
An Evaluation of the Illinois State Police
Gang Crime Witness Protection Program

**Prepared for
the Illinois General Assembly**

**Prepared by
the Research and Analysis Unit
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FOREWORD

In recent years, street gangs have emerged in previously unaffected communities and can now be found in suburban and rural parts of Illinois. The gang problem is increasing from the perspective that offenses are becoming more violent, injuries are more serious, and the types of firearms used are more lethal.

In the 1995 National Youth Gang Survey conducted by the Institute for Intergovernmental Research for the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Illinois ranked third in states reporting the most gangs, and second in the number of total gang members. Eighty-six percent of the Illinois law enforcement agencies responding to the survey reported having gang problems. According to the Chicago Police Department, Chicago alone has 132 gangs and 33,000 hard-core gang members.

Concern about the spread of gangs across Illinois led Gov. Jim Edgar to create the Governor's Commission on Gangs, which was charged with making specific recommendations for the development of a statewide strategy to fight this problem. The commission heard testimony from criminal justice officials as to how intimidation of witnesses or victims was believed to seriously endanger the development of effective cooperation between the police and the public to combat gang crime. As a result of recommendations by the commission, Gov. Edgar approved legislation (*H.B. 3448*) designed to reduce gang-related crimes by protecting witnesses who help prosecute these cases. Included in that legislation was the creation of a state-funded witness protection pilot program to be developed and administered by the Illinois State Police. The Illinois legislature appropriated \$666,000 for the two years of program operations. The Illinois Criminal Justice Information Authority was called upon in that legislation to evaluate the program's implementation and impact.

The evaluation found that nearly two-thirds of the 83 Illinois state's attorneys who responded to the statewide survey were aware of the services provided by the Gang Crime Witness Protection Act. Most of the state's attorneys reported that a statewide program offering technical assistance and expense reimbursement components for witness protection/relocation would be a valuable tool in combating gang crime. They felt it would improve victim/witness cooperation and induce more persons to testify in gang-crime cases. Despite this awareness and interest, only three counties accounted for the ten requests for reimbursement made to the program in the first year, and no requests for technical assistance were made during that time.

Witness intimidation strikes at the root of the criminal justice system by denying critical evidence to police investigators and prosecutors, and by undermining the confidence of whole communities in the government's ability to protect and represent them. Because, in most jurisdictions, the problem of witness intimidation has only recently

begun to have a major impact on the investigation and prosecution of gang crimes, there are few comprehensive programs that address the issue.¹ To date, however, there has been no systematic/formal assessment to gauge the effect intimidation of witnesses has had on the investigation and prosecution of gang crimes in Illinois. However, jurisdictions in Illinois are now able to plan a comprehensive and formal program by taking advantage of the efforts of the Illinois State Police. In addition to providing policy-makers with an overview of the program, this report provides perspective by including current gang-crime efforts experienced in Illinois' geographic subregions.

EXECUTIVE SUMMARY

Problem Statement

The presence of youth gangs in Illinois has become more widespread in recent years. Criminal street gangs were once a concern primarily for large, urban cities. That is no longer the case. In recent years, street gangs have emerged in previously unaffected communities and can now be found even in suburban and rural parts of the state. Today, no community, regardless of size or geographic location, is immune from gang activity.

Illinois has also experienced an alarming increase in street gang-motivated violence, particularly lethal violence. The gang problem is increasing from the perspective that offenses are becoming more violent, injuries are more serious and the types of firearms used are more lethal. In Chicago, street gang-related homicides increased more than four fold between 1987 and 1995, jumping from 51 to 215. In 1994, street gang-motivated homicide became the most common type of homicide in Chicago for the first time.

In a 1995 survey, the Institute for Intergovernmental Research conducted a National Youth Gang Survey for the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Fifty-eight percent of the 3,440 law enforcement agencies that responded to the survey from across the country reported a gang problem within their respective jurisdictions. More significantly, Illinois ranked third in states that reported the most gangs and second in the number of total gang members.²

In that survey, 197 of the 229 (86 percent) Illinois law enforcement agencies that responded to the survey reported gang problems in 1995 (the Chicago Police Department was not included in that survey). Combined, these agencies estimated there were more than 42,000 gang members in their jurisdictions.³ According to the Chicago Police Department, Chicago alone has 132 gangs and 33,000 hard-core gang members.

The Nature and Extent of Witness Intimidation

At present, it is not possible to determine how widespread gang-related intimidation actually is due to the lack of any comprehensive existing data on either the extent or the nature of the problem. However, intimidation of witnesses or victims is believed to seriously endanger the development of effective cooperation between the police and the public to combat gang crime.

According to National Institute of Justice Director Jeremy Travis, “Many police officers and prosecutors have become increasingly frustrated by their inability to investigate and prosecute cases successfully when key witnesses refuse to provide critical evidence or to testify because they fear retaliation by the defendant or his family and friends. This problem is particularly acute, and apparently increasing, in gang-related criminal cases. Witnesses’ refusal to cooperate with investigations and prosecutions should be a major concern: it adversely affects the justice system’s functioning while simultaneously eroding public confidence in the government’s ability to protect citizens.”⁴

In a 1995 survey sponsored by the National Institute of Justice (NIJ), one of the most significant problems cited by local prosecutors was obtaining the cooperation of victims and witnesses. The majority of them also cited the lack of resources for victim/witness protection as a moderate to major problem.⁵

The Governor’s Commission on Gangs

Prompted by concern over the spread of gangs across Illinois, Gov. Jim Edgar created the Governor’s Commission on Gangs on Dec. 19, 1995 (Appendix A). The commission, chaired by Attorney General Jim Ryan, was charged with making specific recommendations to Gov. Edgar for the development of a statewide strategy to fight this problem.

As part of its fact-finding process, the commission held a series of public hearings throughout the state. The commission found that criminal street gangs have spread to every region of the state and that gang violence and narcotics trafficking are on the rise⁶.

Witnesses appearing at those hearings spoke of the relationship between witness intimidation and successful case prosecution. In Springfield, one Illinois Department of Corrections official stated:

“A system to encourage witness cooperation in gang-related cases is paramount to successful gang conspiracy investigations. Such a program is fiscally beyond hope for many state’s attorneys. A state initiative would allow funding of limited geographical relocations and pretrial protection for not only witnesses but also victims.”

According to one state’s attorney speaking in Addison:

“We owe an obligation to witnesses who are intimidated and threatened, to make sure they come to court; to make sure that when witnesses do see a crime occur, that they will have confidence that the criminal justice system will take all the steps necessary to make sure that they are protected during the course of the investigative stage and through the progress of the case until the fear and intimidation and threats go away.”

The Commission recognized that government alone could not solve the problem, but government could serve as a catalyst by fostering an environment that encourages and helps communities to mobilize. One of the basic findings of the Commission was that one size does not fit all communities when it comes to fighting gangs. They concluded that each community has its own needs and circumstances and any strategy to combat gangs must be well suited to the community’s unique situation. The Commission also recognized that there was an essential role for statewide leadership and coordination to assist communities in the process⁷.

The Gang Crime Witness Protection Program

On June 27, 1996, Gov. Edgar approved the Gang Crime Witness Protection Act (P. A. 89-0498). The act, which was developed by the commission, had the goal of reducing gang-related crimes by protecting witnesses who help prosecute these cases (Appendix B). In a news release, the governor announced that among the anti-gang initiatives included in that legislation was the creation of a state-funded witness protection pilot program to be developed and administered by the Illinois State Police. It was designed to assist victims and witnesses who are actively aiding in the prosecution of perpetrators of gang crime. Entitled the *Gang Crime Witness Protection Program*, the legislation also mandated the Illinois Criminal Justice Information Authority to perform an evaluation of the program (Appendix C).

The Evaluation

Specifically, the Authority was to conduct an evaluation of the first 12 months of the program. However, at the onset of the evaluation, it was clear that eligibility criteria restricting program funds to only those gang crimes committed after July 1, 1996 would limit the number of reimbursement requests received during the initial programming year (7/1/96-6/30/97). Among the factors contributing to that time lag were: 1) program development and policy approval; 2) notification of program implementation to all Illinois state's attorneys and the Illinois Attorney General's Office, as well as the law enforcement community; and 3) identification and selection of eligible cases by prosecutor's offices.

As a result of an apparent underutilization of the program, the Authority concluded that to obtain a more comprehensive evaluation of the program and its efficacy, it would be necessary to lengthen the period of evaluation. This expanded evaluation period covered the first 16 months of the program from its inception through Oct. 31, 1997. The intent of this report is to provide the legislature with the most current depiction of program operation and its impact on gang crime.

The Authority prepared this report to document and evaluate the strategy development process. The report discusses each step in the process, from initial planning, setting of goals, and selection of program staff, to the final release of the completed implementation strategy. The report also describes the time and resources required to complete program implementation in addition to program staff approaches to obtaining information, publicizing the effort, conducting productive meetings, and facilitating communication. This information can assist other groups that wish to develop similar programs.

Summary of Results

The evaluation staff felt that efforts to notify prosecutors and law enforcement officials of the existence of the Gang Crime Witness Protection Program had not been successful. Although most of the state's attorneys themselves knew of the program, this knowledge often was not forwarded to key staff members involved in gang prosecution. According to the telephone interviews conducted by the evaluation staff, there were marked levels of unawareness of the program on the part of law enforcement and prosecutors' staff. This unawareness apparently resulted from the lack of inter- and intra-office communication about the program and is believed to be a major constraining factor to its effective implementation and utilization. As a result, the Gang Crime Witness Protection Program experienced a noted underutilization during its relatively short period of operation. However, the program has made a significant impact on those few gang-related cases to which it provided service.

Most state's attorneys' offices and law enforcement agencies contacted in this evaluation perceived a gang problem within their respective jurisdictions. The majority also indicated that they would participate in the program. Other findings of the evaluation included:

- Slightly more than one-half of the state's attorneys surveyed and all of the law enforcement agencies interviewed perceived a gang problem within their respective jurisdiction.
- Nearly two-thirds of the 83 Illinois state's attorneys who responded to the statewide survey reported they were aware of the services provided by the Gang Crime Witness Protection Act.
- Most state's attorneys' offices reported that a statewide program offering technical assistance and expense reimbursement for witness protection/relocation would be a valuable tool in combating gang crime and would improve victim/witness cooperation and induce more persons to testify in gang-crime cases.
- During the initial 12 months of program operations, three counties submitted requests for reimbursement of \$30,962 in costs related to the protection and/or relocation of 27 individuals in 18 cases.
- There were no applications for technical assistance during the first 12 months, and three during the next four months.

