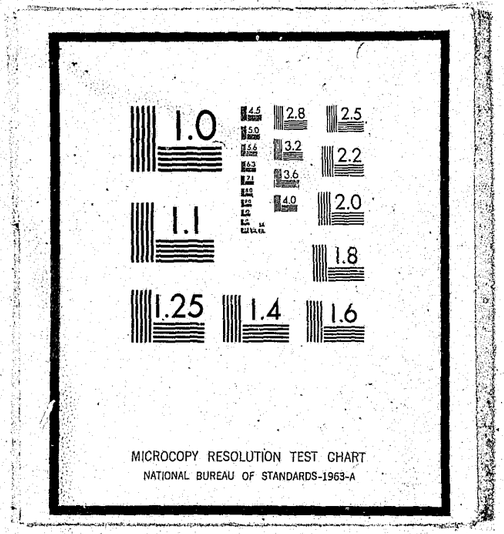

ILLINOIS ADULT DETENTION SYSTEM

PLAN FOR ACTION

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February, 1975

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L I S T O F R E C O M M E N D A T I O N S

1. STATE'S ATTORNEYS OFFICES THROUGHOUT THE STATE DEVELOP OUT-OF-COURT DISPOSITIONAL PROGRAMS FOR CERTAIN CATEGORIES OF MISDEMEANORS.

2. ADMINISTRATIVE GUIDELINES BE DEVELOPED BY THE CIRCUIT COURT THROUGHOUT THE STATE FOR MANADATORY ISSUANCE OF A NOTICE TO APPEAR BY LAW ENFORCEMENT AGENCIES IN LIEU OF ARREST.

3. ADULT INTAKE SERVICES BE ESTABLISHED THROUGHOUT THE STATE UNDER THE JURISDICTION OF THE CIRCUIT COURT.

4. LEGISLATION: DIVERT, IMMEDIATELY AFTER POLICE CONTACT, ALL ADULTS WITH SOCIO-MEDICAL PROBLEMS (DRUG ABUSE, MENTAL ILLNESS OR RETARDATION) TO APPROPRIATE FACILITIES AND/OR PROGRAMS.

5. ADMINISTRATIVE GUIDELINES BE DEVELOPED BY THE COURT TO DETERMINE THE CONDITIONS UNDER WHICH AN ALLEGED OFFENDER SHOULD BE DETAINED FOLLOWING ARREST.

6. ADMINISTRATIVE GUIDELINES BE DEVELOPED BY THE CIRCUIT COURT THROUGHOUT THE STATE FOR MANDATORY ISSUANCE OF A SUMMONS IN LIEU OF A WARRANT OF ARREST.

7. LEGISLATION: THE COMMITMENT OF MISDEMEANANTS TO THE DEPARTMENT OF CORRECTIONS BE DISCONTINUED.

8. LEGISLATION: MISDEMEANANTS BE SENTENCED TO ALTERNATIVES TO INCARCERATION THAT REASONABLY ENSURE THE PUBLIC SAFETY AND OFFER OPPORTUNITIES FOR INDIVIDUAL GROWTH AND ATTITUDINAL CHANGE.

9. NO NEW JAIL FACILITIES SHOULD BE CONSTRUCTED UNTIL ALTERNATIVE MEANS OF HANDLING OFFENDERS HAVE BEEN EXPLORED AND A FACILITY NEED IS DEMONSTRATED.

10. LEGISLATION: JAIL FACILITIES BE CLASSIFIED AND CERTIFIED FOR AUTHORIZED USE ACCORDING TO PHYSICAL CAPABILITIES AND AVAILABILITY OF PROGRAMS AND SERVICES.

11. THE DELIVERY OF PROGRAMS AND SERVICES TO PERSONS HOUSED IN JAIL FACILITIES BE A REQUIREMENT FOR JAIL CERTIFICATION.

12. STANDARD AND UNIFORM RECORDING SYSTEMS FOR THE COLLECTION OF ARREST AND DETENTION DATA BE DEVELOPED FOR USE BY THE CRIMINAL JUSTICE SYSTEM THROUGHOUT THE STATE.

I N T R O D U C T I O N

IN 1973, OF NEARLY 71,000 NON-SENTENCED ADULTS DETAINED IN COUNTY JAIL FACILITIES, 14,069 WERE IDENTIFIED AS SOCIO-MEDICAL CASES (ALCOHOL, DRUG, AND MENTAL) AND YET WERE DETAINED IN JAIL FACILITIES FOR A TOTAL OF 45,890 DAYS, AVERAGING 3.3 DAYS PER PERSON.

IN 1973, 22,552 PERSONS WERE DETAINED IN COUNTY JAIL FACILITIES FOR DISORDERLY CONDUCT, VIOLATION OF COURT ORDER, AND TRAFFIC OFFENSES, AND COLLECTIVELY SPENT 80,835 DAYS IN JAIL, AVERAGING 3.6 DAYS PER PERSON.

IN 1974, AT LEAST 21 COUNTY GOVERNMENT UNITS WERE EITHER PLANNING FOR OR CONSTRUCTING NEW COUNTY JAIL FACILITIES, WITH LITTLE REGARD GIVEN TO GENERALLY DECLINING DETENTION RATES AND MORE BENEFICIAL, LESS COSTLY DIVERSION PROGRAMS AND COMMUNITY-BASED ALTERNATIVES TO INCARCERATION.

