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INTRODUCTION TO THE ILLINOIS

CRIMINAL JUSTICE SYSTEM

by

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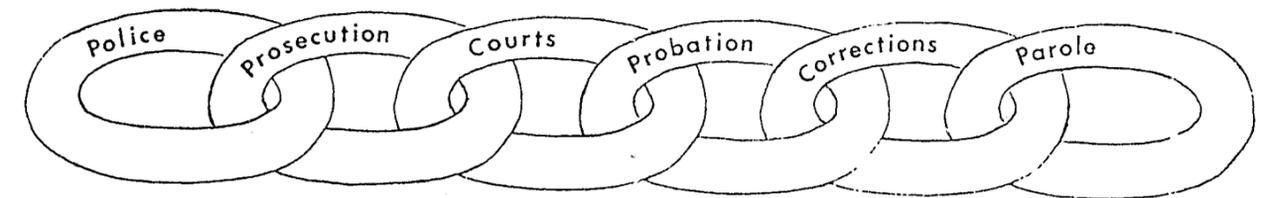
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Introduction: Criminal Justice as a Chain

At the heart of social order in a community are the rules that govern social relations. Violations of these rules, if detected, may be followed by a variety of sanctions ranging from disapproval to death. Although behavior may be regarded as unpleasant, or intolerable, or even inhuman, only certain actions have been labeled unlawful and are subject to processing by the criminal justice system.

The President's Commission on Law Enforcement and Administration of Justice defined a criminal justice system as: "an apparatus society uses to enforce the standards of conduct necessary to protect individuals and the community."¹ It performs this function by "apprehending, prosecuting, convicting, and sentencing those members of the community who violate the basic rules of group existence."² The police, the courts, and corrections are the three essential parts of this system.

Figure 1: CRIMINAL JUSTICE AS A CHAIN



¹The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society. Washington, D.C.: U.S. Government Printing Office, 1967, p. 7.

²Ibid.

In reality, the "criminal justice system" is far more a chain than a system. As depicted in Figure 1, the chain consists of a series of agencies or departments that are linked together--mainly by the clients they successively serve. Most of these agencies or departments are operated by local units of government rather than by the state or federal government.

The Role of Local Government Officials with respect to Criminal Justice

In the analogy to a chain, the function of local government officials (LGO's) with respect to criminal justice is that of "caretaker" or "overseer" of the chain. LGO's are responsible for maintaining the "links" of the chain, that is, the operating agencies that fall within their jurisdiction. If one considers the fact that a chain is only as good as its weakest link, the importance of the local official's role is seen. If the "links" are not kept in sound operating condition, the ability of the "chain" to serve its purpose - preventing and controlling crime - is hindered.

Like any organization, a criminal justice agency depends on the presence of needed resources - personnel, facilities, technical assistance - and on the absence of counterproductive constraints - political or personal agendas, apathy, the holding back of cooperation - to operate effectively. The role of local government officials is to provide what resources they can and to remove what constraints they can. Put another way, the LGO serves as a manager of resources and as a check and balance between the "links."

The LGO's role as a manager of resources is fairly clear. Although responsibilities for criminal justice planning and the development of policy are not equally distributed among all members of a local government unit, by

virtue of committee assignments or the form of government, all members do vote on the criminal justice budget. Whether a member participates in building the budget, in amending it, or only in approving it, he or she has a role.

As a decision maker about how resources are allocated the LGO has ultimate responsibility for, and considerable control over, the quality of the criminal justice services provided by the government unit. Budget decisions affect level of service in a variety of ways, including: determining the number of employees the agency can have, the salaries that can be paid, whether facilities can be upgraded, and whether equipment can be purchased. Further, an agency's budget enhances or limits its capability to undertake special projects and establishes whether the agency has the match money to apply for a grant to try an innovation.

Through budgeting, therefore, LGO's make choices about the quality of personnel that can be attracted and retained, the improvement of facilities, the initiation of new programs, and about other elements of service. By increasing or limiting the shares of revenues allocated to criminal justice functions and programs, LGO's largely control the extent to which criminal justice agencies satisfy the community's need for services.

While the LGO's role in providing resources may be fairly easily identified, his or her role in removing constraints on productivity may not. As background, productivity in the public sector has two dimensions: effectiveness and efficiency.³ Since effectiveness has to do with the extent to which

³Committee for Economic Development, Improving Productivity in State and Local Government. New York: CED, March 1976, p. 14.

programs and functions achieve their objectives, a constraint on effectiveness would be something that inhibits a high level of service. Efficiency, on the other hand, concerns the organization of personnel, capital, equipment and other resources to carry out programs and functions at minimal cost. A constraint on efficiency would be something that inhibits a high ratio of service to dollars.

Criminal justice agencies may operate under a variety of constraints on productivity - some of which LGO's can do something about. An agency's effectiveness may be hindered by substandard facilities, a shortage of trained professionals, a lack of systematic planning, or weak community support. Collateral agencies competing and obstructing, rather than cooperating and facilitating, with respect to service coordination may be the most difficult of all day-to-day constraints. Efficiency may be hindered by inadequate staff, misordered priorities, the inefficient location of facilities, a large demand for services, and a lack of performance evaluation. And, it is often pointed out that the autonomous rather than contractual or cooperative provision of services by local government units is a constraint on efficient delivery of services.

LGO's need to identify what constraints exist on the productivity of the criminal justice agencies in their jurisdiction and determine what they can do to reduce or remove them. The point to be borne in mind is that improving criminal justice services is not solely a matter of the quantity of resources allocated, but has at least as much to do with the organization of those resources. Improvement can result, for example, from planning done at the local level and from creating the most efficient organizational structure for

the delivery of criminal justice services.

The foregoing section has suggested that local government officials have an important role with respect to criminal justice that should not be minimized. The following section looks at the criminal justice "chain" in more detail.

The Organization of Criminal Justice in Illinois

In Illinois, criminal justice services are highly decentralized. Although the federal government and the State each support some of the criminal justice services available to residents of Illinois, most are organized, administered and financed at the local government level. In Illinois, as well as the nation, police comprise the first link in the criminal justice "chain."

