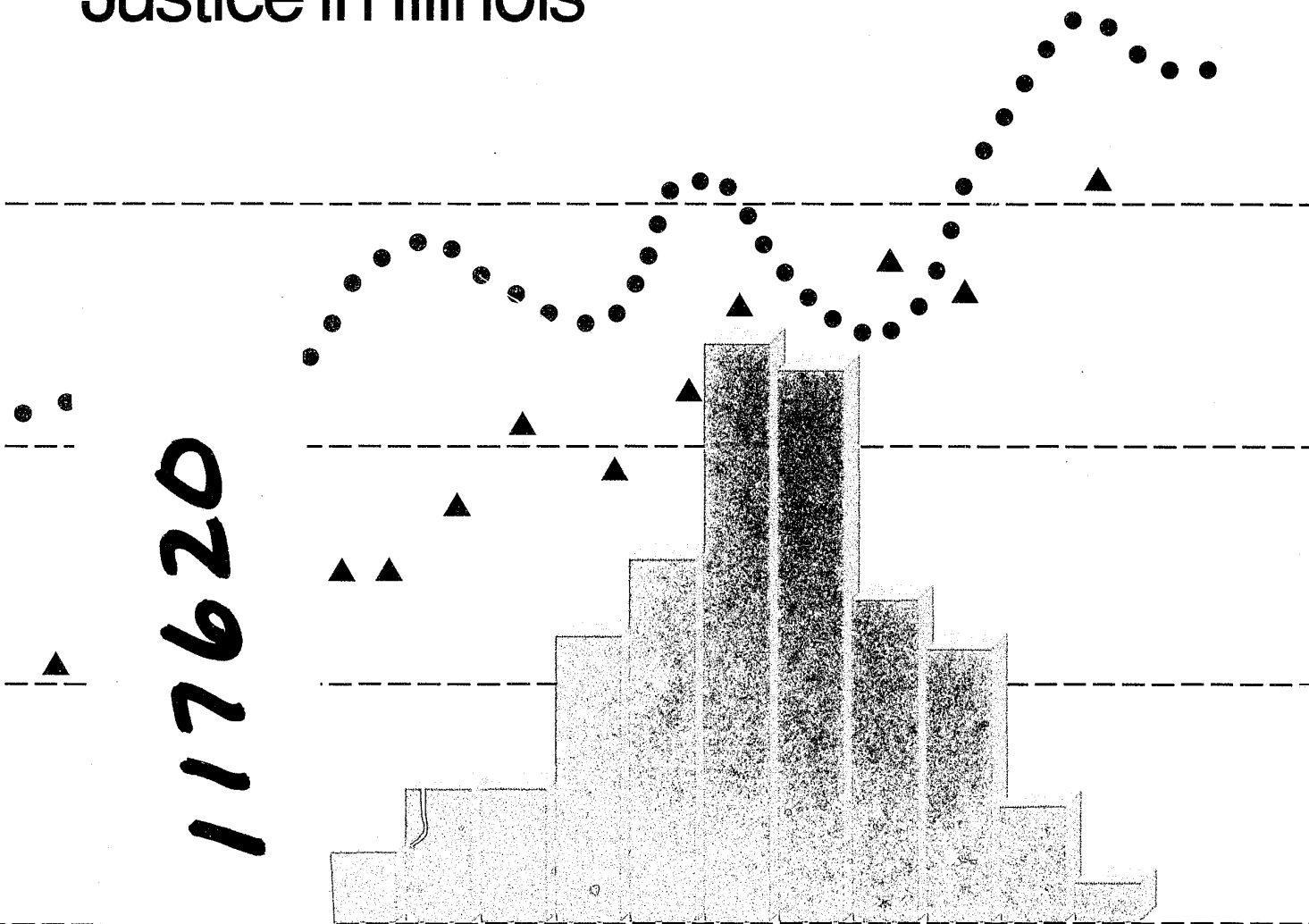


TRENDS AND ISSUES 89

Criminal and Juvenile Justice in Illinois



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J. David Coldren
Executive Director

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Criminal and Juvenile Justice in Illinois

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ILLINOIS CRIMINAL JUSTICE
INFORMATION AUTHORITY

Trends and Issues Staff

Deputy Executive Director

Edward Maier

Report Coordinators

John Firman (Research)
Kevin Morison (Editorial)

Report Advisers

Carolyn Rebecca Block
Joanne Laios

Chapter Authors

Law Enforcement

Mark Myrent

Prosecution

Sheila Lally

The Courts

Sheila Lally

Corrections

John Firman

Juvenile Justice

All staff

Special Topic Authors

Drugs

Roger Przybylski

DUI

Mark Myrent

AIDS

Alvin Hill

Projections

Carolyn Rebecca Block
David Olson

Legislation

Robert Boehmer
Jody Russell

Editors

Maureen Hickey
Margaret Poethig

Proofreading

Teresa Vlasak

Design

Weingart/Anderson, Chicago

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Primary credit for this report goes to the chapter authors, who brought order and sense to the multitude of information that exists about criminal and juvenile justice in Illinois, and to the Authority's editorial staff, who helped transform this into a graphically engaging and readable report. Also instrumental, however, were several staff members who reviewed numerous drafts of the report and who offered something just as valuable—their continuous advice and encouragement.

The quality of this year's edition has been substantially enhanced by the creation of the *Trends and Issues* Data Advisory Committee. These individuals provided our research staff with a single point of contact for their respective agencies, and also with critical review of draft material throughout the development of this edition. We hope that members of our DAC will continue this valuable support for all future editions of *Trends and Issues*.

John Firman
Associate Director for Research and Analysis

Kevin Morison
Public Information Officer

Trends and Issues 89 Data Advisory Committee

Barry Bass
*Illinois Department of Corrections
Illinois Correctional Association*

Robert Bonneville
*Director of Public Safety,
Glencoe
Illinois Association of Chiefs
of Police*

Judy Brawka
*Kane County Public Defender's
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Barry Colvin
*Illinois Department of Children
and Family Services*

Sandra Condon
*Juvenile Division, Circuit Court
of Cook County*

John Culloton
Chicago Police Department

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*Illinois State's Attorneys
Association*

James Finley
Illinois State Police

Richard Garber
*Illinois Department of Children
and Family Services*

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Court of Cook County*

Robert Glotz
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Patrick Hughes
*Office of the State Appellate
Defender*

Nola Joyce
Illinois Department of Corrections

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Office of the Governor

Sam Traylor
*Illinois Department of Children
and Family Services*

Richard Walsh
*Matteson Police Department
Illinois Juvenile Officers'
Association*

Donald White
Illinois Sheriffs' Association

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Information Authority
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To the People of Illinois

In September 1986, when I unveiled a comprehensive, \$25 million program to attack drug abuse in Illinois, I knew we faced a formidable task. By working together, we have accomplished many things since then: new enforcement tools for police, more prevention and education resources throughout the state, and a variety of new laws that strengthen enforcement and punish drug traffickers.

Despite these achievements, drug abuse remains a menace in our society and a destructive force in our schools and families. Clearly, we must do more about this urgent criminal justice and public health problem.

But to do more about illicit drugs we need to understand the problem in all of its intricacies. *Trends and Issues 89: Criminal and Juvenile Justice in Illinois* makes a significant contribution to this educational process. This report combines, for the first time in one place, a vast array of statistics and other information about where we are with respect to drugs in Illinois, and how we got here.

But *Trends and Issues* does more than just look back. It also provides important clues about where Illinois' drug problem may be headed—and how we might alter the course for the better. More than anything else perhaps, the report illustrates the need for a balanced approach to the problem of drugs, one that involves enforcement, treatment, education, and prevention.

As I pointed out in my 13th State of the State Message in February, the time has come to restock the arsenal in the war on drugs. I have proposed a \$50 million anti-drug program to augment our efforts in the law enforcement, interdiction, education, and treatment areas. But fighting drug abuse is something government cannot do alone. All elements in our society—businesses, schools, community groups, the media, citizens and, yes, government at all levels—must do more as we pursue our central goal of creating a Drug-Free Illinois.

I congratulate the Illinois Criminal Justice Information Authority, its Executive Director J. David Coldren, and his research and editorial staff for creating this informative and readable document. This latest edition of *Trends and Issues* will be a productive resource for all people committed to stopping the destructive influence of drugs in our state.

Sincerely,

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

James R. Thompson
Governor

Message from the Executive Director

The future isn't what it used to be. That may be an appropriate subtitle for this, the second edition of the Authority's statistical portrait of crime and justice in Illinois. *Trends and Issues 89* offers clear evidence that the reductions in crime many predicted for the last two decades of the 20th Century simply haven't occurred in Illinois during the 1980s. And if the Authority's projections are accurate, the much-ballyhooed respite from crime isn't likely to happen in the 1990s either.

What happened?

As the introduction to this report points out, the old theories about crime are based largely on demographic trends that have, in fact, gone according to predictions. The aging of the baby-boom generation, coupled with declining birth rates, have produced sharp decreases in the traditionally crime-prone population—people in their late teens and early 20s. And these changing demographics may be partially responsible for the overall stabilization that has occurred in violent and property index crime in Illinois.

But looking at just index crime ignores perhaps the most important development in criminal justice in the 1980s: the change in public policy toward drugs. Gone are the days when some public institutions and private organizations could simply look the other way when it came to drug abuse. In practically every sector of society, there is a new intolerance of drugs and a new commitment to both prosecuting drug traffickers and discouraging and treating drug abusers. I don't think anyone could have foreseen, 20 or even 10 years ago, the overwhelming public outcry over drugs that exists today. Consequently, I don't think anyone could have predicted the aggressive—and certainly appropriate—response by criminal justice in the 1980s.

As the chart on page 3 shows, arrests of drug offenders began increasing in Illinois after 1983, rising by one-third over the next four years. If current policies toward illegal drugs continue, the number of drug arrests will increase even more dramatically in the future, possibly doubling by the year 2000. And increasing drug arrests will

mean more transaction activity for the entire criminal justice system—more people in jail, more prosecutions, more convictions, and more prison inmates.

This increased workload will severely tax our already stretched resources for criminal justice in Illinois. In short, drugs threaten to overwhelm a criminal justice system already on the brink of caving in under its own weight. Unless governments at all levels start backing up the *rhetoric* of fighting drugs with the *resources* needed for enforcement, treatment, and prevention, we run the risk of completely losing control over this No. 1 criminal justice problem.

In recent years, the State of Illinois has increased its commitment to a broad-based attack on drug abuse. Lieutenant Governor George Ryan has been the principal leader in the state's fight, motivating young people to resist the temptation of drugs and advocating for increased treatment resources. The Lieutenant Governor also has worked with the Authority in establishing priorities for the state's drug law enforcement program. His efforts, and those of hundreds of others, need our recognition and our ongoing support.

Substance abuse has always been a complex problem. In the 1980s, it has become even more so, with the emergence of AIDS (especially among intravenous drug abusers) and the continuing epidemic of drunken driving. *Trends and Issues 89* examines how these two issues are affecting criminal justice in Illinois as well.

Drug abuse, AIDS, and drunken driving. Today, all three of these issues demand substantial resources from the criminal justice system. In the future, even greater resources and even more creative strategies will be needed. *Trends and Issues 89* supplies the data and the policy background for addressing these, and other, criminal justice problems during the rest of this century. The Authority's *Trends and Issues 90* publication, scheduled for release early next year, will examine in detail the resource issues that will shape criminal justice policy considerations well into the 21st Century.



J. David Coldren
Executive Director

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INTRODUCTION

In the 1960s and 1970s, criminologists and other social scientists almost universally believed that increases in crime at that time were the result of increases in the number of people in the traditionally *crime-prone* age groups—those in their late teens and early 20s.¹ The logical extension of their argument was that crime levels would decline during the 1980s and 1990s as the number of people in these crime-prone age groups also declined, the result of the aging of the baby-boom generation—the 76 million Americans born between 1946 and 1964—coupled with declining birth rates. Fewer people of crime-prone ages, the theory suggested, would mean not only less crime but also reduced *activity* for the criminal justice system.

In Illinois, the demographic side of this hypothesis has gone largely as predicted. While the total number of people in Illinois has remained relatively constant over the past two decades, there have been vast shifts within the age structure of the state's population. As predicted, the number of Illinoisans leaving the crime-prone ages has increased markedly in recent years, while the number entering those age groups has declined. Between 1980 and 1988, for example, the number of 30- to 44-year-olds in Illinois increased by about 22 percent. During that same period, the number of 17- to 29-year-olds in the state declined by more than 8 percent—and is expected to decrease even more sharply during the rest of this century (INTRO-1).

But while Illinois' demographics have changed as predicted, many of the key indicators of crime and criminal justice activity in the state have not. Instead of declining, as the demographic hypothesis would suggest, the numbers of arrests, prosecutions, and prison admissions in Illinois have all generally increased in recent years. Many factors no doubt contributed to these trends. This report focuses on one of them: drug abuse, including its relationship to other crimes and Illinois' changing policies on fighting the problem.

This is the second *Trends and Issues* report from the Illinois Criminal Justice Information Authority. In addition to examining drugs and their impact on the state's criminal justice system, the report takes an in-

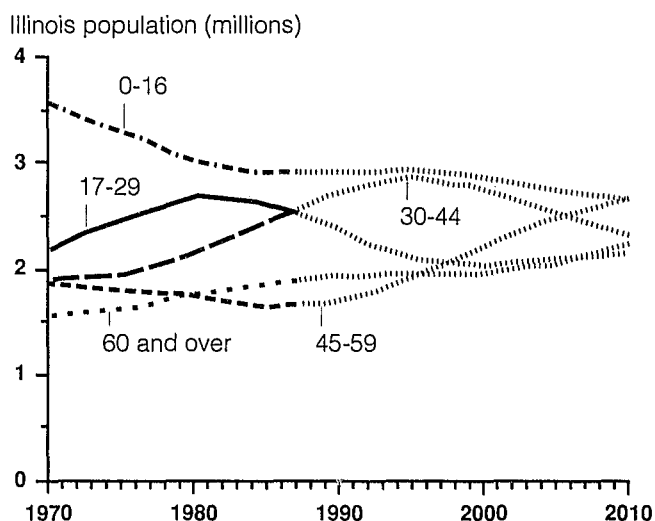
depth look at two other issues that are closely linked with substance abuse—drunken driving and acquired immune deficiency syndrome (AIDS)—and how these two issues are affecting criminal justice in Illinois. Finally, the report updates the baseline statistics, projections, and other information that were presented in the first *Trends and Issues* publication, and presents a variety of new information about law enforcement, prosecution, the courts, corrections, and juvenile justice in Illinois.

A NEW INTOLERANCE OF DRUGS

When the problem of illegal drug abuse was again thrust into the American consciousness in the the second half of this decade, the situation had changed dramatically from the country's bout with drugs in the 1960s and early 1970s. For one thing, the drugs themselves were different. Abuse of heroin, hallucinogens, and pills had waned, while increasingly pure cocaine—and its powerful derivative *crack*—had exploded onto the scene. In

INTRO-1

The number of people in the crime-prone age groups will continue declining through the year 2000.



Source: Illinois Bureau of Budget; Chicago Department of Planning; Illinois Criminal Justice Information Authority

addition, new strains of marijuana, several times more potent than the marijuana of a decade earlier, were being cultivated and distributed domestically.

Equally important, however, was the change in Americans' *attitudes* toward drugs. In many ways, drug abuse in the 1960s and 1970s was viewed as part of a larger social upheaval. American society then—and for several years to come—adopted a largely tolerant attitude toward some drugs, especially what many considered to be their “recreational” use. In the 1980s, however, drugs came to be viewed as a distinct—and, in the public's eye, enormously more serious—problem than they had been a decade earlier. By the time the U.S. Congress and President Reagan enacted the sweeping Anti-Drug Abuse Act in October 1986, America's collective feeling about drug abuse was clear: the lenient attitude of the earlier era had been replaced by a new concern over drugs and a new intolerance of any form of drug abuse in most sectors of the population.

When asked, for example, in a January 1987 survey to select the two or three problems they were most concerned about personally, 43 percent of Americans—the highest percentage for any one issue—cited drug abuse; crime and lawlessness ranked second, with 36 percent.² In contrast, drug abuse was chosen by 21 percent of those asked the same question in 1977 and by only 17 percent in 1983. Another survey, taken in October 1986, found that fighting the drug problem was an “extremely important issue” for Americans of all ages.³ Overall, 86 percent of those surveyed agreed with that statement, including 78 percent of the 18- to 29-year-olds and 93 percent of those aged 60 and older.

What these and other polls indicate is that by the mid-1980s, Americans had made a clear *policy judgment* that what was tolerable 10 or 15 years ago in terms of drug abuse simply wasn't bearable any longer.

THE CRIMINAL JUSTICE RESPONSE

Out of this public intolerance of drugs came a strong governmental and criminal justice response. At the federal level, spending on drug law enforcement was increased substantially. The military was given an expanded role in fighting the smuggling of drugs into the country. A new cabinet-level position—the director of national drug control policy, commonly known as the country's “drug czar”—was created to coordinate federal anti-drug efforts. Congress in 1988 even took the rare step of adding two types of offenders to the short list of criminals eligible for the federal death penalty: major traffickers who commit a drug-related murder or anyone who kills a law enforcement officer in the course of committing a drug-related crime.

In Illinois, the criminal justice system responded vigorously as well. Specialized units and programs aimed at drug traffickers were created or expanded. Long-overdue infrastructure repairs—the modernization of state and local crime laboratories and the acquisition of sophisticated surveillance and communications equipment—were initiated. Several new laws, part of a comprehensive anti-drug program announced by Governor James R. Thompson in 1986, were enacted to strengthen penalties for drug offenses and discourage drug abuse. Criminal justice officials, joined by Lieutenant Governor George Ryan, business and community leaders, athletes, and other celebrities, also assumed a greater role in drug abuse prevention and education efforts.

The result: criminal justice activity related to drugs has reached an all-time high in Illinois. Arrests for drug offenses began rising after 1983. By 1987, the number of adults and juveniles arrested for drug crimes in the state had increased 33 percent over the 1983 figure, to a record total of more than 37,300. Increases in drug arrests occurred in all parts of the state. Between 1983 and 1987, they rose 40 percent in Chicago, 24 percent in the collar counties of DuPage, Kane, Lake, McHenry, Will, and suburban Cook, and 17 percent in the rest of the state.

Not only has the *number* of drug arrests increased in recent years; so has the *seriousness* of the offenses involved. A growing proportion of drug arrests in Illinois now involve controlled substance (versus cannabis) violations and drug trafficking (versus possession) crimes. Controlled substances accounted for 31 percent of all drug arrests in 1980, but 41 percent in 1987. And arrests for trafficking crimes (including distribution, manufacture, importation, and conspiracy) increased 47 percent between 1983 and 1987, to more than 3,800.

As might be expected, these arrest trends have had a substantial impact on the other components of Illinois' criminal justice system. Available data, for example, indicate that as drug arrests have increased so has the number of drug cases filed by prosecutors. In Cook County, where the *overall* number of felony case filings has increased sharply in recent years, drug case filings have grown even faster. Drug indictments and informations, which accounted for 12 percent of all felony cases filed in Cook County in 1980, increased to 20 percent of case filings in 1987. In addition, prosecutors have stepped up their own financial investigations of suspected drug traffickers and, working with law enforcement authorities, have increasingly pursued seizure and forfeiture of dealers' assets.

The number of offenders convicted of drug

crimes and sentenced to prison is also increasing. Between 1983 and 1987, admissions to the Illinois Department of Corrections for drug offenses more than doubled, reaching 1,066 in 1987. That year, approximately 1 out of every 10 offenders admitted to state prison from the courts was convicted of a drug crime. Four years earlier, when the total number of prison admissions was 5 percent lower than in 1987, drug offenders accounted for only about 1 out of every 20 prison admissions.

A SURGE IN DRUG ARRESTS BY THE YEAR 2000

The cumulative effect of these trends, if they continue, threatens to overwhelm a criminal justice system already facing record caseloads, growing court backlogs, and severe crowding in its correctional facilities. The arrest numbers alone illustrate the seriousness of the situation. If current policies continue, the number of adults arrested for drug crimes in Illinois could reach 62,500 by the year 2000, a nearly 80-percent increase over the 34,900 arrests recorded in 1987 (INTRO-2).⁴ Statewide, the number of adult drug arrests is projected to surpass 40,000 by 1993 and 50,000 by 1997.

During this same period, arrests for index property and violent crimes in Illinois are expected to remain relatively stable or even decline slightly, given past trends and projected changes in the state's population. Property crime arrests are projected to be 8 percent lower in the year 2000 than they were in 1987; violent crime arrests, 2 percent lower. But with the anticipated increase in drug arrests, the *total number* of adults arrested in the state for index violent, index property, and drug crimes combined is expected to grow by 18 percent, from about 119,200 in 1987 to more than 140,700 in the year 2000.

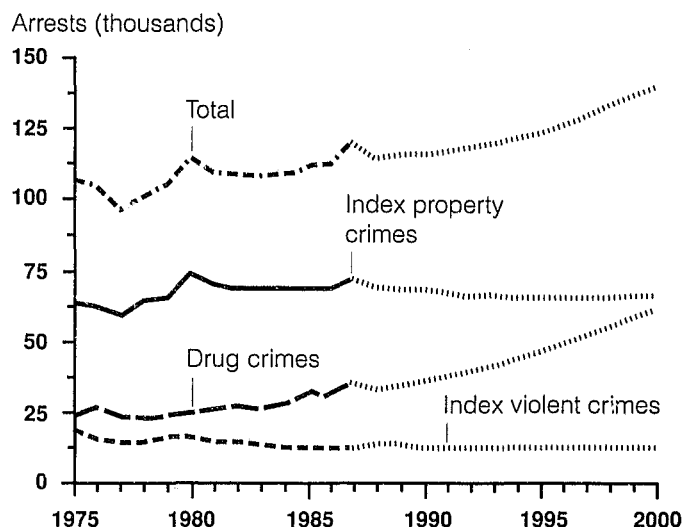
That year, drug arrests could for the first time come close to equaling the number of arrests for property crimes in the state. In 1975, by contrast, property crime arrests outnumbered drug arrests by nearly 3-to-1 among adults; in 1987, the margin was still greater than 2-to-1.

A DECLINE IN OVERALL DRUG ABUSE?

What makes the recent increases in drug arrests—and the projected increases in the years to come—particularly interesting is that they come at a time when there are strong indications that overall drug abuse may be declining among many segments of American society, especially young people. In other words, increased criminal justice activity related to drugs is more likely the result of *policy changes* rather than substantial increases in the level of drug abuse.

INTRO-2

By the year 2000, arrests for drug crimes in Illinois could equal arrests for property crimes.

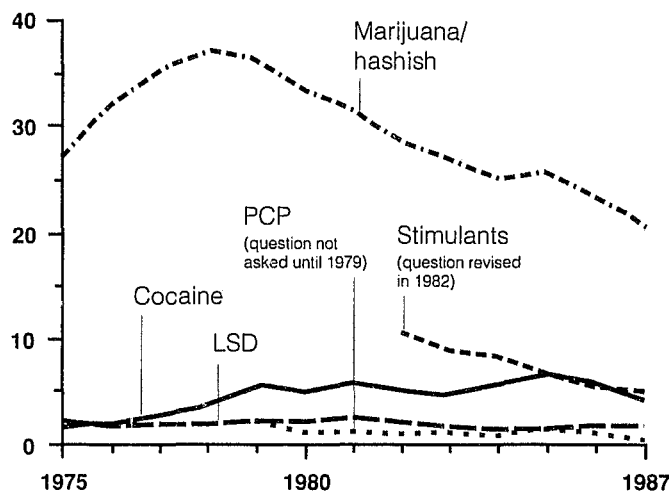


Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

INTRO-3

Surveys of high school seniors nationwide show that overall drug use among young people has been declining in the 1980s.

Percentage reporting drug use within the last 30 days



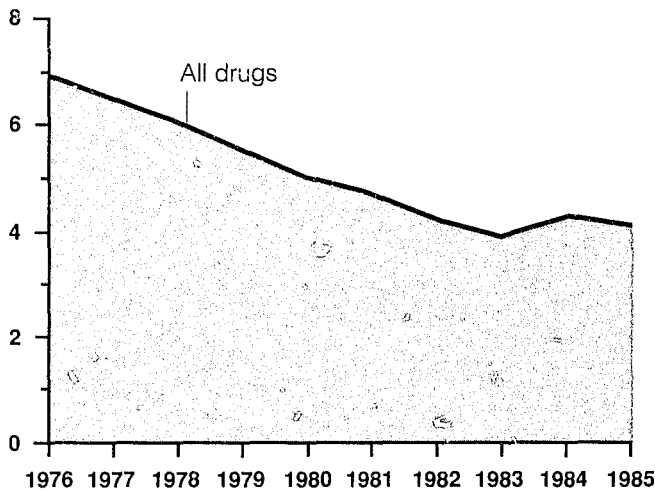
Source: Annual Survey of High School Seniors, National Institute on Drug Abuse

For example, annual surveys of more than 15,000 high school seniors nationwide suggest that regular use of marijuana, stimulants, sedatives, PCP, and other drugs have all declined in recent years (INTRO-3).⁵ In 1987, 21 percent of those surveyed said they had used marijuana within the previous 30 days. That compares with 26 percent of the seniors surveyed just two years earlier, and 36.5 percent of the those ques-

INTRO-4

The number of emergency room episodes related to drugs has declined dramatically since the mid-1970s in the Chicago area.

Emergency room episodes related to drugs (thousands)



Source: Drug Abuse Warning Network, National Institute on Drug Abuse (panel of 36 Chicago-area hospitals)

tioned in 1979. Use of stimulants by high school seniors within the previous 30 days has fallen dramatically too, from nearly 11 percent in 1982 to only about 5 percent in 1987.

Another survey, this one of more than 8,000 respondents in households nationwide, offers further evidence of the overall decline in drug abuse among young people.⁶ The 1985 household survey, when compared with findings from similar surveys in 1979 and 1982, indicates reduced levels of abuse of most drugs among people aged 12 to 25.⁷

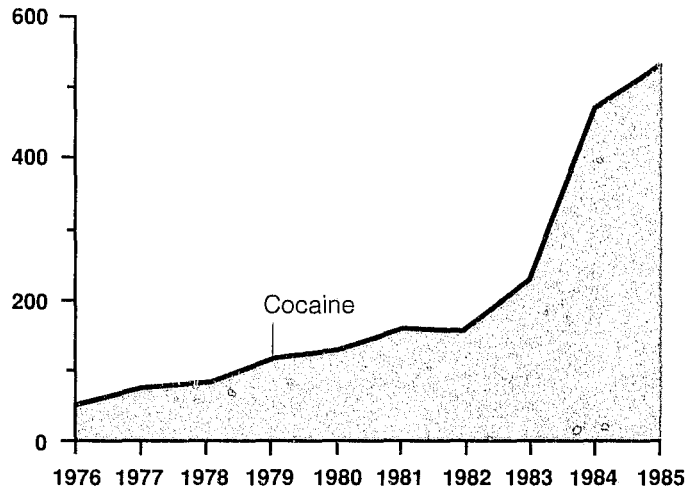
Yet another indicator of drug abuse, the number of emergency room episodes related to drugs, also shows an overall decline since the late 1970s. Among 36 hospital emergency rooms in the Chicago area that report consistently to the national Drug Abuse Warning Network (DAWN), the number of drug-related episodes fell from 6,915 in 1976 to 4,075 in 1985, a 41-percent drop (INTRO-4). In general, the number of emergency room episodes related to many drugs declined during this period. Heroin-related episodes, for example, fell from more than 1,500 in 1976 to fewer than 500 in 1985.⁸

Deaths related to illegal drugs have also declined since the mid-1970s. Among four medical examiners' offices in the Chicago area that consistently report to DAWN, drug-related deaths fell from 436 in 1976 to 119 in 1985, the lowest total in any of the 10 years

INTRO-5

The number of emergency room episodes related to cocaine skyrocketed between 1982 and 1985 in the Chicago area.

Emergency room episodes related to cocaine



Source: Drug Abuse Warning Network, National Institute on Drug Abuse (panel of 36 Chicago-area hospitals)

for which such data are available.

THE EMERGENCE OF COCAINE

Abuse of one drug, however—cocaine—continues to buck the overall trend. The surveys of high school seniors and American households illustrate the recent growth in cocaine abuse at the national level. In 1975, the first year of the high school survey, 9 percent of those questioned said they had ever tried cocaine. By 1985, the figure had risen to more than 17 percent, although it did decline to about 15 percent in 1987. The household survey, which generally found drug abuse levels among young people to be lower in 1985 than in either 1982 or 1979, had one notable exception: the use of cocaine among 12- to 25-year-olds (as well as among people aged 26 and older) had increased slightly.

Indicators from Illinois tell a similar story. Among the 36 Chicago-area hospitals reporting to DAWN, emergency room episodes related to cocaine have increased dramatically since the mid-1970s, rising from fewer than 50 in 1976 to more than 500 in 1985 (INTRO-5). And the number continues to skyrocket, according to emergency room statistics from a slightly different panel of 40 Chicago-area hospitals. These hospitals reported 714 cocaine-related episodes in 1985, 1,632 in 1986, and 2,825 in 1987.⁹

Cocaine-related deaths have also increased.

Among the four Chicago-area medical examiners' offices that report to DAWN, cocaine was mentioned in 33 drug-related deaths in both 1984 and 1985. In every year before 1982, the drug was mentioned in fewer than a dozen deaths, including zero in 1976.

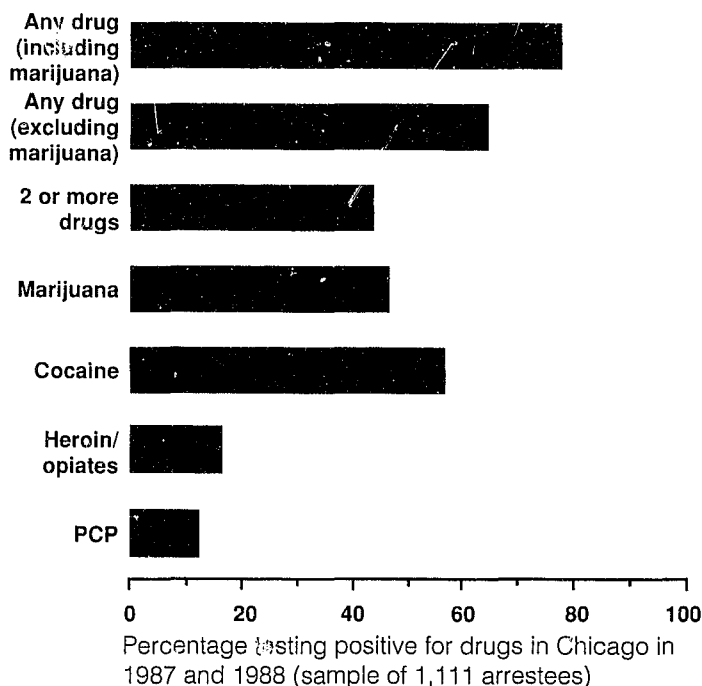
Data from drug treatment sources in Illinois also suggest a rise in cocaine abuse. Cocaine was the primary substance of abuse among 18 percent of the people admitted to drug treatment programs administered by the Illinois Department of Alcoholism and Substance Abuse in state fiscal year 1986, compared with just 6 percent in fiscal 1982. Among people ordered by the courts to undergo drug treatment monitored by Treatment Alternatives for Special Clients (TASC),¹⁰ a non-profit agency that works with substance-abusing offenders, 39 percent reported cocaine as their primary substance of abuse in 1987, versus 8 percent in 1981.

Taken together, these figures provide strong documentation of how cocaine has emerged in the 1980s as perhaps the most serious drug problem, both nationally and in Illinois. For while almost every indicator shows a decline in the abuse of most drugs during the past decade, abuse of cocaine has been shown to be rising dramatically. Cocaine has clearly become the drug of choice among many abusers and traffickers, as well as the prime target of drug law enforcement authorities. Several statistics bear this out:

- The U.S. Drug Enforcement Administration (DEA) estimates that 136 tons of cocaine were smuggled into the United States in 1986, compared with 65 tons in 1985.¹¹
- DEA seizures of cocaine have also increased—from about 1,900 kilograms in 1981 to more than 44,000 kilos in 1987 nationwide, and from about 30 kilos to more than 300 during the same period in Illinois.
- The purity of cocaine being sold on the street has increased—more than doubling between 1981 and 1986, according to the DEA—while prices have fallen. In Illinois, estimated wholesale prices of cocaine dropped from \$45,000 per kilogram in 1984 to \$20,000 per kilo in 1987, an all-time low. Retail prices have fallen below the \$100-per-gram standard to less than \$80 per gram.¹²
- The availability of crack, first reported in Los Angeles, San Diego, and Houston in 1981, had spread to at least 46 states (including Illinois) and the District of Columbia by 1987. Although officials report only modest availability of crack in Illinois, crack operations have been uncovered in several areas, including Chicago, Peoria, and Bloomington-Normal.

INTRO-6

Among arrestees in Chicago testing positive for drugs, more tested positive for cocaine than for any other single drug.



Source: *Drug Use Forecasting, National Institute of Justice*

DRUG ABUSE AMONG CRIMINAL OFFENDERS

There is little doubt that cocaine abuse among the general population has increased during much of the 1980s. Among criminal offenders, however, there is growing evidence that drug abuse in general—and especially abuse of cocaine—is higher than many people had ever imagined.

The latest findings on this issue come from the Drug Use Forecasting (DUF) program, a National Institute of Justice study designed to measure the incidence of drug abuse among arrestees in more than a dozen major metropolitan areas in the United States, including Chicago. The goal of DUF is to create a data system for tracking drug abuse trends among people arrested for a variety of crimes. This is done by periodically asking a small sample of arrestees in each participating city to voluntarily provide information about their drug abuse habits, based on anonymous urine testing and interviews.

In Chicago, 989 male and 122 female arrestees were tested as part of the DUF program between October 1987 and July 1988.¹³ Of these 1,111 arrestees, 57 percent tested positive for cocaine, including 55 percent of the men and 74 percent of the women tested (INTRO-6). And because DUF findings are based on

urine testing, the results reveal only the presence of certain drugs ingested *within the previous 24 to 48 hours*. In DUF interviews, 61 percent of the male arrestees in Chicago and 84 percent of the females admitted that they had tried cocaine at some time in their lives. Forty percent of the women said they were or had been dependent on the drug.

DUF data also indicate that cocaine isn't the only drug abused by people entering the criminal justice system in Chicago. The study has revealed the following about drug abuse among arrestees:

- Nearly 8 out of 10 tested positive for any drug, including marijuana. Even when marijuana was excluded, close to two-thirds of the arrestees tested positive for at least one drug.
- Nearly 45 percent of all arrestees tested positive for two or more drugs, including marijuana; almost one-quarter tested positive for poly-drug use when marijuana was excluded.
- Sixteen percent of the male arrestees and 22 percent of the female arrestees tested positive for heroin.
- Thirteen percent of the male sample tested positive for PCP, including 16 percent in the January 1988 testing period. For this period, Chicago ranked second behind only Washington, D.C., (33 percent) in PCP use among male arrestees in the 11 DUF cities nationwide.
- Fifty-two percent of the women and 27 percent of the men tested positive for barbiturates.

It is not surprising that a high percentage of the people arrested for drug possession or sale tested positive for drugs—87 percent of the 292 drug arrestees examined in Chicago during the testing period. But drug abuse was found to be high among people arrested for other crimes as well. Of the 124 arrestees for whom burglary was the most serious charge, the percentage testing positive—91 percent—was even higher than the percentage of drug arrestees. Sixty percent of the 79 people arrested for robbery also tested positive.

Surveys of people in correctional facilities also indicate a high level of drug abuse among offenders. For example:

- Three-quarters of all jail inmates surveyed nationwide in 1983 reported using illegal drugs at some time in their lives, up from two-thirds reporting drug histories in 1978.¹⁴
- Nearly 43 percent of the state prisoners in a 1986

national survey said they were using illegal drugs daily in the month prior to committing the offenses for which they were imprisoned. Thirty-five percent reported that they were under the influence of drugs at the time of those offenses, including 11 percent who reported to be under the influence of a major drug (cocaine, heroin, PCP, LSD, or methadone).¹⁵

- In a 1988 survey of 589 prison inmates serving sentences for property crimes in Ohio, more prisoners reported being driven to crime by drugs and alcohol than by any other factor. When asked the main reason for committing property crimes, 20 percent said "to get money for drugs or alcohol" and 16 percent said it was because they were "under the influence of drugs or alcohol."¹⁶
- Recidivism also appears to be higher among drug abusers, especially abusers of the major drugs of cocaine, heroin, PCP, LSD, and methadone. The same 1986 national survey of state prisoners found that nearly 30 percent of those who had abused major drugs daily had six or more prior convictions. Among prisoners who had never used a major drug, fewer than 13 percent had that many prior convictions.¹⁷

THE RELATIONSHIP BETWEEN DRUGS AND CRIME

Both the DUF program and the surveys of correctional populations provide solid information about the number of people entering the criminal justice system who are also abusing drugs. But these data by themselves do not establish any direct, causal link between drug abuse and criminal behavior. In other words, the fact that nearly 80 percent of the arrestees in the Chicago DUF study tested positive for drugs does not mean that drugs *caused* these people to commit the crimes for which they were arrested.

What is clear is that drugs are connected with crime in many ways. First, possessing and selling drugs are themselves crimes. Second, many drug abusers commit other types of crimes, such as thefts, burglaries, and robberies, that do not directly involve drugs. For some of these drug-abusing offenders, both their substance abuse and their criminal behavior may be explained by certain personal or sociological factors. For others, as the Ohio study of property offenders suggests, criminal activity may be the *direct result* of the offender's involvement with drugs.

In fact, recent studies of narcotics addicts provide strong evidence of a causal relationship between narcotics addiction and property crime levels.¹⁸ Narcotics addiction has been shown to *amplify* the income-

generating criminal activities of addicts: during periods of addiction, the crime levels of narcotics addicts are several times higher than those reported during periods when the people are not addicted.¹⁹ And regardless of whether a narcotics addict was involved in crime before his or her addiction, addiction has been shown to increase crime levels.²⁰ For those people involved in crime before their addiction to narcotics, addiction is associated with an increase in their already established predispositions toward deviance. For those not involved in preaddiction crime, addiction coincides with an extremely sharp rise in criminal behavior.

Other studies also show the magnitude of criminality among narcotics abusers, as well as what their criminal behavior costs society. One study of heroin abusers in New York City's Harlem neighborhood between 1980 and 1982 found that daily heroin abusers (people who used the drug 6 to 7 days per week) committed an average of 209 crimes annually, regular users (3 to 5 days per week) committed 162 crimes, and irregular users (2 days or fewer per week) committed 116.²¹ The combined costs imposed on society by daily heroin users—in terms of economic loss to crime victims, *freeloading* (evasion of taxes, the cost of shelter and meals, etc.), and costs related to drug distribution crimes—was estimated to be about \$55,000 annually per offender.

A similar analysis in Miami, Florida, between 1978 and 1981 showed that 573 narcotics abusers said they were responsible for more than 215,000 criminal offenses during a 12-month period, or an average of 375 crimes per offender.²²

DRUG ABUSE AND CRIMINAL VIOLENCE

Although most of the crime committed by drug abusers seems to involve non-violent offenses—shoplifting, prostitution, drug selling, and other crimes meant to support their drug habits—drug abuse is clearly associated with more than just property crime. Recent evidence suggests that drugs may lead to criminal violence as well.

Violence and drugs are typically connected in one of three ways:²³

- 1. Pharmacologically related violence.** As a result of either long-term addiction or ingesting large amounts of certain substances at one time (often PCP, stimulants, barbiturates, or alcohol), some individuals may become excitable and irrational, culminating in violent, unpredictable behavior (sometimes, drug-induced behavior by the victim may lead to violence as well).
- 2. Economically related violence.** To support their drug habits, most drug abusers commit property

crimes. However, some abusers, particularly those involved with such expensive and potentially addictive drugs as heroin or cocaine, may instead commit robberies, an economically oriented *violent* crime.

- 3. Systemic violence.** Finally, violence is intrinsic with any illicit substance: drug dealers may assault or even murder competitors, associates, informers, or law enforcement officials for a variety of "business-related" reasons.

Using this basic framework for analyzing drug-related violence, one study of the 1,459 homicides in New York City in 1984 concluded that 347 of them, or almost one-quarter, were drug-related.²⁴ The study further indicated that the majority of both the offenders (72 percent) and the victims (slightly more than 50 percent) in the drug-related homicides were themselves involved in drug trafficking.

Besides empirical research, there is mounting anecdotal evidence of the association between drugs and violence. For example, law enforcement officials in several major U.S. cities are blaming increased violence in their areas on drug trafficking, especially turf wars over the growing trade in crack.

In New York City, police estimate that 42 percent of the 1,848 murders in 1988 (a record number) were drug-related. Similarly, officials in Washington, D.C., are blaming crack wars for the record 372 murders there in 1988. In Chicago, where crack apparently has not made big inroads, police still report that 72 of the 660 homicides during 1988 were drug-related, an apparent rise over previous years, although such homicides have not been tracked statistically until recently. Overall, murders in Chicago were lower in 1988 than in any of the previous 20 years.

The Illinois Department of Children and Family Services (DCFS) speculates that drug and alcohol abuse loom as major reasons behind a sharp rise in child abuse deaths in Illinois. The 97 children who died from abuse or neglect in state fiscal year 1988 (July 1, 1987, through June 30, 1988) was 80 percent higher than the 54 who died in the previous year and the most since 1981, when there were 101 such deaths. "When these deaths occur, a large number of families are involved with drugs or alcohol," DCFS Director Gordon Johnson said in announcing the statistics.

According to DCFS, there has also been a sharp rise in the number of "cocaine babies" in Illinois—infants born with cocaine, other dangerous drugs, or alcohol in their blood.²⁵ During fiscal 1988, there were 1,233 reports of cocaine babies born in the state, up 133 percent from the 530 reports in fiscal 1987 and a

more than sixfold increase over the fiscal 1985 total of 181. This trend continued in the second half of 1988 as well: from July through December, 978 cocaine babies were reported born statewide, a 79-percent increase over the same period in 1987. Furthermore, 90 percent of the 1,233 reports in fiscal 1988 were "indicated," meaning that strong evidence exists to support the initial report.

THE IMPACT OF ALCOHOL

Missing from the DUF study, and from some of the other studies of drugs and crime, is the impact of what is certainly the most abused substance of all in America: alcohol.²⁶ In 1985, the per-capita consumption of alcoholic beverages in the United States—27.6 gallons—was greater than the consumption of coffee (25.9 gallons per capita) and milk (27.2 gallons), and was exceeded only by the consumption of soft drinks (45.6 gallons).²⁷ Moreover, it has been estimated that one-third of the adult population accounts for 95 percent of the alcohol consumed, and 5 percent of the adult population accounts for half of that consumption.²⁸ About 10 percent of Americans aged 18 and older have alcohol problems.²⁹

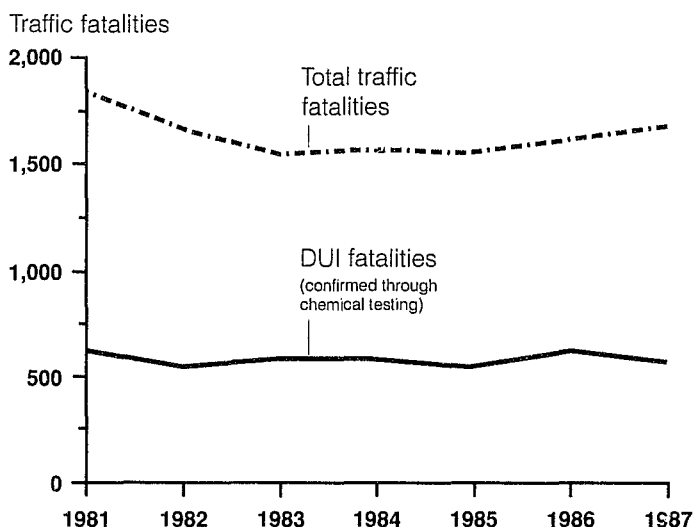
One area where the impact of alcohol is clear, however, is drunken driving. Statistics from the National Highway Traffic Safety Administration illustrate the magnitude of the problem:

- Every 23 minutes someone in the United States is killed in an alcohol-related crash. Among young Americans, drunken driving is the leading cause of death.
- Alcohol is estimated to have been a factor in 50 percent to 55 percent of fatal motor vehicle accidents in the United States over the last 10 to 15 years. In 1987 alone, more than 23,000 people lost their lives in alcohol-related traffic accidents.
- Half of all Americans will be involved in an alcohol-related traffic accident at some time in their lives.
- Drunken driving is a leading cause of brain and spinal cord injury. An estimated 600,000 people are injured each year in alcohol-related traffic accidents, 48,000 of them seriously.
- The 2 million alcohol-related traffic accidents that occur each year in the United States cause damages of at least \$10 billion to \$15 billion.

In addition to being an enormous public health problem, drunken driving is a serious and far-reaching criminal justice issue as well. In 1986, nearly 1.8 million arrests were made nationwide for driving under the

INTRO-7

Chemical testing confirms that alcohol is involved in about one-third of all traffic fatalities in Illinois.



Source: Illinois Department of Transportation

influence (DUI) of an intoxicating substance.³⁰ Between 1970 and 1986, the DUI arrest rate in the United States rose more than 127 percent, from 498 arrests per 100,000 licensed drivers to 1,131 arrests. Furthermore, the National Transportation Safety Board estimates that for every drunken driver arrested nationally, another 500 to 2,000 go undetected.

In Illinois, where DUI arrests generally increased through most of the 1980s, the number of such arrests has begun to decline in the last few years. From about 55,100 in 1986, the number of DUI arrests reported to the Illinois Secretary of State's Office fell to fewer than 51,800 in 1987, a 6-percent drop. The number declined another 7 percent during the first 11 months of 1988, compared with the same period in 1987.

Increased attention to the problem of drunken driving, coupled with tougher state laws for DUI offenders, are credited with helping reduce the number of DUI arrests in the state. Among the tougher measures that have been enacted are the mandatory revocation, upon conviction, of a DUI offender's driver's license and increased minimum penalties for repeat DUI offenders (see "What is DUI?," page 17, for a history of Illinois' DUI laws).

Nevertheless, the toll of drunken driving remains large in Illinois. More than 570 alcohol-related traffic fatalities, confirmed through actual chemical testing of the driver, occurred in Illinois during 1987. Between 1981 and 1987, Illinois averaged about 586 confirmed alcohol-related traffic fatalities per year (INTRO-7).³¹

These numbers may underestimate the actual death toll, however, since not all drivers involved in fatal

accidents are tested. The Illinois Secretary of State's Office estimates that approximately 50 percent of all traffic fatalities are alcohol-related. Based on that estimate, an additional 260 persons who died in traffic accidents in 1987 may have been killed as a result of unconfirmed alcohol-related incidents.

AIDS AND DRUGS: A NEW CRISIS

Considering the effects of both illegal drugs and alcohol, Illinois' substance abuse problem is immensely complex. And the problem has been further complicated in the 1980s by the emergence of acquired immune deficiency syndrome, or AIDS, as a major public health problem with important implications for criminal justice.

Although the majority of people with AIDS, both in Illinois and nationally, are homosexual or bisexual men, intravenous drug abusers are now the fastest growing group of people being diagnosed with AIDS. Intravenous drug abusers usually contract the human immunodeficiency virus (HIV) believed to cause AIDS through the transfer of blood that results from sharing hypodermic needles. Increasingly, these people are passing the virus to their sex partners—and to their offspring. According to the national Centers for Disease Control, AIDS is now the No. 9 cause of death among children aged 1 to 4 in the United States.³²

A total of 2,417 AIDS cases had been diagnosed in Illinois by the end of 1988; more than 90 percent of them were in the Chicago metropolitan area. Although the 1988 statewide total was up 66 percent from the 1,457 cases diagnosed at the end of 1987, the latest figure does represent a significant slowdown in the *rate of increase* in new AIDS cases in the state.

Instead of doubling every 10 months, as was the case in 1985, the number of new AIDS cases is now doubling every 16 to 18 months.

Among intravenous drug abusers, however, the trend is just the opposite: for them, the rate of increase in diagnosed AIDS cases during 1988 was nearly three times the rate of increase for all other groups combined. The number of AIDS cases involving intravenous drug abusers almost tripled in one year, from 89 at the end of 1987 to 251 at the end of 1988, the largest jump among any group of people diagnosed with AIDS (INTRO-8). Among people who are both homosexuals and intravenous drug abusers, the number of diagnosed AIDS cases increased 66 percent during 1988, from 67 to 111. Among all other groups, AIDS cases increased 58 percent, from 1,301 to 2,055. According to public health officials, the rising incidence of AIDS among drug abusers has caused disproportionate increases in AIDS cases among women (up 108 percent during 1988), Hispanics (102 percent), blacks (74 percent), and Chicago residents (70 percent).

Because of these trends, AIDS remains a serious matter for criminal justice personnel, particularly law enforcement and correctional officers who, in the course of their everyday work, may encounter situations where the risk of exposure to HIV is great. Criminal justice officials in Illinois have responded by stepping up training on AIDS-related issues and by developing specific policies and procedures on matters related to AIDS. These efforts are designed not only to prevent the spread of AIDS among criminal justice personnel, but also to uphold the rights of people with AIDS and to prevent discrimination against them in terms of criminal justice services.

INTRO-8

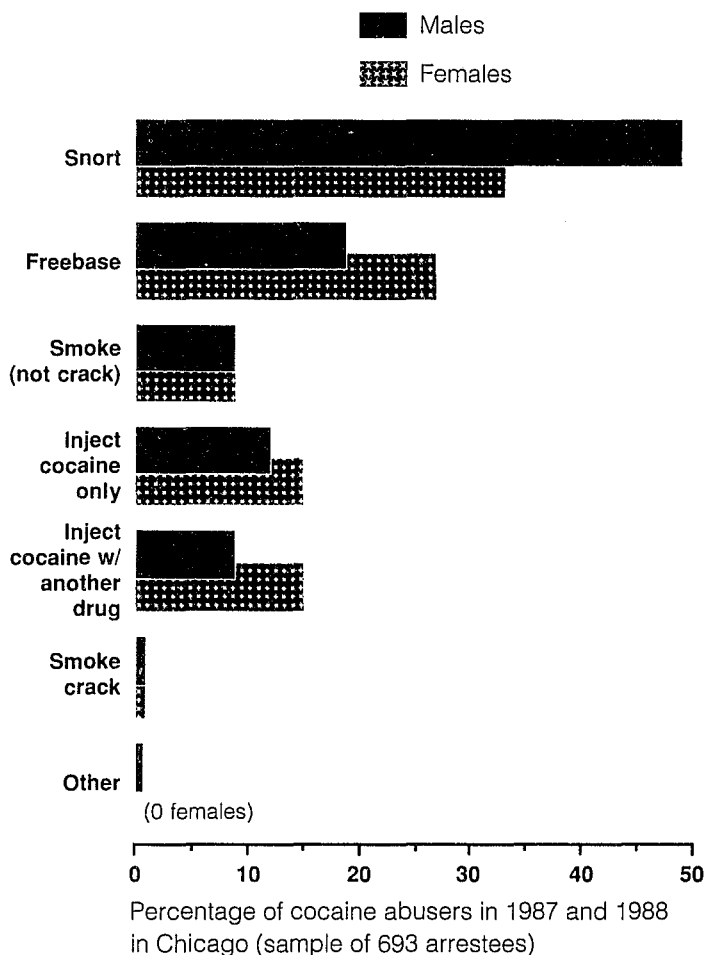
The number of diagnosed AIDS cases among intravenous drug abusers almost tripled between 1987 and 1988.

Transmission	Cumulative total as of December 29, 1988	Cumulative total as of December 31, 1987	Percent increase
Homosexual/ bisexual males	1,745	1,120	56 %
Intravenous drug abusers	251	89	182
Homosexual/ intravenous drug abusers	111	67	66
Hemophiliacs	41	19	116
Heterosexual contact	68	44	55
Blood transfusions	91	62	47
Unknown	85	44	93
Parent-at-risk	25	12	108
Total	2,417	1,457	66 %

Source: Illinois Department of Public Health

INTRO-9

Among arrestees in Chicago who reported cocaine abuse, nearly one-fourth said injection was their preferred method of ingesting the drug.



Source: *Drug Use Forecasting, National Institute of Justice*

Thus far, there have been no reported instances of a law enforcement or correctional officer in Illinois contracting HIV through work-related duties. And the number of AIDS cases diagnosed among inmates in Illinois' correctional facilities has remained relatively low: 26 were diagnosed by the Illinois Department of Corrections by the end of 1988 and 17 by the Cook County Department of Corrections. Illinois has also avoided much of the controversy that has erupted elsewhere regarding AIDS and the criminal justice system—controversy such as that generated by police in Washington, D.C., who used rubber gloves when arresting people demonstrating for increased AIDS funding in 1987;³³ or by three judges in Alabama, who in 1988 required HIV-infected defendants to enter their guilty pleas and receive their sentences by telephone;³⁴ or by correctional officials in New York State, who regularly transferred inmates with AIDS to a special AIDS

housing unit in one state prison without the inmates' consent.³⁵

Still, if the rapid spread of HIV among intravenous drug abusers does not abate, AIDS will likely remain an important issue for criminal justice in Illinois in the years to come. The cost of providing care for drug-abusing offenders with AIDS, for example, may become a critical and expensive undertaking in the future. A comprehensive 1988 study of AIDS among the drug-abusing population in Chicago—one of the most extensive such studies in the country—found that nearly 21 percent of 956 practicing intravenous drug abusers and their sex partners who were tested in three neighborhoods were infected with HIV.³⁶ Chicago's overall HIV infection rate among intravenous drug abusers appears to be close to the 16 percent found in San Francisco, but is much lower than the rate in some New York City neighborhoods where studies show it to be as high as 65 percent.

AIDS, DRUG ABUSE, AND COCAINE

For years, intravenous drug abuse was typically associated with heroin, the use of which appears to have declined (or at least stabilized) in recent years. There are now indications, however, that needle use is also common among many cocaine abusers, especially in places such as Chicago that have not experienced the explosive growth of crack. With cocaine still immensely popular, this development has important implications for the spread of AIDS among the drug-abusing population.

Evidence of the increase in cocaine injection comes from emergency room statistics for 36 hospitals in the Chicago area. Among emergency room episodes related specifically to cocaine, the percentage involving injection of the drug increased from about 18 percent in 1976 to more than 45 percent in 1983 and 38 percent in 1985.³⁷

The popularity of injecting cocaine is also seen in the Drug Use Forecasting data from Chicago. Between October 1987 and July 1988, 693 arrestees interviewed as part of the DUF study reported cocaine abuse. Of these, nearly one-quarter identified intravenous injection, either alone or in combination with other drugs, as their preferred method of ingesting the drug (INTRO-9). In contrast, only about 1 percent reported smoking crack.

The behavior of *all* intravenous drug abusers, particularly their proclivity to share needles, dramatically affects the spread of AIDS. Of the 226 arrestees in the Chicago DUF study who said they had ever injected any drug (not just cocaine), 26 percent reported sharing needles some or most of the time, putting these arrestees, their sex partners, and their offspring—as

well as the drug abusers with whom they share needles and their sex partners and offspring—at high risk of HIV infection. These needle-sharing drug abusers, if and when they enter the criminal justice system, also raise important safety and cost issues for criminal justice.

THE ROLE OF DRUG TREATMENT

The emergence of AIDS threatens to make the job of addressing Illinois' drug problem substantially more complicated—and more expensive. In 1983, the costs of drug abuse in the United States were estimated to be close to \$60 billion annually, and can be expected to be even higher today.³⁸ Using estimates based on population, drug abuse in Illinois probably costs close to \$3 billion every year.

About one-third of the estimated costs of drug abuse are related, either directly or indirectly, to crime. Another 55 percent involve reduced productivity or lost employment. Interestingly, only about 3 percent of the total represents direct costs for treatment and support of drug abusers.

Drug treatment resources remain in short supply in Illinois and throughout the country, despite the fact that the benefits of treatment are well documented. Research shows, for example, that persons in treatment have substantially lower rates of drug abuse and crime than substance abusers who are not in treatment.³⁹ Even when people who have successfully completed treatment programs relapse into drug abuse, their levels of both drug abuse and crime are still lower than either their own pre-treatment levels or the levels of people who never received treatment in the first place.⁴⁰

Drug treatment also has been found to offer significant hope in reducing the spread of AIDS among intravenous drug abusers. In New York City, studies show that intravenous drug abusers in methadone maintenance treatment had much lower rates of HIV infection than abusers who remained on the street. One study discovered that 23 percent of the intravenous drug abusers in treatment tested positive for HIV, compared with 47 percent who were not in treatment.⁴¹ Another study of 633 clients in six treatment clinics in New York, Philadelphia, and Baltimore found that 70 percent of those entering and remaining in treatment stopped all needle use (and needle sharing), while 80 percent of

those who dropped out of treatment returned to intravenous drug abuse within one year.⁴²

MEASURING THE SUCCESS OF THE WAR ON DRUGS

Most criminal justice officials agree that winning the war on drugs—reducing drug abuse and the crime associated with it—requires not only more aggressive enforcement and expanded treatment opportunities, but also stepped-up education and prevention efforts as well. Dozens of programs in each of these areas are already under way in Illinois—from the expansion of the state's metropolitan enforcement groups and drug task forces, to the growing use of the Drug Abuse Resistance Education and McGruff prevention programs in the schools, to the creation and promotion of hundreds of local drug treatment programs and facilities.

This type of multi-faceted approach has already been used—and used successfully—in the campaign against drunken driving. In Illinois, the number of DUI arrests is down, officials report, because people are increasingly aware of the problem, and aware of the tough new laws and enforcement measures being used to remove drunken drivers from the road.

