

The Compiler

Illinois Criminal Justice Information Authority

Summer 1991

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Battle of the backlog

Police in Illinois made a record 143,000 arrests for index crimes during 1989 (the last year of complete data). Another 51,600 arrests were made for drug offenses that year, also an all-time high.

As impressive as these arrest statistics are, they come with a price.

The boost in law enforcement productivity is placing tremendous new pressure on the other parts of the criminal justice system, many of which were already facing record caseloads before the latest crunch.

The pressure is particularly acute on the courts, which must meet the needs of both the criminal *and* civil justice systems. For them, the challenge is to hold down new backlog, even as they work to clear up existing cases.

Beginning on page 5, this issue of *The Compiler* looks at how the courts in Illinois are faring in this battle of the backlog.

Eleven new users sign on to ALERTS network

The Illinois Criminal Justice Information Authority's Area-wide Law Enforcement Radio Terminal System (ALERTS) now includes 11 more police departments in the Chicago area: Batavia, Downers Grove, Fox River Grove, Hainesville, Huntley, Naperville, North Aurora, Round Lake, Round Lake Beach, Round Lake Park, and Round Lake Park District. The new departments bring the total number of ALERTS users to 69.

ALERTS is an in-car computer terminal network that provides officers with instant access to national, state, and local crime information.

Alternative work program part of anti-drug efforts in St. Clair County

A unique alternative work program for drug offenders, established by the East St. Louis Drug and Alcohol Abuse Task Force with funding from the Illinois Criminal Justice Information Authority, began operating in June. The program is a coordinated effort by St. Clair County's sheriff's department, state's attorney's office, and probation office. Each probationer is assigned to community service in the form of cleaning up the city. The work program will involve 15 offenders when it reaches full capacity.

The Alternative Work Offender Program is one component of a specialized anti-drug initiative funded by \$350,000 in federal Anti-Drug Abuse Act funds awarded by the Authority to St. Clair County. In addition to the alternative work program, the grant funds the following:

- ◆ A special drug prosecution unit within the St. Clair County State's Attorney's Office
- ◆ An intensive supervision program run by the St. Clair County Probation and Court Services Department for drug offenders and offenders with drug abuse problems
- ◆ Supervisory services by the St. Clair County Sheriff's Department for the Alternative Work Offender Program.

Motor Vehicle Theft Prevention Council gains six members; public hearings set for August

Governor Jim Edgar in May appointed six new members to the Illinois Motor Vehicle Theft Prevention Council, and the Council announced it will hold public hearings in August to gather local input on the problem of vehicle theft.

The Governor appointed the following members: Donald Bitz of Freeport, president, Economy Fire and Casualty Company; Edward Bunnilla, Will County state's attorney; James Donahue, Tazewell County sheriff; Frank McGiboney of Vernon Hills, property claim director, Allstate Insurance Company; Adam Mervis of Decatur, vice-president, Sol Tick & Company; and K. Steve Williams of Bloomington, deputy regional vice-president, State Farm Insurance Company. The law creating the Council requires that three of its members represent the insurance industry and one represent purchasers of vehicle insurance (a position filled by Mr. Mervis).

The six new members join the Council's five ex officio members: Chairman Terrance Gainer, Illinois State Police director; LeRoy Martin, Chicago Police superintendent; Jack O'Malley, Cook County state's attorney; Giacomo Pecoraro, chief of the Secretary of State's Police (and designee for Secretary of State George Ryan); and James Schacht, acting director, Illinois Department of Insurance.

Operating under the auspices of the Illinois Criminal Justice Information Authority, the Council administers an estimated \$5 million a year in grants for vehicle theft enforcement, prosecution, and prevention. Money for the program comes from an annual \$1-per-vehicle assessment paid by all companies that write motor vehicle insurance in Illinois.

At its June meeting, the Council unanimously approved a state fiscal year 1992 administrative budget and made preliminary plans for awarding its first round of funds. The grant process will include two public hearings, to be held August 21 in Willowbrook and August 23 in Springfield.

Testimony at the hearings will be used by the Council in developing its first statewide strategy for combatting motor vehicle theft and improving the administration of vehicle theft laws.

For more information about the hearings or the Council, contact Gerard Ramker, motor vehicle theft prevention program director, at 312-793-8550.

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Correction

In the Spring 1991 edition of *The Compiler*, a map of Illinois counties covered by metropolitan enforcement groups and drug task forces contained some errors. Douglas and Shelby counties are covered by task forces, not MEG units. Cass County is covered by neither.

Also, since last issue, the Illinois Criminal Justice Information Authority has designated \$90,000 in federal Anti-Drug Abuse Act funds to start a new task force in Mercer and Henry counties.

Governor Edgar appoints Peter Bensinger, ex-DEA chief, as new Authority chairman

Peter B. Bensinger, Illinois' first director of corrections and former head of the U.S. Drug Enforcement Administration, has been tapped by Governor Jim Edgar as chairman of the Illinois Criminal Justice Information Authority.

"Peter Bensinger brings extensive knowledge and experience to the Authority," the Governor said in announcing the appointment June 6. "In addition to his expertise in waging war on drugs, he has an excellent grasp of the law enforcement challenges we face as a state."

Named administrator of the DEA in 1976 by President Gerald Ford, Chairman Bensinger held that position for nearly six years during three administrations. Prior to that, he was director of the Illinois Department of Corrections during the administration of Governor Richard Ogilvie. He has also served as the executive director of the Chicago Crime Commission, as chief of the Crime Victims Division of the Illinois Attorney General's Office, and as chairman of the Illinois Youth Commission.

Chairman Bensinger, 55, is



Peter B. Bensinger

currently president of Bensinger, DuPont & Associates, a Chicago consulting firm that specializes in drug and alcohol abuse policies.

In addition to Chairman Bensinger, the Governor appointed four other members to the Authority in June:

- ◆ Barbara Engel of Chicago, an expert in crime victim services and past president of the Illinois Coalition Against Sexual Assault

- ◆ Arthur Smith Sr. of Glencoe, a business executive and member of the Chicago Police Board

- ◆ Michael Waller, Lake County state's attorney

- ◆ Roger Richards, Fairview Heights police chief,

William Gould, first chairman, served for eight years

For its first eight years, the Illinois Criminal Justice Information Authority knew only one chairman. William Gould was appointed by Governor James R. Thompson in 1983 and served as chairman until January 1991.

A successful business owner from Glencoe, Mr. Gould brought his management expertise to the Authority during its formative years. He was no stranger to criminal justice either. Besides his stint as chairman of the Authority, he was chairman of the Illinois Criminal Justice Information Council from 1977 to 1982 and a member of the Illinois Law Enforcement Commission.

Mr. Gould and his family are currently operating a bakery and restaurant business in Illinois and Wisconsin.

who was reappointed.

"I am confident that Peter Bensinger and the other Authority members—as well as the staff—will help to develop innovative approaches to making Illinois a safer place in which to live and to raise families," Governor Edgar said.

Chairman Bensinger has announced chairmen for the Authority's five standing committees. They are Jane Buckwalter of the University of Illinois at Chicago, Appeals

Committee; Kenneth Boyle, director of the Office of the State's Attorneys Appellate Prosecutor, Budget Committee; Cook County State's Attorney Jack O'Malley, Legislation and Regulations Committee; Chief Richards, Operations and Audits Committee; and First Assistant Attorney General Joe Claps, Research and Policy Committee. The chairman has also named Ms. Buckwalter as vice-chairman of the Authority.

Vienna Correctional Center wins environmental achievement award

The Vienna Correctional Center in Vienna, Illinois, in June received a National Environmental Achievement Award for its work to produce ethanol in an economically viable manner for small-scale agribusiness. The award is one of 20 given each year for outstanding environmental or renewable energy projects in the United States. In operation since 1982, the Vienna production plant currently provides training and work experience for 75 inmates at the facility.

Use of wiretaps increases nationwide during 1990

According to the Administrative Office of the United States Courts in Washington, D.C., use of wiretaps rose a total of 14 percent nationwide in 1990, but increased nearly 21 percent at the state level. Narcotics-related investigations accounted for almost 60 percent of all wiretaps, while gambling investigations accounted for 13 percent, and racketeering accounted for 10 percent. The average federal wiretap cost taxpayers \$67,841 last year. As of December 31, 1990, wiretaps had led to the arrest of 2,057 people during 1990.

Committee tackles problem of missing dispositions

The Illinois Criminal Justice Information Authority has convened an ad hoc committee to examine the problem of missing dispositions on Illinois rap sheets and to suggest comprehensive approaches to improving the state's criminal history record information program.

Staffed by the Authority and the Illinois State Police, the 18-member Ad Hoc Committee on Dispositional Reporting has been directed to assess the missing disposition problem and identify the organizational, technological, personnel, and policy problems and issues that impede disposition reporting and posting in Illinois.

Creation of the committee was recommended by the Authority in its 1990 audit of the Computerized Criminal History (CCH) system, the state central repository for rap sheet information maintained by the State Police. The audit, published in March 1991, found that nearly 60 percent of the arrest records sampled were missing dispositional information from both the state's attorney and the circuit court.

"The findings of last year's audit and the concerns expressed by participants in last summer's *Trends and Issues* Forum underscore the urgent need for a comprehensive, coordinated, and concerted effort to address the missing disposition problem," said Fairview Heights Police Chief Roger Richards, a member of the Authority and chairman of the new ad hoc committee.

