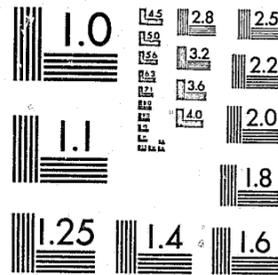


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chicago crime commission

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ARMED ROBBERY IN CHICAGO:
THE RESPONSE OF THE COOK COUNTY
JUSTICE SYSTEM



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March 1984

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ARMED ROBBERY IN CHICAGO

The Response to the Cook County Criminal Justice System

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INTRODUCTION

"...the overall trend is clear: in 1980, in Chicago, there were 235,852 reported index crimes; 5,778 felony offenders were sent to prison."

Chicago Crime Commission
Press Release - April 26, 1981

Criminal justice practitioners readily accept the fact that not all offenders arrested for a crime are charged, tried or sentenced for the same or indeed any crime. Victims are angered by this apparent acquiescence and often become disenchanted when the system does not meet their expectations. Their anger is intensified by the inappropriate and lenient sentencing of cruel and violent offenders. The judiciary has generally responded to this public outcry by maintaining that violent offenders cannot be effectively punished without better statutory tools. Judges claim that stronger laws are needed to properly punish criminals. The controversy surrounding the need for more and harsher laws versus the need for better enforcement of existing laws is the subject of this investigation.

In order to achieve this end, the Commission analyzed the case files of defendants charged with armed robbery during the first half of 1981. This time period was selected in order to maximize the number of sample cases which had reached final disposition prior to data analysis. There were additional reasons for specifically studying the offense of "armed robbery". The first reason hinged on the nature of the sentencing laws pertaining to Class X

felonies like armed robbery. Illinois sentencing law permits judges to imprison convicted armed robbers for a minimum of 6 and a maximum of 30 years.¹ By examining sentencing patterns, the Commission was able to determine how judges have exercised their discretionary power to sentence within this range.

The high incidence of armed robbery was the second reason for analyzing the offense. Armed robbery is statistically categorized as a suboffense of robbery--the most frequently committed violent crime in Illinois.² Over 4,000 armed robberies were reported in Chicago alone during the first six police periods in 1981, and only 1,689 of these cases were solved.³ A sufficient number of these solved cases proceeded to court where processing records were tracked for data analysis. The Commission was then able to determine whether these cases deviated from the classic prosecutorial path by leaving the Cook County Criminal Court system before sentencing.

Finally, armed robbery was studied because the offense is a weapon-related crime. Illinois statute in part states that an offender perpetrates an armed robbery when committing a robbery with a "dangerous weapon" on or about his person.⁴ By analyzing the sentencing data for the defendants, the Commission was able to determine how weapon-bearing offenders are ultimately punished.

Our investigation of these issues has been organized in the following manner. The first section of this study discusses the integral role of the Felony Review Unit in the prosecution process. "Armed Robbery" and "a dangerous weapon" are defined in Section II. The third section is devoted to a description of

past and present sentencing legislation in Illinois. Section IV sets forth our research methods. Our data analysis begins in the fifth section and is completed in the subsequent section with an in-depth analysis of sentencing patterns. A summary of our findings and policy recommendations are presented in the final pages of this study.

Footnotes

1. Ill. Rev. Stat. ch. 38, § 1005-8-1 (1983).

2. Department of Law Enforcement, Division of Support Services, Bureau of Identification, Crime in Illinois, p. 6, 1981.

3. Letter from Thomas J. Lyons, Deputy Superintendent of the Chicago Police Department to Patrick F. Healy, Executive Director of the Chicago Crime Commission (May 28, 1982). Subsequent to this correspondence, it was revealed that as much as 36 percent of all robberies reported to the Chicago Police Department were downgraded, misclassified or erroneously labeled "unfounded." In light of this evidence, the reader is therefore advised to use caution when interpreting these figures.

4. Ill. Rev. Stat. ch. 38, § 18-2 (1983). See Appendix A for the full statutory definitions of robbery and armed robbery.

I

FELONY REVIEW

An individual cannot be charged with armed robbery until his case has been screened by the Felony Review Unit (FRU) of the State's Attorney's Office.¹ The Unit is responsible for determining the appropriate charges, if any, to be filed against a suspected felon. The FRU for Municipal District 1, which currently consists of 27 Assistant State's Attorneys, typically receives a request to review a case from area police detectives. After gathering statements and physical evidence, the FRU either "rejects" or "approves" the proposed charges. A charge which is rejected by the FRU is either dismissed or reduced unless overruled by the Superintendent or a Deputy Superintendent.² An approval, in contrast, generally results in further felony prosecution.

Each member of the FRU independently maintains a log book containing information on every case that he reviews. While each book is stylistically unique, the following information is recorded for every case: the name of the defendant, victim and reviewing attorney, the date of approval or rejection, the name, area and unit of the requesting officer, and either the reason for rejection or the future court branch. The FRU also maintains a master file which is a compilation of information found in each attorney's personal log book. The master file, composed of index cards filed

alphabetically by the defendant's last name, is divided into two sections--approvals and rejections.

While a rejection typically results from a combination of faults in a case, the FRU attorneys typically record only one or two reasons for rejection in their log books. The standard list of rejection reasons is shown in Appendix B. Briefly, the reasons are: the lack of a credible victim, prior convictions of key witnesses, untimely crime reporting, insufficient corroborative evidence, identification problems, improper search and seizure, the recommendation of misdemeanor or reduced charges, a victim's refusal to prosecute, a concurring rejection, a concurrent prosecution, and an improper arrest.

Footnotes

1. The FRU screens all felony cases except those with narcotics charges. Drug offenses are referred directly to the Narcotics Section of the local police department.

2. However, a Superintendent or Deputy Superintendent may not overrule murder charges.

II

DEFINITIONS

The State must ultimately prove the elements of armed robbery in order to secure a successful prosecution. If at trial the State fails to meet its burden of proof, an armed robbery case may then be dismissed or preferred on reduced charges. The Felony Review Unit, therefore, has the responsibility of screening each case to determine whether the elements of armed robbery are present before rendering an approval decision. The elements of armed robbery set forth in Illinois statute and the Illinois case law interpretation of a dangerous weapon are presented in the following discussion.

Armed Robbery. At common law, there was no distinction between robbery and armed robbery. However, legislative action in many jurisdictions has redefined armed robbery as a more serious offense which carries a greater penalty. Illinois statute currently provides that an individual commits armed robbery when he takes property from the person or presence of another by the use of force, or the imminent use of force, while he carries on or about his person, or is otherwise armed with a dangerous weapon.¹ The present law expanded the previous definition which simply stated that a person armed with a dangerous weapon during the commission of robbery committed armed robbery.²

Dangerous Weapon. The definition of a dangerous weapon is not consistent among jurisdictions which have set robbery apart

from armed robbery through statute. Courts have typically applied either an objective or a subjective standard in order to determine whether a weapon is dangerous. Jurisdictions adhering to the subjective test require that the robber intended to make the victim believe or fear that he was armed, and that the victim in fact reasonably believed that the robber was armed. For example, a robber who used his finger, a toy gun or another innocuous object to arouse fear in a victim could be convicted of armed robbery in a subjective test jurisdiction. In contrast, states like Illinois advocating the objective standard require the defendant to in fact be armed with a weapon which could inflict death or great bodily injury.³

