



On Good Authority

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On Good Authority is a periodic briefing on trends and issues in criminal justice. This report was written by James D'Archangelis, project manager of the Authority's Criminal History Audit Center. It is a summary of "Criminal History Records Audit: Disposition Reporting in Cook County."

The **Illinois Criminal Justice Information Authority** is a state agency dedicated to improving the administration of criminal justice in Illinois. The basic functions of the Authority are criminal justice research, federal and state grants administration, and information systems development and support.

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Only half of reportable Cook County court dispositions on rap sheets

The Illinois Criminal Justice Information Authority audits the Illinois State Police (ISP) and selected local reporting agencies to determine whether information on state criminal history records, often referred to as rap sheets, is accurate and complete.

Rap sheets must contain accurate and complete information about convictions and other court findings for background checks to be effective. State's attorneys use rap sheets to seek enhanced sentences for individuals convicted of second offenses. School boards and liquor control commissions can deny employment or licenses to applicants with convictions on their rap sheets. Also, conviction records are available to the public for employment, licensing, and other purposes under the Uniform Conviction Information Act (20 ILCS 2635).

This year's audit looked at 1996 arrest and court dispositions from Cook County reporting agencies. Dispositions are the final orders of a judge on each charge against a defendant. The audit found that 51.7 percent of dispositions were not added to rap sheets for crimes ranging from property and drug offenses to serious bodily harm. All types of dispositions, including 43.1 percent of guilty findings, were not added.

This *On Good Authority* summarizes the methodology and findings of the "Criminal History Records Audit: Disposition Reporting in Cook County."

The report includes recommendations for improving the completeness of information on rap sheets.

Background

Under the Criminal Identification Act (20 ILCS 2630), ISP is required to collect information about all arrests, charges, final dispositions, sentences, and incarceration status of individuals who commit felony and class A and B misdemeanor offenses in Illinois. This information is maintained in the Computerized Criminal History (CCH) database and disseminated widely throughout Illinois. Arrest information is reported daily by local law enforcement agencies and includes descriptions of offenses and fingerprints. Also, state's attorneys report charges filed, circuit clerks submit disposition and sentence information, and county jails and the Illinois Department of Corrections report custodial receipts and status changes to ISP.

Funding for this audit was provided by the U.S. Department of Justice through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. Under the federal Crime Control Act of 1990, states must allocate at least 5 percent of Byrne grant funds for the improvement of criminal history records until certain goals are met. Since 1992, Illinois has been implementing its improvement plan, which includes audits of state criminal history records. The improvement plan must ensure that 95 percent of:

- current felony arrests and fingerprints are complete;
- current felony arrest records with fingerprints contain subsequent state’s attorney and court dispositions upon termination of the cases; and
- current sentences to and releases from prison are available.

Methodology

The Clerk of the Circuit Court of Cook County requested this audit to help determine why many court dispositions are not added to rap sheets even though they are reported to ISP. To address these concerns, the Authority collected and analyzed a representative sample of arrest records and court cases and reviewed procedures for meeting information-processing requirements. Auditors analyzed the accuracy and completeness of tracking numbers and statute citations that are reported by local agencies to ISP and evaluated information exchanges between local law enforcement agencies and the circuit clerk.

There were 3,501 arrests, 3,998 court cases, and 5,029 charges in the audit sample, which permits the Authority to make highly reliable inferences about the incomplete record rate for all reportable offenses in Cook County from 1996. The incomplete record rate refers to the number of charges that were missing a disposition on rap sheets. There is a 95 percent probability that the incomplete record rate in the sample reflects the true incomplete record rate in the population.

Information not added to state rap sheets

In the Circuit Court of Cook County, the two most frequent types of criminal charges filed are property offenses and offenses against a person. These offenses accounted for 32.4 percent and 25.1 percent, respectively, of the 5,029 criminal charges in the sample. The remaining 42.5 percent of criminal charges included drug offenses, offenses against public health, safety, and morals, and other offenses.