A SAMPLING OF FILES OF MISDEMEANANTS SENTENCED TO THE VANDALIA CORRECTIONAL CENTER REVEALED THAT ONLY 20 PERCENT WERE CONVICTED OF CRIMES AGAINST PERSONS, WHEREAS 80 PERCENT WERE CONVICTED OF CRIMES AGAINST PROPERTY, TRAFFIC, CONTEMPT OF COURT, AND DRUG ABUSE.

AN INVENTORY OF THE 1973 COUNTY JAIL INSPECTION REPORTS REVEALED THAT NOT ONE OF THE 90 OPERATING COUNTY JAILS SATISFIED ALL MANDATORY STANDARDS. IN FACT, ONLY A SMALL PERCENTAGE OF ALL FACILITIES SATISFIED SEVERAL OF THE MAJOR STANDARDS AS INDICATED BELOW.

STANDARDS		% OF FACILITIES
BUILDING AND EQUIPMENT	-	0.0%
SAFETY AND SECURITY	-	6.7%
SEGREGATION	-	8.9%
SUPERVISORY PERSONNEL	-	26.7%
MEDICAL CARE	-	28.9%

OF ALL COUNTIES SURVEYED, NOT ONE HAD A UNIFORM RECORDING AND REPORTING SYSTEM IN OPERATION LINKING THE MAIN COMPONENTS OF CRIMINAL JUSTICE.

The Adult Detention Plan for Action outlined in this document concludes a statewide study conducted by the Detention Planning Unit of the Department of Corrections involving:

a. A field survey of all operating county jails, with the exception of the Cook County facilities. The latter were excluded because of the extremely large volume of statistical compilation and tabulation required, and the time and manpower it necessitated.

b. An in-depth analysis of the Illinois Revised Statutes, Chapter 38, "Criminal Law and Procedure".

c. An extensive study of detention practices affecting adult offenders.

d. A review of recently published documents pertaining to criminal justice theories and practices.

e. Numerous consultations and meetings with members of interest groups and professionals active in the field of criminal justice.

The findings of this study, the most significant of which are listed in this introduction, indicate that detention services statewide are still inadequate, and that reform efforts in this area of criminal justice have been concentrated primarily in the theoretical and planning phase.

Detention should be one of many alternatives. Yet, in too many instances, it is the first and only official response. Statistics included in this report's appendix show that de-

tention has been misused and overused throughout the State.

The recommendations that follow are to be viewed in the sequential order of their presentation in that dependent interrelationships exist among them.

1-STATE'S ATTORNEYS OFFICES THROUGHOUT THE STATE DEVELOP OUT-OF-COURT DISPOSITIONAL PROGRAMS FOR CERTAIN CATEGORIES OF MISDEMEANORS

Many individuals charged with minor offenses crowd jail facilities and courtrooms, and contribute to excessive probation caseloads. Due to the extremely high incidence of such cases, the courts are generally unable to "individualize" minor offenders.

Alternatives to the judicial handling of certain classes of misdemeanant offenders are employed successfully in other states. An excellent example is provided by the Columbus (Ohio) Citizen Dispute Settlement Program which, in its first year of operation, resolved a total of 3,992 cases that might have ended in arrest, detention and court appearance, at a cost of about $20 per case.[1] A modified version of that program is recommended for implementation in Illinois:

OUT-OF-COURT DISPOSITION PROGRAM

Out-of-Court Disposition is a diversion program intended to rationally separate the "criminal" from the "law-violator", and treat the latter in a manner substantially different than under the existing system, which was designed to deal primarily with criminals.

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[1] National Institute of Law Enforcement and Criminal Justice, Citizen Dispute Settlement (An Exemplary Project), Washington, D.C. U.S. Government Printing Office.

> Law violators are those who commit an offense of a temporary, situational, impulsive nature and who do not display a continuing pattern of anti-social behavior.[2]

Under this program, administered by the State's Attorney's Office, law enforcement agencies would inform victims and offenders in minor criminal cases of this alternative and, in case of acceptance by both parties, notify the State's Attorney's Office.

The State's Attorney's Office would screen out those cases that require full criminal prosecution and refer all others to community volunteers trained as hearing officers. At the hearing, which should take place no later than ten days after referral, all parties involved would have the opportunity to be heard.

The hearing officer, acting as a mediator, would attempt to work out a solution acceptable to both the victim and the alleged offender. Once the solution has been agreed upon, the State's Attorney's Office would be notified and the case kept "active" until all conditions of the agreement have been met. When monetary restitution is involved, the case would be closed only after full payment has been made.

A representative of the State's Attorney's Office would be needed to select those cases that could be handled through the program, and also to provide legal assistance while hearings are held.

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[2] Office of Criminal Programs, State of Michigan, Deferred Prosecution and Criminal Justice: A Case Study of the Genesee County Citizens Probation Authority, Flint, Michigan: University of Michigan, 1972

Community volunteers would be required to undergo a period of intensive training with the State's Attorney's Office before being allowed to work as hearing officers. Other volunteers would operate telephones, maintain files, schedule hearings, and perform follow-up activities.

Eligibility Criteria

Law Enforcement agencies, the Court, the State's Attorney's Office, and community representatives should participate in the planning of the program. Referral procedures and criteria for the eligibility of cases must be established. Following are some proposed eligibility criteria:

a. The alleged offense shall not involve a serious bodily injury.

b. The alleged offense shall not constitute part of a pattern of anti-social behavior.

c. When financial loss or property damage is involved, the alleged offender must agree in writing to fully repay the victim.

d. The victim must agree to the out-of-court settlement and waive the right to press charges for that offense if the terms of the settlement are respected in full by the offender.

