOC predicts an increase of more than 4,000 inmates under the new sentencing guidelines within the next 10 years.

HOW MANY INMATES RETURN TO PRISON AFTER THEIR RELEASE?

The rate at which inmates return to prison after they have been released from custody is commonly referred to as the recidivism rate (return to prison is one measure of recidivism, re-arrest another). IDOC tracks the number of inmates who exit prison and return for a new crime or for a technical violation of the conditions of their release, usually over a period of three years after release. Thirty-nine percent of the inmates released from IDOC in fiscal year 1992 returned to prison within three years, most for committing new offenses. (Figure 4-10). Most people who return to IDOC return for the same type of offense for which they were originally admitted. Among those who were released on a drug offense in 1992 and returned to IDOC within three years, almost 60 percent returned because of new drug offenses. Among property offenders who returned to prison within three years of release, 71 percent were sentenced for another property crime. Among sex offenders and others who committed crimes against a person, about half of those who returned to prison within three years had committed the same type of offense.

WHY HAS THE NUMBER OF CLASS 4 INMATES INCREASED IN ILLINOIS?

Over the past 10 years, Illinois has experienced a dramatic increase in the number of Class 4 felony offenders incarcerated in IDOC. Between fiscal years 1985 and 1996, the number of Class 4 offenders in IDOC jumped 165 percent, from 748 to 1,986. This was the largest percentage increase among all classes of offenses during this period. Between 1985 and 1996, the number of inmates admitted for a Class 4 offense increased from 995 to 4,388. Most of this increase can be attributed to the increase in the number of inmates admitted for the Class 4 offense of possession of a controlled substance. Between fiscal years 1985 and 1996, the number of admissions for Class 4 possession of a controlled substance rose from 169 to 2,614. In 1985, possession of a controlled substance accounted for 17 percent of all Class 4 admissions; by 1996, this number had increased to 60 percent (Figure 4-11).

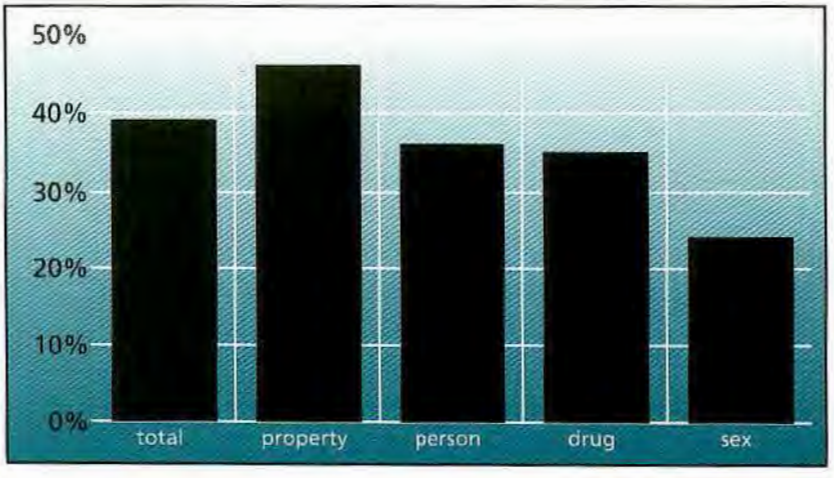


Figure 4-10

Recidivism rate for IDOC offenders released in 1992

(Shows percent returned to prison within three years, based on original offense type and for all offenders)

Source: IDOC

HOW DOES IDOC MANAGE ITS MOST DANGEROUS INMATES?

Inmates incarcerated in IDOC for violent crimes against a person (including sex offenses) accounted for 54 percent of the prison population at the end of fiscal year 1996. As a result, IDOC officials are concerned about accommodating the number of violent offenders in the population.

At the end of fiscal year 1995, there were 8,402 inmates in maximum-security facilities designed to hold 4,985. The additional population was handled by double-celling 74 percent of the inmates, a considerable increase over the 59 percent that were double-celled at the end of fiscal year 1988. The large number of offenders in such close quarters limits programs for inmates, and makes supervision more difficult. This may, in turn, impact overall security at an institution. Assaults on staff at maximum security facilities increased 31 percent between fiscal years 1995 and 1996, when 985 assaults on staff took place.[13] Such incidents forced IDOC to place Menard, Pontiac, and Stateville on lockdown through the end of fiscal year 1996.

Officials have limited flexibility in moving disruptive inmates to other appropriate facilities and lack adequate segregation cells within institutions. The limited number of segregation cells means officials must return violators to the general population earlier than they would like to make room for the latest violator. IDOC recently increased the number of segregation cells at Menard, Pontiac, and Stateville by 55 percent, to 646.

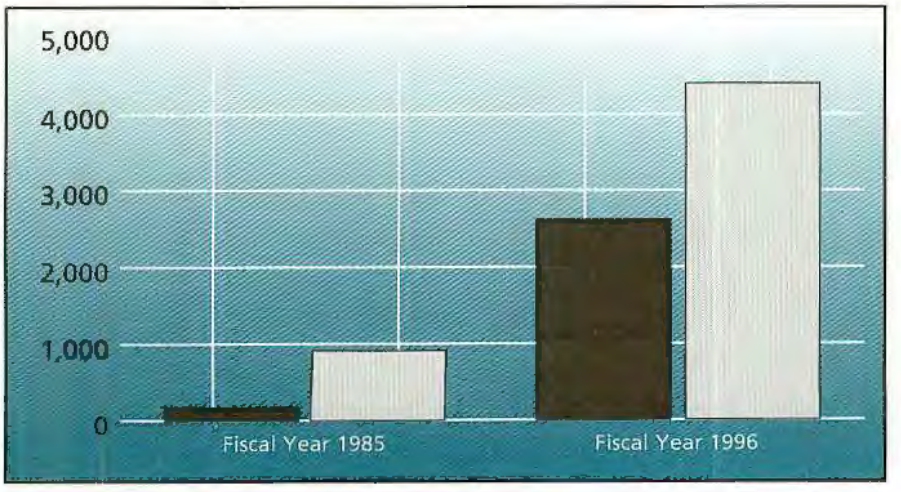
In addition, IDOC is in the process of converting the entire Pontiac Correctional Center to a segregation facility that will be used to house disruptive inmates from throughout the system. With the completion of Tamms — a new, super maximum-security prison — in fall 1997, IDOC should have sufficient space to segregate offenders who violate department rules. But the conversion of Pontiac to a segregation facility will result in the loss of nearly 600 general-population maximum-security beds. IDOC officials are concerned that they may have to house more inmates convicted of the most serious offenses — first-degree murder, and Class X and Class 1 offenses — in facilities designed as medium- and minimum-security institutions.[14] This number has already increased 132 percent since the end of fiscal year 1988.

HOW MANY WOMEN ARE IN PRISON IN ILLINOIS?

One of the most significant problems facing IDOC is the increase in the number of women in the prison population. Between fiscal years 1986 and 1996, the number of female prison inmates more than tripled, rising from 719 to 2,218, which was almost triple the rate of growth of the male population. In fiscal year 1986, women accounted for 3.7 percent of the adult inmate population; by fiscal year 1996, their numbers

Figure 4-11

Class 4 admissions to IDOC for fiscal years 1985 and 1996



Source: IDOC

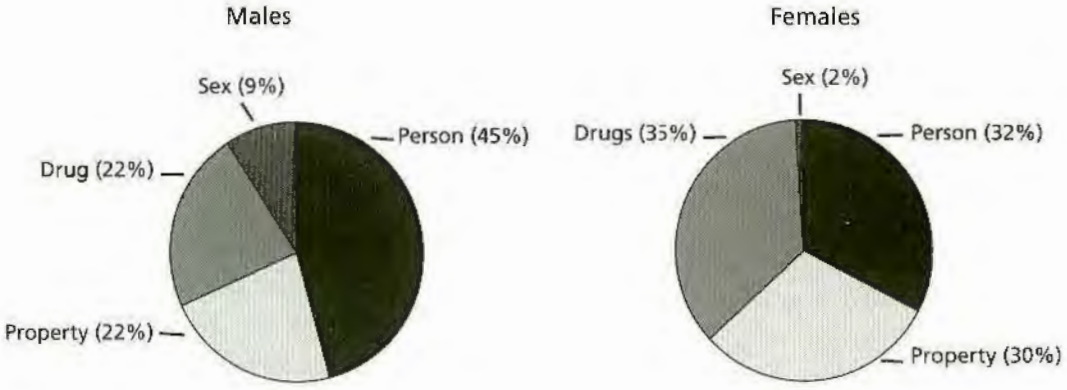


Figure 4-12

IDOC population by offense type, fiscal year 1996

Source: IDOC

had increased to 6 percent. Of the 2,218 females incarcerated in IDOC facilities at the end of fiscal year 1996, 35 percent were serving time for drug offenses, 32 percent for crimes against a person, 30 percent for property offenses, and 2 percent for sex offenses. This compares to 22 percent, 45 percent, 22 percent, and 9 percent, respectively, for males (Figure 4-12).

IDOC operates five correctional facilities to house female offenders: the Dixon, Dwight, and Logan Correctional Centers; the Kankakee Minimum-Security Unit; and the Dixon Springs Impact Incarceration Program. Dwight and the Kankakee Minimum-Security Unit are the state's only prisons exclusively for women. Three community correctional centers, also operated by IDOC, offer additional space for female offenders.

Among the measures IDOC has taken since 1990 to meet the needs of its growing female population are:

- Construction of a 448-bed housing unit at the Dwight Correctional Center;
- Double- or multi-celling — 84 percent of Dwight's inmate population share with one or more inmates a cell originally designed for one person;
- Conversion of a juvenile youth center to the Kankakee Minimum-Security Unit in 1991 as a satellite facility of Dwight Correctional Center, providing 200 beds for female inmates;
- The expansion of approximately 100 spaces in electronic detention available to female offenders as an alternative to traditional incarceration;
- Conversion of Dixon Springs Impact Incarceration in 1990 to a coed facility, providing 24 additional bed spaces (plans call for increasing the bed space to 50);
- Plans for the conversion of Meyer Mental Health Center to an all-female minimum-security facility to add 500 beds by fiscal year 2000;

Although correctional facilities have expanded in an attempt to accommodate the female inmate population growth, IDOC still lacks space for female inmates. At the end of fiscal year 1996, institutions housing female inmates were over capacity by 445 women.

On average, women tend to receive shorter sentences and spend less time in prison than men, in part due to the differences in the types of offenses generally committed by men and by women. In fiscal year 1996, excluding life or death sentences, women in prison received sentences that on average were 23 months shorter than those for men. Women were more likely than men to be in prison for drug and property offenses, which receive shorter sentences than violent offenses. Even for the same violent offenses as men, however, women tend to receive shorter sentences. In 1996, women were sentenced to an average of 37 years in prison for murder, compared to 42.5 years for men. Similarly, women were sentenced to 9.2 years in prison for a Class X offense, compared to 11 years for men.

An increasing number of women are entering IDOC for more serious offenses. Between fiscal

years 1991 and 1996, the female population at the Dwight Correctional Center increased by 23 percent. The percentage of inmates admitted for first-degree murder during this time remained relatively stable at 22 percent, but the percentage of those admitted for Class X felonies gradually increased from 17 percent to 20 percent. The percentage of female inmates convicted of Class 1 and Class 2 felonies also increased over the five-year period, from 28 to 33 percent, while the percentage of female inmates admitted for Class 3 and 4 felonies decreased from 33 percent to 25 percent.

HOW DOES IDOC HANDLE INMATES WITH HIV AND AIDS?

HIV-related illness remains a major problem in the inmate population and continues to be the number-one cause of death among inmates. Under contract with the Center for Disease Control, IDOC took part in a three-year federal study designed to measure the prevalence and incidence of HIV in the inmate population. The study revealed an incidence rate of 4 percent of all admissions.

Between December 1991 and July 1996, the number of inmates with AIDS in IDOC adult institutions rose from 93 to 184. During the same period, the number of prisoners identified as having symptomatic HIV infection fell from 144 to 57, and the number identified with asymptomatic HIV infection increased from 216 to 393.[15] A history of intravenous drug use was found in 81 of the 93 reported AIDS cases in Illinois prisons in 1991. AIDS peer education programs have been established in all adult institutions, and all treatments are made available to inmates as soon as they are approved by the Federal Food and Drug Administration. The department makes use of an annual Special Needs Survey as a tool to determine current overall healthcare needs and make projections for the future. This information allows for concentration of certain groups of inmates with similar needs into selected institutions. This eliminates the need to provide special services at all institutions.

HOW DOES IDOC HANDLE INMATES WITH MENTAL HEALTH PROBLEMS?

Although it is not well documented in correctional literature specific to Illinois, mental illness within correctional populations is constantly present. One of the roles of IDOC is to incarcerate inmates who are "guilty but mentally ill." Illinois law states that a "person who, at the time of the commission of a criminal offense, was not insane but was suffering from a mental illness, is not relieved of criminal responsibility for his conduct and may be found guilty but mentally ill."[16] At the end of calendar year 1996, there were 159 guilty but mentally ill inmates in the prison population compared to 127 persons at the end of 1986.

During fiscal year 1995, mental health professionals provided services to 10.8 percent of the total adult inmate population. Among the female population, the demand for mental health services is high, with 26 percent receiving some level of care. The highest level of need is in the Juvenile Division, where 43.6 percent of the population received some level of mental health service.[17] In an effort to meet the needs of inmates requiring mental health services, several facilities have instituted treatment groups targeting special problems, such as sleep disturbances, parenting skills, and anger management.

HOW MANY INMATES ARE ON DEATH ROW IN ILLINOIS?

The 31 people executed in U.S. prisons in 1994 had been under sentence of death for an average of 10 years and 2 months. As of December 1994, 2,890 inmates nationwide were under the sentence of death — 38 percent of whom were in California, Texas, and Florida. At the end of 1994, Illinois had the fifth largest death row population in the nation, behind Texas, California, Florida, and Pennsylvania.[18] Illinois currently houses its death row inmates at Menard, Pontiac, and Dwight (females) correctional centers. Executions, however, take place at Stateville.

In 1990, Illinois executed its first inmate since the state reinstated capital punishment in 1978. As of June 30, 1996, the state had executed

seven men and commuted the sentence of 89 death row inmates. Between 1986 and 1996, the number of inmates under a sentence of death in Illinois increased from 107 to 158 (Figure 4-13). Between calendar years 1986 and 1995, the average time served by inmates on death row increased from 3.5 years to 7.6 years respectively. In addition, the average age of death row inmates increased by more than four years, from 32.7 to 37.1. Of the 158 inmates on death row at the end of June 1996, 100 were African-American, 52 were white, six were Hispanic, and four were women. The state has not executed a female since it reinstated capital punishment.

HOW MANY INMATES ARE SERVING LIFE SENTENCES?

The number of inmates serving life sentences in IDOC has increased from 286 at the end of 1986 to 780 at the end of 1996 (Figure 4-13). Between calendar years 1986 and 1996, the average age of this population increased from 34.4 to 37.3 years.

HOW WILL ILLINOIS' PRISON POPULATION CHANGE IN THE FUTURE?

At the end of fiscal year 1996, there were 36,373 adult inmates serving time in IDOC. Based on population growth during 1996, IDOC has projected that its prison population will increase 78 percent by 2006, to 68,254 inmates. IDOC plans to add 2,739 beds between September 1996 and June 1997. This expansion includes the addition of 947 minimum-security beds and 1,792 medium-security beds. Fiscal year 1998 changes include the completion of Tamms Maximum-Security Correctional Center, which will add 500 beds, and the creation of a new medium-security correctional center at Pinckneyville, which will have 1,808 beds. Long-term plans include the conversion of the Meyer Mental Health Center (female) into a 500-bed minimum-security institution. Between September 1996 and fiscal year 2000, a total of 5,547 beds are expected to be added.

WHAT ARE SOME ALTERNATIVES TO INCARCERATION IN ILLINOIS?

To ease crowding at its prisons, Illinois has developed a number of alternatives to incarceration. Among these programs, known as intermediate sanctions, is the Impact Incarceration Program described in the overview section of this chapter. Other programs include:

- *Electronic Detention (ED).* This alternative has been used in Illinois since 1989. The program provides continuous monitoring of a client through the use of a transmitter strapped to the client's ankle. Clients are expected to participate in activities such as work, education, and substance abuse treatment. The program frees up valuable bed space by moving inmates who are near the end of their sentences into monitored community settings. The cost to electronically monitor an offender is less than one-fourth of the average annual cost for a

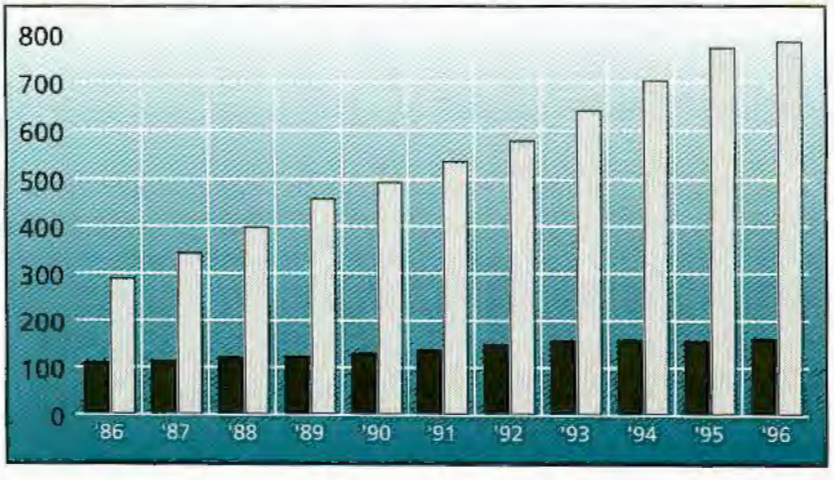


Figure 4-13
Inmates on death row and serving life sentences in IDOC

Source: IDOC

prison inmate of $16,710. More than 5,000 inmates have been placed on electronic detention since the program began.

• *Intensive Probation Supervision (IPS).* Used in 19 counties in Illinois, IPS is a highly structured, 12-month program of intensive supervision. IPS is intended for those convicted of a probationable offense who would otherwise be committed to IDOC. The annual cost per adult IPS offender is $4,000. Between 1984 and 1993, at least 9,000 offenders were sentenced to IPS. The program is usually followed by a period of traditional probation supervision.

• *House Arrest.* An offender under house arrest may leave his or her residence for work or to seek employment, to perform services, for health-related reasons, and for other court-approved activities. Legislation permitting this alternative in Illinois became effective Jan. 1, 1989. House arrest with electronic monitoring also exists in Illinois.

• *Shock Probation.* This is designed for young, impressionable offenders, for whom a short period of time in jail followed by a period of intensive probation may serve as a deterrent to crime and the need for long-term incarceration. The program is a cost-effective rehabilitative effort intended to "shock" some potential criminal offenders from remaining involved in illegal activity.

• *Periodic Imprisonment.* This alternative is used sparingly in Illinois and is only used for nonviolent offenders. This alternative allows some convicted criminals who would otherwise lose their jobs to be sentenced to county jails on the days in which they are not working.

Other intermediate sanctions available in Illinois include restitution and work release centers, fines, day reporting requirements, halfway houses, and community supervision.

Notes

1. *Insight into Corrections, Fiscal Year 1996*, Illinois Department of Corrections.

2. Based on comparative population and capacity information, Illinois Department of Corrections.

3. *Prison and Jail Inmates, 1995*, U.S. Bureau of Justice Statistics.

4. *Sourcebook of Criminal Justice Statistics, 1995*, U.S. Bureau of Justice Statistics.

5. Probation data are based on calendar year.

6. *Jail & Detention Statistics and Information*, for fiscal year 1995, Jails and Standards Unit, Illinois Department of Corrections, 1995. (Reflects figures from 76 out of 91 county jails reporting in 1995.)

7. Rate was determined using 1990 census data and inmate admission figures.

8. *Illinois Department of Corrections Statistical Presentation, 1995.*

9. Prisoner Review Board, 1981-1995 annual reports.

10. Prisoner Review Board, 1995 Annual Report.

11. 730 ILCS 5/3-3-13.

12. Under truth-in-sentencing laws in Illinois, prisoners serving terms for murder must serve 100 percent of their sentences.

Prisoners serving terms for the following offenses must serve at least 85 percent of their sentences: attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, and aggravated battery of a child.

Prisoners serving a term for the following offenses must serve 85 percent of their sentences if the court has made and entered a finding that the conduct leading to conviction resulted in great bodily harm to a victim: home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, and armed violence with a category I or category II weapon.

13. Illinois Department of Corrections, Offender Tracking System, 1996.

14. Information for this section was provided by Karl Becker, Illinois Department of Corrections.

15. In January 1993, the Centers for Disease Control changed the case definition for AIDS, making many people who were simply HIV-positive carry the diagnosis of AIDS. Although IDOC has begun to test more and more inmates, the number of cases has been decreasing since 1994. In addition, IDOC tests juveniles who come through the system. Since 1991, no juveniles have tested positive for HIV.

16. 720 ILCS 5/6-2.

17. *Insight into Corrections,* Illinois Department of Corrections, fiscal year 1996.

18. *Bureau of Justice Statistics Bulletin,* U.S. Department of Justice, fiscal year 1995.

FINANCE

HOW MUCH DOES THE STATE APPROPRIATE FOR CORRECTIONS?

Between state fiscal years 1988 and 1995, total appropriations for the Illinois Department of Corrections increased 75 percent, rising from $432,217,000 to $755,369,300.[1] During this time, money from general revenue appropriations accounted for about 97 percent of all appropriations. The remaining money came from revolving working capital funds (Figure 4-14).

WHAT ARE THE COSTS FOR CORRECTIONS?

IDOC's fiscal year 1995 expenditures were $708,497,000.[2] The majority of this money, $432,846,300 — or 61 percent — was spent on personnel throughout IDOC's adult and juvenile institutions, community correctional centers, community services, the general office, and the school district. Eighty-two percent of the expenditures for personnel were at adult institutions.

WHAT ARE THE COSTS PER CAPITA?

Between fiscal years 1992 and 1996, the cost of incarcerating an individual increased 6 percent, rising from $15,716 to $16,710.[3] These figures represent the average cost of incarceration per inmate per fiscal year. The cost of incarceration differs depending on the facility and the number of services offered.

Notes

1. *Illinois Comptroller Annual Report,* 1995.

2. Ibid.

3. Illinois Department of Corrections, Division of Finance and Administration, 1996.

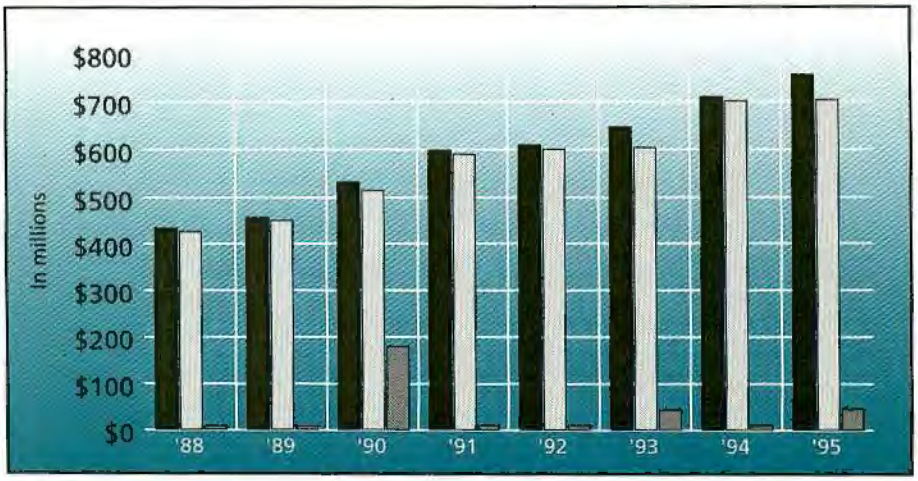
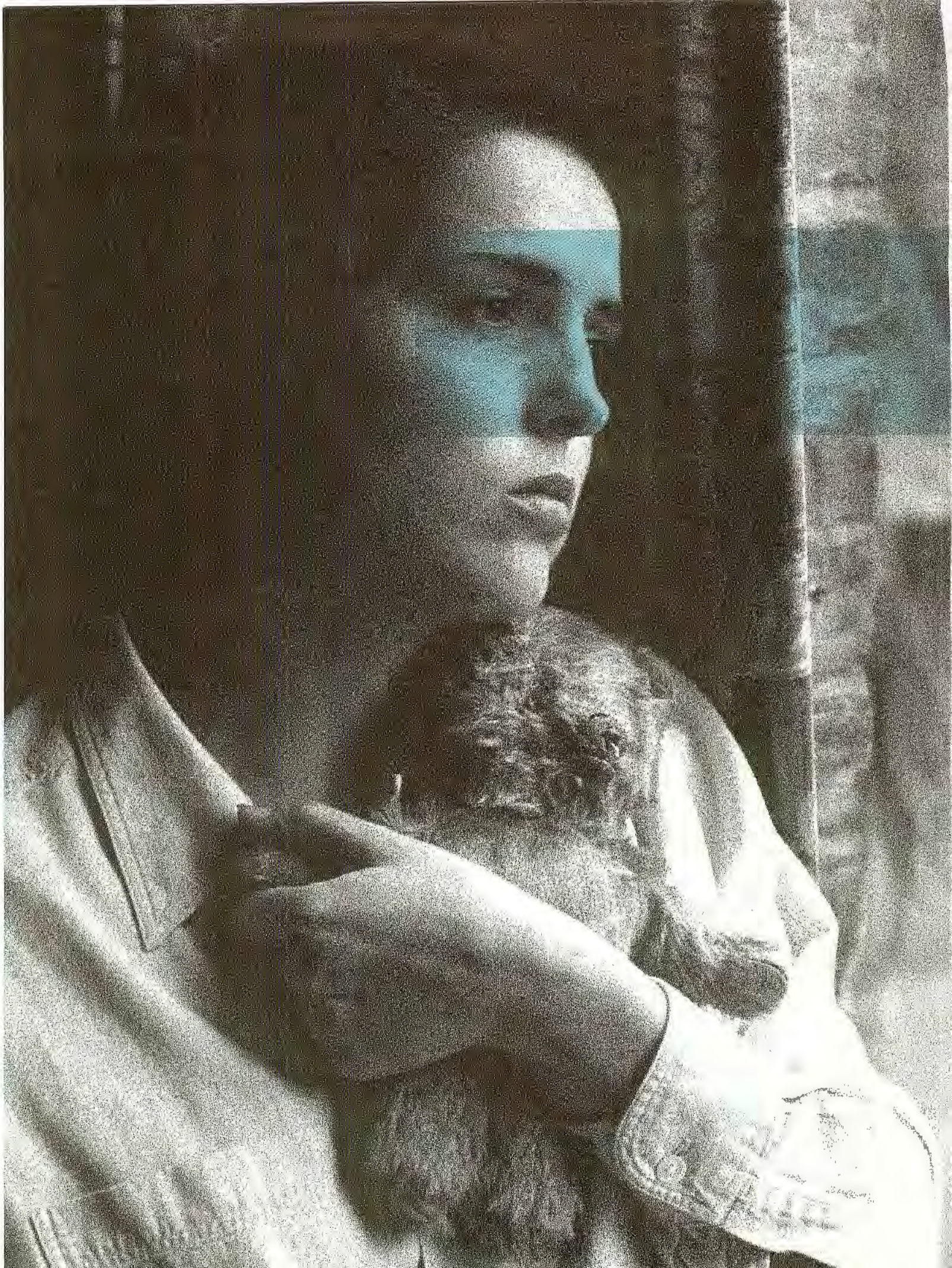


Figure 4-14

IDOC's annual appropriations, 1988-1995

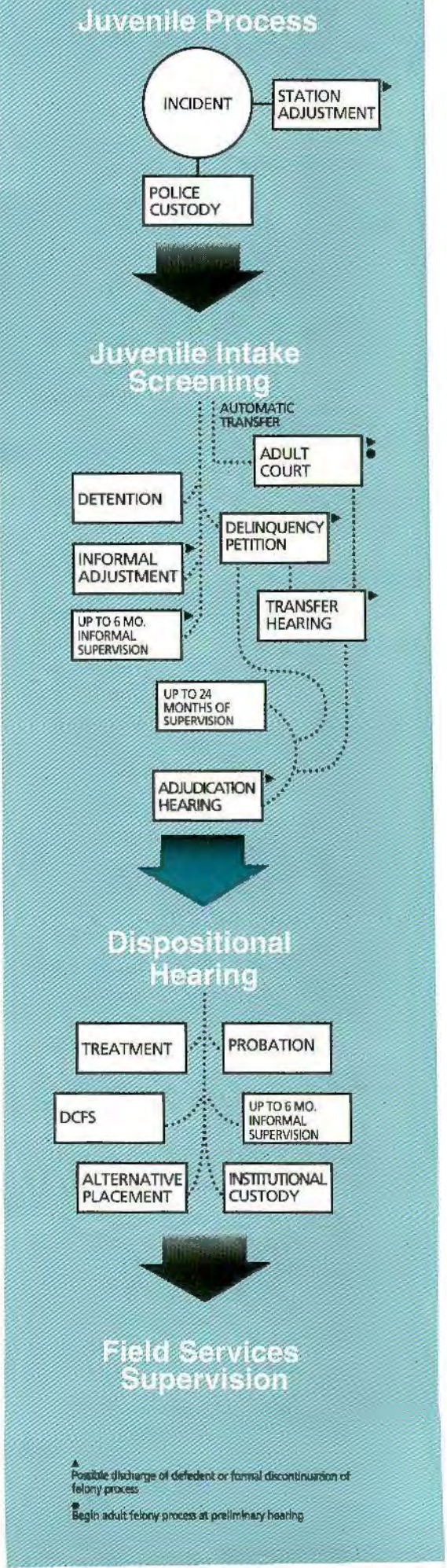
Source: IDOC



Juvenile Justice

***H**ow many juveniles are taken into police custody each year in Illinois? What types of cases are filed in juvenile court? How many juveniles are tried as adults in Illinois? What type of sanctions do juvenile offenders receive?*

This chapter answers these questions and presents an overview of the juvenile justice system and the special issues associated with young offenders. It also explains the responsibilities of the juvenile justice system in processing juvenile offenders and describes what is being done to interrupt delinquency careers.



OVERVIEW

In 1899, Illinois created the first juvenile court in the United States. This move was more than a management decision; it was a formal recognition that young offenders had special problems and needs that could best be met through a system distinct from the one used for adult offenders. Since that time, the legal mandates of juvenile justice in Illinois have undergone many changes, but juvenile justice has remained largely separate from the adult, or criminal, justice system.

Juvenile courts in Illinois and throughout the country were established under the doctrine of *parens patrie*, whereby the state acts as the guardian or responsible authority for a minor to protect the youth from dangerous conduct or harmful environments. Historically, the juvenile justice system's goal has not been to punish young people, but rather to provide individualized treatment and guidance. To accomplish this goal, the juvenile courts and other segments of the juvenile justice system have developed various procedures and services for handling juveniles and their varying problems, which include delinquency, status offense violations (such as truancy, running away, ungovernable behavior), addictive behaviors, and abusive or neglectful home environments.

The individualized approach has been based on two principles: first, that juveniles are developmentally incapable of fully forming the necessary criminal intent to be held responsible for their actions; and second, that juveniles are still impressionable enough to be diverted from further criminal behavior.

Despite variations across counties and regions in the numbers and types of services available to juveniles, the overall structure of the juvenile justice system is uniform throughout Illinois. It differs in several key aspects from the criminal justice system. Illinois' juvenile court generally operates in a more informal manner than its criminal counterpart, and the proceedings are nonadversarial; authorities have much more latitude in determining the proper response. Also, the terminology used to describe juveniles and their proceedings is different from that used with adult offenders:

- Juveniles are "taken into custody" rather than "arrested."
- "Petitions of delinquency" instead of "criminal complaints" are filed before a judge.
- Young offenders are "adjudicated delinquent," not "found guilty of crimes."
- The resulting court action is a "disposition" rather than a "sentence."

Although the juvenile justice system differs from the criminal justice system, juveniles are protected by most of the due process safeguards associated with criminal trials. These include having the prosecuting and defense attorneys present at hearings, placing the burden of proof on the state, and guaranteeing the right to appeal court decisions. Although the juvenile courts have been in place and recognized for almost a century, it was not until the mid-1960s that the U.S. Supreme Court first recognized the due process rights of minors in *Kent vs. United States*.[1] The decision established the right to an attorney during juvenile proceedings and to a hearing before a juvenile could be transferred to criminal court. In another case, the court stressed the right to an attorney, to due notice, and to confrontation of witnesses.[2] And in yet another case, the court established the standard of proof in juvenile cases to be "beyond a reasonable doubt."[3]

In recent years, public policy-makers have come to recognize that a small number of juvenile offenders commit serious crimes that require a more punitive response. This desire to be more punitive is reflected in the increased eligibility of juveniles to be transferred to the criminal court. Illinois is pursuing a dichotomous set of goals for juvenile justice: community-based treatment and supervision for the majority of juveniles who are involved in relatively minor incidents, and the incapacitation of truly

dangerous young offenders. Recently, the Illinois Legislative Committee on Juvenile Justice issued its recommendations, which also ranged from increasing the availability of services to reducing the use of station adjustments.

