

# TRENDS AND ISSUES 90

## Criminal and Juvenile Justice in Illinois

126480

U.S. Department of Justice  
National Institute of Justice

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Primary credit for this report again goes to the chapter authors, who brought order and sense to the multitude of information that exists about criminal and juvenile justice in Illinois, and to the Authority's editorial staff, who helped transform this into a graphically engaging and readable report.

The quality of this year's edition has again been enhanced by the input of the *Trends and Issues* Data Advisory Committee. These professionals provided our research staff not only with data but also with critical review of draft material throughout the project. We hope that members of our DAC will continue this valuable support for future editions of *Trends and Issues*. We would also like to thank officials of Cass, Cook, and DuPage counties who provided detailed financial information for this year's report.

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## To the People of Illinois

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

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

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Thompson". The signature is fluid and cursive, with a large initial "J" and "T".

James R. Thompson  
Governor

## Message from the Executive Director

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

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

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

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

The long-term solution lies outside the criminal justice system. In many ways, criminal justice is like emergency health care. The way to keep emergency health care costs down is to keep people out of the emergency room—through better nutrition, education, and preventive health care. Similarly, the most effective way to relieve stress on the criminal justice system is to prevent crime before it occurs—by attacking such root causes as poverty and anomie with jobs and better education. But until long-term solutions are reached, neither the emergency health

care system nor the criminal justice system can simply shut its doors and tell people to look elsewhere for help.

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

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

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

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

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



J. David Coldren  
Executive Director

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# INTRODUCTION

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

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

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

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

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

ments charged with controlling crime and administering our system of justice.

## A DECADE OF INCREASING DEMANDS

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

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

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

As last year's *Trends and Issues 89* report demonstrated, increases in criminal justice activity related to illegal

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

**THE COMPETITION FOR RESOURCES**

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

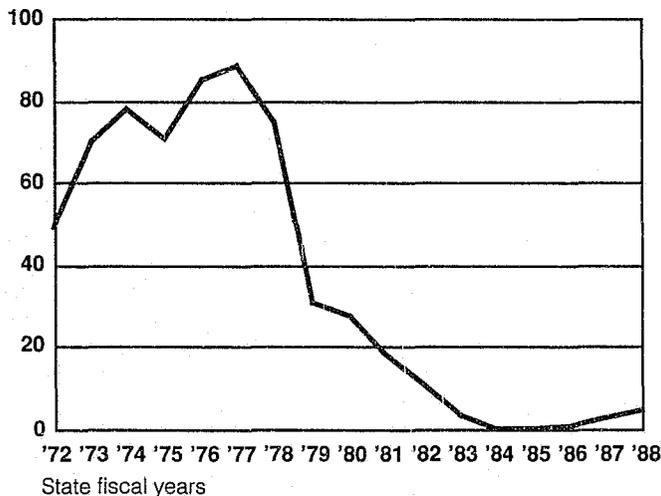
1. Little or no real growth in such primary revenue sources as property, sales, and income taxes
2. A substantially reduced federal role
3. No real growth in system-generated revenue—fees and fines—which continue to support only about 11 percent of all local criminal justice activity

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

INTRO-2

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

Illinois Criminal Justice Trust Fund receipts, constant 1988 dollars (millions)



Source: Office of the Illinois Comptroller

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

**SPENDING INCREASES, SPENDING CHANGES**

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

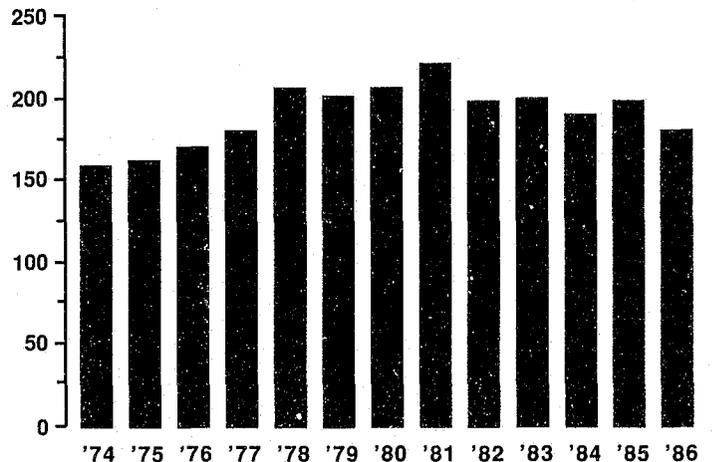
The overall increase in spending on criminal justice in Illinois, however, masks two important changes in how criminal justice resources are being allocated in the state. First, there has been a dramatic *increase in the proportion of criminal justice spending devoted to corrections*, with a corresponding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

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

INTRO-3

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

Local fee and fine revenue, constant 1988 dollars (millions)



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

## What is a "Constant Dollar"?

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

Almost all of the monetary figures in *Trends and Issues 90* are reported in constant 1988 dollars. Constant dollars are dollar amounts that have been converted from "nominal dollars" (amounts that prevailed at the time an expenditure was made) into a base-year equivalent to remove the effects of inflation. Constant dollars, therefore, reflect only changes in the

actual quantity of services or commodities purchased, not changes in inflation. This makes it possible to accurately compare revenues and expenditures over time.

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

The process used to calculate constant 1988 dollars is fairly straightforward. First, the Implicit Price Deflator for State and Local Government Pur-

chases was taken for each year from one of two U.S. Department of Commerce reports: the *National Income and Product Accounts of the United States, 1929-1982*, and for more recent years, the *Survey of Current Business*. The Implicit Price Deflator was applied to the following formula to calculate constant 1988 dollars:

$$E_{t1}/(IPDt1/IPD1988)=E1988$$

$E_{t1}$  is the expenditure in the historical year, which is divided by the quotient of the Implicit Price Deflator of the same historical year (IPDt1) and the Implicit Price Deflator of the base year, in this case 1988 (IPD1988). The result is the expenditure in constant 1988 dollars ( $E1988$ ).

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

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

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

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

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

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

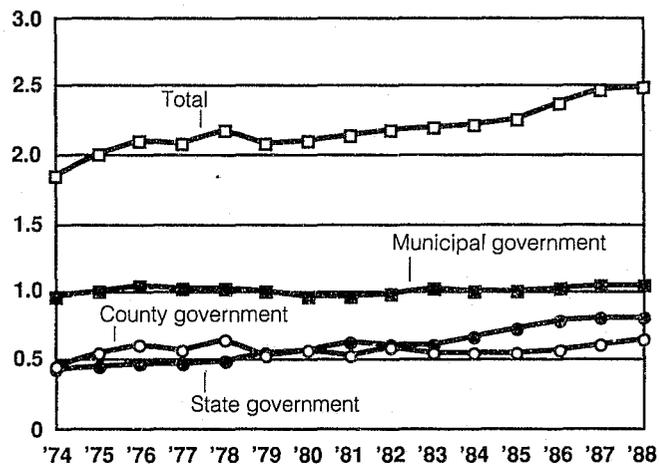
## A CHANGING "MARKET SHARE"

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

INTRO-4

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

Expenditures, constant 1988 dollars (billions)

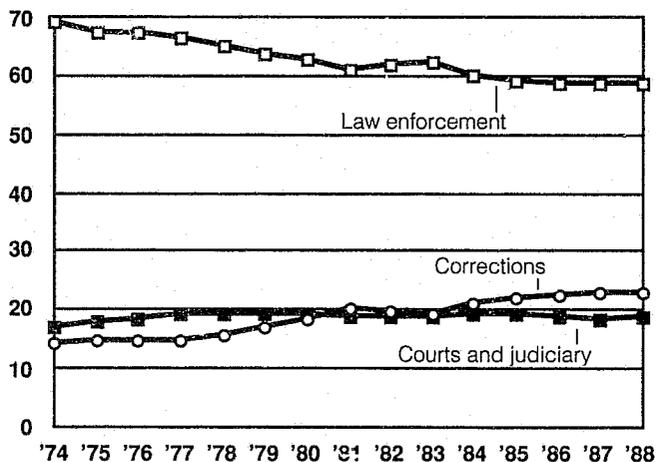


Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller

INTRO-5

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

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



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

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

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

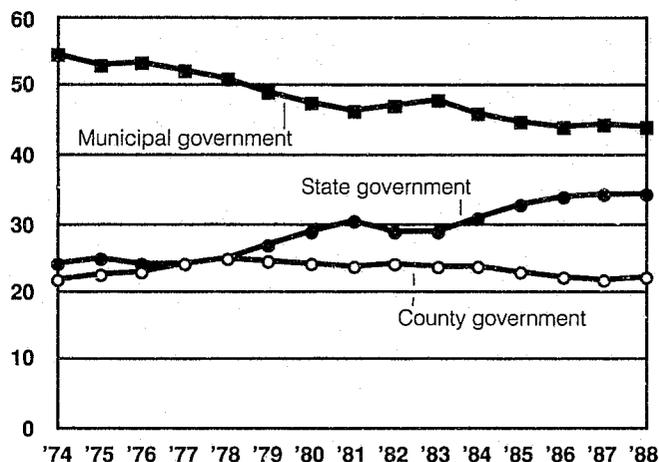
In suburban Cook and DuPage counties as well, municipal spending on law enforcement may have increased overall, but many police departments in those areas are receiving a shrinking share of their municipalities’ resources. In Cook County outside Chicago, police spending made up 25 percent of all municipal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

■ **Counties.** At the county level, the opposite trend has occurred. An overall increase in criminal justice expenditures—nearly 44 percent in constant dollars between

INTRO-6

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

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



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

fiscal years 1974 and 1988—has translated into an increase in the system’s share of county resources, both in Cook County and in all other Illinois counties combined.

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

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

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

## **Criminal Justice in Illinois: Who Pays for What?**

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

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

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

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

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

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

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

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

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

activities such as computerization of records, law libraries, and courtroom security.

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

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

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

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

■ **Federal government.** The federal government has its own system of law enforcement,

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

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

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

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

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

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

### THE GAP BETWEEN DEMANDS AND RESOURCES

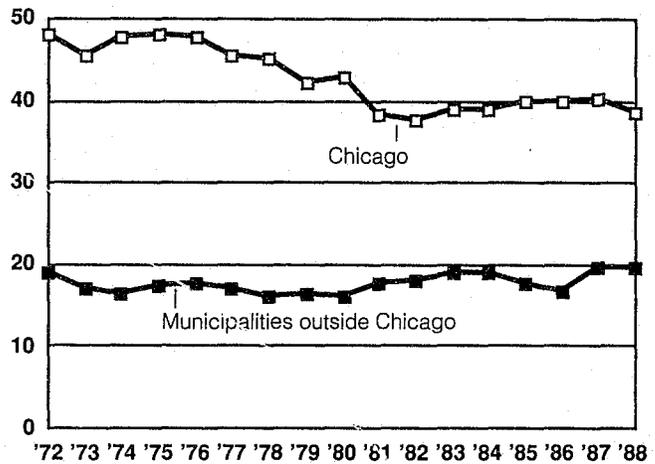
The fact that the criminal justice system's share of government resources has remained essentially unchanged in the 1980s wouldn't be a cause for concern if the demands placed on the system had remained essentially unchanged as well. But the activity levels of the criminal justice system *have* increased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

- **Law enforcement.** Between 1970 and 1988, calls for police service in Chicago rose 15 percent, but police department expenditures from Chicago's General Revenue Fund actually *declined* 8 percent in constant dollars (INTRO-9).<sup>11</sup> The number of sworn Chicago police officers also fell by 5.5 percent during this period.
- **Prosecution.**<sup>12</sup> The number of felony cases filed in the Circuit Court of Cook County increased 88 percent between 1978 and 1988, but constant-dollar spending on the state's attorney's office increased by only 30 percent (INTRO-10). In DuPage County, constant-dollar spending on the state's attorney's office rose just 16 percent between 1978 and 1988, but the total number of criminal cases filed in the county rose 73 percent. Between 1978 and 1989, there were increases in the number of cases involving violent index (70 percent), property index (66 percent), and drug (74 percent)

INTRO-7

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

Percentage of municipal government expenditures devoted to criminal justice

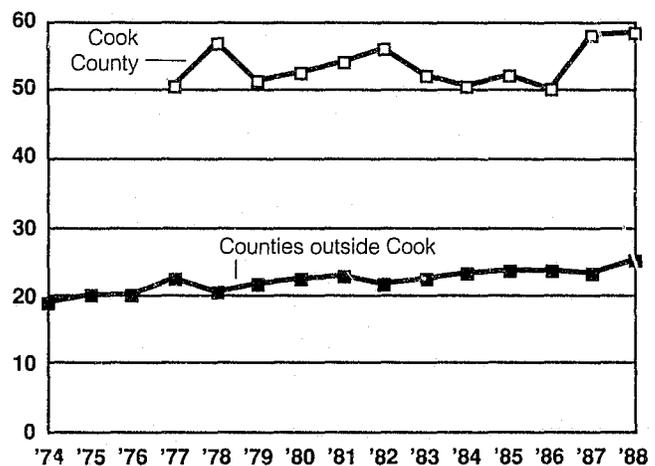


Source: Chicago Department of Finance; Office of the Illinois Comptroller

INTRO-8

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

Percentage of county government expenditures devoted to criminal justice



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

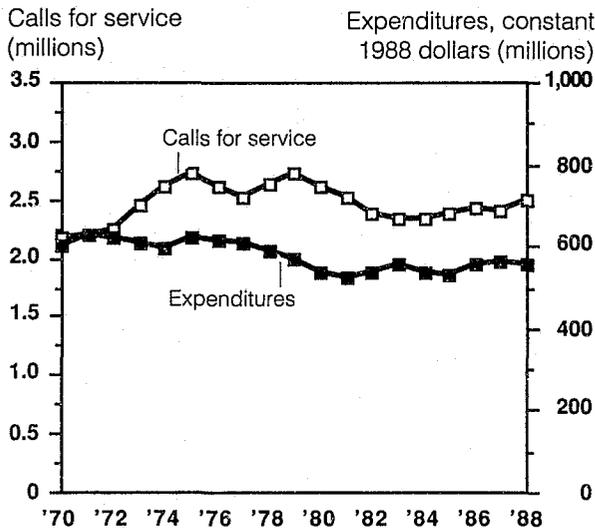
Source: Office of the Cook County Comptroller; Office of the Illinois Comptroller

crimes in DuPage County—and an even bigger increase in drunken driving cases (see page 12).<sup>13</sup>

- **Public defense.**<sup>14</sup> In both Cook and DuPage counties, the growth in public defense workloads has exceeded the growth in expenditures in recent years. Between 1984 and 1988, spending on public defense in Cook

INTRO-9

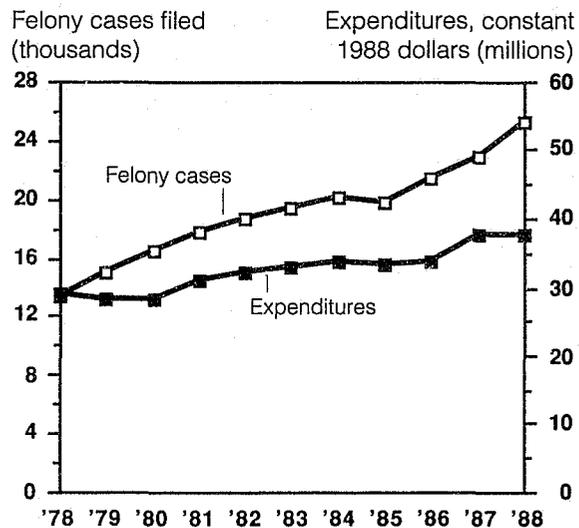
**Calls for police service in Chicago have risen overall since the early 1970s, but constant-dollar spending on the police department has declined.**



Source: Chicago Police Department; Chicago Department of Finance

INTRO-10

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



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

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

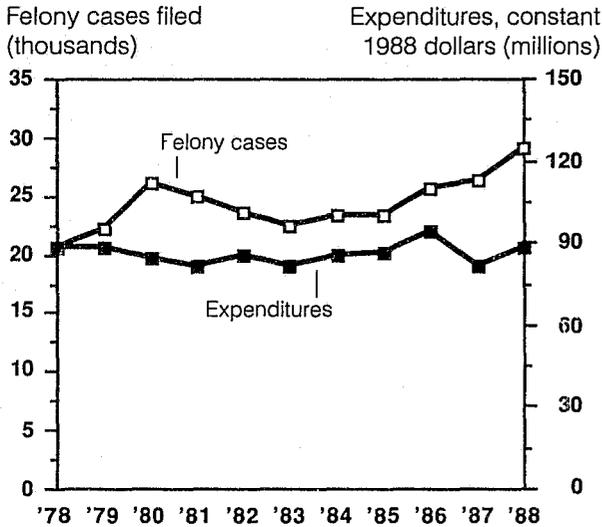
- **Courts.** In Cook County, where the number of felony cases filed in the Circuit Court increased 88 percent between 1978 and 1988, county spending on the courts and the judiciary increased by only 6.5 percent.<sup>16</sup> And while the overall number of Circuit Court judges rose by 29 percent during this period, the number of full circuit judges (who typically hear felony trials) increased by only four (from 173 to 177). In the state's other 101 counties combined, spending on the courts and the judiciary was essentially the same (less than 1 percent higher) in 1988 as in 1978 (in constant dollars), but the number of felony cases filed in the courts rose by more than 40 percent (INTRO-11).
- **Adult corrections.** The dramatic increase in the number of correctional inmates in Illinois has, for the most part, been matched by increases in spending for state prisons and county jails outside Cook County. In Cook County, however, constant-dollar spending on corrections increased just 12 percent between 1981 and 1988, while the average daily population of the county jail rose by 53 percent (INTRO-12). Even at state pris-

ons, where spending actually increased faster than the growth in activity during the 1980s, persistent crowding has caused sharp changes in the ratio of inmates to prison staff.<sup>17</sup> Between June 1986 and April 1990, state prisons in Illinois added 11,900 inmates but only 2,150 employees. As a result, the number of prison staff per 100 adult inmates dropped from 45 in fiscal year 1986 to a projected figure of 38 in fiscal 1990.<sup>18</sup>

- **Probation.** Outside Cook County, probation caseloads increased almost 75 percent between 1981 and 1988, while constant-dollar expenditures rose by 41 percent. And because the number of probation officers outside Cook County rose by just 32 percent between 1979 and 1987, the caseload of each probation officer in these counties has grown over the years. In Cook County, probation caseloads grew 30 percent between fiscal years 1984 and 1988, while spending rose by only 19 percent (in constant dollars).
- **Juvenile justice.** In many parts of the juvenile justice system, changes in spending have not only lagged behind changes in activity, but spending itself has decreased (in constant dollars). In the Juvenile Division of the Cook County Circuit Court, for example, expenditures decreased 12 percent, while the number of court petitions increased 30 percent, between 1975 and 1988 (INTRO-13). Similarly, spending for the Illinois Department of Corrections' Juvenile Division declined by 6 percent between fiscal years 1982 and 1988,

INTRO-11

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



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

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

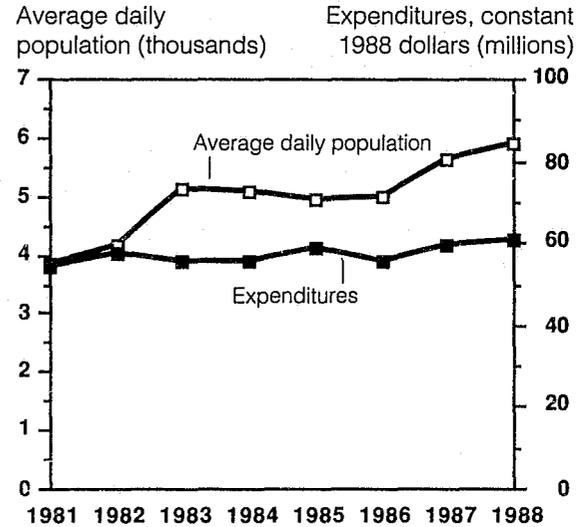
**THE LIMITS OF GROWTH**

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

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

INTRO-12

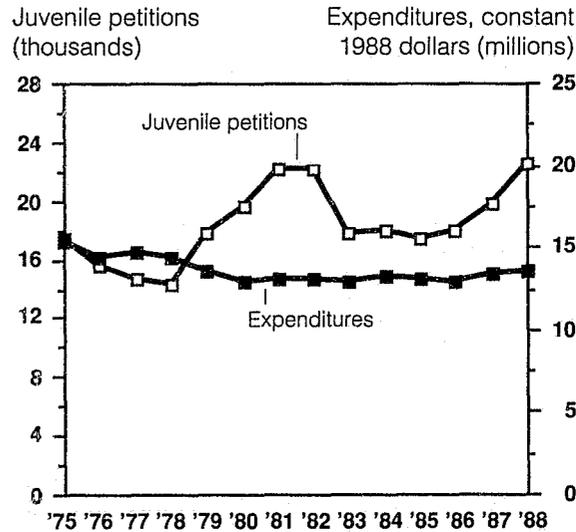
**Growth in the average daily population of the Cook County Jail has exceeded growth in jail spending since 1982.**



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

INTRO-13

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



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

Exactly what that limit is, or when it will be reached, is difficult to predict. Some agencies are already cutting back services as they are forced to prioritize among those activities which they can and cannot do with existing resources. For example, several Chicago-area police departments that for years responded to practically all minor

emergencies, such as motorists locked out of their cars, have either discontinued these community services completely or significantly scaled them back. And the cutbacks have involved more than courtesies like unlocking cars. For example:

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

If present trends continue, more service cutbacks of this type can be expected in the 1990s, as criminal justice

agencies scramble to keep up with demands for basic services, let alone provide "extras" such as community relations and crime prevention.

### THE RISKS OF THE STATUS QUO

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

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

## A County-by-County Comparison of Justice Expenditures

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

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

In general, larger counties, which typically have more criminal justice activity, have higher per-capita expenditures

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

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

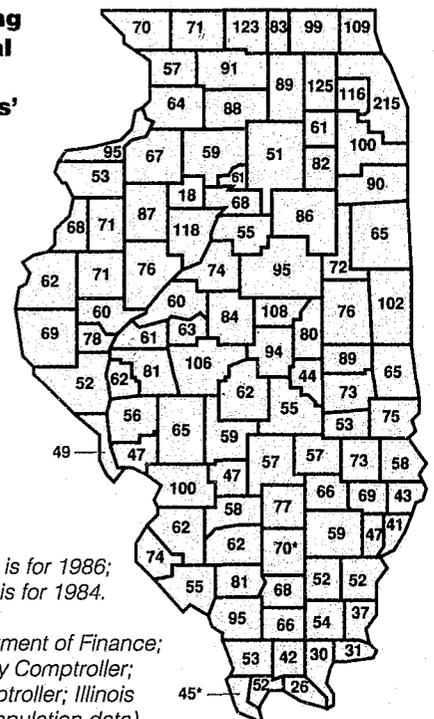
The wide range in per-capita expenditures does not necessarily mean that some counties are "better off" or are doing more to address crime in their jurisdictions. There are vast differences among Illinois counties not only in what they spend for criminal justice activi-

ties, but also in their crime rates, population densities, dominant revenue sources, ability to raise revenue, and demands placed on the crimi-

nal justice system. These and other factors affect, to some degree, the amount of money that local units of government spend on criminal justice. □

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

County and municipal expenditures per county resident



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

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

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

## **Criminal Justice: The Employment Picture**

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

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

- The number of employees in the Illinois Department of Corrections increased almost 70 percent between 1979 and 1988; in adult institutions, the number of employees more than doubled.

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

But while the number of criminal justice employees has generally increased, their salaries still lag behind those of their private sector counterparts.

For example, the average annual salary for attorneys in private law firms in Illinois was \$88,000 in 1989. This amount exceeds the salaries of all judges in the state (except for Supreme Court justices, who are paid \$93,266), all state's attorneys and chief public defenders (except for Cook County's chief prosecutor, who is paid \$90,000), the Illinois attorney general, and the state appellate defender.

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

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

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

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

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

## Increasing Demands: DUI and Criminal Justice in DuPage County

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

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

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

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

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

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

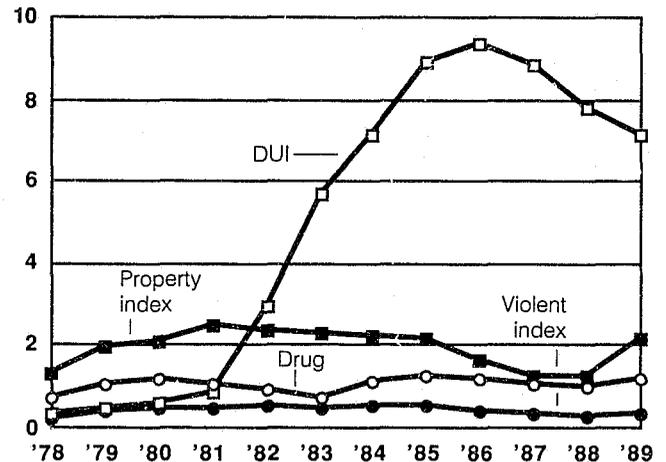
Increases in DUI arrests and case filings have strained not only court resources, but also the resources of both the DuPage County Jail, where crowding had become severe by 1985, and the county probation department, where 30 percent of the caseload in 1987 was DUI offenders. In an attempt to ease the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

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

DuPAGE-1

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

Charges filed in court (thousands)

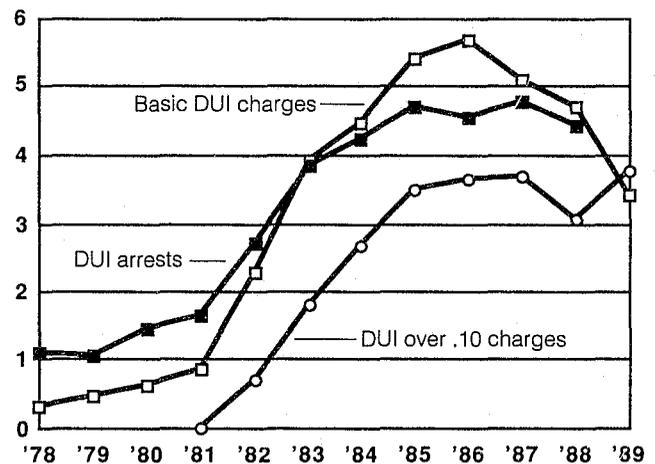


Source: DuPage County State's Attorney's Office

DuPAGE-2

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

Charges filed in court/arrests (thousands)



Source: DuPage County State's Attorney's Office

tougher DUI legislation, and published a booklet and police recordkeeping pad.

The effect of this countywide campaign of zero tolerance can be seen in activity trends in all parts of the criminal justice system—arrests, court cases,

jail population, and probation caseloads. Yet, as other parts of this report show, the increased activity has not always translated into additional resources for the criminal justice system in DuPage County. □

## FOUR OPTIONS FOR CHANGE

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

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

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

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

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

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

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

Improving efficiency is probably the most attractive option to the taxpaying public, but it may also be the most difficult to achieve. Many agencies are already looking for ways to improve their efficiency. Chicago and other police

departments, for example, are putting more officers on the street by hiring civilians to handle duties such as traffic enforcement, crossing-guard duty, and clerical tasks. The courts in DuPage County increased their disposition rate in part by boosting the number of support personnel who help judges, and the Circuit Court of Cook County is now diverting many minor criminal cases from overloaded courtrooms and in to mediation. And many agencies are either "outsourcing" more of their tasks—hiring private companies to handle things such as data processing, facilities maintenance, and food service—or forming regional partnerships with other government agencies to share resources and information.

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

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

## SEARCHING FOR SOLUTIONS

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

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

have already taken this approach in approving surcharges to their telephone bills to pay for 911 emergency systems.

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

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

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

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## How This Report Is Organized

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

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

- *Overview* describes the responsibilities, organization, and staffing of the component, along with any new and significant procedural or technological changes.

- *The Data* explains the sources of information used in the chapter and any data quality concerns.

- *Trends and Issues* analyzes the latest statistical data describing trends in system activity and, in some cases, projections of future activity levels.

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

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

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

# Notes

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

<sup>2</sup> *Crime in Illinois, 1988* (Springfield, Ill.: Illinois State Police, 1989).

<sup>3</sup> Illinois Court of Claims.

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

<sup>5</sup> *Trends and Issues 89: Criminal and Juvenile Justice in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1989), p. 3.

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

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

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

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

courts, probation, and prosecution salaries. Municipal expenditures are for police departments.

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

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

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

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

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

<sup>15</sup> The indigent defendant data in DuPage County come from the annual reports of the 18th Judicial Circuit.

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

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

<sup>18</sup> Illinois Department of Corrections projection.

<sup>19</sup> Rudiger Dornbusch and Stanley Fischer, *Macroeconomics*, Third edition (New York: McGraw-Hill, 1984), p. 607.

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

<sup>21</sup> For example, a Northern Illinois University survey found that drug abuse is moving up fast on the list of citizen concerns: 14 percent of the 800 adults surveyed in 1989 said illegal drugs were the state's most serious problem, up

from only 4 percent in 1988 and less than 1 percent in 1987. Education topped the list of concerns, at 22 percent, in 1989. [See Casey Banas, "Education a priority in statewide survey," *Chicago Tribune* (January 15, 1990), sec. 2, p. 2.] And according to the New York Times/CBS News Poll, the proportion of adults nationwide who cited illegal drugs as the nation's most important problem surged from 22 percent in July 1989 to 64 percent in September. [See Richard L. Berke, "Poll Finds Many in U.S. Back Bush Strategy on Drugs," *The New York Times* (September 12, 1989), p. 8.]

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

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

<sup>24</sup> See *Illinois Opinion Journal* vol. 2, no. 2 (Springfield, Ill: Midwest Research Center, April 1990).

<sup>25</sup> *Sourcebook of Criminal Justice Statistics—1988* (Washington, D.C.: Bureau of Justice Statistics, 1989), p. 206, table 2.25.

## Sources of Criminal Justice Financial Data

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

Each year, the comptroller's office publishes these data in statewide summaries of both county and municipal finance in Illinois. (1988 data were taken directly from the financial statements submitted to the comptroller's office by the counties and municipalities.)

The comptroller's office arranges these local financial data in uniformly defined categories. This allows for some analysis of aggregate criminal justice expenditures.

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

More specific expenditure data for local government were ex-

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

Detailed revenue and expenditure data for state agencies were obtained either from the *Illinois Annual Report*, published by the Illinois comptroller's office, or directly from the agency. The financial category used to determine the

amount spent by each agency was the "warrants issued" classification. Several state criminal justice agencies transfer funds to local units of government, and these transfers are reflected in the agencies' "warrants issued" category. To prevent double-counting of these expenditures (at both the state and local levels), data for some state agencies were recalculated to exclude the local government transfers. This recalculation meant that expenditure amounts more accurately reflected spending for the agencies' general activities. □

## Glossary of Financial Terms

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

**appropriation.** See *budgets*.

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

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

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

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

**constant dollars.** Dollar amounts that are measured at the prices existing in a specified base year (1988, in this report). Constant dollars re-

move the effects of inflation when analyzing revenues and expenditures over time. Because the effects of inflation are different for governments than for households, this report uses the Implicit Price Deflator for State and Local Government Purchases, published by the U.S. Department of Commerce, for calculating constant dollars. For details, see page 4. Contrast with *nominal dollars*.

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

**earning power.** See *real wage*.

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

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

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

**general revenue funds.** Funds that contain all general tax revenues and other government receipts that are not oth-

erwise allocated by law, regulation, or contractual agreement to a special revenue fund. General revenue funds pay for the majority of criminal justice expenses at the state, county, and municipal levels in Illinois. The names of general revenue funds may vary (in Cook County, for example, it is called the Corporate Purposes Fund). Contrast with *special revenue funds*.

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

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

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

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

**opportunity cost.** The alternative that must be foregone whenever something is produced or when a choice

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

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

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

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

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

# Trends and Issues Update: Drug Abuse and Crime in Illinois

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

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

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

## IS THE LEVEL OF DRUG ABUSE INCREASING OR DECREASING?

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

For example, annual surveys of more than 15,000 high school seniors nation-

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

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

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

Tragically, hospitals are treating not only more drug abusers themselves, but also more babies born to addicted mothers. The National Association for Perinatal Addiction Research and Education reported that 16 percent of all babies born at one Chicago hospital during a two-month period in 1988 tested positive for

cocaine. Statewide, the reported number of babies born with cocaine or other illegal drugs in their systems increased from 181 cases in fiscal year 1985 to 2,176 in fiscal 1989, with a 76-percent increase in 1989 alone. Although most of the cases occur in Cook County—90 percent of the statewide total in fiscal 1989—the problem has touched all parts of the state and crosses all socio-economic lines.

## WHAT IS THE LEVEL OF DRUG ABUSE AMONG CRIMINAL OFFENDERS?

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

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

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

DRUGS-1

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

Percent testing positive

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

Source: National Institute of Justice

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

**HOW MANY PEOPLE ARE ARRESTED FOR DRUG OFFENSES IN ILLINOIS?**

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

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

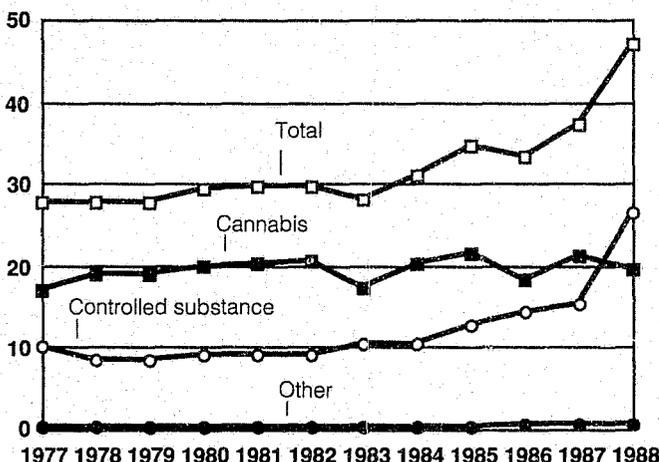
While the number of people arrested on cannabis charges appears to be holding relatively steady, the number of arrests under both the Controlled Substances Act<sup>6</sup> and other drug laws is rising steadily. In 1988, 26,563 people were arrested under the Controlled Substances Act, 72 percent more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

Although most drug arrests in Illinois are for possession, arrests for drug delivery are increasing at a faster rate.<sup>7</sup> From

DRUGS-2

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

Arrests (thousands)



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

Source: Illinois Uniform Crime Reports; Illinois metropolitan enforcement groups

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

Arrests for possession of controlled substances increased 172 percent from 1983

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

Although the exact number of cocaine arrests made in Illinois is difficult to determine, available data indicate that arrests for cocaine have skyrocketed, particularly since 1983.<sup>8</sup> From 1983 through 1988, Illinois State Police (ISP) and drug enforcement task force arrests for cocaine violations nearly quintupled from 254 to 1,238. Cocaine arrests made by the metropolitan enforcement groups (MEGs) doubled during the same period, from 459 to 920. U.S. Drug Enforcement Ad-

ministration (DEA) arrests for cocaine also increased dramatically in Illinois, from 306 in 1983 to 602 in 1988, although there was a 9-percent decrease between 1987 and 1988.

**IS CRACK COCAINE TRAFFICKING OCCURRING IN ILLINOIS?**

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

**WHERE DO MOST DRUG ARRESTS IN ILLINOIS OCCUR?**

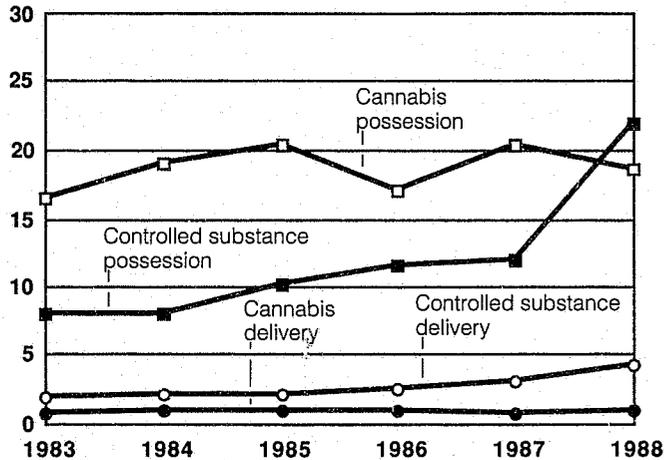
Most drug arrests in Illinois are made in Chicago, where dramatic increases have occurred since 1979 (DRUGS-5). Drug arrests in Chicago more than doubled from 14,357 in 1979 to 33,034 in 1988, with an increase of 32 percent between 1987 and 1988 alone. In 1988, 7 out of 10 drug arrests in Illinois occurred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

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

DRUGS-3

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

Arrests (thousands)

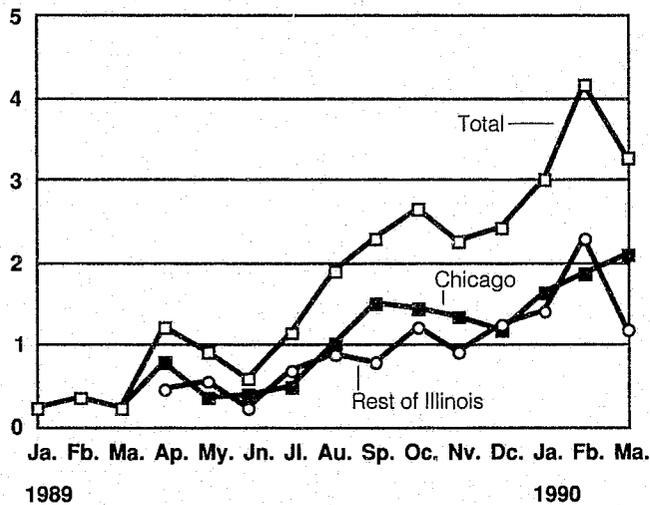


Source: Illinois Uniform Crime Reports; Illinois metropolitan enforcement groups

DRUGS-4

**The amounts of crack cocaine seized in Illinois are increasing.**

Grams (hundreds)

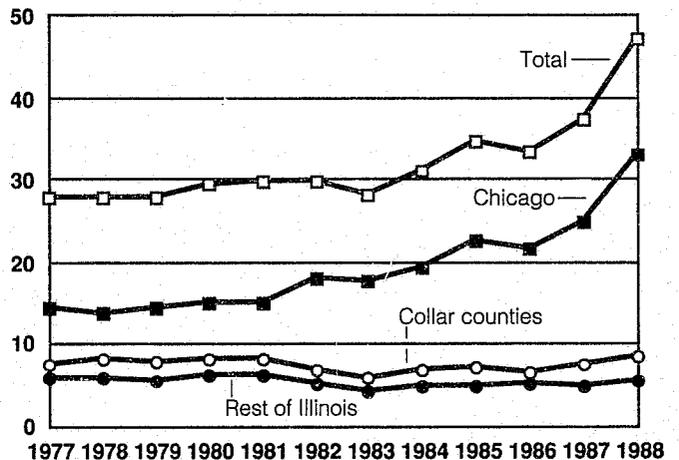


Source: Chicago Police Department; Illinois State Police

DRUGS-5

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

Arrests (thousands)



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

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

**HOW MANY DRUG ARRESTS DOES THE DEA MAKE IN ILLINOIS?**

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

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

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

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

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

**HOW HAS THE DRUG PROBLEM AFFECTED ILLINOIS' CRIME LABS?**

As the number of drug investigations, arrests, and seizures has increased in

Illinois, so has the demand for drug analysis services by the state's crime labs.<sup>9</sup> In 1989, 15,550 drug cases were submitted to the Illinois State Police crime labs, a 65-percent increase over the 9,419 drug cases submitted in 1983 (DRUGS-7).

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

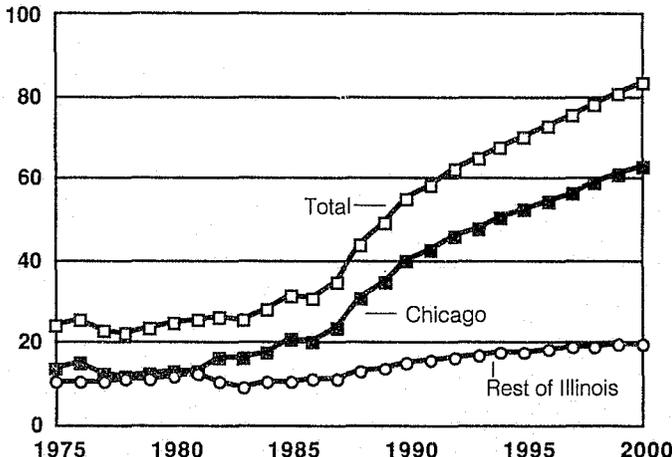
Drug cases also make up a growing *proportion* of the crime labs' total workload.<sup>11</sup> Drug cases made up 46 percent of all cases submitted to ISP's labs in 1985 and about 60 percent in 1989. At the Northern Illinois lab, drug cases made up 34 percent of the total caseload in 1983 but 45 percent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

In addition to increasing numbers of

DRUGS-6

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

Arrests (thousands)



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

DRUGS-7

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

Crime laboratory caseloads, drug cases

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

Source: Illinois State Police; Chicago Police Department; DuPage County Sheriff's Office; Northern Illinois Police Crime Laboratory

cases, the crime labs are also being required to perform complex analyses more frequently. A growing number of the labs' drug cases involve controlled substances, which take considerably longer to analyze than cannabis.<sup>12</sup> In 1989, for example, 66 percent of the ISP labs' drug caseload involved controlled substances, compared to 52 percent in 1983. At the Chicago Police Department lab, controlled substances made up 78 percent of

the drug caseload in 1989, compared to 43 percent in 1983.

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

The problem is particularly acute at the labs with the largest drug caseloads—the

Chicago Police Department and ISP labs. At the ISP labs, the backlog of drug chemistry cases has increased steadily from 1983 through 1988.<sup>13</sup> At the end of 1983, the ISP labs had a backlog of 37 drug chemistry cases. By 1985, the backlog had increased to 253 cases and by 1988, to 1,916 cases (Drugs-8).

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

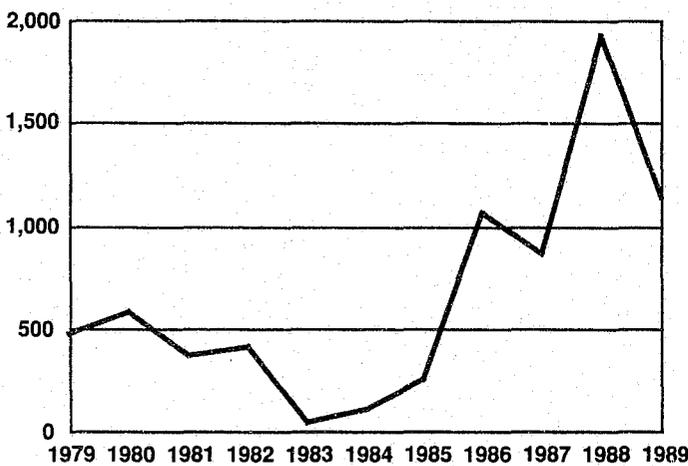
Upgrading the drug analysis capabilities of Illinois' crime labs to reduce backlogs and ensure that drug evidence is available in time for court proceedings has become a top priority in the state's fight against drugs. New drug chemists have been added to the staffs of the ISP crime labs and to the Chicago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

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

DRUGS-8

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

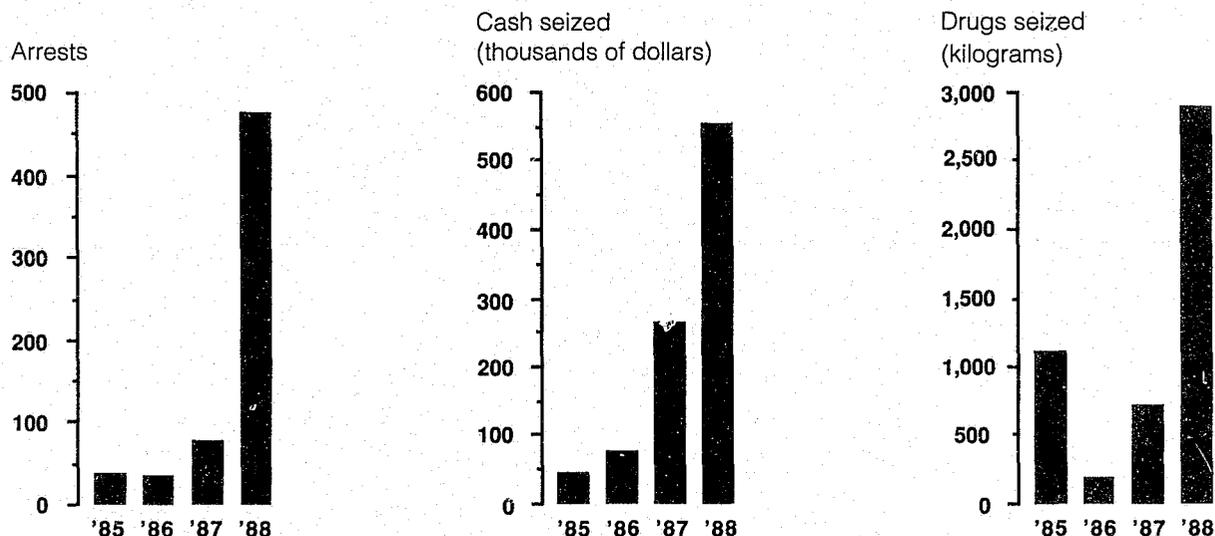
Drug case backlog



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

DRUGS-9

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



Source: Illinois State Police

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

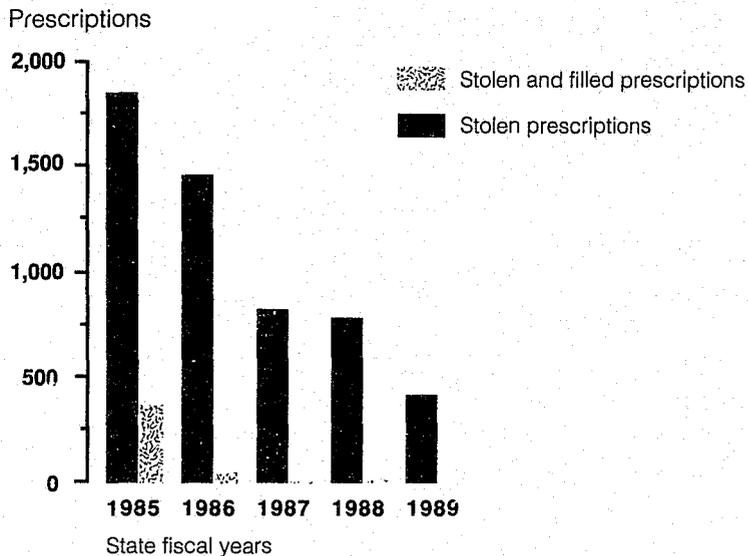
### WHAT IS BEING DONE TO STOP DRUG SMUGGLING AND CULTIVATION IN ILLINOIS?

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

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

### DRUGS-10

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



Source: Illinois Department of Alcoholism and Substance Abuse

juana plants in previous years, and drought conditions that existed throughout the state. The peak year for the destruction of cultivated marijuana was 1984, when almost 64,300 plants were destroyed.

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

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

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

Illinois' triplicate prescription control program has helped to sharply reduce the number of stolen prescriptions in recent years.<sup>16</sup> Between state fiscal years 1985 and 1989, the number of stolen prescriptions dropped 77 percent in Illinois, from 1,873 to 425 (DRUGS-10). The number of

stolen prescriptions that were filled has fallen even more dramatically, from 380 in 1985 to only one in 1989.

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

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

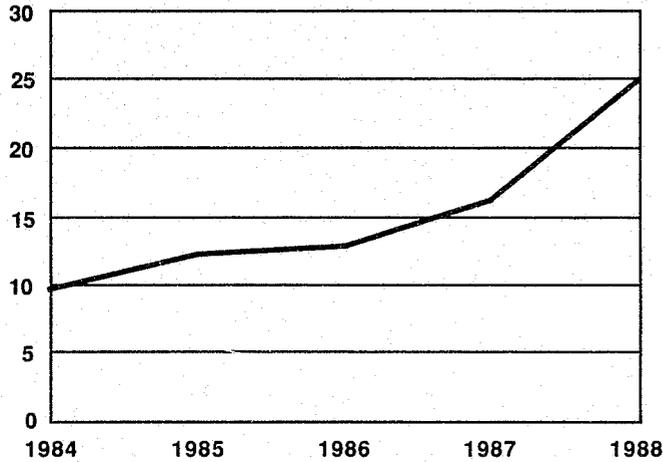
In many parts of Illinois, especially Cook County, the increase in drug arrests is fueling dramatic increases in the number of drug cases filed by prosecutors.<sup>17</sup>

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

DRUGS-11

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

Drug defendants (thousands)

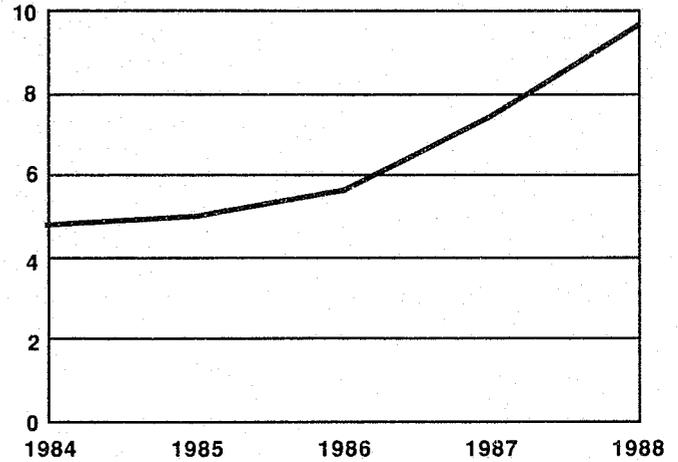


Source: Criminal Justice Project of Cook County

DRUGS-12

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

Drug defendants (thousands)



Source: Criminal Justice Project of Cook County

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

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

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

■ **Criminal fortification of a building or residence.** Effective January 1, 1990, it is a Class 3 felony to maintain a building in a fortified condition—with the intent to prevent the lawful entry of law enforcement officers—knowing that the building

is being used for the manufacture, storage, delivery, or trafficking of cannabis or controlled substances.<sup>18</sup>

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

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

■ **Drug Paraphernalia Control Act.**

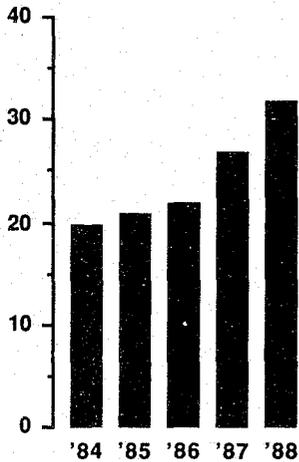
A revision to the 1983 Drug Paraphernalia Control Act outlawed the sale of paraphernalia in Illinois as of August 22, 1989.<sup>22</sup> Although the sale of drug paraphernalia was originally outlawed in 1983, the Illinois Supreme Court declared the law unconstitutional because of vagueness. The new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

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

DRUGS-13

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

Percentage of felony trials

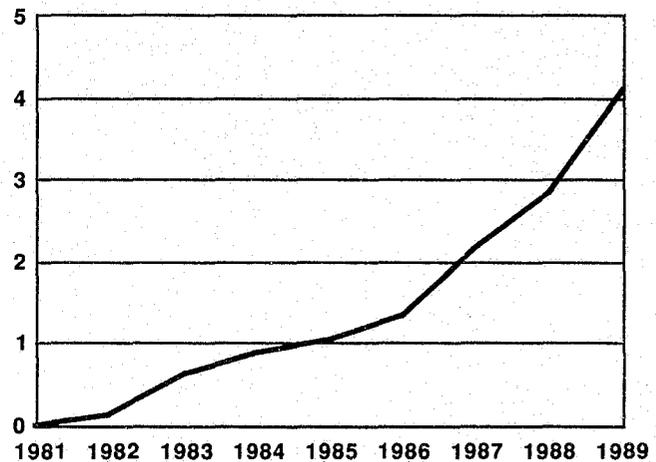


Source: Criminal Justice Project of Cook County

DRUGS-14

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

Forfeiture cases filed (thousands)



Source: Chicago Police Department

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

**ARE ASSET FORFEITURE CASES INCREASING IN ILLINOIS?**

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

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

1989. More than 200 forfeiture cases were filed in 1989 in the collar counties of DuPage, Kane, Lake, and McHenry.

**HOW MANY DRUG OFFENDERS ARE CONVICTED IN COOK COUNTY?**

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

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

felony trial courts, compared with only 25 percent of drug defendants.<sup>25</sup>

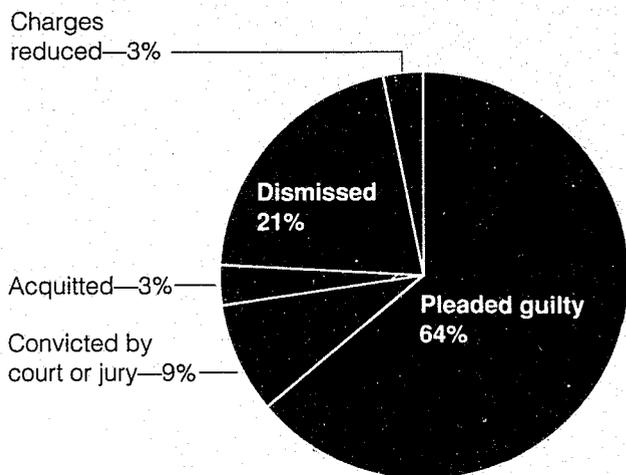
However, a majority of the defendants charged with drug offenses who enter the felony trial courts in Cook County are convicted. The pattern of dispositions for felony drug defendants is similar to the pattern for other felony charges. Among drug defendants who were charged in felony trial court from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

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

Due to the large number of pending

DRUGS-15

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



Source: Criminal Justice Project of Cook County

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

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

**HOW MANY DRUG OFFENDERS ARE CONVICTED OUTSIDE COOK COUNTY?**

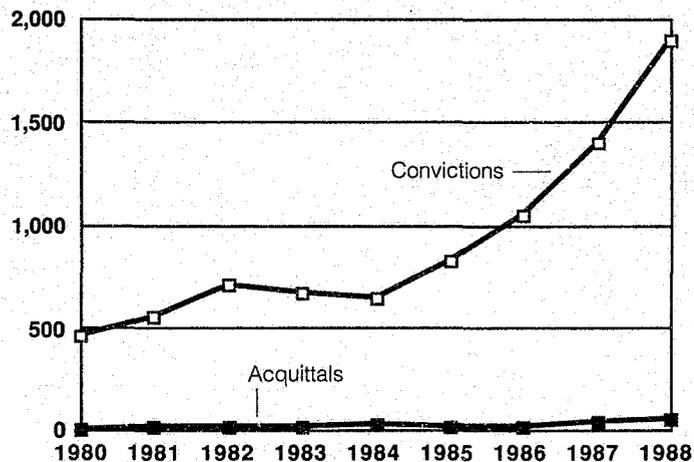
Although disposition data from Illinois outside Cook County are not available, statistics from various agencies which specialize in drug law enforcement show two important trends: the number of drug convictions generally increased in recent years, and convictions outnumbered acquittals by a large margin.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

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

DRUGS-16

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

Drug charges



Source: Illinois State Police

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

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

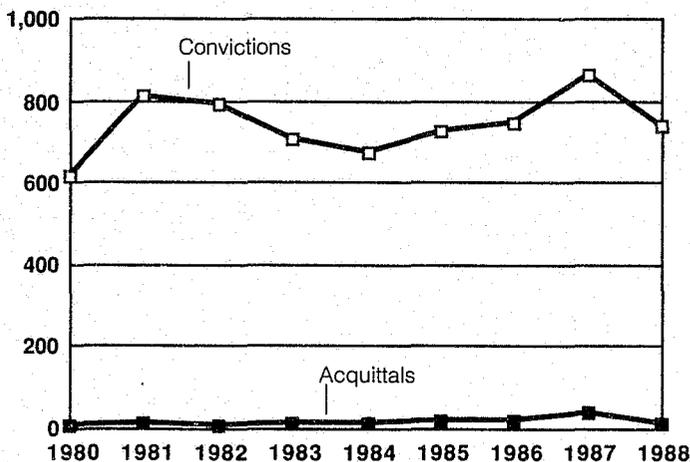
**ARE CONVICTIONS FOR DELIVERY OFFENSES INCREASING?**

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

DRUGS-17

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

Drug defendants



Source: Illinois metropolitan enforcement groups

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

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

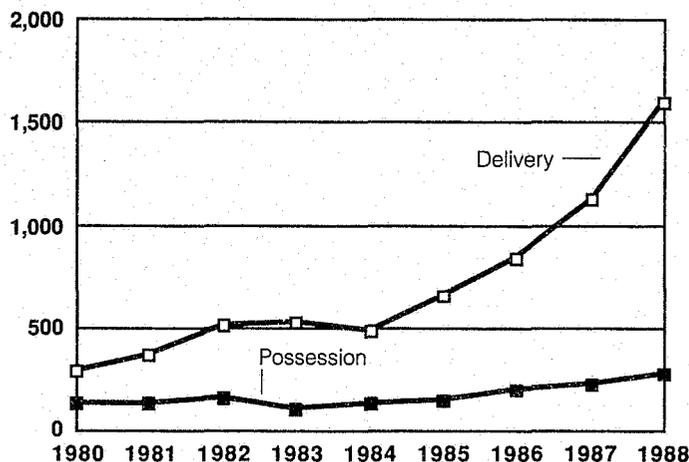
Convictions resulting from ISP-initiated drug possession charges decreased from 1980 through 1983, but then increased 148 percent over the next five years, reaching 273 in 1988. Throughout this period, there were also several convictions—between 24 and 59 a year—for other drug offenses, including such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

Among both delivery and possession of offenders arrested by the DEA in Illinois, convictions have also been generally

DRUGS-18

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

Drug charges resulting in conviction



Source: Illinois State Police

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

**ARE CONVICTIONS FOR COCAINE OFFENSES INCREASING IN ILLINOIS?**

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

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

cent over the next two years to 1,093 in 1988.

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

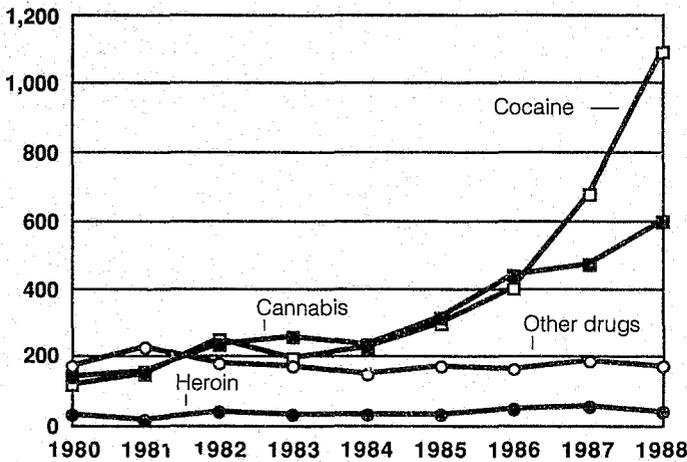
**IS THE NUMBER OF PRISON SENTENCES FOR DRUG OFFENSES INCREASING?**

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

DRUGS-19

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

Drug charges resulting in conviction

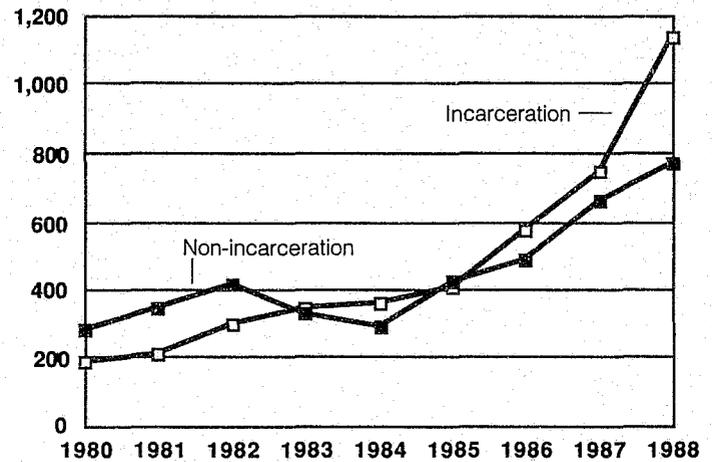


Source: Illinois State Police

DRUGS-20

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

Drug charges resulting in conviction



Source: Illinois State Police

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

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

Incarceration, then, accounted for an increasing percentage of the sentences imposed for ISP-initiated drug convictions

from 1980 through 1988. The incarceration rate for these drug convictions increased from 40 percent in 1980 to a nine-year high of 60 percent in 1988.

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

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

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

For Class X drug offenders, the average prison sentence imposed in 1988 was 7.5 years, down slightly from 7.7 years in 1987, but up 6 percent overall from 7.1 years in 1983 (DRUGS-21). For Class 1 drug offenders, the 1988 average sentence of 4.6 years was 10 percent lower than the 1987 average of 5.1 years, but

18 percent higher than the 1983 average of 3.9 years. For Class 3 drug offenders, the average prison sentence imposed increased 32 percent during the six-year period, from 2.8 years in 1983 to 3.7 years in 1988. In every year from 1983 through 1988, the average prison sentences imposed for other drug felonies stayed at or near the same levels: 3.9 years for Class 2 offenders, and 1.9 years for Class 4.

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

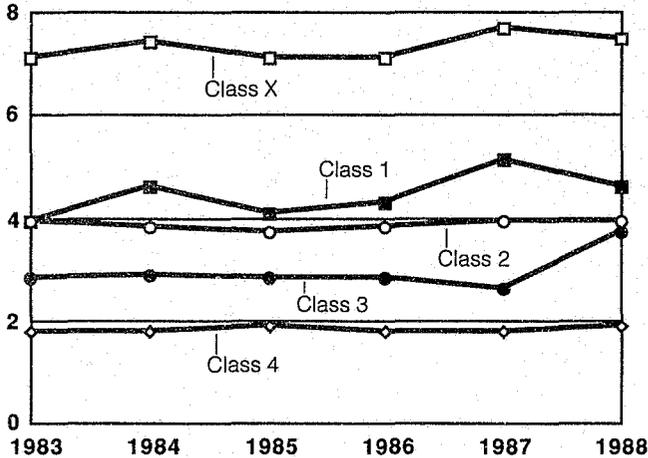
**HOW MANY DRUG OFFENDERS ARE ADMITTED TO ILLINOIS PRISONS EVERY YEAR?**

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

DRUGS-21

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

Sentence length (years)

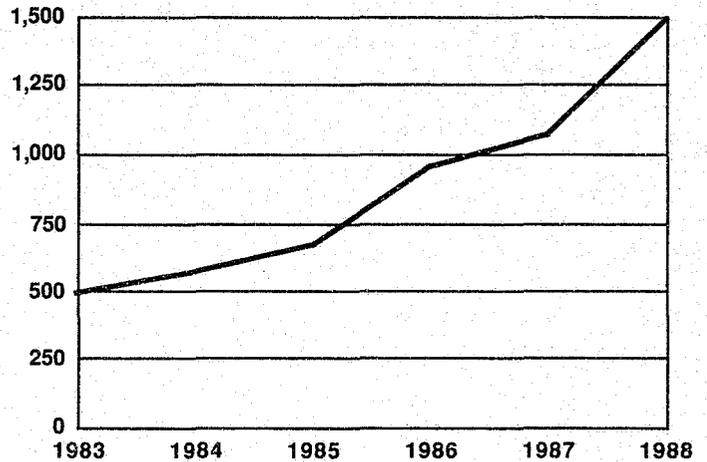


Source: Illinois Department of Corrections

DRUGS-22

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

Prison admissions



Source: Illinois Department of Corrections

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

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

Although Class 4 drug offenders have consistently accounted for the largest proportion of all admissions to IDOC for drug crimes, the number of more serious drug offenders, as a percentage of all drug admissions, has been increasing (DRUGS-23). Class X, Class 1, and Class 2 offenders accounted for 43 percent of all drug offender admissions in 1983, but 62 percent in 1988. Conversely, Class 3 and Class 4 offenders accounted for 57 percent of all drug offender admissions in 1983, but only 38 percent in 1988. The largest increase in the proportion of all

drug offender admissions involved Class 2 offenders which increased from 17 percent in 1983 to 25 percent in 1988. This was driven by a significant increase in admissions for Class 2 delivery of a controlled substance.

**WHAT TYPES OF CRIMES ARE DRUG OFFENDERS INCARCERATED FOR?**

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

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

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

**ARE DRUG OFFENDERS IN ILLINOIS STAYING IN PRISON LONGER?**

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

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

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

**WHAT SUBSTANCE ABUSE TREATMENT PROGRAMS ARE AVAILABLE FOR INMATES?**

About 1 out of 7 state prison inmates in Illinois is serving a sentence for a felony drug offense.<sup>35</sup> This percentage does not

come close to representing the number of inmates involved with drugs, however. Many inmates were using drugs or involved with drug-related criminal activity at the time of their arrests, but ended up serving sentences for other, non-drug offenses. A 1987 study by the Illinois Department of Corrections revealed that 54 percent of the current adult inmate population admitted using drugs at some time in their lives. And the study found that drug abuse and repeat offenses were connected. Among inmates released from adult facilities in 1984, the recidi-

vism rate for multiple-drug users was 58 percent, but 32 percent for non-drug users.<sup>36</sup>

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

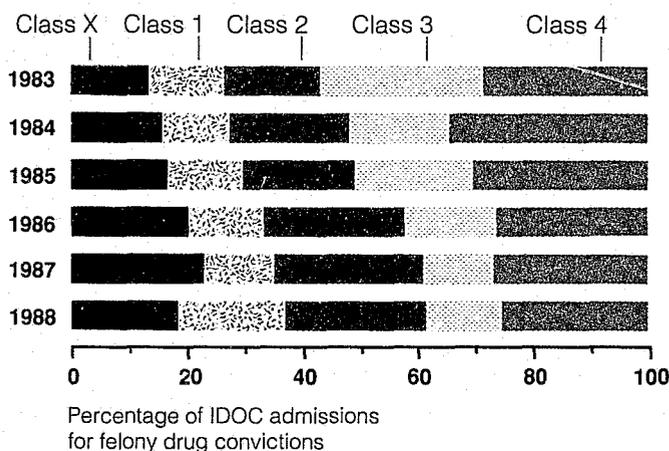
- About 400 adult inmates were served in the first four months of IDOC's expanded drug-education program.
- In-patient and therapy group treatment services were provided to 243 IDOC adult inmates in fiscal year 1989.
- Among adult female inmates participating in IDOC's community reintegration program,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

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

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

DRUGS-23

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

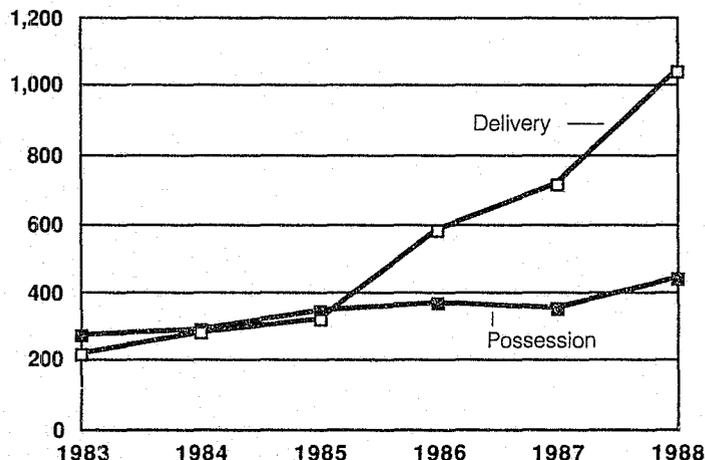


Source: Illinois Department of Corrections

DRUGS-24

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

Prison admissions

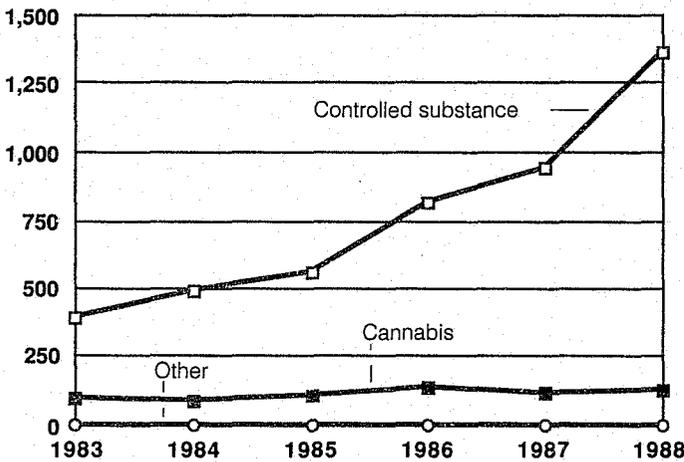


Source: Illinois Department of Corrections

DRUGS-25

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

Prison admissions

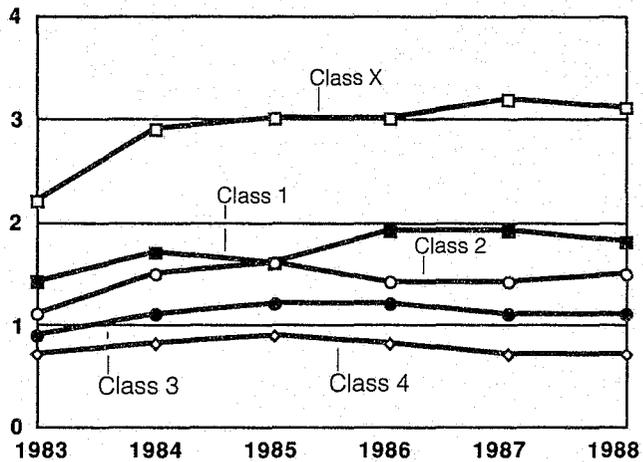


Source: Illinois Department of Corrections

DRUGS-26

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

Length of stay (years)



Source: Illinois Department of Corrections

**HOW MANY OFFENDERS IN ILLINOIS ENTER DRUG TREATMENT PROGRAMS?**

Despite increasing recognition that treatment is critical for drug-abusing offenders, treatment resources remain in short supply in Illinois.<sup>37</sup>

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

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

Treatment Alternatives for Special Clients (TASC) is the only agency in Illi-

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

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

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

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

**HOW ARE SUBSTANCE-ABUSING PROBATIONERS HANDLED?**

While TASC plays an important role in linking the criminal justice system, the substance-abusing offender, and treatment facilities, the overwhelming majority of substance-abusing offenders on probation in the state are not covered by Article X, but are placed instead on ordinary probation caseloads without the involve-

ment of TASC. The Administrative Office of the Illinois Courts (AOIC) estimates that for every one substance-abusing offender in a TASC-monitored treatment program, 17 are on probation but not participating in TASC.

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

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

In order to monitor compliance with sentence conditions, and identify persons in need of drug treatment, probation depart-

## The Data

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

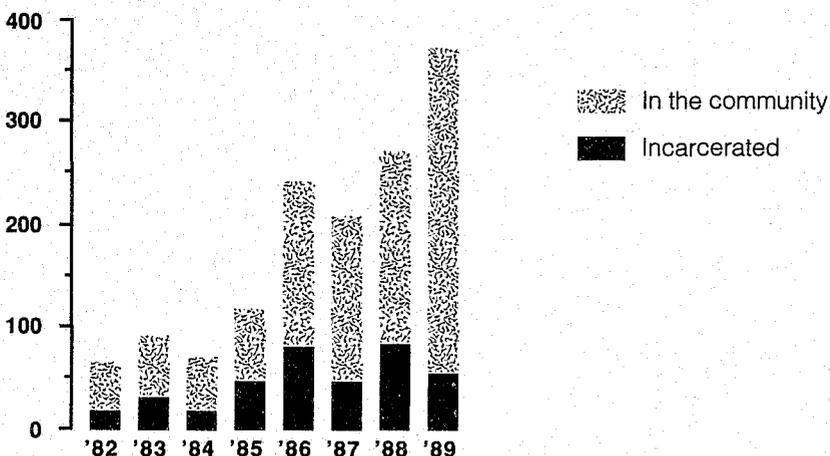
Arrest statistics provide some indication of the level of drug abuse and trafficking in Illinois. Because of law enforcement's increased emphasis on drug control, however, those statistics also reflect departmental resources, policies, and priorities.

Drug arrest information used in this report comes from several sources. Arrest totals for the state (which reflect violations of Illinois law only), as well as breakdowns by offense type, were obtained from the Illinois Uniform Crime Reports (I-UCR). These data were combined with arrest data provided directly by metropolitan

### DRUGS-27

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

Drug clients awaiting treatment



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

Source: Treatment Alternatives for Special Clients

ments in Illinois are increasingly using urine testing of probationers. According to AOIC, at least 14 Illinois counties were using drug testing in conjunction with probation programs as of September 1989.

Although most use drug testing as part of a special program, such as Intensive Probation Supervision, St. Clair County has made testing a condition for all juvenile and adult probationers.

enforcement groups (MEGs),<sup>42</sup> whose arrests are not included in the I-UCR statewide arrest totals. Regional breakdowns of drug arrests were obtained from these same sources, as well as from data provided by the Chicago Police Department.<sup>43</sup> At the federal level, data were obtained directly from the Drug Enforcement Administration (DEA) on drug arrests made by that agency in Illinois.<sup>44</sup>

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

Information on crack cocaine seizures was obtained from the Chicago Police

Department's Organized Crime Division's Narcotics Section and the Illinois State Police.

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

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

Statewide trends in the prosecution of drug cases are difficult to determine in Illinois. As with prosecution data in general, each state's attorney's office may generate and maintain its own drug

prosecution statistics at the county level, but there is no uniform statewide system for reporting this information. Therefore, to assess trends in the prosecution of drug cases, one must look to data from individual counties.

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

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

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

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

the sentences imposed for drug convictions.

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

To achieve a general understanding of trends in drug disposition and sentence types in Illinois, information was obtained from a variety of sources. Data on the dispositions received by drug offenders in Cook County preliminary hearings and felony trial courts were obtained from the Criminal Justice Project of Cook County.<sup>47</sup> Data on the number and average length of state prison sentences imposed for drug offenses in Illinois were obtained from the Illinois Department of Corrections (IDOC). Additional disposition and sentencing data were obtained from various law enforcement agencies that maintain court-related statistics concerning their arrests—ISP and the drug enforcement task forces, MEGs, and the DEA.<sup>48</sup> Although these agencies are

involved in drug enforcement across the state, the court cases initiated by their arrests are not necessarily representative of all drug cases in Illinois. Several cautions regarding their data should be kept in mind.

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

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

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

## Notes

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

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

<sup>3</sup> Alcohol continues to be by far the most commonly abused substance among high school seniors. Among seniors polled for the NIDA survey in 1989, 60 percent reported using alcohol within the past 30 days; more than 90 percent

had used alcohol at some time in their lives. The number of seniors reporting alcohol use has declined slightly since the survey was first conducted in 1975, but continues to outnumber the combined total of all other substances used within the last 30 days.

<sup>4</sup> National Household Survey on Drug Abuse, National Institute on Drug Abuse.

<sup>5</sup> Ill.Rev.Stat., ch. 56 1/2, par. 701-719.

<sup>6</sup> Ill.Rev.Stat., ch. 56 1/2, par. 1100-1413.

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

<sup>8</sup> Because statewide statistics on ar-

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

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

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

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

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

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

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

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

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

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

ago Police Department, and the Cook County State's Attorney's Office.

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

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

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

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

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

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

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

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

<sup>25</sup> One factor that may explain some of this variance is that felony review—prosecutorial screening of charges to re-

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

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

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

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

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

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

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

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

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

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

<sup>35</sup> *January 1990 Population Projections* (Springfield: Illinois Department of Corrections, 1990).

<sup>36</sup> *Human Services Plan, Fiscal Years 1987-1989* (Springfield: Illinois Department of Corrections, 1988).

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

<sup>38</sup> Ill.Rev.Stat., ch. 111 1/2, par. 6351-6361-3.

<sup>39</sup> An addict or alcoholic who is convicted of a crime may elect treatment unless (1) the offender has committed a violent crime; (2) the crime is a violation of Section 401, 402(a), 405, or 407 of the Illinois Controlled Substances Act or Section 4(d), 4(e), 5(d), 5(e), 7, or 9 of the Cannabis Control Act; (3) the offender has a record of two or more convictions of a violent crime; (4) other criminal felony proceedings are pending

against the offender; (5) the offender is on probation or parole and the appropriate parole or probation authority does not consent to treatment; (6) the offender chose and was admitted to a designated program on two prior occasions within a two-year period; or (7) the offender has been convicted of residential burglary and has a record of one or more felony convictions.

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

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

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

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

<sup>43</sup> Chicago Police Department's annual reports, 1979-1988.

<sup>44</sup> All DEA arrest information was obtained from the DEA's computerized Defendant Statistical System.

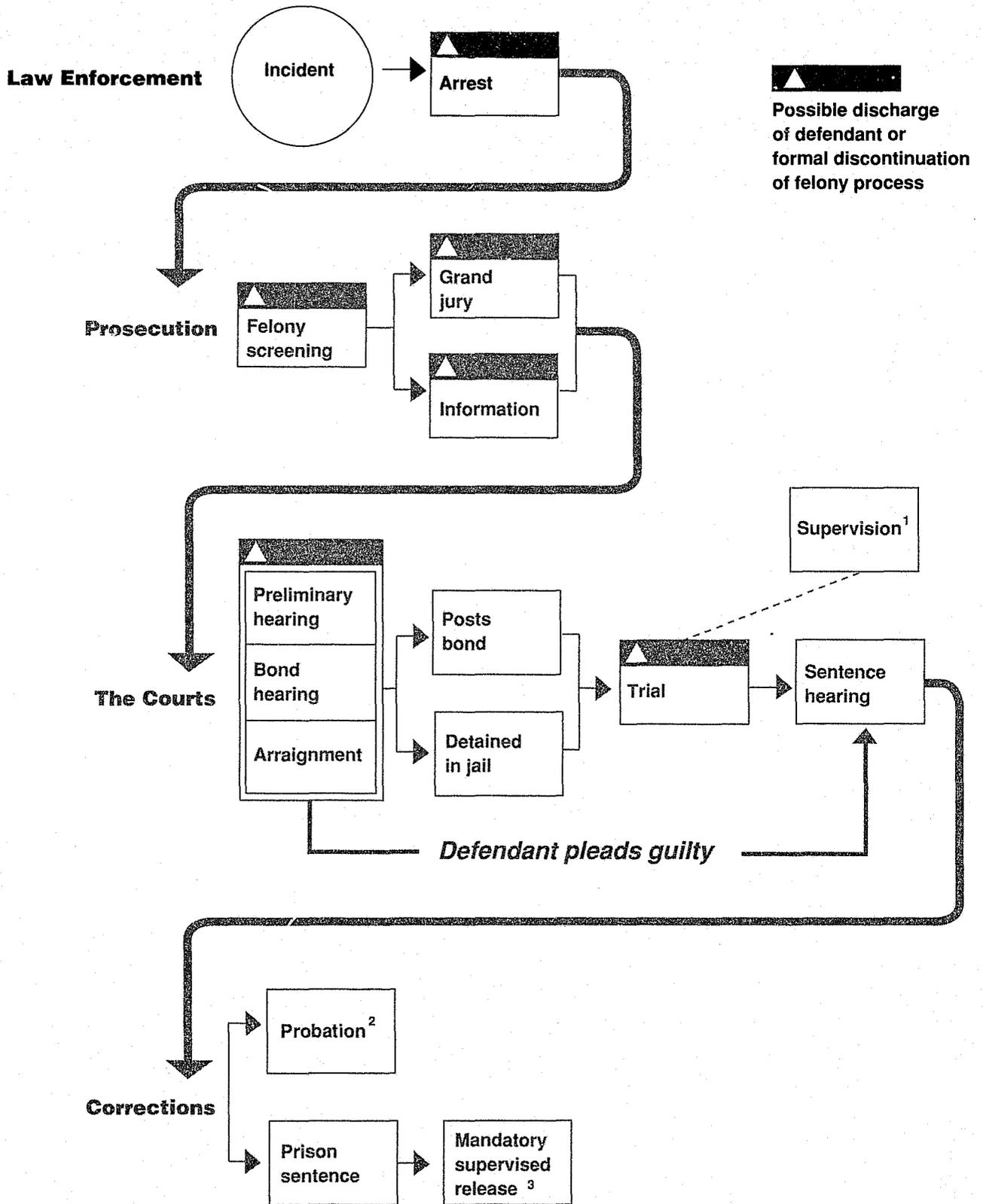
<sup>45</sup> *Triplicate Prescription Control Program Annual Operations Report* (Chicago: Illinois Department of Alcoholism and Substance Abuse, 1989).

<sup>46</sup> Felony disposition and sentencing data reported by AOIC can be broken down by felony class only.

<sup>47</sup> Data for the Criminal Justice Project of Cook County were originally generated by the office of the Clerk of the Circuit Court of Cook County.

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

# An Overview of Felony Processing in Illinois



<sup>1</sup> After successful completion of court supervision, charges may be dismissed

<sup>2</sup> Or other form of court supervision, such as conditional discharge

<sup>3</sup> Or other conditional release from prison

# LAW ENFORCEMENT

## Overview

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

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

### **HOW DO CRIMES BECOME KNOWN TO THE POLICE?**

Many crimes that occur never become known to the police. According to national estimates, only about half of

the violent crimes of rape, robbery, and assault are reported to the police.<sup>2</sup> Among property crimes, one-quarter of personal thefts (purse snatching, pocket picking, and larceny without contact away from home), and one-third of the household crimes of burglary, household larceny, and motor vehicle theft are reported.<sup>3</sup> The police themselves discover relatively few crimes—3 percent of all personal crimes and 2 percent of household crimes.<sup>4</sup>

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

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

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

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

## **HOW IS LAW ENFORCEMENT ORGANIZED IN ILLINOIS?**

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

- 805 municipal police departments, which employed 25,270 full- and part-time sworn officers (nearly half of the sworn officers in the state work for the Chicago Police Department). Although many police departments are involved in a variety of community service activities, their primary responsibility is to enforce state laws and local ordinances.
- 102 sheriffs' departments, with a total of more than 3,500 sworn officers. Besides providing police services in unincorporated areas of their counties, sheriffs' departments operate county jails, provide security for courts and other public buildings, and assist municipal police departments.
- A variety of state-level law enforcement agencies, the largest of which is the Illinois State Police (ISP), with 2,252 sworn officers. ISP's Division of State Troopers enforces laws on state and interstate highways in Illinois. ISP's Division of Criminal Investigation investigates major crimes—such as large-scale drug offenses, white-collar crimes, and fraud—and helps local police departments with special short-term

needs. ISP's Division of Internal Investigations is responsible for investigating alleged acts of misconduct in executive-level state agencies. In addition, the Illinois Secretary of State's Office employed 175 officers in 1988 to enforce Illinois' Motor Vehicle Code, and the Department of Conservation employed 153 officers to carry out various fish, game, forestry, and boating laws. The Department of Central Management Services employed 46 officers to provide police services at the State of Illinois Center in Chicago and to various mental health facilities. The Illinois Commerce Commission employed 39 officers to enforce laws relating to intrastate transportation of property.

- 35 colleges and universities, 26 railroads, 17 park districts, four forest preserves, five airports, two hospitals, and one civic center that maintained law enforcement agencies.

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

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

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

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

### **WHAT TRAINING DO ILLINOIS LAW ENFORCEMENT OFFICERS RECEIVE?**

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

The Illinois Local Governmental Law Enforcement Officers Training Board, also called the Police

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

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

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

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

### **WHAT ARE THE TYPICAL FUNCTIONS OF LAW ENFORCEMENT AGENCIES?**

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

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

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

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

### **HOW ARE LAW ENFORCEMENT AGENCIES ACCREDITED?**

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

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

- Role, responsibilities, and relationships with other agencies
- Organization, management, and administration
- Personnel administration
- Law enforcement operations, operational support, and traffic law enforcement

- Prisoner and court-related services
- Auxiliary and technical services

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

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

### **HOW QUICKLY DO POLICE RESPOND TO CALLS FOR SERVICE?**

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

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

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

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

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

### WHAT IS COMMUNITY-ORIENTED POLICING?

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

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

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

### HOW DOES A LAW ENFORCEMENT OFFICER CARRY OUT AN ARREST?

An arrest is formally made by a law enforcement officer once he or she indicates by word or action an intention to take a person into custody. However, the number of arrests does not necessarily equal the number of people charged with a crime. A certain proportion of the people

Figure 1-1

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

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

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

Source: Police Information Management System, Illinois Criminal Justice Information Authority

arrested are taken into custody, questioned, possibly put into a lineup, and then released without being charged with an offense. The proportion depends upon the type of crime. In a complex investigation, for every one person who is eventually charged, several people may be arrested and held briefly. In addition, some people are charged and prosecuted without ever being arrested, for example, when suspects are indicted by a grand jury or are served with a summons.

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

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

cal limits of the municipality.<sup>12</sup> Although this decision is 120 years old, it has never been overturned by the Illinois Supreme Court or nullified by legislation. Certain exceptions to the general rule, however, have evolved through subsequent court decisions and legislation:

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

### **WHEN IS THE USE OF DEADLY FORCE JUSTIFIED?**

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

Both federal and state laws govern police use of deadly force. In 1985, the U.S. Supreme Court held that "there can be no question that apprehension by the use of deadly force is a seizure subject to the reasonableness requirement of the Fourth Amendment. . . . To determine the constitutionality of a seizure, we must balance the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of governmental interests alleged to justify the intrusion. . . . Because one of the factors is the extent of the intrusion, it

is plain that reasonableness depends on not only when a seizure is made, but also how it is carried out."<sup>19</sup>

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

### **UNDER WHAT CIRCUMSTANCES ARE ARREST WARRANTS NEEDED?**

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

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

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

### **WHAT ARE THE RESTRICTIONS ON POLICE INTERROGATION OF A SUSPECT?**

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

"Miranda" warnings must be given to a criminal

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

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

### **WHEN MAY POLICE CONDUCT A SEARCH?**

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

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

The U.S. Supreme Court’s 1988–1989 term produced two decisions that expanded the rights of police to conduct searches and seizures. In *U.S. v. Sokolow*, the Court ruled that law enforcement’s use of drug courier “profiles” is not a violation of the requirement for

reasonable suspicion when making a stop—in this instance, a traveler suspected of carrying controlled substances.<sup>24</sup> In this particular case, federal drug agents saw the defendant doing several things, such as paying cash for airline tickets and taking a short trip to a city (Miami) known as a source for drugs, that fit their profile of a drug courier. An appellate court ruled that this evidence was not indicative of ongoing criminality and that the stop was unconstitutional. The Supreme Court, however, reversed the decision, saying that although any one of the factors making up the profile was consistent with innocent travel, taken together they supported a reasonable suspicion that the defendant was carrying drugs. The Court ruled that the evaluation of a stop requires consideration of “the totality of the circumstances.”

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

### **WHAT IS AFIS?**

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

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

Without AFIS, fingerprint searches are expensive and time-consuming. When an individual is fingerprinted,

his or her name, date of birth, sex, and other identifying information is compared to a master name index. If there is a match, the file fingerprint cards associated with the match candidate are retrieved and are manually compared with the incoming card by a fingerprint technician to verify positive identification.

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

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

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

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

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

Considering the effect that AFIS technology can have on law enforcement's ability to solve crimes and

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

### **WHAT IS DNA "FINGERPRINTING"?**

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

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

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

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

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

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

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

repository for DNA profile information, as it is for fingerprints.

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

# The Data

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

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

## WHAT ARE THE ILLINOIS UNIFORM CRIME REPORTS?

In 1972, Illinois instituted a mandatory UCR reporting system for all law enforcement agencies in the state.<sup>28</sup> These agencies are required to report monthly data to the Illinois State Police (ISP), which manages the I-UCR program.

Most agencies report their I-UCR statistics directly to ISP, either on paper, on magnetic disks or cartridges, or on-line through a statewide telecommunications network. Other agencies, especially small ones, submit I-UCR data through another department, such as the county sheriff.

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

The I-UCR program includes six types of data:

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

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

## HOW ARE CRIMINAL INCIDENTS RECORDED IN ILLINOIS?

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

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

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

Figure 1-2

### What are the eight index crimes?

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

#### VIOLENT

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

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

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

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

#### PROPERTY

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

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

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

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

## WHAT IS THE CRIME INDEX?

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

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

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

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

## HOW ARE CHICAGO POLICE DEPARTMENT DATA REPORTED?

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

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

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

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

According to one study, these reporting changes affected most types of violent crime, except for murder and armed robbery with a firearm.<sup>32</sup> The result was a 51-percent jump in the number of violent offenses reported by Chicago police between 1982 and 1983. In 1984, the first full year the reporting changes were in effect, the violent offense total was 132 percent higher than the 1982 figure. Because violent crime totals for the entire state are driven largely by Chicago figures, the statewide total also increased dramatically in 1983 and 1984. Compared with

the 1982 figure, the number of violent crimes reported statewide was one-third higher in 1983 and 64 percent higher in 1984. So, these reporting changes must be kept in mind when analyzing crime trends over time, not only for Chicago but also for Illinois as a whole.

### **WHAT INFORMATION SOURCES ARE USED IN THIS CHAPTER?**

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

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

Many of the offense and arrest statistics used in the chapter were derived from the I-UCR data maintained by ISP. However, the data used for analysis of Chicago arrest rates for specific age groups were derived from four separate sources. Since the Chicago Police Department arrest data are reported to the I-UCR in an aggregate format, arrest totals for specific age groups are, in certain cases, estimated by ISP. In this report, data from the Chicago Police Department's Research and Development and Data Systems divisions are used for age-specific arrests and arrest rates for the index crimes of murder, criminal sexual assault, robbery, burglary, larceny/theft, and motor

vehicle theft for the years 1977 through 1988. Data for earlier years are unavailable from the police department; therefore, ISP figures are used. Because of an unresolved problem with the 1980 Chicago Police Department figures, ISP data were used for analyses of index aggravated assault arrests for all years in Chicago. Further detail on the age ranges of people arrested for murder was provided by the department's Crime Analysis Unit.

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

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

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

# Trends and Issues

Nearly 430,000 index crimes were reported in Illinois during 1972, the first year of the I-UCR program. Sixteen years later, in 1988, that total had risen 52 percent to more than 654,000 index offenses.<sup>34</sup> That year, another 780,000 non-index offenses were also reported statewide. And, as explained in the overview to this chapter, these figures include only those offenses reported to the police. The remainder of this chapter examines the changing nature of reported crime in Illinois since 1972.

The chapter also projects how some offense and arrest trends are likely to change during the rest of the century.

### **HOW MUCH REPORTED CRIME IN ILLINOIS INVOLVES VIOLENT OFFENSES?**

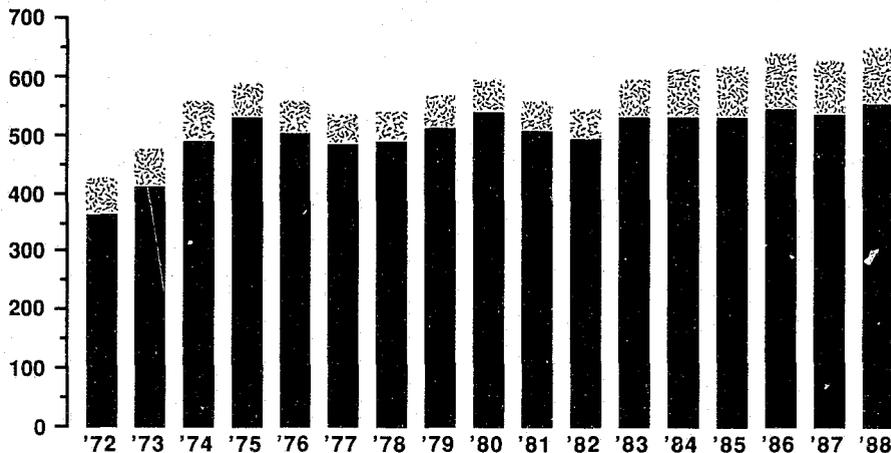
Although violent crimes tend to receive the most public attention, in Illinois they are clearly outnumbered by property crimes. Between 1972 and 1988, the number of reported property crimes in the Crime Index exceeded

Figure 1-3

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

Violent offenses  
Property offenses

Reported index offenses (thousands)



Source: Illinois Uniform Crime Reports

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

**WHAT ARE THE MOST COMMON VIOLENT CRIMES REPORTED IN ILLINOIS?**

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

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

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

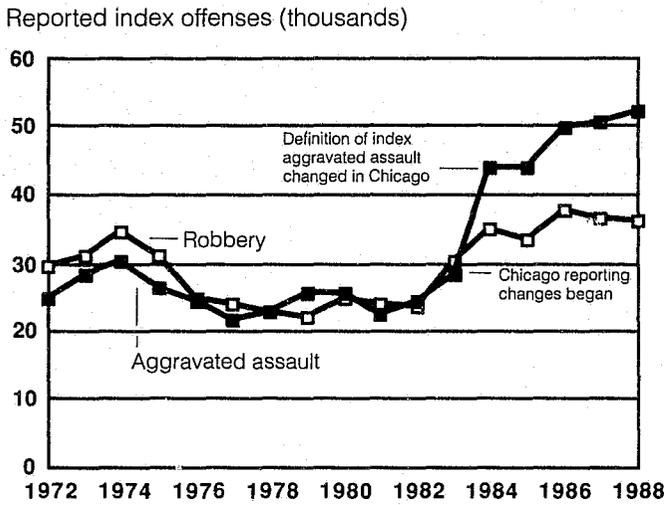
Reported criminal sexual assaults in Illinois

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

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

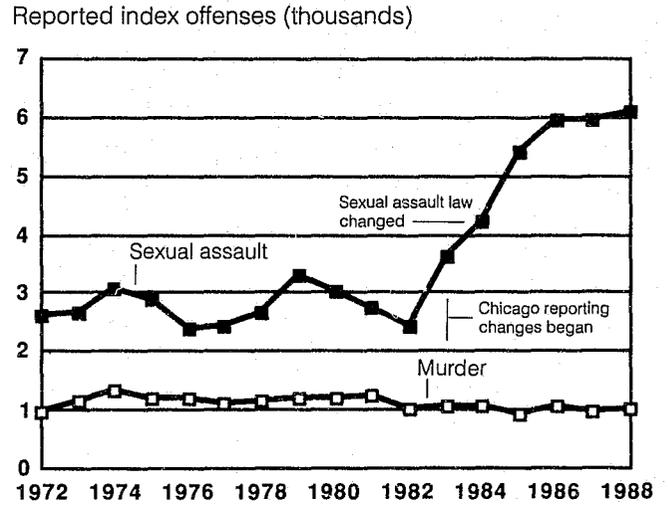
A substantial majority of the violent crimes reported in Illinois take place in Chicago (Figure 1-6). In 1988, when Chicago accounted for about 26 percent of the state's population, almost 73 percent of all violent offenses reported statewide occurred in the city. As a result, statewide violent crime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

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



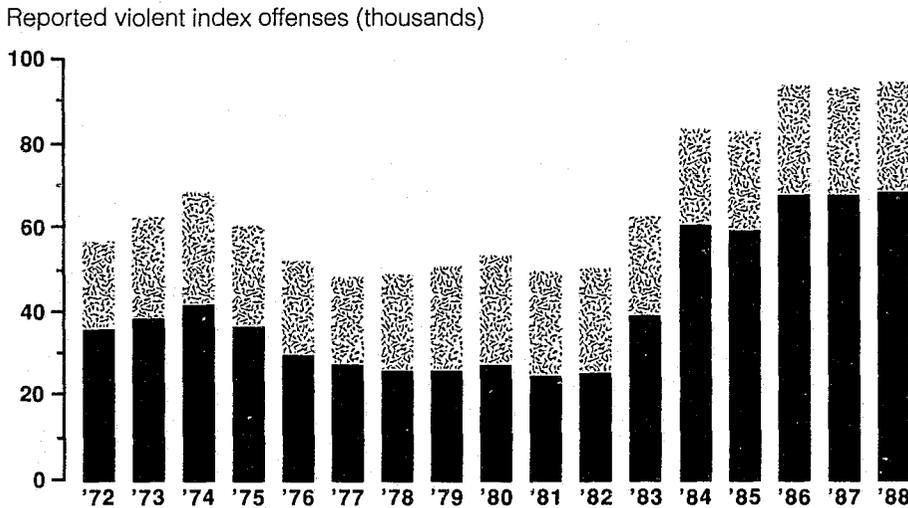
Source: Illinois Uniform Crime Reports

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



Source: Illinois Uniform Crime Reports

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



Source: Illinois Uniform Crime Reports

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

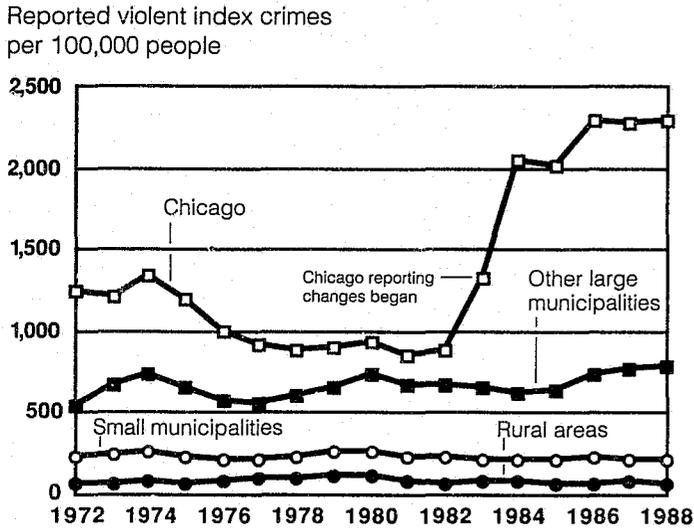
**DO LARGE JURISDICTIONS HAVE MORE VIOLENT CRIME PER CAPITA?**

Chicago clearly accounts for the majority of violent crime reported in Illinois. But the city also is home to more than one-quarter of the state's population and has 20 times

more people than Rockford, the state's second largest city. If population is accounted for, is violent crime still more frequent in Chicago and other large metropolitan areas of Illinois than in the state's smaller jurisdictions?

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

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



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

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

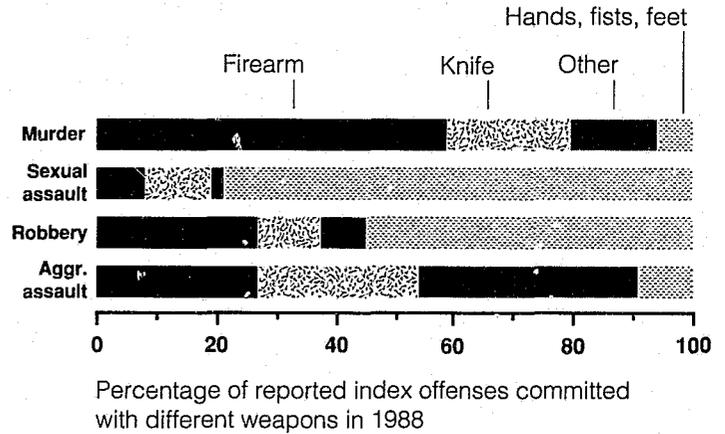
These figures also provide dramatic evidence of how reporting changes in Chicago drove up the state's overall violent crime rate after 1982. Violent crime rates in the other three types of jurisdictions changed very little between 1982 and 1986, while the reported rate in Chicago more than doubled.

### HOW OFTEN ARE FIREARMS USED TO COMMIT VIOLENT CRIMES?

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

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

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



Source: Illinois Uniform Crime Reports

index crime of aggravated assault excludes most assaults and batteries in which no weapon is used.

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

### WHAT IS THE TYPICAL RELATIONSHIP BETWEEN MURDER VICTIMS AND OFFENDERS?

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

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

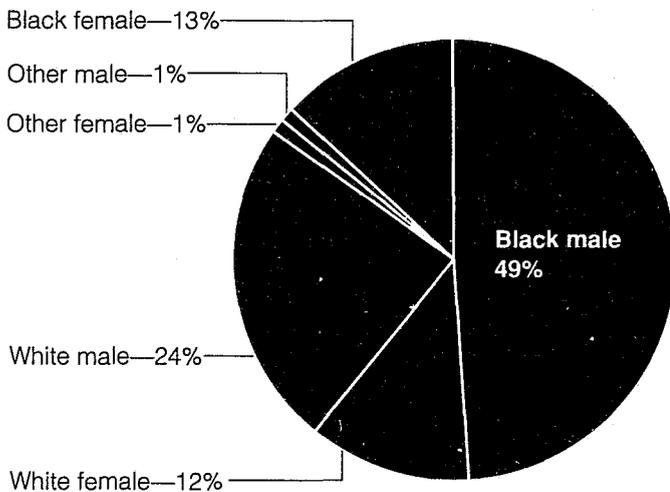
**HOW WILL VIOLENT CRIME IN ILLINOIS CHANGE THROUGH THE YEAR 2000?**

Reported violent crime in Illinois fluctuated substantially between 1972 and 1988. To help determine what will happen in the future, the Authority projected the expected level of violent crime in the state for the 12 years from 1989 through 2000.<sup>41</sup> Projections for the first five years (1989 through 1993), for each of the four violent index crimes, for three different parts of the state—Chicago; the collar counties of DuPage, Kane, Lake, McHenry, Will,

and suburban Cook; and the remainder of the state—are shown here.<sup>42</sup> The following trends are expected in reported violent crime through the year 2000 in Illinois:

Figure 1-9  
**Almost half of all murder victims in Illinois are black males.**

Race of murder victims in 1988



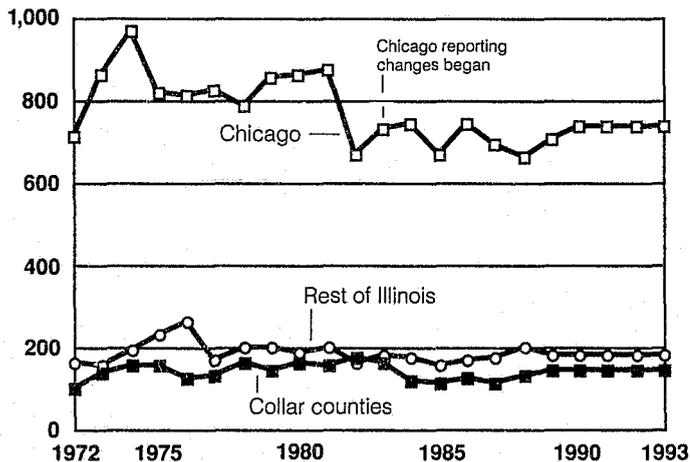
Source: Illinois Uniform Crime Reports, Supplementary Homicide Reports

- **Murder.** The number of murders per year in Chicago is expected to increase from the record low 1988 total of 661, remaining at about 740 a year through 1993 (Figure 1-10). In the collar counties, where the number of murders was exceptionally low from 1984 to 1988, the annual figure is expected to remain at about 120 a year in future years. In the remainder of Illinois, where the number of reported murders was relatively low from 1982 through 1988, the number of murders is expected to level off at about 170 a year.

- **Criminal sexual assault.** Even though the number of reported criminal sexual assaults was already high in 1985, 1986, and 1987, the number of reported offenses continued to increase everywhere except Chicago between 1987 and 1988—about 8 percent in the collar counties and 7 percent in the remainder of Illinois. In Chicago, however, the number has declined 4 percent since 1986. This slight decline in reported criminal sexual assaults is expected to continue in Chicago, although the number will not reach the 1984 low figure in the foreseeable future (Figure 1-11). Although reported criminal sexual assault offenses in the collar counties are expected to remain at the 1988 level, in the rest of the state they are expected to continue to increase rapidly, due to increased awareness and reporting of sexual offenses in rural areas.<sup>43</sup>

Figure 1-10  
**Reported murders in Illinois are likely to level off in the next several years.**

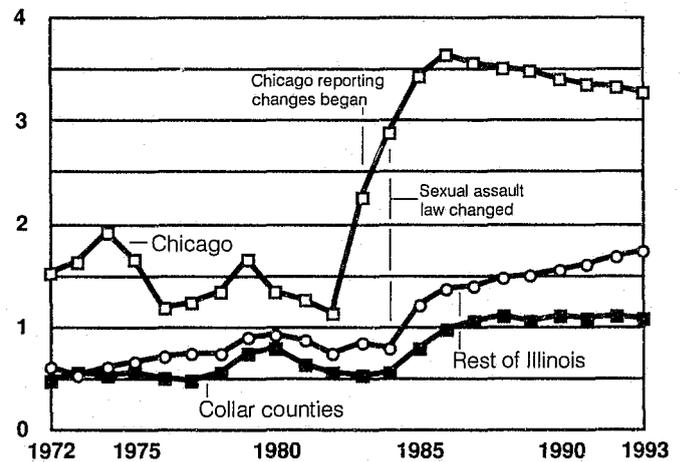
Reported index murders



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

Figure 1-11  
**Reported criminal sexual assaults are expected to increase outside the Chicago area through 1993.**

Reported index sexual assaults (thousands)

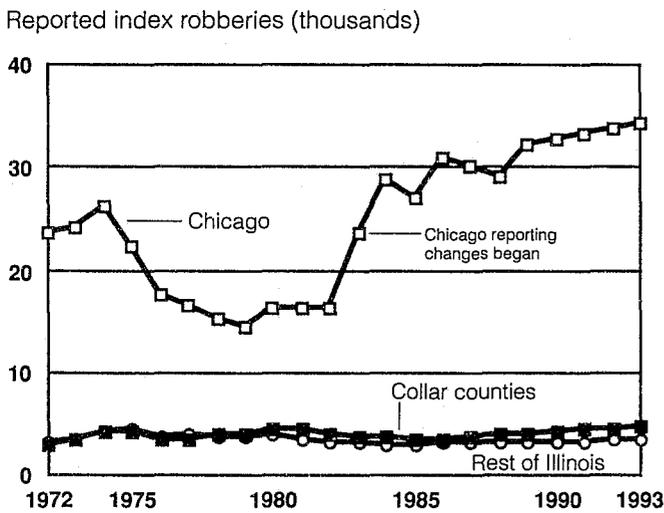


Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

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

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

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



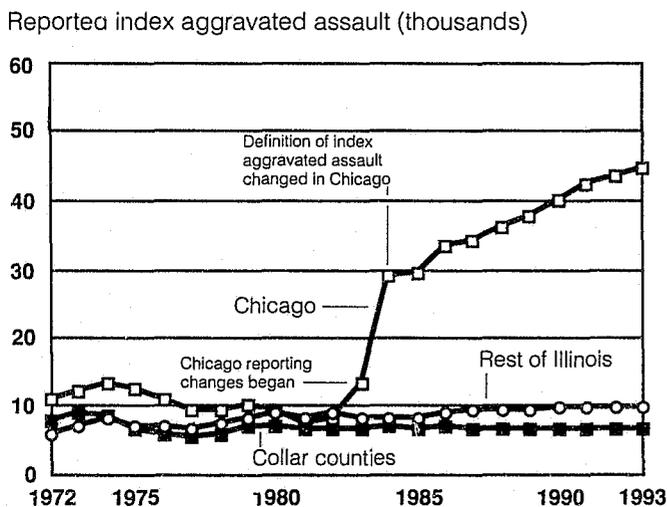
Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

**WHAT IS THE MOST COMMON PROPERTY CRIME REPORTED IN ILLINOIS?**

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

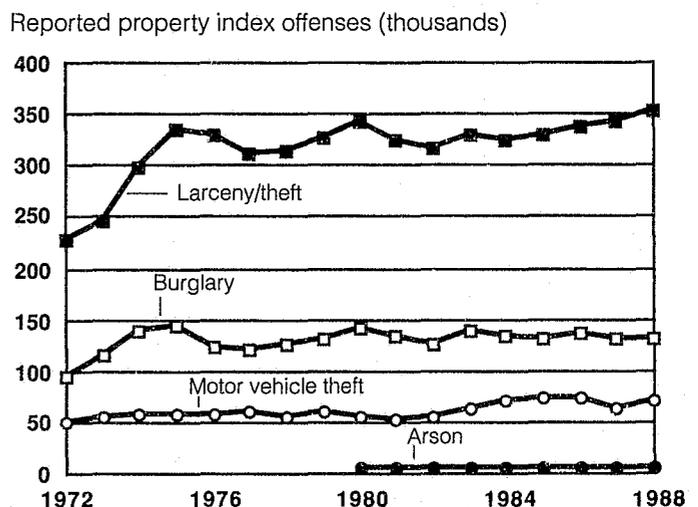
This distribution of property crimes is important for understanding crime patterns in Illinois. Although burglary, motor vehicle theft, and arson seem to attract more attention from the public and the news media, larceny/theft occurs much more frequently than these other three crimes.

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



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

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



Source: Illinois Uniform Crime Reports

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

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

Statewide, the number of reported property crimes rose from about 371,700 in 1972 to about 559,000 in 1988, a 50-percent increase.<sup>43</sup> Reported burglaries increased 72 percent, reported larceny/thefts increased 28 percent, and reported motor vehicle thefts increased 55 percent between 1982 and 1984—the first complete year of Chicago's new reporting procedures. In contrast, reported property crime decreased in the rest of the state during the same period, which may suggest that the changes in Chicago had an effect on the number of reported property crimes statewide.

**DO LARGE JURISDICTIONS HAVE HIGHER PROPERTY CRIME RATES?**

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

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

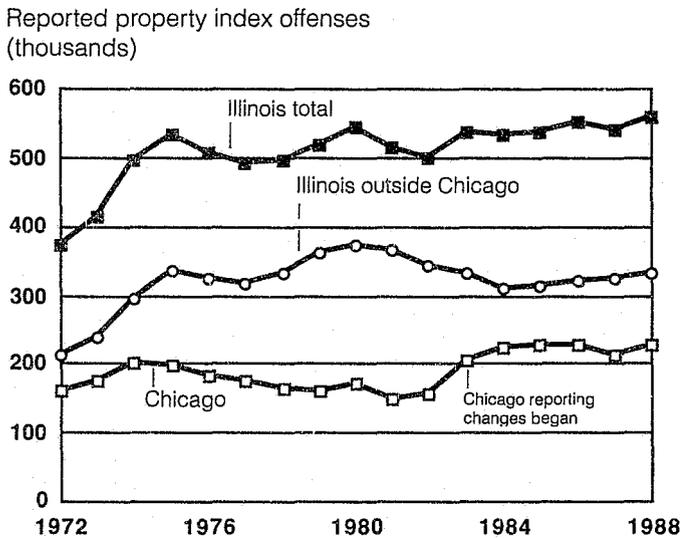
Chicago's property crime rate has also followed different patterns from other types of Illinois jurisdictions in recent years. For example, while property crime rates in other jurisdictions remained constant or increased from 1986 to 1987, Chicago's property crime rate fell 7 percent, before rising in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

**WHAT ARE THE PROPERTY LOSSES RESULTING FROM CRIME IN ILLINOIS?**

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

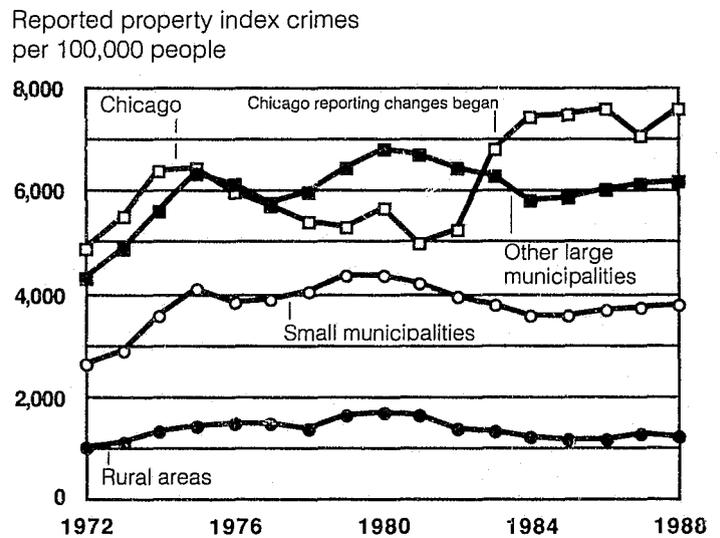
Total losses from property destruction in Illinois in 1988 amounted to about \$42 million, a 13.5-percent increase from 1987. Losses from vandalism accounted for about two-thirds of the 1988 total. Arson accounted

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



Source: Illinois Uniform Crime Reports

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



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

for 17 percent of the losses, motor vehicle theft for 8 percent, and other offenses—mostly burglary and theft—for 9 percent.

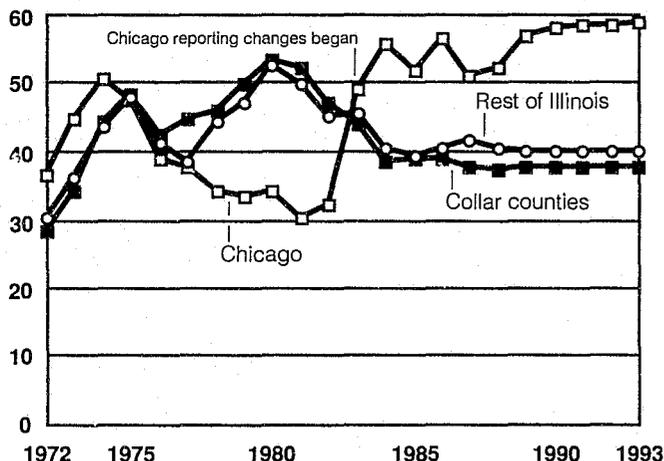
### HOW WILL PROPERTY CRIME IN ILLINOIS CHANGE THROUGH THE YEAR 2000?

To get some indication of how property crime levels in Illinois will change through the year 2000, the Authority

Figure 1-17

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

Reported index burglary (thousands)

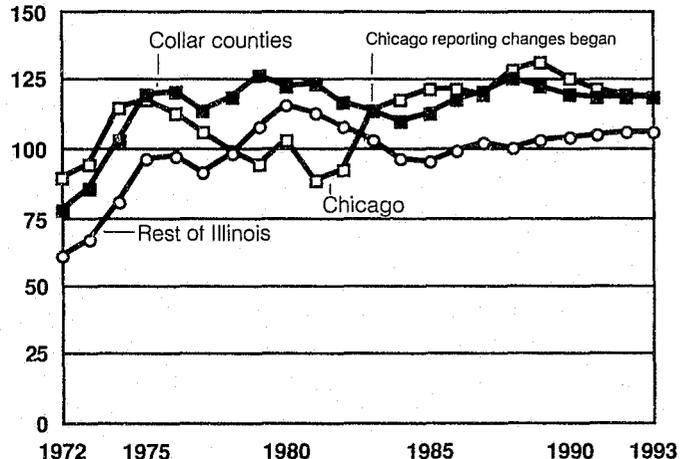


Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

Figure 1-18

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

Reported index larceny/theft (thousands)



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

calculated projections, similar to those done for violent crimes, for the four property crimes as well.<sup>47</sup> These projections cover the same three parts of the state: Chicago, the collar counties, and the remainder of Illinois. These projections indicate the following trends:

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

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

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

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

In the collar counties, where reported motor vehicle thefts remained stable from 1981 to 1987, the number jumped over 8 percent in 1988, another possible effect of jail crowding. This high level is expected to continue in 1989, and then decline slightly to about 17,600 in 1993. In the rest of the

state, the number motor vehicle thefts declined sharply from 1986 to 1987, then increased again in 1988 to the 1986 level. An increase to more than 7,000 is expected in 1989, leveling off at about 6,800 in 1993.

■ **Arson.** In Chicago, the number of reported index arson offenses climbed steadily from 1984 to 1987, but remained stable in 1988 and may decline to about 1,800 in 1993. On the other hand, reported arson offenses jumped 13 percent from 1987 to 1988

in the collar counties, and are expected to continue to increase to about 1,200 in 1993. In the rest of Illinois, the number of reported arson offenses, which has been relatively stable since 1984, is expected to increase slightly to about 1,050 in 1989 and remain at that level through 1993 and beyond (Figure 1-20).

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

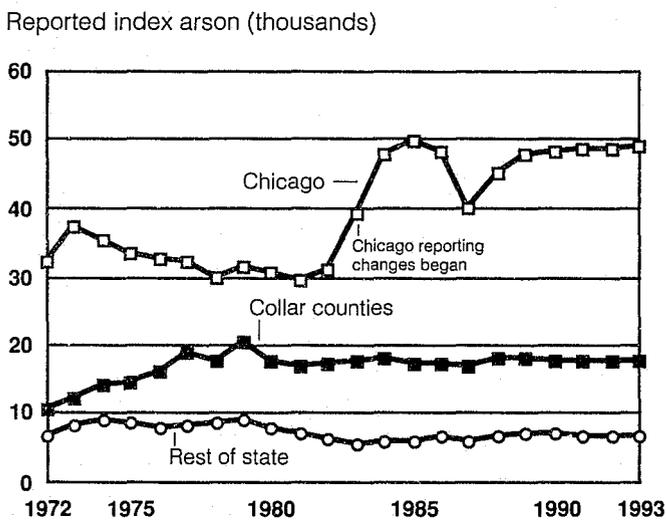
The FBI has officially recognized 11 factors that have a major influence on crime (see page 37). Since crime rates control for only one of these factors—population size—crime analysts are usually cautious in comparing crime rates across jurisdictions. The violent and property index crime rates in Figure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

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

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

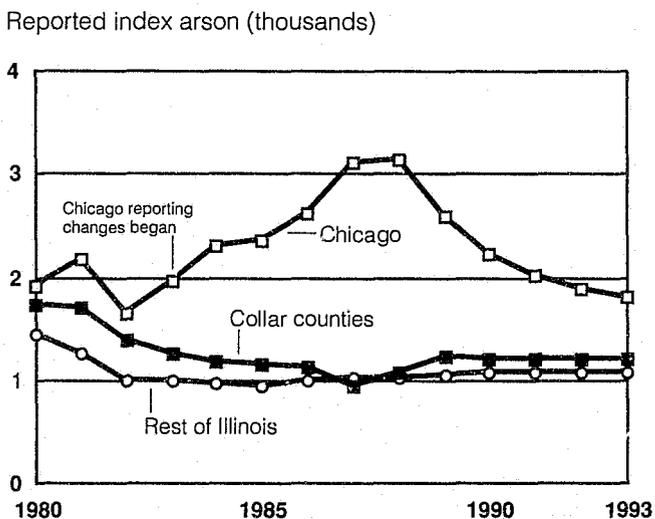
An arrest is the apprehension of someone believed to have committed a crime, regardless of whether or not the

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



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

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



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

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

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

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

Source: Federal Bureau of Investigation, Crime in the United States, 1988 edition

person is formally charged. Analyzing arrest trends, however, can be difficult because different law enforcement agencies use different procedures for reporting arrests. In fact, a 1984 study found not only that many law enforcement agencies in the United States define arrests differently, but also that many agencies do not follow UCR rules for how arrests should be counted.<sup>49</sup> This problem is compounded because of variations in how law enforcement agencies define the different crime categories to which arrests pertain.

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

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

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

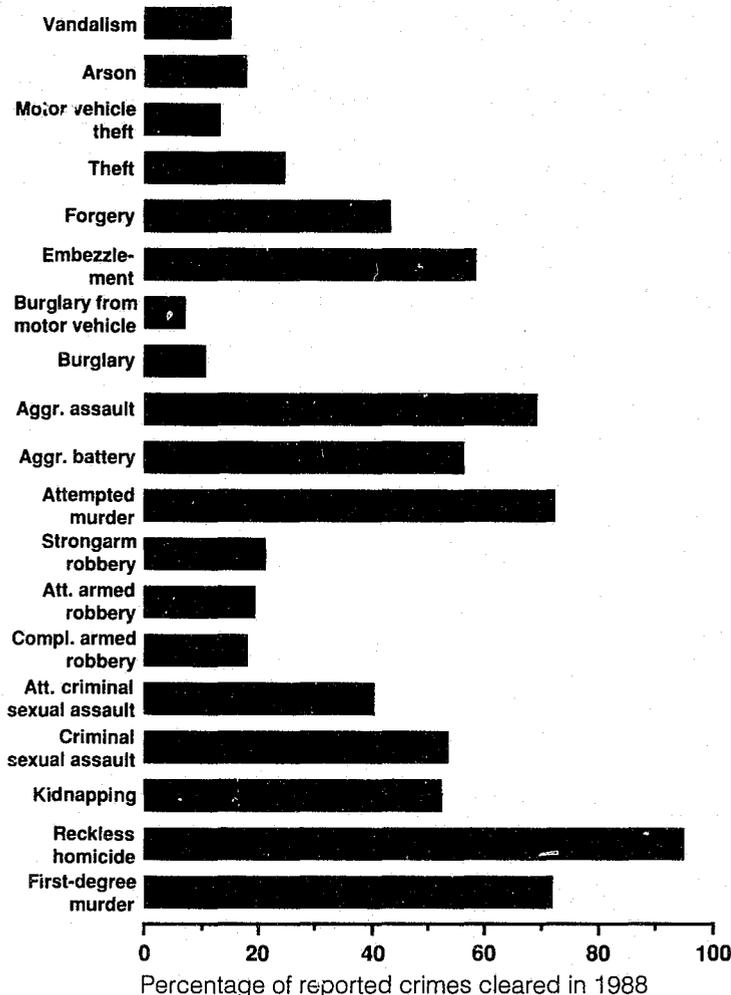
### HOW MANY PEOPLE ARE ARRESTED FOR VIOLENT AND PROPERTY CRIMES IN ILLINOIS?

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

During those 17 years, arrests for property and

Figure 1-22

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



Source: Illinois Uniform Crime Reports

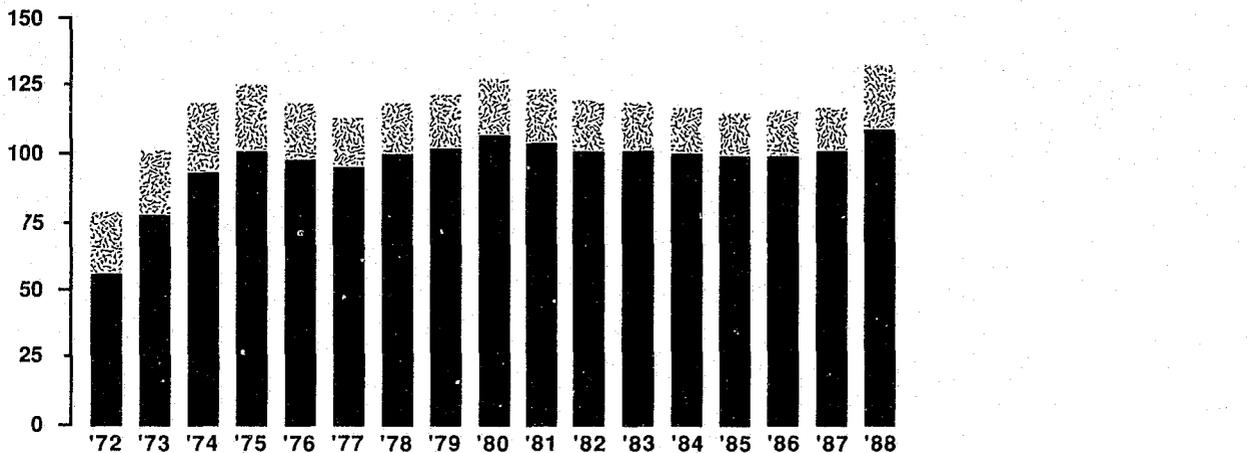
violent crimes followed completely different patterns. Statewide, violent crime arrests dropped 31 percent, from approximately 23,200 in 1972 to about 16,000 in 1987, and then jumped almost 50 percent to 23,904 in 1988. This rise in 1988 was, however, due largely to Chicago reporting aggravated assault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

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

Figure 1-23

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

Arrests for index crimes (thousands)



Source: Illinois Uniform Crime Reports

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

**HOW MANY PEOPLE ARE ARRESTED FOR DUI IN ILLINOIS?**

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

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

more than 73 percent in 1986, about 69 percent in 1987, and 67 percent in 1988.

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

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

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

**WHICH AGE GROUPS ARE MOST CRIME PRONE?**

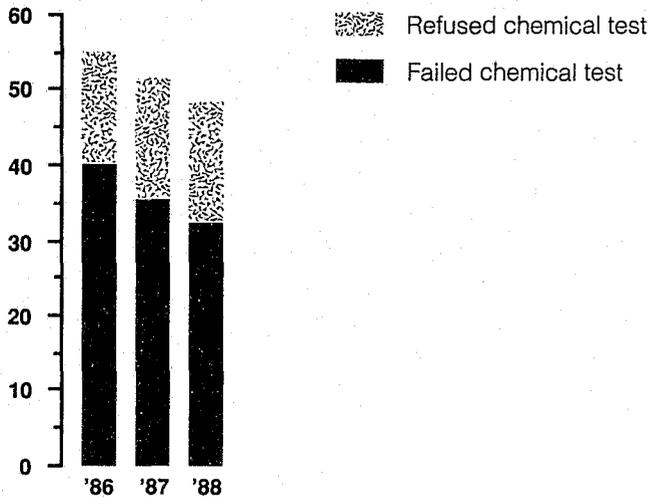
Criminologists often argue that different age groups have different propensities to commit crime.<sup>52</sup> In general, older teenagers and young adults are thought to commit more crimes than older adults. The number of people arrested at any age is not necessarily an indication of the number of crimes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

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

Figure 1-24

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

Arrests for DUI (thousands)

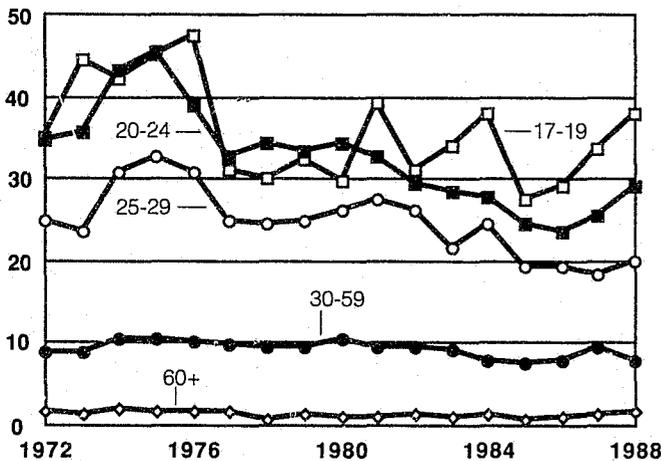


Source: Illinois Secretary of State's Office

Figure 1-25

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

Arrests for index murder per 100,000 people



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

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

In national crime data, these age groups consistently exhibit different arrest rates for every index crime. Arrest rates among the five age groups also varied

substantially in Illinois. Arrest rates for all index crimes were consistently highest among 17- to 19-year-olds and 20- to 24-year-olds in each of the 17 years analyzed. Arrest rates for 17- to 19-year-olds were not, however, always higher than those for 20- to 24-year-olds.

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

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

■ **Murder** Index murder arrest rates for the two youngest groups—17- to 19-year-olds and 20- to 24-year-olds—are similar to each other both in their magnitude in any given year and in the pattern of change from 1972 through 1988 (Figure 1-25). The murder arrest rates for 17- to 19-year-olds ranged from a high of 47.5 per 100,000 in 1976 to a low of 27 per 100,000 in 1985. Arrest rates for 25- to 29-year-olds are slightly lower than for the two younger age groups, but follow the same pattern over time. Arrest rates for people aged 30 and older are much lower.<sup>54</sup>

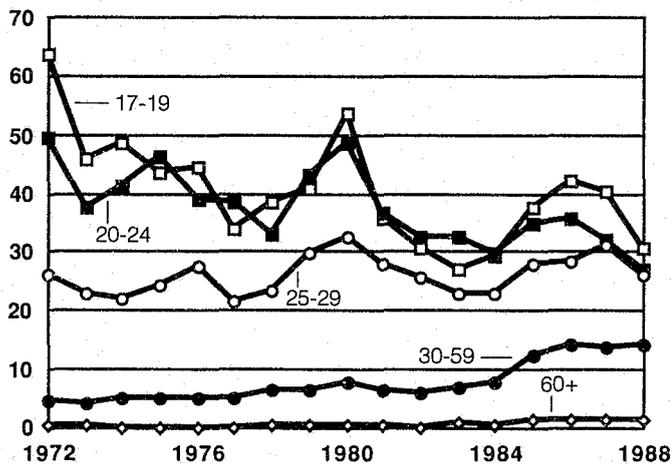
■ **Criminal sexual assault.** For criminal sexual assault, 17- to 19-year-olds and 20- to 24-year-olds consistently had the highest arrest rates, followed closely in most years by 25- to 29-year-olds (Figure 1-26). The peak rate for 17- to 19-year-olds was 64 per 100,000 in 1972. The 1988 rate was less than half that, 31 per 100,000. Arrest rates for the two older age groups, 30- to 59-year-olds, and 60 and older, were lower in every year. Although statewide trends showed a general increase in criminal sexual assault arrest rates during the mid-1980s, Chicago rates have declined sharply since 1986, for every age group. This is a continuation of the general declining trend from the 1980 peak. In contrast, outside of Chicago, arrest rates of every age group for criminal sexual assault followed an *increasing* trend in the mid 1980s. However, by 1988 the increase in the arrest rate for most ages had fallen off.