The committee met for the first time July 17 in Chicago, and has scheduled a two-day session in September.

In the meantime, committee staff are conducting a statewide survey to get input from local agencies on the problems surrounding the reporting, transfer, posting, and use of criminal history record information. The survey will include police chiefs, sheriffs, state's attorneys, circuit clerks, and members of the judiciary.

Chief Richards said the survey is an excellent opportunity for local officials to voice their concerns about the processing of rap sheet information in Illinois.

State Police Director Terrance Gainer said it is time for state and local officials to put their differences aside on the issue of missing dispositions and "march on from here."

"I pledge the full support of the Illinois State Police as the holder of many of these records. Let's get on with it—let's put aside all politics—because this is good government and we can make a difference," he told the committee.

In addition to Chief Richards and Director Gainer, the ad hoc committee includes three other state agency representatives: J. David Coldren, executive director of the Authority; Howard Peters III, director of the Department of Corrections; and William Madden, acting director of the Administrative Office of the Illinois Courts.

Also, four state's attorneys: Mark Clarke, Alexander County; Paul Logli, Winnebago; Jack O'Malley, Cook; and Jim Ryan, DuPage; and three circuit clerks: Roy Hertel, Montgomery County; Joel Kagann, DuPage; and Aurelia Pucinski, Cook.

Also, three police chiefs: Charles Gruber, Elgin; LeRoy Martin, Chicago; and John Schlaf, Galesburg; and three sheriffs: Richard Doria, DuPage County; George Shadid, Peoria; and Michael Sheahan, Cook.

Latent print, crime scene services targeted in new Authority grants

The Illinois Criminal Justice Information Authority in June awarded the Illinois State Police \$75,000 in federal Anti-Drug Abuse Act (ADAA) funds to enhance the state's ability to analyze and compare latent fingerprints for local law enforcement agencies. With the Authority's grant and the matching \$25,000 in state General Revenue money, the State Police will contract some of its 26 latent print examiners for overtime work during the next year. The extra work time will be used to eliminate the backlog of latent print cases and

to provide results to requesting agencies within 29 days. The program will focus on analyzing drug packaging for latent prints.

Also in June, the Authority awarded the State Police \$135,000 in federal ADAA funds to expand its crime scene processing services to local law enforcement agencies. The money, which will be matched by \$45,000 in state general revenue funds, will be used to pay overtime to technicians and supervisors to process more property crime scene cases after regular duty hours.

Cook County Jail reaccredited

The American Correctional Association, an independent organization of corrections experts, reaccredited Cook County Jail in May with the highest rating the county's Department of Corrections has ever received. The jail met all 30 mandatory standards for sanitation, safety, and efficiency, and 324 of the 330 non-mandatory standards.

The jail received an overall compliance rating of 98.1 percent despite its population of more than 7,000 inmates and the subsequent crowding problems. Cook County Jail has been a user of the Illinois Criminal Justice Information Authority's Correctional Institution Management Information System (CIMIS) since 1976.

CHA residents receive legal help

Residents of two of the Chicago Housing Authority's most dangerous housing developments who are victims of serious violent or property crimes are getting legal support and advocacy services through a \$100,000 federally funded program announced in April by the Illinois Criminal Justice Information Authority.

The CHA is using the federal money, along with \$25,000 in local matching funds, to establish a CHA Victim and Witness Assistance program to help victims in the Ida B. Wells and

Stateway Gardens housing developments on the city's South Side. The new program provides services such as case tracking, victim notification of court appearances, employer intervention, and transportation and day care for those appearing in court.

The funds are part of Illinois' 1990 share of money under the federal Victims of Crime Act, a program designed to expand the level of services to crime victims. The program is financed by fines and fees levied against federal criminals.

Mixed news on backlogs

The Authority will soon publish a comprehensive, state-by-state analysis of the growth of backlog in state courts. And while the national picture is alarming, findings about Illinois offer some encouragement.

By Maureen Hickey and Ed Kennedy

Backlogs in the nation's state court systems are growing at an alarming rate, stretching judicial resources even thinner and slowing down the administration of justice, according to a new Illinois Criminal Justice Information Authority analysis.

Between 1986 and 1988, rising national state court backlogs added 3.6 months to average criminal case processing time and 2.7 months to average civil case processing time. If 1986-1988 trends continue, criminal and civil case processing in state courts will slow by an average 12.2 months by the year 2000. By the year 2010, a 10-year judicial career may not be long enough in many courts to terminate the very first civil case assigned to a new judge, if

that case goes to trial.

While Illinois also continued to add backlog during this period, it did so more slowly than many other large states. Of the 10 most populous states, Illinois added the fourth smallest percentage of new court backlog between 1986 and 1988.

The Authority's analysis looks at backlog trends only through 1988, and the situation could have changed since then. Even if it has worsened, however, the Authority's findings show that Illinois, unlike many other large states, was able to keep its backlog under control between 1986 and 1988, a critical period when criminal case filings, especially drug cases, were on the rise.

Backlog growth rates

Court backlog is often measured in terms of the number of cases pending in a court at a given time. But that measure, which includes cases that may not even be ready to be pled, settled, or tried, does not give an accurate picture of the rate at which court backlogs are growing, and is difficult to compare from one jurisdiction to another.

In its new study, the Authority measured and compared the rates at which courts' backlogs grow. When a court fails to "clear its calendar" within a given period by terminating at least as many cases as were filed, new backlog results. To make it possible to compare the rate of backlog growth between one jurisdiction and another, regardless of jurisdiction size or the amount of pre-existing backlog, the shortfall is expressed as a percentage of cases terminated—the court's output—during that period. Shortfalls can also be compared year to year within a jurisdiction, regardless of fluctuations in the number of cases filed, giving the rate at which backlog is emerging.

For example, between 1986 and 1988, the nation's state courts terminated a total of 5.5 million fewer criminal and civil cases than the 67 million that were filed, giving a shortfall of 8.2 percent over that period. The

Illinois courts' filings vs. terminations

Illinois courts terminated more criminal cases than were filed between 1986 and 1988, although the shortfall grew for other types of cases.

Criminal

Year	Filings	Terminations	% Shortfall
1986	473,177	474,721	-0.3
1987	478,096	496,077	-3.8
1988	569,124	553,052	2.8
Total	1,520,397	1,523,850	-0.2

Criminal and civil

Year	Filings	Terminations	% Shortfall
1986	990,933	965,350	2.6
1987	1,010,375	1,007,730	0.3
1988	1,231,589	1,160,235	5.8
Total	3,232,897	3,133,315	3.1

Civil

Year	Filings	Terminations	% Shortfall
1986	517,756	490,629	5.2
1987	532,279	511,653	3.9
1988	662,465	607,183	8.3
Total	1,712,500	1,609,465	6.0

All types*

Year	Filings	Terminations	% Shortfall
1986	7,329,530	4,766,064	35.0
1987	7,069,209	5,219,129	26.2
1988	8,737,406	5,105,400	41.6
Total	23,136,145	15,090,593	34.8

*The most significant other type of case included here is traffic violations.

Source: Illinois Criminal Justice Information Authority analysis of National Center for State Courts data

nationwide criminal and civil shortfall decreased from 9.1 percent in 1986 to 7.2 percent in 1988, but it is impossible to know whether that decrease, because it took place over such a short period, represents a trend.

The Authority examined state court caseload data for three years, 1986 through 1988, for 45 states, Puerto Rico, and the District of Columbia, focusing especially on the 10 most populous states, including Illinois. (Because of problems with the data, Massachusetts, Mississippi, Montana, Nevada, and South Dakota were not included.) 1988 was the last year for which National Center for State Courts data were available.

From 1986 through 1988, Illinois had a caseload shortfall for criminal and civil cases of 3.1 percent, despite a total increase in case filings of 24.3 percent. Pennsylvania, with a population the same size as Illinois' and with a lower filing growth rate of 8.9 percent, had a shortfall of 9.4 percent—three times Illinois'.

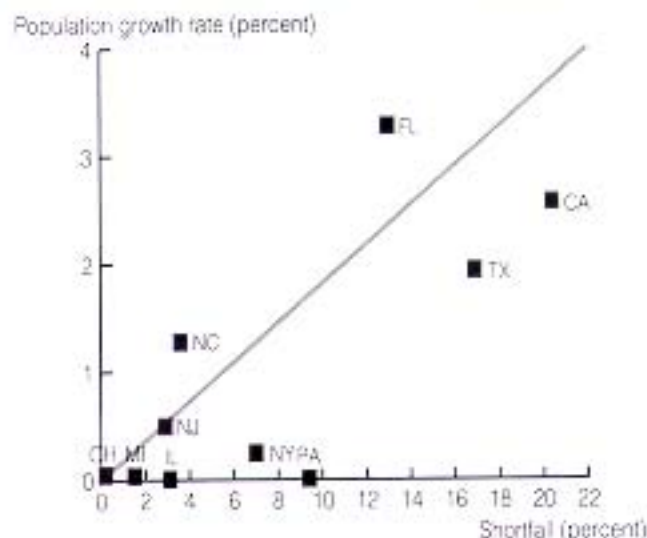
Of the 10 most populous states, the ones with the largest shortfalls during the three-year period were California, with a shortfall of 20.4 percent, Texas, with 16.9 percent, and Florida, with 13 percent. Only Ohio, with 0.2 percent, Michigan, with 1.5 percent, and New Jersey, with 2.9 percent, had lower shortfalls than Illinois.

