To the People of Illinois

It should come as no surprise to readers of this year's *Trends and Issues* report that activity in Illinois' criminal justice system is at an all-time high. Our commitment to rid the state of the scourge of drug abuse and drug-related crime has translated into more arrests, more prosecutions and convictions, and more offenders behind bars than ever before.

What may surprise some readers is the fact that resources for the criminal justice system, though increasing, are not keeping up with the growing demands for service. Over the last 15 years, spending on criminal justice by all levels of government in Illinois has increased faster than the rate of inflation. But criminal justice activity has increased at an even faster pace.

At the state government level, Illinois is devoting more of its resources to criminal justice than ever before. Since 1977, we have added more than 11,000 beds to our prison system, we have vastly expanded our drug enforcement efforts, and we have invested in innovative probation programs and other alternatives to incarceration. State government has done all of this, I am proud to report, while taking a smaller share of its citizens' income today than it did in 1977.

But state government is only part of the picture. Criminal justice remains largely a responsibility of county and municipal government, and it is at the local level that many governments are finding themselves caught in the squeeze between declining federal resources and increasing demands for criminal justice services.

Figuring a way out of this squeeze is a major challenge for both local and state officials in the 1990s. *Trends and Issues 90* will be an important resource for these government leaders, as well as other people who are committed to finding creative, cost-effective solutions for meeting the public safety demands of the new decade.

Again this year I congratulate the Illinois Criminal Justice Information Authority, Executive Director J. David Coldren, and the Authority's staff for publishing such an informative and useful report in the fight against crime and drug abuse in our state.

Sincerely,

James R. Thompson
Governor

Message from the Executive Director

Trends and Issues 90 examines one of the most basic, and yet most complicated, questions about the criminal justice system in Illinois: how much does it cost? Our report looks at where the money for criminal justice comes from, how it is spent, and how spending trends stack up against changes in criminal justice activity.

What's the bottom line? Across the board, activity is up in every part of Illinois' criminal justice system—more arrests, more people in jail, more court cases, more prisoners, more offenders on probation. As *Trends and Issues 89* showed, much of this increase in activity has been driven by our success in arresting and prosecuting drug offenders. But is our success threatening our efficiency and our productivity? Although activity has shot up in recent years, overall spending for criminal justice, when adjusted for inflation, has not increased by nearly as much—and for some parts of the system, it has even declined. The bottom line, as this report illustrates, is that *financial resources are not keeping pace with the system's needs.*

This situation has forced the criminal justice system into a perpetual state of crisis management, as local and state administrators try desperately to match up limited resources with seemingly unlimited demands. Despite the best efforts of these officials, the system continues to lose ground on its day-to-day workload. And because of the workload crunch, agencies do not have the time or resources to invest in the efficiency improvements that could relieve some of the workload pressure.

As the criminal justice system in Illinois becomes bigger and busier, we have to stop and ask ourselves this question: are we reaching the point where, in having to commit all of our resources to day-to-day catching up, we are jeopardizing our future? And if so, what can we do about it?

The long-term solution lies outside the criminal justice system. In many ways, criminal justice is like emergency health care. The way to keep emergency health care costs down is to keep people out of the emergency room—through better nutrition, education, and preventive health care. Similarly, the most effective way to relieve stress on the criminal justice system is to prevent crime before it occurs—by attacking such root causes as poverty and anomie with jobs and better education. But until long-term solutions are reached, neither the emergency health care system nor the criminal justice system can simply shut its doors and tell people to look elsewhere for help.

In the meantime, criminal justice agencies have to work harder and work smarter. We're already working harder—arrests are up, caseloads are up, prison populations are up. To maintain this pace—and to catch up with, and stay ahead of, demands in the future—the system will clearly need more resources.

But we need to do more than hire more officers, build and staff more courtrooms, and open new jails and prisons. We need to develop innovative and efficient approaches for using our resources. We need to experiment with community-oriented law enforcement. We need to employ new technology-based strategies for managing caseflow in the courts. We need to expand alternatives to incarceration. And across the board, we need to reinvest in information technology to help agencies do their jobs more efficiently and in collaboration with other departments.

In short, we need to make a major investment in our future. But such investments require resources right now. And finding those resources in today's budgetary climate won't be easy. What's needed is nothing short of a major commitment from local, state, and federal government alike.

Reviewing the history of federal support for state and local criminal justice agencies reveals that nearly all of the major advances that are now indispensable to the criminal justice system came about as the direct result of federal block grants—either through actual funding or the planning process that accompanied it. Federal support for state and local criminal justice will always be a tiny fraction of the total criminal justice budget in Illinois. But state and local governments expect federal leadership and some financial support for criminal justice programs—especially those statewide and multi-jurisdictional programs that are difficult to organize, finance, and operate, but which may hold the key to better services, at reduced costs, in the future.

The future of criminal justice in Illinois depends on how well we prepare for it now. *Trends and Issues 90*, I hope, will contribute to a better understanding of both current and future directions in the financing of this critical human service.

J. David Coldren
Executive Director

CONTENTS

INTRODUCTION

State and local government in Illinois is expected to spend more than $40 billion for criminal justice services during the 1990s—or roughly the same amount that the National Aeronautics and Space Administration spent on the Space Shuttle system in the ten years ending in 1987.[1] And that $40 billion will represent only a fraction of what crime will actually cost the state in the new decade.

Measuring the cost of crime in Illinois (or in any jurisdiction, for that matter) is an inexact science. Many of the financial, social, and psychological costs never show up in official statistics. And what data are collected typically cover only a fraction of all victims or a portion of their losses.

We know, for example, that the value of property reported stolen to the police in Illinois exceeded $519 million in 1988.[2] But this figure does not cover the thousands of property crimes that were never reported. We know that victims of violent crime received more than $24 million from the state between fiscal years 1980 and 1989 as compensation for medical costs, loss of earnings, tuition reimbursements, funeral and burial services, and other expenses incurred as a direct result of the crime.[3] Again, these awards do not come close to covering all victims or all of their financial losses.

And we know that victims of all crimes suffer not only economic losses but pain, anguish, and fear as well; that companies lose productivity and pay increased costs because of theft and employee substance abuse; and that consumers pay higher prices or see their quality of life reduced because of crime. The price tag of these and other intangible costs is real, but difficult to measure.

In addition to taking a heavy toll on victims, crime costs Illinois taxpayers as well, for they must ultimately foot the bill for government's *response* to the problem. The Constitution of the State of Illinois gives state government the responsibility to provide for the safety and welfare of the people, to ensure domestic tranquility, and to promote justice. The state, in turn, vests with county and municipal government a large part of the responsibility for carrying out these constitutional obligations. All three levels of government spend millions of dollars every year—most of them taxpayer funds—on the myriad agencies and departments charged with controlling crime and administering our system of justice.

A DECADE OF INCREASING DEMANDS

Measuring government spending on criminal justice is somewhat easier than determining many of the other costs of crime. And tracking these expenditures over time can reveal how government and public priorities have changed. These trends become even more meaningful, however, when they are compared with changes in the *demands* placed on the criminal justice system.

During the 1980s, these demands increased dramatically in Illinois. By the middle of the decade, most parts of the state's criminal justice system were already facing near-record activity levels. The number of index crimes reported to the police was increasing; the number of felony cases filed in the courts was on the rise; and the number of offenders in state prison was growing at the fastest rate in the state's history. In the latter half of the decade, these escalating trends were accelerated by the surge in criminal justice activity related to illegal drugs. For example:

- Between 1985 and 1988, when the number of adults arrested for index crimes increased 18 percent, the number of adults arrested for drug crimes rose 39 percent statewide.
- Over the same four years, the number of felony court cases continued to increase sharply—28 percent in Cook County and 24 percent in the rest of the state—with drug cases approaching half of the felony court workload in Cook County by the end of the decade.
- And when the number of state prisoners exceeded 26,000 for the first time in state history in early 1990, corrections officials pointed to the dramatic increase in the number of inmates held on drug convictions: from 589 at the end of fiscal year 1984, their number had risen to 2,438 by the end of fiscal 1989—an increase of 313 percent.

As last year's *Trends and Issues 89* report demonstrated, increases in criminal justice activity related to illegal drugs have resulted not so much from an increase in drug abuse itself; in fact, surveys indicate that abuse of practically every illegal drug continues to fall nationally.[4] Instead, increases in drug-related activity have resulted from greater attention to the problem by citizens and government alike.[5]

But as public demands have grown and government efforts have intensified, have the resources for the criminal justice system increased as well? In other words, have changes in spending on criminal justice in Illinois kept pace with the increased *activity* of the last decade? That is the central question addressed in this *Trends and Issues 90* report.

THE REVENUE PICTURE

As with most other government functions, spending trends for the criminal justice system are closely tied to trends in the revenue sources used to finance the system—predominantly property and sales taxes at the local level, and income and sales taxes at the state level. These government revenues, in turn, are closely tied to the overall state of the economy. In Illinois, government revenues increased in the 1970s as the economy expanded, but then declined with the recession of the early 1980s. After rebounding in the middle of the decade, government revenues have been relatively flat in recent years.

Outside Chicago, for example, municipal revenue from property and sales taxes combined increased 19 percent between 1975 and 1978, when measured in constant dollars.[6] But these revenues then declined more than 9 percent over the next three years. And although they increased again, municipal receipts from property and sales taxes were at about the same level in the latter part of the 1980s as they were at the beginning of the decade, when measured in constant dollars.

The same pattern has occurred among state government revenues. Both state income and sales tax receipts increased in constant dollars during the 1970s, but declined sharply between fiscal years 1980 and 1983 (Intro-1). Income and sales tax revenues have generally increased since 1983, but receipts from both taxes were essentially the same in fiscal 1988 as they were in fiscal 1980 (in constant dollars).

DECLINING FEDERAL FUNDS

At both the local and state levels, then, Illinois experienced little growth during the 1980s in the main revenue sources used to finance the criminal justice system. This situation has been further complicated by the sharp reduction in federal money for state and local criminal justice—both revenue sharing and block grants.[7] Although these federal funds have never accounted for more than a small fraction of overall criminal justice expenditures in Illinois, federal support has over the years been an important revenue source for certain levels of government and for certain criminal justice programs, particularly statewide and multijurisdictional efforts that are difficult to organize, finance, and operate.

In terms of supporting criminal justice, federal revenue sharing was especially important to Illinois counties. In 1975, nearly 40 percent of the money that all counties outside Cook spent on police and public safety came from federal revenue sharing.[8] By 1986, however, the overall amount of federal revenue sharing to all levels of government had dropped sharply. That year, revenue sharing outside Cook County accounted for only 7 percent of all county expenditures for public safety. In 1987, county receipts from federal revenue sharing had all but ceased, and by 1988 they had stopped completely.

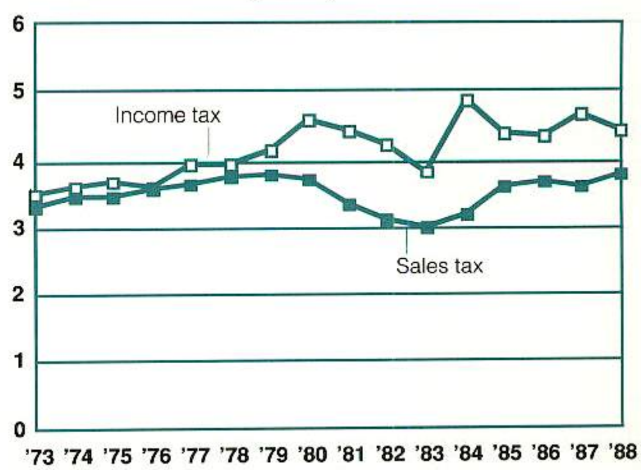
Like revenue sharing, federal block grants for criminal justice in Illinois are dramatically lower today than they were in the 1970s (Intro-2). Between 1977—the heyday of the federal Law Enforcement Assistance Administration—and 1985, federal awards to the Illinois Criminal Justice Trust Fund tumbled from more than $88 million to less than $46,000 (in constant 1988 dollars). Block-grant funds have increased in the last few years with the passage of the Anti-Drug Abuse Act of 1988, but both the level of federal support for criminal justice in Illinois and the range of programs the federal government supports through block grants are much more modest today than in the late 1970s.

With little or no growth in their main revenue sources and reduced federal funds, governments at all

Intro–1

Following an increase after 1983, Illinois state income and sales tax receipts have been relatively flat in recent years.

State government tax receipts, constant 1988 dollars (billions)



Source: Office of the Illinois Comptroller levels have increasingly turned to user fees, fines, the forfeiture of offenders' assets, and other mechanisms to generate additional revenue for criminal justice. However, trends in the amount of money produced by many of these sources have been essentially flat (in constant dollars), or have even declined slightly, in the 1980s. For example, the fee and fine revenue generated by local criminal justice agencies rose almost 39 percent (in constant dollars) between 1974 and 1981, but then declined 18 percent between 1981 and 1986, the last year for which complete data are available (INTRO-3).

THE COMPETITION FOR RESOURCES

Three trends, then, dominated the revenue picture of the 1980s for Illinois government in general, and the criminal justice system specifically:

1. Little or no real growth in such primary revenue sources as property, sales, and income taxes
2. A substantially reduced federal role
3. No real growth in system-generated revenue—fees and fines—which continue to support only about 11 percent of all local criminal justice activity

The result of these trends has been a growing competition among different programs for their share of limited, and largely stagnant, government resources—a competition that will intensify in the 1990s if the economy weakens as predicted and tax receipts decline as a result.

How has the state's criminal justice system fared in this increasingly competitive environment? How have spending patterns within the system changed? Is the system's overall share of government resources increasing or decreasing? To a large extent, the answers to these questions differ by level of government and component of the criminal justice system.

SPENDING INCREASES, SPENDING CHANGES

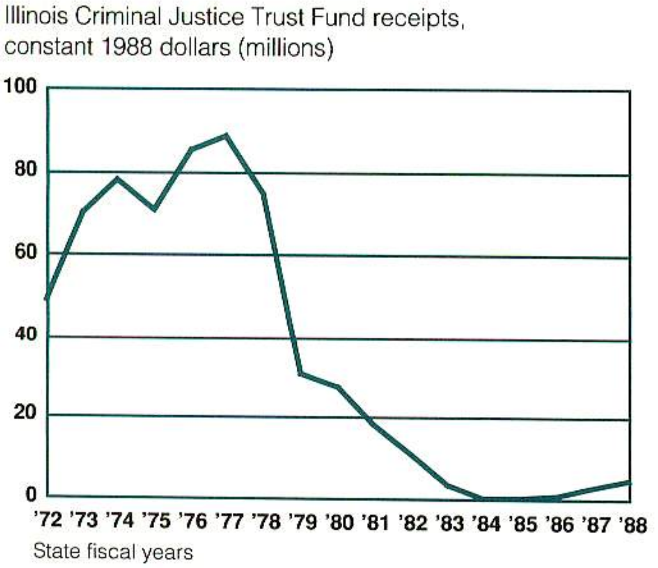
Total spending on criminal justice in Illinois has increased faster than the rate of inflation since the mid-1970s. Combined state, county, and municipal government expenditures for criminal justice (in constant 1988 dollars) rose from about \$1.8 billion in 1974 to almost \$2.5 billion in 1988, a 36-percent increase (INTRO-4).[9] In 1988, about 1 out of every 10 dollars spent by state and local government in Illinois went for criminal justice, or about \$208 for every Illinois resident that year.

The overall increase in spending on criminal justice in Illinois, however, masks two important changes in how criminal justice resources are being allocated in the state. First, there has been a dramatic *increase in the proportion of criminal justice spending devoted to corrections*, with a corresponding decline in the percentage devoted to law enforcement (INTRO-5).

In 1974, about 14 percent of the \$1.84 billion (in constant 1988 dollars) spent on criminal justice in Illinois went for state and local corrections. By 1988, when overall spending was up to \$2.49 billion, corrections accounted for

INTRO–2

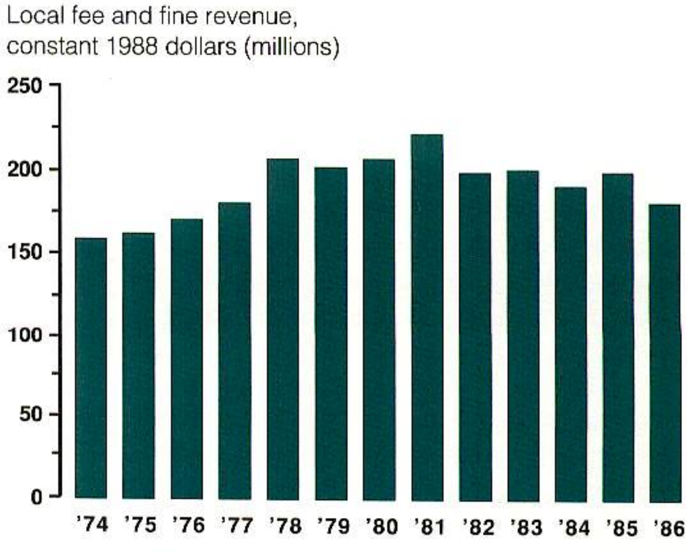
Federal block-grant funds deposited in the state's Criminal Justice Trust Fund have fallen off sharply since the late 1970s.



Source: Office of the Illinois Comptroller

INTRO–3

After increasing in the 1970s, the fee and fine revenue generated by local criminal justice agencies has generally declined since 1981.



Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller

What is a "Constant Dollar"?

When is $100 not $100? When it's $289.86. That's the amount that $100 spent on criminal justice in Illinois in 1972 represents in "constant 1988 dollars." In other words, because of inflation it would have cost $289.86 in 1988 to purchase the same level of criminal justice services that $100 bought in 1972.

Almost all of the monetary figures in *Trends and Issues 90* are reported in constant 1988 dollars. Constant dollars are dollar amounts that have been converted from "nominal dollars" (amounts that prevailed at the time an expenditure was made) into a base-year equivalent to remove the effects of inflation. Constant dollars, therefore, reflect only changes in the actual quantity of services or commodities purchased, not changes in inflation. This makes it possible to accurately compare revenues and expenditures over time.

Many economic reports use either 1972 or 1982 as their base years because these were the base years for the Consumer Price Index and other economic measures. *Trends and Issues 90*, however, uses 1988 as the base year. This makes it easier for readers to put the figures into a more timely perspective.

The process used to calculate constant 1988 dollars is fairly straightforward. First, the Implicit Price Deflator for State and Local Government Purchases was taken for each year from one of two U.S. Department of Commerce reports: the *National Income and Product Accounts of the United States, 1929–1982*, and for more recent years, the *Survey of Current Business*. The Implicit Price Deflator was applied to the following formula to calculate constant 1988 dollars:

Et1/(IPDt1/IPD1988)=E1988

Et1 is the expenditure in the historical year, which is divided by the quotient of the Implicit Price Deflator of the same historical year (IPDt1) and the Implicit Price Deflator of the base year, in this case 1988 (IPD1988). The result is the expenditure in constant 1988 dollars (E1988).

There are more specific deflators than the one for state and local government purchases, including deflators for compensation, capital, non-durable goods, and purchases of services other than compensation. However, because available expenditure data did not allow for such a specific analysis, the more general Implicit Price Deflator for State and Local Government Purchases was used in this report.

For more information about adjusting criminal justice expenditures for inflation, see the Technical Appendix to the *Report to the Nation on Crime and Justice, Second edition* (Washington, D.C.: Bureau of Justice Statistics, 1988), pp. 82–85.❑

nearly 23 percent of the total. Constant-dollar spending on corrections by state and county government in Illinois more than doubled during this period, reaching almost $540 million in 1988.

Spending on law enforcement, by contrast, increased only about 13 percent statewide between 1974 and 1988 (in constant dollars), and actually *declined* 7 percent at the Chicago Police Department. As a result, law enforcement's share of criminal justice spending throughout Illinois declined to 58 percent in 1988 from 69 percent in 1974. The percentage of resources devoted to the courts and judiciary increased slightly during this period, from 17 percent to 19 percent.

Second, the shift in resources away from law enforcement and toward corrections has *transferred a sizable part of the burden for criminal justice spending from municipal to state government* (INTRO-6). Although municipalities still account for the largest portion of overall government spending on criminal justice, their share has generally declined throughout the 1980s.

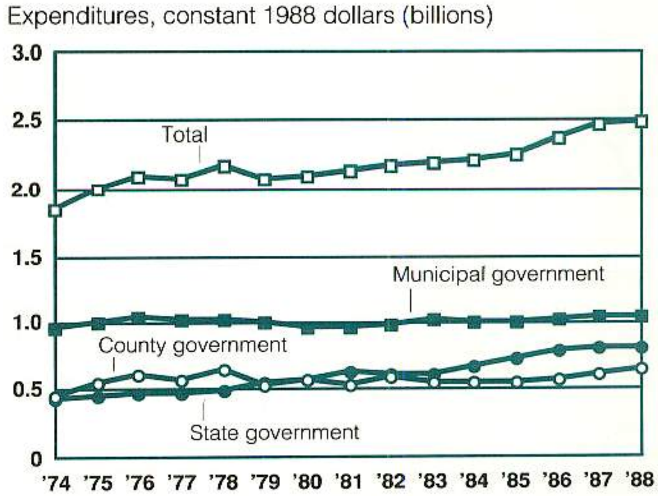
In 1974, municipal government accounted for more than 54 percent of all criminal justice expenditures in Illinois, state government for less than 24 percent.[10] By 1988, however, the municipalities' share of spending had fallen to 44 percent, and the state government's share had increased to 34 percent, a swing of 10 percentage points for each. County government accounted for about the same proportion of spending in both years—22 percent.

A CHANGING "MARKET SHARE"

While spending patterns within the criminal justice system have shifted dramatically in recent years—from law enforcement to corrections, and from municipalities to state government—criminal justice expenditures by all levels of government have still increased from the levels of the mid-1970s (see INTRO-4). But so have the resources for other

INTRO–4

Combined government spending on criminal justice in Illinois rose 36 percent between 1974 and 1988.

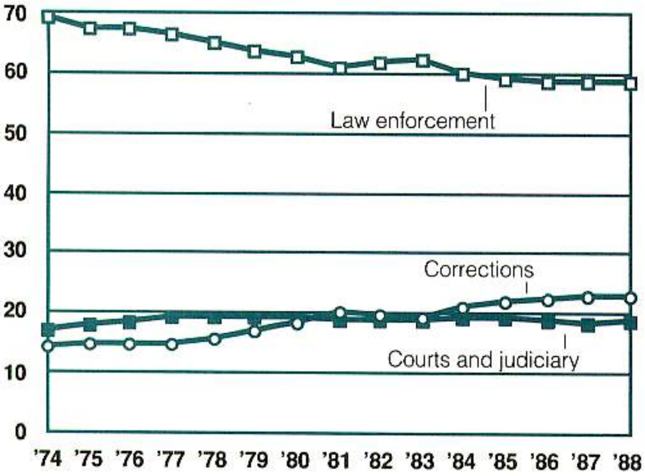


Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller

INTRO-5

As the proportion of criminal justice spending devoted to corrections has increased in Illinois, the proportion going to law enforcement has declined.

Percentage of combined spending on criminal justice devoted to different system components

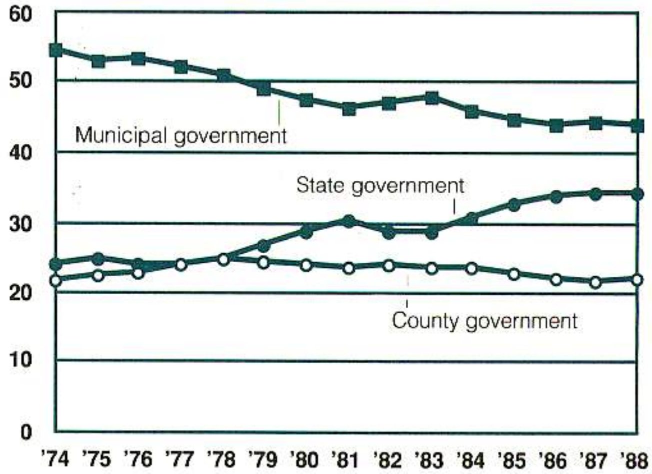


Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller

INTRO-6

As municipal government's share of criminal justice spending in Illinois has fallen, state government's share has increased.

Percentage of combined spending on criminal justice supported by different levels of government



Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller

government programs. How, then, has the proportion of government expenditures devoted to criminal justice—the system's "market share"—changed in Illinois? Again, the answer differs for different levels of government:

- **Municipalities.** Outside Chicago, law enforcement accounted for essentially the same percentage of municipal government expenditures—approximately 19 percent—in both 1972 and 1988. But in Chicago, where constant-dollar expenditures for the police department declined by more than 10 percent during this period, the percentage of city resources devoted to the police department has fallen off sharply (INTRO-7). In 1972, 48 percent of all expenditures from Chicago's General Revenue Fund went for the police department. By 1988, this percentage had declined to 39 percent.

  In suburban Cook and DuPage counties as well, municipal spending on law enforcement may have increased overall, but many police departments in those areas are receiving a shrinking share of their municipalities' resources. In Cook County outside Chicago, police spending made up 25 percent of all municipal expenditures in 1972, but 19 percent in 1988. Among DuPage County municipalities, the decrease was even larger—from 27 percent of all municipal expenditures in 1972 to 19 percent in 1988.

- **Counties.** At the county level, the opposite trend has occurred. An overall increase in criminal justice expenditures—nearly 44 percent in constant dollars between fiscal years 1974 and 1988—has translated into an increase in the system's share of county resources, both in Cook County and in all other Illinois counties combined.

  The 101 counties outside Cook devoted 25 percent of their *total* expenditures to criminal justice in fiscal 1988, up from 19 percent in fiscal 1974 (INTRO-8). In Cook County, criminal justice accounted for 51 percent of all expenditures in 1977, but 58 percent in 1988. Statewide, counties devoted 68 percent of their *general revenue fund* expenditures to criminal justice in 1988. Much of the growth in county expenditures for criminal justice can be traced to increased spending on corrections.

- **State government.** Fueled by huge increases in spending on adult corrections, Illinois state government expenditures for criminal justice have nearly doubled since the mid-1970s (in constant 1988 dollars). Nevertheless, criminal justice still accounts for a relatively small share of all state government expenditures—5 percent in fiscal year 1988, up from 3.6 percent in fiscal 1973.

Putting these three trends together—in municipal, county, and state government spending on criminal justice—reveals that *criminal justice ended the 1980s essentially where it began in terms of its share of government resources in Illinois.* The system's share of resources did increase at the county level, but counties account for the

Criminal Justice in Illinois: Who Pays for What?

Illinois citizens support criminal justice activities at four levels of government—municipal, county, state, and federal. Each level plays a unique role in the administration of justice, and the funding sources and spending patterns of each one are quite different.

Here is a summary of the criminal justice functions that each level of government in Illinois supports, and where the revenue for these activities comes from:

■ **Municipal government.** Municipalities in Illinois have the primary responsibility for providing police protection to their citizens (although county sheriffs, the Illinois State Police, and other agencies also provide some law enforcement services throughout the state). Therefore, the main criminal justice expenditure of Illinois municipalities is their police departments.

To pay the costs of their police departments, municipalities rely primarily on funds generated by property taxes, local sales taxes, and state revenue sharing.

Many municipalities also charge fees for various police services. Some of the services for which police departments can charge fees include providing copies of traffic accident reports, towing and storing vehicles, unlocking cars for motorists, and answering false burglar alarms.

■ **County government.** Counties in Illinois have a variety of criminal justice responsibilities: providing police services to unincorporated areas; managing jails for people awaiting trial and for those sentenced to less than one year of incarceration; operating state's attorneys' offices and providing public defense services for indigent defendants; building and staffing courtrooms and related courts agencies; and providing some probation facilities and services.

Like municipalities, counties rely primarily on local property and sales taxes and state revenue sharing to finance their criminal justice activities. County criminal justice agencies also impose and collect a variety of fees and fines.

Sheriffs' departments, for example, impose fees for services such as serving a summons or a subpoena, attending court, transporting defendants to court, and advertising property for sale; some sheriffs' departments also collect fees from jail inmates. State's attorneys can charge offenders fees for prosecuting various types of cases.

The courts also impose a variety of fees and fines on convicted offenders. Much of the court-generated fee and fine revenue is deposited back in the general funds of the counties, although some of it is used to finance specific justice activities such as computerization of records, law libraries, and courtroom security.

■ **State government.** State government's main criminal justice responsibility—and expense—is adult corrections, although the state government also supports the state police and various prosecution and courts-related agencies.

The state also transfers a relatively large sum of money each year to local governments in the form of salary reimbursements (for state's attorneys, probation officers, and others), law enforcement training, and technical assistance.

The majority of revenue used to support state-level criminal justice activities comes from individual and corporate income taxes, although some of it comes from sales and other state taxes as well. In addition, some fees and fines collected by the courts are transferred to the state government to support either general state expenditures or specific criminal justice programs.

Thus, money collected by the counties and sent to the state may end up going back to the counties in the form of state-supported criminal justice programs.

■ **Federal government.** The federal government has its own system of law enforcement, prosecution, public defense, courts, and correctional agencies; many of these agencies operate in Illinois, but their jurisdiction typically crosses state boundaries. Federal agencies are involved primarily in crimes that violate federal law, cross jurisdictional boundaries, or are extremely complex (such as white-collar crime, major drug trafficking, and official corruption).

Federal activities are paid for through federal income taxes, as well as fees, fines, and the proceeds of asset forfeitures. The federal government also provides some block-grant funds to the state and local units of government for specific criminal justice programs.

In addition to these operational expenses, many criminal justice agencies—particularly correctional facilities—encounter enormous capital expenditures. These costs are usually funded through the sale of long-term government bonds, which typically mature after 20 or more years. At that time, the unit of government must pay back the original amount of the bond, plus interest.

Because these debt payments typically come from general revenue funds, these funds ultimately pay for capital as well as operational expenses.❑

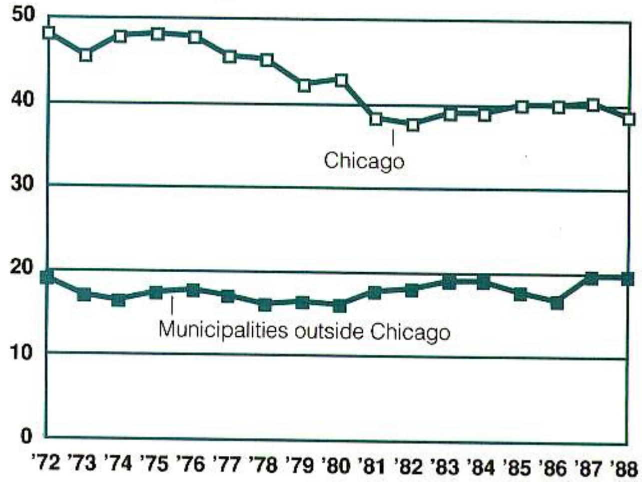
smallest portion of overall criminal justice expenditures in the state. The system's share of spending also increased at the state level. But because criminal justice is still largely a local government function, with most of the activity—and spending—resting with municipalities and counties, the rise in the system's share of state resources was minor. And among municipalities, which account for most criminal justice spending in the state, the share of resources is down, not only in Chicago but in other parts of the state as well.

The net result is that in 1988, as in 1980, about 1 out of every 10 dollars spent by state and local government in Illinois went for criminal justice. In other words, despite a surge in public concern about drug abuse and crime, and a host of new government policies and programs to combat the problems, the criminal justice system continues to receive essentially the same overall share of government resources. And because a larger portion of criminal justice resources are being devoted to the back end of the system—corrections—the share of resources devoted to law enforcement has declined in the 1980s.

INTRO–7

The percentage of municipal spending devoted to criminal justice has declined in Chicago and remained relatively steady in the rest of the state.

Percentage of municipal government expenditures devoted to criminal justice

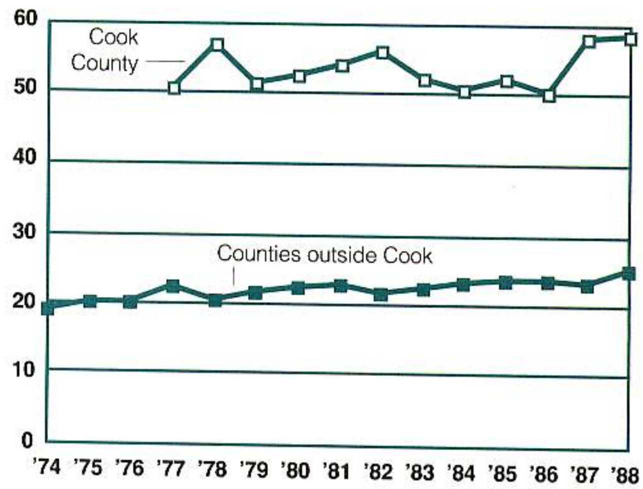


Source: Chicago Department of Finance; Office of the Illinois Comptroller

INTRO–8

The percentage of county spending devoted to criminal justice has generally increased in Illinois.

Percentage of county government expenditures devoted to criminal justice



Note: Consistent Cook County data are not available before 1977.

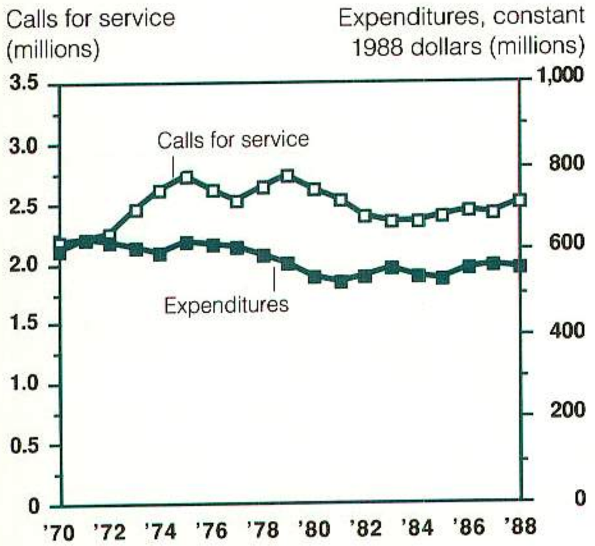
Source: Office of the Cook County Comptroller; Office of the Illinois Comptroller

THE GAP BETWEEN DEMANDS AND RESOURCES

The fact that the criminal justice system's share of government resources has remained essentially unchanged in the 1980s wouldn't be a cause for concern if the demands placed on the system had remained essentially unchanged as well. But the activity levels of the criminal justice system *have* increased sharply over the last decade—and they have generally increased faster than the level of resources devoted to the system. Examples of this gap between the growth in activity and the growth in resources are found in every component of the state's criminal justice system:

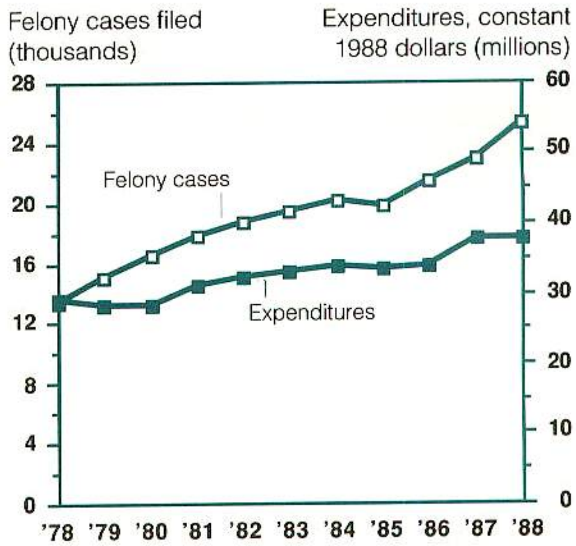
- **Law enforcement.** Between 1970 and 1988, calls for police service in Chicago rose 15 percent, but police department expenditures from Chicago's General Revenue Fund actually *declined* 8 percent in constant dollars (INTRO-9).[11] The number of sworn Chicago police officers also fell by 5.5 percent during this period.
- **Prosecution.**[12] The number of felony cases filed in the Circuit Court of Cook County increased 88 percent between 1978 and 1988, but constant-dollar spending on the state's attorney's office increased by only 30 percent (INTRO-10). In DuPage County, constant-dollar spending on the state's attorney's office rose just 16 percent between 1978 and 1988, but the total number of criminal cases filed in the county rose 73 percent. Between 1978 and 1989, there were increases in the number of cases involving violent index (70 percent), property index (66 percent), and drug (74 percent) crimes in DuPage County—and an even bigger increase in drunken driving cases (see page 12).[13]
- **Public defense.**[14] In both Cook and DuPage counties, the growth in public defense workloads has exceeded the growth in expenditures in recent years. Between 1984 and 1988, spending on public defense in Cook

Intro-9
Calls for police service in Chicago have risen overall since the early 1970s, but constant-dollar spending on the police department has declined.



Source: Chicago Police Department; Chicago Department of Finance

Intro–10
The number of felony cases filed in Cook County has increased at a faster rate than expenditures for the state's attorney's office.



Source: Administrative Office of the Illinois Courts; Office of the Cook County Comptroller

County increased 28 percent (in constant dollars), but the number of felony cases handled by the public defender's office rose 60 percent. During the same period in DuPage County, the number of people represented by the public defender's office increased 41 percent, but constant-dollar expenditures for the office *decreased* by more than 19 percent.[15]

- **Courts.** In Cook County, where the number of felony cases filed in the Circuit Court increased 88 percent between 1978 and 1988, county spending on the courts and the judiciary increased by only 6.5 percent.[16] And while the overall number of Circuit Court judges rose by 29 percent during this period, the number of full circuit judges (who typically hear felony trials) increased by only four (from 173 to 177). In the state's other 101 counties combined, spending on the courts and the judiciary was essentially the same (less than 1 percent higher) in 1988 as in 1978 (in constant dollars), but the number of felony cases filed in the courts rose by more than 40 percent (Intro-11).

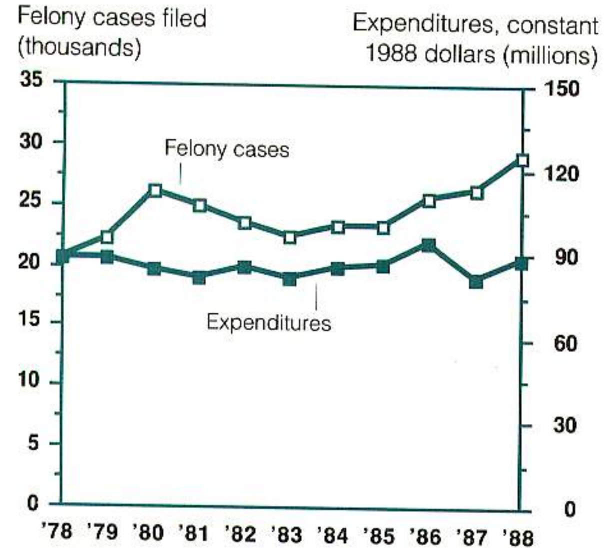
- **Adult corrections.** The dramatic increase in the number of correctional inmates in Illinois has, for the most part, been matched by increases in spending for state prisons and county jails outside Cook County. In Cook County, however, constant-dollar spending on corrections increased just 12 percent between 1981 and 1988, while the average daily population of the county jail rose by 53 percent (Intro-12). Even at state prisons, where spending actually increased faster than the growth in activity during the 1980s, persistent crowding has caused sharp changes in the ratio of inmates to prison staff.[17] Between June 1986 and April 1990, state prisons in Illinois added 11,900 inmates but only 2,150 employees. As a result, the number of prison staff per 100 adult inmates dropped from 45 in fiscal year 1986 to a projected figure of 38 in fiscal 1990.[18]

- **Probation.** Outside Cook County, probation caseloads increased almost 75 percent between 1981 and 1988, while constant-dollar expenditures rose by 41 percent. And because the number of probation officers outside Cook County rose by just 32 percent between 1979 and 1987, the caseload of each probation officer in these counties has grown over the years. In Cook County, probation caseloads grew 30 percent between fiscal years 1984 and 1988, while spending rose by only 19 percent (in constant dollars).

- **Juvenile justice.** In many parts of the juvenile justice system, changes in spending have not only lagged behind changes in activity, but spending itself has decreased (in constant dollars). In the Juvenile Division of the Cook County Circuit Court, for example, expenditures decreased 12 percent, while the number of court petitions *increased* 30 percent, between 1975 and 1988 (Intro-13). Similarly, spending for the Illinois Department of Corrections' Juvenile Division declined by 6 percent between fiscal years 1982 and 1988,

INTRO-11

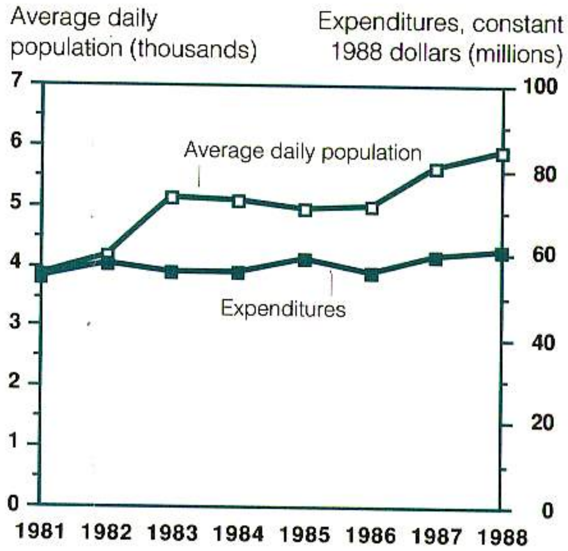
Outside Cook County, the number of felony cases rose 40 percent between 1978 and 1988, while spending on the courts was essentially flat.



Source: Administrative Office of the Illinois Courts; Office of the Illinois Comptroller

INTRO–12

Growth in the average daily population of the Cook County Jail has exceeded growth in jail spending since 1982.



Source: Illinois Department of Corrections; Office of the Cook County Comptroller

while the number of juveniles in IDOC custody (both institutional and field services supervision) was steady (an increase of about 1 percent).

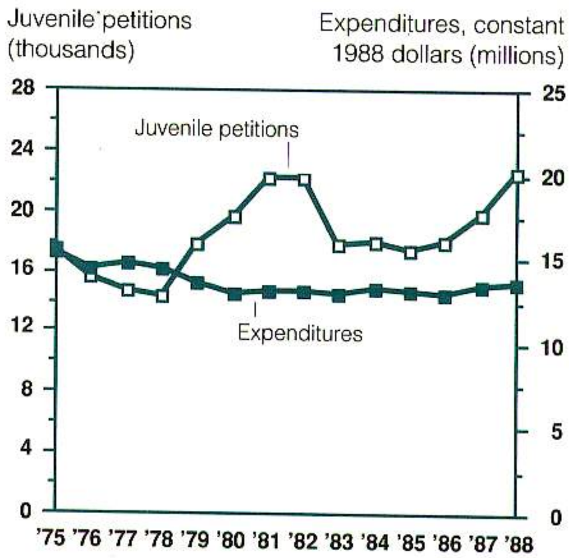
THE LIMITS OF GROWTH

Economists since the late 1700s have argued about the *limits of growth*—whether limited resources and the pressure of population on those resources will ultimately bring the growth process to a halt. Are growing economies headed toward stagnation or even disaster?[19] A similar question can be posed with respect to criminal justice in Illinois in the 1990s: will the limited resources for the criminal justice system and the the pressure of increased demands on the system ultimately bring the growth process to a halt, causing stagnation or disaster (in this case, in the form of increased crime and social disorder)?

Clearly, the demand side of this equation is already taking shape. In the latter half of the 1980s, the people of Illinois demanded that the state's criminal justice system "do more" about drug abuse and crime, and the system responded—by arresting more offenders than ever before, by trying and convicting more of them in court, and by incarcerating more of them for longer periods of time. Yet, the growth in resources devoted to criminal justice has not always kept pace with the increased activity, particularly in the last few years. And even though the criminal justice system continues to function—in fact, it continues to grow in terms of activity—there is most likely a limit to this growth, given recent trends in the allocation of resources.

INTRO–13

Juvenile Court petitions filed in Cook County increased 28 percent between 1975 and 1988, but spending on the court declined 12 percent.



Source: Administrative Office of the Illinois Courts; Office of the Cook County Comptroller

Exactly what that limit is, or when it will be reached, is difficult to predict. Some agencies are already cutting back services as they are forced to prioritize among those activities which they can and cannot do with existing resources. For example, several Chicago-area police departments that for years responded to practically all minor emergencies, such as motorists locked out of their cars, have either discontinued these community services completely or significantly scaled them back. And the cutbacks have involved more than courtesies like unlocking cars. For example:

- 29 percent of the 49 rural county sheriffs who responded to a 1988 survey said their budgets were inadequate to maintain services; 18 percent of the sheriffs said they had already reduced services or eliminated personnel, and another 10 percent said they expected to do so.[20]
- For the last three years, 73 Illinois counties have gone without late-night state police patrols when regularly scheduled troopers are sick, on vacation, or assigned to court.
- Cook County Jail officials were forced to release more than 35,000 defendants on their own recognizance during 1989 because the jail did not have enough bed spaces for them.

If present trends continue, more service cutbacks of this type can be expected in the 1990s, as criminal justice agencies scramble to keep up with demands for basic services, let alone provide "extras" such as community relations and crime prevention.

THE RISKS OF THE STATUS QUO

Given its current share of resources, Illinois' criminal justice system seems to be rapidly approaching its limits of growth. But public expectations of the system remain high, and public concern over illegal drugs and crime remains strong.[21] With these trends on an apparent collision course, policymakers in Illinois will be faced with extremely difficult choices in the years ahead.

One choice, of course, is to maintain the status quo—to let activity continue to increase to its effective limit without significantly boosting resources. To follow this approach, however, is to risk a series of possible consequences that could affect public safety in the 1990s, and could leave the state's criminal justice system poorly positioned to deal with any increases in crime that may come when the children of the baby-boom generation—the baby boom echo—reach the crime-prone years in the early part of the new century. Some of these possible consequences include the following:

A County-by-County Comparison of Justice Expenditures

Local government expenditures for criminal justice vary considerably from city to city and from county to county. One way to compare these expenditures is to calculate per-capita spending on criminal justice by all units of local government combined (the county and municipalities) in each of Illinois' 102 counties.

In 1988, per-capita spending for all local criminal justice activities combined (police, public safety, courts, and corrections) ranged from $18 in Stark County to $215 in Cook County. That year, the average per-capita expenditure for local justice activities was $147 statewide—$91 outside Cook County. The median per-capita expenditure in Illinois counties was $66 in 1988.

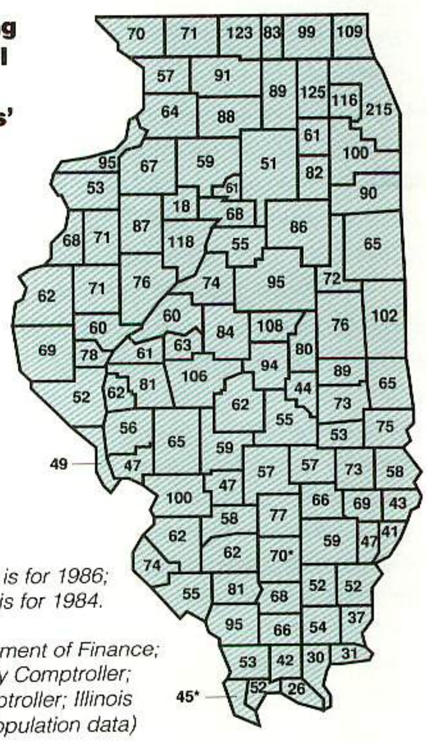
In general, larger counties, which typically have more criminal justice activity, have higher per-capita expenditures as well. For example, local government in DuPage County spent more than $116 per resident in 1988, and in Kane County, the amount was $125 per resident. Pope ($30) and Hardin ($31) counties, on the other hand, with only about 5,000 residents each, had among the lowest per-capita expenditures.

One reason that per-capita expenditures may be relatively low in some counties is that they do not operate their own jails (which account for an increasing share of county government spending on criminal justice in Illinois).

The wide range in per-capita expenditures does not necessarily mean that some counties are "better off" or are doing more to address crime in their jurisdictions. There are vast differences among Illinois counties not only in what they spend for criminal justice activities, but also in their crime rates, population densities, dominant revenue sources, ability to raise revenue, and demands placed on the criminal justice system. These and other factors affect, to some degree, the amount of money that local units of government spend on criminal justice.❑

Per-capita spending in 1988 for all local criminal justice activities in Illinois' 102 counties.

County and municipal expenditures per county resident



** Jefferson County figure is for 1986; Alexander County figure is for 1984.*

Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller; Illinois Bureau of the Budget (population data)

- More—and more drastic—cutbacks in service. In addition to cutting back services such as school crossing guards, law enforcement agencies may begin curtailing their larger traffic control duties (or begin charging fees for this service). More property crime reports may be taken over the telephone instead of in person. And officials of county jails outside Cook County may be forced to begin releasing defendants on their own recognizance because their jails lack adequate space. In fact, the criminal justice system in general may be forced to cut back (or even ignore) the less serious cases in favor of concentrating on the most serious.
- A reduction in the quality of criminal justice personnel, as the system struggles to attract, and adequately train and equip, workers for relatively low-paying jobs.
- An inefficient and outdated criminal justice infrastructure—everything from cars to crime laboratories and computerized information systems.
- Continued high rates of crime, as the system finds itself unable to keep up with demands and unable to invest in new and innovative technologies and programs that can reduce crime. High crime rates could in turn translate into the loss of jobs and economic vitality, as industry (and concomitant economic activities such as housing) locate in areas where employees and customers can be free from high rates of crime.
- Erosion of the public's confidence in the criminal justice system and their willingness to report crime and assist police. This trend could have two results: (1) more individual citizens taking law enforcement matters into their own hands; and (2) an overall loss of public control over (and accountability of) law enforcement, as more companies and even communities turn to private agencies for protection.

Criminal Justice: The Employment Picture

Personnel represents the single largest expenditure, and investment, for practically every type of criminal justice agency. Nationally, for example, salaries and wages have traditionally accounted for 85 cents out of every dollar spent by local law enforcement agencies. In Illinois, overall employment in each component of the criminal justice system is higher today than it was in the 1970s. For example:

- The number of full-time, sworn law enforcement officers employed by municipal, county, and state government in Illinois increased nearly 9 percent between 1974 and 1988.
- The number of full-time employees involved in legal services and prosecution in Illinois increased more than 70 percent between 1972 and 1985; public defense employment more than quadrupled during this period.
- The number of Circuit Court judges in Illinois rose by one-third between 1972 and 1988.
- The number of employees in the Illinois Department of Corrections increased almost 70 percent between 1979 and 1988; in adult institutions, the number of employees more than doubled.

One major exception to this trend is the Chicago Police Department, where the number of full-time sworn officers *declined* nearly 13 percent between 1973 and 1989 and the number of other employees in the department decreased slightly (1.2 percent) during the same period. In fact, the 11,824 sworn Chicago police officers employed in 1989 was the lowest figure of the 21 years for which detailed employment figures were analyzed. This reduction in personnel led the Chicago Police Department to cut the number of authorized patrol beats by almost one-quarter between 1979 (1,329) and 1985 (1,018).

But while the number of criminal justice employees has generally increased, their salaries still lag behind those of their private sector counterparts. For example, the average annual salary for attorneys in private law firms in Illinois was $88,000 in 1989. This amount exceeds the salaries of all judges in the state (except for Supreme Court justices, who are paid $93,266), all state's attorneys and chief public defenders (except for Cook County's chief prosecutor, who is paid $90,000), the Illinois attorney general, and the state appellate defender.

The private law firm average is also more than twice the average salaries of assistant state's attorneys ($34,807) and assistant public defenders ($34,679) in Cook County.

In addition to lagging behind private-sector salaries, the salaries of some criminal justice officials are lagging behind the inflation rate. For example, the real wages of Illinois Supreme and Appellate court justices were almost 22 percent lower in fiscal 1988 than in fiscal 1972. For full circuit judges in Cook County, inflation-adjusted salaries declined by 23 percent during this period.

Among elected state's attorneys, on the other hand, real wages have increased since the early 1970s, as they have among appointed public defenders. But among the *staff* of both prosecution and public defense agencies, inflation-adjusted salaries have generally declined.

Between 1971 and 1985, the average salary of a full-time employee in both prosecution and public defense offices nationwide decreased 11 percent in constant dollars. In Cook County, the average budgeted salary of an assistant public defender declined almost 20 percent (in constant dollars) between fiscal years 1971 and 1989. Among all staff in the Cook County Public Defender's Office, the decline was almost 25 percent.

The gap between private- and public-sector salaries, and the loss of earning power among some criminal justice officials, could make it more difficult for the system to attract and retain highly qualified employees in the 1990s and beyond.❑

Increasing Demands: DUI and Criminal Justice in DuPage County

In many parts of Illinois, the gap between the growth in criminal justice activity and criminal justice resources has been caused in large part by the steep escalation in arrests for drug offenses. Increased drug arrests have contributed to a huge increase in overall arrest activity, which in turn has increased demands on every level of the criminal justice system—from law enforcement to adjudication and corrections.

DuPage County has experienced a similar increase in total arrests, with the accompanying repercussions on criminal justice resources. But in DuPage County, the biggest increases have occurred in arrests for drunken driving, not for illegal drugs.

Between 1980 and 1988, arrests for both violent index crimes and drug crimes declined in DuPage County, by 12 percent and 14 percent, respectively (although drug arrests did increase after 1983), and arrests for property index crimes rose by 30 percent. But during this same period, arrests for driving under the influence increased 208 percent.

The impact of this dramatic increase in DUI arrests has been felt throughout the criminal justice system in DuPage County. Between 1983 and 1986 alone, the number of DUI court cases filed in DuPage County increased more than 63 percent (DuPage-1).

Part of the reason for the sharp increase in DUI court cases was that, beginning in 1982, many DUI suspects in DuPage County were actually charged with two offenses: basic DUI and DUI over .10 (DuPage-2).

This policy of double-charging some DUI suspects explains why the number of court cases exceeds the number of DUI arrests in recent years. However, the pattern is consistent: DUI over .10 charges increased 343 percent between 1982 and 1988, other DUI charges increased 109 percent, and DUI arrests rose 63 percent (see DuPage-2).

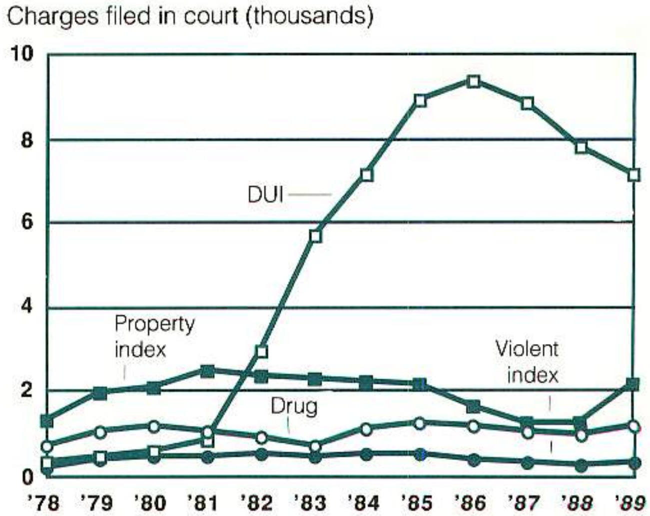
Increases in DUI arrests and case filings have strained not only court resources, but also the resources of both the DuPage County Jail, where crowding had become severe by 1985, and the county probation department, where 30 percent of the caseload in 1987 was DUI offenders. In an attempt to ease the jail situation, the county in 1987 opened a new jail, and devoted the old downtown Wheaton jail facility to work-release prisoners (who are predominantly DUI offenders). In 1988, work-release beds at the Wheaton facility were increased to 120, to further relieve pressure on the county jail.

Increased criminal justice activity related to drunken driving was no accident in DuPage County. It was the result of a systemwide campaign coordinated by the DuPage County DUI Task Force. The task force, which was formed in November 1983, includes the chief judge of the Circuit Court, the sheriff, an assistant state's attorney, the director of the county's DUI Forensic Unit, and members of the county board. Among other things, the DUI Task Force helped to train police in how to detect DUI, sponsored a conference on drinking and driving for high school students, supported tougher DUI legislation, and published a booklet and police recordkeeping pad.

The effect of this countywide campaign of zero tolerance can be seen in activity trends in all parts of the criminal justice system—arrests, court cases, jail population, and probation caseloads. Yet, as other parts of this report show, the increased activity has not always translated into additional resources for the criminal justice system in DuPage County.❑

DuPage-1

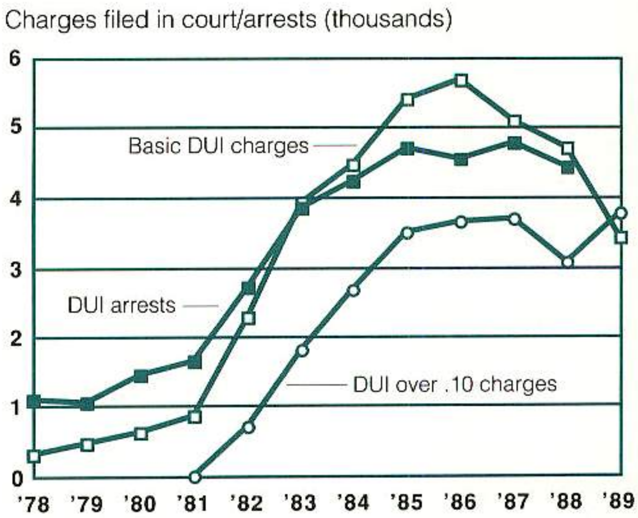
The number of court cases filed for driving under the influence in DuPage County surged after 1981.



Source: DuPage County State's Attorney's Office

DuPage-2

The increase in DUI activity occurred in arrests as well as court cases.



Source: DuPage County State's Attorney's Office

FOUR OPTIONS FOR CHANGE

Assuming that policymakers and the public reject the status quo, what next? Achieving consensus on exactly what needs to be done to bring resources more in line with demands will be a difficult task. Four basic options exist:

1. Increase government revenue
2. Increase the criminal justice system's share of existing revenue
3. Cut back services even further
4. Improve efficiency

Each of these options offers a different, and probably effective, way to close the gap between criminal justice activity and resources. But each approach is fraught with problems, too.

Increasing taxes in general would likely boost the resources of the criminal justice system. But because most criminal justice activity in Illinois is already funded at the local level through property and sales taxes, this approach would probably mean even bigger tax payments for *local* taxpayers, who are already shouldering a larger share of the overall tax burden.[22]

Reallocating existing resources would also increase money for criminal justice, but on a practical level, this approach would be difficult to implement. For one thing, it would require changes in policies, and a substantial shift in resources, among literally hundreds of taxing bodies in Illinois. In addition, it would most likely require governments to take away from other programs—education, transportation, public health, and other essential services—that are themselves pressed for resources.

Another problem with this approach is that it assumes government revenues—primarily income, sales, and property tax receipts—will stay ahead of an inflation rate that is showing signs of increasing in the early 1990s. Many economists and government managers are already predicting slow revenue growth for state and local government in the years ahead.[23] With little or no revenue growth, it will be all the more difficult for governments to justify shifting large amounts of resources away from other programs to fund criminal justice.

Cutting back services, as was pointed out earlier, is happening already. Without more resources, further cutbacks may be a necessity, not an option. And these cutbacks will likely hit deeper into services traditionally provided by the criminal justice system and expected by the public, as agencies focus their attention and resources on a narrower and narrower set of problems and priorities.

Improving efficiency is probably the most attractive option to the taxpaying public, but it may also be the most difficult to achieve. Many agencies are already looking for ways to improve their efficiency. Chicago and other police departments, for example, are putting more officers on the street by hiring civilians to handle duties such as traffic enforcement, crossing-guard duty, and clerical tasks. The courts in DuPage County increased their disposition rate in part by boosting the number of support personnel who help judges, and the Circuit Court of Cook County is now diverting many minor criminal cases from overloaded courtrooms and in to mediation. And many agencies are either "outsourcing" more of their tasks—hiring private companies to handle things such as data processing, facilities maintenance, and food service—or forming regional partnerships with other government agencies to share resources and information.

One distinguishing feature of most efficiency measures, however, is that they require a substantial upfront investment in resources. So in order to take advantage of the efficiency that comes with new technology, new personnel, or new approaches to providing services, agencies must (in tight budgetary times) find the money to pay for new technology in the first place and to hire and train the personnel capable of using it.

But even as one component of the system improves efficiency and boosts its productivity, other parts of the system may end up losing ground. For example, the Circuit Court of Cook County established five evening courts in October 1989 specifically to handle the influx of drug cases coming into the courts. But the resulting increase in court dispositions has translated into dramatically higher workloads for the county's probation department (and probably correctional agencies as well). Probation officials say that as a partial result of the night drug courts, a new probation caseload is being added every week in Cook County—but without the additional probation officer to manage it.

SEARCHING FOR SOLUTIONS

No one of the four options is likely, by itself, to close the gap between resources and demands, or to change the situation overnight. In the 1990s, government administrators will have to look to different *combinations* of approaches—and innovative applications of them—to get criminal justice resources more in line with system activity.

For instance, communities could follow the example of DuPage County, which used a combination of municipal, county, and state resources, as well as private donations, to establish a children's center specifically for the investigation and prosecution of child abuse cases. Or instead of relying on more property, sales, or income tax revenue to support criminal justice, communities could follow the lead of Kansas City, New Orleans, and other jurisdictions that have enacted special public safety taxes or fees to fund either specific justice programs or public safety in general. More than 130 jurisdictions in Illinois have already taken this approach in approving surcharges to their telephone bills to pay for 911 emergency systems.

Special taxes for criminal justice can raise substantial sums of money: the $8-per-person public safety tax in New Orleans raised $13 million in 1988. And, interestingly, the taxpaying public seems more willing to pay this type of directed tax than to pay higher property, sales, or state income taxes in general.

A 1990 Illinois Opinion Journal survey illustrates this dichotomy of public opinion on taxes.[24] The survey of 310 registered voters throughout the state found that 62 percent opposed making permanent the temporary one-half of one percentage point increase in the state income tax that the General Assembly passed in 1989 to fund education and local government. But the same survey found that more than 60 percent of those polled favored a one percentage-point increase in the federal income tax specifically to fight illegal drugs. Nationally, 72 percent of Americans surveyed by the Roper Public Opinion Research Center in 1988 said the United States is spending too little to halt the crime rate, and 71 percent said too little is being spent to deal with drug addiction.[25] Both figures are record highs for this survey.

The challenge for government leaders is to figure out how best to respond to public sentiments about illegal drugs, crime, and taxes in closing the gap between criminal justice activity and resources. *Trends and Issues 90* is meant to support this endeavor. By explaining spending patterns over time and highlighting those areas where the system is coming up short, *Trends and Issues 90* should be a valuable resource for anyone who is committed to helping the criminal justice system catch up from the shortfall left by the 1980s, and stay ahead of increasing demands in the 1990s and beyond.

How This Report Is Organized

Trends and Issues 90 follows the same basic organization as previous *Trends and Issues* publications. The report provides the latest organizational information and baseline statistics about the criminal justice system in Illinois, and it takes an in-depth look at a topic of special interest to criminal justice officials, other government administrators, and the public. This year's focus is on the financing of the state's criminal justice system.

In addition to this introduction, which covers the larger resource issues facing criminal justice in Illinois, *Trends and Issues 90* has five chapters covering each of the major components of the criminal justice system: law enforcement, prosecution and public defense, the courts, corrections, and juvenile justice. Within each chapter are three sections:

- *Overview* describes the responsibilities, organization, and staffing of the component, along with any new and significant procedural or technological changes.
- *The Data* explains the sources of information used in the chapter and any data quality concerns.
- *Trends and Issues* analyzes the latest statistical data describing trends in system activity and, in some cases, projections of future activity levels.

At the end of each chapter is a section that explores financial and resource issues related to that component of the system: where the funding comes from, how that money is spent, how spending patterns have changed over time, and how changes in spending stack up against changes in activity.

Because statewide financial data are not available for all aspects of the criminal justice system, *Trends and Issues 90* analyzes in detail the criminal justice resources and spending patterns in three Illinois counties: Cook, DuPage, and Cass. These case-study counties provide an in-depth look at resource trends in the state's largest county, a fast-growing suburban county, and an almost entirely rural county.

Finally, because so much criminal justice activity in Illinois continues to be driven by the system's response to illegal drugs, *Trends and Issues 90* has a special section, immediately following this introduction, that updates much of the drug abuse and drug-related crime information presented in *Trends and Issues 89*. This section presents the latest data on drug abuse and crime, and new projections of drug-related arrest activity through the 1990s.❑

Notes

[1] Criminal justice cost estimates are based on Authority projections. NASA expenditures on the Space Shuttle come from the Congressional Budget Office and NASA, as reported in *Statistical Abstract of the United States* (Washington, D.C.: U.S. Department of Commerce, 1989), p. 586. 1987 is the last year for which NASA data are available.

[2] *Crime in Illinois, 1988* (Springfield, Ill.: Illinois State Police, 1989).

[3] Illinois Court of Claims.

[4] For example, the National Institute on Drug Abuse found that the percentage of high school seniors reporting marijuana use in the previous 30 days declined to 17 percent in 1989 from 37 percent in 1978 and 25 percent in 1985. Recent use of cocaine dropped to 2.8 percent among high school seniors in 1989, down from a high of 6.7 percent in 1985. NIDA's 1988 survey of American households found that 14.5 million people had reported using an illegal drug in the previous 30 days, down from 23 million in 1985.

[5] *Trends and Issues 89: Criminal and Juvenile Justice in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1989), p. 3.

[6] Most of the financial data contained in *Trends and Issues 90* are reported in "constant dollars," or dollar amounts that have been adjusted for the effects of inflation. For more information on constant dollars, see page 4.

[7] Under revenue sharing, the federal government each year provided every municipality and county in Illinois with a sum of money, proportional to its population and the amount of federal taxes paid by its citizens. Local governments were free to use these funds for a variety of programs and services, including criminal justice.

[8] Among municipalities, too, federal revenue sharing was an important funding source for criminal justice, though not as much as with counties. In 1978, revenue sharing accounted for approximately 5 percent of the money spent on municipal police departments outside Chicago, and about 6 percent of the Chicago Police Department's work force that year was federally funded.

[9] State expenditures include spending for "judicial agencies" (see Chapter 3), as well as the Illinois State Police, the Illinois Attorney General's Office, the Illinois Department of Corrections, and state salary reimbursements for local criminal justice officials. County expenditures are for "public safety" (see Chapter 1), corrections, and courts and the judiciary, minus the state government transfers for courts, probation, and prosecution salaries. Municipal expenditures are for police departments.

[10] These percentages reflect only municipal, county, and state government spending on criminal justice. *Trends and Issues 90* does not examine spending for federal agencies such as the FBI, the Drug Enforcement Administration, and federal courts and prisons: these agencies typically cover several jurisdictions, and isolating spending specifically for Illinois is difficult. However, federal support for state and local criminal justice activities are reflected in the spending totals for the level of government that received the federal money. Still, this federal support accounts for only a small fraction of total spending on criminal justice in Illinois.

[11] Calls for service are a measure of *demands* for police services. However, data on calls for service are not collected on a statewide basis, but are available only for Chicago. This report also compares law enforcement spending to one indicator of police *activity*, the number of arrests. This analysis, which is detailed in the section on *Law Enforcement Financing* at the end of Chapter 1, shows that in recent years (1981 to 1988), trends in expenditures for law enforcement in Illinois outside Chicago have generally kept pace with trends in the total number of people arrested. In earlier years, however (1974 to 1981), total arrests outside Chicago increased 41 percent, but constant-dollar expenditures for law enforcement by municipal, county, and state government combined rose by only 21 percent.

[12] Because there is no central repository of expenditure data for state's attorneys' offices in Illinois, it is difficult to compare prosecution spending with prosecution activity on a statewide basis. Therefore, this report focuses on two large counties, Cook and DuPage, where spending and activity data were specifically collected and analyzed.

[13] Data on total court cases filed in DuPage County come from the annual reports of the 18th Judicial Circuit; these data measure *defendants*. Data on court cases filed for specific types of crime come from the DuPage County State's Attorney's Office, and are based on *charges*, not defendants. 1989 figures are used for the analysis of specific crime types because a change in the state's attorney's office's automated record-keeping system made 1989 data more reliable than 1988 data.

[14] As with prosecution, Illinois has no central repository of public defense expenditure data, which makes it difficult to compare spending and activity on a statewide basis.

[15] The indigent defendant data in DuPage County come from the annual reports of the 18th Judicial Circuit.

[16] County government spending on the courts and the judiciary in Illinois includes expenditures for a variety of different agencies and functions, including not only the courts and courts personnel, but also certain prosecution, public defense, and other related judicial agencies (see Chapter 3 for details on what expenditures are included in the courts spending totals for county, as well as state, government). Also, because expenditures specifically for the *criminal* courts cannot be separated from spending for the civil courts and other court functions in most parts of the state, *Trends and Issues 90* compares *overall* expenditures for the courts and the judiciary with various measures of criminal court activity.

[17] According to the Illinois Department of Corrections, there were 26,049 adults confined in April 1990 to space designed for 18,798, putting the state prison system at 38.6 percent above capacity.

[18] Illinois Department of Corrections projection.

[19] Rudiger Dornbusch and Stanley Fischer, *Macroeconomics*, Third edition (New York: McGraw-Hill, 1984), p. 607.

[20] John Wade and Stan Cunningham, *Developing Alternatives to the Crisis in Rural Law Enforcement* (Macomb, Ill.: Western Illinois University, 1989). "Rural" counties are non-metropolitan, with no city or twin cities with populations totaling more than 50,000, and are not economically integrated with an adjacent metropolitan county.

[21] For example, a Northern Illinois University survey found that drug abuse is moving up fast on the list of citizen concerns: 14 percent of the 800 adults surveyed in 1989 said illegal drugs were the state's most serious problem, up from only 4 percent in 1988 and less than 1 percent in 1987. Education topped the list of concerns, at 22 percent, in 1989. [See Casey Banas, "Education a priority in statewide survey," *Chicago Tribune* (January 15, 1990), sec. 2, p. 2.] And according to the New York Times/CBS News Poll, the proportion of adults nationwide who cited illegal drugs as the nation's most important problem surged from 22 percent in July 1989 to 64 percent in September. [See Richard L. Berke, "Poll Finds Many in U.S. Back Bush Strategy on Drugs," *The New York Times* (September 12, 1989), p. 8.]

[22] According to the Organization of Economic Cooperation and Development, state and local property and sales taxes accounted for 4.6 percent of the gross domestic product in 1980, but 5 percent in 1987. During this same period, individual and corporate *federal* income taxes declined, as a percentage of the gross domestic product, from 11.2 percent to 9.6 percent. [See Louis Uchitelle, "Threshold Of Pain: Will All This Tax Talk Lead to New Taxes? (Hint: It Usually Does)," *The New York Times* (March 25, 1990), sec. 4, p. 1.]

[23] See, for example, Joseph M. Winski, "Reagan's legacy: hard times ahead for governments," *City & State* (January 1, 1990), p. 1; or Mary Colby, "Municipalities may face slow growth," *City & State* (November 20, 1989), p. 13.

[24] See *Illinois Opinion Journal* vol. 2, no. 2 (Springfield, Ill: Midwest Research Center, April 1990).

[25] *Sourcebook of Criminal Justice Statistics–1988* (Washington, D.C.: Bureau of Justice Statistics, 1989), p. 206, table 2.25.

Sources of Criminal Justice Financial Data

Most of the county and municipal financial data in this report were obtained from the Office of the Illinois Comptroller, which annually collects financial statements from every county (except Cook) and every municipality (except Chicago) in Illinois.

Each year, the comptroller's office publishes these data in statewide summaries of both county and municipal finance in Illinois. (1988 data were taken directly from the financial statements submitted to the comptroller's office by the counties and municipalities.) The comptroller's office arranges these local financial data in uniformly defined categories. This allows for some analysis of aggregate criminal justice expenditures.

Financial data for Cook County were obtained directly from the *Comptroller's Report*, published by the Office of the Cook County Comptroller. Chicago data were taken from the *Comprehensive Annual Financial Report of Chicago*, published by the Department of Finance.

More specific expenditure data for local government were extracted from other sources, such as the Administrative Office of the Illinois Courts. In some cases, particularly in the three case-study counties of Cass, Cook, and DuPage, additional data were gathered from the annual financial reports published by individual municipalities or counties.

Detailed revenue and expenditure data for state agencies were obtained either from the *Illinois Annual Report*, published by the Illinois comptroller's office, or directly from the agency. The financial category used to determine the amount spent by each agency was the "warrants issued" classification. Several state criminal justice agencies transfer funds to local units of government, and these transfers are reflected in the agencies' "warrants issued" category. To prevent double-counting of these expenditures (at both the state and local levels), data for some state agencies were recalculated to exclude the local government transfers. This recalculation meant that expenditure amounts more accurately reflected spending for the agencies' general activities.❑

Glossary of Financial Terms

Here are definitions of some of the financial terms used in *Trends and Issues 90*:

appropriation. See *budgets.*

block grants. Awards, typically from the federal government, that can be used in a broad area (such as fighting illegal drug abuse), and need not be spent on specific programs (such as marijuana eradication).

bonds. Written commitments to pay a scheduled series of interest payments plus the face value (principal) at a specified maturity date. In the criminal justice system, bonds are typically issued to fund large capital projects such as correctional facilities and courthouses.

budgets. Plans established at the beginning of a fiscal year that outline intended expenditures of funds during the year. Also known as appropriations. Contrast with *expenditures.*

capital funds. Funds that are used to account for the expenditures related to the construction of major capital facilities; they are usually financed through bond revenue. In the criminal justice system, capital funds typically pay for items such as prisons and jails, courthouses, squad car fleets, and other equipment that is expected to last for long periods of time.

constant dollars. Dollar amounts that are measured at the prices existing in a specified base year (1988, in this report). Constant dollars remove the effects of inflation when analyzing revenues and expenditures over time. Because the effects of inflation are different for governments than for households, this report uses the Implicit Price Deflator for State and Local Government Purchases, published by the U.S. Department of Commerce, for calculating constant dollars. For details, see page 4. Contrast with *nominal dollars.*

direct expenditures. Costs that are incurred directly in the provision of a service and for which funds are allocated in an annual budget. Contrast with *indirect expenditures.*

earning power. See *real wage.*

expenditures. Actual outlays of government funds during a fiscal year. Contrast with *budgets.*

fiscal years. Any 12-month period selected as the year for accounting purposes. In Illinois, the state government uses July 1 through June 30 as its fiscal year, while counties typically use December 1 through November 30. Municipal fiscal years vary, although many start on April 1; the City of Chicago's fiscal year is the calendar year.

fixed costs. Costs that do not vary with output or level of activity. In criminal justice, the cost of a building, such as a prison, is an example of a fixed cost. Contrast with *variable costs.*

general revenue funds. Funds that contain all general tax revenues and other government receipts that are not otherwise allocated by law, regulation, or contractual agreement to a special revenue fund. General revenue funds pay for the majority of criminal justice expenses at the state, county, and municipal levels in Illinois. The names of general revenue funds may vary (in Cook County, for example, it is called the Corporate Purposes Fund). Contrast with *special revenue funds.*

indirect expenditures. Costs that may or may not be included in the budget of a specific agency, and cannot be allocated to a specific activity (for example, overhead costs, some fringe benefits, etc.). Contrast with *direct expenditures.*

inflation. A rise in the average level of prices. See *constant dollars.*

marginal costs. The additional costs to produce one more unit of output. In criminal justice, the cost involved in adding one more patrol officer is an example of a marginal cost.

nominal dollars. Dollar amounts that are measured at the prices that prevailed at the time the revenues were collected or expenditures were incurred. Also known as *current dollars*, nominal dollars do not take into account the effects of inflation when analyzing revenues and expenditures over time. Contrast with *constant dollars.*

opportunity cost. The alternative that must be foregone whenever something is produced or when a choice among options is made. An example of an opportunity cost in criminal justice is the tax revenue that is foregone when a less serious offender is sentenced to prison, instead of being placed in a community supervision program in which he or she could earn an income and pay taxes. By the same token, the public safety benefits that are foregone when the same offender is sentenced to community supervision instead of prison are also opportunity costs.

real wage. The quantity of goods and services that a money wage will buy; the money wage adjusted for inflation. Also known as earning power.

revenue sharing. Awards, typically from the federal or state government, to a lower level of government. General revenue sharing involves grants whose use is practically unrestricted.

special revenue funds. Funds that are used to account for revenues that are derived from specific sources and that are required by law, regulation, or contractual arrangement to be used for specific programs or purposes. In criminal justice, special revenue funds typically contain fees and fines collected to support specific programs such as drug enforcement, firearm regulation, or law libraries. Contrast with *general revenue funds.*

variable costs. Costs that increase as output increases. In criminal justice, the cost of food or medical care in a prison is an example of a variable cost. Contrast with *fixed costs.* ❑

Trends and Issues Update: Drug Abuse and Crime in Illinois

Americans' attitudes toward illegal drugs underwent a major shift during the 1980s—a trend that shows few signs of changing in the 1990s. Unlike the late 1960s and 1970s, when American society was largely tolerant of some drug abuse—especially "casual" use—the mid-1980s brought the violence of the crack[1] cocaine trade and disclosures of cocaine use among athletes, political leaders, and others. By the time President Bush released his first National Drug Control Strategy on September 5, 1989, Americans had made it clear that what was tolerable 10 or 15 years ago in terms of drug abuse was no longer bearable.