■ **Robbery.** Both in Chicago and in the rest of Illinois, robbery arrest rates have been generally declining for all ages since the peak in 1974, although the steep decline leveled off in the mid-1980s. Different age groups had very different arrests rates, although the patterns over time were similar (Figure 1-27).<sup>55</sup> Arrest rates for 17- to 19-year-olds were substantially greater than arrest rates for 20- to 24-year-olds in every year between 1972 and 1988—in many years, the difference was 60 percent or more. The difference

Figure 1-26

**Criminal sexual assault arrest rates are also highest for adults younger than age 30.**

Arrests for index criminal sexual assault per 100,000 people

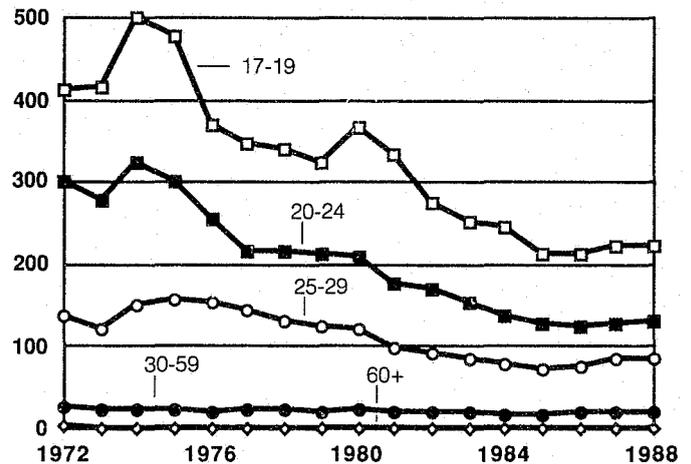


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population estimates)

Figure 1-27

**Robbery arrest rates for all age groups have fallen since the mid-1970s.**

Arrests for index robbery per 100,000 people



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

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

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

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

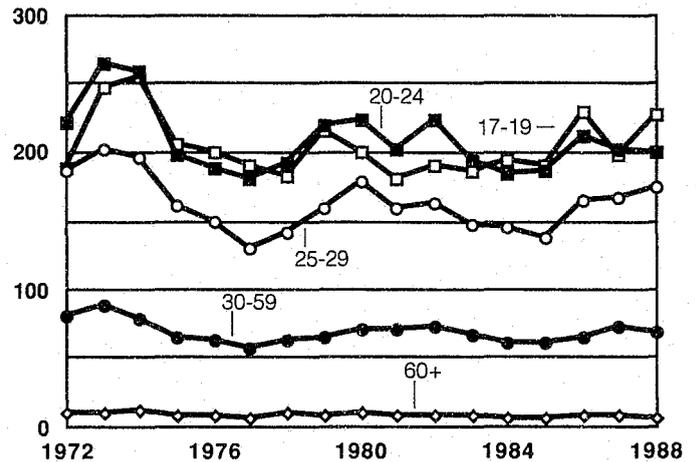
For the property crimes of burglary, larceny/theft, motor vehicle theft, and arson, differences in arrest rates between 17- to 19-year-olds and the other age groups are more evident than among violent crime arrest rates:

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

Figure 1-28

**Aggravated assault arrest rates outside Chicago are similar for adults aged 17 to 19 and 20 to 24.**

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



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

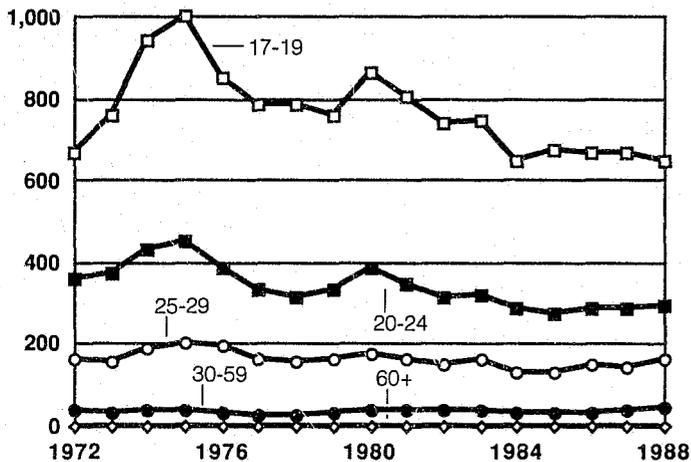
the rest of Illinois. In recent years, however, burglary arrest rates of people aged 30 and older have been increasing.

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

Figure 1-29

**Burglary arrest rates for 17- to 19-year-olds are much higher than for any other age group.**

Arrests for index burglary per 100,000 people

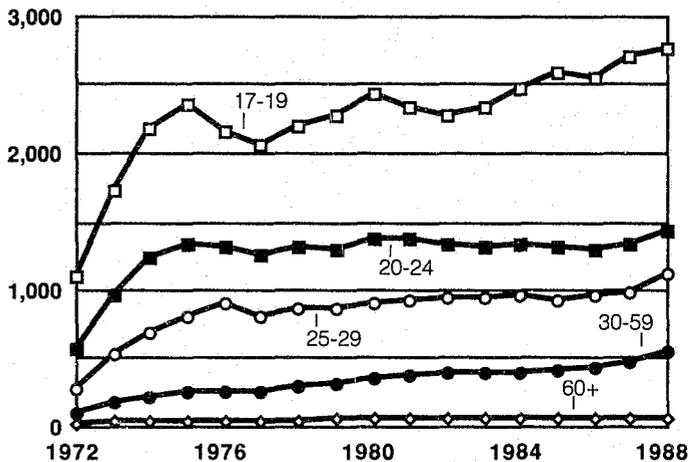


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population estimates)

Figure 1-30

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

Arrests for index larceny/theft per 100,000 people



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

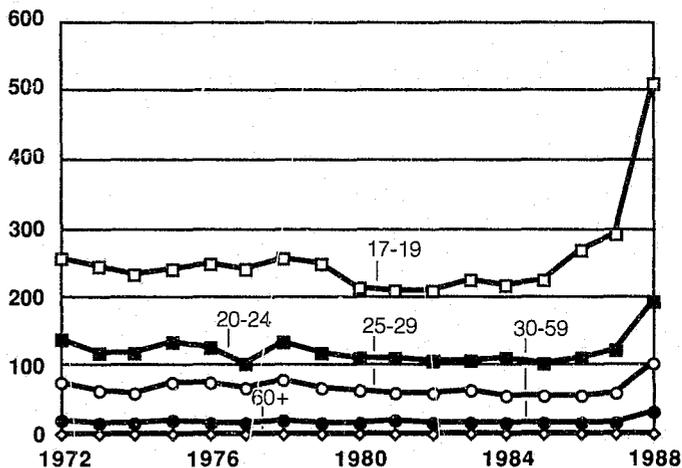
times the rate for 30- to 59-year-olds (Figure 1-30).<sup>57</sup> Since 1983, larceny/theft arrest rates for every age group have increased to record levels outside Chicago. Although Chicago larceny/theft arrest rates had been stable or declining since the 1984 peak, there was a sharp increase in 1988.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

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

Figure 1-31

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

Arrests for index motor vehicle theft per 100,000 people



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

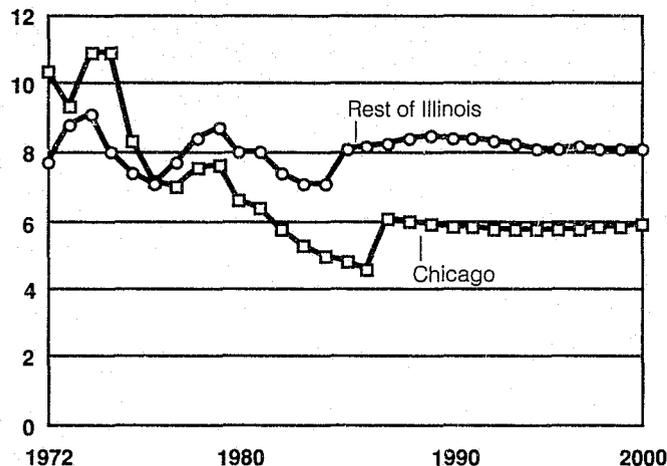
Cook County Jail (see Chapter 4). However, part of the increase is due to the new practice of counting both attempted crimes and completed crimes in 1988 motor vehicle theft arrest rates in Chicago.

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

Figure 1-32

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

Arrests for violent index offenses (thousands)



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

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

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

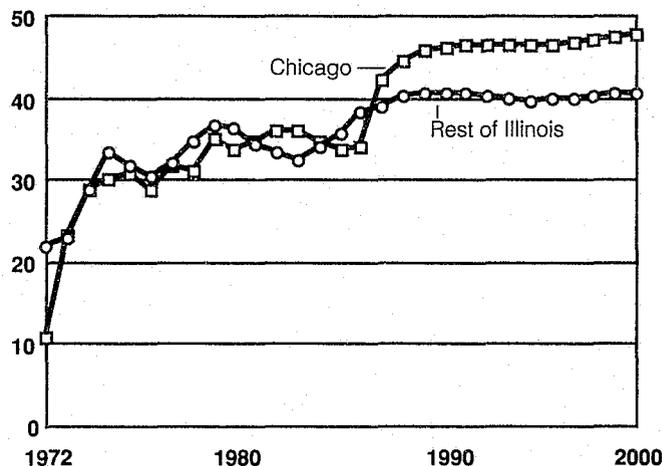
To project future arrest levels in Illinois—and thus the number of people entering the criminal justice system—it is important to know two things: the expected number of people in the state, and the anticipated rate at which those people will be arrested. However, arrest rates vary greatly for different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

Statewide, arrests for violent crimes can be expected to decrease slightly through the year 2000. In Chicago, violent crime arrests are expected to fall from 6,075 in 1988 to slightly more than 5,800 in 2000. In the

Figure 1-33

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

Arrests for property index offenses (thousands)



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

rest of the state, arrests are expected to decrease from 8,217 in 1988 to about 8,000 in 2000 (Figure 1-32).

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

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

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

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

Figure 1-34

**Arrests of 30- to 59-year-olds are expected to increase for all index crimes by the year 2000.**

Arrests of 30- to 59-year-olds

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

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

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

- **Criminal sexual assault.** Arrest trends for criminal sexual assault in Chicago differ greatly from trends in the rest of Illinois. In both geographic areas, however, there has been a rapid increase in the arrest rates of *older* people (aged 30 and over) in recent years. Given this trend, total adult arrests for criminal sexual assault are expected to increase 10 percent between 1988 and 2000 in Chicago and 9 percent in the rest of the state. Arrests of people aged 30 to 59 are expected to increase 38 percent in Chicago and 31 percent elsewhere, while arrests of younger adults are likely to remain stable or decline.
- **Robbery.** Arrest rates for robbery have been steady or falling in the 1980s for every adult age group, both in Chicago and in the rest of Illinois. In Chicago, robbery arrests will continue to decline until 1995, and then will begin to increase. In the rest of Illinois, the decline will continue until the year 2000. However, arrests of people aged 30 to 59 are expected to increase between 1988 and 2000—16 percent in Chicago and 29 percent in the rest of Illinois.
- **Aggravated assault.** In Chicago, complete data for index aggravated assault are available for one year only, 1988. Assuming that 1988 rates continue to the year 2000, the number of aggravated assault arrests will decline slightly. This will reflect, however, a 17-percent increase in arrests of people aged 30 to 59. In Illinois outside Chicago, adult arrests for aggravated assault are expected to decline overall by the year 2000. This decline is expected to be especially rapid for those aged 17 to 19 (3 percent from the 879

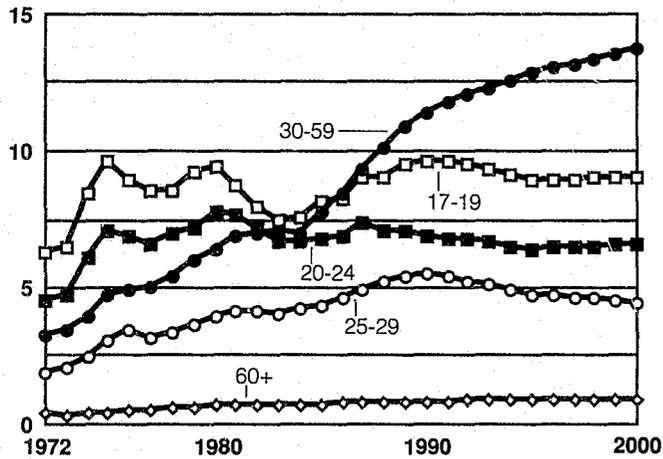
arrests in 1988), 20 to 24 (16 percent from the 1,375 in 1988), and 25 to 29 (20 percent from the 1,292 in 1988). In contrast, the number of people aged 30 to 59 arrested for aggravated assault in Illinois outside of Chicago in 2000 is expected to increase 17 percent over the 1988 figure of 2,199.

- **Burglary.** Generally, adult arrests for burglary are expected to remain stable in Chicago and decline in the rest of the state. In both areas, however, arrests of 30- to 59-year-olds are expected to increase, 37 percent in Chicago and 21 percent in the rest of the state. Arrests of Chicago young adults for burglary will decline through 1992 and then increase slightly, following population trends for 17- to 19-year-olds. Outside Chicago, arrests for burglary of people aged 17 to 19 will also follow population trends, declining 16 percent from the 2,040 in 1988, which marked the lowest number of arrests of that age group in 17 years.
- **Larceny/theft.** The greatest increase in arrests of 30- to 59-year-olds is expected among those arrested for larceny/theft. Given the recent increases in the arrest rate for that age group—27 percent in Chicago alone from 1987 to 1988—and the projected increase in the population aged 30 to 59, the number of 30- to 59-year-olds arrested for larceny/theft is expected to increase rapidly through the year 2000, 32 percent in Chicago and 36 percent in the rest of Illinois. Until 1986, individuals aged 17 to 19 were the predominant group of people arrested for larceny/theft in Illinois outside Chicago. Since then, however, the largest single group of arrestees for larceny/theft has been 30- to 59-year-olds, a trend that is expected to continue through 2000 (Figure 1-35).

Figure 1-35

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

Arrests for index larceny/theft (thousands)



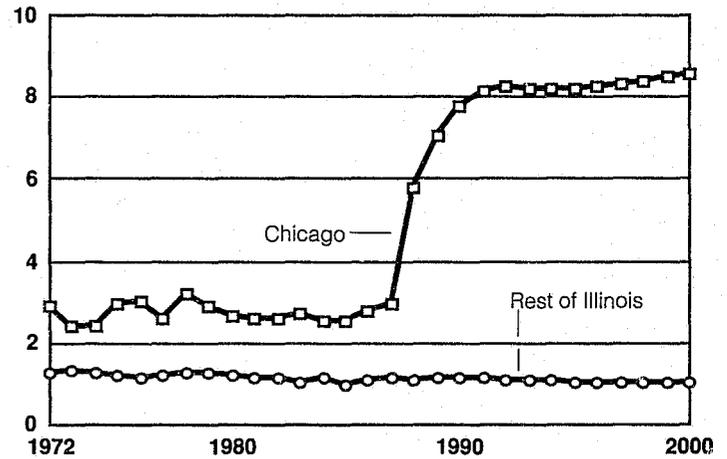
Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (projections)

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

Figure 1-36

**Arrests for motor vehicle theft will continue to rise faster in Chicago than the rest of the state.**

Arrests for index motor vehicle theft (thousands)



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

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

# Notes

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

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

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

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

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

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

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

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

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

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

<sup>10</sup> *People v. Pankey*, 94 Ill. 2d 12, 445 N.E. 2d 284 (1983).

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

<sup>12</sup> *Kindred v. Stitt*, 51 Ill. 401 (1869).

<sup>13</sup> Ill.Rev.Stat., ch. 24, par. 7-4-7.

<sup>14</sup> Ill.Rev.Stat., ch. 24, par. 7-4-8.

<sup>15</sup> *United States v. Janik*, 723 F. 2d 537 (7th Cir. 1983).

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

<sup>17</sup> Ill.Rev.Stat., ch. 38, par. 107-8.

<sup>18</sup> Ill.Rev.Stat., ch. 38, par. 107-9(e).

<sup>19</sup> *Tennessee v. Garner*, 105 S. Ct. 1694 (1985).

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

<sup>21</sup> *Miranda v. Arizona*, 384 U.S. 436 (1966).

<sup>22</sup> *Duckworth v. Eagan*, 109 S.Ct. 2875 (1989).

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

<sup>24</sup> *U.S. v. Sokolow*, 109 S.Ct. 1581 (1989).

<sup>25</sup> *Florida v. Riley*, 109 S.Ct. 693 (1989).

<sup>26</sup> Public Act 86-17; Ill.Rev.Stat., ch. 120, par. 453.2.

<sup>27</sup> Public Act 87-881; Ill.Rev.Stat., ch. 38, par. 1005-4-3.

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

<sup>29</sup> Arrest data for Chicago are available in monthly totals only.

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

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

<sup>32</sup> Block and Knight, 1987.

<sup>33</sup> For more detail about population estimates, see Appendix B.

<sup>34</sup> As discussed on pages 33–34, most of this increase was the result of changes in data recording practices in Chicago.

<sup>35</sup> For more information about homicide in Illinois, see

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

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

<sup>37</sup> Ill.Rev.Stat., ch. 38, par. 12-12 et seq. For details, see Figure 1-2.

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

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

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

<sup>41</sup> See Appendix B for a detailed discussion of the methodology used for the offense projections in this chapter.

<sup>42</sup> Detailed projected figures through the year 2000 are available from the Authority upon request.

<sup>43</sup> Several factors make projections of sexual assault in Illinois difficult. First, the change in reporting practices in Chicago, which began in 1983 and continued through

1984, probably caused much of the increase in reported rape offenses in those years. Second, the overhaul of the state's sexual assault laws, which took effect in the second half of 1984, may have caused much of the statewide increase after 1984. In 1985, 1986, and 1987, however, neither the definition nor the level of sexual assault changed as they had in earlier years. The projections are based on the assumption that this stability will continue.

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

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

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

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

<sup>48</sup> Research and Development Division, Chicago Police Department (telephone interview, November 1989).

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

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

<sup>51</sup> The year 1973 is used for comparison because of unresolved data quality issues in the 1972 arrest figures.

<sup>52</sup> See *Age-Specific Arrest Rates* (Washington, D.C.: Federal Bureau of Investigation, Uniform Crime Reporting

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

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

<sup>54</sup> Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

<sup>55</sup> Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

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

<sup>57</sup> Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

# Law Enforcement Financing

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

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

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

Most law enforcement activities in Illinois are carried out by one of three levels of government:<sup>1</sup>

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

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

■ **Municipalities.** Most of the money spent by municipal police departments in Illinois comes from the municipalities' general revenue (or corporate) funds, which are financed through a variety of property taxes, sales taxes, state and federal aid, and fees (some of which are

generated by the police departments themselves). In addition, some police departments receive money from other municipal funds to pay for specialized law enforcement services. In 1987, for example, more than \$5.5 million was transferred from Chicago's Vehicle Tax Fund to reimburse the city's General Revenue Fund for the salaries of police officers engaged in regulating traffic.<sup>3</sup>

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

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

Over the past two decades, ISP's re-

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

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

## HOW MUCH REVENUE DO LAW ENFORCEMENT AGENCIES GENERATE THROUGH FEES?

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

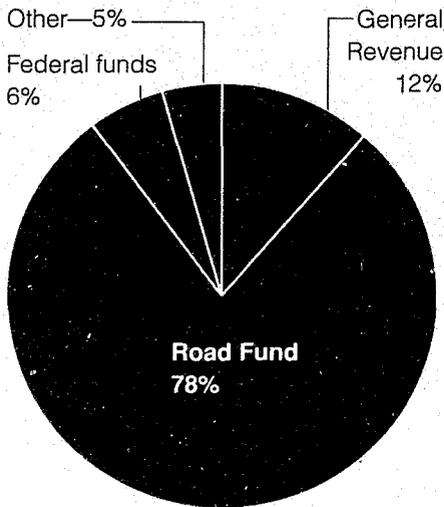
Here are some of the major fees used to finance law enforcement activities at the different levels of government in Illinois:

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

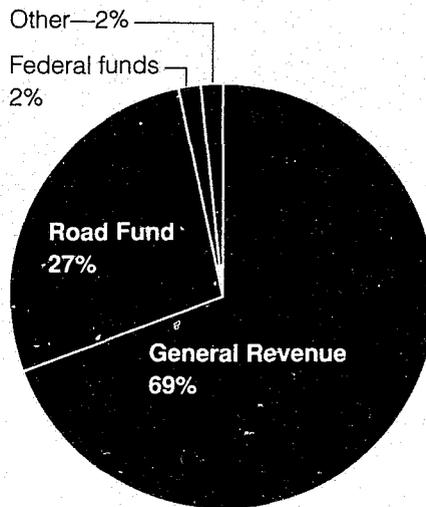
FINANCE 1-1

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

FY 1972 funding sources



FY 1988 funding sources



Source: Office of the Illinois Comptroller

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

■ **Counties.** Sheriffs' departments in Illinois are funded largely from county general revenue funds, and some of the money in each county's general revenue fund is generated, in turn, by the sheriff's department. This revenue comes from fees that sheriffs' departments collect from litigants in civil cases as well as people convicted of crimes. These fees pay for many of the services that sheriffs' departments provide, including serving warrants and subpoenas, transporting prisoners, and attending court (see

FINANCE 1-2 for examples of these fee-based services). The amount of the fees is defined by statute, and depends on the population of the county.<sup>6</sup> In addition, about 30 percent of rural county sheriffs responding to a recent survey said that their departments are under contract with municipalities to provide night patrol services to communities that cannot afford their own night patrol officers.<sup>7</sup> Only about half of these sheriffs, however, said the contractual fees they receive cover their expenses.

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

FINANCE 1-2

**Illinois sheriffs may charge fees for a variety of services.**

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

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

Source: Illinois Revised Statutes

sheriffs' fees occurred in the late 1970s and early 1980s, with little change since 1982.

But while these sheriffs' fees are sizable, they account for only a small percentage of total county revenue. In fiscal 1986, sheriffs' fees made up 2.5 percent of total receipts in Cook County, 1.1 percent in the collar counties, 1.6 percent in the other large counties, and less than 1 percent in the remainder of the state. Still, the revenue generated by sheriffs' de-

partments does account for a substantial percentage of the money the departments spend from their counties' general revenue funds. For example, the \$10.4 million generated by the Cook County Sheriff's Department in fiscal 1988 accounted for 8.2 percent of the department's expenditures that year from the county's Corporate Purposes Fund. The DuPage County Sheriff's Department generated 12.4 percent of its fiscal 1988 expenditures from the county fund, and the Cass County Sheriff's Department generated 7.2 percent (FINANCE 1-3).

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

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

#### **WHAT LAW ENFORCEMENT ACTIVITIES ARE FUNDED THROUGH CRIMINAL FINES?**

Some of the fines that the courts impose on criminal offenders are used to directly finance related law enforcement activities, especially those involving the en-

FINANCE 1-3

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

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

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

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

In addition to receiving proceeds from drug fines, ISP also assesses fines for overweight vehicles traveling on the state's highways. These fines, which are collected by the clerk of the Circuit Court where the violation occurred, are deposited in the state Road Fund, which in turn supports ISP troopers. In county fiscal year 1988, more than \$4.5 million in overweight vehicle fines was deposited in the Road Fund, a 17 percent decrease from the previous year. Approximately 14 percent of the 1988 total came from Cook County, 28 percent from the five collar counties, and more than 58 percent from the state's other 96 counties.<sup>12</sup> In fiscal

1988, these fines represented more than 5 percent of all Road Fund receipts, and 12 percent of the nearly \$41.8 million ISP spent from the Road Fund during the fiscal year. In other words, approximately one out of every eight Road Fund dollars expended by ISP is generated by the agency through overweight vehicle fines.

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

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

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

In terms of supporting law enforcement activities, federal revenue sharing was especially important to the counties. The federal money was deposited in each county's general revenue fund, from

which the activities of the sheriff's office, as well as many other county agencies, are financed. And although federal revenue sharing made up a relatively small percentage of the counties' total receipts, the federal funds did support a sizable level of criminal justice services, particularly in the sheriffs' departments.

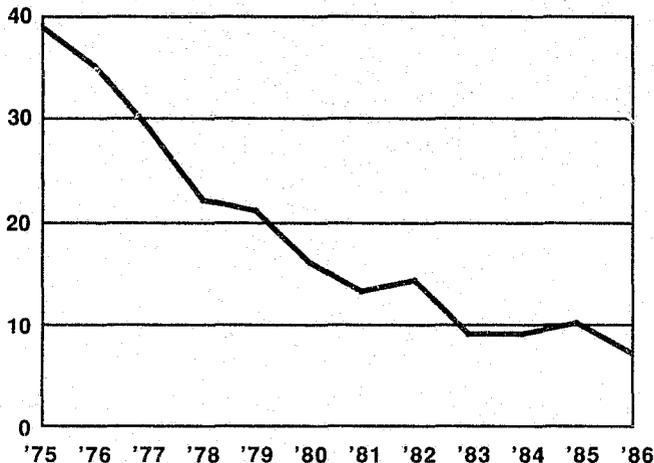
In 1975, for example, nearly 40 percent of the money that all Illinois counties outside Cook spent on police and public safety came from federal revenue sharing, and in 1976, the figure was still 35 percent (FINANCE 1-4).<sup>13</sup> These 101 counties spent nearly \$50 million in federal revenue sharing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

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

FINANCE 1-4

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

Percentage of county spending



Note: Excludes Cook County.

Source: Office of the Illinois Comptroller

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

In 1974, one of the peak years for LEAA funds, almost 20 percent of the grants distributed by ILEC went for law enforcement activities. That year, these awards totaled more than \$13 million (in constant 1988 dollars). They supported programs such as narcotics squads, emergency hire-back programs, and rural projects. For example, ILEC funded 30 counties under the Rural Crime Program in 1974. These small awards, no larger than

\$10,000 each, enabled rural sheriffs to hire additional deputies, thereby increasing patrols and reducing police response time in their counties.<sup>15</sup>

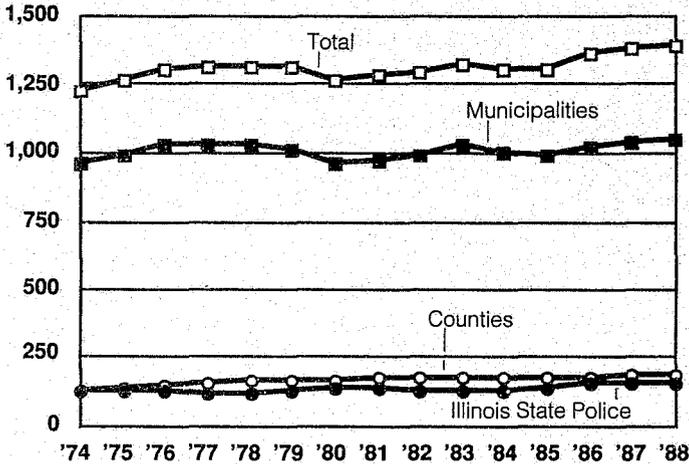
ILEC also established various police program models. Three of the most notable were social workers in police departments, eligibility and programmatic guidelines for police crime prevention bureaus, and guidelines and operating procedures for police-based victim/witness assistance programs. Large amounts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

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

FINANCE 1-5

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

Expenditures, constant 1988 dollars (millions)



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

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

Between federal fiscal years 1985 and 1990, Illinois was allocated more than \$36.3 million under these federal grant programs to support law enforcement and other criminal justice programs.<sup>17</sup> This money, which represents only a fraction of a percentage point of the total spending on law enforcement in the state during that time, has gone to both units of local government (approximately two-thirds of the money) and state agencies (approximately one-third). Some of local law enforcement programs that have been funded include expansion of multi-jurisdictional drug enforcement units, upgraded crime laboratory facilities, and computerized information and communi-

cations systems for police and sheriffs' departments.<sup>18</sup> Some of the state-level enforcement programs that have been funded include expansion of ISP's crime labs and enhancement of its telefacsimile network for processing fingerprints and identifying offenders.

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

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

Government in Illinois—including the state, counties, and municipalities—spent more than \$1.38 billion on law enforce-

ment during fiscal year 1988.<sup>19</sup> This 1988 total is 13 percent higher than the \$1.22 billion (in constant 1988 dollars) spent in 1974, and 9 percent higher than the \$1.26 billion (in constant 1988 dollars) spent in 1980 (FINANCE 1-5).

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

Here is a more detailed analysis of spending patterns at each level of government in Illinois:

■ **Municipalities.** Chicago accounts for the majority of law enforcement spending at the local level in Illinois. But as Chicago Police Department expenditures have declined (in constant dollars) since the early 1970s and spending by all other municipal police departments in the state has increased, the difference between the two areas has shrunk. In 1972, Chicago accounted for almost 65 percent of municipal-level police spending in Illinois; in 1988, that percentage had fallen to 53 percent.

Outside Chicago, municipal police expenditures increased by almost 46 percent (in constant dollars) between 1972 and 1988, with much of the increase occurring between 1972 and 1979. Constant-dollar spending has risen in all parts of the state, although the increases have varied according to region and the size of the counties where the municipalities are located (FINANCE 1-7). After adjusting for inflation, municipal police spending in suburban Cook and the collar counties rose 51 percent between 1972 and 1988. During this same period, law enforcement spending rose 35 percent among

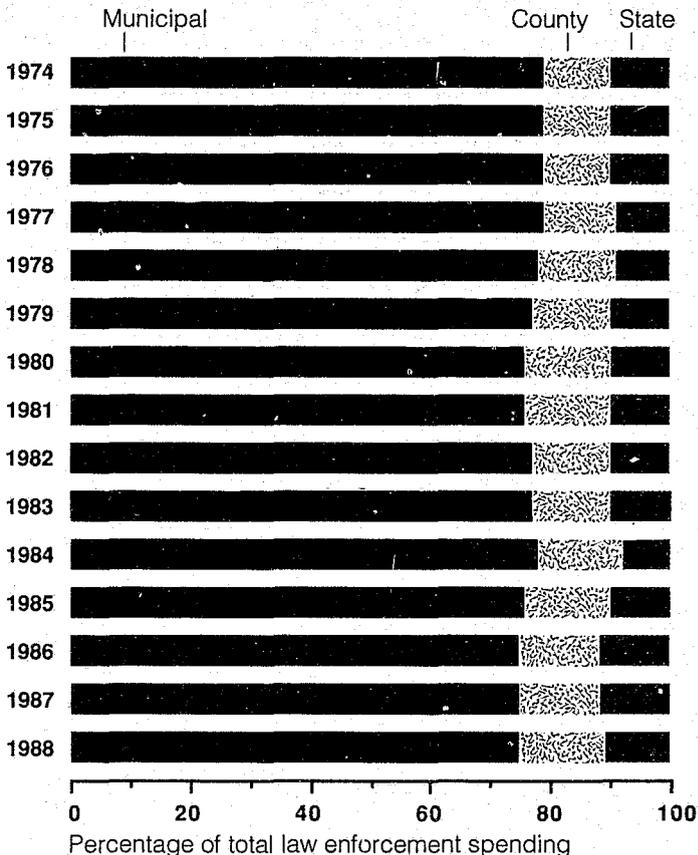
municipalities in large Illinois counties, and 38 percent among municipalities in the remaining counties.

In Chicago, on the other hand, police expenditures (in constant dollars) declined more than 16 percent between 1975 and 1981.<sup>20</sup> Since 1981, Chicago police expenditures have increased by about 6 percent, reaching almost \$554 million in 1988. On a per-capita basis, the department's expenditures followed a similar pattern—peaking in 1975 at \$201 (constant 1988 dollars) per person, falling to \$173 in 1981, and rising slightly to \$183 in 1988.<sup>21</sup>

■ **Counties.** At the county level, spending on public safety increased more than 42 percent (in constant 1988 dollars) between fiscal years 1974 and 1988, when it topped \$188.1 million (see FINANCE 1-5).<sup>22</sup> Most of this statewide increase, however, occurred between 1974 and 1979, when expenditures rose almost 30 percent. Between 1974 and 1988, constant-dollar spending rose in all types of counties, with the largest increases occurring in the collar counties of DuPage, Kane, Lake, McHenry, and Will (55 percent) and in other urban counties outside the Chicago area (48 percent).<sup>23</sup> Spending increased 27 percent in Cook County during this period (FINANCE 1-8).

FINANCE 1-6

**Municipalities' share of total spending on law enforcement in Illinois has declined slightly since the mid-1970s.**

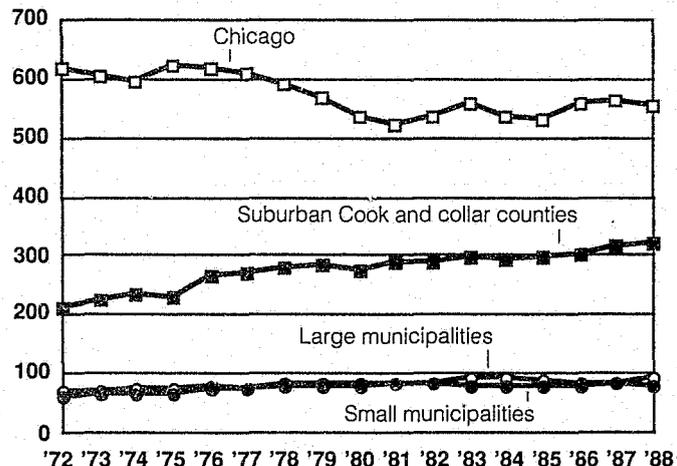


Source: Chicago Department of Finance; Office of the Cook County Comptroller; Office of the Illinois Comptroller

FINANCE 1-7

**Municipal spending on law enforcement has increased in all parts of the state except Chicago.**

Expenditures, constant 1988 dollars (millions)

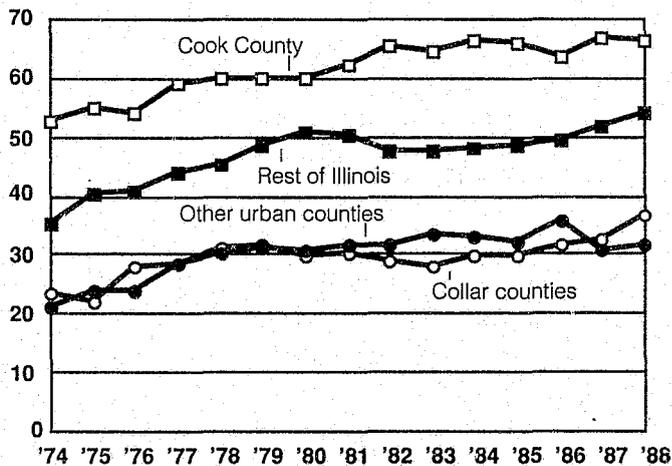


Source: Chicago Department of Finance; Office of the Illinois Comptroller

FINANCE 1-8

**After increasing in the 1970s, county spending on public safety has been relatively steady.**

Expenditures, constant 1988 dollars (millions)

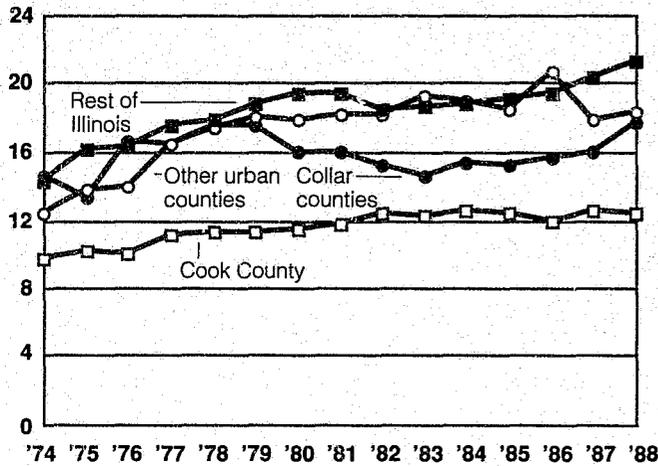


Source: Office of the Cook County Comptroller; Office of the Illinois Comptroller

FINANCE 1-9

**Per-capita county spending on public safety is highest in the counties outside the Chicago area.**

Expenditures per resident per year, constant 1988 dollars

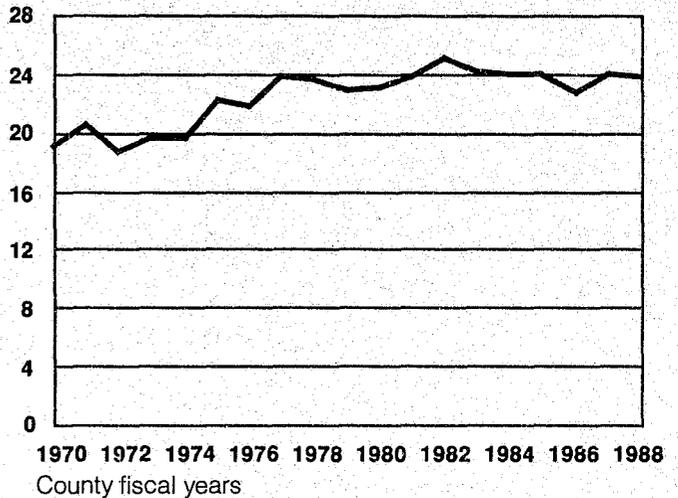


Source: Office of the Cook County Comptroller; Office of the Illinois Comptroller; Illinois Bureau of the Budget (population data)

FINANCE 1-10

**Spending on the sheriff's police in Cook County increased 25 percent between 1970 and 1988.**

Expenditures, constant 1988 dollars (millions)



Source: Office of the Cook County Comptroller

On a per-capita basis, county spending on public safety has followed similar patterns, with the largest increases occurring in counties outside the Chicago area, both urban and rural (FINANCE 1-9).<sup>24</sup> In Cook County, per-capita spending on public safety was 28 percent higher (in constant dollars) in fiscal 1988 than in fiscal 1974, and in the collar counties (excluding Cook), it was 21 percent higher. Outside the Chicago area, per-capita spending increased even more: 48 percent in other urban counties and 50 percent in the more rural ones. Illinois' 102 counties combined spent more than \$16 per resident on public safety in fiscal 1988; in counties outside Cook, per-capita spending on public safety was slightly higher, \$19.30.

In Cook County, where expenditures for the sheriff's police can be separated from expenditures for all other public safety agencies and for the county jail, county spending specifically for law enforcement can be examined more precisely. General revenue spending for the sheriff's police increased more than 25 percent (in constant dollars) between fiscal years 1970 and 1988 (FINANCE 1-10). Since fiscal 1977, however, sheriff's police expenditures in Cook County have been

essentially flat, after adjusting for inflation. During fiscal 1988, the sheriff's police spent \$4.46 from the Corporate Purposes Fund for every Cook County resident, compared to \$3.45 per person in fiscal 1970.

■ **State.** In constant dollars, Illinois State Police (ISP) expenditures rose almost 14 percent between fiscal years 1972 and 1988, although much of this increase occurred in the mid-1980s (see FINANCE 1-5). In fact, yearly expenditures declined 13 percent (constant dollars) between fiscal 1972 and fiscal 1978, before rising nearly 8 percent through fiscal 1984. ISP expenditures then jumped 24 percent between fiscal years 1984 and 1986, but declined slightly the next two years.

In fiscal 1988, ISP spent \$13.34 for every Illinois resident, or 9 percent more than the \$12.25 (in constant 1988 dollars) spent in 1972. Despite this increase, the percentage of ISP spending used specifically for state troopers has decreased from 77 percent in fiscal 1972 to 62 percent in 1988.

Compared with other state police agencies around the country, ISP spends well above the average. In 1987, when state

police agencies nationwide spent an average of \$65 million, ISP spent more than twice that amount—nearly \$150 million.<sup>25</sup>

**HOW DOES SPENDING ON LAW ENFORCEMENT COMPARE WITH OTHER GOVERNMENT SPENDING IN ILLINOIS?**

In general, municipalities devote a larger share of their total expenditures to law enforcement than does any other level of government, followed by counties and then the state. Although overall law enforcement spending in Illinois has generally increased since the early 1970s, it has not always kept up with increases in spending for other government services. Particularly at the municipal level, government spending in general has outpaced spending on law enforcement specifically.

Here is an analysis of comparative government spending at all three levels of government in Illinois:

■ **Municipalities.** Throughout much of the 1970s and 1980s, police department expenditures represented between 17 percent and 21 percent of all municipal government spending outside Chicago, although this percentage has declined slightly in recent years. In Chi-

**In all parts of the state, municipal spending in general has increased more than spending on police.**

	Police expenditures, constant 1988 dollars (millions)			All other expenditures, constant 1988 dollars (millions)		
	1972	1986	Percent change	1972	1986	Percent change
Chicago	618.0	553.9	-10.4	664.5	838.3	+26.2
Suburban Cook	136.0	174.7	+28.5	411.1	750.8	+82.6
Collar counties	76.5	146.0	+90.8	228.1	651.5	+185.6
Large counties	66.7	90.1	+35.1	207.5	383.3	+84.7
Remainder of state	57.9	80.0	+38.2	357.4	605.1	+69.3
Total (excl. Chicago)	337.1	490.6	+45.5	1,204.0	2,390.7	+98.6
Total (incl. Chicago)	955.1	1,044.4	+9.3	1,868.5	3,229.0	+72.8

Note: Chicago figures include spending from the city's General Revenue Fund only.

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

Chicago, police department expenditures accounted for almost half of the city's general revenue spending between 1970 and 1976, but declined to about 43 percent in 1980 and less than 39 percent in 1988.

Furthermore, spending for municipal police departments has not increased as much as all other municipal government spending over the last two decades. Between 1972 and 1986 (the last year for which overall municipal spending data are available), municipal expenditures for police departments outside Chicago increased more than 45 percent (in constant dollars). But *all other* municipal expenditures outside Chicago increased by more than twice as much during this period—almost 99 percent.

The differences in police and non-police spending were even more dramatic in certain types of municipalities (FINANCE 1-11). In suburban municipalities around Chicago and in municipalities in counties with large cities, the increase in non-police spending was two to three times that of police spending. In the collar counties (excluding Cook), for example, constant-dollar spending on police rose almost 91 percent between 1972 and 1986, but spending on all other municipal functions increased by almost 186 percent. In Chicago, where non-police expenditures from the city's General Revenue Fund grew by 26 percent between 1972 and 1986, spending on the police department actu-

ally *declined* by more than 10 percent (in constant dollars). Including Chicago, municipal spending on police departments statewide increased 9 percent between 1972 and 1986, while all other municipal expenditures rose by almost 73 percent.

■ **Counties.** Compared with municipal spending on police, county expenditures for public safety in Illinois have traditionally accounted for a smaller percentage of overall government spending.<sup>26</sup> But unlike municipalities, counties in recent years have devoted a larger share of their spending to public safety.

Since the mid-1970s, approximately 10 percent of all county spending in Illinois has gone for public safety. In fiscal 1988, public safety accounted for almost 11 percent of all county expenditures statewide, and approximately 12 percent in the counties outside Cook. In general, large counties outside the Chicago area have spent more proportionally on public safety than have other counties in the state in recent years. For example, large counties outside the Chicago area devoted almost 14 percent of their spending to public safety in 1988, compared with 11.4 percent in smaller counties outside the Chicago area, and 10.7 percent in the collar counties.

In practically every region of the state, however, county spending for public safety has outpaced spending for other county services. Overall between 1974

and 1988, public safety spending by Illinois counties outside Cook increased by nearly 53 percent (in constant dollars), while all other county expenditures grew by 11 percent.<sup>27</sup> Again, the differences in spending patterns varied depending on the size and location of the county, but the general trend of greater increases in public safety spending occurred throughout the state (FINANCE 1-12). In Cook County, public safety expenditures from the Corporate Purposes Fund increased by nearly 27 percent (in constant dollars) between 1974 and 1988, while all other expenditures from the fund rose by 22 percent.

Because these county expenditure figures for public safety include not only the sheriff's office but the coroner's, animal control, and civil defense departments as well, they do not precisely measure county spending specifically for law enforcement. And even though the sheriff's department is generally the largest criminal justice expenditure for a county, much of the sheriff's budget goes for corrections, not for law enforcement. In Cook County, for example, the sheriff's department accounted for 31 percent of the county's total expenditures in fiscal 1988, but almost half of that total went for the operation of the Cook County Jail. In DuPage County, the county jail made up 30 percent of the sheriff's total expenditures in fiscal 1988 and about 7 percent of the county's total expenditures from the

general revenue fund.<sup>28</sup> And in Cass County, spending for the sheriff's department represented nearly one-quarter of all expenditures from the county's general revenue fund in fiscal 1988.

In Cook County at least, where more detailed expenditure data are available, it appears that the portion of the sheriff's department budget spent on law enforcement is declining (from 23 percent in fiscal 1973 to 18 percent in fiscal 1988), as the percentage spent on corrections is growing (from 41 percent to 48 percent). In fiscal 1988, another 25 percent of sheriff's department expenditures went for court services, 7 percent for security at other county buildings, and 2 percent for other functions such as administration and the Sheriff's Department Merit Board.

■ **State.** State police expenditures have accounted for less than 1 percent of the state's total spending in every year since 1972. And relative to other state spending, Illinois State Police expenditures have increased at about the same rate as state spending in general. Between fiscal years 1972 and 1988, ISP expenditures rose nearly 14 percent (in constant dollars), while overall state government expenditures rose by about 13 percent.<sup>29</sup>

### HOW DOES LAW ENFORCEMENT SPENDING COMPARE WITH LAW ENFORCEMENT ACTIVITY IN ILLINOIS?

Law enforcement activity is difficult to measure in Illinois or any jurisdiction.

The services that the police provide to the community vary greatly from place to place, and they have changed over time. At the beginning of this century, the police might have been responsible for keeping the streets clean and the street lights fueled, in addition to peacekeeping and crime control functions.<sup>30</sup> Today, police may be called upon to resolve a domestic conflict, transport prisoners, evacuate persons from a dangerous area, place an abused child in protective care, direct traffic, rescue animals, guide school children across the street, deal with illegally parked cars, and more.

A recent study in Indiana identified more than 450 specific "police tasks," which varied in their frequency and in how serious the consequences would be if they were not performed.<sup>31</sup> Some, but by no means all, of these tasks involve a "call for service," in which a citizen dials 911 or otherwise notifies the police that help may be required. Calls for service are thus a measure of *demand* for police services.

Data on calls for service are not collected on a statewide basis, but they are available in Chicago. Between 1970 and 1988, calls for service in Chicago rose 14.6 percent, to approximately 2.5 million. During this same period, however, police department expenditures from Chicago's General Revenue Fund *declined* 8.4 percent in constant dollars (FINANCE 1-13).<sup>32</sup> During the 1970s, the difference between trends in calls for service and trends in spending was especially acute. Calls for service increased

25 percent between 1970 and 1979, while constant-dollar expenditures declined 6 percent in the same period. From 1979 to 1983, calls for service declined 14.5 percent in Chicago, while constant-dollar expenditures declined only 1.9 percent. From 1983 to 1988, however, police calls have risen 7.3 percent, while expenditures have been relatively stable, declining less than 1 percent.

The number of arrests is one indicator of police *activity* (although the number of arrests is limited by police resources) because each arrest involves a number of law enforcement tasks—investigating the crime, apprehending an offender, interviewing witnesses, testifying in court, and so on—all of which are critical to the crime control function of the police. In Chicago, although the public demand (measured by calls for service) has outpaced growth in expenditures, police activity measured by total arrests has either followed the decline in constant-dollar expenditures or has dropped even faster. Total arrests in Chicago fluctuated around 30,000 from 1975 to 1981, and then peaked at more than 41,000 in 1982 because of a sharp, but temporary, increase in misdemeanor arrests. From 1975 to 1983, total arrests decreased 10 percent, while constant-dollar expenditures decreased 11 percent. From 1983 to 1988, total arrests in Chicago dropped 15 percent, and expenditures did not change (FINANCE 1-14).<sup>33</sup>

In Illinois outside Chicago, increases in total arrests and expenditures have kept

FINANCE 1-12

### County spending on public safety has grown faster than spending on other county services.

	Public safety expenditures, constant 1988 dollars (millions)			All other expenditures, constant 1988 dollars (millions)		
	1972	1986	Percent change	1972	1986	Percent change
Collar counties	23.4	36.4	+55.6	207.6	303.7	+46.3
Large counties	21.2	31.5	+48.6	246.1	195.5	-20.6
Remainder of state	35.0	53.8	+53.7	373.0	418.1	+12.1
Cook County	52.5	66.4	+26.5	280.8	342.5	+22.0
Total (excl. Cook)	79.6	121.7	+52.9	826.7	917.3	+11.0

Note: Cook County figures are expenditures from the county's Corporate Purposes Fund only. The collar counties exclude Cook.

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

pace with each other, but only in recent years. Between 1981 and 1988, when the total number of arrests in Illinois outside Chicago increased 7.7 percent, law enforcement spending by municipal, county, and state governments combined rose by 10 percent in constant dollars (see FINANCE 1-14). In earlier years, however, total arrests appear to have increased faster than expenditures. Total arrests in Illinois outside of Chicago increased 41 percent from 1974 to 1981, but constant-dollar expenditures by municipal, county, and state governments increased only 21 percent.<sup>34</sup>

What options do law enforcement agencies have if demand increases faster than resources? They can cut back services, postpone or reduce maintenance of equipment and training of staff, and attempt to reorganize for greater efficiency. In Chicago, for example, a differential response call-back program, begun in November 1983, allows the department to handle a non-emergency call by calling back by telephone without sending an officer to the scene. In 1988, about 5 percent of all Chicago Police Department calls for service, and 16 percent of calls in which a traffic or criminal case report was written, were handled by call-back.

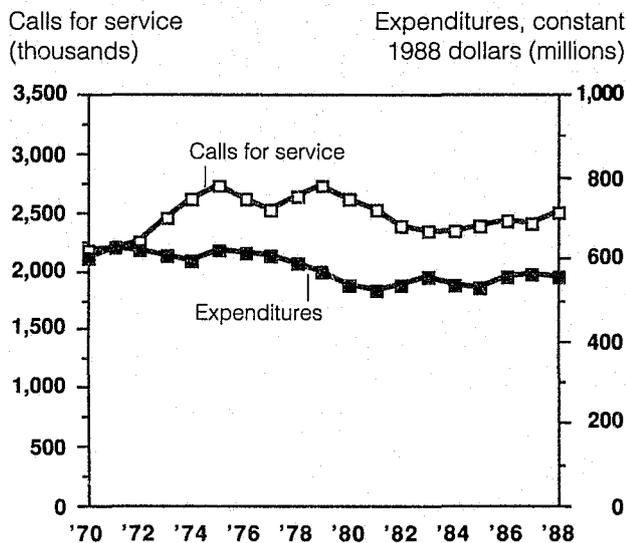
### HOW MUCH LAW ENFORCEMENT SPENDING GOES FOR PERSONNEL?

Although precise figures are not available, by far the biggest law enforcement expense for all three levels of government in Illinois is personnel. Nationally, salaries and wages accounted for six of

every seven dollars spent on law enforcement at the local level in 1987.<sup>35</sup> This proportion has not changed much since the 1960s, when salaries accounted for between 85 percent and 95 percent of all law enforcement expenditures nationwide.<sup>36</sup> In Chicago, personnel costs made up 96 percent of all law

FINANCE 1-13

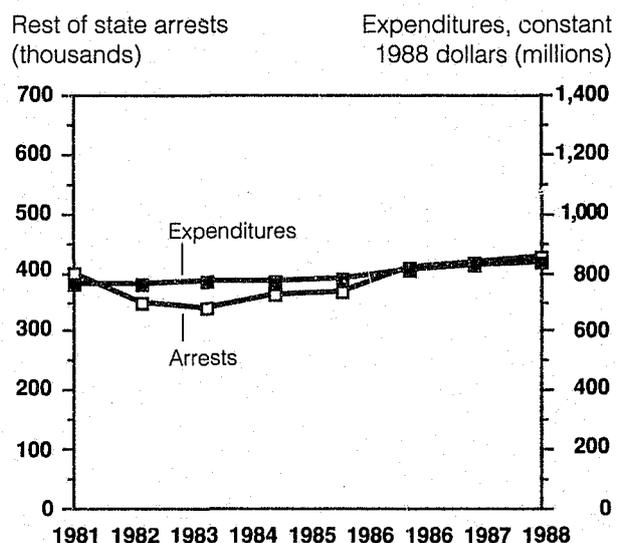
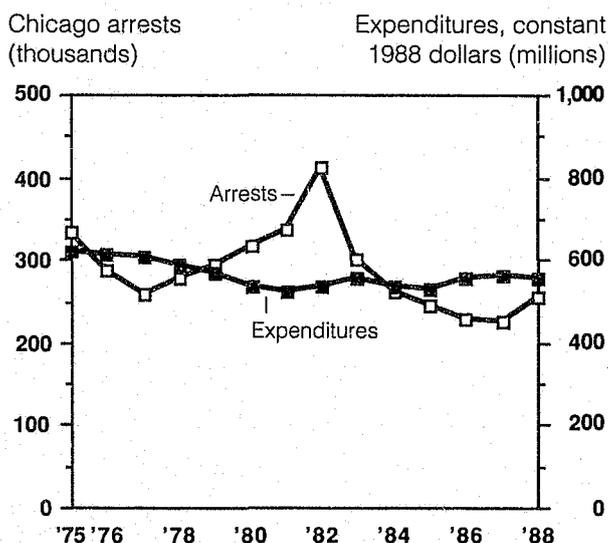
**As calls for police service in Chicago have risen since 1970, constant-dollar spending on the police department has declined.**



Source: Chicago Department of Finance; Chicago Police Department

FINANCE 1-14

**Changes in the total number of arrests have generally kept pace with changes in spending in recent years, both in Chicago and in the rest of the state.**

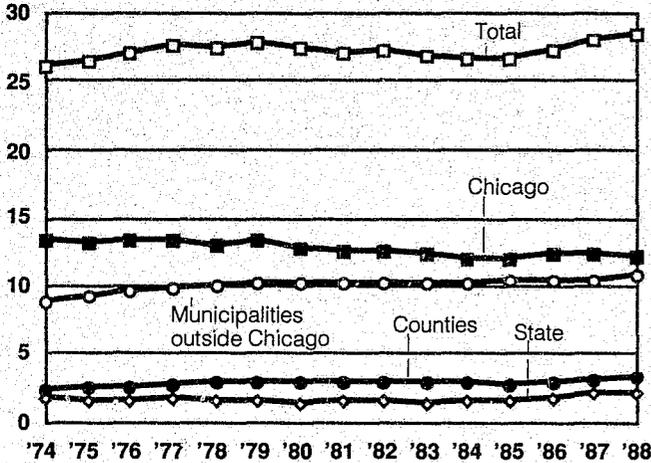


Source: Illinois State Police; Office of the Cook County Comptroller; Office of the Illinois Comptroller; Chicago Police Department; Chicago Department of Finance

FINANCE 1-15

**The number of full-time law enforcement officers in Illinois has changed little since 1980.**

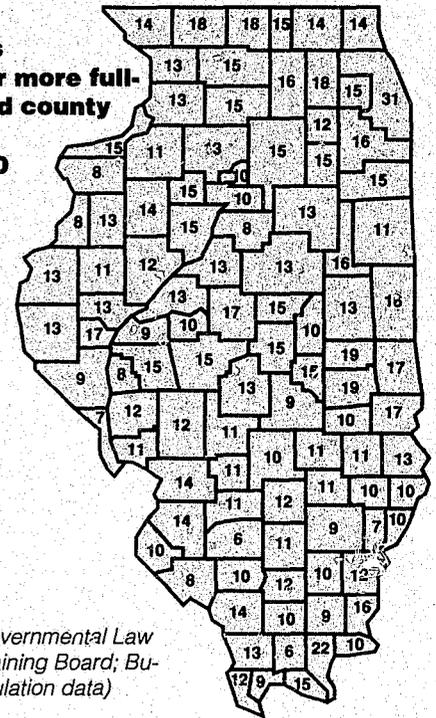
Number of full-time sworn officers (thousands)



Source: Illinois State Police

FINANCE 1-16

**In 1988, 16 Illinois counties had 16 or more full-time municipal and county law enforcement officers per 10,000 county residents.**



Source: Illinois Local Governmental Law Enforcement Officers Training Board; Bureau of the Budget (population data)

enforcement expenditures from the General Revenue Fund in 1988.

Within a law enforcement agency, the proportion of expenditures that go toward salaries of officers and other staff can vary greatly by division. In the Wheaton Police Department, for example, personnel costs accounted for a smaller percentage of total expenditures for the Patrol Division (77 percent) than for other divisions during 1988. (By comparison, personnel accounted for 84 percent of the expenditures for the Investigative Division.) Part of the reason that personnel expenditures are proportionally lower for the Patrol Division is that it must devote more money for vehicles than most other divisions.

**HOW MANY LAW ENFORCEMENT OFFICERS ARE EMPLOYED IN ILLINOIS?**

Because law enforcement spending in general is driven so much by personnel costs, spending patterns over the years have gone hand in hand with changes in the number of law enforcement personnel. In 1988, a total of 28,424 full-time sworn law enforcement officers were employed by the state, the counties, and

the municipalities of Illinois. That is nearly 9 percent more than were employed in 1974, but only 3 percent more than in 1980 (FINANCE 1-15).

The vast majority of law enforcement officers in Illinois work in either municipal police departments or county sheriffs' offices. In 1988, for example, more than 80 percent of the state's officers worked in municipal police departments (43 percent in the Chicago Police Department and 37 percent in the state's other municipalities), 11 percent worked in county sheriffs' departments, and 8 percent were state police officers.<sup>37</sup>

Combining the number of municipal and sheriff's police officers in a county, and dividing the total by the county's population, is one way to measure the level of police protection across counties. In 1988, most Illinois counties had between 10 and 15 full-time officers for every 10,000 people (FINANCE 1-16).<sup>38</sup> Cook County that year had 31 officers per 10,000 residents, the highest number of any county. In 1987, Chicago had 41 officers per 10,000 residents, compared with 38 in New York City, 47 in Detroit, 41 in Philadelphia, and 62 in Washington, D.C.<sup>39</sup>

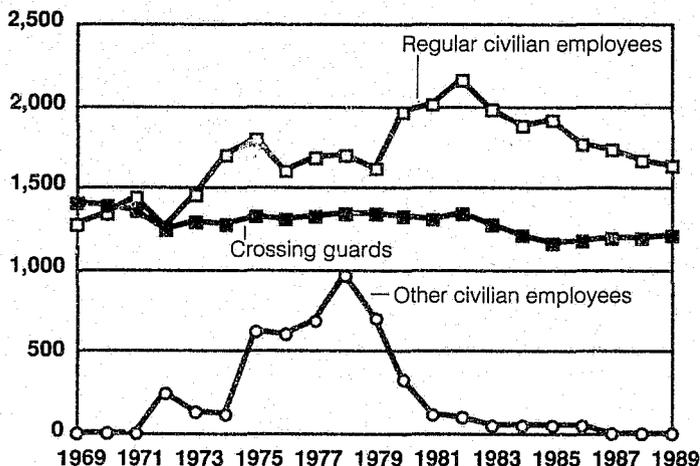
Here is a more detailed analysis of law enforcement employment trends at the municipal, county, and state levels in Illinois:

■ **Municipalities.** Statewide, the number of full-time municipal police officers increased about 4 percent between 1974 and 1988 (see FINANCE 1-15). Outside Chicago, the number of full-time municipal police officers increased even more, about 25 percent, between 1974 and 1988.<sup>40</sup> But in Chicago, which employs more than half of the municipal police officers in the state, the number of full-time officers *decreased* more than 8 percent during this period. Data from the Chicago Police Department, which cover a longer time period, show that the police force peaked at 13,577 sworn personnel in 1973, an increase of 11 percent over the 1969 level.<sup>41</sup> The number of sworn officers in the Chicago Police Department remained stable from 1973 to 1977, then declined 11 percent from 1977 through 1989. The 11,824 sworn officers on the force in 1989 was the lowest of the 21 years for which there are data.

Outside Chicago, the number of sworn officers has generally risen in all parts of the state, although increases have been

### The number of regular civilian employees in the Chicago Police Department fell 24 percent from 1982 to 1989.

Number of civilian employees



Note: The "Other civilian employees" line refers to federally funded employees who worked primarily in community relations programs.

Source: Chicago Police Department

greater in some regions. For example, the number of officers in the Cook County suburbs rose 31 percent between 1974 and 1988. In the collar counties (DuPage, Kane, Lake, McHenry, and Will), the number of municipal officers increased almost 46 percent during this period. In the remainder of the state, the increases were smaller.

In addition to maintaining full-time sworn officers, municipal police departments in Illinois are employing a growing number of both part-time sworn officers and non-sworn, or civilian, staff. The former typically handle the regular duties of full-time sworn officers, but on a part-time basis, while civilian staff usually serve as dispatchers or record clerks or in other non-patrol functions. Between 1973 and 1988, the number of part-time municipal police officers rose 15 percent, from 2,056 to 2,362.<sup>42</sup>

The number of full-time civilian staff statewide increased from 2,867 in 1973 to 4,732 in 1988, a 65-percent jump. The increase was greater outside Chicago (90 percent) than in the city (32-percent) during this period. Still, 35 percent of all

the civilian police employees statewide work for the Chicago Police Department. The number of regular civilian employees in Chicago increased 69 percent between 1969 and 1982, but then declined 24 percent, to 1,638, in 1989 (FINANCE 1-17). The number of crossing guards employed by the Chicago Police Department fell 14 percent between 1969 and 1989, and special employees (under CETA, HUD, and so on) peaked in 1978 and declined to zero by 1987.<sup>43</sup>

The operational strength of a police department depends not only on the size of the force, but also on the actual number of days worked per year (the availability of personnel for duty). Providing officers with more generous holidays, personal days, furlough days, and sick leave can reduce a department's strength considerably. A recent study in Chicago, for example, found that the combined effect of staff reduction and increased time off was the equivalent of removing more than 1,300 sworn personnel—more than 10 percent of the force—between 1979 and 1989.<sup>44</sup> Half of this decline is due to decreases in the actual number of days

worked. The report concluded, "The critical response margin no longer exists. . . . The Department (has a) diminished capacity to deal with demand peak."

■ **Counties.** The number of full-time law enforcement officers in county sheriffs' departments statewide increased more than 36 percent between 1974 and 1988 (see FINANCE 1-15). Much of this increase, however, occurred between 1974 and 1980, when the number of county officers rose by 25 percent. From 1980 to 1985, the number declined 8 percent, but then rose nearly 19 percent through 1988. In 1988, there were a record 3,264 full-time sworn law enforcement officers in sheriffs' departments throughout Illinois.<sup>45</sup>

Although the number of full-time sheriffs' police officers generally rose in all regions of the state between 1974 and 1988, the increases were greatest in the counties outside Cook and the collar counties. In these two regions, the number of officers rose 31 percent and 16 percent, respectively. But in the state's other urban counties, the number of sheriffs' officers increased 36 percent, and in the state's more rural counties, the increase was 44 percent. Still, there were employment decreases in 17 sheriffs' departments during this 15-year period. And in 1988, three out of every four sheriffs' departments in Illinois employed fewer than 25 full-time law enforcement officers, a percentage that was slightly higher than the national average.

Nevertheless, sheriffs' police as a whole account for a growing percentage of the full-time law enforcement officers in the state—more than 11 percent in 1988 compared to 9 percent in 1974. In 23 Illinois counties in 1988, more than half of the full-time law enforcement officers worked in the sheriff's department, including one county—Edwards—in which all full-time officers were sheriff's police. Cook County had the smallest percentage of law enforcement officers located in the sheriff's department (3 percent) in 1988, although this was higher than the 1974 proportion of approximately 2 percent. In the collar counties, 20.5 percent of the full-time law enforcement officers

worked in sheriffs' departments in 1988, down from almost 26 percent in 1974. Thirty percent of the officers in Illinois' other urban counties were employed by sheriffs' departments in 1988, up from 23 percent in 1974. In the remainder of the state's counties, however, the percentage of officers employed by sheriffs' departments rose from 37 percent in 1974 to almost 50 percent in 1988. In general, then, the more rural of Illinois' counties have a far greater percentage of law enforcement officers in sheriffs' departments than do the more urban counties.

It is difficult to measure for all Illinois counties the number of sheriffs' police officers per capita, or to compare that number with the number of municipal officers per capita, because the jurisdiction of the sheriff's departments varies by county.

Looking at just DuPage County, however, reveals that it had one sheriff's patrol officer for every 961 residents in the *unincorporated* areas of the county during 1987, while municipal police departments in DuPage County had one officer for every 647 residents in the *incorporated* municipalities.<sup>46</sup> The 66 patrol officers in the sheriff's department handled more than 36,000 calls for service in 1986, or about 547 calls per officer, an increase over the 439 calls per officer in 1980. Because the number of sheriff's police officers did not change in DuPage County between 1980 and 1986, the increase in calls per officer is the result of more calls for service overall. Of the calls in 1986, 4,347 (or 66 per officer) were for serious crimes, narcotics, or drunken driving.

Like municipal police departments, many sheriffs' offices in Illinois employ a large number of *non-sworn* or civilian staff. In fact, more than half of the full-time staff in 26 of the state's sheriffs' departments are civilians. On the other hand, 37 sheriffs' departments had no civilian staff in 1988.<sup>47</sup> Still, the number of full-time civilians employed by sheriffs' departments in Illinois more than tripled between 1973, when there were 394, and 1988, when there were 1,299. Outside of Cook and the collar counties, the number of civilians more than quadrupled during this period. However, the number of part-time sheriffs' police officers in Illinois was

12 percent lower in 1988 (250) than in 1973 (285).

■ **State police.** In 1987, the Illinois State Police had 2,236 full-time officers, or more than twice the national average of 1,031.<sup>48</sup> In 1988, the number of ISP officers increased slightly to 2,252.

In general, the number of ISP officers has followed the same pattern as ISP expenditures. From 1974 through 1984, the number of officers remained relatively stable at an average of about 1,600 a year. Between 1984 and 1988, however, the number of full-time officers increased almost 45 percent (see FINANCE 1-15).

### HOW MUCH ARE LAW ENFORCEMENT OFFICERS IN ILLINOIS PAID?

For the most part, the salaries paid to law enforcement personnel in Illinois are set by the individual agencies the officers work for and are determined, at least in part, by the size and relative wealth of their jurisdictions. The only law enforcement salaries that are set by Illinois statute are those of the elected sheriffs in each county, and even those salaries differ according to county size.

Here is breakdown of law enforcement salaries at the state, county, and municipal levels in Illinois:

■ **State police.** In 1986, the average entry-level salary for a state trooper nationwide was \$18,170 (in nominal dollars).<sup>49</sup> That year in Illinois, the salary for a first-year state trooper was 16 percent higher, at \$21,132. By fiscal year 1989, the starting salary in Illinois had increased 18 percent, to \$24,948 (in nominal dollars). After 25 years, an Illinois state trooper can earn \$42,672 a year under ISP's salary schedule.<sup>50</sup>

■ **Counties.** State law sets the minimum salaries paid to the elected sheriff in each county, based on the population of the county as of the last federal census. Sheriffs' salaries range from \$27,000 a year in counties with fewer than 10,000 people to \$43,000 in counties with 100,000 to 2 million people.<sup>51</sup> The Cook County sheriff is paid \$80,000 a year, a salary that is set by the county board.<sup>52</sup>

Unlike salaries for elected sheriffs, the salaries paid to sheriffs' deputies do not have statutory minimums, but are instead set by each sheriff's department.<sup>53</sup> In DuPage County, for example, the annual salary for a sheriff's deputy in 1987 was \$20,026 to \$30,040 (in nominal dollars).<sup>54</sup> By comparison, the entry-level salary of a municipal police officer in DuPage County that year was 8 percent higher. In Cook County, the salaries of sheriffs' deputies range from \$23,340 to \$35,676 a year. In Cass County, the starting salary for a sheriff's deputy is \$18,000.

■ **Municipalities.** Like salaries for sheriffs' deputies, the salaries paid to municipal police officers are set by each department. And because this salary information is not reported to a central data source, statewide analysis of municipal police salaries is limited. However, surveys conducted by various police associations and other organizations provide some indication of what municipal police officers in Illinois are paid.

For example, the DuPage County Chiefs of Police Association conducts an annual salary survey of law enforcement agencies in that county. Municipalities in DuPage County use two different systems to determine officers' salaries: one is based on merit; the other is a "step plan" based on seniority. In 1987, the average salary for patrol officers in municipalities using a step plan was between \$22,034 and \$22,361 (in nominal dollars) for the first year of service, while the average low salary for those using a merit system was \$22,094. The average high salary for patrol officers was \$31,446 under the step plan and \$31,229 under the merit system.<sup>55</sup>

Salaries are generally higher in police departments that serve larger populations. A 1986 survey of Illinois municipalities with populations of less than 5,000 found the average salary for a patrol officer in police departments employing at least one full-time officer was \$18,526 (in nominal dollars).<sup>56</sup> In contrast, the average officer's salary that year was between \$18,645 and \$24,006 in Illinois municipalities of 5,000 to 10,000 people, and between \$20,833 and

**Police officers in Chicago's north and northwest suburbs are the highest paid in the state.**

		Chicago	North Shore suburbs	Northwest suburbs	West suburbs	South suburbs	Rest of Illinois	Statewide average
Police Chief	Minimum	\$96,000	\$45,363	\$43,190	\$42,442	\$40,609	\$35,003	\$41,177
	Maximum	\$96,000	\$53,330	\$53,054	\$49,274	\$45,008	\$41,293	\$47,477
Officer	Minimum	\$24,939	\$25,766	\$23,829	\$22,410	\$22,374	\$21,066	\$22,617
	Maximum	\$38,358	\$33,537	\$32,645	\$31,951	\$29,914	\$26,230	\$30,147

Note: Mean salaries are as of July 1, 1988.

Source: Illinois Municipal League

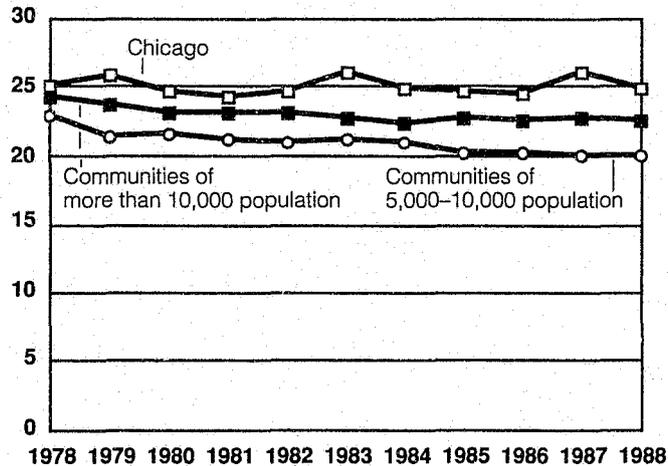
\$27,908 in cities of more than 10,000 people.<sup>57</sup> In Chicago, the annual starting salary for a police officer in 1988 was \$24,939, with the annual salary after five years rising to \$32,442. The salary of the superintendent of the Chicago Police Department as of July 1, 1990, was \$96,000 a year, making him the highest paid city official in Chicago.<sup>58</sup>

Law enforcement salaries in Illinois vary not only by size of the jurisdiction but also by region of the state. For example, salaries in the suburbs around Chicago, particularly the north and northwestern suburbs, are typically higher than salaries in the rest of the state (FINANCE 1-18).

In constant dollars, however, the salaries of police officers in Illinois have fallen since the mid-1970s. In communities of more than 10,000 people, the mean minimum salaries of police officers declined almost 7 percent (in constant dollars) between 1978 and 1988 (FINANCE 1-19). In Chicago, the minimum salary for a patrol officer declined 1 percent in constant dollars during this period. The mean *maximum* salaries of officers statewide fell by nearly 4 percent from 1978 to 1988, while in Chicago, the maximum salary of patrol officers increased almost 10 percent. Among officers in communities with 5,000 to 10,000 people, the decline in minimum salaries was even sharper. Between 1978 and 1988, mean minimum salaries fell by more than 13 percent (in constant dollars) in these communities; mean maximum salaries dropped by more than 3 percent. The constant-dollar salaries of police chiefs in both sizes of

**The earning power of municipal police officers in Illinois has fallen since 1978.**

Mean minimum salaries, constant 1988 dollars (thousands)



Source: Illinois Municipal League

communities have also fallen over the past decade.

**HOW MUCH DOES IT COST TO PUT A LAW ENFORCEMENT OFFICER ON THE STREET?**

While salaries are clearly the chief cost associated with putting law enforcement officers on the street, salaries are not the only expense. The *marginal costs* of law enforcement—the additional cost to produce one more unit of output (in this case, another officer)—include not only salary, but also fringe benefits, uniform, vehicle, and training.

According to a 1987 study in DuPage

County, the cost of adding one sheriff's deputy is \$182,911 over a five-year period, or an average of \$36,582 a year. This figure includes salaries, benefits, Social Security, equipment, and training. It assumes a marked squad car for every two officers, but does not include vehicle maintenance costs or overtime hours.<sup>59</sup>

Similar cost figures are found at the municipal level in DuPage County. According to both financial reports and officials in the Wheaton Police Department, the costs of paying and outfitting an officer, and purchasing and equipping a new squad car, are well in excess of \$45,000 the first year (FINANCE 1-20).

FINANCE 1-20

**The cost of hiring and equipping a new police officer in Wheaton, Illinois, exceeds \$45,000 the first year.**

**Police car costs**

Purchase price	\$15,000
Squad equipment (light bar, etc.)	\$4,000
Transport shield	\$450
Mobile data terminal	\$5,000
ISPERN radio	\$1,600
<b>Total car</b>	<b>\$26,050</b>
Vehicle maintenance (gas, oil, etc.)	\$0.40/mile

**Personnel**

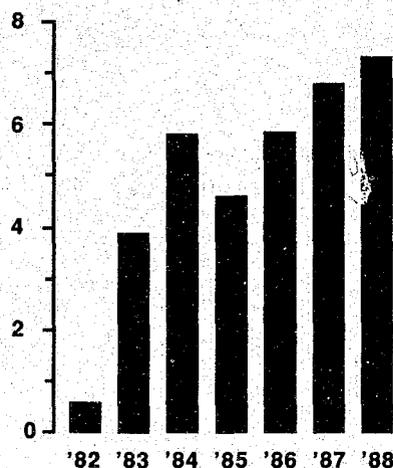
Salary	\$19,156 to \$21,696
Uniform (and maintenance)	\$475
Weapon	\$285

Source: Wheaton Police Department

FINANCE 1-21

**Criminal fines used to support police training in Illinois have risen steadily in recent years.**

Fines collected, constant 1988 dollars (millions)



Source: Office of the Illinois Comptroller

**HOW IS THE TRAINING OF LAW ENFORCEMENT PERSONNEL IN ILLINOIS FINANCED?**

A major expense for law enforcement agencies in Illinois is the cost of officer training, some of which is mandatory under state law. For example, the Police Training Act requires all full-time law enforcement officers in the state to complete a basic 400-hour law enforcement training course.<sup>60</sup> In addition, officers must successfully complete a 40-hour firearms training course to possess and use a firearm in connection with their official duties.<sup>61</sup> Individual law enforcement agencies are initially responsible for the expenses incurred for training their officers. But these departments are reimbursed for a portion of their training expenses by a state agency called the Illinois Local Governmental Law Enforcement Officers Training Board (also known as the Police Training Board, or PTB).

PTB is funded largely from surcharges imposed on certain criminal and traffic fines. These surcharges are actually mandatory financial penalties that have been assessed since 1982 on violators of selected criminal and traffic laws, at a rate of 10 percent of the regular fine these offenders receive. The office of the clerk of the Circuit court where the con-

viction occurred assesses and collects the surcharge, keeps 2 percent to cover its own administrative expenses, and remits the remaining 98 percent to the state treasurer for deposit in the Traffic and Criminal Conviction Surcharge Fund. In state fiscal year 1988, PTB received nearly \$7.4 million—a record amount—from this surcharge, 45 percent of it from Cook and the other collar counties (FINANCE 1-21).<sup>62</sup> Almost all of PTB's annual budget (97.5 percent in fiscal 1988) now comes from the Traffic and Criminal Conviction Surcharge Fund, with the remainder coming from federal grants for specific training purposes.<sup>63</sup>

In addition to covering the internal operations of its agency and various grants to other law enforcement agencies, PTB's budget is used to reimburse county, municipal, and other law enforcement agencies (such as university, railroad, and hospital police) for the expenses of an officer or staff member who is being trained. These reimbursements may include the cost of tuition at training schools certified by PTB, the salaries of the trainees while they are in training, and the necessary travel and room and board expenses for each trainee. Local agencies are reimbursed at a rate of 50 percent of eligible expenses.<sup>64</sup>

While these reimbursements represent an expenditure for the state, they can also be considered a transfer payment to local agencies, and therefore a source of revenue for counties and municipalities. There is a circular flow of money here, from the counties that originally collect the traffic and criminal conviction surcharge, to the state treasury, to PTB, and then back to the local units of government that participate in law enforcement training programs.

Some law enforcement agencies, however, do not participate in PTB-supported training beyond the required courses. Even though PTB's reimbursement reduces the amount of money that county and municipal law enforcement agencies must pay for training, many small departments cannot afford to give up one or more of their officers for more than a week of additional training. Because of heavy public demands and a lack of manpower, many police departments simply do not have the time to provide necessary training above the minimum that is required.<sup>65</sup>

**HOW MUCH MONEY DOES PTB PROVIDE LOCAL AGENCIES FOR TRAINING?**

Two types of local officer training are re-

**The vast majority of state funds for law enforcement training go to municipal police departments.**

Fiscal Year 1988	Number of individual courses completed	Amount of reimbursement	Percent of total
Municipalities	2,878	\$3,621,458	73.9
County-law enforcement	310	518,806	10.6
County-correctional	465	555,189	1.3
Colleges and universities	54	2,691	1.5
Park districts	45	104,423	2.1
Miscellaneous	22	26,250	0.5
<b>Total</b>	<b>3,774</b>	<b>\$4,898,817</b>	

Fiscal Year 1987	Number of individual courses completed	Amount of reimbursement	Percent of total
Municipalities	4,010	\$4,545,954	86.8
County-law enforcement	251	245,165	4.7
County-correctional	294	324,395	6.2
Colleges and universities	63	47,682	0.9
Miscellaneous	69	75,519	1.4
<b>Total</b>	<b>4,687</b>	<b>\$5,238,715</b>	

Note: The fiscal 1988 total includes a \$44,000 grant for the DARE drug abuse education program. Also, see notes 66 and 67. Percentages may not add up to 100 because of rounding.

Source: Illinois Local Governmental Law Enforcement Officers Training Board

imbursable by the Police Training Board: (1) basic training, which is mandatory under the Police Training Act and (2) in-service training that is not mandatory but is still recognized by PTB as job-related professional development. Mandatory training is given priority for repayment, while other training is reimbursed if funds are still available after payments for mandatory training have been made.

In state fiscal year 1988, PTB provided local agencies with nearly \$4.9 million specifically for law enforcement training, down from approximately \$5.2 million in 1987 (FINANCE 1-22).<sup>66</sup> In both years, the vast majority of these funds went to municipal law enforcement agencies. The next largest amount (22 percent in 1988, 11 percent in 1987) went to county sheriffs' departments for training of both sheriffs' police and correctional officers. The remaining PTB grants to local agencies went to university, hospital, and park district police departments.<sup>67</sup>

In addition to reimbursing local law enforcement agencies for training, PTB also funds 16 mobile regional training units throughout the state. These units were established in 1982 to provide in-service training in different regions of Illinois. In state fiscal year 1988, regional training units received approximately \$1.5 million from PTB, bringing the agency's total awards for the year (local agency reimbursements plus regional training units) to \$6.4 million

The amount of money distributed by PTB for law enforcement training has fluctuated over the years with changes in the sources of those funds. When adjusted for inflation, the amount declined between fiscal years 1972 and 1982. From 1972 to 1981, almost all of the reimbursements and distributions from PTB came from the state's General Revenue Fund. In 1982, the first year of the Traffic and Criminal Conviction Surcharge Fund, PTB reimbursements and grants totaled about \$2.8 million (in constant 1988 dol-

lars). They increased to nearly \$4.6 million in 1983, and to more than \$6.5 million in 1988. The Traffic and Criminal Conviction Surcharge Fund now supports all PTB reimbursements to law enforcement agencies.

**WHAT OTHER FINANCIAL SUPPORT DOES THE STATE PROVIDE TO LOCAL LAW ENFORCEMENT AGENCIES?**

The Illinois State Police assists county and municipal law enforcement agencies with a variety of activities that most local agencies cannot do (or cannot afford to do) themselves, including crime lab services, complicated criminal investigations, and investigations of wrongdoing by public officials, to name a few. ISP also provides some agencies with funds to carry out specific law enforcement services, including multi-jurisdictional drug enforcement and the I-SEARCH missing persons program. Although the grants and awards under these and other programs are considered expenditures by ISP, they are actually transfers to the local agencies participating in these activities.

Metropolitan enforcement groups (or MEGs) are created by units of local government—municipalities and counties—that band together under the auspices of ISP to combat drug trafficking and abuse across jurisdictional boundaries. At least 50 percent of the total operating budget of each MEG unit must come from the participating units of local government, with the remainder coming from the state. ISP contributes to the operations of MEG units through grants from the state's General Revenue Fund and, since 1984, from the Drug Traffic Prevention Fund, which contains proceeds resulting from fines levied against certain drug offenders. The percentage of total MEG grants supported by the Drug Traffic Prevention Fund increased from less than 5 percent in state fiscal year 1984 to more than 19 percent in fiscal 1988. The total amount of ISP grants to the MEGs in 1988 was slightly less than \$900,000. In constant 1988 dollars, this amount is half the \$1.9 million distributed in 1980.

For the I-SEARCH program, the state spent more than \$15.2 million between

fiscal years 1985 and 1988. Approximately two-thirds of that money was spent directly by ISP for investigative services, operation of the state's Missing Children Clearinghouse, and intelligence-gathering activities, with the remaining one-third transferred to local law enforcement agencies participating in the I-SEARCH program. In fiscal 1988, overall spending on I-SEARCH declined 35 percent, with ISP grants to local agencies falling off by 65 percent.

## The Data

A variety of data sources, covering the different levels of government and the different agencies involved in law enforcement in Illinois, were used in this section.

Police expenditure data for municipalities outside Chicago were obtained from the *Statewide Summary of Municipal Finance in Illinois*, published by the Office of the Illinois Comptroller. Because of a change in how financial data were reported in this annual publication, municipal police expenditures for 1987 and 1988 were estimated from figures reported by the comptroller's office. Chicago Police Department expenditures were taken from the *Comprehensive Annual Financial Reports for the City of Chicago*, published by the Chicago Department of Finance.

Data on county expenditures for "public safety" outside Cook County were obtained from the Office of the Illinois Comptroller's *Statewide Summary of County Finance in Illinois* for the fiscal years 1974 through 1979. Data from 1980 through 1988 were obtained from computer-generated reports from the comptroller's office similar to those published in the 1970s. In each of these counties, public safety expenditures include those of the sheriff's, coroner's, animal control, and civil defense departments. Most counties separate spending on the county jail from spending for other sheriff's department functions, although for some counties, expenditures for public safety may include correctional expenditures as well.

Information about the revenues generated by county sheriffs' departments outside Cook County was also obtained from the comptroller's office *Statewide Summary of County Finance*.

Cook County expenditure and revenue data were obtained from the annual reports of the Office of the Cook County Comptroller. These Cook County data are more detailed than the information the Illinois comptroller's office reports about other counties in the state. For example, expenditure data specifically for the Cook County sheriff's police were examined separately from spending for all other public safety agencies and the county jail.

Expenditure data for the Illinois State Police were obtained from the *Illinois Detailed Annual Reports*, published by the state comptroller's office.

Law enforcement employment information was obtained from two primary sources: (1) the Census of Local Law Enforcement Personnel, conducted by the Illinois Local Governmental Law Enforcement Officers Training Board; and (2) *Crime in Illinois*, published annually by the Illinois State Police. The Police Training Board also provided grant and award figures. In addition, detailed employment data for Chicago were provided by the Chicago Police Department.

Salary information for municipal police officers came primarily from annual compensation surveys conducted by the Illinois Municipal League. A survey by the DuPage County Chiefs of Police Association provided salary information about both municipal police officers and county sheriff's deputies in DuPage County.

Expenditure data for the Police Training Board were obtained from the *Illinois Detailed Annual Reports*, published by the state comptroller's office. Data on the money distributed to local law enforcement agencies for training were obtained directly from PTB to get the level of detail needed.

## Notes

<sup>1</sup> Various federal agencies also provide law enforcement services in Illinois. But because these activities are funded by the federal government, and not directly and exclusively by Illinois sources, federal law enforcement financing is not examined in this section.

<sup>2</sup> Although other state agencies, including the Secretary of State's Office, the Department of Conservation, and the Department of Central Management Services, provide some law enforcement services, only the Illinois State Police, as the largest state-level law enforcement agency, is examined in this section.

<sup>3</sup> Supplement to *Chicago Comprehensive Annual Report, 1987*, (Chicago: City of Chicago, Department of Finance), p. 100.

<sup>4</sup> State fiscal years run from July 1 through June 30 (fiscal 1988, for example, began July 1, 1987, and ended June 30, 1988).

<sup>5</sup> The \$5 fee the state receives following the issuance or renewal of a FOID Card is divided as follows: \$3 is deposited in the state's Wildlife and Fish Fund, \$1 is deposited in the General Revenue Fund, and \$1 is deposited in the Firearm Owner's Notification Fund. Any excess money in the Firearm Owner's Notification Fund is used to ensure the prompt and efficient processing of FOID Card applications. Ill.Rev.Stat., ch. 38, par. 83-5.

<sup>6</sup> Ill.Rev.Stat., ch. 53, par. 37.

<sup>7</sup> John Wade and Stan Cunningham, *Developing Alternatives to the Crisis in Rural Law Enforcement* (Macomb, Ill.: Western Illinois University, 1989).

<sup>8</sup> The collar counties here refer to DuPage, Kane, Lake, McHenry, and Will. The other large counties are Champaign, Macon, McLean, Peoria, Rock Island, Sangamon, St. Clair, Madison, and Winnebago. A large county has either one city with a population of more than 50,000 or two cities with populations of more than 25,000.

<sup>9</sup> The towed vehicles were either abandoned, stolen, the property of a prisoner,

involved in an accident, or a traffic hazard.

<sup>10</sup> *Annual Report 1988* (Chicago: Chicago Police Department, 1989).

<sup>11</sup> Ill.Rev.Stat., ch. 56 1/2, par. 1100-1413; Ill.Rev.Stat., ch. 56 1/2, par. 701-719; Ill.Rev.Stat., ch. 56 1/2, par. 1651-1660. The formulas used to distribute fines collected under these three drug laws are extensive, and the exact manner in which the money is distributed depends largely on the circumstances of each individual case. See the relevant sections of these three statutes for details.

<sup>12</sup> *1988 Draft Annual Report to the Illinois Supreme Court* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1988).

<sup>13</sup> In 1987 and 1988, no federal revenue-sharing funds were received by Illinois counties. It is possible that some funds received in 1986 were actually expended in later years, but exact expenditure data was not available. It was impossible to extract from Cook County financial reports the amount of federal revenue sharing money spent by the sheriff's department, so Cook County data are not analyzed here.

<sup>14</sup> CETA (Comprehensive Employment and Training Act) money paid for police training and internship positions. HUD (Housing and Urban Development) money paid for security at the Chicago Housing Authority, staff for a special teen gang unit, civilian transit aides on the Chicago Transit Authority, and some Beat Representative staff. Beat representatives, who were funded through a federal grant from the Illinois Law Enforcement Commission as well, worked in neighborhood-based community policing programs.

<sup>15</sup> *1974 Annual Report* (Chicago: Illinois Law Enforcement Commission, 1974). *1975 Action Plan* (Chicago: Illinois Law Enforcement Commission, 1975).

<sup>16</sup> *A Decade of Change: The Criminal Justice System in Illinois, 1969-1979*

(Chicago: Illinois Law Enforcement Commission, 1980), p. 6.

<sup>17</sup> Federal fiscal years run from October 1 through September 30 (for example, fiscal 1990 began October 1, 1989, and ends September 30, 1990).

<sup>18</sup> For more information on federal assistance programs in Illinois, see *Working for the Criminal Justice System in Illinois, Biennial Report for the Fiscal Years 1988 and 1989*, (Chicago: Illinois Criminal Justice Information Authority, 1989).

<sup>19</sup> Three notes about law enforcement expenditure data: (1) Because of a change in how municipal expenditures were reported by the Office of Illinois Comptroller, 1987 and 1988 police expenditures for municipalities outside Chicago were estimated from figures reported by the comptroller's office in its *Statewide Summary of Municipal Finance in Illinois*; (2) County expenditures are for "public safety" activities, as reported by the Illinois comptroller's office. These totals include spending for both law enforcement and other activities by the sheriffs' departments, as well as the operations of the coroners', animal control, and civil defense departments. For some counties, public safety expenditures may include jail expenditures as well, although counties are supposed to report these expenditures to the comptroller's office under a separate category. (3) The law enforcement activities of sheriffs' departments are generally directed to the unincorporated areas of a county or to municipalities that contract with the sheriff's office for police protection. In addition, the county sheriff performs some law enforcement functions for the county as a whole, such as serving warrants and subpoenas.

<sup>20</sup> For the Chicago Police Department, only expenditures from the city's General Revenue Fund are available; for other municipalities, the figures include expenditures from *all* public funds. Nevertheless, Chicago police expenditures from funds other than the General Revenue Fund make up a very small percentage of total police department expenditures, and do not affect the overall trend.

<sup>21</sup> Because population data are not available, per-capita figures for municipal expenditures outside Chicago could not be calculated.

<sup>22</sup> County expenditures for public safety include sheriff's department spending on law enforcement and may include spending on corrections, as well as expenditures for selected other county departments. See note 19.

<sup>23</sup> "Urban" counties are those containing at least one city with a population of 50,000 or more.

<sup>24</sup> Total county populations were used as the denominator in the calculations of per-capita county spending on public safety.

<sup>25</sup> National spending figures come from the Law Enforcement Management and Administrative Statistics Survey, as reported in *Profile of State and Local Law Enforcement Agencies, 1987* (Washington, D.C.: Bureau of Justice Statistics, 1989). ISP spending figures come from *Illinois Detailed Annual Report 1987* (Springfield, Ill.: Office of the Illinois Comptroller, 1988).

<sup>26</sup> County expenditures for public safety include sheriff's department spending on both law enforcement and corrections, as well as expenditures for selected other county departments. See note 19.

<sup>27</sup> For this time period, expenditures from the Corporate Purposes Fund are the only reliable data for Cook County. Because these data are not comparable with data from other counties in the state, Cook County is excluded from the 1974-1988 calculations.

<sup>28</sup> Total sheriff's department expenditures are the sum of the direct expenditures from the county general revenue fund for the sheriff's police, the county jail, and the Sheriff's Department Merit Board.

<sup>29</sup> Total state expenditures were obtained from the *Illinois Comprehensive Financial Report* (Springfield, Ill.: Office of the Illinois Comptroller, 1989).

<sup>30</sup> Peter F. Nardulli and Jeffrey M. Stonecash, *The Demand for Police Serv-*

*ices: Final Report Submitted to the Illinois Law Enforcement Commission* (Chicago: Illinois Law Enforcement Commission, 1979).

<sup>31</sup> Michael G. Maxfield and Chris Sigman, *Indiana Police Task Analysis* (Indianapolis: Center for Criminal Justice Research and Information, 1989).

<sup>32</sup> Chicago Police Department Research and Development Division (personal communication, September 20, 1989); *Annual Report* (Chicago: Chicago Police Department, 1970-1988). Includes calls to 911 plus direct calls to the Detective Division.

<sup>33</sup> Chicago Police Department *Annual Report* (1970-1988).

<sup>34</sup> Preliminary analysis indicates a possible inconsistency between data prior to 1981 and data after that year. Figures for 1979 and 1980 are particularly questionable, and are therefore not included here. Figures for 1974 through 1977 appear, however, to be more reliable.

<sup>35</sup> Law Enforcement Management and Administrative Statistics Survey, 1987.

<sup>36</sup> *The Challenge of Crime in a Free Society* (Washington, D.C.: President's Commission on Law Enforcement and the Administration of Justice, 1967).

<sup>37</sup> *Crime in Illinois, 1988* (Springfield, Ill.: Illinois State Police, 1989).

<sup>38</sup> Census of Local Law Enforcement Personnel (Springfield, Ill.: Illinois Local Governmental Law Enforcement Officers Training Board, 1988). The calculations in FINANCE 1-16 are based on the number of full-time law enforcement officers in each county's sheriff's department, plus the number of full-time officers employed by the municipalities within that county. State police officers are not included because their enforcement activities typically cross county boundaries.

<sup>39</sup> Brian A. Reaves, *Police Departments in Large Cities, 1987* (Washington, D.C.: Bureau of Justice Statistics, 1989).

<sup>40</sup> *Crime in Illinois, 1988*.

<sup>41</sup> Chicago Police Department, Research and Development Division.

<sup>42</sup> The Chicago Police Department does not employ part-time police officers. The department does have a student internship program that is part-time, but it accounts for only a very small percentage of civilian staff.

<sup>43</sup> The total "Other civilian employees" includes a varying number of federally funded civilian employees who worked mostly in community relations programs.

<sup>44</sup> *Resource Allocation to Meet Changing Seasonal Demand Patterns in the Chicago Police Department* (Chicago: Chicago Police Department, Research and Development Division, 1989). These calculations are based on July 1 figures.

<sup>45</sup> These figures are based on data from the Illinois State Police's 1988 *Crime in Illinois* report. Data collected by the Police Training Board also indicate that the number of full-time sworn police officers in Illinois sheriffs' departments increased between 1985 (2,476) and 1988 (2,736). PTB data are not available for every year, however.

<sup>46</sup> *Sheriff's Department Patrol and Incident Report* (Wheaton, Ill.: DuPage County Department of Planning, 1987).

<sup>47</sup> Census of Local Law Enforcement Personnel, 1988.

<sup>48</sup> ISP figures come from *Crime in Illinois, 1987*. National figures come from the Law Enforcement Management and Administrative Statistics Survey, 1987.

<sup>49</sup> *Report to the Nation on Crime and Justice*, 2nd. ed. (Washington, D.C.: Bureau of Justice Statistics, 1988).

<sup>50</sup> ISP Sworn Salary Schedule, provided by ISP Government Affairs Office.

<sup>51</sup> Ill.Rev.Stat, ch. 53, par. 37a.05.

<sup>52</sup> Barbara Page Fiske (ed.), *Key to Government in Chicago and Cook County* (Chicago: University of Chicago Press, 1989), p. 179.

<sup>53</sup> Because the salaries of sheriffs' deputies vary by county and there is no central source for collecting this salary information, it is difficult to estimate the average salary of sheriffs' deputies in Illinois.

<sup>54</sup> Annual Salary Survey, DuPage County Chiefs of Police Association, 1987.

<sup>55</sup> DuPage County Annual Salary Survey, 1987.

<sup>56</sup> 1986 Salary Survey, Illinois Municipal League. The response rate to this special survey of municipalities with populations under 5,000 was 52 percent. Note that the numbers reported in the survey are not strictly entry-level salaries, but the salaries of officers with all experience levels. Some municipalities reported an average of all salaries, while others reported a range of salaries. In municipalities reporting a range, the top level is included in this analysis.

<sup>57</sup> 1986 Municipal Compensation Survey, Illinois Municipal League. This annual survey covers municipalities with 5,000 to 10,000 people and those with more than 10,000 people.

<sup>58</sup> *1988 Annual Report* (Chicago: Chicago Police Department, 1989).

<sup>59</sup> John E. Zaruba, Thomas Janaes, and Thomas Duhig Sr., *DuPage County Sheriff's Department Optimum Resource Management Plan* (Wheaton, Ill.: DuPage County Sheriff's Department, 1987). Nationally, in cities of 250,000 or more, police departments have an average of 42 squad cars per 100 officers. (Reaves, 1989, p. 3.)

<sup>60</sup> Ill.Rev.Stat., ch. 85, par. 501 et seq. On the average, large cities in the United States require an average of 674 class hours and 412 field hours of training for new officers. (Reaves, 1989, p. 6.)

<sup>61</sup> Ill.Rev.Stat., ch. 85, par. 516.

<sup>62</sup> Figures provided by the Police Training Board, July 21, 1989.

<sup>63</sup> The traffic and criminal conviction surcharge has been in place only since 1982. Before then, PTB was funded largely from the state General Revenue fund.

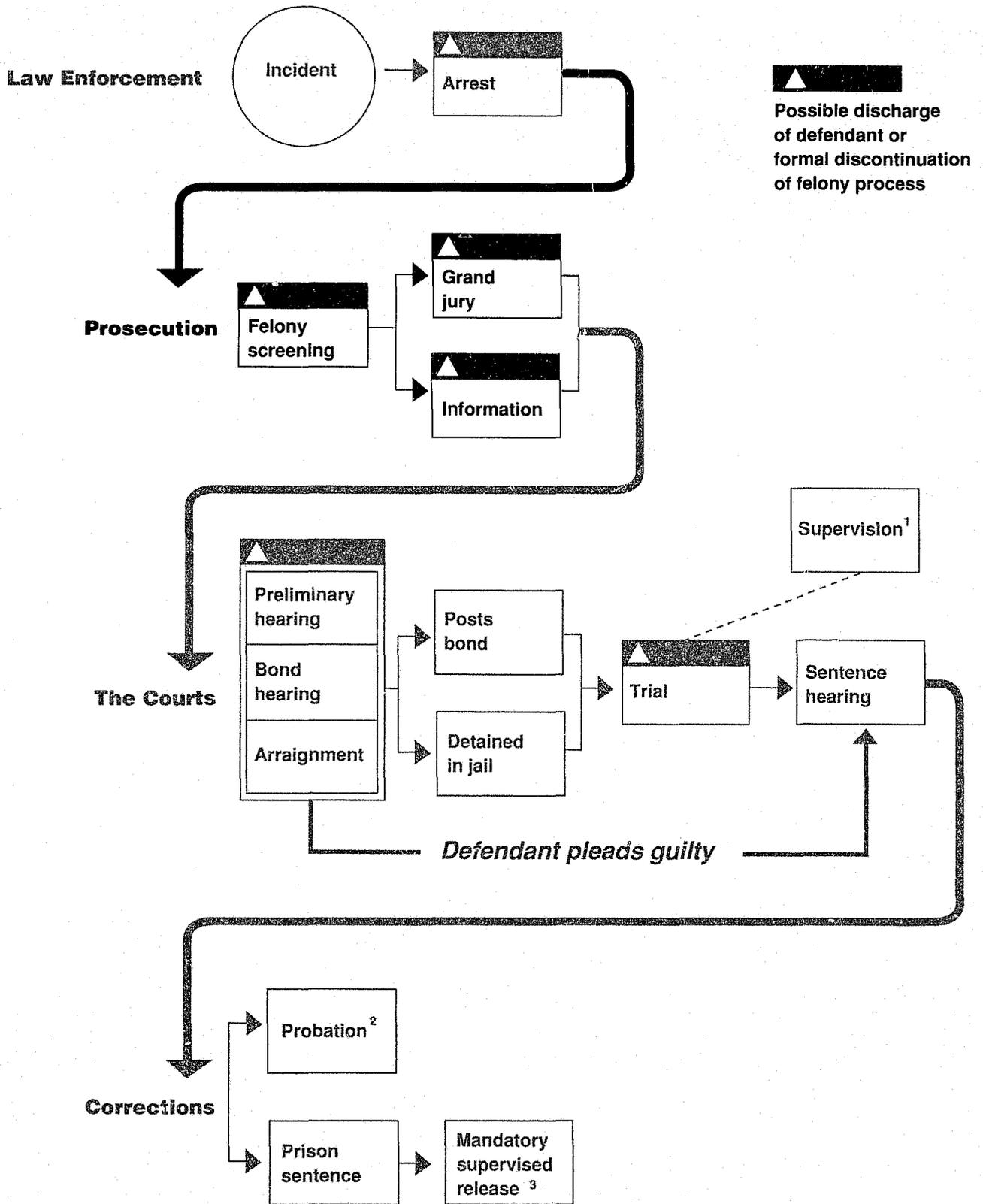
<sup>64</sup> Ill.Rev.Stat., ch. 85, par. 509.

<sup>65</sup> Gerald, W. Konkler, "In Service Training in Economically Distressed Times," *FBI Law Enforcement Bulletin* (November 1988), p. 1.

<sup>66</sup> In fiscal year 1987, law enforcement training exceeded budgeted levels by a considerable margin. Therefore, PTB was unable to reimburse training costs at the customary 50 percent. As required by statute, basic law enforcement and correctional training must be reimbursed before any funds can be provided to reimburse in-service, advanced, or specialized training (non-basic training). For fiscal 1987, basic training was reimbursed at 46.2 percent, and no reimbursement was made for non-basic training.

<sup>67</sup> The Miscellaneous category in FINANCE 1-22 includes the Cook County and Oak Forest hospitals, Peoria Public School District, Rockford Metro Center, and the Rockford Airport Authority.

# An Overview of Felony Processing in Illinois



<sup>1</sup> After successful completion of court supervision, charges may be dismissed

<sup>2</sup> Or other form of court supervision, such as conditional discharge

<sup>3</sup> Or other conditional release from prison

# PROSECUTION AND PUBLIC DEFENSE

## Overview

The American legal process is an adversarial system in which the parties on opposing sides of a conflict are represented by legal counsel. In criminal legal proceedings, prosecutors represent the state on behalf of complainants, and defense attorneys represent those who have been accused of committing crimes. This chapter covers prosecution and an important aspect of criminal defense, public defense, in Illinois.

### WHO PERFORMS PROSECUTORIAL DUTIES IN ILLINOIS?

After a suspected offender has been identified and arrested, or after a complaint has been filed, the prosecutor evaluates the case, files formal charges in court, and handles the case through trial and possible appeals. In Illinois, several public officials perform prosecutorial duties on behalf of the state:

- State's attorneys are the most visible criminal prosecutors in Illinois. Each of the state's 102 counties is served by a state's attorney, who is elected by the people of that county to a four-year term. State's attorneys are the highest-ranking law enforcement officers in their respective counties, and on behalf of the state, they commence and carry out nearly all criminal proceedings in the counties. By far, most prosecutorial duties in Illinois are performed locally by state's attorneys.
- The Illinois attorney general, as the state's chief legal officer, also holds prosecutorial powers. An elected official who is chosen in a statewide election every

four years, the attorney general represents the state in criminal appeals before both the Illinois Supreme Court and the U.S. Supreme Court. The attorney general also initiates criminal prosecutions for violations of Illinois' anti-pollution laws, and advises and assists state's attorneys in criminal matters when requested or when, in the attorney general's judgment, the interests of the state require such assistance.<sup>1</sup>

- The Office of the State's Attorneys Appellate Prosecutor assists state's attorneys' offices with criminal appeals, although individual state's attorneys are ultimately responsible for appeals originating in their counties.<sup>2</sup> The Illinois General Assembly created this office in 1977 to coordinate and expedite criminal appeals on behalf of state's attorneys, thereby enabling them to devote more of their resources to trial litigation. In addition to its primary duties of preparing, filing, and arguing criminal appeals, the appellate prosecutor's office provides state's attorneys with many investigative and educational services as well. In 1988, for example, the office created a special unit to assist county prosecutors with complex drug cases and asset forfeiture proceedings.

In addition to these state officials, there are three U.S. attorneys who represent the federal government in federal criminal proceedings occurring in Illinois. One U.S. attorney is appointed to each of the three federal judicial districts in the state: the Northern District, headquartered in Chicago; the Central District, in Springfield;

and the Southern District, in East St. Louis. U.S. attorneys are nominated by the President, and confirmed by the U.S. Senate, to four-year terms. The U.S. attorney general supervises the U.S. attorneys regarding which cases to accept for prosecution.

The U.S. attorneys' offices are responsible for most of the prosecutions and much of the other litigation involving the federal government before the U.S. District Court. As federal prosecutors, U.S. attorneys handle matters under federal jurisdiction—crimes that occur on federal property or that affect interstate commerce, interstate crimes such as drug trafficking, and criminal offenses related to national security.

Some crimes, such as serious drug offenses, may fall under the dual jurisdiction of state and federal prosecutors. Although both state and federal agencies may be involved in investigating these types of cases, only one of them—either state or federal prosecutors—will normally prosecute an individual for a particular incident, unless there are distinct charges that can be tried under different jurisdictions.

### **HOW ARE STATE'S ATTORNEYS' OFFICES ORGANIZED AND STAFFED?**

Although other prosecutorial agencies at both the state and federal levels play important roles in Illinois' criminal justice system, the clear majority of criminal prosecutions in the state are initiated and pursued by county state's attorneys. The size and the complexity of state's attorneys' offices vary considerably, and reflect the needs and available resources of different counties. In large or densely populated counties, the state's attorney's office usually includes both the elected state's attorney and a staff of assistant prosecutors, investigators, and support personnel. In small or less densely populated counties, the state's attorney often performs all prosecutorial functions, with little or no assistance.

As of July 1989, the 102 state's attorneys' offices in Illinois employed 1,085 full-time assistant state's attorneys; 63 percent of them worked in Cook County. Forty counties employed no full-time assistant state's attorneys (Figure 2-1). Twenty-five other counties employed only one full-time assistant prosecutor. Twenty-five counties also employed part-time assistant state's attorneys.<sup>3</sup>

### **WHAT ARE THE BASIC FUNCTIONS OF STATE'S ATTORNEYS?**

State's attorneys in Illinois have wide discretion to establish policies and procedures that best serve the needs of their counties using available resources. In addition, county prosecutors exercise discretion with regard to

individual cases presented to them. Decisions to seek indictments, to file or not to file charges, or to reduce or drop charges altogether are examples of where discretion plays a large role in the prosecutor's function.

Still, all state's attorneys perform the same basic functions in criminal cases: initial screening of charges, investigating and preparing cases, filing formal charges in court, coordinating the roles of victims and witnesses, negotiating pleas, participating in jury selection, administering pretrial and trial procedures, and making sentencing recommendations. State's attorneys and their assistants may also handle criminal appeals.

### **HOW ARE CRIMINAL PROSECUTIONS INITIATED?**

Charging a suspect with a crime in Illinois is usually done in one of two ways. After an investigation and arrest, local law enforcement authorities—either a police or sheriff's department—may file criminal charges against the suspect directly with the court. Or, in most large jurisdictions, including Cook County, police refer almost all serious, or felony, charges to the state's attorney for review or screening.<sup>4</sup> During this initial screening process, the state's attorney determines whether the case merits prosecution, and if so, what specific charges to file with the court. Jurisdictions that do not screen out cases at this early stage, but instead accept most arrests for prosecution, tend to have higher dismissal rates later in the criminal justice process.<sup>5</sup>

Several details must be examined during felony screening—the elements of the offense, available police reports, physical evidence that has been gathered, probable witness testimony, and records of the suspect's sworn statements—to determine what prosecutorial action, if any, should be taken. At this point in the process, the state's attorney must decide whether to approve, modify, or drop the booking charges, add charges to those indicated by the police, or request that further investigation be conducted prior to a final decision on charging the suspect.

State's attorneys may reject a case at the initial review stage for several reasons, among them:

- Failure to locate key witnesses
- Reluctance of victims or witnesses to testify
- Lack of physical evidence or eyewitness information linking the suspect to the crime
- Delay in processing physical evidence that has been gathered
- Violation of the suspect's constitutional rights



In addition to problems with evidence and witnesses, the policies of individual state's attorneys and the resource constraints of individual counties can affect the decision of whether or not to prosecute a case. Some prosecutors, for example, may give higher priority to crimes that present special problems in their counties.

### **HOW ARE CHARGES FILED WITH THE COURT?**

After screening a case and deciding it warrants further action, the state's attorney must file formal charges in court. Under Illinois law, a criminal prosecution may be initiated in one of three ways—by indictment, by information, or by complaint—or through a combination of the three. Illinois is one of 25 states where a grand jury indictment is optional to commence a prosecution.<sup>6</sup>

Here are brief explanations of the three methods of filing charges in court:

■ **Indictment.** This is a written statement presented by a grand jury to the court, which charges the commission of an offense.<sup>7</sup> The grand jury determines whether there is probable cause—that is, reasonable grounds to believe that a particular person has committed a specific crime—to warrant a trial. Although most cases are presented to the grand jury by the state's attorney, the grand jury has independent investigative powers. State's attorneys usually issue subpoenas in the name of the grand jury for witnesses to appear, but the grand jury may subpoena witnesses on its own.

With certain complex cases (for example, murder, white-collar crime, and official misconduct cases), state's attorneys may prefer grand jury indictments rather than preliminary hearings to establish probable cause. Also, state's attorneys often seek indictments when the secrecy of the proceedings is important, for example, in narcotics cases to protect the identities of undercover officers and informants and in cases involving a suspect who might flee if faced with a possible criminal charge. At the direction of the court, a Bill of Indictment may be kept secret, except for the issuance and execution of a warrant against the person being indicted.<sup>8</sup>

Grand juries in Illinois consist of 16 jurors. Persons chosen to serve on a grand jury must be U.S. citizens and must be legal voters in the county that the court serves. A quorum of at least 12 jurors must be present for the grand jury to conduct any business, and at least nine votes are needed to indict.<sup>9</sup> The number of grand juries allowed to sit at one time and the amount of time each grand jury serves depends on the county's population. In all counties, however, no grand jury may serve for more than 18 months.<sup>10</sup>

■ **Information.** This is a sworn, written statement, signed by a state's attorney and presented to the court, which charges the commission of an offense.<sup>11</sup> An information must be signed by the state's attorney and sworn by the state's attorney or another person, such as the arresting officer. Any prosecution initiated by an information must include a preliminary hearing to establish probable cause that the suspect committed the crime, unless the hearing is waived by the defendant.<sup>12</sup>

■ **Complaint.** This is a sworn, written statement other than an information or indictment, presented to the court, which charges the commission of an offense.<sup>13</sup> A complaint must be sworn to and signed by the complainant, usually the victim or another citizen witness.

Although state's attorneys have some flexibility in deciding the method to use in initiating a prosecution, there are certain statutory requirements for filing charges. For example, all felony prosecutions must be initiated by an indictment or an information; all other cases may be commenced by either of these two or by a complaint.<sup>14</sup> It is extremely rare, however, for a misdemeanor prosecution to be initiated by an indictment.

### **HOW ARE CRIMINAL CASES DISPOSED OF IN ILLINOIS?**

Although state's attorneys are usually associated with trial work, most criminal cases are disposed of by other means before they ever reach trial. There are a variety of possible dispositions in criminal cases, including the following:

■ **No probable cause at preliminary hearing; no true bill returned.** In felony cases, probable cause is established either by the court at the preliminary hearing or by a grand jury prior to the initiation of trial proceedings. If no probable cause is found by the court, the case is dismissed and the defendant exits the criminal justice system at a relatively early stage.<sup>15</sup> In instances where the prosecutor attempts to obtain an indictment, a grand jury may reject prosecution of the case by returning a *no true bill* on all charges against the defendant.

■ **State motion to dismiss.** The state can move to dismiss charges under a variety of circumstances; these dispositions may be final, interim, or administrative in nature. Although it is the state's attorney who makes the motion for dismissal, the decision to grant the motion is an official action of the court.

Two common types of state motions to dismiss are the *nolle prosequi* and the *SOL* (stricken off the

record with leave to reinstate). The *nolle prosequi*, the more common of the two, is a formal entry on the court record that indicates the prosecutor will not pursue the action against the defendant. In felony cases, it may be used any time between the filing of the case and the judgment, although it often occurs during the preliminary hearing. The SOL dismissal, which is used in some jurisdictions, including Cook County, allows the prosecutor to dismiss the charges for the time being, but to resume criminal proceedings in the case at a later date.

There are several reasons a prosecutor may request dismissal of a case after charges have been filed:

1. **Plea bargaining arrangements.** When a single defendant is facing multiple charges, a guilty plea on one charge is sometimes exchanged for dismissal or reduction in seriousness of the other charges. In Illinois, the plea bargaining process is initiated either by the defense attorney or by the prosecuting attorney. Once a plea has been negotiated, the trial judge may accept or reject it. In a study of 16 jurisdictions, accepting pleas on other charges was the most frequently cited reason, among eight common reasons, for dismissals.<sup>16</sup>
2. **Lack of evidence linking the defendant to the crime.** In the same study, insufficient evidence was the second most common reason for dismissing charges.
3. **Victims or witnesses who cannot be located, are reluctant to testify against the defendant, or whose testimony is vague or contradictory.**
4. **Violation of the defendant's constitutional rights.**
5. **Referral to other jurisdictions with pending cases against the defendant.**
6. **Administrative procedures.** In certain jurisdictions, including Cook County, a grand jury indictment may supercede an information that has already been filed. In these instances, the information is technically "dismissed" (as a purely administrative procedure), and the indictment is then used as the charging document.
7. **Pretrial diversion.** Sometimes the prosecutor and the court may agree to drop criminal charges under the condition that the defendant successfully complete a pretrial diversion program. A pretrial diversion program can take various forms. In a drug case, for example, further criminal proceedings may be deferred in exchange for a plea of guilty or a stipulation to the facts in the case, if the defendant agrees

to participate in a drug treatment program. The defendant is given a sentence of probation. If the defendant fulfills the terms of probation, the court will discharge the person and dismiss the proceedings. If the conditions of probation are violated, however, the original case can be reinstated and criminal proceedings commenced.<sup>17</sup>

**8. Referral to mediation.** In certain jurisdictions, including several misdemeanor branch courts in Cook County, judges may refer some types of relatively minor criminal offenses—criminal damage to property, minor assaults, landlord-tenant problems—to a mediator. Unlike an arbitrator in a civil case, a mediator does not have the authority to make legally binding decisions, but rather facilitates the negotiation process.<sup>18</sup> In these instances, the court usually continues the criminal case, pending mediation. If mediation is successful, the complainant may return to the court and ask the state's attorney to move for a dismissal. In 1988, Neighborhood Justice of Chicago, a non-profit mediation agency, handled 691 cases, nearly double the previous year's number, with 120 voluntary mediators having professional backgrounds in law, social work, business, and education.

- **Defense motions.** In very rare circumstances, the court may dispose of a case by granting a motion of the defense. For example, the court may grant a defense motion to suppress, if certain evidence was obtained in violation of the defendant's rights, or a defense motion to quash, if there is a technical defect in the charging document. Other types of dispositions that result from defense motions include a motion to transfer, in which a defendant who has a case pending in another jurisdiction successfully moves to have the current case transferred to that county, and a motion to place the defendant under supervision for treatment of drug addiction. If the court grants a defense motion for supervision, adjudication is suspended, provided that the defendant successfully follows the court-ordered conditions of supervision.
- **Defendant failure to appear.** Some judicial circuits in Illinois have created *warrant calendars* to eliminate from their active court calendars those cases in which defendants have failed to appear in court and have forfeited their bond or in which fugitive warrants have lapsed after a specified period of time. Such cases may be reinstated if the defendant is subsequently apprehended.<sup>19</sup>

Illinois is one of only a few states that actively prosecute bail violations and impose stiff penalties upon

conviction. Under state law, any defendant who fails to appear in court may be prosecuted not only for the original charge but also for the next-lower class of felony or misdemeanor related to the original charge.<sup>20</sup> In addition, any sentence for bail violations must be served consecutively to the sentence for the original charge.

- **Guilty plea.** If probable cause is established, the defendant is required to enter a plea—usually either guilty or not guilty—to the charges.<sup>21</sup> This typically occurs at arraignment or whenever the court accepts the defendant's plea.<sup>22</sup> Each defendant has the constitutional right to a trial by a jury of peers, yet far more defendants enter guilty pleas than request a jury trial or a bench trial (see Chapter 3).

Although the decision to plead guilty is ultimately the defendant's, several factors influence the guilty plea process. These include the severity of the charge and possible sentence, the quantity and quality of evidence linking the defendant to the crime, whether there are arguable issues of fact in the case, and the terms of any guilty plea negotiation. After pleading guilty, the defendant bypasses trial proceedings and is sentenced.

One common belief about guilty pleas is that they usually involve reduced charges against the defendant. Although there are no comprehensive data on this question in Illinois, a study of almost 7,500 felony cases disposed of during 1979 and 1980 in nine counties in three states (including approximately 3,000 cases in DuPage, Peoria, and St. Clair counties in Illinois) revealed that the primary, or most serious, charge was reduced during the guilty plea process in an average of only 15 percent of the cases studied.<sup>23</sup> More often, the *number* of charges was reduced, or one or more of the non-primary charges was reduced in seriousness.

- **Trial.** Since most criminal cases are disposed of during pretrial stages, relatively few defendants plead not guilty and then go to trial. As with guilty pleas, the decision to go to trial is ultimately that of the defendant. Nevertheless, state's attorneys, through their willingness to negotiate the conditions of defendants' pleas, can affect which cases do go to trial.

### **WHAT ARE THE ROLES OF VICTIMS AND WITNESSES DURING CRIMINAL PROSECUTIONS?**

The successful administration of justice depends largely on the cooperation of crime victims and witnesses. State's attorneys have historically assumed the task of

coordinating the roles of victims and witnesses in criminal cases, although the formality of their victim-witness programs varies from county to county.

To ensure that appropriate services are delivered to crime victims and witnesses, some state's attorneys in Illinois have hired special victim-witness coordinators. As of August 1989, 31 state's attorneys' offices had victim-witness coordinators on their staffs (see Figure 2-1). Some of the services provided by victim-witness programs include notifying victims and witnesses of court dates and the progress of their cases, accompanying them to court, explaining the court process, referring victims and witnesses to appropriate social service agencies, offering counseling, and interceding on behalf of victims and witnesses to ensure the cooperation of their employers.

### **WHAT IS PUBLIC DEFENSE?**

Just as prosecutors seek justice on behalf of the people of the state, defense attorneys do so on behalf of those accused of committing crimes. Defense attorneys serve as advocates for defendants throughout the criminal justice process.

The 6th and 14th amendments to the U.S. Constitution guarantee people accused of crimes the right to be assisted by counsel. Through a series of decisions over many years, the U.S. Supreme Court has expanded the scope of the right to defense. Today, it applies not only to actual trials, but also to all important stages of the criminal justice process, including interrogation by police, preliminary hearings, arraignments, and various post-trial procedures. Under Illinois law, anyone detained for any cause, whether or not the person is charged with an offense, has the right to consult with an attorney in private at the place of custody for a reasonable number of times, except in cases where there is imminent danger of the person escaping.<sup>24</sup>

In *Gideon v. Wainwright* (1963) and *Argersinger v. Hamlin* (1972), the U.S. Supreme Court held that the right to counsel applies to anyone accused of a crime for which a sentence of imprisonment may be imposed. These decisions mean that the right to an attorney cannot be denied a defendant who is unable to pay for legal counsel. For both felonies and misdemeanors that can result in a sentence of incarceration, the state must provide an attorney to indigent defendants.

### **HOW IS PUBLIC DEFENSE ORGANIZED IN ILLINOIS?**

In Illinois, public defense for indigent defendants is administered locally: public defenders are appointed by the Circuit Court judges in each county. They operate independent of any central administrative agency which,

in some states, coordinates all public defense. Indigent defendants in Illinois are assigned defense attorneys by the courts.<sup>25</sup> In most counties, the court assigns these cases to a public defender. In 1989, 94 of the state's 102 counties had public defenders, who are appointed by the judiciary of their respective counties and serve at the courts' pleasure.<sup>26</sup> In the state's other eight counties, the courts assign the defense of indigents to private attorneys on a case-by-case basis (Figure 2-2).

Like state's attorneys' offices, each public defender's office varies in size and complexity, and each reflects the needs and resources of its own county. In 53 counties, the appointed public defender is the only attorney in the public defender's office. In a number of these counties, the public defender works part time while maintaining a private law practice. In 41 counties, there are one or more assistant public defenders. In August 1989, there were approximately 633 assistant public defenders statewide. Two public defenders serve multiple counties. Brown, Cass, and Schuyler counties are served by a single public defender, as are Franklin and Hamilton counties. Edgar and Clark counties share a public defender and one assistant.

Large public defenders' offices differ in whether they use a vertical or horizontal strategy to represent clients. In vertical representation, one public defense attorney handles a case through all stages of litigation, from preliminary hearing to arraignment to trial to sentencing. In horizontal representation, the public defense attorney is assigned to a courtroom rather than to a case. Under this strategy, the defendant is represented by a different attorney at each stage of litigation. The Lake County Public Defender's Office provides vertical representation for all felony cases. The Cook County Public Defender's Office currently uses vertical representation for homicide and juvenile delinquency cases, and is working to implement a vertical strategy in all cases. Smaller offices with few or no assistant public defenders generally provide vertical representation unless the public defender withdraws or is removed from a case.

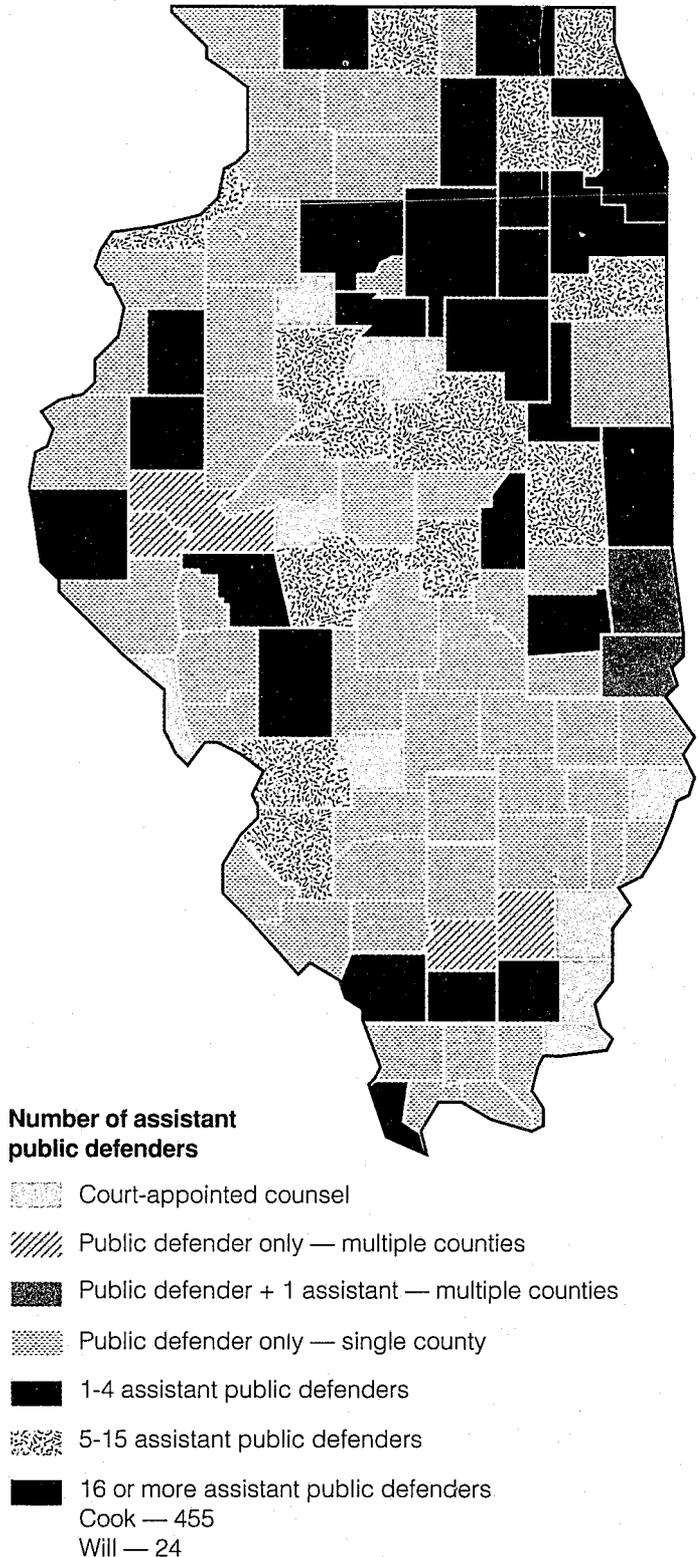
Vertical representation allows for continuity in defense since one attorney handles a client's case through all stages. But in small counties with disproportionately high indigent populations, this advantage may be lost to excessive workloads, particularly in offices with few or no assistant public defenders or paralegals.

### WHAT ARE THE BASIC FUNCTIONS OF PUBLIC DEFENDERS?

Public defenders are responsible for providing representation to indigent clients for Juvenile and Circuit court hearings; while they are in police custody (during line-ups and questioning, for example); and at post-conviction

Figure 2-2

**Ninety-four counties in Illinois have a public defender's office.**



Source: Illinois Public Defender Association Directory of Public Defenders (April 1, 1989) and Illinois Criminal Justice Information Authority survey

hearings, including appeals.<sup>27</sup> Although these responsibilities generally apply to public defenders throughout the state, the point at which public defenders enter criminal proceedings differs depending on the county and available resources.

Public defenders' offices in Illinois counties were originally authorized to provide legal counsel to indigent adult defendants charged with criminal offenses. Case law and later amendments to the authorizing legislation expanded the role of the public defender to provide counsel prior to arraignment, to the mentally disabled, in paternity cases, and in cases of juvenile delinquency, abuse, and neglect.<sup>28</sup>

Public defenders are customarily assigned to cases by the presiding judge after a bond hearing where the judge has established the defendant's indigency. Public defenders' offices in some counties, however, have established programs to get the public defender involved in a criminal case at the defendant's first court appearance, rather than waiting until the judge appoints a public defender.

For example, in 1987 the Lake County Public Defender's Office established the Bond Court Project. Public defenders are present at all bond hearings so that they are aware of indigent defendants in need of representation at this early pre-trial stage. Similarly, the Cook County Public Defender's Office has an Early Entry Unit that ensures that attorneys are present at all bond hearings to offer representation to indigent defendants. However, whether or not the public defender's appointment is actually made at bond hearings varies according to the policy of the presiding judge. Public defenders working in early representation projects report that judges are increasingly appointing them at the bond hearing, allowing for longer and more thorough preparation of the defendant's case. In addition, programs such as these address jail crowding by providing timely legal representation to an indigent defendant who may qualify for pre-trial release programs or lower bond amounts.

Other innovative programs have focused on improving the quality of defense for indigent defendants. The Cook County Public Defender's Office and the Lake County Public Defender's Office have established jail interview units that attempt to interview clients within 48 hours of the client's being remanded to jail at a bond hearing. In the past, clients might have been in jail awaiting trial for days and, in some cases, weeks before information was gathered for their defense. And since 1989, the Lake County Public Defender's Office's Computerized Management Information System has maintained automated information on clients of the Bond Court Project and Jail Interview Program.

## **HOW DOES PUBLIC DEFENSE WORK IN CRIMINAL APPEALS?**

The constitutional obligation of the state to provide defense services to indigents does not end with criminal trials: it extends to appeals as well. To meet this obligation, the Illinois General Assembly in 1972 created the Office of the State Appellate Defender.<sup>29</sup> This state agency represents indigent persons on appeal in criminal cases when appointed by the courts. In addition, the office provides investigative and educational services to public defenders throughout the state.

Under the direction of the state appellate defender, who is appointed to a four-year term by the Illinois Supreme Court, the office employs about 78 attorneys, plus support personnel. The agency provides services through five offices located in each of the state's judicial (appellate) districts.<sup>30</sup> The agency also maintains an Illinois Supreme Court Unit, which is primarily responsible for death penalty appeals. The Cook County Public Defender's Office has a separate appeals division. Appeals in Cook County may be filed by that division or by the Office of the State Appellate Defender.<sup>31</sup>

In 1989, legislation was passed in Illinois that expanded post-conviction counsel for defendants convicted of felonies and defendants sentenced to death:

- The state appellate defender's office or a county public defender will be appointed as counsel for indigent defendants convicted of felonies and indigent defendants sentenced to death who want to appeal their sentences.
- The court may appoint counsel other than a county public defender with the consent of the defendant and for good cause.
- If counsel other than a public defender or state appellate defender is appointed, the court reviewing the appeal of a defendant convicted of a felony will determine how much the counsel is paid for expenses incurred in the appeal or review proceedings.
- The Illinois Supreme Court will determine compensation for the attorneys of indigent defendants on death sentence appeals, if the attorney petitions the court in writing. The treasurer of the county where the case was tried will pay the compensation on the order of the Illinois Supreme Court.<sup>32</sup>
- When appeals on a death sentence have been exhausted, any attorney appointed by the Illinois Supreme Court to provide post-conviction counsel for indigent defendants sentenced to death may submit bills to the state appellate defender's office for payment of services rendered.<sup>33</sup>

# The Data



Comprehensive data linking the law enforcement and the courts functions do not exist in Illinois. Although each state's attorney's office generates and maintains its own management statistics at the county level, there is no uniform, statewide system for prosecutors to compile and report many types of data. As a result, statewide information about certain key decisions made by prosecutors—the number of cases accepted for prosecution, the number and types of cases rejected for prosecution, and other information concerning caseloads and the flow of cases through state's attorneys' offices—is unavailable in Illinois.

Sources such as the Administrative Office of the Illinois Courts (AOIC), the Office of the State's Attorneys Appellate Prosecutor, and various public defense agencies *do* provide some information about the prosecution of criminal cases once they fall under the jurisdiction of the courts. For example, yearly data on the number of criminal cases filed, the number of defendants who plead guilty, and the number prosecuted at trial are contained in AOIC's annual reports to the Illinois Supreme Court. But, while AOIC data may be useful in supporting the administration of the state's courts, the data are inherently limited in their ability to describe certain criminal justice processes, including prosecutorial activities.