Illinois courts have also distinguished between weapons which are inherently dangerous--guns, pistols and dirk-knives, and objects which become deadly with improper use--small pocket knives, canes and baseball bats.⁴ The nature of the instrument has an important effect on the procedural posture of the case. Whether an object qualifies as a dangerous weapon because it is susceptible for use in a manner likely to cause serious bodily injury is usually a question of fact for the jury. Conversely, weapons that are deadly per se, like firearms, satisfy the statutory requirement for armed robbery as a matter of law.⁵ However, a defendant can rebut the presumption that a gun was dangerous per se with proof clearly showing that the firearm was not capable of being used as a dangerous weapon.⁶

A weapon in Illinois can nevertheless be considered dangerous when used in a manner for which it was not designed or intended.⁷

For example, a robber could be convicted for armed robbery if armed with an unloaded rifle or an unworkable pistol that could be used as a club or a bludgeon. Illinois courts have held that objects such as an ordinary nail clipper containing a pointed file,⁸ an unloaded air pistol,⁹ an unloaded gas pellet pistol¹⁰ and a .22 caliber starter pistol¹¹ were dangerous weapons. In contrast, a four and one-half inch toy gun constructed of hard plastic with a thin metal cylinder, too small and light in weight to be effectively used as a bludgeon, has not been considered a dangerous weapon in Illinois.¹²

Illinois permits the conviction of defendants who wield unloaded or unworkable guns and objects that are not inherently dangerous for two major policy reasons.¹³ First, the value of the armed robbery statute would be diminished if the State had to prove that a firearm was loaded and operable. Second, robbery victims could nevertheless be seriously injured by a weapon which is not inherently dangerous.

Footnotes

1. Ill. Rev. Stat. ch. 38, § 18-1, 18-2 (1983).
2. Ill. Rev. Stat. ch. 38, § 18-2(a) (1977).
3. People v. Greer, 53 Ill. App. 3d, 675, 683, 368 N.E.2d, 996, 1001 (5th Dist. 1977).
4. People v. Dwyer, 324 Ill. 363, 365, 155 N.E. 316, 317 (1927).
5. People v. Robinson, 73 Ill. 2d 192, 202, 383 N.E.2d 164, 169 (1978).
6. People v. Webber, 47 Ill. App. 3d 543, 544, 362 N.E.2d 399, 400 (2d Dist. 1977).
7. People v. Skelton, 83 Ill. 2d 58, 64, 414 N.E.2d 399, 400, (2d Dist. 1977).
8. People v. Robinson, 73 Ill. 2d 192.
9. People v. Hill, 47 Ill. App. 3d 976, 362 N.E. 2d 470, appeal denied, 66 Ill. 2d 633 (1977).

10. People v. Greer, 53 Ill. App. 3d 675.
11. People v. Trice, 127 Ill. App. 2d 310, 262 N.E.2d 276 (1st Dist. 1970).
12. People v. Skelton, 83 Ill. 2d 28.
13. People v. Greer, 53 Ill. App. 3d at 682.

III

SENTENCING LEGISLATION

Offenders who are found guilty or who plead guilty to a charge of armed robbery are punished according to the guidelines established by the Illinois General Assembly. These guidelines were last overhauled in 1978 with the enactment of Class X legislation which effectively shifted felony sentencing from an indeterminate to a determinate mode. An accurate assessment of sentencing data requires a thorough understanding of these statutes.

Legislative History. Illinois has waived between indeterminate and determinate sentencing of felons since the late 19th century.¹ These shifts from the indeterminate to the determinate mode represent a changing philosophy regarding the role of penal institutions. Indeterminate sentencing, which allows penal authorities to release an offender at any time within a statutory range on the basis of his performance in prison, is premised on the theory of rehabilitation. Determinate sentencing emphasizes the concept of punishment by stipulating a fixed period of confinement.

Illinois statute prescribed indeterminate sentencing for all felons convicted between 1961 and 1978.² However, a change in sentencing philosophy was apparent as early as 1975 when a proposal for determinate sentencing was drafted by David Fogel, then Director of the Illinois Law Enforcement Commission. Fogel, who sought similar sentences for similar crimes, designed a plan

which would have standardized sentencing to the point of abolishing judicial discretion. His bill, which would have prohibited judges from considering aggravating and mitigating circumstances, never passed through the Illinois General Assembly.

However, Fogel's cry for reform in the sentencing law of Illinois did not fall on deaf ears. A special subcommittee created by the House Judiciary Committee to study Illinois sentencing procedures produced House Bill (HB) 1500. At about the same time, the newly elected Thompson Administration introduced Senate Bill (SB) 1272 which also dealt with revisions in the sentencing scheme. Although the two bills shared common features, SB 1272 proposed tougher penalties for more offenses³ and attacked judicial discretion which permitted judges to sentence serious offenders moderately. HB 1500 was amended to include several provisions from SB 1272 including the creation of the Class X felony category. The compromise legislation became effective on February 1, 1978.

Current Law. Numerous sentencing and corrections procedures were modified with the enactment of HB 1500. The most significant procedural changes were the creation of a new class of non-probationary felonies⁴ and the adoption of determinate sentencing in all felony cases.⁵ The legislation also created extended term sentences of 30 to 60 years for certain repeat and exceptionally cruel and brutal felony offenders.⁶

In addition, HB 1500 revised prior formulas for sentence reduction. A prisoner now receives one day of good time for each day served in prison.⁷ Time spent in the Department of Corrections could be further reduced by an additional award of 90 days of good conduct

credit for meritorious service.⁸ Therefore, an offender sentenced to serve six years for armed robbery who received his full grant of good conduct credit and a 90 day award of meritorious service would theoretically be released from the penitentiary in two years and nine months. Recent abuses of the early release statutes have resulted in even less time served.⁹

A final noteworthy revision in Illinois sentencing law resulting from the enactment of HB 1500 involved factors in aggravation and mitigation. The current law provides a detailed list of aggravating and mitigating factors to be weighed by the sentencing judge when deciding whether to maximize or minimize a term of imprisonment.¹⁰ The judge is required by law to articulate these factors, evidence or other reasons influencing his sentencing determination.¹¹

Legislative Impact. Illinois courts have declared that the intent of the increased penalty provided by Class X legislation is to deter the use of dangerous weapons and to prevent the kind of violence that often accompanies the use of deadly weapons.¹² However, ardent proponents of HB 1500 never vigorously argued that Class X laws would actually reduce crime and lessen recidivism.¹³ The actual effect of the legislation was to increase the length of the sentences attached to a specific set of notorious crimes.¹⁴

Class X legislation added more than one year to the time likely to be served by a convicted armed robber. Under the current legislative scheme, armed robbery is a Class X felony which carries a fixed sentence of 6 to 30 years of imprisonment. Before the enactment of HB 1500, armed robbery was a Class 1 felony

punishable by a 4 year minimum term and a limitless maximum term of imprisonment. The longer mandatory period of incarceration promotes the perception on the part of the public that convicted felons receive their just desserts. However, the tougher mandatory sentences may also exert pressure on the system to reduce charges as a means of providing greater sentencing flexibility.¹⁵