Similarly, concern about juvenile offenders who commit serious crimes has led to changes in laws governing juvenile justice records. To ensure that juveniles' criminal justice records do not inappropriately restrict their future ability to find a job, join the military, obtain credit, obtain licenses, or otherwise participate in society, these records have been subject to strict confidentiality. In particular, laws have prohibited noncriminal justice agency personnel and the public from accessing these records. This policy, however, may now be changing. New laws allow public access to names and addresses of minors who are convicted or adjudicated delinquent for certain serious violent offenses, including murder, criminal sexual assault, felonies in which a firearm was used, certain drug violations, and for some crimes connected to gang activities.

WHAT IS THE JUVENILE JUSTICE SYSTEM IN ILLINOIS?

To meet the goals of individually treating young people who commit relatively minor offenses, supervising in the community those who require more accountability, and incapacitating those who are dangerous, the network of agencies serving juveniles has grown substantially over the years, and their responsibilities have expanded. At several stages in the process of handling young people, juvenile justice professionals must make decisions regarding the various dispositions for which minors are eligible. These decisions must balance the juvenile's best interests with a concern for public safety. While *Trends and Issues* primarily focuses on those young people who enter the juvenile justice system because of behavior that violates the law, juvenile justice professionals recognize that many young offenders have additional problems that affect such decisions as whether to file a formal petition or to divert the youth from court; whether to allow the juvenile to remain at home or to place the youth in an alternative setting; and whether to refer the juvenile to counseling or other intervention services.

The term *juvenile justice system* may really be a misnomer in Illinois. Instead of functioning as a unified system, the different agencies that deal with young offenders largely operate as a loose confederation or network of state, county, and municipal agencies, including:

- Law enforcement agencies, such as municipal police departments, county sheriffs, and the Illinois State Police;
- Both juvenile and criminal courts and court services agencies, such as juvenile probation departments;
- State's attorneys, public defenders, and private attorneys;
- The Juvenile Division of the Illinois Department of Corrections;
- Local temporary detention centers operated under the judicial or executive branches of government;
- The Illinois Department of Children and Family Services and the child welfare services it licenses;
- The Illinois Department of Mental Health and Developmental Disabilities;
- The Illinois Department of Alcoholism and Substance Abuse and the service providers it licenses and funds;
- Private social service organizations that provide crisis intervention, foster care, other residential placement, counseling, and other services; and
- Schools.

Each of these agencies has different responsibilities for different types of juvenile offenders. Some, such as law enforcement agencies, may get involved in almost every type of juvenile case. Others, such as social service organizations, may only come into contact with juveniles referred to them and who meet certain criteria. The following is a description of how a juvenile is handled by the various components of the juvenile justice system, including law enforcement, the juvenile court, temporary county

juvenile detention, juvenile probation, and the Juvenile Division of the Illinois Department of Corrections.

WHAT ROLE DOES LAW ENFORCEMENT HAVE IN JUVENILE JUSTICE?

When a youth is taken into police custody, the juvenile justice process begins. Since 1993, every police department in Illinois must have at least one juvenile officer, who is trained and certified by the Illinois Law Enforcement Training and Standards Board. When a juvenile is taken into custody, a juvenile officer has several options. The officer assigned to the case can recommend a station adjustment (an informal disposition issued by law enforcement, which is not legally binding) instead of formal court action. A station adjustment may require the juvenile to comply with a rather stringent remedial plan — such as entering a rehabilitation or counseling program, or something as basic as requiring better cooperation with parents or guardians. A station adjustment is one option that results in the discontinuation of the formal juvenile justice process.

More serious cases require further action and the involvement of additional criminal justice agencies. Juveniles taken into police custody for unlawful use of a weapon or a forcible felony are fingerprinted; copies of their prints, along with their descriptions, are submitted to the Illinois State Police.

If the officer believes the juvenile needs immediate secure detention, and the juvenile is at least 10 years old, the officer will call the county probation department and recommend that the youngster be detained. If detained, the juvenile must have a detention hearing within 36 hours.

All cases that do not end with a station adjustment are referred to the county state's attorney's office and/or the county probation department for screening. During screening, officers determine whether a petition should be filed in juvenile court and, if the minor is in custody, when a detention hearing will be held. In some counties, this screening is done by a specialized unit, involving the probation department alone or in cooperation with the state's attorney's office. In other counties, the state's attorney's office completes the entire intake screening.

Several possible outcomes may stem from an intake screening. The involved authorities may:

- Make an informal adjustment;
- Place the juvenile under informal supervision for up to six months;
- Suggest filing a juvenile delinquency petition; or
- Move to have the juvenile transferred to criminal court.

If authorities decide to file a juvenile delinquency petition or move to have the juvenile transferred to criminal court, the processing of the juvenile moves to the juvenile court.[4]

WHAT HAPPENS AFTER A DELINQUENCY PETITION IS FILED?

Several types of Juvenile Court hearings may occur after a delinquency petition is filed:

- The juvenile may be brought to court for informational matters that must be handled before the case may proceed.
- If the juvenile is in secure custody, the court must hold a detention or shelter care hearing within 36 hours to determine whether there is probable cause that the minor is delinquent and if detention should continue.
- The adjudicatory hearing, which is comparable to an adult trial, must take place within 10 judicial days (10 working days) of the detention hearing, or within 120 days if the juvenile is not detained. Under certain circumstances, these time limits can be extended. If the court finds delinquency, it sets a date for a dispositional hearing.
- However, delinquency petition filings often do not result in an adjudication. In certain circumstances, if all parties agree, the court may place the minor under its supervision for up to 24 months without a formal adjudication. The court may set conditions of supervision, including, but not limited to, school attendance, community service, and victim restitution. In many cases, an agreement not to adjudicate is achieved through

plea bargaining. The county probation department monitors juveniles placed under court supervision to ensure that they comply with the conditions of supervision. If the juvenile successfully completes supervision, records of the case are expunged. If the juvenile fails to satisfy the conditions, a petition to revoke supervision can be filed and the juvenile may be formally adjudicated. Lastly, juveniles can be found not delinquent or the case can be dropped by the state's attorney's office.

- Prior to a dispositional hearing the county probation department collects social background information on the juvenile and provides it to the court. The dispositional hearing considers all available information, including written and oral reports, which will help the court select a disposition that serves the best interest of the juvenile and public safety.

WHAT DISPOSITIONS MAY JUVENILE COURTS ORDER?

A juvenile found delinquent in Illinois may receive one or more of the following types of dispositions specified in the Juvenile Court Act:

- Probation or conditional discharge;
- Placement with someone other than the juvenile's parents, guardian or legal custodian;
- Drug or alcohol treatment;
- Commitment to the Illinois Department of Children and Family Services (for juveniles 12 years old or younger);
- Placement in a temporary juvenile detention center for up to 30 days (if 10 years old or older);
- Partial or complete emancipation;
- Restitution (if damage occurs);
- Order of protection (if required);
- Commitment to the Juvenile Division of IDOC (if at least 13 years old, or 10 years old and a ward of DCFS);
- School or training; or
- Medical testing for sexually transmitted diseases, including HIV/AIDS, of those adjudicated for sex offenses.

For a juvenile adjudicated delinquent and sentenced to probation (for up to five years or until he or she reaches age 19, whichever comes first), the county probation department supervises and monitors the juvenile. In addition to monitoring compliance with court-imposed conditions, the probation department also provides both direct and referral services. Direct services range from general counseling to specific treatment and supervision strategies for specialized caseloads. Referral services range from referral to professional assessment and psychological services, to placements for residential treatment services.

Although the majority of juvenile court cases involve delinquency petitions, Illinois juvenile courts also handle the legal needs of a number of other youths. Nondelinquency proceedings are patterned after civil cases. The burden of proof is a preponderance of evidence, not the "beyond a reasonable doubt" standard used in delinquencies, and hearsay is more admissible.

The Illinois Juvenile Court Act defines six separate types of juvenile petitions:[5]

Delinquent minors
Delinquent juveniles are those younger than 17 who commit an offense that would be criminal if committed by an adult.

Neglected or abused minors
Neglected minors are those younger than 18 who do not receive necessary support or are abandoned by their parents or guardians, or whose environments are harmful to their welfare; abused minors are those younger than 18 who have been physically or sexually abused.

Dependent minors
Dependent minors are those younger than 18 whose parents or guardians are deceased or disabled, or who are without proper care (though not through the fault of the parent or guardian), or whose parents or guardians wish to relinquish all parental control.

Minors requiring authoritative intervention (MRAI)
MRAIs are those younger than 18 who have run away or who are beyond the control of their parents or guardians so that their physical safety is in immediate danger. In 1983, MRAI petitions

replaced the previous petition category of minors in need of supervision (MINS), allowing for a narrower classification scheme for juvenile problems.

Truant minors

Truants are those minors reported by a regional school superintendent (in counties with populations of less than 2 million) to be chronically absent from school, and who have refused all preventive and remedial school and community resources.

Addicted minors

Addicted minors are those younger than 18 addicted to alcohol or drugs, as defined under Illinois' Alcoholism and Other Drug Dependency Act.

WHEN ARE JUVENILES TRIED IN CRIMINAL COURTS?

While the majority of juvenile respondents in Illinois are handled by the Juvenile Court, those charged with specific serious crimes can be transferred to the criminal court. There are three circumstances when the court will order a juvenile to be tried in the Illinois criminal courts:

- *Petitioned transfer:* When a motion has been made to and granted by the juvenile court to transfer the case to criminal court;
- *Automatic transfer:* When Illinois law mandates that the juvenile be transferred to criminal court; and
- *Presumptive transfer:* When there is probable cause that a juvenile has committed a Class X felony, and the juvenile is unable to convince a juvenile court judge that the juvenile is amenable to the care, treatment, and training programs available to the juvenile court.

Since 1973, in the case of juveniles who are at least 13 years old, the state's attorney or the juvenile (with consent of counsel), may petition the juvenile court judge to transfer a delinquency case to criminal court. If the adjudicatory hearing proceeds in juvenile court, a transfer may also be ordered if the judge determines it is in the best interest of the juvenile and the public not to proceed in juvenile court. As of Jan. 1, 1990, the juvenile court judge is required to consider possession of

Figure 5-1

Automatic transfer of juveniles to adult criminal court

OFFENSES	AGE WHEN LAW APPLIES	YEAR LAW TOOK EFFECT
First degree murder, aggravated criminal sexual assault, armed robbery with a firearm	15	1982
Drug/weapon offenses on or within 1,000 feet of school property	15	1985
Felony/forcible felony in furtherance of gang activity with prior felony/forcible felony adjudication	15	1990
Drug offenses on or within 1,000 feet of public housing property	15	1990
Subsequent charges of escape/bond violation for minors already transferred to criminal court	13	1991
Aggravated vehicular hijacking	15	1995
First degree murder committed during a criminal sexual assault, aggravated criminal sexual assault, or aggravated kidnapping (excludes minors charged through accountability)	13	1995

Source: Administrative Office of the Illinois Courts (AOIC), Probation Division

a deadly weapon during the commission of the offense to be an aggravating factor when considering transferring the case to criminal court.

Since 1982, Illinois law has required automatic transfer of juveniles charged with specific offenses to criminal court for prosecution. Automatic transfer was first required for any juvenile at least 15 years old charged with:

- First degree murder;
- Aggravated criminal sexual assault; and/or
- Armed robbery with a firearm.

Since then, the state has added numerous offenses that qualify for automatic transfer, including certain drug and weapon violations if they occur on either public school or public housing grounds, and certain gang-related crimes. (Figure 5-1).

Since January 1995, the state's attorney has been empowered to petition for a presumptive transfer for most Class X felonies and some other limited circumstances. This type of transfer shifts to the minor the burden of rebutting the presumption, which is created by a finding of probable cause, that the minor should be transferred.

WHEN ARE JUVENILES PLACED IN DETENTION?

After a juvenile is taken into police custody, authorities decide how to handle temporary detention. In all counties, a juvenile probation officer's written authorization grants authority to the superintendent of any juvenile detention center to detain and keep a juvenile for up to 36 hours. Only juveniles 10 years old or older can be held in a juvenile detention center. Detention authorization may be based on any of the following reasons:

- There is reasonable cause to believe that the minor is delinquent, and secure custody is immediately, urgently necessary for the minor's protection or the protection of another person or his or her property;
- The minor is likely to flee the jurisdiction of the court; or
- The minor was taken into custody under a warrant.

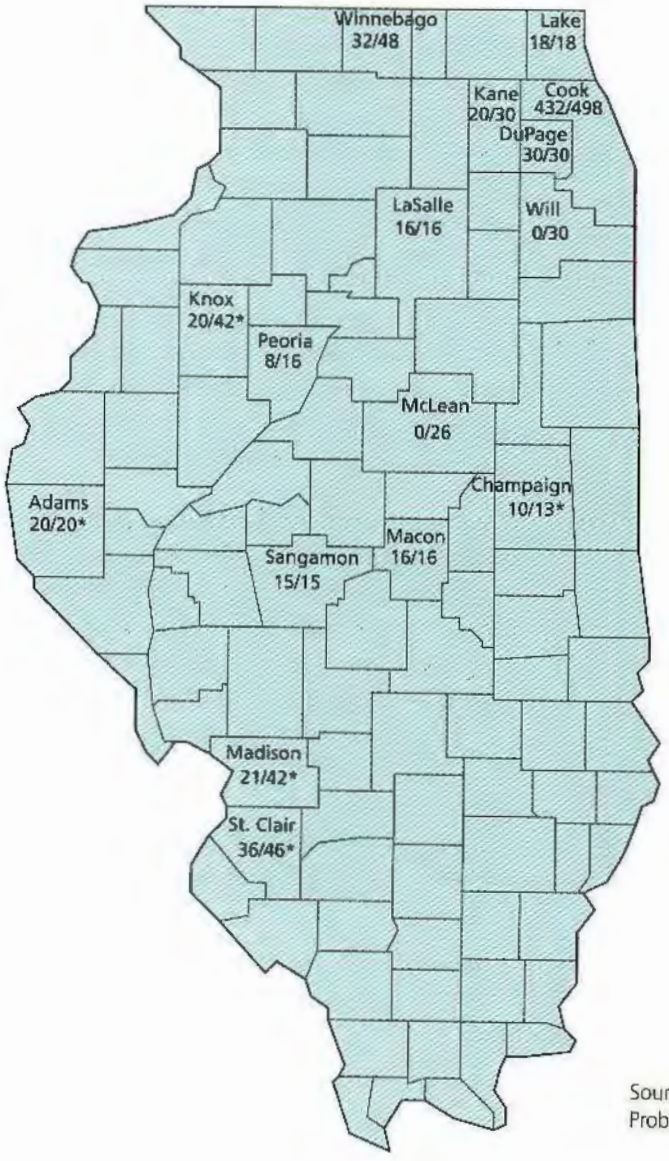
The 16 juvenile detention centers operating in Illinois in 1996 had a capacity of 906 — 26 percent more than the combined capacity of juvenile detention centers in 1989 (Figure 5-2). The capacity in seven of these 16 detention centers is 20 or fewer. Those counties that do

Figure 5-2

Counties with temporary juvenile detention centers

The first number indicates the center's capacity in January 1989. The second number was the capacity in January 1996.

Five counties with transportation programs are noted with an *.



Source: AOIC, Probation Division

not operate a juvenile detention center must purchase custody services from a county that does operate such a facility. Most counties contract with those geographically closest to them; however, in many instances, because the closest centers are full, probation departments wanting to detain a juvenile must call centers throughout the state to find available bed space.

In emergencies, when all available space is full, a juvenile may be briefly detained in the adult county jail. As a result of increased concern about the safety of juveniles detained in adult facilities, as well as potential liability issues, Illinois lawmakers made it illegal after July 1, 1989, to detain juveniles in county jails for more than six hours. After six hours, the juveniles had to be transported to an approved juvenile detention center or released. However, as of Jan. 1, 1997, the law was changed to allow juveniles aged 12 or older to be detained in a county jail for up to seven days. The length of time a juvenile can be held depends on what specific standards the jail or detention center meets. Juveniles detained in a county or municipal lockup cannot be permitted to come into or remain in contact with adults in custody.[6]

Any minor not requiring secure detention may be detained in the home of a parent or guardian under conditions imposed by the court. As of Jan. 1, 1990, the juvenile may also be required to use an electronic monitoring device.

The majority of admissions to temporary juvenile detention centers are for juveniles who have been accused of committing delinquent acts; however, juvenile detention centers can also be used for short periods of detention that are part of a delinquency disposition. Juveniles adjudicated delinquent can be ordered to serve up to 30 days in a county juvenile temporary detention center. Those ordered to longer periods of incarceration are committed to the Juvenile Division of the Illinois Department of Corrections.

WHEN ARE JUVENILES COMMITTED TO THE JUVENILE DIVISION OF IDOC?

While county-level secure juvenile detention is temporary, the Illinois Department of Corrections' Juvenile Division provides long-term custody for youths 13 to 21 years old (depending on the type of commitment). As of January 1995, IDOC, at the request of the Department of Children and Family Services, also provides custody for wards 10 years old and older who have been found delinquent by the juvenile court or convicted in criminal court. The court can also send a youth to the Juvenile Division of IDOC for a maximum 90-day court evaluation period. After the evaluation period, the youth is brought back to the juvenile court and reviewed based on the juveniles adjustment. The court then determines whether the youth is to be released, usually to probation, or returned to IDOC for an indeterminate term. The Juvenile Division's mission is to provide secure custody, rehabilitative programs, and aftercare. Both public safety and the youthful offender's needs are considered in making program decisions.

IDOC operates seven juvenile correctional facilities throughout the state (Figure 5-3). All male juveniles committed to IDOC are first sent to the intake center at St. Charles; females are brought to the female intake center at Warrenville. At intake, a caseworker assesses and evaluates the juvenile's court documents, as well as educational, medical, behavioral, and mental health history. This assessment determines the youth's level of risk, appropriate programming, and any special needs. Officials then decide to which facility and living unit they will send the juvenile, and specific programs in which the juvenile needs to participate. Programming includes a core academic curriculum, work, religion, counseling services, crafts, and leisure time. An individual's programming is reviewed approximately every 30 days, with adjustments made accordingly.

Youths committed to IDOC do not receive a determinate sentence, but rather an indeterminate sentence assessed at Administrative Review Dates (ARDs). The ARD for a juvenile delinquent is based on the youth's offense, previous

delinquent history, and need; the ARD may be extended depending on the youth's progress.

The age at which a juvenile can be transferred to the Adult Division or must be released from IDOC supervision depends on whether or not the juvenile was committed as a delinquent from the juvenile court, as a felon from the criminal court, as a Violent Juvenile Offender or Habitual Juvenile Offender, or for first degree murder. Delinquent youths whose petitions were filed after July 24, 1992, must be discharged from IDOC supervision when they reach age 19, unless a judge orders them to be held until age 21. Juveniles adjudicated delinquent and committed to IDOC can never be transferred to the Adult Division. On the other hand, juveniles convicted in criminal court and committed to IDOC can be transferred to the Adult Division at age 17 and must be transferred when they reach age 21. Unlike other adjudicated delinquents, youths who are committed from the juvenile court for first degree murder, as a Violent Juvenile Offender or a Habitual Juvenile Offender can be held in the Juvenile Division until age 21 if their sentence warrants it, but still cannot be transferred to the Adult Division.[7]

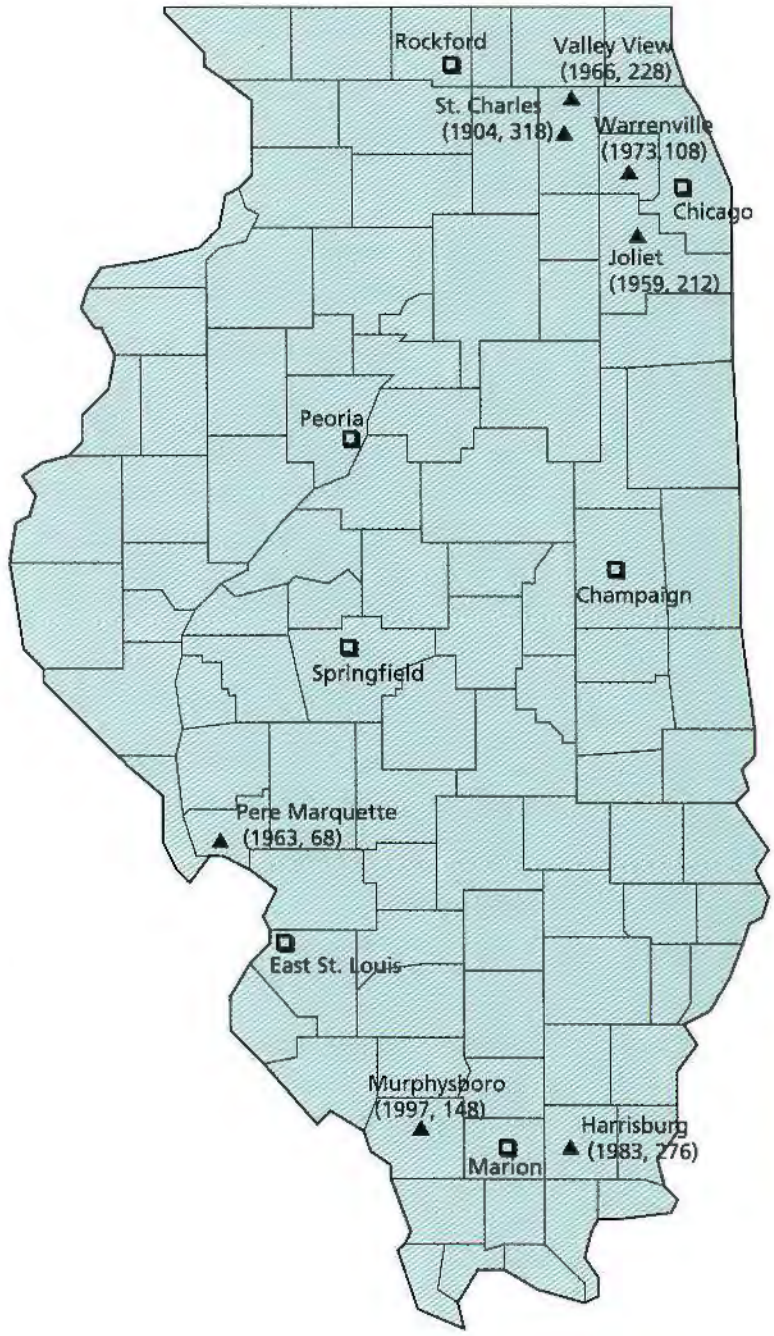
WHEN ARE JUVENILES PLACED ON PROBATION?

Probation is the most frequent disposition for juveniles who are adjudicated delinquent. The court may impose a variety of conditions on probation, including:

- Attend intermittent meetings with a probation officer;
- Work or pursue a course of study or vocational training;
- Undergo medical, psychiatric, psychological, or substance abuse treatment;
- Support his or her dependents, if any;
- Reside with his or her parents or in a foster home;
- Attend school;
- Make restitution;
- Contribute to his support at home or in a foster home;

Figure 5-3

Facilities operated by the Juvenile Division of the Illinois Department of Corrections



Source: IDOC

- Perform public or community service;
- Participate in a community corrections program including Unified Delinquency Intervention Services administered by the Department of Children and Family Services;
- Pay court costs;
- Serve a term of home confinement;
- Refrain from entering a designated geographic area; or
- Refrain from having contact with certain specified people, including but not limited to members of street gangs, drug users, or drug dealers.

WHAT IS THE ROLE OF JUVENILE PROBATION OFFICERS?

All circuit courts in Illinois provide juvenile probation services, which are the primary services for both alleged and adjudicated delinquents. In some jurisdictions, juvenile probation departments provide pre-court intake screening services, which include a variety of intervention strategies designed to divert offenders from the formal court process.

For adjudicated delinquents, the primary function of juvenile probation is to provide the court with investigative and case supervision services. Juveniles adjudicated delinquent can be placed on probation for a maximum of five years or until age 19, whichever comes first. In addition to monitoring compliance with court-imposed conditions, probation departments typically operate both direct and referral services. Direct services range from general counseling to specific treatment and supervision strategies for specialized caseloads. Referral services range from referrals for professional assessment and psychological services to placements for residential treatment services. In most jurisdictions, one or more officers who supervise only juveniles handle juvenile cases. In small departments, however, officers may supervise mixed caseloads of adult and juvenile offenders. In addition, probation offices also review requests for secure detention.

Notes

1. *Kent vs. United States*, 383 U.S. 541 (1966).

2. *In re Gault*, 387 U.S. 1 (1967).

3. *In re Winship*, 397 U.S. 358 (1970).

4. In cases of automatic transfer to criminal court, no juvenile court hearings take place.

5. 705 ILCS 405.

6. P.A. 89-656; effective Jan. 1, 1997.

7. A Habitual Juvenile Offender is a minor having been twice adjudicated a delinquent minor for offenses that are felonies and adjudicated a delinquent minor for a third time, where the third offense was based upon the commission of a specific offense.

THE DATA

This chapter includes statistical data about three components of Illinois' juvenile justice system: law enforcement, the courts and corrections. Most of the data sources in this chapter are the same as those used in earlier chapters that cover the corresponding components of the criminal justice system. For the most part, the same data quality issues outlined in those chapters apply to the juvenile justice chapter.

WHAT SPECIAL CONSIDERATIONS MUST BE GIVEN TO JUVENILE JUSTICE DATA?

There are, however, special concerns associated with interpreting juvenile justice data. Technically, juveniles are not arrested; they are taken into custody. In this chapter, the events leading to a juvenile receiving a station adjustment, being referred to juvenile court, or being transferred to criminal court will be referred to as being "taken into custody." When the report discusses a combined total of adults arrested and juveniles taken into custody, the term "arrest" will be used for both. The sources of data on juveniles taken into custody used here are described in detail in the law enforcement section.

WHAT ARE THE SOURCES FOR JUVENILE DATA?

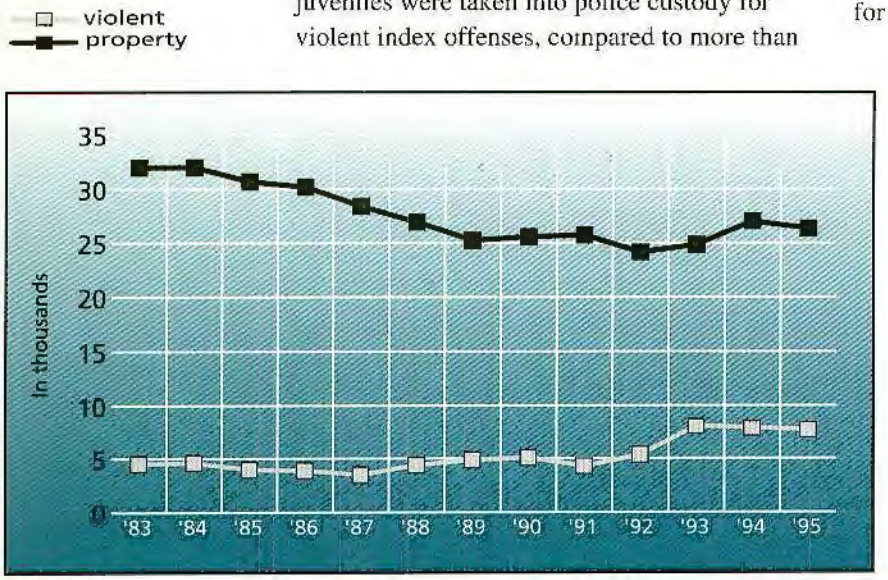
Information in this chapter pertaining to courts comes largely from the Administrative Office of the Illinois Courts' Probation Division, which collects statistics on juvenile court and juvenile probation activities in Illinois. As with data on criminal court filings and dispositions, there are no statewide data collected that summarize the types of crimes that juveniles are petitioned for or adjudicated delinquent for, and only limited data on the characteristics of juveniles placed on probation in Illinois. During specific months in 1990 and 1995, the Administrative Office of the Illinois Courts' Probation Division collected detailed, case-level data for juveniles placed on probation in Illinois. Although limited to those specific time periods, these data do provide some information on the types of offenses juveniles were adjudicated for and their socio-economic characteristics.

Data on juveniles admitted to temporary detention centers in Illinois come from two separate sources. Aggregate data on the number of juveniles admitted to detention centers from Illinois counties are available through the Administrative Office of the Illinois Courts' Probation Division, although it is not possible from these data to determine any demographic or offense characteristics of juveniles placed into detention. On the other hand, data collected through the Juvenile Monitoring Information System (JMIS), operated by the Illinois Department of Children and Family Services, do contain some case-level information on juveniles placed into detention centers in Illinois.

Finally, data about juveniles under the supervision of the Illinois Department of Corrections' Juvenile Division were provided by IDOC's Planning and Research Unit from the Juvenile Tracking System (JTS). These IDOC figures are based on state fiscal years, which run from July 1 through June 30 (for example, fiscal 1996 began July 1, 1995, and ended June 30, 1996).

Figure 5-4

Number of juveniles taken into custody for property and violent index offenses, 1983-1995



Source: Illinois State Police (ISP) and Illinois Criminal Justice Information Authority (ICJIA)

HOW MANY JUVENILES ARE TAKEN INTO POLICE CUSTODY FOR INDEX OFFENSES IN ILLINOIS?

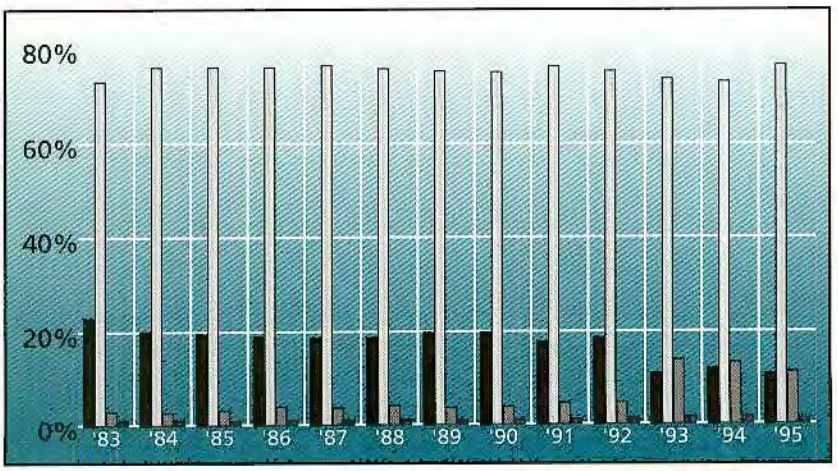
In 1995, more than 34,000 juveniles were taken into police custody for index offenses, 3.5 percent more than in 1993 but 7 percent less than in 1983. As with adults, the majority of juveniles are taken into police custody for property crimes. In 1995, more than 7,600 juveniles were taken into police custody for violent index offenses, compared to more than 26,300 for property index offenses. However, while the number of juveniles taken into police custody for property index offenses decreased over the past 13 years, there has been an increase in juveniles taken into police custody for violent index offenses (Figure 5-4). Between 1983 and 1995 there was an 18 percent decrease in the number of juveniles taken into police custody for property index offenses but a 70 percent increase in juveniles taken into custody for violent index offenses.

WHAT PROPERTY INDEX OFFENSES ARE JUVENILES MOST LIKELY TO COMMIT?

Among the four property index offenses (burglary, theft, motor vehicle theft and arson), juveniles are most likely to be taken into police custody for theft (Figure 5-5). Of the more than 26,000 juveniles taken into police custody for a property index offense in 1995, 77 percent were for theft, 11 percent for motor vehicle theft, 11 percent for burglary and 1 percent for arson. In recent years there has been an increase in the proportion of juveniles taken into custody for motor vehicle theft.