Because no mechanism exists to collect state's attorneys' data on a statewide basis, aggregate statistics depicting trends in the pretrial activities of state's attorneys are unavailable. To provide some indication of what happens to cases once probable cause has been established, this chapter uses AOIC data to document trends in the number of guilty pleas and trial dispositions involving felony defendants.

Several characteristics of the AOIC data presented in this chapter (as well as the data presented in Chapter 3) should be kept in mind. The AOIC information presented here regarding guilty pleas accepted by the court and trial dispositions relates to defendants, not to cases. The two are not comparable, since one case may have more than one defendant or a single defendant may be involved in more than one case.

In addition, occasional incompatibility among data from different regions of the state, especially between data from Cook County and data from the rest of Illinois, makes it difficult—and sometimes impossible—to aggregate certain data for statewide presentation. The wide discretion afforded state's attorneys and judges in carrying out their responsibilities in Illinois contributes to regional differences in policies and procedures, which, in turn, affect how certain activities are measured and reported to AOIC.

Even when the same measures are used, differences in counting can occur, not only between counties but also within the same jurisdiction over time. For example, when two or more defendants are involved in a single case, some state's attorneys file a single case charging all the defendants, while others file a separate case for each suspect. Another example of counting differences occurs in Cook County, where an undetermined number of conservation and local ordinance violations are counted as misdemeanors. In the rest of the state, similar violations are reported under different categories.

Inconsistencies such as these not only skew statewide patterns, but also make certain comparisons impossible. For this reason, case filings in Cook County are analyzed separately from those in the remainder of the state—and the two should not be compared. Furthermore, felony and misdemeanor cases in Cook County are counted differently, so they too should not be compared.

A final note: data presented in this chapter cover different time periods. All AOIC data are reported in calendar years, while statistics from the state appellate prosecutor's office, the state appellate defender's office, and the Illinois Court of Claims cover state fiscal years, which run from July 1 through June 30 (for example, fiscal 1989 began July 1, 1988, and ended June 30, 1989). Data from the Cook County Public Defender's Office are reported in the county's fiscal years, which run from December 1 through November 30.

# Trends and Issues

How many criminal cases—felonies and misdemeanors—were filed in Illinois in recent years? How many of these cases went to trial? What are the workloads of Illinois' state's attorneys? How many felony cases are appealed to the Illinois Appellate Court? How many cases are handled by the state's public defense system? What services do prosecutors provide crime victims and witnesses? Are those services changing? The rest of this chapter explores these and other questions about the prosecution and defense of criminal cases in Illinois.

## HOW MANY FELONY CASES ARE FILED IN COOK COUNTY EVERY YEAR?

The number of felony prosecutions in Cook County has increased sharply during the last decade. Between 1978 and 1988, the number of felony cases filed in Cook County increased steadily, with only a slight decrease from 1984 to 1985 (Figure 2-3).<sup>34</sup> And because more

than one defendant can be tried in a single case, the number of defendants in these cases was even greater than the number of cases.

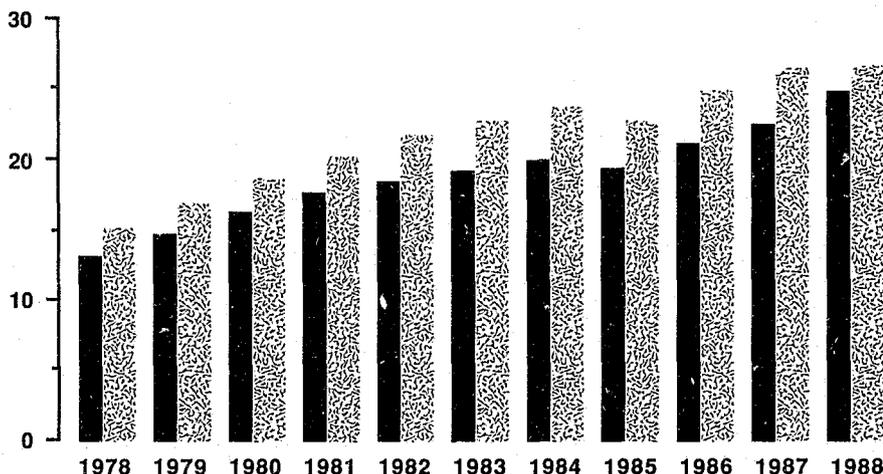
In 1978, 13,364 felony cases were filed on 15,313 defendants in Cook County. In 1988, 25,168 cases were filed on 26,953 defendants. The number of felony case filings in Cook County increased 88 percent overall between 1978 and 1988. The number of felony defendants in the county increased 76 percent during this period. (For information on drug cases and prosecution trends in Cook County, see the drugs update section.)

## HOW MANY MISDEMEANOR CHARGES ARE FILED IN COOK COUNTY?

Trends in the prosecution of misdemeanor cases in Cook County are more difficult to assess than trends in felony cases, for two reasons. First, the number of misdemeanor cases in the county is inflated by an unknown

Figure 2-3  
**The number of felony prosecutions in Cook County has increased sharply since 1978.**

Number of felony cases/defendants in Cook County (thousands)



Note: These figures represent only those felony cases filed that resulted in findings of probable cause at a preliminary hearing or that resulted from grand jury indictments.

Source: Administrative Office of the Illinois Courts, Annual Report to the Illinois Supreme Court (1978-1984), and unpublished AOIC figures (1985-1988).

number of ordinance and conservation violations that are recorded as misdemeanors.<sup>35</sup> Second, misdemeanors in Cook County are reported as *charges*, rather than cases, so the statistics cannot be compared with the number of felony cases in the county.

The number of misdemeanor charges filed in Cook County increased 59 percent between 1978 and 1982, when they peaked at more than 487,300 (Figure 2-4). The number of misdemeanor charges then declined over the next three years, and leveled off in 1985 and 1986 to about 330,000. In 1987 and 1988, misdemeanor filings in Cook County rose slightly, reaching 344,411 in 1988, but were still nowhere near the high levels of the early 1980s.

One possible explanation for the sharp increase in misdemeanor charges filed in Cook County between 1979 and 1982 is the large number of disorderly conduct arrests the Chicago Police Department made during those years. In 1979 and 1980, Chicago police made more than 267,000 disorderly conduct arrests under Section 193-1(a)-(g) of the Municipal Code of Chicago. During the next two years, this number increased to more than 380,000.

Many of these arrests resulted from a police department procedure designed to combat gang crime. Under this procedure, police would arrest suspected gang members on disorderly conduct charges, but the arresting officers often would not appear in court to testify regarding the complaints that were filed. The court would then deny *leave to file* (LFD) in these cases, and the suspects would be discharged. This procedure occurred in the Circuit Court of Cook County Municipal Department, 1st District, until December 1984, when the acting presiding judge entered an order prohibiting the use of the LFD as a way of disposing of criminal and quasi-criminal cases.

In 1983, the number of disorderly conduct arrests began to decline and, during the first six months of 1984, had fallen to about 20,000. This drop in disorderly conduct arrests seems to account for the decline in misdemeanor charges filed in Cook County after 1982.<sup>36</sup>

### HOW MANY CRIMINAL CASES ARE FILED OUTSIDE COOK COUNTY?

From 1978 through 1986, the number of felony and misdemeanor cases filed in Illinois outside Cook County tended to follow the same general patterns of increases and decreases (Figure 2-5).

Felony case filings outside Cook County increased 26 percent between 1978 and 1980, when they rose to more than 26,100. Felony case filings declined to about 22,500 in 1983, but then increased 29 percent over the next five years to a high of 29,045 in 1988.

Misdemeanor case filings outside Cook County rose in the late 1970s, declined in the early 1980s, and began to rise again from 1984 through 1986, when they reached 86,271. After decreasing slightly in 1987, misdemeanor filings rose in 1988 to a high of 93,037.

Even with these fluctuations, the ratio of misdemeanor cases to felony cases filed outside Cook County remained stable at slightly more than 3-to-1. In other words, an average of approximately 77 percent of the criminal cases (excluding conservation and ordinance violations) filed in Illinois courts outside Cook County between 1978 and 1988 were for misdemeanors.

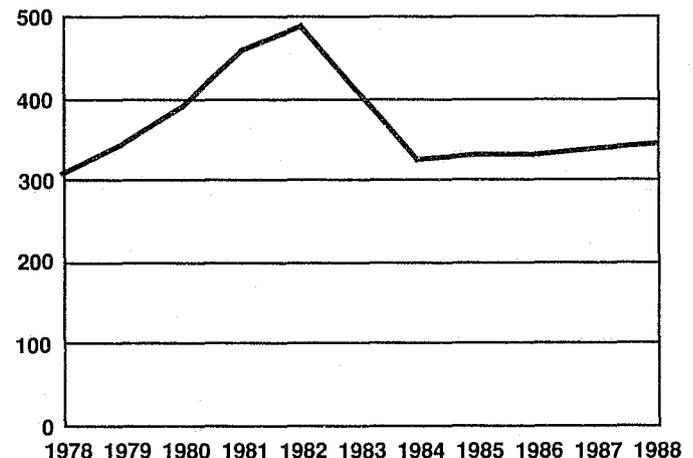
### HOW MANY FELONY DEFENDANTS GO TO TRIAL IN ILLINOIS?

Although it is impossible to present a comprehensive picture of defendant dispositions in Illinois—for example, the proportion of defendants who have their cases dismissed or who fail to appear in court cannot be accurately measured—it is clear that most felony cases are disposed of before they ever reach trial. Many defendants, for example, plead guilty.<sup>37</sup>

Statewide, guilty pleas have increased almost steadily since 1976, although the 1988 increase from 29,239 to 29,285 was very slight. Although Cook County accounts for the majority of guilty plea dispositions in Illinois, the percentage increase was greater outside Cook County from 1976 through 1988 (Figure 2-6). From 1987 to 1988, however, guilty pleas outside Cook County *decreased* for the first time in four years, from 13,609 to 13,426. At the same time, guilty pleas in Cook County increased in 1988, from 15,630 to 15,859.

Figure 2-4  
**The number of misdemeanor charges filed in Cook County has increased slightly since 1984.**

Misdemeanor charges filed in Cook County (thousands)

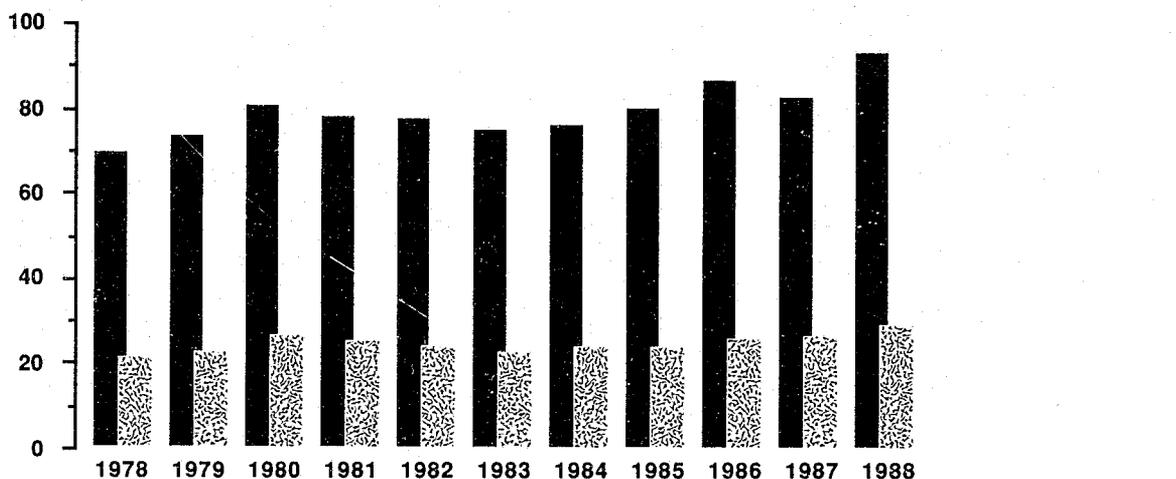


Source: Administrative Office of the Illinois Courts

Figure 2-5

**In 1988, misdemeanor and felony case filings outside Cook County were the highest in recent years.**

Cases filed in counties other than Cook (thousands)



Source: Administrative Office of the Illinois Courts

Compared with the number of felony defendants who plead guilty, the number who go to trial is relatively small—in both Cook County and remainder of the state. In 1988, when 29,285 defendants pleaded guilty state-wide, there were 5,558 felony defendants whose cases were adjudicated at trial.

As with guilty pleas, the majority of trial dispositions in Illinois occur in Cook County—74 percent in 1988 (Figure 2-7). The number of trial dispositions in Cook County rose dramatically from 1,455 in 1976 to 5,322 in 1984, a 266-percent increase. From 1984 through 1987, however, the number decreased 27 percent. In 1988, there was a slight increase in Cook County trial dispositions, from 3,871 in 1987 to 4,118.

In the rest of the state, the number of felony trial dispositions fluctuated between 1976 and 1988. Trial dispositions increased 47.5 percent between 1976 and 1982, then declined 20 percent through 1986. In 1987, trial dispositions outside Cook County rose 7 percent, to 1,659 then declined 13 percent, to 1,440 in 1988.

Although trial dispositions consistently accounted for a smaller proportion of all dispositions than guilty pleas between 1976 and 1988, the ratio of guilty pleas to trial dispositions in Cook County did change over the 13-year period. In 1976, there were approximately seven guilty pleas for every one trial disposition in Cook County. By 1984, this ratio had narrowed to about 3-to-1. After that, the ratio widened, reaching approximately 4-to-1 in 1987 and 1988. In the remainder of the state, the ratio of guilty pleas to trial dispositions was almost 6-to-1 in 1976 and nearly 9-to-1 in 1988.

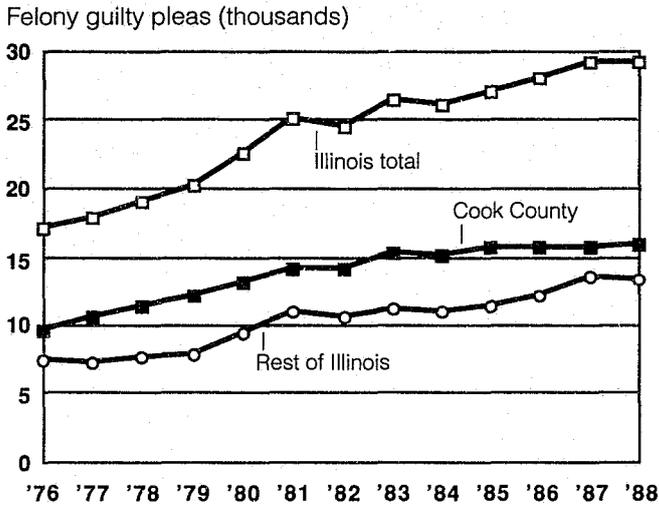
**WHAT IS THE WORKLOAD OF STATE'S ATTORNEYS IN ILLINOIS?**

It is difficult to uniformly measure the number of cases handled by each county prosecutor in Illinois, because state's attorneys' offices differ in their methods of representing cases. Some offices use vertical representation, in which one assistant state's attorney handles a case from preliminary hearing through sentencing. Other offices use horizontal representation, in which different assistant state's attorneys handle a case at different stages of the judicial process. In addition, it is difficult to measure caseloads because state's attorneys do not report their case data to any one central, statewide repository.

It is possible, however, to determine the ratio of the number of new felony cases filed in a county to the number of state's attorneys and assistant state's attorneys in that county, thereby determining the approximate caseload for the county's prosecutors. This does not give a complete picture, because it does not take into account cases reinstated or carried over from previous years. On May 31, 1989, for example, approximately 10 percent of the felony cases filed in Cook County in 1984 and 1985 were still pending. Still, this ratio is one indicator of prosecutors' caseloads for the most severe criminal cases that enter Illinois' criminal justice system.<sup>38</sup>

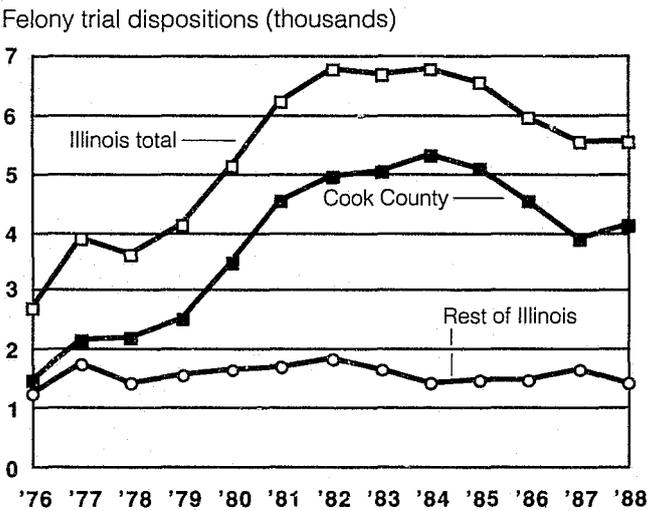
In 11 of Illinois' 102 state's attorneys' offices, between 151 and 200 new felony cases were filed for each prosecutor in 1988 (Figure 2-8). In 26 state's attorneys' offices, there were 100-150 new felony cases per prosecutor. In 32 offices, there were 50 to 99 new felony cases for each prosecutor. And in 33 state's attorneys'

Figure 2-6  
**The number of felony defendants pleading guilty leveled off in 1988.**



Source: Administrative Office of the Illinois Courts

Figure 2-7  
**Statewide, felony trial dispositions have generally declined since 1984.**

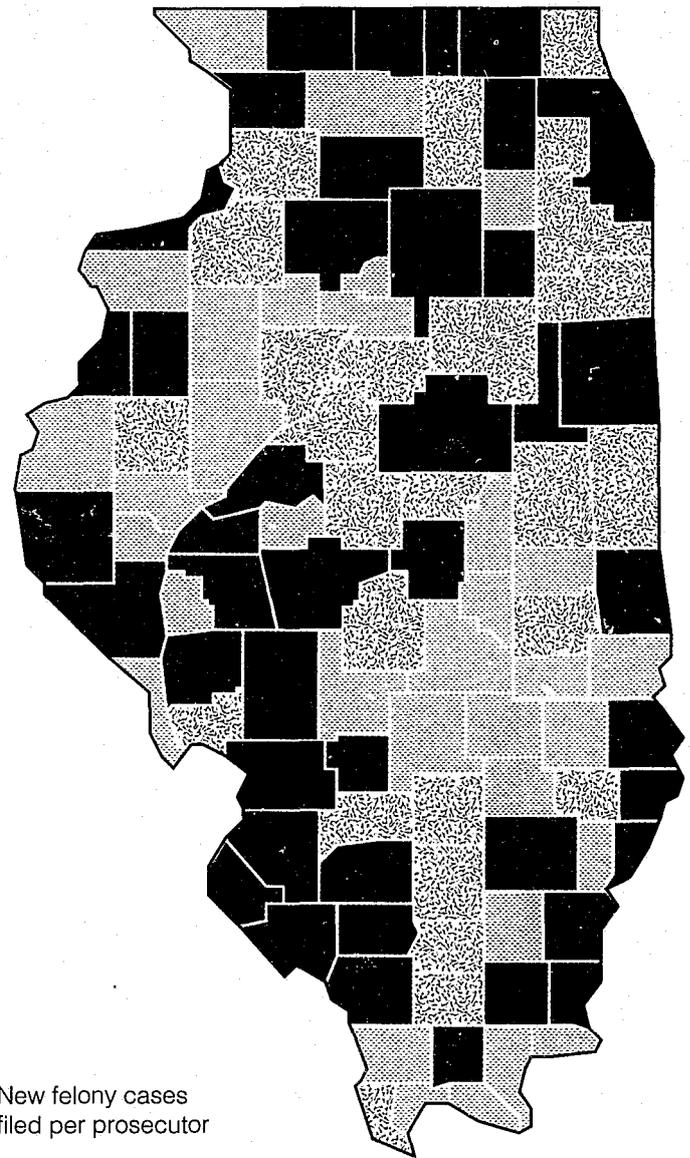


Source: Administrative Office of the Illinois Courts

offices, there were fewer than 50 new felony cases for each prosecutor.

The Illinois counties with the largest populations—Cook and the collar counties—have ratios of newly filed felony cases to prosecutors comparable to those of other major metropolitan areas, such as Atlanta and Los Angeles, where more than 150 felony cases are filed per prosecutor each year. But large prosecutor caseloads are not confined to the Chicago area or other large counties: both Lee and Saline counties filed more than 150 new felony cases per prosecutor in 1988. In four counties where only the elected state's attorney represents felony

Figure 2-8  
**In 11 Illinois counties, more than 150 new felony cases were filed per prosecutor.**



New felony cases filed per prosecutor

- Fewer than 50 new cases
- 50-99 new cases
- 100-150 new cases
- 151-200 new cases

Source: Illinois Criminal Justice Information Authority survey

cases, Alexander, Clinton, Jersey, and Richland, more than 100 felony cases were filed per prosecutor in 1988.

**HOW HAS THE PROSECUTOR'S ROLE WITH VICTIMS AND WITNESSES CHANGED?**

The Bill of Rights for Victims and Witnesses of Violent Crime, which took effect in December 1984, was land-

mark legislation for crime victims in Illinois.<sup>39</sup> Illinois is one of 45 states that had enacted bills of rights for crime victims as of 1988.<sup>40</sup> As originally passed, the Illinois bill of rights for victims requires state's attorneys to do the following:<sup>41</sup>

- Notify victims when any criminal proceeding in which they are involved is initiated by information, indictment, or filing of a delinquency petition
- Inform victims, upon request, when the defendant has been released on bond
- Explain to victims, in non-technical language and upon request, the details of any plea or verdict
- Notify victims, upon request, of the ultimate disposition of their cases
- Intercede on behalf of victims and witnesses to ensure the cooperation of their employers and to minimize any loss of pay
- Provide, where possible, a secure waiting area for victims and witnesses during court proceedings
- Notify victims of the right to submit victim impact statements at sentencing

Under state law, most victims of violent crime have the option of presenting impact statements explaining how the crime affected their lives. These statements, which must be prepared in conjunction with the state's attorney's office, are presented orally before the court during sentencing hearings not involving the death penalty.<sup>42</sup> During 1988, the Victim-Witness Unit of the Cook County State's Attorney's Office helped prepare 311 victim impact statements, which is down slightly from 1987, but is three times the number it helped prepare in 1986. In addition, the state's attorney's office may also send a victim impact statement to the Illinois Prisoner Review Board for the board to consider before releasing a prisoner on parole (see Chapter 4 for more information on the Prisoner Review Board).

In 1987 and again in 1989, new legislation requiring even more consideration of crime victims' rights was enacted. The new legislation requires state's attorneys to do the following:

- Notify victims if there is a cancellation of a scheduled hearing at which the victim's presence is required
- Provide victims with a written explanation, in non-technical language, of their rights under the bill of rights law
- Notify victims, upon request, before prosecutors offer a plea bargain to the defendant or enter into negotiations concerning a possible plea bargain

- Notify victims, upon request, of any hearings concerning an appeal or petition for post-conviction review filed by the defendant
- Notify victims or staff of victim advocacy organizations about social services or financial assistance available to victims
- Ensure the expeditious return to victims of stolen property held by law enforcement authorities as evidence or for other purposes
- Provide appropriate employer intercession services to victims to minimize loss of pay and benefits resulting from court appearances
- Inform victims at the sentencing hearing of the minimum time that the defendant may actually be physically imprisoned
- Submit the victim's or family's statement—in writing, on film, on videotape, or on other electronic means—to the Prisoner Review Board when it conducts the parole hearing for an offender

Just as prosecutors have certain responsibilities to victims of crimes, victims too have certain obligations under the bill of rights law. For example, victims must promptly report the crime to police, cooperate with criminal justice authorities throughout all aspects of the proceedings, testify for the state at the defendant's trial, and notify authorities of any changes in address.

### **HOW MUCH COMPENSATION DOES THE STATE PAY TO CRIME VICTIMS?**

Illinois' bill of rights for crime victims requires state's attorneys to inform victims about the social services and financial assistance available to them and to help victims take advantage of these programs. In Illinois, financial assistance is available to victims of violent crimes and their families through the 1973 Crime Victims Compensation Act.<sup>43</sup> Illinois is one of 46 states that had established such programs as of 1988.<sup>44</sup>

For years, compensation awards in Illinois were supported solely by General Revenue funds appropriated by the Illinois General Assembly. Since the federal Victims of Crime Act of 1984 was enacted, the Illinois program has been supplemented with federal money as well.

Up to \$25,000 may be awarded for each victim claim to cover expenses incurred as a direct result of the crime—medical costs, counseling, loss of earnings, tuition reimbursement, replacement services,<sup>45</sup> funeral and burial services, and loss of support for dependents of a deceased victim. In 1988, Illinois' compensation law was amended to increase the maximum compensation

for loss of earnings to \$1,000 a month and the maximum for funeral expenses to \$3,000.<sup>46</sup> The program does not compensate for loss of, or damage to, personal property or for pain and suffering.

Between state fiscal years 1980 and 1989, more than \$24 million was awarded to 7,088 victims of violent crime in Illinois (Figure 2-9). Approximately 28 percent of the total was given out during fiscal years 1984 and 1985, when yearly awards topped \$3 million. But despite the infusion of federal funds, the amount of compensation paid to crime victims in Illinois has dropped in recent years, from \$2.7 million in fiscal 1987 to \$2.4 million in fiscal 1988 and \$2.2 million in fiscal 1989.

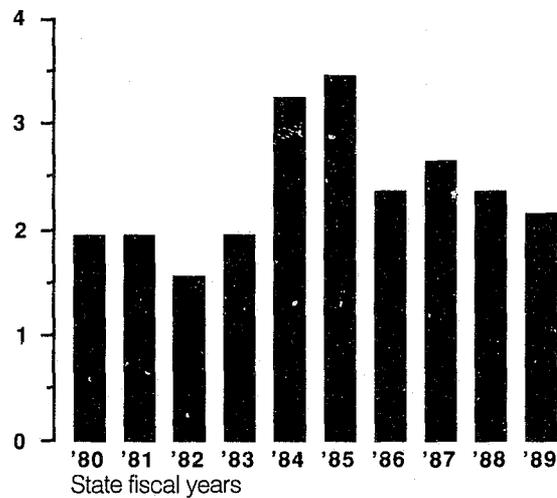
Approximately 67 percent of the 10,635 compensation claims that were processed between fiscal years 1980 and 1989 resulted in awards to victims. From fiscal 1984 to fiscal 1988, the number of claims awarded steadily decreased from a high of 1,159 in 1984 to 535 in 1988 (Figure 2-10). In fiscal 1989, the number of awards rose slightly to 590.<sup>47</sup> The average award granted between 1980 and 1989 was approximately \$3,400.<sup>48</sup> In fiscal 1985, the average award reached a nine-year high of nearly \$4,100, compared to \$3,650 in fiscal 1989.

To receive compensation, a victim must file a claim with the Illinois Attorney General's Office. The victim need not be an Illinois resident, the crime must have occurred in the state. The victim must report the crime to police within 72 hours and must cooperate with authorities in apprehending and prosecuting the offender. Even if the offender is not apprehended or convicted, the victim may still be eligible for compensation.

The Attorney General's Office investigates each claim and recommends whether it should be awarded, denied, or dismissed. The Illinois Court of Claims decides each case and disburses awards. Claims may be denied for several reasons: if the victim fails to report the crime within 72 hours, if the victim provokes the crime or engages in illegal conduct at the time of the crime, or if the loss is not eligible for compensation (for instance, if it is covered by insurance or public aid).

Figure 2-9  
**Compensation awards to crime victims in Illinois have fallen since 1987.**

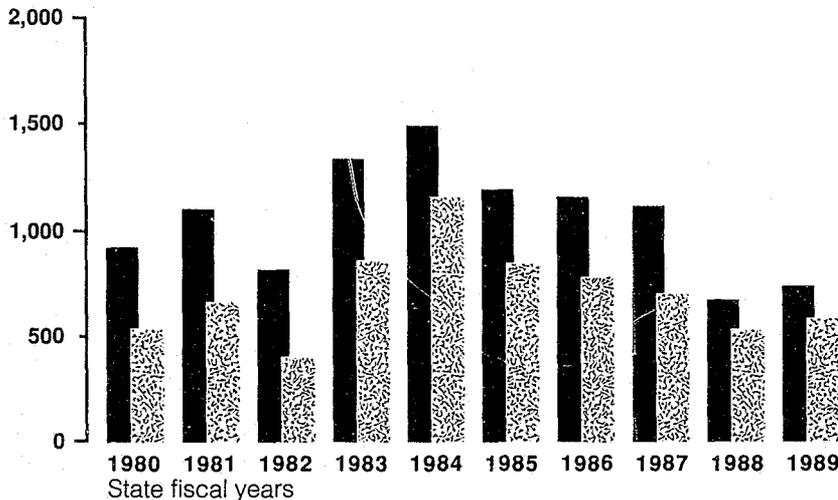
Dollars awarded through the Illinois Crime Victims Compensation program (millions)



Source: Illinois Court of Claims

Figure 2-10  
**The number of victim compensation claims awarded rose slightly in fiscal 1989.**

Claims through the Illinois Crime Victims Compensation program

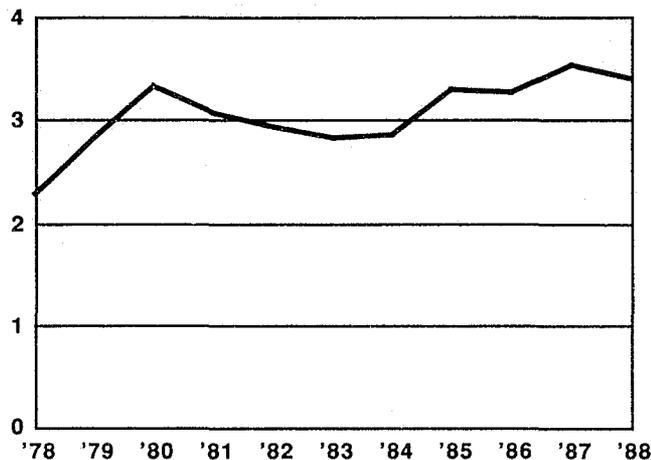


Source: Illinois Court of Claims

Figure 2-11

**The number of criminal appeals filed in the Illinois Appellate Court declined slightly in 1988.**

Appeals  
(thousands)

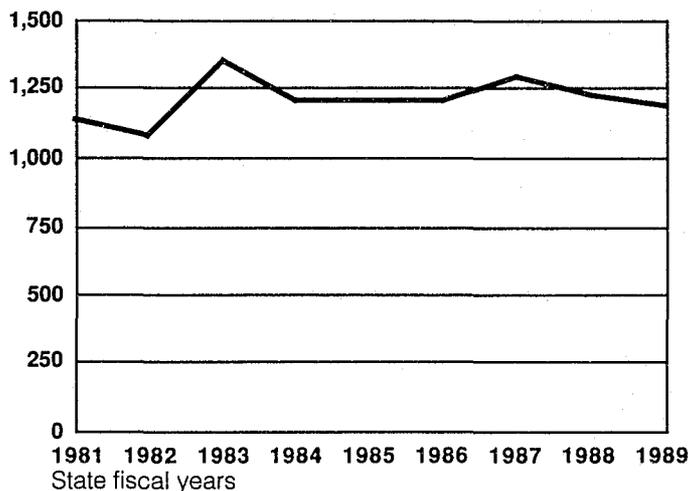


Source: Administrative Office of the Illinois Courts

Figure 2-12

**The number of criminal appeals handled by the Office of the State's Attorneys Appellate Prosecutor has declined since 1987.**

Appeals



Source: Office of the State's Attorneys Appellate Prosecutor

### HOW MANY CRIMINAL APPEALS ARE FILED IN ILLINOIS?

The Illinois Appellate Court is the first court of appeal for cases adjudicated in the trial courts, except for cases involving the death penalty, which are appealed automatically to the Illinois Supreme Court (see Chapter 3 for more information about the Illinois Appellate Court). Every defendant who is found guilty has the right to appeal. Even a defendant who pleads guilty may appeal if he or she files a motion to withdraw the plea within 30 days of when the sentence was imposed and the trial court grants the motion. The state may also appeal under certain circumstances.<sup>49</sup>

Between 1987 and 1988, the number of criminal appeals filed in the Illinois Appellate Court decreased 4 percent, from 3,531 to 3,393 (Figure 2-11). During the previous 10 years, the number of criminal appeals increased 55 percent. There was a 46-percent increase between 1978 and 1980 alone, followed by a steady decline through 1983. The number of criminal appeals increased slightly in 1984 and more dramatically in 1985 and 1987.

Between state fiscal years 1981 and 1989, the Office of the State's Attorneys Appellate Prosecutor,<sup>50</sup> which assists most state's attorneys outside Cook County with criminal appeals, represented the state in 10,883 criminal appeals on behalf of those counties (Figure 2-12). The number of criminal appeals handled by this office ranged from a low of 1,079 in fiscal 1982 to a high of 1,349 in fiscal 1983. In fiscal 1989, the Appellate

Prosecutor's Office represented the state in 1,184 criminal appeals on behalf of 98 county state's attorneys.

Criminal appeals in which a federal or state statute has been held invalid, and appeals by defendants who have been sentenced to death by the Circuit Court, bypass the state Appellate Court and are taken directly to the Illinois Supreme Court.<sup>51</sup> In addition, the state Supreme Court may choose to hear appeals of any Illinois Appellate Court decision that affirms or reverses a trial court ruling.

### WHAT IS THE WORKLOAD OF PUBLIC DEFENDERS IN ILLINOIS?

Although each public defender's office in Illinois generates and maintains its own management statistics, there is no uniform, statewide system for public defenders to compile and report certain types of data. For this reason, aggregate statistics on the number of cases handled by public defenders in Illinois are unavailable. However, data from Cook County and from the Office of the State Appellate Defender indicate that public defense workloads are increasing.

The Cook County Public Defender's Office provided representation in 18,620 felony cases that reached final dispositions—adjudication concluded—in fiscal year 1989, a 31.5-percent increase over the 14,151 felony cases represented by the office in 1988. In addition, the Cook County Public Defender's office disposed of 305 felony cases per attorney in 1989, an average increase of 74 cases per attorney over the 1988

figure. The American Bar Association in 1973 set a standard caseload per public attorney of 150 felony cases a year.<sup>52</sup>

The Appellate Division of the Cook County Public Defender's Office was appointed in 1,006 felony cases in fiscal 1989, down slightly from 1,059 cases in fiscal 1986. That decrease was largely due, however, to a change in the office's reporting system. The 1986 figure includes cases heard by the Illinois Supreme Court; later years do not include Supreme Court Appeals.

The Office of the State Appellate Defender, which represents virtually all indigent defendants pursuing appeals from counties outside Cook, as well as a substantial number of those from Cook County, was

appointed 1,447 cases in fiscal 1989, a 4-percent decrease from the 1,504 appointments made in 1988, but an overall 10.5-percent increase from the 1,309 cases appointed during fiscal 1985.<sup>53</sup>

In recent years, the state appellate defender's office has worked with a committee appointed by the chief justice of the Illinois Supreme Court to ensure that death row inmates receive adequate counsel in the appeals process. In 1989, at the recommendation of this committee, the Illinois Supreme Court Committee on Post-Conviction Review was created to coordinate all federal and state post-conviction cases. The unit screens, trains, and works with private attorneys who handle the appeals of death row inmates.

# Notes

<sup>1</sup> Although the Illinois attorney general's duties include criminal matters, the office is primarily involved with civil matters.

<sup>2</sup> By statute, the Office of the State's Attorneys Appellate Prosecutor may represent the people of Illinois on appeals in criminal cases, juvenile cases, paternity cases, cases arising under the Mental Health and Developmental Disabilities Code, and cases arising under the Narcotics Profit Forfeiture Act, provided that the case originates from a judicial (appellate) district of less than 3 million inhabitants and that the state's attorney otherwise responsible for prosecuting the appeal requests such assistance (Ill.Rev.Stat., ch. 14, par. 204.01). The Cook County State's Attorney's Office has its own Criminal Appeals Division, which serves the 1st Appellate District.

<sup>3</sup> These 25 counties employ part-time assistant state's attorneys: Adams, Bureau, Champaign, Clark, Clinton, Cook, Douglas, Edgar, Fayette, Ford, Franklin, Johnson, Kane, Kendall, LaSalle, Livingston, Macoupin, Madison, Mercer, Monroe, Saline, Union, Washington, Will, and Woodford.

<sup>4</sup> Criminal charges generally fall into two categories—felonies and misdemeanors. A felony is an offense that is punishable by a term of imprisonment of one year or more, or a sentence of death (Ill.Rev.Stat., ch. 38, par. 2-7). A misdemeanor is an offense for which a term of imprisonment in a facility other than a penitentiary for less than one year may be imposed (Ill.Rev.Stat., ch. 38, par. 2-11).

<sup>5</sup> *Report to the Nation on Crime and Justice, Second edition* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 72.

<sup>6</sup> Four states require grand jury indictments for prosecuting all crimes; 14 states and the District of Columbia require an indictment to initiate all felony cases; and six states require that an indictment be returned only when the defendant is charged with a capital offense. In one state, Pennsylvania, the grand jury lacks authority to indict. (Bureau of Justice Statistics, 1988, p. 72.)

<sup>7</sup> Ill.Rev.Stat., ch. 38, par. 102-11.

<sup>8</sup> Ill.Rev.Stat., ch. 38, par. 112-6.

<sup>9</sup> Ill.Rev.Stat., ch. 38, par. 112-2.

<sup>10</sup> Ill.Rev.Stat., ch. 38, par. 112-3.

<sup>11</sup> Ill.Rev.Stat., ch. 38, par. 102-12.

<sup>12</sup> Ill.Rev.Stat., ch. 38, par. 111-2. If the defendant waives the right to a preliminary hearing, criminal proceedings commence as if probable cause had been found.

<sup>13</sup> Ill.Rev.Stat., ch. 38, par. 102-9.

<sup>14</sup> Ill.Rev.Stat., ch. 38, par. 111-2.

<sup>15</sup> However, a finding of "no probable cause" by the court does not preclude the defendant from being indicted for the same offense at a later date by a grand jury.

<sup>16</sup> Bureau of Justice Statistics, 1988, p. 73.

<sup>17</sup> Ill.Rev.Stat., ch. 56 1/2, pars. 710, 1410.

<sup>18</sup> The main difference between arbitration and mediation is that the decision of the arbitrator is legally binding on the parties; with mediation, it is the parties themselves who come to a mutual agreement. To date, arbitration has not been used in criminal matters in Illinois, but is being used in some civil cases.

<sup>19</sup> Under certain circumstances, trial proceedings may commence in the absence of the defendant (Ill.Rev.Stat., ch. 38, par. 115-4.1).

<sup>20</sup> Ill.Rev.Stat., ch. 38, par. 32-10.

<sup>21</sup> Defendants may also plead guilty but mentally ill. However, the court can accept this type of plea only if the defendant has been examined by a clinical psychologist or psychiatrist and if the judge has examined the results, has held a hearing on the issue of the defendant's mental condition, and is satisfied that there is a factual basis for the claim that the defendant was mentally ill at the time of the offense. In addition, defendants charged with violating the Illinois Income Tax Act (Ill.Rev.Stat., ch. 120, par. 1-101, et seq.) may plead guilty, not guilty, or (with the consent of the court) *nolo contendere*. A defendant who enters a plea of *nolo contendere* does not contest the charge, but neither admits guilt nor claims innocence. A plea of *nolo contendere* can still be followed by a conviction and by a sentence, however.

<sup>22</sup> Procedures for entering pleas vary among jurisdictions, and actions constituting an arraignment may occur at other court appearances after arrest and prior to trial. However, a defendant's plea becomes official only at arraignment.

<sup>23</sup> Peter F. Nardulli and Roy B. Fleming, *Pleas without Bargaining: Guilty Pleas in the Felony Courts of Illinois, Michigan, and Pennsylvania* (Urbana, Ill.: Institute of Government and Public Affairs, University of Illinois, 1985).

<sup>24</sup> Ill.Rev.Stat., ch. 38, par. 103-4.

<sup>25</sup> Ill.Rev.Stat., ch. 38, par. 113-3(b).

<sup>26</sup> Illinois counties with 35,000 or more inhabitants are required to have a public defender's office; counties with fewer than 35,000 people are not required to create this office, but may do so if approved by the county board. Any two or more adjoining counties within the same judicial circuit may, by joint resolution of their county boards, create a common public defender's office. (Ill.Rev.Stat., ch. 34, par. 5601 et seq.)

<sup>27</sup> Although public defenders provide representation primarily in Juvenile and Circuit court hearings, they also

function in the following courts through appeals and collateral review (federal habeas corpus): federal courts, district courts, circuit courts of appeals, and the U.S. Supreme Court

<sup>28</sup> Ill.Rev.Stat., ch. 37, pars. 801-5, 802-15, 803-17, 803-19, 804-4, 805-25, 806-7; Ill.Rev.Stat., ch. 38, par. 113-3; Ill.Rev.Stat., ch. 40, par. 2518; Ill.Rev.Stat., ch. 91, pars. 3-805, 4-605.

<sup>29</sup> Ill.Rev.Stat., ch. 38, par. 208.

<sup>30</sup> By statute, the state appellate defender must operate an office in each of the state's five judicial (appellate) districts (Ill.Rev.Stat., ch. 38, par. 208-9(a)).

<sup>31</sup> Generally, the state appellate defender's office handles those Cook County appeals in which there is a conflict of interest that requires the Cook County Public Defender to request to be withdrawn from the case (for instance when a client has a conflict of interest with another client represented by the public defender's office).

<sup>32</sup> Ill.Rev.Stat. ch. 38, par. 121-130.

<sup>33</sup> Ill.Rev.Stat. ch. 38, par. 121-130.

<sup>34</sup> These figures include only those felony cases filed that resulted in findings of probable cause at a preliminary hearing or that resulted from grand jury indictments.

<sup>35</sup> In addition to including an undetermined number of ordinance and conservation violations in the totals for misdemeanor case filings in Cook County, AOIC prior to 1982 included felony preliminary hearings in this category as well. For this report, however, AOIC data were adjusted so that felony preliminary hearings were excluded from the statistics for misdemeanor cases filed.

<sup>36</sup> In 1983, the American Civil Liberties Union filed a class action lawsuit challenging the Chicago Police Department's procedure on several grounds (*Michael Nelson, et al. v. City of Chicago, et al.*, No. 83C-1168, U.S. District Court for the Northern District of Illinois, Eastern Division). The resulting modifications by the police department may account, at least in part, for the general decline in misdemeanor charges filed in Cook County courts after 1982. This lawsuit is also the source of disorderly conduct arrest numbers cited in this section.

<sup>37</sup> The following statistics on guilty pleas and trials are reported by AOIC in term of *defendants*. They should not be compared with statistics on *case filings*.

<sup>38</sup> The felony case filing/prosecutor ratio is based on a comparison of new felony case filings during 1988 and the number of elected and assistant state's attorneys handling felony cases in 1989. Although this comparison involves two different years, a review of the number of

assistant state's attorneys employed by each county in 1989 indicates that in counties where change occurred (approximately 30 percent), the number of assistant state's attorneys increased rather than decreased. This suggests that the ratio used here comparing 1988 felony case filings with the number of prosecutors in 1989 probably underestimates the number of cases per prosecutor in 1988. The lower number of prosecutors in 1988 than in 1989 would mean that even fewer state's attorneys were handling the felony cases filed than are reflected in this ratio.

<sup>39</sup> Ill.Rev.Stat., ch. 38, par. 1401 et seq.

<sup>40</sup> *Victims Rights and Services: A Legislative Directory* (Washington, D.C.: National Organization for Victim Assistance, 1988).

<sup>41</sup> The Bill of Rights for Victims and Witnesses of Violent Crime affects other criminal justice agencies besides state's attorneys' offices; however, those requirements are not germane to this discussion.

<sup>42</sup> In June 1987, the U.S. Supreme Court ruled that the Constitution bars the use of victim impact statements at sentencing hearings in which the death penalty is a possible sentence (*Booth v. Maryland*, 107 S.Ct. 2529, 1987). Citing the Eighth Amendment's ban on cruel and unusual punishment, the Court held that victim impact information was ordinarily irrelevant to a capital sentencing decision. Such decisions, the Court said, should turn on the defendant's "moral blameworthiness," and should be based on reason rather than on caprice or emotion. In 1989, the Illinois Supreme Court held that the testimony of victims and their families is not an unconstitutional infirmity in non-capital sentencing hearings (*People v. Felella* No. 66444).

<sup>43</sup> Ill.Rev.Stat., ch. 70, par. 71 et seq.

<sup>44</sup> National Organization for Victim Assistance, telephone interview, October 1989.

<sup>45</sup> "Replacement services" are expenses incurred in obtaining ordinary and necessary services in lieu of those that permanently injured persons (or the dependents of deceased victims) would have performed for themselves, not for money but for the benefit of themselves and their families. For example, homemakers who are no longer able to perform some or all of their usual household tasks because of a victimization could be compensated for the cost of hiring a maid.

<sup>46</sup> Ill.Rev.Stat., ch. 70, par. 72(h).

<sup>47</sup> The generally low number of awards granted in fiscal years 1988 and 1989, according to the Illinois Attorney General's Office, is due to a shortage of claims analysts

to process claims during those years. By the end of 1989, staffing levels had returned to 1987 levels, and the Attorney General's Office has awarded 550 grants in the first six months of fiscal year 1990 (compared to 590 in all of fiscal 1989).

<sup>48</sup> These average award figures are only approximations, since the number of claims awarded and the dollars paid out in a given fiscal year do not necessarily correspond. Because of a mandatory 30-day waiting period between the date of an award and the release of the associated check, an award made late in one fiscal year might not be paid out until the next fiscal year.

<sup>49</sup> Ill.Rev.Stat., ch. 110A, par. 604-605.

<sup>50</sup> Prior to July 1, 1987, this office was known as the State's Attorneys Appellate Service Commission.

<sup>51</sup> Ill.Rev.Stat., ch. 110A, par. 603.

<sup>52</sup> The American Bar Association standard for felony cases is commonly interpreted as cases brought to final disposition per year. The caseload guidelines for public defenders were published by the ABA's National Advisory Committee on Criminal Justice Standards and Goals in 1973 in its *Report on Courts* (Washington, D.C.: American Bar Association, 1973). According to the Special Committee on Criminal Justice in a Free Society of the American Bar Association, which referred to these standards in its 1988 report *Criminal Justice in Crisis* (Washington, D.C.: American Bar Association, 1988), "Emphasis should be placed on the fact that these guidelines set the maximum conceivable caseload that an attorney could reasonably manage" (p. 68). The definition of *case* used in the *Report on Courts* is "a single charge or set of charges concerning a defendant (or other client) in one court in one proceeding. An appeal or other action for post-judgment review is a separate case." The *Report on Courts* goes on to explain that public defender workloads are difficult to ascertain because some offices do not measure workload in terms of number of cases, the definition of case varies from jurisdiction to jurisdiction, and cases within a given classification may require more work depending on the jurisdiction. For instance, juvenile, mental health, and traffic cases embrace a right of jury trial in some states and not in others (p. 276).

<sup>53</sup> *Office of the State Appellate Defender Annual Report*, fiscal year 1988.

# Prosecution and Public Defense Financing

The vast majority of the money needed to prosecute criminal cases and represent indigent defendants in Illinois is spent by the state's 102 counties, through their state's attorneys' offices and public defense programs. Throughout the process, however, the state government supports the counties in a variety of ways—by initiating some criminal prosecutions, and advising and assisting county prosecutors on others; by reimbursing the counties for some prosecutorial expenses; and by handling the prosecution and public defense of many cases that reach the appellate level.

This section examines how the prosecution of criminal cases is funded in Illinois, and how much money the counties and the state are spending on this activity. It also analyzes the same basic questions for public defense in the state.

## HOW IS PROSECUTION AT THE COUNTY LEVEL FUNDED IN ILLINOIS?

State's attorneys' offices in Illinois receive funding from three primary sources: (1)

their counties' general revenue funds; (2) the state government, for partial reimbursement of salaries; and (3) indirectly, through various fees, fines, and grants, many of which are earmarked for specific prosecutorial activities.

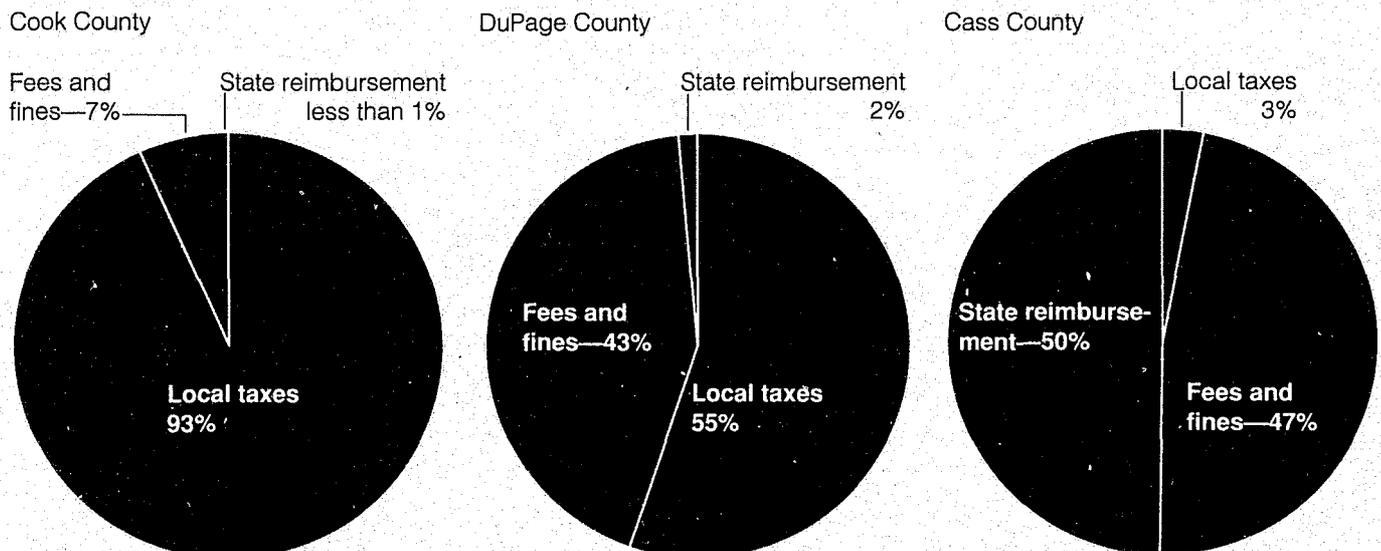
■ **Local taxes** In most medium to large counties, the majority of funding for the state's attorney's office comes from the county's general revenue fund, which is made up of property, sales, and other local taxes, as well as some revenue from the state government and from fees and fines. In Cook County, for example, tax revenue accounted for more than 93 percent of the \$37.7 million spent by the state's attorney's office from the Corporate Purposes Fund in fiscal year 1988, with less than 1 percent (\$93,003) coming from the state in the form of salary reimbursements and 7 percent from fees and fines (FINANCE 2-1). Similarly, tax revenue (55 percent) and fees and fines (43 percent) accounted for almost all of the nearly \$3.2 million in direct expenditures for the DuPage County State's Attorney's Office in fiscal 1988.

In less populous counties, where there is only one prosecutor and overall expenditures for the state's attorney's office are therefore much lower, tax revenue accounts for a much smaller percentage of total spending. For example, only about 3 percent of the money spent by the Cass County State's Attorney's Office in fiscal 1988 came from tax revenue, while approximately half came from the state in the form of the salary reimbursement.

■ **State funds.** Two-thirds of the salary of the elected state's attorney in each Illinois county is paid for by the state government using General Revenue funds.<sup>1</sup> Between state fiscal year 1972 and the peak year of fiscal 1978, these reimbursements increased (in constant dollars) by more than 77 percent (FINANCE 2-2). Most of this increase, was the result of revisions over the years in the state statutes that set minimum salaries for state's attorneys: as the minimum salary increased, the amount of money the state had to pay to satisfy its two-thirds requirement increased as well. In the

FINANCE 2-1

**In fiscal 1988, tax revenue accounted for a much larger percentage of total state's attorneys' spending in large counties such as Cook and DuPage than in smaller counties such as Cass.**



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

1980s, the annual amount of state reimbursement has been relatively steady (after adjustments for inflation), but lower than the 1978 peak.

In addition to contributing to the salaries of elected state's attorneys, the state also reimburses counties for the salaries of one or more assistant state's attorneys if a state correctional, mental health, or higher educational institution is located within their counties. For example, in counties containing a state correctional institution, the state is required to pay between \$12,000 and \$22,000 a year per prosecutor, for up to three prosecutors, for services rendered in connection with the institution.<sup>2</sup> This reimbursement, which is administered through the Illinois Department of Corrections, totaled \$326,524 in fiscal 1988.

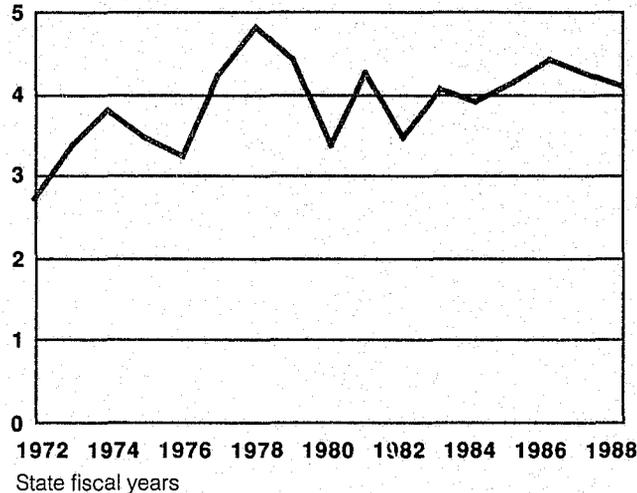
With these salary reimbursements, the state ends up paying a relatively large percentage of the total expenses in state's attorneys' offices with small staffs, but a relatively small percentage in larger offices that have several assistant prosecutors, investigators, and support staff (see FINANCE 2-1). In Cass County, where the elected state's attorney is the sole prosecutor, expenditures for the state's attorney's office (including salaries for the state's attorney and the office secretary, as well as supplies) totaled \$62,284 in fiscal 1988. Almost half of that amount, or \$31,002, was paid for by the state to cover two-thirds of the state's attorney's salary. In contrast, only about 2 percent of DuPage County's direct fiscal 1988 expenditures for its state's attorney's office were paid for by the state in the form of salary reimbursements. In Cook County that year, the state's contribution was an even lower percentage (less than 1 percent), even though the county receives salary reimbursements for the elected state's attorney and for three assistant state's attorneys who provide services for the state facilities in the county.

■ **Fees and fines.** State's attorneys' offices typically generate some revenue through the imposition of fees and fines. Much of this revenue is deposited into their counties' general revenue funds, although some fees and fines, as well as

FINANCE 2-2

**State government paid about \$4 million in state's attorneys' salary reimbursements in fiscal 1988.**

Salary reimbursements, constant 1988 dollars (millions)



Source: Office of the Illinois Comptroller

grants that prosecutors' offices may receive, are designated for specific activities. In fiscal 1988, for example, the Cook County State's Attorney's Office spent more than \$5.3 million in grants for enforcement of child support laws and another \$314,000 in grants for suburban bond courts, victim-witness assistance efforts, and specialized drug prosecutions. (See the next question for more information about fee and fine revenue generated by state's attorneys' offices.)

■ **Other sources.** In addition to traditional local and state funding sources, some Illinois counties are funding special prosecutorial programs in innovative ways, drawing from a variety of sources. In DuPage County, a children's center for the investigation and prosecution of child abuse cases draws on resources from the state's attorney's office, the state government (in the form of grants and staff from the Department of Children and Family Services), municipalities in the county (which devote a line item in their budgets to the center), and private contributions. Similarly, DuPage County's DUI Task Force received financial support and other resources from both the county and the municipalities within the county.

**HOW MUCH REVENUE DO PROSECUTORS GENERATE THROUGH FEES AND FINES?**

Although most of the money in counties' general revenue funds comes from tax dollars, some county revenue is generated by state's attorneys' offices through the imposition of fees and fines on certain criminal defendants and others. For example, state's attorneys can charge fees, ranging from \$10 to \$50 a case, for prosecuting a variety of criminal cases (see FINANCE 2-3 for examples of these fees).

In general, fee and fine money is collected for the state's attorney's office by the office of the clerk of the Circuit Court. Most of the money is then deposited into the county's general revenue fund, although there are special funds designated for particular fees and fines. Between fiscal years 1974 and 1986 (the last year for which statewide data are available), the revenue generated by state's attorneys' offices in Illinois increased more than 37 percent in constant dollars (FINANCE 2-4). In the collar counties, state's attorneys' revenue has increased sharply, especially in the 1980s, while outside the Chicago area,

FINANCE 2-3

**Examples of fees that state's attorneys can charge.**

Offense	Fee
First-degree murder	\$30
Involuntary manslaughter	\$30
Criminal sexual assault	\$30
Kidnapping	\$30
Arson	\$30
Forgery	\$30
Other cases punishable by imprisonment in a penitentiary	\$30
Convictions in other cases tried before Circuit Court judges	\$15
Convictions in cases which may be assigned to an associate judge	\$10
Preliminary examinations for defendants held on bail or recognizance	\$10
Defendants held to answer for a charge of paternity in a Circuit Court	\$10
Each trial held on a paternity charge	\$30
Cases taken to the Appellate or Supreme courts that are handled by the state's attorney	\$50

Source: Illinois Revised Statutes

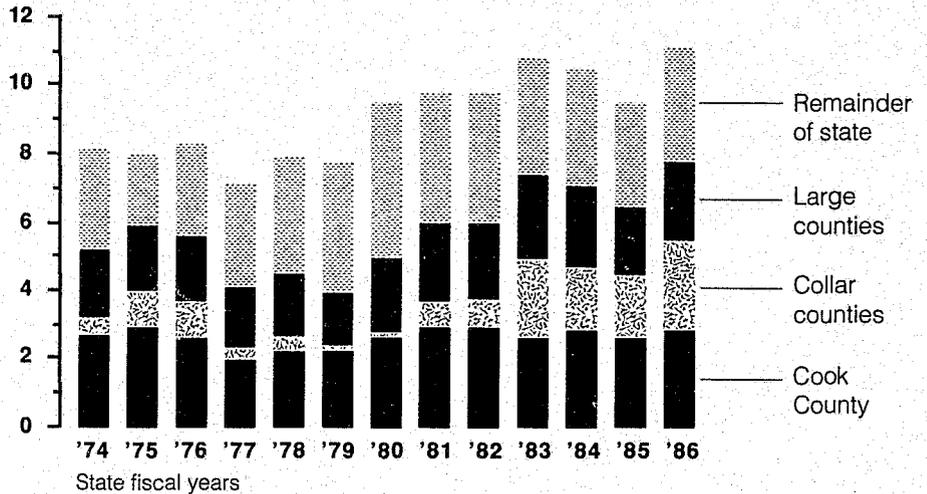
constant-dollar revenue rose by nearly 14 percent in large counties and by more than 16 percent in the remainder of the state between fiscal years 1974 and 1986.<sup>3</sup> In Cook County, revenue generated by the state's attorney's office fluctuated between \$2.5 and \$3 million in the 1980s, in constant dollars. However, the fiscal 1988 total was 17 percent less than the peak 1981 amount.

In many Illinois counties, including some of the large ones, the fees and fines collected as a result of prosecution activity represent a substantial percentage of the total amount of money spent by the prosecutors' offices. The DuPage

FINANCE 2-4

**Fee and fine revenue generated by state's attorneys' offices has generally increased since the late 1970s.**

Fee and fine revenue, constant 1988 dollars (millions)



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

County State's Attorney's Office, for example, generated nearly \$1.4 million in fees and fines in fiscal 1988, which corresponded to 43 percent of the office's direct expenditures that year (see FINANCE 2-1). In Cook County, the state's attorney's office generated almost \$2.5 million in fees and fines in fiscal 1988—the highest total of any county in the state. But because the expenditures of this office are relatively high, this revenue represented less than 7 percent of the total expenditures that year.

In some of the state's smaller counties, the state's attorney's office is almost self-sufficient, in a way, because of the fees and fines it generates and the salary reimbursement it receives from the state. The Cass County State's Attorney's Office, for instance, spent \$62,284 in fiscal 1988, but received \$31,002 (50 percent of the total) in salary reimbursement and generated \$29,431 in fees and fines (more than 47 percent of the total). As a result, Cass County (like other small counties in Illinois) does not have to rely as heavily on local tax dollars to finance its state's attorney's office as large coun-

ties (such as Cook) do.

In addition to generating fee and fine revenue, state's attorneys' offices in Illinois are also entitled to a portion of the proceeds of assets forfeited by drug offenders who are prosecuted by their offices. These receipts are put into a special county fund to be used specifically for the prosecution of future drug cases. Because there is no centralized reporting of these receipts, the total amount of money received by state's attorneys' offices statewide as a result of asset forfeitures cannot be easily determined. Statutorily, however, 12.5 percent of the value of all assets forfeited under the state's Narcotics Profit Forfeiture Act are returned to the county whose state's attorney's office initiated the prosecution.<sup>4</sup>

**HOW IS PROSECUTION AT THE STATE LEVEL FUNDED IN ILLINOIS?**

There are two main state-level prosecution agencies in Illinois, both of which are funded primarily from state General Revenue funds:

■ The Illinois Attorney General's Office handles civil matters, primarily, but also initiates some criminal prosecutions and helps county prosecutors with complex criminal cases.

■ The Office of the State's Attorneys Appellate Prosecutor assists most county state's attorneys' offices with their criminal appeals.

In state fiscal year 1988, the Attorney General's Office spent approximately \$26.7 million, more than 92 percent of which came from the state General Revenue Fund. About 7.5 percent came from the Violent Crime Victims Assistance Fund, which supports public and private victim and witness assistance centers throughout the state, and less than 1 percent came from other funds.

Money the Attorney General's Office spends for victim-witness assistance comes from specific fines and penalties that are collected by the Circuit court clerk's office in each county and deposited into the Violent Crime Victims Assistance Fund in the state treasury.<sup>5</sup> In fiscal 1987, circuit clerks' offices statewide collected more than \$3 million for this state fund. More than one-quarter of this total (\$778,618) came from Cook County; almost 23 percent (\$685,461) came from the collar counties of DuPage, Kane, Lake, McHenry, and Will; and the remaining 52 percent (\$1.56 million) came from the Circuit courts in the state's other 96 counties.

Like the Attorney General's Office, the Office of the State's Attorneys Appellate Prosecutor is funded largely through state General Revenue funds. However, a sizable percentage of the office's funding comes from the counties that rely on the office for help with criminal appeals.

Every Illinois county except Cook annually deposits a pro-rated sum of money, determined by its population, with the state treasurer in a fund called the State's Attorneys Appellate Prosecutor's County Fund.<sup>6</sup> Between state fiscal years 1979 (the first full year the appellate prosecutor's office was in operation) and 1982, county contributions to this fund remained relatively steady (in constant dollars). Over the next six years, how-

ever, they increased more than 52 percent (in constant dollars) to more than \$956,000 in fiscal 1988 (FINANCE 2-5). Despite this increase, the proportion of the office's expenditures paid for by the counties has remained constant at about 30 percent since 1979.

In fiscal 1988, county contributions accounted for 31 percent of the appellate prosecutor's office's total expenditures. State General Revenue funds made up another 67 percent, with the remaining 2 percent coming from the sale of publications and from the office's share of money collected from drug offenders under the Narcotics Profit Forfeiture Act (slightly more than \$9,200 in fiscal 1988).

### HOW ARE PUBLIC DEFENSE SERVICES COMMONLY ORGANIZED AND FINANCED IN THE UNITED STATES?

Unlike prosecution, where organization and funding sources are fairly standard across the country, public defense is organized and financed in a number of ways, not all of which involve government agencies directly providing public defense services. There are three basic ways in which these services are commonly organized in the United States:

1. Public defenders' offices within county government
2. Contracted private attorneys to provide public defense services for one or more counties
3. Private counsel assigned on a case-by-case basis

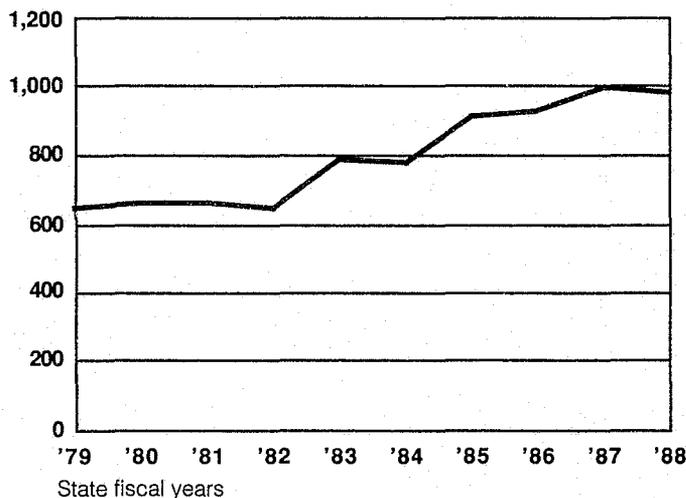
Nationally, 52 percent of all counties in 1986 used assigned counsel, 37 percent had established public defenders' offices, and 11 percent contracted for public defense services.<sup>7</sup> That year in Illinois, according to the same survey, the breakdown was quite different: 74 of the state's 102 counties had a public defender's office and 28 used assigned counsel. And by August 1989, only eight counties in Illinois still used court-assigned counsel.<sup>8</sup> (See pages 94-96 for more information about how public defense is organized in Illinois.)

In large counties, where the demands for public defense are fairly constant, it is not only efficient to have an established public defender's office within county government, it is the law: any county in Illinois with 35,000 or more inhabitants is required under state law to have a public defender's office.<sup>9</sup> In smaller counties

FINANCE 2-5

### Counties contributed nearly \$1 million to the State's Attorneys Appellate Prosecutor's County Fund in fiscal year 1988.

County contributions, constant 1988 dollars (thousands)



Source: Office of the Illinois Comptroller

that are not required to have a public defender's office, defense of indigent persons is handled in different ways. Some counties, for example, assign cases to private attorneys on a case-by-case basis. Under this arrangement, the costs to the county are not necessarily known up front. Counties contract to pay a "reasonable fee"—usually a certain hourly rate for in-court time and a lower rate for time spent working on the case outside court. Because these fees are not set by statute, except in Cook County, counties can incur big expenses for a case that consumes a large amount of a court-appointed attorney's time.<sup>10</sup>

To protect themselves against these unexpected costs, other counties find it more cost-effective to contract with a private attorney to represent all indigent defendants for a certain length of time, such as a year. Under this arrangement, the cost of a complex or time-consuming case must be absorbed by the contractual attorney, who may, however, lack the necessary resources to adequately represent the defendant. Regardless of whether the private attorneys are used on a contractual or case-by-case basis, the only compensation they usually receive from the counties is a salary. In cases requiring expert testimony, an interpreter, or other extraordinary expenses, the attorneys must request additional funds from the county board.

A third way in which some smaller counties provide public defense services is to share the services of a common public defender's office or contractual attorney.<sup>11</sup> As of August 1989, three such common public defense arrangements existed in Illinois: in Brown, Cass, and Schuyler counties, in Clark and Edgar counties, and in Franklin and Hamilton counties.

#### **HOW ARE PUBLIC DEFENSE SERVICES FUNDED IN ILLINOIS?**

Regardless of whether public defense is provided by a government attorney or private counsel, it is government, at one level or another, that ultimately pays for the services. According to a 1986 survey, public defense in the United States is usually paid for in one of four ways:<sup>12</sup>

■ Twenty states fund all indigent defense with state dollars.

■ In 10 states, indigent defense is financed solely with county funds.

■ In 15 states, the state and the counties share the expenses of both trial and appellate indigent defense programs.

■ In five states, the counties pay for trial-level indigent defense, and the state pays for appeals involving indigent defendants. Illinois follows this basic structure, although the Cook County Public Defender's Office maintains its own Appeals Division to handle some appeals of indigent defendants from the county.<sup>13</sup>

For the most part, Illinois counties must pay for public defense services at the trial level solely with county funds, with no direct support from the state. The state, for example, does not pay for a portion of the salary of the appointed public defender in counties that have a public defender's office, as it does for the elected state's attorney in all counties. And because the public defender's office has no real mechanism to generate revenue similar to the fees and fines generated by state's attorneys' offices, the major source of funds for each public defender's office is the county's general revenue fund.

Public defenders' offices are allowed to recover, retroactively, the cost of defending any person who is later determined to have been able to pay for his or her defense. These defendants may be charged at a rate not to exceed \$500 for a misdemeanor case or \$5,000 for a felony.<sup>14</sup> However, public defenders' offices rarely get reimbursed under this state law, and the reimbursements they do collect generate very little revenue for their counties. DuPage County, for example, collected only \$160 in public defense reimbursement during all of fiscal 1987 and nothing in 1988.<sup>15</sup> In 1988, 54 counties did collect a total of \$430,629 for court-appointed counsel.<sup>16</sup>

While the counties pay for public defense at the trial level in Illinois, the state, through the Office of the State Appellate Defender, is responsible for representing

indigent persons on appeal (although the Cook County Public Defender's Office does handle some appeals). The state appellate defender's office is financed solely from the state General Revenue Fund. Counties are not charged for the services of the appellate defender's office as they are for the services of the Office of the State's Attorneys Appellate Prosecutor.

#### **WHAT ARE THE PRIMARY EXPENDITURES OF PROSECUTION AND PUBLIC DEFENSE AGENCIES IN ILLINOIS?**

The expenditure patterns of both prosecutors' and public defenders' offices differ markedly from the expenditure patterns of other criminal justice agencies such as law enforcement departments, the courts, and correctional agencies. The primary reason for this difference is that in prosecution and public defense agencies, capital expenditures and commodities are almost negligible: in these offices, there are no budget items equivalent to paying for a jail, a courtroom, or a patrol car. With the recent trend toward computerization and office automation, however, the capital expenditures of traditionally personnel-intensive offices have been increasing.

Still, almost all prosecution and public defense expenditures go for salaries, with only a small percentage needed for office expenses, travel, expert witnesses, interpreters, consultant fees, and other non-personnel expenses. In fiscal year 1984, for example, non-personnel expenses (including transportation, communication, postage, printing and copying, professional memberships, books and periodicals, and office supplies) made up about 18 percent of the total appropriations for the Cook County State's Attorney's Office and about 11 percent for the Cook County Public Defender's Office (these percentages have changed very little since fiscal 1984).<sup>17</sup> These non-personnel expenditures totaled \$9,611 per assistant state's attorney and \$4,860 per assistant public defender.<sup>18</sup> In DuPage County, 92 percent of the spending for both prosecution and public defense agencies went toward salaries in

fiscal 1988. In Cass County that year, salaries accounted for 95 percent of prosecution expenditures.

Total expenditures are closely linked to the volume of work for the office's attorneys and clerical staff. The work in a prosecutor's office is complex. It includes prosecuting criminal cases, conducting investigations, serving as legal counsel for the county, handling juvenile matters and citizen complaints, dealing with civil cases, operating special programs, and other activities.<sup>19</sup> In a public defender's office, the work is even more closely related to the volume of criminal cases, since these offices do not handle civil cases or citizen complaints and seldom have special programs.

Expenditures in both prosecutors' and public defenders' offices, then, are often related to their *caseloads*—the number of "cases" (either cases begun, cases pending, or cases disposed of) per staff member. This relationship between spending and cases is more complex than a simple comparison, however, because different kinds of cases require vastly different amounts of work. A 1987 study, for example, found that the prosecution of violent felonies required an average of 4.3 attorney hours; drug offenses, 2.3 hours; and misdemeanors, 0.2 hours.<sup>20</sup>

In other words, *workload*—the number of hours per staff attorney—can be very different from *caseload*—the number of cases per attorney. If the proportion of violent felonies is higher in one jurisdiction than another, the workload will be higher, even if the caseload is the same. As a result, the cost per case will differ, depending on the proportion of serious crimes prosecuted. Unfortunately, no county in Illinois maintains the detailed data needed to determine exact workload levels for either prosecution or public defense (see page 115, however, for a discussion of prosecution activity and spending in Cook and DuPage counties).

#### HOW MUCH MONEY IS SPENT FOR PROSECUTION AGENCIES IN ILLINOIS?

Expenditures in Illinois for "legal services and prosecution," at all levels of govern-

#### FINANCE 2-6

### Constant-dollar spending for legal services and prosecution has increased faster in the United States as a whole than in Illinois.

	United States	Illinois
1971	\$1,223,295,035	\$64,322,355
1976	1,844,520,096	92,852,898
1979	2,246,727,660	98,608,714
1985	2,674,400,498	111,208,398
<b>Percent change (1971-1985)</b>	<b>+119%</b>	<b>+73%</b>

Note: These figures cover direct, current expenditures in constant 1988 dollars (see note 21).

Source: Bureau of Justice Statistics

ment, increased almost 73 percent (in constant dollars) between state fiscal years 1971 and 1985 (FINANCE 2-6).<sup>21</sup> This increase, however, was almost 50 percentage points less than the 119-percent increase recorded in the country as a whole during this same period. In addition, most of the increase in prosecution spending in Illinois occurred between 1971 and 1976, when it rose more than 44 percent (in constant dollars). Overall, spending rose 53 percent in Illinois and 84 percent nationally during the 1970s (1971 through 1979). Since then, spending has increased only gradually, rising less than 13 percent in Illinois (and 19 percent nationally) between 1979 and 1985.

At the county level, where the majority of prosecution activity takes place in Illinois, expenditures for legal services and prosecution increased 76 percent (in constant dollars) between fiscal years 1971 and 1985. County expenditures for prosecution, like statewide prosecution expenditures, increased much faster from 1971 through 1979 (65 percent) than from 1979 through 1985 (less than 7 percent).

Spending increases have also varied over the years in different Illinois counties. Expenditures for the Cook County State's Attorney's Office, for example, increased 146 percent (in constant dollars) between fiscal years 1970 and 1988. As was the case statewide, the biggest increases in Cook County occurred during the 1970s rather than the early 1980s

(FINANCE 2-7). Constant-dollar expenditures increased 84 percent from fiscal 1970 through fiscal 1979, but only 18 percent from 1979 through 1985. From fiscal 1985 through fiscal 1988, however, prosecution expenditures in Cook County increased sharply—more than 13 percent in only three years.

In DuPage County, expenditures for the state's attorney's office increased substantially between fiscal years 1970 and 1988—120 percent in constant dollars—but most of this increase occurred in the 1970s (FINANCE 2-8). Between fiscal years 1970 and 1979, expenditures for the DuPage County State's Attorney's Office increased 95 percent (in constant dollars), but from 1979 through 1985 they increased less than 6 percent. And, although constant-dollar expenditures increased 6 percent from 1985 through 1988, the 1988 amount was still lower than expenditures in 1984. In the five collar counties combined (DuPage, Kane, Lake, McHenry, and Will), spending on state's attorneys' activities reached nearly \$8.5 million in fiscal 1988.

In smaller counties such as Cass, where non-personnel expenses are negligible and the entire prosecution staff usually consists of only the state's attorney and a secretary, expenditure trends for the state's attorney's office have been driven largely by changes over the years in the state law that sets the elected state's attorney's salary. Prosecution spending in many of these small counties, after adjusting for inflation, has not changed

much over the last two decades. In fiscal year 1970, for example, the Cass County State's Attorney's Office spent approximately \$63,000 (in constant 1988 dollars); in fiscal 1988 the county spent almost the same amount (\$62,284).

A substantial number of counties in Illinois, like Cass County, spend less than \$100,000 a year for their state's attorney's office. In the 79 Illinois counties where data are available, 47 percent of them spent less than \$100,000 on state's attorneys' activities in fiscal 1988.

Trends in state-level direct expenditures for prosecution agencies were not similar to trends in county expenditures. Expenditures for the Illinois Attorney General's Office actually decreased 9 percent (in constant dollars) between state fiscal years 1972 and 1982, before increasing 36 percent between 1982 and 1985. This was followed by another decline, of 7.5 percent, between fiscal years 1985 and 1988. Expenditures for the Office of the State's Attorneys Appellate Prosecutor, the other main state-level prosecution agency, in-

creased almost 74 percent (in constant dollars) between fiscal 1979, when the agency began operations, and fiscal 1988.

### WHAT PERCENTAGE OF GOVERNMENT SPENDING GOES FOR PROSECUTION?

Because there is no centralized reporting of expenditure data by state's attorneys' offices in Illinois, it is difficult to measure precisely what percentage of overall county spending is devoted to prosecution. However, an analysis of spending in 79 Illinois counties found that approximately 6 cents of every dollar of county general revenue fund spending goes for the state's attorney's office.

In Cook County, spending for the state's attorney's office represented slightly more than 9 percent of the total expenditures from the county Corporate Purposes Fund in fiscal 1988. In DuPage County, the state's attorney's office accounted for slightly more than 6 percent of all General Fund expenditures in fiscal 1988 (for the five collar counties combined, the average was 5.7 percent). And in Cass County, 6.6 percent of the total expenditures from the county's Gen-

eral Fund in fiscal 1988 went to the prosecutor's office.

In both Cook and DuPage counties, the share of county expenditures devoted to the state's attorney's office has grown over the last two decades. In Cook County, it rose from 2.6 percent in fiscal 1970 to 9.2 percent in fiscal 1988. In DuPage County, the increase was smaller—from 5.5 percent to 6.2 percent during this period.

At the state level, spending for prosecution agencies makes up a very small proportion of the state's total expenditures from the General Revenue Fund. For example, the Illinois Attorney General's Office accounts for only about one-quarter of 1 percent of all state General Revenue spending, a proportion that has not changed much since 1972.

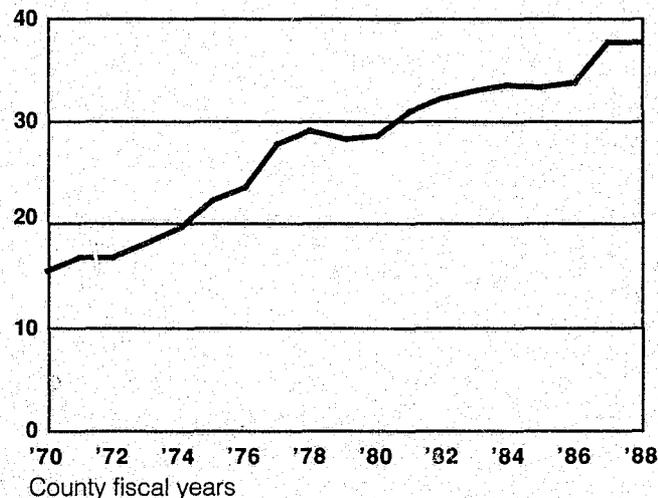
### HOW MUCH DOES IT COST TO PROSECUTE A CRIMINAL CASE IN ILLINOIS?

The cost of prosecuting criminal cases in Illinois varies widely according to the type of case involved. In Cook County, at least, financial crimes seem to be the most expensive to prosecute, while traffic

FINANCE 2-7

#### Expenditures for the Cook County State's Attorney's Office increased 146 percent between 1970 and 1988.

Expenditures, constant 1988 dollars (millions)

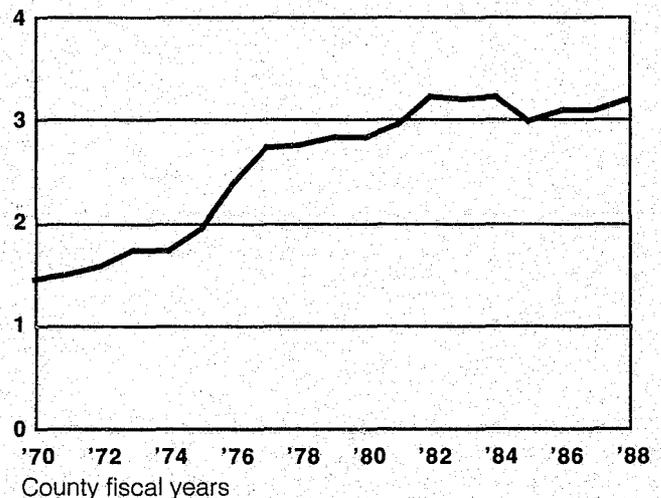


Source: Office of the Cook County Comptroller

FINANCE 2-8

#### Expenditures for the DuPage County State's Attorney's Office increased sharply in the 1970s, but have been relatively stable since then.

Expenditures, constant 1988 dollars (millions)



Source: DuPage County Finance Department

cases, probably because of the large volume of them, are the least expensive.<sup>22</sup>

The Cook County State's Attorney's Office spent an average of more than \$1,600 to prosecute a financial crime in fiscal 1988 (FINANCE 2-9).<sup>23</sup> In addition, criminal appeals tend to cost more per case than juvenile and general criminal cases. And the average DUI case in Cook County costs about eight times more to prosecute than other traffic cases.

**FINANCE 2-9**

**In Cook County, financial crimes are the most expensive to prosecute.**

Type of case	Average estimated cost per case
General criminal prosecution cases	\$16.30
Felony trial cases	\$137.96
Juvenile court cases	\$53.57
Criminal appeals cases	\$156.19
Traffic court cases	\$.92
DUI cases	\$7.63
Financial crime cases	\$1,643.28

Source: Office of the Cook County Comptroller

**HOW DOES PROSECUTION SPENDING COMPARE WITH PROSECUTION ACTIVITY IN ILLINOIS?**

With no centralized repository of expenditure data for prosecutors' offices in Illinois, it is difficult to compare prosecution spending with prosecution activity on a statewide basis. In the state's two largest counties, however, where spending data are available, it appears that changes in spending have not kept up with changes in prosecution activity during the 1980s.

In Cook County, both the number of felony cases filed and the number of felony defendants charged increased sharply between 1978 and 1988—the former by more than 88 percent, the latter by more than 76 percent. But during this same period, spending for the Cook County State's Attorney's Office increased only 30 percent in constant dollars (FINANCE 2-10).

DuPage County experienced rapid growth in both total cases filed (defendants) and constant-dollar expenditures between 1970 and 1982. Cases filed increased 136 percent, and expenditures for the DuPage County State's Attorney's

Office rose by 122 percent in constant dollars (FINANCE 2-11). More recently, however, total cases filed rose 34 percent, but constant-dollar spending for the state's attorney's office remained relatively steady, declining only 1 percent between 1978 and 1988.

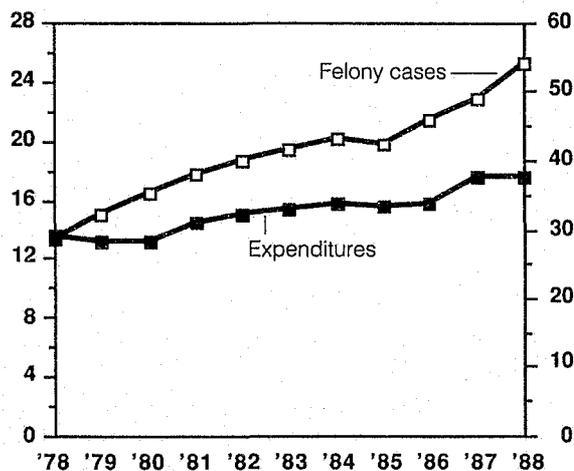
Increases in prosecution activity in DuPage County have occurred for all types of crimes. Between 1978 and 1989, the number of cases (charges) filed increased 70 percent for violent index crimes, 66 percent for property index crimes, and 74 percent for total drug offenses.<sup>24</sup>

An even more important contributor to overall prosecution activity, however, was the sharp increase in cases filed for driving under the influence (DUI). Between 1978 and 1989, DUI cases increased at least fourfold (300 percent) and probably more than tenfold, although changes in charging procedures in DuPage County make it difficult to determine the exact amount of the increase.<sup>25</sup> Even though the increase in DUI cases has now tapered off, these cases are taking longer to prosecute on the average because more DUI defendants, faced with the

**FINANCE 2-10**

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

Felony cases filed (thousands)      Expenditures, constant 1988 dollars (millions)

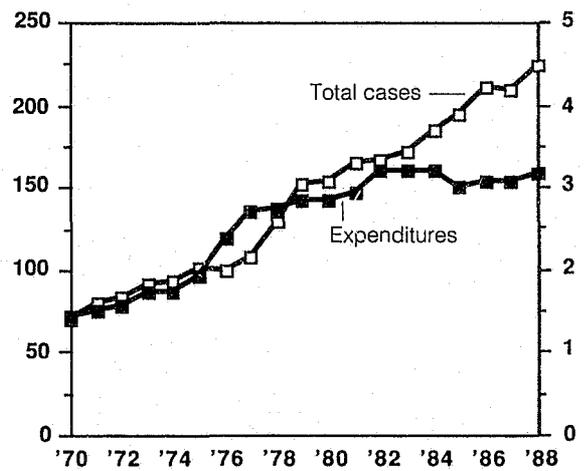


Source: Administrative Office of the Illinois Courts; Office of the Cook County Comptroller

**FINANCE 2-11**

**The total number of cases filed in DuPage County has continued to increase steadily, but expenditures have remained level since 1982.**

Total cases filed (thousands of defendants)      Expenditures, constant 1988 dollars (millions)



Source: DuPage County Finance Department; 18th Judicial Circuit

FINANCE 2-12

**Even after controlling for inflation, the earning power of state's attorneys in Illinois has increased since 1971.**

County population	1989 salary	1971 salary range
Less than 10,000	\$45,500	\$33,788-\$53,753
10,000 to 19,999	\$61,500	\$38,395-\$58,360
20,000 to 29,999	\$65,000	\$43,002-\$62,968
30,000 or more	\$80,000	\$47,610-\$67,575 (30,000-39,999 pop.) \$52,217-\$72,183 (40,000-69,999 pop.) \$56,825-\$76,790 (70,000-500,000 pop.)
Cook County	\$90,000	\$76,790-\$104,434

Note: Figures are in constant 1988 dollars. In 1971, state law specified a salary range that counties of different sizes could pay their state's attorneys; the state contributed \$7,200 (\$22,115 in constant 1988 dollars) for each state's attorney's salary. In 1989, state law set a specific salary figure for state's attorneys, with the state paying two-thirds of each salary.

Source: Illinois Revised Statutes

FINANCE 2-13

**Constant-dollar spending for public defense more than tripled in Illinois, and nearly quadrupled in the country as a whole, between 1971 and 1985.**

	U.S. total	U.S. counties	Illinois total	Illinois counties
1971	\$206,184,157	\$126,368,656	\$7,860,222	\$ 7,838,721
1973	311,594,008	165,487,198	8,370,885	8,341,268
1978	567,644,835	326,211,962	22,470,911	22,364,113
1985	790,274,877	391,010,451	24,176,417	23,973,441
Percent change (1971-1985)	+283%	+209%	+208%	+206%

Note: These figures cover direct, current expenditures in constant 1988 dollars (see note 21).

Source: Bureau of Justice Statistics

prospect of increased penalties upon conviction, are asking for lengthier—and costlier—jury trials.<sup>26</sup>

**HOW MANY COUNTY PROSECUTORS ARE THERE IN ILLINOIS, AND HOW MUCH ARE THEY PAID?**

Because personnel expenses account for such a large percentage of all prosecution expenditures in Illinois, total spending is closely related to the number of prosecutors and how much they are paid.

Every county in Illinois has at least one prosecutor—the elected state's attorney. In 36 of the state's 102 counties, this per-

son is the county's sole prosecutor. In the other 66 counties, there are one or more assistant state's attorneys (see page 90 for more information on the number of prosecutors in each Illinois county). Statewide, there were 1,100 full-time assistant state's attorneys in Illinois as of July 1989, up from about 990 in June 1988. Approximately six out of every 10 assistant prosecutors in Illinois work for the Cook County State's Attorney's Office, where the number of prosecutors budgeted for increased from 195 in fiscal 1971 to 634 in fiscal 1989.

The salaries of elected state's attorneys, like those of county sheriffs, are set by Il-

linois statute, and are based on the populations of their respective counties.<sup>27</sup> In 1989, salaries for state's attorneys ranged from \$45,500 a year in counties with fewer than 10,000 people, to \$80,000 in counties having 30,000 to 1 million people, and \$90,000 in Cook County. The salaries of elected state's attorneys have generally increased since the early 1970s, even when inflation is controlled for (FINANCE 2-12). In counties with 20,000 to 29,999 people, for example, state's attorneys in 1989 earned \$65,000, compared to a range of \$43,002 to \$62,968 (in constant 1988 dollars) in 1971.

Because they are not set by state law, the average salaries paid to assistant state's attorneys in Illinois are difficult to measure. But in Cook County, where detailed salary data are available, it is clear that prosecutors earn less than half the average salaries paid to associates in private law firms. In fiscal 1989, the average budgeted salary for an assistant state's attorney in Cook County was \$34,807; the average starting salary was \$24,300.<sup>28</sup> By contrast, the average annual salary for associates in private law firms in Illinois was \$88,000 in 1989.<sup>29</sup> For all state's attorney's office personnel in Cook County—including not only prosecutors, but also investigators, secretaries, and other support staff—the average budgeted salary in fiscal 1989 was \$29,040.

Nationwide, the average salary of a full-time employee in a prosecutor's office (including attorneys, clerical staff, and others) increased from \$10,428 in 1971 to \$25,536 in 1985 (in nominal dollars not adjusted for inflation).<sup>30</sup> Adjusting these figures for inflation, however, reveals that the average salary of a prosecution employee was actually 11 percent lower in 1985 than in 1971.

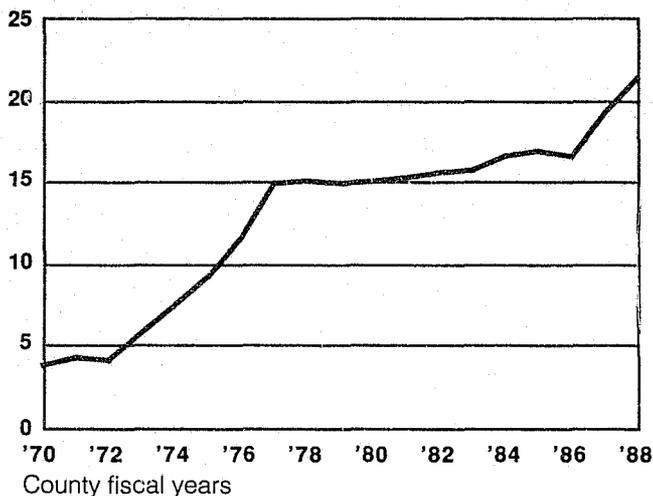
**HOW MUCH MONEY IS SPENT FOR PUBLIC DEFENSE IN ILLINOIS?**

Total direct expenditures for public defense in Illinois increased 208 percent (in constant dollars) between 1971 and 1985 (FINANCE 2-13). This increase, though substantial, still lagged behind the in-

FINANCE 2-14

**After remaining relatively steady since 1976, spending for the Cook County Public Defender's Office rose 28 percent between 1986 and 1988.**

Expenditures, constant 1988 dollars (millions)

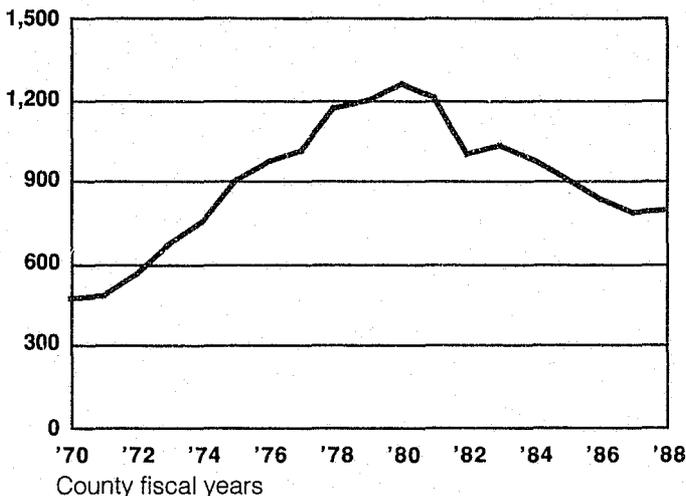


Source: Office of the Cook County Comptroller

FINANCE 2-15

**Spending for the DuPage County Public Defender's Office declined more than 36 percent between 1980 and 1988.**

Expenditures, constant 1988 dollars (thousands)



Source: DuPage County Finance Department

crease of 283 percent in the country as a whole. Furthermore, almost all of the increase in expenditures for public defense occurred during the 1970s, with little growth in the 1980s.<sup>31</sup> Between 1973 and 1978, constant-dollar spending on public defense—at the county and state levels, and for both trial and appellate services—rose 168 percent in Illinois, compared to 82 percent nationally. But from 1978 through 1985, these expenditures leveled off substantially, increasing less than 8 percent in Illinois and 39 percent nationally.

Spending for public defense in Illinois' 102 counties, where the majority of public defense work and spending take place, followed similar trends (see FINANCE 2-13). Total county expenditures for public defense (in constant 1988 dollars) rose from about \$7.8 million in 1971 to nearly \$24 million in 1985, a 206-percent increase. Again, public defense spending at the county level increased sharply in the early and mid-1970s—more than 185 percent between 1971 and 1978—but has been relatively flat ever since.

Statewide spending trends are driven largely by trends in Cook County, which

accounts for almost 70 percent of all county spending for public defense in Illinois. Expenditures for the Cook County Public Defender's Office (in constant dollars) increased almost 460 percent between county fiscal years 1970 and 1988, with the most dramatic jump occurring between 1972 and 1977, when expenditures rose 260 percent (FINANCE 2-14). In fact, this percentage increase was the largest for any single Cook County criminal justice office during that six-year period.

Public defense spending in other large Illinois counties increased as well during the mid-1970s, but generally not by as much as in Cook County. In DuPage County, for example, public defense expenditures increased 79 percent (in constant dollars) between fiscal years 1972 and 1977, and continued to rise through 1980 (FINANCE 2-15). After fiscal 1980, however, public defense spending in DuPage County steadily declined—36 percent (in constant dollars) through fiscal 1988. In 1988, expenditures for public defense in the five collar counties of DuPage, Kane, Lake, McHenry, and Will totaled \$2.8 million, or 13 percent of the

\$21.3 million spent in Cook County.

As with spending on their state's attorneys' offices, many Illinois counties spend relatively small amounts of money on public defense. In the 70 counties where data are available, three-quarters spent less than \$100,000 for public defense services in fiscal 1988.

At the state level, spending for public defense has increased sharply too since the mid-1970s. Between fiscal years 1974 and 1988, expenditures for the Office of the State Appellate Defender increased almost 130 percent (in constant dollars).

**WHAT PERCENTAGE OF GOVERNMENT SPENDING GOES FOR PUBLIC DEFENSE?**

As with state's attorneys' offices, it is difficult to measure exactly what percentage of county spending goes for public defense in Illinois. However, in the 70 Illinois counties for which data are available, approximately 2 percent of county general revenue fund spending is devoted to public defense services. This compares to the 6 percent of spending that is devoted to state's attorneys' offices.

**In Cook County, cases with multiple defendants are the most expensive for the public defender's office.**

Average expenditures per case from the Cook County Corporate Purposes Fund, 1988

Type of case	Average estimated cost per case
Criminal	\$379.41
Juvenile	\$88.16
Appellate	\$629.03
Multiple defendant	\$1,014.28

Source: Office of the Cook County Comptroller

In Cook County, the public defender's office accounted for approximately 5 percent of all expenditures from the county's Corporate Purposes Fund in fiscal 1988 (compared to about 9 percent for the state's attorney's office). In DuPage County, spending for the public defender's office represented 1.5 percent of all expenditures from the General Fund in fiscal 1988 (compared to 6.2 percent for the state's attorney's office). In the five collar counties, 1.9 percent of general fund expenditures went to public defense that year (compared to 5.7 percent for their state's attorneys' offices). And in Cass County, public defense spending made up 1.6 percent of all General Fund expenditures in fiscal 1988 (compared to 6.6 percent for the prosecutor's office). In general, the share of county funds devoted to public defense has not changed much over the years.

Part of the reason that total expenditures for county public defenders' offices are generally lower than total expenditures for state's attorneys' offices is that prosecutors are involved not only in criminal cases, but in many other types of cases as well. County public defenders, on the other hand, are almost exclusively responsible for criminal cases involving indigent defendants (although they handle paternity suits as well). Despite these differences in responsibility, the amount

spent *per staff member* on salaries, office supplies, and other resources is still generally lower in public defenders' offices than in state's attorneys' offices in Illinois. In 1984, for example, Cook County appropriated almost twice as much per assistant state's attorney as per assistant public defender for transportation, communication, postage, printing, photocopying, professional memberships, books, publications, and office supplies (see page 110). However, this difference may again be due in part to the fact that assistant state's attorneys handle civil and financial cases, which may be more expensive than general criminal cases.

At the state level, expenditures for the Office of the State Appellate Defender account for a very small percentage of all expenditures from the General Revenue Fund—less than one-tenth of 1 percent a year. But these expenditures are still higher than total spending for its counterpart, the Office of the State's Attorneys Appellate Prosecutor. This is primarily because the appellate defender's office has a broader range of responsibilities. For example, the appellate defender's office represents on appeal indigent defendants from across the state, including some from Cook County (the appellate prosecutor's office, on the other hand, does not handle any Cook County appeals), and it represents death penalty defendants in their automatic appeals to the Illinois Supreme Court. In addition, the office provides investigative services to court-appointed counsel and to county public defenders, and it assists counties with populations of fewer than 1 million people in planning trial-level defense services.<sup>32</sup> In the 1980s, however, constant-dollar expenditures have increased faster for the appellate prosecutor's office than for the appellate defender's office—74 percent and 18 percent, respectively, between state fiscal years 1979 and 1988.

**HOW MUCH DOES IT COST TO REPRESENT AN INDIGENT DEFENDANT IN ILLINOIS?**

It cost an average of \$167 (in constant 1988 dollars) to represent indigent defendants in each of the 194,000 trial and ap-

pellate cases handled by public defenders in Illinois in 1982. Four years later, when the number of cases had risen to 255,000, the average cost per case (in constant dollars) had fallen to \$140. In both years, the per-case cost in Illinois was below the national, constant-dollar averages of \$252 in 1982 and \$241 in 1986.<sup>33</sup> In fact, Illinois in 1986 ranked 46th among the 50 states in per-case cost, and 26th in per-capita spending, for public defense.

These statewide averages, however, mask differences in the cost of representing indigent defendants in different parts of the state and for different types of cases. For example, per-case expenditures for the Criminal Section of the Cook County Public Defender's Office are much higher than the statewide average. And for appellate cases and those involving multiple defendants, the costs are even greater (FINANCE 2-16).

**HOW DOES PUBLIC DEFENSE SPENDING COMPARE WITH ACTIVITY IN ILLINOIS?**

One factor that affects the demands on public defense services in Illinois and throughout the country is the economy: periods of high unemployment may bring not only more crime but also more people who cannot afford legal counsel in criminal cases. Although the economy has been relatively better in the late 1980s than in the late 1970s and early 1980s, it appears that changes in public defense spending in some parts of the state have not kept up with the demands for public defense services in recent years.

As with the other parts of the courts system, the *workload* for public defenders (the number of hours per staff attorney) can be very different from their *caseload* (the number of cases per staff attorney). However, it is difficult to measure the actual work time required for a public defender to process a given number of cases. One reason for this is that the total *case processing* time consists mostly of the time the case waits in queue, and includes little actual work time on the part of the attorneys. A 1985 analysis by the National Legal Aid and

FINANCE 2-17

**Attorney working time represents a small portion of the total amount of time needed to process public defense cases.**

Average processing times for public defense cases in the United States, 1985

Work step	Queuing time	Attorney working time	Total case processing time
Filing to preliminary hearing	5 days 5.0 hours	3.0 hours	6 days
Preliminary hearing to grand jury	25 days 7.5 hours	0.5 hours	26 days
Grand jury to arraignment	7 days 0.2 hours	0.8 hours	8 days
Arraignment to motions	30 days 4.0 hours	8.5 hours	31 days
Motions to jury trial	45 days 3.0 hours	45.0 hours	51 days
Disposition to sentence	30 days 6.0 hours	2.0 hours	31 days

Source: National Legal Aid and Defender Association

Defender Association (NLADA) estimated that felony cases in a typical public defense agency took 31 days from disposition to sentence, but that attorney time accounted for only two hours of the total (FINANCE 2-17). Because, as the NLADA points out, "the amount of time spent on casework, as reflected by attorney effort, is overwhelmed by the amount of time waiting for work to be scheduled," it is necessary to separate the number of cases from the work those cases require in order to compare expenditures and activity levels.<sup>34</sup>

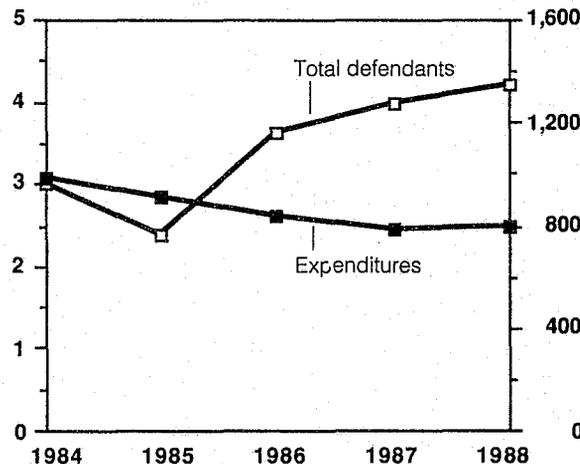
Unfortunately, no county in Illinois maintains the detailed data necessary to determine exact workload levels for either prosecution or public defense. Some related information is available, however, for Cook and DuPage counties.

In DuPage County, public defender expenditures (in constant dollars) peaked in 1980, and declined 34 percent from 1980 through 1988 (see FINANCE 2-15). From 1980 to 1988, cases filed (counts) declined 35 percent for violent index crimes, 39 percent for property index crimes, and 18 percent for total drug offenses. But for DUI, the number of cases filed increased more than tenfold, and DUI arrests more than tripled.<sup>35</sup> This sharp rise in DUI cases has contributed to sharp increases in activity for the public defender's office in recent years—increases that have dramatically outpaced changes in spending. Between fiscal years 1984 and 1988, the total number of people represented by the

FINANCE 2-18

**While the total number of people represented by the DuPage County Public Defender's Office increased 41 percent between 1984 and 1988, spending for the office declined 19 percent.**

Total defendants represented (thousands)      Expenditures, constant 1988 dollars (thousands)



Source: DuPage County Finance Department; 18th Judicial Circuit

DuPage County Public Defender's Office increased 41 percent, to 4,228.<sup>36</sup> During this same period, expenditures for the office (in constant dollars) decreased by more than 19 percent (FINANCE 2-18).

Even in Cook County, where spending on public defense has increased in recent years, growth in demands on the public defender's office have continued to outpace growth in expenditures. Between fiscal years 1984 and 1988, spending on public defense in Cook County increased 28.5 percent. But over

the same period, the number of felony cases handled by the public defender's office rose 60 percent. Even with the sharp increases in spending in fiscal years 1987 and 1988, the gap between expenditures and activity did not close in Cook County.

**HOW MANY PUBLIC DEFENDERS ARE THERE IN ILLINOIS, AND HOW MUCH ARE THEY PAID?**

Although every Illinois county has an elected state's attorney, not all counties have a full-time public defender. In Au-

gust 1989, for example, eight of the state's 102 counties used court-appointed private counsel to represent indigent defendants, and in 50 other counties, the only attorney in the public defender's office was the appointed public defender, who often works only part-time while maintaining a private law practice. Some counties also share a public defender's office.

In addition to these appointed public defenders, there were approximately 610 assistant public defenders working for counties throughout Illinois in August 1989. While that number is virtually unchanged from the total in July 1988, it is likely that the number of public defenders in Illinois has increased over the years as the courts have expanded the right to counsel. In Cook County, for example, the number of assistant public defenders included in the county's budget increased to 283 in fiscal 1989 from 64 in fiscal 1971.

For each appointed public defender in Illinois, state law sets a salary range that is based on the salary of the elected state's attorney in that county.<sup>37</sup> For example, in counties with a population of less than 100,000, the public defender's salary cannot be less than 25 percent nor more than 100 percent of the state's attorney's salary. In counties with a population of at least 100,000 but no more 500,000 people, the public defender can make between 40 percent and 100 percent of the state's attorney's salary.<sup>38</sup> The exact salary paid to an appointed public defender is ultimately determined by the county board (or, in the case of a common public defender's office, by joint resolution of the two or more county boards involved).<sup>39</sup>

FINANCE 2-19

**Constant-dollar salaries of public defenders in Illinois have increased since 1971.**

County population	1989 salary range	1971 salary range
Less than 10,000	\$11,375-\$45,500	\$8,447-\$43,002
10,000 to 19,999	\$15,375-\$61,500	\$9,599-\$46,588
20,000 to 29,999	\$16,250-\$65,000	\$10,751-\$50,374
30,000 to 99,999	\$20,000-\$80,000	\$11,902-\$54,060 (30,000-39,999 pop.) \$13,054-\$57,746 (40,000-69,999 pop.)
100,000 to 500,000	\$32,000-\$80,000	\$22,730-\$61,432 (70,000-500,000 pop.)
Cook County	\$72,060	\$30,716-\$83,547

*Note: Figures are in constant 1988 dollars. Under state law, the salary ranges of public defenders in Illinois are based on the salaries paid to state's attorneys. See FINANCE 2-12 for information about the salaries of state's attorneys in 1971 and 1989.*

*Source: Illinois Revised Statutes*

Like those of elected state's attorneys, the salaries of appointed public defenders in Illinois have generally increased since the early 1970s, even when inflation is controlled for (FINANCE 2-19). In counties fewer than 10,000 people, for example, public defenders earned between \$11,375 and \$45,500 in 1989, compared to a range of \$8,447 to \$43,002 (in constant 1988 dollars) in 1971.

But while the earning power of public defenders has increased in Illinois, the inflation-adjusted salaries of full-time staff in public defenders' offices (both attorneys and support personnel) have not. Nationwide, staff salaries decreased (in con-

stant 1988 dollars) from \$37,227 in 1971 to \$34,247 in 1979 and \$32,975 in 1985.<sup>40</sup> In Cook County, the average budgeted salary of an assistant public defender in fiscal 1971 was \$43,192 (in constant 1988 dollars)—or almost 20 percent higher than the fiscal 1989 average salary of \$34,679.<sup>41</sup> In fiscal 1989, the average salary of all staff in the Cook County Public Defender's office was \$29,891, compared with \$39,546 (in constant 1988 dollars) in 1971.

## The Data

Information on state government expenditures for prosecution and public defense, and on transfers from the state to county governments, was obtained from the *Illinois Annual Reports*, published by the Office of the Illinois Comptroller.

Financial information at the county level was collected from a variety of sources. Data on the revenue generated by state's attorneys' offices were obtained from the annual *Statewide Summary of County Finance in Illinois* reports, published by the state comptroller's office. These reports also provided summary statistics on overall spending by the counties.

Source and expenditure data for specific counties were obtained directly from the financial reports of those counties. From these reports, Authority staff obtained prosecution data for 79 counties and public defense data for 70 counties. More detailed information about prosecution and public defense spending in Cass, Cook, and DuPage counties were obtained from the primary financial agencies in those counties.

Employment information came from an Authority survey of the counties and from other sources (see the main part of Chapter 2 for more detailed, county-by-county information on prosecution and public defense employment). Salary information was derived from the appropriate Illinois statutes and from the annual appropriations bills for Cook County.

Comparative information on prosecution and public defense financing, spending, and employment was obtained from the *Justice Expenditure and Employment in the U.S.* reports, published by the federal Bureau of Justice Statistics. These reports were published for the years 1971 through 1979 and for 1985.

## Notes

<sup>1</sup> State reimbursements of state's attorneys' salaries are administered through the Illinois Department of Commerce and Community Affairs.

<sup>2</sup> Ill.Rev.Stat., ch. 53, par. 7.

<sup>3</sup> The collar counties here refer to DuPage, Kane, Lake, McHenry, and Will. Other "large" counties—those with either one city with a population of more than 50,000 or two cities with populations of 25,000 or more each—are Champaign, Macon, Madison, McLean, Peoria, Rock Island, Sangamon, St. Clair, and Winnebago.

<sup>4</sup> Ill.Rev.Stat., ch. 56 1/2, par. 1655 (2)(i).

<sup>5</sup> Ill.Rev.Stat., ch. 70, par. 510.

<sup>6</sup> Ill.Rev.Stat., ch. 14, par. 209. Because Cook County has its own Criminal Appeals Division, it does not use the services of the appellate prosecutor's office in criminal appeals, and therefore does not contribute to the office's county fund.

<sup>7</sup> *Criminal Defense for the Poor, 1986* (Washington, D.C.: Bureau of Justice Statistics, 1988).

<sup>8</sup> Illinois Criminal Justice Information Authority survey.

<sup>9</sup> Ill.Rev.Stat., ch. 34, par. 5601 et seq. In addition, any county, regardless of size, can create a public defender's office with the approval of its county board.

<sup>10</sup> Only in Cook County, which has a public defender's office but which also uses appointed counsel occasionally, are these hourly rates set by statute. The most Cook County can pay to court-appointed counsel is \$40 per hour while court is in session and \$30 for each hour otherwise spent representing the defendant. This compensation cannot exceed \$150 for a misdemeanor case or \$1,250 for a felony case. Ill.Rev.Stat., ch. 38, par. 113-3.

<sup>11</sup> State law allows two or more adjoining counties within the same judicial circuit to

create, by joint resolution of their county boards, a common public defender's office (Ill.Rev.Stat., ch. 34, par. 5601.2). Or, as in the case of Brown, Cass, and Schuyler counties, two or more counties can individually contract with a single attorney to provide public defense services for those counties without forming a common public defender's office.

<sup>12</sup> *Criminal Defense for the Poor, 1986, 1988*, p. 4.

<sup>13</sup> Here, "trial level" refers to the initial disposition of the case, in contrast to the appellate level. In addition, while the state does not provide any direct funds for public defense at the trial level, state law does require counties of fewer than 500,000 people to appropriate a "sufficient sum" for the defense of indigent persons in felony cases. However, the law does not specify what that amount should be, nor does it provide for any state money for this purpose. Ill.Rev.Stat., ch. 34, par. 5609.

<sup>14</sup> Ill.Rev.Stat., ch. 38, par. 113-3.1.

<sup>15</sup> *DuPage County Court Annual Report 1987* (Wheaton, Ill.: 18th Judicial Circuit, 1987), p. 20.

<sup>16</sup> *Annual Report to the Supreme Court of Illinois* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1989).

<sup>17</sup> Cass County (along with Brown and Schuyler counties) contracts with a single attorney to provide public defense services. Because the fee paid to this attorney covers all of his expenses (including his salary), the percentage of Cass County spending on public defense that goes for compensation cannot be precisely measured.

<sup>18</sup> Lisa J. McIntyre, *The Public Defender: The Practice of Law in the Shadows of Repute* (Chicago: University of Chicago Press, 1987), p. 92.

<sup>19</sup> Joan Jacoby, *Caseweighting Systems for Prosecutors: Guidelines and Procedures* (Washington, D.C.: National Institute of Justice, 1987).

<sup>20</sup> Jacoby, 1987.

<sup>21</sup> National and statewide expenditure figures come from the Bureau of Justice Statistics' *Justice Expenditure and Employment in the U.S.* reports, which were published for the years 1971 through 1979 and for 1985. "Legal services and prosecution" in this national survey includes "prosecuting attorney's offices, legal departments, and all attorneys providing legal services for (the) government." The survey covers direct, current expenditures. Direct expenditures are those directly paid for in a prosecution agency's budget, and not those paid for "indirectly" by another unit of government. Current expenditures are operational (as opposed to capital) expenditures.

<sup>22</sup> Although the detailed workload data that would be needed to calculate costs per case are not available in Illinois, some *estimates* of the cost of prosecuting different types of cases in Cook County are presented here.

<sup>23</sup> The data in FINANCE 2-9 represent direct expenditures from Cook County's Corporate Purposes Fund for different types of cases prosecuted in fiscal 1988. These figures are calculated by taking the total amount expended for each division of the state's attorney's office (as published in the Cook County Annual Appropriations Bill for FY1989) and dividing it by the number of cases handled by that division.

<sup>24</sup> Total cases filed increased 73 percent, from 1978 to 1988. The *specific* data on criminal cases filed in DuPage

County were obtained from a special analysis done for the Authority by the state's attorney's office. Because of a change in the office's computer program in 1988, the quality of 1988 figures could not be determined. Therefore, 1989 figures were used for the comparisons of prosecution activity for different types of crimes (see page 12 for further analysis of these data). Note that total cases filed refer to *defendants*, while the specific cases filed (by type of crime) refer to *charges*.

<sup>25</sup> Arrests for DUI increased 299 percent, total DUI charges increased 2,237 percent, and basic DUI charges increased 1,011. Beginning in 1982, people arrested for DUI in DuPage County were often charged with two counts: "DUI over .10" and the basic DUI charge. Between 1982 and 1986, total DUI charges increased 217 percent, with "DUI over .10" increasing 429 percent and other DUI charges increasing 152 percent. But from 1986 to 1989, while "DUI over .10" charges rose slightly, the number of other DUI charges dropped.

<sup>26</sup> DuPage County Office of the Clerk of the Circuit Court.

<sup>27</sup> Ill.Rev.Stat., ch. 53, par. 7.

<sup>28</sup> Cook County Annual Appropriations Bill for FY1989, pp. 281-286.

<sup>29</sup> *Horizon's Occupational Information*, 1990 edition (Springfield, Ill.: Illinois Occupational Information Coordinating Committee, 1990).

<sup>30</sup> *Justice Expenditure and Employment in the U.S., 1985* (Washington, D.C.: Bureau of Justice Statistics, 1989).

<sup>31</sup> The sharp increase in public defense spending in the early 1970s can be attributed in part to the impact of the U.S. Supreme Court's 1972 decision in *Argersinger v. Hamlin*, which required that persons charged with crimes punishable by a possible prison sentence be afforded counsel even if they cannot afford it.

<sup>32</sup> Ill.Rev.Stat., ch. 38, par. 208-10.

These investigative and planning activities, however, account for only a small portion of the total expenditures of the state appellate defender's office.

<sup>33</sup> *Criminal Defense for the Poor, 1986*, 1988.

<sup>34</sup> Joan Jacoby, *Caseweighting Systems for the Public Defender* (Washington, D.C.: National Legal Aid and Defender Association, 1985).

<sup>35</sup> These data were obtained from a special analysis done for the Authority by the DuPage County State's Attorney's Office. Note that "cases filed" refer to *charges*, while arrest figures are based on the number of *people* arrested (see notes 24 and 25).

<sup>36</sup> The 1984-1988 figures on public defense activity in DuPage County come from the annual reports of the 18th Judicial Circuit. Comparable data are not available for earlier years.

<sup>37</sup> Ill.Rev.Stat., ch. 34, par. 5605.

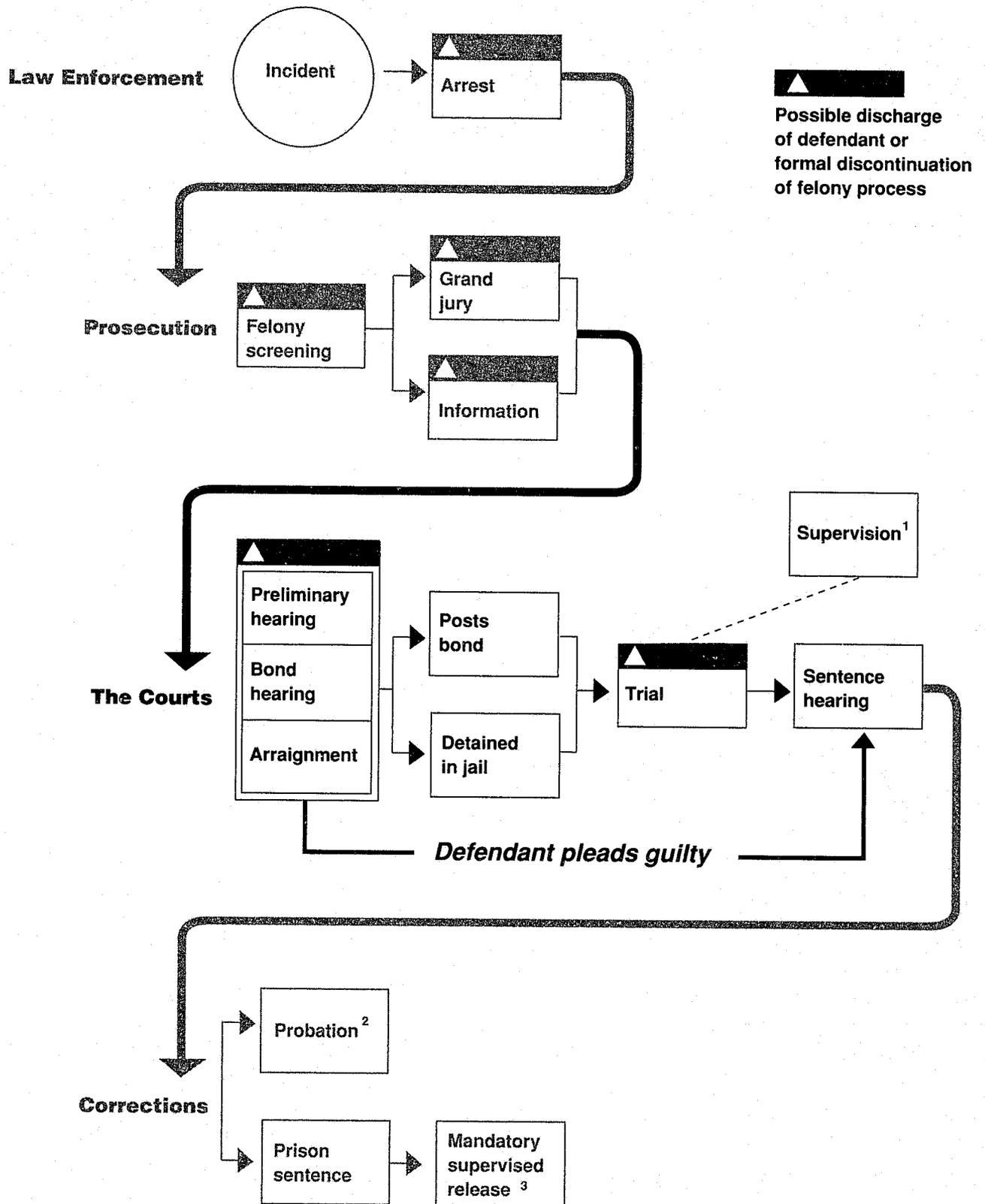
<sup>38</sup> Prior to July 1, 1986, the public defender could not be paid more than 80 percent of the salary of the state's attorney in any county. Now, regardless of county size, the public defender can make an amount equal to 100 percent of the state's attorney's salary.

<sup>39</sup> In many smaller counties, the salaries paid to public defenders do not necessarily represent their total income: many of these public defenders have private law practices, or they receive a salary from more than one county. However, if a public defender in a county with at least 30,000 people receives at least 90 percent of the state's attorney's salary, state law prohibits the public defender from maintaining a private law practice.

<sup>40</sup> *Justice Expenditure and Employment in the U.S., 1985, 1989.*

<sup>41</sup> Salary information was obtained from the Cook County Annual Appropriations Bills for fiscal years 1971 and 1989.

# An Overview of Felony Processing in Illinois



<sup>1</sup> After successful completion of court supervision, charges may be dismissed

<sup>2</sup> Or other form of court supervision, such as conditional discharge

<sup>3</sup> Or other conditional release from prison

# THE COURTS

## Overview

Under the U.S. Constitution, the courts function—alongside the executive and legislative branches—as an independent branch of government, resolving disputes, interpreting laws, and applying sanctions to lawbreakers. In this capacity, the courts are the final arbiters of the rules by which our society is governed—rules created by legislators and administered by the elected officials and staff of the executive branch. The court system as a whole deals with a wide variety of matters, ranging from tax disputes to family and juvenile affairs to violent crimes.

Illinois' criminal courts are based on an adversarial system, in which representatives of the state (*prosecution* attorneys from the county state's attorney's office) and representatives of the accused (*defense* attorneys) contest the facts of the case before an impartial judge or jury. A criminal case is brought to trial after a state's attorney has analyzed the arrest information provided by law enforcement officials and decided to file charges against the defendant. The judge presides over the proceedings, with broad powers to determine what evidence may be presented by either side. The judge also enforces the rules of the courtroom and sets the pace for the procedures. In applying these rulings, the judge draws on statutory law, on administrative rulings of the Illinois Supreme Court, and on precedents established in prior cases.

In practice, the court's function entails making a series of decisions: Should the defendant be granted bond? What bond conditions and amounts should be set? Is there probable cause to believe the suspect committed the crime? Is the evidence sufficient to support a finding of guilt beyond a reasonable doubt? If so, what is the appropriate sentence? Beyond these pretrial and trial responsibilities, the courts in Illinois also have certain post-trial duties, including the supervision of offenders on probation.

This chapter explores trends and issues in how criminal courts in Illinois carry out their broad mission.

### HOW ARE STATE-LEVEL COURTS ORGANIZED IN ILLINOIS?

In 1964, Illinois became the first state in the nation to adopt a truly unified court system—that is, a system with a uniform structure throughout the entire state and with centralized, rather than local, administration and rulemaking. Prior to the 1964 reorganization, Illinois had a variety of different courts, including justice-of-the-peace courts and police magistrate courts. Court unification eliminated all courts at the trial level except the Circuit courts, thus creating a single, unified, statewide court system.

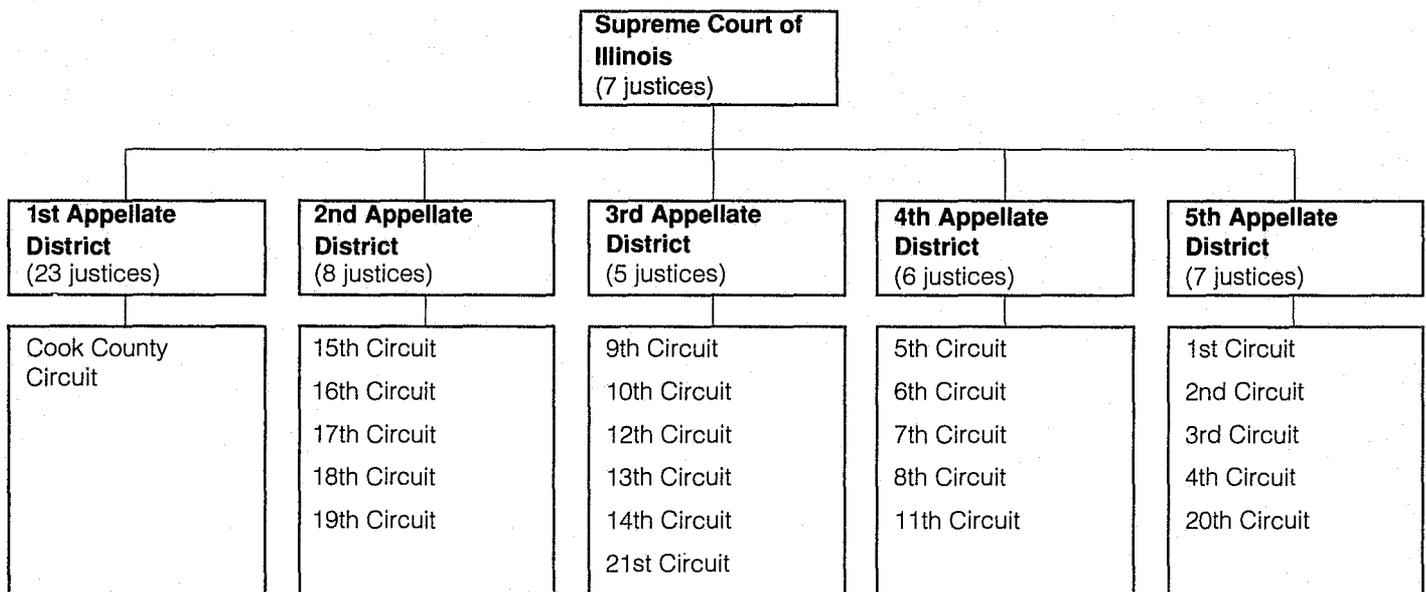
Illinois' court system has three tiers, with trial, intermediate appellate, and Supreme courts (Figure 3-1). The vast majority of felony and misdemeanor cases are heard and resolved in the trial—or Circuit—courts, the first tier in the system. Circuit courts are responsible for reviewing the facts of a case and rendering a disposition. The second tier in the system is a single, intermediate court of appeals, and the third tier is the Illinois Supreme Court, which can have either original or appellate jurisdiction, depending on the case.<sup>1</sup> While all 50 states have courts of last resort (which Illinois calls the Supreme Court), Illinois is one of only 38 states that have intermediate courts of appeal. The Appellate and Supreme courts in Illinois are responsible for seeing that the law is properly interpreted and applied.

Trial courts, which are located in each of the state's 102 counties, are organized into 22 judicial circuits (Figure 3-2).<sup>2</sup> Judicial circuits contain up to 12 counties—based on historical precedent—and in three of Illinois' most populous counties—Cook, DuPage, and Will—the county makes up a single judicial circuit.

Within some circuits, responsibilities may be divided between "lower-level" and "higher-level" trial courts. Under Illinois' unified court system, however, this distinction is purely administrative: cases heard in both types of

Figure 3-1

**The courts in Illinois are organized into three tiers.**



*Note: These numbers reflect Supreme Court and Appellate Court justices who preside over both criminal and civil cases. The Appellate Court numbers include not only justices elected by the voters but also Circuit Court judges assigned to the Appellate Court by the Illinois Supreme Court as of November 1989.*

*Source: Administrative Office of the Illinois Courts*

courts are actually heard by the same Circuit Court. Lower-level trial courts are primarily responsible for processing misdemeanor cases, all the way from initial court hearings through trial and sentencing. These courts may also conduct bond and preliminary hearings in felony cases. Higher-level courts, on the other hand, generally conduct felony trials.

In practice, the difference between higher- and lower-level trial courts depends on the size and complexity of the circuit. In circuits that hear relatively few criminal cases, all proceedings may take place in a single court where both circuit and associate judges preside over their respective functions. In Cook County, on the other hand, court functions and facilities are more strictly defined.<sup>3</sup>

Because of the tremendous volume of cases it handles, the Circuit Court of Cook County is divided into two departments: the Municipal Department and the County Department (Figure 3-3). The Municipal Department consists of six geographic districts, which are further divided into Criminal and Civil divisions. In the 1st Municipal District, which encompasses the City of Chicago, specialized preliminary hearing courts have been established. Each of these courts concentrates on cases involving particular offenses, such as homicide, auto theft, and sexual assault. In addition, the 1st Municipal District has a preliminary hearing court that deals exclusively with repeat of-

fenders. Generally, the types of criminal proceedings heard in the Municipal Department are either misdemeanor cases or felony preliminary hearings.

Felony cases bound over for trial are heard in the County Department's Criminal Division. These cases are heard in Chicago and in four suburban locations.<sup>4</sup> The Criminal Division, in conjunction with the Cook County State's Attorney's Office, also operates the Career Criminal Program, which focuses on the identification and prosecution of habitual offenders. Besides the Criminal Division, the County Department has seven other divisions: the Chancery, County,<sup>5</sup> Domestic Relations, Juvenile, Law, Probate, and Support divisions.

**HOW ARE CIRCUIT JUDGES SELECTED AND RETAINED?**

The Illinois Supreme Court allots each judicial circuit a certain number of elected circuit judges and appointed associate judges. The number of elected judgeships for each circuit is set by statute, and the number of associate judgeships is regulated by a formula based on population density. The Illinois General Assembly may create additional judgeships, which are then allocated by the Supreme Court, among the ranks of associate judges in response to needs identified in the analysis of court workloads. Circuits often petition the Supreme Court to increase their associ-

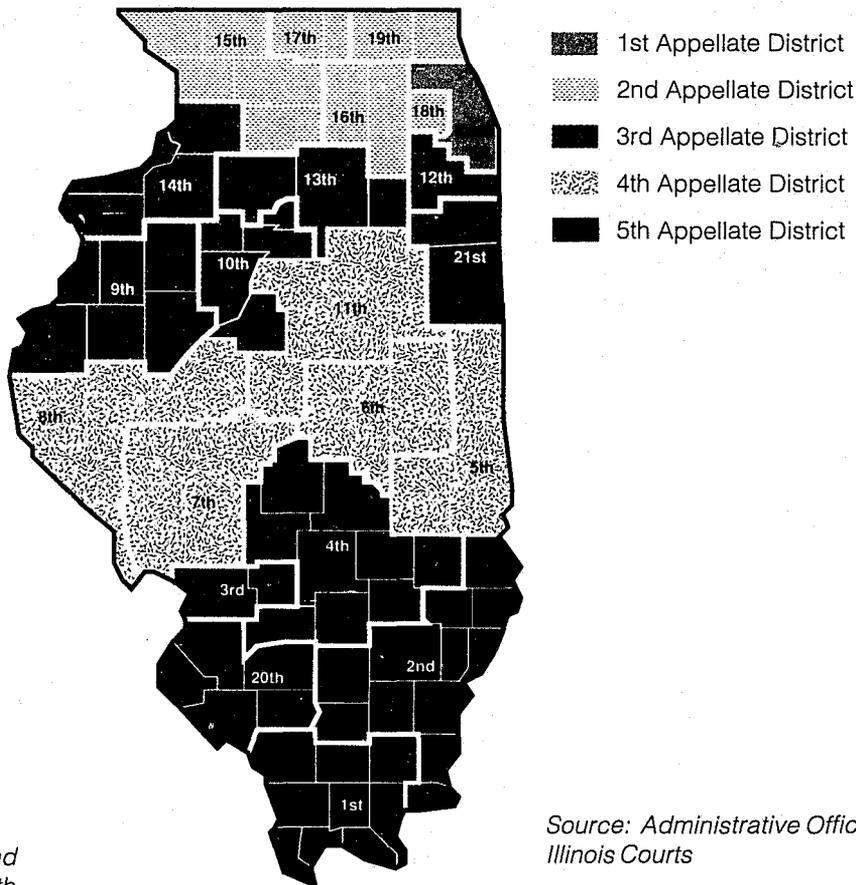
Figure 3-2

**Illinois courts are organized into 22 judicial circuits and five appellate districts.**

Circuit	Number of circuit judges*	Number of associate judges*
Cook County	177	182
1	14	6
2	15	4
3	9	8
4	12	6
5	10	4
6	12	11
7	11	10
8	11	5
9	9	6
10	10	11
11	9	7
12	6	12
13	7	5
14	12	9
15	8	5
16	11	12
17	8	10
18	10	19
19	10	17
20	12	11
21	6	3

\* As of November 1989

Note: These numbers reflect circuit and associate judges who preside over both criminal and civil cases.