- Due to the lack of program awareness, the majority of state's attorney respondents reported a desire for regional program awareness and training seminars.
- Sixty-two percent of the law enforcement respondents expressed a desire to directly apply to the program citing a need to have funds immediately available during the investigative stage to better secure witnesses and their testimony.

An Evaluation of the Illinois State Police Gang Crime Witness Protection Program

PROCESS DESCRIPTION

Introduction

The Authority's evaluation of the Gang Crime Witness Protection Program was designed to assess the implementation process effectiveness, as well as the impact of the program. The main objectives of this evaluation were 1) to provide feedback to program administrators and stakeholders that would enable them to make both policy and program enhancement recommendations during the course of the program, and 2) to provide information to the legislature as to the effectiveness of the program and its potential if continued.

The implementation process evaluation placed emphasis on program design, implementation, and operation and was intended to span all stages of program evolution. The primary purposes of the implementation evaluation were to:

- 1) assess the extent to which program implementation was conducted in accordance with pre-operational expectations; and
- 2) guide future refinement of the program.

The process evaluation focused on practical, management-oriented issues, as well as interpersonal and group dynamics. The following items, though not exhaustive, were used to guide the development of the process evaluation strategy:

- ◆ documentation of the program's goals and objectives, activities and processes, its key components, and design and implementation milestones;
- ◆ assessment of the context in which the program operates, including external and internal communications between the Illinois State Police, attorney general, or state's attorney, noting the level of communication, cooperation, and collaboration;

- ◆ an assessment of actual program operations, including application, approval, and reimbursement processes and procedures, the appropriateness of established screening criteria, and processing time from receipt of request to approval and reimbursement;
- ◆ an assessment of the mechanisms through which potential clients were made aware of the program's existence;
- ◆ an assessment of how frequently the program was utilized and an analysis of differences between those applicants who were accepted and those denied, and reasons for denial of applications;
- ◆ an analysis of the number of requests, the geographic origin of requests, and the extent to which specific counties utilized the program more than others;
- ◆ an assessment of the adequacy of program resources for administration and program operation;
- ◆ an examination of the number, nature, and origin of technical assistance requests, type of assistance requested and provided; and
- ◆ a determination of which factors seemed to facilitate implementation, as well as those that may have inhibited it, including tools, technologies, and administrative processes.

Methodology

The evaluation utilized a multifaceted approach to document the planning and implementation process of the Gang Crime Witness Protection Program, from its initial phases to its current status. Research staff employed various data collection methods including a comprehensive review of existing documents, in-person interviews with program staff, a survey of Illinois' state's attorneys, as well as telephone interviews of selected officials in state's attorney's offices and municipal and county law enforcement agencies, and an analysis of case-level data obtained from the reimbursement request forms.

Review of Documents

Several types of documents were analyzed since the inception of the program. The evaluation staff examined general orders, administrative memos, mission statements, goals and objectives, and internal documents generated since the program's beginnings. Quarterly progress reports, describing program activities, provided to the Illinois Criminal Justice Information Authority were also examined.

Program History

The Gang Crime Witness Protection Act was passed by the House and Senate on May 23, 1996. Within one week, in anticipation of the signing of this legislation into law by the governor, preliminary program guidelines had been developed by ISP, and the selection process for program staff had begun.

Mission Statement

The mission statement of the Gang Crime Witness Protection Program is:

“To facilitate the prosecution of perpetrators of gang crimes by providing financial and technical assistance to state’s attorneys and the attorney general for the protection and relocation of gang crime victims/witnesses.”

Program Goals

The stated purposes of the Gang Crime Witness Protection Program are:

- 1) To adopt procedures which will ensure timely and efficient processing of requests for reimbursement generated pursuant to enactment of the “Gang Crime Witness Protection Act.”
- 2) To implement measures which will ensure compliance with the provisions of the “Act” and prevent the inadvertent disclosure of information that might jeopardize the safety of protected victims or witnesses.
- 3) To promote awareness of the “Act” among state’s attorneys and other law enforcement agencies.
- 4) To provide technical assistance to state’s attorneys and the attorney general in the protection/relocation of victims/witnesses of gang crimes.

Program Design

The Gang Crime Witness Protection Program is made of two components: 1) partial reimbursement for witness protection costs to state’s attorneys and the Attorney General’s Office and 2) technical assistance to law enforcement and prosecutors on witness protection issues.

It is important to understand at the onset of this evaluation what the Gang Crime Witness Protection Program is not. The program is not modeled after the Federal Witness Protection Program operated by the U.S. Marshal's Service in that it is not intended to change the identity of a witness or provide a witness with fictitious identification, nor is it intended to permanently support witnesses or provide witnesses with jobs.

The Gang Crime Witness Protection Program is a two-year pilot program designed as a tool to assist prosecutors and law enforcement in combating gang crime. Requests for reimbursement are limited to state's attorneys or the Attorney General's Office, while the technical assistance offered is also available to law enforcement agencies. The Illinois legislature appropriated \$666,000 for the two years of program operations. In addition, the legislation was designed so that no county would be able to receive more than 50 percent of funding in any given fiscal year.

Certain restrictions must be met in order to receive reimbursement for witness relocation expenses under the program. First, the underlying offense must be gang related, as defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act (Appendix D). Second, the offense must have occurred after July 1, 1996. Additionally, to be admitted to the witness protection program, the witness must not have any outstanding warrants; the relocation cannot violate any provisions of any court order; the witness must not be subject to the Sex Offender Registration Act; and the witness must have delivered testimony or provided other significant assistance in the furtherance of the prosecution of a gang crime.

The role of the ISP was to design and implement program guidelines; administer the reimbursement of program funds; increase program awareness among prosecutors and law enforcement; and serve as a resource for prosecutors wishing to protect witnesses. In addition, ISP offered such technical assistance as entering gang member information into the VITAL (Violent Crime Tracking and Linking system) database; providing operational support in high risk situations; and also assisting with the development of local personal protection plans.

The program established guidelines regarding funding reimbursement. These include allowable expenditures such as temporary living expenses (e.g., food and utilities), moving expenses, short-term rent payments, security deposits, and other approved expenses such as transportation costs. Also,

reimbursement of funds to state's attorneys or the Attorney General's Office is subject to a 25 percent match by the requesting agency. This match may be waived, based upon good cause and review by the director of the ISP. In addition to the required match, the requesting agency must affirm that the witness is not a sexual offender, is not wanted on a warrant, and that relocation will not violate any court orders. The requesting agency must also agree to provide a personal protection plan for the witness.

Reimbursement Process

To apply for reimbursement of the eligible expenses, the requesting agency must complete the reimbursement request form, assigning it a unique audit control number to keep the identity of the witness protected at the local level (names of witnesses are not maintained by the Illinois State Police). The application form must bear the original signature of the county state's attorney or the attorney general and the form must be submitted to the program coordinator for review and approval.

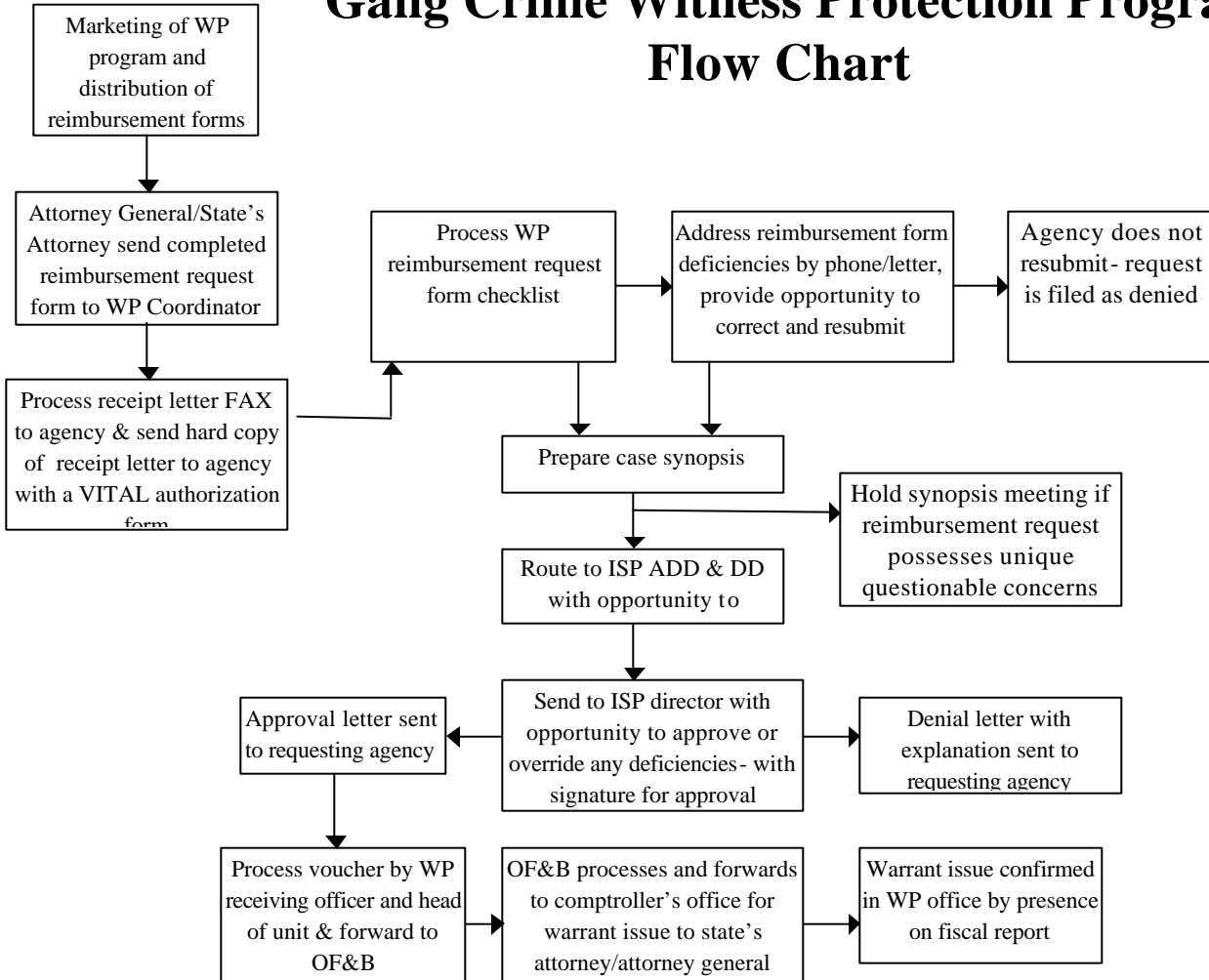
Once a reimbursement request form is received, the ISP acknowledges receipt by faxing the requesting agency. This acknowledgment is also followed up with a letter and an authorization form to include the information about the gang member(s) into ISP's VITAL database. The reimbursement request form is reviewed by the ISP staff on the same day that the request is received. The request form is checked for completeness by using a program checklist. If deficiencies are noted, the requesting agency is contacted by telephone or letter requesting corrections and resubmission of the request form. Any request form that has been found to be deficient and not resubmitted is filed as denied by the ISP.