Figure 5-5

Distribution of property index offenses for juveniles taken into custody, 1983-1995



Source: ISP and ICJIA

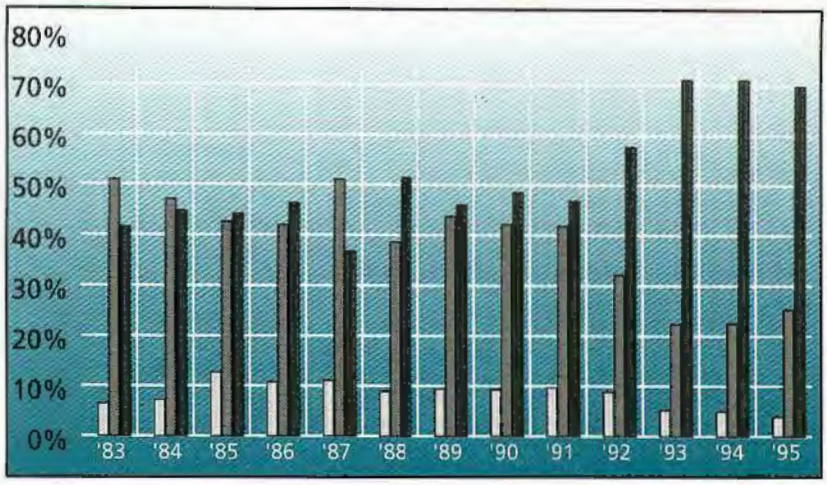


Figure 5-6

Distribution of violent Index offenses, except murder, for juveniles taken into custody, 1983-1995

Source: ISP and ICJIA

WHAT VIOLENT INDEX OFFENSES ARE JUVENILES MOST LIKELY TO COMMIT?

Since 1988, the most common violent index offense for juveniles taken into custody has been aggravated assault (Figure 5-6). In 1995, almost 70 percent of the 7,671 juveniles taken into police custody for a violent index offense were charged with aggravated assault, compared to about 40 percent in 1983. Robbery, which accounted for about one-half of all juveniles taken into police custody for a violent index offense in 1983, accounted for one-fourth of the juveniles taken into custody for a violent index offense in 1995.

IS JUVENILE VIOLENCE INCREASING?

Although the number of juveniles taken into police custody for violent offenses increased dramatically during the 1980s, between 1993 and 1995 there was a 4 percent decrease in the total number of juveniles taken into custody for violent index offenses. Across the four individual violent index offenses, the number of juveniles taken into police custody decreased between 1993 and 1995 for all except robbery.

While murder was by far the least common offense for which juveniles were taken into custody, its incidence increased dramatically in the late 1980s and early 1990s. Between 1985 and 1994, the number of juveniles taken into police custody for murder increased fourfold, from 24 to 102, before decreasing to 71 in 1995 (Figure 5-7).

As with recent trends in juveniles taken into police custody for most violent Index offenses,

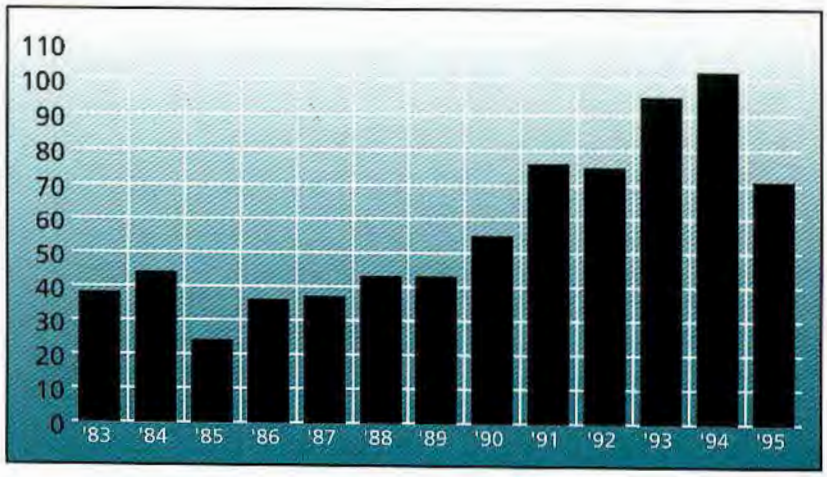


Figure 5-7

Juveniles taken into police custody for murder in Illinois, 1983-1995

Source: ISP and ICJIA

the number of juveniles taken into custody for unlawful use of a weapon (UUW) dropped 15 percent between 1993 and 1995. However, as with murder, the number of juveniles taken into custody for UUW began to rise dramatically in the mid-1980s. Between 1985 and 1992, for example, the number of juveniles statewide taken into police custody for UUW doubled, rising to more than 3,000.

HOW MANY JUVENILES ARE TAKEN INTO POLICE CUSTODY FOR DRUG OFFENSES IN ILLINOIS?

The number of juveniles taken into police custody for drug offenses also has increased dramatically during the past 13 years. Between 1983 and 1995, the number of juveniles taken into custody for drug offenses increased from less than 2,400 to more than 10,200 (Figure 5-8). There have also been significant changes in the types of drug offenses for which juveniles are being charged. In the early 1980s, more than 80 percent of juveniles taken into custody for drug offenses involved cannabis-related crimes. However, throughout the late 1980s and early 1990s, a smaller proportion of offenses involved cannabis and an increasing proportion involved other illicit drugs such as cocaine and opiates. In 1991, less than 20 percent of the drug offenses for which juveniles were taken into police custody involved either cannabis possession or sale/delivery. The proportion of juvenile drug offenses involving cannabis has rebounded since 1992, and by 1995, 46 percent of juvenile drug offenses were for violations of the Cannabis Control Act.

IS JUVENILE GANG CRIME INCREASING IN ILLINOIS?

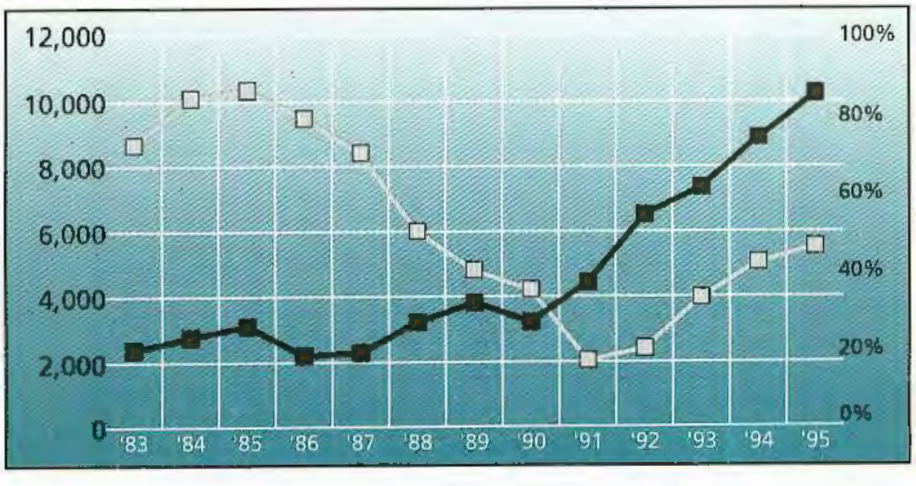
Although there are no statewide data on the number of crimes committed by gang members in Illinois, the information that is available indicates that gang-related crime has increased in recent years.[1] While gang-related crime involves both adults and juveniles, it appears that for certain crimes, offenders are getting younger. Based on an analysis of gang-related crime in Chicago, the Authority found that not only is street gang violence increasing, but that the average age of offenders involved in street gang-related homicide and drug offenses has decreased.[2] In 1987, 1.8 percent of offenders in street gang drug offenses were younger than 15, compared to 7.7 percent in 1994. This decline in the age distribution occurred for the serious drug offenses as well as for possession.

IS JUVENILE VIOLENCE EXPECTED TO INCREASE?

Many have predicted that violence among juveniles in the United States will increase over the next decade as the population of those in the crime-prone age group (10-19 years old) increases.[3] The U.S. Bureau of the Census projects that the number of Illinois residents between 10 and 14 years of age will increase 6 percent by the year 2010, while the number of 15- to 19-year-olds is projected to increase nearly 20 percent. The problems associated with a growing juvenile population are compounded by unprecedented rates of child abuse and neglect. These patterns may indeed mean that

Figure 5-8

Juveniles taken into police custody for drug offenses, 1983-1995



Source: ISP and ICJIA

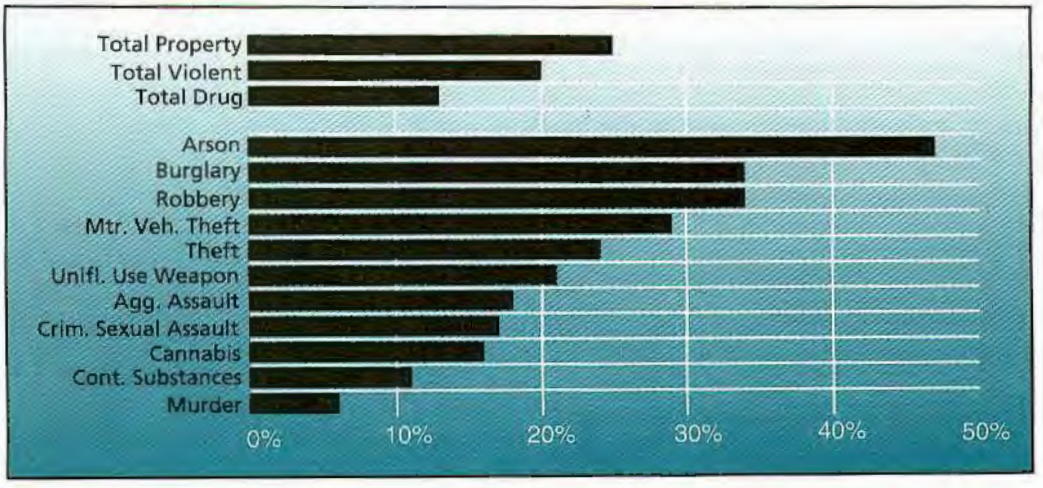


Figure 5-9

Juveniles as a percent of total arrestees in Illinois, 1995

Source: ICJIA

Illinois will experience more juvenile violence in the future.

But rates of violent offending are hard to predict and the future is far from predetermined. More young people will not mean more violence if the rate of offending can be influenced. The best way to reduce future offending is through prevention and early intervention. Reducing exposure to risk factors such as child abuse and poor education is an important first step in stemming juvenile violence. It has been well documented that dropping out of school, for example, is a risk factor for delinquency and that 75 percent of Illinois' adult prison inmates did not complete high school.

IS THE RATE AT WHICH JUVENILES ARE TAKEN INTO POLICE CUSTODY DIFFERENT FROM ADULTS?

Although fewer juveniles are taken into police custody when compared to adults, there are also fewer juveniles in the population. Thus, in order to compare the frequency with which juveniles are taken into custody with adult arrests, the proportion of total arrestees accounted for by juveniles was compared to their representation in the total population (Figure 5-9). In general, juveniles accounted for a larger proportion of total property and violent index offenses (25 percent and 20 percent, respectively) than they accounted for in the total population (17 percent). On the other hand, juveniles accounted for 13 percent of all drug arrests in Illinois and 6 percent of murder arrests, but 17 percent of the population.

When considering the specific offenses, juveniles were taken into police custody at a higher rate than their adult counterparts for all individual property offenses, robbery, and unlawful use of a weapon (Figure 5-9). On the other hand, juveniles were taken into custody at a lower rate than expected based on their representation in the population for murder and drug offenses.

WHAT CRIMES ARE MOST LIKELY TO RESULT IN STATION ADJUSTMENTS?

When police take a juvenile into custody, the police have several options for handling the youth. One of the most common options, particularly for minor offenses, is the station adjustment, an informal disposition that officers may use in lieu of proceeding with formal court action. While the majority of juveniles are formally referred to court, there are clear differences across specific offense types, with the most serious and most violent crimes resulting in formal court processing. For example, in 1995, 54 percent of juveniles taken into police custody for property index offenses were referred to juvenile court, compared to 70 percent of those taken into custody for a violent index offense or unlawful use of a weapon.

Similarly, juveniles taken into police custody for drug sale/delivery were more likely to be referred to court than juveniles taken into police custody for drug possession offenses. In 1995, more than 94 percent of the juveniles taken into police custody for drug sale/delivery were referred to court, compared to 68 percent of

juveniles taken into custody for drug possession. Of those taken into police custody for cannabis-related offenses, 56 percent were referred to court, compared to 83 percent of those charged with offenses involving violations of the Controlled Substances Act.

WHAT PROPORTION OF JUVENILES TAKEN INTO POLICE CUSTODY ARE MALE?

The majority of juveniles taken into police custody for all crimes are male, but there are some differences across offense types. For example, more than 90 percent of all juveniles taken into police custody for drug offenses in 1995 were male, compared to 75 percent of those taken into police custody for property index offenses.

WHAT REGIONS OF THE STATE HAVE THE HIGHEST RATES FOR JUVENILES BEING TAKEN INTO POLICE CUSTODY?

Juveniles in Chicago were taken into police custody at the highest rate in Illinois for violent index offenses, drug offenses and unlawful use of a weapon. For example, the rate at which juveniles were taken into police custody in 1995 for violent index offenses was 907 per 100,000 in Chicago, more than double the rate in suburban Cook County and more than four-times the rate in urban counties outside of Cook and the collar county region. Similar patterns were evident across drug and unlawful use of a weapon offense categories, with Chicago and suburban Cook County consistently accounting for the highest and second highest rates across Illinois' regions.

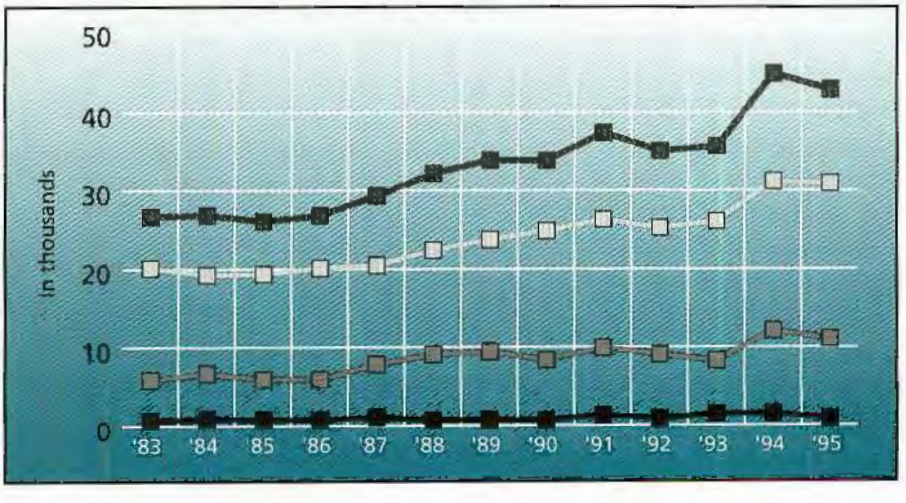
With respect to property index offenses, however, juveniles in urban counties outside of Cook and the collar counties were taken into police custody at the highest rate in 1995 and there was considerably less variance in rates across the regions than for the other offenses examined. In 1995, juveniles were taken into police custody for property index offenses at a rate of 1,592 per 100,000 juveniles in Illinois' downstate urban counties, compared to 1,461 per 100,000 in Chicago and 1,404 per 100,000 in suburban Cook County. Juveniles in the collar counties were taken into police custody for property index offenses at the lowest rate (1,074 per 100,000) across the regions analyzed.

WHAT TYPES OF CASES ARE FILED IN JUVENILE COURT IN ILLINOIS?

More than 431,000 petitions were filed in Illinois' juvenile courts between 1983 and 1995. These included petitions for delinquency, minors requiring authoritative intervention, addicted minor, dependency, truancy, and neglect and abuse. The number of petitions filed annually during this period ranged from a low of fewer than 27,000 in 1986 to more than 44,000 in 1994 (Figure 5-10). A petition may include one or more offenses that occurred in a single incident, and a juvenile who has more than one

Figure 5-10

Petitions filed in juvenile court in Illinois, 1985-1995



Source: Administrative Office of the Illinois Courts (AOIC), Probation Division

problem may require more than one type of petition. In juvenile court, each petition is counted as a separate case. More than two-thirds of the juvenile court cases filed in Illinois were from Cook County, where the annual number of juvenile petitions ranged from a low of about 17,400 in 1985, to a high of more than 30,900 in 1994. In the rest of the state, the number of juvenile cases filed each year steadily increased from a low of about 8,600 in 1985, to a high of more than 14,300 in 1995.

Nearly three-fourths of the juvenile petitions filed in Illinois between 1983 and 1995 were delinquency cases; neglected or abused minors accounted for most of the remaining cases. Petitions for dependent minors, addicted minors, and minors requiring authoritative intervention (MRAI) each accounted for less than 1 percent of the total juvenile court cases filed in Illinois.

Before 1983, status offenders and addicted minors were both handled under one type of petition — the "minor otherwise in need of supervision" petition. When Illinois' Juvenile Court Act was amended in 1983, two new types of petitions were created: "minors requiring authoritative intervention" and "addicted minors." Now, a runaway or incorrigible youth is classified as an MRAI and, as such, cannot be adjudicated unless three conditions are met:

1. Alternatives recommended by police and social service agencies prove unsuccessful;

2. The minor has been taken into limited nonsecure custody for a specified number of days; and

3. The minor and the minor's parents are unable to agree to a plan for voluntary residential placement of the minor or the continuation of this type of placement.

Relatively few juveniles precisely fit the strict criteria of the MRAI definition — hence the relatively low number of MRAI petitions filed. In 1995, for example, 138 MRAI petitions were filed — less than 1 percent of all juvenile petitions filed in Illinois that year. Some cases that are referred to the juvenile courts as possible MRAI petitions are instead diverted and may end up being filed under another type of petition, such as a delinquency or neglect petition; others may be referred to social service agencies.

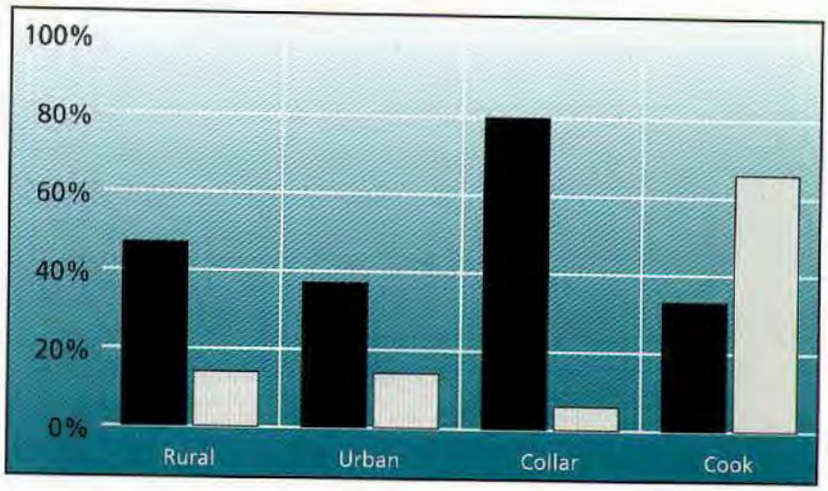


Figure 5-11

Percent change in delinquency filings, 1988-1995

Source: AOIC, Probation Division

HOW MANY DELINQUENCY PETITIONS ARE FILED EACH YEAR?

Nearly 310,000 delinquency petitions were filed in Illinois between 1983 and 1995. The number of delinquency petitions filed in a given year ranged from a low of 19,264 in 1984 to a high of 31,161 in 1994. Delinquency petition filings have increased steadily statewide since 1984, driven largely by trends in Cook County where approximately two-thirds of the delinquency petitions in the state are filed. Across the rest of the state, delinquency petition filings increased from 6,804 in 1988, to 10,526 in 1995.

Although Cook County accounts for the majority of delinquency petitions filed in the state (20,343 of the 30,869 in 1995), the four collar counties of Lake, McHenry, Kane, and Will (DuPage data were not available) together experienced the largest percent increase in delinquency filings between 1988 and 1995. The 1,923 delinquency petitions filed in these collar counties in 1995 represented an 80 percent increase over the number filed in 1988. Delinquency petitions increased 47 percent in the state's rural counties, 37 percent in the downstate urban counties, and 33 percent in Cook County (Figure 5-11).

WHAT PERCENTAGE OF DELINQUENCY PETITIONS RESULT IN ADJUDICATION?

Juveniles petitioned delinquent are not adjudicated delinquent if a case has been dropped or dismissed, if the juvenile was found not delinquent (equivalent of not guilty in criminal courts), or if the case was continued under court supervision. Cases continued under court supervision account for the majority of nonadjudicated delinquency petitions. However, the percentage of cases adjudicated delinquent has varied over time and geographically.

The percentage of delinquency petitions that resulted in adjudication in Cook County has varied most widely — from a high of 40 percent in 1983, to a low of 19 percent in 1994. In recent years, juveniles petitioned delinquent in Cook County were less likely to be adjudicated delinquent than were juveniles in the rest of the state. This trend may be due to changes in the screening and filing of cases. Statewide, the proportion of delinquency petitions that resulted in adjudication decreased between 1983 and 1995, from 41 percent to 36 percent (Figure 5-12). Between 1983 and 1986, about 40 percent of the delinquency petitions filed statewide were adjudicated. That proportion decreased to 30 percent during the early 1990s. Similarly, outside of Cook County, one-half of delinquency filings were adjudicated between 1983 and 1986, compared to 40 percent between 1993 and 1995.

WHAT TYPES OF DISPOSITIONS DO JUVENILE OFFENDERS RECEIVE?

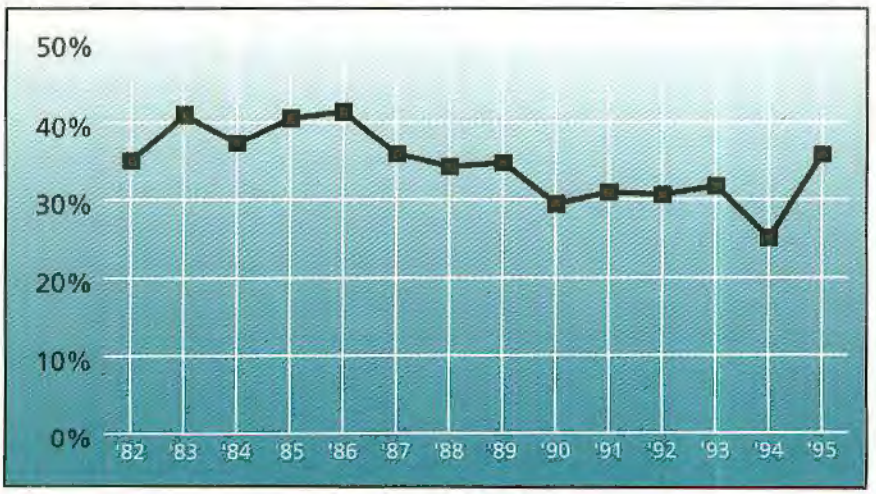
Probation is by far the most common sentence for adjudicated delinquents. Statewide, an estimated 85 percent of all juveniles adjudicated delinquent between 1983 and 1995 were placed on probation or supervision. The average length of juvenile probation dispositions in 1995 was 13.8 months. In addition to being placed on probation, the courts often order juveniles to participate in additional programs as part of the disposition. The two most common court-ordered programs accompanying probation are restitution and community service. In 1995, 44 percent of juveniles adjudicated delinquent and placed on probation were ordered to perform community service, while 24 percent were ordered to pay restitution. In 1995, more than $766,000 in restitution was collected from juveniles on probation in Illinois, and juvenile offenders performed nearly 179,000 hours of community service.

Juveniles aged 13 or older who have been adjudicated delinquent by the juvenile court, or convicted in the criminal court, may be committed to the Illinois Department of Corrections' (IDOC) Juvenile Division. Between 1983 and 1995, an estimated 15 percent of all juveniles adjudicated delinquent statewide were committed to IDOC.

The proportion of juveniles adjudicated delinquent outside Cook County and committed to IDOC increased between 1983 and 1994. Approximately 11 percent of juveniles adjudi-

Figure 5-12

Percent of juveniles adjudicated delinquent in Illinois, 1982-1995



Source: AOIC, Probation Division

cated delinquent were committed to the Juvenile Division of IDOC between 1982 and 1986, compared to an average of 20 percent between 1992 and 1995 (Figure 5-13). In Cook County, about 16 percent of adjudicated delinquents were committed to the Juvenile Division of IDOC between 1982 and 1994, but that proportion dropped to 10 percent in 1995.

HOW MANY JUVENILES ARE ON PROBATION IN ILLINOIS?

On Dec. 31, 1995, a total of 17,909 juveniles were under some form of active probation supervision in Illinois, including supervision as a result of a delinquency adjudication, supervision while a case was being continued under supervision, or informal supervision. The majority (61 percent) of juveniles on probation were being supervised as the result of being adjudicated delinquent.

From 1982 to 1995, the number of juveniles under probation supervision statewide increased 32 percent (Figure 5-14). However, much of the statewide increase can be attributed to a steady increase in juvenile probation caseloads outside of Cook County. Between 1982 and 1995, juvenile probation cases outside of Cook County almost doubled, reaching 10,379 in 1995. Juvenile probation caseloads in Cook County, on the other hand, remained relatively stable during the period analyzed. The Administrative Office of the Illinois Courts reported that, statewide, 81 percent of all juvenile probationers successfully completed the terms of their probation or received an early termination; about 19 percent have their probation revoked.

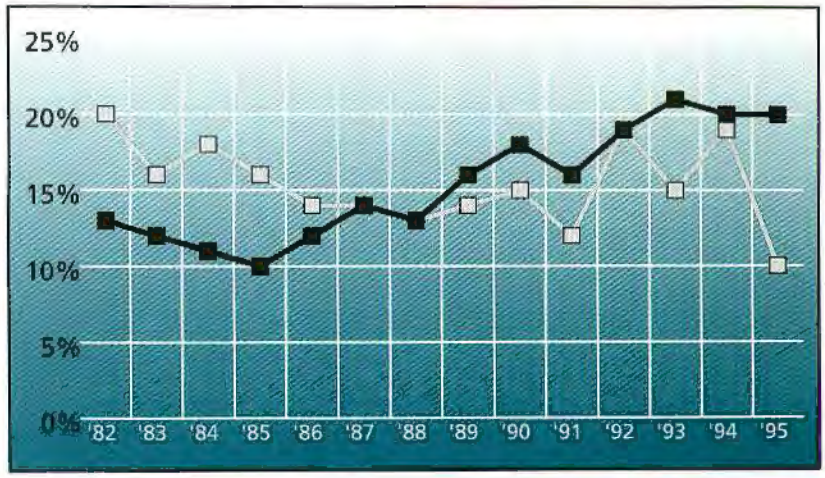


Figure 5-13

Percent of adjudications committed to IDOC, 1982-1995

Source: AOIC, Probation Division

WHAT OFFENSES RESULTED IN PROBATION FOR JUVENILES?

The types of offenses for which juveniles were adjudicated and placed on probation changed slightly between 1990 and 1995 (Figure 5-15). In general, the proportion of juveniles placed on probation for drug offenses increased between 1990 and 1995, from 6 percent to 15 percent of all probation placements. On the other hand, the proportion of juvenile probation placements accounted for by property offenders decreased between 1990 and 1995, from 62 percent to 52 percent. In 1990, juveniles adjudicated for a crime against a person accounted for 31 percent of all juveniles placed on probation; in 1995, they accounted for 32 percent.

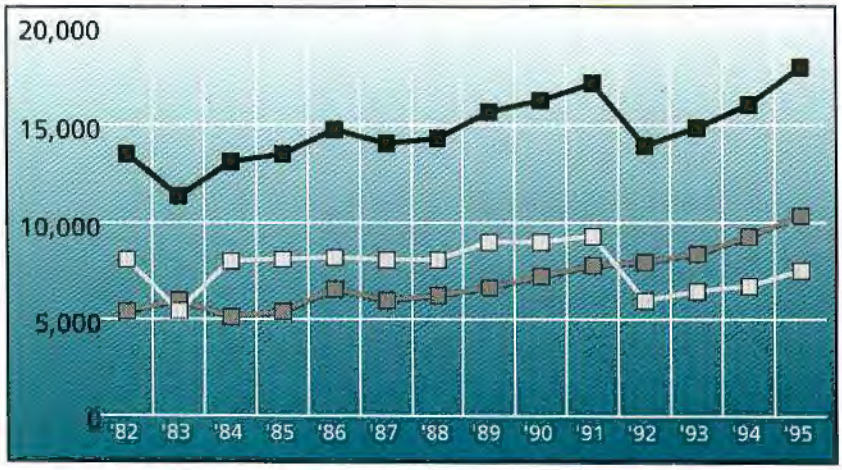


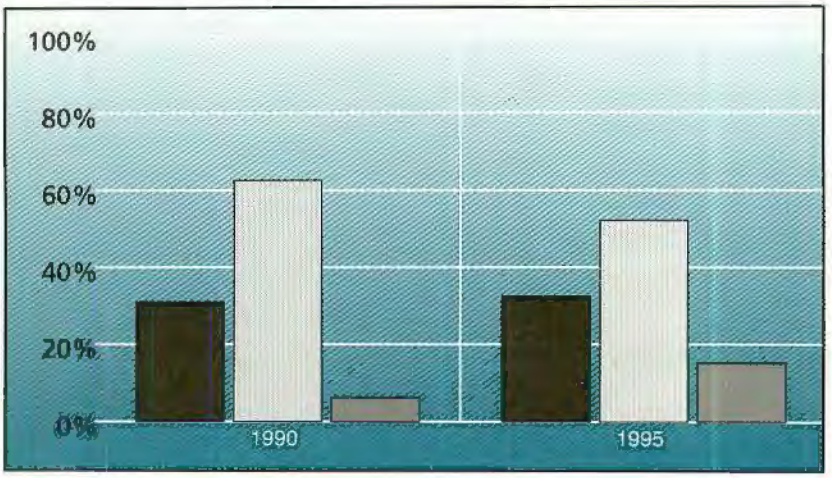
Figure 5-14

Active juvenile probation cases in Illinois, 1982-1995

Source: AOIC, Probation Division

Figure 5-15

Types of offenses for juveniles placed on probation, 1990 and 1995



Source: AOIC, Probation Division

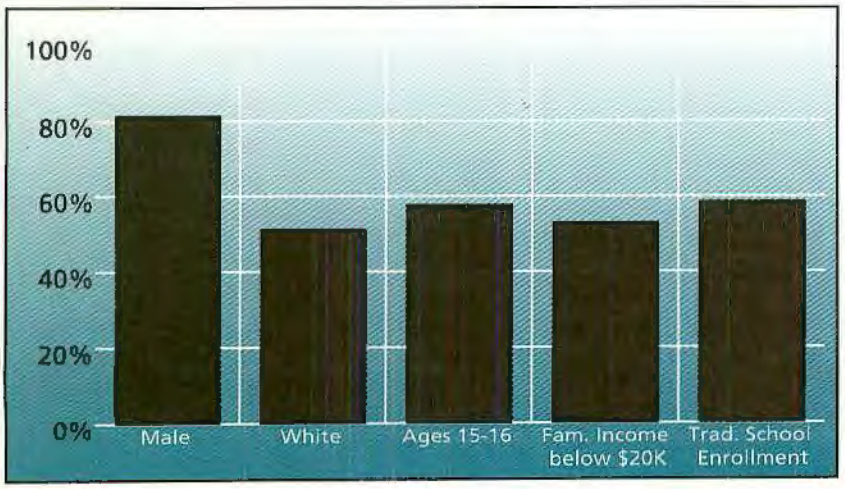
WHAT IS THE SOCIOECONOMIC PROFILE OF JUVENILES ON PROBATION IN ILLINOIS?

White male juveniles between the ages of 15 and 16 accounted for the majority of juvenile probationers in Illinois in 1995 (Figure 5-16). In addition, 58 percent of juveniles placed on probation were in traditional school programs, while an additional 27 percent were in a special education or alternative school program. Eight percent were truants, and 6 percent were dropouts. Of the juveniles placed on probation in 1995, 38 percent were from families receiving public assistance, and more than one-half were from families with income levels below $20,000 per year. Other than the current charges, the majority of juveniles placed on probation in 1995 had no previous arrests (64 percent), no prior probation placements (87 percent), and no prior commitments to the Illinois Department of Corrections (99 percent).

Figure 5-16

Profile of juveniles placed on probation in Illinois, May 1995

Source: AOIC, Probation Division



HOW MANY JUVENILES ARE ADMITTED TO IDOC INSTITUTIONS?

Between state fiscal years 1988 and 1996, the total number of juveniles admitted to institutions operated by IDOC's Juvenile Division doubled, from 1,166 to 2,345, including juveniles adjudicated delinquent, those convicted of a felony in adult court, and those returned for parole violations (Figure 5-17). Much of this increase has been due to a large increase in admissions from counties outside of Cook. As a proportion of total admissions, admissions from Cook County decreased from more than two-thirds in 1984 to less than half in 1996. While the number of admissions for adjudicated delinquents increased between 1988 and 1996, the proportion of admissions accounted for by delinquent juveniles has remained relatively stable during the entire period, accounting for an average of 57 percent of all admissions between 1988 and 1996. On the other hand, the proportion of admissions accounted for by parole violators decreased during that period, while the number and percent of admissions accounted for by court evaluations increased. Although admissions from criminal court accounted for a relatively small percentage of total admissions — 6 percent in fiscal 1996 — the number of admissions from the criminal court almost tripled between fiscal years 1988 and 1996, from 48 to 135.

