



# 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 staff Research Supervisor Tracy Hahn. It is a summary of a program evaluation of the Violent Offender Prosecution Program in Kankakee, Sangamon, and Winnebago counties. The evaluation was conducted by the Jefferson Institute for Justice Studies, Washington, D.C. Copies of the evaluation are available from the Authority's Research and Analysis Unit.

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## County prosecution programs provide resources to increase violent crime convictions

Research indicates that the prosecution of violent crimes may consume up to four times the resources needed for other crimes, such as drug and property offenses. The Authority, through federal Anti-Drug Abuse Act funds, supported the development and evaluation of three specialized violent offender prosecution (VOP) programs that would apply additional resources to a category of crimes that are inherently more complex and difficult to prosecute.

The programs began operating in late 1995 and early 1996, and a two-year evaluation was launched in June 1996. This *On Good Authority* is a summary of the process and impact evaluation of the VOP programs in Kankakee, Sangamon, and Winnebago counties conducted by the Jefferson Institute for Justice Studies.

### Background

Violent crimes invoke the most severe sanctions and often are personal in nature, creating the need for extra resources for prosecutions. Violent crime cases are more likely to experience problems with witnesses and are more dependent on the quality of police investigations, including evidence collection and the observance of constitutionally-protected procedures such as Miranda warnings and search warrants. Violent crime cases also produce an increased number of motions and legal challenges, and are more likely to be tried before a jury.

Violent offender prosecution programs provide additional personnel to the three state's attorney's offices and promote cooperation between the prosecution team and police. While the programs operate differently, each one focuses on the most serious offenses in their county and aims to increase conviction and incarceration rates.

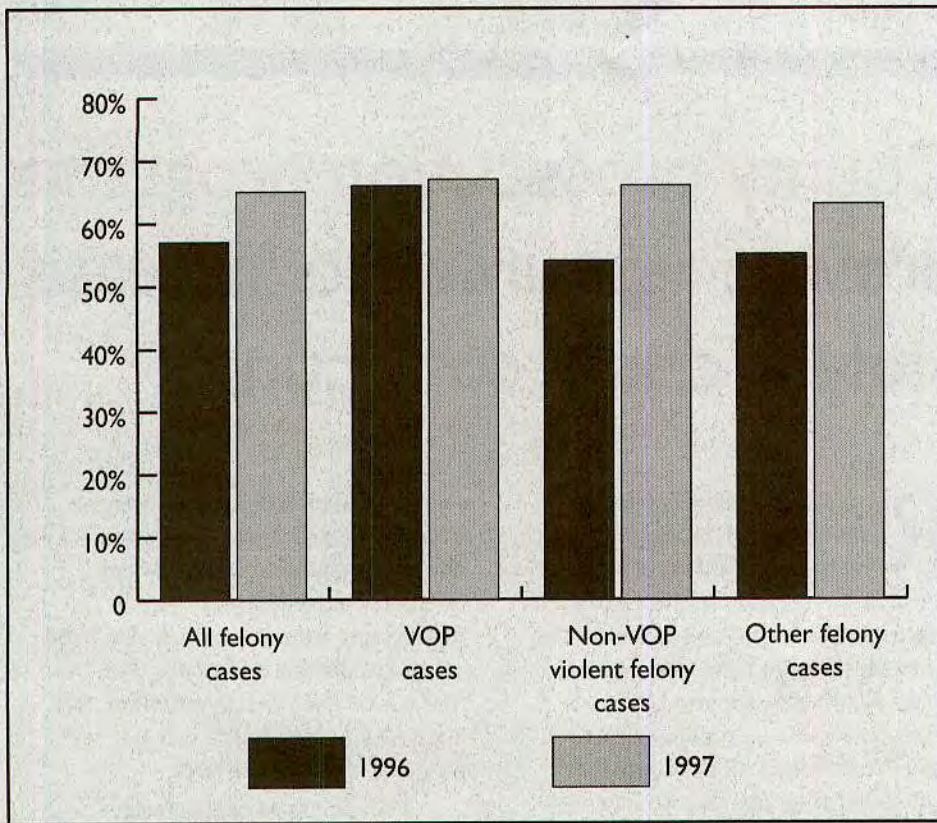
The programs operate within different criminal justice environments. During the evaluation, Kankakee County had the fewest reported violent crimes, with 534 violent Index offenses reported in 1997, while Sangamon County reported three times as many offenses (1,584) and Winnebago County reported four times as many offenses (2,139). Index offenses include homicides, criminal sexual assaults, robberies, and aggravated assaults.