Recent public opinion seems to agree with this conclusion. A Roper poll conducted for the All-Industry Research Advisory Council found that from 1985 to 1988, the percentage of Americans who said they drove after drinking alcohol fell from 37 percent to 28 percent. The Gallup Poll in late 1988 found that a majority of U.S. adults who attend parties where alcoholic beverages are served say they try to put into practice the designated driver concept—asking a member of the group to voluntarily abstain from drinking alcohol and then to drive everyone else home.

Recent gains in the battle against drunken driving were many years in the making. In the same way, it may take several years before the outcome of Illinois' renewed war on drugs is known. This *Trends and Issues* report will be useful in helping to measure the state's success. For in addition to documenting the current status of the state's drug problem, *Trends and Issues* provides a baseline for analyzing future trends in drug law enforcement and for comparing future patterns in drug abuse and its relationship to other crimes.

Notes

- ¹ See, for example, *The Challenge of Crime in a Free Society* (Washington, D.C.: President's Commission on Law Enforcement and the Administration of Justice, 1967); or Donald Mulvihill and Melvin Tumin, *Crimes of Violence* (Washington, D.C.: National Commission on the Causes and Prevention of Violence, 1969).
- ² Survey by the Roper Organization (Roper Report 87-2), January 10-24, 1987; reported in *Public Opinion*, November/December 1987, p. 27.
- ³ Survey by the Roper Organization for *U.S. News & World Report* and Cable News Network, August 22-26, 1986; reported in *Public Opinion*, November/December 1986, p. 31.
- ⁴ Because of methodological concerns, arrests projections could be calculated only for adults—people aged 17 and older. In recent years, officially recorded drug arrests involving juveniles have equaled between 6 percent and 11 percent of the adult total. See Appendix B for a discussion of the methodology used to create these arrest projections.
- ⁵ Annual Survey of High School Seniors, conducted by the University of Michigan Institute for Social Research, for the National Institute on Drug Abuse.
- ⁶ National Household Survey on Drug Abuse, National Institute on Drug Abuse.
- ⁷ In contrast, abuse of most drugs *increased* among adults aged 26 and older. This increase, however, may be at least partially explained by the aging of individuals who began using drugs in previous years.
- ⁸ Between 1985 and 1987, a slightly different panel of 40 Chicago-area hospitals reported *increases* in emergency room episodes related to some drugs, particularly cocaine, heroin, LSD, and PCP. While the National Institute on Drug Abuse reports that some of the increases may be the result of reporting changes, the data do suggest that trends in drug-related emergency room episodes should be monitored for continued increases in the future.
- ⁹ The National Institute on Drug Abuse, which administers the DAWN program, reports that the most recent increases may be partially the result of reporting changes.
- ¹⁰ Formerly Treatment Alternatives to Street Crimes.
- ¹¹ *Drug Smuggling* (Washington, D.C.: Drug Enforcement Administration, 1987).
- ¹² *Community Epidemiology Work Group: Epidemiology of Drug Abuse in the United States and Europe* (Rockville, Md.: National Institute on Drug Abuse, 1988).
- ¹³ In Chicago, DUF data are collected by Treatment Alternatives for Special Clients (TASC), a non-profit organization that specializes in working with offenders with drug problems. Once each quarter, TASC personnel spend several evenings in a row interviewing arrestees brought to Cook County's Night Bond Court and collecting interview data and urine samples. Between October 1987 and July 1988, TASC conducted four DUF administrations, collecting information on a total of 989 male and 122 female arrestees. Approximately one-quarter of the people tested had been arrested for drug offenses; burglary, assault, and larceny/theft ranked next as the most serious charges among DUF participants.
- ¹⁴ *Jail Inmates 1983* (Washington, D.C.: Bureau of Justice Statistics, 1985).
- ¹⁵ *Drug Use and Crime: State Prison Inmate Survey, 1986* (Washington, D.C.: Bureau of Justice Statistics, 1988).
- ¹⁶ *The Figgie Report Part VI—The Business of Crime: The Criminal Perspective* (Willoughby, Ohio: Figgie International, 1988).
- ¹⁷ Bureau of Justice Statistics, 1988.
- ¹⁸ See, for example, M. Douglas Anglin and George Speckart, "Narcotics Use and Crime: A Multisample, Multiperiod Analysis," *Criminology* (vol. 26, no. 2, May 1988), pp. 197-233; or David Nurco, et al., "The Criminality of Narcotic Addicts," *The Journal of Nervous and Mental Disease* (vol. 173, no. 2, 1985), pp. 94-102.
- ¹⁹ M. Douglas Anglin and Yih-Ing Hser, "Addicted Women and Crime," *Criminology* (vol. 25, no. 2, May 1987), pp. 359-397.
- ²⁰ David Nurco, et al., "Differential Criminal Patterns of Narcotic Addicts over an Addiction Career" *Criminology* (vol. 26, no. 3, August 1988), pp. 407-423.

- ²¹ B. Johnson, et al., *Taking Care of Business: The Economics of Crime by Heroin Users* (Lexington, Mass.: Lexington Books, 1985).
- ²² James Inciardi, *The War on Drugs: Heroin, Cocaine, Crime, and Public Policy* (Palo Alto, Calif.: Mayfield Publishing Company, 1986), p. 128.
- ²³ Paul Goldstein, "The Drugs/Violence Nexus: A Tripartite Conceptual Framework," *Journal of Drug Issues* (Fall 1985), pp. 493-506.
- ²⁴ Paul Goldstein and Henry Brownstein, *Drug Related Crime Analysis—Homicide* (Albany, N.Y.: New York State Division of Criminal Justice Services, 1987).
- ²⁵ DCFS data on so-called cocaine babies do not break down the specific substances found in the infants' blood. However, officials believe that the vast majority of these cases involve cocaine, followed by alcohol and other drugs.
- ²⁶ The relationship between alcohol abuse and crime has been explored by some researchers. For example, a 1983 survey of local jail inmates nationwide found that 48 percent of the convicted offenders admitted to drinking just before committing the crimes for which they were sentenced. Of those who had been drinking, more than half said they had been drinking enough to feel "pretty drunk" or "very drunk" [*Jail Inmates 1983* (Washington, D.C.: Bureau of Justice Statistics, 1985)]. A 1982 study of 66 convicted female felons found that nearly half were diagnosed as alcoholics [C.R. Cloninger, S.B. Guze, and R.L. Martin, "Alcoholism and Female Criminality," *Journal of Clinical Psychiatry* (vol. 43, no. 10, 1982), pp. 400-403]. And a 1982 study involving 138 juvenile offenders found that 65 percent of those who had committed serious crimes—aggravated assault and arson, for example—misused alcohol, as did 85 percent of those who had committed less serious acts [R. Jensen, "Severity of Delinquent Offenses and Alcohol Involvement among Residents from a Rural Midwestern Juvenile Correctional Facility," *Juvenile and Family Court Journal* (vol. 33, no. 4, 1982), pp. 63-66].
- ²⁷ *Statistical Abstract of the United States, 1987* (Washington, D.C.: Bureau of the Census, 1986).
- ²⁸ Steve Olson and Dean Gerstein, *Alcohol in America: Taking Action to Prevent Abuse* (Washington, D.C.: National Academy Press, 1985).
- ²⁹ "Epidemiologic Bulletin No. 14," *Alcohol Health and Research World* (Spring 1987); *Sixth Special Report to the U.S. Congress on Alcohol and Health* (Washington, D.C.: National Institute on Alcohol Abuse and Alcoholism, 1987).
- ³⁰ *Drunk Driving* (Washington, D.C.: Bureau of Justice Statistics, 1988).
- ³¹ Fluctuations in the annual number of confirmed alcohol-related traffic fatalities are affected by differences in the percentage of drivers involved in fatal accidents who are tested each year.
- ³² Although many of the people aged 1 to 4 who die of complications related to AIDS are the children of intravenous drug abusers, some of the child victims may have contracted the virus through other means, such as blood transfusions or from parents who were not intravenous drug abusers.
- ³³ Illinois Criminal Justice Information Authority, *The Compiler* (vol. 8, no. 4, Spring 1988), p. 1.
- ³⁴ Ronald Smothers, "AIDS-Infected Defendants Barred from Three Courtrooms in Alabama," *The New York Times*, December 14, 1988, p. 16.
- ³⁵ "Court Bars Involuntary Transfer of Inmates to AIDS Dormitory," *Criminal Justice Newsletter*, December 1, 1988, p. 3.
- ³⁶ AIDS Outreach Intervention Study, conducted by Wayne Wiebel, University of Illinois at Chicago, School of Public Health, for the National Institute on Drug Abuse.
- ³⁷ Drug Abuse Warning Network, National Institute on Drug Abuse.
- ³⁸ Henrick Harwood, et al., *Economic Costs to Society of Alcohol and Drug Abuse and Mental Illness: 1980* (Research Triangle Park, N.C.: Research Triangle Institute, 1984).
- ³⁹ Anglin and Speckart, 1988.
- ⁴⁰ Harry Wexler, Douglas Lipton, and Bruce Johnson, "A Criminal Justice System Strategy for Treating Cocaine-Heroin Abusing Offenders in Custody," *Issues and Practices in Criminal Justice* (Washington, D.C.: National Institute of Justice, 1988).
- ⁴¹ David Novick, et al., In *Problems of Drug Dependence*, Proceedings of the 47th Annual Scientific Meeting, The Committee on Problems of Drug Dependence, 1985.
- ⁴² John Ball, et al., "Reducing the Risk of AIDS Through Methadone Maintenance Treatment," *Journal of Health and Social Behavior* (vol. 29, September 1988), pp. 214-226.

What are the Most Abused Drugs?

Substances with the potential for abuse range from simple kitchen spices to common flowers and weeds to highly sophisticated and synthetic drugs. In general, these substances may be divided into five categories: (1) narcotics, (2) stimulants, (3) depressants, (4) tranquilizers, and (5) hallucinogens.¹

NARCOTICS

Narcotics include both natural opiates (morphine and codeine) as well as semi-synthetic (heroin) and synthetic (Demerol) substances, all of which produce insensibility or stupor because of their depressant effect on the central nervous system. Narcotics are distilled from the juice of the base of the poppy flower. All are highly addictive, and abusers usually develop a tolerance for the drugs, meaning that over time successively larger doses are needed to produce a *high*. Here are some of the most commonly abused narcotics:

■ **Morphine.** An alkaloid of opium, morphine is used in the medical community as a principal drug to relieve pain. When used illegally, morphine sulfate, the base product of morphine which comes in bricks, is typically refined into other opiates before reaching this country. However, morphine sulfate is sometimes injected as a substitute for heroin when it is in short supply.

■ **Heroin.** Heroin is morphine that has been chemically treated to make it 5 to 10 times stronger. Heroin is usually found as a white or brown powder that has been mixed with another powdery substance, such as sugar, to extend its bulk. The drug is typically cooked or dissolved and then injected intravenously; like other opiates, it may be snorted or smoked as well. Illinois gets the majority of its heroin from Mexico—approximately 78 percent in 1987—although Southeast and Southwest Asian heroin is becoming increasingly popular nationwide.²

■ **Codeine.** Codeine is an opiate used legally, in small doses, in many cough

syrups. Liquid codeine is also the most common form in which the drug is abused illegally, although codeine in powder form or tablet may be ingested as well. In large doses, codeine produces a severe dulling of the senses or a complete stupor.

■ **Demerol.** Technically known as meperidine, Demerol is a purely synthetic opiate reportedly more addictive than heroin. It is most often injected in liquid form or taken orally as a tablet.

■ **Methadone.** Another synthetic opiate, methadone is a very powerful narcotic used most often in the treatment of narcotics abusers. It too is found in either liquid or tablet form. Methadone maintenance is currently the most common, and controversial, chemically based method of drug treatment.³

STIMULANTS

Stimulants are substances that directly stimulate the central nervous system. They include amphetamines (methamphetamine, dexedrine, and others) and amphetamine-like substances (such as Preludin). Cocaine is also considered a stimulant, although it affects the nervous system through a different biochemical mechanism than other stimulants. It is unclear how physically addictive most stimulants are and whether abusers experience a true withdrawal syndrome (there is currently intense debate, for example, about whether cocaine is physically addictive). What is known, however, is that regular abusers of stimulants may experience pronounced adverse emotional and physical effects if they cease use abruptly. Here are some of the most commonly abused stimulants:

■ **Cocaine.** The product of the coca bush that grows primarily in the Andes Mountains and other parts of South America, cocaine is technically a stimulant, not a narcotic as it is classified under many laws. Leaves of the coca plant, which themselves are chewed by people in some parts of South America, are processed into coca paste and then into

cocaine, a white powder with a crystalline structure that reflects light. Cocaine, which is usually mixed with other powders to extend its bulk, can be ingested in many ways: snorting it through the nose, injection (sometimes with other drugs such as heroin), and *freebasing* (a method of smoking the drug after purifying it with a substance such as ether).

■ **Crack.** "Crack" is a powerful form of cocaine that has surfaced in the 1980s in almost every state, including Illinois. Crack is extremely pure cocaine—75 percent to 90 percent pure—that is formed into small pellets, or rocks, and then smoked. It produces a more intense, and more immediate, high than powder cocaine, and appears to be more addictive as well.

■ **Amphetamines.** For years prescribed by physicians for weight control and other purposes, amphetamines have very limited medical use today.⁴ On the street, amphetamines go by a variety of names such as "black beauties" or "pink hearts." They are usually ingested in tablet or capsule form, although occasionally they are found as powders or liquids. Methamphetamine (often referred to simply as "speed") is a powerful, widely abused stimulant that is often ingested intravenously.

■ **Preludin.** Known generically as phenmetrazine, this is one of the most sought-after prescription stimulants.

DEPRESSANTS

This group includes a variety of drugs, both old and new, that have a depressant effect on the central nervous system. Most *depressants* are addictive to some extent—that is, there is some withdrawal syndrome associated with cessation of regular abuse. Here are two of the most commonly abused classes of depressants:

■ **Barbiturates.** This category includes secobarbital (Seconal), phenobarbital (Luminal), and other true barbiturates. They are used in medicine as relaxing or sleep-inducing medications,

but are often diverted from legitimate channels. Barbiturates are almost always ingested orally. When abused recreationally, they produce an intoxication similar to that produced by alcohol (which itself is a depressant). In fact, barbiturates are often used with alcohol, a combination that can be fatal. The withdrawal syndrome from barbiturates, unlike that from narcotics, can be life-threatening.

■ **Alcohol.** Ethyl alcohol, which is found in alcoholic beverages such as beer, wine, and spirits, is probably the most important of all the depressants—indeed, of all psychoactive drugs—in that it accounts for more drug-related problems than all other psychoactive drugs combined.⁵ Alcohol creates a tolerance in the abuser, and is often used in combination with other drugs, not just other depressants.

TRANQUILIZERS

Like sedatives, *tranquilizers* have a depressant effect on the nervous system. But unlike barbiturate-like sedatives, tranquilizers are designed to reduce tension or relieve anxiety without producing sleep or impairing normal physical or mental functions. In general, tranquilizers are divided into two classes:

■ **Major tranquilizers.** "Major" tranquilizers, primarily phenothiazine and reserpine-type drugs (which are also sometimes used to treat high blood pressure), are those with anti-psychotic activity. They are not known to produce dependence, but recreational abuse of them is thought to be practically nonexistent.

■ **Minor tranquilizers.** This group includes a number of chemically quite different drugs, such as Valium (diazepam) and Librium, that are not used to treat psychosis, but are used instead primarily to relieve anxiety or tension or to relax muscles. During much of the 1970s, Valium was the most frequently prescribed drug in America. "Minor" tranquilizers, which are almost always ingested orally in tablet form, create both tolerance and withdrawal, although their addiction potential is minor. They do not seem to be abused heavily for recrea-

tional purposes, although abuse supplies are usually obtained by having prescriptions refilled in excess of normal needs.

HALLUCINOGENS

Hallucinogens include a variety of natural and synthetic substances that can distort perception and cause hallucinations. Although abusers of hallucinogens can become tolerant to the drugs, physical dependence has not been clearly established. Here are some of the most commonly abused hallucinogens:

■ **Marijuana.** Although chemically distinct from other hallucinogens, marijuana—the most widely abused illegal drug in America—is pharmacologically still considered a hallucinogen, albeit a very mild one. Marijuana is derived from the *Cannabis sativa L.* plant, and is typically smoked in a cigarette or pipe. The drug's intoxicating substance, tetrahydrocannabinol (THC), is found primarily in the resin from the flowering tops and leaves of the female plant. The potency of the drug depends on the concentration of THC in the plant, and in recent years, sophisticated domestic growers have created new strains of marijuana, such as sinsemilla, that are more potent than much of the marijuana grown in South America, Mexico, the Middle East, and other parts of the world. Marijuana may also be converted into highly concentrated forms, such as hashish and hash oil, and smoked. The cannabis plant, which was widely grown in Illinois and elsewhere in the 1940s to produce hemp for rope, continues to grow wild in many areas. For decades, marijuana's addictive qualities and its effect on abusers' health have been the subjects of great debate.

■ **LSD.** Lysergic acid diethylamide (LSD) was first synthesized in 1938 from the lysergic acid found in ergot, a fungus that grows on rye. LSD is the most potent of hallucinogens, becoming psychoactively effective at a dose level of about 40 micrograms (0.0012 of an ounce), although doses typically range between 50 and 300 micrograms. LSD is almost always ingested orally, often as a crystalline powder in capsules or as a tasteless, colorless, and odorless liquid

placed on other substances, such as sugar cubes or small pieces of paper. LSD affects the central nervous system, producing tremendous changes in mood and behavior and frequently intense hallucinations. Although psychological dependence may develop, LSD does not appear to be physically addictive.

■ **Mescaline/peyote.** For centuries, various Native American tribes have used the Mexican cactus, peyote, in religious ceremonies. Mescaline, which is derived from peyote, is available on the illicit market as a crystalline powder in capsules or as a liquid. It may also be found as whole or chopped cactus "buttons." The drug is generally taken orally, and because of its bitter taste, is often ingested with a beverage. Mescaline is known to produce trance-like states.

■ **Psilocybin.** Derived from the psilocybe mushrooms found mostly in Mexico, psilocybin has also been used in Native American religious rites as far back as pre-Columbian times. It is not nearly as potent as LSD, but it can produce hallucinogenic effects in adequate doses. Psilocybin is usually ingested orally, as whole, dried mushrooms, although it also may be found in crystalline, powdered, or liquid form.

■ **DMT.** Dimethyltryptamine (DMT) is a natural constituent of the seeds of certain plants found in the West Indies and South America. Powder from these seeds is still used as snuff by some tribes in South America. The synthetically prepared DMT, a crystalline powder that is often mixed with parsley, oregano, or marijuana and then smoked as a cigarette, produces effects similar to those of LSD, although much larger doses are required.

■ **PCP.** Often called "angel dust," phencyclidine (PCP) in its purest form is a white powder which readily dissolves in water. It is used legally in veterinary medicine as an animal immobilizing agent. On the street, PCP is sold in various forms—tablet, liquid, or powder (in the latter two instances, it is often placed on parsley, oregano, or marijuana and then smoked as a cigarette). PCP is often quite adulterated and even misrep-

resented as a variety of other drugs, including THC (the principal psychoactive ingredient in marijuana), mescaline, psilocybin, and LSD. In fact, PCP is a difficult drug to classify, for it has properties of stimulants, depressants, and hallucinogens. In large doses, the drug is known to produce varying effects, from a psychic state resembling sensory isolation to wild, often violent behavior leading up to severe convulsions.

DRUGS UNDER ILLINOIS LAW

Controlled substances in Illinois, both legal and illegal, are classified for regulatory and law enforcement purposes under five different schedules enumerated in state law:⁶

■ **Schedule I.** These are substances that (1) have a high potential for abuse and (2) have no currently accepted medical use in treatment in the United States, or lack accepted safety for use in treatment under medical supervision. There are nearly 100 Schedule I drugs, includ-

ing heroin and many of the common hallucinogens (for example, LSD, mescaline/peyote, psilocybin).

■ **Schedule II.** These are substances that (1) have a high potential for abuse, (2) have currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions, and (3) may lead to severe psychological or physiological dependence. There are more than 50 Schedule II drugs, including several opiates (codeine, morphine), stimulants (cocaine, amphetamines, Preludin), and depressants (secobarbital, pentazocine), as well as PCP.

■ **Schedule III.** These are substances that (1) have less of a potential for abuse than Schedule I and II drugs, (2) have currently accepted medical use in treatment in the United States, and (3) may lead to moderate or low physiological dependence or high psychological dependence. There are more than two dozen Schedule III drugs, mostly stimu-

lants and depressants as well as some forms of codeine.

■ **Schedule IV.** These are substances that (1) have a low potential for abuse relative to Schedule III drugs, (2) have currently accepted medical use in treatment in the United States, and (3) may lead to limited physiological or psychological dependence relative to Schedule III substances. There are more than 30 Schedule IV drugs, including stimulants, depressants, and minor tranquilizers (Valium, for example).

■ **Schedule V.** These are substances that (1) have a low potential for abuse relative to Schedule IV drugs, (2) have currently accepted medical use in treatment in the United States, and (3) may lead to limited physiological or psychological dependence relative to Schedule IV substances. There are only a handful of Schedule V drugs, including cough syrups that contain low percentages of codeine and opium in combination with non-narcotic medicinal ingredients.

Notes

¹ *Drug Abuse: Escape to Nowhere, A Guide for Educators* (Philadelphia: Smith Kline & French Laboratories, for the National Education Association, 1969).

² U.S. Drug Enforcement Administration, Heroin Signature Program.

³ Richard Stephens, *Mind-Altering Drugs: Use, Abuse, and Treatment* (Newbury Park, Calif.: SAGE Publications, 1987), p. 88.

⁴ Stephens, 1987, p. 33.

⁵ Stephens, 1987, p. 27.

⁶ Ill.Rev.Stat., ch. 56 1/2, par. 1201, et seq.

What is DUI?

In most American jurisdictions, there are two operational and legal definitions of drunken driving: (1) the traditional, or *presumptive*, crime of "driving under the influence" or "driving while intoxicated," which is based on an observation of the suspect's behavior; and (2) a newer, *per se* offense of driving with a blood alcohol concentration (BAC) greater than some specified level, usually .10. Such is the case in Illinois, where state law prohibits a person from driving any vehicle within the state under the following conditions:

- With a BAC—the ratio of alcohol to blood in the body—of .10 or more
- While under the influence of alcohol
- While under the influence of any drug or combination of drugs to a degree which renders the person incapable of safely driving
- While under the combined influence of alcohol and any drug or drugs to a degree which renders the person incapable of safely driving

Criminal justice scholars have argued that both the presumptive and *per se* definitions of DUI present analytical and conceptual problems.¹ The presumptive definition, they argue, is vague and delegates extraordinary power to police to determine whether an offense has occurred. Because alcohol habits, attitudes, and tolerances vary widely, so can police discretion based on the presumptive definition of DUI. Despite these objections, the courts have generally rejected challenges to the vagueness of these laws, and have supported such presumptive definitions of DUI.

MEASURING BAC LEVELS

Still, the vagueness of the presumptive definition has led lawmakers over the past four decades to try to define the offense of DUI more specifically and scientifically. As breath-testing methods became available in the early 1940s, it became possible to obtain scientific evidence of the driver's BAC level in a large proportion of drunken driving cases.² Laws were enacted providing

that a BAC above a certain level, now typically .10, could be treated as evidence of driving under the influence of alcohol.

The amount of alcohol necessary to bring someone over the prohibited .10 level depends, among other things, on the person's weight, body type, the amount of food in the stomach, and the speed at which the alcohol was consumed.³ A BAC of .10, however, does not mark some scientific divide between impaired and unimpaired driving. A decade ago, for example, many states had set BAC .15 as the level at which a presumption of intoxication became operative. But increasing public awareness of drunken driving, along with research tying BAC .10 to impaired driving, led to the passage in 1984 of a federal law requiring states receiving federal highway funds to adopt BAC .10 as the *per se* level for drunken driving.

In fact, research has documented that even when a driver's BAC reaches .05, the chances of being involved in a crash more than double.⁴ A driver with a BAC of .10 is six times more likely to have an accident than a completely sober driver; a driver with a .15 BAC is 25 times more likely to have an accident; and a driver with a .20 BAC is 100 times more likely. Another study, by the American Medical Association, found that at BAC .10 drivers are likely to show serious driving impairment.⁵

In addition to lowering the minimum BAC level at which a driver is legally considered intoxicated, states in recent years have raised the minimum age for the purchase of alcoholic beverages back to 21. This marked a reversal of the trend in the 1970s and early 1980s, when many states lowered their minimum drinking ages from 21, largely in response to the ratification in 1971 of the 26th Amendment to the U.S. Constitution, which extends the right to vote to 18-year-olds. But in 1984, the availability of federal highway funds was made contingent on states setting their minimum drinking age at 21. Wyoming in

1988 became the 50th state to do so, thus closing the country's last "blood border," a term that graphically depicted the tragedy that often occurred when young people drove across state lines to drink alcoholic beverages in a neighboring state that had a lower drinking age.

Through 1986, Illinois had its own blood border with Wisconsin, which still maintained a drinking age of under 21. The result was a large number of traffic accidents and fatalities involving teenagers in Illinois' northernmost counties, particularly on weekends. In 1986, the Wisconsin legislature, reacting to pressure from Illinois and federal officials, raised that state's drinking age to 21. Teen DUI arrests in those same Illinois counties immediately declined. In 1986, 259 drivers aged 19 and younger were arrested for DUI in Lake County; in 1987, after the Wisconsin law went into effect, the number fell 27 percent, to 190. In McHenry County, teen DUI arrests declined from 113 in 1986 to 62 in 1987, a 45-percent drop.

TOUGHER LAWS, STRICTER ENFORCEMENT

Besides raising their legal drinking age to 21 and adopting BAC .10 DUI laws, states in recent years have enacted hundreds of new laws that seek to reduce drunken driving through stricter enforcement and tougher penalties, including mandatory jail terms, severe fines, and more expeditious and longer license suspensions and revocations.⁶ Some states have abolished or restricted plea bargaining in drunken driving cases. Local police departments in some areas have given increased priority to drunken driving arrests and implemented nighttime sobriety checkpoints.⁷ Courts have upheld most of these measures, as well as others, including punitive civil damages against drunken drivers,⁸ and liability for commercial establishments that serve alcohol and even for private social hosts.⁹

In Illinois, DUI laws have changed dramatically over the past two decades. For

years, the state prohibited driving while under the influence of alcohol or drugs, but in 1972, an *implied consent* law was enacted, specifying that anyone who is licensed to drive a motor vehicle has implicitly consented to a chemical test of his or her BAC level. Those arrested for DUI who refused to submit to tests faced a three-month suspension of driving privileges, if they did not successfully challenge the suspension at a subsequent court hearing. They also faced additional penalties if found guilty of DUI itself.

Enforcement of the 1972 law, however, proved too cumbersome to serve as an effective deterrent. The percentage of people arrested for DUI who were subsequently convicted dropped from 66 percent in 1971 to 29 percent in 1981. That year, the percentage of drivers arrested by the Illinois State Police who refused to submit to breath tests had reached 47 percent.

Even when guilt in a DUI case could be established, court supervision—under which the offender was usually required to participate in an alcohol or drug rehabilitation program—was frequently considered the most appropriate disposition at that time. Upon successful completion of the program, the judge would dismiss the charges and take no further action against the driver. The offender's driving privileges would be unaffected.

In addition to avoiding criminal or administrative penalties in such cases, offenders also escaped having the DUI arrest appear on their driving records. A repeat DUI offender could conceivably be placed on supervision over and over again, and still have a "clean" driving record. Since repeat offenders could not be easily identified, tougher penalties for them could not be imposed.

CHANGES IN THE 1980s

In 1981, a consortium of concerned citizens, organizations, private businesses, and government agencies, led by the Illinois secretary of state and the

Illinois Motor Vehicle Laws Commission, proposed major changes to Illinois' DUI laws. Many of these changes were subsequently enacted into law by the Illinois General Assembly.

A 1982 law, for example, streamlined DUI arrest procedures, making it easier for police to administer BAC tests and harder for drivers to refuse the test. The law allowed a driver's BAC level to be established with only one breath test, not the two tests that were required previously; it authorized police to determine which BAC tests (breath, blood, and urine) they would administer; and it permitted police to test the blood of an unconscious person. The law also allowed police to test drivers more quickly, eliminating the 90-minute waiting period previously provided to arrested drivers so they could decide whether to submit to testing.¹⁰ And it doubled the penalty for refusing a test, to a six-month driver's license suspension, and permitted the refusal to take a chemical test to be used as evidence against the driver in court.

During 1983, legislation was passed supplementing the 1982 law and providing additional tools for identifying repeat DUI offenders. Among other things, the new legislation required that the Secretary of State's Office be notified of all DUI defendants given supervision, not just those who were convicted. The legislation limited DUI offenders to one sentence of supervision every five years and prohibited the removal of supervision from court records for five years. It also provided for mandatory imprisonment or mandatory community service work for a second or subsequent DUI conviction within five years or for driving on a revoked license following a DUI conviction.

In 1985, an Illinois DUI Task Force, chaired by Secretary of State Jim Edgar, made 59 additional recommendations for strengthening state DUI laws. Fifty-two of these were adopted either administratively or through legislation, including the following:

- A summary suspension law was enacted, under which DUI offenders

automatically lose driving privileges for registering a BAC level of .10 or greater or for refusing to take a chemical test.

- Color-coded licenses were created in order to clearly identify drivers under the age of 21.

- Victims of automobile accidents caused by drunken driving and the victims' families were granted rights to be notified of the progress and disposition of the DUI cases.

- The penalty for reckless homicide was increased from a Class 4 to a Class 3 felony, punishable by 2 to 5 years in prison.

- The penalty for giving alcohol to someone under age 21 was increased from a Class B to a Class A misdemeanor.

- A Class A misdemeanor was created for anyone who allows his or her vehicle to be operated by someone under the influence of alcohol or drugs.

- Liability limits for *dram shops*—commercial establishments that sell alcoholic beverages—were doubled for property damage or injury, and for loss of support due to injury or death.

Finally during 1987, legislation was passed to increase penalties for repeat DUI offenders. These revisions, which took effect in January 1988, require a minimum three-year loss of driving privileges for any two convictions of DUI, reckless homicide, or leaving the scene of an accident involving death or personal injuries. For three or more such convictions, a minimum six-year loss of driving privileges, plus a Class 4 felony charge, is required.

Another new law allows law enforcement agencies to impound for up to six hours the vehicles of persons arrested for DUI. This is intended to prevent drunken drivers who are still under the influence of alcohol or drugs from driving away after posting bond.

Notes

¹ James Jacobs, "The Law and Criminology of Drunk Driving," *Crime and Justice* Volume 10 (Chicago: University of Chicago Press, 1988).

² Jacobs, 1988.

³ *Alcohol and the Impaired Driver: A Manual on the Medicolegal Aspects of Chemical Tests for Intoxication, with Supplement on Breath/Alcohol Tests* (Chicago: National Safety Council, 1970).

⁴ R.L. Holcomb, "Alcohol in Relation to Traffic Accidents," *Journal of the American Medical Association* 3 (1938), pp. 1076-1085. *Proceedings of the Second International Conference on Alcohol and Road Traffic* (Toronto: Garden City, 1955). William Haddon Jr., Edward Suchman, and David Klein, *Accident Research: Methods and Approaches* (New York: Harper & Row, 1964).

⁵ Report of the Council on Scientific Affairs (Ray W. Gifford, Chairman), presented to the American Medical Association House of Delegates, 1985.

⁶ *Digest of State Alcohol-Highway Safety Related Legislation*, third edition (Washington, D.C.: National Highway Traffic Safety Administration, 1985).

⁷ James Jacobs and Nadine Strossen, "Mass Investigations without Individualized Suspicion: A Constitutional and Policy Critique of Drunk Driving Roadblocks," *U.C. Davis Law Review* 18 (1985), pp. 595-680

⁸ *Taylor v. Superior Court*, 24 Cal. 3d 890, 598 P.2d 854, 157 Cal. Reporter 693 (1979).

⁹ *Lopez v. Maez*, 98 N.M. 625, 651 P.2d 1269 (1982); *Kelly v. Grinnell*, 96 N.J. 538, 426 A.2d 1219 (1984).

¹⁰ Police are generally instructed to wait 20 minutes before administering a breath test, in order to observe the driver's behavior and to ensure that no other substances, such as chewing gum or breath mints, will interfere with the testing process.

What is AIDS?

AIDS—or acquired immune deficiency syndrome—is a serious, often deadly condition believed to result from infection by the *human immunodeficiency virus* (HIV). The virus can impede the functioning of the central nervous system, the digestive system, and the immune system. However, the damage caused by the virus is most apparent in the immune system, which HIV attacks and can, over time, destroy.¹

The virus attacks T4 cells in the bloodstream. T4 cells are “helper cells” that assist other cells (B cells) to produce antibodies that create immunities to certain diseases.² When the immune system is compromised, the body can be attacked by opportunistic infections and cancers: certain organisms and tumor cells seize the chance to attack the body, unfettered by any immune system defenses.³

Infection with the virus is lifelong; however, not everyone infected with HIV necessarily gets sick. It is not known what percentage of HIV-infected persons will eventually develop AIDS.⁴ Once infection occurs, a person may manifest no ill effects or he or she may exhibit very disabling and sometimes fatal diseases. Medical researchers believe that the likelihood of an infected person developing an AIDS-related disease increases over time.⁵

AIDS is the final stage of an infection that began months or even years earlier (AIDS-1). The process begins when an individual becomes infected with HIV. Sexual contact and needle sharing by drug abusers are the most common means by which HIV is transmitted, accounting for 88 percent of all AIDS cases. The likelihood of infection is believed to depend on a number of factors, including the amount of virus per exposure; virulence of the viral strain to which the indi-

vidual was exposed; number of exposures; and co-factors such as genetic and environmental characteristics, malnutrition, a history of sexually transmitted diseases, and drug or alcohol use.⁶

After HIV has been introduced into the bloodstream, antibody seroconversion—production of antibodies to the virus—occurs within six months, although most infected persons will produce antibodies within 3 to 12 weeks. The most commonly used test to detect HIV antibodies in blood samples is the enzyme-linked immuno-sorbent assay (ELISA). A significant limitation of this test, however, is that it cannot detect that a person is infected with HIV immediately after the virus enters the body, but only after seroconversion. A more accurate test, which can detect a portion of the virus itself, is being tested,⁷ but it is not known when this test will become available. The Centers for Disease Control, the U.S. Public Health Service's national agencies for control of infectious and other diseases, considers a person infected with HIV, and therefore infectious to others, only after the ELISA test detects antibodies to HIV on two consecutive occasions.

Persons infected with HIV but without major symptoms of AIDS may be completely asymptomatic or may experience a condition known as *persistent generalized lymphadenopathy* (PGL)—chronically swollen lymph nodes. These persons show no signs of quantitative depletion of their T4 cells. Although they experience no disabling symptoms, their blood and semen or vaginal secretions could be infectious to others.

There is, at present, disagreement among experts as to whether the saliva of an infected person could transmit HIV. There are no documented cases of a person contracting AIDS through contact with saliva alone.⁸ It has been estimated that, given the level of concentra-

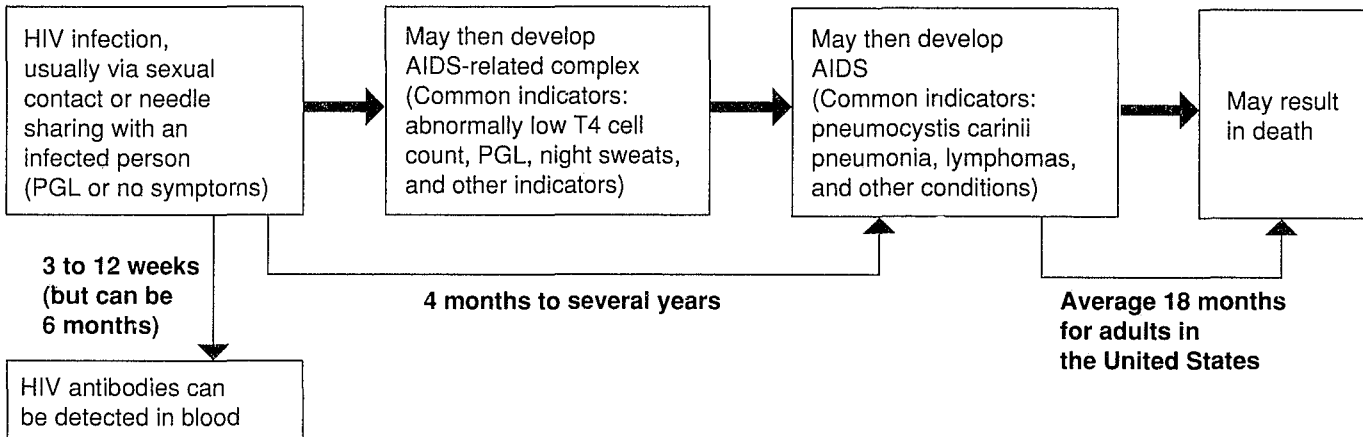
tion of the virus in saliva, one quart of saliva would have to enter the bloodstream of an individual for an infection to occur.⁹

An HIV-infected individual who shows certain definable medical symptoms and an abnormal depletion of T4 cells is considered to have *AIDS-related complex* (ARC). In addition to PGL, persons with ARC manifest at least two of the following conditions: *herpes varicella zosteri* (shingles), *oral candidiasis* (thrush), persistent diarrhea for at least one month, documented fever of unknown origin, drenching night sweats for at least two weeks, and profound fatigue.¹⁰ Persons with ARC are infected with HIV, although they do not suffer from the opportunistic infections or cancers that are required for a diagnosis of AIDS.

AIDS is the final and most visible stage of HIV infection. The incubation period for AIDS—the time from HIV infection to end-stage AIDS—has been shown to be as short as four months or as long as eight years among people who have developed the disease.¹¹ Persons with AIDS show a profound and almost total depletion of their T4 cells. As the T4 cells are lost, B cells lose their ability to produce antibodies, or their antibodies are incapable of fighting off infections. Consequently, the body becomes defenseless against opportunistic infections, such as certain types of pneumonia and tuberculosis, and cancers that are not normally found in individuals with properly functioning immune systems.¹² Over time, most persons with AIDS will die from one of these infections or cancers or from some other AIDS-related condition.¹³ For adults in the United States, the average life expectancy after an AIDS diagnosis is approximately 18 months.¹⁴

AIDS-1

The time from HIV infection to end-stage AIDS can be four months or several years.



Source: Centers for Disease Control

Notes

¹ "Monthly Surveillance Report," *AIDS: Facts for Life* (Springfield, Ill.: Illinois Department of Public Health, 1988) pp. 8, 12.

² Illinois Department of Public Health, 1988, p. 23.

³ Illinois Department of Public Health, 1988, p. 30.

⁴ Illinois Department of Public Health, 1988, p. 27.

⁵ *AIDS in Correctional Facilities: Issues and Options* (Washington, D.C.: National Institute of Justice, 1988).

⁶ National Institute of Justice, 1988, p. 7.

⁷ National Institute of Justice, 1988, pp. 3-4.

⁸ National Institute of Justice, 1988, p. 7.

⁹ National Institute of Justice, 1988, p. 16.

¹⁰ Illinois Department of Public Health, 1988, p. 29.

¹¹ Illinois Department of Public Health, 1988, p. 29.

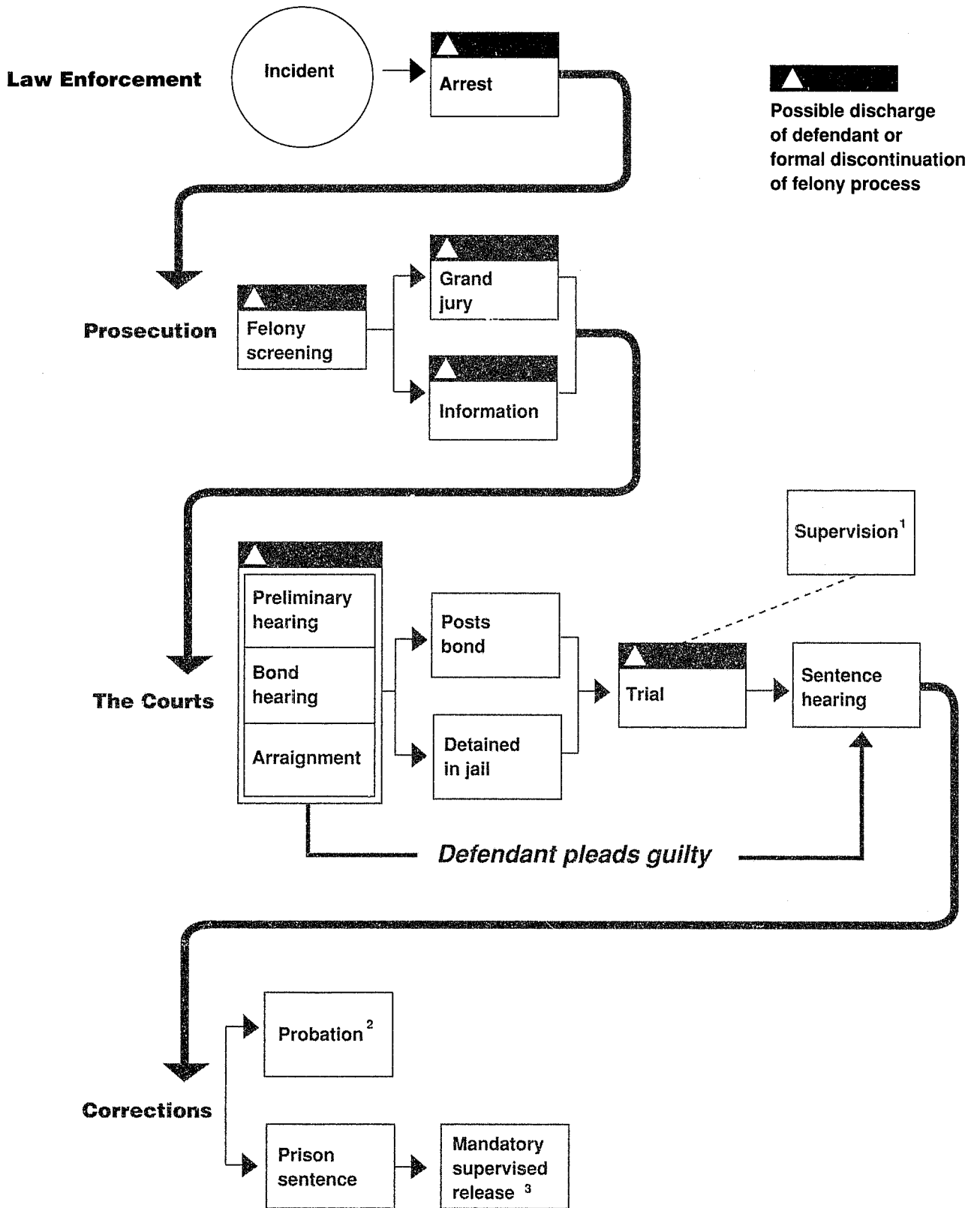
¹² Some of the more common infections and cancers associated with AIDS are pneumocystis carinii pneumonia, disseminated mycobacterium tuberculosis, esophageal candidiasis, toxoplasmosis of the brain, disseminated histoplasmosis,

Kaposi's sarcoma, non-Hodgkin's lymphoma, and Burkitt's lymphoma (Illinois Department of Public Health, 1988, p. 30). One of the most common non-infectious, non-cancerous life-threatening conditions associated with AIDS is HIV wasting syndrome, which involves significant involuntary weight loss, chronic diarrhea or chronic weakness, and a persistent fever (National Institute of Justice, 1988, pp. 5, 130).

¹³ Illinois Department of Public Health, 1988, p. 30.

¹⁴ Illinois Department of Public Health, 1988, p. 30.

An Overview of Felony Processing in Illinois



¹ After successful completion of court supervision, charges may be dismissed

² Or other form of court supervision, such as conditional discharge

³ Or other conditional release from prison



LAW ENFORCEMENT

Overview

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

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

HOW DO CRIMES BECOME KNOWN TO THE POLICE?

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

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

These percentages are based on estimates of the actual amount of crime occurring as reported in victimization surveys, which measure both crimes that police learn about and those that are never reported and entered into police records. The major victimization survey in the United States is the National Crime Survey (NCS) by the Bureau of Justice Statistics, which is based on interviews of a large sample of households across the country. In 1985 and 1986, the bureau produced estimates of the number of victimizations that occurred for Illinois residents aged 12 and older. The Illinois data confirm the national trend: for most crimes for which estimates could be made, the number of victimizations exceeded the number of reported crimes, usually by wide margins (Figure 1-1). Although the overall, national sample size is quite large, the sample for any one state is relatively small. Estimates for certain crimes, therefore, could not be included in the Illinois victimization figures.

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

- Completed crimes are more likely to be reported than attempted crimes.
- When the victim is injured the crime is more likely to be

Figure 1-1

In 1986, the estimated number of victimizations in Illinois outnumbered the number of crimes reported to the police for four types of crime.*

	Victimization estimates	Crimes known to police
Completed robbery	27,770	34,712
Attempted robbery	13,700	3,494
Aggravated assault	41,220	16,966
Simple assault	91,600	15,501
Completed residential burglary	183,370	86,911

* The victimization estimates are for personal (noncommercial) crimes against Illinois residents aged 12 and older. The estimated number of victimizations for burglary are based on the number of households in Illinois.

Source: National Crime Survey, Illinois weighted data

reported to police than when the victim is not injured. Also, the reporting rate is higher for crimes resulting in serious injuries than for those resulting in minor injuries.

- The proportion of crimes reported to police increases as the value of the property stolen or damaged goes up. This is true of virtually all crimes, violent and non-violent. Overall, crimes are about twice as likely to be reported if the cash or property loss is \$250 or more than if there is no loss.
- Generally, age, education, race, or other demographic characteristics of victims have a smaller effect on reporting rates than does the type of crime. Nonetheless, the proportions of crimes reported to police are somewhat lower when teenagers or those with less than a high school education are victimized. Considering only crimes of violence, the proportions of crimes reported are higher when the victims are females rather than males, or blacks rather than whites.

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

HOW IS LAW ENFORCEMENT ORGANIZED IN ILLINOIS?

Regardless of how a crime becomes known to the police in Illinois, a municipal police or county sheriff's department is likely to be the first criminal justice agency to respond.⁴ Although both the federal and state governments support some law enforcement efforts in Illinois, most police services are organized, administered, and financed at the local or county level. In 1987, for example, law enforcement functions were performed by the following agencies in Illinois:

- 789 municipal police departments, which employed slightly more than 25,000 full- and part-time sworn officers (nearly half of the sworn officers in the state work for the Chicago Police Department). Although many police departments are involved in a variety of community service activities, their primary responsibility is to enforce state laws and local ordinances.
- 102 sheriffs' departments, with a total of more than 3,300 sworn officers. Besides providing police services in unincorporated areas of their counties, sheriffs' departments operate county jails, provide security for courts and other public buildings, and assist municipal police departments.
- A variety of state-level law enforcement agencies, the largest of which is the Illinois State Police (ISP). In 1987, ISP's Division of State Troopers employed more than 1,700 officers to enforce laws on state and interstate highways in Illinois. Another 405 officers were employed by ISP's Division of Criminal Investigation, which investigates major crimes—large-scale drug offenses, white-collar crimes, fraud, and so on—and helps local police departments with special short-term needs. ISP also employed 50 officers in its Division of Internal Investigations, which is responsible for investigating alleged acts of misconduct in executive-level state agencies. In addition, the Illinois Secretary of State's Office employed 166 officers in 1987 to enforce Illinois' Motor Vehicle Code, and the Department of Conservation employed 146 officers to carry out various fish, game, forestry, and boating laws. The Department of Central Management Services employed 51 officers to provide police services at the State of Illinois Center in Chicago and to various mental health facilities.
- 33 colleges and universities, 27 railroads, 16 park districts, four forest preserves, three airports, two hospitals, and one civic center that maintained law enforcement agencies.

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



- The FBI is charged with investigating all violations of federal law except those that have been assigned by law or executive order to another federal agency. The FBI's priorities are in organized crime (including drug trafficking), terrorism, and white-collar crime.
- The Drug Enforcement Administration is the lead agency for enforcing federal drug laws and regulations. The DEA's primary mission is the long-term immobilization of major drug trafficking organizations.
- The Bureau of Alcohol, Tobacco and Firearms is responsible for enforcing and administering federal firearms and explosives laws, as well as laws covering the production, use, and distribution of alcohol and tobacco products.
- The U.S. Marshals Service provides support and protection to the federal courts, operates the witness security program, executes court orders and arrest warrants, and manages the property seized from criminals.
- The Immigration and Naturalization Service controls entry into the United States by aliens, maintains information on alien status, facilitates certification of citizenship, and apprehends and deports those aliens who enter the country illegally or whose authorized stay has expired.
- The U.S. Customs Service enforces customs and related laws. It interdicts and seizes contraband, including illegal drugs, and administers certain navigation laws.
- The Postal Inspection Service of the U.S. Postal Service investigates threats to the security and effectiveness of the mail, as well as postal funds and property, and apprehends those who violate postal laws.
- The Internal Revenue Service investigates matters of civil and criminal violations of internal revenue laws.
- The U.S. Secret Service, an arm of the U.S. Department of the Treasury, protects visiting federal executives and their families, as well as distinguished foreign visitors. It also detects and arrests offenders for counterfeiting coins, currency, or stamps and for violations of other crimes that involve obligations or securities of the United States.
- Finally, the U.S. Army, Navy, Air Force, Marines, and Coast Guard perform law enforcement functions as they pertain to violations of military law, as well as to the entire realm of national security.

In addition to governmental law enforcement agencies, more and more private law enforcement organizations—such as private security or private detective agencies—are appearing in Illinois and throughout the nation.

These agencies use civilian personnel (who are not vested by law with full police powers) to perform law enforcement tasks that do not require highly trained police officers or agents. In Illinois, there are more than 350 registered private security agencies, employing about 40,000 individual security guards; more than 350 registered private detective agencies, employing 566 individual private detectives; and about 700 registered alarm contractors. By contrast, there are approximately 900 state, county, and local police agencies in Illinois, employing about 30,000 sworn personnel.

The trend toward privatization of law enforcement began about 25 years ago with the increased use of civilian employees in law enforcement agencies for such functions as guarding school crossings, ticketing parked cars, and performing routine guard duty and clerical tasks. Over the past two decades, more and more private individuals and organizations have been contracting with private security agencies for tasks originally performed only by law enforcement officers—including some that directly involve policing itself, such as patrol. A recent study estimated that more than 1.1 million persons nationwide are employed in private security, with \$12 billion to \$15 billion expended by clients of private security agencies in 1985.⁵ Several major cities are contracting with private security agencies to police shopping malls, college campuses, hospital and museum complexes, individual residences, and housing projects. Some smaller cities have even abandoned their police departments and contracted with private agencies to perform police duties.⁶

WHAT TRAINING DO ILLINOIS LAW ENFORCEMENT OFFICERS RECEIVE?

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

The Illinois Local Governmental Law Enforcement Officers Training Board, also called the Police Training Board (PTB), is responsible for the administration and certification of training programs and courses for local law enforcement agencies and their personnel. Since July 1984, all newly appointed officers have been required to meet specific minimum standards before being certified by the State of Illinois. Officers are required to do the following:

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

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

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

WHAT ARE THE TYPICAL FUNCTIONS OF LAW ENFORCEMENT AGENCIES?

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

- Protect the constitutional guarantees of all persons
- Reduce the opportunities for crime
- Help people who are in physical danger and find care for those who cannot care for themselves
- Resolve conflict
- Identify crime and criminals, arrest offenders, and testify in court
- Be aware of potential problems affecting law enforcement and other governmental agencies
- Control traffic

- Create and maintain a feeling of security in the community
- Provide other police services to the community

Note that only one of these objectives mentions arresting offenders. If law enforcement is narrowly defined as applying sanctions (that is, arrests) to behavior that violates legal standards, then police actually spend only a small portion of their time enforcing the law. Some studies have suggested that only about 10 percent of the citizen complaints relayed to the police require enforcement of the law.⁷ More than 30 percent of the calls are appeals to maintain order (for example, to mediate a family dispute or to disperse an unruly crowd), 22 percent are for information gathering activities (asking routine questions at a crime scene, inspecting victimized premises, and obtaining information needed to register criminal complaints), and 38 percent involve service-related duties (assisting injured persons, animal control, or fire calls).

HOW QUICKLY DO POLICE RESPOND TO CALLS FOR SERVICE?

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

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

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

Third, even though they attempt to respond rapidly, police may be hindered by other factors beyond their control. While police are accountable for the elapsed time from the moment the citizen dials the phone to the time that the call is dispatched to a field officer, the additional time it

takes the officer to arrive at the scene of the disturbance is affected by factors beyond police control, such as traffic or weather conditions.

A 1987 study of aggregate response times for 31 law enforcement agencies that use the Authority's Police Information Management System (PIMS) found that the average response times for eight major types of crimes in progress ranged from 2.5 to 4.7 minutes, with the response times for violent crimes slightly faster than those for the property crimes (Figure 1-2).⁹

HOW DOES A LAW ENFORCEMENT OFFICER CARRY OUT AN ARREST?

An arrest is formally made by a law enforcement officer once he or she indicates by word or action an intention to take a person into custody. However, the number of arrests does not necessarily equal the number of people charged with a crime. A certain proportion of the people arrested are taken into custody, questioned, possibly put into a lineup, and then released without being charged with an offense. The proportion depends upon the type of crime. In a complex investigation, several people may be arrested and held briefly for every one person who is eventually charged. In addition, some people are charged and prosecuted without ever being arrested, for example, when suspects are indicted by a grand jury or are served with a summons.

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

Municipal police officers generally confine their arrests to the boundaries of their communities. This general rule was reinforced by an 1869 Illinois Supreme Court ruling that, without an arrest warrant, a local officer has no authority to make an arrest outside the geographical limits of the municipality.¹² Although this decision is 120 years

Figure 1-2

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

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

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

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

old, it has never been overturned by the Illinois Supreme Court or nullified by legislation. Certain exceptions to the general rule, however, have evolved through subsequent court decisions and legislation:

- **Police district cooperation.** By law, the police of any municipality in a police district—the area that includes the corporate limits of adjoining municipalities within a single county¹³—may go into any part of that district to suppress a riot, to preserve the peace, or to protect the lives, rights, and property of citizens.¹⁴ For these purposes, the mayor of any municipality in the district and the chiefs of police in the police district can use the police forces under their control anywhere in the district.
- **Hot pursuit.** Police may continue the immediate pursuit of a person into another Illinois jurisdiction, if that person is trying to avoid arrest.¹⁵
- **Request from another jurisdiction.** State law allows any law enforcement officer to command the assistance of individuals over the age of 18, thus giving them the same authority to arrest as the officer.¹⁶ If the individual is a police officer from another jurisdiction, that officer is empowered to make an arrest outside the officer's community.
- **Warrant arrest.** Every arrest warrant in Illinois is directed to all law enforcement officers in the state, and a warrant may be executed by any officer (or by a private citizen specifically named in the warrant) in any county in the state.¹⁷

Local law enforcement officers have implicit authority to make arrests for federal crimes as well.¹⁸

WHEN IS THE USE OF DEADLY FORCE JUSTIFIED?

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

Both federal and state laws govern police use of deadly force. In 1985, the U.S. Supreme Court held that "there can be no question that apprehension by the use of deadly force is a seizure subject to the reasonableness requirement of the Fourth Amendment. . . . To determine the constitutionality of a seizure, we must balance the nature and quality of the intrusion on the individual's Fourth Amendment interests against the importance of governmental interests alleged to justify the intrusion. . . . Because one of the factors is the extent of the intrusion, it is plain that reasonableness depends on not only when a seizure is made, but also how it is carried out."¹⁹

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

UNDER WHAT CIRCUMSTANCES ARE ARREST WARRANTS NEEDED?

Generally, an arrest must be supported by a valid arrest warrant. Arrest warrants are issued in two different ways. In one, a victim or complaining witness goes directly to a prosecutor with information about a crime, signs a complaint, and then appears before a judge who is authorized to issue an arrest warrant for the suspect in that particular crime. In the other situation, it is a law enforcement officer who files the complaint and goes before a judge to seek an arrest warrant. However, an arrest warrant is not always needed for a law enforcement officer to arrest a criminal suspect. For example, if an officer witnesses a felony or misdemeanor being committed, or if there is probable cause that a felony occurred and that the person being taken into custody committed the crime, the officer may make an arrest on the spot. Unless an officer faces a true emergency, however, police may not enter a person's home without a warrant in order to arrest that person.

One reason for obtaining an arrest warrant is pro-

tection from liability: an invalid arrest without a warrant can lead to departmental discipline, a false-arrest lawsuit against the officer, or a damage action under federal or state civil rights statutes.

WHAT ARE THE RESTRICTIONS ON POLICE INTERROGATION OF A SUSPECT?

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

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

The U.S. Supreme Court handed down two major decisions on police interrogation during its 1987-88 term. In *Arizona v. Roberson*, the Court extended the reach of the *Miranda* decision, ruling that a suspect who invoked the right to an attorney could not be questioned by police about another crime, unrelated to his or her arrest, in the absence of the attorney.²²

In *Patterson v. Illinois*, however, the Court narrowed the scope of the *Miranda* decision, ruling that the warnings given by arresting officers were sufficient in notifying the suspect of his or her right to legal counsel not only at the time of arrest but also later, when criminal prosecution was formally initiated.²³ In other words, it is not necessary for police or prosecutors to re-articulate to the suspect his or her right to an attorney after legal proceedings begin.