Source: Administrative Office of the Illinois Courts

ate judgeships on this basis.

As a rule, each circuit judge, elected to a six-year term by the voters in that judicial circuit, presides over one trial court. When a circuit judgeship falls vacant, for example, because of the death of a judge, a temporary appointment to fill the position can be made by the Supreme Court of Illinois. Such vacancies, as well as newly created judgeships, are permanently filled by candidates nominated in partisan primary elections and elected in the next general election. Once the term of a judge who has been previously elected expires, the judge may submit his or her name to the voters, without an opposing candidate, on the sole question of whether the judge should be retained for another six-year term. To be retained, sitting judges must receive affirmative votes from at least 60 percent of those voting on the matter.

Judicial election remains controversial. Some critics argue that running for elected office involves judges in political matters that can threaten their independence. But others contend that appointment of judges can exclude women, minorities, and political independents from consid-

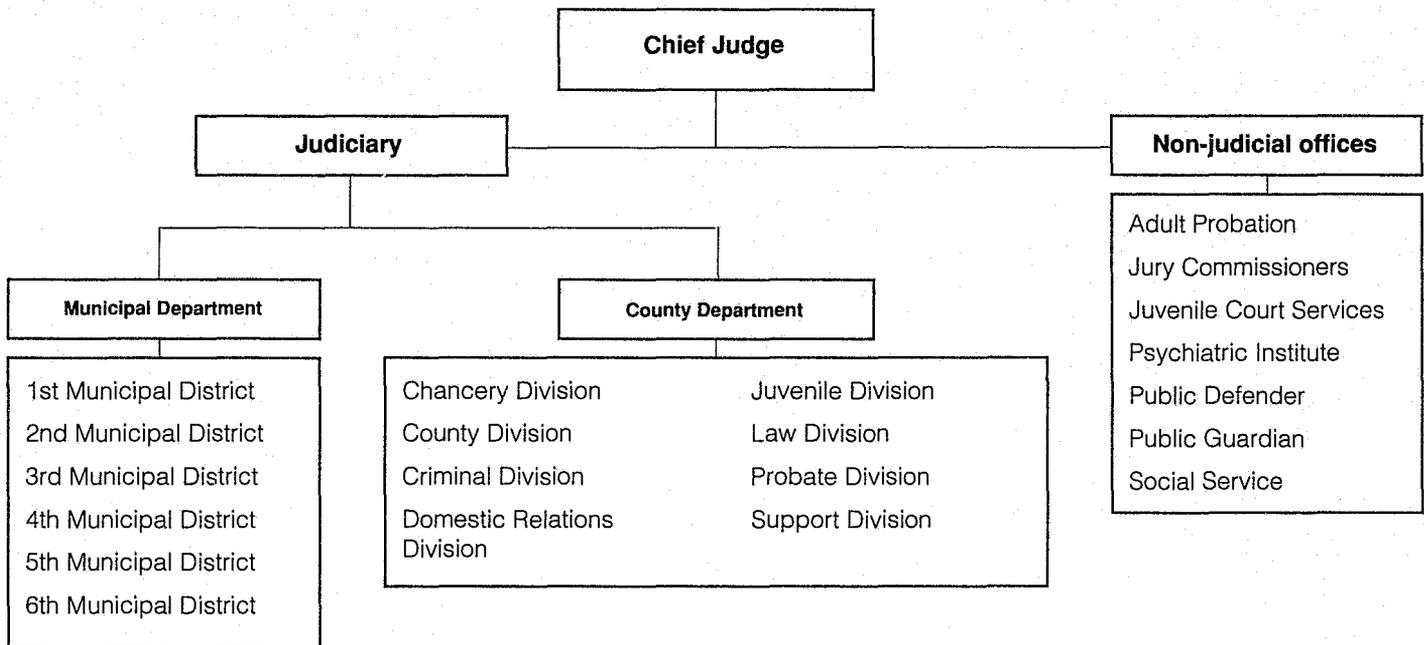
eration. Legislation that became effective in September 1989<sup>6</sup> attempts to address the issue of minority representation on the bench in Cook County by creating 15 subdistricts for judicial election within the county. Formerly, judges in Cook County were elected at large. Under the new law, judicial candidates may stand for election from each of the 15 smaller local districts. This change not only increases the number of elected appellate and circuit judges within Cook County, but offers smaller constituencies an opportunity to elect judges who will be representative of their communities.

In addition to elected judges, each circuit also has a certain number of appointed associate judges, who are usually limited to duties within the lower-level trial courts.<sup>7</sup> In November 1989, there were 389 circuit judges and 363 associate judges in Illinois. An additional 49 associate judgeships have been authorized but have not yet been assigned to circuits by the Supreme Court.

Approximately 48 percent of the state's circuit and associate judges serve in the Cook County Circuit Court, which is not only the largest judicial circuit in Illinois but

Figure 3-3

**The Circuit Court of Cook County consists of County and Municipal judicial departments and various non-judicial offices.**



Source: Circuit Court of Cook County

also, along with Los Angeles County, one of the two largest general jurisdiction trial courts in the country.<sup>8</sup>

In addition to statutorily allocated judges and appointed associate judges, the equivalent of approximately eight additional full-time judgeships are filled by sitting judges from other districts assigned temporarily to Cook County by the Supreme Court. These judges, who normally preside in other counties, are used to assist Cook County judges in meeting the heavy caseload demands of that circuit. In recent years, the collar counties around Cook County have also benefitted from the temporary assignment of judges from other circuits. However, as caseloads have increased in other parts of the state, such temporary assignments have become less frequent and of shorter duration. And although circuit judges in very large, multi-county districts may have a smaller volume of cases than judges in Cook County, they must often travel great distances to provide services. The 4th Circuit, for example, with an area of 5,359 square miles, is larger than the state of Connecticut.

To help administer the courts, the circuit judges in each circuit select from within their ranks a chief judge who, subject to the authority of the Illinois Supreme Court, has certain administrative powers for the circuit. For example, the chief judge has the right to establish general or specialized divisions of the court for administrative purposes.

**HOW ARE ILLINOIS' APPELLATE AND SUPREME COURTS ORGANIZED?**

The Illinois Appellate Court is the first court of appeal for all criminal cases except those involving the death penalty (which are automatically appealed directly from the Circuit Court to the Illinois Supreme Court) and those criminal appeals in which an applicable federal or state statute has been held invalid. Either the defense or the prosecution may appeal rulings of the trial court. However, because the law protects a defendant from being tried twice for the same crime, the prosecution cannot appeal a not-guilty judgment.<sup>9</sup>

The main function of both the Appellate and Supreme courts in Illinois is to ensure that the trial court correctly interpreted the law in a given case. For example, the defense may argue before the Appellate Court that unconstitutionally obtained evidence was admitted by the trial court. The Appellate Court can take one of several actions on such an appeal. It can deny the petition for appeal outright. Or, if the court decides the appeal has merit, it can affirm, reverse, modify, or vacate the original decision, or it can remand the case back to the lower court for reconsideration. In the latter instance, the Appellate Court may order a new trial, but specify that the questionable evidence that had been introduced in the first trial be held inadmissible in the new trial. Under certain limited circumstances,

decisions of the Appellate Court can be appealed to the Illinois Supreme Court, the highest court in the state.<sup>10</sup>

The Illinois Appellate Court is divided into five judicial districts. Except for the 1st District, which covers only Cook County, each appellate district includes either five or six judicial circuits (see Figure 3-2). Appellate Court justices are elected to 10-year terms by the voters in their districts in a process similar to that used for Circuit Court judges. In November 1989, there were 49 justices presiding over the Illinois Appellate Court: 23 in the 1st Appellate District, 8 in the 2nd, 5 in the 3rd, 6 in the 4th, and 7 in the 5th.<sup>11</sup>

Seven justices sit on the Illinois Supreme Court. Each Supreme Court justice is elected, in a process similar to that used for appellate and circuit judges, to a 10-year term from one of the five appellate districts: three Supreme Court justices are elected from the 1st District, and one justice is elected from each of the other four districts. Supreme Court justices preside jointly over all cases that come before the Court.

In addition to its role as the state's highest court, the Supreme Court oversees the operations of all subordinate courts in the state. Illinois' courts are administered by the chief justice of the Supreme Court, who is elected by the seven Supreme Court justices. In this administrative role, the chief justice is assisted by the director of the Administrative Office of the Illinois Courts (AOIC). Among its administrative duties, the Illinois Supreme Court sets forth rules for trial procedures and appeals, and can assign additional judges to the Appellate and Circuit courts. Although the lower courts have some degree of autonomy, final authority for their administration and operation rests with the state Supreme Court.

### **HOW IS JUDICIAL MISCONDUCT INVESTIGATED AND HANDLED?**

One reason that circuit and appellate judges are elected, rather than appointed, is to help promote judicial accountability to the people by providing a mechanism to remove judges who have failed to maintain standards of judicial conduct or who have become incapacitated by age or illness. A second mechanism of judicial accountability—the Judicial Inquiry Board—was instituted in 1971 by the new Illinois Constitution. The board is composed of two circuit judges appointed by the Supreme Court and three lawyers and four non-lawyer citizens appointed by the Governor. It is mandated to receive, investigate, and initiate complaints against any member of the Illinois judiciary. The board may then file those complaints before the Illinois Courts Commission. The commission is composed of five judges, selected from the Supreme, Appellate, and circuit courts. Following an investigation and hearing, the commission may remove, suspend, censure, or reprimand the accused judge.

Between 1972 and November 1989, 44 complaints

were filed against members of the Illinois judiciary. Three judges have been removed, 11 have been suspended for varying periods of time, three have been censured, and 10 have been reprimanded. Ten complaints have been dismissed outright, and seven others have been dismissed following resignations, completion of a term, or a failed re-election attempt. Thus, only a small fraction of 1 percent of all the judges who have served in Illinois in the past 18 years have received some form of sanction from the commission.<sup>12</sup>

Judges can also be removed from office as the result of a criminal conviction. As of August 1989, the Greylord Investigation of court corruption in Cook County, for example, produced convictions on criminal charges of 17 associate and circuit judges, some of whom received long prison terms. As a result of these convictions, each judge was automatically removed from office. Vacancies created in this way are filled by appointment or election.

### **HOW ARE THE FEDERAL COURTS ORGANIZED IN ILLINOIS?**

Like Illinois' state courts, the federal court system has three tiers. The lowest tier is made up of the 94 U.S. District courts nationwide, which are organized along state lines. These courts serve as the trial courts of original jurisdiction in federal matters, such as offenses that occur on federal property or that affect interstate commerce, interstate crimes such as drug trafficking, and criminal offenses related to national security. Three U.S. District courts are located in Illinois: the Northern District, which is administratively based in Chicago; the Central District, based in Springfield; and the Southern District, based in East St. Louis.

Judicial candidates for the District Court are nominated by the President and must be confirmed by the U.S. Senate. Their appointments are for life. In addition to these federal judges, U.S. magistrates also serve in the District courts. U.S. magistrates are civil officers, appointed by the District Court judges to eight-year terms, and are vested with limited judicial powers. Serving as adjuncts to federal judges, magistrates perform various courtroom duties. They preside over civil jury trials and criminal trials for minor offenses.<sup>13</sup>

The 12 circuits of the U.S. Court of Appeals constitute the intermediate court of appeal at the federal level. Illinois is located in the 7th U.S. Circuit, which also covers Wisconsin and Indiana. Like candidates for the District Court, judicial candidates for the Circuit Court of Appeals are nominated by the President and must be confirmed by the Senate. They also serve for life. Decisions of the Circuit Court of Appeals can be appealed further to the U.S. Supreme Court, although such appeals are rarely granted.

The U.S. Supreme Court is the highest court in the

nation. It hears certain appeals from both state supreme courts (or state appellate courts of last resort) and the U.S. Circuit Court of Appeals. Relying on a set of legal and customary requirements that have evolved over the years, the U.S. Supreme Court exercises wide discretion over whether or not to hear appeals. Historically, the Court has decided cases involving the most important and far-reaching policy questions of the day, based on its interpretation of the U.S. Constitution. The Supreme Court's nine justices—eight associate justices and one chief justice—are nominated by the President and are confirmed by the Senate to lifetime appointments on the Court.

### WHAT ARE THE MAIN RESPONSIBILITIES OF TRIAL COURTS IN ILLINOIS?

At both the state and federal levels, there are important differences between the trial and appellate courts. Trial courts are concerned with making legal determinations based on the *facts* of a particular case. Appellate courts review the *laws* involved in the trial court's decision and how those laws were applied in reaching a decision. Because the appellate courts can review past court decisions and legal statutes, their decisions can have a tremendous impact on public policy as well.

In Illinois, the role of the criminal trial courts extends far beyond their responsibility to conduct trials. Before charges are ever filed against a defendant, for example, law enforcement authorities may go before a judge seeking an arrest warrant or a search warrant. Even after an offender has been convicted and sentenced, the courts may still be involved in the case because in Illinois the courts administer both probation and the supervision of defendants on conditional discharge. Nevertheless, the most visible criminal court functions—and the ones requiring the most resources—are the range of events from pre-trial procedures through sentencing.

### WHAT ARE THE COURTS' PRETRIAL RESPONSIBILITIES?

Beginning with the commission of a crime, the movement of a case through the criminal justice system is a lengthy process of elimination. At each stage of the criminal justice process, some suspects or defendants drop out of the system, and an ever smaller number proceed to the next stage. A 1986 study of felony arrests in 28 U.S. jurisdictions determined that 12 of every 100 arrests for serious crimes result in a defendant being sent to prison<sup>14</sup> (Figure 3-4). Because Illinois criminal justice agencies have not yet implemented an offender-based tracking system, and because the disposition data currently gathered are incomplete, comparable outcomes of arrests for felonies or other crimes in the state are not known. Nevertheless, the steps in the judicial process, and the points at which defendants can exit the system, are the same as in the national study.

Three key stages of any criminal trial—the bond hearing, the preliminary hearing, and arraignment—occur early on in the judicial process. Although the three are distinct court functions, they often overlap (for example, the bond hearing and preliminary hearing can occur at the same proceeding, although a separate, formal arraignment is required):

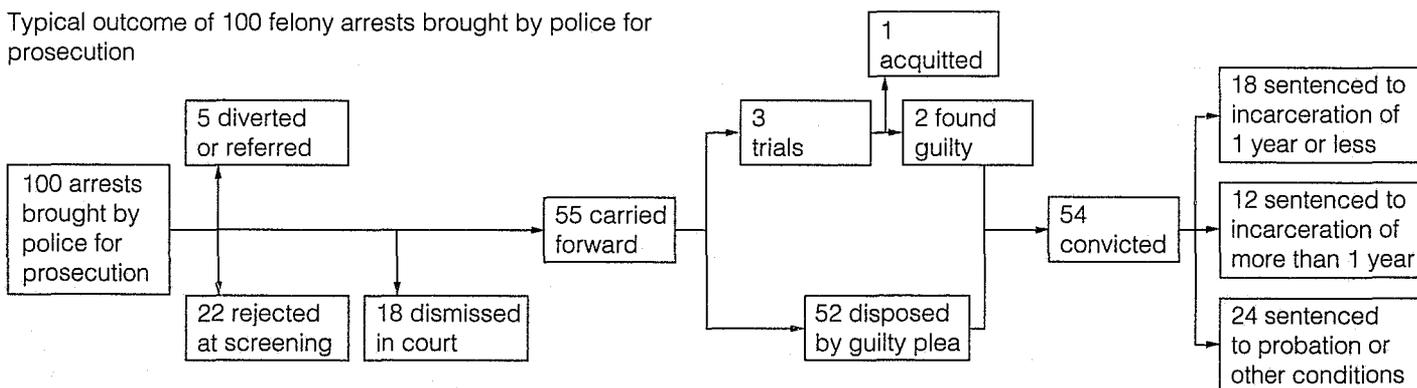
- **Bond hearing.** In a typical felony case, the first time the defendant appears in court is at a bond hearing.<sup>15</sup> During this hearing, the defendant is notified of the specific charges that have been filed. Then the judge, using available information about the charges, the defendant's criminal history, and other factors, sets a bond designed to ensure the defendant will appear for subsequent court dates.

Bond decisions typically involve two parts: the setting of a bond type and an associated amount of money. A defendant charged with a serious felony offense usu-

Figure 3-4

### More than half of all felony arrests nationwide result in convictions.

Typical outcome of 100 felony arrests brought by police for prosecution



Source: Bureau of Justice Statistics

ally receives a detainer bond, commonly referred to as a *D-bond*. In most cases, the defendant is required to post in cash 10 percent of the full bond amount set by the court. Otherwise, the defendant will usually be detained in the county jail until the case is resolved or until a judge subsequently reduces the bond and it is met.

Illinois is one of a growing number of jurisdictions that allow judges making bond decisions to consider the danger a defendant may pose to the community if released before trial. A 1986 amendment to the Illinois Constitution, and the legislation that followed, permit judges to deny bail to defendants charged with certain types of serious crimes if the presumption of guilt is great and if the defendant would pose a risk to the community if released.<sup>16</sup> Previously, judges were allowed to consider defendant dangerousness only in setting bond amounts. Bail may also be denied when the risk of the defendant fleeing is great, such as when the death sentence or life imprisonment is possible upon conviction. Defendants who violate the conditions of their parole or mandatory supervised release, or who have outstanding arrest warrants, may also be held without bond.

A defendant charged with either a misdemeanor or a less serious felony, and who is deemed likely to appear at future court proceedings, may be released on an individual recognizance bond, commonly called an *I-bond*. A defendant released on an *I-bond* is not required to post any money, but may remain liable to the court for a specified bond amount if the defendant fails to appear at subsequent court proceedings.

- **Preliminary hearing.** A state's attorney, working with police investigators' reports, can present a summary of facts pertaining to a charge directly to a judge. The summary is called an information. If a felony case is initiated by an information, a preliminary hearing must be held to establish probable cause.<sup>17</sup> At this hearing, a judge determines if the charges the state's attorney has filed against the defendant warrant further action by the court. Probable cause is established when the judge determines first, that the offense occurred, and second, that it is reasonable to assume the defendant was responsible for the crime. If the judge finds no probable cause at the preliminary hearing, charges against the defendant are dismissed. If a case is initiated through a grand jury indictment, the grand jury has established probable cause in arriving at its decision.

- **Arraignment.** If probable cause is found, the defendant will then be arraigned. During arraignment, the defendant is formally charged with one or more offenses. The defendant enters an initial plea, either

guilty or not guilty. If the defendant pleads guilty, the case proceeds directly to sentencing; otherwise, a trial date is set. Because the bond hearing and preliminary hearing are often handled together, it is not unusual for a defendant to plead guilty at the first court appearance. However, the plea becomes official only at arraignment.

It is just prior to the arraignment that most plea bargaining occurs. A plea of guilty may be exchanged for a dismissal of some charges in a multiple-charge indictment, for a reduced sentence, or for some specialized dispositions, such as diversion to a treatment program for alcohol or drug abuse. Guilty pleas may also be entered in exchange for a reduction of charge—for example, from a Class 1 to a Class 2 felony, or, occasionally, from a felony to a misdemeanor.

Rules laid down by the Illinois Supreme Court govern plea bargaining procedures throughout the state. A plea bargaining proposal is generally initiated by the defense, but may be introduced by either side. If the prosecutor and the defense attorney can come to an agreement, the substance of the case and the tentative bargain are put before the judge at a case conference. (If the defendant agrees to a case conference, he or she waives the right to ask for a substitution of judges if the conference does not produce a favorable bargain.) The judge must approve any agreement, and the defendant may then accept it or request a trial.

Plea bargaining can benefit both the defendant and the court system. The accused may enter a plea in order to limit the maximum potential penalty he or she is facing. Such agreements can benefit the system by resolving cases that would be difficult, time-consuming, and expensive to try.

#### **WHEN DOES A CASE GO TO TRIAL?**

The defendant's plea determines whether or not the case goes to trial. If the defendant pleads not guilty, preparations for a trial begin. Before the actual trial starts, however, there may be a series of pretrial hearings, initiated by either the prosecution or the defense. These hearings seek judicial rulings on issues such as the admissibility of evidence, the legality of the arrest, or the appropriateness of the bond amount. Motions to dismiss the case or plea conferences may also take place during pretrial hearings.

Under both the U.S. and Illinois constitutions, every defendant is guaranteed the right to a trial by a jury of his or her peers. The defendant also has the option of waiving this right and opting instead for a trial before a judge—a bench trial.

In addition, the 6th and 14th amendments to the U.S. Constitution guarantee defendants the right to a

speedy and public trial. The U.S. Supreme Court has established four factors for the courts to weigh in determining whether a defendant has been denied the right to a speedy trial: (1) length of the delay, (2) reason for the delay, (3) whether the defendant asserted a right to a speedy trial, and (4) whether the delay prejudiced the case against the defendant.

Under Illinois law, a defendant held in pretrial detention must be brought to trial within 120 days after being taken into custody, or within 160 days after being released on bond, unless delays are caused by the defense.<sup>18</sup> If the court finds that a prosecution request for additional time before going to trial is reasonable, the court may continue the case for no more than 60 additional days. If the court ultimately finds that the defendant was denied the right to a speedy trial, it must discharge the defendant from custody or bail obligations and dismiss all charges.

### **HOW ARE JURIES CHOSEN?**

In Illinois, juries traditionally have been selected from lists of registered voters, or from lists of voters merged with lists of licensed drivers, and assigned by county to a particular courthouse. Starting July 1, 1990, however, all Illinois juries except those in Cook County will be selected from a list of both licensed drivers and voters.<sup>19</sup> The administration of jury duty varies among jurisdictions. In some localities, a telephone call-in system is used. Under this system, prospective jurors are notified by mail that they must be available for jury duty on a particular date; persons then call in to see whether their attendance at the courthouse is needed on the date they were assigned. In other jurisdictions, prospective jurors must report to the courthouse every day during a term which varies by county, until they are either assigned to a trial—and then either accepted or rejected—or until they are relieved of service after the term is over.

A jury selection system called *one day—one trial* is used in both large and small Circuit courts in 12 counties, including the Circuit Court of Cook County.<sup>20</sup> The one day—one trial system not only eliminates many of the inconveniences associated with serving on a jury, but also has proven to be economical. Under the system, prospective jurors must report to the courthouse on the day they are assigned. If a person is selected for jury service on that day, he or she continues to serve through the duration of the trial. If the person is not selected by the end of the day, the prospective juror is relieved from further service for one year or until selected randomly again from the list of potential jurors, whichever is later.

In most jury trials, 12 jurors and two alternates are chosen by the prosecuting and defense attorneys. In DUI and criminal misdemeanor cases, only six jurors and two alternates may be selected, while in very complex felony

cases, more than two alternates may be impaneled. Both the prosecutor and the defense attorney are allowed to challenge the acceptance of a certain number of jurors without stating a reason—called *peremptory challenges*. In cases in which the death penalty is possible, each side is allowed 14 peremptory challenges; in cases punishable by imprisonment, seven each; and in all other cases, five each.<sup>21</sup> Each side may also challenge an unlimited number of jurors *for cause* by stating a specific reason for the challenge. This type of challenge must be decided by the judge.

Once the trial is completed, the jurors are instructed by the court to return a verdict—either guilty or not guilty—on each offense the defendant is charged with. If the defendant's sanity has been at issue in the case, the judge may issue instructions to the jury on two additional possible verdicts: guilty but mentally ill and not guilty by reason of insanity (see page 139). All jury decisions must be unanimous.

### **HOW ARE SENTENCES IMPOSED?**

If a defendant is found guilty of at least one charge, the court must then sentence the offender. In most cases, the judge imposes the sentence during a separate sentencing hearing. The death penalty can be imposed upon the motion of the prosecutor, by unanimous decision of the jury, or by a judge acting alone following a bench trial.<sup>22</sup>

Many factors influence the sentencing of defendants by the court—the prevailing philosophy toward sentencing aims, the type and severity of the crime committed, the offender's criminal and social history, the type of sentencing structure being used by the state, and any legislation affecting sentencing practices. According to a 1987 national survey, the purpose for criminal punishment the public favors most is "special deterrence"—sentencing to scare or educate the offender about the likely consequences of continuing to commit crimes.<sup>23</sup> Other common aims identified by the survey, in order of their popularity, include rehabilitation of criminals, incapacitation of criminals, and retribution.

The type of crime committed weighs heavily in influencing the type of sentence that is imposed. In Illinois, felony and misdemeanor offenses are classified for sentencing purposes by degree of severity. In decreasing order of severity, these classifications are first-degree murder; Class X felonies; Class 1, 2, 3, and 4 felonies; and Class A, B, and C misdemeanors (see Figure 3-5 for examples of crimes within the different statutory classes). Petty offenses are not classified for sentencing purposes. All first-degree murder offenses where the death penalty is not imposed, almost all Class X offenses,<sup>24</sup> and certain Class 1 and 2 felonies carry mandatory prison sentences. For other felonies, Illinois law states that a sentence of pro-

Figure 3-5

**Illinois' criminal code defines nine classes of felony and misdemeanor offenses.**

Examples of the offenses in each classification (for a complete list, see chapter 38 of the Illinois Revised Statutes)

<b>First-degree murder</b>	<b>Class 3 felony</b>
<b>Class X felony</b>	Aggravated battery
Attempted first-degree murder	Forgery
Aggravated criminal sexual assault	Theft (more than \$300, but less than \$10,000)
Armed robbery	Involuntary manslaughter
Aggravated kidnapping (for ransom)	Reckless homicide
Home invasion	Bookmaking
Controlled substance trafficking (under certain conditions)	<b>Class 4 felony</b>
<b>Class 1 felony</b>	Child abduction
Aggravated kidnapping (not for ransom)	Computer fraud
Second-degree murder	Threatening public officials
Attempted armed robbery	Patronizing a juvenile prostitute
Residential burglary	<b>Class A misdemeanor</b>
Robbery of elderly or handicapped person	Retail theft
<b>Class 2 felony</b>	Gambling
Arson	Criminal damage to property (less than \$300)
Burglary	Criminal sexual abuse
Robbery	Ethnic intimidation
Manufacture/delivery of more than 500 grams cannabis	Reckless conduct
Aggravated criminal sexual abuse	Battery
Motor vehicle theft	Violation of order of protection
Knowing transmission of human immunodeficiency virus	<b>Class B misdemeanor</b>
	Manufacture/delivery of less than 2.5 grams cannabis
	Computer tampering (no data obtained)
	Criminal damage to fire hydrants
	<b>Class C misdemeanor</b>
	Criminal trespass to land

bation or conditional discharge shall be imposed unless the offender's imprisonment is necessary for the protection of the public or unless, in the court's opinion, a sentence of probation or conditional discharge would underrate the seriousness of the offender's conduct.<sup>25</sup> Sentences imposed on defendants convicted of misdemeanors are generally less severe than those imposed for felonies: the maximum sentence length for misdemeanors—either incarceration or probation—cannot exceed one year.

Another factor influencing sentencing in Illinois is the state's determinate sentencing structure, which went into effect in February 1978. Illinois is one of only 10 states that use determinate sentencing.<sup>26</sup> Determinate sentencing was adopted in Illinois in an effort to reduce disparity in

sentencing practices and to increase the certainty and deterrent effect of criminal penalties.

Under the old, indeterminate sentencing system, each convicted felon sentenced to incarceration was given a prison term defined as a range of years (for example, 5 to 15 years). Judges generally had substantial discretion in establishing the specific sentence range for each offender. The state's paroling authority also had discretion in determining an offender's eligibility for parole and his or her actual release date from prison.

Under determinate sentencing, the sentencing options judges have, and the sentence lengths they may impose, are narrowly defined by statute. State law identifies the range of allowable prison and probation sentences for different statutory classes of offenses (Figure 3-6). Generally, a judge may impose a prison or probation sentence of a specific number of years, as long as it falls within the statutorily defined range for the offense in question. The choice of a sentence within that range is based on the presence of aggravating circumstances—for example, the offender has a history of prior criminal activity, caused serious harm, or victimized a physically handicapped person—or mitigating circumstances—the offender acted under strong provocation, has no prior criminal history, or did not cause serious harm. A judge may impose a prison sentence outside the normal range if an offender qualifies for an extended term.

In addition to determinate sentencing, several other state laws have affected sentencing practices in Illinois in recent years. For instance, state law allows "habitual offenders" to be sentenced to natural life imprisonment.<sup>27</sup> Depending on the circumstances of the crime, certain drug crimes can also be upgraded to more serious offenses. For example, the manufacture or delivery of a controlled or counterfeit substance can be upgraded from a Class 1 felony to a Class X felony if the offense took place on or near school property.<sup>28</sup> Similarly, an offender convicted of calculated criminal cannabis conspiracy following one or more previous convictions under this section of the Cannabis Control Act can be sentenced as a Class 1 felon.<sup>29</sup>

**WHAT ARE THE SPECIFIC SENTENCING OPTIONS IN ILLINOIS?**

Illinois law sets forth seven basic sentencing options that may be imposed, either alone or in combination with one another, on offenders convicted in Illinois:<sup>30</sup>

- **Probation.** The most frequently used sentencing option in Illinois—and across the nation—is probation, although it is not permitted for many serious crimes in Illinois.<sup>31</sup> An offender sentenced to probation is released to the community under certain court-ordered conditions, including the supervision by a probation

Figure 3-6

**Illinois law spells out specific sentence lengths for different statutory classes of offenses.**

Sentence term ranges as of January 1989

Crime classification	Probation term	Imprisonment term		Mandatory time spent on Mandatory Supervised Release following release from prison
		Without aggravating circumstances	With aggravating circumstances	
First-degree murder	Not applicable	20-60 years	Death penalty* Natural life imprisonment** 60-100 years	Not applicable Not applicable 3 years
Habitual offenders	Not applicable	Natural life	Natural life	Not applicable
Class X felony	Not applicable	6-30 years	30-60 years	3 years
Class 1 felony	4 years or less	4-15 years	15-30 years	2 years
Class 2 felony	4 years or less	3-7 years	7-14 years	2 years
Class 3 felony	30 months or less	2-5 years	5-10 years	1 year
Class 4 felony	30 months or less	1-3 years	3-6 years	1 year
Class A misdemeanor	1 year or less	Less than 1 year	Less than 1 year	Not applicable
Class B misdemeanor	1 year or less	6 months or less	6 months or less	Not applicable
Class C misdemeanor	1 year or less	30 days or less	30 days or less	Not applicable

\* In eligible cases only, where the prosecutor seeks the death penalty and it is imposed by unanimous decision of the jury.

\*\* In cases where the defendant is eligible for the death penalty or cases in which the offense was accompanied by exceptionally brutal or heinous behavior.

Source: *Illinois Revised Statutes, Chapter 38*

officer. In Illinois, probation officers are employees of the judicial branch of state government working for the Circuit Court in one or more counties. The Administrative Office of the Illinois Courts, through its Probation Division, is responsible for developing probation programs throughout the state.

Like prison sentences, sentences of probation vary depending on the offense committed, but the sentences must fall within ranges established by state statute for different crimes (see Figure 3-6). While on probation, the offender must meet the court-ordered conditions of the sentence and must not commit any new criminal offenses. If the court determines that a violation of probation was committed, the court can revoke the defendant's probation and impose a term of imprisonment or any other sentence available for the original offense. In recent years, the use of specially trained probation officers has extended the option of probation sentences to many types of offenders with special needs, who would formerly have been incarcerated. Officers trained to closely supervise smaller

caseloads of mentally ill, mentally retarded, and substance-abusing offenders now operate in several areas of the state.

- **Periodic imprisonment.** Periodic imprisonment is a sentence that is more punitive than probation but less punitive than regular imprisonment: in fact, periodic imprisonment is usually ordered as a condition of probation. Periodic imprisonment can be used for the same crimes for which a sentence of probation is allowed (although Class 1 felons can receive periodic imprisonment only as a condition of probation). A sentence of periodic imprisonment allows the offender to be released from confinement during certain hours of the day or certain days of the week, as directed by the court. This type of sentence may be imposed for several reasons—to allow an offender to seek employment, to work, attend to family needs, go to school, obtain medical or psychological treatment, or for any other purpose identified by the court.
- **Conditional discharge.** With a sentence of conditional discharge, like probation, the offender is released

to the community under certain court-ordered and statutory conditions.<sup>32</sup> In Cook County, offenders sentenced to conditional discharge report to caseworkers employed by the Circuit Court's Social Service Department. Most courts in Illinois sentence offenders to conditional discharge when probationary supervision is deemed unnecessary.

- **Incarceration.** Incarceration is the confinement of a convicted criminal in a prison or jail to serve a court-imposed sentence. Under Illinois' determinate sentencing law, there are ranges of prison sentences that may be imposed for different crimes. Within each range, a judge may impose a specific sentence based on aggravating or mitigating circumstances. If aggravating factors are present, the judge may extend the sentence beyond the usual range, within specified limits. For example, offenders convicted of first-degree murder must be sentenced to not less than 20 years nor more than 60 years. But if the court finds that the crime was accompanied by brutal or heinous behavior, or that any other aggravating factors were present, the offender may be sentenced to an extended term of not less than 60 years and not more than 100 years.<sup>33</sup>
- **Repair of criminal damage to property.** An offender can be ordered to clean up or repair any damage to property caused by his or her criminal actions.
- **Fines.** Fines are often used in combination with another type of sentence. The offender is ordered by the court to pay a fine which cannot exceed the limit established by state law for the type of offense committed.<sup>34</sup>
- **Restitution.** When restitution is ordered by the court, the offender is usually required to pay the victim for physical or monetary damage incurred as a result of the offender's criminal act, or to provide services in lieu of money. Under a state law that took effect in January 1988, courts *must* order restitution in all crimes against anyone aged 65 or older in which there is bodily injury or damage to their property.<sup>35</sup> Like fines, restitution is often used in combination with another type of sentence, such as probation. However, neither restitution nor a fine can be the sole disposition for a felony; these sentences can be imposed only in conjunction with another disposition.

These are the seven basic sentencing options under Illinois law. One way judges can more precisely tailor sentences to the individual defendant and the specific crime committed is by ordering the defendant to comply with specific conditions of the sentence. For example, a judge can order an offender sentenced to conditional discharge to attend a drug or alcohol treatment program or to

perform community service as a condition of his or her sentence.

Except for sentences of natural life, every sentence of imprisonment includes a post-release term in which the offender is released to the community but is subject to the rules and regulations of the Illinois Prisoner Review Board. The length of this supervision period—called mandatory supervised release for those offenders sentenced after February 1, 1978—is also determined by state law, depending on the crime (see Figure 3-6).

### **UNDER WHAT CIRCUMSTANCES IS THE DEATH PENALTY A SENTENCING OPTION?**

In Illinois, the death penalty is allowed under very narrowly defined circumstances for the most heinous crimes. Since June 1977, the current version of Illinois' death penalty has been a sentencing option for certain defendants convicted of murder who were aged 18 or older at the time of the crime. State law allows the prosecutor to seek the death penalty against a defendant convicted of one or more of the following crimes:

- Murder of more than one person
- Murder of an on-duty police officer, jail guard, or firefighter
- Murder of a prison inmate
- Murder of a person under 12 years of age
- Murder of a witness in a pending court case
- Murder by contract
- Murder during the commission of a highjacking or another felony such as robbery, sexual assault, arson, burglary, or certain violations of the Controlled Substances Act<sup>36</sup>
- Murder committed in a cold, calculated, and premeditated manner<sup>37</sup>

One unique feature of Illinois' death penalty law is that it gives prosecutors discretion over whether or not to seek the death penalty in eligible cases *after* the defendant has been convicted. In most states, the prosecutor decides about seeking the death penalty at the time charges are filed (defendants in these states are charged with capital murder or simply murder). In Illinois, if the prosecutor decides to seek the death penalty upon conviction, a separate hearing is held by either the jury or the court to do the following:<sup>38</sup> (1) to consider whether the defendant is indeed eligible for the death penalty; (2) if found eligible, to consider whether there are aggravating or mitigating circumstances; and (3) to determine whether a sentence of death should be imposed. If the court or the jury (by unanimous

decision) determines that there are no mitigating factors sufficient to preclude the imposition of the death penalty, the court shall sentence the defendant to death. If the jury cannot unanimously agree on a sentence of death, the court must impose a sentence of imprisonment.

Although the Illinois Supreme Court has upheld the constitutionality of the state's death penalty law on 75 separate occasions, opponents of the law continue to raise the constitutionality issue in federal court. They claim that the discretion the law gives prosecutors could result in "arbitrary and capricious execution"—a practice declared unconstitutional by the U.S. Supreme Court in its landmark 1972 decision, *Furman v. Georgia*.

Two important Illinois death penalty cases are scheduled for review by higher courts in 1990. Both cases center around limits to appeals in death penalty cases. In *Silagy v. Lane*, the 7th U.S. Circuit Court of Appeals will rule on the right of third parties to pursue appeals to the death penalty on behalf of a defendant. Another Illinois death penalty case, *People v. Walker*, has been appealed to U.S. Supreme Court. At stake in this case is the right of a condemned prisoner to waive his or her rights to appeal the death sentence and enable the state to proceed with execution. The Court of Appeals has upheld that right, and unless the Supreme Court decides to hear the case and overturn it, the lower court's decision will stand, clearing the way for Illinois' first execution since 1963 (see Chapter 4).

### **WHAT IS THE APPEALS PROCESS IN DEATH PENALTY CASES?**

According to the federal Bureau of Justice Statistics, the 11 defendants executed nationwide in 1988 spent an average of six years and eight months waiting for their sentences to be carried out.<sup>39</sup> The main reason for the delay is a lengthy appeals process designed to minimize the chance of executing an innocent person. From 1973 through 1988, approximately 34 percent of the 3,697 prisoners sentenced to death nationwide were removed from death row on appeal.<sup>40</sup> During that same period, about 3 percent of the defendants under death sentences nationwide were executed.

A typical appeals process for a defendant sentenced to death in Illinois might be as follows:

1. Every death sentence is appealed automatically to the Illinois Supreme Court.
2. If the Illinois Supreme Court denies the appeal, the defendant may appeal to the U.S. Supreme Court.
3. If the U.S. Supreme Court denies the appeal, the defendant may commence a second round of collateral review by filing a *post-conviction relief* petition at the

trial court, where new objections can be raised.<sup>41</sup>

4. If the trial court denies the relief petition, the defendant may appeal the lower court's ruling to the Illinois Supreme Court.
5. If the Illinois Supreme Court denies the post-conviction relief petition, the defendant may appeal to the U.S. Supreme Court.
6. If the U.S. Supreme Court denies this appeal, the defendant may file writ in U.S. District Court alleging that his or her rights are being denied by the impending execution.
7. If the U.S. District Court denies the appeal, the defendant may again appeal to the U.S. Supreme Court.
8. If the U.S. Supreme Court denies the appeal again, the appeals process ends. However, the defendant can still apply to the Governor for commutation of the sentence.
9. The defendant can apply to the Governor for a stay of execution.

### **HOW ARE PROBATION DEPARTMENTS ORGANIZED IN ILLINOIS?**

In some states, probation is managed by the state's corrections department or is a free-standing agency of state government. In Illinois, as in many other states, all probation departments operate under the authority of the Circuit courts within the judicial branch of state government. Although the Probation Division of the Administrative Office of the Illinois Courts oversees the overall provision of probation services throughout the state, probation is administered locally by individual probation departments. Most of these probation departments cover a single county, although some cover a complete judicial circuit.

The administration of each probation department in Illinois varies according to the needs and resources of each county or circuit. For adults, most counties or circuits maintain a single adult probation department that provides a variety of court services to persons sentenced to probation, to those sentenced to conditional discharge, and to those under court supervision.<sup>42</sup> The Circuit Court of Cook County, however, has made an administrative distinction between probationers on the one hand, and persons sentenced to conditional discharge or under court supervision on the other. The court also assigns them to different court agencies: persons sentenced to probation in Cook County are handled by the Cook County Adult Probation Department; persons sentenced to conditional discharge or those under court supervision are handled by the Cook County Social Service Department.

## **IS THE BURDEN ON THE COURTS INCREASING?**

Changes in public attitudes toward drug and alcohol abuse have resulted in more aggressive enforcement and prosecution of these and other types of crimes.<sup>43</sup> These changes have had a major impact on all criminal justice agencies, including the courts, producing record caseloads, growing court backlogs, and severe crowding in correctional facilities.

A study by the Criminal Justice Project of Cook County found that the number of felony defendants charged at preliminary hearings in Cook County Municipal Districts 1-6 increased significantly between 1984 and 1988, with a 34-percent increase occurring between 1987 and 1988. In 1988, 15,456 more defendants entered preliminary hearing courtrooms than had appeared only five years earlier.<sup>44</sup>

Such increases have not been limited to Cook County. Court administrators in the 19th Circuit (Lake and McHenry counties) report that the adult probation caseload has more than doubled since 1984. There are other indicators that the trend toward increased volume at each stage of court services may be escalating in the 19th Circuit. In the second quarter of 1989, the number of adult pre-sentence investigations increased 23 percent over first-quarter levels, and the volume of juvenile cases in the first six months of 1989 was 27 percent higher than for the same period of the previous year.<sup>45</sup>

## **WHAT ARE THE COURTS DOING TO MEET THE CHALLENGE OF THEIR INCREASED WORKLOAD?**

With the demand on courts and court services higher than ever before, the courts have initiated some new strategies to deal with the situation:

- **Improving caseflow management.** Increased efficiency in case management can permit courts to handle more cases without a significant addition of new resources. Approaches include training judges in advanced management skills and developing computer programs to automate filing systems and make case assignments based on complexity rather than simple rotation. In many circuits, professional court administrators have been hired to manage caseflow and fiscal matters, freeing chief circuit judges for additional legal duties. In addition, AOIC helps judges and court administrators manage court calendars and monitor the levels of activity within their circuits, by maintaining and analyzing statewide statistics of court activities.
- **Decreasing the number of cases requiring court time.** A number of programs have been instituted across the state to reduce the number of cases that

actually come before a judge. For example, as of November 1989, drivers who plead guilty to traffic violations and accept court supervision no longer have to appear in court. Fines and other supervision procedures can be handled by mail. In the 17th, 18th and 19th circuits, mandatory arbitration programs for certain types of civil suits have diverted cases from the courts, making room on the judges' dockets for additional criminal and other serious cases. Cook County will institute an arbitration program in 1990.

- **Streamlining procedures and extending existing resources.** A variety of programs have been added to reduce unnecessary paperwork, manage workloads efficiently, and extend existing resources through the use of volunteers or creative scheduling. For example, in many circuits, volunteers from the community serve as additional probation officers. Without the pressure of large caseloads, such volunteers can provide personalized supervision for one or more probationers. In many circuits, sophisticated mathematical modeling is now used to standardize workloads. Recent changes in the statutory requirements for pre-sentence investigations<sup>46</sup> allow judges greater latitude in stipulating what kinds of information they require, thus eliminating time-consuming investigations in many less serious cases. In Cook County, night courts have been instituted for drug cases to increase the number of criminal trials that can be processed in existing courtroom space.

## **WHAT ARE COURTS DOING TO HELP SOLVE CROWDING PROBLEMS IN CORRECTIONAL FACILITIES?**

The activities of the courts can affect crowding in correctional facilities in two major ways—by their speed in processing cases and by the alternatives to incarceration they provide through probation programs.

- **The pace of court dispositions.** If the courts are slow in processing cases, and especially if backlogs are allowed to accumulate, the number of defendants awaiting trial in county jails will increase, as will the average length of pretrial detention. On the other hand, if the courts speed up case processing, the Illinois Department of Corrections (IDOC) may be forced to absorb a sudden influx of new admissions. For example, the new night courts for drug cases in Cook County may produce a flood of new inmates for state prisons.
- **Alternatives to incarceration for pretrial detainees.** Various Circuit courts are experimenting with programs intended to reduce the number of pretrial detainees.

Electronically monitored home confinement has been in use in Illinois since 1986 for both pretrial detainees and sentenced offenders. Such systems use computerized phone checks or other electronic signals to verify the whereabouts of an offender at specified intervals. Electronic monitoring helps ensure the appearance of defendants in court and the compliance of sentenced offenders with the terms of their probation. This technology is being used for pretrial release in Cook, Lake, and Marion counties. It is also used as one component of home confinement programs in seven other counties and is under consideration by several others.<sup>47</sup>

New programs for pretrial release screening and supervision have been established in the 19th Circuit, in Rock Island County in the 14th Circuit, in Marion County in the 4th Circuit, and is planned for Cook County. Lake and Rock Island counties are also using pretrial bond supervision, a program that provides judges with more complete information for making bond decisions. Such programs can help reduce jail populations by allowing the release of defendants who would otherwise await trial in a county jail.

- **Alternatives to incarceration for sentenced offenders.** The sentencing alternatives services provided by the courts' probation departments can greatly reduce crowding in state prisons. Courts in Illinois have developed specialized models of probation supervision. Specially trained probation officers manage offenders with special needs, using highly structured and individualized supervision. Such programs increase the number and types of offenders who can safely be maintained in the community. For example, in many circuits, probation officers have been trained to supervise mentally ill and mentally retarded offenders. DUI offenders statewide are now receiving counseling from specialized probation officers twice as often as is usual for other supervision cases. Additionally, some circuits are providing targeted educational, vocational, and employment programs to probationers.

Intensive Probation Supervision is another specialized probation service. IPS began as a pilot program in May 1984 in nine Illinois counties—Cook, Champaign, Kane, Lake, Macon, Madison, McLean, Peoria, and St. Clair. Later that year, the program expanded to three more counties—Jackson, Saline, and Williamson. These 12 counties operate 13 IPS programs: each has an adult program, and Cook County has a juvenile program as well. All probationable felons (generally Class 1–4 offenders) who would otherwise be committed to IDOC are eligible for IPS. Candidates are first screened by the county's IPS unit, which makes a rec-

ommendation to the sentencing judge about the offender's suitability for IPS. The judge may accept or reject this recommendation.

The IPS program, which lasts 12 months, is usually the first year of a three- or four-year probation sentence. Typically, convicted felons eligible for IPS are sentenced directly to the program after a judge has reviewed various pre-sentence reports. Some offenders, however, may first serve a brief prison sentence, where the offender's eligibility for IPS is assessed, and then be offered the option of IPS. If the offender chooses IPS, the intensive probation term begins upon the sentencing judge's approval.

All IPS probationers must abide by a curfew, must perform at least 130 hours of community service, and must undergo drug testing as part of the program. Offenders must also follow other strict conditions, which are determined by the sentencing judge and the three phases of the IPS program. Phase 1, which lasts about three months, is the strictest of the three phases, with daily face-to-face visits with a probation officer. Phase 2 is slightly less strict, and involves contact with a probation officer three to four times a week for approximately six months. In Phase 3, the conditions are again reduced. The individual must meet with the probation officer one or two times a week for about three months.

Failure to comply with any IPS condition can lead to revocation of the sentence and imprisonment in IDOC. Offenders who successfully complete all three phases of the IPS program are normally transferred to regular probation caseloads, usually for another two or three years.

#### **HOW ARE MENTALLY ILL OFFENDERS TRIED AND SENTENCED IN ILLINOIS?**

Any defendant or offender in the criminal justice system who is suspected of suffering a mental illness is entitled to evaluation and psychiatric treatment, if necessary. In addition, there are several special provisions in the law that regulate the prosecution and sentencing of persons who are mentally ill or sexually dangerous.

- **Unfit to stand trial.** At any point during the court process, either the defense counsel or the prosecutor may request a psychiatric evaluation for a defendant. If a defendant's mental illness renders him or her incapable of understanding the charges or participating in a defense, the accused may be found unfit to stand trial. In this case, the defendant may be committed to a psychiatric hospital for treatment until the illness has been stabilized sufficiently for the defendant to be tried.<sup>48</sup> Such defendants must be re-evaluated every 90 days.

Their commitments may be extended but only up to a maximum limit, which differs with the seriousness of the alleged crime. For example, for murder or a Class X felony, the maximum limit of extensions is five years. Multiple extensions are rarely used; most defendants are able to return to trial within the allowable time limit. In Illinois in 1988, 285 persons were found unfit to stand trial.

- **Alternative verdicts.** During the sentencing phase of the trial, in addition to the normal guilty or not guilty findings, two additional verdicts are possible: not guilty by reason of insanity or guilty but mentally ill. To be found not guilty by reason of insanity, a defendant must prove that a mental disorder at the time of the crime was severe enough to impair thought and judgment, thereby freeing the defendant from criminal responsibility for his or her conduct.

*Guilty but mentally ill* means the offender, at the time of the crime, possessed a substantial disorder of thought which impaired his or her judgment, but not to the extent that the offender was unable to appreciate the wrongfulness of the behavior or was unable to conform his or her conduct to the requirements of the law. When a defendant is found guilty but mentally ill, the court may still impose the same sentence it would give a defendant simply found guilty of the same offense. However, the manner in which the two types of offenders serve their sentences is different.

For example, if the court decides that a sentence of imprisonment is appropriate, a defendant found guilty but mentally ill is first committed to IDOC, where an inquiry and examination concerning the nature, extent, duration, and treatment of the defendant's mental illness is conducted. IDOC may provide treatment or, if necessary, transfer the offender to the Illinois Department of Mental Health and Developmental Disabilities. The offender may stay under the care of this state agency until the sentence is completed or until hospitalization is no longer needed. In the latter instance, the offender is sent back to prison to finish the sentence.

If a defendant found guilty but mentally ill is placed on probation or sentenced to a term of periodic imprisonment, the person is required to submit to a course of mental treatment prescribed by the court. Failure to continue the treatment, except by agreement of the court, can result in proceedings to revoke probation.

The relationship of the guilty but mentally ill verdict to the not guilty by reason of insanity verdict is still a source of confusion, however. Until January 1, 1990, a defendant trying to obtain a verdict of not guilty by reason of insanity had to prove insanity at the time of the

crime *by a preponderance of the evidence*. At the same time, however, the prosecution would be trying to obtain a guilty but mentally ill verdict, for which it had to prove *beyond reasonable doubt* that the defendant was *not* insane. A new law, passed in 1989, removes the problem of shifting burdens of proof and differing standards of evidence.<sup>49</sup> It allows a guilty but mentally ill verdict when the state has proven beyond reasonable doubt that the defendant is guilty of the offense charged, the defendant has failed to prove insanity, but *has* proven the existence of a mental illness at the time of the crime by a preponderance of the evidence.

- **Sexually dangerous persons.** Illinois is one of only five jurisdictions to retain a special statute that provides for involuntary civil commitments of persons who are found to be "sexually dangerous."<sup>50</sup>

A sexually dangerous person is someone who is found to have a mental disorder, shown to have existed for a minimum of one year, that is "coupled with criminal propensities to the commission of sex offenses." The term can be applied to both rapists and child molesters. Following psychiatric evaluation, a finding of sexual dangerousness can be made by a judge at a special civil hearing. Although it is a civil proceeding, the standard of evidence applied is beyond reasonable doubt.

In Illinois, unlike most other states which have had similar laws, it is not necessary to be found guilty of a sexual offense to be declared sexually dangerous—a criminal *charge* is sufficient to begin a petition.<sup>51</sup> Nevertheless, once such a judicial finding has been made, the person is committed to Menard Psychiatric, a maximum-security IDOC facility. Once committed, a sexually dangerous person is confined at Menard until treatment personnel at the facility declare him "recovered" and "no longer dangerous," and this opinion is upheld at a hearing that can result in a conditional release.<sup>52</sup>

From 1949, when the Sexually Dangerous Persons Law was enacted, until the mid-1980s, the number of sexually dangerous persons confined at Menard at any given time averaged approximately 30. Beginning in 1985, the yearly census began to rise, increasing in 1989 to an all-time high of 51 inmates, a 66-percent increase over 1983 levels. This increase is occurring at the same time that efforts are being made to repeal the statute. The Commission to Revise the Mental Health Code of Illinois, a group appointed by Governor James R. Thompson to review all mental health laws, has recommended repeal.<sup>53</sup> The commission could find no difference between the more than 2,500 sex offenders criminally committed to IDOC and those committed as sexually dangerous persons—and, therefore, no justification for retaining the statute.<sup>54</sup>

# The Data

Data in this chapter come from several sources:

1. *Annual Report to the Illinois Supreme Court, Administrative Office of the Illinois Courts* (1977–1984 and 1986–1987)
2. Preliminary or unpublished AOIC figures (1985–1988)
3. *Probation Division Statistical Report*, AOIC (1980–1987)
4. *Intensive Probation Supervision: Statewide Summary*, AOIC (1988)
5. *Circuit Court Caseload Summaries, January–December, 1988*, AOIC
6. *Circuit Court Calendar Management, January–December, 1988*, AOIC
7. *Statistical Presentation*, Illinois Department of Corrections (1978–1987)

Data for this chapter were largely provided by the Administrative Office of the Illinois Courts. Many of the AOIC data characteristics that were described in “The Data” section in Chapter 2 apply here as well. Due to recent changes in AOIC reporting, some data used in previous editions of *Trends and Issues* are no longer available.

Where possible, both statewide statistics and comparisons between Cook County and the rest of Illinois are presented. However, the discretion afforded county state’s attorneys and judges in carrying out their responsibilities contributes to differences in the way court data are reported in different regions of the state—most notably between Cook County and the rest of Illinois. For this reason, it is usually preferable to examine statistical trends in criminal court activity separately for these two regions.

Unless otherwise stated, all data and associated discussion in this chapter refer to *felony* cases or *felony* defendants only. In addition, all statistics in the chapter are reported in calendar years.

## **PROBLEMS IN USING ILLINOIS COURT DATA TO ESTIMATE COURT BACKLOGS**

Historically, Cook County criminal courts have developed a system of record keeping that is different from the systems used in the 21 other Illinois circuits. These differences make it difficult to compare the level of criminal court activity in Cook County with that of the rest of the

state. This lack of consistency also reduces the accuracy and reliability of statewide felony and misdemeanor case volume statistics.

One of the most serious problems is that, while misdemeanor cases are counted outside of Cook, courts in Cook County record *charges*. Because several charges are often consolidated into a single case, totals that include Cook County misdemeanors are inflated by an unknown number. When such a consolidation occurs, the old record is not always accurately changed. Error at this stage can produce “ghost cases”—charges actually resolved by consolidation that permanently float in the system, artificially exaggerating the apparent pending workload of the court.

The reporting category for misdemeanors in Cook County is also more broadly defined than it is in other districts. For example, ordinance and conservation violations are included in the category of Cook County misdemeanors, but elsewhere are counted separately. Misdemeanor tallies in Cook County are also increased by the inclusion of felony charges heard (and often disposed of) at preliminary hearings in the Municipal District courts. This reporting quirk can also distort felony totals.

AOIC has long recognized the complexities caused by these reporting differences, and has encouraged a move toward standardization. Courts in Cook County are beginning to convert to a record-keeping system based on cases for both felony and misdemeanor offenses. Once the conversion is complete, new records will permit a far more accurate comparison of court activities throughout the state, but comparisons of changes in activity levels before and after the conversion will become more difficult.

Until such record-keeping improvements are complete, criminal court statistics in Illinois will remain an incomplete source of information about backlogs. This difficulty increases the value of studies of actual processing times within the system, such as the 1988 Cook County study commissioned by the Cook County Board and jointly conducted by the U.S. Department of Justice and American University. Studies such as this enable comparisons to processing times in urban jurisdictions in other state court systems, and afford the best means presently available to examine the extent of delay in Illinois criminal courts. Other measures of court activity cannot be used at present to accurately determine backlog.

# Trends and Issues

How many criminal cases—both felonies and misdemeanors—are handled by the courts in Illinois each year? How many felony cases result in convictions? How many convictions result in prison sentences? What is the length of the typical prison sentence imposed by the courts? What is the probation caseload in Illinois? These and other questions are analyzed in the rest of this chapter.

## WHAT PROPORTION OF ALL COURT CASES INVOLVE CRIMINAL MATTERS?

Criminal cases constitute fewer than half of all cases (excluding traffic matters) decided by the trial courts in Illinois in a given year. In 1988, for example, criminal (felony and misdemeanor) and quasi-criminal (ordinance and conservation violation) cases accounted for approximately 39 percent of all non-traffic Circuit Court dispositions outside Cook County (Figure 3-7).<sup>55</sup> Felony cases represented 5 percent of the overall total, and misdemeanor cases accounted for 18.5 percent, making them the second most common type of court case behind only small claims matters.

Among criminal and quasi-criminal dispositions only, misdemeanors and conservation/ordinance violations accounted for the bulk of the cases outside Cook County in 1988—46 percent and 41 percent, respectively. Felonies accounted for approximately 13 percent of such dispositions.

Figure 3-7

**In 1988, felonies and misdemeanors accounted for fewer than one-quarter of the non-traffic cases disposed of in Circuit courts outside Cook County.**

Case type	Percentage of all cases disposed of	Number
Small claims	25.1	122,937
Misdemeanor	18.5	90,635
Ordinance and conservation	16.3	79,603
Domestic relations and family	13.3	65,152
Law and law magistrate	11.7	57,118
Chancery and probate	6.5	31,645
Felony	5.2	25,369
Miscellaneous civil	3.5	16,936
<b>Total (excluding traffic)</b>		<b>489,395</b>

Source: Administrative Office of the Illinois Courts

## HOW MANY MISDEMEANOR CASES ARE DISPOSED OF BY THE CRIMINAL COURTS EACH YEAR?

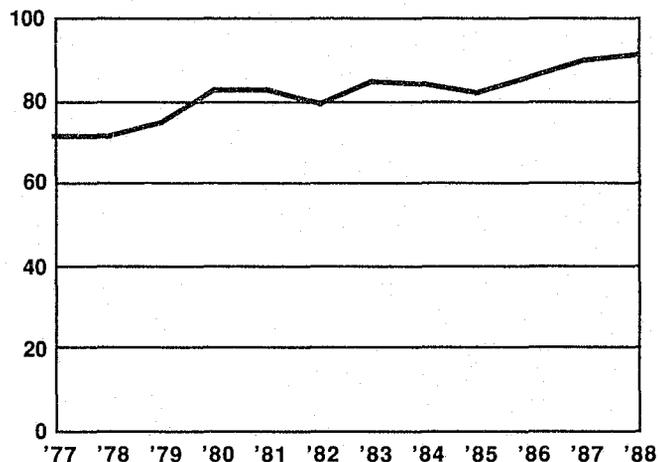
In Illinois outside Cook County, the number of misdemeanor cases disposed of by the Circuit courts increased 27 percent overall between 1977 and 1988, from 71,536 to 90,635 (Figure 3-8). There were slight declines in some years, but the general trend was up.

In Cook County during the same period, the number of misdemeanor charge dispositions tended to fluctuate more dramatically (Figure 3-9).<sup>56</sup> Misdemeanor dispositions increased 56 percent between 1977 and 1982, when they reached nearly 485,500, but then declined 34 percent over the next three years. At least part of the dramatic increase from 1979 through 1982 can be attributed to the extraordinarily large number of disorderly conduct arrests of gang members the Chicago Police Department made during this period in an attempt to reduce gang-related crime (for more information on misdemeanor arrests, see page 99). This practice, however, was curtailed by a court order in 1983, which may account for at least part of the decline in misdemeanor

Figure 3-8

**More than 90,000 misdemeanor cases were disposed of by the Circuit courts outside Cook County in 1988.**

Misdemeanor cases disposed of in Illinois outside Cook County (thousands)

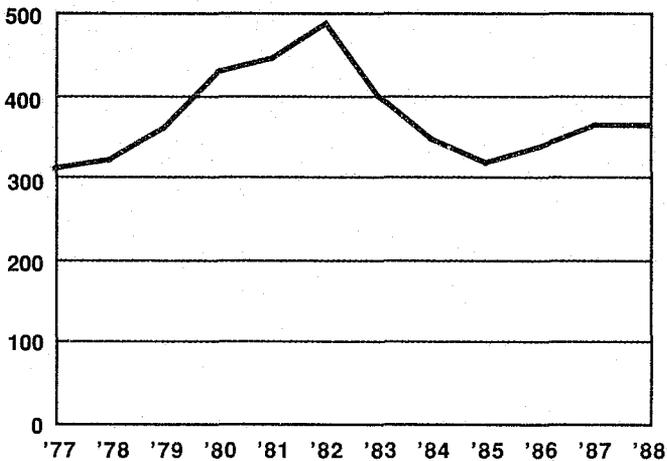


Source: Administrative Office of the Illinois Courts

Figure 3-9

**The number of misdemeanor dispositions in Cook County increased 13 percent from 1985 to 1988.**

Misdemeanor cases disposed of in Cook County (thousands)



Source: Administrative Office of the Illinois Courts

charge dispositions countywide from 1983 through 1985.

After 1985, misdemeanor dispositions in Cook County began to rise again. The number increased 13 percent from 1985 through 1988, when there were more than 361,300.

**HOW MANY FELONY DEFENDANTS' CASES ARE DECIDED BY THE COURTS?**

Felony cases that are disposed of in court are adjudicated through either the guilty plea process or at trial. During arraignment, each defendant can plead guilty and go directly to a sentencing hearing, or plead not guilty and proceed to a bench or jury trial.

Statewide, the number of felony defendants whose cases were disposed of—either by guilty plea or at trial—increased 60 percent between 1977 (when there were 21,725) and 1988 (when there were 34,554). During this period, there were slight decreases between 1983 and 1985. But in 1987, the number of felony defendant dispositions reached the highest annual total of the 12-year period, followed by a slight decline in 1988.

A sizeable percentage of the defendants charged with felonies in Illinois are never convicted of the offenses they are charged with. While fewer than 4 percent of defendants are acquitted at trial, many cases are dropped during the pretrial phase—for example, with a finding of no probable cause. In 1988, in fact, approximately half of all felony defendants in Illinois outside Cook County were not convicted of the offenses they were charged with.<sup>57</sup> Some of these cases may be reopened later when new

evidence comes to light or when a previously reluctant witness is persuaded to testify. Many are convicted of lesser offenses or have the felony charges against them consolidated into multiple-count or multiple-charge indictments, many of which result in a later conviction. Some defendants are diverted during the pretrial process to special programs, such as those for drug and alcohol treatment.

A study conducted by the Criminal Justice Project of Cook County found that in 1988, approximately 53 percent of the county's almost 30,000 felony defendants were convicted of felonies. Of the 23 percent charged but not convicted, 18 percent had their cases dismissed, 2 percent were convicted of a reduced misdemeanor charge, almost 2 percent were acquitted, and fewer than 1 percent were found unfit to stand trial or sexually dangerous. As of August 1, 1989, 24 percent of those felony cases filed during 1988 were still pending.<sup>58</sup>

**DOES A BACKLOG EXIST IN ILLINOIS COURTS?**

While it is commonly (and according to some studies, incorrectly) assumed that "backlogs" are a major source of delay in the processing of criminal cases, there is no consensus about how that term should be defined or how backlogs should be measured.<sup>59</sup> One frequently used measure of court backlogs is a "backlog index."<sup>60</sup> This index is determined by dividing the number of cases pending at the beginning of the year by the number of cases terminated by the end of the year, producing an index number. If the figure is less than one, it indicates what fraction of a year is required to process the average case. If the index is greater than one, the yearly growth in the number of pending cases is exceeding the rate at which the system terminates cases. The higher the index, the lengthier the processing time for the average case. Courts with slower processing times have been shown to be more backlogged.<sup>61</sup>

In Illinois at the beginning of 1988, there were 23,954 felony cases pending. By the end of the year, 48,914 felony cases had been terminated, giving a backlog index for that year of 0.49.<sup>62</sup> This figure also indicates that felony cases were moved through the courts from filing to termination in an average of slightly less than six months (0.49 years)—in other words, no backlog. The 1988 backlog index for Cook County alone was 0.51, and in the remaining 101 Illinois counties, it was 0.47.<sup>63</sup>

For the first six months of 1989, the statewide backlog index for felonies rose to 0.51 (adjusted for a comparable yearly rate). The Cook County index number increased to 0.56, while the index for the rest of the state remained almost unchanged at 0.46. In other words,

while there was still no statewide backlog of felony cases in the first six months of 1989, according to the backlog index, average processing times were increasing slightly, due to slower disposition rates in Cook County.

Comparing these Cook County backlog index numbers with the actual processing times recorded for a sample of 10,000 felony cases in Cook County between March and August of 1988 provides some validation of the index's usefulness in estimating average case processing time. A 1988 study commissioned by the Cook County Board of Commissioners found that the 6,902 defendants whose cases received a disposition during that six-month period waited an average of 178 days, or approximately six months, between arraignment and disposition. However, the average time required to process the felony cases varied significantly, depending on the seriousness of the offense charged. Murder defendants, for example, had an average processing time of 270 days, while the cases of Class 4 defendants required 155 days for disposition (Figure 3-10).<sup>64</sup>

Case processing delays can originate at many other points in the criminal justice system besides the courts, such as the police department, the state's attorney's office, or the crime labs. Delays can also occur in the courts prior to the assignment of a case to a felony court—the time a case spends in felony court is only a portion of the total time required to process a case. The adjudication project found that, on the average, a felony case in Cook County requires 50 days from the initial appearance until the preliminary hearing and approximately 20 more days from preliminary hearing to arraignment. This means that the total processing time for a felony case in the county is 248 days—far longer than the index figure (of less than six months) would indicate.

These comparisons point out a significant weakness in the index formula as a measure of backlog. Because it is an average, the index masks the fact that delays can occur with up to half of all felony cases, and that among the more serious felony classes the delays can be quite significant. The adjudication study discovered that 22 percent of all felony cases were still pending more than a year after arraignment. The index also fails to take into account delays incurred in agencies outside the courts and in the initial stages of case processing, which can significantly contribute to the accumulation of backlogs. Speedy trial laws and voluntary guidelines address this problem of court delay directly, but have not succeeded in eliminating it.

### Statutory time limits

The 1979 Speedy Trial Act established statutory time limits for the processing of felony trials in Illinois. This law stipulates that defendants in custody must be brought

Figure 3-10

### In Cook County, murder cases took the most time from arraignment to disposition in 1988.

Mean disposition times from arraignment to finding, plea, or verdict of felony defendants

Felony Class	Mean time (days)	Number of Defendants
1st-degree murder	270	92
Class X	235	964
Class 1	186	441
Class 2	166	2,585
Class 3	160	1,971
Class 4	155	528
<b>All felonies</b>	<b>178</b>	<b>6,581</b>

Source: Adjudication Technical Assistance Project

to trial within 120 days of their arrest. Defendants released on bail or their own recognizance must be tried within 160 days of arrest.

But if the statute sets a 160-day limit for *all* felony cases, how are *average* processing times of 178 days possible? The explanation for this apparent contradiction lies in the fact that continuances requested by the defense can stop the clock as it ticks toward the time limit. This option is frequently exercised—the adjudication study found almost 87,000 continuances in the 10,000 cases studied, or an average of almost nine continuances per case. The report blamed court delays for the chronic jail crowding in Cook County and suggested that a reduction of average felony processing time to 140 days would allow Cook County Jail to house an additional 1,642 prisoners for six months.

Repeated continuances can be expensive in ways other than jail crowding, as well. A study of four metropolitan court systems conducted by the Jefferson Institute for Justice Studies in 1986 found that continuances add between 12 percent and 24 percent more work to each prosecution or public defense agency involved. Annual additional labor costs stemming from such continuances ranged from \$78,000 to \$1.1 million, depending on differences among agencies and varying local labor markets. The study estimates that continuances consumed between four and six months of agency resources in the jurisdictions studied.<sup>65</sup>

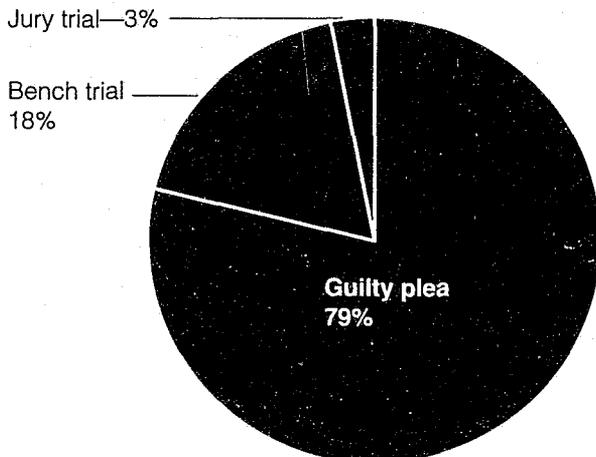
### Voluntary guidelines

In addition to statutory time limits for felony cases applied by the Illinois General Assembly, professional organizations such as the American Bar Association have published time standards for the processing of average cases, which can be compared to the actual performance of a court system and can serve as voluntary guidelines. For example, using the ABA standard of three months for

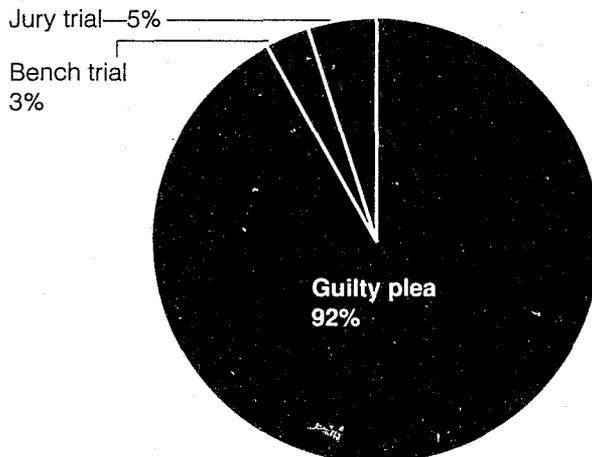
Figure 3-11

**A larger proportion of felony cases are adjudicated at trial in Cook County than in the rest of Illinois.**

Adjudicated felony cases in Cook County, 1988



Adjudicated felony cases in Illinois outside Cook County, 1988



Source: Administrative Office of the Illinois Courts

the clearance of a misdemeanor case, the Administrative Office of the Illinois Courts can determine a maximum desired number of pending cases. Any cases in excess of that number are then considered a backlog, which can be expressed as a proportion of all pending cases, or "percent backlog."

Applying this standard to Illinois courts at the end of 1988, AOIC found that the desired maximum pending caseload for misdemeanors in Illinois was exceeded by more than 300,000 cases. This backlog represented 93 percent of all misdemeanor cases pending at the end of the year.<sup>66</sup>

By this measure, no circuit in Illinois was free of a backlog in misdemeanors, and the percent backlog ranged from a low of 77 percent of all pending cases in the 12th Circuit to a high of more than 95 percent in the 20th. In Cook County, the percentage of misdemeanor charges that exceeded the number that could reasonably be processed within the ABA time standards was almost 94 percent, only slightly higher than the statewide average.

While speedy trial laws ensure that constitutional guarantees are being met, neither statutory nor voluntary time limits have eliminated case processing delays. No one has yet produced a definition or measurement of court backlog that has gained wide acceptance. Delay is a complex, systematic problem that will be eliminated only when police, prosecutors, defense attorneys, judges, and all the other participants in the system can agree which delays are acceptable and which will no longer be tolerated.

**WHAT PROPORTION OF FELONY DEFENDANTS PLEAD GUILTY?**

Of the three methods of adjudicating felony cases—guilty plea, jury trial, and bench trial—guilty pleas are by far the most common in Illinois, just as they are nationwide (Figure 3-11).

In Illinois outside Cook County, almost 13,500 of the more than 14,000 felony defendants convicted in 1988 pleaded guilty. In these counties, the percentage of guilty pleas has steadily risen over a 12-year period—from 82 percent of all felony adjudications in 1977 to 92 percent in 1988, while the percentages of both bench trials and jury trials have declined (Figure 3-12). In 1977, bench trials accounted for 10 percent of all adjudications outside Cook County. By 1988, that proportion had declined to only 3 percent. The relative decline in the number of jury trials was smaller: from 8 percent in 1977 to 5 percent in 1988.

In 1977, the percentage of guilty pleas relative to other types of adjudications in Cook County was close to that in the rest of the state—83 percent of all adjudications in Cook County and 82 percent elsewhere. But during the mid-1980s the popularity of bench trials in Cook County increased significantly—nearly doubling from a 12-year low of 12 percent in 1978 to 23 percent in the peak years of 1982 and 1984 (Figure 3-13). Each year since 1984, fewer defendants have elected to be tried before a judge in Cook County, but the percentage of those tried before the bench in 1988—18 percent—was still six times higher than elsewhere in Illinois. The percentage of jury trials has scarcely changed in Cook

County over the 12-year period—remaining between 2 percent and 4 percent a year.

While no empirical study has been conducted, some senior prosecutors in Cook County have supplied two possible explanations for the increases since 1980 in the popularity of bench trials.<sup>67</sup> The introduction of Class X and tougher determinate sentencing laws in 1978 left far less flexibility for plea bargaining arrangements, and more defendants may have decided to take their chances before a judge who might be more likely to consider mitigating factors, such as youth or the absence of an extensive criminal record. A second factor has been the large influx of drug prosecutions into the courts, which began to dramatically escalate in 1981 (see the drugs update section). Since prosecutors in Cook County report they are reluctant to negotiate on either controlled substance or drug distribution charges (the majority of the new volume of drug cases), more defendants may be opting for bench trials rather than accepting the stiff automatic penalties that result from a guilty plea. Given the higher volume of drug cases in Cook County than in the rest of the state, this second theory would also account for the fact that the relative number of bench trials has not increased elsewhere and has even declined slightly since 1980.

These figures have important implications for the allocation of court resources throughout the state. Both jury trials and bench trials place far greater demands on court resources than do guilty pleas. And with a greater proportion of felony defendants awaiting trial in Cook County, proportionally more jail resources are also required for those who cannot post bond.

In Cook County, therefore, it is not only the

greater volume of felony adjudications (19,977 in 1988, compared to 14,577 in the rest of the state), but also the far greater proportion of trial adjudications there that strain the resources of the county's courts. In Cook County, more than one out of every five felony adjudications requires a fully equipped and staffed courtroom for its disposition, significantly lengthening the process of adjudication and reducing the total number of cases that can be handled in a given time. In the rest of the state, fewer than one adjudication out of every 12 comes to trial.

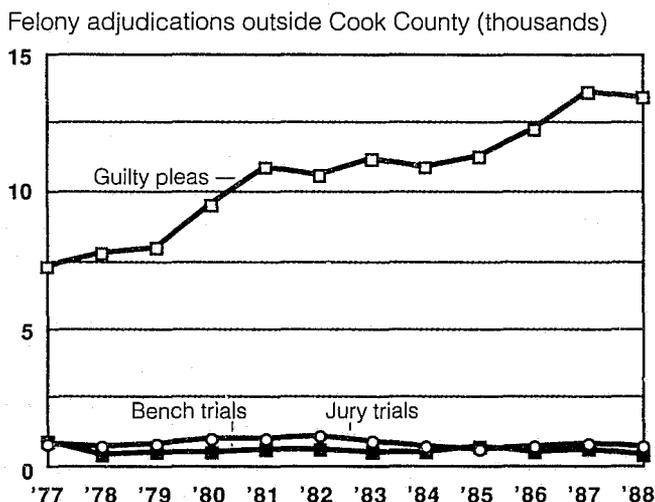
This difference remains significant even though the number of felony adjudications outside of Cook County is increasing faster than in the county. Since 1977, the number of adjudications outside Cook County has increased 64 percent, while in Cook County, adjudications have risen 57 percent.

In past years, the Illinois Supreme Court has been able to equalize some of the demands for judicial resources by temporarily assigning judges from elsewhere in the state to Cook County. As the volume of cases elsewhere has increased, such assignments have become less frequent and have been made for shorter periods. The court system statewide is experiencing greater claims on its resources, decreasing the amount of available reserves. All parts of the state have been affected by this trend.

### HOW MANY FELONY DEFENDANTS WHO GO TO TRIAL ARE CONVICTED?

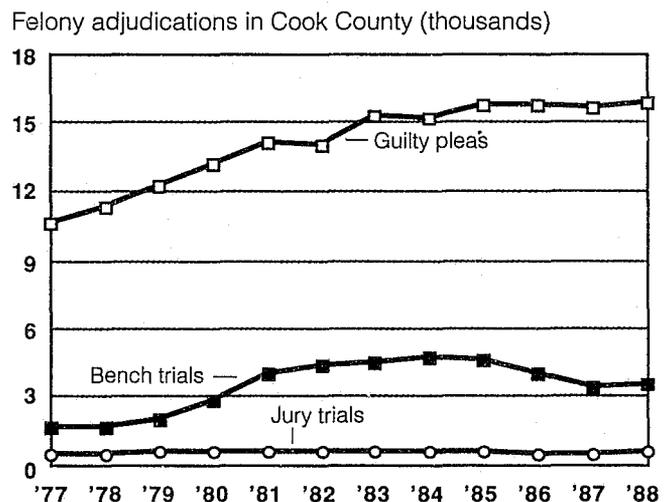
Statewide, the number of felony defendants adjudicated at trial—including both convictions and acquittals—increased 73 percent between 1977 and 1984, from

Figure 3-12  
**The number of guilty pleas in Illinois outside Cook County increased 85 percent from 1977 to 1988.**



Source: Administrative Office of the Illinois Courts

Figure 3-13  
**The number of bench trials in Cook County more than doubled between 1977 and 1988.**

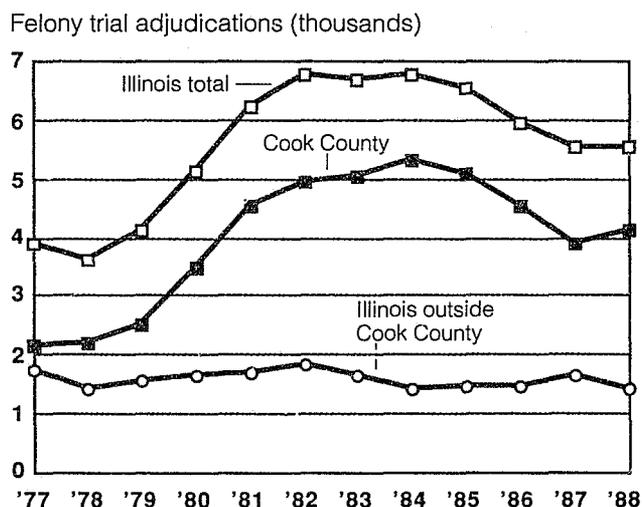


Source: Administrative Office of the Illinois Courts

nearly 3,900 to 6,760.<sup>68</sup> The number then declined 18 percent over the next four years, to 5,558 in 1988 (Figure 3-14). This pattern was driven largely by the number of felony defendants whose cases were adjudicated at bench trials, especially in Cook County. Overall, Cook County accounted for the majority of felony defendants adjudicated at trial in every year between 1977 and 1988.

During that period, the number of felony defendants who were convicted at trial consistently exceeded the number who were acquitted, in both Cook County

Figure 3-14  
**Cook County accounts for the majority of felony defendants adjudicated at trial in Illinois.**



Source: Administrative Office of the Illinois Courts

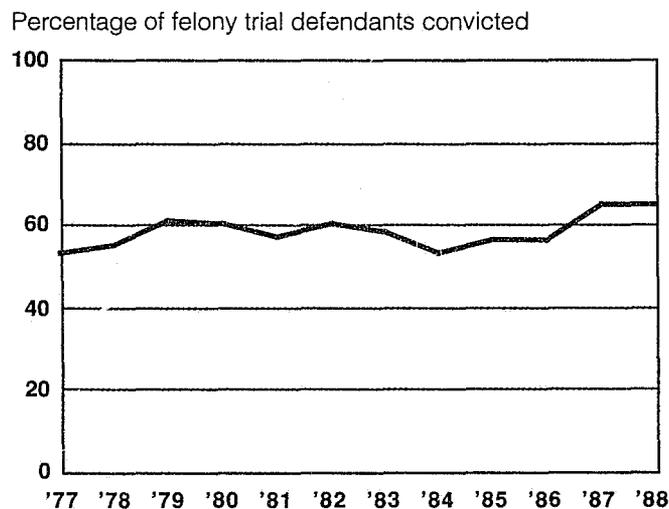
and in the remainder of Illinois. However, the ratio of convictions to acquittals varied, not just over time but also between Cook County and the rest of the state.

In Cook County, an average of 58 percent of all felony defendants who went to trial between 1977 and 1988 were convicted (Figure 3-15). The annual percentage of trial convictions during this period ranged from a low of 53 percent in both 1977 and 1984 to a high of 65 percent in 1987. The percentage of convictions was relatively high between 1979 and 1983, when it ranged from 58 percent to 61 percent, and was lower from 1984 through 1986. The percentage then soared to 65 percent in 1987 and 66 percent in 1988—8 percent higher than the average for the 12-year period.

In the state's other 101 counties, 59 percent of the felony defendants adjudicated at trial between 1977 and 1988 were convicted, with the yearly percentage ranging from 50 percent in 1988 to 69 percent in 1977 (Figure 3-16). During this 12-year period, these counties as a whole had a higher percentage of trial convictions than Cook County in most years; since 1986, however, Cook County has had higher conviction percentages.

Statewide, then, 59 percent of all felony defendants adjudicated at trial between 1977 and 1988 were convicted. The yearly percentage ranged from 55 percent in 1984 and 1986 to 62 percent in 1980. In 1988, 57 percent of felons were convicted at trial, 2 percent lower than the average for the period. Because the statewide pattern was driven largely by patterns in Cook County, the statewide percentages, like those in Cook County, were relatively high between 1979 and 1983,

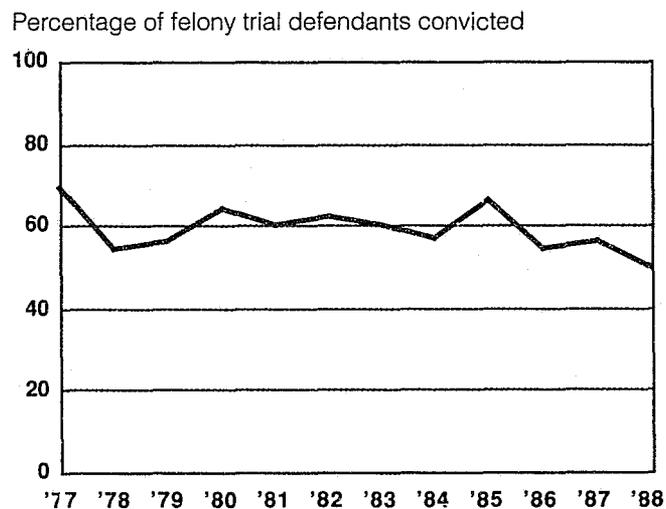
Figure 3-15  
**Approximately six in 10 felony defendants who go to trial in Cook County are convicted.**



Note: Defendants convicted of an included misdemeanor were not included in Cook County totals.

Source: Administrative Office of the Illinois Courts

Figure 3-16  
**In 1988, about half of all felony trial defendants outside Cook County were convicted.**



Note: Outside Cook County, totals included defendants convicted of an included misdemeanor (about 1 percent of all defendants).

Source: Administrative Office of the Illinois Courts

and highest in 1980. In 1988, more than 3,200 defendants were convicted of felonies by trial courts in Illinois.

**ARE CONVICTIONS BY GUILTY PLEA MORE COMMON FOR CERTAIN TYPES OF CRIMES?**

Because the vast majority of felony defendant *adjudications* in Illinois result from guilty pleas, it is not surprising that guilty pleas also account for the overwhelming majority of *convictions* of felony defendants in the state. From 1977 through 1988, an average of 88 percent of the felony defendants convicted statewide pleaded guilty. On the average, 8 percent were convicted at bench trials and 4 percent at jury trials during this period.

These overall percentages, however, mask differences in how convictions are achieved—whether by guilty plea, bench trial, or jury trial—for different classes of felonies. In general, as the seriousness of the charge increases, the likelihood that a conviction will result from a guilty plea diminishes. This trend is revealed in recent patterns in both Cook County and the remainder of the state.<sup>69</sup>

In Cook County, for example, only 38 percent of the offenders convicted of first-degree murder in 1988 pleaded guilty (Figure 3-17). The percentage of guilty pleas for Class X offenders was far higher—70 percent. Some prosecutors have suggested that the wide range of possible sentences for Class X offenses (ranging from a minimum of 6 to a maximum of 60 years) may provide an incentive to plea bargain for a lower sentence, producing more guilty pleas. The percentage of plea bargains in murder cases is lower, these prosecutors suggest, because a guilty plea in a murder case is likely to result in more than the 20-year minimum sentence. For the

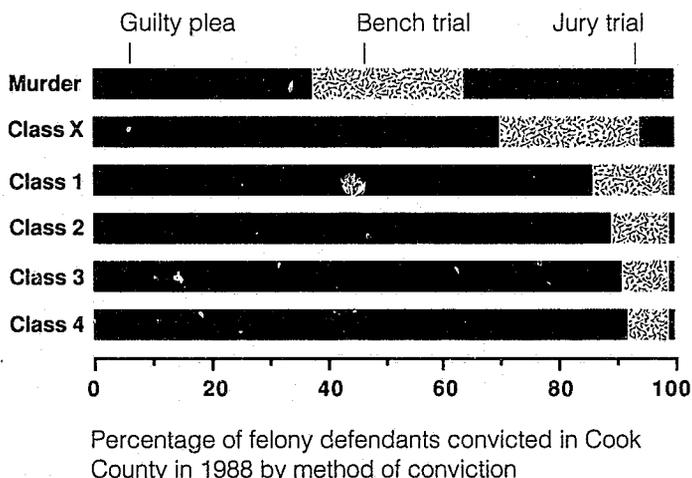
less-serious felonies, the percentages of offenders pleading guilty were much higher—86 percent for Class 1 offenders, 89 percent for Class 2, 91 percent for Class 3, and 92 percent for Class 4.

Conversely, as the seriousness of the offense increases, the percentage of convictions by bench and jury trials also increases in Cook County. In 1988, 26 percent of the Cook County defendants convicted of first-degree murder and 23 percent of those convicted of Class X crimes had bench trials. By contrast, only 7 percent of the defendants convicted of Class 4 felonies had bench trials. Likewise, fewer than 1 percent each of the defendants convicted of Class 1–4 felonies in Cook County in 1988 had jury trials, compared with 6 percent of those convicted of Class X crimes and 36 percent of those convicted of first-degree murder.

In Illinois outside Cook County, the 1988 trends were similar: the percentage of convictions resulting from trials was higher for the more serious offenses, while guilty pleas were more common for less serious crimes (Figure 3-18). Outside Cook County, however, higher percentages of felony defendants in all offense classes pleaded guilty than was the case in Cook County. For example, 46 percent of the murder defendants convicted in the counties outside Cook pleaded guilty in 1988, compared with 38 percent in Cook County.

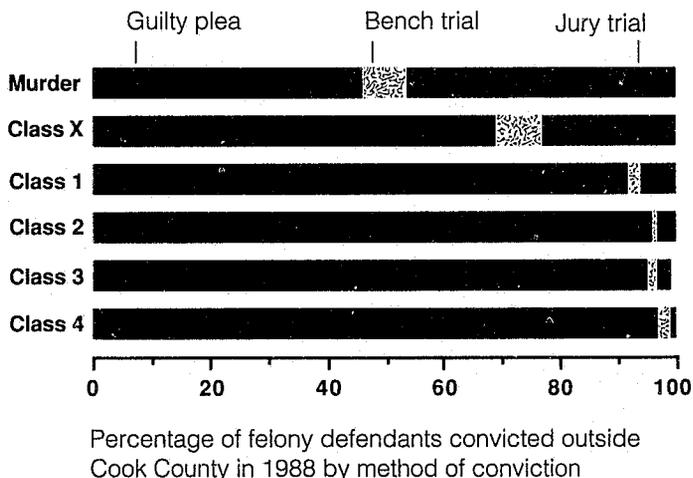
In addition, the percentage of offenders convicted at bench trials was much lower in the counties outside Cook than it was in Cook County, while the percentage convicted at jury trials was higher outside Cook County. Among Class X offenders convicted in 1988, for example, 23 percent in Cook County had bench trials and 6 percent had jury trials. In the state's other

Figure 3-17  
**In Cook County, the vast majority of convicted felons, except convicted murderers, plead guilty.**



Source: Administrative Office of the Illinois Courts

Figure 3-18  
**In Illinois outside Cook County, an even larger majority of felony convictions result from guilty pleas.**



Source: Administrative Office of the Illinois Courts

101 counties, the percentages were almost the reverse: 23 percent of the Class X offenders were convicted at jury trials and 8 percent at bench trials.

### HOW MANY CONVICTED FELONS ARE SENTENCED TO IMPRISONMENT IN ILLINOIS?

The number of felony prison sentences imposed by the Illinois courts increased more than 70 percent between 1977 and 1988, from 7,784 to 13,265. Most of this increase, however, occurred between 1977 and 1983, when prison sentences rose 63 percent statewide. After remaining fairly stable over the next four years, the number of prison sentences imposed shot up another 6 percent in 1988 (Figure 3-19).<sup>70</sup>

The 1977–1983 increase occurred in all parts of the state. In Cook County, the number of sentences of imprisonment increased 58 percent during this period; outside Cook County, the number increased 72 percent. After 1983, however, trends in the two regions diverged. In Cook County, the number of prison sentences increased overall between 1983 and 1985, but then declined in 1986. After increasing slightly in 1987, the number of prison sentences rose 4.5 percent in 1988, reaching a near-record of 8,420. Outside Cook County, prison sentences declined between 1983 and 1985, but then increased almost 16 percent over the next three years, reaching a record high of 4,845 in 1988.

Clearly, the increase in the total number of convictions between 1977 and 1988 was partially responsible for the large increase in the number of prison sentences imposed during this period. Statewide, the number of felony convictions rose from 20,178 in 1977 to 31,790 in 1988, a 58-percent increase.

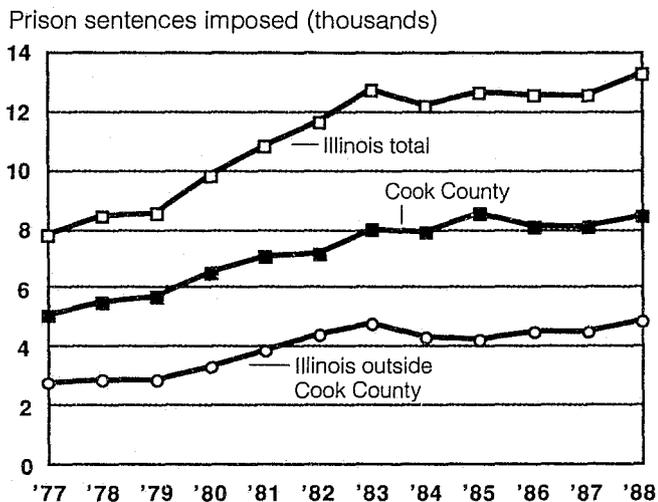
But legislative actions probably contributed as well to increases in the number of felons sentenced to prison. In 1978, the Illinois General Assembly enacted the state's Class X law, which imposes mandatory prison sentences for certain serious crimes. Over the years, lawmakers have added to the list of Class X crimes—and therefore to the number of offenses carrying mandatory prison sentences. Recently, for example, aggravated criminal sexual assault (1984), delivery of a controlled substance in or around a school (1985), and controlled substance trafficking (1988)<sup>71</sup> have been added to the list of Class X crimes. In addition, the General Assembly enacted the Habitual Criminals Act in 1978, which mandates a sentence of natural life imprisonment for offenders convicted of three Class X offenses within 20 years.<sup>72</sup>

### HOW MANY CONVICTED FELONS ARE SENTENCED TO PROBATION?

Between 1977 and 1988, the number of probation sentences imposed by the courts increased 57 percent statewide, a trend that generally paralleled the increase in felony dispositions overall (Figure 3-20).<sup>73</sup> In 1988, however, the number of felony probation sentences declined both in and outside Cook County, after steadily increasing since 1985 in Cook County and since 1982 elsewhere in the state. In 1988 in Cook County, the proportion of felony convictions resulting in a sentence of probation was slightly more than one out of every two sentences, while elsewhere the ratio was closer to two out of every three (see next question).

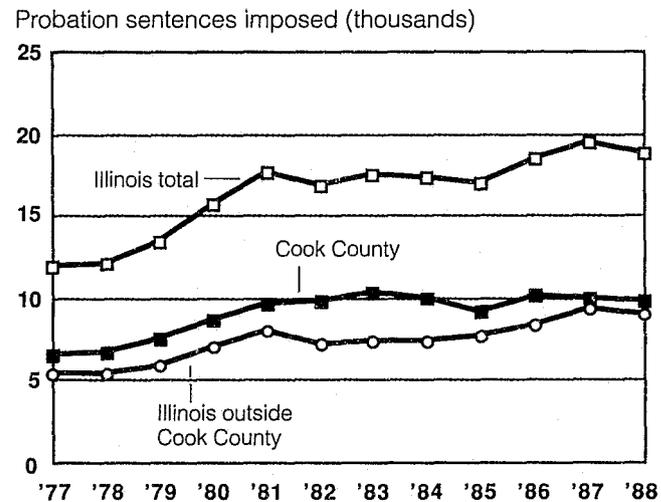
Between 1977 and 1988, there was a 66-percent increase in the number of felony probation sentences imposed outside Cook County, with a 48-percent in-

Figure 3-19  
**The number of felony prison sentences increased in 1988, in both Cook County and the rest of Illinois.**



Source: Administrative Office of the Illinois Courts

Figure 3-20  
**The number of felony probation sentences declined statewide in 1988.**



Source: Administrative Office of the Illinois Courts

crease between 1978 and 1981 alone. The number of probation sentences declined 10 percent from 1981 to 1982, but then increased again over the next five years, before declining in 1988.

In Cook County, the overall increase in felony probation sentences was not as pronounced, but still amounted to a 50-percent rise between 1977 and 1988. Felony probation sentences in Cook County increased 57 percent between 1977 and 1983, but then declined 10 percent between 1983 and 1985. This decrease, however, was offset by a similar increase in 1986 and then a leveling off in 1987, followed by a slight decline in 1988.

Overall increases in the number of felons sentenced to probation—in both Cook County and the remainder of the state—occurred despite the growth during this period in the number of non-probationable offenses that carry mandatory prison sentences (see previous question).

### **WHAT PROPORTION OF FELONS ARE SENTENCED TO IMPRISONMENT VERSUS PROBATION?**

There are a variety of sentences that Illinois courts may impose, depending on the class of the offense and the circumstances surrounding both the crime and the offender (see pages 133–135). For statistical purposes, sentences for felony convictions are divided into three categories: imprisonment, probation, and other sentences (such as periodic imprisonment in a local correctional institution or a judicial finding that the defendant is mentally unfit to be sentenced).<sup>74</sup> From 1977 through 1988, more convicted felons in Illinois were sentenced to probation than to imprisonment and other sentences combined.

Statewide, the proportion of felons receiving each of the three types of sentences did not change much between 1977 and 1988. The annual percentage of felons sentenced to probation ranged from a low of 58 percent in 1985 to a high of 62 percent in 1980 and 1981. Imprisonment, on the other hand, accounted for an average of 39 percent of all sentences between 1977 and 1988. Other sentences never accounted for more than 2 percent of felony sentences in any year between 1977 and 1988.

Perhaps more significant than these changes over time in statewide figures are the differences between Cook County and the remainder of the state in the proportion of convicted felons sentenced to imprisonment versus probation. Between 1977 and 1988, consistently higher percentages of convicted felons were sentenced to imprisonment from Cook County than from the rest of the state (Figure 3-21). In 1988, for example, 46 percent of convicted felons in Cook County were

sentenced to prison, compared with 34 percent in the rest of the state.

Conversely, the counties outside Cook consistently had higher percentages of felony probation sentences than Cook County throughout this period. In Cook County, the annual percentage of felony sentences involving probation ranged from 52 percent to 57 percent; in the rest of the state, the range was between 60 percent and 67 percent.

### **HOW OFTEN IS PROBATION USED WHEN BOTH IMPRISONMENT AND PROBATION ARE SENTENCING OPTIONS?**

Analyzing sentences of probation as a proportion of *all* felony sentences does not account for the fact that probation is not a sentencing option for certain felony offenses, such as first-degree murder and Class X crimes, which carry mandatory prison sentences. A clearer picture of the use of probation as a sentencing option emerges when these non-probationable offenses are excluded and only sentences for Class 1–4 felonies, which generally allow the court to impose either probation or imprisonment, are analyzed.<sup>75</sup>

As expected, probation is used in sentencing a higher proportion of Class 1–4 felons than of convicted felons as a whole. In 1988, for example, 62 percent of Class 1–4 felons in Cook County were sentenced to probation, compared with 53 percent of all convicted felons in the county. The probation usage rates for all felons and for only Class 1–4 felons was consistently lower in Cook County than in the rest of the state between 1979 and 1988.

Compared with Cook County, the remainder of the state consistently had higher probation usage rates among Class 1–4 felons between 1979 and 1988, although the gap was not as large as when probation is examined as a percentage of all felony sentences (Figure 3-22). Likewise, the use of imprisonment for Class 1–4 felons was greater in Cook County than in the rest of the state during this period. From 1985 through 1987, imprisonment rates among Class 1–4 felons in Cook County dropped slightly from 38 percent to 36 percent, with a corresponding shift toward the use of probation. In 1988, the imprisonment rate returned to 38 percent.

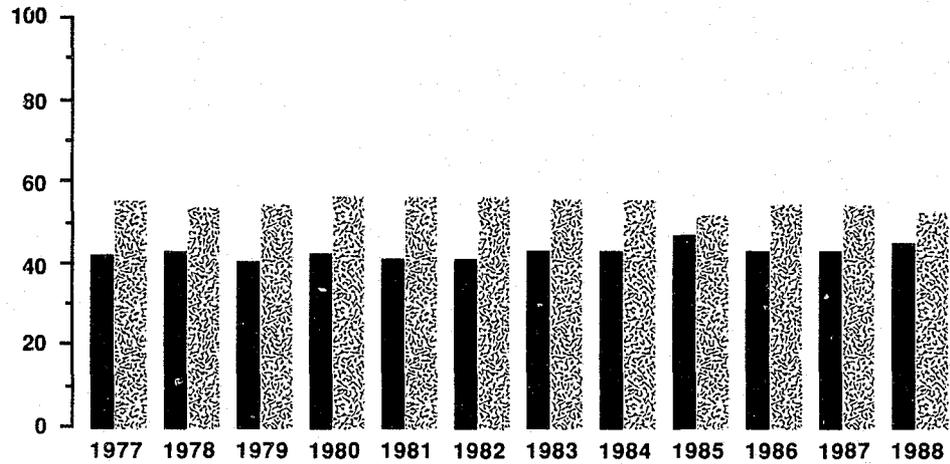
This contrast suggests that, compared with the rest of the state, a larger proportion of the felons sentenced to prison in Cook County from 1979 to 1988 were serious offenders who were either statutorily ineligible for probation or denied probation, due to aggravating factors associated with their offense. This variance may also be attributable to differences in sentencing policies in different parts of the state, as well as to other unidentified factors.

Figure 3-21

**Larger percentages of convicted felons are sentenced to imprisonment from Cook County than from the rest of Illinois.**

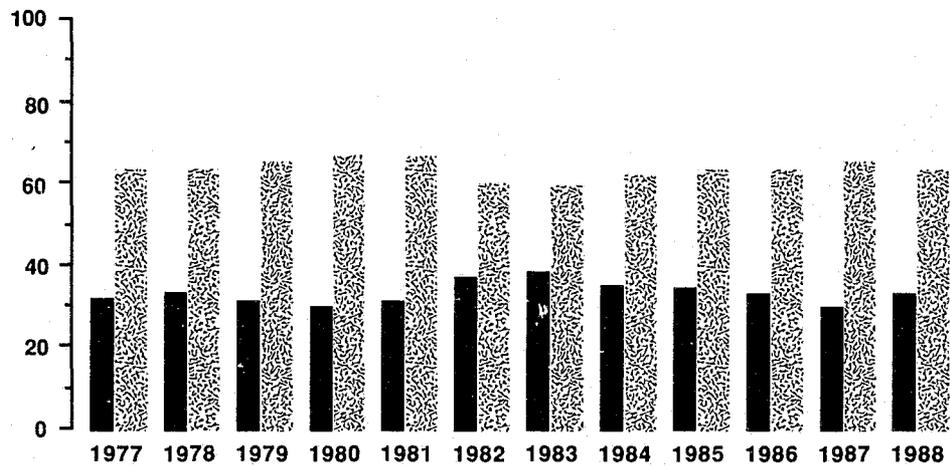
Percentage of all felons sentenced to imprisonment and to probation from Cook County

■ Imprisonment  
 ▨ Probation



Percentage of all felons sentenced to imprisonment and to probation from outside Cook County

■ Imprisonment  
 ▨ Probation



Source: Administrative Office of the Illinois Courts

**WHICH OFFENDERS ARE MOST LIKELY TO RECEIVE PRISON SENTENCES IN ILLINOIS?**

In Illinois, anyone convicted of either first-degree murder (who is not sentenced to death) or a Class X offense, or anyone adjudged a habitual criminal, receives a mandatory prison sentence. Among other offenders who are eligible for either imprisonment or probation, the likelihood of receiving a prison sentence generally increases as the seriousness of the offense escalates. Regardless of the seriousness of the felony, however, an offender convicted of any Class 1-4 felony was more likely to go to prison in 1988 than in 1979, especially for Class 3 and 4 crimes.

In 1988, 38 percent of Class 1-4 felons received prison sentences in Cook County, while elsewhere in the state, 32 percent of such felons were sent to prison. In Cook County, the chances of a probationable felon

receiving a prison sentence was approximately 15 percentage points higher in 1988 than in 1979. In the rest of the state, the likelihood of prison for such offenders had increased by 10 percentage points.

**HOW LONG ARE THE PRISON SENTENCES IMPOSED FOR DIFFERENT CRIMES?**

Sentencing practices in Illinois changed dramatically in 1978, when a system known as *indeterminate sentencing* was replaced with a *determinate*, or flat-time, structure.<sup>76</sup> Because of this basic change in policy, sentences imposed under the determinate structure cannot be compared with indeterminate sentences imposed before 1978. However, determinate sentences imposed for individual crimes since 1978 can be compared from year to year.

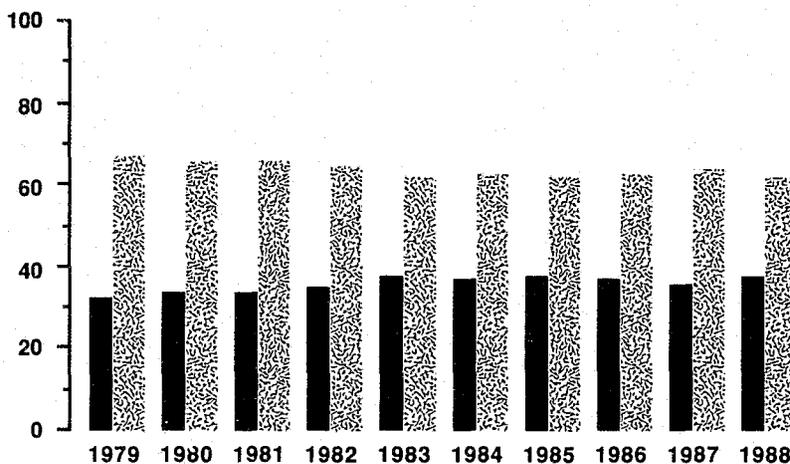
Between 1978 and 1988, the average sentences imposed by Illinois courts for three less serious felonies

Figure 3-22

**Probation is by far the most common sentence imposed for Class 1-4 felons in Cook County and the rest of Illinois.**

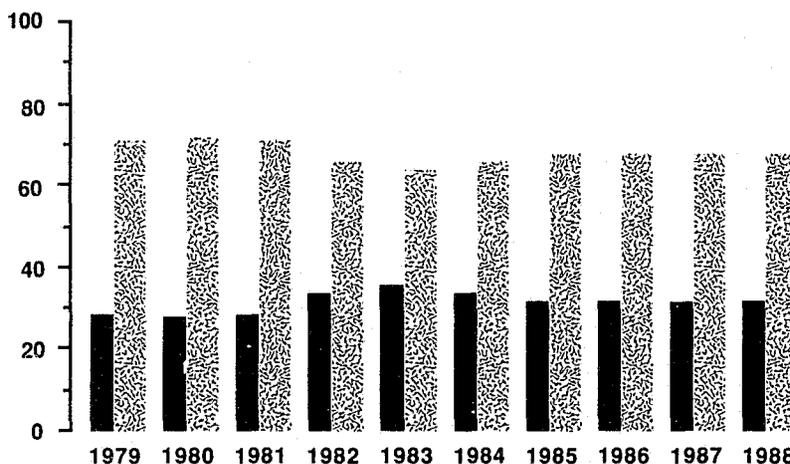
Percentage of Class 1-4 felons sentenced to imprisonment and to probation from Cook County

▨ Probation  
■ Imprisonment



Percentage of Class 1-4 felons sentenced to imprisonment and to probation from outside Cook County

▨ Probation  
■ Imprisonment



Source: Administrative Office of the Illinois Courts

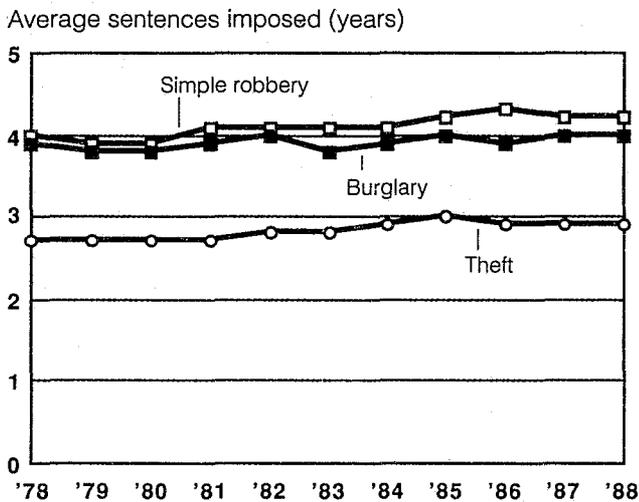
increased only slightly: simple robbery from 4 to 4.2 years, burglary from 3.9 to 4 years, and felony theft from 2.7 to 2.9 years (Figure 3-23). However, the average sentences imposed for the more serious felonies of first- and second-degree murder and armed robbery have generally increased since 1978 (Figure 3-24). The average sentence imposed for second-degree murder (formerly voluntary manslaughter) rose from 5 years in 1978 to 8.3 years in 1988, with a large increase occurring after 1982, when the crime was reclassified from a Class 2 to a Class 1 felony. For first-degree murder, the average sentence imposed rose from 27.2 years in 1978 to 29.4 years in 1986, although it decreased to 28.6 years in 1988. The average sentence imposed for armed robbery increased from 8.8 years in 1978 to 11.4 years in 1987, and then rose sharply to 13 years in 1988.

For serious sexual assault offenses, changes in sentences imposed are difficult to measure because Illi-

nois' sexual assault laws have been substantially revised in recent years. The average sentence imposed for Class X rape offenses increased from 11 years in 1978 to 15.6 years in 1985, but dropped to 12.2 years in 1986. (There were no sentences imposed for rape in 1987 because in 1984 the crime of rape was repealed, and the comparable offense of aggravated criminal sexual assault was created. But because of natural delays in apprehending and prosecuting some offenders who committed rape under the old law, there were still some sentences for rape in 1985 and 1986.) Average penalties for aggravated criminal sexual assault have fluctuated slightly since the offense was created in 1984. In the first year of prosecutions under this offense category, the average sentence was 12.1 years. In the following year, the average sentence length declined to 11.6 years and hovered around that figure for two more years, before climbing in 1988 to an average of 12.4 years.

Figure 3-23

**The average prison sentences imposed by Illinois courts for three less serious felonies have remained steady during the 1980s.**



Source: Illinois Department of Corrections

**WHAT ARE THE CASELOADS OF PROBATION DEPARTMENTS IN ILLINOIS?**

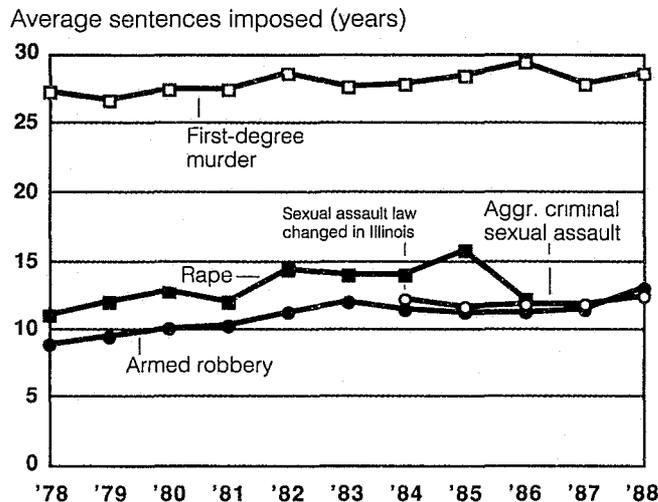
The total year-end adult caseloads of Illinois' probation departments—including felony, misdemeanor, driving under the influence (DUI), supervised pretrial release, and administrative (non-reporting) cases, as well as probationers sentenced in other states but supervised in Illinois—grew by 3 percent over the total adult caseload at the end of 1987 (Figure 3-25). This growth was equal to the average rate of increase in caseload size since 1985. This small statewide increase occurred despite a 1-percent decline in adult probation caseload totals in Cook County. Elsewhere in the state, adult caseloads increased by 6 percent in 1988.

Even with only a small increase in 1988, the statewide probation caseload of almost 84,000 cases was still 24 percent higher than it had been in 1981. Once again, this statewide increase masks a significant difference in trends between Cook County and the rest of the state. In 1988, adult probation caseloads in Cook County were 11 percent lower than in 1981, while in the other 101 counties they were 75 percent higher.<sup>77</sup> The probation caseload outside Cook County increased almost steadily during this period, from 27,614 in 1981 to 48,238 in 1988.

Despite the reduction in the number of probationable offenses in Illinois, probation caseloads statewide began increasing steadily after 1983. From 1984 through 1988, probation caseloads as a whole in the counties outside Cook were larger than those in Cook County, if both active and non-reported cases are

Figure 3-24

**The average prison sentences imposed for more serious felonies have generally increased.**



Note: See text for details on changes in Illinois' sexual assault laws.

Source: Illinois Department of Corrections

counted. In 1988, the adult probation caseload elsewhere in the state was almost 36 percent larger than the total caseload in Cook County. However, when only active cases are included, Cook County continues to have larger probation caseloads, even after 1984, than in all of the other 101 counties in the state combined. In 1988, for example, Cook County's year-end *active* adult probation caseload (including traffic cases) was 32,049, compared with 31,410 in the rest of Illinois.

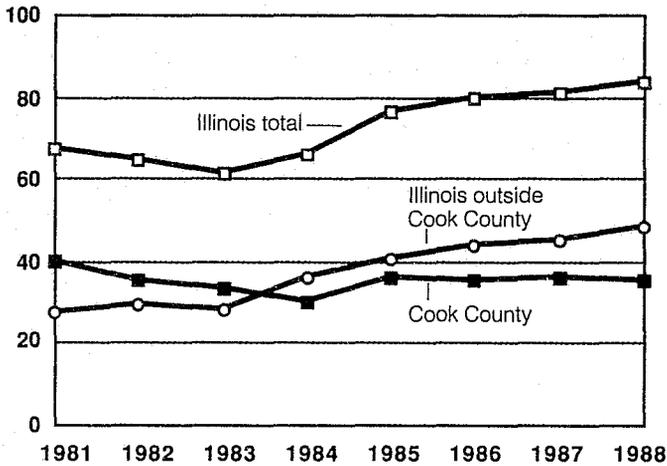
**WHAT ARE THE CHARACTERISTICS OF ILLINOIS PROBATIONERS?**

There are no available statewide data on the demographic and criminal history characteristics of probationers in Illinois. However, some statistics are available from Cook County, where offenders normally under the supervision of a single probation department in other counties are instead supervised by two separate court agencies—the Adult Probation Department, which handles probationers, and the Social Service Department, which handles persons sentenced to conditional discharge and those under court supervision (see page 136 for more information).

The Cook County Adult Probation Department's caseload consists largely of adults sentenced to probation for felony offenses—88 percent of the total caseload at the end of 1988 (Figure 3-26). That year, 11 percent of the department's caseload were convicted of misdemeanors, and less than 1 percent each were convicted of traffic offenses and DUI.<sup>78</sup> The Cook County Social Service Department's caseload, on the other hand,

Figure 3-25  
**The adult caseloads of Illinois' probation departments have increased steadily since 1983.**

Year-end probation caseload (thousands)



Source: Administrative Office of the Illinois Courts (Probation Division)

included the following types of cases at the end of 1988: 50 percent DUI, 28 percent misdemeanor, 21 percent traffic-related, and 1 percent felony.

Fifty-nine percent of the probationers supervised by the Cook County Adult Probation Department at the end of 1988 were black, 30 percent were white, 10 percent were Hispanic, and 1 percent were of other races. Forty-four percent were between 21 and 30 years old, and approximately one-fifth each were between 18 and 20, and between 31 and 40. Five percent were aged 17 and younger, and 9 percent were 41 or older.<sup>79</sup>

### HOW MANY PROBATIONERS IN ILLINOIS ARE DUI OFFENDERS?

Offenders convicted of driving under the influence (DUI) make up a large proportion of the adult probation caseload in Illinois, although the number of DUI offenders admitted to probation has fallen in recent years. In Illinois, 8,311 DUI offenders were admitted to probation statewide in 1988. This total is down 7 percent from the 1987 figure (8,914), and down 12 percent from the peak year of 1985 (9,463). Despite this decline in the number of DUI probationers, this type of offender makes up a growing *percentage* of all active probation cases, increasing from about 13 percent of the adult caseload in 1984 to 22 percent at the end of 1988. However, because some counties also handle non-conviction supervision cases in their probation departments, it is unclear how many of the state's DUI probation cases were convictions and how many were unconvicted supervisions or conditional discharges.

Figure 3-26  
**Felony cases make up the majority of the Cook County Adult Probation Department's caseload, while DUI cases constitute the largest portion of the Social Service Department's caseload.**

Cook County caseloads at the end of 1988

Offense	Adult Probation		Social Service	
	Percentage	Number	Percentage	Number
Felony	88	16,592	1	131
Misdemeanor	11	2,094	28	3,345
DUI	0.6	123	50	6,060
Traffic	0.7	135	21	2,569

Note: Numbers may not add up to 100 due to rounding.

Source: Administrative Office of the Illinois Courts (Probation Division)

Part of the reason for the decline in DUI admissions to probation statewide may be the trend in Cook County toward assigning DUI offenders to supervision or conditional discharge rather than sentencing them to probation. Supervision and conditional discharge dispositions take advantage of the highly structured intervention program that has been incorporated into the basic operations of the Circuit Court's Social Service Department, which monitors all supervision and conditional discharge cases in Cook County. During 1988, the department's caseworkers handled 6,060 DUI cases.

### HOW MANY PROBATIONERS PARTICIPATE IN INTENSIVE PROBATION SUPERVISION?

Although most offenders sentenced to probation in Illinois receive "regular" probation, some offenders are instead sentenced to Intensive Probation Supervision (IPS).<sup>80</sup>

One goal of IPS is to relieve prison crowding by diverting offenders from correctional facilities to community supervision. A screening process selects candidates for IPS who are deemed to pose no serious threat to the community.

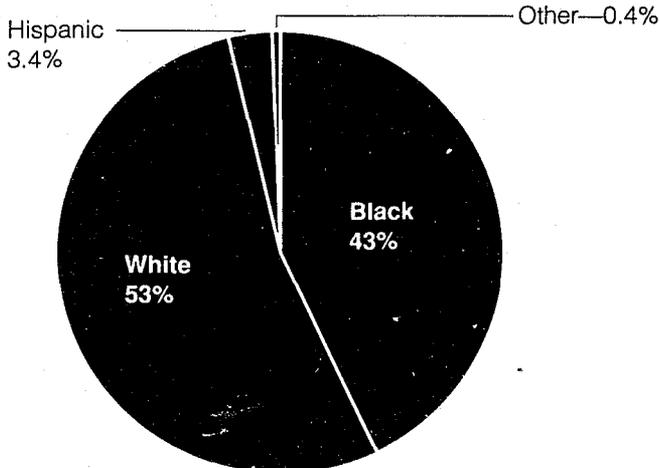
IPS involves a much higher level of supervision than regular probation—in the beginning of the IPS term it amounts to house arrest—and the conditions are stricter than with regular probation (for example, IPS probationers are ordered by the court to comply with curfew hours, and home visits by probation officers are frequent).

Diversions programs, such as IPS, relieve prison crowding by offering a community-based alternative for offenders who would otherwise be imprisoned. This results in a substantial cost savings. While the average cost of maintaining a prisoner in a state correctional facility is almost \$16,500 a year, an offender can be maintained for a year on IPS at a cost of \$3,400 (state and county contribution). When secondary benefits—

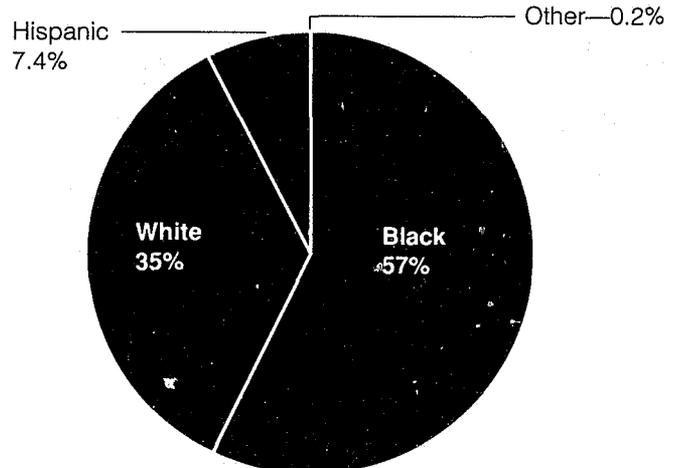
Figure 3-27

**White offenders make up a majority of IPS probationers, but one third of the state's prison population that would be eligible for IPS.**

Percentage of Intensive Probation Supervision population in June 1989, by race



Percentage of IDOC inmate population (eligible for IPS) in June 1989, by race



Note: Numbers may not add up to 100 due to rounding.

Source: Administrative Office of the Illinois Courts (Probation Division)

such as community service employment, fines, and taxes withheld from employed probationers—are added to these direct savings, it is estimated that the annual IPS savings and benefits to the state from the program's inception in June 1984 to June 1989 exceed \$10 million.<sup>81</sup>

Most of the secondary benefits of the program stem from the fact that a large percentage of IPS probationers remain productive members of society—almost 45 percent are employed—allowing them to pay restitution to victims, fines, and other fees, as well as taxes. IPS probationers tend to be young—27 percent are aged 20 or younger, and 74 percent are under 30. Only 8 percent of the participants in IPS have been convicted of a Class 1 felony; the rest have been convicted of lesser offenses.

The racial profile of IPS participants differs from that of IDOC inmates who could be eligible for IPS. While white offenders constitute slightly more than 35 percent of the state prison population, they make up more than 53 percent of probationers on IPS (Figure 3-27). Black offenders make up more than 57 percent of the IDOC population, but only 43 percent of the IPS participants. The percentage of Hispanics in the program is 4 percentage points lower than in the prison population.

Between June 1984, when IPS began as a pilot program in Illinois, and June 1989, 2,493 adult offenders were admitted to IPS statewide. A total of 695 adults were still active participants in the program as of June

1989, and more than 1,000 (or 57 percent of the remaining 1,798 offenders who were no longer active in IPS) had completed the program successfully—that is, they were not terminated from IPS because of an arrest or a technical violation of either program rules or any condition of their sentence (Figure 3-28). Another 36 percent had their IPS sentences revoked—21 percent for technical violations of program rules, 15 percent for arrests for new crimes. Four percent had absconded from the program, and 2 percent had other outcomes (such as death or a petition for resentencing to prison).

#### **WHAT ARE THE OUTCOMES OF CRIMINAL APPEALS IN ILLINOIS?**

A total of 3,225 criminal appeals were decided by the Illinois Appellate Court during 1988. In 79 percent of these appeals, the decisions of the trial court were allowed to stand: 46 percent were affirmed by Appellate Court order, and 33 percent were disposed of without order or opinion (Figure 3-29). (The latter occurs, for example, when the case is decided through stipulation of the facts by the parties or when one of the parties successfully motions to dismiss the appeal. Dispositions without order or opinion do not set any legal precedent.)

In the other 21 percent of the appeals decided in 1988, the Appellate Court modified the trial court decisions in some way: 2 percent were reversed, 9 percent were reversed and remanded to the Circuit Court for

Figure 3-28

**By June 1989, about 57 percent of the offenders who had completed the IPS program had done so successfully.**

Outcomes for IPS probationers between 1984 and 1989

IPS outcome	Percentage	Number
Successful	57	1,028
Sentence revoked (technical)	21	384
Sentence revoked (new crime)	15	268
Absconded	4	78
Other	2	40
<b>Total</b>		<b>1,798</b>

Source: Administrative Office of the Illinois Courts (Probation Division)

further proceedings, 8 percent were affirmed in part or reversed in part, 1 percent were dismissed, and 1 percent were vacated. Any case in which the sentence that was originally imposed is vacated is remanded to the trial court. Another sentencing hearing is then held, and the trial court may hand down any sentence which could have been imposed originally.<sup>82</sup>

Figure 3-29

**In 79 percent of the criminal appeals decided by the Illinois Appellate Court during 1988, the original court decision was allowed to stand.**

Appellate Court decisions in 1988

How disposed	Percentage	Number
Decision affirmed	46	1,479
Decided without order or opinion	33	1,057
Reversed and remanded	9	295
Affirmed/reversed in part	8	266
Dismissed	1	31
Vacated	1	38
Reversed	2	59
<b>Total</b>		<b>3,225</b>

Source: Administrative Office of the Illinois Courts

The dramatic increases in criminal cases in the Circuit courts in Illinois are not found at the appellate level, however. The number of criminal cases decided by the Illinois Appellate Court was less than 1 percent higher in 1988 than in 1987, although there were 8.5 percent more criminal cases pending in the Appellate Court at the end of 1988 than at the end of 1987.

# Notes

<sup>1</sup> The Illinois Supreme Court exercises original jurisdiction in habeas corpus matters. Also, any conviction in which a sentence of death is imposed is appealed directly and automatically from the Circuit Court to the Illinois Supreme Court.

<sup>2</sup> Twenty-one of Illinois' 22 judicial circuits are numbered; the other circuit, which covers Cook County, is simply called the Circuit Court of Cook County.

<sup>3</sup> For more information on the Cook County Circuit Court, see Christine A. Devitt and John D. Markovic, *The Pretrial Process in Cook County: An Analysis of Bond Decisions Made in Felony Cases During 1982-83* (Chicago: Illinois Criminal Justice Information Authority, 1987).

<sup>4</sup> Felony cases are heard in the County Department's Criminal Division in Markham, Skokie, Maywood, and Bridgeview.

<sup>5</sup> The County Division handles mental health, adoption, inheritance tax, and election supervision cases, as well as real estate tax objections, special assessments, condemnations of municipal property, annexations, and marriage petitions by minors.

<sup>6</sup> Public Act 86-786 (Ill.Rev.Stat., ch. 37, para. 25-1b).

<sup>7</sup> When granted permission by the chief judge of the circuit, associate judges may preside over certain felony case functions.

<sup>8</sup> According to the National Center for State Courts, either Cook County or Los Angeles County could be considered the largest general jurisdiction trial court in the United States, depending on the unit of measure selected. Los Angeles has more judges and a larger total number of cases filed when traffic cases are included, while Cook County has a higher volume of criminal case filings.

<sup>9</sup> Prior to a not-guilty verdict, the prosecution can file an interlocutory (non-final) appeal on certain pretrial rulings that affect the state's ability to proceed with the case. For example, the prosecution may appeal a court ruling that the defendant's confession be suppressed.

<sup>10</sup> Decisions of the Illinois Supreme Court can be appealed to the federal appellate system and ultimately to the U.S. Supreme Court. In some instances, such as habeas corpus proceedings, an appeal may proceed directly from the state Supreme Court to the U.S. Supreme Court.

<sup>11</sup> These totals include not only those Appellate Court justices who are elected by the voters, but also any Circuit Court judges assigned by the Illinois Supreme Court to serve on the Appellate Court as the business of the court requires, including those recalled from retirement from the Circuit Court for temporary assignment. State law sets the number of Appellate Court justices who are elected from each judicial district: currently, 18 justices are elected from the 1st District, 6 from the 2nd, 4 from the 3rd, 4 from the 4th, and 6 from the 5th. As of November 1989, one vacancy existed in the 1st District. There were seven assigned judges statewide, and five judges recalled to temporary service, making up a total of 49 appellate judges.

<sup>12</sup> *1989 Report* (Springfield, Ill.: State of Illinois Judicial Inquiry Board, 1989), pp 46-58.

<sup>13</sup> In 1989, the U.S. Supreme Court in *Gomez v. U.S.* (No. 88-5014) limited the expanding role of U.S. magistrates by barring them from presiding over jury selection in felony cases without the consent of the defendant.

<sup>14</sup> *The Prosecution of Felony Arrests, 1986* (Washington, D.C.: Bureau of Justice Statistics, 1989), p. 2.

<sup>15</sup> In misdemeanor cases, initial bond decisions may be made at the police station, in which case the defendants are usually released on their own recognizance. If the case is not disposed of at the time of the initial court appearance, the judge may then make a separate bond decision.

<sup>16</sup> A hearing must be held to determine whether bail should be denied to a defendant charged with a non-probationable offense when it is alleged that the defendant's release on bail would pose a real and present threat to the physical safety of any person (Illinois Constitution, Article 1, Section 9; Ill.Rev.Stat., ch. 38, par. 110-6.1).

<sup>17</sup> Defendants may waive their right to a preliminary hearing. If a defendant waives this right, the case goes directly to arraignment.

<sup>18</sup> Ill.Rev.Stat., ch. 38, par. 103-5.

<sup>19</sup> Several counties, including Lake, Stephenson, Menard, Winnebago, and Kane, already obtain names of potential jurors pulled at random from combined lists of registered voters and licensed drivers. Using a merged list for jury selection increases the total pool of available jurors and improves the racial, educational, age, and socio-economic diversity of juries. In Winnebago County, the juror pool was increased by approximately 40,000 names by using this method. Amendments to Ill.Rev. Stat., ch. 78, par. 1b, effective July 1, 1990, will make this method the uniform practice throughout the state, except in Cook County, which was exempted from the act.

<sup>20</sup> Counties using the one-day-one-trial selection system are Alexander, Clark, Cook, DuPage, JoDaviess, Johnson, Kane, LaSalle, Ogle, Richmond, Scott, and Stephenson.

<sup>21</sup> In trials with more than one defendant, each defendant is allowed eight peremptory challenges in capital cases, five in cases punishable by imprisonment, and three in all other cases. If several charges have been consolidated against one defendant, the number of challenges is determined by the most serious charge.

<sup>22</sup> Ill.Rev.Stat., ch. 38, par. 9-1(g,h). See page 135 for more information about the death penalty in Illinois.

<sup>23</sup> *The National Survey on Punishment for Criminal Offenses* (1987), conducted by Joseph Jacoby and Christopher Dunn under a grant from the U.S. Bureau of Justice Statistics.

<sup>24</sup> Under certain circumstances, a defendant who has been convicted of criminal sexual assault for a second or subsequent time (a Class X crime) but who is a family member of the victim may be sentenced to probation (Ill.Rev.Stat., ch. 38, par. 1005-5-3(e)).

<sup>25</sup> Ill.Rev.Stat., ch. 38, par. 1005-6-1. Also see pages 133-135 for more information on the specific types of sentences that may be imposed in Illinois.

<sup>26</sup> The other nine states that use determinate sentencing are California, Connecticut, Florida, Indiana, Maine, Minnesota, New Mexico, North Carolina, and Washington state. The federal court system also uses a determinate sentencing structure. *Report to the Nation on Crime and Justice, 2nd. ed.* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 91.

<sup>27</sup> A habitual offender is anyone who has been convicted twice of murder or a Class X felony and is subsequently convicted of a third murder or Class X offense (Ill.Rev.Stat., ch. 38, par. 33B-1).