Footnotes

1. Aspen, New Class X Sentencing Law: An Analysis, Ill. B. J., Feb. 1978, at 344.
2. Id. at 344-45.
3. For example, indecent liberties with a child and arson were proposed as Class X offenses in SB 1272, but remain Class 1 crimes under the current sentencing law.
4. Ill. Rev. Stat. ch. 38, § 1005-8-1(3) (1983).
5. Ill. Rev. Stat. ch. 38, § 1005-8-1(1-7) (1983).
6. Ill. Rev. Stat. ch. 38, § 1005-8-2 (1983).
7. Ill. Rev. Stat. ch. 38, § 1003-6-3(a)(2) (1983).
8. Ill. Rev. Stat. ch. 38, § 1003-6-3(a)(3) (1983).
9. Lane v. Sklodowski, 97 Ill. 2d 311, 454 N.E.2d 322 (1983).
10. Ill. Rev. Stat. ch. 38, § 1005-5-3.1, 1005-5-3.2 (1983).
11. Ill. Rev. Stat. ch. 38, § 1005-4-1(c) (1983).
12. People v. Skelton, 83 Ill. 2d 58, 62, 414 N.E.2d 455, 456 (1980).
13. Chicago Daily Law Bulletin, Dec. 28, 1977, at 1, col. 7.
14. Class X crimes include: attempt to commit murder, aggravated kidnapping for ransom, deviate sexual assault, heinous battery, home invasion, armed robbery, aggravated arson, treason, armed violence with a category 1 weapon, manufacture, delivery or possession with intent to manufacture or deliver various amounts of controlled substances and calculated criminal drug conspiracy.
15. Schiller, Illinois' New Sentencing Laws--The Effect on Sentencing in Cook County: Some Early Returns, Chgo. Bar Record 130, p. 138 (Nov-Dec. 1978).

IV

RESEARCH METHODS

The methodology employed in this study was designed to meet specific research objectives. Our first objective was to determine how Cook County Criminal Court judges in Chicago have exercised their discretionary power to sentence convicted armed robbers to between 6 and 30 years in the Department of Corrections. The second objective was to determine why, when and where armed robbery cases deviate from the classic prosecutorial path. Our final objective was to determine how weapon-bearing offenders are ultimately punished. Case file data was collected to generate information for this project.

The first step in the data collection process was to record information found in the log books of the Felony Review Unit (FRU). The master log was combed for armed robbery cases originating in Municipal District 1 between January 1 and June 30, 1981.¹ The Crime Commission examined 845 cases, many with multiple defendants, and found a total of 175 rejections and 670 approvals. Basic information on each of the 845 cases was recorded on forms shown in Appendix C. More detailed information on the 175 non-approved cases was transcribed on forms shown in Appendix D.

A sample was then drawn from the 670 approved cases. A table of random numbers was used to select 200 cases for study. Our final sample consisted of 272 defendants because many of the

selected cases had multiple defendants. The case histories of the 272 defendants were followed separately since the criminal justice system assesses the role of each suspected offender individually, often with different findings.

The second stage of the data collection process was to find the docket numbers corresponding to the preliminary hearing files of the 272 defendants. Three strategies were employed to obtain the necessary docket numbers. The first method required Crime Commission staff to read a computer printout provided by the Clerk of the Circuit Court of Cook County. The printout contained an alphabetical listing of the names of the defendants charged with a crime in Municipal District 1 by period. The second method required Commission staff to scan the Clerk's microfiche files when a defendant's name or docket number was not listed on the printout. The microfiche files categorized defendants alphabetically according to the date of their arrest. The final method used to locate a defendant's docket number was to manually sift through boxes of police records at the Clerk's Office. This process was employed if a defendant's name or the docket number to his preliminary hearing file did not appear on microfiche, or when a defendant's arrest record was so extensive that multiple docket numbers appeared beside his name. The boxed files catalogued defendants by month and year of arrest according to police district.

The preliminary hearing files of the 272 defendants with docket numbers were then accessed. These files contained the date of the defendant's initial appearance, the bond amount and

the finding at preliminary hearing. Staff noted the information number if probable cause was found at preliminary hearing, and the Grand Jury number if the indictment superseded a finding of probable cause.

The final step in the data collection process was to key the indictment or information numbers into other court case files stored at the Criminal Courts building. These files contained arraignment, trial and sentencing information which was transferred onto the data collection form shown in Appendix E. In addition, data from the rap sheets² of all defendants who were convicted of a criminal offense were recorded on the form shown in Appendix F. The information collected on the forms shown in Appendices C, E and F served as the data base for our findings.

Footnotes

1. During approximately the same period, the Chicago Police Department reported 1,157 persons arrested for armed robbery. Letter from Thomas J. Lyons to Patrick F. Healy (May 28, 1982).

2. The Crime Commission recognizes that rap sheets are incomplete and inaccurate. Illinois Criminal Justice Information Authority, Annual Audit Report for 1982-1983: Data Quality of Computerized Criminal Histories, (October 1983). Nevertheless, the rap sheets examined by Commission researchers were identical to those used by the Cook County Circuit Court judges in their sentencing decisions, therefore, the use of these criminal histories are appropriate and relevant for this study.

STATISTICAL ANALYSIS:

Felony Review through Trial

The presentation of our data has been formatted to clearly and concisely address our stated research goals. The felony review, preliminary hearing, assignment and trial sections provide insight into the mechanics of the "funnel effect" as it exists within the Cook County criminal justice system. Factors which may influence sentencing decisions are examined in the ensuing chapter.

Felony Review. The Felony Review Unit (FRU) is responsible for determining the appropriate charges, if any, to be lodged against a suspected felon. Felony charges are either "approved" or "rejected" as presented. The Unit elected not to press felony charges in 21 percent (175) of the armed robbery cases examined by the Crime Commission.

While the FRU can refuse to prosecute a defendant as a felon for a battery of reasons, the five grounds shown in Table 1 were most often cited. The credibility of the victim and "insufficient corroborative evidence" were each mentioned in 25 percent (43) of the cases as the primary reason for rejection. In many cases where the credibility of the witness was in question, the State noted that its position was weakened by prior victim/offender relationships such as drug dealer/buyer or loan shark/debtor. Similarly, Assistant State's Attorneys cited that the

basic elements of the offense were missing in cases rejected for evidentiary reasons. An additional 18 percent (31) of the examined cases were rejected due to "identification problems" and 13 percent (22) because the "victim refused to prosecute." A generic category labeled "other" was cited in 8 percent (14) of the cases as the primary reason for rejection. FRU attorneys footnoted that these cases were pending the hospital release of the victim or "pending further investigation."

TABLE I: REASONS FOR THE REJECTION OF FELONY CHARGES

<u>REASON</u>	<u>PERCENT REJECTED*</u>
CREDIBILITY OF THE VICTIM	25%
INSUFFICIENT CORROBORATIVE EVIDENCE	25%
IDENTIFICATION PROBLEMS	18%
VICTIM REFUSED TO PROSECUTE	13%
"OTHER" REASONS	8%

* ELEVEN PERCENT OF THE REJECTED CASES WERE DISTRIBUTED AMONG THE REMAINING NINE CATEGORIES LISTED IN APPENDIX B.

In summary, approximately four out of five armed robbery suspects advanced to initial appearance as Class X felons following the felony review process. The one-fifth rejected could be prosecuted on lesser charges, dismissed or reinstated for felony prosecution at a later date.