WHEN MAY POLICE CONDUCT A SEARCH?

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

As a general rule, a search must be supported by a valid search warrant. There are, however, some exceptions. During an arrest, police may search the person being arrested and the immediate surroundings. Similarly, during hot pursuit of an armed felony suspect, police may



search a building for the suspect. Officers may search a car for contraband or evidence if the car was in motion when seized. In an emergency, officers may search a person, vehicle, or property if it is necessary to prevent injury or loss of life, or to prevent serious property damage. In addition, police may search any person or property with consent.²⁴

The U.S. Supreme Court's 1987–88 term produced three decisions that expanded the rights of police to conduct searches and seizures. In *California v. Greenwood*, the Court ruled that police could conduct warrantless searches and seizures of trash left for collection on public property.²⁵ In *Murray v. U.S.*, the Court ruled that evidence discovered during an illegal search could still be admitted in court if it was later re-discovered during the execution of a valid search warrant, so long as the warrant was not obtained on the basis of information learned during the illegal search.²⁶

And in *Michigan v. Chesternut*, the Court ruled that

the investigative pursuit of a suspect did not amount to police seizing that suspect, since "a reasonable person, under the facts of the case, would have concluded that he was free to go."²⁷ The investigative pursuit in this case involved a police car driving alongside the suspect without activating its siren or lights, or giving any other indication of a show of authority. Consequently, evidence discovered during the pursuit was allowable in court, since it was not obtained through an illegal seizure (or, in fact, a seizure of any kind).

After a suspect has been arrested and interrogated and physical evidence has been collected, law enforcement's primary involvement with the criminal case has ended. The arresting agency may still be responsible for gathering and preserving additional evidence to be used by prosecutors, and individual officers may be called to testify at trial. However, it is at this stage that the focus of the criminal justice system shifts to prosecutors and the courts.

The Data

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

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

WHAT ARE THE ILLINOIS UNIFORM CRIME REPORTS?

In 1972, Illinois instituted a mandatory UCR reporting system for all law enforcement agencies in the state.²⁸ These

agencies are required to report monthly data to the Illinois State Police (ISP), which manages the I-UCR program. Most agencies report their I-UCR statistics directly to ISP, either on paper forms or computer printouts, on magnetic disks or cartridges, or on-line through a statewide telecommunications network. Other agencies, especially small ones, submit I-UCR data through another department, such as the county sheriff.

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

The I-UCR program includes six types of data:

1. **Offenses.** I-UCR offense data cover all criminal offenses reported to local law enforcement agencies in Illinois. They include all alleged offenses that are *known to the police*. Following police investigation, these offenses are subsequently coded as either having "actually occurred" or as being "unfounded," or they

are referred to the responsible jurisdiction (when the offense was reported to the wrong agency). The data also specify offenses that were cleared by arrest or by other means. Both monthly totals and individual incident information for more than 200 crime types are maintained for each reporting agency in the state. All offense analyses in this chapter are based on "offenses actually occurring" (in I-UCR terminology); for this report, however, they are called "reported offenses."

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

HOW ARE CRIMINAL INCIDENTS RECORDED IN ILLINOIS?

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

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

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

WHAT IS THE CRIME INDEX?

The offense and arrest statistics in this chapter focus primarily on what is known as the Crime Index. The eight crime categories that make up this index, when taken together, provide some indication of how much serious crime has occurred in a jurisdiction. Four of the index crimes in the I-UCR are violent crimes—murder, criminal sexual assault, robbery, and aggravated assault—and four are property crimes—burglary, larceny/theft, motor vehicle theft, and arson (see Figure 1-3 for definitions of the eight index crimes).³⁰

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

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

Besides the index crime categories, offenses and arrests can also be categorized as felonies and misdemeanors, depending on the statutory penalties imposed upon conviction—crimes that carry a sentence of one year in prison or more are considered felonies. Although classification of an offense as a felony or misdemeanor sometimes depends on mitigating or aggravating factors, deter-

mined at later stages in the processing of the case, it is possible to determine very closely how many arrests fall into each of these two categories. In 1987, 17 percent of all non-traffic arrests in Illinois were for felonies, while the remaining 83 percent were for misdemeanors.

HOW ARE CHICAGO POLICE DEPARTMENT DATA REPORTED?

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

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

In 1984, the Chicago Police Department began

reporting incident-level *offense* statistics to the I-UCR program, as well as reporting offense data for additional categories of non-index crimes. Reported offenses in Chicago are now more precisely classified according to the specific offenses that make up the eight index crime categories. This improvement allowed for more complete and accurate reporting of the aggravated assault index category. Prior to 1984, the Chicago Police Department had counted only aggravated battery offenses in this index category. Starting that year, however, they began to include statutory aggravated assault in the index category. The Chicago Police Department will begin reporting statutory aggravated assault *arrests* in its official tabulation of index aggravated assault arrests in 1989.

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

According to one study, these reporting changes affected most types of violent crime, except for murder and armed robbery with a firearm.³² The result was a 51-percent jump in the number of violent offenses reported by Chicago police between 1982 and 1983. In 1984, the first full year the reporting changes were in effect, the violent

Figure 1-3

What are the eight index crimes?

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

VIOLENT

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

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

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

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

PROPERTY

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

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

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

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

offense total was 132 percent higher than the 1982 figure. Because violent crime totals for the entire state are driven largely by Chicago figures, the statewide total also increased dramatically in 1983 and 1984. Compared with the 1982 figure, the number of violent crimes reported statewide was one-third higher in 1983 and 64 percent higher in 1984. This must be kept in mind when analyzing crime trends over time, not only for Chicago but also for Illinois as a whole. Because much of the reported crime in Illinois occurs in Chicago, these changes affected statewide offense totals.

WHAT INFORMATION SOURCES ARE USED IN THIS CHAPTER?

The Illinois offense and arrest statistics used in this chapter come from four sources:

1. The Crime Studies Section of ISP's Bureau of Identification
2. The 1972 through 1987 editions of *Crime in Illinois*, an annual ISP publication
3. The Chicago Police Department's Research and Development Division
4. The Chicago Police Department's Crime Analysis Unit

Many of the offense and arrest statistics used in the chapter were derived from the I-UCR data maintained by ISP. However, the data used for analysis of Chicago

arrest rates for specific age groups were derived from three separate sources. Since the Chicago Police Department arrest data are reported to the I-UCR in an aggregate format, arrest totals for specific age groups are, in certain cases, estimated by ISP. In this report, data from the Chicago Police Department's Research and Development Division are used for age-specific arrests and arrest rates for the index crimes of murder, criminal sexual assault, robbery, burglary, larceny/theft, and motor vehicle theft for the years 1977 through 1987. Data for earlier years are unavailable from the police department; therefore, ISP figures are used. Because of an unresolved problem with the 1980 Chicago Police Department figures, ISP data were used for analyses of index aggravated assault arrests for all years in Chicago. Further detail on the age ranges of people arrested for murder was provided by the department's Crime Analysis Unit.

The population statistics used to calculate rates in this chapter were provided by three agencies—Chicago Department of Planning, Northeastern Illinois Planning Commission, and Illinois Bureau of the Budget.³³ The offense statistics for the United States and eight largest U.S. cities are taken from the 1987 edition of the FBI's *Crime in the United States* publication.

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

Trends and Issues

Nearly 430,000 index crimes were reported in Illinois during 1972, the first year of the I-UCR program. Fifteen years later, in 1987, that total had risen 46 percent to almost 630,000 index offenses.³⁴ That year, another 745,000 non-index offenses were also reported statewide. And, as explained in the overview to this chapter, these figures include only those offenses reported to the police. The remainder of this chapter examines the changing nature of reported crime in Illinois since 1972. The chapter also projects how some offense and arrest trends are likely to change during the rest of the century.

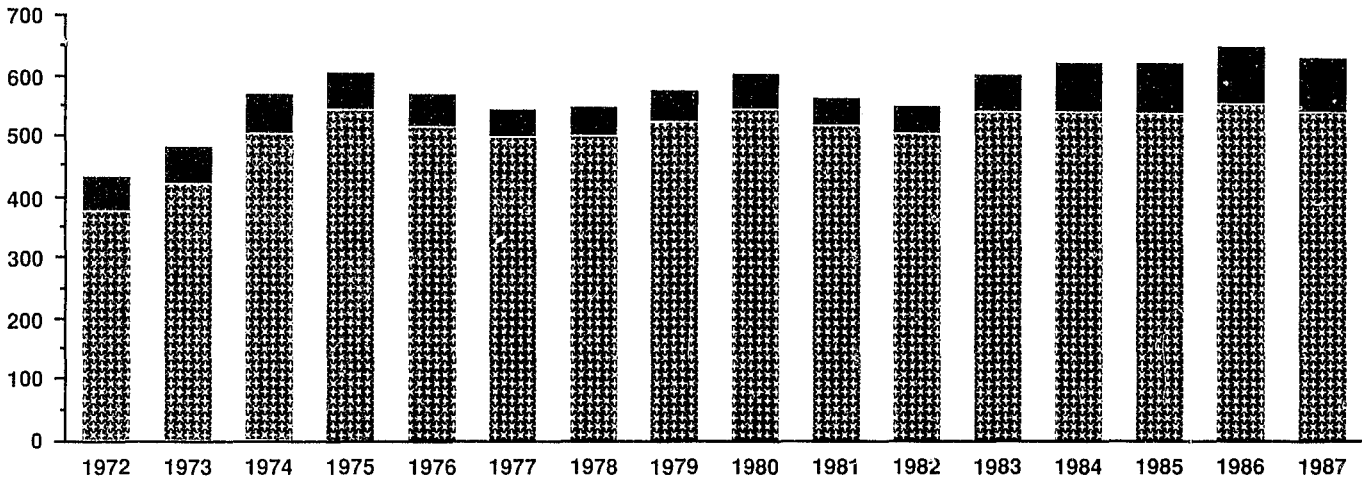
HOW MUCH REPORTED CRIME IN ILLINOIS INVOLVES VIOLENT OFFENSES?

Although violent crimes tend to receive the most public attention, in Illinois they are clearly outnumbered by property crimes. Between 1972 and 1987, the number of reported property crimes in the Crime Index exceeded the number of reported violent crimes by more than 8-to-1 (Figure 1-4). In recent years, from 1984 through 1987, the difference was about 6-to-1, while in other years, particularly in the late 1970s and early 1980s, it was as high as 10-to-1.

Figure 1-4

Reported property crimes have outnumbered reported violent crimes in Illinois by more than 8-to-1.

Reported index offenses (thousands)

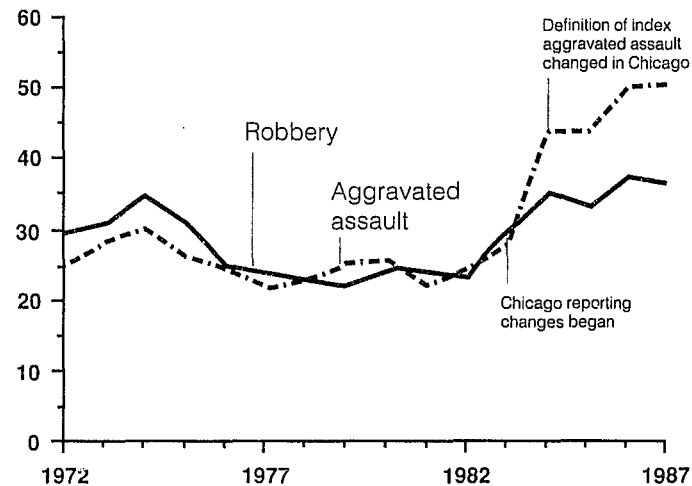


Source: Illinois Uniform Crime Reports

Figure 1-5

Aggravated assault and robbery account for more than nine out of every 10 violent crimes reported in Illinois.

Reported index offenses (thousands)

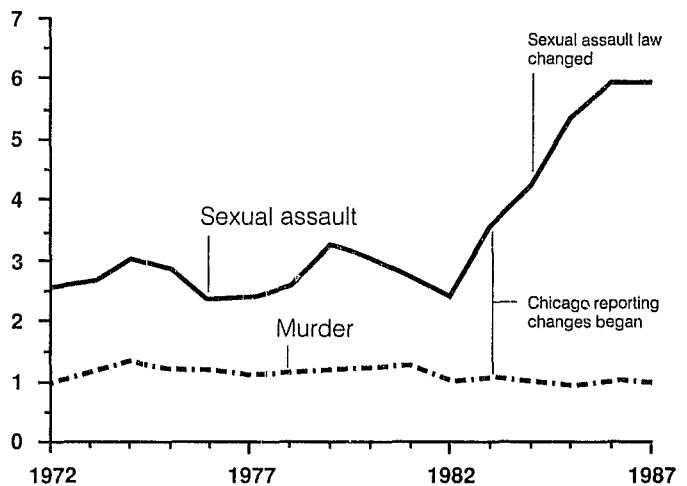


Source: Illinois Uniform Crime Reports

Figure 1-6

Changes in laws and reporting practices in the 1980s greatly affected the number of reported sexual assaults in Illinois.

Reported index offenses (thousands)



Source: Illinois Uniform Crime Reports

WHAT ARE THE MOST COMMON VIOLENT CRIMES REPORTED IN ILLINOIS?

Of the four violent index crimes, the most common in Illinois are robbery and aggravated assault. In 1987, these two crimes made up 93 percent of all violent crimes reported in the state. Murder and criminal sexual assault accounted for the remaining 7 percent.

The patterns since 1972 for both robbery and aggravated assault have been quite similar: both increased

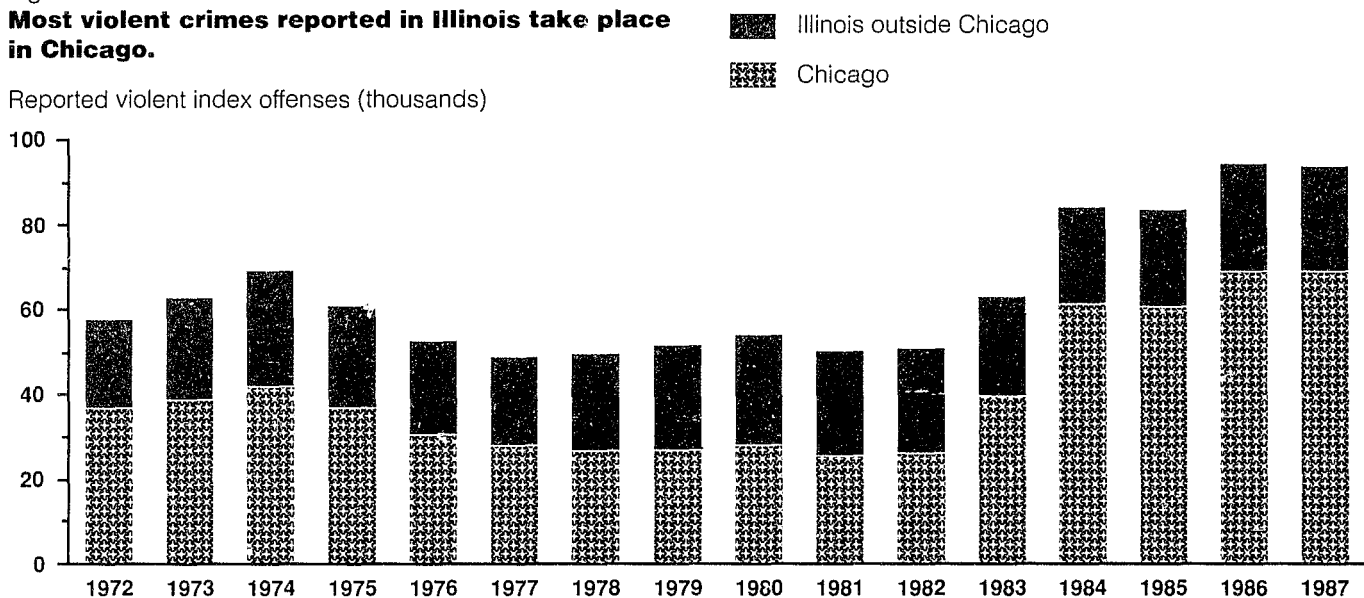
in the early 1970s, were relatively lower during the rest of the 1970s and early 1980s, and then increased sharply after 1982 (Figure 1-5). For both crimes, the increases in 1983 and 1984 were due largely to changes in the Chicago Police Department's crime-reporting practices. And although there were sharp increases again in 1986, this trend did not continue in 1987.

The number of reported murders and criminal sexual assaults also fluctuated (Figure 1-6). After increas-

Figure 1-7

Most violent crimes reported in Illinois take place in Chicago.

Reported violent index offenses (thousands)



Source: Illinois Uniform Crime Reports

ing 19 percent in 1973 and another 14 percent in 1974, murder in Illinois declined through 1977.³⁵ The annual total gradually rose again through 1981, but then decreased in 1982. Murder totals hovered around 1,000 a year from 1982 through 1987.³⁶

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

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

A substantial majority of the violent crimes reported in Illinois take place in Chicago (Figure 1-7). In 1987, when Chicago accounted for about 26 percent of the state's population, more than 73 percent of all violent offenses reported statewide occurred in the city. As a result, state-

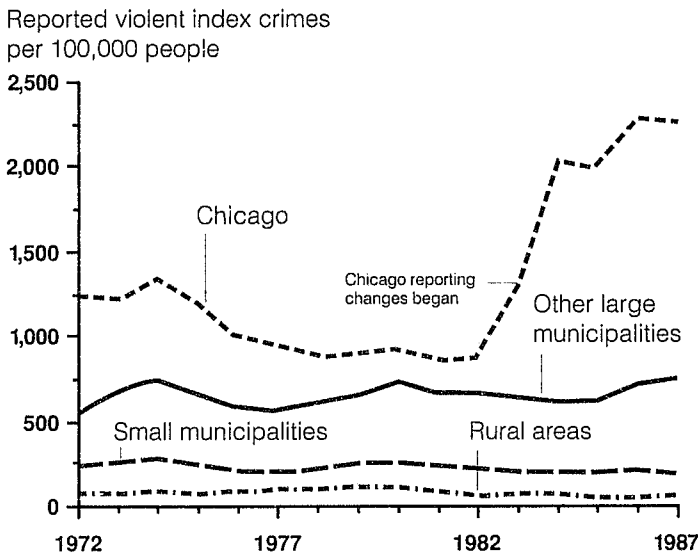
wide violent crime trends are largely determined by offense patterns in Chicago. This influence is particularly striking in the statewide totals for 1983 and 1984, the years immediately following the Chicago Police Department's reporting changes. However, the 1986 increase in violent crime occurred in all of Illinois, not just Chicago, which indicates that this increase was not due solely to Chicago's revised reporting procedures.

DO LARGE JURISDICTIONS HAVE MORE VIOLENT CRIME PER CAPITA?

Chicago clearly accounts for the majority of violent crime reported in Illinois. But the city also is home to more than one-quarter of the state's population and has 20 times more people than Rockford, the state's second largest city. If population is accounted for, is violent crime still more frequent in Chicago and other large metropolitan areas of Illinois than in the state's smaller jurisdictions?

Comparing annual crime rates in four types of jurisdictions—Chicago, other large municipalities, small municipalities, and rural areas³⁸—suggests that the size of the jurisdiction is directly related to violent crime rates: the greater the population density of an area, the higher its violent crime rate (Figure 1-8).³⁹ In every year between 1972 and 1987, Chicago had the highest violent crime rate in the state—in many years, there were more than 1,000 reported violent crimes for every 100,000 city residents. Second-highest violent crime rates were found in other large municipalities, followed by smaller cities and towns and then rural areas.⁴⁰ These figures also provide dramatic evidence of how reporting changes in Chicago drove

Figure 1-8
Large municipalities have the highest rates of reported violent crime.



up the state's overall violent crime rate after 1982. Violent crime rates in the other three types of jurisdictions changed very little between 1982 and 1986, while the reported rate in Chicago more than doubled.

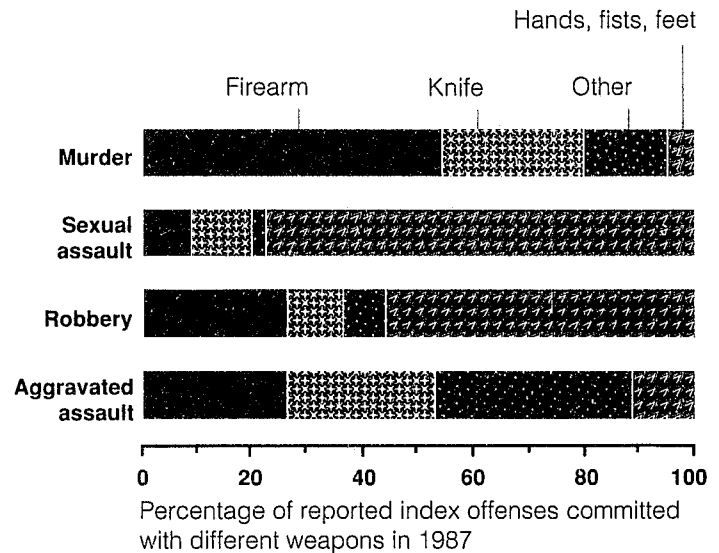
HOW OFTEN ARE FIREARMS USED TO COMMIT VIOLENT CRIMES?

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

Firearms are much less likely to be used in violent crimes in which the victim survives than in homicides. In 1987, for example, firearms were used in approximately 26 percent of the robberies, 26 percent of the aggravated assaults, and 9 percent of the criminal sexual assaults reported in Illinois (Figure 1-9). In most of the robberies and criminal sexual assaults that year, no weapon other than the offender's hands, fists, or feet was used. The weapons used in aggravated assaults in 1987 were almost evenly split among firearms, knives, and other weapons, with hands/fists/feet accounting for 11 percent of these crimes. By definition, however, the index crime of aggravated assault excludes most assaults and batteries in which no weapon is used.

Firearms are much more likely to be used in violent crimes in which the victim dies, although their prevalence appears to be correlated with the total number of crimes. Most murders begin as another crime, such as assault or robbery, and then escalate to murder. In 1981, 61 percent of the 1,232 murders in Illinois involved firearms. In recent years, when the total number of murders

Figure 1-9
More than half of all murders in Illinois in 1987 were committed with a firearm.



has been relatively lower, the percentage involving firearms has also been lower—about 55 percent between 1985 and 1987. A knife was the murder weapon in about one-fourth of the index murders in recent years—23 percent in 1985 and 1986 and 25 percent in 1987.

WHAT IS THE TYPICAL RELATIONSHIP BETWEEN MURDER VICTIMS AND OFFENDERS?

The fear that many citizens have of being murdered by an unknown assailant is contrary to statistical evidence. Only 18 percent of the murders occurring in Illinois during 1987 involved verified situations in which the victim and offender were strangers to one another. In more than half the murders, the victim and offender knew each other in some way; in 27 percent of those murders the victims and offenders were from the same family unit. In one-fourth of the murders, however, the relationship of victim to offender could not be determined.

In 1987, almost half the murder victims in Illinois were black males (Figure 1-10). Males, in general, accounted for the great majority (76 percent) of Illinois murder victims. Overall, 62 percent of the murder victims were black, 26 percent white, and 12 percent other races.

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

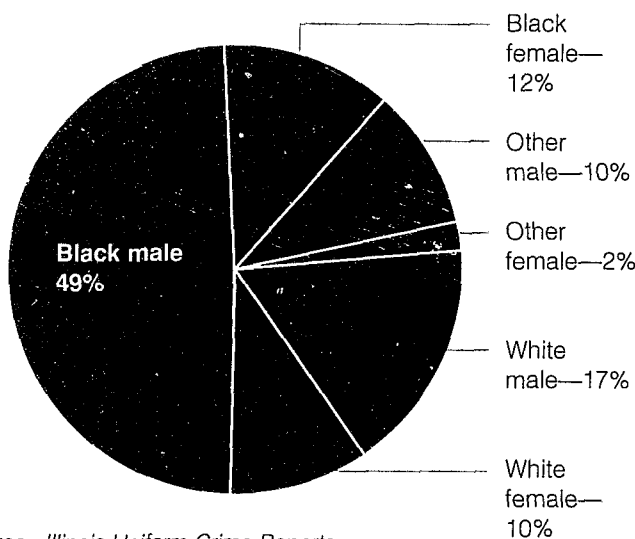
Reported violent crime in Illinois fluctuated substantially between 1972 and 1987. To help determine what will happen in the future, the Authority projected the expected level of violent crime in the state for the 13 years from 1988

through 2000.⁴¹ Projections from 1988 through 1992 for each of the four violent index crimes and for three different parts of the state—Chicago; the collar counties of DuPage, Kane, Lake, McHenry, Will, and suburban Cook; and the remainder of the state—are shown here.⁴² The following trends are expected in reported violent crime through the year 2000 in Illinois:

■ **Murder.** The number of murders per year in Chicago is expected to increase from the relatively low 1987

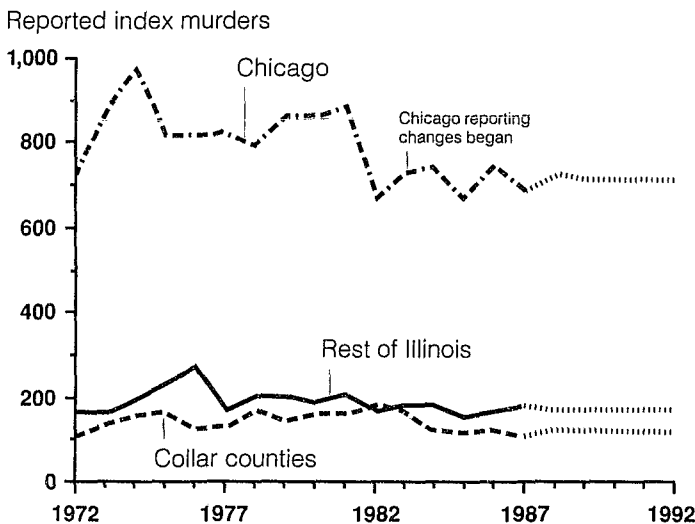
Figure 1-10
Almost half of all murder victims in Illinois are black males.

Race of murder victims in 1987



Source: Illinois Uniform Crime Reports, Supplementary Homicide Reports

Figure 1-11
Reported murders in Illinois are likely to level off after 1989.



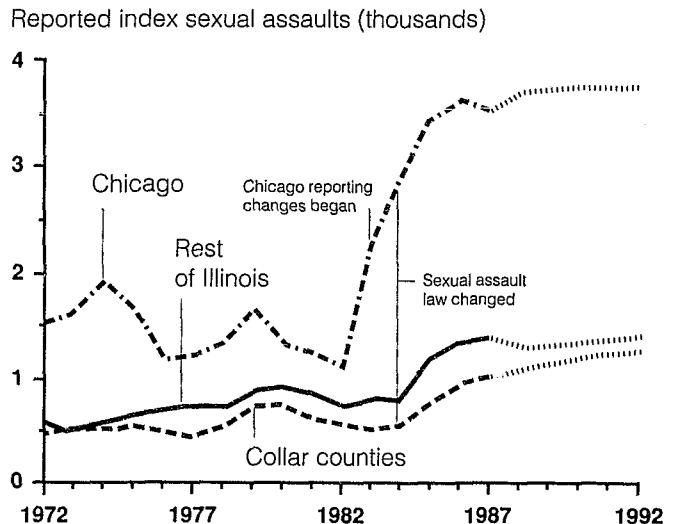
Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

total of 691, remaining at slightly more than 700 a year through 1992 (Figure 1-11). In the collar counties, where the number of murders was exceptionally low from 1984 to 1987, the annual figure is expected to remain at about 120 a year in future years. In the remainder of Illinois, where the number of reported murders was relatively low from 1982 through 1987, the number of murders is expected to level off at about 170 a year.

■ **Criminal sexual assault.** Even though the number of reported criminal sexual assaults was already high in 1985 and 1986, the number of reported offenses continued to increase everywhere except Chicago between 1986 and 1987—about 6 percent in the collar counties and 2 percent in the remainder of Illinois. In Chicago, however, the number fell slightly. Although reported criminal sexual assaults are expected to increase in Chicago in 1988 and 1989, a gradual leveling off at about 3,750 a year is expected (Figure 1-12). Reported criminal sexual assault offenses in the collar counties and the rest of the state are expected to continue to increase, although the increase in the collar counties will likely be steadier and more rapid than in the rest of Illinois.⁴³

■ **Robbery.** After declining 3 percent in 1987 to about 30,000 offenses, the number of reported robberies in Chicago is likely to continue to decline again in 1988 to about 29,000, and then to increase to about 31,800 by 1992 (Figure 1-13). If this trend continues, the number of reported robbery offenses should increase to about 33,500 in the year 2000.

Figure 1-12
Reported criminal sexual assaults are expected to increase outside Chicago through 1992.



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

In the collar counties, a gradual increase in reported robberies that began in 1985 is expected to continue until the number reaches approximately 4,000 in 1992 and 4,400 by the year 2000. In the remainder of Illinois, the number of robberies is expected to continue to hover around 3,000 a year through 1992, with a slight increase to about 3,200 possible by the year 2000.

■ **Aggravated assault.** The number of reported aggravated assaults in Chicago, after increasing sharply between 1984 and 1987, is expected to continue to increase to about 40,300 by 1992 and could approach 44,000 by the year 2000 (Figure 1-14). In the collar counties, reported aggravated assaults are expected to increase in 1988, reaching 8,000 by 1992 and close to 9,000 by the year 2000. The number of reported aggravated assaults in the rest of Illinois reached its highest yearly total in 1987, but is expected to be somewhat lower in 1988 and then to decline slightly to about 8,800 through the rest of this decade.⁴⁴

WHAT IS THE MOST COMMON PROPERTY CRIME REPORTED IN ILLINOIS?

Of the three property index crimes analyzed in this report, the most common in Illinois since 1972 has been larceny/theft (Figure 1-15).⁴⁵ This has been the case each year since 1972. In 1987, it accounted for 64 percent of the reported property offenses in the state. Burglary was the second most common property crime and motor vehicle theft the third in every year between 1972 and 1987. This distribution of property crimes is important for understand-

ing crime patterns in Illinois. Although burglary and motor vehicle theft seem to attract more attention from the public and the news media, larceny/theft occurs much more frequently.

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

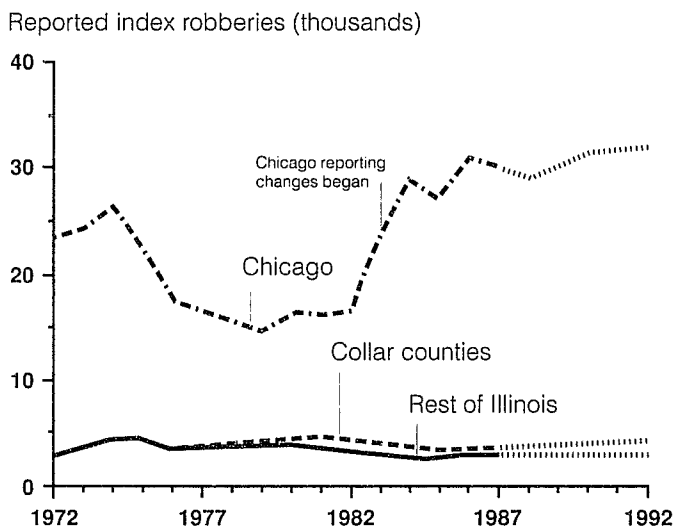
Although close to three-quarters of all violent crimes reported in Illinois take place in Chicago, the majority of reported property crimes in the state are committed outside Chicago (Figure 1-16). In 1987, for example, more than 60 percent of the reported burglaries, larceny/thefts, and motor vehicle thefts in the state occurred outside Chicago.

Statewide, the number of reported property crimes rose from about 371,700 in 1972 to about 533,000 in 1987, a 43-percent increase. Reported burglaries increased 72 percent, reported larceny/thefts increased 28 percent, and reported motor vehicle thefts increased 55 percent between 1982 and 1984—the first complete year of Chicago's new reporting procedures. In contrast, reported property crime decreased in the collar counties during the same period, which may suggest that the changes in Chicago had an effect on the number of reported property crimes statewide.

DO LARGE JURISDICTIONS HAVE HIGHER PROPERTY CRIME RATES?

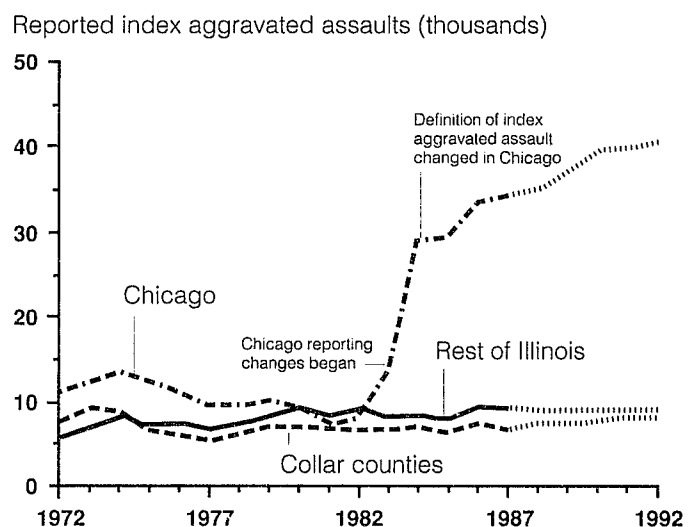
Crime rates were used to measure the relative frequency of property crime in different parts of the state. As with the analysis of violent crime rates, property crime rates were calculated for four types of jurisdictions: Chicago, other

Figure 1-13
Reported robberies are expected to increase in Chicago and the collar counties through 1992.



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

Figure 1-14
Increases in reported aggravated assaults are expected to continue in Chicago.

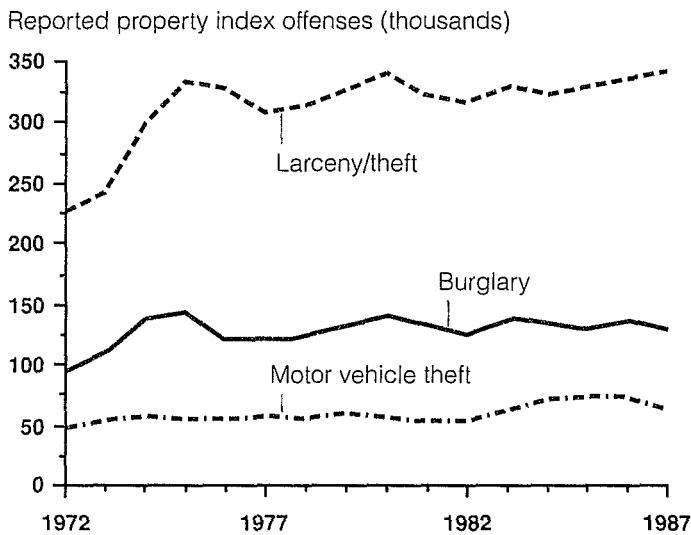


Source: Illinois Uniform Crime Reports; Illinois Criminal Justice Information Authority (projections)

large municipalities, small municipalities, and rural areas. And, once again, similar differences were found.

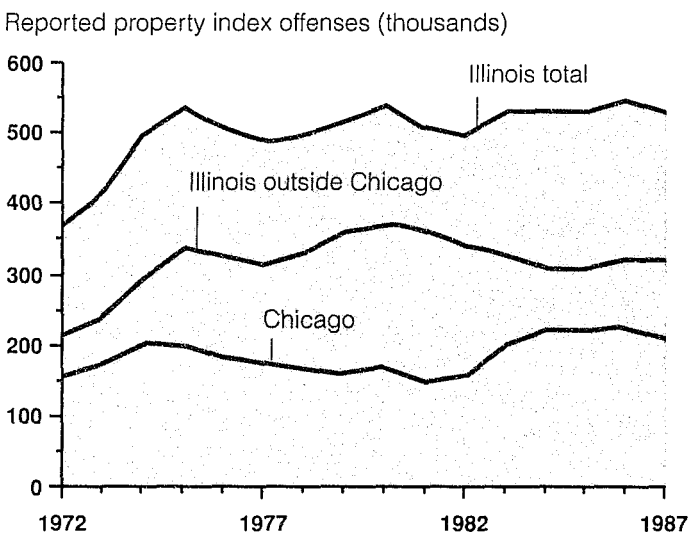
Chicago and other large municipalities in Illinois consistently have higher property crime rates than either small municipalities or rural areas (Figure 1-17), but from 1976 to 1982 Chicago had a *lower* property crime rate than the other large municipalities. After the reporting changes took effect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

Figure 1-15
Larceny/theft is the most frequently reported property crime in Illinois.



Source: Illinois Uniform Crime Reports

Figure 1-16
Most property crimes reported in Illinois occur outside Chicago.



Source: Illinois Uniform Crime Reports

WHAT ARE THE PROPERTY LOSSES RESULTING FROM CRIME?

Law enforcement agencies are required to report to the I-UCR system property losses associated with the eight index crimes, plus vandalism, based on property that has been stolen (including cash) or property that has been destroyed. In 1987, the total losses from stolen property in Illinois were \$473 million. Of that total, more than half was the result of motor vehicle theft. Other thefts accounted for almost one-fourth of the losses, burglary for 20 percent of the losses, and all other crimes—mostly robbery—for 2 percent.

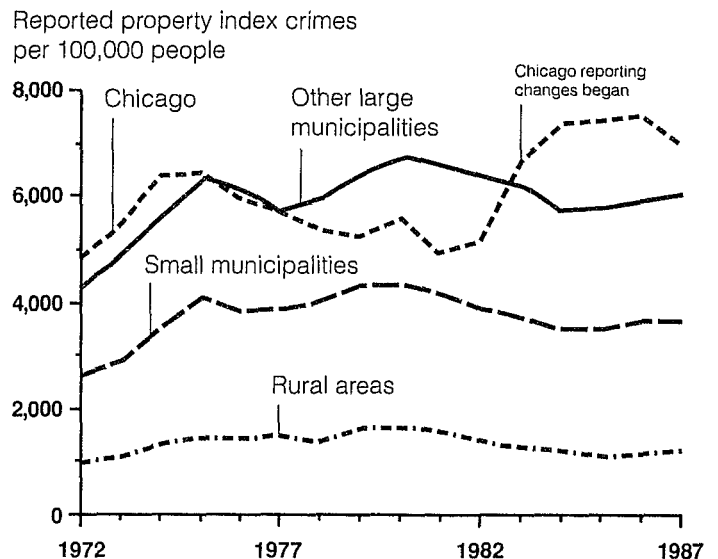
Total losses from property destruction in Illinois in 1987 amounted to about \$37 million. Losses from vandalism accounted for about two-thirds of that total. Arson accounted for an 16 percent of the losses, motor vehicle theft for 8 percent, and other offenses—mostly burglary and theft—for 8 percent.

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

To get some indication of how property crime levels in Illinois will change through the year 2000, the Authority calculated projections, similar to those done for the four violent crimes, for the three property crimes as well.⁴⁶ These projections cover the same three parts of the state: Chicago, the collar counties, and the remainder of Illinois. Based on these projections, the following trends are expected:

- **Burglary.** The number of reported burglaries in Chicago, after seesawing since 1983, is expected to fluctuate around its 1987 level of about 51,000 offenses

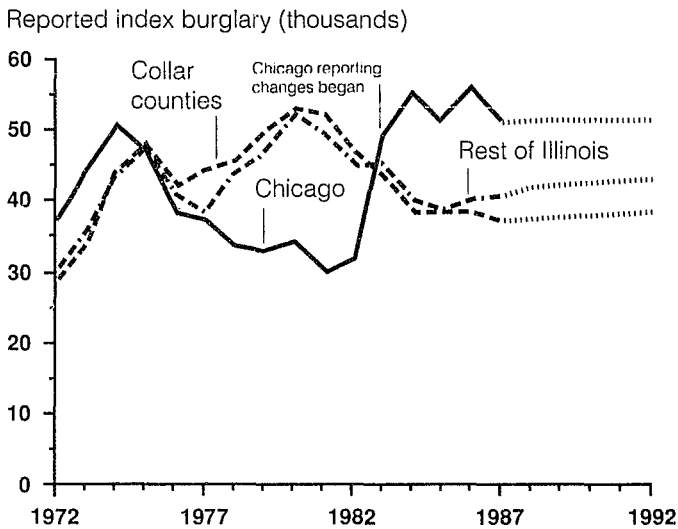
Figure 1-17
Large municipalities have the highest rates of reported property crime.



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

Figure 1-18

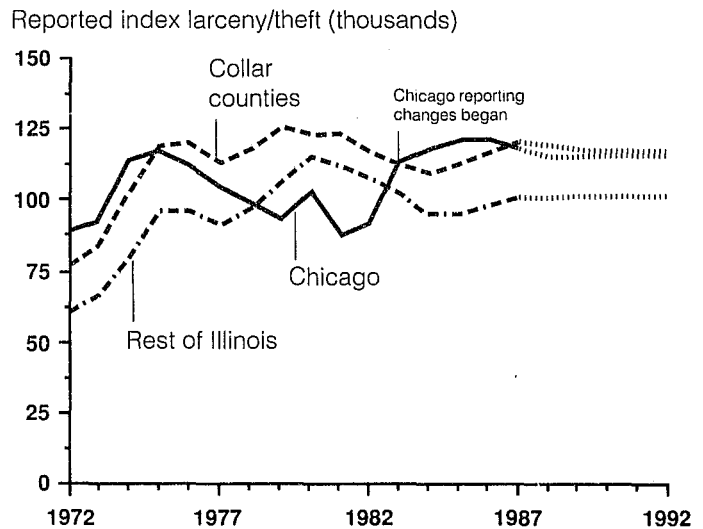
Outside Chicago, reported burglaries are expected to gradually increase through 1992.



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

Figure 1-19

Reported larceny/theft is likely to remain stable throughout the state.



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

through 1992 and the rest of the decade (Figure 1-18). In contrast, the recent decline in reported burglaries in the collar counties is expected to continue in 1988, but then burglaries are expected to increase gradually to about 38,500 by 1992, possibly reaching 40,700 by the year 2000. In the remainder of Illinois, the number of reported burglaries increased about 5 percent from 1985 to 1987, and this increase is expected to continue to about 42,000 in 1988 and about 43,000 in 1992, possibly reaching 45,000 by the year 2000.

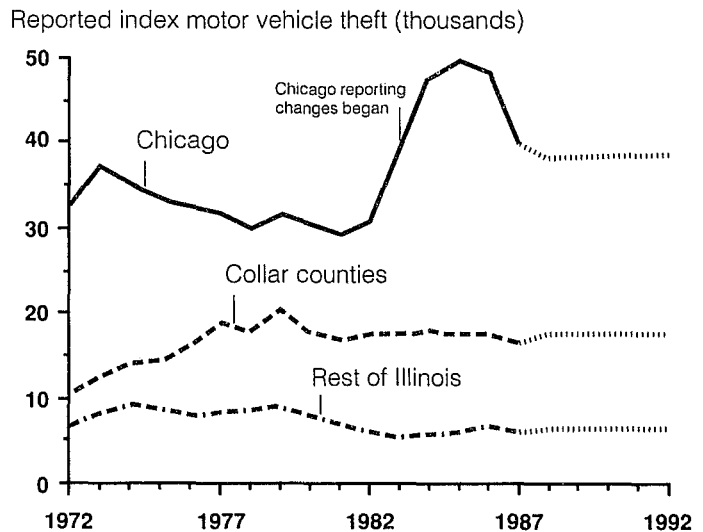
■ **Larceny/theft.** Compared with the other index offenses, reported larceny/thefts have changed little over time in Illinois, regardless of the geographic area. In Chicago, there was a slight decline in 1987, which is expected to continue briefly and then to reverse. The projected number of reported larceny/thefts in Chicago in 1992 is about 117,000, still slightly less than the 119,000 offenses reported in 1987 (Figure 1-19).

In the collar counties, recent increases in reported larceny/thefts are expected to level off in 1988 and to remain at less than 118,000 through 1992 and possibly through the year 2000. In the remainder of Illinois, larceny/thefts are expected to continue to increase gradually to about 101,500 in 1988 and 102,000 in 1992, possibly reaching 103,500 in 2000.

■ **Motor vehicle theft.** After decreasing in 1987, motor vehicle thefts in Chicago are expected to decline again in 1988, and then to increase gradually, reaching about 39,000 in 1992 and about 40,000 in 2000 (Figure 1-20).

Figure 1-20

Reported motor vehicle thefts are expected to gradually increase after 1988.



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

In the collar counties, where reported motor vehicle thefts have remained stable since 1981, the number is expected to increase slightly, to about 17,500, in 1988 and then to remain stable through 1992 and beyond. In the rest of the state, the number of motor vehicle thefts declined sharply in 1987, but should generally increase in the future, reaching about 6,350 in 1988, 6,450 in 1992, and possibly 6,840 by the year 2000.

Figure 1-21

In 1987, Illinois' property crime rate per 100,000 people was lower than the national rate.

Jurisdiction	Violent crime rate	Property crime rate	1987 estimated population
United States	609.7	4,940.4	243,400,000
Illinois	807.9	4,589.4	11,582,000
New York City	2,036.1	6,976.5	7,284,319
Los Angeles	1,910.2	6,723.4	3,341,726
Chicago	2,269.5	6,969.9	3,018,338
Houston	1,090.3	8,302.1	1,739,999
Philadelphia	1,054.8	4,679.2	1,649,364
Detroit	2,544.9	10,138.4	1,091,523
San Diego	875.4	7,601.0	1,040,851
Dallas	1,988.8	14,294.4	1,009,947

Source: Federal Bureau of Investigation, Crime in the United States, 1987 edition

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

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

Illinois' violent crime rate in 1987 was above the national rate, while the state's property crime rate was below the national rate. Among the nation's eight largest cities (those with populations of more than 1 million), Chicago ranked second only to Detroit in violent crime rate in 1987, but ranked fifth in property crime rate.

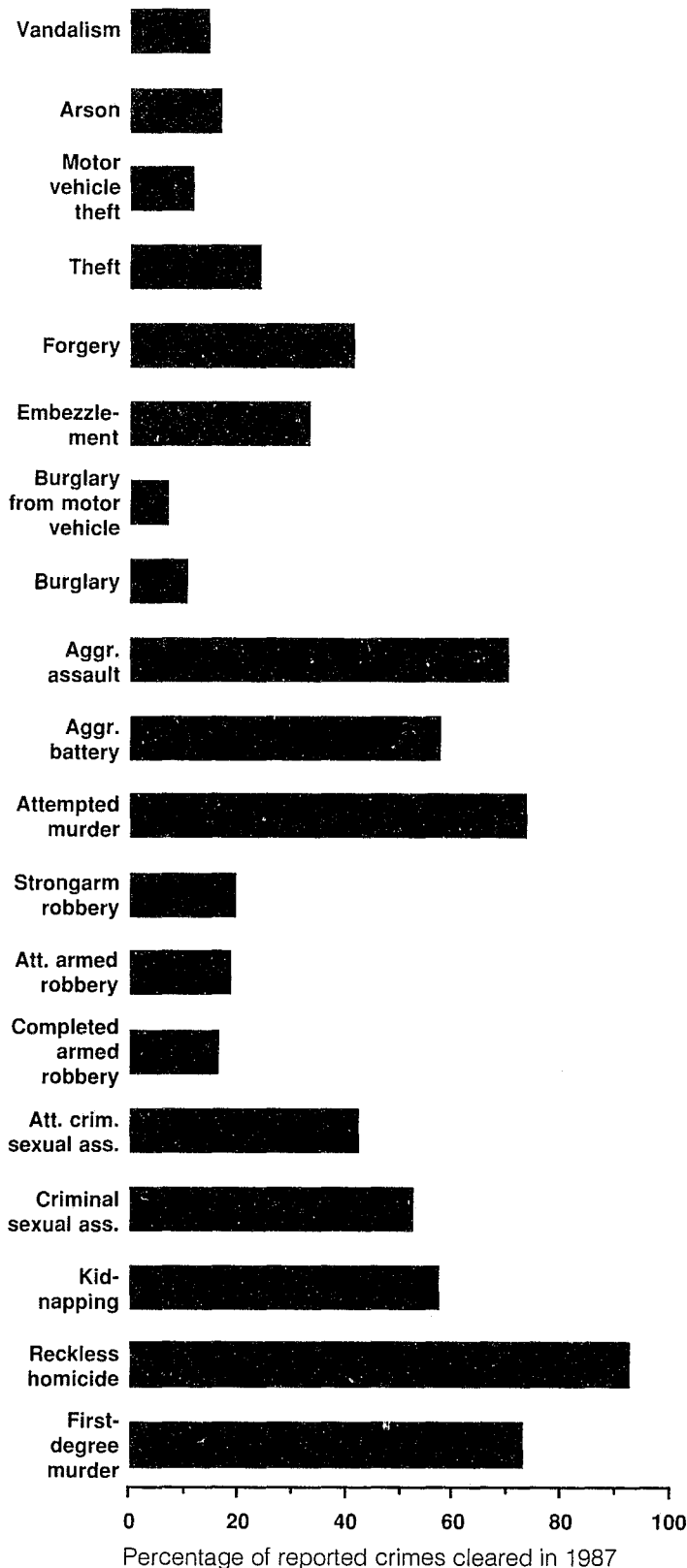
WHICH REPORTED CRIMES ARE MOST LIKELY TO RESULT IN AN ARREST?

An arrest is the apprehension of someone believed to have committed a crime, regardless of whether or not the person is formally charged. Analyzing arrest trends, however, can be difficult because different law enforcement agencies use different procedures for reporting arrests. In fact, a 1984 study found not only that many law enforcement agencies in the United States define arrests differently, but also that many agencies do not follow UCR rules for how arrests should be counted.⁴⁷ This problem is compounded because of variations in how law enforcement agencies define the different crime categories to which arrests pertain.

Despite the difficulties in counting arrests, one common way of assessing law enforcement agencies' response to crime is to analyze clearance rates for different types of offenses. A crime is "cleared by arrest" when at

Figure 1-22

Among reported offenses, crimes against people are more likely to be cleared than crimes against property.

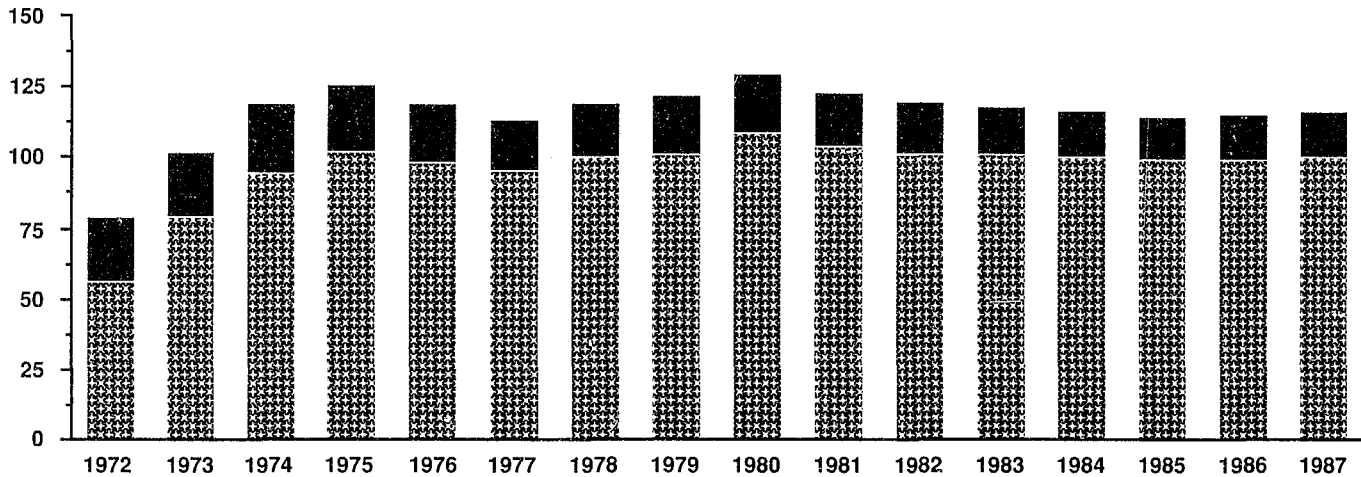


Source: Illinois Uniform Crime Reports

Figure 1-23

For every one violent crime arrest in Illinois, there are approximately five arrests for property crimes.

Arrests for index crimes (thousands)



Source: Illinois Uniform Crime Reports

least one suspect is arrested for the offense. A crime can also be "cleared exceptionally." This occurs when police identify the likely offender, but for exceptional reasons, such as the death of the suspect or the failure of the victim to file a complaint, they cannot make an arrest.⁴⁸ Keep in mind that the number of arrests does not equal the number of offenses cleared by arrest, because several suspects can be arrested for a single offense or a single suspect can be arrested for several different offenses.

Statewide in 1987, as in past years, crimes against people were more likely to be cleared than were crimes against property (Figure 1-22). More than 70 percent of the reported first-degree murders and aggravated assaults, and more than half of the reported criminal sexual assaults, aggravated batteries, and kidnappings, were cleared in 1987. In contrast, only about one-fourth of the thefts, less than 11 percent of the burglaries, and 12 percent of the motor vehicle thefts were cleared that year.

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

ARE MOST ARRESTS IN ILLINOIS FOR PROPERTY OR VIOLENT CRIMES?

Just as reported property crimes outnumber reported violent crimes in Illinois, the number of arrests for property crimes also exceeds the number of arrests for violent crimes (Figure 1-23). Between 1972 and 1987, there were

Violent crime arrests
Property crime arrests

approximately five property crime arrests for every one violent crime arrest in the state. This ratio was as low as 3-to-1 in the early 1970s and as high as 6-to-1 in recent years.

During those 16 years, arrests for property and violent crimes followed completely different patterns. Statewide, violent crime arrests dropped 31 percent, from approximately 23,200 in 1972 to about 16,000 in 1987. (However, as the next section of this chapter shows, a relatively high proportion of these violent crime arrests were for the most serious crimes.) Arrests for property crimes increased 22 percent, from almost 78,873 in 1973 to more than 100,000 in 1987.⁴⁹

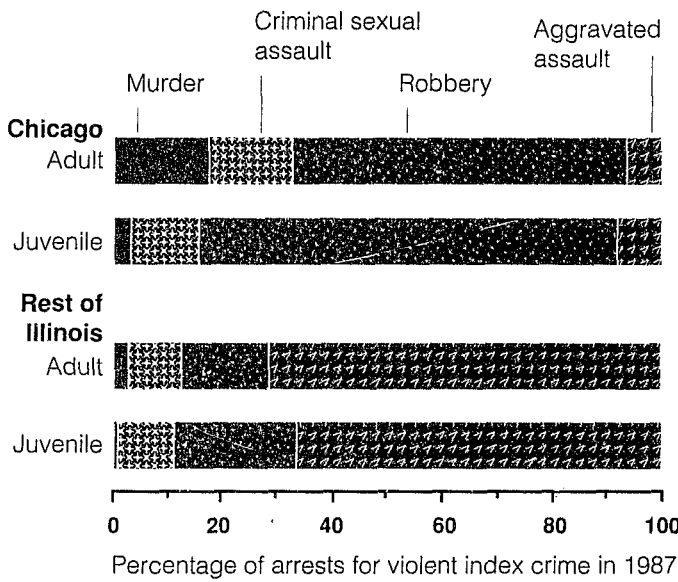
HOW DOES THE DISTRIBUTION OF ADULT ARRESTS COMPARE WITH THE DISTRIBUTION OF JUVENILE ARRESTS IN ILLINOIS?

In 1987, there were approximately four adult arrests in Illinois for every one juvenile taken into custody for both felonies and misdemeanors. The distribution of these arrests for various crimes was also markedly different. Adults arrested for a violent crime were more likely to be arrested for murder than juveniles arrested for a violent crime (Figure 1-24). The percentages of violent crime arrests involving criminal sexual assault were relatively close for both adults and juveniles. The same was true for aggravated assault arrests outside Chicago. The low percentage of aggravated assault arrests in Chicago is partially attributable to the more narrow definition of index aggravated assault arrests that the Chicago Police Department has employed (see page 31).

Differences between adults and juveniles were less pronounced in the distribution of property crime arrests

Figure 1-24

Adults arrested for a violent crime are more likely than juveniles to be arrested for murder.

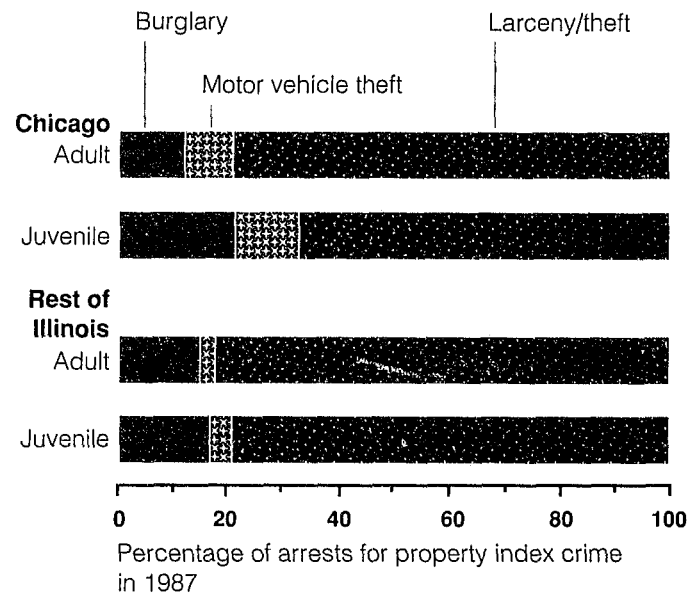


Note: Chicago index assault includes only aggravated battery.
Source: Illinois Uniform Crime Reports; Chicago Police Department

(Figure 1-25). A slightly greater percentage of adult arrests involved larceny/theft, and a slightly higher percentage of juvenile arrests involved burglary or motor vehicle theft.