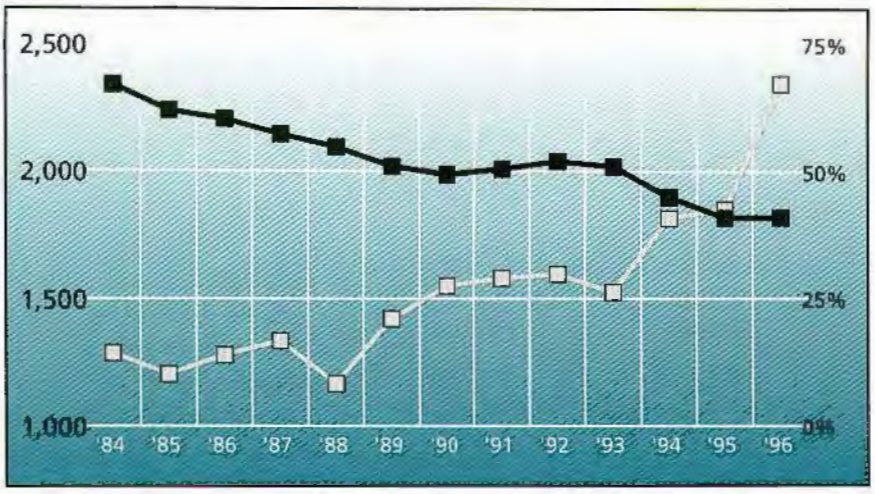


Figure 5-17

Total admissions to the Juvenile Division of IDOC, and percent from Cook County, 1984-1996

Total Admissions
Percent from Cook County

Source: Illinois Department of Corrections (IDOC)

HOW LONG DO JUVENILES SPEND IN IDOC JUVENILE DIVISION INSTITUTIONAL CUSTODY?

In general, juveniles admitted to IDOC after a felony conviction in criminal court spend more time under the institutional custody of the Juvenile Division of IDOC than juveniles who are adjudicated delinquent or those admitted for a court evaluation (Figure 5-18). However, the amount of time spent in Juvenile Division custody for those individuals has fallen dramatically since the late 1980s. Juveniles who were initially committed from criminal court and left institutional custody in 1996 had been in Juvenile Division custody an average of 19 months at the time of release, compared to 36 months for those who were released in 1989. Much of this decrease can be attributed to the Juvenile Division transferring youths committed for serious violent offenses, with long sentences, to the Adult Division of IDOC much earlier than in past years. Juveniles committed for delinquent offenses and released in fiscal year 1996 spent an average of 10 months in the Juvenile Division of IDOC, compared to one month for those committed for a court evaluation.

HOW MANY JUVENILES ARE UNDER THE JURISDICTION OF THE JUVENILE DIVISION OF IDOC?

On June 30, 1996, 3,017 juveniles were under the supervision of the Juvenile Division of IDOC — 10 percent more than the year before and 32 percent more than on that date in 1988. Prior to 1993, roughly the same number of juveniles were in IDOC institutional custody as were under community, or field, supervision (Figure 5-19). However, since 1993, the number of juveniles under IDOC institutional custody

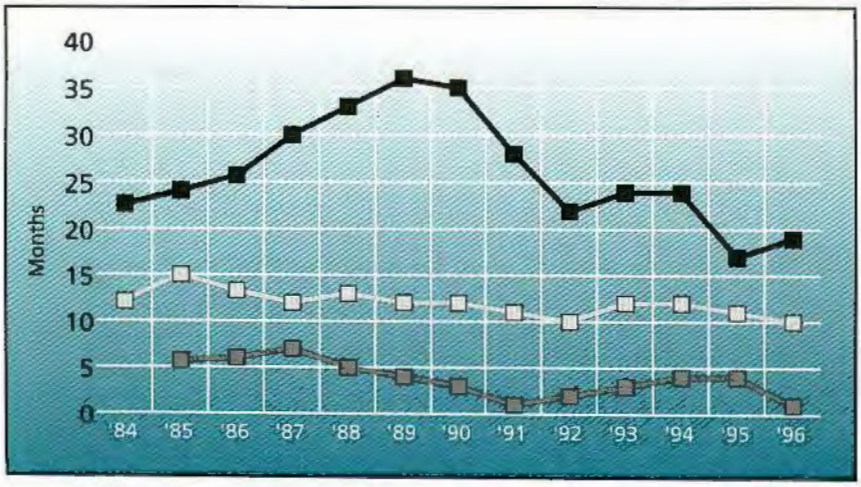


Figure 5-18

Average length of stay in institutional custody by admission type, 1984-1996

Court Evaluations
Delinquents
Felons

Source: IDOC

has continually increased while the field supervision population has decreased — more than six out of every 10 juveniles under IDOC custody were in institutions at the end of fiscal year 1996, compared to five or fewer out of every 10 before 1991.

In addition, the number of juveniles in IDOC's juvenile institutions has exceeded the capacity of those institutions since 1986. On June 30, 1996, the institutional population of the IDOC Juvenile Division exceeded its capacity by almost 60 percent.

HOW MANY JUVENILES ARE HELD IN DETENTION IN ILLINOIS?

Illinois' temporary detention centers admitted nearly 19,000 juveniles in 1995 — 37 percent more than in 1992. Although the majority of juvenile admissions to detention centers have historically been in and from Cook County, admissions to detention centers from other counties in Illinois have increased dramatically in recent years. In general, juvenile admissions to temporary detention centers are for pre-adjudicatory detention and result in relatively short stays. Admissions for pre-adjudicatory detention accounted for 80 percent of total admissions to temporary detention centers during the 11 years between 1985 and 1995. In 1995, almost three-fourths of all pre-adjudicatory detention admissions were for less than 36 hours.

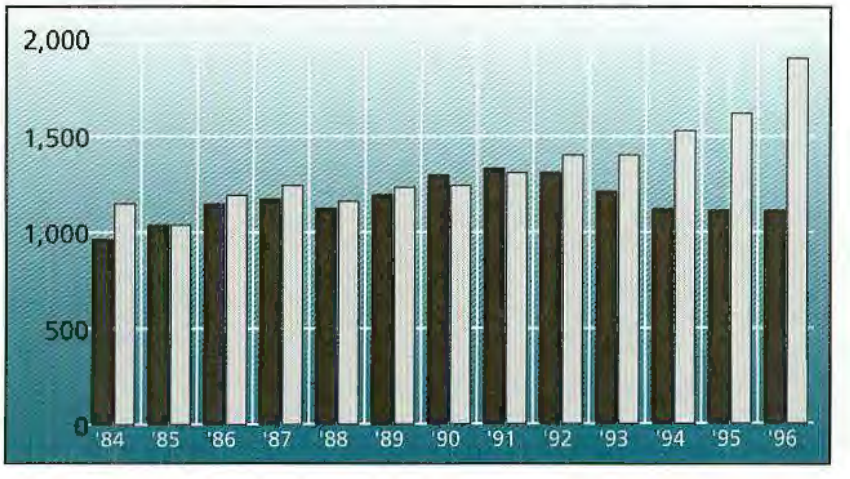
Statewide, 86 percent of juveniles admitted to temporary detention centers in Illinois between July 1994 and July 1996 were male. In Cook County, boys accounted for 92 percent of all admissions, compared to 82 percent in the rest of Illinois. Juveniles admitted for technical/court violations accounted for the single largest category of admissions in Cook County (20 percent), while violent offenses accounted for the single largest category of admissions (21 percent) from the rest of Illinois. Similarly, drug offenses accounted for a larger proportion of admissions in Cook County than the rest of Illinois. During the period between July 1994 and July 1996, 17 percent of Cook County detention admissions were for drug offenses, compared to 5 percent in the rest of Illinois.

WHAT TYPES OF OFFENSES RESULTED IN COMMITMENT TO IDOC?

The offense class distribution of the juveniles in IDOC institutional custody remained relatively stable between 1983 and 1992. Between fiscal years 1983 and 1992, juveniles committed for Class 1 through 4 felonies accounted for an average of 55 percent of the total Juvenile Division institutional population, while those incarcerated for first-degree murder and Class X felonies accounted for an average of 20 percent of the total population (Figure 5-20). Unlike admissions to the Adult Division of IDOC, juveniles can be admitted to the Juvenile Division of IDOC for misdemeanor offenses. While very few juveniles are committed to the IDOC for Class B and C misdemeanors, juveniles committed for Class A misdemeanors

Figure 5-19

Juvenile population under Juvenile Division of IDOC, 1984-1996



Source: IDOC

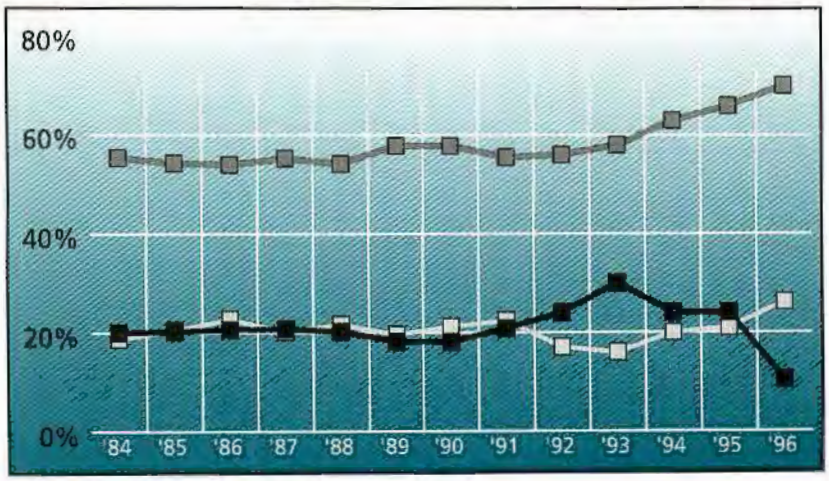


Figure 5-20

Offense distribution of juveniles in the custody of IDOC's Juvenile Division, 1984-1996

Source: IDOC

accounted for an average of 20 percent of all juveniles under IDOC institutional custody between state fiscal years 1983 and 1992.

There have been some dramatic shifts in the juvenile population at IDOC by offense classification since 1992. By fiscal year 1996, for example, the proportion of juveniles committed for Class 1 through 4 felonies increased to 70 percent of the juvenile institutional population, while the proportion committed for first-degree murder and Class X felonies decreased dramatically. Much of the decrease can be attributed to first-degree murder and Class X felony commitments being transferred to the Adult Division at an earlier age than in previous years.

WHAT IS THE DEMOGRAPHIC PROFILE OF JUVENILES IN STATE INSTITUTIONAL CUSTODY?

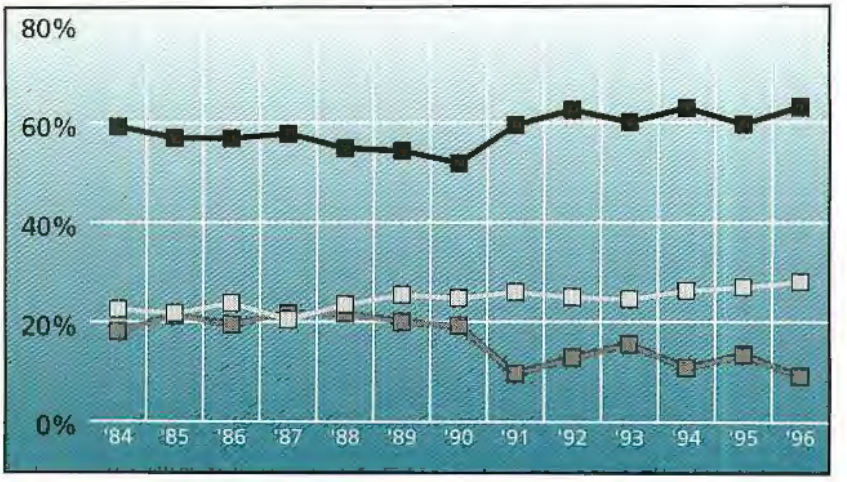
Although boys consistently accounted for between 93 and 95 percent of the juveniles in IDOC institutional custody during the 1980s and 1990s, there have been changes in the racial and age distributions of the juvenile population.

While African-Americans accounted for the majority of juveniles under IDOC institutional custody between state fiscal years 1984 and 1996, that proportion has decreased, while the proportion accounted for by white and Hispanic juveniles increased. African-American juveniles accounted for approximately 60 percent of all juveniles under IDOC institutional custody between fiscal years 1984 and 1993, before decreasing to 51 percent in fiscal year 1996. Hispanics, on the other hand, accounted for less than 10 percent of the juvenile IDOC population between fiscal years 1984 and 1991, before increasing to 14 percent in fiscal year 1995. The Hispanic population, however, dropped to 11 percent in fiscal year 1996. White juveniles accounted for an average of 29 percent of the juvenile IDOC population between fiscal years 1984 and 1995, but jumped to 36 percent in fiscal year 1996. Some of these shifts may be accounted for by the transfer of juveniles committed for first-degree murder and Class X felonies to the Adult Division, since the majority of juveniles committed for these offenses are African-American. Another trend that would potentially impact the racial composition of the IDOC institutional population is the fact that an increasing proportion of juveniles committed to IDOC are from outside of Cook County, where the majority of admissions have historically been white.

Shifts in the age distribution of juveniles under the institutional custody of IDOC have also occurred. Between fiscal years 1984 and 1987, juveniles under the age of 15 accounted for an average of 22 percent of the total juvenile IDOC population; by fiscal year 1996, this proportion had increased to 28 percent (Figure 5-21). On the other hand, juveniles aged 18 and older accounted for an average of 20 percent of the population between fiscal years 1984 and 1987, but 9 percent in fiscal year 1996. Again, much of the decrease in the older population can be attributed to juveniles committed for serious

Figure 5-21

Age distribution of juveniles in the custody of IDOC's Juvenile Division, 1984-1996



Source: IDOC

crimes with long sentences being transferred from the custody of the Juvenile Division to the Adult Division.

HOW MANY JUVENILES ARE TRIED AS ADULTS IN ILLINOIS?

While most juvenile offenders are handled through the juvenile court and delinquency petitions, a small but increasing number of juveniles in Illinois are transferred to the criminal courts. In 1994, it is estimated that slightly more than 500 juveniles were transferred.

In Illinois outside of Cook County, the annual number of juvenile transfers averaged 65 between 1985 and 1992, before increasing dramatically over the next three years to a total of 233 in 1995 (Figure 5-22). Outside of Cook County, automatic transfers accounted for a relatively stable percentage of all juvenile transfers to criminal court between 1985 and 1995. Automatic transfers made up an average of about 60 percent of all transfers during the 11-year period analyzed.

Recent data on the number of juveniles transferred to criminal court in Cook County are not available. But based on data analyzed by the Authority, it is estimated that more than 350 juveniles were transferred in Cook County in 1994, considerably more than the 166 transfers occurring in the rest of Illinois that year.

To better understand the types of offenses for which juveniles are transferred to criminal court, as well as the sentences imposed upon conviction, the Authority analyzed data on 503 juveniles transferred to criminal court in Cook County during a 16-month period in 1992, 1993, and 1994. Those charged with drug offenses accounted for the single largest group of transfers (27 percent), followed by murder (22 percent), armed robbery (19 percent), unlawful use of a weapon (9 percent), and aggravated criminal sexual assault (8 percent). Although drug cases accounted for the single largest category of juvenile transfers, they were less likely to be sentenced to prison than those transferred for violent offenses. For example, of those juveniles convicted of a drug offense in criminal court, 37 percent were sentenced to IDOC. Only 9 percent of those transferred for unlawful use of a weapon were sentenced to prison. However, all juveniles transferred and convicted for murder and armed robbery were sentenced to IDOC.

AOIC data indicate that 495 juveniles were transferred to criminal court in Illinois outside of Cook County between 1993 and 1995. By comparing these transfer figures to juvenile admissions to IDOC from criminal court during the period from 1993 through 1996, it can be estimated that less than 40 percent of transfers outside of Cook County resulted in incarceration.[4]

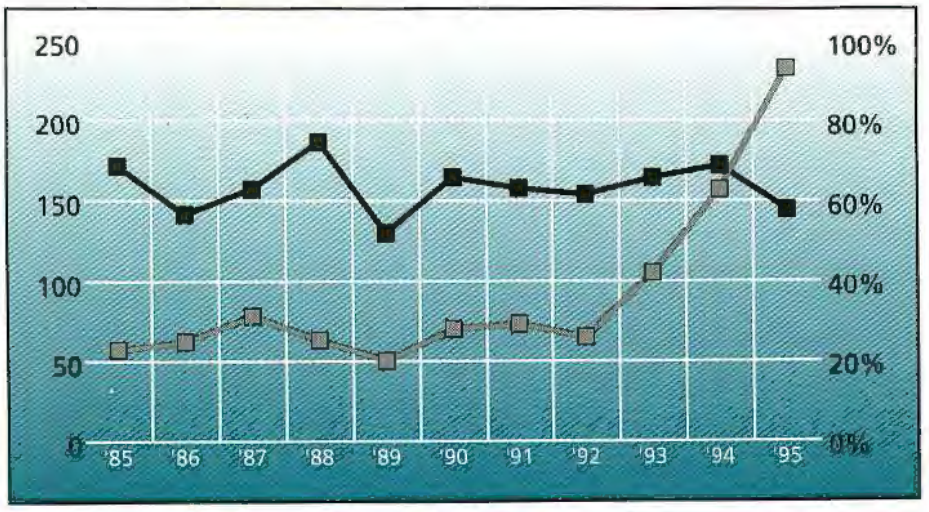


Figure 5-22

Juvenile transfers to criminal court outside Cook County, 1985-1995

Source: AOIC, Probation Division

WHAT DO WE KNOW ABOUT JUVENILES AS VICTIMS OF CRIME?

Although there are little data available in Illinois regarding the characteristics of crime victims (i.e., how many are juveniles), there is information available from the Illinois Department of Children and Family Services (DCFS) regarding children who are abused and neglected. Abuse and neglect have been recognized as risk factors that contribute to delinquent and violent behavior later in life.

Between fiscal years 1983 and 1996, the number of child abuse and neglect cases reported statewide to DCFS almost doubled, from 63,333 to 125,190. During this same period, the number of child abuse and neglect cases verified by a subsequent DCFS investigation increased 67 percent, from 26,765 to 44,700. Between fiscal years 1993 and 1996, the number of reported cases of child abuse and neglect decreased slightly (less than 1 percent statewide). Of the cases verified in fiscal year 1996, approximately 50 percent of the victims were male, 46 percent were white, 44 percent were African-American, and 8 percent were Hispanic.

WHAT IS BEING DONE TO INTERRUPT DELINQUENCY CAREERS?

Research suggests that reducing serious, violent, and chronic juvenile delinquency requires a multifaceted, coordinated approach that includes prevention and early intervention. Prevention approaches that reduce risk factors and enhance protective factors have been found to be most effective.

Research and experience in intervention and treatment programming suggest that a highly structured system of graduated sanctions holds promise.[5] Graduated sanctions are designed to provide immediate intervention at the first offense to ensure that the juvenile's behavior is addressed by the family and community, or through more formal sanctions by the juvenile justice system, if appropriate.

Graduated sanctions include a range of intermediate sanctions and secure care options that protect the public, hold juveniles accountable for their actions, and provide increasingly intensive treatment services that meet the juvenile's needs. As the severity of sanctions increases, so must the intensity of treatment.

Although programs that help provide a continuum of sanctions and a range of treatment options are available in Illinois, their capacities are often small, and their availibility varies from one jurisdiction to another. For example, five counties operate Intensive Probation Supervision (IPS) programs for juveniles. These programs involve highly-structured, surveillance-oriented supervision for nonviolent juveniles who would have otherwise be committed to IDOC. There were 217 juveniles participating in these programs on Dec. 31, 1995.

Another diversionary program, Unified Delinquency Intervention Services (UDIS), is funded

by the Illinois Juvenile Justice Commission. The program involves intensive supervision of the youth by private, not-for-profit service providers, with one staff person supervising a caseload of six juveniles. These staff also work closely with the probation officers involved in the supervision of the juveniles placed into the program. This program, similar to IPS, is intended to serve as an alternative to incarceration in the IDOC. Referral of juveniles into the program is done by the juvenile court judge. During fiscal year 1996, slightly more than 800 juveniles participated in the UDIS program statewide.

Substance abuse treatment services are also available to Illinois' youth through the Illinois Department of Alcoholism and Substance Abuse. Treatment may be ordered as part of an adjudication of delinquency, or juveniles may be referred to treatment by others, such as the police, probation officers, school counselors, or family members. In recent years, the number of persons between the ages of 12 and 17 receiving treatment through a DASA-funded program has exceeded 7,500 annually.

Notes

1. *Street Gangs and Crime*, Illinois Criminal Justice Information Authority, research bulletin, September 1996.

2. Ibid.

3. For example, see James Alan Fox, *Trends in Juvenile Violence: A Report to the United States Attorney General on Current and Future Rates of Juvenile Offending*, prepared for the Bureau of Justice Statistics, U.S. Department of Justice, March 1996.

4. The 1996 admissions were included to take into account the lag in case processing, and produces a relatively conservative estimate of the percent incarcerated.

5. *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, May 1995.


WANTED
TENPRINTER

Technology

How do police use computer mapping? What are the ALERTS and ALECS computer systems? What is livescan technology, and how do police use it? What is AFIS, and how does it help fight crime? How is DNA profiling used in Illinois? How can the Internet be used by criminal justice agencies?

This chapter answers these questions and discusses how new technologies are being used for criminal justice in Illinois. Each of the six technologies discussed in this chapter have become, or are quickly becoming, important tools for fighting crime and improving the administration of criminal justice in Illinois.

COMPUTER MAPPING

Just a few years ago, the only crime-related mapped information available in most police departments was a cardboard map with specific locations marked by colored plastic pins. Computer maps required such expensive equipment and such a high level of expertise that they could be produced only by a central city planning agency outside of the police department, or perhaps by a central administrative unit within the police department. Mapping software and hardware were complex, expensive, and required expert use. In addition, it was (and still is) tremendously expensive to create the computerized (digitized) street maps that are necessary for mapping. Therefore, most departments could not access mapping equipment and automated maps. Although a department's annual report might contain a summary map, mapped information was neither timely enough nor accessible enough to be used for everyday field-level police work.

Times have changed. Three recent technological innovations have brought computer mapping capability within the reach of individuals and local communities.[1] Though some mapping software is still very expensive and requires years of training and high-powered hardware, software companies have developed mapping packages that are much cheaper and friendlier and need no more than a fast PC to run them.[2] In addition, the U.S. Bureau of the Census produced digitized street maps of every municipality in the entire country for the 1990 Census. These street map files must be maintained and edited as municipalities change over time, but they have made digitized street maps widely accessible.[3] In combination, these three innovations — accessible mapping software, affordable computers and work stations to handle that software, and easy access to affordable digitized street maps — have produced a technological revolution.

WHO CAN USE COMPUTER MAPPING?

The advent of accessible, PC-based mapping software and inexpensive automated street maps means that computer-mapping capability is now available at the local, district, and neighborhood levels. The ability to identify and solve problems using spatial information is no longer the exclusive purview of analysts and technical experts in large organizations or city, state, or federal governments. Now, small or medium-sized departments, as well as individuals trying to identify and solve problems in their own neighborhoods, have access to tools for automated mapping and can use mapped information for decision making.

The effect of this technological revolution can be seen already in Chicago.[4] Although many police departments across the country are using computer mapping in some centralized location (such as the data division or the crime analysis unit), the Chicago Police Department (CPD) pioneered universal access to computer mapping by district police officers at the community or neighborhood level. The Chicago approach to mapping technology has been called "one of the most accessible and easy-to-use programs in the nation."[5] It has been praised by police officials, beat officers, and the public.[6] Chicago's mapping system, the Information Collection for Automated Mapping (ICAM), is designed to be used by street-level officers across the city, and serves as an "information foundation" for the Chicago Alternative Policing Strategy (CAPS).[7]

HOW WAS ICAM DEVELOPED?

ICAM was developed from the "bottom up." A detective and an officer spent weeks at a district station learning what beat officers really need and want from computer mapping, then developed ICAM to meet those needs.[8] An officer can choose data and generate a map in as few as three mouse clicks. ICAM is also flexible — an officer can choose among many possible crimes,

time frames, and locations in making a map. ICAM's query screen makes these choices very simple and quick, and users can choose to get either a map or tabular data, or both. Perhaps ICAM's most important feature is that it contains current information (within 24 hours of occurrence at the latest). Because ICAM gives police officers what they need, and is an effective tool for CAPS, it has been called a "linchpin" for Chicago's community policing strategy.[9] ICAM not only provides timely and accurate information to officers, but also provides an effective way to share information with the community.[10]

To facilitate its use, ICAM was designed as a "front end" menu system, which is linked invisibly to the mapping software behind it. Because police officer focus groups showed reluctance to use a keyboard, ICAM is completely mouse driven. The query screens were developed with extensive officer input and are straightforward and easy to use.

Another difficult problem common to most police departments is how to provide up-to-the-minute information at low cost to district-level officers. The ICAM system was designed so that data never have to be entered twice. Information is "captured" during regular data entry of initial investigatory reports in the district. District officers do not have to wait for central record keeping to process the data. Incident locations are then geocoded (linked to the x- and y-coordinates on a map) in the district, using a quick and accurate set of programs that automatically geocode more than 95 percent of the incidents. Only a small percent of cases need to be manually placed on the map.

An important reason for ICAM's geocoding success is the quality of the underlying street map, which has not only been corrected and updated, but also expanded so that it recognizes locations that are relevant for police work but that may not exist on other computerized street maps.[11] Because of the ease of data capture and the speed and accuracy of geocoding, ICAM data are ready for an officer to map within a maximum of 24 hours.

HOW IS ICAM USED BY POLICE?

Today, CPD beat officers regularly use maps to describe, analyze, and solve growing public safety problems in their neighborhoods; to draw up their work plans and allocate their time; and to better communicate with neighborhood citizens and organizations at beat meetings. Thus, the main goal for ICAM — to develop a credible system that is used by beat officers — has been accomplished. However, the long-term goal is to expand ICAM's capabilities while maintaining its flexibility and ease of use.[12] In the fall of 1996, ICAM 2 was introduced in one Chicago district. New features of ICAM 2 are the abilities to map more than one offense at a time and to cross district boundaries; to expand from offenses to other information, such as calls for service and arrests; and to add updated information garnered through investigation. Also on the horizon are an increase in public access to ICAM through public information kiosks and the Internet; modified ICAM systems designed for other units of CPD, such as detectives assigned to special units or support and command staff; and an increase in the analysis capabilities of ICAM, such as the capability to identify and map Hot Spot Areas.[13]

HOW ARE OTHER AGENCIES USING COMPUTER MAPPING?

The Illinois computer-mapping technological revolution is not limited to Chicago. A rapidly growing number of county and municipal law enforcement agencies across the state are including mapping as an integral part of their information systems. To find out what Illinois agencies outside of Chicago have been doing with computer mapping, the Authority mailed a short questionnaire to the police chief or sheriff of the 49 largest cities and five largest counties (except Cook County) in Illinois. They were asked whether the department currently has computer mapping or plans to develop computer mapping, and if so, to describe the kind of system they are using, or plan to use, and the kind of analysis they are doing, or plan to do.

All five counties and 46 of the 49 cities responded. Two counties and 12 cities said they currently have in-house computer mapping

capabilities. In addition, one county and two cities said they use printed copies of automated maps produced by another local agency or a university. Another county and six cities said they were developing mapping capabilities. The remaining county and four of the police departments said they were planning to develop computer mapping, and some had purchased mapping software. In total, all five counties and 24 of the 46 responding cities (52 percent) said they were using, or would soon be using, computer mapping.

Eleven of the responding cities said they were exploring the possibilities of computer mapping down the line, but had not yet made a budget commitment or set a specific date for implementation. In addition, three other police departments said they had very limited computer mapping capabilities. None of the five sheriff's offices and only eight of the 46 police departments that responded said they had no computer mapping technology and had no plans to acquire it in the foreseeable future.

WHAT SOFTWARE IS USED FOR COMPUTER MAPPING?

The 12 cities and two counties that currently have in-house computer mapping vary widely in the technology they use, as well as in the ways in which they use their maps and the kind of analysis they do. The vast majority use off-the-shelf or desktop software from one of the major vendors, or mapping software integrated with a computer-aided dispatch (CAD) system, or the Authority's Police Information Management System (PIMS). One agency uses a system that it developed itself. Database or management systems underlying mapping also vary widely.

Some users, however, are unhappy with their current software and are looking at alternatives. Many have experienced problems with downloading from their database to the mapping software. Some departments cited difficulty with automated geocoding, and several currently place each location on a map manually from a paper document produced by the database. Another concern is integrating mapping with the departmental systems used for dispatch and record management, and in some cases, integrating the law enforcement mapping system with other systems in the city or county. In general, system integration is a major issue.

Only four of the 14 in-house computer mapping users, plus one of the three agencies using printed maps produced by an outside agency, are currently using maps for crime analysis or investigation purposes. Most of the others are still in the process of ironing out database management, data sharing, or geocoding problems, and currently produce pin maps, shaded area maps, or just tallies of incidents by location.

However, the departments doing spatial analysis have been quite innovative. In one city, where maps are tied to community-oriented policing, an analyst tracks seven crimes and also conducts workload analysis within small-area "town codes." In Moline, maps aid the department in identifying and analyzing a variety of crimes as well as related information such as shots fired or missing juveniles (Figure 6-1). In other cities, community policing groups, patrol officers, and supervisors use spatial analysis to identify problem areas and trends in gang-related crimes and other crime categories.

All of the current users of computer mapping said they intend to use spatial analysis, or to expand the analysis they currently do, in the near future. Most departments said they will use spatial analysis to assist in planning better use of patrol resources and to enhance community policing efforts. Some departments expressed interest in integrating information from other community sources. One city, for example, is working with other city departments on a common mapping software package that will allow them to share information and do joint analysis. Police there would be able to map vacant buildings and determine if there is a correlation to reported gang activity. Also on the horizon for several departments is the capability to identify and map Hot Spot Areas using automated spatial analysis. The Elgin Police Department uses spatial analysis to locate the densest cluster of events on the map (Figure 6-2).

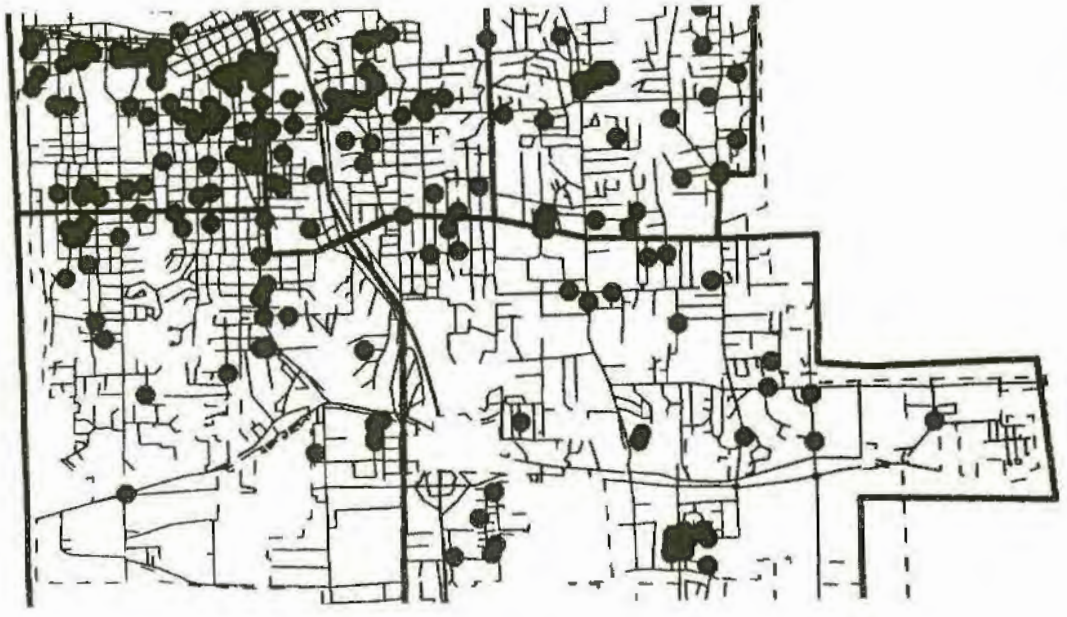


Figure 6-1

An example of Moline's mapping technology, this map tracks reports of missing juveniles (usually runaways).

WHAT ARE THE LIMITATIONS OF CURRENT SYSTEMS?

An obstacle to conducting spatial analysis is that off-the-shelf mapping software was typically not developed to support the kind of analysis done by law enforcement. Some of the limitations center around technical data input/output considerations. For example, one mapping user complained that their system lacks the capability "of layering information, distinguishing more than one crime per map." Another department said their system lacks a true interactive capability for problem solving.