Figure 1
Percentage of Cook County dispositions, by offense, not added to rap sheets in 1996

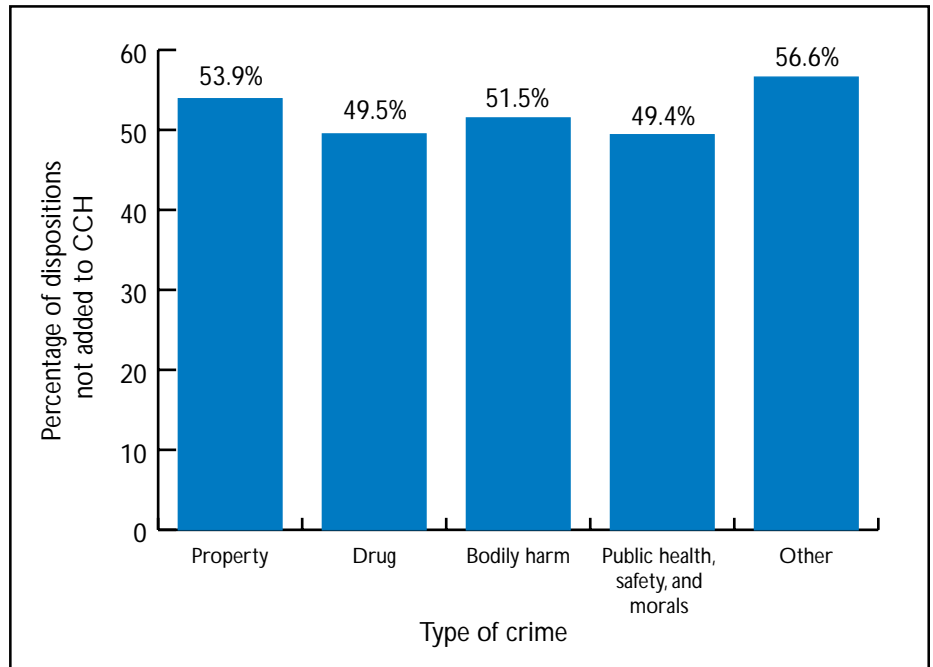
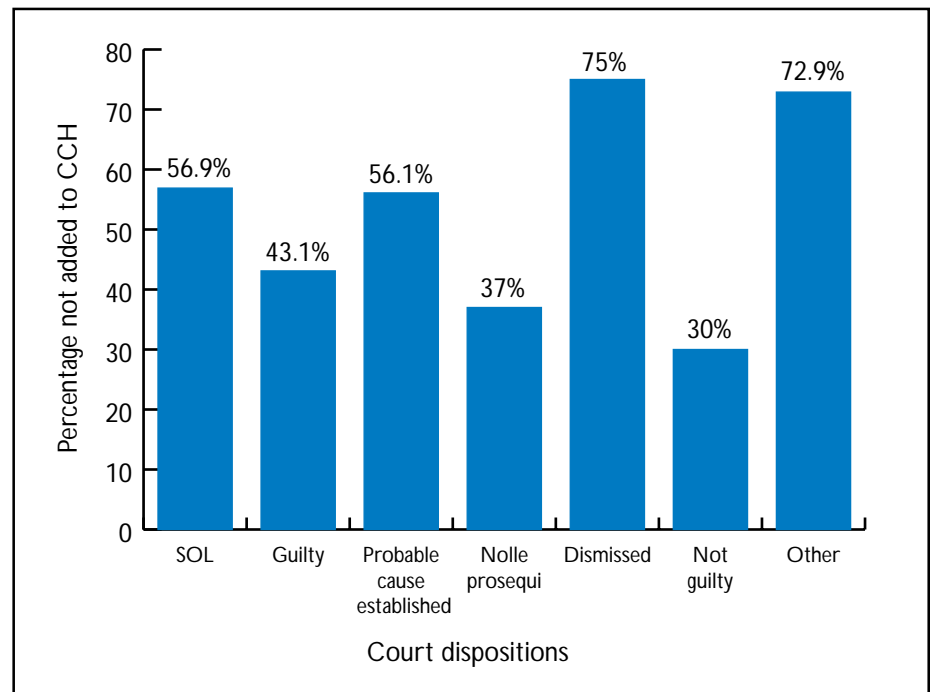


