

**An Evaluation of the Violent Offender Prosecution Program in
Kankakee, Sangamon, and Winnebago Counties**

Prepared for the
Illinois Criminal Justice Information Authority

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EXECUTIVE SUMMARY

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EVALUATION OF THE ILLINOIS VIOLENT OFFENDER PROSECUTION PROGRAM: EXECUTIVE SUMMARY

INTRODUCTION

In June 1996, the Illinois Criminal Justice Information Authority awarded a contract to the Jefferson Institute for Justice Studies to evaluate three violent offender prosecution (VOP) programs, which they had funded. The state's attorney's offices selected for the demonstrations were Sangamon County (Springfield), Winnebago County (Rockford) and Kankakee County (Kankakee). The evaluation was funded for a two-year period (programs are funded for 4 years). Each office was subjected to both process and impact evaluations that are documented separately. Of primary interest to the Authority is whether the programs should be replicated or transferred to other jurisdictions in the state.

This report synthesizes the knowledge gained from the three separate evaluations and presents policy recommendations to the Authority for their consideration. It combines the findings from the evaluations with evaluation and research projects conducted in similar program areas to identify the critical factors that should be considered if the Authority undertakes an expansion of the program to other jurisdictions.

PURPOSE

The purpose of this report is to:

1. Describe the impact and effects of the VOP program on prosecution and the criminal justice system.
2. Discuss the critical factors for program replication or transfer to other jurisdictions.
3. Present policy recommendations about future ICJIA support for the VOP program.

SCOPE

The findings from the evaluation that form the basis for this report include the first two years of VOP implementation and operations – basically from January 1996 through December 1997.¹

¹ The program in Sangamon County started in August 1995 and in Kankakee in October 1995

ORGANIZATION OF THE REPORT

This report is divided into 5 sections.

1. The dynamics of violent offender prosecution programs and their expected results
2. Variations on a theme: the findings from the evaluations of the three VOP programs in Illinois
3. Lessons learned: the effects of VOP on prosecution and the criminal justice system
4. Factors contributing to the success of VOP programs
5. Policy recommendations

EVALUATION METHODOLOGY

The evaluation team included Joan Jacoby, Executive Director of the Jefferson Institute for Justice Studies, Hon. Peter S. Gilchrist, III, District Attorney for Mecklenburg County (Charlotte) NC, and Edward Ratledge, Director, Center for Applied Demography and Survey Research, University of Delaware. The team has substantial experience in conducting management and organizational analyses of local prosecutor's offices and has conducted several nationwide evaluations of prosecution and criminal justice programs dealing with repeat offenders, complex drug prosecutions, asset forfeiture and the impact of community policing on criminal justice.

The methodology employed both qualitative and quantitative assessments. The team made three on-site visits timed to observe the program during its early, middle and late stages. The last visit conducted in the spring of 1998 was designed to obtain a retrospective view of the program and its impact.

In the qualitative assessment, the team interviewed all the principal decisionmakers who had an interface with the program and operational personnel who worked with program staff. Thus interviews were conducted with the heads of law enforcement agencies and the sheriff, the chief of detectives and the detectives themselves. Also included in the process was the public defender, judges and probation officers. The purpose of these interviews was to obtain as comprehensive a picture of the program and its effects as possible.

The team also examined the organization, management and operations of the state's attorney's office to determine how well the program was operating, its relationship with the rest of the office and its impact or effect on prosecution. Interviews were conducted with the state's attorney, his top management staff, the heads of the VOP program, VOP prosecutors, non-VOP felony trial attorneys, investigators, paralegals and support staff. An analysis of the prosecution process was made to record the flow of work from intake and screening through sentencing and relate it to the flow of work in the VOP program.

Three data sources were used for the analysis. Offense and arrest data collected by the Illinois State Police was used to examine trends in crime and note changes in violent crimes. Court data supplied by the clerk of the court was the primary source of data for the analysis because it was the most complete and timely. The data is as of April, 1998. The court data was converted by the Jefferson Institute to reflect defendants instead of charges. Therefore, the statistics presented in this report will not necessarily match the court's statistics. Data collected by the VOP program was not as comprehensive as court data. The value of the program data was that it clarified the nature of VOP cases, allowing for comparative analysis with other non-VOP cases or VOP-like cases in years prior to the program. The program data also contained additional information that was not included in the court's system. However, the reader should note that it is incomplete and not as timely as the court data. (Program data is as of December 31, 1997.)

The analysis of the data was conducted by Ed Ratledge, University of Delaware. The findings and results were developed after a synthesis meeting of the evaluation team.

ACKNOWLEDGMENTS

The Jefferson Institute would like to acknowledge the support and assistance provided by the State's Attorneys Patrick Kelley (Sangamon County), Michael Kick (Kankakee County) and Paul Logli (Winnebago). We especially appreciate the time and information provided by the VOP prosecutors and their staff, specifically:

In Sangamon: Assistant State's Attorneys Michael Vujovich and Jay Magnuson.

In Kankakee: Assistant State's Attorney Bill Dickenson, Investigator David Jepson and Office Manager Mary Elston.

In Winnebago: First Deputy SA David Koski, ASAs Mark Karner and Glen Weber, and Paralegal Nancy McDonald (formerly) and Gina Tarara (current).

Finally, we would like to acknowledge and thank Tracy Hahn, Research Analyst at the Illinois Criminal Justice Information Authority for her continuous support, quick response time to requests and overall assistance in helping this evaluation move forward without unnecessary delay.

I. THE DYNAMICS OF VIOLENT OFFENDER PROSECUTION PROGRAMS AND EXPECTED OUTCOMES

THE DYNAMICS OF VIOLENT CRIME PROSECUTIONS

The purpose of violent offender prosecution programs is to apply extra resources to a category of crimes that are inherently more complex and more difficult to prosecute. Previous research by the Jefferson Institute² has indicated that violent crimes may consume up to four times more prosecution resources than is needed for other types of crimes such as drugs and property offenses.³

The reason why violent crime cases consume extra resources is because they invoke the most severe sanctions permitted under statute, including death. As a result, cases involving violent crimes are most likely to:

1. Have problems with witness testimony and appearances, in part because the witnesses may not be the most credible, and in part because witnesses may feel threatened or have been brutalized.
2. Be dependent on the quality of the police investigations with respect to both the collection and protection of evidence (both physical and testimonial) and the observance of constitutionally-protected procedures such as Miranda warnings, search warrants, and police lineups for identification.
3. Have defendants represented by more experienced public defenders or private attorneys.
4. Produce an increased number of motions and legal challenges increasing the amount of legal research and trial preparation needed.
5. Have defendants in pre-trial detention status.
6. Be disposed by jury trial.
7. Take the longest time to disposition relative to most other cases.
8. Require extra victim-witness notifications and assistance.
9. Have high media and public attention.
10. Result in sentences that involve incarceration and, ultimately, lead to appeals.

² Based on the Jefferson Institute's study of the workload of prosecutors in 4 jurisdictions as part of the National Baseline Information (NBI) project and on the evaluation of prosecutor resources in North Carolina, analysis indicates that arrests for "serious violent crimes" require 4 times more attorney and staff resources than all other felony arrests.

EXPECTED PROGRAM RESULTS

The dynamics of violent crime prosecutions define the effects that we should observe in the evaluations. They include:

1. Extensive interaction between law enforcement detectives, investigative personnel and experienced prosecuting attorneys.
2. Fewer cases dismissed by the court for lack of evidence or constitutional questions because of the close police and prosecutor working relationships.
3. Fewer cases dismissed due to witness problems because of the extra effort expended by victim-witness coordinators and investigators.
4. Conviction rates that are higher than those normally achieved in the office because more resources are allocated to them.
5. The highest incarceration rates for any category of crimes in the office because they cause personal injury or even death to victims.

CONFOUNDING CIRCUMSTANCES

Not all evaluations provide clear-cut answers about whether a program worked and the degree it resolved the issue or problem it was supposed to address. Four primary questions should be considered before final results are presented. They are:

1. Are there other factors operating in the criminal justice environment that may be producing changes or effects that are also consistent with the effects of a VOP program such as a new screening process, a change in plea policy, a new police chief or chief judge or turnover in prosecutor?
2. Are there long-term trends that are occurring that may influence the program's results such as decreases in crime and especially in violent crime?

³ The other resource-demanding category is complex drug and racketeering prosecutions.

3. Are there legislative or statutory effects that may change or limit the effectiveness of a program such as the reversal of Truth In Sentencing, the imposition of mandatory minimums?
4. Are there unique or random events that have the ability to confound the effects of the program such as natural disasters, riots, or catastrophes that change the mix and use of resources?

To the extent possible, evaluations should, first, determine whether any of these factors exist and affect the results of the program being implemented.

VARIATIONS ON A THEME

How offices or agencies design and implement new programs such as VOP depends on a number of considerations that will create variations in approach and outcome.

The first and most important factor is the policy of the elected State's Attorney with regard to screening and charging decisions, plea negotiation, dismissals and discovery. The adoption, implementation and success of any prosecutor's policy is constrained by the nature and characteristics of:

1. The criminal justice environment within which the program will operate.
2. The volume and type of work in the office.
3. The resources available to process the work by number, type and experience.
4. How the resources are organized.
5. The level and nature of coordination with agencies interacting with or affected by the program.

As a result, although the purposes and objectives of a program like the VOP may be uniformly adopted by jurisdictions, the design, implementation and results may vary widely as we will see in the next section.

II. FINDINGS AND RESULTS: VARIATIONS ON A THEME

CAUTIONS

In this section we present the major findings from the evaluations of the three programs. The approach and measures used for the evaluation were common to each site. However, the reader is cautioned not to assume that the data for the three sites are strictly comparable. The three offices did not uniformly collect program data useful for evaluations. In order to conduct an analysis of trends and identify areas that affected prosecution in general, program data was supplemented by court data extracted from court automated systems for the years 1993-1997. The court data allowed us to use essentially the same set of performance measures for the evaluation. However, even here, comparability is limited because of variations in the quality and procedures for reporting case information to the court systems.⁴

CHARACTERISTICS OF THE VOP PROGRAMS

The following is a brief summary of the programs established in each of the three jurisdictions.

Winnebago County

- VOP funded two experienced attorneys promoted from within the office and 1 paralegal
- Program operated through two 7-person trial teams each headed by a VOP ASA
- VOP selected violent crimes (88 percent) and non-violent crimes committed by defendants with previous felony conviction for a violent crime (12 percent)
- VOP case assignments made by VOP ASAs to members of their team
- Second year – excluded aggravated battery cases
- VOP ASAs worked on-scene with detectives for most serious cases

Sangamon County

- VOP funded two experienced attorneys selected from outside the office
- Program operated as separate and independent unit in office
- First year focus - unsolved murders and criminal sexual assaults
- Second year – added other violent crimes
- Police assigned 12 detectives to work with VOP attorneys and provided working space

⁴ For all sites, a case is defined as dismissed only if all charges are dismissed. If a defendant pleads guilty or is convicted or acquitted of a charge and the other charges are dismissed, the case is defined by the plea or trial disposition, not the dismissals.

Kankakee County

- VOP funded 1 experienced attorney promoted from within the office and 1 investigator (first time for the office)
- VOP attorney directed Violent Crime Task Force (VCTF) cases, prosecuted some VOP cases and assigned others to non-program ASAs
- First year focus – unsolved murders, VCTF cases and violent crimes
- Second year – continuation
- VOP ASA directed operations of violent crime task force (police and sheriff)

A summary of the workload in each jurisdiction is presented in Table 2.1. Again, the reader is cautioned that the numbers may not be comparable across the sites.

Table 2.1
**Crime. Arrests. and Caseload Data
 bv VOP Site**

	Winnebago	Sangamon	Kankakee
Part I Violent Crimes			
1996	2253	1872	646
1997	2139	1584	534
Part I Violent Crime Arrests			
1996	697	717	267
1997	745	615	285
Felony Filings			
1996	3455	1329	769
1997	3200	1364	787
VOP Cases			
1996	680	103	167
1997	583	63	172

As the table indicates, the VOP programs operated within small and medium sized criminal justice environments. **Kankakee** had the fewest reported violent crimes (534 estimated for 1997) while **Winnebago** had almost four times as many (2,139). All three jurisdictions have experienced a decrease (and offenses with the exception of Sangamon in 1994-95) in violent crime arrests since 1993.

The VOP caseload varied widely. In part the differences could be explained by the focus of the program, the manner in which it was organized and how other resources in the office were used. **Winnebago** used the broadest selection criteria for VOP cases including violent crimes and some non-violent cases. It created 2 seven-person teams and therefore was able to process VOP cases by assigning them to members of the team. In contrast, **Sangamon** had the smallest VOP

caseload, which was primarily due to its focus on unsolved murders and criminal sexual assault cases and its operation as an independent unit within the office. **Kankakee** had a hybrid system; the VCTF worked a smaller set of cases like Sangamon but other violent crime cases were assigned to non-program ASAs like Winnebago.

FINDINGS

Cautions

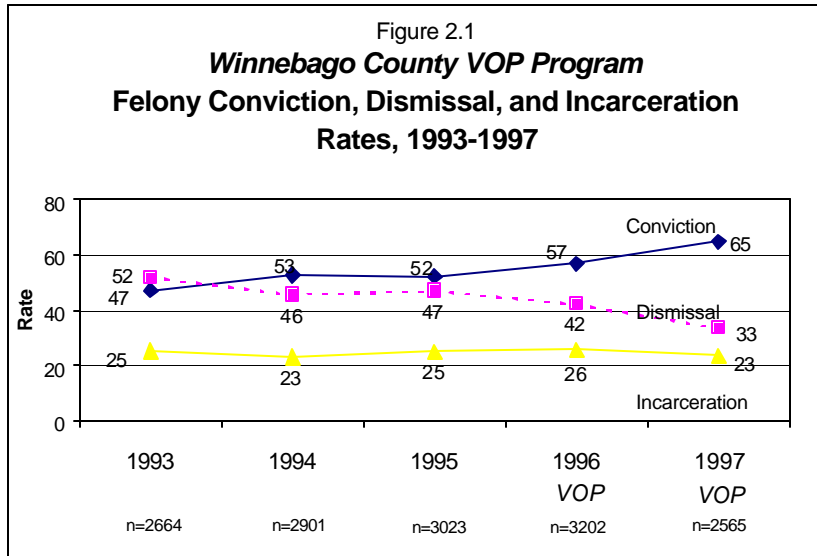
All 1997 data have high percentages of open cases. Thus the figures displayed here are preliminary and will change because the longer the case is in the system the more likely it is that it will result in a conviction and involve incarceration. Therefore, the conviction and incarceration rates should increase when open cases are disposed of, and the median number of days to disposition will also increase.

Winnebago County

1. An examination of the trends of all felony cases from 1993 to 1997 indicates changes in prosecution which are consistent with the outcomes of the VOP program but the evidence is not clear.

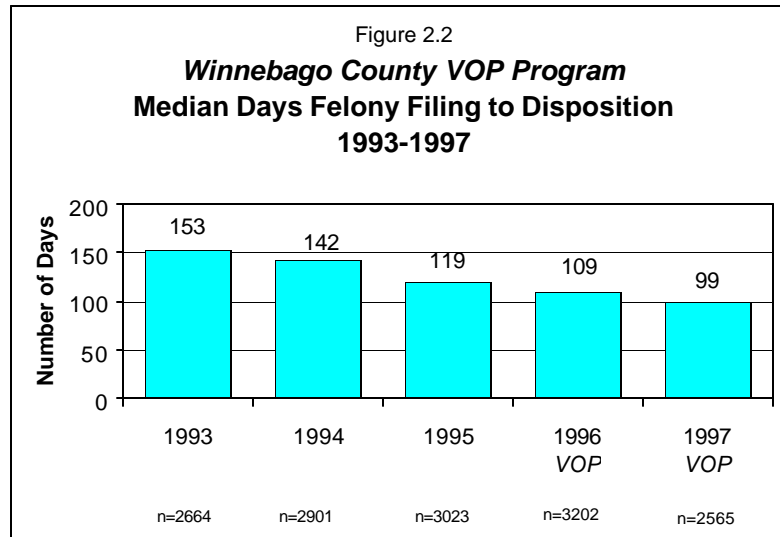
Felony conviction rates, which include property, drug and violent crimes, had been stable for two years before the introduction of the program, then they increased. Dismissal rates show a decline from a high of about 52 percent in 1993 to a low of 33.3 percent in 1997.⁵ On the other hand the incarceration rate is essentially unchanged. (Figure 21)

⁵ For all sites, a case is defined as dismissed only if all charges are dismissed. If a defendant pleads guilty or is convicted or acquitted for a charge and the other charges are dismissed, the case is defined by the plea or trial disposition, not the dismissals.



Of most interest is the dismissal rate, which has been declining but is still at very high levels. We believe that this high rate stems from the court’s insistence that arrestees not be detained more than 24 hours without a charge. As a result, a long-standing procedure is for on-duty ASAs to authorize charges based on telephone conversations with the police. In the absence of an in-depth screening and charging function, high dismissal rates are inevitable.

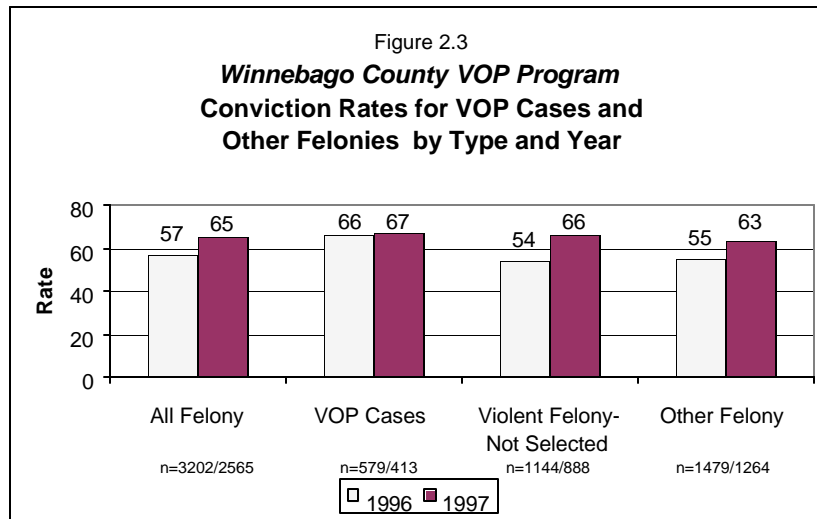
Median time to disposition clearly decreased (the differences are significant at the 1% level), but it was decreasing before the introduction of the VOP program. In 1996, the court implemented a “rocket docket” program which may be a strong contributor to reductions in processing times. (Figure 2.2)



2. A comparison of VOP cases with all felony cases, other felonies and violent felonies “not-selected” for the program in 1996 and 1997 indicates that the VOP program produced results different from the rest of the cases in the office.

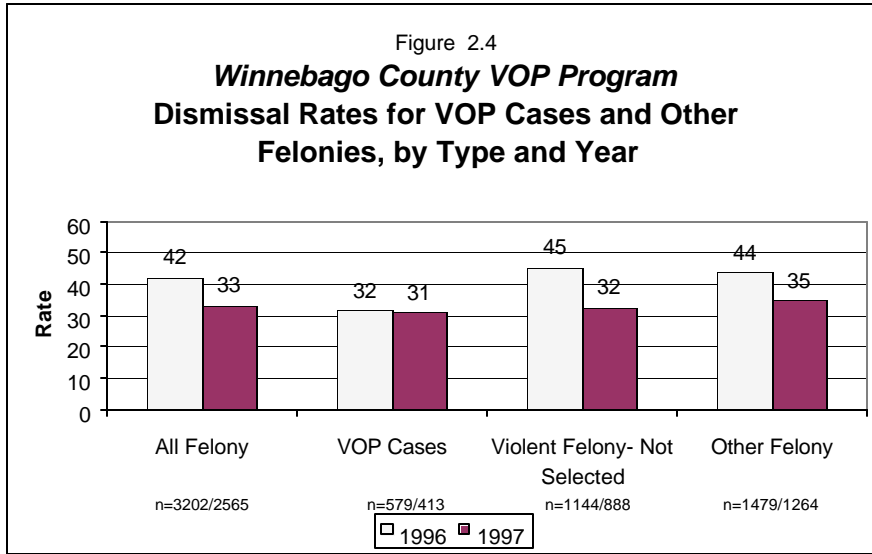
In 1996, the conviction rates for the cases selected for the VOP program are higher than for all other categories.

In this comparison felony cases are subdivided into three categories: VOP felonies, violent crime felonies not selected for the VOP program and all other felonies. The results are consistent with the more careful attention, the more intensive preparation given to these cases, and the experience of the attorneys working on them. In 1997, the difference is not apparent. (Figure 2.3)



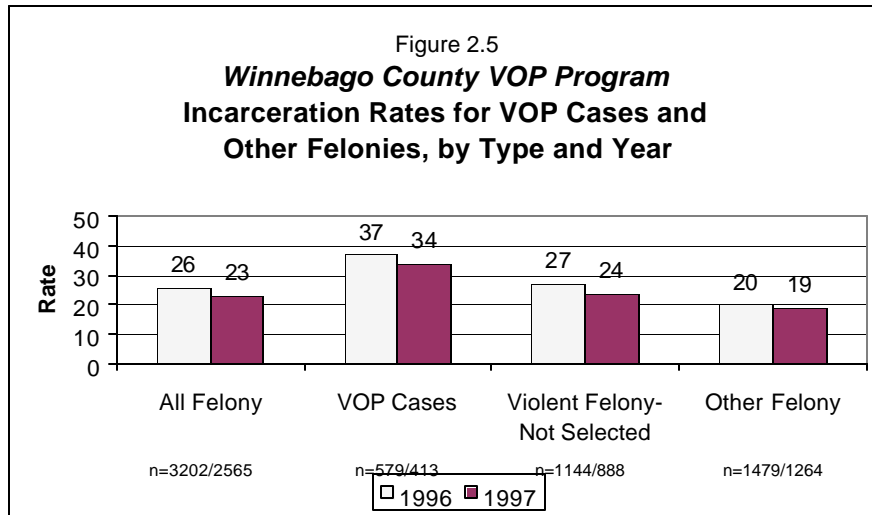
VOP cases have lower dismissal rates in 1996.

It appears that the office is experiencing an overall decline in dismissal rates. However, the rates for VOP cases are lower than all other categories of cases in 1996 which is consistent with the extensive review, screening and trial preparation given to these cases. VOP dismissal rates were 32 percent in 1996 and substantially different from the other rates in that year. A difference in 1997 is not yet apparent. (Figure 2.4)



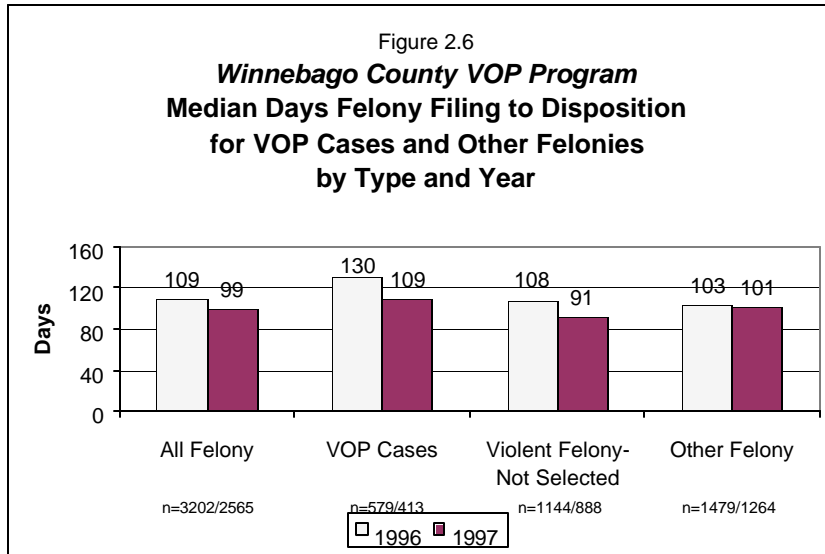
VOP defendants receive substantively higher rates of incarceration.

Unlike the trend data for 1993-1997 that showed little difference in incarceration rates (see Figure 2.1), incarceration rates for VOP cases are substantially higher (34-37 percent compared to the mid and high 20's for the other crime categories). (Figure 2.5)



VOP cases tend to stay in the system longer.

The median time to disposition for VOP cases was 130 days in 1996 and 109 days in 1997. The time remains more than 10 percent higher than that for all felonies. This is to be expected since it usually takes 54 percent longer to get a conviction than a dismissal and cases that receive incarceration increase the time to disposition by 32 percent. (Figure 2.6)



The pattern of results of the VOP program mirrors that of the office trends but generally at a higher level.

When we compare the performance of VOP and non-VOP cases before and during the program years, we see that the effect of the VOP program was to significantly:

- Increase convictions more than in prior years and more than non-VOP cases
- Reduce dismissals more than in prior years and more than non-VOP cases
- Increase the rate of incarcerations in like manner; and
- Increase time to disposition more than non-VOP cases.

The major difference between the officewide trends and the VOP program occurs with incarceration rates. Focusing resources on a subset of violent crime cases produces significantly higher rates of incarceration even though the incarceration rates for all other cases is declining.

Conclusion

The Winnebago VOP program not only achieved its objectives but also produced a number of unexpected benefits including improved police-prosecutor relationships, better investigations,

higher quality cases for prosecution and on-the-job training for less experienced ASAs. The use of trial teams expanded the scope of the program and the paralegal substantially aided the trial preparation activities of the ASAs in addition to screening cases and monitoring the program dispositions for reporting purposes.

Sangamon County

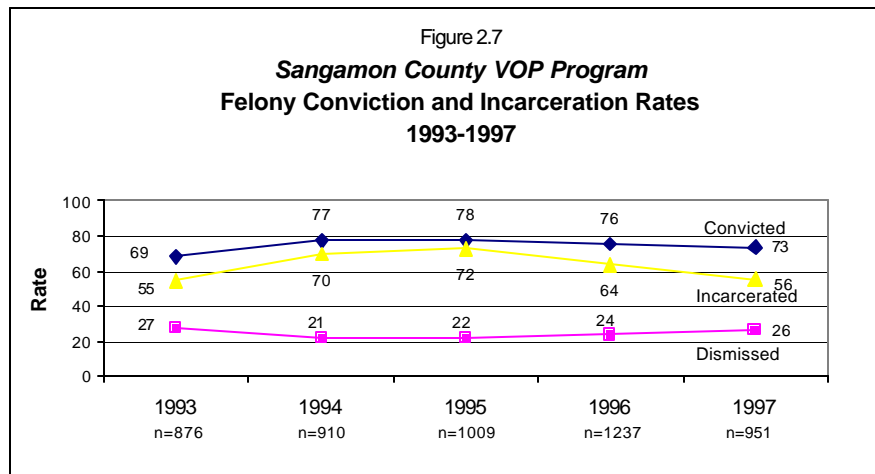
Caution

Fifty percent of the 63 VOP cases in 1997 are still pending disposition.

1. An examination of the trends for all felonies processed from 1993 to 1997 indicates changes in the office but the evidence of VOP programs effects is not clear.

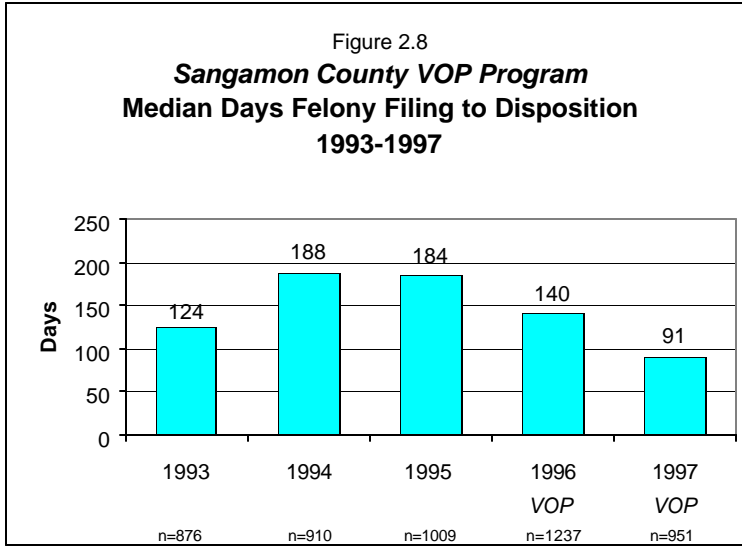
Overall, the data tell a lot about the performance of the Sangamon’s criminal justice environment, but with VOP program cases being less than 10 percent of total cases, any differences in their performance or effectiveness cannot be deduced from this data.⁶

Conviction rates of about 77 percent had been stable for two years before the introduction of the program and dropped slightly to an average of 75 percent during the program years. On the other hand, the incarceration rates appear to have drifted lower from a high of 72 percent in 1995 to a low of about 56 percent in 1997. Dismissal rates have shown a slight increase remaining in the 25 percent area. (Figure 2.7)



⁶ The subset of felonies designated as VOP cases is so small that statistical tests for significance tend to accept the null hypothesis.

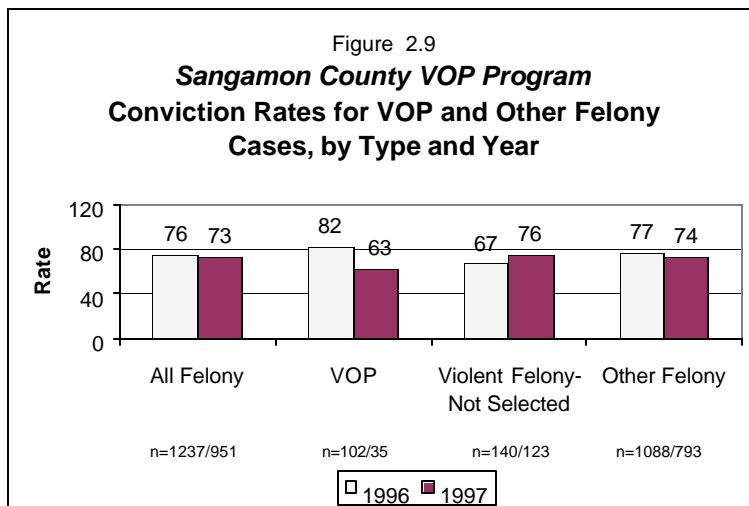
Median time to disposition for all felonies has decreased from a high of 188 days in 1994 to a low of 140 in 1996. However, the large number of open cases at the end of 1997 makes drawing any conclusions about the effect of the VOP program on median time to disposition tenuous. (Figure 2.8)



2. A comparison of VOP cases with all felony cases, other felonies and violent felonies “not-selected” for the program in 1996 and 1997 indicates that the VOP program produced results different from the rest of the cases in the office.

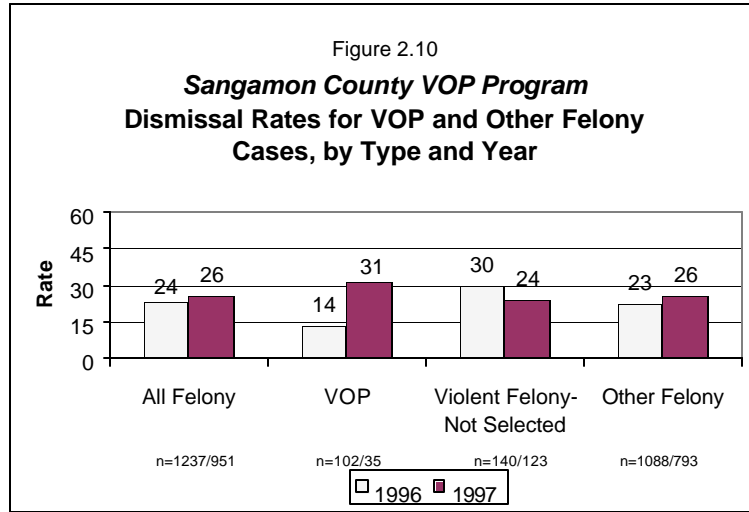
In 1996, the conviction rates for the cases selected for the VOP program are higher than for all other categories.

This is consistent with the more careful attention, the more intensive preparation given to these cases, and the experience of the attorneys working on them. In 1997, the pattern is less clear due to open cases. (Figure 2.9)



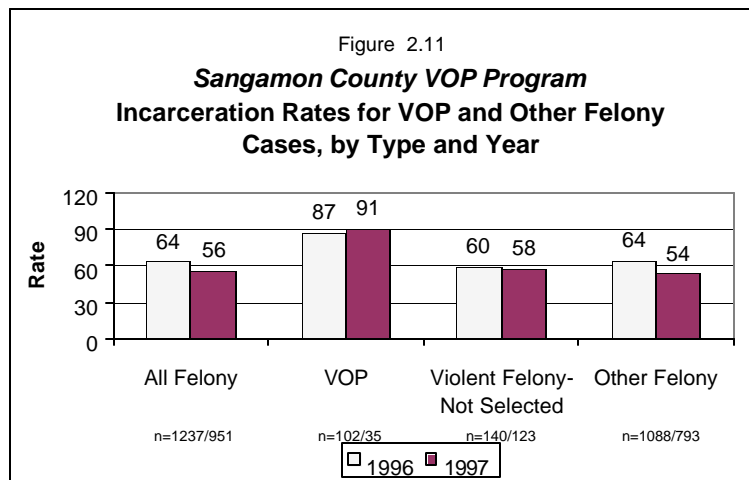
VOP cases have lower dismissal rates than other cases.

With extra review and preparation, these more complex cases are not likely to be dismissed for lack of evidence or witness problems. The dismissal rate of 13.7 in 1996 is less than half that for violent crime cases not selected for the program (30 percent). The high dismissal rate in 1997 should not be interpreted until all the 1997 dispositions are completed. The dismissal rate of 31 percent in 1997 is consistent with the early dismissal of weak cases while the stronger cases are still pending in the system. (Figure 2.10)



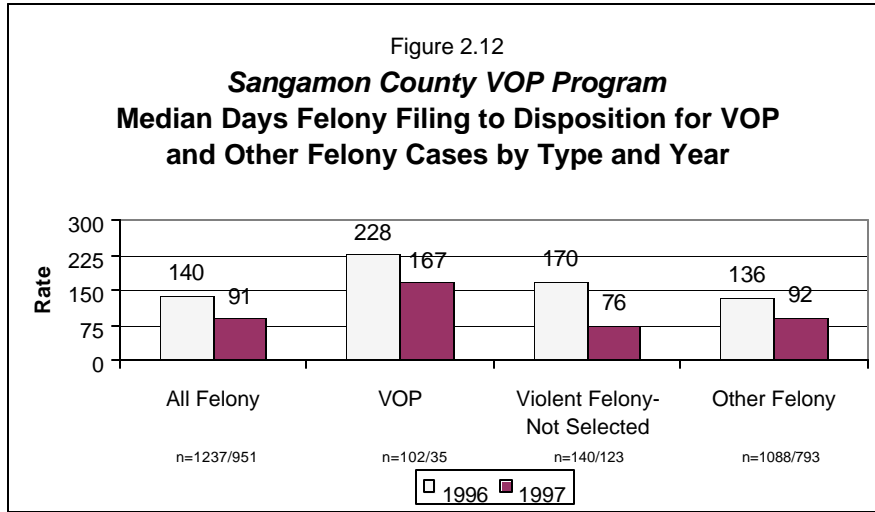
VOP defendants receive significantly higher rates of incarceration.

Unlike the trend data for 1993-1997 that showed little difference in incarceration rates, the VOP defendants receive substantively higher rates of incarceration (87 and 91 percent in 1996 and 1997, respectively). Incarceration rates are higher for VOP cases compared to the other categories. We would expect to see the 1997 rate increase, as more cases are disposed. (Figure 2.11)



VOP cases tend to stay in the system longer.

The time to disposition for VOP cases remains more than 50 percent higher than that for all felonies. VOP cases tend to stay longer in the system since it usually takes longer to get a conviction. Cases that receive incarceration as a sentence also take longer to disposition. (Figure 2.12)



The VOP program has produced effects that are different from all other categories of cases and from all felonies in the office.

Although the conviction rate is substantially higher for VOP cases, the dismissal rate is the lowest for all groups of cases in the office. Incarceration rates are the highest for this category of cases (about 90 percent) as also with the median days to disposition (about 228). It has a higher conviction rate, more incarcerations and longer times to disposition. These are all indicators of the seriousness of the offenses and the amount of resources that have to be dedicated to violent crime prosecutions.

Conclusion

The success of the Sangamon County VOP program is in large part attributable to two factors: the state’s attorney’s creation of a favorable climate for change and innovation in the office and the experience and dedication of the two VOP attorneys. The result is that the program achieved its objectives and additionally improved the quality of prosecution in the office through the on-the-job training, advice and assistance provided by the experienced VOP prosecutors. The

concomitant improvement in police-prosecutor relationships as a result of the close working relationships between the homicide detectives and prosecutors is to be expected.

Kankakee County

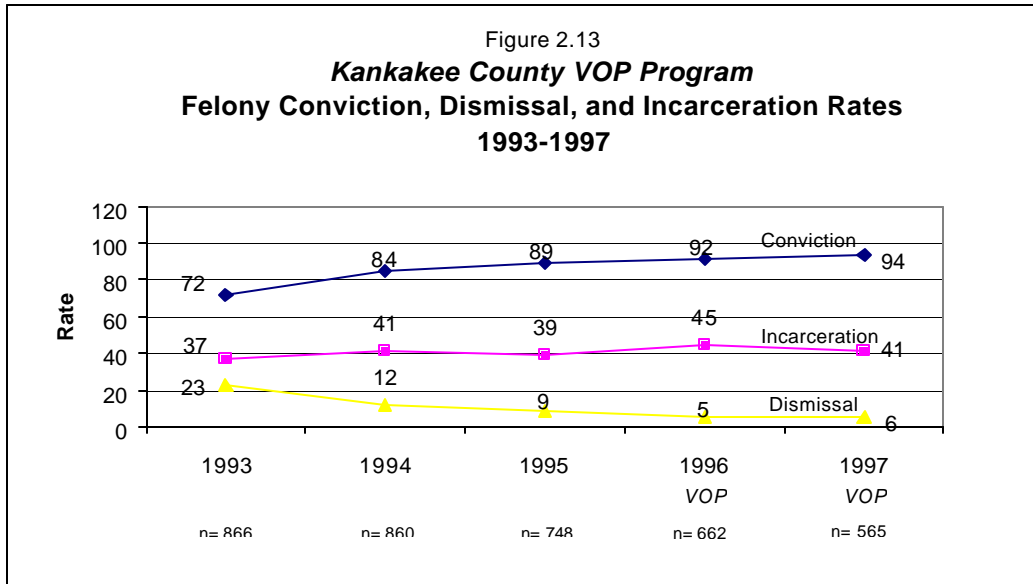
Caution

At the end of 1997, 47 of the 172 VOP cases were still pending.

1. The VOP cases filed in 1996 are different from the VOP cases filed in 1997.

The 1996 cases include older, more serious homicides while the VOP cases prosecuted in 1997 included more recent cases. In 1996, only 5 VOP cases originated in that year; the remaining 98 were murders and criminal sexual assaults that had occurred in prior years, as far back as 1992. In 1997, all the cases were based on 1997 offenses. It is important to note, therefore, that the VOP program was handling two distinctly different types of cases in the two years examined, which it may account for some of the differences in the performance measures examined subsequently.

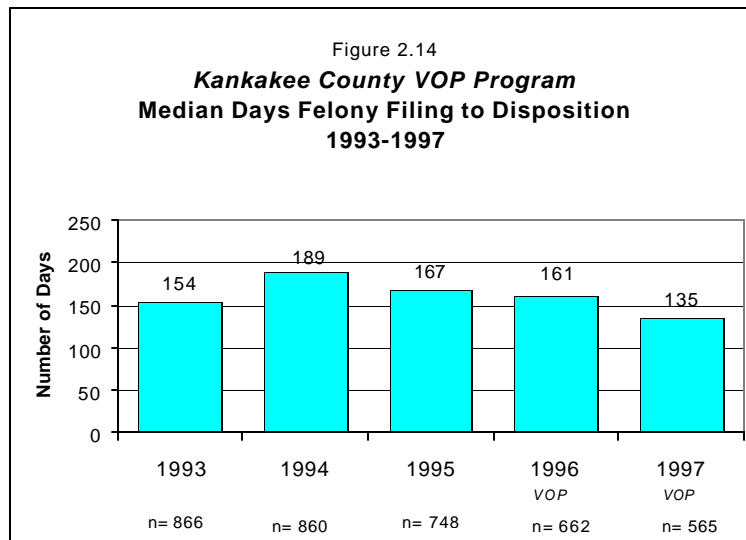
2. An examination of the trends in all felonies processed from 1993 to 1997 indicates that major changes were underway prior to the VOP program. As a result, many of the changes observed in 1996 and 1997 cannot be explicitly assigned to VOP program effects.



Conviction rates increased substantially from 1993 to 1994 and since then have stabilized above 90 percent for all felonies. Although incarceration rates also increased between 1993 and 1994, they do not show as large an increase as did conviction rates. On the other hand, there has been a substantial decline in dismissal rates since 1993, then a high of 23 percent has now been reduced to about 5 percent. (Figure 2.13)

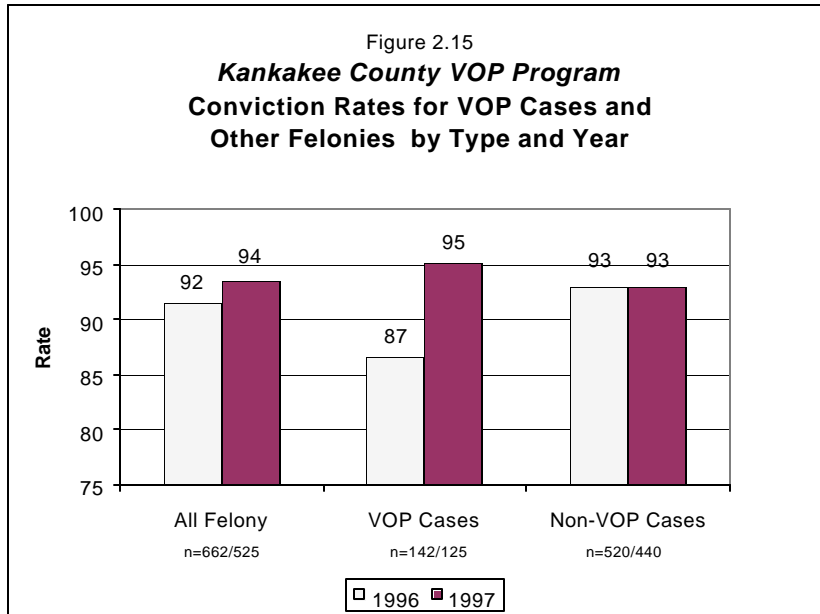
In 1993, the state's attorney implemented a new and comprehensive screening function and changed the plea negotiation policy to one in which cases charged as felonies had to be tried as felonies. The trend data reflect these changes. As screening improves, the reduction in dismissals and the concomitant increase in convictions are inevitable. This office is presently operating at a high level of performance.

Median time to disposition has clearly decreased since 1994. However, with 28 percent of the 786 cases still open at the end of 1997, drawing any conclusions about the median time to disposition is tenuous. (Figure 2.14)



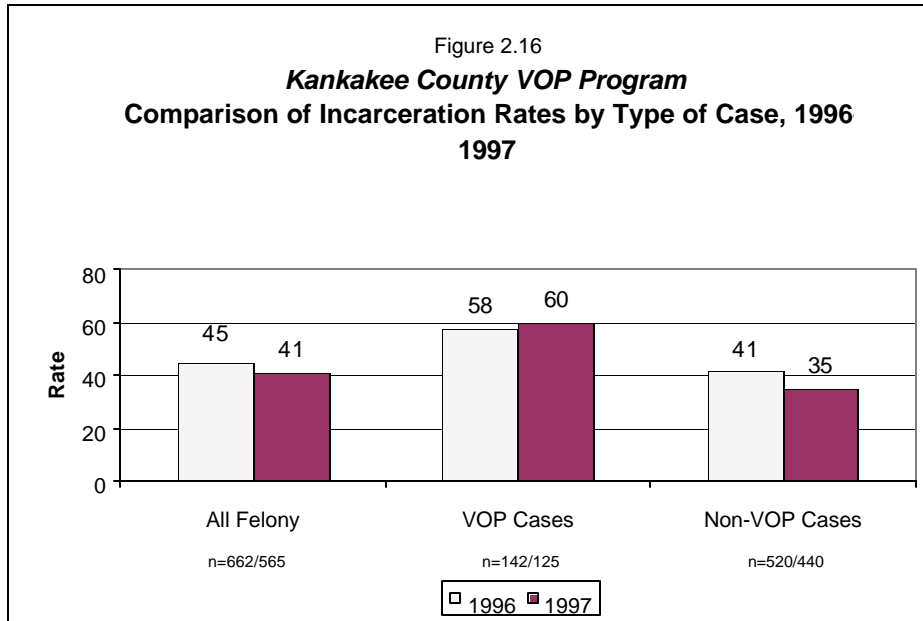
In 1996, the conviction rates for the cases selected for the VOP program were lower than for all other categories. The pattern was reversed in 1997 when conviction rates were slightly higher than for all other categories.

A Violent Crimes Task Force (VCTF) was created in Kankakee County. It worked closely with the state's attorney's VOP program emphasizing old unsolved murders. VCTF cases required more careful review and more intensive preparation. The age of the cases made convictions difficult to obtain. In 1997, VOP cases produced higher conviction rates but they were recent crimes. As a result, this finding is not inconsistent with the results of 1996. However, with 27 percent of the VOP cases still pending, the 1997 conviction rate should increase. (Figure 2.15)

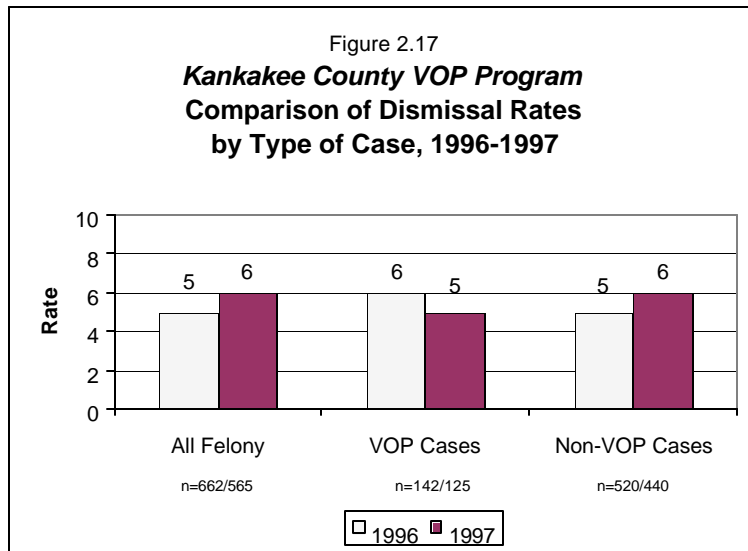


VOP defendants receive significantly higher rates of incarceration.