Police

There are over 1,000 police agencies in the State of Illinois, employing more than 27,000 full-time police officers. Less than 1,800 of these officers are employees of the State, more than 22,000 are employees of municipalities, and slightly more than 2,600 are employees of counties. There is roughly one police officer for every 407 persons in the State compared to the national average of one police officer to every 476 people.⁴

⁴Crime in Illinois - 1975, Crime Studies Section, Illinois Department of Law Enforcement, Springfield, Ill. (n.d.). pp. 175-199. Crime in the United States - 1975, Uniform Crime Reports, Federal Bureau of Investigation, U.S. Department of Justice, Washington, D.C., 1976, p. 221.

Police agencies exhibit a variety of types, with police generally organized around government at municipal, township, county and state levels. However, police agencies may be organized by special entities such as colleges and universities, park districts, and transit and airport authorities. The largest police agency in the state, the Chicago Police Department, employs more than 13,000 officers while the smallest agency employs only a single officer.

Figure 2: LAW ENFORCEMENT AGENCIES IN ILLINOIS BY MISSION AND LEVEL OF GOVERNMENT

<u>Level of Government</u>	<u>Law Enforcement Agency</u>	<u>Mission and Duties</u>
State	<p><u>Dept. of Law Enforcement</u> (Ill.Rev.Stat.1975, ch. 127, 55a) [Executive Order No.2 (April, 1977) provides for the reorganization of the Department of Law Enforcement into five Divisions: Ill. State Police, Investigation, Administration, Support Services, and Internal Investigation. This Order will become effective July 1, 1977.]</p>	<p>1) Illinois State Police</p> <ul style="list-style-type: none"> - Enforce all criminal laws and motor vehicle laws of the State. - Cooperate with the police of cities, villages and incorporated towns, and with police officers of any county in enforcing laws of the State. - Devotes major attention to patrolling highways in the State.

<u>Level of Government</u>	<u>Law Enforcement Agency</u>	<u>Mission and Duties</u>
	2) Illinois Bureau of Investigation	<ul style="list-style-type: none"> - Enforce all laws regulating production, sale prescribing, manufacturing, administration, transporting, having in possession, dispensing, delivery, distributing or use of cannabis and controlled substances. - Enforce all laws of the State. - Cooperate with police throughout the State.
	3) Division of Fire Prevention (Fire Marshall)	<ul style="list-style-type: none"> - Supervise and direct investigation of fires throughout the State. - Promote fire prevention.
	4) Bureau of Identification	<ul style="list-style-type: none"> - Serve as central repository and custodian of criminal statistics. - Maintain crime labs to aid in identification of criminal activity. - Serve as source of crime statistics for each jurisdiction agency in the State.
State	<p><u>Dept. of Conservation</u> (Ill.Rev.Stat.1975, ch. 127, 63a 28)</p>	<p>1) Division of Law Enforcement</p> <ul style="list-style-type: none"> - Enforce fish, game, forestry, boating, and snowmobile laws of the State. - Enforce all laws of the State and rules and regulations of Dept. of Conservation in or on lands owned, leased, and managed by the Department, i.e. State parks, game preserves, and State forests.

<u>Level of Government</u>	<u>Law Enforcement Agency</u>	<u>Mission and Duties</u>
State	<u>Secretary of State</u> (Ill.Rev.Stat.1975, ch. 95 1/2, 2-115, 2-116)	<ul style="list-style-type: none"> 1) Investigation Division <ul style="list-style-type: none"> - Investigates and reports violations of laws relating to operation of vehicles and use of highways. - Devote major attention to violations of motor carriers, i.e. buses, trucks. - Cooperate with State Police, sheriffs, and police throughout the State.
County	<u>Sheriff</u> (Ill.Rev.Stat.1975, ch. 125)	<ul style="list-style-type: none"> - Serve and execute, within their respective counties, and return all writs, warrants, process orders and decrees of every description that may be legally directed and delivered to them. - Enforce State laws and county ordinances in the county. - Custody and care of courthouse and jail. - Usually devotes major attention to policing unincorporated and rural areas.
County	<u>Coroner</u> (Ill.Rev.Stat.1975, ch. 31)	<ul style="list-style-type: none"> - Same powers as sheriff. - Serve as sheriff if sheriff's office is vacant. - Conduct inquests to determine cause of death.

<u>Level of Government</u>	<u>Law Enforcement Agency</u>	<u>Mission and Duties</u>
City, Village, Town	<u>Police/Marshall</u> (Ill.Rev.Stat.1975, ch. 24, 11-1-2)	- Enforce all laws of State and ordinances of their respective jurisdictions.
Park District	<u>Park District Police</u> (Ill.Rev.Stat.1975, ch. 105, 11-4)	- Enforce all laws of State and park district regulations in and on land or water controlled by district.
Water Authority	<u>Water Authority Police</u> (Ill.Rev.Stat.1975, ch. 111 2/3, 238)	- Enforce all laws of State and ordinances of the authority.
Airport Authority	<u>Security Police</u> (Ill.Rev.Stat.1975, ch. 15 1/2, 68.8-12)	- Enforce all laws of State and rules and regulations of the authority.

As Figure 2 indicates, in the synposes of the missions of the agencies, there is considerable overlapping of jurisdiction in the delivery of police services. Since police officers employed by the State have jurisdiction throughout the State, their jurisdiction overlaps that of county and municipal police officials. By the same token, law enforcement officers employed by a county have jurisdiction throughout the county and thus their jurisdiction overlaps that of the police of cities, towns, and villages within the county. In general, police officers in the State of Illinois are empowered to enforce all the laws of the State and to enforce any ordinances or regulations of the government unit that employs them. To clarify the mission of police agencies with overlapping jurisdictions, agreements, either formal or informal, are often made between agencies. For instance, the sheriff tends to focus on the unincorporated and rural areas of the county, leaving most of the policing in municipalities to the municipal police. State law enforcement personnel usually give their attention to traffic control, special crimes such as

violations of the Cannabis Control Act and the Controlled Substances Act, and to rendering assistance to local police who request their services.

Police services are also performed by private security officers. They are hired by a firm to protect persons and property on the firm's premises. The number of private security officers is thought to be equal to or slightly greater than the number of police officers employed by units of government.

Prosecution

The second link in the criminal justice "chain" is the prosecution. In the State of Illinois, each county has a state's attorney who has the role of representing the people of the State in criminal proceedings that occur in that county. In large counties, the state's attorney may be aided by a staff of assistants, including lawyers and investigators; but in smaller counties, the state's attorney often performs the function without any assistance.