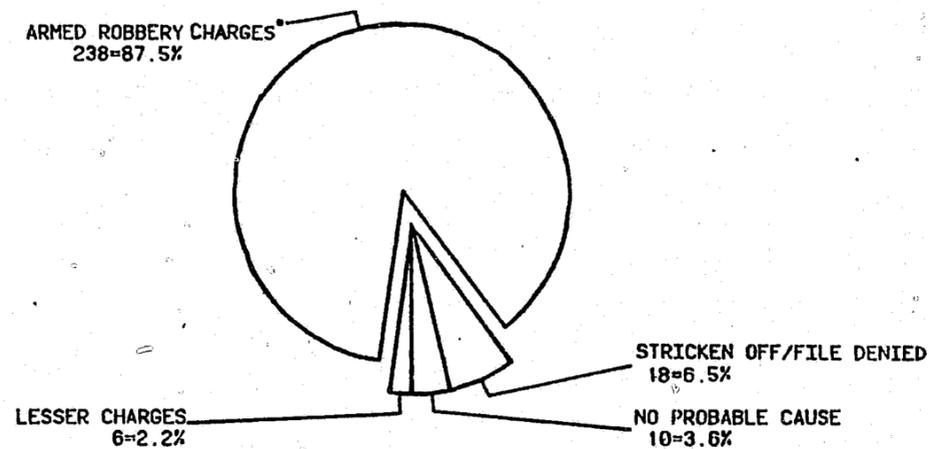
Preliminary Hearing. The State at preliminary hearing is required to produce sufficient evidence to establish that there is probable cause to believe that a crime has been committed, and that the accused has committed the crime. The Crime Commis-

sion sampled the 670 felony approved cases at this stage selecting 200 cases for study. The number of sample cases increased to 272 since many of the 200 cases had multiple defendants. Ninety-five percent (259) of these 272 cases proceeded to preliminary hearing with their original armed robbery charges intact. The charges in three percent (8) of the cases originally approved for felony prosecution were reduced.¹

Between felony review and preliminary hearing, the State increased the number of armed robbery counts brought against many of the offenders. The discovery of evidence which supported additional charges may explain the 333 percent increase in the number of multiple count cases between these two stages. These additional charges are not reviewed by the FRU, but are automatically tacked onto the defendant's indictment or information.

Probable cause was found in 90 percent (233) of the cases in which the accused was charged with at least one count of armed robbery. Conversely, no probable cause was found in three percent (8) of the cases. A leave to file was denied in one instance and 17 cases were stricken off the call with leave to reinstate. Of those cases in which the accused was charged with a felony other than armed robbery at preliminary hearing, 75 percent (6) resulted in a finding of probable cause.

FIGURE 1: STATUS OF SAMPLE CASES AFTER PRELIMINARY HEARING



*THE FIVE CASES WITH UNKNOWN DISPOSITIONS ARE GROUPED WITH THE CASES CONTINUING THROUGH THE SYSTEM WITH THEIR ORIGINAL ARMED ROBBERY CHARGES INTACT.

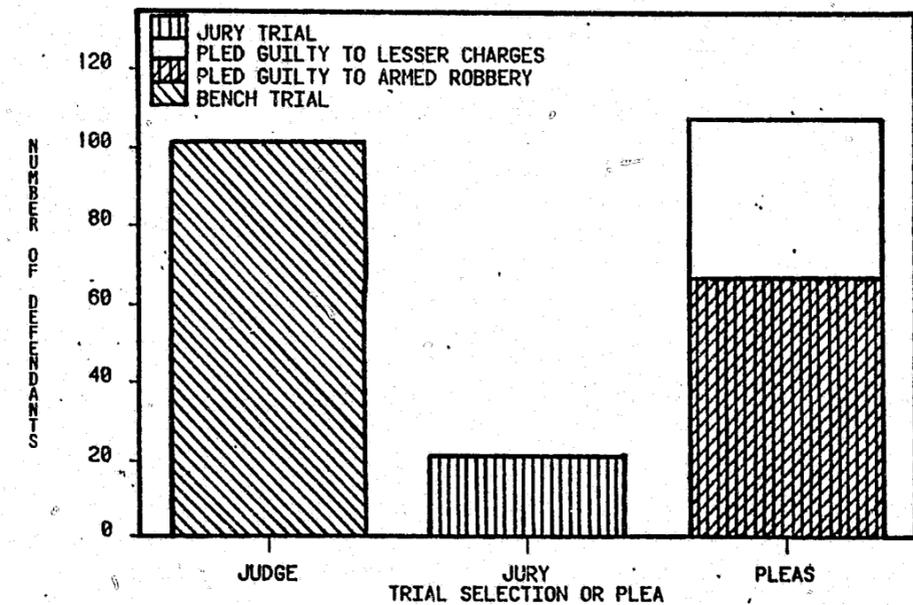
In summary, 88 percent (238) of our 272 sample defendants survived preliminary hearing court and reached the Criminal Division with Class X felony charges, as shown in Figure 1. Ten percent (28) of the sample defendants funneled completely out of the system when their cases were stricken off the court call or dismissed for no probable cause. Two percent (6) of the sample defendants avoided Class X prosecution when their charges were reduced.

Arraignment/Assignment. A defendant at arraignment is brought before the Presiding Judge of the Circuit Court where the charges in the indictment or information are read and the accused is asked to enter a plea. In most cases, the defendant pleads not guilty to the charges brought against him. The Presiding Judge then assigns

the accused to one of the trial judges in the Criminal Division. Once assigned, a defendant may change or maintain his plea of innocence. Two hundred and forty-four of our sample defendants were arraigned and assigned to a Cook County Criminal Court Judge.

By the time of assignment, the number of defendants charged with the Class X offense had decreased to 203, while the number of defendants charged with lesser felony charges had increased to 41. Twenty-seven percent (67) of these 244 defendants pled guilty to armed robbery upon assignment, while 50 percent (122) pled not guilty to the Class X offense. Seventeen percent (41) of the defendants were allowed to enter pleas of guilty to lesser charges.²

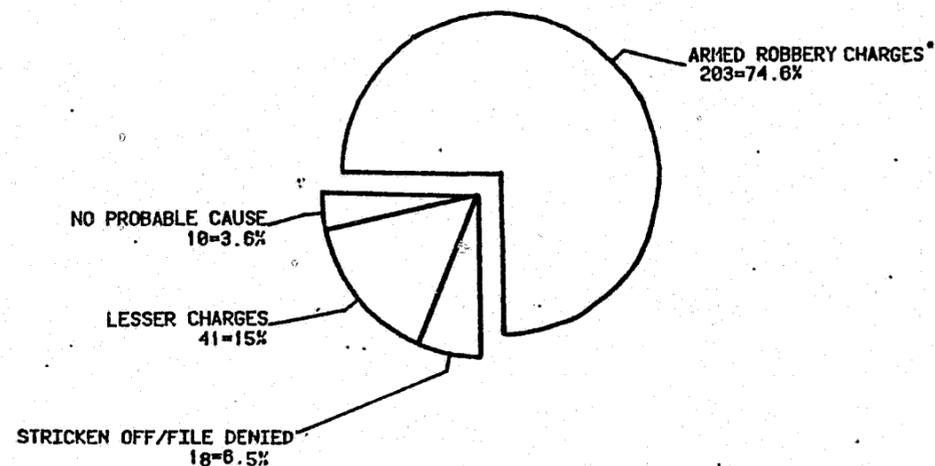
FIGURE 2: NUMBER OF DEFENDANTS BY TRIAL SELECTION AND PLEA



The 122 defendants who pled not guilty upon arraignment to a trial judge selected either a trial by judge or a trial by jury, as shown in Figure 2. The overwhelming majority, 83 percent (101), waived their constitutional right to a trial by jury and opted to be tried by the bench. A jury trial was chosen by 17 percent (21) of the defendants.