Unlike the trend data for 1993-1997 that showed little difference in incarceration rates, the VOP defendants receive substantively higher rates of incarceration. In 1996 the incarceration rate for VOP cases was 57 percent compared to 45 percent for all felonies. In 1997, the rate had increased to 60 percent. (Figure 2.16)

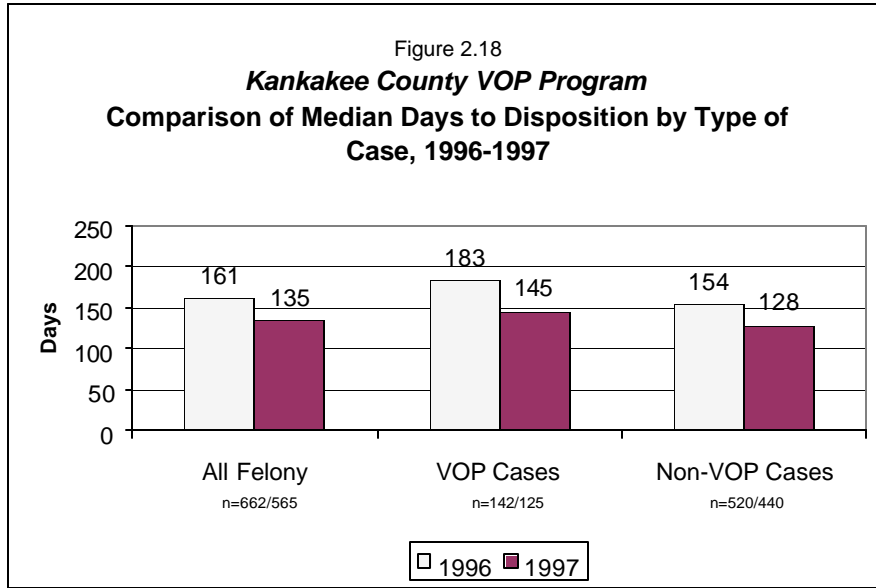


VOP cases have low dismissal rates comparable to the office-wide rates. Some improvement in the already low dismissal rates in 1997 was noted; VOP cases had a dismissal rate of 4.8 percent. This could be attributed to the intensive screening these cases receive, or it could be a statistical artifact. The evidence is inconclusive until the 1997 cases are disposed. (Figure 2.17)



VOP cases stay in the system longer than other cases. The median is 154 days from filing to disposition compared to 124 days for non-VOP cases.

The median time to disposition for VOP cases was longer in each program year than other felonies. This finding is consistent with the fact that violent crime cases usually take longer to reach a disposition especially since they typically involve incarceration as a sentence. (Figure 2.18)



Conclusion

The Kankakee County VOP program operated within a prosecutorial environment that was making substantial changes in its performance including high conviction rates and low dismissal rates. In addition, it is difficult to separate the effects of the VOP program from the Violent Crime Task Force since they are so closely entwined. Nevertheless, the VOP program produced a number of benefits. It provided three felony assistants with more experience that was noticeable by the court and defense counsel. For the first time, it provided the office with an investigator whose value became readily apparent and essential to the attorneys. Finally, within a favorable prosecutorial environment, it equaled or improved on the office's performance.

III. THE EFFECTS OF VOP PROGRAMS

ON PROSECUTION

In this section we summarize the findings from the three evaluations that affect the prosecution function and note where differences were observed.

1. The VOP program dedicates additional resources to the most work-intensive cases in an office thereby improving the quality of these prosecutions. The resources include attorneys, investigators and legal assistants or paralegals.

It would have been difficult to achieve the results produced by the VOP programs if additional resources were not made available. In **Sangamon** and **Kankakee** counties, the VOP attorneys worked solely on VOP cases unencumbered by administrative duties.⁷ As a result, they were able to give attention to unsolved murders and old cases that otherwise would be neglected given the press of daily crimes. Both detectives and attorneys cited the critical importance of having clearly defined assignments of attorneys to violent crimes for clearing and prosecuting “old” cases. Because of the close working relationship between the detectives and the attorneys in all three sites, as the programs matured, the quality of evidence collection and protection improved and with it, the evidentiary strength of the cases for prosecution.

2. The VOP program increases the productivity of the office.

Because the routine flow of case processing is not disrupted by complex, high media cases, non-VOP attorneys and staff are better able to use their time and become more productive. Even though the organization of the VOP programs was different in each of the offices, VOP cases were handled differently from the normal workflow in the office.

Winnebago processed the highest volume of VOP cases (680 in 1996 and 583 in 1997). Eligible for the program were all persons arrested for violent felony offenses (excluding aggravated assault in the second year of the program) and persons arrested for non-violent crimes who had prior felony convictions for violent crimes within the past 5 years. Cases were screened by the paralegal for eligibility in the program. If they were accepted, they were assigned to one of the 2 VOP attorneys who also served as heads of the 2 seven-person trial teams. The trial team structure allowed other attorneys on the team to prosecute all or parts of the caseload under the direct supervision of the VOP trial team leader.

⁷ In Kankakee, the VOP attorney was promoted in 1998 and now has additional administrative responsibilities in the office.

In **Sangamon**, all homicides and (in the second year) sexual assault and Class X felonies were prosecuted by two VOP attorneys who were dedicated to the VOP program. Both attorneys were recruited from outside the office. They had extensive trial experience and were assigned no additional duties, administrative or supervisory. The attorneys were assigned VOP cases either by the warrant desk or pre-arrest when they responded to police calls for their on-scene presence. The VOP prosecutors worked closely with the detectives. They even had assigned office space at police headquarters which enhanced communication and improved the evidentiary strength of cases. This program structure essentially kept the violent crimes out of the regular processing stream which was supported by the rest of the office's staff.

In **Kankakee**, the VOP attorney and investigator worked with the Kankakee Violent Crime Task Force giving priority to unsolved murders in addition to the prosecution of active homicide cases. Other violent crimes not originating from the task force were also eligible for the VOP program. The investigator was available to support violent crime cases. This was the first time that the office employed an investigator and the value of his work was undisputed. Not only did he reduce the case preparation work of the VOP attorney but he also provided other valuable services including ensuring witness appearances. For example, by escorting the ASA handling sexual assault cases to the victim's home to obtain information, the chances of the victim appearing in court were increased. The value of the investigator to the office is substantiated by the frequently heard statement that if cutbacks in staffing were necessary, they would rather lose an attorney than the investigator.

3. The VOP program provides a valuable means for attorney training.

Because VOP provided funds for additional and experienced prosecutors dedicated to serious violent crimes, they are better equipped to provide on-the-job training to less experienced ASAs.

In **Winnebago**, since the VOP prosecutors also served as the heads of the trial teams, they were able to provide less experienced ASAs with on-the-job training. This was accomplished within the team environment where the younger attorneys (for example, misdemeanor attorneys) were given the opportunity to try less serious felony cases.

In **Sangamon**, the VOP attorneys allowed less experienced ASAs to second chair trials and even conduct some preliminary hearings on their own. It was interesting to note the gradual change in the role of the VOP attorneys over the program years. At first, as outsiders assigned to cases that were no longer prosecuted by other ASAs, their interaction with the rest of the attorney staff was limited. As their reputation grew in the office and among the detectives, they were increasingly sought after by the less experienced ASAs for their advice and assistance in

prosecutions, preparing search warrants and handling motions. Some of the judges noted that the overall quality of prosecution had improved as a direct result of this on-the-job-training.

In **Kankakee**, the effect of training on the non-VOP attorneys was not observed perhaps due to the fact that this VOP program focused significantly on clearing old “unsolved” homicides. With only one VOP prosecutor there was little opportunity for him to work with the rest of the attorney staff. The investigator, however, was available to help and the results of his activity were declared “indispensable” to the office.

4. The VOP program produces better quality prosecutions, resulting in more convictions, more incarcerations and fewer dismissals for evidentiary insufficiency.

Serious violent crimes typically generate the most media interest, require significant investments of attorney and staff resources, use pretrial detention and are more likely to result in incarcerations for long periods. One would expect the same characteristics from cases that were selected for VOP prosecution. Therefore, a more sensitive test of the effectiveness of these added resources should be in the analysis of cases lost or dismissed because of lack of evidence or other reasons that could be corrected by additional prosecutor attention.

5. VOP sentences obtained under Truth in Sentencing (TIS) will differ from those imposed after the act was declared unconstitutional. They should be longer than those imposed during 1996 and 1997.

The TIS act was passed in August 1995 and declared unconstitutional in late 1997. The effect of the ruling was to reduce sentences imposed under TIS by 30 to 50 percent for good time credits. There is almost universal agreement that TIS was enacted because the public demanded stiffer sentences and the judges exhibited wide variation in their sentencing practices. TIS established a sentencing grid for certain crimes and designated the proportion of time that must be served for those offenses. TIS covered many Class X felonies and murder. Sentences for murder required that 100 percent of the sentence be served; for aggressive criminal sexual assault, 85 percent of the sentence; and for attempted first degree murder also 85 percent.

The effect of TIS was to abolish reductions of sentences for good time credit, thereby increasing actual time served. For example, before TIS, conviction on a first-degree murder would usually result in a 20-year minimum sentence which, with good time credits, allow release in 10 years. With TIS, 20 years would be served.

The statute also strengthened the prosecutor's plea negotiation position. ASAs could charge TIS offenses and use them to negotiate a plea to a non-TIS offense. The impact on the sentence was substantial. For example, since 20 years was the minimum TIS sentence for a first degree murder charge, a plea to a second degree offense which carried a 15 year sentence but was not covered by TIS, gave the defendant a chance to serve only 7 1/2 years with good time credits.

Now that prosecutors, law enforcement and victims have experienced the TIS effects, the rejection of TIS has both immediate and long-term effects. Most immediately is the overturn of the court's imposition of sentences based on one assumption (TIS) and its replacement by the former sentencing assumptions that took good time credits into consideration. The effect on the offenders sentenced under TIS guidelines is to discount their sanctions by 30 to 50 percent.

In the long run, the impact of this change should also be observable in the sentencing patterns in the VOP programs. Our evaluation of sentences imposed for the years 1996-1997 is not affected by the change. However, we can anticipate that 1998 sentences will be longer than the previous two years as the prosecutor and the court take into account the impact of good time credits on the length of sentence. There is presently a movement to introduce new legislation that would make TIS constitutional. Whatever the outcome, future analysis of sentences should consider the effects of TIS.

ON THE CRIMINAL JUSTICE SYSTEM

1. Law enforcement agencies benefit from the advantages of having ready access to experienced VOP prosecutors who are dedicated to one class of crimes.

As a result:

1.1 Cases are better investigated and prepared because detectives receive legal direction and advice from prosecutors at early stages of the investigation and often prior to arrest. In effect, VOP prosecutors provide on-the-job training to detectives about the complexities of the crimes, what the prosecutor needs for charging and the importance of police investigations.

1.2 A mutual understanding and comprehension of the needs of the prosecutors and the constraints under which detectives work is established. This significantly decreases resistance to prosecution requests for further information and increases the quality of cases prosecuted.

1.3 There has been an expansion of the detective's interest in a case from merely that of "clearing by arrest" to include its disposition and the sentence imposed. In one sense, the VOP programs have increased the detective's "ownership" of the case.

1.4 There was an overall improvement in police/prosecutor relations. Much of this was due to the homicide and 'crimes against persons' detectives explaining the evidentiary needs of the prosecutor to other detectives in the detective bureau and the sheriff's office. The detectives cited the experience of the VOP attorneys and their willingness to work long hours with them as reasons for improving police/prosecutor relations.

2. The effect of the VOP program has been noticeable to the courts.

They have observed:

- 2.1 More aggressive, better prepared, prosecutions by attorneys specializing in a relatively narrow, but serious, type of crime
- 2.2 Improved case presentations to the court and jury
- 2.3 Improved legal research
- 2.4 More self-confidence in non-VOP trial attorneys and a willingness to go "toe to toe" with defense counsel on marginal cases

3. The public defenders observed a change in the quality of the prosecutions especially those prosecuted by VOP attorneys.

He noted that VOP attorneys had more time to prepare for these cases and were less willing to negotiate reduced charges or sentences. The result was to require additional effort on the part of defense counsel.

4. Most of the VOP defendants are under pretrial detention.

The capacity of the jail could be affected if the VOP program is able to reduce time to dispositions in other non-violent cases. In **Winnebago**, the VOP program specifically identified a reduction in time to disposition as an objective and appeared to have achieved it.

5. The VOP program has little impact on probation.

Fewer cases receive probation as a sanction and pre-sentence investigation activity for VOP cases is no different from other serious crimes. However, the importance of establishing procedures between the prosecutor and probation to file timely petitions for revocation when requested by probation was stressed as a valuable means for incarcerating a VOP offender who was arrested for another offense.

IV. FACTORS CONTRIBUTING TO THE SUCCESS OF VOP PROGRAMS

By looking at each of the three programs separately and synthesizing the knowledge gained from them into an overall assessment, we are able to highlight some of the ingredients for successful VOP programs.

INGREDIENTS FOR SUCCESSFUL VOP PROGRAMS

1. Sufficient number of violent crimes to warrant dedicated attorneys and staff.
2. Very experienced trial attorneys for violent crimes.
3. Chief of police or sheriff gives priority to clearing unsolved violent crimes.
4. Chief of police or sheriff assigns specific detectives to violent crimes.
5. Prosecutor specially designates attorneys for violent crime cases.
6. Prosecutor establishes criteria for VOP cases.
7. Prosecutor establishes protocols for handling high-media cases with VOP attorneys.
8. Prosecutor establishes procedures for screening VOP cases and making case assignments.
9. Prosecutor provides VOP attorneys with investigators, legal assistants and victim-witness resources.
10. Attorneys and detectives form a working team starting with on-scene investigations through trial, the review of jury surveys, presentence investigations and revocations of probation or parole.
11. VOP attorneys willing to work above and beyond normal hours.
12. VOP attorneys have courage to prosecute cases that may have substantial evidentiary problems.
- 13 VOP attorneys provide advice and on-the-job-training to less experienced attorneys in office.

INGREDIENTS NOT CRUCIAL TO SUCCESS

The three VOP programs differed in their organization, staffing, and placement within the stream of operations in the office including case screening, intake, and case management. Notwithstanding these differences, they were able to operate effectively and satisfy their stated goals and objectives.

Therefore, as important as it is to note the factors contributing to successful programs, it is also helpful to note some of the factors that are not necessarily crucial to successful operations. These factors include:

1. How the program is organized.

Whether it is a task force, special unit or trial team is not important as long as dedicated, experienced attorneys work with detectives on a day-to-day basis.

2. Where investigative resources are located.

Whether investigations and trial preparation activities are conducted by law enforcement detectives or the prosecutor's investigators is not important as long as cases are investigated adequately, and resources are available to assist in trial preparation.

3. Who reviews cases for eligibility in VOP program.

Whether eligibility is determined by law enforcement agencies, the prosecutor's intake unit or paralegals is not important as long as there are clearly defined criteria and the persons applying the criteria are qualified to make the judgments.

V. POLICY RECOMMENDATIONS

VOP-SPECIFIC RECOMMENDATIONS

1. The Illinois Criminal Justice Information Authority should continue its support of the Violent Offender Prosecution program.

Violent crimes, especially homicides and murders, are the most work intensive cases in a state's attorney's office. They disrupt the normal workflow of the office, require extensive investigation and case preparation, and are more likely to be disposed by jury trial, thereby placing additional burden on the court and other parts of the criminal justice system. A good indicator of this effect is the fact that the median days from filing to disposition are highest for VOP cases.

The results of our evaluation show that dedicating additional resources in the state's attorney's offices to the prosecution of these crimes not only helped the VOP programs meet their stated objectives of increased convictions and incarcerations but also increased the productivity of the offices by giving the remaining staff more time to process and prosecute routine cases and improved the quality of prosecutions through on-the-job training. This latter point is particularly important because the low salary levels for ASAs produces high turnover rates and generally inexperienced attorney staff. The fact that program funds can be used to attract higher paid, more experienced attorneys is a significant factor in increasing the experience level of other attorneys in the office. It also provides an opportunity for on the job training for both police and prosecutors.

2. The Authority should monitor annually the level of serious violent crime in the counties and identify those counties that could benefit from a VOP program.

As we have seen from the crime statistics, the level of violent crime is changing (it has generally decreased over the past 2-3 years). However, this does not necessarily mean that all counties are experiencing the same trend. A periodic review of the Illinois State Police crime statistics will allow the Authority to be more responsive and proactive in supporting this program.

3. The Authority should extend the VOP program to other jurisdictions that have sufficient serious violent crime to justify additional resources.

Because of the substantial impact of violent crimes on prosecution and the criminal justice system coupled with generally inexperienced attorney staff, we believe the Authority should consider extending this program to other jurisdictions if the volume of violent crime arrests or prosecutions warrant additional resources.

As noted previously, we estimate that “serious violent crime”⁸ adds about 4 times more work to the prosecutor’s caseload than other Part I index crimes. Therefore, it is possible to use this ratio as a guide to determine whether a jurisdiction has sufficient resources to prosecute serious violent crimes.

4. VOP programs should be supported by the following personnel: attorneys, investigators, legal assistants or paralegals, and victim-witness coordinators.

There are four functions inherent in VOP programs. They are: legal services, investigative services, legal or paralegal support, and victim-witness coordination. Most serious violent crimes require, in addition to specially trained and experienced attorneys, investigators who can work with law enforcement agencies and/or task forces to ensure that witnesses are located, notified, and appear in court. As the **Kankakee** program demonstrated, the coordination between detectives and investigators had a substantial impact on case preparation and convictions.

The use of paralegals or (legal assistants) available to **Winnebago’s** VOP program served the important function of screening cases for eligibility into the VOP program, and providing legal assistance to the VOP attorneys. This function is especially important when VOP selection criteria are based on more than one variable, like type of offense. The paralegal also maintained a record of the VOP cases and their dispositions, and supported the VOP prosecutors’ case preparation activities.

The value of victim-witness personnel was obvious in all three sites even though this aspect of the program was not addressed in the grants. Nevertheless, ensuring victim and witness appearances and testimony is a vital link in the successful prosecution of the cases. When the victim-witness coordinators worked closely with the VOP attorney, problems associated with non-appearances and reluctance to testify were mitigated.

None of the three sites had all four positions funded by the VOP program. However all of the programs used these resources to their advantage. **Winnebago** County employed a paralegal to screen both violent crimes and offenders with violent criminal histories and to coordinate the trial preparation activities of the two VOP attorneys and their trial teams. In **Kankakee**, an investigator was hired for the first time as part of the VOP program. His ability to help the sole VOP attorney prepare cases and to coordinate with the Kankakee Violent Crimes Task Force was so critical that many of the participants when asked what they would do if the program was eliminated responded by saying that they would fight to keep the investigator’s position.

⁸ Serious violent crimes are those UCR Part I index crimes labeled “violent crime” **excluding** aggravated assaults. The aggravated assault category is excluded from the definition of serious violent crime because offenses in this disproportionately large category are more likely to be prosecuted as misdemeanors.

We believe that before funding decisions are made for VOP programs, the Authority should ensure that the four different functions are available and if they are missing or are inadequate, the VOP program should provide for them.

5. The Authority should sponsor and encourage workshops on violent offender prosecution programs utilizing the participating jurisdictions to educate other jurisdictions suffering from high volumes of violent crimes about VOP principles and practices.

It was clear from the evaluation that the three jurisdictions involved in the programs were not knowledgeable about the distinctive features of the other VOP programs. We believe that workshops would allow the present VOP participants to exchange experiences, knowledge, ideas and practices, thereby improving their own operations. Additionally, if other state's attorneys are invited, the workshop should educate them about the goals and objectives of the program and give them valuable insight about how they might start a program in their office.

RELATED RECOMMENDATIONS

6. The Authority should sponsor prosecutor working groups to develop standards for counting cases.

It was immediately obvious that there are no guidelines to help prosecutors define a "case". In some instances a case was a charge, in other instances, a case was a defendant with multiple charges arising from one incident. Without uniform and consistent definitions, it is difficult to obtain true measures of workload and performance in an office and impossible to conduct comparative studies among offices.

7. The Authority should give priority emphasis to helping state's attorneys develop management information systems that will satisfy their operational and management information needs.

This evaluation clearly pointed out the lack of management information. The effect is to reduce the ability of the state's attorneys to monitor the operations of their offices and staff and to make policy decisions whose impact can be assessed. The use of the court's data as a substitute for prosecution data is not sufficient nor is it generally in a format amenable for report generation.

CONCLUSION

The evaluation finds little to fault in the fundamental purpose and objectives of violent offender prosecution programs. If one accepts the premise that violence begets violence, and that violent crimes inflict damage both on the public and society, then justification for these programs is easy. The primary requirements are for experienced prosecutors and close working relationships with law enforcement. The major results are higher conviction rates, long periods of incarceration for those convicted and fewer cases lost because of evidentiary weaknesses or inefficient case management.

The critical issues emerging from the evaluation are the low salaries and resultant high turnover rates for ASAs and staff. Good prosecution, first of all, depends on the state's attorney's ability to attract and retain qualified and experienced personnel. The VOP programs address these issues to a limited extent; but they are basically only stop gap measures. What is needed is an adjustment statewide that aligns salary levels with the goals of providing quality prosecution services.

Kankakee County

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EVALUATION OF

**THE VIOLENT OFFENDER PROSECUTION PROGRAM
IN KANKAKEE COUNTY:
PROGRAM YEARS: 1995 - 1997**

FOREWORD

In October 1995, the Illinois Criminal Justice Information Authority, through federal Anti-Drug Abuse Act (ADAA) funds, awarded a contract to the Jefferson Institute for Justice Studies to evaluate three violent offender prosecution (VOP) programs, also funded through ADAA. The state's attorney's offices selected for the demonstrations were Kankakee County (Kankakee), Winnebago County (Rockford) and Sangamon County (Springfield). The programs were scheduled for a four-year funding period and an evaluation. Of primary interest to the Authority is whether the programs should be replicated in other jurisdictions in the state. Therefore, the Authority requested an evaluation of the design, implementation and performance of the programs.

The purpose of this evaluation is to:

1. Determine the extent to which the violent offender prosecution program has achieved its goals and objectives.
2. Identify factors internal to the office and in the external environment outside the prosecutor's control that may affect the operations or outcomes of the program if replicated in another jurisdiction.

This evaluation covers the first 26 months of operations in Kankakee County. It describes the program's operations, development and early impact during the period from October 1995 to December 31, 1997. This report also provides background information for an executive summary of the findings and recommendations submitted to the Illinois Criminal Justice Information Authority.

ORGANIZATION OF THE REPORT

Chapter I presents the results of the evaluation. It reports the extent to which the VOP program is meeting its goals and objectives, discusses VOP program management issues and presents the evaluation findings and recommendations. Following this chapter is a description of the environment in Sangamon County within which the VOP program operates (Chapter II). Chapter III describes impact of the VOP program on various components of the criminal justice system. Chapter IV describes the Office of the State's Attorney, its organization and case processing procedures.

EVALUATION METHODOLOGY

The evaluation team included Joan Jacoby, Executive Director of the Jefferson Institute for Justice Studies, Hon. Peter S. Gilchrist III, District Attorney for Mecklenburg County (Charlotte) NC, and Edward Ratledge, Director, Center for Applied Demography and Survey Research, University of Delaware. The team has substantial experience in conducting management and organizational analyses of local prosecutor's offices and has conducted several nationwide evaluations of prosecution and criminal justice programs dealing with repeat offenders, complex drug prosecutions, asset forfeiture and the impact of community policing on criminal justice.

The methodology employed both qualitative and quantitative assessments. The team made three on-site visits timed to observe the program during its early, middle and late stages. The last visit conducted in the spring of 1998 was designed to obtain a retrospective view of the program and its impact.

In the qualitative assessment, the team interviewed all the principal decisionmakers who had an interface with the program and operational personnel who worked with program staff. Thus interviews were conducted with the heads of law enforcement agencies and the sheriff, the chief of detectives and the detectives themselves. Also included in the process was the public defender, judges and probation officers. The purpose of these interviews was to obtain as comprehensive a picture of the program and its effects as possible.

The team also examined the organization, management and operations of the state's attorney's office to determine how well the program was operating, its relationship with the rest of the office and its impact or effect on prosecution. Interviews were conducted with the state's attorney, his top management staff, the heads of the VOP program, VOP prosecutors, non-VOP felony trial attorneys, investigators, paralegals and support staff. An analysis of the prosecution process was made to record the flow of work from intake and screening through sentencing and relate it to the flow of work in the VOP program.

The qualitative evaluation collected data for three purposes:

1. to identify whether changes were occurring in the criminal justice and prosecution environment independent of the VOP program;
2. to describe the effects of the VOP program and analyze whether it satisfied its objectives;
3. to compare the effects of the VOP program with non-VOP cases and note differences.

Three data sources were used for the analysis. Offense and arrest data collected by the Illinois State Police was used to examine trends in crime and note changes in violent crimes. Court data supplied by the clerk of the court was the primary source of data for the analysis because it was the most complete and timely. The data is as of April, 1998. The court data was converted by the Jefferson Institute to reflect defendants instead of charges. Therefore, the statistics presented in this report will not necessarily match the court's statistics. Data collected by the VOP program was not as comprehensive as court data. The value of the program data was that it clarified the nature of VOP cases, allowing for comparative analysis with other non-VOP cases or VOP-like cases in years prior to the program. The program data also contained additional information that was not included in the court's system. It is presented in Appendix A and is used in part of the evaluation. However, the reader should note that it is incomplete and not as timely as the court data. (Program data is as of December 31, 1997.)

The analysis of the data was conducted by Ed Ratledge, University of Delaware. The findings and results were developed after a synthesis meeting of the evaluation team.

ACKNOWLEDGMENTS

The Jefferson Institute would like to acknowledge the support and assistance provided by State's Attorney Michael Kick and his staff during this evaluation. We appreciate the time and resources that State's Attorney Kick so freely extended to us which expedited our evaluation and allowed the project to proceed in a timely fashion.

We would like to especially thank Assistant State's Attorney William Dickenson, VOP program attorney, and Investigator David Jepson who provided us with important policy-related information for the evaluation, coordinated our visits and scheduled our interviews. We are also grateful to Mary Elston, Office Manager, for her assistance in the team visits and providing materials important to the evaluation.

I. EVALUATION OF THE KANKAKEE COUNTY VIOLENT OFFENDER PROSECUTION PROGRAM

INTRODUCTION AND BACKGROUND

Events leading to a violent offender prosecution program in Kankakee

1. An increase in serious violent crimes and a decrease in police clearance rates;
2. An increase in arrests for serious violent crimes and insufficient prosecutorial and investigative resources; and
3. A decrease in conviction rates and satisfactory case dispositions.

As violent crimes increased in Kankakee County, they placed greater demands on the existing resources in the state's attorney's office. Violent crimes, especially homicides and sexual assault cases, often require extensive investigative resources. Crime witnesses are often reluctant, transient or difficult to locate. Alibi witnesses need to be interviewed, and trial preparation is often complex and time-consuming. Prior to the violent offender prosecution program, the office did not have a full-time investigator on staff.

Attempting to prosecute violent crimes without adequate resources, ultimately, affected case dispositions. In 1989, the city and county reported 18 murders; in 1994 this had risen to 28. Of the 19 homicides prosecuted in 1994, only 5 convictions were obtained. This is the same number that was obtained in 1992 when only 7 homicides were prosecuted. In other words, the conviction rate for homicides dropped from 71 percent in 1989 to 26 percent in 1992.

The rationale for a violent offender prosecution program in Kankakee was to respond to these three major problem areas; i.e. increased workload, a need to reallocate existing personnel or add new personnel, and less than acceptable case dispositions.

PROGRAM DESCRIPTION

The Kankakee County State's Attorney's office initiated a violent offender prosecution (VOP) program in October 1995. The program funded an assistant state's attorney and an investigator to work with the Kankakee County Violent Crime Task Force (VCTF), also newly funded. To implement the violent offender prosecution program, a violent crime task force was created consisting of personnel from the participating

law enforcement agencies (two Kankakee City detectives and one sheriff's detective) and the state's attorney's office (one VOP program attorney and one investigator). The members had experience in directing investigations and preparing complex cases, knowledge of the structure and personalities of local criminal groups, and expertise in gang and drug activity.

The Violent Crime Task Force investigators operate in conjunction with an assistant state's attorney. The task force analyzes unsolved murder and other unsolved violent crime cases throughout Kankakee County and identifies those warranting further investigation. The task force interviews witnesses and collects evidence for prosecution. The grand jury is used to compel testimony from reluctant or hostile witnesses and secure statements from subjects of the investigation. Further, it monitors on-going violent crimes and takes over the investigation if extended interview and re-interview time is necessary. A victim and witness relocation fund, newly established in Kankakee County, is also used to relocate those victims and witnesses who feel threatened. As of December 1996, the relocation fund had been used in four cases.

The VOP prosecutor was appointed in October 1995. He is assigned to the task force and provides direction to the investigations in the areas of case prioritization, case investigation and pretrial preparation. The VOP attorney is responsible for the prosecution of task force cases including their presentation to the grand jury, and their preparation for trial. The task force attorney may assign other attorneys in the office to a task force case. Because most of the cases initially selected for the VOP program were older, unsolved murders, the work of the VOP prosecutor and investigator was substantially different from newly committed crimes of murder and sexual assault. There were evidentiary problems, especially problems with witness credibility and availability. As a result, the first 18 months of the program required intensive review and investigation not normally associated with violent crime cases.

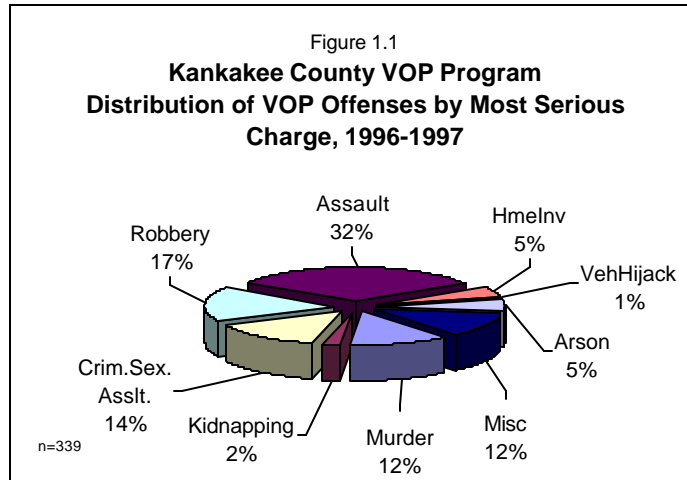
The investigator assists in case preparation for the program. In addition, the investigator may also be assigned to other violent crime cases not initially generated by the VCTF. In this event, once the state's attorney's investigator is assigned to perform duties on such a violent crime case, that case is deemed a task force case for record keeping purposes. The investigator works full-time on violent crime cases with an emphasis on sexual assaults and homicides.

Not all VOP cases are a result of VCTF activity. Other homicides, sexual assaults and violent crimes are reviewed by the VOP prosecutor and assigned to felony trial attorneys. The Kankakee State's Attorney's Office is small. Only 7 of its 16 attorneys prosecute felony cases in two courtrooms.

PROGRAM RESULTS

Volume

During the program years⁹ a total of 339 VOP cases were initiated by the Kankakee's State's Attorney's Office. Of these, 28 were homicides, 58 were sexual assaults and 231 were other violent crimes. Included in these totals are 13 VCTF cases accepted for prosecution. The task force cases included 12 defendants charged with murder and one with involuntary manslaughter. (Figure 1.1)



Case age

The 13 cases investigated and filed by the VCTF were predominately old, unsolved murders. Table 1.1 distributes them by the year of the offense.

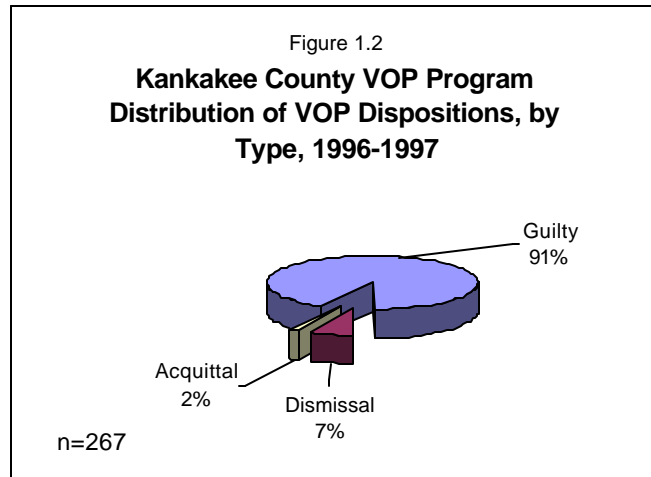
Table 1.1
Kankakee County VOP Program
Distribution of VCTF Cases
By Year of Offense

Year of Offense	Number of Cases
1992	3
1993	1
1994	2
1995	2
1996	3
1997	2

⁹ Activity in the last quarter of 1995 has been included in 1996 data.

Dispositions

During 1996-1997 a total of 267 VOP cases were disposed. There were 22 jury trials and 13 bench trials, of which 30 of which resulted in a conviction. Two hundred fourteen, or 80 percent of the cases were disposed by a plea of guilty. The overall conviction rate was 91 percent. The percent distribution of dispositions is shown in Figure 1.2.

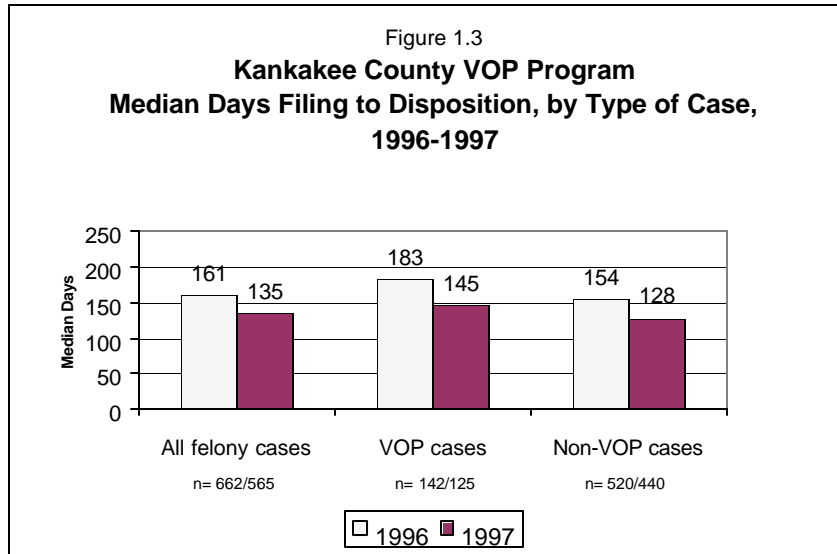


At the end of 1997, only 2 VCTF murder cases were pending. The other 11 had been disposed — 3 by jury trial, 3 by bench trial, 4 by a guilty plea and 1 dismissal. The VCTF conviction rate is 82 percent (9 convictions and 2 losses). In one case, the jury found the defendant not guilty. The one dismissal was due to proof and witness credibility problems. In two murder cases, pleas to a lesser offense were taken.

Time to disposition

The median number of days from filing to disposition for all VOP cases was 154 days. The time varied according to the program year and is affected by the high proportion of cases still open at the end of 1997. Adjusting the data to account for the pending cases gives the total estimated time as 154 days.¹⁰ As we would expect, the length of time is highest for VOP cases in both program years and relative to both the time for all felonies (161 days in 1996) and felonies that were not designated as VOP cases (154 days in 1996). (Figure 1.3)

¹⁰ The adjustment was made by sampling closed cases with an elapsed time less than the maximum observed in 1997. (In this case, 449 days). This, in part, adjusts for differences attributable to this source.



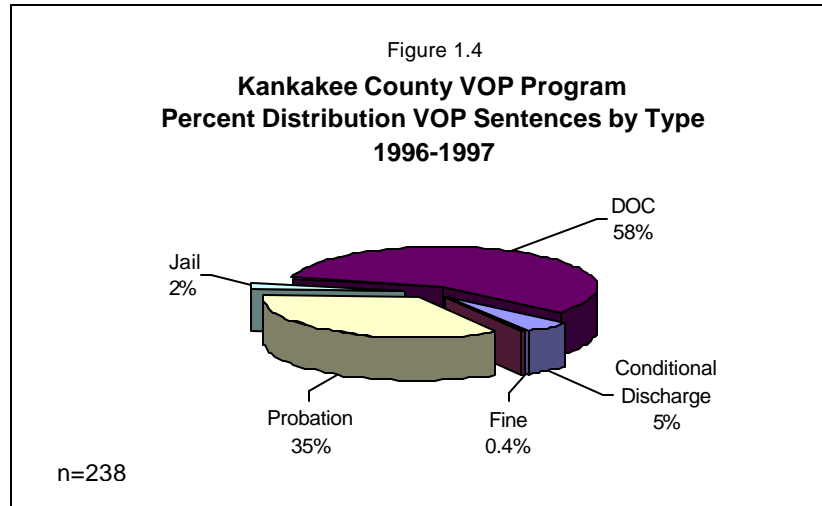
With few exceptions, the VCTF cases were not quickly resolved. Seven of the 13 cases were old, unsolved murders (except one involuntary manslaughter). The time from the offense date and arrest date ranged from a low of 9 months to a high of 5 years and a month. The median from offense to arrest in these old cases is 2 years and 1 or 2 months. Once the arrest was made, time to disposition ranged from a high of almost 2 years to a low of 11 days. The median time from arrest to disposition for the 7 old cases was about 6 months.

Of the six “new” cases that the VCTF investigated, an arrest was made in one case 2 years after the murder occurred. For the other five cases, arrests occurred quickly. The median days from the offense to arrest is 7.5 days. The time from arrest to disposition did not vary greatly from that of the old cases. The longest time as 1 year and 1 month, the median is between 7 months and a year.

Sentences

The sentences imposed were set based on the Truth in Sentencing Act that was subsequently declared unconstitutional because of legislative procedural errors. Because the decision was retroactive, the sentences imposed under TIS are now subject to good time credits which reduces their anticipated length.

According to court data, 267 defendants were convicted and 237 were sentenced. Fifty-eight percent of the sentences involved incarceration at DOC, and 35 percent were sentenced to probation. (Figure 1.4)



Of the 9 VCTF convictions, one defendant was sentenced to death, 2 received a sentence of life without parole and the remainder were sentenced to the department of corrections for terms ranging from a high of 50 years to a low of 10 years.

COMPARING VOP CASES TO PREVIOUS YEARS

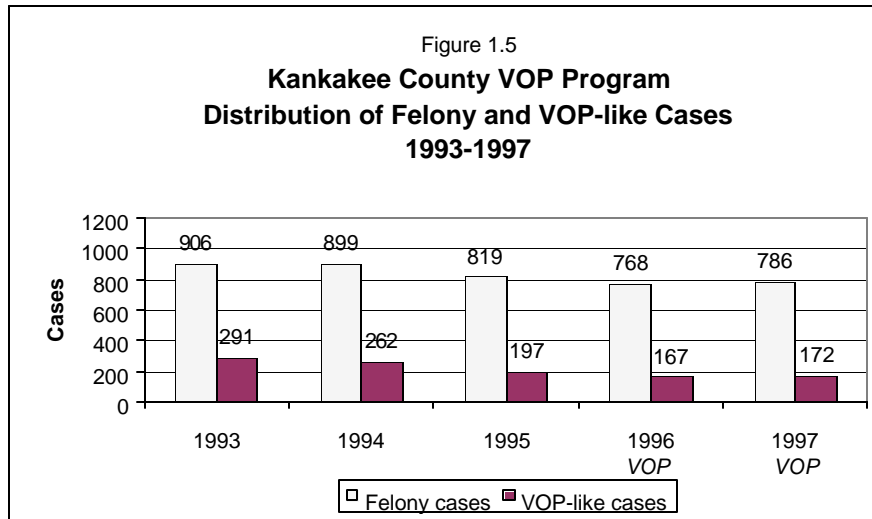
1. The results of the comparison of VOP performance measures with other felonies over the years to identify program effects are subject to variations due to the small number of cases.

The number of felonies prosecuted by the office is relatively small, less than 900, and the percent of VOP¹¹ cases is about 22 percent of the total felony caseload¹² (Figure 1.5). As a result, there is a lot of variation that statistically cannot be declared as significant and that makes the measures difficult to interpret. Additionally, the fact that 47 of the 172 VOP cases were still open at the end of 1997 may change the results for 1997 that are presented here because:

- ☒ The longer the case is in the system the more likely it is that it will result in a conviction and involve incarceration.
- ☒ Therefore, the conviction and incarceration rates should increase when the 47 open cases are disposed of, and the median number of days to disposition will also increase.

¹¹ Non-VOP cases in 1993-1995 are cases that have crime types that do not qualify for VOP. VOP cases in 1993-1995 have the same crime types as VOP cases that were selected for the VOP program.

¹² The subset of felonies designated as VOP cases is so small that statistical tests for significance tend to accept the null hypothesis.



2. The VOP cases filed in 1996 are different from the VOP cases filed in 1997.

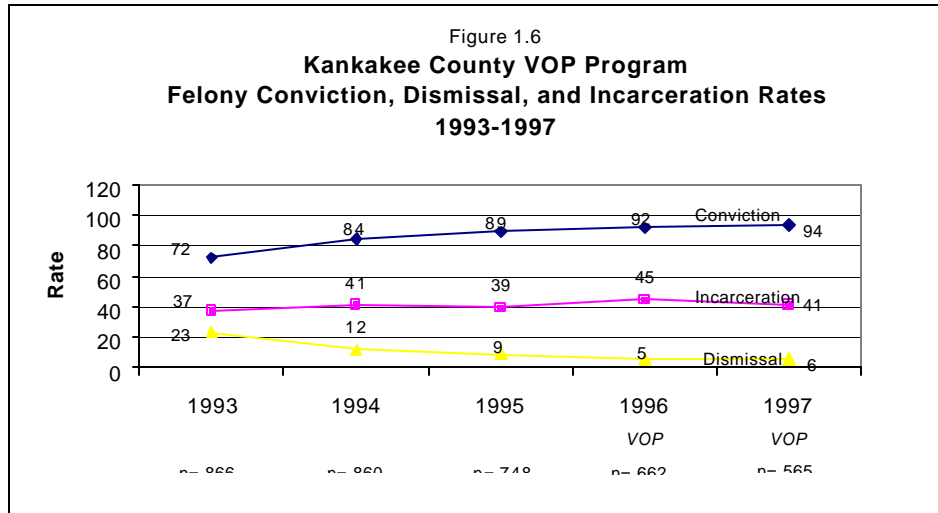
The 1996 cases include older, more serious homicides while the VOP cases prosecuted in 1997 included more recent cases. In 1996 only 5 VOP cases originated in that year; the remaining 98 were murders and criminal sexual assaults that had occurred in prior years, as far back as 1992. In 1997, all the cases were based on 1997 offenses. It is important to note, therefore, that the VOP program was handling two distinctly different types of cases in the two years examined here because it may account for some of the differences in the performance measures examined subsequently.

With these cautionary notes, we can proceed with the comparative analysis and examine the performance measures to identify effects from the VOP program.

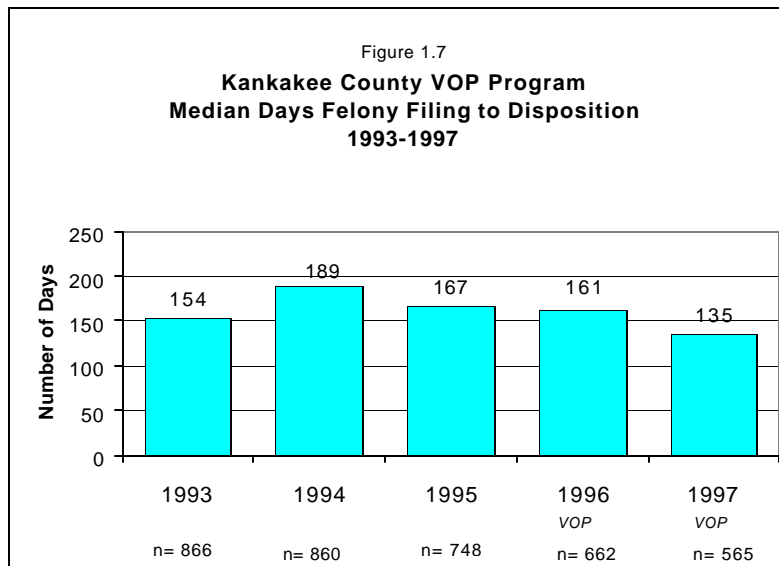
3. An examination of the trends for all felonies processed from 1993 to 1997 indicates significant changes in the office prior to the implementation of the VOP program.

Given that the data are drawn from all felonies and the VOP program only affects 1996 and 1997, any changes in the program years may be due to either factors outside the program or the program itself. Overall, the data tell a lot about the performance of the criminal justice system environment but with VOP program cases being about 22 percent of total cases, any differences in their performance or effectiveness cannot be deduced here. Conviction rates increased substantially from 1993 to 1994 and since then have hovered above 90 percent for all felonies. Although incarceration rates also increased between 1993 and 1994, they do not show a comparable increase as convictions. On the other hand, there has been a

significant decline in dismissal rates since 1993, when a high of 23 percent has now been reduced to about 5 percent.¹³ (Figure 1.6)



Median time to disposition has clearly decreased since 1994. However, with 28 percent of the 786 cases still open at the end of 1997, drawing any conclusions about the median time to disposition is tenuous. (Figure 1.7)

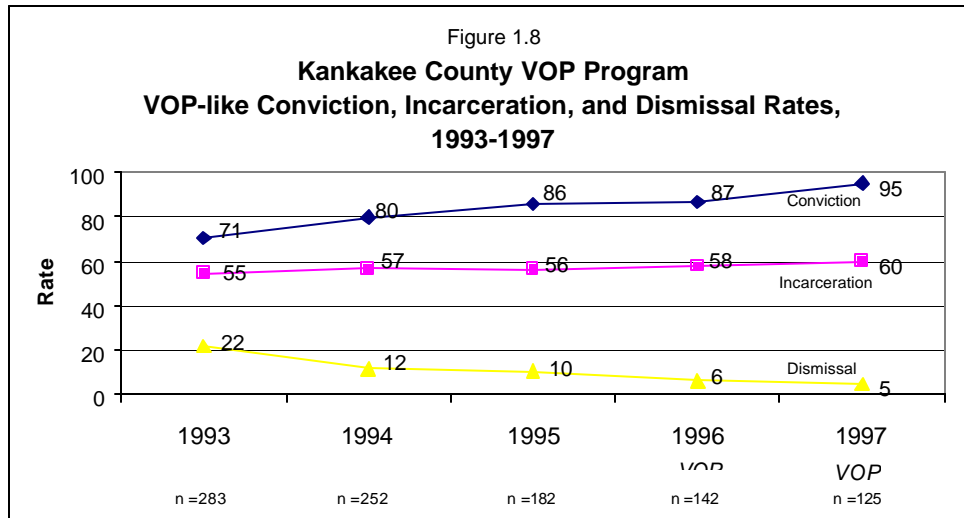


However, adjusting the data to account for the effects of the last year when 28 percent of the cases were still pending indicates that the differences in median days to disposition were not different.