Program Benefits

If properly structured and operated, the recommended diversionary program would have the following benefits:

Prompt disposition of most minor cases.

A "clean" record for first-time offenders because of intervention before charges are filed.

Resolution of the "problem" as opposed to the disposition of a "case" that is offered by traditional means.

A standardized diversionary procedure whose cost and benefits can be measured.

2-ADMINISTRATIVE GUIDELINES BE DEVELOPED BY THE CIRCUIT COURT THROUGHOUT THE STATE FOR MANDATORY ISSUANCE OF A NOTICE TO APPEAR BY LAW ENFORCEMENT AGENCIES IN LIEU OF ARREST

In 1973, nearly 35,000 persons were arrested and taken to county jails, only to be booked and released the same calendar day (see table below). The majority of these individuals, representing 45 percent of all alleged offenders booked in county jail facilities throughout the State[1], could have been issued a notice to appear, with substantial savings in time and money to the counties and the various departments.

One Day Stays of Non-Sentenced Offenders[1]
1973

Total	Felony	Misd.	Traffic	Alcohol	Drug	Disorderly Conduct	Viol. Court Order	Mental
34623	1826	12898	7253	4817	2230	3011	2418	170
100%	5.3%	37.3%	20.9%	13.9%	6.4%	8.7%	7.0%	0.5%

A "notice to appear" refers to the statutory provision for the use of citations by police officers in lieu of arrest in any criminal case:

> A "notice to appear" is a written request issued by a peace officer that a person appear before a court at a stated time and place.[2]

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[1] Excluding Cook County.

[2] Illinois Revised Statutes, Chapter 38, Section 107-1 (c).

Law enforcement agencies generally have been reluctant to use the citation form, in cases other than traffic and ordinance violation, as they might be subject to criticism if the defendant fails to make a court appearance. Illinois law provides for the issuance of a notice to appear, but does not make its use mandatory in any specific class of offenses:

> Whenever a peace officer is authorized to arrest a person without a warrant he may instead issue to such person a notice to appear.[1]

Guidelines should list all classes of offenses where a notice to appear must be issued, and include the following provisions, some of which are from standards developed by the American Bar Association:[2]

A. A police officer, who has grounds to charge a person with an offense listed in the guidelines, be required to issue a notice to appear in lieu of arresting and taking the person to the police station.

B. The requirement to issue a citation need not apply where:

1. The alleged offender refuses or fails to identify himself satisfactorily; or

2. The alleged offender refuses to sign the citation; or

3. Arrest is necessary to prevent imminent bodily harm to the alleged offender or to another person; or

4. The alleged offender does not have sufficient ties to the community to reasonably assure his appearance, and it is likely that he will fail to respond to a citation; or

5. The alleged offender previously has failed to appear in response to a citation.

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[1] Illinois Revised Statutes, Chapter 38, Section 107-12 (a).

[2] The Young Lawyers Section, The Chicago Bar Association, The American Bar Associaton Standards for the Administration of Criminal Justice: Illinois Compliance, standard 2.2, 1974.

C. When a police officer makes an arrest pursuant to (B) above, he shall state his reasons in writing.

Mandatory use of a notice to appear will contribute to greater efficiency in the Criminal Justice System. First, the need for detention space will be reduced as a result of the elimination of much unnecessary detention. Second, there will be appreciable savings in time to the arresting officer, who is generally responsible for transporting and initial processing of the alleged offender. Third, community-police relations are likely to be improved if law enforcement agencies do not subject all minor offenders to arrest and detention.

3-ADULT INTAKE SERVICES BE ESTABLISHED THROUGHOUT THE STATE UNDER THE JURISDICTION OF THE CIRCUIT COURT

In 1973, a total of 70,730 non-sentenced adult offenders were held in county jail facilities throughout the State[1]. Few of these individuals were screened for possible diversion to alternatives to detention, or received diagnostic service to establish eligibility for pretrial release. Yet, out of this total, 8,611 were charged with alcohol related offenses, 4,927 with drug related offenses, and 531 were identified as being mental cases. All of these individuals were in need of specialized services and/or care not available in jail facilities.

The establishment of intake services would not only provide a means to identify those categories of offenders and eventually refer them to more appropriate facilities and programs, but it would also screen out those individuals who do not need detention and could be released while awaiting court appearance.

Intake service personnel should have the following functions and duties:

1. Screen and evaluate alleged offenders in order to:
   a. Make referrals to service agencies such as mental health, alcohol and drug detoxification centers, medical facilities, etc.
   b. Make recommendation for either pre-trial release (bond, bail, release on recognizance, etc.) or immediate detention.

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[1] Excluding Cook County.

2. Establish and maintain contacts with public and private agencies, and other potential community resources for use of programs and delivery of services to adult offenders.

3. Maintain and update referral resource directories by service area and type of programs and services provided.

4. Maintain accurate and complete records of all cases handled, including all reports used in the screening and evaluation process, such as police incident report, probation social investigation report, job evaluation report, aptitude test scores, etc.

5. Evaluate offender's performance and progress in a given program and make findings known to the court when a change in the disposition appears to be desirable.

6. Monitor programs to evaluate their effectiveness and make findings available for planning and future allocation of resources.

7. Inform the general public of the activities and services provided.

8. Promote and assist the establishment of additional community based programs and services.

Intake Services should have trained staff specifically assigned by the court to intake functions. Probation personnel, if specifically trained, could perform such functions in jurisdictions where caseloads are small. Recruitment of intake personnel should be the responsibility of the court.