Figure 1-25

Compared with juvenile arrests, a slightly higher percentage of adult property crime arrests involve larceny/theft.



Source: Illinois Uniform Crime Reports; Chicago Police Department

WHICH AGE GROUPS ARE MOST CRIME PRONE?

Criminologists often argue that different age groups have different propensities to commit crime.⁵⁰ In general, older teenagers and young adults are thought to commit more crimes than older adults. The number of people arrested at any age is not necessarily an indication of the number of crimes committed by that age group. However, arrest rates do indicate the likelihood that a person of a given age will be arrested.

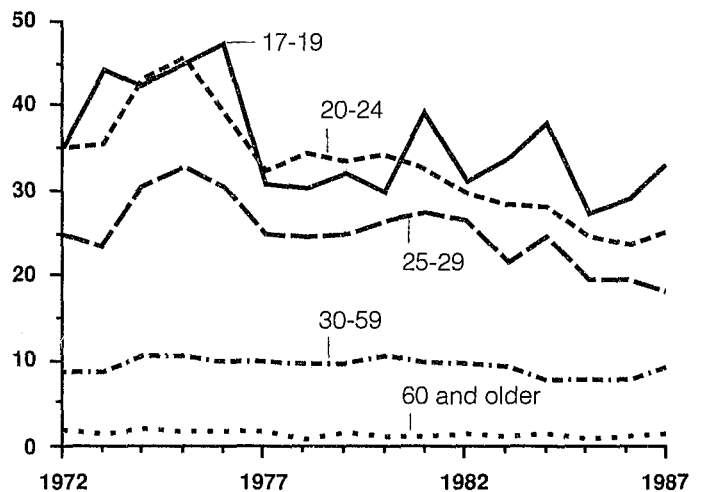
Age-specific arrest rates are calculated by dividing the number of arrests for an age group by the number of people in that age group for a particular year; the rates are then expressed as the number of arrests per 100,000 people in the age group. For this report, age-specific arrest rates for each violent and property index crime from 1972 through 1987 were calculated for five different adult age groups: 17- to 19-year-olds, 20- to 24-year-olds, 25- to 29-year olds, 30- to 59-year-olds, and persons aged 60 and older.⁵¹

In national crime data, these age groups consistently exhibit different arrest rates for every index crime. Arrest rates among the five age groups also varied substantially in Illinois. The chance of being arrested was consistently highest among 17- to 19-year-olds and 20- to 24-year-olds in each of the 16 years analyzed and for all

Figure 1-26

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

Arrests for index murder per 100,000 people



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

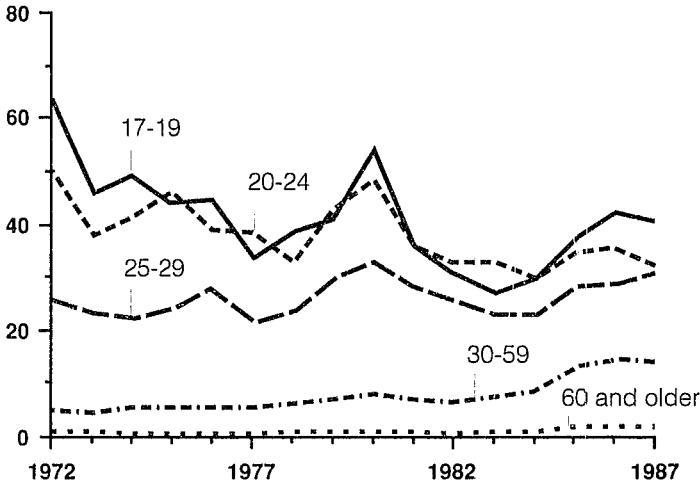
index crimes. Arrest rates for the 17- to 19-year-olds were not, however, always higher than those for the 20- to 24-year-olds.

In general, adult arrest rates for murder, criminal sexual assault, and aggravated assault vary less by age in Illinois than adult arrest rates for the three property crimes or for robbery. In index murder, for example, arrest rates

Figure 1-27

Criminal sexual assault arrest rates are also higher among adults younger than 30 than among those aged 30 and older.

Arrests for index criminal sexual assault per 100,000 people

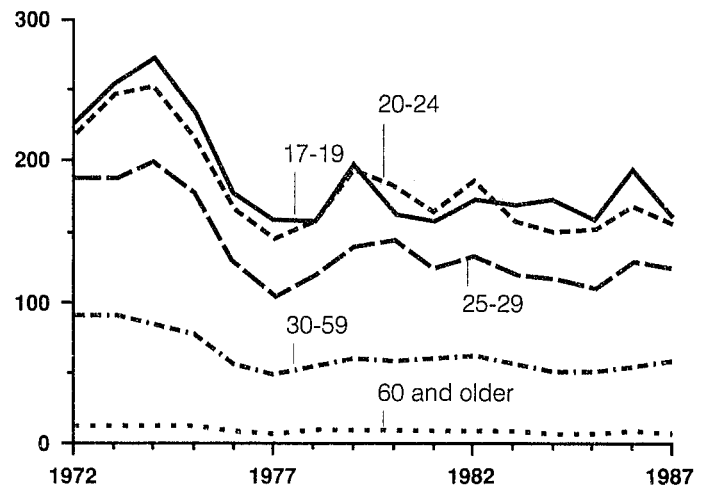


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population estimates)

Figure 1-28

Aggravated assault arrest rates are almost identical among adults aged 17 to 19 and 20 to 24.

Arrests for index aggravated assault per 100,000 people



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

for the two youngest groups—17- to 19-year-olds and 20- to 24-year-olds—are similar to each other both in their magnitude in any given year and in the pattern of change from 1972 through 1987. Arrest rates for 25- to 29-year-olds are slightly lower, but follow the same pattern over time. Arrest rates for people aged 30 and older are much lower (Figure 1-26).⁵²

Generally for criminal sexual assault (Figure 1-27) and aggravated assault (Figure 1-28), 17- to 19-year-olds and 20- to 24-year-olds consistently had the highest arrest rates, followed closely in most years by 25- to 29-year-olds. Arrest rates for the two older age groups were lower in every year. Although statewide trends show a general increase in criminal sexual assault arrest rates in recent years, in Chicago the rates did not increase. Outside of Chicago, there was a sharp increase in arrest rates of every age group. For example, rates for adults aged 17 to 59 more than doubled between 1982 and 1987. Similarly, the decline in statewide aggravated assault arrest rates in 1987 occurred only in Chicago, not in the rest of the state.

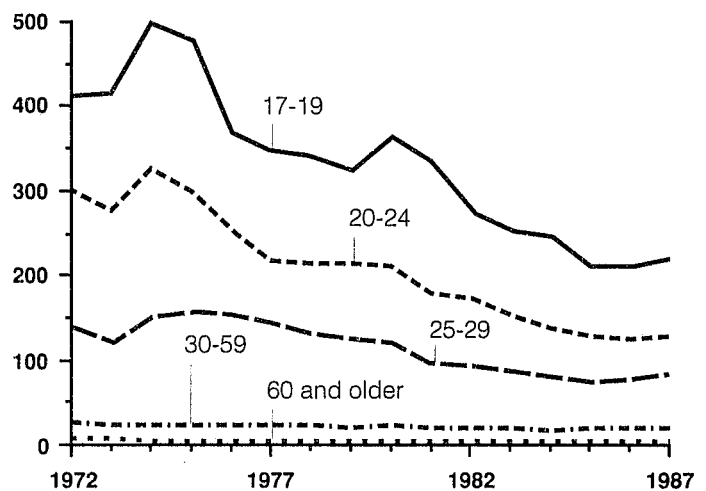
Among arrests for robbery, however, different age groups had very different arrest rates, although the patterns over time were similar (Figure 1-29).⁵³ Arrest rates for 17- to 19-year-olds were substantially greater than arrest rates for 20- to 24-year-olds in every year between 1972 and 1987—in many years, the difference was 60 percent or more. The difference in arrest rates between 20- to 24-year-olds and 25- to 29-year-olds was also great in most years, although the gap narrowed in the most recent years.

For the three property crimes of burglary, larceny/

Figure 1-29

Different age groups have very different arrest rates for robbery.

Arrests for index robbery per 100,000 people



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

theft, and motor vehicle theft, differences in arrest rates between 17- to 19-year-olds and the other age groups were even more evident. In 1987, for example, the statewide burglary arrest rate for 17- to 19-year-olds was more than twice the rate for 20- to 24-year-olds, more than four times the rate for 25- to 29-year-olds, and about 17 times the rate for 30- to 59-year-olds (Figure 1-30). The rates for

17- to 19-year-olds were generally low between 1984 and 1987, but were still substantially greater than the rates for all other age groups.

For larceny/theft, the differences in statewide arrest rates were similar: the 1987 rate for 17- to 19-year-olds was twice that of 20- to 24-year-olds, almost three times that of 25- to 29-year-olds, and nearly six times the

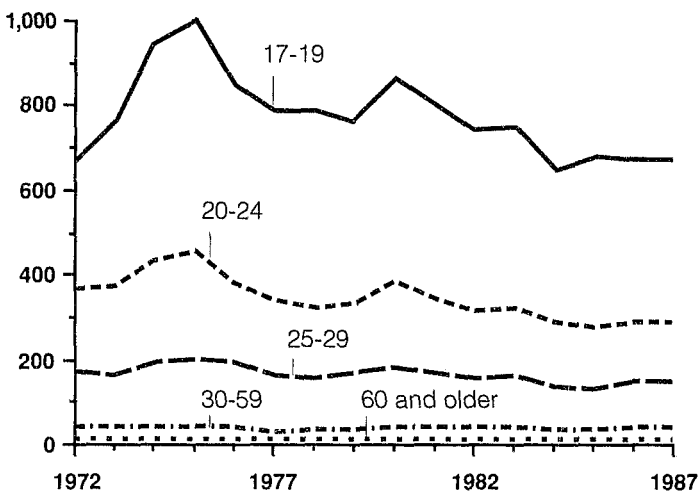
rate for 30- to 59-year-olds (Figure 1-31).⁵⁴ Since 1980, however, larceny/theft arrest rates for every age group were stable or declined in Chicago, while they increased steadily in the rest of the state.

Statewide arrest rates for motor vehicle theft tended to fluctuate much less than the rates for the other property crimes, but the younger age groups still had the highest rates in all years (Figure 1-32). The difference between 17- to 19-year-olds and the other age groups was especially pronounced in recent years, as the rate for the younger age group increased sharply.

Figure 1-30

Seventeen- to 19-year-olds have a much higher burglary arrest rate than any other adult age group.

Arrests for index burglary per 100,000 people



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

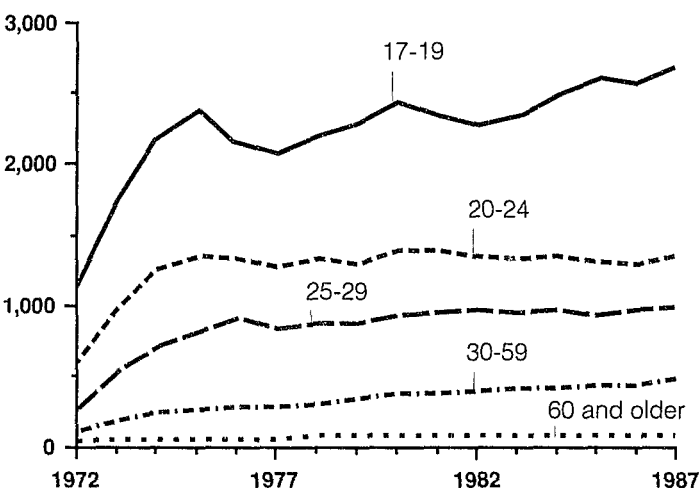
HOW WILL ARREST TRENDS FOR SPECIFIC CRIMES CHANGE THROUGH THE YEAR 2000?

To project future arrest levels—and thus the number of people entering the criminal justice system—in Illinois, it is important to know two things: the expected number of people in the state, and the anticipated rate at which those people will be arrested. However, arrest rates vary greatly for different age groups and within different areas of the state. Therefore, the arrest projections in this report were calculated separately for Chicago and for Illinois outside of Chicago, and for eight separate age groups—5 to 9, 10 to 14, 15 and 16, 17 to 19, 20 to 24, 25 to 29, 30 to 59, and 60 and older.⁵⁵ Even within each of these categories, the highest and the lowest arrest rates often varied tremendously over the 16-year period from 1972 through 1987. The following projections are, unless noted otherwise, based on a conservative choice of arrest rate—the average rate in each category for 1981 through 1987.⁵⁶

Figure 1-31

In 1987, the larceny/theft arrest rate for 17- to 19-year-olds was twice that of 20- to 24-year-olds.

Arrests for index larceny/theft per 100,000 people

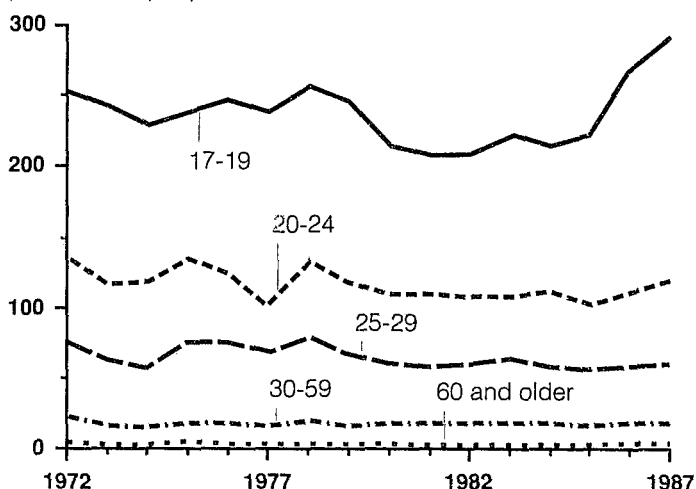


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (population estimates)

Figure 1-32

Motor vehicle theft arrest rates for 17- to 19-year-olds have increased sharply in recent years.

Arrests for index motor vehicle theft per 100,000 people



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

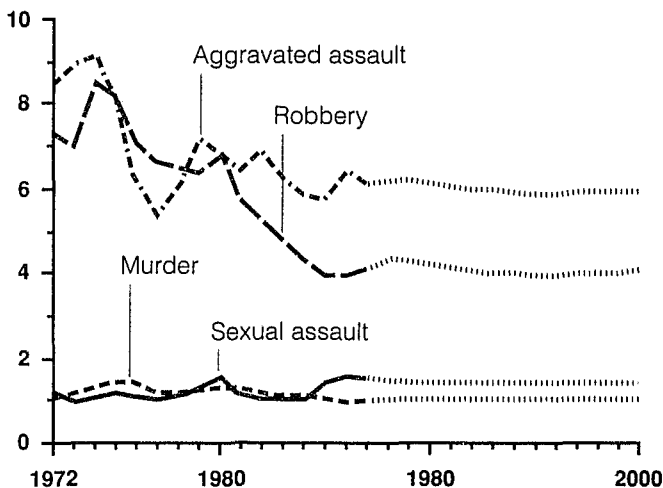
For the seven index crimes analyzed—murder, criminal sexual assault, robbery, aggravated assault, burglary, larceny/theft, and motor vehicle theft—the following statewide arrest trends are expected for adults:

■ **Murder.** The total number of adults arrested for murder is expected to remain relatively stable through the year 2000, both in Chicago (about 800 in 2000) and in the rest of Illinois (about 225) (Figure 1-33). Because

Figure 1-33

Adult arrests for violent crimes in Illinois are expected to continue to decline gradually.

Arrests for violent index offenses of adults aged 17 and older (thousands)

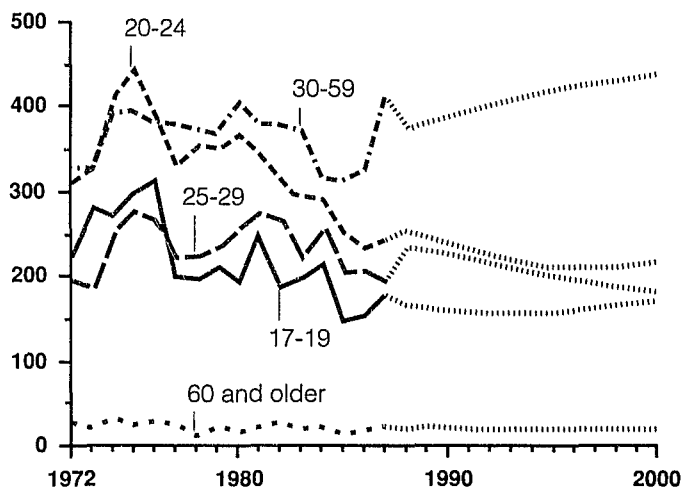


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (projections)

Figure 1-34

Murder arrests of 30- to 59-year-olds are expected to increase through the year 2000.

Arrests for index murder



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

the age structure of the population will change, however, arrests of younger adults aged 17 to 19, 20 to 24, and 25 to 29 are expected to decline or stay at the 1987 level, while murder arrests of people aged 30 to 59 are expected to increase 8 percent in Chicago and 11 percent in the rest of Illinois (Figure 1-34). Although arrests of 17- to 19-year-olds and 20- to 24-year-olds are expected to begin to increase in the late 1990s, they are not likely to reach the 1987 level by the year 2000.

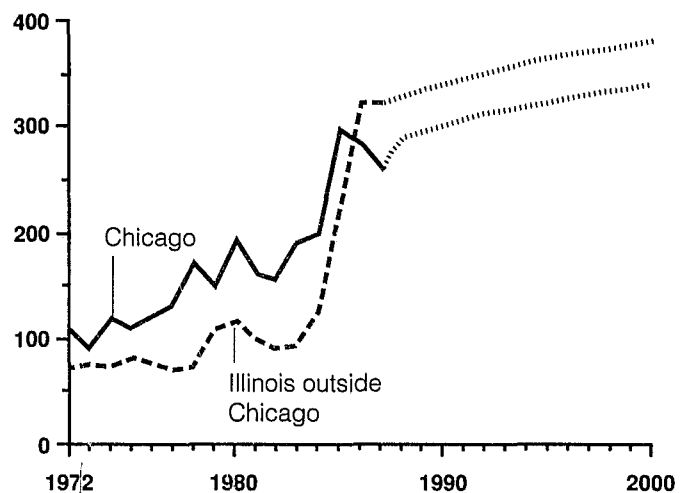
■ **Criminal sexual assault.** Arrest trends for criminal sexual assault in Chicago differ greatly from trends in the rest of Illinois, although within each geographic area, the trends for the age groups are very similar to each other. In both geographic areas, however, rates in recent years reflect a change from earlier years. The arrest projections were based on these recent years—1985, 1986, and 1987 for Chicago, and 1986 and 1987 for the rest of the state. Given this base, total adult arrests for criminal sexual assault are expected to *increase* 9 percent between 1987 and 2000 in Chicago, but to *decrease* in the rest of the state. Thus for the state as a whole, the number will be stable (see Figure 1-33). As with murder arrests, however, arrests of people aged 30 to 59 are expected to increase between 1987 and 2000 (29 percent in Chicago and 17 percent elsewhere), while arrests of younger adults remain stable or decline (Figure 1-35).

■ **Robbery.** For every adult age group, both in Chicago and in the rest of Illinois, arrest rates for robbery have generally fallen in recent years (see Figure 1-29). In

Figure 1-35

Arrests of 30- to 59-year-olds for criminal sexual assault are likely to increase throughout the state.

Arrests for index sexual assault of people aged 30 through 59

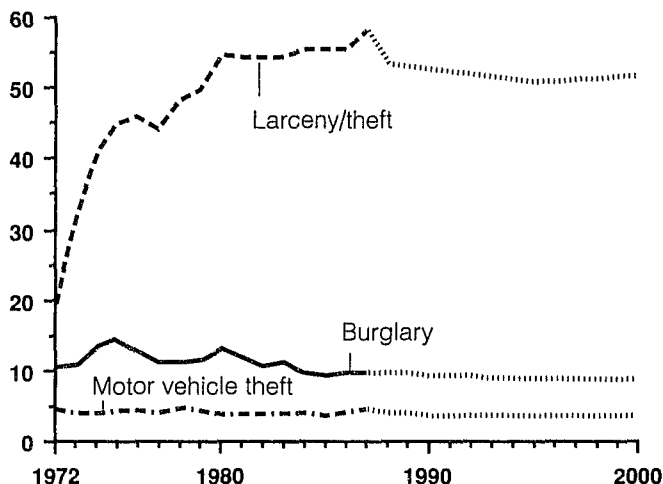


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (projections)

Figure 1-36

Arrests for property offenses are expected to remain relatively stable through the year 2000.

Arrests for property index offenses (thousands)

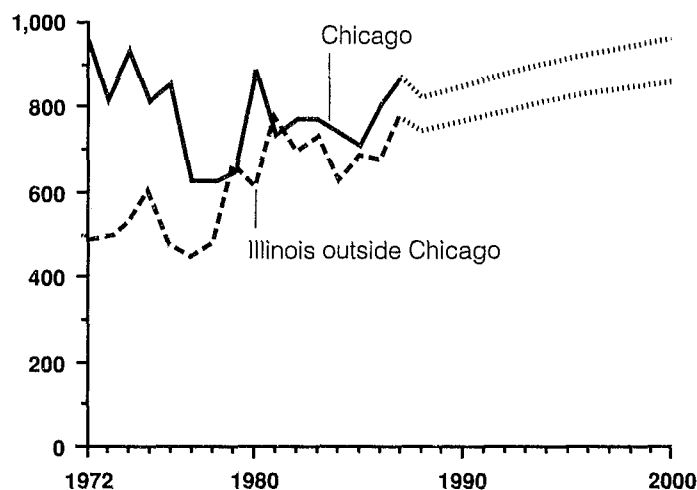


Source: Illinois Uniform Crime Reports; Chicago Police Department; Illinois Criminal Justice Information Authority (projections)

Figure 1-37

Burglary arrests of 30- to 59-year-olds are likely to increase throughout Illinois.

Arrests for index burglary of people aged 30 through 59



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

general, robbery arrests will continue to decline, with some exceptions. As with arrests for murder and criminal sexual assault, arrests of people aged 30 to 59 for robbery are expected to increase between 1987 and the year 2000—16 percent in Chicago and 4 percent in the rest of Illinois. In addition, arrests of young adults aged 17 to 19 in Chicago are expected to increase 18 percent between 1987 and 2000.

This projected increase for Chicago teenagers is based on two factors. First, even though the number of people in Chicago aged 17 to 19 is expected to decline between 1987 and 1992, it will increase from 1992 to 2000. In addition, this age group had an extremely high arrest rate in 1981 in Chicago (see Figure 1-29), compared to other age groups or to those aged 17 to 19 in the rest of the state. If only the most recent years (1985 to 1987) are used to estimate future robbery arrest rates, the predicted number of 30- to 59-year-olds arrested in Chicago will still increase 10 percent, but the expected number of young adults aged 17 to 19 arrested will not increase.

- **Aggravated assault.** The total number of adults arrested for aggravated assault in Chicago in the year 2000 is expected to be 11 percent higher than the 563 arrested in 1986 (and 117 percent higher than the 288 arrested in 1987).⁵⁷ Compared to 1986, arrests of Chicagoans aged 30 to 59 will increase 39 percent and arrests of 17- to 19-year-olds will increase 14 percent by the year 2000. Arrests of those aged 20 to 24, 25 to 29, and 60 or older are expected to remain at the same

level as 1986 or to decline. In Illinois outside Chicago, adult arrests for aggravated assault are expected to decline overall by 2000—this decline is expected to be especially rapid for those aged 17 to 19 (12 percent from the 773 arrests in 1987), 20 to 24 (20 percent from the 1,419 in 1987), and 25 to 29 (32 percent from the 1,248 in 1987). In contrast, the number of people aged 30 to 59 arrested for aggravated assault in Illinois outside of Chicago in 2000 is expected to increase 8 percent over the 1987 figure of 2,308.

- **Burglary.** Although the total number of adult arrests for burglary is expected to remain stable through the year 2000 (Figure 1-36), the numbers will vary by area and age group. In both Chicago and the rest of Illinois, arrests for burglary are expected to decline from 1987 through 2000 for every age group except those aged 30 to 59. The most rapid projected declines are 13 percent for 20- to 24-year olds and 16 percent for 25- to 29-year-olds in Chicago, and 17 percent for 20- to 24-year-olds and 30 percent for 25- to 29-year-olds in the rest of the state. Arrests of Chicago youths for burglary will decline through 1992 and then increase slightly, following the population trend for 17- to 19-year-olds. In 2000, however, there will be about the same number of arrests as in 1987. In the rest of the state, arrests of people aged 17 to 19 for burglary will also follow population trends, declining until 1995 and then increasing, but the number in 2000 will still be less than the number in 1987. In contrast, arrests of people aged 30 to 59 are expected to increase 10 percent in

Chicago and 12 percent in the rest of Illinois (Figure 1-37).

- **Larceny/theft.** In general, arrest rates of people aged 30 to 59 in Illinois are very low compared with the rates of the other age groups. But because the number of 30- to 59-year-olds in the state's population is increasing rapidly, the number of these people arrested for every index crime is expected to increase in the future much more than any other age group. This is especially true for larceny/theft. Trends in larceny/theft arrest rates in Chicago generally differed from those in Illinois outside of Chicago, especially in recent years when Chicago rates declined while rates outside Chicago increased. Arrest rates of people aged 30 to 59 for larceny/theft increased steadily, however, in recent years in Chicago as well as in the rest of Illinois. Given these high recent arrest rates and the projected increase in the population aged 30 to 59, the number of 30- to 59-year-olds arrested for larceny/theft is expected to increase rapidly to the year 2000 (Figure 1-38).

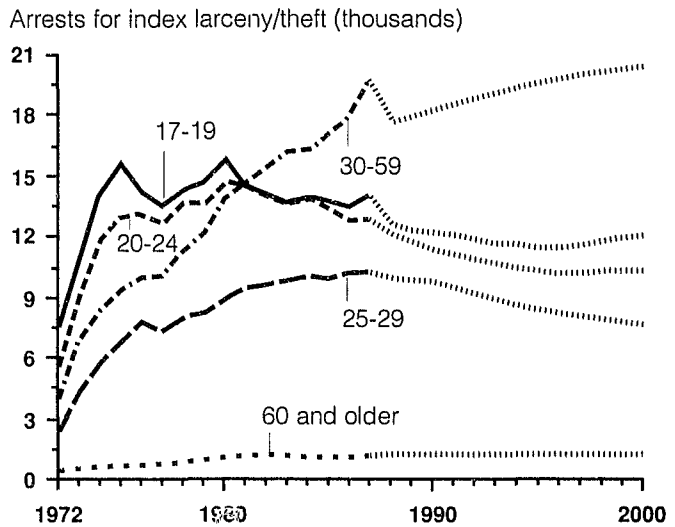
Until 1981, people aged 17 to 19 were the predominant age group arrested for larceny/theft in Illinois. Since then, however, the largest single group of arrestees for larceny/theft has been 30- to 59-year-olds. Now, and in the foreseeable future, the state's criminal justice system must deal with an aging population of larceny/theft defendants and offenders, as well as an aging population of people accused or convicted of other index crimes.

- **Motor vehicle theft.** Projected arrests for motor vehicle theft in Illinois (see Figure 1-36) are no exception to this general rule. In Chicago, the projections for motor vehicle theft used only an average of 1985, 1986, and 1987 arrest rates, so that the recent increase in arrest rates for young adults would be taken into account. Despite this, arrests are expected to decline both in Chicago and in the rest of Illinois for offenders aged 17 to 19, 20 to 24, and 25 to 29 by the year 2000. However, the number of people aged 30 to 59 arrested for motor vehicle theft is expected to increase steadily to the year 2000—15 percent in Chicago and 23 percent in the rest of the state.

HOW WILL TOTAL ARREST TRENDS CHANGE IN ILLINOIS?

In the coming years, 30- to 59-year-olds will be the predominant age group of people arrested for property crimes, as well as violent crimes, in Illinois. In addition, their predominance among property crime arrestees will grow as time passes. Given these projections for arrests for different age groups, what will the overall arrest

Figure 1-38
Larceny/theft arrests of 30- to 59-year-olds are likely to increase rapidly through the year 2000.



Source: Illinois Uniform Crime Reports, Chicago Police Department, Illinois Criminal Justice Information Authority

trends—including both adults and juveniles—be for the rest of the century? Several scenarios are possible.

Total arrests for violent index crimes in Illinois have fluctuated from a high of more than 25,000 in 1974 to a low of about 15,600 in 1985. Assuming that the state's population will change as expected and, in most cases, that the arrest rates for each age group will be the same as its average arrest rate from 1981 through 1987, a conservative estimate of the number of violent crime arrests in the year 2000 is about 16,400, of which about 12,400 will be adult arrests.

However, if the violent crime arrest rates of each age group return to the generally high levels of the early 1970s, the number of violent crime arrests could exceed 24,000 in 2000. On the other hand, if the arrest rates for each age group return to the lowest levels seen since 1972, there could be fewer than 14,000 violent crime arrests in 2000.

Total arrests for property crimes in Illinois followed a very different pattern from violent crime arrests: property crime arrests peaked at almost 109,000 in 1980, and then declined to about 99,500 in 1985. A conservative estimate of the number of property crime arrests expected in 2000 (again assuming the projected population figures and, in most cases, the average arrest rates from 1981 through 1987) is about 96,200 (of which 64,000 will be adult arrests).

However, if the property crime arrest rates for each age group return to the low levels of 1977, then the number of property crime arrests in 2000 could be less than 85,000. But if the rates in 2000 return to the highest level seen since 1972, the number of property crime arrests could exceed 105,000 in 2000.

Notes

- ¹ *Crime in the United States*, 1987 edition (Washington, D.C.: U.S. Department of Justice, 1988).
- ² These figures are from a national study in which victims were asked, "Were the police informed or did they find out about this incident in any way?" Crimes where a commercial establishment is victimized are excluded. See Caroline Wolf Harlow, *Reporting Crimes to the Police* (Washington, D.C.: Bureau of Justice Statistics, 1985).
- ³ Household larceny is defined as theft in or near the home where illegal entry is not involved—thus differentiating this crime from burglary.
- ⁴ Certain types of crimes, however, are unlikely to be investigated by local police agencies. Many of the white-collar crimes (for example, fraud, embezzlement, forgery, counterfeiting) are typically investigated by county prosecutors, the Illinois Attorney General, or the Illinois State Police's Division of Criminal Investigation. An indictment is then issued by a grand jury, therefore precluding involvement by local police agencies.
- ⁵ William C. Cunningham and Todd H. Taylor, *Private Security and Police in America* (Portland, Ore.: Chancellor Press, 1984).
- ⁶ Robert R.J. Gallati, *Introduction to Private Security* (Englewood Cliffs, N.J.: Prentice-Hall, 1983) p. 21.
- ⁷ James Q. Wilson, *Varieties of Police Behavior* (Atheneum, N.Y.: Atheneum [by permission of Harvard University Press], 1971).
- ⁸ William Spellman and Dale K. Brown, *Calling the Police: Citizen Reporting of Serious Crime* (Washington D.C.: Police Executive Research Forum, 1981).
- ⁹ The police agencies included in this analysis were Arlington Heights, Buffalo Grove, Calumet City, Crystal Lake, Des Plaines, Dolton, Elgin, Elk Grove Village, Evanston, Fox River Grove, Glencoe, Glendale Heights, Glenview, Harvey, Highland Park, Hoffman Estates, Huntley, Joliet, Morton Grove, Mt. Prospect, Naperville, Oakwood Hills, Palatine, Park Ridge, Rolling Meadows, St. Charles, Schaumburg, Streamwood, Wheeling, Wilmette, and Winnetka. Response times were originally punched on a time clock at each agency. Only the last whole minute was recorded; seconds were not recorded. For example, all response times between 1 minute–0 seconds and 1 minute–59 seconds were recorded as "1 minute." All aggregate response times cited are, therefore, averages of whole minutes, and hence subject to rounding errors.
- ¹⁰ *People v. Pankey*, 94 Ill. 2d 12, 445 N.E. 2d 284 (1983).
- ¹¹ *United States v. Seventy-Three Thousand Two Hundred Seventy-Seven Dollars, U.S. Currency*, 710 F. 2d 283 (7th Cir. 1983).
- ¹² *Kindred v. Stitt*, 51 Ill. 401 (1869).
- ¹³ Ill.Rev.Stat., ch. 24, par. 7-4-7.
- ¹⁴ Ill.Rev.Stat., ch. 24, par. 7-4-8.
- ¹⁵ *People v. Carnivale*, 21 Ill. App. 3d 780, 315 N.E. 2d 609 (1st Dist. 1974).
- ¹⁶ Ill.Rev.Stat., ch. 38, par. 107-8.
- ¹⁷ Ill.Rev.Stat., ch. 38, par. 107-9(e).
- ¹⁸ *United States v. Janik*, 723 F. 2d 537 (7th Cir. 1983).
- ¹⁹ *Tennessee v. Garner*, 105 S. Ct. 1694 (1985).
- ²⁰ Ill.Rev.Stat., ch. 38, par. 7-5(a). This statute was brought into compliance with *Tennessee v. Garner* in 1986.
- ²¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).
- ²² *Arizona v. Roberson*, 43 CrL 3085.
- ²³ *Patterson v. Illinois*, 43 CrL 3146.
- ²⁴ *The Law Officer's Pocket Manual, 1987–1988 Edition* (Washington, D.C.: The Bureau of National Affairs, 1987–1988) p. 9:9.
- ²⁵ *California v. Greenwood*, 43 CrL 3029.
- ²⁶ *Murray v. U.S.*, 43 CrL 3168.
- ²⁷ *Michigan v. Chesternut*, 43 CrL 3077.
- ²⁸ For more information about I-UCR statistics, see Louise S. Miller and Carolyn R. Block, *Introduction to Illinois Uniform Crime Reports* (Chicago: Illinois Criminal Justice Information Authority, 1985).
- ²⁹ Arrest data for Chicago are available in monthly totals only.
- ³⁰ The national UCR's list of index crimes is somewhat different. The FBI collects data on the crime of rape, which has a narrower definition than criminal sexual assault.
- ³¹ Although the changes in recordkeeping practices began officially in 1984, actual changes in data recording began in the final months of 1983. The offense data for 1983, there-

fore, show a slight increase, but the bulk of the effect from recordkeeping changes is reflected in 1984 figures. For a detailed analysis of how the changes in the Chicago Police Department's reporting practices affected the number of robbery and assault offenses, see Carolyn R. Block and Sheryl L. Knight, *Is Crime Predictable? A Test of Methodology for Forecasting Criminal Offenses* (Chicago: Illinois Criminal Justice Information Authority, 1987).

³² Block and Knight, 1987.

³³ For more detail about population estimates, see Appendix B.

³⁴ As discussed on pages 31-32, most of this increase was the result of changes in data recording practices in Chicago.

³⁵ For more information about homicide in Illinois, see Louise S. Miller, *Murder in Illinois: 1973 to 1982* (Chicago: Illinois Criminal Justice Information Authority, 1983).

³⁶ As a serious offense that traditionally has been accurately reported, murder was not affected by the reporting changes in Chicago. For a detailed explanation of Chicago homicide trends, see two Authority publications by Carolyn R. Block: *Lethal Violence in Chicago Over Seventeen Years* (1985) and *Specification of Patterns Over Time in Chicago Homicide* (1985).

³⁷ Ill.Rev.Stat., ch. 38, par. 12-12 et seq. For details, see Figure 1-3.

³⁸ For this report, crime rates were calculated for four different types of jurisdictions in Illinois: Chicago; other large municipalities; small municipalities, which include all other incorporated cities and towns; and rural areas, which include those unincorporated parts of the state that fall under the jurisdiction of county sheriff's offices. Other large municipalities is a U.S. Census Bureau designation of cities (or twin municipalities) that have more than 50,000 people and that exhibit characteristics of a major metropolitan center. In Illinois, these cities are Arlington Heights, Aurora, Bloomington-Normal, Champaign-Urbana-Rantoul, Cicero, Decatur, Des Plaines, East St. Louis, Elgin, Evanston, Joliet, Kankakee, Moline-Rock Island, Mt. Prospect, Oak Lawn, Oak Park, Peoria, Rockford, Schaumburg, Skokie, Springfield, and Waukegan.

³⁹ To measure the relative frequency of violent crime in jurisdictions that have different population characteristics, crime rates must be used. Crime rates here measure the per-capita amount of reported crime in a community, or group of communities, by calculating the number of crimes for every 100,000 people.

⁴⁰ When comparing crime rates across regions, it is important to remember that I-UCR data represent only those crimes reported to police. Therefore, differences in crime

rates may be partially due to regional differences in perceptions of crime. These perceptions, in turn, affect both crime reporting practices by citizens and crime recording practices by local law enforcement agencies.

⁴¹ See Appendix B for a detailed discussion of the methodology used for the offense projections in this chapter.

⁴² Detailed projected figures through the year 2000 are available from the Authority upon request.

⁴³ Several factors make projections of sexual assault in Illinois difficult. First, the change in reporting practices in Chicago, which began in 1983 and continued through 1984, probably caused much of the increase in reported rape offenses in those years. Second, the overhaul of the state's sexual assault laws, which took effect in the second half of 1984, may have caused much of the statewide increase after 1984. In 1985, 1986, and 1987, however, neither the definition nor the level of sexual assault changed as they had in earlier years. The projections are based on the assumption that this stability will continue.

⁴⁴ Of all the index crimes, aggravated assault showed the biggest increase in Chicago in 1983 and 1984, much of which was due to the change in the police department's reporting practices. Before 1984, only aggravated batteries were counted in the index aggravated assault offense category in Chicago. (Personal communication with Lieutenant John Culloton, Chicago Police Department, December 5, 1988.) Beginning in 1984, attempted murders and aggravated assaults (battery threats) are also included, making the definition of index assault in Chicago comparable to that in the rest of Illinois only in the years 1984 to 1987. Therefore, the more recent patterns, 1984 to 1987, were used in the projections.

⁴⁵ Arson was excluded from this chapter because it was not designated as an index crime until 1980. Since earlier, non-index arsons were reported differently than index arson offenses, the crime could not be analyzed over the same time period used for the other three property index crimes and the four violent index crimes.

⁴⁶ Detailed projected figures through the year 2000 are available from the Authority on request.

⁴⁷ Lawrence W. Sherman and Barry D. Glick, *The Quality of Police Arrest Statistics* (Washington, D.C.: Police Foundation, 1984).

⁴⁸ The failure of the victim to file a complaint does not, in itself, preclude police from making an arrest. Officers may still arrest a suspect if they have enough evidence to do so.

⁴⁹ The year 1973 is used for comparison because of unresolved data quality issues in the 1972 arrest figures.

⁵⁰ See *Age-Specific Arrest Rates* (Washington, D.C.: Federal Bureau of Investigation, Uniform Crime Reporting Program, 1984). Also, Carolyn R. Block, *The Meaning and Measurement of Offenders Age in Criminology Research* (paper presented at the annual meeting of the American Society of Criminology, 1986).

⁵¹ See Appendix B for the source of population data for these rates.

⁵² Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

⁵³ Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

⁵⁴ Separate graphs for Chicago and the rest of Illinois are available on request from the Authority.

⁵⁵ For details of the arrest projection methods, see Appendix B.

⁵⁶ Because of unresolved problems with 1980 arrest figures, 1981 was chosen as the initial year.

⁵⁷ In Chicago, arrest rates for index aggravated assault in 1987 were so unusually low for each age group that only the years 1981 through 1986 were used as the basis for the arrest projections (see Figure 1-28). For the rest of Illinois, however, the average of the rates from 1981 to 1987 was used.

Drugs and Law Enforcement

Drugs are connected with crime in many ways. First, trafficking in and possessing illegal drugs are themselves crimes. Second, there is growing evidence of a connection between drugs and many types of property and violent crime in general (see pages 5-8).

Most of this section, however, deals with the first problem—crimes of illegal trafficking and possession of drugs—and how law enforcement agencies respond to it. In many ways, the law enforcement response to drugs reflects actual trends in drug abuse and trafficking “on the street.” But drugs arrests and seizures also reflect law enforcement priorities, procedures, and even administration.

WHO ENFORCES DRUG LAWS IN ILLINOIS?

Crimes involving illegal possession of or trafficking in drugs, by their very nature, generally cross jurisdictional boundaries. The gram of cocaine bought on a Chicago street or in rural Illinois has traveled a long road, crossing international, state, and local boundaries on its way. To be effective, drug law enforcement, too, must be multi-jurisdictional in nature, with cooperation among local, state, and national agencies.

The following agencies enforce state and federal drug laws in Illinois:

■ **Local law enforcement agencies**—both municipal police and county sheriffs' departments. These agencies generally enforce Illinois drug laws as they uncover violations of them in their daily work or in connection with other crimes. Some large agencies also have specialized narcotics units that conduct more complex investigations within the department's jurisdictional boundaries.

■ **Illinois State Police.** ISP's Division of Criminal Investigation conducts investigations of drug law violations statewide, generally focusing on larger, more complex delivery and conspiracy offenses. But both ISP and local law enforcement agencies frequently cooperate in drug investigations that cross jurisdictional boundaries or that require more re-

sources than one agency can provide. Cooperative drug law enforcement between ISP and local law enforcement agencies has been institutionalized in many areas of the state in the form of drug enforcement task forces and metropolitan enforcement groups.

■ **Drug enforcement task forces.** Task forces are formed by local units of government that want to combine resources with ISP to combat drug trafficking and abuse.¹ Each participating local law enforcement agency contributes personnel to the drug enforcement task force, which is directed by an ISP special agent. A policy board consisting of an elected official from each participating community and the chief officer of each participating law enforcement agency oversees the work of the task force. Although Illinois' drug enforcement task forces are not required to restrict their activities to drug law enforcement, most do. There are currently nine drug law enforcement task forces operating in 34 Illinois counties (DRUGS 1-1).

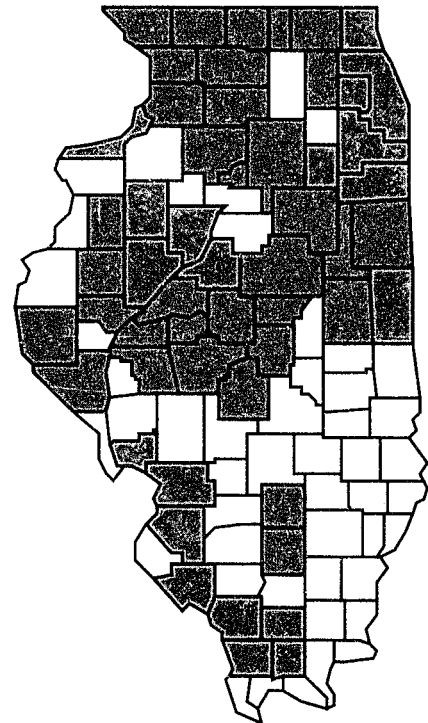
■ **Metropolitan enforcement groups.** MEGs are created and structured in the same way as drug enforcement task forces, but, unlike task forces, they are funded in part by state general revenue funds and are required by law to restrict their activities to drug law enforcement. Currently, 10 MEGs are operating in 20 counties statewide.

■ **Federal agencies.** Several federal agencies are involved in enforcing federal drug laws. For example, the Federal Bureau of Investigation was responsible for at least 60 arrests of drug offenders in Illinois in 1987, and the U.S. Customs Service was responsible for approximately 15 arrests. But the most visible federal agency in drug law enforcement is the Drug Enforcement Administration (DEA), a division of the U.S. Department of Justice. The DEA is responsible for national and international drug investigations, intelligence gathering, and obtaining cooperation among federal, state, and local agencies in drug law enforcement operations.

DRUGS 1-1

Multi-jurisdictional drug enforcement units operate in more than 50 counties in Illinois.

■ Metropolitan enforcement groups
■ Drug enforcement task forces



Source: Illinois Criminal Justice Information Authority

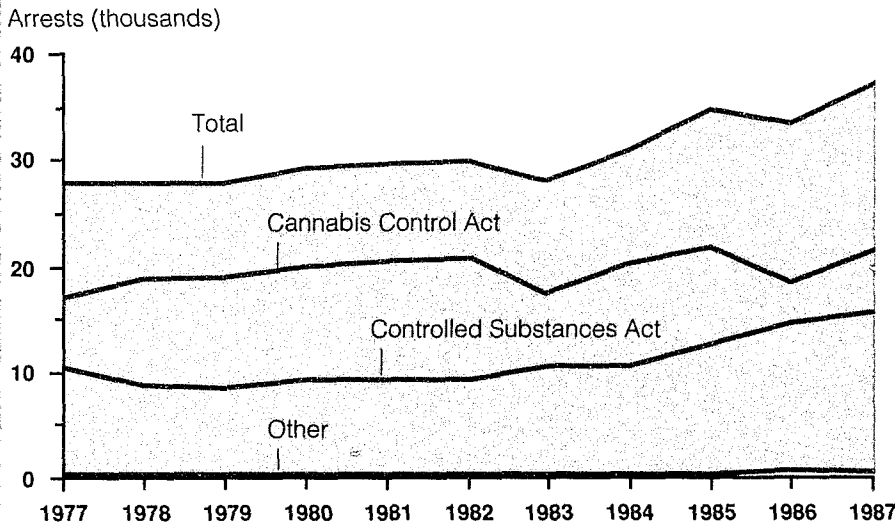
When federal, state, and local agencies cooperate in an investigation, charges may be filed under federal or state laws or both, depending on several factors: the type of case, what agency initiated the investigation, what the evidence shows, and under what charges the heaviest sanctions could be brought.

WHAT TYPES OF OFFENSES DO DRUG ARRESTS MOST FREQUENTLY INVOLVE?

Most drug offenses in Illinois are violations of either the Cannabis Control Act,² which prohibits growing, dealing in, or possessing marijuana, or the Controlled Substances Act,³ which prohibits manufacturing, possessing, or trafficking in other illegal drugs, such as heroin and

DRUGS 1-2

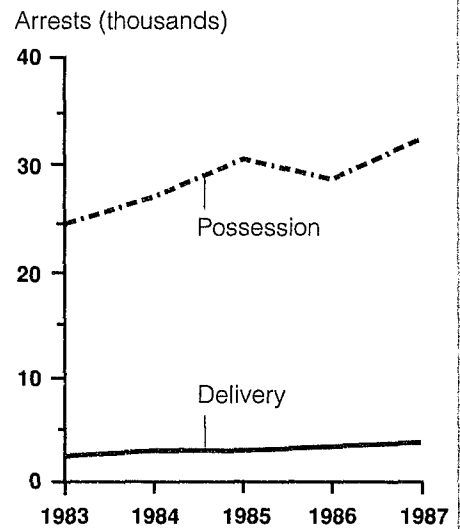
The number of people arrested for controlled substance violations has risen steadily in recent years.



Note: The arrest totals for 1977 and 1978 do not include arrests made by Illinois metropolitan enforcement groups.
Source: Illinois Uniform Crime Reports; Illinois metropolitan enforcement groups

DRUGS 1-3

Both possession and delivery arrests have increased since 1983.



Source: Illinois Uniform Crime Reports; Illinois metropolitan enforcement groups

cocaine. Illinois also has various laws prohibiting other drug-related activity, such as the illegal sale or possession of hypodermic needles.

In 1987, 37,316 people were arrested in Illinois on drug charges under these Illinois laws. By far the largest number of drug arrests in Illinois since 1975 have been under the Cannabis Control Act (DRUGS 1-2). From 1980 through 1987, the number of arrests for cannabis violations has fluctuated around 20,000 a year.

While the number of people arrested on cannabis charges appears to be relatively steady, the number of people arrested under the Controlled Substances Act and the number arrested under other drug laws have been rising steadily since 1982. The number of controlled substance arrests in Illinois rose 70 percent in recent years, from 9,045 in 1982 to 15,415 in 1987. And the number of other drug arrests rose 126 percent in the same period, from 231 in 1982 to 523 in 1987.

Most drug arrests in Illinois are for possession of drugs. However, arrests for delivery of drugs have consistently increased over the past four years, while possession arrests have followed a less consistent pattern (DRUGS 1-3).⁴ Deliv-

ery arrests rose each year between 1983 and 1987, increasing 47 percent over the entire four-year period. During the same time, possession arrests increased at a slower rate—32 percent—overall, and even declined 6 percent between 1985 and 1986.

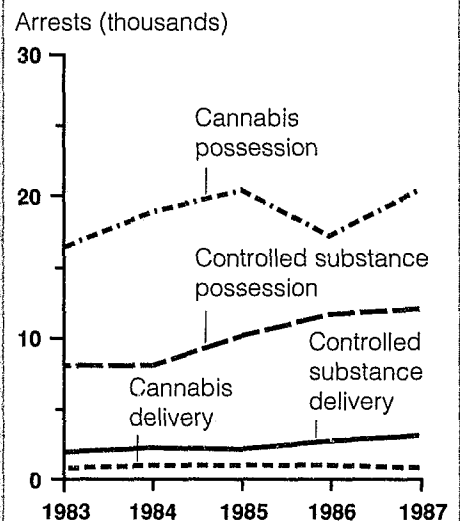
The trend in overall delivery arrests has been strongly influenced by arrests for controlled substance delivery (DRUGS 1-4). Arrests for delivery of controlled substances increased each year—a total of 63 percent—between 1983 and 1987. Arrests for delivery of cannabis, however, increased only 6 percent from 1983 to 1987. Arrests for possession of controlled substances have increased 50 percent since 1983, while arrests for possession of cannabis have fluctuated.

ARE COCAINE ARRESTS IN ILLINOIS INCREASING?

Because statewide statistics on Controlled Substances Act arrests do not identify the specific controlled substances involved, the exact number of cocaine arrests made in Illinois is difficult to determine. However, among drug arrests made by ISP and the state's drug enforcement task forces, Illinois' MEGs, and the DEA in Illinois, arrests involving co-

DRUGS 1-4

Arrests for delivery of controlled substances have increased steadily in the 1980s.



Source: Illinois Uniform Crime Reports, Illinois metropolitan enforcement groups

caine have skyrocketed, particularly since 1983 (DRUGS 1-5).

Between 1983 and 1987, ISP and task force cocaine arrests more than quadrupled, from 254 to 1,087. Cocaine arrests made by the MEGs increased 93 percent during the same period, from 459

to 887. DEA arrests for cocaine also increased dramatically, from 306 in 1983 to 665 in 1987, a 117-percent increase.

WHERE DO MOST DRUG ARRESTS IN ILLINOIS OCCUR?

Most drug arrests in Illinois are made in Chicago, where the number has increased dramatically since 1981 (DRUGS 1-6). The number of drug arrests in Chicago has increased 64 percent, from 15,181 in 1981 to 24,937 in 1987. In 1987, drug arrests in Chicago accounted for two-thirds of all drug arrests in the state. Drug arrests in the collar counties and in rest of the state, on the other hand, have decreased overall since 1981, although there was a substantial increase in the collar counties in 1987 and a generally stable trend in the rest of the state in recent years. Between 1981 and 1987, drug arrests decreased 10 percent in the collar counties and almost 20 percent in the rest of Illinois.

HOW MANY DRUG ARRESTS DOES THE FEDERAL GOVERNMENT MAKE IN ILLINOIS?

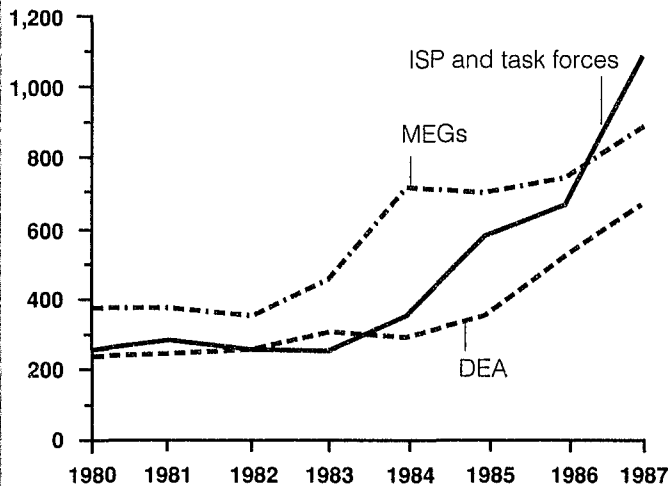
The U.S. Drug Enforcement Administration (DEA) focuses its efforts on more serious drug crimes—drug delivery (in most cases a more serious crime than drug possession) and crimes involving controlled substances (in most cases more serious than crimes involving cannabis). In every year since 1980, the DEA has made far more arrests for controlled substance crimes than for cannabis crimes, and in recent years the number of DEA arrests for controlled substances has increased dramatically (DRUGS 1-7). In 1984, the DEA made 423 arrests for crimes involving controlled substances—nearly 10 times the number of DEA arrests for cannabis. By 1987, DEA arrests for controlled substances had increased 84 percent to 777 arrests—more than 17 times the number of DEA arrests for cannabis that year.

Similarly, DEA arrests for delivery of drugs have been higher in every year since 1980 than arrests for possession, although both have increased in recent years (DRUGS 1-8). In each year be-

DRUGS 1-5

Cocaine arrests in Illinois increased dramatically between 1983 and 1987.

Arrests for cocaine

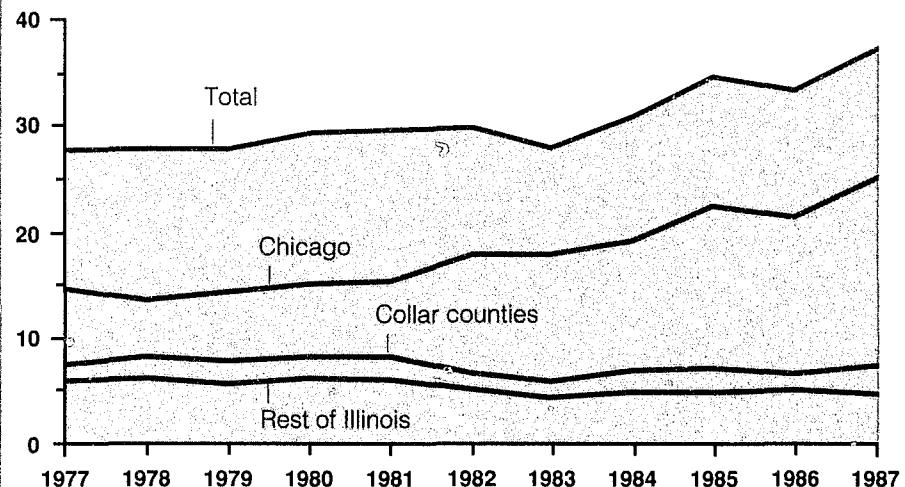


Source: Illinois metropolitan enforcement groups; U.S. Drug Enforcement Administration; Illinois State Police

DRUGS 1-6

Most drug arrests in Illinois take place in Chicago.

Arrests (thousands)



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

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

tween 1984 and 1987, arrests for delivery were approximately twice the number of arrests for possession. During those four years, arrests for possession increased 81 percent, to 273 arrests in 1987; arrests for delivery increased 74 percent, to 537 in 1987. The DEA was involved in 446 cooperative arrests with state and local law enforcement agencies in 1987.

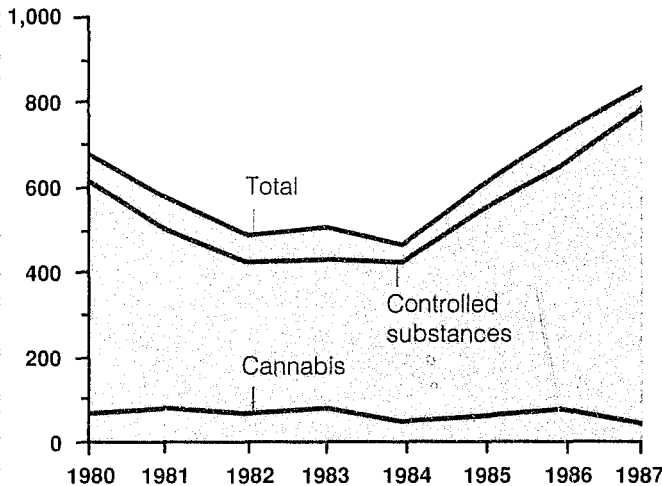
WHAT DRUGS ARE SEIZED BY LAW ENFORCEMENT AGENCIES IN ILLINOIS?

Comprehensive statistics on the types and quantities of drugs that police seize from traffickers and abusers are unavailable in Illinois. However, drug seizure data that are available from specific law enforcement agencies (ISP, the state's

DRUGS 1-7

DEA arrests for controlled substances in Illinois have increased dramatically since 1984.

Arrests in Illinois

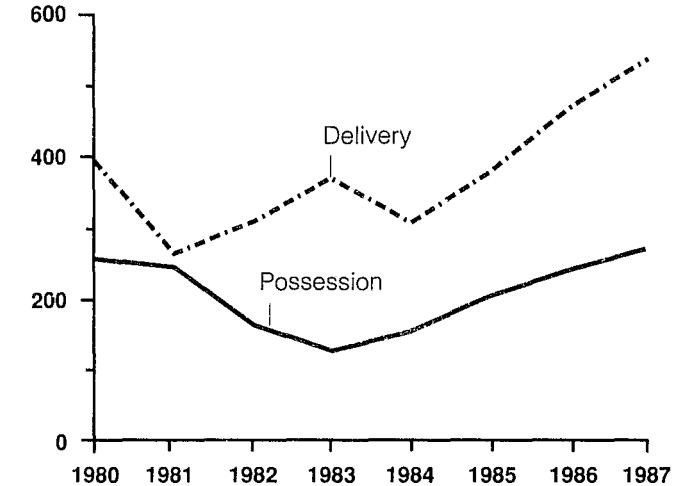


Source: U.S. Drug Enforcement Administration

DRUGS 1-8

The DEA has consistently made more arrests for delivery of drugs than for possession.