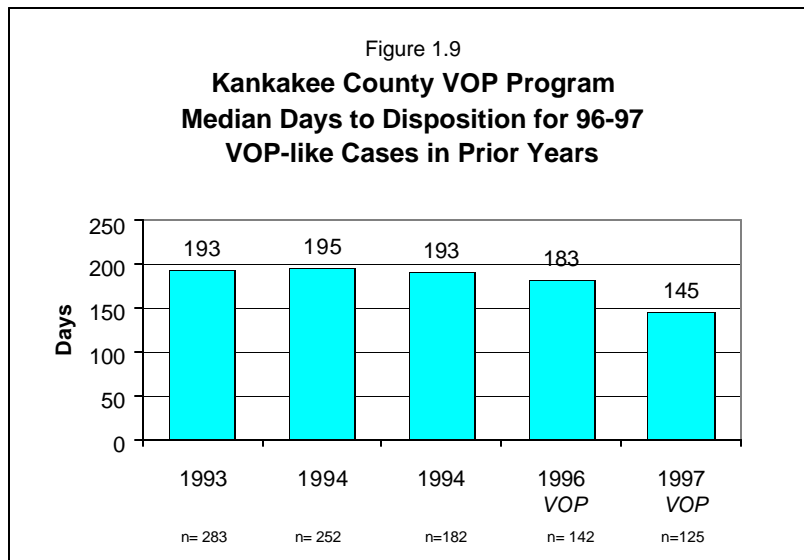
¹³ For all sites, a case is defined as dismissed only if all charges are dismissed. If a defendant pleads guilty or is convicted or acquitted for a charge and the other charges are dismissed, the case is defined by the plea or trial disposition, not the dismissals.

2. Two contrast groups, composed of cases having the same charges as those selected for the VOP program in 1996 and 1997, follow the trend data and show inconclusive evidence of program effects.¹⁴

Even though 70 to 80 percent of the felonies were eliminated in the formation of the contrast groups the distribution of the trends is similar to all felonies. There is little evidence of VOP program effects. Conviction rates have increased substantially, comparable to the overall trends, dismissal rates have decreased substantially and there is little difference in incarceration rates. (Figure 1.8)



An examination of the median days to disposition for VOP and VOP-like cases indicates a clear decrease in the days to disposition (Figure 1.9). However, much of this can be attributed to the large number of pending cases in 1997. When the data were adjusted, the median days for the VOP program was 154.



¹⁴ VOP-like cases are formed from the distribution of violent felonies recorded in 1996 and 1997 and have the same charges as those selected for the VOP program.

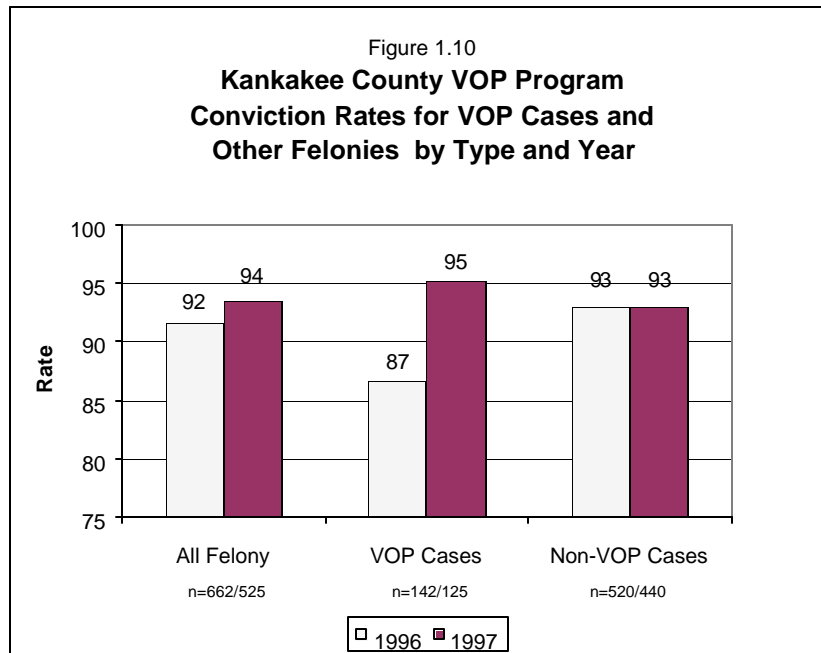
The conclusion from the trend analysis and the comparison of the behavior of similar VOP-like contrast groups indicates that changes have occurred in the office, but that these changes cannot be attributed conclusively to the program. Therefore, it is necessary to examine the data from another approach.

3. A comparison of VOP cases with all cases and other non-VOP felonies¹⁵ in 1996 and 1997 indicates areas where the VOP program produced different effects in the two program years.

Shifting our focus to an examination of the cases that were selected for processing by the VOP program and comparing them with all felonies and other felonies that were not eligible for VOP prosecution yields the following results.

In 1996, the conviction rates for the cases selected for the VOP program were lower than for all other categories. The pattern was reversed in 1997 when conviction rates were slightly higher than all other categories.

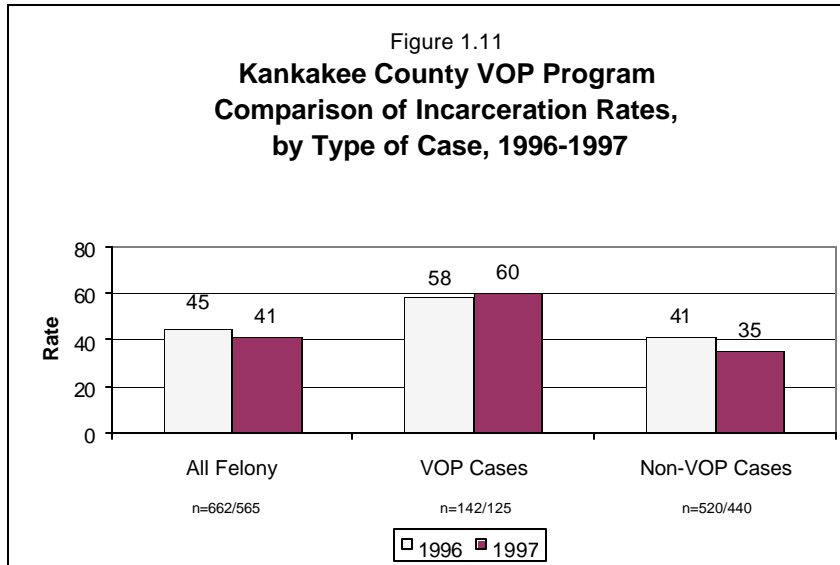
This is consistent with the fact that in 1996, the emphasis was on unsolved murders. The VCTF cases required more careful attention and more intensive preparation. The age of the cases made convictions difficult to obtain. In 1997, the VOP cases produced higher conviction rates. The 1997 cases were recent crimes and hence, this finding is not inconsistent with the results of 1996. However, with 27 percent of the VOP cases still pending, the 1997 conviction rate should increase. (Figure 1.10)



¹⁵ Non-VOP cases in 1993-1995 are cases that have crime types that do not qualify for VOP. VOP cases in 1993-1995 have the same crime types as VOP cases that were selected for the VOP program.

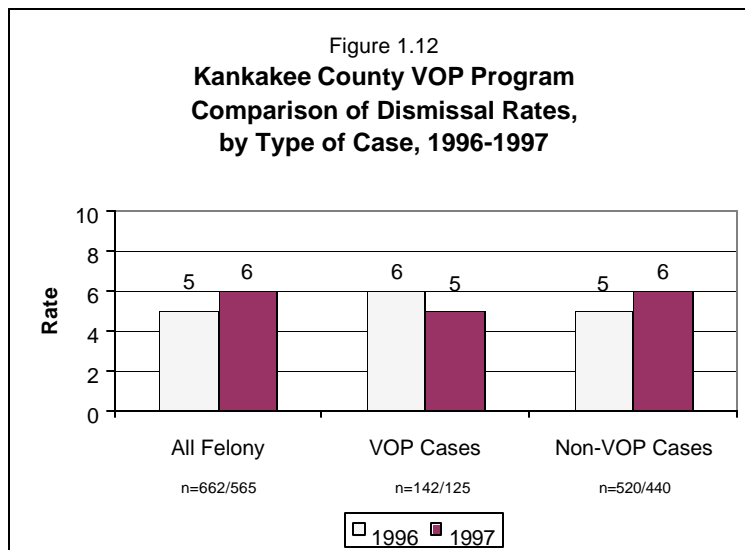
VOP defendants receive higher rates of incarceration.

Unlike earlier comparisons that showed little difference in incarceration rates, the VOP defendants receive substantively higher rates of incarceration. In 1996 the incarceration rate for VOP cases was 57 percent compared to 45 for all felonies. In 1997, the rate had increased to 61 percent. (Figure 1.11)



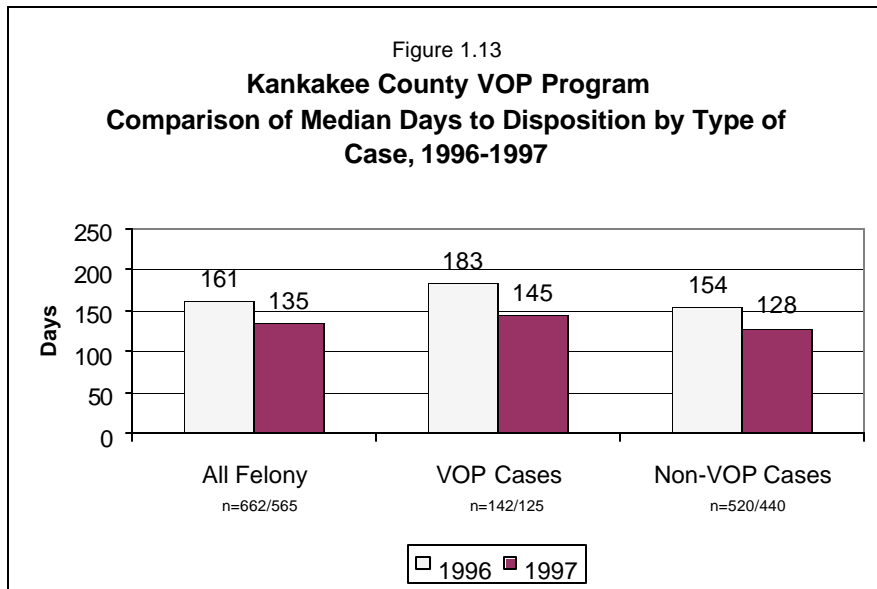
VOP cases have low dismissal rates comparable to the office-wide rates.

There appears to be an improvement in the low dismissal rates in 1997 when VOP cases had a dismissal rate of only 4.8. This could be attributed to the intensive screening these cases receive, or it could be a statistical artifact. The evidence is inconclusive until the 1997 cases are disposed. (Figure 1.12)



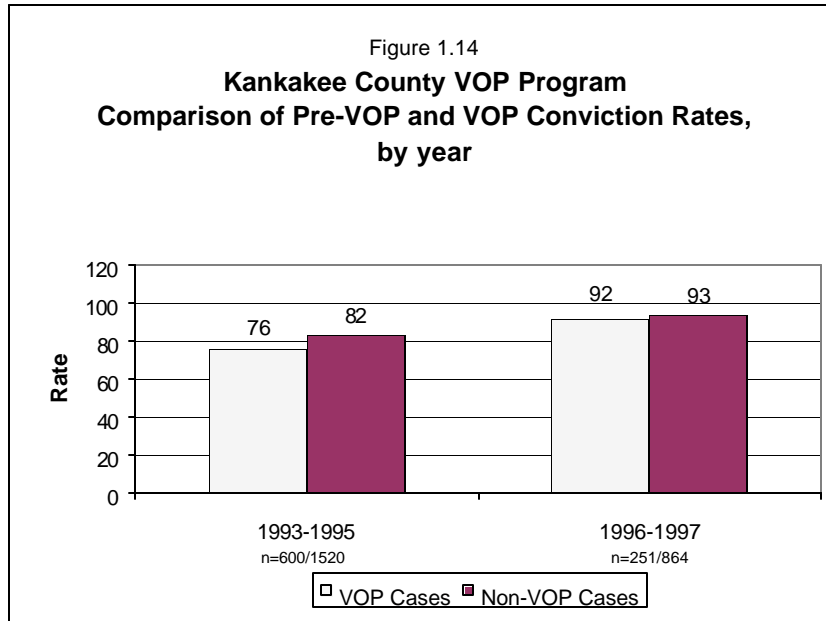
VOP cases stay in the system longer than other cases. The median is 154 days from filing to disposition compared to 124 days for non-VOP cases.

The median time to disposition for VOP cases was longer in each program year than other felonies. This finding is consistent with the fact that violent crime cases usually take longer to reach a disposition especially since they typically involve incarceration as a sentence. (Figure 1.13)

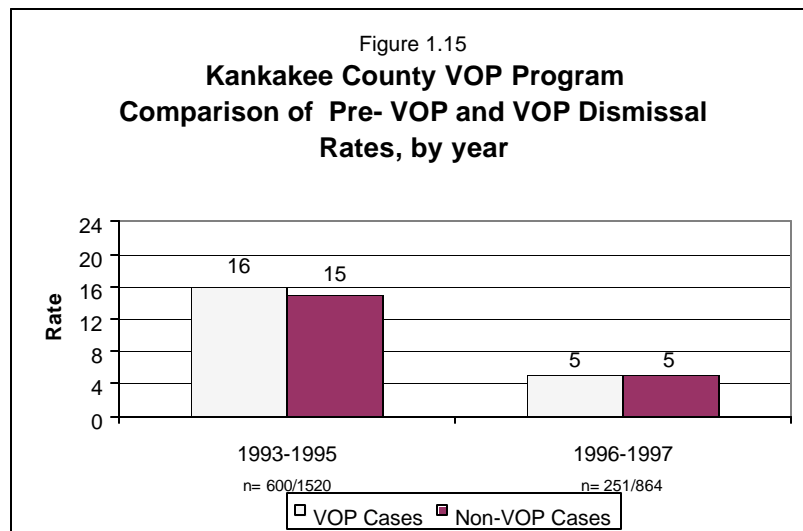


There has been a systemic change in the office since 1993 which has resulted in increased convictions and decreases in dismissals. The VOP program shows a similar pattern but at different levels.

The VOP program has a higher conviction rate and lower dismissal rate than those cases like them in the preceding years between 1993-1995. These findings indicate the seriousness of the offenses and support the need for additional resources required for violent crime prosecutions. Grouping the performance indicators in the years before the VOP program and comparing them to the totals for the program years gives another indication of the effectiveness of the VOP program. Figure 1.14 shows the increase in the conviction rates and figure 1.15 illustrates the decrease in dismissal rates. Figure 1.14 reflects not only the overall improvement in the office's performance between the two time periods but also the substantial increase in the conviction rate for difficult VOP cases (from 76 percent to 92 percent).



As the comparison of dismissal rates indicate, there was a significant decline in dismissal rates, from about 15 percent in the years prior to the program years to about 5 percent during the program years. This decline and the increase in VOP conviction rates is consistent with the office-wide changes that occurred between 1993 and 1997.



EVALUATION OF GOALS AND OBJECTIVES

The stated goals and objectives of the Kankakee County VOP program are as follows:

Goal 1. Establish a countywide Violent Crime Task Force, which will focus on unsolved violent crimes.

Objective 1.1. Establish oversight and policy board consisting of the state's attorney, Kankakee city police chief and Kankakee County sheriff to select personnel for the task force; establish preliminary task force priorities and protocols; and, maintain oversight function of task force activities.

Objective 1.2. Assign veteran officers and state's attorney staff to task force or hire to fill positions.

Objective 1.3. Gather information on all unsolved cases and review for prioritization criteria, including solvability and impact conviction will have on crime in the community (i.e. suspect in multiple offenses).

Objective 1.4. Prioritize cases based upon above criteria.

Objective 1.5. Begin investigations.

Goal 2. Develop stronger cases and obtain a higher conviction rate.

Objective 2.1. Increase prosecution rate for homicides by 15 percent.

Objective 2.2. Increase prosecution rate for all violent crime by 10 percent in year one (with emphasis on sexual assault prosecutions).

Objective 2.3. Increase conviction rate of homicide cases by 25 percent as a result of enhanced quality of investigation, as well as enhanced resources for more thorough trial preparation and prosecution.

Objective 2.4. Increase conviction rate of all violent crime cases (with special emphasis on sexual assault prosecutions) by 15 percent as a result of enhanced quality of investigation, as well as enhanced resources for more thorough trial preparation and prosecution.

Objective 2.5. Promote task force objectives to 20 major community groups in order to increase information flow.

In this section we examine each of the stated goals and objectives and assess the progress that has been made in the first 28 months of operation.

Goal 1. Establish a countywide Violent Crime Task Force, which will focus on unsolved violent crimes.

This goal was achieved. The violent crime task force was established in October 1995.

Objective 1.1. Establish oversight and policy board consisting of the state's attorney, Kankakee City police chief and Kankakee County sheriff to select personnel for the task force; establish preliminary task force priorities and protocols and maintain oversight function of task force activities.

This objective has been met. The oversight and policy board was established, personnel were assigned to the task force and priority was given to unsolved murder cases.

The oversight and policy board consisted of the Kankakee County state's attorney, Kankakee city police chief and Kankakee County sheriff. Its activities included establishing and modifying criteria for cases being assigned to the task force, meeting on a regular basis to review the performance of the task force and to ensure that the task force had daily working relationships with all other investigators in the county.

The violent offender task force first focused on solving the backlog of homicide cases. Every unsolved homicide case was reviewed by the Kankakee City Police Department, the VOP prosecutor and other agencies to determine whether it should be opened for investigation. Some of the issues examined involved the age of the case, whether likely suspects or witnesses were available, whether the cases appeared to have received only cursory investigations, whether the principals or suspects were already known to the police, and the availability of forensic or physical evidence.

Objective 1.2. Assign veteran officers and state's attorney staff to task force or hire to fill positions.

This objective has been met. When the violent offender prosecution program was funded, an ASA was selected to head the project. The ASA started with the office in 1991 and had accumulated 3 1/2 years of trial experience prior to the initiation of the VOP program. A detective, who was with the sheriff's department, was selected as the investigator. He was formerly a police officer for 5 years and a member of the Kankakee area Metropolitan Enforcement Group (KMEG) for 2 years. With his extensive experience and contacts, he was able to influence the direction of the investigations to satisfy prosecution requirements.¹⁶

¹⁶ A new investigator began in March 1997.

Objective 1.3. Gather information on all unsolved cases and review for prioritization criteria, including solvability and impact conviction will have on crime in the community (i.e. suspect in multiple offenses).

This objective has been met. The VCTF first reviews cases for their solvability. Then the ASA reviews all "solved" cases to decide whether they are: (1) ready to indict; (2) need additional information; or (3) need additional work-up which may mean getting warrants and subpoenas from the grand jury. The ASA also works with the detectives on "unsolved" cases to help provide new investigative directions.

During the program years, 7 of the 49 unsolved cases were cleared. The primary reason for these clearances was the availability of task force officers to follow-up on leads that originally were not pursued. In some instances, witnesses had not been interviewed at the time of the homicide. In other cases witnesses were afraid to step forward if there were no incentives for them to do so. Major breakthroughs occurred when witnesses who were in trouble with the police, or were incarcerated, offered to testify against others to help their own situation.

Objective 1.4. Prioritize cases based upon above criteria.

This objective has been met. After the VOP prosecutor reviewed each case, the cases were prioritized using criteria developed by the task force and the ASA. Assignments were made to the detectives for the investigations.

Objective 1.5. Begin investigations.

This objective has been met. As soon as cases were reviewed and accepted, the detectives and VOP investigator begin investigations. An indicator of the effects of the investigations is the fact that since the inception of the VCTF, the prosecuting attorney and other members of the task force have been able to obtain 7 indictments on 7 homicides that would have gone unsolved primarily because of lack of investigative manpower.

It should be noted that the ASA and the investigator are not limited to cases accepted for investigation by the VCTF. They also may, and do, assist police departments or the sheriff's department in the investigation of new violent crimes and in the preparation of these cases for prosecution. Because they work on both task force and non-task force cases, the evaluation of the VOP program concerns the effects of adding investigative and prosecutorial resources to homicide and sexual assault cases, rather than the impact of a task force and its operations.

Goal 2. Develop stronger cases and obtain a higher conviction rate.

The comparison of conviction rates for violent crimes prior to the VOP program with those obtained during the program years indicates that there was a significant increase in the rate office-wide and especially for the VOP program.

During the program years, the conviction rate for all VOP cases including violent crimes, sexual assault and homicides was 91.6 percent compared to 76 percent in the pre-VOP years. Sexual assault cases recorded a 91 percent conviction rate and homicides a 90 percent rate.

In 1992, 7 homicides were prosecuted and 5 convictions were obtained. During the program years 13 VCTF cases were filed and 11 were disposed. The conviction rate for the 11 VCTF murders was 82 percent. Only 2 of the 11 were lost, one by a jury no guilty verdict, the other by dismissal. The case dismissed had problems with the credibility of gang members and a time delay of two and a half years before witnesses came forward. There were five witnesses but their testimony was viewed as one. The jurors did not criticize the police for not solving the case sooner. Rather, they said that the time delay and the criminal records of the five eyewitnesses for the state had low credibility. The victim's brother initially refused to cooperate with the police stating "I didn't see anything, I'll take care of this myself." When the brother showed up two and a half years later with two female witnesses their testimony was not deemed credible. According to the VOP ASA, "If cases rely on eyewitness testimony, there will be problems. These cases need statements from the defendant."

Objective 2.1. Increase prosecution rate for homicides by 15 percent.

This objective was not met due to the small number of homicides and their decreasing incidence. In 1996, 16 homicide cases were initiated and in 1997 this number dropped to 12. Police arrest reports for homicides confirm the decline. In 1996, police reported 7 arrests and 8 reported homicides in Kankakee County. In 1997, it is estimated that the number will drop to 4 arrests and 7 reported homicides.

Objective 2.2. Increase prosecution rate for all violent crime by 10 percent in year one (with emphasis on sexual assault prosecutions).

This objective was not achieved because of the combined effects of two events: (1) a decrease in the crime rate and (2) as a result of better investigations, cases are more stringently reviewed before charges are filed. The number of cases initiated by the prosecutor for violent crimes was 159 in 1996 and 158 in 1997. VOP sexual assault cases initiated in both 1996 and 1997 numbered 29 each year.

Objective 2.3. Increase conviction rate of homicide cases by 25 percent as a result of enhanced quality of investigation, as well as enhanced resources for more thorough trial preparation and prosecution.

This objective was satisfied. In the program years of 1996 and 1997 the conviction rate for homicides was 89.6 percent.

Objective 2.4. Increase conviction rate of all violent crime cases (with special emphasis on sexual assault prosecutions) by 15 percent as a result of enhanced quality of investigation, as well as enhanced resources for more thorough trial preparation and prosecution.

This objective was satisfied. In the years prior to the VOP program (1993-1995), the conviction rate for all violent crime cases was 76 percent. During the VOP program years, the conviction rate was 92 percent. This is an increase of 20 percent. For sexual assault cases, during the VOP program, the conviction rate was 91 percent.

Objective 2.5. Promote task force objectives to 20 major community groups in order to increase information flow.

This objective was not met. With the number of cases going to court, the VOP prosecutor has only been able to present one lecture to the community on the workings of the task force and how it relates to community safety. As a result, there has not been much publicity about the program except by word of mouth in the community of victims. Part of this is due to the local newspapers, which show only sporadic interest in the criminal justice system and its activities. (However, the radio networks cover trials.) Part is also due to the caseload carried by the VOP ASA. Members of the policy board participated in various community meetings in order to explain the task force's functions, goals and objectives as well as to obtain public support; however, the exact number cannot be determined.

PROGRAM CHANGES

In the second year's application, the state's attorney's office proposed to decrease the expected increase in prosecutions for all violent crimes (objective 2.2) from 10 percent to 5 percent. The other objectives remain unchanged.

VOP PROGRAM MANAGEMENT CONSIDERATIONS AND FINDINGS

In this section we assess the implementation of the VOP program in the state's attorney's office by examining policies, procedures, coordinating mechanisms and the ability of the criminal justice system to support the program.

Overall, the organizational and procedural steps taken by the state's attorney's office have enabled the VOP program to meet its basic objectives although it has not seen the increases in prosecutions initially envisioned because of the declining trend in violent crime. There have been a number of unanticipated benefits from the program, not the least of which is the cooperative team spirit between the police and the prosecutors, and the detectives' redefinition of case success from just making arrests to obtaining convictions. Although it may be difficult to separate out the effects of the VCTF from the state's attorney's VOP program, it appears that both have succeeded in improving police and prosecutor relationships, training, and investigations.

Another unanticipated program effect stems from the availability of the investigator. The ASA in charge of the prosecution of sex crimes has already been able to obtain interviews with more witnesses outside the office because the investigator accompanies her to places she would not previously have gone to alone. The side effect of her going to interview witnesses rather than having them come to the office is that the office is gaining a reputation among the victim's family and the community as one that cares about victims and witnesses.

1. Are VOP program functions and activities compatible with current office policy?

Yes. The establishment of the Violent Crime Task Force did not change the office's activities substantially since the office already participates in other task forces (e.g. KMEG). The addition of another attorney and investigator brought more resources to the office but this did not change current policy.

2. Is the program's organization capable of supporting the program operations?

Yes. This is not an issue given the small size of the office and the decrease in violent crimes. The effects of better trained investigators or higher quality investigations may actually reduce the trial preparation time for the attorneys handling VOP cases.

The VOP attorney believes that all the cases are winnable. But he also recognizes that these are not the greatest cases. Because of their age, deals that have to be made with witnesses, and other evidentiary problems with these cases, he expects them to go to trial, which places a heavy burden on his time. His typical trial schedule requires two weeks preparation before the jury trial, one week of jury trial and one week to catch up. He has tried 8 cases in 9 months. To free up time for VOP cases, an attorney who was hired as a result of the VOP grant has been given his property crime cases.

3. Is the organization of the VOP program compatible with the organization of the state's attorney's office?

Yes. The VOP program activities are integrated into the organization of the state's attorney's office.

4. Are program policies and procedures followed consistently?

Yes. Given the nature of investigations, the task force operations, the open lines of communication and the extensive interaction between the law enforcement agencies and the VOP attorney, the policies and procedures are known to all. There is no evidence of inconsistencies.

5. Have all necessary coordinating mechanisms been established and how well do they work?

The VOP program in Kankakee County operates at a high level of coordination with the law enforcement agencies, which has already produced some beneficial results. Most significantly is the increased level of communication and confidence that has been engendered.

6. Does the criminal justice system have the capacity to process VOP cases?

Yes. Given the small number of cases and the declining trend, the system has capacity although the workload should be monitored to identify major changes if they occur and make the appropriate adjustments.

7. How do other participants view the program, its efficiency and effectiveness? Do they have recommendations for change?

The other participants in the program and those affected by it hold it in high regard. The police chief and the sheriff are extremely supportive of the program. They agree with the policy of solving old and difficult cases and have supplied the resources necessary to implement the policy.

The working relationship between the investigators assigned to the task force and the investigators in the local law enforcement agencies is close and supportive. Police agencies have the option to call in the task forces and, generally, the chief investigator will ask for its involvement. The city police department often uses the task force to find suspects or witnesses because they have "windshield time" available.

When asked about the value of solving old cases, the task force investigators believe that clearing old cases often removes a criminal leader from a position of authority. They believe that one effect on gang activities is to disorient them and make them ineffectual. They cited this effect when the task force arrested a leader of a Vice Lords gang for homicide. However, they also recognize the need for publicity and media attention to spread the word about their attention to unsolved cases. To that end, they are exploring ways for developing a public relations program.

The public defender's reaction to the violent offender prosecution program is that the office is being placed in an unfair position since they do not have the investigative resources that the state's attorney now enjoys. The public defender feels more pressure than before because the assistant state's attorneys have higher expectations for going to trial on violent crime cases. He believes that the state's attorney's homicide conviction rate has improved since 1994 because of better police work.

The chief judge does not believe the new truth in sentencing law has affected most cases. However, the situation has been drastically changed with the overturn of the statute. He also believes that the violent offender prosecution program has created a substantial boost in the morale of the police departments.

The director and staff of Probation and Court Services were not familiar with the violent offender prosecution program. However, they noted that 73 percent of violent offenders are on probation. Part of this is because jails and prisons are over capacity. Also as of August 1, 1996 detention beds for juveniles were available only by reservation.

CONCLUSIONS AND RECOMMENDATIONS

Overall the findings are consistent with an office that has shown substantial improvement since 1993 when the state's attorney improved the case screening function and changed the plea policy of the office. The changes, which were initially resisted, appear to have had a substantial effect – especially on dismissal rates which have decreased dramatically as a result of improved case review and screening. Within this environment, the VOP program operated with a high degree of success.

It is difficult to separate the effects of the VOP program from the VCTF activity since they are so closely intertwined in their operations and working relationships.

The VCTF has been successful in changing priorities about old, unsolved murders so they are no longer pushed back in the investigative queue. The value of concentrating on old murders, especially gang-related

murders is that convictions incapacitate a murderer, sometimes a leader of the gang, and prevent further violence. From a victim perspective, it "puts to rest" the incident and gives closure to the victim's family and friends. From a public perspective, the focus on unsolved murders has improved the relationship between the black community and the police. The community now perceives that someone cares about violent crimes in their community. Where before, there were no "witnesses" to a crime, now there are. By forging closer links to the community through the victim's family and friends, the community's willingness to come forward as witnesses has increased.

The inherent value of the VCTF is that it has been given law enforcement and prosecution the time and the priority to investigate difficult to prove, old cases in more depth than would be available in normal operations. Combining the investigative resources of the VCTF with a VOP prosecutor and investigator has gone a long way in improving police-prosecutor relations. Some of the factors contributing to the close working relationships include:

1. The principals comprising the oversight and policy board, the state's attorney, chief of police and sheriff know and trust each other. They share the same goals and objectives for this program.
2. The philosophy and policy that guides task force investigators is that of providing help and support to other investigators. Open communication about cases and leads is standard operating procedure. As a result, "turf" battles are avoided.
3. The task force has more time available to spend on investigations of old, and some new, cases. It does not have to "push back the old cases, to handle the new."
4. The task force investigators are free to travel outside the local police department's jurisdictions to conduct their investigations.
5. The task force investigators have a wider knowledge of criminal networks that extend beyond the jurisdictional boundaries of local law enforcement. They have become a resource that is accepted and requested by other non-task force detectives and investigators. The task force has acquired substantial experience in special types of crimes, i.e. homicides, sexual assaults and armed robbery.
6. The active involvement of the Illinois State Police extends the range of information and resources available for investigations and adds another dimension to investigations.

The VCTF enjoys the personal relationships with the prosecutors and the state's attorney's investigator. They endorse the task force's value. As the chief of police noted, "a task force is a method of thinking and looking at something."

For the VOP prosecutor, the program produced a number of benefits. Most important, it gave the three felony attorneys handling murders and sexual assaults more experience as they focused almost solely on these crimes. As a result, better task force investigations were undertaken, and better-prepared cases were presented in court. The less experienced attorneys gained a self-confidence with each successful prosecution they conducted. Judges and the public defender noted that the ASAs were taking a more aggressive stance about accepting cases for prosecution and going to trial even if conviction was less than certain. Police note that the ASAs now go "toe to toe" with defense counsel as their expertise has grown. The VOP ASA gives police insight into the directions the cases should go. The police believe that the introduction of a team concept in investigations has greatly enhanced the seriousness of the program.

The impact of the investigator was a surprise bonus to the VOP program. This was the first opportunity for the state's attorney's office to have an individual take on responsibilities and duties that previously were shared by many – attorneys, support staff and law enforcement. Among other duties, the investigator served witnesses, interviewed alibi witnesses and was experienced in taking statements from potential witnesses. The value of the investigator was immediately apparent primarily because he can focus on the lay witnesses to ensure their appearance. The investigator is recognized to be so important that the police and the prosecutors alike stated that if the program was not to be funded, they would try to continue the program, perhaps structure it differently, but keep the functions and the investigator.

The VOP program was not without some problems. From the prosecutor's perspective they stem from management and administrative procedures, not operational ones. Most notable is the lack of case management information that impairs the office's and the assistant state's attorney's ability to monitor the status of the cases, and therefore is unable to estimate the number of pending cases. The ASA does not have a pending case list that indicates whether additional work has to be done, and he cannot follow up on the status of work he has requested. If work is needed on a case, he communicates either in writing or by phone with the VOP investigator. Active review and preparation are triggered by scheduled court hearings or trial. This reactive stance to case management does little to support efficient program management.

Recommendations

We recommend:

1. The continuation of the task force concept and the special designation of an ASA to provide direction and overview to the task force operations even if grant funds are not available. The results and benefits of this joint approach to violent crime have proved to be substantial.
2. The state's attorney should request permanent funding for the investigator position to support more efficient trial preparation and the assurance that witness and victim testimony will be available at court hearings.
3. The state's attorney should expand the opportunities for assistants to second chair cases with the VOP attorneys to provide them with additional training.
4. The state's attorney should initiate a study to improve the flow of management information and reports within the office with the specific objective to supporting efficient case management.
5. The state's attorney, police and sheriff should work together to expand training opportunities for police and prosecutors by utilizing the task force concept in other areas that either place a high demand on resources or are particularly troubling to the community, e.g. domestic violence, juvenile crime, auto theft.
6. In the absence of continued VOP funding, the state's attorney, police and sheriff should consider the establishment of task force teams comprised of appropriate personnel that can be mobilized for initial response to specific cases or types of crimes. And, the personnel assigned to task force teams be provided with on-going training to keep them updated about state-of-the-art investigative and prosecutorial techniques.
7. The state's attorney should give priority to obtaining funding to increase the salaries of the attorneys and staff so as to develop and retain experienced personnel, thereby improving the quality of prosecution in Kankakee County.

II. BACKGROUND AND SETTING FOR THE VOP PROGRAM IN KANKAKEE COUNTY

KANKAKEE COUNTY DEMOGRAPHICS

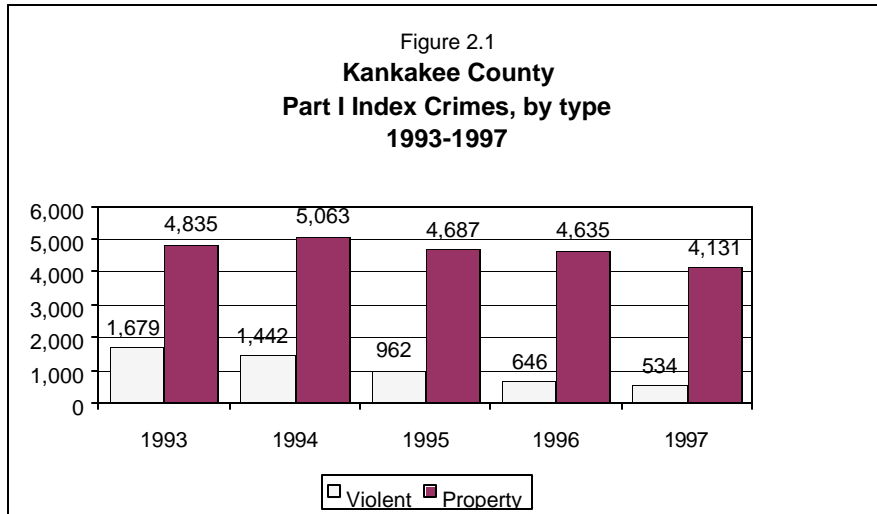
Kankakee County, situated in northeastern Illinois, about 60 miles south of Chicago, covers an area of 679 square miles and has a population of 96,255 according to the 1990 Census. Of the 102 counties in Illinois, the Census Bureau designates 26 counties, including Kankakee, as urban. The city of Kankakee has a population of 27,575 and a minority population of 40 percent. The other cities are Bradley and Bourbonnais.

Kankakee is a depressed area since manufacturing left the county. The main industry now is mostly retail. There are both rural and urban areas that are very poor. Pembroke Township, on the rural eastern edge of the county, is the third poorest township in the United States. The Kankakee city population is mostly out-of-work (double-digit unemployment) and blue collar, racially split between 60 percent white and 40 percent black. In August the county feels the effects of an influx of migrant Hispanic workers.

CRIME TRENDS

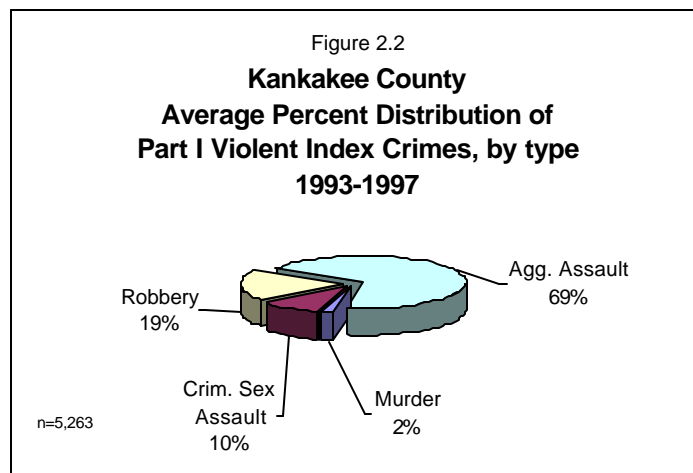
Although relatively small in population, the pattern of crime for both the city and the county mimics larger urban populations. This is primarily due to two factors. First, connected to Chicago by Interstate 57, the county has felt the impact of increasing cocaine usage, especially crack cocaine and its associated violence since 1990. Secondly, the proximity of Kankakee to Chicago has also spurred the growth of a number of street gangs, the largest being the Vice Lords and Gangster Disciples who are located in both the Pembroke area and the city of Kankakee.

Crime remains a significant problem in Kankakee County even though it has shown signs of decreasing in 1995 (a change which has occurred nationally as well). The number of Part I crimes (index offenses) reported to the police dropped from 6,514 in 1993 to 5,649 in 1995. About four out of every five crimes reported to the police in 1995 were property crimes.



There has been a steady decline in violent crimes since 1993 when 1,679 offenses were reported. In 1997 serious violent crimes dropped to 534 (Figure 2.1). However, much of the decline was due to a reduction in reported aggravated assaults. In contrast, serious violent crimes (murders, criminal sexual assault, and robbery) as a percent of Part I violent crimes rose from 22 percent in 1993 to 45 percent in 1997. The number of serious violent crimes was 248 in 1997 compared to 386 in 1993.

Figure 2.2 illustrates the distribution of violent crimes during the period of 1993-1997. The largest proportion is aggravated assaults (69 percent), robbery is 19 percent, and murder is only 2 percent of violent crimes. In contrast to the decreases in murder, the statistics show criminal sexual assaults and robbery increasing as a proportion of all violent crimes.



In the period from 1989-1994, as crime increased and strained the resources of the local police departments, their clearance rates decreased especially for homicides, and sexual assaults (which mostly occurred in the city of Kankakee). By the time the violent offender program was implemented, the number of unsolved murders, had reached 49.

ARRESTS

The work of the criminal justice system may be indicated by arrest statistics. The number of arrests for Part I Index offenses was 1,046 in 1993, 1,194 in 1995 and was 1,220 in 1997. This averages to about 3 arrests per day, the low was 2.9 arrests per day in 1993, 3.4 in 1994 and 3.3 in 1997.

The majority of the arrests are for property offenses (935 or 77 percent in 1997). Arrests for violent crimes are decreasing proportional to the total number of arrests. In 1995, only 28 percent of all arrests (338) were for violent crimes. (Figure 2.3)

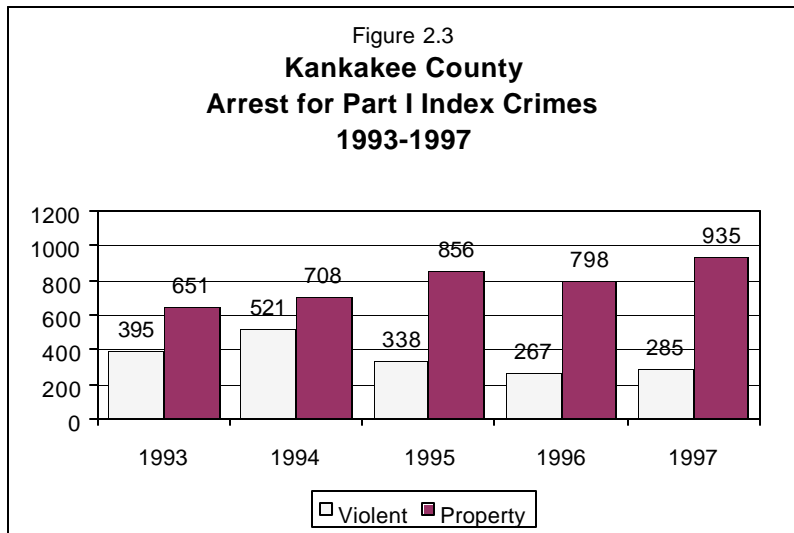
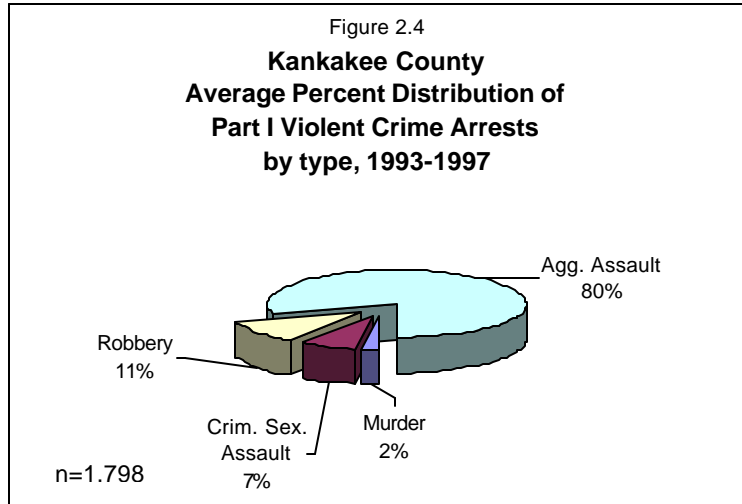


Figure 2.4 shows the average distribution of violent crime arrests during 1993-1997. The largest proportion of arrests are for aggravated assaults (80 percent); the smallest are for murder (2 percent).



Drugs are a major contributor to crime in the county and the arrest rate for drug violations has increased. It has increased since 1992. This is in spite of the large increases in seizures of crack cocaine since 1992. Overall, between 1988 and 1992, the arrest rate for drug violations decreased from 300 to 203 per 100,000 citizens. Since then it has increased to 692 per 100,000 in 1997. Despite their low numbers, relative to all Part I Index offenses, violent crimes, especially murder and sexual assault, place disproportionately high demands on the resources in the state's attorney's office. The prosecution of violent crimes is the most time-consuming and resource-demanding of all prosecutions undertaken by local jurisdictions. Violent crime cases: (1) will increase the attorney's workload; (2) may create a need to reallocate existing resources or add new personnel; and (3) may produce lower conviction rates or less satisfactory dispositions depending on the quality of the evidence and the experience of the prosecutor.

III. FACTORS IN THE CRIMINAL JUSTICE ENVIRONMENT AFFECTING THE VIOLENT OFFENDER PROSECUTION PROGRAM

As part of a program evaluation, it is important to take into account factors outside the control of the program that affect its operations, management, efficiency and effectiveness. Some of these factors may enhance the ability of the program to meet its goals such as career criminal statutes and truth in sentencing laws. Other factors may create problems or limit the effectiveness of the program such as inadequate or incomplete police reports, lack of trained personnel, or overcrowded jails and prisons. The violent offender prosecution program operates within a local criminal justice environment, which affects it in a number of ways. In this section, we note factors in the external environment that may affect the program.

LEGISLATIVE ENVIRONMENT

Speedy Trial

The court operates under a speedy trial law that is 120 days from date in custody and 160 days for out of custody cases if a written speedy trial demand is made. It does not appear at this time that speedy trial has affected the program.

Truth in Sentencing

The Truth in Sentencing (TIS) act was passed in August 1995. There is almost universal agreement that TIS was enacted because the public demanded stiffer sentences and the judges exhibited wide variation in their sentencing practices. TIS establishes a sentencing grid for certain crimes and designates the proportion of time that must be served for certain offenses. TIS covers murder and Class X felonies: murder requires 100 percent of the sentence to be served; rape, 85 percent of the sentence; and attempted first-degree murder, also 85 percent.

The effect of TIS is to abolish reductions in sentences for good time credit for these offenses, thereby increasing the length of sentences. For example, before TIS, conviction on a first-degree murder would usually involve a 20-year minimum sentence, which, with good time, would allow release in 10 years.

The statute has strengthened the prosecutor's plea bargaining stance. ASAs may charge TIS offenses and use them to negotiate a plea to non-TIS offenses. The impact on the sentence may be substantial. For example, since 20 years is the minimum TIS sentence for a first degree Class X felony, a plea to a second degree offense which carries a 15 year sentence, but is not covered by TIS, gives the defendant a chance to serve only 7 1/2 years with good time credits.

LAW ENFORCEMENT

The county is served by 13 municipal police departments in addition to the Kankakee County Sheriff's Department. Together these agencies employed 167 full-time sworn officers as of July 1, 1993.

A CLE program operated by the state's attorney provides police training programs. Judges, assistant state's attorneys and other experts are lecturers. The program's focus is on search and seizure law and report writing. The state's attorney conducts nine seminars annually, set each month from September to May to train law enforcement officers and to educate them about problems observed in the courtrooms. From 50-100 officers attend the seminars, some because they are interested, others because they are being paid to attend.

Kankakee Police Department

The largest department is the Kankakee City Police Department with 70 sworn officers and 25 civilians. Kankakee Police Department has initiated a community policing effort. It has bicycle patrols, has entered into agreements with landlords for enforcement and evictions, and is establishing a citizen police academy. Kankakee Police Department contributes about 50 percent of the workload to the criminal justice system and about 70 percent of the felonies.

Bourbonnais Police Department

The BPD has 19 sworn officers. It is the second largest department in the county.

Sheriff's Department

The Sheriff's Department provides a centralized intake and booking point for all arrests in the county. On weekends, a judge is available to set bond for new detainees. The jail itself is not overcrowded. Its capacity is 106 but double bunked, it may hold 204. The jail contains a special wing for adult females (12-16 beds) Juveniles are transferred out to one of 16 counties that have detention facilities for juveniles.

Almost all (90 percent) of the inmates are pretrial detainees. Nineteen serve under a periodic release program, which jails offenders for weekends only. They enter the jail on Friday night at 6PM and leave Sunday night at 6. The sheriff also has a work release program. Inmates are charged \$15 a day for jail costs.

The sheriff believes that TIS may shorten some jail time because sentenced prisoners will be transferred to the Illinois Department of Corrections. However, management reports by length of detention were not available to verify this effect.

The sheriff also noted that the state's attorney's office takes an aggressive stance with respect to sentencing. For example, if a pretrial detainee might be sentenced to time served, the office will request additional time to avoid this possibility. He noted that the state's attorney was also more aggressive about probation revocations. He has a "probation with a bite" policy which includes 30 days to 6 months in jail for revocations.