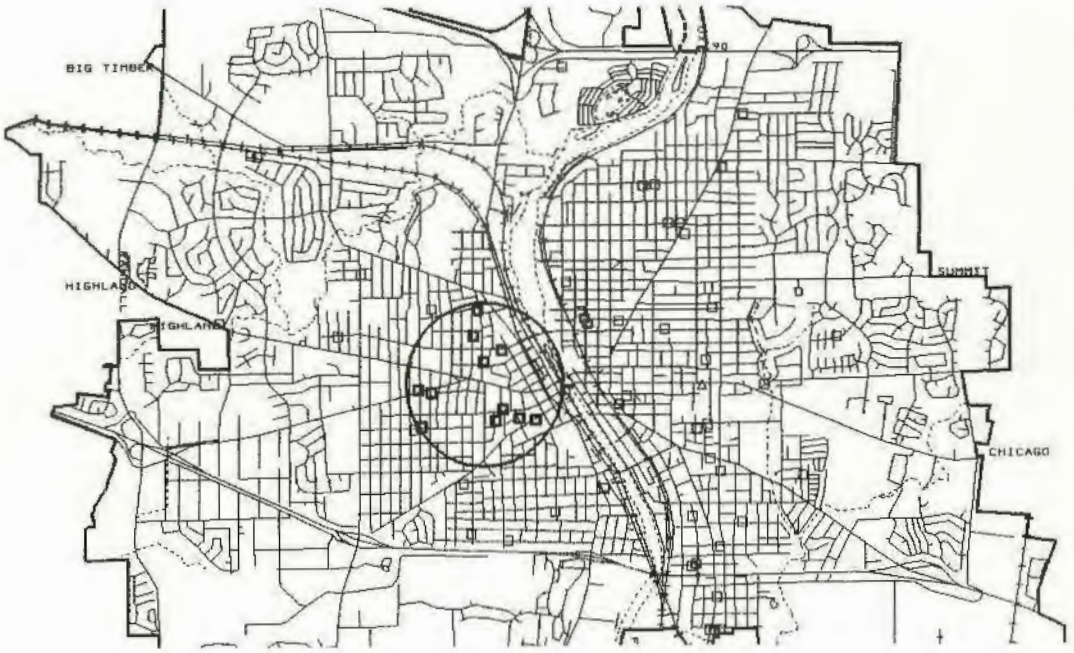
In addition, most packages are limited in their capability to generate summary geographic statistics or to identify spatial patterns. In response to this situation, the Authority developed the Spatial and Temporal Analysis of Crime (STAC) package.[14] The Space module of STAC is a "toolbox" of spatial statistics, including the Hot Spot Area, which searches for and identifies the densest concentrations of incidents on a map, and defines the best-fitting ellipse around each one. STAC Hot Spot Areas are based on the actual scatter of events across the map, regardless of any arbitrary boundaries, such as police districts, census tracts, and so on. STAC is a stand-alone program, producing results that can be mapped with any software package. Currently, two of the responding departments have STAC, six more are planning for it down the road, and several others are considering it.

The bottom line in automated mapping is getting the maps to users. Departments do this in a number of ways. The Kankakee Police Department, for example, each week distributes to officers maps with details of specific offenses. In another city, departmental and citizen bulletins include maps. Here again, however, agencies are frequently frustrated by technological problems. One agency's wish list includes, "the ability to capture the map and download it into a word processing system."

If mapping capability and spatial analysis are to be adopted by law enforcement agencies, many key questions must be answered first. One department summarized its major concerns as the following: "1) Is it as time-consuming as we have heard? 2) Would it benefit a smaller, less active department such as ours? 3) Would it require a full-time analyst to operate effectively? 4) Is there training available for personnel who would operate the system?" At this point, there are few places where an agency can go for an answer to such questions. To attack this problem, many responding departments support the organization of an informal network so that

Figure 6-2

The Elgin Police Department uses spatial analysis to locate the densest clusters of events on the map.



Illinois departments can advise and help each other as they gear up for computer mapping. One agency, currently reviewing information about mapping software, said that a network "would be of tremendous help, not only in deciding which program would be most useful but also learning [and] implementing the program once purchased and installed." More experienced users mention that they would like to see an exchange of ideas for statistics and the targeting of specific problems. They also would like to share information about mapping software, and to help each other overcome interface problems between their database and mapping packages.

COMMUNICATION SYSTEMS

Communication is the lifeblood of law enforcement, whether it is communication between citizens and the police or within the police department. Some of the most dramatic technological advances in recent years have been aimed at improving communication between patrol cars, between a patrol car and a district or central police station, between stations, or between any of these and a central repository of information. In addition, technology plays a role in improving communication between community members and the police.

WHAT IS REVERSE-911?

With its new "Reverse-911" community communications system, the DuPage County Sheriff's Department uses technology to improve communication links between criminal justice professionals and the community.

The Reverse-911 computer system, using six telephone lines, can make hundreds of telephone calls per hour when necessary, to warn residents of a dangerous situation, such as a gas leak or a crime in progress, or to ask citizens for their help in solving or preventing a crime. For example, citizens in an area where there is a missing child may be asked for information; residents of an area where there has been a spurt of residential burglaries may be notified of the burglar's pattern of operation and how to take precautions; or small businesses may be asked to be on the alert for a suspect passing counterfeit checks.

The DuPage County Sheriff's Department, the first Illinois law enforcement agency to install Reverse-911, is among eight departments nationwide using the system. In one of the first applications, Reverse-911 transmitted a recorded message to Lombard residents, warning them about two suspected burglars and providing a description of the car they were driving.[15]

WHAT ARE ALERTS AND ALECS?

Although voice radio communication from one patrol car to another has been available for many years, systems such as ALERTS (Area-Wide Law Enforcement Radio Terminal System), operated by the Illinois Criminal Justice Information Authority, have made it possible for officers to use computer terminals in their cars to send noninterceptible voiceless messages from one car to another or from the car to the station, as well as to instantly access regional, state or national law enforcement information.

Until recently, however, the stations themselves have not had this communication capability. Through a communications software system called ALECS (Automated Law Enforcement Communications System), also operated by the Authority, Illinois police departments can now obtain access to national databases such as LEADS (Law Enforcement Agencies Data System), send messages and inquiries to ALERTS terminals in patrol cars, monitor vehicles on the street, and interface with 911. Currently, 234 Illinois departments are part of ALERTS, and 42 are part of the ALECS network.

On the horizon for ALECS is a new release that will allow departments to talk directly to other departments through the ALECS wide-area network.

WHAT IS CDPD?

CDPD (Cellular Digital Packet Data) is another new technology being tested for fast wireless data transmission. CDPD makes use of an unused "layer" of cellular bandwidth, and provides very rapid transmission of an encrypted digital signal. Installed on small portable computers, CDPD allows police officers to access LEADS or ALERTS in the background while at the same time completing other tasks, such as typing a report. The system has been tested in Downers Grove, Streamwood, Lincolnwood, and Tinley Park.

WHAT IS GPS?

Often, multiple agencies respond to related problems in the same area. Innovative programs using Global Positioning Systems (GPS) technology can help these state or local agencies coordinate their responses. GPS provides real-time satellite tracking of people or vehicles with GPS equipment installed.

For example, the Schaumburg Police Department uses mobile data terminals and GPS to track the location of all emergency vehicles via satellite. This allows a dispatcher to locate vehicles and identify problems they may be having. This can lay the foundation for cooperative law enforcement response, when necessary.

Similarly, Illinois fire departments, including Naperville and Countryside, use computer mapping to locate fire calls and to describe the position of buildings relative to their surroundings and the position of firefighters within a burning building.

LIVESCAN

Many of the most fundamental criminal justice decisions depend on criminal history record information (CHRI), sometimes called "rap sheets."[16] In the decision to set bond, for example, it is vital for a judge to have accurate and up-to-date information on the arrested person's criminal history. An incorrect or incomplete rap sheet could possibly result in an innocent person being held, or a dangerous offender being released.

If many basic criminal justice decisions depend on the accuracy, completeness, and timeliness of CHRI data, CHRI data quality depends, in turn, on the quality of the fingerprint information that uniquely identifies each person in the system. In fact, the clarity and accuracy of the fingerprints, as well as the speed with which fingerprint information can be entered into the system, determine to a large extent the quality of criminal history data. That's why a relatively new technological innovation, called livescan, is so important.[17]

Livescan replaces the old process of "rolled" fingerprints, used for almost 100 years, with electronic fingerprinting. Instead of rolling a fingerprint onto paper using printer's ink, livescan technology reads a fingerprint directly into a computer. This produces clearer, more accurate images that do not degrade over time or through repeated copying. The images also can be sent electronically to other agencies where they can be printed without loss of clarity.

HOW DOES LIVESCAN WORK?

Livescan uses an optical scanner and imaging processing software to capture a digital image as a person's finger is rolled over a clear platen. The image is displayed on a video monitor, so that the operator can determine if the image is acceptable. If it is not, the operator can "re-roll" the finger until the print passes muster. Without livescan, the ability to re-roll a smudged or unclear print is limited: after the second unacceptable print, all the fingers must be redone from the beginning. When two sets of prints are required (for example, for submission to a federal and state database) livescan prints can be sent to each; both receive "original quality" prints without the necessity of rolling the prints twice. Thus, livescan not only produces clearer results, but can also decrease the time it takes to fingerprint a person.

Once the operator determines that the images are acceptable, they are saved in a computer file, which is linked to associated information, including information about the arrest and identifiers such as demographics and ID numbers. The entire livescan file, including both the image of the print and the associated information, can be sent electronically to the

Illinois State Police's Bureau of Identification, where it becomes part of the state's computerized criminal history (CCH) database. ISP receives an average of 2,200 fingerprint submissions every day, and about a third of them arrive via livescan. This total includes more than just arrest fingerprints. It also includes fingerprints related to custodial intake or status changes (at jails and prisons), death notices, right of access and review (a citizen requests a copy of his or her rap sheet), and agencies such as the Department of Children and Family Services (DCFS) or the Chicago Public Schools, who are required by law to conduct record searches on applicants for jobs. These "applicant" submissions make up about 25 percent of the total and are mostly submitted electronically through livescan.

WHO USES LIVESCAN?

As of mid-1996, five criminal justice agencies (Chicago Police Department, Cook County Sheriff's Warrants Section, Sangamon County Sheriff's Office, Winnebago County Sheriff's Office, and the Markham jail of the Cook County Sheriff's Office), plus six noncriminal justice agencies (DCFS, Illinois Racing Board, Illinois Gaming Board, Department of Mines and Minerals, Department of Professional Regulation, and the Chicago Public Schools) were submitting prints electronically to ISP. Some county sheriff's offices (Peoria, Kankakee, Adams, Rock Island, and DuPage) use livescan to create fingerprints, but do not yet have the capability of submitting those prints electronically to ISP. Instead, they currently submit the associated arrest and identifying information electronically to ISP, but send the prints themselves through the mail. In addition, 10 other county sheriff's offices (Champaign, Kane, Lake, McHenry, McLean, Macon, Madison, St. Clair, Will, and Vermillion) are in the process of implementing livescan.[18]

WHAT ARE THE BENEFITS OF LIVESCAN?

The immediate benefits of livescan technology for the arresting agency include increased speed and efficiency, but the ultimate goal is to improve the accuracy and completeness of CCH data, thus improving the quality of justice in Illinois. To determine the extent to which law enforcement agency fingerprint submissions comply with the Illinois Criminal Identification Act (20 ILCS 2630 et seq.) requiring "daily" submission of "fingerprints, charges and descriptions of all persons arrested," the Illinois Criminal Justice Information Authority analyzed livescan submissions over a six-day period in 1996. These submissions were compared to a similar period in 1994 and to fingerprint submissions through the mail.[19] With livescan, all but eight of the 3,222 submissions in the 1996 sample arrived at ISP within two days of the event, and 3,193 (more than 99 percent) arrived within one day. This represented an improvement over 1994, when 91 percent of sampled livescan submissions arrived within two days. In contrast, only 21 percent of the 3,819 arrest submissions not using livescan arrived within four days, a decline from 26 percent in 1994.

The Authority's audit also found that the accuracy of livescan was very high. Of the sampled livescan submissions in 1996, none was missing the date of the event (compared to 18 cases in 1994), and only one case contained a discrepancy from original source documents.[20] Looking at the speed with which submissions actually appear in the database, the 1996 audit found that 90 percent (2,908) of the sampled livescan submissions were posted to the CCH database within 30 days, in contrast to 76 percent of the sampled livescan submissions in 1994. The great majority (82 percent) of arrest submissions received by mail were also posted within 30 days of their receipt by ISP, and 90 percent were posted within 90 days, in contrast to 58 percent in 1994.

What does the future hold for livescan in Illinois? Only a few counties now submit electronic livescan fingerprints to ISP. The number of electronic submissions should increase sharply over the next 12 to 18 months, as the largest 13 counties begin to use livescan. Also on the horizon is an interface between livescan and the Automated Fingerprint Identification System (AFIS), which would allow agencies to send livescan images directly to AFIS. Currently, agencies must send the

livescan image to ISP over telephone lines; ISP then makes a printed copy and reads that into AFIS. This is awkward, inefficient and slow. By the end of 1997, however, livescan users can expect to be able to send livescan images directly to AFIS. This will increase the speed with which AFIS searches can identify criminal suspects brought into custody, or can check prints of new arrestees against the AFIS file of "unsolved" cases.

Livescan will soon be used routinely by the larger law enforcement agencies, central booking facilities and major state agencies in Illinois. The resulting increase in the quality and timeliness of CCH data, together with the expected interface between livescan and AFIS, will mean that vital criminal justice decisions, such as determining bond, will be based on more accurate and more current information.

AFIS

Fingerprints have been used to positively identify suspects and to solve crimes since the early 1900s; they never change from birth to death, and the fingerprints of two individuals are never identical. However, it used to be so difficult and time consuming to compare a fingerprint to the thousands or millions of prints that might be on file, that the full potential of prints for criminal investigations (for example, identifying people who were present at the scene of a crime) remained largely untapped. The Automated Fingerprint Identification System (AFIS) has changed all this. AFIS stores fingerprints in digital format in a database with millions of other prints. With AFIS, a search that might have taken an expert fingerprint technician years to complete can be conducted automatically in as little as 30 minutes.

WHAT IS AFIS?

AFIS includes three primary functions: fingerprint input, fingerprint matching, and visual verification. In fingerprint input, a print is read into AFIS and stored in one of three databases: tenprints, latents, or unsolved latents. Most "tenprint" fingerprint cards are created when an individual is placed under arrest, while "latent" fingerprints are collected at a crime scene or otherwise in relation to a crime. Tenprint cards contain a print of each finger and are usually of good quality, but latent fingerprint cards may contain prints of only a few fingers and are often unclear. When latent fingerprints are insufficient for proper identification, they are stored in a separate database for "unsolved latents."

In addition to the prints themselves, AFIS databases also contain related information. The tenprint inquiry file contains information relating to the arrested person, such as the SID (state identification) number, sex, year of birth, and region. In this way, AFIS searches can be limited to a particular type of individual, thus speeding up the search process. The latent inquiry file contains information about the case, such as the case number, exhibit number, date of offense, agency case number, originator, pattern, search regions, adjacent pattern type, as well as suspect information, if known.

In fingerprint matching, AFIS compares a search print with file prints. At arrest, a tenprint card is run through AFIS to confirm a person's identity, assure he or she has not used an alias, and determine if the person has a prior criminal record. A latent print collected at a crime scene is searched through AFIS to see if there is one or more possible match between the latent search print and the prints on file.

An AFIS match or "hit" provides a candidate list of possible matches, and a skilled fingerprint examiner then determines whether or not each possible print actually matches the search print. This is the third AFIS function, visual verification, in which the examiner uses the AFIS digital image database to compare the search print to a candidate list or to a file print.

Thus, AFIS technology has not replaced the skills of a fingerprint examiner. Instead, it is a powerful tool that allows fingerprint experts to narrow down the search for a matching print. With AFIS, even low-quality crime scene fingerprints can provide valuable evidence leading to positive identification of offenders, even for crimes that are several years old. In addition, automatic searches against the AFIS database at the time a suspect is arrested can quickly alert law enforcement staff to possible matches between the suspect and other prints on file. This not only helps to solve other offenses, but also provides accurate information for criminal justice decisions about the present case, such as setting bond.

WHO USES AFIS?

Four Illinois criminal justice agencies have their own stand-alone AFIS systems: the Illinois State Police Bureau of Identification (ISP), the Chicago Police Department (CPD), the DuPage County Sheriff's Office, and the Northern Illinois Police Crime Lab (NIPCL). In addition, the Rockford Police Department has an AFIS booking terminal that allows them to add files to and search the ISP AFIS, but they do not have a stand-alone AFIS system. CPD has had AFIS capability since 1986, and ISP began to use AFIS shortly thereafter; NIPCL has been using AFIS since 1991, and DuPage County fully implemented AFIS in early 1995. In Illinois, the ISP Bureau of Identification is the central AFIS repository for fingerprint records relating to felonies and Class A and B misdemeanors. AFIS files of Class C misdemeanors and local ordinance violations are not maintained at the state level. Sites with stand-alone AFIS systems first conduct their own AFIS scan and then send records to ISP for inclusion in the statewide database.

The implementation of AFIS can be long and complex. For example, in DuPage County, staff began in July 1994 to scan all prints on file since 1980, and to transfer them to a central database, which now contains about 70,000 fingerprint records. DuPage County began adding new records to AFIS on a limited basis in March 1995, and then moved to 100-percent coverage in May 1995. In general, extensive preparations must be made before an AFIS system can go into operation.

Currently, the ISP database for tenprint and latent inquiries contains 2.5 million tenprint cards, which means that five million thumb prints are available for comparison for a tenprint inquiry, and 25 million fingerprints are available for comparison for latent inquiries. The system is capable of storing 2.7 million tenprint cards and 40,000 unsolved latents. The tenprint inquiry database is designed to handle 3,500 tenprint inquiries per 24-hour day; currently it handles an average of 2,200 per day. Chicago averages 505 tenprint inquiries per day, with 184,325 handled in 1996.

The ISP system is designed to handle 1,175 tenprint card searches on the latent database per 24 hour period, and currently averages 12,000 per month, or about 395 per day. The latent inquiry system is designed to handle 100 latent-to-latent inquiries per 24-hour period. In 1995 it handled 2,462 inquiries, an average of about seven per day.

In January 1991, the Chicago Police Department became the first department in the world to fingerprint suspects routinely with a computer rather than an ink pad.

HOW HAS AFIS HELPED FIGHT CRIME?

The number of hits against the ISP AFIS latent database (latent hits) increased from 171 in 1990 to 331 in 1995 (Figure 6-3). In Chicago, there were 2,175 latent inquiries in 1996, and 311 latent hits. Since becoming operational in November 1986, the Chicago system has had 3,478 latent hits. The average time for a tenprint search is approximately one minute, with another four minutes used to compile a candidate list. The average time for a latent search is about an hour, but the system can perform searches on multiple prints simultaneously.

In DuPage County, the AFIS system had 18 latent hits from May 1995, when it went operational, to Sept. 19, 1996. Among the latent hits with the ISP AFIS system since 1990, burglary is the most common offense, accounting for more than 60 percent of hits. Auto theft accounted for 12 percent of hits and robbery for 6 percent overall. Of the 18 latent hits in DuPage County, four were related to a robbery, three to a burglary and three to an auto theft.

WHAT LIES AHEAD FOR AFIS?

The future for AFIS technology includes easier access to and communication between centralized AFIS databases and the systems that automate fingerprint transmission. In January 1991, CPD became the first department in the world to fingerprint suspects routinely with a computer rather than an ink pad. Since 1992, Chicago has been processing fingerprints from its livescan system, which transmits inkless fingerprints over telephone lines from the district stations to the central database.

The Squad Car Identification System (SQUID), is another tool that is being considered by the CPD. Currently being tested in California, SQUID is a portable, handheld fingerprint scanning unit designed for use in a squad car. It permits patrol officers to obtain positive identification without transporting suspects to the police station.

According to Northern Illinois Police Crime Lab Director Jane Homeyer, the future of AFIS will be to move away from stand-alone systems toward a centralized AFIS database. NIPCL is planning to integrate its system (currently containing about 175,000 fingerprint cards) with the ISP database, and, like Rockford, maintain an AFIS booking terminal but not a separate database. On a national level, the FBI's "IAFIS" project is working toward a centralized AFIS database for the United States. In 1997, ISP expects to implement a network AFIS transaction management system (NATMS), which will allow the direct transfer of fingerprints via livescan into the ISP AFIS and will also connect the ISP AFIS with the FBI's IAFIS (scheduled to be on-line by 1998). In addition, NATMS will add a new capability, personal identification, or one-to-one matching. If a single fingerprint submitted to ISP has a known state identification number, it will be possible to compare the fingerprint to a set of prints from the database. This will substantially decrease the amount of time necessary to identify a print and will

Figure 6-3

Latent Fingerprint matches using AFIS

This table shows matches of latent fingerprints (those collected at crimes scenes) with prints on file with the Illinois State Police.

Source: Illinois State Police, Bureau of Identification

Offense (including attempts)	1990	1991	1992	1993	1994	1995
Burglary	106	143	174	189	221	222
Auto theft	17	28	35	49	41	35
Theft	9	19	14	18	12	19
Homicide	7	12	10	24	18	9
Robbery	10	9	21	27	20	19
Home invasion	3	8	6	9	5	2
Forgery/ fraud	11	2	3	9	2	7
Sexual assault	2	1	1	1	4	2
Arson	2	1	3	3	0	3
Assault	2	1	1	0	3	1
Other	2	16	15	18	16	12
Total	171	240	283	347	342	331

increase the speed of ISP responses to local agencies.

Also on the horizon for AFIS are systems capable of handling palm prints, as well as image verification systems, which capture an individual's photo and signature. An image verification system would be used in situations in which positive identification is important in crime prevention, for example preventing theft in a casino environment.[21] In addition, sophisticated tenprint livescan system networks can increase the accuracy of prints, reduce booking time in cases when multiple fingerprint cards are needed, and integrate AFIS database repositories with each other.

DNA PROFILING

The positive identification of a criminal has always been a key concern in criminal justice. On one hand, criminals might go to great lengths to disguise their identity, and thus evade identification. On the other hand, criminal literature is rife with cases of innocent people who were wrongly identified and punished for a crime. In both kinds of situations, a method of positive identification might have avoided a miscarriage of justice.

Investigations have relied on fingerprints and on serological (blood or body fluid typing) techniques to identify suspects. However, clear fingerprints are not always available (see section on AFIS technology), and traditional serological methods do not produce a positive identification; they simply can sometimes exclude people with fluids not of a particular type. In contrast, DNA (deoxyribonucleic acid) profiling technology, often called DNA fingerprinting or DNA typing, is far superior to traditional serological methods, because of its power to discriminate between individuals.

WHAT IS DNA?

DNA is a "genetic fingerprint," contained in the nucleus of human cells. With the exception of identical twins, DNA is unique to each individual, and it is found in any nucleated body cell that may be left at a crime scene; this includes not only blood cells but also saliva, skin and hair. Forensic experts can conduct a DNA profile through the analysis of dried body fluids such as blood stains, semen, or saliva, or through follicular cells of a strand of hair (with newer techniques), although blood and semen are used most often in DNA testing. Outcomes of DNA analysis are either a positive DNA profile or an inconclusive test — there are no false positive results. The discriminating power of DNA profiling increases with the number of "probes" used (comparisons of specific sections of the DNA double helix). Also, the statistics generated by DNA profile comparisons vary across racial/ethnic groups. For these reasons, a 1992 National Research Council panel concluded that DNA profiling is "a very good way to convict guilty people and a very good way to exonerate innocent people."[22]

DNA samples can be collected at the scene of the crime, analyzed, and then compared to the DNA profile of a suspect. Investigators gathering and storing biological evidence must use the same procedures that have always been used. For example, it is important to photograph samples before collection, using a measuring device to provide information on the sample size. After photography, investigators collect the evidence following normal guidelines, but must take extra precautions with storage. DNA can be damaged if stored in moist conditions or if exposed to bacteria. It is best to seal the sample in a paper envelope after it has fully dried, and store it in a freezer. Airtight and plastic containers are likely to promote deterioration of the evidence. Although newly dried body fluids are optimal for testing, scientists have actually secured a DNA profile from an eight-year-old forensic sample. This sort of technology enables law enforcement officials to solve years-old cases, if the evidence was collected properly at the scene.

HOW IS DNA PROFILING USED IN ILLINOIS?

In 1989, the Illinois State Police embarked on a mission to offer DNA analysis to all of its user agencies across Illinois. For the next few years, ISP's Research and Development Laboratory identified, developed and validated DNA procedures for statewide use. The lab's efforts have focused on three things — DNA casework availability, DNA training and quality assurance, and DNA databanking.

DNA casework availability

DNA casework analysis became available at the ISP Research and Development Lab in August 1992, and expanded to the Springfield Forensic Science Laboratory in 1994. The Chicago Police Department laboratory began to conduct DNA casework in 1994 and operated for two years, but has now merged with ISP at the new Forensic Science Center at Chicago (ISPFSC-Chicago). Expansion is continuing, as forensic scientists at the Morton, Joliet and ISPFSC-Chicago laboratories near completion of DNA training, and as training for biologists at the Fairview Heights Metro-East Laboratory begins early in 1997. ISP also offers service to non-ISP laboratories statewide that may be currently unable to provide DNA analysis to their user agencies. The goal is to have DNA analysis available statewide, and to replace all current serological typing techniques with some form of DNA testing for appropriate cases.

In Illinois, a case acceptance policy limits DNA analysis to criminal cases involving homicide, sexual assault or serious aggravated assault. Approximately 300 Illinois DNA cases were submitted for analysis in 1995; that number probably will increase substantially when DNA training is completed at the ISPFSC in Chicago. In 1997, ISP will be in a position to analyze an estimated 2,000 cases in Chicago that have no suspect.

DNA casework in Illinois is organized around the two major types of DNA testing, the restriction fragment length polymorphism (RFLP) method, used on about 80 percent of all blood and body fluid cases as well as in offender databanking, and the polymerase chain reaction (PCR) method. Because of the intricacies of RFLP and PCR technologies, analysts specialize in one or the other. RFLP is the most discriminating technique available at this time, but in about 20 percent of cases, the blood or body fluid samples are so small or the quality is so poor that they are unsuitable for RFLP. For these tiny or degraded DNA samples, the PCR method enables an analyst to develop a DNA profile. The PCR method is not as discriminating as RFLP, but it is more sensitive.

To provide uniform DNA casework services across the state, ISP labs will operate under a regional concept, as follows:

- *Morton:* PCR for the central and southern regions;
- *Springfield:* RFLP for the central region; RFLP for statewide offender databanking;
- *Metro-East:* RFLP for the southern region;
- *ISPFSC-Chicago:* RFLP and PCR for the northern region; and
- *Joliet:* PCR for the northern region.

Guidelines for training and quality assurance

Attention to quality assurance, safety, and timeliness is vital in providing DNA service to the Illinois criminal justice system. To assure consistently high quality, ISP adheres to strict standards set forth by the Technical Working Group on DNA Analysis Methods, the Guidelines for Acceptance of DNA Data (for DNA databanking), and the American Society of Crime Laboratory Directors' Laboratory Accreditation Board.

Analysts who conduct DNA analysis and profiling are very highly trained scientists. In addition to having a degree in a physical science, they undergo special training, including approximately a year and a half of concentrated study, laboratory exercises and supervised casework.

DNA databanking

In 1989, Illinois began requiring certain convicted sex offenders to submit a sample of blood to ISP for DNA databanking. The original statute has been amended to include sex offenders from other states who transfer into Illinois to serve their sentences, and, effective

Jan. 1, 1997, to require juveniles who are convicted or given a disposition for the sex offenses covered by the statute to submit blood samples for DNA testing.

In 1992, after an extensive process of facility modifications, personnel training, and validation studies, the ISP lab in Springfield became the Illinois repository for the DNA sex offender databank. The Illinois databank is associated with CODIS (COmbined DNA Index System), a national system coordinated by the Federal Bureau of Investigation. CODIS offers the software and standard means to establish computer files containing DNA profiles from certain convicted sex offenders and from forensic cases with or without suspects. The purpose of establishing forensic and offender files is to provide law enforcement with leads on possible suspects in unsolved crimes, to associate an individual with a case, or to detect serial crimes committed by the same individual. When a DNA profile is associated with a certain individual, the statistics generated from the population database are used to calculate how rarely or commonly the forensic DNA profile might occur in the general population of Illinois. This number tells the jury or court the statistical significance of the DNA match.

At the end of August 1996, Illinois' DNA Index contained approximately 7,400 DNA profiles for convicted offenders, 270 forensic profiles, and 500 population profiles (profiles of anonymous people, used as a representative group of the general population). Associations have been found between eight individuals in the CODIS database and evidence in 15 Illinois cases.

HOW HAS DNA BEEN USED IN ILLINOIS COURT CASES?

As of October 1996, ISP analysts had testified to DNA results in more than 60 cases. No state court has yet refused DNA profiling as evidence. DNA evidence has had few problems being admitted in the courts, because regulations guiding DNA testing have overall acceptance. In Illinois, the Supreme Court recently ruled in *People vs. Miller* that the RFLP method and the statistical analysis of RFLP results were generally accepted in the scientific community and were admissible.

An early example of the use of DNA evidence in Illinois involved the murder of a man and the sexual assault and attempted murder of his wife in rural Will County in November 1991. Although the woman did not die, she could not identify her attacker, and there were no other witnesses. An ISP forensic biologist conducted standard tests on evidence from the sexual assault, which eliminated some suspects. These traditional techniques could not further identify the source of the semen, but the newly established ISP DNA Unit analyzed the sample, eliminating the other suspects as possible donors. Then the DNA profile from the semen was compared against the CODIS database, with no results. The profile remained in the database, however, and in 1993 it "hit" against the profile of a man entered into the system after being convicted of an unrelated sexual assault on a member of his own family. Further DNA testing determined that the match between this particular DNA profile and the DNA profile in the 1991 murder/rape case would be expected to occur in only 1 in 15 billion people. In October 1995, the offender was tried, convicted, and sentenced to death.

The value of DNA technology lies not only in its ability to identify and link an offender to evidence from a crime, but also in its ability to exonerate wrongly suspected individuals. A recent study by the National Institute of Justice found 28 cases nationwide, including four in Illinois, in which a suspect was convicted of a crime, most often sexual assault, and was serving time in prison when a DNA test showed that there was no match between the suspect's DNA profile and the profile associated with the case.[23] These 28 suspects served an average of seven years in prison for crimes they did not commit. Such cases call into question the reliability of eyewitness testimony, which had been important in most of the original convictions. Many of the suspects had an alibi, but the alibi had not been as convincing to the jury as the eyewitness testimony.

For example, in one of the Illinois cases, Ronnie Bullock was convicted of aggravated criminal

sexual assault by a Cook County jury in 1984, and sentenced to 60 years in prison for deviant sexual assault and 15 concurrent years for aggravated kidnapping. Upon receiving his conviction, Bullock requested that the evidence be impounded. In 1987, an appeals court upheld Bullock's conviction, and in 1990 his motion for postconviction relief was denied. In 1993, he made a motion to have the evidence tested for DNA. The prosecution granted the motion, and the DNA analysis indicated that Bullock was the source of neither the sperm or the nonsperm fractions in the semen stain taken from the victim's undergarments. Bullock was then released without bond, but confined to his parents' house by electronic monitoring. A new hearing was set for the following month so that the prosecution could run its own DNA tests. After the prosecution came up with the same DNA test results, Bullock's charges were dismissed. He had already served more than 10 years in prison.

WHAT IS THE FUTURE OF DNA PROFILING?

In the future, DNA technology will undoubtedly reduce the number of violent crime cases, particularly sexual assault, that go unsolved due to lack of evidence. Large law enforcement agencies are not the only ones who will benefit. Small agencies need only submit evidence to one of the ISP laboratories around the state to obtain an evaluation of its suitability for DNA testing. On the horizon for DNA profiling in Illinois is developmental work being conducted by the Research and Development Laboratory of ISP on additional PCR techniques, new DNA technologies, and the use of automated analysis. In addition, the CODIS database will allow forensic and offender profiles from Illinois to be compared to forensic and offender profiles from most states.

THE INTERNET

Significant changes in information processing and telecommunications technologies have occurred in recent years, profoundly changing the way the world does business. The emergence of networked computers, e-mail, electronic bulletin boards — and now the Internet — on a global scale has given us the power to share information like never before.

WHAT IS THE INTERNET?

The Internet, an international network of local area networks tied together by a high-speed backbone of data connections, has the potential to provide almost anyone in the world with rapid access to unlimited varieties of data and information. It is radically altering how information is accessed, disseminated and used. Moreover, it has the potential to transform how public policy is made and implemented, and to redefine the roles of individuals and organizations involved in the process.