In summary, 75 percent (203) of our 272 sample defendants survived this stage and proceeded to either trial or sentencing court with Class X charges as shown in Figure 3. Ten percent (28) of the sample defendants funneled completely out of the system at preliminary hearing when their cases were stricken off the court call or dismissed for no probable cause. Fifteen percent (41) of the sample defendants avoided Class X prosecution by formally entering pleas of guilty to lesser charges upon first assignment to a trial judge.

FIGURE 3: STATUS OF SAMPLE CASES AFTER ARRAIGNMENT



* THE 14 CASES WITH UNKNOWN PLEAS ARE GROUPED WITH THE CASES CONTINUING THROUGH THE SYSTEM WITH THEIR ORIGINAL ARMED ROBBERY CHARGES INTACT.

Trial. A defendant choosing a bench trial stands before a judge who determines the facts and interprets the law before "finding" guilt or innocence. A defendant selecting a jury trial faces a panel of his peers that deliberates questions of fact prior to rendering a "verdict."

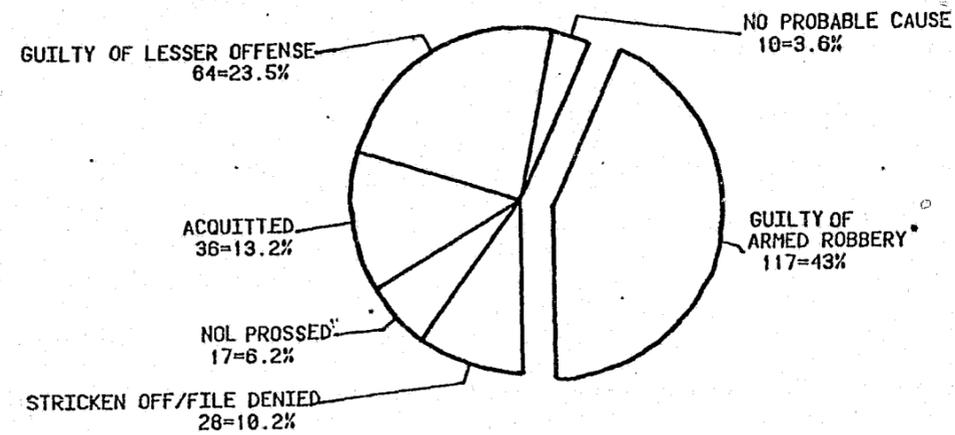
Judges acquitted proportionally more defendants than juries. Thirty-one percent (31) of the 101 defendants tried by the bench were acquitted, while 23 percent (23) were found guilty of at least one count of armed robbery. Judges also found 21 percent (21) of the defendants guilty of lesser charges, while striking nine percent (9) of the cases off the docket with leave to reinstate. Furthermore, the State decided to cease prosecution, or nolle prosequere, the remaining 17 percent of the cases heard at the bench.

Juries, conversely, found proportionally more defendants guilty than judges. Sixty-two percent (13) of the 21 defendants who opted for a jury trial were found guilty of at least one count of armed robbery, while 24 percent (5) were acquitted. In addition, defendants in two cases were found guilty of lesser charges and one case was stricken off the call.

The Crime Commission's analysis of the data indicates a significant amount of attrition among sample cases between felony review and trial, as shown in Figure 4. Only 43 percent (117) of the 272 sample defendants were convicted of armed robbery. Twenty percent (55) of the original sample defendants funneled completely out of the system at preliminary hearing and trial when their cases were stricken off the court call or dis-

missed for no probable cause. Twenty-four percent (64) of the sample defendants escaped Class X prosecution when their charges were reduced at preliminary hearing, after assignment or at trial. Thirteen percent (36) were acquitted.

FIGURE 4: STATUS OF SAMPLE CASES AFTER TRIAL



* THE 14 CASES WITH UNKNOWN DISPOSITIONS ARE GROUPED WITH THE DEFENDANTS FOUND GUILTY OF THEIR ORIGINAL ARMED ROBBERY CHARGES.

Footnotes

1. The remaining two percent (5) of the 272 cases had unknown dispositions.
2. There were unknown pleas in six percent (14) cases.

VI

STATISTICAL ANALYSIS:

Sentencing

Defendants who are found guilty or plead guilty to criminal charges are brought before the court for sentencing. Sixty-one percent (167) of the 272 sample defendants faced the sentencing court: 103 for armed robbery and 64 for lesser offenses. Overall, two percent (2) of the 103 defendants convicted of armed robbery received the maximum term of 30 years, while 45 percent (46) received the minimum sentence of six years. The median sentence for convicted armed robbers was seven years of imprisonment.

Such a sentencing summary, however, is incomplete without considering factors which a judge by law is required to weigh when making the sentencing decision.¹ One prominent factor in sentencing is the defendant's criminal history. Thirty-eight percent (63) of the 167 sample defendants who were sentenced had no prior adult criminal convictions. Fourteen percent (24) had only prior adult misdemeanor convictions on their rap sheets, while 11 percent (18) had felony convictions which included at least one prior armed robbery conviction. Thirty-seven percent (61) had felony convictions as adults which did not include prior armed robbery convictions.² A sentencing summary, broken down by the criminal histories of these same defendants, is presented in Table 2.

TABLE II: Sentencing Decisions by Prior Adult Criminal History

		<u>No Prior Convictions</u>	<u>Prior Misdemeanor Convictions</u>	<u>Prior Felony Convictions</u>	<u>Felony Record with Prior Armed Robbery Convictions</u>
Defendants Convicted of Armed Robbery	Number Convicted	25	10	53	15
	Average Prison Sentence Imposed	7 yrs., 1 mo.	7 yrs., 2 mos.	9 yrs., 1 mo.	11 yrs., 9 mos.
	Median Prison Sentence Imposed	6 yrs.	6 yrs.	7 yrs.	8 yrs.
	Range of Sentences	6-19 yrs.	6-10 yrs.	6-26 yrs.	6-30 yrs.
Defendants Convicted of Lesser Charges*	Number Convicted	38	14	8	3
	Median Sentence Imposed**	4 yrs. Prob.	4 yrs. Prob.	3 yrs. DOC	5 yrs. DOC
	Range of Sentences	1 yr. Prob.- 6 yrs. DOC	2 yrs. Prob.- 3 yrs. DOC	4 yrs. Prob.- 5 yrs. DOC	----

*The Records for one defendant were unavailable.

**Median sentences were calculated by arraying all sentences, both probation and imprisonment, along a single continuum. All probation terms are considered to be less severe than the minimum prison sentence--30 weeks of periodic imprisonment--received by a sample defendant.

The Crime Commission also examined three other factors which also may have influenced the sentences given to the 167 sample defendants. These three factors are the type of trial selected by the defendant, the race of the defendant and the type of weapon allegedly used by the defendant in the commission of the crime. The first two factors should not affect a judge's sentencing decision. The third factor, weapon type, which is a factor in aggravation or mitigation, could legitimately influence the sentencing decision of the judge. Each of these factors are examined below in light of the defendants' prior criminal records to determine whether judges in Cook County are appropriately sentencing convicted offenders.

Type of Trial. The toughest sentences were given to defendants found guilty of armed robbery by a jury. Their sentences ranged from 6 to 30 years of imprisonment with a median sentence length of 10 years. Only 54 percent of these defendants had prior felony convictions. Nevertheless, they received the longest median sentence despite the fact that defendants who appeared before the bench were more likely to have had a prior felony conviction.