PUBLIC DEFENDER

The public defender's office in Kankakee County is part-time, i.e. attorneys are allowed to maintain a private practice in both civil and criminal matters. The head of the office devotes about 40 percent of his time to indigent defense cases. Although he has a private law practice, he carries a full caseload of public defender cases.

There are ten part-time assistants. The public defender estimates that each assistant opens and closes about 100 cases per year. The staff is experienced and seven are qualified to handle capital cases.

Case inventory, management information and reports are not available. Every month each assistant submits a list of cases opened, closed and pending. The public defender conducts about 2 to 3 jury trials per year. He believes that some of the other assistants may do 8-10 jury trials but he can only guess at these statistics.

COURTS

The judicial circuit includes two counties, Kankakee and Iroquois; however, the judges typically do not "ride circuit." There are 5 circuit court judges and 2 associate judges assigned to Kankakee County. Their responsibilities are distributed as follows: felony cases, 2 judges; misdemeanor cases, 1 judge; juvenile court, 1 judge; traffic and DUI cases, 1 judge and 2 assigned to divorce and civil matters. Associate judges may take pleas to felony cases. The traffic judge conducts misdemeanor bench trials.

The court is backlogged. The continuance policy varies by the judges. Approximately 50 felony jury trials were conducted in 1995. About 70 percent of the cases are disposed after arraignment and before trial; 29 percent are disposed on the day of trial or during trial.¹⁷ Time to disposition largely depends on the defense attorney since state law requires a 120 day custody rule, which can be waived by defense counsel.

Jury trials are set for Monday or Tuesday; trials for simple cases like misdemeanors or felony theft are set for Wednesday or Thursday. The chief judge was unsure about the number of cases tried and disposed

¹⁷ Our experience indicates that the percent of dispositions on the day of trial should be 10 percent (or less).

since statistics are not available. Trials are not long -- homicide cases consume about 5 days of jury trial time, the other felonies about 3 days. One factor contributing to the short trial times may be due to the state's attorney's office policy which tends to take cases to trial that have strong evidence.

PROBATION AND COURT SERVICES

The Supreme Court funds probation and probation services are administered through the court. The state's budget for probation is about \$45 million. The director of probation estimates that regular probation costs \$750 per client, and intensive probation \$3,200 - \$5,000 per client.

The director believes he is under funded with 5 probation officers and he has requested three more positions. One officer handles intake, one does home visits and the rest have adults and drug court offenders. Probation office personnel also include grants-in-aid positions and subsidized positions.

Probation's jurisdiction is over felonies and juveniles. The caseload includes 260 active juveniles, over 400 adults including administrative, and 27 in intensive probation. The caseload of regular probation is more than 106 per probation officer plus administrative cases; for juveniles it is 60 per probation officer; and for intensive supervision, it is 25.

CLERK OF THE COURT AND CASE DATA

The clerk of the court is responsible for maintaining court records. The clerk's office is supported by an automated system, which is operated through a contract with a private, for-profit company.

Cases are identified by criminal felony (CF) or criminal misdemeanor (CM) numbers once the charges have been authorized by the state's attorney's office. The numbers are defendant based. The clerks in each courtroom are responsible for entering their dispositions and transaction information into the system. The clerk's records are audited about every two years.

IV. KANKAKEE COUNTY STATE'S ATTORNEYS OFFICE

INTRODUCTION

The Violent Offender Program operates within the office of the Kankakee County State's Attorney. One part of the evaluation examines how well the program is integrated within the office's management and operational environment. This section describes the office of the state's attorney and procedures for case processing.

The Kankakee County State's Attorney's office has jurisdiction over the prosecution of felonies, misdemeanors, traffic violations, juvenile offenders and non-support. The civil attorney handles county ordinance violations. The city attorney has jurisdiction over city ordinance violations.

ORGANIZATION AND MANAGEMENT

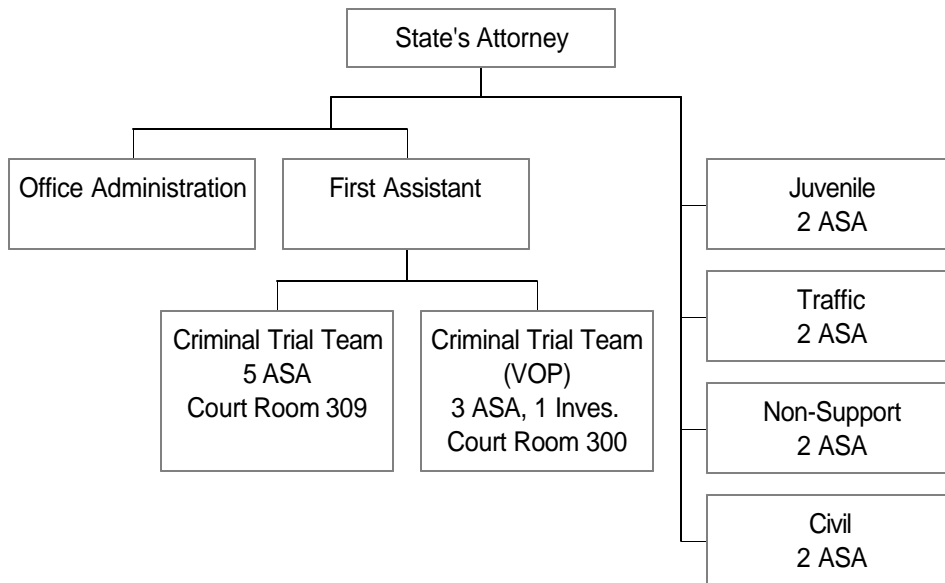
The State's Attorney for Kankakee County was appointed to the position September 1, 1995. In November 1996, he was unopposed for his first elected term of office. The state's attorney has previous experience in private practice and as an assistant public defender in Kankakee. He has established long-time working relationships with the sheriff and the police chief.

Organization and Staffing

The office of the state's attorney employs 16 assistant state's attorneys (ASAs) excluding the state's attorney, 19 non-attorney staff and 1 investigator. About half of the attorney staff have 5 years experience or more.

As of December 31, 1997 the office was organized into 6 divisions including: criminal, civil, juvenile, traffic, non-support, and office administration. Organizationally, the criminal division is under the supervision of the first assistant. The other divisions are under the supervision of the state's attorney. Figure 4.1 shows the table of organization. Operationally the state's attorney directly supervises the juvenile and traffic divisions and indirectly the civil and non-support divisions which operate relatively independent.

Figure 4.1
Office of the Kankakee County State's Attorney

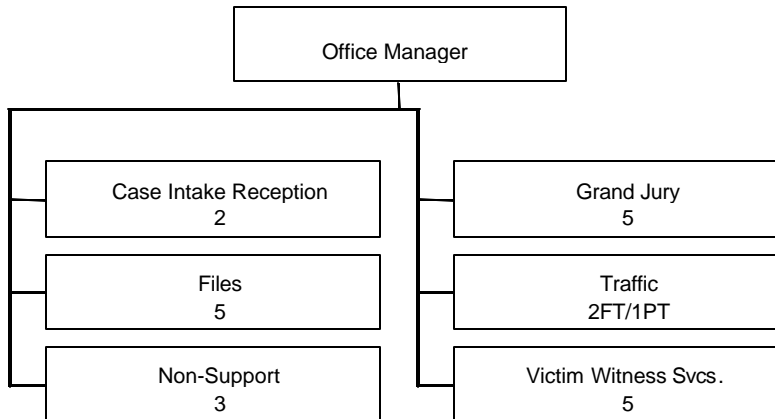


The ASAs are assigned to courtrooms because the judges keep their own dockets and set the next hearing dates for the clerk of the court. Three ASAs including the VOP attorney and a misdemeanor attorney are assigned to courtroom 300. Four felony ASAs and a misdemeanor attorney are assigned to courtroom 309. The investigator may work in both courtrooms. The first assistant heads the trial team in courtroom 300 and another attorney, heads the team in courtroom 309.

The office occupies three separate locations within the court complex hampering easy communication and paperflow. All criminal case activity is conducted on the third floor of the courthouse. There are two felony courts that hear all Kankakee County cases. Misdemeanor cases start in the felony courtrooms. First appearances and misdemeanor jury trials are divided between the two courts alphabetically by defendant name. If defendants seek a bench trial, they are assigned to another judge.

The support staff numbers 18. They are supervised by an office manager. In 1995, the staff were unionized. They are distributed as indicated in Figure 4.2.

Figure 4.2
 Organization of Administrative Staff
 Kankakee County State Attorney's Office



Workload

The office filed 787 felony charges in 1997. The attorneys reviewed about 1,200 Part I Index arrests in 1997. This equates to about 3 cases reviewed per day.

OPERATIONS

Intake and screening

Arrested suspects are taken by police to the jail for booking. Police reports are forwarded by the individual departments to the state's attorney's office. The SAO has an automated system (GAVEL) into which the case is logged and receives a SA number. The case reports, criminal history and screening sheet are forwarded to an ASA for a charging authorization decision. If the suspect is not arrested, the police file a report with the SAO and request authorization for an arrest warrant.

In late 1992 and early 1993, the screening process and plea policies of the office changed. After extensive meetings with the police, a charging policy was established that required investigations of cases to be

completed and sufficient evidence for prosecution. If these conditions were not met, charges were not authorized. Additionally, the plea policy was changed so that felony cases could not be pled to less than a felony and trials would be conducted, if necessary.

Although initially there was some police resistance to the changes, the more progressive detectives supported them. They recognized that meeting the requirements for prosecution was the next step in bringing cases to successful closure. To assist in the process, an investigator was detailed to the state's attorney's office.

About 60-70 percent of the felonies that come into the office are screened by an ASA, who is the head of the courtroom 309 team. He has 3 years of prosecution experience. There is some specialization in screening, however. Homicides are screened by the VOP ASA. About 50 percent of sex crime cases are screened by an ASA who works closely with the detectives and may review cases pre-warrant. Drug cases are generally screened by an ASA whose position is funded by a drug prosecution grant and whose drug case unit is affiliated with the state police. Misdemeanor attorneys screen misdemeanor cases.

A "screening sheet" is completed and attached to police reports for each case. Typically, the police are not present at screening and the authorizing decision is based on written reports. If no charge is filed, a letter is sent to the police department and the victim. If the defendant is in custody, the jail is called to notify them of the no charge decision. If the case is incomplete or additional information is needed before a charge can be filed, the ASA completes a form, which is sent to the police department identifying what is needed. If charges are to be filed, the paperwork is sent to a legal assistant who types the information, obtains the ASAs signature, and prepares a file. The jail is notified to make the defendant available for 1:30 PM arraignment.

The information is filed with the clerk of the court and assigned a CF or CM number. Misdemeanor cases are assigned alphabetically to courtrooms 300 and 309. Felonies are assigned by the state's attorney, the VOP ASA or the felony supervisor to either courtroom 300 or 309. The office attempts to balance workload between the two courts. Motor vehicle and drug cases are usually assigned to courtroom 309.

Most cases are accepted for prosecution. The VOP ASA estimates that about 95 percent of drug cases are accepted and filed. For other felonies, the estimates vary as follows:

<u>Situation</u>	<u>Estimated Percent Accepted</u>
1. Defendant is arrested before report brought to the ASA	60-70
2. Police come in with paperwork request a warrant	75-80
3. Drug cases	95
4. Case sent for review after investigation and before arrest	20

If the offender is in custody and the charges cannot be authorized immediately, the ASA will request follow-up investigation. Often the suspect is released pending further work-up.

Because the office uses screening sheets for each case reviewed and enters information from the sheet into their GAVEL system, they have the ability to analyze their charging and declination decisions. All arrests are recorded in the court files before the state's attorney's authorization. The court can supply information about whether (1) a case was incomplete; (2) no charge was filed; or (3) the case was charged. The system is especially rich because the reasons for declination are recorded on the screening sheet. However, to date, this information has not been compiled for management purposes.

The office has a substantial backlog in cases pending review. On our last visit, the number of cases still pending charging decisions was estimated to be in the 100's. When asked about the backlog, the staff reported that it was due to a lack of personnel and the need to meet the court's daily schedule for arraignments and first appearances for those in custody and/or charged.

First Appearance

First appearances for bond setting and appointment of defense counsel are held at 9:30 AM for defendants who are not in custody. Another first appearance is held at 1:30 PM for custody cases. The state has 48 hours to bring the defendant before the court if he is in custody. The afternoon court sessions also hear motions and conducts trials.

Grand Jury Indictment and Arraignment

Most felonies proceed by an information sent to the grand jury for indictment. The grand jury meets every other Friday and processes about 40 to 50 cases. Misdemeanors are filed by information.

Draft bills of indictment based on the information are prepared, proofread by the ASA in charge of the courtroom it is assigned to, reviewed for amendments and signed. After grand jury indictment, the judge signs it and sets an arraignment date if the case was filed by information. If it is a direct indictment, it is filed in the court and receives a CF number and an arraignment date. If arrest warrants are needed, the state's attorney's office will prepare them.

Custody cases must be indicted within 30 days after arrest. If they are dismissed, it is without prejudice so the case may be brought again. Bail cases must be indicted with 60 days after arrest. The office may hold cases for lab work, which creates delays because the state police have a three to four month laboratory backlog.

Custody cases are arraigned a week or two after the indictment. If not in custody, the arraignment is set for two to three weeks after indictment. Rarely will defendants plead at arraignment. Defense counsel waits for discovery, which occurs after arraignment.

Discovery and Adjudication

The office has an informal, open discovery policy. Most information is provided to defense counsel after indictment or before arraignment. Plea offers are generally submitted in writing. This practice mitigates against an open, face-to-face discussion between the parties and an early agreement. However, its justification may be due in large part to the fact that public defenders are part-time and do not have time or incentive to hold meetings for this purpose.

Jury trials for more complex felonies are set for Monday or Tuesday. Simple cases, like misdemeanors or felony theft are set for Wednesday or Thursday. Office policy requires 2 attorneys for a jury trial although one attorney may try a bench trial.

Post Conviction

Appeals are handled by the Illinois State's Attorney's Appellate Prosecutor's office. The state attorney's office has taken an aggressive stand against violations of probation. They have a policy called "probation with a bite" which seeks incarceration of 30 days to 6 months in jail if probation is ordered or revoked.

Management Information and Statistics

Although the office maintains a wealth of information about defendants and individual cases, there is a noticeable absence of management information. Attorneys do not have inventories of their pending cases and their status even though the use of vertical prosecution holds them accountable for their cases. A "judges list" for courtroom 300 is produced monthly which is used by the team members to assign cases. Also produced are monthly reports of felony case dispositions, as already mentioned, reports about declinations or processing times simply do not exist.

The automated court information system (which was utilized for this evaluation) is maintained by an independent, for-profit vendor whose home office is located outside the state. As a result, there is little face to face interaction, which is conducive to the production of new management reports.

APPENDIX A

VOP PROGRAM DATA

Source: State's Attorney Reported Data

Table A-1
Kankakee County VOP Program
VOP Case Status by Offense
1996-1997

	Initiations	Convictions	Acquittals	Total
Violent Crime				
Total	317	354	33	387
1995		70	9	79
1996	159	155	14	169
1997	158	129	10	139
Crim. Sex Asslt.				
Total	58	50	5	55
1995		9	0	9
1996	29	22	4	26
1997	29	19	1	20
Homicide				
Total	28	43	3	46
1995		4	0	4
1996	16	23	1	24
1997	12	16	2	18

APPENDIX B

COMPARISON OF SELECTED PERFORMANCE MEASURES, 1993-1997

Source: Court Data

Table B-1
Kankakee County VOP Program
Distribution of VOP Offenses by Most
Serious Charge
1996-1997

Charge*	Frequency	Distribution
Murder	42	12.4%
Murder	38	11.2%
InvolMan	2	0.6%
ReckHom	2	0.6%
Kidnap/ UnlawRest	8	2.4%
AggKidnapping	2	0.6%
AggUnlawRest	4	1.2%
Child Abduction	2	0.6%
CrimSexAsslt	48	14.2%
CrmsxAslt	18	5.3%
AggCrmsxAslt	8	2.4%
AggCrmsxAbse	22	6.5%
Robbery	56	16.5%
ArmRob	30	8.8%
Robbery	14	4.1%
AggRob	1	0.3%
ArmVio	11	3.2%
Assault	109	32.2%
AggAsslt	1	0.3%
AggBatt	76	22.4%
AggDischFrm	23	6.8%
ReckDischFrm	9	2.7%
HmeInv	16	4.7%
AggHmeInv	8	2.4%
ArmHmeInv	8	2.4%
VehHij	3	0.9%
VehHij	3	0.9%
Arson	17	5.0%
Arson	15	4.4%
AggArson	2	0.6%
Misc	40	11.8%
Stalking	18	5.3%
UUW	22	6.5%
Total VOP	339	100.0%

* Charges include attempts

Table B-2
Kankakee County VOP Program
Selected Performance Measures
All Felonies
1993-1997

		1993	1994	1995	1996	1997
Convicted	%	72	84.2	89.3	91.6	93.5
Dismissed	%	23.3	12	9.1	5.4	5.6
Incarceration	%	37.3	41.1	39.4	44.6	41.3
Median Time	Days	154	189	166.5	161	135
Open	#	40	39	71	106	221
Closed	#	866	860	748	662	565
Total Cases	#	906	899	819	768	786

Table B-3
Kankakee County VOP Program
Selected Performance Measures
VOP-Like Cases, 1993-1997

		1993	1994	1995	1996	1997
Convicted	%	70.7	79.8	85.7	86.6	95.2
Dismissed	%	21.9	11.8	10.4	6.3	4.8
Incarceration	%	54.7	56.8	56.3	57.8	60.2
Median Time	Days	193	195	192.5	182.5	145
Open	#	8	10	15	25	47
Closed	#	283	252	182	142	125
Total Cases	#	291	262	197	167	172

VOP-like cases are cases meeting violent crime offenses criteria used in 1996 and 1997 program .

Table B-4
Kankakee County VOP Program
Selected Performance Measures
Non-VOP Cases, 1993-1997

		1993	1994	1995	1996	1997
Convicted	%	72.6	86	90.5	93	93
Dismissed	%	23.9	12	8.6	5.2	5.8
Incarceration	%	29.2	35.2	34.5	41.1	35.2
Median Time	Days	145	178	154	154	128
Open	#	32	30	57	81	174
Closed	#	583	608	566	520	440

Table B-5
Kankakee County VOP Program
Selected Performance Measures
Comparison of VOP Measures With Non-VOP Felonies
and all Felonies
1996-1997

1996		All Felonies	VOP	Non-VOP
Convicted	%	91.6	86.6	93
Dismissed	%	5.4	6.3	5.2
Incarceration	%	44.6	57.8	41.4
Median Time	Days	161	182.5	154
Open	#	206	25	81
Closed	#	662	142	520
1997				
Convicted	%	93.5	95.2	93
Dismissed	%	5.6	4.8	5.8
Incarceration	%	41.3	60.2	35.2
Median Time	Days	135	145	128
Open	#	221	47	174
Closed	#	565	125	440

Table B-6
Kankakee County VOP Program
Selected Performance Measures
Comparison VOP Cases and Non-VOP Cases Before and During
Program Years

	VOP Cases		Non-VOP Cases	
	1993-1995	1996-1997	1993-1995	1996-1997
Conviction	76	91.6	82.4	93.2
Dismissed	16.2	4.8	15.4	5.3
Incarceration	55.4	59.4	32.7	39.1
Median Time	165.5	154	138	123.5
Closed Cases	600	251	1520	864

Note: Sample is limited to closed cases with an elapsed time less than the maximum observed in 1997 (499 days). This, in part, adjusts for differences attributable to this source.

Table B-7
Kankakee County VOP Program
Selected Performance Measures
Percent Distribution of VOP Sentences, by
type
1996-1997

Sentence	Number	Percent
Conditional Discharge	12	5.0%
Fine	1	0.4%
Probation	83	34.9%
Jail	5	2.1%
DOC	137	57.6%
TOTAL	238	100.0%

Pending Sent. 29
Total 267

Table B-8
Kankakee County VOP Program
Selected Performance Measures
Distribution of VOP Dispositions, by Type
1996-1997

Disposition	Frequency	% Distribution
Guilty	244	91%
<i>Plea</i>	214	80%
<i>Trials</i>	30	11%
Acquittal	5	2%
Dismissal	18	7%
TOTAL	267	100%

APPENDIX C

UCR PART I INDEX CRIMES AND ARRESTS

Source: Illinois State Police

Table C-1
Kankakee County Part I Index Crime Offenses. 1993-1997

	Offenses					Average
	1993	1994	1995	1996	1997	1993-1997
Total Part I	6,514	6,505	5,649	5,281	4,665	5,723
Total Violent	1,679	1,442	962	646	534	1,053
Murder	23	25	13	8	11	16
Crim. Sex. Assault	96	121	110	111	91	106
Robbery	267	223	210	165	133	200
Agg. Assault	1,293	1,073	629	362	299	731
Total Property	4,835	5,063	4,687	4,635	4,131	4,670
Burglary	1,638	1,560	1,113	1,130	829	1,254
Theft	2,650	3,071	3,108	3,155	3,047	3,006
MV Theft	484	362	419	303	215	357
Arson	63	70	47	47	40	53

Table C-2
Kankakee County Part I Index Crime Arrests. 1993-1997

	Arrests					Average
	1993	1994	1995	1996	1997	1993-1997
Total Part I	1,046	1,229	1,194	1,065	1,220	1,151
Total Violent	395	521	338	267	285	361
Murder	11	12	7	7	8	9
Crim. Sex. Assault	13	18	27	25	49	26
Robbery	32	40	43	47	37	40
Agg. Assault	339	451	261	188	191	286
Total Property	651	708	856	798	935	790
Burglary	94	106	125	126	135	117
Theft	532	571	669	629	739	628
MV Theft	22	25	55	35	58	39
Arson	3	6	7	8	3	5

Table C-3
Kankakee County Drug Arrests. by type.1993-1997

Offense	1993	1994	1995	1996	1997	Average 1993-1997
Total	311	376	455	571	701	483
Drug Paraphenalia	3	6	113	173	176	94
Cannabis	130	156	126	167	204	157
Controlled Substance	171	211	205	222	312	224
Hypodermic/syringe	7	3	11	9	9	8

Source: Illinois State Police

Sangamon County

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**AN EVALUATION OF
THE VIOLENT OFFENDER PROSECUTION PROGRAM
IN SANGAMON COUNTY:
PROGRAM YEARS: 1995-1997**

FOREWORD

In October 1995, the Illinois Criminal Justice Information Authority, through federal Anti-Drug Abuse Act (ADAA) funds, awarded a contract to the Jefferson Institute for Justice Studies to evaluate three violent offender prosecution (VOP) programs that the Authority had also funded through ADAA. The state's attorney's offices selected as demonstration sites were Sangamon County (Springfield), Winnebago County (Rockford) and Kankakee County (Kankakee). The programs were scheduled for a four-year funding period. Of primary interest to the Authority is whether the programs should be replicated in other jurisdictions in the state. Therefore, the Authority requested an evaluation of the design, implementation and performance of the programs.

The purpose of this evaluation is to:

1. Determine the extent to which the violent offender prosecution program has achieved its goals and objectives and the impact of the program during the first two years of operation.
2. Identify factors internal to the office and in the external environment outside the prosecutor's control that may affect the operations or outcomes of the program if replicated in another jurisdiction.

This report covers the first 28 months of operations in Sangamon County. It describes the start-up operations, the development of the program and its impact during the period from August 21, 1995 to December 31, 1997. This report also provides background information for an executive

summary of the findings and recommendations submitted to the Illinois Criminal Justice Information Authority.

ORGANIZATION OF THE REPORT

Chapter I presents the results of the evaluation. It reports the extent to which the VOP program is meeting its goals and objectives, discusses VOP program management issues and presents the evaluation findings and recommendations. Following this chapter is a description of the environment in Sangamon County within which the VOP program operates (Chapter II). Chapter III describes the impact of the VOP program on various components of the criminal justice system. Chapter IV describes the Office of the state's attorney, its organization and case processing procedures. Appendices A-C present the data used for the evaluation.

EVALUATION METHODOLOGY

The evaluation team included Joan Jacoby, Executive Director of the Jefferson Institute for Justice Studies, Hon. Peter S. Gilchrist, III, District Attorney for Mecklenburg County (Charlotte) NC, and Edward Ratledge, Director, Center for Applied Demography and Survey Research, University of Delaware. The team has substantial experience in conducting management and organizational analyses of local prosecutor's offices and has conducted several nationwide evaluations of prosecution and criminal justice programs dealing with repeat offenders, complex drug prosecutions, asset forfeiture and the impact of community policing on criminal justice.

The methodology employed both qualitative and quantitative assessments. The team made three on-site visits timed to observe the program during its early, middle and late stages. The last visit conducted in the spring of 1998 was designed to obtain a retrospective view of the program and its impact.

In the qualitative assessment, the team interviewed all the principal decisionmakers who had an interface with the program and operational personnel who worked with program staff. Thus interviews were conducted with the heads of law enforcement agencies and the sheriff, the chief of detectives and the detectives themselves. Also included in the process was the public defender, judges and probation officers. The purpose of these interviews was to obtain as comprehensive a picture of the program and its effects as possible.

The team also examined the organization, management and operations of the state's attorney's office to determine how well the program was operating, its relationship with the rest of the office

and its impact or effect on prosecution. Interviews were conducted with the state's attorney, his top management staff, the heads of the VOP program, VOP prosecutors, non-VOP felony trial attorneys, investigators, paralegals and support staff. An analysis of the prosecution process was made to record the flow of work from intake and screening through sentencing and relate it to the flow of work in the VOP program.

The qualitative evaluation collected data for three purposes:

1. to identify whether changes were occurring in the criminal justice and prosecution environment independent of the VOP program;
2. to describe the effects of the VOP program and analyze whether it satisfied its objectives;
3. to compare the effects of the VOP program with non-VOP cases and note differences.

Three data sources were used for the analysis. Offense and arrest data collected by the Illinois State Police was used to examine trends in crime and note changes in violent crimes. Court data supplied by the clerk of the court was the primary source of data for the analysis because it was the most complete and timely. The data is as of April, 1998. The court data was converted by the Jefferson Institute to reflect defendants instead of charges. Therefore, the statistics presented in this report will not necessarily match the court's statistics. Data collected by the VOP program was not as comprehensive as court data. The value of the program data was that it clarified the nature of VOP cases, allowing for comparative analysis with other non-VOP cases or VOP-like cases in years prior to the program. The program data also contained additional information that was not included in the court's system. It is presented in Appendix A and is used in part of the evaluation. However, the reader should note that it is incomplete and not as timely as the court data. (Program data is as of December 31, 1997.)

The analysis of the data was conducted by Ed Ratledge, University of Delaware. The findings and results were developed after a synthesis meeting of the evaluation team.

ACKNOWLEDGMENTS

The Jefferson Institute would like to acknowledge the support and assistance provided by state's attorney Patrick Kelley and his staff during this evaluation. We appreciate the time and resources that state's attorney Kelley so freely extended to us which expedited our evaluation and allowed the project to proceed in a timely fashion.

We would like to especially thank John Schmidt, First Deputy state's attorney, and the VOP attorneys, Michael Vujovich and Jay Magnuson. They provided us with important policy-related information for the evaluation, coordinated our visits and interviews and helped supervise the data collection effort. We are also grateful to the data collectors, Ayree Nelson and Amber Martin who performed reliably and conscientiously tracked down closed and open cases no matter where they were hiding.

I. EVALUATION OF THE SANGAMON COUNTY VIOLENT OFFENDER PROSECUTION PROGRAM

INTRODUCTION AND BACKGROUND

Events leading to a violent offender prosecution program in Sangamon County

1. The police department's need for additional training in the principles and legal aspects of investigation, evidence collection and protection;
2. The police department's need for specific advice and assistance in on-going investigations of violent crimes; and
3. The need for experienced prosecutors and investigators to increase the number of successful prosecutions of defendants charged with violent crimes.

The successful disposition of felony cases in general and violent felonies in particular depends heavily on the quality of the investigation and evidence provided by the law enforcement agencies. It was clear to the state's attorney's office and experienced police investigators that there was a significant need for training police officers in investigative techniques and the protection of evidence. Additionally, if the detectives could receive advice and assistance from assistant state's attorneys about legal and strategic tactics and the acquisition of search warrants and eavesdropping orders, factually stronger cases would result. Ultimately, the effects of these actions should result in better case dispositions.

Homicide and sexual assault cases usually require significantly more prosecutor preparation time than other violent crime cases for several reasons. First, the stakes are high (especially Class X felonies) and they are invariably, vigorously defended. Second, homicide and sexual assault cases typically have forensic evidence that requires expert witnesses on issues ranging from DNA to Vitullo rape kits to time of death analysis. Third, crime witnesses may be reluctant and/or difficult to locate. Alibi witnesses need to be interviewed, and trial preparation support is often more complex and time-consuming than in less serious cases. Such witnesses require more

preparation time than others. Finally, witness preparation is usually more time consuming since emotional trauma is more likely to be involved. This category of cases clearly can have a significant effect on the utilization of resources in a prosecutor's office.

Violent crimes, especially homicides and sexual assault cases, require substantial law enforcement investigative activity. When investigative resources are limited, as they are in the Springfield Police Department, on-going investigations tend to be pushed back to make room for the investigation of new crimes. In 1995, the department reported that 39 homicide cases remained unsolved since 1957 with 15 of those having been committed since 1992.

In Sangamon County, like many other counties in the state, low starting salaries of around \$24,000 to \$26,000 for assistant state's attorneys have produced high turnover (attorney tenure averages two years) and, thus, a dearth of experienced attorneys. Because of the shortage of experienced prosecutors, only 4 out of 26 attorneys are qualified to first chair homicide and sexual assault cases. In 1994, the office prosecuted 32 such cases or 8 per qualified attorney. In addition to prosecuting resource-demanding cases, the felony assistants have other responsibilities. These include: participating in a rotating case screening and filing schedule at the warrant desk; advising the police on other matters; and prosecuting non-violent felonies.

PROGRAM DESCRIPTION

The Sangamon County state's attorney's office initiated a violent offender prosecution (VOP) program in August 21, 1995 that funded two experienced prosecutor positions. On that date, the state's attorney went outside the office and appointed a senior program attorney to head the violent offender prosecution program. In January 1996, he appointed a junior program attorney. The senior ASA was formerly an assistant attorney general and the first assistant state's attorney in the McHenry County state's attorney's office. He and the junior ASA bring a combined 35 years of prosecutorial experience to the program. Although they are organizationally located within the criminal division, the VOP attorneys report directly to the state's attorney who retains responsibility for assigning all felony cases to assistants and monitoring their progress.

In the first year, the VOP prosecutors handled only violent crime cases involving homicides and sexual assaults. Other Class X felonies were added in the second program year. The VOP prosecutors have no administrative or supervisory duties. To provide adequate preparation time, the VOP attorneys' caseload is less than that of the other felony assistants. However, it is

anticipated that by assigning the complex cases to the VOP attorneys, the other felony attorneys should have more time to handle the more routine cases.

Although there was a decrease in murders in 1995, the backlog of unsolved cases posed problems for both law enforcement and prosecution. During its first year of operation the program's operations included reviewing and investigating old cases with the goals of expediting trials, obtaining convictions to the original charges, and getting better sentences. The VOP attorneys have a cubicle in the Springfield Police Department where they work on older cases. Cases that are given a priority assessment by the VOP prosecutors are assigned by the chief of detectives for investigation.

The VOP attorneys have two functional areas of responsibility: one is to provide experienced trial resources for homicide and sexual assault cases; the other is to provide training and direction to law enforcement. The VOP attorneys assist law enforcement agencies with specific on-going violent crime investigations and are available during office hours for consultation with law enforcement on violent crime investigation issues and will assist the warrant officer in filing violent crime cases. During off-hours, either the senior VOP attorney, the state's attorney, first assistant state's attorney or the chief of the criminal division are available for consultation with law enforcement agencies in all serious matters.

The VOP attorneys are actively involved in training detectives about the legal issues involved in these serious cases, the types of evidence that are required, the handling of the evidence, and report writing.¹⁸ Plans called for providing semi-annual training to Sangamon County law enforcement agencies on the investigation of, and legal issues in violent crime cases.

The senior VOP attorney acts as first chair for violent crime cases at trial and as second chair when the state's attorney is first chair. The second VOP attorney assists and second chairs trials with the senior VOP assistant. He also is first chair for trials as assigned by the state's attorney and assists other attorneys in the office on violent crime cases as assigned by the state's attorney. In the first week of the program the senior program attorney was assisting local investigators in their investigation of a murder in Springfield while preparing for the trial of a four-year-old murder case.

¹⁸ The state's attorney is studying the possibility of allowing law enforcement to draw up the complaints which then would be reviewed by the ASAs.

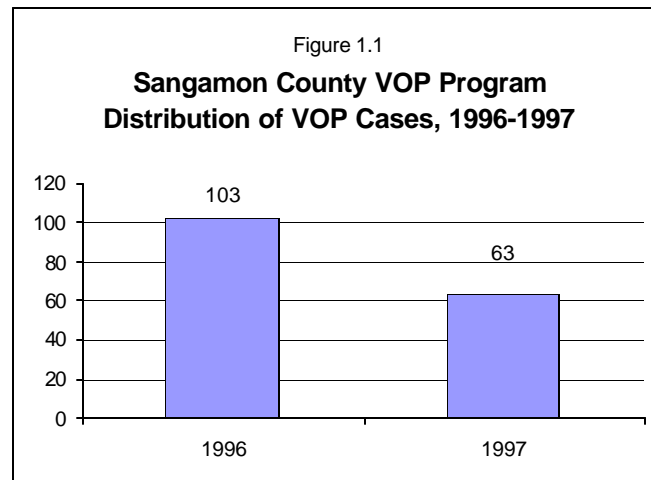
The increased resources available for prosecuting violent crime cases is expected to increase the number of homicide and sexual assault cases prosecuted and improve conviction rates. The interaction between the VOP attorneys and felony assistants should also produce more successful dispositions in other violent crime cases prosecuted by the felony division attorneys.

The junior ASA conducted the first training course in October 1996 at the Springfield Police Academy. The number of participants was 22 representing some 16 agencies. The training course lasted 8 hours.

PROGRAM RESULTS

During the program years, 1995-1997, a total of 166 cases were accepted for VOP prosecution.

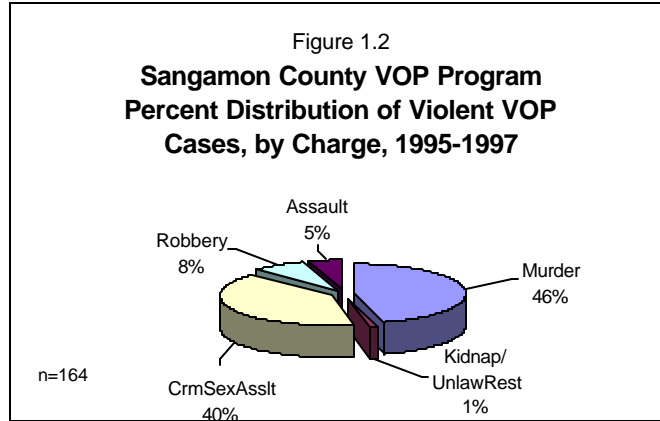
Figure 1.1 shows the number of cases handled by the VOP program during the program years 1996-1997.¹⁹



¹⁹ 1996 data include 40 cases that were initiated in the last quarter of 1995 when VOP started.

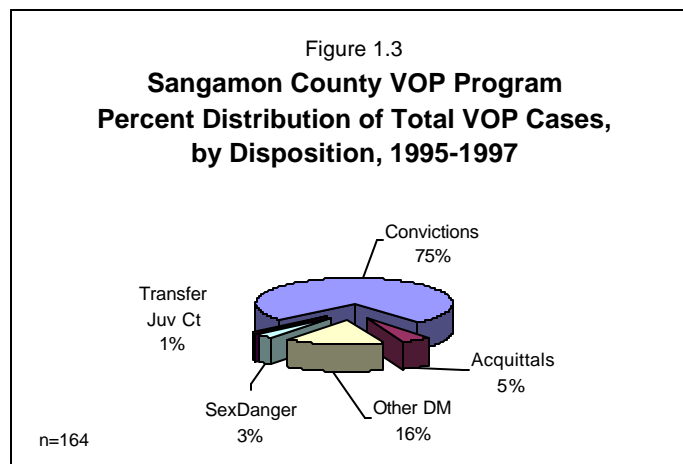
Charges

Eighty-six percent of the VOP prosecutions were for two offenses: 46 percent were murder cases and 40 percent were criminal sexual assault cases.²⁰ (Figure 1.2)



Dispositions

During the program years, 142 cases were disposed. The total conviction rate was 75 percent. This rate includes trials, guilty pleas and dismissals for a plea in another case. Only 5 percent of the trials ended in acquittal which is important since the age of the cases and the quality of the witnesses often degraded the evidence. Three percent of the cases resulted in commitments as “sexually dangerous persons.” (Figure 1.3)



²⁰ Totals in figures may not add to 100 due to rounding.

Time to Disposition

The average number of days from filing to disposition was 185. The median was 191. Murder cases had the longest times to disposition with an average of 295 days (Table 1.1). The longest average times to disposition also occurred when the disposition was by trial, 348; the median is 219 days. (Table 1.2)

Table 1.1
Sangamon County VOP Program
Average Days Filing to Disposition, by Charge
1995-1997

Charge	Frequency	Avg. Days
Murder	49	295
HomeInv	3	276
UnlawRest	1	248
ArmVio	2	246
AggBatt w/Frm	2	219
AggBatt	3	201
AggCrimSexAsslt	34	191
AttmpMurder	8	179
CrimSexAsslt	25	161
ArmRob	5	150
2nd Degree Murder	2	142
AggDischFrm	2	68
UUW	1	29
TOTAL	137	185

Median = 191

Pending cases/Missing data 29

Total VOP 166

Table 1.2
Sangamon County VOP Program
Average Days Filing to Disposition, by Disposition
1995-1997

Disposition	Frequency	Avg. Days
Court Found Guilty	19	348
Court Found Guilty Lesser	4	236
Plead Guilty Lesser	37	234
Plead Guilty Original	43	219
Acquittal	6	197
Dismissed - Proof	7	175
Dismissed- CW	11	149
Dismissed- Other	3	100
Transfer Juv Court	1	98
SexDanger	4	74
Dismissed - Deceased	1	49
Dismissed - Plea	1	32
Dismissed - Constitut. Issues	1	15
TOTAL	138	148

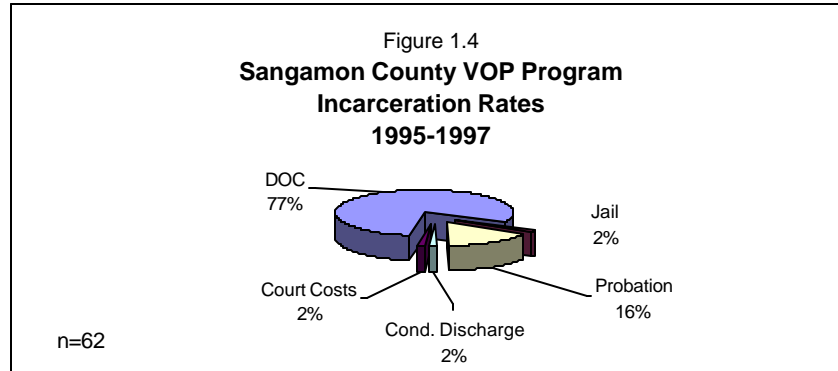
Median = 219

Pending cases/Missing data 28

Total VOP 166

Incarceration Rates

Seventy-nine percent of the convictions resulted in a sentence to the Illinois Department of Corrections or jail. Sixteen percent of those convicted received probation as a sentence.²¹ (Figure 1.4)



COMPARING VOP CASES TO PREVIOUS YEARS

In evaluating the Violent Offender Prosecution program in Sangamon County, Illinois, we do not have the luxury of a true experimental design whereby we could randomly select defendants to be processed by the program and send those not selected through the standard process. To compensate for this we looked at data from time periods prior to the introduction of the program, and tested whether the VOP program was the only new variable that was introduced. Similarly, to the extent that there are other comparable cases, which were processed outside of the program, they too can help provide a contrast to evaluate the program.

A four-step analysis of the data was undertaken to:

1. Determine if there were significant trends that could potentially interfere with the interpretation of the data.
2. Examine a contrast group of cases for differences from VOP cases.
3. Examine the effects of changes in the definition of VOP cases between 1996 and 1997.

²¹ Incarceration rates are based on data reported for 62 of the 107 reported convictions as of 12/31/97.

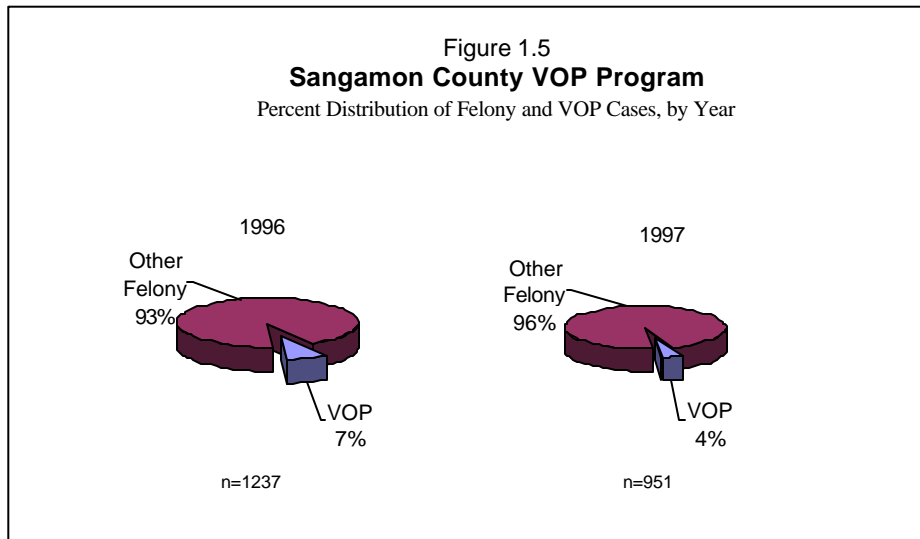
4. Compare cases selected for the VOP program with all felonies, cases of the same type that were not selected, and all other felonies that were not even considered.²²

Four variables were analyzed. They are: (1) conviction rates; (2) incarceration rates (jail or prison); (3) dismissal rates,²³ and, (4) median days from case filing to disposition.

Results of Comparisons

1. The results of the comparison of VOP performance measures with other felonies are difficult to interpret since they are based on small numbers.

The number of felonies prosecuted by the office is relatively small²⁴ and the percent of VOP cases is less than 10 percent of the total felony caseload (Figure 1.5). As a result, there is a lot of variation that statistically cannot be declared as significant and that makes the measures difficult to interpret. Additionally, the fact that almost half of the 1997 VOP cases were still open at the end of 1997 will change the results for 1997 that are presented here because the longer the case is in the system the more likely it is that it will result in a conviction and involve incarceration. Therefore, the conviction and incarceration rates should increase when the 30 open cases are disposed of, and the median number of days to disposition will also increase.



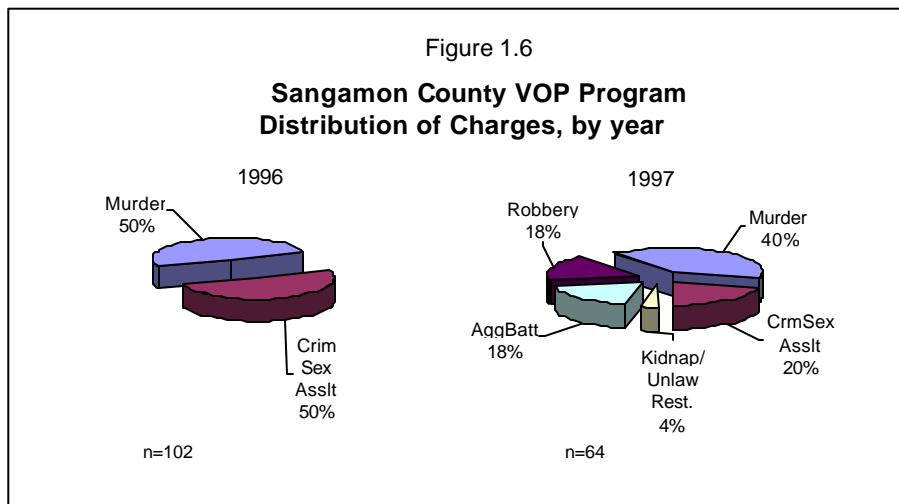
²² It is important to remember that the data in this section are taken from the court's database and may differ from the data collected within the office and described in the previous section. Also the data are more recent than reported data hence they include more disposition information.

²³ For all sites, a case is defined as dismissed only if all charges are dismissed. If a defendant pleads guilty or is convicted or acquitted for a charge and the other charges are dismissed, the case is defined by the plea or trial disposition, not the dismissals.

²⁴ The subset of felonies designated as VOP cases is so small that statistical tests for significance tend to accept the null hypothesis.

2. The VOP cases filed in 1996 are entirely different from the VOP cases filed in 1997.

The 1996 cases include older, more serious homicides while the VOP cases prosecuted in 1997 included other sexual assaults and Class X felonies. In 1996 only 5 VOP cases originated in that year; the remaining 98 were murders that had occurred in prior years, as far back as 1992. In 1997, all the cases were based on 1997 offenses. It is important to note, therefore, that the VOP program was handling two distinctly different types of cases in the two years examined here and it may account for some of the differences in the performance measures examined subsequently. (Figure 1.6)



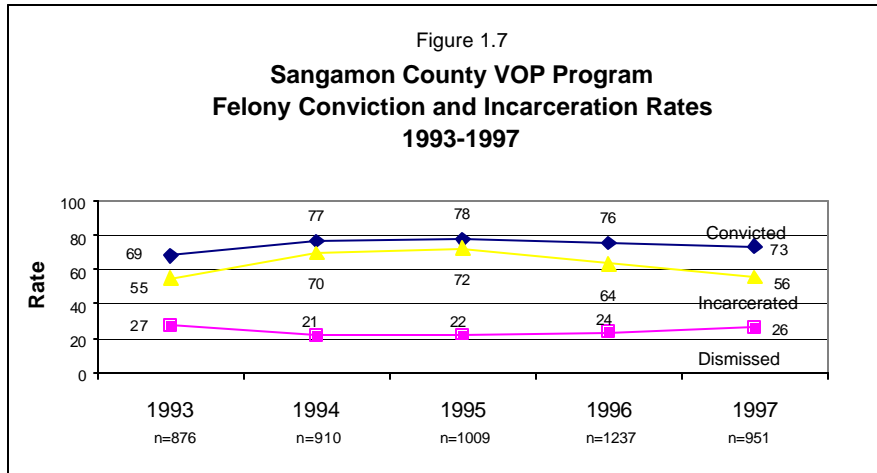
With these cautionary notes, we can proceed with the comparative analysis and examine the performance measures to identify effects from the VOP program.

3. An examination of the trends for all felonies processed from 1993 to 1997 indicates changes but does not yield clear evidence of VOP program effects.