None of the 10 largest states avoided a shortfall in combined criminal and civil cases from 1986 through 1988, although some states experienced a "negative shortfall"—more cases were terminated than filed—in one of the two types of cases. For instance, Illinois' percentage shortfall in criminal cases was -0.2 percent during the three-year period.

The fact that Illinois had a relatively low shortfall does not imply that the state does not have a court backlog problem. From 1986 to 1988, Illinois terminated 99,582 fewer criminal and civil cases than were filed. If Illinois courts continue to add new backlog, even at the relatively low 1986-1988 rate, in the year 2000, Illinois will have accumulated 1.1 million cases in new backlog. And this new backlog, of course, does not even take into account

Caseload shortfalls and population

The states with the largest population increases between 1986 and 1988 also experienced the biggest shortfalls for criminal and civil cases combined.



Source: Illinois Criminal Justice Information Authority analysis of National Center for State Courts data

backlog that existed before 1986.

Population and backlog growth

Even so, Illinois courts between 1986 and 1988 were able to increase the number of cases terminated by an average of 10 percent a year, helping to keep its case shortfall low despite increased filings. Why did Illinois have such a comparatively low shortfall? One factor may be that the state's population remained relatively stable from 1986 through 1988.

The Authority found the largest shortfalls among Sunbelt states that had high population growth rates during those years. California, Texas, and Florida tended to have both the highest population increases and the greatest shortfalls. Low population growth states (New Jersey, Illinois, Michigan, and Ohio) had the slowest growth in court backlogs.

Although population growth and backlog growth were correlated, the Authority found no correlation between population growth and increases in case filings. The number of cases filed per capita rose nationwide between 1986 and 1988, but the low-growth states were better able to cope with the increased volume than the states with rapidly growing populations.

States undergoing rapid population expansion may simply not have the resources available to respond to increased numbers of cases. In addition, criminal and civil cases have increased in complexity, for example, as states have added statutes or have changed their laws to increase penalties for certain crimes.

Although increased volume is relatively easy to predict and prepare for when resources are available, increased case complexity is more difficult to anticipate. A legislative change might, for example, increase the proportion of the felony caseload that requires heavy court involvement, but that increase might not be noticed by court planners for a year or more, when those cases reach the trial stage. By that time, the court's ability to meet caseload demands could be seriously impaired for years to come.

The Authority plans to continue to study the connection between population growth and court backlog growth, in hope of making it possible to better plan for workload requirements. In the meantime, court backlogs, and subsequent delays in case processing, continue to increase nationwide—whether rapidly, as in California, or relatively slowly, as in Illinois. ■

Chief Justice Miller: Assessing the state's courts

As one of the few states with a unified court system, Illinois places final authority for administration and operation of its courts with the state Supreme Court and its chief justice. In January, Benjamin K. Miller took on the job of chief justice. *The Compiler* recently spoke with him on a wide range of courts-related topics.

By Kevin P. Morison

Compiler: *Looking at the entire criminal justice system, it seems that law enforcement has generally made bigger advances than other components of the system in technology and automation. How would you assess where Illinois courts stand in terms of automation?*

Miller: We're doing the best we can under the circumstances, and the circumstances are a little difficult, in the sense that we're talking about three levels of courts—trial courts, Appellate, and Supreme. The Appellate and Supreme courts are entirely state-funded, so we can control what type of program we're going to use and that sort of thing. Trial courts basically are funded county by county. It's a little more difficult to automate that, simply because one county buys an Apple computer, one buys an IBM, and one buys another kind. You try to standardize the thing and put out a program that everyone can use, but it's much more difficult at the trial court level.

Compiler: *What's your strategy for bringing about trial court automation—facilitating change or dictating it?*

Miller: I don't think that works well with automation, dictating from above. The users ought to drive the system, not the system drive the users. But they need some help and guidance. It's our job to tell them what's available and what can be done, with

the users deciding what needs to be done and developing programs to meet those needs.

Compiler: *How does automation in the trial courts fit into the bigger criminal justice picture?*

Miller: If you look at the whole thing, you guys are keeping some information, we're keeping other information, the sheriff's keeping some, and so on. Maybe we ought to have some summit where we all try to correlate this information and work together, so you can track a person from the time he comes into the system to the time he leaves. We need to start sharing some of these databases.

Compiler: *What do you think the courtroom of the 21st century is going to look like?*

Miller: The courthouse of the future. No. 1, can be almost paperless. You can image the filing of documents, first by fax and now electronically, as well as storage and easy retrieval, access by a network of users at the same time, and so on. Right now, you have a file that goes to the judge's office. When somebody else wants to see it—"I'm sorry, but the judge has got it." Rather than that, you could have 50, really an unlimited number of people looking at the same document at the same time, not only within the same building but in offices

throughout the city and state.

Plus, you wonder if you're going to get into teleconferencing between lawyers. At some point in the future, we could have teleconferencing between the court and lawyers, and they don't even have to leave their offices.

Compiler: *Shifting gears a bit, the Supreme Court's most recent annual report to the General Assembly raised several issues regarding relations between the judicial and legislative branches. What are the underlying issues here, and what do you hope your suggestions will produce?*

Miller: Obviously, what the legislature does affects the courts to a great extent. It seems that we should be concerned with improving that communication, so that everybody understands each other's needs—matters of mutual concern. That is what's behind our specific call for the revitalization of the Judicial Advisory Council.

When I say matters of mutual concern, let me give you an example. The legislature has an impact on the funding of the judicial branch of government, not only in terms of budget and appropriations, but in other areas as well. The DUI legislation that was passed several years ago impacts greatly on the courts in terms of judicial manpower and the different hearings that must be held. It's good for the legislature to at least understand how some of these things impact on the courts.

It can work on our end too. We could do something in a case that can have impact far beyond that particular case.

Compiler: *You mentioned legislative impact on funding. How has this issue played out in what is turning out to be a very tight budget year?*

Miller: This year, we were asked to submit a bare-bones budget to begin with, and we did that. Then the legislature came back and asked us to trim that by \$18 million, and we did that. But when you do that, you start affecting different segments, like probation. Probation is about 25 percent of our total budget. So when you cut \$18 million, you obviously are taking some heavy cuts in probation.

That gets a lot of people who are inter-

estral in probation excited, and they start lobbying to restore those funds. The legislative staff starts looking where they can get money to restore some of the cuts that were taken in probation. They start looking at the Appellate Court and the other parts of our budget.

We're all for new money to restore those cuts, but we're not for taking away from what we've determined to be basic needs and giving it to another part of our budget. I think this is another example of where a Judicial Advisory Council could help.

Compiler: *Your annual report also raises the issue of judicial salaries. Why is this an immediate concern?*

Miller: It's not that it's just an immediate concern. It's always been a concern. But it's made more immediate for a number of reasons. One is that it's been some time now since we've seen a pay raise. Historically, the judicial branch goes a long period of time without a pay raise, and then we get a big jump to bring it kind of even. But then we can go a long time again without another pay raise. Right now, we're lagging behind the cost of living for long periods of time.

The second thing is that we're now in a

situation where a federal magistrate, who could not even hear a case without the permission of the parties, makes more than a member of the Illinois Supreme Court. Their lowest level of judge makes about \$35,000 more than our highest level of judge. What kind of message are we sending to the judges in our state?

The third thing is the quality of the judges that you have—maintaining a stable and experienced judiciary. If the pay for judges is too low, then good people simply won't be able to afford to be judges. You'll always have people to take the jobs, no matter what the salary is, but those won't always be the best people.

Compiler: *In our Trends and Issues 90 report, the Authority documented a growing gap, at least on the criminal side, between court activity and court resources. What does this gap mean, in real-world terms, for the courts?*

Miller: What it means is that you have to give a lot of credit to a lot of judges who are working in an environment of increased caseloads and workloads and pressures, without being compensated for that. But you wonder how long they can keep up.

When you get that kind of diversity between the resources you have available and the job you have to do—and the job you have to do keeps growing and growing, and the resources don't—at some point you're going to have a breakdown in the system.