According to a September 1989 New York Times/CBS News poll, 64 percent of Americans surveyed cited illegal drugs as the nation's greatest problem. The economy ranked a distant second with 5 percent. A Media General/Associated Press poll conducted during the same month reported that 61 percent of those polled identified drug abuse as the most important problem facing the nation.

Because public concern over drug abuse and crime remains so strong, and because illegal drugs continue to drive much of the activity in the criminal justice system, this year's *Trends and Issues* report again looks at the issue in detail. This special section updates much of the drug abuse and crime data presented in *Trends and Issues 89* with the latest available information on law enforcement, judicial, and correctional activity related to illegal drugs.

IS THE LEVEL OF DRUG ABUSE INCREASING OR DECREASING?

The surge in public concern, and criminal justice activity, regarding illegal drugs comes at a time when there are strong indications that overall drug abuse is declining among many segments of society, especially young people.

For example, annual surveys of more than 15,000 high school seniors nationwide conducted for the National Institute on Drug Abuse suggest that regular use of marijuana, cocaine, stimulants, and other drugs continued to decline in 1989.[2] Less than 3 percent of those surveyed in 1989 said they had used cocaine within the previous 30 days, compared to 6.7 percent in 1985. Recent marijuana use fell to 17 percent in 1989 from a high of 37 percent among those questioned in 1978. Use of stimulants by high school seniors within the previous 30 days has fallen dramatically too, from nearly 11 percent in 1982 to 4 percent in 1989.[3]

Another survey, this one of respondents in households nationwide, offers further evidence of the overall decline in drug abuse, but also indicates a growing concentration of drug abuse among more hard-core users.[4] Based on 8,814 people surveyed in 1988, it is estimated that 14.5 million Americans had recently used any type of drug, compared to 23 million in 1985. Those reporting recent cocaine use fell from 5.8 million in 1985 to 2.9 million in 1988. But, the number of people using cocaine at least weekly rose from 647,000 in 1985 to 862,000 in 1988, and the number using cocaine daily or almost daily rose from 246,000 to 292,000.

With the increase in hard-core cocaine abuse has come a dramatic increase in the number of hospital emergency room episodes related to cocaine. Among 40 Chicago-area emergency rooms that report to the Drug Abuse Warning Network (DAWN), cocaine-related episodes skyrocketed from 433 during the last six months of 1985 to 1,865 during the first half of 1988.

Tragically, hospitals are treating not only more drug abusers themselves, but also more babies born to addicted mothers. The National Association for Perinatal Addiction Research and Education reported that 16 percent of all babies born at one Chicago hospital during a two-month period in 1988 tested positive for cocaine. Statewide, the reported number of babies born with cocaine or other illegal drugs in their systems increased from 181 cases in fiscal year 1985 to 2,176 in fiscal 1989, with a 76-percent increase in 1989 alone. Although most of the cases occur in Cook County—90 percent of the statewide total in fiscal 1989—the problem has touched all parts of the state and crosses all socio-economic lines.

WHAT IS THE LEVEL OF DRUG ABUSE AMONG CRIMINAL OFFENDERS?

Major indicators leave little doubt that cocaine abuse is becoming more concentrated among certain segments of the general population. Among criminal offenders, however, there is evidence that drug abuse—especially abuse of cocaine—remains extremely high.

The Drug Use Forecasting (DUF) system, a national data system for tracking drug use trends among arrestees of all crimes, indicates that the majority of male arrestees test positive for illegal drugs, both in Chicago and nationwide. Voluntary drug testing among male arrestees in Chicago, one of 22 DUF test sites nationwide, found that in October 1987, 73 percent tested positive for any drug, including marijuana, and 60 percent tested positive for any drug, excluding marijuana; 50 percent tested positive for cocaine. By June 1989, the percentages had increased across the board: 77 percent of male DUF arrestees tested positive for any drug, including marijuana, and 76 percent tested positive for any drug, excluding marijuana; 64 percent tested positive for cocaine (DRUGS-1).

While it is not surprising that a high percentage of DUF arrestees charged with drug offenses tested positive, the level of drug use among arrestees charged with other offenses is alarmingly high. Among arrestees tested during April 1988, 78 percent of those charged with income-generating crimes such as burglary, theft,

DRUGS–1

The Drug Use Forecasting system indicates that the majority of male arrestees tested in Chicago have used illegal drugs.

Percent testing positive

DUF testing date	Any drug including marijuana	Any drug excluding marijuana	Two or more drugs	Cocaine	Opiates
October 1987	73	60	37	50	14
October 1988	78	69	48	63	22
June 1989	77	76	51	64	28

Source: National Institute of Justice

or robbery tested positive for any drug; 76 percent of violent crime arrestees tested positive.

HOW MANY PEOPLE ARE ARRESTED FOR DRUG OFFENSES IN ILLINOIS?

In 1988, 46,910 people were arrested in Illinois under state drug laws, an increase of 26 percent from 1987 (DRUGS-2).

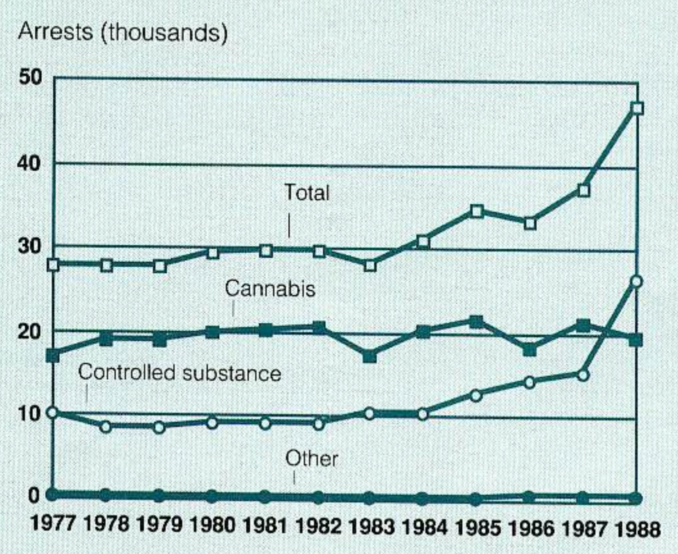
From 1983 through 1988, the number of people arrested for drug offenses in Illinois rose 68 percent. Until 1988, the majority of drug arrests each year in Illinois were under the Cannabis Control Act.[5] Of the more than one-quarter million people arrested on drug charges from 1979 through 1988, more than 60 percent were arrested for cannabis violations. Arrests for cannabis violations fluctuated around 20,000 a year during this period.

While the number of people arrested on cannabis charges appears to be holding relatively steady, the number of arrests under both the Controlled Substances Act[6] and other drug laws is rising steadily. In 1988, 26,563 people were arrested under the Controlled Substances Act, 72 percent more than in 1987, and—for the first time in Illinois—more than the number of people arrested for cannabis violations. Since 1982, the number of controlled substance arrests in Illinois has almost tripled. The number of people arrested under other drug laws has more than tripled, from 231 in 1982 to 701 in 1988.

Although most drug arrests in Illinois are for possession, arrests for drug delivery are increasing at a faster rate.[7] From

DRUGS–2

Arrests for controlled substance violations outnumbered arrests for cannabis violations for the first time in 1988.



Note: Arrest figures for 1977 and 1978 do not include arrests made by Illinois metropolitan enforcement groups.

Source: Illinois Uniform Crime Reports; Illinois metropolitan enforcement groups

1983 through 1988, possession arrests increased by almost two-thirds, from 24,521 to about 40,000. Delivery arrests nearly doubled during the same period, from 2,616 in 1983 to 5,222 in 1988—increasing 36 percent from 1987 to 1988 alone. The increase in overall delivery arrests was strongly influenced by a 131-percent rise in arrests for controlled substance delivery from 1983 through 1988 (DRUGS-3). Arrests for delivery of cannabis, however, increased only 20 percent during the six-year period, and actually declined 21 percent between 1985 and 1987.

Arrests for possession of controlled substances increased 172 percent from 1983 (8,047) through 1988 (21,878), nearly doubling between 1987 and 1988 alone. Arrests for possession of cannabis, on the other hand, have fluctuated, declining 9 percent between 1987 and 1988.

Although the exact number of cocaine arrests made in Illinois is difficult to determine, available data indicate that arrests for cocaine have skyrocketed, particularly since 1983.[8] From 1983 through 1988, Illinois State Police (ISP) and drug enforcement task force arrests for cocaine violations nearly quintupled from 254 to 1,238. Cocaine arrests made by the metropolitan enforcement groups (MEGs) doubled during the same period, from 459 to 920. U.S. Drug Enforcement Administration (DEA) arrests for cocaine also increased dramatically in Illinois, from 306 in 1983 to 602 in 1988, although there was a 9-percent decrease between 1987 and 1988.

IS CRACK COCAINE TRAFFICKING OCCURRING IN ILLINOIS?

While Chicago and the rest of Illinois so far have been spared many of the crack-related problems plaguing other areas of the country, this situation may not continue indefinitely. While Illinois cocaine arrest statistics do not specify the form of cocaine involved, the amounts of crack *seized*—although still relatively small—are increasing at an alarming rate (Drugs-4). During the first three months of 1990, 1,044 grams of crack were seized statewide, compared to 732 grams during the last three months of 1989, and only 276 grams between April and June of 1989. More than 95 percent of the crack seized statewide was from the Chicago and East St. Louis metropolitan areas. Of the 2,582 grams of crack seized statewide from April 1989 through March 1990, 54 percent was from Chicago, 22 percent from suburban Cook County, and 20 percent from St. Clair County.

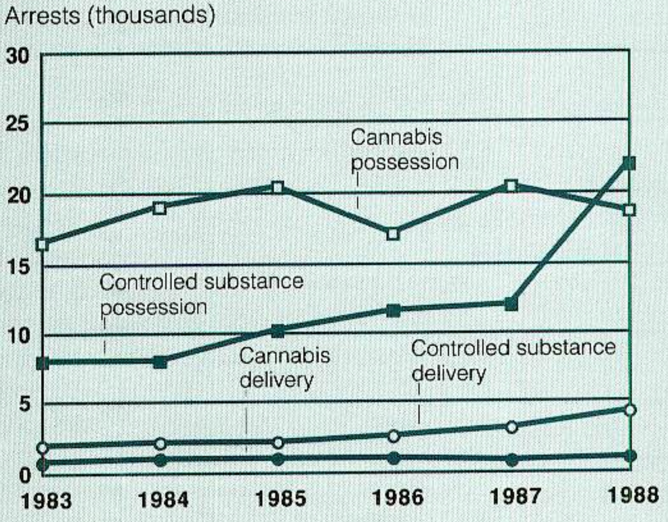
WHERE DO MOST DRUG ARRESTS IN ILLINOIS OCCUR?

Most drug arrests in Illinois are made in Chicago, where dramatic increases have occurred since 1979 (Drugs-5). Drug arrests in Chicago more than doubled from 14,357 in 1979 to 33,034 in 1988, with an increase of 32 percent between 1987 and 1988 alone. In 1988, 7 out of 10 drug arrests in Illinois occurred in Chicago.

Drug arrests in the collar counties (suburban Cook, DuPage, Kane, Lake, McHenry, and Will) and in the remainder of the state have also increased in recent years. After fluctuating during the late 1970s and throughout the 1980s, drug arrests in the collar counties rose 41 percent between 1983 and 1988, and drug arrests in the remainder of the state increased 29 percent during this period.

Drugs–3

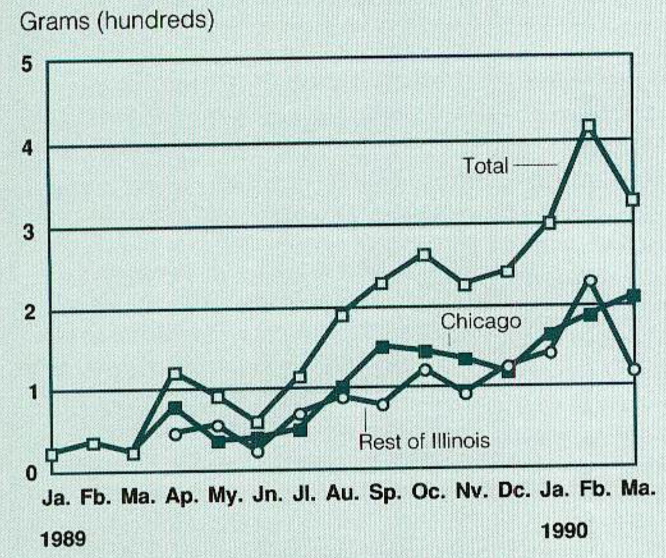
Arrests for possession of controlled substances increased 172 percent from 1983 through 1988.



Source: Illinois Uniform Crime Reports; Illinois metropolitan enforcement groups

Drugs–4

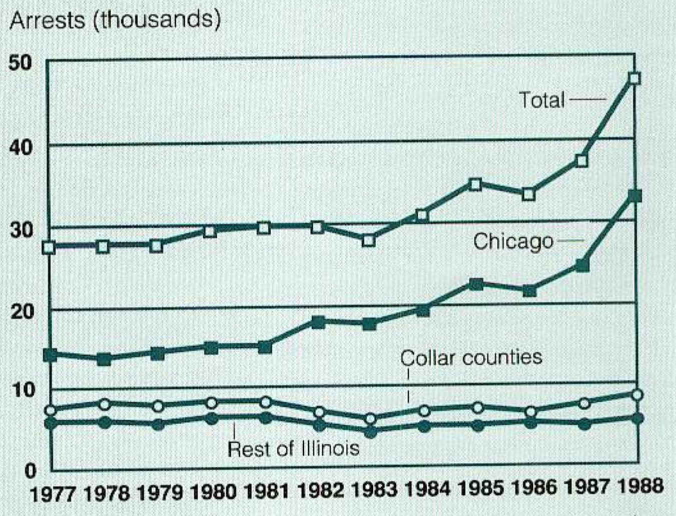
The amounts of crack cocaine seized in Illinois are increasing.



Source: Chicago Police Department; Illinois State Police

Drugs–5

In 1988, 7 out of 10 drug arrests in the state took place in Chicago.



Note: Arrest totals for 1977 and 1978 do not include arrests made by Illinois metropolitan enforcement groups.

Source: Illinois Uniform Crime Reports; Illinois metropolitan enforcement groups; Chicago Police Department

HOW MANY DRUG ARRESTS DOES THE DEA MAKE IN ILLINOIS?

The U.S. Drug Enforcement Administration focuses primarily on the most serious drug crimes, and the agency's arrest statistics bear this out. Arrests by the DEA for controlled substances in Illinois have increased dramatically in recent years. In 1984, the DEA made 423 arrests in Illinois for crimes involving controlled substances—nearly 10 times the number of DEA arrests for cannabis. By 1988, DEA arrests for controlled substances had increased 73 percent to 734 arrests—about nine times the number of DEA arrests for cannabis that year.

Similarly, in every year since 1980, DEA arrests for delivery of drugs in Illinois have been higher than arrests for possession, although both have increased in recent years. In each year from 1984 through 1988, arrests for delivery approached or exceeded twice the number of arrests for possession. During that five-year period, arrests for possession increased 89 percent to 285 in 1988, and arrests for delivery increased 61 percent to 496 in 1988. The DEA was involved in 376 cooperative arrests with state and local law enforcement agencies in 1988.

HOW WILL THE NUMBER OF DRUG ARRESTS CHANGE THROUGH THE YEAR 2000?

Both in Chicago and in the rest of Illinois, arrest rates for drug offenses increased sharply between 1987 and 1988 for every adult age group. The biggest increase, 64 percent, was among 17- to 19-year-olds in Chicago. Further, these increases were not an anomaly, but continued a steady pattern of increases in drug arrest rates over the last five years.

Given the current emphasis on the enforcement of drug laws, it is reasonable to expect this trend to continue. The number of adults arrested for drug offenses in Chicago is expected to increase another 105 percent by the year 2000, to more than 63,000 (DRUGS-6). In the rest of Illinois, the number of adult drug arrests is expected to increase 53 percent during this same period. In Chicago, arrests for drug offenses are expected to surpass arrests for property index offenses by 1993.

HOW HAS THE DRUG PROBLEM AFFECTED ILLINOIS' CRIME LABS?

As the number of drug investigations, arrests, and seizures has increased in Illinois, so has the demand for drug analysis services by the state's crime labs.[9] In 1989, 15,550 drug cases were submitted to the Illinois State Police crime labs, a 65-percent increase over the 9,419 drug cases submitted in 1983 (DRUGS-7).

Drug cases submitted to the Chicago Police Department lab increased 125 percent during the same period, from 17,639 in 1983 to 39,684 in 1989. At the Northern Illinois Police crime lab, drug cases increased from 1,285 in 1983 to 2,463 in 1989, a 92-percent increase. Drug cases submitted to the DuPage County Sheriff's Office crime lab have increased as well, from 868 in 1985 to 1,457 in 1989, a 68-percent jump.[10]

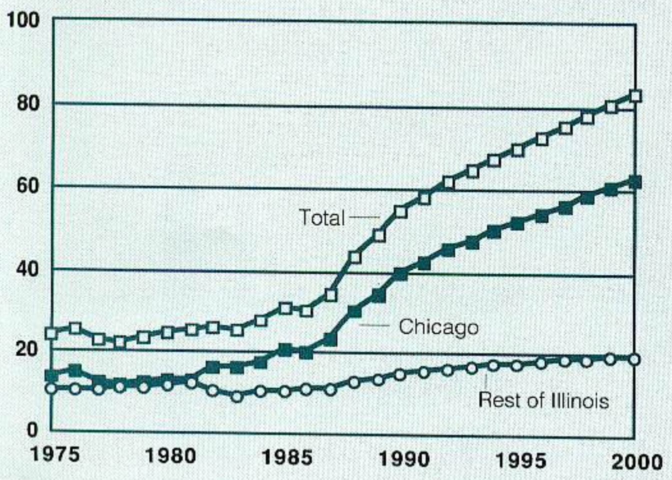
Drug cases also make up a growing *proportion* of the crime labs' total workload.[11] Drug cases made up 46 percent of all cases submitted to ISP's labs in 1985 and about 60 percent in 1989. At the Northern Illinois lab, drug cases made up 34 percent of the total caseload in 1983 but 45 percent in 1989. About 40 percent of the DuPage lab's caseload consisted of drug cases in 1985, compared to 46 percent in 1989.

In addition to increasing numbers of

DRUGS-6

Arrests for drug offenses in Chicago are expected to increase 105 percent by the year 2000.

Arrests (thousands)



Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

DRUGS-7

The demand for drug analysis services by the state's crime labs continued to increase in 1989.

Crime laboratory caseloads, drug cases

	State Police	Chicago Police	DuPage Sheriff	Northern Illinois
1983	9,419	17,639		1,285
1984	10,597	19,349		1,588
1985	11,850	22,964	868	1,717
1986	12,793	22,460	735	1,828
1987	11,789	26,329	930	1,978
1988	13,273	36,639	1,132	2,092
1989	15,550	39,684	1,457	2,463
Percent change	+65%	+125%	+68%	+92%

Source: Illinois State Police; Chicago Police Department; DuPage County Sheriff's Office; Northern Illinois Police Crime Laboratory cases, the crime labs are also being required to perform complex analyses more frequently. A growing number of the labs' drug cases involve controlled substances, which take considerably longer to analyze than cannabis.[12] In 1989, for example, 66 percent of the ISP labs' drug caseload involved controlled substances, compared to 52 percent in 1983. At the Chicago Police Department lab, controlled substances made up 78 percent of the drug caseload in 1989, compared to 43 percent in 1983.

Many labs have been unable to meet the increased demand for drug analysis. Consequently, drug analysis backlogs have risen and the ability of some labs to provide timely information to police and prosecutors has been eroded.

The problem is particularly acute at the labs with the largest drug caseloads—the Chicago Police Department and ISP labs. At the ISP labs, the backlog of drug chemistry cases has increased steadily from 1983 through 1988.[13] At the end of 1983, the ISP labs had a backlog of 37 drug chemistry cases. By 1985, the backlog had increased to 253 cases and by 1988, to 1,916 cases (Drugs-8).

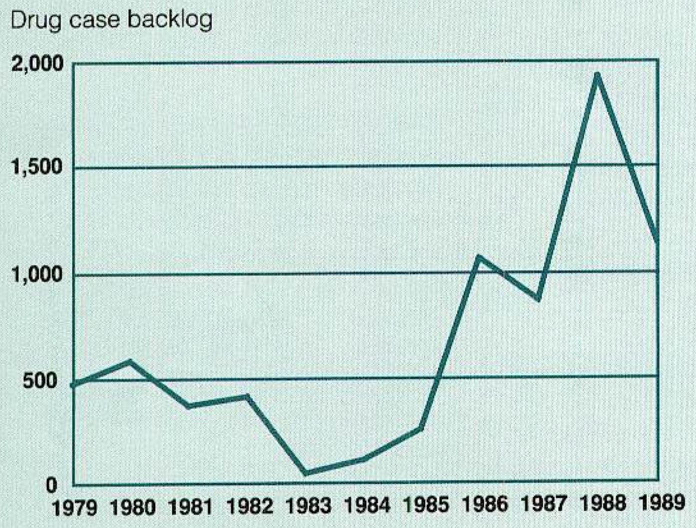
The amount of time needed to process drug chemistry cases has been affected as well. In 1983, the ISP labs processed 75 percent of all drug cases within one to seven days, compared to just 30 percent in 1988.

Upgrading the drug analysis capabilities of Illinois' crime labs to reduce backlogs and ensure that drug evidence is available in time for court proceedings has become a top priority in the state's fight against drugs. New drug chemists have been added to the staffs of the ISP crime labs and to the Chicago police lab. In addition, state-of-the-art equipment has been installed not only at the ISP and Chicago police labs, but also at the Northern Illinois and DuPage labs.

With the addition of new equipment and more chemists, the backlog of cases at the ISP labs has begun to decrease—from 1,916 cases at the end of 1988 to 1,141 cases as of September 1989, a decrease of 40 percent. In addition, the

Drugs–8

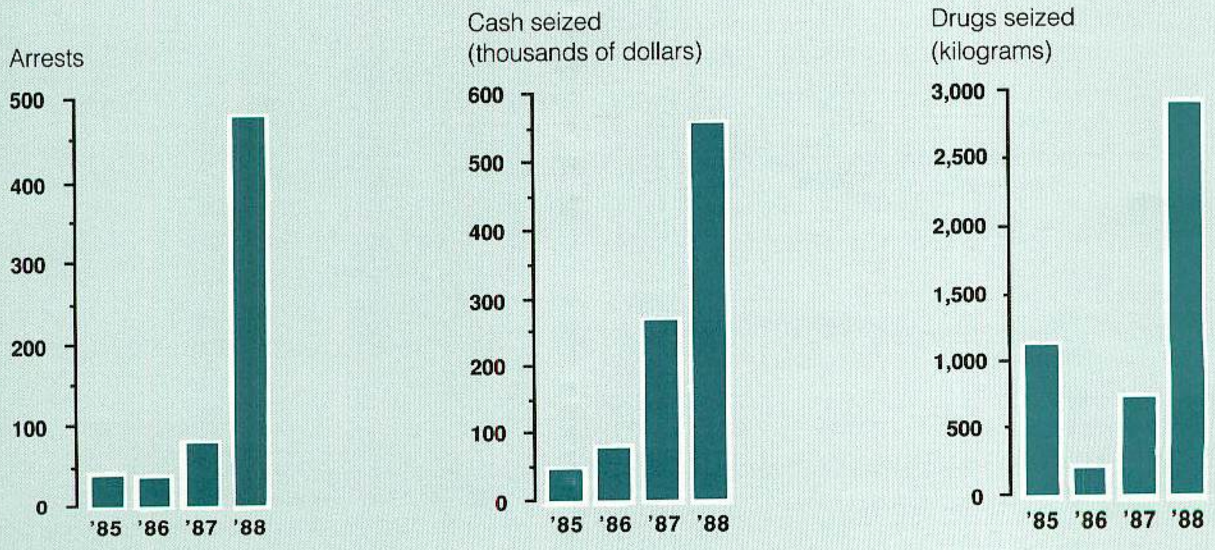
The backlog of drug chemistry cases at state police crime labs declined in the first nine months of 1989.



Note: 1989 data through September only.
Source: Illinois State Police

Drugs–9

Arrests of suspected drug smugglers and seizures of cash and drugs by Operation Valkyrie have increased dramatically since 1985.

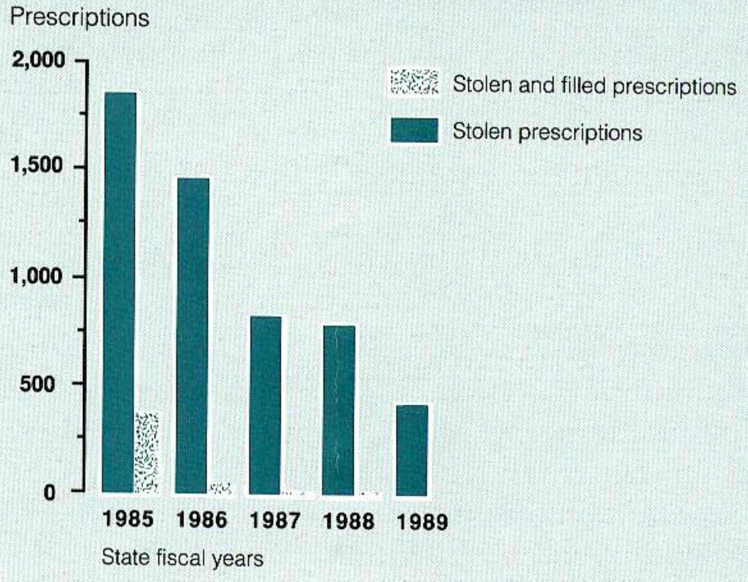


Source: Illinois State Police

ISP labs have seen a slight improvement in the amount of time needed to process cases. The percentage of drug cases processed in one to seven days increased from a low of 28 percent in 1987 to 32 percent through the first nine months of 1989. The Chicago Police Department crime lab has also benefited from additional equipment and chemists, with fewer drug cases being dismissed by the courts because of delayed analysis results from the labs.[14] During the last six months of 1989, 62 drug cases were dismissed because of delayed lab results, compared to 82 cases during the last six months of 1988, and 2,128 cases during the last six months of 1986.

DRUGS–10

Between 1985 and 1989, the number of stolen prescriptions in Illinois declined dramatically.



Source: Illinois Department of Alcoholism and Substance Abuse

WHAT IS BEING DONE TO STOP DRUG SMUGGLING AND CULTIVATION IN ILLINOIS?

Efforts to stop the smuggling of drugs into Illinois continue to intensify. Between 1985 and 1988, officers participating in the state's Operation Valkyrie arrested 632 suspected drug smugglers and seized nearly 3,000 kilograms of marijuana and 2,000 kilograms of cocaine being smuggled into Illinois.[15] More than three-quarters of these arrests were made in 1988 alone, and nearly all of the cocaine, more than 1,950 kilos, was seized that year. About $49,000 was seized through Operation Valkyrie in the first year of the program. By 1988, annual cash seizures had soared to about half a million dollars. Overall, nearly $1 million in cash was seized between 1985 and 1988 (DRUGS–9).

Another interdiction program—Operation Cash Crop, a joint effort by ISP and the DEA to detect and destroy domestically grown and wild marijuana plants in Illinois—has also intensified in recent years. Between 1983 and 1988, the program led to 442 arrests and the destruction of more than 2 million marijuana plants. In 1986 nearly 2.1 million marijuana plants were destroyed, including 1.15 million wild plants. The total number fell sharply over the next two years to about 80,000 plants in 1987 and 90,000 plants in 1988. This decline was likely influenced by two factors: the success of the program in eradicating wild marijuana plants in previous years, and drought conditions that existed throughout the state. The peak year for the destruction of cultivated marijuana was 1984, when almost 64,300 plants were destroyed.

WHAT IS BEING DONE ABOUT ABUSE OF PRESCRIPTION DRUGS IN ILLINOIS?

The problem of drug abuse in Illinois involves more than just heroin, cocaine, and marijuana. During the first 10 months of 1989, 181 thefts or robberies of prescription drugs were reported in Illinois, 38 percent of which were from pharmacies.

While law enforcement agencies are combatting the diversion of prescription drugs through investigation and arrest, they have been aided in recent years by a statewide program that is more stringently controlling the prescriptions themselves.

Illinois' triplicate prescription control program has helped to sharply reduce the number of stolen prescriptions in recent years.[16] Between state fiscal years 1985 and 1989, the number of stolen prescriptions dropped 77 percent in Illinois, from 1,873 to 425 (DRUGS-10). The number of stolen prescriptions that were filled has fallen even more dramatically, from 380 in 1985 to only one in 1989.

The actual amounts of two of the most sought-after prescription drugs—Dilaudid and Preludin—that were diverted through fraudulent use of prescriptions have fallen sharply in recent years. In fiscal 1985, more than 29,000 dosage units of Dilaudid and 6,000 dosage units of Preludin were fraudulently diverted. In fiscal 1989, 400 units of Dilaudid and no Preludin were diverted.

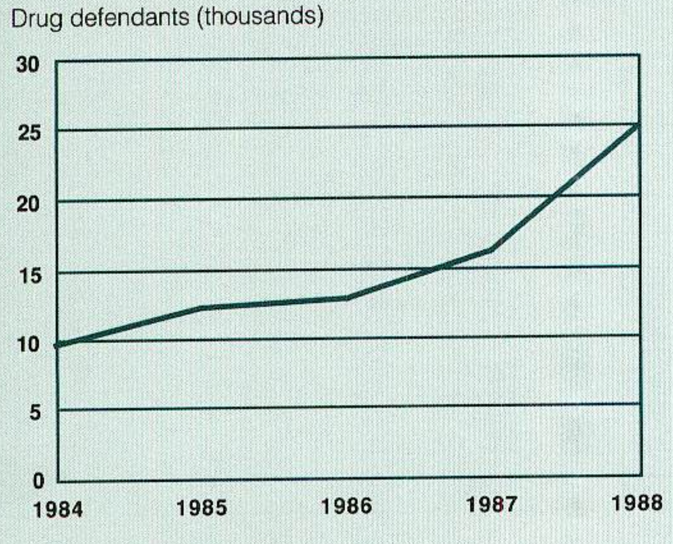
HOW MANY FELONY DRUG CASES ARE FILED EACH YEAR IN COOK COUNTY?

In many parts of Illinois, especially Cook County, the increase in drug arrests is fueling dramatic increases in the number of drug cases filed by prosecutors.[17]

The number of defendants charged with felony drug offenses at preliminary hearings in the Circuit Court of Cook County increased 160 percent from 9,619 in 1984 to 24,970 in 1988 (DRUGS-11). A 56-percent increase occurred between 1987 and 1988 alone. In 1988, drug cases constituted 56 percent of the total preliminary hearing caseload in Cook County, compared to 33 percent in 1984.

Drugs–11

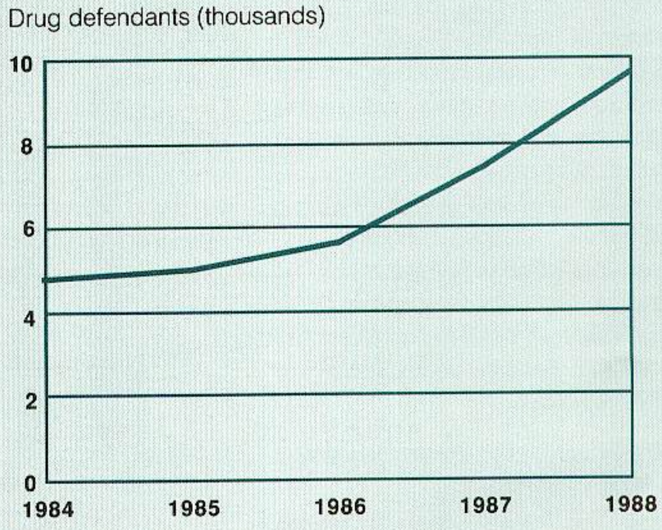
The number of defendants charged with felony drug offenses at preliminary hearings in Cook County has increased dramatically since 1984.



Source: Criminal Justice Project of Cook County

Drugs–12

The number of drug defendants entering Cook County felony trial courts more than doubled between 1984 and 1988.



Source: Criminal Justice Project of Cook County

In the felony trial courts of Cook County, the number of defendants charged with drug offenses more than doubled between 1984 and 1988, from 4,766 to 9,617 (Drugs-12). In 1988, 32 percent of all defendants entering the felony trial courts in Cook County were charged with drug offenses, compared to about 20 percent of all defendants entering the felony trial courts in 1984 (Drugs-13). Preliminary 1989 data indicate that this trend is continuing. Between January and November 1989, 13,742 defendants charged with drug offenses entered Cook County's felony trial courts—43 percent more than in all of 1988. These 13,742 defendants made up 44 percent of the felony trial court caseload in 1989.

WHAT NEW LEGAL TOOLS ARE AVAILABLE FOR CURBING ILLEGAL DRUG SALES AND USE?

New legislation, and new uses of existing laws, are making more prosecutions of drug traffickers and abusers possible:

■ **Criminal fortification of a building or residence.** Effective January 1, 1990, it is a Class 3 felony to maintain a building in a fortified condition—with the intent to prevent the lawful entry of law enforcement officers—knowing that the building is being used for the manufacture, storage, delivery, or trafficking of cannabis or controlled substances.[18]

■ **"Pocket pager" ban.** Under this law, the use or possession of a "pocket pager" or similar electronic device by students is prohibited in school buildings or on school property except with permission of the school board.[19] Although school boards are responsible for disciplining students who violate the ban, anyone who, with the intent to commit a crime, provides a paging device to a person under 18 years of age can be charged with a Class A misdemeanor.[20]

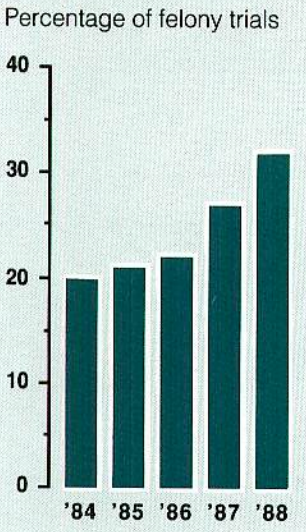
■ **Steroid Control Act.** This law prohibits the manufacture, distribution, or possession of anabolic steroids except as a medical treatment prescribed by a physician.[21] As of January 1, 1990, the illegal manufacture or distribution of steroids can result in either Class A misdemeanor or Class 3 or 4 felony charges—depending upon circumstances such as the age of the buyer, whether or not money is paid for the steroids, or whether or not the arrestee is employed as an athletic trainer. Persons possessing steroids without a prescription may be charged with a Class C misdemeanor.

■ **Drug Paraphernalia Control Act.** A revision to the 1983 Drug Paraphernalia Control Act outlawed the sale of paraphernalia in Illinois as of August 22, 1989.[22] Although the sale of drug paraphernalia was originally outlawed in 1983, the Illinois Supreme Court declared the law unconstitutional because of vagueness. The new law revises the 1983 act to withstand constitutional challenge and allows prosecutors to charge any person who sells drug paraphernalia to a minor with a Class 4 felony for a first offense and a Class 3 felony for a subsequent offense. Persons making sales to adults may be fined up to $1,000. Any profits or property acquired as a result of violating the Drug Paraphernalia Control Act may be seized and forfeited as well.[23]

■ **Nuisance abatement.** Under this experimental program, which began operating in Cook County in 1988, owners and landlords are held accountable for the activities in their buildings through the strict enforcement of public nuisance laws. After a building or residence has been identified as a "drug house," prosecutors send a letter of abatement in an attempt to persuade the owner to voluntarily rid the building of drug dealers. If the owner does not comply, public nuisance

DRUGS–13

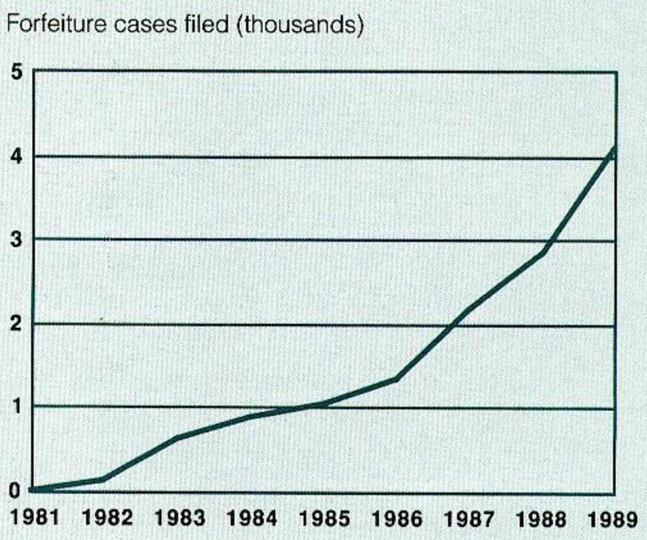
In 1988, 32 percent of all defendants entering felony trial courts in Cook County were charged with drug offenses.



Source: Criminal Justice Project of Cook County

DRUGS–14

The number of asset forfeiture cases from Chicago Police Department seizures increased 44 percent in 1989.



Source: Chicago Police Department

charges can be initiated and the building may be seized and forfeited. Nuisance abatement was used to rid approximately 20 Cook County buildings of drug dealers during 1989.

ARE ASSET FORFEITURE CASES INCREASING IN ILLINOIS?

Under Illinois law, any property of value used, or intended for use, in the violation of Illinois drug laws is subject to seizure and forfeiture. *Seizure* is an action by which law enforcement authorities take custody of a suspected drug trafficker's property. *Asset forfeiture*, on the other hand, is the legal process by which the title to seized property is turned over to the government.[24]

Much of the asset seizure and forfeiture activity in Illinois occurs in the Chicago metropolitan area, where the pool of potential targets, and the resources for identifying and proceeding with forfeiture cases, are greatest. The number of forfeiture cases filed by the Cook County State's Attorney's Office from Chicago Police Department seizures has skyrocketed in recent years (DRUGS-14). From only one case in 1981, the number of forfeiture proceedings grew to 4,092 in 1989, with an increase of 44 percent in 1989. More than 200 forfeiture cases were filed in 1989 in the collar counties of DuPage, Kane, Lake, and McHenry.

HOW MANY DRUG OFFENDERS ARE CONVICTED IN COOK COUNTY?

Of the 24,970 defendants charged with drug crimes at preliminary hearings in Cook County during 1988, only 25 percent (6,189) proceeded to the felony trial courts. Of the 75 percent that did not proceed beyond the preliminary hearing, 25 percent (6,364) received findings of no probable cause, 16 percent (3,957) failed to appear, and 33 percent (8,322) were dismissed. Less than 1 percent (138) of the defendants pleaded guilty at the preliminary hearing.

The percentage of defendants that do not proceed beyond the preliminary hearing is much higher for drug defendants than for defendants charged with other crimes. The 25-percent rate of no-probable-cause findings for drug defendants in 1988 was five times that of non-drug defendants, and the 16-percent failure-to-appear rate was almost four times that of non-drug defendants. Overall, about 60 percent of non-drug defendants moved beyond preliminary hearings to felony trial courts, compared with only 25 percent of drug defendants.[25]

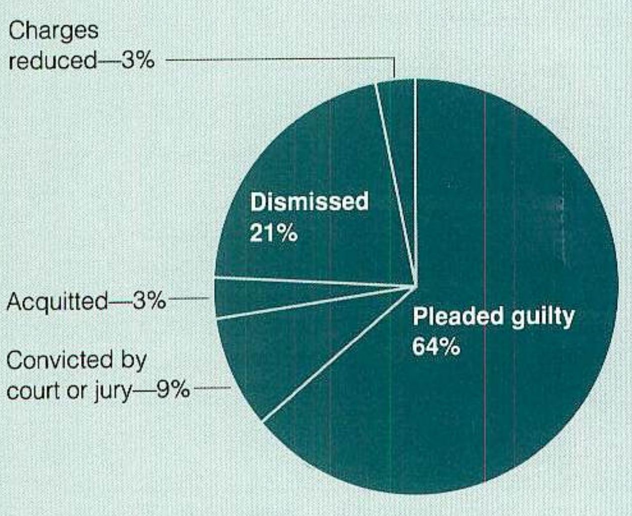
However, a majority of the defendants charged with drug offenses who enter the felony trial courts in Cook County are convicted. The pattern of dispositions for felony drug defendants is similar to the pattern for other felony charges. Among drug defendants who were charged in felony trial court from 1984 through 1987, and who received a disposition by August 1, 1989, 72 percent were convicted, mostly through guilty pleas; 4 percent had their charges reduced to misdemeanors; 19 percent were dismissed; and 5 percent were acquitted. Among *all* defendants who entered the felony trial courts from 1984 through 1987, and who received a disposition by August 1, 1989, 72 percent were convicted; 4 percent had their charges reduced; 19 percent were dismissed; and 4 percent were acquitted.[26]

Although the *percentage* of drug defendants convicted, acquitted, and dismissed each year has remained relatively stable in recent years, the *number* of annual convictions increased nearly 50 percent from 3,362 in 1984 to 4,914 in 1987.

Due to the large number of pending

DRUGS–15

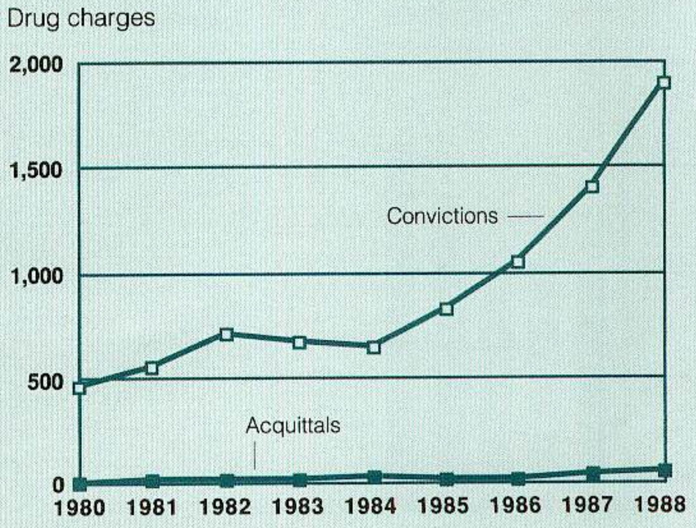
Among drug defendants charged in 1988 who received dispostions by August 1989, 64 percent pleaded guilty.



Source: Criminal Justice Project of Cook County

DRUGS–16

The number of drug convictions from ISP arrests more than quadrupled from 1980 through 1988.



Source: Illinois State Police

cases, 1988 disposition data are still incomplete. Of the 9,617 defendants charged with drug offenses who entered Cook County's felony trial courts in 1988, more than 27 percent had pending cases as of August 1989. Among the 7,005 defendants who received dispositions, 64 percent pleaded guilty, 9 percent were convicted by the court or a jury, 3 percent had their charges reduced to misdemeanors, 21 percent were dismissed, and 3 percent were acquitted (DRUGS–15). Among all defendants charged in Cook County felony trial courts in 1988, the percentages were similar—25 percent had cases pending as of August 1989. Of those who received dispositions, 63 percent pleaded guilty, 7 percent were convicted by the court or a jury, 3 percent had their charges reduced, 24 percent were dismissed, and 2 percent were acquitted.

In order to keep up with the rising number of drug cases flooding Cook County courts, five evening courts devoted solely to drug cases began operating in October 1989. During the first four months of the evening drug court program, more than 2,100 drug cases were disposed of. The program's goal is to dispose of 5,000 drug cases during its first year.

HOW MANY DRUG OFFENDERS ARE CONVICTED OUTSIDE COOK COUNTY?

Although disposition data from Illinois outside Cook County are not available, statistics from various agencies which specialize in drug law enforcement show two important trends: the number of drug convictions generally increased in recent years, and convictions outnumbered acquittals by a large margin. For example, from 1980 through 1988, Illinois courts decided 8,399 drug charges resulting from arrests made by the Illinois State Police (ISP) and the state's drug enforcement task forces.[27] Of these, nearly 98 percent resulted in convictions, with about 2 percent ending in acquittals. Another 2,424 charges were dismissed. The annual number of ISP-initiated convictions more than quadrupled over the nine-year period—from 463 in 1980 to 1,898 in 1988—jumping 81 percent between 1986 and 1988 (DRUGS-16).

As with most non-drug offenses, the vast majority of drug convictions are the result of guilty pleas: 85 percent of the ISP-initiated drug charges resulting in convictions from 1980 through 1988 were through guilty pleas, versus 9 percent by bench trials and 6 percent by jury trials.

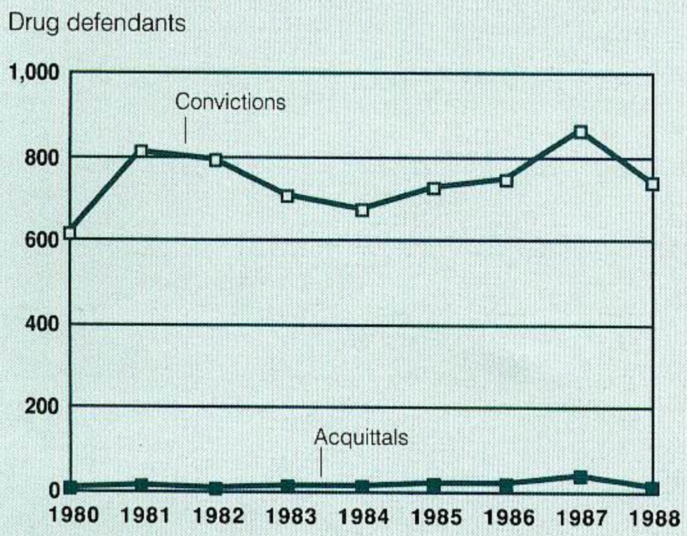
Statistics from the state's metropolitan enforcement groups (MEGs) and the U.S. Drug Enforcement Administration (DEA) show similar trends.[28] From 1980 through 1988, the conviction rate was 98 percent among drug defendants arrested by the MEGs and 94 percent among those arrested by the DEA.

The number of defendants convicted following MEG arrests tended to fluctuate from 1980 through 1984, but then increased 28 percent over the next three years, reaching a high of 860 in 1987, before declining to 738 in 1988 (DRUGS-17). The number of convictions following DEA arrests in Illinois declined 35 percent from 1985 through 1988, after more than tripling from 1980 through 1985. In 1988, there were 322 DEA-initiated drug convictions in the state—still 106 percent more than in 1980.

ARE CONVICTIONS FOR DELIVERY OFFENSES INCREASING?

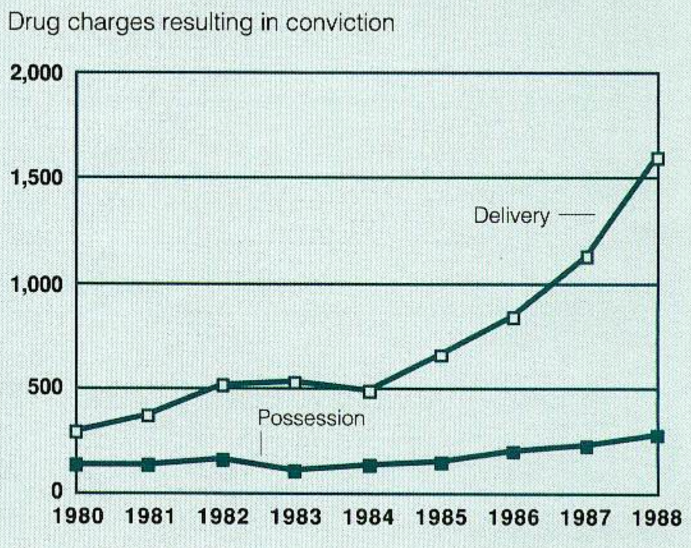
Statewide statistics on convictions for different types of drug crimes—that is, delivery versus possession—are not collected in Illinois. But available ISP data demonstrate the increased targeting of drug traffickers: the number of ISP-initi-

DRUGS–17
MEG-initiated drug convictions outnumbered acquittals by more than 60 to 1 in Illinois during 1988.



Source: Illinois metropolitan enforcement groups

DRUGS–18
Convictions from ISP-initiated drug delivery charges increased 42 percent in 1988, while convictions for possession rose 20 percent.



Source: Illinois State Police

ated delivery convictions grew dramatically during the 1980s, while convictions for possession have generally increased at a much slower rate.

The number of convictions resulting from ISP-initiated drug delivery charges grew from 289 in 1980 to 1,599 in 1988, a more than fivefold increase (DRUGS-18). The increase in delivery convictions has been particularly large in recent years: 28.5 percent in 1986, 35 percent in 1987, and 42 percent in 1988. This overall pattern of increases is partially the result of a growing number of ISP-initiated convictions for drug conspiracy crimes. From three in 1980, the number of conspiracy charge convictions grew to 91 in 1988.

Convictions resulting from ISP-initiated drug possession charges decreased from 1980 through 1983, but then increased 148 percent over the next five years, reaching 273 in 1988. Throughout this period, there were also several convictions—between 24 and 59 a year—for other drug offenses, including such offenses as possession of hypodermic needles.

Among both delivery and possession offenders arrested by the DEA in Illinois, convictions have also been generally higher in recent years. The number of DEA-initiated delivery convictions increased from 127 in 1980 to 357 in 1985, but then declined to 206 in 1988. Convictions of offenders arrested for possession increased from 22 in 1980 to 122 in 1985, and then leveled off through 1988.

ARE CONVICTIONS FOR COCAINE OFFENSES INCREASING IN ILLINOIS?

The emergence of cocaine as both a social problem as well as a law enforcement priority is reflected in recent statistics for convictions resulting from ISP and DEA drug arrests. In 1988, cocaine was involved in 58 percent of the ISP-initiated drug convictions and 76 percent of the DEA-initiated drug convictions in Illinois.

Among drug charges resulting from ISP arrests, 1987 was the first year since 1982 that convictions for cocaine exceeded convictions for cannabis. Convictions for both cocaine and cannabis have risen sharply in recent years, while convictions for heroin and other dangerous drugs have remained relatively stable (DRUGS-19). Cocaine convictions increased 236 percent from 1980 through 1986, and then shot up another 175 percent over the next two years to 1,093 in 1988.

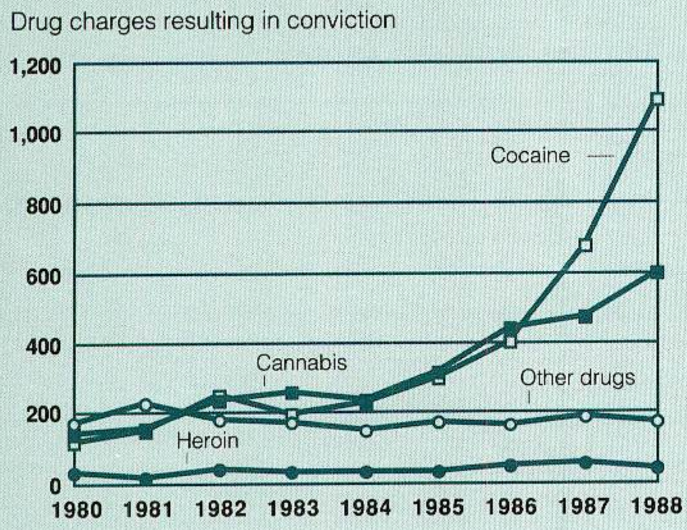
The emergence of cocaine is even more striking among convictions of drug offenders arrested by the DEA in recent years. In 1980, cocaine accounted for 33 defendant convictions resulting from DEA arrests in Illinois, or less than 22 percent of the agency's total number of drug convictions that year. Heroin, on the other hand, accounted for 46 percent of the 1980 drug convictions. By 1988, the number of DEA-initiated cocaine convictions in Illinois had grown to 245 (76 percent of the total drug convictions that year), while the number of heroin convictions had dropped to 33 (or 10 percent of the total).

IS THE NUMBER OF PRISON SENTENCES FOR DRUG OFFENSES INCREASING?

The number of prison sentences imposed for drug crimes has increased substantially in recent years.[29] From 1983 through 1988, sentences involving state imprisonment increased 171 percent in Illinois, from 1,060 to 2,868. This increase has been driven largely by the number of sentences imposed for the more serious drug crimes—Class X,

DRUGS–19

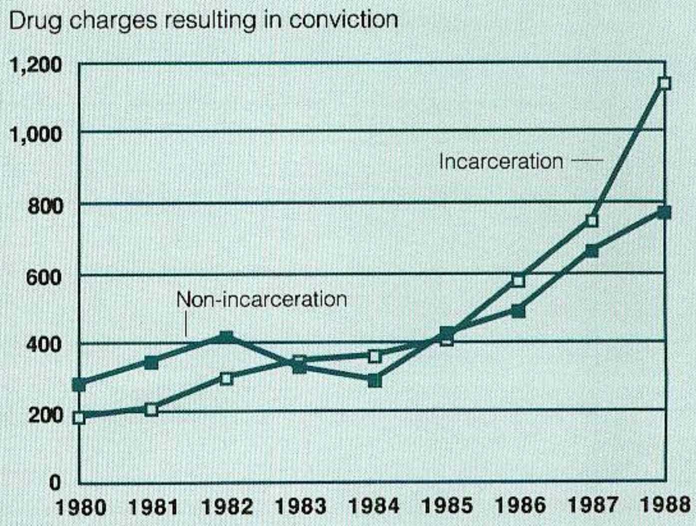
ISP-intiated convictions for cocaine-related drug offenses increased 61 percent in 1988.



Source: Illinois State Police

DRUGS–20

ISP-initiated drug convictions leading to incarceration sentences soared during the 1980s.



Source: Illinois State Police

Class 1, and Class 2 felonies. Prison sentences imposed for these classes of drug crimes increased 327 percent during the five-year period, compared to an increase of 86 percent for Class 3 and Class 4 drug offenses. The number of sentences for Class X offenses *alone* soared 355 percent during the five-year period, from 94 in 1983 to 428 in 1988.

While it is clear that the number of state prison sentences imposed for drug offenses has increased in Illinois, trends in the use of other sanctions are difficult to determine. Statistics on the number of local jail, probation, or other sentences (fines, conditional release, community service and so on) imposed for drug crimes are not available on a statewide basis. Data from ISP shows, however, that non-incarceration sentences have increased, but not as rapidly as incarceration sentences (DRUGS-20).[30] The number of probation and other sentences imposed following ISP-initiated drug convictions increased from 279 in 1980 to 765 in 1988, a 174-percent increase. The number of incarceration sentences, on the other hand, increased from 188 in 1980 to 1,134 in 1988, a 503-percent increase.

Incarceration, then, accounted for an increasing percentage of the sentences imposed for ISP-initiated drug convictions from 1980 through 1988. The incarceration rate for these drug convictions increased from 40 percent in 1980 to a nine-year high of 60 percent in 1988.

For convictions resulting from DEA drug arrests in Illinois, imprisonment has been by far the most common sentence throughout the 1980s.[31] In Illinois in 1988, for example, 79 percent of the sentences imposed as a result of DEA-initiated drug convictions involved incarceration, compared to a previous high of 74 percent in 1987 and a low of 55 percent in 1981.

HOW LONG ARE THE PRISON SENTENCES IMPOSED ON FELONY DRUG OFFENDERS?

The length of the average sentence imposed on felony drug offenders committed to the Illinois Department of Corrections increased 24 percent during the last six years, from 3.4 years in 1983 to 4.2 years in 1988.[32]

For Class X drug offenders, the average prison sentence imposed in 1988 was 7.5 years, down slightly from 7.7 years in 1987, but up 6 percent overall from 7.1 years in 1983 (DRUGS-21). For Class 1 drug offenders, the 1988 average sentence of 4.6 years was 10 percent lower than the 1987 average of 5.1 years, but 18 percent higher than the 1983 average of 3.9 years. For Class 3 drug offenders, the average prison sentence imposed increased 32 percent during the six-year period, from 2.8 years in 1983 to 3.7 years in 1988. In every year from 1983 through 1988, the average prison sentences imposed for other drug felonies stayed at or near the same levels: 3.9 years for Class 2 offenders, and 1.9 years for Class 4.

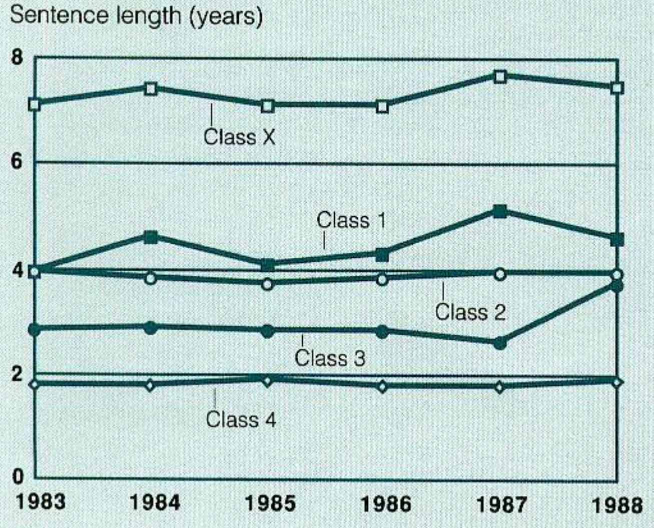
Among drug offenders arrested by the DEA in Illinois and subsequently sentenced to prison, average sentence lengths have increased sharply since 1985, after generally fluctuating during the first half of the 1980s. In 1988, the average prison sentence imposed on DEA-arrested drug offenders in Illinois was 80 months (about 6.6 years). Sentence lengths for cocaine offenders have grown from 55 months in 1985 to 78 months in 1988.

HOW MANY DRUG OFFENDERS ARE ADMITTED TO ILLINOIS PRISONS EVERY YEAR?

The number of admissions to Illinois prisons for drug offenses has risen dramatically in recent years. Between 1983 and 1988, admissions to the Illinois Department of Corrections (IDOC) for drug of-

DRUGS–21

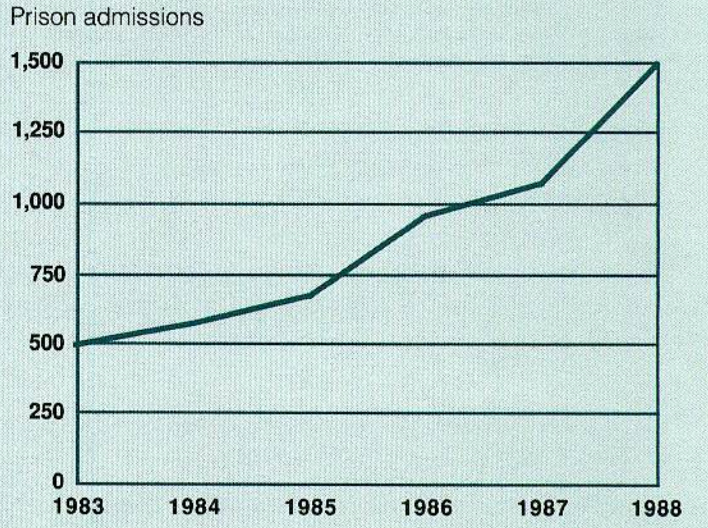
Average sentence lengths for Class X and Class 1 drug crimes fell slightly during 1988.



Source: Illinois Department of Corrections

DRUGS–22

Admissions to Illinois prisons for drug offenses increased 40 percent in 1988.



Source: Illinois Department of Corrections

fenses more than tripled, reaching 1,497 in 1988 (DRUGS-22). The proportion of all admissions that drug offenders make up also increased steadily during this period. In 1983, drug offenders made up fewer than 6 percent of all prison admissions by the courts in Illinois, but in 1988 they accounted for more than 15 percent.[33]

The most dramatic increase in admissions for drug crimes has been among offenders convicted of the more serious crimes. From 1983 through 1988, admissions involving Class X, Class 1, and Class 2 drug felonies all increased more than 300 percent. Class 3 admissions increased 41 percent, and Class 4 admissions increased 160 percent over the same period.

Although Class 4 drug offenders have consistently accounted for the largest proportion of all admissions to IDOC for drug crimes, the number of more serious drug offenders, as a percentage of all drug admissions, has been increasing (DRUGS-23). Class X, Class 1, and Class 2 offenders accounted for 43 percent of all drug offender admissions in 1983, but 62 percent in 1988. Conversely, Class 3 and Class 4 offenders accounted for 57 percent of all drug offender admissions in 1983, but only 38 percent in 1988. The largest increase in the proportion of all drug offender admissions involved Class 2 offenders which increased from 17 percent in 1983 to 25 percent in 1988. This was driven by a significant increase in admissions for Class 2 delivery of a controlled substance.

WHAT TYPES OF CRIMES ARE DRUG OFFENDERS INCARCERATED FOR?

The numbers of offenders admitted to prison in Illinois for drug delivery crimes and for offenses involving controlled substances have soared in recent years. Admissions of offenders convicted of drug possession and crimes involving marijuana, although increasing overall, have not grown by nearly as much.

In 1983, the number of prison admissions involving offenders convicted of drug delivery crimes was about 22 percent lower than the number convicted of drug possession offenses. By 1988, however, 7 out of 10 drug offender admissions involved a delivery crime (DRUGS-24). From 1985 through 1988, admissions of delivery offenders more than tripled to 1,045. Admissions of possession offenders were relatively stable from 1985 through 1987. Between 1987 and 1988, however, possession admissions increased 24 percent to 441.

In 1988, the number of prison admissions involving offenders convicted of controlled substance crimes was more than 10 times the number of admissions of offenders convicted of cannabis violations (DRUGS-25). Like the pattern of drug delivery admissions, admissions of controlled substance offenders grew sharply between 1985 and 1988, peaking at 1,367 in 1988. Admissions of offenders convicted of marijuana-related crimes have been relatively stable during this four-year period, peaking at 139 in 1986.

ARE DRUG OFFENDERS IN ILLINOIS STAYING IN PRISON LONGER?

The average length of stay for drug offenders released from Illinois prisons in recent years increased more than 35 percent, from 1.1 years for those released in 1983 to 1.5 years for those released in 1988.[34] However, increases in length of stay occurred only among offenders convicted of the more serious classes of drug offenses.

The average length of stay for Class X offenders increased from 2.2 years for those released in 1983 to 3.1 years for those released in 1988 (DRUGS-26). For Class 1 drug offenders, the average length of stay increased from 1.4 years to

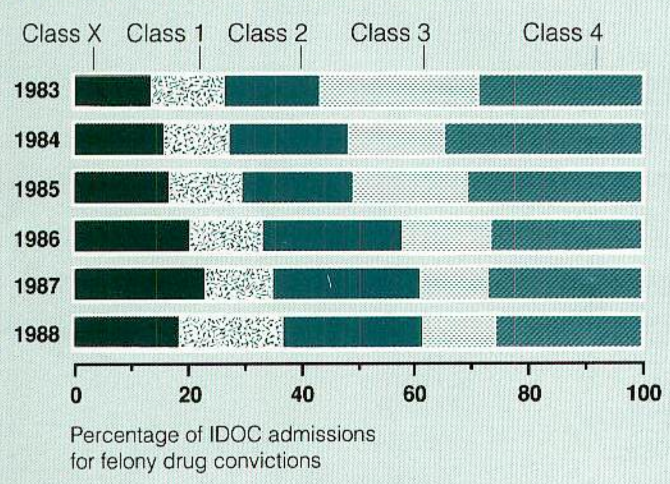
1.8 years during this period. For drug offenders convicted of Class 2 crimes, the average length of stay increased from 1.1 years to 1.5 years, and for Class 3 and 4 offenders, the average length of stay was almost identical in every year between 1983 and 1988.

WHAT SUBSTANCE ABUSE TREATMENT PROGRAMS ARE AVAILABLE FOR INMATES?

About 1 out of 7 state prison inmates in Illinois is serving a sentence for a felony drug offense.[35] This percentage does not come close to representing the number of inmates involved with drugs, however. Many inmates were using drugs or involved with drug-related criminal activity at the time of their arrests, but ended up serving sentences for other, non-drug offenses. A 1987 study by the Illinois Department of Corrections revealed that 54 percent of the current adult inmate population admitted using drugs at some time in their lives. And the study found that drug abuse and repeat offenses were connected. Among inmates released from adult facilities in 1984, the recidivism rate for mutilple-drug users was 58 percent, but 32 percent for non-drug users.[36]

DRUGS–23

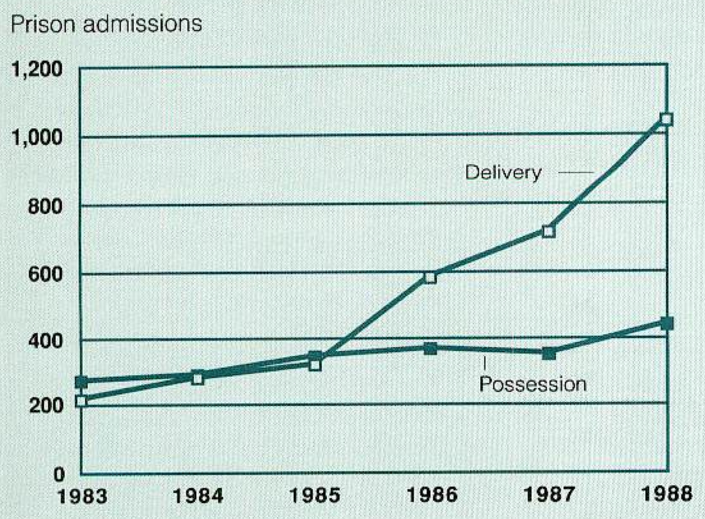
More than 60 percent of prison admissions for drug offenses involve Class X, 1, and 2 offenders.



Source: Illinois Department of Corrections

DRUGS–24

In 1988, 7 out of 10 drug offenders admitted to prison in Illinois were convicted of delivery crimes.



Source: Illinois Department of Corrections

To break the cycle of drug abuse and crime, IDOC has recognized the need to identify and treat substance abuse problems among inmates. In August 1988, IDOC began expanding drug education for substance-abusing offenders in the department's adult and juvenile institutions throughout Illinois, and began offering expanded treatment opportunities to female inmates with drug problems. Previously, drug education programs existed in only three adult and one juvenile institution, and long-term substance abuse therapy groups existed in four adult institutions. Early results of the expanded IDOC services are promising:

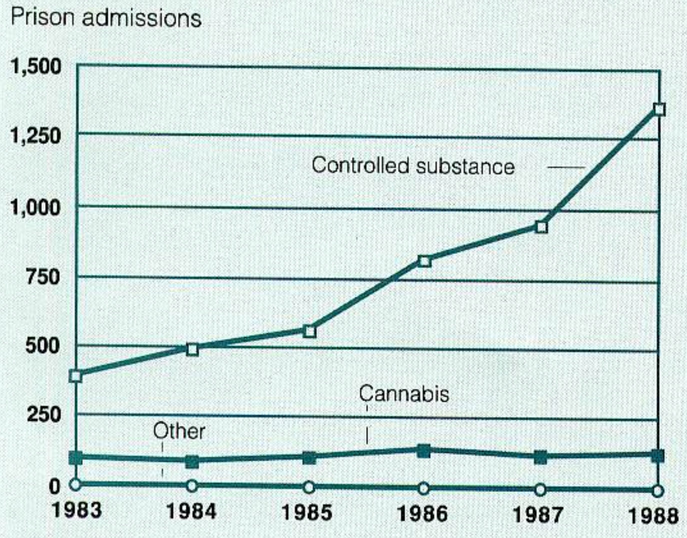
- About 400 adult inmates were served in the first four months of IDOC's expanded drug-education program.
- In-patient and therapy group treatment services were provided to 243 IDOC adult inmates in fiscal year 1989.
- Among adult female inmates participating in IDOC's community reintegration program, there were no parole failures during fiscal year 1989.

Substance abuse programs for inmates are equally important at the county level. According to IDOC's Detention Standards and Services Unit, all county jails in Illinois offer inmates at least some form of drug abuse treatment. In many counties, this treatment primarily involves conseling and referrals to community-based programs. In other counties, treatment programs inside jails are more formal and extensive.

The Cook County Jail's Substance Abuse Treatment Center (SATC), the largest treatment program of its kind in Illinois, has a capacity of 300 clients. During fiscal year 1989, 187 Cook County Jail inmates were admitted to SATC. Half of the inmates admitted were primarily cocaine abusers, and more than one-third were primarily heroin abusers. SATC has a continuous waiting list of 200 inmates.

DRUGS–25

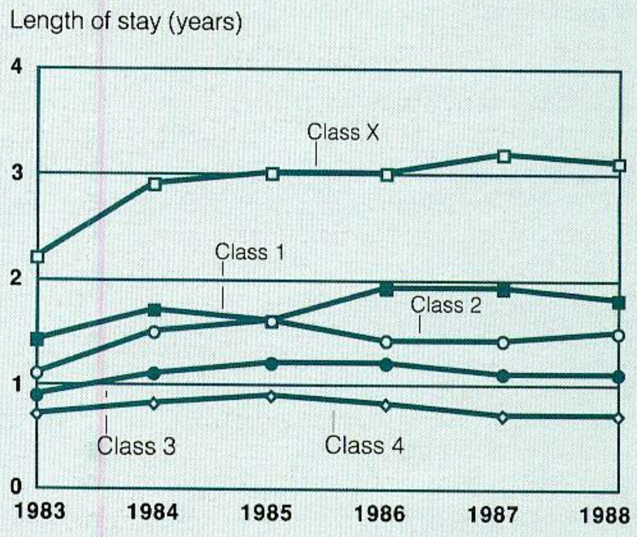
The number of prison admissions for offenders convicted of controlled substance crimes rose 45 percent in 1988.



Source: *Illinois Department of Corrections*

DRUGS–26

The average length of stay for Class X and Class 1 drug offenders was down slightly for those released in 1988.



Source: *Illinois Department of Corrections*

HOW MANY OFFENDERS IN ILLINOIS ENTER DRUG TREATMENT PROGRAMS?

Despite increasing recognition that treatment is critical for drug-abusing offenders, treatment resources remain in short supply in Illinois.[37]

The Illinois Department of Alcoholism and Substance Abuse (DASA) provides a variety of services for alcoholism and drug addiction throughout the state. Of the 77,176 clients admitted to DASA–licensed drug and alcohol treatment programs in fiscal 1988, 18,671 were referred from the criminal justice system.

Substance-abusing offenders may be sentenced to undergo treatment as a condition of probation under either Chapter 38 of the Illinois Revised Statutes or Article X of the Alcoholism and Other Drug Dependency Act.[38] Under Article X, an addicted or alcoholic offender may elect to undergo substance-abuse treatment under the supervision of a licensed program designated by DASA, provided that certain conditions are met.[39]

Treatment Alternatives for Special Clients (TASC) is the only agency in Illinois designated by DASA to assess, place, and monitor substance-abusing offenders sentenced under Article X. The number of substance-abusing offenders handled by TASC has increased substantially since the early 1980s. The number of drug-abusing offenders screened by TASC increased 46 percent, from 1,965 in fiscal year 1982 to 2,861 in fiscal 1988, although there was a slight drop between 1987 and 1988.[40] During the entire seven-year period, the number of offenders found eligible for treatment increased 43 percent, from 1,475 to 2,116; the number accepted, 27 percent, from 734 to 934; and the number actually placed in treatment, 38 percent, from 533 to 737.

Even though more drug-abusing offenders are being placed in TASC-monitored treatment every year, increases in the number of people screened, found eligible, and accepted for treatment have resulted in a sharp rise in the number of people awaiting placement in TASC-monitored programs (DRUGS-27). Excluding DUI offenders, 67 people were on TASC's waiting list in February 1982. By February 1989, the waiting list had grown by 461 percent, to 376.

The lack of treatment facilities is not just a Chicago-area problem, but a statewide concern. Of the 376 substance-abusing offenders awaiting placement in TASC-monitored programs in February 1989, 119 were from Cook and the collar counties, and 257 were from the remainder of the state.

Shortages of treatment facilities can affect not only individual offenders, but also correctional crowding and public safety. Of the same 376 offenders awaiting TASC-monitored treatment in February 1989, 57 were ordered incarcerated by judges until treatment spaces became available. The remaining 319 offenders were being monitored by TASC in the community pending placement in a drug treatment program.

HOW ARE SUBSTANCE-ABUSING PROBATIONERS HANDLED?

While TASC plays an important role in linking the criminal justice system, the substance-abusing offender, and treatment facilities, the overwhelming majority of substance-abusing offenders on probation in the state are not covered by Article X, but are placed instead on ordinary probation caseloads without the involvement of TASC. The Administrative Office of the Illinois Courts (AOIC) estimates that for every one substance-abusing offender in a TASC-monitored treatment program, 17 are on probation but not participating in TASC.