Figure 2
Percentage of Cook County dispositions, by type, not added to rap sheets in 1996



All 5,029 of these charges had dispositions that should have been added to rap sheets. However, the audit found that dispositions were not added for 51.7 percent of these charges. Figure 1 illustrates by type of charge the percentage of dispositions that were not added to rap sheets.

“Stricken off call with leave to reinstate” (SOL), and guilty findings accounted for the majority of Cook County dispositions in the sample. The remaining dispositions included dismissed, not guilty, nolle prosequi, probable cause established, and other. Figure 2 illustrates by type of disposition the percentage of dispositions that were not added to rap sheets.

Why dispositions were not added to state rap sheets

There were three major reasons why 51.7 percent of dispositions were not added to state rap sheets: 1) the arrest was not added; 2) tracking numbers were inaccurate or incomplete; and 3) statute citations were inaccurate or incomplete.

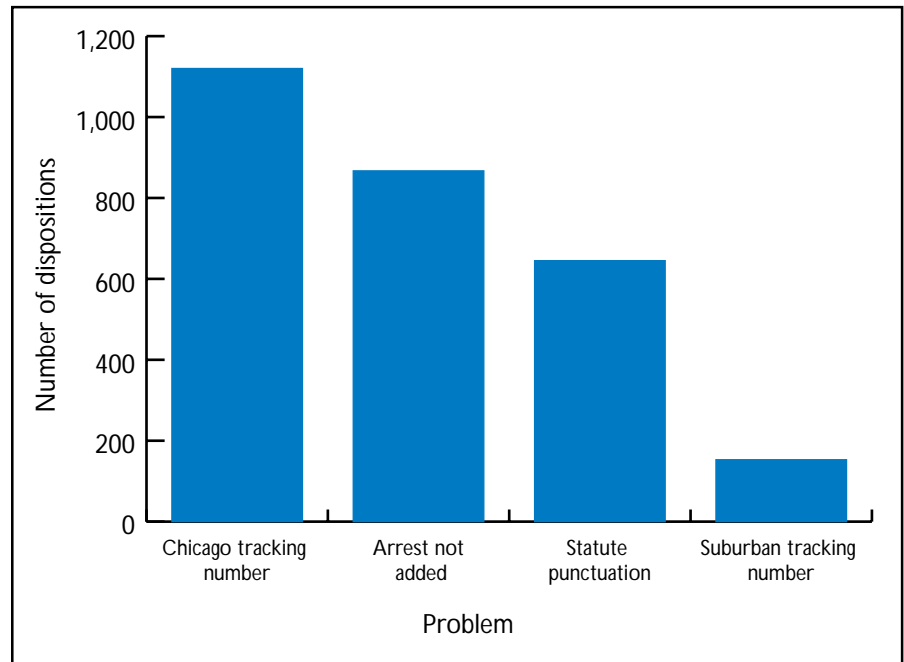
Problems with arrests

Dispositions can only be added to rap sheets if law enforcement agencies submit arrest reports and fingerprints to ISP, and ISP, in turn, posts the information to the database. Out of the 3,501 arrests in the sample, 585 were not added to rap sheets. Since the arrests were not added, dispositions in the associated court cases could not be added to rap sheets. Of the 2,603 dispositions that were not added to rap sheets, an estimated 801 were associated with the missing arrests.