When a reimbursement request form is found to be complete, either initially or upon resubmission, a case synopsis form, prepared by the ISP staff, is attached to the file. A case synopsis meeting is then held where all three program staff review the reimbursement request. Upon approval, the request form is forwarded for approval to the office of the director of the Illinois State Police through the offices of the assistant deputy director and deputy director, who have the opportunity to review and approve or deny the request. If approved, the request is forwarded to the director for review and, if approved, the reimbursement request form is returned to the program staff. A letter is then sent to the requesting agency stating whether their request was approved or denied. If the request is approved by the director, a voucher is processed by the staff assistant and forwarded to ISP's Office of Finance and Budget where it is processed and forwarded to the comptroller's office, which issues a warrant for payment. A fiscal report

from the comptroller's office is sent to the Gang Crime Witness Protection Program to acknowledge issuance of the warrant (Figure 1).

Figure 1

Gang Crime Witness Protection Program Flow Chart



During the early stages of the program, a significant amount of time elapsed between receipt and final approval of reimbursement requests. For the initial cases submitted to the program (nine), the average length of time to process a reimbursement request form (from the receipt of the request until approval by the ISP Director's office) was approximately one month. Program staff explained that because these were the first requests to be processed through the program, additional time was taken to scrutinize the reimbursement request forms at all stages of the processing procedure. This delay in reimbursement was noted by one of the requesting agencies as a potential factor in deciding whether or not to utilize the program in the future. Specifically, the one month processing time created a financial burden on his agency which does not have a line-item budget for such expenses and has to use funds allocated for other purposes.

As those involved in the reimbursement process became more familiar with the procedures, the processing time was considerably shortened. For two subsequent submissions, the processing procedures were improved significantly and were accomplished in two days.

It was apparent to program staff that Cook County has and would continue to account for the majority of requests submitted to the program. To process requests more quickly and efficiently, program staff established a contract obligation document (COD) for Cook County in the amount of \$60,000. By establishing this COD, staff indicated the length of time to completely process a reimbursement request would be reduced by approximately one week. CODs will also be established for other counties which begin to utilize the program more frequently.

Program Staffing

At the time of program conception, it was not possible for ISP to determine the exact number of personnel needed for its administration due to the lack of statewide data on witness protection or relocation. The program was originally designed to be staffed by a master sergeant and one coding staff person, and resided under the direction of the Division of Operations Command.

By mid-June, a sergeant had been selected to serve as the Statewide Witness Protection Coordinator. A cost center for the program, which provided \$112,000 from the budget appropriations for administrative costs, was approved and established through the ISP Office of Finance and Budget; the

departmental witness protection policy was finalized and the reimbursement request forms had all been developed by the end of June 1996.

During the Authority's extended evaluation period, the program was assigned to three different bureaus within the ISP, and, due to promotions and transfers, the position of program coordinator was staffed by three different people. These changes, however, did not appear to have any adverse effect on program operations.

Early in December 1996, the first coordinator was promoted and subsequently relinquished his position in the program. Following this, the current staff person, who played a key role in the program's day-to-day operation, was appointed as the new program coordinator, and a replacement for the staff position was hired. In addition, in early January 1997, overall responsibility for the program was reassigned to the Chief of the Administrative Services Bureau whose chief of staff assumed responsibility for day-to-day operations of the program. In September 1997, the program coordinator left the program and the chief of staff assumed the role of Witness Protection Coordinator. The final program move occurred when the Administrative Services Bureau Chief was reassigned as Chief of the Field Services Bureau. As a result, the program and staff were also reassigned to the Field Services Bureau.

Program Budget

In establishing the Gang Crime Witness Protection Program, the legislature allocated \$666,000 to support the program over two state fiscal years (SFY 1997 and 1998). In addition to reimbursement expenditures, the budget also included \$112,000 for program administration costs incurred by ISP. Table 1 shows SFY 97 expenditures by budget category, as well as the percent that each category accounted for of total SFY 97 expenditures.

Table 1
Gang Crime Witness Protection Program
Total Expenditures, State Fiscal Year 1997

BUDGET CATEGORIES	SFY 97	PERCENT OF TOTAL EXPENDITURES
Reimbursements	\$18,526.35	26 %
Contractual	\$27,455.30	38%
Printing	\$22.70	0%
Equipment	\$9,663.56	13%
EDP Equipment	\$16,276	23%
Commodities	\$0.00	0 %
Telecommunications	\$349.33	<1/2 %
Travel	\$0.00	0%
Total Expenditures	\$72,293.24	
Budget Balance	\$593,706.76	

Program Activities

To increase state's attorney awareness of the program, several mailings were sent to them by ISP during the first 12 months of the program's operation. The first, mailed in August 1996, was a letter of introduction to the program by the director of the Illinois State Police. The second mailing was a similar letter of introduction to the program signed by both the Illinois attorney general and the director of the Illinois State Police and was sent in January 1997. The third (April 1997), which contained information packets, brochures, and a re-acquaintance letter, was sent not only to the state's attorneys but to all police chiefs and county sheriffs as well. The final state's attorney mailing, containing a re-acquaintance letter about the program and a supply of reimbursement request forms, was sent in June 1997.

To reach out to Illinois' law enforcement community, two additional mailings containing introductory letters, program information packets, and brochures, were sent to 21 regional presidents of Illinois Police Chief associations and 20 executive members of the Illinois Sheriff's Association. In addition to the mailings, program staff conducted numerous presentations to law enforcement (17) and prosecutor (2) groups and handled seven law enforcement and 20 state's attorney inquiries about the program during the evaluation period, with the majority (15) occurring in the last four months.

Efforts to provide information about the program to state's attorneys and law enforcement continue. By the end of the evaluation period, program staff had also created and printed a witness protection bookmark containing witness security tips. The bookmark, along with the soon to be released *Gang Crime Witness Protection Guidebook*, will be distributed to all Illinois state's attorneys, police chiefs, and sheriffs.

Staff Interviews

To better understand the internal operations of the program, in-person interviews were conducted with program staff. The program, by its very nature and design, required only a small staff to maintain program consistency and responsiveness. This required fewer people involved in the decision-making process, and the chain of command was kept to a minimum.

Interviews were conducted to obtain data regarding staff backgrounds, program responsibilities and training experiences. The interviews also included questions on initial planning and development of the program and their evaluation of the program's current procedures and effectiveness.

Staff responsibilities vary by position. As mentioned earlier, overall responsibilities for the operation of the Gang Crime Witness Protection Program were assigned to the field operations bureau chief, who holds the rank of captain and has 20 years of service with the Illinois State Police. He has extensive management experience in various divisions within the department and holds a Masters in Business Administration degree. His responsibilities include developing and implementing program policy and marketing the program. He also participates in the case synopsis meeting to review reimbursement requests and must ultimately approve or deny the request. The Bureau Chief also conducts presentations of the program to interested criminal justice agencies throughout the state.

Other program staff include the chief of staff for the Field Operations bureau chief, who serves as, among numerous other duties, the witness protection coordinator and is responsible for overseeing the day-to-day operations of the program. The program coordinator, who holds the rank of lieutenant, holds a Masters in Public Administration degree and also has accumulated a diverse management background at the division command level during more than 20 years of service with the department. The program coordinator also participates in the review of reimbursement requests and must approve or deny those

requests. In addition, he handles requests for technical assistance. The program coordinator also participates in program presentations.

The staff assistant, who serves as an administrative assistant to the program coordinator, has held that position since December 1996, after obtaining a Bachelor of Science degree in criminal justice. The staff assistant is responsible for performing the day-to-day operations of the program, under the direction of the program coordinator. These administrative responsibilities include receiving and processing reimbursement request forms and requests for technical assistance, as well as collecting, entering, and analyzing data maintained in the program database. In addition, the staff assistant prepares a case synopsis form, and along with the bureau chief and the program coordinator, participates in the review process. She is also responsible for processing all communications with the requesting agencies (i.e., notification of receipt, approval or denial of request). She forwards the reimbursement request file to the director's office, and, if the request is approved by the director, prepares a voucher for the reimbursement and forwards it to the Office of Finance and Budget. The staff assistant also participates in program presentations and performs other duties as assigned by the program coordinator or bureau chief.

Program staff indicated that no formal training was provided to prepare them for their current assignments. They obtained their knowledge about witness protection and relocation "on-the-job." The staff obtained information from various sources around the country and by utilizing searches via the Internet, seeking input from experts in the area of witness protection/relocation, and making queries of other states for similar programs.

To assess the staff's perspective on the effectiveness of the Gang Crime Witness Protection Program operations, they were asked their opinions about current procedures and effectiveness.

Being a small unit, it was not surprising that the program staff had an equal level of knowledge about program operations and that all staff were "on the same page" in terms of their belief in, and commitment to, the program and its goals and objectives. All were in agreement that the program was implemented as originally planned and developed, and that the current status of the program was described as a "natural sequential building" of the original program.

While the staff reported the current procedures were effective, and that the program was a useful tool in the prosecution of gang crimes, it was also viewed as not being sufficiently utilized by prosecutors. Staff cited concerns about some requirements of the reimbursement component of the program including, 1) the initial expenditure of funds by state's attorney's offices and 2) the required 25 percent matching of funds, as potential reasons that may have accounted for a lack of program participation. In addition, program staff indicated that there may be a need for improved communication methods with state's attorneys and their staff regarding the Gang Crime Witness Protection Program. Also, the types of cases that are being prosecuted in some jurisdictions may not seem to be serious enough for state's attorney's offices to expend the time and effort to seek reimbursement.