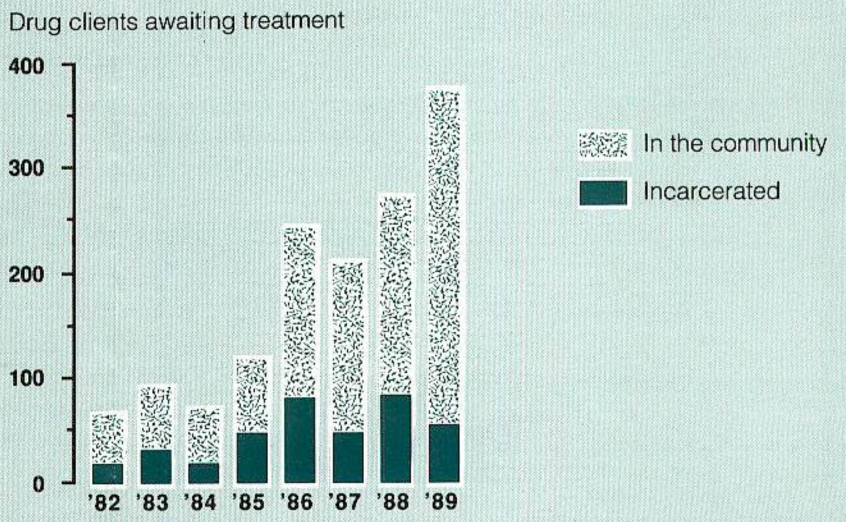
An AOIC survey of adult probation departments in December 1988 found that approximately 20 percent of the nearly 50,000 adult probationers in Illinois had been sentenced for drug offenses. And while approximately 15 percent of all probationers statewide had drug treatment as a special condition of their sentences, AOIC estimates that more than one-third were actually in need of drug treatment.[41]

Regardless of whether or not they are required to undergo treatment, or whether or not they are participating in a TASC program, all of these substance abusers are managed by probation officers, who are ultimately responsible for seeing that the conditions of their court-ordered sentences are met.

In order to monitor compliance with sentence conditions, and identify persons in need of drug treatment, probation departments in Illinois are increasingly using urine testing of probationers. According to AOIC, at least 14 Illinois counties were using drug testing in conjunction with probation programs as of September 1989. Although most use drug testing as part of a special program, such as Intensive Probation Supervision, St. Clair County has made testing a condition for all juvenile and adult probationers.

DRUGS–27

Even though more offenders are being treated through TASC programs, the number awaiting treatment is increasing.



Note: Waiting list numbers are as of February of each year. Numbers include some non-DUI alcohol clients.

Source: Treatment Alternatives for Special Clients

The Data

Despite the surge in public concern over drug abuse, and the criminal justice system's aggressive response to the problem, data describing trends in drug abuse and drug-related crime in Illinois remain sketchy. Still, the quality and availability of drug-related data appear to be improving.

Arrest statistics provide some indication of the level of drug abuse and trafficking in Illinois. Because of law enforcement's increased emphasis on drug control, however, those statistics also reflect departmental resources, policies, and priorities.

Drug arrest information used in this report comes from several sources. Arrest totals for the state (which reflect violations of Illinois law only), as well as breakdowns by offense type, were obtained from the Illinois Uniform Crime Reports (I-UCR). These data were combined with arrest data provided directly by metropolitan enforcement groups (MEGs),[42] whose arrests are not included in the I-UCR statewide arrest totals. Regional breakdowns of drug arrests were obtained from these same sources, as well as from data provided by the Chicago Police Department.[43] At the federal level, data were obtained directly from the Drug Enforcement Administration (DEA) on drug arrests made by that agency in Illinois.[44]

Because I-UCR does not distinguish among arrests involving different types of illegal drugs, cocaine arrest data in this report are based on figures from the Illinois State Police (ISP) and the state's drug enforcement task forces, the MEGs, and the DEA. Although these figures do not cover all cocaine arrests in the state, they do indicate general trends.

Information on crack cocaine seizures was obtained from the Chicago Police Department's Organized Crime Division's Narcotics Section and the Illinois State Police.

Trends in crime laboratory caseloads, backlogs, and turnaround times were shown by examining data from individual labs. Information from different labs should not be compared, however, because of differences in how cases might be defined.

Data on Operation Valkyrie and Operation Cash Crop were obtained from ISP, and information on the triplicate prescription control program came from the Illinois Department of Alcoholism and Substance Abuse.[45]

Statewide trends in the prosecution of drug cases are difficult to determine in Illinois. As with prosecution data in general, each state's attorney's office may generate and maintain its own drug prosecution statistics at the county level, but there is no uniform statewide system for reporting this information. Therefore, to assess trends in the prosecution of drug cases, one must look to data from individual counties.

Detailed information on drug case filings in Cook County's preliminary hearing and felony trial courts was obtained from the Criminal Justice Project of Cook County which used data originally generated by the Office of the Clerk of the Circuit Court of Cook County.

Trends in drug case filings outside of Cook County are especially difficult to determine. Available data cover only parts of the state and only for the most recent years. Data on drug case filings in the collar counties were obtained directly from the state's attorneys' offices in DuPage, Kane, Lake, McHenry, and Will counties.

Information on asset forfeiture cases was provided by the Chicago Police Department and the State's Attorneys' Offices in DuPage, Kane, Lake, and McHenry counties.

Just as there are limited data about drug case filings in Illinois, there is no statewide, central repository for information about the disposition of drug cases and the sentences imposed for drug convictions.

Although felony disposition and sentencing data are available on a statewide basis from the Administrative Office of the Illinois Courts (AOIC), the information is not available for specific offense types.[46] Thus, dispositions and sentences in drug cases cannot be identified using these data. And although statistics on drug cases may be recorded in some form at the local level, availability of these data poses problems.

To achieve a general understanding of trends in drug disposition and sentence types in Illinois, information was obtained from a variety of sources. Data on the dispositions received by drug offenders in Cook County preliminary hearings and felony trial courts were obtained from the Criminal Justice Project of Cook County.[47] Data on the number and average length of state prison sentences imposed for drug offenses in Illinois were obtained from the Illinois Department of Corrections (IDOC). Additional disposition and sentencing data were obtained from various law enforcement agencies that maintain court-related statistics concerning their arrests—ISP and the drug enforcement task forces, MEGs, and the DEA.[48] Although these agencies are involved in drug enforcement across the state, the court cases initiated by their arrests are not necessarily representative of all drug cases in Illinois. Several cautions regarding their data should be kept in mind.

First, the information reported by these agencies represents only a portion of all drug dispositions and sentences in Illinois. Second, since these agencies generally are involved in major drug cases, disposition and sentencing trends based on their data most likely reflect the handling of more serious drug offenders. Finally, because of counting differences between agencies—disposition and sentencing data reported by ISP and the task forces are based on charges, while statistics reported by the MEGs and the DEA are based on defendants—their data should not be directly compared or aggregated.

Statistics on drug offenders admitted to Illinois prisons and on the average length of stay for drug offenders were all obtained directly from IDOC.

Information on substance-abusing offenders and drug treatment was obtained from a variety of sources: IDOC, the Gateway Foundation, Treatment Alternatives for Special Clients (TASC, formerly Treatment Alternatives to Street Crime), and AOIC's Probation Division.

Notes

1 Crack is cocaine manufactured in its freebase form. Freebase is a smokable, highly addictive form of cocaine. It is the result of a chemical process by which "powder cocaine" (cocaine hydrochloride) is converted to a crystalline base by removing the hydrochloride salt and many of the "cutting" agents.

2 Annual Survey of High School Seniors, conducted by the University of Michigan Institute for Social Research, for the National Institute on Drug Abuse.

3 Alcohol continues to be by far the most commonly abused substance among high school seniors. Among seniors polled for the NIDA survey in 1989, 60 percent reported using alcohol within the past 30 days; more than 90 percent had used alcohol at some time in their lives. The number of seniors reporting alcohol use has declined slightly since the survey was first conducted in 1975, but continues to outnumber the combined total of all other substances used within the last 30 days.

4 National Household Survey on Drug Abuse, National Institute on Drug Abuse.

5 Ill.Rev.Stat., ch. 56 1/2, par. 701–719.

6 Ill.Rev.Stat., ch. 56 1/2, par. 1100–1413.

7 "Delivery" includes manufacture, intent to deliver, conspiracy, and other drug trafficking activities, as well as actual delivery of drugs.

8 Because statewide statistics on arrests under the Controlled Substances Act do not identify the specific controlled substances involved, the exact number of cocaine arrests made in Illinois is difficult to determine. However, among drug arrests made by the Illinois State Police, the state's drug enforcement task forces, Illinois' metropolitan enforcement groups, and the U.S. Drug Enforcement Administration in Illinois, arrests involving cocaine are measured.

9 State and local law enforcement agencies in Illinois are served by 10 crime labs throughout the state (see *Trends and Issues 89* for all lab locations). The Chicago Police Department has its own crime lab; all other labs in the state serve more than one agency. The Northern Illinois Police Crime Laboratory

serves nearly 50 member law enforcement agencies in Cook, Lake, and McHenry counties. The DuPage County Sheriff's Office crime laboratory serves approximately 50 law enforcement agencies in the DuPage County area. All other state and local law enforcement agencies are served by the Illinois State Police system of crime labs.

10 Case totals are not directly comparable between labs because of differences in how cases are defined.

11 The proportion of the Chicago Police Department's crime lab caseload that is made up of drug cases could not be determined with available data.

12 Requests for quantitation—complex analyses that determine the purity of drugs—also appear to be increasing.

13 State Crime Laboratory Upgrade Program Final Report, June 1987—September 1989; Illinois State Police, 1989.

14 Chicago Police Department Crime Laboratory Upgrade Program Report, January 1990. Some of these dismissals are administrative, meaning the case is reinstated or an indictment returned once the lab work is complete.

15 To stop the smuggling of drugs into Illinois by air, land, and water, the Illinois State Police, the Chicago Police Department, and the DEA started Operation Valkyrie in 1985. Law enforcement officers from the three agencies are trained to identify the characteristics of a typical drug trafficker when making routine traffic stops or conducting other business.

16 Prescriptions for Schedule II drugs—morphine, Demerol, amphetamines, and Preludin, for example—must be made in triplicate, with copies for the physician, the pharmacy, and the Illinois Department of Alcoholism and Substance Abuse. DASA then analyzes the information to produce reports on prescribing, dispensing, and consuming those drugs. DASA provides this and other information about prescription drugs to the Diversion Liaison Group, which consists of representatives from the DEA, the Internal Revenue Service, ISP, the Illinois Department of Professional Regulation, the Illinois Department of Public Aid, the Chicago Police Department, and the Cook County State's Attorney's Office.

17 Outside Cook County, it is difficult to describe trends in felony drug case filings because there is no central, statewide repository of information about case filings for specific types of offenses. Available data cover only parts of the state, and only for the most recent years. These data do suggest, however, that drug prosecutions are increasing in several areas outside Cook County. For example, prosecutors in the collar counties of DuPage, Kane, Lake, McHenry, and Will initiated more than 2,200 drug prosecutions in 1989, nearly double the 1,168 drug prosecutions initiated in 1987.

18 Ill.Rev.Stat., ch. 38, par. 19-5; P.A. 86-760.

19 Ill.Rev.Stat., ch. 122, par. 10-21.10, and Ill.Rev.Stat., ch. 122, par. 34-18.9; P.A. 86-791.

20 Ill.Rev.Stat., ch. 38, par. 44-2; P.A. 86-811.

21 Ill.Rev.Stat., ch. 56 1/2, par. 2301, et seq.; P.A. 86-829.

22 Ill.Rev.Stat., ch. 56 1/2, par. 2103.

23 Ill.Rev.Stat., ch. 56 1/2, par. 1655; P.A. 86-350.

24 Civil forfeiture may be carried out under four Illinois laws—the Cannabis Control Act (Ill.Rev.Stat., ch. 56 1/2, par. 712), the Controlled Substances Act (Ill.Rev.Stat., ch. 56 1/2, par. 1505), the Drug Paraphernalia Control Act (Ill.Rev.Stat., ch. 56 1/2, par. 1655; P.A. 86-350), and the Steroid Control Act (Ill.Rev.Stat., ch. 56 1/2, par. 2301, et seq.; P.A. 86-829.)—and one federal law—the Drug Abuse Prevention and Control Act (21 U.S.C. 881). Criminal forfeiture is permitted under the Illinois Narcotics Profit Forfeiture Act (Ill.Rev.Stat., ch. 56 1/2, par. 2105) and under two federal laws—the Racketeer Influenced and Corrupt Organization (RICO) Act (18 U.S.C. 1963) and the Drug Abuse Prevention and Control Act (21 U.S.C. 853).

25 One factor that may explain some of this variance is that felony review—prosecutorial screening of charges to remove weak cases from the felony adjudication process—is used in non-drug cases in Cook County, but not in drug cases. Some drug cases which are terminated at the preliminary hearing stage do subsequently enter the felony trial courts through various procedures, such as subsequent grand jury indictments. Unfortunately, the number of cases in which this occurs cannot presently be determined. See *An Assesment of the Felony Case Process in Cook County, Illinois, and its Impact on Jail Crowding* (Washington, D.C.: Adjudication Technical Assistance Project, 1989).

26 *Crime and Criminal Justice in Cook County* (Chicago: Criminal Justice Project of Cook County, 1989).

27 For the sake of simplicity, ISP and drug enforcement task force statistics are referred to as simply "ISP arrests," "ISP-initiated charges," or "ISP-initiated convictions."

28 Conviction statistics reported by ISP should not be compared with those reported by MEGs or the DEA. ISP conviction statistics count charges, while MEG and DEA convictions count defendants. The two are not comparable because a single defendant may face more than one charge.

29 The number of sentences, rather than the number of offenders, is reported. Only sentences of imprisonment in the Illinois Department of Corrections imposed for drug offenses are included.

30 Since conviction on a particular drug charge can result in a sentence involving more than one sanction—such as incarceration plus a fine—the sentences imposed for ISP-initiated drug convictions were classified according to the most serious sanction involved. Incarceration sentences were defined as any sentence involving incarceration; probation and other sentences were defined as any not involving incarceration.

31 Because the sentence imposed on a convicted defendant can involve a combination of sanctions, the sentences imposed for DEA-initiated drug convictions were classified according to the most serious sanction involved.

[32] Statistics on average sentence lengths cover criminals whose *holding* offenses were felony drug crimes. A holding offense is the charge on which the offender is convicted and held in prison. When there are multiple charges, the holding offense is the one that holds the offender in prison for the longest period of time.

[33] These admission figures cover only those felons who are sentenced to incarceration directly by the courts. They do not include offenders who are returned to prison for violating the conditions of their release or for other reasons.

[34] About three-quarters of this time is actually spent in prison; the rest is spent in jail or in other facilities where time served may be credited against the prison sentence.

[35] *January 1990 Population Projections* (Springfield: Illinois Department of Corrections, 1990).

[36] *Human Services Plan, Fiscal Years 1987-1989* (Springfield: Illinois Department of Corrections, 1988).

[37] *Data Report: The Alcoholism and Other Drug Abuse Services System in Illinois* (Springfield, Ill.: Department of Alcoholism and Substance Abuse, 1988).

[38] Ill.Rev.Stat., ch. 111 1/2, par. 6351-6361-3.

[39] An addict or alcoholic who is convicted of a crime may elect treatment unless (1) the offender has committed a violent crime; (2) the crime is a violation of Section 401, 402(a), 405, or 407 of the Illinois Controlled Substances Act or Section 4(d), 4(e), 5(d), 5(e), 7, or 9 of the Cannabis Control Act; (3) the offender has a record of two or more convictions of a violent crime; (4) other criminal felony proceedings are pending against the offender; (5) the offender is on probation or parole and the appropriate parole or probation authority does not consent to treatment; (6) the offender chose and was admitted to a designated program on two prior occasions within a two-year period; or (7) the offender has been convicted of residential burglary and has a record of one or more felony convictions.

If an offender chooses treatment, a court-ordered examination is performed by a designated program to determine whether the offender is indeed an addict and whether or not rehabilitation through treatment is likely. If the court finds that the offender is eliglible for treatment and—on the basis of the examination—likely to be rehabilitated, the court may impose a sentence of probation, with treatment as a condition.

[40] TASC's fiscal year is the same as the state's—July 1 through June 30 (fiscal 1988, for example, ran from July 1, 1987, through June 30, 1988).

[41] During January 1990, AOIC conducted an adult probation intake survey of all probation departments in Illinois. Data on the characteristics of the intake sample were still under analysis at the time of printing.

[42] Metropolitan enforcement groups' operation and fiscal reports to the General Assembly (Springfield,Ill.: Illinois State Police, 1979-1988).

[43] Chicago Police Department's annual reports, 1979-1988.

[44] All DEA arrest information was obtained from the DEA's computerized Defendant Statistical System.

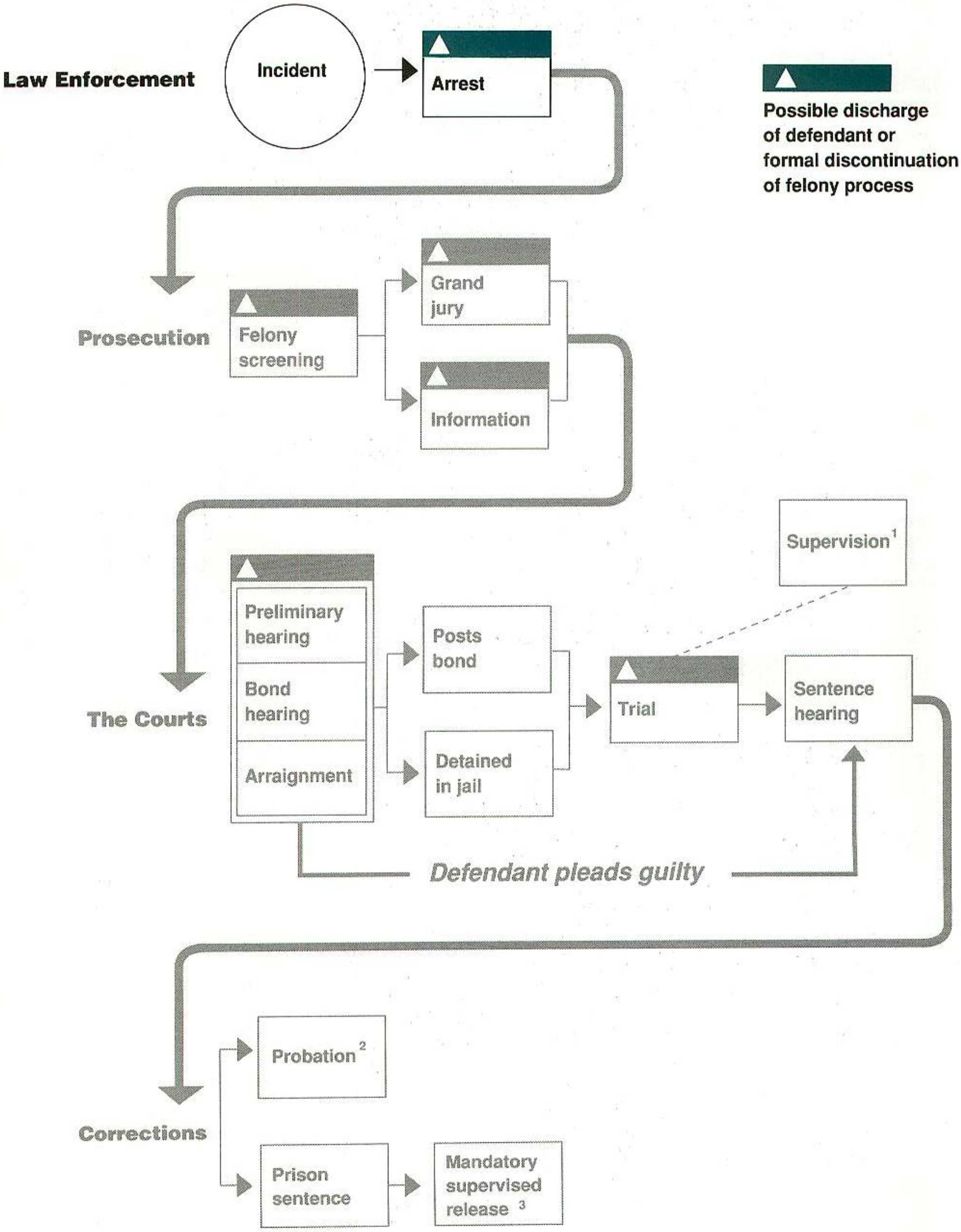
[45] *Triplicate Prescription Control Program Annual Operations Report* (Chicago: Illinois Department of Alcoholism and Substance Abuse, 1989).

[46] Felony disposition and sentencing data reported by AOIC can be broken down by felony class only.

[47] Data for the Criminal Justice Project of Cook County were orginally generated by the office of the Clerk of the Circuit Court of Cook County.

[48] ISP and drug enforcement task force data were provided by ISP from their statewide Statistical Drug Database. MEG data were obtained from the MEGs operation and fiscal reports to the Illinois General Assembly (Springfield, Ill.: Illinois State Police, 1979–1988). DEA data were obtained from the DEA's computerized Defendant Statistical System.

An Overview of Felony Processing in Illinois



1 After successful completion of court supervision, charges may be dismissed
2 Or other form of court supervision, such as conditional discharge
3 Or other conditional release from prison

LAW ENFORCEMENT

Overview

Many people believe the amount of crime in their communities is due solely to how well police are doing their jobs. According to this view, an effective police agency would necessarily ensure a low crime rate. But research has shown that social and economic factors have an enormous influence on the nature and levels of crime in a particular community. In fact, the strength and policies of law enforcement agencies are only two of 11 factors the Federal Bureau of Investigation (FBI) recognizes as having a major influence on crime. The other nine are the following:[1]

- The size of the community, its population, and how crowded it is
- Population characteristics, particularly age
- Whether the population tends to be more stable or more transient
- Economic conditions, including the availability of jobs
- Cultural conditions, including educational, recreational, and religious characteristics
- Climate
- The policies of other components of the criminal justice system
- Citizen attitudes toward crime
- How citizens report crime

HOW DO CRIMES BECOME KNOWN TO THE POLICE?

Many crimes that occur never become known to the police. According to national estimates, only about half of the violent crimes of rape, robbery, and assault are reported to the police.[2] Among property crimes, one-quarter of personal thefts (purse snatching, pocket picking, and larceny without contact away from home), and one-third of the household crimes of burglary, household larceny, and motor vehicle theft are reported.[3] The police themselves discover relatively few crimes—3 percent of all personal crimes and 2 percent of household crimes.[4]

Several factors can affect the likelihood of a crime being reported to police:

- Completed crimes are more likely to be reported than attempted crimes.
- When the victim is injured the crime is more likely to be reported to police than when the victim is not injured. Also, the reporting rate is higher for crimes resulting in serious injuries than for those resulting in minor injuries.
- The proportion of crimes reported to police increases as the value of the property stolen or damaged goes up. This is true of virtually all crimes, violent and nonviolent. Overall, crimes are about twice as likely to be reported if the cash or property loss is $250 or more than if there is no loss.
- Generally, age, education, race, or other demographic characteristics of victims have a smaller effect on reporting rates than does the type of crime. Nonetheless, the proportions of crimes reported to police are somewhat lower when teenagers or those with less than a high school education are victimized.

Considering only crimes of violence, the proportions of crimes reported are higher when the victims are females rather than males, or blacks rather than whites.

Whether or not crimes are reported to the police does not simply depend on the decisions of victims. A substantial portion, about 40 percent, of all crimes that become known to the police are reported by someone other than the victim—for example, a witness or a relative of the victim. Almost half of all violent crimes and slightly more than one-third of all crimes of personal theft are reported by someone other than the victim. Of all the personal crimes made known to the police, pickpocketing is the one with the highest proportion reported by the victim—87 percent. The vast majority of household crimes are reported by a household member. Nonetheless, about 1 in 8 are brought to the attention of the police in some other way, such as a report by a neighbor.

HOW IS LAW ENFORCEMENT ORGANIZED IN ILLINOIS?

Regardless of how a crime becomes known to the police in Illinois, a municipal police or county sheriff's department is likely to be the first criminal justice agency to respond.[5] Although both the federal and state governments support some law enforcement efforts in Illinois, most police services are organized, administered, and financed at the municipal or county level. In 1988, for example, law enforcement functions were performed by the following agencies in Illinois:

- 805 municipal police departments, which employed 25,270 full- and part-time sworn officers (nearly half of the sworn officers in the state work for the Chicago Police Department). Although many police departments are involved in a variety of community service activities, their primary responsibility is to enforce state laws and local ordinances.
- 102 sheriffs' departments, with a total of more than 3,500 sworn officers. Besides providing police services in unincorporated areas of their counties, sheriffs' departments operate county jails, provide security for courts and other public buildings, and assist municipal police departments.
- A variety of state-level law enforcement agencies, the largest of which is the Illinois State Police (ISP), with 2,252 sworn officers. ISP's Division of State Troopers enforces laws on state and interstate highways in Illinois. ISP's Division of Criminal Investigation investigates major crimes—such as large-scale drug offenses, white-collar crimes, and fraud—and helps local police departments with special short-term needs. ISP's Division of Internal Investigations is responsible for investigating alleged acts of misconduct in executive-level state agencies. In addition, the Illinois Secretary of State's Office employed 175 officers in 1988 to enforce Illinois' Motor Vehicle Code, and the Department of Conservation employed 153 officers to carry out various fish, game, forestry, and boating laws. The Department of Central Management Services employed 46 officers to provide police services at the State of Illinois Center in Chicago and to various mental health facilities. The Illinois Commerce Commission employed 39 officers to enforce laws relating to intrastate transportation of property.
- 35 colleges and universities, 26 railroads, 17 park districts, four forest preserves, five airports, two hospitals, and one civic center that maintained law enforcement agencies.

In addition, several federal law enforcement agencies have operations within Illinois:

- The FBI is charged with investigating all violations of federal law except those that have been assigned by law or executive order to another federal agency. The FBI's priorities are in organized crime (including drug trafficking), terrorism, and white-collar crime.
- The Drug Enforcement Administration is the lead agency for enforcing federal drug laws and regulations. The DEA's primary mission is the long-term immobilization of major drug trafficking organizations.
- The Bureau of Alcohol, Tobacco and Firearms is responsible for enforcing and administering federal firearms and explosives laws, as well as laws covering the production, use, and distribution of alcohol and tobacco products.
- The U.S. Marshals Service provides support and protection to the federal courts, operates the witness security program, executes court orders and arrest warrants, and manages the property seized from criminals.
- The Immigration and Naturalization Service controls entry into the United States by aliens, maintains information on alien status, facilitates certification of citizenship, and apprehends and deports those aliens who enter the country illegally or whose authorized stay has expired.
- The U.S. Customs Service enforces customs and related laws. It interdicts and seizes contraband, including illegal drugs, and administers certain navigation laws.

- The Postal Inspection Service of the U.S. Postal Service investigates threats to the security and effectiveness of the mail, as well as postal funds and property, and apprehends those who violate postal laws.
- The Internal Revenue Service investigates matters of civil and criminal violations of internal revenue laws.
- The U.S. Secret Service, an arm of the U.S. Department of the Treasury, protects visiting federal executives and their families, as well as distinguished foreign visitors. It also detects and arrests offenders for counterfeiting coins, currency, or stamps and for violations of other crimes that involve obligations or securities of the United States.
- Finally, the U.S. Army, Navy, Air Force, Marines, and Coast Guard perform law enforcement functions as they pertain to violations of military law, as well as to the entire realm of national security.

In addition to governmental law enforcement agencies, more and more private law enforcement organizations—such as private security or private detective agencies—are operating in Illinois and throughout the nation. These agencies use civilian personnel (who are not vested by law with full police powers) to perform law enforcement tasks that do not require highly trained police officers or agents. In Illinois, there are more than 300 registered private security agencies, employing about 40,000 individual security guards; 365 registered private detective agencies, employing 570 individual private detectives; and 742 registered alarm contractors. By contrast, there are approximately 900 state, county, and local police agencies in Illinois, employing more than 33,000 sworn personnel.

WHAT TRAINING DO ILLINOIS LAW ENFORCEMENT OFFICERS RECEIVE?

Courts throughout the nation have uniformly recognized that municipalities and law enforcement administrators have an affirmative duty to adequately train police officers they employ. A number of lawsuits have been brought against police administrators on the premise of insufficient training. Courts have found that the administrator can be held liable for the acts of subordinates under the principle of "vicarious liability" if a citizen is injured and that injury was caused by the administrator's negligence in appointing or failing to properly train, retrain, or supervise the officer. State and local governments, then, have a clear responsibility to make certain that officers are adequately and uniformly trained.

The Illinois Local Governmental Law Enforcement Officers Training Board, also called the Police Training Board (PTB), is responsible for the administration and certification of training programs and courses for local law enforcement agencies and their personnel. Since 1976, all newly appointed officers have been required to meet specific minimum standards before being certified by the State of Illinois. The requirements have been expanded since then, and officers are now required to do the following:

1. Successfully complete a 400-hour basic law enforcement curriculum
2. Successfully complete a 40-hour firearms training course
3. Pass a comprehensive examination administered by PTB
4. Meet minimum physical training standards for new officers

The basic law enforcement curriculum contains instruction in the legal aspects of police work, such as arrest, use of force, and rights of the accused; crisis intervention and other human behavior issues, such as crowd behavior and child abuse; crime prevention; investigation and other procedural aspects of police work, such as communications; traffic law enforcement; firearms instruction; and first aid training.

Besides the basic recruit training program, PTB also administers and coordinates training programs for experienced police officers. In 1982, units of local government throughout Illinois collectively formed 16 mobile team training units, administered by PTB, which deliver in-service training within established geographic regions. The courses center on specific local needs, and therefore reflect a wide range of topics such as police radar, suicide intervention, gang crimes, narcotics and dangerous drugs, and juvenile justice. In addition, the Illinois State Police (ISP) provides a basic course and field training to its own recruits. ISP also offers PTB-certified advanced training courses to local agencies.

WHAT ARE THE TYPICAL FUNCTIONS OF LAW ENFORCEMENT AGENCIES?

Not only is the police role complex, but it varies dramatically among different agencies. Even among similar agencies, such as municipal police departments, objectives may differ depending upon the level of crime and citizens' requests for services. Some objectives common to all police agencies were articulated in 1972 by the American Bar Association's Advisory Committee on the Police Function:

- Protect the constitutional guarantees of all persons
- Reduce the opportunities for crime

- Help people who are in physical danger and find care for those who cannot care for themselves
- Resolve conflict
- Identify crime and criminals, arrest offenders, and testify in court
- Be aware of potential problems affecting law enforcement and other governmental agencies
- Control traffic
- Create and maintain a feeling of security in the community
- Provide other police services to the community

Note that only one of these objectives mentions arresting offenders. If law enforcement is narrowly defined as applying sanctions (that is, arrests) to behavior that violates legal standards, then police actually spend only a small portion of their time enforcing the law. Some studies have suggested that only about 10 percent of the citizen complaints relayed to the police require enforcement of the law.[6] More than 30 percent of the calls are appeals to maintain order (for example, to mediate a family dispute or to disperse an unruly crowd), 22 percent are for information gathering activities (asking routine questions at a crime scene, inspecting victimized premises, and obtaining information needed to register criminal complaints), and 38 percent involve service-related duties (assisting injured persons, animal control, or fire calls).

HOW ARE LAW ENFORCEMENT AGENCIES ACCREDITED?

In 1979, four major law enforcement professional associations[7] formed the Commission on Accreditation for Law Enforcement Agencies. The commission developed a set of law enforcement standards, as well as establishing and administering an accreditation process by which agencies can demonstrate voluntarily that they meet professional criteria. Accreditation can help agencies control or reduce liability insurance costs and deter liability litigation, as well as help them gain the confidence of the community and government officials.

The commission has developed more than 900 standards, addressing six major law enforcement areas:

- Role, responsibilities, and relationships with other agencies
- Organization, management, and administration
- Personnel administration
- Law enforcement operations, operational support, and traffic law enforcement
- Prisoner and court-related services
- Auxiliary and technical services

Agencies seeking accreditation are required to comply only with standards specifically applicable to them; applicability is based on the size of the agency and the functions it performs. Standards are either mandatory or non-mandatory. Agencies must comply with all applicable mandatory standards and 80 percent of the applicable non-mandatory standards. The initial accreditation is valid for five years.

As of the end of January 1990, 134 law enforcement agencies nationwide were accredited, and more than 683 were working toward accreditation. Illinois ranked third in the nation, with 11 fully accredited agencies and 52 others seeking accreditation. The Illinois State Police, in 1986, was the first state police agency in the nation to be certified.

HOW QUICKLY DO POLICE RESPOND TO CALLS FOR SERVICE?

Although police may make every effort to respond quickly to all calls for service, there are several reasons why some calls may be answered more quickly than others.

First, some calls are simply not as urgent as others. When a call for service is an emergency, such as a situation involving injuries, immediate attention by the police is expected. But many other calls, such as a report of a stolen bicycle, do not require an immediate response. Sending a police car immediately to all calls for service would be nearly impossible. Even so, citizens usually seek reassurance that if they call the police when a crime is in progress, the response time will be fast enough to maximize the chances of aiding the crime victim and apprehending the offender.

Second, response time may have no effect on solving a crime or helping a victim. Many people assume that the more rapidly the police respond to calls about crimes, the more likely they are to catch and arrest the suspect. But because crime victims and witnesses themselves often do not call the police immediately following a crime, rapid response in no way guarantees an arrest. The response time of the police following a delayed report of a crime may have little relevance to making an arrest for the crime.[8]

Third, even though they attempt to respond rapidly, police may be hindered by other factors beyond their control. While police are accountable for the elapsed time from the moment the citizen *dials the phone* to the time that the call is dispatched to a field officer, the additional time it takes the officer to arrive at the scene of the disturbance is affected by factors beyond police control, such as traffic or weather conditions.

A 1987 study of aggregate response times for 31 law enforcement agencies that use the Authority's Police Information Management System (PIMS) found that the average response times for eight major types of crimes in progress ranged from 2.5 to 4.7 minutes, with the response times for violent crimes slightly faster than those for property crimes (Figure 1-1).[9]

WHAT IS COMMUNITY-ORIENTED POLICING?

Community-oriented or problem-oriented policing is a relatively new form of law enforcement strategy and management, based on the assumption that neither the police nor the citizens can be the sole providers of community maintenance and order. Both police and citizens must actively cooperate for crime control efforts to be successful. Police, rather than simply responding to calls for service, work with citizens in identifying and solving crime problems. And citizens give police ideas and information, not necessarily about specific crimes, but about problem areas such as abandoned buildings and drug houses. The means by which police may encourage citizen interaction in a community-oriented policing program include the following:

- Foot or park-and-walk patrols
- Establishment of "mini-police stations" within the community
- Publishing community newsletters
- Starting Neighborhood Watch programs
- Providing crime victims with follow-up information concerning case outcomes and dispositions

The Evanston Police Department has adopted the community-oriented style of policing. Its program, "The Partnership," includes foot patrol beats, a Neighborhood Watch program, and two small police offices in addition to the main police facility (one located within the town's civic center). The program is managed from the "bottom up." Weekly meetings are held among the foot patrol officers, planning staff, crime analysis unit, and administrative staff. Problems identified by beat officers within the community are discussed, and proposed solutions are then offered to the beat officers by staff from all ranks. Officers also report about their progress toward solving the previous week's problems.

HOW DOES A LAW ENFORCEMENT OFFICER CARRY OUT AN ARREST?

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

Both federal and state courts have ruled on what constitutes a lawful arrest. In 1983, the Illinois Supreme Court held that a law enforcement officer has the authority to arrest if the officer has reasonable grounds to believe someone is violating, or has already violated, the law.[10] That same year, the 7th U.S. Circuit Court of Appeals, which has federal jurisdiction in Illinois, ruled that to lawfully arrest a person, there must be objective justification to create a reasonable suspicion that the person being arrested was engaging in criminal activity.[11] The evidence needed to make a valid arrest does not have to amount to proof of guilt. It must simply show that the suspect can be reasonably supposed to have committed the crime. *Probable cause* can be established without the officer personally observing the commission of a crime. The officer may have observed activities that reasonably suggest that the suspect committed a crime, or may have received information from police radio bulletins, witness or victim reports, anonymous tips, and leads from informers.

Municipal police officers generally confine their arrests to the boundaries of their communities. This general rule was reinforced by an 1869 Illinois Supreme Court ruling that, without an arrest warrant, a local officer has no authority to make an arrest outside the geographi-

Figure 1-1

1987 average response times to crimes in progress, by 31 PIMS agencies.

Index crime	Total calls	Average response time (minutes)
Murder	24	2.5
Arson	166	2.6
Robbery	353	3.5
Aggravated assault	630	3.6
Motor vehicle theft	1,897	3.9
Criminal sexual assault	79	3.9
Burglary	2,047	4.5
Theft	5,244	4.7
Total	**10,440**	**4.4**

Note: Analysis limited to responses to calls for service during 1987 where an index crime was reportedly in progress.

Source: Police Information Management System, Illinois Criminal Justice Information Authority cal limits of the municipality.[12] Although this decision is 120 years old, it has never been overturned by the Illinois Supreme Court or nullified by legislation. Certain exceptions to the general rule, however, have evolved through subsequent court decisions and legislation:

- **Police district cooperation.** By law, the police of any municipality in a police district—the area that includes the corporate limits of adjoining municipalities within a single county[13]—may go into any part of that district to suppress a riot, to preserve the peace, or to protect the lives, rights, and property of citizens.[14] For these purposes, the mayor of any municipality in the district and the chiefs of police in the police district can use the police forces under their control anywhere in the district. Local law enforcement officers have implicit authority to make arrests for federal crimes as well.[15]
- **Hot pursuit.** Police may continue the immediate pursuit of a person into another Illinois jurisdiction, if that person is trying to avoid arrest.[16]
- **Request from another jurisdiction.** State law allows any law enforcement officer to command the assistance of individuals over the age of 18, thus giving them the same authority to arrest as the officer.[17] If the individual is a police officer from another jurisdiction, that officer is empowered to make an arrest outside the officer's community.
- **Warrant arrest.** Every arrest warrant in Illinois is directed to all law enforcement officers in the state, and a warrant may be executed by any officer (or by a private citizen specifically named in the warrant) in any county in the state.[18]

WHEN IS THE USE OF DEADLY FORCE JUSTIFIED?

When making an arrest, a law enforcement officer must determine the degree of force needed to successfully complete the arrest. In particular, police use of *deadly force* has received close public scrutiny in recent years, and officers must have legal justification to use such force during an arrest.

Both federal and state laws govern police use of deadly force. In 1985, the U.S. Supreme Court held that "there can be no question that apprehension by the use of deadly force is a seizure subject to the reasonableness requirement of the Fourth Amendment. . . . To determine the constitutionality of a seizure, we must balance the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of governmental interests alleged to justify the intrusion. . . . Because one of the factors is the extent of the intrusion, it is plain that reasonableness depends on not only when a seizure is made, but also how it is carried out."[19]

Under Illinois law, an officer is justified in using deadly force "only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or (another) person, or when he reasonably believes both that: (1) Such force is necessary to prevent the arrest from being defeated by resistance and escape; and (2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay."[20]

UNDER WHAT CIRCUMSTANCES ARE ARREST WARRANTS NEEDED?

Generally, an arrest must be supported by a valid arrest warrant. Arrest warrants are issued in two different ways. In one, a victim or complaining witness goes directly to a prosecutor with information about a crime, signs a complaint, and then appears before a judge who is authorized to issue an arrest warrant for the suspect in that particular crime. In the other situation, it is a law enforcement officer who files the complaint and goes before a judge to seek an arrest warrant.

However, an arrest warrant is not always needed for a law enforcement officer to arrest a criminal suspect. For example, if an officer witnesses a felony or misdemeanor being committed, or if there is probable cause that a felony occurred and that the person being taken into custody committed the crime, the officer may make an arrest on the spot. Unless an officer faces a true emergency, however, police may not enter a person's home without a warrant in order to arrest that person.

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

WHAT ARE THE RESTRICTIONS ON POLICE INTERROGATION OF A SUSPECT?

Police interrogation of a criminal suspect is strictly regulated by court-made rules based on constitutional law. A confession or a statement obtained by an officer who fails to follow these rules normally may not be used as evidence against the person who made the statement, nor may evidence obtained as a result of the police taking advantage of such a statement be used in court.

"Miranda" warnings must be given to a criminal suspect who is in custody or is otherwise deprived of his or her freedom in any significant way, prior to interrogation.[21] Following the U.S. Supreme Court's 1966 *Miranda v. Arizona* decision, police are required to clearly tell a suspect that he or she does not have to answer questions, and that if he or she does, the answers can and will be used as evidence. The suspect is also informed of the right to have a lawyer present before being questioned, and that if he or she cannot afford to hire a lawyer, one will be provided at no cost.

The U.S. Supreme Court handed down a major decision on police interrogation during its 1988–89 term. In *Duckworth v. Eagan,* the Court ruled that police, when advising suspects of their rights, may change the wording of the "Miranda" warning, as long as what is said to a suspect is similar in meaning.[22] In this particular case, a murder suspect was given the basic Miranda warnings, but in addition was told he would be given a lawyer "if and when you go to court." The Supreme Court reversed a ruling by the U.S. Circuit Court of Appeals that this additional language had confused the suspect. The Supreme Court found the wording of the warning acceptable because the statement was literally true, merely anticipating a question suspects are likely to ask, and because the additional wording did not negate the suspect's understanding of his rights.

WHEN MAY POLICE CONDUCT A SEARCH?

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

As a general rule, a search must be supported by a valid search warrant. There are, however, some exceptions. During an arrest, police may search the person being arrested and the immediate surroundings. Similarly, during hot pursuit of an armed felony suspect, police may search a building for the suspect. Also, officers may search a car for contraband or evidence if the car was in motion when seized and there is probable cause to believe that it contains contraband or evidence of a crime. In an emergency, officers may search a person, vehicle, or property if it is necessary to prevent injury or loss of life, or to prevent serious property damage. In addition, police may search any person or property with consent.[23]

The U.S. Supreme Court's 1988–1989 term produced two decisions that expanded the rights of police to conduct searches and seizures. In *U.S. v. Sokolow,* the Court ruled that law enforcement's use of drug courier "profiles" is not a violation of the requirement for reasonable suspicion when making a stop—in this instance, a traveler suspected of carrying controlled substances.[24] In this particular case, federal drug agents saw the defendant doing several things, such as paying cash for airline tickets and taking a short trip to a city (Miami) known as a source for drugs, that fit their profile of a drug courier. An appellate court ruled that this evidence was not indicative of ongoing criminality and that the stop was unconstitutional. The Supreme Court, however, reversed the decision, saying that although any one of the factors making up the profile was consistent with innocent travel, taken together they supported a reasonable suspicion that the defendant was carrying drugs. The Court ruled that the evaluation of a stop requires consideration of "the totality of the circumstances."

In *Florida v. Riley,* the Supreme Court ruled that helicopter surveillance without a warrant of areas within the boundaries of a person's home was permissible.[25] In this case, the defendant had a partially covered greenhouse on the "curtilage"—within the legal boundaries—of his home. Police, responding to tips that marijuana was being grown in the greenhouse, made circular helicopter flights over the greenhouse at a height that allowed them to see the evidence through gaps in the roof. The Court disagreed with the defendant's claim that the overflight was a "search" requiring a warrant. It ruled that the defendant had no reasonable expectation of privacy against warrantless police observation since their observation came from a public vantage point, in this case, airspace approved by the FAA.

WHAT IS AFIS?

Automated fingerprint identification systems (AFIS) are revolutionizing the way law enforcement agencies process fingerprints, identify offenders, and solve crimes. Using newly developed computer equipment, AFIS scans fingerprint impressions and extracts identifying characteristics in sufficient detail to allow a single fingerprint to be distinguished from millions of file prints that have been similarly scanned and stored in digital form in the computer's memory.

Two types of fingerprints are used by criminal justice agencies—10-print cards and latent fingerprints. Ten-print cards are generally prepared at the time of an individual's arrest by taking a full impression of each finger, and are compared to other fingerprints kept on file to determine positively the person's identity and whether he or she has a prior record. Latent fingerprints are those obtained at crime scenes or in relation to crimes. Latent prints are usually of one or a few fingers and are often of poor quality.

Without AFIS, fingerprint searches are expensive and time-consuming. When an individual is fingerprinted, his or her name, date of birth, sex, and other identifying information is compared to a master name index. If there is a match, the file fingerprint cards associated with the match candidate are retrieved and are manually compared with the incoming card by a fingerprint technician to verify positive identification.

If, however, no match is found, the fingerprints themselves are classified and then compared to the fingerprints on file to ensure that the individual has not escaped identification by using an alias or as a result of clerical error in conducting the name search. Although the classification of the fingerprints limits the search to a portion of the entire file, it is still necessary to compare the search card with other file cards within that classification.

Latent fingerprints can't be classified because they contain so much less information than a full set of fingerprints; therefore, they are usually compared only to the file prints of known suspects. If there is no match, the prints are placed in an unsolved latent file.

With AFIS, however, 10-print and latent fingerprint searches are easier and faster. Nationally, about 50 percent of all arrests do not result in a name index match. AFIS will automate the resulting fingerprint search. And although it is virtually impossible to manually search entire fingerprint files for a match for one latent print, AFIS can perform such a search in a matter of minutes.

In several recent instances, AFIS was instrumental in solving serious crimes that had been under investigation for several years. In April 1987, Chicago police arrested a suspect in the 1979 beating death of an 84-year-old man. Police evidence technicians had been able to obtain one fingerprint from a radio in the victim's bedroom. When the Chicago Police Department's AFIS became operational in 1987, the lone print was fed into the system. The suspect, whose fingerprints were on file because of a robbery arrest years after the murder, was extradited from Wisconsin and placed under arrest.

In March 1989, AFIS helped solve the 1980 slaying of a high school music teacher in St. Clair County by a former student. Local police had not considered the former student to be a suspect in the murder, but an AFIS search revealed that latent fingerprint evidence found in the victim's apartment matched the former student's fingerprints. The fingerprints were on file with the Illinois State Police's criminal history record system following 1983 and 1984 arrests for drug and theft charges, and were later placed on ISP's AFIS during a test run of the system. Police then extradited the suspect from Oklahoma, and charged him with the murder.

Considering the effect that AFIS technology can have on law enforcement's ability to solve crimes and apprehend criminals, it is not surprising that implementation is now proceeding rapidly throughout the country. As of September 1989, almost half the states had installed or were in the process of acquiring AFIS. Due to the high cost of the systems, however, implementation has thus far been limited to the FBI, state identification bureaus, and large cities. Some of the state bureaus outside Illinois are, however, providing local agencies with remote access to their AFIS systems. In Illinois, AFIS has been implemented at the Chicago Police Department and will soon be fully implemented at the Illinois State Police.

WHAT IS DNA "FINGERPRINTING"?

DNA (deoxyribonucleic acid) fingerprinting, also known as genetic fingerprinting or profiling, allows forensic experts to determine far more accurately than ever before the origin of blood, body fluid, or human tissue connected with a crime. DNA, which contains the genetic "code" that is unique to every individual, is extracted from the body fluid stains or tissue and compared with that of the suspect or victim.

The results of this technique are very accurate. Researchers claim a 99.9-percent accuracy rate for DNA fingerprinting, compared to a 90-percent to 95-percent rate with older methods of forensic testing. DNA fingerprinting enables police and prosecutors to make positive identifications using biological evidence other than fingerprints. In cases where the evidence has been properly preserved, it requires smaller amounts of evidence for testing than older methods. Where it has been partially destroyed or where only minute amounts could be recovered, a new process—polymerase chain reaction (PCR)—can be used to make the sample more readable.

The testing procedure has been performed on two prominent Illinois cases to date. Evidence from the murder of Jeanine Nicarico in Naperville was tested and accepted in court. The results exonerated two of the four suspects in the case. Evidence from the Gary Dotson rape case, in which the victim recanted her story in 1985, has also been tested using this method. Although initial results were inconclusive, because the amount of evidence retrievable from such an old sample was insufficient, later tests were important factors in the prosecution's decision not to retry the case.

At present, only three private labs in the United States perform DNA testing. In addition, the FBI crime lab in Washington, D.C., began accepting cases in October 1988.

Illinois can expect to have a state DNA lab in the near future. An estimated $544,000 from an increase in the state cigarette tax is funding the start-up costs for

DNA testing at labs operated by the Illinois State Police. According to ISP, the earliest the program could become operational is two years after it is funded.[26]

Another law, effective July 1, 1990, will increase the use of DNA technology in Illinois. It requires that all convicted sex offenders, or those institutionalized as sexually dangerous persons, submit saliva and blood samples to the Illinois State Police.[27] ISP will then analyze the samples and categorize them into genetic marker groupings. ISP will serve as the state's central repository for DNA profile information, as it is for fingerprints.

The absence of testing standards, at both the state and national levels, is one impediment to widespread use of DNA technology. Standards would increase acceptance of the test results in the courts and make possible the creation of a nationwide database containing all positive identifications made through DNA fingerprinting. Thus far, these tests have been accepted in only a handful of Illinois courts.

The Data

Since 1930, law enforcement agencies throughout the United States have voluntarily reported crime data to the Federal Bureau of Investigation for inclusion in the national Uniform Crime Reports (UCR). More recently, the FBI has drafted guidelines for a greatly expanded crime reporting format. This new reporting program, called the National Incident-Based Reporting System (NIBRS), will focus on criminal incidents in all their complexity, rather than the aggregate totals that are presently reported. The new program will collect a wide range of background data on these incidents, including information about victims and offenders, use of force, time and location of incidents, and other variables that allow analysis of the underlying factors that influence crime. The FBI expects that the NIBRS will be phased in alongside the existing UCR system over the next decade, as more and more agencies make the transition to incident-level reporting. In August 1989, the Illinois State Police received a grant from the U.S. Department of Justice to redesign the state's UCR program. The two-year project will cost approximately $600,000.

In addition to the national UCR, most states, including Illinois, also compile state-level UCR statistics. The primary source of statistics in this chapter is the Illinois Uniform Crime Reports (I-UCR).

WHAT ARE THE ILLINOIS UNIFORM CRIME REPORTS?

In 1972, Illinois instituted a mandatory UCR reporting system for all law enforcement agencies in the state.[28] These agencies are required to report monthly data to the Illinois State Police (ISP), which manages the I-UCR program. Most agencies report their I-UCR statistics directly to ISP, either on paper, on magnetic disks or cartridges, or on-line through a statewide telecommunications network. Other agencies, especially small ones, submit I-UCR data through another department, such as the county sheriff.

The I-UCR system is one of only a handful of state programs to require incident-level reporting of offenses and arrests, similar to the revised national program. Law enforcement agencies in Illinois must submit to ISP detailed information about every offense and arrest in their jurisdictions—not just monthly summaries of offenses and arrests, as the current national UCR program mandates. Incident-level reporting provides more specific crime information both to the law enforcement agencies that report the data and to criminal justice researchers.

The I-UCR program includes six types of data:

1. **Offenses.** I-UCR offense data cover all criminal offenses reported to local law enforcement agencies in Illinois. They include all alleged offenses that are *known to the police*. Following police investigation, these offenses are coded as either having "actually occurred" or as being "unfounded," or they are referred to the responsible jurisdiction (when the offense was reported to the wrong agency). The data also specify offenses that were cleared by arrest or by other means. Both monthly totals and individual incident information for more than 200 crime types are maintained for each reporting agency. All offense analyses in this chapter are based on "offenses actually occurring" (in I-UCR terminology); for this report, however, they are called "reported offenses."

2. **Arrests.** I-UCR arrest statistics contain the age, race, and sex of all persons arrested in the state. Both monthly totals and individual arrest incident information are available for each reporting agency.[29] These data are recorded in the same crime categories as the I-UCR offense information.
3. **Supplementary Homicide Reports.** SHR data contain detailed information about every homicide in the state, including the age, race, and sex of both victims and offenders; the number of victims and offenders per homicide; their relationship to one another; the date and time the incident occurred; the circumstances of the crime; and the weapon used.
4. **Property losses.** These data include the type, number, and estimated value of items that were stolen, destroyed during the commission of a crime, or recovered. The data are reported by specific property types.
5. **Law enforcement officers assaulted or killed.** These statistics include details of every incident in which an Illinois law enforcement officer was assaulted or killed in the line of duty.
6. **Employment information.** These data include the number of full- and part-time sworn officers and the number of civilian employees working in each law enforcement agency in the state.

HOW ARE CRIMINAL INCIDENTS RECORDED IN ILLINOIS?

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

To properly understand I-UCR offense statistics, then, two points should be kept in mind:

1. I-UCR offense totals, rather than being a compilation of *all* crimes that occur, measure only those crimes that law enforcement authorities learn about.
2. Inevitably, there will be differences in how individual agencies decide whether a reported incident is really a crime (as defined in the Illinois statutes) and, if it is a crime, which I-UCR offense category best describes the incident. A purse-snatching, for example, could be categorized as a robbery or as a theft, depending on the degree of force used by the offender.

Figure 1–2
What are the eight index crimes?

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

VIOLENT

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

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

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

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

PROPERTY

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

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

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

Arson. The willful or malicious burning of, or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft, or personal property of another. (Arson became an index crime in 1980, and, because of definitional differences, pre-1980 arson data cannot be compared with index arson figures.)

WHAT IS THE CRIME INDEX?

The offense and arrest statistics in this chapter focus primarily on what is known as the Crime Index. The eight crime categories that make up this index, when taken together, provide some indication of how much serious crime has occurred in a jurisdiction. Four of the index crimes in the I-UCR are violent crimes—murder, criminal sexual assault, robbery, and aggravated assault—and four are property crimes—burglary, larceny/theft, motor vehicle theft, and arson (see Figure 1-2 for definitions of the index crimes).[30]

The FBI considered several factors when selecting the crimes to be included in the Crime Index: the seriousness of the crime, how frequently it occurs, its pervasiveness in all geographic parts of the country, how consistently jurisdictions define the crime, and the likelihood that the crime will be reported to the police. The Crime Index does not include a number of crimes that, nonetheless, might be considered serious—simple assaults and batteries, kidnapping, child abuse, criminal sexual abuse, unlawful use of a weapon, all drug offenses, vandalism, and possession of stolen property, among others (see pages 18–35 for a separate analysis of drug crime in Illinois).

Throughout this chapter, violent index crime is analyzed separately from property index crime. The vast majority of index crimes are property crimes, and for analytical purposes, it is more revealing to separate the two. Otherwise, a large jump in the overall Crime Index could imply that serious crime against persons is rising when, in fact, a property crime such as larceny/theft may account for most of the increase. For the first time in this publication series, arson is included in analyses of offenses and arrests. Arson was first designated an index crime in 1980. Because earlier, non-index arsons were reported differently from index arson offenses, the crime cannot be analyzed over the same time period used for the other seven index crimes. Arson data are presented for the time period beginning in 1980.

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

HOW ARE CHICAGO POLICE DEPARTMENT DATA REPORTED?

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

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

In 1984, the Chicago Police Department began reporting incident-level *offense* statistics to the I-UCR program, as well as reporting offense data for additional categories of non-index crimes. Reported offenses in Chicago are now more precisely classified according to the specific offenses that make up the eight index crime categories. This improvement allowed for more complete and accurate reporting of index aggravated assault. Prior to 1984, the Chicago Police Department counted only aggravated battery offenses in this index category. Starting that year, however, the department began to include statutory aggravated assault in the index category. In addition, the department began reporting statutory aggravated assault *arrests* in its official tabulation of index aggravated assault arrests in 1988. Also, in 1988, Chicago began to include attempts in its tabulation of motor vehicle theft arrests.

In 1983, the Chicago Police Department made another important change in how it records crime data: the department established new procedures for categorizing reported crimes as either "actually occurring" or "unfounded." These changes created huge increases in the Chicago offense totals for 1983, and especially 1984, for certain major crimes.[31]

According to one study, these reporting changes affected most types of violent crime, except for murder and armed robbery with a firearm.[32] The result was a 51-percent jump in the number of violent offenses reported by Chicago police between 1982 and 1983. In 1984, the first full year the reporting changes were in effect, the violent offense total was 132 percent higher than the 1982 figure. Because violent crime totals for the entire state are driven largely by Chicago figures, the statewide total also increased dramatically in 1983 and 1984. Compared with the 1982 figure, the number of violent crimes reported statewide was one-third higher in 1983 and 64 percent higher in 1984. So, these reporting changes must be kept in mind when analyzing crime trends over time, not only for Chicago but also for Illinois as a whole.

WHAT INFORMATION SOURCES ARE USED IN THIS CHAPTER?

Most of the Illinois offense and arrest statistics used in this chapter come from three sources:

1. The Crime Studies Section of ISP's Bureau of Identification
2. The 1972-1988 editions of ISP's *Crime in Illinois*.
3. The Chicago Police Department's Research and Development Division, Data Systems Division, and Crime Analysis Unit

Many of the offense and arrest statistics used in the chapter were derived from the I-UCR data maintained by ISP. However, the data used for analysis of Chicago arrest rates for specific age groups were derived from four separate sources. Since the Chicago Police Department arrest data are reported to the I-UCR in an aggregate format, arrest totals for specific age groups are, in certain cases, estimated by ISP. In this report, data from the Chicago Police Department's Research and Development and Data Systems divisions are used for age-specific arrests and arrest rates for the index crimes of murder, criminal sexual assault, robbery, burglary, larceny/theft, and motor vehicle theft for the years 1977 through 1988. Data for earlier years are unavailable from the police department; therefore, ISP figures are used. Because of an unresolved problem with the 1980 Chicago Police Department figures, ISP data were used for analyses of index aggravated assault arrests for all years in Chicago. Further detail on the age ranges of people arrested for murder was provided by the department's Crime Analysis Unit.

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

The population statistics used to calculate most of the rates in this chapter were provided by three agencies—Chicago Department of Planning, Northeastern Illinois Planning Commission, and Illinois Bureau of the Budget.[33] The offense statistics for the United States and eight largest U.S. cities are taken from the 1988 edition of the FBI's *Crime in the United States* publication.

Unless otherwise specified, all offenses and arrests analyzed in this chapter are index crimes. For example, burglary is index burglary and violent crime is violent index crime.

Trends and Issues

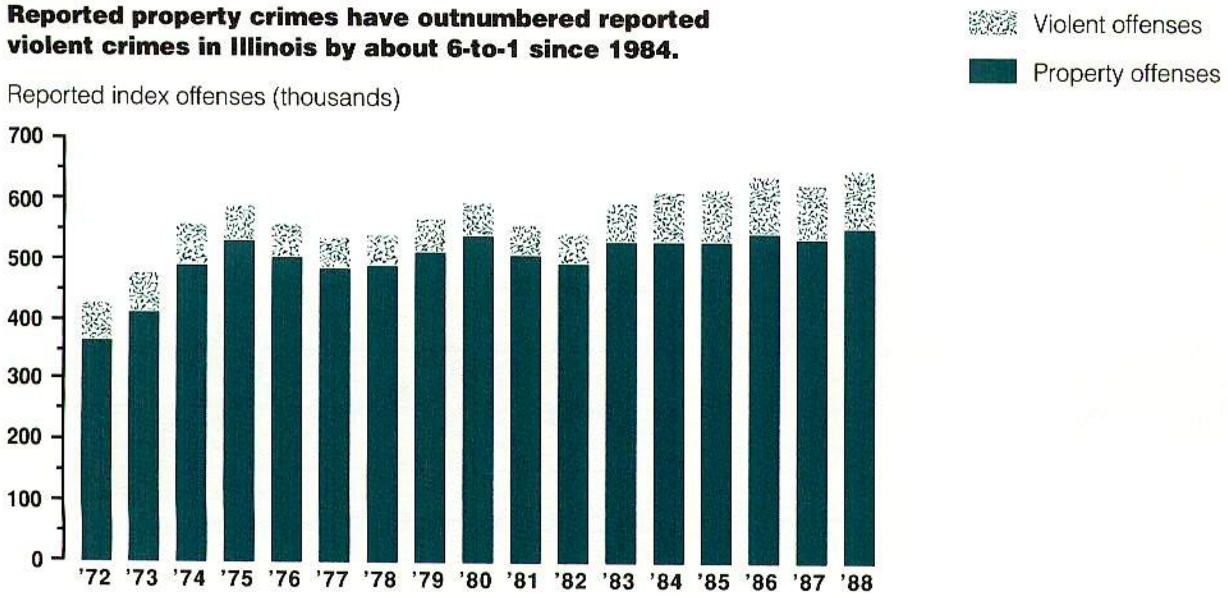
Nearly 430,000 index crimes were reported in Illinois during 1972, the first year of the I-UCR program. Sixteen years later, in 1988, that total had risen 52 percent to more than 654,000 index offenses.[34] That year, another 780,000 non-index offenses were also reported statewide. And, as explained in the overview to this chapter, these figures include only those offenses reported to the police. The remainder of this chapter examines the changing nature of reported crime in Illinois since 1972. The chapter also projects how some offense and arrest trends are likely to change during the rest of the century.

HOW MUCH REPORTED CRIME IN ILLINOIS INVOLVES VIOLENT OFFENSES?

Although violent crimes tend to receive the most public attention, in Illinois they are clearly outnumbered by property crimes. Between 1972 and 1988, the number of reported property crimes in the Crime Index exceeded

Figure 1–3

Reported property crimes have outnumbered reported violent crimes in Illinois by about 6-to-1 since 1984.



Source: Illinois Uniform Crime Reports

the number of reported violent crimes by almost 8-to-1 (Figure 1-3). In recent years, from 1984 through 1988, the difference was about 6-to-1, while in other years, particularly in the late 1970s and early 1980s, it was as high as 10-to-1.

WHAT ARE THE MOST COMMON VIOLENT CRIMES REPORTED IN ILLINOIS?

Of the four violent index crimes, the most common in Illinois are robbery and aggravated assault. In 1988, these two crimes made up 93 percent of all violent crimes reported in the state. Murder and criminal sexual assault accounted for the remaining 7 percent.

The patterns since 1972 for both robbery and aggravated assault have been quite similar: both increased in the early 1970s, were relatively lower during the rest of the 1970s and early 1980s, and then increased sharply after 1982 (Figure 1-4). For both crimes, the increases in 1983 and 1984 were due largely to changes in the Chicago Police Department's crime-reporting practices. And although there were sharp increases again in 1986, in 1987 and 1988 both crimes generally leveled off.

The number of reported murders and criminal sexual assaults has also fluctuated since 1972 (Figure 1-5). After increasing 19 percent in 1973 and another 14 percent in 1974, murder in Illinois declined through 1977.[35] The annual total gradually rose again through 1981, but then decreased in 1982. Murder totals hovered around 1,000 a year from 1982 through 1988.[36]

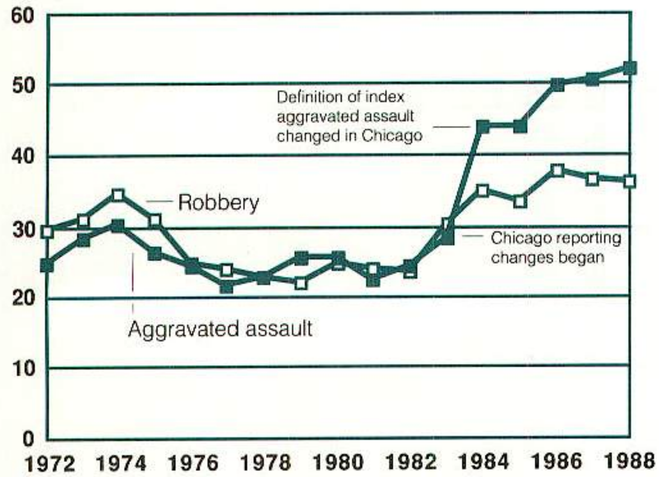
Reported criminal sexual assaults in Illinois fluctuated between approximately 2,400 and 3,300 a year through the 1970s and early 1980s, but then increased dramatically beginning in 1983. Two factors played a large part in this increase: the Chicago reporting changes and the enactment on July 1, 1984, of sweeping changes in Illinois' sexual assault laws.[37] Besides adding new offenses to the category of criminal sexual assault, the 1984 changes in the law also generated more publicity about the crime. Law enforcement officials were trained in how to record criminal sexual assaults under the law, and advocacy and police organizations that encourage victims to report criminal sexual assaults and to testify against sex offenders became more influential and successful. By 1986, however, the two reporting changes were probably not major factors in the 10-percent increase in reported criminal sexual assaults that occurred that year. In 1987 and 1988, the number of criminal sexual assaults increased only slightly.

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

A substantial majority of the violent crimes reported in Illinois take place in Chicago (Figure 1-6). In 1988, when Chicago accounted for about 26 percent of the state's population, almost 73 percent of all violent offenses reported statewide occurred in the city. As a result, statewide violent crime trends are largely determined by offense patterns in Chicago. This influence is particularly striking in the statewide totals for 1983 and 1984, the years immediately following the Chicago Police

Figure 1–4
Aggravated assault and robbery offenses have followed similar patterns over the years in Illinois.

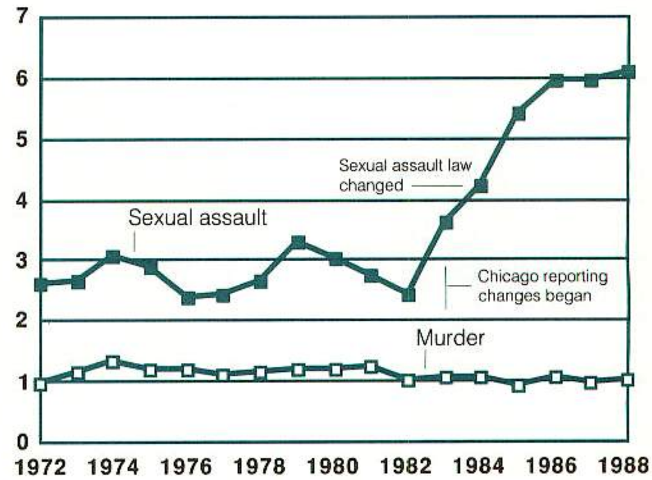
Reported index offenses (thousands)



Source: Illinois Uniform Crime Reports

Figure 1–5
With changes in laws and reporting practices, the number of reported sexual assaults in Illinois has risen dramatically in the 1980s.

Reported index offenses (thousands)



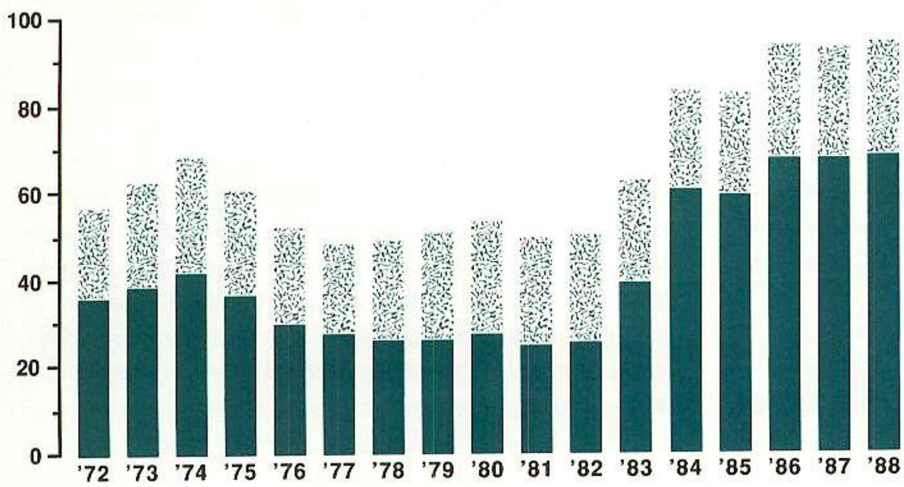
Source: Illinois Uniform Crime Reports

Figure 1–6
Almost three-quarters of the violent crimes reported in Illinois take place in Chicago.

Illinois outside Chicago

Chicago

Reported violent index offenses (thousands)



Source: Illinois Uniform Crime Reports

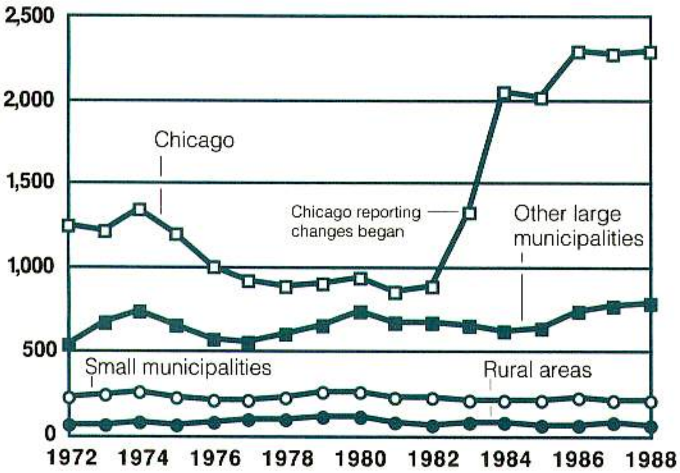
Department's reporting changes. However, the 1986 increase in violent crime occurred in all of Illinois, not just Chicago, which indicates that this increase was not due solely to Chicago's revised reporting procedures.

DO LARGE JURISDICTIONS HAVE MORE VIOLENT CRIME PER CAPITA?

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

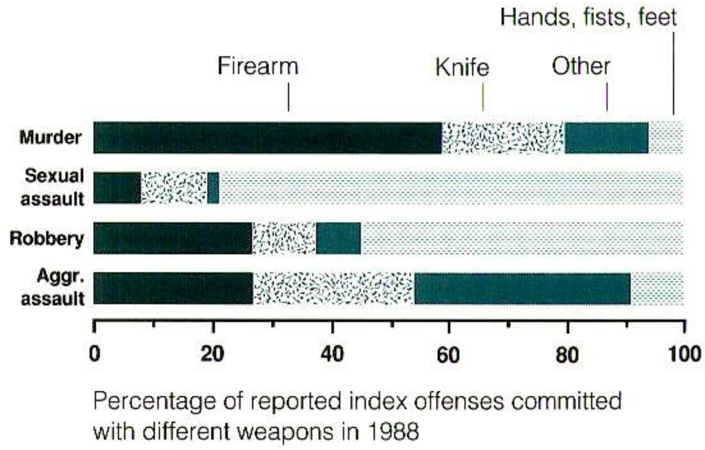
Comparing annual crime rates in four types of jurisdictions—Chicago, other large municipalities, small municipalities, and rural areas[38]—suggests that the size of the jurisdiction *is* directly related to violent crime rates: the greater the population density of an area, the higher its violent crime rate (Figure 1-7).[39] In every year between

Figure 1–7
Large municipalities have the highest rates of reported violent crime in Illinois.



Source: Illinois Uniform Crime Reports; Illinois State Police (population estimates)

Figure 1–8
Almost 60 percent of all murders in Illinois, and one-quarter of the robberies and sexual assaults, involved firearms.



Source: Illinois Uniform Crime Reports

1972 and 1988, Chicago had the highest violent crime rate in the state—since 1984, there have been more than 2,000 reported violent crimes for every 100,000 city residents. Second-highest violent crime rates were found in other large municipalities, followed by smaller cities and towns, and then rural areas.[40]

These figures also provide dramatic evidence of how reporting changes in Chicago drove up the state's overall violent crime rate after 1982. Violent crime rates in the other three types of jurisdictions changed very little between 1982 and 1986, while the reported rate in Chicago more than doubled.

HOW OFTEN ARE FIREARMS USED TO COMMIT VIOLENT CRIMES?

How often firearms are involved in the commission of violent crimes in Illinois varies from crime to crime.

Firearms are much less likely to be used in violent crimes in which the victim survives than in homicides. In 1988, for example, firearms were used in approximately 27 percent of the robberies, 27 percent of the aggravated assaults, and 8 percent of the criminal sexual assaults reported in Illinois (Figure 1-8). In most of the robberies and criminal sexual assaults that year, no weapons other than the offender's hands, fists, or feet were used. The weapons used in aggravated assaults in 1988 were almost evenly split among firearms (27 percent), knives (27 percent), and other weapons (37 percent), with hands/fists/feet accounting for the remaining 9 percent of these crimes. By definition, however, the index crime of aggravated assault excludes most assaults and batteries in which no weapon is used.

Most murders begin as another crime, such as assault or robbery, and then escalate to murder. In 1981, 61 percent of the 1,232 murders in Illinois involved firearms. In the years in which there have been the most murders—as in 1981, when the total was highest since 1975—the percentage involving firearms has also been higher. In recent years, when the total number of murders has been relatively lower, the percentage involving firearms has also been lower—about 56 percent between 1985 and 1988. A knife was the murder weapon in about one-fourth of the index murders in recent years—23 percent in 1985 and 1986, 25 percent in 1987, and 21 percent in 1988.

WHAT IS THE TYPICAL RELATIONSHIP BETWEEN MURDER VICTIMS AND OFFENDERS?

The fear that many citizens have of being murdered by an unknown assailant is contrary to statistical evidence. Only 14 percent of the 989 murders reported in Illinois during 1988 involved verified situations in which the victim and offender were strangers to one another. In more than half the murders, the victim and offender knew each other in some way, and in 23 percent of the crimes the victims and offenders were from the same family unit. In 29 percent of all murders, the relationship of victim to offender could not be determined.

In 1988, almost half the murder victims in Illinois were black males (Figure 1-9). Males accounted for the great majority (74 percent) of Illinois murder victims. Overall, 62 percent of the murder victims were black, 36 percent white, and 2 percent other races.

HOW WILL VIOLENT CRIME IN ILLINOIS CHANGE THROUGH THE YEAR 2000?

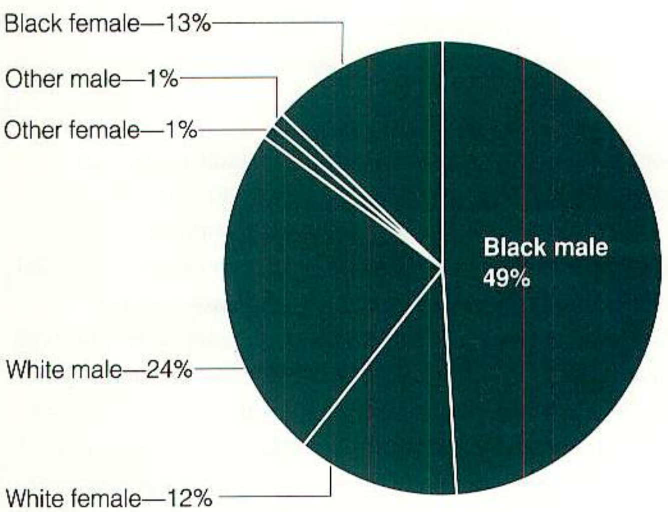
Reported violent crime in Illinois fluctuated substantially between 1972 and 1988. To help determine what will happen in the future, the Authority projected the expected level of violent crime in the state for the 12 years from 1989 through 2000.[41] Projections for the first five years (1989 through 1993), for each of the four violent index crimes, for three different parts of the state—Chicago; the collar counties of DuPage, Kane, Lake, McHenry, Will, and suburban Cook; and the remainder of the state—are shown here.[42] The following trends are expected in reported violent crime through the year 2000 in Illinois:

- **Murder.** The number of murders per year in Chicago is expected to increase from the record low 1988 total of 661, remaining at about 740 a year through 1993 (Figure 1-10). In the collar counties, where the number of murders was exceptionally low from 1984 to 1988, the annual figure is expected to remain at about 120 a year in future years. In the remainder of Illinois, where the number of reported murders was relatively low from 1982 through 1988, the number of murders is expected to level off at about 170 a year.
- **Criminal sexual assault.** Even though the number of reported criminal sexual assaults was already high in 1985, 1986, and 1987, the number of reported offenses continued to increase everywhere except Chicago between 1987 and 1988—about 8 percent in the collar counties and 7 percent in the remainder of Illinois. In Chicago, however, the number has declined 4 percent since 1986. This slight decline in reported criminal sexual assaults is expected to continue in Chicago, although the number will not reach the 1984 low figure in the foreseeable future (Figure 1-11). Although reported criminal sexual assault offenses in the collar counties are expected to remain at the 1988 level, in the rest of the state they are expected to continue to increase rapidly, due to increased awareness and reporting of sexual offenses in rural areas.[43]

Figure 1–9

Almost half of all murder victims in Illinois are black males.