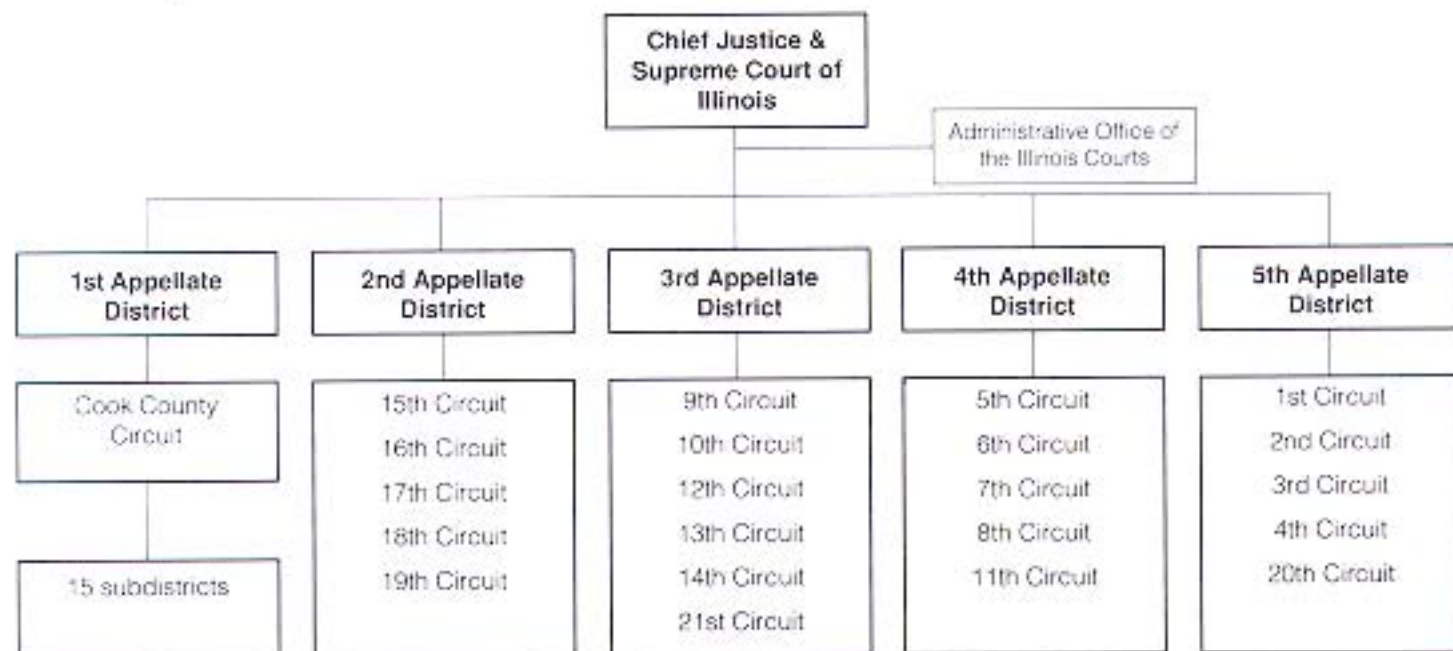
Compiler: *In the federal courts, there have been recent complaints that stepped-up drug enforcement is forcing the courts to shift resources away from the civil side and to the criminal side. Have the courts in Illinois been forced into this situation as well?*

Miller: You do that sort of thing all the time—shifting resources. But a lot of the things that impact on us are forces that are external. For example, the DUI situation that we talked about. It's not just a question of sitting down and saying, "We should put more there." We've got to put more resources there.

Criminal cases are extremely important to the public, and you've got speedy trial rights and all kinds of things going on that you don't have in civil cases. You just simply at some point have to start shifting resources. If you can't expand the resources for the entire system, you have to start shifting them over. We make those decisions

Illinois' state courts are organized into three tiers

In 1964, Illinois became the first state in the nation to adopt a unified court system in which administration and rulemaking is centralized under the authority of the Illinois Supreme Court and its chief justice.



Source: Administrative Office of the Illinois Courts



"Actually, under determinate [sentencing] you've got more control because you just calculate the day-for-day good time, assuming the guy's going to get it, and you know more exactly what that sentence will be."

[about shifting resources] because we have to, not because they're the best way to handle the thing.

Compiler: *How important is the funding source? Why is full state funding of the courts, as you called for again in your annual report, so important?*

Miller: There are a number of reasons why it's important. We talked earlier about standardizing data processing, that sort of thing. It's much easier to handle that if you have resources that are uniform throughout the state. But because there are 102 counties, and they all have different tax bases and priorities of their own, you get vastly different resources available to the courts in one county than in another county. That has a big impact on how judges operate and how they can carry out their function.

It also, to some extent, has to do with the kind of people you might attract to become a judge. There's a lot of talk about merit selection of judges. But I'm not so sure that there's any empirical evidence to suggest selecting judges one way over another produces a better judge. I think there may be some factors that impact on the quality of judges more than the method by which they are selected. I think having support staff, the facilities, and the resources you need to do a job may be more important in the quality of the judicial product than the method by which the judge is selected.

Compiler: *An upcoming research bul-*

Ben Miller: A biography

When asked what aspect of his new job as chief justice of the Illinois Supreme Court has surprised him the most, Ben Miller chuckles and says it's been the reaction of other people. "You don't really have more to say than you did before, but people seem more interested in hearing it."

The fact is, people in central Illinois and throughout the state have been listening to Ben Miller for many years. A lifelong resident of Springfield, Justice Miller, 54, spent 16 years in successful private law practice, before being appointed to the state's 7th Circuit Court in 1976. He was elected to that court two years later, and served as its chief judge from 1981 to 1982.

After spending two years on the Illinois Appellate Court, Justice Miller was elected to the Illinois Supreme Court in 1984. His fellow justices selected him to be the chief justice for a three-year term that began in January 1991.

Throughout his career, Justice Miller has been active in a variety of legal, civic, and academic pursuits. He was a member of the former Illinois Law Enforcement Commission from 1977 to 1982, and a charter member of the Illinois Bar Foundation. From 1976 to 1971, he was a board member (and president for two years) of the Central Illinois Mental Health Association, where he initiated model drug abuse and suicide prevention programs. And since 1974, he has been an adjunct professor at Southern Illinois University's School of Medicine, where he developed a legal-medical curriculum and lectured on medical malpractice.

letin from the Authority suggests that Illinois is doing a pretty good job of holding down new court backlog. What's your reading of the backlog situation?

Miller: I think Illinois is doing pretty well in terms of backlog, holding it down, reducing delay, and holding down new backlog. And again that goes back to the men and women who are judges. I think they're doing a pretty good job, sometimes

under some very difficult circumstances.

One issue when you look at backlog—particularly on the civil side, but to some extent on the criminal side as well—is, how much of that backlog is caused by the courts versus how much of it is caused by the plaintiffs? There are lawsuits that have been on file for five, 10 years. The parties don't want to move. These cases shouldn't have been filed in the first place, probably.

"Obviously, what the legislature does affects the courts to a great extent. It seems that we should be concerned with improving that communication, so that everybody understands each other's needs—matters of mutual concern."



Maybe we ought to measure court delay in terms of how long it actually takes when the parties want to move a case to trial.

Compiler: *There's been a lot of talk about the use of alternatives to court for some cases, as a way of relieving some of the pressure. Where is Illinois going with these alternatives?*

Miller: We're doing a lot with arbitration. We have pilot projects in Cook County, DuPage, Winnebago, and several other counties. And those seem to be working well. If the pilot programs continue to be as beneficial in the future as they are

now, we'll probably expand those.

But arbitration isn't for every county. There are some counties where the docket is so uncongested that mandatory arbitration would delay things. You've got to select the areas where you do it, and make sure there's a need for it.

Compiler: *What about alternatives on the criminal side?*

I'm not sure how far you can get into alternatives in criminal cases as you would in private disputes, because there are a lot of other factors involved. The rights of the accused must be carefully considered and

protected. And you also have such a great public interest in criminal cases.

Compiler: *The chronic problem of crowding in our state prisons seems to have reopened the debate over determinate and mandatory sentencing, and whether judges should have more flexibility. How do you expect this issue to play out?*

Miller: My experience on the trial court was that as far as a judge is concerned, we had the discretion with determinate sentencing—three to seven years [in the case of a Class 2 felony], for example. Of course, you knew that prisoners got day-for-day good time and all that. But we had control—the spread was there—and you could sentence someone to a set number of years. With indeterminate, you sentenced someone to a range of, say, five to 15 years, and really the judge wasn't making the determination what period of time the defendant served. Actually, under determinate you've got more control because you just calculate the day-for-day good time, assuming the guy's going to get it, and you know more exactly what that sentence will be.

The other problem is this whole question of mandatory, minimum sentences, like with residential burglary. These did take the place of sentencing alternatives with mandatory minimum sentences in the penitentiary. In some cases, those minimum sentences are appropriate, because no judge will order less anyway. In other cases, it probably doesn't work as well, and that discretion ought to be returned to the judges. ■

Court futures conference

To Ben Miller, the state's judicial system must step up its planning now in order to be adequately prepared for the next century. Toward that end, the chief justice of the Illinois Supreme Court has proposed a major conference for next April on the future of the state court system.

"The courtroom of the future—the legal system of the future—cannot be built overnight. Careful planning, and much time, effort, and thought, will be required," Justice Miller said during a speech before the Chicago Bar Association in May.

"The conference would bring together a number of participants from various walks of life—judges, lawyers, and legislators; educators, labor leaders, members of the business community, and others—to discuss the forces and trends that will shape society in the next generation," he said.

"The goal of the conference will be to identify changes that are likely to occur in the years ahead, and to formulate ways in which the legal system can most effectively meet those challenges."

The futures conference is being planned in conjunction with the American Judicature Society. Organizers are seeking financial support now that the Illinois General Assembly has turned down the Court's request for \$150,000 in state funding.

Computers for rural courts

Its population may be small, but Illinois' 1st Judicial Circuit faces large caseloads and other problems found in larger jurisdictions. Through a computer system it developed, and then shared with other courts, the 1st Circuit is improving court efficiency and productivity.

By Ed Kennedy and Maureen Hickey

Although trial courts in many Illinois counties, particularly such large jurisdictions as Cook, DuPage, and Lake counties, have been using computers for years to handle caseload management, docketing, and other court management functions, almost half the courts in the United States are still without computer technology. The National Center for State Courts estimates that just 54 percent of all state courts nationwide employ computers for some form of case management.

Court automation can be used to improve the efficiency of court systems of any size, however, given adequate planning and careful choices of hardware and software. Illinois' 1st Judicial Circuit developed a case management system that is now in use in many small and medium-sized courts in Illinois.