Problems with tracking numbers

ISP uses tracking numbers to link dispositions to arrests on rap sheets. For linkage to be made, local law enforcement agencies and the circuit clerk’s office must share and report the same tracking number to ISP for a specific offense. The audit found that the Chicago Police Department and the circuit clerk’s office reported different prefixes in tracking numbers for 756 arrests and an estimated 1,120 dispositions. Both ISP and the Administrative Office of the Illinois Courts set standards for reporting prefixes on tracking numbers. Due to a breakdown in communication, the cause

Figure 3
Why dispositions were not added to rap sheets



Glossary

Among the most common dispositions used in the Circuit Court of Cook County are:

- *Dismissed*: A judge orders the disposing of an action without trial of the issues involved or without any further consideration or hearing.
- *Guilty*: A judge or jury finds that the evidence proves beyond a reasonable doubt that the defendant committed the offense.
- *Nolle prosequi*: The state’s attorney declares that he or she will not prosecute a case, or some charges on a case, any further.
- *Not guilty*: A judge or jury finds that the evidence does not prove beyond a reasonable doubt that the defendant committed the offense.
- *Probable cause established*: A reasonable ground for belief in certain alleged facts that would induce a person to believe that the accused person had committed the crime charged. This finding is reportable because it closes out a felony case in the Municipal Department of the Circuit Court. (This disposition is unique to Cook County. See the full audit report for a detailed explanation.)
- *Stricken off call with leave to reinstate (SOL)*: The judge removes the case from the docket, while reserving the right to recall or reinstate it at a later date.

of which is unknown, the standards for using prefixes were different for arrests and dispositions at the time of the audit. As a result, the Chicago Police Department and the circuit clerk's office reported different prefixes.

Also, the audit found that the circuit clerk did not receive copies of the state five-part reporting card for 25 suburban arrests. Therefore, they did not have a tracking number available for reporting an estimated 37 dispositions. However, for 42 suburban arrests, the circuit clerk's office received a state five-part reporting card but did not enter the tracking number into the database. Consequently, the tracking number would not have been included when reporting an estimated 62 dispositions to ISP. Additionally, for 37 arrests, two of the nine digits in the tracking number were not reported by the circuit clerk's office due to programming difficulties. This prevented 54 dispositions from being posted to rap sheets.

Problems with statute citations

Dispositions can only be added to rap sheets if the circuit clerk's office reports

accurate and complete statute citations. The audit found errors with statute citations reported by the circuit clerk's office for court cases associated with 436 arrests. For most of these offenses, the circuit clerk's office recorded a dash in a punctuation field that required a back slash for reporting statute citations electronically. As a result, ISP's electronic information-processor could not accurately read the record for an estimated 645 of the 2,603 dispositions that were not added to rap sheets.

Also, the circuit clerk's office must receive accurate and complete statute citations from law enforcement agencies for a disposition to be added to rap sheets. Auditors found that the Chicago Police Department submitted statute citations for charges of solicitation, conspiracy, or attempt to the circuit clerk that did not meet reporting requirements for 23 arrests. Consequently, an estimated 34 dispositions could not be posted upon submission.

Figure 3 summarizes the reasons why Cook County dispositions were not added to rap sheets.

Recommendations

Dispositions are now reported to ISP on line by the circuit clerk's office. With this innovation, the accuracy and completeness of submissions is expected to increase for current and future court cases. Also, in 1998, ISP fully implemented several programs that enable the computer to compensate for punctuation errors in submissions. As a result, disposition posting is expected to increase. With these changes, dispositions from 1996 can now be added to rap sheets. The Authority recommends that ISP and the circuit clerk develop a plan to acquire dispositions from past cases.

Also, the audit recommends that local law enforcement agencies and the circuit clerk review internal information processing and reporting procedures and set up a forum for reviewing interagency computer-programming issues that affect criminal history reporting. These steps will help ensure that all felony and class A and B misdemeanor offenses are reported to ISP. ♦