A well organized and regulated intake service will significantly contribute to the effectiveness of the Criminal Justice System by identifying the alleged offenders' individual needs, reducing detention use, coordinating the use of community resources, assisting the courts, and by monitoring and evaluating offenders' participation in programs.

4-DIVERT, IMMEDIATELY AFTER POLICE CONTACT, ALL ADULTS WITH SOCIO-MEDICAL PROBLEMS (DRUG ABUSE, MENTAL ILLNESS OR RETARDATION) TO APPROPRIATE FACILITIES AND/OR PROGRAMS

The Department of Corrections' Illinois County Jail Standards, in the chapter entitled "Unusual Inmates", recognizes that the jail is not the proper place for persons with socio-medical problems, and urges their diversion to appropriate facilities and programs.[1]

DRUG ABUSE

In 1973, 5,207 adults were held in Illinois county jails for a total of 32,712 days, or an average of 6.3 days per offender, for possession and/or use of drugs.[2] Of these, less than ten percent were serving a sentence.

No person whose only offense is drug abuse should be subjected to detention in a jail or lock-up facility. Drug users who are charged with the commission of additional offenses, while being held accountable for their unlawful behavior, should not be denied emergency medical treatment in appropriate facilities and under the supervision of qualified physicians.

Similar provisions for alcoholics and intoxicated persons have already been legislated with the adoption by the Illinois

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1 Department of Corrections, Illinois County Jail Standards Chapter XI, "Unusual Inmates", March, 1972.

2 Excluding Cook County.

General Assembly of the Alcoholism and Intoxication Treatment Act, which in Section 1 states:

> It is the policy of this State that alcoholics and intoxicated persons engaged in public drunkeness may not be subjected to criminal prosecution solely because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society.

It is recommended that the Department of Corrections, in conjunction with the Department of Mental Health and the Illinois Dangerous Drugs Commission, seek legislation providing similar protection for drug users.

MENTAL ILLNESS OR RETARDATION

In 1973, 531 adults detained in county jails were identified as being mental cases.[3] In no instance, however, was the alleged commission of any criminal offense indicated by their arrest records. They spent a total of 1,394 days in jail, averaging 2.6 days each, awaiting outright release or referral to appropriate facilities. Whatever the reason for detention, law enforcement agencies must be relieved of a burden that is not within their province nor expertise. These individuals are in need of a type of care that cannot be provided in detention facilities by law enforcement personnel.

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[3] Excluding Cook County.

Adult offenders affected by mental illness, disturbance, or retardation, even when charged with the commission of an offense, should be immediately referred to appropriate facilities and programs for diagnosis, care and/or specialized treatment. To this end, it is recommended that the Department of Corrections, in conjunction with the Department of Mental Health, seek legislation prohibiting detention and incarceration in such cases and providing for care in programs and/or facilities operating close to the place of residence.

5-ADMINISTRATIVE GUIDELINES BE DEVELOPED BY THE COURT TO DETERMINE THE CONDITIONS UNDER WHICH AN ALLEGED OFFENDER SHOULD BE DETAINED FOLLOWING ARREST

In 1973, nearly 71,000 persons over the age of 17 were detained in Illinois county jails[1]. Collectively, they spent nearly 388,000 days in jail, averaging 5½ days per person. Nearly 25 percent of all persons detained had been arrested for disorderly conduct, violation of court order, alcohol, drug, mental illness, and traffic offenses. Many of these individuals, as well as the majority of the 35 percent arrested for the alleged commission of all other types of misdemeanor offenses, need not have been detained. As for those detained for the alleged commission of felony offenses, probable threat to public safety may or may not have been appreciable.

A significant number of the offenders mentioned above could have been released following arrest if detention were reserved for individuals:

a. Who would otherwise threaten the public safety;

b. Who are likely to fail to appear at court proceedings; or

c. Whose personal safety would be threatened if not detained.

Detention guidelines, to be developed by the circuit courts

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[1] Excluding Cook County.

for use by intake personnel, must avoid vagueness to prevent misinterpretation and abuses; however, they must also have built-in flexibility to allow for unusual and unpredictable occurrences.

Criteria for use in determining what constitutes a threat to the public safety could include the following:

a. The offender knowingly and intentionally, without legal justification, allegedly inflicted or attempted to inflict serious bodily harm to an individual; and

b. His conduct is characterized by a pattern of aggressive behavior which seriously threatens the safety of others.

Following arrest, and without unnecessary delay, law enforcement agencies would refer the alleged offender to intake screening, to which they would provide a detailed report describing the circumstances of the arrest, a record of any prior conviction, and any other pertinent information. After an interview with the alleged offender, intake service personnel would prepare a report of the findings, together with recommendations, for the court. The judge would then determine whether detention pending court proceedings is warranted.

When detention is not deemed necessary, the following alternatives should be considered:

1. Release on recognizance, in accordance with Chapter 38, Section 110-2 of the Illinois Revised Statutes.

2. Release on bail security, in accordance with Chapter 38, Sections 110-7 and 110-8 of the Illinois Revised Statutes.

3. Release under the supervision of a person acceptable to the court.

4. Release under the supervision of a community group or organization acceptable to the court.

5. Release under the supervision of a probation officer or other official person designated by the court.

The judge may request reports from court-appointed officers in selecting the form of release most likely to serve the need of the offender as well as of the community. Factors that can be of help in selecting one of the above include the nature and circumstances of the alleged offense, the evidence against the alleged offender, ties to the community (residence, family, employment, properties, business, etc.), record of prior convictions, and record of appearance at court proceedings.