Race of murder victims in 1988

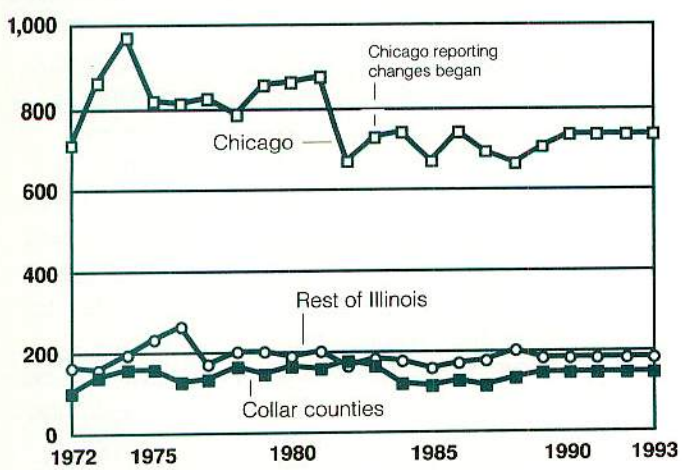


Source: Illinois Uniform Crime Reports, Supplementary Homicide Reports

Figure 1–10

Reported murders in Illinois are likely to level off in the next several years.

Reported index murders

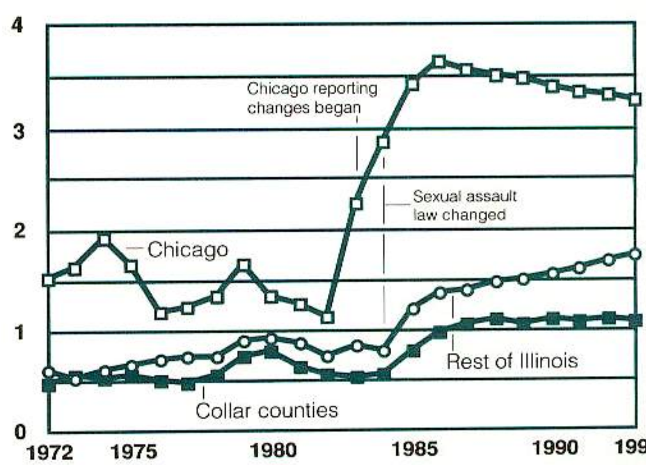


Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

Figure 1–11

Reported criminal sexual assaults are expected to increase outside the Chicago area through 1993.

Reported index sexual assaults (thousands)

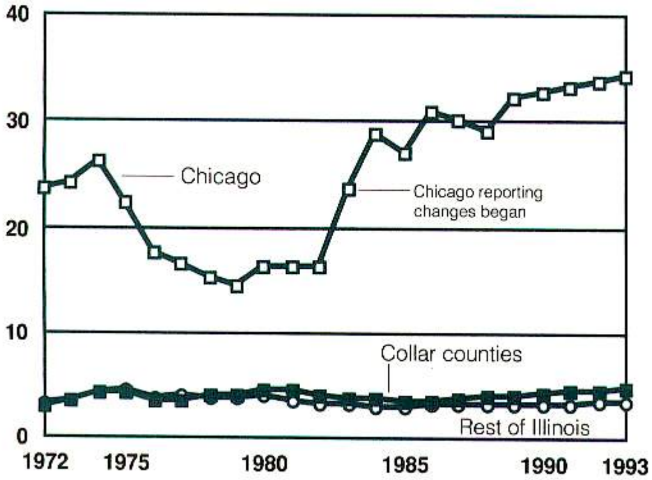


Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

■ **Robbery.** The number of reported robberies in Chicago declined between 1986 and 1988 to about 29,000 (Figure 1-12). However, this trend may have begun to reverse itself. If so, reported robbery offenses could increase during the next several years and top 34,000 by 1993. In the collar counties, a gradual increase in reported robberies that began in 1985 is expected to continue in the future. This is also true in the rest of the state, where the number of reported robbery offenses is expected to reach 3,300 by 1993 and 3,500 by the year 2000.

Figure 1–12
Reported robberies are expected to increase statewide through 1993.

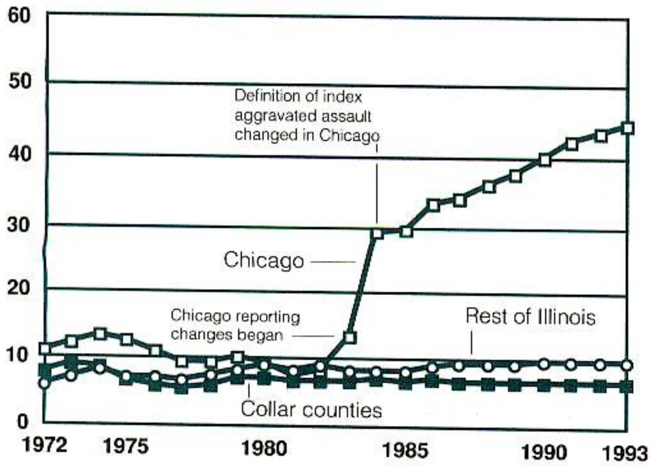
Reported index robberies (thousands)



Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

Figure 1–13
Increases in reported aggravated assaults are expected to continue in Chicago.

Reported index aggravated assault (thousands)



Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

■ **Aggravated assault.** The number of reported aggravated assaults in Chicago is expected to continue to increase to about 44,700 by 1993 and more than 51,000 by the year 2000 (Figure 1-13). In the collar counties, reported aggravated assaults declined in 1987 and 1988. However, the number is expected to level off at about 6,800 through 1993 and beyond. The number of reported aggravated assaults in the rest of Illinois reached its highest yearly total in 1988, topping 1987, another record year. This trend is expected to continue, with an increase to 10,000 by 1993 and almost 11,000 by the year 2000.[44]

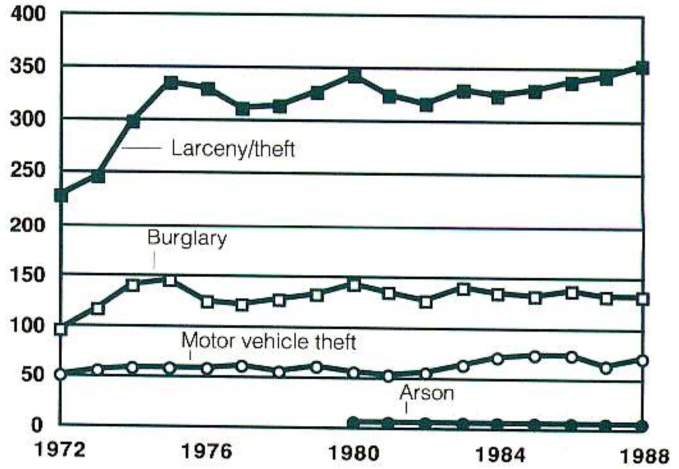
WHAT IS THE MOST COMMON PROPERTY CRIME REPORTED IN ILLINOIS?

Larceny/theft has been the most common property index crime reported in Illinois in each year since 1972 (Figure 1-14). In 1988, it accounted for 63 percent of the reported property offenses in the state. Burglary was the second most common property crime and motor vehicle theft the third in every year between 1972 and 1988. Arson, which has been reported as an index crime only since 1980, is the least common. Between 1980 and 1988, arson made up less than 1 percent of all property crimes statewide.[45]

This distribution of property crimes is important for understanding crime patterns in Illinois. Although burglary, motor vehicle theft, and arson seem to attract more attention from the public and the news media, larceny/theft occurs much more frequently than these other three crimes.

Figure 1–14
Larceny/theft is the most frequently reported property crime in Illinois.

Reported property index offenses (thousands)



Source: Illinois Uniform Crime Reports

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

Although close to three-quarters of all violent crimes reported in Illinois take place in Chicago, the majority of reported property crimes in the state are committed outside Chicago (Figure 1-15). In 1988, for example, almost 60 percent of the reported burglaries, larceny/thefts, motor vehicle thefts, and arsons in the state occurred outside Chicago.

Statewide, the number of reported property crimes rose from about 371,700 in 1972 to about 559,000 in 1988, a 50-percent increase.[46] Reported burglaries increased 72 percent, reported larceny/thefts increased 28 percent, and reported motor vehicle thefts increased 55 percent between 1982 and 1984—the first complete year of Chicago's new reporting procedures. In contrast, reported property crime decreased in the rest of the state during the same period, which may suggest that the changes in Chicago had an effect on the number of reported property crimes statewide.

DO LARGE JURISDICTIONS HAVE HIGHER PROPERTY CRIME RATES?

Crime rates were used to measure the relative frequency of property crime in different parts of the state. As with the analysis of violent crime rates (see page 52), property crime rates were calculated for four types of jurisdictions: Chicago, other large municipalities, small municipalities, and rural areas. And, once again, similar differences were found.

Chicago and other large municipalities in Illinois consistently have higher property crime rates than either small municipalities or rural areas (Figure 1-17), but from 1976 to 1982 Chicago had a *lower* property crime rate than the other large municipalities. After the reporting changes took effect in Chicago in 1983, however, the property crime rate there was once again higher than the rate in the other large jurisdictions.

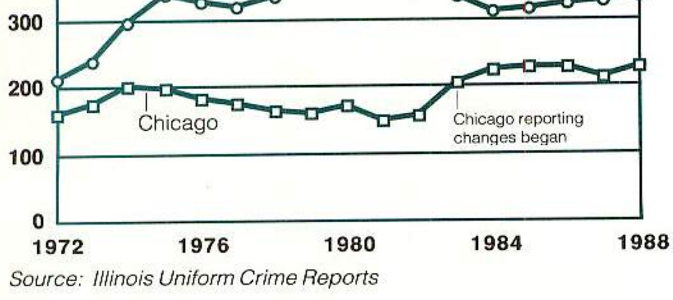
Chicago's property crime rate has also followed different patterns from other types of Illinois jurisdictions in recent years. For example, while property crime rates in other jurisdictions remained constant or increased from 1986 to 1987, Chicago's property crime rate fell 7 percent, before rising in 1988 to the 1984–1986 level.

WHAT ARE THE PROPERTY LOSSES RESULTING FROM CRIME IN ILLINOIS?

Law enforcement agencies are required to report to the I-UCR system property losses associated with the eight index crimes, plus vandalism, based on property (including cash) that has been stolen or destroyed. In 1988, the total losses from stolen property in Illinois were $520 million, about 9 percent higher than in 1987. Of the 1988 total, more than half was the result of motor vehicle theft. Other thefts accounted for 22 percent of the losses, burglary for 19 percent of the losses, and all other crimes—mostly robbery—for 2 percent.

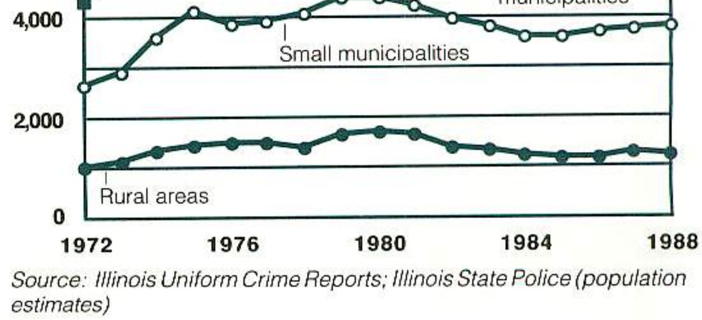
Total losses from property destruction in Illinois in 1988 amounted to about $42 million, a 13.5-percent increase from 1987. Losses from vandalism accounted for about two-thirds of the 1988 total. Arson accounted

Figure 1–15
Unlike violent crimes, the majority of property crimes reported in Illinois occur outside Chicago.



Source: Illinois Uniform Crime Reports

Figure 1–16
Large municipalities have the highest rates of reported property crime.



Source: Illinois Uniform Crime Reports; Illinois State Police (population estimates) for 17 percent of the losses, motor vehicle theft for 8 percent, and other offenses—mostly burglary and theft—for 9 percent.

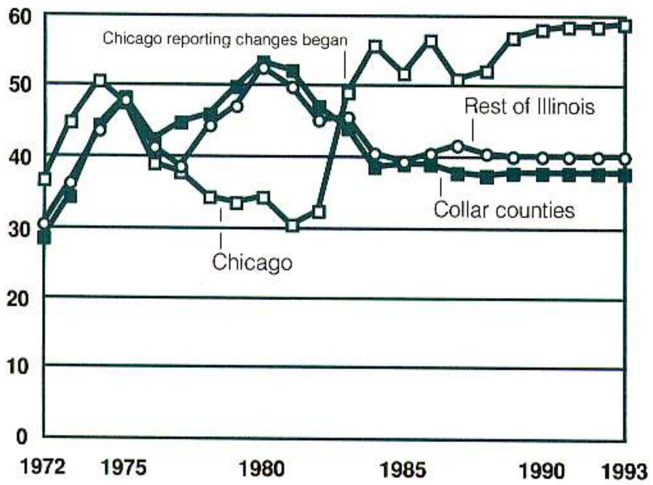
HOW WILL PROPERTY CRIME IN ILLINOIS CHANGE THROUGH THE YEAR 2000?

To get some indication of how property crime levels in Illinois will change through the year 2000, the Authority calculated projections, similar to those done for violent crimes, for the four property crimes as well.[47] These projections cover the same three parts of the state: Chicago, the collar counties, and the remainder of Illinois. These projections indicate the following trends:

Figure 1-17

Reported burglaries are expected to increase in Chicago, but remain relatively stable in the rest of the state, through 1993.

Reported index burglary (thousands)

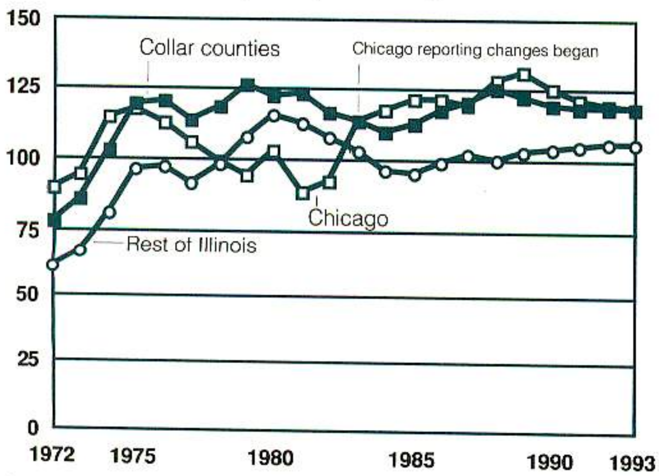


Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

Figure 1-18

Reported larceny/thefts are likely to decline in Chicago and the collar counties, but to increase in the rest of Illinois, through 1990.

Reported index larceny/theft (thousands)



Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

- **Burglary.** The number of reported burglaries in Chicago, after see-sawing from 1983 to 1987, increased in 1988. If this trend continues, reported burglaries would reach 58,600 by 1993 and remain at that level through the year 2000 (Figure 1-17). The recent decline in reported burglaries in the collar counties continued in 1988, but burglaries are expected to increase gradually to about 37,800 by 1993, possibly reaching 38,000 by the year 2000. In the remainder of Illinois, the number of reported burglaries has been relatively stable since 1984. This is expected to continue, with the number at about 40,000 through 1993 and beyond.

- **Larceny/theft.** In Chicago and the collar counties, reported larceny/thefts showed a remarkable increase in 1988. The Chicago Police Department has attributed the increase in not only larceny/theft but also motor vehicle theft offenses to several factors, among them crowding, at the Cook County Jail.[48] People accused of theft are among the first to be released on individual recognizance bonds by jail officials, in order to relieve crowding. Many are back on the street the same day. Because these offenders are not being incapacitated for even a few days, there are more offenders with multiple arrests. The increase in larceny/theft in Chicago is expected to continue briefly, but then to level off and decline somewhat, returning to the 1987 level by 1993 (Figure 1-18).

  In the collar counties, reported larceny/thefts are expected to level off in 1989 and to remain at less than 120,000 through 1993 and possibly through the year 2000. In the rest of Illinois, although larceny/thefts did not increase in 1988, they are expected to begin to increase in 1989, reaching 106,000 by 1993.

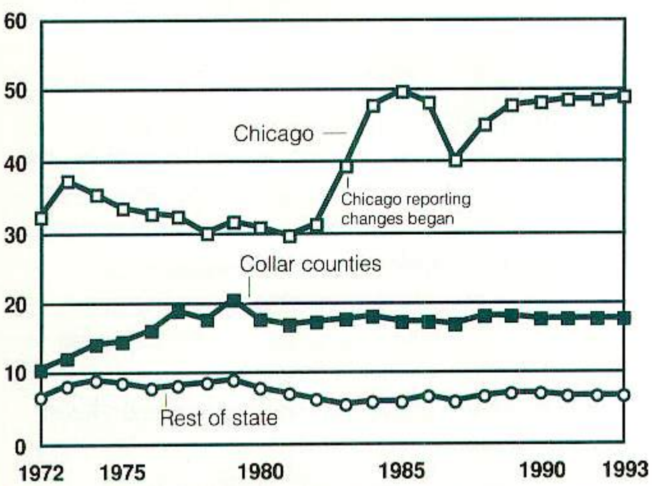
- **Motor vehicle theft.** After decreasing in 1987, motor vehicle thefts in Chicago increased sharply in 1988, again a possible effect of crowding at Cook County Jail. This increase is expected to reach about 49,000 in 1993 and about 51,000 in 2000 (Figure 1-19).

  In the collar counties, where reported motor vehicle thefts remained stable from 1981 to 1987, the number jumped over 8 percent in 1988, another possible effect of jail crowding. This high level is expected to continue in 1989, and then decline slightly to about 17,600 in 1993. In the rest of the state, the number motor vehicle thefts declined sharply from 1986 to 1987, then increased again in 1988 to the 1986 level. An increase to more than 7,000 is expected in 1989, leveling off at about 6,800 in 1993.

- **Arson.** In Chicago, the number of reported index arson offenses climbed steadily from 1984 to 1987, but remained stable in 1988 and may decline to about 1,800 in 1993. On the other hand, reported arson offenses jumped 13 percent from 1987 to 1988 in the collar counties, and are expected to continue to increase to about 1,200 in 1993. In the rest of Illinois, the number of reported arson offenses, which has been relatively stable since 1984, is expected to increase slightly to about 1,050 in 1989 and remain at that level through 1993 and beyond (Figure 1-20).

Figure 1-19
Chicago motor vehicle thefts rose sharply in 1988, and are expected to increase through 1993.

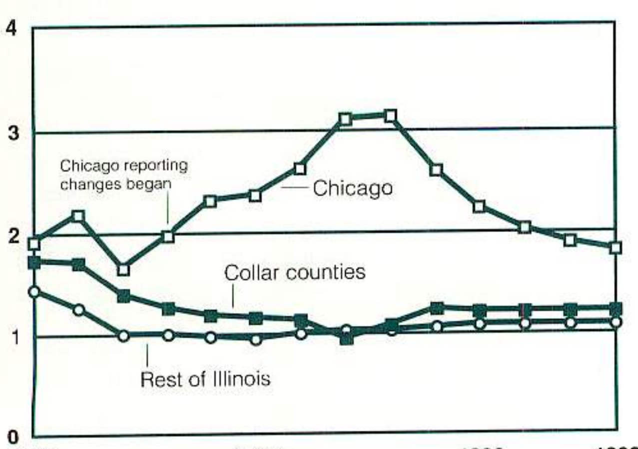
Reported index arson (thousands)



Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

Figure 1-20
Reported arson is likely to decline in Chicago through 1993.

Reported index arson (thousands)



Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

HOW DOES CRIME IN ILLINOIS COMPARE TO OTHER JURISDICTIONS IN THE UNITED STATES?

The FBI has officially recognized 11 factors that have a major influence on crime (see page 37). Since crime rates control for only one of these factors—population size—crime analysts are usually cautious in comparing crime rates across jurisdictions. The violent and property index crime rates in Figure 1-21 thus provide only general reference points for putting crime in Illinois in a larger perspective.

Illinois' violent crime rate in 1988 was above the national rate, while the state's property crime rate was below the national rate. Among the nation's eight largest cities, Chicago ranked second only to Detroit in violent crime rate in 1988, but ranked sixth in property crime rate. Although not among the eight largest cities, Washington, D.C., experienced unusually large increases in 1988—19.3 percent for the violent crime rate and 16.8 percent for the property crime rate.

WHICH REPORTED CRIMES ARE MOST LIKELY TO RESULT IN AN ARREST?

An arrest is the apprehension of someone believed to have committed a crime, regardless of whether or not the

Figure 1-21
In 1988, Illinois' violent crime rate per 100,000 people was higher than the national rate.

Jurisdiction	Violent crime rate	Property crime rate	1988 estimated population
United States	637.2	5,027.1	245,807,000
Illinois	**817.0**	**4,800.4**	**11,645,831**
Cities			
New York City	2,217.6	7,652.4	7,346,352
Los Angeles	1,961.5	6,877.5	3,402,342
Chicago	**2,287.3**	**7,578.3**	**3,022,749**
Houston	1,148.5	9,266.1	1,725,421
Philadelphia	1,035.4	5,001.7	1,657,285
Detroit	2,374.6	9,866.2	1,086,714
San Diego	854.3	8,185.2	1,073,466
Dallas	2,076.5	14,800.0	1,017,818

Note: Figures are for eight largest U.S. cities.

Source: Federal Bureau of Investigation, Crime in the United States, *1988 edition* person is formally charged. Analyzing arrest trends, however, can be difficult because different law enforcement agencies use different procedures for reporting arrests. In fact, a 1984 study found not only that many law enforcement agencies in the United States define arrests differently, but also that many agencies do not follow UCR rules for how arrests should be counted.[49] This problem is compounded because of variations in how law enforcement agencies define the different crime categories to which arrests pertain.

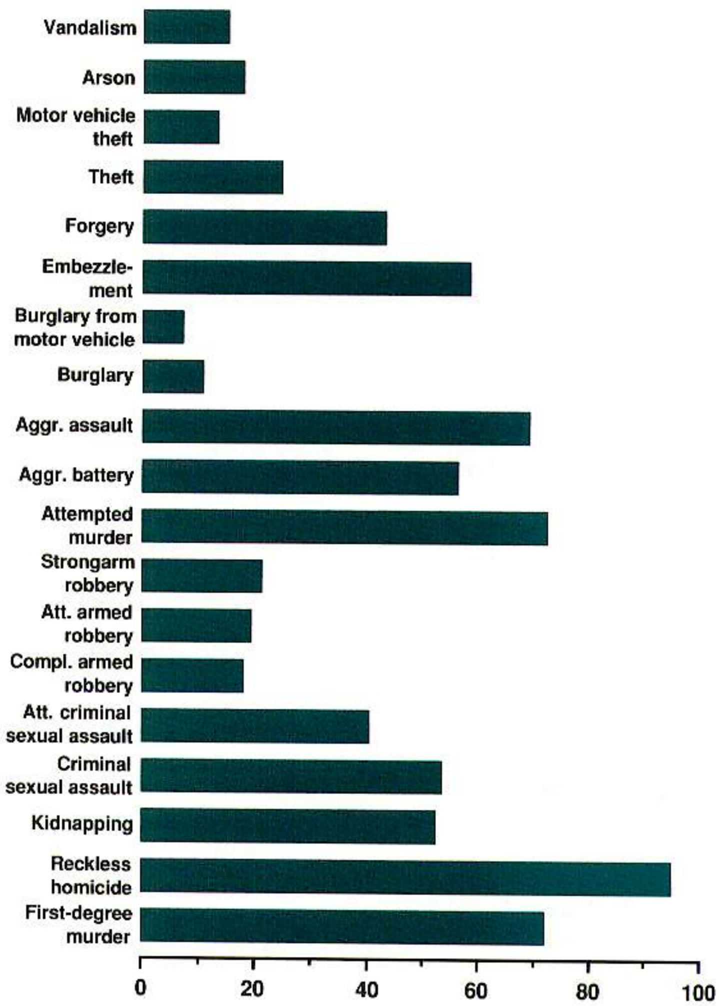
Despite the difficulties in counting arrests, one common way of assessing law enforcement agencies' response to crime is to analyze clearance rates for different types of offenses. A crime is "cleared by arrest" when at least one suspect is arrested for the offense. A crime can also be "cleared exceptionally." This occurs when police identify the likely offender, but for exceptional reasons, such as the death of the suspect or the failure of the victim to file a complaint, they cannot make an arrest.[50] Keep in mind that the number of arrests does not equal the number of offenses cleared by arrest, because several suspects can be arrested for a single offense or a single suspect can be arrested for several different offenses.

Statewide in 1988, as in past years, crimes against people were more likely to be cleared than were crimes against property (Figure 1-22). About 70 percent of the reported first-degree murders and aggravated assaults, and more than half of the reported criminal sexual assaults, aggravated batteries, and kidnappings, were cleared in 1988. In contrast, only about one-fourth of the thefts, 11 percent of the burglaries, and 13 percent of the motor vehicle thefts were cleared that year.

Many factors may account for the difference in clearance rates between violent and property crimes. For example, it is often easier for a victim or witness to identify the offender during a personal attack than during a property crime. In addition, law enforcement officials often place a higher priority on investigating violent crimes and arresting suspected violent criminals.

Figure 1-22

Reported crimes against people are more likely to be cleared than reported crimes against property.



Source: Illinois Uniform Crime Reports

HOW MANY PEOPLE ARE ARRESTED FOR VIOLENT AND PROPERTY CRIMES IN ILLNOIS?

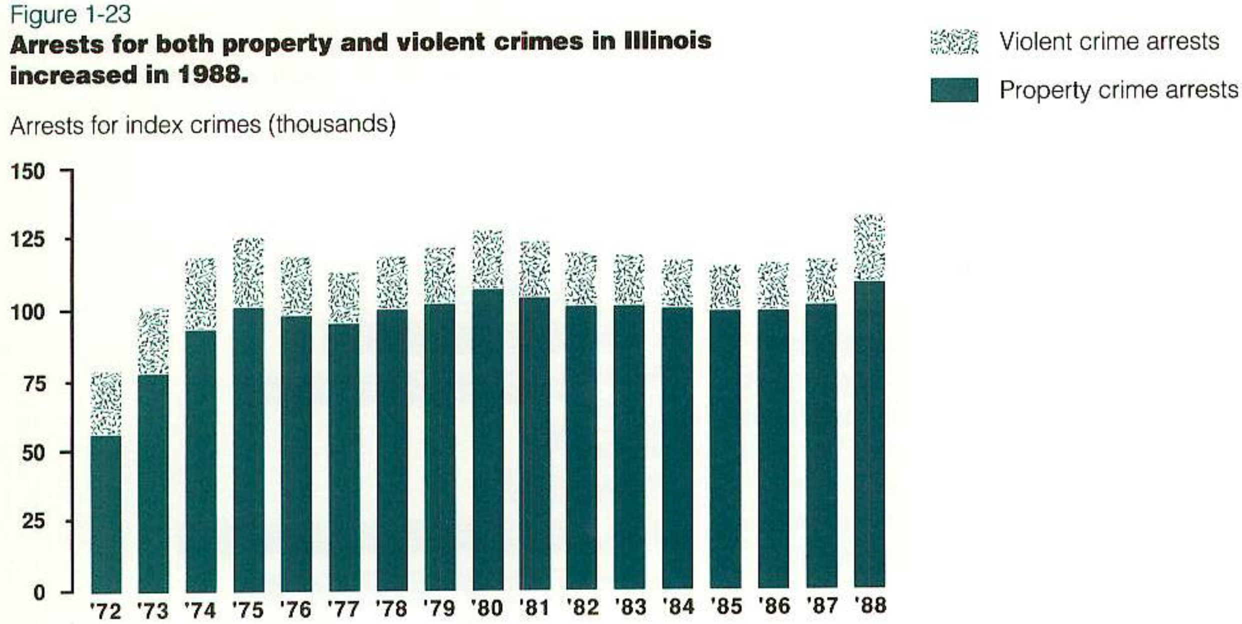
Just as reported property crimes outnumber reported violent crimes in Illinois, the number of arrests for property crimes also exceeds the number of arrests for violent crimes by a wide margin (Figure 1-23). Between 1972 and 1988, there were approximately five property crime arrests for every one violent crime arrest in the state. This ratio was as low as 3-to-1 in the early 1970s and as high as 6-to-1 through most of the 1980s.

During those 17 years, arrests for property and violent crimes followed completely different patterns. Statewide, violent crime arrests dropped 31 percent, from approximately 23,200 in 1972 to about 16,000 in 1987, and then jumped almost 50 percent to 23,904 in 1988. This rise in 1988 was, however, due largely to Chicago reporting aggravated assault arrests to the I-UCR system for the first time. Arrests for property crimes increased 39 percent, from almost 78,873 in 1973 to almost 110,000 in 1988.[51]

The distribution of violent crime arrests is similar to that for violent offenses: most arrests are for aggravated assault and robbery. In 1988, almost two-thirds of the violent crime arrests in Illinois were for aggravated assault, one-fourth were for robbery, and only 11 percent were for murder and criminal sexual assault combined. The distribution of property crime arrests statewide in 1988 was also similar to the distribution of offenses. Three-fourths of these arrests were for larceny/theft,

Figure 1-23

Arrests for both property and violent crimes in Illinois increased in 1988.



Source: Illinois Uniform Crime Reports

14 percent for burglary, 9 percent for motor vehicle theft, and less than 1 percent for arson.

HOW MANY PEOPLE ARE ARRESTED FOR DUI IN ILLINOIS?

Although not an index crime, driving under the influence (DUI) is a major law enforcement—and public safety—issue in Illinois. The Illinois Secretary of State's Office currently provides the most complete, accurate data on DUI arrests in the state, but statewide data are available only from 1986 through 1988. Furthermore, these data include only violations for which the office received a copy of the arresting officer's sworn report—where the driver either failed or refused the chemical test. Arrests in which the officer observed evidence of intoxication—despite the driver's having passed a chemical test—are not included. The Secretary of State's Office, however, estimates that such presumptive DUI arrests account for only 5 percent of the state total. The office's arrest figures, therefore, should cover approximately 95 percent of the state total. In other words, since the Secretary of State's Office recorded 48,656 DUI arrests in 1988 in which the driver refused or failed the chemical test, we can assume the total of all DUI arrests to be about 51,200.

According to the Secretary of State's Office, there was a 12-percent reduction in statewide DUI arrests from 1986 to 1988. Most of the arrests reported to the office involved drivers who failed a chemical test (registering a blood alcohol concentration of .10 or higher) rather than those who refused the test (Figure 1-24). The percentage of arrestees failing the test was more than 73 percent in 1986, about 69 percent in 1987, and 67 percent in 1988.

Cook County accounted for approximately one-third of all DUI arrests reported to the Secretary of State's Office from 1986 to 1988. Statewide, repeat DUI offenders—those arrested for DUI twice within five years—accounted for about one-quarter of the arrestees between 1986 and 1988.

Drivers arrested for DUI in Illinois are predominantly male. From 1987 to 1988, however, the number of women arrested for DUI increased 47 percent, from 6,469 to 9,479. Women now make up 19 percent of those arrested for DUI, compared to 12 percent in 1987.

DUI arrests are also highly concentrated among younger drivers. The arrest rate for 21- to 24-year-old males (22 arrests per 1,000 licensed drivers) was four times higher than the rate for all other drivers (6 per 1,000) in 1988.

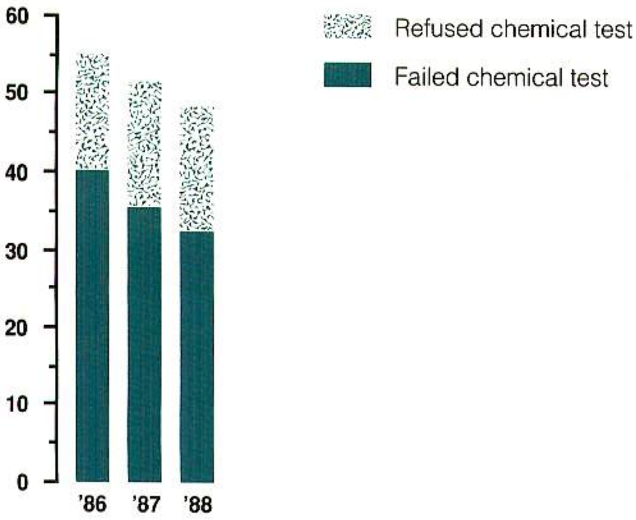
WHICH AGE GROUPS ARE MOST CRIME PRONE?

Criminologists often argue that different age groups have different propensities to commit crime.[52] In general, older teenagers and young adults are thought to commit more crimes than older adults. The number of people arrested at any age is not necessarily an indication of the number of crimes committed by that age group. However, arrest rates do indicate the likelihood that a person of a given age will be arrested.

Age-specific arrest rates are calculated by dividing the number of arrests for an age group by the number of people in that age group for a particular year;

Figure 1-24

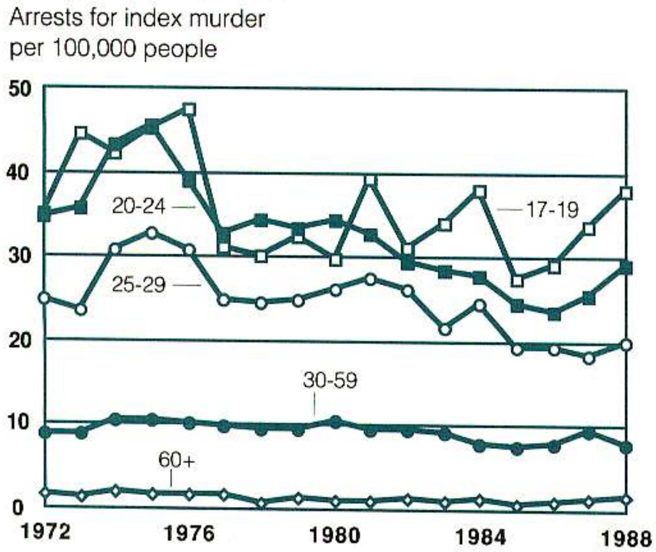
DUI arrests decreased by 12 percent in Illinois between 1986 and 1988.



Source: Illinois Secretary of State's Office

Figure 1–25

Arrest rates for murder are much higher for adults younger than age 30.



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population projections)

the rates are then expressed as the number of arrests *per 100,000* people in the age group. For this report, age-specific arrest rates for each violent and property index crime from 1972 through 1988 were calculated for five different adult age groups: 17- to 19-year-olds, 20- to 24-year-olds, 25- to 29-year-olds, 30- to 59-year-olds, and persons aged 60 and older.[53]

In national crime data, these age groups consistently exhibit different arrest rates for every index crime. Arrest rates among the five age groups also varied substantially in Illinois. Arrest rates for all index crimes were consistently highest among 17- to 19-year-olds and 20- to 24-year-olds in each of the 17 years analyzed. Arrest rates for 17- to 19-year-olds were not, however, always higher than those for 20- to 24-year-olds.

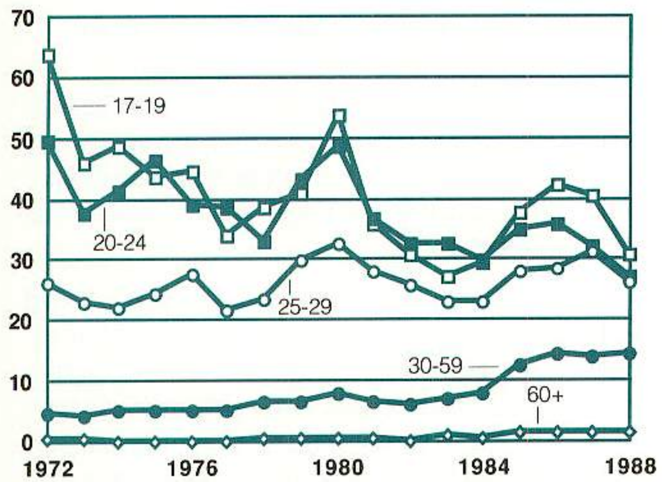
WHICH AGE GROUPS HAVE THE HIGHEST ARREST RATES FOR VIOLENT CRIME?

In general, adult arrest rates for murder, criminal sexual assault, and aggravated assault vary less by age in Illinois than adult arrest rates for property crimes or for robbery. Here is a summary of age-specific arrest rates for the four violent crimes:

- **Murder** Index murder arrest rates for the two youngest groups—17- to 19-year-olds and 20- to 24-year-olds—are similar to each other both in their magnitude in any given year and in the pattern of change from 1972 through 1988 (Figure1-25). The murder arrest rates for 17- to 19-year-olds ranged from a high of 47.5 per 100,000 in 1976 to a low of 27 per 100,000 in 1985. Arrest rates for 25- to 29-year-olds are slightly lower than for the two younger age groups, but follow the same pattern over time. Arrest rates for people aged 30 and older are much lower.[54]
- **Criminal sexual assault**. For criminal sexual assault, 17- to 19-year-olds and 20- to 24-year-olds consistently had the highest arrest rates, followed closely in most years by 25- to 29-year-olds (Figure 1-26). The peak rate for 17- to 19-year-olds was 64 per 100,000 in 1972. The 1988 rate was less than half that, 31 per 100,000. Arrest rates for the two older age groups, 30- to 59-year-olds, and 60 and older, were lower in every year. Although statewide trends showed a general increase in criminal sexual assault arrest rates during the mid-1980s, Chicago rates have declined sharply since 1986, for every age group. This is a continuation of the general declining trend from the 1980 peak. In contrast, outside of Chicago, arrest rates of every age group for criminal sexual assault followed an *increasing* trend in the mid 1980s. However, by 1988 the increase in the arrest rate for most ages had fallen off.
- **Robbery**. Both in Chicago and in the rest of Illinois, robbery arrest rates have been generally declining for all ages since the peak in 1974, although the steep decline leveled off in the mid-1980s. Different age groups had very different arrests rates, although the patterns over time were similar (Figure 1-27).[55] Arrest rates for 17- to 19-year-olds were substantially greater than arrest rates for 20- to 24-year-olds in every year between 1972 and 1988—in many years, the difference was 60 percent or more. The difference

Figure 1–26
Criminal sexual assault arrest rates are also highest for adults younger than age 30.

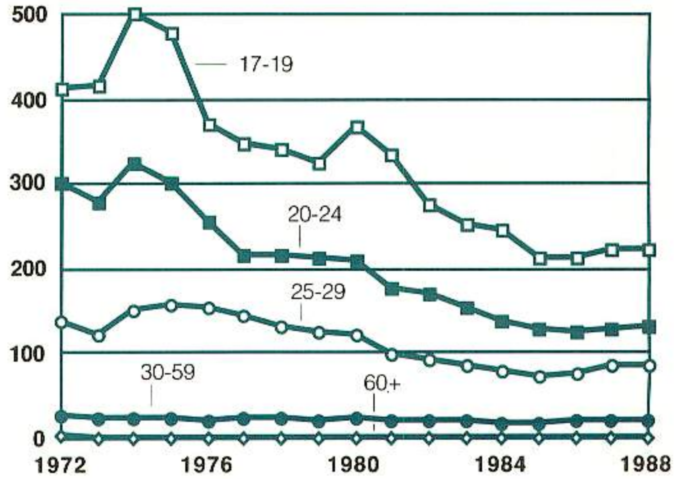
Arrests for index criminal sexual assault per 100,000 people



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population estimates)

Figure 1–27
Robbery arrest rates for all age groups have fallen since the mid-1970s.

Arrests for index robbery per 100,000 people



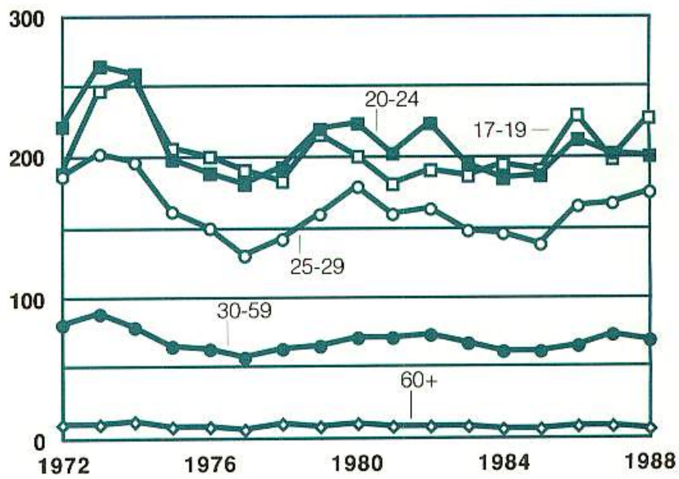
Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population projections)

in arrest rates between 20- to 24-year-olds and 25- to 29-year-olds was also great in most years.

- **Aggravated assault.** Because Chicago began reporting statutory aggravated assault arrests to the I-UCR in 1988,[56] a statewide trend analysis of index aggravated assault arrests is not yet possible. For the rest of the state, however, the trend of these arrest rates follows very closely the patterns of murder and criminal sexual assault (Figure 1-28). Arrests rates for 17- to 19-year-olds and 20- to 24-year-olds are similar to each other, with only slightly lower rates among 25- to 29-year-olds. Arrest rates for 30- to 59-year-olds are significantly lower. Rates for each age group have risen since 1985, although they have not reached the peak rates of 1974.

Figure 1–28
Aggravated assault arrest rates outside Chicago are similar for adults aged 17 to 19 and 20 to 24.

Arrests for index aggravated assault per 100,000 people outside Chicago



Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (population estimates)

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

For the property crimes of burglary, larceny/theft, motor vehicle theft, and arson, differences in arrest rates between 17- to 19-year-olds and the other age groups are more evident than among violent crime arrest rates:

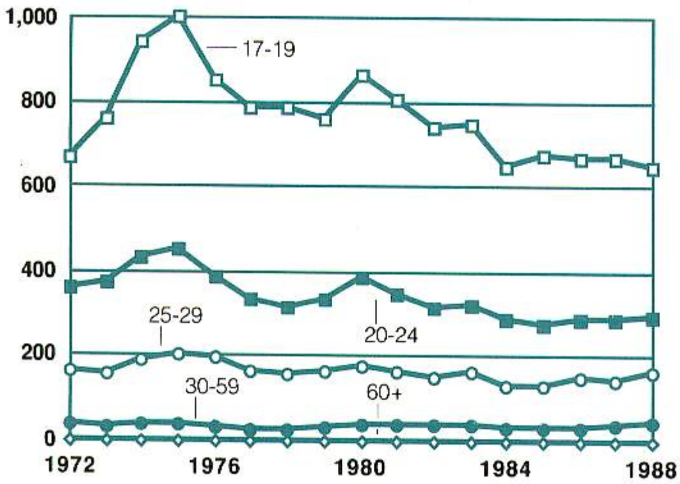
- **Burglary**. In 1988, the statewide burglary arrest rate for 17- to 19-year-olds—646 per 100,000—was more than twice the rate for 20- to 24-year-olds, four times the rate for 25- to 29-year-olds, and more than 13 times the rate for 30- to 59-year-olds (Figure 1-29). Burglary arrest rates generally have decreased since the peaks in 1975 and 1980, both in Chicago and in the rest of Illinois. In recent years, however, burglary arrest rates of people aged 30 and older have been increasing.

- **Larceny/theft.** For larceny/theft, age differences in arrest rates are also striking. For example, the 1988 rate for 17- to 19-year-olds—2,765 per 100,000—was almost twice that of 20- to 24-year-olds, about 2.5 times that of 25- to 29-year-olds, and more than five

Figure 1–29

Burglary arrest rates for 17- to19-year-olds are much higher than for any other age group.

Arrests for index burglary per 100,000 people

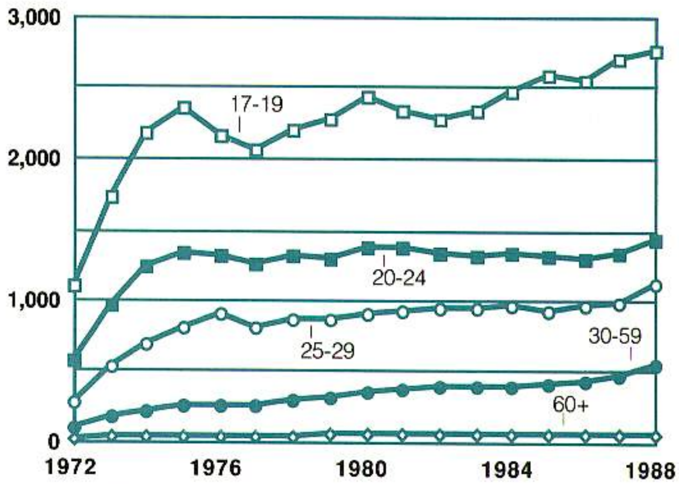


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population estimates)

Figure 1–30

In 1988, the larceny/theft arrest rate for 17- to 19-year-olds was twice that of 20- to 24-year-olds.

Arrests for index larceny/theft per 100,000 people



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population estimates)

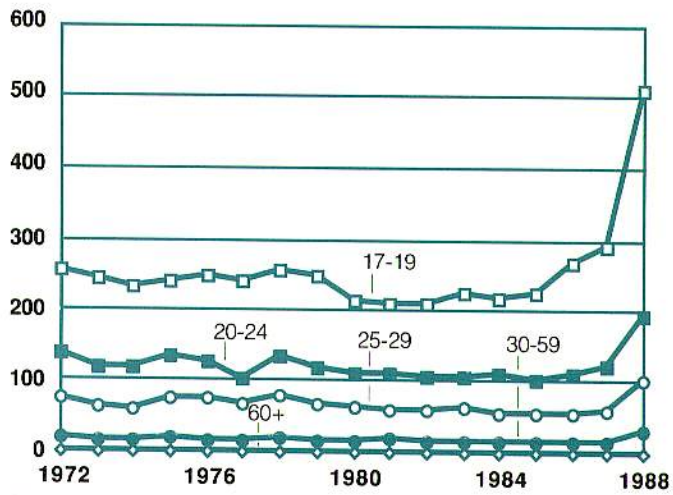
times the rate for 30- to 59-year-olds (Figure 1-30).[57] Since 1983, larceny/theft arrest rates for every age group have increased to record levels outside Chicago. Although Chicago larceny/theft arrest rates had been stable or declining since the 1984 peak, there was a sharp increase in 1988. Arrest rates of 30- to 59-year-olds in Chicago, for example, increased 27 percent between 1987 and 1988, from 969 to 1,230 per 100,000. Like the increase in larceny/theft offenses, this increase in larceny/theft arrests may also be attributable to an increase in the number of nonviolent offenders who are released on their own recognizance pending trial, due to crowding at the Cook County Jail (see Chapter 4).

- **Motor vehicle theft.** Statewide arrest rates for motor vehicle theft also vary with age, and younger age groups had the highest rates in all years (Figure 1-31). In 1988, Chicago arrest rates for motor vehicle theft rose very sharply for all age groups, driving the statewide rate higher also. The Chicago rate for 17- to 19-year-olds, for example, rose to 1,711 per 100,000 from 838 in 1987. Between 1987 and 1988, the motor vehicle theft arrest rate in Chicago increased 104 percent for 17- to 19-year-olds, 81 percent for 20- to 24-year-olds, 101 percent for 25- to 29-year-olds, 118 percent for 30- to 59-year-olds, and 95 percent for persons aged 60 and older. In fact, arrests increased more sharply than offenses. As with larceny/theft, the increase in motor vehicle theft arrests may be attributable in part to crowding at

Figure 1–31

Motor vehicle theft arrest rates for all age groups increased sharply in 1988.

Arrests for index motor vehicle theft per 100,000 people



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population estimates)

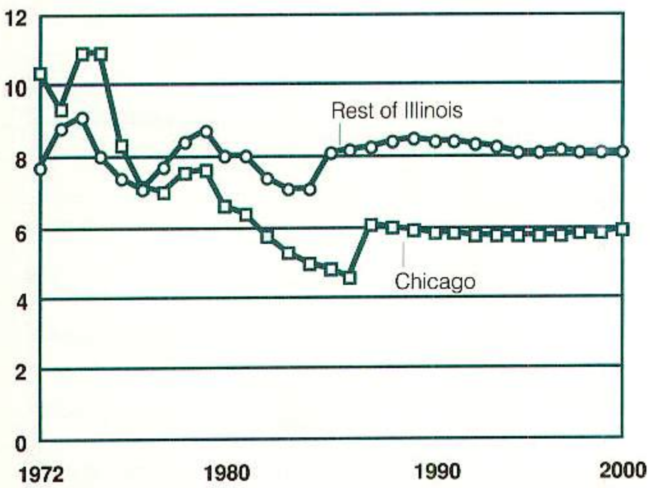
Cook County Jail (see Chapter 4). However, part of the increase is due to the new practice of counting both attempted crimes and completed crimes in 1988 motor vehicle theft arrest rates in Chicago.

- **Arson.** Beginning in 1980, when arson became an index crime, statewide adult arrest rates declined 18 percent until they reached a low of 4.4 per 100,000 in 1984. Since then, they have risen 15.5 percent to a

Figure 1–32

Arrests for violent crimes in Illinois are expected to decline slightly through the year 2000.

Arrests for violent index offenses (thousands)



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (projections)

Figure 1–33

Arrests for property crimes are expected to increase in both Chicago and the rest of Illinois.

Arrests for property index offenses (thousands)

Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (projections)

peak of 5.1 arrests per 100,000 in 1988. As with most other crimes, arson arrest rates are highest among the younger age groups, especially 17- to 19-year-olds. However, arrest rates for this group declined sharply from 1983 to 1985 bringing them to the same levels as 20- to 24-year-olds for that period. The rates for the other age groups followed similar patterns, although rates for the oldest groups declined moderately in 1986 and 1987.

HOW WILL ARREST TRENDS FOR SPECIFIC CRIMES CHANGE THROUGH THE YEAR 2000?

To project future arrest levels in Illinois—and thus the number of people entering the criminal justice system—it is important to know two things: the expected number of people in the state, and the anticipated rate at which those people will be arrested. However, arrest rates vary greatly for different age groups and within different areas of the state. Therefore, the arrest projections in this report were calculated separately for Chicago and for Illinois outside of Chicago, and for eight separate age groups—5 to 9, 10 to 14, 15 and 16, 17 to 19, 20 to 24, 25 to 29, 30 to 59, and 60 and older (see Appendix B for details on how these arrest projections were calculated). Even within each of these categories, the highest and the lowest arrest rates often varied tremendously over the 17-year period from 1972 through 1988.

Statewide, arrests for violent crimes can be expected to decrease slightly through the year 2000. In Chicago, violent crime arrests are expected to fall from 6,075 in 1988 to slightly more than 5,800 in 2000. In the rest of the state, arrests are expected to decrease from 8,217 in 1988 to about 8,000 in 2000 (Figure 1-32).

Property crime arrests, however, are expected to increase statewide. The increase is expected to be greatest in Chicago, where property crime arrests are expected to go up 13 percent, from 42,212 in 1988 to almost 47,700 in the year 2000. In Illinois outside Chicago, property crime arrests are expected to increase about 4 percent, from 38,170 in 1988 to 40,525 in 2000 (Figure 1-33).

For every type of crime, increases can be expected in the number of arrests of people 30 to 59 years old—and therefore in the number of older people entering the criminal justice system (Figure 1-34). In general, arrest rates of people aged 30 to 59 in Illinois are very low compared with the rates of the other age groups. But because the number of 30- to 59-year-olds in the state's population is increasing rapidly, the number of these people arrested for every index crime is expected to increase in the future much more sharply than any other age group. Now, and in the foreseeable future, the state's criminal justice system must deal with an aging population of defendants and offenders.

For the eight index crimes analyzed, the following statewide arrest trends are expected for adults:

- **Murder**. The total number of adults arrested for murder is expected to remain relatively stable through the year 2000, both in Chicago (about 780 in 2000) and in the rest of Illinois (about 250). However, murder arrests of people aged 30 to 59 are expected to increase 12 percent in Chicago and 18.5

Figure 1–34
Arrests of 30- to 59-year-olds are expected to increase for all index crimes by the year 2000.

Arrests of 30- to 59-year-olds

Chicago	Murder	Criminal sexual assault	Robbery	Aggravated assault	Burglary	Larceny/ theft	Motor vehicle theft	Arson
1988	242	235	617	777	1,215	13,314	1,212	88
2000	271	325	718	908	1,662	17,617	2,137	106
Percent increase	**12**	**38.3**	**16.4**	**16.9**	**36.8**	**32.3**	**76**	**20.5**
Rest of state								
1988	92	377	291	2,199	871	10,133	197	74
2000	109	495	375	2,578	1,056	13,748	226	91
Percent increase	**18.5**	**31.3**	**28.9**	**17.2**	**21.2**	**35.7**	**14.7**	**23**

Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

percent in the rest of Illinois, while murder arrests of most younger age groups will decline.

- **Criminal sexual assault**. Arrest trends for criminal sexual assault in Chicago differ greatly from trends in the rest of Illinois. In both geographic areas, however, there has been a rapid increase in the arrest rates of *older* people (aged 30 and over) in recent years. Given this trend, total adult arrests for criminal sexual assault are expected to increase 10 percent between 1988 and 2000 in Chicago and 9 percent in the rest of the state. Arrests of people aged 30 to 59 are expected to increase 38 percent in Chicago and 31 percent elsewhere, while arrests of younger adults are likely to remain stable or decline.

- **Robbery**. Arrest rates for robbery have been steady or falling in the 1980s for every adult age group, both in Chicago and in the rest of Illinois. In Chicago, robbery arrests will continue to decline until 1995, and then will begin to increase. In the rest of Illinois, the decline will continue until the year 2000. However, arrests of people aged 30 to 59 are expected to increase between 1988 and 2000—16 percent in Chicago and 29 percent in the rest of Illinois.

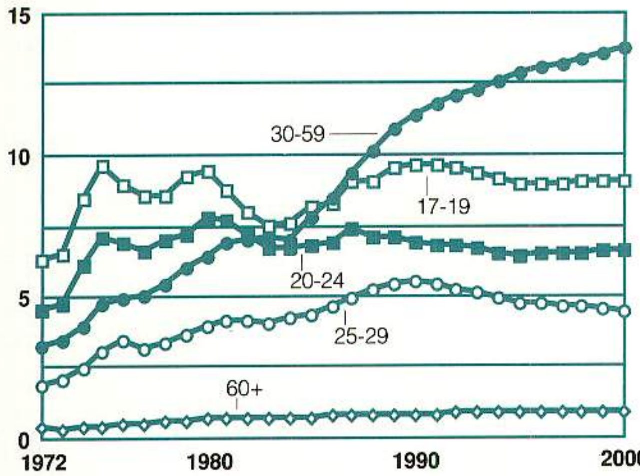
- **Aggravated assault**. In Chicago, complete data for index aggravated assault are available for one year only, 1988. Assuming that 1988 rates continue to the year 2000, the number of aggravated assault arrests will decline slightly. This will reflect, however, a 17-percent increase in arrests of people aged 30 to 59. In Illinois outside Chicago, adult arrests for aggravated assault are expected to decline overall by the year 2000. This decline is expected to be especially rapid for those aged 17 to 19 (3 percent from the 879 arrests in 1988), 20 to 24 (16 percent from the 1,375 in 1988), and 25 to 29 (20 percent from the 1,292 in 1988). In contrast, the number of people aged 30 to 59 arrested for aggravated assault in Illinois outside of Chicago in 2000 is expected to increase 17 percent over the 1988 figure of 2,199.

- **Burglary**. Generally, adult arrests for burglary are expected to remain stable in Chicago and decline in the rest of the state. In both areas, however, arrests of 30- to 59-year-olds are expected to increase, 37 percent in Chicago and 21 percent in the rest of the state. Arrests of Chicago young adults for burglary will decline through 1992 and then increase slightly, following population trends for 17- to 19-year-olds. Outside Chicago, arrests for burglary of people aged 17 to 19 will also follow population trends, declining 16 percent from the 2,040 in 1988, which marked the lowest number of arrests of that age group in 17 years.

- **Larceny/theft.** The greatest increase in arrests of 30- to 59-year-olds is expected among those arrested for larceny/theft. Given the recent increases in the arrest rate for that age group—27 percent in Chicago alone from 1987 to 1988—and the projected increase in the population aged 30 to 59, the number of 30- to 59-year-olds arrested for larceny/theft is expected to increase rapidly through the year 2000, 32 percent in Chicago and 36 percent in the rest of Illinois. Until 1986, individuals aged 17 to 19 were the predominant group of people arrested for larceny/theft in Illinois outside Chicago. Since then, however, the largest single group of arrestees for larceny/theft has been 30- to 59-year-olds, a trend that is expected to continue through 2000 (Figure 1-35).

Figure 1–35
Outside Chicago, 30- to 59-year-olds will be the predominant age group arrested for larceny/theft through the year 2000.

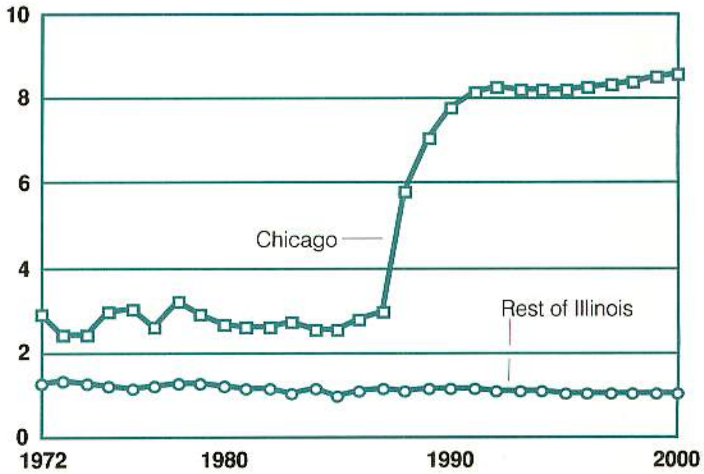
Arrests for index larceny/theft (thousands)



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (projections)

Figure 1–36
Arrests for motor vehicle theft will continue to rise faster in Chicago than the rest of the state.

Arrests for index motor vehicle theft (thousands)



Source: Illinois Uniform Crime Reports; Chicago Police Department Illinois Criminal Justice Information Authority (projections)

- **Motor vehicle theft**. Adult arrests for index motor vehicle theft increased sharply in Chicago in 1988, as did arrests for the other property offenses. Assuming that these trends will continue in the immediate future, Chicago arrests for motor vehicle theft are expected to increase another 33 percent overall between 1988 and 2000 (Figure 1-36). However, arrests of 30- to 59-year-olds are expected to increase 18 percent. In the rest of the state, arrests for motor vehicle theft are expected to increase briefly, but then follow the general declining trend since 1978.

- **Arson.** In Chicago, arson arrest rates, like those for the other property offenses, increased sharply in 1988. Based on this trend, arson arrests in Chicago are expected to increase until 1992 and then to level off. However, arrests of 30- to 59-year-olds are expected to increase 20 percent between 1988 and 2000. In the rest of Illinois, arson arrest data are available for only three years, 1986 to 1988. Given the available data, adult arrests are expected to decline slightly, but arrests of 30- to 59-year-olds to increase sharply.

Notes

1 *Crime in the United States,* 1988 edition (Washington, D.C.: U.S. Department of Justice, 1989).

2 These figures are from a national study in which victims were asked, "Were the police informed or did they find out about this incident in any way?" Crimes where a commercial establishment is victimized are excluded. See Caroline Wolf Harlow, *Reporting Crimes to the Police* (Washington, D.C.: Bureau of Justice Statistics, 1985).

3 Household larceny is defined as theft in or near the home where illegal entry is not involved—thus differentiating this crime from burglary.

4 These percentages are based on estimates of the actual amount of crime occurring as reported in victimization surveys, which measure both crimes that police learn about and those that are never reported and entered into police records. The major victimization survey in the United States is the National Crime Survey (NCS) by the

Bureau of Justice Statistics, which is based on interviews of a large sample of households across the country.

[5] Certain types of crimes, however, are unlikely to be investigated by local police agencies. Many of the white-collar crimes (for example, fraud, embezzlement, forgery, counterfeiting) are typically investigated by county prosecutors, the Illinois Attorney General, or the Illinois State Police's Division of Criminal Investigation. An indictment is then issued by a grand jury, therefore precluding involvement by local police agencies.

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

[7] The four organizations are the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), the National Sheriffs' Association (NSA), and the Police Executive Research Forum (PERF).

[8] William Spellman and Dale K. Brown, *Calling the Police: Citizen Reporting of Serious Crime* (Washington D.C.: Police Executive Research Forum, 1981).

[9] The police agencies included in this analysis were Arlington Heights, Buffalo Grove, Calumet City, Crystal Lake, Des Plaines, Dolton, Elgin, Elk Grove Village, Evanston, Fox River Grove, Glencoe, Glendale Heights, Glenview, Harvey, Highland Park, Hoffman Estates, Huntley, Joliet, Morton Grove, Mt. Prospect, Naperville, Oakwood Hills, Palatine, Park Ridge, Rolling Meadows, St. Charles, Schaumburg, Streamwood, Wheeling, Wilmette, and Winnetka. Response times were originally punched on a time clock at each agency. Only the last whole minute was recorded; seconds were not recorded. For example, all response times between 1 minute–0 seconds and 1 minute–59 seconds were recorded as "1 minute." All aggregate response times cited are, therefore, averages of whole minutes, and hence subject to rounding errors.

[10] *People v. Pankey,* 94 Ill. 2d 12, 445 N.E. 2d 284 (1983).

[11] *United States v. Seventy-Three Thousand Two Hundred Seventy-Seven Dollars, U.S. Currency,* 710 F. 2d 283 (7th Cir. 1983).

[12] *Kindred v. Stitt,* 51 Ill. 401 (1869).

[13] Ill.Rev.Stat., ch. 24, par. 7-4-7.

[14] Ill.Rev.Stat., ch. 24, par. 7-4-8.

[15] *United States v. Janik,* 723 F. 2d 537 (7th Cir. 1983).

[16] *People v. Carnivale,* 21 Ill. App. 3d 780, 315 N.E. 2d 609 (1st Dist. 1974).

[17] Ill.Rev.Stat., ch. 38, par. 107-8.

[18] Ill.Rev.Stat., ch. 38, par. 107-9(e).

[19] *Tennessee v. Garner,* 105 S. Ct. 1694 (1985).

[20] Ill.Rev.Stat., ch. 38, par. 7-5(a). This statute was brought into compliance with *Tennessee v. Garner* in 1986.

[21] *Miranda v. Arizona,* 384 U.S. 436 (1966).

[22] *Duckworth v. Eagan,* 109 S.Ct. 2875 (1989).

[23] *The Law Officer's Pocket Manual, 1987–1988 Edition* (Washington, D.C.: The Bureau of National Affairs, 1987-1988) p. 9:9.

[24] *U.S. v. Sokolow,* 109 S.Ct. 1581 (1989).

[25] *Florida v. Riley,* 109 S.Ct. 693 (1989).

[26] Public Act 86-17; Ill.Rev.Stat., ch. 120, par. 453.2.

[27] Public Act 86-881; Ill.Rev.Stat., ch. 38, par. 1005-4-3.

[28] For more information about I-UCR statistics, see Louise S. Miller and Carolyn R. Block, *Introduction to Illinois Uniform Crime Reports* (Chicago: Illinois Criminal Justice Information Authority, 1985).

[29] Arrest data for Chicago are available in monthly totals only.

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

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

[32] Block and Knight, 1987.

[33] For more detail about population estimates, see Appendix B.

[34] As discussed on pages 33–34, most of this increase was the result of changes in data recording practices in Chicago.

[35] For more information about homicide in Illinois, see

Louise S. Miller, *Murder in Illinois: 1973 to 1982* (Chicago: Illinois Criminal Justice Information Authority, 1983).

[36] As a serious offense that traditionally has been accurately reported, murder was not affected by the reporting changes in Chicago. For a detailed explanation of Chicago homicide trends, see two Authority publications by Carolyn R. Block: *Lethal Violence in Chicago Over Seventeen Years* (1985) and *Specification of Patterns Over Time in Chicago Homicide* (1985).

[37] Ill.Rev.Stat., ch. 38, par. 12-12 et seq. For details, see Figure 1-2.

[38] For this report, crime rates were calculated for four different types of jurisdictions in Illinois: Chicago; other large municipalities; small municipalities, which include all other incorporated cities and towns; and rural areas, which include those unincorporated parts of the state that fall under the jurisdiction of county sheriffs' offices. Other large municipalities is a U.S. Census Bureau designation of cities (or twin municipalities) that have more than 50,000 people and that exhibit characteristics of a major metropolitan center. In Illinois, these cities are Arlington Heights, Aurora, Bloomington-Normal, Champaign-Urbana-Rantoul, Cicero, Decatur, Des Plaines, East St. Louis, Elgin, Evanston, Joliet, Kankakee, Moline-Rock Island, Mt. Prospect, Oak Lawn, Oak Park, Peoria, Rockford, Schaumburg, Skokie, Springfield, and Waukegan.

[39] To measure the relative frequency of violent crime in jurisdictions that have different population characteristics, crime rates must be used. Here, crime rates measure the per-capita amount of reported crime in a community, or group of communities, by calculating the number of crimes for every 100,000 people.

[40] When comparing crime rates across regions, it is important to remember that I-UCR data represent only those crimes reported to police. Therefore, differences in crime rates may be partially due to regional differences in perceptions of crime. These perceptions, in turn, affect both crime reporting practices by citizens and crime recording practices by local law enforcement agencies.

[41] See Appendix B for a detailed discussion of the methodology used for the offense projections in this chapter.

[42] Detailed projected figures through the year 2000 are available from the Authority upon request.

[43] Several factors make projections of sexual assault in Illinois difficult. First, the change in reporting practices in Chicago, which began in 1983 and continued through 1984, probably caused much of the increase in reported rape offenses in those years. Second, the overhaul of the state's sexual assault laws, which took effect in the second half of 1984, may have caused much of the statewide increase after 1984. In 1985, 1986, and 1987, however, neither the definition nor the level of sexual assault changed as they had in earlier years. The projections are based on the assumption that this stability will continue.

[44] Of all the index crimes, aggravated assault showed the biggest increase in Chicago in 1983 and 1984, much of which was due to the change in the police department's reporting practices. Before 1984, only aggravated batteries were counted in the index aggravated assault offense category in Chicago. (Chicago Police Department, personal communication, December 5, 1988.) Beginning in 1984, attempted murders and aggravated assaults (battery threats) are also included, making the definition of index assault in Chicago comparable to that in the rest of Illinois only in the years 1984 through 1988. Therefore, the more recent patterns, 1984 through 1988, were used in the projections.

[45] Because arson was not designated as an index crime until 1980, earlier, non-index arsons were reported differently than index arson offenses. All analyses of property index crimes in the chapter include arson beginning in 1980.

[46] Very little of the increase in reported property crimes was due to the inclusion of arson as an index crime in 1980. Arson accounts for less than 1 percent of reported property crimes in Illinois.

[47] Detailed projected figures through the year 2000 are available from the Authority on request. Also, see Appendix B for a detailed discussion of the methodology used for the offense projections in this chapter.

[48] Research and Development Division, Chicago Police Department (telephone interview, November 1989).

[49] Lawrence W. Sherman and Barry D. Glick, *The Quality of Police Arrest Statistics* (Washington, D.C.: Police Foundation, 1984).

[50] The failure of the victim to file a complaint does not, in itself, preclude police from making an arrest. Officers may still arrest a suspect if they have enough evidence to do so.

[51] The year 1973 is used for comparison because of unresolved data quality issues in the 1972 arrest figures.

[52] See *Age-Specific Arrest Rates* (Washington, D.C.: Federal Bureau of Investigation, Uniform Crime Reporting

Program, 1984). Also, Carolyn R. Block, *The Meaning and Measurement of Offenders Age in Criminology Research* (paper presented at the annual meeting of the American Society of Criminology, 1986).

[53] See Appendix B for the source of population data for these rates. Also, because arson didn't become an index crime until 1980, arson arrest rates are calculated only from 1980 through 1988.

[54] Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

[55] Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

[56] Prior to 1988, Chicago reported only aggravated battery arrests to the I-UCR under the aggravated assault category. Chicago began reporting aggravated assault arrests as well in 1988.

[57] Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

Law Enforcement Financing

Law enforcement in Illinois, as in other states, is primarily a local function, carried out by municipal police departments and county sheriffs' offices. It is not surprising, then, that municipal and county governments account for most of the spending on law enforcement in the state and that they employ the majority of law enforcement personnel.

Where does the money for law enforcement in Illinois come from? How is it spent? And how have these funding sources and expenditures changed over the years? This section analyzes these and other issues related to law enforcement finances at the municipal, county, and state levels in Illinois.

WHAT ARE THE PRIMARY SOURCES OF FUNDING FOR LAW ENFORCEMENT IN ILLINOIS?

Most law enforcement activities in Illinois are carried out by one of three levels of government:[1]

- Individual municipalities, which operate police departments
- Counties, whose sheriffs' departments provide police services for unincorporated areas of the counties, operate county jails, and provide security for many public buildings
- The state, through the Illinois State Police and various specialized law enforcement programs[2]

Each level of government is ultimately responsible for providing the financial resources needed for the law enforcement activities in its jurisdiction. There are dramatic differences, however, in how each level of government raises the money to fund its law enforcement activities, differences that reflect their different taxing authority and their ability to raise revenues:

- **Municipalities.** Most of the money spent by municipal police departments in Illinois comes from the municipalities' general revenue (or corporate) funds, which are financed through a variety of property taxes, sales taxes, state and federal aid, and fees (some of which are generated by the police departments themselves). In addition, some police departments receive money from other municipal funds to pay for specialized law enforcement services. In 1987, for example, more than $5.5 million was transferred from Chicago's Vehicle Tax Fund to reimburse the city's General Revenue Fund for the salaries of police officers engaged in regulating traffic.[3]

- **Counties.** Both the law enforcement and correctional services provided by county sheriffs' departments in Illinois are funded primarily from the counties' general funds. Like their municipal equivalents, these county funds are supported largely by local taxes, intergovernmental revenue, and service charges.

- **State.** Historically, Illinois State Police (ISP) activities have been financed through two primary sources: the state's General Revenue Fund (which contains primarily income and sales taxes collected throughout the state) and the Road Fund (which contains money the state receives from a variety of sources, including motor vehicle license fees, inspection fees, highway sign permits, overweight fines for trucks, the federal government, local governments, and investment income). Only about 1 percent of all expenditures from the General Revenue Fund in state fiscal year 1988 went to finance the state police.[4] But this $105.2 million in General Revenue money represented 69 percent of ISP's total expenditures that year. Similarly, although ISP now receives only a small percentage of all Road Fund expenditures (less than 5 percent in fiscal 1988), this $41.8 million financed 27.5 percent of ISP expenditures during that fiscal year. In fiscal 1988, nearly 97 percent of the money spent by ISP came from the General Revenue and Road funds. The remainder came from a variety of smaller funds that are used primarily for specialized programs and services (these funds are discussed in more detail in other parts of this section).

Over the past two decades, ISP's responsibilities have expanded beyond its principal duty of patrolling Illinois highways. At the same time, the agency's primary funding source has shifted from the Road Fund to the General Revenue Fund (FINANCE 1-1). In fiscal 1972, the General Revenue Fund accounted for less than 12 percent of ISP expenditures, and 78 percent came from the Road Fund. In 1984, however, as a result of the Anti-Road Fund Diversion Act, there was a dramatic shift from the Road Fund to the General Revenue Fund to support state police activities: the percentage of ISP expenditures supported by the Road Fund dropped to 26 percent that year, from 65 percent in 1983.

Law enforcement activities in Illinois, then, are funded primarily through a variety of taxes: property (and, to a lesser extent, sales) taxes at the municipal and county levels, and income and sales taxes (along with Road Fund receipts) at the state level. Under this arrangement, the majority of law enforcement spending in the state comes from revenue generated by the levels of government (municipalities and counties) that provide the majority of law enforcement services.

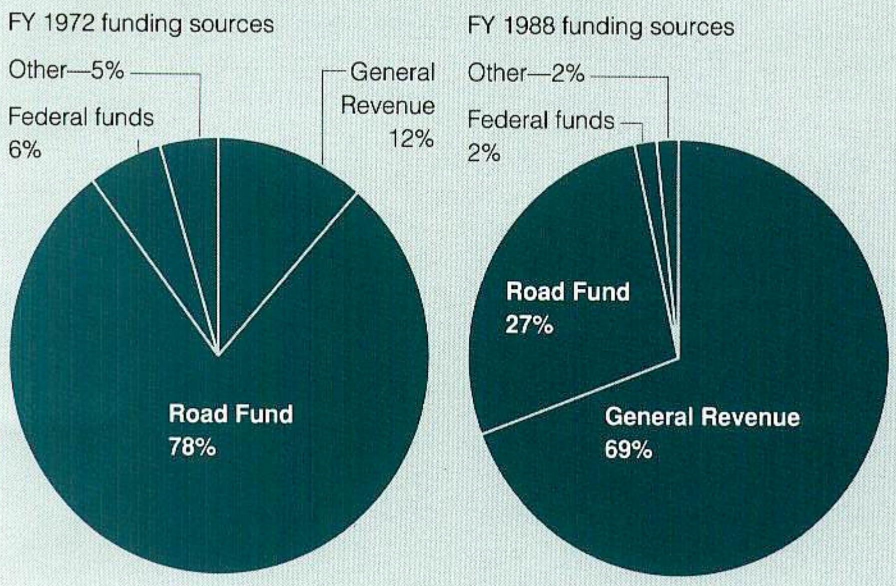
HOW MUCH REVENUE DO LAW ENFORCEMENT AGENCIES GENERATE THROUGH FEES?

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

Here are some of the major fees used to finance law enforcement activities at the different levels of government in Illinois:

- **State.** ISP uses two state funds, financed through the imposition of fees, to pay for specific services it provides. The State Police Services Fund contains fees and registration charges that ISP collects

Finance 1-1
The primary source of funds for the Illinois State Police has shifted from the Road Fund to the General Revenue Fund.



Source: Office of the Illinois Comptroller

Finance 1-2
Illinois sheriffs may charge fees for a variety of services.

Service	Fee
Serving or attempting to serve a summons on a defendant	$10
Serving or attempting to serve an order or judgment granting injunctional relief	$10
Serving or attempting to serve a garnishee	$10
Serving or attempting to serve an order for replevin	$10
Serving or attempting to serve an order for attachment on a defendant	$10
Taking special bail	$1
Serving or attempting to serve a subpoena on a witness	$10
Advertising property for sale	$5
Returning a process	$5
Attending before a court with a prisoner, on an order for habeas corpus	$10
Attending before a court with a prisoner in any criminal proceeding	$10
Each mile of necessary travel in taking a prisoner before the court (as stated above)	$0.15/ mile (each way)

Note: These fee amounts apply to counties with a population of 1 million or less as of the last federal census.