The Internet originated in 1957 when the former Soviet Union launched Sputnik, the earth's first artificial satellite. In response to that act of considerable technical achievement, the United States Department of Defense established the Advanced Research Projects Agency (ARPA) to coordinate the development of science and technology for military use. One of the agency's initial concerns was to find a secure and dependable way of linking computers at government and university laboratories that were doing this research. In 1962, a RAND Corporation scientist wrote a paper describing a highly reliable and redundant distributed communications network. With that paper, several years of research, and a few million dollars, the progenitor of today's Internet was born.

The first node was established at the University of California at Los Angeles in 1969. By 1971, 23 host computers were a part of the network which was then called the ARPANET. Comput-

ers in the United Kingdom and Norway connected to the network in 1972, making it truly international.

By the mid 1980s, the U.S. Department of Defense had built its own network and left the ARPANET. Funding for the network was transferred from the Defense Department to the National Science Foundation with financial support also coming from the National Aeronautics and Space Administration and the U.S. Department of Energy. By then, the number of host computers on the network passed 10,000 and commercial vendors began to support the network on a voluntary basis. Two years later, in 1989, the number of host computers on the network surpassed 100,000.

In 1990, the network became known as the Internet. Two years later the number of host computers on the Internet reached 1 million.

Estimates on the number of people with computer terminals that can access the Internet today range from 13 million to more than 45 million. Nobody really knows for sure. What is known is that almost every minute, a new computer is being linked to the system. Industry analysts predict that within two years access to the Internet will become even more widely available to the public through cable television and telephone networks.

WHAT ARE THE INTERNET'S FUNCTIONS?

Today, anyone with a personal computer, a modem and a telephone can connect to the Internet and take advantage of its many offerings. The primary functions of the Internet include:

- *e-mail:* the ability to send electronic messages almost anywhere in the world instantaneously;
- *File Transfer Protocol (FTP):* the ability to transfer computer files between computers all over the world;
- *Discussion groups, chat rooms or news groups:* the ability to monitor or participate in group discussions on almost any conceivable topic;
- *World Wide Web:* a specialized part of the Internet that provides the ability to access information from computers all over the world. WWW sites support text, high-quality graphics, audio, video, interactive searches, and more. The WWW is based on the principle of universal readership, which means that networked information should be accessible from any type of computer in any country, with one easy-to-use program. Through the use of special codes embedded in computer files, Web users can access computer files anywhere in the world with no more than a keystroke or point-and-click of a mouse.

WHO USES THE INTERNET?

Until about 1993, most of the users of the Internet were university professors and students sending e-mail messages or scientists exchanging computer files. Then a student at the University of Illinois wrote a software program that made it easy and even fun to use the World Wide Web. The software innovation was based on hypertext: the capability to retrieve documents from computers all over the world by simply clicking a computer pointing device on a highlighted word, phrase or picture. Today the Web may be the single most exciting communications medium anywhere in the world, and its potential is virtually unlimited.

Private corporations have embraced the new technology, and a variety of commerce is conducted electronically on the Internet. Many companies now include their Internet address in their advertisements, and millions of dollars have been spent on corporate Web sites.

Many public agencies also are active on the Internet, including a few pioneers in the criminal justice system. For example, the U. S. Department Justice and the National Criminal Justice Reference Service (NCJRS) use the Internet to disseminate full-text documents, updates on services, and extensive information about programs, publications and products. The Justice Department's National Institute of Justice, Bureau of Justice Assistance, Bureau of Justice Statistics, and Office of Juvenile Justice and Delinquency Prevention all have a presence on the Internet. The National Law Enforcement

and Corrections Technology Center uses the Internet to disseminate the most up-to-date information available on the development and application of new technologies and products for law enforcement and corrections. And the Partnership Against Violence Network (PAVNET), a coalition of six federal agencies and more than 30 federal clearinghouses that integrates information concerning programs and resources available to combat violence, maintains an information search and retrieval system accessible via the Internet.

Operational agencies, particularly major law enforcement agencies, are establishing a presence on the Internet as well. For example, in New York, Chicago, Los Angeles, and a host of other jurisdictions, police departments are using the Internet to communicate information about their organization, their services, and crime. A handful of progressive agencies are even exploring the use of interactive applications for such things as community policing activities or the on-line registration of firearms.

Still, relatively few criminal justice agencies at the state and local level are active participants in the information revolution. In April 1996, the Illinois Criminal Justice Information Authority conducted a survey of every local law enforcement agency and state's attorneys office in Illinois. Of the 478 agencies responding to the survey, 20 percent had Internet access but less than 4 percent had Web sites. About 8 percent of the respondents planned to have Web sites by year's end. Among prosecutor's offices, only about 7 percent had Internet access, and less than 2 percent had a Web site. Sheriff's offices had an equally low profile on the Internet.

Lack of interest is not the problem. Only 6 percent of the prosecutors and 13 percent of the sheriffs were not interested in the Internet at this time. Forty percent of the prosecutors and more than one-half of the sheriffs, however, said they did not know enough about the Internet to determine if it might be useful.

While the Authority survey findings present a snapshot of the current state of affairs in Illinois, it is only a matter of time before the information age assaults the criminal justice community in full force. Although relatively few state and local criminal justice agencies are on board now, the question is not if they'll join, but when and how.

WHAT IS THE FUTURE OF THE INTERNET?

Despite the rapid growth of the Internet, the manner in which it will be used by state and local criminal justice agencies is not well defined. Simply gaining the technology to access the Internet won't be enough to tap into its true power. Many issues that lie beyond hardware and technology will have to be explored.

Most operational agencies with a presence on the Internet are currently engaged in one-way communication. For example, police departments typically provide a picture of the police chief, information on their organization and mission, and perhaps a few crime prevention tips. Some departments may offer a list of most wanted criminals or contacts for selected services. While a handful of pioneers are experimenting with two-way communication, interactive public service modules are still uncharted territory, and far too little is known about the true value of the Internet for most state and local criminal justice agencies.

Although part of the problem is keeping up with the rapid pace of technological change, the most challenging problem may be the selection and design of content. In the same way that the invention of movable type fundamentally changed the way authors and publishers worked, and more recently, the advent of desktop publishing brought the power of the press to millions of new people who could now be their own editors and publishers, emerging Internet technology is causing another communications revolution.

The distribution of information has changed from wholesaling to retailing. No longer is the conventional wisdom slowly filtered down from a few leading academic, political and editorial offices to the masses of people. The barriers to the unimpeded flow of information from

original sources are being dismantled at an unexpectedly rapid pace.

Criminal justice agencies have rhetorically committed themselves to information-intensive problem solving and community based modes of service delivery. To deliver on their promises and strategic visions, criminal justice administrators will need to dramatically improve their information-sharing and other public communications capabilities. One obvious delivery mechanism is the Internet.

Successful contributors to the Internet, however, will have to develop new paradigms for compiling and sharing information. That will require more than just taking what is printed, converting it to digital form and making it available on the Internet. On the contrary, strategic choices must be made concerning the content of the message. New applications will have to be developed to make material more interactive. Users will expect to be able to see raw data, access referenced material, and ask questions on-line, all in a user-friendly manner. This will require research and development of an unprecedented nature.

As access to the Internet continues to grow, there will be increasing public demand to communicate via the new medium. There is great potential for wasting energy and money if state and local criminal justice agencies join the information revolution under pressure to get on the Internet immediately without thought or time to prepare for the difficult decisions and paradigm shifts that will be required.

Most state and local criminal justice agencies simply don't have the capacity or desire to perform this type of research. Even if they did, it would be inefficient for each agency to tackle the work independently.

Illinois Attorney General's Office	http://www.acsp.uic.edu~AG
Illinois Criminal Justice Information Authority	http://www.icjia.state.il.us
Illinois Department of Corrections	http://www.idoc.state.il.us
Illinois State Police	http://www.state.il.us/isp
Bloomingdale Police Department	http://www.xnet.com/~bdale/
Chicago Police Department	http://www.ci.chi.il.us/CommunityPolicing/
Downers Grove Police Department	http://www.vil.downers-grove.il.us./
Eastern Illinois University Police	http://www.upc.eiu.edu:81/security/security.html
Elmhurst Police Department	http://www.acsp.uic.edu/~epd
Flossmoor Police Department	http://www.homepage.interaccess.com/~flssmoor/pd.html
Illinois State University Police	http://www.ilstu.edu/depts/police/
Knox County Sheriff's Department	http://www.galesburg.com/~police/
Naperville Police Department	http://www.naperville.il.us
Normal Police Department	http://www.npd.org/
Olympia Fields Police Department	http://www.lincolnnet.net/users/lmolymp/ofpage.htm
South Elgin Police Department	http://www.inil.com/users/sedet17/sepd.htm
Wheaton Police Department	http://www.city.wheaton.lib.il.us./pd/index.html

Figure 6-4

As of December 1996, a sample of Illinois criminal justice agencies with Internet sites.

In 1996, the Illinois Criminal Justice Information Authority began a project designed to help state and local criminal justice agencies harness the Internet. With support from the U.S. Department of Justice, Bureau of Justice Assistance, the Authority is working with the University of Illinois at Chicago, Office of International Criminal Justice; the Elmhurst Police Department; and the Illinois Office of the Attorney General to design model Internet applications in the criminal justice community.

Together, these organizations are exploring how criminal justice agencies can establish a viable presence on the Internet. This includes identifying administrative, operational, and information sharing activities that can be carried out on the Internet and modeling their graphic presentation and on-line application. Electronic publication of documents, menu-driven access to statistical information, immediate access to time-sensitive information, and the interactive exchange of information on-line are among the issues being explored.

This highly collaborative initiative has lead to the creation of innovative World Wide Web sites for each participating agency. More importantly, the project will demonstrate how criminal justice agencies can use the Internet to carry out their mission more efficiently and effectively. A handbook based on project experiences will be published electronically for national distribution.

By the end of the decade, most law enforcement agencies will have some sort of presence on the Internet and the World Wide Web. Some sites will offer crime prevention tips and a listing of services. Other sites will offer on-line access to current crime statistics, information about street closures and repairs that might require rerouting traffic, bicycle registrations, and a way for a family's personal computer to let law enforcement agencies know when they're on vacation and their home is unprotected.

Prosecutors will be using the Web to alert consumers to newly discovered fraud schemes and to encourage victims of child abuse and other forms of domestic violence to seek help from criminal justice and social service agencies.

Corrections agencies will be on the Web with information about policies, on-line brochures for goods available through prison industries, and staff and inmate education programs.

The Internet is truly a powerful tool that can help criminal justice agencies carry out their mission more efficiently and effectively. Agencies that learn to harness the Internet will be in a position of leadership as we enter the next century.

Notes

1. Mark Stallo, "Mapping Software and its Value to Law Enforcement." Pp. 289-294 in Carolyn Rebecca Block, Margaret Dabdoub and Suzanne Fregly (eds.), *Crime Analysis through Computer Mapping*. Washington, D.C.: Police Executive Research Forum, 1995. (Proceedings of the 1993 Workshop on Crime Analysis Through Computer Mapping, ICJIA and Loyola University Chicago.)

2. Ray Sanford, "How to Develop a Tactical Early Warning System on a Small-City Budget." Pp. 255-264 in Carolyn Rebecca Block, Margaret Dabdoub and Suzanne Fregly (eds.), *Crime Analysis through Computer Mapping*. Washington, D.C.: Police Executive Research Forum, 1995. (Proceedings of the 1993 Workshop on Crime Analysis Through Computer Mapping, ICJIA and Loyola University Chicago.)

3. Guptill, Stephen C. (1988). *A Process for Evaluating Geographic Information Systems*. Prepared by the Technology Exchange Working Group, Federal Interagency Coordinating Committee on Digital Cartography. Contributing authors: Daniel Cotter, Robert Gibson, Richard Liston, Henry Tom, Timothy Trainor and H. Pete VanWyhe. U.S. Geological Survey Open-File Report 88-105. Washington, D.C.: U.S. Geological Survey.

4. For more information about ICAM, see Thomas F. Rich, "The Chicago Police Department's Information Collection for Automated Mapping (ICAM) Program," *NIJ*

Program Focus, July 1996, NIJ 167064. Washington, D.C.: National Institute of Justice; Thomas F. Rich, *The Use of Computerized Mapping in Crime Control and Prevention Programs*, NIJ Research in Action, NCJ 155182, July 1995, Washington, D.C.: National Institute of Justice; and Jonathan Lewin and Kevin Morison, "Use of Mapping to Support Community-Level Police Decision Making," pages 259-276 in *Crime Analysis Through Computer Mapping*, C.R. Block, M. Dabdoub, and S. Fregley, editors. Washington, D.C.: Police Executive Research Forum.

5. Thomas F. Rich, *The Use of Computerized Mapping in Crime Control and Prevention Programs*. NIJ Research in Action bulletin, July 1995. Washington, D.C.: National Institute of Justice.

6. John Hennelly, "You Can ICAM." Pages 4-5 in *Neighborhoods*, Summer 1995. Chicago: Chicago Alliance for Neighborhood Safety (CANS).

7. "The GeoArchive: An Information Foundation for Community Policing," by Carolyn R. Block, forthcoming in *Computer Mapping for Crime Prevention*, edited by Tom McEwen and David Weisburd, Crime Prevention Studies, Rutgers University. Monsey, N.Y.: Criminal Justice Press.

8. Jonathan Lewin and Kevin Morison. "Use of Mapping to Support Community-Level Police Decision Making." Pp. 259-275 in Carolyn Rebecca Block, Margaret Dabdoub and Suzanne Fregly (eds.), *Crime Analysis through Computer Mapping*. Washington, D.C.: Police Executive Research Forum, 1995. (Proceedings of the 1993 Workshop on Crime Analysis Through Computer Mapping, ICJIA and Loyola University Chicago.)

9. Thomas F. Rich, (1995). *The Use of Computerized Mapping in Crime Control and Prevention Programs*. NIJ Research in Action bulletin, July 1995. Washington, D.C.: National Institute of Justice.

10. John Hennelly, "You Can ICAM." Pages 4-5 in *Neighborhoods*, Summer, 1995. Chicago: Chicago Alliance for Neighborhood Safety (CANS).

11. Richard Block, "Geocoding of Crime Incidents Using the 1990 TIGER File: The Chicago Example," pages 189-194 in *Crime Analysis Through Computer Mapping*, C.R. Block, M. Dabdoub and S. Fregly, editors. Washington, D.C.: Police Executive Research Forum.

12. ICAM is currently limited in several ways: 1. It is not fully accessible to the public, because there is no program to block out confidential information. 2. Its crime analysis ability is also limited: it cannot generate maps of calls for service or arrests, district officers can only map within their district, updated information is not reflected in the database, and only one offense can be mapped at a time. For more information, see Rich, Thomas F. (1996). *The Chicago Police Department's Information Collection for Automated Mapping (ICAM) Program*. NIJ Program Focus, NCJ 160764, July 1996. Washington, D.C.: National Institute of Justice.

13. Hot Spot Areas, calculated using the STAC (Spatial and Temporal Analysis of Crime) package, identify the densest clusters of actual events or locations on a map, regardless of arbitrary boundaries. STAC finds the densest concentrations of events on the map and calculates the standard deviational ellipse that best fits each cluster. See Carolyn R. Block, "STAC Hot Spot Areas: A Statistical Tool for Law Enforcement Decisions," pages 15-32 in *Crime Analysis Through Computer Mapping*, 1995, Police Executive Research Forum.

14. STAC is available from the Illinois Criminal Justice Information Authority at no cost to law enforcement agencies. For more information about STAC, see Ned Levine, "Spatial Statistics and GIS: Software Tools to Quantify Spatial Patterns," pages 381-391, *Journal of the American Planning Association*, volume 62, no. 3, Summer 1996; Thomas F. Rich, "Use of Computerized Mapping in Crime Control and Prevention Programs," July 1995, *NIJ Research in Action*; Carolyn R. Block, "STAC Hot Spot Areas: A Statistical Tool for Law Enforcement Decisions," pages 15-32 in *Crime Analysis Through Computer Mapping*, 1995, Police Executive Research Forum; or Daniel Higgins,

STAC Users Manual, January 1996 revision, Illinois Criminal Justice Information Authority.

15. "Phone System Lets DuPage Police Call On Citizens," *Chicago Sun-Times*, May 29, 1996.

16. For more information, see "Inmate Rap Sheets Missing Data" by Mark Myrent, *The Compiler*, Spring 1993, pages 6-8, Illinois Criminal Justice Information Authority.

17. For more information, see "Livescan: Fingerprints go digital" by J. David Coldren, *The Compiler*, Spring 1993, pages 4-5, Illinois Criminal Justice Information Authority.

18. Even though a county sheriff's office may use Livescan, every municipality within the county does not necessarily submit Livescan prints through the county.

19. *The 1996 Criminal History Records Audit*, March 1997, Illinois Criminal Justice Information Authority.

20. In this case, the date of the event preceded the date when the case arrived at the ISP. The 1996 audit did not review the accuracy of mailed-in submissions.

21. See "Fingerprints/AFIS: A Valuable Aid to Police," a report by Jesse McMullen, AFIS Supervisor, Chicago Police Department, Feb. 10, 1995.

22. Pamela Zurer, "DNA Profiling Fast Becoming Accepted Tool for Identification," pp. 8-15, *C & EN Newsletter*, Oct. 10, 1994.

23. Edward Connors, Thomas Lundregan, Neal Miller, and Tom McEwen, *Convicted by Juries, Exonerated by Science: Case Studies in the Use of DNA Evidence to Establish Innocence After Trial.* NCJ 161258. Washington, D.C.: National Institute of Justice.

24. Michele Livojevic, et al., *Dynamics of Aging in the Illinois Law Enforcement Officer Corps*, Illinois Criminal Justice Information Authority, February 1992.

25. *DNA Profiling: For Positive Identification*, NIJ Technology Assessment Program Bulletin, September 1990.

APPENDIX A: GLOSSARY

Words or phrases in italics have separate glossary entries.

abused minor. Anyone under age 18 who has been physically or sexually abused by a caretaker.

acquit. To release or discharge from an accusation; to legally certify the innocence of a *defendant* charged with a crime.

addicted minor. Anyone under age 21 who is an addict or an alcoholic as defined in the Illinois Alcoholism and Other Drug Dependency Act.

adjudicate. To decide, settle, or decree judicially.

adjudicatory hearing. The fact-finding stage of *juvenile* proceedings.

administrative custody. The status that describes a *juvenile* who is detained in a local *jail* or other detention facility while on *parole* or on *extended* or *authorized absence* from the *Illinois Department of Corrections.*

Administrative Office of the Illinois Courts. The administrative arm of the *Illinois Supreme Court* that oversees the operations of all subordinate courts in the state, including the *Illinois Appellate Court* and the *Circuit courts.* AOIC also supervises the operations of individual *probation* departments in Illinois.

administrative placement. The status that describes a *juvenile* who is under the *institutional custody* of the *Illinois Department of Corrections*, but who is housed in a mental health center, residential treatment center, or other specialized facility.

admissions. See *prison admissions.*

adult. Generally, anyone aged 17 or older at the time he or she is accused of a criminal offense. See also *juvenile.*

AFIS. See *automated fingerprint identification system.*

age-specific arrest rates. The number of *arrests* for a specific age group divided by the number of people in that age group for a certain year; age-specific arrest rates in this report are expressed as the number of arrests per 100,000 population.

aggravated assault. See *index aggravated assault.*

aggravating circumstances. Any circumstances accompanying the commission of a crime that increase its enormity or add to its injurious consequences, but which are above and beyond the essential constituents of the crime itself. See also *mitigating circumstances.*

AIDS. Acquired Immune Deficiency Syndrome.

AOIC. See *Administrative Office of the Illinois Courts.*

appeal. A request by either the prosecution or the defense that a higher (appellate) court review the decision of a lower (trial) court or administrative agency.

appellate court. Any higher court whose function is to ensure that the law was properly interpreted and applied in particular cases tried in the lower (trial) courts. See *Illinois Appellate Court* and *Illinois Supreme Court.*

arbitration. The referral of a dispute to an impartial third person by the parties to the dispute, who agree in advance to abide by the arbiter's decision following a hearing at which both parties have an opportunity to be heard. See also *mediation.*

arraignment. A court hearing in which the identity of the *defendant* is established, the defendant is informed of the *charges* that have been filed, and the defendant enters a *plea* of guilty or not guilty to the charges.

arrest. The taking into police custody of someone believed to have committed a crime, regardless of whether or not the person is formally charged. See also charge, preliminary hearing.

arrest warrant. A document issued by a judicial officer that directs law enforcement officers to arrest a person who has been accused of a specific *offense*.

arson. See *index arson*.

associate judge. A judge of the *Circuit Court* who, in criminal proceedings, is usually limited to presiding over *misdemeanor* cases or sometimes *pretrial proceedings* in *felony* cases; associate judges also hear *juvenile* cases. Associate judges are appointed by the chief judge of the *judicial circuit*. See also *circuit judge*.

authorized absence. See *extended or authorized absence*.

automated fingerprint identification systems. Recently developed computer systems that scan and store fingerprint impressions. AFIS can extract identifying characteristics in sufficient detail to allow a single fingerprint to be distinguished from millions of prints that have been scanned and stored in the computer's memory.

automatic transfer. The automatic movement of a suspected *juvenile* offender to adult court for prosecution. In Illinois, any juvenile charged with first-degree murder, aggravated criminal sexual assault, armed robbery with a firearm, or certain drug or weapons violations committed in or near a school, who was at least 15 years old at the time of the *offense*, must be tried as an adult. See also *discretionary transfer*.

backlog index. A statistical indicator of the amount of time to process a case through the courts, from filing through disposition. The Index is calculated by dividing the number of pending or active cases at the beginning of a year by the number of cases terminated during that year. The number yielded represents the portion of a year it takes to process a case.

bail. Money or property that a *defendant* pledges to the court, or actually deposits with the court, to secure release from legal custody pending further criminal proceedings following an *arrest*. In Illinois, the amount of cash bail required is usually 10 percent of the bail amount set by the court. See also *bond*.

bench trial. In criminal proceedings, a trial in which there is no jury and in which a judge decides all issues of fact and law in the case. See also *jury trial*.

Bill of Rights for Victims and Witnesses of Violent Crime. A 1984 Illinois law designed to ensure that violent crime victims and witnesses are treated fairly and compassionately (Ill. Rev. Stat., ch. 38, par. 1401 et. seq.). Among other things, the law requires criminal justice officials to keep victims informed of developments in their cases and to help victims seek emotional and monetary assistance.

bond. A document that guarantees the *defendant* will appear for future court dates as required and that records the pledge of money or property to be paid to the court if the defendant does not appear. See also *bail*.

bond hearing. A *pretrial proceeding* in which the *defendant* is formally notified of the *charges* that have been filed and a *bond* is set to ensure the defendant will appear at subsequent court dates.

boot camp. See Impact Incarceration Program.

burglary. See *index burglary*.

capacity ceiling. The maximum number of inmates a correctional facility can accommodate in existing housing with 95 percent double-celling systemwide.

CCH. See *Computerized Criminal History system*.

charge. An allegation that a specific person has committed a specific *offense*. Charges are recorded in various *charging documents*, such as a *complaint*, *information*, or *indictment*.

charging document. A formal written statement submitted to the court that alleges a specific person has committed a specific *offense*.

Charging documents include *complaints, indictments,* and *informations.*

CHRI. See criminal history record information.

circuit court. A trial-level court that hears and resolves *felony, misdemeanor,* and *juvenile* cases, as well as some noncriminal cases. In Illinois, these trial courts are organized into 22 *judicial circuits.*

circuit judge. A judge of the *Circuit Court,* elected to a six-year term by the voters in that *judicial circuit.* In criminal proceedings, circuit judges usually preside over *felony* cases only; they also may hear *juvenile* matters. See also *associate judge.*

class X. A statutory *offense class* established for sentencing purposes that includes such serious *felonies* as attempted murder, armed robbery, and aggravated criminal sexual assault. Class X offenders are not eligible for alternative sentences such as *probation* or *conditional discharge;* instead, they must serve time in *prison.*

clearance. See *offenses cleared, clearance rate.*

clearance rate. The number of *offenses cleared* divided by the number of *reported offenses* during the same time period, expressed as a percentage.

collar counties. Generally, the five counties adjacent to Cook County: DuPage, Kane, Lake, McHenry, and Will.

community correctional center. A community-based correctional facility that offers selected low-risk inmates the opportunity to make the transition from institutional life to the community through a structured intermediate step. Some community correctional centers are operated directly by the *Illinois Department of Corrections,* while other centers are operated under contract with other organizations.

community oriented policing. A law enforcement strategy that stresses police-citizen cooperation in identifying and solving crime problems. Unlike traditional strategies in which police are involved principally in responding to calls for service, community oriented policing relies on citizen ideas and information, not necessarily about specific crimes, but about problems (such as abandoned buildings and drug houses) that lead to larger problems.

commutation. A type of *executive clemency* in which an offender's *prison* sentence is reduced. A commutation generally does not connote forgiveness; rather, it is used to shorten an excessively or unusually long sentence. See also *pardon.*

complaint. A sworn, written statement, usually signed by the victim or another citizen witness and presented to a court, which charges a specific person or persons with the commission of an *offense.* See also *indictment and information.*

Computerized Criminal History system. The state central repository for criminal history record information, operated by the *Illinois State Police.*

conditional discharge. A court-imposed sentence similar to *probation,* except that the level of supervision of the offender is limited. Technically, it is "a sentence of disposition of conditional and revocable release without probationary supervision but under such conditions as may be imposed by the court" (Ill. Rev. Stat., ch. 38, par. 1005-1-4).

conservation violation. A breach of laws regarding protection of the environment.

crime index. A group of eight crime categories that together give some indication of the level, fluctuation, and distribution of reported crime in the United States as a whole, in individual states, and in local jurisdictions. Four of these *index* crimes are *violent crimes—murder, sexual assault, robbery,* and *aggravated assault*—and four are *property crimes—burglary, larceny/theft, motor vehicle theft,* and *arson.*

crime rate. The number of *reported offenses* divided by the population at risk. Crime rates are represented as the number of reported offenses per 100,000 population.

Crime Victims Compensation program. A state program, administered by the *Illinois Attorney General's Office* and the *Illinois Court*

of Claims, that compensates innocent violent crime victims for expenses incurred as a direct result of their victimizations—for example, medical costs, counseling, and loss of earnings.

criminal history record information. Information reported by criminal justice agencies to the state central repository summarizing an individual's formal contacts with the criminal justice system. See also rap sheet and Computerized Criminal History system.

criminal sexual assault. See *index sexual assault.*

DASA. See *Illinois Department of Alcoholism and Substance Abuse.*

D-bond. See *detainer bond.*

DCFS. See *Illinois Department of Children and Family Services.*

defendant. A person formally accused of an *offense* by the filing in court of a *charging document.*

defendant disposition. The class of prosecutorial or judicial action which terminates or provisionally halts proceedings regarding a given *defendant* in a criminal case after *charges* have been filed in court.

delinquency petition. A formal written statement alleging that a specific *juvenile* committed actions or conduct which, if committed by an *adult*, would be in violation of criminal law.

delinquent minor. A person under age 17 but at least 13 who has attempted or committed a delinquent act—an action for which an *adult* could be prosecuted in criminal court.

dependent minor. A person under age 18 whose parents or guardians are deceased, disabled, or, through no fault of the parents or guardians, unable to provide medical or other remedial care.

design capacity. The number of inmates that a correctional facility was originally designed to house or currently has a capacity to house as a result of planned modifications, excluding extraordinary arrangements to accommodate crowded conditions. See also ceiling capacity, *ideal capacity* and *rated capacity.*

detainer bond. A type of *bond* in which the *defendant* is required to post money or property to secure release pending trial. Typically, 10 percent of the full bail amount must be posted, or the defendant will be detained in the county *jail* until the case is resolved or until the bond is reduced and then met. See also *individual recognizance bond.*

determinate sentencing. A type of criminal sentencing structure used in Illinois since 1978. Under determinate sentencing, each offender is sentenced to a fixed number of years in *prison* without the possibility of *parole.* Sentences can be reduced only through the accumulation of *good-conduct credits.* See also *indeterminate sentencing.*

discretionary transfer. The optional movement of a suspected *juvenile* offender to adult court for prosecution. In Illinois, a *state's attorney* may ask a Juvenile Court judge to transfer to adult court any juvenile aged 13 or older who has been charged with an offense that would be a criminal act if committed by an adult. The discretionary transfer occurs only after a *transfer hearing* has been conducted. State law also provides for the *automatic transfer* of juveniles accused of certain very serious crimes.

disposition. Generally, an action by a criminal or juvenile justice agency that signifies that a portion of the justice process is complete and jurisdiction is terminated or transferred to another agency. In most cases, "disposition" refers to the ultimate outcome of a criminal case. See also *defendant disposition* and *trial disposition.*

dispositional hearing. In *juvenile* proceedings, the hearing to determine whether the juvenile will become a ward of the court and, if so, which disposition is in the best interest of the minor and the public.

DNA fingerprinting. The process by which forensic experts can accurately determine the origin of blood, body fluid, or human tissue by extracting and comparing DNA (deoxyribo-

nucleic acid), which contains the genetic "code" that is unique to every individual.

double-celling. The practice of housing two or more inmates in a space originally designed for one.

emancipation. The status that describes any minor aged 16 or older who has been completely or partially emancipated under the Emancipation of Mature Minors Act (Ill. Rev. Stat., ch. 40, par. 1102), and is therefore allowed to live wholly or partially independent from parents or guardians, to enter into legal contracts, and to exercise other rights ordered by the court.

executive clemency. An action by the governor in which the severity of punishment of a single person or a group of persons is reduced or the punishment is stopped altogether. In Illinois, executive clemency includes both *commutations* and *pardons*.

extended absence. See *extended or authorized absence*.

extended or authorized absence. The status of a *juvenile* who is in *institutional custody* with the *Illinois Department of Corrections*, but who is on a specialized leave program.

FBI. See Federal Bureau of Investigation.

Federal Bureau of Investigation. The principal investigative arm of the U.S. Department of Justice. It is charged with gathering and reporting information, locating witnesses, and compiling evidence in cases involving federal jurisdiction. The Bureau has primary responsibility for the management of both the national criminal history program (known as the Interstate Identification Index) and the National Incident-Based Reporting System.

felony. A criminal *offense* that is punishable by a sentence in state *prison* of one year or more or by a sentence of death. See also *misdemeanor*.

felony defaulters. Former *prison* inmates who are on *mandatory supervised release*, but who then violate the conditions of their release; felony defaulters may be returned to prison to complete their original sentence. See also *determinate sentencing*.

felony review. The process by which *state's attorneys* and their staffs review cases for possible *felony charges* and decide what prosecutorial action, if any, should be taken.

filing. When a case is officially entered within the courts. Felony and misdemeanor cases are filed against one or more defendants by the state's attorney.

first-degree murder. A statutory *offense class* that covers only those homicides in which an individual intends to kill or do great bodily harm to another person, knows that such acts will create a strong probability of death or great bodily harm, or is attempting or committing another forcible *felony*.

flat-time sentencing. See *determinate sentencing*.

forced release. A program, in effect in Illinois from June 1980 until July 1983, designed to control *prison* crowding. Under the forced-release, certain nonviolent offenders were released from prison sooner than they otherwise would have been. This occurred because the inmates were awarded multiple increments of 90-day meritorious *good-conduct credits*, in addition to the regular day-for-day credits inmates can earn.

good-conduct credit. The time deducted from a prison inmate's court-ordered period of incarceration. An inmate earns one day of good-conduct credit for each day spent in prison without incident. Each day of good-conduct credit reduces the inmate's period of incarceration by one day. An inmate can also earn up to 90 days additional good-conduct credit for meritorious service, which further reduces the time served in prison.

grand jury. A body of persons who have been selected to hear evidence against accused persons and to determine whether the evidence is sufficient to bring those persons to trial. A grand jury may also be impaneled to investigate criminal activity generally or to investigate the conduct of public agencies and officials.

Ordinarily, a *state's attorney* presents the grand jury with a list of *charges* and evidence related to a specific criminal event, and the grand jury must decide whether or not to return an *indictment*.

guilty but mentally ill. A criminal disposition that states that at the time of the offense, the offender possessed a mental disorder that impaired their judgement. However, this impairment did not prevent the offender from distinguishing right from wrong in their actions.

HIV. Human Immunodeficiency Virus.

I-bond. See *individual recognizance bond*.

ideal capacity. A relatively new measure of *prison capacity* developed by the *Illinois Department of Corrections*. Ideal capacity reflects the number of housing units designated for a distinct class of inmates and selected housing configurations, with allowances for special housing utilization.

IDOC. See *Illinois Department of Corrections*.

IIP. See Impact Incarceration Program.

Illinois Appellate Court. The first court of appeal for all cases adjudicated in the *Circuit courts*, except for cases involving the death penalty. There are five Appellate Court districts in Illinois.