The 1st Judicial Circuit

The 1st Judicial Circuit is a nine-county circuit in the southernmost part of the state. These counties range in size from the least populous in the state, Pope County with 4,373 residents, to Jackson County, with more than 61,067. While the circuit accounts for nearly 6 percent of the state's land area, it accounts for just 2 percent of its population.

Despite their rural surroundings, the

courts in the 1st Circuit face many of the same complexities of courts in larger circuits, particularly large caseloads. A 1988 study by the Administrative Office of the Illinois Courts (AOIC) found that judges in the 1st Circuit had 3,300 criminal and civil cases per judge per year in 1987 (an average of 65 per week per judge). The task of keeping abreast of case processing under such circumstances is immense.

In 1983, Chief Judge William A. Lewis decided that the only way the 1st Circuit would be able to continue to operate efficiently was to move toward automation. Although there had been some discussion about developing a statewide automation plan for the Illinois judiciary, those plans had not been formalized.

"It became clear that the 1st Circuit would have to develop its own automation action plan if it was to move to computerization in the foreseeable future," Judge Lewis said recently.

The initial design

The circuit's first step was to approach Larry Hewgehold and James Howey of the Southern Illinois University Computer Affairs Department in Carbondale, who, with the help of Judge Lewis and his staff, devel-

oped a blueprint for automating the 1st Circuit. That early plan called for each of the nine counties to tie in to SIU's mainframe computer through dedicated phone lines.

Although the concept was simple, had been tried and proven elsewhere, and would not require the circuit to invest in expensive hardware, the AOIC expressed concerns. First of all, the 1st Circuit might have been duplicating statewide automation efforts. Even more important, however, was the question of whether it would be possible to guarantee the confidentiality of sensitive court proceedings if the court did not have primary control over its computer system.

In addition, sharing SIU's mainframe computer would have made the 1st Circuit one of a number of "clients" of the university's computer services. The courts, for example, would have had to wait in line for updates to the computer program necessitated by changes in the law.

The new plan

But if the 1st Circuit courts were going to invest in their own hardware, software would have to be written specifically for the courts' new computers. Judge Lewis believed IBM's System/36, a relatively inexpensive minicomputer, would be a good choice for the courts in the circuit.

"In 1985, I met a young programmer who wanted to develop software that would run on the System/36, and that would meet the requirements of the 1st Circuit," Judge Lewis recalled. "That young man, Tom Goodin, was so determined to tackle the challenge that he spent nine months of his own time, without a contract of any type, developing prototypical software."

The 1st Circuit eventually contracted with Goodin Associates, the software development firm Mr. Goodin later founded, to develop automated data processing for the courts in the circuit. The courts contributed financially to a central software development fund, and each court invested in its own computer. (At the time software development began, Pope County was unable to participate financially, but that court has since been able to acquire the system.)

"It became clear that the 1st Circuit would have to develop its own automation action plan if it was to move to computerization in the foreseeable future."

—Chief Judge William A. Lewis

A modular design

The 1st Circuit's system had to schedule, track, and keep records of criminal and civil trials and the decisions and sentences that flow from the judges who hear those cases, all cases settled, dismissed, arbitrated, pled, dismissed, diverted, or otherwise disposed of without a trial.

The system also had to track fines and fees, court costs, restitution, victim/witness compensation, child support, and other transactions.

Because designing a system to handle all those functions at once was too great a task, the 1st Circuit's system was developed in modules over a period of years. Judge Lewis and court staff identified the most pressing needs, and Mr. Goodin developed modules that met those requirements, beginning with the less complex functions.

Of primary importance was a case management program that would enable court administrators to track cases more easily, issue notices, and provide financial accounting. The early versions of that module also included simple versions of functions that were later developed into separate, more complex modules, such as jury management and child support. Jury management involves coordinating a number of statutory requirements for selecting juries fairly. Child support involves not only financial accounting over a long period of time, but also a number of possible decisions about how that money should be paid and collected. Most of all, child support involves some of society's most vulnerable members, children.

Improving efficiency

The system has greatly improved the efficiency of the 1st Circuit's operations, according to Deputy Court Administrator Rick Basler, who handles computer operations for the circuit.

"For notices [of court appearances], we used to use a three-part typewritten form," Mr. Basler said. "Now a person can print a notice by hitting two or three keys and just stuff it in a window envelope and mail it."

According to Mr. Basler, the system has drastically reduced the amount of time spent on financial accounting, reducing the amount of time spent preparing daily and monthly reports from hours to minutes.

The software now consists of two parts:

the central program, the Judicial Information Management System (JIMS), which handles court finances, statistics, scheduling, and indexing, and of a number of Judicial Information Management Auxiliary Systems (JIMAS) that operate as separate modules. For example, JIMAS Jury handles jury selection records and JIMAS Public Defender helps public defenders maintain client records. The child support module does financial accounting and payment schedules for the personnel handling support and maintenance accounts, and the probation module handles statistics, case monitoring, and scheduling for probation officers. Each of the modules is compatible with the others, and each shares common database information such as names and addresses.

Success in the 1st Circuit has generated interest in other areas of the state. JIMS is

now in use in 45 Illinois counties in 12 judicial circuits. Due to the system's modular design, courts can select (and pay for) only those functions it needs. For example, 42 of those counties have installed the child support module, 24 have installed the probation module, and 19 have installed the jury module. The software is compatible with both the IBM System/36 and the newer IBM AS/400.

One drawback of the current system is that the courts in the 1st Circuit cannot share data with each other or with the Illinois State Police, for automated disposition reporting. The cost of providing a direct telephone link between the individual courts' computers is still prohibitive. But the circuit plans to add microcomputer-based remote terminal emulation in the future, Mr. Basler said, enabling the separate courts to dial up and access each others' information only as needed. ■

Improvements: High-tech and high-touch

Computer systems are not the only way Illinois courts are improving the way they work. Two different approaches—one high-tech, the other "high-touch"—are making a difference in the courts' efficiency and responsiveness.

In Peoria County, video cameras were used for the first time last December to allow jail inmates to make their first court appearances via closed-circuit camera rather than in person. The procedure saves both the cost and the security risk of transporting prisoners from the county jail to the courthouse.

"Obviously, it will help us with any security problems we have now because we won't be transporting all these prisoners downtown every day for their court appearances," Peoria County Sheriff George Shadid told the Associated Press. "I figure we'll move 75 fewer prisoners each week because of this."

In September 1990, the 9th Judicial Circuit (Fulton, Hancock, Henderson, Knox, McDonough, and Warren counties) held a symposium on domestic violence, funded by federal Justice Assistance Act money provided by the Illinois Criminal Justice Information Authority, to raise awareness among judges, law enforcement officers, state's attorneys, and other criminal justice and health care professionals. The result, according to victim advocates from the Illinois Coalition Against Domestic Violence and other organizations, is that domestic violence victims in the area are receiving more attention and care from law enforcement, prosecutorial, and courts personnel.

Following the symposium, the 9th Circuit established a Family Violence Advisory Council, composed of representatives from the courts, police and sheriffs' departments, state's attorneys' offices, probation departments, victim advocacy organizations, and public health offices. The council is developing protocols and procedures that agencies can use in dealing with domestic violence victims, an approach that officials in DuPage County helped to successfully pioneer in the 1980s. The council is also creating education programs for professionals and community members, and developing a network of contacts with service providers.

Evening narcotics court: burning the midnight oil

Faced with an avalanche of felony drug cases, the Cook County Circuit Court took the bold, yet controversial, move of opening five evening narcotics courts in October 1989. Now three more courts have been added. While most people acknowledge the program is improving court efficiency, it also appears to be having some unintended side effects.

By Jeffrey Austin

Over the concrete plain that is Chicago's near Southwest Side, the Cook County Criminal Court building looms like a limestone mesa. Commonly referred to simply by its street address, "26th and California" houses the nation's largest felony trial-court system under one roof.

But the best efforts of personnel in its 30 daytime courtrooms were no match for the avalanche of felony cases, particularly drug cases, burying the courts during the late 1980s. In a bold, yet controversial, move to relieve some of the courts' burden, five evening courtrooms were opened in October 1989 to handle nothing but felony drug cases.

Record felony case filings continued during the next year and a half and, in March 1991, three more courts were added to the Evening Narcotics Court program, known simply as "night drug court."

"The program was begun because the tremendous increase in the number of drug case filings had resulted in an average caseload approaching 400 cases per courtroom in the 30 daytime courtrooms of the criminal division," said Presiding Criminal Court Judge Thomas Fitzgerald, one of the program's founders.

"The 30 daytime courtrooms at 26th and California have seen, since the beginning of the program, a decrease in pending caseload of nearly 4,000 cases," Judge Fitzgerald said.

10 o'clock judges

The night drug courts begin each evening at 4 pm and continue until the conclusion of their daily call, which can be midnight or later. Court personnel sometimes refer to judges by the time at which they like to finish, such as the "8 o'clock judge," or the

"10 o'clock judge."

The judges administer only bench trials—a trial before a judge in which the defendant has waived his or her right to a jury. If a defendant requests a jury trial, the case is transferred to the day division. While the vast majority of felony drug cases are handled by the night drug courts, a certain number of defendants charged with drug felonies are still tried by the daytime courts. Likewise, drug defendants tried in night court may be charged with additional felonies that are typically tried in day court.

"There will always be some cases that will go to the day division principally because either a defendant already has a case pending in the day division or the defendant is on active probation in the day division," Judge Fitzgerald said. "In addition, if a defendant has a companion charge of a non-violent felony—a burglary, a theft, an auto theft—the case very likely could go to the evening division. If the additional felony is violent in nature—armed robbery, rape, murder—it would go to the day division."