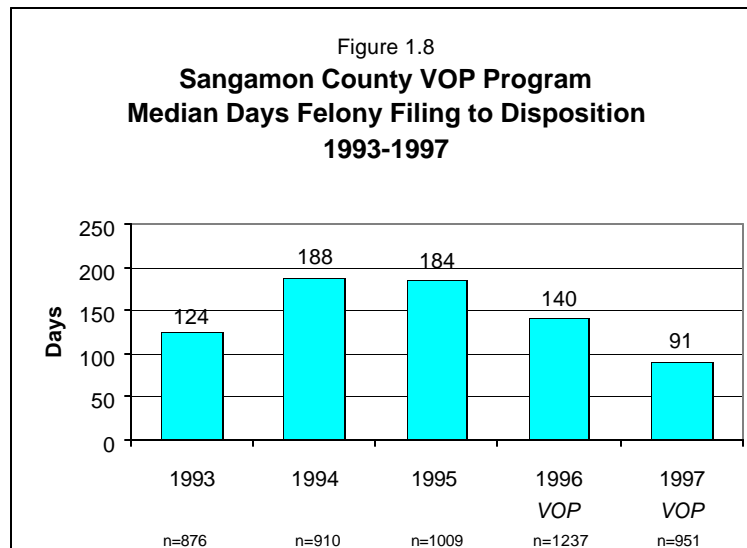
Given that the data are drawn from all felonies and the VOP program only affects 1996 and 1997, any changes in the program years may be due to either factors outside the program or the program itself. Overall, the data tell a lot about the performance of the criminal justice system environment; but with VOP program cases being less than 10 percent of total cases, any differences in their performance or effectiveness cannot be deduced here.

Conviction rates of about 77 percent had been stable for two years before the introduction of the program and dropped slightly to an average of 75 percent during the program years. On the other hand, the incarceration rates appear to have drifted lower from a high of 72 percent in 1995 to a

low of about 56 percent in 1997. Dismissal rates have shown a slight increase remaining in the 25 percent area.²⁵ (Figure 1.7)



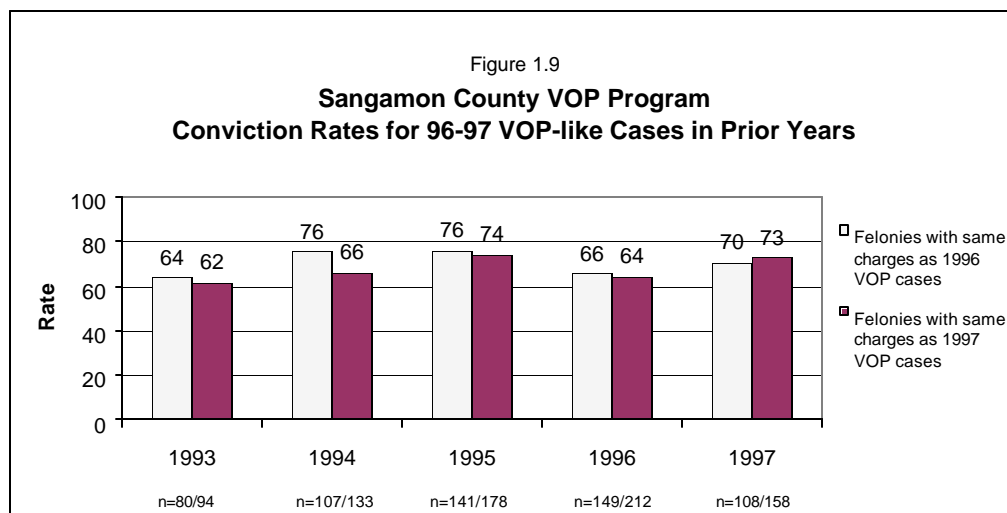
Median time to disposition has clearly decreased from a high of 188 days in 1994 to a low of 140 in 1996. However, with 30 percent of the 1,364 cases still open at the end of 1997, drawing any conclusions about the effect of the VOP program on median time to disposition is still tenuous. (Figure 1.8)



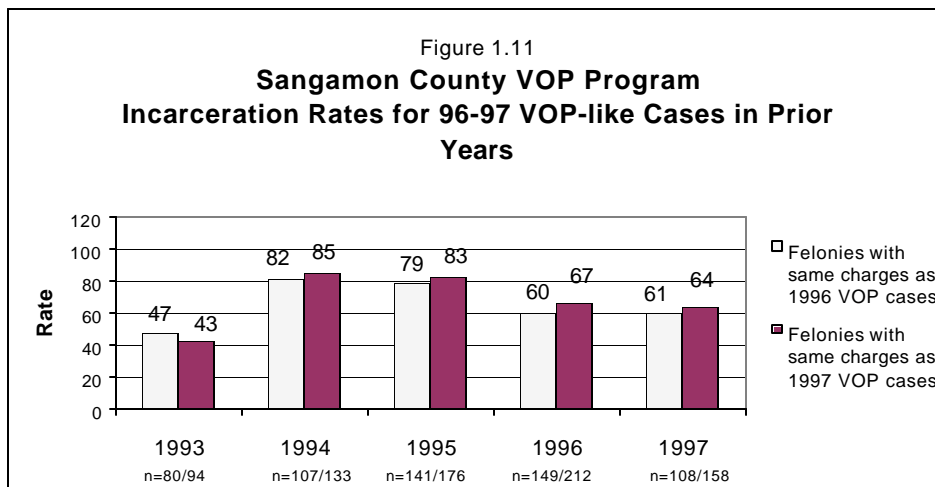
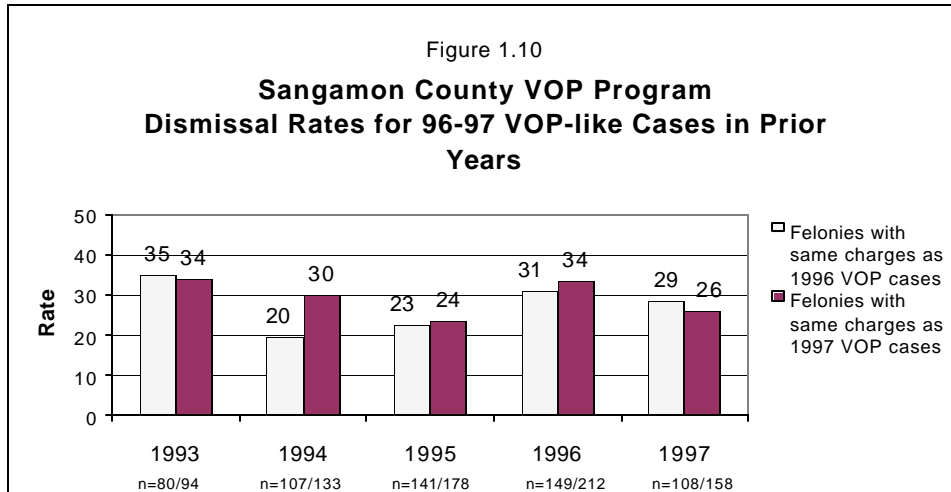
²⁵ It is expected that program statistics for 1997 will change when all cases are disposed.

2. Two contrast groups, composed of cases having the same charges as those selected for the VOP program in 1996 and 1997 respectively, follow the trend data and show inconclusive evidence of program effects.²⁶

Even though 90 percent of the felonies were eliminated in the formation of the contrast groups the distribution of the trends is similar to all felonies. There is little evidence of program effects with the exception of incarceration rates which are higher in the program years. Conviction and dismissal rates are comparable to the overall trends (Figures 1.9 and 1.10). The effects of changing the definition of VOP cases in 1997, to include Class X/Class I cases, can be observed in the higher incarceration rates for the 1997 group. (Figure 1.11)



²⁶ Contrast groups for 1996 and 1997 are formed from the distribution of violent felonies recorded in each year. As a result they are not the same for each program year.



The conclusion from the trend analysis and the comparison of the behavior of similar VOP-like contrast groups indicates that changes have occurred in the office, but that these changes cannot be conclusively attributed to the program. Therefore, it is necessary to examine the data from another approach.

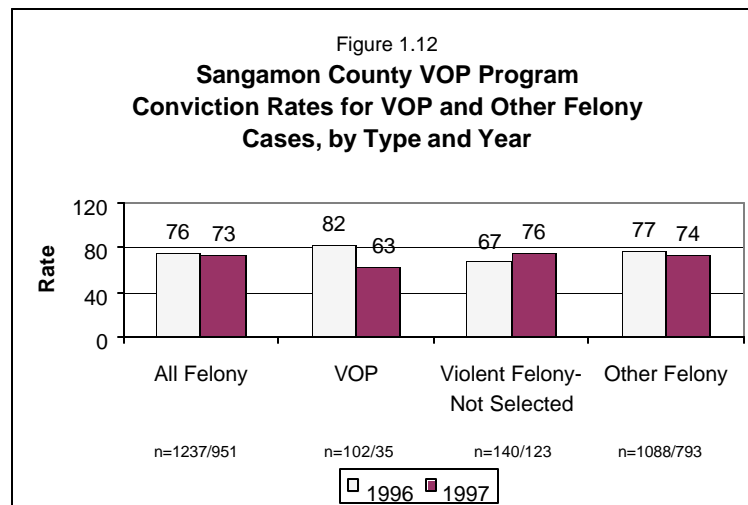
3. A comparison of VOP cases with all felonies, violent cases “not-selected” and all other cases in 1996 and 1997 indicates that the VOP program produced different results from the rest of the cases in the office and possibly different results in the two program years.

Shifting our focus to an examination of the cases that were selected for processing by the VOP program and comparing them with all felonies, cases of the same type that were not selected,

and all other felonies that were not even considered indicates the effects of the program and yields the following results.

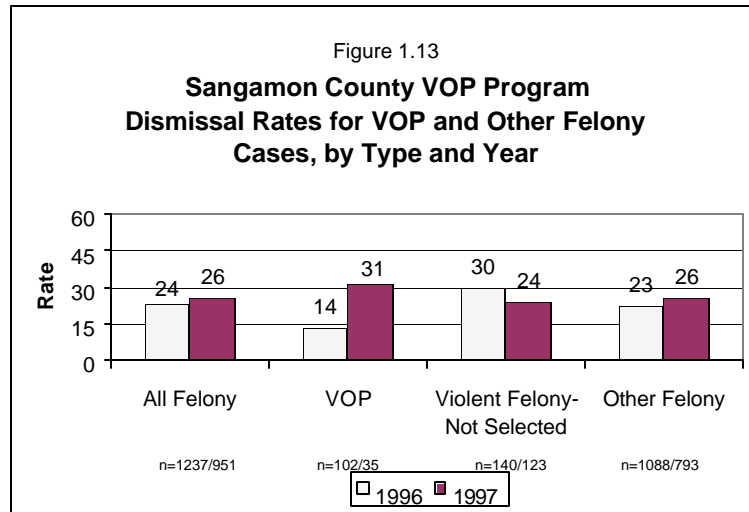
In 1996, the conviction rates for the cases selected for the VOP program are significantly higher than for all other categories.

This is consistent with the more careful attention, the more intensive preparation given to violent crime cases, and the experience of the attorneys working on them. It is of special interest because the 1996 VOP cases were predominately “old unsolved murders” and more difficult to convict. In 1997, the patterns seem to be similar. However, with only about half of the VOP cases reaching disposition, this rate should increase. (Figure 1.12)



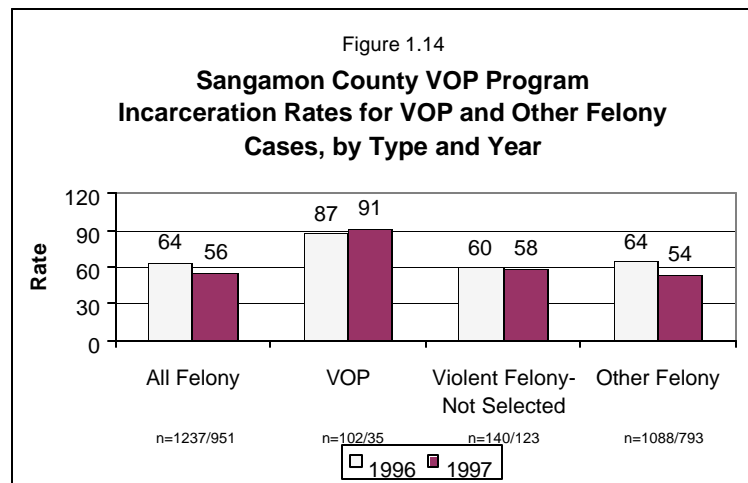
In 1996, VOP cases had lower dismissal rates than other cases.

Examining the 1996 dismissal rate for VOP cases as compared to other crime categories supports the finding that with extra review and preparation, these more complex cases are not likely to be dismissed for lack of evidence or witness problems. The dismissal rate of 13.7 is less than half that for other violent crime cases not selected for the program (30 percent). The high dismissal rate in 1997 should not be interpreted until all the 1997 dispositions are completed. The dismissal rate of 31 percent is consistent with the early dismissal of weak cases while the stronger cases are still pending in the system. (Figure 1.13)



VOP defendants receive significantly higher rates of incarceration.

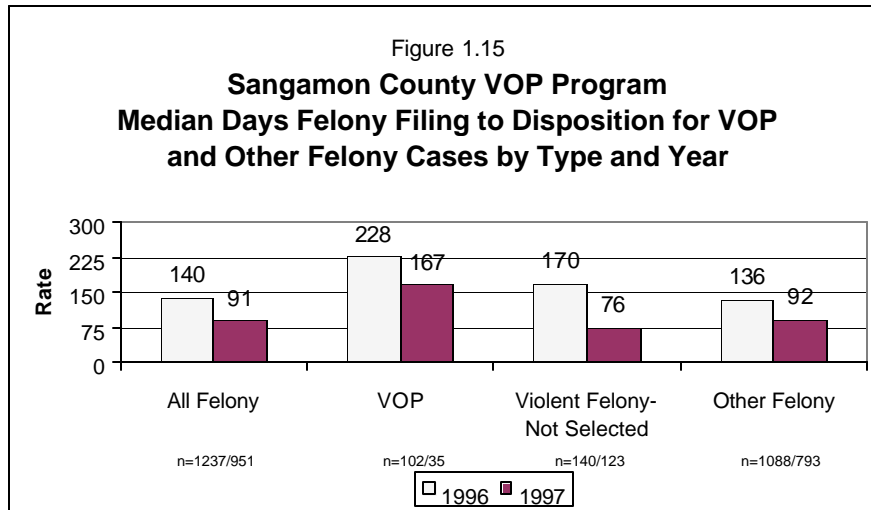
Unlike the trend data for 1993-1997 that showed little difference in incarceration, the VOP defendants receive substantively higher rates of incarceration (87 and 91 percent in 1996 and 1997, respectively). Compared to all other categories of cases and violent crimes not selected for the program. We would expect to see the 1997 rate increase as more cases are disposed. (Figure 1.14)



VOP cases tend to stay in the system longer.

The time to disposition for VOP cases remains more than 50 percent higher than that for all felonies. VOP cases tend to stay longer in the system since it usually takes longer to get a

conviction and cases that receive incarceration as a sentence take longer to dispositions. (Figure 1.15)



There has been a systemic change in the office since 1993. There were steady increases in conviction rates and declines in dismissals until 1995. In 1996 and 1997 these trends appear to be reversed.

Conviction rates in 1997 dropped to 73 percent from a high of 78 percent in 1995 and dismissal rate increased to 26 percent in 1997 compared to a low of 22 percent in 1995. Conviction rates are the highest in the office (82 percent in 1996) and dismissals the lowest (14 percent in 1996). The VOP program does not appear to follow a similar pattern.

The median days to disposition (about 140 days) have been declining office-wide from a high of 188 days in 1994 to a low of 140 days in 1996. VOP cases take substantially longer to disposition.

The median time to disposition for VOP cases was 228 days in 1996. This was the longest time compared to all other categories of cases in the office.

The VOP program has produced effects that are different from all other categories of cases and from all felonies in the office.

The conviction rate is substantially higher for VOP cases and the dismissal rate is the lowest when compared to all groups of cases in the office. Incarceration rates are the highest for this category of cases (about 90 percent) as also is the median days to disposition (about 228). It has a higher conviction rate, more incarcerations and longer times to disposition. These are all indicators of the seriousness of the offenses and the amount of resources that have to be dedicated to violent crime prosecutions. However, caution should be exercised in coming to firm

conclusions since the findings presented here may be a statistical artifact since 30 percent of the cases, VOP and non-VOP cases, are still open.

EVALUATION OF GOALS AND OBJECTIVES

The stated goal and objectives of the Sangamon County's VOP program are as follows:

Goal: Improve and enhance the quality of the prosecution of violent offenders in Sangamon County.

- Objective 1.** Provide enhanced assistance to and coordination with law enforcement agencies in the investigation and development of violent crime cases before charges are filed.
- Objective 2.** Provide enhanced resources for more thorough trial preparation and the trial of violent crime cases.
- Objective 3.** Provide semi-annual training to Sangamon County law enforcement agencies on the investigation of and legal issues in violent crime cases.
- Objective 4.** Program attorneys will prosecute five homicide cases per year.
- Objective 5.** Program attorneys will prosecute five sexual assault cases per year.
- Objective 6.** Increase the office's conviction rate in homicide and sexual assault cases by 10 percent.

In this section we examine each of the stated objectives and assess the progress that has been made in the first 28 months of operation.

Goal 1: Improve and enhance the quality of the prosecution of violent offenders in Sangamon County.

Objective 1. Provide enhanced assistance to and coordination with law enforcement agencies in the investigation and development of violent crime cases before charges are filed.

This objective has been met. During the first 28 months, 166 cases were investigated and accepted for prosecution. The state's attorney's office convicted 75 percent of the cases

prosecuted. Many of these cases were old. In the first year, the department closed 3 homicides that had been open since 1990.

Coordination and assistance between law enforcement and the VOP attorneys is exemplary. Joint investigations are undertaken by the VOP prosecutors, the Sangamon County Sheriff's Department and the Springfield Police Department. Twelve detectives from the Springfield Police Department and VOP prosecutors re-examine old cases; space is provided to the VOP prosecutors in the police department and VOP attorneys are present at the scene of major violent crimes. The successful prosecutions of VOP cases have sparked even better police investigations and outcomes. Because detectives also work on non-VOP cases, the effects of this coordination and training have been felt throughout the department. The effect should be even more noticeable in the upcoming years because of a new policy initiated to rotate detectives into the violent crime unit so all can receive on-the-job training from the VOP prosecutors.

Because VOP matches detectives with prosecutors experienced in trying serious violent crime cases, the Springfield Police Department and the sheriff's department are receiving legal advice, guidance, and case law research from the onset of the case. This has been particularly helpful for detectives working on old, unsolved cases. The investigators believe that experienced trial attorneys are valuable because they invest heavily in the cases. They also believe that because of the VOP attorneys' experience, the standards and quality of police investigations and trial preparation have been raised.

Objective 2. Provide enhanced resources for more thorough trial preparation and the trial of violent crime cases.

The experience of the prosecutors hired for the program and their intense focus on the most serious violent crime cases by itself has assured that this objective was met. The outcomes of prosecutions to date are consistent with this objective. They show VOP cases having a higher conviction rate than other felonies in the office (see Figure 1.12).

From a law enforcement perspective, the detectives believe that they have gained substantial knowledge about the workings of the court and the requirements for successfully prosecuting cases. For example, the investigators and VOP attorneys conducted "post mortems" on sexual assault cases where there were unfavorable jury verdicts. Jurors are routinely surveyed after each trial to give the prosecutors and detectives insights into weaknesses and strengths in the trial process. The net effect is that detectives feel that they have a vested interest in the outcomes

of the prosecutions. By working closely with the prosecutors at the trial stage, they understand how the quality of their investigations is crucial to obtaining successful dispositions.

From the VOP program's perspective, the availability of the detectives to assist in delivering witness notifications and subpoenas, collecting evidence and coordinating law enforcement agencies contributed substantially to successful prosecutions. The addition of an investigator would reduce attorney workload and increase the amount of time available for trial preparation even more.

Objective 3. Provide semi-annual training to Sangamon County law enforcement agencies on the investigation of and legal issues in violent crime cases.

This objective has been partially met. The first training course was conducted on October 26, 1995 and repeated in October 1996. It was a one week course conducted for the Illinois state's attorney Appellate Prosecutor Trial Advocacy course for new and inexperienced assistant state's attorneys. On October 25, 1995 the VOP attorney provided instruction to approximately 12 forensic scientists from the Illinois State Police Forensic Science Laboratory. Since those early days, the VOP attorneys have not found the time available to conduct additional training even though they continue to support the need for it. Training now is being provided on-the-job through close working relationships between the detectives and the attorneys.

Objective 4. Program attorneys will prosecute five homicide cases per year.

This objective has been met and exceeded. During the first year, the number of homicide cases prosecuted by the (VOP) program attorneys was 9. During the first year also, all but one of the murder defendants tried were convicted. The office set a Sangamon County record by commencing three first-degree murder trials in one week and obtaining convictions in all three cases. By the end of 1997, 65 VOP murder cases had been filed and 52 had been disposed.

Objective 5. Program attorneys will prosecute five sexual assault cases per year.

During the program years, 65 sexual assault cases were accepted for prosecution. Of these, 40 were convicted. Even the two acquittals added value to the program because they highlighted deficiencies in police investigations, and identified areas for additional law enforcement training.

Objective 6. Increase the office's conviction rate in homicide and sexual assault cases by 10 percent.

This objective has been met. Trend data for VOP-like cases show general increases in the conviction rates from 61-63 percent in 1993 to about 72 percent in 1997. (See Figure 1.9)

PROGRAM CHANGES

In the grant application for second year funding, the state's attorney requested an expansion of the program to include crimes that involve physical violence against a person, yet fall short of murder and sexual assault. By extending the scope of the program to Class X/Class 1 offenses the state's attorney believes that the level of interaction between the veteran VOP attorneys and other attorneys in the office will increase, thereby improving the quality of prosecutions for all offenses. The state's attorney's office also requested a continuation and enhancement of its training efforts with law enforcement agencies.

VOP PROGRAM MANAGEMENT CONSIDERATIONS AND FINDINGS

The evaluation of the VOP program examined its policies, procedures, coordinating mechanisms and the ability of the criminal justice system to support the program.

1. Are VOP program functions and activities compatible with current office policy?

Yes, although this state was not achieved immediately. The integration of the VOP program into existing policies and procedures required a rethinking of office policies toward the handling of high profile cases. Procedures were modified in the areas of notification, case screening, case assignment and accountability, and coordination between the state's attorney and the VOP prosecutors. The changes highlight important policy-related factors that should be considered if the program is to be replicated elsewhere.

Most important is recognizing the high profile nature of the cases designated for VOP handling. Often murder and criminal sexual assault cases generate high media interest. In small offices, it is typically the state's attorney who prosecutes these cases. In larger offices, the prosecution strategy may be developed and guided by the state's attorney even though he or she does not actually try the case. In Sangamon County, when the experienced VOP prosecutors were hired, it

was necessary to revise the state's attorney's current practices and coordinate them with those being developed for the VOP program since they both focused on the same set of cases.

This process did not impair the VOP program or drastically change current procedures. The state's attorney still first chairs those cases he deems appropriate while the VOP attorneys try the other cases. Conflicts were more exceptional than routine. What is important is that any program dealing with high profile cases needs to recognize that the coordination of policies and procedures should be addressed and resolved in the early planning stages for the program.

Another factor that must be recognized is the adjustment process needed when hiring experienced prosecutors from outside the office. In Sangamon County, the two ASAs who came from other counties brought with them different styles of prosecution. As VOP prosecutors, they had to adjust their backgrounds and experiences to be compatible with existing state's attorney's policies. This process was not always smooth when, for example, they brought different perspectives and opinions to the charging decisions and the preferred accusatory route, i.e. preliminary hearing vs. indictment. There is a process of education and assimilation that is necessary under these circumstances and its impact on the office should be recognized and differences tolerated until the process is completed.

2. Is the program's organization capable of supporting the program operations?

Yes. The VOP organization consists of two attorneys funded by the program. The program has basically three functions: one is to assist police in investigations and evidence preparation; another is to prosecute the VOP cases; and another is to provide training. Because the first year of operations focused on homicides and criminal sexual assaults only, these resources could handle the volume of cases. It does not appear that the program suffered from broadening its scope to include other violent crimes against persons in its second year primarily because proportionately few of these cases were added to the mix. Eighty-five percent of the cases involved murders and criminal sexual assaults. Only 15 percent involved other offenses not selected for the program in its first year. The VOP program filed 166 cases and disposed of 142 by December 31, 1997.

An early-on administrative decision increased the capacity of the program by not giving the VOP attorneys administrative or supervisory duties. The organization supports a purely operational program that is independent of other office activities. As a result, the VOP program has maximum operational capability.

Although there was some initial resistance on the part of the law enforcement detectives towards prosecution involvement in investigations, this diminished as the detectives recognized the depth of the VOP prosecutors' investigative experience and their willingness to work long hours on difficult cases, factors that enhanced police-prosecutor relations and improved the evidentiary quality of the cases. Overall, the resources provided are consistent with the workload.

3. Is the organization of the VOP program compatible with the organization of the state's attorney's office?

The VOP program is identified as a separate unit within the criminal division although its attorneys report directly to the state's attorney. Organizationally, it can be viewed as an add-on or a separate operating program within the criminal division. If its long-term continuation is to be considered and if it is to become institutionalized, then the state's attorney and the VOP personnel should give thought to how the program can be integrated into criminal division prosecution activities. Such a move would increase its likelihood of remaining operational after funding ends and continue to provide additional training to younger, less experienced attorneys.

4. Are program policies and procedures followed consistently?

Yes. The program's policies and procedures evolved over time. However, they were always consistent due, in large part, to the small number of attorneys (two) who operated the program and their direct control over decisionmaking and operations subject to the policies of the state's attorney.

Initially, there were problems at intake that resulted in some differences in how early the prosecutors were notified about VOP cases. The VOP program plan, at the beginning, did not specifically address changes to on-going case review and charging functions. A warrant desk was established by the state's attorney to review felony and misdemeanor cases. However, this desk was soon overworked. As a result, in some instances, VOP attorneys were notified immediately about murders or criminal sexual assaults so they could be present on-scene to help police investigations. In other instances, days elapsed before they were notified about a case. Recognizing this problem, the state's attorney distributed a memo to all warrant desk personnel and ASAs in November 1996 correcting the situation and setting forth modified procedures.

5. Have all necessary external coordinating mechanisms been established? How well do they work?

Yes. A major impediment to establishing coordinating mechanisms between the police and the prosecutor can usually be traced to differences in policies and priorities. This is not the case in Sangamon County. There is close alignment between the police, sheriff and the state's attorney's office with regard to the goals and objectives of this program and the handling of violent crime.

The Chief of the Springfield Police Department, has had a powerful influence on the success of VOP because he assigned two of his detectives to work with the VOP attorneys on old cases. He believes that old cases have an impact on the current cases because the players often are the same. One result of this assignment has been to create a police policy that is consistent with the VOP program objectives. Thus, the working relationship between these two agencies has improved significantly.

The Springfield Police Department and the sheriff's department are strong supporters of the program's training activities. Until the VOP program was created, the state's attorney's office did not provide formal training to police agencies on a scheduled basis. As a direct result of the on-the-job training provided by the VOP prosecutors to the detectives, both the sheriff and the law enforcement agencies favor a strong training component. As law enforcement better understood the requirements of the prosecutors, the quality of the cases and investigations increased substantially. This training benefit was most recently extended to all detectives when the Chief instituted a rotation plan for all detectives to be exposed to these investigative techniques.

6. Does the criminal justice system have the capacity to process VOP cases?

Yes. The system has the capacity to process VOP cases because they are few in number and there are two additional prosecutors available to handle them. The impact of the cases on the court is negligible because the cases are well prepared and create few unnecessary delays. The effect on the public defender has been felt more in the quality of case defenses than in the volume of work. We did not note any perceived impact on the courts or the jail during our interviews.

7. How do other participants view the program, its efficiency and effectiveness? Do they have recommendations for change?

The program has garnered unanimous praise from all the agencies, courts and personnel we interviewed. The basic reason appears to be the benefits that have accrued from the high experience levels of the VOP prosecutors and their ability and willingness to share that experience with others, both inside and outside of the office. The result has been improved morale, better training and more actively investigated and prosecuted cases.

Some detectives noted that previously inexperienced ASAs were unwilling or afraid to try cases. Now, they perceive a change; they believe that the non-VOP ASAs are much more willing to go to trial than before. They report that the VOP attorneys have affected both them and the state's attorney's office. In the past, the state was not filing cases if ASAs could find a defense. The VOP attorneys file even if there is an anticipated defense. They believe that the VOP influence has made trial ASAs more aggressive, and that they have the defense on the run. Officers do not mind doing extra work for the ASAs who know the law and are willing to prosecute aggressively. They have seen situations where the VOP attorneys give case law references to the judges even before the judges ask for them. The VOP attorneys also are meeting with officers to discuss jury questionnaires and critique officer performance in court. This is unusual; yet, the officers apparently are not defensive about this. Officers and other ASAs are coming to court to listen to VOP closing jury arguments. The net result is that the VOP activities have engendered a highly positive attitude among the members of the Springfield Police Department.

The sheriff's deputies also hold the VOP attorneys in high regard. They cited the VOP attorneys' on-the-job training as they show the deputies what is needed to prosecute cases. As one deputy noted, the VOP attorneys, with their smaller caseloads, "have the time to sit down and chew on the facts". The sheriff is a strong advocate for training and has asked the senior VOP attorney to conduct legal training in criminal law and civil liability for correctional officers.

Interviews with judges indicated their belief that the VOP program has added experienced prosecutors to the office. Initially they believed that without them and the first assistant, there was a noticeable lack of depth in trial experience on the part of the other ASAs. The VOP program has changed that perception because the VOP prosecutors have actively involved other ASAs in the program.

The public defender believes that the two VOP prosecutors have improved the reputation of the state's attorney's office. He also has seen an improvement in the preparation of cases because

“more bodies are brought to bear on the case.” However, he believes that the effect of the increase in state’s attorney’s resources has been to stretch public defender resources even more.

The probation director and staff have observed no noticeable impact as a result of the VOP program which is not unexpected since VOP cases are not likely to receive probation. However, the office has been impressed by the fact that VOP attorneys send letters to the director of probation notifying him of exceptional PSIs or reports that were produced by the probation officers on the VOP cases.

CONCLUSION AND RECOMMENDATIONS

Overall, we believe that the successes of the VOP program can be attributed to two factors: the state’s attorney’s creation of a favorable climate for change and innovation in the office and the characteristics of the VOP prosecutors.

It was clear to both observers and participants in the program that the advent of the new state’s attorney has brought about a vast change in the office’s culture and its relationships with law enforcement and the courts. His decision to select prosecutors for the VOP program who had extensive experience in larger jurisdictions was not without a certain degree of risk. As it turned out, however, the decision was a good one; the effect of bringing in outsiders with extensive experience affected not only police and prosecutors alike, but also dramatically improved the level of professionalism in the office. The state’s attorney’s willingness to support change was aided by the fact that the important players in making change were all new to their positions. The Sangamon County State’s Attorney, the Springfield Chief of Police, and the Sheriff took office about the same time. They were in agreement about the general direction and changes that their agencies should take. With substantially increased communication and tighter coordination, they created an environment amenable to change and supportive of a successful VOP program.

The second factor contributing to the successes of the VOP program can be found in the nature of the VOP prosecutors hired for the program. Their extensive experience in prosecuting very serious violent crimes, their willingness to work long hours and to work closely with the law enforcement agencies, their intensive trial preparations and detailed trial strategies, their open accessibility to less experienced attorneys in the office, and their assistance in cross-training assistants contributed to improving the quality of prosecutions and producing successful outcomes. The VOP program results clearly indicate that a key factor in success is due more to the introduction of new skills and more experience into the office rather than simply an increase in the number of attorneys.

Not only have the original program goals and objectives been followed, there have also been unanticipated benefits to the office and the criminal justice system as a whole due to the experience levels of the VOP attorneys and the state's attorney's willingness to cross-train assistants. The VOP prosecutors have provided a valuable source of training to other attorneys in the office in addition to their stated objective to training law enforcement detectives. Within the office, once the trial ASAs were able to see how more experienced attorneys handled these complex cases, they began to ask for and receive advice about their own cases. The VOP attorneys helped them devise trial strategies and tactics. In some instances, the younger prosecutors were asked to assist the program attorneys in the preparation of serious felony cases. This allowed the younger prosecutors to see the orderly manner needed for felony investigations and trials.

Recommendations

We recommend:

1. The continuation of the VOP program until permanent funding has been obtained.
2. The state's attorney should identify additional opportunities to increase the levels of experience and innovation in the office through a variety of mechanisms, most important being salary increases for attorneys and staff, in addition to the appointment of personnel from outside the jurisdiction, and travel to other jurisdictions to observe and assess new or alternative ways of prosecuting violent crime cases.
3. The state's attorney should develop a management information and case tracking system that will allow him to monitor the performance of the office using measures similar to those used in this evaluation.
4. The state's attorney should establish a management work group consisting of attorneys and staff that will regularly review the performance measures, identify problem areas and recommend solutions.
5. The state's attorney should examine the organizational placement of the VOP program within the office and integrate it into the operations and procedures of the criminal division rather than having it operate independent of the division.

6. The state's attorney should create positions for a paralegal and an investigator to support the VOP by providing legal research, more efficient trial preparation and the assurance that witnesses' and victims' testimony will be available at court hearings.
7. The state's attorney should expand the initiative to train detectives by designating other, non-VOP attorneys to work with the detectives in the police and sheriff departments on other designated crimes (such as bad checks, burglaries, etc).
8. The state's attorney should expand the opportunities for assistants to second chair with VOP and other experienced attorneys to provide them with additional training.
9. The state's attorney, police and sheriff should work together to expand the successful police-prosecutor working relationships to other parts of the detective bureaus.
10. The state's attorney should give priority to obtaining funding to retain experienced attorneys as ASAs, develop career ladders and increase the salary levels of both attorneys and staff as a primary means to achieve quality in prosecution.

II. BACKGROUND AND SETTING FOR THE VOP PROGRAM IN SANGAMON COUNTY

SANGAMON COUNTY DEMOGRAPHICS

Sangamon County, situated in central Illinois, about 200 miles southwest of Chicago, covers an area of 868 square miles and has a population of 184,731 according to the 1995 estimates of the Bureau of Census. Of the 102 counties in Illinois, Sangamon was the 9th largest county geographically and the 11th largest in population. The largest city in Sangamon County is Springfield, the capital of Illinois. It has a population of 106,000. The minority population in the county is 82 percent black, 0.7 percent Hispanic and 1 percent Asian or other. Springfield is ethnically mixed: the East Side is predominately African-American; the north side blue collar; the west and south sides are upper class managers and professionals. The city is ribboned by two interstates.

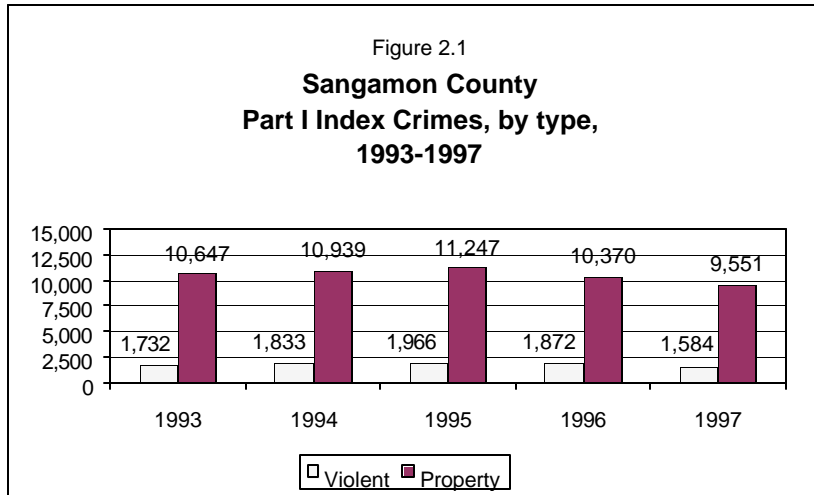
Employment in Sangamon County reflects the business of government since Springfield is the state capital. Unemployment is below the national average; in 1995 the Census Bureau estimated the unemployment rate at 4.6 percent. Twenty-two percent of the resident population is college graduates and the per capita income in 1993 was \$21,469.

CRIME TRENDS

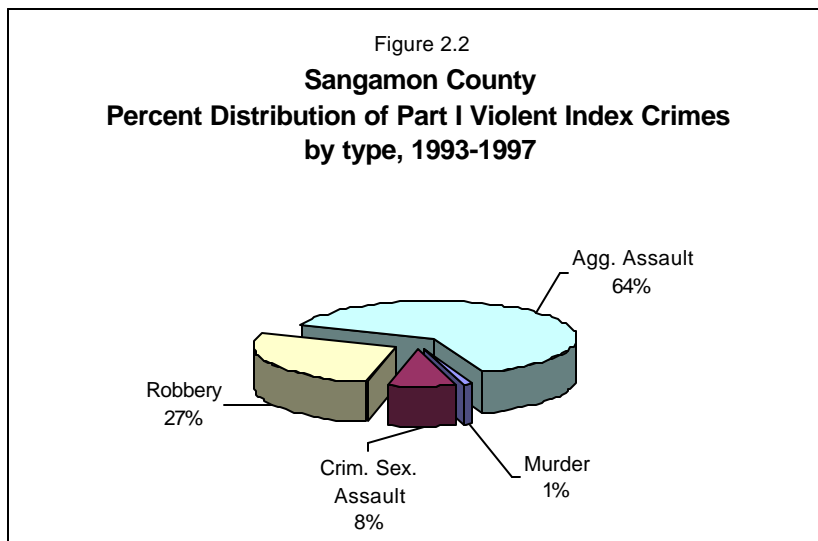
Ranking 12th among all 102 counties in population density per square mile, Sangamon County's crime trends reflect the influences of urbanization. Total Part I Index crimes peaked in 1995 at 13,213 and then decreased to an estimated 11,135 in 1997. About 85 percent of the reported crimes are property crimes, the largest category being theft. Violent crime as a proportion of all reported crimes accounts for only about 15 percent of the total.

The number of Part I Index violent crimes has remained fairly stable from 1993 to 1997 though they show a slight downward trend since 1995 (Figure 2.1). Violent crimes constitute about 15 percent of all reported Part I offenses. About 6 out of every 10 violent crimes are aggravated assaults (Figure 2.2). Many of these assaults involve minor injuries resulting from simple disputes that often are either prosecuted as misdemeanors or not prosecuted at all. Because the high proportion of aggravated assaults obscures changes that could be occurring in the more serious violent crimes of murder, criminal sexual assault and robbery, the latter offenses should be examined separately. If we exclude aggravated assault offenses, the number of the serious

violent crimes shows a large drop in 1997, from 766 crimes in 1996 down to an estimated 514 in 1997.



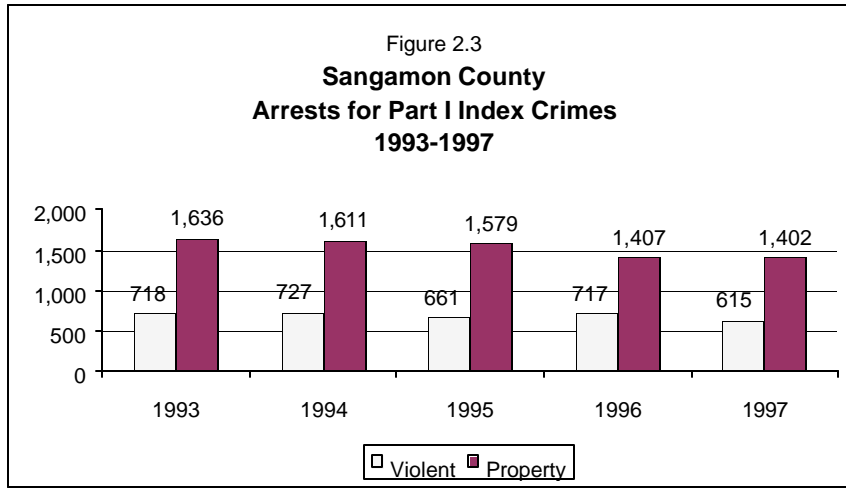
The average percent of Part I Index crimes from 1993-1997 shows the dominance of aggravated assaults and the small proportion of murders (1 percent) (Figure 2.2.). The number of reported murders reached a high of 18 in 1994 and has remained at 11 to 12 per year since then. Robberies have decreased since their high of 585 in 1995, down to an estimated 374 in 1997.²⁷ Although the number of Part I crimes has decreased slightly since 1995, the mix of the reported offenses has remained relatively stable.



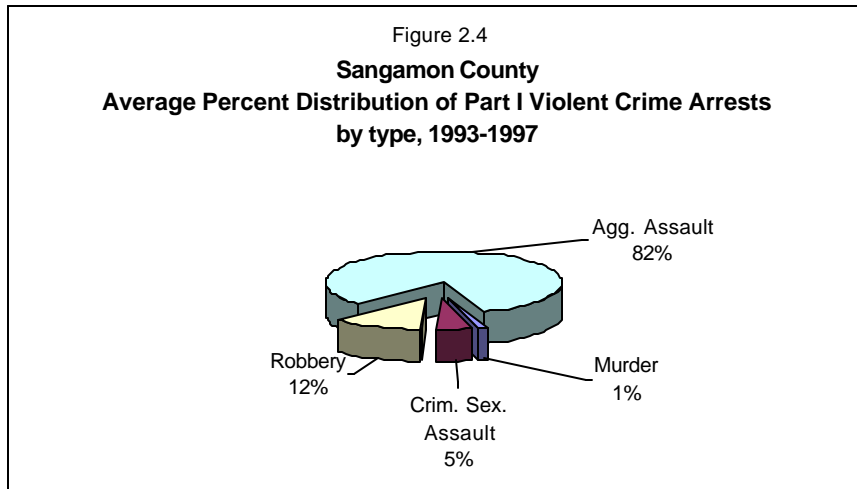
²⁷ There is always a lot of statistical variation in small numbers like these, so little can be said about the trends.

ARRESTS

The work of the prosecutor and much of the criminal justice system is directly related to the number of arrests. In Sangamon County the number of arrests for Part I Index offenses, many felonies, has shown a downward trend since 1993 when there were 2,354 arrests for Part 1 offenses. In 1997, 2,017 arrests for Part I Index crimes were reported (Figure 2.3). This arrest level equates to about 5 Part 1 arrests per day.



About two out of three arrests are for property offenses (Figure 2.3). Although violent crimes account for an average of 15 percent of all Part I Index crimes, they average about 32 percent of all Part I arrests. The percent of arrests for the serious violent crimes of murder, criminal sexual assault and robbery has remained relatively stable. There is a slight decline in robberies which has been offset by increases in the number of arrests for aggravated assault. The percent of all Part I Index arrests for aggravated assault increased from 78 percent in 1993 to an 84 percent of all violent arrests in 1997. The mix of violent crimes has shown little variation as a percentage of total Part I Index Crime arrests since 1993. (Figure 2.4)



Drugs are a major contributor to crime in the county. Arrests for all drug law violations have increased steadily since 1990. Between 1993 and 1997, the number of arrests increased 52 percent, from 391 to 590 per 100,000 population. Much of this increase can be attributed to arrests for violations of the Cannabis Control Act (CCA) that prohibits the possession, sale and cultivation of cannabis. In contrast, arrests for violations of the Controlled Substances Act (CSA) that prohibits the possession, sale, distribution or manufacture of all other illegal drugs such as cocaine and opiates decreased by 34 percent, from 359 to 238.

Despite their low numbers relative to all Part I offenses, violent crimes, especially murder and sexual assault, place disproportionately high demands on the resources in the state's attorney's office. The prosecution of violent crimes is the most time-consuming and resource-demanding of all prosecutions undertaken by local jurisdictions.

Violent crime cases: (1) will increase the attorney's workload; (2) may create a need to reallocate existing resources or add new personnel; and (3) may produce lower conviction rates or less satisfactory dispositions depending on the quality of the evidence and the experience of the prosecutor.

III. FACTORS IN THE CRIMINAL JUSTICE ENVIRONMENT AFFECTING THE VIOLENT OFFENDER PROSECUTION PROGRAM

As part of a program evaluation, it is important to take into account factors both inside and outside the control of the program that affect its operations, management, efficiency and effectiveness. Some external factors may enhance the ability of the program to meet its goals such as career criminal statutes and truth in sentencing laws. Other factors may create problems or limit the effectiveness of the program such as inadequate or incomplete police reports, lack of trained personnel, or overcrowded jails and prisons. The violent offender prosecution program operates within a local criminal justice environment, which affects it in a number of ways. In this section, we describe the external environment in which the VOP program operates and we identify factors that may affect the program.

LEGISLATIVE ENVIRONMENT

Speedy Trial

The court operates under a speedy trial law that allows 120 days for defendants in custody to be moved from indictment to disposition; non-custody cases are allowed 160 days. Since waivers are common in VOP type cases, neither this law nor the fact that the court is backlogged has affected the program.

Truth in Sentencing

The Truth in Sentencing (TIS) act was passed in August 1995 and declared legislatively unconstitutional in March 1998. The effect of the ruling was to reduce sentences imposed under TIS by 30 to 50 percent for good time credits. In addition, the effect was retroactive. There is almost universal agreement that TIS was enacted because the public demanded stiffer sentences and the judges exhibited wide variation in their sentencing practices. TIS established a sentencing grid for certain crimes and designated the proportion of time that must be served for those offenses. TIS covered murder and Class X felonies and required that 100 percent of the sentence be served; for rape, 85 percent of the sentence; and for attempted first degree murder also 85 percent.

The effect of TIS was to abolish reductions of sentences for good time credit, thereby increasing actual time served. For example, before TIS, conviction on a first-degree murder would usually

result in a 20-year minimum sentence which, with good time credits, allow release in 10 years. With TIS, 20 years would be served.

The statute also strengthened the prosecutor's plea negotiation position. ASAs could charge TIS offenses and use them to negotiate a plea to a non-TIS offense. The impact on the sentence was substantial. For example, since 20 years was the minimum TIS sentence for a first degree murder charge, a plea to a second degree offense which carried a 15 year sentence but was not covered by TIS, gave the defendant a chance to serve only 7 1/2 years with good time credits.

The rejection of TIS has both immediate and long-term effects. Most immediately is the conversion of the court's imposition of sentences based on one assumption (TIS) and to former sentencing assumptions that took good time credits into consideration. The effect on the offenders sentenced under TIS guidelines is to discount their sanctions by 30 to 50 percent.

In the long run, the impact of this change should also be observable in the sentencing patterns in the VOP programs. Our evaluation of sentences under VOP for the years 1996-1997 are not affected by the change. However, we can anticipate that 1998 sentences will be longer than the previous two years because both the prosecutor and the court will consider good time credits when deciding the appropriate length of sentence. There is presently a movement to initiate a new statute requiring TIS. Whatever the outcome of this legislation, it should be considered as a factor in the analysis of sentences.