Although the staff believed that current operating procedures are adequate, they did provide some suggestions for program improvement, including: 1) conducting regional training seminars around the state to increase prosecutor and law enforcement awareness of the program; 2) establishing an emergency fund from which funds could be disbursed within a day or two for those situations where local funds are not immediately available to protect or relocate a victim/witness; and 3) investigating alternatives such as direct reimbursement of funds to law enforcement agencies.

Finally, program staff was asked to specify an area of the program that they perceived needed particular attention. Understanding state's attorneys' perceptions of the program was specified as being most important. As one staff person indicated, *"How they view it [program] determines how we [ISP] react to it."*

State's Attorney Survey

During the initial stages of the evaluation, information regarding awareness of the program, current gang problems and interest in the program was solicited from Illinois state's attorneys through a mailed survey. The specific purposes of the survey included 1) measuring the effectiveness of the Illinois State Police's effort to notify state's attorneys about the existence of the Gang Crime Witness Protection Act and program; 2) to ascertain the existence of other current locally operated witness protection programs; 3) to obtain a snapshot of the nature and extent of county-level gang problems; and 4) to determine state's attorney interest and/or need in participating in the Gang Crime Witness Protection Program.

The survey instrument (Appendix F), an announcement letter introducing the purpose of the survey and stressing its importance to the Authority in its evaluation of the implementation of the program (Appendix E), and a stamped return envelope were mailed to all 102 county state's attorneys in Illinois in March 1997.

The letter requested that completed surveys be returned to the Authority by April 18, 1997. However, only 37 out of Illinois' 102 state's attorneys had responded to the survey by that time. Follow-up calls to non-respondents were made between April 18 and April 29. More than one-third of all state's attorneys' offices were faxed additional copies of the survey and announcement letter. Because of continuing non-response, some state's attorneys' offices were faxed two or three copies of the survey package during this period. Although many state's attorneys promptly faxed their responses over the next few weeks, the final response was not received by the Authority until June 18, 1997.

By that date, the Authority received a total of 83 usable surveys, establishing an overall response rate of 81 percent (Appendix G, Map 1). When survey responses were examined by geographic region, 83 percent of the rural counties and 70 percent of the urban counties responded to the survey, while all five of the collar counties and Cook County also responded.

For purposes of understanding survey results, it is necessary to remember that the Gang Crime Witness Protection Program is just one of the initiatives contained in the Gang Crime Witness Protection

Act, and that the program is made up of two components 1) administration of the reimbursement of program funds and 2) technical assistance services.

State’s Attorney Awareness

As seen in Table 2, when asked if they were aware of the services provided through the Gang Crime Witness Protection Act, 54 of the state’s attorneys (65 percent) responded they were aware of the services provided through the act, while 29 (slightly more than one-third) of the respondents reported that they were not aware of the services provided through the act. The proportion of respondents aware of program services was nearly the same for the collar (80 percent) and the urban (79 percent) counties, while 60 percent of the rural counties responding to the survey were aware of the services provided through the act.

Table 2

Awareness of Act, by Geographic Region

	Aware of Act	
	Yes	No
Collar	80%	20%
Urban	79%	21%
Rural	60%	40%
Cook	100%	
Total Counties	54	29

The majority (74 percent) of the respondents who were aware of the Act indicated that they were also aware of the Gang Crime Witness Protection Program in some fashion (includes strongly or somewhat aware of at least one component of the program). Seven respondents indicated they were strongly aware of the technical assistance available and reimbursement application procedures, while 19 respondents indicated that they were somewhat aware of the technical assistance available and reimbursement application procedures. Fourteen respondents were aware of the reimbursement application procedures, but not clear on the technical assistance available and 15 respondents reported that they were not aware of either the technical assistance available or the reimbursement application

procedures. A lower level of awareness of the technical assistance available is not surprising, as ISP had not yet completely defined the technical assistance component of the program at the time of the state’s attorney survey.

When examining program awareness by geographic region, of the 54 state’s attorney respondents aware of the act, 76 percent of those in the rural counties, 60 percent in the collar counties, 50 percent in the urban counties, and Cook County indicated they were aware of the program to some degree.

The majority (41) of the respondents who were aware of the Gang Crime Witness Protection Act became aware of it through letters received from the Illinois attorney general or the Illinois State Police. Six respondents were informed of the Act via legislative publications or through other or unknown means, while one was made aware of the Act through a press release (Table 3).

Table 3
Notification of Gang Crime Witness Protection Act

	Frequency	Percent
-Through letters from AG and ISP	41	76
-Through press releases	1	2
-Through legislative publication	6	11
-Other	6	11
Total	54	100

State's Attorney Perceptions of a Gang Problem

To gain insight into state's attorney perceptions regarding the existence of gang problems, each respondent was asked if their office perceived a gang problem within their jurisdiction. The results of the survey indicated that slightly more than one-half (44) of the respondents perceived a gang problem within their respective jurisdiction, while 37 respondents (45 percent) did not (Appendix G, Map 2). Nearly nine out of 10 respondents reported that they did *not* have a specialized gang prosecution unit in their office; only nine respondents reported having such a unit.

As seen in Table 4, the majority (36) of respondents reported no prosecutions of gang cases in 1996. Of those respondents reporting gang-case prosecutions in 1996, 12 reported a total ranging from one to five cases, while six reported prosecuting six to 25 cases, and two reported prosecuting 26-50 gang cases. Six respondents reported prosecuting more than 100 gang cases in 1996. As would be expected, larger counties reported prosecuting more cases. The collar and the urban counties each accounted for three survey respondents prosecuting more than 100 gang cases, while the rural counties accounted for five of the six counties which initiated six to 25 gang-case prosecutions. Sixteen respondents (including Cook County) reported the number of gang-crime cases prosecuted in their jurisdiction as unknown in 1996 (Appendix G, Map 3).

Table 4

Rate of Gang-Crime Prosecution Cases Initiated in 1996

Number of Gang Cases	Geographic Region (Number/ Rate *)				Total
	collar	urban	rural	Cook	
0		4/ 0	32/ 0		36
1-5		1/ 2	11/ 16		12
6-25	1/ 6		5/ 43		6
26-50		1/ 127	1/ 576		2
101+	3/ 89	3/ 116			6
unknown	1	5	9	1	16
Total	5	14	58	1	78

*Rate per 100,000 population in Bold

Among the survey respondents, the collar counties accounted for the highest rate of gang-cases prosecuted (71 per 100,000 population), followed by the urban counties (58 per 100,000 population) and the rural counties (27 per 100,000 population). Although the rural counties accounted for the lowest gang-case prosecution rate, one rural county accounted for the highest single rate (576 per 100,000 population) among the responding counties (Table 4). (Cook County did not report this data.)

Current Programming

Fifty of the 83 state's attorney respondents reported having a victim/witness services program. When the distribution of victim/witness services programs was examined by geographic region, each of the five collar counties and Cook County had a victim/witness services program, while 79 percent of the urban counties and 52 percent of the rural counties reported having victim/witness services programs.

Of the 50 respondents which indicated they had a victim/witness services program, only six reported offering protection/relocation services designed specifically for victims and witnesses of gang crimes; three rural counties, Cook County, one downstate county and one collar county.

Program Usefulness

To determine the level of state's attorney interest in the Gang Crime Witness Protection Program, respondents were asked if they believed the program would be a useful tool in prosecuting gang-crime cases.

As the results summarized in Table 5 indicate, most (70 out of 80) respondents agreed that a statewide program offering technical assistance and expense reimbursement components for witness protection/relocation would be useful in the prosecution of gang-crime cases. All of the collar and the urban county respondents, as well as Cook County, reported that such a program would be useful, while more than 80 percent of the rural counties also agreed. Similarly, 80 percent of surveyed respondents indicated that their offices would participate in the Gang Crime Witness Protection Program. In addition to Cook County and the five collar counties, 12 of the 14 urban counties reported that their offices would participate in the program. The majority of respondents (45) from the rural counties reported that their offices would participate in a statewide program, while nine stated they would not participate and six were

undecided. Of the nine rural respondents indicating they would not participate in the program, only one perceived a gang problem. Similarly, of the six undecided respondents, only one indicated a perceived gang problem.

Table 5
Usefulness of the Gang Crime Witness Protection Program,
by Region

Region			Statewide Program Useful				Total
			Yes	No	Unknown	Other	
Collar	perceived gang problem	Yes	5				5
	Total		5				5
Urban	perceived gang problem	Yes	10				10
		No	4				4
	Total		14				14
Rural	perceived gang problem	Yes	24	1	2		27
		No	24	5	1	1	31
		unknown	1				1
	Total		49	6	3	1	59
Cook	perceived gang problem	Yes	1				1

Although five survey respondents *reported* having applied for funding reimbursement through the Gang Crime Witness Protection Program, according to reports submitted by the Illinois State Police, only three county state’s attorneys’ offices had *actually* applied for reimbursement.

When comparing the reported number of respondents indicating they *applied* for funding reimbursement to the number who *expected* to apply for reimbursement within the following six months, the number nearly tripled, from five to 13. Four of the five collar counties responding to the survey reported that they intended to apply for reimbursement, while three urban counties, five rural counties and Cook County also intended to apply for funding reimbursement within the following six months. In actuality, only one county applied for funding reimbursement during that six-month period referred to in the survey.

Analyses of the state’s attorney survey and program documents revealed an expected underutilization of the program. This was problematic for an assessment of program operation and efficacy. The first request for reimbursement (which was denied because the offense occurred before

July 1, 1996) was received by program staff in the ninth month of program operation. There were only two other counties that utilized the program within the first 12 months. As mentioned earlier in this report, evaluation staff anticipated the probability of program underutilization prior to data collection. It appears that the level of state's attorney awareness may have contributed to the lack of program participation.

Telephone Interviews

To identify possible constraining factors, it was necessary to make further inquiry of state's attorney's offices as well as law enforcement agencies. A telephone interview format was designed specifically for both state's attorneys and law enforcement agencies. The purpose of the follow-up interview was to identify reasons for program nonparticipation, including more in-depth information about each group's awareness of the Gang Crime Witness Protection Program and a perception of how the program might impact their respective gang-crime fighting efforts.

To select those state's attorney's offices which had a higher probability of using the Gang Crime Witness Protection Program, purposive sampling (a commonly used non-probability sampling method) was used to select those in counties identified as having a significant gang presence or problem. This was done by choosing those state's attorneys' offices that indicated in the original survey that they had a substantial number of gang-case prosecutions in 1996 (more than 100 cases), as well as counties identified by the Authority from the 1995 National Youth Gang Survey of law enforcement agencies as having significant number of gangs and gang members.