Cases heard in night drug court may not always be spectacular, but they do reflect the intensity and breadth of law enforcement efforts against illegal drug activity.

"A lot of our cases are people on the street that are caught selling or in possession—you know they drop it as the police come by—and that is the bulk of the caseload," said Ed Snow, supervisor of Evening Narcotics Court for the Cook County State's Attorney's Office.

Public defense concerns

Public defenders complain that many of these low-level suspects are difficult to defend because even with the additional courts, their cases can drag out for several months.

"One typical kind of case that drives me crazy are the SNIP (Street Narcotics Impact Program) buys," said Cook County Assistant Public Defender

"The 30 daytime courtrooms at 26th and California have seen, since the beginning of the program, a decrease in pending caseload of nearly 4,000 cases."

—Thomas Fitzgerald,
Presiding Criminal Court Judge



The Cook County Criminal Court building at 26th Street and California Avenue in Chicago houses the nation's largest felony trial-court system under one roof.

Phil Mullane, one of two supervising attorneys for Evening Narcotics Court. "Someone supposedly sells a tenth gram [of cocaine] to an undercover officer, but by the time an indictment is returned and the person is arrested, it's six months later. And there goes any defense, because this person doesn't remember where he was, or what he was doing."

One thing all parties agree on is that stepped-up and more successful drug enforcement prompted the increased caseload, which in turn prompted the Evening Narcotics Court program.

"The great increases in drug case filings are the result of increased enforcement," Judge Fitzgerald said. "Whether or not they are affected in any way by increased offending, I don't know. They are affected by increased enforcement."

The number of cases entering all felony trial courts in Cook County has more than doubled since 1987. Drug case filings

soared from 7,350 in 1987 to more than 17,000 in 1990, while total felony indictments rose from 18,500 to nearly 39,500.

In the six weeks they operated during 1989, the five original night drug courts disposed of roughly 1,500 felony drug cases. In 1990, they disposed of just under 10,000 cases. So far in 1991, with the addition of three courts, output has increased even more. Between January 1 and June 28, 1991, the eight night drug courts had disposed of more than one-fourth of the total number of felony cases heard in Cook County, 5,780 out of 20,185.

Efficient use of space

The program has proven to be an efficient way of expanding the capacity of the courts without building additional courtrooms, because it takes advantage of courtrooms that were previously not used during the afternoon, but for which, in some cases, court personnel were still available.

"We're delighted that Judge Fitzgerald has pushed to make use of this court space," said Barbara Schleck, executive director of Cook County Court Watchers. "Our observers had been reporting for years that many of the courtrooms were practically

"Our observers had been reporting for years that many of the courtrooms were practically deserted in the afternoons..."

—Barbara Schleck, Executive Director
Cook County Court Watchers

deserted in the afternoons and that one judge per courtroom was not the most efficient way to run things," said Ms. Schleck, whose not-for-profit watchdog group trains citizens to observe the courts and fill out detailed forms on court proceedings.

"By using that space at that time, I think they've saved the taxpayers a hell of a lot of money," said Mr. Snow. "That's obviously a benefit nobody can argue with, but as for going any farther along in the drug war, I think we're still doing what we were doing before. And I'm not saying that we're not fighting it, but what I'm saying is that because of the volume of cases, this is one step that was necessary. There are other steps that are necessary."

Unintended side effects

Indeed, the tremendous increase in the number of drug cases processed by the courts seems to have had some unintended side effects. Many experts and officials point out that what is good for the docket may not always be fair to the rest of the criminal justice system, or to the defendant. Because of the pressure to quickly dispose of cases, attorneys feel pressured to avoid jury trials, there is less time and fewer personnel to seek alternative sentences for eligible offenders, and more offenders are leaving the Cook County Jail for Illinois' already crowded state prisons.

"If there is a jury trial, it takes place during the day and the attorneys still have to handle their call at night, so there is a kind of informal pressure on the attorneys not to do things the way they might like because they would just exhaust themselves," said Bill O'Brien, administrative assistant for planning with the Office of the Cook County Public Defender.

"I don't think having more attorneys per courtroom would help," Mr. O'Brien added. "There's just so much time in a day for a given number of cases. I think what would help is more support services. We have a grant application with the [Illinois Criminal Justice Information] Authority for improvements in those kind of things—training, computerization, sentencing advocacy."

The Authority this year designated \$700,000 in federal Anti-Drug Abuse Act

"I don't think having more attorneys per courtroom would help. There's just so much time in a day for a given number of cases. I think what would help is more support services."

—Bill O'Brien, Cook County Public Defender's Office

(ADAA) funds for local public defenders' offices, plus another \$500,000 for the State Appellate Defender's Office. This is the first year that ADAA guidelines have allowed funds for public defense services. The funding will allow public defenders to better manage the growing number of drug cases and will help to balance the needs of all parts of the criminal justice system.

"If more resources were devoted to what kinds of placements can be made, a significant number [of defendants] could be placed in a variety of programs—not just the court-mandated programs like TASC," Mr. O'Brien said. Treatment Alternatives for Special Clients is a private agency that coordinates drug treatment for many offenders. "That's the most obvious choice, and that's why it's chosen—because it's available and convenient," he said. "But there are a good number of other placements that can be made."

"I think that everyone would take the position that if a person commits—and is proven guilty of—a violent crime, that person belongs in the penitentiary," said Judge Fitzgerald. "And yet for the lesser grade felonies, I think that it is essential that we create and use other corrective methods other than the penitentiary."

Moving the stream faster

"Improved case management moves the stream along faster at one point," Judge Fitzgerald explained. "The more efficient we become, the more critical becomes the problem with the state Department of Corrections."

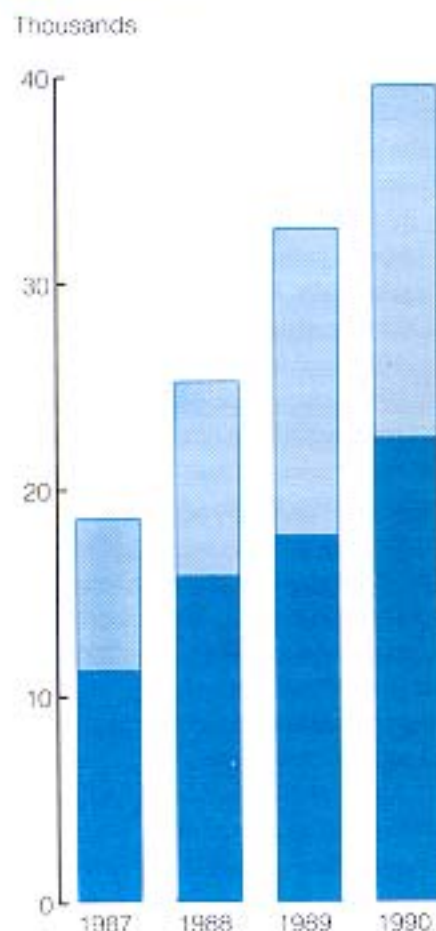
"Indeed, on average, 250 prisoners a week leave the county jail for the penitentiary, and if you figure the size of a good-size penitentiary is 1,000 beds, that means that every four weeks we're filling a penitentiary," he said.

"Illinois had the largest increase in inmate population in the country last year,

Cook County felony indictments

Felony indictments have more than doubled in Cook County since 1987.

■ Drug-related felonies
■ Non-drug felonies



Note: 1990 figures are estimates.
Source: Cook County Circuit Court

and I think that's probably directly attributable to the increased efficiency of our courts here in Cook County," Judge Fitzgerald said.

"I agree that night narcotics court has been beneficial," Mr. Snow said. "But when you're looking for answers to the drug problem, night narcotics is not there to solve the problems for which people are seeking answers." ■

Illinois crime labs reduce drug case backlog with the help of federal funds

Even as the number of drug cases submitted to crime labs in Illinois has continued to grow in recent years, most labs have been able to substantially reduce their backlogs—thanks in large part, officials say, to an infusion of federally funded resources through the Illinois Criminal Justice Information Authority.

Between the end of 1988 and the end of 1990, for example, the backlog at Illinois State Police crime labs fell 95 percent from 1,916 to 96 cases.

In addition to the State Police's crime labs, the Chicago Police Department lab and two other local labs in northern Illinois have received federal Anti-Drug Abuse Act (ADAA) funds from the Authority to cope with the flood of drug cases.

The crime lab's role in drug enforcement is critical. A lab's scientific analysis of the evidence in drug cases can affect the apprehension, charging, and adjudication of the suspect. All contraband seized by the police and suspected of being or containing an illegal drug is submitted to a crime lab, which then determines the weight of the contraband, whether an illegal drug is present, and, if so, its exact type.

Illinois' state and local law enforcement agencies are served by 10 crime labs throughout the state, including the Chicago Police Department's crime lab, the Northern Illinois Police Crime Laboratory in Highland Park, which serves about 50 member

law enforcement agencies in Cook, Lake, and McHenry counties, and the DuPage County Sheriff's Office crime lab in Wheaton, which serves approximately 50 agencies in the DuPage County area. All other state and local law enforcement agencies are served by State Police's crime labs in Carbondale, Fairview Heights, Joliet, Maywood, Morton, Rockford, and Springfield.