<sup>28</sup> Ill.Rev.Stat., ch. 56 1/2, par. 1407.

<sup>29</sup> Ill.Rev.Stat., ch. 56 1/2, par. 709.

<sup>30</sup> Ill.Rev.Stat., ch. 38, par. 1005-5-3.

<sup>31</sup> A sentence of probation cannot be imposed for convictions of first-degree murder, attempted first-degree murder, Class X felonies (see note 24), some serious violations of the Controlled Substances and Cannabis Control acts, a Class 2 or greater felony if the offender has been convicted of a Class 2 or greater felony within the past 10 years, and certain other felonies. In addition, probation cannot be imposed for those judged to be habitual offenders (see note 27), or when the offender is older than 21 and is convicted of a Class 1 or 2 felony after having been convicted of a Class 2 or greater felony two or more times on separate occasions (Ill.Rev.Stat., ch. 38, par. 1005-5-3).

<sup>32</sup> Ill.Rev.Stat., ch. 38, pars. 1005-6-3, 1005-5-3.2, and 1005-8-2.

<sup>33</sup> Ill.Rev.Stat., ch. 38, par. 1005-8-2 lists limits to extended terms for each felony class.

<sup>34</sup> Fines in Illinois are set as follows: for felony offenses, \$10,000 or the amount specified for the offense, whichever is greater; for Class A misdemeanors, \$1,000 or the amount specified for the offense, whichever is greater; for Class B or C misdemeanors, \$500; and for petty offenses, \$500 or the amount specified for the offense, whichever is less (Ill.Rev.Stat., ch. 38, par. 1005-9-1. See pages 161-163 for information about collection of fines by the court.

<sup>35</sup> Ill.Rev.Stat., ch. 38, par. 1005-5-6.

<sup>36</sup> Public Act 86-806 (Ill.Rev.Stat., ch. 38, par. 9-9).

<sup>37</sup> Public Act 86-834 (Ill.Rev.Stat., ch. 38, par. 9-9).

<sup>38</sup> When consideration of the death penalty is requested by the prosecutor, the sentencing hearing is conducted before the jury that determined the defendant's guilt. If the defendant pleaded guilty to first-degree murder or was convicted at a bench trial, or if the court for good cause discharges the jury that determined the defendant's guilt, the sentencing hearing is conducted before a jury impaneled specifically for the sentencing proceeding. If the defendant waives a jury for the sentencing hearing, it is conducted before the judge alone (Ill.Rev.Stat., ch. 38, par. 9-1).

<sup>39</sup> *Capital Punishment 1988* (Washington, D.C.: Bureau of Justice Statistics, 1989), p. 1.

<sup>40</sup> From 1973 through 1988, appeals courts nationwide overturned the convictions of 290 death row inmates and overturned the sentences of 520 other death row inmates.

Additionally, 456 prisoners under sentence of death were returned to the general prison population when the death penalty was struck down in their states. Sentences for 105 others were commuted (reduced to a lesser penalty by executive order). As a general rule, all such actions result in a new trial, a new sentencing hearing, or a reduced sentence. It is extremely rare for a death row inmate to be freed outright by any of these means.

*Capital Punishment 1988*, 1989, p. 11.

<sup>41</sup> New legislation (Public Act 86-318; Ill.Rev.Stat., ch. 38, par. 121-13d), effective January 1, 1990, provides free post-conviction legal counsel for indigent defendants in cases in which the death sentence was imposed and direct appeals of the sentence have been exhausted.

<sup>42</sup> "Supervision" is a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as imposed by the court. Upon successful completion of the supervision period, the defendant is discharged and a judgment dismissing the charge is entered (Ill.Rev.Stat., ch. 38, par. 1005-1-21).

<sup>43</sup> *Trends and Issues 89: Criminal and Juvenile Justice in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1989), pp. 2-3.

<sup>44</sup> *Crime and Criminal Justice in Cook County: An Overview* (Chicago: Criminal Justice Project of Cook County, 1989), p. 61.

<sup>45</sup> Illinois Criminal Justice Information Authority field study, July 1989.

<sup>46</sup> Public Act 86-392 (Ill.Rev.Stat., ch. 38, par. 115-4j).

<sup>47</sup> Under Illinois law, home confinement with or without electronic monitoring is an optional condition of both probation and periodic imprisonment. It can also be used to help monitor defendants released on bond pending trial.

<sup>48</sup> In some cases in which the disability preventing fitness to stand trial is physical rather than psychiatric, a defendant may be referred to a rehabilitation program. One example of this fairly rare circumstance would be a hearing-impaired person, unable to communicate by speech or sign language. Referrals may also be for outpatient treatment.

<sup>49</sup> Ill.Rev.Stat., ch. 38, par. 6-2. A finding of guilty but mentally ill is different from an acquittal by reason of insanity. Persons not guilty by reason of insanity are not criminally responsible for their conduct because, at the time of the crime, they lacked the substantial capacity to appreciate the criminality of their conduct or of the need to conform to the law, due to mental illness or a mental defect.

<sup>50</sup> The other four jurisdictions with laws similar to Illinois' Sexually Dangerous Persons Law are Colorado, Massachusetts, Minnesota, and the District of Columbia. At present, these laws are actively used outside of Illinois only in Massachusetts, with 276 committed persons in 1988, and Minnesota, with 16. Fourteen other states have repealed such laws since 1968.

<sup>51</sup> Of the jurisdictions retaining such laws, only Illinois and the District of Columbia, where the statute has been applied to only one person in the past 18 years, routinely require no criminal conviction. In Minnesota, while the Psychopathic Personality Law does not stipulate a criminal conviction, in practice most persons confined under this statute have both civil and criminal commitments. In most of the 19 states that have had such laws, the statute could be invoked only after a criminal conviction for a sexual offense.

<sup>52</sup> Ill.Rev.Stat., ch. 38, par. 105-9.

<sup>53</sup> *The Report of the Governor's Commission to Revise the Mental Health Code of Illinois*, 1989, p. 99.

<sup>54</sup> The figure of 2,538 IDOC prisoners with a commitment charge of a sex offense constituted 11 percent of the IDOC population as of June 30, 1989. This number significantly understates the actual number of IDOC prisoners who have committed a sex offense. For some, a more serious charge, such as murder may be listed as the holding offense. Some may have been charged with a sex offense that was later dropped in favor of a different felony conviction, while still others may have served time for such an offense in the past. An unknown number may have committed a sexual crime without ever being apprehended or charged.

<sup>55</sup> Because of counting anomalies in Cook County that may artificially inflate the percentage of cases that are criminal matters, only the breakdown of case types in Illinois outside Cook County is examined.

<sup>56</sup> Because of differences in counting procedures between Cook County and the remainder of the state, trends in misdemeanor case dispositions in these two regions cannot be compared. Cook County, for example, counts conservation and ordinance violations and some felony preliminary hearings along with misdemeanors in the misdemeanor disposition category. Also, in Cook County *charges* are tabulated, while *cases* are counted in the rest of the state.

<sup>57</sup> *Disposition of Defendants Charged with Felonies and Sentences Imposed, 1988*, Administrative Office of the Illinois Courts, unpublished report.

<sup>58</sup> *Crime and Criminal Justice in Cook County: An Overview*, 1988, p. 96.

<sup>59</sup> Thomas Church Jr., Alan Carlson, Jo-Lynne Lee, Theresa Tan, *Justice Delayed: The Pace of Litigation in Urban Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1978) and Barry Mahoney, *Changing Times in State Trial Courts* (Williamsburg, Va.: National Center for State Courts, 1988). The 1978 study concluded that delay was not a function of court size, judicial caseload, the seriousness of cases, nor of the rate of jury trials within a jurisdiction. Rather, both the speed of disposition and the amount of backlog are determined by the expectations, practices, and informal rules of behavior of the attorneys and judges working within a system. The study found that it was these elements of "local legal culture" and not structural and caseload variables that set the speed of dispositions and therefore determined the amount of backlog that was allowed to exist.

<sup>60</sup> Some guidance in defining "backlog" has been provided by the studies on caseload management and delay reduction in urban trial courts (see note 59). These two seminal reports, as well as numerous scholarly articles on the subject, (see Ernest C. Friesan, et al., "Justice in Felony Courts, 2" *Whittier Law Review*, vol. 2, pp. 7, 14-18) have concluded that the number of cases pending before a court, or even the growth in the number of pending cases from one year to the next, should not be considered equivalent to a backlog. They also found that the causes of delay in the courts should be studied separately, and are largely unrelated to the size of the pending caseload.

<sup>61</sup> Church, et al., 1978.

<sup>62</sup> *1987 Annual Report to the Supreme Court of Illinois*, (Springfield, Ill.: Administrative Office of the Illinois Courts, 1987); *Circuit Court Caseload Summaries, January-December, 1988* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1989).

<sup>63</sup> See "The Data" section of this chapter for a discussion of problems in using Illinois court data to estimate backlog.

<sup>64</sup> *An Assessment of the Felony Case Process in Cook County, Illinois, and Its Impact on Jail Crowding* (Washington, D.C.: The Adjudication Technical Assistance Project, 1989).

<sup>65</sup> Joan E. Jacoby, Charles R. Link, and Edward C. Ratledge, *Some Costs of Continuances: A Multi-Jurisdictional Study* (Washington, D.C.: Jefferson Institute for Justice Studies, 1986). Courts were studied in the

following cities: Alexandria, Va., Charlotte, N.C., Ventura, Calif., and Pittsburgh, Penn.

<sup>66</sup> This 300,000 total includes both *charges* filed in Cook County and *cases* filed elsewhere in the state. *Circuit Court Calendar Management, An Illinois Court Management Publication, January–December, 1988* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1989).

Since felonies must be processed within 160 days, such a backlog is a legal impossibility for felonies and this formula is not used to calculate felony backlogs in Illinois.

<sup>67</sup> Cook County State's Attorney's Office (telephone interviews, July–August 1989).

<sup>68</sup> These figures also include adjudications of defendants charged with felony *and* misdemeanor offenses, but convicted of only the misdemeanor offense. Breakdowns of such convictions on an included misdemeanor by jury trial and bench trial are unavailable from AOIC and, therefore, were *not* included in the previous discussion of trends in bench and jury trials.

<sup>69</sup> Because of differences in reporting the manner of conviction in Cook County and the rest of the state, it is necessary to examine the percentages of convictions by guilty plea, bench trial, and jury trial—by class of offense—separately for the two regions. AOIC records for Cook County do not include the number of guilty pleas accepted at preliminary hearings by class of offense; therefore, this number is not included in the breakdown of convictions by offense class. In 1988, 706 guilty pleas were accepted in Cook County's First Municipal District for which no felony classes are recorded. This figure represents 5 percent of all guilty pleas accepted in Cook County in 1988. Cook County's relative percentages might be different if felony classes were available for these cases.

<sup>70</sup> Note that trends in the *actual number* of prison sentences do not reflect the imprisonment *rate*, or the proportion of felony offenders who are sentenced to prison. This rate is discussed later in this chapter.

<sup>71</sup> Controlled substance trafficking is a Class X offense under certain circumstances (Ill.Rev.Stat., ch. 56 1/2, par. 1401.1).

<sup>72</sup> This law applies only when the three offenses occurred in separate incidents and the third crime took place after February 1, 1978, the effective date of the law.

<sup>73</sup> For statistical purposes only, "probation" in this question and the next one includes any sentence involving

probation or conditional discharge. While a sentence of probation requires offenders to be supervised by a probation officer, a sentence of conditional discharge is without probationary supervision but requires the offender to follow certain conditions imposed by the courts. Also, either of these sentences may or may not be in combination with other sentences, such as fines or periodic imprisonment.

<sup>74</sup> Sentences of probation may or may not be in combination with other sentences, such as fines or periodic imprisonment. Sentences of imprisonment may or may not be combined with fines.

<sup>75</sup> There are a few Class 1–4 felonies in which a sentence of probation is not allowed, but they were not excluded from the data set used in this analysis. Also, keep in mind that the number of probationable offenses has decreased over the years; thus, an apparent leveling off in the *number* of probation sentences in recent years may actually mask a slight increase in probation *usage*.

<sup>76</sup> See page 133 for a more thorough discussion of determinate sentencing.

<sup>77</sup> The decrease in Cook County probation cases between 1981 and 1984 is partially attributable to improved record-keeping procedures—for example, the practice begun in 1983 of purging warrants 10 years and older and the new statewide probation caseload classification system that AOIC instituted in 1984. The 1985–1987 probation figures are probably more reliable than those from the early 1980s because of record-keeping improvements and the installation in Cook County of an automated records system in late 1985.

<sup>78</sup> *Probation Division Statistical Report* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1988). The percentage of traffic and DUI offenders supervised by the Cook County Adult Probation Department is relatively low because these cases are handled by the county's Social Service Department, a separate agency.

<sup>79</sup> *Statistical Report* (Chicago: Adult Probation Department, Circuit Court of Cook County, 1988), p. 7.

<sup>80</sup> IPS programs operate in 12 counties: Champaign, Cook, Jackson, Kane, Lake, Macon, Madison, McLean, Peoria, Saline, St. Clair, and Williamson.

<sup>81</sup> See page 175 for an analysis of the costs of IPS compared to regular probation.

<sup>82</sup> Ill.Rev.Stat., ch. 38, par. 1005-5-3.

# Courts Financing

In 1964, Illinois adopted a unified court system in which the Illinois Supreme Court (assisted by its administrative office) is ultimately responsible for the administration, operations, and rulemaking of all trial and appellate courts in the state. Even with this unified structure, however, the state's 102 counties continue to play a major role in running—and financing—court activities in Illinois, including probation.

This section analyzes how much it costs to operate Illinois' courts and probation systems, and how the state and the counties share financial responsibility for these activities.

## HOW ARE THE COURTS FINANCED IN ILLINOIS?

In general, the courts in Illinois are financed through a combination of state and county general revenue funds. The expenses of Illinois' Supreme and Appellate courts are paid for largely from the state's General Revenue Fund, which is made up primarily of income and sales taxes, but which also includes fee and fine revenue assessed by the Supreme and Appellate courts themselves. Expenses of the Circuit courts, on the other hand, are paid for through a combination of state and county funds, although special fees are increasingly being used to finance specific court activities.

Exactly what proportion each level of government contributes to the Circuit courts depends on what is included in total "trial court expenses." If all court activities are included—juries, prosecution and defense attorneys, bailiffs, judges, police officers needed to testify, administration, upkeep, and the like—the proportion paid by the state is relatively low. A 1986 study by the National Center for State Courts (NCSC), which took a broad view of total court expenses, found that in state fiscal year 1986, the state paid for approximately 24 percent of all trial court expenditures in Illinois—\$96.8 million of the \$396.3 million spent that year.<sup>1</sup> The counties contributed the remaining 76 percent, or \$299.5 million (FINANCE 3-1).

The state's contribution to court-related expenses varies widely among Illinois' 22 judicial circuits. In general, the state contributes a smaller proportion in more populous circuits than it does in relatively small ones. In fiscal year 1986, for example, the state paid 19 percent of the trial court expenditures in Cook County and 20 percent in the 18th Judicial Circuit (DuPage County). But the state paid 42 percent in the 8th Circuit in west central Illinois and a high of 49 percent in the 2nd Circuit in the southeastern part of the state (see page 127 for a map of Illinois' judicial circuits).<sup>2</sup>

The state's contribution is proportionally higher in all circuits if the expenses of the sheriff or bailiff and the public defender are not included in the expenditure total. Statewide, these expenses (neither of which is substantially supported by the state) accounted for more than 19 percent of all trial court expenditures estimated in the NCSC study. The total cost of the remaining trial court activities, including court services, the judiciary, the court clerk, juries, law libraries, and other court expenses, was about \$319.5 million in fiscal 1986, of which 30 percent (\$96.8 million) was supported by the state (see FINANCE 3-1).

The state's largest percentage contribu-

tion in 1986—38 percent—was in the category of the judiciary (including salary payments for circuit and associate judges, administrative assistants for the chief judge of each circuit, court reporters, and court reporter management personnel). Counties are required to pay each judge \$500 per year as the county's share of his or her salary, with the state paying the rest. The state also reimburses counties for a portion of the salary of the elected state's attorney and various probation officers in each county.<sup>3</sup>

In addition to paying the costs of processing criminal and civil cases, the courts in Illinois are responsible for supporting other court services, including juvenile detention, child care for wards of the court, and probation. The amount of these expenditures, and the proportion of total court spending they represent, vary widely from county to county. In fiscal 1986, such court services accounted for 26 percent of all trial court expenditures in Cook County, 39 percent in 17 other populous Illinois counties, and 25 percent in all counties outside Cook.<sup>4</sup>

Probation and court services costs are defrayed in part by reimbursements—grants-in-aid and salary subsidies, for example—from the state to county juvenile detention centers and probation of-

### FINANCE 3-1

#### County government pays for approximately three-quarters of all trial court expenditures in Illinois.

Estimated trial court expenditures in fiscal year 1986

Function	Paid by county govt.	Paid by state govt.	Total
Sheriff/bailiff	\$43,127,700	\$0	\$43,127,700
Public defender	33,663,566	0	33,663,566
Court services	90,807,769	17,411,354	108,219,123
(probation, child care, juvenile detention)			
Judiciary (incl. clerk, juries, law library)	131,898,889	79,426,232	211,325,121
<b>Total</b>	<b>\$299,497,924</b>	<b>\$96,837,586</b>	<b>\$396,335,510</b>

Note: Figures include direct expenditures only. Unallocated travel is included in state total. Fringe benefits for personnel are also included.

Source: National Center for State Courts

ofices. The extent to which the court system, and not other branches of county government, incurs these court services expenditures varies widely from county to county. In fiscal 1986, the NCSC estimated that the state paid for about 30 percent of the court services costs in the 18 most populous Illinois counties combined (FINANCE 3-2). This percentage ranged from 17 percent in Cook County to 41 percent in Kankakee, LaSalle, Madison, and Tazewell counties combined. In the state as a whole, state government covers an average of less than 2 out of every 10 dollars in court services expenses (see FINANCE 3-1).

### HOW MUCH REVENUE DO THE CIRCUIT COURTS GENERATE?

The courts are by far the biggest revenue-generating component of the criminal justice system in Illinois. And the total amount of revenue generated by the courts has increased since the mid-1970s.

Statewide, collections by the offices of the clerks of the Circuit courts for all clerks' fees—including those used for general government financing as well as specialized funds collected for specific programs—increased almost 15 percent (in constant dollars) between fiscal years 1974 and 1986. Outside Cook County, the increases were much greater: 63 percent in the five collar counties of DuPage, Kane, Lake, McHenry, and Will; 28 percent in other counties with large cities; and 17 percent in the remainder of the state (FINANCE 3-3). In Cook County, on the other hand, court revenues increased only one-half of 1 percent (in constant dollars) between fiscal years 1974 and 1986, although they did increase by 14 percent over the next two years. Meanwhile, the expenditures of the circuit clerk's office in Cook County increased almost 7 percent between 1974 and 1988.

The exact reason for the increase in collections by the circuit clerks' offices is difficult to determine. However, because the amount of most fees has not changed since the early 1970s, the increase in court-generated revenue is probably the result of more court activity

### FINANCE 3-2

#### State government reimbursements cover about 30 percent of the probation and court services costs in Illinois' 18 largest counties.

Expenditures for probation and court services in fiscal year 1986 (thousands)

County	Probation	Juvenile detention	Child care	State contribution	Percent reimbursed
Cook	\$36,266	\$13,332	\$95	\$49,693	17%
Collar	9,457	3,159	1,483	14,099	26%
8 largest (outside Chicago area)	7,252	3,595	1,343	12,190	22%
4 other large	2,690	1,299	151	4,140	41%

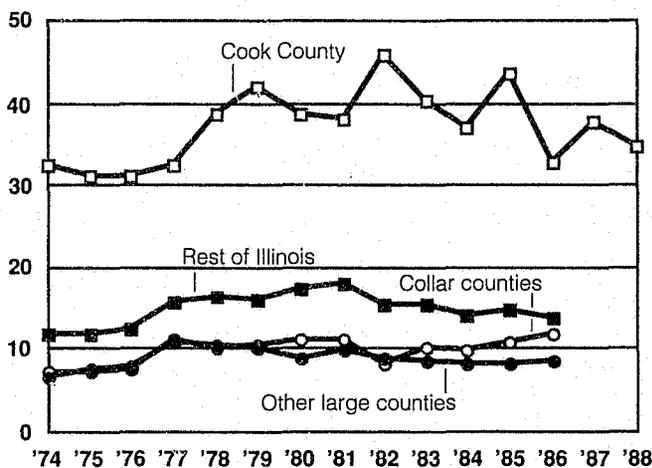
Note: The collar counties are DuPage, Kane, Lake, McHenry, and Will. The eight largest counties outside the Chicago area are Champaign, Macon, McLean, Peoria, Rock Island, Sangamon, St. Clair, and Winnebago. The four other large counties are Kankakee, LaSalle, Madison, and Tazewell.

Source: National Center for State Courts

### FINANCE 3-3

#### After generally increasing in the late 1970s, revenues collected by circuit clerks' offices in Illinois did not grow in the early 1980s.

Collections by circuit clerks' offices, constant 1988 dollars (millions)



Note: Figures exclude fees and fines collected for other government levels or for individuals. Other large counties have either one city with more than 50,000 people or two cities with more than 25,000 people each. Data outside Cook County are available only through 1986.

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

resulting in the imposition of more charges, improved collection of the fees that are imposed, or increased use of specialized fees.

In addition to these revenues, circuit clerks also collect many fees and fines for other levels of government (such as the overweight vehicle fines collected for the state police or fines to support crime victim programs) and for individuals.

Fees and fines collected for the counties do provide a large amount of revenue to support the administration of justice. DuPage County courts, for example, generated \$24.16 per county resident through clerks' fees, fines, forfeitures, interest, and other fees in fiscal 1986.<sup>5</sup> That was the highest per-capita amount generated by any of the state's 18 largest counties that year. The next highest per-capita total was generated by McHenry

**Court-generated revenue equaled 38 percent of all trial-court expenditures in Cook County, and 63 percent in the rest of the state, in fiscal year 1986.**

Court-generated revenue and expenditures in fiscal year 1986

	Total revenue generated	Court expenditures paid by counties	Revenue as percentage of county expenditures	Total expenditures (counties and state)	Revenue as percentage of total expenditures
Cook County	\$88,046,152	\$189,122,472	47%	\$234,428,965	38%
Rest of Illinois				161,906,545	63%
Collar counties	38,147,895	40,739,513	94%		
Other urban counties	22,537,747	26,863,927	84%		
Other counties	40,925,628	42,772,012	96%		

*Note: Total revenue generated includes circuit clerks' fees and interest, fines, forfeitures, and other fees. The other urban counties are Champaign, Macon, McLean, Peoria, Sangamon, Rock Island, St. Clair, and Winnebago.*

*Source: National Center for State Courts*

County (\$23.08). In Cook County, the figure was \$16.76 per person.

While courts in the most populous counties generate the largest amounts of revenue from fees, fines, and forfeitures, courts in the less populous counties tend to generate a higher *proportion* of revenue relative to their expenditures. For instance, total revenue collected by the courts in Cook County in fiscal 1986 represented 38 percent of all trial court expenses, and 47 percent of the expenses paid for specifically by the county that year (FINANCE 3-4). But in the state's other 101 counties combined, revenues represented 63 percent of all trial court expenses and 80 percent or more of the expenses paid for specifically by the counties. In fiscal 1986, court-generated revenues represented 94 percent of the county-paid court expenses in the collar counties, 84 percent in the state's other counties with large cities, and 96 percent in the rest of Illinois' counties.

#### WHAT HAPPENS TO REVENUE GENERATED BY THE COURTS?

The courts in Illinois generate two basic types of revenue: (1) fines imposed on convicted offenders, and (2) fees charged to persons involved in both criminal and civil cases. For the most part, the amounts of these fees are set by state statute, and may differ between counties with more than and less than 1 million people.<sup>6</sup>

Most court fees are imposed by the court and collected by the office of the clerk of the Circuit Court in that county. The circuit clerk's office then transfers most of this fee money into the county's general revenue fund, although in most counties there are also several special funds set up for fee and fine money that is collected and designated for specific purposes. In addition, some fees and fines are collected by the Circuit courts for distribution to the state, municipalities, or private individuals (in the case of child support payments). In fiscal year 1986, 56 percent of the fees collected by circuit clerks' offices statewide were transferred into county general revenue funds, 34 percent were distributed to local governments, and 10 percent went to the state.<sup>7</sup>

Some of the fees used to finance specific justice activities include the following:

- A circuit clerk automation fee, which can be assessed on all cases filed in Illinois, helps counties pay for the automation of their court records.<sup>8</sup> Although the total revenue generated by these fees has been relatively small—about \$12.5 million statewide between fiscal years 1985 and 1988—they can have a big impact on counties' abilities to computerize their court records.

- A law library fee, a \$2 to \$10 charge that is collected in each civil case filed with the circuit clerks' office, supports county law libraries across the state. In

fiscal 1986, these fees totaled nearly \$2.4 million in Cook County alone, or almost 99 percent of the expenditures for the county's law library that year. And in 17 other populous counties, the fees represented 82 percent of the expenditures for their law libraries.<sup>9</sup> In 1988, Cook County collected more than \$2 million from the law library fee, and other counties collected \$1.4 million.

- A \$10 marriage fee may be imposed by the chief judge in any judicial circuit for each marriage performed by the courts.<sup>10</sup> Money from this special marriage fund may be spent "in furtherance of the administration of justice." In 1988, however, the marriage fee generated only \$48,531 in counties outside Cook. No fee is charged in Cook County.

- A court security services fee of up to \$15, assessed on each party in a civil suit and on convicted offenders in criminal cases, helps defray the expenses incurred by sheriffs' departments in providing court security.<sup>11</sup> This fee became effective in December 1988.

- An additional \$5 fee can be imposed by the counties for all violations of the Illinois Vehicle Code (or similar county or municipal ordinances), and an additional \$30 fee can be imposed for driving under the influence violations.<sup>12</sup> The proceeds from these fees are placed in the county general revenue fund and are used to finance the court system in the county.

Between fiscal years 1984 and 1988, these fees generated more than \$22.3 million for the Circuit courts in Illinois, or an average of more than \$4.4 million a year.<sup>13</sup>

Circuit clerks' offices are also responsible for collecting fees and fines for other agencies within municipal, township, and state government, as well as child support and maintenance fees for individuals, and for distributing this money to the appropriate entities. In fiscal year 1988, circuit clerks' offices statewide distributed more than \$349.4 million to these agencies and individuals (FINANCE 3-5).<sup>14</sup>

### WHAT CRIMINAL JUSTICE AGENCIES SPEND MONEY ON COURT ACTIVITIES?

Operating the Circuit courts in Illinois' 102 counties involves the participation of—and, consequently, the allocation of resources by—many different criminal justice agencies, not just the courts. Prosecutors' offices, sheriffs' departments, other law enforcement agencies, and often public defenders' offices all take part in the court process—and all spend money in doing so.

In fact, a 1987 study in Santa Clara County, California, found that the courts themselves incurred only about one-third of the cost of processing a criminal case through the lower courts.<sup>15</sup> A slightly larger share of court-related expenses (34 percent) was borne by law enforcement agencies (primarily through the cost of having officers testify in court). The public defender incurred 14 percent of the total cost; the prosecutor, 11 percent; and the sheriff's department, an additional 8 percent for detention, transportation, and court services. Although comparable spending data for all of Illinois are unavailable, it is clear that a substantial proportion of trial court expenditures in the state are also incurred by law enforcement agencies, especially county sheriffs' departments.

Sheriffs' offices spend money on court operations in two ways. First, like other law enforcement officers, sheriffs' police attend court in order to testify in specific cases.<sup>16</sup> Second, sheriffs' offices are re-

### FINANCE 3-5

#### In fiscal 1988, circuit clerks' offices in Illinois distributed more than \$349 million in fee and fine revenue to other agencies and individuals.

Circuit clerks' distributions in fiscal year 1988

<b>Distributions to state government</b>	
Conservation fines	\$291,250
State police fines	4,525,184
Toll Highway Authority fines	28,421
Juvenile Drug Abuse Fund	391,628
Drug Traffic Prevention Fund	509,833
Violent Crime Victim Assistance Fund	2,649,001
Traffic fines and surcharges	5,547,721
Driver education	3,474,908
<b>Total state distributions</b>	<b>\$17,417,946</b>
<b>Distributions to municipalities</b>	
Cook County municipalities	\$32,973,780
Rest of Illinois municipalities	27,355,694
<b>Total municipal distributions</b>	<b>\$60,329,474</b>
<b>Distributions to townships</b>	
Cook County townships	\$0
Rest of Illinois townships	693,831
<b>Total township distributions</b>	<b>\$693,831</b>
<b>Distributions for maintenance and child support</b>	
Cook County	\$65,456,765
Rest of Illinois	205,560,799
<b>Total maintenance and child support</b>	<b>\$271,017,564</b>
<b>Total of all distributions</b>	<b>\$349,458,815</b>

Source: Administrative Office of the Illinois Courts

sponsible for detaining and transporting defendants to and from court, and for providing bailiffs, serving warrants and summonses, and supplying other court services. In the 17 most populous counties of Illinois (outside Cook), bailiffs' expenses alone accounted for 5.5 percent of all trial court costs in fiscal year 1986.<sup>17</sup>

In DuPage County, the salaries of bailiffs and court matrons totaled \$765,000 in fiscal 1987, or an average of \$17,000 a year for the 45 full-time employees.<sup>18</sup> Estimating an additional 30 percent for fringe benefits, training, uniforms, and other costs, bailiff services cost the DuPage County Sheriff's Department \$944,500 in fiscal 1987, or 28 percent of the department's total expenditures that year. This total is almost 50 percent higher than the \$672,091 (in constant

dollars) that DuPage County spent on bailiff services in fiscal 1980, when there were 34 employees.<sup>19</sup>

In Cook County, the Court Services Division of the sheriff's department accounted for more than 20 percent of all trial court expenditures in fiscal 1986.<sup>20</sup> Expenditures for this division, which is responsible not only for courtroom security but also for processing court orders, increased almost 39 percent (in constant 1988 dollars) between fiscal years 1973 and 1988. The \$31.7 million spent in fiscal 1988 represented almost one-quarter of the sheriff's department's total expenditures from the county's Corporate Purposes Fund that year. The total also translated into an estimated expenditure per defendant of \$13.05 at the main Criminal Courts Building in Chicago and

\$17.53 at the South Michigan Avenue court facility.<sup>21</sup>

Furthermore, these Cook County figures don't take into account two other sheriff's department units that support the courts in Cook County: (1) the Custodian Division, which is responsible for security and maintenance at the County Building, the criminal courts buildings in Chicago, and the suburban courts buildings; and (2) the Prosecutive Support Division, which assists the state's attorney's office with investigations. In fiscal 1988, the Custodian Division spent almost \$9 million, or more than twice the amount spent during the early 1970s (in constant dollars). That same year, the Prosecutive Support Division participated in 75,687 investigations at a total cost of more than \$3.5 million (an average cost of \$46.30 per investigation).<sup>22</sup>

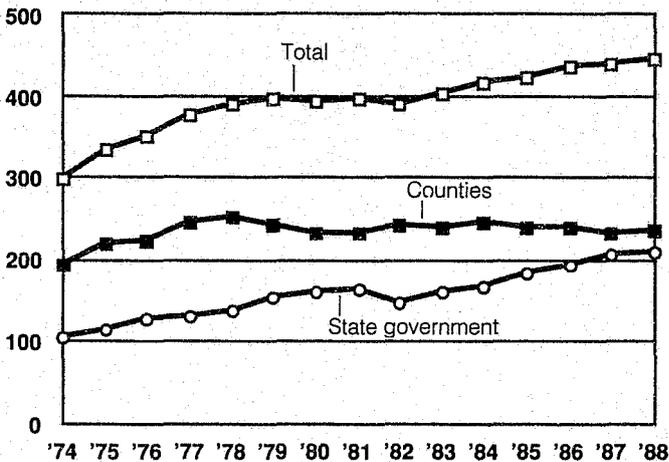
Another costly court service provided by sheriffs' departments is the serving of arrest warrants and summonses. In DuPage County, the number of warrants served by the sheriff's department increased from approximately 2,500 in fiscal 1981 to 5,484 in fiscal 1986. But the size of the warrant service work force in the sheriff's department—and, therefore, the overall spending on this function—did not increase during this period. DuPage County officials have warned that this situation threatens to slow down "the entire judicial process."<sup>23</sup>

In addition to expenses related to these court services, sheriffs' offices, as well as municipal police departments, incur the often substantial costs of sending police officers to court to testify in criminal cases. In DuPage County, sheriffs' police deputies spent 2,692 hours at court and inquest appearances in fiscal 1987.<sup>24</sup> This was 87 percent more than the 1,443 hours spent in fiscal 1977, and 159 percent more than the 1,039 hours in fiscal 1971. Furthermore, only 7 percent of the hours that DuPage County sheriff's police spent at court in fiscal 1987 were during the officers' regular shifts. The vast majority were overtime hours, which cost the sheriff's department \$43,670 in overtime salaries, or more than three times the overtime cost in fiscal 1971 (in nominal

FINANCE 3-6

**Combined county and state government spending on courts and the judiciary in Illinois increased more than 50 percent between fiscal years 1974 and 1988.**

Expenditures, constant 1988 dollars (millions)



Note: State reimbursements to the counties for the salaries of state's attorneys and probation personnel are included in the state government total and not in the counties total.

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

dollars not adjusted for inflation). The number of overtime hours at court increased 86 percent between fiscal years 1977 and 1987.

Chicago Police Department officers usually attend court during their off hours too, because many officers are assigned to shifts that do not coincide with regular court hours. These officers can receive either overtime pay or compensatory time for the extra hours of work. Between 1983 and 1988, the amount of overtime wages paid to Chicago police officers for court appearances increased 37 percent (in constant dollars), to \$257,717. The number of compensatory hours taken by police officers also rose, from 97,133 in 1983 to 104,053 in 1988, a 7-percent jump.<sup>25</sup>

**HOW MUCH MONEY IS SPENT ON THE COURTS IN ILLINOIS?**

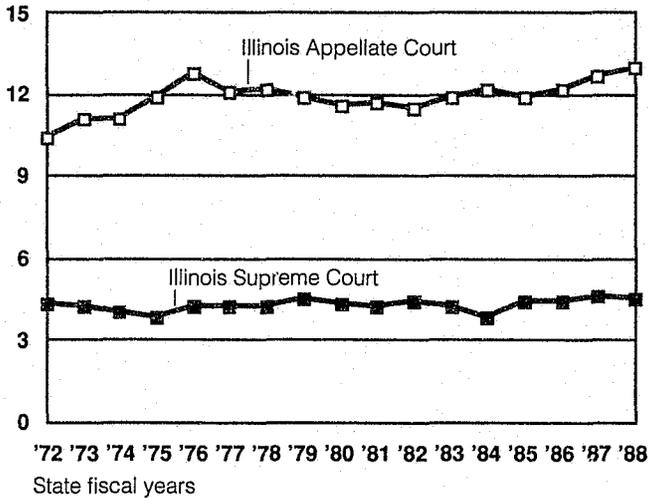
The cost of staffing and operating the trial and appellate courts of Illinois is shared by both the state government and the state's 102 counties. In fiscal year 1988, these two levels of government spent a

combined total of nearly \$446 million on courts and the judiciary statewide.<sup>26</sup> The 1988 figure was more than 50 percent higher than the \$296.8 million (in constant 1988 dollars) spent in fiscal 1974 (FINANCE 3-6). In fact, other than a relatively stable period from 1978 through 1982, statewide spending on the courts has increased steadily since the mid-1970s.

Throughout this period, county government accounted for the majority of spending on the courts and the judiciary in Illinois. However, the counties' share of total expenditures has declined in recent years as county government spending on the courts stabilized and state government spending increased. In fiscal 1974, county government accounted for more than 65 percent of total statewide spending on the courts; the state made up the remaining 35 percent. By fiscal 1988, however, the counties' share of spending on the courts had fallen to less than 53 percent, while the state government's share had increased to more than 47 percent.

### State government expenditures for the Illinois Appellate Court and the Illinois Supreme Court have changed very little since the mid-1970s.

Expenditures,  
constant 1988 dollars (millions)



Source: Office of the Illinois Comptroller

### WHAT COURT-RELATED ACTIVITIES DOES THE STATE GOVERNMENT PAY FOR?

The State of Illinois pays for a variety of court-related expenses, the largest of which is the salaries paid to Circuit Court judges and various court staff. During state fiscal year 1988, salaries paid to both circuit and associate judges totaled more than \$57 million, or nearly 28 percent of all state government expenditures for "judicial agencies" that year.<sup>27</sup> In addition, the state spent more than \$22 million in fiscal 1988 for the salaries of court reporters and administrative assistants in the Circuit courts.

State government expenditures for Circuit Court judges have generally increased since the 1970s, mostly because the number of circuit and associate judges employed by the state has also grown. Between fiscal years 1974 and 1988, expenditures by the state for the salaries of these judges increased 18.5 percent (in constant dollars), while the number of judges rose 14 percent. Expenditures specifically for associate

judges grew by almost 80 percent during this period, as the number of associate judges in Illinois increased by more than 36 percent.<sup>28</sup>

But despite the overall increase in state spending on the salaries of Circuit Court judges (even in inflation-adjusted dollars), this expense accounts for a declining *percentage* of all state government spending on the courts. From more than 40 percent in the 1973 and 1974, this percentage fell to about 28 percent in fiscal 1988. This percentage decline has been offset by a more than fivefold increase in state spending on probation services, mostly the result of increased salary reimbursements for county probation officers and other grants and awards (see pages 172-173). Probation support for the Circuit courts represented just 2 percent of state government spending on judicial agencies in fiscal 1979, but more than 13 percent in fiscal 1988.

The State of Illinois also pays for transcripts of trial court proceedings in certain cases involving indigent persons.<sup>29</sup> In fiscal 1989, state expenditures for tran-

scripts furnished to indigent persons totaled more than \$2 million (in constant 1988 dollars), up from \$1.5 million in 1986. These costs increased even though the per-page rate paid to court reporters for preparing transcripts remained the same (\$1.80 per page for an original, 50 cents for a copy).

At the appellate level, state spending on the courts has changed very little since the mid-1970s. Although combined expenditures for the Illinois Appellate Court's five districts increased 24 percent (in constant dollars) between state fiscal years 1972 and 1988, almost all of this increase occurred between 1972 and 1976 (FINANCE 3-7).<sup>30</sup> From 1976 through 1980, Appellate Court expenditures actually declined 9 percent (in constant dollars). And while these expenditures rose 11 percent between fiscal years 1980 and 1988, this increase merely brought the 1988 total back to the 1976 level. The salaries of Appellate Court justices accounted for 23 percent of all Appellate Court expenditures in fiscal 1988, down from 29 percent in fiscal 1972.<sup>31</sup>

Expenditures for the Illinois Supreme Court have been relatively flat since the early 1970s, rising just 3 percent (in constant dollars) between state fiscal years 1972 and 1988 (see FINANCE 3-7).<sup>32</sup> Supreme Court expenditures declined 11 percent from 1972 to 1975, but increased 15 percent between 1975 and 1979. After declining 14 percent between 1979 and 1984, these expenditures rose 16 percent over the next four years. From 1972 through 1988, state spending on the Supreme Court averaged \$4.25 million a year (in constant 1988 dollars).

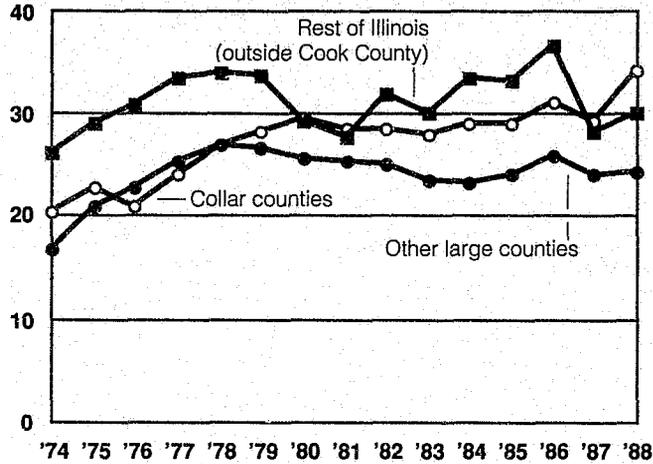
### HOW MUCH MONEY DO ILLINOIS COUNTIES SPEND ON THE COURTS?

Outside Cook County, expenditures for the broad category of "courts and the judiciary" made up, on the average, 8 percent of *all* county spending in fiscal year 1988.<sup>33</sup> That percentage, in fact, has remained steady between 8 percent and 10 percent a year since fiscal 1974. But although court expenditures *as a percentage of all county spending* have not

FINANCE 3-8

**County government spending on courts and the judiciary has generally increased since 1974 in all parts of the state outside Cook County.**

Expenditures, constant 1988 dollars (millions)



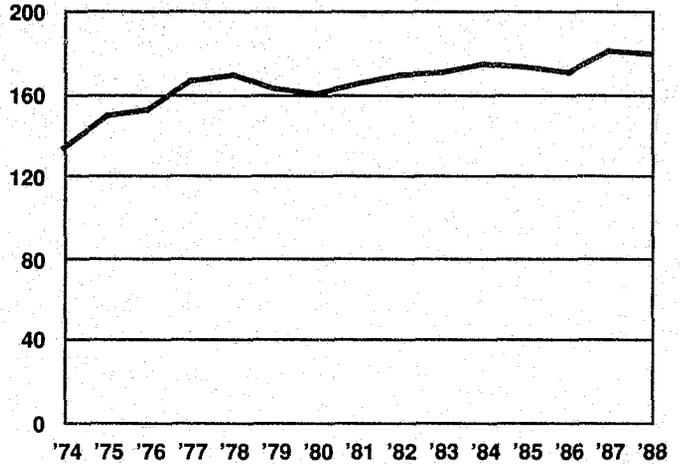
Note: State government salary reimbursements are included. Other large counties have either one city with more than 50,000 people or two cities with more than 25,000 people each.

Source: Office of the Illinois Comptroller

FINANCE 3-9

**Cook County expenditures on courts and the judiciary rose 34 percent between fiscal years 1974 and 1988.**

Expenditures, constant 1988 dollars (millions)



Note: State government salary reimbursements are included.

Source: Office of the Cook County Comptroller

changed much since the mid-1970s, actual expenditures for the courts have increased throughout the state.

Outside Cook County, spending on courts and the judiciary rose 39 percent (in constant dollars) between fiscal years 1974 and 1988.<sup>34</sup> The biggest increase during this period occurred in the five collar counties of DuPage, Kane, Lake, McHenry, and Will, where spending was up 67 percent (FINANCE 3-8). In other counties with a large city, court expenditures rose 43 percent between 1974 and 1988, although all of this increase occurred during the 1970s. In the remaining Illinois counties, courts and judiciary spending was up 15 percent. When population changes are taken into account, the increase in per-capita expenditures in the collar counties was lower (34 percent), while the increases in the other counties were virtually unchanged.

In Cook County, constant-dollar spending on courts and the judiciary rose 34 percent between fiscal 1974 and fiscal 1988 (FINANCE 3-9).<sup>35</sup> As in many other parts of the state, there was an increase in the mid-1970s in Cook County, followed by a

relatively steady period, and then a slight rise in recent years. Much of the overall jump in spending on courts and the judiciary in Cook County is the result of increased expenditures, not for strictly judicial offices, but for the state's attorney's, public defender's, and adult probation offices instead. Between fiscal years 1974 and 1988, spending for these three offices combined increased 128 percent (in constant dollars), while combined spending for the chief judge's office, the circuit clerk's office, and the Juvenile Court rose by less than 3 percent (FINANCE 3-10).

**HOW MUCH MONEY DO CIRCUIT CLERKS' OFFICES SPEND ON CRIMINAL TRIALS?**

The office of the clerk of the Circuit Court, located in each county of Illinois, represents one of the largest county expenditures for the operation of the trial courts, both criminal and civil. In fiscal year 1988, Illinois counties spent more than \$76 million for the operation of circuit clerks' offices.<sup>36</sup> More than 77 percent of this total was spent by the circuit clerks' offices in Cook County and the five collar counties (FINANCE 3-11). These counties

accounted for a similar percentage—73 percent—of all criminal cases filed in the Circuit courts that year.

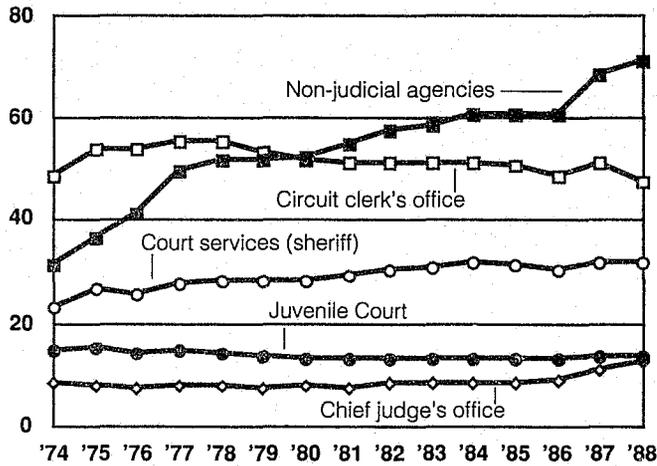
Exactly what percentage of circuit clerks' spending is dedicated to the criminal courts is often difficult to measure, especially in smaller counties where the circuit clerk's office may not have separate units to serve the different divisions of the Circuit Court. In Cook County, however, where a separate Criminal Division of the circuit clerk's office serves the county's criminal courts, that information is available.<sup>37</sup>

Since the late 1970s, spending for the Criminal Division of the Cook County circuit clerk's office has decreased slightly (in constant dollars), but this division still accounts for about the same percentage of all office expenditures as it did a decade ago. Between fiscal years 1977 and 1988, expenditures for the office's Criminal Division decreased 2 percent overall (in constant dollars). In the 1st Municipal District (which services the City of Chicago), spending for the Criminal Division decreased almost 7 percent (and increased only 2 percent for the Civil Divi-

FINANCE 3-10

**Non-judicial agencies have accounted for much of the increase in Cook County spending on courts and the judiciary.**

Expenditures, constant 1988 dollars (millions)



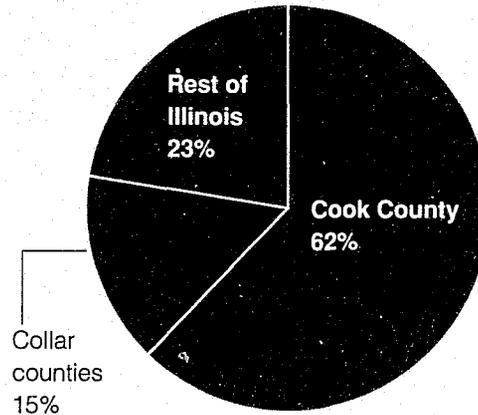
Note: Non-judicial agencies are the state's attorney's office, the public defender's office, and the adult probation department.

Source: Office of the Cook County Comptroller

FINANCE 3-11

**Cook and the collar counties accounted for 77 percent of the \$76 million spent by circuit clerks' offices statewide in fiscal year 1988.**

Percentage of circuit clerks' expenditures



Note: The collar counties are DuPage, Kane, Lake, McHenry, and Will.

Source: Administrative Office of the Illinois Courts

sion) between 1977 and 1988. In contrast, total spending for the clerks' office in the five suburban Municipal districts (both criminal and civil divisions) rose 98 percent during this same period, as the number of courtrooms in the suburban districts increased. In fiscal 1988, the Criminal Division accounted for 7.9 percent of all spending by the circuit clerk's office in Cook County, up slightly from 7.6 percent in fiscal 1977.

Overall expenditures for circuit clerks' offices in Illinois seem to have increased in the 1970s and 1980s, especially in the more populous counties. In Cook County, total spending by the circuit clerk's office increased more than 23 percent (in constant dollars) between fiscal years 1970 and 1988. In DuPage County, the increase was much larger—138 percent. Statewide, expenditures for circuit clerks' offices were 7 percent higher in 1988 than in 1981 (in constant dollars).

As with other judicial agencies, a large percentage of the spending for the circuit clerks' offices in Illinois goes for personnel. State law sets minimum salaries for

the clerk of the Circuit Court in each county, who is elected to a four-year term by the voters in that county.<sup>38</sup> Circuit clerks' minimum salaries range from \$13,500 a year in counties with 14,000 or fewer people to \$20,000 a year in counties with 300,001 to 1 million people. In counties with more than 1 million people, the circuit clerk's annual salary cannot exceed \$55,000. The State of Illinois also provides each county with 1 million or fewer people an annual award of \$3,500 for additional duties imposed on the circuit clerks' offices by various state laws.<sup>39</sup> The 101 counties that qualified for this award in fiscal 1988 received a combined total of \$353,500 from the state.

**HOW MUCH DOES IT COST TO OPEN A COURTROOM IN ILLINOIS?**

Building new courtrooms can be an expensive undertaking in many areas. Cook County, for example, spent \$710,000 on court construction in 1988, ranking it fifth nationally in construction costs among the counties.<sup>40</sup> But opening a new courtroom, or expanding an exist-

ing facility, involves much more than the original costs of construction: the facility has to be staffed as well. And while it is sometimes difficult to estimate the overall cost of opening a new courtroom in Illinois—these costs can vary widely according to location, cost of materials, and what will be included in the facility (chambers, lockup, and the like)—the staffing requirements every year the court is in operation and the associated personnel costs can be more easily predicted.

The DuPage County Board, for example, has estimated that, in addition to a judge, 10 employees are needed to staff one new courtroom: three assistant state's attorneys, one court clerk, one bailiff, one public defender, one court reporter, two secretaries, and a public defender's clerk. Excluding construction costs, it is estimated that staffing and equipping a new courtroom in DuPage County would cost almost \$450,000 in the first year, including more than \$421,000 for salaries and fringe benefits (FINANCE 3-12).<sup>41</sup>

Support staff are of primary importance to the efficiency of the courts. In 1973, DuPage County had 15 court reporters,

### Staffing and equipping a new criminal courtroom in DuPage County would cost nearly \$450,000 in the first year, excluding construction expenses.

Estimated first-year courtroom costs in DuPage County

Staff	Salary	+ Fringe benefits
Associate judge	\$75,112	\$22,534
Circuit clerk	18,000	5,400
Bailiff	18,000	5,400
Assistant state's attorneys (3)	96,000	28,800
State's attorney's secretary	18,500	5,550
Senior public defender	32,000	9,600
Court reporter	32,000	9,600
Judge's secretary	18,500	5,550
Public defender clerk	16,000	4,800
<b>Total for staff</b>	<b>\$324,112</b>	<b>\$97,234</b>
<b>Judge's chambers</b>		
Office furniture	\$3,700	
Books	725	
Training	4,000	
Robe	200	
Personal computer for secretary	5,500	
<b>Total for judge's chambers</b>	<b>\$14,125</b>	
<b>State's attorney's office</b>		
Office furniture	\$6,400	
Personal computer and software	7,000	
<b>Total state's attorney's office</b>	<b>\$13,400</b>	

Note: Fringe benefits were calculated at 30 percent of the employee's salary. The salaries and fringe benefits of associate judges and court reporters are paid for largely by the state government (counties contribute \$500 to judges' salaries).

Source: DuPage County Board

or fewer than one court reporter (0.7) for each of the 21 circuit and associate judges in the county. By 1986, the number of court reporters had doubled to 30, while the number of judges had increased to 32, which brought the ratio of court reporters to judges closer to 1-to-1. These staffing increases have coincided with improved efficiency in the DuPage County courts. For even though the number of felony defendants whose cases were disposed of has increased over the years (rising 159 percent between 1973 and 1988), the number of pending felony cases has declined. At the end of 1978, there were 2,142 felony cases pending in DuPage County, but by the end of 1988, the number of pending cases had fallen 60 percent to just 846.

### HOW MUCH DOES IT COST TO CONDUCT A JURY TRIAL?

Every person charged with a criminal offense has the right to a trial by either a jury or a judge. There are several costs associated with jury trials that usually make them more expensive than bench trials. Some of these costs—for example, the time needed to select and seat the jury, and any delays associated with juries—are difficult to measure. But some of the costs of jury trials can be more easily measured. For example, each potential juror (including people who report for jury duty but aren't selected to serve as jurors in a trial) is paid a per diem rate by the county for his or her service, plus some compensation for travel.

In 1987, Illinois counties spent more than \$7.2 million in juror fees and mileage reimbursements.<sup>42</sup> That year, the fees paid to jurors ranged from \$5 to \$20 a day, with 46 percent of the counties paying \$10 or less, 16 percent paying between \$12 and \$13, and nearly 38 percent paying more than \$15. For travel reimbursement, approximately 45 percent of Illinois counties paid jurors 10 cents a mile in 1987. All but two counties paid 20 cents a mile or less. Cook County paid jurors a flat travel fee of \$2.20, regardless of mileage or mode of transportation.

In addition to juror fees and mileage reimbursements, there are other administrative costs associated with conducting jury trials in Illinois, such as sequestered juries, automation costs, and administrative personnel. However, fee and mileage expenses make up the largest portion of these administrative costs. For example, Cook County paid out more than \$3.8 million for juror fees and mileage reimbursements during fiscal year 1988. That total represented 85 percent of the jury commission's expenditures for the fiscal year.

### WHAT IS THE WORKLOAD OF JUDGES IN ILLINOIS?

Estimating judicial workloads—the average number of cases disposed of per judge—is difficult in Illinois, and comparing workload figures across jurisdictions is unreliable, for several reasons. First, the number of case dispositions can vary greatly according to the type of case (felony, misdemeanor, juvenile, traffic, civil, and the like) that a particular courtroom deals with. Second, the number of judges actively hearing cases is not the same as the total number of judges. To accurately calculate judicial workload, judges not assigned to a courtroom (for example, the chief judge, judges with other purely administrative functions, and judges on vacation, on leave, or temporarily reassigned to other circuits) have to be subtracted from the total number of judges. By the same token, any judges loaned from another circuit on a temporary basis have to be added to the total. And any mid-year changes must be prorated as well.

Although estimating judicial workloads is difficult, it is often a necessary part of predicting the resources—judges, support staff, and courtrooms—that a jurisdiction will need in the future. In the 18th Judicial Circuit (DuPage County), the court administrator analyzed specific data for the number of cases in various types of courtrooms, and the number of judges hearing those cases, to derive judicial workload estimates for 1984 and 1985.<sup>43</sup> Over those two years, the average workload per judge was 777 cases a year in felony courtrooms, and 4,573 cases a year in DUI (driving under the influence) and misdemeanor courtrooms.

Both 1984 and 1985 were high-volume years for the courts in DuPage County. Because the number of available judges was constant during this period, the judicial workloads from 1984 and 1985 represent "maximum judge capability" to handle both types of cases in any year. In 1987, each of the four felony division (Criminal Division I) judges handled an average of 775 felony defendants, or slightly less than the "maximum capability" of 777. In 1988, however, the average number of felony defendants per judge rose to 826, or 6 percent higher than the maximum number.

### HOW DOES SPENDING ON THE COURTS COMPARE WITH COURT ACTIVITY IN ILLINOIS?

Two measures of trial court activity help illustrate the relationship between spending and activity in the criminal courts of Illinois.<sup>44</sup> One measure, the number of felony cases filed with the courts, indicates whether trends in spending reflect trends in the number of new cases coming into the court system. The second measure, the number of felony cases disposed of, illustrates whether the system, given the trends in new cases and spending, is able to keep up with the demands placed on it.

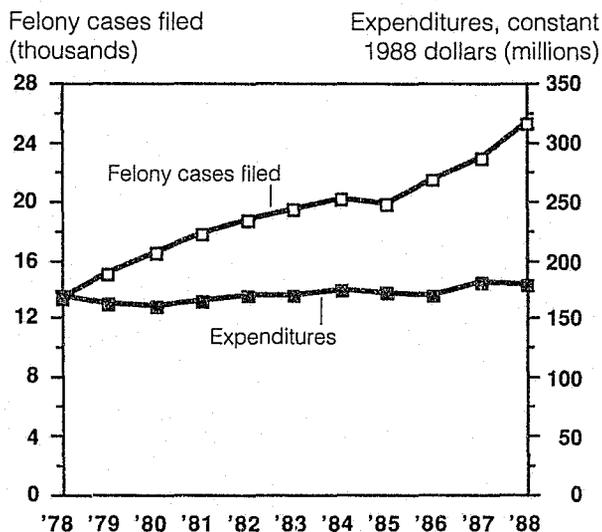
In Cook County, the number of felony cases filed with the courts increased 88 percent between 1978 and 1988. During this same period, county spending on the courts and the judiciary was relatively flat (in constant dollars), increasing by about 6 percent overall (FINANCE 3-13). Even when the increase in state government spending on the Circuit courts is considered—an increase statewide of 18.5 percent between 1974 and 1988—the growth in spending on the courts in Cook County has not kept pace with the dramatic increase in new felony cases filed in the Cook County Circuit Court. How-

ever, the number of felony cases *adjudicated* in Cook County—through guilty pleas, bench trials, and jury trials—did increase 48 percent between 1978 and 1988. So while this percentage increase was still less than the percentage increase in new felony cases filed, it was greater than the percentage rise in spending on the courts in Cook County.

In the state's other 101 counties, constant-dollar spending on the courts and the judiciary was essentially the same (less than 1 percent higher) in 1988 as it was in 1978. During this same period, however, the number of felony cases filed in these counties rose by more than 40 percent (FINANCE 3-14). (As in Cook County, the increase in state government spending on the Circuit courts outside Cook County still does not make up the percentage difference between spending and new felony case filings.) Even with the relatively flat spending, the Circuit courts outside Cook County disposed of almost 65 percent more felony cases in 1988 than in 1978. However, all of this increase involved defendants pleading guilty: the number of jury and bench trial adjudications (which are far more costly and time-consuming) increased only about 1 percent outside Cook County, a

FINANCE 3-13

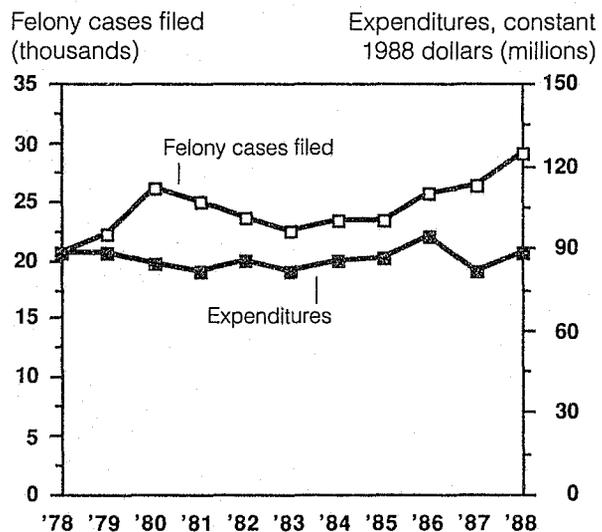
**While felony cases increased 88 percent between 1978 and 1988, Cook County spending on courts and the judiciary rose just 6.5 percent.**



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

FINANCE 3-14

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



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

rise more in line with the change in county spending on the courts.

In DuPage County, the number of felony dispositions increased more than 67 percent between 1979 (when there were 1,976) and 1988 (3,305). Felony cases filed increased 26 percent, and total cases filed increased more than 72 percent, during this period.<sup>45</sup> At the same time, total expenditures for the courts and the judiciary from the county's General Fund rose only 4 percent (in constant dollars) between fiscal years 1978 and 1988. However, the number of felony cases pending *decreased* 61 percent, from 2,142 at the end of 1978 to 846 at the end of 1988. So while the increase in court activity in DuPage County far outpaced the increase in expenditures, the number of pending felony cases still declined. These trends may indicate that increased expenditures are not the only key to decreasing the number of pending court cases or to increasing the number of court dispositions.

At the appellate level, changes in spending on the courts in Illinois has generally not kept up with changes in criminal case activity. Between 1978 and 1988, the number of criminal appeals filed in the Illinois Appellate Court increased 49 percent. Expenditures for the court's five districts combined, however, increased only about 6 percent (in constant dollars) during this period.

### HOW MANY JUDGES ARE THERE IN ILLINOIS, AND HOW MUCH ARE THEY PAID?

As with other parts of the criminal justice system, the primary expense of the court system is personnel, the cost of which involves much more than just judges. For each judge or courtroom, several other staff are required—bailiffs, court reporters, a court clerk, one or more state's attorneys and public defenders, and (in some instances) secretaries. These employees come from several different agencies, and their salaries are paid by different levels of government.

The state pays the salaries of all members of the Supreme, Appellate, and Circuit courts in Illinois, as well as the salaries of various other judicial employees.

The highest-paid members of the judiciary in Illinois are state Supreme Court justices, who in state fiscal year 1988 earned \$93,264 a year (FINANCE 3-15). Illinois Appellate Court justices made \$87,780 a year in fiscal 1988, while circuit judges made up to \$80,604, and associate judges earned up to \$75,108.

Judicial salaries in Illinois are generally higher than comparable salaries in most other states, but lower than salaries in certain large states such as New York, Michigan, and California. In November 1987, salaries of trial court judges in the 50 states averaged \$66,283 a year; salaries of appellate court judges averaged \$73,261, and salaries of justices in the highest state courts averaged \$73,961.<sup>46</sup> In Illinois, judicial salaries averaged \$75,113 to \$80,599 for trial court judges, \$87,780 for Appellate Court justices, and

\$93,266 for Supreme Court justices, ranking Illinois fourth, eighth, and 11th among the states in the three categories.

Adjusting judicial salaries for inflation, however, reveals that they have actually *declined* in Illinois since the early 1970s (FINANCE 3-16). Between fiscal years 1972 and 1988, the average inflation-adjusted salaries of Illinois judges fell anywhere from 2 percent (for circuit judges outside Cook County) to more than 23 percent (for circuit judges in Cook County). The salaries of Supreme and Appellate court justices decreased by almost 22 percent each.

But while the earning power of judges in Illinois declined overall in the 1970s and 1980s, the total number of trial court judges in the state has increased.<sup>47</sup> Between fiscal years 1972 and 1988, the number of Circuit Court judges (both full

#### FINANCE 3-15

### Illinois Supreme Court justices are the highest paid judicial employees in the state.

Fiscal year 1988 salaries of judges and other judicial employees

	Salary ranges	Average
Illinois Supreme Court justice	\$88,824-\$93,264	\$93,264
Illinois Appellate Court justice	83,604-87,780	87,780
Illinois attorney general		82,294
Assistant attorney general	20,004-53,004	32,058
State appellate defender	57,804-65,004	65,000
Assistant appellate defender	21,996-49,356	29,679
Circuit judge	76,778-80,604	80,349
Associate judge	71,556-75,108	74,832
Court reporter	33,252-36,636	36,633

Source: Illinois Personnel Detail, Office of the Governor

#### FINANCE 3-16

### The inflation-adjusted salaries of Illinois judges have declined since the early 1970s.

Average judicial salaries, constant 1988 dollars

	Fiscal 1972	Fiscal 1988	Percent difference
Illinois Supreme Court justice	\$119,404	\$93,266	-21.9%
Illinois Appellate Court justice	111,942	87,780	-21.6%
Circuit judge (Cook County)	104,479	80,294	-23.2%
Circuit judge (rest of Illinois)	82,090	80,393	-2.1%
Associate judge	76,867	74,832	-2.6%

Source: Administrative Office of the Illinois Courts (1972); Illinois Personnel Detail, Office of the Governor (1988)

circuit and associate judges) rose 33.5 percent statewide, to 797 (FINANCE 3-17). increases were generally larger in Cook County than in the state's other judicial circuits combined: between 1972 and 1988, the number of Circuit Court judges increased 48 percent in Cook County, and 23 percent in the rest of the state.

Throughout the state, there has been a dramatic shift toward the use of associate, rather than full circuit, judges. The number of associate judges statewide rose from 260 in fiscal 1972 to 408 in fiscal 1988, a 57-percent increase, while the number of circuit judges rose just 15 percent during this same period. By fiscal 1988, in fact, more than half of all judges serving in the Circuit courts of Illinois were associate judges, compared with less than 44 percent in 1972.

This trend is evident in both Cook and DuPage counties. In Cook County, associate judges made up less than 48 percent of all Circuit Court judges in 1972, but nearly 54 percent in 1988. In DuPage County, the number of circuit judges increased from seven in 1973 to 10 in 1978, and remained at that level through 1989. In contrast, there were 14 associate judges in DuPage County in 1973 and 13 in 1978, but 26 in 1989.

What effect, if any, this shift toward asso-

ciate judges has had on the criminal courts in Illinois is difficult to measure. Because associate judges are generally limited to hearing misdemeanor cases and conducting bond and preliminary hearings in felony cases, it can be assumed that Illinois' Circuit courts are better equipped to deal with these matters, given the increased number of associate judges. But for the more costly and time-consuming activity of conducting felony trials, it appears that increases in judicial personnel are lagging behind increases in workloads. Between 1978 and 1988, when the number of felony trials increased more than 57 percent in Illinois, the number of full circuit judges increased by only 16 percent.

### HOW IS PROBATION FINANCED IN ILLINOIS?

Probation in Illinois is a court function that is organized and carried out at the Circuit Court level. A large amount of the funding for Illinois' probation and court services departments comes from the state in the form of salary reimbursements for probation officers and grants for various probation and court services programs, paid for through the budget of the Illinois Supreme Court. These state funds are transferred to county treasuries, and are then spent by the counties for their probation activities.

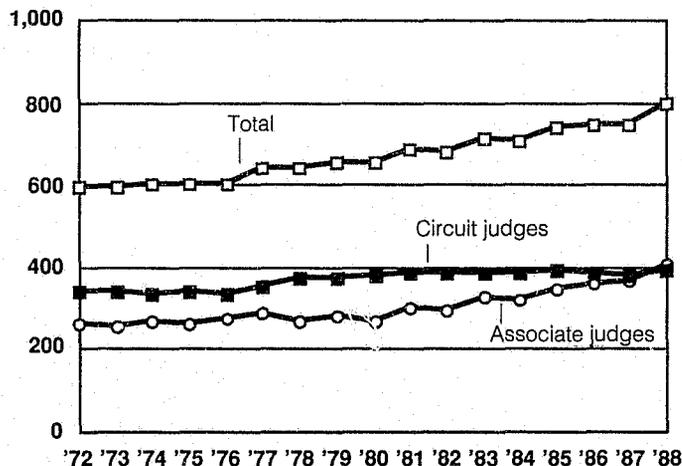
In 1988, 43 Illinois counties were part of a "district of circuit" system in which each county contributes to a common probation department an amount that reflects the county's share of the costs incurred by the department. In this case, the state government reimburses the treasurer's office in the most populous county, which then divides the money among the counties to reflect each one's share of the total expenses of the common probation department.<sup>48</sup>

In addition to receiving county and state funds, probation departments are now eligible to receive funds from the probationers themselves. Beginning January 1, 1989, every offender sentenced to probation by the court can be charged a fee of up to \$25 for every month of supervision, contingent upon the offender's ability to pay.<sup>49</sup> Receipts from this fee are collected by the office of the Circuit Court clerk in each county and placed in a special revenue fund called the Probation Services Fund.<sup>50</sup> This fund is used to supplement the regular appropriation for the county's probation department—for example, to purchase services for probationers with special needs or equipment for the probation department. Because the fee has been in effect only since the beginning of 1989, the amount of revenue generated by it has not been thoroughly analyzed.

#### FINANCE 3-17

### Associate judges now account for more than half of all judges serving in the Circuit courts of Illinois.

Number of Circuit Court judges



Source: Administrative Office of the Illinois Courts

### HOW MUCH MONEY IS SPENT ON PROBATION IN ILLINOIS?

Overall expenditures for probation in Illinois—including both county and state spending—increased 55 percent (in constant 1988 dollars) between fiscal years 1981 and 1988, when it reached nearly \$63.4 million. Excluding Cook County, the percentage increase in probation spending was even greater—80 percent between 1981 and 1988.

Spending patterns on probation varied widely by county and judicial circuit, however (FINANCE 3-18). Between fiscal years 1981 and 1988, for example, probation spending (in constant dollars) more than tripled in the 1st and 4th circuits in southern Illinois, and increased 186 percent in the neighboring 2nd Circuit. In the 16th Circuit (DeKalb, Kane,

### Spending patterns on probation in Illinois varied widely by county and judicial circuit.

Expenditures, constant 1988 dollars

Circuit	1981	1988	Percent change
1	\$356,190	\$1,124,047	+216%
2	193,897	554,105	+186%
3	558,259	1,295,045	+132%
4	253,640	825,404	+225%
5	446,337	896,588	+101%
6	791,841	1,783,919	+125%
7	831,110	1,388,144	+67%
8	310,314	760,045	+145%
9	471,688	776,717	+65%
10	1,116,309	1,698,454	+52%
11	568,279	1,409,433	+148%
12	311,902	596,448	+91%
13	236,713	433,130	+83%
14	938,645	2,099,455	+124%
15	602,505	1,117,894	+86%
16	1,769,919	1,585,539	-10%
17	1,132,447	2,024,022	+79%
18	2,442,501	3,104,526	+27%
19	1,723,161	3,908,171	+127%
20	663,122	1,019,220	+54%
21	195,280	259,932	+33%
Cook	25,092,780	34,736,974	+38%
<b>Total</b>	<b>\$41,006,838</b>	<b>\$63,397,212</b>	<b>+55%</b>

Note: In 1986, Iroquois and Kankakee counties were moved from the 12th Circuit into a new, 21st Circuit. The 1981 expenditures for the 12th (Will County) and 21st circuits were recalculated to reflect their makeup in 1988.

Source: Administrative Office of the Illinois Courts

and Kendall counties), however, constant-dollar spending on probation actually decreased 10 percent during this period. The large increase in probation spending in many of the state's rural areas is the result of an increase in the number of probation officers funded by the state government in the 1980s.

In DuPage County (18th Circuit), spending on probation has not increased as fast as the statewide average, rising 27 percent (in constant dollars) between fiscal years 1981 and 1988. In Cook County, where probation responsibilities are handled by both the Adult Probation Department and the Social Service Department, spending in the 1980s has generally lagged behind the statewide average as well. Expenditures for the Adult Probation Department increased 38

percent (in constant dollars) between 1981 and 1988. (In the 1970s, however, spending on adult probation in Cook County did increase sharply; as a result, expenditures more than tripled overall between fiscal years 1970 and 1988.) Expenditures for the Social Service Department, on the other hand, were relatively flat between 1970 and 1983, rising just 17 percent in constant dollars. But spending for this department jumped 60 percent between 1986 and 1988, primarily as a result of an increase in the number of DUI cases the department handles.

At the county level, spending on probation (including the state's contribution for salaries) represents a relatively small portion of overall county spending, although the percentage seems to be

higher in smaller counties. In the 60 Illinois counties for which data were available, probation spending accounts for about 5 percent of all county general revenue expenditures, with the percentage slightly higher in small counties and slightly lower in large counties. In Cook County, for example, adult probation accounted for 3 percent of all expenditures from the county's Corporate Purposes Fund in fiscal 1988. Similarly, probation expenditures in DuPage County accounted for less than 5 percent of total General Fund expenditures in fiscal 1988. But in Cass County, nearly 8.5 percent of county general revenue spending went for the probation department that year.

### WHAT PROBATION ACTIVITIES DOES THE STATE PAY FOR?

Since state fiscal year 1979, the State of Illinois, through the Administrative Office of the Illinois Courts, has contributed to the overall costs of providing probation in Illinois. Today, AOIC provides county probation departments with state funds for three purposes: (1) salary reimbursements for probation officers, (2) grants-in-aid to support various other probation officers and programs, and (3) grants specifically for programs designed for probationers convicted of driving under the influence (DUI).<sup>51</sup> In addition, AOIC provides mandatory training for probation departments through both the Cook County Adult Probation Department and Sangamon State University—an expenditure of more than \$120,000 in fiscal 1987.

Total state transfers to the counties for probation services increased 446 percent between fiscal years 1979 and 1988, even after adjusting for inflation (FINANCE 3-19). Most of this increase, however, occurred between 1984 and 1988. That is because after April 1, 1984, AOIC began paying not only a portion of the salaries of almost all probation officers in the state, but also 100 percent of the salaries paid to any additional probation officers needed for expanded or new programs approved by AOIC. Today, the state pays three types of salary reimbursements.<sup>52</sup>

■ 100 percent of the salaries of all chief managing probation officers, who are designated by the chief judge in their respective circuits (as of December 1, 1989, there were 165 chief managing probation officers in Illinois)

■ 100 percent of the salaries of all probation officers and supervisors needed to meet AOIC's minimum workload standards and to implement Intensive Probation Supervision programs<sup>53</sup>

■ \$1,000 a month for the salaries of the remaining probation officers engaged in basic services and new or expanded services

In state fiscal year 1988, 82 of Illinois' 102 counties received money from the state in the form of a grant-in-aid, 54 received traditional salary subsidies, and 19 received grants for DUI programs. Overall, the state provided 83 counties with more than \$27.5 million for probation salaries and grants in fiscal 1988. More than \$11.9 million (or 43 percent of the total) went to Cook County, and another \$4 million (15 percent) went to the five collar counties (DuPage, Kane, Lake, McHenry, and Will).

On a per-capita basis, state probation assistance in the 83 counties that received

money in fiscal 1988 averaged \$2.23 a person. This amount ranged from more than \$4 per capita in five counties to less than \$1 in six others. In Cook County, per-capita probation assistance from the state equaled the statewide average. In other large counties outside the Chicago area, per-capita state assistance for probation was above the state average (\$2.46 a person), while in the collar counties (\$1.96) and the rest of the state (\$2.09), it was below the average.

In many Illinois counties, particularly less populous ones, state assistance accounts for most of the money spent on probation services. In Cass County, for example, the state contributed 73 percent of the nearly \$80,000 spent by the Cass County Probation Department in fiscal 1988. The state's share in Cass County is relatively high because one of the county's three probation officers is the chief probation officer, whose entire salary is reimbursed by the state. Also, the number of probation officers in Cass County grew from one in 1979 to three in 1980 to meet state workload standards, and has remained at that level. These new officers, and the reimbursements Cass County receives for their salaries, have pushed up the state's contribution.

Even in Illinois' largest counties, the state contributes a sizeable percentage of the money spent on probation (FINANCE 3-20). In DuPage County, slightly more than half of the probation department's direct expenditures in fiscal 1988 (a total of more than \$2.4 million) were paid for by the state in the form of salary reimbursements. Similarly, the state contributed almost 34 percent of the \$13.5 million spent by the Cook County Adult Probation Department in fiscal 1988.

### HOW DOES SPENDING ON PROBATION COMPARE WITH PROBATION ACTIVITY IN ILLINOIS?

Although constant-dollar spending on probation has increased at both the state and county levels in recent years, the increases have not always kept pace with increases in probation activity, especially in Cook County. Between fiscal years 1984 and 1988, expenditures from the Corporate Purposes Fund for the Cook County Adult Probation Department increased 19 percent, while the department's caseload grew by 30 percent. However, supervision of probationers is not the only activity that probation departments in Illinois are involved in. They also must conduct pre-sentence investigations, which are estimated to cost about three times more than cases under supervision

Outside Cook County, probation workloads have outpaced probation expenditures as well. Between 1981 and 1988, the probation caseloads of the 101 counties outside Cook increased almost 75 percent, compared to a 41-percent increase in constant-dollar expenditures (FINANCE 3-21).

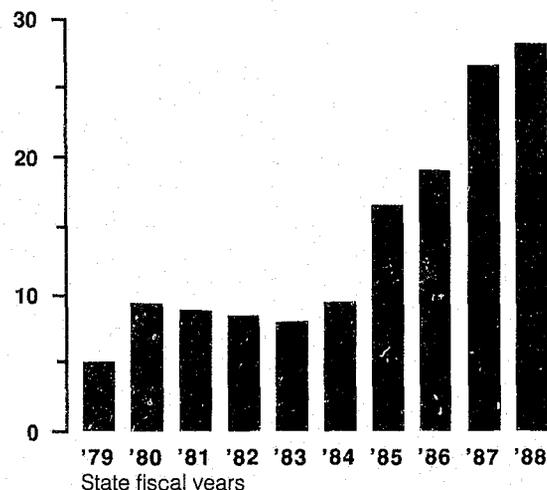
### HOW MANY PROBATION OFFICERS ARE THERE IN ILLINOIS?

As with most other components of the criminal justice system, the main expense of probation departments is personnel. Probation officers perform a wide range of duties: they prepare pre-trial and presentence investigative reports; they monitor the activities of probationers; and they see that probationers

#### FINANCE 3-19

### State government transfers to the counties for probation services have increased sharply in recent years.

Amount transferred, constant 1988 dollars (millions)

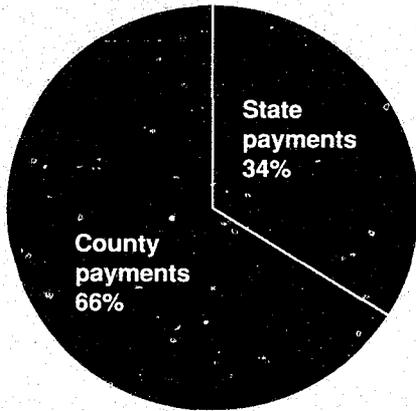


Source: Office of the Cook County Comptroller

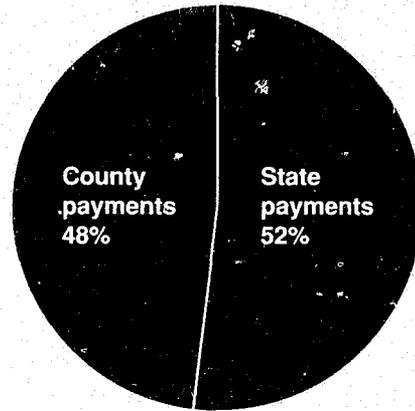
**State government in Illinois contributes a large percentage of the money spent on probation in counties of all sizes.**

1988 probation spending by level of government

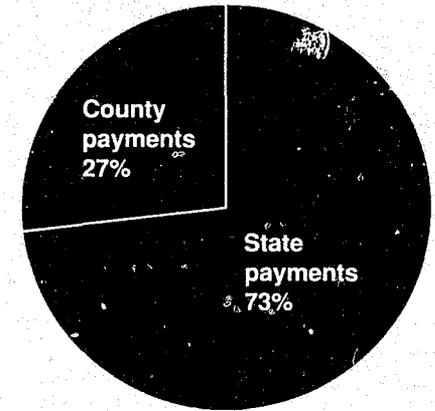
Cook County



DuPage County



Cass County



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

receive whatever treatment or special counseling they need.<sup>54</sup> A staff of trained, experienced personnel is necessary to effectively carry out these responsibilities. However, an analysis of probation officers hired in Cook, DuPage, and Kane counties from August 1984 through July 1985 found that 46 percent (80 percent in Cook County) had no prior experience and only 17 percent held advanced degrees.<sup>55</sup>

The experiences of these three Illinois counties may reflect a national problem. In a 1987 survey, probation departments nationwide cited "staff shortages" as their No. 1 problem, and 47 percent of the departments rated "burnout" as a serious problem in retaining probation staff.<sup>56</sup> These complaints have been voiced even though the most currently available data indicate that the number of full-time probation, parole, and pardon employees in state and local governments nationwide increased 11 percent between 1979 and 1985, and that spending on probation, parole, and pardon increased 14 percent during this period, after adjusting for inflation.

In Illinois, the number of probation officers has increased since 1979 as well. The number of professional line staff in

the Cook County Probation Department grew by almost 38 percent between fiscal years 1979 and 1987, to 887.<sup>57</sup> In the state's other 101 counties, the number of professional line staff rose almost 32 percent in the same period. Most of the increase in probation staff occurred immediately after the Administrative Office of the Illinois Courts implemented workload standards for probation departments in 1984. Between 1983 and 1984 alone, the number of professional line staff in probation departments statewide rose almost 31 percent, with an even larger increase of 44 percent in the counties outside Cook.

**HOW MUCH DO PROBATION OFFICERS IN ILLINOIS EARN?**

The amount of money paid to probation officers in Illinois is determined by the individual counties they serve, although since 1979, the state has set a minimum salary for probation officers in counties that want to receive salary reimbursements from the state government. Between 1979 and 1986, the minimum amount a probation officer could make, if the county wanted to receive the salary reimbursement, was \$11,000 a year. In 1987, this minimum was raised to its current level of \$17,000 a year. If a county

**Outside Cook County, the growth in probation caseloads has exceeded the growth in spending on probation.**

	Expenditures (constant 1988 dollars)	Year-end probation caseload
1981	\$42,777,629	27,614
1988	\$60,519,051	48,238
Percent change	+41.5%	+74.7%

Source: Administrative Office of the Illinois Courts

pays its probation officers at least the \$17,000 minimum, it will receive \$1,000 a month, or \$12,000 a year, from the state in the form of a salary reimbursement. Thus, a probation officer making the minimum salary of \$17,000 would be funded by both AOIC (71 percent) and the county (29 percent), not including fringe benefits, which are paid by the county.

In large counties such as Cook and DuPage, the salaries of adult probation officers are somewhat higher than the state minimum. In Cook County, probation officer salaries ranged from \$20,844

to \$26,712 in fiscal 1989, with an average salary of \$24,373. For all probation staff—probation officers, supervisory personnel, and support staff—the average salary in fiscal 1989 was \$21,745. Cook County's chief probation officer made \$61,500 that year, while deputy chief probation officers and supervising probation officers in each section of the Adult Probation Department earned \$40,921 and \$31,538, respectively.<sup>58</sup> In DuPage County, the salary range for an adult probation officer in fiscal 1990 was \$21,566 to \$32,350, while the salary range for the chief probation officer was \$39,983 to \$59,975.<sup>59</sup>

In smaller counties such as Cass, the salaries of probation staff are, predictably, much lower than in larger counties.<sup>60</sup> The average salary of an adult probation officer in Cass County in fiscal 1989 was \$17,850, or 27 percent lower than the average salary in Cook County, and only \$850 more than the state minimum. The \$27,622 salary of Cass County's chief probation officer was 55 percent lower than the salary of the chief probation officer in Cook County.

In Cook County, at least, it appears that the salaries of probation officers have kept pace with inflation since 1975. That year, the average salary of an adult probation officer in Cook County was approximately \$21,700 (in constant 1988 dollars). In fiscal 1989, the average salary (after adjusting for inflation) was 12 percent higher at \$24,373. However, the increase in the earning power of adult probation officers in Cook County (and throughout the state) may be the result of the implementation of state minimum salary requirements for probation officers.

#### **HOW MUCH DOES PROBATION COST COMPARED TO OTHER PUNITIVE SANCTIONS?**

Perhaps the best way to measure the cost of probation is to see how it compares with other criminal sanctions. One argument for the use of probation in general—and particularly the use of Intensive

Probation Supervision (IPS) for offenders who would otherwise be sentenced to prison—is that probation is less expensive than incarcerating an offender in a state or county correctional facility.

In Arizona, a detailed analysis of the direct costs of intensive probation, compared with other sanctions, found that IPS was cheaper than prison but more expensive than ordinary probation.<sup>61</sup> The daily cost in 1987 for an offender sentenced to IPS ranged from \$9.22 to \$24.50, with a statewide average of \$13.72 a day (or \$5,007 a year). By comparison, the average daily cost for an offender in prison was \$42 (\$15,330 a year), \$47.15 for an offender in jail (\$17,199 a year), and \$2.27 for an offender sentenced to ordinary probation (\$828 a year). In a 1988 New Jersey study, cost estimates were found to be quite similar: \$15 a day for IPS and \$59 a day for incarceration.<sup>62</sup>

The Arizona analysis also indicated that IPS generated additional cost savings and benefits not found in many other sanctions. These included higher fines and probation fees, more community service work performed, greater tax withholdings for employment, and greater amounts of victim restitution.

In Illinois, a more recent cost comparison by AOIC's Probation Division produced similar results.<sup>63</sup> According to AOIC, it cost the state government 7.5 times more to incarcerate an offender in the Illinois Department of Corrections for a year than to place the offender on IPS. As of June 1989, the yearly cost to the state of incarceration was \$16,485 (or \$45.16 a day), compared to \$2,232 (or \$6.11 a day) for IPS.<sup>64</sup> If costs paid by the counties are factored in, the yearly per-person cost for IPS rises to \$3,434 (\$9.40 a day), which is still almost five times less than the cost of incarceration.<sup>65</sup>

In the five years the IPS program has existed in Illinois, the savings in direct costs

have been substantial. Between June 1984, when IPS was begun, and June 1989, a total of 2,493 offenders in Illinois had been admitted to the program, which usually lasts 12 months. At \$3,434 per person per year, the total cost of IPS in Illinois has been more than \$8.5 million. Of the 2,493 cases, 695 probationers (or 28 percent) were still under supervision as of June 30, 1989, and 57 percent of the 1,798 closed cases had been successfully completed. If these 1,028 offenders had been sentenced to state prison instead of being put on IPS, it would have cost the state at least \$16.9 million (assuming each inmate was incarcerated for only one year). By a very conservative estimate, then, the IPS program has saved the state at least \$8 million so far.

Besides these direct cost savings, AOIC estimates that IPS generated more than \$2.4 million in other benefits and savings during the program's first five years. These include taxes withheld (\$996,944), community service employment (\$733,692), fines paid (\$265,290), victim restitution collected (\$261,619), court costs collected (\$171,534), and drug-testing fees (\$2,568).

In addition to cost savings and other benefits, however, there are also indirect costs, some of which are difficult to quantify, that must be considered in measuring the total cost of IPS. Between June 1984 and June 1989, for example, 268 probationers (or 15 percent of the nearly 1,800 released from the program) were discharged from IPS because they had committed at least one new offense.<sup>66</sup> Although it is difficult to quantify the costs of these new offenses—in terms of losses to victims, costs of additional court time, and the like—they must be considered in any comprehensive comparison of the costs of IPS and other criminal sanctions.

## The Data

There are several limitations to the data available in Illinois to measure spending for the criminal courts. For one thing, Illinois' courts handle more than just criminal cases (in fact, criminal and quasi-criminal matters account for fewer than 40 percent of all Circuit Court cases outside Cook County), and separating out spending specifically for criminal court matters is impossible in almost all jurisdictions.

Second, the courts are "staffed" not just by judges and other personnel employed by the courts, but by a variety of criminal justice officials (prosecutors, public defenders, bailiffs, and the like) from a variety of criminal justice agencies. While information on the salaries paid to judges and other court officials provide some indication of court spending, it is not the complete picture. And yet, including functions such as prosecution, public defense, and court security (a responsibility of county sheriffs) in the spending total for the courts double-counts some of the criminal justice spending analyzed separately in other parts of this report, and distorts to a certain extent the amount of money spent specifically for the courts themselves.

This section uses a variety of data sources. Overall spending data for Illinois counties *outside* Cook came from the Office of the Illinois Comptroller, using its category of "courts and the judiciary," which includes expenditures for the chief judge's office, the Circuit and Juvenile courts, the office of the clerk of the Circuit Court, the jury commission, the adult and juvenile probation departments,

the state's attorney office, and the public defender's office. The data include expenditures from all funds, including general revenue, special revenue, and capital funds.

Expenditure data for Cook County came from the annual reports of the Office of the Cook County Comptroller. To make these data comparable with the data reported by the Illinois comptroller's office for the state's other counties, expenditures were taken from the following Cook County agencies: the office of the chief judge, the Circuit and Juvenile courts, the office of the clerk of the Circuit Court, the Court Services Division of the sheriff's department, the adult and juvenile probation departments, the state's attorney's office, the public defender's office, the medical examiner's office, and the judicial advisory council, as well as other miscellaneous court expenditures. Unlike expenditures in the state's other counties, courts and judiciary totals for Cook County do *not* include expenditures from special revenue or capital funds.

Information specifically on probation expenditures came from the *Annual Statistical Reports* of the Probation Division of the Administrative Office of the Illinois Courts. These data, however, are available only for county fiscal years 1975 (which came from AOIC's annual report that year), 1981-1984, and 1988.

Judicial salary information came from the *Illinois Personnel Detail*, published by the office of the Governor. Receipts by the Circuit Court clerks' offices were obtained from AOIC's *Annual Reports to the Illinois Supreme Court*.

## Notes

<sup>1</sup> *Illinois Courts Finance Study, Final Report* (North Andover, Mass.: National Center for State Courts, 1988), Part III, p. 14, table 11. Note that "trial court" expenditures refer to those of the Circuit courts only, and do not include expenses of the Supreme and Appellate courts. In addition, these figures represent direct expenditures only. In its court expenditure totals, the NCSC includes the judiciary, court clerks, court services, bailiffs, public defenders, juries, and law libraries, but not the costs of prosecution or police testimony.

<sup>2</sup> *Illinois Courts Finance Study, Final Report*, 1988 (Part III, p. 14, table 11).

<sup>3</sup> Because judges, administrative assistants, and court reporters are paid directly from the state treasury, the payments are technically not transfers to counties. In contrast, salary reimbursements for probation officers and prosecutors are paid from the state to the counties, which then pay the appropriate personnel. Probation officer salary reimbursements are included under court services in FINANCE 3-1.

<sup>4</sup> *Illinois Courts Finance Study, Final Report*, 1988 (Part II, pp. 23-24; Part III, p. 15, table 13). For a list of the 17 counties, see the note on FINANCE 3-2.

<sup>5</sup> *Illinois Courts Finance Study, Final Report*, 1988 (Part II, p. 48).

<sup>6</sup> County boards have authority to set some fee amounts, such as court security fees and child support collection fees.

<sup>7</sup> *Illinois Courts Finance Study, Final Report*, 1988 (Part III, p. 19, table 18).

<sup>8</sup> Ill.Rev.Stat., ch. 25, par. 27.3a. Cook County was excluded from collecting the circuit clerk automation fee until 1989.

<sup>9</sup> *Illinois Courts Finance Study, Final Report*, 1988 (Part II, pp. 31-32, table 36; p. 51).

<sup>10</sup> Ill.Rev.Stat., ch. 25, par. 27.1.

<sup>11</sup> Ill.Rev.Stat., ch. 34, par. 429.31.

<sup>12</sup> Ill.Rev.Stat., ch. 34, par. 429.29.

<sup>13</sup> Administrative Office of the Illinois Courts.

<sup>14</sup> Administrative Office of the Illinois Courts.

<sup>15</sup> News Update (Washington, D.C.: National Association of Criminal Justice Planners, June 16, 1987).

<sup>16</sup> These expenses are not normally included in analyses of court expenditures.

<sup>17</sup> *Illinois Courts Finance Study, Final Report*, 1988 (Part II, p. 24, figure 2).

<sup>18</sup> *Annual Report* (Wheaton, Ill.: DuPage County Sheriff's Department, 1987). Additional calculations of the cost of bailiff services were provided by the sheriff's department.

<sup>19</sup> Fiscal 1980 is the earliest comparable year because it is the first year that included the Retirement Fund.

<sup>20</sup> *Illinois Courts Finance Study, Final Report*, 1988, (Part II, p. 23, figure 1).

<sup>21</sup> Cook County Annual Appropriations Bill for FY1989.

<sup>22</sup> Cook County Annual Appropriations Bill for FY1989.

<sup>23</sup> *Optimum Resource Management Plan* (Wheaton, Ill.: DuPage County Sheriff's Department, 1987), p. 11.

<sup>24</sup> DuPage County Sheriff's Department *Annual Report*, 1987.

<sup>25</sup> Chicago Police Department, Research and Development Division. To help offset the cost of having officers appear in court, the police department recently began charging criminal defendants a "witness fee" for responding to defense subpoenas for officers to testify in court or to turn over certain police records. According to the police department, the fees—\$20 for cases in state court and \$30 for federal cases, plus \$1.80 for mileage—are authorized under state law (see Ill.Rev.Stat., ch. 53, par. 65), but they have been challenged by defense attorneys in at least two lawsuits. In April 1990, a Cook County Criminal Court judge, ruling on one of the legal challenges, entered an injunction barring the police department from requiring payment in advance before responding to subpoenas. William Grady, "Judge halts

new police fee policy," *Chicago Tribune* (April 24, 1990), sec. 2, p. 6.

<sup>26</sup> State and county government spending on the courts and the judiciary in Illinois includes expenditures for a variety of different agencies and functions, including not only the courts and courts personnel, but also certain prosecution, public defense, and other related judicial agencies (see notes 27, 33, and 35 for details on what expenditures are included in the courts spending totals for both state and county government). The state government total includes salary reimbursements for county state's attorneys and probation personnel. Because these reimbursements are actually transfers from the state to the counties, they could be included in the expenditures for both levels of government. To avoid counting these expenditures twice, the reimbursements were subtracted from the county totals in the graph, FINANCE 3-6.

<sup>27</sup> State government spending on "judicial agencies" includes expenditures for the Supreme Court of Illinois, the Illinois Appellate Court, the Administrative Office of the Illinois Courts (including probation programs and salary reimbursements), the Circuit courts (salary payments for judges, administrative assistants, and court reporters), the Illinois Attorney General's Office, the Office of the State's Attorneys Appellate Prosecutor, the Office of the State Appellate Defender, the Illinois Courts Commission, the Judicial Inquiry Board, the Judges Retirement System, and salary reimbursements for county state's attorneys.

<sup>28</sup> *Illinois Annual Report 1988* (Springfield, Ill.: Office of the Illinois Comptroller, 1988); *Annual Report to the Supreme Court of Illinois* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1988).

<sup>29</sup> Ill.Rev.Stat., ch. 37, par. 661-665; Supreme Court Rule 607 (Ill.Rev.Stat., ch. 110A, par. 607).

<sup>30</sup> These expenditures include salaries and expenses of Appellate Court justices, salaries and expenses of the clerks in the five Appellate Court districts, and expenses of the appellate law clerks.

<sup>31</sup> These salaries are for elected Appellate Court justices and circuit judges appointed to the Appellate Court by the Illinois Supreme Court. Fringe benefits and contributions made by the state for Social Security and other deductions are not included.

<sup>32</sup> Supreme Court expenditures include the ordinary operation of the Court, the salaries of Supreme Court justices, and expenditures for the clerk of the Supreme Court.

<sup>33</sup> Outside Cook County, expenditures under the category "courts and the judiciary" include a broad range of court functions, including the offices of the chief judge, the circuit clerk, the jury commission, the state's attorney, and the public defender, as well as the Circuit and Juvenile courts and the adult and juvenile probation departments. In addition, these totals include expenditures not only from county general revenue funds but also from special revenue and capital funds as well. (See note 35 for differences in counting these expenditures in Cook County.) Data that separate out county spending specifically for the courts (excluding such functions as prosecution and public defense) are not available on a statewide basis in Illinois.

<sup>34</sup> The expenditure totals for counties in different regions of Illinois include reimbursements from the state government for the salaries of state's attorneys and certain probation personnel. In FINANCE 3-6, these transfers were subtracted from the spending totals for county government because the statewide amount of these reimbursements was known. However, because the amount of salary reimbursements to counties in different regions of the state could not be easily determined, these state transfers are included in the county figures used in this question.

<sup>35</sup> In Cook County, the "courts and the judiciary" category was calculated by the Authority to include spending from the following agencies: the office of the chief judge, the Circuit and Juvenile courts, the office of the clerk of the Circuit Court, the Court Services Division of the sheriff's department, the adult and juvenile proba-

tion departments, the state's attorney's office, the public defender's office, the medical examiner's office, and the judicial advisory council, as well as other miscellaneous court expenditures. Unlike expenditures in the state's other counties, courts and judiciary totals for Cook County do *not* include expenditures from special revenue or capital funds.

<sup>36</sup> Administrative Office of the Illinois Courts.

<sup>37</sup> See pages 126 and 128 for information on how the Circuit Court of Cook County is organized. The circuit clerk's office in Cook County follows a similar organization.

<sup>38</sup> Ill.Rev.Stat., ch. 27, par. 27.3.

<sup>39</sup> Ill.Rev.Stat., ch. 27, par. 27.3.

<sup>40</sup> "Currents," *City & State* (October 23, 1989), p. 31.

<sup>41</sup> Information on the salaries, fringe benefits, and basic supplies needed for new courtroom staff was provided by the DuPage County Board.

<sup>42</sup> *Findings, Jury Operations*, vol. 2, no. 2 (Springfield, Ill.: Administrative Office of the Illinois Courts, 1989).

<sup>43</sup> Carl E. Lind, *Cases—Courtrooms—Judges. Projected to Year 2020* (Wheaton, Ill.: 18th Judicial Circuit Court, 1986).

<sup>44</sup> Because expenditures specifically for the criminal courts cannot be separated from spending for the civil courts and other court functions, this section compares *overall* expenditures for the courts with various measures of criminal court activity. Comparisons for the trial courts include spending on "courts and the judiciary" (see notes 33 and 35).

<sup>45</sup> 18th Judicial Circuit annual reports (1979–1988); Lind, 1986.

<sup>46</sup> *Survey of Judicial Salaries*, vol. 13, no. 2 (North Andover, Mass.: National Center for State Courts, 1987).

<sup>47</sup> These judicial employment figures reflect circuit and associate judges who preside over both criminal and civil cases. The numbers are actual counts as of December 31 of each year.

<sup>48</sup> Ill.Rev.Stat., ch. 38, par. 204-7.

<sup>49</sup> Ill.Rev.Stat., ch. 38, par. 1005-6-3.

<sup>50</sup> Ill.Rev.Stat., ch. 38, par. 204-7.1.

<sup>51</sup> The state distributions for "salary reimbursements" cover those probation officer positions in place before 1984 and which meet the minimum qualifications established by AOIC. "Grants-in-aid" are salary reimbursements for all probation positions for which the counties receive 100-percent reimbursement; they include management positions, Intensive Probation Supervision officers, and those staff hired after 1984 to bring counties in compliance with AOIC workload standards. DUI grants are for counties that have a large number of high-risk DUI offenders in need of maximum supervision.

<sup>52</sup> Ill.Rev.Stat., ch. 38, par. 204-7 (4).

<sup>53</sup> AOIC has developed standards for the minimum number of probation officers needed for each county, and it reimburses counties for only that number. Probation officers are required to have a bachelor's degree in order to be eligible for reimbursement. Also, see page 138 for a description of Intensive Probation Supervision in Illinois.

<sup>54</sup> *A Report on the Adult Probation Department* (Chicago: Special Commission on the Administration of Justice in Cook County, 1986), p. 6.

<sup>55</sup> *A Report on the Adult Probation Department*, 1986, pp. 11, 13.

<sup>56</sup> Randall Guynes, "Difficult clients, large caseloads plague probation, parole agencies," *Research in Action* (Washington, D.C.: National Institute of Justice, 1988).

<sup>57</sup> Professional line staff include probation administrators and supervisors, adult line staff, juvenile line staff, combined adult and juvenile line staff, and other professional or administrative line personnel.

<sup>58</sup> Probation salary data for Cook County come from the Cook County Annual Appropriations Bill for FY1989.

<sup>59</sup> DuPage County Probation Department (personal communication, April 4, 1990).

<sup>60</sup> Cass County salary data come from the Cass County Probation Department's budget request for fiscal year 1989.

<sup>61</sup> Peter Haynes, *Adult Intensive Probation Supervision Program: Evaluation Report* (Phoenix, Ariz.: Arizona Criminal Justice Commission, 1987).

<sup>62</sup> Frank S. Pearson, "Evaluation of New Jersey's Intensive Supervision Program," *Journal of Crime and Delinquency*, vol. 34, no. 4 (October 1988).

<sup>63</sup> *Illinois Intensive Probation Supervision: Statewide Summary Quarterly Statistical Report* (Springfield, Ill.: Administrative Office of the Illinois Courts, September 1989). Updated figures were provided by the field services supervisor of AOIC's Division of Probation Services.

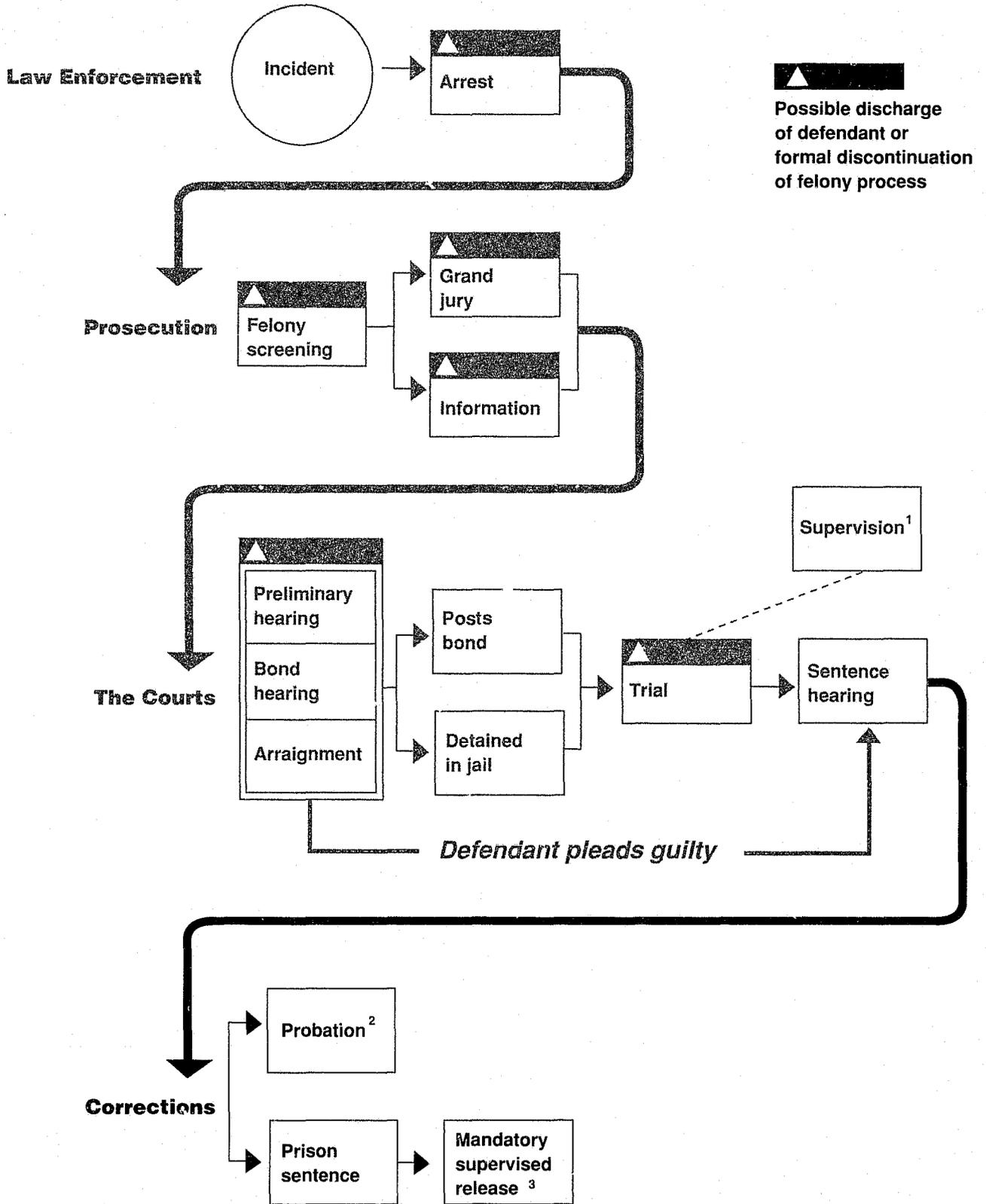
<sup>64</sup> The cost of incarcerating a prison inmate was obtained from the Illinois Department of Corrections' Bureau of Administration and Planning.

<sup>65</sup> IPS costs paid by the counties include such expenses as fringe benefits for probation officers whose salaries are paid by the state and various overhead costs related to administration and operation of the program. AOIC estimates these to be 25 percent to 35 percent above the state cost. Assuming the 35-percent estimate, the counties' yearly cost per IPS probationer is \$1,202, which brings the total cost (state and county) to \$3,434 a year.

<sup>66</sup> Of the 1,798 probationers discharged from IPS as of June 1989, 57 percent completed the program successfully, 21 percent were revoked for a technical violation, 15 percent were revoked for committing a new offense, 4 percent absconded, and the rest were taken off IPS for other reasons (such as their death).

*Illinois Intensive Probation Supervision: Statewide Summary, Quarterly Statistical Report*, July 1989. Because of record-keeping practices in some counties, reported percentages of violators are probably higher than the actual proportion of violations among IPS probationers. In Lake County, for example, IPS probationers are commonly assigned first to the county's work-release program and then to IPS. It is not possible to separate the work-release violators from the IPS violators for most years. In 1988, however, 16 of the 38 "IPS violators" in Lake County actually violated their sentences while on work release, not IPS.

# An Overview of Felony Processing in Illinois



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



# CORRECTIONS

## Overview

Corrections in Illinois is not one unified system, but rather a group of independently operating systems—jails, prisons, probation, and parole. Local, state, and federal jurisdictions overlap one another, but their correctional systems are distinct. Each has problems and priorities of its own. Nevertheless, all correctional systems, to a certain extent, share four goals: retribution, deterrence, incapacitation, and rehabilitation.

In recent years, addressing the problem of inmate crowding has been one of the most pressing issues facing correctional administrators in Illinois (and elsewhere). In addition to providing a general description of corrections in Illinois, this chapter describes some of the techniques used in Illinois, and in other states, to help reduce crowding within correctional facilities.

### **HOW ARE JAILS ORGANIZED IN ILLINOIS?**

In Illinois, as in most of the United States, local and county jails serve two purposes: (1) housing people who have been arrested for a crime and are awaiting trial and (2) housing offenders who have been convicted of relatively minor offenses. Illinois state prisons, on the other hand, house only offenders sentenced to a year or more of incarceration.

Illinois' jails are organized on both municipal and county levels. As of August 1988, 93 of the state's 102 counties operated county jails.<sup>1</sup> During state fiscal year 1988, 286,532 people spent time in these county facilities.<sup>2</sup> Counties with no jails typically have contractual arrangements with nearby counties to house their inmates.

In Illinois, as in much of the nation, county jails are administered by county sheriffs, elected to four-year terms. Although there are no statewide standards for jail personnel, Illinois law requires all officers working in jails throughout the state to receive five weeks of correctional officer training within the first six months of their employment.

While two out of three jails in the United States were built to hold fewer than 50 inmates, closer to three out of four county jails in Illinois were built that small (Figure 4-1).<sup>3</sup> During fiscal year 1988, Illinois county jails ranged in capacity from just 4 prisoners (Putnam County Jail)<sup>4</sup> to 5,907 prisoners, the capacity of Cook County Jail, which is the largest single-site detention facility in the United States.<sup>5</sup> Eighteen county jails in Illinois have the capacity to hold more than 100 inmates. These counties house 79 percent of the state's jail inmates. In Illinois, seven currently operating jails were built before 1900, and two of those date back to 1839. The majority of county jails in Illinois were built or renovated during the 1960s and 1970s. Since 1980, more than 30 county jail facilities have been newly built or renovated.

There were also 286 municipal detention facilities operating in Illinois at the end of fiscal 1988. Municipal facilities—which are operated by a city, town, or village rather than a county—are used to hold persons pending trial or other criminal proceedings. Unlike jails, they are not used to hold any sentenced offenders. During that fiscal 1988, 347,104 individuals were processed through Illinois municipal jails and lockups, a 4-percent increase over fiscal 1987.<sup>6</sup>

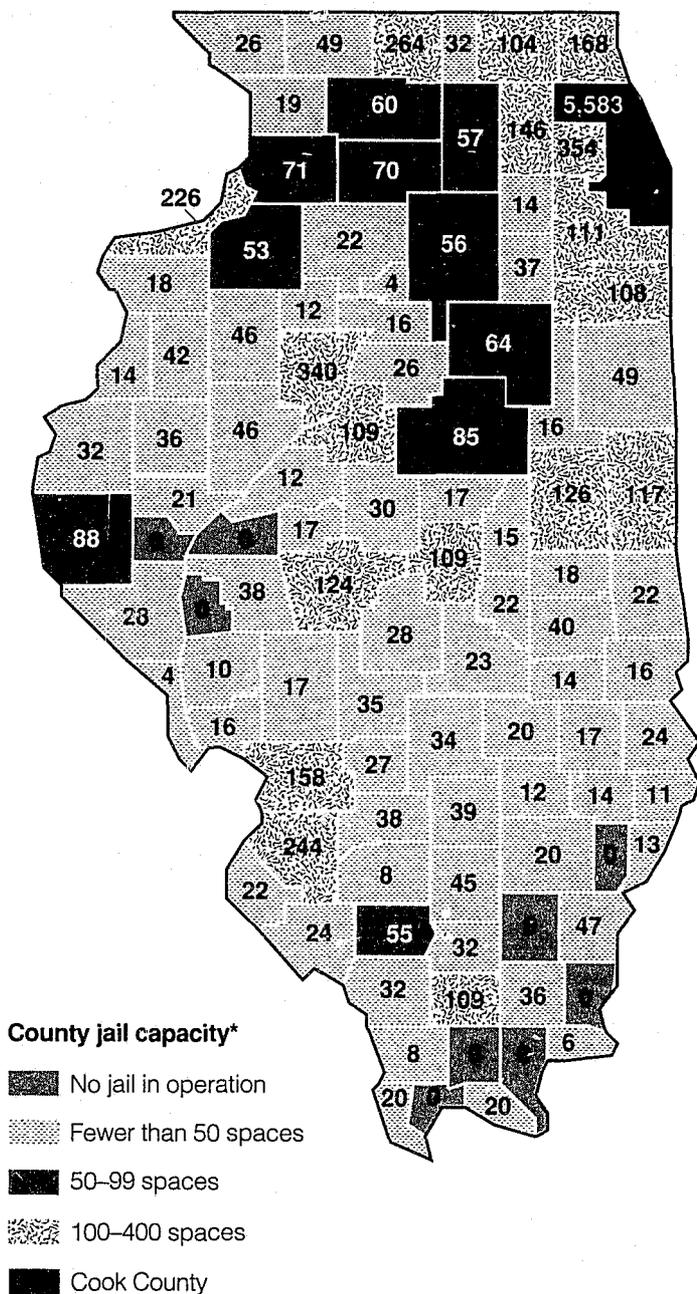
Illinois is also home to one federal jail, the Metropolitan Correctional Center (MCC), a 26-story facility located in downtown Chicago. The MCC's inmate population of approximately 580 includes male and female prisoners at all security levels, as well as pretrial and immigration detainees, sentenced and unsentenced individuals en route to federal courts and prisons, and a work detail of sentenced offenders.<sup>7</sup>

### **WHAT ARE THE STANDARDS FOR ILLINOIS JAILS?**

Among the responsibilities of the Illinois Department of

Figure 4-1

**Almost three out of four county jails in Illinois were built to hold fewer than 50 inmates.**



\*As of August 1988

Source: Illinois Department of Corrections (Detention Standards and Services Unit)

Corrections (IDOC) is the establishment and enforcement of state standards for the treatment of jail inmates and the physical conditions of county and local jails. There are more than 100 state standards for county jails and 25 state standards for municipal lockups. IDOC's Detention Standards and Services Unit is required by law to inspect all county jails and municipal lockups at least once a year to determine if they meet these state standards. If, for example, a jail fails to separate males from females, juveniles from adults, pretrial detainees from convicted criminals, or convicted misdemeanants from convicted felons, IDOC notifies the county officials that they must comply with state standards within six months. If standards are still being violated at the end of this period, IDOC may then take legal action.<sup>8</sup>

IDOC classifies noncompliances as administrative (operations and support services) and physical (building and equipment). In fiscal year 1988, the number of each type of noncompliance declined from fiscal 1987. IDOC recorded 211 administrative noncompliances in Illinois county jails, down 2.3 percent from the previous year, and 193 physical noncompliances, down 29 percent from the previous year. At the end of fiscal year 1988, 38 of the 94 county jails and one of the three work release centers were in full compliance with state standards.<sup>9</sup>

Some Illinois standards deal with the provision of educational and recreational programs for inmates. Most county jails offer detainees many programs and activities, including work release, counseling services (focusing on employment, religious, and/or family issues), substance abuse treatment, library facilities, religious services, and out-of-cell recreational activities.<sup>10</sup>

### WHO IS IN JAIL IN ILLINOIS?

In Illinois, county jails house both pretrial detainees—persons accused but not convicted of crimes—and misdemeanants—convicted offenders serving sentences of less than a year. Jails also temporarily house felons—convicted criminals awaiting transfer to prison or appearing in court on new charges. In addition, felons may serve time in jail as part of periodic imprisonment sentences.

In fiscal year 1988, 286,532 inmates had been held in county jails in Illinois, more than 50 percent of whom were held in Cook County Jail. As in the rest of the country, the inmates were largely male, pretrial detainees who spent approximately two weeks or less in the facility. Nine times as many men as women were held in Illinois county jails. In Cook County, 13 percent of the jail inmates were sentenced offenders and 87 percent were pretrial detainees. In the rest of the state, however, 31 percent of the inmates were sentenced offenders and 69 percent were pretrial detainees. No convicted felons have served their sentences in Illinois county jails (to relieve state prison

crowding) since 1986. Inmates in Cook County jail served an average of 15 days in fiscal 1988; in the rest of the state, the average length of stay was about half as long—eight days.<sup>11</sup>

### **HOW ARE INDIVIDUALS RELEASED FROM ILLINOIS JAILS?**

Inmates leave jail when they are released, placed on probation, or transferred to another facility. Generally, an inmate is released when, after being detained for trial, he or she is not convicted by the court or when, as a sentenced offender, his or her jail sentence is completed. An offender who is sentenced to a jail term combined with probation reports to a probation officer when released from jail. An offender who has been sentenced to a prison term may spend time in the county jail while waiting for placement at a state correctional facility. In this case, the inmate is transferred directly to the state prison.

In addition, defendants who are in jail awaiting trial may be released upon posting the cash bond set by the court, unless bond has been denied outright or a detainer has been filed by another criminal justice agency. Under certain circumstances, defendants awaiting trial may be released on their own recognizance by the sheriff to relieve jail crowding.

In 1989, 35,237 pretrial detainees were released from Cook County Jail on individual recognizance bonds (I-bonds), a 49 percent increase over the number of I-bond releases in 1988. More than 84,000 Cook County Jail inmates have been released on I-bonds since 1983, when a federal court order first required the jail to reduce crowding.<sup>12</sup>

Credit for pretrial days spent in jail may be applied by the judge toward an incarceration sentence imposed upon conviction. In misdemeanor cases, where the sentence cannot exceed a year's incarceration in the county jail,<sup>13</sup> the judge may determine that the pretrial time spent in jail by a person unable to post bond satisfies the jail term set upon conviction. Defendants held before trial on bailable offenses may also be allowed a credit of \$5 for each day of incarceration toward any fine levied upon conviction, not to exceed the amount of fine.<sup>14</sup>

Inmates serving sentences in a county jail are eligible for good-behavior time credits applied against their sentences. Offenders can reduce their sentences by one day for each day they serve in jail, with certain exceptions.<sup>15</sup> The jail administrator may also revoke some or all of the time credit allowance earned if an inmate violates the jail's rules of behavior.

### **HOW ARE STATE PRISONS ORGANIZED IN ILLINOIS?**

The Illinois Department of Corrections (IDOC) is respon-

sible for providing for the care, custody, and treatment of all persons sent to state prison, including both newly sentenced offenders and offenders returned to prison for violating the conditions of their release. IDOC's mission is to protect the public "from criminal offenders through incarceration, supervision, and programs and services designed to return appropriate offenders to the community with skills and attitudes that will help them become useful and productive citizens."<sup>16</sup> The department's job is really twofold: to ensure public safety through the incarceration and supervision of offenders, and to meet the basic needs of inmates in its custody.

IDOC is led by the state director of corrections, a cabinet officer appointed by the Governor with the approval of the Illinois Senate. The department is organized into three divisions, three support bureaus, and three advisory boards:

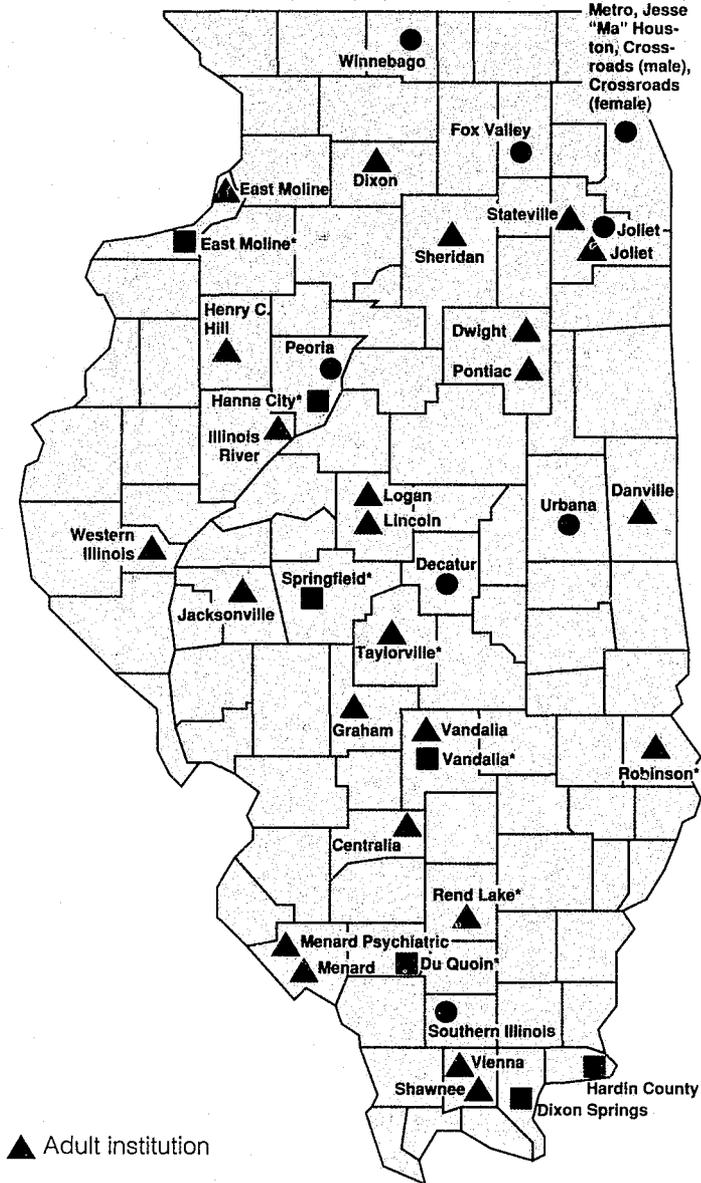
- **Division of Adult Institutions.** Provides custody for, meets the basic needs of, and offers program opportunities to all adults sentenced to prison by the courts and to all violators of release conditions who are returned to prison.
- **Community Services Division.** Monitors those offenders conditionally released from state correctional facilities to ensure the safety of the community and to help former inmates become productive citizens.
- **Juvenile Division.** Provides care, custody, rehabilitative programs, and after-care services for all juveniles committed to IDOC by the courts.
- **Bureau of Administration and Planning.** Oversees the administration, planning, and financial management of the department.
- **Bureau of Inspections and Audits.** Audits fiscal and operational standards, conducts criminal investigations, conducts municipal and county jail inspections, and operates an apprehension unit.
- **Bureau of Employee and Inmate Services.** Handles personnel matters, labor relations, affirmative action issues, inmate and employee grievances, legal services, employee training, and department policies and directives.
- **Adult, Juvenile, and School advisory boards.** Advise the department on a variety of specialized policies and programs.

As of December 31, 1989, IDOC operated four maximum-, 10 medium- (including two coed facilities), and five minimum-security institutions; one all-security prison for women;<sup>17</sup> one psychiatric facility; 11 community correctional centers; and six work camps (Figure 4-2). Two new medium-security institutions opened in 1989: Western

Figure 4-2

**At the end of 1989, Illinois had 21 adult institutions, with three more planned.**

4 community correctional centers in Cook County: Metro, Jesse "Ma" Houston, Crossroads (male), Crossroads (female)



- ▲ Adult institution
- Community correctional center
- Work camp

As of December 31, 1989

\* Planned facility

Note: Dwight Correctional Center serves as an all-security facility for women. The Dixon and Logan correctional centers currently house both men and women.

Source: Illinois Department of Corrections

Illinois in Mt. Sterling in October and Illinois River in Canton in April.

Two additional minimum- and one medium-security prisons are planned. The minimum-security facilities—in Christian and Crawford counties—are scheduled for completion in 1990. Each will house 500 to 600 prisoners and cost \$23 million apiece to build. The medium-security facility is scheduled to open in 1991 in Jefferson County. It will house 728 prisoners and cost \$51 million.<sup>18</sup>

As of June 30, 1989, IDOC had an inmate population of 793 at its community correctional centers and 557 in work camps. Community correctional centers, some of which are operated by IDOC and some of which are operated under contract by other organizations, are designed to ease the transition from institutional life to community life for a selected group of low-risk inmates. Work camps, at which only minimum-security inmates may reside, provide a number of cleanup and maintenance services for state and municipal agencies, such as highway cleanup projects, as well as for other non-profit organizations. There is no charge for the work camps' services, but the organization requesting the service provides all equipment.

### HOW DOES IDOC PROCESS PRISONERS?

After they have been sentenced to prison by the courts, newly convicted offenders (or former inmates who have violated the conditions of their release) are transferred from a county jail to one of four IDOC reception and classification centers. Approximately 65 percent of all IDOC prisoners are processed at the reception and classification center of the Joliet Correctional Center. The remaining male inmates are processed at the Graham or Menard correctional centers, and all female prisoners are processed at the Dwight Correctional Center.

The reception and classification process usually takes from 1 to 10 days. During this time, inmates' identities are verified; their money and other personal property are surrendered and inventoried; their medical, psychological, educational, and vocational backgrounds are evaluated; and they are given physical examinations. IDOC then uses a classification system it developed to match the characteristics and needs of inmates with appropriate security levels, supervision, and available programs. On this basis, IDOC determines the institution to which each offender will be assigned. Assignments may also be influenced by other factors, such as crowding at specific institutions.

At least once a year, each prisoner is given a re-classification review to evaluate the suitability of the inmate's security classification. Inmates who are reclassified may be assigned to a different institution, have their

security grade within the same institution changed, or receive new program assignments. This reclassification process is also needed to allocate space at recently constructed medium- and minimum-security institutions.<sup>19</sup>

### **WHAT PROGRAMS AND EDUCATIONAL OPPORTUNITIES ARE AVAILABLE TO STATE PRISONERS?**

Once housed in prison, many inmates are given work assignments, the majority of which involve jobs within their institutions. Prisoners may also participate in academic and vocational training. In addition, Illinois Correctional Industries, a self-supporting division of IDOC, operates manufacturing, service, and agricultural work programs in several correctional centers. It employs approximately 1,150 inmates in more than 48 industrial operations, ranging from horticulture to advanced electronics. The operation made more than \$23 million in sales in fiscal year 1989, an 85-percent increase over sales in fiscal 1986. Most of this increase has been from the division's agriculture operations.<sup>20</sup>

School District 428, a division of IDOC, provides academic and vocational programs to IDOC inmates. During fiscal year 1989, 38 percent of IDOC's population participated in the district's programs. That year, the district awarded 1,202 general education diplomas, 2,019 vocational certificates, 385 associate's degrees, and 13 bachelor's degrees to adult inmates. The district's college curriculum is developed and provided in cooperation with public and private colleges and universities.<sup>21</sup>

All inmates committed to IDOC's Adult Division are required to have 90 days of instruction in an Adult Basic Education (ABE) program if their composite Test of Adult Basic Education (TABE) scores are below the sixth-grade level in reading and math. From July 1987 through June 30, 1989, 3,219 inmates had been tested after completing the 90-day program, of whom 1,961 scored at the sixth-grade level or higher. Of the inmates who did not pass the test, 54 percent volunteered to remain in the educational program. Fifty-five percent of the inmates who successfully completed the program went on to pursue further education.<sup>22</sup>

### **HOW ARE INDIVIDUALS RELEASED FROM STATE PRISONS?**

Until 1978, Illinois had an *indeterminate* sentencing system. Under this system, the prison sentence imposed on each inmate was for a range of time, such as from 5 to 10 years. Within limits set by state law or the sentencing judge, however, the exact date of release from prison for each inmate was determined by the state's old Parole and Pardon Board. In other words, an offender sentenced to 5 to 10 years in prison may have become eligible for—and

subsequently released on—parole after serving only a year or two of the original sentence.

In February 1978, Illinois adopted a *determinate* sentencing plan. Under this system, a specific term of imprisonment, such as 10 years, is now set for each inmate. At the same time, parole has been largely phased out and replaced by a system called mandatory supervised release (MSR). Under determinate sentencing and MSR, each inmate is required to serve the full sentence imposed, minus one day of good-conduct credit for each day spent in prison. Inmates are also eligible for a one-time credit of 90 days for meritorious service. In other words an offender sentenced to 10 years in prison will, if all good-conduct credits are earned, serve approximately four years and nine months in prison.

After completing the prison sentence, minus any good-conduct credits, the offender's release becomes mandatory. The person is still subject to community supervision while under MSR for a period of time specified by law for the particular sentence served. While living in the community, he or she must obey certain rules or face return to prison.

### **WHAT IS THE ILLINOIS PRISONER REVIEW BOARD?**

The Illinois Prisoner Review Board is a 12-member panel appointed by the Governor with the advice and consent of the Illinois Senate. Created in 1978, the board is primarily responsible for establishing the conditions under which state prisoners are released, deciding whether those conditions have been violated, and hearing petitions for executive clemency.

In addition, the board hears petitions for parole for those offenders sentenced prior to 1978. In 1988, the board heard 813 petitions for parole. Of these, the board approved parole for 14 petitioners, the lowest percentage ever granted. This reflects the seriousness of the offenses committed by most of the petitioners, because the only inmates still eligible for parole are those serving long indeterminate sentences.

### **WHAT IS THE FEDERAL PRISON IN ILLINOIS?**

The Federal Bureau of Prisons ranks its institutions in security levels from 1 to 6; the higher the number, the greater the security. Located 300 miles south of Chicago in Williamson County, the U.S. penitentiary in Marion is the only level 6 of the 47 penal institutions operated by the Federal Bureau of Prisons, and the only federal prison in Illinois. Marion's rated capacity is 370 inmates, although its population as of November 1989 was 426 inmates.

Marion houses those prisoners considered to be the most violent, dangerous, and escape-prone in the federal prison system. On a contractual basis, Marion also

holds state prisoners too violent or escape-prone for state systems to handle.

Since 1983, Marion has severely restricted inmate movement within the facility. The restrictions were imposed following a period, from February 1980 to October 1983, when there were 14 escape attempts, 10 group disturbances, 58 serious assaults on inmates, 33 attacks on staff, 9 inmate murders, and 2 murders of correctional officers.<sup>23</sup>

There is some evidence that Marion's strict control measures have had their intended effect. As a general

rule, inmates are allowed to transfer to a federal penitentiary with a lower security level only after they have demonstrated acceptable conduct at Marion for a minimum of two years.

By putting all of its most violent and dangerous inmates in one location, the federal prison system has made some progress in reducing violence throughout the system. Correctional officials across the nation—as well as in Canada, Great Britain, and the Soviet Union—have taken note of this. At least three states—Indiana, Michigan, and Minnesota—have adopted the “Marion Model.”

# The Data

Most of the information in this chapter was provided by the Illinois Department of Corrections' Planning and Research Unit. Data pertaining to IDOC's budget, inmate demographics, holding offenses, death row population, parole caseloads, inmate population, and inmate population projections were obtained through personal communication with IDOC staff. Additional IDOC data sources used include the following:

1. *Adult Correctional Center Capacity Survey II* (1989)
2. *Fiscal Years 1981–1988 Jail and Detention Statistics and Information*
3. *Human Services Plan: Fiscal Years 1988–1990*
4. *Quarterly Report on Adult and Juvenile Facilities* (July 1, 1989)
5. *FY '88 Annual Program Review School District 428*

*The Corrections Yearbook*, published by the Criminal Justice Institute in New York state, was used to provide national data for comparison with Illinois statistics.

Information about Cook County Jail and the U.S. Penitentiary in Marion, Illinois, was obtained directly from those agencies. Information about parole, the revocation of offenders' release, and executive clemency was gathered from the annual reports of the Illinois Prisoner Review Board.

# Trends and Issues

A growing inmate population is the main problem facing correctional managers at both the local and state levels in Illinois. In recent years, jails and prisons alike have experienced significant increases in the number of inmates they must house and manage. For example, county jails in Illinois processed 72,657 more inmates in state fiscal year 1988 than in fiscal 1981. Similarly, Illinois' adult prison population doubled between fiscal 1978 and fiscal 1989, when it exceeded 22,500 inmates.

What factors have contributed to the growth in jail and prison populations? What are the consequences of correctional crowding? How have counties and the state responded? What are the characteristics of today's prisoners? Will the state's prison population continue to expand through the 1990s?

## HOW DOES ILLINOIS' INCARCERATION RATE COMPARE TO OTHER STATES'?

Comparing the incarceration rate of Illinois prisons with that of other states, regionally and nationally, is one way to measure Illinois' relative punitiveness. At the end of June 1989, Illinois ranked 29th among the 50 states and the District of Columbia in state prison incarceration rate, with 194 persons incarcerated for every 100,000 citizens.