Arrests in Illinois

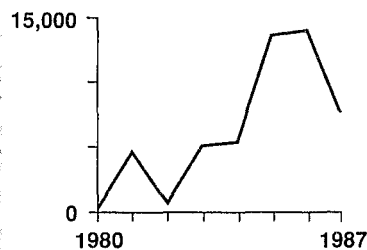


Source: U.S. Drug Enforcement Administration

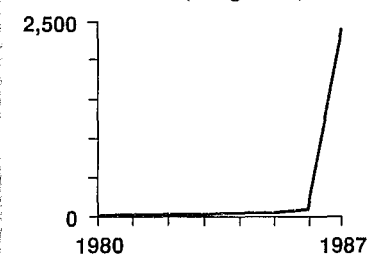
DRUGS 1-9

ISP and task force seizures of cocaine increased dramatically in 1987.

Cannabis seized (kilograms)



Cocaine seized (kilograms)



Source: Illinois State Police

- Far more cannabis is seized than any other drug.
- The quantity of drugs removed from the illegal marketplace has been increasing overall in recent years.
- The amount of cocaine seized by law enforcement agencies has skyrocketed in recent years.

Between 1980 and 1987, ISP and the state's drug task forces seized more than 74,600 kilograms of illegal drugs, including heroin, cocaine, cannabis, illegally obtained prescription drugs, and others. The street value of these drugs was estimated at more than \$835 million. During that period, more than 57,600 kilograms of cannabis were seized, compared to more than 2,500 kilograms of cocaine, 37 kilograms of heroin, and 20,300 kilograms of other dangerous drugs, such as hallucinogens, stimulants, and depressants.

From year to year, the total quantity of illegal drugs seized by ISP and the task forces has generally increased. In 1987, more than 10,192 kilograms of drugs were seized, compared to less than 600 kilograms in 1980.

The quantities of specific types of drugs that were seized varied. Cannabis seizures generally increased in quantity between 1980 and 1987, as did seizures

of cocaine (DRUGS 1-9). The amount of cocaine seized has increased dramatically since 1985. In 1987, 2,398 kilograms of cocaine were seized by ISP and the task forces, compared to 33 kilograms in 1984 and 5 kilograms in 1980. The amounts seized of heroin and other dangerous drugs varied over the same period. Heroin seizures, for example, ranged from a low of approximately 2 kilograms in 1980 to a high of more than 8 kilograms in 1982. In 1987, less than 4 kilograms of heroin was seized.

Similar trends are evident among drug seizures made by other law enforcement agencies as well:

- Between 1985 and 1986, the total amount of drugs seized by the state's MEGs increased 43 percent, from 1,825 kilograms to more than 2,608 kilograms. In both years, the MEGs seized more cannabis than any other type of drug. The amount of cannabis seized increased 41 percent between 1985 and 1986. Over the same two years, the amount of cocaine seized nearly tripled, from about 27 kilograms in 1985 to more than 77 kilograms in 1986. The amount of heroin and other dangerous drugs seized by the MEGs decreased during the same period.

- In 1987, the Chicago Police Department's narcotics unit⁶ seized more than

drug enforcement task forces, the MEGs, the Chicago Police Department, and the DEA) suggest the following trends:⁵

- A wide variety of drugs are seized from drug traffickers and abusers in Illinois, ranging from heroin and cocaine to various types of prescription drugs.

11,000 kilograms of illegal drugs, compared to about 30 kilograms in 1986 (DRUGS 1-10). Over those two years, the unit seized 7,678 kilograms of cannabis, 2,905 kilograms of cocaine, 42 kilograms of heroin, and 438 kilograms of other dangerous drugs.

■ The total quantity of drugs seized by the DEA in Illinois has also increased.⁷ In 1987, the DEA seized 811 kilograms of heroin, cocaine, and cannabis and more than 1.3 million dosage units of other dangerous drugs. In 1980, by contrast, the DEA seized less than 68 kilograms of heroin, cocaine, and cannabis, although the agency seized more than 1.9 million dosage units of other drugs. From 1980 through 1987, the DEA seized more than 2,500 kilograms of heroin, cocaine, and cannabis and more than 7.8 million dosage units of other dangerous drugs.

The amount of cocaine seized by the DEA in Illinois has increased dramatically since 1980, particularly since 1984 (DRUGS 1-11). In 1980, slightly more than 25 kilograms of cocaine were seized by the DEA in Illinois. In 1984, approximately 47 kilograms were seized, but in 1987, the amount increased nearly sevenfold to 309 kilograms. The quantity of heroin seized generally decreased between 1980 and 1987, while the amounts of cannabis and other dangerous drugs

seized fluctuated considerably (DRUGS 1-12).

WHAT ROLE DO THE CRIME LABS PLAY IN DRUG LAW ENFORCEMENT?

Crime laboratories play an important role in many criminal investigations and trials. The apprehension, charging, and adjudication of a suspected criminal can all be influenced by the crime lab's scientific analysis of the evidence. This is especially true in drug cases. All contraband seized by the police and suspected of being or containing an illegal drug is submitted to a crime lab for analysis. The lab then determines whether or not an illegal drug is present, and if so, what kind. Crime labs also determine the exact weight of the contraband.

The lab's analysis is important not only because it establishes whether illegal drugs are present, but also because it provides the basis for proper charging and sentencing decisions (see pages 84-85).

Illinois' state and local law enforcement agencies are served by 10 crime labs throughout the state (DRUGS 1-13). The Chicago Police Department has its own crime lab; the other labs in the state all serve more than one agency.

The Northern Illinois Police Crime Laboratory provides lab services to 42 member law enforcement agencies in Cook, Lake, and McHenry counties. Located in Highland Park, the lab is owned, governed, financed, and operated by its member agencies. The DuPage County Sheriff's Office crime laboratory, located in Wheaton, provides services to approximately 50 law enforcement agencies in the DuPage County area. All other state and local law enforcement agencies are served by ISP's system of crime labs. ISP labs are located in Maywood,⁸ Joliet, Rockford, Morton, Springfield, Carbon-dale, and Fairview Heights.

DRUGS 1-10

Chicago Police Department drug seizures increased dramatically between 1986 and 1987.

Kilograms of drugs seized by the Chicago Police Department's narcotics unit:

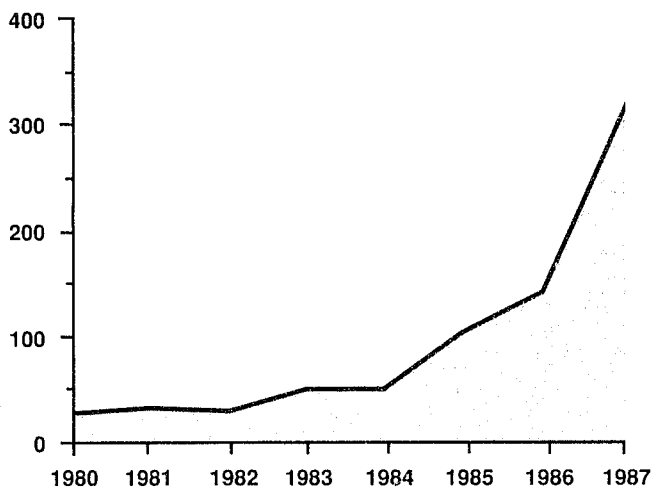
	1986	1987
Cannabis	15.2	7,662.8
Cocaine	9.3	2,895.5
Heroin	1.3	41.0
Other	4.5	433.4

Source: Chicago Police Department, Organized Crime Division, Narcotics Section

DRUGS 1-11

DEA cocaine seizures in Illinois increased dramatically after 1984.

Cocaine seized (kilograms)

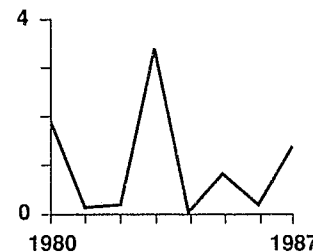


Source: U.S. Drug Enforcement Administration

DRUGS 1-12

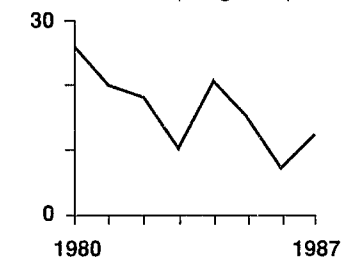
The amount of heroin seized by the DEA in Illinois decreased between 1980 and 1987, while seizures of cannabis and other drugs varied widely.

Other drugs seized (million dosage units)

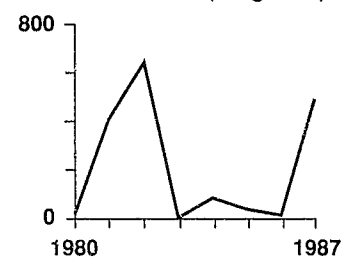


Source: U.S. Drug Enforcement Administration

Heroin seized (kilograms)

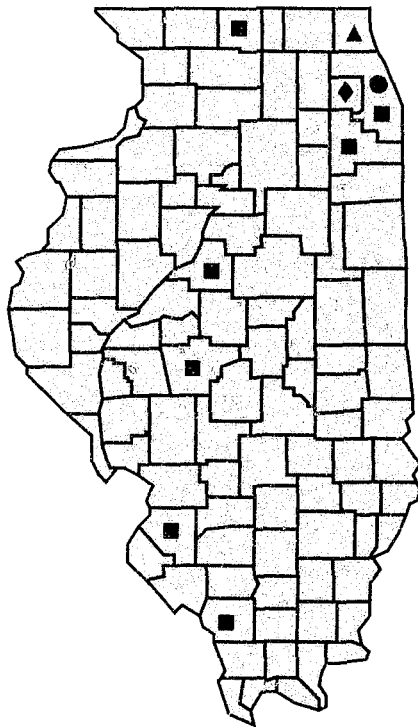


Cannabis seized (kilograms)



DRUGS 1-13

There are 10 crime laboratories serving state and local law enforcement in Illinois.



- Illinois State Police crime labs
- Chicago Police Department crime lab
- ◆ DuPage County Sheriff's Office crime lab
- ▲ Northern Illinois Police crime lab

Source: Illinois Criminal Justice Information Authority

HOW HAS THE DRUG PROBLEM AFFECTED ILLINOIS' CRIME LABS?

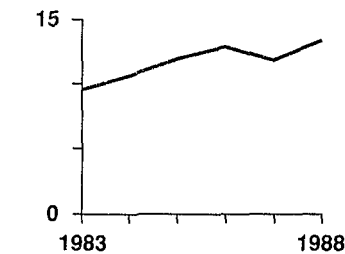
As the number of drug investigations, arrests, and seizures has increased in Illinois, so has the demand for drug analysis services by crime labs.⁹ In 1988, 13,273 drug cases were submitted to the ISP crime labs, a 41-percent increase over the 9,419 drug cases submitted in 1983 (DRUGS 1-14).

Drug cases submitted to the Chicago Police Department lab increased 108 percent during the same period, from 17,639 in 1983 to 36,639 in 1988. At the Northern Illinois Police crime lab, drug cases increased from 1,285 in 1983 to 2,092 in 1988, a 63-percent increase.

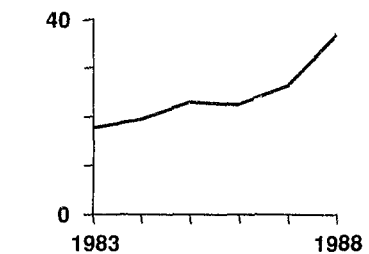
DRUGS 1-14

The number of drug cases submitted to crime labs throughout Illinois has increased over the past several years.

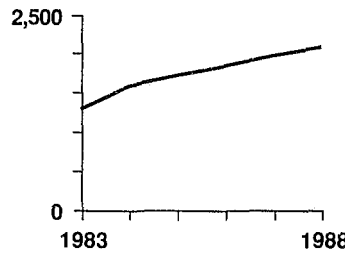
ISP crime labs drug caseload (thousands)



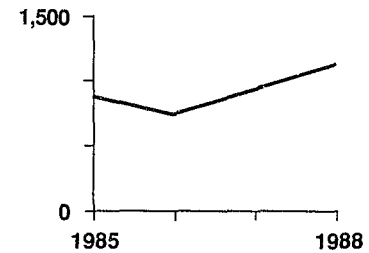
Chicago Police Department crime lab drug caseload (thousands)



Northern Illinois Police crime lab drug caseload



DuPage Sheriff's Office crime lab drug caseload



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

Drug cases submitted to the DuPage County Sheriff's Office crime lab have increased as well, from 868 in 1985 to 1,132 in 1987, a 30-percent jump.

Drug cases also make up a large proportion of the crime labs' total workload.¹⁰ Drug cases accounted for 46 percent of all cases submitted to ISP's labs in 1985 and 56 percent in 1988. At the Northern Illinois lab, drug cases made up 34 percent of the total caseload in 1983 and 45 percent in 1988. About 40 percent of the DuPage lab's caseload consisted of drug cases in both 1985 and 1988.

In addition to increasing numbers of cases, the crime labs are also being required to perform complex analyses more frequently. An increasing number of the labs' cases involve controlled substances, which take considerably longer to analyze than cannabis.¹¹ For example, in 1988, 58 percent of the ISP labs' drug caseload involved controlled substances, compared to 52 percent in 1983. At the Chicago Police Department lab, controlled substances made up 71 percent of the drug caseload in 1988,

compared to 43 percent in 1983.

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

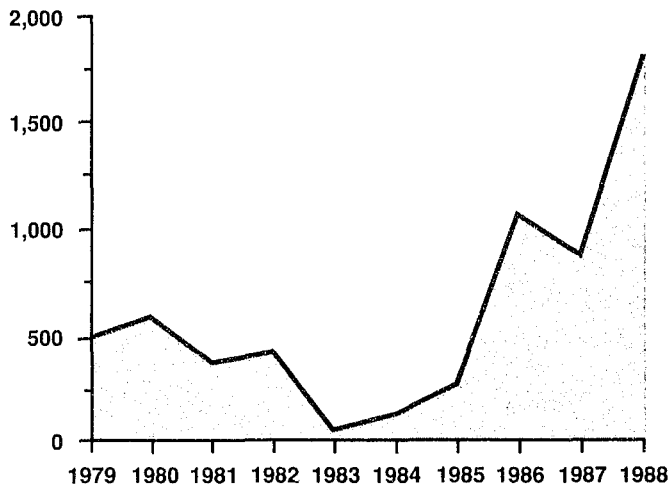
The problem is particularly acute at the labs with the largest drug caseloads, the Chicago Police Department and ISP labs. At the ISP labs, the backlog of drug chemistry cases has increased steadily since 1983. At the end of 1983, the ISP labs had a backlog of 37 drug chemistry cases. By 1985, the backlog had increased to 253 cases and by 1988 to 1,806 cases (DRUGS 1-15).¹² At the Chicago Police Department crime lab, an internal audit found that a backlog of 2,162 drug chemistry cases in January 1986 had increased to 4,720 cases by September of that year.¹³

The amount of time needed to process drug chemistry cases has increased as well. In 1983, the ISP labs processed 75 percent of all drug cases within one to

DRUGS 1-15

By 1988, the backlog of drug chemistry cases at ISP's crime labs had grown to more than 1,800.

Cases backlogged

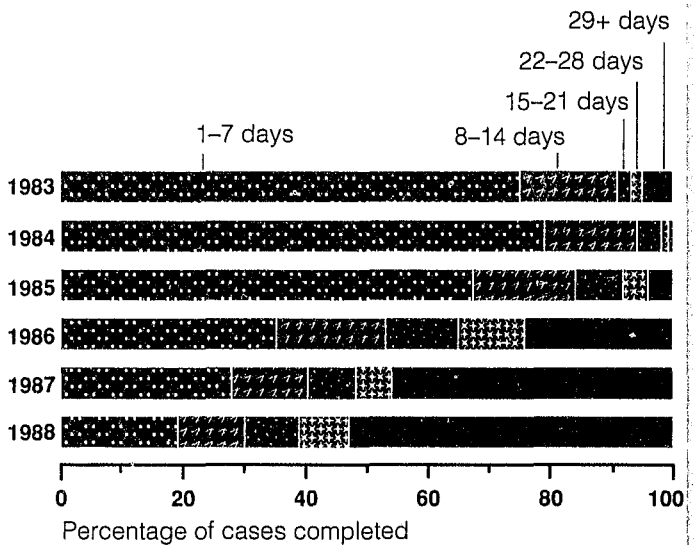


Note: 1988 figure represents only 10 months of data.

Source: Illinois State Police

DRUGS 1-16

The percentage of drug chemistry cases turned around in seven days or less by ISP crime labs fell from 75 percent in 1983 to 19 percent in 1988.



Note: 1988 figures are calculated based on 10 months of data.

Source: Illinois State Police

seven days, compared to just 19 percent in 1988 (DRUGS 1-16). Currently, 53 percent of all drug cases take more than four weeks to process. The Chicago Police Department crime lab has experienced similar problems. In July 1986, for example, 88 drug cases were dismissed by the courts when analysis results were not available from the Chicago police lab on time. In December of that year, the number of dismissed cases reached 776.¹⁴

WHAT IS BEING DONE TO HELP THE CRIME LABS RESPOND TO INCREASING DRUG CASELOADS?

Because information about the nature and quantity of suspected contraband is critical to the successful prosecution of a drug case—for example, law enforcement agencies are usually required to provide scientific analyses of contraband at a preliminary hearing in order to establish probable cause—timely reporting of test results by the crime lab is imperative. Upgrading the drug analysis capabilities of Illinois' crime labs to eliminate backlogs and help ensure that drug evidence is available in time for court proceedings is a top priority in the state's fight against drugs.

Since 1987, 12 new drug chemists have

been added to the staffs of the ISP crime labs, and since 1986, 20 have been added to the Chicago police lab's staff. In addition, state-of-the-art equipment has been installed not only at the ISP and Chicago Police Department labs, but also at the Northern Illinois and DuPage labs.

While the problems associated with increasing demands for drug analysis services are far from being solved, progress is being made. For example, a 1987 study of the Chicago Police Department's crime lab found that since additional chemists had been added to the lab and new analytical and operating procedures had been implemented, the number of drug cases that were dismissed because of unavailable lab reports had decreased significantly.¹⁵

WHAT IS BEING DONE TO STOP THE SMUGGLING OF DRUGS INTO ILLINOIS?

In addition to the more routine types of drug law enforcement, there are many special programs that attack drug trafficking and abuse on different fronts.

The interdiction of drugs coming into the United States is primarily the responsibility of the federal government. But what

happens to drugs that have already entered the country? To stop the smuggling of drugs into Illinois by air, land, and water, ISP, the Chicago Police Department, and the DEA started Operation Valkyrie in 1985. Law enforcement officers from the three agencies are trained to identify the characteristics of a typical drug trafficker when making routine traffic stops or conducting other law enforcement business.

Between 1985 and 1987, officers participating in Operation Valkyrie arrested 155 suspected drug smugglers and seized more than 2,000 kilograms of marijuana and 12 kilograms of cocaine being smuggled into Illinois. The amount of cash seized was about \$49,000 in the first year of the program and increased to nearly \$80,000 in 1986 and \$267,000 in 1987 (DRUGS 1-17).

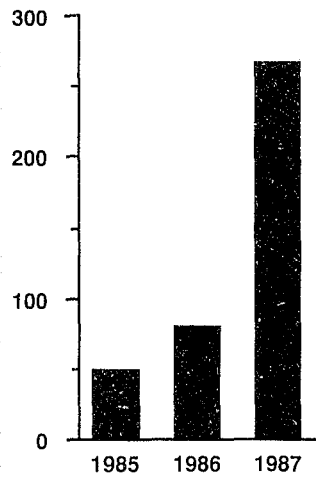
WHAT IS BEING DONE TO SUPPRESS THE CULTIVATION OF MARIJUANA IN ILLINOIS?

Operation Cash Crop is a joint effort of ISP and the DEA to suppress traffic in locally cultivated marijuana by detecting and destroying domestically grown and wild marijuana plants in Illinois. Between 1983 and 1987, the program led to 297

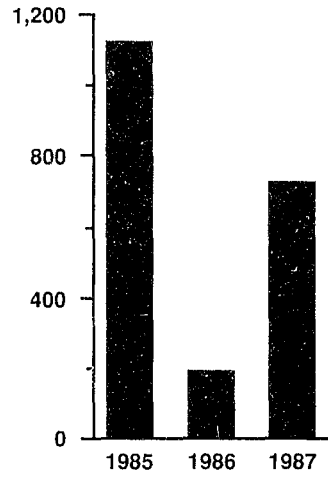
DRUGS 1-17

In 1987, approximately \$267,000 and 3,500 kilograms of drugs were seized through Operation Valkyrie.

Cash seized (thousands of dollars)



Drugs seized (kilograms)



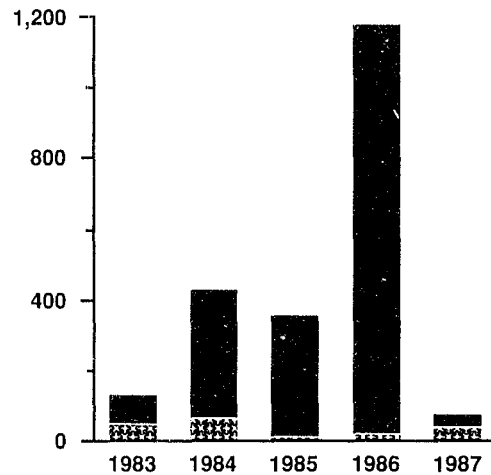
Source: Illinois State Police

DRUGS 1-18

Between 1983 and 1987, more than 2 million marijuana plants were destroyed through Operation Cash Crop.

Wild marijuana
Cultivated marijuana

Marijuana plants destroyed (thousands)



Source: Illinois State Police

arrests and the destruction of more than 2 million marijuana plants.

In 1986, nearly 1.2 million marijuana plants were destroyed, including 1.15 million wild plants. The total number fell sharply in 1987 to fewer than 80,000 plants, indicating perhaps the success of the program's effort to eradicate wild marijuana in previous years (DRUGS 1-18). The peak year for the destruction of cultivated marijuana was 1984, when

almost 64,300 plants were destroyed. The numbers were substantially lower in 1985 and 1986, but rose again in 1987 to 40,362 cultivated plants destroyed.

ISP assigns about 50 officers to Operation Cash Crop. The operation involves flying over fields to spot marijuana or pursuing tips that citizens phone in to ISP's toll-free hotline. Callers are guaranteed anonymity and can receive rewards of up to \$1,000.

WHAT IS CHICAGO DOING TO INTERRUPT STREET-LEVEL DRUG DEALING?

An important component of any drug control program is the interruption of street-level drug sales. In February 1988, the Chicago Police Department began a city-wide program aimed specifically at street-level drug activity. Under the Street Narcotics Impact Program (SNIP), undercover police officers make controlled drug purchases from local drug dealers; the purchases then become evidence for arresting and convicting the dealers. SNIP, which is run by the department's Patrol Division in cooperation with the narcotics unit, focuses on small-time dealers in various Chicago communities where drug dealing is particularly rampant.

The commander of each police district in Chicago determines which areas in the district need additional drug law enforcement. Undercover patrol officers from SNIP are assigned to these areas to make drug purchases. When enough evidence has been collected (usually within a month or so), search warrants are issued and the targeted dealers in the area are arrested.

During one three-month period in 1988, SNIP officers made 50 arrests and seized nearly nine kilograms of cocaine, heroin, and marijuana.

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

The problem of drug abuse in Illinois involves more than just heroin, cocaine, marijuana, and other illegal substances. In Illinois in 1987, 215 thefts or robberies of prescription drugs were reported, 45.5 percent of which were from pharmacies. In these thefts, 389,951 dosage units of narcotics, 144,712 dosage units of depressants, and 32,742 dosage units of other prescription drugs were stolen.

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

In 1984, the Illinois Department of Alcoholism and Substance Abuse (DASA) took over the responsibility of administering and upgrading Illinois' triplicate prescription control program, which was started 1961. Under the program, prescriptions for Schedule II drugs—morphine, Demerol, amphetamines, and Preludin, for example—must be made in triplicate, with one copy for the physician, one for the pharmacy, and one to be forwarded by the pharmacy to DASA when the prescription has been filled. DASA then analyzes the information to produce reports on the prescribing, dispensing, and consuming of those drugs.

To reduce the number of fraudulently filled prescriptions, DASA also provides pharmacies and other agencies with information on stolen triplicate prescriptions.¹⁶ Between state fiscal years 1985 and 1987, the number of stolen prescriptions dropped 56 percent, from 1,873 to 822 (DRUGS 1-19). The number of stolen prescriptions that were filled also dropped during that period, from 380 to 36, a 91-percent reduction. During the first nine months of fiscal 1988, there were 779 stolen prescriptions and 12 stolen prescriptions that were filled.¹⁷

The actual amounts of two of the most sought-after prescription drugs—Dilaudid and Preludin—that were diverted through

The Data

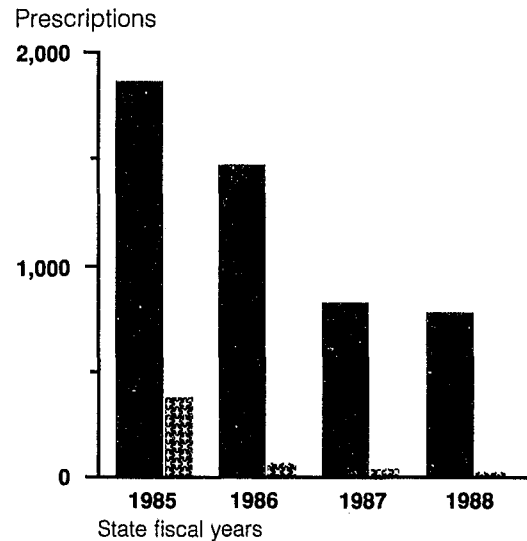
Arrest statistics provide some indication of the level of drug abuse and trafficking in Illinois. Because of law enforcement's increased emphasis on drug control, however, those statistics also reflect departmental resources, policies, and priorities.

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

DRUGS 1-19

Since Illinois' triplicate prescription control program was upgraded, theft and misuse of triplicate prescriptions have dropped sharply.

■ Stolen prescriptions
 ■ Stolen and filled prescriptions



Note: 1988 figures represent only nine months of data.

Source: Illinois Department of Alcoholism and Substance Abuse

fraudulent use of prescriptions have fallen dramatically in recent years. In fiscal 1985, more than 29,000 dosage units of Dilaudid and 6,000 dosage units of Preludin were fraudulently diverted. In the first nine months of fiscal 1988, 1,600 units of Dilaudid and no Preludin were diverted.

Information resulting from the triplicate prescription control program has led to an increase in penalties against medical

practitioners, pharmacists, and pharmacies that have violated provisions of the Illinois Controlled Substances Act. Between fiscal 1985 and fiscal 1988, 314 pharmacists, pharmacies, and medical practitioners had their licenses placed on probation, 349 had their licenses suspended, and 105 had their licenses revoked. In all, 363 medical practitioners, 244 pharmacists, and 161 pharmacies were sanctioned.¹⁸

groups (MEGs),¹⁹ which first began reporting to the I-UCR program in 1988. Regional breakdowns of drug arrests were obtained from these same sources, as well as from data provided by the Chicago Police Department.²⁰

At the federal level, data were obtained directly from the Drug Enforcement Administration (DEA) on drug arrests made by that agency in Illinois.²¹

Because I-UCR does not distinguish cocaine from other controlled substances, cocaine arrest data in this report are based on figures from the Illinois State Police (ISP) and the state's drug enforcement task forces, the MEGs, and the DEA.

Statewide statistics are unavailable on the total amount of drugs seized by law enforcement. And although individual agencies maintain drug seizure data, differences in recording methods and data availability make it impossible to aggregate their data. In this report, trends in drug seizures are shown for some of the major drug enforcement agencies from which information could be obtained: ISP and the task forces, the MEGs, the Chicago Police Department, and the DEA.²² When reviewing these data, the reader should keep in mind that many factors can influence the types and quantities of drugs seized by law enforcement agencies, most notably drug trafficking and

abuse patterns on the street. However, the data may also reflect law enforcement priorities and resources. The nature and scope of particular investigations can effect year-to-year changes in seizures made by individual agencies. In addition, because some drug seizures are made jointly by more than one

agency, double-counting can occur.

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

Data on Operation Valkyrie and Operation Cash Crop were obtained from ISP. Information on the Street Narcotics Impact Program was obtained from the Chicago Police Department, and information on the triplicate prescription control program came from the Illinois Department of Alcoholism and Substance Abuse.²³

Notes

¹ Task forces may also be formed for specific non-drug investigations, such as a murder or kidnaping case that involves more than one community. In those cases, however, the task force is disbanded once the case is closed. Drug task forces in Illinois are more long-standing, and may in fact receive federal funds specially allocated for drug law enforcement.

² Ill.Rev.Stat., ch. 56 1/2, par. 701-719.

³ Ill.Rev.Stat., ch. 56 1/2, par. 1100-1413.

⁴ "Delivery" includes manufacture, intent to deliver, conspiracy, and other drug trafficking activities, as well as actual delivery of drugs.

⁵ Because the types and quantities of drugs that police seize are greatly influenced by drug trafficking and abuse patterns, these data do provide some indication of overall trends in drug abuse. However, the data may also reflect law enforcement priorities and resources. The nature and scope of particular investigations can effect year-to-year changes in seizures made by individual agencies.

⁶ Officially known as the Chicago Police Department, Organized Crime Division, Narcotics Section. Figures do not include seizures made by other divisions of the Chicago Police Department.

⁷ DEA drug seizure data presented in this section are based on drug seizures submitted to DEA crime labs for analysis and may include some seizures made by other agencies, but adopted by DEA.

⁸ The Maywood lab is one of two branches of the Suburban Chicago Laboratory. The other branch is located in Broadview. All requests for drug analyses submitted to the Suburban Chicago Laboratory are handled by the Maywood lab.

⁹ Case totals are not directly comparable between labs because of differences in how cases are defined.

¹⁰ The proportion of the Chicago Police Department's crime lab caseload that is made up of drug cases could not be determined with available data.

¹¹ Requests for quantitation—complex analyses that determine the purity of drugs—also appear to be increasing.

¹² *Illinois State Police Crime Lab Upgrade Program* (Springfield, Ill.: Illinois State Police, testimony at public hearing, December 1988).

¹³ *Chicago Police Department Crime Lab Audit 86-3* (Chicago: Chicago Police Department, 1986).

¹⁴ Chicago Police Department, testimony at public hearing, December 1988. Some of these dismissals are administrative, meaning the case is reinstated or an indictment returned once the lab work is complete.

¹⁵ *Assessment of the Controlled Substances Unit (Crime Laboratory) of the Chicago Police Department* (Alexandria, Va.: Institute for Law and Justice, 1987).

¹⁶ DASA provides this and other information about prescription drugs to the Diversion Liaison Group, which consists of representatives from the DEA, the Inter-

nal Revenue Service, ISP, the Illinois Department of Professional Regulation, the Illinois Department of Public Aid, the Chicago Police Department, and the Cook County State's Attorney's Office.

¹⁷ Fiscal 1988 triplicate prescription control program statistics were available for only the first nine months of the year.

¹⁸ Since fiscal 1985, DASA has been directly involved in licensure sanctions of 49 medical practitioners, 23 pharmacists, and 17 pharmacies. In each of these cases, DASA provided information that initiated the investigation, or it cooperated with the enforcement or regulatory agency in the investigation.

¹⁹ Metropolitan enforcement groups' operation and fiscal reports to the General Assembly (Springfield, Ill.: Illinois State Police, 1979-1987).

²⁰ Chicago Police Department's annual reports, 1977-1987.

²¹ All DEA arrest information was obtained from the DEA's computerized Defendant Statistical System.

²² DEA drug seizure data were obtained from the DEA's System to Retrieve Drug Evidence (STRIDE).

²³ *Triplicate Prescription Control Section Annual Operations Report with a Four-Year Analysis* (Springfield, Ill.: Department of Alcoholism and Substance Abuse, 1988).

DUI and Law Enforcement

Drinking is usually considered a social problem. But when an alcohol- or drug-impaired person gets behind the wheel of a motor vehicle, it becomes a criminal justice matter. As public concern over drunken driving has grown in recent years, police have stepped up their efforts to detect—and arrest—drunken drivers.

WHEN DOES A POLICE OFFICER EXECUTE A DUI ARREST?

An arrest for drunken driving is typically made when a police officer stops a motor vehicle for violating a traffic law, or comes on the scene of an accident, and determines that there is probable cause to believe the driver is under the influence of alcohol or drugs. If the officer has an articulable suspicion that a traffic offense is being committed—if the officer, for example, observes a vehicle drifting in and out of its lane, or speeding—he or she may pull the vehicle over.

In the early 1980s, concern over drunken driving led to the passage of more aggressive laws against drunken driving nationwide. In Illinois, a new drunken driving law was passed in 1982 that streamlined arrest procedures and made it easier for police to administer tests of blood alcohol concentration (BAC) and harder for drivers to refuse the test.¹

During 1983, legislation was passed supplementing the 1982 law and providing additional tools for identifying repeat DUI offenders. In 1985, penalties for crimes related to drunken driving were established or increased, and penalties were increased in 1987 for repeat DUI offenders.²

More recently, a law that took effect in January 1989 allows law enforcement agencies to impound for up to six hours vehicles of persons arrested for DUI. This law is intended to prevent drunken drivers who are still under the influence of alcohol or drugs from driving away in their cars after posting bond.³

In the early 1980s, the Presidential Commission on Drunk Driving as well as other

groups urged a new, more aggressive approach to detecting drunken driving: the establishment of sobriety checkpoints to stop all drivers on a given road and subject them to brief investigations for intoxication. Sobriety checkpoints proliferated and were subsequently challenged under the Fourth Amendment to the U.S. Constitution and its state constitutional equivalents, which prohibit searches without reasonable cause.

The courts in the majority of the states, including Illinois, have supported the use of such checkpoints, provided that they are implemented in accordance with departmental policy and not by the whim of individual officers.⁴ The U.S. Supreme Court has ruled that cars cannot be stopped at random in hopes of turning up unlicensed drivers, but that traditional probable cause is not required for stopping possible drunken drivers.⁵ In Illinois, roadside safety checks are used to check vehicle equipment, driver's licenses, and vehicle registrations, in addition to checking drivers' sobriety.

HOW IS THE LEVEL OF INTOXICATION MEASURED?

Once the vehicle is stopped, the officer may observe the driver's demeanor and take note of his general condition and speech. If the officer has a further articulable suspicion that the driver is intoxicated, he or she may ask the driver to submit to a field sobriety test—for example, testing the jerkiness of a driver's eye movements when asked to follow the motion of a moving object—or to a chemical test of the driver's breath, blood, or urine. In Illinois, officers often ask the driver to blow into a portable breath-testing device that provides a reading of the driver's BAC level.

In Illinois, the use of blood or urine tests in addition to breath tests is largely a matter of department policy, particularly when police administrators feel that these tests provide evidence that stands up in court more effectively than breath tests in their particular regions. Some police

departments use the breath test only as a preliminary indicator. If the breath test is negative, but the officer still suspects the driver of being under the influence of alcohol or drugs, the officer may require the driver to submit to a blood or urine test. If the officer requests a blood test, the driver's blood, by law, may be drawn only by a physician, a registered nurse, or other qualified person approved by the Illinois Department of Public Health (IDPH). All chemical tests are, in fact, performed according to standards set by IDPH in consultation with the Illinois State Police, by an individual possessing a valid permit issued by IDPH.

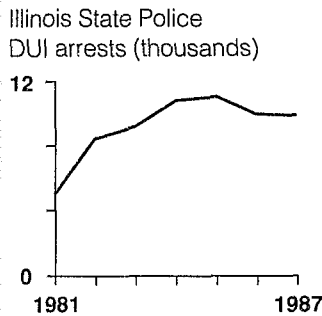
The breath test, however, is still the most common form of BAC testing. From the 1940s until recently, the most popular breath testing instrument has been the Breathalyzer™, which analyzes a sample of breath to determine the alcohol content of the blood by mixing it with a test solution. The Breathalyzer™ has been gradually replaced in popularity in the past five years by a new generation of breath-testing instruments that use infrared light to measure BAC.

A decade ago, many states had set BAC .15 as the level at which intoxication should be presumed. But the increasing importance of the issue, along with research that tied BAC .10 to impaired driving, led to the recent passage of a federal law tying highway funds to state adoption of BAC .10 as the per se level for drunken driving.⁶ It is possible that the prohibited BAC level will be pushed even lower still. Legislation introduced in the 1988 spring session of the Illinois General Assembly would have cut the BAC level for legal intoxication to .05. The bill, however, did not pass.

Since the accuracy of breath tests is often the only contestable issue in a DUI charge based on a breath test, it is not surprising that there is considerable litigation over its accuracy and operation in particular cases. Some researchers claim that BAC can vary with air temperature, humidity, breathing pattern, and

DUI 1-1

State Police DUI arrests have decreased since 1985.



Source: Illinois State Police

body temperature.⁷ The test could also be distorted if the subject has any foreign matter in his or her mouth when blowing into the instrument. Other challenges include claims that the chemicals could be defective or the instrument improperly calibrated. The procedures used by ISP in mixing the chemicals for its breath tests have been challenged in a class action lawsuit filed in the U.S. District Court for the Northern District of Illinois.

ISP troopers used a variety of chemical tests in the DUI stops that they made during 1987, although they relied most heavily on the breath tests. Troopers asked drivers to take a breath test, by itself, in 7,019 stops; in 352 stops, a blood test only; in 20 stops, both a blood and a breath test; in 103 stops, a blood and a urine test; and in 53 stops, other tests were conducted, for example, tests of tissue samples in fatal accidents.

After a driver has failed or refused to take a chemical test, the officer completes a DUI Law Enforcement Sworn Report, which charges the driver with DUI. A copy of this report is sent to the Illinois Secretary of State's Office to begin the summary suspension process (see page 133 for more information about the suspension of driving privileges). Even if the driver passes the chemical test (with a BAC of less than .10), the officer may file a standard arrest report when he or she believes there is other evidence that the driver is under the influence of alcohol or drugs.

DUI 1-2

Most reported DUI arrests are of people who fail the BAC test.

	Failed test	Refused test	Illinois total
1986	40,269	14,835	55,104
1987	35,679	16,118	51,797

Source: Illinois Secretary of State's Office

HOW MANY PEOPLE ARE ARRESTED FOR DUI IN ILLINOIS?

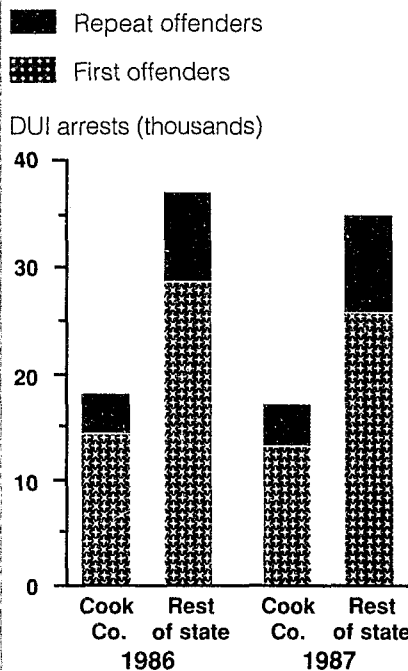
The Illinois Secretary of State's Office currently provides the most complete, accurate data on DUI arrests in Illinois, but statewide data are available only for 1986 and 1987. The statewide data include only violations for which the Secretary of State's Office received a copy of the arresting officer's sworn report—where the driver either failed or refused the chemical test. Arrests in which the officer observed evidence of intoxication—despite the driver's having passed a chemical test—are not included. The Secretary of State's Office, however, estimates that such presumptive DUI arrests account for only

5 percent of the state total. The Secretary of State's Office's arrest figures, therefore, should account for approximately 95 percent of the state totals in 1986 and 1987. In other words, since the Secretary of State's Office recorded 51,797 DUI arrests in 1987 and 55,104 in 1986 in which the driver refused or failed the chemical test, we can assume the total of all DUI arrests to be about 54,523 and 58,004 in those years, respectively.

One indicator of longer-term DUI arrest trends is the number of arrests recorded by ISP troopers.⁸ State Police DUI arrests increased from 4,884 in 1981 to 10,958 in 1985, with a dramatic 70-percent increase from 1981 to 1982 (DUI 1-1). This rise is most likely the result of the first wave of revisions to Illinois' DUI laws, which streamlined arrest procedures. After 1985, State Police DUI arrests decreased, to 9,756 in 1987. This decrease is especially noteworthy because the State Police

DUI 1-3

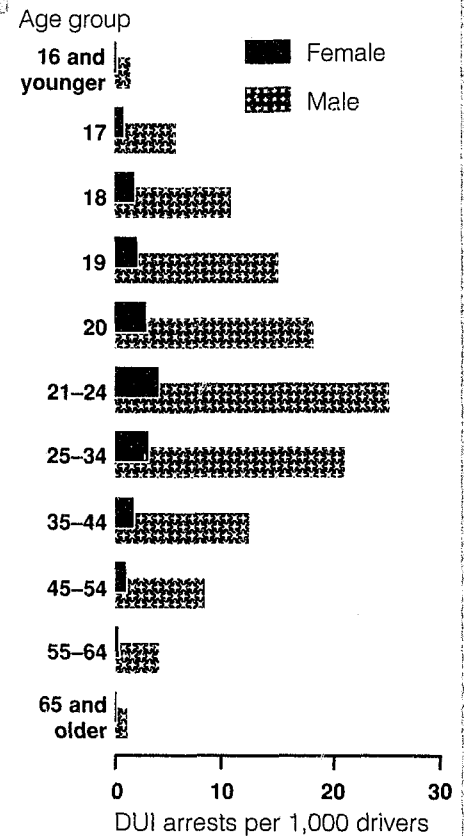
In both Cook County and the rest of Illinois, most people arrested for DUI are first offenders.



Source: Illinois Secretary of State's Office

DUI 1-4

DUI arrest rates peak at age 21-24 for both males and females.



Source: Illinois Secretary of State's Office

took over patrol of Chicago expressways from the Chicago Police Department beginning in December 1985.⁹

According to the Secretary of State's Office, there was a 6-percent reduction in statewide DUI arrests from 1986 to 1987. Most of the arrests reported to the Secretary of State's Office involved drivers who failed a chemical test (registering a BAC of .10 or higher) rather than refusing the test (DUI 1-2). The percentage of arrestees failing the test was more than 73 percent in 1986, and about 69 percent in 1987.

The Data

The DUI arrest data used in this report were derived from data collected by the Illinois Secretary of State's Office. That database provides a more complete accounting of DUI arrests than the Illinois Uniform Crime Reports (I-UCR). There are, however, two major weaknesses of the Secretary of State's Office's database.

First, police officers have been required by law only since 1986 to send the Secretary of State's Office copies of the summary sworn reports they fill out whenever they issue a summary suspension to a driver (after failure or refusal to submit to a chemical test). Thus, the arrest database contains statewide data only since 1986. Second, the sworn reports corre-

Cook County accounted for approximately one-third of all DUI arrests reported to the Secretary of State's Office in 1986 and 1987 (DUI 1-3). Statewide, repeat DUI offenders—those arrested for DUI twice within five years—accounted for 22 percent of the arrestees in 1986, and 25 percent in 1987. The percentage of repeat offenders did not differ significantly between Cook County and the rest of the state. In 1987, for example, 23 percent of the arrestees in Cook County and 26 percent of the arrestees elsewhere in the state were repeat offenders.

spond only to those DUI violations where a driver either failed or refused the chemical test. Some arrests, therefore, are excluded from tabulation—namely those in which the arrest was based on the officer's observations, even though the driver may have passed the chemical test. The Secretary of State's Office, however, estimates that presumptive DUI arrests account for only 5 percent of the state total. The Secretary of State's Office's arrest figures, therefore, should account for approximately 95 percent of the state totals in 1986 and 1987. Thus, since the Secretary of State's Office recorded 51,797 per se DUI arrests in 1987 and 55,104 in 1986, we can assume the total of all DUI arrests to be about 54,523

and 58,004 in those years, respectively. Despite its limitations, the Secretary of State's Office's database still provides a better index of DUI arrests than does I-UCR. For example, the arrest totals taken from the I-UCR database for the past two years are lower than those reported to the Secretary of State's Office, which would indicate that I-UCR is not measuring all DUI arrests. The Secretary of State's Office's database also contains additional information about DUI arrests that are not contained in the I-UCR database—such as numbers of first-time and repeat offenders, and the number of drivers who either failed or refused the chemical test for BAC level.

and 58,004 in those years, respectively.

During 1987, 88 percent of the drivers arrested for DUI were male. Arrests were also highly concentrated among younger drivers. The arrest rate for 21- to 24-year-olds (25 arrests per 1,000 licensed drivers) was, in fact, four times higher than the rate for all other drivers (6 per 1,000). For both males and females, DUI arrest rates rise dramatically for each age after 16—the first age at which a person can be licensed to drive in Illinois—until they peak for 21- to 24-year-olds (DUI 1-4). The arrest rates then decrease slightly for 25- to 34-year-olds and even more so for 35- to 44-year-olds.

Notes

¹ Ill.Rev.Stat., ch. 95 1/2, par. 11-501.1 (a-c) and par. 6-208.1(a).

² Ill.Rev.Stat., ch. 95 1/2, par. 11-501(d) and par. 6-208(b).

³ Ill.Rev.Stat., ch. 95 1/2, par. 4-203(e). See pages 17-19 for a complete description of the history of Illinois' DUI laws.

⁴ *State v. Bartley*, 486 NE 2d 880 (1985, cert. den. 1986,) and *People v. Little*, 515 NE 2d 846 (1987).

⁵ *Delaware v. Prouse*, 440 U.S. 648 (1979).

⁶ 23 U.S.C. 408; 23 U.S.C. 158.

⁷ Michael Hlatala, "Physiological Errors Associated with Alcohol Breath Testing," *Champion* 9(6):16-19, 39 (1985), cited in James Jacobs, "The Law and Criminology of Drunk Driving," *Crime and Justice*, vol. 10 (Chicago: University of Chicago Press, 1988), p. 89.

⁸ ISP has been consistently recording DUI arrest activity since the 1970s. Although ISP arrests made up only about

18 percent of all DUI arrests in the state in 1987, the consistency and completeness with which they have been reported provides a stable index of yearly trends.

⁹ Although ISP took over patrol responsibilities for Chicago expressways at this time, more troopers were not hired for that purpose. Troopers were instead transferred from other parts of the state, which could have reduced DUI detection outside of Chicago.

AIDS and Law Enforcement

Law enforcement officers often encounter blood and other body fluids—and thus the risk of infection with the human immunodeficiency virus (HIV)—when they respond to crimes, accidents, suicides, and other emergencies. Officers, therefore, must be informed about AIDS in order to protect themselves from the virus. Despite the hazards, however, there is no documented case of a law enforcement officer having contracted AIDS while on duty.¹

Beyond protecting themselves, trained law enforcement officers can also help reduce the spread of AIDS by educating persons engaged in high-risk behavior about the dangers of their behavior or referring them to appropriate counseling and treatment centers.²

WHAT KIND OF AIDS TRAINING IS PROVIDED TO ILLINOIS LAW ENFORCEMENT OFFICERS?

One of the most important steps law enforcement agencies can take to protect officers against the spread of AIDS, while maintaining high-quality police services for everyone, is to develop formal, sensible policies and training curricula. Illinois' law enforcement administrators, in developing their AIDS policies and training manuals, have drawn heavily upon guidelines published by the Centers for Disease Control (CDC) and the National Institute of Justice (NIJ). The manuals, which stress non-discrimination and reasonable precautions, are designed to educate officers about how the virus is spread and how to protect against it.³ In addition, CDC and NIJ, in conjunction with the U.S. Department of Justice, have published a number of reports on AIDS and criminal justice personnel.⁴

CDC recommends the following procedures to prevent the spread of HIV and other infections—such as hepatitis B—among law enforcement personnel in certain high-risk situations. As a basic hygienic precaution, all the procedures stress caution when exposed to any body fluid, even though the risk of HIV trans-

mission from any source other than blood is slight.

- Avoid needle punctures and other injuries from sharp objects.
- Avoid all unprotected contact with blood and body fluids; these should be considered infectious.
- Use disposable shoe coverings if working near a considerable amount of spilled blood.
- Cover all cuts and open wounds with clean bandages before reporting for duty.
- Avoid all hand-to-mouth, -nose, and -eye contact—including eating, drinking, or smoking—while working in areas contaminated with blood or body fluids.
- Wash hands with soap and water after removing any protective gloves and after contact with body fluids.
- Clean up any spills of blood or body fluids promptly, using a solution of one part household bleach to nine parts water.
- Place all possibly contaminated clothing and other items in clearly identified impervious plastic bags.
- If skin is broken through an accident or incident such as a bite or a needle stick, encourage back-bleeding, as with a snakebite, and wash the area thoroughly with soap and hot water.

Except for some minor variations, these nine points are stressed in the training manuals used by the Illinois Local Governmental Law Enforcement Officers Training Board (also called the Police Training Board, or PTB), the Illinois State Police (ISP), and the Chicago Police Department.⁵ In addition, many local law enforcement agencies use the AIDS prevention and transmission manuals developed by local hospitals and county health departments; in general, these manuals also stress the same guidelines.

The training manuals used by Illinois agencies also emphasize that in certain high-risk situations, such as when a con-

siderable amount of blood is present, law enforcement personnel are to treat persons they come in contact with as though they *could be* infected with HIV. This approach, which associates caution with high-risk situations, not high-risk groups of people, accomplishes two things: it encourages officers to take steps to guard themselves against infection and it serves to prevent officers from acting in a biased way toward particular offenders or victims who appear to be members of high-risk groups. Still, some law enforcement officials believe that it is difficult for officers to be unbiased because there are so many widespread assumptions about which social groups are most likely to have AIDS.⁶

HOW MANY POLICE OFFICERS HAVE RECEIVED AIDS TRAINING?

AIDS training for local criminal justice personnel in Illinois, sponsored by the Illinois Criminal Justice Information Authority, has involved two phases: training for the trainers and training for line personnel. During 1988, 42 law enforcement and correctional personnel were trained as instructors by PTB to provide training on AIDS transmission and prevention to law enforcement and correctional officers throughout the state. As of October 1988, those 42 instructors had trained 345 county and municipal officers. PTB plans to train up to 200 more criminal justice personnel by April 1989. AIDS training is not mandatory for local law enforcement officers in Illinois, and some local police and county sheriffs' departments have declined to participate in PTB's training program.

Since April 1988, ISP has provided AIDS training to 1,100 of its own personnel, to about 175 local law enforcement agency recruits, and to the Illinois Secretary of State's Office police department. The Chicago Police Department began holding AIDS training seminars for its personnel in March 1988. By July 1988, all line officers had completed the program.

WHAT PHYSICAL PROTECTION AGAINST AIDS IS AVAILABLE TO LAW ENFORCEMENT OFFICERS?

In addition to promulgating policies and providing training, law enforcement agencies are outfitting their officers with basic equipment to physically protect themselves against the spread of AIDS and other diseases. Presently, the Chicago Police Department and ISP provide rubber gloves—to protect against exposure to body fluids in emergencies—in all patrol vehicles. ISP and PTB suggest that all law enforcement agencies adopt this procedure.

ISP and PTB also suggest that vehicles be equipped with one-way mouth-to-

mouth resuscitation masks, and ISP supplies all its troopers with them. Even though saliva is not an efficient medium for HIV transmission, CDC recommends masks for mouth-to-mouth resuscitation, because masks can help prevent transmission of other infections that may be more efficiently transmitted through saliva.⁷ The Chicago Police Department, however, does not supply its patrol officers with masks, saying there is no danger of HIV infection during mouth-to-mouth resuscitation as long as the mouth is free of blood.

HAVE ANY LAW ENFORCEMENT OFFICERS CONTRACTED AIDS WHILE ON DUTY?

Although exposure to body fluids is a haz-

ard that comes with police work, and even though officers routinely perform mouth-to-mouth resuscitation, there is no documented case of a law enforcement officer—in Illinois or throughout the country—having contracted HIV while on duty.⁸

AIDS policies and procedures developed by ISP and PTB stress that personnel should take precautions against contracting the virus while off duty as well as while on duty. In fact, some criminal justice officials believe that the greatest risk for line personnel contracting the virus occurs during off-duty hours.⁹ Many law enforcement departments in the state display posters, distributed by PTB, that stress precautions both off and on duty.

Notes

¹ *AIDS in Correctional Facilities: Issues and Options* (Washington, D.C.: National Institute of Justice, 1988), p. 15.

² *AIDS and the Law Enforcement Officer* (Washington, D.C.: National Institute of Justice, 1987), pp. 1, 3-4.

³ Establishing AIDS policies and procedures does not always require starting from scratch. Many of the law enforcement and correctional agencies that offer AIDS training also have procedures in place designed to prevent the spread of hepatitis B, which is transmitted in the same manner as HIV. The hepatitis B virus is, in fact, hardier and thus more easily transmitted than HIV. According to

both the Illinois Department of Public Health and NIJ, the procedures used to control hepatitis B are more than sufficient to prevent the spread of HIV.

⁴ See, for example, *Summary: Recommendations for Preventing Transmission of Infection with HTLV-III/LAV in the Workplace, Morbidity and Mortality Weekly Report*, 34 (Atlanta: Centers for Disease Control, 1985); or *Precautionary Measures and Protective Equipment: Developing a Reasonable Response* (Washington, D.C.: National Institute of Justice, 1988). Also see notes 2 and 6.

⁵ ISP and PTB use the same AIDS training manual. The AIDS training mate-

rials used by the Chicago Police Department were developed with assistance from Northwestern University School of Medicine.

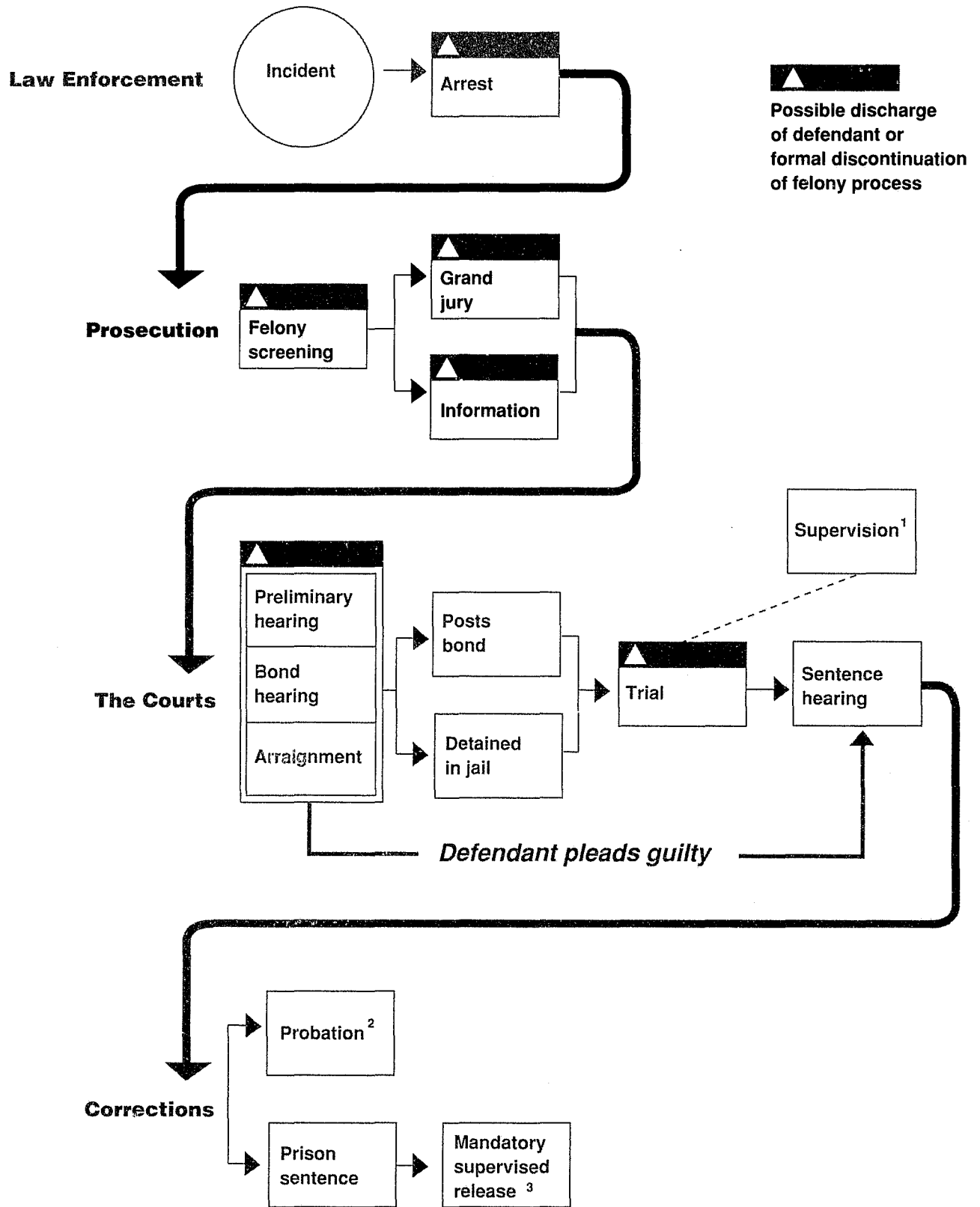
⁶ Thomas Marsh, "AIDS: A Police Nightmare?", *Law and Order* (August 1987), p. 79.

⁷ *AIDS in Correctional Facilities: Issues and Options*, 1988, p. 16.