6-ADMINISTRATIVE GUIDELINES BE DEVELOPED BY THE CIRCUIT COURT THROUGHOUT THE STATE FOR MANDATORY ISSUANCE OF A SUMMONS IN LIEU OF A WARRANT OF ARREST

The overall number of arrests could be reduced, thereby reducing detention, through greater utilization by the circuit court of the existing statutory authorization to issue a summons instead of a warrant of arrest in criminal cases. There are, however, no administrative guidelines to mandate the use of a summons:

> A "warrant of arrest" is a written order from a court directed to a peace officer, or to some other person specifically named, commanding him to arrest a person.[1]
>
> A "summons" is a written order issued by a court which commands a person to appear before a court at a stated time and place.[2]
>
> A warrant shall be issued by the court for the arrest of the person complained against if it appears from the contents of the complaint and the examination of the complainant or other witnesses, if any, that the person against whom the complaint was made has committed an offense.[3]
>
> When authorized to issue a warrant of arrest a court may in lieu thereof issue a summons.[4]

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1 Illinois Revised Statutes, Chapter 38, Section 107-1 (a).

2 Ibid., Section 107-1 (b).

3 Ibid., Section 107-9 (c).

4 Ibid., Section 107-11 (a).

Guidelines should be developed to list all types of offenses where a summons must be issued, and they could include the following provisions, some of which are from standards developed by the American Bar Association:[5]

A. The issuance of a summons shall be mandatory in cases where the maximum sentence for the offense charged does not exceed six months imprisonment.

B. The requirement to issue a summons need not apply when the judicial officer finds that:

   1. The accused previously has failed to respond to a citation or summons for an offense other than a minor one such as a parking violation; or

   2. The accused does not have sufficient ties to the community to reasonably assure his appearance, and it is likely that he will fail to respond to a summons; or

   3. The whereabouts of the accused are unknown and the issuance of a warrant of arrest is necessary in order to subject him to the jurisdiction of the court; or

   4. Arrest is necessary to prevent imminent bodily harm to the accused or to another person.

C. When a judicial officer issues a warrant of arrest pursuant to (B) above, he shall state his reasons in writing.

Mandatory issuance of a summons will contribute to greater efficiency in the Criminal Justice System. First, the need for detention space will be reduced as a result of the elimination of unnecessary detention. Second, there will be savings in time to law enforcement officers since summonses may instead be served by a court-appointed person.

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[5] The Young Lawyers Section, The Chicago Bar Association, The American Bar Association Standards for the Administration of Criminal Justice: Illinois Compliance, Standard 3.2, 1974.

7-THE COMMITMENT OF MISDEMEANANTS TO THE DEPARTMENT OF CORRECTIONS BE DISCONTINUED

Commitment of misdemeanants to the Department of Corrections is both unnecessary and economically inefficient, as demonstrated in a survey conducted by the Department. Findings of the survey include the following:

a. No serious threat to the public safety would be posed if misdemeanants were to be kept in their communities. A review of the files of 133 misdemeanants residing at the Vandalia Correctional Center in July, 1974 revealed that only 20% were convicted of crimes against persons (see table below). The remaining 80% were convicted of offenses such as crimes against property, traffic, contempt of court, and drug abuse. In total, 35% of those sampled were reported to be alcoholics or assaultive only while under the influence of alcohol. Furthermore, 37% of the total sampled were first time offenders.

OFFENSE CATEGORY	NUMBER OF FILES	PERCENT OF TOTAL
Crimes Against Persons	27	20.3%
Crimes Against Property	74	55.6
Traffic	19	14.3
Contempt of Court	10	7.5
Drugs	3	2.3
TOTAL FILES SURVEYED	133	100.0

b. Sentences for misdemeanants by law cannot exceed one year; the average length of stay at the Vandalia Correctional Center is about six months.

c. Imprisonment in a remote state institution effectively severs family, employment, and community

> ties, and places a hardship on the offender and his family, and ultimately on the general public as well. Many of the misdemeanants now being committed to State correctional facilities would have better prospects of being restored to a productive life if they were placed under supervision in their community of residence. Commitment to a large institution, where most decisions are made for them, may cause some individuals to become less able to assume the responsibilities that accompany life in the free community.

From an economic standpoint, commitment of misdemeanants to the Department of Corrections is an inefficient utilization of limited resources. The public expense to imprison a misdemeanant at the Vandalia Correctional Center was estimated at $5,000 per man-year for Fiscal Year 1973. Sentencing to community based alternatives, though varying with the type of program, has been demonstrated to be less expensive and producing a greater cost/benefit ratio than imprisonment. For example, the work release program operating out of the Lake County Jail is costing an estimated $3,081 per man-year. This cost is reduced by nearly 60 percent when room and board reimbursements of $5 per day per resident are subtracted.[1] The cost to the taxpayer is further reduced by diminished public aid to offenders' families and increased income tax revenues. In his 1972 address to the American Bar Assocation, Chief Justice Warren Burger stated that a probationer can be given close supervision for less than one-tenth of what it costs to keep the same person in an institution.[2] The National Council on Crime and

[1] Evaluation of Lake County Work Release Program, Lake County, Illinois, July, 1974.