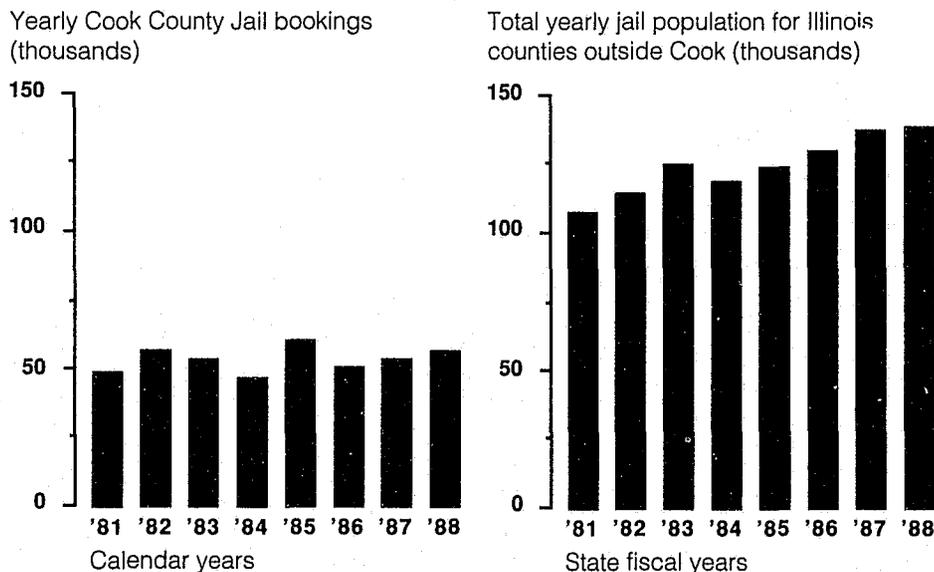
In the Midwest as a whole, the rate was 215 per 100,000. Nationwide, there were 242 inmates in state prisons for every 100,000 citizens.<sup>24</sup>

## HOW HAS ILLINOIS' JAIL POPULATION CHANGED IN RECENT YEARS?

Illinois' jail population increased dramatically during the 1980s. Between state fiscal years 1981 and 1988, the yearly population—the total number of inmates occupying jail space during the year—of Illinois' jails outside Cook County increased 29 percent, to 140,081 (Figure 4-3).<sup>25</sup> In Cook County, annual jail bookings were 16 percent higher in 1988 than in 1981.

The *average daily population* of the Cook County Jail in fiscal 1988 was 5,890, 86 percent higher than the average daily population of the rest of Illinois' county jails combined (3,164) (Figure 4-4). Thirteen percent of Cook County Jail's average daily population consisted of sentenced offenders. The remaining 87 percent was made up of defendants awaiting trial. Of those counties with jail capacities of greater than 100 inmates, only St. Clair County, with a jail capacity of 244, held a smaller proportion—2 percent—of sentenced offenders in its average daily population. Thirty-one percent of the

Figure 4-3  
**The yearly inmate population of Illinois' jails has increased steadily in recent years.**



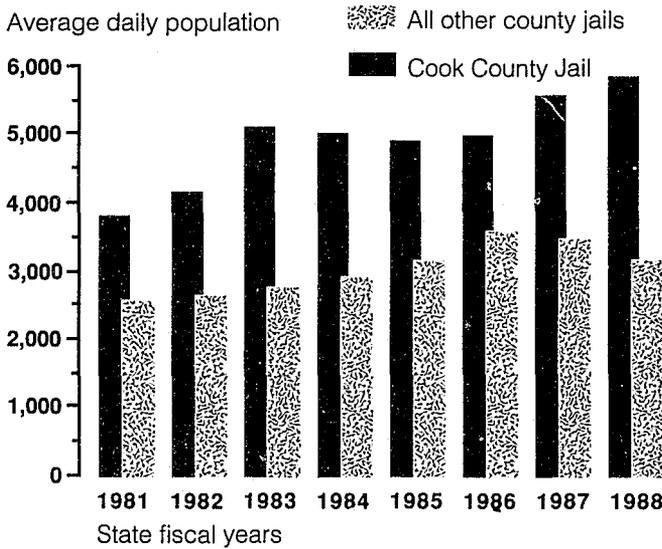
Source: Illinois Department of Corrections; Cook County Department of Corrections

average daily population of all Illinois county jails, except for Cook County, was made up of sentenced offenders.<sup>26</sup>

Total statewide jail capacity and average daily jail population in Illinois both increased from 1981 to 1988, and capacity remained greater than population throughout that period (Figure 4-5). But the actual changes that took place in population and capacity in Cook County were very different from those in the rest of

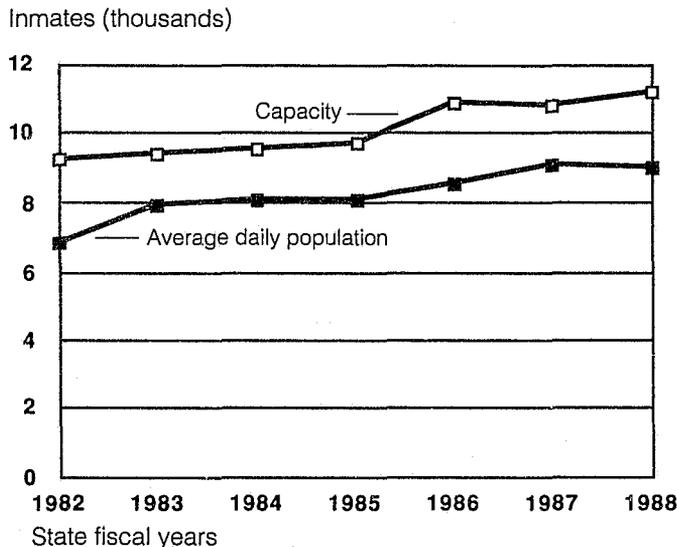
the state. Cook County Jail's average daily population increased 53 percent from fiscal year 1981 (3,861) to fiscal year 1988. Its capacity, however, increased only 13 percent in the same period, from 5,237 to 5,907. At the same time, the average daily population of all county jails except for Cook County increased 22 percent, while capacity increased 24 percent. The state's largest county jails outside Cook County, with capacities of more than 100 inmates, increased 22 percent in average daily population, but increased 32 percent in capacity.<sup>27</sup>

Figure 4-4  
**Throughout the 1980s, the average daily population of the Cook County Jail exceeded the average daily population of all county jails in Illinois combined.**



Source: Illinois Department of Corrections

Figure 4-5  
**In the 1980s, Illinois expanded its jail capacity to accommodate a growing jail population.**



Source: Illinois Department of Corrections

### WHY HAVE JAIL POPULATIONS INCREASED?

Many factors probably contributed to recent increases in the population of Illinois county jails. One of these was a 1983 change in state law that required all convicted misdemeanants to serve their sentences locally rather than in state prison. This change in policy was largely designed to help control Illinois' growing prison population. The percentage of Illinois' jail population made up of sentenced offenders has increased between 1981 and 1988 outside of Cook County (Figure 4-6). In counties with jail capacities of more than 100 inmates, the percentage of sentenced offenders more than doubled, from 13 percent to 29 percent, and in counties with smaller jails it increased from 28 percent to 34 percent. The percentage of Cook County Jail's population that is made up of sentenced offenders has remained roughly the same, about 13 percent.

Another factor has been the passage of a number of laws increasing the time served for certain crimes and mandating prison terms for certain offenses. These changes have affected jail populations in two ways. Mandatory prison sentences have resulted in fewer people pleading guilty in Cook County. More cases are therefore going to trial, resulting in court backlogs and longer pretrial stays in jail. At Cook County Jail, the average length of stay for inmates who are not released on individual recognizance bonds (also called I-bonds) increased from 38 days in 1986 to nearly 60 days in 1988.<sup>28</sup> In addition, the larger number of people sentenced to prison has led to an increased number of people in jail waiting for transfer to state prison.

Finally, increased emphasis on arresting drug offenders in recent years has greatly increased the number of people being held in jail for those offenses.

### HOW HAS CROWDING AFFECTED COOK COUNTY JAIL?

As the largest jail in Illinois, Cook County Jail was particularly affected by the growth in inmate population. Between state fiscal years 1981 and 1983, the average daily population of Cook County Jail increased by more than 1,250 inmates, to 5,123. After fiscal 1983, the pace

in average daily population growth slowed, but has still increased to 5,890 inmates in fiscal 1988. The average length of stay has increased from 13 days in 1981 to 15 days in 1988.

Increases in Cook County Jail's population prompted the U.S. District Court in Chicago to issue an order in 1983 to reduce crowding at the jail. In response, jail officials instituted an Administrative Mandatory Furlough program, allowing some misdemeanants with bonds of less than \$10,000 to be released on their own recognizance, rather than posting cash bonds. In addition, more than 500 beds were added to the jail in 1985.

Despite these efforts, crowding continued to be a problem, and in April, 1988, a federal judge threatened to fine the county \$1,000 per day for each day the inmate population exceeds the number of beds in the facility. County officials responded by increasing the capacity of the facility, and again began releasing certain defendants on their own recognizance—a practice which had been suspended in June 1985. Jail authorities gradually increased the bond amount that limited eligibility for release on individual recognizance bonds, and also began releasing some accused felons. In July 1988, jail authorities started releasing on their own recognizance defendants with bonds of up to \$50,000.

Through these efforts, the county jail managed to avoid any fines until February 1989, when the judge again found conditions too crowded, and imposed the \$1,000 per day fine, retroactive to mid-December 1988. As of September 1989, the county had paid more than \$200,000 in fines, which have been placed in an "inmate fund" and are used to purchase recreation equipment and other items for the inmates of the jail. Acknowledging the efforts the county has made to reduce crowding, the federal judge lifted the fines in December 1989.

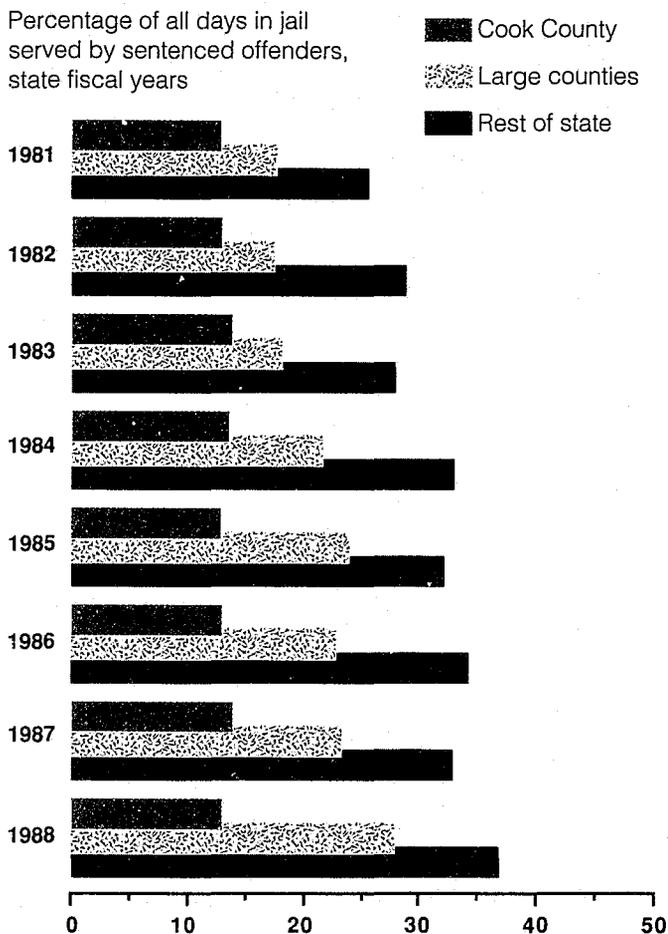
Among these efforts are increases in the jail's capacity. Two new additions to the jail are planned: a 750-bed facility to open in late 1990 and an 1,080-bed facility to open in 1992. In May 1989, the jail implemented an electronically monitored home confinement program for property crime defendants with bonds over \$50,000. As of November 1989, more than 1,300 defendants had been placed in the electronic monitoring program. In the meantime, I-bond releases continue. Between August 1983 and mid-September 1989, approximately 94,000 defendants were released from the jail on their own recognizance. Nearly half of those releases occurred after January 1988.

### HOW HAS ILLINOIS' STATE PRISON POPULATION CHANGED DURING THE LAST FIVE DECADES?

After increasing from the mid-1940s to the early 1960s,

Figure 4-6

### The percentage of the jail population made up of sentenced offenders has increased in counties outside Cook.



Source: Illinois Department of Corrections

and then decreasing steadily from the mid-1960s to the mid-1970s, Illinois' adult prison population has grown at an unprecedented pace over the last 15 years. Today, more prisoners are housed in adult institutions than at any time in the state's history.

Illinois has more than twice as many state prisoners today as it did in 1942, when there were nearly 11,000 (Figure 4-7). During World War II, the number of prisoners declined sharply for two reasons: a decrease in prison admissions (mostly the result of more men entering the military) and a surge in the number of people released from prison (largely because of a special parole program that allowed 3,300 male inmates to leave prison and join the armed forces).

After the war, the state's prison population began to increase slowly until, in 1961, it reached the 1942 level once again. The IDOC population then decreased over the next 12 years, reaching a low of 6,100 inmates in

1973. This decline was largely a product of the times, as correctional officials nationwide began to emphasize programs that diverted offenders away from prison and toward community-based alternatives.<sup>29</sup> During this period, imprisonment was viewed largely as a last resort for many offenders, and alternatives to traditional incarceration were encouraged.

The 1980s, by contrast, could be termed the “get tough” decade, with rising crime rates and tougher legislation—mandating longer prison terms. From fiscal year 1980 to fiscal year 1989 the state’s prison population grew by 80 percent, from 12,539 inmates to 22,576. Illinois has the seventh-largest state prison population in the United States.<sup>30</sup>

### WHY THE DRAMATIC INCREASE IN ILLINOIS’ PRISON POPULATION?

Three elements affect any prison population: current number of inmates, number of offenders entering prison, and number leaving prison. The recent surge in Illinois’ prison population is related to many factors, including legislative, administrative, and judicial changes. Two changes in particular spurred this population explosion:

1. **Determinate sentencing.** In February 1978, Illinois instituted a determinate, or flat-time, sentencing structure (see page 133 for more information about determinate sentencing). Under determinate sentencing, inmates convicted of more serious offenses spend more time in prison than did offenders for comparable crimes under the old indeterminate sentencing system.

2. **Class X crimes.** Also in 1978, Illinois lawmakers created a new class of felony offenses—Class X. Class X offenses include such serious crimes as attempted murder, armed robbery, and aggravated criminal sexual assault. Class X offenders are not eligible for alternative sentences such as probation or conditional discharge. Instead, all Class X criminals must serve time in prison.<sup>31</sup>

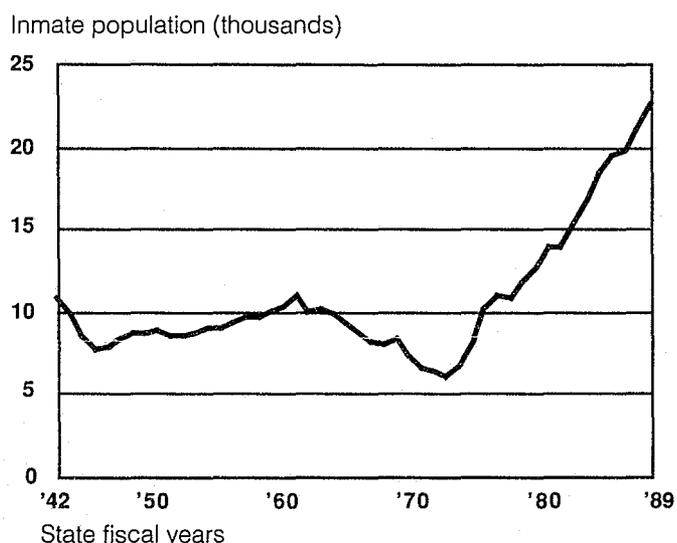
When these policies were implemented in 1978, there were fewer than 11,000 adult prisoners in Illinois. By the end of fiscal year 1989, the prison population had more than doubled, to more than 22,500 inmates.

Recidivism also contributes to prison crowding. IDOC reports that 42 percent of its releasees in 1983 and 1984 were returned to prison within three years of their release. The federal Bureau of Justice Statistics reports that, nationwide, 41 percent of state prisoners are reincarcerated within three years after release.<sup>32</sup>

### HOW HAVE PRISON ADMISSIONS AND RELEASES CHANGED IN RECENT YEARS?

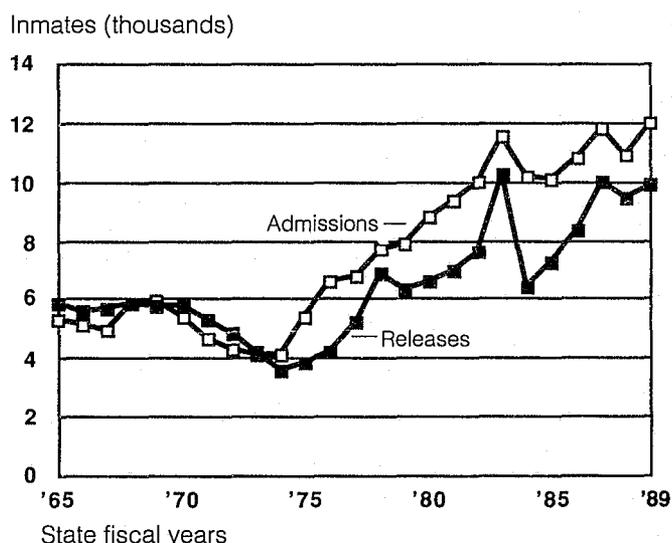
During the past 25 years, admissions to Illinois prisons averaged 7,580 inmates per year. Admissions were at their lowest from fiscal 1971 to fiscal 1974, when they averaged fewer than 4,290 a year. Since then, however, admissions have increased dramatically, fueled in part by enactment of the state’s Class X law, which mandates a prison sentence for certain serious crimes (Figure 4-8). From fiscal 1978—the year that Class X took effect—to fiscal 1989, admissions to Illinois prisons increased 56 percent.

Figure 4-7  
**Illinois’ prison population grew by 80 percent in the 1980s.**



Source: Illinois Department of Corrections

Figure 4-8  
**Since 1974, admissions to Illinois prisons have consistently exceeded releases.**



Source: Illinois Department of Corrections

In fiscal 1983, Illinois lawmakers, in response to rising prison admissions, enacted a law mandating that all misdemeanants sentenced to incarceration serve their time in county jails instead of state prisons. This law had the effect of reducing admissions temporarily in fiscal 1984 through 1986. In 1987, however, admissions had surpassed their 1983 level. In fiscal 1989, there were a record 12,025 admissions to state prison.

The number of inmates released from Illinois prisons has generally followed the pattern of admissions—increasing in the 1950s, declining in the 1960s and 1970s, then sharply increasing since then (see Figure 4-8). Over the past 25 years, releases have averaged 6,470 inmates per year. In fiscal year 1978, IDOC released 6,908 inmates, the first time that more than 6,000 inmates had been released in one year. The number of releases fell below the fiscal 1978 figure in fiscal 1979, 1980, and 1984; otherwise it remained at or above that level, reaching more than 10,000 in 1983 and 1987.

Part of the increase in releases in the early 1980s was the result of the state's forced-release program, which was a plan to control crowding in state prisons. Under this program, which began in June 1980, the director of corrections reduced certain inmates' sentences by awarding multiple 90-day increments of meritorious good time to be applied to the inmates' sentences. This time was given in addition to the regular, day-for-day good-conduct credits that all inmates can

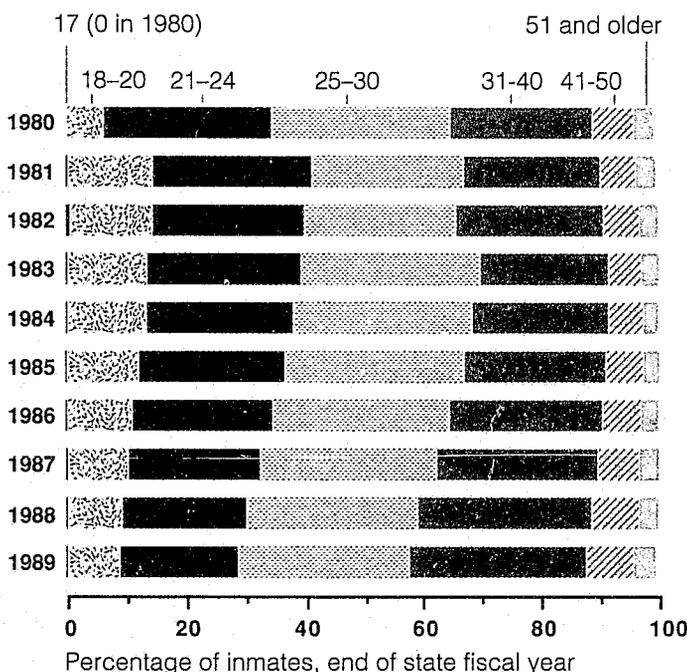
earn. In July 1983, however, the Illinois Supreme Court ruled that state law allows the corrections director to award only one 90-day increment of meritorious good time to each inmate, thereby ending the forced-release program.

### HAS THE DEMOGRAPHIC PROFILE OF ILLINOIS PRISON INMATES CHANGED?

Although Illinois is now incarcerating more offenders than ever before, the demographic makeup of the inmate population has not changed substantially since 1980. For example, the age distribution of prisoners has remained fairly consistent, although the proportion of younger inmates has decreased steadily in recent years (Figure 4-9). During fiscal year 1980, approximately 28 percent of IDOC's inmates were aged 21 to 24. By the end of fiscal year 1989, less than 20 percent of inmates were in this age group. On the other hand, during the same period, the proportion of older inmates increased. At the end of fiscal 1980, 24 percent of IDOC inmates were aged 31 to 40. At the end of fiscal 1989, nearly 30 percent were in that age group. This aging trend is likely to continue for the next several years, as prisoners currently serving determinate sentences for serious crimes remain in custody later into their lives than they would have under indeterminate sentencing.

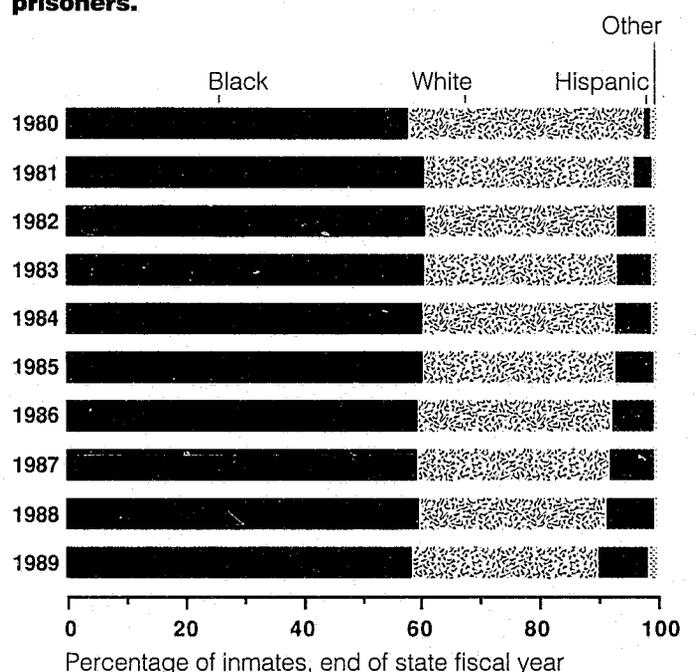
The racial makeup of Illinois' prisons remained stable through the 1980s (Figure 4-10). Blacks, who

Figure 4-9  
**The proportion of older inmates in prison in Illinois has increased in recent years.**



Source: Illinois Department of Corrections

Figure 4-10  
**Blacks, who make up 13 percent of the Illinois population, account for about 60 percent of all state prisoners.**



Source: Illinois Department of Corrections

make up approximately 13 percent of the general population in Illinois, constituted about 60 percent of the prison population—fluctuating by no more than 2.5 percentage points over the course of the decade. The percentage of Hispanic inmates increased by 7 percentage points over the course of the decade, reaching 9 percent of all inmates at the end of fiscal 1989. Hispanics constitute roughly 5 percent of the general population in Illinois. The percentage of white inmates decreased by slightly more than 8 percentage points over the same period, to 31 percent in 1989.

### HOW MANY WOMEN ARE IN ILLINOIS PRISONS?

Female inmates make up only about 4 percent of IDOC's total inmate population, and only 5 percent of the inmate population in state prisons nationwide.<sup>33</sup> Still, since 1978, the number of female inmates in Illinois state prisons has tripled (by comparison, the total inmate population doubled during this period), reaching 982 in fiscal 1989.

Since 1978, IDOC has worked to meet the needs of its growing female inmate population in a number of ways:

- Four housing units, totaling 196 beds, have been built over the past decade at the Dwight Correctional Center, the state's women-only facility.
- Double-celling—more than two-thirds of Dwight's inmates share with another inmate a cell originally designed for one person, further increasing capacity to 496.
- Conversion of Logan Correctional Center (1987) and the Dixon Correctional Center (1989) to co-ed facilities, making approximately 240 beds available for female inmates.
- Expansion of community placement opportunities for female inmates.

Despite these efforts, IDOC still lacks space for female inmates. At the end of fiscal year 1989, IDOC housed a total of more than 300 female inmates over capacity.<sup>34</sup>

### IS ILLINOIS INCARCERATING THE MOST SERIOUS OFFENDERS?

Between 1978, when Illinois' determinate sentencing and Class X laws first went into effect, and 1989, the percentage of Illinois' inmate population made up of convicted murderers increased from 6.4 percent to 16 percent. The percentage of inmates convicted of Class X offenses increased to 35 percent in the same period.<sup>35</sup>

Between fiscal 1982 and fiscal 1989, the percentage of Illinois prison inmates convicted of the two

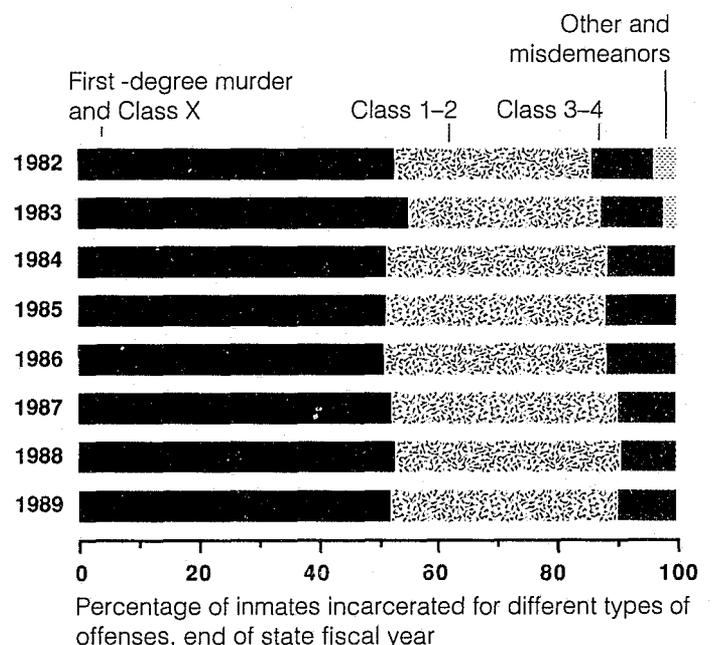
most serious felony classes—first-degree murder and Class X—has remained relatively stable, slightly more than half of the total inmate population. Inmates convicted of murder have made up from 16 percent to 18 percent of the inmate population, and inmates sentenced for Class X offenses have remained constant at about 36 percent of the inmate population (Figure 4-11). The percentage of inmates convicted of Class 1 and 2 felonies gradually increased over the eight-year period, from less than 33 percent to 38 percent, while the percentage of inmates convicted of Class 3 and 4 felonies decreased, from 11 percent to 9 percent.

### ARE MORE OFFENDERS IN ILLINOIS SERVING LONGER PRISON SENTENCES?

Illinois' determinate sentencing law was designed, among other things, to increase prison sentences for offenders convicted of the most serious crimes. It is still somewhat difficult to measure this effect because inmates released from prison since the law took effect in 1978 include both inmates who completed relatively short determinate sentences and some who served relatively long indeterminate sentences.

To measure the effect determinate sentencing is having on Illinois' prison population, IDOC has compared the average length of stay of offenders released in 1978 to the expected length of stay of offenders sentenced in 1988. Offenders convicted of first-degree murder and

Figure 4-11  
**First-degree murderers and Class X felons make up more than half of the prison population in Illinois.**



Source: Illinois Department of Corrections

Class X crimes are expected to serve longer sentences, while Class 1-4 offenders are expected to serve shorter sentences (Figure 4-12).

### HOW MANY PRISONERS ARE ON DEATH ROW IN ILLINOIS?

In 1972, the U.S. Supreme Court, in the case of *Furman v. Georgia*, ruled that the arbitrary or capricious application of the death penalty constituted cruel and unusual punishment. This ruling invalidated the death sentences of more than 600 prisoners across the country, including 35 in Illinois.<sup>36</sup> Over the next several years, many states revised their capital punishment statutes to meet the standards established by the Court in its 1972 decision. Illinois reinstated its death penalty in 1977.

As of July 1989, there were 2,210 inmates on death row in 34 states. Illinois had 120 condemned prisoners (Figure 4-13), ranking fourth after Florida (with 294), Texas (283), and California (247). IDOC currently houses its death row inmates at two facilities: the Menard and Pontiac correctional centers.<sup>37</sup>

Since 1930, Illinois has executed 90 inmates. The last execution of a state prisoner took place in 1962 in the Cook County jail, which at that time had its own electric chair.

There is a nine-step appeals process for capital punishment cases in Illinois (see page 136). Since the

death penalty was reinstated in 1977, no inmate has yet exhausted the appeals process and been executed. When an execution does take place, it will be by lethal injection, unless the inmate has specifically been sentenced to die by electrocution.

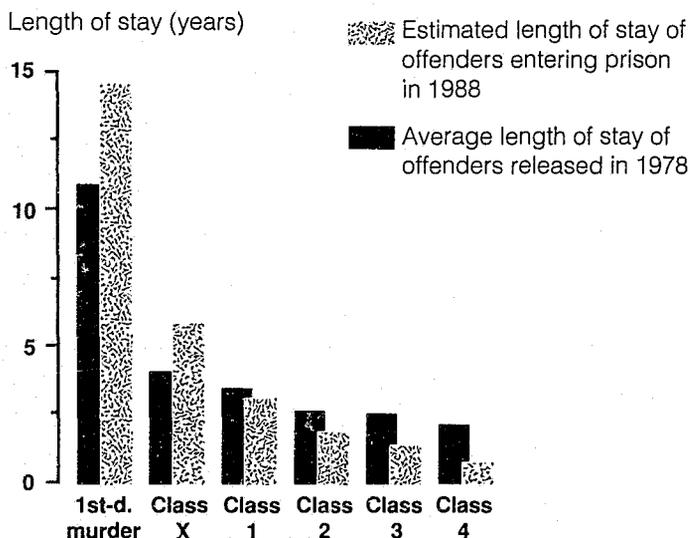
### WHAT IS PRISON CAPACITY?

Ideally, the number of prison inmates should never exceed the capacity of the institutions designed to house them. Over the years, as Illinois' inmate population has fluctuated, so has the capacity of the state's prison system. But because there are different definitions of capacity, confusion exists about exactly when a prison is full and should not house additional inmates.

One common definition is *design capacity*, the number of inmates who can be housed and served in a facility, based on the original architectural design and any subsequent modifications. The design capacity of an institution cannot change without new construction.

Increasing prison design capacity is an expensive proposition. Nationally, the average cost per bed for constructing a minimum-security facility is \$28,055; for a medium-security facility, it is \$52,431; and for a maximum-security facility, \$77,945.<sup>38</sup> The type of construction is a major cost factor. Building new institutions almost always costs more than renovating existing facilities, but new facilities provide the opportunity to design for maximum operating efficiency. In 1986, IDOC estimated that it cost \$17,562 per year to house an inmate in a newly constructed facility, compared to \$27,675 a year in a renovated facility.<sup>39</sup>

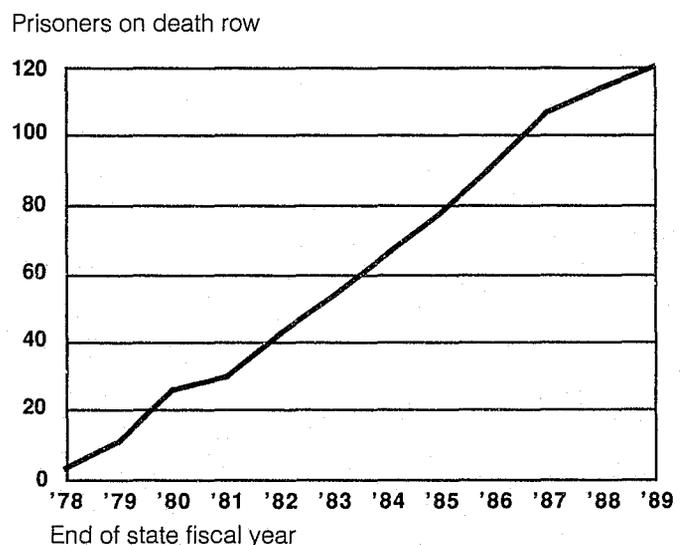
Figure 4-12  
**Offenders convicted of first-degree murder in 1988 can expect to serve 3.6 more years in prison than convicted murderers released in 1978.**



\*Length of stay of Class X inmates released in 1978 is based on the classification of offenses for that year as though Class X had been in effect.

Source: Illinois Department of Corrections

Figure 4-13  
**On June 30, 1989, there were 120 prisoners on death row in Illinois.**



Source: Illinois Department of Corrections

Creating additional design capacity is also time-consuming. The entire process—from the decision to build to the opening of a new facility—can take from four to seven years, or more.<sup>40</sup>

In addition to design capacity, prison capacity is also defined in terms of *rated capacity*—an administrative determination of the maximum number of inmates who can be housed and provided with basic services.<sup>41</sup> Several factors are involved in rated capacity judgments, including the physical size and classification of an institution, the size and classification of the inmate population, the support facilities required to operate the institution, other services needed to meet inmates' basic needs, and the security and safety of both prison staff and inmates.

Rated capacity can be revised, both upward and downward, without the construction of new prison space. For example, a change from single- to double-celling of some inmates can increase an institution's rated capacity. Several different events have prompted revisions in rated capacity, both in Illinois and throughout the country, over the years. These include a surge in the offender population, changes in correctional policies, and special designations of facilities for various purposes, such as housing mentally ill offenders.

### WHAT IS THE RATED CAPACITY OF ILLINOIS PRISONS?

Although rated capacity figures do not necessarily reflect the desirable operational capacity of an institution, prison capacity in Illinois has historically been measured in those terms. The total rated capacity of Illinois' adult prison system (including farms and work camps) grew

from 7,003 bed spaces in June 1974 to 19,993 at the end of June 1988, a 186-percent increase (Figure 4-14). More than half of this increase occurred in medium-security facilities, where rated capacity grew by 6,616 spaces. As a result, a substantially greater proportion of the state's inmate population is now housed in medium-security prisons than ever before.

Rated capacity also increased substantially in both maximum- and minimum-security facilities between fiscal years 1974 and 1988—the former by 64 percent and the latter by 321 percent. During this same period, the rated capacity of IDOC's community correctional centers increased by 194 percent. Much of the increase in rated capacity of maximum-security prisons between 1987 and 1988, however, is the result of counting bed space that had previously been under repair. The rated capacity of the department's work camps grew by approximately 250 beds since the program began in 1981 with a rated capacity of 150. From fiscal year 1981 through fiscal 1988, the rated capacity of IDOC farms has decreased from 290 to 268.<sup>42</sup>

At the end of fiscal year 1989, Illinois prisons had a rated capacity of 20,967 and a total inmate population of 22,576—8 percent above capacity.<sup>43</sup> IDOC projects a shortfall of 4,500 beds by the end of the 1990s.<sup>44</sup>

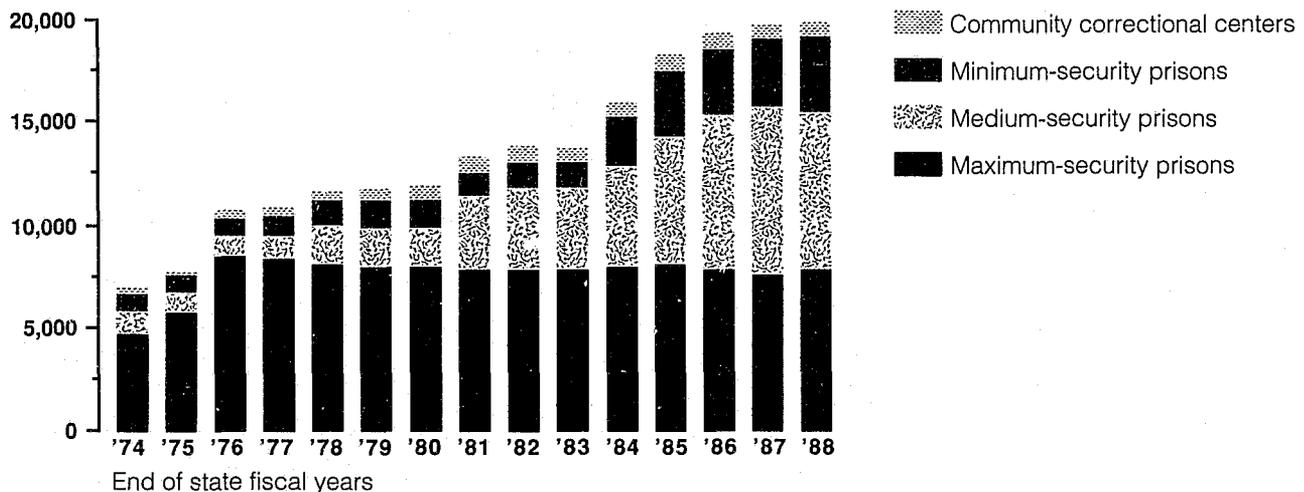
### WHAT IS THE MOST ACCURATE MEASURE OF PRISON CAPACITY?

Many corrections officials believe that in addition to design capacity and rated capacity, a third measure of capacity is needed, because rated capacity often reflects housing decisions based on need rather than optimal

Figure 4-14

**The rated capacity of Illinois' prison system almost tripled between 1974 and 1988.**

Bed spaces (rated capacity)



Source: Illinois Department of Corrections.

housing conditions. IDOC has developed one such measure: *ideal capacity*.

According to IDOC, "the ideal capacity reflects the number of housing units designated for a distinct class of inmates and selected housing configurations of single, double, multiple, or dorm settings, with allowances for special utilization. The facility must have adequate support facilities and program services that meet basic needs and staffing to ensure the safe and orderly operation of the facility."<sup>45</sup>

Ideal capacity, according to IDOC, honors the facility's original design limitations while reflecting current differing security requirements. At the end of fiscal year 1989, the ideal capacity of Illinois prisons was 17,284 inmates, 18 percent less than the fiscal year 1989 rated capacity, and 23 percent less than the prison population.

### WHAT ARE THE CONSEQUENCES OF PRISON CROWDING?

Prison crowding taxes all aspects of prison operations, from medical services to laundry. And, research has shown, as crowding increases, assaults tend to go up.<sup>46</sup> From 1985 to 1988, the average daily population in Illinois prisons increased by 19 percent, while assaults on guards increased 92 percent.<sup>47</sup> In 1988, there were 119 serious assaults within Illinois' adult prisons, approximately 30 percent of which were against staff. Inmates

have killed one correctional officer in each of the last eight fiscal years.<sup>48</sup> The number of serious assaults in Illinois prisons was lower, however, than in any of the other nine states with the largest prison populations. Texas had the largest number of serious assaults, with nearly 5,000.<sup>49</sup>

Because of the inherent danger involved in crowding the most serious offenders into institutions that, on the average, are about 100 years old, IDOC in recent years has attempted to limit double-celling in maximum-security prisons, and to avoid it altogether in the newer medium- and minimum-security institutions. Even so, 10 of the state's 14 medium- and maximum-security prisons in fiscal 1989 had double-celling for 28 percent or more of their populations. Three maximum-security prisons double-celled 70 percent or more of their populations—Joliet with 84 percent, Dwight with 75 percent, and Menard with 70 percent.<sup>50</sup>

### HOW MANY PRISONERS ARE RELEASED INTO SUPERVISION?

The number of prisoners released into state supervision in Illinois reached a record 10,007 in fiscal 1988 (Figure 4-15). At the same time, IDOC was forced by statewide budget cuts to lay off many parole agents during fiscal 1987 and 1988. The combination of events drastically increased parole agents' caseloads. In fiscal 1973, the average caseload for parole agents across the state was 41; in fiscal 1988, after the layoffs, it was 261. About 700 fewer inmates entered community supervision in fiscal year 1989, and many of the agents were rehired during that year, which helped relieve parole agents' caseloads. At the end of fiscal 1989 the average caseload was reduced to a somewhat more manageable level of 113. The American Correctional Association's standards call for a caseload of no more than 45 per parole agent.<sup>51</sup>

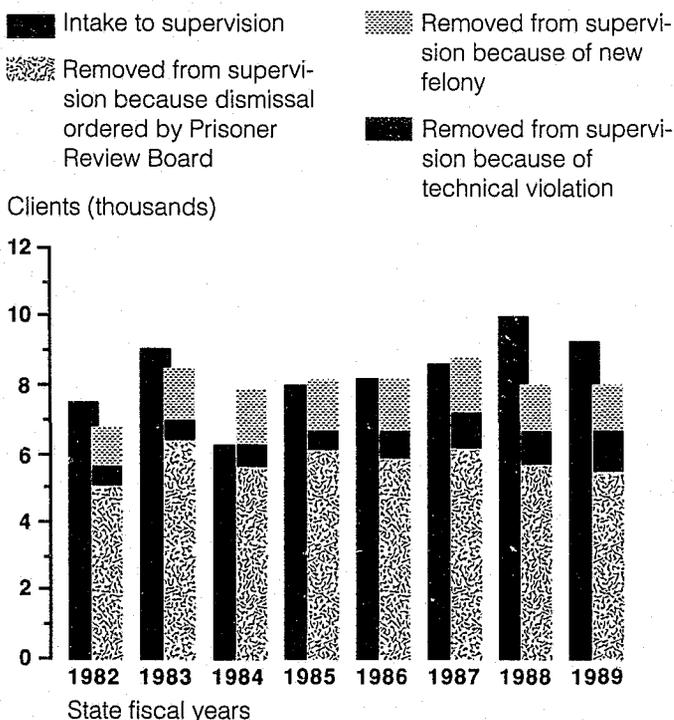
### HOW MANY OFFENDERS VIOLATE THE CONDITIONS OF THEIR RELEASE?

Offenders who allegedly violate the conditions of either parole (if they served indeterminate sentences) or MSR (if they served determinate sentences) are brought before the Illinois Prisoner Review Board for a revocation hearing. If the review board finds that a former inmate did indeed violate the conditions of release, it can order the offender back to prison or it may reinstate the release status. Since determinate sentencing and MSR took effect in 1978, the number of revocation hearings—and the number of releases revoked—increased steadily through 1987 (Figure 4-16). In 1988, however, the number of revocation hearings, which had exceeded 3,000 since 1982, dropped to its lowest level in nearly a decade—2,447.

From 1973 through 1977, authorities revoked

Figure 4-15

**The number of prisoners released into state supervision is greater than that removed from supervision.**

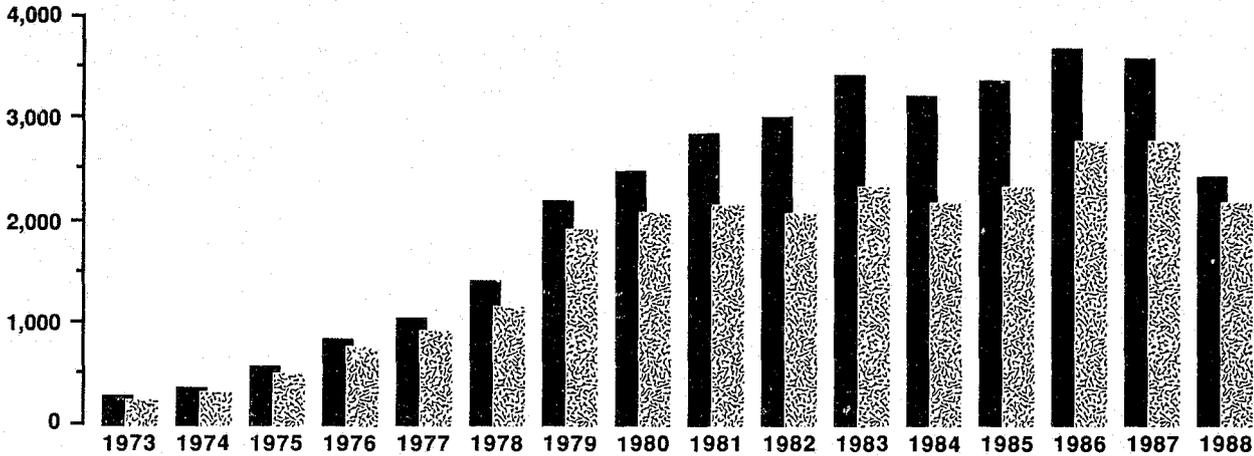


Source: Illinois Department of Corrections

Figure 4-16

**The number of former prison inmates found to be violating their terms of release dropped in 1988.**

Revocation cases



Note: Parole was abolished for newly sentenced offenders in 1978.

Source: Illinois Prisoner Review Board

nearly nine out of every 10 cases they heard. After determinate sentencing took effect, the increase in revocations continued, reaching a high of 2,808 in 1986. But revocations increased at a slower rate than hearings did, and the percentage of cases that were revoked declined dramatically, reaching a low of 68 percent in 1984. The percentage of cases revoked began to increase again in 1985. In 1988, although the number of revocations, like the number of hearings, declined, the percentage of cases revoked increased dramatically to 90 percent, the highest since 1976 when 92 percent of the hearings resulted in revocation.<sup>52</sup>

**HOW MANY REQUESTS ARE THERE FOR EXECUTIVE CLEMENCY?**

In addition to handling revocation proceedings, the Prisoner Review Board hears two types of executive clemency cases: commutations, in which offenders request reductions in their prison sentences, and pardons, in which offenders ask to be released from further punishment for their crimes.

More than 1,750 executive clemency petitions were filed with the review board between 1979 and 1988. The board rarely recommends clemency; since 1979, it has recommended against clemency in 90 percent of the cases brought before it (Figure 4-17).<sup>53</sup> All clemency petitions recommended by the Prisoner Review Board must ultimately be approved by the Governor. Most of the successful petitions involve former inmates who have been in the community long enough to demonstrate that they are unlikely to commit new crimes.

**HOW WILL ILLINOIS' PRISON POPULATION CHANGE IN THE FUTURE?**

Using a variety of historical and demographic data, IDOC has calculated how it expects the state's prison population to change in the next several years.<sup>54</sup> Three different trends were projected through fiscal 1999: the number of admissions, the number of exits, and the overall population. The results indicate that Illinois' prison population is expected to continue to reach record levels throughout the 1990s (Figure 4-18).

The number of inmates admitted to prison (including both new admissions and felony defaulters) is expected to gradually increase over the next several years, rising to 22,325 admissions by fiscal 1999. Releases, too, are expected to generally increase, reaching 21,598 by fiscal 1999. The end-of-fiscal-year prison population is expected to continue to increase, surpassing 26,300 in fiscal 1990, and 35,653 in fiscal 1994. By fiscal 1999, according to IDOC projections, there will be approximately 40,778 inmates in Illinois prisons.

**WHAT ARE SOME ALTERNATIVES TO INCARCERATION THAT ADDRESS CROWDING?**

Faced with an ever-growing prison population, Illinois has committed \$500 million since fiscal 1979 to building new prisons and increasing the capacity of old ones. Nationwide, 42 new prisons were built in 1988, at an average per-institution cost of \$28.6 million.<sup>55</sup>

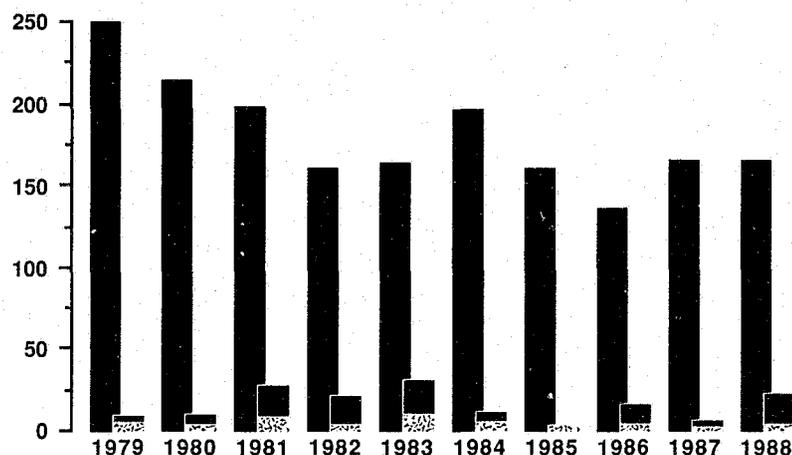
Faced with rising correctional costs, Illinois and other states have been looking more and more to

Figure 4-17

**Very few petitions for executive clemency result in commutations or pardons.**

Pardons recommended  
 Commutations recommended  
 Petitions filed

Executive clemency cases



Source: Illinois Prisoner Review Board

alternatives to incarceration in order to ease prison crowding. By moving certain inmates—generally first-time and nonviolent offenders—out of the prisons, institutional space is made available for more serious offenders.

Supporters of alternatives say that such programs have at least four advantages over traditional incarceration:

1. They better promote proportional punishment in cases where imprisonment would be unduly harsh.
2. They are less costly to operate and reduce recidivism.<sup>56</sup>
3. They permit offenders to make restitution to their victims.
4. They better integrate offenders back into society.

In Illinois, the “traditional” alternatives to incarceration include fines, probation, work release, halfway houses, and community service, among other things. Generally, these programs are reserved for first-time and nonviolent offenders.

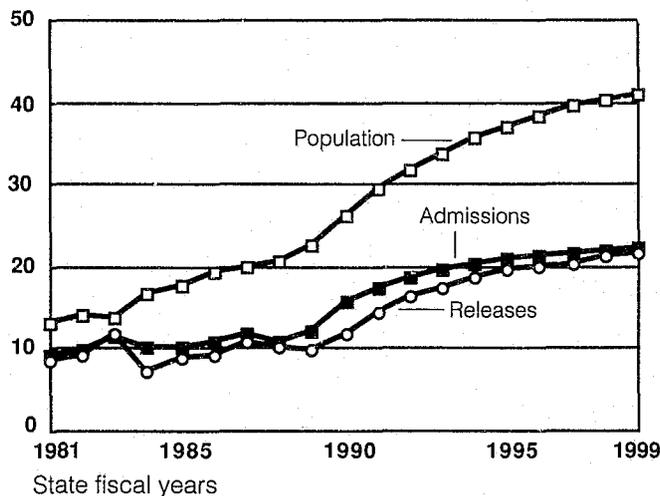
More recently, new types of alternatives have been developed, known as intermediate sanctions, which are used with more serious offenders. These alternatives are less punitive than jail or prison, but harsher than the traditional alternatives. Offenders participate in these programs voluntarily, and are generally required to pay a certain amount to participate in the program. Here are some of the intermediate sanctions practiced in Illinois:

- **Intensive Probation Supervision (IPS).** Offenders (adults and juveniles) participating in this program are subject to more frequent contacts by probation personnel—to verify the offender’s whereabouts—than are regular probationers. As of December 1988,

Figure 4-18

**By 1999, the Illinois Department of Corrections projects there will be nearly 41,000 inmates in Illinois prisons.**

Inmates (thousands)



Source: Illinois Department of Corrections

Illinois had 563 persons participating in its IPS program, which has a capacity of 650. (For more information about IPS, see Chapter 3.)<sup>57</sup>

- **House arrest.** An offender under house arrest may leave his or her residence for work or to seek employment, to perform services, for health-related reasons, and for other court-approved activities. Legislation permitting this alternative in Illinois became effective January 1, 1989.<sup>58</sup>
- **House arrest with electronic monitoring.** Persons under house arrest are more and more frequently

being monitored electronically, typically using signal-transmitting ankle or wrist bracelets, to ensure that they are complying with their curfews. This technology allows relatively high-risk inmates to be released from jails or prisons. As of August 1989, 12 county jails, including Cook County, had electronically monitored home confinement programs. IDOC began experimenting with electronic monitoring in June 1989. At the end of 1989, 186 offenders on house arrest were being electronically monitored by IDOC. IDOC projects that by June 1990, 500 of its inmates will be in its electronically monitored home confinement program.<sup>59</sup>

Another alternative that has been considered, but not yet instituted in Illinois, is boot camps (or shock

incarceration).<sup>60</sup> Offenders in a state or local correctional system boot camp are typically required to undergo three to six months of regimentation, discipline, and strenuous physical training. A boot camp is often set up in a custodial facility adjacent to a correctional facility. Once an offender completes boot camp, he or she is recommended for probation. Boot camps in Georgia and Michigan have served as models for other states. Currently, boot camps are being used in 11 states

Critics argue that intermediate sanctions are "soft" on criminals. However, at least one researcher has found that a significant number of offenders refuse to participate in some programs, saying the limits and close scrutiny they would undergo made the programs less attractive than traditional incarceration.<sup>61</sup>

# Notes

<sup>1</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information* (Springfield, Ill.: Illinois Department of Corrections, 1988), p. 1.

<sup>2</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information*, 1988, p. 17.

<sup>3</sup> *Report to the Nation on Crime and Justice, Second edition* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 106.

<sup>4</sup> Jail and Detention Statistics Unit, Illinois Department of Corrections (telephone interview).

<sup>5</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information*, 1988, p. 12. Los Angeles County, California, actually houses three times as many jail inmates (16,865) as Cook County, but in seven separate facilities around the county. *National Jail and Adult Detention Directory, 1986-1988* (College Park, Md.: American Correctional Association, 1986), p. 327.

<sup>6</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information*, 1988, p. 2.

<sup>7</sup> *Facilities* (Washington, D.C.: Federal Bureau of Prisons, 1987) p. 15; Federal Bureau of Prisons (personal communication, August 31, 1988).

<sup>8</sup> Ill.Rev.Stat., ch. 38, par 1003-14-2.

<sup>9</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information*, 1988, p. 1.

<sup>10</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information*, 1988, p. 1.

<sup>11</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information*, 1988, pp. 2, 18. Research and Evaluation Unit, Illinois Department of Corrections, (personal communication, August 3, 1988).

<sup>12</sup> For more information about I-bond releases at Cook County Jail, see *Crowding at the Cook County Jail: Historical Perspective and Current Strategies* (Chicago: Illinois Criminal Justice Information Authority, 1989)

<sup>13</sup> Under Illinois law, a misdemeanor sentence of incarceration cannot exceed 364 days.

<sup>14</sup> Ill.Rev.Stat., ch. 38, par. 110-14. There is no reimbursement of any kind to persons who are held pretrial for lack of bond funds and who are subsequently acquitted or not prosecuted.

<sup>15</sup> Ill.Rev.Stat., ch. 75, par. 32.

<sup>16</sup> *Human Services Data Report, Part 1: 1984-1986* (Springfield, Ill.: Illinois Department of Corrections, 1986), vol. III, p. 4.

<sup>17</sup> Research and Evaluation Unit, Illinois Department of Corrections, (personal communication, January 1990).

<sup>18</sup> Public Information Office, Illinois Department of Corrections (telephone interview, August 22, 1989).

- <sup>19</sup> *Human Services Data Report, Part 1*, 1986, p. 67.
- <sup>20</sup> *Perspectives*. Illinois Department of Corrections June 1989, pp. 1-2). Accurate sales figures prior to 1986 are not obtainable.
- <sup>21</sup> *FY '88 Annual Program Review School District 428* (Springfield, Ill.: Illinois Department of Corrections, 1989), p. 1. Personal communication, School District 428, Illinois Department of Corrections, August 3, 1989.
- <sup>22</sup> *FY '88 Annual Program Review School District 428*, 1989, p. 1. School District 428, Illinois Department of Corrections (telephone interview, November 13, 1989).
- <sup>23</sup> As recently as July 22, 1988, in the case of *Bruscino v. Carlson*, the U.S. Court of Appeals for the Seventh Circuit upheld the right of the Federal Bureau of Prisons to employ stringent measures to control the inmate population at Marion.
- <sup>24</sup> "Prison Population Jumps 7.3 Percent in Six Months," Bureau of Justice Statistics news release, September 10, 1989.
- <sup>25</sup> *Jail and Detention Statistics and Information* for fiscal years 1981 through 1988 (Springfield, Ill.: Illinois Department of Corrections).
- <sup>26</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information*, 1988, pp.11-18.
- <sup>27</sup> *Fiscal Year 1981 Jail and Detention Statistics and Information* (Springfield, Ill.: Illinois Department of Corrections, 1981). *Fiscal Year 1988 Jail and Detention Statistics and Information*, 1988.
- <sup>28</sup> *Crowding at the Cook County Jail: Historical Perspective and Current Strategies*, 1989.
- <sup>29</sup> See, for example, *Challenge of Crime in a Free Society* (Washington, D.C.: President's Commission on Law Enforcement and the Administration of Justice, 1967), pp. 159-185; or Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford University Press, 1980), p. 234.
- <sup>30</sup> Bureau of Justice Statistics (telephone interview, September 11, 1989).
- <sup>31</sup> Some non-Class X felonies, such as residential burglary or aggravated battery of a senior citizen, carry mandatory prison sentences as well.
- <sup>32</sup> *Recidivism of Prisoners Released in 1983* (Washington, D.C.: Bureau of Justice Statistics, 1989).
- <sup>33</sup> *The Corrections Yearbook* (South Salem, N.Y.: Criminal Justice Institute, 1989), pp. 17-18.
- <sup>34</sup> *Human Services Plan—Fiscal Years 1988-1990* (Springfield, Ill.: Illinois Department of Corrections, 1989), pp. 13-14.
- <sup>35</sup> *1988 Statistical Presentation* (Springfield, Ill.: Illinois Department of Corrections, 1989), p. 8).
- <sup>36</sup> American Civil Liberties Union (telephone interview, September 27, 1989).
- <sup>37</sup> *The Corrections Yearbook*, 1989, p. 20. The Illinois Department of Corrections, (personal communication, July 19, 1989).
- <sup>38</sup> *The Corrections Yearbook*, 1989, p. 30
- <sup>39</sup> *Adult Correctional Center Capacity Survey*, 1986.
- <sup>40</sup> Alfred Blumstein, *Prison Crowding* (Washington, D.C.: National Institute of Justice, 1985), p. 2. In certain cases where a design prototype and fast-track construction are used, this time can be cut substantially.
- <sup>41</sup> *Adult Correctional Center Capacity Survey*, 1986, p. 7.
- <sup>42</sup> Research and Planning Division, Illinois Department of Corrections (telephone interview, July 19, 1989). *Human Services Plan—Fiscal Years 1988-1990*, 1989, p. 69. *Human Services Plan: Fiscal Years 1984-1986* (Springfield, Ill.: Illinois Department of Corrections, 1986), p. 50.
- <sup>43</sup> Public Information Office, Illinois Department of Corrections (telephone interview, August 30, 1988)
- <sup>44</sup> *Adult Correctional Center Capacity Survey II* (Springfield, Ill.: Illinois Department of Corrections, 1989), p. 21.
- <sup>45</sup> *Adult Correctional Center Capacity Survey*, 1986, p. 29.
- <sup>46</sup> Garvin McCain, Verne Cox, and Paul Paulus, *The Effect of Prison Crowding on Inmate Behavior* (Washington, D.C.: National Institute of Justice, 1980).
- <sup>47</sup> *Adult Correctional Center Capacity Survey II*, 1989, p. 9.
- <sup>48</sup> Public Information Office, Illinois Department of Corrections (telephone interview, August 31, 1989)
- <sup>49</sup> *The Corrections Yearbook*, 1989, pp. 17-18.
- <sup>50</sup> *Quarterly Report on Adult and Juvenile Facilities*, July 1, 1989, p. 6.
- <sup>51</sup> *Human Services Plan—Fiscal Years 1988-1990*, 1989, p. 19.
- <sup>52</sup> *The State of Illinois Prisoner Review Board, 10th Annual Report* (Springfield, Ill.: Illinois Prisoner Review Board, 1988), p. 16.

<sup>53</sup> *Prisoner Review Board, 11th Annual Report* (Springfield, Ill.: Illinois Prisoner Review Board, 1989), p. 10.

<sup>54</sup> *Adult Correctional Center Capacity Survey, 1986*, pp. 96-99.

<sup>55</sup> *The Corrections Yearbook, 1989*, p. 25.

<sup>56</sup> The evaluative research relative to intermediate sanctions' cost effectiveness and recidivism is preliminary, at best, and must be read cautiously.

<sup>57</sup> Administrative Office of Illinois Courts. Intensive Probation Supervision Statewide Summary. October-December, 1988.

<sup>58</sup> Ill.Rev.Stat., ch. 38 10057-7 par. 1 (1989).

<sup>59</sup> Public Information Office, Illinois Department of Corrections (telephone interview, September 1, 1989).

<sup>60</sup> Governor Thompson announced in April 1990 that the 200-bed Dixon Springs work camp in Pope County would be turned into the state's first military style boot camp. Legislation to create the program and allow judges to recommend boot camp for certain first-time offenders between the ages of 17 and 30 who volunteer for the program was also introduced.

<sup>61</sup> Joan Petersilia *Expanding Options for Criminal Sentencing* (Santa Monica, Calif.: The Rand Corporation, 1987), pp. 88-89.

# Corrections Financing

Corrections in Illinois involves two primary systems: prisons (along with community correctional centers and work camps) at the state level, and jails at the local level. For the most part, the level of government that operates these different correctional facilities is responsible for financing them as well. Unlike many other states, the State of Illinois provides little direct financial support for county and municipal jails. However, many other states have locally operated and financed "community correctional" programs that house felons.<sup>1</sup> In Illinois, such programs are operated and financed at the state level by the Illinois Department of Corrections (IDOC).

This section examines state prisons and county jails in Illinois: how they are financed, how correctional expenditures have changed over the years, and how these trends have been affected by the dramatic growth in jail and prison populations in the 1980s. This section covers only adult corrections; juvenile corrections financing is covered in a separate section following Chapter 5.

## HOW ARE STATE CORRECTIONAL FACILITIES FINANCED IN ILLINOIS?

There are two basic types of costs associated with any correctional facility: construction costs and operating expenses. For prisons and other state correctional facilities in Illinois, these two types of costs are financed in very different ways.

Construction of new IDOC facilities and renovation of existing structures are financed almost entirely from the state's Capital Development Fund. The Illinois Capital Development Board raises money for the Capital Development Fund through the sale of government bonds.<sup>2</sup> A bond provides the large sum of money needed up front to pay for construction, while spreading payments out over a long period of time. Eventually, however, the state must pay back these capital development bonds using General Revenue funds.

IDOC operational costs, on the other hand, are paid for almost entirely from the General Revenue Fund. In fiscal 1972, the General Revenue Fund supported almost 94 percent of IDOC's operating expenditures; in fiscal 1988, it supported approximately 95 percent (FINANCE 4-1). That year, federal funds provided less than 1 percent of IDOC's operating funds, and revenue from the department's Correctional Industries program supported another 4 percent. However, even though sources other than general revenue make up a small percentage of total IDOC revenue sources, they do support a substantial portion of specific correctional programs, such as offender education and prison industries.

The Correctional School District Education Fund was established in 1975 to receive federal money allocated for correctional education programs. That year, federal funds accounted for two-thirds of the money spent on the correctional school district. The following year, however, the amount of federal money declined, and has changed little since then. At the same time, total spending on the school district (from state General Revenue funds) has increased dramatically. As a result, federal money accounted for only 16 percent of the operations of the Correctional School District in fiscal year 1988.

The Working Capital Revolving Fund receives money from IDOC's Correctional Industries program, and is used in turn to support the operations of the program. Products and services generated by IDOC inmates—eyeglasses, clothing, furniture, vehicle maintenance, laundry, and data entry, to name a few—are allocated first to IDOC, with any surplus sold to other state agencies and non-profit organizations in Illinois.<sup>3</sup> In fiscal year 1989, 45 percent of the sales made by the Industrial Division of Correctional Industries went to state agencies other than IDOC. By comparison, 93 percent of sales from the Farm Division were to IDOC facilities.<sup>4</sup> As a percentage of total IDOC expenditures, the revenue gener-

ated by Correctional Industries is relatively small (slightly less than 4 percent in most years). But over the years, the amount of revenue generated by the program has increased dramatically, rising almost 250 percent (in constant dollars) between fiscal years 1974 and 1988 (FINANCE 4-2). In fiscal 1988, Correctional Industries generated almost \$18 million in revenues, which exceeded the entire cost of the program that year by almost \$1 million. And the amount of revenues could increase even more under new legislation that allows for the sale of prison-made goods in more markets.<sup>5</sup>

In addition to these more traditional revenue sources, IDOC in recent years has increasingly looked to the inmates themselves for money to support correctional operations. Although state law allows the department to seek reimbursement from inmates for the costs of their imprisonment, "to the extent of their ability to pay,"<sup>6</sup> IDOC does not routinely charge offenders incarcerated in adult prisons. However, adults serving sentences in IDOC's community correctional centers are *required*, if they are employed, to reimburse the state for a portion of the costs of their confinement. In fiscal 1988, these reimbursements totaled more than \$500,000, or 161 percent more than in fiscal 1984 (in constant dollars).

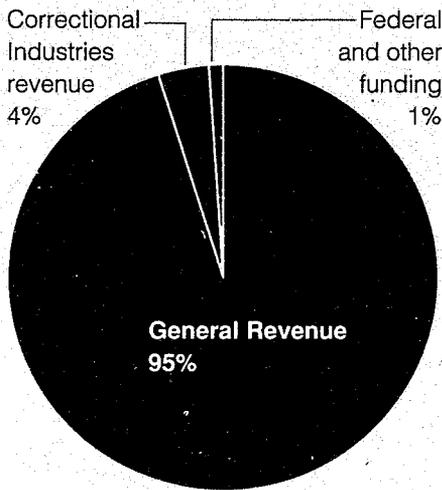
## HOW ARE COUNTY CORRECTIONAL FACILITIES FINANCED IN ILLINOIS?

Like state correctional facilities, county jails in Illinois are funded primarily from two sources: general revenue funds for operating expenses, and bond issues for construction and renovation. To assist counties with their often-large capital expenditures, the state established the County Jail Revolving Loan Fund in 1987 to provide loans to counties for the construction, remodeling, or renovation of their jails. No money has ever been deposited in this fund, however, so counties have never been able to take advantage of any state loans.

FINANCE 4-1

**The largest source of funds for the state correctional system in Illinois is the General Revenue Fund.**

Fiscal 1988 funding sources



Source: Office of the Illinois Comptroller

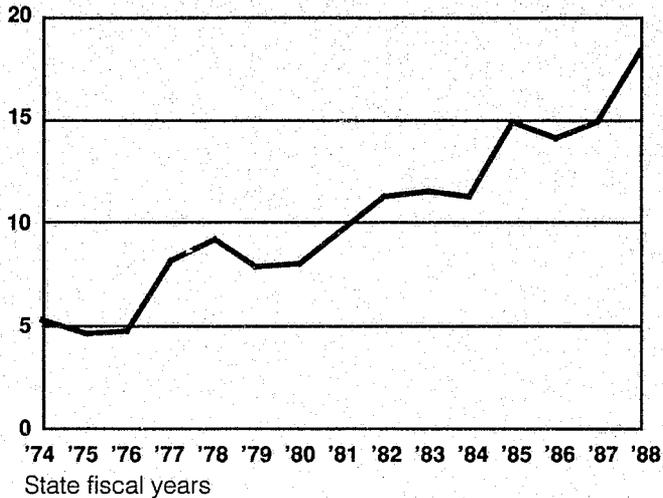
In addition to using traditional sources of revenue, many counties supplement their operating budgets for corrections with other money, including inmate fees. Convicted offenders who are sentenced to jail or to periodic imprisonment and who are gainfully employed can be charged up to \$12 a day (or 50 percent of their daily earnings, whichever is less) to cover the costs of their incarceration.<sup>7</sup> In fiscal year 1988, 30 counties collected a combined total of \$606,752 from work-release inmates; almost one-third of this total was collected in DuPage County.<sup>8</sup>

Although small in relation to total county receipts, revenue generated from work-release inmates did cover 6 percent of all direct expenditures for the DuPage County Jail in fiscal 1988. And it made up an even larger proportion of the expenses specifically for the work-release program. In fiscal 1988, DuPage County collected \$230,409 from work-release inmates, or 48 percent of the total cost of the work-release program. Still, because the maximum amount the county can charge each work-release prisoner is \$12 a day, and the daily cost of maintaining

FINANCE 4-2

**1988 receipts from IDOC's Correctional Industries program were two and one-half times 1974's receipts.**

Receipts, constant 1988 dollars (millions)



Source: Office of the Illinois Comptroller

an inmate at the DuPage County work-release facility in fiscal 1988 was \$20.49 a day, the current fee does not come close to covering the entire cost of the program in DuPage County.<sup>9</sup>

In addition, counties have been paid, since the late 1960s, 35 cents a mile by the state to cover the cost of transporting prisoners from county jails to Illinois Department of Corrections facilities.<sup>10</sup> While more of a reimbursement than actual revenue, this money did provide counties with a combined total of nearly \$126,000 in state fiscal year 1988. Although this amount was almost 120 higher than the comparable 1974 figure (in nominal dollars not adjusted for inflation), the reimbursements actually decreased about 12 percent between fiscal years 1974 and 1988 when inflation is accounted for.

**HOW MANY COUNTIES GENERATE REVENUE BY LEASING EXTRA JAIL BEDS?**

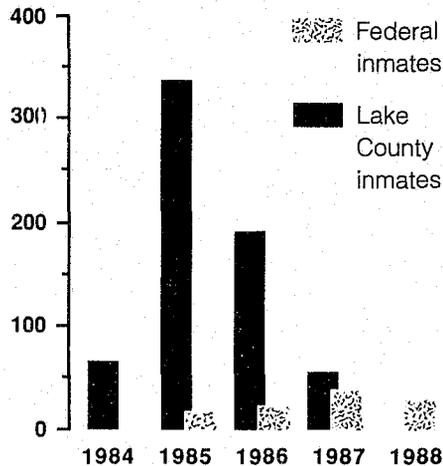
Most counties in Illinois operate their own jails, which for the most part, house only prisoners from their own counties. But with the demand for county jail space increasing in Illinois, and with some counties finding it financially prohibitive to

build and maintain their own jails, several counties in the state have begun to lease surplus jail space from neighboring jurisdictions at a rate ranging from \$20 to \$50 a day per prisoner.<sup>11</sup> For example, the jails in Fulton, Greene, Morgan, Pike, and Schuyler counties house prisoners from the nearby counties of Brown, Calhoun, Cass, and Scott. Three of these counties—Brown, Cass, and Scott—have no jail (Cass County's was closed by the Illinois Department of Corrections in 1985), and Calhoun County has a one-cell facility that is 100 years old.

This type of leasing arrangement can benefit counties on both ends of the transaction. For counties faced with severe jail crowding (and possible lawsuits or court orders as a result), plus the prospect of waiting up to two years to build new (and potentially expensive) jails and jail additions, the housing of inmates in other counties provides temporary relief. For other counties, particularly the smallest ones where it may not be cost-effective to build and maintain a jail that is not fully used at all times, out-of-county housing may be the only feasible way to confine their prisoners.<sup>12</sup> And for counties that have the extra space, the practice of

**DuPage County collected \$773,594 for housing out-of-county jail inmates from 1984 through 1988.**

Receipts,  
constant 1988 dollars (thousands)



Note: No federal prisoners were held in the DuPage County Jail in 1984, and no Lake County prisoners were held there in 1988.

Source: DuPage County Finance Department

leasing jail space can generate substantial amounts of revenue from jail beds that would otherwise be unoccupied.

In fiscal year 1985, for example, DuPage County received almost \$340,000 from Lake County and more than \$18,000 from the federal government to house their prisoners in the DuPage County Jail (FINANCE 4-3). These receipts represented more than 12 percent of the total expenditures for the county jail that year. However, the *actual* operating cost of housing a prisoner in DuPage County in 1988 has been calculated to be \$50.84, or 27 percent higher than the \$40 a day charged to other counties and the federal government.<sup>13</sup> Because the DuPage County Jail is now at capacity with prisoners from within DuPage County, the practice of housing out-of-county prisoners has all but ceased. Only a few federal prisoners were housed in fiscal 1988, which generated only \$31,000 for the county.

In other counties, both small and large, income from housing out-of-county prisoners can represent a substantial part of the revenue for the sheriff's department. Among the less populous counties, Greene County, which houses most of the prisoners from neighboring Calhoun County, derives approximately two-thirds of its annual sheriff's revenue from holding out-of-county prisoners (the rest comes from fees, fines, and the like). And Schuyler County earned \$71,849 in fiscal year 1988 by boarding prisoners from Brown, Cass, and Sangamon counties. This total accounted for 88 percent of the expenditures for the jail that year.<sup>14</sup>

Two of the state's larger counties, Sangamon and Peoria, also have housed prisoners for other counties and for the federal government. During fiscal year 1988, the Sangamon County Jail held a total of 2,762 prisoners from other jurisdictions for varying lengths of time. These inmates generated \$338,150 for the county, or almost half of the county sheriff's revenue. That same year, Peoria County held 445 prisoners from other counties and 499 federal prisoners, taking in about \$718,000 as a result. Williamson County, which contains the U.S. penitentiary in Marion (see page 185), also houses federal prisoners. During fiscal 1988, the county earned more than \$153,000, for holding prisoners awaiting trial in federal courts and convicted inmates from the Marion facility.

Leasing of correctional bed space occurs at the state level as well. Between 1979 and 1988, IDOC paid the Federal Bureau of Prisons almost \$1.5 million (in constant 1988 dollars) in fees for housing Illinois state prisoners in federal institutions. In 1980, this expenditure reached almost \$300,000 (in constant 1988 dollars), although in more recent years it has averaged between \$100,000 and \$150,000 a year. IDOC also contracted with the State of Missouri for a brief time in 1989 and 1990 to house some Illinois prisoners.

#### HOW ARE CORRECTIONAL COSTS MEASURED?

The total cost of corrections, in Illinois or any other state, includes not only direct government costs related to the construc-

tion and operation of a correctional facility, but also several indirect government and social costs as well (FINANCE 4-4).<sup>15</sup> Many of these indirect costs are difficult to quantify, which in turn makes it difficult to measure the total cost of corrections. Even measuring just the costs to government agencies can be complicated by exactly what is included in the calculation.

Spending on corrections is often measured in terms of expenditures per inmate. For example, when the Illinois Department of Corrections began housing some state prisoners in Missouri in 1989, the rate was set at \$65 a day, or \$23,725 per inmate-year.<sup>16</sup> The most common method for calculating per-inmate expenditures is to divide the total amount of money spent to *operate* a correctional facility in a year by the average daily population of that facility. This method, however, does not account for the capital costs of acquiring and developing the land for the facility, of actually constructing the building, and of financing the debt that is incurred as a result of construction. It also fails to account for the resources dedicated to correctional purposes by government agencies other than the correctional department itself.

Depending on what is included in the calculation, per-inmate expenditures can vary widely, and comparing expenditures between states or even between institutions within the same state should be approached cautiously. In fact, lower per-inmate expenditures do not necessarily indicate more efficiency. For example, large prisons with large inmate populations might realize *economies of scale*, meaning that the larger an institution is, the less expensive it becomes, per inmate, to serve its population. Several other factors affect per-inmate correctional expenditures as well, and give rise to differences between institutions. These include the location of the institution, the price of commodities used in the facility, its architectural design, the ratio of inmates to staff, and the number and types of programs the facility offers.<sup>17</sup> The ratio of inmates to staff, in turn, is affected by the physical layout of the facility, the operational philosophy, the size of the in-

mate population, and inmates' length of stay.<sup>18</sup> A comprehensive 10-year study of Illinois jails found that "use patterns" (high versus low booking rate and high versus low average daily population) have a significant effect on local jail expenditures.<sup>19</sup> An additional factor that has fueled recent increases in correctional expenditures is the growing number of requirements for

jails and prisons to provide certain basic inmate services and to meet various physical and program standards.

### HOW MUCH MONEY IS SPENT ON CORRECTIONS EACH YEAR IN ILLINOIS?

In fiscal year 1988, state and county government in Illinois spent more than \$540

million on adult and juvenile corrections.<sup>20</sup> The Illinois Department of Corrections accounted for more than 80 percent of these expenditures. In fact, the state's share of spending on corrections in Illinois increased six percentage points between fiscal years 1974 (when it was 75 percent) and 1988 (when it was 81 percent). The counties' share of statewide correctional spending declined from 25 percent to 19 percent during this period.<sup>21</sup>

But although the state government accounts for the majority of money spent on corrections in Illinois, the state and the counties each devote almost the same proportion of their overall government expenditures to corrections. In fiscal 1988, spending on corrections made up about 3.7 percent of the total expenditures of all Illinois counties combined. Approximately 3 percent of the state's expenditures that year went for corrections as well.

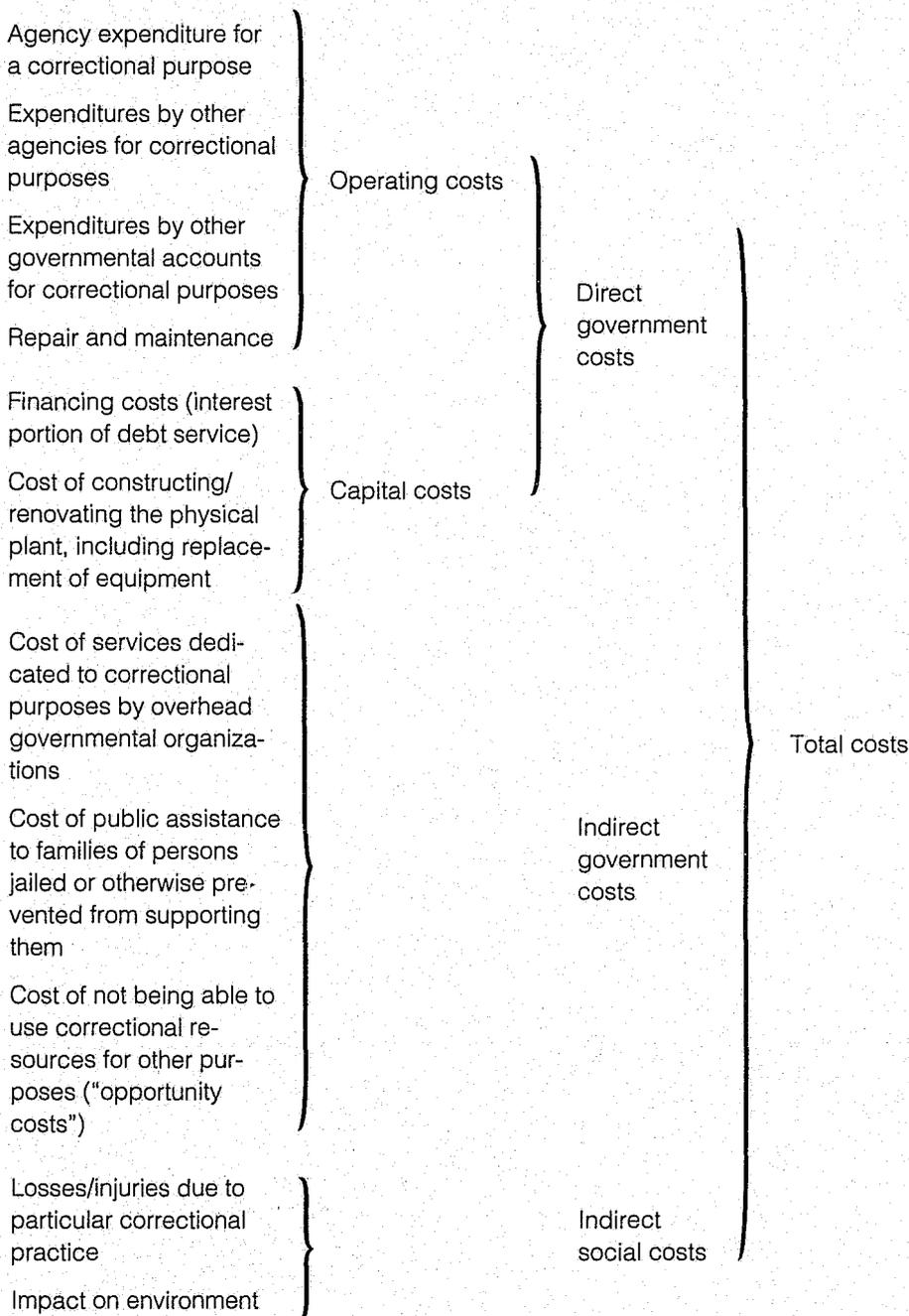
### HOW HAVE STATE CORRECTIONAL EXPENDITURES CHANGED OVER THE YEARS?

Even after adjusting for inflation, total spending for the Illinois Department of Corrections, including Capital Development Board expenditures for renovation and construction of correctional facilities, increased more than 120 percent between state fiscal years 1972 and 1988. In fiscal 1988, the state spent \$37.88 per Illinois resident to operate IDOC, or almost double the \$19.20 (in constant 1988 dollars) spent in fiscal 1972. The increase in Illinois has coincided with a huge jump in state correctional expenditures nationwide—130 percent (in constant dollars) between 1971 and 1985 for capital and operational expenses.<sup>22</sup>

Much of the increase in state correctional spending in Illinois can be attributed to the expansion of IDOC's adult facilities. Twelve new adult prisons have opened in Illinois since 1975. The correctional work force nearly doubled between fiscal years 1979 and 1988, while the adult inmate population grew by almost 80 percent. As a result, operating expenditures for adult facilities more than tripled (in constant dollars) between fiscal years 1975 and 1988 (FINANCE 4-5). In contrast, op-

FINANCE 4-4

### Many indirect costs of corrections are difficult to quantify.



Source: Douglas C. McDonald, "The Cost of Corrections"

erating expenditures for IDOC's Juvenile Division (see Juvenile Justice Financing section) decreased 30 percent (in constant dollars), and operational spending on community corrections increased only slightly (18 percent), between 1975 and 1988. Administrative expenses also increased sharply during this period, rising 130 percent from 1979 to 1988. In addition to increased prison population, another reason for the increase in administrative expenses was the transfer of a number of functions formerly performed by individual institutions to the IDOC's administrative branch.

In fiscal year 1988, 76 percent of IDOC's operational expenditures from the state General Revenue Fund went for adult institutions, up from 55 percent of these expenditures in fiscal 1975 (FINANCE 4-6). During this same period, the percentage of operational spending devoted to the Juvenile Division dropped from 28 percent to 9 percent, while the percentages spent on community corrections and administration were nearly the same in both years.<sup>23</sup>

Construction of new correctional facilities, and expansion and renovation of existing ones, have also contributed to increases in total state spending on corrections. In Illinois, as well as nationally, there was a dramatic jump in capital expenditures for corrections in the late 1970s, both for construction of new facilities and for additions to existing ones. In fiscal 1976, for example, capital expenditures represented only about 4 percent of all state correctional spending in Illinois (operating and capital costs). But by fiscal 1980, these capital expenditures had risen to 22 percent of all IDOC spending.

In the 1980s, as overall spending on corrections in Illinois rose sharply, capital expenditures continued to be high, although they varied from year to year according to construction schedules. Capital expenditures accounted for 28 percent of all state correctional spending in fiscal 1985, but only 8 percent in fiscal 1988.

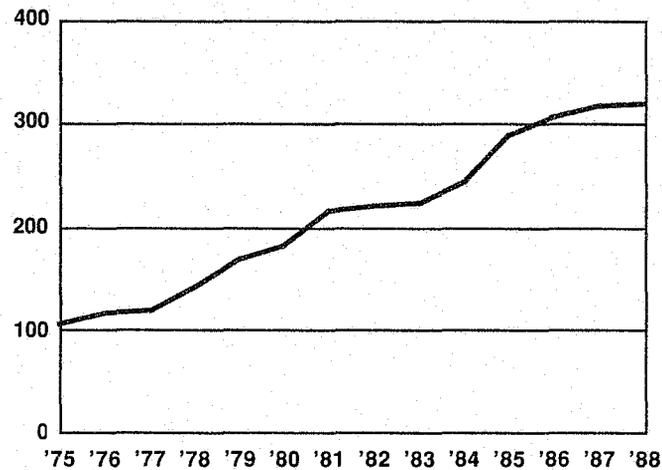
#### HOW MUCH DOES IT COST TO BUILD A PRISON IN ILLINOIS?

The construction of correctional facilities represents one of the largest single out-

#### FINANCE 4-5

### Operating expenditures for IDOC adult institutions more than doubled from 1975 to 1988.

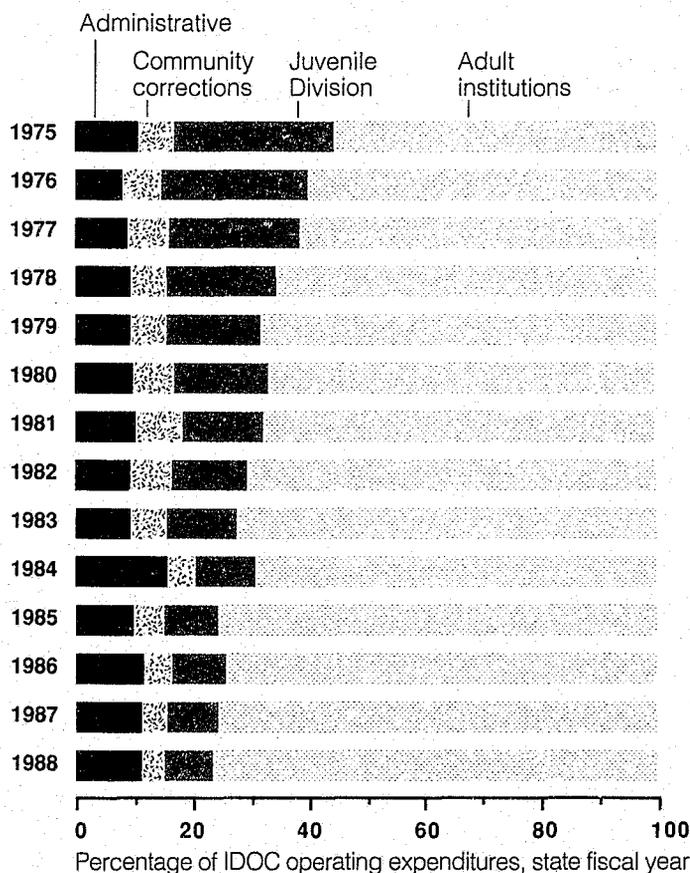
Operating costs, constant 1988 dollars (millions)



Source: Illinois Department of Corrections

#### FINANCE 4-6

### More than three-fourths of IDOC operating expenditures in fiscal year 1988 went to adult institutions.



Source: Illinois Department of Corrections

lays of financial resources in the entire criminal justice system. The repair and renovation of existing facilities also require large sums of money. In fiscal year 1988, the State of Illinois spent more than \$41.5 million to construct, renovate, and repair both planned and existing facilities operated by the Illinois Department of Corrections.

Most of the capital outlays for corrections involve actual construction, although land acquisition and equipment also contribute to the total. In fiscal 1985, when 28 percent of all state-level correctional spending in Illinois was capital outlay, 25 percent went for construction and 3 percent for equipment (with none for land). Nationally that year, 15 percent of the direct correctional expenditures by the 50 states involved capital outlays: 13 percent for construction, 2 percent for equipment, and less than 1 percent for land.

The cost of building a state prison varies according to the type of facility. In general, it costs more to build a maximum-security prison than a medium- or minimum-security institution, because maximum-security facilities usually require more elaborate and more expensive security systems and designs. In fiscal 1988, it cost \$78,297 per bed space to build a maximum-security prison in Illinois, compared to \$65,934 for a medium-security and \$40,000 for a minimum-security facility. The national average that year, for all security levels of prisons, was \$50,241 per bed space.<sup>24</sup>

Even within the same type of facility, the costs of construction often vary from one institution to another, depending on the location of the facility and the cost of labor and materials in that area. Architects often cite high labor costs as one reason for the relatively high cost of prison construction in Illinois.<sup>25</sup> Some states have reduced their labor costs for prison construction by using inmate labor, although inmate labor traditionally has not been used on prison construction projects in Illinois. In addition, states have reduced construction costs by using multiple-occupancy cells or dormitory designs, prefabricated building components, less costly materials and security hardware

(for example, razor wire fences instead of massive concrete walls), and inmate management concepts.

### HOW MUCH DOES IT COST TO INCARCERATE AN OFFENDER IN AN ILLINOIS PRISON FOR ONE YEAR?

It cost approximately \$16,000 to house an inmate in an adult prison in Illinois during fiscal year 1988.<sup>26</sup> In constant dollars, this 1988 per-inmate figure was almost 20 percent higher than the per-inmate cost in fiscal 1975.

Annual per-inmate costs vary widely from prison to prison in Illinois (FINANCE 4-7). At the maximum-security Menard Correctional Center, the annual per-inmate cost in fiscal 1988 was \$12,890, the lowest of any adult institution in the state. The highest per-inmate costs occurred at the minimum-security Lincoln Correctional Center (\$21,669) and the medium-security Dixon Correctional Cen-

ter (\$19,573).<sup>27</sup> Lincoln's expenses include buying food for the Logan Correctional Center and for the Training Academy. At Dixon, there are 106 acres inside the fence, and more buildings within this area than at other institutions, requiring more physical plant maintenance staff.

Because these per-inmate costs represent only operating expenses, they are driven largely by the number of staff in each prison and how that number compares with the number of inmates in the institution. As might be expected, the prisons with the lowest annual per-inmate costs tend to have the highest inmate-to-staff ratios. At the Menard Correctional Center, for example, there were more than three inmates for every prison staff member in fiscal 1988, and nearly five inmates for every security staff person—both highs for the state's prison system. At both Lincoln and Dixon, on the other hand, the inmate-to-staff ratios were ap-

#### FINANCE 4-7

### Prisons with the lowest per-inmate costs have the highest inmate-to-staff ratios.

Facility	Security level	Inmates per staff		Cost per inmate per year
		Total staff	Security staff	
Centralia	Med	2.4	3.2	\$16,020
Danville	Med	2.9	4.1	13,584
Dixon	Med	1.9	2.5	19,573
Dwight	All	2.3	3.5	16,662
East Moline	Min	2.5	3.7	16,611
Graham	Med	2.3	3.2	16,461
Hill (Galesburg)	Med	2.9	4.0	13,440
Jacksonville	Min	1.8	2.6	19,010
Joliet	Max	2.6	4.0	16,728
Lincoln	Min	1.9	2.5	21,669
Logan	Med	2.0	2.8	16,934
Menard	Max	3.1	4.6	12,890
Menard Psych	All	2.2	4.0	17,281
Pontiac	Max	2.1	3.0	17,794
Shawnee	Med	2.4	3.2	15,061
Sheridan	Med	2.5	3.4	14,258
Stateville	Max	2.4	3.6	17,240
Vandalia	Min	2.7	4.3	14,779
Vienna	Min	2.2	3.3	17,151

Note: The Lincoln Correctional Center provides food for the Logan Correctional Center, and the IDOC Training Academy. Thus, the per-inmate expenditures for the Lincoln and Logan facilities do not necessarily represent their true operating costs. See notes 26 and 27.

Source: Illinois Department of Corrections

proximately 2-to-1 (all staff) and 5-to-2 (security staff only).<sup>28</sup>

### HOW MUCH DOES IDOC SPEND ON INMATE MEDICAL CARE AND EDUCATION?

Increases in overall prison spending in Illinois have been fueled, in part, by a sharp rise in the amount of money spent on medical care for inmates and, to a lesser extent, by increases in spending on correctional education. Between fiscal years 1975 and 1988, Illinois Department of Corrections expenditures for medical services increased by more than 418 percent (in constant 1988 dollars), to \$32.4 million (FINANCE 4-8). Medical services, which made up less than 4 percent of all IDOC operating expenditures in fiscal 1975, accounted for almost 9 percent of those expenditures in fiscal 1988.

Several trends have contributed to the rise in medical costs. First, dramatic growth in the prison population means that there are more inmates who need medical care. And, with the imposition of tougher, mandatory sentences, many of these offenders, particularly the most serious ones, are staying in prison longer. The medical needs of these inmates increase as they get older. Finally, as a result of different lawsuits, prison officials, not just in Illinois

but throughout the country, are required to provide extensive medical and mental health care to meet the serious medical needs of prisoners.<sup>29</sup> In the future, IDOC will likely have to spend even more money on inmate medical care, as the number of prisoners continues to grow and the overall inmate population ages.

Spending for IDOC's School District 428 has also increased substantially since the late 1970s—95 percent (in constant dollars) from fiscal year 1978 to 1988, when it reached almost \$20 million. This overall increase was the result of a 95-percent jump in state General Revenue spending on correctional education and a 93-percent increase in federal spending. From fiscal 1978 through fiscal 1988, federal funds accounted for 16 percent of all spending on IDOC inmate education.

### HOW MUCH DOES THE STATE SPEND ON COMMUNITY CORRECTIONS?

Nationally, according to a survey conducted by the National Association of Counties, "cost savings and relieving pressure on overcrowded prisons are strong incentives" for states to develop community correctional programs.<sup>30</sup> In Illinois, community correctional programs are operated by the state, and are meant

for felons (not misdemeanants) who are nearing the end of their prison sentences. Illinois' 11 community correctional centers are located throughout the state (see page 184). Although each one generally serves a regional population, the assignment of prisoners to a facility is the responsibility of IDOC.

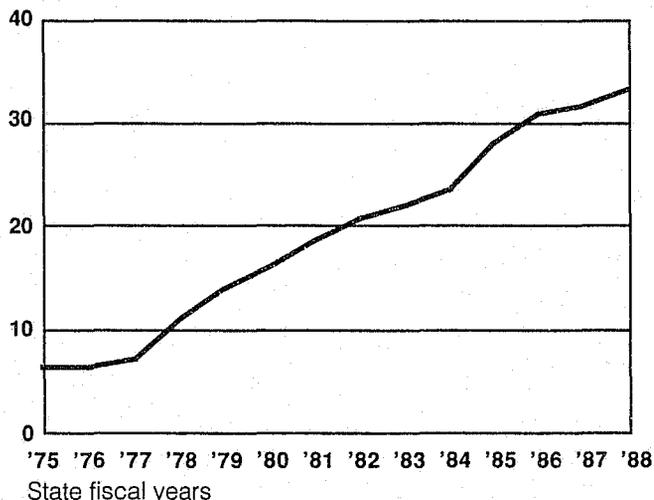
An IDOC inmate is eligible for placement in a community correctional program when the inmate is within two years of his or her release date. Offenders with a history of violence, sex offenses, involvement in organized crime, or serious drug offenses are excluded from consideration. Only about 4 percent of the state inmate population are placed in community correctional centers, which currently have about 800 beds. In fiscal year 1988, about 95 percent of the community correctional population in Illinois were employed or attending school. Gainfully employed residents are required to pay 20 percent of their income as rent, and to save at least another 15 percent. In addition, they receive an individualized program of mental health or drug abuse counseling, job training, and GED or college-level classes.<sup>31</sup>

IDOC spending on community corrections—community correctional centers,

FINANCE 4-8

#### IDOC expenditures for medical care increased 418 percent from 1975 to 1988.

Expenditures, constant 1988 dollars (millions)

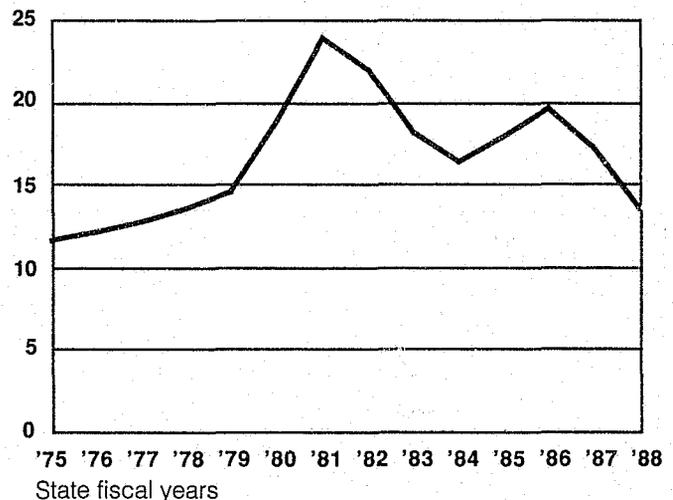


Source: Illinois Department of Corrections

FINANCE 4-9

#### After peaking in 1981, IDOC spending on community corrections has generally declined.

Expenditures, constant 1988 dollars (millions)



Source: Illinois Department of Corrections

community services administration, and community supervision—has increased only slightly since the mid-1970s, especially when compared with the huge jump in spending on state prisons. Overall spending on community corrections by IDOC increased about 18 percent (in constant dollars) between state fiscal years 1975 and 1988 (FINANCE 4-9). Spending on community correctional centers increased 25 percent from 1979 to 1988, with an 80-percent jump between 1979 and 1981 alone. This was consistent with the 79-percent increase in the population of community correctional centers from June 1979 to June 1981.<sup>32</sup> In more recent years, however, expenditures for community correctional centers have actually fallen (in constant dollars). Between fiscal years 1984 and 1988, when the community correctional center population was stable, state General Revenue funds for community correctional centers decreased 7 percent (in constant dollars).

In fiscal 1988, the state spent \$13,797 for each resident of a community correctional center, or about 14 percent less than the amount spent per inmate in an adult prison. Furthermore, residents in IDOC community correctional centers paid back to the state a total of \$573,407 for room and board during fiscal 1988.<sup>33</sup> In fiscal 1989, the state's cost to house an inmate in an adult institution was \$16,462 per year, compared to \$12,761 for each community correctional center resident (not including inmate-paid room and board), and an average cost of \$4,200 per year to supervise an offender on parole or mandatory supervised release.<sup>34</sup>

### **WHAT ARE THE MAIN EXPENDITURES FOR COUNTY CORRECTIONS?**

Most county jail expenditures in Illinois fall into one of five main cost areas—personnel, food and beverages, medical supplies and services, utilities, and building depreciation—with personnel accounting for the majority of all expenditures. In fiscal 1988, for example, 57 percent of the expenditures for the DuPage County Jail went for personnel, with depreciation (16 percent), medical care (7

percent), food (6 percent), and utilities (5 percent) making up the bulk of the rest.<sup>35</sup> Other cost areas, such as maintenance and care of jail buildings, are small by comparison. The 2 percent of expenditures devoted to building maintenance and care in DuPage County in 1988 was relatively low, however, because the jail had been recently opened and therefore did not require any large and costly maintenance projects that year.

Another way of looking at county correctional expenditures is to distinguish between *fixed costs*—such as the cost of the building and, in the short run, the cost of personnel—and *variable costs*—food, laundry, and medical care. Distinguishing fixed costs from variable costs is important when comparing the relative cost of alternative jail programs—work release versus regular incarceration, or maintaining a county jail versus contracting for inmates to be housed in other counties.

In DuPage County, for example, the fixed costs per day in fiscal 1988 were \$18.34 for a work-release prisoner, compared to \$38.05 for other jail inmates, while the per-day variable costs were \$2.15 and \$12.79, respectively.<sup>36</sup> In other words, the ratio of fixed costs to variable costs was more than 8-to-1 for work-release inmates, but only about 3-to-1 for jail inmates.

Some Illinois counties have found they cannot afford the high fixed costs of building and maintaining a jail, the enormous cost of financing construction, and the high overhead costs of operating a jail. Instead, these counties have found it more economical to pay other counties to house their jail inmates. For example, prior to closing its jail in 1985, Cass County spent up to \$110,000 a year just to operate the facility (not including construction or renovation costs).<sup>37</sup> In fiscal year 1988, the county spent \$86,964 to house its prisoners in nearby Morgan and Schuyler counties, at a cost ranging from \$20 to \$25.50 per day for each inmate. In addition, the county had to pay the direct costs of transporting the prisoners and the indirect cost of not having one of its five full-time sheriff's deputies available for patrol during those trips.

### **HOW MUCH DO ILLINOIS COUNTIES SPEND ON CORRECTIONS?**

In Illinois counties that operate their own jails, spending on corrections has increased substantially since the mid-1970s. County correctional expenditures increased almost 65 percent (in constant dollars) between fiscal years 1974 and 1988 (FINANCE 4-10).<sup>38</sup> Much of the increase occurred between 1974 and 1979, when correctional expenditures for all Illinois counties combined increased 43 percent. (By comparison, IDOC spending on corrections increased 89 percent during this period.) Between fiscal years 1980 and 1988, county expenditures for corrections leveled off somewhat, increasing only about 15 percent in Illinois as a whole. In Cook County, the increase during this period (19 percent) was slightly higher than the increase (about 10 percent) in the rest of the state.

Much of the increase in county spending on corrections has been the result of the expansion and renovation of many county jails. Between 1981 and 1988, the total capacity of county jails in Illinois increased almost 16 percent. During this period, 41 counties increased their jail capacity, 28 decreased it, and there was no change in 23 other counties. Six counties eliminated existing jails, and four counties did not operate a jail throughout this period.

DuPage County's experience with opening a new county jail in 1982 illustrates how the costs of jail construction continue to be felt several years after a facility is built. One of the county's largest criminal justice expenditures during the 1980s was paying back the debt incurred when the county issued bonds to finance construction of the jail. Between fiscal years 1982 and 1988, the county spent more than \$22.9 million (in constant 1988 dollars) servicing the debt incurred from the county jail bonds. Although this \$23 million does not show up as an operational expenditure for the DuPage County Sheriff's Department in any of those years, it was nonetheless a major expenditure for the county's criminal justice system.<sup>39</sup>

In addition to spending more on jail construction and renovation, counties have also spent more on jail *operations* in recent years. Illinois' two largest counties, for example, experienced huge increases in their operational expenditures for corrections during the 1970s and 1980s.

Between fiscal years 1970 and 1988, operating expenditures for the Cook County Jail from the county's Corporate Purposes Fund almost doubled (in constant dollars). In DuPage County, total operating expenditures for the sheriff's department—including the sheriff's police, the county jail, the Sheriff's Merit Commission, and administration of the sheriff's office—increased almost 156 percent between fiscal years 1970 and 1988. Much of the increase in DuPage County was fueled by higher operating costs that resulted from the new, larger jail that opened in 1982.

**WHAT PERCENTAGE OF SHERIFFS' DEPARTMENT SPENDING GOES FOR THE OPERATION OF COUNTY JAILS?**

Expenditures for county corrections make up a relatively large percentage of the total spending by sheriffs' departments of all sizes in Illinois. In fiscal year 1988, for example, more than 47 percent of the \$120.8 million spent on the operations of the Cook County Sheriff's Department went for the county jail (FINANCE 4-11). The \$56.9 million in operating expenditures for the jail translated into more than \$11 spent on the jail for each resident of Cook County, or more than twice the \$5.54 (in constant 1988 dollars) spent per county resident in fiscal 1970.

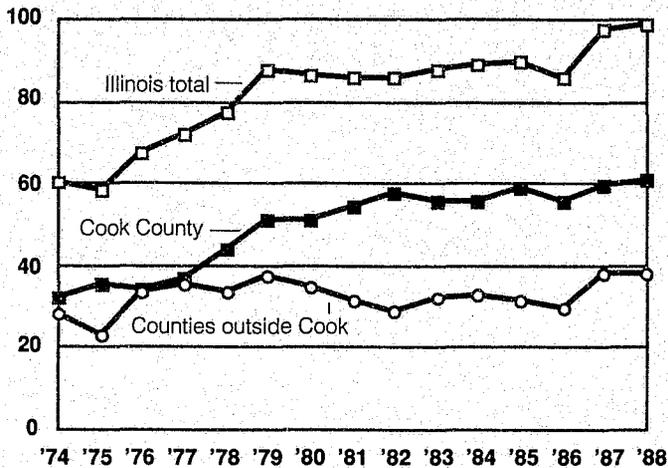
In DuPage County, both the percentage of sheriff's department expenditures devoted to the jail and per-capita jail spending in fiscal 1988 were lower than in Cook County. Still, jail operations accounted for more than 30 percent of sheriff's department spending in 1988, up from less than 20 percent in fiscal 1970.

Even in Cass County, which closed its jail in 1985 and has been housing inmates in other counties since then, expenditures for housing jail inmates were similar, proportionally, to the two larger counties.

FINANCE 4-10

**After increasing 46 percent from 1974 to 1979, county spending on corrections in Illinois rose only 12.5 percent from 1979 to 1988.**

County correctional expenditures constant 1988 dollars (millions)



Note: Data on spending outside Cook County include both operational and capital expenditures (as reported to the Office of the Illinois Comptroller), while data for Cook County include operational expenditures only. Expenditures for county corrections outside Cook County for 1980-1984 were estimated from Bureau of Justice Statistics and Illinois Comptroller data.

Source: Office of the Illinois Comptroller; Office of the Cook County Comptroller; Bureau of Justice Statistics

FINANCE 4-11

**Cook County devotes a higher percentage of sheriff's department operating expenditures to jail operations than DuPage and Cass counties do.**

County	Total sheriff expenditures (operating)	Jail expenditures (operating)	Percent of total for jail	Per-capita jail expenditures
Cook	\$120,832,203	\$56,939,926	47.1%	\$11.18
DuPage	11,447,668	3,480,580	30.4%	4.60
Cass	232,986	89,006	38.2%	6.38

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

The \$89,000 in expenses related to the confinement of jail inmates in fiscal 1988 represented more than 38 percent of the total operational expenditures for the county sheriff's department.

**HOW MUCH DOES IT COST TO INCARCERATE SOMEONE IN A COUNTY JAIL?**

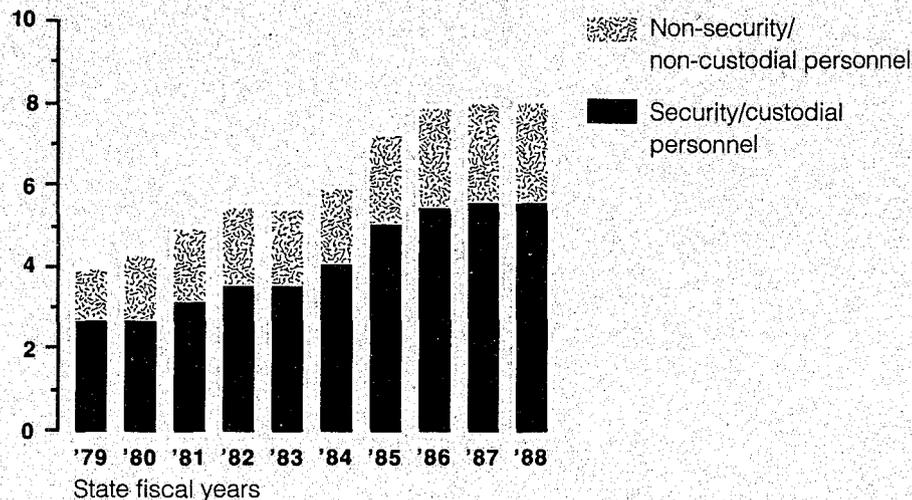
In 1988, it cost an average of \$10,628 in Illinois, and \$10,639 nationwide, to house a prisoner in a county jail for one year.<sup>40</sup>

However, this statewide figure masks sharp differences in costs from county to county and region to region. Even in Cook County, where per-inmate cost data are available, the cost of incarceration differs for different types of jail inmates.

In fiscal year 1988, Cook County spent \$11,333 to house a male inmate in Division I (the general division) of the county jail for one year. The per-inmate expenditures were lower in both Division IV, the

**After increasing through 1986, the number of IDOC Adult Division employees has remained virtually unchanged.**

IDOC Adult Division personnel (thousands)



Source: Illinois Department of Corrections

men's dormitory (\$6,345 a year), and Division VII, which houses problem prisoners (\$8,559 a year).<sup>41</sup> In the jail's facility for women (Division III), the annual per-inmate cost was \$6,997 in fiscal 1988.

In DuPage County, housing an inmate in the county jail in fiscal year 1988 cost \$50.84 a day (or \$18,557 a year). This total included \$38.05 in fixed costs and \$12.79 in variable costs.<sup>42</sup> By contrast, it cost the county \$20.49 a day (\$7,479 a year) to keep an inmate in the county's work-release program.

The overall costs for work-release inmates are lower for several reasons. First, the fixed costs are lower: the lower security of work-release facilities makes them less costly to build and maintain than regular jails, and personnel costs (which are fixed in the short run) are lower for work-release inmates, who need less supervision. For example, it cost DuPage County \$8.70 a day in personnel to supervise a work-release inmate, compared to \$28.83 a day in personnel for a regular jail inmate. The savings are even greater in the area of variable costs. Because work-release inmates seldom eat all of their meals at the facility, and because many pay for their own medical care, overall variable costs

were only \$2.15 a day per work-release prisoner in DuPage County in fiscal 1988, compared to \$12.79 a day for each jail inmate.

**WHAT PERCENTAGE OF CORRECTIONAL EXPENDITURES GOES FOR PERSONNEL?**

Spending on personnel represents the single largest expenditure for both state and county correctional agencies in Illinois, although it is a smaller proportion than in other criminal justice agencies. A large portion of corrections expenditures also goes for food, clothing, and medical care for inmates.

In state fiscal year 1988, total expenditures for personnel—including salaries, retirement benefits, and Social Security—made up nearly 72 percent of all expenditures from the state's General Revenue Fund for the Illinois Department of Corrections' Adult Division.

In Cook County, expenditures for salaries and wages in the county jail made up 73 percent of total jail expenditures from the Corporate Purposes Fund in fiscal 1988. When benefits are included, this proportion reaches more than 80 percent.

In DuPage County, the majority of all jail expenditures in fiscal 1988—57 per-

cent—went for personnel as well. However, in smaller counties such as Cass which do not operate a jail, personnel expenditures are practically non-existent, except for the salary of the deputy needed to transport prisoners to and from the jails of neighboring counties.

**HOW MANY CORRECTIONAL EMPLOYEES ARE THERE IN ILLINOIS?**

As the number of state prisons and state prisoners increased in Illinois in the 1980s, so did the number of employees in the adult institutions of the Illinois Department of Corrections. The average total number of Adult Division employees—both security staff and administrative employees—more than doubled between state fiscal years 1979 and 1988, when there were 8,041. Among security staff only, the percentage rise in employment was even greater—from 2,717 in fiscal 1979 to 5,590 in fiscal 1988, an increase of 106 percent (FINANCE 4-12). Throughout the 1980s, security staff made up approximately the same percentage of all adult institution personnel—about 70 percent.

Compared with the nation as a whole, state correctional employment in Illinois increased slower in the 1970s but faster in the first half of the 1980s. Between 1971 and 1978, the number of full-time employees in state correctional institutions increased 41 percent nationwide, but only 17 percent in Illinois. From 1978 through 1985, however, state correctional employment increased 65 percent nationwide, but 84 percent in Illinois.<sup>43</sup>

At the county level too, correctional employment has increased in Illinois, though not as sharply as in the nation as a whole. Between 1979 and 1985, the number of full-time employees in county correctional facilities nationwide increased more than 49 percent. In all Illinois counties combined, the increase was about half the national rise—24 percent.<sup>44</sup> Increases in employment were somewhat higher in both Cook (29 percent) and DuPage (59.5 percent) counties between 1979 and 1985. But in all other Illinois counties combined, correc-

tional employment grew by only 7.5 percent during this period.

As correctional employment in Illinois has increased in recent years, the rate of staff turnover seems to have fallen. More than one-quarter of the staff in IDOC adult facilities left their jobs during fiscal year 1979. This percentage has been declining ever since, reaching 13 percent in 1988 and less than 9 percent in 1989. This trend can be attributed to many factors, including salary. Although correctional officer salaries are generally low compared with other criminal justice pay, in many parts of the state where correctional facilities are located there are few opportunities to earn as much money as working in a prison.

### **HOW MUCH ARE CORRECTIONAL OFFICERS IN ILLINOIS PAID?**

Salaries of correctional officers in the United States—at both the state and county levels—are among the lowest of any professional criminal justice staff. And correctional salaries, adjusted for inflation, have actually declined nationwide since the early 1970s. In 1971, the average salary for all state-level correctional employees in the country (including administrative staff) was \$27,349 (in constant 1988 dollars). By 1985, the average had fallen 9 percent to \$24,998 (in constant 1988 dollars).<sup>45</sup>

Correctional salaries at the county level, in addition to being lower than state-level salaries in the United States, have also declined (in constant dollars) since the early 1970s. Nationwide, the average salary for all county correctional staff fell by almost 13 percent (in constant 1988 dollars) between 1971 (\$26,944) and 1985 (\$23,500).

In Illinois, there are no data on long-term trends in correctional salaries. Salaries have, however, generally been higher than in the nation as a whole. Nationwide, the average annual salary for an entry-level state correctional officer in an adult institution was \$14,985 in 1986 (dollars not adjusted for inflation). The starting salary for the same position in Illinois that year was almost 15 percent higher, \$17,220. The average maximum

salary for state correctional officers nationwide in 1986 was \$16,472 a year, compared with a maximum of \$21,636 in Illinois.

In state fiscal year 1990, the starting salary for correctional officers in adult prisons in Illinois was \$20,328, and the maximum was \$26,064. Using constant dollars, the starting salary in Illinois has increased more than 9 percent since 1986, while the maximum has grown almost 12 percent.

In Illinois, there are no complete statewide data on the salaries of county correctional officers. However, a 1986 survey by the American Correctional Association found that the starting salaries of correctional officers were fairly consistent in similarly sized counties.<sup>46</sup> That year, the starting salaries in the larger, more populous counties in Illinois ranged from \$15,000 to \$18,000 a year (in nominal dollars). Starting salaries in less populous counties were usually between \$10,000 and \$15,000 a year (in nominal dollars). In Cook County, the annual salary for a correctional officer in fiscal year 1986 ranged from \$15,000 to \$18,000. In 1989, it ranged from \$19,524 to \$25,968.<sup>47</sup>

### **HOW MUCH DOES INCARCERATION COST RELATIVE TO OTHER CRIMINAL SANCTIONS?**

Considering only the cost to government of the sanction itself, sentencing an offender to jail or prison is clearly more expensive than alternatives such as probation, electronically monitored home confinement, work release, or other forms of community corrections. In fiscal year 1988, for example, the average work-release prisoner cost DuPage County \$20.49 a day, compared to \$50.84 a day for an inmate in the county jail. In addition to higher explicit costs, the *opportunity costs* are also greater for non-work release prisoners, because they are not earning an income and, consequently, are not paying income taxes.

On the other hand, most offenders who receive alternative sentences are in the community, and therefore able to commit new crimes. Incarceration in a prison or

jail may carry lower *social costs* than other sanctions by preventing further criminal victimizations during the period of the sentence.

Finally, the characteristics of an offender can affect not only the cost of incarceration but its appropriateness as a sentence. One of these characteristics is mental illness. In a 1988 study, the National Association of Counties (NACo) found that the resources needed to jail a person with a mental illness who has committed a minor crime are great, and that the potential costs related to such things as suicide or injury are high.<sup>48</sup> According to one national study, there were 26 jail suicides in Illinois in 1985 and 25 in 1986, ranking the state fourth in the nation in jail suicides.<sup>49</sup> While the study did not specifically examine how many of these suicide victims had a history of mental illness, the authors did note that almost all of the jail suicides could have been prevented. In its 1988 report, NACo recommended that diversion of mentally ill offenders from jail is not only a more appropriate but also a more economical sanction.

### **HOW DOES CORRECTIONAL SPENDING COMPARE WITH CORRECTIONAL ACTIVITY IN ILLINOIS?**

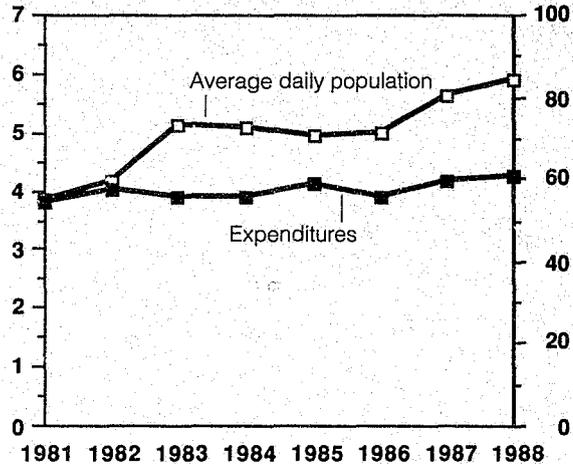
Since the mid-1970s, spending on corrections in Illinois has increased at a faster rate than spending on any other component of the criminal justice system. But while spending has gone up dramatically, so has the number of inmates in both jails and prisons. At both the state level and among Illinois counties outside Cook, growth in spending on corrections has generally kept pace with the growing inmate population. But in Cook County, where spending on corrections has not increased as sharply in the 1980s as it did in the 1970s, the growth in the average daily jail population has outpaced correctional spending in recent years.

Outside Cook County, combined spending on county corrections rose 22 percent (in constant dollars) between fiscal years 1981 and 1988. The average daily population of these jails rose by the same per-

FINANCE 4-13

**Increases in the Cook County Jail population have outpaced increases in jail spending**

Average daily population (thousands)      Expenditures, constant 1988 dollars (millions)

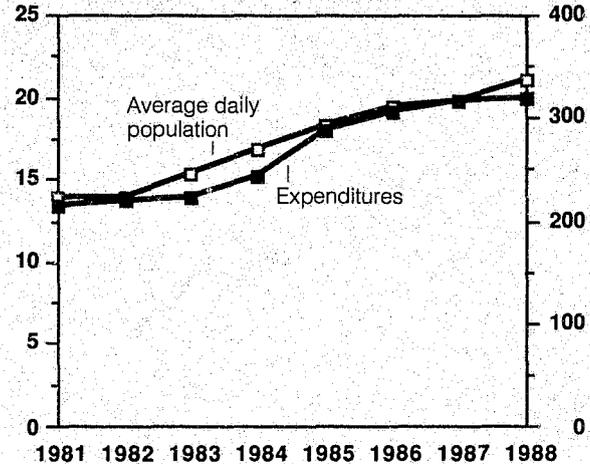


Source: Office of the Cook County Comptroller; Illinois Department of Corrections

FINANCE 4-14

**Growth in IDOC spending has paralleled growth in the adult inmate population.**

Average daily prison population (thousands)      Expenditures, constant 1988 dollars (millions)



Source: Illinois Department of Corrections

centage (22 percent) during this period. In Cook County, on the other hand, constant-dollar spending on corrections increased just 12 percent between fiscal years 1981 and 1988, but the average daily population of the Cook County Jail grew by 53 percent (FINANCE 4-13).<sup>50</sup>

At the state level, growth in spending has closely paralleled the growth in the adult inmate population, with increases in spending even exceeding increases in activity in the 1980s (FINANCE 4-14). Between fiscal years 1975 and 1988, the average daily population of Illinois' adult prisons increased 156 percent. During this same period, however, operational expenditures for the Illinois Department of Corrections' Adult Division grew by slightly more than 200 percent. Given the fact that spending on corrections is so closely tied to the number of prisoners being served, this parity between operational spending and activity is not surprising.

Looking at correctional resources in another way—the ratio of inmates to staff—reveals a different picture, however. For even though increases in operational spending have generally kept up with increases in the state's prison population, prison crowding persists—and continues to worsen—at IDOC's adult institutions. This crowding, in turn, has caused sharp changes in recent years in the ratio of inmates to prison staff.

In fiscal 1986, there were approximately 45 prison staff for every 100 adult inmates. By fiscal years 1988 and 1989, this number had fallen to about 41 staff per 100 inmates. And IDOC is projecting the number will fall further still, to 38 staff per 100 inmates, in fiscal 1990. IDOC officials have warned that this trend could have serious ramifications for the safety of both prison staff and inmates in the next few years.

**The Data**

County expenditure data for corrections were obtained from the 1974 to 1979 and the 1985 editions of the Bureau of Justice Statistics publication *Justice Expenditure and Employment in the U.S.*, and for 1986 through 1988, from the Office of the Illinois Comptroller. Although the comptroller's office collects data on county expenditures, it is impossible to separate spending for corrections from spending for public safety in general during the 1970s and much of the 1980s. Figures for 1980 through 1984 (FINANCE 4-10), for which no data were available, were interpolated from BJS's 1979 and 1985 figures.

Financial and staffing data for the Illinois Department of Corrections were obtained from two sources: IDOC and the Illinois comptroller's office.

## Notes

<sup>1</sup> State-by-state comparisons of the amount of "state aid" to local corrections can be misleading when they involve Illinois. Corrections is more centralized in Illinois than in many other states. The State of Illinois does not provide financial support for county jails. Community correctional centers, supported completely by the state, are not "local," and support for them cannot be considered as state aid to local programs. The report, *State Aid to Local Governments for Corrections Programs* (Denver: National Conference of State Legislatures, 1989), mistakenly ranks Illinois as 17th in per-capita "state aid" for local corrections, when in reality, such state aid is negligible in Illinois. This is because the report includes probation (which is managed by the courts in Illinois), as well as community correctional centers and work camps (both of which are operated by the state), in the category of local corrections.

<sup>2</sup> A bond is a written commitment by a government body (in this case, the state) to pay to the purchaser of the bond a scheduled series of interest payments, plus the face value (principal) of the bond, at a specified date. Paul Wonnacott and Ronald Wonnacott, *An Introduction to Macroeconomics*, second edition (New York: McGraw Hill, 1982), p. 419.

<sup>3</sup> Ill.Rev.Stat., ch. 38, par. 1003-12-7. These "state use" laws are intended to limit competition between prison-constructed goods and those created in the private sector.

<sup>4</sup> *Illinois Correctional Industries, State of Illinois Department of Corrections, Annual Report 1989* (Springfield, Ill.: Illinois Department of Corrections, 1989).

<sup>5</sup> Public Act 86-450. Ill.Rev.Stat., ch. 38, pars. 1003-12-3a, 1003-12-7.

<sup>6</sup> Ill.Rev.Stat., ch. 38, par. 1003-7-6.

<sup>7</sup> Ill.Rev.Stat., ch. 38, par. 1005-7-6.

<sup>8</sup> *Annual Report to the Supreme Court of Illinois* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1988). These statewide figures come from an AOIC survey of the offices of the clerks of the Circuit courts. The survey's figure for

DuPage County (\$231,590) differs slightly from the amount of work-release fees reported in the county's *Annual Financial Report* (\$230,409).

<sup>9</sup> *Jail and Work Release per Prisoner Day Cost Study* (Wheaton, Ill.: DuPage County Finance Department, January 1989).

<sup>10</sup> Ill.Rev.Stat., ch. 53, par. 37.

<sup>11</sup> Much of the information in this question is based on an Authority survey of 24 large and small Illinois counties during June and July of 1989. The purpose of the survey was to see how different sized counties handled inmates and inmate expenditures.

<sup>12</sup> While housing all of their prisoners in other counties may appear to be cost-effective in the short term for certain counties, some officials have argued that in the long run it may actually cost more than building a new jail. Considering all the costs of housing prisoners in other counties—not just the per diem rate but also the salary of the deputy needed to transport inmates, vehicle expenses, and the opportunity cost of the time needed for transit—construction of a new jail may be more economical in the long run. For example, when Saline County officials were considering closing the county's jail in early 1989 and contracting for space with other counties, the sheriff projected the county would spend an average of \$283,200 a year to house its prisoners elsewhere. "Over 20 years, this will amount to \$5,664,000, which is more than enough to build a new jail," he said. "Saline sheriff critical of option to close jail," *The Southern Illinoisan* (Carbondale, Ill., February 27, 1989).

<sup>13</sup> *Jail and Work Release per Prisoner Day Cost Study*, 1989.

<sup>14</sup> John L. Tribbey, *Schuyler County, Illinois, Financial Statements with Accountant's Report, November 30, 1988* (Rushville, Ill.: Schuyler County Treasurer, 1988).

<sup>15</sup> Douglas C. McDonald, "The Cost of Corrections: In Search of the Bottom Line," *Research in Corrections*, vol. 2, is-

sue 1 (Boulder, Colo.: National Institute of Corrections, 1989).

<sup>16</sup> Because the Missouri prison system is now at capacity, this practice of housing Illinois prisoners was discontinued in early 1990.

<sup>17</sup> McDonald, 1989, p. 19.

<sup>18</sup> Barbara Krauth, *Staff/Inmate Ratios: Why It's So Hard to Get to the Bottom Line* (Boulder, Colo.: National Institute of Corrections, 1988).

<sup>19</sup> John Klofas, "Patterns of Jail Use," *Journal of Criminal Justice*, vol. 15 (1987), pp. 403-411; John Klofas, "Disaggregating Jail Use: Variety and Change in Local Corrections over a Ten Year Period" in G.L. Mays and J. Thompson, eds., *American Jails: Public Policy Issues* (forthcoming).

<sup>20</sup> IDOC expenditures were taken from the *Illinois Annual Report*, published by the Office of the Illinois Comptroller. The statewide total includes both operational and capital expenditures reported to the Illinois comptroller's office by all counties except Cook. Cook County expenditures, which were taken from the Cook County comptroller's annual report, include only operational spending. Total expenditures for the state would probably be higher if capital expenditures for Cook County were included.

<sup>21</sup> Expenditures for municipal lockups are not included in corrections expenditures because it is impossible to separate lockup expenditures from other police department expenditures statewide.

<sup>22</sup> McDonald, 1989, p. 12.

<sup>23</sup> Because these figures are based on expenditures from the state General Revenue Fund, they do not include expenditures from the Correctional School District Education Fund or the Working Capital Revolving Fund. Together, these two funds supported about 5 percent of IDOC operational expenditures in fiscal 1988.

<sup>24</sup> *The Corrections Yearbook* (South Salem, N.Y.: Criminal Justice Institute, 1988), p. 29. There are several factors

that influence how per-bed space construction costs are measured: the cost of acquiring and improving the land; the construction costs of the entire facility; the construction costs of the housing area, as opposed to educational, vocational, or other special facilities; and the costs per cell versus per bed space.

<sup>25</sup> *National Directory of Corrections Construction*, second edition (College Park, Md.: American Correctional Association, 1988).

<sup>26</sup> The average per-inmate costs presented here are based on the state fiscal year 1988 operating expenditures for IDOC adult institutions, divided by the average daily populations of those institutions during that year. The calculation does not include an amortization of the costs of prison construction, costs for general IDOC administration, expenditures for educational or vocational programs, or expenditures for the Correctional Industries program. If these expenditures were included, annual per-inmate costs would be somewhat higher. See pages 203-204 for a discussion of how correctional costs are measured.

<sup>27</sup> The Lincoln Correctional Center provides food for the Logan Correctional Center and the IDOC Training Academy. Thus, the per-inmate expenditures for the Lincoln and Logan facilities do not necessarily represent their true operating costs.

<sup>28</sup> These inmate-to-staff ratios are averages of the number of prison staff working throughout the day. During peak periods of activity (that is, during the day), the number of staff may be greater, while at night, the number would probably be lower.

<sup>29</sup> See, for example, *Estelle v. Gamble*, 429 U.S. 97 (1976).

<sup>30</sup> Kelly Orrick, "Community Corrections," *County News*, vol. 20, no. 17 (September 12, 1989), p. 1. In most states, the term *community corrections* refers to correctional or diversionary programs operated by the county.

<sup>31</sup> For more information, see Anthony M. Scillia, "Winning the 'Not-in-My-Neighborhood' Game," *Corrections Today*, vol. 51, no. 4 (July 1989).

<sup>32</sup> Between calendar years 1979 and 1981, the overall number of inmates released from IDOC increased 19 percent, from 5,963 to 7,090, and the community correctional center population increased 48 percent, from 529 to 781. See page 191 for more information about the former forced-release program in Illinois.

<sup>33</sup> *1988 Annual Report* (Springfield, Ill.: Illinois Department of Corrections, 1989), p. 41.

<sup>34</sup> The total expenditures and appropriations for parole and MSR were \$4,463,500 in fiscal year 1989. There were 22,819 different people supervised during the year, and the average end-of-month population was 12,737 ( $\$4,463,500/12,737 = \$350$  cost per parolee/releasee per month, or \$4,200 per year).

<sup>35</sup> *Jail and Work Release per Prisoner Day Cost Study*, 1989.

<sup>36</sup> *Jail and Work Release per Prisoner Day Cost Study*, 1989, p. 16.

<sup>37</sup> Cass County Sheriff's Department (telephone interview, July 11, 1989).

<sup>38</sup> Data on county correctional spending in Illinois include both operational and capital expenditures (as reported to the Office of the Illinois Comptroller) for counties outside Cook, but only operational expenditures for Cook County.

<sup>39</sup> It is difficult to amortize debt-servicing costs into yearly expenditures for the sheriff's department.

<sup>40</sup> *Census of Local Jails, 1988* (Washington, D.C.: Bureau of Justice Statistics, 1990), p. 9.

<sup>41</sup> Cook County Annual Appropriations Bill for FY1989, p. 249. Note that these per-inmate costs reflect operating expenditures only, and do not include capital improvements or repairs.

<sup>42</sup> *Jail and Work Release per Prisoner Day Cost Study*, 1989. The DuPage County figures are based on the total costs to the county for jail operations (including expenditures by county agencies not directly involved in jail operations, but which expend money for its activities). Depreciation of jail facilities is also included.