State's Attorneys

Evaluation staff solicited information from 12 state's attorneys' offices for the follow-up telephone interview. The format of the follow-up interview was designed to elicit additional responses pertaining the relationship between victim/witness cooperation and intimidation, availability of local relocation resources, their experience using the program, and reasons for not using it. Attempts were made to interview the county state's attorney from each county, but the majority of interviews were with staff ranging from gang-crime prosecutors to felony trial and charging assistants. At the conclusion of the interview, respondents were asked to identify those law enforcement agencies within their jurisdiction that contribute most to their gang-crime caseloads. (See Law Enforcement section below).

Highlights of the interviews indicated that all but one respondent perceived a greater need to protect or relocate victims/witnesses of gang crime than victims and witnesses of other types of crime. The same number also agreed that victims/witnesses, in the majority of cases, expressed fears of intimidation (both implicit and explicit) as a result of cooperating in cases involving gang members. Again, all but one respondent indicated that their respective jurisdiction did not have resources to deal with the protection or relocation of victims/witnesses.

Need for the Program

When asked to identify which type(s) of technical assistance would be most beneficial for establishing a protection/relocation plan in their jurisdiction, the responses ranged from none to a wide variety of items. Responses included: regional awareness training seminars for both law enforcement as well as prosecutor's offices, assistance with victim/witness transport and escort, and the availability of an ISP program resource person who could provide locations and availability of resources such as affordable safe-houses. A few respondents termed reimbursement of funds as a form of needed technical assistance, indicating some confusion around the difference between the two program components. All but one respondent indicated a need for the reimbursement component of the program, while nearly one-half of those also expressed the need for technical assistance. The one respondent indicating no need for either component stated they operated their own county-level witness protection program.

Invariably, most respondents indicated that the Gang Crime Witness Protection Program would improve victim/witness cooperation to some degree and induce more persons to testify in gang-crime cases. Only one respondent indicated that victim/witness cooperation would not be improved by the program. One assistant state's attorney who has utilized the program stated,

"This program has had an immediate impact. It affects the types of cases that are tried. It works tremendously...With a more willing witness, there is a better chance of winning the case."

He continued by saying,

"Instead of providing the first month's rent and security deposit followed by a hand shake and a wish of good luck, we can make more promises; give them a foothold to get a life going...It basically gives them a new lease on life."

A state's attorney in another jurisdiction who has used the program said,

“The Gang Crime Witness Protection Program adds a meaningful tool in prosecuting gang crimes...The program will allow me to quadruple my funding allocations knowing I have the availability of 75 percent reimbursement.”

A participating state's attorney investigator responsible for victim/witness relocation stated,

“The cases now just keep coming...The funding is really advantageous...there is no need anymore to limit our resources...We are able to offer more assistance. The program offers more flexibility of keeping families together. As a result, more people are willing to help...more people want to testify.”

The majority of respondents indicated that their offices received the application forms and procedures sent by the ISP. One-third of the respondents indicated that they were unsure if their agency received the forms and procedures, while only one respondent stated their office did not receive the forms and procedures.

Respondents were divided when asked if ISP could have done more to make their office aware of the program. Although two respondents indicated they were unsure, the remaining ten respondents were evenly split. Of the five respondents who indicated that ISP could have done more to make their offices more aware, all indicated a desire for ISP to conduct regional awareness training seminars for law enforcement and prosecutors alike.

The level of awareness is perceived by evaluators to be a factor relating to program nonparticipation. The majority (10) of the 12 state's attorney's offices selected for the follow-up interviews indicated in the original survey that their office was aware of the Gang Crime Witness Protection Act. However, data collected from the follow-up interviews indicated that the staff of six of these state's attorney's offices was not aware of the of the Act or program. As one state's attorney stated,

“My staff is aware of the program but not the procedures... I don't want all of my staff offering relocation and protection to everyone.”

An assistant state's attorney in another jurisdiction commented,

“I don't know the level of knowledge about the program throughout the office; I know the office manager knows about it.”

When asked whether they would like to see changes in the program, two-thirds of the respondents indicated a need for some changes in the administration of the program. One-third of the respondents also indicated some potential reasons for nonparticipation in the program. Three mentioned a need for quicker access to funding, while one cited the initial outlay of expenses and the required 25 percent required match as deterrents to program participation. Furthermore, more than one-half of those respondents suggesting program changes recommended more program training and awareness seminars. An assistant state's attorney who has utilized the program succinctly commented,

“There is a need to educate the assistant state’s attorneys and state’s attorneys, who would directly use the program, of the nuts and bolts of the program.”

Law Enforcement

As mentioned above, at the conclusion of each state's attorney interview/survey, the respondent was asked to identify which law enforcement agencies within their respective jurisdiction contributed to their gang-crime caseload. These comments, in addition to other Authority data, helped identify 30 local police and sheriff's departments believed to be potential users of program services. As of this writing, 26 departments have been interviewed.

The format of the law enforcement interview was designed to elicit responses pertaining to law enforcement's awareness and perceptions of the program. This included examining the relationship between victim/witness cooperation and intimidation, the need to have program funds directly available to law enforcement agencies (particularly during the initial stages of the investigation), availability of local relocation resources, their ability to provide needed services, and types of program assistance needed. Attempts were made to interview agency heads, but most respondents were command staff or gang/tactical unit members.

Law Enforcement Awareness

Seventeen of the 26 law enforcement respondents indicated that they were aware of the Gang Crime Witness Protection Act, while nine indicated they were not. However, the level of awareness of those respondents aware of the *program* varied. Nine agencies indicated they were familiar with the

program and its components to some degree, while eight respondents reported they were not. As a result, nearly two-thirds (17) of all law enforcement respondents interviewed indicated they did not know about the Gang Crime Witness Protection Program (Table 6).

Table 6

Law Enforcement Awareness of the Gang Crime Witness Protection Act/Program

LAW ENFORCEMENT AGENCIES INTERVIEWED	AWARE OF THE ACT		AWARE OF THE PROGRAM	
	YES	NO	YES	NO
TOTAL	17	9	9	17

Of those agencies aware of the program, the majority became aware through letters received from the Illinois State Police or Attorney General’s Office, while seven were made aware of the program by their respective state’s attorney’s office.

All respondents agreed that gangs were a problem within their jurisdiction and the majority (22) indicated that victims/witnesses of gang crimes had greater needs for protection/relocation than victims and witnesses of other types of crime. All but one respondent indicated their departments saw a benefit to participating in the Gang Crime Witness Protection Program.

Sixteen of the law enforcement agencies did not provide protection/relocation services, while 10 did. Nine of the 10 respondents providing protection/relocation services stated that the major factor in deciding to do so was primarily based upon the level of threat to the victim/witness.

Twenty-four law enforcement respondents indicated a need for the reimbursement component of the program, while 17 of those respondents also indicated a need for the technical assistance component. Two respondents indicated no need for either component, as one had a local witness protection program and the other used the federal witness protection program in conjunction with a joint task force. Assistance with relocation and manpower resources accounted for the majority of the types of technical assistance that would be requested of ISP, while seven respondents were unsure (or unclear) of what types of technical assistance would be beneficial to their gang-crime cases.

Sixteen law enforcement respondents indicated a desire to directly apply to the program for reimbursement and technical assistance rather than going through the county state's attorney's office, while the remaining 10 indicated that the process should remain within the state's attorney's office. The majority (22) of respondents indicated a need to have funds immediately available during the investigative stage to better secure witnesses and their testimony.

Nearly two-thirds (17) of the respondents indicated a probable need to utilize the Gang Crime Witness Protection Program within the next six months, while four were not sure if there would be such a need.

Nearly all (25) of the respondents indicated they were not aware of any reluctance on the part of their respective state's attorney's office in participating in the program, while one indicated that the delay in reimbursement of expenses was a factor effecting participation for the state's attorney's office.

When asked whether they would like to see changes in the program, nine indicated they were unsure (primarily due to a lack of awareness of the program) and six indicated no need to change the program, while 11 indicated they would like to see some changes in the administration of the program. Recommended changes included more program training and awareness seminars, making funds available before the prosecution stage, and quicker availability of funding reimbursement.

IMPACT DESCRIPTION

Introduction

The purpose of the impact component of the evaluation was to determine the extent to which the Gang Crime Witness Protection Program is a useful tool for the criminal justice system and to document the program's effectiveness as perceived by the local law enforcement community, including state's attorney's offices and police departments. The following items, though not exhaustive, guided the development of the impact evaluation strategy:

- ◆ an examination of the extent to which state's attorneys offices and local law enforcement agencies are aware of the program's goals, purposes, and resources;
- ◆ an examination of the extent to which state's attorneys offices and local law enforcement agencies used the program, and reasons why agencies have or have not referred witnesses to the program;
- ◆ an examination of the perceived benefit of the program to gang-related prosecution, and the utility of the victim/witness cooperation relative to case outcome;
- ◆ for those accepted into the program, an analysis of the circumstances surrounding the offense, including the type and severity of gang crime they witnessed, the perceived level of danger to the witness and potential for retaliation, and the relationship of the witness to the offender(s);
- ◆ for those who are accepted into the program, an analysis of the extent to which they use the program more than once;
- ◆ an analysis of case outcomes involving program participants, including disposition and sentences imposed; and,
- ◆ an examination of the extent to which the program has impacted the prosecution of gang-crimes, increased the willingness of witnesses to cooperate in investigations or prosecutions, and increased the safety of witnesses involved in gang-related cases.

Methodology

As with the process evaluation, both quantitative and qualitative measures were used to conduct the impact evaluation. In many instances, the same interviews, surveys and case-level data files used to inform the process evaluation were utilized to conduct the impact phase of the evaluation. During the course of the impact component of the evaluation, interviews and surveys focused much more on the perceived value of the program, its impact on gang-related investigations and prosecutions, and the benefit to the criminal justice community and the communities where gang-crimes are most pervasive. In addition, the impact evaluation utilized the available case-level data to document the number, types, and outcomes of cases where the program's support had facilitated victim/witnesses cooperation.

Case-level Analysis

During the initial programming year (July 1, 1996 - June 30, 1997), three county state's attorneys had made application to the Gang Crime Witness Protection Program for funding reimbursement involving a total of 10 cases. One of the cases for which reimbursement was requested was denied because the submitted case did not meet the offense date criteria (the offense occurred before the effective date of July 1, 1996.) Of the remaining two counties, Cook County accounted for eight cases (\$17,681) submitted for reimbursement, while McLean County accounted for one case (\$845).