[2] Chief Justice Warren Burger, Annual State of the Federal Judiciary Message to the American Bar Association, 1972.

Delinquency, in a nationwide survey conducted for the President's Crime Commission, found that the daily cost of supervising an adult on probation is one-fourteenth that of housing him in an institution.[3]

The State of Illinois should establish a subsidy program to assist counties in developing sentencing alternatives to institutionalization for misdemeanants (see Recommendation 8). It is recommended that the Department of Corrections seek appropriations to be disbursed to counties throughout the State for that purpose. A subsidy formula will be necessary to determine the maximum amount of money a county could receive over a given period of time. The formula should take into account each county's correctional needs, population size, ability to pay, current correctional effort, etc.

Termination of the commitment of misdemeanants to the Department of Corrections would require an amendment to Chapter 38, Section 1005-8-6 of the Illinois Revised Statutes. Present law allows for commitment of misdemeanants to the Department's institutions for sentences ranging from 60 days to one year.

An expanded use of community based sentencing alternatives for misdemeanants, while continuing to ensure public safety, will contribute to a more effective and less costly correctional system in the State of Illinois.

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[3] National Council on Crime and Delinquency, Policies and Background Information, 1972, page 17.

8-MISDEMEANANTS BE SENTENCED TO ALTERNATIVES TO INCARCERATION THAT REASONABLY ENSURE THE PUBLIC SAFETY AND OFFER OPPORTUNITIES FOR INDIVIDUAL GROWTH AND ATTITUDINAL CHANGE

Incarceration is necessary only for the offender who, if not confined, would seriously threaten the public safety. For all others, who constitute the majority of offenders, sentencing should be selected from a variety of alternatives other than incarceration.

Chapter 38, Section 1005-5-3 of the Illinois Revised Statutes should be amended to provide the following sentencing alternatives specifically for misdemeanants:

1. A fine.
2. Release under the supervision of a person acceptable to the court.
3. Release under the supervision of a community group or organization acceptable to the court.
4. A period of conditional discharge.
5. A period of probation.
6. A period in a halfway house or other residential facility.
7. A term of periodic imprisonment (work, educational or other release).
8. A term of incarceration in a certified county jail.

Additional legislation should be sought to require a presentence investigation and report on any misdemeaner conviction.

Although misdemeanants are the majority of the case load in the court system, in most instances judges do not have the benefit of a presentence investigation and report in passing sentence on them.

As indicated by the United States Department of Justice, LEAA, National Institute of Law Enforcement and Criminal Justice, in "A Guide to Improved Handling of Misdemeanants", the presentence investigation and report provides information helpful in determining sentence disposition, including:

> Indications as to possible financial arrangements in cases of fines and orders for restitution.
>
> A foundation for an established supervision plan which also identifies those goals toward which the probation officer and the probationer should be moving.
>
> In case of jail sentence, the criteria for classification and assignment purposes, in addition to being helpful in determining whether the offender should be placed in maximum security or whether he can go immediately into a less secure setting.
>
> Assistance in the areas of counseling, training, academic education and work assignments.

Criteria to determine whether the circumstances of an offense justify a sentence other than incarceration should be developed by the court. The following factors could be considered:

a. The offender's criminal conduct did not cause serious bodily harm.

b. The offender did not intend to cause serious bodily harm by his criminal conduct.

c. The offender either acted under strong provocation, or the victim of the crime induced or facilitated its commission.

d. The offender's conduct was the result of circumstances unlikely to recur.

e. The offender meets certain criteria establishing responsibility in the community (e.g., present and past employment, length of residence in the community, family ties and obligations, etc.).

f. The offender has made or will make restitution or reparation to the victim for the damage or injury which was sustained.

g. The character, history, and attitude of the offender indicate that he is unlikely to commit another crime.

Proper supervision within the community, coupled with realistic opportunities for the offender's rehabilitation, is more effective than incarceration in protecting the public safety and facilitating future law-abiding conduct.

9-NO NEW JAIL FACILITIES SHOULD BE CONSTRUCTED UNTIL ALTERNATIVE MEANS OF HANDLING OFFENDERS HAVE BEEN EXPLORED AND A FACILITY NEED IS DEMONSTRATED

In 1974, thirteen Illinois counties were actively planning for new jail facilities, while eight others were at various stages of construction. Many of the facilities, either being planned for or currently under construction, may very likely result in excessive idle space and under usage. For example, a recently constructed jail, with a sleeping capacity of 240, had an average daily population of only 130 in early 1974. Another county, which had an average daily jail population of 27 in 1973, opened a new facility in 1974 with a sleeping capacity of 106.

Because construction of a jail facility represents a long-range commitment, generally of more than 25 years, a moratorium should be placed into effect to reduce the possibility of costly errors. Construction of new facilities should take place only after diversion programs and community based alternatives, all reducing detention needs, have been implemented and their effectiveness measured.

Implementation of many of the recommendations set forth in this document will substantially reduce jail populations and the relative need for new jail facilities. Available resources should be allocated for the development of alter-

native programs and services, as well as for necessary repair to bring some of the existing jail facilities up to standards.

Construction of new jail facilities without the implementation of a variety of non-detentional alternatives generally results in a commitment, at times for decades, to a course of action perpetuating antiquated detention practices. Planning and building larger jails has generally been the first response to the many problems created by increasing crime rates. Implementation of alternative programs and services and use of diversion will require extensive community involvement and governmental commitment, but it will provide a realistic alternative to the existing system, which has proven to be both costly and ineffective.