LAW ENFORCEMENT

The county is served by 23 municipal police departments including the Sangamon County Sheriff's Department. The largest police department is located in Springfield. It contributes 80 percent of the workload of the office.

Springfield Police Department

The police chief was appointed in October 1995 to direct the Springfield Police Department. He heads a force of 257 sworn officers with 27 detectives, two of whom are assigned to the VOP program. The chief has a vision for the Springfield Police Department that includes expanding community policing and patrol, giving priority to violent repeat offenders, and establishing a major offenders program.

The chief recognized the department's need for training in investigations and the development of evidence. By focusing on homicides, especially old cases, the state's attorney could dedicate more sophisticated and experienced resources (i.e. the VOP prosecutors) which gave the police department an opportunity to receive training. The chief was so impressed with the level of education that in the second program year he decided to rotate other detectives in the Major Crimes Bureau for training and education. The chief and the department were major beneficiaries of the VOP program.

Sheriff's Department

The sheriff is in his first elected term of office. The department has 72 sworn deputies who cover 864 square miles and provide backup to local township police departments. The detective bureau has 12 detectives, including 2 undercover for drugs. Two detectives handle major cases. The deputies typically turn to the ASAs for input and direction.

The sheriff's department provides a centralized intake and booking facility for all arrests in the county. The new jail is not overcrowded and currently houses 232 prisoners. The jail is usually reserved for serious felony detainees. A work release corrections program is available for sentenced prisoners. Juveniles are transferred to one of 16 counties in the state that have juvenile detention facilities. The sheriff has assigned two courtroom officers to transport prisoners and process the paperwork. Because the jail is the centralized intake for arrests, deputies at the jail know which ASAs to contact about certain cases, e.g. drugs, child abuse, and extradition.

The sheriff is a strong supporter of the VOP program. The impact on the program can be observed in the detective bureau where they cited the opportunities provided by the VOP prosecutors to discuss cases, develop investigative strategies and be available to ensure cases are acceptable for prosecution with a strong likelihood of conviction.

PUBLIC DEFENDER

With the exception of the chief county public defender, and the first assistant, the rest of the public defender's office is manned by part-time attorneys who are allowed to maintain a private practice in both civil and criminal matters. The position of public defender was converted to full-time in 1996 by the court which appointed him; the first assistant position was converted in 1997.

There are 12 part-time assistants. The assistants are distributed as follows: five felony assistants; 3 traffic and misdemeanor assistants; 3 juvenile assistants and one mental health attorney. He also has a full-time investigator. The assistants are permitted to represent criminal cases on a privately retained basis.

The public defender believes that his staff is competent. In cooperation with judges and the state's attorney, he would like to improve case management. He also believes that the charging policies should be made more consistent, especially with respect to concealed weapons in a car.

Since the VOP programs, he has noted an increased professionalism in the office over all and changes in the prosecutions of major cases. The ASAs are more willing to go to trial, less eager to plea bargain, and less willing to consider lesser charges. As an advocate, he would not be unhappy to see the VOP program disappear, as a professional, he is impressed with its results.

COURTS

The judicial circuit contains 7 counties; however, the judges typically do not "ride circuit". There are 6 circuit court judges and 8 associate judges assigned to Sangamon County. Two judges are assigned to felony cases; 3 handle misdemeanor cases; 1 judge is assigned to juvenile court; 3 handle traffic and DUI cases; and, 1 is assigned to child support. Associate judges may take pleas to felony cases if they are certified to do so. The court is backlogged.

Approximately 20 felony jury trials were conducted in 1995 with an estimated 30 percent being VOP cases. About 90 percent of the cases are disposed by plea after arraignment and before trial; 2 percent are disposed on the day of trial or during trial. Time to disposition depends on the defense attorney since the state of Illinois operates with a 120-day speedy trial rule which may be waived by defense counsel, but not by the prosecutor.

PROBATION AND COURT SERVICES

Probation is funded through the Supreme Court's budget and probation services are administered through the court. Probation's jurisdiction is over felonies and juveniles. Probation caseloads (both active and inactive) range between 75 and 90 cases per officer.

The probation office conducts about 12 to 15 pre-sentence investigations (PSI) per month. The office will notify the state's attorney's office if their PSI suggests that a negotiated sentence is

inappropriate or contrary to statute. The office also provides some specialized services for sex offenders and has electronic monitoring capability. The office believes that their caseload has increased because the Illinois Department of Corrections is over capacity. As of August 1, 1996 detention for juveniles was by reservation only.

One area that the probation office would like to see changed is the state attorney's office's (SAO) procedures for processing violations of probation. The local probation office sets policies for the number of "dirty drops" and failures to report, which they will tolerate. The judges are aware of these policies because the details of probation's efforts to work with defendants are made known to the judges at revocation. However, the office believes that there are inconsistencies in the handling of revocations by both ASAs and judges. They would like to see the state's attorney's office impose more accountability on these decisions by assigning the responsibility to a single ASA or by making the ASA who handled the case responsible for the petition to revoke decision. Two attorneys in the civil division presently handle routine revocations.

CLERKS OFFICE AND CASE DATA

The clerk of the court is responsible for maintaining court records. The office is supported by an automated system. The present version of the system dates from October 1993. Prior to this time, the system did not carry case dispositions. Case status data is readily available; however the system lacks the report capability to generate management information reports which can be used by the state's attorney for performance measurement.

Once charges are authorized by the ASA at the warrant desk, the information is entered into the clerk's computer system which provides them with a case number. Beginning March 1996, the numbering system became defendant-based, i.e. a separate criminal felony (CF) number is assigned to each defendant even if the incident created multiple charges. If the co-defendants are charged, each receives their own CF number. This change will improve the ability of the state's attorney's office to monitor and evaluate its performance and workload.

IV. SANGAMON COUNTY STATE'S ATTORNEY'S OFFICE

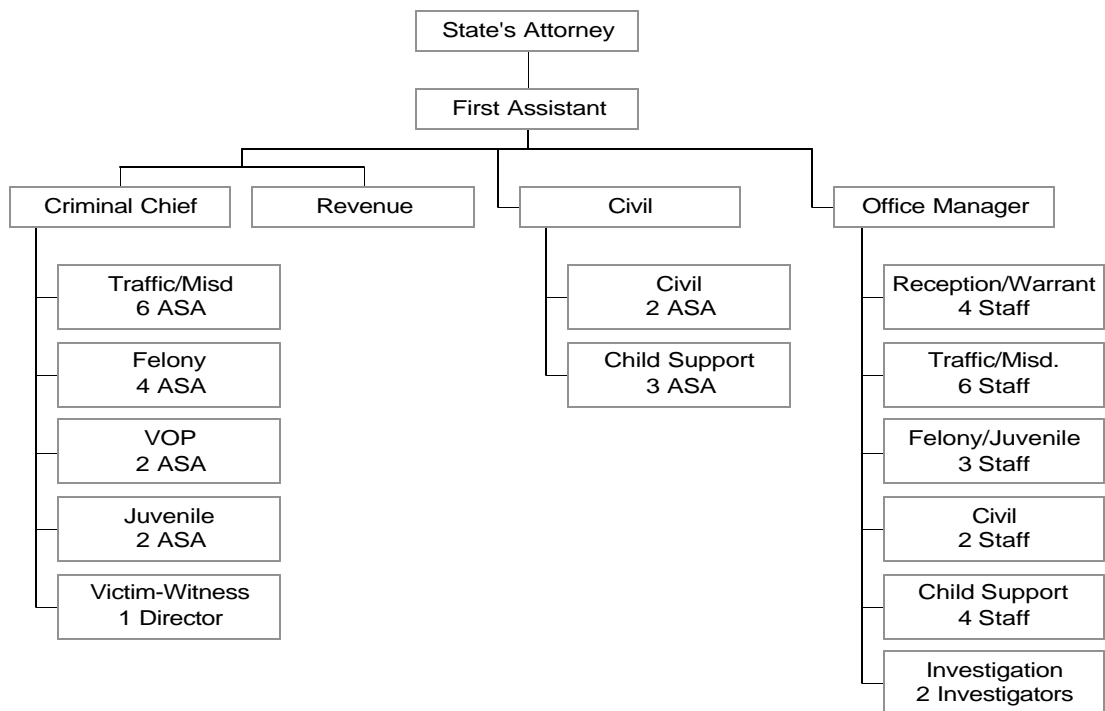
INTRODUCTION

The Violent Offender Program operates within the office of the Sangamon County state's attorney. One part of the evaluation examines how the program is integrated within the office's management and operational environment. This section describes the office of the state's attorney.

ORGANIZATION AND MANAGEMENT

The office has jurisdiction over the prosecution of felonies, misdemeanors, traffic violations, juvenile offenders and child support enforcement. Appeals are handled by the Illinois state's attorney Appellate Prosecutor. The city attorney has jurisdiction over ordinance violations. Figure 4.1 presents the organization chart for the office.

Figure 4.1
Sangamon County State's Attorney's Office



The state's attorney was appointed to the position in December 1994. In November 1996, he was elected to his first four-year term of office. The SA had previous experience in both the state attorney's office and the U.S. Attorney's Office. He has established close and cooperative working relationships with the other relatively new heads of the sheriff's department, Springfield Police Department and the U.S. Attorney's Office.

Organization and Staffing

The office employs 26 assistant state's attorneys (ASAs) excluding the state's attorney, 24 non-attorney staff and 1 investigator. Over the past three years the office has added 1 attorney for the civil division, 2 attorneys funded by the VOP grant and 1 attorney funded by a domestic violence grant.

Workload

In 1995, the court reported the following filings: 921 felonies; and 2,764 misdemeanors. In 1996, 1,237 felonies and 2,970 misdemeanors were filed.

OPERATIONS

Intake and Screening

Arrested suspects are taken by police to the jail for booking. Police reports are forwarded by the sheriff's office to the state attorney's office (SAO). The SAO has an automated system maintained by county data processing into which about 20 to 25 criminal cases are logged daily. Cases receive a court case number only after they have been reviewed and charges authorized. The office does not use a state's attorney (SA) number. A liaison sergeant from Springfield Police Department is available daily until 2:30 PM to sign complaints and requests for warrants for the city police department. The sheriff's department sends a representative to the office twice daily to sign complaints and requests for warrants for the county police and other small law enforcement agencies.

Case files are opened prior to first appearance. Case reports are reviewed by the ASA assigned to the warrant desk for a charging authorization decision. If the suspect is not arrested, the police file a report with the SAO and request authorization for an arrest warrant.

During the program years, all assistants were assigned to the warrant desk on a weekly rotating schedule. The public defender noted that he perceived inconsistencies in some case screening policies because of the rotating assignment policy. For example, felony shoplifting committed by recidivists could be charged differently depending on the ASA assigned to the desk. The use of prior convictions to enhance charges also varies by ASA. In contrast, the drug charging policy is consistent because only one person is authorized to charge these cases.²⁸

Most of the VOP cases are screened by the VOP attorneys. The warrant desk ASAs also perform other duties including interviewing walk-in civilians who request warrants. If the ASA believes that the complaint has merit, he will authorize the charges, have a complaint typed and take the complainant before a judge to swear to the facts of the charge.²⁹

The charging decisions made at screening are based on probable cause unless the review is a pre-warrant request by the police. Felony cases typically are not filed unless there is a police report. Criminal histories are usually available from the automated CCH system and are based on fingerprint identification.

Typically, police are not present at screening and the authorizing decision is based on written reports. If additional information is required or a decision to file will be delayed, the ASA completes a police report review sheet that identifies the reasons for not filing charges at this time. These include: insufficient evidence, no probable cause for arrest, no complaining witness, the victim does not wish to proceed, police agency does not wish to proceed, other civil remedies are recommended, the case needs additional investigation, no lab report is available, and other.

If no charge is filed, a police report review sheet for declinations is completed by the reviewing ASA and the reason for declination is noted. This form is used to notify the police department of the outcome and to assign a NC (no complaint) number to the case in the SAO's automated system. A letter is also sent to the victims notifying them of the declination and the reasons. All reports are logged in the computer including declinations. The office estimates that 25 percent of the cases are filed and 75 percent are declined.

²⁸ In 1998, the state's attorney created two warrant desks, one for misdemeanors, the other for felonies. The division of responsibility improved the productivity of the intake and screening process substantially.

²⁹ Some prosecutors have modified their civilian complaint review procedures to require police investigation and referral prior to prosecution charging. They believe that this reduces difficulties arising from the absence of police reports, criminal histories or other investigative information which the warrant desk ASA would normally receive from the police. It also decreases any reluctance on the part of the trial ASAs either to reduce warrant desk authorized felony charges to misdemeanors or dismiss cases. Some prosecutors believe that many cases involving neighborhood disputes should and would be resolved by the police and not require the prosecutor's attention until after police investigation.

For cases that are charged, a case checklist is prepared which identifies victims and police officers to be contacted. When the charges are authorized, the case receives a CF or CM number from the clerk of the court's automated system. A file is opened for use at the first appearance. If the case is to be delayed because of the backlog in the drug-testing laboratory or because of problems with the complaining witness, it will be placed in a hold file until ready for first appearance. After first appearance, the case is sent to the SA for his review and assignment. A manual log is maintained for these assignments, but it is not updated after the initial assignment.

Each day, the state's attorney reviews all felony cases filed and assign them to one of the 9 felony ASAs. However, because the court follows a master calendar assignment system whereby the chief felony division judge assigns cases to trial judges often on the day of trial, it is difficult for the office to maintain individual case assignments to specific ASAs.³⁰

Estimated Percent of Cases Accepted by Type of Situation	
<u>Situation</u>	<u>Estimated Percent Accepted</u>
1. Defendant is arrested before report brought to the ASA	75
2. Police come in with paperwork request a warrant	95
3. Drug cases	95
4. Case sent for review after police investigation, prior to arrest	20

³⁰ Vertical prosecution or the assignment of cases to attorneys as early in the adjudication process as possible, is preferred by most prosecutors because it provides for accountability. However, when the court uses a master calendar system for docketing and the prosecutor uses an individual case assignment procedure, conflicts in schedules are very likely. Not knowing to which court the case is assigned until late in the process also restricts the prosecutor's ability to tailor case preparation and trial strategies to the court. Some prosecutors have found it effective to form trial teams in which two or more attorneys are assigned to a courtroom or to specific types of cases so that each attorney on the team is able to try the team's cases on short notice.

First Appearance

First appearances for bond setting and appointment of defense counsel are held at 11 AM and 3 PM. The 11 AM session is for traffic and misdemeanor warrants. The 3 PM court call is for new misdemeanor and felony cases and felony warrants. If the defendant is not detained, notices to appear are sent with the appearance date. The state has 48 hours to bring the defendant before the court if he is in custody.

Preliminary Hearings, Grand Jury Indictments and Arraignment

The majority of felony cases proceed by preliminary hearing rather than grand jury. Misdemeanors are filed by information. Draft bills of information or indictments based on the information are prepared, proofread by the ASA assigned to the case, reviewed for amendments and signed. If a case proceeds by grand jury indictment, the judge signs it and sets an arraignment date. Direct indictments are filed with the court and receive CF numbers and arraignment dates. If arrest warrants are needed, the office prepares them.

Custody cases must be indicted within 30 days after arrest. If they are dismissed, it is without prejudice so the case can be brought again. Bail cases must be indicted within 60 days after arrest. As noted previously, in drug cases, delays may occur due to a 45-day backlog in the state police drug-testing laboratory.

Preliminary hearings and arraignments are not used as major dispositional outlets. The office estimates that only about 10 percent of felony cases are disposed at preliminary hearing by a plea to a misdemeanor. It is rare for defendants to plead guilty at arraignment primarily because defense counsel waits for discovery, which occurs after arraignment.

Discovery and Adjudication

The office has an informal, open file discovery policy. Most information is provided to defense counsel after arraignment and before trial. It is during this period that most plea negotiations are conducted. Plea offers are generally submitted in writing by the ASAs. Whether this offer represents a final one, or whether it can be negotiated depends on the ASA submitting the offer.

Mailing offers limit the opportunity for open, face-to-face discussions between the parties and the office's ability to reach plea agreements in a timely fashion. However, the mailing of plea offers may be due more to the fact that public defenders work part-time, have private practices and may not have the time or incentive to hold meetings for this purpose.

Wednesday is pretrial day. All cases scheduled for trial two weeks hence have a status call starting at 1:30PM. The defense attorneys, prosecutors and judge are present. The chief felony division judge calls the docket; however, typically the assignment of cases to judges is not made until the day of trial.

Most jury trials are set for Monday. This procedure usually permits only one serious felony trial per week with the other cases rolling over to subsequent weeks. Simple cases, like misdemeanors or felony theft are set for Wednesday or Thursday. The usual practice is 2 attorneys for a jury trial and one attorney for a bench trial. Typically a less experienced prosecutor is teamed with a more seasoned one for training purposes. The typical murder or sexual assault case takes the longest to try (about 5 days). Other crimes against a person cases typically consume between 3-5 days for a trial. The remaining trials take about 3 days.

Post Conviction

It is the responsibility of the probation officer to file a violation report whenever there is a new charge. In most cases, the state's attorney's office responds and drafts a petition to revoke probation.³¹ Depending on judicial philosophy, the judges may or may not revoke probation. Often negotiations between the defense attorney and the ASAs may resolve the issue. Usually the defendant admits the violation and formal hearings on the petition are not held. The sentence is either revoked or modified based upon the agreements reached. The probation officer typically is not a party to the negotiations.

³¹ We noted that preprinted forms are not used for the petitions.

Management Information and Statistics

Although the office maintains a wealth of automated information about defendants and individual cases, it does not produce management and statistical reports. Even basic information such as inventories of pending cases and their status for each attorney are not available. The automated court information system (which was utilized for this evaluation) is maintained by the clerk of the court, this system provided data for the court's information program evaluation.

Because the office has automated its police report review forms in addition to court case information, it has the ability to analyze charging and declination decisions. However, no one recalled ever seeing summary statistics or reports for management purposes. Case closure sheets are completed by the ASAs and reviewed by the state's attorney. However, they are used to judge the results of prosecutions by trial attorneys, not for office or case management. Summary reports of case dispositions that result in less than successful conclusions are not available.

APPENDIX A

VOP PROGRAM DATA

Source: State's Attorney Office

Table A-1
Sangamon County VOP Program
Distribution of Most Serious VOP Charge
1995-1997

Charge	1996	1997	Frequency	% distribution
Murder	40	25	65	39.6%
AggCrimSexAsslt	32	3	35	21.3%
CrimSexAsslt	20	10	30	18.3%
AttmpMurder	8		8	4.9%
ArmRob		8	8	4.9%
AggBatt		4	4	2.4%
HomeInv		3	3	1.8%
ArmVio		2	2	1.2%
AggDischFrm		2	2	1.2%
AggBatt w/Frm		2	2	1.2%
2nd Degree Murder	2		2	1.2%
UUW		1	1	0.6%
UnlawRest		1	1	0.6%
Kidnapping		1	1	0.6%
SUBTOTAL	102	62	164	100.0%
<i>Missing Data</i>			2	
<i>Total</i>			166	

Table A-2
Sangamon County VOP Program
Distribution of Most Serious Charge by VOP Categories
1995-1997

Charge	Frequency	% distribution
Murder	75	45.7%
Murder	65	39.6%
2nd Degree Murder	2	1.2%
AttmptMurder	8	4.9%
Kidnap/UnlawRest	2	1.2%
Kidnapping	1	0.6%
UnlawRest	1	0.6%
CrmSexAsslt	66	40.2%
AggCrimSexAsslt	35	21.3%
CrimSexAsslt	30	18.3%
UUW	1	0.6%
Robbery	13	7.9%
ArmRob	8	4.9%
ArmVio	2	1.2%
HomeInv	3	1.8%
Assault	8	4.9%
AggBatt w/Frm	2	1.2%
AggBatt	4	2.4%
AggDischFrm	2	1.2%
SUBTOTAL	164	100.0%
<i>Missing Data</i>	2	
<i>Total</i>	166	

Table A-3
Sangamon County VOP Program
Distribution of VOP Closed Cases
by Disposition, 1995-1997

	Frequency	% Distribution
Plead Guilty Original	43	30.3%
Plead Guilty Lesser	39	27.5%
Court Found Guilty	20	14.1%
Court Found Guilty Lesser	4	2.8%
Dismissal -Plea	1	0.7%
SubTotal	107	75.4%
Other Dismissal	23	16.2%
Acquittal	7	4.9%
SexDanger	4	2.8%
TransferJuv Ct	1	0.7%
TOTAL	142	100.0%

Table A-4
Sangamon County VOP Program
Average Days VOP Filing to Disposition, by Charge
1995-1997

Charge	Frequency	Avg. Days
Murder	49	295
HomeInv	3	276
UnlawRest	1	248
ArmVio	2	246
AggBatt w/Frm	2	219
AggBatt	3	201
AggCrimSexAsslt	34	191
AttmpMurder	8	179
CrimSexAsslt	25	161
ArmRob	5	150
2nd Degree Murder	2	142
AggDischFrm	2	68
UUW	1	29
TOTAL	137	185

Median = 191

Pending cases/Missing data 29
 Total VOP 166

Table A-5
Sangamon County VOP Program
Average Days VOP Filing to Disposition, by Disposition
1995-1997

Disposition	Frequency	Avg. Days
Court Found Guilty	19	348
Court Found Guilty Lesser	4	236
Plead Guilty Lesser	37	234
Plead Guilty Original	43	219
Acquittal	6	197
Dismissal - Proof	7	175
Dismissal- CW	11	149
Dismissal- Other	3	100
TransferJuv Ct	1	98
SexDanger	4	74
Dismissal - Deceased	1	49
Dismissal - Plea	1	32
Dismissal - Const	1	15
TOTAL	138	148
<i>Pending cases/Missing data</i>	28	
<i>Total VOP</i>	166	

Median = 219

Table A-6
Sangamon County VOP Program
Distribution of VOP Sentences
1995-1997

Sentence	Frequency	% Distribution
DOC (prison)	48	77.4%
Probation	10	16.1%
Cond. Discharge	1	1.6%
Court Cost	1	1.6%
Jail	1	1.6%
Life	1	1.6%
TOTAL	62	100.0%
<i>Pending cases/Missing data</i>	104	
<i>Total</i>	166	

Table A-7
Sangamon County VOP Program
Frequency of VOP Disposition by Charge
1995-1997

Charge	Disposition	Frequency
Murder		75
Murder	CFG	16
	PGO	16
	PGL	11
	DM - CW	3
	Acquitt	2
	CFGL	2
	DM - Deceased	1
	DM - Plea	1
	<i>Pending</i>	13
2nd Degree Murder	PGL	1
	PGO	1
AttmptMurder	PGL	4
	Acquitt	1
	CFG	1
	CFGL	1
	PGO	1
Kidnapping/UnlawRest		2
Kidnapping	<i>Pending</i>	1
UnlawRest	DM - Proof	1
CrmSexAsslt		66
AggCrimSexAsslt	PGL	12
	PGO	9
	SexDang	4
	DM- CW	3
	CFG	2
	DM - Proof	2
	CFGL	1
	DM - Other	1
	Txfr Juv Ct	1
CrimSexAsslt	PGO	10
	PGL	5
	Acquitt	2
	DM - Proof	4
	CFG	1
	DM	1
	DM - CW	1
	DM - Const.	1
	DM - CW	1
UUW	<i>Pending</i>	5
Assault		8
AggBatt	DM - CW	1
	PGL	1
	PGO	1
	<i>Pending</i>	1
AggBatt w/Frm	DM - CW	1
	PGL	1
AggDischFrm	PGL	1
	PGO	1

Charge	Disposition	Frequency
Robbery		13
ArmRob	PGO	3
	<i>Pending</i>	3
	Acquitt	1
	DM - Proof	1
ArmVio	PGL	2
HomeInv	Acquitt	1
	PGL	1
	PGO	1
TOTAL		164
<i>Missing Data</i>		2

APPENDIX B

COMPARISON OF SELECTED PERFORMANCE MEASURES, 1993-1997

Source: Court Data

Table B-1
Sangamon County VOP Program
Selected Performance Measures
All Felonies 1993-1997

		1993	1994	1995	1996	1997
Convicted	%	68.5	76.9	77.6	75.5	73.4
Dismissed	%	27.1	21.4	21.6	23.5	26.1
Incarceration	%	54.8	70	72.4	63.8	55.7
Median Time	Days	124	188	184	140	91
Open	#	35	41	46	92	413
Closed	#	876	910	1009	1237	951

Table B-2
Sangamon County VOP Program
Selected Performance Measures
1996 VOP-like Cases

		1993	1994	1995	1996	1997
Convicted	%	63.8	75.7	75.9	65.8	70.4
Dismissed	%	35	19.6	22.7	30.9	28.7
Incarceration	%	47.1	81.5	78.5	60.2	60.5
Median Time	Days	106	168	167	166	74.5
Open	#	7	1	0	18	52
Closed	#	80	107	141	149	108

*Note: VOP-Like cases include all violent crimes that were eligible for VOP selection in 1996.
 Not all cases were selected for the program.*

Table B-3
Sangamon County VOP Program
Selected Performance Measures
1997 VOP-like Cases

		1993	1994	1995	1996	1997
Convicted	%	61.7	66.2	74.2	64.2	72.8
Dismissed	%	34	30.1	23.6	33.5	25.9
Incarceration	%	43.1	85.2	82.6	66.9	64.3
Median Time	Days	88.5	142	164	164	83.5
Open	#	7	1	1	23	74
Closed	#	94	133	178	212	158

*Note: VOP-Like cases include all violent crimes that were eligible for VOP selection in 1997.
 Not all cases were selected for the program.*

Table B-4
Sangamon County VOP Program
Selected Performance Measures
Comparison of VOP Measures With
Non-VOP Felonies and all Felonies
1996-1997

1996		All Felony	VOP	VOP-Not Selected	Other Felony
Convicted	%	75.5	82.4	67.1	76.8
Dismissed	%	23.5	13.7	30	22.5
Incarceration	%	63.8	86.9	59.6	64.2
Median Time	Days	140	228	170	136
Open	#	92	1	18	74
Closed	#	1237	102	140	1088
1997					
Convicted	%	73.4	62.9	75.6	73.5
Dismissed	%	26.1	31.4	24.4	26.1
Incarceration	%	55.7	90.9	58.1	54
Median Time	Days	91	167	76	92
Open	#	413	30	44	339
Closed	#	951	35	123	793

Table B-5
Sangamon County VOP Program
Selected Performance Measures
Comparison of VOP Cases and Non-VOP Cases Before
and During the Program

	VOP Cases		Non-VOP Cases	
	1993-1995	1996-1997	1993-1995	1996-1997
Conviction	61.4	70.5	70.6	74.7
Dismissed	34.8	27.9	26.9	24.7
Incarceration	68.6	69.5	59.8	56.9
Median Time	96	134	118	101
Closed Cases	316	441	1769	1678

Note: Sample is limited to closed cases with an elapsed time less than the maximum observed in 1997 (499 days). This, in part, adjusts for differences attributable to this source. VOP includes VOP and VOP-like cases for 1996-1997.

APPENDIX C

UCR PART I INDEX CRIMES AND ARRESTS

Source: Illinois State Police

Table C-1

Sangamon County Part I Index Crime Offenses. 1993-1997

	Offenses					Average 1993 - 1997
	1993	1994	1995	1996	1997	
Total Part I	12,379	12,772	13,213	12,242	11,135	12,348
Total Violent	1,732	1,833	1,966	1,872	1,584	1,797
Murder	16	18	11	11	12	14
Crim. Sex. Assault.	118	166	170	158	128	148
Robbery	461	519	585	478	374	483
Agg. Assault.	1,137	1,130	1,200	1,225	1,070	1,152
Total Property	10,647	10,939	11,247	10,370	9,551	10,551
Burglary	3,326	3,370	3,078	2,918	2,528	3,044
Theft	6,576	6,716	7,458	6,932	6,557	6,848
MV Theft	668	754	647	476	392	587
Arson	77	99	64	44	74	72

Table C-2

Sangamon County Part I Index Crime Arrests. 1993-1997

	Arrests					Average 1993 - 1997
	1993	1994	1995	1996	1997	
Total Part I	2,354	2,338	2,240	2,124	2,017	2,215
Total Violent	718	727	661	717	615	688
Murder	10	13	8	9	11	10
Crim. Sex. Assault.	39	57	31	16	21	33
Robbery	108	117	75	64	65	86
Agg. Assault.	561	540	547	628	518	559
Total Property	1,636	1,611	1,579	1,407	1,402	1,527
Burglary	284	285	228	224	198	244
Theft	1,262	1,206	1,258	1,119	1,132	1,195
MV Theft	82	107	83	60	60	78
Arson	8	13	10	4	12	9

Table C-3

Sangamon County Drug Arrests. by type. 1993-1997

Offense	1993	1994	1995	1996	1997	Average 1993 - 1997
Total	716	786	1,010	1,092	1,089	939
Drug Paraphenalia	6	9	131	278	293	143
Cannabis	345	376	521	531	551	465
Controlled Substance	359	392	345	274	238	322
Hypodermic/syringe	6	9	13	9	7	9

Source: Illinois State Police

Winnebago County

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**EVALUATION OF
THE VIOLENT OFFENDER PROSECUTION PROGRAM IN WINNEBAGO COUNTY:
PROGRAM YEARS: 1996 - 1997**

FOREWORD

In October 1995, the Illinois Criminal Justice Information Authority awarded through federal Anti-Drug Abuse Act (ADAA) funds, a contract to the Jefferson Institute for Justice Studies to evaluate three violent offender prosecution (VOP) programs that the Authority had also funded through ADAA. The state's attorney's offices selected as demonstration programs were Winnebago County (Rockford), Sangamon County (Springfield) and Kankakee County (Kankakee). The programs scheduled were for a four-year funding period. Of primary interest to the Authority is whether the programs should be replicated in other jurisdictions in the state. Therefore, the Authority requested an evaluation of the design, implementation and performance of the programs.

The purpose of this evaluation is to:

1. Determine the extent to which the violent offender prosecution program has achieved its goals and objectives and the impact of the program during the first two years of operation.

2. Identify factors internal to the office and in the external environment outside the prosecutor's control that may affect the operations or outcomes of the program if replicated in another jurisdiction.

This report covers the first 24 months of operations in Winnebago County. It describes the program's operations, development and early impact during the period from January 1, 1996 to December 31, 1997. This report also provides background information for an executive summary of the findings and recommendations submitted to the Illinois Criminal Justice Information Authority.

ORGANIZATION OF THE REPORT

Chapter I presents the results of the evaluation. It reports the extent to which the VOP program is meeting its goals and objectives, discusses VOP program management issues and presents the evaluation findings and recommendations. Following this chapter is a description of the environment in Winnebago County within which the VOP program operates (Chapter II). Chapter III describes impact of the VOP program on various components of the criminal justice system. Chapter IV describes the Office of the state's attorney, its organization and case processing procedures. Appendices A-C present the data used in the analysis.

EVALUATION METHODOLOGY

The evaluation team included Joan Jacoby, Executive Director of the Jefferson Institute for Justice Studies, Hon. Peter S. Gilchrist III, District Attorney for Mecklenburg County (Charlotte) NC, and Edward Ratledge, Director, Center for Applied Demography and Survey Research, University of Delaware. The team has substantial experience in conducting management and organizational analyses of local prosecutor's offices and has conducted several nationwide evaluations of prosecution and criminal justice programs dealing with repeat offenders, complex drug prosecutions, asset forfeiture and the impact of community policing on criminal justice.

The methodology employed both qualitative and quantitative assessments. The team made three on-site visits timed to observe the program during its early, middle and late stages. The last visit conducted in the spring of 1998 was designed to obtain a retrospective view of the program and its impact.

In the qualitative assessment, the team interviewed all the principal decisionmakers who had an interface with the program and operational personnel who worked with program staff. Thus interviews were conducted with the heads of law enforcement agencies and the sheriff, the chief of detectives and the detectives themselves. Also included in the process was the public defender, judges and probation officers. The purpose of these interviews was to obtain as comprehensive a picture of the program and its effects as possible.

The team also examined the organization, management and operations of the state's attorney's office to determine how well the program was operating, its relationship with the rest of the office and its impact or effect on prosecution. Interviews were conducted with the state's attorney, his top management staff, the heads of the VOP program, VOP prosecutors, non-VOP felony trial

attorneys, investigators, paralegals and support staff. An analysis of the prosecution process was made to record the flow of work from intake and screening through sentencing and relate it to the flow of work in the VOP program.

The qualitative evaluation collected data for three purposes:

1. to identify whether changes were occurring in the criminal justice and prosecution environment independent of the VOP program;
2. to describe the effects of the VOP program and analyze whether it satisfied its objectives;
3. to compare the effects of the VOP program with non-VOP cases and note differences.

Three data sources were used for the analysis. Offense and arrest data collected by the Illinois State Police was used to examine trends in crime and note changes in violent crimes. Court data supplied by the clerk of the court was the primary source of data for the analysis because it was the most complete and timely. The data is as of April, 1998. The court data was converted by the Jefferson Institute to reflect defendants instead of charges. Therefore, the statistics presented in this report will not necessarily match the court's statistics. Data collected by the VOP program was not as comprehensive as court data. The value of the program data was that it clarified the nature of VOP cases, allowing for comparative analysis with other non-VOP cases or VOP-like cases in years prior to the program. The program data also contained additional information that was not included in the court's system. It is presented in Appendix A and is used in part of the evaluation. However, the reader should note that it is incomplete and not as timely as the court data. (Program data is as of December 31, 1997.)

The analysis of the data was conducted by Ed Ratledge, University of Delaware. The findings and results were developed after a synthesis meeting of the evaluation team.

ACKNOWLEDGMENTS

The Jefferson Institute would like to acknowledge the support and assistance provided by state's attorney Paul Logli and his staff during this evaluation. We appreciate the time and resources that state's attorney Logli so freely extended to us which expedited our evaluation and allowed the project to proceed in a timely fashion.

We would like to especially thank David Koski, first deputy state's attorney who provided us with important policy-related information for the evaluation, coordinated our visits and scheduled our

interviews. Mark Karner and Glen Weber, the VOP prosecutors, provided valuable insights into issues and procedures. We are also grateful to Nancy McDonald, the first paralegal assigned to the VOP program, for her unstinting assistance, and especially in the data collection effort. She responded to all our requests with good cheer and great diligence. Her successor, Gina Tarara, has shown the same characteristics and we are grateful for her help in assembling data for this final report. Finally, we appreciate the time and effort spent by Shirley Teske in tracking down closed and open cases no matter where they were hiding.

I. EVALUATION OF THE WINNEBAGO COUNTY VIOLENT OFFENDER PROSECUTION PROGRAM

INTRODUCTION AND BACKGROUND

Events leading to a violent offender prosecution program in Winnebago County

1. A high volume of violent crimes and criminals with a history of violent crimes resulted in cases not receiving the special attention they needed to ensure convictions.
2. Number of attorneys qualified to prosecute complex cases was small, and not enough attorneys were available to handle the balance of the workload.
3. Attorneys were required to perform duties normally done by paralegals in the absence of those resources.
4. Court delay and an overcrowded jail mitigated against early dispositions.

The Winnebago County state's attorney's office initiated a violent offender prosecution (VOP) program in January 1996. The program funded three new positions; a paralegal and two VOP program attorneys. The office created two 7-person trial teams, each headed by a VOP program attorney. The VOP paralegal supports the program and the VOP attorneys.

To successfully prosecute violent crimes, an office needs experienced and well-trained trial attorneys. In Winnebago County, like many other counties in the state, the low starting salaries for assistant state's attorneys have produced offices with high turnover rates and relatively inexperienced attorneys.

In 1992-93, with a high volume of cases and a growing backlog in the courts, the state's attorney created a Pre-Trial Unit (PTU). Staffed by three attorneys, the PTU fast-tracks low-level felonies that do not involve serious violence or violent offenders. The remaining 12 felony prosecutors were divided into four teams of three to staff four felony courtrooms. In 1994 1,165 of the 3,906

new felony cases were initially sent to PTU. Of those, 401 were ultimately reassigned to the trial teams when early dispositions were not reached. Consequently the 12 trial team prosecutors processed 2,242 new cases in 1994 (or 187 cases each) in addition to their pending caseloads.

In 1994, of the 35 assistant state's attorneys in the office only 2 attorneys were assigned murder cases. Each carried a caseload of about 10 murder cases in addition to another 80-90 less serious felonies. To reduce the trial teams caseload, and to allow for more specialization in the teams, the office gradually increased the pool of cases sent to PTU by changing the criteria. For example, residential burglary cases and domestic aggravated batteries are now being sent to PTU. While some cases are disposed early on, there has only been modest success. At the same time, the risks are high, especially with respect to domestic aggravated battery cases.

The high volume of cases coupled with an overcrowded jail limit incentives for early, negotiated dispositions. The jail has been operating up to 50 percent over capacity for the past four years. As a result, it is not yet under court order, but a federal lawsuit is pending. Because of overcrowding, judges are reluctant to impose pretrial detention. For defendants on bond, there is little incentive to negotiate an early plea especially if it involves incarceration.

Violent crimes, especially homicides and sexual assault cases, require considerable pretrial investigation by prosecution offices. Crime witnesses are often reluctant, transient or difficult to locate. Alibi witnesses need to be interviewed, trial preparation support is often complex and time-consuming. Despite the size of the office, it had no paralegals or funds to hire any. As a result, a great number of tasks that paralegals normally would perform were, instead, added to the work of already overburdened prosecutors.

The rationale for a violent offender prosecution program in Winnebago County was in response to these major problems: Two categories of violent offenders were defined as eligible for this program.

1. Persons charged with "crimes of violence."³²
2. Persons with violent crime records who commit a new non-violent felony.³³

³² Includes: first and second degree murder, intentional homicide and voluntary manslaughter of an unborn child, drug-induced homicide, aggravated and simple kidnapping, aggravated and simple unlawful restraint, forcible detention, felony aggravated assault, vehicular endangerment, felony domestic battery, aggravated battery in all felony forms, aggravated and simple stalking, home and vehicular invasion, aggravated and simple criminal sexual assault, armed and aggravated and simple robbery, aggravated and simple vehicular hijacking, aggravated and simple arson, aggravated discharge of a firearm, disarming a police officer, and attempt of all the foregoing crimes.

The first two years data indicate that about 88 percent of the 1,263 VOP cases involve the commission of violent crimes and 12 percent involve persons who have been convicted of a violent felony crime within the last five years but are arrested for a non-violent offense.

PROGRAM DESCRIPTION

The VOP program started January 1, 1996 when the office restructured its felony ASAs from four 3-person trial teams (one for each court) to two 7-man trial teams and moved the supervision of the trial attorneys to the leaders of each team. The consolidated teams are headed by the VOP prosecutors. They maintain reduced caseloads because of their administrative and program duties.

A program paralegal was hired in January 1996. In 1997 she was promoted and replaced. The paralegal identifies cases eligible for the program when they first come into the office. She tracks these cases as they move through the system to conclusion and maintains statistics about them. In addition to her full time duties as a VOP paralegal she also facilitates communications with prosecutors, victim-witness coordinators, victims, witnesses and police. She conducts legal research and writing, monitors the service of subpoenas to keep prosecutors advised of service problems, and assists prosecutors with the retrieval of physical evidence held by the police, and its disposition after the case is concluded.

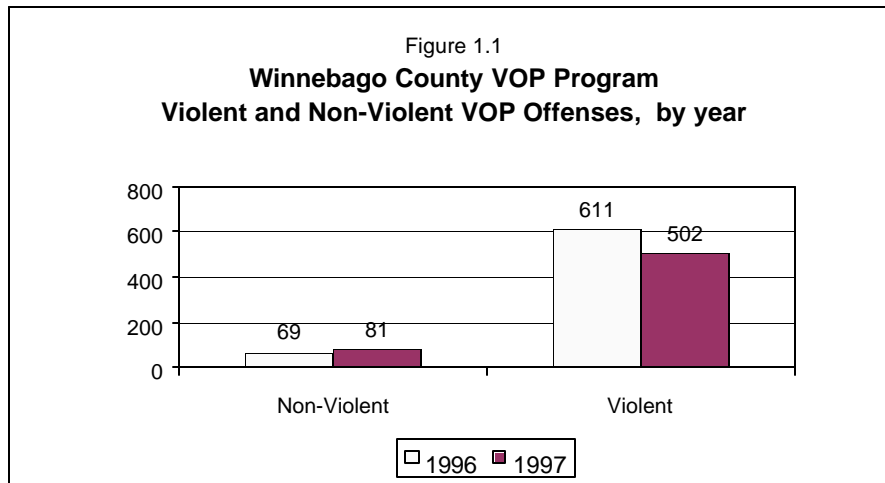
After intake and review, eligible cases are noted and then are sent to the first deputy state's attorney, who assigns the case to the team leader.

VOP case assignments are made by the VOP prosecutors to other attorneys based upon the complexity of the cases and the experience of the attorneys. Thus, while the VOP attorneys handle only VOP cases, some VOP cases may be prosecuted by other attorneys. This is due, in large part, to the selection criteria for the program that makes a large number of cases eligible for VOP treatment.

³³ At least one felony conviction of any of the offenses referred to in the preceding footnote. No more than 5 years shall have elapsed since the most recent such conviction or, if applicable, release from prison upon such conviction.

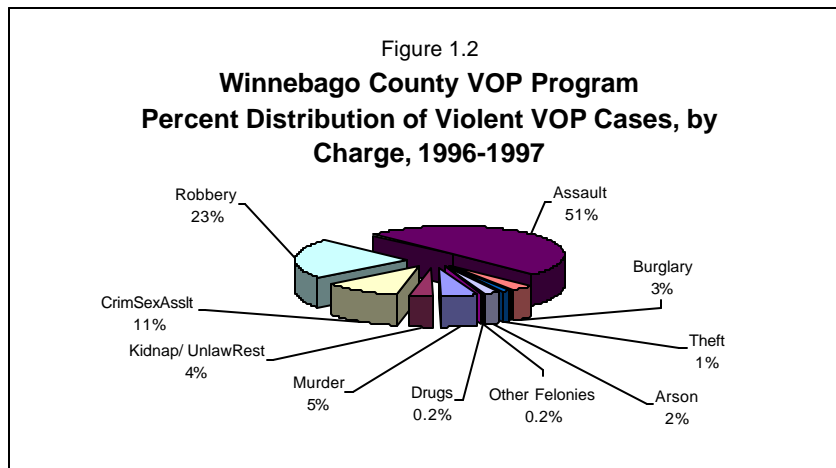
PROGRAM RESULTS

During the program years 1996 and 1997, a total of 1,263 cases³⁴ were accepted for VOP prosecution (680 cases in 1996 and 583 in 1997). 150 cases or 12 percent of all VOP cases were non-violent offenses committed by defendants with prior violent crime convictions. (Figure 1.1)



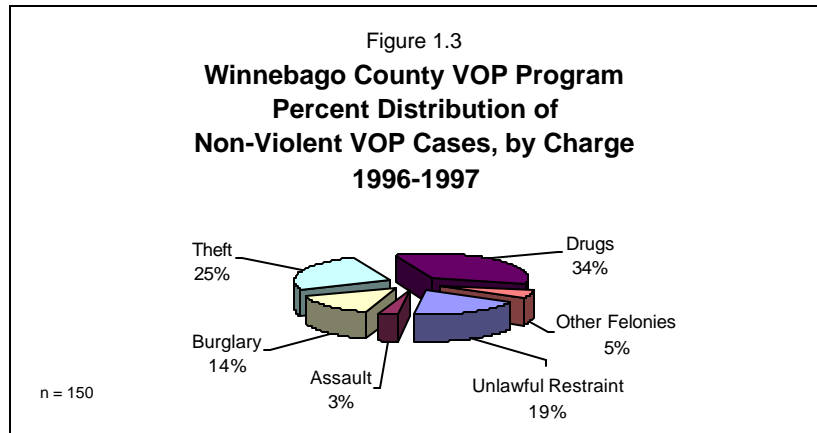
Charges

Almost 3 out of every 4 violent VOP offenders were charged either with assault (51 percent) or robbery (22 percent). Five percent of the defendants were charged with murder or attempted murder. (Figure 1.2)



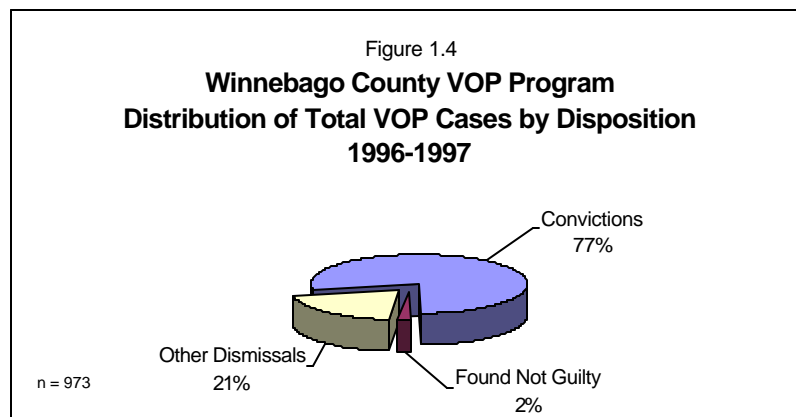
³⁴ VOP cases are defined as defendants charged with offenses committed during a single criminal event. VOP data are based on records maintained by the VOP paralegal. This definition of cases is not the same as used by the court. The court's information system includes both defendant-based cases and charge-based cases depending on how they were reported by police. To the extent possible, we have adjusted the court's data to reflect defendant-based cases.

Drugs constituted the major crime for non-violent VOP offenses. One out of every three prosecutions by the VOP for non-violent offenders was for drug offenses. Theft was the second largest offense category for the non-violent VOP cases, comprising one out of every four prosecutions. (Figure 1.3)



Dispositions

During the 2 program years, 973 VOP cases were disposed. The total conviction rate was 77 percent. This included guilty pleas, guilty verdicts and dismissals for a guilty plea in another case or a probation revocation. Two percent of the cases were acquitted and 21 percent were dismissed for reasons other than a plea to another case. The primary reason for dismissals was witness problems. (Figure 1.4)



Time to Disposition

One objective of the VOP program was to reduce the time from filing to disposition below 6 months or 180 days. The average time for all VOP cases disposed was 101 days. The median time, which represents the number of days one half of the cases were disposed is 125 days. The 180-day cap was exceeded in only 48 cases. Not surprisingly, these were due to trials. The highest average days to disposition (199 days) was recorded for 30 cases that were disposed by the court, (court found guilty) and the second highest of 192 days was for 18 cases where the disposition was a not guilty verdict. (Table 1.1)

Table 1.1
Winnebago County VOP Program
Average Time to Disposition, by Type
1996-1997

Disposition	# of cases	Avg Days to Disp
Court Found Guilty	30	199
Found Not Guilty	18	192
Jury Found Guilty	17	172
Plead Guilty	146	131
Plead Guilty Original	229	129
Dismissed - Witness	81	122
Dismissed - Plea	87	121
Dismissed	78	118
Dismissed - PTVP	19	113
Plead Guilty Lesser	222	111
Dismissed - Proof	28	91
Dismissed - Jurisdiction	1	71
Dismissed - Face sheet	4	48
Dismissed - GJ refused	3	30
Dismissed - Def dead	1	30
Dismissed - Juvenile	1	28
Dismissed - Mistaken ID	2	10
Open cases	53	
Missing data	243	
TOTAL	1263	101

Dismissals, on the whole, were disposed earlier than any other type of disposition except cases disposed by a guilty plea to a lesser charge.