Figure 3: PROSECUTORIAL FUNCTIONS BY MISSION AND LEVEL OF GOVERNMENT

<u>Level of Government</u>	<u>Prosecutorial Function</u>	<u>Mission and Duties</u>
State	<u>Attorney General</u> (Ill.Rev.Stat.1975, ch. 14, 4)	<ul style="list-style-type: none"> - Serve as attorney for the State. - Consult and advise State's Attorneys in matters related to their duties. - Represent people of the State in cases before the Illinois Supreme Court.
County	<u>State's Attorney</u> (Ill.Rev.Stat.1975, ch. 14, 5)	<ul style="list-style-type: none"> - Commence and prosecute all actions, suits, indictments and prosecutions civil and criminal in circuit court

<u>Level of Government</u>	<u>Prosecutorial Function</u>	<u>Mission and Duties</u>
	State's Attorney, con't.	for his/her county in which the people of the county are concerned.

Although the Attorney General of the State of Illinois, an elected official, is better known, perhaps, for his role as legal advisor for the State, he does have prosecutorial powers. In this State, the Attorney General advises state's attorneys in matters related to their duties and may even provide assistance in prosecuting a case if requested.

Courts

The courts, the setting for a contest between two adversaries - the prosecutor advocating the side of the people and the defense attorney advocating the side of the defendant - form the third link in the criminal justice "chain." In the State of Illinois, judicial power is vested in a three-tiered hierarchy of courts.⁵

The Circuit Court, the lowest level court in Illinois, has original jurisdiction for all matters except when the Supreme Court has original jurisdiction. The State is divided into twenty-one judicial circuits, as shown in Figure 4, consisting of one or more counties. Each judicial circuit has a Circuit Court. Circuit Courts vary in the number of circuit judges assigned to the circuit; but each county has at least one Circuit Judge.

The Appellate Court constitutes the second tier in the hierarchy of

⁵David F. Rolewick, A Short History of the Illinois Judicial Systems. (Springfield, Ill.: Administrative Office of the Illinois Courts, 1976), p. 33.

courts in Illinois. The State is divided into five Judicial Districts for appellate purposes. Appeals arising from final judgments of Circuit Courts are a matter of right to the Appellate Court in the district in which the Circuit Court is located. Appeals from judgments of Circuit Courts imposing a sentence of death, however, are appealable directly to the Supreme Court.

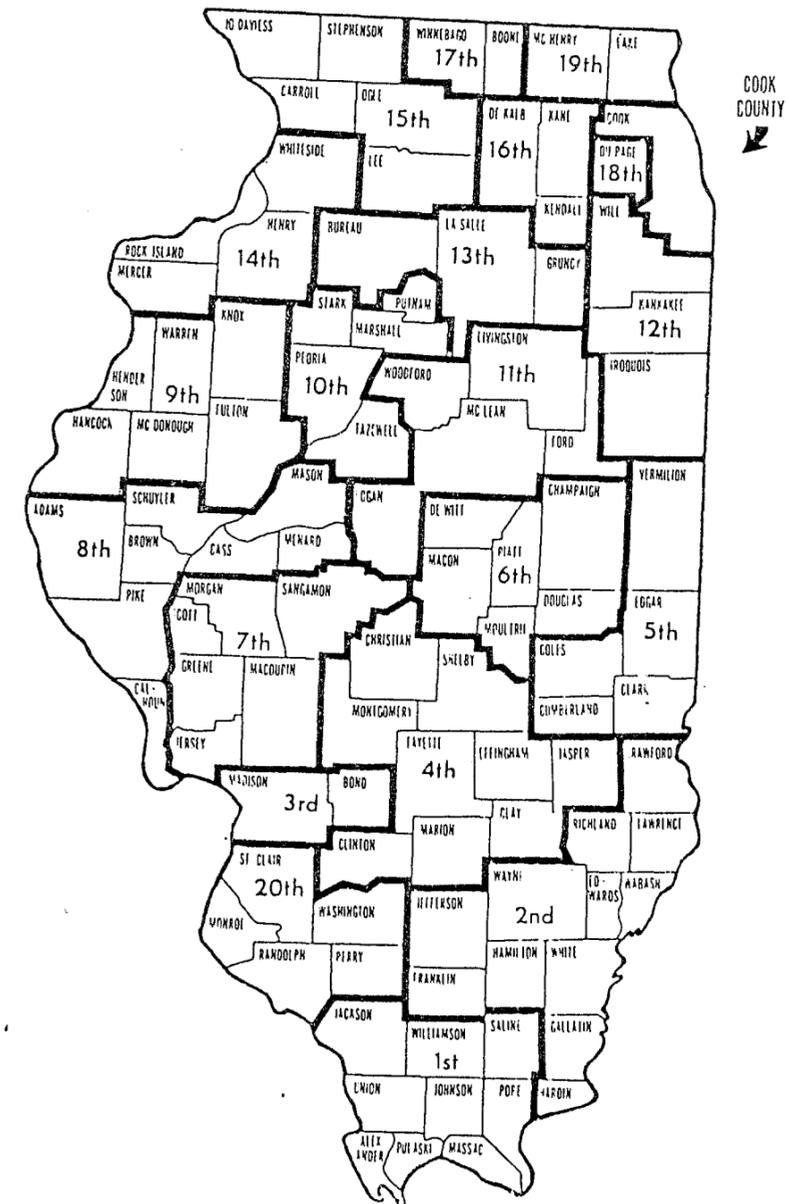
The Supreme Court is the highest court in the State of Illinois. This court may exercise original jurisdiction in cases relating to revenue, mandamus, prohibition and habeas corpus. (See glossary for definitions of these terms.) It receives appeals from judgments of Circuit Courts when substantial constitutional questions are involved in the case or a sentence of death has been imposed. It also receives appeals from the Appellate Court. In Illinois, general administrative and supervisory authority over all courts is vested in the Supreme Court. To assist in this function, the Supreme Court employs an Administrative Director and staff.

Corrections

Corrections, which is concerned with sentenced offenders, forms the fourth major "link" in the criminal justice "chain." As with law enforcement, correctional activities are organized, administered, and financed by several levels of government. In general, the State provides and administers the institutions commonly referred to as prisons and performs the parole function. County governments are responsible for providing jails and performing the probation function. A few large municipalities maintain municipal jails and correctional institutions.