<sup>43</sup> *Justice Expenditure and Employment in the U.S., 1985* (Washington, D.C.: Bureau of Justice Statistics, 1989).

<sup>44</sup> *Justice Expenditure and Employment in the U.S., 1985, 1989.* This national study contains the latest comprehensive data on county correctional employment in Illinois.

<sup>45</sup> *Justice Expenditure and Employment in the U.S., 1985, 1989.*

<sup>46</sup> *National Jail and Adult Detention Directory* (College Park, Md.: American Correctional Association, 1986).

<sup>47</sup> Cook County Annual Appropriations Bill for FY1989.

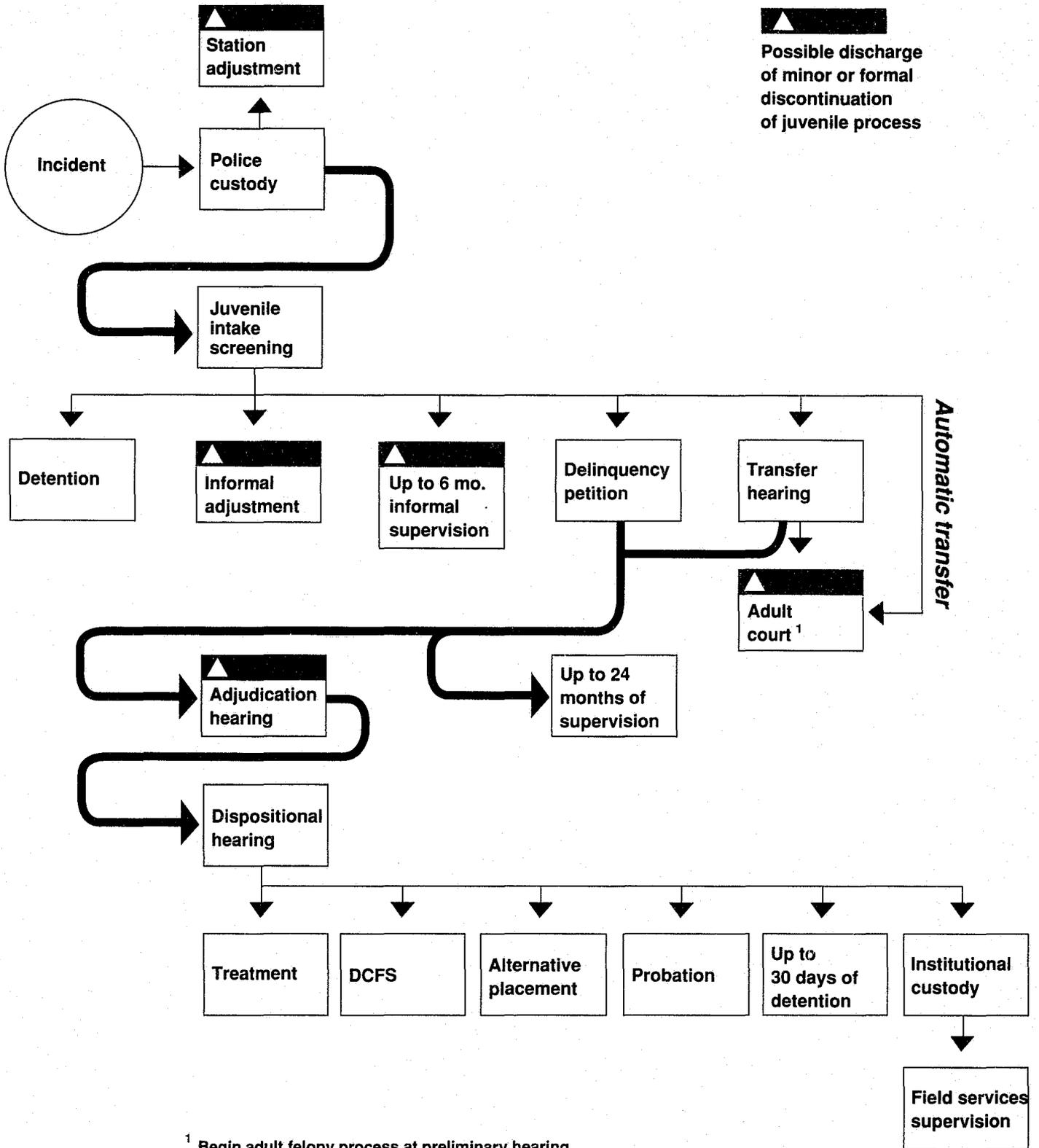
<sup>48</sup> Regina D. Adams, "Diverting People with Mental Illness who Commit Minor Offenses from Jails," *Fact Sheet* (Washington, D.C.: National Association of Counties, 1988).

<sup>49</sup> Lindsay M. Hayes and Joseph R. Rowan, *National Study of Jail Suicides: Seven Years Later* (Alexandria, Va.: National Center on Institutions and Alternatives, 1988).

<sup>50</sup> Keep in mind that data on county correctional spending include both operational and capital expenditures (as reported to the Office of the Illinois Comptroller) for counties outside Cook, but only operational expenditures for Cook County.

# An Overview of Juvenile Processing in Illinois

(For a juvenile charged with an offense that would be criminal if committed by an adult)



<sup>1</sup> Begin adult felony process at preliminary hearing

# JUVENILE JUSTICE

## Overview

In 1899, Illinois created the first juvenile court in the United States. This move was more than simply a management decision: it was a formal recognition that young offenders have special problems and needs that can be best met through a system distinct from the one used for adult offenders. Throughout this century, the legal mandates of juvenile justice in Illinois have undergone many changes, but juvenile justice has remained largely separate from the adult criminal justice system.

Juvenile courts, not just in Illinois but throughout the country, were established under the doctrine of *parens patrie*, whereby the state acts as the guardian or responsible authority for a minor in order to protect the youth from dangerous conduct or harmful environments. The goal of the juvenile justice system is not to punish young people, but rather to provide individualized treatment and guidance. The juvenile justice system has developed different courtroom procedures and services for minors who have different kinds of problems, such as delinquent, runaway, or addictive behavior, or who need a new or safer home environment either temporarily or through permanent adoption.

This approach is based on two ideas: first, that juveniles are developmentally incapable of forming the necessary criminal intent to be held responsible for their actions, and second, that juveniles are still impressionable enough to be diverted from further criminal behavior. In the juvenile justice system, then, the *offender* is generally more important than the *offense*.

Under this concept, the "procedures of the court have been intentionally non-adversarial, the terminology intentionally non-criminal, and its powers intentionally

vast."<sup>1</sup> Some of the differences in the terminology used by the adult and juvenile justice systems include the following:

- Juveniles are "taken into custody," not "arrested."<sup>2</sup>
- Juvenile courts accept "petitions of delinquency" rather than complaints.
- Courts "adjudicate" juveniles to be "delinquent," rather than finding them to be "guilty" of "crimes."
- Courts order a "disposition" when a juvenile is adjudicated delinquent, rather than "sentencing."<sup>3</sup>

The juvenile courts' overall philosophy and goals are to help youth be responsible for their behavior—especially delinquents aged 13 and older.

Although the juvenile justice system differs from the adult criminal justice system, juveniles are protected by most of the due process safeguards associated with adult criminal trials. These include having the prosecuting and defense attorneys present at hearings, placing the burden of proof on the state, and guaranteeing the right to appeal court decisions.<sup>4</sup> However, it was not until the mid-1960s that the U.S. Supreme Court first recognized the due process rights of minors.<sup>5</sup>

In recent years, public policymakers have come to recognize that a small group of juvenile offenders do indeed commit serious, habitual crimes that require a more punitive response. As a result, Illinois' juvenile justice system is now pursuing a dichotomous set of goals—providing treatment for the majority of juveniles who are involved in relatively minor incidents, as well as incapacitating those young offenders who are truly dangerous. This chapter

examines how the state's juvenile justice system has responded to this challenge.

## WHAT IS THE JUVENILE JUSTICE SYSTEM?

To meet the dual goals of individually treating young people who are in relatively minor trouble and incapacitating those who are dangerous offenders, the network of agencies serving juveniles has grown substantially over the years.

At several stages in the process of handling young people, juvenile justice professionals must make decisions regarding the various dispositions that minors are eligible for. These decisions must balance the best interests of the youth with a concern for public safety. While this chapter focuses primarily on those young people who enter the juvenile justice system because of behavior that violates the law, juvenile justice professionals recognize that many young offenders have additional problems that affect such decisions as whether to file a formal petition or to divert the youth from court, whether to allow the juvenile to remain at home or to place the youth in an alternative setting, and whether to refer the juvenile to counseling or other intervention services.

The term *juvenile justice system* may really be a misnomer in Illinois. Instead of functioning as a unified system, the different agencies that deal with young offenders operate largely as a loose confederation or network. These agencies include the following:

- Law enforcement agencies, such as local police departments, county sheriffs, and the Illinois State Police
- The courts (both juvenile and criminal) and court services agencies, such as juvenile probation departments
- State's attorneys, public defenders, and private attorneys
- The Juvenile Division of the Illinois Department of Corrections (IDOC)
- The Illinois Department of Children and Family Services and the child welfare services it licenses
- The Illinois Department of Mental Health and Developmental Disabilities
- The Illinois Department of Alcoholism and Substance Abuse
- Private social service organizations that provide crisis intervention, foster care, other residential placement, treatment for substance abuse, family counseling, and other services
- Schools

Each of these agencies has different responsibilities involving different types of juveniles. Some agencies,

such as law enforcement departments, may get involved in almost every type of juvenile case. Others, such as social service organizations, may come into contact with only those juveniles who are referred to them and who meet the organization's eligibility criteria. For adjudicated delinquents, the primary service agency is the juvenile court services agency in each Illinois judicial circuit.

## WHAT IS THE JUVENILE COURT'S JURISDICTION?

In addition to handling minors who are delinquent<sup>6</sup>—those who commit offenses that would be criminal if committed by an adult—Illinois juvenile courts have jurisdiction over five other classes of minors (delinquent minors are discussed in depth later in this chapter):

1. **Neglected or abused minors.** Neglected minors are juveniles under age 18 who do not receive necessary support or education, who are abandoned by their parents or guardians, or whose environments are harmful to their welfare; abused minors are those under age 18 who have been physically or sexually abused.
2. **Dependent minors.** These are juveniles under age 18 whose parents or guardians are deceased or disabled or who are without proper care (though not through the fault of the parent or guardian), or whose parents or guardians wish to relinquish all parental rights.
3. **Minors requiring authoritative intervention (MRAI).** These are youths under age 18 who have run away or who are so far beyond the control of their parents or guardians that their physical safety is in immediate danger. These juveniles have refused to return home and cannot agree with their parents or guardians on alternative, voluntary residential placement.
4. **Truants in need of supervision.** Any minor who is reported by a regional superintendent of schools (in a county of fewer than 2 million people) to be a chronic truant, for whom all other preventive and remedial school and community resources have failed or who refused such services, may be adjudged a truant minor in need of supervision.<sup>7</sup>

Because of its large population, Cook County is exempted by the Juvenile Court Act from applying the category of "truant minor in need of supervision" to chronic truants.<sup>8</sup> The Juvenile Court of Cook County thus does not hear cases of truant minors.<sup>9</sup> Instead, parents of a truant minor may be taken to Circuit Court if a truant officer believes that the parents are at fault for the minor's truancy. If the parents are not determined to be at fault and the minor is not controllable, then the truant officer may suggest that the parents

request an MRAI ruling from the Juvenile Court or may refer the parents to Cook County youth services to find out what services are available in their area.<sup>10</sup> The Cook County Superintendent of Schools' Office has one truant officer, and school districts and high schools throughout the county also hire truant officers. There are a total of 103 truant officers in 47 of the 147 school districts in Cook County.

5. **Addicted minors.** These are minors who are addicted to alcohol or drugs, as defined under Illinois' Alcoholism and Other Drug Dependency Act.<sup>11</sup>

Non-delinquency proceedings are patterned after civil proceedings. The burden of proof is preponderance of evidence, not the "beyond a reasonable doubt" standard used in delinquency proceedings, and hearsay is more admissible than in delinquency proceedings. For non-delinquency adjudications, except for truants, several dispositions are possible:

- Allowing the minor to remain in the custody of parents or guardians
- Placing the minor (and in some cases the parents) under the supervision of the court
- Committing the minor to the Illinois Department of Children and Family Services (DCFS)
- Partially or completely emancipating the minor<sup>12</sup>

Specific provisions may also apply to these dispositions, for example, a minor who is found to be abused or neglected by his or her parents or guardians may not be returned to them until a hearing is held to determine their fitness. In the meantime, the minor may be placed in the custody of DCFS or placed with another relative. In addition, addicted minors may be ordered to attend approved treatment programs. And truants in need of supervision may be committed to the regional superintendent of schools, be required to comply with individualized educational plans, and may be subject to the payment of fines or other restrictions.

Although the juvenile justice system must handle juveniles in many situations, the remainder of this chapter will focus on delinquent minors, juveniles who are involved in offenses that would be criminal if they were committed by an adult.

### **HOW DO JUVENILES ENTER THE SYSTEM?**

When a person under the age of 17 breaks the law in Illinois and the police become involved, the manner in which the youth is generally handled is immediately—and significantly—different from the way the criminal justice system processes an adult suspect. The juvenile system is generally more informal than the adult system, and beginning

with the police, juvenile authorities have many more options available to them.

Many police and sheriffs' departments in Illinois have specially trained juvenile officers. When a juvenile is taken into custody, a juvenile officer (or a regular officer if the department doesn't have a juvenile officer) has several options for handling the youth. One of the most common options is the *station adjustment*, an informal disposition that officers may give in lieu of proceeding with formal court action. Station adjustments can be as simple as requiring a juvenile to cooperate more closely with parents or guardians, or as detailed as referring a juvenile to a structured rehabilitation or counseling program.

When police decide a station adjustment is inappropriate, juveniles in most parts of the state are referred to a court process known as intake screening. The intake screening process determines whether a petition should be filed, and if so, whether or not the juvenile should be detained pending a court appearance. Intake screening is administered jointly by the juvenile probation office and the state's attorney's office in the county. In each case, intake screening personnel have four options:

1. Make an informal adjustment similar to the station adjustment issued by law enforcement agencies.
2. Place the juvenile under informal supervision for up to six months.
3. Recommend that the case be filed in Juvenile Court. Juveniles who are suspected of having committed an offense are referred to the Juvenile Court through a delinquency petition. A delinquency petition is a request that the Juvenile Court, in the person of the judge, declare a minor to be a ward of the court because the minor is delinquent. A juvenile who has multiple problems—for example, a delinquent minor who is a runaway—may require more than one petition. Each petition is counted as a separate case. Declaring a minor to be a ward of the court means that the Juvenile Court has authority, or jurisdiction, over the minor in a similar way that a "wise and just parent" has authority over his or her child.
4. Move to have the juvenile transferred to adult court.

If a juvenile at intake screening receives an informal adjustment or is placed under informal supervision, the youth remains under the jurisdiction of intake screening personnel. If either action proves unsuccessful, a petition may be filed in Juvenile Court.

### **WHEN ARE JUVENILES TRIED IN ADULT COURT?**

Although most young offenders in Illinois are handled by the Juvenile Court, some juveniles suspected of serious

crimes can be tried in adult court instead. Illinois' Juvenile Court Act permits state's attorneys to ask Juvenile Court judges to transfer certain suspected juvenile offenders to adult court. In addition, juveniles themselves, with the consent of counsel, may request a transfer to adult court.

In order to be tried in adult court, the juvenile must be 13 years old or older, and the youth must be accused of an offense that would be criminal if committed by an adult. The request for transfer is reviewed by a Juvenile Court judge in what was formerly known as a 702 hearing.<sup>13</sup> If the judge determines it is in the best interests of the minor and the public not to proceed in Juvenile Court, the judge may order the juvenile tried in adult court. Under a law that went into effect January 1, 1990, the judge, in deciding whether or not to grant a petition to try a juvenile as an adult, shall consider whether the minor possessed a deadly weapon when committing the offense.<sup>14</sup>

In addition, Illinois law since 1982 has *required* that some juvenile suspects be automatically transferred to adult court. Any juvenile charged with first-degree murder, aggravated criminal sexual assault, or armed robbery with a fire-arm who was at least 15 years old at the time of offense must be tried in adult court. In 1986, certain drug crimes and weapon violations committed in or near a school were added to the list of offenses carrying an automatic transfer. And as of January 1, 1990, juveniles who are suspected of committing drug offenses on public housing property are also automatically transferred to adult court.<sup>15</sup>

### WHEN ARE JUVENILES PLACED IN DETENTION?

After a juvenile is taken into custody, a decision regarding temporary detention must be made. In all counties except Cook, written authorization of the probation officer grants authority to the superintendent of any juvenile detention home to detain and keep a minor for up to 36 hours.<sup>16</sup> A minor 10 years old or older may be detained in an authorized detention facility for any of the following reasons:

- There is reasonable cause to believe that the minor is delinquent, and secure custody is of immediate, urgent necessity for the protection of the minor or the protection of another person or his or her property.
- The minor is likely to flee the jurisdiction of the court.
- The minor was taken into custody under a warrant.<sup>17</sup>

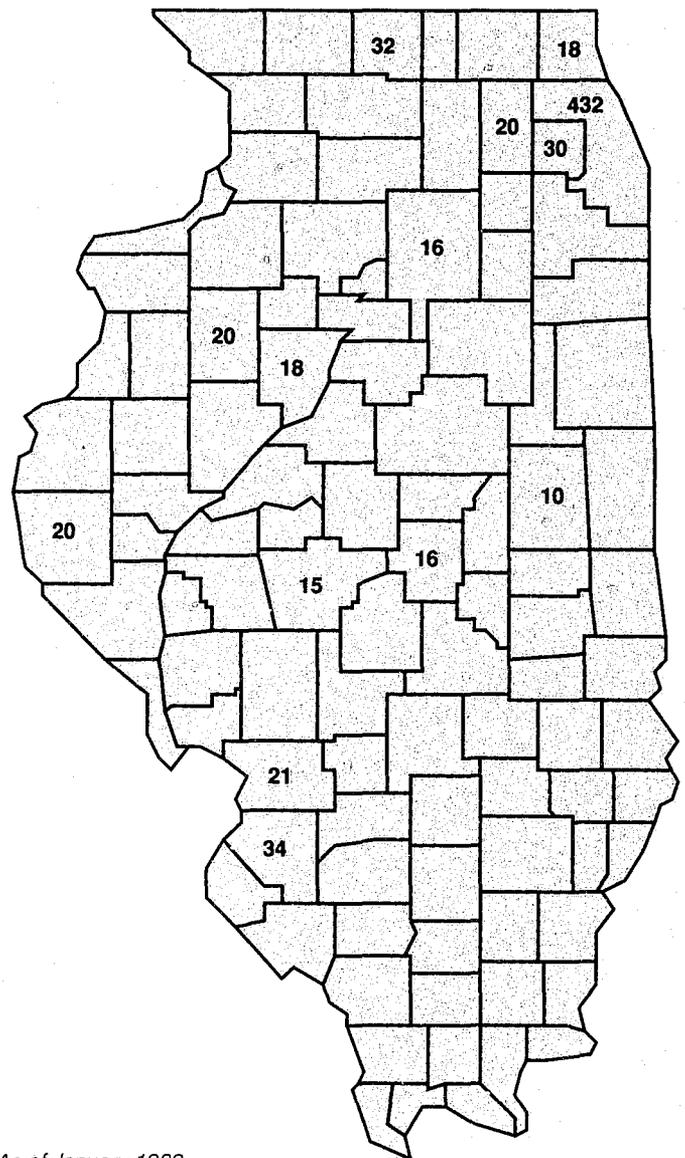
As of January 1989, there were 14 county juvenile detention centers throughout Illinois (Figure 5-1), with a total rated capacity of 702.

As a result of increased concern about the safety of juveniles detained in adult facilities, as well as potential liability issues, Illinois lawmakers have made it illegal, as of July 1, 1989, to detain juveniles in a county jail for more

Figure 5-1

### Fourteen counties operate juvenile detention centers with a total capacity of 702.

Capacity of county juvenile detention facilities



As of January 1989

Source: Administrative Office of the Illinois Courts

than six hours. After six hours, they must be transported to an approved community detention center or released.<sup>18</sup> Juveniles detained in a county or municipal lockup cannot be permitted to come into or remain in contact with adults in custody in that building.<sup>19</sup>

Any minor who does not require secure detention may be detained in the home of his or her parent or guardian, under conditions imposed by the court.<sup>20</sup> As of January 1, 1990, the juvenile may also be required to use an electronic monitoring device.<sup>21</sup>

Larger counties typically have a designated temporary juvenile detention facility, while smaller counties may contract with larger counties to house their juveniles. The Cook County Juvenile Temporary Detention Center, located in the county's Juvenile Court building, has a rated capacity of 432. During calendar year 1988, it had an average daily population of 355 detained juveniles.<sup>22</sup> Detention centers in the remainder of the state, with an average capacity of 21 detainees each, had a total average daily population of nearly 14 in fiscal year 1988.<sup>23</sup>

County detention facilities may be used for juveniles who have been accused of committing delinquent acts and for those who have been adjudicated delinquent. However, juvenile detention facilities are used only for short periods of dispositional detention time. Adjudicated juveniles who receive longer dispositions of incarceration are committed to IDOC juvenile facilities.

### **WHAT HAPPENS AFTER A DELINQUENCY PETITION IS FILED?**

Several types of Juvenile Court hearings may occur after a delinquency petition is filed:

- The juvenile may be brought to court for informational matters that must be handled before the case may proceed.
- If the juvenile is in custody, a detention or shelter care hearing must be held within 36 hours to determine whether there is probable cause that the minor is delinquent and if detention should continue.<sup>24</sup>
- The adjudicatory hearing, comparable to an adult trial, must take place within 10 judicial days (10 working days) of the detention hearing, or within 120 days if the juvenile has not been detained.<sup>25</sup> Under certain circumstances, these time limits can be extended. If there is a finding of delinquency, a date is set for a dispositional hearing.
- In certain circumstances, if all parties agree, the minor may be placed under the supervision of the Juvenile Court for up to 24 months (formerly called 4-7 supervision and now called 8-19 supervision) without an adjudicatory hearing. The court may set conditions of supervision, for example, school attendance, community service, and victim restitution.<sup>26</sup>
- The dispositional hearing takes into consideration all information available, including written or oral reports, which will help the court select a disposition that serves the best interest of the juvenile and public safety. Testimony from other involved parties and professionals may be taken into consideration at this hearing.

- Unlike adult proceedings, the Juvenile Court retains wardship of the minor and may order the legal custodian or guardian to report to the court at any time. All juvenile proceedings dealing with wardship of the juvenile are automatically discharged when the juvenile reaches the age of 21, but may be terminated earlier if the court finds it is in the best interest of the minor and the public.<sup>27</sup>

Delinquency proceedings in juvenile justice are patterned after criminal proceedings in the adult system. Most cases, however, do not go to trial. In the pre-adjudication stage, plea bargaining is common, and most youth enter an admission to one or more offenses on the petition.

### **WHAT DISPOSITIONS MAY JUVENILE COURTS ORDER?**

A juvenile found delinquent in Illinois may receive one or more of the 10 types of dispositions specified in the Juvenile Court Act:<sup>28</sup>

1. Probation
2. Conditional discharge
3. Placement other than in the juvenile's home
4. Drug or alcohol treatment
5. Commitment to the Illinois Department of Children and Family Services
6. Partial or complete emancipation
7. Restitution (if damage occurs)
8. Order of protection (if required)
9. Detention for up to 30 days in a county facility, if 10 years of age or older
10. Commitment to the Illinois Department of Corrections Juvenile Division, if 13 years of age or older<sup>29</sup>

Probation is the most common disposition for juveniles who are adjudicated delinquent. The court may impose a variety of conditions on probation,<sup>30</sup> such as the following:

- Work, or educational or vocational training
- Medical, psychiatric, psychological, or substance abuse treatment
- Intermittent meetings with a probation officer
- Residence with parents or in a foster home
- Restitution
- Public or community service
- Other conditions, as ordered by the court

## WHAT IS THE ROLE OF JUVENILE PROBATION OFFICERS?

All Circuit courts in Illinois provide juvenile probation services, which are the primary services for both alleged and adjudicated delinquents. In some jurisdictions, juvenile probation departments provide pre-court intake screening services, which include a variety of intervention strategies designed to divert offenders from the formal court process.

For adjudicated delinquents, the primary function of juvenile probation is to provide the court with investigative and case supervision services. In addition to monitoring compliance with court-imposed conditions, probation departments typically operate both direct and referral services. Direct services range from general counseling to specific treatment and supervision strategies for specialized caseloads. Referral services range from referrals for professional assessment and psychological services to placements for residential treatment services.

In 1988, 581 officers were involved in juvenile probation statewide.<sup>31</sup> Of these, 203 were full-time juvenile probation officers outside Cook County. An additional 128 probation officers outside Cook County divided their time between juveniles and adults.<sup>32</sup> Cook County had 250 juvenile probation officers in 1988.<sup>33</sup> Nearly 3,240 dispositional orders for probation were issued in Cook County in 1988.<sup>34</sup>

## WHAT SPECIAL SERVICES ARE PROVIDED TO JUVENILES BY THE ILLINOIS DEPARTMENT OF CORRECTIONS?

IDOC has its own school district, School District 428, which serves adult and juvenile offenders (see page 185). Approximately 1,200 minors, aged 13 to 20, participate in the program. Juvenile offenders are taught a core curriculum consisting of communication skills, mathematics, social studies, science, health, physical education, and pre-vocational skills. Each area is taught at four different levels: kindergarten to fifth grade, fifth grade to eighth grade, GED preparation, and high school. In addition to the academic curriculum, each juvenile institution offers vocational courses in a variety of areas.<sup>35</sup>

Additional services are provided to offenders under age 21 who have not received a high-school diploma or GED certificate. Classes have been offered since 1968 to delinquent offenders, concentrating in basic reading and math skills for juveniles who are below grade level. During fiscal year 1988, 18 teachers in seven youth centers provided these special instructional services to 931 youths. The IDOC school district requires that AIDS education (causes and prevention) be part of the curriculum. IDOC has reported no AIDS cases among the inmates held in its youth centers. However, two AIDS-related complex cases were diagnosed during 1989.

# The Data

This chapter includes statistical data about three components of Illinois' juvenile justice system: law enforcement, the courts, and corrections. Most of the data sources in this chapter are the same as those used in earlier chapters that cover the corresponding components of the adult criminal justice system. For the most part, the same data quality issues outlined in those chapters apply here as well.

There are special concerns associated with interpreting juvenile justice data, however. The juvenile justice system is more informal than the adult system, and authorities, including the police, have more options in the treatment of juveniles than adults. In addition, juveniles technically are not *arrested*; they are *taken into custody*. In this chapter, the events leading to a juvenile either receiving a station adjustment, being referred to Juvenile Court, or being transferred to adult court will be termed being "taken into custody." When the report dis-

cusses a combined total of adults arrested and juveniles taken into custody, the term "arrest" will be used for both.

The sources of statistics on juveniles taken into custody used here are the Illinois Uniform Crime Reports (I-UCR) and the Chicago Police Department's Research and Development Division, Crime Analysis Unit, and Youth Division. As explained in Chapter 1, tabulating statewide crime statistics is complicated by inconsistencies over time in the way arrest and offense information is reported to the Illinois State Police (ISP) by certain jurisdictions. One difference in particular has a major effect on how data on juveniles taken into custody are calculated: Chicago Police Department data on juveniles taken into custody are reported to the I-UCR in an aggregate format; therefore, totals for specific age groups are, in certain cases, estimated by ISP.

To ensure that data on juveniles taken into custody are as accurate as possible in this report, the

age-specific totals for Chicago index crimes were obtained directly from the police department's Research and Development Division for the years 1977 through 1988. Data for earlier years are unavailable; therefore, ISP figures are used. Further detail on the age ranges of juveniles taken into custody on murder charges was provided by the Chicago Police Department's Crime Analysis Unit. Due to some unresolved data issues, data on juveniles taken into custody on criminal sexual assault and aggravated assault charges are not analyzed in this report. (See pages 45–48 for a more detailed explanation of arrest and offense data quality issues involving the eight index crimes.)

The Chicago Police Department's Youth Division also provided aggregate totals for specific offenses for the years 1980 through 1988. Although the Youth Division's data are in a different format, and thus cannot be compared with data from the Research and Development Division and the Crime Analysis Unit, the Youth Division data do contain more detailed information on station adjustments and court referrals.

I-UCR statistics for juveniles taken into custody may not accurately reflect the actual number of juveniles who come into contact with police. This is because law enforcement agencies issue station adjustments in many cases involving juveniles. Since agencies have different

procedures for reporting station adjustments to ISP, no comprehensive statewide statistics about them exist.<sup>36</sup> However, station adjustments *are* included in Chicago figures of juveniles taken into custody.<sup>37</sup>

Courts information in this chapter comes largely from the Administrative Office of the Illinois Courts, which collects statistics from all juvenile and criminal courts in the state. However, these data may also undercount the actual number of juveniles going through Juvenile Court. This is because intake screening personnel and judges, like law enforcement officers, can refer juveniles to informal treatment programs. And although data on the number of juveniles referred to intake screening are available, there are no statewide statistics on the types of referrals these intake screening units make.

Additional courts information was obtained from the Juvenile Court of Cook County. This information deals exclusively with juveniles in Cook County, who account for approximately two-thirds of all juvenile delinquency cases in Illinois.

Finally, data about juveniles in institutional custody or under institutional supervision come from the Illinois Department of Corrections. These IDOC figures are based on state fiscal years, which run from July 1 through June 30 (for example, fiscal 1988 began July 1, 1987, and ended June 30, 1988).

# Trends and Issues

In response to growing public concern over juvenile crime—particularly gang-related crime and violent offenses—Illinois lawmakers enacted several measures in the early 1980s aimed at serious juvenile offenders. Under one of these laws, juveniles who repeatedly commit serious crimes are no longer eligible for alternative treatment programs; instead, they must be committed to the Illinois Department of Corrections Juvenile Division.<sup>38</sup> Another law requires young people accused of certain very serious crimes to be tried in adult court.<sup>39</sup>

What prompted this legislative concern over serious young offenders? How much juvenile crime is there in Illinois, and what types of offenses do young people commit? How many juveniles are adjudicated

and convicted each year? What sanctions do they typically receive? The rest of this chapter examines these and other issues about juvenile justice in Illinois. The traditional justice functions—law enforcement, adjudication, and corrections—are explored in detail. The services performed by other agencies, such as schools and mental health and social service organizations, though extremely important, are not covered in this report.

## **FOR VIOLENT CRIMES, HOW DO ADULT ARREST RATES COMPARE TO RATES OF JUVENILES TAKEN INTO CUSTODY?**

One way to measure juvenile involvement in crime is to compare rates of juveniles taken into custody with adult

arrest rates. For these comparisons, juveniles are defined as persons aged 5 to 16 and adults are defined as persons aged 17 to 59. Station adjustments are not reflected in the Chicago figures, but are included in figures from outside Chicago.<sup>40</sup> Chicago station adjustments are treated in detail on pages 226–227 below.

For the two violent crimes analyzed—murder and robbery—the comparison of the rate of juveniles taken into custody and adult arrest rates revealed different trends.<sup>41</sup> The murder arrest rate for adults in both Chicago and the rest of the state is much higher than the rate of juveniles taken into custody for murder (Figure 5-2). In contrast, rates of juveniles taken into custody for robbery are somewhat similar to adult arrest rates, and, in the case of Chicago in the 1980s, juvenile rates are higher than the adult rates (Figure 5-3).

In both Chicago and the rest of the state, rates of juveniles taken into custody for murder were lower than respective adult arrest rates between 1977 and 1988, although rates for juveniles in Chicago were higher than adult rates in the rest of Illinois. In Chicago, the rate of juveniles taken into custody for murder ranged from about 10 to 18 juveniles per 100,000 population between 1977 and 1988, while the adult arrest rate ranged from 40 to 57. In the rest of the state, the rate of juveniles taken into custody for murder never exceeded 1.5 per 100,000 in any year between 1977 and 1988; arrest rates for adults ranged from 3 to 6 over the same period.

Like murder, robbery rates for both juveniles and adults were higher in Chicago than in the rest of the state from 1977 through 1988. Until 1980, rates of juveniles

taken into custody for robbery in Chicago were lower than adult rates in Chicago. Adult robbery arrest rates dropped steadily from 1980 on, however, and rates of juveniles taken into custody for robbery were higher than rates for adults after 1979.

### HOW DO RATES OF JUVENILES TAKEN INTO CUSTODY FOR PROPERTY CRIMES COMPARE TO ADULT PROPERTY CRIME ARREST RATES?

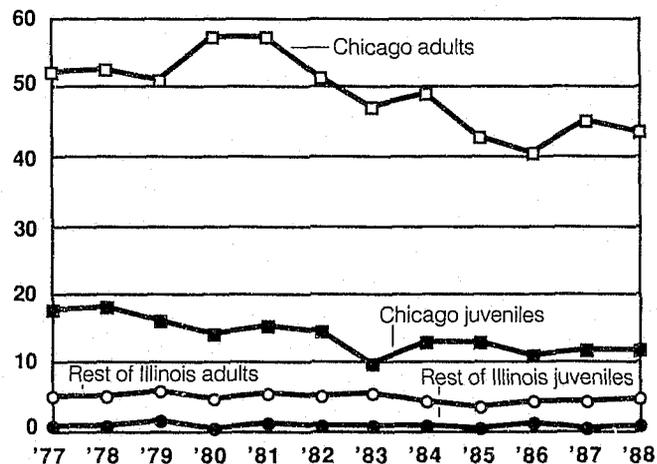
For two of the four property crimes analyzed—larceny/theft and motor vehicle theft—the rates of juveniles taken into custody in Chicago have been consistently lower than arrest rates for Chicago adults. This may be partially because many juveniles may have received station adjustments for larceny/theft and motor vehicle theft, which are not reflected in the Chicago figures. In the remainder of the state, where station adjustments have not been separated from figures for juveniles taken into custody, rates of juveniles taken into custody for all four property offenses were consistently higher than adult arrest rates for most years between 1977 and 1988.

In Chicago, the larceny/theft rate of juveniles taken into custody generally increased until 1983, although it remained substantially lower than the adult arrest rate (Figure 5-4). In 1988, the rate of Chicago juveniles taken into custody for larceny/theft declined while the adult arrest rate increased sharply. In the rest of the state, the rate of juveniles taken into custody for larceny/theft remained relatively stable from 1984 through 1988, while the adult rate rose steadily. In 1988, the juvenile rate (891 per 100,000) was still higher than

Figure 5-2

**Adult arrest rates for murder are higher than the rates of juveniles taken into custody for the same crime.**

Murder arrests/taken into custody per 100,000 people

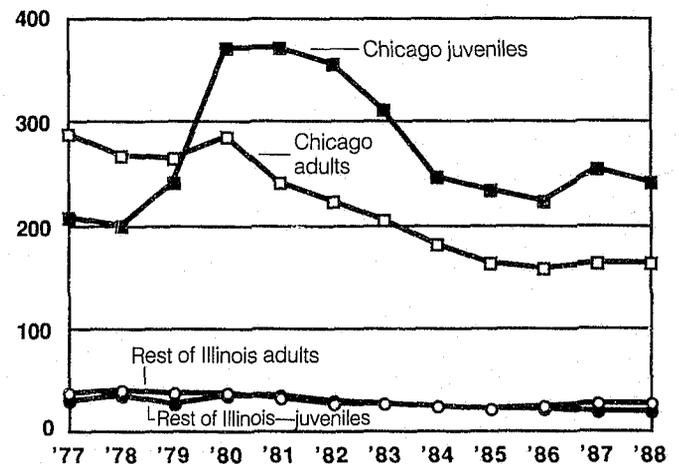


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Bureau of the Budget

Figure 5-3

**The rate of juveniles taken into custody for robbery in Chicago surpassed the adult robbery arrest rate in 1980.**

Robbery arrests/taken into custody per 100,000 people



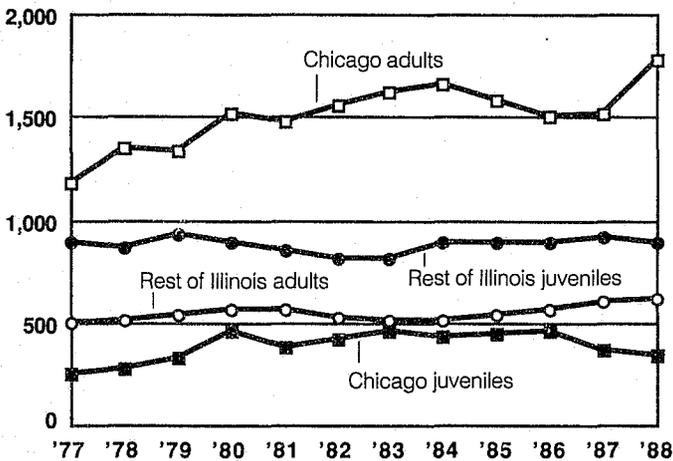
Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Bureau of the Budget

the adult rate (620 per 100,000).

For motor vehicle theft, rates of juveniles taken into custody fluctuated greatly between 1977 and 1988, especially in Chicago. Adult arrest rates in Chicago stayed somewhat stable from 1977 to 1987, although they increased dramatically in 1988, from 167 to 328 (Figure 5-5). Throughout this period, rates of juveniles taken into custody for motor vehicle theft in Chicago were lower than Chicago adult arrest rates. In 1988, the rate

Figure 5-4  
**The rate of juveniles taken into custody for larceny/theft in Chicago has declined since 1986.**

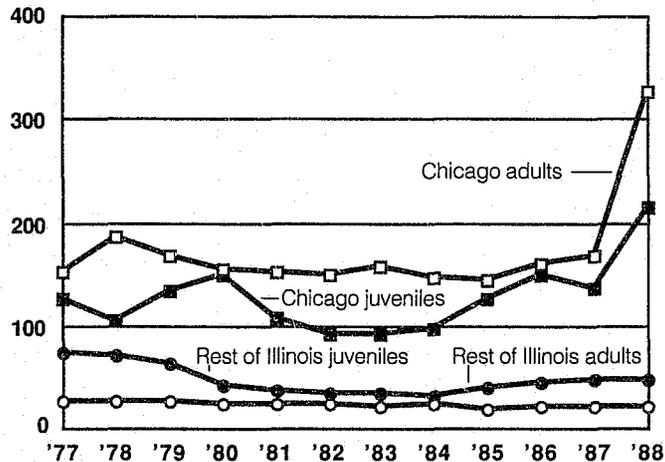
Larceny/theft arrests/taken into custody per 100,000 people



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Bureau of the Budget

Figure 5-5  
**The rates of adults arrested and juveniles taken into custody for motor vehicle theft in Chicago jumped dramatically in 1988.**

Motor vehicle theft arrests/taken into custody per 100,000 people



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Bureau of the Budget

of juveniles taken into custody in Chicago, like the adult arrest rate, made a dramatic leap, from 136 to 214. The juvenile rates in the rest of Illinois were higher than the adult rates, although the juvenile rates are lower now than they were in the late 1970s.

In both Chicago and the rest of Illinois, rates of juveniles taken into custody for burglary have been higher than respective adult arrest rates in each region (Figure 5-6). The patterns between 1977 and 1988 for the two age groups were also similar in both regions. For example, in Chicago, both age groups had increases in rates in 1980 and 1983. In Chicago and the rest of Illinois, rates of juveniles taken into custody for burglary have generally declined during the 1980s.

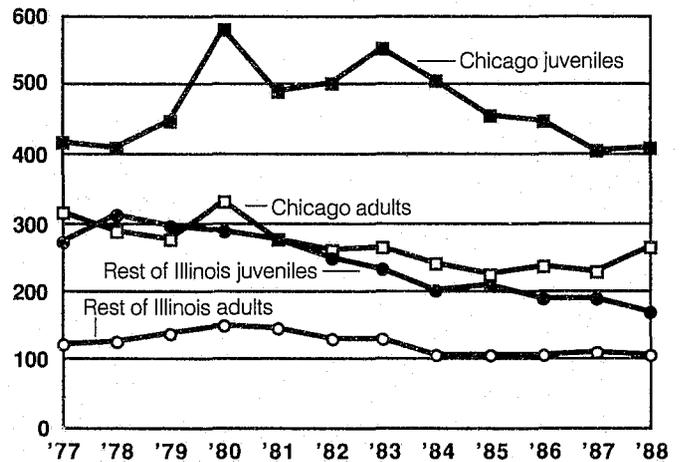
As with burglary, rates of juveniles taken into custody for arson were higher than adult arson arrest rates throughout the state between 1980 and 1988. Rates for juveniles taken into custody and adult arrest rates in both regions fluctuated slightly, but for the most part remained stable during those years (Figure 5-7).

**HOW MANY UNDER-AGE DRINKERS ARE TAKEN INTO CUSTODY FOR DRIVING UNDER THE INFLUENCE IN ILLINOIS?**

Drivers under the age of 21 (the age at which alcoholic beverages may be legally bought in Illinois) are involved in 17 percent of the alcohol-related fatal traffic accidents in Illinois, although they make up only 10 percent of licensed drivers in the state. Eight percent of drivers taken into custody under the influence of alcohol or drugs in Illinois in 1988 were under 21.

Figure 5-6  
**The rate of juveniles taken into custody for burglary is far larger than the adult arrest rate for the same crime.**

Burglary arrests/taken into custody per 100,000 people

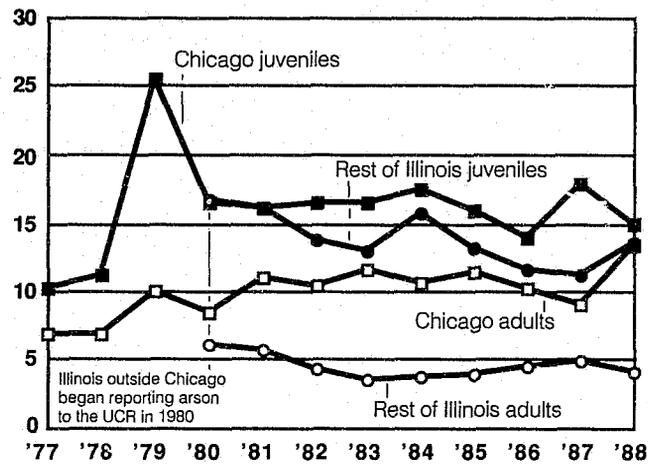


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Bureau of the Budget

Figure 5-7

**Proportionally more juveniles are taken into custody for arson than adults are arrested for the crime.**

Arson arrests/taken into custody per 100,000 people



Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Bureau of the Budget

Between 1986 and 1988, however, the number of people under 21 who were taken into custody for DUI declined 22 percent, from 5,190 in 1986 to 4,065 in 1988. DUI arrests of persons aged 21 and older also dropped, but only by 11 percent.

**HOW DO STATION ADJUSTMENTS IN CHICAGO COMPARE TO REFERRALS TO JUVENILE COURT FOR PROPERTY OFFENSES?**

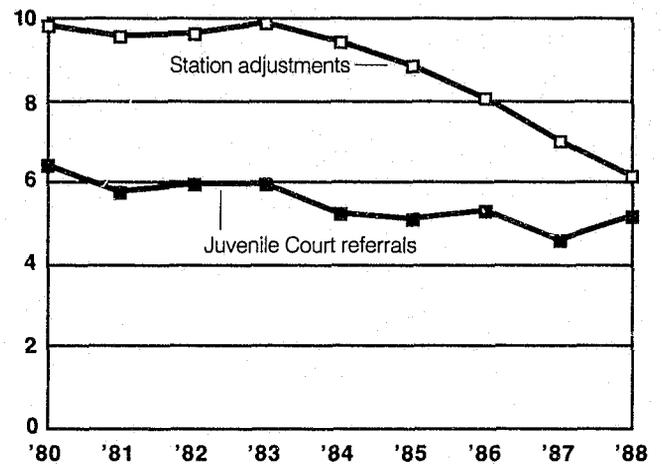
Although station adjustments are one of the most common dispositions for juveniles taken into custody in Illinois, statewide statistics on station adjustments are not available. The Chicago Police Department, however, does maintain statistics on how many juveniles receive station adjustments—informal dispositions from the police that divert juveniles from court—and how many are referred to Juvenile Court.

For the four property index crimes—burglary, larceny/theft, motor vehicle theft, and arson—the number of station adjustments and Juvenile Court referrals in Chicago have both decreased since 1980 (Figure 5-8). After generally increasing slightly in the early 1980s to a high of 9,871 in 1983, station adjustments fell steadily over the next five years to 6,133 in 1988. The number of station adjustments remained higher than the number of referrals to Juvenile Court throughout the period, however. In 1980, 6,387 minors were referred to Juvenile Court for property offenses. In 1987, Juvenile Court referrals reached a low of 4,587, but the number rose again, reaching 5,135 in 1988.

Figure 5-8

**The number of station adjustments for property offenses in Chicago has declined dramatically since 1983.**

Juvenile property crime cases (thousands)



Source: Chicago Police Department

But while the overall number of station adjustments for property crimes has been higher than the overall number of court referrals, court referrals are more common for three of the four property index crimes. In 1988, for example, court referrals outnumbered station adjustments for burglary (1,675 to 495), motor vehicle theft (1,998 to 130), and arson (91 to 29). Only for larceny/theft did station adjustments (5,479) outnumber Juvenile Court referrals (1,371) in 1988.

Larceny/theft accounted for 86 percent of the station adjustments in Chicago from 1980 through 1988 (Figure 5-9). Ten percent were minors taken into custody for burglary, 4.5 percent involved motor vehicle theft, and less than 1 percent involved arson. By contrast, 42 percent of the Juvenile Court referrals from 1980 through 1988 were for burglary. Thirty-five percent were for larceny/theft; 21 percent for motor vehicle theft, and 1.7 percent for arson.

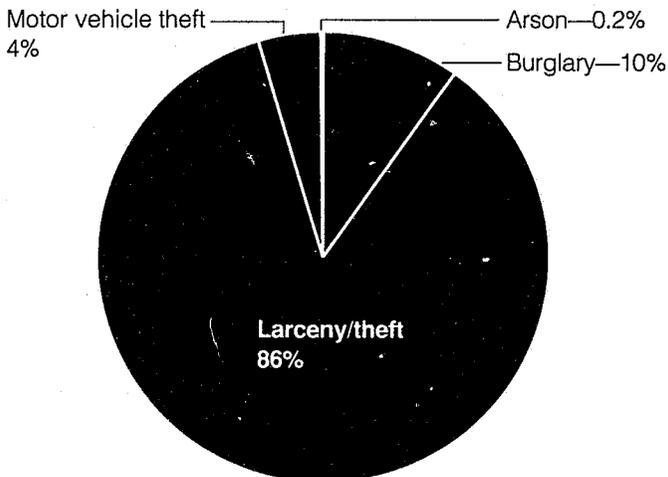
**HOW DO STATION ADJUSTMENTS IN CHICAGO COMPARE TO JUVENILE COURT REFERRALS FOR VIOLENT OFFENSES?**

From 1980 through 1988, a much larger number of juveniles taken into custody in Chicago for the violent index offenses of murder, criminal sexual assault, robbery, and aggravated assault were referred to Juvenile Court than received station adjustments. Juvenile Court referrals for these offenses increased from 1980 to 1982, reaching a peak of 3,377, then declined to 2,400 in 1985 (Figure 5-10). Court referrals began to increase again in 1986, reaching 2,844 in 1988. Station adjustments for

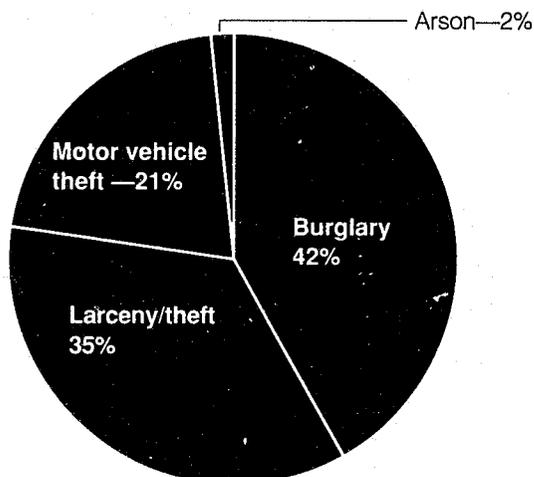
Figure 5-9

**Larceny/theft accounted for 86 percent of the station adjustments and 35 percent of the Juvenile Court referrals for property crimes in Chicago from 1980 through 1988.**

Station adjustments



Juvenile Court referrals



Note: Percentages may not add up to 100 because of rounding.

Source: Chicago Police Department

these violent offenses declined from 841 in 1980 to 487 in 1982, then fluctuated around an average of 490 from 1982 through 1988, reaching 574 in that year.

In 1988, Juvenile Court referrals outnumbered station adjustments for all violent index offenses in Chicago. Sixteen juveniles received court referrals for murder, and no juveniles received station adjustments. There were 1,062 Juvenile Court referrals for robbery, and 171 station adjustments; 1,531 court referrals for aggravated assault, and 333 station adjustments; and 235 court referrals for criminal sexual assault, compared to 70 station adjustments.

From 1980 through 1988, aggravated assault and robbery each made up 48 percent of station adjustments for violent crimes in Chicago, while 4 percent were for criminal sexual assault (Figure 5-11). From 1980 through 1988, only four minors received station adjustments for murder.<sup>42</sup> The proportions for referrals to Juvenile Court were similar both overall from 1980 through 1988 and in 1988. Fifty percent of the referrals over the nine years were for robbery, while 45 percent were for aggravated assault and 4 percent were for criminal sexual assault. Fewer than 1 percent of the court referrals from 1980 through 1988 involved murder.

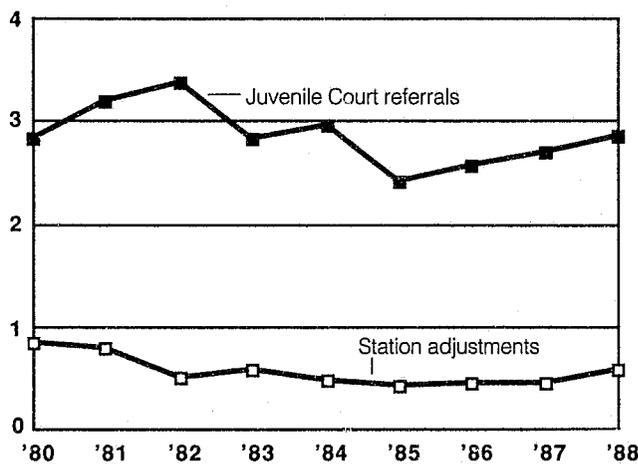
**WHAT TYPES OF CASES ARE FILED IN JUVENILE COURT IN ILLINOIS?**

More than 400,000 petitions—delinquency, minor requiring authoritative intervention (MRAI), addicted minor, dependency, and neglect and abuse—were filed in

Figure 5-10

**Juvenile Court referrals for violent offenses in Chicago have increased steadily since 1985.**

Juvenile violent crime cases (thousands)

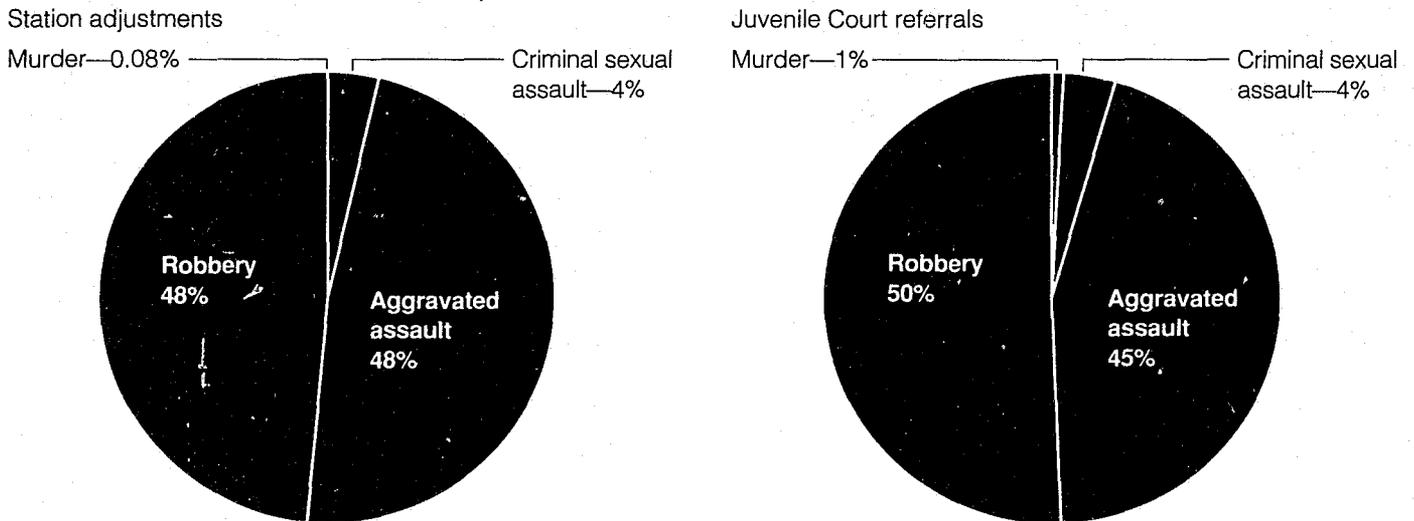


Source: Chicago Police Department

Illinois' Juvenile courts between 1975 and 1988 (Figure 5-12). A petition may include one or more offenses that occurred in a single incident, and a juvenile who has more than one problem may require more than one type of petition. In Juvenile Court, each petition is counted as a separate case. Close to two-thirds of the cases were filed in Cook County, where the yearly number of juvenile cases ranged from a low of about 14,200 in 1978 to a high of more than 22,400 in 1988. In the rest of the state,

Figure 5-11

**From 1980 through 1988, the vast majority of the station adjustments and Juvenile Court referrals for violent crimes in Chicago involved aggravated assault and robbery.**

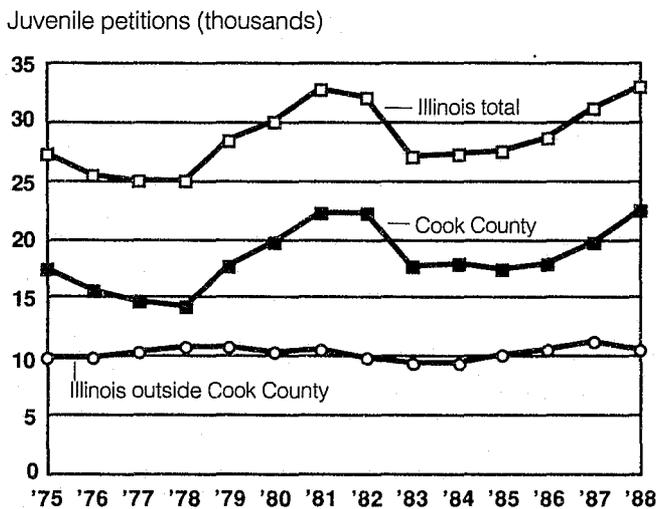


Note: Percentages may not add up to 100 because of rounding.

Source: Chicago Police Department

Figure 5-12

**The number of juvenile petitions filed in Cook County increased sharply from 1986 to 1988.**



Source: Administrative Office of the Illinois Courts

the number of juvenile cases filed each year remained close to 10,000 through 1988, when it was 10,540.

Nearly 70 percent of the juvenile cases filed in Illinois in 1988 involved alleged delinquent minors (Figure 5-13). Cases of neglected or abused minors accounted for most of the remaining cases, while petitions for dependent minors and for minors requiring authoritative intervention/addicted minors made up only about 1 percent each.<sup>43</sup>

Before 1983, status offenders and addicted minors were both handled under one type of petition—the *minor otherwise in need of supervision* petition. When Illinois' Juvenile Court Act was amended in 1983, two new types of petitions were created: minors requiring authoritative intervention and addicted minors. Now, a runaway or incorrigible youth is classified as an MRAI and, as such, cannot be adjudicated unless three conditions are met:

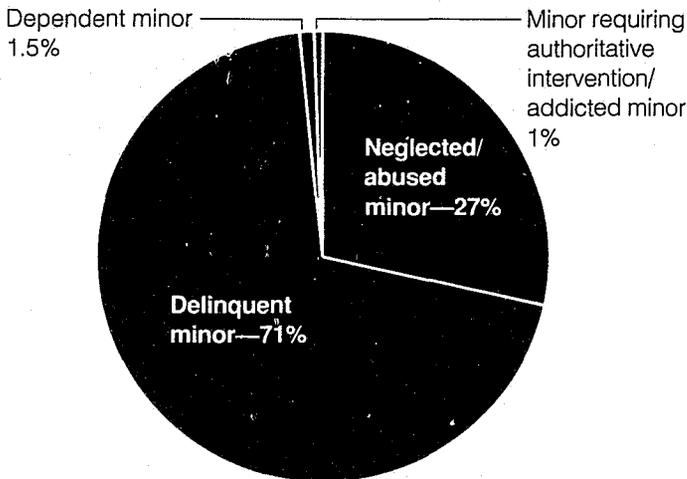
1. Alternatives recommended by police and social service agencies prove unsuccessful.
2. The minor has been taken into limited non-secure custody for a specified number of days.
3. The minor and the minor's parents are unable to agree to a plan for voluntary residential placement of the minor or the continuation of this type of placement.

Given these requirements for MRAI cases, relatively few juveniles fit the MRAI definition precisely—hence the relatively low number of MRAI petitions filed. In 1988, for example, 217 MRAI petitions were filed, or less than 1 percent of all juvenile petitions filed statewide that year. Of these petitions, 60 were filed in Cook County. Some cases referred to the Juvenile courts as possible MRAI petitions are diverted and may end up being filed under another type of petition, such as a delinquency or neglect petition; others may be referred to social service agencies.

Figure 5-13

**Most juvenile petitions filed in Illinois involve delinquent or neglected minors.**

Percentage of juvenile petitions—1988



Note: Percentages do not add up to 100 because of rounding.

Source: Administrative Office of the Illinois Courts

**HOW MANY DELINQUENCY PETITIONS ARE FILED EACH YEAR IN ILLINOIS?**

Nearly 187,000 delinquency petitions were filed in Illinois between 1980 and 1988, or an average of more than 20,700 a year (Figure 5-14).<sup>44</sup> The number of petitions ranged from a high of 23,085 in 1988 to a low of 19,305 in 1984. Since 1984, petitions filed have been increasing steadily in Illinois, largely because of increases in Cook County. Approximately two-thirds of the 23,085 petitions in 1988 were filed in Cook County. The increase in delinquency petitions and a decrease in the number of petitions diverted from the court have been cited as evidence of the growing burden on the Cook County Juvenile Court.<sup>45</sup>

Attorneys in the Cook County Public Defender's Office also face an increased juvenile caseload. In 1988, the office handled 573 cases per public defense attorney, nearly three times the 200 juvenile cases per attorney recommended by the American Bar Association.<sup>46</sup>

**WHAT TYPES OF OFFENSES ARE JUVENILES CHARGED WITH?**

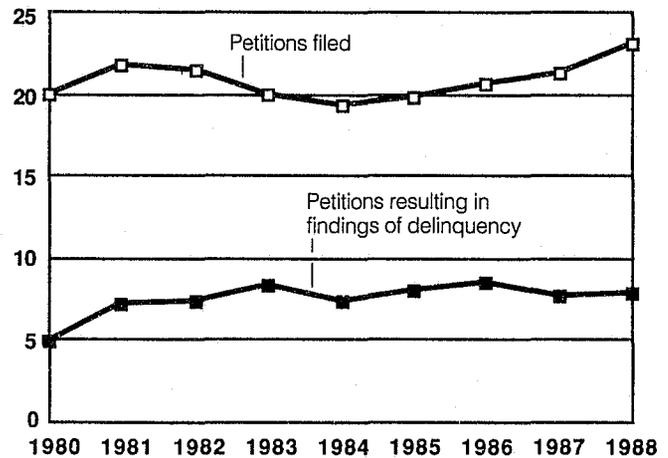
More than 25,100 offenses were included in the 15,352 delinquency petitions filed in Cook County in 1988. Sixty-three percent of these offenses involved property crimes, while 26 percent were for violent crimes against persons (Figure 5-15).<sup>47</sup> Another 12 percent involved other crimes, including weapon (3 percent) and drug (5 percent) violations.

More than 20 percent of the property offenses

Figure 5-14

**The number of delinquency petitions filed in Illinois has increased steadily since 1984.**

Delinquency petitions (thousands)



Source: Administrative Office of the Illinois Courts (Probation Division)

Figure 5-15

**In 1988, almost two-thirds of the delinquency petitions filed in Cook County involved property offenses.**

<b>Property offenses</b>		
Burglary	3,210	
Theft over \$300, auto theft, and arson	2,521	
Lesser theft offenses	3,098	
Lesser property offenses	6,883	
<b>Subtotal</b>	<b>15,712</b>	<b>(63%)</b>
<b>Violent offenses</b>		
Homicide/manslaughter	74	
Aggravated battery/assault	2,217	
Armed robbery	258	
Robbery	1,107	
Sex offenses	633	
Battery/assault	2,170	
<b>Subtotal</b>	<b>6,459</b>	<b>(26%)</b>
<b>Other offenses</b>		
Weapons charges	775	
Drug charges	1,279	
Miscellaneous charges	895	
<b>Subtotal</b>	<b>2,949</b>	<b>(12%)</b>
<b>Total charges filed</b>	<b>25,120</b>	

Note: See note 47 for definitions of some crime categories.

Source: Juvenile Court of Cook County

named in the delinquency petitions were for burglary or attempted burglary. Almost 34 percent of the violent offenses involved simple assault and battery (and related offenses). The more serious aggravated battery and aggravated assault offenses (and related crimes) accounted for another 34 percent of the violent offenses.

## WHAT PERCENTAGE OF JUVENILE SUSPECTS ARE FOUND DELINQUENT?

About 36 percent of the delinquency petitions filed in Illinois between 1980 and 1988 resulted in findings of delinquency (see Figure 5-14).<sup>46</sup> In 1980, juveniles were found delinquent in about 25 percent of the petitions disposed of statewide. In 1981, when the number of delinquency petitions filed in the state had increased 9 percent, approximately one-third of the petitions disposed of that year resulted in findings of delinquency.

Over the next few years, the number of delinquency petition filings declined slightly, but the percentage of petitions resulting in findings of delinquency generally increased, to 35 percent in 1982 and 42 percent in 1983. Although there was a slight decrease to 38 percent in 1984, more than 40 percent of the delinquency petitions filed in 1985 resulted in findings of delinquency. In 1986, the percentage of delinquency findings remained at about that level, but declined to 34 percent in 1988.

## HOW MANY JUVENILES ARE TRIED AS ADULTS IN ILLINOIS?

A juvenile in Illinois may be transferred to adult court and prosecuted under the state's criminal laws in one of three ways. The first involves a *discretionary transfer* initiated by a state's attorney and ordered by a Juvenile Court judge following a transfer hearing. The second type of transfer is *automatic* under state law for juveniles accused of certain serious crimes. The third is on the request of the juvenile, with the consent of counsel. (See pages 119-220 for more information about how juveniles are transferred to adult court.)

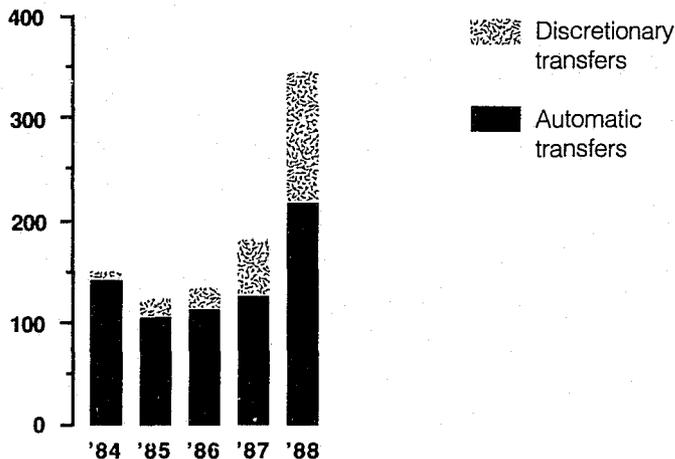
Reliable statewide statistics on the number of transfer hearings and the number of juveniles tried as adults in Illinois are unavailable. However, data from Cook County (where, presumably, a large percentage of the transfers in the state occur) indicate that nearly 950 juveniles were tried as adults between 1984 and 1988, with most of these resulting from automatic transfers.

Immediately after the automatic transfer law took effect in 1982, the number of discretionary transfers in Cook County began to decline as more cases that previously would have gone through transfer hearings were instead automatically transferred to adult court. From 1984 through 1987, there were 145 or fewer automatic transfers per year; in 1988, however, the number rose sharply to 220. Discretionary transfers, meanwhile, have risen from seven in 1984 to 129 in 1988 (Figure 5-16). Still, between 1984 and 1988, there were nearly three times as many automatic transfers as discretionary transfers in Cook County.

Figure 5-16

## The number of juveniles transferred to adult court in Cook County nearly doubled from 1987 to 1988.

Juvenile transfers to adult court



Source: Juvenile Court of Cook County

## HOW MANY JUVENILES ARE HELD IN DETENTION IN ILLINOIS?

Illinois' detention centers admitted a total of 10,431 juveniles in 1988. The Cook County Juvenile Temporary Detention Center in Chicago admitted 4,744 juveniles that year, 88 percent of whom were male. In the rest of the state, males accounted for approximately 70 percent of the detained youths.

Unlike Illinois Department of Corrections facilities, which handle only sentenced youth, the detention facilities house juveniles for a variety of reasons, both before and after adjudication:

- When the juvenile is being held in detention while waiting for a hearing
- When probable cause has been found and the juvenile is waiting for an adjudicatory hearing
- When the juvenile has been adjudicated delinquent and is waiting for a disposition
- When the detention is part of the disposition for up to 30 days or part of a disposition of probation
- When the juvenile is being held for extradition to another jurisdiction
- When the juvenile is being held at the request of immigration officials
- When the juvenile is being held for prosecution as an adult
- When the juvenile is being held in contempt of court (up to six months)

## WHAT TYPES OF DISPOSITIONS DO JUVENILE OFFENDERS RECEIVE?

Probation is by far the most common disposition for all adjudicated delinquents. Statewide, approximately 85 percent of all adjudicated delinquents are placed on probation.<sup>49</sup> Courts often order juveniles to participate concurrently in additional programs as part of the disposition, the two most common being restitution to victims and community service. In 1988, juveniles on probation in Illinois paid a total of more than \$630,000 in restitution to victims, and 2,949 juvenile offenders were ordered to provide more than 83,000 hours of community service.<sup>50</sup>

Only juveniles aged 13 or older who have been adjudicated delinquent or who have been convicted and sentenced as an adult, may be committed to the Illinois Department of Corrections (IDOC) Juvenile Division. Juveniles may be either institutionalized in a youth center or assigned to a program of community-based supervision.

IDOC operates seven youth centers, which provide institutional programs and services for juvenile offenders (Figure 5-17). In addition, IDOC's six field services offices provide a variety of programs for young offenders who are back in the community. Field services are delivered either directly through IDOC staff or through other agencies the department contracts with. These services include parole, supervision of juveniles on extended or authorized absence from IDOC youth centers, alternative placements for youth unable to return home, and support services such as counseling and educational, vocational, and on-the-job training. Delinquents remain under Juvenile Court jurisdiction until they turn 21 or are discharged by the court, or until they are discharged by the Illinois Prisoner Review Board, which periodically reviews juvenile cases.

## HOW MANY JUVENILES ARE IN STATE INSTITUTIONAL CUSTODY?

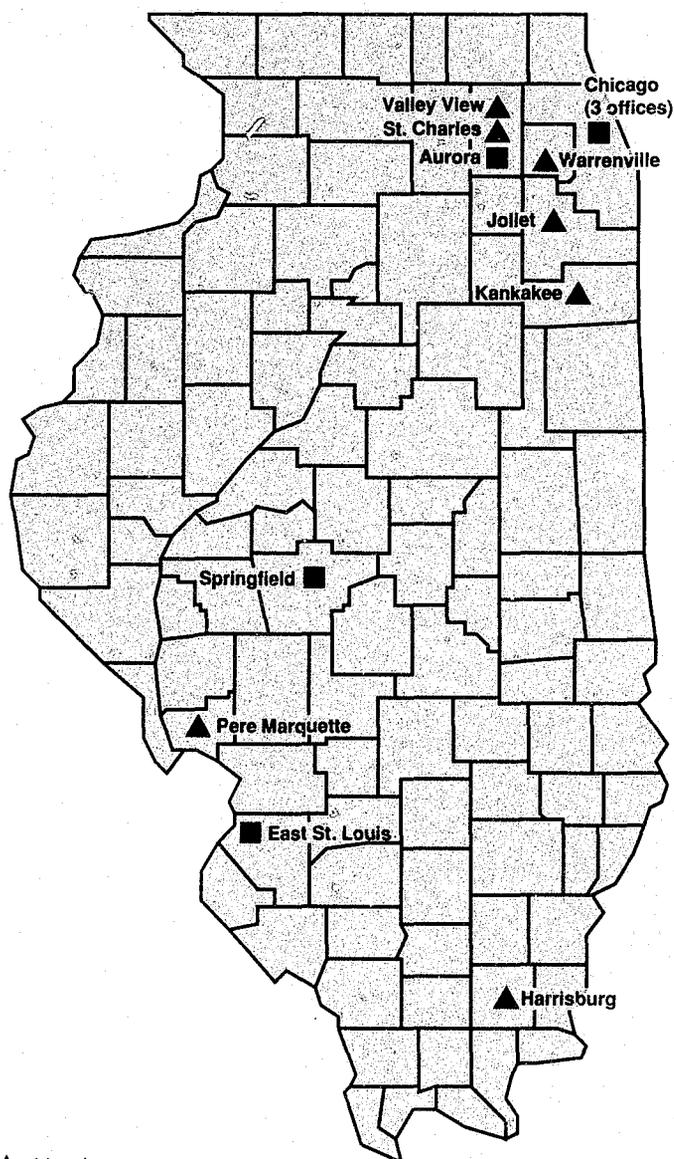
Juveniles in institutional custody in Illinois include three different groups of young people:

1. Those housed in IDOC youth centers
2. Those on extended or authorized absence from IDOC youth centers<sup>51</sup>
3. Those under administrative placement (that is, under the custody of a youth center but housed in a mental health center, residential treatment center, or other specialized facility) or in administrative custody (that is, detained in a local jail or other detention facility after being taken into custody for another crime while on parole or specialized absence).

Juveniles committed to IDOC typically progress from institutional custody to field services supervision,

Figure 5-17

**Illinois has seven youth centers for juvenile offenders.**



▲ Youth centers

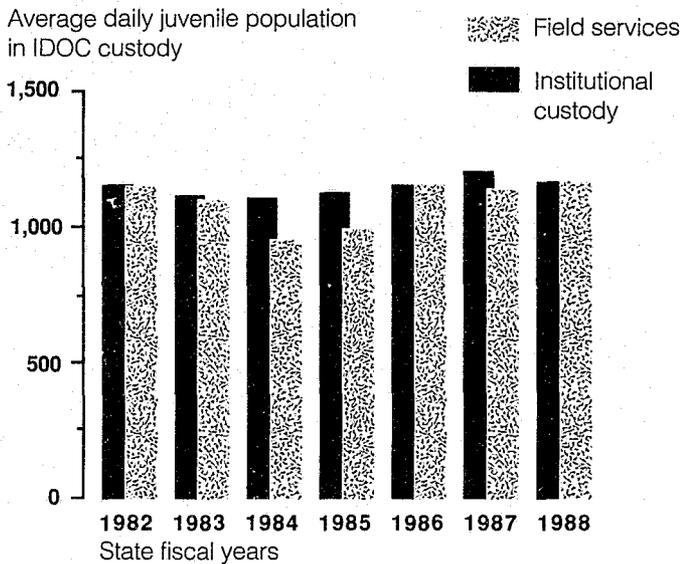
■ Field services district offices

Source: Illinois Department of Corrections

although they may be returned to a juvenile facility if their parole is revoked or if they are adjudicated delinquent for a new crime. While a large portion of the juvenile population is always in transition between institutional custody and field services supervision, slightly more juveniles are usually in institutional custody at any given time. During state fiscal year 1988,<sup>52</sup> the average daily population of juveniles in institutional custody was 1,180, while the average daily population under field services supervision was 1,174 (Figure 5-18).<sup>53</sup>

Figure 5-18

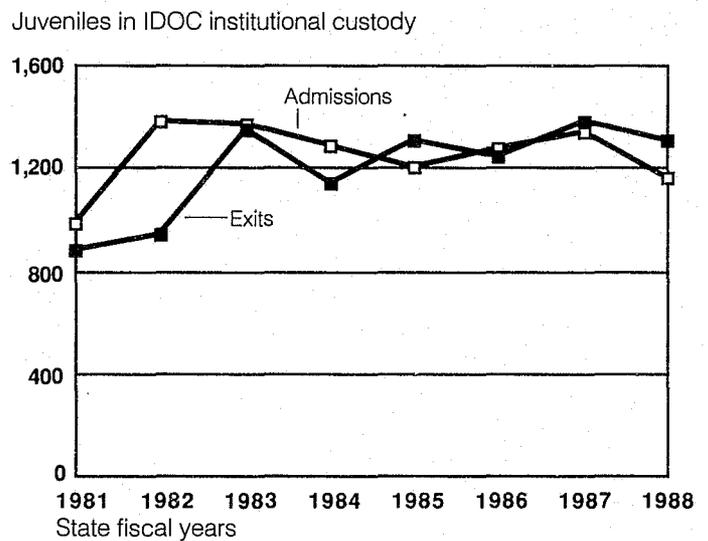
**On any given day, a majority of juveniles in IDOC custody are in institutional custody.**



Source: Illinois Department of Corrections

Figure 5-19

**Releases from IDOC institutional custody exceeded admissions in both 1987 and 1988.**



Source: Illinois Department of Corrections

Between fiscal years 1981 and 1988, a total of 9,996 juveniles, or an average of 1,250 a year, were admitted to IDOC institutional custody. Since fiscal 1982, the number of juvenile admissions has generally declined, reaching 1,116 in 1988 (Figure 5-19).

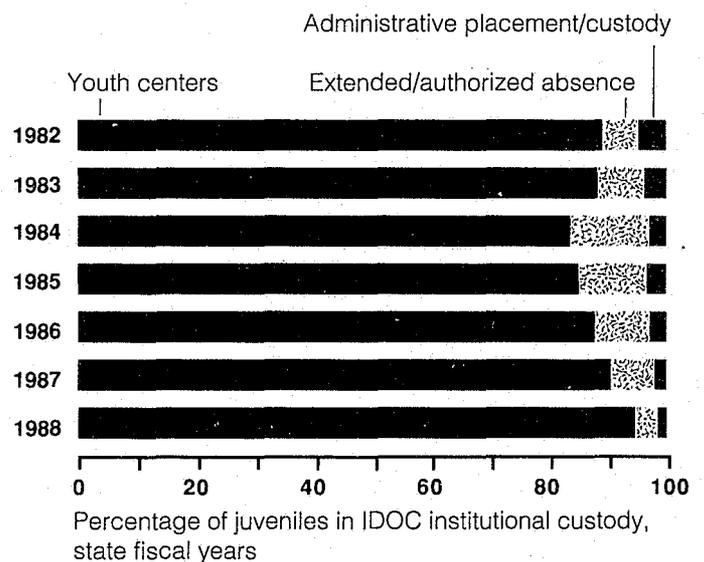
Meanwhile, the number of juveniles released from institutional custody averaged 1,193 a year between fiscal 1981 and fiscal 1988, or 57 less than the average number of admissions per year. Releases have exceeded admissions three times in the past eight years. In fiscal 1985, 107 more juveniles were released than were admitted; in fiscal 1987, 42 more were released than admitted; and in fiscal 1988, 146 more were released than admitted.

Most of the juveniles in institutional custody are housed in IDOC's seven youth centers. During fiscal 1988, for example, juveniles in IDOC youth centers accounted for 95 percent of the average daily institutional custody population (Figure 5-20).

Juveniles in institutional custody who are not housed in IDOC youth centers are instead on some sort of specialized leave program. These programs are designed both to integrate young offenders back into the community and to administratively control the youth center population. Juveniles on extended or authorized absence represented anywhere from 4 percent—in fiscal 1988—to 13 percent of the average daily institutional custody population in each year from fiscal 1982 through fiscal 1988. Juveniles under administrative placement or in administrative custody form the smallest group in institutional custody: they never accounted for more than 5.3

Figure 5-20

**Most juveniles in IDOC institutional custody are housed in youth centers.**



Source: Illinois Department of Corrections

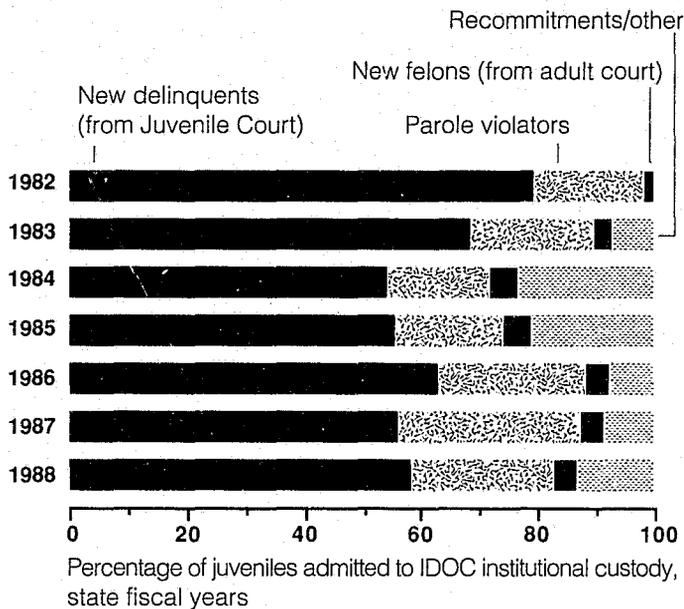
percent of the average daily population in any one year since fiscal 1982, and they made up only about 2 percent of the population during fiscal 1988.<sup>54</sup>

**WHEN ARE JUVENILES ADMITTED TO STATE INSTITUTIONAL CUSTODY?**

The majority of juveniles admitted to institutional custody each year have received *new* convictions. In other

Figure 5-21

**Nearly six in 10 juveniles admitted to IDOC institutional custody have been found newly delinquent in Juvenile Court.**



Source: Illinois Department of Corrections

words, these juveniles were not under IDOC's jurisdiction at the time of their conviction. Newly convicted juveniles include those adjudicated delinquent in Juvenile Court and those convicted and sentenced in adult court.

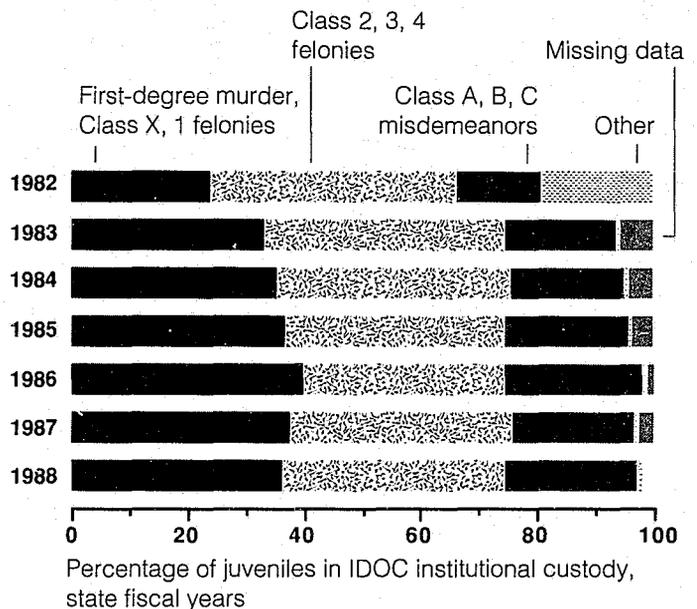
But the percentage of admissions involving new convictions has declined in recent years, with concomitant increases in the percentage of admissions involving juveniles already under IDOC's jurisdiction—either under field services supervision or in a facility serving time on a previous conviction. Juveniles under field services supervision (on parole or on extended or authorized absence) who violate the conditions of their release or who are convicted on another charge are considered *parole violators*. Juveniles already serving time in facilities who are subsequently convicted on another pending charge are considered *recommitments*.

In fiscal 1982, juveniles newly adjudicated and sentenced in Juvenile Court made up 79 percent of all admissions to institutional custody, but in fiscal 1984, that percentage had decreased to 54 percent (Figure 5-21). This drop was offset by increases in the proportion of two other admission types: juveniles newly convicted in adult court and recommitments.<sup>55</sup> The number of juveniles admitted as parole violators was relatively stable between fiscal years 1982 and 1984.

After 1984, however, admissions due to parole violations increased from 17 percent to 24 percent in fiscal 1988. Recommitments and court evaluations, how-

Figure 5-22

**More than three-quarters of the juveniles in IDOC institutional custody were committed for felony offenses.**



Source: Illinois Department of Corrections

ever, dropped from 23 percent to 13 percent during this period. The two other admission types generally decreased in the early part of this period, but later began to rise again.

Although juveniles tried in adult court still represent a relatively small proportion of institutional custody admissions—about 4 percent in fiscal 1988—these serious offenders will remain in IDOC institutional custody longer than other juvenile offenders. Length of stay for these juveniles increased 89 percent between fiscal 1983 and fiscal 1988, when it exceeded 33 months.<sup>56</sup>

Since fiscal 1983, those juveniles committed to IDOC for any type of felony offense—from first-degree murder through Class 4 felonies—have consistently made up approximately three-quarters of all juveniles in institutional custody (Figure 5-22). The proportion of juveniles committed for the most serious of these crimes—first-degree murder and Class X and 1 felonies—was approximately 13 percentage points higher in fiscal 1988 (37 percent) than in fiscal 1982 (24 percent).

### WHAT IS THE DEMOGRAPHIC PROFILE OF JUVENILES IN STATE INSTITUTIONAL CUSTODY?

The basic demographic profile of juveniles in IDOC institutional custody has not changed significantly in the past few years.<sup>57</sup> At the end of fiscal 1988, males continued to make up about 94 percent of all juveniles in

institutional custody, and about 55 percent of the juvenile offenders had come from Cook County. This latter figure, however, was about 11 percentage points lower than the percentage at the end of fiscal 1982.<sup>58</sup>

There was also little change in the racial makeup of the juveniles in institutional custody. The proportion who were black was 58 percent in June 1982 and 59 percent in June 1988, while the proportion who were white decreased from 34 percent to 31 percent during the same period (Figure 5-23). Hispanics accounted for between 7 percent and 9 percent of the population during the seven years.

The age distribution of juveniles in institutional custody has also remained fairly stable, although there was a gradual aging of this population between fiscal years 1982 and 1988. Slight decreases in the proportion of 15- and 16-year-olds were offset by increases in the proportion of 17- through 20-year-olds (Figure 5-24). Two factors may help explain this trend:

1. Longer lengths of stay for juvenile offenders. Between fiscal 1982 and fiscal 1985, the average length of stay for delinquent minors rose from 11.5 months to 15 months, while the length of stay for juveniles tried as adults increased from about 17.5 months to a little more than two years.<sup>59</sup>
2. An increase in the proportion of juveniles tried as adults who are being incarcerated. Juvenile offenders tried as adults are most likely to serve the longest sentences. Steady increases in the length of stay for juveniles tried as adults may also explain the higher

proportion of 19- and 20-year-olds in institutional custody in recent years.

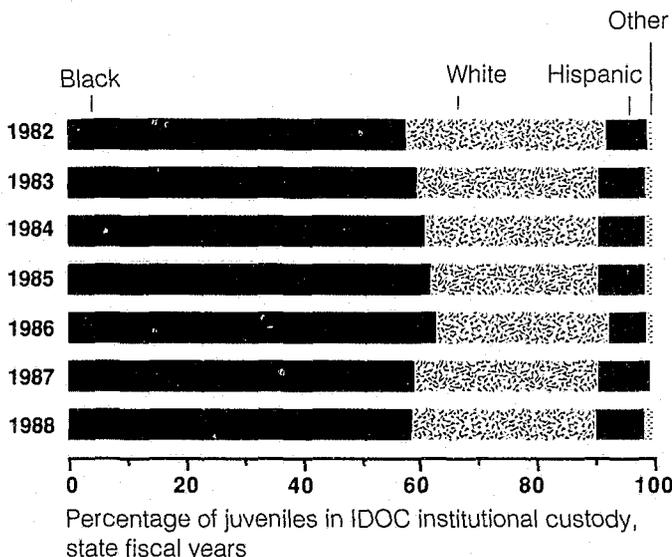
A disproportionately high percentage of juveniles in IDOC institutional custody are aged 16 and 17. These juveniles accounted for 55 percent of all 13- to 20-year-olds in institutional custody at the end of fiscal 1988.<sup>60</sup> Both 15- and 18-year-olds are also overrepresented in the state's institutional custody population, though not by as much as 16- and 17-year-olds. Because juveniles sentenced in adult court may be transferred to an adult institution at age 17, the proportion of youths aged 19 and older in juvenile institutional custody tends to be lower than their proportion of Illinois' 13- to 20-year-old population.

### WHAT IS THE CONNECTION BETWEEN JUVENILE DELINQUENCY AND ADULT CRIME?

Throughout the juvenile justice process, authorities look for appropriate dispositions that meet the special needs of young offenders. The goal is to identify delinquent behavior early on, and then to take meaningful steps to prevent a young offender from becoming an adult criminal.

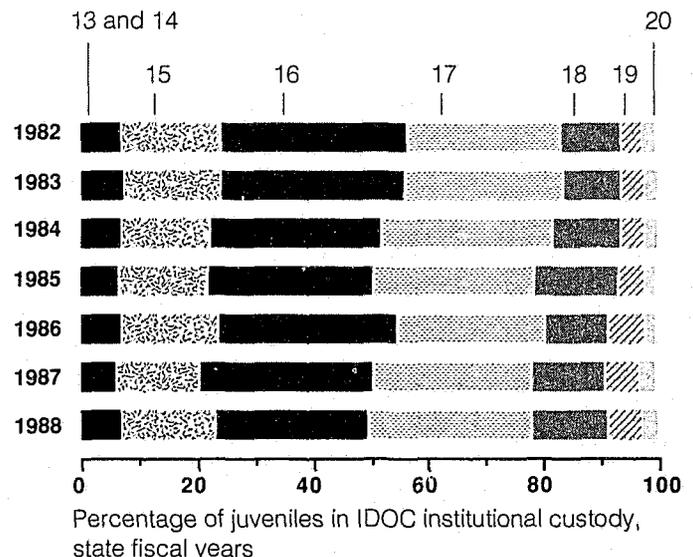
Juvenile delinquency, of course, does not inevitably lead to a life of adult crime. A central issue in juvenile justice research is to identify factors that distinguish people who do continue criminal activity after early encounters with police from those who do not. Various studies have found the characteristics of juvenile delinquency to be the most reliable predictor of an adult criminal career.<sup>61</sup> Juveniles who engage in serious crime

Figure 5-23  
**The racial makeup of juveniles in IDOC institutional custody has remained relatively stable.**



Source: Illinois Department of Corrections

Figure 5-24  
**More than 50 percent of the juveniles in IDOC institutional custody are now aged 17 and older.**



Source: Illinois Department of Corrections

at an early age are those most likely to continue to commit crimes as adults. But when juvenile delinquency is absent, sporadic, or minor in nature, an adult criminal career is unlikely.

Research has also uncovered other factors that may explain the link between juvenile and adult offense patterns. One study suggests that the age at which an offender has his or her first recorded police contact shapes that person's subsequent criminal career: the earlier the contact, the greater the likelihood that a relatively serious criminal career will follow.<sup>62</sup> In addition, there is evidence that the more serious the first police contact, the greater the likelihood that subsequent police contacts will follow.<sup>63</sup>

Another common notion is that as career criminals gain experience, they engage in increasingly more serious crimes than those they committed as juveniles. However, the evidence to support this hypothesis is relatively weak, except that, as already noted, the beginning of a criminal career at a young age tends to involve minor offenses. Studies have shown that the seriousness of the crimes committed does not systematically increase over time as juvenile offenders become adult criminals.<sup>64</sup>

Other researchers have investigated the question of how offense rates vary over a person's criminal career. Their studies seem to indicate that offense rates are highest during the juvenile years, but then decrease during the adult years.<sup>65</sup> In the characteristic pattern, delinquent activity begins at about age 14, the offense rate increases until the early 20s, and then tends to decline thereafter until age 30, when the majority of criminal careers end.

Research has also suggested different motivations for juvenile and adult offenders. While juvenile crime is often motivated by excitement, attention, and peer recognition, the motivation tends to shift to instrumental needs in later years. In other words, adults tend to commit crimes for what they yield (for example, habitual stealing to support day-to-day necessities).<sup>66</sup>

Finally, there are some indications that criminal sanctions applied to juvenile offenders may actually be counterproductive in stemming future criminal activity. One study showed that as the number of contacts a juvenile had with police before the age of 18 grew, and as the seriousness of the sanctions the juvenile received also increased, the juvenile tended to have more police contacts after turning 18.<sup>67</sup> Of course, this result may simply indicate that criminal sanctions tend to be selective: sanctions are more likely to be applied against offenders who are correctly perceived as serious. But it may also be reasonable to assume that a young person's experience in jail or prison fosters "professional" relationships with other criminals, generates frustration with

society, and compounds the difficulty an offender has in obtaining legitimate employment after being released. Consequently, incarceration may create pressures to continue a criminal career.

### **WHAT IS BEING DONE TO INTERRUPT DELINQUENCY CAREERS?**

Research has cited many factors believed to be associated with long-term criminal activity. The next step is to use this information to identify those juvenile offenders who are likely to perpetuate their criminal activities as adults so that the system can effectively intervene first. In Illinois, however, as in many other states, the philosophy that distinguishes juvenile justice from criminal justice promotes the confidentiality of juvenile records. While this approach may protect young offenders from negative labeling that could interfere with their rehabilitation, and may guard against other misuses of the information, it can also inhibit the flow of information about juvenile offenders who may eventually become career criminals.<sup>68</sup>

In a comprehensive study of juvenile recidivism in McLean, Sangamon, Champaign, and Vermilion counties from 1978 to 1987, the relative effectiveness of 12 different court dispositions was determined for a sample of 3,121 juveniles, who were each tracked for a three-year period after the court disposition.<sup>69</sup> Recidivism was measured by arrest (for those juveniles who became adults during the three-year period) or by being taken into custody, and by the speed by which those rearrests occurred. In general, the study found that "longer sentences of detention are either insignificant or harmful for recidivism rates."<sup>70</sup> For those male juveniles with "more serious" records of at least two prior petitions for felony offenses, sentences involving community treatment resulted in less recidivism than did more punitive sentences.<sup>71</sup> For the other juveniles, there was no relationship between the severity of punishment and the chance of recidivism.

Steps are being taken in Illinois to help reduce recidivism among juvenile offenders. In 1984, the Juvenile Court of Cook County established an Intensive Probation Supervision (IPS) program for non-violent, high-risk, repeat juvenile offenders who would otherwise have been committed to the Illinois Department of Corrections. This highly structured, community-based program includes probation officer availability 24 hours a day, an initial detention of 30 days, and subsequent home confinement. Juveniles assigned to this program may be asked to perform community service or provide victim restitution. The level of supervision in the program is reduced as juveniles show a satisfactory response to program guidelines.

The Cook County Juvenile Court has also

established an early offender program targeted at children aged 10 to 14 who have received their first finding of delinquency. Caseloads for probation officers in this program are limited to 12, so that multiple contacts

per week and other services can be provided.<sup>72</sup>

The ultimate goal of these and other local programs is to keep young offenders from further involvement with the juvenile and the criminal justice systems.

# Notes

<sup>1</sup> Barbara Boland, "Fighting Crime: The Problem of Adolescents," *The Journal of Criminal Law and Criminology* 71 (Summer 1980), pp. 94-97.

<sup>2</sup> The Illinois Uniform Crime Reports, however, labels juveniles taken into custody as juvenile arrests.

<sup>3</sup> *Report to the Nation on Crime and Justice* (Washington, D.C.: Bureau of Justice Statistics, 1983), p. 60

<sup>4</sup> *Report to the Nation on Crime and Justice*, 1983, p. 60.

<sup>5</sup> *Crime and Criminal Justice in Cook County: An Overview* (Chicago, Ill.: The Criminal Justice Project of Cook County, 1989), p. 121. See *Kent v. United States*, 383 U.S. 541 (1966), which established the right to an attorney during juvenile proceedings and to a hearing before a juvenile could be transferred to adult court; *in re Gault*, 387 U.S. 1 (1967), stressing the right to an attorney, to due notice, and to confrontation of witnesses; and *in re Winship*, 397 U.S. 358 (1970), establishing the standard of proof in juvenile cases to be "beyond a reasonable doubt."

<sup>6</sup> A delinquent minor is a juvenile who, before his or her 17th birthday, has violated, or attempted to violate, any federal or state law or municipal ordinance (Ill.Rev.Stat., ch. 37, par. 805-3). Any minor alleged to have committed a traffic, boating, or fish and game law violation, whether or not the violation is punishable by imprisonment or by fine only, may be prosecuted for it (Ill.Rev.Stat., ch. 37, par. 805-4(2)).

<sup>7</sup> Ill. Rev. Stat., ch. 37, par. 801-3(4.1). A chronic or habitual truant is a child subject to compulsory school attendance who is absent without valid cause for 10 percent or more of the previous 180 regular attendance days. The School Code of 1961, Ill.Rev.Stat., ch. 122, par. 26-2a.

<sup>8</sup> Ill.Rev.Stat., ch. 37, par. 803-33(a).

<sup>9</sup> *A Report to the President of the Chicago Bar Association* (Chicago: Special Committee to Study the Juvenile System in Cook County, 1989), p. 2.

<sup>10</sup> Cook County Superintendent of Schools' Office (telephone interview, November, 1989).

<sup>11</sup> Ill.Rev.Stat., ch. 37, par. 804-3; Ill.Rev.Stat., ch. 111 1/2, par. 6351-3.

<sup>12</sup> Emancipation applies to any minor aged 16 or older who has been completely or partially emancipated under the Emancipation of Mature Minors Act (Ill.Rev.Stat., ch. 40, par. 2201). With the approval of a minor's parents or guardians, the court may allow a mature minor to live wholly or partially independent from parents or guardians, if the minor has demonstrated the ability to manage his or her own affairs. Under this act, the minor has the right to enter into valid legal contracts and has other rights ordered by the court. Partial emancipation provides only those rights specified by court order.

<sup>13</sup> The Juvenile Court Act section number authorizing this hearing, formerly 702, is now 805-4.

<sup>14</sup> Ill.Rev.Stat., ch. 37, par. 805-4 (PA 86-371).

<sup>15</sup> Ill.Rev.Stat., ch. 37, par. 805-4 (PA 86-946).

<sup>16</sup> Ill.Rev.Stat., ch. 37, par. 805-7(2)(B).

<sup>17</sup> Ill.Rev.Stat., ch. 37, par. 805-7(2)(A).

<sup>18</sup> Ill.Rev.Stat., ch. 37, par. 805-7(2)(C).

<sup>19</sup> Ill.Rev.Stat., ch. 37, par. 805-7(2)(C)(ii).

<sup>20</sup> Ill.Rev.Stat., ch. 37, par. 805-7(4).

<sup>21</sup> Ill.Rev.Stat., ch. 37, par. 805-4 (PA 86-766).

<sup>22</sup> This total includes all minors processed by the temporary detention center, including those who are processed and then sent home, not just those kept over night.

<sup>23</sup> *Fiscal Year 1988 Jail and Detention Statistics and Information* (Springfield, Ill.: Illinois Department of Corrections, 1988), p. 1. Illinois fiscal years run from July 1 through June 30 (for example, fiscal 1988 began July 1, 1987, and ended June 30, 1988).

<sup>24</sup> Ill.Rev.Stat., ch. 37, par. 805-7 (B); Ill.Rev.Stat., ch. 37, par.-10 (1).

<sup>25</sup> Ill.Rev.Stat., ch. 37, par. 805-14 (b)(1)(A), (2).

<sup>26</sup> Ill.Rev.Stat., ch. 37, par. 805-19.

<sup>27</sup> Ill.Rev.Stat., ch. 37, par. 805-34.

<sup>28</sup> Ill.Rev.Stat., ch. 37, par. 805-23.

<sup>29</sup> Under Illinois law, the commitment of a delinquent to IDOC is for an indeterminate term, which is automatically terminated when the juvenile becomes 21. The case is periodically reviewed by the Illinois Prisoner Review Board, which may discharge the juvenile at an earlier date. The delinquent may also be discharged from custody at the discretion of the Juvenile Court.

<sup>30</sup> Ill.Rev.Stat., ch. 37, par. 805-24.

<sup>31</sup> Administrative Office of the Illinois Courts and the Juvenile Court of Cook County.

<sup>32</sup> The number of probation officers outside Cook County includes only non-management probation officer positions, except where the chief managing officer is also the only probation officer in a small county office or where a supervisor also carries a caseload.

<sup>33</sup> The number of probation officers in Cook County was reported as 354 in *Trends and Issues 89*. That figure included management and field probation officers. The figure reported in this edition includes only non-management positions, to be consistent with other state totals.

<sup>34</sup> Juvenile Court of Cook County.

<sup>35</sup> *FY '88 Annual Program Review School District 428* (Springfield, Ill.: Illinois Department of Corrections, 1989).

<sup>36</sup> For more information about UCR arrest statistics in Illinois, see Louise S. Miller and Carolyn R. Block, *Introduction to Illinois Uniform Crime Reports* (Chicago: Illinois Criminal Justice Information Authority, 1985).

<sup>37</sup> Station adjustments are not included in statewide data comparisons.

<sup>38</sup> Ill.Rev.Stat., ch. 37, par. 805-35.

<sup>39</sup> Ill.Rev.Stat., ch. 37, par. 805-4.

<sup>40</sup> Children younger than 5 and adults aged 60 and older were excluded because, statistically, they account for very few arrests. All numbers concerning juveniles taken into custody in Chicago exclude station adjustments because of unresolved data quality issues. These numbers include only court referrals and transfers to adult court. For an explanation of Chicago station adjustments, see pages 226–227.

<sup>41</sup> Statistics for juveniles taken into custody for criminal sexual assault and aggravated assault were not analyzed because of data quality issues.

<sup>42</sup> A minor might be recorded as having been station adjusted for murder under certain circumstances. For example, a minor might be taken into custody for murder for what later is determined to be an accidental shooting. Although the minor's record is changed, the initial charge of murder would remain in the Chicago Police Department's Youth Division's statistics for station adjustments.

<sup>43</sup> The percentage of dependent minor petitions includes only those petitions filed outside Cook County. In Cook County, dependent minor and neglected or abused minor petitions are counted under the same category—neglected or abused minors. Therefore, the statewide percentage of neglected or abused minor petitions is artificially high, while the percentage of dependent minor petitions is artificially low. Also, although addicted minors may be considered a unique category, AOIC's Probation Division reports the filing of addicted minor petitions together with MRAI filings. No addicted minor petitions were filed in Cook County in 1988, which suggests that these minors either were referred to social service agencies or were handled through some other type of petition, such as a delinquent minor petition.

<sup>44</sup> Several petitions may be filed from one delinquency incident, and a single petition may have one or more counts or offenses. Statistics on the number of delinquency petitions filed were unavailable for the following counties in the years indicated:

1980—Hancock, Jasper, Macoupin, Mercer, Peoria, Pope, and Whiteside

1981—Jasper, Macoupin, and Stark

1982—Calhoun, Clinton, Johnson, Macoupin, Marion, Massac, and Stark

1983—Clinton, Coles, Cumberland, Jasper, and Montgomery

1984—Jasper and Stark

1985—Bond, Montgomery, and Stark

1986—Putnam and Stark

1987—Coles, Cumberland, Massac, and Shelby

<sup>45</sup> *A Report to the President of the Chicago Bar Association* (Chicago: Chicago Bar Association, 1989). The report made 35 recommendations for improving the effectiveness and efficiency of the Juvenile Court.

<sup>46</sup> This figure (573) is based on an average of 1.5 attorney appointments per juvenile petition, recorded by

the Cook County Public Defender's Juvenile Division. ABA guidelines were published in its *Report on Courts* (Washington, D.C.: American Bar Association, 1973).

<sup>47</sup> For each crime category in Figure 5-15, attempted offenses are included in the total if an attempt is indeed a statutory offense. Other definitions are as follows:

- "Lesser theft offenses" include theft of goods valued at less than \$300, theft from a person, retail theft, attempts of these crimes, and various minor theft charges.
- "Lesser property offenses" include bribery, forgery, solicitation, possession of stolen property, possession of a stolen auto, criminal trespass to land, criminal damage to property, attempts of these crimes (where applicable), and other lesser property crimes.
- "Aggravated battery/assault" includes kidnapping, unlawful restraint, aggravated arson, heinous battery, and attempted kidnapping.
- "Sex offenses" include criminal sexual assault, criminal sexual abuse, aggravated criminal sexual assault, aggravated criminal sexual abuse, attempts of these crimes, and sexual relations within the family.
- "Miscellaneous charges" include intimidation, mob action, and attempted mob action.

<sup>48</sup> In calculating the percentage of delinquency petitions that resulted in findings of actual delinquency, only those counties for which AOIC published both delinquency petition totals and delinquency adjudication totals were included. As a result, the following counties were *not* included in the calculations for the years indicated:

- 1980—Coles, Cumberland, DuPage, Hancock, Jasper, Macoupin, Mercer, Peoria, Pope, and Whiteside
- 1981—Coles, Cumberland, Jasper, Macoupin, and Stark
- 1982—Calhoun, Clinton, Coles, Cumberland, Johnson, Macoupin, Marion, Massac, and Stark
- 1983—Clinton, Coles, Cumberland, Jasper, Montgomery, and Peoria
- 1984—Jasper and Stark
- 1985—Bond, Montgomery, and Stark
- 1986—Putnam and Stark
- 1987—Coles, Cumberland, Massac, and Shelby

<sup>49</sup> Probation Division of the Administrative Office of the Illinois Courts.

<sup>50</sup> Administrative Office of the Illinois Courts, Probation Division.

<sup>51</sup> Although juveniles on extended or authorized absence are supervised by the field services program of IDOC's Juvenile Division, they are still considered to be in institutional custody.

<sup>52</sup> Illinois fiscal years run from July 1 through June 30 (for example, fiscal 1988 began July 1, 1987, and ended June 30, 1988).

<sup>53</sup> The totals for daily institutional custody population include in-house totals only. IDOC monitors and compares the in-house numbers from year to year. The institutional custody totals do not include extended/authorized absences or administrative placement custody, which are included in IDOC's Human Services Plan (see note 56) daily population totals.

<sup>54</sup> Totals used to formulate these percentages have been adjusted from those found in IDOC's 1988–1990 Human Services Plan (*Human Services Plan—Fiscal Years 1988–1990* [Springfield, Ill.: Illinois Department of Corrections, 1989]) due to data quality issues.

<sup>55</sup> The "Recommitments/other" category in Figure 5-21 also includes juveniles admitted to institutional custody on court evaluations.

<sup>56</sup> Juveniles convicted in adult court must complete the determinate sentence imposed by the judge, minus any day-for-day or meritorious good time they earn. Habitual juvenile offenders receive a determinate sentence extending to their 21st birthday, minus good time. On the other hand, the Illinois Prisoner Review Board determines the length of stay for delinquents. *Human Services Plan—Fiscal Years 1987–1989* (Springfield, Ill.: Illinois Department of Corrections, 1988), p. 117. *Human Services Plan—Fiscal Years 1988–1990*, p. 124.

<sup>57</sup> Data describing the sex, race, age, and crime class of the IDOC institutional custody population include youth on extended or authorized absence during fiscal years 1982 through 1985. However, this group is excluded from these categories beginning with fiscal 1986 data because of a change in IDOC reporting practices.

<sup>58</sup> *Human Services Plan—Fiscal Years 1988–1990*, p. 125.

<sup>59</sup> *Human Services Plan—Fiscal Years 1987–1989*, p. 117.

<sup>60</sup> IDOC excluded 21-year-olds from its grouped, age-specific statistics after fiscal 1986. Before fiscal 1986, 21-year-olds were included.

<sup>61</sup> See, for example, the following: Marvin Wolfgang, "Crime in a Birth Cohort," *Proceedings of the American Philosophical Society* 177 (1973), pp. 404-411; Wolfgang, *From Boy to Man—From Delinquency to Crime* (paper presented at the national Symposium on the Serious Juvenile Offender, 1977); Wolfgang, Robert Figlio, and Thorsten Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972); Michael R. Olson, *A Longitudinal Analysis of Official Criminal Careers* (doctoral dissertation, University of Iowa, 1977); Lyle W. Shannon, "A Longitudinal Study of Delinquency and Crime," in *Quantitative Studies in Criminology* (Beverly Hills, Calif.: Sage Publications, 1978); Shannon, *A Cohort Study of the Relationship of Adult Criminal Careers and Juvenile Crime* (paper presented at the University of Stockholm, Sweden, 1978); and David Pritchard, "Stable Predictors of Recidivism: A Summary," *Criminology* 17 (1979), pp. 15-21.

<sup>62</sup> Olson, 1977, and Shannon, 1978.

<sup>63</sup> Wolfgang, Figlio, and Sellin, 1972.

<sup>64</sup> Shannon, 1978, and Wolfgang, 1977.

<sup>65</sup> Joan Petersilia, Peter W. Greenwood, and Marvin Lavin, *Criminal Careers of Habitual Felons* (Washington, D.C.: U.S. Government Printing Office, 1978).

<sup>66</sup> See, for example, Petersilia, Greenwood, and Lavin, 1978; Daniel Glaser, "The Classification of Offenses and Offenders," in *The Handbook of Criminology* (Skokie, Ill.: Rand McNally, 1974); and Mark Peterson, Harriet Braiker, and Sue Polich, *Doing Crime: A Survey of California Inmates* (Santa Monica, Calif.: The Rand Corporation, 1980).

<sup>67</sup> Shannon, 1978.

<sup>68</sup> *Juvenile Justice Information Policies in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1986).

<sup>69</sup> John D. Woolredge, "Differentiating the Effects of Juvenile Court Sentences on Eliminating Recidivism," *Journal of Research in Crime and Delinquency*, Vol. 25, No. 3 (August 1988), pp. 264-300.

<sup>70</sup> Woolredge, 1988, p. 283.

<sup>71</sup> John D. Woolredge, *Specifying Empirical Relationships between Juvenile Court Sentences and Recidivism by Seriousness of Offenders* (Santa Fe, N.M.: Department of Criminal Justice, 1989).

<sup>72</sup> Juvenile Court of Cook County.

# Juvenile Justice Financing

At the law enforcement level, spending on activities specifically related to juveniles is often difficult to separate from overall enforcement expenditures. Some police and sheriffs' departments have distinct juvenile divisions, full-time juvenile officers, or special juvenile justice programs for which spending can be measured. But the majority of law enforcement activities—patrolling, answering calls for service, investigating crimes, and the like—are carried out without specific attention to the probable age of the offender.

It is only after a juvenile has been taken into custody by police that he or she is handled by a system distinct from the adult criminal justice system. It is also at this point that information about the costs of juvenile justice are more readily available and more easily measured. This section focuses primarily on the financial data related to these juvenile justice functions—activities such as juvenile prosecution and public defense, juvenile courts, and juvenile corrections.

## WHAT ARE THE PRIMARY SOURCES OF MONEY FOR STATE JUVENILE JUSTICE ACTIVITIES?

The State of Illinois' role in juvenile justice involves two primary activities: operating correctional facilities and providing financial support for other parts of the system (for example, reimbursing counties for the salaries of Juvenile Court personnel and probation officers). These activities, along with selected enforcement and prosecution efforts aimed at young people, are financed largely from tax dollars deposited in the state's General Revenue Fund.

For example, the Juvenile Division of the Illinois Department of Corrections (IDOC), which spends the majority of state juvenile justice funds, receives most of its money from the General Revenue Fund. State reimbursements to the counties for the salaries of juvenile probation officers come primarily from the General Revenue Fund as well. This fund also provides most of the money for

the state's I-SEARCH (Illinois State Enforcement Agencies to Recover Children) missing persons program, although since fiscal year 1986, the Missing and Exploited Children Trust Fund, consisting of donations from private organizations and individuals, has provided a small portion of the money used to fund the program.<sup>1</sup> Appellate defenders who represent juveniles during appeals are funded entirely from state General Revenue funds, and appellate prosecutors involved in juvenile cases are funded through a combination of state and county funds.

Besides General Revenue money, federal funds also support specific juvenile justice programs administered by the state government. The Children and Family Services Juvenile Justice Trust Fund, where some of these federal dollars are deposited, is administered by the Illinois Department of Children and Family Services. DCFS distributes most of this money to other state and local agencies for juvenile justice programs (for example, to cover the cost of transporting juveniles to detention facilities

from counties that do not have their own). Deposits in the trust fund increased from about \$1.8 million (in constant 1988 dollars) in state fiscal year 1984 to more than \$3.2 million in fiscal 1987, before declining to about \$2.3 million the next year (FINANCE 5-1).<sup>2</sup>

In addition, juvenile *status offenders*, who in the 1970s might have been housed in IDOC juvenile facilities under secure detention, are now handled by DCFS. DCFS funds crisis intervention and emergency placement services for young people referred by the police as being *minors requiring authoritative intervention* (see pages 218 and 228 for information about MRAI). This shift in responsibility has reduced the juvenile caseload for IDOC and increased it for DCFS.

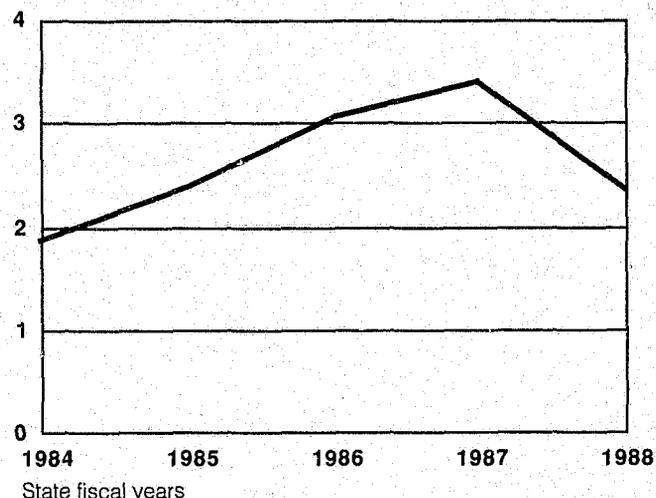
## WHAT ARE THE SOURCES OF MONEY FOR LOCAL JUVENILE JUSTICE ACTIVITIES?

Juvenile justice activities at the county and municipal levels—everything from law enforcement through juvenile court, probation, and detention—are funded

FINANCE 5-1

**After increasing the three previous years, federal funds for state and local juvenile justice programs in Illinois declined 31 percent in fiscal year 1988.**

Deposits in the Children and Family Services Juvenile Justice Trust Fund, constant 1988 dollars (millions)



Source: Office of the Illinois Comptroller

through a combination of local tax revenue and grants or other aid from the state and federal governments. The source of money depends largely on the specific type of juvenile justice activity:

■ **Law enforcement.** Most juvenile enforcement activities are carried out by municipal police departments, although county sheriffs' offices do investigate crimes and take juveniles into custody. In both municipalities and counties, enforcement activities for juveniles are funded predominantly through municipal or county general revenue funds. For some specific juvenile justice programs, however, local law enforcement agencies receive state or federal funds (or both). Between state fiscal years 1984 and 1988, for example, local law enforcement agencies received more than \$5.1 million from the Illinois State Police for local I-SEARCH programs, although the annual total did fall from almost \$2 million in fiscal 1987 to less than \$700,000 in fiscal 1988.

■ **Juvenile courts.** Juvenile courts, which are located within the Circuit Court of each Illinois county, are funded through a combination of state and local money.<sup>3</sup> State government pays the salaries of the circuit and associate judges (and court reporters) assigned to juvenile cases, and it pays two-thirds of the salary of the elected state's attorney in each county. Therefore, in counties with no assistant state's attorney, the state ends up paying two-thirds of the salary of the prosecutor who works in the Juvenile Court. Counties use their own revenue sources to finance other Juvenile Court costs, including construction, supplies, courtroom security, court clerks, and the like.

■ **Juvenile detention.** Fourteen counties in Illinois have juvenile detention facilities that are operated by their judicial circuits. In six of these counties, juvenile detention is financed through county general revenue funds. The other eight counties—DuPage, Knox, Lake, LaSalle, Madison, Sangamon, St. Clair, and Winnebago—have adopted a special property tax levy to support their juvenile detention centers.<sup>4</sup> In fiscal 1988, this tax

levy fully funded two of the eight detention facilities, in DuPage and Sangamon counties.<sup>5</sup> State government also covers some of the costs of juvenile detention: the state pays a portion (\$1,000 a month) of the salaries of juvenile detention officers and 100 percent of the salary of one administrator in each juvenile detention facility. In 1987, 187 juvenile detention officers received salary subsidies from the state. In addition to using tax dollars, some counties help pay for juvenile detention facilities by collecting reimbursements from parents who are able to contribute to the support of their children housed in the facilities.<sup>6</sup>

■ **Juvenile probation.** A combination of state and local revenue is used to finance juvenile probation activities as well. State government provides counties with a salary subsidy of \$1,000 per month for each juvenile probation officer in those probation departments that meet certain basic requirements for department hiring, management, and operations.<sup>7</sup> The state also pays 100 percent of the salaries of probation officers needed to meet minimum workload standards established by the Administrative Office of the Illinois Courts (see pages 172-173). Local revenue comes from general revenue funds and, in those counties that have adopted it, the special property tax levy for juvenile detention. The latter is used to supplant the salaries and other operating expenditures of juvenile probation departments.

#### **HOW MUCH MONEY IS SPENT ON JUVENILE LAW ENFORCEMENT IN ILLINOIS?**

Expenditures for juvenile law enforcement are difficult to measure in Illinois. For one thing, it is usually impossible to categorize many police activities—patrol, investigation, and police administration—as either "adult" or "juvenile" expenditures. In addition, the level of juvenile enforcement activities and programs varies widely from agency to agency, and most departments do not have separate budget items for their juvenile activities. However, some of the state's largest law enforcement agencies, such as the Cook County Sheriff's Department and the Chi-

cago Police Department, do maintain separate financial information for juvenile law enforcement activities. In both of these agencies, spending on juvenile law enforcement (after adjusting for inflation) has generally declined since the early 1970s.

Expenditures by the Youth Services Division of the Cook County Sheriff's Department fell almost 13 percent (in constant dollars) between fiscal years 1973 and 1988 (FINANCE 5-2). This division, which works to prevent youth crime and delinquency, spent (in constant 1988 dollars) \$422,074 in fiscal 1988, compared with \$484,655 in fiscal 1973 and nearly \$510,000 in fiscal 1978. The Youth Services Division has traditionally accounted for less than 1 percent of all sheriff's department expenditures, and in recent years, its share of department spending has fallen.

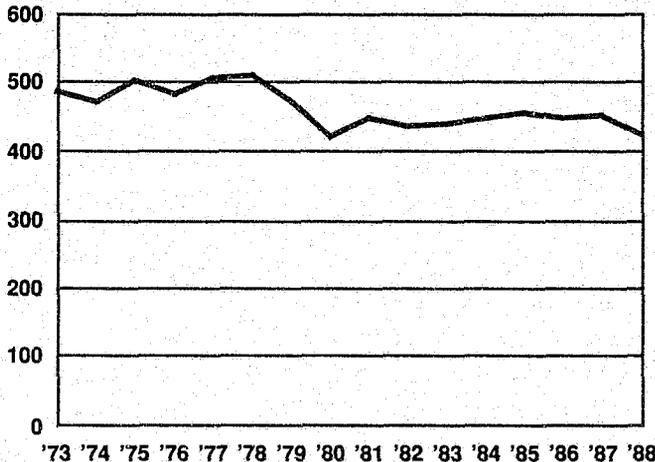
In the Chicago Police Department's Youth Division, constant-dollar expenditures have also declined over the last two decades. In 1970, Youth Division expenditures from the city's General Revenue Fund totaled \$20.6 million (in constant 1988 dollars). By 1979, these expenditures had decreased almost 11 percent, to \$18.4 million. Spending for the Youth Division has remained relatively steady, at about \$17 million a year (in constant dollars), from 1981 through 1989. Throughout the 1970s and 1980s, the Youth Division accounted for about 3 percent of all Chicago Police Department expenditures.

Almost all of the spending for Chicago's Youth Division goes for personnel. And, like Youth Division spending, the number of division employees has fallen since the 1970s (FINANCE 5-3). In 1989, 479 staff people—almost all of them juvenile officers—were budgeted for the Youth Division. That was 26 percent lower than the 1973 total of 648 (the peak year for Youth Division employment), and 16 percent lower than the 1979 figure of 571. Between 1979 and 1985, the number of Youth Division employees dropped 20 percent (compared with a 3-percent decline for all other Chicago Police Department employees). After increasing in

FINANCE 5-2

**Expenditures for the Youth Services Division of the Cook County Sheriff's Department have been relatively stable during the 1980s.**

Expenditures, constant 1988 dollars (thousands)

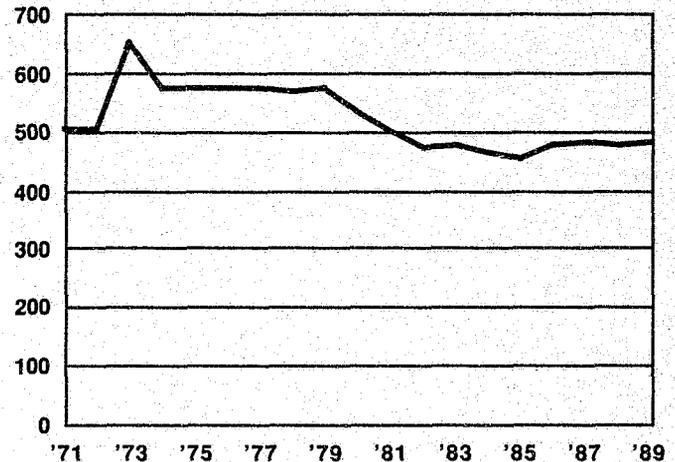


Source: Office of the Cook County Comptroller

FINANCE 5-3

**The number of employees in the Chicago Police Department's Youth Division declined 26 percent between 1973 and 1989.**

Employees budgeted for Chicago Police Department Youth Division



Source: Chicago Department of Finance

1986, the size of the Youth Division's staff has remained stable at about 480 through 1989. Youth Division staff make up slightly more than 3 percent of the total number of staff people budgeted for the police department.

**HOW MUCH MONEY IS SPENT FOR JUVENILE PROSECUTION?**

Like spending on juvenile law enforcement, expenditures for the prosecution of juvenile cases in Illinois are difficult to measure because, in most counties, spending on these cases cannot be easily separated from the total expenditures for the state's attorney's office. In many counties, especially the less populous ones with few or no assistant state's attorneys, prosecutors typically handle both adult and juvenile cases. In some of Illinois' larger counties, however, specific prosecutors are assigned exclusively to juvenile cases. Determining what percentage of staff people in these state's attorneys' offices work on juvenile cases provides a rough indication of the proportion of prosecution spending devoted to juvenile cases.

In Cook County, for example, 55 assistant prosecutors were budgeted for the

Juvenile Section of the state's attorney's office in fiscal year 1989. This represented nearly 9 percent of the 634 assistant state's attorneys budgeted for that year. However, the average salary of an assistant state's attorney in the Juvenile Section (\$31,350 in fiscal 1989) is lower than the average salary of all assistant prosecutors in Cook County (\$34,807),<sup>8</sup> and the percentage of overall spending devoted to the Juvenile Section is lower than the section's percentage of all prosecutors in the state's attorney's office. In fiscal 1989, more than \$1.8 million was budgeted for the Juvenile Section, or about 5 percent of the total expenditures of the state's attorney's office.

In the 1980s, the number of Juvenile Court prosecutors in Cook County, and the percentage of all prosecutors they represent, both increased. In fiscal 1975, 15 prosecutors were budgeted for the Juvenile Section, or more than 5 percent of the assistant state's attorneys in Cook County. By fiscal 1981, the number of Juvenile Section prosecutors had increased to 32, but they still represented about 5.5 percent of all assistant prosecutors in the county. By 1989, however, the number of Juvenile Section prosecu-

tors had risen sharply, to 55, as did their percentage of the prosecution work force, to almost 9 percent. Still, the Juvenile Section is one of the smaller units within the Cook County State's Attorney's Office (FINANCE 5-4).

Spending by the different divisions of the Cook County State's Attorney's Office varies widely, with juvenile prosecutions falling roughly in the middle in terms of cost per case. In fiscal 1988, for example, it cost the state's attorney's office an average of \$53.57 to prosecute each case handled by the Juvenile Section. The average per-case cost was much lower for general adult criminal cases (\$16.30), but much higher for adult felony cases (\$137.96).

**HOW MUCH MONEY IS SPENT ON PUBLIC DEFENSE FOR JUVENILES?**

As with the prosecution of juvenile cases in Illinois, it is difficult to measure how much money is spent on public defense for young people tried in Illinois' juvenile courts. Again, however, this spending can be estimated by determining what proportion of assistant public defenders are assigned to juvenile cases.

In Cook County, the 50 assistant public defenders budgeted for the Juvenile Court in fiscal 1989 represented almost 11 percent of all public defenders in the county that year (FINANCE 5-5). In 1975, by contrast, there were only 18 public defenders assigned to the Juvenile Court in Cook County. Throughout the 1970s and 1980s, public defenders assigned to juvenile cases have accounted for about 10 percent of all assistant public defenders in Cook County. This percentage has been consistently higher than the comparable percentage of prosecutors in the Cook County State's Attorney's Office assigned to juvenile cases.

The estimated per-case cost for handling a juvenile case in Cook County is also higher for the public defender's office than for the state's attorney's office. In 1988, it cost the public defender's office an average of \$88.16 for each case handled by its Juvenile Section.<sup>9</sup> That is nearly 65 percent higher than the \$53.57 it cost the state's attorney's office to handle a Juvenile Court case.

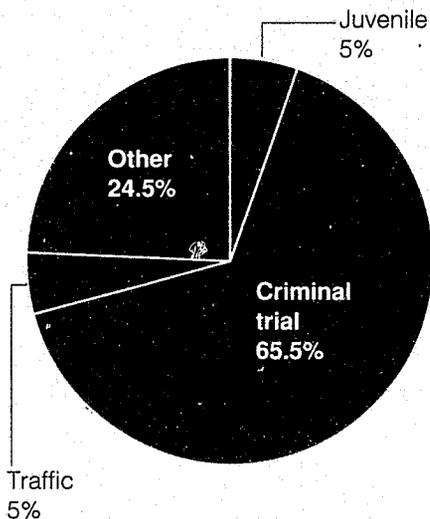
Part of the reason that per-case costs are higher for the defense in cases handled by the Cook County Public Defender's Office may be the slightly higher salaries paid to assistant public defenders assigned to juvenile cases. These public defenders earned an average of \$33,862 in fiscal 1989, compared to an average of \$31,350 for assistant state's attorneys handling juvenile cases.<sup>10</sup> Still, public defenders in the Juvenile Section are paid less than Cook County public defenders in general, who earned an average of \$34,679 a year in fiscal 1989. Another reason for the difference in cost per case has to do with the nature of defense work and caseload size.

In DuPage County, two of the 14 attorneys in the public defender's office were assigned to the Juvenile Court in 1988. Each of these attorneys handled an average of 479 juvenile cases that year. By comparison, four public defenders were assigned to misdemeanor court (216 cases per attorney) and eight public defenders were assigned to felony courts (153 cases per attorney) in 1988. From 1986 through 1988, juvenile cases made

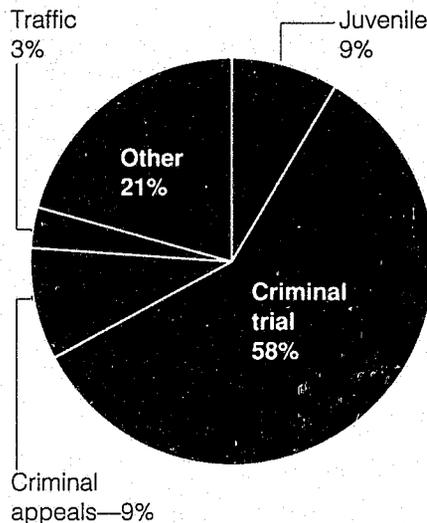
FINANCE 5-4

**About 9 percent of the prosecutors in the Cook County State's Attorney's Office in 1989 were budgeted for the Juvenile Section.**

Percentage of assistant state's attorneys, by division  
Fiscal year 1975



Fiscal year 1989

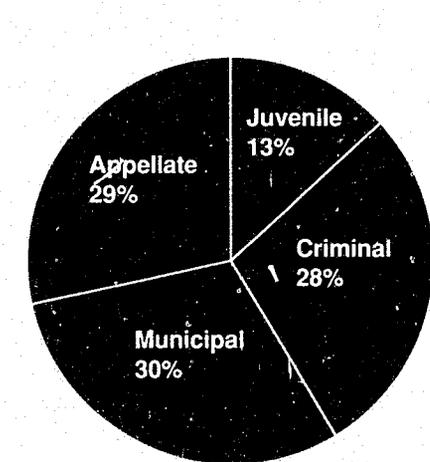


Source: Office of the Cook County Comptroller

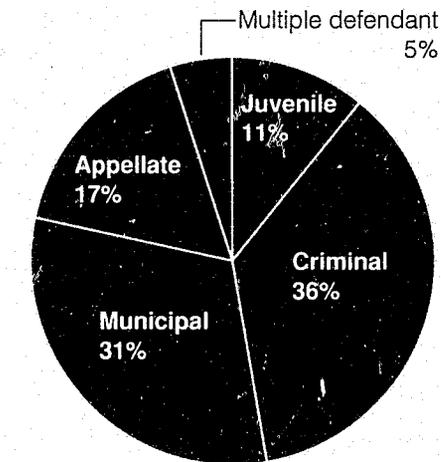
FINANCE 5-5

**Eleven percent of the public defenders in the Cook County Public Defender's Office in 1989 were budgeted for the Juvenile Section.**

Percentage of assistant public defenders, by division  
Fiscal year 1975



Fiscal year 1989



Source: Office of the Cook County Comptroller

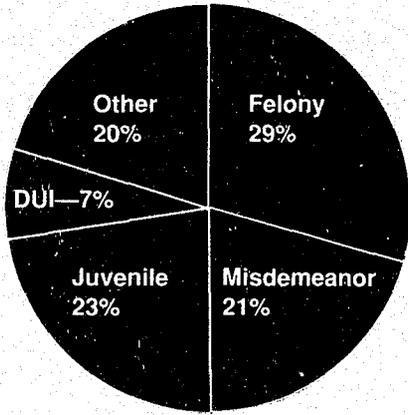
up about 23 percent of the cases handled by the DuPage County Public Defender's Office, even though public defenders assigned to Juvenile Court accounted for less than 15 percent of the office's attorneys (FINANCE 5-6).

**HOW MUCH IS SPENT FOR JUVENILE COURTS IN ILLINOIS?**

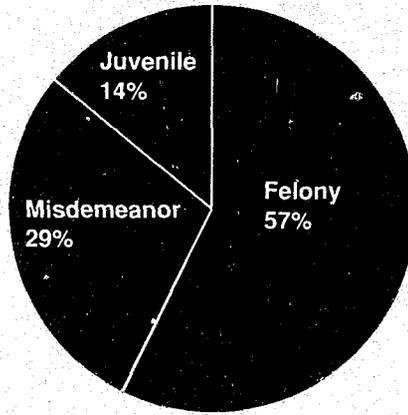
Because the juvenile courts are part of the Circuit Court system, expenditures for juvenile courts are difficult to separate from overall judicial spending in most

**In 1988, 23 percent of the cases handled by the DuPage County Public Defender's Office were juvenile cases, but only 14 percent of the office's attorneys were assigned to Juvenile Court.**

Public defense cases



Public defender assignments



*Note: Public defenders assigned to DUI and "other" cases generally come from the felony and misdemeanor sections. Other cases include probation revocation, traffic (non-DUI), mental health, and paternity cases.*

*Source: DuPage County Public Defender's Office*

counties. In many parts of the state, for example, circuit and associate judges are assigned to both adult criminal and juvenile cases (as well as civil, domestic relations, and other cases). This way of assigning judges makes it difficult to quantify exactly how much time and how many resources are devoted exclusively to juvenile cases. In Cook County, however, where financial data are available, Juvenile Court spending (in constant dollars) has fallen slightly since the early 1970s.

Direct expenditures from the Corporate Purposes Fund for the Cook County Juvenile Court (including the operation of the Juvenile Court and juvenile probation and court services department) decreased 7 percent overall (in constant dollars) between fiscal years 1970 and 1988 (FINANCE 5-7). Constant-dollar expenditures for the Juvenile Court increased nearly 6 percent between 1970 and 1975, but then fell more than 16 percent between 1975 and 1986. From 1986 through 1988, however, Juvenile Court spending in Cook County increased by nearly 5 percent.