An examination of dismissals that occurred relatively late in the process shows that 81 cases took an average of 122 days to be dismissed due to problems with the witnesses. In contrast, 222 cases plead guilty to a lesser charge and were disposed within an average of 111 days.

When the time to disposition is categorized by charge, 3 crimes exceeded the median of 125 days. They included 22 arson cases that pushed the limit to 176 days, 98 criminal sexual assault cases, abuse and stalking cases that averaged 149 days and 36 murder cases that took on the average 134 days. The fastest average of 111 days was recorded for 18 vehicle theft and hijack cases.

COMPARING VOP CASES TO PREVIOUS YEARS

In evaluating the Violent Offender Prosecution program in Winnebago County, Illinois, we do not have the luxury of a true experimental design whereby we could randomly select defendants to be processed by the program and send those not selected through the standard process. To compensate for this we looked at data from time periods prior to the introduction of the program, and tested whether the VOP program is the only new variable that has been introduced. Similarly, to the extent that there are other cases which were processed outside of the program, they too can help provide a contrast to evaluate the program.

A four step analysis of the data was undertaken to:

1. Determine if there were significant trends that could potentially interfere with the interpretation of the data.
2. Examine a contrast group of cases for differences from VOP cases.
3. Examine the effects of changes in the definition of VOP cases between 1996 and 1997.
4. Compare cases selected for the VOP program with all felonies, cases of the same type that were not selected, and all other felonies that were not even considered.³⁵

Four variables were analyzed. They are: (1) conviction rates; (2) dismissal rates,³⁶ (3) incarceration rates (based on jail or prison sentences); and (4) median days from case filing to case disposition.

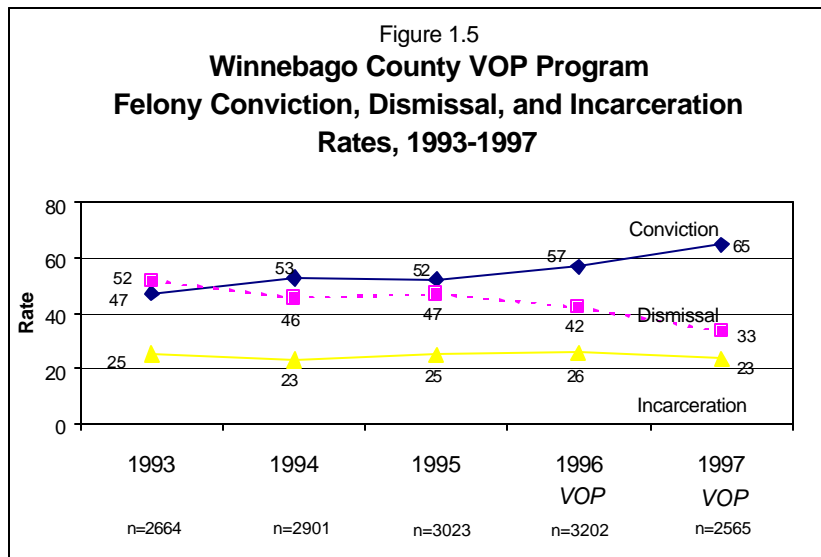
Results of Comparisons

1. Examination of the trends from 1993 to 1997 indicates changes in prosecution but VOP program effects are not clear.

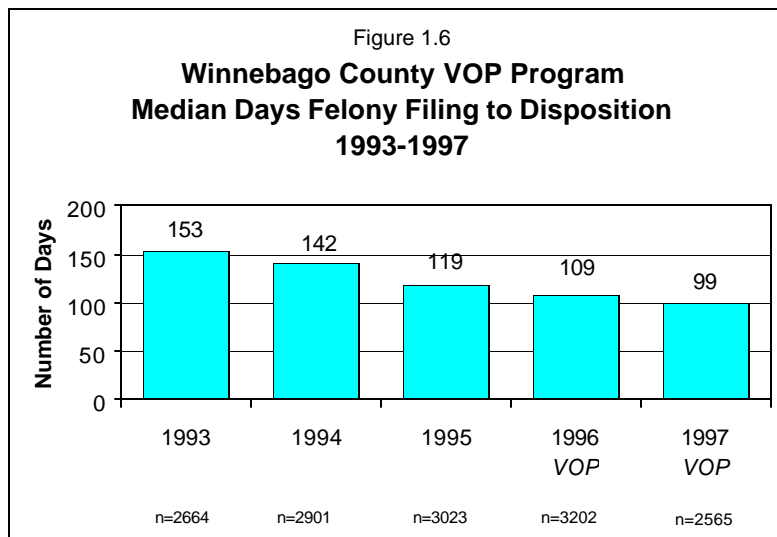
³⁵ It is important to remember that the data in this section are taken from the court's database and may differ somewhat from the data collected within the office and described in the previous section.

³⁶ For all sites, a case is defined as dismissed only if all charges are dismissed. If a defendant pleads guilty or is convicted or acquitted for a charge and the other charges are dismissed, the case is defined by the plea or trial disposition, not the dismissals.

Given that the data are drawn from all felonies and the VOP program only affects 1996 and 1997, any changes in the program years may be due to either factors outside the program or the program itself. The data are consistent with an effective program, but only provide marginal evidence. Conviction rates had been stable for two years before the introduction of the program, then they clearly increased. Dismissal rates show a substantial decline from a high of about 52 percent in 1993 to a low of 33.3 percent in 1997. On the other hand the incarceration rate is essentially unchanged. (Figure 1.5)

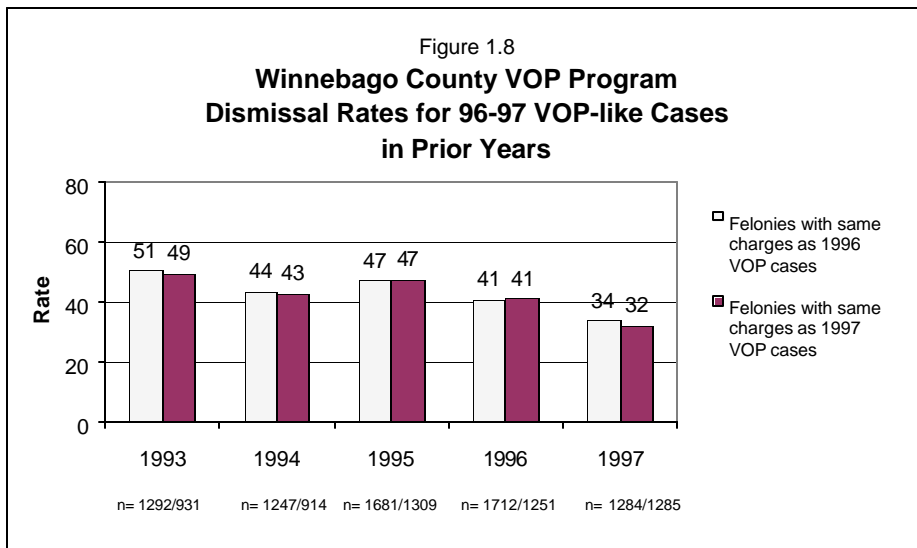
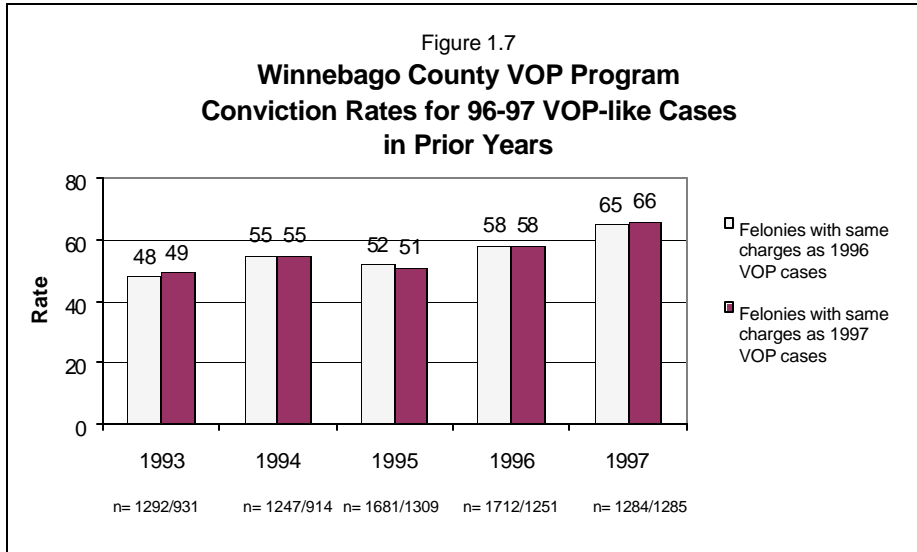


Median time to disposition clearly decreased, but it was decreasing before the introduction of the program. (Figure 1.6)

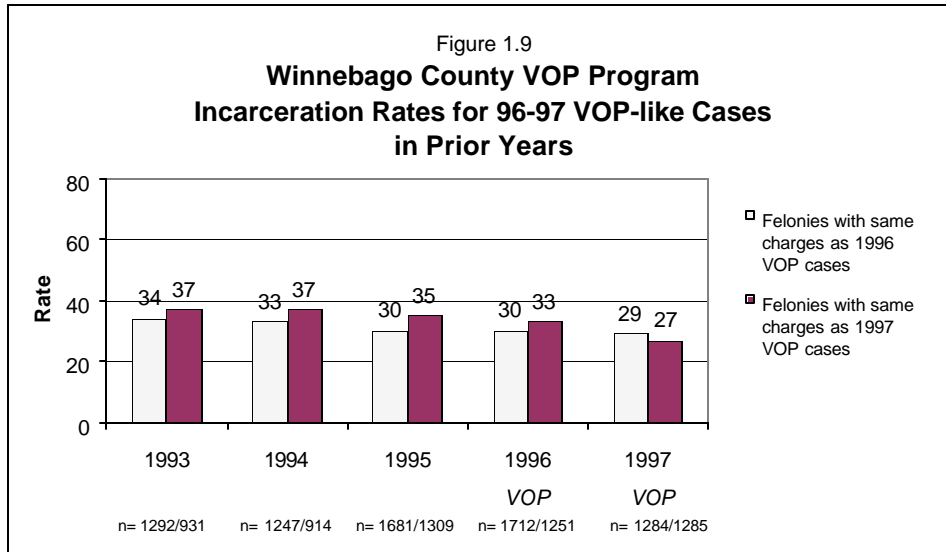


2. Two contrast groups, composed of cases having the same charges as those selected for the VOP program in 1996 and 1997, show inconclusive evidence of program effects.³⁷

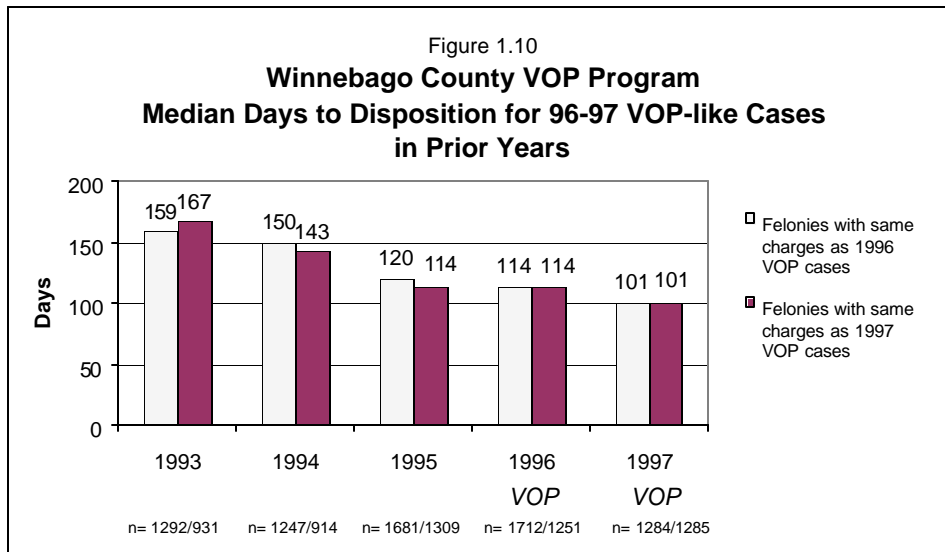
It is not possible to separate out the program effects from the effects of changes in the trends displayed in the previous section. In both 1996 and 1997, conviction rates increased (Figure 1.7). Dismissal rates showed little change between the two program years (Figure 1.8). The incarceration rate decreased and was lower in 1997 (Figure 1.9). The effects of changing the definition of VOP cases in 1997 can be observed in the lowered 1997 incarceration rate.



³⁷ VOP-like cases for 1996 and 1997 are formed from the distribution of violent felonies recorded in each year. As a result they are not the same for each program year.



In addition, a decreasing trend in the median times to disposition was evident. (Figure 1.10)



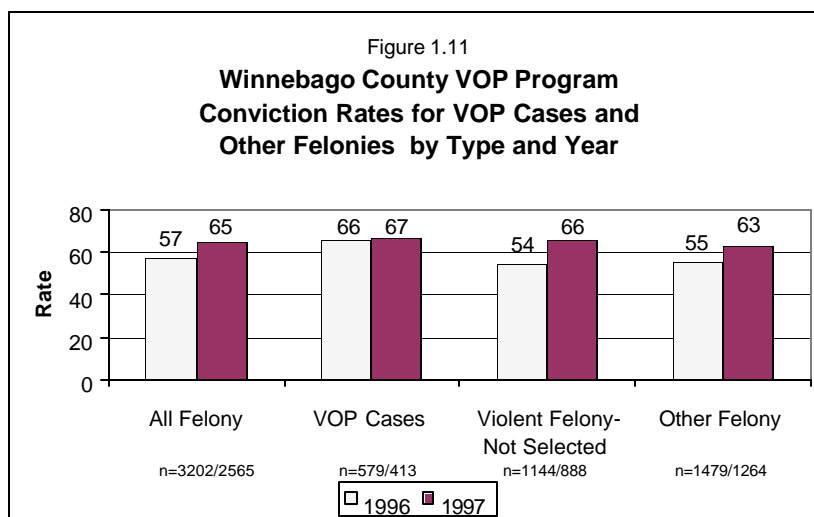
The conclusion from the trend analysis and the comparison of the behavior of contrast groups indicates that changes have occurred that are consistent with the effects of the VOP program but that these changes cannot be conclusively attributed to the program. Therefore, it is necessary to examine the data from another approach.

3. A comparison of VOP cases with all felonies, violent cases “not-selected” for VOP and all other cases in 1996 and 1997 indicates that the VOP program produced different results from the rest of the cases in the office.

Shifting our focus to an examination of the cases that were selected for processing by the VOP program and comparing them with all felonies, violent crime cases that were not selected for the VOP program, and all other felonies yields the following results.

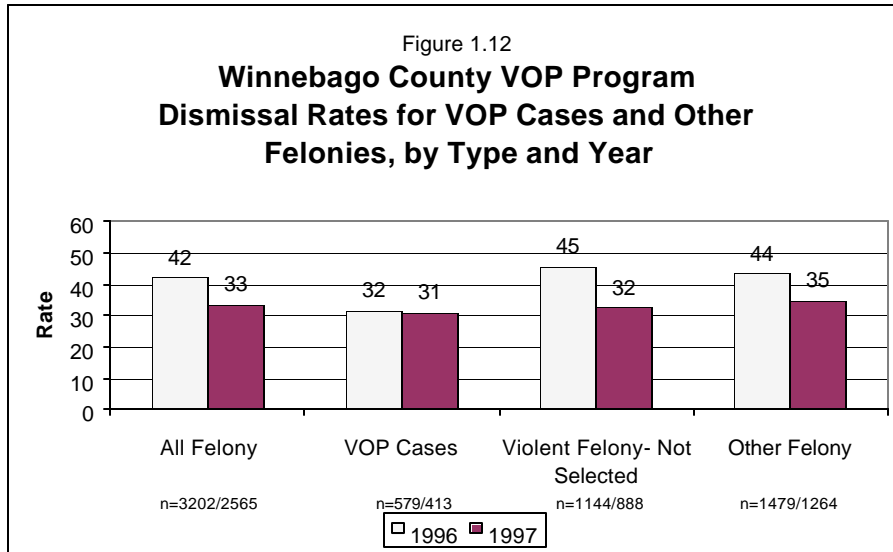
In 1996 the conviction rates for VOP cases are substantially higher than for all other categories (66 percent compared to about 57 percent for all felonies).

This is consistent with the more careful attention, the more intensive preparation given to these cases, and the experience of the attorneys working on them. In 1997, the results are not yet apparent due to pending cases. (Figure 1.11)



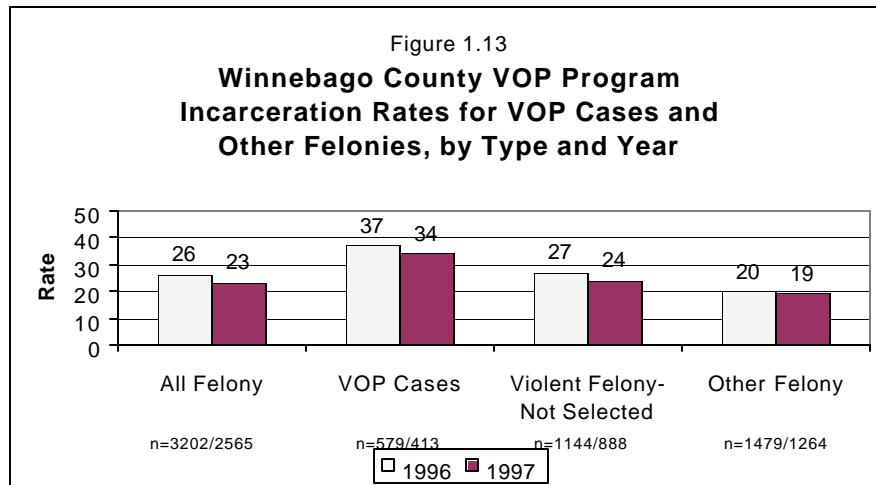
In 1996 VOP cases have lower dismissal rates overall.

It appears that the office is experiencing an overall decline in dismissal rates. However, the rates for VOP cases are lower than all other categories of cases which is consistent with the extensive review, screening and trial preparation given to these cases. VOP rates were 32 percent in 1996 and different from the other rates in that year. In 1997, the differences are not apparent. (Figure 1.12)



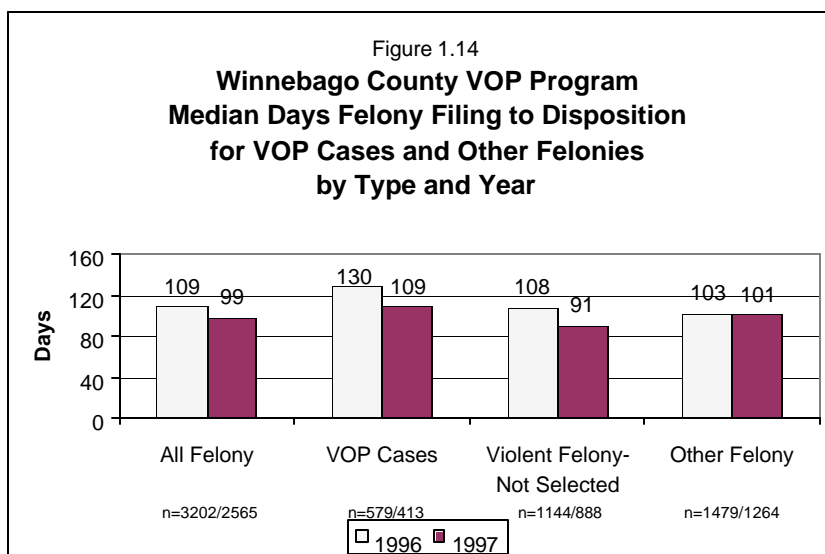
VOP defendants receive substantively higher rates of incarceration.

Unlike the trend data for 1993-1997 that showed little difference in incarceration rates (see Figure 2.1), incarceration rates for VOP cases are substantially higher (34-37 percent compared to the mid and high 20's for the other crime categories). (Figure 1.13)



VOP cases tend to stay in the system longer.

The median time to disposition for VOP cases was 130 days in 1996 and 109 days in 1997. The time remains more than 10 percent higher than that for all felonies. This is to be expected since it usually takes longer to get a conviction than a dismissal and cases that receive incarceration increase the time to disposition. (Figure 1.14)



In 1997 it appears that the entire office was subjected to a systemic change.

First, in 1997, conviction rates were raised for **all** non-VOP categories of cases compared to 1996 (see Figure 1.11). This may be a statistical artifact since 20 percent of the cases, VOP and non-VOP cases, are still open. Dismissal rates have declined and it appears that improved screening has affected the entire office (see Figure 1.12). Incarceration rates, however, have declined (see Figure 1.13).

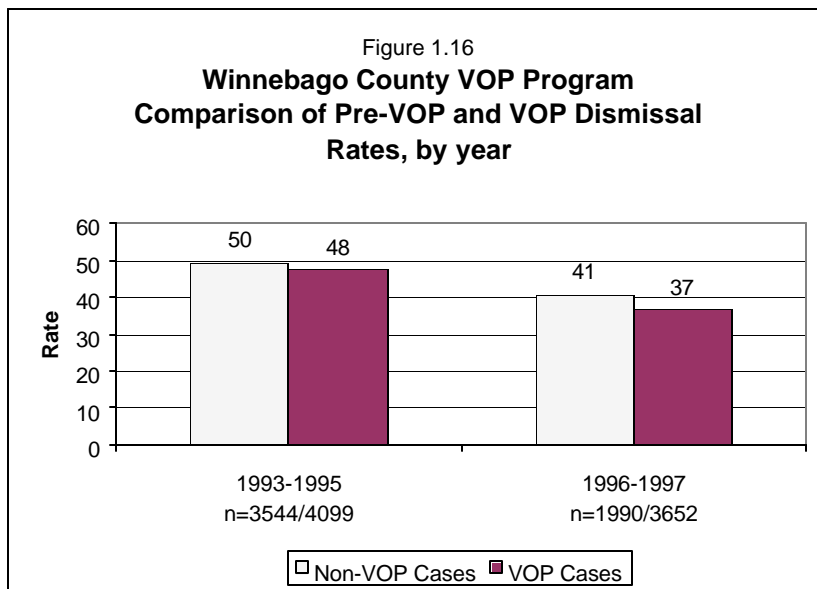
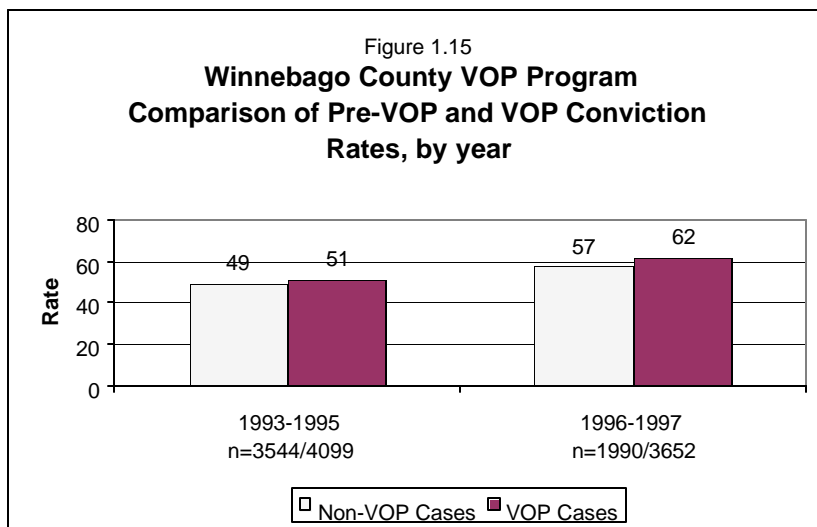
Whether the changes are an indirect effect of the VOP program *per se* or whether the increase in conviction rates and the decrease in days to disposition are due to other factors cannot be determined by this analysis. Yet, the fact is that changes have occurred in the prosecution of cases that yield patterns different from prior years. The data, while incomplete, suggest that the reorganization of the trial teams, as part of the VOP program, is consistent with the improvements in convictions and the decrease in dismissals and the time to disposition.

The pattern of VOP effects mirrors most of the office effects but at a generally higher level.

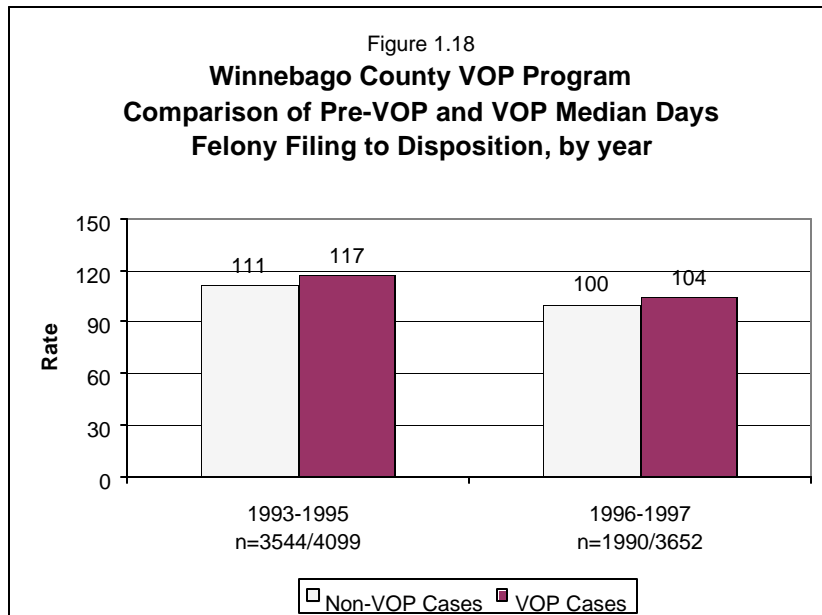
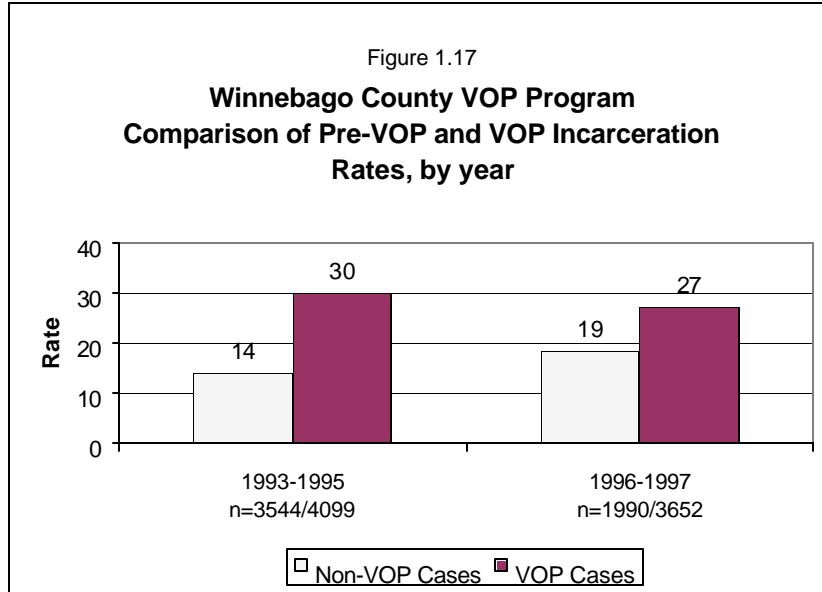
When we compare the performance of VOP and non-VOP cases³⁸ before and during the program years, we see that the effect of the VOP program was to:

- Increase convictions more than in prior years and more than non-VOP cases (Figure 1.15);
- Reduce dismissals more than in prior years and more than non-VOP cases (Figure 1.16);
- Increase the rate of incarcerations in like manner (Figure 1.17); and
- Increase time to disposition more than non-VOP cases (Figure 1.18).

The major difference between the office-wide trends and the VOP program occurs with incarceration rates. Focusing resources on a subset of violent crime cases produces higher rates of incarceration even though the incarceration rates for other all cases is declining.



³⁸ Non-VOP cases in 1993-1995 are cases that have crime types that do not qualify for VOP. VOP cases in 1993-1995 have the same crime types as VOP cases that were selected for the VOP program.



EVALUATION OF GOALS AND OBJECTIVES

The stated goals and objectives of the Winnebago County VOP program are as follows:

Goal: To remove a greater percentage of violent criminals from our community with greater dispatch. To identify and target violent criminals whose cases should receive special attention.

Objective 1. Restructure felony unit trial teams by adding two program (VOP) prosecutors to maximize the quality and intensity of prosecution pressure that can be brought to bear upon the targeted cases.

Objective 2. Achieve a conviction rate of 75 percent of violent criminals who are criminally charged. Conviction is achieved when the violent criminal is convicted of at least one felony charge.

Objective 3. Close out cases brought against 75 percent of violent criminals within 6 months of those cases being opened by criminal charges.

Objective 4. Cap the pending caseloads of program prosecutors at 60 defendants.

Objective 5. Chart the time and nature of the final dispositions of the targeted cases to measure the success of the increased focus on the prosecution of violent criminals.

In this section we examine each of the stated goals and objectives and assess the progress that has been made in the first two years of operation.

Goal: To remove a greater percentage of violent criminals from our community with greater dispatch. To identify and target violent criminals whose cases should receive special attention.

Objective 1. Restructure felony unit trial teams by adding two program (VOP) prosecutors to maximize the quality and intensity of prosecution pressure that can be brought to bear upon the targeted cases.

]

This objective has been met. Two seven-person trial teams were created, each headed by one of the two VOP prosecutors. The change from 4 three-person teams to 2 seven-person teams added flexibility to case assignments and created an environment that provides on-the-job training opportunities for less experienced attorneys.

Objective 2 Achieve a conviction rate of 75 percent of violent criminals who are criminally charged. Conviction is achieved when the violent criminal is convicted of at least one felony charge.

This objective was met. During the two-year period from 1996-1997, 1,263 cases³⁹ were selected for VOP processing. 973 or 77 percent were disposed. Of all VOP dispositions, 851 defendant cases or 87.5 percent resulted in a conviction.⁴⁰

Objective 3 Close out cases brought against 75 percent of violent criminals within 6 months of those cases being opened by criminal charges.

This objective was met. The average number of days to disposition was 101 and the median was 126. Only 48 of the 967 recorded dispositions exceeded 6 months. The range of the average days to disposition was from a high of 199 to a low of 10 days.

Objective 4 Cap the pending caseloads of program prosecutors at 60 defendants.

No records were kept to verify whether this objective was met. However, based upon interviews, the first deputy district attorney reported that he monitored the caseload of the VOP team leaders to make sure that they were carrying a reduced caseload and that it was generally less than 60 defendant cases.

Objective 5 Chart the time and nature of the final dispositions of the targeted cases to measure the success of the increased focus on the prosecution of violent criminals.

Of the 1,263 cases accepted by the VOP program, 75 percent were charged with criminal sexual assault, robbery and assault offenses (including attempts). The largest category was assault cases encompassing 45 percent of the total prosecutions.

³⁹ Case statistics are defendant-based. The most serious charge is used to define the type of case.

⁴⁰ Convictions include guilty pleas, court and jury trial convictions, and dismissals for a plea to another case or revocation of probation.

VOP cases had a higher conviction rate than all other cases during the program years and a higher rate than VOP-like cases in prior years. For the median days to disposition, there was an overall decline for all cases since 1993. However, in the program years, the VOP cases took longer to dispose than any other group of cases in the office. (see Figure 1.14)

PROGRAM CHANGES

During the first year the scope of the program was changed to exclude aggravated battery cases where the victim was a police officer (this is not a large number of cases). In submitting its application for second year funding, the office asked for and received permission to exclude all aggravated battery cases from VOP eligibility. Since many of these cases arise from domestic or neighborhood disputes, and they often are reduced to lesser offenses (e.g. misdemeanors), this change is reasonable.

VOP PROGRAM MANAGEMENT CONSIDERATIONS AND FINDINGS

The evaluation of the VOP program examined its policies, procedures, coordinating mechanisms and the ability of the criminal justice system to support the program.

Overall, we believe that the organizational and procedural steps taken by the state's attorney's office have supported the objectives of the VOP program. Equally important, the reorganized and expanded trial teams give the office more flexibility in case assignments and case management. Because of its organizational structure and its integration into the felony prosecution process, it appears that the VOP program has already become institutionalized. However, the future success of the VOP program depends in large part on the continued ability of the office to dedicate two attorneys and the paralegal to the prosecution of violent crimes and violent offenders. Absent these personnel, the quality of the prosecutions of violent crimes will most likely be diminished.

1. Are VOP program functions and activities compatible with current office policy?

Yes. The reorganization of trial teams to accommodate the VOP program and the dedication of a paralegal to process the paperwork first, for case review and charging and later for case preparation has been accomplished within the office's felony prosecution policies and procedures.

The overall effect has been to increase the capacity of the office to prosecute violent crime cases. First, specialization in case prosecutions has given the assistants more time to better prepare cases. Secondly, the role of the investigator has changed with improved police-prosecutor relationships. The Rockford Police Department has voluntarily taken on many tasks that the SA's investigator normally would do. The detectives are now personally invested in every case and they "want to do the grunt work." The effect was to free up the investigator's time to work cases that do not fall within the detective's jurisdiction such as domestic violence and aggravated batteries. Finally, the paralegal has given the ASAs access to legal research, an increased ability to ensure that witnesses will appear at court hearings and additional assistance with correspondence.

2. Is the program's organization capable of supporting the program operations?

Yes. The fact that the VOP program establishes trial teams, which prosecute violent crimes and violent criminals in addition to other felonies, has not increased the caseload of the attorneys. Rather, by allowing the VOP attorneys to give special attention to complex cases, the rest of the caseload can be distributed more productively to other members of the trial teams.

3. Is the organization of the VOP program compatible with the organization of the state's attorney's office?

Yes. The VOP program cannot be separated out from the organization of the state's attorney's office because it operates within a trial team environment. The two 7-person trial teams, each headed by the VOP prosecutor not only provides the office with more flexibility in the use of its trial attorneys, but it also creates an additional intermediate supervisory function which while adding to the administrative duties of the VOP attorneys, helps reduce the administrative burden on the first deputy state's attorney.

By having the paralegal report directly to the First Deputy, conflicts or questions of accountability to the trial teams were avoided. She is able to support both trial teams for case preparation in addition to conducting intake and screening for the program.

4. Are program policies and procedures followed consistently?

Yes. This is due to two factors. First, *all* felony cases are reviewed by the paralegal for eligibility in the VOP program prior to charging. As a result, one person using a set of written criteria conducts the review which assures consistency in the selection process. Secondly, as the heads of the two trial teams, the VOP attorneys share administrative and supervisory duties for the teams. They work closely together because of their shared responsibilities. This close working relationship further supports common policies and procedures.

5. Have all necessary coordinating mechanisms been established and how well do they work?

No. The VOP program in Winnebago County does not substantially change the existing coordinating mechanisms. These mechanisms already operate within a very stable criminal justice environment. The prosecutors and other agency heads have worked with each other for a long time. As a result, operating procedures between the agencies are rarely in conflict. If there have been conflicts or disagreements about policies or operations in the past, they have been resolved over the years and are not visible now.

6. Does the criminal justice system have the capacity to process VOP cases?

Presently, it appears that the system has the capacity to process VOP cases. Data analysis indicates a decrease in disposition times over time for both VOP and non-VOP cases. However, it may be possible to increase the capacity of the system to process all cases, including VOP cases,

if intake and screening is strengthened to reduce the likelihood of accepting evidentiarily weak cases;

if more emphasis is placed on and using the preliminary hearing to dispose of negotiated pleas; and,

an informal discovery process is initiated with the public defender as soon as police reports are available.

7. How do other participants view the program, its efficiency and effectiveness. Do they have recommendations for change?

The Rockford Police Department has a long-standing personal and professional relationship with the state's attorney, who was a classmate of the deputy chief. Police typically are consulted on case dispositions. Although the department recognizes that many of the ASAs are inexperienced, it believes that the state's attorney's office is "pro-prosecution" and that now, in state's attorney's third term, "it is the best it has ever been."

The Chief and the Chief of Operations believe that they would have lost control of the city had it not been for the grant. Most of the violence was in the inner city and the past two years has shown a decrease in homicides. They attribute that, in large part, to the VOP prosecutors who put in long hours on the scene and the close working relationships that have developed between the VOP prosecutors, the state's attorney's investigator and the detectives.

This belief is supported by the "crimes against persons" detectives (10 in all) who describe their relationship with the VOP prosecutors as excellent and now, based on personal friendships. They particularly like having two experienced prosecutors available for advice and assistance. They consider them responsive to their needs especially because they are present at homicide scenes and advise them about protecting the evidence. ASA presence at the scene is not a result of the VOP program. Police protocol calls for the notification of the state's attorney about all homicides and there is an expectation that he will be present. The presence of the VOP attorneys is an added benefit to this long-standing practice. The result of the VOP attorneys' early involvement with police cases has been to increase the collaboration between the police, provide on-the-job training about prosecutorial needs and strengthen the detectives' investigations and case evidence.

The public defender noted that the impact of the program was internal to the state's attorney's office, i.e. there were more internal controls, communication and consistency in handling violent crime cases. He also observed that the paralegal added to the attorney's research capability and improved the substance of individual cases.

The public defender believes that the seven person trial team gives the state's attorney more flexibility and, as a result, gives the public defender less predictable outcomes. Now three

attorneys need to be involved in decisions about cases: the first deputy, the team/VOP supervisor and the trial attorney. Before VOP, there were only two; the first deputy and the trial attorney.

The public defender also noted that there are factors contributing to delay and overload that should be addressed. One is the change in the accusatory system from preliminary hearings to grand jury over the last 3 to 4 years, which resulted in losing preliminary hearings as a disposition outlet. He also believes that the courts do not have the capacity to handle current caseloads and that an additional judge is needed. To ease the workload, he would like to see younger ASAs given more authority to negotiate pleas.

One circuit court judge interviewed believed that the VOP attorneys are competent prosecutors. However, except for them and the first deputy, he did not believe that the office had much depth in trial experience.

The probation officers were aware of the existence of the VOP grant but they saw little impact on their office given the seriousness of the offenses and defendants in the violent offender program. They believe that the courts will increase sentencing options with work release, drug court and public service; but, again, these options would not necessarily be available to VOP defendants.

CONCLUSIONS

It is clear that the VOP program has not only achieved its objectives but has produced a number of unintended benefits, some of which, in the long run, may even outweigh the benefits of successfully prosecuting violent offender cases. We believe, therefore, that this evaluation should look beyond the successful VOP programmatic results to the effects that the VOP program has had on the police-prosecutor relations, the organization and operations of the state's attorney's office, and other parts of the criminal justice system.

Police-prosecutor relations

The VOP program has demonstrated that giving detectives access to experienced, hard working attorneys who are prosecuting on a specific type of crime, i.e. violent crimes, produces the following effects:

1. The detectives are educated about the evidentiary needs of the prosecutor.
2. The detectives receive training in evidence protection and collection on-scene.
3. The detectives gain a vested interest in the case and its outcome.

4. The roles of the detectives and state's attorney's investigators become clarified and the tasks of each are better defined.
5. The ASAs gain an understanding of the problems encountered by the detectives.
6. The ASAs offer alternative ways to overcome evidentiary problems.
7. Face sheets, checklists and other tools are developed to ensure comprehensive investigations satisfying legal requirements.
8. The number of cases referred back by the ASAs for further investigation are minimized.
9. The police department gains the ability to evaluate its apprehension procedures and results based on the prosecutor's acceptance of the case for prosecution.
10. The advantages from the detective/VOP ASAs working relationship spill over to the rest of the department.

The long term implications of this relationship is to strengthen the specialization that already exists within the state's attorney's office by linking detective specialties in such areas as crimes against property, drugs, etc. to ASAs having special knowledge in comparable areas; and to reap the benefits that are certain to accrue from the improved access detectives will have to the ASAs.

Organization and administration of the state's attorney's office

The **VOP** program demonstrated that some of the more intractable problems encountered by prosecutors can be resolved or reduced.

1. The benefits that the office derives from employing more experienced ASAs is demonstrated by this program. The fact that ASAs salaries are too low to develop this expertise without grant funds should give impetus to a state's attorney's request for a salary schedule review by the county.
2. The value of the paralegal in case preparation, witness assistance and case management has been established by the VOP program. Paralegal salaries are less than attorney salaries. The addition of these resources to the office should free up more expensive attorney resources.
3. The availability of investigators to help in case preparation substantially increases the amount of time trial attorneys have to prepare and strengthen the evidence in cases. When police and prosecutors enjoy good working relationships, the investigator benefits as well because his work can be aided by the detectives, thereby freeing him up for additional tasks.

4. The value of trial teams and specialization within the team environment provides more flexibility to case assignments and reduces the amount of court delay stemming from conflicts in scheduling.
5. The trial team organizational model improved the on-the-job training opportunities for less experienced assistants by allowing them to handle certain parts of the prosecution process (e.g. preliminary hearings or grand jury) until they became trained in the entire process.

The VOP program helped introduce a climate for change in the state's attorney's office that, in the long run, looked to reorganization to plan for a different use of resources. As a result, the basic functions of the office in prosecuting serious violent crime cases improved.

Other criminal justice agencies

The effects of the VOP program were observable by the courts and the public defender. For the courts, cases were better prepared, the law was better researched and the trial attorneys improved their trial skills. For the public defender, the VOP program introduced improved accountability and communication into plea negotiations and trials themselves.

RECOMMENDATIONS

We recommend that:

1. The VOP program be continued because it has significantly increased the conviction and incarceration rates for violent offenders and reduced dismissals.
2. The state's attorney should seek to add a second paralegal to support the efforts of the second trial team.
3. The state's attorney should examine the role and duties of the investigators to ensure that they maintain the critical linkage between the police department and the trial team attorneys.
4. The state's attorney should give priority to obtain funding to retain experienced attorneys as ASAs, develop career ladders, and increase the salary levels of both attorneys and staff as a primary means to achieve this.
5. The state's attorney, in conjunction with law enforcement agencies and the sheriff, should create a study task force to identify areas of mutual interest and recommend changes that will expand the police/prosecutor working relationships and on-the-job

training created by the VOP to other parts of the law enforcement agencies and prosecution.

6. The state's attorney should develop and maintain a system to collect performance measures (such as the ones used in this evaluation) that will monitor the operations and management of programs in the office.
7. The state's attorney should give priority attention to identifying ways to continue and hasten the decline in the dismissal rate.
8. The state's attorney should establish a management work group comprised of attorneys and staff that will evaluate the performance of the office on a regular basis, address problems as they arise, and make recommendations for their resolution.
9. The state's attorney should seek funding to develop a management information system that will support the case management and administrative needs of the office.

II. BACKGROUND AND SETTING FOR THE VOP PROGRAM IN WINNEBAGO COUNTY

WINNEBAGO COUNTY DEMOGRAPHICS

Winnebago County, situated about 60 miles northwest of Chicago, covers an area of 514 square miles and had a resident population of 264,952 according to the 1995 Bureau of Census. Of the 102 counties in Illinois, Winnebago is the 51st largest county geographically and the 7th largest in population. The largest city in Winnebago County is Rockford. The two other large cities in Winnebago County are Loves Park and Machesney Park.

Employment in Winnebago County reflects its main business, manufacturing screws and fasteners. In 1992, 62 percent of the land was farmland. Unemployment is slightly above the national average; in 1995 the Census Bureau estimated the unemployment rate at 5.7 percent. About 17 percent of the population over 25 years of age are college graduates and the per capita income in 1995 was \$20,072.

Rockford is the second largest city in Illinois. It has a fairly stable population. Minority groups comprise about 15 percent of the population. Blacks constitute the largest proportion (about 12 percent). The other ethnic groups are Hispanic and Laotian. In 1990 crack cocaine arrived in Rockford and with it came street gangs and violence. During the three-year period 1992-1994, there were 300 shooting victims. 1994 was the peak year for murder. The southern part of the city is largely Latino; the gangs, most notably the Disciples and Vice Lords, are located primarily on the westside. The gangs in Rockford are home grown. Police believe that they typically result from the education Rockford criminals receive from Chicago gang members in the penitentiary.

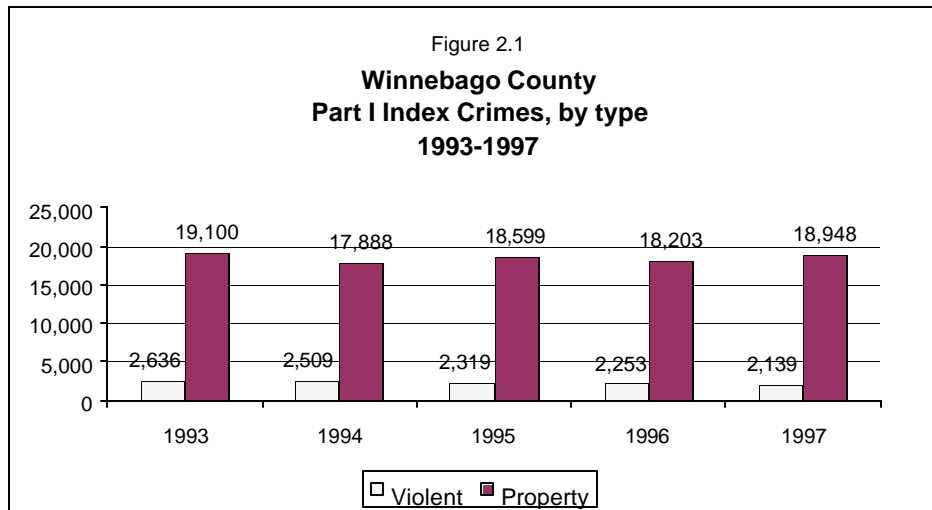
CRIME TRENDS

Ranking 5th highest among all 102 counties in population density per square mile, Winnebago County's serious crime trends are following those for the U.S., they are generally decreasing. The number of Total Part I Index⁴¹ crimes decreased from 1993 to 1996. In 1997 they increased, reversing the trend. Total Part 1 Index crimes declined from 21,739 in 1993 to 20,456 in 1996 and increased to 21,087 in 1997. In 1997, about 90 percent of the reported crimes were property

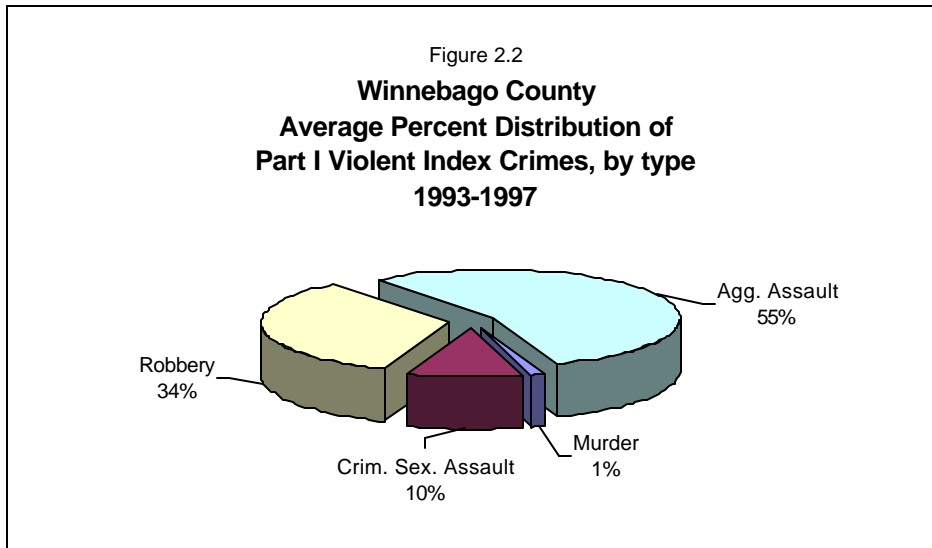
⁴¹ Eight offenses constitute the Part I Crime Index. They include for violent crime: murder, criminal sexual assault, robbery, aggravated assault; for property crime: burglary, theft, motor vehicle theft and arson. Changes in the crime series data collected by the Illinois State Police preclude developing a series covering the period from 1988-present.

crimes, the largest category being thefts. Violent crime as a proportion of all reported Part I Index crimes accounts for only about 10 percent of the total.