⁸ *AIDS in Correctional Facilities: Issues and Options*, 1988, p. 15.

⁹ *Law Enforcement and AIDS: Questions of Justice and Care* (Chicago: Loyola University of Chicago, 1987), pp. 41, 47.

An Overview of Felony Processing in Illinois



¹ After successful completion of court supervision, charges may be dismissed

² Or other form of court supervision, such as conditional discharge

³ Or other conditional release from prison



PROSECUTION

Overview

The prosecutor's job is to represent the people of Illinois in criminal proceedings and to seek justice on their behalf. After a suspected offender has been identified and arrested, it is up to the prosecutor to evaluate the case, to file formal charges in court, and to handle the case through trial and possible appeals.

WHO PERFORMS PROSECUTORIAL DUTIES IN ILLINOIS?

In Illinois, several public officials perform prosecutorial duties on behalf of the state:

- State's attorneys are the most visible criminal prosecutors in Illinois. Each of the state's 102 counties is served by a state's attorney, who is elected by the people of that county to a four-year term. State's attorneys are the highest-ranking law enforcement officers in their respective counties, and on behalf of the state, they commence and carry out nearly all criminal proceedings in the counties. By far, most prosecutorial duties in Illinois are performed locally by state's attorneys.
- The Illinois attorney general, as the chief legal officer of the state, also holds prosecutorial powers. An elected official who is chosen in a statewide election every four years, the attorney general represents the state in criminal appeals before both the Illinois Supreme Court and the U.S. Supreme Court. The attorney general also initiates criminal prosecutions for violations of Illinois' anti-pollution laws, and advises and assists state's attorneys in criminal matters when requested or when, in the attorney general's judgment, the interests of the state require such assistance.¹
- The Office of the State's Attorneys Appellate Prosecutor assists many state's attorneys' offices with criminal appeals, although individual state's attorneys are ultimately

responsible for appeals originating in their counties.² The Illinois General Assembly created this office in 1977 to coordinate and expedite criminal appeals on behalf of state's attorneys, thereby enabling them to devote more of their resources to trial litigation. In addition to its primary duties of preparing, filing, and arguing criminal appeals, the Appellate Prosecutor's Office provides state's attorneys with many investigative and educational services as well. In 1988, for example, the office created a special unit designed to assist county prosecutors with complex drug cases and asset forfeiture proceedings.

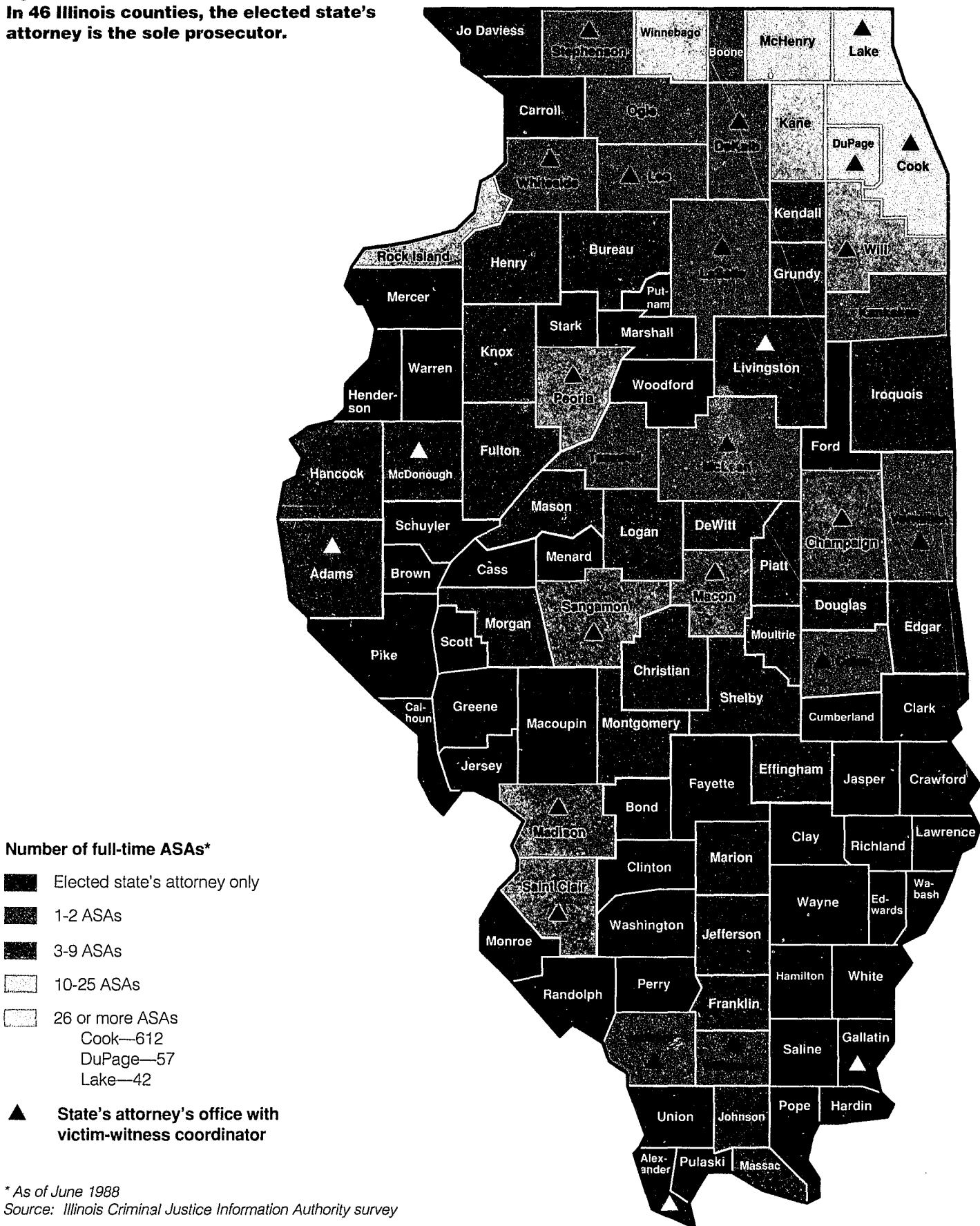
Governed by a board of 10 state's attorneys,³ the Appellate Prosecutor's Office is staffed by a director who is responsible for the overall supervision and coordination of the agency, which includes four deputy directors, more than 30 staff attorneys, and various support personnel. The office has four district offices located in Elgin, Ottawa, Springfield, and Mt. Vernon. In state fiscal year 1988, 98 of the 101 eligible counties in Illinois (Cook County is excluded) utilized the resources of the Office of the State's Attorneys Appellate Prosecutor.⁴

In addition to these county and state officials, there are three U.S. attorneys who represent the federal government in federal criminal proceedings occurring in Illinois. One U.S. attorney is appointed to each of the three federal judicial districts in the state: the Northern District, headquartered in Chicago; the Central District, in Springfield; and the Southern District, in East St. Louis. U.S. attorneys are nominated by the President, and confirmed by the U.S. Senate, to four-year terms. The U.S. attorney general supervises the U.S. attorneys regarding which cases to accept for prosecution.

The U.S. attorneys' offices are responsible for most of the prosecutions and much of the other litigation

Figure 2-1

In 46 Illinois counties, the elected state's attorney is the sole prosecutor.



* As of June 1988
 Source: Illinois Criminal Justice Information Authority survey



involving the federal government before the U.S. District Court. As federal prosecutors, U.S. attorneys handle matters under federal jurisdiction—crimes that occur on federal property or that affect interstate commerce, interstate crimes such as drug trafficking, and criminal offenses related to national security. In 1987, 1,235 criminal cases were filed in the U.S. District courts in Illinois: 798 in the Northern District, 234 in the Central District, and 203 in the Southern District.

Some crimes, such as serious drug offenses, may fall under the dual jurisdiction of state and federal prosecutors. Although both state and federal agencies may be involved in investigating these types of cases, only one of them—either state or federal prosecutors—will normally prosecute an individual for a particular incident, unless there are distinct charges that can be tried under different jurisdictions.

HOW ARE STATE'S ATTORNEYS' OFFICES ORGANIZED AND STAFFED?

Although other prosecutorial agencies at both the state and federal levels play important roles in Illinois' criminal justice system, the clear majority of criminal prosecutions in the state are initiated and pursued by county state's attorneys. The size and the complexity of state's attorneys' offices vary considerably, and the organization and staffing of the prosecutor's office in each county generally reflect the workload and available resources in that county. In large counties, the state's attorney's office usually includes both the elected state's attorney and a staff of assistant prosecutors, investigators, and support personnel. In small counties, the state's attorney often performs all prosecutorial functions, with little or no assistance.

As of June 1988, the 102 state's attorneys' offices in Illinois employed 988 full-time assistant state's attorneys; 62 percent of them worked in Cook County. Forty-six counties had no full-time assistant states' attorneys; the elected state's attorney is the sole prosecutor in those counties (Figure 2-1). Twenty-nine other counties had only one or two full-time assistant prosecutors. Thirty-four counties also employ part-time assistant state's attorneys.⁵

Traditionally, there has been a high turnover rate among state's attorneys in Illinois. Of the 102 state's attorneys elected in November 1988, for example, 39 were non-incumbents.⁶ The turnover rate in some years has been 50 percent or higher.

WHAT ARE THE BASIC FUNCTIONS OF STATE'S ATTORNEYS?

State's attorneys in Illinois have wide discretion to establish policies and procedures that best serve the needs of their counties using available resources. In addition, county prosecutors exercise discretion with regard to individual

cases presented to them. Decisions to seek indictments, to file or not to file charges, or to reduce or drop charges altogether are examples of where discretion plays a large role in the prosecutor's function.

Still, all state's attorneys perform the same basic functions in criminal cases: initial screening of charges, investigating and preparing cases, filing formal charges in court, coordinating the roles of victims and witnesses, negotiating pleas, administering pretrial and trial procedures, and making sentencing recommendations. State's attorneys and their assistants may also handle criminal appeals.

HOW ARE CRIMINAL PROSECUTIONS INITIATED?

Charging a suspect with a crime in Illinois is usually done in one of two ways. In many jurisdictions, once an offense has been investigated and a suspect has been arrested, local law enforcement authorities—either a police or sheriff's department—file criminal charges against the suspect directly with the court. However, in most large jurisdictions, including Cook County, police refer all serious, or felony,⁷ charges to the state's attorney for review or screening. During this initial screening process, the state's attorney determines whether the case merits prosecution, and if so, what specific charges to file with the court. Jurisdictions that do not screen out cases at this early stage, but instead accept most arrests for prosecution, tend to have higher dismissal rates later on in the criminal justice process.⁸

During felony screening, several details must be examined—the elements of the offense, available police reports, physical evidence that has been gathered, probable witness testimony, and records of the suspect's sworn statements—to determine what prosecutorial action, if any, should be taken. At this point in the process, the state's attorney must decide whether to approve, modify, or drop the booking charges, add charges to those indicated by the police, or request that further investigation be conducted prior to a final decision on charging the suspect.

State's attorneys may reject a case at the initial review stage for several reasons, many of which involve evidence and witness problems:

- Failure to locate key witnesses
- Reluctance of victims or witnesses to testify
- Lack of physical evidence or eyewitness information linking the suspect to the crime
- Delay in processing physical evidence that has been gathered
- Violation of the suspect's constitutional rights

In addition to problems with evidence, the policies of individual state's attorneys and the resource constraints

of individual counties can affect the decision of whether or not to prosecute a case. Some prosecutors, for example, may accept only those cases with sufficient evidence (including available witnesses) to ensure a conviction in court, while others may give higher priority to certain types of crimes that may present special problems in their counties.

HOW ARE CHARGES FILED WITH THE COURT?

After screening a case and deciding that it warrants further action, the state's attorney must file formal charges in court. Under Illinois law, a criminal prosecution may be initiated in one of three ways—by indictment, by information, or by complaint—or through a combination of the three. Illinois is one of 25 states where a grand jury indictment is optional to commence a prosecution.⁹

Here are brief explanations of the three methods of filing charges in court:

- **Indictment.** This is a written statement, presented by a grand jury to the court, which charges the commission of an offense.¹⁰ The purpose of the grand jury is to determine whether there is *probable cause*—that is, reasonable grounds to believe that a particular person has committed a specific crime—to warrant bringing that suspect to trial. The grand jury has independent investigative powers, although most cases are presented to the grand jury by the state's attorney. In addition, state's attorneys usually issue subpoenas in the name of the grand jury for witnesses to appear (although the grand jury may subpoena witnesses on its own).

In the interests of justice, sessions of the grand jury are closed to the public: only the state's attorney, his or her reporter, and persons authorized by the court may attend grand jury sessions. At the direction of the court, a Bill of Indictment may be kept secret, except for the issuance and execution of a warrant against the person being indicted.¹¹

Although criteria vary from county to county, there are certain types of cases where grand jury indictments, rather than preliminary hearings, are generally used to establish probable cause. Some state's attorneys, for example, prefer to seek indictments in cases that are complex and require substantial time to present (for example, murder, white-collar crime, and official misconduct cases). In addition, state's attorneys often seek indictments in narcotics cases and large-scale covert operations to protect the identities of undercover officers and informants, and in cases where prosecutors believe a suspect might flee if he or she knew about the possibility of being charged with a crime.

In 1988, grand juries in Illinois were reduced in size from 23 to 16 jurors. Persons chosen to serve on a grand jury must be U.S. citizens and must be legal voters in the county that the court serves. A quorum of at least 12 jurors must be present for the grand jury to conduct any business, and at least nine votes are needed to indict.¹² The number of grand juries allowed to sit at one time and the amount of time each grand jury serves depends on whether the county's population exceeds 1 million. In all counties, however, no grand jury may serve for more than 18 months.¹³

- **Information.** This is a sworn, written statement, signed by a state's attorney and presented to the court, which charges the commission of an offense.¹⁴ An information must be signed by the state's attorney and sworn by the state's attorney or another person, such as the arresting officer. Any prosecution initiated by an information must include a preliminary hearing to establish probable cause that the suspect committed the crime, unless the hearing is waived by the defendant.¹⁵
- **Complaint.** This is a sworn, written statement other than an information or indictment, presented to the court, which charges the commission of an offense.¹⁶ A complaint must be sworn to and signed by the complainant, usually the victim or another citizen witness.

Although state's attorneys have some flexibility in deciding the method to use in initiating a prosecution, there are certain statutory requirements for filing charges. For example, all felony prosecutions must be initiated by an indictment or an information; all other cases may be commenced by either of these two or by a complaint.¹⁷ It is extremely rare, however, for a misdemeanor prosecution to be initiated by an indictment.

HOW ARE CRIMINAL CASES DISPOSED OF IN ILLINOIS?

Although state's attorneys are usually associated with trial work, most criminal cases are disposed of by other means before they ever reach trial. There are a variety of possible dispositions in criminal cases, including the following:

- **No probable cause at preliminary hearing; no true bill returned.** In felony cases, probable cause is established either by the court at the preliminary hearing or by a grand jury prior to the initiation of trial proceedings. If no probable cause is found by the court, the case is dismissed and the defendant exits the criminal justice system at a relatively early stage.¹⁸ In instances where the prosecutor attempts to obtain an indictment, a grand jury may reject prosecution of the case by returning a *no true bill* on all charges against the defendant.



- **State motion to dismiss.** The state can move to dismiss charges under a variety of circumstances; these dispositions may be final, interim, or administrative in nature. Although it is the state's attorney who makes the motion for dismissal, the decision to grant the motion is an official action of the court.

Two common types of state motions to dismiss are the *nolle prosequi* and the *SOL* (stricken off the record with leave to reinstate). The *nolle prosequi*, the more common of the two, is a formal entry on the court record that indicates the prosecutor will not pursue the action against the defendant. In felony cases, it may be used any time between the filing of the case and the judgment, although it often occurs during the preliminary hearing. The *SOL* dismissal, which is used in some jurisdictions including Cook County, allows the prosecutor to dismiss the charges for the time being, but to resume criminal proceedings in the case at a later date.

There are several reasons a prosecutor may request dismissal of a case after charges have been filed:

1. **Plea bargaining arrangements.** When a single defendant is facing multiple charges, a guilty plea on one charge is sometimes exchanged for dismissal of the other charges. One study found that dismissals resulting from pleas on other charges accounted for an average of 22 percent of all dismissals in the 16 jurisdictions examined. Among eight common reasons for dismissals, accepting pleas on other charges was the most frequently cited.¹⁹
2. **Lack of evidence linking the defendant to the crime.** In the same study of 16 jurisdictions, insufficient evidence was the second most common reason for dismissing charges.
3. **Victims or witnesses who cannot be located, are reluctant to testify against the defendant, or whose testimony is vague or contradictory.**
4. **Violation of the defendant's constitutional rights.**
5. **Referral to other jurisdictions with pending cases against the defendant.**
6. **Administrative procedures.** In certain jurisdictions, including Cook County, a grand jury indictment may supercede an information that has already been filed. In these instances, the information is technically "dismissed" (as a purely administrative procedure), and the indictment is then used as the charging document.
7. **Pretrial diversion.** Sometimes the prosecutor and the court may agree to drop criminal charges under the

condition that the defendant successfully complete a pretrial diversion program. A pretrial diversion program can take various forms for various purposes. In a drug case, for example, further criminal proceedings may be deferred in exchange for a plea of guilty or a stipulation to the facts in the case, if the defendant agrees to participate in a drug treatment program. The defendant is given a sentence of probation. If the defendant fulfills the terms of probation, the court will discharge the person and dismiss the proceedings against him or her. If the conditions of probation are violated, however, the original case can be reinstated and criminal proceedings commenced.²⁰

8. **Referral to mediation.** In certain jurisdictions, including several misdemeanor branch courts in Cook County, judges may refer some types of relatively minor criminal offenses to a mediator. In mediation, the opposing parties work to reach a mutual settlement through the assistance of a mediator. Unlike an arbitrator in a civil case, however, a mediator has no authority to make decisions that are legally binding on the parties, but is rather a facilitator of the negotiation process.²¹ Mediation is typically used in cases, such as criminal damage to property, minor assaults, and landlord-tenant problems, where there is a relationship between the parties. In these instances, the criminal case is usually continued by the court pending mediation. If the mediation is successful, the complainant may return to court and ask the state's attorney to move for a dismissal. In 1987, approximately 350 criminal cases in Cook County were handled by Neighborhood Justice of Chicago, a private, non-profit mediation agency.

- **Defense motions.** In very rare circumstances, the court may dispose of a case by granting a motion of the defense. For example, the court may grant a defense motion to suppress, if certain evidence was obtained in violation of the defendant's rights, or a defense motion to quash, if there is a technical defect in the charging document. Other types of dispositions that result from defense motions include a motion to transfer, in which a defendant who has a case pending in another jurisdiction successfully moves to have the current case transferred to that county, and a motion to place the defendant under supervision for treatment of drug addiction. If the court grants a defense motion for supervision, adjudication is suspended, provided that the defendant successfully follows the court-ordered conditions of supervision.
- **Defendant failure to appear.** Some judicial circuits in Illinois have created *warrant calendars* to eliminate

from their active court calendars those cases in which defendants have failed to appear in court and have forfeited their bond or in which fugitive warrants have lapsed after a specified period of time. Such cases may be reinstated if the defendant is subsequently apprehended.²²

Illinois is one of only a few states that actively prosecute bail violations and impose stiff penalties upon conviction. Under state law, any defendant who fails to appear in court may be prosecuted not only for the original charge but also for the next-lower class of felony or misdemeanor related to the original charge.²³ In addition, any sentence for bail violations must be served consecutively to the sentence for the original charge.

- **Guilty plea.** If probable cause is established, the defendant is required to enter a plea—usually either guilty or not guilty—to the charges.²⁴ This typically occurs at arraignment or whenever the court accepts the defendant's plea.²⁵ Each defendant has the constitutional right to a trial by a jury of peers, yet more defendants enter guilty pleas than request a jury trial or a bench trial.

Although the decision to plead guilty is ultimately the defendant's, several factors influence the guilty plea process. These include the severity of the charge and possible sentence, the quantity and quality of evidence linking the defendant to the crime, whether there are arguable issues of fact in the case, and the terms of any guilty plea negotiation. After pleading guilty, the defendant bypasses trial proceedings and is sentenced.

One common belief about guilty pleas is that they usually involve reduced charges against the defendant. Although there are no comprehensive data on this question in Illinois, a study of almost 7,500 felony cases that were disposed of in 1979 and 1980 in nine counties in three states (including approximately 3,000 cases in DuPage, Peoria, and St. Clair counties in Illinois) reveals that the primary, or most serious, charge was reduced during the guilty plea process in an average of only 15 percent of the cases studied.²⁶ Furthermore, this percentage was not much greater than the percentage of cases in which the primary charge was reduced at trial—an average of about 11 percent.

- **Trial.** Since most criminal cases are disposed of during pretrial stages, relatively few defendants plead not guilty and then go to trial. As with guilty pleas, the decision to go to trial is ultimately that of the defendant. Nevertheless, state's attorneys, through their willing-

ness to negotiate the conditions of defendants' pleas, can affect what cases do go to trial.

HOW ARE THE ROLES OF VICTIMS AND WITNESSES COORDINATED DURING CRIMINAL PROSECUTIONS?

After charges have been filed, the state's attorney must prepare the case, participate in pretrial procedures (including any plea negotiations), and represent the interests of the state at trial. Throughout this process, the successful administration of justice depends largely on the cooperation of crime victims and witnesses. State's attorneys have historically assumed the task of coordinating the roles of victims and witnesses in criminal cases, although the formality of their victim-witness programs varies from county to county.

To ensure that appropriate services are delivered to crime victims and witnesses, some state's attorneys in Illinois have hired special victim-witness coordinators. As of November 1988, at least 25 state's attorneys' offices had victim-witness coordinators on their staffs (see Figure 2-1). Some of the services provided by victim-witness programs include notifying victims and witnesses of court dates and the progress of their cases, accompanying them to court, explaining the court process, referring victims and witnesses to appropriate social service agencies, offering counseling, and interceding on behalf of victims and witnesses to ensure the cooperation of their employers.

HOW IS PUBLIC DEFENSE ORGANIZED IN ILLINOIS?

As a counterpart to the prosecution, the defense of those accused of committing crimes is an essential part of the criminal justice system. Just as prosecutors seek justice on behalf of the people of the state, defense attorneys do so on behalf of the accused. Defense attorneys serve as advocates for defendants throughout the criminal justice process.

The 6th and 14th amendments to the U.S. Constitution guarantee people accused of crimes the right to be assisted by counsel. Through a series of decisions over many years, the U.S. Supreme Court has expanded the scope of the right to defense. Today, it applies not only to actual trials, but also to all important stages of the criminal justice process, including interrogation by police, preliminary hearings, arraignments, and various post-trial procedures. Under Illinois law, anyone detained for any cause, whether or not the person is charged with an offense, has the right to consult with an attorney in private at the place of custody for a reasonable number of times, except in cases where there is imminent danger of the person escaping.²⁷

In *Gideon v. Wainwright* (1963) and *Argersinger v. Hamlin* (1972), the U.S. Supreme Court held that the right to counsel applies to anyone accused of a crime for which a sentence of imprisonment may be imposed. These decisions mean that the right to an attorney cannot be denied a defendant who is unable to pay for legal counsel. For both felonies and misdemeanors that can result in imprisonment, the state must provide an attorney to indigent defendants.

In Illinois, public defense for indigent defendants is administered locally: public defenders operate in individual counties, independent of any central administrative agency which, as in some other states, coordinates public defense for the entire state. Indigent defendants in Illinois are assigned defense attorneys by the courts.²⁸ In most counties, the court assigns these cases to a public defender. In 1988, 94 of the state's 102 counties had public defenders, who are appointed by the judiciary of their respective counties and serve at the courts' pleasure.²⁹ In the state's other eight counties, the courts assign the defense of indigents to private attorneys on a case-by-case basis (Figure 2-2).

Like state's attorneys' offices, each public defender's office varies in size and complexity, and the organization and staffing of individual offices generally reflect their workloads and the resources available in their counties. In many counties, the appointed public defender is the only attorney in the public defender's office; often times, he or she works as a part-time public defender while maintaining a private law practice. In other counties, there are one or more assistant public defenders. In July 1988, there were approximately 610 assistant public defenders statewide.

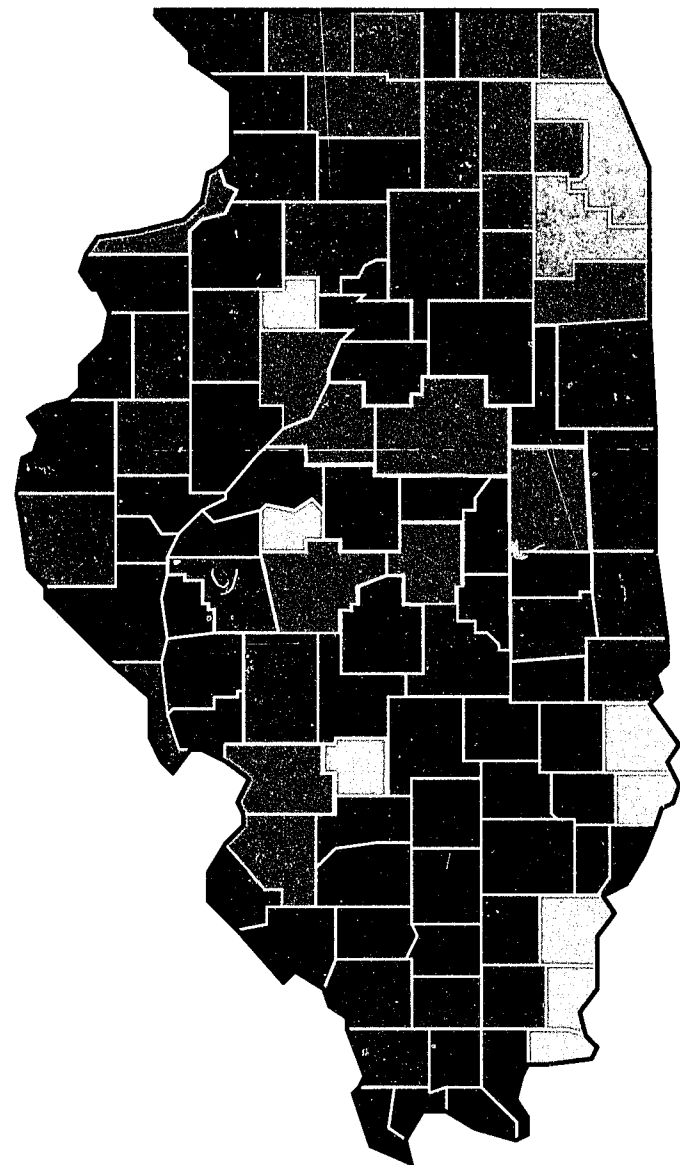
HOW DOES PUBLIC DEFENSE WORK IN CRIMINAL APPEALS?

The constitutional obligation of the state to provide defense services to indigents does not end with criminal trials: it extends to appeals as well. To meet this obligation, the Illinois General Assembly in 1972 created the Office of the State Appellate Defender.³⁰ The principal function of this state agency is to represent indigent persons on appeal in criminal cases when appointed by the courts. In addition, the office provides investigative and educational services to public defenders throughout the state.

Under the direction of the state appellate defender, who is appointed to a four-year term by the Illinois Supreme Court, the office employs about 75 attorneys, plus support personnel. The agency provides services through five offices located in each of the state's judicial (appellate) districts.³¹ In addition, the agency maintains an Illinois Supreme Court Unit, which is primarily responsible for death penalty appeals.

Figure 2-2

Ninety-four counties in Illinois have a public defender's office.



Number of assistant public defenders

- Public defender only
- 1-4 assistant public defenders
- 5-15 assistant public defenders
- 16 or more assistant public defenders
Cook—417
Will—25
- Court-appointed counsel

Source: Illinois Public Defender Association Directory of Public Defenders (November 1, 1987) and Illinois Criminal Justice Information Authority survey

The Data

There is a severe "data gap" in Illinois between the law enforcement function and the courts function: that is, data from prosecutors are not collected or maintained in a consistent, statewide manner. Although each state's attorney's office generates and maintains its own management statistics at the county level, there is no uniform, statewide system for prosecutors to compile and report many types of data. As a result, statewide information about certain key decisions made by prosecutors—the proportion of cases accepted for prosecution, the number rejected for prosecution, and other information concerning caseloads and the flow of cases through state's attorneys' offices—is simply unavailable in Illinois.

Sources such as the Administrative Office of the Illinois Courts (AOIC), the Office of the State's Attorneys Appellate Prosecutor, and various public defense agencies *do* provide some information about the prosecution of criminal cases once they fall under the jurisdiction of the courts. For example, yearly data on the number of criminal cases filed, the number of defendants who plead guilty, and the number prosecuted at trial are contained in AOIC's annual reports to the Illinois Supreme Court.

However, while AOIC data may be useful in supporting the administration of the state's courts, the data are inherently limited in their ability to describe certain criminal justice processes, including prosecutorial activities. Because no mechanism exists to collect state's attorneys' data on a statewide basis, aggregate statistics depicting trends in the pretrial activities of state's attorneys are unavailable. To provide some indication of what happens to cases once probable cause has been established, this chapter uses AOIC data to document trends in the number of guilty pleas and trial dispositions involving felony defendants.

Several characteristics of the AOIC data presented in this chapter (as well as the data presented in Chapter 3) should be kept in mind. The AOIC information presented here regarding guilty pleas accepted by the court and trial dispositions relates to defendants, not to cases. The two are not comparable, since one case may have more than

one defendant or a single defendant may be involved in more than one case.

In addition, occasional incompatibility among data from different regions of the state, especially between data from Cook County and data from the rest of Illinois, makes it difficult—and sometimes impossible—to aggregate certain data for statewide presentation. The wide discretion afforded state's attorneys and judges in carrying out their responsibilities in Illinois contributes to regional differences in policies and procedures, which, in turn, affect how certain activities are measured and reported to AOIC.

Even when the same measures are used, differences in counting can occur, not only between counties but also within the same jurisdiction over time. For example, when two or more defendants are involved in a single case, some state's attorneys file a single case charging all the defendants, while others file a separate case for each suspect. Another example of counting differences occurs in Cook County, where an undetermined number of conservation and local ordinance violations are counted as misdemeanors. In the rest of the state, similar violations are reported under different categories.

Inconsistencies such as these not only skew statewide patterns, but also make certain comparisons problematic. For this reason, case filings in Cook County are analyzed separately from those in the remainder of the state—and the two should not be compared. Furthermore, felony and misdemeanor cases in Cook County are counted differently, so they too should not be compared.

A final note: data presented in this chapter cover different time periods. All AOIC data are reported in calendar years, while statistics from the State Appellate Prosecutor's Office, the State Appellate Defender's Office, and the Illinois Court of Claims cover state fiscal years, which run from July 1 through June 30 (for example, fiscal 1988 began July 1, 1987, and ended June 30, 1988). Data from the Cook County Public Defender's Office are reported in the county's fiscal years, which run from December 1 through November 30.

Trends and Issues



How many criminal cases—both felonies and misdemeanors—were filed in Cook County in recent years? How many cases were filed in the state's other 101 counties? How many of these cases went to trial? How many felony cases are appealed to the Illinois Appellate Court? How many cases are handled by the state's public defense system? What services do prosecutors provide crime victims and witnesses? The rest of this chapter explores these and other questions about the prosecution of criminal cases in Illinois.

HOW MANY FELONY CASES ARE FILED IN COOK COUNTY EVERY YEAR?

Recent statistics on the number of felony cases filed in Cook County indicate a clear trend: felony prosecutions are on the rise. Between 1978 and 1987, the number of felony cases filed in Cook County increased steadily, with

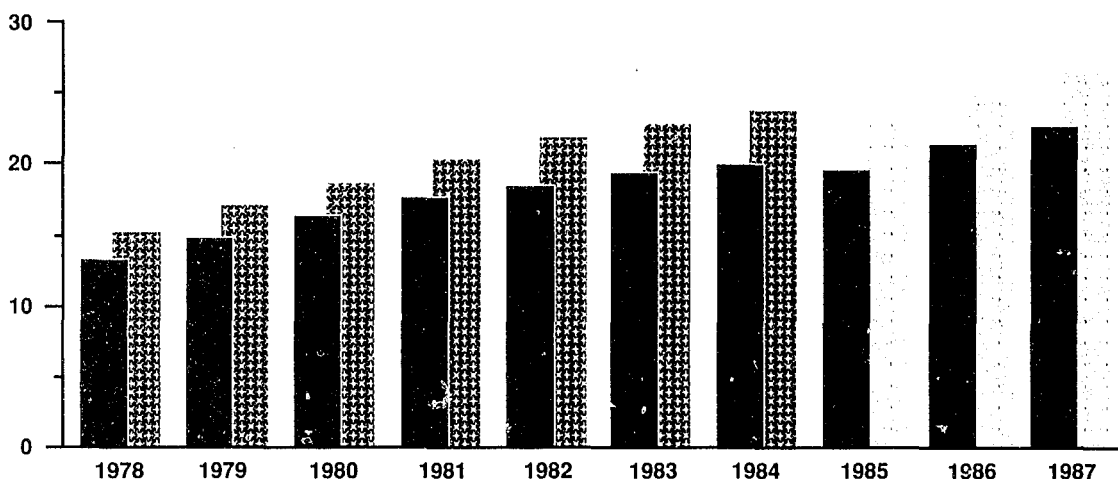
only a slight decrease from 1984 to 1985 (Figure 2-3).³² And because more than one defendant can be tried in a single case, the number of defendants in these cases was even greater than the number of cases.

In 1978, for example, nearly 13,400 felony cases were filed on slightly more than 15,300 defendants in Cook County. In 1984, the most recent year for which felony defendant statistics are available, approximately 20,100 cases were filed on more than 23,900 defendants. If the same 1978–1984 average ratio of seven defendants for every six felony cases is used, there would have been approximately 26,600 felony defendants associated with the 22,797 felony cases that were actually filed in 1987.

The number of felony case filings in Cook County increased nearly 71 percent overall between 1978 and 1987. The number of felony defendants in the county increased 56 percent between 1978 and 1984.

Figure 2-3
The number of felony cases filed in Cook County and the number of defendants have increased steadily since 1978.

Number of felony cases/defendants in Cook County (thousands)



Note: These figures represent only those felony cases filed that resulted in findings of probable cause at a preliminary hearing or that resulted from grand jury indictments.

Source: Administrative Office of the Illinois Courts, Annual Report to the Illinois Supreme Court (1978-1984), and unpublished AOIC figures (1985-1987).

HOW MANY MISDEMEANOR CHARGES ARE FILED IN COOK COUNTY?

Trends in the prosecution of misdemeanor cases in Cook County are more difficult to assess than trends in felony cases. This is because the number of misdemeanor cases in the county is artificially inflated by an unknown number of ordinance and conservation violations that are recorded as misdemeanors.³³ Furthermore, misdemeanor cases in Cook County are reported in terms of *charges*, so the sta-

tistics cannot be compared with the number of felony cases in the county.

The number of misdemeanor charges filed in Cook County increased 59 percent between 1978 and 1982, when they peaked at more than 487,300 (Figure 2-4). The number of misdemeanor charges then declined over the next three years, and leveled off in 1985 and 1986 to about 330,000. In 1987, misdemeanor filings in Cook County rose slightly to 336,976, but were still nowhere near the high levels of the early 1980s.

One possible explanation for the sharp increase in misdemeanor charges filed in Cook County between 1979 and 1982 is the large number of disorderly conduct arrests the Chicago Police Department made during those years. In 1979 and 1980, Chicago police made more than 267,000 disorderly conduct arrests under Section 193-1(a)-(g) of the Municipal Code of Chicago. During the next two years, this number increased to more than 380,000.

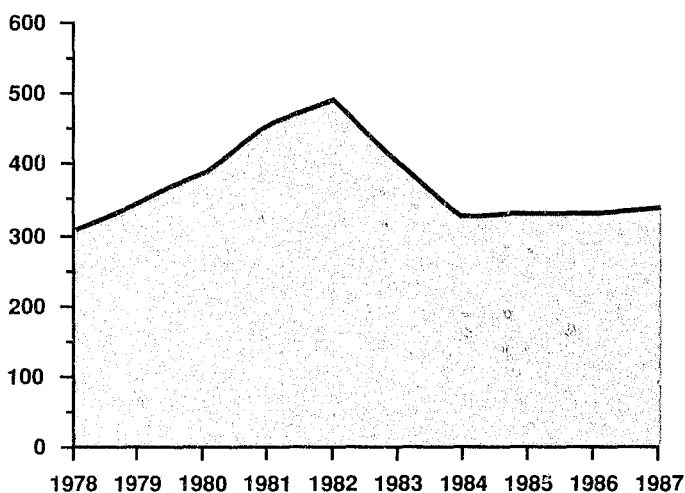
Many of these arrests resulted from a police department procedure designed to combat gang crime in the city. Under this procedure, police would arrest suspected gang members on disorderly conduct charges, but the arresting officers often would not appear in court to testify regarding the complaints that were filed. The court would then deny *leave to file* (LFD) in these cases, and the suspects would be discharged. This procedure occurred in the Circuit Court of Cook County Municipal Department, 1st District, until December 1984, when the acting presiding judge entered an order prohibiting the use of the LFD as a way of disposing of criminal and quasi-criminal cases.

In 1983, the number of disorderly conduct arrests

Figure 2-4

The number of misdemeanor charges filed in Cook County has remained relatively stable since 1984.

Misdemeanor charges filed in Cook County (thousands)

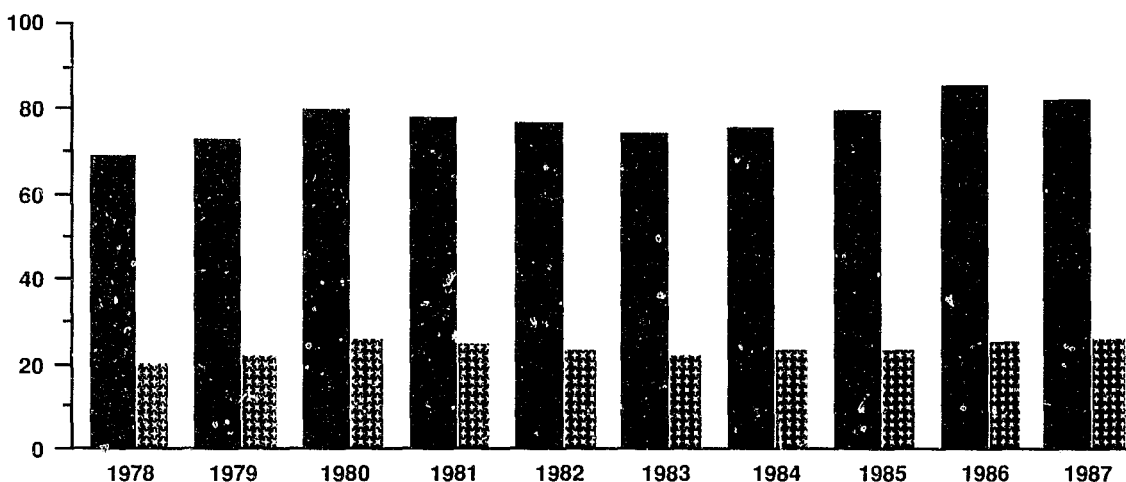


Source: Administrative Office of the Illinois Courts

Figure 2-5

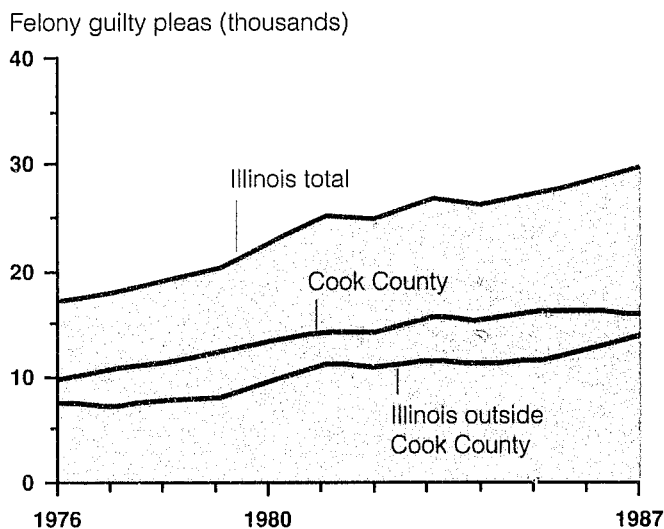
Outside Cook County, misdemeanor cases outnumber felony cases 3-to-1.

Cases filed in counties other than Cook (thousands)



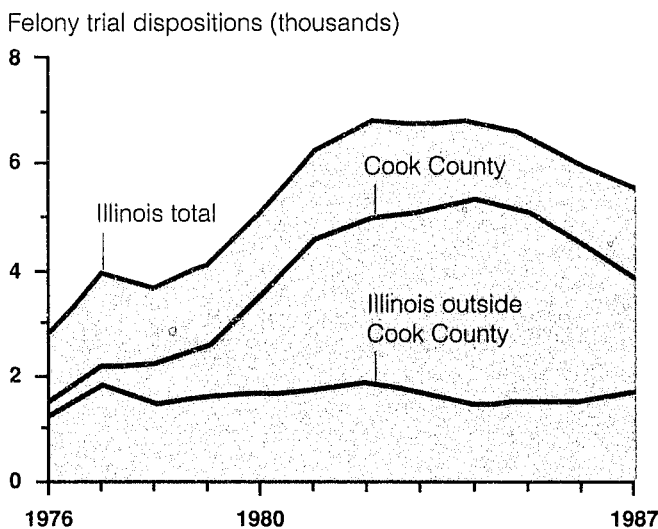
Source: Administrative Office of the Illinois Courts

Figure 2-6
More than 29,200 felony defendants entered guilty pleas in 1987.



Source: Administrative Office of the Illinois Courts

Figure 2-7
Felony trial dispositions in Cook County decreased 27 percent between 1984 and 1987.



Source: Administrative Office of the Illinois Courts

began to decline and, during the first six months of 1984, had fallen to about 20,000. This drop in disorderly conduct arrests seems to account for the decline in misdemeanor charges filed in Cook County after 1982.³⁴

HOW MANY CRIMINAL CASES ARE FILED OUTSIDE COOK COUNTY?

From 1978 through 1986, the number of felony and misdemeanor cases filed in Illinois outside Cook County tended to follow the same general patterns of increases and decreases (Figure 2-5). In 1987, however, felony case filings continued an upward trend that began in 1984, while misdemeanor case filings declined slightly after increasing the four previous years.

Felony case filings outside Cook County increased 26 percent between 1978 and 1980, when they rose to more than 26,100. Felony case filings declined to about 22,500 in 1983, but then increased 16.5 percent over the next four years to a high of 26,204 in 1987.

Between 1978 and 1987, the number of misdemeanor cases filed outside Cook County fluctuated between 69,540 and 86,271 a year. After generally increasing in the late 1970s and then declining in the early 1980s, misdemeanor case filings outside Cook County began to rise again beginning in 1984. In 1986, misdemeanor case filings reached a high of 86,271, and then decreased 4.5 percent to 82,379 in 1987.

Even with these fluctuations, however, the ratio of misdemeanor cases to felony cases filed outside Cook County remained stable at slightly more than 3-to-1. In other words, an average of approximately 77 percent of the

criminal cases (excluding conservation and ordinance violations) filed in Illinois courts outside Cook County between 1978 and 1987 were for misdemeanors.

HOW MANY FELONY DEFENDANTS GO TO TRIAL IN ILLINOIS?

Although it is impossible to present a comprehensive picture of defendant dispositions in Illinois—for example, the proportion of defendants who have their cases dismissed or who fail to appear in court cannot be accurately measured—it is clear that most felony cases are disposed of before they ever reach trial. Many defendants, for example, plead guilty.³⁵

In 1987, more than 29,200 felony defendants in Illinois entered guilty pleas. Throughout the 12-year period from 1976 through 1987, Cook County accounted for the majority of the guilty plea dispositions in the state, although the number of guilty pleas grew more rapidly outside Cook County (Figure 2-6). In Illinois outside Cook County, guilty pleas increased 84 percent between 1976 and 1987. In Cook County, they rose 62 percent, with most of the increase taking place before 1984.

Compared with the number of felony defendants who plead guilty, however, the number who go to trial is relatively small—in both Cook County and remainder of the state. In 1987, when 29,239 defendants pleaded guilty statewide, there were 5,530 felony defendants whose cases were adjudicated at trial. This was the lowest number of felony trial dispositions in Illinois since 1980.

As with guilty pleas, the majority of trial dispositions in Illinois occur in Cook County. In 1987, 70 percent

of the 5,530 trial dispositions statewide occurred in Cook County (Figure 2-7). The number of trial dispositions in Cook County rose dramatically from 1,455 in 1976 to 5,322 in 1984, a 266-percent increase. From 1984 through 1987, however, the number decreased 27 percent.

In the remainder of the state, the number of felony trial dispositions fluctuated between 1976 and 1987. Trial dispositions increased 47.5 percent between 1976 and 1982, and then declined 20 percent over the next four years. In 1987, however, felony trial dispositions outside Cook County increased 7 percent, to 1,659.

Although trial dispositions consistently accounted for a smaller proportion of all dispositions than guilty pleas between 1976 and 1987, the ratio of guilty pleas to trial dispositions in Cook County did change over the 12-year period. In 1976, there were approximately 7 guilty pleas for every 1 trial disposition in Cook County. By 1984, this ratio had narrowed to about 3-to-1. After that, the ratio increased again, reaching approximately 4-to-1 in 1987. In the remainder of the state, the ratio of guilty pleas to trial dispositions was almost 6-to-1 in 1976 and more than 8-to-1 in 1987.

HOW HAS THE PROSECUTOR'S ROLE WITH RESPECT TO CRIME VICTIMS AND WITNESSES CHANGED IN RECENT YEARS?

Prosecutors in Illinois have always recognized that the cooperation of crime victims and witnesses is essential to the pursuit of justice. In recent years, however, heightened public awareness of the needs of victims and witnesses—both inside and outside the courtroom—has prompted the enactment of legislation to promote, in a more formal manner, the fair treatment of victims and witnesses by prosecutors and other criminal justice officials in the state.

The Bill of Rights for Victims and Witnesses of Violent Crime, which took effect in December 1984, was landmark legislation for victims in Illinois.³⁶ Illinois is now one of 44 states that have enacted bills of rights for crime victims.³⁷ As originally passed, the Illinois bill of rights for victims requires state's attorneys to do the following:³⁸

- Notify victims when any criminal proceeding in which they are involved is initiated by information, indictment, or filing of a delinquency petition
- Inform victims, upon request, when the defendant has been released on bond
- Explain to victims, in non-technical language and upon request, the details of any plea or verdict
- Notify victims, upon request, of the ultimate disposition of their cases
- Intercede on behalf of victims and witnesses to ensure

the cooperation of their employers and to minimize any loss of pay

- Provide, where possible, a secure waiting area for victims and witnesses during court proceedings
- Notify victims of the right to submit victim impact statements at sentencing

Under state law, most victims of violent crime have the option of presenting impact statements explaining how the crime affected their lives. These statements, which must be prepared in conjunction with the state's attorney's office, are presented orally before the court during sentencing hearings not involving the death penalty.³⁹ During 1987, the Victim-Witness Unit of the Cook County State's Attorney's Office helped prepare 343 victim impact statements, more than three times the number it helped prepared in 1986.

In 1987, legislation was enacted that expands the types of information about criminal proceedings that must be made available to victims under the bill of rights law. In addition to previous requirements, the new laws require state's attorneys to do the following:

- Notify victims of the date, time, and place of any hearing in the case, whether or not the victim's presence is required
- Notify victims if there is a cancellation of a scheduled hearing at which the victim's presence is required
- Provide victims with a written explanation, in non-technical language, of their rights under the bill of rights law
- Notify victims, upon request, before prosecutors make any offer of a plea bargain to the defendant or enter into negotiations with the defendant concerning a possible plea bargain
- Notify victims, upon request, of any hearings concerning an appeal or petition for post-conviction review filed by the defendant

Just as prosecutors have certain responsibilities to victims of crimes, victims too must do certain things under the bill of rights law. For example, victims must promptly report the crime to police, cooperate with criminal justice authorities throughout all aspects of the proceedings, testify for the state at the defendant's trial, and notify authorities of any change in address.

HOW MUCH COMPENSATION DOES THE STATE PAY TO CRIME VICTIMS?

Illinois' bill of rights for crime victims also requires state's attorneys to inform victims about the social services and financial assistance available to them and to help victims

take advantage of these programs. In Illinois, financial assistance is available to victims of violent crimes and to their families through the 1973 Crime Victims Compensation Act.⁴⁰ Illinois is one of 45 states that have established such programs.⁴¹

For years, compensation awards in Illinois were supported solely by general revenue funds appropriated by the Illinois General Assembly. Since the federal Victims of

Crime Act of 1984 was enacted, the Illinois program has been supplemented with federal money as well.

Up to \$25,000 may be awarded for each claim to cover expenses incurred as a direct result of the crime—medical costs, counseling, loss of earnings, tuition reimbursement, replacement services,⁴² funeral and burial services, and loss of support for dependents of a deceased victim. In 1988, Illinois' compensation law was amended to increase the maximum compensation for loss of earnings from \$750 to \$1,000 a month and the maximum for funeral expenses from \$2,000 to \$3,000.⁴³ The program does not compensate for loss of, or damage to, personal property or for pain and suffering.

Between state fiscal years 1980 and 1987, nearly \$19.5 million was awarded to 5,963 victims of violent crime in Illinois (Figure 2-8). Approximately 35 percent of the total was given out during fiscal years 1984 and 1985, when the yearly awards topped \$3 million. In fiscal 1987, more than \$2.7 million was awarded.

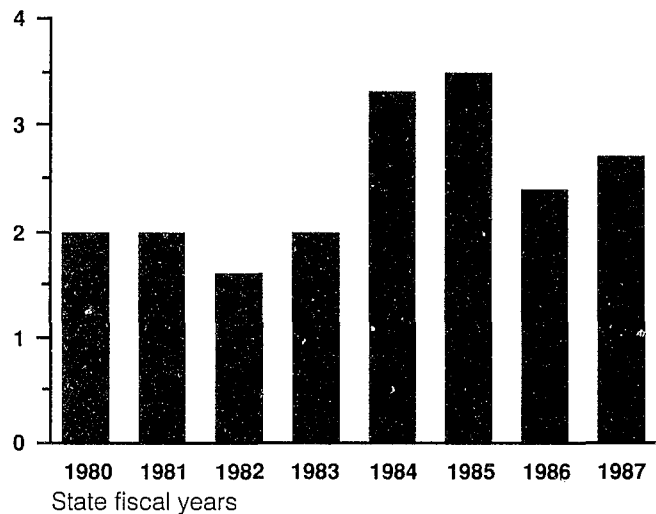
Almost two-thirds of the 9,207 compensation claims that were processed between fiscal years 1980 and 1987 resulted in awards to victims (Figure 2-9). The average award granted during this eight-year period was approximately \$3,480.⁴⁴ In fiscal 1985, the average award reached an eight-year high of nearly \$4,100. In fiscal 1987, it was approximately \$3,800.

To receive compensation, a victim must file a claim with the Illinois Attorney General's Office. The victim need not be an Illinois resident, but the crime must have occurred in the state. In addition, the victim must report the crime to police within 72 hours and must cooperate with

Figure 2-8

Since 1980, approximately \$19.5 million in compensation has been awarded to crime victims in Illinois.

Dollars awarded through the Illinois Crime Victims Compensation program (millions)



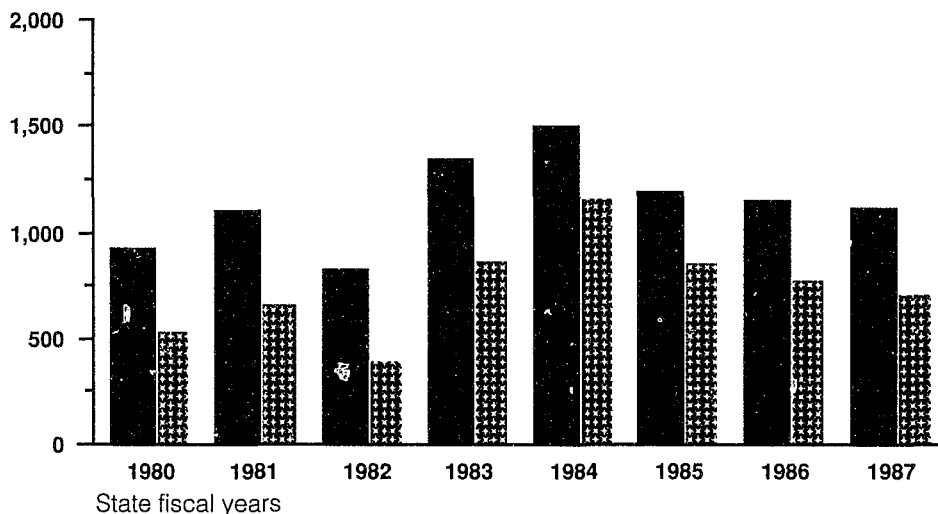
Source: Illinois Court of Claims

Figure 2-9

Approximately two-thirds of all compensation claims result in awards to victims.

■ Claims processed
 ▨ Claims awarded

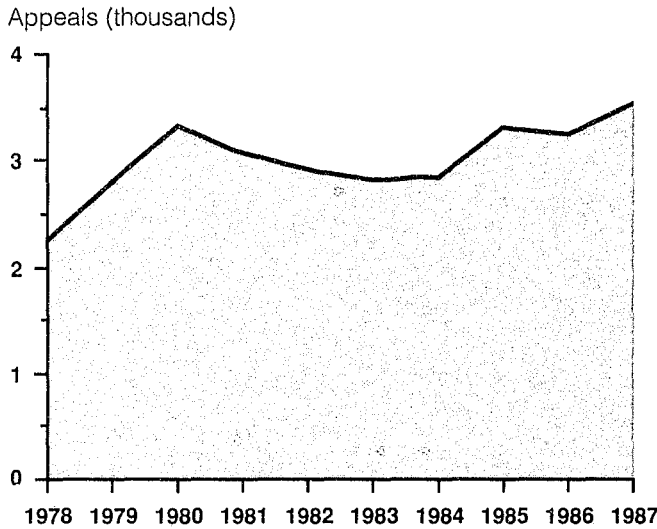
Claims through the Illinois Crime Victims Compensation program



Source: Illinois Court of Claims

Figure 2-10

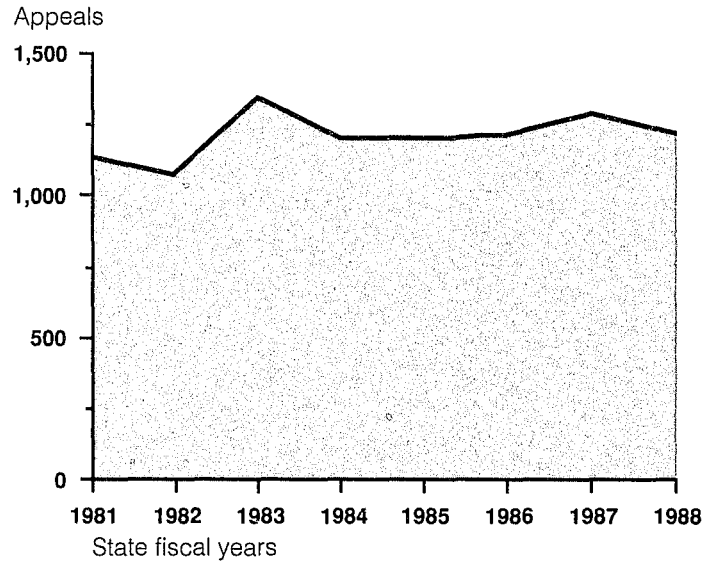
More criminal appeals were filed in the Illinois Appellate Court in 1987 than in any year since 1978.



Source: Administrative Office of the Illinois Courts

Figure 2-11

The Office of the State's Attorneys Appellate Prosecutor handled more than 1,200 criminal appeals in fiscal year 1988.



Source: Office of the State's Attorneys Appellate Prosecutor

authorities in apprehending and prosecuting the offender. Even if the offender is not apprehended or convicted, the victim may still be eligible for compensation.

The Attorney General's Office investigates each claim and recommends whether it should be awarded, denied, or dismissed. The Illinois Court of Claims then makes a final decision in each case and disburses all awards. Claims may be denied for several reasons: if the victim fails to report the crime within 72 hours, if the victim provokes the crime or engages in illegal conduct at the time of the crime, or if the loss is not eligible for compensation (for instance, if it is covered by insurance or public aid).

HOW MANY CRIMINAL APPEALS ARE FILED IN ILLINOIS?

The Illinois Appellate Court is the first court of appeal for cases adjudicated in the trial courts, except for cases involving the death penalty, which are appealed automatically to the Illinois Supreme Court. Every defendant who is found guilty has the right to appeal. Even a defendant who pleads guilty can appeal if he or she withdraws the plea within 30 days of when the sentence was imposed. The state may also appeal under certain circumstances.⁴⁵

From 1978 through 1987, the number of criminal appeals filed in the Illinois Appellate Court increased 55 percent (Figure 2-10). There was a 46-percent increase between 1978 and 1980, followed by a steady decline through 1983. The number of criminal appeals increased

slightly in 1984 and more dramatically in 1985, when the total nearly matched the 1980 figure of approximately 3,300. The number of criminal appeals filed reached the highest level of the decade in 1987 with 3,531, a 25-percent increase over the 1983 number.