The program caseloads also varied in each county. The differences in caseloads may be explained by the manner in which each program is organized and the way in which office resources are applied to it.

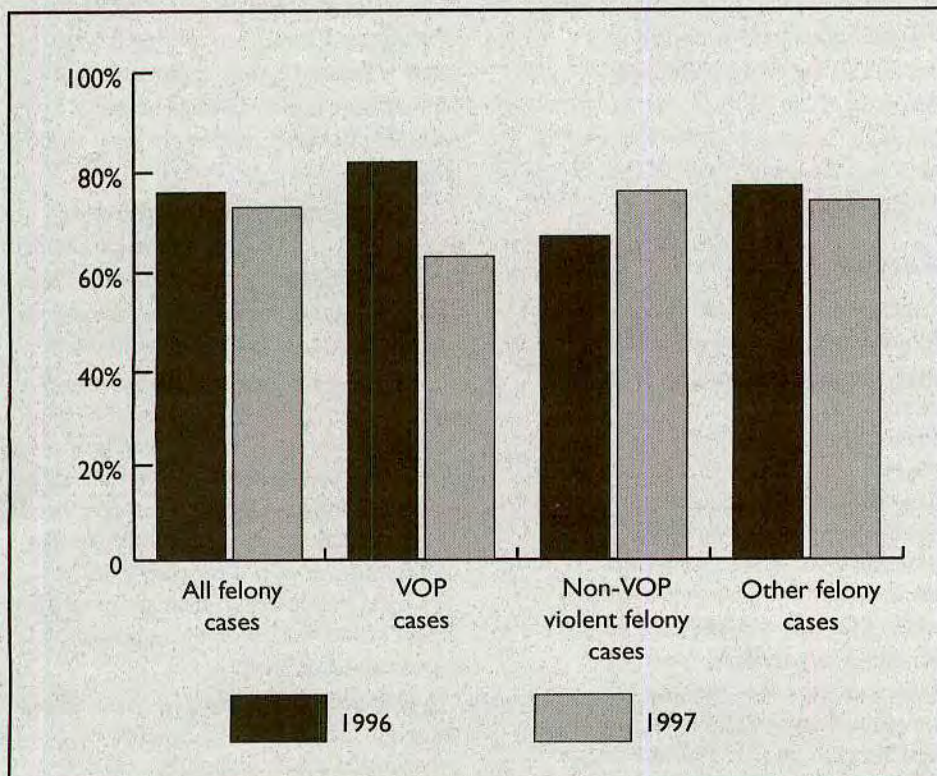
Sangamon County had the smallest caseload during the evaluation as a result of its focus on unsolved murders and criminal sexual assault cases in the first year. The program funds two experienced attorneys and operates as an independent unit within the state's attorney's office. The local police department assigned 12 detectives to work with the attorneys and provided office space.

Winnebago County uses the broadest selection criteria for violent offender prosecution cases, including a small