Within the expanded evaluation period, (from July 1, 1997 - October 31, 1997), eight additional cases were submitted by Cook County (\$9,430), while Kane county submitted its first case (\$3,006) for reimbursement.

Thus, over the entire 16-month period of the evaluation, three counties submitted 18 cases to the Gang Crime Witness Protection Program for reimbursement of \$30,962 for costs related to the protection and/or relocation of 27 individuals. Among those individuals were two victims, three dependents of witnesses, and 22 witnesses to gang crimes.

As a result of the cases that these individuals testified in, 53 gang members have been arrested and three are currently under investigation for a gang-related offense. First-degree murder accounted for

the majority (45) of defendants, followed by attempted murder (4), armed robbery (multiple offenses) (3), on-going investigations (3) and communicating with a witness (one).

Because cases submitted to the program required the offense to have occurred after July 1, 1996, and the fact that cases involving these types of offenses are seldom disposed of within a year, there have been only two case dispositions of the 18 cases submitted to the program during the entire evaluation period. In one case, the defendant was convicted of armed violence and received a prison sentence of six years. The second case involved two defendants charged with first-degree murder. One defendant was sentenced to 80 years in prison, while the second received a sentence of 18 years.

Technical Assistance Analysis

During the last four months of the evaluation period, two counties made three requests to the Gang Crime Witness Protection Program for technical assistance. The first involved a request for information on obtaining a false birth certificate for a witness being relocated to another state who was born in that state. The procedures involved in obtaining the birth certificate were identified and made known to the requesting agency. The second request for technical assistance involved the need to relocate an out-of-state witness to a private boarding school. Listings of private boarding schools were obtained and forwarded to the requesting agency. The final request involved a witness who was returning on a commercial aircraft to testify in a case, and who did not want to use their true name on the flight manifest. The requesting agency was provided with a Federal Aviation Administration contact who, in turn, directed the request to someone who could arrange for ticket issuance under a covert name.

Conclusion

To our knowledge, the Gang Crime Witness Protection Program is one of only a few state-funded programs of its kind in the country, and can serve as a model for other states. The program staff worked together to effectively develop and implement a clearly defined strategy to address the issues and needs associated with the protection and relocation of victims/witnesses of gang crime.

As mentioned earlier, the lack of program awareness was problematic. It is the opinion of the evaluation staff that, despite several mailings and presentations conducted throughout the state to notify

prosecutors and law enforcement officials of the existence of the Gang Crime Witness Protection Program, these efforts should be considered somewhat less than successful. It appears, however, that their efforts relied on conventional methods of program marketing, that is, they targeted agency heads, with the belief that the information would be further disseminated within those respective agencies. According to the telephone interviews with prosecutor's offices and law enforcement agencies conducted by the evaluation staff, however, this apparently was not the case. These interviews revealed that there were marked levels of unawareness of the program on the part of law enforcement and prosecutors' staff. As a result, this decreased level of interoffice communications proved to be a major constraining factor to the effective implementation and utilization of the program. Despite this setback, feedback obtained from evaluation staff, as well as state's attorney's offices and law enforcement agencies, did provide guidance and considerations which were not readily discernible at the beginning of the program.

Initial results of the first 16 months of the program's operation are encouraging. Although the Gang Crime Witness Protection Program has experienced underutilization during its relatively short period of operation, the program has made a significant impact on those gang-related cases to which it provided service.

In addition, most state's attorneys' offices and law enforcement agencies perceived the program as being a viable tool in combating gang crime. The majority (88 percent) of the state's attorney's offices responding to the statewide survey indicated that the Gang Crime Witness Protection Program was useful. Of those, nearly 80 percent indicated that their office would participate in the program. Furthermore, all 12 state's attorney's offices, and 25 of the 26 law enforcement agencies interviewed via telephone, indicated the program would be a benefit to their gang-crime efforts. This is clear affirmation as to the perceived necessity and potential effectiveness of the Gang Crime Witness Protection Program by those on the "front lines" of gang-crime intervention.

RECOMMENDATIONS

Taking into consideration previously mentioned factors that exacerbated the under-utilization of the Gang Crime Witness Protection Program and impeded the program's realization of its full potential, it is the recommendation of the evaluation staff that the program be extended for an additional year, until June 30, 1999. The continuation of this program will allow the Illinois State Police the necessary time to develop and implement new program procedures which could enhance program awareness and utilization by state's attorneys and law enforcement. It is anticipated that there would be no need for additional funding and that the program would sustain itself on the currently allocated funds. Our evaluation findings suggest the following ways in which the effectiveness and efficiency of the Gang Crime Witness Protection Program may be improved during this extended time:

- ◆ ***Implement more intensive methods of reaching out to state's attorneys and law enforcement agencies, especially those staff and specialized units which need to know about and utilize the program.*** A recurrent response from both groups of interview respondents was that they were unaware of the program, and one of their most frequent recommendations was for the program staff to better publicize or market the program. It is recommended that program staff conduct regional seminars to increase awareness and access to the program as well as provide feedback to both state's attorneys and law enforcement about the actions taken by the program and their outcomes.
- ◆ ***Research alternatives that would streamline the reimbursement request process to enable quicker access to program funds.*** It is recommended that the program officials investigate the practicalities of establishing an emergency fund whereby funding allocations for exigent cases could be provided to the requesting agency within 24 hours. The lack of local funding and the length of the reimbursement process was perceived to be an impediment to program participation by several state's attorneys' offices and law enforcement agencies.
- ◆ ***Explore the possibility of direct application for funding reimbursement by law enforcement.*** More than one-half of the law enforcement respondents indicated a need for the ability to directly apply to the program for funding. The majority (85 percent) of law enforcement interviewees agreed that, in many cases, the need to provide protection or

relocation to victims/witnesses of gang crime is “*of the moment.*” In other words, those services need to be provided at a relatively early stage in the investigation to ensure victim/witness safety and secure their testimony. Where local funding is not immediately available, authorities don’t have the luxury of time to proceed with the formal reimbursement application procedures.

While this evaluation should prove to be a useful tool in assessing and developing the Gang Crime Witness Protection Program, it was also clear that the ability to provide feedback and information to program administrators on an interim basis assisted the program through its various stages of development and evolution. Through the combination of stakeholder interviews, surveys, and case-level data analysis, the evaluation resulted in a comprehensive review of the program and aided in its development and overall impact. ***The success of the Gang Crime Witness Protection Program will be contingent upon the cooperation of the Illinois State Police and county state’s attorneys and law enforcement agencies throughout Illinois.***

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² U.S. Department of Justice, National Drug Intelligence Center. (1994). *Highlights of the 1995 National Youth Gang Survey*. Washington, DC.

³ Illinois Criminal Justice Information Authority. (1996). *Street Gangs and Crime: Patterns and Trends in Chicago*. Chicago, IL

⁴ National Institute of Justice. (1996). *Preventing Gang-and Drug-Related Witness Intimidation*. Washington, DC: Finn, P., Healey, K.

⁵ National Institute of Justice. (1995). *Prosecuting Gangs: A National Assessment*. Washington, DC: Johnson, C., Webster, B., Connors, E.

⁶ The Governor's Commission on Gangs. (1996). *Mobilizing Illinois*. Springfield, IL.

⁷ *Ibid*, iii.

APPENDICES

Appendix A:

Membership List for The Governor's Commission on Gangs

Members of the Governor's Commission on Gangs

Chairman

James Ryan
Illinois Attorney General

The Honorable Robert J. Anderson
Presiding Judge, Domestic Relations Division
18th Circuit Court of DuPage County

Nathaniel C. Banks
Assistant Director, Minority Student Affairs
University of Illinois

Chief William J. Burke, Jr.
Chief of Police, Cook County Sheriff's
Department

The Honorable Gordon Bush
Mayor of East St. Louis

The Honorable Flora Ciarlo
State Representative, 80th Legislative District

William E. Dugan
President and Business Manager
Local 150 Operating Engineers

The Honorable Robert J. Eggers
Associate Judge, 7th Judicial Circuit

The Honorable Paul A. Logli
Winnebago County State's Attorney

Reverend James Meeks
Salem Baptist Church of Chicago

Chief George Murray
Chief, Chicago Housing Authority Police

Donald Patton
Associate Director
Community Health & Emergency Services, Inc.

Thomas F. Baker
Executive Director
Illinois Criminal Justice Information Authority

Sheriff Steve Brien
McLean County Sheriff

The Honorable James Burns
U.S. Attorney, Northern Illinois District

Gery J. Chico, President
Chicago School Reform Board of Trustees

The Reverend James Close
Mercy Home for Boys and Girls

Betty Durbin
President, Illinois PTA

Director Terrence W. Gainer
Director, Illinois State Police

The Honorable Kevin Lyons
Peoria County State's Attorney

Clem Mejia
Regional Superintendent
Kane County Regional Office of Education

The Honorable Jack O'Malley
Cook County State's Attorney

The Honorable Edward Petka
State Senator, 42nd Senate District

C. William Pollard
Chairman, The Servicemaster Company

The Honora

James Reilly
Counsel to Chicago Mayor Richard Daley

Ruth M. Rothstein
Chief and Hospital Director
Cook County Bureau of Health Services and
Cook County Hospital

Chief Anthony R. Scott
Chief of Police, Rock Island Police Department

Dr, Irving A. Spergel
Principal Investigator
Gang Violence Reduction Project
The University of Chicago
School of Social Service Administration

Master Sergeant Luis Tigera
Illinois State Police Gang Unit

The Honorable Robert Raica
State Senator, 24th Senate District

Superintendent Matt L. Rodriguez
Superintendent, Chicago Police Department

Frances Sandoval
Executive Director
Mothers Against Gangs

Dr. Joseph Spagnolo
Illinois State Superintendent of Education

Chief David Stover
Chief of Police, Aurora Police Department

Director Odie Washington
Director, Illinois Department of Corrections

Appendix B:

House Bill 3348 Gang Crime Witness Protection Act

HB3448 Enrolled

LP6890960GRCcw

AN ACT in relation to public safety.

Be it enacted by the People of the State of Illinois represented in the General Assembly:

ARTICLE 5.

Section 5-1. Short title. This Article may be cited as the Gang Crime Witness Protection Act, and references in this Article to "this Act" mean this Article.