Between state fiscal years 1981 and 1988, the Office of the State's Attorneys Appellate Prosecutor,⁴⁶ which assists most state's attorneys outside Cook County with criminal appeals, represented the state in approximately 9,700 criminal appeals on behalf of those counties (Figure 2-11). The number of criminal appeals handled by this office ranged from a low of 1,079 in fiscal 1982 to a high of 1,349 in fiscal 1983. In fiscal 1988, the Appellate Prosecutor's Office represented the state in 1,222 criminal appeals on behalf of 98 county state's attorneys.

Criminal appeals in which a federal or state statute has been held invalid, and appeals by defendants who have been sentenced to death by the Circuit Court, bypass the state Appellate Court and are taken directly to the Illinois Supreme Court.⁴⁷ In addition, the state Supreme Court may choose to hear appeals of any Illinois Appellate Court decision that affirms or reverses a trial court ruling.

Although information about the total number of criminal appeals that reach the Illinois Supreme Court is unavailable, the number of automatic Supreme Court appeals in death penalty cases between 1978 and 1987 ranged from a low of three in 1978 to a high of 22 in 1986. In 1987, 18 death penalty appeals were filed in the Illinois Supreme Court.

WHAT IS THE WORKLOAD OF PUBLIC DEFENDERS IN ILLINOIS?

Although each public defender's office in Illinois generates and maintains its own management statistics, there is no uniform, statewide system for public defenders to compile and report certain types of data. For this reason, aggregate statistics on the number of cases handled by public defenders in Illinois are unavailable. However, data from Cook County and from the State Appellate Defender's Office indicate that public defense workloads appear to be increasing.

Excluding appeals, the Cook County Public Defender's Office was appointed to represent 166,435 defen-

dants in county fiscal year 1987, an increase of 24 percent from the fiscal 1985 figure of nearly 135,500, and 3 percent more than fiscal 1986 total of nearly 162,100.⁴⁸ The Appellate Division of the Cook County Public Defender's Office was appointed 1,059 cases in fiscal 1986 and 1,002 in fiscal 1987, a decrease of 5 percent.

The Office of the State Appellate Defender, which represents virtually all indigent defendants pursuing appeals from counties outside Cook, as well as a substantial number of those from Cook County, was appointed 1,309 cases during state fiscal year 1985. By fiscal 1987, the number had increased 19 percent, to 1,563.⁴⁹

Notes

¹ Although the Illinois attorney general's duties include criminal matters, the office is primarily involved with civil matters.

² By statute, the Office of the State's Attorneys Appellate Prosecutor may represent the people of Illinois on appeals in criminal cases, juvenile cases, paternity cases, cases arising under the Mental Health and Developmental Disabilities Code, and cases arising under the Narcotics Profit Forfeiture Act, provided that the case originates from a judicial (appellate) district of less than 3 million inhabitants and that the state's attorney otherwise responsible for prosecuting the appeal requests such assistance (Ill.Rev.Stat., ch. 14, par. 204.01). The Cook County State's Attorney's Office has its own Criminal Appeals Division, which serves the 1st Appellate District.

³ The 10-member governing board includes the Cook County state's attorney, who is a permanent member; two state's attorneys from each of the four judicial (appellate) districts with less than 3 million inhabitants, who are elected annually by the state's attorneys of their respective districts; and one state's attorney appointed each year by the board's nine other members (Ill.Rev.Stat., ch. 14, par. 203).

⁴ Because of its size, the Cook County State's Attorney's Office requires its own Criminal Appeals Division. By law, the Office of the State's Attorneys Appellate Prosecutor may assist in only those cases originating in judicial (appellate) districts with less than 3 million people.

⁵ These 34 counties employ part-time assistant state's attorneys: Adams, Bureau, Champaign, Clark, Clinton, Cook, Douglas, Fayette, Franklin, Henry, Jersey, Jo Da-

viess, Kane, Kendall, Lake, LaSalle, Livingston, Macoupin, Madison, Marshall, McHenry, Mercer, Monroe, Perry, Randolph, St. Clair, Saline, Sangamon, Stark, Union, Washington, White, Will, and Woodford.

⁶ The 39 newly elected state's attorneys in 1988 include two who were appointed to the position in the six months prior to the November election and were subsequently elected to it.

⁷ Criminal charges generally fall into two categories—felonies and misdemeanors. A felony is an offense that is punishable by a term of imprisonment of one year or more, or a sentence of death (Ill.Rev.Stat., ch. 38, par. 2-7). A misdemeanor is an offense for which a term of imprisonment in a facility other than a penitentiary for less than one year may be imposed (Ill.Rev.Stat., ch. 38, par. 2-11).

⁸ *Report to the Nation on Crime and Justice, Second edition* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 72.

⁹ Four states require grand jury indictments for prosecuting all crimes; 14 states and the District of Columbia require an indictment to initiate all felony cases; and six states require that an indictment be returned only when the defendant is charged with a capital offense. In one state, Pennsylvania, the grand jury lacks authority to indict. (Bureau of Justice Statistics, 1988, p. 72.)

¹⁰ Ill.Rev.Stat., ch. 38, par. 102-11.

¹¹ Ill.Rev.Stat., ch. 38, par. 112-6.

¹² Ill.Rev.Stat., ch. 38, par. 112-2.

¹³ Ill.Rev.Stat., ch. 38, par. 112-3.

¹⁴ Ill.Rev.Stat., ch. 38, par. 102-12.

¹⁵ Ill.Rev.Stat., ch. 38, par. 111-2. If the defendant waives the right to a preliminary hearing, criminal proceedings commence as if probable cause had been found.

¹⁶ Ill.Rev.Stat., ch. 38, par. 102-9.

¹⁷ Ill.Rev.Stat., ch 38, par.111-2.

¹⁸ However, a finding of "no probable cause" by the court does not preclude the defendant from being indicted for the same offense at a later date by a grand jury.

¹⁹ Bureau of Justice Statistics, 1988, p. 73.

²⁰ Ill.Rev.Stat., ch. 56 1/2, pars. 710, 1410.

²¹ The main difference between arbitration and mediation is that the decision of the arbitrator is legally binding on the parties; with mediation, it is the parties themselves who come to a mutual agreement. To date, arbitration has not been used in criminal matters in Illinois, but is being used in some civil cases.

²² Under certain circumstances, trial proceedings may commence in the absence of the defendant (Ill.Rev.Stat., ch. 38, par. 115-4.1).

²³ Ill.Rev.Stat., ch. 38, par. 32-10.

²⁴ Defendants may also plead guilty but mentally ill. However, the court can accept this type of plea only if the defendant has been examined by a clinical psychologist or psychiatrist and if the judge has examined the results of the examination, has held a hearing on the issue of the defendant's mental condition, and is satisfied that there is a factual basis for the claim that the defendant was mentally ill at the time of the offense. In addition, defendants charged with violating the Illinois Income Tax Act (Ill.Rev.Stat., ch. 120, par. 1-101, et seq.) may plead guilty, not guilty, or (with the consent of the court) *nolo contendere*. A defendant who enters a plea of *nolo contendere* does not contest the charge, but neither admits guilt nor claims innocence. A plea of *nolo contendere* can still be followed by a conviction and by a sentence, however.

²⁵ Procedures for entering pleas vary among jurisdictions, and actions constituting an arraignment may occur at other court appearances after arrest and prior to trial. However, a defendant's plea becomes official only at arraignment.

²⁶ Peter F. Nardulli and Roy B. Fleming, *Pleas without Bargaining: Guilty Pleas in the Felony Courts of Illinois, Michigan, and Pennsylvania* (Urbana, Ill.: Institute of Government and Public Affairs, University of Illinois, 1985).

²⁷ Ill.Rev.Stat., ch. 38, par. 103-4.

²⁸ Ill.Rev.Stat., ch. 38, par. 113-3(b).

²⁹ Illinois counties with 35,000 or more inhabitants are required to have a public defender's office; counties with fewer than 35,000 people are not required to create this office, but may do so if approved by the county board. Any two or more adjoining counties within the same judicial circuit may, by joint resolution of their county boards, create a common public defender's office. (Ill.Rev.Stat., ch. 34, par. 5601 et seq.)

³⁰ Ill.Rev.Stat., ch. 38, par. 208.

³¹ By statute, the state appellate defender must operate an office in each of the state's five judicial (appellate) districts (Ill.Rev.Stat., ch. 38, par. 208-9(a)).

³² These figures include only those felony cases filed that resulted in findings of probable cause at a preliminary hearing or that resulted from grand jury indictments.

³³ In addition to including an undetermined number of ordinance and conservation violations in the totals for misdemeanor case filings in Cook County, AOIC prior to 1982 included felony preliminary hearings in this category as well. For this report, however, AOIC data were adjusted so that felony preliminary hearings were excluded from the statistics for misdemeanor cases filed.

³⁴ In 1983, the American Civil Liberties Union filed a class action lawsuit challenging the Chicago Police Department's procedure on several grounds (*Michael Nelson, et al. v. City of Chicago, et al.*, No. 83C-1168, U.S. District Court for the Northern District of Illinois, Eastern Division). The resulting modifications by the police department may account, at least in part, for the general decline in misdemeanor charges filed in Cook County courts after 1983. This lawsuit is also the source of disorderly conduct arrest numbers cited in this section.

³⁵ The following statistics on guilty pleas and trials are reported by AOIC in term of *defendants*. They should not be compared with statistics on *case filings*.

³⁶ Ill.Rev.Stat., ch. 38, par. 1401 et seq.

³⁷ *Victims Rights and Services: A Legislative Directory* (Washington, D.C.: National Organization for Victim Assistance, 1988), in publication.

³⁸ The Bill of Rights for Victims and Witnesses of Violent Crime affects other criminal justice agencies besides state's attorneys' offices; however, those requirements are not germane to this discussion.

³⁹ In June 1987, the U.S. Supreme Court ruled that the Constitution bars the use of victim impact statements at sentencing hearings in which the death penalty is a possible sentence (*Booth v. Maryland*, 107 S.Ct. 2529, 1987).

Citing the Eighth Amendment's ban on cruel and unusual punishment, the Court held that victim impact information was ordinarily irrelevant to a capital sentencing decision. Such decisions, the Court said, should turn on the defendant's moral blameworthiness, and should be based on reason rather than on caprice or emotion. More recently, the use of victim impact statements in general has been challenged in the courts. The Illinois Appellate Court, for example, ruled in late 1987 that "sympathy for the victim's parents is not a relevant factor" in sentencing (*People v. Felella*, 529 NE 2d, p. 101). The court said that "the emotionally charged testimony by the victim's mother . . . was utterly irrelevant to [defendant's] history and character and to the circumstances of the crime." Since the defendant in this case did not face the possibility of execution, the Appellate Court's ruling seems to expand the prohibition of victim impact statements to other sentencing hearings as well.

⁴⁰ Ill.Rev.Stat., ch. 70, par. 71 et seq.

⁴¹ National Organization for Victim Assistance, 1988.

⁴² "Replacement services" are expenses incurred in obtaining ordinary and necessary services in lieu of those that permanently injured persons (or the dependents of deceased victims) would have performed for themselves, not for money but for the benefit of themselves and their families. For example, homemakers who are no longer able to perform some or all of their usual household tasks because

of a victimization could be compensated for the cost of hiring a maid.

⁴³ Public Act 85-278; Ill.Rev.Stat., ch. 70, par. 72(h).

⁴⁴ These average award figures are only approximations, since the number of claims awarded and the dollars paid out in a given fiscal year do not necessarily correspond. Because of a mandatory 30-day waiting period between the date of an award and the release of the associated check, an award made late in one fiscal year might not be paid out until the next fiscal year.

⁴⁵ Ill.Rev.Stat., ch. 110A, par. 604-605.

⁴⁶ Prior to July 1, 1987, this office was known as the State's Attorneys Appellate Service Commission.

⁴⁷ Ill.Rev.Stat., ch. 110A, par. 603.

⁴⁸ These figures include appointments to felony, misdemeanor, and juvenile criminal cases. The figures do not include cases handled by the Appellate Division of the Cook County Public Defender's Office, although they do include cases handled by the office's Multiple Defendants Unit, which was created in 1984 to alleviate conflict-of-interest problems arising when more than one defendant was represented by the same public defender on the same or a related case.

⁴⁹ *Office of the State Appellate Defender Annual Report*, fiscal year 1987.

Drugs and Prosecution

As law enforcement agencies in Illinois have devoted more of their resources to drugs and drug-related crime, arrests for these offenses have generally increased in recent years. But the increase in arrests has placed added pressure on the other, already burdened components of the criminal justice system.

Many prosecutors in Illinois have responded by applying more of their own resources to drug prosecutions. In many areas, especially Cook County, the number of drug prosecutions has increased along with drug arrests. But prosecutors have also stepped up their own financial investigations of suspected drug traffickers and initiated more asset forfeiture proceedings. And some state's attorneys are using appropriate alternatives to prosecution for certain less serious drug offenders.

HOW DO PROSECUTORS DECIDE WHAT CHARGES TO FILE IN DRUG CASES?

Illinois law to a large extent controls what charges state's attorneys can file in drug cases. In most cases, three primary factors influence charging decisions:

1. The type of offense, either delivery or possession
2. The type of drug, generally either cannabis or a controlled substance (charges for specific types of controlled substances are further defined)
3. The amount of the drug

For example, an offender suspected of manufacturing or delivering 15 or more grams of any substance containing cocaine would be charged with a Class X felony.¹ The same person would be charged with a Class 1 felony for manufacturing or delivering between 1 and 15 grams of the drug. The charges for possessing similar amounts of cocaine, however, would be less severe: a Class 1 felony for possessing 15 or more grams, and a Class 4 felony for possessing less than 15 grams (DRUGS 2-1).²

DRUGS 2-1

Drug charges are generally determined by the type of offense and the type and amount of the drug.

Class	Offense	Amount	Drug type
Class X felony	Manufacture/delivery	15+ grams	Heroin, cocaine, morphine, LSD
		200+ grams	Peyote, barbiturates, amphetamines
		30+ grams	Pentazocine, methaqualone, PCP
Class 1 felony	Manufacture/delivery	>10, ≤15 grams	Heroin, morphine
		>1, ≤15 grams	Cocaine
		>50, ≤200 grams	Peyote, barbiturates, amphetamines
Class 1 felony	Possession	>5, ≤15 grams	LSD
		>10, ≤30 grams	Pentazocine, methaqualone, PCP
		>50, ≤200 grams	Any other Schedule I or II drug
Class 2 felony	Manufacture/delivery	Lesser amounts	Any Schedule I or II narcotic
		>500 grams	Cannabis
	Production/possession	>50 plants	Cannabis
Class 3 felony	Manufacture/delivery	Lesser amounts	Any Schedule I or II non-narcotic drug
		Lesser amounts	Any Schedule III, IV, or V drug
	Possession	>30, ≤500 grams	Cannabis
Class 3 felony	Production/possession	>500 grams	Cannabis
		>20, ≤50 plants	Cannabis
Class 4 felony	Manufacture/delivery	>10, ≤30 grams	Cannabis
		Possession	Lesser amounts
	Production/possession	>30, ≤500 grams	Any controlled substance
Class A misdemeanor	Manufacture/delivery	>5, ≤20 plants	Cannabis*
		Possession	Cannabis*
	Production/possession	≤ 5 plants	Cannabis
Class B misdemeanor	Manufacture/delivery	≤ 2.5 grams	Cannabis
		Possession	>2.5, ≤10 grams
Class C misdemeanor	Possession	≤ 2.5 grams	Cannabis

* Can be upgraded to next higher offense class for repeat offenses.
Source: Ill.Rev.Stat., ch. 56 1/2, pars. 704, 705, 708, and 1401-1402.

In addition to these three main factors, the place where the crime occurred and whether it involved a repeat offense can also influence what charges are filed. For instance, someone accused of delivering between 1 and 15 grams of cocaine in or around a school or public park would be charged with a Class X felony instead of the usual Class 1 felony.³ Similarly, on a second or subsequent offense, possession of between 30 and 500 grams of cannabis is upgraded from a Class 4 felony to a Class 3 felony, and possession of between 10 and 30 grams is upgraded from a Class A misdemeanor to a Class 4 felony. Repeat offenses, as well as the age of the person to whom illegal drugs are delivered, can also enhance the penalty upon conviction.⁴

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

The number of felony drug cases filed—both indictments and informations—and the number of defendants charged in those cases increased almost steadily in Cook County from 1978 through 1987 (DRUGS 2-2).⁵ Overall, felony drug case filings increased 140 percent during this period, from 1,856 in 1978 to 4,455 during the first 11 months of 1987. There were sharp increases in 1981 (35 percent) and 1983 (25 percent), followed by a 9-percent drop in 1985. From 1985 through 1987, however, the number of felony drug cases filed in Cook County increased 40 percent.

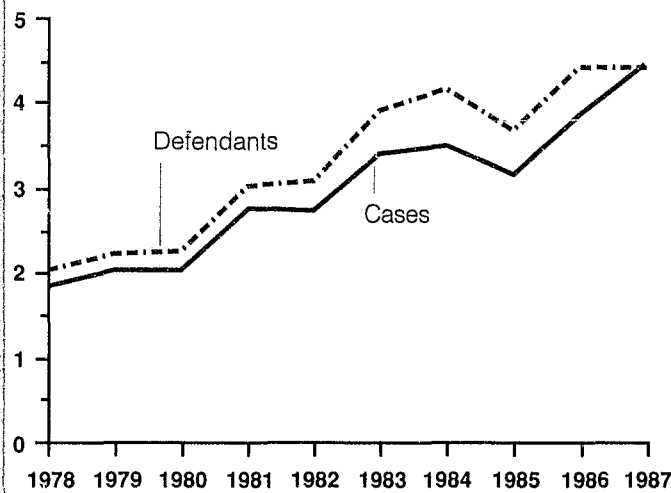
At the same time, the number of defendants charged with felony drug violations in Cook County increased from 2,044 in 1978 to 4,413 in the first 11 months of 1987, a 116-percent rise.⁶ As with drug cases, the number of felony drug defendants increased sharply in 1981 (33 percent) and 1983 (27 percent), but declined in 1985 (11 percent). The next year, however, the number increased almost 20 percent.

As a *percentage* of all felony cases filed in Cook County, drug indictments and informations have also increased in recent years (DRUGS 2-3). The percent-

DRUGS 2-2

The number of drug cases and defendants in Cook County have increased throughout the 1980s.

Felony drug cases and defendants in Cook County (thousands)



Note: 1987 figures represent first 11 months of data only.

Source: Administrative Office of the Illinois Courts; Cook County State's Attorney's Office

age ranged from 12 percent to 16 percent between 1978 and 1982, rose to 18 percent in 1983 and 1986, and to 20 percent in 1987.

HOW MANY DRUG CASES ARE FILED IN ILLINOIS OUTSIDE COOK COUNTY?

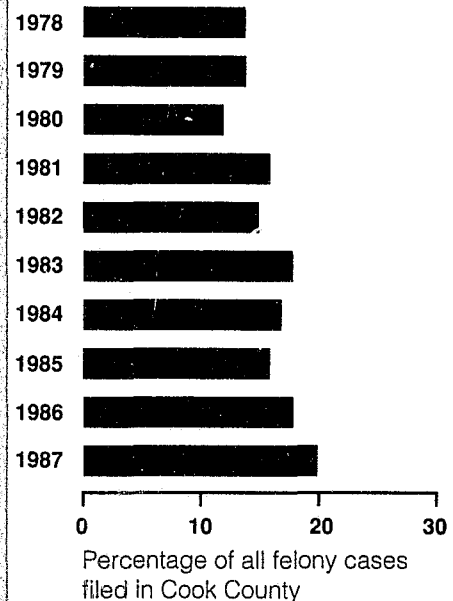
Because there is no central, statewide repository of information about case filings for specific types of offenses in Illinois, it is difficult to describe trends in felony drug case filings outside Cook County.⁷ Available data cover only parts of the state and only for the most recent years. These data do suggest, however, that drug prosecutions are holding steady, if not increasing, in some areas outside Cook County.

For example, drug cases initiated by the state's nine metropolitan enforcement groups (MEGs) outside Cook County resulted in 581 prosecutions in 1985. In 1986, the number increased 13 percent, to 654. In the four collar counties of DuPage, Kane, Lake, and Will, the number of drug prosecutions was slightly higher in 1987 (1,024) than it was in 1986 (992).⁸

Many of the criminal cases at the federal level in Illinois also involve drugs. For ex-

DRUGS 2-3

One in five felony cases filed in Cook County in 1987 was for drug law violations.



Source: Administrative Office of the Illinois Courts; Cook County State's Attorney's Office

ample, of the 987 defendants indicted in the U.S. District Court's Northern District between October 1, 1987, and June 15, 1988, 260—or more than 26 percent—were charged with drug offenses.

DRUGS 2-4

Twenty-one assistant state's attorneys have been hired under a six-county, multi-jurisdictional drug prosecution program.

County	New spending	New ASAs	Other new staff	
			I*	S**
Cook	\$853,279	12	7	—
DuPage	185,169	2	1	—
Kane	104,728	2	—	—
Lake	197,620	2	1	1
McHenry	111,624	1	1	1
Will	120,228	2	—	1

* Investigators

** Support staff

Source: Illinois Criminal Justice Information Authority

WHAT ARE ILLINOIS PROSECUTORS DOING TO TARGET MAJOR DRUG TRAFFICKERS?

State's attorneys' offices in Illinois are organized at the county level. But drug distribution networks typically span not only county but also state (and often national) boundaries. This situation can cause two problems for county prosecutors:

1. They may miss valuable information from a neighboring county that has had contact with a suspect, possibly as an informant or as a suspect in one of their own cases.
2. Investigations of particular drug traffickers may be redundant of those being carried out in other counties. At a minimum, this may result in a waste of resources; in the extreme case, it may involve concurrent investigations actually interfering with one another.

To help prevent these types of problems, state's attorneys' offices in six northeastern Illinois counties—Cook, DuPage, Kane, Lake, McHenry, and Will—joined together in 1988 to improve the flow of information among themselves and to increase their resources devoted to drug prosecutions. The goals of the \$1.6 million, multi-jurisdictional drug prosecution program are to increase both the number of successful drug prosecutions in these counties (especially those involving coordinated efforts) and the amount of assets

that are seized from and forfeited by drug traffickers (see next question).

Previously, only two of the six counties—Cook and Will—had full-time assistant state's attorneys devoted to prosecuting drug offenders. Under the new program, each of the six offices has added assistant prosecutors for this function; some offices have hired additional investigators and support staff as well (DRUGS 2-4). Some counties have also purchased computer, communications, and other equipment under the program.

To improve the flow of information among one another, each of the six state's attorneys' offices has designated a single contact person for responding to requests for information about drug investigations and prosecutions. The group has also opened up more formal lines of communication with area law enforcement officers, federal officials, and prosecutors in Indiana and Wisconsin. Under the program, each office is also training prosecutors in how to effectively use the state's various, and sometimes complicated, laws for seizing and forfeiting dealers' assets.

In addition to the cooperative program in northeastern Illinois, there are several new tools available to prosecutors statewide for targeting major drug traffickers. For example, a state law that took effect January 1, 1988, requires drug dealers to purchase and affix tax stamps to the cannabis and controlled substances they sell.⁹ Dealers caught without the stamps face not only penalties for violating state drug laws but also criminal sanctions and fines for violating the tax stamp regulations. Another new state law creates the offense of drug-induced homicide, allowing prosecutors to charge persons who traffic in controlled substances with a Class X felony if another person dies as a result of using the drugs.¹⁰ In addition, the Office of the State's Attorneys Appellate Prosecutor in 1988 established a special unit to assist county prosecutors with complex drug trafficking cases, particularly those involving the forfeiture of dealers' assets.

WHAT IS ASSET SEIZURE AND FORFEITURE?

For many drug traffickers, the threat of

being convicted, serving time in prison, and even paying a fine of several thousand dollars is simply considered another cost of doing business. In recent years, criminal justice officials have come to realize that taking the profit out of dealing drugs is often times the most effective way of punishing and deterring traffickers. The main tool that authorities are using to take the profit out of drug trafficking is called asset seizure and forfeiture.

Asset seizure is the confiscation by the government of property or assets used to commit a crime or of property or assets gained or maintained as a result of the crime. For example, if drug trafficking proceeds are used to buy homes, boats, or electronic equipment, those items may possibly be seized under either federal or state law. Furthermore, a trafficker who uses his or her home or car to conduct drug transactions may have that home or car seized as well. Seizure of a suspected trafficker's assets is an action taken by law enforcement authorities.

Asset forfeiture, on the other hand, is the legal process by which the title to seized property is turned over to the government. It is up to the prosecutor, either federal or county, to decide whether to follow through on a seizure and to initiate the actual forfeiture proceedings.

Asset forfeiture in drug cases can be accomplished through either civil or criminal proceedings, and under various federal and state laws.¹¹ Civil proceedings are brought against the property in question, not its owner, so no criminal charge or conviction is necessary to proceed with this type of forfeiture. In criminal forfeiture proceedings, the defendant must be convicted of the crime involving the property before it can be forfeited.

Under federal laws, any property used, or intended to be used, to facilitate a drug transaction can be forfeited, although most forfeited property falls into one of three categories: money, vehicles, or real estate. Under Illinois law, any property of value used, or intended for use, in the violation of Illinois drug laws is forfeitable.

Forfeited assets are generally shared with the agencies that participated in investi-

gating and prosecuting the drug case. For example, the U.S. Marshals Service, which is responsible for assets forfeited to the federal government, returned \$47 million in cash and \$13 million in property to local agencies throughout the country in 1987. The Illinois director of state police is the designated holder of all assets forfeited under state law until those assets are distributed to the appropriate agencies. In an increasing number of state cases, forfeited assets are being returned not only to law enforcement agencies that investigated a case but also to the state's attorney's office that prosecuted it.

WHAT IS THE VALUE OF ASSETS FORFEITED IN ILLINOIS?

Much of the asset seizure and forfeiture activity in Illinois occurs in and around Chicago, where the pool of potential targets and the resources for identifying and proceeding with forfeiture cases are greatest. The number of forfeiture cases filed by the Cook County State's Attorney's Office from Chicago Police Department seizures has skyrocketed in recent years (DRUGS 2-5). From only one case in 1981, the number of forfeiture proceedings grew to 2,153 in 1987, with an increase of 60 percent in 1987 alone.

The *value* of assets that have been successfully forfeited as a result of Chicago police seizures has also risen dramatically (DRUGS 2-6). The annual figure topped \$1 million for the first time in 1986, and reached \$1.4 million in 1987. When seizures by suburban law enforcement agencies are included, a total of nearly \$1.7 million in drug-tainted assets were forfeited in Cook County in 1987.

At the federal level, the value of assets forfeited as a result of DEA seizures in Illinois has also grown. From slightly less than \$683,000 in 1985, the federal government forfeited about \$2.7 million in assets seized by the DEA in 1986 (a 307-percent increase) and nearly \$4.6 million in 1987 (another 68-percent jump).

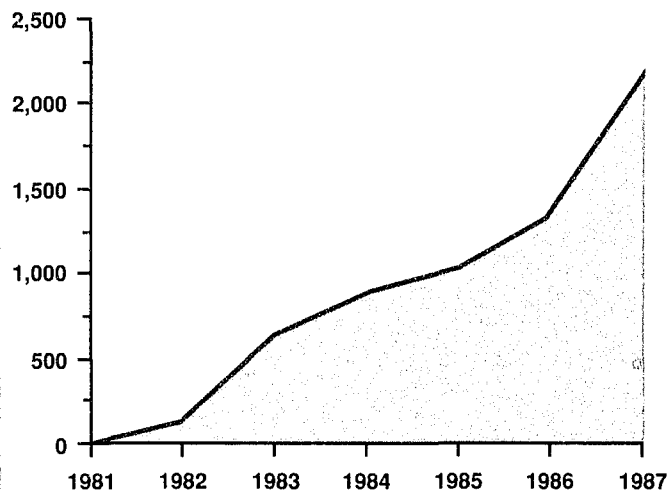
HOW ARE SOME FIRST-TIME DRUG OFFENDERS HANDLED?

Because criminal justice resources are limited, not just at the prosecutorial level

DRUGS 2-5

The number of asset forfeiture cases resulting from Chicago police seizures have increased dramatically since the early 1980s.

Asset forfeiture cases filed



Source: Chicago Police Department

but also among courts and correctional facilities, officials are constantly forced to choose among alternative strategies for handling different offenders. For first-time offenders charged with relatively minor drug offenses, the most appropriate course of action—in terms of sanctioning the offender and affecting future behavior, as well using available resources wisely—may often involve diverting the person from prosecution into educational and treatment programs.

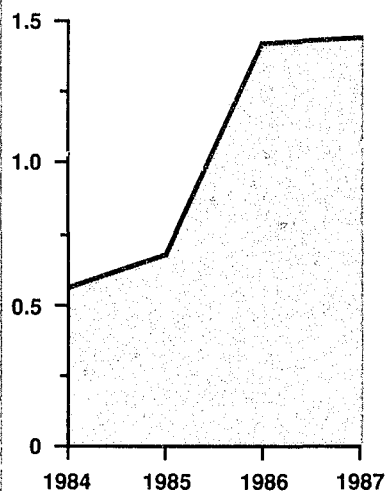
For years, prosecutors' offices in Illinois have operated programs designed to divert petty, first offenders from traditional prosecution. By far the largest of the drug diversion programs is in Cook County, where the state's attorney's office since the early 1970s has operated a diversion program primarily for young first offenders charged with possession of small amounts of marijuana, amphetamines, depressants, and other drugs, when no aggravating circumstances are involved.

Participants in the Cook County program are required to attend five weekly instructional sessions that explain the causes and effects of drug abuse and describe existing treatment resources. After that, participants must complete a three-month supervision period. Charges against

DRUGS 2-6

The value of assets forfeited in Chicago police seizures topped \$1 million in both 1986 and 1987.

Value of assets forfeited (millions of dollars)



Source: Chicago Police Department

each defendant in the program are continued to a date following the end of the supervised period, and they are dismissed altogether if the program is completed successfully. To successfully complete the program, participants must attend all instructional sessions, cooperate with the program administrator, and not be rearrested. If a defendant does

not follow all of these regulations, the original charges may be reinstated.

Approximately 3,000 defendants enter the program annually. Eighty percent complete it satisfactorily, although for juveniles, the success rate is slightly lower—about 77 percent.

To measure the success of its diversion program, the state's attorney's office

every six months checks criminal history files on all defendants who successfully completed the program to see if they have been arrested for and convicted of another crime. Through November 1987, about 7 percent of the 14,508 defendants checked by the Chicago Police Department had subsequently been convicted of another crime. Of these convictions, almost one-third involved drug offenses.

The Data

Statewide trends in the prosecution of drug cases are difficult to determine in Illinois. As with prosecution data in general, each state's attorney's office may generate and maintain its own drug prosecution statistics at the county level, but there is no uniform statewide system for reporting this information. And while statewide statistics on all felony cases filed are available from the Administrative Office of the Illinois Courts (AOIC), only Cook County data—which are reported in greater detail than data for the rest of the state—could be broken down by specific offense types. Drug case filing and defendant information for Cook County was obtained from AOIC's 1978–1984 annual reports to the Illinois Supreme Court. Information on Cook County drug cases and defendants for the most recent years—1985, 1986, and 1987—was obtained from the Cook County State's Attorney's Office.

Trends in drug case filings outside of Cook County are especially difficult to determine. Available data cover only parts of the state and only for the most recent years. Data on drug case filings in

four collar counties were obtained directly from the DuPage, Kane, Lake, and Will county state's attorneys' offices. The metropolitan enforcement groups, which maintain statistics on the prosecution of their arrests, provided case filing information for drug cases they initiated throughout Illinois.

Statistics on defendants prosecuted at the federal level were obtained from the U.S. Attorney's Office for the Northern District of Illinois. Information about the multi-jurisdictional drug prosecution program was reported to the Illinois Criminal Justice Information Authority directly by the six participating state's attorneys' offices.

Data on forfeited assets in Cook County were provided by the Chicago Police Department and the Cook County State's Attorney's Office. Federal asset forfeiture information came from the U.S. Marshals Service and the U.S. Drug Enforcement Administration.

Information on Cook County's diversion program for first-time petty drug offenders was provided by the Cook County State's Attorney's Office.

Notes

¹ Ill.Rev.Stat., ch. 56 1/2, par. 1401.

² Ill.Rev.Stat., ch. 56 1/2, par. 1402.

³ Ill.Rev.Stat., ch. 56 1/2, par. 1407.

⁴ For more information about the penalties for different drug offenses, see "Drugs and the Courts," beginning on page 122.

⁵ These Cook County figures include not only violations of Illinois' Controlled Substances and Cannabis Control acts, but also violations of the Hypodermic Syringes and Needles Act (Ill.Rev.Stat., ch. 38, par. 22-50, et seq.). No figures, for either Cook County or the rest of Illinois, are available for misdemeanor drug charges. Also, Cook County figures for 1987 cover only the first 11 months of the year.

⁶ The number of felony defendants does not necessarily equal the corresponding number of cases those people were involved in, since more than one defendant may be charged in a single case or the same defendant may be charged separately in several cases resulting from a single incident.

⁷ The Administrative Office of the Illinois Courts breaks down information on criminal case filings into two categories only: felony and misdemeanor. Case filing statistics are not differentiated by class or type of crime.

⁸ Figures for the four collar counties come from reports made to the Illinois Criminal Justice Information Authority by

the state's attorney's office in each county. Some of the prosecutions included in the collar county total may be counted in the prosecution total for MEGs outside Cook County as well, since there are MEG units operating in these collar counties. Neither set of figures, however, is intended to present a comprehensive picture of drug prosecutions outside Cook County; rather, they are meant to demonstrate general workloads and trends.

⁹ Ill.Rev.Stat., ch. 120, par. 2151, et seq.

¹⁰ Ill.Rev.Stat., ch. 38, par. 9-3.3.

¹¹ Civil forfeiture may be carried out under two Illinois laws—the Cannabis Control Act (Ill.Rev.Stat., ch. 56 1/2, par. 712) and the Controlled Substances Act (Ill.Rev.Stat., ch. 56 1/2, par. 1505)—and one federal law—the Drug Abuse Prevention and Control Act (21 U.S.C. 881). Criminal forfeiture is permitted under the Illinois Narcotics Profit Forfeiture Act (Ill.Rev.Stat., ch. 56 1/2, par. 2105) and under two federal laws—the Racketeer Influenced and Corrupt Organization (RICO) Act (18 U.S.C. 1963) and the Drug Abuse Prevention and Control Act (21 U.S.C. 853).

DUI and Prosecution

DUI cases are prosecuted in the same way as other criminal cases—the prosecutor evaluates the case, files formal charges in court, and handles the case through trial and possible appeals—except that additional court hearings may take place along with the actual DUI criminal trial. A person arrested for DUI may petition for two types of hearings: a challenge to the summary suspension of his or her driver's license and a request for a judicial driving permit. The prosecutor will appear in court at each of the hearings to present testimony. The two hearings are often combined; if the defendant's challenge to the summary suspension is denied and the defendant is a first-time offender, an ensuing request for a judicial driving permit is usually honored by the court immediately (assuming the defendant meets the necessary requirements).

The issues under consideration at the hearing to challenge the summary suspension are some of the same issues that could be raised by the defendant at the DUI criminal trial. The outcome of the summary suspension challenge, therefore, could influence the prosecutor's decision on whether or not to prosecute the criminal charge. A successful challenge of the summary suspension is not, however, considered proof of innocence with respect to the criminal charge.

Statistical data on the number of DUI criminal cases in Illinois and the number of additional administrative hearings are presented in "DUI and the Courts," which begins on page 133.

WHAT ARE THE RIGHTS OF VICTIMS OF DRUNKEN DRIVING?

As a result of efforts by the 1985 Illinois DUI Task Force, the Illinois General Assembly, and various citizens' groups, the rights of victims of alcohol-related offenses have been recognized and expanded in recent years. As with victims

of other types of crimes, state's attorneys play an important role in seeing that DUI victims receive the rights they are entitled to. These rights include the following:

- Victims are notified of all court dates.
- Victims are permitted to present written statements to the court concerning the impact the crime had on their lives.
- Victims may make an oral victim impact statement at the DUI offender's sentencing hearing.
- Victims may request information about the case while it is being investigated by law enforcement authorities.
- The defendant and the plaintiff may each request one substitution of a judge in a DUI case if the judge is deemed prejudiced by either party.
- The presentence report may contain a victim impact statement.
- In cases involving personal injury or death, judges are required to state, for the record, their reasons for imposing a particular sentence on a DUI offender.
- Victims can obtain information which could lead to restitution.
- Victims must be informed by the judge of the actual amount of time the defendant will serve in jail or prison if convicted.
- Victims must be notified of all parole or similar hearings.

In addition, the Illinois Secretary of State's Office has implemented an administrative procedure which, upon the victim's request and the filing of a victim impact statement, notifies victims when administrative hearings take place.

AIDS and Prosecution

In the past few years, AIDS has presented a dilemma for prosecutors. Because the disease is almost inevitably fatal, is the intentional and knowing exposure of another person to the human immunodeficiency virus (HIV) a crime? And if so, under what laws are such defendants to be prosecuted?

ARE THERE CRIMINAL LAWS RELATED TO AIDS?

In 1987, according to the American Bar Association, 29 bills containing criminal sanctions specifically dealing with AIDS were introduced in state legislatures across the country. As of July 1988, 10 states—Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Missouri, Nevada, Oklahoma, and Washington—had enacted laws that make conduct that puts others at risk of contracting AIDS a felony. In addition to prohibiting the selling or donating of blood or body parts, some of these laws include sexual intercourse or sharing hypodermic needles.¹ Thus far, no such legislation has been passed in Illinois.

WHAT CRIMINAL CASE LAW IS THERE ON AIDS?

Should a prison inmate with AIDS who bites a correctional officer be charged with a crime, such as attempted murder or assault with a deadly weapon? What about a prostitute with AIDS who contin-

ues to work? In most states, legislators have left it up to prosecutors to decide whether and how to pursue criminal charges in such instances. As a result, there is a small, but growing, body of case law on the issue.

In at least two cases outside Illinois, HIV-infected inmates of correctional institutions were charged with attempted murder for exposing law enforcement officers to their saliva, but the charges were dismissed.² In Michigan in 1985, an inmate spat in the face of law enforcement officers. The judge in the case, however, ordered the attempted murder charge dropped, and the inmate was instead charged with obstructing and resisting law enforcement officers. In 1986 in Florida, an HIV-infected inmate was charged with attempted murder for biting a law enforcement officer. A jury found him not guilty of attempted murder but guilty of battery and resisting arrest with violence.

In what may be the first conviction of its kind in the United States, a jury in Minneapolis in 1987 did find a man with AIDS who bit two prison guards guilty of assault with a deadly weapon—his mouth. An appeal to the 8th U.S. Circuit Court of Appeals was denied in 1988.³

None of the criminal justice officials bitten or spat upon in the Michigan, Florida, or Minnesota cases have tested HIV-positive.

In Illinois there has been little case law involving AIDS transmission as a crime. In August 1988, a U.S. District Court judge in Chicago ordered that an HIV antibody test be given to a man charged with biting an Immigration and Naturalization Service agent. If the individual had proved to be HIV positive, prosecutors said they would have filed attempted murder charges against him. The case came to trial in November 1988, however, and the charges were not upgraded. This would have been the first such case in Chicago.⁴

The American Civil Liberties Union and other groups have argued that attempted murder and aggravated assault charges should not be filed against an HIV-infected person who bites or spits on another person. Those groups argue that such charges give undue weight to the idea that HIV can be transmitted through saliva.⁵

Prosecution of HIV-infected persons for continuing to engage in unsafe sexual practices or for otherwise placing people directly at risk of AIDS has rarely been successful, except in military courts. Nationally there have been more than 50 cases in which people who were aware that they were infected with HIV have been charged under traditional military or civil statutes for sharing needles, donating or deliberately selling HIV-infected blood, or having unprotected intercourse.⁶

Notes

¹ Mark Thompson, "Judges' Role in AIDS Testing Increasing with New State Laws," *Criminal Justice Newsletter* (July 1, 1988), p. 3; "Question Arises About AIDS: Police Now Getting Involved," *Crime Control Digest* (July 13, 1987), p. 1.

² "AIDS Spitting Case Dismissed," *Crime Control Digest* (August 18, 1986), p. 8; "AIDS-Stricken Inmate Bites Deputy;

Charged with Attempted Murder," *Crime Control Digest* (June 2, 1986), pp. 9-10; Cindy Banks, Broward County State's Attorney's Office, Ft. Lauderdale, Florida (telephone interview, November 2, 1988).

³ Leona Carlson, Minnesota Statistical Analysis Center (telephone interviews, October 28 and 31, 1988).

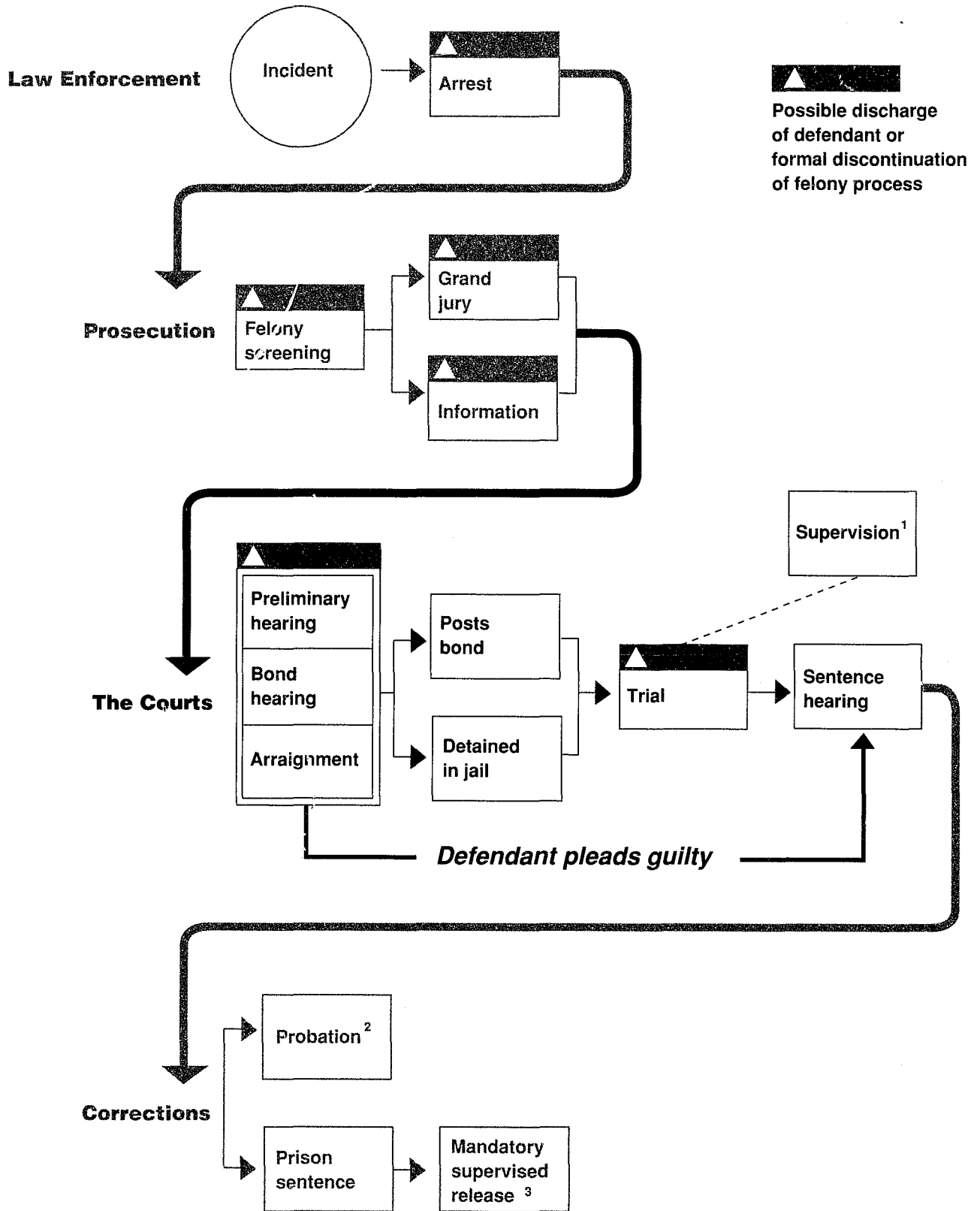
⁴ Adrienne Dell, "Man Held in Biting is Tested for AIDS," *Chicago Sun-Times* (August 30, 1988), p. 3; Assistant U.S.

Attorney Theodore Poulos (telephone interview, October 27, 1988).

⁵ *Law Enforcement and AIDS: Questions of Justice and Care* (Chicago: Loyola University of Chicago, 1987), p. 33.

⁶ Thompson, 1988.

An Overview of Felony Processing in Illinois



¹ After successful completion of court supervision, charges may be dismissed

² Or other form of court supervision, such as conditional discharge

³ Or other conditional release from prison

THE COURTS

Overview

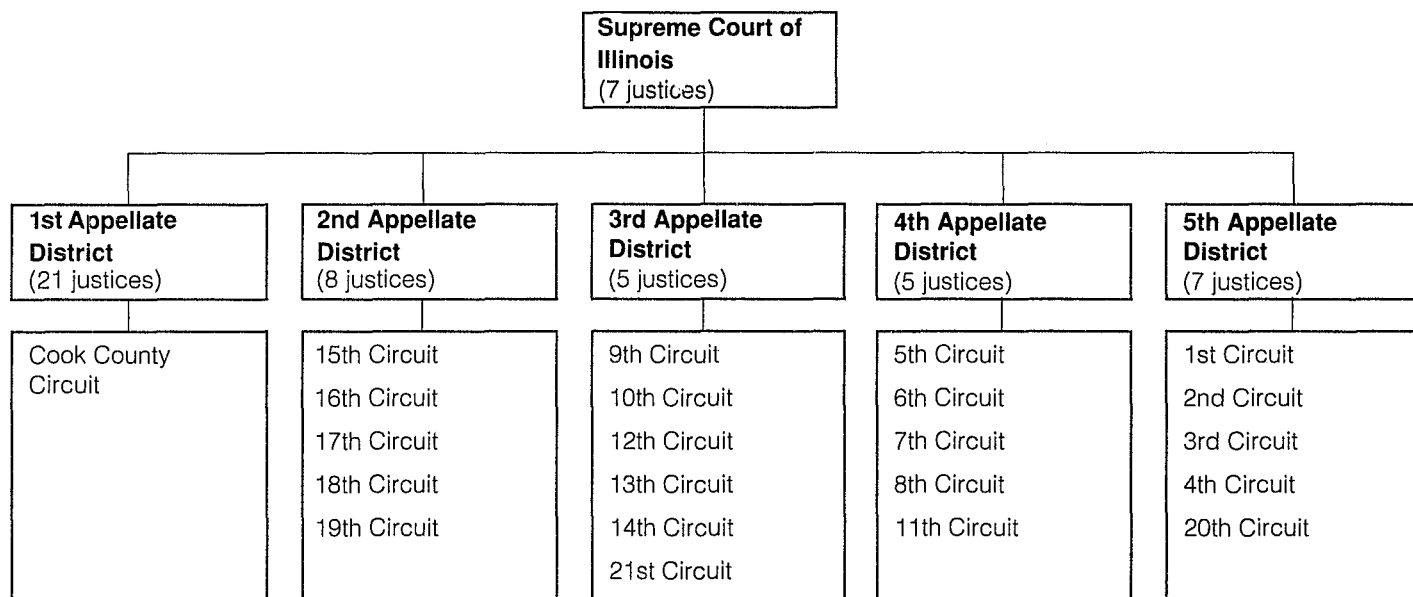
After a state's attorney analyzes the arrest information provided by law enforcement officials and decides to file charges against the defendant, the case moves on to the courts. Here, the state's attorney, the defense attorney, and the courts—including judge, jury, and others—each perform a pivotal function as the case progresses through the judicial system. While the prosecution and defense operate as adversaries in this process, the goal of the criminal courts is to weigh the facts of each case, to consider the evidence presented by the state's attorney and

the defense, and to determine an appropriate disposition and sentence.

In practice, the court's function entails making a series of decisions: Should the defendant be granted bond? What bond conditions and amounts should be set? Is there probable cause to believe the suspect committed the crime? Is the evidence sufficient to support a finding of guilt beyond a reasonable doubt? If so, what is the appropriate sentence? Beyond these pretrial and trial responsibilities, the courts in Illinois also have certain post-trial du-

Figure 3-1

Criminal courts in Illinois are organized into three tiers.



Note: These numbers reflect Supreme Court and Appellate Court justices who preside over both criminal and civil cases. The Appellate Court numbers include not only justices elected by the voters but also Circuit Court judges assigned to the Appellate Court by the Illinois Supreme Court as of November 1988.

Source: Administrative Office of the Illinois Courts

ties, including the supervision of offenders on probation.

This chapter explores trends and issues in how criminal courts in Illinois carry out their broad mission.

HOW ARE STATE-LEVEL COURTS ORGANIZED IN ILLINOIS?

In 1964, Illinois became the first state in the nation to adopt a truly unified court system—that is, a system with a uniform structure throughout the entire state and with centralized, rather than local, administration and rulemaking. Prior to the 1964 reorganization, Illinois had a variety of different courts, including justice-of-the-peace courts and police magistrate courts. Court unification eliminated all courts at the trial level except the Circuit courts, thus creating a single, unified, statewide court system.

Illinois' court system has three levels, with trial, intermediate appellate, and Supreme courts (Figure 3-1). The vast majority of felony and misdemeanor cases are heard and resolved in the trial—or Circuit—courts, the first tier in the system. Circuit courts are responsible for reviewing the facts of a case and rendering a disposition. The second tier in the system is a single, intermediate court of appeals, and the third tier is the Illinois Supreme Court, which can have either original or appellate jurisdiction, depending on the case.¹ While all 50 states have courts of last resort (which Illinois calls the Supreme Court), Illinois is one of only 37 states that have intermediate courts of appeal. The Appellate and Supreme courts in Illinois are responsible for seeing that the law was properly interpreted and applied in particular cases tried in the Circuit courts.

Trial courts, which are located in each of the state's 102 counties, are organized into 22 judicial circuits (Figure 3-2).² Most judicial circuits contain several counties; however, in three of Illinois' most populous counties—Cook, DuPage, and Will—the county represents a single judicial circuit.

Within some circuits, responsibilities may be divided between "lower-level" and "higher-level" trial courts. Under Illinois' unified court system, however, this distinction is purely administrative: cases heard in both types of courts are actually heard by the same Circuit Court. Lower-level trial courts are primarily responsible for processing misdemeanor cases, all the way from initial court hearings through trial and sentencing. These courts may also conduct bond and preliminary hearings in felony cases. Higher-level courts, on the other hand, generally conduct felony trials.

As a rule, each felony trial court is presided over by a circuit judge, who is elected to a six-year term by the voters in that judicial circuit. When a circuit judgeship is vacant or newly created, candidates are nominated in partisan primary elections and are elected in the general election. Once the term of a judge who has been previously

elected expires, the judge may submit his or her name to the voters, without an opposing candidate, on the sole question of whether the judge should be retained for another six-year term. To be retained, sitting judges must receive affirmative votes from at least 60 percent of those voting on the matter.

The circuit judges in each circuit select from within their ranks a chief judge who, subject to the authority of the Illinois Supreme Court, has certain administrative powers for the circuit. For example, the chief judge has the right to establish general or specialized divisions of the court for administrative purposes.

Each circuit also has a certain number of associate judges, who are usually limited to duties within the lower-level trial courts.³ At the beginning of 1988, there were 378 circuit judges and 367 associate judges in Illinois. Approximately 46 percent of the state's circuit and associate judges serve in the Cook County Circuit Court, which is not only the largest judicial circuit in Illinois but also the largest general jurisdiction trial court in the country.






In practice, the difference between higher- and lower-level trial courts depends on the size and complexity of the circuit. In circuits that hear relatively few criminal cases, all proceedings may take place in a single court where both circuit and associate judges preside over their respective functions. In Cook County, on the other hand, court functions and facilities are more strictly defined.⁴

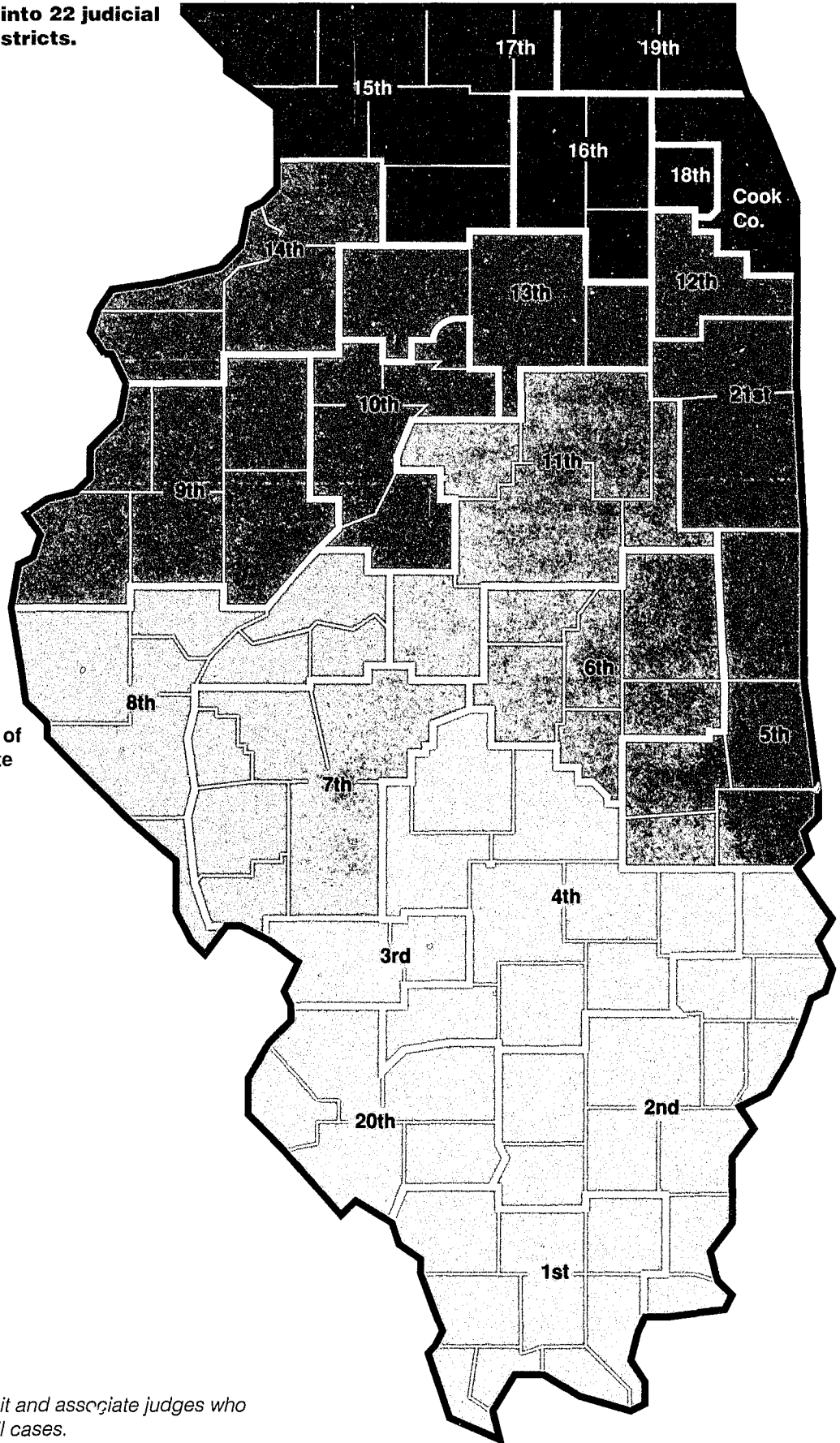
Because of the tremendous volume of cases it handles, the Circuit Court of Cook County is divided into two departments: the Municipal Department and the County Department (Figure 3-3). The Municipal Department consists of six geographic districts, which are further divided into Criminal and Civil divisions. In the 1st Municipal District, which encompasses the City of Chicago, specialized preliminary hearing courts have been established. Each of these courts concentrates on cases involving particular offenses, such as homicide, auto theft, and sexual assault. In addition, the 1st Municipal District has a preliminary hearing court that deals exclusively with repeat offenders. Generally, the types of criminal proceedings heard in the Municipal Department are either misdemeanor cases or felony preliminary hearings.

Felony cases bound over for trial are heard in the County Department's Criminal Division. These cases are heard at one of three locations: Chicago, Markham, or Skokie. The Criminal Division, in conjunction with the Cook County State's Attorney's Office, also operates the Career Criminal Program, which focuses on the identification and prosecution of habitual offenders. Besides the Criminal Division, the County Department has seven other divisions: the Chancery, County,⁵ Domestic Relations, Juvenile, Law, Probate, and Support divisions.

Figure 3-2

Illinois courts are organized into 22 judicial circuits and five appellate districts.

-  1st Appellate District
-  2nd Appellate District
-  3rd Appellate District
-  4th Appellate District
-  5th Appellate District



Circuit	Number of circuit judges*	Number of associate judges*
Cook County	174	170
1	14	5
2	15	4
3	7	10
4	12	6
5	10	5
6	11	10
7	10	8
8	11	5
9	9	7
10	9	11
11	9	8
12	5	12
13	7	6
14	12	10
15	8	6
16	11	13
17	8	11
18	9	23
19	10	23
20	11	11
21	6	3

* As of January 1988

Note: These numbers reflect circuit and associate judges who preside over both criminal and civil cases.

Source: Administrative Office of the Illinois Courts

HOW ARE ILLINOIS' APPELLATE AND SUPREME COURTS ORGANIZED?