Some private agencies also are engaged in correctional programs. It is

Figure 4: JUDICIAL CIRCUITS IN ILLINOIS



not uncommon for the various units of government to contract with private agencies to provide custody, care, supervision or treatment of persons from their jurisdiction. Private child care institutions, vocational rehabilitation programs, and halfway houses are examples of such agencies. The missions of key correctional agencies in the State of Illinois are outlined in Figure 5.

Figure 5: CORRECTIONAL AGENCIES BY MISSION AND LEVEL OF GOVERNMENT

<u>Level of Government</u>	<u>Correctional Agency</u>	<u>Mission and Duties</u>
State	<u>Department of Corrections</u> (Ill.Rev.Stat.1975, ch. 38, 1003-2-2)	<ul style="list-style-type: none"> - Accept persons committed to Department by courts of the State for care, custody, and treatment. - Maintain and administer all State correctional institutions and facilities. - Establish a system of release, supervision and guidance of committed persons in the community.
State	1) <u>Parole and Pardon Board</u> (Ill.Rev.Stat.1975, ch. 38, 1003-3-2)	<ul style="list-style-type: none"> - Determine matters related to the release on parole of persons committed to the Department of Corrections, i.e. time and conditions of release, time of discharge from parole. - Impose sanctions for violations of parole and revoke parole. - Cooperate with the Department of Corrections in promoting an effective system of parole.
County	<u>Probation Department</u> (Ill.Rev.Stat.1975, ch. 38, 204-4)	<ul style="list-style-type: none"> - Counsel and supervise convicted offenders in the community.

<u>Level of Government</u>	<u>Correctional Agency</u>	<u>Mission and Duties</u>
County	<u>Probation Department</u>	- At the request of a judge, conduct an investigation relative to the sentencing of the offender.
County	<u>County Jail</u> (Ill.Rev.Stat.1975, ch. 75, 4)	- Receive and confine prisoners.
Municipality	<u>Municipal Jail/Correctional Institutions</u> (Ill.Rev.Stat.1975, ch. 24, 11-3-1)	- Confine and/or reform persons convicted of violating any municipal ordinance.

Probation and parole

Although probation and parole are classified under corrections, they are "links" in their own right in the criminal justice "chain." Probation is a status before the court. It is defined in the Statutes as a conditional and revocable sentence involving release of an individual into the community under the supervision of a probation officer. Probation departments, besides supervising probationers in the community, conduct pre-sentence investigations for the courts.

Parole is the conditional and revocable release of an individual into the community, after he or she has served some time in prison, under the supervision of a parole officer. In the State of Illinois, the paroling authority is the Parole and Pardon Board in the Department of Corrections.

This section has highlighted the structure of the criminal justice system in the State. The following section describes the process of criminal justice in Illinois.

The Criminal Justice Process in IllinoisHow the system is supposed to work

The criminal justice process is a progression of formal and informal events. Some of the events, arrest and trial for instance, can be highly visible and some, though of great importance, occur out of public view.⁶ Figure 6 on the following pages illustrates in simplified form how this process occurs in Illinois.

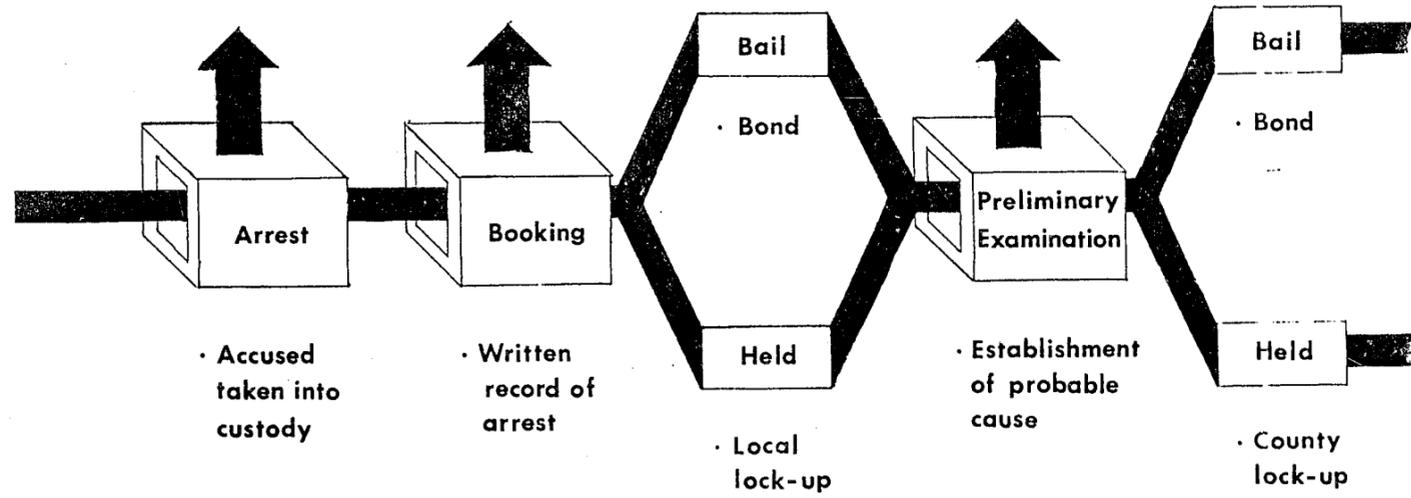
When someone chooses to violate the law a police officer finds the probable offender, makes an arrest and takes the suspect to the station for booking. Without unnecessary delay, the accused offender must be brought before a judge in the county where the crime occurred to determine whether there is probable cause to assume that the accused may have committed a crime. This procedure is known as the preliminary examination (sometimes called the preliminary hearing). If the judge determines at this point that the offense is minor, he/she may dispose of it at this time; but if the offense is considered serious, then the suspect is held over for further action. Bail may be set here and the suspect can be released.

In Illinois, a person, if he/she elects to do so, may waive the preliminary examination and move to the next step in the process. Waiving the preliminary examination is commonly done if the crime is not a serious one.

When a suspect is held over, the state's attorney then either takes the

⁶The President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society. Washington, D.C.: U.S. Government Printing Office, 1967. p. 7.