There was little difference in the sentences given to those defendants who either pled or were found guilty before the bench. The sentences for defendants who pled guilty in a bench trial ranged from 6 to 30 years of imprisonment, with a median term of seven years. The sentences for defendants found guilty by the trial judge ranged from 6 to 26 years, with a median length of six years in the Department of Corrections. This slight difference in sentence length may perhaps be explained by the fact

that more defendants who pled guilty (69%) had prior adult criminal histories than those who were found guilty (65%) .

As expected, the majority of the defendants who were convicted of lesser charges had no prior criminal convictions (60%) or had only misdemeanor convictions (21%). As a result of being convicted of lesser charges, it is also not surprising to learn that they were typically sentenced to probation or given less time in prison than those convicted of armed robbery. The sentences for defendants who pled guilty to reduced charges at the bench ranged from 1 year of probation to 6 years of imprisonment, with a median sentence of 4 years probation. Similarly, the sentences for defendants who were found guilty of lesser charges at the bench ranged from 1½ years of probation to 6 years of imprisonment also with a median of 4 years of probation. Verdicts of guilty on reduced charges by a jury, in contrast, yielded a median sentence of 3 years in the Department of Corrections.

Race of Defendant.³ Sentences varied not only by the type of trial, but also by the race of the defendant. Our original sample was composed of 216 Blacks, 24 Hispanics and 19 Whites.⁴ Sixty-two percent (134) of the Blacks, 75 percent (18) of the Hispanics and 74 percent (14)⁵ of the Whites in our sample were convicted and sentenced for either armed robbery or a lesser offense.

Our analysis, therefore, indicates that Blacks were more likely to "funnel out" of the system than Whites and Hispanics. However, those Black defendants who remained in the system were more likely to be convicted of armed robbery than any other racial group. Sixty-five percent (87) of the 134 Blacks convicted were

sentenced for armed robbery, while 35 percent (47) were sentenced for a lesser offense.

White sample defendants were less likely to exit the system before sentencing than Blacks. Furthermore, those Whites who remained in the system were less likely to be convicted of armed robbery than their Black or Hispanic counterparts. Only 36 percent (5) of the 14 convicted Whites were sentenced for armed robbery, while 64 percent (9) were sentenced for a lesser offense.

The Hispanics in our sample were least likely to "funnel out" of the system. The only manner in which Hispanics left the system was to have their cases temporarily stricken off the court call. Sixty-one percent (11) of the 18 Hispanics who remained in the system were sentenced for armed robbery and 39 percent (7) were sentenced for a lesser offense.

The Commission also examined the sentences imposed on the different racial groups. Some interesting findings resulted. The Whites in our sample who were convicted of armed robbery received the longest median sentence--10 years in the Department of Corrections. Both Blacks and Hispanics had median prison sentences of 7 years. While there appears to be a disparity in the sentencing of Whites and non-whites, it must be understood that all White offenders convicted of armed robbery had prior adult criminal convictions. In contrast, 23 percent (20) of the Black and 45 percent (5) of the Hispanic armed robbers had no prior convictions. Since judges are required to consider an offender's rap sheet when making the sentencing decision, it is not surprising that the

median prison sentence received by Whites was somewhat inflated.

It is both surprising and alarming, however, that defendants with previous adult armed robbery convictions who were subsequently convicted of another armed robbery were given a median prison term of 8 years. This is only 2 years more than the absolute minimum sentence prescribed by statute, a term generally given to first-time offenders. The Chicago Crime Commission urges the Court to mete out more meaningful sentences to twice and thrice convicted armed robbers. Whether imprisonment serves to punish, deter or rehabilitate, its goals would be better served if harsher sentences were imposed.

Type of Weapon. The type of weapon allegedly used by a defendant during the commission of a crime may also have influenced sentencing decisions. The original sample defendants, as a group, were accused of bearing 154 guns, 55 knives and 13 bludgeons while allegedly perpetrating their respective crimes. In addition, 11 defendants were accused of wielding both a gun and a knife.⁶ Sixty-six percent (102) of the gun-toting defendants, 78 percent (43) of the knife-brandishing defendants, 31 percent (4) of those bearing bludgeons and 100 percent (11) of the defendants wielding both a gun and a knife were convicted and sentenced for armed robbery or a lesser offense.⁷

Our analysis indicates, therefore, that defendants allegedly wielding both a gun and a knife were most likely (100%) to be convicted of robbery, armed robbery or a related offense. Those defendants allegedly bearing a bludgeon were least likely (31%) to be convicted. Surprisingly, defendants accused of committing armed

robbery with a firearm were less likely (66%) to be convicted of an offense than those allegedly wielding knives (78%).

When focusing solely on armed robbery convictions, however, our analysis indicates that gun-toting defendants were more likely to be convicted of armed robbery than defendants brandishing knives. In fact, 82 percent (9) of the sample defendants who wielded both a gun and a knife, 73.5 percent (75) who toted guns, 37 percent (16) who brandished knives and 25 percent (1) armed with a bludgeon were convicted of armed robbery.

Footnotes

1. These factors are enumerated in Ill. Rev. Stat. ch. 38, § 1005-4-1.
2. One defendant's rap sheet was not available.
3. The small number of Hispanics and Whites in our sample reflects the few non-Blacks arrested and prosecuted for armed robbery during our study period. The reader must nevertheless use caution when extrapolating from these statistics.
4. Thirteen of our 272 sample defendants had unknown racial origins.
5. The file was out on one White sample defendant.
6. The type of weapon used by 39 defendants was unknown.
7. Eighteen percent (7) of the 39 defendants bearing unknown weapons were also convicted of robbery or armed robbery. The one defendant whose rap sheet was unavailable fit into this category.

SUMMARY OF FINDINGS

Commission researchers found 845 armed robbery cases, originating between January 1 and June 30, 1981, in the log books of the Felony Review Unit. Seventy-nine percent (670) of these cases were approved. The remaining 21 percent (175) were rejected. The most prevalent reasons for rejection were: the lack of a credible witness, insufficient corroborative evidence and the victim's refusal to prosecute.

Twelve percent (34) of the 272 sample defendants charged with armed robbery at felony review were no longer prosecuted as Class X offenders after preliminary hearing. Defendants typically escaped prosecution in one of two ways. The first method was to drop out of the criminal justice system completely. Ten percent (28) of the 272 defendants left the system when leave to file was denied, when their cases were stricken off the court call or because their arrests lacked probable cause. The second way of avoiding Class X prosecution involved the reduction of charges. The charges in 2 percent (6) of the cases were reduced from the Class X armed robbery to lesser felony offenses.

Eighty-eight percent (244) of the 272 sample defendants proceeded to assignment with either armed robbery or lesser charges. These defendants entered one of three pleas upon first assignment. Fifty percent (122) pled not guilty to armed robbery, while 27 percent (67) pled guilty to the Class X offense.

The remaining 17 percent (41), who pled guilty to lesser charges, increased the total proportion of sample defendants who avoided Class X prosecution to 25 percent (69).

Forty-five percent (122) of the 272 sample defendants were tried on either armed robbery or lesser charges. Eighty-three percent (101) of these defendants waived their constitutional right to a trial by jury and appeared before the bench. A jury trial was selected by 17 percent (21) of these defendants.