Source: Illinois Revised Statutes

from other government agencies for various law enforcement services (for example, providing criminal conviction information to local units of government and liquor control commissions for background checks, and electronic data processing services to local government). The Firearm Owner's Notification Fund, which is funded through part of the $5 fee paid by all persons who receive a Firearm Owner's Identification Card, covers ISP's costs for sending expiration notices to FOID Card holders.[5] Together, these two funds accounted for approximately $2.1 million during fiscal 1988, or only slightly more than 1 percent of all ISP funding sources.

■ **Counties.** Sheriffs' departments in Illinois are funded largely from county general revenue funds, and some of the money in each county's general revenue fund is generated, in turn, by the sheriff's department. This revenue comes from fees that sheriffs' departments collect from litigants in civil cases as well as people convicted of crimes. These fees pay for many of the services that sheriffs' departments provide, including serving warrants and subpoenas, transporting prisoners, and attending court (see Finance 1-2 for examples of these fee-based services). The amount of the fees is defined by statute, and depends on the population of the county.[6] In addition, about 30 percent of rural county sheriffs responding to a recent survey said that their departments are under contract with municipalities to provide night patrol services to communities that cannot afford their own night patrol officers.[7] Only about half of these sheriffs, however, said the contractual fees they receive cover their expenses.

In sheer dollars, the revenue generated through sheriffs' fees is substantial, and the statewide total has increased sharply since the mid-1970s. In 1986 (the last year for which statewide totals are available), sheriffs' departments throughout Illinois generated a combined total of more than $20.4 million in fees, or nearly 27 percent more than in 1974, even after adjusting for inflation. Between 1974 and 1986, the total amount of sheriffs' fees (in constant dollars) increased in all parts of the state: 26 percent in Cook County, 90 percent in the five collar counties around Cook, 59 percent in other large counties, and 34 percent in the state's other counties.[8] However, most of the increase in sheriffs' fees occurred in the late 1970s and early 1980s, with little change since 1982.

But while these sheriffs' fees are sizable, they account for only a small percentage of total county revenue. In fiscal 1986, sheriffs' fees made up 2.5 percent of total receipts in Cook County, 1.1 percent in the collar counties, 1.6 percent in the other large counties, and less than 1 percent in the remainder of the state. Still, the revenue generated by sheriffs' departments does account for a substantial percentage of the money the departments spend from their counties' general revenue funds. For example, the $10.4 million generated by the Cook County Sheriff's Department in fiscal 1988 accounted for 8.2 percent of the department's expenditures that year from the county's Corporate Purposes Fund. The DuPage County Sheriff's Department generated 12.4 percent of its fiscal 1988 expenditures from the county fund, and the Cass County Sheriff's Department generated 7.2 percent (FINANCE 1-3).

FINANCE 1–3

In 1988, sheriffs' fees accounted for a sizable percentage of sheriff's department spending in three counties.

	Total sheriff's department expenditures from the county general revenue fund	Receipts paid to the county general revenue fund from the sheriff's department	
Cook	$127,234,725	$10,470,513	(8.2%)
DuPage	7,948,230	988,867	(12.4%)
Cass	232,983	16,763	(7.2%)

Source: Office of the Cook County Comptroller; DuPage County Finance Department; Cass County Finance Department

■ **Municipalities.** Like county sheriffs' departments, municipal police departments generate revenue for their municipalities through fees that are charged to people and agencies that receive various police services. But unlike sheriffs' departments, municipal police agencies are not governed by state statute in deciding what services (if any) to charge for and what the amount of their fees ought to be. Each police department sets its own fee schedule and, consequently, fees vary from municipality to municipality. Some of the services for which police departments may charge fees include unlocking car doors, answering false burglar alarms, and providing copies of traffic accident reports.

In 1988, for example, the Chicago Police Department collected nearly $800,000 in fees for accident and other police reports. That year, the department also collected $3 million for towing,[9] $1.2 million for vehicle storage, and $3.4 million from the sale of junk vehicles. All of these receipts, which are deposited in the city's General Revenue Fund, made up 1.5 percent of the department's 1988 expenditures.[10] Among suburban agencies, the Wheaton Police Department collected almost $13,000 in fees for police reports during 1988, or less than 1 percent of its total expenditures that year.

WHAT LAW ENFORCEMENT ACTIVITIES ARE FUNDED THROUGH CRIMINAL FINES?

Some of the fines that the courts impose on criminal offenders are used to directly finance related law enforcement activities, especially those involving the enforcement of laws against illegal drugs. For example, seven out of every eight dollars in fines collected from violators of the state's Controlled Substances, Cannabis Control, and Narcotics Profit Forfeiture acts is split among municipal, county, and state governments, depending on their involvement in the case.[11] (The remaining dollar is deposited in the state's Juvenile Drug Abuse Fund, which the Department of Alcoholism and Substance Abuse uses to fund a variety of anti-substance abuse programs for young people.) Proceeds returned to municipal governments are used directly for the enforcement of drug laws. Proceeds returned to the counties are deposited in their general revenue funds. And proceeds sent to the state are deposited in the Drug Traffic Prevention Fund, which the Illinois State Police uses primarily to support the metropolitan enforcement groups (MEGs) located throughout the state.

In addition to receiving proceeds from drug fines, ISP also assesses fines for overweight vehicles traveling on the state's highways. These fines, which are collected by the clerk of the Circuit Court where the violation occurred, are deposited in the state Road Fund, which in turn supports ISP troopers. In county fiscal year 1988, more than $4.5 million in overweight vehicle fines was deposited in the Road Fund, a 17 percent decrease from the previous year. Approximately 14 percent of the 1988 total came from Cook County, 28 percent from the five collar counties, and more than 58 percent from the state's other 96 counties.[12] In fiscal 1988, these fines represented more than 5 percent of all Road Fund receipts, and 12 percent of the nearly $41.8 million ISP spent from the Road Fund during the fiscal year. In other words, approximately one out of every eight Road Fund dollars expended by ISP is generated by the agency through overweight vehicle fines.

HOW MUCH FEDERAL MONEY IS USED FOR LAW ENFORCEMENT IN ILLINOIS?

During much of the 1970s and early 1980s, governments at all levels in Illinois relied on federal money to support both basic law enforcement activities as well as special programs and services. These federal funds came from two primary sources: federal revenue sharing and the Law Enforcement Assistance Administration (LEAA).

Under revenue sharing, the federal government each year provided all municipalities and counties in the state with a sum of money proportional to their population and the amount of federal taxes paid by their citizens. For the most part, local governments were free to use these federal funds for any of a variety of programs and services, including law enforcement. Federal revenue sharing reached its peak in the mid-1970s, declined sharply during the 1980s, and ceased altogether by 1988.

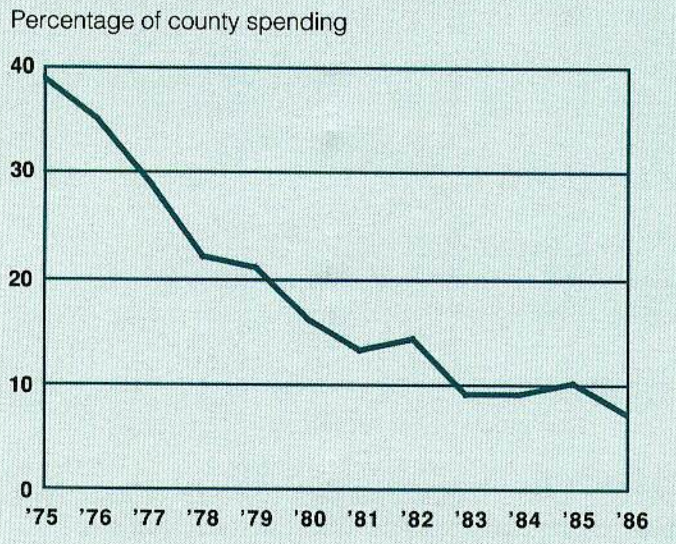
In terms of supporting law enforcement activities, federal revenue sharing was especially important to the counties. The federal money was deposited in each county's general revenue fund, from which the activities of the sheriff's office, as well as many other county agencies, are financed. And although federal revenue sharing made up a relatively small percentage of the counties' total receipts, the federal funds did support a sizable level of criminal justice services, particularly in the sheriffs' departments.

In 1975, for example, nearly 40 percent of the money that all Illinois counties outside Cook spent on police and public safety came from federal revenue sharing, and in 1976, the figure was still 35 percent (FINANCE 1-4).[13] These 101 counties spent nearly $50 million in federal revenue sharing on police and public safety in 1974 alone, and more than $20 million a year (in constant 1988 dollars) during most of the 1970s. By 1986, however, the overall amount of federal revenue sharing to all levels of government had dropped sharply, and the amount of these federal funds that Illinois counties spent on police and public safety had fallen as well. That year, counties outside Cook spent less than $8 million (in constant 1988 dollars) in federal revenue sharing money on police and public safety, or only 7 percent of all county expenditures for these activities. In 1987, county receipts from federal revenue sharing had all but ceased, and by 1988 they had stopped completely.

Municipalities also devoted federal revenue sharing money to their law enforcement activities during the 1970s and early 1980s, but to a lesser extent proportionally than counties, it appears. Although data on municipal expenditures from federal revenue sharing are incomplete, indications are that these federal dollars made up a relatively small percentage of total municipal police expenditures. In 1978, for example, federal revenue sharing accounted for approximately 5 percent of the money spent on municipal police departments in Illinois, excluding Chicago. In Chicago in 1978, about 6 percent of department employees were paid through various federally funded programs, including CETA and HUD.[14] These federally funded employees made up less than 1 percent of the force by 1981, however, and had been terminated altogether by 1987.

FINANCE 1-4

Federal revenue sharing accounted for almost 40 percent of county spending on public safety in 1975.



Note: Excludes Cook County.

Source: Office of the Illinois Comptroller

Unlike federal revenue sharing, LEAA funds—the other source of federal money for law enforcement in Illinois—were not allocated directly to local units of government, but instead were awarded through an agency known as the Illinois Law Enforcement Commission (ILEC). And these funds were used not just for law enforcement, but for all components of the criminal justice system in Illinois and for various system planning and coordination activities. The LEAA money devoted to law enforcement was used primarily to improve the delivery of services—for example, increasing (or in some cases initiating) routine patrol capabilities in rural sheriffs' departments or funding multi-jurisdictional, special-purpose units to combat organized crime and narcotics.

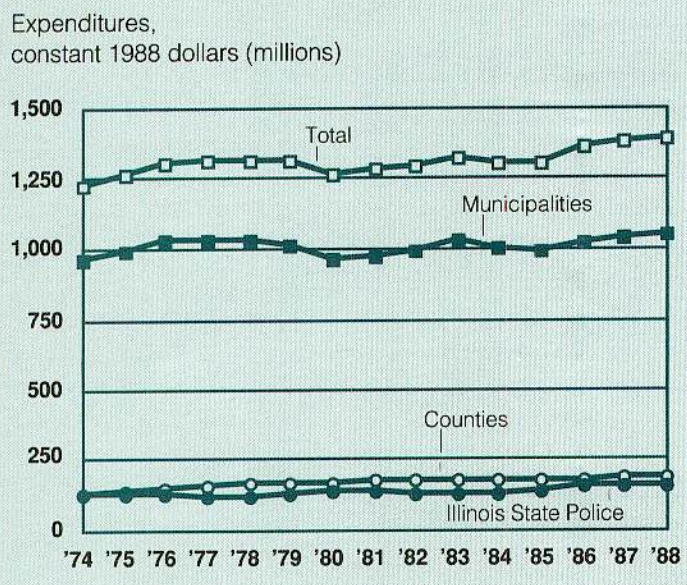
In 1974, one of the peak years for LEAA funds, almost 20 percent of the grants distributed by ILEC went for law enforcement activities. That year, these awards totaled more than $13 million (in constant 1988 dollars). They supported programs such as narcotics squads, emergency hire-back programs, and rural projects. For example, ILEC funded 30 counties under the Rural Crime Program in 1974. These small awards, no larger than $10,000 each, enabled rural sheriffs to hire additional deputies, thereby increasing patrols and reducing police response time in their counties.[15]

ILEC also established various police program models. Three of the most notable were social workers in police departments, eligibility and programmatic guidelines for police crime prevention bureaus, and guidelines and operating procedures for police-based victim/witness assistance programs. Large amounts of LEAA money were also dedicated to law enforcement training. Basic courses at the Police Training Institute were expanded, and a variety of new, specialized courses were developed. Training manuals were also written and distributed statewide.[16]

The LEAA was formally terminated in April 1982. Two years later, however, Congress began developing new, more focused, and more modest programs of federal assistance to state and local governments. The first of these programs, the Justice Assistance Act (JAA) of 1984, was designed to improve the functioning of the criminal justice system, with a special emphasis on violent crime and seri-

FINANCE 1-5

Total spending on law enforcement in Illinois increased 13 percent between 1974 and 1988.



Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller

ous offenders. In 1986, the State and Local Law Enforcement Assistance Act (SLLEAA) was enacted specifically to improve state and local drug law enforcement. Two years later, the JAA and SLLEAA programs were combined under the Anti-Drug Abuse Act of 1988 into one grant program aimed at controlling drug abuse and violent crime. In Illinois, all of these programs have been administered by the Illinois Criminal Justice Information Authority.

Between federal fiscal years 1985 and 1990, Illinois was allocated more than $36.3 million under these federal grant programs to support law enforcement and other criminal justice programs.[17] This money, which represents only a fraction of a percentage point of the total spending on law enforcement in the state during that time, has gone to both units of local government (approximately two-thirds of the money) and state agencies (approximately one-third). Some of local law enforcement programs that have been funded include expansion of multi-jurisdictional drug enforcement units, upgraded crime laboratory facilities, and computerized information and communications systems for police and sheriffs' departments.[18] Some of the state-level enforcement programs that have been funded include expansion of ISP's crime labs and enhancement of its telefacsimile network for processing fingerprints and identifying offenders.

All federal money that ISP receives, either directly from the federal government or through other state agencies such as the Authority, is deposited in the department's Federal Projects Fund. In addition to the crime lab upgrade, ISP's drug education and eradication efforts have been supported with money deposited in the fund. In fiscal year 1988, the Federal Projects Fund totaled more than $2.6 million, or nearly 2 percent of ISP's total funding sources (see FINANCE 1-1). In 1972, by contrast, federal sources accounted for more than 6 percent of all state police expenditures.

WHAT IS THE TOTAL AMOUNT OF MONEY SPENT ON LAW ENFORCEMENT IN ILLINOIS?

Government in Illinois—including the state, counties, and municipalities—spent more than $1.38 billion on law enforcement during fiscal year 1988.[19] This 1988 total is 13 percent higher than the $1.22 billion (in constant 1988 dollars) spent in 1974, and 9 percent higher than the $1.26 billion (in constant 1988 dollars) spent in 1980 (FINANCE 1-5).

Municipal police departments have historically accounted for the majority of law enforcement expenditures in Illinois. However, municipalities' share of this spending has declined slightly since the mid-1970s in Illinois, while counties and the state have both accounted for proportionally more law enforcement spending (FINANCE 1-6). Despite these shifts, municipalities still accounted for 75 percent of all law enforcement spending in fiscal 1988 (53 percent by the Chicago Police Department and 22 percent by the other municipal police departments in the state combined). Counties accounted for 14 percent, and the state 11 percent in fiscal 1988.

Here is a more detailed analysis of spending patterns at each level of government in Illinois:

- **Municipalities.** Chicago accounts for the majority of law enforcement spending at the local level in Illinois. But as Chicago Police Department expenditures have declined (in constant dollars) since the early 1970s and spending by all other municipal police departments in the state has increased, the difference between the two areas has shrunk. In 1972, Chicago accounted for almost 65 percent of municipal-level police spending in Illinois; in 1988, that percentage had fallen to 53 percent.

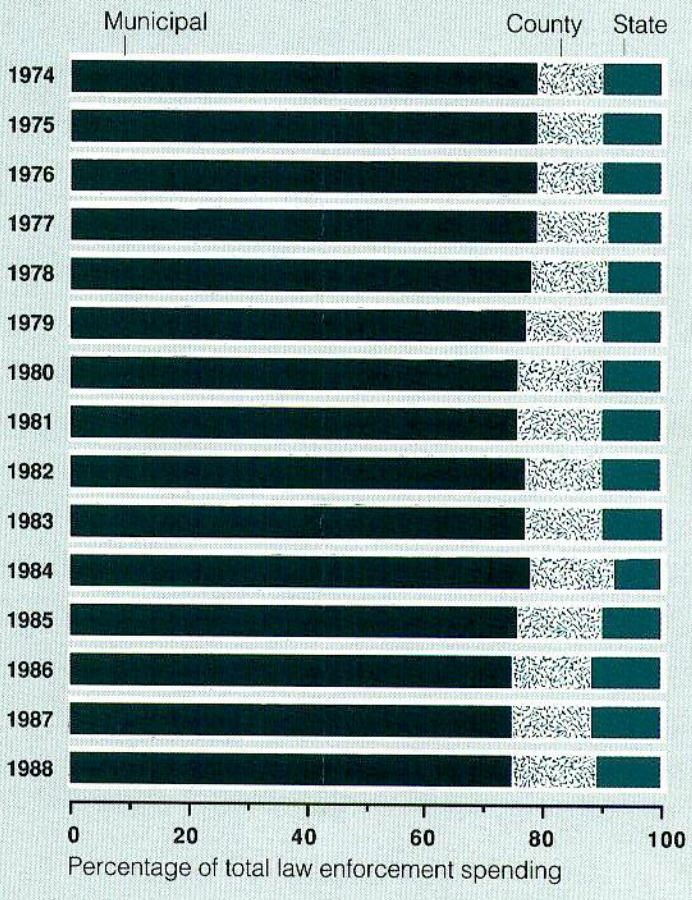
Outside Chicago, municipal police expenditures increased by almost 46 percent (in constant dollars) between 1972 and 1988, with much of the increase occurring between 1972 and 1979. Constant-dollar spending has risen in all parts of the state, although the increases have varied according to region and the size of the counties where the municipalities are located (FINANCE 1-7). After adjusting for inflation, municipal police spending in suburban Cook and the collar counties rose 51 percent between 1972 and 1988. During this same period, law enforcement spending rose 35 percent among municipalities in large Illinois counties, and 38 percent among municipalities in the remaining counties.

In Chicago, on the other hand, police expenditures (in constant dollars) declined more than 16 percent between 1975 and 1981.[20] Since 1981, Chicago police expenditures have increased by about 6 percent, reaching almost $554 million in 1988. On a per-capita basis, the department's expenditures followed a similar pattern—peaking in 1975 at $201 (constant 1988 dollars) per person, falling to $173 in 1981, and rising slightly to $183 in 1988.[21]

■ **Counties.** At the county level, spending on public safety increased more than 42 percent (in constant 1988 dollars) between fiscal years 1974 and 1988, when it topped $188.1 million (see FINANCE 1-5).[22] Most of this statewide increase, however, occurred between 1974 and 1979, when expenditures rose almost 30 percent. Between 1974 and 1988, constant-dollar spending rose in all types of counties, with the largest increases occurring in the collar counties of DuPage, Kane, Lake, McHenry, and Will (55 percent) and in other urban counties outside the Chicago area (48 percent).[23] Spending increased 27 percent in Cook County during this period (FINANCE 1-8).

FINANCE 1-6

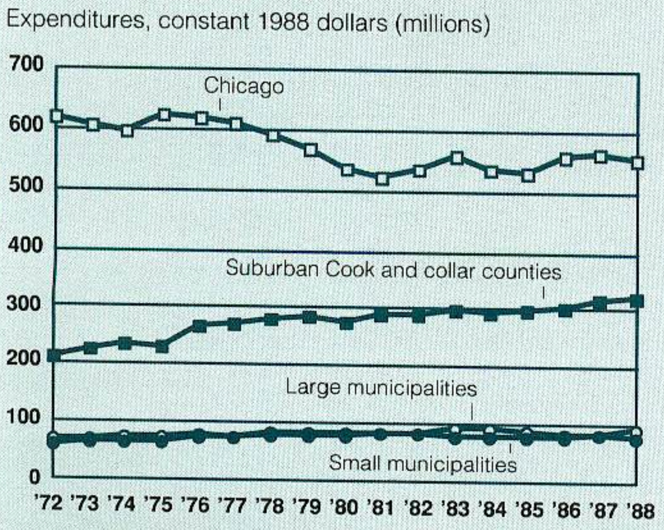
Municipalities' share of total spending on law enforcement in Illinois has declined slightly since the mid-1970s.



Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller

FINANCE 1-7

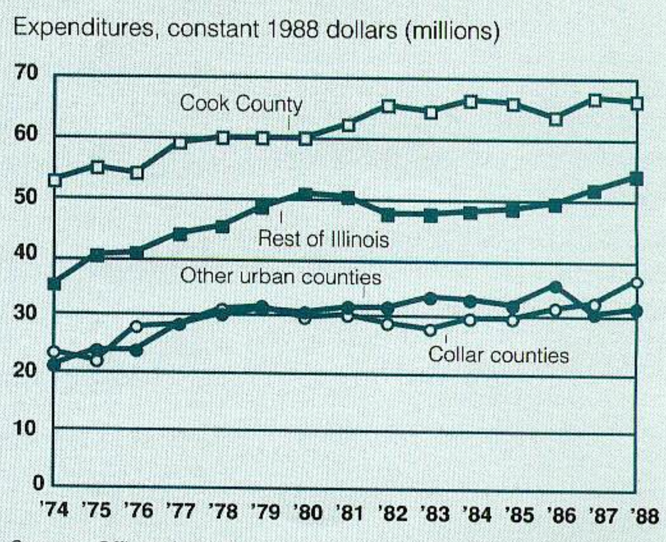
Municipal spending on law enforcement has increased in all parts of the state except Chicago.



Source: Chicago Department of Finance; Office of the Illinois Comptroller

FINANCE 1-8

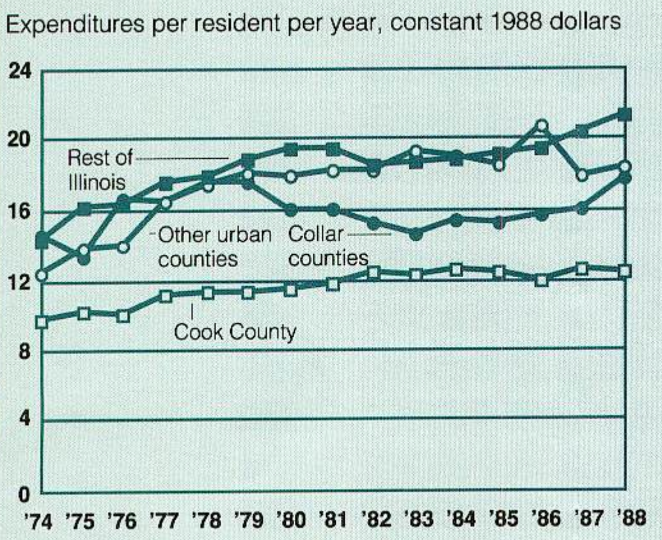
After increasing in the 1970s, county spending on public safety has been relatively steady.



Source: Office of the Cook County Comptroller; Office of the Illinois Comptroller

FINANCE 1-9

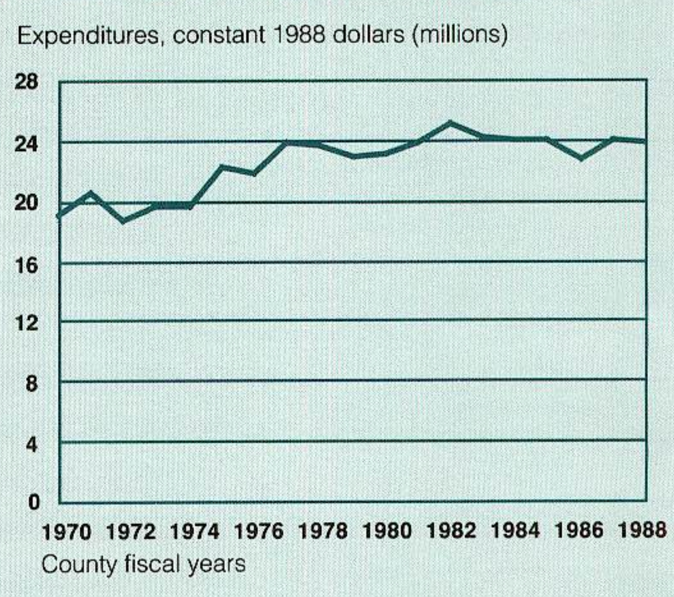
Per-capita county spending on public safety is highest in the counties outside the Chicago area.



Source: Office of the Cook County Comptroller; Office of the Illinois Comptroller; Illinois Bureau of the Budget (population data)

FINANCE 1-10

Spending on the sheriff's police in Cook County incresed 25 percent between 1970 and 1988.



Source: Office of the Cook County Comptroller

On a per-capita basis, county spending on public safety has followed similar patterns, with the largest increases occurring in counties outside the Chicago area, both urban and rural (FINANCE 1-9).[24] In Cook County, per-capita spending on public safety was 28 percent higher (in constant dollars) in fiscal 1988 than in fiscal 1974, and in the collar counties (excluding Cook), it was 21 percent higher. Outside the Chicago area, per-capita spending increased even more: 48 percent in other urban counties and 50 percent in the more rural ones. Illinois' 102 counties combined spent more than $16 per resident on public safety in fiscal 1988; in counties outside Cook, per-capita spending on public safety was slightly higher, $19.30.

In Cook County, where expenditures for the sheriff's police can be separated from expenditures for all other public safety agencies and for the county jail, county spending specifically for law enforcement can be examined more precisely. General revenue spending for the sheriff's police increased more than 25 percent (in constant dollars) between fiscal years 1970 and 1988 (FINANCE 1-10). Since fiscal 1977, however, sheriff's police expenditures in Cook County have been essentially flat, after adjusting for inflation. During fiscal 1988, the sheriff's police spent $4.46 from the Corporate Purposes Fund for every Cook County resident, compared to $3.45 per person in fiscal 1970.

■ **State.** In constant dollars, Illinois State Police (ISP) expenditures rose almost 14 percent between fiscal years 1972 and 1988, although much of this increase occurred in the mid-1980s (see FINANCE 1-5). In fact, yearly expenditures declined 13 percent (constant dollars) between fiscal 1972 and fiscal 1978, before rising nearly 8 percent through fiscal 1984. ISP expenditures then jumped 24 percent between fiscal years 1984 and 1986, but declined slightly the next two years.

In fiscal 1988, ISP spent $13.34 for every Illinois resident, or 9 percent more than the $12.25 (in constant 1988 dollars) spent in 1972. Despite this increase, the percentage of ISP spending used specifically for state troopers has decreased from 77 percent in fiscal 1972 to 62 percent in 1988.

Compared with other state police agencies around the country, ISP spends well above the average. In 1987, when state police agencies nationwide spent an average of $65 million, ISP spent more than twice that amount—nearly $150 million.[25]

HOW DOES SPENDING ON LAW ENFORCEMENT COMPARE WITH OTHER GOVERNMENT SPENDING IN ILLINOIS?

In general, municipalities devote a larger share of their total expenditures to law enforcement than does any other level of government, followed by counties and then the state. Although overall law enforcement spending in Illinois has generally increased since the early 1970s, it has not always kept up with increases in spending for other government services. Particularly at the municipal level, government spending in general has outpaced spending on law enforcement specifically.

Here is an analysis of comparative government spending at all three levels of government in Illinois:

■ **Municipalities.** Throughout much of the 1970s and 1980s, police department expenditures represented between 17 percent and 21 percent of all municipal government spending outside Chicago, although this percentage has declined slightly in recent years. In Chi-

FINANCE 1–11

In all parts of the state, municipal spending in general has increased more than spending on police.

	Police expenditures, constant 1988 dollars (millions)			All other expenditures, constant 1988 dollars (millions)		
	1972	1986	Percent change	1972	1986	Percent change
Chicago	618.0	553.9	-10.4	664.5	838.3	+26.2
Suburban Cook	136.0	174.7	+28.5	411.1	750.8	+82.6
Collar counties	76.5	146.0	+90.8	228.1	651.5	+185.6
Large counties	66.7	90.1	+35.1	207.5	383.3	+84.7
Remainder of state	57.9	80.0	+38.2	357.4	605.1	+69.3
Total (excl. Chicago)	337.1	490.6	+45.5	1,204.0	2,390.7	+98.6
Total (incl. Chicago)	955.1	1,044.4	+9.3	1,868.5	3,229.0	+72.8

Note: Chicago figures include spending from the city's General Revenue Fund only.

Source: Chicago Department of Finance; Office of the Illinois Comptroller

cago, police department expenditures accounted for almost half of the city's general revenue spending between 1970 and 1976, but declined to about 43 percent in 1980 and less than 39 percent in 1988.

Furthermore, spending for municipal police departments has not increased as much as all other municipal government spending over the last two decades. Between 1972 and 1986 (the last year for which overall municipal spending data are available), municipal expenditures for police departments outside Chicago increased more than 45 percent (in constant dollars). But *all other* municipal expenditures outside Chicago increased by more than twice as much during this period—almost 99 percent.

The differences in police and non-police spending were even more dramatic in certain types of municipalities (FINANCE 1-11). In suburban municipalities around Chicago and in municipalities in counties with large cities, the increase in non-police spending was two to three times that of police spending. In the collar counties (excluding Cook), for example, constant-dollar spending on police rose almost 91 percent between 1972 and 1986, but spending on all other municipal functions increased by almost 186 percent. In Chicago, where non-police expenditures from the city's General Revenue Fund grew by 26 percent between 1972 and 1986, spending on the police department actually *declined* by more than 10 percent (in constant dollars). Including Chicago, municipal spending on police departments statewide increased 9 percent between 1972 and 1986, while all other municipal expenditures rose by almost 73 percent.

■ **Counties.** Compared with municipal spending on police, county expenditures for public safety in Illinois have traditionally accounted for a smaller percentage of overall government spending.[26] But unlike municipalities, counties in recent years have devoted a larger share of their spending to public safety.

Since the mid-1970s, approximately 10 percent of all county spending in Illinois has gone for public safety. In fiscal 1988, public safety accounted for almost 11 percent of all county expenditures statewide, and approximately 12 percent in the counties outside Cook. In general, large counties outside the Chicago area have spent more proportionally on public safety than have other counties in the state in recent years. For example, large counties outside the Chicago area devoted almost 14 percent of their spending to public safety in 1988, compared with 11.4 percent in smaller counties outside the Chicago area, and 10.7 percent in the collar counties.

In practically every region of the state, however, county spending for public safety has outpaced spending for other county services. Overall between 1974 and 1988, public safety spending by Illinois counties outside Cook increased by nearly 53 percent (in constant dollars), while all other county expenditures grew by 11 percent.[27] Again, the differences in spending patterns varied depending on the size and location of the county, but the general trend of greater increases in public safety spending occurred throughout the state (FINANCE 1-12). In Cook County, public safety expenditures from the Corporate Purposes Fund increased by nearly 27 percent (in constant dollars) between 1974 and 1988, while all other expenditures from the fund rose by 22 percent.

Because these county expenditure figures for public safety include not only the sheriff's office but the coroner's, animal control, and civil defense departments as well, they do not precisely measure county spending specifically for law enforcement. And even though the sheriff's department is generally the largest criminal justice expenditure for a county, much of the sheriff's budget goes for corrections, not for law enforcement. In Cook County, for example, the sheriff's department accounted for 31 percent of the county's total expenditures in fiscal 1988, but almost half of that total went for the operation of the Cook County Jail. In DuPage County, the county jail made up 30 percent of the sheriff's total expenditures in fiscal 1988 and about 7 percent of the county's total expenditures from the general revenue fund.[28] And in Cass County, spending for the sheriff's department represented nearly one-quarter of all expenditures from the county's general revenue fund in fiscal 1988.

In Cook County at least, where more detailed expenditure data are available, it appears that the portion of the sheriff's department budget spent on law enforcement is declining (from 23 percent in fiscal 1973 to 18 percent in fiscal 1988), as the percentage spent on corrections is growing (from 41 percent to 48 percent). In fiscal 1988, another 25 percent of sheriff's department expenditures went for court services, 7 percent for security at other county buildings, and 2 percent for other functions such as administration and the Sheriff's Department Merit Board.

- **State.** State police expenditures have accounted for less than 1 percent of the state's total spending in every year since 1972. And relative to other state spending, Illinois State Police expenditures have increased at about the same rate as state spending in general. Between fiscal years 1972 and 1988, ISP expenditures rose nearly 14 percent (in constant dollars), while overall state government expenditures rose by about 13 percent.[29]

HOW DOES LAW ENFORCEMENT SPENDING COMPARE WITH LAW ENFORCEMENT ACTIVITY IN ILLINOIS?

Law enforcement activity is difficult to measure in Illinois or any jurisdiction. The services that the police provide to the community vary greatly from place to place, and they have changed over time. At the beginning of this century, the police might have been responsible for keeping the streets clean and the street lights fueled, in addition to peacekeeping and crime control functions.[30] Today, police may be called upon to resolve a domestic conflict, transport prisoners, evacuate persons from a dangerous area, place an abused child in protective care, direct traffic, rescue animals, guide school children across the street, deal with illegally parked cars, and more.

A recent study in Indiana identified more than 450 specific "police tasks," which varied in their frequency and in how serious the consequences would be if they were not performed.[31] Some, but by no means all, of these tasks involve a "call for service," in which a citizen dials 911 or otherwise notifies the police that help may be required. Calls for service are thus a measure of *demand* for police services.

Data on calls for service are not collected on a statewide basis, but they are available in Chicago. Between 1970 and 1988, calls for service in Chicago rose 14.6 percent, to approximately 2.5 million. During this same period, however, police department expenditures from Chicago's General Revenue Fund *declined* 8.4 percent in constant dollars (FINANCE 1-13).[32] During the 1970s, the difference between trends in calls for service and trends in spending was especially acute. Calls for service increased 25 percent between 1970 and 1979, while constant-dollar expenditures declined 6 percent in the same period. From 1979 to 1983, calls for service declined 14.5 percent in Chicago, while constant-dollar expenditures declined only 1.9 percent. From 1983 to 1988, however, police calls have risen 7.3 percent, while expenditures have been relatively stable, declining less than 1 percent.

The number of arrests is one indicator of police *activity* (although the number of arrests is limited by police resources) because each arrest involves a number of law enforcement tasks—investigating the crime, apprehending an offender, interviewing witnesses, testifying in court, and so on—all of which are critical to the crime control function of the police. In Chicago, although the public demand (measured by calls for service) has outpaced growth in expenditures, police activity measured by total arrests has either followed the decline in constant-dollar expenditures or has dropped even faster. Total arrests in Chicago fluctuated around 30,000 from 1975 to 1981, and then peaked at more than 41,000 in 1982 because of a sharp, but temporary, increase in misdemeanor arrests. From 1975 to 1983, total arrests decreased 10 percent, while constant-dollar expenditures decreased 11 percent. From 1983 to 1988, total arrests in Chicago dropped 15 percent, and expenditures did not change (FINANCE 1-14).[33]

In Illinois outside Chicago, increases in total arrests and expenditures have kept

FINANCE 1–12

County spending on public safety has grown faster than spending on other county services.

	Public safety expenditures, constant 1988 dollars (millions)			All other expenditures, constant 1988 dollars (millions)		
	1972	1986	Percent change	1972	1986	Percent change
Collar counties	23.4	36.4	+55.6	207.6	303.7	+46.3
Large counties	21.2	31.5	+48.6	246.1	195.5	-20.6
Remainder of state	35.0	53.8	+53.7	373.0	418.1	+12.1
Cook County	52.5	66.4	+26.5	280.8	342.5	+22.0
Total (excl. Cook)	79.6	121.7	+52.9	826.7	917.3	+11.0

Note: Cook County figures are expenditures from the county's Corporate Purposes Fund only. The collar counties exclude Cook.

Source: Office of the Cook County Comptroller; Office of the Illinois Comptroller pace with each other, but only in recent years. Between 1981 and 1988, when the total number of arrests in Illinois outside Chicago increased 7.7 percent, law enforcement spending by municipal, county, and state governments combined rose by 10 percent in constant dollars (see FINANCE 1-14). In earlier years, however, total arrests appear to have increased faster than expenditures. Total arrests in Illinois outside of Chicago increased 41 percent from 1974 to 1981, but constant-dollar expenditures by municipal, county, and state governments increased only 21 percent.[34]

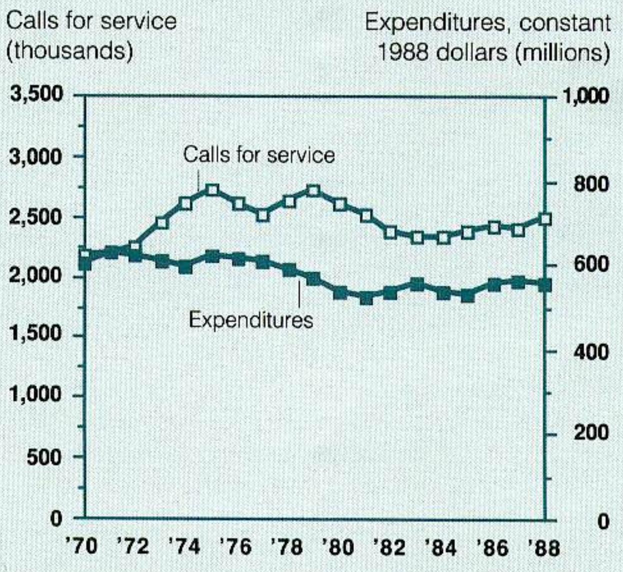
What options do law enforcement agencies have if demand increases faster than resources? They can cut back services, postpone or reduce maintenance of equipment and training of staff, and attempt to reorganize for greater efficiency. In Chicago, for example, a differential response call-back program, begun in November 1983, allows the department to handle a non-emergency call by calling back by telephone without sending an officer to the scene. In 1988, about 5 percent of all Chicago Police Department calls for service, and 16 percent of calls in which a traffic or criminal case report was written, were handled by call-back .

HOW MUCH LAW ENFORCEMENT SPENDING GOES FOR PERSONNEL?

Although precise figures are not available, by far the biggest law enforcement expense for all three levels of government in Illinois is personnel. Nationally, salaries and wages accounted for six of every seven dollars spent on law enforcement at the local level in 1987.[35] This proportion has not changed much since the 1960s, when salaries accounted for between 85 percent and 95 percent of all law enforcement expenditures nationwide.[36] In Chicago, personnel costs made up 96 percent of all law

FINANCE 1–13

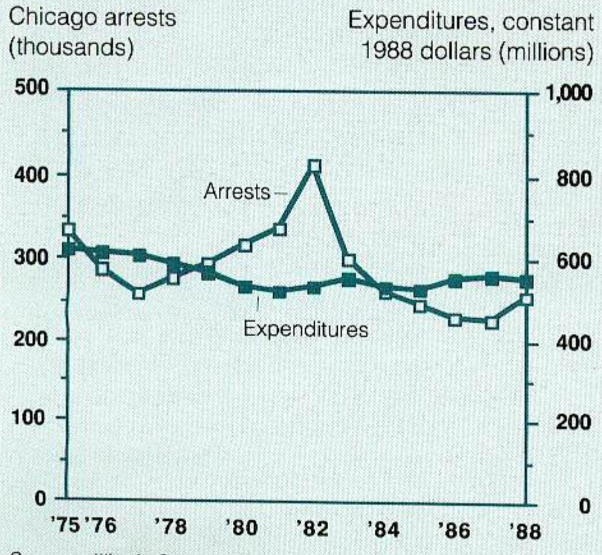
As calls for police service in Chicago have risen since 1970, constant-dollar spending on the police department has declined.

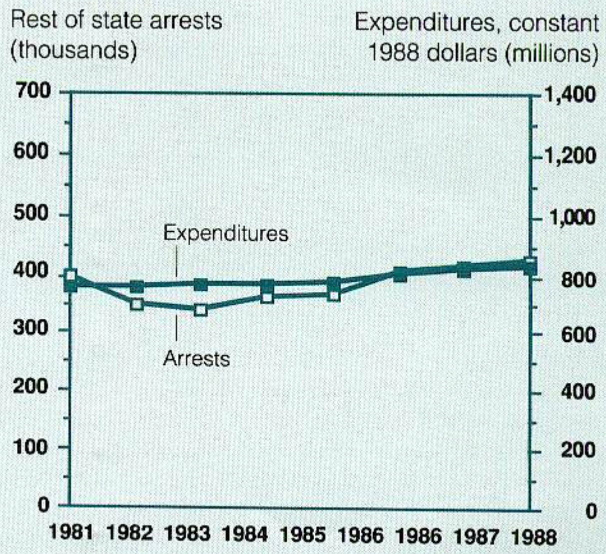


Source: Chicago Department of Finance; Chicago Police Department

FINANCE 1–14

Changes in the total number of arrests have generally kept pace with changes in spending in recent years, both in Chicago and in the rest of the state.



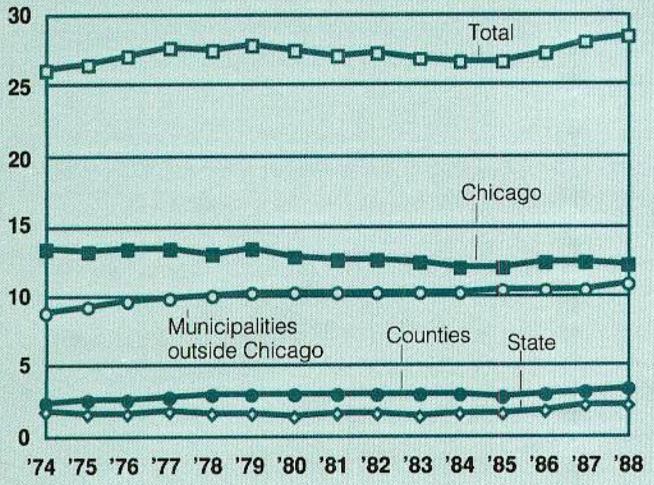


Source: Illinois State Police; Office of the Cook County Comptroller; Office of the Illinois Comptroller; Chicago Police Department; Chicago Department of Finance

Finance 1–15

The number of full-time law enforcement officers in Illinois has changed little since 1980.

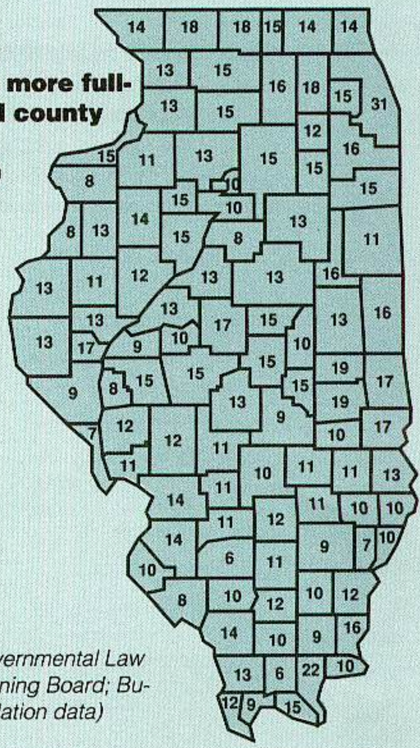
Number of full-time sworn officers (thousands)



Source: Illinois State Police

Finance 1–16

In 1988, 16 Illinois counties had 16 or more full-time municipal and county law enforcement officers per 10,000 county residents.



Source: Illinois Local Governmental Law Enforcement Officers Training Board; Bureau of the Budget (population data)

enforcement expenditures from the General Revenue Fund in 1988.

Within a law enforcement agency, the proportion of expenditures that go toward salaries of officers and other staff can vary greatly by division. In the Wheaton Police Department, for example, personnel costs accounted for a smaller percentage of total expenditures for the Patrol Division (77 percent) than for other divisions during 1988. (By comparison, personnel accounted for 84 percent of the expenditures for the Investigative Division.) Part of the reason that personnel expenditures are proportionally lower for the Patrol Division is that it must devote more money for vehicles than most other divisions.

HOW MANY LAW ENFORCEMENT OFFICERS ARE EMPLOYED IN ILLINOIS?

Because law enforcement spending in general is driven so much by personnel costs, spending patterns over the years have gone hand in hand with changes in the number of law enforcement personnel. In 1988, a total of 28,424 full-time sworn law enforcement officers were employed by the state, the counties, and the municipalities of Illinois. That is nearly 9 percent more than were employed in 1974, but only 3 percent more than in 1980 (Finance 1-15).

The vast majority of law enforcement officers in Illinois work in either municipal police departments or county sheriffs' offices. In 1988, for example, more than 80 percent of the state's officers worked in municipal police departments (43 percent in the Chicago Police Department and 37 percent in the state's other municipalities), 11 percent worked in county sheriffs' departments, and 8 percent were state police officers.[37]

Combining the number of municipal and sheriff's police officers in a county, and dividing the total by the county's population, is one way to measure the level of police protection across counties. In 1988, most Illinois counties had between 10 and 15 full-time officers for every 10,000 people (Finance 1-16).[38] Cook County that year had 31 officers per 10,000 residents, the highest number of any county. In 1987, Chicago had 41 officers per 10,000 residents, compared with 38 in New York City, 47 in Detroit, 41 in Philadelphia, and 62 in Washington, D.C.[39]

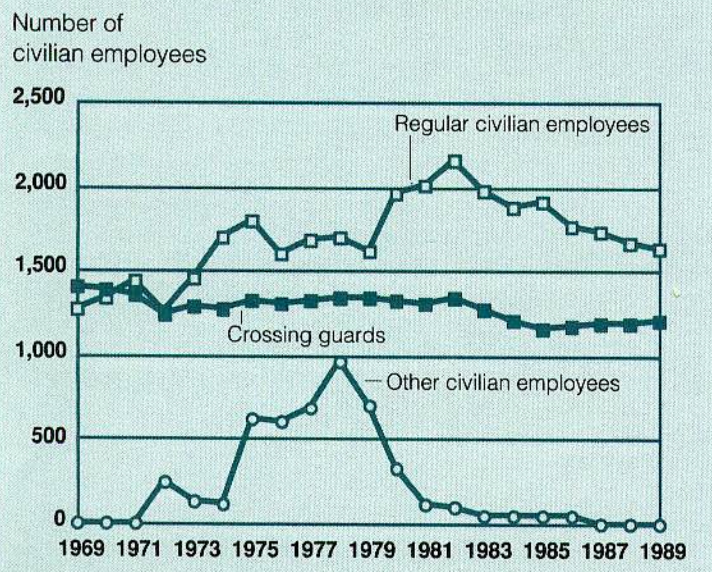
Here is a more detailed analysis of law enforcement employment trends at the municipal, county, and state levels in Illinois:

■ **Municipalities.** Statewide, the number of full-time municipal police officers increased about 4 percent between 1974 and 1988 (see Finance 1-15). Outside Chicago, the number of full-time municipal police officers increased even more, about 25 percent, between 1974 and 1988.[40] But in Chicago, which employs more than half of the municipal police officers in the state, the number of full-time officers *decreased* more than 8 percent during this period. Data from the Chicago Police Department, which cover a longer time period, show that the police force peaked at 13,577 sworn personnel in 1973, an increase of 11 percent over the 1969 level.[41] The number of sworn officers in the Chicago Police Department remained stable from 1973 to 1977, then declined 11 percent from 1977 through 1989. The 11,824 sworn officers on the force in 1989 was the lowest of the 21 years for which there are data.

Outside Chicago, the number of sworn officers has generally risen in all parts of the state, although increases have been

FINANCE 1–17

The number of regular civilian employees in the Chicago Police Department fell 24 percent from 1982 to 1989.



Note: The "Other civilian employees" line refers to federally funded employees who worked primarily in community relations programs.

Source: Chicago Police Department

greater in some regions. For example, the number of officers in the Cook County suburbs rose 31 percent between 1974 and 1988. In the collar counties (DuPage, Kane, Lake, McHenry, and Will), the number of municipal officers increased almost 46 percent during this period. In the remainder of the state, the increases were smaller.

In addition to maintaining full-time sworn officers, municipal police departments in Illinois are employing a growing number of both part-time sworn officers and nonsworn, or civilian, staff. The former typically handle the regular duties of full-time sworn officers, but on a part-time basis, while civilian staff usually serve as dispatchers or record clerks or in other nonpatrol functions. Between 1973 and 1988, the number of part-time municipal police officers rose 15 percent, from 2,056 to 2,362.[42]

The number of full-time civilian staff statewide increased from 2,867 in 1973 to 4,732 in 1988, a 65-percent jump. The increase was greater outside Chicago (90 percent) than in the city (32-percent) during this period. Still, 35 percent of all the civilian police employees statewide work for the Chicago Police Department. The number of regular civilian employees in Chicago increased 69 percent between 1969 and 1982, but then declined 24 percent, to 1,638, in 1989 (FINANCE 1-17). The number of crossing guards employed by the Chicago Police Department fell 14 percent between 1969 and 1989, and special employees (under CETA, HUD, and so on) peaked in 1978 and declined to zero by 1987.[43]

The operational strength of a police department depends not only on the size of the force, but also on the actual number of days worked per year (the availability of personnel for duty). Providing officers with more generous holidays, personal days, furlough days, and sick leave can reduce a department's strength considerably. A recent study in Chicago, for example, found that the combined effect of staff reduction and increased time off was the equivalent of removing more than 1,300 sworn personnel—more than 10 percent of the force—between 1979 and 1989.[44] Half of this decline is due to decreases in the actual number of days worked. The report concluded, "The critical response margin no longer exists. . . . The Department (has a) diminished capacity to deal with demand peak."

■ **Counties.** The number of full-time law enforcement officers in county sheriffs' departments statewide increased more than 36 percent between 1974 and 1988 (see FINANCE 1-15). Much of this increase, however, occurred between 1974 and 1980, when the number of county officers rose by 25 percent. From 1980 to 1985, the number declined 8 percent, but then rose nearly 19 percent through 1988. In 1988, there were a record 3,264 full-time sworn law enforcements officers in sheriffs' departments throughout Illinois.[45]

Although the number of full-time sheriffs' police officers generally rose in all regions of the state between 1974 and 1988, the increases were greatest in the counties outside Cook and the collar counties. In these two regions, the number of officers rose 31 percent and 16 percent, respectively. But in the state's other urban counties, the number of sheriffs' officers increased 36 percent, and in the state's more rural counties, the increase was 44 percent. Still, there were employment decreases in 17 sheriffs' departments during this 15-year period. And in 1988, three out of every four sheriffs' departments in Illinois employed fewer than 25 full-time law enforcement officers, a percentage that was slightly higher than the national average.

Nevertheless, sheriffs' police as a whole account for a growing percentage of the full-time law enforcement officers in the state—more than 11 percent in 1988 compared to 9 percent in 1974. In 23 Illinois counties in 1988, more than half of the full-time law enforcement officers worked in the sheriff's department, including one county—Edwards—in which all full-time officers were sheriff's police. Cook County had the smallest percentage of law enforcement officers located in the sheriff's department (3 percent) in 1988, although this was higher than the 1974 proportion of approximately 2 percent. In the collar counties, 20.5 percent of the full-time law enforcement officers worked in sheriffs' departments in 1988, down from almost 26 percent in 1974. Thirty percent of the officers in Illinois' other urban counties were employed by sheriffs' departments in 1988, up from 23 percent in 1974. In the remainder of the state's counties, however, the percentage of officers employed by sheriffs' departments rose from 37 percent in 1974 to almost 50 percent in 1988. In general, then, the more rural of Illinois' counties have a far greater percentage of law enforcement officers in sheriffs' departments than do the more urban counties.

It is difficult to measure for all Illinois counties the number of sheriffs' police officers per capita, or to compare that number with the number of municipal officers per capita, because the jurisdiction of the sheriff's departments varies by county. Looking at just DuPage County, however, reveals that it had one sheriff's patrol officer for every 961 residents in the *unincorporated* areas of the county during 1987, while municipal police departments in DuPage County had one officer for every 647 residents in the *incorporated* municipalities.[46] The 66 patrol officers in the sheriff's department handled more than 36,000 calls for service in 1986, or about 547 calls per officer, an increase over the 439 calls per officer in 1980. Because the number of sheriff's police officers did not change in DuPage County between 1980 and 1986, the increase in calls per officer is the result of more calls for service overall. Of the calls in 1986, 4,347 (or 66 per officer) were for serious crimes, narcotics, or drunken driving.

Like municipal police departments, many sheriffs' offices in Illinois employ a large number of *non-sworn* or civilian staff. In fact, more than half of the full-time staff in 26 of the state's sheriffs' departments are civilians. On the other hand, 37 sheriffs' departments had no civilian staff in 1988.[47] Still, the number of full-time civilians employed by sheriffs' departments in Illinois more than tripled between 1973, when there were 394, and 1988, when there were 1,299. Outside of Cook and the collar counties, the number of civilians more than quadrupled during this period. However, the number of part-time sheriffs' police officers in Illinois was 12 percent lower in 1988 (250) than in 1973 (285).

■ **State police.** In 1987, the Illinois State Police had 2,236 full-time officers, or more than twice the national average of 1,031.[48] In 1988, the number of ISP officers increased slightly to 2,252.

In general, the number of ISP officers has followed the same pattern as ISP expenditures. From 1974 through 1984, the number of officers remained relatively stable at an average of about 1,600 a year. Between 1984 and 1988, however, the number of full-time officers increased almost 45 percent (see FINANCE 1-15).

HOW MUCH ARE LAW ENFORCEMENT OFFICERS IN ILLINOIS PAID?

For the most part, the salaries paid to law enforcement personnel in Illinois are set by the individual agencies the officers work for and are determined, at least in part, by the size and relative wealth of their jurisdictions. The only law enforcement salaries that are set by Illinois statute are those of the elected sheriffs in each county, and even those salaries differ according to county size.

Here is breakdown of law enforcement salaries at the state, county, and municipal levels in Illinois:

■ **State police.** In 1986, the average entry-level salary for a state trooper nationwide was $18,170 (in nominal dollars).[49] That year in Illinois, the salary for a first-year state trooper was 16 percent higher, at $21,132. By fiscal year 1989, the starting salary in Illinois had increased 18 percent, to $24,948 (in nominal dollars). After 25 years, an Illinois state trooper can earn $42,672 a year under ISP's salary schedule.[50]

■ **Counties.** State law sets the minimum salaries paid to the elected sheriff in each county, based on the population of the county as of the last federal census. Sheriffs' salaries range from $27,000 a year in counties with fewer than 10,000 people to $43,000 in counties with 100,000 to 2 million people.[51] The Cook County sheriff is paid $80,000 a year, a salary that is set by the county board.[52] Unlike salaries for elected sheriffs, the salaries paid to sheriffs' deputies do not have statutory minimums, but are instead set by each sheriff's department.[53] In DuPage County, for example, the annual salary for a sheriff's deputy in 1987 was $20,026 to $30,040 (in nominal dollars).[54] By comparison, the entry-level salary of a municipal police officer in DuPage County that year was 8 percent higher. In Cook County, the salaries of sheriffs' deputies range from $23,340 to $35,676 a year. In Cass County, the starting salary for a sheriff's deputy is $18,000.

■ **Municipalities.** Like salaries for sheriffs' deputies, the salaries paid to municipal police officers are set by each department. And because this salary information is not reported to a central data source, statewide analysis of municipal police salaries is limited. However, surveys conducted by various police associations and other organizations provide some indication of what municipal police officers in Illinois are paid.

For example, the DuPage County Chiefs of Police Association conducts an annual salary survey of law enforcement agencies in that county. Municipalities in DuPage County use two different systems to determine officers' salaries: one is based on merit; the other is a "step plan" based on seniority. In 1987, the average salary for patrol officers in municipalities using a step plan was between $22,034 and $22,361 (in nominal dollars) for the first year of service, while the average low salary for those using a merit system was $22,094. The average high salary for patrol officers was $31,446 under the step plan and $31,229 under the merit system.[55]

Salaries are generally higher in police departments that serve larger populations. A 1986 survey of Illinois municipalities with populations of less than 5,000 found the average salary for a patrol officer in police departments employing at least one full-time officer was $18,526 (in nominal dollars).[56] In contrast, the average officer's salary that year was between $18,645 and $24,006 in Illinois municipalities of 5,000 to 10,000 people, and between $20,833 and

Finance 1–18

Police officers in Chicago's north and northwest suburbs are the highest paid in the state.

		Chicago	North Shore suburbs	Northwest suburbs	West suburbs	South suburbs	Rest of Illinois	Statewide average
Police Chief	**Minimum**	$96,000	$45,363	$43,190	$42,442	$40,609	$35,003	$41,177
	Maximum	$96,000	$53,330	$53,054	$49,274	$45,008	$41,293	$47,477
Officer	**Minimum**	$24,939	$25,766	$23,829	$22,410	$22,374	$21,066	$22,617
	Maximum	$38,358	$33,537	$32,645	$31,951	$29,914	$26,230	$30,147

Note: Mean salaries are as of July 1, 1988.

Source: Illinois Municipal League

$27,908 in cities of more than 10,000 people.[57] In Chicago, the annual starting salary for a police officer in 1988 was $24,939, with the annual salary after five years rising to $32,442. The salary of the superintendent of the Chicago Police Department as of July 1, 1990, was $96,000 a year, making him the highest paid city official in Chicago.[58]

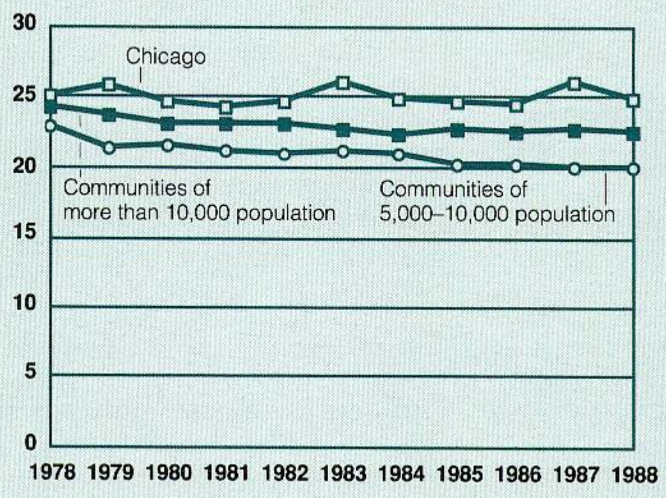
Law enforcement salaries in Illinois vary not only by size of the jurisdiction but also by region of the state. For example, salaries in the suburbs around Chicago, particularly the north and northwestern suburbs, are typically higher than salaries in the rest of the state (Finance 1-18).

In constant dollars, however, the salaries of police officers in Illinois have fallen since the mid-1970s. In communities of more than 10,000 people, the mean minimum salaries of police officers declined almost 7 percent (in constant dollars) between 1978 and 1988 (Finance 1-19). In Chicago, the minimum salary for a patrol officer declined 1 percent in constant dollars during this period. The mean *maximum* salaries of officers statewide fell by nearly 4 percent from 1978 to 1988, while in Chicago, the maximum salary of patrol officers increased almost 10 percent. *Among officers in communities with* 5,000 to 10,000 people, the decline in minimum salaries was even sharper. Between 1978 and 1988, mean minimum salaries fell by more than 13 percent (in constant dollars) in these communities; mean maximum salaries dropped by more than 3 percent. The constant-dollar salaries of police chiefs in both sizes of communities have also fallen over the past decade.

Finance 1–19

The earning power of municipal police officers in Illinois has fallen since 1978.

Mean minimum salaries, constant 1988 dollars (thousands)



Source: Illinois Municipal League

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

While salaries are clearly the chief cost associated with putting law enforcement officers on the street, salaries are not the only expense. The *marginal costs* of law enforcement—the additional cost to produce one more unit of output (in this case, another officer)—include not only salary, but also fringe benefits, uniform, vehicle, and training.

According to a 1987 study in DuPage County, the cost of adding one sheriff's deputy is $182,911 over a five-year period, or an average of $36,582 a year. This figure includes salaries, benefits, Social Security, equipment, and training. It assumes a marked squad car for every two officers, but does not include vehicle maintenance costs or overtime hours.[59]

Similar cost figures are found at the municipal level in DuPage County. According to both financial reports and officials in the Wheaton Police Department, the costs of paying and outfitting an officer, and purchasing and equipping a new squad car, are well in excess of $45,000 the first year (Finance 1-20).

FINANCE 1–20

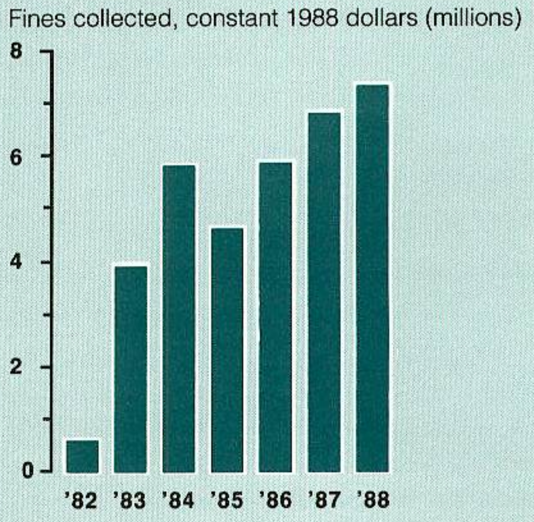
The cost of hiring and equipping a new police officer in Wheaton, Illinois, exceeds $45,000 the first year.

Police car costs	
Purchase price	$15,000
Squad equipment (light bar,etc.)	$4,000
Transport shield	$450
Mobile data terminal	$5,000
ISPERN radio	$1,600
Total car	$26,050
Vehicle maintenance (gas, oil, etc.)	$0.40/mile
Personnel	
Salary	$19,156 to $21,696
Uniform (and maintenance)	$475
Weapon	$285

Source: Wheaton Police Department

FINANCE 1–21

Criminal fines used to support police training in Illinois have risen steadily in recent years.



Source: Office of the Illinois Comptroller

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

A major expense for law enforcement agencies in Illinois is the cost of officer training, some of which is mandatory under state law. For example, the Police Training Act requires all full-time law enforcement officers in the state to complete a basic 400-hour law enforcement training course.[60] In addition, officers must successfully complete a 40-hour firearms training course to possess and use a firearm in connection with their official duties.[61] Individual law enforcement agencies are initially responsible for the expenses incurred for training their officers. But these departments are reimbursed for a portion of their training expenses by a state agency called the Illinois Local Governmental Law Enforcement Officers Training Board (also known as the Police Training Board, or PTB).

PTB is funded largely from surcharges imposed on certain criminal and traffic fines. These surcharges are actually mandatory financial penalties that have been assessed since 1982 on violators of selected criminal and traffic laws, at a rate of 10 percent of the regular fine these offenders receive. The office of the clerk of the Circuit court where the conviction occurred assesses and collects the surcharge, keeps 2 percent to cover its own administrative expenses, and remits the remaining 98 percent to the state treasurer for deposit in the Traffic and Criminal Conviction Surcharge Fund. In state fiscal year 1988, PTB received nearly $7.4 million—a record amount—from this surcharge, 45 percent of it from Cook and the other collar counties (FINANCE 1-21).[62] Almost all of PTB's annual budget (97.5 percent in fiscal 1988) now comes from the Traffic and Criminal Conviction Surcharge Fund, with the remainder coming from federal grants for specific training purposes.[63]

In addition to covering the internal operations of its agency and various grants to other law enforcement agencies, PTB's budget is used to reimburse county, municipal, and other law enforcement agencies (such as university, railroad, and hospital police) for the expenses of an officer or staff member who is being trained. These reimbursements may include the cost of tuition at training schools certified by PTB, the salaries of the trainees while they are in training, and the necessary travel and room and board expenses for each trainee. Local agencies are reimbursed at a rate of 50 percent of eligible expenses.[64]

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

Some law enforcement agencies, however, do not participate in PTB-supported training beyond the required courses. Even though PTB's reimbursement reduces the amount of money that county and municipal law enforcement agencies must pay for training, many small departments cannot afford to give up one or more of their officers for more than a week of additional training. Because of heavy public demands and a lack of manpower, many police departments simply do not have the time to provide necessary training above the minimum that is required.[65]

HOW MUCH MONEY DOES PTB PROVIDE LOCAL AGENCIES FOR TRAINING?

Two types of local officer training are re-

FINANCE 1-22

The vast majority of state funds for law enforcement training go to municipal police departments.

Fiscal Year 1988	Number of individual courses completed	Amount of reimbursement	Percent of total
Municipalities	2,878	$3,621,458	73.9
County-law enforcement	310	518,806	10.6
County-correctional	465	555,189	1.3
Colleges and universities	54	2,691	1.5
Park districts	45	104,423	2.1
Miscellaneous	22	26,250	0.5
Total	**3,774**	**$4,898,817**	

Fiscal Year 1987	Number of individual courses completed	Amount of reimbursement	Percent of total
Municipalities	4,010	$4,545,954	86.8
County-law enforcement	251	245,165	4.7
County-correctional	294	324,395	6.2
Colleges and universities	63	47,682	0.9
Miscellaneous	69	75,519	1.4
Total	**4,687**	**$5,238,715**	

Note: The fiscal 1988 total includes a $44,000 grant for the DARE drug abuse education program. Also, see notes 66 and 67. Percentages may not add up to 100 because of rounding.

Source: Illinois Local Governmental Law Enforcement Officers Training Board

imbursable by the Police Training Board: (1) basic training, which is mandatory under the Police Training Act and (2) in-service training that is not mandatory but is still recognized by PTB as job-related professional development. Mandatory training is given priority for repayment, while other training is reimbursed if funds are still available after payments for mandatory training have been made.

In state fiscal year 1988, PTB provided local agencies with nearly $4.9 million specifically for law enforcement training, down from approximately $5.2 million in 1987 (FINANCE 1-22).[66] In both years, the vast majority of these funds went to municipal law enforcement agencies. The next largest amount (22 percent in 1988, 11 percent in 1987) went to county sheriffs' departments for training of both sheriffs' police and correctional officers. The remaining PTB grants to local agencies went to university, hospital, and park district police departments.[67]

In addition to reimbursing local law enforcement agencies for training, PTB also funds 16 mobile regional training units throughout the state. These units were established in 1982 to provide in-service training in different regions of Illinois. In state fiscal year 1988, regional training units received approximately $1.5 million from PTB, bringing the agency's total awards for the year (local agency reimbursements plus regional training units) to $6.4 million

The amount of money distributed by PTB for law enforcement training has fluctuated over the years with changes in the sources of those funds. When adjusted for inflation, the amount declined between fiscal years 1972 and 1982. From 1972 to 1981, almost all of the reimbursements and distributions from PTB came from the state's General Revenue Fund. In 1982, the first year of the Traffic and Criminal Conviction Surcharge Fund, PTB reimbursements and grants totaled about $2.8 million (in constant 1988 dollars). They increased to nearly $4.6 million in 1983, and to more than $6.5 million in 1988. The Traffic and Criminal Conviction Surcharge Fund now supports all PTB reimbursements to law enforcement agencies.

WHAT OTHER FINANCIAL SUPPORT DOES THE STATE PROVIDE TO LOCAL LAW ENFORCEMENT AGENCIES?

The Illinois State Police assists county and municipal law enforcement agencies with a variety of activities that most local agencies cannot do (or cannot afford to do) themselves, including crime lab services, complicated criminal investigations, and investigations of wrongdoing by public officials, to name a few. ISP also provides some agencies with funds to carry out specific law enforcement services, including multi-jurisdictional drug enforcement and the I-SEARCH missing persons program. Although the grants and awards under these and other programs are considered expenditures by ISP, they are actually transfers to the local agencies participating in these activities.

Metropolitan enforcement groups (or MEGs) are created by units of local government—municipalities and counties—that band together under the auspices of ISP to combat drug trafficking and abuse across jurisdictional boundaries. At least 50 percent of the total operating budget of each MEG unit must come from the participating units of local government, with the remainder coming from the state. ISP contributes to the operations of MEG units through grants from the state's General Revenue Fund and, since 1984, from the Drug Traffic Prevention Fund, which contains proceeds resulting from fines levied against certain drug offenders. The percentage of total MEG grants supported by the Drug Traffic Prevention Fund increased from less than 5 percent in state fiscal year 1984 to more than 19 percent in fiscal 1988. The total amount of ISP grants to the MEGs in 1988 was slightly less than $900,000. In constant 1988 dollars, this amount is half the $1.9 million distributed in 1980.

For the I-SEARCH program, the state spent more than $15.2 million between fiscal years 1985 and 1988. Approximately two-thirds of that money was spent directly by ISP for investigative services, operation of the state's Missing Children Clearinghouse, and intelligence-gathering activities, with the remaining one-third transferred to local law enforcement agencies participating in the I-SEARCH program. In fiscal 1988, overall spending on I-SEARCH declined 35 percent, with ISP grants to local agencies falling off by 65 percent.

The Data

A variety of data sources, covering the different levels of government and the different agencies involved in law enforcement in Illinois, were used in this section.

Police expenditure data for municipalities outside Chicago were obtained from the *Statewide Summary of Municipal Finance in Illinois*, published by the Office of the Illinois Comptroller. Because of a change in how financial data were reported in this annual publication, municipal police expenditures for 1987 and 1988 were estimated from figures reported by the comptroller's office. Chicago Police Department expenditures were taken from the *Comprehensive Annual Financial Reports for the City of Chicago*, published by the Chicago Department of Finance.

Data on county expenditures for "public safety" outside Cook County were obtained from the Office of the Illinois Comptroller's *Statewide Summary of County Finance in Illinois* for the fiscal years 1974 through 1979. Data from 1980 through 1988 were obtained from computer-generated reports from the comptroller's office similar to those published in the 1970s. In each of these counties, public safety expenditures include those of the sheriff's, coroner's, animal control, and civil defense departments. Most counties separate spending on the county jail from spending for other sheriff's department functions, although for some counties, expenditures for public safety may include correctional expenditures as well.

Information about the revenues generated by county sheriffs' departments outside Cook County was also obtained from the comptroller's office *Statewide Summary of County Finance*.

Cook County expenditure and revenue data were obtained from the annual reports of the Office of the Cook County Comptroller. These Cook County data are more detailed than the information the Illinois comptroller's office reports about other counties in the state. For example, expenditure data specifically for the Cook County sheriff's police were examined separately from spending for all other public safety agencies and the county jail.

Expenditure data for the Illinois State Police were obtained from the *Illinois Detailed Annual Reports*, published by the state comptroller's office.

Law enforcement employment information was obtained from two primary sources: (1) the Census of Local Law Enforcement Personnel, conducted by the Illinois Local Governmental Law Enforcement Officers Training Board; and (2) *Crime in Illinois*, published annually by the Illinois State Police. The Police Training Board also provided grant and award figures. In addition, detailed employment data for Chicago were provided by the Chicago Police Department.

Salary information for municipal police officers came primarily from annual compensation surveys conducted by the Illinois Municipal League. A survey by the DuPage County Chiefs of Police Association provided salary information about both municipal police officers and county sheriff's deputies in DuPage County.

Expenditure data for the Police Training Board were obtained from the *Illinois Detailed Annual Reports*, published by the state comptroller's office. Data on the money distributed to local law enforcement agencies for training were obtained directly from PTB to get the level of detail needed.

Notes

[1] Various federal agencies also provide law enforcement services in Illinois. But because these activities are funded by the federal government, and not directly and exclusively by Illinois sources, federal law enforcement financing is not examined in this section.

[2] Although other state agencies, including the Secretary of State's Office, the Department of Conservation, and the Department of Central Management Services, provide some law enforcement services, only the Illinois State Police, as the largest state-level law enforcement agency, is examined in this section.

[3] Supplement to *Chicago Comprehensive Annual Report, 1987,* (Chicago: City of Chicago, Department of Finance), p. 100.

[4] State fiscal years run from July 1 through June 30 (fiscal 1988, for example, began July 1, 1987, and ended June 30, 1988).

[5] The $5 fee the state receives following the issuance or renewal of a FOID Card is divided as follows: $3 is deposited in the state's Wildlife and Fish Fund, $1 is deposited in the General Revenue Fund, and $1 is deposited in the Firearm Owner's Notification Fund. Any excess money in the Firearm Owner's Notification Fund is used to ensure the prompt and efficient processing of FOID Card applications. Ill.Rev.Stat., ch. 38, par. 83-5.

[6] Ill.Rev.Stat., ch. 53, par. 37.

[7] John Wade and Stan Cunningham, *Developing Alternatives to the Crisis in Rural Law Enforcement* (Macomb, Ill.: Western Illinois University, 1989).

[8] The collar counties here refer to DuPage, Kane, Lake, McHenry, and Will. The other large counties are Champaign, Macon, McLean, Peoria, Rock Island, Sangamon, St. Clair, Madison, and Winnebago. A large county has either one city with a population of more than 50,000 or two cities with populations of more than 25,000.

[9] The towed vehicles were either abandoned, stolen, the property of a prisoner, involved in an accident, or a traffic hazard.

[10] *Annual Report 1988* (Chicago: Chicago Police Department, 1989).

[11] Ill.Rev.Stat., ch. 56 1/2, par. 1100–1413; Ill.Rev.Stat., ch. 56 1/2, par. 701–719; Ill.Rev.Stat., ch. 56 1/2, par. 1651–1660. The formulas used to distribute fines collected under these three drug laws are extensive, and the exact manner is which the money is distributed depends largely on the circumstances of each individual case. See the relevant sections of these three statutes for details.

[12] *1988 Draft Annual Report to the Illinois Supreme Court* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1988).

[13] In 1987 and 1988, no federal revenue-sharing funds were received by Illinois counties. It is possible that some funds received in 1986 were actually expended in later years, but exact expenditure data was not available. It was impossible to extract from Cook County financial reports the amount of federal revenue sharing money spent by the sheriff's department, so Cook County data are not analyzed here.

[14] CETA (Comprehensive Employment and Training Act) money paid for police training and internship positions. HUD (Housing and Urban Development) money paid for security at the Chicago Housing Authority, staff for a special teen gang unit, civilian transit aides on the Chicago Transit Authority, and some Beat Representative staff. Beat representatives, who were funded through a federal grant from the Illinois Law Enforcement Commission as well, worked in neighborhood-based community policing programs.

[15] *1974 Annual Report* (Chicago: Illinois Law Enforcement Commission, 1974). *1975 Action Plan* (Chicago: Illinois Law Enforcement Commission, 1975).

[16] *A Decade of Change: The Criminal Justice System in Illinois, 1969–1979* (Chicago: Illinois Law Enforcement Commission, 1980), p. 6.

[17] Federal fiscal years run from October 1 through September 30 (for example, fiscal 1990 began October 1, 1989, and ends September 30, 1990).

[18] For more information on federal assistance programs in Illinois, see *Working for the Criminal Justice System in Illinois, Biennial Report for the Fiscal Years 1988 and 1989,* (Chicago: Illinois Criminal Justice Information Authority, 1989).