As drug enforcement efforts intensified in the 1980s, the demand for the drug analysis services at these labs also increased. From 1983 through 1990, the number of drug cases soared 117 percent at the Chicago Police Department, 74 percent at the Northern Illinois Police Crime Lab and 68 percent at the State Police's labs. At the DuPage County lab, drug cases increased 68 percent between 1986 and 1990.

In addition to the increasing number of cases, crime labs are also being required to perform complex analyses more frequently. A growing number of the labs' drug cases now involve controlled substances, which take considerably longer to analyze than cannabis. At the Chicago Police Department lab, for example, controlled substances accounted for 43 percent of the drug caseload in 1983 and 80 percent in 1990. At the State Police labs, 52 percent of the drug caseload involved controlled substances in 1983, compared to 61 percent in 1990.

At many labs, the amount

of time needed to process drug cases grew because drug analysis capabilities were unable to meet the increased demand for services. In 1983, State Police labs processed 75 percent of all drug cases within one to seven days, compared to just 28 percent in 1988. In July 1986, 88 drug cases were dismissed by the courts because analysis results were not available from the Chicago Police Department lab on time. In December of that year, the number of dismissed cases reached 716.

As the ability of the labs to provide timely information to police and prosecutors decreased, drug analysis backlogs rose. The problem was particularly acute at the Chicago Police Department and State Police labs, which consistently handled more than 90 percent of the state's drug caseload. An internal audit of the Chicago Police Department crime lab found that a backlog of 2,162 drug cases in January 1986 had increased to 4,720 cases by September of that year. At the State Police labs, the backlog climbed from 37 drug cases at the end of 1983 to 1,916 at the end of 1988.

Upgrading the drug analysis capabilities of Illinois' crime labs to reduce backlogs and ensure drug evidence is available in time for court proceedings has been recognized as a top priority in the state's fight against drugs. With the help of federal ADAA funds administered by the Authority, new drug chemists were added

to the staffs of the Chicago and State Police crime labs. In addition, state-of-the-art equipment was installed in all Illinois labs.

The Illinois State Police estimates that without ADAA assistance, the backlog in drug cases could have risen to more than 11,000 by the end of 1990. The amount of time needed to process drug cases at State Police labs has also decreased. The percentage of cases processed in one to seven days increased from 27 percent in 1987 to 49 percent in 1990.

The Chicago Police Department crime lab has benefited from additional equipment and chemists as well, with far fewer drug cases dismissed by the courts because of delayed results from the lab. During the last six months of 1990, 266 drug cases were dismissed because of delayed lab results, compared to 2,128 cases during the last six months of 1986.

While Illinois' crime labs have made significant progress in reducing backlogs and case processing times, the problems associated with increased demands for services have not been completely solved. However, with support from the Authority, Illinois lawmakers recently enacted legislation that enables Illinois courts to assess a crime lab analysis fee of \$50 per offense on convicted drug offenders. Effective January 1991, the new law is designed to further defray the costs of drug analysis.

Roger Przybylski

Stricter drugged driving laws target youth

A newly enacted anti-drug law targeting young offenders in Illinois is toughening sanctions against teenage drugged drivers and drug offenders in an attempt to save lives and steer teenagers away from illegal drugs.

Effective July 1, the secretary of state must now cancel the driver's license or permit of anyone under the age of 18 who is convicted of a drug offense under the Illinois Controlled Substances Act or the Cannabis Control Act while driving.

The new law, which amends the Illinois Motor Vehicle Code, applies to individuals who were in physical control of a motor vehicle while committing a drug offense. The offense may include using, selling, manufacturing, or transporting an illegal drug.

The maximum penalty for cancellation is one year or until

the minor turns 18, whichever is longer [Ill.Rev.Stat., ch. 95 1/2, par. 6-108 (b)].

Once a driver's license has been canceled, getting it back is not simple. An individual must reapply and may have to undergo a drug problem evaluation; complete a rehabilitation or drug education program; carry high-risk insurance for three years; and retake and pass all three (eyesight, driving, and written) driver's license tests.

Other legal consequences of drug-related driving offenses in Illinois include the following:

- ◆ The loss of the vehicle under the Cannabis Control Act, the Controlled Substances Act, or the Narcotics Profit Forfeiture Act
- ◆ Stiff fines and legal fees
- ◆ A possible juvenile detention sentence

In addition to new, tougher penalties by the state, many Illi-

nois schools have adopted anti-drug policies that can adversely affect teenagers' lives long after the offense has been committed. Violators of schools' anti-drug policies are often subject to suspension or expulsion. Scholarships, especially in sports, also may be jeopardized because of a drug conviction.

These renewed efforts to halt teenage drug abuse through driving penalties follow recent studies revealing the prevalence of drugged driving nationwide.

In a 1988 report to Congress, the National Highway Traffic Safety Administration found "a frequency of drug use by fatally injured drivers of between 10-15 percent, while impaired drivers detained by police showed an incidence of drug involvement ranging from 14-50 percent."

Although the report did

not contain statistics for teenage drivers alone, other studies have shown the effects of drugged driving on teenagers.

According to the Insurance Institute of Highway Safety, teenagers are disproportionately represented in motor vehicle crashes. In 1989, teenagers accounted for 10 percent of the U.S. population but 15 percent of all motor vehicle deaths. Of that figure, one-third of young drivers were under the influence of alcohol or drugs at the time they were killed.

Toughening the laws against driving under the influence (DUI) of alcohol in Illinois has been credited with changing public attitudes and improving traffic safety. State lawmakers now hope that by expanding drug-related DUI laws and penalties, teenagers may begin to think more seriously about the consequences of drugged driving as well.

Jamilah Owens

Consider the Consequences

While most teenagers take their new driving privileges seriously, others see driving as an opportunity to use, transport, or sell drugs, believing that because they are young, they won't face tough penalties if they are caught.

Through its new *Legal Consequences of Drug Abuse* campaign—supported by \$307,500 in federal Anti-Drug Abuse Act funds and \$102,500 in matching state funds—the Illinois Criminal Justice Information Authority is helping to dispel such myths by providing the state's high school administrators and more than 2,000 driver's education instructors with information on anti-drug laws and policies. The campaign's *Consider the Consequences* message is designed to be easily incorporated into driver's education curricula. Newsletter updates, brochures, posters, and video/slide presentations are planned.

The driver's education material is just one component of the educational network the Authority is using to communicate information on the legal consequences of drug abuse to teenagers throughout the state.

For more information on the campaign, call 312-793-8550.



With the success of tougher DUI laws in reducing alcohol-related accidents, legislators have enacted tougher drugged driving laws

Cook County included in RAND corporation study

A five-year RAND Corporation study, *Predicting Criminal Justice Outcomes: What Matters?*, has found that differences in conviction and incarceration rates in different parts of the country are due more to the different mix of offenders and cases in each jurisdiction than to the effects of local policies and conditions. The study, which included Cook County and 13 other sites, was based on a random sample of more than 2,200 male defendants. The study found that, at least for burglary and armed robbery, race and ethnicity had little or no relationship to conviction and incarceration rates, disposition times, and other key outcome measures. Copies of the report, numbered R-3972-BJS, are available for \$15 from RAND, Publication Department, 1700 Main Street, P.O. Box 2138, Santa Monica, California, 90407-2138, 213-393-0411.

ACA updates correctional book

The American Correctional Association has updated its handbook, *Legal Responsibility and Authority of Correctional Officers*. The new edition, *Correctional Law for the Correctional Officer*, discusses officer rights, inmate rights versus institutional interests, AIDS, and use of force. It has also been updated to include recent court decisions.

Also available from ACA is *The American Prison: A Video History*. This 30-minute, VHS videotape is based on the ACA

publication, *The American Prison: From the Beginning*, and provides a historical overview of the U.S. prison system by examining the philosophy, attitudes, and events that have shaped American prisons.

The handbook is \$21.75 (\$18 for ACA members). The videotape is \$66.95. Both are available from the American Correctional Association, Publications Department, 8025 Laurel Lakes Court, Laurel, Maryland, 20707, 800-825-BOOK.

Crime prevention video available

Are You Safe? A National Test On Crime Prevention, a program that first appeared on CBS-TV in August 1990, is now available from the National Crime Prevention Council. The 45-minute, VHS videotape comes with a discussion guide and can be used to teach crime prevention techniques and strategies to community leaders and crime prevention practitioners.

The NCPCC has also published *Crime and Crime Preven-*

tion Statistics 1991, which features a report on Hispanics, blacks, youth, and senior citizens as crime victims, a section on handguns, expanded data on illegal drugs and crime, current statistics on missing children, and crime prevention information.

Both the videotape, \$30, and the report, \$4, are available from the National Crime Prevention Council, 1700 K Street, N.W., 2nd Floor, Washington, D.C., 20006, 202-466-NCPCC.

Police pursuit study released

A recent study by the University of Illinois' Police Training Institute reveals that four out of every 10 police pursuits in Illinois during 1990 resulted in an accident involving the police officer, the suspect, or a citizen. In the majority of cases, the pursuit was the result of a traffic violation. *Police Pursuit Driving Operations in Illinois: 1990* reports that 10 percent of the pursuits were based on the police officer's suspicion or knowledge of the commission of a felony. The study, which supports similar data from other areas of the United States, is available for \$11 from the University of Illinois, Police Training Institute, 1004 South Fourth Street, Champaign, Illinois, 61820, 217-333-2337.