Illinois Attorney General. Illinois' top legal officer, who is elected to a four-year term by the voters statewide. Although involved primarily in civil matters, the Attorney General's Office initiates some criminal proceedings (for example, violations of antipollution laws) and represents the state in criminal appeals before the *Illinois Supreme Court* and the U.S. Supreme Court. The office also investigates claims under the state's *Crime Victims Compensation program*.

Illinois Court of Claims. A seven-member court that hears and determines various allegations against the state, including cases regarding contractual disputes, torts committed by agents of the state, and time unjustly served by innocent persons in state *prison*. The Court of Claims also has authority to render decisions and make awards to violent crime victims under Illinois' *Crime Victims Compensation program*.

Illinois Department of Alcoholism and Substance Abuse. A state agency that seeks to reduce the human suffering and social and economic losses caused by the abuse of alcohol and illegal drugs. The department provides services through grants and contracts with community agencies in the areas of prevention, intervention, treatment, aftercare, and research.

Illinois Department of Children and Family Services. A state agency that seeks to protect children and strengthen family life. Various young people who enter the *juvenile* justice system—*abused minors, addicted minors, dependent minors, delinquent minors, minors requiring authoritative intervention*, and *neglected minors*—may be referred to DCFS for treatment or residential placement.

Illinois Department of Corrections. The state agency responsible for the care, custody, and treatment of all persons sent to state *prison*. IDOC's responsibilities include monitoring offenders in *community correctional centers*, on *mandatory supervised release*, and on *parole*; providing custody and care for *juveniles* committed by the courts; and setting standards for and inspecting local *jails*.

Illinois Law Enforcement Training and Standards Board. Also known as the Police Training Board, this state agency is responsible for the administration and certification of training programs and courses for local law enforcement agencies in the state, and their personnel.

Illinois Prisoner Review Board. An independent entity comprised of citizens appointed by the Governor who, among other responsibilities, provides hearings to determine whether good-conduct credits should be revoked or, upon the recommendation of the IDOC, whether lost good- conduct credits should be restored.

Illinois State Police. The chief state-level law enforcement agency providing police protection and enforcing criminal statutes in Illinois. ISP is responsible for such activities as patrolling state highways, investigating major crimes (such as

large-scale drug *offenses*), and assisting local law enforcement agencies with short-term needs. ISP also compiles *Illinois Uniform Crime Reports* and maintains the state's *Computerized Criminal History system.*

Illinois Supreme Court. The highest tribunal in the state, which hears selected appeals from the *Illinois Appellate Court* and which oversees the operations of all subordinate courts in the state through its *Administrative Office of the Illinois Courts.* The Supreme Court includes seven justices who are elected to 10-year terms by voters in the justices' respective Appellate Court districts.

Illinois Uniform Crime Reports. A program operated by the Illinois State Police from 1972 to 1992 to collect police-level crime statistics—including *offenses, arrests,* and employment data—from local law enforcement agencies throughout Illinois. *Uniform Crime Reports* are collected nationally by the Federal Bureau of Investigation.

Impact Incarceration Program. An intervention program run by the IDOC designed to promote lawful behavior in criminal offenders through a highly structured program of discipline. Also referred to as "boot camp".

incident-level reporting. A method of reporting *Uniform Crime Reports* in which local law enforcement agencies submit detailed information about individual *offenses* and *arrests*, not just monthly summaries.

indeterminate sentencing. A type of criminal sentencing structure used for *adults* in Illinois until 1978 and still used for juveniles. Under indeterminate sentencing, the commitment is not for a single specific period of time (such as three years), but is instead for a range of time (such as two to five years). In addition, prisoners are generally eligible for release on *parole* after serving only a fraction of their sentences. See also *determinate sentencing.*

index aggravated assault. The intentional causing of, or attempt to cause, serious bodily harm, or the threat of serious bodily injury or death. Index aggravated assault includes aggravated assault, aggravated battery, and attempted murder. In Illinois, "assault" is a threat; "battery" is an actual attack. "Aggravated" means that serious bodily harm, or the threat of serious bodily harm, is involved.

index arson. The willful or malicious burning, or attempt to burn, with or without intent to defraud, of a dwelling house, public building, motor vehicle, aircraft, or personal property of another. Arson became an *index crime* only in 1980, and, because of definitional differences, pre-1980 arson data cannot be compared with index arson figures.

index burglary. The unlawful entry of a structure to commit a felony or theft. Index burglary includes attempted burglary, forcible entry, and unlawful entry (no force).

index crime. See *Crime Index.*

index larceny/theft. The unlawful taking or stealing of property or articles without the use of force, violence, or fraud. Index larceny/theft includes theft, attempted theft, burglary from a motor vehicle, and attempted burglary from a motor vehicle.

index motor vehicle theft. The unlawful taking or stealing of a motor vehicle (automobile, truck, bus, and other vehicle), or the attempted theft of a motor vehicle.

index murder. The willful killing of a person. Index murder includes murder and voluntary manslaughter, in which a person's death is caused by the gross negligence of any individual other than the victim. See also *first-degree murder* and *Supplementary Homicide Reports.*

index robbery. The taking of, or attempt to take, anything of value from the care custody, or control or a person by force or threat of force or violence.

index criminal sexual assault. All sexual assaults, completed and attempted, aggravated and non-aggravated. "Aggravated" means that serious bodily harm, or the threat of serious bodily harm, is involved. Until July 1, 1984, "rape" was defined as the carnal knowledge of a female, forcibly and against her will.

indictment. A written statement, also called a true bill, presented by a *grand jury* to a court, which charges a specific person or persons with the commission of an *offense*. See also *complaint* and *information*.

individual recognizance bond. A type of *bond* in which the *defendant* is not required to post money or property to secure release pending trial, but is instead released on a pledge that he or she will appear at future court proceedings. Defendants who receive I-bonds may still be liable to the court for a specified bond amount should they fail to appear in court. See also *detainer bond*.

information. A sworn, written statement, signed by a *state's attorney* and presented to a court, which charges a specific person or persons with the commission of an *offense*. See also *complaint*, *indictment*, and *preliminary hearing*.

institutional custody. The status that describes a *juvenile* who has been committed by the courts to the *Illinois Department of Corrections* and who is in an IDOC *youth center*, on *extended or authorized absence*, or under *administrative placement* or in *administrative custody*.

intake screening. The process, administered jointly by *probation* and *state's attorney's* personnel in a county, to initially determine what should be done in a *juvenile* case referred by the police. Intake screening personnel have four options: recommend that a *delinquency petition* be filed in juvenile court, make an informal adjustment, place the juvenile under supervision, or move to have the case transferred to adult court through a *transfer hearing*.

Intensive Probation Supervision. A rigorous, three-phase *probation* program that is usually the first year of a three- or four-year sentence of regular probation. IPS probationers have frequent, face-to-face visits with probation officers, and they must abide by a curfew, perform community service, undergo drug testing, and follow any other conditions set by the sentencing judge.

interim disposition. A temporary court disposition.

IPS. See *Intensive Probation Supervision*.

ISP. See *Illinois State Police*

I-UCR. See *Illinois Uniform Crime Reports*.

jail. A confinement facility, usually operated by a county or municipality, that detains suspects awaiting trial, offenders sentenced to less than a year of incarceration, and offenders awaiting transfer to the state prison system. See also *lockup* and *prison*.

judicial circuit. A geographic area, usually containing several counties, in which trial courts (*Circuit courts*) are located. There are 22 judicial circuits in Illinois.

jury trial. In criminal proceedings, a trial in which a jury is impaneled to determine the issues of fact in a case and to render a verdict. See also *bench trial*.

juvenile. Generally, anyone under the age of 17 at the time he or she is accused of a criminal offense. See also *adult* and *minor*.

larceny/theft. See *index larceny/theft*.

Law Enforcement Agency Data System. A statewide, computerized telecommunications system, maintained by the Illinois State Police, designed to provide services, information, and capabilities to law enforcement and other criminal justice agencies in Illinois.

LEADS. See Law Enforcement Agency Data System

length of stay. The time an offender is incarcerated, including the time spent in state *prisons*, county *jails*, mental health facilities, and *juvenile* institutions while under the auspices of the *Illinois Department of Corrections* for the current *offense*.

livescan. Automated devices for generating and transmitting fingerprint images. They capture fingerprint images directly from subjects' fingers, which are rolled into scanning pads. Livescan can then print out multiple fingerprint cards or transmit electronic fingerprint images to remote sites for printout or direct use in AFIS.

See Automated Fingerprint Identification System (AFIS).

lockup. A temporary confinement facility operated by a municipality. See also *jail.*

mandatory supervised release. The system under which offenders who complete *determinate sentences* in Illinois are released from *prison* under conditions set by the *Illinois Prisoner Review Board.* Previously, offenders who served *indeterminate sentences* were released on *parole.* Under determinate sentencing, prisoners who complete the sentences imposed by the courts (minus any *good-conduct credits* they earn) must be released from prison and placed under community supervision.

mediation. The act of a third person who mediates between two contending parties in order to persuade them to adjust or settle their dispute. Unlike an arbitrator, a mediator cannot render a judgment or make a decision that is binding on the disputing parties. See also *arbitration.*

minor. Any person under age 21 who is subject to *juvenile* court proceedings because of a statutorily defined event or condition caused by or affecting the person. See also *abused minor, addicted minor, delinquent minor, dependent minor, minor requiring authoritative intervention,* and *neglected minor.*

minor requiring authoritative intervention. A person under age 18 who has run away from home or who is so far beyond the control of parents or guardians that the young person's physical safety is in danger. An MRAI has refused to return home and cannot agree with parents or guardians on alternative, voluntary, residential placement.

misdemeanor. A criminal offense for which a sentence of imprisonment of less than one year, in a facility other than a state *prison,* may be imposed. See also felony.

mitigating circumstances. Circumstances that do not justify or excuse the offense, but that may be considered as extenuating or reducing the degree of moral culpability. See also *aggravating circumstances.*

motor vehicle theft. See *index motor vehicle theft.*

MRAI. See *minor requiring authoritative intervention.*

MSR. See *mandatory supervised release.*

murder. See *index murder.*

National Incident-Based Reporting System (NIBRS). The expanded national crime reporting format for police agencies, developed by the FBI during the late 1980s, and in various stages of implementation across the country. NIBRS established incident-based reporting on a national scale, expanded the number of crime categories reported, and provided for greater detail concerning the characteristics of crime incidents, offenders, and victims.

natural life imprisonment. Imprisonment until the offender dies naturally, without the possibility of release.

neglected minor. A person under age 18 who does not receive necessary support or education, or whose environment is harmful to the minor's welfare.

NIBRS. See National Incident-Based Reporting System.

no true bill. The decision by a *grand jury* not to return an *indictment* against a *defendant* based on the allegations and evidence presented by the *prosecutor.*

not guilty by reason of insanity. A disposition which acquits the defendant because of a mental defect. The defense must prove that the defendant possessed a mental defect which impaired the ability to perceive wrongfulness in actions committed.

nolle prosequi. A formal entry on the court record that indicates the *prosecutor* will not pursue the action against the *defendant.*

nolo contendere. A *plea* in a criminal case that does not contest the *charge,* but neither admits guilt nor claims innocence. A plea of nolo contendere, however, may still be followed by conviction and sentencing.

non-conviction dispositions. Cases in which the *defendant* is acquitted at trial and cases that are dismissed during *pretrial proceedings.*

non-index crimes. Approximately 200 types of crime, not included in the crime index, for which the *Illinois State Police* collected *offense* and *arrest* data under the I-UCR system from 1972 to 1992. These 200 crime types range from relatively minor offenses (for example, playing dice games) to more serious crimes (aggravated kidnapping), and from infrequent crimes (criminal defamation) to more common ones (possession of cannabis).

OBTS. See *offender-based transaction statistics.*

offender-based transaction statistics. Criminal justice statistics that are recorded in such a way that the identities of offenders (and suspected offenders) are preserved throughout data collection and analysis. This method provides a mechanism for linking events in different parts of the criminal justice system and for analyzing the flow of offenders and alleged offenders through the system. Illinois does not maintain OBTS.

offender tracking system. A comprehensive, on-line adult inmate control, tracking, and reporting system maintained by the IDOC.

offense. An act committed or omitted in violation of a law forbidding or commanding such an act.

offense class. The statutorily defined grouping of different criminal *offenses* for purposes of establishing severity and criminal sanctions. In Illinois, there are six classes of *felony* offenses—*first degree murder, Class X,* and Class 1 through Class 4—and three classes of *misdemeanor* offenses—Class A through Class C, as well as petty and business.

offenses actually occurring. An *I-UCR* classification, used from 1972 to 1992, that equals the number of *offenses known to the police,* minus both *unfounded offenses* and *offenses referred to another jurisdiction.* "Offenses actually occurring" is the most commonly used I-UCR crime statistic, and when crime figures are published with no other definition, they are usually offenses actually occurring. In this report, "offenses actually occurring" (in I-UCR terminology) are called *reported offenses.*

offenses known to the police. An *I-UCR* classification, used from 1972 to 1992, for all crimes that come to the attention of law enforcement authorities. Note that "offenses known to the police" do not necessarily equal *reported offenses.*

offenses referred to another jurisdiction. An *I-UCR* classification used from 1972 to 1994 for all crimes that come to the attention of law enforcement authorities in one jurisdiction, but are determined, upon further investigation, to have actually occurred in another jurisdiction.

Office of the State Appellate Defender. A state agency that represents indigent defendants convicted of felonies and defendants sentenced to death when county public defenders are not appointed or available.

Office of the State's Attorney's Appellate Prosecutor. A state agency that represents the State on appeal cases at the request of State's Attorneys. Their main purpose is to expedite criminal appeals on behalf the state's attorneys.

ordinance violation. A violation of a rule, such as a dog leash law, enacted by the legislative body of a municipal corporation.

OTS. See offender tracking system.

pardon. A type of *executive clemency* in which an offender is released from further punishment for a crime. See also *commutation.*

parole. The system under which offenders who serve *indeterminate sentences* in Illinois are conditionally released from *prison.* Under indeterminate sentencing, offenders are given parole hearings every few years to determine their eligibility for release. Once released, these offenders are supervised in the community by IDOC staff. Parole for adults was replaced by *mandatory supervised release* for all new cases when *determinate sentencing* was implemented in Illinois in 1978. Parole remains in effect for the release of *juvenile* delinquents.

peremptory challenge. Challenge of a prospective juror by either the prosecution or the defense without assigning a reason for the challenge.

periodic imprisonment. A sentence of imprisonment in which the offender may be released for certain hours of the day or certain days of the week, or both, in order to work, to seek employment, to obtain treatment, or for any other purpose identified by the court. See also *work release.*

plea. A *defendant's* formal answer in court that he or she is guilty or not guilty to the *offense* charged, or does not contest the *charge.* See also *nolo contendere.*

plea conference. The pretrial setting in which *plea negotiations* take place.

plea negotiations. *Pretrial proceedings* in which prosecutorial or judicial concessions—commonly a lesser *charge*, the dismissal of other pending charges, a recommendation by the *prosecutor* for a reduced sentence, or a combination of concessions—are offered in return for a *plea* of guilty from the *defendant.*

preliminary hearing. A *pretrial proceeding* held to establish *probable cause* in any criminal case initiated through an *information.* See also grand jury.

PreStart. Operated by the IDOC, a two-phase prerelease education (Phase I) and postrelease assistance program (Phase II) that marks a departure from the traditional parole model in Illinois.

pretrial detainee. Someone suspected of or charged with a crime who was either denied *bond* or could not meet the bond amount that was set, and is therefore detained in *jail* while awaiting trial.

pretrial proceedings. A general term for the series of judicial proceedings — *bond hearing, preliminary hearing, arraignment, plea conference*, etc.— that occur before a criminal trial commences.

prison. A state confinement facility operated for the incarceration and correction of adjudicated felons in Illinois. See also *jail.*

prison admissions. The number of inmates entering *prison*, including both offenders newly sentenced by the courts and *felony defaulters.*

prison capacity. See ceiling capacity, *design capacity, ideal capacity, and rated capacity.*

prison releases. The number of inmates leaving *prison*, including all inmates who receive *mandatory supervised release, parole*, or other types of discharges.

probable cause. A set of facts and circumstances that would induce a reasonably intelligent and prudent person to believe that a crime had occurred and that a particular person had committed it. See also *preliminary hearing.*

probation. A court *disposition* in which the offender is allowed to remain in the community under the supervision of a probation officer for a specific time period and under certain conditions, as set forth by law and/or by the court. If the person fails to meet the conditions, the court may revoke probation and order another sanction. See also *Intensive Probation Supervision.*

property crime. In this report, a general classification for the four *index crimes* of *burglary, larceny/theft, motor vehicle theft*, and *arson.*

property index crime. See *property crime.*

prosecutor. See *state's attorney.*

PTB. See Illinois Law Enforcement Training and Standards Board.

public defender. An attorney employed by a government agency, or by a private organization under contract to a unit of government, for the purpose of providing defense services to indigent persons.

R-IUCR. See Revised Illinois Uniform Crime Reports.

rap sheet. A manual or electronic record of an individual, also known as a criminal history

transcript, which consists of personal identification information, fingerprint classification, and a cumulative record of arrests, state's attorneys' charges, court dispositions and custodial (jail/prison) information. It is used by both criminal justice officials and non-criminal justice agencies to determine an individual's formal contacts with the criminal justice system.

rape. See *index criminal sexual assault.*

rated capacity. The number of inmates a correctional facility should house based upon administrative judgments and sound correctional practices. See also ceiling capacity, *design capacity* and *ideal capacity.*

releases. See *prison releases.*

remanded. The sending of a case from an *appellate court* back to the court in which the case originated, in order that some further action may be taken there. See also *appeal* and *Illinois Appellate Court.*

reported offenses. Those *offenses* that are known to the police, minus any *unfounded offenses* and *offenses referred to another jurisdiction.* In this report, "reported offenses" are the same as *offenses actually occurring* (in *I-UCR* terminology).

restitution. A sentence imposed by the court which orders the defendant to pay the victim for physical or monetary damages suffered as a result of the defendant's criminal actions. If the defendant cannot fulfill the requirements monetarily, the court may order specific services to be provided to the victim, in lieu of financial payment.

Revised Illinois Uniform Crime Reports. Illinois' version of NIBRS, maintained by the Illinois State Police and implemented in 1992. R-IUCR data collection was suspended at the end of 1994 and is currently being restructured by ISP.

robbery. See *index robbery.*

sexual assault. See *index criminal sexual assault.*

SHR. See *Supplementary Homicide Reports.*

SOL. See *stricken off the record with leave to reinstate.*

state's attorney. The highest-ranking law enforcement officer in each county in Illinois. The state's attorney, who is elected to a four-year term by the voters in the county, commences and carries out all criminal and juvenile proceedings in the county and deals with some civil matters as well.

station adjustment. An informal *disposition* in a *juvenile* case issued by law enforcement officers in lieu of proceeding with formal court action. Station adjustments can be simple (requiring a juvenile to cooperate more closely with parents or guardians) or detailed (assigning a juvenile to a structured rehabilitation or counseling program), and they are not legally binding.

status offenders. Juveniles whose behavior violates the law only because of their status as juveniles. For example, running away is a status offense because the status of the perpetrator—that of a *juvenile*—is a necessary element of the offense, since the same behavior by an adult would not violate the law.

statutory class. See *offense class.*

stricken off the record with leave to reinstate. A device by which the prosecutor dismisses the *charges* for the time being, but is allowed to resume criminal proceedings in the case at a later date.

subpoena. A command to appear at a certain time and place to give testimony upon a certain matter.

supervision. A type of court *disposition* in which a *defendant* is allowed to remain in the community without the supervision of a probation officer, but must comply with certain court-ordered conditions of release. If such conditions are met, criminal charges are dismissed.

Supplementary Homicide Reports. An *I-UCR* data set used from 1972 to 1992 that contains detailed information about homicides in Illinois, including information about victims, offenders, circumstances of the crimes, and weapons.

sworn law enforcement officer. An employee of a law enforcement agency who is an officer sworn to carry out law enforcement duties, including *arrests*.

theft. See *larceny/theft*.

transfer hearing. A *juvenile* court hearing to decide whether a case involving a juvenile aged 13 or older who is suspected of a serious crime should remain in the juvenile system or should be moved to adult court for prosecution. See also *automatic transfer* and *discretionary transfer*.

trial disposition. A *disposition*—either a conviction or an acquittal—resulting from a criminal trial. This category does not include cases that are dismissed during *pretrial proceedings*. See also *non-conviction disposition*.

truant minor in need of supervision. A minor under age 21 who is reported by a regional superintendent of schools (in a county of fewer than 2 million people) to be a chronic truant, for whom all other preventive and remedial school and community resources have failed or who refused such services, may be adjudged a truant minor in need of supervision.

true bill. See *indictment*.

UCR. See *Uniform Crime Reports*.

unfounded offenses. An *I-UCR* classification used from 1972 to 1992 for incidents that were originally reported to the police as crimes, but further investigation indicated that no crimes, or different crimes, actually occurred.

Uniform Crime Reports. A program operated by the Federal Bureau of Investigation to collect police-level crime statistics—including *offenses*, *arrests*, and employment data—from local law enforcement agencies throughout the country. In Illinois, UCR statistics are compiled by the *Illinois State Police*. See also *Illinois Uniform Crime Reports*.

victim impact statement. A written statement, prepared by a crime victim in conjunction with the *state's attorney's* office and presented orally at a sentencing hearing, that describes the impact of the offender's criminal behavior on the victim. The court must consider this statement, along with all other appropriate factors, in determining the offender's sentence.

victim-witness coordinator. A person, usually employed by a *state's attorney's* office, who provides support to crime victims and witnesses throughout the court process. Services typically provided by victim-witness coordinators include the following: orientation to the operations and physical layout of the court; explanation of the roles of judges, *prosecutors*, and defense attorneys; and assistance in activities outside court, such as completing compensation forms and securing follow-up services in community programs.

victims' bill of rights. See *Bill of Rights for Victims and Witnesses of Violent Crime*.

Victims of Crime Act (VOCA). A federal law enacted in 1984 to help provide services to victims of violent crimes.

violent crime. In this report, a general classification for the four *index crimes* of *murder*, *sexual assault*, *robbery*, and *aggravated assault*.

violent index crime. See *violent crime*.

voluntary manslaughter. See *index murder*.

warrant calendar. A device for managing criminal cases that have been temporarily suspended because the *defendants* have failed to appear in court as required. It is called a warrant calendar because an *arrest warrant* has been issued for the defendant in this type of case.

work release. A correctional program in which incarcerated offenders are allowed to leave a correctional institution or facility during reasonable hours to work, attend school, obtain treatment, or to pursue other purposes identified by correctional officials. Work release is meant to assist the offender's rehabilitation without causing undue risk to public safety. See also *periodic imprisonment*.

youth center. Generally, any facility used for *juvenile* housing and programs. In this report, an *Illinois Department of Corrections* Juvenile Division facility for the care and custody of youths committed by the courts.

APPENDIX B: LAW ENFORCEMENT SURVEY

As described in the "Law Enforcement" chapter, the Authority collected four types of data for 1993, 1994, and 1995, from a sample of law enforcement agencies across the state. The four types of data are:

Offenses known to police. Law enforcement agencies were asked to report annual offense totals for each of the eight index crimes and for unlawful use of weapons. In addition, agencies were asked to indicate the numbers of violent index offenses and unlawful use of weapons offenses that involved handguns, and the numbers that involved other firearms.

Weapons seized. Agencies were asked to report annual totals for handguns, other firearms, and miscellaneous weapons that they seized or otherwise removed from citizens.

Adult arrests. Agencies were asked to report annual adult arrest totals for each of the eight index crimes, unlawful use of weapons, possession of cannabis, manufacture/delivery of cannabis, possession of a controlled substance, and manufacture/delivery of a controlled substance — by sex and age of arrestee.

Juveniles taken into police custody. Agencies were asked to report annual totals for juveniles taken into police custody for each of the eight index crimes, unlawful use of weapons, possession of cannabis, manufacture/delivery of cannabis, possession of a controlled substance, and manufacture/delivery of a controlled substance — by sex and age of the juvenile, and by the police's disposition of the case (whether the juvenile was station adjusted or referred to court).

The data collected from the sample set of police agencies were used to calculate statewide and regional estimates for each of the data elements collected. The objective of the survey was to obtain from a probability sample of agencies more detail than what was available from the 1993-1995 summary statistics collected by the Illinois State Police (ISP), while keeping the data request simple, so agencies could provide the data without unreasonable effort. The Authority employed the consultant services of Abt Associates, of Cambridge, Mass., to provide the sampling design and to carry out the estimation procedures for this data collection project.

Figure B-1

Distribution of reporting police agencies by subregion

Subregion	Number of agencies	Number of counties
Chicago	1	--
Suburban Cook County	133	1
Collar counties	131	5
Urban	203	20
Rural	330	76
Total	798	102

SAMPLING FRAME

As an initial step, to establish the sampling frame for the survey, the Authority gave Abt Associates a list of all reporting police agencies in Illinois; the list contained the names and NCIC numbers for each agency, the county in which each police agency is located, the type of agency (municipal police, sheriff's department, or university police department), the size of the population under the agency's jurisdiction, and the total number of property offenses reported by the agency in 1995. This list was used for the selection of the sample.

STRATIFICATION

The five subregions were defined as the city of Chicago, suburban Cook County, the collar counties, rest of state/urban, and rest of state/rural (Figure B-1).

Subregion	Number of police agencies	Sample size assuming 100% response	Sample size assuming 70% response	Final sample size
Collar counties	131	78	112	131
Urban counties	203	100	143	130
Rural counties	330	123	176	170

Figure B-2
Sample size requirements assuming 100% vs. 70% response rates

The police agencies in the urban and rural subregions were also stratified by size, where size was defined as the number of total property offenses reported to ISP by the agency in 1995. This was done because of the large variation in the number of property offenses between agencies within each subregion. For example, in the urban subregion, the number of property offenses varied from 13,671 to zero.

SAMPLE SIZE AND ALLOCATION

The required sample size for the survey is dependent upon the desired reliability of the estimates, the variability of the agency data, and the budget and time available to conduct the survey. The option of including all police agencies in the sample was not adopted because, in addition to imposing a response burden on all agencies in the state, it would also limit the Authority's resources and time to follow up on nonrespondents. To reduce the bias due to nonresponse, it was decided to mail the data forms to a sample of police agencies and then use agency resources to follow up with nonrespondents (including the use of Authority staff to manually retrieve data at several police agencies from manual record files).

In view of the size of police agencies in suburban Cook County and their impact on the overall sample, all 133 police agencies in that subregion were included in the sample with certainty. In the other three subregions, it was decided to have a large enough sample to provide estimates within plus or minus 9 percent to 10 percent of the true value except for a 1 in 20 chance. In other words, the sample is large enough to construct a 95 percent confidence interval for the unknown population totals by taking the sample estimates plus or minus 9 percent to 10 percent of the estimates. Once we have the interval, we can say with 95 percent confidence that a population total is contained in this interval.

To determine the sample size for this level of reliability, we need to know the variability of characteristics of interest. One measure of this is the coefficient of variation (CV) of the characteristic of interest, which is calculated as the standard deviation divided by the mean. For sample size determination, we assume that the CV of characteristics of interest is no more than 70 percent. Assuming simple random sampling of police agencies from a large population, we would require a sample of 196 police agencies from each subregion. This sample size, however, does not take into account the number of police agencies in the population in each subregion. If this is taken into account, a finite population correction is applied reducing the required sample size. For example, if the number of police agencies in a subregion is 131, then we would require a sample of 78 agencies after applying the finite population correction. All the above computations are done under the assumption that there is 100 percent response to the survey. If we assume a 60 percent response rate and a follow-up of 25 percent of nonrespondents, the sample size needs to be boosted so that we get the required number of completed forms. Figure B-2 shows the number of agencies in each subregion and the sample

Figure B-3

Distribution of the total sample by subregion

Subregion	Number in population	Number in sample
Chicago	1	1
Suburban Cook County	133	133
Collar counties	131	131
Urban counties	203	130
Rural counties	330	170
Total	798	565

size required for a 95 percent confidence interval, assuming 100 percent response, as well as the sampe size assuming an overall 70 percent response rate.

Since the number required in the sample was quite close to the population size, it was decided to include all 131 police agencies in the collar counties in the sample. For the other two subregions, the final sample size is smaller than that required, assuming a 70 percent response rate. This is because we are not drawing a simple random sample, but a stratified random sample (stratified by the number of 1995 property offenses reported by the agency) that is expected to be more efficient than a simple random sample needing a smaller sample size. Also, we expect a slightly higher actual response rate than what is assumed for sample size determination. Therefore, the reliability of the estimates is expected to be higher than planned. This permits a slight reduction in the sample size. The final sample for the state is shown in Figure B-3.

SAMPLE SELECTION

There was found to be a large variation in the number of 1995 property offenses between police agencies within each of the urban and rural subregions. In the urban subregion, 13 percent of the police agencies account for 86 percent of the total property offenses. In the rural subregion, 7 percent of the police agencies account for almost 43 percent of the property offenses. It is reasonable to assume that the total property offenses have a high-to-moderate correlation with other types of offenses (as well

Figure B-4

Distribution of urban and rural agencies by 1995 total property offenses

Size of group (property offenses in 1995)	Urban Subregion		Rural Subregion	
	Number of agencies	Total property offenses in 1995	Number of agencies	Total property offenses in 1995
0-49	89	1,829	147	2,607
50-99	23	1,662	49	3,604
100-499	49	11,159	112	25,551
500-999	16	11,081	14	9,979
1,000 or more	26	81,474	8	13,654
Total	203	107,205	330	55,395

Size of group (property offenses in 1995)	Urban Subregion		Rural Subregion	
	Number of agencies	Sample	Number of agencies	Sample
0-49	89	36	147	34
50-99	23	15	49	24
100-499	49	37	112	90
500-999	16	16	14	14
1,000 or more	26	26	8	8
Total	203	130	330	170

Figure B-5

Allocation of the sample in urban and rural subregions by size group

as adult arrests, juveniles taken into police custody, and weapons seized) as a large number of property offenses are associated with police agencies covering large populations.

Given this distribution, an enhanced sampling strategy was employed — stratifying the police agencies within each subregion by total property offenses and including those agencies with the largest property offenses in the sample with certainty. Figure B-4 shows five size groups (defined as the number of property offenses in 1995) for the urban and rural subregions, and the number of agencies within each category.

Several alternative allocations of the total urban and rural sample to size strata were examined. If the total sample were allocated in proportion to the number of police agencies in each size stratum, there would be a large sample of small police agencies (low property offense totals) and a very small sample of large police agencies (high property offense totals). With this option, we would be sampling 57 police agencies with 0-49 property offenses and 17 agencies with 1,000 or more in the urban subregion. On the other hand, if we allocate the total urban sample in proportion to the total number of property offenses in each size stratum, we would be sampling only two police agencies from the stratum with 0-49 property offenses. Therefore, we adopted a compromise allocation in which the total sample was allocated to each size stratum in proportion to the square root of the total number of property offenses in each subregion. This allocation gives a large sample of large police agencies while allowing for a moderate sample of small police agencies.

Under this allocation, all the police agencies with 1,000 or more and 500-999 property offenses were selected with certainty. Therefore, all 42 police agencies in the urban subregion and 22 police agencies in the rural subregion having 500 or more property offenses were included in the sample. In the rural subregion, the rest of the sample was allocated to remaining size strata approximately in proportion to the square root of the total number of property offenses in each size stratum. In the urban subregion, to get a moderate sized sample from the small police agencies, a second compromise allocation had to be adopted. This was done by taking the average of proportional allocation and square root allocation. For example, the allocation in proportion to the total number of police agencies in the "50-99" size stratum resulted in a sample of 13 agencies. But the allocation in proportion to the square root of the total number of property offenses gave a sample of 18 agencies. An average of these two allocations resulted in selecting 15 agencies from that stratum (Figure B-5).

For the actual selection of police agencies within each size stratum, two sample selection methods were considered. One is the probability-proportional-to-size sampling method and the other is systematic sampling of police agencies after arranging them by size. Probability- proportional-to-size sampling was not adopted, as size was already used for stratifica-

Figure B-6
Sample selection

Subregion	Sample
Chicago	Chicago Police Department
Suburban Cook County	All police agencies
Collar counties	All police agencies
Urban counties	130 police agencies out of 203
Rural counties	170 police agencies out of 330

ity- proportional-to-size sampling was not adopted, as size was already used for stratification and allocation. Also, the correlation between property offenses and all types of other offenses, arrests, and so on may not be strong enough, and the use of the inverse of the probabilities of selection as weights for these variables might lead to inefficient estimates. Therefore, it was decided to draw a systematic sample of police agencies within each size stratum after arranging the agencies by size, the fractional interval method (Samdal, Swensson and Wretman, 1992). The sample selection process for each subregion is summarized in Figure B-6.