[19] Three notes about law enforcement expenditure data: (1) Because of a change in how municipal expenditures were reported by the Office of Illinois Comptroller, 1987 and 1988 police expenditures for municipalities outside Chicago were estimated from figures reported by the comptroller's office in its *Statewide Summary of Municipal Finance in Illinois*; (2) County expenditures are for "public safety" activities, as reported by the Illinois comptroller's office. These totals include spending for both law enforcement and other activities by the sheriffs' departments, as well as the operations of the coroners', animal control, and civil defense departments. For some counties, public safety expenditures may include jail expenditures as well, although counties are supposed to report these expenditures to the comptroller's office under a separate category. (3) The law enforcement activities of sheriffs' departments are generally directed to the unincorporated areas of a county or to municipalities that contract with the sheriff's office for police protection. In addition, the county sheriff performs some law enforcement functions for the county as a whole, such as serving warrants and subpoenas.

[20] For the Chicago Police Department, only expenditures from the city's General Revenue Fund are available; for other municipalities, the figures include expenditures from *all* public funds. Nevertheless, Chicago police expenditures from funds other than the General Revenue Fund make up a very small percentage of total police department expenditures, and do not affect the overall trend.

[21] Because population data are not available, per-capita figures for municipal expenditures outside Chicago could not be calculated.

[22] County expenditures for public safety include sheriff's department spending on law enforcement and may include spending on corrections, as well as expenditures for selected other county departments. See note 19.

[23] "Urban" counties are those containing at least one city with a population of 50,000 or more.

[24] Total county populations were used as the denominator in the calculations of per-capita county spending on public safety.

[25] National spending figures come from the Law Enforcement Management and Administrative Statistics Survey, as reported in *Profile of State and Local Law Enforcement Agencies, 1987* (Washington, D.C.: Bureau of Justice Statistics, 1989). ISP spending figures come from *Illinois Detailed Annual Report 1987* (Springfield, Ill.: Office of the Illinois Comptroller, 1988).

[26] County expenditures for public safety include sheriff's department spending on both law enforcement and corrections, as well as expenditures for selected other county departments. See note 19.

[27] For this time period, expenditures from the Corporate Purposes Fund are the only reliable data for Cook County. Because these data are not comparable with data from other counties in the state, Cook County is excluded from the 1974–1988 calculations.

[28] Total sheriff's department expenditures are the sum of the direct expenditures from the county general revenue fund for the sheriff's police, the county jail, and the Sheriff's Department Merit Board.

[29] Total state expenditures were obtained from the *Illinois Comprehensive Financial Report* (Springfield, Ill.: Office of the Illinois Comptroller, 1989).

[30] Peter F. Nardulli and Jeffrey M. Stonecash, *The Demand for Police Services: Final Report Submitted to the Illinois Law Enforcement Commission* (Chicago: Illinois Law Enforcement Commission, 1979).

[31] Michael G. Maxfield and Chris Sigman, *Indiana Police Task Analysis* (Indianapolis: Center for Criminal Justice Research and Information, 1989).

[32] Chicago Police Department Research and Development Division (personal communication, September 20, 1989); *Annual Report* (Chicago: Chicago Police Department, 1970–1988). Includes calls to 911 plus direct calls to the Detective Division.

[33] Chicago Police Department *Annual Report* (1970–1988).

[34] Preliminary analysis indicates a possible inconsistency between data prior to 1981 and data after that year. Figures for 1979 and 1980 are particularly questionable, and are therefore not included here. Figures for 1974 through 1977 appear, however, to be more reliable.

[35] Law Enforcement Management and Administrative Statistics Survey, 1987.

[36] *The Challenge of Crime in a Free Society* (Washington, D.C.: President's Commission on Law Enforcement and the Administration of Justice, 1967).

[37] *Crime in Illinois, 1988* (Springfield, Ill.: Illinois State Police, 1989).

[38] Census of Local Law Enforcement Personnel (Springfield, Ill.: Illinois Local Governmental Law Enforcement Officers Training Board, 1988). The calculations in FINANCE 1-16 are based on the number of full-time law enforcement officers in each county's sheriff's department, plus the number of full-time officers employed by the municipalities within that county. State police officers are not included because their enforcement activities typically cross county boundaries.

[39] Brian A. Reaves, *Police Departments in Large Cities, 1987* (Washington, D.C.: Bureau of Justice Statistics, 1989).

[40] *Crime in Illinois, 1988.*

[41] Chicago Police Department, Research and Development Division.

[42] The Chicago Police Department does not employ part-time police officers. The department does have a student internship program that is part-time, but it accounts for only a very small percentage of civilian staff.

[43] The total "Other civilian employees" includes a varying number of federally funded civilian employees who worked mostly in community relations programs.

[44] *Resource Allocation to Meet Changing Seasonal Demand Patterns in the Chicago Police Department* (Chicago: Chicago Police Department, Research and Development Division, 1989). These calculations are based on July 1 figures.

[45] These figures are based on data from the Illinois State Police's 1988 *Crime in Illinois* report. Data collected by the Police Training Board also indicate that the number of full-time sworn police officers in Illinois sheriffs' departments increased between 1985 (2,476) and 1988 (2,736). PTB data are not available for every year, however.

[46] *Sheriff's Department Patrol and Incident Report* (Wheaton, Ill.: DuPage County Department of Planning, 1987).

[47] Census of Local Law Enforcement Personnel, 1988.

[48] ISP figures come from *Crime in Illinois, 1987*. National figures come from the Law Enforcement Management and Administrative Statistics Survey, 1987.

[49] *Report to the Nation on Crime and Justice*, 2nd. ed. (Washington, D.C.: Bureau of Justice Statistics, 1988).

[50] ISP Sworn Salary Schedule, provided by ISP Government Affairs Office.

[51] Ill.Rev.Stat, ch. 53, par. 37a.05.

[52] Barbara Page Fiske (ed.), *Key to Government in Chicago and Cook County* (Chicago: University of Chicago Press, 1989), p. 179.

[53] Because the salaries of sheriffs' deputies vary by county and there is no central source for collecting this salary information, it is difficult to estimate the average salary of sheriffs' deputies in Illinois.

[54] Annual Salary Survey, DuPage County Chiefs of Police Association, 1987.

[55] DuPage County Annual Salary Survey, 1987.

[56] 1986 Salary Survey, Illinois Municipal League. The response rate to this special survey of municipalities with populations under 5,000 was 52 percent. Note that the numbers reported in the survey are not strictly entry-level salaries, but the salaries of officers with all experience levels. Some municipalities reported an average of all salaries, while others reported a range of salaries. In municipalities reporting a range, the top level is included in this analysis.

[57] 1986 Municipal Compensation Survey, Illinois Municipal League. This annual survey covers municipalities with 5,000 to 10,000 people and those with more than 10,000 people.

[58] *1988 Annual Report* (Chicago: Chicago Police Department, 1989).

[59] John E. Zaruba, Thomas Janaes, and Thomas Duhig Sr., *DuPage County Sheriff's Department Optimum Resource Management Plan* (Wheaton, Ill.: DuPage County Sheriff's Department, 1987). Nationally, in cities of 250,000 or more, police departments have an average of 42 squad cars per 100 officers. (Reaves, 1989, p. 3.)

[60] Ill.Rev.Stat., ch. 85, par. 501 et seq. On the average, large cities in the United States require an average of 674 class hours and 412 field hours of training for new officers. (Reaves, 1989, p. 6.)

[61] Ill.Rev.Stat., ch. 85, par. 516.

[62] Figures provided by the Police Training Board, July 21, 1989.

[63] The traffic and criminal conviction surcharge has been in place only since 1982. Before then, PTB was funded largely from the state General Revenue fund.

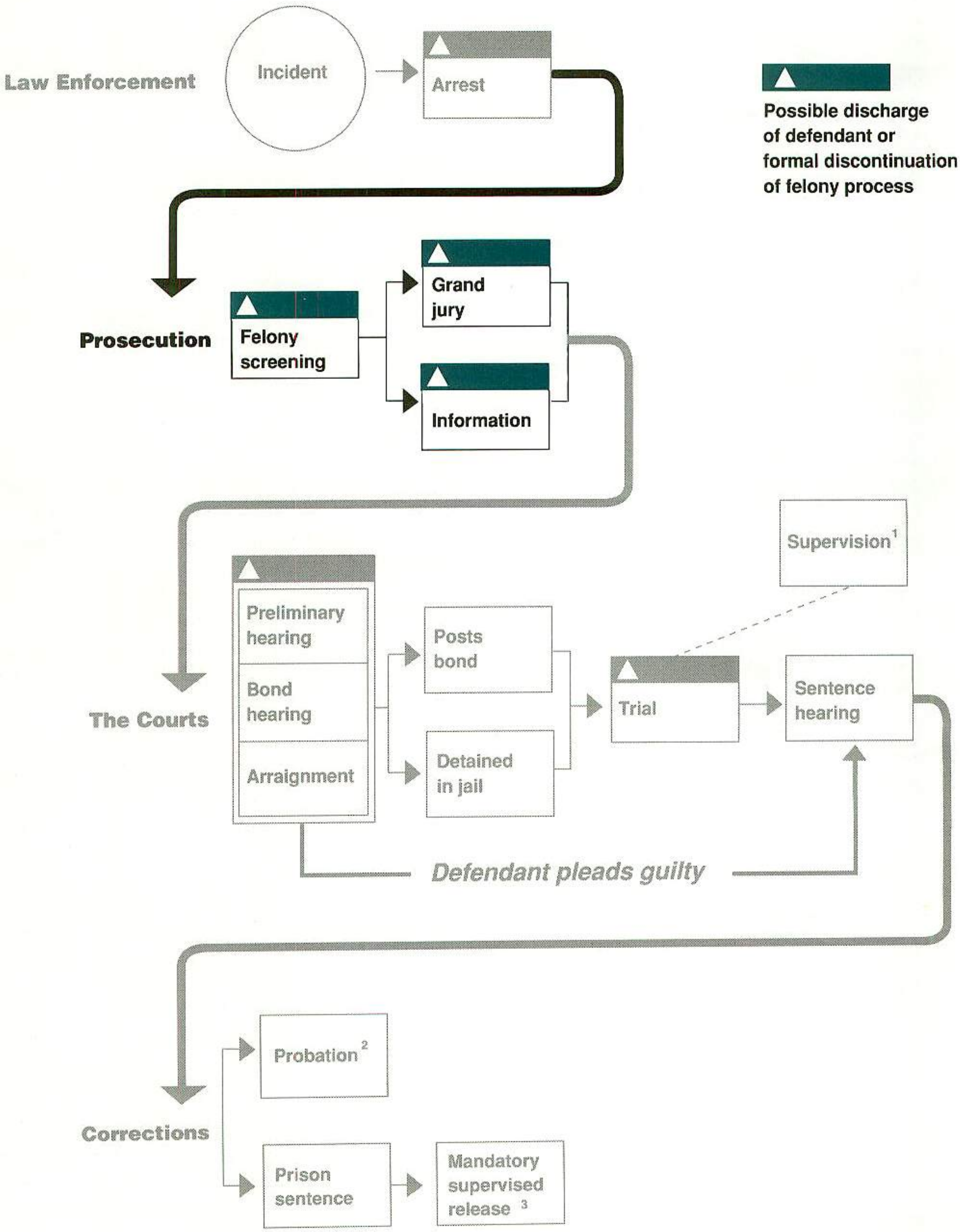
[64] Ill.Rev.Stat., ch. 85, par. 509.

[65] Gerald, W. Konkler, "In Service Training in Economically Distressed Times," *FBI Law Enforcement Bulletin* (November 1988), p. 1.

[66] In fiscal year 1987, law enforcement training exceeded budgeted levels by a considerable margin. Therefore, PTB was unable to reimburse training costs at the customary 50 percent. As required by statute, basic law enforcement and correctional training must be reimbursed before any funds can be provided to reimburse in-service, advanced, or specialized training (non-basic training). For fiscal 1987, basic training was reimbursed at 46.2 percent, and no reimbursement was made for non-basic training.

[67] The Miscellaneous category in FINANCE 1-22 includes the Cook County and Oak Forest hospitals, Peoria Public School District, Rockford Metro Center, and the Rockford Airport Authority.

An Overview of Felony Processing in Illinois



[1] After successful completion of court supervision, charges may be dismissed
[2] Or other form of court supervision, such as conditional discharge
[3] Or other conditional release from prison

PROSECUTION AND PUBLIC DEFENSE

Overview

The American legal process is an adversarial system in which the parties on opposing sides of a conflict are represented by legal counsel. In criminal legal proceedings, prosecutors represent the state on behalf of complainants, and defense attorneys represent those who have been accused of committing crimes. This chapter covers prosecution and an important aspect of criminal defense, public defense, in Illinois.

WHO PERFORMS PROSECUTORIAL DUTIES IN ILLINOIS?

After a suspected offender has been identified and arrested, or after a complaint has been filed, the prosecutor evaluates the case, files formal charges in court, and handles the case through trial and possible appeals. In Illinois, several public officials perform prosecutorial duties on behalf of the state:

- State's attorneys are the most visible criminal prosecutors in Illinois. Each of the state's 102 counties is served by a state's attorney, who is elected by the people of that county to a four-year term. State's attorneys are the highest-ranking law enforcement officers in their respective counties, and on behalf of the state, they commence and carry out nearly all criminal proceedings in the counties. By far, most prosecutorial duties in Illinois are performed locally by state's attorneys.

- The Illinois attorney general, as the state's chief legal officer, also holds prosecutorial powers. An elected official who is chosen in a statewide election every four years, the attorney general represents the state in criminal appeals before both the Illinois Supreme Court and the U.S. Supreme Court. The attorney general also initiates criminal prosecutions for violations of Illinois' anti-pollution laws, and advises and assists state's attorneys in criminal matters when requested or when, in the attorney general's judgment, the interests of the state require such assistance.[1]

- The Office of the State's Attorneys Appellate Prosecutor assists state's attorneys' offices with criminal appeals, although individual state's attorneys are ultimately responsible for appeals originating in their counties.[2] The Illinois General Assembly created this office in 1977 to coordinate and expedite criminal appeals on behalf of state's attorneys, thereby enabling them to devote more of their resources to trial litigation. In addition to its primary duties of preparing, filing, and arguing criminal appeals, the appellate prosecutor's office provides state's attorneys with many investigative and educational services as well. In 1988, for example, the office created a special unit to assist county prosecutors with complex drug cases and asset forfeiture proceedings.

In addition to these state officials, there are three U.S. attorneys who represent the federal government in federal criminal proceedings occurring in Illinois. One U.S. attorney is appointed to each of the three federal judicial districts in the state: the Northern District, headquartered in Chicago; the Central District, in Springfield;

and the Southern District, in East St. Louis. U.S. attorneys are nominated by the President, and confirmed by the U.S. Senate, to four-year terms. The U.S. attorney general supervises the U.S. attorneys regarding which cases to accept for prosecution.

The U.S. attorneys' offices are responsible for most of the prosecutions and much of the other litigation involving the federal government before the U.S. District Court. As federal prosecutors, U.S. attorneys handle matters under federal jurisdiction—crimes that occur on federal property or that affect interstate commerce, interstate crimes such as drug trafficking, and criminal offenses related to national security.

Some crimes, such as serious drug offenses, may fall under the dual jurisdiction of state and federal prosecutors. Although both state and federal agencies may be involved in investigating these types of cases, only one of them—either state or federal prosecutors—will normally prosecute an individual for a particular incident, unless there are distinct charges that can be tried under different jurisdictions.

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

Although other prosecutorial agencies at both the state and federal levels play important roles in Illinois' criminal justice system, the clear majority of criminal prosecutions in the state are initiated and pursued by county state's attorneys. The size and the complexity of state's attorneys' offices vary considerably, and reflect the needs and available resources of different counties. In large or densely populated counties, the state's attorney's office usually includes both the elected state's attorney and a staff of assistant prosecutors, investigators, and support personnel. In small or less densely populated counties, the state's attorney often performs all prosecutorial functions, with little or no assistance.

As of July 1989, the 102 state's attorneys' offices in Illinois employed 1,085 full-time assistant state's attorneys; 63 percent of them worked in Cook County. Forty counties employed no full-time assistant state's attorneys (Figure 2-1). Twenty-five other counties employed only one full-time assistant prosecutor. Twenty-five counties also employed part-time assistant state's attorneys.[3]

WHAT ARE THE BASIC FUNCTIONS OF STATE'S ATTORNEYS?

State's attorneys in Illinois have wide discretion to establish policies and procedures that best serve the needs of their counties using available resources. In addition, county prosecutors exercise discretion with regard to individual cases presented to them. Decisions to seek indictments, to file or *not to file* charges, or to reduce or drop charges altogether are examples of where discretion plays a large role in the prosecutor's function.

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

HOW ARE CRIMINAL PROSECUTIONS INITIATED?

Charging a suspect with a crime in Illinois is usually done in one of two ways. After an investigation and arrest, local law enforcement authorities—either a police or sheriff's department—may file criminal charges against the suspect directly with the court. Or, in most large jurisdictions, including Cook County, police refer almost all serious, or felony, charges to the state's attorney for review or screening.[4] During this initial screening process, the state's attorney determines whether the case merits prosecution, and if so, what specific charges to file with the court. Jurisdictions that do not screen out cases at this early stage, but instead accept most arrests for prosecution, tend to have higher dismissal rates later in the criminal justice process.[5]

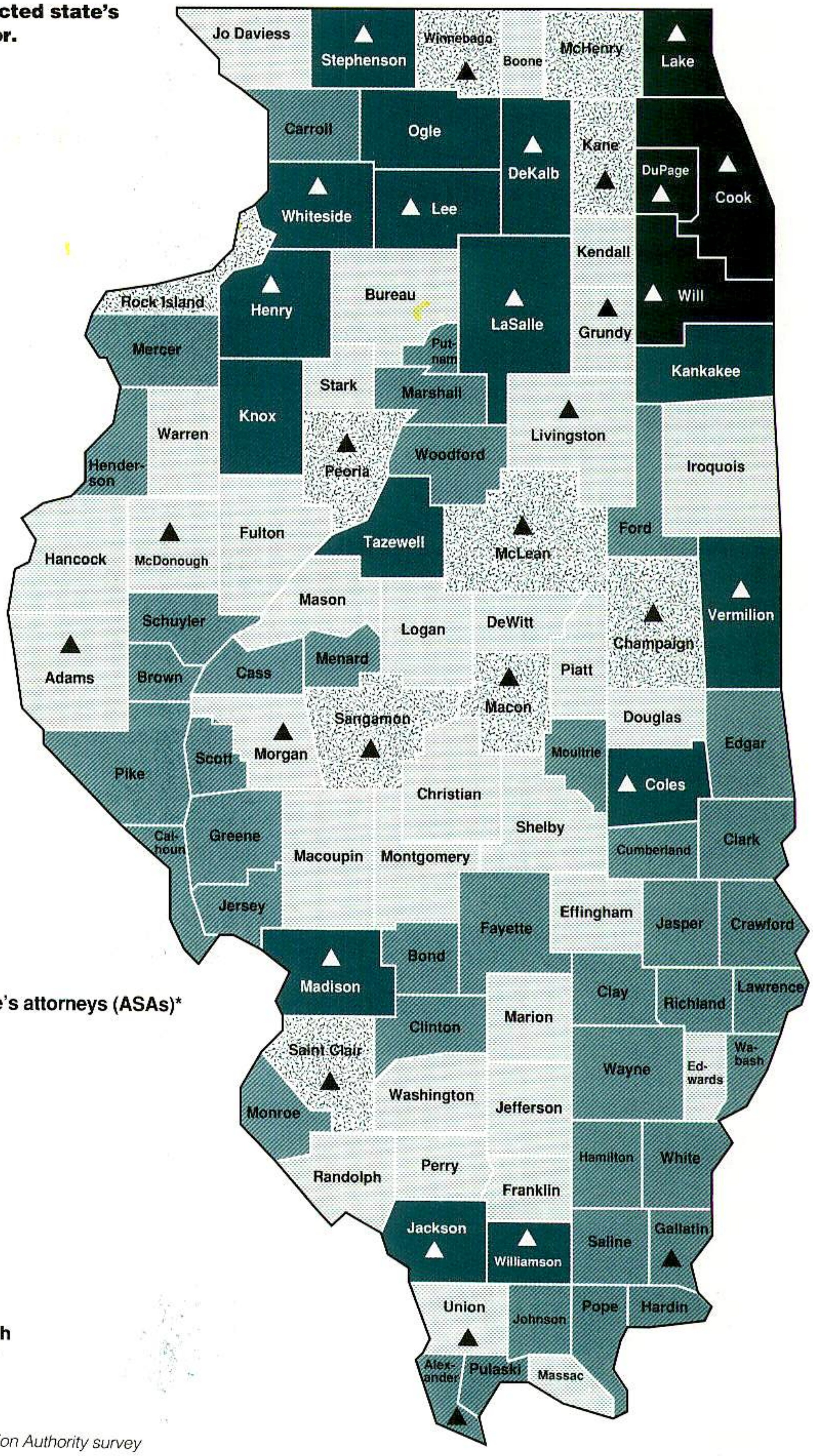
Several details must be examined during felony screening—the elements of the offense, available police reports, physical evidence that has been gathered, probable witness testimony, and records of the suspect's sworn statements—to determine what prosecutorial action, if any, should be taken. At this point in the process, the state's attorney must decide whether to approve, modify, or drop the booking charges, add charges to those indicated by the police, or request that further investigation be conducted prior to a final decision on charging the suspect.

State's attorneys may reject a case at the initial review stage for several reasons, among them:

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

Figure 2–1

In 40 Illinois counties, the elected state's attorney is the sole prosecutor.



Number of full-time assistant state's attorneys (ASAs)*

- Elected state's attorney only
- 1-2 ASAs
- 3-9 ASAs
- 10-25 ASAs
- 26 or more ASAs
  - Cook—688
  - DuPage—58
  - Lake—47
  - Will—27

▲ **State's attorney's office with victim-witness coordinator**

** As of August 1989*

Source: Illinois Criminal Justice Information Authority survey

In addition to problems with evidence and witnesses, the policies of individual state's attorneys and the resource constraints of individual counties can affect the decision of whether or not to prosecute a case. Some prosecutors, for example, may give higher priority to crimes that present special problems in their counties.

HOW ARE CHARGES FILED WITH THE COURT?

After screening a case and deciding it warrants further action, the state's attorney must file formal charges in court. Under Illinois law, a criminal prosecution may be initiated in one of three ways—by indictment, by information, or by complaint—or through a combination of the three. Illinois is one of 25 states where a grand jury indictment is optional to commence a prosecution.[6]

Here are brief explanations of the three methods of filing charges in court:

- **Indictment.** This is a written statement presented by a grand jury to the court, which charges the commission of an offense.[7] The grand jury determines whether there is probable cause—that is, reasonable grounds to believe that a particular person has committed a specific crime—to warrant a trial. Although most cases are presented to the grand jury by the state's attorney, the grand jury has independent investigative powers. State's attorneys usually issue subpoenas in the name of the grand jury for witnesses to appear, but the grand jury may subpoena witnesses on its own.

  With certain complex cases (for example, murder, white-collar crime, and official misconduct cases), state's attorneys may prefer grand jury indictments rather than preliminary hearings to establish probable cause. Also, state's attorneys often seek indictments when the secrecy of the proceedings is important, for example, in narcotics cases to protect the identities of undercover officers and informants and in cases involving a suspect who might flee if faced with a possible criminal charge. At the direction of the court, a Bill of Indictment may be kept secret, except for the issuance and execution of a warrant against the person being indicted.[8]

  Grand juries in Illinois consist of 16 jurors. Persons chosen to serve on a grand jury must be U.S. citizens and must be legal voters in the county that the court serves. A quorum of at least 12 jurors must be present for the grand jury to conduct any business, and at least nine votes are needed to indict.[9] The number of grand juries allowed to sit at one time and the amount of time each grand jury serves depends on the county's population. In all counties, however, no grand jury may serve for more than 18 months.[10]

- **Information.** This is a sworn, written statement, signed by a state's attorney and presented to the court, which charges the commission of an offense.[11] An information must be signed by the state's attorney and sworn by the state's attorney or another person, such as the arresting officer. Any prosecution initiated by an information must include a preliminary hearing to establish probable cause that the suspect committed the crime, unless the hearing is waived by the defendant.[12]

- **Complaint.** This is a sworn, written statement other than an information or indictment, presented to the court, which charges the commission of an offense.[13] A complaint must be sworn to and signed by the complainant, usually the victim or another citizen witness.

Although state's attorneys have some flexibility in deciding the method to use in initiating a prosecution, there are certain statutory requirements for filing charges. For example, all felony prosecutions must be initiated by an indictment or an information; all other cases may be commenced by either of these two or by a complaint.[14] It is extremely rare, however, for a misdemeanor prosecution to be initiated by an indictment.

HOW ARE CRIMINAL CASES DISPOSED OF IN ILLINOIS?

Although state's attorneys are usually associated with trial work, most criminal cases are disposed of by other means before they ever reach trial. There are a variety of possible dispositions in criminal cases, including the following:

- **No probable cause at preliminary hearing; no true bill returned.** In felony cases, probable cause is established either by the court at the preliminary hearing or by a grand jury prior to the initiation of trial proceedings. If no probable cause is found by the court, the case is dismissed and the defendant exits the criminal justice system at a relatively early stage.[15] In instances where the prosecutor attempts to obtain an indictment, a grand jury may reject prosecution of the case by returning a *no true bill* on all charges against the defendant.

- **State motion to dismiss.** The state can move to dismiss charges under a variety of circumstances; these dispositions may be final, interim, or administrative in nature. Although it is the state's attorney who makes the motion for dismissal, the decision to grant the motion is an official action of the court.

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

There are several reasons a prosecutor may request dismissal of a case after charges have been filed:

1. Plea bargaining arrangements. When a single defendant is facing multiple charges, a guilty plea on one charge is sometimes exchanged for dismissal or reduction in seriousness of the other charges. In Illinois, the plea bargaining process is initiated either by the defense attorney or by the prosecuting attorney. Once a plea has been negotiated, the trial judge may accept or reject it. In a study of 16 jurisdictions, accepting pleas on other charges was the most frequently cited reason, among eight common reasons, for dismissals.[16]

2. Lack of evidence linking the defendant to the crime. In the same study, insufficient evidence was the second most common reason for dismissing charges.

3. Victims or witnesses who cannot be located, are reluctant to testify against the defendant, or whose testimony is vague or contradictory.

4. Violation of the defendant's constitutional rights.

5. Referral to other jurisdictions with pending cases against the defendant.

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

7. Pretrial diversion. Sometimes the prosecutor and the court may agree to drop criminal charges under the condition that the defendant successfully complete a pretrial diversion program. A pretrial diversion program can take various forms. In a drug case, for example, further criminal proceedings may be deferred in exchange for a plea of guilty or a stipulation to the facts in the case, if the defendant agrees to participate in a drug treatment program. The defendant is given a sentence of probation. If the defendant fulfills the terms of probation, the court will discharge the person and dismiss the proceedings. If the conditions of probation are violated, however, the original case can be reinstated and criminal proceedings commenced.[17]

8. Referral to mediation. In certain jurisdictions, including several misdemeanor branch courts in Cook County, judges may refer some types of relatively minor criminal offenses—criminal damage to property, minor assaults, landlord-tenant problems—to a mediator. Unlike an arbitrator in a civil case, a mediator does not have the authority to make legally binding decisions, but rather facilitates the negotiation process.[18] In these instances, the court usually continues the criminal case, pending mediation. If mediation is successful, the complainant may return to the court and ask the state's attorney to move for a dismissal. In 1988, Neighborhood Justice of Chicago, a non-profit mediation agency, handled 691 cases, nearly double the previous year's number, with 120 voluntary mediators having professional backgrounds in law, social work, business, and education.

- **Defense motions.** In very rare circumstances, the court may dispose of a case by granting a motion of the defense. For example, the court may grant a defense motion to suppress, if certain evidence was obtained in violation of the defendant's rights, or a defense motion to quash, if there is a technical defect in the charging document. Other types of dispositions that result from defense motions include a motion to transfer, in which a defendant who has a case pending in another jurisdiction successfully moves to have the current case transferred to that county, and a motion to place the defendant under supervision for treatment of drug addiction. If the court grants a defense motion for supervision, adjudication is suspended, provided that the defendant successfully follows the court-ordered conditions of supervision.

- **Defendant failure to appear.** Some judicial circuits in Illinois have created *warrant calendars* to eliminate from their active court calendars those cases in which defendants have failed to appear in court and have forfeited their bond or in which fugitive warrants have lapsed after a specified period of time. Such cases may be reinstated if the defendant is subsequently apprehended.[19]

Illinois is one of only a few states that actively prosecute bail violations and impose stiff penalties upon conviction. Under state law, any defendant who fails to appear in court may be prosecuted not only for the original charge but also for the next-lower class of felony or misdemeanor related to the original charge.[20] In addition, any sentence for bail violations must be served consecutively to the sentence for the original charge.

- **Guilty plea.** If probable cause is established, the defendant is required to enter a plea—usually either guilty or not guilty—to the charges.[21] This typically occurs at arraignment or whenever the court accepts the defendant's plea.[22] Each defendant has the constitutional right to a trial by a jury of peers, yet far more defendants enter guilty pleas than request a jury trial or a bench trial (see Chapter 3).

  Although the decision to plead guilty is ultimately the defendant's, several factors influence the guilty plea process. These include the severity of the charge and possible sentence, the quantity and quality of evidence linking the defendant to the crime, whether there are arguable issues of fact in the case, and the terms of any guilty plea negotiation. After pleading guilty, the defendant bypasses trial proceedings and is sentenced.

  One common belief about guilty pleas is that they usually involve reduced charges against the defendant. Although there are no comprehensive data on this question in Illinois, a study of almost 7,500 felony cases disposed of during 1979 and 1980 in nine counties in three states (including approximately 3,000 cases in DuPage, Peoria, and St. Clair counties in Illinois) revealed that the primary, or most serious, charge was reduced during the guilty plea process in an average of only 15 percent of the cases studied.[23] More often, the *number* of charges was reduced, or one or more of the non-primary charges was reduced in seriousness.

- **Trial.** Since most criminal cases are disposed of during pretrial stages, relatively few defendants plead not guilty and then go to trial. As with guilty pleas, the decision to go to trial is ultimately that of the defendant. Nevertheless, state's attorneys, through their willingness to negotiate the conditions of defendants' pleas, can affect which cases do go to trial.

WHAT ARE THE ROLES OF VICTIMS AND WITNESSES DURING CRIMINAL PROSECUTIONS?

The successful administration of justice depends largely on the cooperation of crime victims and witnesses. State's attorneys have historically assumed the task of coordinating the roles of victims and witnesses in criminal cases, although the formality of their victim-witness programs varies from county to county.

To ensure that appropriate services are delivered to crime victims and witnesses, some state's attorneys in Illinois have hired special victim-witness coordinators. As of August 1989, 31 state's attorneys' offices had victim-witness coordinators on their staffs (see Figure 2-1). Some of the services provided by victim-witness programs include notifying victims and witnesses of court dates and the progress of their cases, accompanying them to court, explaining the court process, referring victims and witnesses to appropriate social service agencies, offering counseling, and interceding on behalf of victims and witnesses to ensure the cooperation of their employers.

WHAT IS PUBLIC DEFENSE?

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

The 6th and 14th amendments to the U.S. Constitution guarantee people accused of crimes the right to be assisted by counsel. Through a series of decisions over many years, the U.S. Supreme Court has expanded the scope of the right to defense. Today, it applies not only to actual trials, but also to all important stages of the criminal justice process, including interrogation by police, preliminary hearings, arraignments, and various post-trial procedures. Under Illinois law, anyone detained for any cause, whether or not the person is charged with an offense, has the right to consult with an attorney in private at the place of custody for a reasonable number of times, except in cases where there is imminent danger of the person escaping.[24]

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

HOW IS PUBLIC DEFENSE ORGANIZED IN ILLINOIS?

In Illinois, public defense for indigent defendants is administered locally: public defenders are appointed by the Circuit Court judges in each county. They operate independent of any central administrative agency which, in some states, coordinates all public defense. Indigent defendants in Illinois are assigned defense attorneys by the courts.[25] In most counties, the court assigns these cases to a public defender. In 1989, 94 of the state's 102 counties had public defenders, who are appointed by the judiciary of their respective counties and serve at the courts' pleasure.[26] In the state's other eight counties, the courts assign the defense of indigents to private attorneys on a case-by-case basis (Figure 2-2).

Like state's attorneys' offices, each public defender's office varies in size and complexity, and each reflects the needs and resources of its own county. In 53 counties, the appointed public defender is the only attorney in the public defender's office. In a number of these counties, the public defender works part time while maintaining a private law practice. In 41 counties, there are one or more assistant public defenders. In August 1989, there were approximately 633 assistant public defenders statewide. Two public defenders serve multiple counties. Brown, Cass, and Schuyler counties are served by a single public defender, as are Franklin and Hamilton counties. Edgar and Clark counties share a public defender and one assistant.

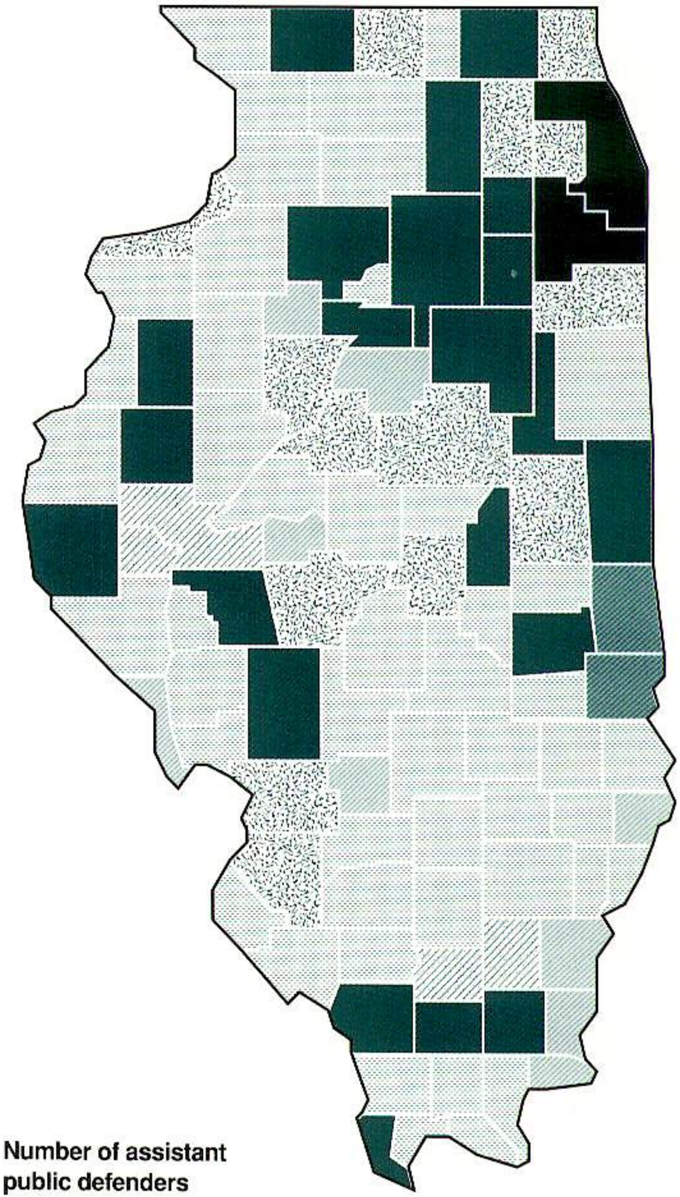
Large public defenders' offices differ in whether they use a vertical or horizontal strategy to represent clients. In vertical representation, one public defense attorney handles a case through all stages of litigation, from preliminary hearing to arraignment to trial to sentencing. In horizontal representation, the public defense attorney is assigned to a courtroom rather than to a case. Under this strategy, the defendant is represented by a different attorney at each stage of litigation. The Lake County Public Defender's Office provides vertical representation for all felony cases. The Cook County Public Defender's Office currently uses vertical representation for homicide and juvenile delinquency cases, and is working to implement a vertical strategy in all cases. Smaller offices with few or no assistant public defenders generally provide vertical representation unless the public defender withdraws or is removed from a case.

Vertical representation allows for continuity in defense since one attorney handles a client's case through all stages. But in small counties with disproportionately high indigent populations, this advantage may be lost to excessive workloads, particularly in offices with few or no assistant public defenders or paralegals.

WHAT ARE THE BASIC FUNCTIONS OF PUBLIC DEFENDERS?

Public defenders are responsible for providing representation to indigent clients for Juvenile and Circuit court hearings; while they are in police custody (during line-ups and questioning, for example); and at post-conviction

Figure 2–2
Ninety-four counties in Illinois have a public defender's office.



Number of assistant public defenders

- Court-appointed counsel
- Public defender only — multiple counties
- Public defender + 1 assistant — multiple counties
- Public defender only — single county
- 1-4 assistant public defenders
- 5-15 assistant public defenders
- 16 or more assistant public defenders
  Cook — 455
  Will — 24

Source: Illinois Public Defender Association Directory of Public Defenders (April 1, 1989) *and Illinois Criminal Justice Information Authority survey* hearings, including appeals.[27] Although these responsibilities generally apply to public defenders throughout the state, the point at which public defenders enter criminal proceedings differs depending on the county and available resources.

Public defenders' offices in Illinois counties were originally authorized to provide legal counsel to indigent adult defendants charged with criminal offenses. Case law and later amendments to the authorizing legislation expanded the role of the public defender to provide counsel prior to arraignment, to the mentally disabled, in paternity cases, and in cases of juvenile delinquency, abuse, and neglect.[28]

Public defenders are customarily assigned to cases by the presiding judge after a bond hearing where the judge has established the defendant's indigency. Public defenders' offices in some counties, however, have established programs to get the public defender involved in a criminal case at the defendant's first court appearance, rather than waiting until the judge appoints a public defender.

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

Other innovative programs have focused on improving the quality of defense for indigent defendants. The Cook County Public Defender's Office and the Lake County Public Defender's Office have established jail interview units that attempt to interview clients within 48 hours of the client's being remanded to jail at a bond hearing. In the past, clients might have been in jail awaiting trial for days and, in some cases, weeks before information was gathered for their defense. And since 1989, the Lake County Public Defender's Office's Computerized Management Information System has maintained automated information on clients of the Bond Court Project and Jail Interview Program.

HOW DOES PUBLIC DEFENSE WORK IN CRIMINAL APPEALS?

The constitutional obligation of the state to provide defense services to indigents does not end with criminal trials: it extends to appeals as well. To meet this obligation, the Illinois General Assembly in 1972 created the Office of the State Appellate Defender.[29] This state agency represents indigent persons on appeal in criminal cases when appointed by the courts. In addition, the office provides investigative and educational services to public defenders throughout the state.

Under the direction of the state appellate defender, who is appointed to a four-year term by the Illinois Supreme Court, the office employs about 78 attorneys, plus support personnel. The agency provides services through five offices located in each of the state's judicial (appellate) districts.[30] The agency also maintains an Illinois Supreme Court Unit, which is primarily responsible for death penalty appeals. The Cook County Public Defender's Office has a separate appeals division. Appeals in Cook County may be filed by that division or by the Office of the State Appellate Defender.[31]

In 1989, legislation was passed in Illinois that expanded post-conviction counsel for defendants convicted of felonies and defendants sentenced to death:

- The state appellate defender's office or a county public defender will be appointed as counsel for indigent defendants convicted of felonies and indigent defendants sentenced to death who want to appeal their sentences.
- The court may appoint counsel other than a county public defender with the consent of the defendant and for good cause.
- If counsel other than a public defender or state appellate defender is appointed, the court reviewing the appeal of a defendant convicted of a felony will determine how much the counsel is paid for expenses incurred in the appeal or review proceedings.
- The Illinois Supreme Court will determine compensation for the attorneys of indigent defendants on death sentence appeals, if the attorney petitions the court in writing. The treasurer of the county where the case was tried will pay the compensation on the order of the Illinois Supreme Court.[32]
- When appeals on a death sentence have been exhausted, any attorney appointed by the Illinois Supreme Court to provide post-conviction counsel for indigent defendants sentenced to death may submit bills to the state appellate defender's office for payment of services rendered.[33]

The Data

Comprehensive data linking the law enforcement and the courts functions do not exist in Illinois. Although-each state's attorney's office generates and maintains its own management statistics at the county level, there is no uniform, statewide system for prosecutors to compile and report many types of data. As a result, statewide information about certain key decisions made by prosecutors—the number of cases accepted for prosecution, the number and types of cases rejected for prosecution, and other information concerning caseloads and the flow of cases through state's attorneys' offices—is unavailable in Illinois.

Sources such as the Administrative Office of the Illinois Courts (AOIC), the Office of the State's Attorneys Appellate Prosecutor, and various public defense agencies *do* provide some information about the prosecution of criminal cases once they fall under the jurisdiction of the courts. For example, yearly data on the number of criminal cases filed, the number of defendants who plead guilty, and the number prosecuted at trial are contained in AOIC's annual reports to the Illinois Supreme Court. But, while AOIC data may be useful in supporting the administration of the state's courts, the data are inherently limited in their ability to describe certain criminal justice processes, including prosecutorial activities.

Because no mechanism exists to collect state's attorneys' data on a statewide basis, aggregate statistics depicting trends in the pretrial activities of state's attorneys are unavailable. To provide some indication of what happens to cases once probable cause has been established, this chapter uses AOIC data to document trends in the number of guilty pleas and trial dispositions involving felony defendants.

Several characteristics of the AOIC data presented in this chapter (as well as the data presented in Chapter 3) should be kept in mind. The AOIC information presented here regarding guilty pleas accepted by the court and trial dispositions relates to defendants, not to cases. The two are not comparable, since one case may have more than one defendant or a single defendant may be involved in more than one case.

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

Even when the same measures are used, differences in counting can occur, not only between counties but also within the same jurisdiction over time. For example, when two or more defendants are involved in a single case, some state's attorneys file a single case charging all the defendants, while others file a separate case for each suspect. Another example of counting differences occurs in Cook County, where an undetermined number of conservation and local ordinance violations are counted as misdemeanors. In the rest of the state, similar violations are reported under different categories.

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

A final note: data presented in this chapter cover different time periods. All AOIC data are reported in calendar years, while statistics from the state appellate prosecutor's office, the state appellate defender's office, and the Illinois Court of Claims cover state fiscal years, which run from July 1 through June 30 (for example, fiscal 1989 began July 1, 1988, and ended June 30, 1989). Data from the Cook County Public Defender's Office are reported in the county's fiscal years, which run from December 1 through November 30.

Trends and Issues

How many criminal cases—felonies and misdemeanors—were filed in Illinois in recent years? How many of these cases went to trial? What are the workloads of Illinois' state's attorneys? How many felony cases are appealed to the Illinois Appellate Court? How many cases are handled by the state's public defense system? What services do prosecutors provide crime victims and witnesses? Are those services changing? The rest of this chapter explores these and other questions about the prosecution and defense of criminal cases in Illinois.

HOW MANY FELONY CASES ARE FILED IN COOK COUNTY EVERY YEAR?

The number of felony prosectutions in Cook County has increased sharply during the last decade. Between 1978 and 1988, the number of felony cases filed in Cook County increased steadily, with only a slight decrease from 1984 to 1985 (Figure 2-3).[34] And because more than one defendant can be tried in a single case, the number of defendants in these cases was even greater than the number of cases.

In 1978, 13,364 felony cases were filed on 15,313 defendants in Cook County. In 1988, 25,168 cases were filed on 26,953 defendants. The number of felony case filings in Cook County increased 88 percent overall between 1978 and 1988. The number of felony defendants in the county increased 76 percent during this period. (For information on drug cases and prosecution trends in Cook County, see the drugs update section.)

HOW MANY MISDEMEANOR CHARGES ARE FILED IN COOK COUNTY?

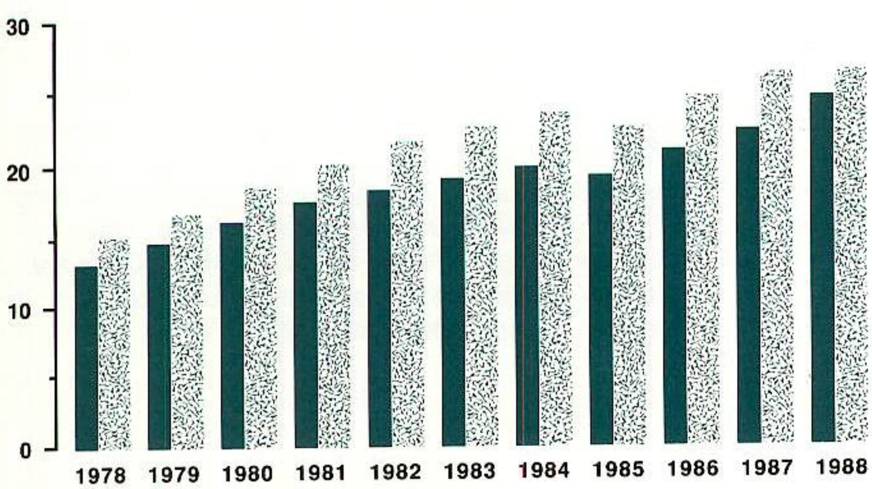
Trends in the prosecution of misdemeanor cases in Cook County are more difficult to assess than trends in felony cases, for two reasons. First, the number of misdemeanor cases in the county is inflated by an unknown

Figure 2–3
The number of felony prosecutions in Cook County has increased sharply since 1978.

Felony defendants

Felony cases

Number of felony cases/defendants in Cook County (thousands)



Note: These figures represent only those felony cases filed that resulted in findings of probable cause at a preliminary hearing or that resulted from grand jury indictments.

Source: Administrative Office of the Illinois Courts, Annual Report to the Illinois Supreme Court (1978-1984), *and unpublished AOIC figures (1985-1988).*

number of ordinance and conservation violations that are recorded as misdemeanors.[35] Second, misdemeanors in Cook County are reported as *charges,* rather than cases, so the statistics cannot be compared with the number of felony cases in the county.

The number of misdemeanor charges filed in Cook County increased 59 percent between 1978 and 1982, when they peaked at more than 487,300 (Figure 2-4). The number of misdemeanor charges then declined over the next three years, and leveled off in 1985 and 1986 to about 330,000. In 1987 and 1988, misdemeanor filings in Cook County rose slightly, reaching 344,411 in 1988, but were still nowhere near the high levels of the early 1980s.

One possible explanation for the sharp increase in misdemeanor charges filed in Cook County between 1979 and 1982 is the large number of disorderly conduct arrests the Chicago Police Department made during those years. In 1979 and 1980, Chicago police made more than 267,000 disorderly conduct arrests under Section 193-1(a)-(g) of the Municipal Code of Chicago. During the next two years, this number increased to more than 380,000.

Many of these arrests resulted from a police department procedure designed to combat gang crime. Under this procedure, police would arrest suspected gang members on disorderly conduct charges, but the arresting officers often would not appear in court to testify regarding the complaints that were filed. The court would then deny *leave to file* (LFD) in these cases, and the suspects would be discharged. This procedure occurred in the Circuit Court of Cook County Municipal Department, 1st District, until December 1984, when the acting presiding judge entered an order prohibiting the use of the LFD as a way of disposing of criminal and quasi-criminal cases.

In 1983, the number of disorderly conduct arrests began to decline and, during the first six months of 1984, had fallen to about 20,000. This drop in disorderly conduct arrests seems to account for the decline in misdemeanor charges filed in Cook County after 1982.[36]

HOW MANY CRIMINAL CASES ARE FILED OUTSIDE COOK COUNTY?

From 1978 through 1986, the number of felony and misdemeanor cases filed in Illinois outside Cook County tended to follow the same general patterns of increases and decreases (Figure 2-5).

Felony case filings outside Cook County increased 26 percent between 1978 and 1980, when they rose to more than 26,100. Felony case filings declined to about 22,500 in 1983, but then increased 29 percent over the next five years to a high of 29,045 in 1988.

Misdemeanor case filings outside Cook County rose in the late 1970s, declined in the early 1980s, and began to rise again from 1984 through 1986, when they reached 86,271. After decreasing slightly in 1987, misdemeanor filings rose in 1988 to a high of 93,037.

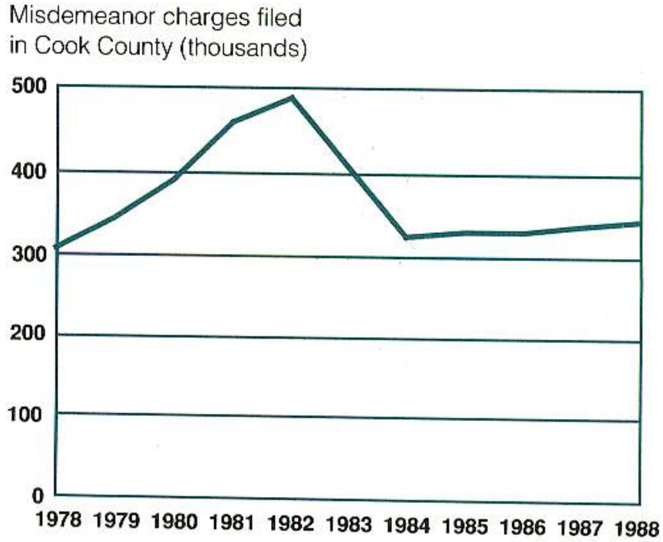
Even with these fluctuations, the ratio of misdemeanor cases to felony cases filed outside Cook County remained stable at slightly more than 3-to-1. In other words, an average of approximately 77 percent of the criminal cases (excluding conservation and ordinance violations) filed in Illinois courts outside Cook County between 1978 and 1988 were for misdemeanors.

HOW MANY FELONY DEFENDANTS GO TO TRIAL IN ILLINOIS?

Although it is impossible to present a comprehensive picture of defendant dispositions in Illinois—for example, the proportion of defendants who have their cases dismissed or who fail to appear in court cannot be accurately measured—it is clear that most felony cases are disposed of before they ever reach trial. Many defendants, for example, plead guilty.[37]

Statewide, guilty pleas have increased almost steadily since 1976, although the 1988 increase from 29,239 to 29,285 was very slight. Although Cook County accounts for the majority of guilty plea dispositions in Illinois, the percentage increase was greater outside Cook County from 1976 through 1988 (Figure 2-6). From 1987 to 1988, however, guilty pleas outside Cook County *decreased* for the first time in four years, from 13,609 to 13,426. At the same time, guilty pleas in Cook County increased in 1988, from 15,630 to 15,859.

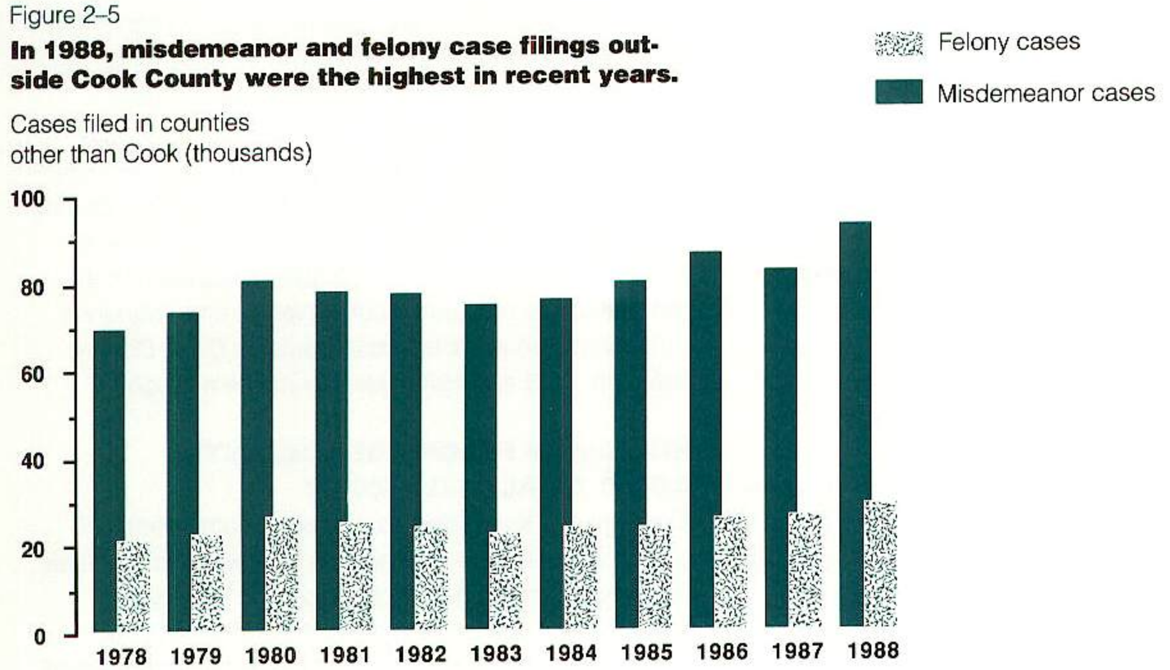
Figure 2-4
The number of misdemeanor charges filed in Cook County has increased slightly since 1984.



Source: Administrative Office of the Illinois Courts

Figure 2–5

In 1988, misdemeanor and felony case filings outside Cook County were the highest in recent years.



Source: Administrative Office of the Illinois Courts

Compared with the number of felony defendants who plead guilty, the number who go to trial is relatively small—in both Cook County and remainder of the state. In 1988, when 29,285 defendants pleaded guilty statewide, there were 5,558 felony defendants whose cases were adjudicated at trial.

As with guilty pleas, the majority of trial dispositions in Illinois occur in Cook County—74 percent in 1988 (Figure 2-7). The number of trial dispositions in Cook County rose dramatically from 1,455 in 1976 to 5,322 in 1984, a 266-percent increase. From 1984 through 1987, however, the number decreased 27 percent. In 1988, there was a slight increase in Cook County trial dispositions, from 3,871 in 1987 to 4,118.

In the rest of the state, the number of felony trial dispositions fluctuated between 1976 and 1988. Trial dispositions increased 47.5 percent between 1976 and 1982, then declined 20 percent through 1986. In 1987, trial dispositions outside Cook County rose 7 percent, to 1,659 then declined 13 percent, to 1,440 in 1988.

Although trial dispositions consistently accounted for a smaller proportion of all dispositions than guilty pleas between 1976 and 1988, the ratio of guilty pleas to trial dispositions in Cook County did change over the 13-year period. In 1976, there were approximately seven guilty pleas for every one trial disposition in Cook County. By 1984, this ratio had narrowed to about 3-to-1. After that, the ratio widened, reaching approximately 4-to-1 in 1987 and 1988. In the remainder of the state, the ratio of guilty pleas to trial dispositions was almost 6-to-1 in 1976 and nearly 9-to-1 in 1988.

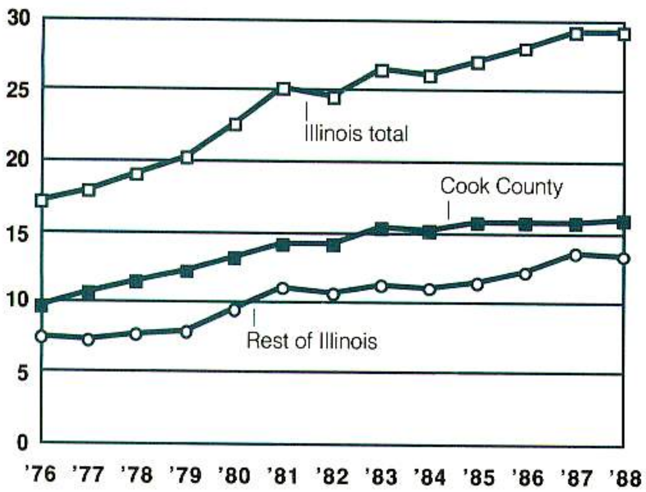
WHAT IS THE WORKLOAD OF STATE'S ATTORNEYS IN ILLINOIS?

It is difficult to uniformly measure the number of cases handled by each county prosecutor in Illinois, because state's attorneys' offices differ in their methods of representing cases. Some offices use vertical representation, in which one assistant state's attorney handles a case from preliminary hearing through sentencing. Other offices use horizontal representation, in which different assistant state's attorneys handle a case at different stages of the judicial process. In addition, it is difficult to measure caseloads because state's attorneys do not report their case data to any one central, statewide repository.

It is possible, however, to determine the ratio of the number of new felony cases filed in a county to the number of state's attorneys and assistant state's attorneys in that county, thereby determining the approximate caseload for the county's prosecutors. This does not give a complete picture, because it does not take into account cases reinstated or carried over from previous years. On May 31, 1989, for example, approximately 10 percent of the felony cases filed in Cook County in 1984 and 1985 were still pending. Still, this ratio is one indicator of prosecutors' caseloads for the most severe criminal cases that enter Illinois' criminal justice system.[38]

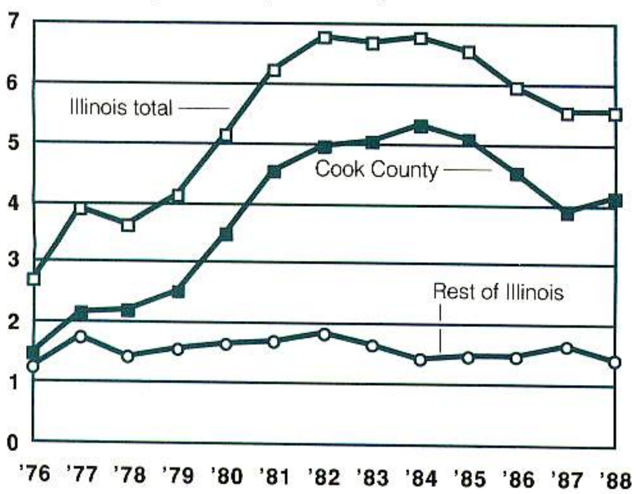
In 11 of Illinois' 102 state's attorneys' offices, between 151 and 200 new felony cases were filed for each prosecutor in 1988 (Figure 2-8). In 26 state's attorneys' offices, there were 100-150 new felony cases per prosecutor. In 32 offices, there were 50 to 99 new felony cases for each prosecutor. And in 33 state's attorneys'

Figure 2-6
The number of felony defendants pleading guilty leveled off in 1988.



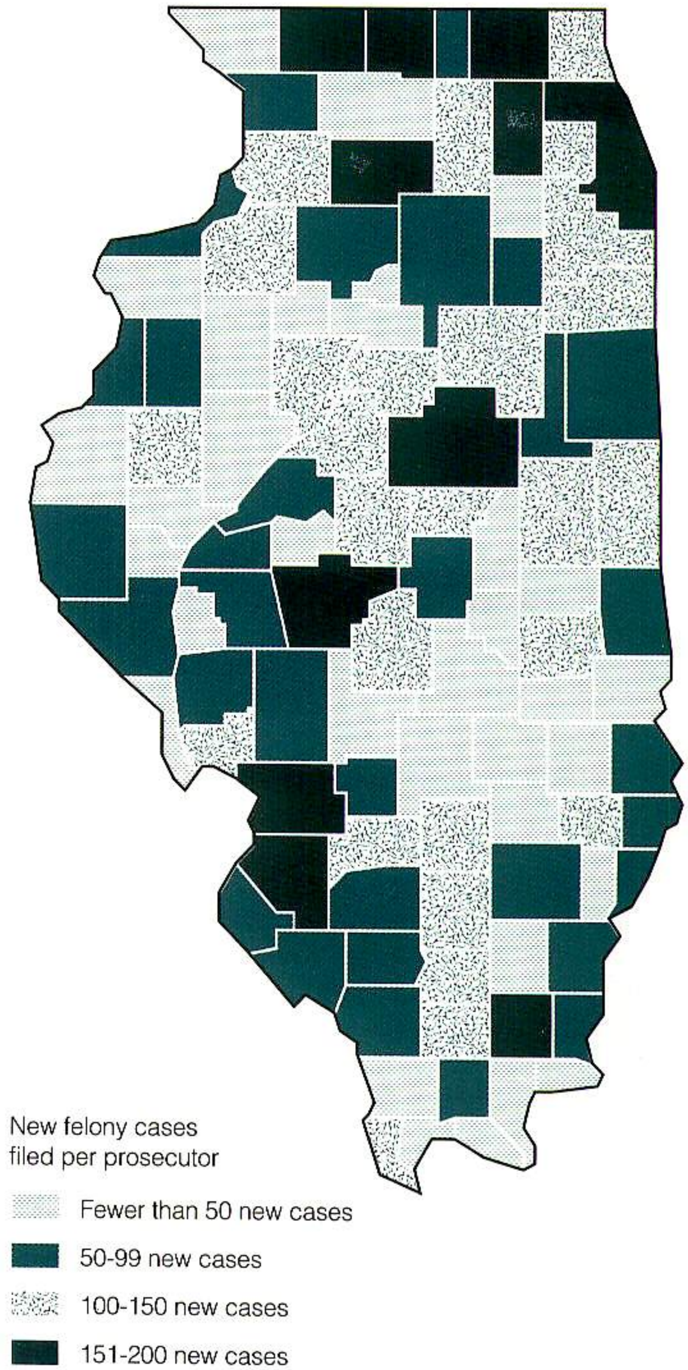
Source: Administrative Office of the Illinois Courts

Figure 2-7
Statewide, felony trial dispositions have generally declined since 1984.



Source: Administrative Office of the Illinois Courts

Figure 2-8
In 11 Illinois counties, more than 150 new felony cases were filed per prosecutor.



Source: Illinois Criminal Justice Information Authority survey

offices, there were fewer than 50 new felony cases for each prosecutor.

The Illinois counties with the largest populations—Cook and the collar counties—have ratios of newly filed felony cases to prosecutors comparable to those of other major metropolitan areas, such as Atlanta and Los Angeles, where more than 150 felony cases are filed per prosecutor each year. But large prosecutor caseloads are not confined to the Chicago area or other large counties: both Lee and Saline counties filed more than 150 new felony cases per prosecutor in 1988. In four counties where only the elected state's attorney represents felony cases, Alexander, Clinton, Jersey, and Richland, more than 100 felony cases were filed per prosecutor in 1988.

HOW HAS THE PROSECUTOR'S ROLE WITH VICTIMS AND WITNESSES CHANGED?

The Bill of Rights for Victims and Witnesses of Violent Crime, which took effect in December 1984, was landmark legislation for crime victims in Illinois.[39] Illinois is one of 45 states that had enacted bills of rights for crime victims as of 1988.[40] As originally passed, the Illinois bill of rights for victims requires state's attorneys to do the following:[41]

- Notify victims when any criminal proceeding in which they are involved is initiated by information, indictment, or filing of a delinquency petition
- Inform victims, upon request, when the defendant has been released on bond
- Explain to victims, in non-technical language and upon request, the details of any plea or verdict
- Notify victims, upon request, of the ultimate disposition of their cases
- Intercede on behalf of victims and witnesses to ensure the cooperation of their employers and to minimize any loss of pay
- Provide, where possible, a secure waiting area for victims and witnesses during court proceedings
- Notify victims of the right to submit victim impact statements at sentencing

Under state law, most victims of violent crime have the option of presenting impact statements explaining how the crime affected their lives. These statements, which must be prepared in conjunction with the state's attorney's office, are presented orally before the court during sentencing hearings not involving the death penalty.[42] During 1988, the Victim-Witness Unit of the Cook County State's Attorney's Office helped prepare 311 victim impact statements, which is down slightly from 1987, but is three times the number it helped prepare in 1986. In addition, the state's attorney's office may also send a victim impact statement to the Illinois Prisoner Review Board for the board to consider before releasing a prisoner on parole (see Chapter 4 for more information on the Prisoner Review Board).

In 1987 and again in 1989, new legislation requiring even more consideration of crime victims' rights was enacted. The new legislation requires state's attorneys to do the following:

- Notify victims if there is a cancellation of a scheduled hearing at which the victim's presence is required
- Provide victims with a written explanation, in non-technical language, of their rights under the bill of rights law
- Notify victims, upon request, before prosecutors offer a plea bargain to the defendant or enter into negotiations concerning a possible plea bargain
- Notify victims, upon request, of any hearings concerning an appeal or petition for post-conviction review filed by the defendant
- Notify victims or staff of victim advocacy organizations about social services or financial assistance available to victims
- Ensure the expeditious return to victims of stolen property held by law enforcement authorities as evidence or for other purposes
- Provide appropriate employer intercession services to victims to minimize loss of pay and benefits resulting from court appearances
- Inform victims at the sentencing hearing of the minimum time that the defendant may actually be physically imprisoned
- Submit the victim's or family's statement—in writing, on film, on videotape, or on other electronic means—to the Prisoner Review Board when it conducts the parole hearing for an offender

Just as prosecutors have certain responsibilities to victims of crimes, victims too have certain obligations under the bill of rights law. For example, victims must promptly report the crime to police, cooperate with criminal justice authorities throughout all aspects of the proceedings, testify for the state at the defendant's trial, and notify authorities of any changes in address.

HOW MUCH COMPENSATION DOES THE STATE PAY TO CRIME VICTIMS?

Illinois' bill of rights for crime victims requires state's attorneys to inform victims about the social services and financial assistance available to them and to help victims take advantage of these programs. In Illinois, financial assistance is available to victims of violent crimes and their families through the 1973 Crime Victims Compensation Act.[43] Illinois is one of 46 states that had established such programs as of 1988.[44]

For years, compensation awards in Illinois were supported solely by General Revenue funds appropriated by the Illinois General Assembly. Since the federal Victims of Crime Act of 1984 was enacted, the Illinois program has been supplemented with federal money as well.

Up to $25,000 may be awarded for each victim claim to cover expenses incurred as a direct result of the crime—medical costs, counseling, loss of earnings, tuition reimbursement, replacement services,[45] funeral and burial services, and loss of support for dependents of a deceased victim. In 1988, Illinois' compensation law was amended to increase the maximum compensation for loss of earnings to $1,000 a month and the maximum for funeral expenses to $3,000.[46] The program does not compensate for loss of, or damage to, personal property or for pain and suffering.

Between state fiscal years 1980 and 1989, more than $24 million was awarded to 7,088 victims of violent crime in Illinois (Figure 2-9). Approximately 28 percent of the total was given out during fiscal years 1984 and 1985, when yearly awards topped $3 million. But despite the infusion of federal funds, the amount of compensation paid to crime victims in Illinois has dropped in recent years, from $2.7 million in fiscal 1987 to $2.4 million in fiscal 1988 and $2.2 million in fiscal 1989.

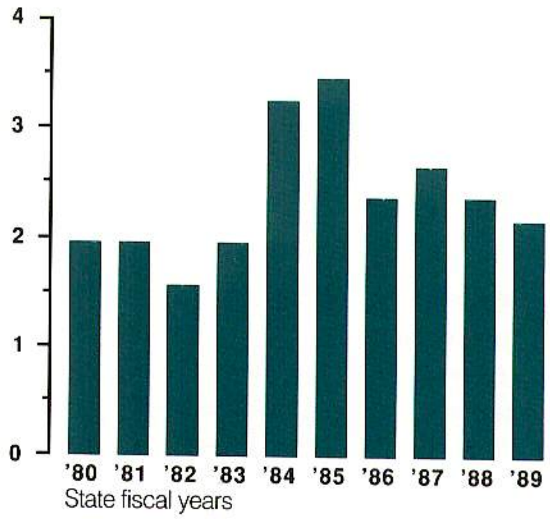
Approximately 67 percent of the 10,635 compensation claims that were processed between fiscal years 1980 and 1989 resulted in awards to victims. From fiscal 1984 to fiscal 1988, the number of claims awarded steadily decreased from a high of 1,159 in 1984 to 535 in 1988 (Figure 2-10). In fiscal 1989, the number of awards rose slightly to 590.[47] The average award granted between 1980 and 1989 was approximately $3,400.[48] In fiscal 1985, the average award reached a nine-year high of nearly $4,100, compared to $3,650 in fiscal 1989.

To receive compensation, a victim must file a claim with the Illinois Attorney General's Office. The victim need not be an Illinois resident, the crime must have occured in the state. The victim must report the crime to police within 72 hours and must cooperate with authorities in apprehending and prosecuting the offender. Even if the offender is not apprehended or convicted, the victim may still be eligible for compensation.

The Attorney General's Office investigates each claim and recommends whether it should be awarded, denied, or dismissed. The Illinois Court of Claims decides each case and disburses awards. Claims may be denied for several reasons: if the victim fails to report the crime within 72 hours, if the victim provokes the crime or engages in illegal conduct at the time of the crime, or if the loss is not eligible for compensation (for instance, if it is covered by insurance or public aid).

Figure 2–9
Compensation awards to crime victims in Illinois have fallen since 1987.

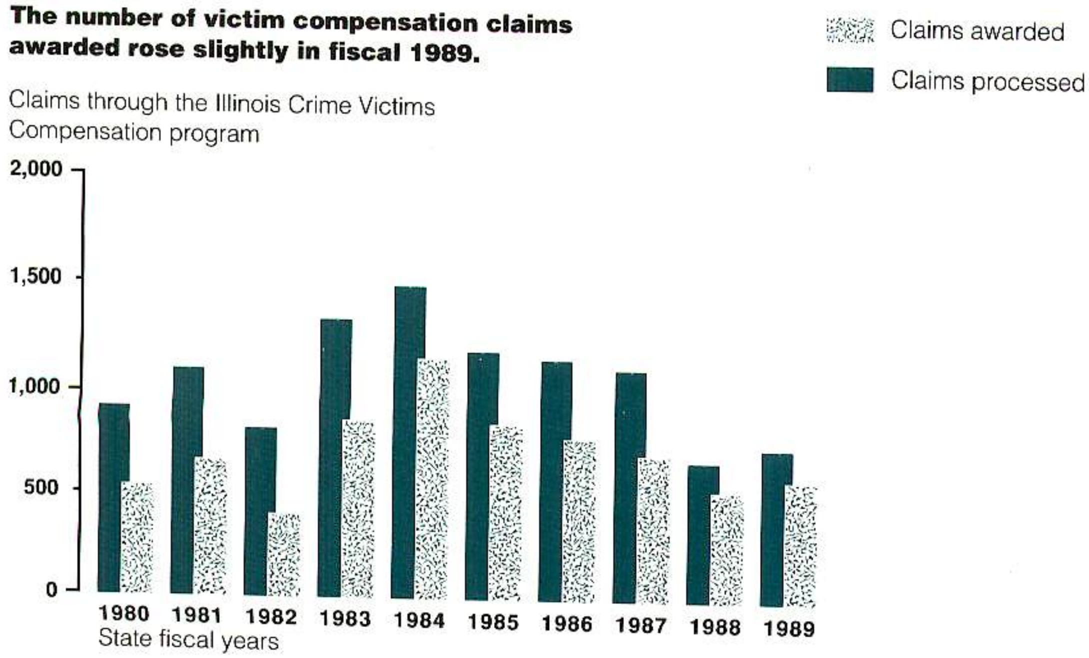
Dollars awarded through the Illinois Crime Victims Compensation program (millions)



Source: Illinois Court of Claims

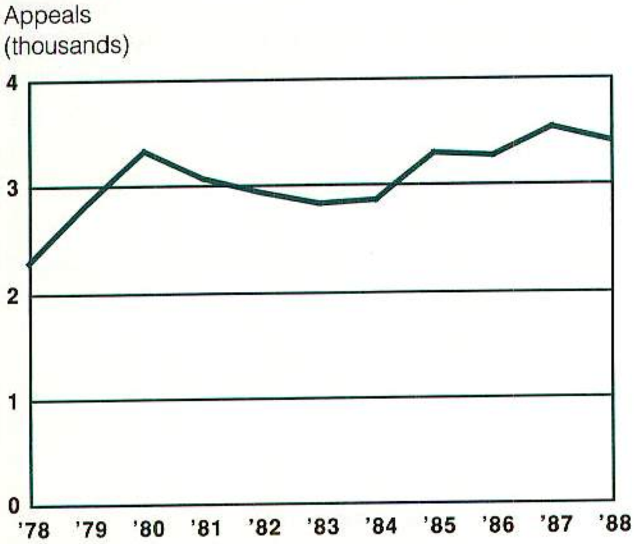
Figure 2–10
The number of victim compensation claims awarded rose slightly in fiscal 1989.

Claims through the Illinois Crime Victims Compensation program



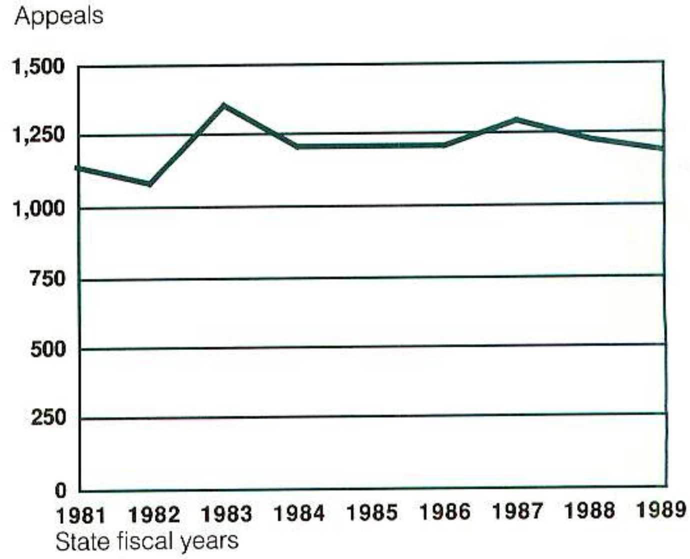
Source: Illinois Court of Claims

Figure 2–11
The number of criminal appeals filed in the Illinois Appellate Court declined slightly in 1988.



Source: Administrative Office of the Illinois Courts

Figure 2–12
The number of criminal appeals handled by the Office of the State's Attorneys Appellate Prosecutor has declined since 1987.



Source: Office of the State's Attorneys Appellate Prosecutor

HOW MANY CRIMINAL APPEALS ARE FILED IN ILLINOIS?

The Illinois Appellate Court is the first court of appeal for cases adjudicated in the trial courts, except for cases involving the death penalty, which are appealed automatically to the Illinois Supreme Court (see Chapter 3 for more information about the Illinois Appellate Court). Every defendant who is found guilty has the right to appeal. Even a defendant who pleads guilty may appeal if he or she files a motion to withdraw the plea within 30 days of when the sentence was imposed and the trial court grants the motion. The state may also appeal under certain circumstances.[49]

Between 1987 and 1988, the number of criminal appeals filed in the Illinois Appellate Court decreased 4 percent, from 3,531 to 3,393 (Figure 2-11). During the previous 10 years, the number of criminal appeals increased 55 percent. There was a 46-percent increase between 1978 and 1980 alone, followed by a steady decline through 1983. The number of criminal appeals increased slightly in 1984 and more dramatically in 1985 and 1987.

Between state fiscal years 1981 and 1989, the Office of the State's Attorneys Appellate Prosecutor,[50] which assists most state's attorneys outside Cook County with criminal appeals, represented the state in 10,883 criminal appeals on behalf of those counties (Figure 2-12). The number of criminal appeals handled by this office ranged from a low of 1,079 in fiscal 1982 to a high of 1,349 in fiscal 1983. In fiscal 1989, the Appellate Prosecutor's Office represented the state in 1,184 criminal appeals on behalf of 98 county state's attorneys.

Criminal appeals in which a federal or state statute has been held invalid, and appeals by defendants who have been sentenced to death by the Circuit Court, bypass the state Appellate Court and are taken directly to the Illinois Supreme Court.[51] In addition, the state Supreme Court may choose to hear appeals of any Illinois Appellate Court decision that affirms or reverses a trial court ruling.