Judges found 23 percent (23) of the 101 defendants who selected a bench trial guilty of at least one count of armed robbery. Twenty-one percent (21) of the 101 defendants eluded sentencing for armed robbery when they were found guilty of lesser charges by the trial judge. The remaining 54 percent (54) of the defendants were acquitted when their cases were stricken off the court call or nolle prossed. Juries, on the other hand, never acquitted a defendant and found 62 percent (13) guilty of armed robbery. Two defendants avoided Class X sentences when they were found guilty of lesser charges. Only one defendant "funneled out" of the system when his case was stricken off the court call.

To reiterate, Commission researchers found that 57 percent (155) of the 272 sample defendants charged with armed robbery at felony review were not convicted of the Class X offense. Twenty percent (55) escaped Class X prosecution by leaving the system completely, 24 percent (64) eluded sentencing for armed robbery by having their charges reduced and 13 percent (36) were acquitted.

Sixty-one percent (167) of the 272 sample defendants were sentenced. One hundred and three defendants were sentenced for

armed robbery and 64 for lesser offenses. The sentences given to these defendants varied by their trial selection, racial origin, robbery weapon, and were influenced by their criminal histories.

A defendant convicted by a jury was given the longest prison sentence--10 years in the Department of Corrections. They received the longest median sentence despite the fact that defendants who appeared before the bench were more likely to have had prior felony convictions. A defendant who pled guilty to armed robbery received a prison sentence of 7 years. The shortest sentence, 6 years in the Department of Corrections, was given to offenders convicted at bench trials. Curiously, only two percent (2) of the 103 defendants convicted for armed robbery received the maximum term of 30 years, while 45 percent (46) received the minimum sentence of 6 years. The median term of imprisonment for all convicted armed robbers was 7 years.

Blacks were more likely to funnel out of the system than Whites and Hispanics, but those who remained in the system were more likely to be convicted of armed robbery than any other racial group. Whites were less likely to exit the system before sentencing than Blacks, and those who remained in the system were less likely to be convicted of armed robbery than their Black or Hispanic counterparts. However, Whites convicted of armed robbery received the toughest sentences, perhaps because they all had prior adult criminal convictions. Hispanics were least likely to funnel out of the system and were more likely to be convicted of armed robbery than Whites.

Defendants wielding both a gun and a knife were most likely convicted of armed robbery and those bearing a bludgeon were least likely convicted of the Class X offense. Furthermore, gun-toting defendants were more likely to be convicted of armed robbery than defendants brandishing knives. However, the type of weapon used to perpetrate an armed robbery did not affect the sentencing decision.

RECOMMENDATIONS

The Chicago Crime Commission recommends the implementation of the following corrective measures designed to enhance the accountability and effectiveness of the Cook County criminal justice system:

The first recommendation focuses on record maintenance. The public has the right and the responsibility to constantly monitor and evaluate: (1) The performance of public officials charged with serving and protecting the interests of the community, and (2) the effectiveness of the statutory tools provided these officials by the legislature. In order to accurately evaluate the impact of specific criminal statutes, the public must have access to reliable, straightforward records. The records found within the Cook County criminal justice system, however, afford the people no such luxury.

The present study, not unlike recent Crime Commission investigations into shoplifting, prostitution, syndicated gambling and the Cook County warrant system, found the maintenance of criminal records to be wholly inadequate. The number and magnitude of the difficulties encountered during data collection illustrate the pervasiveness of the problem. Files were frequently missing and documents were often misplaced or lost. The search for and retrieval of information was almost entirely manual, and therefore both tedious and time consuming. The lack of a consistent, coordinated numerical identification system among

"cooperating" agencies further impeded data collection. The condition of the criminal records throughout the system was unacceptable.

The maintenance of criminal records must be made less cumbersome, more accurate and more compatible between local law enforcement agencies. Public access to appropriate documents must be enhanced and retrieval time must be significantly decreased. A coordinated, computerized information system which integrates and interfaces the massive volume of records maintained by relevant agencies is clearly requisite to the development of an accessible and shareable data base.

At the time of our data collection, there was minimal computer integration among agencies. The Cook County State's Attorney's Office has subsequently implemented a computer operation which stores information on current cases. While we praise the State's Attorney's Office for taking this progressive step toward modernization, the Commission urges the Office to incorporate older records into the system to facilitate, among other things, archival and comparative research.

The second recommendation involves those cases which have deviated from the classic prosecutorial path. Our findings regarding the attrition of armed robbery cases from the Cook County criminal justice system confirm the existence of the phenomena known as the "funnel effect." This selection process arises naturally as the burden of proof placed on the State increases at each successive level of prosecution. The system by design

weeds out weak cases and maximizes vigorous, intensive and therefore successful prosecutions.

While the Chicago Crime Commission recognizes that a certain amount of attrition is inherent to such a system, we are nevertheless concerned to find that 16 percent (or 45) of our 272 sample defendants left the system after felony review because they were stricken off the court call or nolle prossed. Equally alarming is the apparent lack of justification for these dispositions in available records. We urge the State's Attorney's Office to devise a plan which would enable the public to monitor these discretionary decisions. The plan must balance the need to protect confidential information against the need to protect the citizenry from potential abuses in the criminal justice system.

Complete and accurate record keeping and thorough documentation of final prosecutorial decisions would serve as an important check against such abuse. These measures would also augment management's ability to evaluate the performance of Assistant State's Attorneys and to properly assess the strengths and weaknesses of existing statutory tools. Appropriate access to well-kept records would also assure the citizenry that their welfare is being appropriately and effectively represented.

The third recommendation deals with judicial discretion in sentencing. Our findings indicate that the effective punishment of violent offenders does not require additional or harsher laws as often claimed. Appropriate punishment simply requires better enforcement of existing laws. Cook County Criminal Court judges

typically sentence sample defendants according to the letter of the law rather than the spirit of the law. The median prison sentence given to an individual convicted of armed robbery was 7 years -- 1 year more than the minimum allowed by Class X sentencing laws. Furthermore, defendants with previous armed robbery convictions were given just 2 years more than the statutory minimum, a term generally reserved for first-time offenders.

The danger of imposing lenient sentences on convicted armed robbers is magnified by the policy of the Illinois Department of Corrections to reduce prison terms in excess of 50 percent as a reward for "good time" served and "meritorious conduct." An armed robber sentenced to a term of 7 years, for example, is eligible for release in three years and three months. This is an unacceptable length of time given the seriousness and violence of the offense. Judges must reevaluate and increase their sentences accordingly if the intent of Class X legislation was to significantly enhance the severity of the punishment for such violent offenders.

APPENDIX A

ROBBERY AND ARMED ROBBERY STATUTES

Appendix A contains the statutory provisions for the offenses of robbery and armed robbery. Ill. Rev. Stat. ch. 38, §§ 18-1(a)(b), 18-2(a)(b) (1983).

18-1. Robbery

§ 18-1. Robbery. (a) A person commits robbery when he takes property from the person or presence of another by the use of force or by threatening the imminent use of force.

(b) Sentence.

Robbery is a Class 2 felony.

18-1. Armed Robbery

§ 18-2. Armed Robbery. (a) A person commits armed robbery when he or she violates Section 18-1 while he or she carries on or about his or her person, or is otherwise armed with a dangerous weapon.

(b) Sentence.

Armed robbery is a Class X felony.

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APPENDIX B

REASONS FOR FELONY REJECTION

Appendix B lists the 14 reasons for felony rejection suggested by the Felony Review Unit. While a rejection typically results from a combination of faults in a case, the Assistant State's Attorneys usually record only one or two reasons in their log books.