The police agencies in the urban and rural subregions are located in many different counties and represent different agency types — municipal, sheriff's department, and university police. All counties in the urban subregion except one are represented in the urban sample. Of the 76 counties in the rural subregion, 72 counties are represented in the sample. Similarly, police agencies of all three agency types, and the secretary of state police are represented in the sample. Data from agencies such as park district and railroad police, ISP troopers, and the FBI are not included because that data has already been reported by the local agencies. The proportion of such agencies in the sample depend on the size stratum of the agencies, because the sample is allocated according to the number of property offenses.

One of the steps to produce population estimates for each subregion and for Illinois is to multiply the data obtained from an agency by a sampling weight. The sampling weight for an agency in the sample is the inverse of the probability of selection for that police agency. The weight is equal to one for all police agencies selected with certainty. These weights were later adjusted for nonresponse and used for obtaining the estimates of characteristics of interest.

OVERVIEW OF ESTIMATION PROCEDURE

The process of estimating the total number of offenses, arrests etc. in the population of police agencies (based on the sample selected) involves the use of basic sampling weights and adjustment for unit nonresponse and item nonresponse. Unit or total nonresponse arises from the inability of a police agency to provide the data in the required format and therefore, the entire data set is missing. Item nonresponse arises because of incomplete or missing data for certain items in the survey.

There are two types of errors possible in an estimate based on a sample survey — sampling and nonsampling. Sampling errors occur because observations are made only on a sample, not on the entire population. Nonsampling errors can be attributed to many sources, such as the inability to obtain information from all police agencies in Illinois, or mistakes in recording or coding the data. The accuracy of a survey estimate is determined by the joint effects of sampling and nonsampling errors. The sample used in this survey is one of a number of all possible samples of the same size that could have been selected using the same sample design. Estimates derived from different samples would differ from each other. The difference between a sample estimate and the average of all possible samples is called the sampling deviation. The standard error or

Subregion	Number of police agencies	Sample size	Number of respondents (average)	Response rate
Chicago	1	1	1	100%
Suburban Cook County	133	133	74	55.6%
Collar counties	131	131	97	74%
Urban counties	203	130	66	50.7%
Rural counties	330	170	85	50%
Total	798	565	323	57.1%

Figure B-7

Number of agencies in the sample and the number responding

sampling error of a survey estimate is a measure of the variation of the estimates from all possible samples. This is also a measure of the precision of the estimate from a particular sample in the sense that it measures how well the sample value approximates the population value. Measuring nonsampling errors is difficult. However, every effort was made to minimize nonsampling errors by follow up with nonrespondents, and by careful editing and coding of the data.

The original sample size and the number of police agencies that responded in each of the five regions are shown in Figure B-7. There was a slight difference in the number of agencies providing data for each of the three years. Therefore, the average number of respondents is shown.

Adjustments were made for both unit nonresponse and item nonresponse by Abt Associates. The formula used to adjust for unit nonresponse is based on a simple ratio of the number of police agencies selected in a specific sample strata to the number of agencies that provide either complete or partial data for a given year. This assumes that nonresponse occurs at random. The ratio and overall weight formulas are available from the Authority.

One method of dealing with the problem of item nonresponse is to delete police agencies that have provided any missing or incomplete data items. This is not an ideal practice, though, since the available sample size could shrink considerably, thus affecting the precision of the estimates. A second option is to impute missing data. This is done by filling in missing values by taking data from other police agencies that have provided complete data and are considered similar to the agencies for which data are missing. Due to limitations of time and resources, however, a weight adjustment method was employed — an option usually reserved for total nonresponse. This avoids the problem of deleting entire records that have any data items missing. Separate weight adjustments were not a problem because of the relatively small number of variables for which estimates were needed. Care was taken to insure that there were no inconsistences between estimates. Generally, more agencies reported aggregated forms of data (such as total number of adult arrests by offense type and total number of juveniles taken in to custody) than those agencies reporting the full detail (such as arrests by age group, sex, and so on). Therefore, aggregates were estimated first; they were considered more accurate both from the point of view of sampling error and response error. These totals were used to prorate the estimated totals for subgroups that were generally based on a smaller number of agencies. The sum of the prorated subgroup estimates equal the estimated totals in all cases.

The actual estimation formulas used in this project are available from the Authority.

STANDARD ERRORS OF THE ESTIMATES

Standard errors were computed at the stratum level. For computing the standard errors of the estimates for Illinois, the variance of the estimates for each subregion were aggregated and then the square root of the aggregated variance was taken.

The standard error of the estimates for the Chicago subregion is zero as there is only one police agency, the Chicago Police Department. In theory, for the suburban Cook and collar county subregions, the standard errors of the estimates which reflect the sampling error should be zero, because all the police agencies in the population were included in the sample. But, because of nonresponse, the number of agencies providing data was smaller than the population number of agencies in those two regions. Standard errors were computed assuming that the resulting sample of respondents is a random sample without replacement from the population in each of the two subregions. A careful examination of the nonrespondents by geography and size supports the assumption. There is no evidence of any significant bias due to nonresponse. Similarly, for the urban and rural subregions, standard errors were computed assuming that the sample of responding police agencies is a simple random sample without replacement from the population of police agencies from each of the size groups in each of those regions. The standard errors of the subtotals were computed before being prorated. The reliability of the prorated estimates are expected to be higher than those just based on the sample in a specific cell because the estimates used for prorating are based on a larger sample and less subject to response errors. The formulas used to compute standards errors are available from the Authority.

The estimates of year-to-year change are expected to be more precise than the estimates of levels for each year because the data were collected from the same sample of police agencies for the three years. Also, the estimates of percentages of total arrests in specific age and sex subgroups are expected to be more precise than totals because of the high correlation between total arrests and arrests in different age and sex groups.

The standard error depends on sample size and the variability between police agencies in the number of arrests for a certain offense type. The CVs of the estimates of offenses, adult arrests, and juveniles taken into custody for certain offense types are higher than for others. In addition, the CV tends to be large for offense types for which a large number of police agencies report zero offenses, arrests, etc. Finally, the CV for subregion estimates are higher than for statewide estimates.

The estimated CV can be used to provide confidence intervals for population values. For example, a 95 percent confidence interval for the total number of arrests for murder in Illinois is obtained by taking the estimate and adding and subtracting twice the 2.94 percent of the estimated number of arrests. This gives the interval as 1,041 plus or minus 62. Therefore, we have 95 percent confidence that the total number of arrests for murder in Illinois in 1995 is in the interval 979 to 1103. Similar intervals can be constructed for the total number of offenses known to police, the total number of juveniles taken into custody, and total number of weapons seized.

Notes

Sarndal, C.E., Swensson B., and Wretman, J (1992) Model Assisted Survey Sampling, Springer-Verlag, New York.

APPENDIX C: LEGISLATION

Since the last publication of *Trends and Issues* in 1991, the Illinois General Assembly has considered and passed a great deal of criminal justice legislation. While the legislation covers many criminal justice-related topics, the General Assembly emphasized the areas of drugs, gangs, and weapons.

The first part of this legislative appendix summarizes much of the criminal justice legislation passed by the 89th General Assembly, and signed into law by Gov. Jim Edgar as of Jan. 1, 1997. The second part of this appendix includes significant criminal justice legislation enacted by the 87th and 88th General Assemblies from 1991 through 1994. This appendix — by no means an exhaustive list of criminal justice legislation enacted by the General Assembly — is a summary of the more important legislation affecting different aspects of the criminal justice system.

The laws in this appendix are organized by topic, including some that correspond to the chapter titles of this report. Each summary contains brief descriptions of the legislation, the public act numbers, and the effective dates of the laws. Copies of public acts are available from the Illinois Secretary of State, Index Department, 217-782-7017.

RECENT LEGISLATION FROM THE 89TH GENERAL ASSEMBLY

CORRECTIONS

Intermediate sanctions. Requires the chief judge of each circuit to adopt a system of structured intermediate sanctions for juveniles and adults who violate the terms and conditions of a disposition of probation, conditional discharge or supervision. Allows a probation officer to impose such intermediate sanctions upon a defendant if that defendant violates the terms and conditions of the sentence of probation, conditional discharge or supervision. PA 89-198; effective July 21, 1995.

Truth-in-sentencing. Requires people serving a term of imprisonment for first degree murder to serve the entire sentence imposed by the court. Requires people convicted of certain other serious violent offenses to serve 85 percent of their sentences. Establishes the Truth-in-Sentencing Commission to develop and monitor legislation facilitating the implementation of truth-in-sentencing laws and to study the possibility of changing sentences to more accurately reflect the actual time spent in prison, while preserving the system's ability to justly and equitably punish criminals. PA 89-404; effective Aug. 20, 1995.

Prisoner Review Board hearings. Requires the Prisoner Review Board, in coordination with the Illinois Department of Corrections and the Department of Central Management Services, to implement a pilot project in three correctional institutions that allows certain Prisoner Review Board hearings to be conducted through interactive videoconferences. Allows the Prisoner Review Board to conduct hearings with only one member, rather than three members present. Three members are still needed to make decisions. PA 89-490; effective Jan. 1, 1997.

Obstruction of prison cells. Requires the Illinois Department of Corrections to prohibit the use of curtains, cell coverings, or any other matter or object that obstructs or otherwise impairs the line of vision into a prison cell. PA 89-609; effective Jan. 1, 1997. PA 89-689; effective Dec. 31, 1996.

Convicted aliens. Under certain conditions and upon motion of the state's attorney, allows the court to hold a sentence in abeyance, or if the defendant, who is an alien as defined by federal immigration law, has already been sentenced, to suspend the sentence imposed, and remand a defendant to the custody of the U.S. attorney general for deportation. PA 89-627; effective Jan. 1, 1997.

Educational reimbursement. Requires inmates participating in Illinois Department of Correc-

tions' educational programs leading to the award of a degree from a community college, college, or university to reimburse the department for that education's costs. PA 89-659; effective Aug. 14, 1996.

Inmate medical and dental expenses. Requires a person committed to the Illinois Department of Corrections and receiving medical or dental services on a nonemergency basis to pay a $2 co-payment to the department for each visit for such services at a place other than the institution or facility to which he or she is assigned. PA 89-659; effective Aug. 14, 1996.

IDOC disciplinary procedures. Makes several changes in IDOC disciplinary procedures including repealing the prohibition against IDOC placing restrictions on clothing or bedding for disciplinary purposes, or reductions in the use of toilets, washbowls and showers for disciplinary purposes; repealing the requirement that disciplinary restrictions on visitations, work, education or program assignments and the use of the prison library be related as closely as practicable to abuse of such privileges or facilities; repealing the prohibition that no person may be placed in solitary confinement for disciplinary reasons for more than 15 consecutive days or more than 30 days out of any 45-day period; and repealing the prohibition on using work, education, or other program assignments for disciplinary purposes. Eliminates procedural requirements that the Department must follow for certain disciplinary cases. PA 89-688; effective July 1, 1997.

IDOC educational requirements. Requires a first time offender sentenced to IDOC to attend educational courses and work toward a high school diploma or General Education Development (GED) certificate or toward the completion of vocational training programs offered by the department. If the required educational training is not completed during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the offender to pursue a course of study toward a high school diploma or GED certificate at his or her own expense. Provides that the Prisoner Review Board shall revoke the MSR for an offender who willfully fails to comply with these requirements. This section does not apply to an offender who has already earned his or her high school diploma or GED certificate or is developmentally disabled or otherwise mentally incapable of completing the program. PA 89-688; effective July 1, 1997.

Educational requirements. Allows a sentencing court in Cook County to require, as a condition of probation, conditional release, supervision or periodic imprisonment, a first time offender to attend courses and work toward a high school diploma or to work toward passing the GED or toward completing a vocational training program approved by the court. This section does not apply to an offender who has already earned his or her high school diploma or GED certificate or is developmentally disabled or otherwise mentally incapable of completing the program. PA 89-688; effective July 1, 1997.

Unjust imprisonment. Amends the Court of Claims Act to adjust the maximum award authorized for a person who has been unjustly imprisoned and has received a pardon from the governor stating that such pardon is issued on the ground of innocence. PA 89-689; effective Dec. 31, 1996.

CRIMINAL PROCEDURE

Insanity. Provides that if the affirmative defense of insanity is raised in a criminal trial, the defendant bears the burden of proving by clear and convincing evidence, rather than a preponderance of evidence, his or her insanity at the time of the offense. Limits the use of the insanity defense, requiring a defendant claiming insanity to prove that he or she lacked the substantial capacity to appreciate the criminality of his or her conduct. Under previous law, the defendant could also have claimed that he or she lacked the substantial capacity to conform his or her conduct to the law. PA 89-404; effective Aug. 20, 1995.

Hearsay exception. Under certain conditions, allows the court to admit into evidence prior statements of a witness who has refused to testify despite a court order to testify. PA 89-689; effective Dec. 31, 1996.

Psychotropic drugs. Removes the requirement for a mandatory fitness hearing for a person who is receiving psychotropic drugs under medical direction. Provides that a person receiving such drugs shall not be presumed to be unfit to stand trial solely by virtue of the receipt of those drugs. PA 89-689; effective Dec. 31, 1996.

DOMESTIC VIOLENCE

Firearm Owner's Identification Card. Allows the Illinois State Police to deny a Firearm Owner's Identification Card, or revoke a previously issued card, for people who are subject to an existing order of protection prohibiting them from possessing a firearm or who have been convicted within the past five years of domestic battery, battery, assault, aggravated assault, violation of an order of protection, or a similar offense in another jurisdiction, in which a firearm was used or possessed. PA 89-367; effective Jan. 1, 1996.

Orders of Protection and weapons. Allows the court, under certain circumstances, to order a respondent subject to an order of protection to turn over any firearms in his or her possession to the local law enforcement agency for safekeeping for up to two years. If the respondent is a peace officer, the court must order that any firearms the respondent uses while performing his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed for up to two years. PA 89-367; effective Jan. 1, 1996.

DRUGS/GANGS

Drugs near religious institutions. Increases penalties for certain Controlled Substances Act violations occurring on, or on the public way within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship. PA 89-451; effective Jan. 1, 1997.

Street gang criminal drug conspiracy. Creates the offense of street gang criminal drug conspiracy, a class X felony, when certain controlled substances violations are committed as part of a conspiracy to further the activities of an organized gang, and the person organizes, supervises, or otherwise manages the conspiracy. Also includes forfeiture provisions for receipts and property related to the conspiracy. PA 89-498; effective June 27, 1996.

Gang Crime Witness Protection Act. Creates the Gang Crime Witness Protection Act, a pilot program to be established and operated by the Illinois State Police to assist victims and witnesses who are actively helping prosecute perpetrators of gang crimes. PA 89-498; effective June 27, 1996.

Nuisances. Adds to the definition of nuisance in the Abandoned Housing Rehabilitation Act to include property on which any illegal activity involving controlled substances or cannabis takes place or any property on which any street gang-related activity takes place. PA 89-553; effective Jan. 1, 1997.

Aggravated intimidation. Creates the offense of aggravated intimidation, a class 1 felony, when any street gang member commits the offense of intimidation in furtherance of the activities of an organized gang. PA 89-631; effective Jan. 1, 1997.

Gang members in IDOC. Requires the Illinois Department of Corrections to promptly segregate gang leaders from inmates who belong in their gangs and allied gangs. Requires the Illinois Department of Corrections, in an annual confidential report to the governor, to identify all inmate gangs by specifying each current gang's name, population, and allied gangs. In addition, the report must specify the number of top leaders identified by the Department for each gang during the past year, and the measures taken by the Department to segregate each leader from his or her gang and allied gangs. PA 89-688; effective June 1, 1997. PA 89-689; effective Dec. 31, 1996.

Monitoring gang conversations. Allows the Illinois Department of Corrections to monitor any unprivileged conversation or communication between an inmate who, before commitment to the department, was a member of an organized gang and any other person without need to show cause or satisfy any other requirement of law before beginning the monitoring, except as constitutionally required.

PA 89-688; effective June 1, 1997. PA 89-689; effective Dec. 31, 1996.

Statewide grand jury. Provides that no more than two statewide grand juries may be empaneled at any time. PA 89-688; effective July 1, 1997.

FINES AND FEES

Trauma Center Fund. Imposes an additional fee of $100 for a person convicted of certain weapons offenses or sentenced for certain drug-related offenses. The amount collected is deposited into the Trauma Center Fund. PA 89-516; effective July 18, 1996.

Arrestee's medical expenses. Imposes a $10 fee for each conviction or order of supervision for a criminal violation. Requires deposit of that fee into the Arrestee's Medical Costs Fund, which is to be used to reimburse medical providers, counties, or arresting authorities for their costs in providing medical services to an arrestee or prisoner. PA 89-676; effective Aug. 14, 1996.

INFORMATION SHARING

Guns in schools. Requires the superintendent of a school district to report to the local law enforcement agency, within 24 hours, a verified incident involving a firearm in a school or on property owned or leased by a school, including any conveyance owned, leased, or used by the school for the transport of students or school personnel. The superintendent must also report such information to the Illinois State Police. PA 89-498; effective June 27, 1996.

Notification of school superintendents. Requires the court clerk to mail a copy of the judgement of conviction or order of supervision or probation to the appropriate regional school superintendent when a school employee is convicted or placed on supervision or probation for certain sex and drug offenses. The regional superintendent of schools must inform the State Board of Education of any notification under this section. PA 89-545; effective July 25, 1996.

Sharing Public Aid files. Specifies that Public Aid case files shall be made available to law enforcement agencies to determine the current addresses of recipients with outstanding arrest warrants. PA 89-583; effective Jan. 1, 1997.

Fingerprinting DUI offenders. Requires police to submit fingerprints of people arrested for driving under the influence. States that records that result from a disposition of supervision for DUI violations shall not be expunged. PA 89-637; effective Jan. 1, 1997. PA 89-689; effective Dec. 31, 1996.

Public Aid recipients in prison or jail. Requires the Department of Public Aid to enter into intergovernmental agreements to exchange information monthly with the Illinois Department of Corrections, the Cook County Department of Corrections, and the office of the sheriff of every other county to determine whether any person receiving public aid is an inmate. The Department of Public Aid must review the list of individuals and verify their eligibility for benefits. PA 89-659; effective Aug. 14, 1996.

JUVENILES

Child Advocacy Advisory boards. Requires a Child Advocacy Advisory Board that is adopting or modifying a written child sexual abuse protocol to submit its draft to the Illinois Child Advocacy Commission, created by this Act, for review and comments, and, upon protocol finalization, to file the protocol with the Department of Children and Family Services. Authorizes Advisory Boards to adopt written protocols for coordinating serious child physical abuse cases. PA 89-543; effective Jan. 1, 1997.

Juvenile detention. For all counties except Cook, establishes conditions under which minors 12 years old or older may be temporarily confined in a county jail pending an adjudicatory hearing. Includes requirements regarding the length of confinement and the separation by sight, sound, or otherwise between the minor and adult prisoners. Requires the Illinois Department of Corrections to adopt standards for county jails to hold juveniles on a temporary basis. PA 89-656; effective Jan. 1, 1997.

LAW ENFORCEMENT

Motor vehicle theft. Extends the sunset date for the Motor Vehicle Theft Prevention Act from Jan. 1, 1996, to Jan. 1, 2000. Removes the

Department of Insurance director and a representative of purchasers of motor vehicle insurance, and adds two insurance company representatives to the Motor Vehicle Theft Prevention Council. PA 89-277; effective Aug. 10, 1995.

Peace officer jurisdiction. Allows a peace officer to conduct temporary questioning and make arrests in any jurisdiction in the state if the officer is investigating an offense that occurred in the officer's primary jurisdiction and the questioning is conducted or arrest is made pursuant to that investigation, or if the officer, while on duty as a peace officer, becomes personally aware of the immediate commission of a felony or misdemeanor. PA 89-404; effective Aug. 20, 1995.

Court security officers. Allows any sheriff in a county with a population less than 3 million to hire court security officers to maintain the security of the courthouse. Authorizes the Illinois Law Enforcement Training Standards Board to adopt minimum basic training requirements for court security officers. PA 89-685, effective June 1, 1997.

SENTENCES AND SENTENCING

Extended term sentences. In determining whether to impose an extended term sentence, allows the court to consider that the defendant is convicted of a certain felony weapons violation and is a member of an organized gang. PA 89-689; effective Dec. 31, 1996.

Restitution. Requires the court to order restitution in all cases where a person received injury to their person or damage to their real or personal property as a result of the criminal act of the defendant. Under previous law, restitution was only required when the victim was 65 years old or older or when the defendant was convicted of looting. PA 89-689; effective Dec. 31, 1996.

Solicitation of murder. Increases the penalty range for solicitation of murder from 15 to 30 years to 20 to 60 years when the person solicited was a person under 17 years old. PA 89-689; effective Dec. 31, 1996.

SEX OFFENSES

Sex offender registration. Changes the Child Sex Offender Registration Act to the Sex Offender Registration Act and requires offenders convicted of certain offenses against adults to register as well. PA 89-8; effective Jan. 1, 1996.

Sex offender registration and community notification. Adds predatory criminal sexual assault of a child, aggravated kidnapping, kidnapping, aggravated unlawful restraint, unlawful restraint, and first degree murder of a child to the definition of sex offense in the Sex Offender Registration Act. Increases the penalty for violations of the registration act to a class 4 felony. Prohibits name changes for people subject to the registration requirements and increases the length of time to 10 years during which certain other people are prohibited from changing their names. Creates the Child Sex Offender and Murderer Community Notification Law, allowing law enforcement agencies to provide the community with information regarding registered child sex offenders. PA 89-462; effective June 1, 1996.

Sex offender DNA. Requires any person found delinquent under the Juvenile Court Act for a sexual offense or attempted sexual offense to submit blood specimens to the Illinois State Police for analysis and categorization into genetic marker groupings. PA 89-550; effective Jan. 1, 1997.

VICTIMS

Rights of Crime Victims and Witnesses Act. Amends the Rights of Crime Victims and Witnesses Act. Requires the Prisoner Review Board, upon written request, to provide to a victim or any other concerned citizen a recent photograph of any convicted felon, upon his or her release from custody. PA 89-481; effective Jan. 1, 1997.

Victim impact statements. Allows a victim impact statement to be presented in writing at a sentencing hearing and allows a victim impact statement that is presented orally to be presented by a victim or his or her representative. PA 89-546; effective Jan. 1, 1997.

LEGISLATION FROM 87TH AND 88TH GENERAL ASSEMBLIES

CORRECTIONS

Early release. Adds substance abuse programs and correctional industry assignments to the list of programs for which an inmate may receive additional good conduct credit if satisfactorily completed. Increases the amount of good time credit for participation in those programs. Inmates are not eligible for additional good conduct credit under this section while assigned to boot camps, mental health units, or electronic detention; if convicted of certain offenses; or who have previously received increased good conduct credit under these provisions and have subsequently been convicted of a felony or who have served more than one prior prison sentence for a felony in an adult correctional facility. PA 88-311; effective Aug. 11, 1993.

Impact incarceration programs. Increases the upper age limit eligibility requirement, from 29 years old to 35 years old, for offender participation in an impact incarceration program. Further modifies eligibility requirements, excluding people who have previously participated in such a program and who have previously served more than one prison sentence. Clarifies that people who have ever been convicted of certain serious felonies are not eligible to participate in the programs. Expands the eligibility to allow people serving a prison sentence of eight years or less to participate in the programs. PA 88-311; effective Aug. 11, 1993.

Home detention program. Excludes people convicted of certain serious violent or drug offenses from being placed in an electronic home detention program. Allows other inmates serving a sentence for a class 1 felony to participate in electronic home detention during the last 90 days of incarceration. Also allows a person serving a sentence for a class X felony to participate in electronic home detention during the last 90 days of incarceration if such a person was sentenced on or after the date of the amendatory act and the court has not prohibited the program for the person in the sentencing order. A person serving a sentence for other offenses, other than certain sexual offenses, may be placed on electronic home detention for not more than the last 12 months of the sentence if the person is 55 years old or older; is serving a determinate sentence and has served at least 25 percent of the sentenced prison term; and the home detention has been approved by the Prisoner Review Board. People serving sentences for class 2, 3, or 4 felonies which are not excluded offenses, may be placed on electronic home detention according to Department of Corrections directives. PA 88-311; effective Aug. 11, 1993.

CRIMES AND CRIMINAL OFFENSES

Stalking. Creates the offenses of stalking and aggravated stalking. Stalking is a class 4 felony with a second or subsequent conviction classified as a class 3 felony. Aggravated stalking is a class 3 felony with a second or subsequent conviction classified as a class 2 felony. Allows bail denial for the offenses of stalking and aggravated stalking where the court, after a hearing, determines that the denial of bail is necessary for the alleged victim's safety and to prevent fulfillment of the threat which the charge represents. PA 87-870, PA 87-871; effective July 12, 1992.

Vehicular hijacking. Creates the offenses of vehicular hijacking, a class 1 felony, and aggravated vehicular hijacking, a class X felony. PA 88-351; effective Aug. 13, 1993.

Eavesdropping. With the state's attorney's prior notification and the law enforcement officer's consent, exempts from the provisions of the eavesdropping offense the use of recordings or listening devices for officer safety in the investigation of certain offenses. Limits the use of such recordings in court proceedings. Exempts recordings made simultaneously with a video recording of an oral conversation between a peace officer and a person stopped for the investigation of an offense under the Vehicle Code. Exempts recordings of conversations made by or at the request of a person, not a law enforcement officer, who is a party to a conversation and is under reasonable suspicion that another party to the conversation is committing, about to commit or has committed a criminal offense against the person or a member of his or

her immediate household. Details procedures concerning the recording of certain exempted oral communications and the notification of people subject to such recordings. PA 88-677; effective Dec. 15, 1994.

CRIMINAL PROCEDURE

Defendant's appearance by closed circuit television. When a defendant's presence is not constitutionally required, the court may allow an incarcerated defendant to personally appear at any pretrial or post-trial proceeding by way of closed circuit television, if the court has authorized the use of closed circuit television and has established the type of proceedings that may be conducted by closed circuit television, and the corrections director, sheriff, or other authority has certified that facilities are available for this purpose. PA 88-311; effective Aug. 11, 1993.

Admissibility of evidence of past sexual conduct. Evidence concerning the alleged victim's past sexual conduct or reputation is inadmissible, except as concerning the alleged victim's past sexual conduct with the accused when the accused offers this evidence as to whether the alleged victim consented to the sexual conduct with respect to the alleged offense or when constitutionally required to be admitted. Such evidence shall not be admitted unless the court determines that the evidence is relevant and the evidence's probative value outweighs the danger of unfair prejudice. PA 88-411; effective Jan. 1, 1994.

Use immunity. Expands the scope of use immunity provisions to all criminal cases. (When a witness is granted use immunity, any information directly or indirectly derived from his or her testimony may not be used against the witness in a criminal case, except in a prosecution for perjury, false swearing, or an offense otherwise involving a failure to comply with the order to testify.) PA 88-677; effective Dec. 15, 1994.

DRUGS

Statewide grand jury. Authorizes establishment of a multicounty statewide grand jury with the authority to investigate, indict and prosecute drug-related and money laundering activities. PA 87-466; effective Jan. 1, 1992.

Currency reporting. Requires financial institutions to keep a record of every currency transaction involving more than $10,000 and file a report regarding such transaction with the Illinois State Police. Financial institutions must also follow prescribed procedures and maintain records regarding certain transactions involving bank checks, cashier's checks, money orders and traveler's checks in amounts of $3,000 or more, and report this information to the Illinois State Police. PA 87-619; effective Sept. 18, 1991.

Drug testing of defendants. Allows chief judges of circuit courts to establish drug testing programs that require defendants charged with a felony or an offense involving possession or delivery of cannabis or a controlled substance to consent to drug testing as a condition of release on the defendant's own recognizance. The judge may consider the defendant's consent to periodic drug testing during his release-on-bail period as a favorable factor in determining the amount of bail, the conditions of release or considering the defendant's motion to reduce the amount of bail. PA 88-677; effective Dec. 15, 1994.

GUNS/GANGS

Illinois Streetgang Terrorism Omnibus Prevention Act. Creates a civil cause of action in favor of units of local government or school districts against street gangs or street gang members when a public body expends money, allocates resources, or sustains any other damage as a result of a course or pattern of criminal activity by the street gang or its members. PA 87-932; effective Jan. 1, 1993.

Expansion of Metropolitan Enforcement Group activities. Expands Metropolitan Enforcement Groups' allowable activities, which were limited to the enforcement of drug laws, to include certain weapons violations and street gang-related offenses. PA 88-677; effective Dec. 15, 1994.

Statewide grand jury. Expands the authority of a statewide grand jury to include investigations, indictments and prosecutions regarding unlawful firearms sales and transfers, and street gang-related felonies. PA 88-677; effective Dec. 15, 1994.

JUVENILE JUSTICE

Habitual juvenile offenders. Allows counties to establish a Serious Habitual Offender Comprehensive Action Program (SHOCAP), a multi-disciplinary interagency program that allows the juvenile justice system, schools, and social service agencies to share information regarding serious habitual offenders and to make informed decisions regarding those juveniles. PA 87-928; effective Jan. 1, 1993.

Disclosure of juvenile court records. Allows the public to access the names and addresses of minors adjudicated delinquent for, or convicted of, certain offenses involving acts in furtherance of criminal activities by criminal street gangs, offenses involving firearms, and certain drug offenses. PA 88-548; effective Jan. 1, 1995.

Violent juvenile offenders. Provides for the adjudication of a minor as a Violent Juvenile Offender if the minor had previously been adjudicated delinquent for an offense involving force, violence or firearms, which would have been classified as a class 2 or greater felony had such minor been prosecuted as an adult, and the minor is subsequently adjudicated a delinquent minor for such an offense. A minor adjudicated a violent juvenile offender shall be committed to the Illinois Department of Corrections, Juvenile Division until his or her 21st birthday. PA 88-678; effective July 1, 1995.

LAW ENFORCEMENT

Federal law enforcement officers immunity. Modifies the definition of peace officer to include federal law enforcement officers who assist an Illinois peace officer directly or observe the commission of a felony. Provides that a federal law enforcement officer, while acting as a peace officer, is not liable for his or her acts or omissions in the execution or enforcement of any law unless the act or omission constitutes willful and wanton conduct. PA 88-677; effective Dec. 15, 1994.

Interception of private oral communication. Expands the authorization of nonconsensual interception of private oral communications, when the interception relates to certain offenses, to include offenses of solicitation of murder or murder for hire, first degree murder, money laundering, certain weapons violations, and certain conspiracies; in proceedings regarding the Illinois Streetgang Terrorism Omnibus Prevention Act; or in connection with street gang felonies. PA 88-677; effective Dec. 15, 1994.

Safe neighborhoods law. Makes numerous amendments regarding juvenile justice, gangs, alcohol abuse, firearms, corrections, and victim's rights. Includes an increase of the penalty for unlawful possession of a handgun from a class A misdemeanor to a class 4 felony. Includes provisions for the licensing of secure residential youth care facilities. PA 88-680; effective Jan. 1, 1995.

PUBLIC DEFENDERS

Cook County public defender. Establishes requirements concerning the qualifications of the public defender. Specifies that for counties with populations over 1,000,000, the public defender shall be selected for a six-year term by the president of the county board, with approval of the county board. For populations over 1,000,000, the public defender shall appoint assistants, keep a record of services rendered, and submit quarterly reports of the services rendered to the president of the county board. PA 87-111; effective Aug. 9, 1991.

SEX OFFENDERS

HIV testing. Requires juveniles adjudicated delinquent for certain sex offenses to be tested for sexually transmitted diseases, including HIV. Requires the court to notify the victim of the test results when such juvenile or a convicted sex offender is tested for any sexually transmitted disease, including HIV. PA 88-460; effective Aug. 20, 1993.

VICTIMS

Victim's rights. Implements provisions of Article I, Section 8.1, of the Illinois Constitution approved by the electorate in November 1992, guaranteeing certain rights to crime victims. PA 88-489; effective Jan. 1, 1994.

Closed circuit televising of testimony. For the prosecution of the offenses of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, and aggravated sexual abuse, the court may order that a child victim's

testimony be taken outside the courtroom and shown in the courtroom by closed circuit television, if that testimony is taken during the proceeding and the judge determines that the child would suffer serious emotional distress if required to testify in the courtroom. PA 88-674; effective Dec. 14, 1994.

Victims and witnesses rights. Adds concerned citizens to the list of people the Prisoner Review Board must notify, upon request, when offenders are released from the Illinois Department Corrections. Concerned citizen is defined to include the relatives and friends of the victim, witnesses to the crime, or any other person associated with the victim or prisoner. Requires that a witness be notified, upon request, of a defendant's request for post-conviction review, release from a state mental health facility, escape and subsequent apprehension, and release from the Department of Corrections. PA 88-677; effective Dec. 15, 1994.