Section 5-5. Definition. As used in this Act, "gang crime" means any criminal offense committed by a member of a "gang" as that term is defined in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act when the offense is in furtherance of any activity, enterprise, pursuit, or undertaking of a gang.

Section 5-10. Pilot program. The Department of State Police shall establish and administer a pilot program to assist victims and witnesses who are actively aiding in the prosecution of perpetrators of gang crime, and appropriate related persons. Financial assistance may be provided, upon application by a State's Attorney or the Attorney General investigating or prosecuting a gang crime occurring under the State's Attorney's or Attorney General's respective jurisdiction, from funds deposited in the Gang Crime Witness Protection Fund and appropriated from that Fund for the purposes of this Act.

Section 5-15. Funding. The Department of State Police, in consultation with the Attorney General, shall promulgate rules for the implementation of the Gang Crime Witness Protection Program. Assistance shall be subject to the following limitations:

- (a) Funds shall be limited to payment of the following:
 - (1) temporary living costs;
 - (2) moving expenses;
 - (3) rent;
 - (4) security deposits; and
 - (5) other appropriate expenses of relocation or transition;
- (b) Approval of applications made by State's Attorneys shall be conditioned upon county funding for costs at a level of at least 25%, unless this requirement is waived by the administrator, in accordance with promulgated rules, for good cause shown;
- (c) Counties providing assistance consistent with the limitations in this Act may apply for reimbursement of up to 75% of their costs; and
- (d) No more than 50% of funding available in any given fiscal year may be used for costs associated with any single county.

Section 5-20. Gang Crime Witness Protection Fund. There is created in the State Treasury the Gang Crime Witness Protection Fund into which shall be deposited appropriated funds, grants or other funds made available to the Department of State Police to assist State's Attorneys and the Attorney General in protecting victims and witnesses who are aiding in the prosecution of perpetrators of gang crime, and appropriate related persons.

Section 5-25. Period of operation. The pilot program created by this Act shall begin operation on July 1, 1996 and shall continue through June 30, 1998. The Illinois Criminal Justice Information Authority shall undertake a complete evaluation of the first 12 months of the program's operation and shall report to the General Assembly on the effectiveness and necessity of the program no later than December 31, 1997.

Section 5-30. Repeal. This Act is repealed on June 30, 1998.

Section 5-105. The State Finance Act is amended by adding Section 5.432 as follows:

(30 ILCS 105/5.432 new)

Sec. 5.432. The Gang Crime Witness Protection Fund.

Appendix C:

Governor's News Release

NEWS

**From the Office of
THE GOVERNOR**

FOR IMMEDIATE RELEASE

June 27, 1996

Contact: 217/782-7355
TDD: 800/526-0844
FAX: 217/524-1676

**GOVERNOR SIGNS LEGISLATION
PROPOSED BY HIS COMMISSION ON GANGS:
PROTECTS WITNESSES, CRACKS DOWN ON LEADERS**

CHICAGO, ILL. -- Gov. Jim Edgar today approved legislation developed by the Governor's Commission on Gangs to crack down on gang leaders and protect witnesses who help prosecute them.

"The law I am signing today will help get gang leaders off of our streets, out of our neighborhoods and away from our kids. It will shield those who help to convict them and impose longer sentences when they are convicted," the Governor said.

"I believe these initiatives will add significantly to our crackdown on gangs throughout Illinois, and I truly appreciate the commitment demonstrated by the anti-gang commission under the effective leadership of Attorney General Jim Ryan," Edgar added.

The legislation will:

* Launch a \$1 million pilot program to protect victims and witnesses who help convict gang members. Costs of relocating them can be met through grants

-more-

provided by the Department of State Police to the Attorney General and local prosecutors.

* Impose a mandatory sentence of 15 to 60 years for gang leaders involved in drug-dealing operations subject to Class X penalties. The current penalty is 6 to 30 years. The new law establishes the offense of Streetgang Criminal Drug Conspiracy and more than doubles the penalty for conviction.

* Significantly expand information available to law enforcement and education officials concerned about gang activities on school property. The law will require public elementary and secondary schools to report any firearm-related incident to law enforcement within 24 hours. The State Police will serve as the central repository for the data and provide the State Board of Education with an annual compilation of the information.

Attorney General Ryan said, "This new law gives prosecutors and communities important new weapons in their fight against street gangs. Its enactment shows that the state, under Governor Edgar's leadership, is dead serious about addressing the single greatest threat to public safety in Illinois."

Edgar established the anti-gang commission by executive order last December to develop a coordinated strategy for attacking streets gangs. In addition to naming Attorney General Ryan as chairman, the Governor appointed federal and state prosecutors, police officials, educators, parents, clergy, health professionals, lawmakers and representatives of business and labor to the panel.

The witness protection program is designed to protect witnesses during and after the prosecution of gang members by temporarily relocating them. Law enforcement officials believe the protection will make potential witnesses more

-more-

EDGAR/3333

likely to cooperate with law enforcement authorities. Under the new law, local matching funds of 25 percent are to be provided by local prosecutors seeking the grant money.

The law establishes the program through June 30, 1998. The program will be reviewed before Dec. 31, 1997, by the Criminal Justice Information Authority and will be continued and bolstered if found to be as useful as it is expected to be in prosecuting gang crimes.

The legislation, House Bill 3448, is effective immediately. The leading sponsors were Rep. Eileen Lyons (R-LaGrange) and Sen. Ed Petka (R-Plainfield). The law builds on anti-gang initiatives Edgar has championed since becoming Governor. Among them are laws establishing the death penalty for drive-by murders, increasing penalties for gang-related crime, toughening the punishment for gang members who coerce a person to join a gang and making it unlawful to use force or violence to deter an individual from quitting the gang.

APPENDIX D:

ACT 147. ILLINOIS STREETGANG TERRORISM OMNIBUS PREVENTION ACT

147/10. Definitions

10. Definitions.

"Course or pattern of criminal activity" means 2 or more gang-related criminal offenses committed in whole or in part within this State when:

- (1) at least one such offense was committed after the effective date of this Act;
- (2) both offenses were committed within 5 years of each other; and
- (3) at least one offense involved the solicitation to commit, conspiracy to commit, attempt to commit, or commission of any offense defined as a felony or forcible felony under the Criminal Code of 1961.

"Designee of State's Attorney" or "designee" means any attorney for a public authority who has received written permission from the State's Attorney to file or join in a civil action authorized by this Act.

"Public authority" means any unit of local government or school district created or established under the Constitution or laws of this State.

"State's Attorney" means the State's Attorney of any county where an offense constituting a part of a course or pattern of gang-related criminal activity has occurred or has been committed.

"Streetgang" or "gang" or "organized gang" or "criminal street gang" means any combination, confederation, alliance, network, conspiracy, understanding, or other similar conjoining, in law or in fact, of 3 or more persons with an established hierarchy that, through its membership or through the agency of any member engages in a course or pattern of criminal activity.

For purposes of this Act, it shall not be necessary to show that a particular conspiracy, combination, or conjoining of persons possesses, acknowledges, or is known by any common name, insignia, flag, means of recognition, secret signal or code, creed, belief, structure, leadership or command structure, method of operation or criminal enterprise, concentration or specialty, membership, age, or other qualifications, initiation rites, geographical or territorial rites or boundary or location, or other unifying mark, manner, protocol or method of expressing or indicating membership when the conspiracy's existence, in law or in fact, can be demonstrated by a preponderance of

other competent evidence. However, any evidence reasonably tending to show or demonstrate, in law or in fact, the existence of or membership in any conspiracy, confederation, or other association described herein, or probative of the existence of or membership in any such association shall be admissible in any action or proceeding brought under this Act.

"Streetgang member" or "gang member" means any person who actually and in fact belongs to a gang, and any person who knowingly acts in the capacity of an agent for or accessory to, or is legally accountable for, or voluntarily associates himself with a course or pattern of gang-related criminal activity, whether in a preparatory, executory or cover-up phase of any activity or who knowingly performs, aids, or abets any such activity.

"Streetgang related" or "gang-related" means any criminal activity, enterprise, pursuit, or undertaking directed by, ordered by, authorized by, consented to, agreed to, requested by, acquiesced in, or ratified by any gang leader, officer, or governing or policy-making person or authority, or by any agent, representative, or deputy of any such officer, person, or authority:

- (1) with the intent to increase the gang's size, membership, prestige, dominance, or control in any geographical area; or
- (2) with the intent to provide the gang with any advantage in, or any control or dominance over any criminal market sector, including but not limited to, the manufacture, delivery, or sale of controlled substances or cannabis; arson or arson-for-hire; traffic in stolen property or stolen credit cards; traffic in prostitution, obscenity, or pornography; or that involves robbery, burglary, or theft; or
- (3) with the intent to exact revenge or retribution for the gang or any member of the gang; or
- (4) with the intent to obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang; or
- (5) with the intent to otherwise directly- or indirectly cause any benefit, aggrandizement, gain, profit or other advantage whatsoever to or for the gang, its reputation, influence, or membership.

Appendix E:

State's Attorney Survey



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

120 South Riverside Plaza • Suite 1016 • Chicago, Illinois 60606 • (312) 799-8660

March 25, 1997

FIELD (1)

FIELD (2)

The Gang Crime Witness Protection Act (H.B. 3448) was signed into law by Governor Edgar, effective June 27, 1996. That legislation, developed as a coordinated strategy for targeting gangs throughout Illinois, includes provisions for a pilot program to protect victims and witnesses who help convict gang members. This program, established and administered by the Illinois State Police, in collaboration with the Office of the Illinois Attorney General, is designed to provide technical assistance and partially reimburse money expended by the attorney general or state's attorneys for witness protection or relocation.

As a result of the Gang Crime Witness Protection Act, the Illinois Criminal Justice Information Authority has been statutorily appointed to undertake a complete evaluation of the first 12 months of the program's operation, reporting to the General Assembly no later than December 31, 1997.

The evaluation of the Gang Crime Witness Protection Program will be designed to assess the implementation process effectiveness, as well as the impact of the program. The main objectives of this evaluation are to 1) provide feedback to the program administrators and stakeholders that will enable them to make both policy and program enhancement recommendations during the course of the program, and 2) to provide information to the legislature as to the program's effectiveness and its necessity to continue. The evaluation will be conducted in an objective, yet informative manner in order to facilitate program development.