In terms of personnel, the number of judges assigned to juvenile cases in Cook County has increased over the years, but these judges still make up a relatively low percentage of all Circuit Court judges. Between fiscal years 1975 and 1988, the number of circuit and associate judges assigned to juvenile cases rose to 17 from 12. However, those 17 judges accounted for only 5 percent of the 340 circuit and associate judges in the Circuit Court of Cook County in 1988. The 12 judges assigned to juvenile cases in 1975 accounted for 4.5 percent of the judges in the county that year.

In the 18th Judicial Circuit (DuPage County), there has been only one juvenile courtroom and one judge assigned to juvenile cases since 1979—this despite the fact that the number of Juvenile Court cases in the county has increased sharply in recent years (see page 249). So while the total number of judges in the 18th Circuit rose from 25 in 1980 to 34 in 1988, the number of judges assigned to juvenile cases (and, presumably, the overall level of spending on the Juvenile Court) did not change.

**HOW HAVE EXPENDITURES FOR JUVENILE PROBATION CHANGED IN ILLINOIS?**

Few counties in Illinois maintain separate financial information for their adult and juvenile probation departments. In many of the counties that do report adult and juvenile probation expenditures separately, adult probation takes up a larger share of total county spending on probation.<sup>11</sup>

Sangamon County, for example, spent \$511,053 on adult probation and \$369,949 on juvenile probation in fiscal 1988. In Peoria County that year, adult probation expenditures were more than double those for juvenile probation (\$703,661, compared to \$346,236). In the 9th Judicial Circuit, however, spending on juvenile probation exceeded spending on adult probation in fiscal 1988. The six counties in the 9th Circuit (Fulton, Hancock, Henderson, Knox, McDonough, and Warren) spent \$334,432 on a common adult probation office in 1988, but a combined total of \$442,286 on their separate juvenile probation departments.

**IS SPENDING ON JUVENILE CORRECTIONS INCREASING OR DECREASING?**

Juvenile corrections consists of both local detention centers (which typically house juveniles accused of acts that would be criminal offenses if committed by an adult) and state-level facilities (which typically house juveniles adjudicated delinquent for these same types of acts). The majority of juvenile correctional facilities in the United States are public institutions, although there are many private facilities as well.<sup>12</sup> In 1985, about 40 percent of the juveniles in custody nationwide, and about 25 percent in Illinois, were held in private facilities.

Total spending for juvenile corrections has increased nationally since the mid-1970s, as the overall number of juveniles in custody has grown. Between 1975 and 1985, the correctional population of juveniles nationwide increased 12 percent, to 83,402.<sup>13</sup> Interestingly, this increase was not the result of higher juvenile arrest rates—these rates generally

declined along with adult arrest rates during this period. Rather, it was the result of a 30-percent increase in the likelihood that a juvenile taken into police custody would eventually be detained in a correctional facility. Not surprisingly, then, total expenditures for public and private juvenile corrections more than doubled (in nominal dollars) between 1975 (\$867.8 million) and 1984 (\$2.1 billion), and increased 25 percent in constant dollars.

In Illinois, however, the trends were just the opposite. The number of juveniles in correctional facilities declined 2 percent, from 2,099 in 1975 to 2,066 in 1985 (although the incarceration rate per 100,000 juveniles increased to 170 in 1985, from 138 in 1975).<sup>14</sup> Overall spending on juvenile corrections (in constant dollars) fell by even more—21 percent between 1975 and 1984.<sup>15</sup> And while the percentage of juveniles in custody who were held in private facilities remained relatively steady nationwide, in Illinois, the percentage declined from 43 percent in 1975 to 26 percent in 1985.<sup>16</sup>

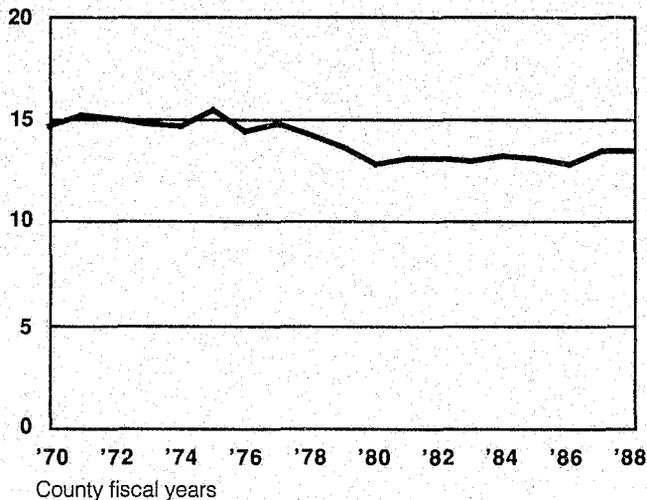
#### HOW MUCH MONEY DO ILLINOIS COUNTIES SPEND ON JUVENILE DETENTION?

Under Illinois law, a juvenile taken into custody can be held in a county or municipal lockup for only six hours, after which the juvenile must be either released or, in the case of someone who needs secure, temporary detention, transferred to a county detention facility.<sup>17</sup> Fourteen counties in Illinois have juvenile detention centers, with a combined capacity of slightly more than 700 (see page 220). Counties that do not have their own facility must contract with another county to hold their juveniles. The daily rate for holding out-of-county juveniles ranges from \$45 to \$75 per person, with an average rate of \$50 statewide.<sup>18</sup> These per-diem rates vary depending on the amount of time the juvenile spends in the facility and whether the county contracting for the space is in the same judicial circuit as the county with the facility.<sup>19</sup> Based on these per-diem costs, housing a juvenile in a detention facility for one year can range from \$16,425 to \$27,375. Overall spending by the counties for juvenile

#### FINANCE 5-7

#### After declining 12 percent between 1970 and 1980, spending on the Juvenile Court in Cook County has been relatively stable in the 1980s.

Direct expenditures from Corporate Purposes Fund, constant 1988 dollars (millions)



Note: Figures include expenditures for the operations of the Juvenile Court and the juvenile probation and court services department.

Source: Office of the Cook County Comptroller

detention increased 22 percent in Illinois (in constant dollars) between fiscal years 1981 and 1988, when it topped \$18.2 million. This statewide increase was driven by a 51-percent rise in expenditures outside Cook County (FINANCE 5-8). Spending on juvenile detention increased sharply in many counties during this period. Constant-dollar expenditures increased 120 percent for the facility in LaSalle County, which serves the 13th Judicial Circuit, 90 percent in Adams County (8th Circuit), and 83 percent in Madison County (3rd Circuit). In Cook County, however, expenditures (in constant dollars) for the juvenile detention center rose only 2 percent during this same period.

Between fiscal years 1970 and 1988, expenditures for the Cook County Juvenile Temporary Detention Center from the county's Corporate Purposes Fund did increase more than 15 percent. However, most of this increase occurred between 1970 and 1976, when constant-dollar expenditures rose almost 30 percent (FINANCE 5-9). Between fiscal years

1976 and 1986, these expenditures fell by 22 percent, before increasing 15 percent between 1986 and 1988. In fiscal 1988, it cost approximately \$27,043 to house a juvenile in the Cook County Juvenile Temporary Detention Center for one year.<sup>20</sup>

In DuPage County, expenditures for the juvenile detention home increased 83 percent (in constant dollars) between fiscal years 1975 and 1988. Almost all of these expenditures come from the detention home tax levy, although the county also receives funds from the state in the form of salary reimbursements for juvenile detention officers.

Like most small counties in Illinois, Cass County does not have its own juvenile detention facility. Instead, the county contracts with nearby Adams County to house juveniles that need temporary detention. Cass County pays \$45 a day to house a juvenile in the Adams County facility.

One important consideration for a county that does not operate its own detention

facility is the cost of transporting juveniles to and from the facility the county contracts with. At some facilities, transportation, as well as medical treatment and other expenses, must be provided by the county contracting to detain the juvenile. In some counties with detention facilities, these transportation costs are covered by federal grants awarded through the Illinois Juvenile Justice Commission. As of April 1990, however, only five of the 14 counties with detention centers had received these transportation grants. In 1988, these grants ranged from \$7,000 to \$76,000.<sup>21</sup> Counties using the other detention centers must rely on local law enforcement agencies, such as their sheriffs' departments, to transport juveniles to the facilities.

In the 13 detention centers outside Cook County, the average starting salary of detention staff was \$18,322 in 1988. Starting salaries that year ranged from \$17,000 (the minimum needed to qualify for partial salary reimbursements from the Administrative Office of the Illinois Courts) to \$20,080.

### HOW MUCH DOES THE STATE GOVERNMENT SPEND ON JUVENILE CORRECTIONS?

Spending for the Illinois Department of Corrections' entire Juvenile Division, which includes not only youth center facilities but also field services, decreased 30 percent in constant dollars between state fiscal years 1975 and 1988. Expenditures specifically for IDOC youth centers also declined during this period, but by a smaller amount—7 percent in constant dollars (FINANCE 5-10).

Decreases in IDOC expenditures come at a time when state government expenditures for juvenile corrections are generally increasing nationally. In 1985, the states spent \$926 million on juvenile corrections, up from \$308 million in 1971.<sup>22</sup> That translates into an increase of about 9 percent in constant dollars. During the same period, IDOC expenditures for its Juvenile Division also increased (in nominal dollars), from about \$21 million in 1971 to \$41 million in 1985. But in constant dollars, IDOC spending actually fell almost 30 percent during this period.

#### FINANCE 5-8

### County spending on juvenile detention increased 24 percent statewide and 55 percent outside Cook County from 1981 to 1988.

Expenditures, constant 1988 dollars

Judicial circuit (county)	1981	1988	Percent change
3rd Circuit (Madison)	\$488,277	\$895,650	+83%
6th Circuit (Champaign)	292,963	300,078	+2%
7th Circuit (Sangamon)	594,400	839,835	+41%
8th Circuit (Adams)	245,222	466,446	+90%
9th Circuit (Knox)	313,684	331,126	+6%
10th Circuit (Peoria)	417,550	482,236	+15%
13th Circuit (LaSalle)	208,371	459,359	+120%
16th Circuit (Kane)	534,510	871,594	+63%
17th Circuit (Winnebago)	487,413	617,112	+27%
18th Circuit (DuPage)	1,184,532	2,217,915	+87%
19th Circuit (Lake)	867,814	1,128,964	+30%
20th Circuit (St. Clair)	400,078	482,846	+21%
Cook County	8,917,644	9,124,931	+2%
<b>Total</b>	<b>\$14,952,458</b>	<b>\$18,218,092</b>	<b>+22%</b>
<b>Total (excl. Cook)</b>	<b>\$6,034,814</b>	<b>\$9,093,161</b>	<b>+51%</b>

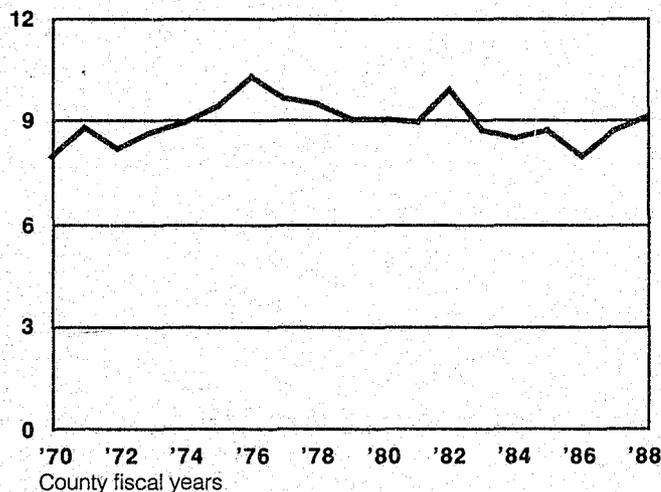
Note: The county name in parentheses indicates the county where the detention center is located. A detention facility opened in Macon County (6th Judicial Circuit) in January 1989.

Source: Administrative Office of the Illinois Courts

#### FINANCE 5-9

### Spending for the Cook County Juvenile Temporary Detention Center increased 15 percent between fiscal years 1986 and 1988.

Expenditures from Corporate Purposes Fund, constant 1988 dollars (millions)



Source: Office of the Cook County Comptroller

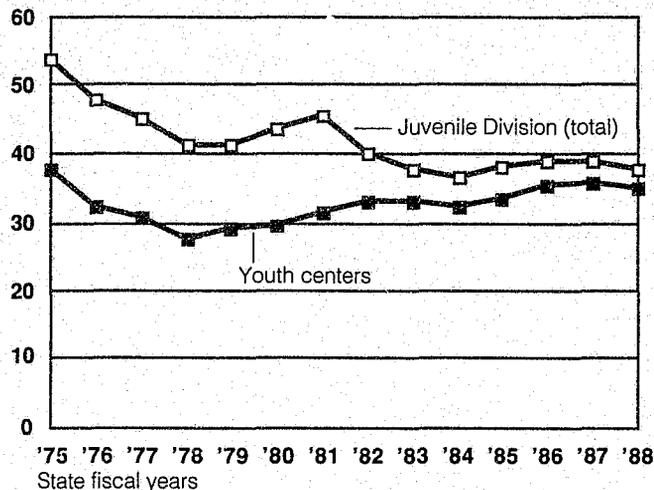
Several factors account for the decline in IDOC spending on juvenile corrections. Regional juvenile field service offices were eliminated in the 1970s and early 1980s,<sup>23</sup> status offenders were removed from secure detention, and the IDOC fa-

cility in Geneva, Illinois, was closed.<sup>24</sup> In addition, in 1982 the Illinois Department of Children and Family Services took over from IDOC a number of services to juveniles provided through the Unified Delinquency Intervention Services

FINANCE 5-10

**Overall spending for IDOC's Juvenile Division declined 17 percent from 1981 to 1988, but spending for youth centers rose 12 percent.**

Expenditures, constant 1988 dollars (millions)

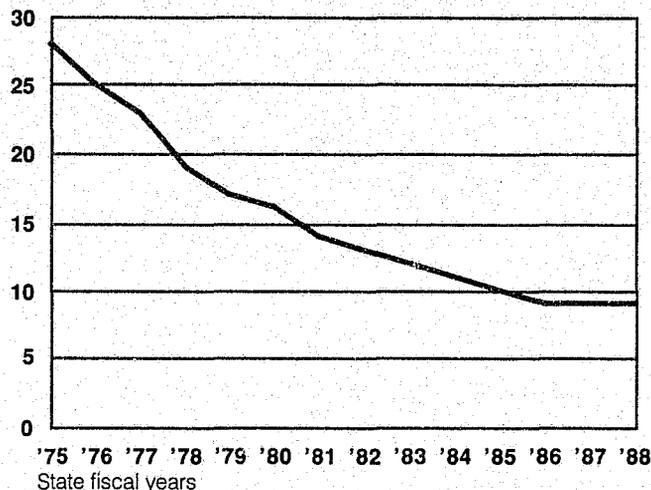


Source: Illinois Department of Corrections

FINANCE 5-11

**The Juvenile Division accounts for a shrinking percentage of all operating expenditures for the Illinois Department of Corrections.**

Percentage of IDOC operating expenditures



Source: Illinois Department of Corrections

(UDIS). These services had an operating budget in excess of \$1 million in 1989 (see page 248 for more information on UDIS).

In recent years, after these changes in responsibilities and services took effect, overall IDOC spending on juvenile corrections has been relatively flat, while spending on youth centers has increased slightly. Between fiscal years 1983 and 1988, constant-dollar expenditures for IDOC's Juvenile Division declined by less than 1 percent and expenditures specifically for juvenile institutions rose 6 percent.

As a percentage of all IDOC operational expenditures, spending for the Juvenile Division has declined sharply since the mid-1970s. From almost 28 percent in fiscal year 1975, the percentage of IDOC spending devoted to juvenile activities fell to less than 9 percent in fiscal 1988 (FINANCE 5-11). This large decrease in proportional spending is the result of both the overall decline in IDOC expenditures for juvenile corrections and the huge increase in expenditures for IDOC's Adult Division (see Chapter 4).

Although the constant-dollar expenditures for IDOC's Juvenile Division have

decreased in recent years, the number of security employees in juvenile institutions has grown from 506 in 1980 to 597 in 1988, an 18-percent increase. Counting both security and administrative employees, however, the number of full-time employees in the Juvenile Division declined from 1,762 in 1971 to 1,298 in 1975, before rising slightly to 1,334 in 1985. Nationwide, the number of employees in state juvenile institutions increased slightly, from 29,712 in 1971 to 32,026 in 1985.<sup>25</sup>

**HOW MUCH DOES IT COST TO HOUSE A JUVENILE IN AN IDOC FACILITY?**

It cost about \$28,900 a year to house a juvenile in an IDOC youth center in state fiscal year 1988. The per-juvenile cost was different in different youth centers, ranging from about \$23,200 a year at the Valley View youth center (Kane County) to more than \$37,500 at the Joliet facility (FINANCE 5-12).

Juvenile incarceration costs in Illinois (including both state and county facilities) seem relatively close to the national average, according to the most recently available data. Nationally, the operational cost of housing one juvenile in a public

correctional facility (including detention, correctional, and shelter facilities) for one year was \$25,200 in 1984; in Illinois that year, it was \$24,055.<sup>26</sup> Between 1975 and 1984, the average cost (in constant dollars) rose 16 percent nationally and 18 percent in Illinois.

The \$28,900-a-year cost of housing a juvenile in an IDOC youth center is 80 percent higher than the comparable cost of housing an adult in an IDOC prison—\$16,000 a year in fiscal 1988. One reason for the higher costs for juveniles involves spending on personnel, which is the largest expense in both adult and juvenile institutions. In general, there are more youth center staff per juvenile than there are prison staff per adult inmate in Illinois. In fiscal 1988, for example, there were approximately two security staff for every four juveniles in custody (see FINANCE 5-12). In state prisons, there were approximately two security staff for every five inmates.

Another factor in the higher per-person costs in juvenile institutions is the location of the facilities. Most juvenile institutions are located in or near urban areas, where costs for food, supplies, and other items are generally higher than in rural parts of the state, where many state prisons are

located. The size of juvenile institutions, which are generally smaller than adult facilities, may also account for the higher per-person costs. Adult facilities may achieve *economies of scale*—that is, the per-inmate costs decrease as total costs are spread out over a larger number of inmates.

### HOW MUCH DO ALTERNATIVES TO JUVENILE INCARCERATION COST?

Most juveniles committed to the Illinois Department of Corrections progress from institutional custody to field services supervision, which provides a variety of programs for young offenders as they return to the community. As might be expected, field services supervision is considerably less expensive, in terms of government expenditures, than housing a juvenile in an institution. In fiscal year 1988, it cost IDOC an average of \$2,288 a year to supervise a juvenile in its field services program, compared to \$28,891 a year in a youth center.<sup>27</sup>

One program aimed at diverting juveniles from IDOC custody altogether is Intensive Probation Supervision (see Chapter 3 for more information about IPS). So far, however, only Cook County has an IPS program for juveniles that is funded by the Illinois Supreme Court and operated according to the court's standards.<sup>28</sup> This program may have saved the state

as much as \$5 million by successfully diverting about 200 young offenders who would otherwise have been placed in costly correctional facilities for juveniles.

From IPS's inception in late 1984 through June 1989, 198 of the 363 juveniles who had completed the program in Cook County had done so successfully (the remaining 165 juveniles were sent to IDOC).<sup>29</sup> It would have cost IDOC more than \$5.7 million to house these 198 juveniles in its youth centers for one year. Under IPS, the state paid an estimated \$700,000 to supervise these same 198 juveniles for a year—about \$3,500 for each person, primarily in salary reimbursements and travel costs. When local costs are included, the cost per juvenile in IPS increases to about \$4,775 a year.<sup>30</sup> Still, the total cost to government of supervising the 198 juveniles who successfully completed IPS was about \$945,000, or \$4.75 million less than the cost of incarceration for those same juveniles.

The UDIS (Unified Delinquency Intervention Services) program also provides community-based services to adjudicated delinquents as an alternative to placement in IDOC. The Illinois Department of Children and Family Services has administered the UDIS program since October 1982, after IDOC funding for the program was discontinued.<sup>31</sup>

In fiscal year 1983, the UDIS program served 298 youths with a budget of \$683,400—an annual cost per juvenile of \$2,293. In fiscal 1989, when UDIS served 640 youths with a budget of \$1.1 million, the annual cost per juvenile dropped to \$1,719. This 1989 figure is less than the annual cost of keeping a juvenile in either IDOC field services supervision (\$2,288) or an IDOC youth center (\$28,891). In fiscal 1989, 76 percent of the juveniles whose UDIS cases were closed left the program "successfully," meaning that they were attending school or were gainfully employed.

### HOW DOES SPENDING ON JUVENILE JUSTICE COMPARE WITH JUVENILE JUSTICE ACTIVITY IN ILLINOIS?

Like spending patterns for the different components of Illinois' juvenile justice system, the activity levels of different juvenile justice agencies have changed over the years. And while it is difficult to develop a comprehensive statewide picture of spending compared to activity, available data suggest that changes in juvenile justice expenditures are not keeping pace with changes in the workloads of many juvenile justice agencies.

In Cook County, for example, changes in spending on the Juvenile Court have not kept up with increases in court activity since the mid-1970s (FINANCE 5-13). From 1975 through 1988, direct expenditures for the Cook County Juvenile Court decreased more than 12 percent (in constant dollars), while the number of Juvenile Court petitions filed in the county increased almost 30 percent.<sup>32</sup> Between 1975 and 1982, Juvenile Court petitions in Cook County increased almost 28 percent, but spending fell by 15 percent. Between 1982 and 1985, there was a sharp drop in Juvenile Court cases and dispositions, with spending remaining relatively steady. But from 1985 through 1988, Juvenile Court petitions shot up another 29 percent, while constant-dollar expenditures rose by just 3 percent.

Interestingly, growth in the number of prosecutors budgeted for juvenile cases in Cook County has generally kept pace with increases in Juvenile Court activity.

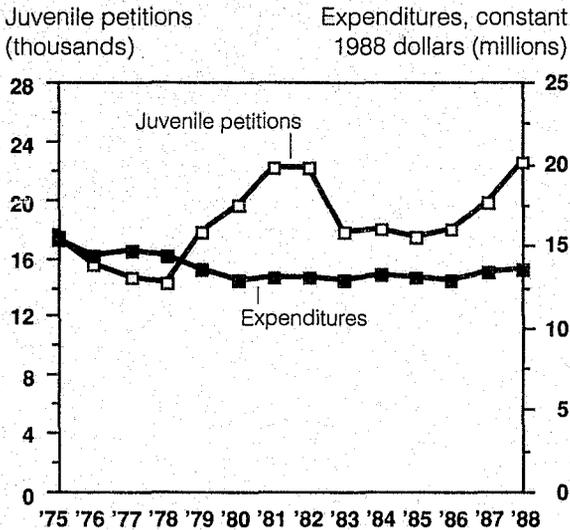
FINANCE 5-12

**It cost approximately \$28,900 a year to house a juvenile in an IDOC youth center during state fiscal year 1988.**

Facility	Juveniles per staff		Cost per juvenile in fiscal 1988
	Total staff	Security staff	
Harrisburg	1.4	2.3	\$25,002
Joliet	1.0	1.5	37,541
Kankakee	1.3	2.1	28,623
Pere Marquette	1.3	2.4	30,386
St. Charles	1.1	1.9	30,808
Valley View	1.5	2.5	23,242
Warrenville	1.4	2.1	27,984
<b>State average</b>	<b>1.3</b>	<b>2.0</b>	<b>\$28,891</b>
Juvenile field services average cost			\$2,288
Adult institution average cost			\$16,000

Source: Illinois Department of Corrections

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



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

Between 1978 and 1988, when Juvenile Court petitions increased by almost 58 percent, the number of assistant state's attorneys budgeted for the Juvenile Court nearly doubled, from 28 to 55.

In DuPage County (18th Judicial Circuit), Juvenile Court activity has generally increased in the 1980s, although resources for the court essentially have not changed. Between 1980 and 1986, the number of new cases filed in Juvenile Court in DuPage County rose by 58 percent, to 721,<sup>33</sup> and the number of cases pending at the end of the year increased 86 percent, to 353. The number of cases terminated also increased gradually (43 percent, to 676 in 1986). Throughout this period, however, the county had only one judge and one courtroom for juvenile cases.

In the area of juvenile corrections, activity has been relatively steady over the past several years, but spending has declined. Between 1975 and 1985, the number of juveniles in both *state and county* juve-

nile correctional facilities in Illinois declined 2 percent, while state and county government spending on juvenile corrections (in constant dollars) fell by even more—21 percent between 1975 and 1984.<sup>34</sup> More recently, the average daily population of juveniles in the custody of the Illinois Department of Corrections (including both the institutional custody and field services supervision populations) rose slightly (about 1 percent) between fiscal years 1982 and 1988, but constant-dollar spending for IDOC's Juvenile Division fell by more than 6 percent. The average daily juvenile populations in both institutional custody and field services supervision were steady during this period, while constant-dollar expenditures increased 7 percent for juvenile institutions but declined 64 percent for field services.<sup>35</sup>

## The Data

For the level of government probably most involved in juvenile justice in Illinois—county government—little comprehensive financial data are readily available on the subject. But for state government—whose role in juvenile justice is limited primarily to corrections and various salary reimbursements—extensive financial data on those functions are available in Illinois.

Data on county spending for juvenile justice are limited primarily because there is no centralized reporting of juvenile justice expenditures in Illinois. As a result, expenditure data are available only on a county-by-county basis. This section relies largely on financial information provided by Cass, Cook, and DuPage counties, as well as selected other counties for various juvenile justice functions.

At the state level, juvenile justice expenditure data come largely from the Office of the Illinois Comptroller, as well as the Administrative Office of the Illinois Courts and the Illinois Department of Corrections.

One note about data on prosecution and public defense personnel involved in juvenile cases in Cook County: this section examines the number of assistant state's attorneys and assistant public defenders *budgeted* for juvenile cases. Because of the possibility of hiring lags and changes in work assignments, these numbers may not match the number of prosecutors and public defenders actually assigned to and working on juvenile cases.

## Notes

- <sup>1</sup> In state fiscal year 1988, the state received nearly \$129,000 in private donations for I-SEARCH, while it spent almost \$4 million in General Revenue funds for the program.
- <sup>2</sup> Before state fiscal year 1984, DCFS received federal money through the Criminal Justice Trust Fund. However, it is difficult to discern what portion of the expenditures from this fund were used for adult and what portion for juvenile justice activities.
- <sup>3</sup> Courts that handle juvenile cases are referred to as "juvenile courts" in this report. Note that, organizationally, these courts are part of the state's regular Circuit Court system: juvenile courts are under the control of the chief judge in each circuit, and they have regular circuit and associate judges assigned to hear cases in them.
- <sup>4</sup> Depending on the population of the county, the special property tax levy for juvenile detention programs can be established by majority vote of either the county board or the legal voters of the county. In counties with 300,000 or fewer inhabitants, the levy must be adopted by voter referendum; in counties with 300,000 to 1 million people, the levy can be adopted by the county board. In addition, the size of the levy varies according to county size. In counties with 300,000 or fewer inhabitants, it may not exceed 0.015 percent of the equalized or assessed value of property in the county; in counties with 300,000 to 1 million people, the levy can be slightly higher—up to 0.04 percent of the equalized or assessed property value for construction of the facilities, and up to 0.02 percent for operations. Ill.Rev.Stat., ch. 23, par. 2685.
- <sup>5</sup> *Annual Detention Survey* (Springfield, Ill.: Administrative Office of the Illinois Courts, 1988).
- <sup>6</sup> Ill.Rev.Stat., ch. 37, par. 806-9.
- <sup>7</sup> Ill.Rev.Stat., ch. 37, par. 806-6 (4).
- <sup>8</sup> Cook County Annual Appropriations Bill for FY1989, p. 286.
- <sup>9</sup> These per-case costs are an average based on the number of cases handled by the Juvenile Section of the Cook County Public Defender's Office and on the expenditures for the Juvenile Section. Keep in mind that some cases are short and simple, and require relatively few resources, while others are lengthy and complex, and require more time, court appearances, and resources.
- <sup>10</sup> Cook County Annual Appropriations Bill for FY1989, pp. 296–298.
- <sup>11</sup> The following data were provided by the Probation Division of the Administrative Office of the Illinois Courts.
- <sup>12</sup> A public facility is under the direct administrative and operational control of a state or local government and is staffed by government employees. A private facility is subject to government licensing but is under the direct administrative and operational control of private enterprise. A private facility may receive substantial public funding in addition to support from private sources. *Children in Custody: Census of public and private juvenile detention, correctional, and shelter facilities, 1975–1985* (Washington, D.C.: Bureau of Justice Statistics, 1989) p. 4.
- <sup>13</sup> *Children in Custody*, 1989, p. 10.
- <sup>14</sup> *Children in Custody*, 1989, pp. 10, 13.
- <sup>15</sup> The actual decrease in spending on juvenile corrections in Illinois is probably not as large as that indicated by these figures, because the 1984 data include only operational expenses, while the 1975 data include capital expenditures as well (see the footnote to table 14, p. 23, of *Children in Custody*, 1989). However, between 1977 and 1982, the data (including capital expenditures) indicate a 20-percent increase in spending in nominal dollars, which translates into a nearly 21-percent decrease in spending in constant dollars.
- <sup>16</sup> *Children in Custody*, 1989, pp. 11–12.
- <sup>17</sup> Ill.Rev.Stat., ch. 37, par. 805-7 (2)(C).
- <sup>18</sup> Excluding Cook County, slightly more than 19 percent of the juveniles housed in county detention centers in 1987 were from outside the county with the detention facility. This proportion is up from 1981, when about 9 percent of the juveniles held in detention were from other counties. Cook and DuPage counties housed all of their juvenile detainees in their own facilities in 1987. These figures, which come from the Administrative Office of the Illinois Courts' Probation Division, include both juveniles awaiting disposition of their cases and those who have been adjudicated.
- <sup>19</sup> For example, counties that house a juvenile in the Champaign County facility are charged \$75 for the first day and \$65 for every day thereafter. Lake County charges \$50 a day for the first 10 days, then \$65 a day after that; Ogle County's daily rate decreases from \$50 to \$40 after 21 days. LaSalle County charges \$40 a day to counties within the 13th Judicial Circuit, but \$50 a day to counties outside the circuit.
- <sup>20</sup> Cook County Annual Appropriations Bill for FY1989.
- <sup>21</sup> *Annual Detention Survey*, 1988.
- <sup>22</sup> These national and Illinois figures come from the 1971 and 1985 editions of *Justice Expenditure and Employment in the U.S.* (Washington, D.C.: Bureau of Justice Statistics).
- <sup>23</sup> The scaling back of juvenile field services programs resulted in a sharp drop in IDOC spending on these programs. In fiscal year 1975, about 30 percent of IDOC Juvenile Division expenditures were for field services, compared with less than 10 percent in fiscal 1988.
- <sup>24</sup> When status offenders were phased out of IDOC, the female population at the Geneva facility dropped from 300 to 90.
- <sup>25</sup> *Justice Expenditure and Employment in the U.S.*, 1971 and 1985 editions.

<sup>26</sup> *Children in Custody*, 1989, p. 25. Costs in private facilities are comparable—\$24,680 in Illinois and \$24,329 nationally.

<sup>27</sup> *Annual Report 1988* (Springfield, Ill.: Illinois Department of Corrections, 1989), p. 51.

<sup>28</sup> These standards specify, for example, that juveniles admitted to IPS would otherwise have been sent to a correctional institution. St. Clair County includes a small number of juveniles (five to seven) in its *adult* IPS program, but Cook County has the only state-funded *juvenile* IPS program.

<sup>29</sup> Cook County Juvenile IPS Program (personal communication, October 13, 1989).

<sup>30</sup> Gregg Anderson, *Statewide Summary, Quarterly Statistical Report* (Springfield, Ill.: Intensive Probation Supervision, 1989). State costs for IPS reflect reimbursements for probation officer salaries and travel expenses. County governments pay an additional 25 percent to 35 percent for fringe benefits and administrative costs. For these calculations, the 35-percent figure was used.

<sup>31</sup> *Overview of Administration and Programs: Division of Youth and Community Services* (Springfield, Ill.: Illinois Department of Children and Family Services, 1990), pp. 17–19.

<sup>32</sup> These spending figures represent direct expenditures from the Cook County Corporate Purposes Fund for the operation of the Juvenile Court, as well as juvenile probation and court services. Note also that the Juvenile Court petition totals include neglect and abuse cases. While these cases require some court resources, most of the services in such cases are provided by the state government through the Illinois Department of Children and Family Services.

<sup>33</sup> In 1987, the number of new juvenile cases in DuPage County increased sharply; however, much of this increase was the result of a change in the way juvenile cases were counted. After 1986, each separate Juvenile Court case is counted individually, even cases involving the same child.

<sup>34</sup> *Children in Custody*, 1989. See note 15, however.

<sup>35</sup> Illinois Department of Corrections. Also see Figure 5-18.

# APPENDIX A

## Glossary

*Words or phrases in italics have separate glossary entries.*

**abused minor.** Anyone under age 18 who has been physically or sexually abused by a caretaker.

**acquit.** To release or discharge from an accusation; to legally certify the innocence of a *defendant* charged with a crime.

**addicted minor.** Anyone under age 21 who is an addict or an alcoholic as defined in the Illinois Alcoholism and Other Drug Dependency Act (Ill.Rev.Stat., ch. 111 1/2, par. 6351-1 et seq.).

**adjudicate.** To decide, settle, or decree judicially.

**adjudicatory hearing.** The fact-finding stage of *juvenile* proceedings.

**administrative custody.** The status that describes a *juvenile* who is detained in a local *jail* or other detention facility while on *parole* or on *extended or authorized absence* from the *Illinois Department of Corrections*.

**Administrative Office of the Illinois Courts.** The administrative arm of the *Illinois Supreme Court* that oversees the operations of all subordinate courts in the state, including the *Illinois Appellate Court* and the *Circuit courts*. AOIC also supervises the operations of individual *probation* departments in Illinois.

**administrative placement.** The status that describes a *juvenile* who is under the *institutional custody* of the *Illinois Department of Corrections*, but who is housed in a mental health center, residential treatment center, or other specialized facility.

**admissions.** See *prison admissions*.

**adult.** Generally, anyone aged 17 or older at the time he or she is accused of a criminal offense. See also *juvenile*.

**AFIS.** See *automated fingerprint identification system*.

**age-specific arrest rates.** The number of *arrests* for a specific age group divided by the number of people in that age group for a certain year; age-specific arrest rates in this report are expressed as the number of arrests per 100,000 population.

**aggravated assault.** See *index aggravated assault*.

**aggravating circumstances.** Any circumstances accompanying the commission of a crime that increase its enormity or add to its injurious consequences, but which are above and beyond the essential constituents of the crime itself. See also *mitigating circumstances*.

**AOIC.** See *Administrative Office of the Illinois Courts*.

**appeal.** A request by either the prosecution or the defense that a higher (appellate) court review the decision of a lower (trial) court or administrative agency.

**appellate court.** Any higher court whose function is to ensure that the law was properly interpreted and applied in particular cases tried in the lower (trial) courts. See *Illinois Appellate Court* and *Illinois Supreme Court*.

**arbitration.** The referral of a dispute to an impartial third person by the parties to the dispute, who agree in advance to abide by the arbiter's decision following a hearing at which both parties have an opportunity to be heard. See also *mediation*.

**ARIMA.** AutoRegressive Integrated Moving Average, which is a standard method for forecasting various types of data, including criminal justice data.

**arraignment.** A court hearing in which the identity of the *defendant* is established, the defendant is informed of the *charges* that have been filed, and the defendant enters a *plea* of guilty or not guilty to the charges.

**arrest.** The taking into police custody of someone believed to have committed a crime, regardless of whether or not the person is formally charged. See also *charge, preliminary hearing*.

**arrest warrant.** A document issued by a judicial officer that directs law enforcement officers to arrest a person who has been accused of a specific *offense*.

**arson.** See *index arson*.

**associate judge.** A judge of the *Circuit Court* who, in criminal proceedings, is usually limited to presiding over *misdemeanor* cases or sometimes *pretrial proceedings* in *felony* cases; associate judges also hear *juvenile* cases. Associate judges are appointed by the chief judge of the *judicial circuit*. See also *circuit judge*.

**authorized absence.** See *extended or authorized absence*.

**automated fingerprint identification systems.** Recently developed computer systems that scan and store fingerprint impressions. AFIS can extract identifying characteristics in sufficient detail to allow a single fingerprint to be distinguished from millions of prints that have been scanned and stored in the computer's memory.

**automatic transfer.** The automatic movement of a suspected *juvenile* offender to adult court for prosecution. In Illinois, any juvenile charged with first-degree murder, aggravated criminal sexual assault, armed robbery with a firearm, or certain drug or weapons violations committed in or near a school, who was at least 15 years old at the time of the *offense*, must be tried as an adult. See also *discretionary transfer*.

**bail.** Money or property that a *defendant* pledges to the court, or actually deposits with the court, to secure release from legal custody pending further criminal proceedings following an *arrest*. In Illinois, the amount of cash bail required is usually 10 percent of the bail amount set by the court. See also *bond*.

**bench trial.** In criminal proceedings, a trial in which there is no jury and in which a judge decides all issues of fact and law in the case. See also *jury trial*.

**Bill of Rights for Victims and Witnesses of Violent Crime.** A 1984 Illinois law designed to ensure that violent crime victims and witnesses are treated fairly and compassionately (Ill.Rev.Stat., ch. 38, par. 1401 et seq.). Among other things, the law requires criminal justice officials to keep victims informed of developments in their cases and to help victims seek emotional and monetary assistance.

**bond.** A document that guarantees the *defendant* will appear for future court dates as required and that records

the pledge of money or property to be paid to the court if the defendant does not appear. See also *bail*.

**bond hearing.** A *pretrial proceeding* in which the *defendant* is formally notified of the *charges* that have been filed and a *bond* is set to ensure the defendant will appear at subsequent court dates.

**burglary.** See *index burglary*.

**CCH.** See *Computerized Criminal History system*.

**charge.** An allegation that a specific person has committed a specific *offense*. Charges are recorded in various *charging documents*, such as a *complaint, information, or indictment*.

**charging document.** A formal written statement submitted to the court that alleges a specific person has committed a specific *offense*. Charging documents include *complaints, indictments, and informations*.

**Circuit Court.** A trial-level court that hears and resolves *felony, misdemeanor, and juvenile* cases, as well as some non-criminal cases. In Illinois, these trial courts are organized into 22 *judicial circuits*.

**circuit judge.** A judge of the *Circuit Court*, elected to a six-year term by the voters in that *judicial circuit*. In criminal proceedings, circuit judges usually preside over *felony* cases only; they also may hear *juvenile* matters. See also *associate judge*.

**Class X.** A statutory *offense class* established for sentencing purposes that includes such serious *felonies* as attempted murder, armed robbery, and aggravated criminal sexual assault. Class X offenders are not eligible for alternative sentences such as *probation or conditional discharge*; instead, they must serve time in *prison*.

**clearance.** See *offenses cleared, clearance rate*.

**clearance rate.** The number of *offenses cleared* divided by the number of *reported offenses* during the same time period, expressed as a percentage.

**collar counties.** Generally, the six counties in the immediate Chicago area: DuPage, Kane, Lake, McHenry, Will, and suburban Cook.

**community correctional center.** A community-based correctional facility that offers selected low-risk inmates the opportunity to make the transition from institutional life to the community through a structured intermediate step. Some community correctional centers are operated directly by the *Illinois Department of Corrections*, while other centers are operated under contract with other organizations.

**community oriented policing.** A law enforcement strategy that stresses police-citizen cooperation in identifying

and solving crime problems. Unlike traditional strategies in which police are involved principally in responding to calls for service, community oriented policing relies on citizen ideas and information, not necessarily about specific crimes, but about problems (such as abandoned buildings and drug houses) that lead to larger crime problems.

**commutation.** A type of *executive clemency* in which an offender's *prison* sentence is reduced. A commutation generally does not connote forgiveness; rather, it is used to shorten an excessively or unusually long sentence. See also *pardon*.

**complaint.** A sworn, written statement, usually signed by the victim or another citizen witness and presented to a court, which charges a specific person or persons with the commission of an *offense*. See also *indictment* and *information*.

**Computerized Criminal History system.** The state central repository for criminal history record information, operated by the *Illinois State Police*.

**conditional discharge.** A court-imposed sentence similar to *probation*, except that the level of supervision of the offender is limited. Technically, it is "a sentence or disposition of conditional and revocable release without probationary supervision but under such conditions as may be imposed by the court" (Ill.Rev.Stat., ch. 38, par. 1005-1-4).

**conservation violation.** A breach of laws regarding protection of the environment.

**Crime Index.** A group of eight crime categories that together give some indication of the level, fluctuation, and distribution of reported crime in the United States as a whole, in individual states, and in local jurisdictions. Four of these *index crimes* are *violent crimes*—*murder*, *sexual assault*, *robbery*, and *aggravated assault*—and four are *property crimes*—*burglary*, *larceny/theft*, *motor vehicle theft*, and *arson*.

**crime rate.** The number of *reported offenses* divided by the population at risk. Crime rates are represented as the number of reported offenses per 100,000 population.

**Crime Victims Compensation program.** A state program, administered by the *Illinois Attorney General's Office* and the *Illinois Court of Claims*, that compensates innocent violent crime victims for expenses incurred as a direct result of their victimizations—for example, medical costs, counseling, and loss of earnings.

**criminal sexual assault.** See *index sexual assault*.

**DASA.** See *Illinois Department of Alcoholism and Substance Abuse*.

**D-bond.** See *detainer bond*.

**DCFS.** See *Illinois Department of Children and Family Services*.

**defendant.** A person formally accused of an *offense* by the filing in court of a *charging document*.

**defendant disposition.** The class of prosecutorial or judicial action which terminates or provisionally halts proceedings regarding a given *defendant* in a criminal case after *charges* have been filed in court.

**delinquency petition.** A formal written statement alleging that a specific *juvenile* committed actions or conduct which, if committed by an *adult*, would be in violation of criminal law.

**delinquent minor.** A person under age 17 but at least 13 who has who has attempted or committed a delinquent act—an action for which an *adult* could be prosecuted in criminal court.

**dependent minor.** A person under age 18 whose parents or guardians are deceased, disabled, or, through no fault of the parents or guardians, unable to provide medical or other remedial care.

**design capacity.** The number of inmates that a correctional facility was originally designed to house or currently has a capacity to house as a result of planned modifications, excluding extraordinary arrangements to accommodate crowded conditions. See also *ideal capacity* and *rated capacity*.

**detainer bond.** A type of *bond* in which the *defendant* is required to post money or property to secure release pending trial. Typically, 10 percent of the full bail amount must be posted, or the defendant will be detained in the county *jail* until the case is resolved or until the bond is reduced and then met. See also *individual recognizance bond*.

**determinate sentencing.** A type of criminal sentencing structure used in Illinois since 1978. Under determinate sentencing, each offender is sentenced to a fixed number of years in *prison* without the possibility of *parole*. Sentences can be reduced only through the accumulation of *good-conduct credits*. See also *indeterminate sentencing*.

**discretionary transfer.** The optional movement of a suspected *juvenile* offender to adult court for prosecution. In Illinois, a *state's attorney* may ask a Juvenile Court judge to transfer to adult court any juvenile aged 13 or older who has been charged with an offense that would be a criminal act if committed by an adult. The discretionary transfer occurs only after a *transfer hearing* has been conducted. State law also provides for the *automatic transfer* of juveniles accused of certain very serious crimes.

**disposition.** Generally, an action by a criminal or juvenile justice agency that signifies that a portion of the justice

process is complete and jurisdiction is terminated or transferred to another agency. In most cases, "disposition" refers to the ultimate outcome of a criminal case. See also *defendant disposition* and *trial disposition*.

**dispositional hearing.** In *juvenile* proceedings, the hearing to determine whether the juvenile will become a ward of the court and, if so, which disposition is in the best interest of the minor and the public.

**DNA fingerprinting.** The process by which forensic experts can accurately determine the origin of blood, body fluid, or human tissue by extracting and comparing DNA (deoxyribonucleic acid), which contains the genetic "code" that is unique to every individual.

**double-celling.** The practice of housing two or more inmates in a space originally designed for one.

**emancipation.** The status that describes any minor aged 16 or older who has been completely or partially emancipated under the Emancipation of Mature Minors Act (Ill.Rev.Stat., ch. 40, par. 1102), and is therefore allowed to live wholly or partially independent from parents or guardians, to enter into legal contracts, and to exercise other rights ordered by the court.

**executive clemency.** An action by the Governor in which the severity of punishment of a single person or a group of persons is reduced or the punishment is stopped altogether. In Illinois, executive clemency includes both *commutations* and *pardons*.

**extended absence.** See *extended or authorized absence*.

**extended or authorized absence.** The status of a *juvenile* who is in *institutional custody* with the *Illinois Department of Corrections*, but who is on a specialized leave program.

**felony.** A criminal *offense* that is punishable by a sentence in state *prison* of one year or more or by a sentence of death. See also *misdemeanor*.

**felony defaulters.** Former *prison* inmates who are on *mandatory supervised release*, but who then violate the conditions of their release; felony defaulters may be returned to prison to complete their original sentence. See also *determinate sentencing*.

**felony review.** The process by which *state's attorneys* and their staffs review cases for possible *felony charges* and decide what prosecutorial action, if any, should be taken.

**first-degree murder.** A statutory *offense class* that covers only those homicides in which an individual intends to kill or do great bodily harm to another person, knows that such

acts will create a strong probability of death or great bodily harm, or is attempting or committing another forcible *felony*.

**flat-time sentencing.** See *determinate sentencing*.

**forced-release.** A program, in effect in Illinois from June 1980 until July 1983, designed to control *prison* crowding. Under forced-release, certain non-violent offenders were released from prison sooner than they otherwise would have been. This occurred because the inmates were awarded multiple increments of 90-day meritorious *good-conduct credits*, in addition to the regular day-for-day credits inmates can earn.

**good-conduct credit.** The time deducted from a *prison* inmate's court-ordered period of incarceration. An inmate earns one day of good-conduct credit for each day spent in prison without incident. Each day of good-conduct credit reduces the inmate's period of incarceration by one day. An inmate can also earn up to 90 days additional good-conduct credit for meritorious service, which further reduces the time served in prison.

**grand jury.** A body of persons who have been selected to hear evidence against accused persons and to determine whether the evidence is sufficient to bring those persons to trial. A grand jury may also be impaneled to investigate criminal activity generally or to investigate the conduct of public agencies and officials. Ordinarily, a *state's attorney* presents the grand jury with a list of *charges* and evidence related to a specific criminal event, and the grand jury must decide whether or not to return an *indictment*.

**I-bond.** See *individual recognizance bond*.

**ideal capacity.** A relatively new measure of *prison capacity* developed by the *Illinois Department of Corrections*. Ideal capacity reflects the number of housing units designated for a distinct class of inmates and selected housing configurations, with allowances for special housing utilization.

**IDOC.** See *Illinois Department of Corrections*.

**Illinois Appellate Court.** The first court of appeal for all cases adjudicated in the *Circuit courts*, except for cases involving the death penalty. There are five Appellate Court districts in Illinois.

**Illinois Attorney General.** Illinois' top legal officer, who is elected to a four-year term by the voters statewide. Although involved primarily in civil matters, the Attorney General's Office initiates some criminal proceedings (for example, violations of anti-pollution laws) and represents the state in criminal appeals before the *Illinois Supreme Court* and the U.S. Supreme Court. The office also investigates claims under the state's *Crime Victims Compensation program*.

**Illinois Court of Claims.** A seven-member court that hears and determines various allegations against the state, including cases regarding contractual disputes, torts committed by agents of the state, and time unjustly served by innocent persons in state *prison*. The Court of Claims also has authority to render decisions and make awards to violent crime victims under Illinois' *Crime Victims Compensation program*.

**Illinois Department of Alcoholism and Substance Abuse.** A state agency that seeks to reduce the human suffering and social and economic losses caused by the abuse of alcohol and illegal drugs. The department provides services through grants and contracts with community agencies in the areas of prevention, intervention, treatment, after-care, and research.

**Illinois Department of Children and Family Services.** A state agency that seeks to protect children and strengthen family life. Various young people who enter the *juvenile justice system*—*abused minors, addicted minors, dependent minors, delinquent minors, minors requiring authoritative intervention, and neglected minors*—may be referred to DCFS for treatment or residential placement.

**Illinois Department of Corrections.** The state agency responsible for the care, custody, and treatment of all persons sent to state *prison*. IDOC's responsibilities include monitoring offenders in *community correctional centers*, on *mandatory supervised release*, and on *parole*; providing custody and care for *juveniles* committed by the courts; and setting standards for and inspecting local *jails*.

**Illinois Prisoner Review Board.** A board of citizens appointed by the Governor who set conditions for *mandatory supervised release* and make *parole* decisions.

**Illinois State Police.** The chief state-level law enforcement agency providing police protection and enforcing criminal statutes in Illinois. ISP is responsible for such activities as patrolling state highways, investigating major crimes (such as large-scale drug *offenses*), and assisting local law enforcement agencies with short-term needs. ISP also compiles *Illinois Uniform Crime Reports* and maintains the state's *Computerized Criminal History system*.

**Illinois Supreme Court.** The highest tribunal in the state, which hears selected *appeals* from the *Illinois Appellate Court* and which oversees the operations of all subordinate courts in the state through its *Administrative Office of the Illinois Courts*. The Supreme Court includes seven justices who are elected to 10-year terms by voters in the justices' respective Appellate Court districts.

**Illinois Uniform Crime Reports.** A program operated by the *Illinois State Police* to collect police-level crime statistics—including *offenses, arrests*, and employment data—from local law enforcement agencies throughout Illinois.

*Uniform Crime Reports* are collected nationally by the Federal Bureau of Investigation.

**incident-level reporting.** A method of reporting *Uniform Crime Reports* in which local law enforcement agencies submit detailed information about individual *offenses* and *arrests*, not just monthly summaries. Illinois is one of only a few states to require incident-level reporting in its state *UCR* program.

**indeterminate sentencing.** A type of criminal sentencing structure used for *adults* in Illinois until 1978 and still used for juveniles. Under indeterminate sentencing, the commitment is not for a single specific period of time (such as three years), but is instead for a range of time (such as two to five years). In addition, prisoners are generally eligible for release on *parole* after serving only a fraction of their sentences. See also *determinate sentencing*.

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

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

**index burglary.** The unlawful entry of a structure to commit a felony or theft. Index burglary includes attempted burglary, forcible entry, and unlawful entry (no force).

**index crime.** See *Crime Index*.

**index larceny/theft.** The unlawful taking or stealing of property or articles without the use of force, violence, or fraud. Index larceny/theft includes theft, attempted theft, burglary from a motor vehicle, and attempted burglary from a motor vehicle.

**index motor vehicle theft.** The unlawful taking or stealing of a motor vehicle (automobile, truck, bus, and other vehicle), or the attempted theft of a motor vehicle.

**index murder.** The willful killing of a person. Index murder includes murder and voluntary manslaughter, in which a person's death is caused by the gross negligence of any individual other than the victim. See also *first-degree murder* and *Supplementary Homicide Reports*.

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

**index sexual assault.** All sexual assaults, completed and attempted, aggravated and non-aggravated. "Aggravated" means that serious bodily harm, or the threat of serious bodily harm, is involved. Until July 1, 1984, "rape" was defined as the carnal knowledge of a female, forcibly and against her will.

**indictment.** A written statement, also called a true bill, presented by a *grand jury* to a court, which charges a specific person or persons with the commission of an *offense*. See also *complaint* and *information*.

**individual recognizance bond.** A type of *bond* in which the *defendant* is not required to post money or property to secure release pending trial, but is instead released on a pledge that he or she will appear at future court proceedings. Defendants who receive I-bonds may still be liable to the court for a specified bond amount should they fail to appear in court. See also *detainer bond*.

**information.** A sworn, written statement, signed by a *state's attorney* and presented to a court, which charges a specific person or persons with the commission of an *offense*. See also *complaint*, *indictment*, and *preliminary hearing*.

**institutional custody.** The status that describes a *juvenile* who has been committed by the courts to the *Illinois Department of Corrections* and who is in an *IDOC youth center*, on *extended or authorized absence*, or under *administrative placement* or in *administrative custody*.

**intake screening.** The process, administered jointly by *probation* and *state's attorney's* personnel in a county, to initially determine what should be done in a *juvenile* case referred by the police. Intake screening personnel have four options: recommend that a *delinquency petition* be filed in juvenile court, make an informal adjustment, place the juvenile under supervision, or move to have the case transferred to adult court through a *transfer hearing*.

**Intensive Probation Supervision.** A rigorous, three-phase *probation* program that is usually the first year of a three- or four-year sentence of regular probation. IPS probationers have frequent, face-to-face visits with probation officers, and they must abide by a curfew, perform community service, undergo drug testing, and follow any other conditions set by the sentencing judge.

**interim disposition.** A temporary court disposition.

**IPS.** See *Intensive Probation Supervision*.

**ISP.** See *Illinois State Police*.

**I-UCR.** See *Illinois Uniform Crime Reports*.

**jail.** A confinement facility, usually operated by a county or municipality, that detains suspects awaiting trial, offenders sentenced to less than a year of incarceration, and offend-

ers awaiting transfer to the state *prison* system. See also *lockup* and *prison*.

**judicial circuit.** A geographic area, usually containing several counties, in which trial courts (*Circuit courts*) are located. There are 22 judicial circuits in Illinois.

**jury trial.** In criminal proceedings, a trial in which a jury is impaneled to determine the issues of fact in a case and to render a verdict. See also *bench trial*.

**juvenile.** Generally, anyone under the age of 17 at the time he or she is accused of a criminal offense. See also *adult* and *minor*.

**larceny/theft.** See *index larceny/theft*.

**length of stay.** The time an offender is incarcerated, including the time spent in state *prisons*, county *jails*, mental health facilities, and *juvenile* institutions while under the auspices of the *Illinois Department of Corrections* for the current *offense*.

**lockup.** A temporary confinement facility operated by a municipality. See also *jail*.

**mandatory supervised release.** The system under which offenders who complete *determinate sentences* in Illinois are released from *prison* under conditions set by the *Illinois Prisoner Review Board*. Previously, offenders who served *indeterminate sentences* were released on *parole*. Under determinate sentencing, prisoners who complete the sentences imposed by the courts (minus any *good-conduct credits* they earn) must be released from prison and placed under community supervision.

**mediation.** The act of a third person who mediates between two contending parties in order to persuade them to adjust or settle their dispute. Unlike an arbitrator, a mediator cannot render a judgment or make a decision that is binding on the disputing parties. See also *arbitration*.

**minor.** Any person under age 21 who is subject to *juvenile* court proceedings because of a statutorily defined event or condition caused by or affecting the person. See also *abused minor*, *addicted minor*, *delinquent minor*, *dependent minor*, *minor requiring authoritative intervention*, and *neglected minor*.

**minor requiring authoritative intervention.** A person under age 18 who has run away from home or who is so far beyond the control of parents or guardians that the young person's physical safety is in danger. An MRAI has refused to return home and cannot agree with parents or guardians on alternative, voluntary, residential placement.

**misdemeanor.** A criminal offense for which a sentence of imprisonment of less than one year, in a facility other than a state *prison*, may be imposed. See also *felony*.

**mitigating circumstances.** Circumstances that do not justify or excuse the offense, but that may be considered as extenuating or reducing the degree of moral culpability. See also *aggravating circumstances*.

**motor vehicle theft.** See *index motor vehicle theft*.

**MRAI.** See *minor requiring authoritative intervention*.

**MSR.** See *mandatory supervised release*.

**murder.** See *index murder*.

**natural life imprisonment.** Imprisonment until the offender dies naturally, without the possibility of release.

**neglected minor.** A person under age 18 who does not receive necessary support or education, or whose environment is harmful to the minor's welfare.

**no true bill.** The decision by a *grand jury* not to return an *indictment* against a *defendant* based on the allegations and evidence presented by the *prosecutor*.

**nolle prosequi.** A formal entry on the court record that indicates the *prosecutor* will not pursue the action against the *defendant*.

**nolo contendere.** A *plea* in a criminal case that does not contest the *charge*, but neither admits guilt nor claims innocence. A plea of *nolo contendere*, however, may still be followed by conviction and sentencing.

**non-conviction dispositions.** Cases in which the *defendant* is acquitted at trial and cases that are dismissed during *pretrial proceedings*.

**non-index crimes.** Approximately 200 types of crime, besides the eight *index crimes*, for which the *Illinois State Police* collects *offense* and *arrest* data. These 200 crime types range from relatively minor offenses (for example, playing dice games) to more serious crimes (aggravated kidnapping), and from infrequent crimes (criminal defamation) to more common ones (possession of cannabis).

**OBTs.** See *offender-based transaction statistics*.

**offender-based transaction statistics.** Criminal justice statistics that are recorded in such a way that the identities of offenders (and suspected offenders) are preserved throughout data collection and analysis. This method provides a mechanism for linking events in different parts of the criminal justice system and for analyzing the flow of offenders and alleged offenders through the system. Illinois does not maintain OBTs.

**offense.** An act committed or omitted in violation of a law forbidding or commanding such an act.

**offense class.** The statutorily defined grouping of different criminal *offenses* for purposes of establishing severity and criminal sanctions. In Illinois, there are six classes of *felony*

*offenses*—*first-degree murder, Class X*, and Class 1 through Class 4—and three classes of *misdemeanor offenses*—Class A through Class C, as well as petty and business offenses.

**offenses actually occurring.** An *I-UCR* classification that equals the number of *offenses known to the police*, minus both *unfounded offenses* and *offenses referred to another jurisdiction*. "Offenses actually occurring" is the most commonly used *I-UCR* crime statistic, and when crime figures are published with no other definition, they are usually offenses actually occurring. In this report, "offenses actually occurring" (in *I-UCR* terminology) are called *reported offenses*.

**offenses cleared.** Crimes "cleared by *arrest*" (when at least one suspect is arrested for the *offense*) and crimes "cleared exceptionally" (when police identify the likely offender, but for exceptional reasons—such as the death of the suspect—they cannot make an arrest). In addition, crimes are considered cleared by some jurisdictions if no *complaint* is filed or no suspect is prosecuted. See also *clearance rate*.

**offenses known to the police.** An *I-UCR* classification for all crimes that come to the attention of law enforcement authorities. Note that "offenses known to the police" do not necessarily equal *reported offenses*.

**offenses referred to another jurisdiction.** An *I-UCR* classification for crimes that come to the attention of law enforcement authorities in one jurisdiction, but are determined, upon further investigation, to have actually occurred in another jurisdiction.

**ordinance violation.** A violation of a rule, such as a dog leash law, enacted by the legislative body of a municipal corporation.

**pardon.** A type of *executive clemency* in which an offender is released from further punishment for a crime. See also *commutation*.

**parole.** The system under which offenders who serve *indeterminate sentences* in Illinois are conditionally released from *prison*. Under indeterminate sentencing, offenders are given parole hearings every few years to determine their eligibility for release. Once released, these offenders are supervised in the community by IDOC staff. Parole for adults was replaced by *mandatory supervised release* for all new cases when *determinate sentencing* was implemented in Illinois in 1978. Parole remains in effect for the release of *juvenile* delinquents.

**peremptory challenge.** Challenge of a prospective juror by either the prosecution or the defense without assigning a reason for the challenge.

**periodic imprisonment.** A sentence of imprisonment in which the offender may be released for certain hours of the day or certain days of the week, or both, in order to work, to seek employment, to obtain treatment, or for any other purpose identified by the court. See also *work release*.

**plea.** A defendant's formal answer in court that he or she is guilty or not guilty to the *offense* charged, or does not contest the *charge*. See also *nolo contendere*.

**plea conference.** The pretrial setting in which *plea negotiations* take place.

**plea negotiations.** *Pretrial proceedings* in which prosecutorial or judicial concessions—commonly a lesser *charge*, the dismissal of other pending charges, a recommendation by the *prosecutor* for a reduced sentence, or a combination of concessions—are offered in return for a *plea* of guilty from the *defendant*.

**preliminary hearing.** A *pretrial proceeding* held to establish *probable cause* in any criminal case initiated through an *information*. See also *grand jury*.

**pretrial detainee.** Someone suspected of or charged with a crime who was either denied *bond* or could not meet the bond amount that was set, and is therefore detained in *jail* while awaiting trial.

**pretrial proceedings.** A general term for the series of judicial proceedings—*bond hearing*, *preliminary hearing*, *arraignment*, *plea conference*, etc.—that occur before a criminal trial commences.

**prison.** A state confinement facility operated for the incarceration and correction of adjudicated felons in Illinois. See also *jail*.

**prison admissions.** The number of inmates entering *prison*, including both offenders newly sentenced by the courts and *felony defaulters*.

**prison capacity.** See *design capacity*, *ideal capacity*, and *rated capacity*.

**prison releases.** The number of inmates leaving *prison*, including all inmates who receive *mandatory supervised release*, *parole*, or other types of discharges.

**probable cause.** A set of facts and circumstances that would induce a reasonably intelligent and prudent person to believe that a crime had occurred and that a particular person had committed it. See also *preliminary hearing*.

**probation.** A court *disposition* in which the offender is allowed to remain in the community under the supervision of a probation officer for a specific time period and under certain conditions, as set forth by law and/or by the court. If the person fails to meet the conditions, the court may

revoke probation and order another sanction. See also *Intensive Probation Supervision*.

**property crime.** In this report, a general classification for the four *index crimes* of *burglary*, *larceny/theft*, *motor vehicle theft*, and *arson*.

**property index crime.** See *property crime*.

**prosecutor.** See *state's attorney*.

**public defender.** An attorney employed by a government agency, or by a private organization under contract to a unit of government, for the purpose of providing defense services to indigent persons.

**rape.** See *sexual assault*.

**rated capacity.** An administrative determination of the maximum number of inmates who can be housed and provided with basic services in a correctional institution. See also *design capacity* and *ideal capacity*.

**releases.** See *prison releases*.

**remanded.** The sending of a case from an *appellate court* back to the court in which the case originated, in order that some further action may be taken there. See also *appeal* and *Illinois Appellate Court*.

**reported offenses.** Those *offenses* that are known to the police, minus any *unfounded offenses* and *offenses referred to another jurisdiction*. In this report, "reported offenses" are the same as *offenses actually occurring* (in *I-UCR* terminology).

**robbery.** See *index robbery*.

**sexual assault.** See *index sexual assault*.

**SHR.** See *Supplementary Homicide Reports*.

**SOL.** See *stricken off the record with leave to reinstate*.

**state's attorney.** The highest-ranking law enforcement officer in each county in Illinois. The state's attorney, who is elected to a four-year term by the voters in the county, commences and carries out all criminal and juvenile proceedings in the county and deals with some civil matters as well.

**station adjustment.** An informal *disposition* in a *juvenile* case issued by law enforcement officers in lieu of proceeding with formal court action. Station adjustments can be simple (requiring a juvenile to cooperate more closely with parents or guardians) or detailed (assigning a juvenile to a structured rehabilitation or counseling program), and they are not legally binding.

**status offenders.** Juveniles whose behavior violates the law only because of their status as juveniles. For example, running away is a status offense because the status of the perpetrator—that of a *juvenile*—is a necessary element of

the offense, since the same behavior by an *adult* would not violate the law.

**statutory class.** See *offense class*.

**stricken off the record with leave to reinstate.** A device by which the prosecutor dismisses the *charges* for the time being, but is allowed to resume criminal proceedings in the case at a later date.

**subpoena.** A command to appear at a certain time and place to give testimony upon a certain matter.

**supervision.** A type of court *disposition* in which a *defendant* is allowed to remain in the community without the supervision of a probation officer, but must comply with certain court-ordered conditions of release. If such conditions are met, criminal charges are dismissed.

**Supplementary Homicide Reports.** An *I-UCR* data set that contains detailed information about homicides in Illinois, including information about victims, offenders, circumstances of the crimes, and weapons.

**sworn law enforcement officer.** An employee of a law enforcement agency who is an officer sworn to carry out law enforcement duties, including *arrests*.

**theft.** See *larceny/theft*.

**transfer hearing.** A *juvenile* court hearing to decide whether a case involving a juvenile aged 13 or older who is suspected of a serious crime should remain in the juvenile system or should be moved to adult court for prosecution. See also *automatic transfer* and *discretionary transfer*.

**trial disposition.** A *disposition*—either a conviction or an acquittal—resulting from a criminal trial. This category does not include cases that are dismissed during *pretrial proceedings*. See also *non-conviction disposition*.

**truant minor in need of supervision.** A minor under age 21 who is reported by a regional superintendent of schools (in a county of fewer than 2 million people) to be a chronic truant, for whom all other preventive and remedial school and community resources have failed or who refused such services, may be adjudged a truant minor in need of supervision.

**true bill.** See *indictment*.

**UCR.** See *Uniform Crime Reports*.

**unfounded offenses.** An *I-UCR* classification for incidents that were originally reported to the police as crimes, but further investigation indicated that no crimes, or different crimes, actually occurred.

**Uniform Crime Reports.** A program operated by the Federal Bureau of Investigation to collect police-level crime statistics—including *offenses*, *arrests*, and employment data—from local law enforcement agencies throughout the country. In Illinois, UCR statistics are compiled by the *Illinois State Police*. See also *Illinois Uniform Crime Reports*.

**victim impact statement.** A written statement, prepared by a crime victim in conjunction with the *state's attorney's* office and presented orally at a sentencing hearing, that describes the impact of the offender's criminal behavior on the victim. The court must consider this statement, along with all other appropriate factors, in determining the offender's sentence.

**victim-witness coordinator.** A person, usually employed by a *state's attorney's* office, who provides support to crime victims and witnesses throughout the court process. Services typically provided by victim-witness coordinators include the following: orientation to the operations and physical layout of the court; explanation of the roles of judges, *prosecutors*, and defense attorneys; and assistance in activities outside court, such as completing compensation forms and securing follow-up services in community programs.

**victims' bill of rights.** See *Bill of Rights for Victims and Witnesses of Violent Crime*.

**violent crime.** In this report, a general classification for the four *index crimes* of murder, sexual assault, robbery, and aggravated assault.

**violent index crime.** See *violent crime*.

**voluntary manslaughter.** See *index murder*.

**warrant calendar.** A device for managing criminal cases that have been temporarily suspended because the *defendants* have failed to appear in court as required. It is called a warrant calendar because an *arrest warrant* has been issued for the defendant in this type of case.

**work release.** A correctional program in which incarcerated offenders are allowed to leave a correctional institution or facility during reasonable hours to work, attend school, obtain treatment, or to pursue other purposes identified by correctional officials. Work release is meant to assist the offender's rehabilitation without causing undue risk to public safety. See also *periodic imprisonment*.

**youth center.** Generally, any facility used for *juvenile* housing and programs. In this report, an *Illinois Department of Corrections* Juvenile Division facility for the care and custody of youths committed by the courts.

# APPENDIX B

## Projections Methodology

This appendix explains how the offense and arrest predictions presented in *Trends and Issues 90* were calculated. Keep in mind that, just as with the historical offense figures included in this report, all offense projections refer to *reported index crimes*.

### HOW WERE OFFENSE PROJECTIONS CALCULATED?

Projections of the number of offenses expected in Illinois from 1989 through the year 2000 were calculated for three geographic areas—Chicago, the collar counties (DuPage, Kane, Lake, McHenry, Will, and suburban Cook), and the remainder of the state—and for the eight index crimes—murder, criminal sexual assault, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson. In other words, 24 different offense projections were calculated (eight crimes in each of three geographic areas).

Although the offense projections in this report are presented as yearly totals, they were calculated using monthly data. A statistical method called ARIMA was used to identify a model for each type of crime within each geographic area. This model was the best description of previous month-to-month offense patterns—that is, the relationship between the number of offenses in each month and the number in the preceding months. Assuming the same patterns will continue in the future, offenses for each month from January 1989 through December 2000 were projected. These monthly projections were then totaled to produce the yearly figures presented in this report. Details of each of the 24 models and monthly projections are available from the Authority.

### HOW ACCURATE ARE THE OFFENSE PROJECTIONS LIKELY TO BE?

Offense projections through the year 2000 have been made in each of the previous two editions of *Trends and Issues*. Projections in the first edition were based on actual data through 1986; projections in *Trends and Issues 89* were based on actual data through 1987. For 1987, predictions made the previous year proved to be accurate within 10 percent in 19 of the 21 predictions (arson was not included in the analysis in the two previous editions of *Trends and Issues*), and within 5 percent in 10 of the 21. For 1988, 16 predictions made the previous year were accurate within 10 percent, and nine were accurate within 5 percent (Figure B-1). In general, predictions for violent offenses were more accurate than those for property offenses in Chicago. However, the opposite was true in the collar counties and the rest of Illinois.

Population was not taken into account in the offense projections because preliminary analysis revealed no consistent relationship between changes over time in the number of people in each geographic area and changes over time in the number of reported offenses occurring in those places. The only information used to predict future offenses was past offenses. In other words, these projections are the simplest, most basic ones possible. They do not account for any variable—unemployment trends or changes in the age, race, or gender distribution of the population, for example—that might affect future offense totals.

In addition, the offense projections do not take into account the possibility of changes in crime-reporting practices, such as the change that occurred in Chicago in 1983 and 1984 or the statewide change from “forcible rape” to

Figure B-1

**Sixteen of 21 offense projections for 1988 were accurate within 10 percent, with nine of them accurate within 5 percent.**

Percent difference between previous year's prediction and that year's actual reported offenses

Index crime	Chicago		Collar counties		Rest of Illinois	
	1987	1988	1987	1988	1987	1988
Murder	8.8%	9.5%	30.6%	8.5%	6.8%	14.1%
Criminal sexual assault	0.8%	5.3%	3.5%	1.1%	0.5%	12.9%
Robbery	5.6%	0.3%	1.7%	5.2%	0.3%	5.8%
Aggravated assault	7.1%	3.0%	5.2%	13.3%	8.4%	5.1%
Burglary	15.1%	1.6%	0.5%	0.2%	4.9%	3.9%
Larceny/theft	1.3%	10.2%	1.8%	4.7%	1.6%	1.6%
Motor vehicle theft	9.4%	15.6%	5.7%	3.1%	6.4%	5.1%

"criminal sexual assault" in July 1984. Also, Chicago's increase in property offenses, possibly an effect of crowding at Cook County Jail, was not predicted by this method, nor was the increase in reported criminal sexual assault offenses in Illinois outside Chicago and the collar counties—possibly an effect of increased educational programs and police training in Illinois' rural areas. Because of such policy changes, the assumption on which these predictions were based—that past patterns will continue in the future—is more valid for the near future than for the long term. Therefore, readers should have more confidence in the offense projections for 1989 than in the 1993 predictions. Similarly, the projections for 1993 should be viewed with more confidence than those for the year 2000.

### HOW WERE ARREST PROJECTIONS CALCULATED?

Like the offense predictions, arrest projections were calculated for each of the eight index crimes: murder, criminal sexual assault, robbery, aggravated assault, burglary, larceny/theft, motor vehicle theft, and arson. In addition, arrest projections were calculated for total drug arrests. (Drug arrests include arrests for violations of Illinois' Cannabis Control Act [Ill.Rev.Stat., ch. 56 1/2, par. 701-719], Controlled Substances Act [Ill.Rev.Stat., ch. 56 1/2, par. 1100-1413], and Hypodermic Syringes and Needles Act [Ill.Rev.Stat., ch. 38, par. 22-50 et seq.]

The method used to calculate the arrest projections was completely different from the method used to calculate the offense projections. For one thing, the arrest projections cover only two geographic areas—Chicago and the remainder of Illinois—not the three used in the offense projections. This breakdown in the arrest projections was necessary because of the limits of available population data. Because population data are available only as yearly totals, not as monthly figures, previous month-to-month

arrest patterns could not be described. Instead, arrest rates were calculated for different age groups for every year from 1972 through 1988. The year-to-year pattern of these age-specific arrest rates was then described (see pages 263-265). In addition, the arrest projections were calculated using more information than was used in the offense projections, which were based solely on past offenses. Arrest projections through the year 2000 for each index crime and for total drug arrests, for each age group, and for each geographic area were calculated using three pieces of information:

1. Past arrest rates for each of the nine crime types for five adult age groups, in Chicago and in the rest of the state.
2. The projected number of people in each age group, in Chicago and in the rest of Illinois, in each year from 1989 through 2000.
3. The implications of recent legislative and policy changes toward drug abuse, reflected in sharp recent changes in age-specific arrest rates. A number of factors—law enforcement priorities, recent legislation, and public opinion, among others—indicate that aggressive public policies toward illegal drugs are likely to continue in the future.

Arrest rates were calculated for five adult age groups: 17 to 19, 20 to 24, 25 to 29, 30 to 59, and 60 and older. In national Uniform Crime Reports data, these age groups consistently exhibit differences in arrest rates for every index crime (see *Age-Specific Arrest Rates, 1965-1983* [Washington, D.C.: Federal Bureau of Investigation, 1984]). Using population projections for each age group through the year 2000 (see pages 264-266 for information about estimating and projecting population figures), and assuming that future arrest rates for each age group will be

Figure B-2

**Arrests for property crimes in Chicago, and drug arrests throughout the state, increased much more sharply than predicted in 1988.**

Percent difference between prediction and actual number of arrests in 1988

Crime	Chicago	Rest of Illinois
Index murder	4.0%	7.8%
Index criminal sexual assault	48.0%	6.9%
Index robbery	8.2%	7.3%
Index aggravated assault	*	4.6%
Index burglary	12.2%	4.7%
Index larceny/theft	15.9%	10.1%
Index motor vehicle theft	50.0%	5.9%
Total drug offenses**	29.6%	12.6%

\* Chicago definition of index aggravated assault changed in 1988.  
 \*\* Chicago "prediction" for 1988 was actually a preliminary reported figure.

similar to past arrest rates, the likely numbers of arrests were calculated for each age group in each year from 1989 through 2000. By adding up the anticipated number of arrests involving the different age groups, the total number of arrests for each type of crime was derived for Chicago and for the rest of the state. These figures were then added to produce statewide totals.

A major issue in calculating the arrest projections was the choice of the arrest rate to be used as the basis for the predictions in each age group. Although age-specific arrest rates vary greatly across the different age groups, rates within each age group also vary considerably from year to year. In fact, from 1972 to 1988, the year-to-year fluctuation in arrest rates within a single age group and geographic area was often greater than the difference in arrest rates for different age groups. Furthermore, the arrest rates did not increase or decrease in a smooth pattern from year to year; instead, they often changed radically from one year to the next. In addition, rates for violent crime arrests followed a completely different pattern over time than the rates for property crime arrests, and rates for drug arrests followed a pattern that was completely different from either of these.

If we assumed, for example, that the age-specific arrest rates of the 1980s will continue through the 1990s, we would predict a low number of arrests for violent crimes and a high number of arrests for property crimes and drug offenses in the coming years. This would occur because for violent crimes, we would be assuming that the lowest arrest rates over the 1972-1988 period will prevail in the coming years. For property and drug crimes, we would be

assuming the opposite: that the highest arrest rates over the 16-year period will predominate. Neither assumption is probably completely correct.

In *Trends and Issues 89*, as a choice of the single most likely set of arrest rates for calculating projections for 1988 to 2000, we used in most cases an *average* of the yearly arrest rates for each age group, for each crime type and geographic area, during the seven years from 1981 through 1987. Our predictions assumed that age-specific arrest rates between 1988 and 2000 would not differ substantially from the rates of the previous seven years. However, we warned that, "given the rapid fluctuation of arrest rates in the past, there is no reason to assume they will not change as much in the future. In fact, there is reason to assume these rates will indeed fluctuate as much in the future as they did in the past. Arrest projections reflect the actual variation in arrest rates since 1972, from the years with the lowest rates to those with the highest. These past rates were the result of both public policy and societal changes that occurred at the time, and similar types of changes could easily happen again."

This, apparently, is exactly what did happen. The accuracy of 1988 adult arrest projections, based on average 1983-to-1987 age-specific arrest rates, was not high, especially for Chicago property crimes and for total drug arrests both in Chicago and in the rest of the state (Figure B-2). Arrests for all of these offenses increased sharply in 1988, contrary to the projections. Analysis suggests that these increases are related to policy changes that have continued in 1989 and 1990—and that may well continue in the foreseeable future. In an attempt to calculate more accurate arrest estimates for future years, the Authority decided to take into account not only past age-specific arrest rates and projected future age-specific populations, but also increases in these arrest rates that might reasonably be expected to occur, given the effect of public policy changes in recent years.

The introduction of the possibility that future age-specific arrest rates might be higher (or lower) than the maximum (or minimum) rates that had ever occurred before carries with it an increase in the complexity and subjectivity of the projection procedure, and a concomitant increase in the potential bias. In order to make the process as objective, parsimonious, and bias-free as possible, while still taking into account the "momentum" effect of recent changes in rates continuing into the future, the following procedure was used uniformly to project arrests for each age group, each index crime type, and each area of the state. (There was one exception to this procedure—index aggravated assault in Chicago. Because of a change in the definition of the data, only one year, 1988, could be used for projections. Therefore, 1989-2000 projections were based on 1988 age-specific rates.)

1. Calculate the mean year-to-year percent change in age-specific arrest rates, 1983 to 1988 (Figure B-3).
2. The 1989 projected age-specific rates equal the 1988 rates plus or minus the change calculated in step 1.
3. The 1990 projected age-specific rates equal the 1989 rates plus or minus one-half the change calculated in step 1.
4. The 1991 projected age-specific rates equal the 1990 rates plus or minus one-fourth the change calculated in step 1.
5. The 1992 projected age-specific rates equal the 1991 rates plus or minus one-tenth the change calculated in step 1.
6. Projected age-specific rates for 1993 through 2000 equal the 1992 rates in step 5.
7. The age-specific rates projected for the years 1989 through 2000, multiplied by projected age-specific populations, equal projected arrests

The same procedure was used for projecting adult arrests for total drug offenses, except that we assumed that the change in the age-specific rates would decline gradually through the year 2000. These rate projections do not seem to be outside the realm of possibility, since preliminary analysis indicates that projected adult drug arrest rates for Chicago for the 1990s are, in most cases, the same or lower than current rates in other large U.S. cities.

This procedure takes into account recent sharp changes in offenses and arrests that have coincided with changes in public policy, such as the rapid increase in drug arrests in recent years; the sharp increase in Chicago arrests for property offenses that may be associated with crowding at Cook County Jail; and the recent increase in reported offenses for criminal sexual assault in Illinois outside Chicago and the collar counties, associated with a continuing emphasis on improved law enforcement in Illinois' rural areas. These changes continued through 1989, and we expect they will continue in future years. However, there are a number of limiting factors that govern the degree to which arrests could be expected to increase or decline in the future. The most important of these is a limit in the resources necessary for the criminal justice system to arrest, prosecute, detain, try, and incarcerate at ever-increasing rates. As the financial sections of *Trends and Issues 90* show, resources for Illinois' criminal justice system have generally not kept pace with increases in justice activity. It is reasonable to assume, therefore, that there will be some limit to increases in financial resources in the future, which will in turn limit increases in arrests. Similarly, even though some types of arrests may have been decreasing recently, we assume that there is some lower limit

below which they will not decline. These factors, together with an assumption of increased entropy (an increase in the amount of uncertainty due to new or currently unknown factors), are modeled in the arrest projection procedure by a gradual decline in the year-to-year change in age-specific rates.

### **HOW WERE AGE-SPECIFIC POPULATION FIGURES ESTIMATED AND PROJECTED?**

The age-specific arrest rates and arrest projections in this report depend on estimates of the populations of both Chicago and Illinois outside Chicago from 1970 through the year 2000 for eight different age groups: people aged 5 to 9, 10 to 14, 15 and 16, 17 to 19, 20 to 24, 25 to 29, 30 to 59, and 60 and older. Age-specific population estimates for the entire state and for each county in the state are available from the Illinois Bureau of the Budget (BOB), but these estimates are reported in five-year age categories (0-4, 5-9, 10-14, 15-19, and so on) and at five-year intervals (1970, 1975, and so on). Therefore, in order to estimate separate juvenile and adult populations using these data, the 15- and 16-year-olds had to be extracted from the 15-19 age group. In addition, to compare Chicago arrest rates with those in the rest of Illinois, it was necessary to have age-specific population estimates for Chicago.

Following are summaries of the procedures used to estimate these population figures:

- **Estimating yearly age-specific populations for Illinois.** Age-specific population estimates for Illinois, in five-year intervals from 1970 through the year 2010, were taken directly from two Illinois BOB reports: *Illinois Population Trends from 1970-2025* (July 1984) and *Illinois Population Trends from 1980-2025* (June 1987). Age-specific populations for the years between these intervals were interpolated from the BOB figures. We estimated total Illinois first, Chicago next, and then subtracted the Chicago figure from the total Illinois figure to produce the Illinois outside Chicago estimate.
- **Estimating yearly age-specific populations for Chicago.** To estimate age-specific populations for Chicago, we used Chicago Department of Planning data based on the 1970 and 1980 U.S. Census and on recently updated estimates. (The Authority is grateful to Marie Bousfield of the Chicago Department of Planning for her assistance and advice in using these data.) The total Chicago populations for every year from 1970 through 2000 were taken from the Department of Planning report, *Estimates of the Population of Chicago by Race and Age: 1985* (August 1986, page 2), and from an addendum to that report. Age-specific populations were determined for the years 1970 and 1980 by taking the proportion of different age groups from the

Figure B-3

**This year's arrest projections were based on the mean year-to-year percent change in age-specific arrest rates from 1983 through 1988, as shown here for index larceny/theft arrests in Chicago.**

## Ages 17 to 19

	Arrests	Change	Population	Change	Rate	Change
1983	6,117		148,999		4,105.4	
1984	6,353	+3.86%	143,766	-3.51%	4,419.0	+7.64%
1985	5,800	-8.70%	138,533	-3.64%	4,186.7	-5.26%
1986	5,319	-8.29%	133,797	-3.42%	3,975.4	-5.05%
1987	5,125	-3.65%	129,589	-3.15%	3,954.8	-0.52%
1988	5,181	+1.09%	126,013	-2.76%	4,111.5	+3.96%
Mean		-3.14%		-3.30%		+0.16%

## Ages 20 to 24

	Arrests	Change	Population	Change	Rate	Change
1983	7,160		279,169		2,564.8	
1984	7,203	+0.60%	274,285	-1.75%	2,626.1	+2.39%
1985	6,619	-8.11%	269,401	-1.78%	2,456.9	-6.44%
1986	5,897	-10.91%	261,116	-3.08%	2,258.4	-8.08%
1987	5,576	-5.44%	252,466	-3.31%	2,208.6	-2.20%
1988	6,166	+10.58%	243,795	-3.43%	2,529.2	+14.51%
Mean		-2.66%		-2.67%		+0.04%

## Ages 25 to 29

	Arrests	Change	Population	Change	Rate	Change
1983	5,771		292,217		1,974.9	
1984	5,885	+1.98%	297,475	+1.80%	1,978.3	+0.17%
1985	5,563	-5.47%	302,732	+1.77%	1,837.6	-7.11%
1986	5,470	-1.67%	303,274	+0.18%	1,803.6	-1.85%
1987	5,397	-1.33%	302,062	-0.40%	1,786.7	-0.94%
1988	6,566	+21.66%	299,233	-0.94%	2,194.3	+22.81%
Mean		+3.03%		+0.48%		+2.62%

## Ages 30 to 59

	Arrests	Change	Population	Change	Rate	Change
1983	9,138		1,014,475		900.8	
1984	9,334	+2.14%	1,022,847	+0.83%	912.6	+1.31%
1985	9,526	+2.06%	1,031,220	+0.82%	923.8	+1.23%
1986	9,562	+0.38%	1,047,096	+1.54%	913.2	-1.14%
1987	10,316	+7.89%	1,064,288	+1.64%	969.3	+6.14%
1988	13,314	+29.06%	1,082,468	+1.71%	1,230.0	+26.89%
Mean		+8.31%		+1.31%		+6.89%

## Ages 60 and older

	Arrests	Change	Population	Change	Rate	Change
1983	430		484,003		88.84	
1984	396	-7.91%	484,763	+0.16%	81.69	-8.05%
1985	367	-7.32%	485,523	+0.16%	75.59	-7.47%
1986	357	-2.72%	485,614	+0.02%	73.52	-2.74%
1987	399	+11.76%	484,996	-0.13%	82.27	+11.91%
1988	401	+0.50%	483,754	-0.26%	82.89	+0.76%
Mean		-1.14%		-0.01%		-1.12%

Census data and multiplying those proportions by the total population estimates in the Department of Planning report.

For 1975 and 1985, we used Department of Planning estimates when they were available for the specific age groups that were needed. When these estimates were not available, we used appropriate age-cohort proportions. For example, to estimate the population of 10- to 14-year-olds in 1975 from the Department of Planning estimate for 5- to 14-year-olds that year (this estimate was taken from the department's report, *Changes in the Socioeconomic Characteristics of Chicago's Population, 1970-1975*, page 4), we calculated the proportion that 5- to 9-year-olds made up of all 0- to 9-year-olds in the 1970 Census, and then multiplied this proportion by the 5- to 14-year-old population estimate for 1975. A similar process was used to estimate the age-specific populations for 1985, using 1985 updated totals from the Department of Planning report, *Population by Race and Age in Chicago's Community Areas* (June 1987), and age-specific proportions from the department's report, *Population Forecast for the City of Chicago 1980-2010* (December 1987).

Age-specific populations for the years between 1970, 1975, and 1980 were interpolated from these figures. For the years 1981 through 1984 and 1986 through 1989, age-specific proportions from the December 1987 report were applied to the above totals. The total populations of the age-specific populations from 1990 through the year 2010 were taken from the December 1987 report.

- **Separating 15- and 16-year-olds from the 15-19 age category in Illinois.** To separate 15- and 16-year-olds from the total number of 15- to 19-year-olds in Illinois as a whole in 1975, we used the proportion that 10- and 11-year-olds made up of all 10- to 14-year-olds in the 1970 Census, and then multiplied that proportion by the population of 15- to 19-year-olds in 1975. The same technique was used for 1985, 1990, and 1995, using 1980 Census data to estimate the proportions. For 1985, the proportion of 10- and 11-year-olds of the 10-14 Census population in 1980 was used. For 1990, the proportion of 5- and 6-year-olds of the 5-9 1980 Census population was used. And for 1995, the proportion of those younger than age 2 of the 0-4 1980 Census population was used. For the years

2000 and 2010, the same proportion that was used for 1995 was multiplied by the 15- to 19-year-old population. Straight interpolation was then used to determine the number of 15- and 16-year-olds in the rest of the years.

- **Separating 15- and 16-year-olds from the 15-19 age category in Chicago.** To separate 15- and 16-year-olds from the total 15- to 19-year-old population group in Chicago, we used the same method as for total Illinois. However, for 1990 through the year 2010, the numbers of 15- and 16-year-olds within the 15-19 populations were obtained directly from Chicago Department of Planning report, *Population Forecast for the City of Chicago 1980-2010*.

#### **HOW WERE OFFENSE RATES FOR JURISDICTIONS OF DIFFERENT POPULATION SIZES DETERMINED?**

Figures 1-7 (page 51) and 1-16 (page 54) present crime rates in four types of Illinois jurisdictions of varying sizes: Chicago, other large municipalities, small municipalities, and rural areas. The population estimates of these different jurisdictions were done by the Illinois State Police and are presented in its annual publication, *Crime in Illinois*. The jurisdictions are defined as follows:

- **Chicago.** The entire city of Chicago.
- **Other large municipalities.** This is a U.S. Census Bureau designation for cities (or twin municipalities) within a Standard Metropolitan Statistical Area (SMSA) that have more than 50,000 people and exhibit characteristics of a major metropolitan center. In Illinois in 1988, these cities were Arlington Heights, Aurora, Bloomington-Normal, Champaign-Urbana-Rantoul, Cicero, Decatur, Des Plaines, East St. Louis, Elgin, Evanston, Joliet, Kankakee, Moline-Rock Island, Mt. Prospect, Oak Lawn, Oak Park, Peoria, Rockford, Schaumburg, Skokie, Springfield, and Waukegan. (Chicago was excluded because it has its own category.)
- **Small municipalities.** These include (1) suburban areas with a population of 50,000 or less, including the counties within an SMSA, and (2) other cities and towns outside of SMSAs and surrounded by rural areas.
- **Rural areas.** Rural areas are the unincorporated portions of counties outside of SMSAs.

# APPENDIX C

## Using the Data

Although *Trends and Issues 90* is designed to be a comprehensive summary of criminal justice statistics in Illinois, there are some limitations to the data. Within each chapter, a section called *The Data* contains specific information about using or interpreting the statistics presented in that chapter. This appendix covers limitations on comparing information presented in *different* chapters of the report.

Because *Trends and Issues 90* includes detailed information on every component of Illinois' criminal justice system—law enforcement, prosecution, the courts, and corrections—readers may be tempted to do a simple cross-comparison of data from different system components. Such a comparison, using the latest data available in each chapter, might look something like this:

- Total felony arrests (1988): 88,761\*
- Total felony cases filed (1988): 56,122
- Total felony convictions (1988): 32,496
- Total felony sentences (1988): 31,778
- Total prison admissions (1988): 10,864

These numbers, however, do not represent a single cohort of offenders or even arrest events. The figures are drawn from a variety of different agencies using different units of measurement. In addition, the figures cover different time periods. In no way do they represent the flow of people or cases through the state's criminal

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\* This is a conservative estimate, based on the number of adult and juvenile arrests for those I-UCR crime codes that are *always* felonies. Excluded are arrests for crimes that may be either felonies or misdemeanors, depending on circumstances.

justice system. Trying to extract such a flow from these numbers, or from other statistics in this report, would be misleading.

Some basic data-quality problems prohibit simplistic comparisons and analyses across system components. For example:

- It is dangerous to analyze or compare summary, or aggregate, data. Typically, the greater the aggregation, the higher the likelihood of error. For example, most law enforcement statistics are generated at the local level; however, the courts maintain no local data but instead keep records at the county level. As a result, law enforcement statistics cannot be compared with court statistics unless they are summarized by county.
- The dates of the most recent data available tend to vary among agencies and jurisdictions. In most parts of this report, the most recent data come from 1988. However, some data elements have been updated to 1989, depending on the availability of the information at the time of publication. In addition, some figures are reported in calendar years, while others cover state (or in some cases, county) fiscal years. Comparing data from different years would be inappropriate and misleading.
- Certain agencies measure people, others measure cases, and still others measure charges. Even within the same agency, some statistics count people, while others count cases (for example, law enforcement agencies measure arrests in terms of people but offenses in terms of cases). In addition, the merging of

cases can result in the misrepresentation of system activity. For instance, one person can be arrested and charged with 20 offenses, but the final court action may reflect only one conviction. This difference between people and cases causes fundamental problems when trying to compare data across different types of criminal justice agencies.

- Pending cases within certain agencies, such as the courts, may carry over into subsequent recordkeeping periods. This makes it impossible to accurately compare data within that system component. For example, the aggregate data on felony convictions in a given year may include not only cases filed during that year but also pending cases filed in previous years. This problem also occurs in law enforcement: the offenses cleared in a given year may not necessarily correspond to the arrests made during that year.

The combined result of these and other considerations is that data from various sections of this report cannot be synthesized for easy comparison and analysis. (For more information about this issue, see Carolyn R. Block, *How to Trace Crimes Through the Illinois Criminal Justice System*

[Chicago: Illinois Criminal Justice Information Authority, 1981].)

Sometime in the future, however, such comparisons may be possible in Illinois through the use of offender-based transaction statistics, or OBTS. An OBTS system would track the activities of each offender from the time the person enters the criminal justice system to the time he or she leaves it. This, in turn, would support the type of aggregate data analysis that would allow researchers to answer questions such as the following: How many people are arrested each year? Of those, how many are charged in court? Of those, how many are convicted? and so on. In other words, an OBTS system would be an important step in solving the broad data-quality problems outlined in this appendix and in answering the cross-component questions that cannot be addressed with the data in this report.

In the meantime, readers are warned against making simplistic data comparisons across different components of the criminal justice system. The data presented in each chapter of *Trends and Issues 90* are useful in understanding how that part of the system works in Illinois. However, the data are not building blocks for larger, system-wide analyses.

# APPENDIX D

## Legislation

The 86th Illinois General Assembly passed, and Governor James R. Thompson signed, dozens of pieces of criminal justice legislation during its 1989 session. While these bills covered a variety of criminal justice problems and issues, some common areas received special legislative attention:

- **Drug abuse.** The General Assembly passed a number of laws related to drug abuse. For example, lawmakers created several new drug offenses, including the Steroid Control Act; provided for drug testing of school bus drivers and transit workers; and made it easier for criminal justice officials to seize the assets of drug dealers.
- **Victims' rights.** The General Assembly continued to expand the rights of crime victims and created new offenses regarding the neglect or financial exploitation of elderly or disabled persons.
- **Financing the criminal justice system.** The General Assembly increased fees or penalties that offenders must pay and required inmates who receive pay for work to reimburse the criminal justice system for the cost of their incarceration.

This legislative appendix summarizes the significant criminal justice legislation passed during the 1989 session of the 86th General Assembly and signed into law by Governor Thompson. It also includes a handful of bills passed by the 85th General Assembly and signed into law by Governor Thompson after October 31, 1988 (the cutoff date for the legislative appendix in *Trends and Issues 1989*). This appendix is by no means an exhaustive list of criminal justice legislation enacted by the 86th General Assembly in 1989. Rather, it is a summary of the more important legislation affecting different aspects of the criminal justice system.

The laws are organized by topic, including some that correspond to the chapter titles of this report, as well

as previous and current special topics. Each summary includes a brief description of the new legislation, the public act number, and the effective date of the law. Copies of public acts are available free of charge from the Secretary of State, Index Department, 217-782-7017.

### AIDS

**HIV information upon release.** The Illinois Department of Corrections shall provide all releasees with information regarding programs and services of the Illinois Department of Public Health to help the person ascertain whether he or she has been exposed to HIV (human immunodeficiency virus), which is believed to cause AIDS. PA 86-765; effective January 1, 1990.

**Law enforcement officers and HIV testing.** Police officers are added to the list of emergency personnel who must be notified by a hospital if such personnel have provided emergency care to a patient who has been diagnosed as having a dangerous communicable or infectious disease, including HIV infection. Written informed consent is not required for a health care provider to perform a test on a patient when a law enforcement officer is involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of the individual, which is of a nature that may transmit HIV. PA 86-887; effective January 1, 1990.

**Offense of educational intimidation.** Creates the offense of educational intimidation when a person knowingly interferes with the right of any child afflicted or believed to be afflicted with a chronic infectious disease to attend or participate in the activities of elementary school. Creates a civil cause of action for a person injured as a result of educational intimidation. PA 86-890; effective January 1, 1990.

**Criminal transmission of HIV.** Creates the offense of criminal transmission of HIV, a Class 2 felony, when a per-

son, knowing that he or she is infected with HIV, engages in intimate contact with another; provides bodily fluids for transfusion, transplantation, insemination, or other administration for another; or transfers any nonsterile intravenous or intramuscular drug paraphernalia to another. PA 86-897; effective September 11, 1989.

**HIV testing of custodial releasees.** Upon receipt of an inmate's written informed consent, the Illinois Department of Corrections shall provide testing for HIV and AIDS prior to the release of any inmate who has a documented history of intravenous drug use and shall provide pre- and post-test counseling for the inmate, if the General Assembly appropriates sufficient funds for testing and counseling. PA 86-918; effective January 1, 1990.

### **CHILD ABUSE AND NEGLECT**

(See also Crimes and Criminal Sanctions, Drug Abuse, Juvenile Justice, Victims' Rights)

**Children's Advocacy Center Act.** Requires each county to establish a child advocacy advisory board to propose written procedures to be used in investigating and prosecuting child sexual abuse cases and in coordinating treatment programs for children. Allows counties to establish by referendum children's advocacy centers to coordinate the activities of the various agencies involved in the investigation, prosecution, and treatment of child sexual abuse. PA 86-276; effective August 24, 1989.

**Private child care organization employees and volunteers.** Any private child care organization, other than a school, may require employees and volunteers to sign a statement, under penalty of perjury, indicating whether the employee or volunteer has ever been charged with or convicted of child abduction, sexual abuse of a child, or an offense involving intentional infliction of physical injury upon a child. PA 86-313; effective August 30, 1989.

**School attendance and child neglect.** A child shall not be considered neglected or abused solely because the child is not attending school. Requires the Department of Children and Family Services to notify the school superintendent when a report is received that a child is truant. Investigations in cases of educational neglect shall commence within 24 hours (rather than 72 hours) of the report. PA 86-601; effective January 1, 1990.

**Reporting child abuse and neglect.** Adds the supervisor and administrator of general assistance under the Illinois Public Aid Code to the list of persons who, having reasonable cause to believe a child known to them in their official capacity may be an abused or neglected child, shall immediately report or cause a report to be made to the Department of Children and Family Services. PA 86-716; effective January 1, 1990.

**Evidence of child abuse or neglect.** Makes a medical diagnosis of "failure to thrive syndrome" prima facie evidence of neglect, not abuse. Also, in any hearing under this act, adds that proof of dependency of one minor shall be admissible evidence on the issue of dependency of any other minor for whom the respondent is responsible. PA 86-883; effective January 1, 1990.

### **CORRECTIONS**

(See also AIDS, Financing the Criminal Justice System, Juvenile Justice)

**Contracting for periodic imprisonment.** Allows the sheriff of any county to contract with an appropriate institution to administer periodic imprisonment. PA 85-1433; effective January 11, 1983.

**Limits on periodic imprisonment.** A sentence of periodic imprisonment shall not exceed one year if a person is committed to a county correctional institution or facility, and, in conjunction with that sentence, participates in a county work release program comparable to the work and day release program provided for in state facilities. PA 86-328; effective January 1, 1990.

**Privatization of prison industries.** Enables the Illinois Department of Corrections (IDOC) to enter into contracts with any private entity for the purpose of utilizing inmates in the manufacture of goods or wares, in the provision of services, or for any other business enterprise deemed by the department to be consistent with the proper training and rehabilitation of inmates. Allows IDOC to construct or lease buildings on state property for these purposes. PA 86-480; effective January 1, 1990.

**Circuit court and jail conditions.** Repeals the law requiring the Circuit Court of each county to inquire into the conditions of the jail and the treatment of the prisoners. PA 86-556; effective January 1, 1990.

**Restoration of rights.** Upon discharge from probation, conditional discharge, or periodic imprisonment or any time thereafter, all license rights and privileges granted by the state which have been revoked or suspended shall be restored. PA 86-558; effective January 1, 1990.

**Arresting agencies in counties without jails.** When there is no county jail facility operating in a county, arresting agencies are responsible for delivering arrested persons to an adjoining county jail facility that has entered into a written agreement with the committing county for maintenance of prisoners. PA 86-570; effective January 1, 1990.

**Family services.** The Illinois Department of Corrections may provide family responsibility services, which may include family advocacy counseling, parent self-help groups, parenting skills training, a parent and child overnight pro-

gram, parent and child reunification counseling, and pre-release reunification counseling. Supervising officers shall receive specialized training in the special needs of female releasees or parolees, including the family reunification process. PA 86-661; effective September 1, 1989.

**Contraband in a penal institution.** Broadens the definition of "penal institution" for the offense of bringing contraband into a penal institution. Specifies penalties for possessing in and bringing into a penal institution alcohol, cannabis, or any controlled substance. Creates the offense of possession of contraband in a penal institution by an employee. PA 86-866; effective January 1, 1990.

## **COURTS**

(See also Drug Abuse, Driving Under the Influence, Financing the Criminal Justice System, Juvenile Justice, Law Enforcement, Victims' Rights)

**Arrest warrant limitations.** Allows a judge to place a geographical limitation on the execution of a warrant, but such limitation shall not be expressed in mileage. Precludes liability for the good faith execution of a warrant outside the geographic limitation by the arresting officer. If no additional delay is created, the arresting officer may take a person arrested in a county other than the one in which the arrest warrant is issued to the nearest and most accessible judge in the county from which the warrant was issued. PA 86-298; effective January 1, 1990.

**Bail security.** The clerk of the court shall provide a space on each form to indicate whether a person other than the accused has provided the money to post bail. The form shall also include notice to such person that if the defendant fails to comply with the conditions of the bail bond, the money may be forfeited and used to pay costs, attorneys' fees, fines, and for other purposes. PA 86-337; effective January 1, 1990.

**Presentence reports.** In misdemeanor, business, or petty offense cases, a presentence report ordered by the court shall contain information on the defendant's history of delinquency or criminality and any matters specifically ordered by the court. In criminal sexual abuse and violation of order of protection cases, the presentence report shall also contain information about the defendant's participation in alcohol, drug abuse, psychiatric and marriage counseling or other treatment programs. PA 86-391; effective August 30, 1989.

**Guilty but mentally ill verdict.** Modifies the burden of proof in cases where the defendant pleads insanity. Allows the court to find a defendant guilty but mentally ill if the court finds that the state has proven the defendant's guilt beyond a reasonable doubt, the defendant has failed to prove insanity, and the defendant has proven by a prepon-

derance of the evidence that he was mentally ill at the time of commission of the offense. PA 86-392; effective January 1, 1990.

**Duties of probation officers.** Allows probation officers to authorize travel permits to individuals under their supervision unless otherwise ordered by the court. When a person on probation moves from the county where the offense was committed and a probation officer from the new county takes charge of the probationer, the new probation officer shall report to the original probation officer every six months, or more frequently if requested, rather than once a month. PA 86-639; effective January 1, 1990.

**Judicial redistricting.** Increases the number of Appellate and Circuit Court judges in the 1st Judicial District (Cook County). Divides the district into subdistricts and subcircuits, and establishes a system for electing a portion of the judges from these subdistricts and subcircuits. PA 86-786; effective September 6, 1989.

**Sentencing and mitigating factors.** In determining the sentence of imprisonment, the court shall also consider, as a mitigating factor, whether the defendant was mentally retarded. PA 86-903; effective January 1, 1990.

**Limitations on supervision.** A defendant charged with domestic battery or criminal sexual abuse shall not be placed on supervision if the defendant has been convicted or placed on supervision for such an offense within the last five years. PA 86-979; effective July 1, 1990.

**Bail bond.** Adds criteria for determining the amount of bail and conditions of release. A person found guilty of an offense who is waiting for sentencing shall be held without bond unless the court finds that the person is not likely to flee or pose a danger to any other person or the community. If the person has been sentenced and is waiting for appeal, the court shall also consider whether the appeal is for the purpose of delay and raises a substantial question of law. Bail bond deposited on behalf of a defendant in one case may be used, in the court's discretion, to satisfy financial obligations in another case. PA 86-984; effective December 13, 1989.

**Conditions of supervision, probation, or conditional discharge.** As a condition of supervision, probation, or conditional discharge, a court may order a defendant to refrain from entering a designated geographic area or from contacting specified persons or particular types of persons. PA 86-1012; effective July 1, 1990.

## **CRIMES AGAINST ELDERLY AND DISABLED CITIZENS**

**Criminal neglect of an elderly or disabled person.** Creates the offense of criminal neglect of an elderly or disabled

person, a Class 3 felony, when a person who is a caregiver of an elderly or disabled person performs acts which cause the elderly or disabled person's life or health to be endangered or when the caregiver fails to perform acts to maintain or preserve the life or health of the elderly or disabled person. PA 86-153; effective January 1, 1990.

**Financial exploitation of an elderly or disabled person.**

Creates the offense of financial exploitation of an elderly or disabled person when a person in a position of trust or confidence with an elderly or disabled person knowingly and by deception or intimidation obtains control over the elderly or disabled person's property with the intent to permanently deprive the person of his property. Makes a person charged with the offense civilly liable to the victim. PA 86-153; effective January 1, 1990.

**High-risk adults with disabilities.** Adds physically or mentally disabled adults unable to protect themselves from abuse, neglect, or exploitation to the classes of persons protected under the Illinois Domestic Violence Act and prohibits persons from impeding high-risk adults from gaining access to social or legal services agencies or organizations. PA 86-542; effective January 1, 1990.

**CRIMES AND CRIMINAL SANCTIONS**

(See also AIDS, Crimes Against Elderly and Disabled Citizens, Drugs, Driving Under the Influence, Firearms, Juvenile Justice)

**Aggravated kidnapping and patronizing a juvenile prostitute.** Adds the offense of aggravated kidnapping to the definition of "forcible felony." Creates the offense of patronizing a juvenile prostitute, a Class 4 felony, when a person engages in an act of sexual penetration with a prostitute under 17 years of age. PA 85-1447; effective January 1, 1990.

**Bid-rigging.** Clarifies the definition of public contract as it applies to bid rigging, bid rotating, and change order offenses. Removes the prohibition against contracting with state or local government if a corporation whose employee was convicted of a bid rigging or bid rotating offense no longer employs such person and has been finally adjudicated not guilty or demonstrates that upper management did not perform or authorize the offense. PA 86-150; effective August 11, 1989.

**Aggravated battery.** Makes aggravated battery a forcible felony only if it results in great bodily harm or permanent disfigurement. PA 86-291; effective January 1, 1990.

**Child abduction.** Adds to the definition of "child abduction" situations in which a putative father intentionally conceals, detains, or removes the child without the consent of the mother or lawful custodian, and the paternity of the child has been legally established but no orders relating to

custody have been entered. PA 86-312; effective August 30, 1989.

**Penalties for escape.** Increases the penalty for escape or aiding the escape from the lawful custody of a peace officer for the alleged commission of a felony from a Class A misdemeanor to a Class 2 felony. PA 86-335; effective January 1, 1990.

**Illegal facsimile machine use.** Creates the petty offense of knowingly sending unsolicited advertising or fund-raising material on a facsimile machine without the receiver's permission. PA 86-555; effective January 1, 1990.

**Penalty for aggravated battery of a child.** Increases the penalty for aggravated battery of a child from a Class 2 felony to a Class 1 felony and a subsequent offense from a Class 1 felony to a Class X felony. PA 86-575; effective January 1, 1990.

**Reckless driving.** Increases the penalty for reckless driving from a Class B to a Class A misdemeanor. PA 86-581; effective January 1, 1990.

**False bomb threats.** Increases the penalty for a false bomb threat from a Class A misdemeanor to a Class 4 felony. PA 86-712; effective January 1, 1990.

**Computer tampering.** Adds to the offense of computer tampering when a person inserts or attempts to insert a program into a computer or computer program knowing or having reason to believe such program could damage or destroy any computer, will alter, delete or remove a computer program or data from any computer, or cause loss to the users. Permits civil action for relief. PA 86-762; effective January 1, 1990.

**Murder and the Controlled Substances Act.** Adds as an aggravating factor in the consideration of a death sentence for first degree murder that the defendant, while committing an offense under the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or aided in the killing of the individual. PA 86-806; effective January 1, 1990.

**Aggravating factor in first-degree murder—drug conspiracy offenses.** Adds as an aggravating factor in the consideration of a death sentence for first-degree murder that the murdered person was killed in the course of another felony if the other felony was a calculated criminal drug conspiracy. Also adds as an aggravating factor in consideration of a death sentence that a murder was committed in a cold, calculated, and premeditated manner pursuant to a preconceived plan to take a human life by unlawful means. PA 86-834; effective September 7, 1989.

**False child abuse/neglect reports.** Increases the penalty for transmitting a false report to the Department of Children

and Family Services under the Abused and Neglected Child Reporting Act from a Class B misdemeanor to a Class A misdemeanor and a second or subsequent violation to a Class 4 felony. PA 86-835; effective January 1, 1990.

**Ritual mutilation.** Creates the offense of ritual mutilation, a Class 2 felony, when a person mutilates, dismembers, or tortures another person as a part of a ceremony, rite, initiation, observance, performance, or practice without the victim's consent. PA 86-864; effective January 1, 1990.

**Extended term sentence and ritual mutilation.** In considering the imposition of an extended term sentence for a felony, the court may consider whether the offense involved brutalizing or torturing humans or animals; the theft of human corpses; the kidnapping of animals; or the desecration of any cemetery or religious, fraternal, business, governmental, educational, or other building or property committed as part of a ceremony, rite, initiation, etc., of an actual or ostensible religious, fraternal, or social group. PA 86-865; effective January 1, 1990.

**No state business for felons.** No person or business entity convicted of a felony shall do business with the State of Illinois or any state agency for one year after the date of completion of the sentence for such felony. PA 86-975; effective July 1, 1990.

**Domestic battery and aggravated battery.** Creates the offense of domestic battery, a Class A misdemeanor, when a person intentionally or knowingly, without legal justification, causes bodily harm or makes physical contact of an insulting nature to any family or household member. Provides that intentional harm caused to a woman known to be pregnant is aggravated battery. PA 86-979; effective July 1, 1990

**Aggravating factor in first-degree murder—residential burglary offenses.** Adds as an aggravating factor in the consideration of a death sentence for first degree murder that the murdered individual was killed in the course of a residential burglary. PA 86-1012; effective July 1, 1990.

## **CRIMINAL HISTORY RECORD INFORMATION**

(See also Child Abuse and Neglect, Courts)

**Form and manner of disposition reporting.** Shifts the responsibility for determining the form and manner of reporting criminal history disposition information from the Illinois Criminal Justice Information Authority to the Illinois State Police. PA 85-1433; effective January 11, 1989.

**Maintenance and dissemination of criminal records.** The state central repository for criminal history record information is no longer required to return photographs and fingerprints to a defendant upon a non-conviction. Delays

implementation of the Illinois Uniform Conviction Information Act for six months, until January 1, 1991. Allows private schools to obtain state conviction records on current and prospective employees and volunteers. PA 86-575; effective January 1, 1990.

**Standardized information requests.** Amends the enabling statutes of many state non-criminal justice agencies to standardize the procedures for requesting and obtaining criminal history record information from the state central repository. PA 86-610; effective July 1, 1990.

## **DRUG ABUSE**

(See also Corrections, Crimes and Criminal Sanctions, Driving Under the Influence, Financing the Criminal Justice System, Juvenile Justice)

**Conditions of probation.** When a first-time offender is placed on probation for a violation of the Illinois Controlled Substances Act, in addition to other conditions of probation, the court shall require that the person not violate any criminal statute and refrain from possessing a firearm or other dangerous weapon. PA 86-265; effective January 1, 1990.

**Drug paraphernalia.** Allows for the forfeiture, pursuant to the Narcotics Profit Forfeiture Act, of property acquired or maintained as a result of a violation of the Drug Paraphernalia Act. PA 86-271; effective August 22, 1989.

**Newborns and controlled substances—Neglected Child Reporting Act.** Adds to the definition of "neglected child" in the Abused and Neglected Child Reporting Act a newborn infant whose blood or urine contains controlled substances as defined by the Illinois Controlled Substances Act. PA 86-274; effective January 1, 1990.

**Newborns and controlled substances—Juvenile Court Act.** Adds to the definition of "neglected or abused minor" in the Juvenile Court Act a newborn infant whose blood or urine contains controlled substances as defined by the Illinois Controlled Substances Act. PA 86-275; effective January 1, 1990.

**Narcotics profit forfeiture.** Amends the Narcotics Profit Forfeiture Act by making property used to facilitate a violation of the act forfeitable and by allowing for a forfeiture hearing after the filing of an information or indictment rather than after conviction. PA 86-350; January 1, 1990.

**Controlled substance fines.** Sets minimum and maximum sentences for specified violations of the Controlled Substances Act. Increases the fine for certain violations of the Controlled Substances Act to not more than \$500,000 or the full street value of the controlled substance, whichever is greater. PA 86-442; effective January 1, 1990.

**School bus driver drug testing.** Requires all school bus driver permit applicants to submit to tests for drug and alco-

hol use before receiving their permits. PA 86-508; effective January 1, 1990.

**Fortified drug house offense.** Creates the offense of criminal fortification of a residence or building, a Class 3 felony, when a person, with the intent to prevent the lawful entry of a law enforcement officer, maintains a building in a fortified condition knowing that the building is being used for the manufacture, storage, delivery, or trafficking of cannabis or controlled substances. PA 86-760; effective January 1, 1990.

**Beeper ban.** Students may not use or possess any pocket pager or similar electronic device in any school building or on any school property except with the permission of the school board. School boards must promulgate written standards for authorizing the use of pocket pagers or similar electronic devices in a school building or on school property and disciplinary measures for violations of such prohibition. PA 86-791; effective January 1, 1990.

**Criminal drug conspiracy.** A person commits the offense of criminal drug conspiracy by intentionally agreeing with another person to commit certain violations of the Illinois Controlled Substances Act. PA 86-809; effective January 1, 1990.

**Unlawful transfer of a telecommunications device to a minor.** Creates the offense of unlawful transfer of a telecommunications device to a minor, a Class A misdemeanor, where a person provides a telecommunications device such as a paging device to a person under 18 years of age with the intent that the device be used to commit any criminal offense. Allows for the seizure and forfeiture of a telecommunications device possessed by a student on school grounds without the authority of the school principal, or used in the commission of an offense. PA 86-811; effective January 1, 1990.

**Drug-free schools and communities.** Requires the State Board of Education to initiate and maintain an annual Governor's Recognition Program for schools, communities, and businesses which are free of drugs. Creates a grant program for the purpose of developing drug-free community planning and implementation strategies. PA 86-822; effective September 7, 1989.

**Drug Dependency Board.** Adds the executive director of the Illinois Criminal Justice Information Authority and the Illinois director of revenue to the Department of Alcoholism and Substance Abuse's Interagency Alcoholism and Other Drug Dependency Board. PA 86-825; effective September 7, 1989.

**Steroid Control Act.** Creates the Steroid Control Act authorizing the Department of Alcoholism and Substance Abuse to develop and implement a statewide steroid con-

trol program to alert the public to the dangers and adverse effects of abusing anabolic steroids. Also defines the offenses and penalties for the illegal manufacture, delivery, or possession of steroids. PA 86-829; effective January 1, 1990.

**Drug searches in schools.** Empowers school boards to adopt policies for requesting the assistance of law enforcement officials to conduct searches for illegal drugs on school grounds, including lockers, and including searches using specially trained dogs. PA 86-850; effective January 1, 1990.

**Driving privileges during probation.** The court may order, as a condition of probation or conditional discharge, that a minor adjudicated delinquent on any alcohol, cannabis, or controlled substances violation, or a person under 18 years of age found guilty of such a violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If the person already possesses a driver's license or permit, the court may order that the person refrain from driving or operating a motor vehicle during the period of probation or conditional discharge. PA 86-856; effective January 1, 1990.

**Driver's license revocation for drug offenses.** Allows the secretary of state to revoke the driver's license of a driver convicted of the illegal possession of any amount of controlled substances or cannabis while operating a motor vehicle, rather than only for offenses involving more than 5 grams of a controlled substance or more than 30 grams of cannabis. PA 86-879; effective January 1, 1990.

**Transit worker drug testing.** The Regional Transportation Authority and the Chicago Transportation Authority shall be responsible for the establishment, maintenance, administration, and enforcement of a comprehensive drug testing program which is in absolute conformity with federal statutes and regulations currently in effect. PA 86-906; effective September 11, 1989.

**Drugs in public housing.** Increases penalties for the commission of certain Controlled Substances Act violations while on residential property owned, operated, and managed by a public housing agency. PA 86-946; effective January 1, 1990.

## **DRIVING UNDER THE INFLUENCE**

(See also Drug Abuse, Financing the Criminal Justice System, Victims' Rights)

**Drunken boating.** A person arrested for and charged with operating a watercraft under the influence of alcohol or drugs shall not operate any watercraft for a period of six hours after such arrest. PA 86-535; effective January 1, 1990

**Restricted and judicial driving permits.** Allows the issuance of restricted or judicial driving permits for educational purposes. Increases from one year to two years the length of driver's license suspensions for subsequent offenders who refuse or fail to complete an alcohol or drug test. Increases from 90 days to six months the amount of time the secretary of state must wait before issuing a restricted driving permit to a subsequent offender who refuses or fails to complete an alcohol or drug test. PA 86-929; effective September 21, 1989

**Serious motor vehicle accidents.** A driver involved in a motor vehicle accident resulting in the death or personal injury of any person is deemed to have given consent to a test for the purpose of determining the alcohol or other drug content of the driver's blood. PA 86-947; effective January 1, 1991.

**Drugs in blood or urine.** Adds to the offense of driving under the influence of alcohol, another drug, or combination thereof situations in which there is *any* amount of a drug, substance, or compound in the person's blood or urine resulting from the unlawful use of cannabis or a controlled substance. PA 86-1019; effective July 1, 1990.

## **FINANCING THE CRIMINAL JUSTICE SYSTEM**

(See also Courts, Drug Abuse, Law Enforcement)

**Court services fee.** Allows a county to enact a court services fee of up to \$15 to defray court security expenses incurred by the sheriff in providing court services. This fee shall be assessed in civil cases and in criminal cases resulting in a judgment of conviction, an order of supervision, or a sentence of probation under the Cannabis Control Act or Controlled Substances Act. PA 85-1421; effective December 15, 1988

**State's attorneys' salaries.** Increases the annual salary of state's attorneys by \$5,000 to \$15,000, depending upon the population of the county, and provides that the state pay 100 percent of the increase. Permits state's attorneys in smaller counties to engage in private practice if they file a declaration with the county clerk. Such practice reduces the state's attorney's annual salary. PA 85-1451; effective March 15, 1989.

**Recovery of missing adult search costs.** Allows the recovery of reasonable expenses to conduct a missing adult search where the subject of the search was not held against his or her will, knew or should have known a search was in progress, and failed to notify the authorities that the search was unnecessary. PA 86-423; effective January 1, 1990.

**Inmates to pay cost of incarceration.** Specifies that a portion of the compensation from useful employment by

inmates shall be used to offset the cost of the committed person's incarceration. PA 86-480; effective January 1, 1990.

**Sheriffs' fees.** Allows counties with populations of less than 1 million to enact ordinances to increase statutory sheriffs' fees for all persons and entities except Illinois officers, agencies, or departments, if the increase is justified by an acceptable cost study. PA 86-516; effective January 1, 1990.

**Offender conviction and probation costs.** The penalty of \$4 for each \$40 of any fine already imposed shall also be deposited into the Traffic and Criminal Conviction Surcharge Fund upon a plea of guilty, stipulation of facts, or finding of guilt that results in a judgment of conviction or order of supervision in criminal, traffic, local, and county ordinance cases or on probation sentences under the Cannabis Control Act or the Controlled Substances Act. PA 86-555; effective January 1, 1990.

**Restitution for DUI accidents.** In addition to any fine or penalty required by law, any person convicted of driving under the influence shall be required to make restitution up to \$500 to a public agency for the costs of any appropriate emergency response resulting from the DUI accident. PA 86-581; effective January 1, 1990.

**Arrestee medical expenses.** An arresting authority is responsible for an arrestee's medical expenses when the expenses are due to an injury suffered by the arrestee during the course of his arrest, until the arrestee is placed in the custody of the sheriff and unless the arrest was made pursuant to a request by the sheriff. PA 86-794; effective January 1, 1990.

**Financing jail construction.** Extends authority to counties with populations of less than 80,000 to issue bonds for financing the construction of county jails and sheriffs' residences. PA 86-796; effective January 1, 1990.

## **FIREARMS**

**Firearms in public housing.** Increases penalties for the commission of certain weapons violations while on residential property owned, operated, and managed by a public housing agency. PA 86-465 and PA 86-946; effective January 1, 1990.

**Firearm owner's identification card.** Allows the Illinois State Police to deny an application for, or revoke and seize, a firearm owner's identification card if ISP finds that the applicant or the person to whom such a card was issued is, or was at the time of issuance, a person whose mental condition is of such a nature that it poses a clear and present danger to the applicant or any other person. PA 86-882; effective January 1, 1990.

**Aggravated battery with a firearm.** Creates the offense of aggravated battery with a firearm, a Class X felony, when a person, in committing a battery, causes any injury to another by means of discharging a firearm. PA 86-980; effective July 1, 1990.

## **JUVENILE JUSTICE**

(See also Child Abuse and Neglect, Crimes and Criminal Sanctions, Drug Abuse, Victims' Rights)

**Temporary custody of juvenile.** No minor shall be detained in a county jail or municipal lockup for more than six hours. Allows a minor to be placed in non-secure custody, such as foster home placement, for up to 36 hours pending a detention hearing or in the home of his or her parent or guardian subject to conditions that the court may impose. PA 85-1443; effective July 1, 1989.

**Parental responsibility.** When a minor is found to be delinquent, the court may order the parent, guardian, or legal custodian of the minor to pay restitution on the minor's behalf pursuant to the Parental Responsibility Law. The state's attorney may act on behalf of the victim in seeking restitution in such proceedings. PA 86-321; effective January 1, 1990.

**Minor charged as an adult—possession of a deadly weapon.** In making its determination on a motion to permit prosecution of a minor as an adult, the court shall consider, in addition to other factors, whether the minor possessed a deadly weapon when committing the alleged offense. PA 86-371; effective January 1, 1990.

**Non-judicial adjustment plans.** Amends the Juvenile Court Act of 1987 by deleting participation in a public or community service program or activity as part of a non-judicial adjustment plan. PA 86-639; effective January 1, 1990.

**Electronic monitoring of juveniles.** The court may, as a condition of home confinement, require a minor to use an approved electronic monitoring device. PA 86-766; effective January 1, 1990.

**Minor charged as an adult—gang-related felonies.** Permits prosecution as an adult, if a minor aged 15 or older is alleged to have committed an offense which constitutes a felony or a forcible felony, if the motion to prosecute as an adult alleges that the minor has previously been adjudicated delinquent for an act which constitutes a felony, and if the offense was committed in furtherance of criminal activity of an organized gang. If a forcible felony is related to the activities of an organized gang, the court may not sentence the offender to probation, periodic imprisonment, or conditional discharge. PA 86-863; effective January 1, 1990.

**Substance abuse treatment for minors.** When a minor is found delinquent for a drug offense and is made a ward of the court, the court may require the minor to undergo assessment, counseling, or treatment in an approved substance abuse program. PA 86-915; effective January 1, 1990.

**Minor charged as an adult—possession of drugs on public housing property.** A minor who is at least 15 years of age at the time of the offense and who is charged with certain Controlled Substances Act violations while on residential property owned, operated, and managed by a public housing agency shall be prosecuted as an adult. PA 86-946; effective January 1, 1990.

## **LAW ENFORCEMENT**

(See also AIDS, Child Abuse and Neglect, Corrections, Courts, Crimes and Criminal Sanctions, Financing the Criminal Justice System.)

**Sheriffs' training.** Requires each sheriff to annually obtain at least 20 hours of training, approved by the Illinois Local Governmental Law Enforcement Officers Training Board, relating to law enforcement and the operation of a sheriff's office. Also requires the county to reimburse the sheriff for reasonable expenses related to that training. PA 85-1425; effective July 1, 1989.

**Drug law enforcement agent indemnification.** Clarifies the law allowing an individual appointed as an inspector by the director of State Police, when performing duties within the scope of activities of a metropolitan enforcement group or a law enforcement organization established under the Intergovernmental Cooperation Act, to be represented and indemnified by the State of Illinois in certain civil lawsuits. PA 86-99; effective July 26, 1989.

**Eavesdropping orders.** Authorizes the chief judge of a circuit to assign associate judges to issue orders authorizing or approving the use of eavesdropping devices by law enforcement officers or agencies. PA 86-391; effective August 30, 1989.

**Housing authority police force.** Grants public housing authorities in municipalities having more than 500,000 inhabitants the power to establish, appoint, and support a police force for the protection of its residents, employees, and visitors. PA 86-457; effective December 1, 1989.

**Public transit security.** Creates an oversight board to promote the protection of employees and passengers of the Chicago Transportation Authority, and requires the Chicago Transit Authority to increase its expenditures for the protection of its employees and passengers. PA 86-463; effective August 31, 1989.

**Arrest and prosecution statistics.** Requires the Illinois Criminal Justice Information Authority to publish annual compilations of arrest, charge, and disposition information reported to the state central repository. PA 86-701; effective July 1, 1991

**Electronic surveillance.** Allows law enforcement authorities to obtain an order authorizing non-consensual eavesdropping in kidnapping or terrorist situations in addition to drug cases, and allows them, with certain restrictions, to conduct such surveillance without a court order in emergency situations. PA 86-763; September 1, 1989.

**DNA testing.** Requires blood and saliva specimens to be submitted by any person convicted of, or placed on supervision for, a sex offense or attempted sex offense and by any person institutionalized as a sexually dangerous person, including certain persons convicted or institutionalized prior to the effective date of this act. The Illinois State Police shall analyze and categorize the samples into genetic marker groupings and shall be the central repository for all genetic marker grouping analysis information. PA 86-881; effective January 1, 1990.

## **PROSECUTION**

(See also Child Abuse and Neglect, Courts, Financing the Criminal Justice System, Juvenile Justice)

**Attorney general investigators.** Adds to the responsibilities of the attorney general the duty to investigate alleged violations of the statutes which the attorney general has a duty to enforce and to conduct other investigations in connection with assisting in a criminal prosecution at the request of a state's attorney. Provides that investigators employed by the attorney general shall be peace officers. PA 85-1402; effective January 1, 1989.

**Appellate prosecutor investigators.** Increases the maximum number of investigators from four to eight that the director of the Office of the State's Attorneys Appellate Prosecutor may hire to provide investigative services in criminal and tax objection cases for staff counsel and county state's attorneys. Provides that such investigators shall be peace officers. PA 86-9; effective January 1, 1990.

**Enhanced sentences.** When the state seeks an enhanced sentence because of a prior conviction, the charge shall also state the prior conviction so as to give notice to the defendant. PA 86-964; effective July 1, 1990.

## **PUBLIC DEFENSE**

**Indigent death sentence defendants.** Attorneys appointed by the Supreme Court to provide post-conviction counseling for indigent defendants in cases where the death sentence was imposed and direct appeals on the

sentence have been exhausted may submit bills to the Office of the State Appellate Defender for payment of services. PA 86-318; effective January 1, 1990.

**Indigent petitioners and death sentence.** Allows indigent petitioners under death sentence to request court-appointed counsel for a post-conviction hearing. Also requires the court to appoint such counsel if satisfied that the petitioner has no means to procure counsel. PA 86-655; effective January 1, 1990.

## **SEX OFFENSES**

(See also AIDS, Child Abuse and Neglect, Courts, Crimes and Criminal Sanctions)

**Charging spouse with criminal sexual assault.** Allows an individual to charge one's spouse with criminal sexual assault if the victim reported such offense to a law enforcement agency or the state's attorney's office within 30 days after the offense was committed, except when the court finds good cause for the delay. PA 86-770; effective January 1, 1990.

**Civil liability for distributing obscene material.** Creates civil liability against manufacturers, producers, and wholesale distributors of obscene material which was possessed or viewed by a person convicted of a sexual offense, and proximately caused such a person, through his or her viewing or reading, to commit the offense. PA 86-857; effective January 1, 1990.

**Driver's license revocation for sex offenses.** Limits the secretary of state's authority to suspend or revoke the driver's license of a person convicted of certain sex offenses to cases where the offense was committed while the person was operating or in actual physical control, as a driver, of a motor vehicle. PA 86-1019; effective July 1, 1990.

## **VICTIMS' RIGHTS**

(See also Crimes Against Elderly and Disabled Citizens, Crimes and Criminal Sanctions, Juvenile Justice)

**Victim impact statement to Prisoner Review Board.** Amends the Bill of Rights for Victims and Witnesses of Violent Crime to provide that, upon request of a victim, the state's attorney shall forward a copy of the victim impact statement to the Prisoner Review Board to be considered by the board in making its determination to release a prisoner. If a victim impact statement is presented to the board, the board must notify the victim of any order of discharge entered by the board. PA 86-263; effective January 1, 1990.

**Confidentiality of victim statements.** The statements made by a victim of violent crime during the course of ther-

apy or consultation with personnel of a victim aid organization shall not be disclosed, unless the victim consents in writing or by order of the court after a hearing. PA 86-538; effective January 1, 1990.

**Victim's right to be present in court.** Amends the Bill of Rights for Victims and Witnesses of Violent Crimes to provide a victim the right to be present in court at all times during the trial of the defendant except under certain circumstances. PA 86-567; effective January 1, 1990.

**Electronic devices or media at parole hearings.**

Amends the Bill of Rights for Victims and Witnesses of Violent Crimes to allow the victim to submit, on film, videotape, or other electronic means, information for consideration by the Prisoner Review Board. Requires the Prisoner Review Board to consider such information in making its determination of parole. PA 86-642; effective January 1, 1990.

**Bill of Rights for Children.** Creates the Bill of Rights for Children which allows a parent of a child victim of certain

offenses the right to address the court, at the time of sentencing or at the disposition hearing of the defendant, regarding the impact of the offense upon the child. PA 86-862; effective January 1, 1990.

**Motion for continuance.** The court shall consider the age of the victim and the condition of the victim's health when ruling on a motion for a continuance. PA 86-876; effective January 1, 1990.

**Crime victim compensation.** Amends Illinois' Crime Victims Compensation Act by removing the qualification that a conviction must be entered before driving under the influence is considered a "crime of violence." Allows an Illinois resident who is a victim of a crime of violence outside of Illinois to be eligible for victim compensation in Illinois if the victim is not eligible for compensation in the place where the crime occurred. Makes victims residing in the same household as the offender eligible for victim compensation. PA 86-1009; effective July 1, 1990

# APPENDIX E

## List of Questions

Following are the questions that are answered in each chapter of Trends and Issues 90. The numbers refer to the page on which the discussion of each question begins.

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