WHAT IS THE WORKLOAD OF PUBLIC DEFENDERS IN ILLINOIS?

Although each public defender's office in Illinois generates and maintains its own management statistics, there is no uniform, statewide system for public defenders to compile and report certain types of data. For this reason, aggregate statistics on the number of cases handled by public defenders in Illinois are unavailable. However, data from Cook County and from the Office of the State Appellate Defender indicate that public defense workloads are increasing.

The Cook County Public Defender's Office provided representation in 18,620 felony cases that reached final dispositions—adjudication concluded—in fiscal year 1989, a 31.5-percent increase over the 14,151 felony cases represented by the office in 1988. In addition, the Cook County Public Defender's office disposed of 305 felony cases per attorney in 1989, an average increase of 74 cases per attorney over the 1988 figure. The American Bar Association in 1973 set a standard caseload per public attorney of 150 felony cases a year.[52]

The Appellate Division of the Cook County Public Defender's Office was appointed in 1,006 felony cases in fiscal 1989, down slightly from 1,059 cases in fiscal 1986. That decrease was largely due, however, to a change in the office's reporting system. The 1986 figure includes cases heard by the Illinois Supreme Court; later years do not include Supreme Court Appeals.

The Office of the State Appellate Defender, which represents virtually all indigent defendants pursuing appeals from counties outside Cook, as well as a substantial number of those from Cook County, was appointed 1,447 cases in fiscal 1989, a 4-percent decrease from the 1,504 appointments made in 1988, but an overall 10.5-percent increase from the 1,309 cases appointed during fiscal 1985.[53]

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

Notes

1 Although the Illinois attorney general's duties include criminal matters, the office is primarily involved with civil matters.

2 By statute, the Office of the State's Attorneys Appellate Prosecutor may represent the people of Illinois on appeals in criminal cases, juvenile cases, paternity cases, cases arising under the Mental Health and Developmental Disabilities Code, and cases arising under the Narcotics Profit Forfeiture Act, provided that the case originates from a judicial (appellate) district of less than 3 million inhabitants and that the state's attorney otherwise responsible for prosecuting the appeal requests such assistance (Ill.Rev.Stat., ch. 14, par. 204.01). The Cook County State's Attorney's Office has its own Criminal Appeals Division, which serves the 1st Appellate District.

3 These 25 counties employ part-time assistant state's attorneys: Adams, Bureau, Champaign, Clark, Clinton, Cook, Douglas, Edgar, Fayette, Ford, Franklin, Johnson, Kane, Kendall, LaSalle, Livingston, Macoupin, Madison, Mercer, Monroe, Saline, Union, Washington, Will, and Woodford.

4 Criminal charges generally fall into two categories—felonies and misdemeanors. A felony is an offense that is punishable by a term of imprisonment of one year or more, or a sentence of death (Ill.Rev.Stat., ch. 38, par. 2-7). A misdemeanor is an offense for which a term of imprisonment in a facility other than a penitentiary for less than one year may be imposed (Ill.Rev.Stat., ch. 38, par. 2-11).

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

6 Four states require grand jury indictments for prosecuting all crimes; 14 states and the District of Columbia require an indictment to initiate all felony cases; and six states require that an indictment be returned only when the defendant is charged with a capital offense. In one state, Pennsylvania, the grand jury lacks authority to indict. (Bureau of Justice Statistics, 1988, p. 72.)

7 Ill.Rev.Stat., ch. 38, par. 102-11.

8 Ill.Rev.Stat., ch. 38, par. 112-6.

9 Ill.Rev.Stat., ch. 38, par. 112-2.

10 Ill.Rev.Stat., ch. 38, par. 112-3.

11 Ill.Rev.Stat., ch. 38, par. 102-12.

12 Ill.Rev.Stat., ch. 38, par. 111-2. If the defendant waives the right to a preliminary hearing, criminal proceedings commence as if probable cause had been found.

13 Ill.Rev.Stat., ch. 38, par. 102-9.

14 Ill.Rev.Stat., ch 38, par.111-2.

15 However, a finding of "no probable cause" by the court does not preclude the defendant from being indicted for the same offense at a later date by a grand jury.

16 Bureau of Justice Statistics, 1988, p. 73.

[17] Ill.Rev.Stat., ch. 56 1/2, pars. 710, 1410.

[18] The main difference between arbitration and mediation is that the decision of the arbitrator is legally binding on the parties; with mediation, it is the parties themselves who come to a mutual agreement. To date, arbitration has not been used in criminal matters in Illinois, but is being used in some civil cases.

[19] Under certain circumstances, trial proceedings may commence in the absence of the defendant (Ill.Rev.Stat., ch. 38, par. 115-4.1).

[20] Ill.Rev.Stat., ch. 38, par. 32-10.

[21] Defendants may also plead guilty but mentally ill. However, the court can accept this type of plea only if the defendant has been examined by a clinical psychologist or psychiatrist and if the judge has examined the results , has held a hearing on the issue of the defendant's mental condition, and is satisfied that there is a factual basis for the claim that the defendant was mentally ill at the time of the offense. In addition, defendants charged with violating the Illinois Income Tax Act (Ill.Rev.Stat., ch. 120, par. 1-101, et seq.) may plead guilty, not guilty, or (with the consent of the court) *nolo contendere.* A defendant who enters a plea of nolo contendere does not contest the charge, but neither admits guilt nor claims innocence. A plea of nolo contendere can still be followed by a conviction and by a sentence, however.

[22] Procedures for entering pleas vary among jurisdictions, and actions constituting an arraignment may occur at other court appearances after arrest and prior to trial. However, a defendant's plea becomes official only at arraignment.

[23] Peter F. Nardulli and Roy B. Fleming, *Pleas without Bargaining: Guilty Pleas in the Felony Courts of Illinois, Michigan, and Pennsylvania* (Urbana, Ill.: Institute of Government and Public Affairs, University of Illinois, 1985).

[24] Ill.Rev.Stat., ch. 38, par. 103-4.

[25] Ill.Rev.Stat., ch. 38, par. 113-3(b).

[26] Illinois counties with 35,000 or more inhabitants are required to have a public defender's office; counties with fewer than 35,000 people are not required to create this office, but may do so if approved by the county board. Any two or more adjoining counties within the same judicial circuit may, by joint resolution of their county boards, create a common public defender's office. (Ill.Rev.Stat., ch. 34, par. 5601 et seq.)

[27] Although public defenders provide representation primarily in Juvenile and Circuit court hearings, they also function in the following courts through appeals and collateral review (federal habeus corpus): federal courts, district courts, circuit courts of appeals, and the U.S. Supreme Court

[28] Ill.Rev.Stat., ch. 37, pars. 801-5, 802-15, 803-17, 803-19, 804-4, 805-25, 806-7; Ill.Rev.Stat., ch. 38, par. 113-3; Ill.Rev.Stat., ch. 40, par. 2518; Ill.Rev.Stat., ch. 91, pars. 3-805, 4-605.

[29] Ill.Rev.Stat., ch. 38, par. 208.

[30] By statute, the state appellate defender must operate an office in each of the state's five judicial (appellate) districts (Ill.Rev.Stat., ch. 38, par. 208-9(a)).

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

[32] Ill.Rev.Stat. ch. 38, par. 121-130.

[33] Ill.Rev.Stat. ch. 38, par. 121-130.

[34] These figures include only those felony cases filed that resulted in findings of probable cause at a preliminary hearing or that resulted from grand jury indictments.

[35] In addition to including an undetermined number of ordinance and conservation violations in the totals for misdemeanor case filings in Cook County, AOIC prior to 1982 included felony preliminary hearings in this category as well. For this report, however, AOIC data were adjusted so that felony preliminary hearings were excluded from the statistics for misdemeanor cases filed.

[36] In 1983, the American Civil Liberties Union filed a class action lawsuit challenging the Chicago Police Department's procedure on several grounds (*Michael Nelson, et al. v. City of Chicago, et al.*, No. 83C-1168, U.S. District Court for the Northern District of Illinois, Eastern Division). The resulting modifications by the police department may account, at least in part, for the general decline in misdemeanor charges filed in Cook County courts after 1982. This lawsuit is also the source of disorderly conduct arrest numbers cited in this section.

[37] The following statistics on guilty pleas and trials are reported by AOIC in term of *defendants.* They should not be compared with statistics on *case filings.*

[38] The felony case filing/prosecutor ratio is based on a comparison of new felony case filings during 1988 and the number of elected and assistant state's attorneys handling felony cases in 1989. Although this comparison involves two different years, a review of the number of

assistant state's attorneys employed by each county in 1989 indicates that in counties where change occurred (approximately 30 percent), the number of assistant state's attorneys increased rather than decreased. This suggests that the ratio used here comparing 1988 felony case filings with the number of prosecutors in 1989 probably underestimates the number of cases per prosecutor in 1988. The lower number of prosecutors in 1988 than in 1989 would mean that even fewer state's attorneys were handling the felony cases filed than are reflected in this ratio.

[39] Ill.Rev.Stat., ch. 38, par. 1401 et seq.

[40] *Victims Rights and Services: A Legislative Directory* (Washington, D.C.: National Organization for Victim Assistance, 1988).

[41] The Bill of Rights for Victims and Witnesses of Violent Crime affects other criminal justice agencies besides state's attorneys' offices; however, those requirements are not germane to this discussion.

[42] In June 1987, the U.S. Supreme Court ruled that the Constitution bars the use of victim impact statements at sentencing hearings in which the death penalty is a possible sentence (*Booth v. Maryland*, 107 S.Ct. 2529, 1987). Citing the Eighth Amendment's ban on cruel and unusual punishment, the Court held that victim impact information was ordinarily irrelevant to a capital sentencing decision. Such decisions, the Court said, should turn on the defendant's "moral blameworthiness," and should be based on reason rather than on caprice or emotion. In 1989, the Illinois Supreme Court held that the testimony of victims and their families is not an unconstitutional infirmity in non-capital sentencing hearings (*People v. Felella* No. 66444).

[43] Ill.Rev.Stat., ch. 70, par. 71 et seq.

[44] National Organization for Victim Assistance, telephone interview, October 1989.

[45] "Replacement services" are expenses incurred in obtaining ordinary and necessary services in lieu of those that permanently injured persons (or the dependents of deceased victims) would have performed for themselves, not for money but for the benefit of themselves and their families. For example, homemakers who are no longer able to perform some or all of their usual household tasks because of a victimization could be compensated for the cost of hiring a maid.

[46] Ill.Rev.Stat., ch. 70, par. 72(h).

[47] The generally low number of awards granted in fiscal years 1988 and 1989, according to the Illinois Attorney General's Office, is due to a shortage of claims analysts to process claims during those years. By the end of 1989, staffing levels had returned to 1987 levels, and the Attorney General's Office has awarded 550 grants in the first six months of fiscal year 1990 (compared to 590 in all of fiscal 1989).

[48] These average award figures are only approximations, since the number of claims awarded and the dollars paid out in a given fiscal year do not necessarily correspond. Because of a mandatory 30-day waiting period between the date of an award and the release of the associated check, an award made late in one fiscal year might not be paid out until the next fiscal year.

[49] Ill.Rev.Stat., ch. 110A, par. 604-605.

[50] Prior to July 1, 1987, this office was known as the State's Attorneys Appellate Service Commission.

[51] Ill.Rev.Stat., ch. 110A, par. 603.

[52] The American Bar Association standard for felony cases is commonly interpreted as cases brought to final disposition per year. The caseload guidelines for public defenders were published by the ABA's National Advisory Committee on Criminal Justice Standards and Goals in 1973 in its *Report on Courts* (Washington, D.C.: American Bar Association, 1973). According to the Special Committee on Criminal Justice in a Free Society of the American Bar Association, which referred to these standards in its 1988 report *Criminal Justice in Crisis* (Washington, D.C.: American Bar Association, 1988), "Emphasis should be placed on the fact that these guidelines set the maximum conceivable caseload that an attorney could reasonably manage" (p. 68). The definition of *case* used in the *Report on Courts* is "a single charge or set of charges concerning a defendant (or other client) in one court in one proceeding. An appeal or other action for post-judgment review is a separate case." The *Report on Courts* goes on to explain that public defender workloads are difficult to ascertain because some offices do not measure workload in terms of number of cases, the definition of case varies from jurisdiction to jurisdiction, and cases within a given classification may require more work depending on the jurisdiction. For instance, juvenile, mental health, and traffic cases embrace a right of jury trial in some states and not in others (p. 276).

[53] *Office of the State Appellate Defender Annual Report*, fiscal year 1988.

Prosecution and Public Defense Financing

The vast majority of the money needed to prosecute criminal cases and represent indigent defendants in Illinois is spent by the state's 102 counties, through their state's attorneys' offices and public defense programs. Throughout the process, however, the state government supports the counties in a variety of ways—by initiating some criminal prosecutions, and advising and assisting county prosecutors on others; by reimbursing the counties for some prosecutorial expenses; and by handling the prosecution and public defense of many cases that reach the appellate level.

This section examines how the prosecution of criminal cases is funded in Illinois, and how much money the counties and the state are spending on this activity. It also analyzes the same basic questions for public defense in the state.

HOW IS PROSECUTION AT THE COUNTY LEVEL FUNDED IN ILLINOIS?

State's attorneys' offices in Illinois receive funding from three primary sources: (1) their counties' general revenue funds; (2) the state government, for partial reimbursement of salaries; and (3) indirectly, through various fees, fines, and grants, many of which are earmarked for specific prosecutorial activities.

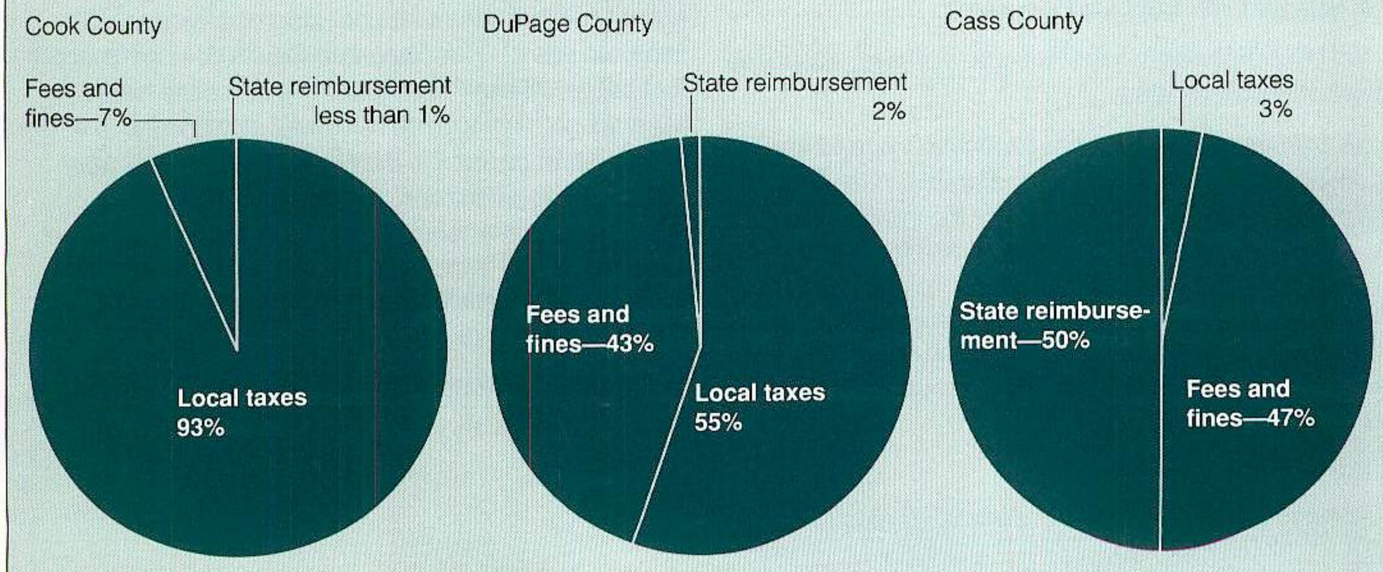
■ **Local taxes** In most medium to large counties, the majority of funding for the state's attorney's office comes from the county's general revenue fund, which is made up of property, sales, and other local taxes, as well as some revenue from the state government and from fees and fines. In Cook County, for example, tax revenue accounted for more than 93 percent of the $37.7 million spent by the state's attorney's office from the Corporate Purposes Fund in fiscal year 1988, with less than 1 percent ($93,003) coming from the state in the form of salary reimbursements and 7 percent from fees and fines (Finance 2-1). Similarly, tax revenue (55 percent) and fees and fines (43 percent) accounted for almost all of the nearly $3.2 million in direct expenditures for the DuPage County State's Attorney's Office in fiscal 1988.

In less populous counties, where there is only one prosecutor and overall expenditures for the state's attorney's office are therefore much lower, tax revenue accounts for a much smaller percentage of total spending. For example, only about 3 percent of the money spent by the Cass County State's Attorney's Office in fiscal 1988 came from tax revenue, while approximately half came from the state in the form of the salary reimbursement.

■ **State funds.** Two-thirds of the salary of the elected state's attorney in each Illinois county is paid for by the state government using General Revenue funds.[1] Between state fiscal year 1972 and the peak year of fiscal 1978, these reimbursements increased (in constant dollars) by more than 77 percent (Finance 2-2). Most of this increase, was the result of revisions over the years in the state statutes that set minimum salaries for state's attorneys: as the minimum salary increased, the amount of money the state had to pay to satisfy its two-thirds requirement increased as well. In the

Finance 2–1

In fiscal 1988, tax revenue accounted for a much larger percentage of total state's attorneys' spending in large counties such as Cook and DuPage than in smaller counties such as Cass.



Source: Office of the Cook County Comptroller; DuPage County Finance Department; Cass County Finance Department

1980s, the annual amount of state reimbursement has been relatively steady (after adjustments for inflation), but lower than the 1978 peak.

In addition to contributing to the salaries of elected state's attorneys, the state also reimburses counties for the salaries of one or more assistant state's attorneys if a state correctional, mental health, or higher educational institution is located within their counties. For example, in counties containing a state correctional institution, the state is required to pay between $12,000 and $22,000 a year per prosecutor, for up to three prosecutors, for services rendered in connection with the institution.[2] This reimbursement, which is administered through the Illinois Department of Corrections, totaled $326,524 in fiscal 1988.

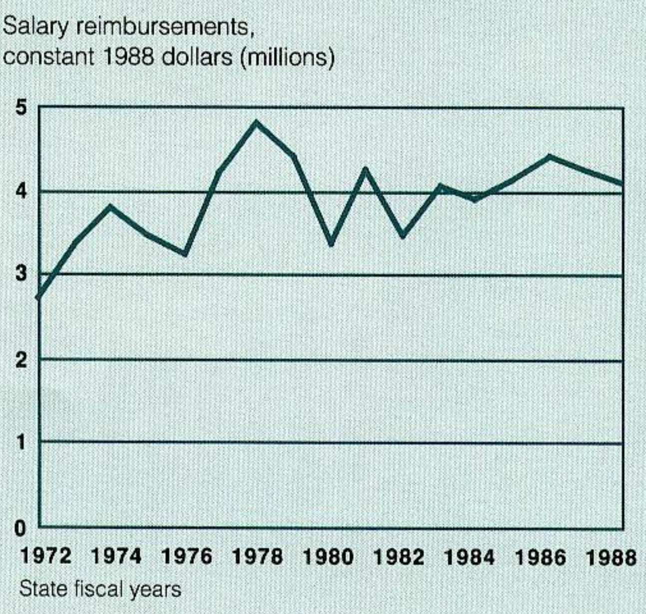
With these salary reimbursements, the state ends up paying a relatively large percentage of the total expenses in state's attorneys' offices with small staffs, but a relatively small percentage in larger offices that have several assistant prosecutors, investigators, and support staff (see FINANCE 2-1). In Cass County, where the elected state's attorney is the sole prosecutor, expenditures for the state's attorney's office (including salaries for the state's attorney and the office secretary, as well as supplies) totaled $62,284 in fiscal 1988. Almost half of that amount, or $31,002, was paid for by the state to cover two-thirds of the state's attorney's salary. In contrast, only about 2 percent of DuPage County's direct fiscal 1988 expenditures for its state's attorney's office were paid for by the state in the form of salary reimbursements. In Cook County that year, the of the state's contribution was an even lower percentage (less than 1 percent), even though the county receives salary reimbursements for the elected state's attorney and for three assistant state's attorneys who provide services for the state facilities in the county.

■ **Fees and fines.** State's attorneys' offices typically generate some revenue through the imposition of fees and fines. Much of this revenue is deposited into their counties' general revenue funds, although some fees and fines, as well as grants that prosecutors' offices may receive, are designated for specific activities. In fiscal 1988, for example, the Cook County State's Attorney's Office spent more than $5.3 million in grants for enforcement of child support laws and another $314,000 in grants for suburban bond courts, victim-witness assistance efforts, and specialized drug prosecutions. (See the next question for more information about fee and fine revenue generated by state's attorneys' offices.)

■ **Other sources.** In addition to traditional local and state funding sources, some Illinois counties are funding special prosecutorial programs in innovative ways, drawing from a variety of sources. In DuPage County, a children's center for the investigation and prosecution of child abuse cases draws on resources from the state's attorney's office, the state government (in the form of grants and staff from the Department of Children and Family Services), municipalities in the county (which devote a line item in their budgets to the center), and private contributions. Similarly, DuPage County's DUI Task Force received financial support and other resources from both the county and the municipalities within the county.

FINANCE 2–2

State government paid about $4 million in state's attorneys' salary reimbursements in fiscal 1988.



Source: Office of the Illinois Comptroller

HOW MUCH REVENUE DO PROSECUTORS GENERATE THROUGH FEES AND FINES?

Although most of the money in counties' general revenue funds comes from tax dollars, some county revenue is generated by state's attorneys' offices through the imposition of fees and fines on certain criminal defendants and others. For example, state's attorneys can charge fees, ranging from $10 to $50 a case, for prosecuting a variety of criminal cases (see FINANCE 2-3 for examples of these fees).

In general, fee and fine money is collected for the state's attorney's office by the office of the clerk of the Circuit Court. Most of the money is then deposited into the county's general revenue fund, although there are special funds designated for particular fees and fines. Between fiscal years 1974 and 1986 (the last year for which statewide data are available), the revenue generated by state's attorneys' offices in Illinois increased more than 37 percent in constant dollars (FINANCE 2-4). In the collar counties, state's attorneys' revenue has increased sharply, especially in the 1980s, while outside the Chicago area,

FINANCE 2–3

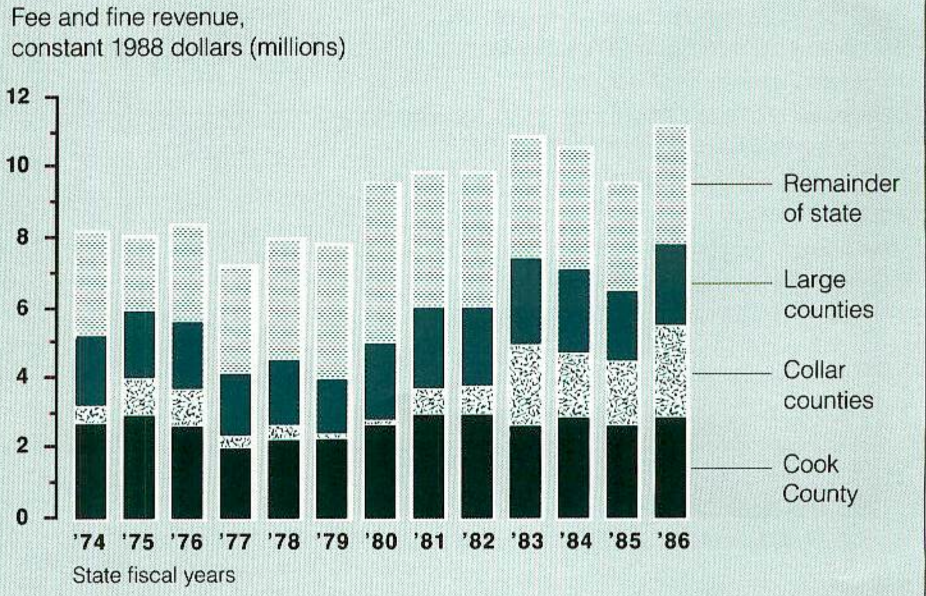
Examples of fees that state's attorneys can charge.

Offense	Fee
First-degree murder	$30
Involuntary manslaughter	$30
Criminal sexual assault	$30
Kidnapping	$30
Arson	$30
Forgery	$30
Other cases punishable by imprisonment in a penitentiary	$30
Convictions in other cases tried before Circuit Court judges	$15
Convictions in cases which may be assigned to an associate judge	$10
Preliminary examinations for defendants held on bail or recognizance	$10
Defendants held to answer for a charge of paternity in a Circuit Court	$10
Each trial held on a paternity charge	$30
Cases taken to the Appellate or Supreme courts that are handled by the state's attorney	$50

Source: Illinois Revised Statutes

FINANCE 2–4

Fee and fine revenue generated by state's attorneys' offices has generally increased since the late 1970s.



Source: Office of the Cook County Comptroller; Office of the Illinois Comptroller

constant-dollar revenue rose by nearly 14 percent in large counties and by more than 16 percent in the remainder of the state between fiscal years 1974 and 1986.[3] In Cook County, revenue generated by the state's attorney's office fluctuated between $2.5 and $3 million in the 1980s, in constant dollars. However, the fiscal 1988 total was 17 percent less than the peak 1981 amount.

In many Illinois counties, including some of the large ones, the fees and fines collected as a result of prosecution activity represent a substantial percentage of the total amount of money spent by the prosecutors' offices. The DuPage County State's Attorney's Office, for example, generated nearly $1.4 million in fees and fines in fiscal 1988, which corresponded to 43 percent of the office's direct expenditures that year (see FINANCE 2-1). In Cook County, the state's attorney's office generated almost $2.5 million in fees and fines in fiscal 1988—the highest total of any county in the state. But because the expenditures of this office are relatively high, this revenue represented less than 7 percent of the total expenditures that year.

In some of the state's smaller counties, the state's attorney's office is almost self-sufficient, in a way, because of the fees and fines it generates and the salary reimbursement it receives from the state. The Cass County State's Attorney's Office, for instance, spent $62,284 in fiscal 1988, but received $31,002 (50 percent of the total) in salary reimbursement and generated $29,431 in fees and fines (more than 47 percent of the total). As a result, Cass County (like other small counties in Illinois) does not have to rely as heavily on local tax dollars to finance its state's attorney's office as large counties (such as Cook) do.

In addition to generating fee and fine revenue, state's attorneys' offices in Illinois are also entitled to a portion of the proceeds of assets forfeited by drug offenders who are prosecuted by their offices. These receipts are put into a special county fund to be used specifically for the prosecution of future drug cases. Because there is no centralized reporting of these receipts, the total amount of money received by state's attorneys' offices statewide as a result of asset forfeitures cannot be easily determined. Statutorily, however, 12.5 percent of the value of all assets forfeited under the state's Narcotics Profit Forfeiture Act are returned to the county whose state's attorney's office initiated the prosecution.[4]

HOW IS PROSECUTION AT THE STATE LEVEL FUNDED IN ILLINOIS?

There are two main state-level prosecution agencies in Illinois, both of which are funded primarily from state General Revenue funds:

- The Illinois Attorney General's Office handles civil matters, primarily, but also initiates some criminal prosecutions and helps county prosecutors with complex criminal cases.
- The Office of the State's Attorneys Appellate Prosecutor assists most county state's attorneys' offices with their criminal appeals.

In state fiscal year 1988, the Attorney General's Office spent approximately $26.7 million, more than 92 percent of which came from the state General Revenue Fund. About 7.5 percent came from the Violent Crime Victims Assistance Fund, which supports public and private victim and witness assistance centers throughout the state, and less than 1 percent came from other funds.

Money the Attorney General's Office spends for victim-witness assistance comes from specific fines and penalties that are collected by the Circuit court clerk's office in each county and deposited into the Violent Crime Victims Assistance Fund in the state treasury.[5] In fiscal 1987, circuit clerks' offices statewide collected more than $3 million for this state fund. More than one-quarter of this total ($778,618) came from Cook County; almost 23 percent ($685,461) came from the collar counties of DuPage, Kane, Lake, McHenry, and Will; and the remaining 52 percent ($1.56 million) came from the Circuit courts in the state's other 96 counties.

Like the Attorney General's Office, the Office of the State's Attorneys Appellate Prosecutor is funded largely through state General Revenue funds. However, a sizable percentage of the office's funding comes from the counties that rely on the office for help with criminal appeals.

Every Illinois county except Cook annually deposits a pro-rated sum of money, determined by its population, with the state treasurer in a fund called the State's Attorneys Appellate Prosecutor's County Fund.[6] Between state fiscal years 1979 (the first full year the appellate prosecutor's office was in operation) and 1982, county contributions to this fund remained relatively steady (in constant dollars). Over the next six years, however, they increased more than 52 percent (in constant dollars) to more than $956,000 in fiscal 1988 (FINANCE 2-5). Despite this increase, the proportion of the office's expenditures paid for by the counties has remained constant at about 30 percent since 1979.

In fiscal 1988, county contributions accounted for 31 percent of the appellate prosecutor's office's total expenditures. State General Revenue funds made up another 67 percent, with the remaining 2 percent coming from the sale of publications and from the office's share of money collected from drug offenders under the Narcotics Profit Forfeiture Act (slightly more than $9,200 in fiscal 1988).

HOW ARE PUBLIC DEFENSE SERVICES COMMONLY ORGANIZED AND FINANCED IN THE UNITED STATES?

Unlike prosecution, where organization and funding sources are fairly standard across the country, public defense is organized and financed in a number of ways, not all of which involve government agencies directly providing public defense services. There are three basic ways in which these services are commonly organized in the United States:

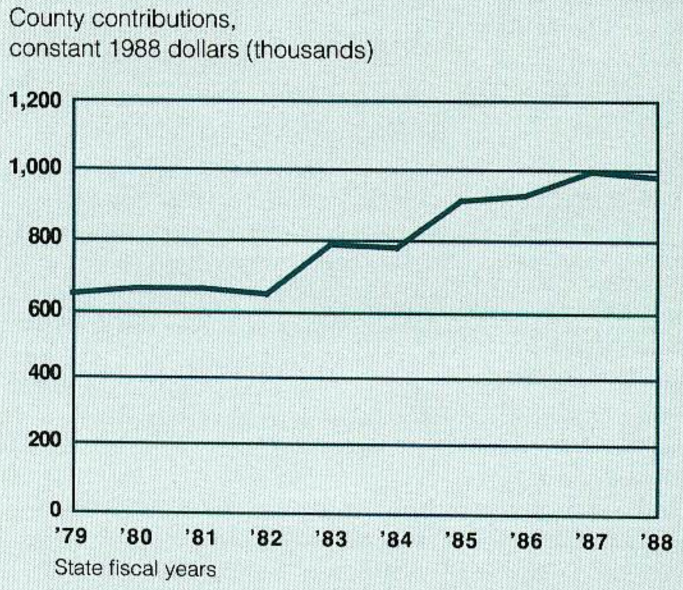
1. Public defenders' offices within county government
2. Contracted private attorneys to provide public defense services for one or more counties
3. Private counsel assigned on a case-by-case basis

Nationally, 52 percent of all counties in 1986 used assigned counsel, 37 percent had established public defenders' offices, and 11 percent contracted for public defense services.[7] That year in Illinois, according to the same survey, the breakdown was quite different: 74 of the state's 102 counties had a public defender's office and 28 used assigned counsel. And by August 1989, only eight counties in Illinois still used court-assigned counsel.[8] (See pages 94–96 for more information about how public defense is organized in Illinois.)

In large counties, where the demands for public defense are fairly constant, it is not only efficient to have an established public defender's office within county government, it is the law: any county in Illinois with 35,000 or more inhabitants is required under state law to have a public defender's office.[9] In smaller counties

FINANCE 2-5

Counties contributed nearly $1 million to the State's Attorneys Appellate Prosecutor's County Fund in fiscal year 1988.



Source: Office of the Illinois Comptroller that are not required to have a public defender's office, defense of indigent persons is handled in different ways. Some counties, for example, assign cases to private attorneys on a case-by-case basis. Under this arrangement, the costs to the county are not necessarily known up front. Counties contract to pay a "reasonable fee"—usually a certain hourly rate for in-court time and a lower rate for time spent working on the case outside court. Because these fees are not set by statute, except in Cook County, counties can incur big expenses for a case that consumes a large amount of a court-appointed attorney's time.[10]

To protect themselves against these unexpected costs, other counties find it more cost-effective to contract with a private attorney to represent all indigent defendants for a certain length of time, such as a year. Under this arrangement, the cost of a complex or time-consuming case must be absorbed by the contractual attorney, who may, however, lack the necessary resources to adequately represent the defendant. Regardless of whether the private attorneys are used on a contractual or case-by-case basis, the only compensation they usually receive from the counties is a salary. In cases requiring expert testimony, an interpreter, or other extraordinary expenses, the attorneys must request additional funds from the county board.

A third way in which some smaller counties provide public defense services is to share the services of a common public defender's office or contractual attorney.[11] As of August 1989, three such common public defense arrangements existed in Illinois: in Brown, Cass, and Schuyler counties, in Clark and Edgar counties, and in Franklin and Hamilton counties.

HOW ARE PUBLIC DEFENSE SERVICES FUNDED IN ILLINOIS?

Regardless of whether public defense is provided by a government attorney or private counsel, it is government, at one level or another, that ultimately pays for the services. According to a 1986 survey, public defense in the United States is usually paid for in one of four ways:[12]

- Twenty states fund all indigent defense with state dollars.
- In 10 states, indigent defense is financed solely with county funds.
- In 15 states, the state and the counties share the expenses of both trial and appellate indigent defense programs.
- In five states, the counties pay for trial-level indigent defense, and the state pays for appeals involving indigent defendants. Illinois follows this basic structure, although the Cook County Public Defender's Office maintains its own Appeals Division to handle some appeals of indigent defendants from the county.[13]

For the most part, Illinois counties must pay for public defense services at the trial level solely with county funds, with no direct support from the state. The state, for example, does not pay for a portion of the salary of the appointed public defender in counties that have a public defender's office, as it does for the elected state's attorney in all counties. And because the public defender's office has no real mechanism to generate revenue similar to the fees and fines generated by state's attorneys' offices, the major source of funds for each public defender's office is the county's general revenue fund.

Public defenders' offices are allowed to recover, retroactively, the cost of defending any person who is later determined to have been able to pay for his or her defense. These defendants may be charged at a rate not to exceed $500 for a misdemeanor case or $5,000 for a felony.[14] However, public defenders' offices rarely get reimbursed under this state law, and the reimbursements they do collect generate very little revenue for their counties. DuPage County, for example, collected only $160 in public defense reimbursement during all of fiscal 1987 and nothing in 1988.[15] In 1988, 54 counties did collect a total of $430,629 for court-appointed counsel.[16]

While the counties pay for public defense at the trial level in Illinois, the state, through the Office of the State Appellate Defender, is responsible for representing indigent persons on appeal (although the Cook County Public Defender's Office does handle some appeals). The state appellate defender's office is financed solely from the state General Revenue Fund. Counties are not charged for the services of the appellate defender's office as they are for the services of the Office of the State's Attorneys Appellate Prosecutor.

WHAT ARE THE PRIMARY EXPENDITURES OF PROSECUTION AND PUBLIC DEFENSE AGENCIES IN ILLINOIS?

The expenditure patterns of both prosecutors' and public defenders' offices differ markedly from the expenditure patterns of other criminal justice agencies such as law enforcement departments, the courts, and correctional agencies. The primary reason for this difference is that in prosecution and public defense agencies, capital expenditures and commodities are almost negligible: in these offices, there are no budget items equivalent to paying for a jail, a courtroom, or a patrol car. With the recent trend toward computerization and office automation, however, the capital expenditures of traditionally personnel-intensive offices have been increasing.

Still, almost all prosecution and public defense expenditures go for salaries, with only a small percentage needed for office expenses, travel, expert witnesses, interpreters, consultant fees, and other non-personnel expenses. In fiscal year 1984, for example, non-personnel expenses (including transportation, communication, postage, printing and copying, professional memberships, books and periodicals, and office supplies) made up about 18 percent of the total appropriations for the Cook County State's Attorney's Office and about 11 percent for the Cook County Public Defender's Office (these percentages have changed very little since fiscal 1984).[17] These non-personnel expenditures totaled $9,611 per assistant state's attorney and $4,860 per assistant public defender.[18] In DuPage County, 92 percent of the spending for both prosecution and public defense agencies went toward salaries in fiscal 1988. In Cass County that year, salaries accounted for 95 percent of prosecution expenditures.

Total expenditures are closely linked to the volume of work for the office's attorneys and clerical staff. The work in a prosecutor's office is complex. It includes prosecuting criminal cases, conducting investigations, serving as legal counsel for the county, handling juvenile matters and citizen complaints, dealing with civil cases, operating special programs, and other activities.[19] In a public defender's office, the work is even more closely related to the volume of criminal cases, since these offices do not handle civil cases or citizen complaints and seldom have special programs.

Expenditures in both prosecutors' and public defenders' offices, then, are often related to their *caseloads*—the number of "cases" (either cases begun, cases pending, or cases disposed of) per staff member. This relationship between spending and cases is more complex than a simple comparison, however, because different kinds of cases require vastly different amounts of work. A 1987 study, for example, found that the prosecution of violent felonies required an average of 4.3 attorney hours; drug offenses, 2.3 hours; and misdemeanors, 0.2 hours.[20]

In other words, *workload*—the number of hours per staff attorney—can be very different from *caseload*—the number of cases per attorney. If the proportion of violent felonies is higher in one jurisdiction than another, the workload will be higher, even if the caseload is the same. As a result, the cost per case will differ, depending on the proportion of serious crimes prosecuted. Unfortunately, no county in Illinois maintains the detailed data needed to determine exact workload levels for either prosecution or public defense (see page 115, however, for a discussion of prosecution activity and spending in Cook and DuPage counties).

HOW MUCH MONEY IS SPENT FOR PROSECUTION AGENCIES IN ILLINOIS?

Expenditures in Illinois for "legal services and prosecution," at all levels of government, increased almost 73 percent (in constant dollars) between state fiscal years 1971 and 1985 (FINANCE 2-6).[21] This increase, however, was almost 50 percentage points less than the 119-percent increase recorded in the country as a whole during this same period. In addition, most of the increase in prosecution spending in Illinois occurred between 1971 and 1976, when it rose more than 44 percent (in constant dollars). Overall, spending rose 53 percent in Illinois and 84 percent nationally during the 1970s (1971 through 1979). Since then, spending has increased only gradually, rising less than 13 percent in Illinois (and 19 percent nationally) between 1979 and 1985.

FINANCE 2–6

Constant-dollar spending for legal services and prosecution has increased faster in the United States as a whole than in Illinois.

	United States	Illinois
1971	$1,223,295,035	$64,322,355
1976	1,844,520,096	92,852,898
1979	2,246,727,660	98,608,714
1985	2,674,400,498	111,208,398
Percent change (1971–1985)	+119%	+73%

Note: These figures cover direct, current expenditures in constant 1988 dollars (see note 21).

Source: Bureau of Justice Statistics

At the county level, where the majority of prosecution activity takes place in Illinois, expenditures for legal services and prosecution increased 76 percent (in constant dollars) between fiscal years 1971 and 1985. County expenditures for prosecution, like statewide prosecution expenditures, increased much faster from 1971 through 1979 (65 percent) than from 1979 through 1985 (less than 7 percent).

Spending increases have also varied over the years in different Illinois counties. Expenditures for the Cook County State's Attorney's Office, for example, increased 146 percent (in constant dollars) between fiscal years 1970 and 1988. As was the case statewide, the biggest increases in Cook County occurred during the 1970s rather than the early 1980s (FINANCE 2-7). Constant-dollar expenditures increased 84 percent from fiscal 1970 through fiscal 1979, but only 18 percent from 1979 through 1985. From fiscal 1985 through fiscal 1988, however, prosecution expenditures in Cook County increased sharply—more than 13 percent in only three years.

In DuPage County, expenditures for the state's attorney's office increased substantially between fiscal years 1970 and 1988—120 percent in constant dollars—but most of this increase occurred in the 1970s (FINANCE 2-8). Between fiscal years 1970 and 1979, expenditures for the DuPage County State's Attorney's Office increased 95 percent (in constant dollars), but from 1979 through 1985 they increased less than 6 percent. And, although constant-dollar expenditures increased 6 percent from 1985 through 1988, the 1988 amount was still lower than expenditures in 1984. In the five collar counties combined (DuPage, Kane, Lake, McHenry, and Will), spending on state's attorneys' activities reached nearly $8.5 million in fiscal 1988.

In smaller counties such as Cass, where non-personnel expenses are negligible and the entire prosecution staff usually consists of only the state's attorney and a secretary, expenditure trends for the state's attorney's office have been driven largely by changes over the years in the state law that sets the elected state's attorney's salary. Prosecution spending in many of these small counties, after adjusting for inflation, has not changed much over the last two decades. In fiscal year 1970, for example, the Cass County State's Attorney's Office spent approximately $63,000 (in constant 1988 dollars); in fiscal 1988 the county spent almost the same amount ($62,284).

A substantial number of counties in Illinois, like Cass County, spend less than $100,000 a year for their state's attorney's office. In the 79 Illinois counties where data are available, 47 percent of them spent less than $100,000 on state's attorneys' activities in fiscal 1988.

Trends in state-level direct expenditures for prosecution agencies were not similar to trends in county expenditures. Expenditures for the Illinois Attorney General's Office actually decreased 9 percent (in constant dollars) between state fiscal years 1972 and 1982, before increasing 36 percent between 1982 and 1985. This was followed by another decline, of 7.5 percent, between fiscal years 1985 and 1988. Expenditures for the Office of the State's Attorneys Appellate Prosecutor, the other main state-level prosecution agency, increased almost 74 percent (in constant dollars) between fiscal 1979, when the agency began operations, and fiscal 1988.

WHAT PERCENTAGE OF GOVERNMENT SPENDING GOES FOR PROSECUTION?

Because there is no centralized reporting of expenditure data by state's attorneys' offices in Illinois, it is difficult to measure precisely what percentage of overall county spending is devoted to prosecution. However, an analysis of spending in 79 Illinois counties found that approximately 6 cents of every dollar of county general revenue fund spending goes for the state's attorney's office.

In Cook County, spending for the state's attorney's office represented slightly more than 9 percent of the total expenditures from the county Corporate Purposes Fund in fiscal 1988. In DuPage County, the state's attorney's office accounted for slightly more than 6 percent of all General Fund expenditures in fiscal 1988 (for the five collar counties combined, the average was 5.7 percent). And in Cass County, 6.6 percent of the total expenditures from the county's General Fund in fiscal 1988 went to the prosecutor's office.

In both Cook and DuPage counties, the share of county expenditures devoted to the state's attorney's office has grown over the last two decades. In Cook County, it rose from 2.6 percent in fiscal 1970 to 9.2 percent in fiscal 1988. In DuPage County, the increase was smaller—from 5.5 percent to 6.2 percent during this period.

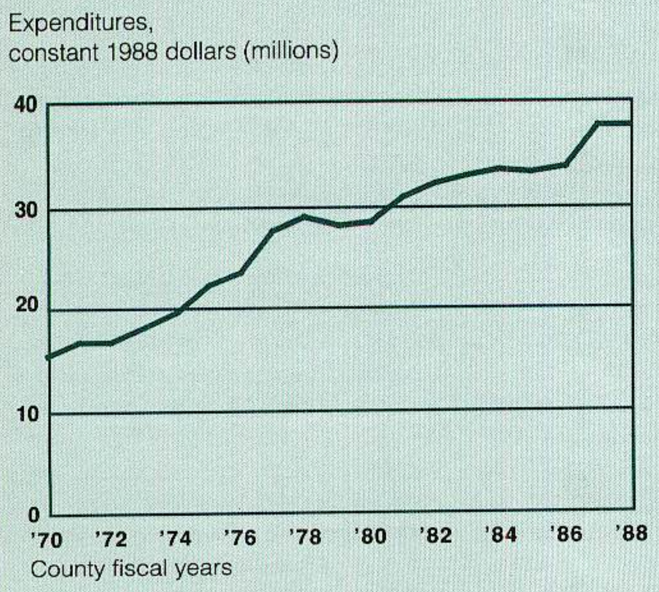
At the state level, spending for prosecution agencies makes up a very small proportion of the state's total expenditures from the General Revenue Fund. For example, the Illinois Attorney General's Office accounts for only about one-quarter of 1 percent of all state General Revenue spending, a proportion that has not changed much since 1972.

HOW MUCH DOES IT COST TO PROSECUTE A CRIMINAL CASE IN ILLINOIS?

The cost of prosecuting criminal cases in Illinois varies widely according to the type of case involved. In Cook County, at least, financial crimes seem to be the most expensive to prosecute, while traffic

Finance 2–7

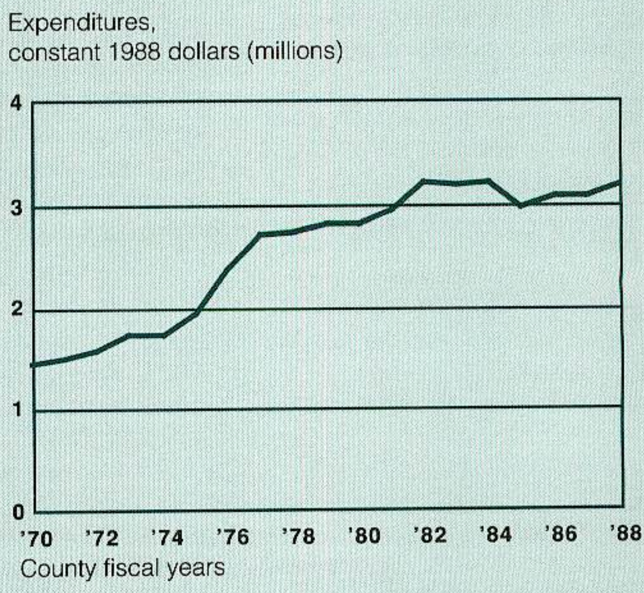
Expenditures for the Cook County State's Attorney's Office increased 146 percent between 1970 and 1988.



Source: Office of the Cook County Comptroller

Finance 2–8

Expenditures for the DuPage County State's Attorney's Office increased sharply in the 1970s, but have been relatively stable since then.



Source: DuPage County Finance Department cases, probably because of the large volume of them, are the least expensive.[22]

The Cook County State's Attorney's Office spent an average of more than $1,600 to prosecute a financial crime in fiscal 1988 (FINANCE 2-9).[23] In addition, criminal appeals tend to cost more per case than juvenile and general criminal cases. And the average DUI case in Cook County costs about eight times more to prosecute than other traffic cases.

FINANCE 2–9

In Cook County, financial crimes are the most expensive to prosecute.

Type of case	Average estimated cost per case
General criminal prosecution cases	$16.30
Felony trial cases	$137.96
Juvenile court cases	$53.57
Criminal appeals cases	$156.19
Traffic court cases	$ .92
DUI cases	$7.63
Financial crime cases	$1,643.28

Source: Office of the Cook County Comptroller

HOW DOES PROSECUTION SPENDING COMPARE WITH PROSECUTION ACTIVITY IN ILLINOIS?

With no centralized repository of expenditure data for prosecutors' offices in Illinois, it is difficult to compare prosecution spending with prosecution activity on a statewide basis. In the state's two largest counties, however, where spending data are available, it appears that changes in spending have not kept up with changes in prosecution activity during the 1980s.

In Cook County, both the number of felony cases filed and the number of felony defendants charged increased sharply between 1978 and 1988—the former by more than 88 percent, the latter by more than 76 percent. But during this same period, spending for the Cook County State's Attorney's Office increased only 30 percent in constant dollars (FINANCE 2-10).

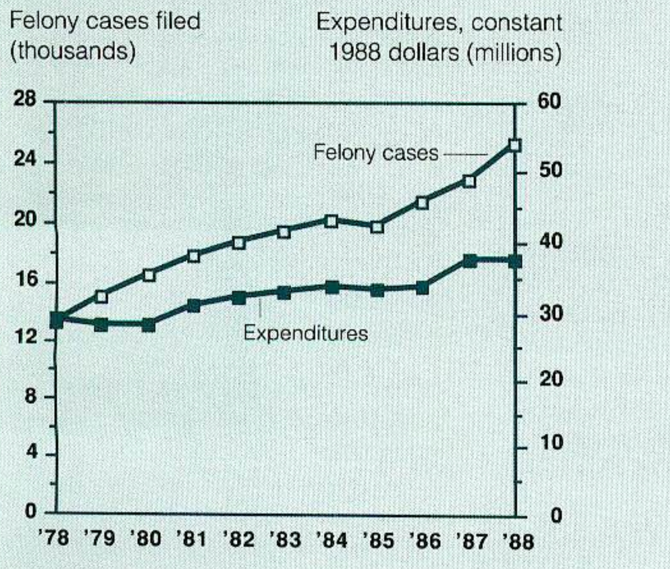
DuPage County experienced rapid growth in both total cases filed (defendants) and constant-dollar expenditures between 1970 and 1982. Cases filed increased 136 percent, and expenditures for the DuPage County State's Attorney's Office rose by 122 percent in constant dollars (FINANCE 2-11). More recently, however, total cases filed rose 34 percent, but constant-dollar spending for the state's attorney's office remained relatively steady, declining only 1 percent between 1978 and 1988.

Increases in prosecution activity in DuPage County have occurred for all types of crimes. Between 1978 and 1989, the number of cases (charges) filed increased 70 percent for violent index crimes, 66 percent for property index crimes, and 74 percent for total drug offenses.[24]

An even more important contributor to overall prosecution activity, however, was the sharp increase in cases filed for driving under the influence (DUI). Between 1978 and 1989, DUI cases increased at least fourfold (300 percent) and probably more than tenfold, although changes in charging procedures in DuPage County make it difficult to determine the exact amount of the increase.[25] Even though the increase in DUI cases has now tapered off, these cases are taking longer to prosecute on the average because more DUI defendants, faced with the

FINANCE 2–10

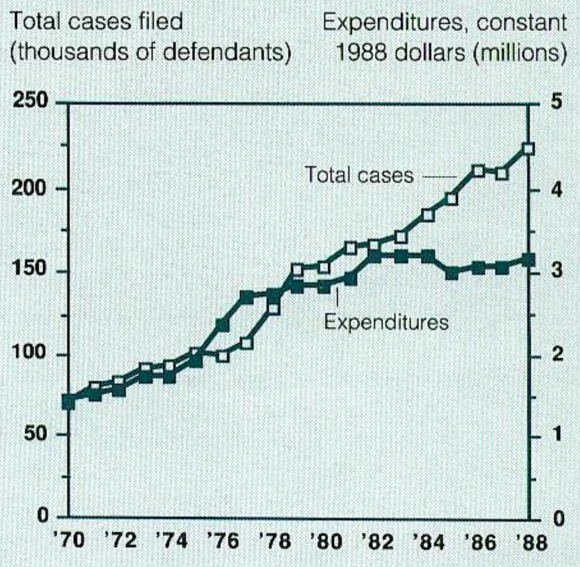
The number of felony cases filed in Cook County has increased at a faster rate than expenditures for the state's attorney's office.



Source: Administrative Office of the Illinois Courts; Office of the Cook County Comptroller

FINANCE 2–11

The total number of cases filed in DuPage County has continued to increase steadily, but expenditures have remained level since 1982.



Source: DuPage County Finance Department; 18th Judicial Circuit

FINANCE 2–12

Even after controlling for inflation, the earning power of state's attorneys in Illinois has increased since 1971.

County population	1989 salary	1971 salary range
Less than 10,000	$45,500	$33,788–$53,753
10,000 to 19,999	$61,500	$38,395–$58,360
20,000 to 29,999	$65,000	$43,002–$62,968
30,000 or more	$80,000	$47,610–$67,575 (30,000–39,999 pop.) $52,217–$72,183 (40,000–69,999 pop.) $56,825–$76,790 (70,000–500,000 pop.)
Cook County	$90,000	$76,790–$104,434

Note: Figures are in constant 1988 dollars. In 1971, state law specified a salary range that counties of different sizes could pay their state's attorneys; the state contributed $7,200 ($22,115 in constant 1988 dollars) for each state's attorney's salary. In 1989, state law set a specific salary figure for state's attorneys, with the state paying two-thirds of each salary.

Source: Illinois Revised Statutes

FINANCE 2–13

Constant-dollar spending for public defense more than tripled in Illinois, and nearly quadrupled in the country as a whole, between 1971 and 1985.

	U.S. total	U.S. counties	Illinois total	Illinois counties
1971	$206,184,157	$126,368,656	$7,860,222	$ 7,838,721
1973	311,594,008	165,487,198	8,370,885	8,341,268
1978	567,644,835	326,211,962	22,470,911	22,364,113
1985	790,274,877	391,010,451	24,176,417	23,973,441
Percent change (1971–1985)	+283%	+209%	+208%	+206%

Note: These figures cover direct, current expenditures in constant 1988 dollars (see note 21).

Source: Bureau of Justice Statistics

prospect of increased penalties upon conviction, are asking for lengthier—and costlier—jury trials.[26]

HOW MANY COUNTY PROSECUTORS ARE THERE IN ILLINOIS, AND HOW MUCH ARE THEY PAID?

Because personnel expenses account for such a large percentage of all prosecution expenditures in Illinois, total spending is closely related to the number of prosecutors and how much they are paid.

Every county in Illinois has at least one prosecutor—the elected state's attorney. In 36 of the state's 102 counties, this person is the county's sole prosecutor. In the other 66 counties, there are one or more assistant state's attorneys (see page 90 for more information on the number of prosecutors in each Illinois county). Statewide, there were 1,100 full-time assistant state's attorneys in Illinois as of July 1989, up from about 990 in June 1988. Approximately six out of every 10 assistant prosecutors in Illinois work for the Cook County State's Attorney's Office, where the number of prosecutors budgeted for increased from 195 in fiscal 1971 to 634 in fiscal 1989.

The salaries of elected state's attorneys, like those of county sheriffs, are set by Illinois statute, and are based on the populations of their respective counties.[27] In 1989, salaries for state's attorneys ranged from $45,500 a year in counties with fewer than 10,000 people, to $80,000 in counties having 30,000 to 1 million people, and $90,000 in Cook County. The salaries of elected state's attorneys have generally increased since the early 1970s, even when inflation is controlled for (FINANCE 2-12). In counties with 20,000 to 29,999 people, for example, state's attorneys in 1989 earned $65,000, compared to a range of $43,002 to $62,968 (in constant 1988 dollars) in 1971.

Because they are not set by state law, the average salaries paid to assistant state's attorneys in Illinois are difficult to measure. But in Cook County, where detailed salary data are available, it is clear that prosecutors earn less than half the average salaries paid to associates in private law firms. In fiscal 1989, the average budgeted salary for an assistant state's attorney in Cook County was $34,807; the average starting salary was $24,300.[28] By contrast, the average annual salary for associates in private law firms in Illinois was $88,000 in 1989.[29] For all state's attorney's office personnel in Cook County—including not only prosecutors, but also investigators, secretaries, and other support staff—the average budgeted salary in fiscal 1989 was $29,040.

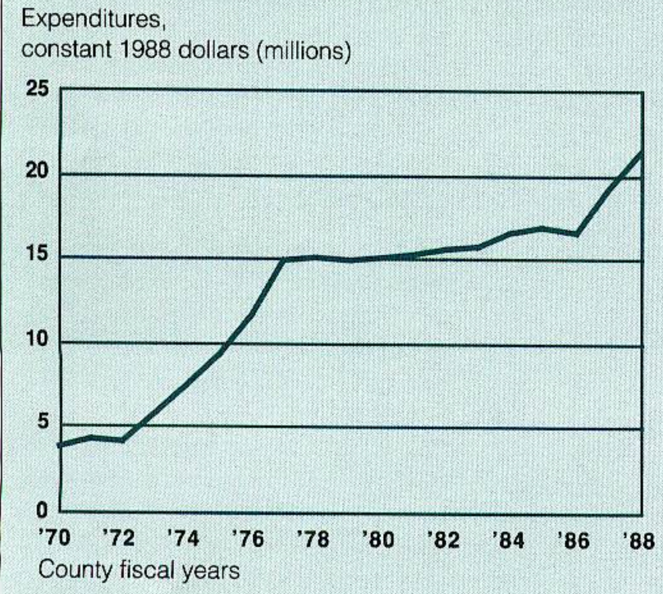
Nationwide, the average salary of a full-time employee in a prosecutor's office (including attorneys, clerical staff, and others) increased from $10,428 in 1971 to $25,536 in 1985 (in nominal dollars not adjusted for inflation).[30] Adjusting these figures for inflation, however, reveals that the average salary of a prosecution employee was actually 11 percent lower in 1985 than in 1971.

HOW MUCH MONEY IS SPENT FOR PUBLIC DEFENSE IN ILLINOIS?

Total direct expenditures for public defense in Illinois increased 208 percent (in constant dollars) between 1971 and 1985 (FINANCE 2-13). This increase, though substantial, still lagged behind the in-

FINANCE 2–14

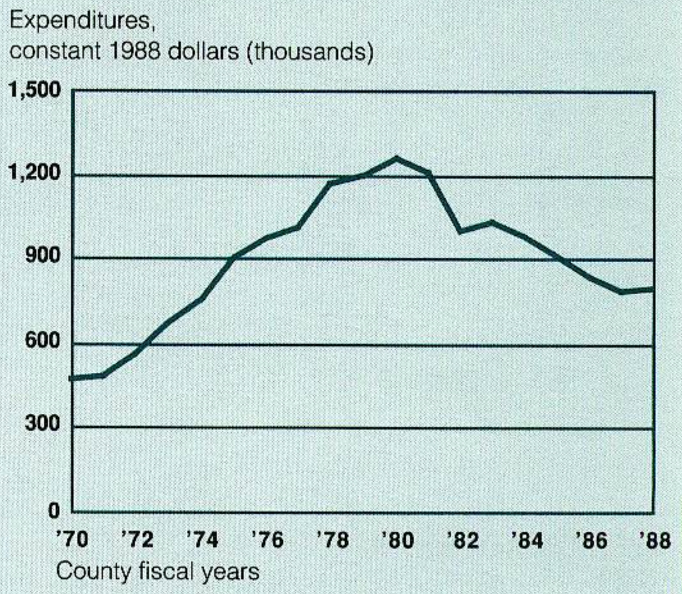
After remaining relatively steady since 1976, spending for the Cook County Public Defender's Office rose 28 percent between 1986 and 1988.



Source: Office of the Cook County Comptroller

FINANCE 2–15

Spending for the DuPage County Public Defender's Office declined more than 36 percent between 1980 and 1988.



Source: DuPage County Finance Department

crease of 283 percent in the country as a whole. Furthermore, almost all of the increase in expenditures for public defense occurred during the 1970s, with little growth in the 1980s.[31] Between 1973 and 1978, constant-dollar spending on public defense—at the county and state levels, and for both trial and appellate services—rose 168 percent in Illinois, compared to 82 percent nationally. But from 1978 through 1985, these expenditures leveled off substantially, increasing less than 8 percent in Illinois and 39 percent nationally.

Spending for public defense in Illinois' 102 counties, where the majority of public defense work and spending take place, followed similar trends (see FINANCE 2-13). Total county expenditures for public defense (in constant 1988 dollars) rose from about $7.8 million in 1971 to nearly $24 million in 1985, a 206-percent increase. Again, public defense spending at the county level increased sharply in the early and mid-1970s—more than 185 percent between 1971 and 1978—but has been relatively flat ever since.

Statewide spending trends are driven largely by trends in Cook County, which accounts for almost 70 percent of all county spending for public defense in Illinois. Expenditures for the Cook County Public Defender's Office (in constant dollars) increased almost 460 percent between county fiscal years 1970 and 1988, with the most dramatic jump occurring between 1972 and 1977, when expenditures rose 260 percent (FINANCE 2-14). In fact, this percentage increase was the largest for any single Cook County criminal justice office during that six-year period.

Public defense spending in other large Illinois counties increased as well during the mid-1970s, but generally not by as much as in Cook County. In DuPage County, for example, public defense expenditures increased 79 percent (in constant dollars) between fiscal years 1972 and 1977, and continued to rise through 1980 (FINANCE 2-15). After fiscal 1980, however, public defense spending in DuPage County steadily declined—36 percent (in constant dollars) through fiscal 1988. In 1988, expenditures for public defense in the five collar counties of DuPage, Kane, Lake, McHenry, and Will totaled $2.8 million, or 13 percent of the $21.3 million spent in Cook County.

As with spending on their state's attorneys' offices, many Illinois counties spend relatively small amounts of money on public defense. In the 70 counties where data are available, three-quarters spent less than $100,000 for public defense services in fiscal 1988.

At the state level, spending for public defense has increased sharply too since the mid-1970s. Between fiscal years 1974 and 1988, expenditures for the Office of the State Appellate Defender increased almost 130 percent (in constant dollars).

WHAT PERCENTAGE OF GOVERNMENT SPENDING GOES FOR PUBLIC DEFENSE?

As with state's attorneys' offices, it is difficult to measure exactly what percentage of county spending goes for public defense in Illinois. However, in the 70 Illinois counties for which data are available, approximately 2 percent of county general revenue fund spending is devoted to public defense services. This compares to the 6 percent of spending that is devoted to state's attorneys' offices.

FINANCE 2–16

In Cook County, cases with multiple defendants are the most expensive for the public defender's office.

Average expenditures per case from the Cook County Corporate Purposes Fund, 1988

Type of case	Average estimated cost per case
Criminal	$379.41
Juvenile	$88.16
Appellate	$629.03
Multiple defendant	$1,014.28

Source: Office of the Cook County Comptroller

In Cook County, the public defender's office accounted for approximately 5 percent of all expenditures from the county's Corporate Purposes Fund in fiscal 1988 (compared to about 9 percent for the state's attorney's office). In DuPage County, spending for the public defender's office represented 1.5 percent of all expenditures from the General Fund in fiscal 1988 (compared to 6.2 percent for the state's attorney's office). In the five collar counties, 1.9 percent of general fund expenditures went to public defense that year (compared to 5.7 percent for their state's attorneys' offices). And in Cass County, public defense spending made up 1.6 percent of all General Fund expenditures in fiscal 1988 (compared to 6.6 percent for the prosecutor's office). In general, the share of county funds devoted to public defense has not changed much over the years.

Part of the reason that total expenditures for county public defenders' offices are generally lower than total expenditures for state's attorneys' offices is that prosecutors are involved not only in criminal cases, but in many other types of cases as well. County public defenders, on the other hand, are almost exclusively responsible for criminal cases involving *indigent defendants* (although they handle paternity suits as well). Despite these differences in responsibility, the amount spent *per staff member* on salaries, office supplies, and other resources is still generally lower in public defenders' offices than in state's attorneys' offices in Illinois. In 1984, for example, Cook County appropriated almost twice as much per assistant state's attorney as per assistant public defender for transportation, communication, postage, printing, photocopying, professional memberships, books, publications, and office supplies (see page 110). However, this difference may again be due in part to the fact that assistant state's attorneys handle civil and financial cases, which may be more expensive than general criminal cases.

At the state level, expenditures for the Office of the State Appellate Defender account for a very small percentage of all expenditures from the General Revenue Fund—less than one-tenth of 1 percent a year. But these expenditures are still higher than total spending for its counterpart, the Office of the State's Attorneys Appellate Prosecutor. This is primarily because the appellate defender's office has a broader range of responsibilities. For example, the appellate defender's office represents on appeal indigent defendants from across the state, including some from Cook County (the appellate prosecutor's office, on the other hand, does not handle any Cook County appeals), and it represents death penalty defendants in their automatic appeals to the Illinois Supreme Court. In addition, the office provides investigative services to court-appointed counsel and to county public defenders, and it assists counties with populations of fewer than 1 million people in planning trial-level defense services.[32] In the 1980s, however, constant-dollar expenditures have increased faster for the appellate prosecutor's office than for the appellate defender's office—74 percent and 18 percent, respectively, between state fiscal years 1979 and 1988.

HOW MUCH DOES IT COST TO REPRESENT AN INDIGENT DEFENDANT IN ILLINOIS?

It cost an average of $167 (in constant 1988 dollars) to represent indigent defendants in each of the 194,000 trial and appellate cases handled by public defenders in Illinois in 1982. Four years later, when the number of cases had risen to 255,000, the average cost per case (in constant dollars) had fallen to $140. In both years, the per-case cost in Illinois was below the national, constant-dollar averages of $252 in 1982 and $241 in 1986.[33] In fact, Illinois in 1986 ranked 46th among the 50 states in per-case cost, and 26th in per-capita spending, for public defense.

These statewide averages, however, mask differences in the cost of representing indigent defendants in different parts of the state and for different types of cases. For example, per-case expenditures for the Criminal Section of the Cook County Public Defender's Office are much higher than the statewide average. And for appellate cases and those involving multiple defendants, the costs are even greater (FINANCE 2-16).

HOW DOES PUBLIC DEFENSE SPENDING COMPARE WITH ACTIVITY IN ILLINOIS?

One factor that affects the demands on public defense services in Illinois and throughout the country is the economy: periods of high unemployment may bring not only more crime but also more people who cannot afford legal counsel in criminal cases. Although the economy has been relatively better in the late 1980s than in the late 1970s and early 1980s, it appears that changes in public defense spending in some parts of the state have not kept up with the demands for public defense services in recent years.

As with the other parts of the courts system, the *workload* for public defenders (the number of hours per staff attorney) can be very different from their *caseload* (the number of cases per staff attorney). However, it is difficult to measure the actual work time required for a public defender to process a given number of cases. One reason for this is that the total *case processing* time consists mostly of the time the case waits in queue, and includes little actual work time on the part of the attorneys. A 1985 analysis by the National Legal Aid and

FINANCE 2-17

Attorney working time represents a small portion of the total amount of time needed to process public defense cases.

Average processing times
for public defense cases in the United States, 1985

Work step	Queuing time		Attorney working time	Total case processing time
Filing to preliminary hearing	5 days	5.0 hours	3.0 hours	6 days
Preliminary hearing to grand jury	25 days	7.5 hours	0.5 hours	26 days
Grand jury to arraignment	7 days	0.2 hours	0.8 hours	8 days
Arraignment to motions	30 days	4.0 hours	8.5 hours	31 days
Motions to jury trial	45 days	3.0 hours	45.0 hours	51 days
Disposition to sentence	30 days	6.0 hours	2.0 hours	31 days

Source: National Legal Aid and Defender Association

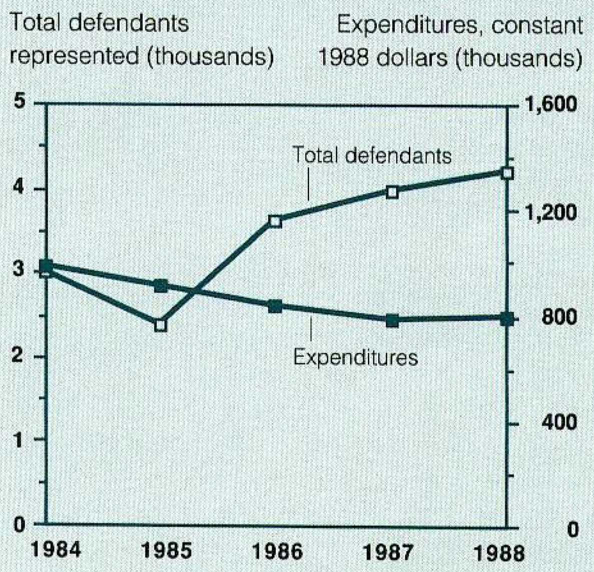
Defender Association (NLADA) estimated that felony cases in a typical public defense agency took 31 days from disposition to sentence, but that attorney time accounted for only two hours of the total (FINANCE 2-17). Because, as the NLADA points out, "the amount of time spent on casework, as reflected by attorney effort, is overwhelmed by the amount of time waiting for work to be scheduled," it is necessary to separate the number of cases from the work those cases require in order to compare expenditures and activity levels.[34]

Unfortunately, no county in Illinois maintains the detailed data necessary to determine exact workload levels for either prosecution or public defense. Some related information is available, however, for Cook and DuPage counties.

In DuPage County, public defender expenditures (in constant dollars) peaked in 1980, and declined 34 percent from 1980 through 1988 (see FINANCE 2-15). From 1980 to 1988, cases filed (counts) declined 35 percent for violent index crimes, 39 percent for property index crimes, and 18 percent for total drug offenses. But for DUI, the number of cases filed increased more than tenfold, and DUI arrests more than tripled.[35] This sharp rise in DUI cases has contributed to sharp increases in activity for the public defender's office in recent years—increases that have dramatically outpaced changes in spending. Between fiscal years 1984 and 1988, the total number of people represented by the

FINANCE 2-18

While the total number of people represented by the DuPage County Public Defender's Office increased 41 percent between 1984 and 1988, spending for the office declined 19 percent.



Source: DuPage County Finance Department; 18th Judicial Circuit

DuPage County Public Defender's Office increased 41 percent, to 4,228.[36] During this same period, expenditures for the office (in constant dollars) *decreased* by more than 19 percent (FINANCE 2-18).

Even in Cook County, where spending on public defense has increased in recent years, growth in demands on the public defender's office have continued to outpace growth in expenditures. Between fiscal years 1984 and 1988, spending on public defense in Cook County increased 28.5 percent. But over the same period, the number of felony cases handled by the public defender's office rose 60 percent. Even with the sharp increases in spending in fiscal years 1987 and 1988, the gap between expenditures and activity did not close in Cook County.

HOW MANY PUBLIC DEFENDERS ARE THERE IN ILLINOIS, AND HOW MUCH ARE THEY PAID?

Although every Illinois county has an elected state's attorney, *not all* counties have a full-time public defender. In August 1989, for example, eight of the state's 102 counties used court-appointed private counsel to represent indigent defendants, and in 50 other counties, the only attorney in the public defender's office was the appointed public defender, who often works only part-time while maintaining a private law practice. Some counties also share a public defender's office.

In addition to these appointed public defenders, there were approximately 610 assistant public defenders working for counties throughout Illinois in August 1989. While that number is virtually unchanged from the total in July 1988, it is likely that the number of public defenders in Illinois has increased over the years as the courts have expanded the right to counsel. In Cook County, for example, the number of assistant public defenders included in the county's budget increased to 283 in fiscal 1989 from 64 in fiscal 1971.

For each appointed public defender in Illinois, state law sets a salary range that is based on the salary of the elected state's attorney in that county.[37] For example, in counties with a population of less than 100,000, the public defender's salary cannot be less than 25 percent nor more than 100 percent of the state's attorney's salary. In counties with a population of at least 100,000 but no more 500,000 people, the public defender can make between 40 percent and 100 percent of the state's attorney's salary.[38] The exact salary paid to an appointed public defender is ultimately determined by the county board (or, in the case of a common public defender's office, by joint resolution of the two or more county boards involved).[39]

FINANCE 2-19

Constant-dollar salaries of public defenders in Illinois have increased since 1971.

County population	1989 salary range	1971 salary range
Less than 10,000	$11,375–$45,500	$8,447–$43,002
10,000 to 19,999	$15,375–$61,500	$9,599–$46,588
20,000 to 29,999	$16,250–$65,000	$10,751–$50,374
30,000 to 99,999	$20,000–$80,000	$11,902–$54,060 (30,000–39,999 pop.) $13,054–$57,746 (40,000–69,999 pop.)
100,000 to 500,000	$32,000–$80,000	$22,730–$61,432 (70,000–500,000 pop.)
Cook County	$72,060	$30,716–$83,547

Note: Figures are in constant 1988 dollars. Under state law, the salary ranges of public defenders in Illinois are based on the salaries paid to state's attorneys. See FINANCE 2-12 for information about the salaries of state's attorneys in 1971 and 1989.

Source: Illinois Revised Statutes

Like those of elected state's attorneys, the salaries of appointed public defenders in Illinois have generally increased since the early 1970s, even when inflation is controlled for (FINANCE 2-19). In counties fewer than 10,000 people, for example, public defenders earned between $11,375 and $45,500 in 1989, compared to a range of $8,447 to $43,002 (in constant 1988 dollars) in 1971.

But while the earning power of public defenders has increased in Illinois, the inflation-adjusted salaries of full-time *staff* in public defenders' offices (both attorneys and support personnel) have not. Nationwide, staff salaries decreased (in constant 1988 dollars) from $37,227 in 1971 to $34,247 in 1979 and $32,975 in 1985.[40] In Cook County, the average budgeted salary of an assistant public defender in fiscal 1971 was $43,192 (in constant 1988 dollars)—or almost 20 percent higher than the fiscal 1989 average salary of $34,679.[41] In fiscal 1989, the average salary of *all* staff in the Cook County Public Defender's office was $29,891, compared with $39,546 (in constant 1988 dollars) in 1971.

The Data

Information on state government expenditures for prosecution and public defense, and on transfers from the state to county governments, was obtained from the *Illinois Annual Reports*, published by the Office of the Illinois Comptroller.

Financial information at the county level was collected from a variety of sources. Data on the revenue generated by state's attorneys' offices were obtained from the annual *Statewide Summary of County Finance in Illinois* reports, published by the state comptroller's office. These reports also provided summary statistics on overall spending by the counties.

Source and expenditure data for specific counties were obtained directly from the financial reports of those counties. From these reports, Authority staff obtained prosecution data for 79 counties and public defense data for 70 counties. More detailed information about prosecution and public defense spending in Cass, Cook, and DuPage counties were obtained from the primary financial agencies in those counties.

Employment information came from an Authority survey of the counties and from other sources (see the main part of Chapter 2 for more detailed, county-by-county information on prosecution and public defense employment). Salary information was derived from the appropriate Illinois statutes and from the annual appropriations bills for Cook County.

Comparative information on prosecution and public defense financing, spending, and employment was obtained from the *Justice Expenditure and Employment in the U.S.* reports, published by the federal Bureau of Justice Statistics. These reports were published for the years 1971 through 1979 and for 1985.

Notes

[1] State reimbursements of state's attorneys' salaries are administered through the Illinois Department of Commerce and Community Affairs.

[2] Ill.Rev.Stat., ch. 53, par. 7.

[3] The collar counties here refer to DuPage, Kane, Lake, McHenry, and Will. Other "large" counties—those with either one city with a population of more than 50,000 or two cities with populations of 25,000 or more each—are Champaign, Macon, Madison, McLean, Peoria, Rock Island, Sangamon, St. Clair, and Winnebago.

[4] Ill.Rev.Stat., ch. 56 1/2, par. 1655 (2)(i).

[5] Ill.Rev.Stat., ch. 70, par. 510.

[6] Ill.Rev.Stat., ch. 14, par. 209. Because Cook County has its own Criminal Appeals Division, it does not use the services of the appellate prosecutor's office in criminal appeals, and therefore does not contribute to the office's county fund.

[7] *Criminal Defense for the Poor, 1986* (Washington, D.C.: Bureau of Justice Statistics, 1988).

[8] Illinois Criminal Justice Information Authority survey.

[9] Ill.Rev.Stat., ch. 34, par. 5601 et seq. In addition, any county, regardless of size, can create a public defender's office with the approval of its county board.