Community policing report published

The Police Executive Research Forum (PERF) has released a report, *Quality Policing: The Madison Experience*, that describes the Madison, Wisconsin, Police Department's implementation of a community-based, problem-solving approach to policing. The report shows how members of the department established advisory councils and committees, mission statements, neighborhood police districts, and community surveys during a nine-year period. Copies of the report are available for \$10, plus \$3 postage, from PERF, 2300 M Street, N.W., Suite 910, Washington, D.C., 20037, 202-466-7820.

America's largest police forces subject of new report

A new Police Foundation report, *The Big Six: Policing America's Largest Cities*, studies police operations in Chicago, Detroit, Houston, Los Angeles, New York City, and Philadelphia. In addition to analyzing population density, per capita income, unemployment rate, education levels, and ethnicity of the six cities, the report also looks at the methods of policing in each city, including the characteristics and distribution of personnel, police expenditures, types and distribution of equipment, and patrol operations. The report is available for \$30 from the Police Foundation, 1001 22nd Street, N.W., Washington, D.C., 20037, 202-833-1460.

New report studies victim's needs

New research on why victims report crimes revealed that the victims' primary need was to talk to someone, but the victim's next most common needs involved concern about preventing future victimizations.

Researchers from Northwestern University and the Victim Services Agency of New York concluded that, in addition to meeting the immediate needs of victims, victim service programs should consider emphasizing crime prevention and services designed to address clients' concerns about future victimization. For further information, contact Robert Davis, c/o Victim Services Agency, 280 Broadway, New York, New York, 10007, 212-571-2660.

Authority publishes annual report

The Illinois Criminal Justice Information Authority's annual report for 1990 is now available. The report describes the Authority's programs, organization, and major budgetary trends. For copies of the report, contact Olga McNamara at the Authority, 312-793-8550.

Authority to host CJSA conference

The head of the U.S. Department of Justice's statistical unit will be one of the featured speakers when the Criminal Justice Statistics Association holds its 1991 annual conference, September 25-28 in Chicago. Steve Dillingham, the director of the Bureau of Justice Statistics (BJS), will review his agency's research and program priorities for 1992 and beyond.

The conference, *Spanning the Boundaries: Forging Partnerships to Improve Criminal Justice*, is co-sponsored by BJS and is hosted by the Illinois Criminal Justice Information Authority. For more information, call John Firman at the Authority, 312-793-8550.

Free BJA publications available

Each year, through its Office of Justice Programs, the Bureau of Justice Assistance publishes monographs, program briefs, and implementation manuals on topics such as asset forfeiture, electronic monitoring, crime prevention, and drug enforcement—most are free of charge. For BJA's *Publications List*, contact the BJA Clearinghouse/NCJRS, Box 6000, Rockville, Maryland, 20850, 800-688-4BJA.

CJSA publishes crime-data guide

The Criminal Justice Statistics Association has published a guide to the FBI's new National Incident-Based Reporting System (NIBRS): *Futures in Crime Analysis: Exploring Applications of Incident-Based Crime Data*. The book is available for \$7 (\$5 for CJSA members, or for orders of 10 or more) from the Criminal Justice Statistics Association, 444 North Capitol Street, N.W., Suite 606, Washington, D.C., 20001, 202-624-8560.

Milwaukee site of ASLET seminar

The American Society of Law Enforcement Trainers' Fifth International Training Seminar will be held January 7-11, 1992, in Milwaukee, Wisconsin. The seminar will be co-hosted by the Milwaukee Police Department, the Milwaukee County Sheriff's Department, the Milwaukee Office of the Federal Bureau of Investigation, and the Police Science Department of Milwaukee Area Technical College. More than 60 seminars will be offered in the areas of management/supervision, firearms, motor skills, specialized training, and corrections.

For more information, contact the American Society of Law Enforcement Trainers, 9611-400th Avenue, P.O. Box 1003, Twin Lakes, Wisconsin, 53181, 414-279-5700.

Barbara McDonald, deputy director of the Illinois Criminal Justice Information Authority, was elected first vice-president of the National Criminal Justice Association at the group's annual meeting in May.

Also at the meeting, **Joseph Claps**, first assistant attorney general of Illinois and the attorney general's designee on the Authority, was elected to the NCJA's board of directors. The NCJA represents the states on crime control and public safety measures before Congress and other public and private interests. **G. Albert Howenstein, Jr.**, executive director of the California Office of Criminal Justice Planning, is the newly elected president of the association.



Illinois Attorney General (and Authority member) **Roland Burris** has been named one of the "Outstanding Black Men of 1991" by the Commission on African American Males.



The Illinois Supreme Court has chosen **Joseph Cunningham** of Fairview Heights for a rare return engagement to the Court to fill the vacancy caused by the death of **Justice Horace Calvo**. Justice Calvo, 64, of Glen Carbon, died on June 3 after a battle with cancer. A state representative for seven years and a circuit judge for 12 years, Justice Calvo served briefly on the Illinois Appellate Court before being elected to the Supreme Court in 1988.

Justice Cunningham, 67, previously served on the Supreme Court from September 1987 through December 1988, when Justice Calvo succeeded him. First appointed a magistrate in 1965, Justice Cunningham in 1972 began a 15-year tenure as a circuit judge, serving for a time as chief judge of the 20th Circuit.

Since July 1990, he had been director of the Administrative Office of the Illinois Courts. **William Madden**, AOIC's deputy director, is serving as acting director of the agency.

Justice Cunningham's appointment continues until December 1992, when a permanent replacement, elected in November of that year, assumes a full 10-year term on the Court.



Trooper **Antone Stewart** of Belleville won the Illinois State Police's Golden Eagle Award for recovering more stolen cars than any other state trooper in 1990. Trooper Stewart, who patrols in East St. Louis, recovered 61 stolen vehicles during the year.



St. Clair County Sheriff **Mearl J. Justus** was one of the recipients of the annual Governor's Unique Achievement Awards, presented during Older American Month in May. Sheriff Justus, who has promoted the hiring of older workers during his three terms as sheriff and as chief of police in Cahokia, recently implemented a daily computerized calling service for elderly shut-ins in St. Clair County.



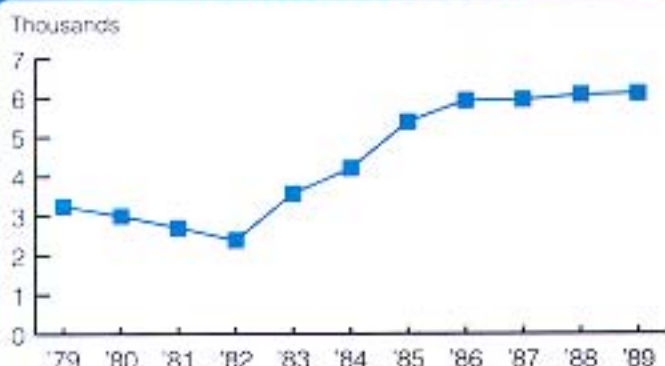
Frank Gomilla, former director of the Northeastern Metropolitan Narcotics and Dangerous Drugs Enforcement Group, is now commander of Zone 20 for the Illinois State Police's Division of Criminal Investigation. **Tom Braglia** is the new director of NEMEG.

Trends

Trends is a regular feature of *The Compiler*. It displays recent baseline statistics from various criminal justice agencies and programs. Note that because graphs measure

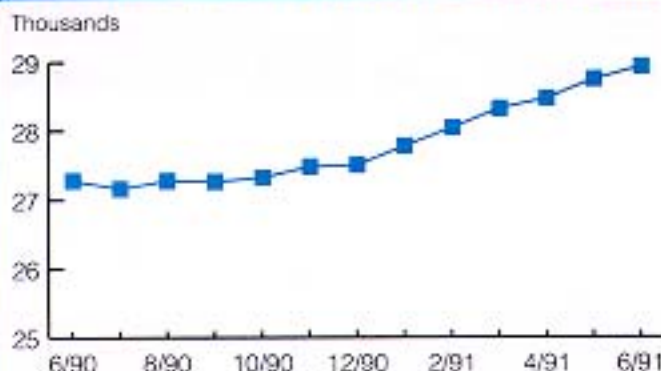
different aspects of the criminal justice system, the data from one graph should not be compared with data from other graphs.

Sexual assault offenses (statewide)



Source: Illinois State Police
(In 1984, the definition of sexual assault in Illinois was significantly broadened.)

State adult inmate population (end of month)



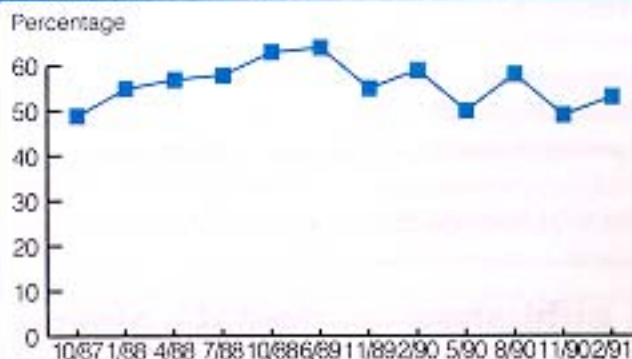
Source: Illinois Department of Corrections
(Includes inmates in state and federal prisons and work release centers)

Illinois probation caseload (year-end)



Source: Administrative Office of the Illinois Courts

Cocaine-positive arrestees in Chicago



Source: National Institute of Justice, Drug Use Forecasting
(Data obtained on each occasion from voluntary urine specimens from approximately 200 male arrestees in Chicago.)



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