THE CRIMINAL JUSTICE A SIMPLIFIED



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DECISION POINT AT WHICH ACCUSED MAY BE REMOVED FROM PROCESS

PROCESS IN ILLINOIS VIEW

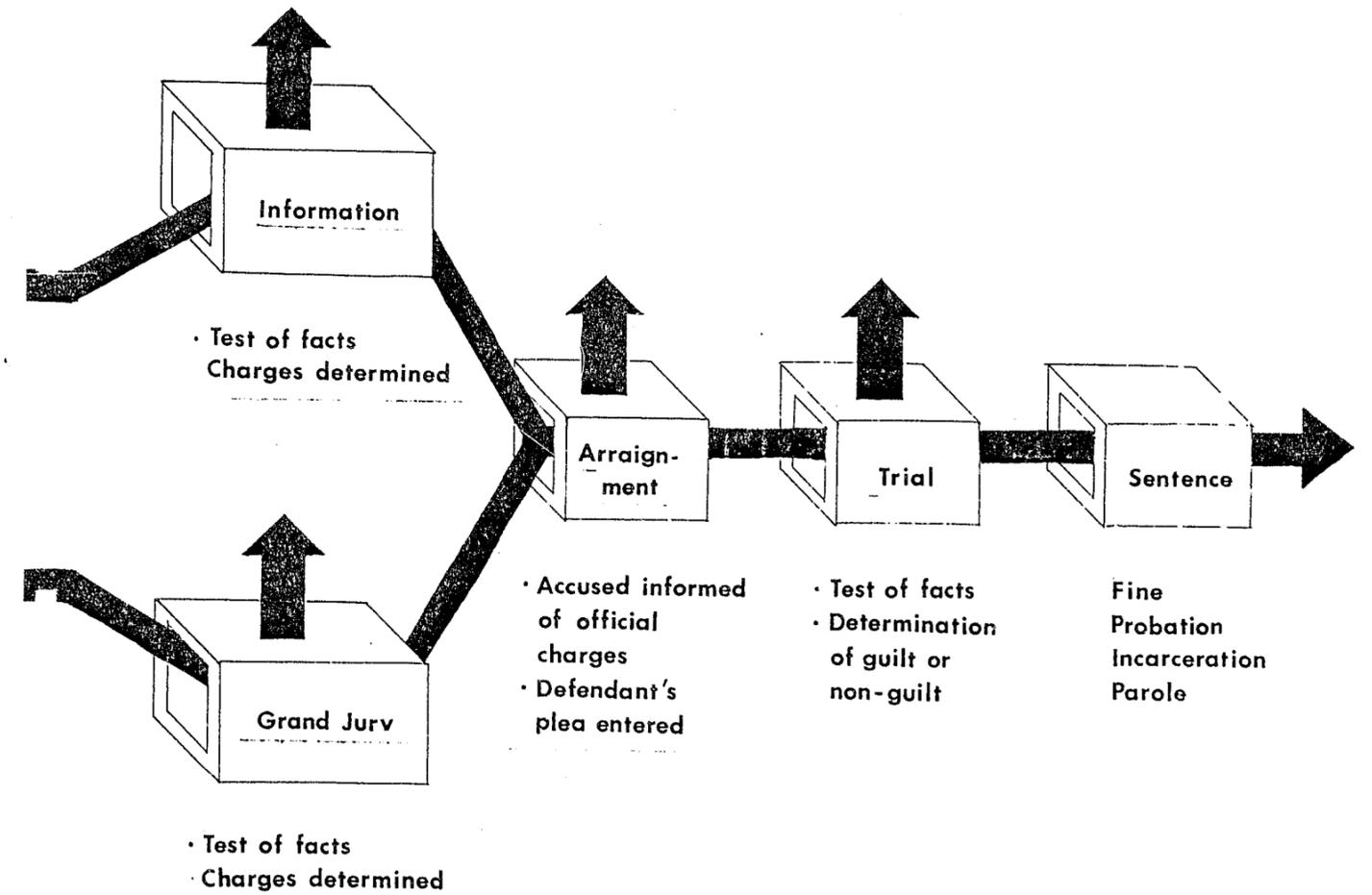


FIGURE 6

case to the grand jury or files an information (a legal document that is equal to a formal accusation that the suspect may have done the act he/she is accused of doing). In Illinois, all prosecutions of felonies (crimes punishable by one year or more imprisonment) must be by indictment by a grand jury unless waived by the accused. If the judge sustains the information or the grand jury returns a true bill, the suspect is brought before the judge for arraignment. At the arraignment, and not before, the suspect is officially informed of the charges against him or her and, at this point, he or she must answer the charge with a plea of guilty or not guilty. If the suspect pleads "guilty" or "nolo contendere," that is, "no contest" against the charges, the case may be disposed of by the judge. If, however, the suspect pleads "not guilty" a trial date is set.

Between the arraignment and the trial, various pre-trial motions (e.g., motions to dismiss the charge, grant a continuance, change the presiding judge, change the place of trial, request a list of witnesses, produce or suppress a confession; for discovery) will be entertained by the judge. After each pre-trial motion has been considered, the trial begins.

In the trial, the facts of the accused's case are presented by the prosecuting and defending attorneys to a judge and jury, unless the right to a trial by jury has been waived by the defendant. If the person is found guilty, the judge may order that a probation officer do a pre-sentence investigation. This investigation examines the defendant's history of criminality, physical and mental condition, family situation, background, economic status, education, occupation, and special resources that are available to aid the defendant's rehabilitation.

After receiving the pre-sentence investigation report, a hearing is held to review the evidence presented at the trial, consider the pre-sentence report, and hear arguments as to sentencing alternatives. Following this hearing, the judge sentences the defendant.

In Illinois, all offenses are classified for sentencing purposes. For example, felonies are divided into four types: Class 1, Class 2, Class 3, and Class 4. Misdemeanors are divided into three groups: Class A, Class B, and Class C. The particular classification of each offense and sentencing options are specified in the law. Based upon his or her judgment, the judge must choose the sentence option that he or she thinks most appropriate. In Illinois, sentencing for felonies involves an indeterminate sentence, that is, a range from a minimum to a maximum, e.g. from 3 to 10 years imprisonment.

Differences in practice

Some cases proceed through the criminal justice process in the manner described above. However, the bulk of the daily business of police, prosecutors and judges consists of dealing with "minor" offenses - such as breaches of the peace, vice crimes, petty thefts, or assaults arising from domestic, street-corner or barroom disputes. These and most other minor offenses are generally disposed of in much less formal and deliberate ways.