[10] Only in Cook County, which has a public defender's office but which also uses appointed counsel occasionally, are these hourly rates set by statute. The most Cook County can pay to court-appointed counsel is $40 per hour while court is in session and $30 for each hour otherwise spent representing the defendant. This compensation cannot exceed $150 for a misdemeanor case or $1,250 for a felony case. Ill.Rev.Stat., ch. 38, par. 113-3.

[11] State law allows two or more adjoining counties within the same judicial circuit to create, by joint resolution of their county boards, a common public defender's office (Ill.Rev.Stat., ch. 34, par. 5601.2). Or, as in the case of Brown, Cass, and Schuyler counties, two or more counties can individually contract with a single attorney to provide public defense services for those counties without forming a common public defender's office.

[12] *Criminal Defense for the Poor, 1986*, 1988, p. 4.

[13] Here, "trial level" refers to the initial disposition of the case, in contrast to the appellate level. In addition, while the state does not provide any direct funds for public defense at the trial level, state law does require counties of fewer than 500,000 people to appropriate a "sufficient sum" for the defense of indigent persons in felony cases. However, the law does not specify what that amount should be, nor does it provide for any state money for this purpose. Ill.Rev.Stat., ch. 34, par. 5609.

[14] Ill.Rev.Stat., ch. 38, par. 113-3.1.

[15] *DuPage County Court Annual Report 1987* (Wheaton, Ill.: 18th Judicial Circuit, 1987), p. 20.

[16] *Annual Report to the Supreme Court of Illinois* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1989).

[17] Cass County (along with Brown and Schuyler counties) contracts with a single attorney to provide public defense services. Because the fee paid to this attorney covers all of his expenses (including his salary), the percentage of Cass County spending on public defense that goes for compensation cannot be precisely measured.

[18] Lisa J. McIntyre, *The Public Defender: The Practice of Law in the Shadows of Repute* (Chicago: University of Chicago Press, 1987), p. 92.

[19] Joan Jacoby, *Caseweighting Systems for Prosecutors: Guidelines and Procedures* (Washington, D.C.: National Institute of Justice, 1987).

[20] Jacoby, 1987.

[21] National and statewide expenditure figures come from the Bureau of Justice Statistics' *Justice Expenditure and Employment in the U.S.* reports, which were published for the years 1971 through 1979 and for 1985. "Legal services and prosecution" in this national survey includes "prosecuting attorney's offices, legal departments, and all attorneys providing legal services for (the) government." The survey covers direct, current expenditures. Direct expenditures are those directly paid for in a prosecution agency's budget, and not those paid for "indirectly" by another unit of government. Current expenditures are operational (as opposed to capital) expenditures.

[22] Although the detailed workload data that would be needed to calculate costs per case are not available in Illinois, some *estimates* of the cost of prosecuting different types of cases in Cook County are presented here.

[23] The data in FINANCE 2-9 represent direct expenditures from Cook County's Corporate Purposes Fund for different types of cases prosecuted in fiscal 1988. These figures are calculated by taking the total amount expended for each division of the state's attorney's office (as published in the Cook County Annual Appropriations Bill for FY1989) and dividing it by the number of cases handled by that division.

[24] *Total* cases filed increased 73 percent, from 1978 to 1988. The *specific* data on criminal cases filed in DuPage County were obtained from a special analysis done for the Authority by the state's attorney's office. Because of a change in the office's computer program in 1988, the quality of 1988 figures could not be determined. Therefore, 1989 figures were used for the comparisons of prosecution activity for different types of crimes (see page 12 for further analysis of these data). Note that total cases filed refer to *defendants*, while the specific cases filed (by type of crime) refer to *charges.*

[25] Arrests for DUI increased 299 percent, total DUI charges increased 2,237 percent, and basic DUI charges increased 1,011. Beginning in 1982, people arrested for DUI in DuPage County were often charged with two counts: "DUI over .10" and the basic DUI charge. Between 1982 and 1986, total DUI charges increased 217 percent, with "DUI over .10" increasing 429 percent and other DUI charges increasing 152 percent. But from 1986 to 1989, while "DUI over .10" charges rose slightly, the number of other DUI charges dropped.

[26] DuPage County Office of the Clerk of the Circuit Court.

[27] Ill.Rev.Stat., ch. 53, par. 7.

[28] Cook County Annual Appropriations Bill for FY1989, pp. 281–286.

[29] *Horizon's Occupational Information,* 1990 edition (Springfield, Ill.: Illinois Occupational Information Coordinating Committee, 1990).

[30] *Justice Expenditure and Employment in the U.S., 1985* (Washington, D.C.: Bureau of Justice Statistics, 1989).

[31] The sharp increase in public defense spending in the early 1970s can be attributed in part to the impact of the U.S. Supreme Court's 1972 decision in *Argersinger v. Hamlin*, which required that persons charged with crimes punishable by a possible prison sentence be afforded counsel even if they cannot afford it.

[32] Ill.Rev.Stat., ch. 38, par. 208-10. These investigative and planning activities, however, account for only a small portion of the total expenditures of the state appellate defender's office.

[33] *Criminal Defense for the Poor, 1986*, 1988.

[34] Joan Jacoby, *Caseweighting Systems for the Public Defender* (Washington, D.C.: National Legal Aid and Defender Association, 1985).

[35] These data were obtained from a special analysis done for the Authority by the DuPage County State's Attorney's Office. Note that "cases filed" refer to *charges*, while arrest figures are based on the number of *people* arrested (see notes 24 and 25).

[36] The 1984–1988 figures on public defense activity in DuPage County come from the annual reports of the 18th Judicial Circuit. Comparable data are not available for earlier years.

[37] Ill.Rev.Stat., ch. 34, par. 5605.

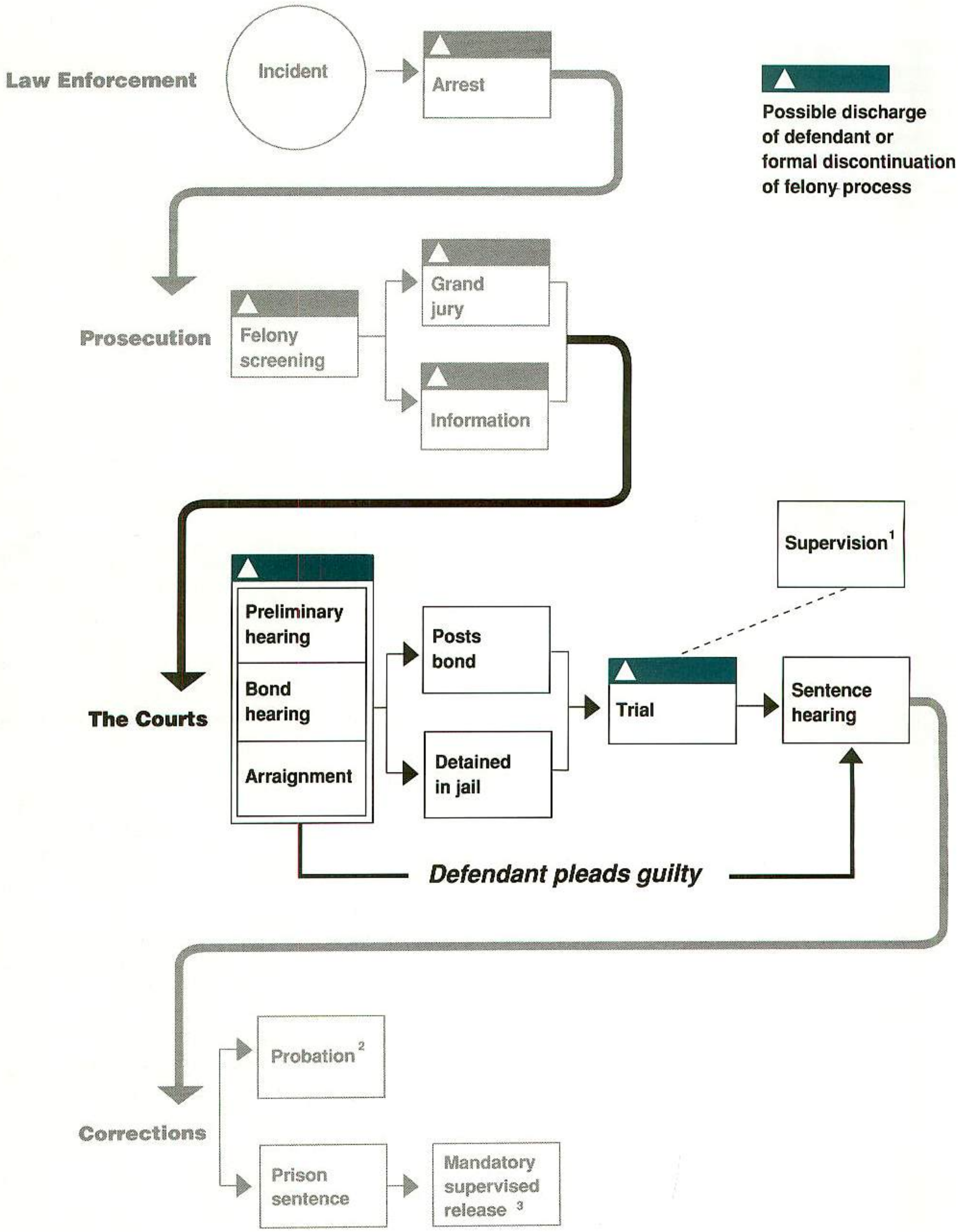
[38] Prior to July 1, 1986, the public defender could not be paid more than 80 percent of the salary of the state's attorney in any county. Now, regardless of county size, the public defender can make an amount equal to 100 percent of the state's attorney's salary.

[39] In many smaller counties, the salaries paid to public defenders do not necessarily represent their total income: many of these public defenders have private law practices, or they receive a salary from more than one county. However, if a public defender in a county with at least 30,000 people receives at least 90 percent of the state's attorney's salary, state law prohibits the public defender from maintaining a private law practice.

[40] *Justice Expenditure and Employment in the U.S., 1985*, 1989.

[41] Salary information was obtained from the Cook County Annual Appropriations Bills for fiscal years 1971 and 1989.

An Overview of Felony Processing in Illinois



[1] After successful completion of court supervision, charges may be dismissed

[2] Or other form of court supervision, such as conditional discharge

[3] Or other conditional release from prison

THE COURTS

Overview

Under the U.S. Constitution, the courts function—alongside the executive and legislative branches—as an independent branch of government, resolving disputes, interpreting laws, and applying sanctions to lawbreakers. In this capacity, the courts are the final arbiters of the rules by which our society is governed—rules created by legislators and administered by the elected officials and staff of the executive branch. The court system as a whole deals with a wide variety of matters, ranging from tax disputes to family and juvenile affairs to violent crimes.

Illinois' criminal courts are based on an adversarial system, in which representatives of the state (*prosecution* attorneys from the county state's attorney's office) and representatives of the accused (*defense* attorneys) contest the facts of the case before an impartial judge or jury. A criminal case is brought to trial after a state's attorney has analyzed the arrest information provided by law enforcement officials and decided to file charges against the defendant. The judge presides over the proceedings, with broad powers to determine what evidence may be presented by either side. The judge also enforces the rules of the courtroom and sets the pace for the procedures. In applying these rulings, the judge draws on statutory law, on administrative rulings of the Illinois Supreme Court, and on precedents established in prior cases.

In practice, the court's function entails making a series of decisions: Should the defendant be granted bond? What bond conditions and amounts should be set? Is there probable cause to believe the suspect committed the crime? Is the evidence sufficient to support a finding of guilt beyond a reasonable doubt? If so, what is the appropriate sentence? Beyond these pretrial and trial responsibilities, the courts in Illinois also have certain post-trial duties, including the supervision of offenders on probation.

This chapter explores trends and issues in how criminal courts in Illinois carry out their broad mission.

HOW ARE STATE-LEVEL COURTS ORGANIZED IN ILLINOIS?

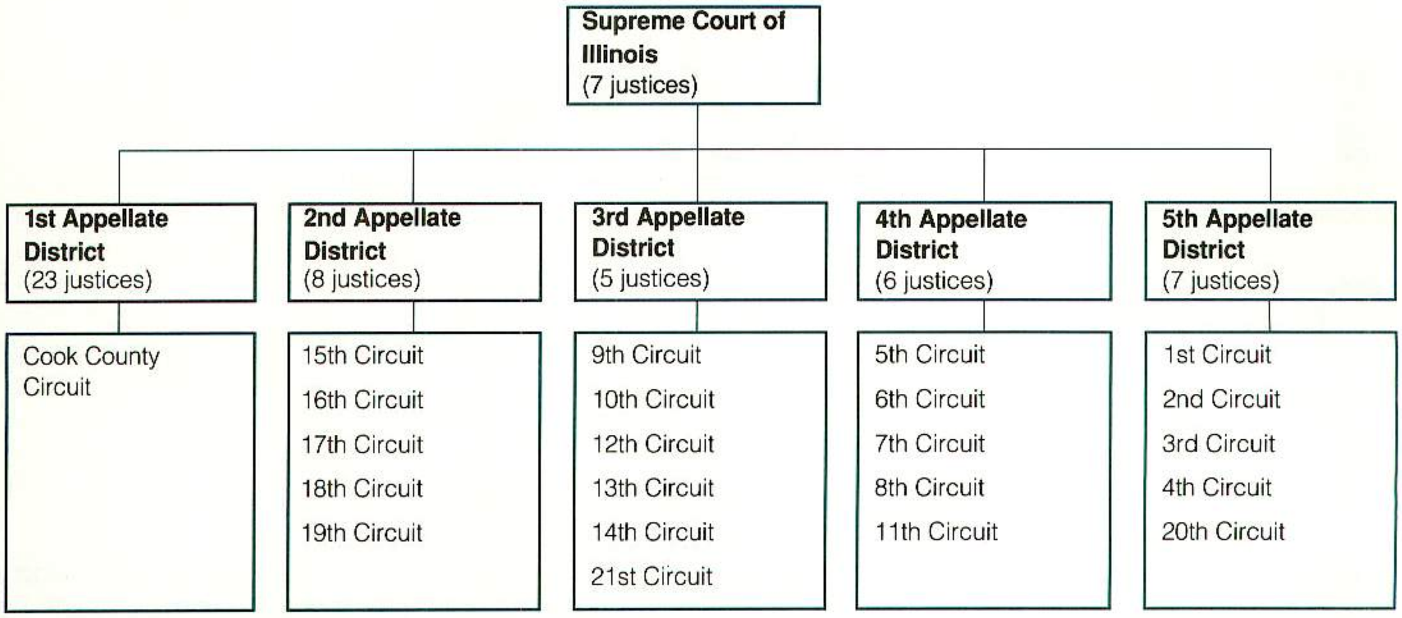
In 1964, Illinois became the first state in the nation to adopt a truly unified court system—that is, a system with a uniform structure throughout the entire state and with centralized, rather than local, administration and rulemaking. Prior to the 1964 reorganization, Illinois had a variety of different courts, including justice-of-the-peace courts and police magistrate courts. Court unification eliminated all courts at the trial level except the Circuit courts, thus creating a single, unified, statewide court system.

Illinois' court system has three tiers, with trial, intermediate appellate, and Supreme courts (Figure 3-1). The vast majority of felony and misdemeanor cases are heard and resolved in the trial—or Circuit—courts, the first tier in the system. Circuit courts are responsible for reviewing the facts of a case and rendering a disposition. The second tier in the system is a single, intermediate court of appeals, and the third tier is the Illinois Supreme Court, which can have either original or appellate jurisdiction, depending on the case.[1] While all 50 states have courts of last resort (which Illinois calls the Supreme Court), Illinois is one of only 38 states that have intermediate courts of appeal. The Appellate and Supreme courts in Illinois are responsible for seeing that the law is properly interpreted and applied.

Trial courts, which are located in each of the state's 102 counties, are organized into 22 judicial circuits (Figure 3-2).[2] Judicial circuits contain up to 12 counties—based on historical precedent—and in three of Illinois' most populous counties—Cook, DuPage, and Will—the county makes up a single judicial circuit.

Within some circuits, responsibilities may be divided between "lower-level" and "higher-level" trial courts. Under Illinois' unified court system, however, this distinction is purely administrative: cases heard in both types of

Figure 3–1
The courts in Illinois are organized into three tiers.



Note: These numbers reflect Supreme Court and Appellate Court justices who preside over both criminal and civil cases. The Appellate Court numbers include not only justices elected by the voters but also Circuit Court judges assigned to the Appellate Court by the Illinois Supreme Court as of November 1989.

Source: Administrative Office of the Illinois Courts

courts are actually heard by the same Circuit Court. Lower-level trial courts are primarily responsible for processing misdemeanor cases, all the way from initial court hearings through trial and sentencing. These courts may also conduct bond and preliminary hearings in felony cases. Higher-level courts, on the other hand, generally conduct felony trials.

In practice, the difference between higher- and lower-level trial courts depends on the size and complexity of the circuit. In circuits that hear relatively few criminal cases, all proceedings may take place in a single court where both circuit and associate judges preside over their respective functions. In Cook County, on the other hand, court functions and facilities are more strictly defined.[3]

Because of the tremendous volume of cases it handles, the Circuit Court of Cook County is divided into two departments: the Municipal Department and the County Department (Figure 3-3). The Municipal Department consists of six geographic districts, which are further divided into Criminal and Civil divisions. In the 1st Municipal District, which encompasses the City of Chicago, specialized preliminary hearing courts have been established. Each of these courts concentrates on cases involving particular offenses, such as homicide, auto theft, and sexual assault. In addition, the 1st Municipal District has a preliminary hearing court that deals exclusively with repeat offenders. Generally, the types of criminal proceedings heard in the Municipal Department are either misdemeanor cases or felony preliminary hearings.

Felony cases bound over for trial are heard in the County Department's Criminal Division. These cases are heard in Chicago and in four suburban locations.[4] The Criminal Division, in conjunction with the Cook County State's Attorney's Office, also operates the Career Criminal Program, which focuses on the identification and prosecution of habitual offenders. Besides the Criminal Division, the County Department has seven other divisions: the Chancery, County,[5] Domestic Relations, Juvenile, Law, Probate, and Support divisions.

HOW ARE CIRCUIT JUDGES SELECTED AND RETAINED?

The Illinois Supreme Court allots each judicial circuit a certain number of elected circuit judges and appointed associate judges. The number of elected judgeships for each circuit is set by statute, and the number of associate judgeships is regulated by a formula based on population density. The Illinois General Assembly may create additional judgeships, which are then allocated by the Supreme Court, among the ranks of associate judges in response to needs identified in the analysis of court workloads. Circuits often petition the Supreme Court to increase their associ-

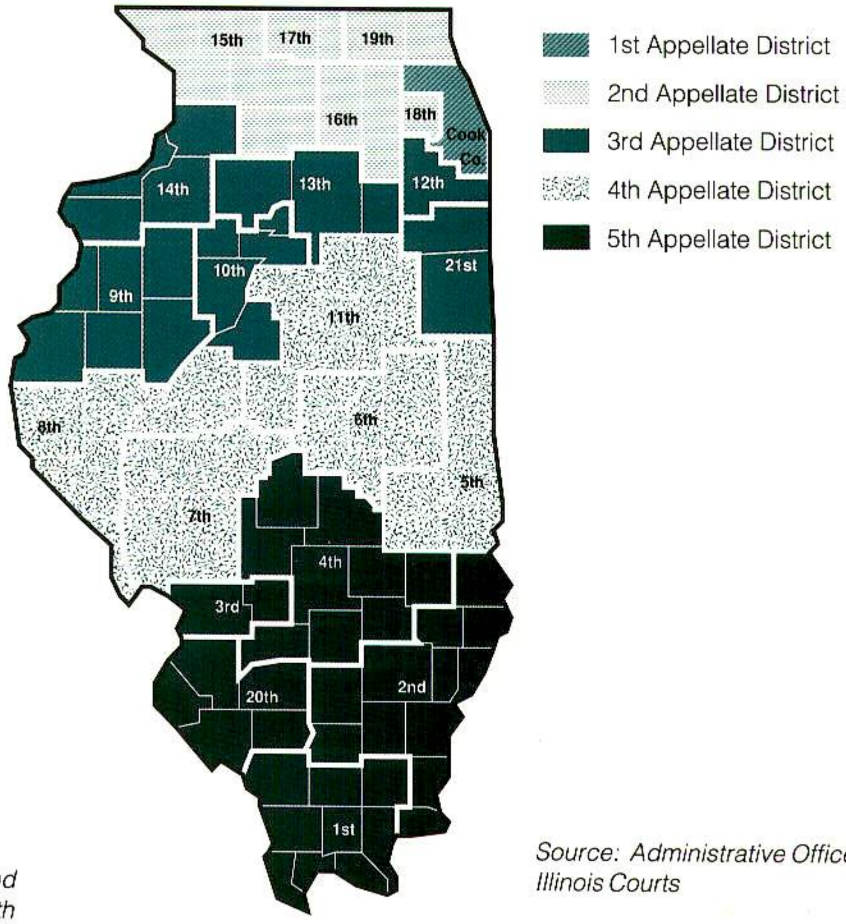
Figure 3-2

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

Circuit	Number of circuit judges*	Number of associate judges*
Cook County	177	182
1	14	6
2	15	4
3	9	8
4	12	6
5	10	4
6	12	11
7	11	10
8	11	5
9	9	6
10	10	11
11	9	7
12	6	12
13	7	5
14	12	9
15	8	5
16	11	12
17	8	10
18	10	19
19	10	17
20	12	11
21	6	3

* *As of November 1989*

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



Source: Administrative Office of the Illinois Courts

ate judgeships on this basis.

As a rule, each circuit judge, elected to a six-year term by the voters in that judicial circuit, presides over one trial court. When a circuit judgeship falls vacant, for example, because of the death of a judge, a temporary appointment to fill the position can be made by the Supreme Court of Illinois. Such vacancies, as well as newly created judgeships, are permanently filled by candidates nominated in partisan primary elections and elected in the next general election. Once the term of a judge who has been previously elected expires, the judge may submit his or her name to the voters, without an opposing candidate, on the sole question of whether the judge should be retained for another six-year term. To be retained, sitting judges must receive affirmative votes from at least 60 percent of those voting on the matter.

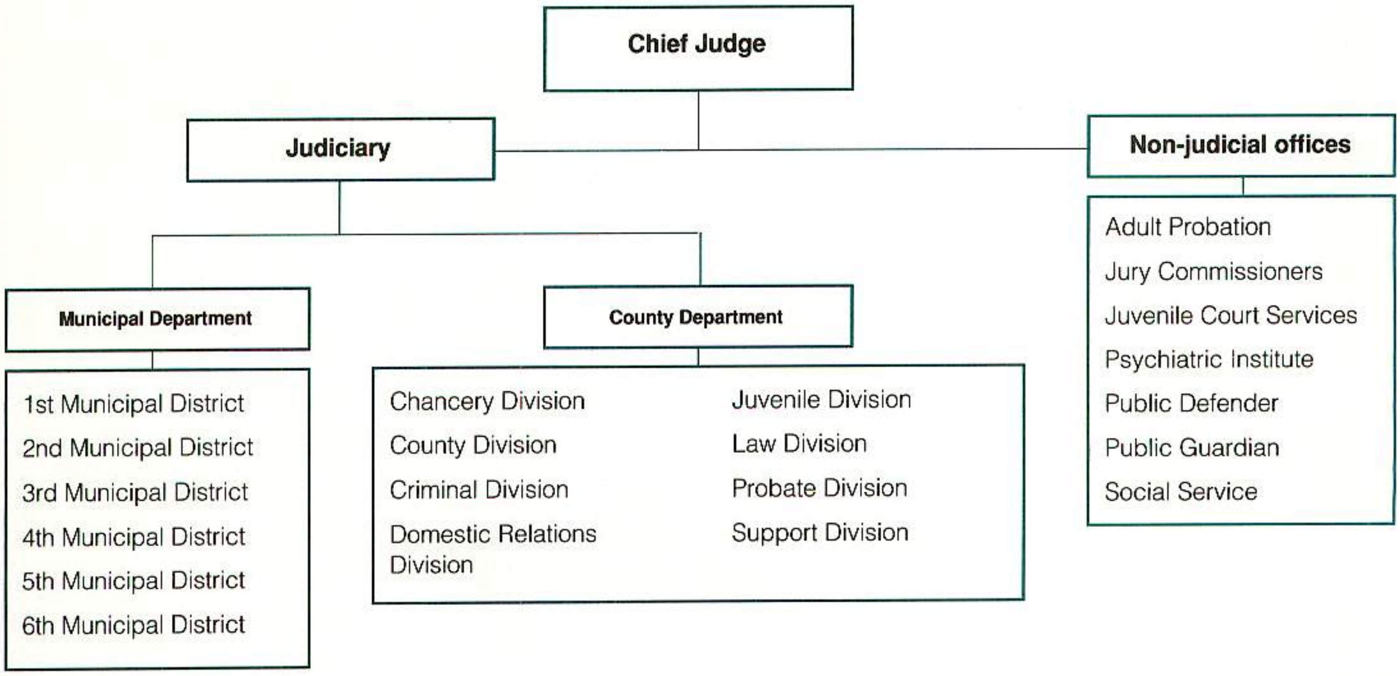
Judicial election remains controversial. Some critics argue that running for elected office involves judges in political matters that can threaten their independence. But others contend that appointment of judges can exclude women, minorities, and political independents from consideration. Legislation that became effective in September 1989[6] attempts to address the issue of minority representation on the bench in Cook County by creating 15 subdistricts for judicial election within the county. Formerly, judges in Cook County were elected at large. Under the new law, judicial candidates may stand for election from each of the 15 smaller local districts. This change not only increases the number of elected appellate and circuit judges within Cook County, but offers smaller constituencies an opportunity to elect judges who will be representative of their communities.

In addition to elected judges, each circuit also has a certain number of appointed associate judges, who are usually limited to duties within the lower-level trial courts.[7] In November 1989, there were 389 circuit judges and 363 associate judges in Illinois. An additional 49 associate judgeships have been authorized but have not yet been assigned to circuits by the Supreme Court.

Approximately 48 percent of the state's circuit and associate judges serve in the Cook County Circuit Court, which is not only the largest judicial circuit in Illinois but

Figure 3–3

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



Source: Circuit Court of Cook County

also, along with Los Angeles County, one of the two largest general jurisdiction trial courts in the country.[8]

In addition to statutorily allocated judges and appointed associate judges, the equivalent of approximately eight additional full-time judgeships are filled by sitting judges from other districts assigned temporarily to Cook County by the Supreme Court. These judges, who normally preside in other counties, are used to assist Cook County judges in meeting the heavy caseload demands of that circuit. In recent years, the collar counties around Cook County have also benefitted from the temporary assignment of judges from other circuits. However, as caseloads have increased in other parts of the state, such temporary assignments have become less frequent and of shorter duration. And although circuit judges in very large, multi-county districts may have a smaller volume of cases than judges in Cook County, they must often travel great distances to provide services. The 4th Circuit, for example, with an area of 5,359 square miles, is larger than the state of Connecticut.

To help administer the courts, the circuit judges in each circuit select from within their ranks a chief judge who, subject to the authority of the Illinois Supreme Court, has certain administrative powers for the circuit. For example, the chief judge has the right to establish general or specialized divisions of the court for administrative purposes.

HOW ARE ILLINOIS' APPELLATE AND SUPREME COURTS ORGANIZED?

The Illinois Appellate Court is the first court of appeal for all criminal cases except those involving the death penalty (which are automatically appealed directly from the Circuit Court to the Illinois Supreme Court) and those criminal appeals in which an applicable federal or state statute has been held invalid. Either the defense or the prosecution may appeal rulings of the trial court. However, because the law protects a defendant from being tried twice for the same crime, the prosecution cannot appeal a not-guilty judgment.[9]

The main function of both the Appellate and Supreme courts in Illinois is to ensure that the trial court correctly interpreted the law in a given case. For example, the defense may argue before the Appellate Court that unconstitutionally obtained evidence was admitted by the trial court. The Appellate Court can take one of several actions on such an appeal. It can deny the petition for appeal outright. Or, if the court decides the appeal has merit, it can affirm, reverse, modify, or vacate the original decision, or it can remand the case back to the lower court for reconsideration. In the latter instance, the Appellate Court may order a new trial, but specify that the questionable evidence that had been introduced in the first trial be held inadmissible in the new trial. Under certain limited circumstances, decisions of the Appellate Court can be appealed to the Illinois Supreme Court, the highest court in the state.[10]

The Illinois Appellate Court is divided into five judicial districts. Except for the 1st District, which covers only Cook County, each appellate district includes either five or six judicial circuits (see Figure 3-2). Appellate Court justices are elected to 10-year terms by the voters in their districts in a process similar to that used for Circuit Court judges. In November 1989, there were 49 justices presiding over the Illinois Appellate Court: 23 in the 1st Appellate District, 8 in the 2nd, 5 in the 3rd, 6 in the 4th, and 7 in the 5th.[11]

Seven justices sit on the Illinois Supreme Court. Each Supreme Court justice is elected, in a process similar to that used for appellate and circuit judges, to a 10-year term from one of the five appellate districts: three Supreme Court justices are elected from the 1st District, and one justice is elected from each of the other four districts. Supreme Court justices preside jointly over all cases that come before the Court.

In addition to its role as the state's highest court, the Supreme Court oversees the operations of all subordinate courts in the state. Illinois' courts are administered by the chief justice of the Supreme Court, who is elected by the seven Supreme Court justices. In this administrative role, the chief justice is assisted by the director of the Administrative Office of the Illinois Courts (AOIC). Among its administrative duties, the Illinois Supreme Court sets forth rules for trial procedures and appeals, and can assign additional judges to the Appellate and Circuit courts. Although the lower courts have some degree of autonomy, final authority for their administration and operation rests with the state Supreme Court.

HOW IS JUDICIAL MISCONDUCT INVESTIGATED AND HANDLED?

One reason that circuit and appellate judges are elected, rather than appointed, is to help promote judicial accountability to the people by providing a mechanism to remove judges who have failed to maintain standards of judicial conduct or who have become incapacitated by age or illness. A second mechanism of judicial accountability—the Judicial Inquiry Board—was instituted in 1971 by the new Illinois Constitution. The board is composed of two circuit judges appointed by the Supreme Court and three lawyers and four non-lawyer citizens appointed by the Governor. It is mandated to receive, investigate, and initiate complaints against any member of the Illinois judiciary. The board may then file those complaints before the Illinois Courts Commission. The commission is composed of five judges, selected from the Supreme, Appellate, and circuit courts. Following an investigation and hearing, the commission may remove, suspend, censure, or reprimand the accused judge.

Between 1972 and November 1989, 44 complaints were filed against members of the Illinois judiciary. Three judges have been removed, 11 have been suspended for varying periods of time, three have been censured, and 10 have been reprimanded. Ten complaints have been dismissed outright, and seven others have been dismissed following resignations, completion of a term, or a failed re-election attempt. Thus, only a small fraction of 1 percent of all the judges who have served in Illinois in the past 18 years have received some form of sanction from the commission.[12]

Judges can also be removed from office as the result of a criminal conviction. As of August 1989, the Greylord Investigation of court corruption in Cook County, for example, produced convictions on criminal charges of 17 associate and circuit judges, some of whom received long prison terms. As a result of these convictions, each judge was automatically removed from office. Vacancies created in this way are filled by appointment or election.

HOW ARE THE FEDERAL COURTS ORGANIZED IN ILLINOIS?

Like Illinois' state courts, the federal court system has three tiers. The lowest tier is made up of the 94 U.S. District courts nationwide, which are organized along state lines. These courts serve as the trial courts of original jurisdiction in federal matters, such as offenses that occur on federal property or that affect interstate commerce, interstate crimes such as drug trafficking, and criminal offenses related to national security. Three U.S. District courts are located in Illinois: the Northern District, which is administratively based in Chicago; the Central District, based in Springfield; and the Southern District, based in East St. Louis.

Judicial candidates for the District Court are nominated by the President and must be confirmed by the U.S. Senate. Their appointments are for life. In addition to these federal judges, U.S. magistrates also serve in the District courts. U.S. magistrates are civil officers, appointed by the District Court judges to eight-year terms, and are vested with limited judicial powers. Serving as adjuncts to federal judges, magistrates perform various courtroom duties. They preside over civil jury trials and criminal trials for minor offenses.[13]

The 12 circuits of the U.S. Court of Appeals constitute the intermediate court of appeal at the federal level. Illinois is located in the 7th U.S. Circuit, which also covers Wisconsin and Indiana. Like candidates for the District Court, judicial candidates for the Circuit Court of Appeals are nominated by the President and must be confirmed by the Senate. They also serve for life. Decisions of the Circuit Court of Appeals can be appealed further to the U.S. Supreme Court, although such appeals are rarely granted.

The U.S. Supreme Court is the highest court in the nation. It hears certain appeals from both state supreme courts (or state appellate courts of last resort) and the U.S. Circuit Court of Appeals. Relying on a set of legal and customary requirements that have evolved over the years, the U.S. Supreme Court exercises wide discretion over whether or not to hear appeals. Historically, the Court has decided cases involving the most important and far-reaching policy questions of the day, based on its interpretation of the U.S. Constitution. The Supreme Court's nine justices—eight associate justices and one chief justice—are nominated by the President and are confirmed by the Senate to lifetime appointments on the Court.

WHAT ARE THE MAIN RESPONSIBILITIES OF TRIAL COURTS IN ILLINOIS?

At both the state and federal levels, there are important differences between the trial and appellate courts. Trial courts are concerned with making legal determinations based on the *facts* of a particular case. Appellate courts review the *laws* involved in the trial court's decision and how those laws were applied in reaching a decision. Because the appellate courts can review past court decisions and legal statutes, their decisions can have a tremendous impact on public policy as well.

In Illinois, the role of the criminal trial courts extends far beyond their responsibility to conduct trials. Before charges are ever filed against a defendant, for example, law enforcement authorities may go before a judge seeking an arrest warrant or a search warrant. Even after an offender has been convicted and sentenced, the courts may still be involved in the case because in Illinois the courts administer both probation and the supervision of defendants on conditional discharge. Nevertheless, the most visible criminal court functions—and the ones requiring the most resources—are the range of events from pretrial procedures through sentencing.

WHAT ARE THE COURTS' PRETRIAL RESPONSIBILITIES?

Beginning with the commission of a crime, the movement of a case through the criminal justice system is a lengthy process of elimination. At each stage of the criminal justice process, some suspects or defendants drop out of the system, and an ever smaller number proceed to the next stage. A 1986 study of felony arrests in 28 U.S. jurisdictions determined that 12 of every 100 arrests for serious crimes result in a defendant being sent to prison[14] (Figure 3-4). Because Illinois criminal justice agencies have not yet implemented an offender-based tracking system, and because the disposition data currently gathered are incomplete, comparable outcomes of arrests for felonies or other crimes in the state are not known. Nevertheless, the steps in the judicial process, and the points at which defendants can exit the system, are the same as in the national study.

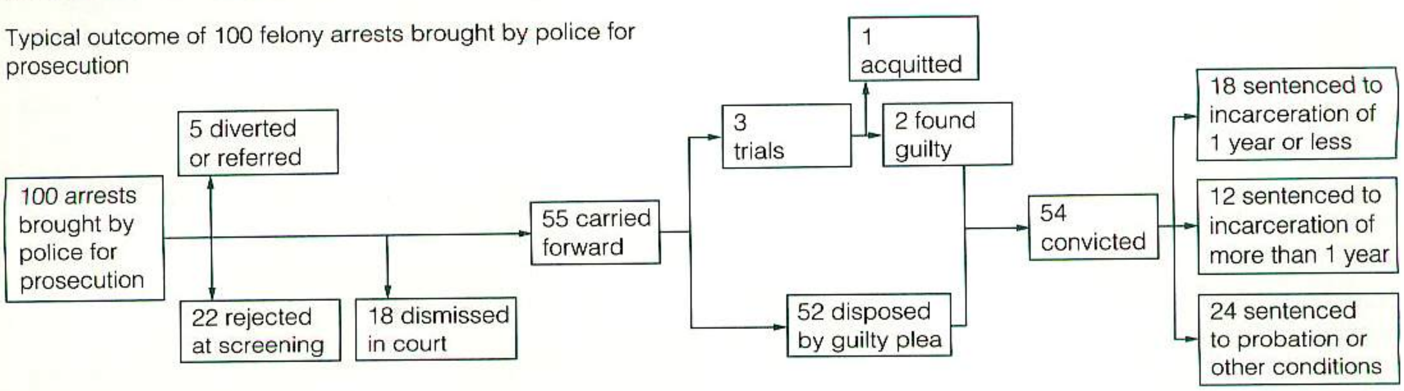
Three key stages of any criminal trial—the bond hearing, the preliminary hearing, and arraignment—occur early on in the judicial process. Although the three are distinct court functions, they often overlap (for example, the bond hearing and preliminary hearing can occur at the same proceeding, although a separate, formal arraignment is required):

- **Bond hearing.** In a typical felony case, the first time the defendant appears in court is at a bond hearing.[15] During this hearing, the defendant is notified of the specific charges that have been filed. Then the judge, using available information about the charges, the defendant's criminal history, and other factors, sets a bond designed to ensure the defendant will appear for subsequent court dates.

  Bond decisions typically involve two parts: the setting of a bond type and an associated amount of money. A defendant charged with a serious felony offense usu-

Figure 3–4
More than half of all felony arrests nationwide result in convictions.

Typical outcome of 100 felony arrests brought by police for prosecution



Source: Bureau of Justice Statistics

ally receives a detainer bond, commonly referred to as a *D-bond.* In most cases, the defendant is required to post in cash 10 percent of the full bond amount set by the court. Otherwise, the defendant will usually be detained in the county jail until the case is resolved or until a judge subsequently reduces the bond and it is met.

Illinois is one of a growing number of jurisdictions that allow judges making bond decisions to consider the danger a defendant may pose to the community if released before trial. A 1986 amendment to the Illinois Constitution, and the legislation that followed, permit judges to deny bail to defendants charged with certain types of serious crimes if the presumption of guilt is great and if the defendant would pose a risk to the community if released.[16] Previously, judges were allowed to consider defendant dangerousness only in setting bond amounts. Bail may also be denied when the risk of the defendant fleeing is great, such as when the death sentence or life imprisonment is possible upon conviction. Defendants who violate the conditions of their parole or mandatory supervised release, or who have outstanding arrest warrants, may also be held without bond.

A defendant charged with either a misdemeanor or a less serious felony, and who is deemed likely to appear at future court proceedings, may be released on an individual recognizance bond, commonly called an *I-bond.* A defendant released on an I-bond is not required to post any money, but may remain liable to the court for a specified bond amount if the defendant fails to appear at subsequent court proceedings.

- **Preliminary hearing.** A state's attorney, working with police investigators' reports, can present a summary of facts pertaining to a charge directly to a judge. The summary is called an information. If a felony case is initiated by an information, a preliminary hearing must be held to establish probable cause.[17] At this hearing, a judge determines if the charges the state's attorney has filed against the defendant warrant further action by the court. Probable cause is established when the judge determines first, that the offense occurred, and second, that it is reasonable to assume the defendant was responsible for the crime. If the judge finds no probable cause at the preliminary hearing, charges against the defendant are dismissed. If a case is initiated through a grand jury indictment, the grand jury has established probable cause in arriving at its decision.

- **Arraignment.** If probable cause is found, the defendant will then be arraigned. During arraignment, the defendant is formally charged with one or more offenses. The defendant enters an initial plea, either guilty or not guilty. If the defendant pleads guilty, the case proceeds directly to sentencing; otherwise, a trial date is set. Because the bond hearing and preliminary hearing are often handled together, it is not unusual for a defendant to plead guilty at the first court appearance. However, the plea becomes official only at arraignment.

  It is just prior to the arraignment that most plea bargaining occurs. A plea of guilty may be exchanged for a dismissal of some charges in a multiple-charge indictment, for a reduced sentence, or for some specialized dispositions, such as diversion to a treatment program for alcohol or drug abuse. Guilty pleas may also be entered in exchange for a reduction of charge—for example, from a Class 1 to a Class 2 felony, or, occasionally, from a felony to a misdemeanor.

  Rules laid down by the Illinois Supreme Court govern plea bargaining procedures throughout the state. A plea bargaining proposal is generally initiated by the defense, but may be introduced by either side. If the prosecutor and the defense attorney can come to an agreement, the substance of the case and the tentative bargain are put before the judge at a case conference. (If the defendant agrees to a case conference, he or she waives the right to ask for a substitution of judges if the conference does not produce a favorable bargain.) The judge must approve any agreement, and the defendant may then accept it or request a trial.

  Plea bargaining can benefit both the defendant and the court system. The accused may enter a plea in order to limit the maximum potential penalty he or she is facing. Such agreements can benefit the system by resolving cases that would be difficult, time-consuming, and expensive to try.

WHEN DOES A CASE GO TO TRIAL?

The defendant's plea determines whether or not the case goes to trial. If the defendant pleads not guilty, preparations for a trial begin. Before the actual trial starts, however, there may be a series of pretrial hearings, initiated by either the prosecution or the defense. These hearings seek judicial rulings on issues such as the admissibility of evidence, the legality of the arrest, or the appropriateness of the bond amount. Motions to dismiss the case or plea conferences may also take place during pretrial hearings.

Under both the U.S. and Illinois constitutions, every defendant is guaranteed the right to a trial by a jury of his or her peers. The defendant also has the option of waiving this right and opting instead for a trial before a judge—a bench trial.

In addition, the 6th and 14th amendments to the U.S. Constitution guarantee defendants the right to a speedy and public trial. The U.S. Supreme Court has established four factors for the courts to weigh in determining whether a defendant has been denied the right to a speedy trial: (1) length of the delay, (2) reason for the delay, (3) whether the defendant asserted a right to a speedy trial, and (4) whether the delay prejudiced the case against the defendant.

Under Illinois law, a defendant held in pretrial detention must be brought to trial within 120 days after being taken into custody, or within 160 days after being released on bond, unless delays are caused by the defense.[18] If the court finds that a prosecution request for additional time before going to trial is reasonable, the court may continue the case for no more than 60 additional days. If the court ultimately finds that the defendant was denied the right to a speedy trial, it must discharge the defendant from custody or bail obligations and dismiss all charges.

HOW ARE JURIES CHOSEN?

In Illinois, juries traditionally have been selected from lists of registered voters, or from lists of voters merged with lists of licensed drivers, and assigned by county to a particular courthouse. Starting July 1, 1990, however, all Illinois juries except those in Cook County will be selected from a list of both licensed drivers and voters.[19] The administration of jury duty varies among jurisdictions. In some localities, a telephone call-in system is used. Under this system, prospective jurors are notified by mail that they must be available for jury duty on a particular date; persons then call in to see whether their attendance at the courthouse is needed on the date they were assigned. In other jurisdictions, prospective jurors must report to the courthouse every day during a term which varies by county, until they are either assigned to a trial—and then either accepted or rejected—or until they are relieved of service after the term is over.

A jury selection system called *one day–one trial* is used in both large and small Circuit courts in 12 counties, including the Circuit Court of Cook County.[20] The one day–one trial system not only eliminates many of the inconveniences associated with serving on a jury, but also has proven to be economical. Under the system, prospective jurors must report to the courthouse on the day they are assigned. If a person is selected for jury service on that day, he or she continues to serve through the duration of the trial. If the person is not selected by the end of the day, the prospective juror is relieved from further service for one year or until selected randomly again from the list of potential jurors, whichever is later.

In most jury trials, 12 jurors and two alternates are chosen by the prosecuting and defense attorneys. In DUI and criminal misdemeanor cases, only six jurors and two alternates may be selected, while in very complex felony cases, more than two alternates may be impaneled. Both the prosecutor and the defense attorney are allowed to challenge the acceptance of a certain number of jurors without stating a reason—called *peremptory challenges*. In cases in which the death penalty is possible, each side is allowed 14 peremptory challenges; in cases punishable by imprisonment, seven each; and in all other cases, five each.[21] Each side may also challenge an unlimited number of jurors *for cause* by stating a specific reason for the challenge. This type of challenge must be decided by the judge.

Once the trial is completed, the jurors are instructed by the court to return a verdict—either guilty or not guilty—on each offense the defendant is charged with. If the defendant's sanity has been at issue in the case, the judge may issue instructions to the jury on two additional possible verdicts: guilty but mentally ill and not guilty by reason of insanity (see page 139). All jury decisions must be unanimous.

HOW ARE SENTENCES IMPOSED?

If a defendant is found guilty of at least one charge, the court must then sentence the offender. In most cases, the judge imposes the sentence during a separate sentencing hearing. The death penalty can be imposed upon the motion of the prosecutor, by unanimous decision of the jury, or by a judge acting alone following a bench trial.[22]

Many factors influence the sentencing of defendants by the court—the prevailing philosophy toward sentencing aims, the type and severity of the crime committed, the offender's criminal and social history, the type of sentencing structure being used by the state, and any legislation affecting sentencing practices. According to a 1987 national survey, the purpose for criminal punishment the public favors most is "special deterrence"—sentencing to scare or educate the offender about the likely consequences of continuing to commit crimes.[23] Other common aims identified by the survey, in order of their popularity, include rehabilitation of criminals, incapacitation of criminals, and retribution.

The type of crime committed weighs heavily in influencing the type of sentence that is imposed. In Illinois, felony and misdemeanor offenses are classified for sentencing purposes by degree of severity. In decreasing order of severity, these classifications are first-degree murder; Class X felonies; Class 1, 2, 3, and 4 felonies; and Class A, B, and C misdemeanors (see Figure 3-5 for examples of crimes within the different statutory classes). Petty offenses are not classified for sentencing purposes. All first-degree murder offenses where the death penalty is not imposed, almost all Class X offenses,[24] and certain Class 1 and 2 felonies carry mandatory prison sentences. For other felonies, Illinois law states that a sentence of pro-

Figure 3-5

Illinois' criminal code defines nine classes of felony and misdemeanor offenses.

Examples of the offenses in each classification (for a complete list, see chapter 38 of the Illinois Revised Statutes)

First-degree murder

Class X felony
- Attempted first-degree murder
- Aggravated criminal sexual assault
- Armed robbery
- Aggravated kidnapping (for ransom)
- Home invasion
- Controlled substance trafficking (under certain conditions)

Class 1 felony
- Aggravated kidnapping (not for ransom)
- Second-degree murder
- Attempted armed robbery
- Residential burglary
- Robbery of elderly or handicapped person

Class 2 felony
- Arson
- Burglary
- Robbery
- Manufacture/delivery of more than 500 grams cannabis
- Aggravated criminal sexual abuse
- Motor vehicle theft
- Knowing transmission of human immunodeficiency virus

Class 3 felony
- Aggravated battery
- Forgery
- Theft (more than $300, but less than $10,000)
- Involuntary manslaughter
- Reckless homicide
- Bookmaking

Class 4 felony
- Child abduction
- Computer fraud
- Threatening public officials
- Patronizing a juvenile prostitute

Class A misdemeanor
- Retail theft
- Gambling
- Criminal damage to property (less than $300)
- Criminal sexual abuse
- Ethnic intimidation
- Reckless conduct
- Battery
- Violation of order of protection

Class B misdemeanor
- Manufacture/delivery of less than 2.5 grams cannabis
- Computer tampering (no data obtained)
- Criminal damage to fire hydrants

Class C misdemeanor
- Criminal trespass to land

bation or conditional discharge shall be imposed unless the offender's imprisonment is necessary for the protection of the public or unless, in the court's opinion, a sentence of probation or conditional discharge would underrate the seriousness of the offender's conduct.[25] Sentences imposed on defendants convicted of misdemeanors are generally less severe than those imposed for felonies: the maximum sentence length for misdemeanors—either incarceration or probation—cannot exceed one year.

Another factor influencing sentencing in Illinois is the state's determinate sentencing structure, which went into effect in February 1978. Illinois is one of only 10 states that use determinate sentencing.[26] Determinate sentencing was adopted in Illinois in an effort to reduce disparity in sentencing practices and to increase the certainty and deterrent effect of criminal penalties.

Under the old, indeterminate sentencing system, each convicted felon sentenced to incarceration was given a prison term defined as a range of years (for example, 5 to 15 years). Judges generally had substantial discretion in establishing the specific sentence range for each offender. The state's paroling authority also had discretion in determining an offender's eligibility for parole and his or her actual release date from prison.

Under determinate sentencing, the sentencing options judges have, and the sentence lengths they may impose, are narrowly defined by statute. State law identifies the range of allowable prison and probation sentences for different statutory classes of offenses (Figure 3-6). Generally, a judge may impose a prison or probation sentence of a specific number of years, as long as it falls within the statutorily defined range for the offense in question. The choice of a sentence within that range is based on the presence of aggravating circumstances—for example, the offender has a history of prior criminal activity, caused serious harm, or victimized a physically handicapped person—or mitigating circumstances—the offender acted under strong provocation, has no prior criminal history, or did not cause serious harm. A judge may impose a prison sentence outside the normal range if an offender qualifies for an extended term.

In addition to determinate sentencing, several other state laws have affected sentencing practices in Illinois in recent years. For instance, state law allows "habitual offenders" to be sentenced to natural life imprisonment.[27] Depending on the circumstances of the crime, certain drug crimes can also be upgraded to more serious offenses. For example, the manufacture or delivery of a controlled or counterfeit substance can be upgraded from a Class 1 felony to a Class X felony if the offense took place on or near school property.[28] Similarly, an offender convicted of calculated criminal cannabis conspiracy following one or more previous convictions under this section of the Cannabis Control Act can be sentenced as a Class 1 felon.[29]

WHAT ARE THE SPECIFIC SENTENCING OPTIONS IN ILLINOIS?

Illinois law sets forth seven basic sentencing options that may be imposed, either alone or in combination with one another, on offenders convicted in Illinois:[30]

- **Probation.** The most frequently used sentencing option in Illinois—and across the nation—is probation, although it is not permitted for many serious crimes in Illinois.[31] An offender sentenced to probation is released to the community under certain court-ordered conditions, including the supervision by a probation

Figure 3–6

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

Sentence term ranges as of January 1989

Crime classification	Probation term	Imprisonment term: Without aggravating circumstances	Imprisonment term: With aggravating circumstances	Mandatory time spent on Mandatory Supervised Release following release from prison
First-degree murder	Not applicable	20-60 years	Death penalty* Natural life imprisonment** 60-100 years	Not applicable Not applicable 3 years
Habitual offenders	Not applicable	Natural life	Natural life	Not applicable
Class X felony	Not applicable	6-30 years	30-60 years	3 years
Class 1 felony	4 years or less	4-15 years	15-30 years	2 years
Class 2 felony	4 years or less	3-7 years	7-14 years	2 years
Class 3 felony	30 months or less	2-5 years	5-10 years	1 year
Class 4 felony	30 months or less	1-3 years	3-6 years	1 year
Class A misdemeanor	1 year or less	Less than 1 year	Less than 1 year	Not applicable
Class B misdemeanor	1 year or less	6 months or less	6 months or less	Not applicable
Class C misdemeanor	1 year or less	30 days or less	30 days or less	Not applicable

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

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

Source: Illinois Revised Statutes, Chapter 38

officer. In Illinois, probation officers are employees of the judicial branch of state government working for the Circuit Court in one or more counties. The Administrative Office of the Illinois Courts, through its Probation Division, is responsible for developing probation programs throughout the state.

Like prison sentences, sentences of probation vary depending on the offense committed, but the sentences must fall within ranges established by state statute for different crimes (see Figure 3-6). While on probation, the offender must meet the court-ordered conditions of the sentence and must not commit any new criminal offenses. If the court determines that a violation of probation was committed, the court can revoke the defendant's probation and impose a term of imprisonment or any other sentence available for the original offense. In recent years, the use of specially trained probation officers has extended the option of probation sentences to many types of offenders with special needs, who would formerly have been incarcerated. Officers trained to closely supervise smaller caseloads of mentally ill, mentally retarded, and substance-abusing offenders now operate in several areas of the state.

- **Periodic imprisonment.** Periodic imprisonment is a sentence that is more punitive than probation but less punitive than regular imprisonment: in fact, periodic imprisonment is usually ordered as a condition of probation. Periodic imprisonment can be used for the same crimes for which a sentence of probation is allowed (although Class 1 felons can receive periodic imprisonment only as a condition of probation). A sentence of periodic imprisonment allows the offender to be released from confinement during certain hours of the day or certain days of the week, as directed by the court. This type of sentence may be imposed for several reasons—to allow an offender to seek employment, to work, attend to family needs, go to school, obtain medical or psychological treatment, or for any other purpose identified by the court.

- **Conditional discharge.** With a sentence of conditional discharge, like probation, the offender is released to the community under certain court-ordered and statutory conditions.[32] In Cook County, offenders sentenced to conditional discharge report to caseworkers employed by the Circuit Court's Social Service Department. Most courts in Illinois sentence offenders to conditional discharge when probationary supervision is deemed unnecessary.

- **Incarceration.** Incarceration is the confinement of a convicted criminal in a prison or jail to serve a court-imposed sentence. Under Illinois' determinate sentencing law, there are ranges of prison sentences that may be imposed for different crimes. Within each range, a judge may impose a specific sentence based on aggravating or mitigating circumstances. If aggravating factors are present, the judge may extend the sentence beyond the usual range, within specified limits. For example, offenders convicted of first-degree murder must be sentenced to not less than 20 years nor more than 60 years. But if the court finds that the crime was accompanied by brutal or heinous behavior, or that any other aggravating factors were present, the offender may be sentenced to an extended term of not less than 60 years and not more than 100 years.[33]
- **Repair of criminal damage to property.** An offender can be ordered to clean up or repair any damage to property caused by his or her criminal actions.
- **Fines.** Fines are often used in combination with another type of sentence. The offender is ordered by the court to pay a fine which cannot exceed the limit established by state law for the type of offense committed.[34]
- **Restitution.** When restitution is ordered by the court, the offender is usually required to pay the victim for physical or monetary damage incurred as a result of the offender's criminal act, or to provide services in lieu of money. Under a state law that took effect in January 1988, courts *must* order restitution in all crimes against anyone aged 65 or older in which there is bodily injury or damage to their property.[35] Like fines, restitution is often used in combination with another type of sentence, such as probation. However, neither restitution nor a fine can be the sole disposition for a felony; these sentences can be imposed only in conjunction with another disposition.

These are the seven basic sentencing options under Illinois law. One way judges can more precisely tailor sentences to the individual defendant and the specific crime committed is by ordering the defendant to comply with specific conditions of the sentence. For example, a judge can order an offender sentenced to conditional discharge to attend a drug or alcohol treatment program or to perform community service as a condition of his or her sentence.

Except for sentences of natural life, every sentence of imprisonment includes a post-release term in which the offender is released to the community but is subject to the rules and regulations of the Illinois Prisoner Review Board. The length of this supervision period—called mandatory supervised release for those offenders sentenced after February 1, 1978—is also determined by state law, depending on the crime (see Figure 3-6).

UNDER WHAT CIRCUMSTANCES IS THE DEATH PENALTY A SENTENCING OPTION?

In Illinois, the death penalty is allowed under very narrowly defined circumstances for the most heinous crimes. Since June 1977, the current version of Illinois' death penalty has been a sentencing option for certain defendants convicted of murder who were aged 18 or older at the time of the crime. State law allows the prosecutor to seek the death penalty against a defendant convicted of one or more of the following crimes:

- Murder of more than one person
- Murder of an on-duty police officer, jail guard, or firefighter
- Murder of a prison inmate
- Murder of a person under 12 years of age
- Murder of a witness in a pending court case
- Murder by contract
- Murder during the commission of a highjacking or another felony such as robbery, sexual assault, arson, burglary, or certain violations of the Controlled Substances Act[36]
- Murder committed in a cold, calculated, and premeditated manner[37]

One unique feature of Illinois' death penalty law is that it gives prosecutors discretion over whether or not to seek the death penalty in eligible cases *after* the defendant has been convicted. In most states, the prosecutor decides about seeking the death penalty at the time charges are filed (defendants in these states are charged with capital murder or simply murder). In Illinois, if the prosecutor decides to seek the death penalty upon conviction, a separate hearing is held by either the jury or the court to do the following:[38] (1) to consider whether the defendant is indeed eligible for the death penalty; (2) if found eligible, to consider whether there are aggravating or mitigating circumstances; and (3) to determine whether a sentence of death should be imposed. If the court or the jury (by unanimous decision) determines that there are no mitigating factors sufficient to preclude the imposition of the death penalty, the court shall sentence the defendant to death. If the jury cannot unanimously agree on a sentence of death, the court must impose a sentence of imprisonment.

Although the Illinois Supreme Court has upheld the constitutionality of the state's death penalty law on 75 separate occasions, opponents of the law continue to raise the constitutionality issue in federal court. They claim that the discretion the law gives prosecutors could result in "arbitrary and capricious execution"—a practice declared unconstitutional by the U.S. Supreme Court in its landmark 1972 decision, *Furman v. Georgia*.

Two important Illinois death penalty cases are scheduled for review by higher courts in 1990. Both cases center around limits to appeals in death penalty cases. In *Silagy v. Lane*, the 7th U.S. Circuit Court of Appeals will rule on the right of third parties to pursue appeals to the death penalty on behalf of a defendant. Another Illinois death penalty case, *People v. Walker*, has been appealed to U.S. Supreme Court. At stake in this case is the right of a condemned prisoner to waive his or her rights to appeal the death sentence and enable the state to proceed with execution. The Court of Appeals has upheld that right, and unless the Supreme Court decides to hear the case and overturn it, the lower court's decision will stand, clearing the way for Illinois' first execution since 1963 (see Chapter 4).

WHAT IS THE APPEALS PROCESS IN DEATH PENALTY CASES?

According to the federal Bureau of Justice Statistics, the 11 defendants executed nationwide in 1988 spent an average of six years and eight months waiting for their sentences to be carried out.[39] The main reason for the delay is a lengthy appeals process designed to minimize the chance of executing an innocent person. From 1973 through 1988, approximately 34 percent of the 3,697 prisoners sentenced to death nationwide were removed from death row on appeal.[40] During that same period, about 3 percent of the defendants under death sentences nationwide were executed.

A typical appeals process for a defendant sentenced to death in Illinois might be as follows:

1. Every death sentence is appealed automatically to the Illinois Supreme Court.
2. If the Illinois Supreme Court denies the appeal, the defendant may appeal to the U.S. Supreme Court.
3. If the U.S. Supreme Court denies the appeal, the defendant may commence a second round of collateral review by filing a *post-conviction relief* petition at the trial court, where new objections can be raised.[41]
4. If the trial court denies the relief petition, the defendant may appeal the lower court's ruling to the Illinois Supreme Court.
5. If the Illinois Supreme Court denies the post-conviction relief petition, the defendant may appeal to the U.S. Supreme Court.
6. If the U.S. Supreme Court denies this appeal, the defendant may file writ in U.S. District Court alleging that his or her rights are being denied by the impending execution.
7. If the U.S. District Court denies the appeal, the defendant may again appeal to the U.S. Supreme Court.
8. If the U.S. Supreme Court denies the appeal again, the appeals process ends. However, the defendant can still apply to the Governor for commutation of the sentence.
9. The defendant can apply to the Governor for a stay of execution.

HOW ARE PROBATION DEPARTMENTS ORGANIZED IN ILLINOIS?

In some states, probation is managed by the state's corrections department or is a free-standing agency of state government. In Illinois, as in many other states, all probation departments operate under the authority of the Circuit courts within the judicial branch of state government. Although the Probation Division of the Administrative Office of the Illinois Courts oversees the overall provision of probation services throughout the state, probation is administered locally by individual probation departments. Most of these probation departments cover a single county, although some cover a complete judicial circuit.

The administration of each probation department in Illinois varies according to the needs and resources of each county or circuit. For adults, most counties or circuits maintain a single adult probation department that provides a variety of court services to persons sentenced to probation, to those sentenced to conditional discharge, and to those under court supervision.[42] The Circuit Court of Cook County, however, has made an administrative distinction between probationers on the one hand, and persons sentenced to conditional discharge or under court supervision on the other. The court also assigns them to different court agencies: persons sentenced to probation in Cook County are handled by the Cook County Adult Probation Department; persons sentenced to conditional discharge or those under court supervision are handled by the Cook County Social Service Department.

IS THE BURDEN ON THE COURTS INCREASING?

Changes in public attitudes toward drug and alcohol abuse have resulted in more aggressive enforcement and prosecution of these and other types of crimes.[43] These changes have had a major impact on all criminal justice agencies, including the courts, producing record caseloads, growing court backlogs, and severe crowding in correctional facilities.

A study by the Criminal Justice Project of Cook County found that the number of felony defendants charged at preliminary hearings in Cook County Municipal Districts 1–6 increased significantly between 1984 and 1988, with a 34-percent increase occurring between 1987 and 1988. In 1988, 15,456 more defendants entered preliminary hearing courtrooms than had appeared only five years earlier.[44]

Such increases have not been limited to Cook County. Court administrators in the 19th Circuit (Lake and McHenry counties) report that the adult probation caseload has more than doubled since 1984. There are other indicators that the trend toward increased volume at each stage of court services may be escalating in the 19th Circuit. In the second quarter of 1989, the number of adult pre-sentence investigations increased 23 percent over first-quarter levels, and the volume of juvenile cases in the first six months of 1989 was 27 percent higher than for the same period of the previous year.[45]

WHAT ARE THE COURTS DOING TO MEET THE CHALLENGE OF THEIR INCREASED WORKLOAD?

With the demand on courts and court services higher than ever before, the courts have initiated some new strategies to deal with the situation:

- **Improving caseflow management.** Increased efficiency in case management can permit courts to handle more cases without a significant addition of new resources. Approaches include training judges in advanced management skills and developing computer programs to automate filing systems and make case assignments based on complexity rather than simple rotation. In many circuits, professional court administrators have been hired to manage caseflow and fiscal matters, freeing chief circuit judges for additional legal duties. In addition, AOIC helps judges and court administrators manage court calendars and monitor the levels of activity within their circuits, by maintaining and analyzing statewide statistics of court activities.

- **Decreasing the number of cases requiring court time.** A number of programs have been instituted across the state to reduce the number of cases that actually come before a judge. For example, as of November 1989, drivers who plead guilty to traffic violations and accept court supervision no longer have to appear in court. Fines and other supervision procedures can be handled by mail. In the 17th, 18th and 19th circuits, mandatory arbitration programs for certain types of civil suits have diverted cases from the courts, making room on the judges' dockets for additional criminal and other serious cases. Cook County will institute an arbitration program in 1990.

- **Streamlining procedures and extending existing resources.** A variety of programs have been added to reduce unnecessary paperwork, manage workloads efficiently, and extend existing resources through the use of volunteers or creative scheduling. For example, in many circuits, volunteers from the community serve as additional probation officers. Without the pressure of large caseloads, such volunteers can provide personalized supervision for one or more probationers. In many circuits, sophisticated mathematical modeling is now used to standardize workloads. Recent changes in the statutory requirements for pre-sentence investigations[46] allow judges greater latitude in stipulating what kinds of information they require, thus eliminating time-consuming investigations in many less serious cases. In Cook County, night courts have been instituted for drug cases to increase the number of criminal trials that can be processed in existing courtroom space.

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

The activities of the courts can affect crowding in correctional facilities in two major ways—by their speed in processing cases and by the alternatives to incarceration they provide through probation programs.

- **The pace of court dispositions.** If the courts are slow in processing cases, and especially if backlogs are allowed to accumulate, the number of defendants awaiting trial in county jails will increase, as will the average length of pretrial detention. On the other hand, if the courts speed up case processing, the Illinois Department of Corrections (IDOC) may be forced to absorb a sudden influx of new admissions. For example, the new night courts for drug cases in Cook County may produce a flood of new inmates for state prisons.

- **Alternatives to incarceration for pretrial detainees.** Various Circuit courts are experimenting with programs intended to reduce the number of pretrial detainees.

Electronically monitored home confinement has been in use in Illinois since 1986 for both pretrial detainees and sentenced offenders. Such systems use computerized phone checks or other electronic signals to verify the whereabouts of an offender at specified intervals. Electronic monitoring helps ensure the appearance of defendants in court and the compliance of sentenced offenders with the terms of their probation. This technology is being used for pretrial release in Cook, Lake, and Marion counties. It is also used as one component of home confinement programs in seven other counties and is under consideration by several others.[47]

New programs for pretrial release screening and supervision have been established in the 19th Circuit, in Rock Island County in the 14th Circuit, in Marion County in the 4th Circuit, and is planned for Cook County. Lake and Rock Island counties are also using pretrial bond supervision, a program that provides judges with more complete information for making bond decisions. Such programs can help reduce jail populations by allowing the release of defendants who would otherwise await trial in a county jail.

- **Alternatives to incarceration for sentenced offenders.** The sentencing alternatives services provided by the courts' probation departments can greatly reduce crowding in state prisons. Courts in Illinois have developed specialized models of probation supervision. Specially trained probation officers manage offenders with special needs, using highly structured and individualized supervision. Such programs increase the number and types of offenders who can safely be maintained in the community. For example, in many circuits, probation officers have been trained to supervise mentally ill and mentally retarded offenders. DUI offenders statewide are now receiving counseling from specialized probation officers twice as often as is usual for other supervision cases. Additionally, some circuits are providing targeted educational, vocational, and employment programs to probationers.

Intensive Probation Supervision is another specialized probation service. IPS began as a pilot program in May 1984 in nine Illinois counties—Cook, Champaign, Kane, Lake, Macon, Madison, McLean, Peoria, and St. Clair. Later that year, the program expanded to three more counties—Jackson, Saline, and Williamson. These 12 counties operate 13 IPS programs: each has an adult program, and Cook County has a juvenile program as well. All probationable felons (generally Class 1–4 offenders) who would otherwise be committed to IDOC are eligible for IPS. Candidates are first screened by the county's IPS unit, which makes a recommendation to the sentencing judge about the offender's suitability for IPS. The judge may accept or reject this recommendation.

The IPS program, which lasts 12 months, is usually the first year of a three- or four-year probation sentence. Typically, convicted felons eligible for IPS are sentenced directly to the program after a judge has reviewed various pre-sentence reports. Some offenders, however, may first serve a brief prison sentence, where the offender's eligibility for IPS is assessed, and then be offered the option of IPS. If the offender chooses IPS, the intensive probation term begins upon the sentencing judge's approval.

All IPS probationers must abide by a curfew, must perform at least 130 hours of community service, and must undergo drug testing as part of the program. Offenders must also follow other strict conditions, which are determined by the sentencing judge and the three phases of the IPS program. Phase 1, which lasts about three months, is the strictest of the three phases, with daily face-to-face visits with a probation officer. Phase 2 is slightly less strict, and involves contact with a probation officer three to four times a week for approximately six months. In Phase 3, the conditions are again reduced. The individual must meet with the probation officer one or two times a week for about three months.

Failure to comply with any IPS condition can lead to revocation of the sentence and imprisonment in IDOC. Offenders who successfully complete all three phases of the IPS program are normally transferred to regular probation caseloads, usually for another two or three years.

HOW ARE MENTALLY ILL OFFENDERS TRIED AND SENTENCED IN ILLINOIS?

Any defendant or offender in the criminal justice system who is suspected of suffering a mental illness is entitled to evaluation and psychiatric treatment, if necessary. In addition, there are several special provisions in the law that regulate the prosecution and sentencing of persons who are mentally ill or sexually dangerous.

- **Unfit to stand trial.** At any point during the court process, either the defense counsel or the prosecutor may request a psychiatric evaluation for a defendant. If a defendant's mental illness renders him or her incapable of understanding the charges or participating in a defense, the accused may be found unfit to stand trial. In this case, the defendant may be committed to a psychiatric hospital for treatment until the illness has been stabilized sufficiently for the defendant to be tried.[48] Such defendants must be re-evaluated every 90 days.

Their commitments may be extended but only up to a maximum limit, which differs with the seriousness of the alleged crime. For example, for murder or a Class X felony, the maximum limit of extensions is five years. Multiple extensions are rarely used; most defendants are able to return to trial within the allowable time limit. In Illinois in 1988, 285 persons were found unfit to stand trial.

- **Alternative verdicts.** During the sentencing phase of the trial, in addition to the normal guilty or not guilty findings, two additional verdicts are possible: not guilty by reason of insanity or guilty but mentally ill. To be found not guilty by reason of insanity, a defendant must prove that a mental disorder at the time of the crime was severe enough to impair thought and judgment, thereby freeing the defendant from criminal responsibility for his or her conduct.

  Guilty but mentally ill means the offender, at the time of the crime, possessed a substantial disorder of thought which impaired his or her judgment, but not to the extent that the offender was unable to appreciate the wrongfulness of the behavior or was unable to conform his or her conduct to the requirements of the law. When a defendant is found guilty but mentally ill, the court may still impose the same sentence it would give a defendant simply found guilty of the same offense. However, the manner in which the two types of offenders serve their sentences is different.

  For example, if the court decides that a sentence of imprisonment is appropriate, a defendant found guilty but mentally ill is first committed to IDOC, where an inquiry and examination concerning the nature, extent, duration, and treatment of the defendant's mental illness is conducted. IDOC may provide treatment or, if necessary, transfer the offender to the Illinois Department of Mental Health and Developmental Disabilities. The offender may stay under the care of this state agency until the sentence is completed or until hospitalization is no longer needed. In the latter instance, the offender is sent back to prison to finish the sentence.

  If a defendant found guilty but mentally ill is placed on probation or sentenced to a term of periodic imprisonment, the person is required to submit to a course of mental treatment prescribed by the court. Failure to continue the treatment, except by agreement of the court, can result in proceedings to revoke probation.

  The relationship of the guilty but mentally ill verdict to the not guilty by reason of insanity verdict is still a source of confusion, however. Until January 1, 1990, a defendant trying to obtain a verdict of not guilty by reason of insanity had to prove insanity at the time of the crime *by a preponderance of the evidence.* At the same time, however, the prosecution would be trying to obtain a guilty but mentally ill verdict, for which it had to prove *beyond reasonable doubt* that the defendant was *not* insane. A new law, passed in 1989, removes the problem of shifting burdens of proof and differing standards of evidence.[49] It allows a guilty but mentally ill verdict when the state has proven beyond reasonable doubt that the defendant is guilty of the offense charged, the defendant has failed to prove insanity, but *has* proven the existence of a mental illness at the time of the crime by a preponderance of the evidence.

- **Sexually dangerous persons.** Illinois is one of only five jurisdictions to retain a special statute that provides for involuntary civil commitments of persons who are found to be "sexually dangerous." [50]

  A sexually dangerous person is someone who is found to have a mental disorder, shown to have existed for a minimum of one year, that is "coupled with criminal propensities to the commission of sex offenses." The term can be applied to both rapists and child molesters. Following psychiatric evaluation, a finding of sexual dangerousness can be made by a judge at a special civil hearing. Although it is a civil proceeding, the standard of evidence applied is beyond reasonable doubt.

  In Illinois, unlike most other states which have had similar laws, it is not necessary to be found guilty of a sexual offense to be declared sexually dangerous—a criminal *charge* is sufficient to begin a petition.[51] Nevertheless, once such a judicial finding has been made, the person is committed to Menard Psychiatric, a maximum-security IDOC facility. Once committed, a sexually dangerous person is confined at Menard until treatment personnel at the facility declare him "recovered" and "no longer dangerous," and this opinion is upheld at a hearing that can result in a conditional release.[52]

  From 1949, when the Sexually Dangergous Persons Law was enacted, until the mid-1980s, the number of sexually dangerous persons confined at Menard at any given time averaged approximately 30. Beginning in 1985, the yearly census began to rise, increasing in 1989 to an all-time high of 51 inmates, a 66-percent increase over 1983 levels. This increase is occurring at the same time that efforts are being made to repeal the statute. The Commission to Revise the Mental Health Code of Illinois, a group appointed by Governor James R. Thompson to review all mental health laws, has recommended repeal.[53] The commission could find no difference between the more than 2,500 sex offenders criminally committed to IDOC and those committed as sexually dangerous persons—and, therefore, no justification for retaining the statute.[54]

The Data

Data in this chapter come from several sources:

1. *Annual Report to the Illinois Supreme Court*, Administrative Office of the Illinois Courts (1977–1984 and 1986–1987)
2. Preliminary or unpublished AOIC figures (1985–1988)
3. *Probation Division Statistical Report*, AOIC (1980–1987)
4. *Intensive Probation Supervision: Statewide Summary*, AOIC (1988)
5. *Circuit Court Caseload Summaries, January–December, 1988*, AOIC
6. *Circuit Court Calendar Management, January–December, 1988*, AOIC
7. *Statistical Presentation*, Illinois Department of Corrections (1978–1987)

Data for this chapter were largely provided by the Administrative Office of the Illinois Courts. Many of the AOIC data characteristics that were described in "The Data" section in Chapter 2 apply here as well. Due to recent changes in AOIC reporting, some data used in previous editions of *Trends and Issues* are no longer available.

Where possible, both statewide statistics and comparisons between Cook County and the rest of Illinois are presented. However, the discretion afforded county state's attorneys and judges in carrying out their responsibilities contributes to differences in the way court data are reported in different regions of the state—most notably between Cook County and the rest of Illinois. For this reason, it is usually preferable to examine statistical trends in criminal court activity separately for these two regions.

Unless otherwise stated, all data and associated discussion in this chapter refer to *felony* cases or *felony* defendants only. In addition, all statistics in the chapter are reported in calendar years.

PROBLEMS IN USING ILLINOIS COURT DATA TO ESTIMATE COURT BACKLOGS

Historically, Cook County criminal courts have developed a system of record keeping that is different from the systems used in the 21 other Illinois circuits. These differences make it difficult to compare the level of criminal court activity in Cook County with that of the rest of the state. This lack of consistency also reduces the accuracy and reliability of statewide felony and misdemeanor case volume statistics.

One of the most serious problems is that, while misdemeanor *cases* are counted outside of Cook, courts in Cook County record *charges*. Because several charges are often consolidated into a single case, totals that include Cook County misdemeanors are inflated by an unknown number. When such a consolidation occurs, the old record is not always accurately changed. Error at this stage can produce "ghost cases"—charges actually resolved by consolidation that permanently float in the system, artificially exaggerating the apparent pending workload of the court.

The reporting category for misdemeanors in Cook County is also more broadly defined than it is in other districts. For example, ordinance and conservation violations are included in the category of Cook County misdemeanors, but elsewhere are counted separately. Misdemeanor tallies in Cook County are also increased by the inclusion of felony charges heard (and often disposed of) at preliminary hearings in the Municipal District courts. This reporting quirk can also distort felony totals.

AOIC has long recognized the complexities caused by these reporting differences, and has encouraged a move toward standardization. Courts in Cook County are beginning to convert to a record-keeping system based on *cases* for both felony and misdemeanor offenses. Once the conversion is complete, new records will permit a far more accurate comparison of court activities throughout the state, but comparisons of changes in activity levels before and after the conversion will become more difficult.

Until such record-keeping improvements are complete, criminal court statistics in Illinois will remain an incomplete source of information about backlogs. This difficulty increases the value of studies of actual processing times within the system, such as the 1988 Cook County study commissioned by the Cook County Board and jointly conducted by the U.S. Department of Justice and American University. Studies such as this enable comparisons to processing times in urban jurisdictions in other state court systems, and afford the best means presently available to examine the extent of delay in Illinois criminal courts. Other measures of court activity cannot be used at present to accurately determine backlog.