10-JAIL FACILITIES BE CLASSIFIED AND CERTIFIED FOR AUTHORIZED USE ACCORDING TO PHYSICAL CAPABILITIES AND AVAILABILITY OF PROGRAMS AND SERVICES

Widespread procedural and physical deficiencies in county jails throughout the State demonstrate the necessity of establishing a jail classification system, and the use of certification procedures. This system would differentiate jails as to the categories of offenders that may be housed in a given facility, and the maximum length of time they may be held, based on the type and quality of detention and correctional services that can be provided.

An inventory by the Department of Corrections of 1973 county jail inspection reports[1] bears out the need for jail classification and certification. The inventory took into account 17 specific areas for which the Department seeks compliance, eight of which are mandatory and nine which are recommended (see Table 1). In terms of mandatory standards, a generally high degree of compliance was found in the area of Food Service. Very little compliance, however, was noted in the areas of Building and Equipment, Segregation, and Safety and

[1] Excluding Cook County

TABLE 1

ILLINOIS COUNTY JAILS
State Summary of Ratings
1973

Number of Counties	102
Not Rated	1
Closed	4
New jail under construction	7
NUMBER RATED	90

MANDATORY STANDARDS	RATING	NUMBER OF COUNTIES	PERCENTAGE OF TOTAL
1. Building and Equipment:			
	C*	0	0.0%
	N**	90	100.0
2. Segregation:			
	C	8	8.9
	N	82	91.1
3. Safety & Security:			
	C	6	6.7
	N	84	93.3
4. Sanitation & Hygiene:			
	C	29	32.2
	N	61	67.8
5. Supervisory Personnel:			
	C	24	26.7
	N	66	73.3
6. Recording & Reporting:			
	C	47	52.2
	N	43	47.8
7. Medical Care:			
	C	26	28.9
	N	64	71.1
8. Food Services:			
	C	79	87.8
	N	11	12.2

RECOMMENDED STANDARDS	RATING	NUMBER OF COUNTIES	PERCENTAGE OF TOTAL
1. Rules & Regulations:			
	C	57	63.3%
	N	33	36.7
2. Inmate Classification:			
	C	1	1.1
	N	89	98.9
3. Counseling & Guidance:			
	C	35	38.9
	N	55	61.1
4. In-House Library:			
	C	26	28.9
	N	64	71.1
5. Educational & Vocational Programs:			
	C	8	8.9
	N	82	91.1
6. Indoor Recreation:			
	C	50	55.6
	N	40	44.4
7. Outdoor Recreation:			
	C	3	3.3
	N	87	96.7
8. Work Release:			
	C	38	42.2
	N	52	57.8
9. Religious Services:			
	C	46	51.1
	N	44	48.9

* C = Compliance with Minimum Standard
** N = Non-Compliance with Minimum Standard

Data Source: Department of Corrections, Bureau of Detention Standards and Services, County Jail Inspection Reports, 1973.

Security. Only five county jails exceeded 75 percent compliance with mandatory standards, while 80 attained no more than a 50 percent compliance (see Appendix, Tables 7 and 8).

In many instances average daily populations are so small that a jail facility for other than short-term detention is unnecessary and too costly to operate. For example, a total of 25 county jails in 1973 had average daily populations of less than three persons, while only ten facilities had average daily populations in excess of 40 individuals (see Appendix, Table 6). Jails with relatively small populations should not be expected to adhere to the same standards required for the operation of large facilities. Rather, they should be classified and certified only for those uses which reflect their optimum scale of operation. Inspection by the Bureau of Detention Standards and Services, Department of Corrections, would ensure that conditions of certification are being met.

The hiring of a professional administrator should be a requirement for certification of jail facilities with large offender populations. As the size of the jail population increases, the complexity of operation

increases, thus requiring professional administrative and managerial skills on a full-time basis. The county sheriff cannot be expected to direct and plan for the operation of a large jail and, at the same time, continue to perform his law enforcement duties effectively.

Legislation should be sought to amend Chapter 38, Article 15, Section 1003-15-2 (Standards and Assistance to Local Jails and Detention Facilities) to authorize the Department of Corrections to develop and implement a jail classification system and set certification criteria.

Jail classification and certification will provide the stimulus necessary for the larger facilities to maintain a performance level sufficient to meet their needs and, at the same time, satisfy minimum standards. It will also prevent small jails from holding offenders that the facility is not capable of adequately serving.

11-THE DELIVERY OF PROGRAMS AND SERVICES TO PERSONS HOUSED IN JAIL FACILITIES BE A REQUIREMENT FOR JAIL CERTIFICATION

The needs of persons in jail, whether convicted or awaiting trial, are equal to, if not greater than, those of other citizens. All need the opportunity for mental and physical activity to ward off idleness and its demoralizing effects. Some, whose inability to cope with financial, employment, family, or other social responibilities was perhaps the primary cause of their criminal conduct, need specialized assistance and professional counseling.

A 1973 Department of Corrections survey of the 90 operating county jails, excluding Cook County facilities, revealed a limited availability of programs and services to aid in dealing with these various needs. Only eight jails had educational and vocational programs, 26 had in-house libraries, 35 provided some counseling and guidance, and 50 allowed limited indoor recreation, mostly table games.