To a considerable degree, individual police officers make law enforcement policy because their duties constantly compel them to exercise personal choice - in deciding what kind of conduct constitutes a crime, whether an offense is serious enough to provide the statutory or constitutional basis for arrest, and what the specific crime is. Moreover, every police officer in

effect, is an "arbiter of social values." In this capacity, police officers decide whether invoking criminal sanctions is the best way to deal with a situation from the standpoint of the community and the individual. Finally, the manner in which police officers work is influenced by practical matters. The legal strength of available evidence, the willingness of victims to press charges or of witnesses to testify, the temper and social values of the community, and the time and information available are all factors affecting the decision to make an arrest.

The prosecutor, either a member of the Attorney General's staff or at the county level, the State's Attorney, is a key figure in processing cases. He exercises wide discretion - wielding almost undisputed sway over the pretrial progress of most cases, deciding whether to press a charge or drop it, determining the precise charge against a defendant. When the charge is reduced - as happens in as many as two-thirds of the cases - the prosecutor usually does it. When a charge is reduced, it is usually because the prosecutor has undertaken "plea bargaining" with the defense attorney. The issue in the plea bargaining process is usually how much the prosecutor will consent to reduce the original charge or how light a sentence he will recommend, in return for a plea of guilty from the defendant. It is impossible to know how many bargains reflect a prosecutor's belief that a lesser charge or sentence is actually justified and how many bargains result from such pressures as congested dockets and political ambitions.

Another decision point in the criminal justice process is the pronouncement of sentence by the judge. In Illinois, judges must sentence within a range set by law, though they have discretion within that range. For example,

a judge sentencing someone convicted of armed robbery, a Class 1 felony, must abide by the minimum (4 years) and maximum (any term in excess of 4 years) periods of imprisonment specified in the law for Class 1 felonies; but he or she has latitude within those limits to fit the sentence to the individual. Since in this case the upper limit may be any number of years greater than four, the judge could give a sentence of 4 to 10 years, or 4 to 15, so long as it is for an indeterminate period. (In Illinois, sentence for imprisonment for a felony must be indeterminate; sentence for a misdemeanor, however, is for a determinate period.) In deciding upon the upper limit, the judge takes into account the nature and circumstances of the offense and the history and character of the individual. Sentencing decisions are also influenced by the time available and the correctional alternatives that may exist.

The correctional apparatus is the most isolated part of the criminal justice system. Not only is it isolated physically from other parts of the process but its officials do not have everyday working relationships with police, prosecutors, and court officials. Correctional practices are seldom governed by any but the most broadly written statutes, and are almost never examined by appellate courts. Presumably the major purpose of the correctional apparatus is rehabilitation but custody is actually its major task. One result is that the enormous potential of the correctional apparatus for making creative decisions about its treatment of convicts is largely unfulfilled.⁷

⁷ Ibid., pp. 11-12.

Parole, or how much of the maximum sentence a prisoner must serve, is an invisible determination that is seldom open to attack or subject to review. Often the parole decision is made in haste; without sufficient information, without appeal, and without adequate parole machinery.⁸

Relationships between the "links."

The criminal justice system has separately organized parts - yet what each does is in some way dependent on the others. What each subsystem does and how it does it directly affects the work of others. Below are typical examples of the impact that changes in one part of the criminal justice system can have on another part of the system.

Case One. A local police department may "beef up" its traffic enforcement program in an attempt to raise its arrest rate. In a 30 day period traffic arrests can increase by over 15%. As a result, the local prosecutor will have to spend more time in traffic court arguing additional cases, perhaps at the expense of other criminal cases. Further, the presiding judge will be forced to spend large amounts of time hearing the traffic cases.

Case Two. A local prosecutor may decide not to actively oppose bail requests of first-time offenders charged with property crimes. This same prosecutor reasons that time, since it is always in short supply, can be spent more productively in preparation of cases against repeat felony defendants. But the result is that many defendants who would have awaited trial in jail will now be freed on bond and on the street. Within the first two months after the prosecutor's decision, nearly one-half of those released may be rearrested by the police for crimes similar or worse than their first. These arrests can cause the expenditure of over 2,000 additional police man-hours.

⁸ Ibid., p. 12.

Case Three. A judge feels that it may be discriminatory that financially destitute offenders should be denied bail for lack of reason other than their inability to pay for their freedom. Within a month after granting Release on Recognizance to these less fortunate offenders, it is realized that a large portion of them may have resumed their previous criminal activities, resulting in an increasing need for additional police man-hours. In addition, the public may lose some of its respect for the local criminal justice system and become less inclined to report crime.

Case Four. A probation officer is concerned that the case-load is getting too large and decides that additional cases cannot be handled. In preparing the pre-sentence investigation reports, the probation officer may decide to stress the items that will increase the likelihood that a convicted person will be sentenced to an institution. The overall result could be that local lock-ups and state correctional institutions will experience heavier use and, perhaps, overcrowding.

Case Five. Due to overcrowding in the institution, a correctional administrator may decide to increase the number of convicted felons to be placed in work-release programs. Though the increase in work-release inmates may alleviate some of the overcrowding, it will also mean that employees will now be burdened with more paperwork and more supervisory responsibilities since they will not have to control the comings and goings of those prisoners on work release. In addition, the local probation department will have to take on the added responsibility of supervising the prisoners while they are on the job.

Case Six. The industrial activities of a state correctional institution have recently been doing a commendable job in helping to offset the operating costs of the institution. Instrumental in this success has been the exceptionally productive behavior of inmates who hope to achieve parole sooner by the incidence of their "good time." In view of the monetary convenience created by the inmates, the parole board may choose to deny the parole requests of key inmates so as to facilitate the production record of the prison industry. The result may be the embitterment of those inmates, thus damaging the rehabilitative function of sentencing, and increasing the likelihood of recidivism.

In addition to the agencies forming links in the criminal justice chain, there are other agencies that provide benefits to criminal justice functions and programs of local government units. These agencies are briefly described in the following section.

Other Criminal Justice Agencies in Illinois

Although not technically "links" in the criminal justice chain, there are a number of agencies in Illinois that play a very important role in attempting to improve the organization and delivery of criminal justice services in the State. These agencies include: the Regional Planning Commissions, the Illinois Law Enforcement Commission (ILEC), and the Local Governmental Law Enforcement Officers Training Board.