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1. Credibility of Victim: SAO views victim as having no character references and/or there exists a high possibility of elimination with the inability of the SAO to formulate a substantial case.
2. Prior Convictions of Victim: If a victim has a criminal record, their credibility is considerably weakened. SAO will have difficulty formulating a substantial case.
3. Time of Reporting Crime: Too much time has elapsed between the actual incident and the victim's formal complaint, the verification and/or credibility of the initial complaint is weakened and considered questionable.
4. Insufficient Corroborative Evidence: A) Not enough evidence was recovered. B) Weapons substantiating crucial evidence were not recovered.
5. Identification Problems: A) Due to various time delays after the complaint was filed, the defendant was not positively identified in a line-up or there was no line-up. B) There was no positive identification of the weapons recovered to substantiate the case.
6. Improper Search and Seizure: A statute violation was made by the police during the investigation.
7. Misdemeanor Charge Recommended: After the investigation of the complaint, the original charges were judged too severe and appropriate misdemeanor charges were sought.
8. Lesser Included Offense: After the case is reviewed, a lesser offense committed blatantly within the larger offense may be judged as the most realistic means of conviction. (i.e., The defendant commits armed robbery and battery. The SAO only has evidence for the battery and will pursue only this charge.)
9. Charges Reduced to _____: If the SAO views the charges as impossible to verify and/or not applicable, alternative reduced felony charges will be used to prosecute.
10. Victim Refuses to Prosecute: Due to various reasons, the victim may withdraw the original charge or refuse to press charges.
11. Concurring Rejection: If the case detective and/or the SAO view the case as unsuitable for original charges or prosecution.
12. Defendant Being Prosecuted on Other Charges: The SAO may already have a substantial case against the defendant on a different case, unrelated to this incident.
13. Improper Arrest: Any noted violations of the defendant's rights at the time of the arrest.
14. Other: Any special or unusual rejection which is not suited for the above categories.

APPENDIX C

BASIC INFORMATION SHEET

Appendix C contains the data collection form used to record initial information on the sample defendants.

BASIC INFORMATION SHEET

Approval _____ (Date) Code Number: _____

Rejection _____ (Date) Case Number: _____

Defendant: _____

Charge(s): _____

Court Branch: _____

Assistant State's Attorney: _____

Requesting Officer: _____

Area and Unit: _____

Victim: _____

APPENDIX D

FELONY REVIEW REJECTION FORM

Appendix D contains the data collection form used to gather information on the cases rejected by the Felony Review Unit. The actual form used by the State's Attorney's Office is also included.

FELONY REVIEW REJECTION FORM

1. CASE NUMBER: _____ 2. CCC NUMBER: _____

3. DATE OF REJECTION: _____

4. DEFENDANT'S NAME: _____

5. COURT BRANCH: _____

6. CHARGES SOUGHT: _____

7. REASONS FOR REJECTION:

- 1. Credibility of Victim
- 2. Prior Convictions of Victim
- 3. Time of Reporting Crime
- 4. Insufficient Corroborative Evidence
 - A. Proceeds Recovered
 - B. Weapons Recovered
- 5. Identification Problems
 - A. Time From Incident
 - B. Weapons Recovered
- 6. Improper Search and Seizure
- 7. Misdemeanor Charge Recommendation
- 8. Lesser Included Offense
- 9. Charges Reduced To _____
- 10. Victim Does Not wish to Prosecute
- 11. Concurring Rejection
- 12. Defendant Being Prosecuted on Other Charges
- 13. Improper Arrest
- 14. OTHER _____

8. FELONY RECORD: YES NO

9. NOTES ON CASE: _____

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RD# _____

FR# _____ A _____
Year Area Number

DATE AND TIME FIRST CONSIDERED _____

FELONY REVIEW FORM

Supply Only Information Not Provided By 101 Form
Attach 101 Form To This Form

ACCUSED

AGE

FELONY RECORD

- 1) _____
- 2) _____
- 3) _____

Complaint sought by _____
(PRINT) NAME OF OFFICER STAR NO. ASSIGNMENT

Summary of Facts: _____
(Date) (Time) (Location)

Charges Sought _____

(Victim) (Address)

All available written reports have been submitted to the reviewing Assistant State's Attorney. The foregoing, together with the 101 forms, is a complete and correct summary of the pertinent facts, including relevant information not contained in tendered written reports.

SAO 143

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Signature of Officer, star no Assign

FR# _____ A _____
Year Area Number

Felony Complaint Refused for Following Reasons: _____

- 1) Additional Investigation Recommended (List)
- 2) Misdemeanor Charge Recommended (Specify)
- 3) Other Recommendation _____

Assistant State's Attorney (Signature)

S.A.O. 125

APPENDIX E

ARMED ROBBERY PROJECT DATA COLLECTION FORM

Appendix E lists the variables included on the armed robbery data collection form. The variables appear in their original order.

DEFENDANT'S NAME: _____

DEMOGRAPHICS:

AGE: _____ RACE: _____ SEX: _____

DOCKET NUMBER: _____ / _____

BRANCH COURT: _____ AREA & UNITS: _____

DATE OF ARREST: _____

DATE OF FELONY REVIEW: _____

ARREST WARRANT:

NO: _____ YES: _____ DATE ISSUED: _____

DATE SERVED: _____

CHARGE(S) APPROVED BY FELONY REVIEW:

1. _____
2. _____
3. _____

DATE OF INITIAL APPEARANCE: _____

BOND OR BAIL AMOUNT SET: _____

DATE OF PRELIMINARY HEARING: _____

CHARGE(S) AT PRELIMINARY HEARING:

1. _____
2. _____
3. _____

CHANGES IN BOND OR BAIL AMOUNT: _____

FINDING AT PRELIMINARY HEARING: _____

INDICTMENT OR INFORMATION NUMBER: _____

DATE OF ARRAIGNMENT: _____

JUDGE AT ARRAIGNMENT: _____

CHARGE(S) FILED AT ARRAIGNMENT:

1. _____
2. _____
3. _____

CHANGES IN BOND OR BAIL AMOUNT: _____

DATE OF TRIAL: _____

INITIAL JUDGE AT TRIAL: _____

OTHER JUDGE(S): _____

TYPE OF TRIAL: JURY: _____ BENCH: _____

CHARGE(S) AT TRIAL:

1. _____
2. _____
3. _____

CHANGES IN BOND OR BAIL AMOUNT: _____

TYPE OF WEAPON USED: _____

FINDING AT TRIAL:

CHARGE #1: _____ SENTENCE: _____

CHARGE #2: _____ SENTENCE: _____

CHARGE #3: _____ SENTENCE: _____

JUDGE AT FINAL DISPOSITION: _____

DATE OF FINAL DISPOSITION: _____

CCC#: _____ SIGNATURE & DATE: _____

APPENDIX F

CRIMINAL HISTORY DATA COLLECTION FORM

The form used to record relevant data from the rap sheets of sample defendants is found in Appendix F.

RAP SHEET DATA

CCC# _____

I. Informantion/Indictment #: _____

Defendant's Name: _____

Age: _____ IR#: _____

Rap Sheet Available: Yes _____ No _____

II. Felony convictions prior to A/R arrest? No _____ Yes _____

Felony	Sentence	Mo./Yr.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Misdemeanor convictions prior to A/R arrest? No _____ Yes _____

Misdemeanor	Sentence	Mo./Yr.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. Sample conviction: Felony _____ Misdemeanor _____

Charges	Sentence	Mo./Yr.
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



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