The requirement for the delivery of various programs and services should be incorporated in certification criteria; however, it should be reflective of the scale of operation of the facility (see recommendation 10). For example, a jail certified to house sentenced offenders should be required to formally organize the full range of programs and services indicated below; while a jail certified for only short-time detention will need to provide them

only on an "as needed" basis. Recommended programs and services are:

a. Library services.

b. Physical recreation programs (indoor and outdoor).

c. Programs for problems associated with excessive consumption of alcohol, drug use, and mental illness or disturbance.

d. Counseling programs for problems relating to family, employment, financial, and other social responsibilities.

e. Educational, vocational, and job training and placement opportunities.

Participation in programs should be on a voluntary basis. Accordingly, lack of participation or progress in any given program should not be used to the detriment of any individual.

12-STANDARD AND UNIFORM RECORDING SYSTEMS FOR THE COLLECTION OF ARREST AND DETENTION DATA BE DEVELOPED FOR USE BY THE CRIMINAL JUSTICE SYSTEM THROUGHOUT THE STATE

The paucity and unreliability that characterize existing jail records were among the most significant findings of the survey conducted by the Department of Corrections.

To date, none of the counties surveyed has a recording system encompassing all components of the Criminal Justice System. Information retrieval procedures are virtually non-existent and, in many instances, there is no one person assigned specifically to the task of collecting and recording information.

Under these conditions, the exchange of information among the major components of the system is practically impossible. The difficulty of securing relevant and reliable information has often hindered policy formulation and management decision-making. Through the establishment of standardized and uniform recording procedures, the needs of the justice system can be more readily identified, and ongoing specialized research for systemic and programmatic changes can be undertaken.

The information that can be generated at the law enforcement level is extremely important, not only to assess the type of community based alternatives that need to be developed, but also to make economically sound manpower allocation decisions in the probation and court areas. Selected information from the law enforcement and the judiciary is also needed at the correctional level for

projecting future space requirements and program needs, and for a more efficient delivery of quality correctional services.

Accurate and uniform record-keeping systems are mandatory for vital activities such as:

a. Identification of problem areas
b. Determination of workload requirements
c. Projection of future needs
d. Resources inventory and coordination
e. Manpower allocation and capital investment
f. Cost-benefit analysis
g. Evaluation of program achievement
h. Evalutation of offender progress (in a program)

To develop uniform record-keeping systems, a consensus must be reached on criminal justice terminology. Definitions need to be formulated and agreed upon for terms such as contact, arrest, offense, adjustment, detention, incarceration, jail facility, diversion, etc.

Standard and uniform recording procedures, as well as a common terminology, are prerequisites in the development of a computerized information system. A statewide Criminal Justice Information System (CJIS) is currently being developed under the auspices of the Illinois Law Enforcement Commission, and the recording system recommended in this report will facilitate the implementation of CJIS.

A T T A C H M E N T

Following is a List of Tables
and Maps Contained in the Appendix
(Separate Document)

L I S T O F M A P S

1. TOTAL OFFENDERS--Number of Persons 17 Years of Age and Older in Illinois County Jails: 1973

2. ALCOHOL--Number of Persons 17 Years of Age and Older in Illinois County Jails: 1973

3. DRUGS--Number of Persons 17 Years of Age and Older in Illinois County Jails: 1973

4. MENTAL HEALTH--Number of Persons 17 Years of Age and Older in Illinois County Jails: 1973

5. DISORDERLY CONDUCT--Number of Persons 17 Years of Age and Older in Illinois County Jails: 1973

6. VIOLATION OF COURT ORDER--Number of persons 17 Years of Age and Older in Illinois County Jails: 1973

7. TRAFFIC--Number of Persons 17 Years of Age and Older in Illinois County Jails: 1973

8. OTHER MISDEMEANANTS--Number of Persons 17 Years of Age and Older in Illinois County Jails: 1973

9. FELONS--Number of Persons 17 years of Age and Older in Illinois County Jails: 1973

10. AVERAGE DAILY POPULATION--Illinois County Jails: 1973

11. NON-SENTENCED OFFENDERS--Average Daily Population in Illinois County Jails: 1973

12. NON-SENTENCED OFFENDERS--Average Length of Stay in Illinois County Jails: 1973

13. SENTENCED OFFENDERS--Average Daily Population in Illinois County Jails: 1973

14. SENTENCED OFFENDERS--Average Length of Stay in Illinois County Jails: 1973

L I S T O F T A B L E S

1. ANNUAL ILLINOIS COUNTY JAIL POPULATION--Percentage Distribution of Persons 17 Years of Age and Older by Type of Offense: 1971-1973

2. NUMBER OF DAYS SPENT IN ILLINOIS COUNTY JAILS--Persons 17 Years of Age and Older Awaiting Trial: 1971-1973

3. NUMBER OF DAYS SPENT IN ILLINOIS COUNTY JAILS--Persons 17 Years of Age and Older Serving Sentences: 1971-1973

4. ILLINOIS COUNTY JAIL POPULATION STATISTICS--Non-Sentenced Offenders: 1971-1973

5. ILLINOIS COUNTY JAIL POPULATION STATISTICS--Sentenced Offenders: 1971-1973

6. ILLINOIS COUNTY JAILS--Total Population: 1973

7. ILLINOIS COUNTY JAILS--State Summary of Compliance with Minimum Standards: 1973

8. ILLINOIS COUNTY JAILS--Percentage Compliance with Minimum Standards: 1973

9. COUNTY JAILS--Cell Capacity and Staffing Data: 1973

10. ILLINOIS COUNTY JAIL CELL SURVEY: 1973

11. OFFENDER PROJECTIONS--Persons 17 Years of Age and Older: 1980-2000

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