Regional Planning Commissions

At the present time, there are 19 regional planning commissions. Each of these commissions serves one or more counties (See Figure 7) and is affiliated

REGIONAL PLANNING COMMISSIONS

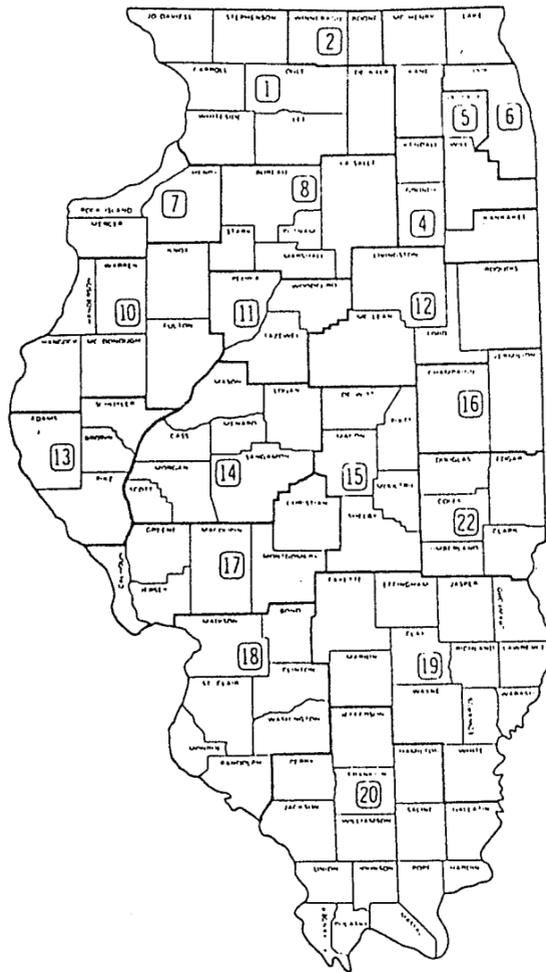


Figure 7

with the Illinois Law Enforcement Commission. The membership of each commission includes representatives of local government units, agencies in the criminal justice system, and citizens. Each commission employs one or more staff members to assist the Commission in performing its duties. The purposes of these commissions and their staffs are to:

- (1) Help identify local needs.
- (2) Assist local agencies in the planning process.
- (3) Assist local agencies in applying for funds.
- (4) Review and process grant applications.
- (5) Provide technical assistance to agencies and communities concerning their criminal justice problems.

On an annual basis, each region is required to prepare a criminal justice plan for the region and submit it to ILEC. This plan contains a statement of goals and objectives established by local officials to improve efforts to control crime in their area and an outline of proposed projects to prevent or control crime and delinquency in the region. For local governments, the major benefits of the regional commissions include the fact they provide technical assistance and information for obtaining additional resources to improve criminal justice services at the local level.

Illinois Law Enforcement Commission

The Illinois Law Enforcement Commission, one of 55 state planning agencies formed according to the provisions of the Federal Omnibus Crime Control and Safe Streets Act of 1968, is the criminal justice planning and funding agency for this State. As a planning agency, ILEC reviews the plans that are submitted by the regional planning commissions in the State and prepares a state

plan that is comprehensive and serves as a blueprint for improving the delivery of criminal justice services in the State. As a funding agency, the Commission grants money to police, courts, and correctional agencies operated by state and local government units and to private organizations. Each grant must address one of the problems identified in the comprehensive plan prepared by the Commission and submitted to the Law Enforcement Assistance Administration.⁹

The passage of the Omnibus Crime Control and Safe Streets Act gave rise to state planning agencies such as ILEC and ultimately to the regional planning commissions referred to above. This Act states:

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title.

Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

⁹Illinois Law Enforcement Commission, Criminal Justice/Change and Challenge, 1974, p. 1.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.¹⁰

This Act also created the Law Enforcement Assistance Administration (LEAA) as an agency in the U.S. Department of Justice to administer its provisions. For local government units, the major benefits of this Act include the availability of much needed financial aid to cities, towns, and counties with a demonstrated need for more resources to improve the delivery of criminal justice services.

Local Governmental Law Enforcement Officers Training Board

The Local Governmental Law Enforcement Officers Training Board also plays a key role in aiding local units of government in improving their criminal justice efforts. Implementing the provisions of the Police Training Act of 1965 (Illinois Revised Statutes 1975, Chapter 85, Section 501 seq.), it administers statewide training programs for local law enforcement officers at the probationary and in-service levels with the purpose of improving local law enforcement by upgrading and maintaining a high level of officer training.

¹⁰Omnibus Crime Control and Safe Streets Act of 1968, 42 USC 3701.

The Board is charged with: 1) ensuring that those local governmental units whose participation in the probationary officer training program is required (non-home rule units) under the Act do take part; 2) encouraging those units who may elect to voluntarily participate (home rule units) in the benefits provided under the Act to take part; and 3) selecting and certifying training schools in the State.

The Board reimburses local governments, in the subsequent fiscal year, fifty percent of the total cost of sending an officer through an approved police training course. The reimbursement includes one-half of the tuition, trainee's salary, travel expenses and room and board.

The Board is composed of sixteen members, including the Attorney General, the Superintendent of the State Police, the Superintendent of the Chicago Police Department, the Director of the Illinois Police Training Institute, and the Special Agent in charge of the Springfield office of the FBI. The remaining members are appointed by the Governor and include a prescribed number of mayors or village presidents, county sheriffs, city managers, chiefs of police, and citizens.

Certified courses for basic recruit training are offered at: the Police Training Institute, University of Illinois, Urbana, and its northeast facilities at Downers Grove; Belleville Area College, Belleville; Illinois State Police Academy, Springfield; Chicago Police Department Academy; and Cook County Sheriff's Department Academy. Specialized courses are also available at other institutions or police departments throughout the State.

Conclusion: Role of Local Government Officials with respect
to Criminal Justice

At the beginning of this chapter it was suggested that an image of the role of local government officials (LGO's) with respect to criminal justice could be gained by viewing them as "overseers of the links in the criminal justice chain." This was a way of summarizing their two-part role: the LGO serves a manager of resources and as a check and balance between the agencies or departments in his or her jurisdiction.

As with any system, there is a tendency within criminal justice for activity in one part of the system to influence activity in another part. This was illustrated in the six case examples presented earlier. From the LGO's vantage point atop the operations of the government unit, he or she has the necessary perspective to serve as a check and balance. In this role, the official can make sure that the effects of activity in one agency or department on other, interdependent agencies or departments are considered. This is a highly important role, given the problems of jurisdiction and coordination characteristic of criminal justice, and one the local government official is in a strategic position to perform.