**Figure 1**  
Winnebago County conviction rates by case type



**Figure 2**  
Sangamon County conviction rates by case type



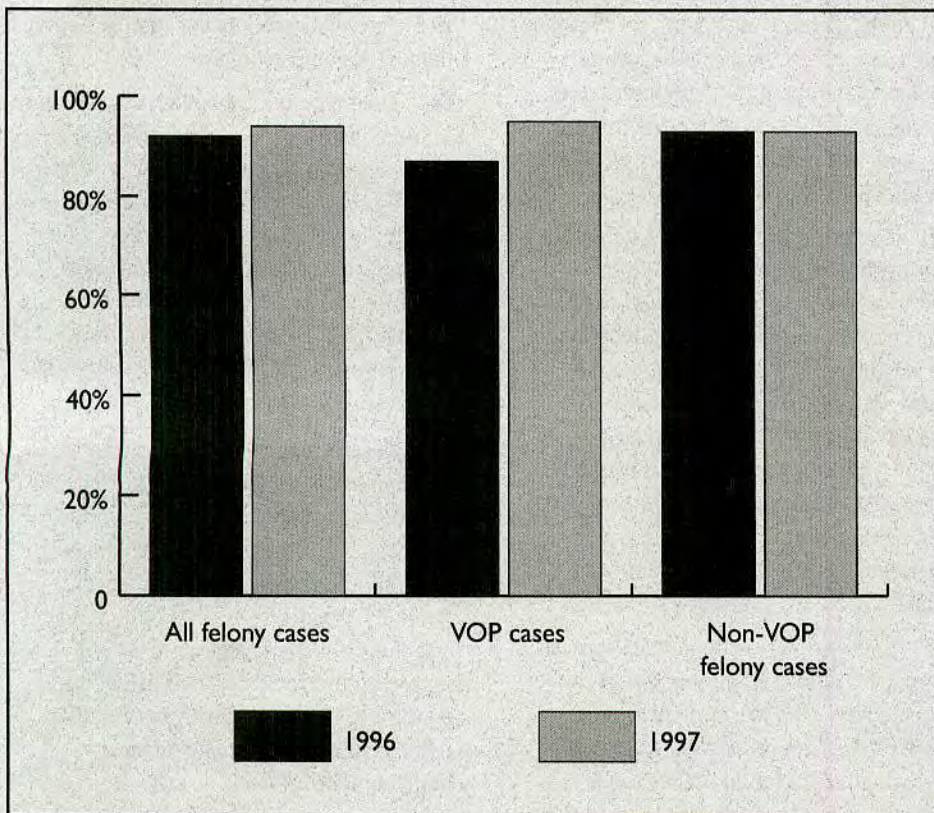
percentage of non-violent crimes committed by defendants who had a prior violent crime conviction within the last five years. The program funds two experienced attorneys and a paralegal, and operates with two seven-person trial teams, each headed by a VOP attorney. Program attorneys assign cases and work with detectives at the scene on the most serious crimes.

Kankakee County incorporated several approaches in the implementation of their program. The program funds one experienced attorney and an investigator. A violent crime task force focuses on a smaller set of unsolved cases, while other violent crime cases are reviewed by the program prosecutor and assigned to felony trial attorneys in the office. The task force includes the program attorney and investigator and members of law enforcement, and provides direction regarding case prioritization, investigation, and pretrial preparation. Nearly all violent felony cases are classified as violent offender prosecution program cases due to a smaller volume of violent felonies in the county. The attorney directs task force-generated cases, serves as prosecutor in some program cases, and reviews and assigns other cases. The investigator assists in case preparation and works on violent crime cases, with an emphasis on homicide and sexual assault.

### Findings

The evaluation focused on 1996 and 1997 cases and examined both qualitative and quantitative measures, including interviews, site visits, an analysis of the prosecution workflow from intake through sentencing, offense and arrest records, and court and program data. The approach and measures used were common for each site, but the findings for the three programs may not be comparable as they did not uniformly collect program data. Also, the mix of cases processed by the three offices varied. In particular, rates for Winnebago and Kankakee counties may differ from Sangamon County because they had the broadest selection criteria for VOP cases, while Sangamon County focused almost entirely on homicides and sexual

**Figure 3**  
Kankakee County conviction rates by case type



assaults. In addition, 1997 data revealed a high percentage of cases still open when the evaluation concluded. The conviction and incarceration rates, and the median number of days to disposition, may increase when those cases are closed. Program data was supplemented with information from the courts, which allowed for the same set of performance measures.

Felony cases for each program were divided into three categories: violent offender prosecution program felonies, violent crime felonies that were not selected for the program, and all other felonies.

In 1996, the conviction rates for violent offender prosecution cases were higher than the other categories. The difference is not yet apparent in 1997 rates (Figure 1). The comparison for Sangamon County also shows that in 1996, conviction rates for the program cases were higher than the other categories (Figure 2). The pattern was less clear in 1997 due to open cases. In Kankakee County, a comparison was made between

all felony cases, VOP cases (all violent felonies), and non-VOP felony cases. The 1996 program case conviction rates were lower than the rates in other categories. However, conviction rates were slightly higher in 1997 (Figure 3). The lower rates in 1996 may have been due to the program's emphasis on older, unsolved task force cases, while the 1997 cases involved more recent crimes.