Violent crimes have decreased over the past four years. In 1993, there were 2,636 violent offenses reported, compared to 2,253 in 1996 and 2,139 in 1997 (Figure 2.1). Between 5 and 6 out of every 10 violent crimes are aggravated assaults. Many of these assaults involve minor injuries resulting from simple disputes that often are either prosecuted as misdemeanors or not prosecuted at all. Because the high proportion of aggravated assaults obscures changes that could be occurring in the more serious violent crimes of murder, criminal sexual assault and robbery, the latter should be examined separately. If we exclude aggravated assault offenses, the number of the serious violent crimes remains fairly stable - from 1,154 in 1993 to 1,066 in 1995, to an estimated 1,008 in 1997.

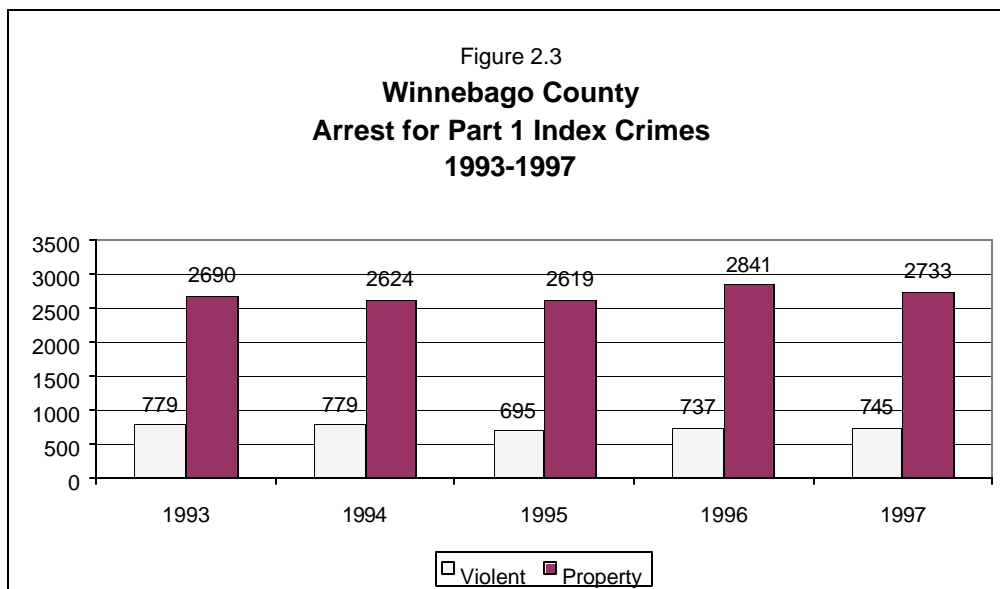


Although the number of Part I crime Index offenses has decreased over the past four years, the mix of the types of offenses has remained relatively stable. On the average about 45 percent of all violent crimes are for murder, criminal sexual assault or robbery. (Figure 2.2)



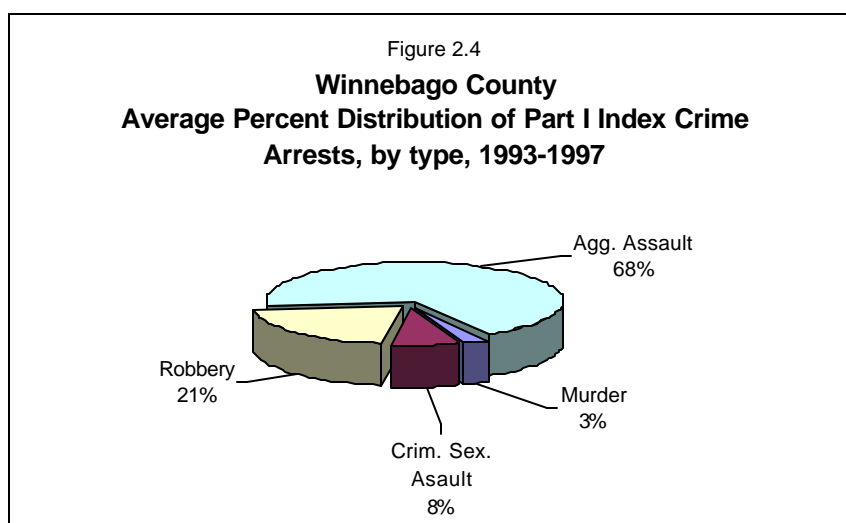
ARRESTS

The work of the prosecutor and much of the criminal justice system is directly related to the number of arrests. In Winnebago County the number of arrests for Part I Index offenses, many felonies, has shown a decreasing trend. In 1993 there were 3,469 arrests for Part 1 offenses; in 1994, 3,403 arrests and in 1997 arrests slightly increased to 3,478. This equates to about 9 Part 1 arrests per day. (Figure 2.3)



The majority of the arrests are for property offenses (an estimated 2,733 or 78 percent in 1997). Although violent crimes account for only 10 percent of all Part I Index crimes, they represent 22 percent of Part I arrests.

From 1993-1997, 68 percent of arrests for violent crimes were for aggravated assaults, 21 percent were for robbery; 8 percent were for criminal sexual assault and about 4 percent were for murder (Figure 2.4). The mix of violent crime arrests, as a percentage of the total Part 1 crime arrests, has shown little variation since 1993.



Serious violent crimes including murder, criminal sexual assault and robbery accounted for an estimated 31 percent of all violent crime arrests in 1997. The percent of arrests for serious violent crimes has remained fairly constant since 1993 at about 7 percent.

Drugs are a major contributor to crime in the county. Arrests for all drug law violations have increased steadily since 1990. Between 1993 and 1997, the number of arrests increased 167 percent, from 605 to 1,625. The larger proportion of this increase can be attributed to arrests for violations of the Cannabis Control Act (CCA) which prohibits the possession, sale and cultivation of cannabis. Arrests for violations of the CCA increased 229 percent between 1993 and 1997 (from 226 to 743). Arrests for violations of the Controlled Substances Act (CSA) which prohibits

the possession, sale, distribution or manufacture of all other illegal drugs such as cocaine and opiates increased by 114 percent during this same time period (from 323 to 692).⁴²

Despite their low numbers in relation to all Part I offenses, violent crimes, especially murder and sexual assault, place disproportionately high demands on the resources in the state's attorney's office. The prosecution of violent crimes is the most time-consuming and resource-demanding of all prosecutions undertaken by prosecutors. Violent crime cases: (1) will increase the attorney's workload; (2) may create a need to reallocate existing resources or add new personnel; and (3) may produce lower conviction rates or less satisfactory dispositions depending on the quality of the police work and the experience of the prosecutors.

⁴² Source: *Profile of the Winnebago County Criminal and Juvenile Justice System*. Illinois Criminal Justice Information Authority, September 1995

III. FACTORS IN THE CRIMINAL JUSTICE ENVIRONMENT AFFECTING THE VIOLENT OFFENDER PROSECUTION PROGRAM

As part of a program evaluation, it is important to take into account factors both inside and outside the control of the program that affect its operations, management, efficiency and effectiveness. Some external factors may enhance the ability of the program to meet its goals, such as career criminal statutes and truth in sentencing laws. Other factors may create problems or limit the effectiveness of the program, such as inadequate or incomplete police reports, lack of trained personnel, or overcrowded jails and prisons. The violent offender prosecution program in Rockford operates within a local criminal justice environment, and that environment affects the program in a number of ways. In this section, we describe the external environment in which the VOP program operates and identify those factors that may affect the program.

LEGISLATIVE ENVIRONMENT

Speedy trial

The court operates under a speedy trial law that requires defendants in custody to be processed from indictment to disposition in 120 days. Non-custody cases are permitted 160 days. Since waivers are common in VOP type cases, neither this law nor the fact that the court is backlogged has affected the program. Although there is a backlog in the courts, it appears that this situation may improve with the court's emphasis on developing a differentiated case management system.

Truth in Sentencing

The Truth in Sentencing (TIS) act was passed in August 1995 and declared legislatively unconstitutional in March 1998. The effect of the ruling was to reduce sentences imposed under TIS by 30 to 50 percent for good time credits. The effect was retroactive. There is almost universal agreement that TIS was enacted because the public demanded stiffer sentences and the judges exhibited wide variation in their sentencing practices. TIS established a sentencing grid for certain crimes and designated the proportion of time that must be served for those offenses. TIS covered murder and Class X felonies and required that 100 percent of the sentence be served; for rape, 85 percent of the sentence; and for attempted first degree murder also 85 percent.

The effect of TIS was to abolish reductions of sentences for good time credit, thereby increasing actual time served. For example, before TIS, conviction on a first-degree murder would usually

result in a 20-year minimum sentence which, with good time, allowed release in 10 years. With TIS, 20 years would be served.

The statute also strengthened the prosecutor's plea negotiation position. ASAs could charge TIS offenses and use them to negotiate a plea to a non-TIS offense. The impact on the sentence was substantial. For example, since 20 years was the minimum TIS sentence for a first degree murder charge, a plea to a second degree offense which carried a 15 year sentence but was not covered by TIS, gave the defendant a chance to serve only 7 1/2 years with good time credits.

The rejection of TIS has had both immediate and long-term effects. Most immediately is the conversion of the court's imposition of sentences based on one assumption (TIS) to former sentencing assumptions that took good time credits into consideration. The effect on the offenders sentenced under TIS guidelines is to discount their sanctions by 30 to 50 percent.

In the long run, the impact of this change should also be observable in the sentencing patterns in VOP programs. Our evaluation of sentences under VOP for the years 1996-1997 are not affected by the change since both years operated under TIS guidelines. However, we can anticipate that 1998 sentences will be longer than the previous two years because both the prosecutor and the court will consider good time credits when deciding the appropriate length of sentence. There is presently a movement to initiate a new statute requiring TIS. Whatever the outcome of this legislation, it should be taken into consideration as a factor in any future analysis of sentences.

LAW ENFORCEMENT

The county is served by 17 municipal police departments and the Winnebago County Sheriff's Department. The largest police department is located in Rockford, which serves a population of about 140,000. The Rockford Police Department contributes about 70 percent of the workload of the office.

The Illinois Law Enforcement Training and Standards Board govern training for the several academies. The state has a mobile training unit that may use local state's attorneys for some lectures. The Winnebago state's attorney's office provides some training in investigative methods to law enforcement; but they consider the opportunities inadequate, and would like to provide more training. In the absence of formalized training, most of the training relating to prosecution is informal. It occurs in the form of one-on-one discussions at pretrial and post-trial conferences.

Rockford Police Department

The Rockford Police Department has a force of 282 sworn officers and 35-40 civilians. The department has 50 detectives: 10 are assigned to the violent crime unit; 32 investigate adult crimes; 10 are assigned to juvenile cases; 5 to gangs and 5 are assigned to metro narcotics. The juvenile detective system was originated by a or the chief judge who viewed it as a means of reducing delay in the courts. He believed that by assigning 10 detectives to youth crimes, they would become familiar with the prosecutors and the court procedures. Unfortunately with the high turnover in juvenile attorneys, the benefit was not as great as anticipated.

During the height of the crime wave, 1992-94, the police department joined forces with the Federal Bureau of Investigations (FBI) and the Bureau of Alcohol Tobacco and Firearms (ATF). They arrested 28 members of gangs who were the most violent people. Rockford Police Department is a member of the metro narcotics task force which is composed of representatives from the department, the sheriff's department, city and county police, FBI, Drug Enforcement Agency (DEA) and ATF. The state's attorney has cross-designated an assistant to handle federal prosecutions. All asset forfeiture cases are processed federally. The police department has endorsed community policing. Its community policing unit includes a bicycle patrol, and it focuses on small business areas and HUD funded housing areas.

Sheriff's Department

The sheriff was elected to office in 1976. The sheriff maintains the centralized booking function at the jail, which is overcrowded. Twice the county has held a referendum for funding for a new jail. Both times it was defeated. Currently, the jail is 50 percent over capacity and is subject to a class action suit.

Some of the deputies interviewed were pessimistic about future crime trends. They believe that the only prisoners who are not released with good time are murderers. Armed robbers may have a sentence of 20 years, but they only serve 8; aggravated battery convicts may be sentenced to 5 years and serve 2. The deputies believe that the worst is yet to come. They note that the third generation of criminals are more callous, have more guns and more drugs. They view the state's attorney as the key person in increasing the levels of sentences by changing his charging policy.

PUBLIC DEFENDER

The office of the local public defender is county funded and appointive. There are 21 assistant public defenders (APD), 4 investigators, 8 secretaries and an office manager. Two attorneys handle abuse and neglect cases; 9 are assigned to felonies; 9 for misdemeanors and one is a temporary. Conflict of interest cases are handled by 3 contract attorneys funded by the court.

Public defenders represent an estimated 75 percent of felonies and 25 percent of misdemeanors. In 1995, the office handled about 13,000 cases of which about 3,000 were felonies. The public defender's office is notified of a case by the clerk's office after arraignment. Cases are assigned immediately. (If the case has not been sent to the state's attorney's pretrial unit, the APD will interview the defendant in jail.) The public defender assigns cases to attorneys on a rotational basis.

Although the public defender's office has more experienced attorneys than the state's attorney, the public defender has fewer felony attorneys; 9 APDs compared with 18 ASAs. Felony APDs are assigned to specific judges in the courtroom. In theory, potential conflicts in scheduling are avoided because cases involving defendants with multiple pending cases and/or with co-defendants are consolidated and set before one judge. In practice, this may not always occur.

COURTS

The 17th judicial circuit contains 2 counties, Boone and Winnebago; however, the judges typically do not "ride circuit." There are 6 circuit court judges and 8 associate judges assigned to Winnebago County. Associate judges may not preside over criminal cases in which the defendant is charged with an offense punishable by imprisonment for one year or more unless approval is received from the Supreme Court. In Winnebago, two associate judges are certified to take pleas to felony cases. The court's resources are distributed as follows: 2 judges, felony cases; 3 judges, misdemeanor cases; 1 judge, juvenile court; 3 judges, traffic and DUI cases, and 1 assigned to child support.

The court is backlogged. Total criminal case filings in Winnebago County for 1997 were 15,781. In 1991, the circuit court had 5 judges who handled mixed dockets of civil and criminal cases. Now they have four criminal case judges but would like a fifth to better manage the caseload and reduce the backlog.

The court is committed to reducing case delay through improved court procedures. They use video arraignments from the jail for in-custody cases and have instituted a fast tracking system for misdemeanor cases where the defendant is in custody. They also have designed a differentiated case management system for the criminal division that was implemented in January 1996. Known as the "rocket docket." Its effects are quite visible in the significant reduction of the median days to disposition shown in Figure 1.6.

Since the administrative judge can only issue orders but cannot control their implementation, case management is difficult, and there is variation in how judges run their dockets. There is little agreement about the use of plea cutoffs at the final pretrial conference that is held 10 days before the trial. The court is hiring a case facilitator to move the cases to disposition and work to resolve the concerns associated with individual docketing.

Cases are assigned randomly to judges by the computer. The computer also attempts to balance the murder case assignments so all judges can have the same number pending. It adjusts the balance if the pretrial unit settles the case with a plea. Although the pretrial unit should produce faster dispositions, a large percentage of cases plea on the day of trial.

PROBATION AND COURT SERVICES

The Adult Probation Division of the Department of Court Services is under the administrative authority of the chief judge of the 17th Judicial Circuit. The Adult Probation Division is responsible for supervising all felony, misdemeanor, DUI and traffic probationers who are 17 years of age and over.

As of June 1998, the division was supervising an estimated total of 5,966 people including: 2,728 on active probation; 1,883 on administrative supervision; 1,060 on DUI court supervision and 294 on pretrial supervision. The staff of the division is composed of 36 officers including: a deputy director, three supervisors (one of whom is a presentence investigator); 26 caseload officers; 2 public service work officers; 1 DUI officer; 3 pretrial officers; 6 full-time and 2 part-time secretaries.

The officers have a caseload of about 120 active cases and 50 inactive cases. Pre-sentence investigations (PSI) are prepared for about one third of the felonies, or about 25 to 30 a month. The order of probation is handwritten in the courtroom with copies to the state's attorney, public defender, probation and the defendant. The defendant is brought by defense counsel to the

probation office. If the defendant is in jail, he is not released except to his assigned probation officer.

Revocations pose complex questions about priorities and resources that may be complicated by communication problems between police officers and ASAs, a basic misunderstanding about agency responsibilities and the demand on the prosecutor's workload. The probation officer requests the state's attorney's pretrial unit to file a petition for revocation. The state's attorney decides whether to take it to court for a judicial decision to revoke. In 1997, the probation officers made an estimated 750 requests for revocations; 175 were found in violation. The officers feel frustrated about the low number; they believe that the state's attorney does not routinely proceed on revocations when requested.

CLERK OF THE COURT AND CASE DATA

The clerk of the court is responsible for establishing, maintaining and keeping all records of the court. The office maintains an automated recordkeeping system which is being updated and expanded. In 1996 the office will upgrade its statistical reporting by going on-line with the Illinois Department of Public Aid and the State Police for criminal dispositions. The present system dates from October 1993. Prior to this time, the system did not contain case dispositions.

The clerk's office has been very helpful in providing data for this evaluation and enjoys a good working relationship with the state's attorneys' office. However, due to vacancies and the increased workload, they were unable to provide programming services for this evaluation. Instead, they made arrangements for us to use county data processing personnel.

IV. WINNEBAGO COUNTY STATE'S ATTORNEY'S OFFICE

INTRODUCTION

The Violent Offender Program operates within the office of the Winnebago County state's attorney. The office of the state's attorney has jurisdiction over the prosecution of felonies, misdemeanors, county ordinance violations, traffic violations, juvenile offenders and child support enforcement. Appeals are handled by the Illinois state's attorney Appellate Prosecutor. The city attorney has jurisdiction over city ordinance violations. The office is located in the courthouse where it occupies space in three floors.

ORGANIZATION AND MANAGEMENT

The state's attorney for Winnebago County was appointed in 1986, and in 1996 was re-elected to his third four-year term. Prior to his career as state's attorney, he was an associate judge for the 17th judicial circuit. Prior to that he was in private practice.

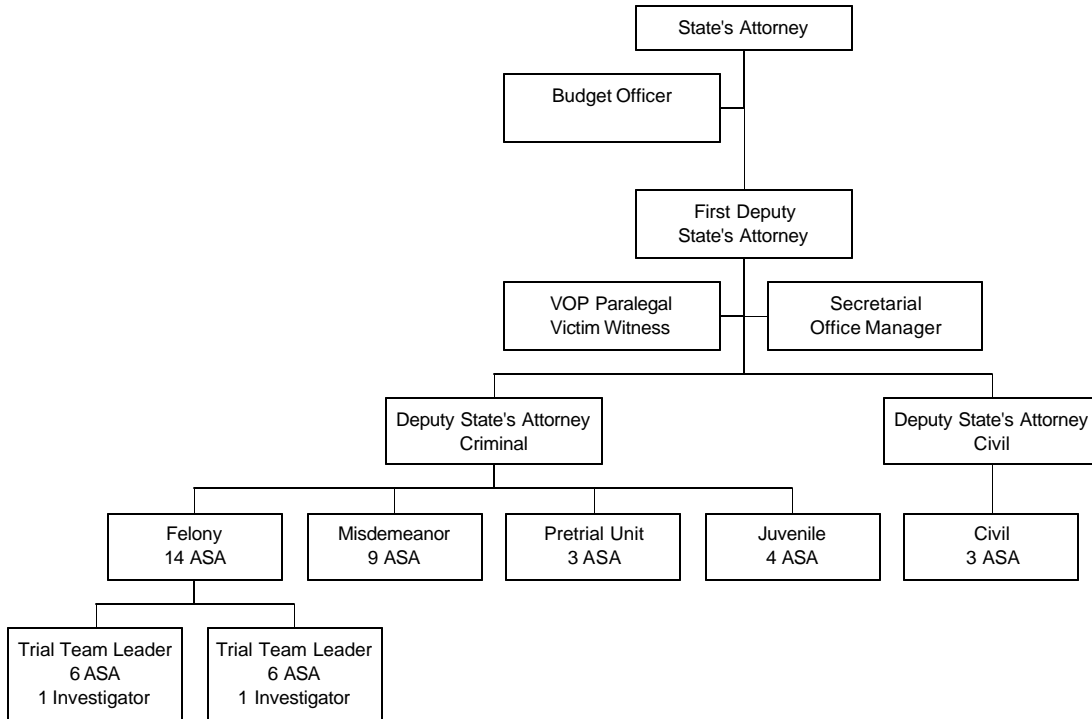
Organization and Staffing

The office of the state's attorney employs 36 attorneys, 26 support staff and 1 investigator.⁴³ The office is organized into 6 divisions: felony; misdemeanor and traffic; child protection, felony pretrial; misdemeanor pretrial; and civil. (Figure 4.1)

⁴³ The number of support staff appears to be inadequate. It has been our experience that a one to one ratio between attorneys and support staff is needed just to maintain a basic level of support. With 35 attorneys and only 21 staff, Winnebago's ratio is .6 to 1.

Figure 4.1

Winnebago County State's Attorney's Office

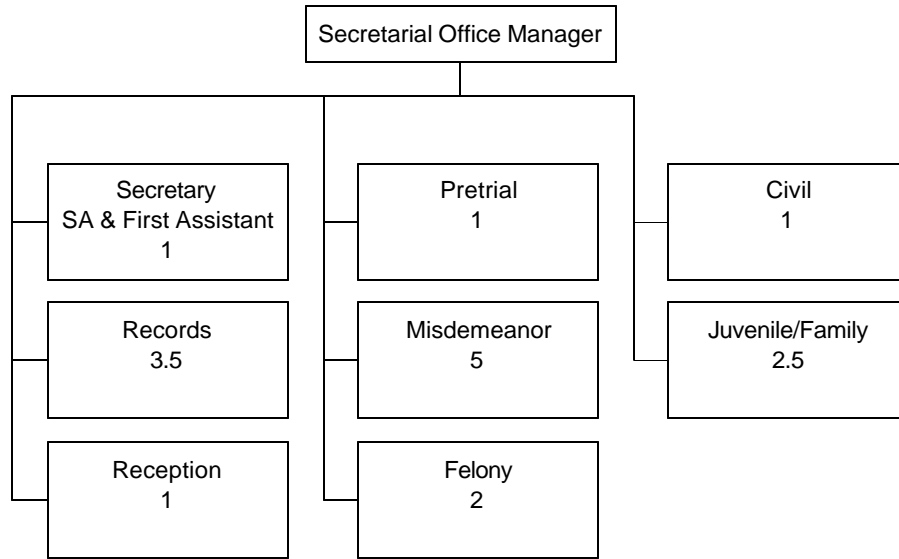


Operationally, the first deputy state's attorney provides direction to the felony and misdemeanor attorneys, while the deputy state's attorney - criminal is primarily responsible for the operations of the pretrial unit and juveniles. The civil division, under the leadership of the deputy state's attorney, operates relatively independent from the other activities of the office. The budget officer reports directly to the state's attorney.

The first deputy has primary responsibility for office management, victim-witness personnel and the paralegal funded by the violent offender prosecution program. The office manager is responsible for secretarial services, reception and records. The organization chart in Figure 4.2 shows the distribution of the office's secretarial and administrative staff.

Figure 4.2

Winnebago County State's Attorney's Administrative Staff



Due to low salaries, turnover is high; about 60 percent of the attorneys have less than 4 years experience. Training opportunities for attorneys are limited. Staff meetings are held once a month for the felony attorneys and once every two weeks for misdemeanor attorneys. The secretaries have staff meetings monthly except in summer.

Workload

The office filed 3,202 felony charges in 1997 (or about 9 per day) and 12,579 misdemeanor cases. These estimates are based on charges rather than defendants, so the number of defendant cases is lower, probably closer to 2,500 defendants a year. The clerk of the court's office reports 1,329 cases pending, which includes outstanding warrants, i.e. the defendant has failed to appear.

OPERATIONS

Intake and Screening

The court has traditionally opposed holding defendants overnight before charging decisions are made. Therefore, felonies are reviewed and authorized by ASAs who are on-call 24 hours a day. The office uses all its criminal ASAs for authorization regardless of experience. After office hours the typical authorization is granted by the on-call ASA based on telephone calls from the police

and their verbal report of the incident.⁴⁴ During the day, police may bring in reports for complaint authorization. Civilian complaints are not processed directly by the office. Reports are, first, completed by the police, reviewed for authorization by the ASAs and then, forwarded to the judge for signature. The office is presently planning to change this procedure.

Booking sheets for all persons arrested and booked within the 24-hour period from 10 AM to 10 AM are picked up at the jail each morning by the office manager. The booking sheets include entries for persons who have bonded out and some cases not under the state's attorney's jurisdiction (e.g. city traffic cases). When a defendant is arrested, the court computer assigns the case a number and randomly assigns it to a judge. If the case is not charged or indicted, or if it does not fall under the state's attorney's jurisdiction, the case may never reach the judge.⁴⁵

In 1997, the office reviewed about 3,400 Part I Index Crime arrests made by police. Felony cases are first reviewed by the paralegal assigned to the VOP program for eligibility in the program. After that review they are forwarded to the first deputy for review and assignment. Under the new procedures instituted by the VOP program, the assignment is made to one of the two team leaders who in turn assigns the cases to the ASAs on the team. To the extent possible, co-defendants are assigned to the same ASA. Misdemeanors are assigned to the misdemeanor division for processing.

Estimated Percent of Cases Accepted by Type of Situation	
<u>Situation</u>	<u>Estimated Percent Accepted</u>
1. Defendant is arrested before report brought to the ASA	75
2. Police come in with paperwork & request a warrant	95
3. Police case submitted before arrest for review after investigation in which police seek investigative direction.	20
4. Drug cases	95

⁴⁴ In 1998, the state's attorney initiated a program, which is currently under development, to change this procedure.

⁴⁵ The early assignment of CF and CM numbers prior to case review and screening complicates estimating workload and the analysis of data for case management studies.

First Appearance

In-custody arraignments are held daily at 1:30 PM. Between 10:30 AM and noon, the office waits for the in-custody list. This is provided by the sheriff to the court clerk who enters it into the computer which randomly assigns judges. If the defendant has bonded out, a court date is scheduled two weeks hence.

Pretrial Unit

In order to handle the increased caseload and reduce the caseload of the trial attorneys, the office fast-tracks selected cases through the pretrial unit (PTU) which is staffed by 3 attorneys. Cases are referred to the pretrial unit by the first deputy assistant. The criteria for referral are flexible but they usually consider less serious offenses, especially felony theft and forgery. PTU reviews them and negotiates early pleas.

Preliminary Hearings, Grand Jury Indictments and Arraignment

The use of preliminary hearings has diminished and the majority of felony cases proceed by grand jury indictment. Misdemeanors are filed by information. Draft bills of information or indictments based on the information are prepared, proofread by the ASA assigned to the case, reviewed for amendments and signed.

Custody cases must be indicted within 30 days of arrest. If a case is dismissed, it is without prejudice so the case can be brought again. Bail cases must be indicted within 60 days of arrest. Rarely will defendants plead at arraignment.

Discovery and Adjudication

In 1997 3,202 felonies were filed and 1,818 cases were closed. The office does not have an informal, open file discovery policy. Defense counsel wait for discovery which occurs after arraignment.

Both charge and sentence bargaining are permitted. Plea offers are largely based on the type of case or offense. Plea offers are generally submitted in writing by the ASAs. Whether this offer represents a final one, or whether it can be negotiated depends on the ASA submitting the offer. The public defender believes that overcrowded jails and the defendant's release on bond give little incentive to bargaining. About 70 percent of the felony cases are disposed by pleas after

arraignment and before trial and 30 percent on the day scheduled for trial.⁴⁶ The public defender opposes implementation of cut off dates, which the state's attorney has proposed. This results in ASAs delaying preparation until the latest date since they don't know which case will go.

There is statutory authority in the form of substitution of judge (SOJ) for the state and defense to strike judges from handling a case. The defense may have two strikes, the state one. This could lead to "judge shopping"; however, there are no statistics available to determine how extensively it is used.

Most jury trials are set for Monday. Murder and sexual assault cases take 45 days on the average. Crimes against the person (violent crime) cases take 2-3 days per trial, while property and drug cases may be tried in about 1-2 days. Approximately 69 felony jury trials were conducted in 1997. About 70 percent of the cases are disposed of after arraignment and before trial; 30 percent are disposed on the day of trial or during trial.

Post conviction

It is the responsibility of the probation officer to file a violation report whenever there is a new charge and to request the state's attorney to revoke. In 1997, the probation office made 750 requests for revocations; 175 were found in violation.

Misdemeanor and traffic

Traffic and misdemeanor cases constitute the largest proportion of cases in the office; however, their processing times are significantly less than those for felony cases. To handle the high volume, cases are fast-tracked if the defendant is in custody to reduce the number of pretrial and status hearings. One courtroom is outfitted with video equipment so arraignments, status calls and bond motions could be conducted without transporting the prisoners from jail. Misdemeanor bench trials are heard in the afternoon.

⁴⁶ Our experience indicates that these statistics support the public defender's view. We believe that the percent of dispositions on the day of trial should be about 10 percent (or less).

Juveniles

The juvenile court has experienced an increased number of case filings and many of a very serious nature. In 1997, delinquency filings were 751 cases. Four ASA are designated to juvenile court.

Management information and statistics

The state's attorney's office does not have an automated system to support its management and operations. Instead, it uses the court's computer system (GAVEL) for case processing and tracking.

Presently, there are no guidelines for assigning CF numbers to a defendant arrested for multiple charges. If arrests are made by law enforcement agencies, they complete the complaint form. Some may file multiple charges on separate charging documents if they use preprinted forms for individual offenses. Others may file a single form that includes all the charges filed against the defendant for a particular incident. In the first example, the court's computer system assigns individual CF numbers for each felony case or form received. In the second example, the computer assigns one CF number and records up to 6 different charges. At the time of our visit, the two legal assistants entering the state's attorney's charges recognized this problem and, at least between them, agreed to use one CF number for multiple charges arising from a single incident when they entered the complaint data. However, there are still no controls on police reporting. As a result, variation will continue to exist until their reporting procedures are standardized and aligned with those of the prosecutor's office.

The state's attorney's filing system is alphabetical by defendant name. This means that all closed and pending cases are filed together under the defendant's name. Not unexpectedly, some case files may be very large. If a case is opened, the ASA assigned to the case receives the entire file (both closed and opened cases).⁴⁷

Index cards act as the control for the case files. They are also filed alphabetically and contain the SA number, court case numbers, names of co-defendants and the ASA responsible for the case.

⁴⁷ Since the entire file is removed if a case is pending, the task of collecting closed case data for the evaluation was difficult. There were a large number of missing files and hence, missing data as the tables in the appendix indicate.

Index cards also identify multiple cases pending against the same defendant and allow them to be consolidated with one ASA.

Incoming cases are assigned a state's attorney's (SA) number in addition to the CF or CM number assigned by the court upon arrest. Face sheets are typed up for all felonies and misdemeanors after ASA review. The defendant's name file (the index card file) is checked to determine whether other cases are pending against the offender. If they are, the card is pulled and attached to the booking sheet. If no cases are open, the closed file is checked to identify whether the offender has been prosecuted previously. If a file is found, it is pulled and the state's attorney's number (SA) is noted on the booking sheet. If a card is not found, then the court's computer system is checked to verify that there are no other cases pending in the court.

Files are prepared for all new cases or the booking sheets are attached to other open files for each offender. As the police reports come in during the day, they are added to the files.

Generally, cases are kept by the ASAs assigned to them until disposition. The ASA is responsible for recording dispositions and completing appropriate reports and minutes. The legal assistants return the files to closed files and update the defendant's index card.

Although the office maintains a wealth of information about defendants and individual cases, there is a noticeable absence of management information. Attorneys do not have computerized inventories of their pending cases and many keep the status of cases "in their heads." Plans for the development of management information reports and education about their utility and value were absent. Felony attorneys should have access to pending files and case status information.

The automated court information system (which was utilized for this evaluation) is maintained by the clerk of the court. However, the backlog in the clerk's office does not permit easy access to the files for management reports or the capacity to generate management reports for prosecution use.⁴⁸

⁴⁸ For this evaluation, we contracted with county data processing personnel to program a simple extract of data files from the court system because the clerk's office, although willing to do this, simply did not have the time or capacity to do so within our evaluation time frame.

APPENDIX A

VOP PROGRAM DATA

Source: State's Attorney Reported Data

Table A-1
 Winnebago County VOP Program
 Distribution by Most Serious Charge
 1996-1997

CHARGE*	Frequency	% distribution
Murder	50	4.0%
InvolMan	3	0.2%
ReckHom	2	0.2%
Kidnapping	4	0.3%
AggUnlawRest	11	0.9%
Child Abduction	5	0.4%
UUW	4	0.3%
UnlawRest	18	1.4%
Sol. Murder Hire	3	0.2%
CrmSxAslt	31	2.5%
AggCrmSxAslt	35	2.8%
CrmSxAbse	17	1.3%
AggCrmSxAbse	38	3.0%
Stalking	3	0.2%
AggStalk	2	0.2%
ArmRob	129	10.2%
Robbery	79	6.3%
AggRob	10	0.8%
ArmVio	30	2.4%
Theft	19	1.5%
MobAct	36	2.9%
StolnProp	2	0.2%
Forgery	2	0.2%
AggBat	452	35.8%
ReckDischFrm	79	6.3%
Burglarv	24	1.9%
AggHmeInv	15	1.2%
ArmHmeInv	12	1.0%
HmeInv	8	0.6%
CDTP	7	0.6%
VehHijack	9	0.7%
UnlawUseVeh	1	0.1%
PossStolVeh	7	0.6%
VehInv	2	0.2%

CHARGE*	Frequency	% distribution
Arson	16	1.3%
AggArson	7	0.6%
VioCSA	18	1.4%
PossCSA	21	1.7%
UUW	28	2.2%
Mfo/DelCSA	14	1.1%
Escape	5	0.4%
ObstJust	4	0.3%
PossExpsveDev	1	0.1%
Total Violent VOP	1263	100.0%

*Attempts included in charges

Table A-2
 Winnebago County VOP Program
 Distribution by Most Serious Charge and VOP Category
 1996-1997

Violent		
Charge*	Frequency	Distribution
Murder	58	5.2%
Murder	50	4.5%
InvolMan	3	0.3%
ReckHom	2	0.2%
Sol. Murder Hire	3	0.3%
Kidnap/ UnlawRest	42	3.8%
Kidnapping	4	0.4%
AggUnlawRest	29	1.0%
Child Abduction	5	0.4%
UUW	2	0.2%
ForcDetent	2	0.2%
CrimSexAsslt	126	11.3%
CrmSxAslt	52	2.8%
AggCrmSxAslt	33	3.1%
CrmSxAbse	12	1.5%
AggCrmSxAbse	24	3.4%
Stalking	3	0.3%
AggStalk	2	0.2%
Robbery	248	22.3%
ArmRob	129	11.6%
Robbery	79	7.1%
AggRob	10	0.9%
ArmVio	30	2.7%
Assault	562	50.5%
MobAct	33	3.0%
AggBat	450	40.4%
ReckDischFrm	79	7.1%
Burglary	38	3.4%
Burglary	3	0.3%
AggHmeInv	15	1.3%
ArmHmeInv	12	1.1%
HmeInv	8	0.7%
Theft	12	1.1%
CDTP	1	0.1%
VehHij	9	0.8%
VehInv	2	0.2%
Arson	23	2.1%
Arson	16	1.4%
AggArson	7	0.6%
Drugs	2	0.2%
VioCSA	1	0.1%
PossCSA	1	0.1%
Misc.	2	0.2%
PossExpsveDev	1	0.1%
Escape	1	0.1%
Total Violent VOP	1113	100.0%

Non-Violent		
Charge*	Frequency	Distribution
UnlawRestraint	28	18.7%
UUW	28	18.7%
Assault	5	3.3%
MobAct	3	2.0%
AggBatt	2	1.3%
Burglary	21	14.0%
Burglary	21	14.0%
Theft	37	24.7%
Theft	19	12.7%
Forgery	2	1.3%
PossStolnProp	2	1.3%
PsnStilVeh	7	4.7%
UnlawUseVeh	1	0.7%
CDTP	6	4.0%
Drugs	51	34.0%
VioCSA	17	11.3%
PossConSub	20	13.3%
Mfg/DelCSA	14	9.3%
Misc.	8	5.3%
Escape	4	2.7%
ObstJust	4	2.7%
Total Non-Violent VOP	150	100.0%

*Attempts included in charges

Table A-3
 Winnebago County VOP Program
 Distribution of Total VOP Closed Cases
 By Disposition, 1996-1997

	Frequency	% Dist.
PG	603	62.0%
CFG	32	3.3%
JFG	17	1.7%
DM- Plea	85	8.7%
DM-PTVP	18	1.8%
SubTotal	755	77.6%
FNG	18	1.8%
Other DM	200	20.6%
TOTAL	973	100%

Table A-4
 Winnebago County VOP Program
 Average Days Filing to Disposition
 1996-1997

Most Serious Charge	Freq.	Avg. Days
Arson	22	176
CrsmSexAsslt/Abse/Stalk	98	149
All Other Felonies	84	136
Murder	36	134
MobAct/AggBatt/DischFrm	486	123
Kidnap/Unlaw Rest	38	120
Robbery	216	117
Theft/Forgery	29	115
Burglary/HmeInv	45	112
VehHijack/StoleVeh/VehInv	18	111
TOTAL	1072	129
Missing Data	191	na

Table A-5
 Winnebago County VOP Program
 Average Days Filing to Disposition, by Disposition
 1996-1997

Disp.	Frequency	Avg Days to Disp
CFG	30	199
FNG	18	192
JFG	17	172
PG	146	131
PGO	229	129
DM - Witness	81	122
DM - Plea	87	121
DM	78	118
DM - PTVP	19	113
PGL	222	111
DM - Proof	28	91
DM - Juris	1	71
DM - Face Sheet	4	48
DM - GJ refuse	3	30
DM - Def Deceased	1	30
DM - Juvenile	1	28
DM - ID	2	10
TOTAL	967	101

Table A-6
 Winnebago County VOP Program
 Frequency Distribution of VOP Sentences
 1996-1997

Sentence	Frequency	% Distribution
DOC (Prison)	201	30.1%
Probation	407	61.0%
Conditional Discharge	54	8.1%
Court Supervision	3	0.4%
Fine	1	0.1%
Restitution	1	0.1%
TOTAL	667	100.0%

Table A-7
 Winnebago County VOP Program
 Length of Sentence, by Charge
 1996-1997

Charge	Sentence	Avg. years	Frequency
AggBatt	DOC	5	27
	Prob	2	87
	CD	1.4	19
	Ct Supervision	2	1
AggCrimSexAbse	DOC	4	3
	Prob	2.8	14
AggCrimSexAsslt	DOC	7.9	6
	Prob	3	10
AggDischFrm	DOC	4.5	7
	Prob	2.6	14
	CD	1.5	2
AggHmeInv	DOC	9	1
AggRob	DOC	6.3	3
	Prob	2.5	1
AggUnlwRest	Prob	2.3	3
ArmHmeInv	DOC	8	5
	Prob	2	3
ArmRob	DOC	8.1	38
	CD	2	1
ArmVio	DOC	8.6	8
	Prob	2.5	6
Arson	DOC	8	1
	Prob	2.4	7
AggArson	Prob	3	2
	DOC	3	2
AttArmRob	DOC	8	1
AttRob	DOC	7	1
ArmRob	Prob	2.7	24
AttmptMrdr	DOC	5	1
Child Abduction	Prob	1.5	1
ConcealHomicide	DOC	2	1
CrmSxAslt	DOC	17	2
	Prob	2.25	8
Escape	Prob	2	1
ForcDetent	Prob	2.5	1
HmeInv	DOC	5	3
InvolMan	Prob	2	1
Kidnapping	Prob	2	2
MobAct	DOC	2	1
	Prob	1.6	7
	Ct Supervision	1.5	1
Murder	DOC	13.7	3
PsnExpsveDev	CD	1	1

Charge	Sentence	Avg. years	Frequency
PredCrmSxAslt	DOC	13.7	6
	Prob	3.6	5
ReckDischFrm	Prob	2	1
Robbery	DOC	6.2	17
	Prob	2.5	16
	CD	1	1
Sol. Murder Hire	DOC	20	1
Stalking	Prob	2	1
AggStalk	CD	1.5	1
UnlawRest	Prob	2	3
	CD	1	1
UUW	DOC	2	1
VehHijack	DOC	7	4
	Prob	2.5	1
TOTAL REPORTED	667	4.4	363
Missing Data	596	na	na

APPENDIX B

COMPARISON OF SELECTED PERFORMANCE MEASURES, 1993-1997

Source: Court Data

Table B-1
Winnebago County VOP Program
Selected Performance Measures
All Felony Filings 1993-1997

Variable		1993	1994	1995	1996	1997
Convicted	%	47.1	52.6	52.2	56.8	64.7
Dismissed	%	51.7	45.5	46.8	42.0	33.3
Incarceration	%	25.2	23.1	25.1	25.7	23.4
Median Time	Days	153	142	119	109	99
Open Cases	#	117	111	150	253	635
Closed Cases	#	2664	2901	3023	3202	2565

Table B-2
Winnebago County VOP Program
Selected Performance Measures
1996 VOP-like Cases

Variable		1993	1994	1995	1996	1997
Convicted	%	47.9	54.5	51.8	58.0	64.6
Dismissed	%	50.5	43.6	47.1	40.7	33.9
Incarceration	%	34.4	32.9	29.8	30.3	29.2
Median Time	Days	159	150	120	114	101
Closed Cases	#	1292	1247	1681	1712	1284

*Note: VOP-like cases include all violent crimes that were eligible for VOP selection in 1996.
 Not all cases were selected for the program.*

Table B-3
Winnebago County VOP Program
Selected Performance Measures
1997 VOP-like Cases

Variable		1993	1994	1995	1996	1997
Convicted	%	48.7	55.0	51.2	57.6	66.1
Dismissed	%	49.3	42.8	47.4	41.1	32.0
Incarceration	%	36.9	36.6	35.4	32.9	27.2
Median Time	Days	167	143	114	114	101
Closed Cases	#	931	914	1309	1251	1285

*Note: VOP-like cases include all violent crimes that were eligible for VOP selection in 1997.
 Not all cases were selected for the program.*

Table B-4
Winnebago County VOP Program
Selected Performance Measures
Comparison of VOP Measures with Non-VOP Felonies and all Felonies
1996-1997

		All Felony	VOP	Violent Felony- Not Selected	Other Felony
1996					
Convicted	%	56.8	66.1	53.8	55.4
Dismissed	%	42.0	31.6	45.4	43.5
Incarceration	%	25.7	37.3	27.0	19.6
Median Time	Days	109	130	108	102.5
Closed Cases	#	3202	579	1144	1479
1997					
Convicted	%	64.70	67.10	65.80	63.20
Dismissed	%	33.30	30.80	32.40	34.70
Incarceration	%	23.40	33.90	24.10	19.10
Median Time	Days	99	109	91	101
Closed Cases	#	2565	413	888	1264

Table B-5
Winnebago County VOP Program
Selected Performance Measures
Comparison of VOP Cases and Non-VOP Cases Before
and During the Program

	Non-VOP Cases		VOP Cases	
	1993-1995	1996-1997	1993-1995	1996-1997
Conviction	49.4	57.4	50.9	61.7
Dismissed	49.5	40.8	47.7	36.9
Incarceration	14	18.6	30.2	27.4
Median Time	111	100	117	104
Closed Cases	3544	1990	4099	3652

Note: Sample is limited to closed cases with an elapsed time less than the maximum observed in 1997 (499 days). This, in part, adjusts for differences attributable to this source.

APPENDIX C

UCR PART I INDEX CRIMES AND ARRESTS

Source: Illinois State Police

Table C-1

Winnebago County Part I Index Crime Offenses. 1993-1997

	Offenses					Average
	1993	1994	1995	1996	1997	1993 - 1997
Total Part I	21,736	20,397	20,918	20,456	21,087	20,919
Total Violent	2,636	2,509	2,319	2,253	2,139	2,371
Murder	26	32	22	37	17	27
Crim. Sex. Assault	279	254	221	245	239	248
Robbery	849	734	823	835	752	799
Agg. Assault	1,482	1,489	1,253	1,136	1,131	1,298
Total Property	19,100	17,888	18,599	18,203	18,948	18,548
Burglary	5,471	5,154	4,684	4,546	5,084	4,988
Theft	12,173	11,235	12,259	11,953	12,341	11,992
MV Theft	1,382	1,430	1,561	1,627	1,450	1,490
Arson	74	69	95	77	73	78

Table C-2

Winnebago County Part I Index Crime Arrests. 1993-1997

	Arrests					Average
	1993	1994	1995	1996	1997	1993 - 1997
Total Part I	3,469	3,403	3,314	3,578	3,478	3,448
Total Violent	779	779	695	737	745	747
Murder	20	27	21	32	29	26
Crim. Sex. Assault	54	71	46	54	57	56
Robbery	171	143	126	156	181	155
Agg. Assault	534	538	502	495	478	509
Total Property	2,690	2,624	2,619	2,841	2,733	2,701
Burglary	387	357	290	362	358	351
Theft	2,194	2,143	2,244	2,352	2,270	2,241
MV Theft	88	106	71	107	88	92
Arson	21	18	14	20	17	18

Table C-3

Winnebago County Drug Arrests. 1993-1997. by type

Offense	1993	1994	1995	1996	1997	Average 1993 - 1997
Total	605	1,009	1,305	1,637	1,625	1,236
Drug Paraphenalia	0	1	62	66	174	61
Cannabis	226	437	592	703	743	540
Controlled Substance	323	553	610	859	692	607
Hypodermic/syringe	56	18	41	9	16	28

Source: Illinois State Police