Through the enclosed initial survey, the Authority is soliciting input regarding state's attorneys' awareness of the enactment and operation of the Gang Crime Witness Protection Act. Your answers to the enclosed *Gang Crime Witness Protection Program Survey* will be compiled with those of other law enforcement officials and state's attorneys to identify problems that may exist in program awareness.

It would be greatly appreciated if you were able to return your completed survey by April 18th. Thank you in advance for your time and effort in assisting in this evaluation project. If you have any questions, you may contact myself or Jeff Travis at the above telephone number.

Sincerely,

Robert W. Bauer
Research Analyst
Research and Analysis Unit

Enclosures

Appendix F:

State's Attorney Survey Instrument
Illinois Criminal Justice Information Authority
State's Attorney Survey
for the *Evaluation of Illinois' Gang Crime Witness Protection Program*

1) Are you aware of the services provided to state's attorneys through the Gang Crime Witness Protection Act?

_____ Yes _____ No

2) If you are aware of the Gang Crime Witness Protection Act, what do you consider your level of awareness regarding the program's operation? (Select one)

- _____ Strongly aware of the technical assistance available and reimbursement application procedures
- _____ Somewhat aware of the technical assistance available and reimbursement application procedures
- _____ Aware of the reimbursement application procedures, but not clear on the technical assistance available
- _____ Unaware of the Act's technical assistance and/or procedures for reimbursement application

3) If you are aware of the Gang Crime Witness Protection Act, how did you become informed of the Act? (Please mark all that apply)

- _____ Through letter(s) from the Illinois State Police and the Illinois Attorney General;
- _____ Through press releases regarding the Act's services and operation;
- _____ Through electronic and print media;
- _____ Through other law enforcement agencies;
- _____ Through a legislative publication;
- _____ Other (specify)_____.

4) Does your office perceive a gang crime problem within your jurisdiction?

_____ Yes _____ No

5) Does your office have a gang prosecution unit?

_____ Yes _____ No

6) How many prosecutions identified by your office as being gang-crime cases were initiated during 1996?

Illinois Criminal Justice Information Authority
State's Attorney Survey
for the *Evaluation of Illinois' Gang Crime Witness Protection Program*

7) Does your office have a victim/witness services program?

Yes No

8) If yes, does your office offer protection/relocation services designed specifically for witnesses and victims of gang crimes?

Yes No

9) In your opinion, would a statewide program offering technical assistance and expense reimbursement components for witness protection/relocation be useful?

Yes No

10) Would your office participate in such a program?

Yes No

11) Has your office applied for funding through the Gang Crime Witness Protection Act?

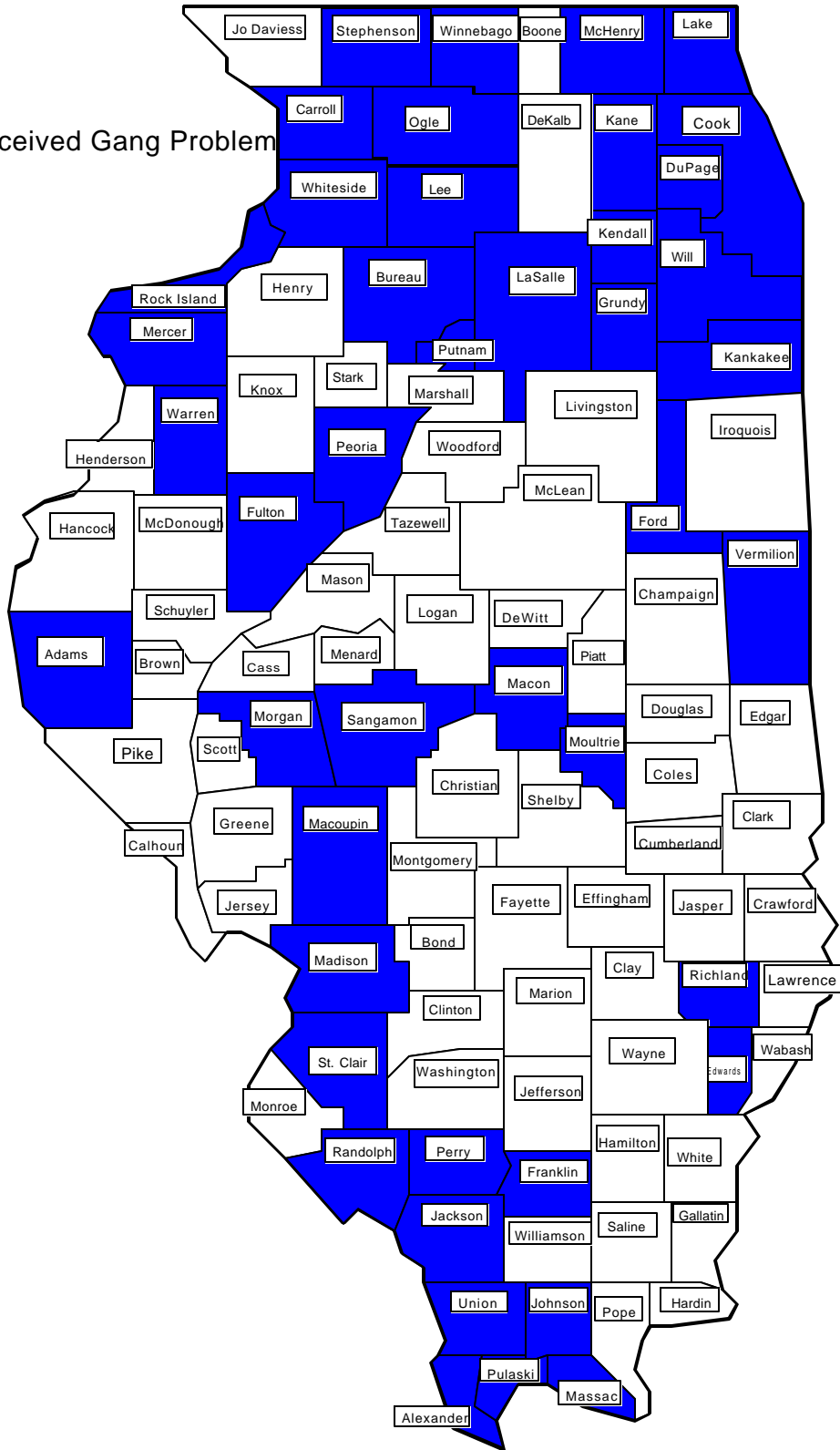
Yes No

12) Do you foresee your office applying for funding through the Gang Crime Witness Protection Act within the next six months?

Yes No

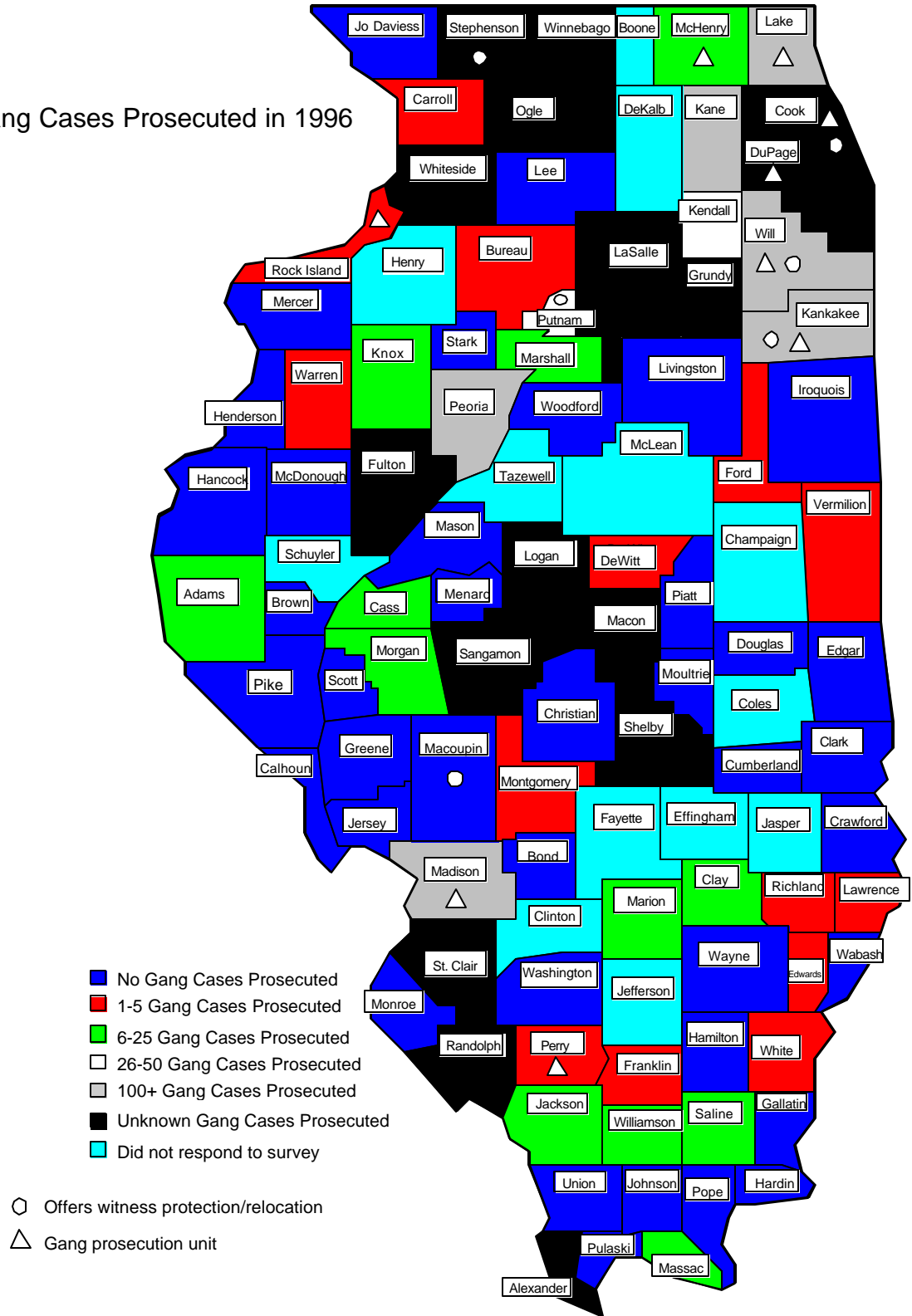
Map 2

Counties With Perceived Gang Problem



Map 3

Gang Cases Prosecuted in 1996





**ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY**

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