The 32 percent dismissal rate (which does not include guilty or not guilty verdicts) for 1996 violent offender prosecution program cases in Winnebago County was lower than the 45 percent rate for non-program violent felonies in 1996. In Sangamon County, the 14 percent dismissal rate for 1996 program cases was less than half that for violent felonies not selected for the program (30 percent). Kankakee County's dismissal rates for felony cases were less than 10 percent, with little difference noted between program and non-program cases.

Convicted offenders whose cases were handled by program attorneys experienced higher incarceration rates

in each county. Winnebago County cases saw a 37 percent incarceration rate in 1996, and a 27 percent rate for non-program violent felonies. The largest difference was noted in Sangamon County, where 1996 violent offender prosecution program cases had an 87 percent incarceration rate, and a 60 percent rate for non-program violent felonies. Kankakee County's 1996 VOP program incarceration rate was 58 percent, compared to 41 percent for other felonies.

Violent crimes typically take longer to reach a disposition. The median time from filing to disposition for 1996 program cases was 130 days in Winnebago County, nearly 20 percent longer than the 108 days for non-program violent felony cases. In Sangamon County, program cases took 228 days to reach a disposition, 34 percent longer than non-program violent felony cases. Kankakee County program cases were in the system 183 days, 19 percent longer than non-VOP cases.

### Conclusion

The Kankakee County violent offender prosecution program operated within a prosecutorial environment that was already making substantial changes in its performance, including higher conviction and lower dismissal rates. In addition, it was difficult to separate the effects of the program from the task force since they were so closely entwined. The program did produce a number of benefits, however. It provided three experienced felony attorneys and an investigator, whose value became readily apparent and essential to the attorneys. Not only did the investigator reduce case preparation work, but he aided in ensuring witness appearances by accompanying attorneys on visits with victims.

The success of the Sangamon County program is in large part attributable to the state's attorney's office's creation of a favorable climate for change and innovation, and the experience and dedication of the two program attorneys. The result is that the program achieved its objectives and improved the quality of prosecution in the office through the training, advice,

and assistance provided by the experienced program prosecutors. An improvement in police-prosecutor relationships also was realized as a result of working together on program cases.

The Winnebago County program produced a number of unexpected benefits aside from achieving its objectives, including improved police-prosecutor relationships, better investigations, and training for less experienced attorneys.

Benefits of the violent offender prosecution program include:

■ The program dedicates additional resources to the most work-intensive cases in an office, thereby improving the quality of prosecution. The resources include attorneys, investigators, and legal assistants or paralegals. Results produced by the programs would have been difficult to achieve if additional resources had not been available. In Sangamon and Kankakee counties, the attorneys worked solely on program cases and were unencumbered by administrative duties. As a result,

they were able to give attention to unsolved murders and old cases that otherwise would have been neglected given the volume of recent crime. As the relationship between the police detectives and attorneys matured, the quality of evidence collection improved, as did the evidentiary strength of the cases for prosecution.

■ The program provides a valuable opportunity for attorney training. Because the program provided funds for experienced prosecutors dedicated to serious violent crimes, they are better-equipped to train less-experienced attorneys. The Winnebago County attorneys directed and supervised the trial teams, while attorneys in Sangamon County allowed less-experienced prosecutors to assist in trials.

■ Law enforcement agencies benefit from access to experienced program prosecutors who are dedicated to violent crime cases. Cases were better investigated and prepared because detectives received legal advice at early

stages of the investigation and often prior to arrest. Detectives also felt more ownership toward a case, with interest in the arrest as well as the case's disposition and sentence.

■ The program improves performance in the courtroom. Cases are presented more aggressively and are better prepared by attorneys specializing in a relatively narrow, but serious area of crime. The evaluation also noted improved legal research and presentation to the jury. Public defenders noted that program prosecutors were less willing to negotiate charges or sentences.

The evaluation found that the three programs met the primary requirements for successful operation and included experienced prosecutors and a close working relationship with law enforcement. The major results were higher conviction rates, longer periods of incarceration for convicted offenders, and fewer cases lost because of evidentiary weakness or inefficient case management.

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Criminal Justice Information Authority  
120 S. Riverside Plaza, Suite 1016  
Chicago, Illinois 60606  
312-793-8550 TDD: 312-793-4170 Fax: 312-793-8422  
www.icjia.state.il.us