As an example, suppose the sheriff wants to add thirty percent more deputies to his department. According to the Statutes, members of the county board have the power of the purse string over the sheriff. The board provides expenses, office space and equipment for the use of the sheriff and can assign him or her duties and functions in addition to those imposed by law (Illinois Revised Statutes 1975, Chapter 34:432, 429.18). Thus the hiring of additional deputies is a concern of the county board.

Since the county board is also responsible for financing the probation department and the state's attorney's staff (Illinois Revised Statutes 1975, Chapter 37:706-2, Chapter 53:18), members of the county board need to consider what effect increasing the sheriff's manpower will have on these other two functions. Will the state's attorney and the chief probation officer be understaffed to handle the increased caseload that a larger sheriff's operation is likely to produce? Rather than provide funds all at once for thirty percent more deputies, perhaps it would be better if the board, depending on the resources available, provided for an increase of five percent at a time, while adding the necessary staff to the state's attorney's and probation department's operations. In terms of the analogy to the chain, the point can be expressed as: building up in one link without considering the other links may weaken the chain.

In summary, the local government official's role with respect to criminal justice is very important, both to the criminal justice system and to the community.

* * *

Glossary of Terms Related to the Criminal Justice Process in Illinois

ARRAIGNMENT	The formal act of calling the defendant into open court, informing the defendant of the charges against him or her, and asking whether he or she is guilty or not guilty. (1)*
ARREST	The taking of a person into custody. (1)
BAIL	The amount of money set by the court which is required to be obligated and secured as provided by law for the release of a person in custody in order that he will appear before the court as may be required. (1)
BAIL BOND	An undertaking secured by bail entered into by a person in custody by which he binds himself to comply with such conditions as are set forth therein. (1)
BOOKING	The process of making an official record of the suspect's name, the offense charged, and the time and place of the occurrence of the offense, usually done at a police or sheriff's station by the arresting officer. (3)
CHARGE	A written statement presented to a court accusing a person of the commission of an offense and includes complaint, information and indictment. (1)
CONVICTION	A judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense, rendered by a legally constituted jury or by a court of competent jurisdiction authorized to try the case without a jury. (1)
COURT	A place where justice is judicially administered and includes a judge thereof. (1)
DELAY	The postponement of judicial proceeding(s) due to either an unmanageable caseload or courtroom tactics.
DUE PROCESS	The guarantee under the 5th and 14th Amendments of a fair and responsible legal proceeding when one is accused of an offense. (3)

* See Sources Page 35

FELONY	An offense punishable by a sentence to death or to a term of imprisonment in a penitentiary for one year or more. (1)
GRAND JURY	A body of 23 persons called together by legal authority to conduct inquiry into crimes that have been committed and to indict (accuse) persons for crimes when it has sufficient evidence to warrant holding a person for trial; distinguished from Jury. (1 and 4)
INDICTMENT	A written statement, presented by the Grand Jury to a court, which charges the commission of an offense. (1)
INFORMATION	A verified written statement signed by a State's Attorney, and presented to a court, which charges the commission of an offense. (1)
JUDGE	A person who is invested by law with the power to perform judicial functions. (1) In Illinois, Associate Judges are appointed by the Circuit Judges in each circuit; their term of office is four years. Each county is served by at least one Circuit Judge, elected to a term of six years. Circuit Judges in each circuit select from among themselves a Chief Judge who has general administrative authority over the circuit court. In Illinois, a person is eligible to be a judge if they are a U.S. citizen, a licensed attorney-at-law of the State, and a resident of the unit that elects or selects them. (2)
JURY	A group of 12 members selected to hear the factual evidence presented at a trial and decide on a verdict; sometimes called a trial jury or a petit jury.
MISDEMEANOR	Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed. (1)
OFFENSE	A violation of any penal statute of the State of Illinois. (1)
ORIGINAL JURISDICTION	First authority to hear and determine a case; as opposed to appellate jurisdiction. (3) In Illinois, the Circuit Court is the court of original jurisdiction in most kinds of cases. However, the State Supreme Court may exercise original jurisdiction in cases relating to:

	1) Mandamus - an extraordinary writ issued from a court to an official compelling performance of an act which the law recognizes as a duty. (4)
	2) Prohibition - a writ issued by a higher court that prevents a lower court from exceeding its jurisdiction. (4)
	3) Habeas Corpus - a writ for obtaining a judicial determination of the legality of an individual's custody or confinement. (4)
	4) Revenue - the income of a government, including all public moneys the state collects and receives. (2)
PAROLE	The conditional and revocable release of a committed person under the supervision of a parole officer. (1)
PRELIMINARY EXAMINATION	A hearing before a judge to determine if there is probable cause to believe that the accused person has committed an offense. (1)
PROBATION	A sentence of conditional and revocable release under the supervision of a probation officer. (1)
RECIDIVIST	A repeat offender.
RECOGNIZANCE	An undertaking without security where a person binds himself to comply with a set of conditions (usually that he must return to court for arraignment or trial), and which may provide for the forfeiture of a sum set by the court for failure to comply with the conditions. (1)
SENTENCE	The disposition imposed on a defendant by the court once he or she has been tried and convicted. (1)
STATUTE	The Constitution or an Act of the General Assembly of the State of Illinois. (1)
TRIAL	The formal court process in which the evidence connected with a case is presented and a decision made as to the guilt of the accused. (3) In Illinois, all trials involve a judge and a jury unless the defendant waives the right to a trial by jury and chooses a "bench trial."

SOURCES:

- (1) Illinois Criminal Law and Procedure For 1977, ch. 38, sec. 2, 102.
(General Definitions)
- (2) A Short History of the Illinois Judicial Systems, 1976, Appendixes B & C.
- (3) The Criminal Justice System by Ronald J. Waldron et. al. Boston:
Houghton Mifflin Company, 1976, Appendix C: Individual Rights under
the Constitution, and Appendix D: Glossary.
- (4) Law Dictionary by Steven H. Gifis. Woodbury, N.Y.: Barron's
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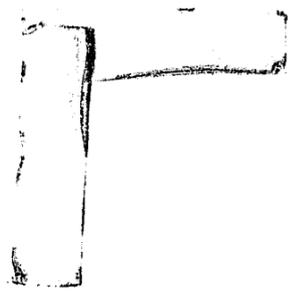
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