The Illinois Appellate Court is the first court of appeal for all criminal cases except those involving the death penalty (which are automatically appealed directly from the Circuit Court to the Illinois Supreme Court) and those criminal appeals in which an applicable federal or state statute has been held invalid. Either the defense or the prosecution may appeal rulings of the trial court. However, because the law protects a defendant from being tried twice for the same crime, the prosecution cannot appeal a not-guilty verdict.⁶

The main function of both the Appellate and Supreme courts in Illinois is to ensure that the trial court correctly interpreted the law in a given case. For example, the defense may argue before the Appellate Court that unconstitutionally obtained evidence was admitted by the trial court. The Appellate Court can take one of several actions on such an appeal. It can deny the petition for appeal outright. Or, if the court decides the appeal has merit, it can affirm, reverse, modify, or vacate the original decision, or it can remand the case back to the lower court for reconsideration. In the latter instance, the Appellate Court may order a new trial, but specify that the questionable evidence that had been introduced in the first trial be held inadmissible in the new trial. Under certain limited circumstances,

decisions of the Appellate Court can be appealed to the Illinois Supreme Court, the highest court in the state.⁷

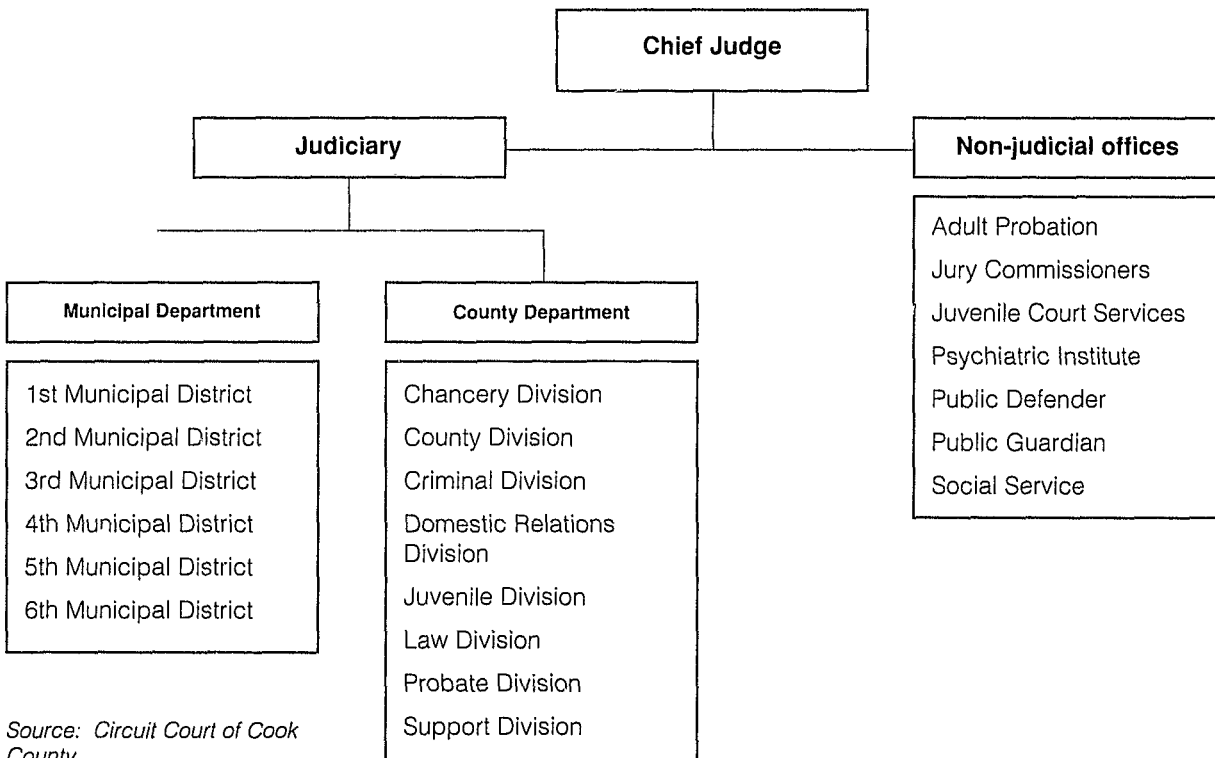
The Illinois Appellate Court is divided into five judicial districts. Except for the 1st District, which covers only Cook County, each appellate district includes either five or six judicial circuits (see Figure 3-2). Appellate Court justices are elected to 10-year terms by the voters in their districts in a process similar to that used for Circuit Court judges. As of November 1988, there were 46 justices presiding over the Illinois Appellate Court: 21 in the 1st District, 8 in the 2nd District, 5 each in the 3rd and 4th districts, and 7 in the 5th District.⁸

Seven justices sit on the Illinois Supreme Court. Each Supreme Court justice is elected, in a process similar to that used for appellate and circuit judges, to a 10-year term from one of the five appellate districts: three Supreme Court justices are elected from the 1st District, and one justice is elected from each of the other four districts. Supreme Court justices preside jointly over all cases that come before the Court.

In addition to its role as the state's highest court, the Supreme Court oversees the operations of all subordinate courts in the state. Illinois' courts are administered by the chief justice of the Supreme Court, who is elected by the seven Supreme Court justices. In this administrative role, the chief justice is assisted by the director of the Ad-

Figure 3-3

The Circuit Court of Cook County consists of County and Municipal judicial departments and various non-judicial offices.



Source: Circuit Court of Cook County

ministrative Office of the Illinois Courts (AOIC). Among its administrative duties, the Illinois Supreme Court sets forth rules for trial procedures and appeals, and can assign additional judges to the Appellate and Circuit courts. Although the lower courts have some degree of autonomy, final authority for their administration and operation rests with the state Supreme Court.

HOW ARE THE FEDERAL COURTS ORGANIZED IN ILLINOIS?

Like Illinois' state courts, the federal court system has three tiers. The lowest tier is made up of the 94 U.S. District courts nationwide, which are organized along state lines. These courts serve as the trial courts of original jurisdiction in federal matters, such as offenses that occur on federal property or that affect interstate commerce, interstate crimes such as drug trafficking, and criminal offenses related to national security. Three U.S. District courts are located in Illinois: the Northern District, which is administratively based in Chicago; the Central District, based in Springfield; and the Southern District, based in East St. Louis.

Judicial candidates for the District Court are nominated by the President and must be confirmed by the U.S. Senate. Their appointments are for life. In addition to these federal judges, U.S. magistrates also serve in the District courts. U.S. magistrates are public civil officers vested with limited judicial powers: they hear cases involving petty offenses, and they conduct preliminary stages of felony cases and some civil matters. U.S. magistrates are appointed by the District Court judges to eight-year terms.

The 12 circuits of the U.S. Court of Appeals constitute the intermediate court of appeal at the federal level. Illinois is located in the 7th U.S. Circuit, which also covers Wisconsin and Indiana. Like candidates for the District Court, judicial candidates for the Circuit Court of Appeals are nominated by the President and must be confirmed by the Senate. They also serve for life. Decisions of the Circuit Court of Appeals can be appealed further to the U.S. Supreme Court, although such appeals are rarely granted.

The U.S. Supreme Court is the highest court in the nation. It hears certain appeals from both state supreme courts (or state appellate courts of last resort) and the U.S. Circuit Court of Appeals. Relying on a set of legal and customary requirements that have evolved over the years, the U.S. Supreme Court exercises wide discretion over whether or not to hear appeals. Historically, the Court has decided cases involving the most important and far-reaching policy questions of the day, based on its interpretation of the U.S. Constitution. The Supreme Court's nine justices—eight associate justices and one chief justice—are nominated by the President and are confirmed by the Senate to lifetime appointments on the Court.

WHAT ARE THE MAIN RESPONSIBILITIES OF TRIAL COURTS IN ILLINOIS?

At both the state and federal levels, there are important differences between the trial and appellate courts. Trial courts are concerned with making legal determinations based on the *facts* of a particular case. Appellate courts review the *laws* involved in the trial court's decision and how those laws were applied in reaching a decision. Because the appellate courts can review past court decisions and legal statutes, their decisions can have a tremendous impact on public policy as well.

In Illinois, the role of the criminal trial courts extends far beyond their responsibility to conduct trials. Before charges are ever filed against a defendant, for example, law enforcement authorities may go before a judge seeking an arrest warrant or a search warrant. Even after an offender has been convicted and sentenced, the courts may still be involved in the case because in Illinois the courts administer both probation and the supervision of defendants on conditional discharge.

Nevertheless, the most visible criminal court functions—and the ones requiring the most resources—are the range of events from pretrial procedures through sentencing. During this process, the courts, acting within their statutorily defined role, must make a series of decisions concerning the defendant and the merits of the case. At each decision point, some defendants will exit the system for a variety of reasons, and a successively smaller number of cases will proceed.

WHAT ARE THE COURTS' PRETRIAL RESPONSIBILITIES?

Three key stages of any criminal trial—the bond hearing, the preliminary hearing, and arraignment—occur early on in the judicial process. Although the three are distinct court functions, they often overlap (for example, the bond hearing and preliminary hearing can occur at the same proceeding, although a separate, formal arraignment is required):

■ **Bond hearing.** In a typical felony case, the first time the defendant appears in court is at a bond hearing.⁹ During this hearing, the defendant is notified of the specific charges that have been filed. Then the judge, using available information about the charges, the defendant's criminal history, and other factors, sets a bond designed to ensure the defendant will appear for subsequent court dates.

Bond decisions typically involve two parts: the setting of a bond type and an associated amount of money. A defendant charged with a serious felony offense usually receives a detainer bond, commonly referred to as a *D-bond*. In most cases, the defendant is required to

post in cash 10 percent of the full bond amount set by the court. Otherwise, the defendant will usually be detained in the county jail until the case is resolved or until a judge subsequently reduces the bond and it is met.

Illinois is one of a growing number of jurisdictions that allow judges making bond decisions to consider the danger a defendant may pose to the community if released before trial. A 1986 amendment to the Illinois Constitution, and the legislation that followed, permit judges to deny bail to defendants charged with certain types of serious crimes if the presumption of guilt is great and if the defendant would pose a risk to the community if released.¹⁰ Previously, judges were allowed to consider defendant dangerousness only in setting bond amounts. Bail may also be denied when the risk of the defendant fleeing is great, such as when the death sentence or life imprisonment is possible upon conviction. Defendants who violate the conditions of their parole or mandatory supervised release, or who have outstanding arrest warrants, may also be held without bond.

A defendant charged with either a misdemeanor or a less serious felony, and who is deemed likely to appear at future court proceedings, may be released on an individual recognizance bond, commonly called an *I-bond*. A defendant released on an I-bond is not required to post any money, but may remain liable to the court for a specified bond amount if the defendant fails to appear at subsequent court proceedings.

These general bond-setting practices notwithstanding, crowded jail conditions in some areas threaten to undermine the entire process, as exemplified by the current situation in Cook County. In 1983, the U.S. District Court in Chicago issued an order mandating a population ceiling in the Cook County Jail equal to the number of beds in the facility—5,559 as of December 1988. In order to comply with this order, jail officials have been forced to release on I-bonds thousands of suspects who were unable to post the required 10 percent of the D-bonds they originally received. Nearly 11,700 inmates were released from Cook County Jail under the I-bond program during 1987.¹¹ During 1988, the number was even higher—more than 21,000.¹²

Although the release of Cook County Jail inmates on I-bonds has generally been limited to those accused of non-violent and non-Class X offenses—for the most part, suspects who received bonds of \$10,000 or less—the bond limit was gradually increased during 1988 to \$50,000. This indicates that defendants charged with increasingly serious offenses are becoming eligible for release on I-bonds. Once released,

these suspects, especially those accused of more serious crimes, may have little or no incentive to appear in court as required.

One relatively new technique for helping ensure the appearance of defendants in court is electronically monitored home confinement—computer technology that allows Probation or Court Services departments to monitor whether a defendant placed in pretrial home supervision is observing curfew. Electronic monitoring has been used for some defendants awaiting trial in Cook, Lake, and Jackson counties (also see page 104 for a discussion of electronic monitoring as a sentencing option).

Finally, the courts must consider the rights of crime victims throughout the judicial process, including bond hearings. Under Illinois' Bill of Rights for Victims and Witnesses of Violent Crimes,¹³ victims must be notified of the status of any investigation in their cases, when an indictment has been returned against any suspect, and whether suspects have been released on bail or on their own recognizance. Victims must also be told of any hearings where a guilty plea will be entered, the ultimate disposition of the case, and upcoming sentencing hearings.

- **Preliminary hearing.** If a felony case is initiated by an information, a preliminary hearing must be held to establish probable cause.¹⁴ At this hearing, a judge determines if the charges the state's attorney has filed against the defendant warrant further action by the court. Probable cause is established when the judge determines first, that the offense occurred, and second, that it is reasonable to assume the defendant was responsible for the crime. If the judge finds no probable cause at the preliminary hearing, charges against the defendant are dismissed. If a case is initiated through a grand jury indictment, the grand jury's decision is deemed sufficient to establish probable cause.
- **Arraignment.** If probable cause is found, the defendant will then be arraigned. During arraignment, the defendant is formally charged with one or more offenses. The defendant enters an initial plea, either guilty or not guilty. If the defendant pleads guilty, the case proceeds directly to sentencing; otherwise, a trial date is set. Because the bond hearing and preliminary hearing are often handled together, it is not unusual for a defendant to plead guilty at the first court appearance. However, the plea becomes official only at arraignment.

WHEN DOES A CASE GO TO TRIAL?

The defendant's plea determines whether or not the case goes to trial. If the defendant pleads not guilty, preparations for a trial begin. Before the actual trial starts, however, there may be a series of pretrial hearings. These hearings, which may be initiated by either the prosecution or the defense, are used to obtain judicial rulings on issues such as the admissibility of evidence, the legality of the arrest, or the appropriateness of the bond amount. Motions to dismiss the case or plea conferences may also take place during pretrial hearings.

Under both the U.S. and Illinois constitutions, every defendant is guaranteed the right to a trial by a jury of his or her peers. The defendant also has the option of waiving this right and opting instead for a trial before a judge—a bench trial.

In addition, the 6th and 14th amendments to the U.S. Constitution guarantee defendants the right to a speedy and public trial. The U.S. Supreme Court has established four factors for the courts to weigh in determining whether a defendant has been denied the right to a speedy trial: (1) length of the delay, (2) reason for the delay, (3) whether the defendant asserted a right to a speedy trial, and (4) whether the delay prejudiced the case against the defendant.

Under Illinois law, a defendant held in pretrial detention must be brought to trial within 120 days after being taken into custody, or within 160 days after being released on bond, unless delays are caused by the defense.¹⁵ If the court finds that a prosecution request for additional time before going to trial is reasonable, the court may continue the case for no more than 60 additional days. If the court ultimately finds that the defendant was denied the right to a speedy trial, it must discharge the defendant from custody or bail obligations and dismiss all charges.

HOW ARE JURIES CHOSEN?

In Illinois, juries are selected from lists of registered voters and assigned by county to a particular courthouse. The administration of jury duty varies among jurisdictions. In some localities, a telephone call-in system is used. Under this system, prospective jurors are notified by mail that they must be available for jury duty on a particular date; persons then call in to see whether their attendance at the courthouse is needed on the date they were assigned. In other jurisdictions, prospective jurors must report to the courthouse every day for two weeks until they are either assigned to a trial—and then either accepted or rejected—or until they are relieved of service after the two-week period is over.

A jury selection system called *one day—one trial* is used in some areas, including the Circuit Court of Cook County, which instituted it countywide in April 1987. The

one day—one trial system not only eliminates many of the inconveniences associated with serving on a jury, but also has proven to be economical. Under the system, prospective jurors must report to the courthouse on the day they are assigned. If a person is selected for jury service on that day, he or she continues to serve through the duration of the trial. If the person is not selected by the end of the day, the prospective juror is relieved from further service for one year or until selected randomly again from the list of registered voters, whichever is later.

In each jury trial, 12 jurors and two alternates are chosen by the prosecuting and defense attorneys. Both the prosecutor and the defense attorney are allowed to challenge the acceptance of a certain number of jurors without stating a reason. Such challenges are called *peremptory challenges*. In cases in which the death penalty is possible, each side is allowed 20 peremptory challenges; in cases punishable by imprisonment, 10 each; and in all other cases, 3 each. Each side may also challenge individual jurors *for cause* by stating a specific reason for the challenge. This type of challenge must be decided by the judge.

Once the trial is completed, the jurors are instructed by the court to return a verdict—either guilty, guilty but mentally ill, not guilty, or not guilty by reason of insanity—on each offense the defendant is charged with. All jury decisions must be unanimous.

HOW ARE SENTENCES IMPOSED?

If a defendant is found guilty of at least one charge, the court must then sentence the offender. In most cases, the judge imposes the sentence during a separate sentencing hearing. The death penalty, however, can be imposed only upon the motion of the prosecutor and by unanimous decision of the jury.¹⁶

Many factors influence the sentencing of defendants by the court—the prevailing philosophy toward sentencing aims, the type and severity of the crime committed, the offender's criminal and social history, the type of sentencing structure being used by the state, and any legislation affecting sentencing practices. According to a 1987 national survey, the purpose for criminal punishment the public favors most is "special deterrence"—sentencing to scare or educate the offender about the likely consequences of continuing to commit crimes.¹⁷ Other common aims identified by the survey, in order of their popularity, include rehabilitation of criminals, incapacitation of criminals, and retribution.

The type of crime committed weighs heavily in influencing the type of sentence that is imposed. In Illinois, felony and misdemeanor offenses are classified for sentencing purposes by degree of severity. In decreasing order

of severity, these classifications are first-degree murder; Class X felonies; Class 1, 2, 3, and 4 felonies; and Class A, B, and C misdemeanors (see Figure 3-4 for examples of crimes within the different statutory classes). Petty offenses are not classified for sentencing purposes. All first-degree murder offenses where the death penalty is not imposed, Class X offenses,¹⁸ and certain Class 1 and 2 felonies carry mandatory prison sentences. For other felonies, Illinois law states that a sentence of probation or conditional discharge shall be imposed unless the offender's imprisonment is necessary for the protection of the public or unless, in the court's opinion, a sentence of probation or conditional discharge would underrate the seriousness of the offender's conduct.¹⁹ Sentences imposed on defendants convicted of misdemeanors are generally less severe than those imposed for felonies: the maximum sentence length for misdemeanors—either incarceration or probation—cannot exceed one year.

Figure 3-4

Illinois' criminal code defines six classes of felony offenses.

Examples of the offenses in each classification (for a complete list, see chapter 38 of the Illinois Revised Statutes):

First-degree murder

Class X felony

- Attempted first-degree murder
- Aggravated criminal sexual assault
- Armed robbery
- Aggravated kidnapping (for ransom)
- Home invasion
- Controlled substance trafficking (under certain conditions)

Class 1 felony

- Aggravated kidnapping (not for ransom)
- Second-degree murder
- Attempted armed robbery
- Residential burglary
- Robbery of elderly or handicapped person

Class 2 felony

- Attempted residential burglary
- Arson
- Burglary
- Robbery
- Manufacture/delivery of more than 500 grams cannabis
- Aggravated criminal sexual abuse

Class 3 felony

- Aggravated battery
- Motor vehicle theft
- Forgery
- Theft (more than \$300 and less than \$10,000)
- Involuntary manslaughter
- Reckless homicide

Class 4 felony

- Bookmaking
- Bribery

Class A misdemeanor

- Retail theft
- Gambling
- Criminal damage to property (under \$300)
- Criminal sexual abuse
- Ethnic intimidation
- Reckless conduct
- Battery
- Violation of order of protection

Class B misdemeanor

- Manufacture/delivery of less than 2.5 grams cannabis
- Computer tampering (no data obtained)
- Criminal damage to fire hydrants

Class 3 misdemeanor

- Criminal trespass to land

Another factor influencing sentencing in Illinois is the state's determinate sentencing structure, which went into effect in February 1978. Illinois is one of only 10 states that use determinate sentencing.²⁰ Determinate sentencing was adopted in Illinois in an effort to reduce disparity in sentencing practices and to increase the certainty and deterrent effect of criminal penalties.

Under the old, indeterminate sentencing system, each convicted felon sentenced to incarceration was given a prison term defined as a range of years (for example, 5 to 15 years). Judges generally had substantial discretion in establishing the specific sentence range for each offender. The state's paroling authority also had discretion in determining an offender's eligibility for parole and his or her actual release date from prison.

Under determinate sentencing, the sentencing options judges have, and the sentence lengths they may impose, are narrowly defined by statute. State law identifies the range of allowable prison and probation sentences for different statutory classes of offenses (Figure 3-5). Generally, a judge may impose a prison or probation sentence of a specific number of years, as long as it falls within the statutorily defined range for the offense in question. If there are either aggravating circumstances—for example, the offender has a history of prior criminal activity, caused serious harm, or victimized a physically handicapped person—or mitigating circumstances—the offender acted under strong provocation, has no prior criminal history, or did not cause serious harm—a judge may impose a prison sentence outside the range for individual offenders.

In addition to determinate sentencing, several other state laws have affected sentencing practices in Illinois in recent years. For instance, state law allows "habitual offenders" to be sentenced to natural life imprisonment.²¹ Depending on the circumstances of the crime, certain drug crimes can also be upgraded to more serious offenses. For example, the manufacture or delivery of a controlled or counterfeit substance can be upgraded from a Class 1 felony to a Class X felony if the offense took place on or near school property.²² Similarly, an offender convicted of calculated criminal cannabis conspiracy following one or more previous convictions under this section of the Cannabis Control Act can be sentenced as a Class 1 felon.²³

WHAT ARE THE SPECIFIC SENTENCING OPTIONS IN ILLINOIS?

Illinois law sets forth seven basic sentencing options that may be imposed, either alone or in combination with one another, on offenders convicted in Illinois:²⁴

- **Probation.** The most frequently used sentencing option in Illinois—and across the nation—is probation, although it is not permitted for many serious crimes in Illinois.²⁵ An offender sentenced to probation is re-

Figure 3-5

Illinois law spells out specific sentence lengths for different statutory classes of offenses.

Sentence term ranges as of January 1988:

Crime classification	Probation term	Imprisonment term	
		Without aggravating circumstances	With aggravating circumstances
First-degree murder	Not applicable	20-60 years	Death penalty* Natural life imprisonment** 60-100 years
Habitual offenders	Not applicable	Natural life	Natural life
Class X felony	Not applicable	6-30 years	30-60 years
Class 1 felony	4 years or less	4-15 years	15-30 years
Class 2 felony	4 years or less	3-7 years	7-14 years
Class 3 felony	30 months or less	2-5 years	5-10 years
Class 4 felony	30 months or less	1-3 years	3-6 years
Class A misdemeanor	1 year or less	Less than 1 year	Less than 1 year
Class B misdemeanor	1 year or less	6 months or less	6 months or less
Class C misdemeanor	1 year or less	30 days or less	30 days or less

* In eligible cases only, where the prosecutor seeks the death penalty and it is imposed by unanimous decision of the jury.

** In cases where the defendant is eligible for the death penalty or cases in which the offense was accompanied by exceptionally brutal or heinous behavior.

Source: *Illinois Revised Statutes, Chapter 38*

leased to the community under certain court-ordered conditions, including the supervision by a probation officer. In Illinois, probation officers are employees of the judicial branch of state government working for the Circuit Court in one or more counties. The Administrative Office of the Illinois Courts, through its Probation Division, is responsible for developing probation programs throughout the state.

Like prison sentences, sentences of probation vary depending on the offense committed, but the sentences must fall within ranges established by state statute for different crimes (see Figure 3-5). While on probation, the offender must meet the court-ordered conditions of the sentence and must not commit any new criminal offenses. If the court determines that a violation of probation was committed, the court can revoke the defendant's probation and impose a term of imprisonment or any other sentence available for the original offense.

■ **Periodic imprisonment.** Periodic imprisonment is a sentence that is more punitive than probation but less

punitive than regular imprisonment: in fact, periodic imprisonment is usually ordered as a condition of probation. Periodic imprisonment can be used for the same crimes for which a sentence of probation is allowed (although Class 1 felons can receive periodic imprisonment only as a condition of probation). A sentence of periodic imprisonment allows the offender to be released from confinement during certain hours of the day or certain days of the week, as directed by the court. This type of sentence may be imposed for several reasons—to allow an offender to seek employment, to work, attend to family needs, go to school, obtain medical or psychological treatment, work at a correctional or detention facility, or for any other purpose identified by the court.

■ **Conditional discharge.** With a sentence of conditional discharge, like probation, the offender is released to the community under certain court-ordered and statutory conditions. However, conditional discharge is different from probation in that the court may direct the offender to report to any person or agency it design-

nates, not necessarily a probation officer.²⁶ In Cook County, for example, offenders sentenced to conditional discharge report to caseworkers employed by the county's Social Service Department. Most courts in Illinois sentence offenders to conditional discharge when probationary supervision is deemed unnecessary.

- **Incarceration.** Incarceration is the confinement of a convicted criminal in a prison or jail to serve a court-imposed sentence. Under Illinois' determinate sentencing law, there are ranges of prison sentences that may be imposed for different crimes, although a judge may impose a sentence outside the range if there are aggravating or mitigating circumstances. For example, offenders convicted of first-degree murder must be sentenced to not less than 20 years nor more than 60 years. But if the court finds that the crime was accompanied by brutal or heinous behavior, or that any aggravating factors were present, the offender may be sentenced to a term of natural life imprisonment.²⁷
- **Repair of criminal damage to property.** An offender can be ordered to clean up or repair any damage to property caused by his or her criminal actions.
- **Fines.** Fines are often used in combination with another type of sentence. The offender is ordered by the court to pay a fine which cannot exceed the limit established by state law for the type of offense committed.²⁸
- **Restitution.** When restitution is ordered by the court, the offender is usually required to pay the victim for physical or monetary damage incurred as a result of the offender's criminal act, or to provide services in lieu of money. Under a state law that took effect in January 1988, courts *must* order restitution in all crimes against anyone aged 65 or older in which there is bodily injury or damage to their property.²⁹ Like fines, restitution is often used in combination with another type of sentence, such as probation. However, neither restitution nor a fine can be the sole disposition for a felony; these sentences can be imposed only in conjunction with another disposition.

These are the seven basic sentencing options under Illinois law. One way judges can more precisely tailor sentences to the individual defendant and the specific crime committed is by ordering the defendant to comply with specific conditions of the sentence. For example, a judge can order an offender sentenced to conditional discharge to attend a drug or alcohol treatment program or to perform community service as a condition of his or her sentence.

Except for sentences of natural life, every sentence of imprisonment includes a post-release term in which the offender is released to the community but is subject to the

rules and regulations of the Illinois Prisoner Review Board. The length of this supervision period—called mandatory supervised release for those offenders sentenced after February 1, 1978—is also determined by state law, depending on the crime.

UNDER WHAT CIRCUMSTANCES IS THE DEATH PENALTY A SENTENCING OPTION?

In Illinois, the death penalty is allowed under very narrowly defined circumstances for the most heinous crimes. Since June 1977, the current version of Illinois' death penalty has been a sentencing option for certain defendants convicted of murder who were aged 18 or older at the time of the crime. State law allows the prosecutor to seek the death penalty against a defendant convicted of one or more of the following crimes:

- Murder of more than one person
- Murder of an on-duty police officer, jail guard, or firefighter
- Murder of a prison inmate
- Murder of a person under 12 years of age
- Murder of a witness in a pending court case
- Murder by contract
- Murder during the commission of a highjacking or another felony such as robbery, sexual assault, arson, or burglary

One unique feature of Illinois' death penalty law is that it gives prosecutors discretion over whether or not to seek the death penalty in eligible cases *after* the defendant has been convicted. In most states, the prosecutor decides about seeking the death penalty at the time charges are filed (defendants in these states are charged with capital murder or simply murder). In Illinois, if the prosecutor decides to seek the death penalty upon conviction, a separate hearing is held by either the jury or the court to do the following:³⁰ (1) consider whether the defendant is indeed eligible for the death penalty; (2) if found eligible, to consider whether there are aggravating or mitigating circumstances; and (3) to determine whether a sentence of death should be imposed. If the court or the jury (by unanimous decision) determines that there are no mitigating factors sufficient to preclude the imposition of the death penalty, the court shall sentence the defendant to death. If the jury cannot unanimously agree on a sentence of death, the court must impose a sentence of imprisonment.

Although the Illinois Supreme Court upheld the constitutionality of the state's death penalty law in 1979, opponents of the law have raised the constitutionality issue several times since then in federal court. They claim that

the discretion the law gives prosecutors could result in "arbitrary and capricious execution"—a practice declared unconstitutional by the U.S. Supreme Court in its landmark 1972 decision, *Furman v. Georgia*. As of the end of 1988, however, the federal courts still had not ruled on the constitutionality of the Illinois statute.

WHAT IS THE APPEALS PROCESS IN DEATH PENALTY CASES?

According to the federal Bureau of Justice Statistics, the 25 defendants executed nationwide in 1987 spent an average of seven years and two months waiting for their sentences to be carried out.³¹ The main reason for the delay is a guaranteed nine-step appeals process designed to minimize the chance of executing an innocent person. From 1976 through 1987, approximately 34 percent of the 1,086 inmates on death row nationwide were removed from death row on appeal. During that same period, only about 3 percent of the defendants under death sentences nationwide were executed.

The appeals process for defendants sentenced to death in Illinois is as follows:

1. Every death sentence is appealed automatically to the Illinois Supreme Court.
2. If the Illinois Supreme Court denies the appeal, the defendant may appeal to the U.S. Supreme Court.
3. If the U.S. Supreme Court denies the appeal, the defendant may commence a second round of appeals by filing a *post-conviction relief* petition at the trial court, where new objections can be raised.
4. If the trial court denies the relief petition, the defendant may appeal the lower court's ruling to the Illinois Supreme Court.
5. If the Illinois Supreme Court denies the post-conviction relief petition, the defendant may appeal to the U.S. Supreme Court.
6. If the U.S. Supreme Court denies this appeal, the defendant may file writ in U.S. District Court alleging that his or her rights are being denied by the impending execution.
7. If the U.S. District Court denies the appeal, the defendant may again appeal to the U.S. Supreme Court.
8. If the U.S. Supreme Court denies the appeal again, the appeals process ends. However, the defendant can still apply to the Governor for commutation of the sentence.
9. The defendant can apply to the Governor for a stay of execution.

HOW ARE MENTALLY ILL OFFENDERS SENTENCED IN ILLINOIS?

In Illinois, special provisions are made for offenders who are found guilty but mentally ill. *Guilty but mentally ill* means the offender, at the time of the crime, possessed a substantial disorder of thought which impaired his or her judgment, but not to the extent that the offender was unable to appreciate the wrongfulness of the behavior or was unable to conform his or her conduct to the requirements of the law.³² When a defendant is found guilty but mentally ill, the court may still impose the same sentence it would give a defendant simply found guilty of the same offense. However, the manner in which the two types of offenders serve their sentences is different.

For example, if the court decides that a sentence of imprisonment is appropriate, a defendant found guilty but mentally ill is first committed to the Illinois Department of Corrections (IDOC), where an inquiry and examination concerning the nature, extent, duration, and treatment of the defendant's mental illness is conducted. IDOC may provide treatment or, if necessary, transfer the offender to the Illinois Department of Mental Health and Developmental Disabilities. The offender may stay under the care of this state agency until the sentence is completed or until hospitalization is no longer needed. In the latter instance, the offender is sent back to prison to finish the sentence.

If a defendant found guilty but mentally ill is placed on probation or sentenced to a term of periodic imprisonment, the person is required to submit to a course of mental treatment prescribed by the court. Failure to continue the treatment, except by agreement of the court, can result in proceedings to revoke probation.

HOW ARE PROBATION DEPARTMENTS ORGANIZED IN ILLINOIS?

Unlike many other states, where probation is managed by the state's corrections department, in Illinois, all probation departments operate under the authority of the Circuit courts within the judicial branch of state government. Although the Probation Division of the Administrative Office of the Illinois Courts oversees the overall provision of probation services throughout the state, probation is administered locally by individual probation departments. Most of these probation departments cover a single county, although some cover a complete judicial circuit.

The administration of each probation department in Illinois varies according to the needs and resources of each county or circuit. For adults, most counties or circuits maintain a single adult probation department that provides a variety of court services to persons sentenced to probation, to those sentenced to conditional discharge, and to those under court supervision.³³ The Circuit Court of Cook

County, however, has made an administrative distinction between probationers on the one hand, and persons sentenced to conditional discharge or under court supervision on the other. The court also assigns them to different agencies: persons sentenced to probation in Cook County are handled by the Cook County Adult Probation Department; persons sentenced to conditional discharge or those under court supervision are handled by the Cook County Social Service Department.

The size of probation departments in Illinois also varies considerably. Some small departments employ only one probation officer, while the departments administering probation services in Cook County (Adult Probation, Juvenile Probation, and Social Service departments) employ several hundred. In fact, Cook County had 887 probation and supervision officers in 1987, or slightly more than half of the 1,671 probation officers in the state. Included in the Cook County total were 340 adult probation officers, 354 juvenile probation officers, and 193 social service case-workers. Cook County also employed nearly 42 percent of the 641 support staff working in the state's probation departments in 1987.

WHAT ALTERNATIVES TO INCARCERATION ARE BEING USED TO EASE JAIL AND PRISON CROWDING?

As Illinois' prisons and jails become more crowded, criminal justice officials at many levels have begun looking to intermediate sentences that are more punitive than regular probation but do not require incarceration. As a result, two sentencing alternatives that are actually different conditions of probation have come into use in Illinois in recent years. One is Intensive Probation Supervision (IPS), a statewide program administered by the Administrative Office of the Illinois Courts; the other is electronically monitored home confinement, which has been in use in Illinois since 1986.³⁴

Although both of these programs allow convicted offenders to remain in the community, the offenders are monitored much more closely by criminal justice personnel than are people on regular probation. Here are descriptions of how the two programs work:

■ **Intensive Probation Supervision.** IPS began as a pilot program in May 1984 in nine Illinois counties—Cook, Champaign, Kane, Lake, Macon, Madison, McLean, Peoria, and St. Clair. Later that year, the program expanded to three more counties—Jackson, Saline, and Williamson. These 12 counties operate 13 IPS programs: each has an adult program, and Cook County has a juvenile program as well. All probationable felons (generally Class 1–4 offenders) who would otherwise be committed to IDOC are eligible for IPS. Candidates are first screened by the county's IPS unit,

which makes a recommendation to the sentencing judge about the offender's suitability for IPS. The judge may accept or reject this recommendation.

The IPS program, which lasts 12 months, is usually the first year of a three- or four-year probation sentence. Typically, convicted felons eligible for IPS are sentenced directly to the program after a judge has reviewed various pre-sentence reports. Some offenders, however, may first serve a brief prison sentence, where the offender's eligibility for IPS is assessed, and then be offered the option of IPS. If the offender chooses IPS, the intensive probation term begins upon the sentencing judge's approval.

All IPS probationers must abide by a curfew, must perform at least 130 hours of community service, and must undergo drug testing as part of the program. Offenders must also follow other strict conditions, which are determined by the sentencing judge and the three phases of the IPS program. Phase 1, which lasts about three months, is the strictest of the three phases, with daily face-to-face visits with a probation officer. Phase 2 is slightly less strict, and involves contact with a probation officer three to four times a week for approximately six months. In Phase 3, the conditions are again reduced. The individual must meet with the probation officer one or two times a week for about three months.

Failure to comply with any IPS condition can lead to revocation of the sentence and imprisonment in IDOC. Offenders who successfully complete all three phases of the IPS program are normally transferred to regular probation caseloads, usually for another two or three years.

■ **Electronically monitored home confinement.** Electronic monitoring was first introduced on an experimental basis in two Illinois counties—Lake and Jackson—in 1986. Since then, these two counties have used electronic monitoring for both offenders on probation or work release as well as some defendants awaiting trial.³⁵

Electronically monitored home confinement involves the use of electronic technology to help ensure compliance with curfew restrictions by persons under house arrest—that is, legally confined to their residence rather than jail or prison. Typically, offenders placed on electronic monitoring may leave their homes for employment, drug or alcohol treatment, or other approved activities, but they must remain home during curfew hours (usually nights and weekends). The use of electronically monitored home confinement does not replace personal contact with supervision officials. Electronically monitored offenders have periodic, face-to-face visits with supervision officials.

The Data

Data in this chapter come from four primary sources:

1. *Annual Report to the Illinois Supreme Court*, Administrative Office of the Illinois Courts (1977-1984)
2. Preliminary, unpublished AOIC figures (1985-1987)
3. *Probation Division Statistical Report*, AOIC (1980-1987)
4. *Statistical Presentation*, Illinois Department of Corrections (1978-1987)

Like Chapter 2 (Prosecution), this chapter relies heavily on data provided by the Administrative Office of the Illinois Courts. Thus, many of the AOIC data characteristics that were described in "The Data" section in Chapter 2

apply here as well.

Where possible, both statewide statistics and comparisons between Cook County and the rest of Illinois are presented. However, the discretion afforded county state's attorneys and judges in carrying out their responsibilities contributes to differences in the way court data are reported in different regions of the state—most notably between Cook County and the rest of Illinois. For this reason, it is usually preferable to examine statistical trends in criminal court activity separately for these two regions.

Unless otherwise stated, all data and associated discussion in this chapter refer to *felony* cases or defendants only. In addition, all statistics in the chapter are reported in calendar years.

Trends and Issues

How many criminal cases—both felonies and misdemeanors—are handled by the courts in Illinois each year? How many felony cases result in convictions? How many convictions result in prison sentences? What is the length of the typical prison sentence imposed by the courts? What is the probation caseload in Illinois? These and other questions are analyzed in the rest of this chapter.

WHAT PROPORTION OF ALL COURT CASES INVOLVE CRIMINAL MATTERS?

Criminal cases constitute slightly less than half of all cases (excluding traffic matters) decided by the trial courts in Illinois in a given year. In 1987, for example, criminal and quasi-criminal cases—felonies, misdemeanors, ordinance and conservation violations, and juvenile matters—accounted for approximately 43 percent of all non-traffic Circuit Court dispositions outside Cook County (Figure 3-6).³⁶ Felony cases represented 5 percent of this overall total, and misdemeanor cases accounted for nearly 18 percent, making them the second most common type of court case behind only small claims matters.

Among criminal dispositions only, misdemeanors and conservation/ordinance violations accounted for the bulk of the cases outside Cook County in 1987—42 percent and 41 percent, respectively. Felonies accounted for approximately 12 percent of the criminal dispositions and juvenile cases, 5 percent.

HOW MANY MISDEMEANOR CASES ARE DISPOSED OF BY THE CRIMINAL COURTS EACH YEAR?

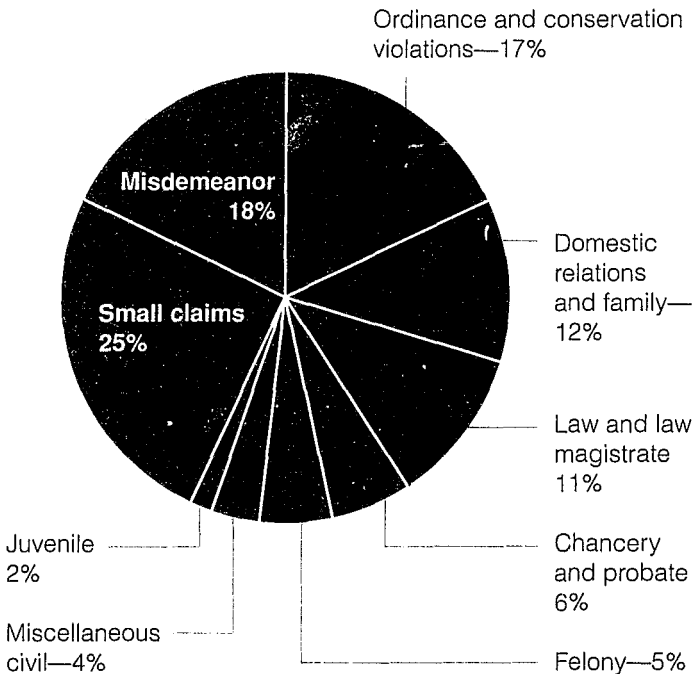
In Illinois outside Cook County, the number of misdemeanor cases disposed of by the Circuit courts increased 25 percent overall between 1977 and 1987, from 71,536 to 89,400 (Figure 3-7). There were slight declines in some years, but the general trend was up.

In Cook County during the same period, the number of misdemeanor charge dispositions tended to fluctuate more dramatically (Figure 3-8).³⁷ Misdemeanor dispositions increased 56 percent between 1977 and 1982, when they reached nearly 485,500, but then declined 34 percent over the next three years. At least part of the dramatic

Figure 3-6

In 1987, felonies and misdemeanors accounted for fewer than one-fourth of the non-traffic cases that were disposed of in Circuit courts outside Cook County.

Breakdown of non-traffic case dispositions in Circuit courts outside Cook County in 1987



Source: Administrative Office of the Illinois Courts

increase from 1979 through 1982 can be attributed to the extraordinarily large number of disorderly conduct arrests of gang members the Chicago Police Department made during this period in an attempt to reduce gang-related crime (see page 76 for more information). This practice, however, was curtailed by a court order in 1983, which may account for at least part of the decline in misdemeanor charge dispositions countywide from 1983 through 1985.

After 1985, misdemeanor dispositions in Cook County began to rise again. The number increased 14 percent from 1985 through 1987, when there were more than 363,600.

HOW MANY FELONY DEFENDANTS' CASES ARE DECIDED BY THE COURTS?

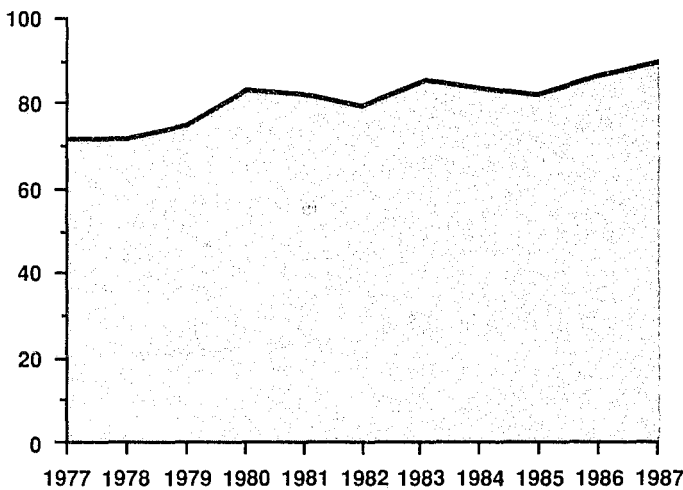
A large, but statistically unknown, percentage of felony defendants exit the criminal court system during various pre-trial stages. For example, felony charges may be dismissed at the preliminary hearing, defendants may fail to appear in court, or they may be diverted to special programs as an alternative to prosecution. The remaining group of felony defendants are adjudicated through either the guilty plea process or at trial. During arraignment, each defendant can plead guilty and go directly to a sentencing hearing, or plead not guilty and proceed to a bench or jury trial.

Statewide, the number of felony defendants whose cases were disposed of—either by guilty plea or at trial—increased 60 percent between 1977 (when there were 21,725) and 1987 (when there were 34,769). During this period, there were slight decreases between 1983 and

Figure 3-7

In 1987, 89,400 misdemeanor cases were disposed of by the Circuit courts in Illinois outside Cook County.

Misdemeanor cases disposed of in Illinois outside Cook County (thousands)

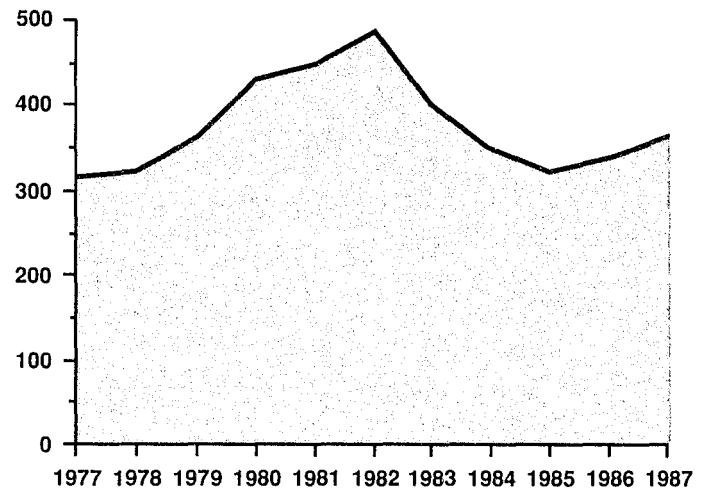


Source: Administrative Office of the Illinois Courts

Figure 3-8

The number of misdemeanor charges disposed of by the Cook County Circuit Court increased in 1986 and 1987.

Misdemeanor charges disposed of in Cook County (thousands)

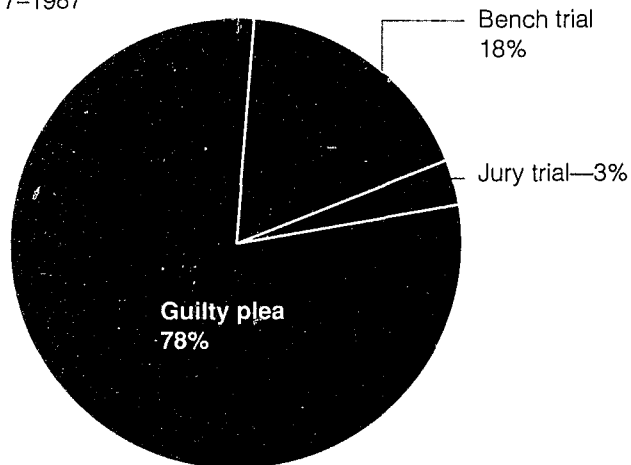


Source: Administrative Office of the Illinois Courts

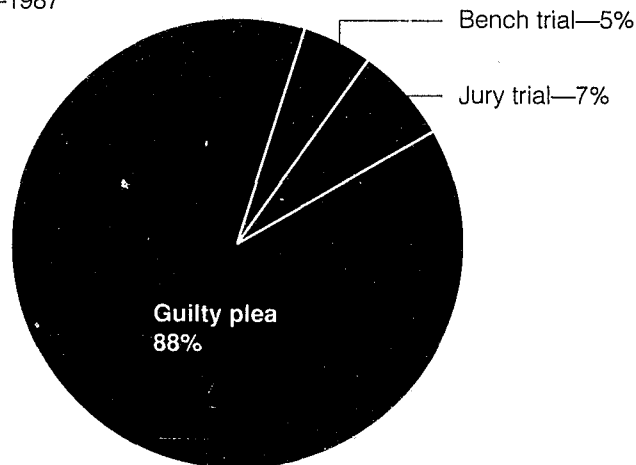
Figure 3-9

A larger proportion of felony cases are adjudicated at trial in Cook County than in the rest of Illinois.

Adjudicated felony cases in Cook County, 1977-1987



Adjudicated felony cases in Illinois outside Cook County, 1977-1987



Source: Administrative Office of the Illinois Courts

1985. But in 1987, the number of felony defendant dispositions reached the highest annual total of the 11 years examined.

WHAT PROPORTION OF FELONY DEFENDANTS PLEAD GUILTY?

Of the three methods of adjudicating felony cases—guilty plea, jury trial, and bench trial—guilty pleas are by far the most common in Illinois, just as they are nationwide. Furthermore, the relative percentages of the three types of adjudications have changed little over the past 11 years, both within Cook County and the rest of the state. However, there were some differences between the two regions (Figure 3-9).

In general, guilty pleas account for a smaller percentage of felony defendant dispositions in Cook County than in the state's other 101 counties combined. From 1977 through 1987, guilty pleas made up an average of 78 percent of all felony adjudications in Cook County, but an average of 88 percent of those outside Cook County. Because proportionally fewer criminal cases are disposed of by guilty pleas in Cook County than in the remainder of the state, proportionally *more* court resources are needed to dispose of criminal cases in Cook County. And with a greater proportion of felony defendants awaiting trial in Cook County, proportionally more jail resources are also required for those who cannot post bond.

There are also differences in the relative use of jury and bench trials between the two regions. In Cook County, bench trials are the second most common method

of adjudicating felony cases, with an average of 18 percent of all defendant dispositions between 1977 and 1987. Only 3 percent of the felony defendants in Cook County were adjudicated at jury trials during this period. Outside Cook County, jury trials were more common than bench trials, although jury trials still accounted for only 7 percent of all felony defendant dispositions from 1977 through 1987.

The 1987 breakdowns of felony adjudications in Cook County and the rest of Illinois are close to the comparable 1977-1987 averages. In Cook County, 80 percent of felony defendants in 1987 were adjudicated by guilty plea, 17 percent at bench trials, and 2 percent at jury trials; the 11-year averages were 78 percent, 17 percent, and 3 percent, respectively. In the rest of the state in 1987, 91 percent of felony defendants were adjudicated by guilty plea, 4 percent at bench trials, and 5 percent at jury trials; the 11-year averages were 88 percent, 5 percent, and 7 percent, respectively.

HAS THE NUMBER OF FELONY DEFENDANTS ADJUDICATED BY GUILTY PLEA, BENCH TRIAL, AND JURY TRIAL CHANGED IN RECENT YEARS?

Aside from slight decreases in 1982 and 1984, the number of felons pleading guilty in Illinois increased steadily from 1977 through 1987. At the same time, the number of felony defendants whose cases were decided at trial peaked in the early 1980s—1982 for jury trials and 1984 for bench trials—and then started to decline. Jury trials statewide began increasing again in 1986.

A closer inspection of these statewide trends reveals distinct patterns between Cook County and the remainder of the state:

■ **Guilty pleas.** From 1977 through 1987, the number of felony defendants pleading guilty statewide increased 64 percent, from 17,827 to 29,239 (Figure 3-10). As a result, the number of felony cases decided by guilty pleas—in both Cook County and remainder of the state—continued to be much greater than the number

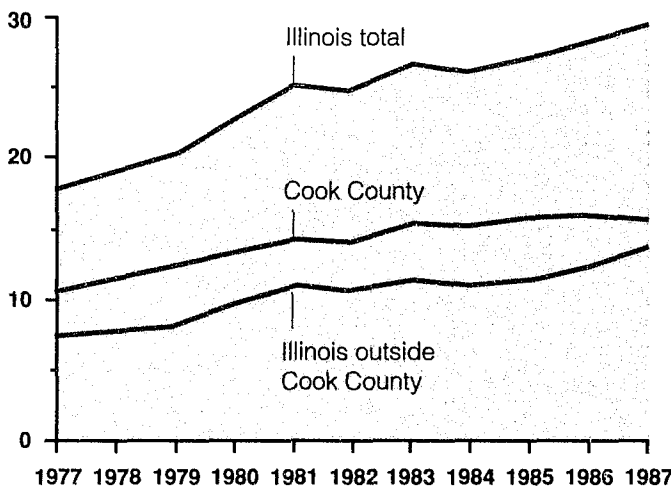
adjudicated at trial. In 1987, for example, approximately six times more felony defendants pleaded guilty than were adjudicated at trial in Illinois.

Although the *number* of defendants pleading guilty in Cook County was larger than the number in the rest of the state in each of the 11 years between 1977 and 1987, the *rate of growth* in the use of the guilty plea was greater outside Cook County. Overall during this period, guilty pleas increased 98 percent outside Cook County, from 7,239 in 1977 to 13,609 in 1987, and 48 percent in Cook County, from 10,588 in 1977 to 15,630 in 1987.

Figure 3-10

The number of felony defendants pleading guilty increased 64 percent statewide between 1977 and 1987.

Guilty plea adjudications (thousands)



Source: Administrative Office of the Illinois Courts

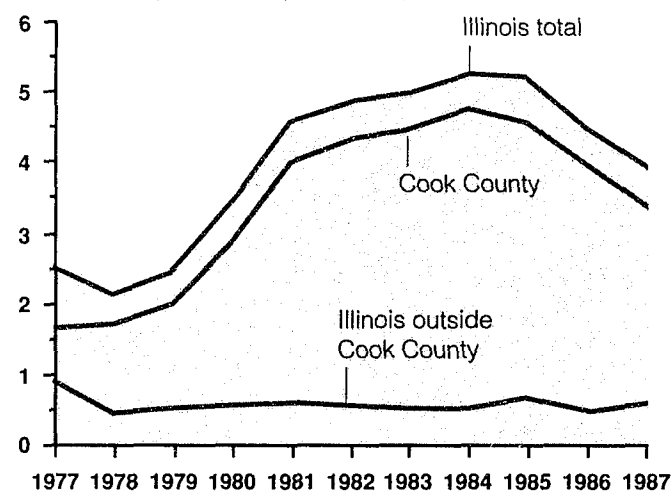
■ **Bench trials.** The number of felony defendants adjudicated at bench trials in Cook County changed dramatically from 1977 through 1987—and these Cook County trends helped to drive statewide patterns as well (Figure 3-11). Statewide, the number of bench trial adjudications more than doubled from 1977 (when there were 2,481) to 1984 (5,230), driven by a nearly threefold increase in Cook County during that time. From 1984 through 1987, however, bench trial adjudications declined 24 percent statewide, driven this time by a 28-percent decline in Cook County during those years and a 14-percent drop elsewhere in the state from 1985 through 1987.

■ **Jury trials.** Statewide trends in the number of felony defendants adjudicated at jury trials between 1977 and 1987 were clearly driven by patterns outside Cook County, where jury trials are more common (Figure 3-12). Between 1977 and 1982, when jury trial adjudications increased 31 percent statewide, they rose 39 per-

Figure 3-11

The number of defendants adjudicated at bench trials almost tripled in Cook County between 1977 and 1984.

Bench trial adjudications (thousands)

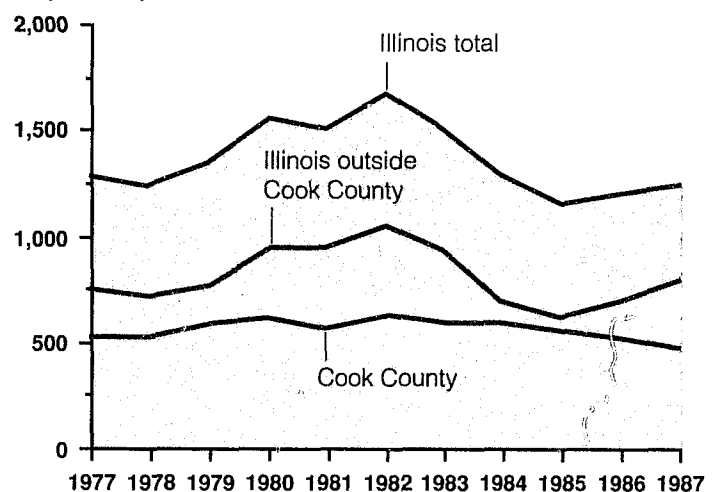


Source: Administrative Office of the Illinois Courts

Figure 3-12

The number of defendants adjudicated at jury trials in Illinois generally follows the trend in Illinois outside Cook County.

Jury trial adjudications



Source: Administrative Office of the Illinois Courts

cent outside Cook County. Over the next three years, when jury trial adjudications declined 31 percent statewide, they decreased 42 percent outside Cook County. From 1985 through 1987, jury trial adjudications declined 14 percent in Cook County, while they increased 27 percent in the rest of the state. The result was a statewide increase of 8 percent between 1985 and 1987.

HOW MANY FELONY DEFENDANTS WHO GO TO TRIAL ARE CONVICTED?

Statewide, the number of felony defendants adjudicated at trial—including both convictions and acquittals—increased 73 percent between 1977 and 1984, from nearly 3,900 to 6,760.³⁸ The number then declined 18 percent over the next three years, to 5,530 in 1987 (Figure 3-13). This pattern was driven largely by the number of felony defendants whose cases were adjudicated at bench trials. Overall, Cook County accounted for the majority of felony defendants adjudicated at trial in Illinois.

From 1977 through 1987, the number of felony defendants who were convicted at trial consistently exceeded the number who were acquitted, in both Cook County and in the remainder of the state. However, the ratio of convictions to acquittals varied, not just over time but also between Cook County and the remainder of the state.

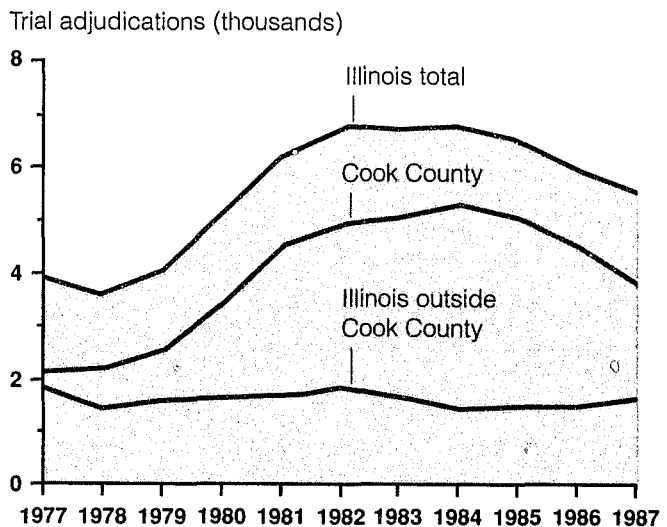
In Cook County, an average of 58 percent of all felony defendants who went to trial between 1977 and 1987 were convicted (Figure 3-14). The annual percentage of trial convictions during this period ranged from a low of 53 percent in both 1977 and 1984 to a high of 65 percent in 1987. The percentage of convictions was relatively high between 1979 and 1983, when it ranged from 58 percent to 61 percent, and was lower from 1984 through 1986. The percentage then soared to 65 percent in 1987, an increase largely attributable to a sharp decline in the number of felony defendants acquitted that year.

In the state's other 101 counties, 60 percent of the felony defendants adjudicated at trial between 1977 and 1987 were convicted, with the yearly percentage ranging from 54 percent in 1978 and 1986 to 69 percent in 1977 (Figure 3-15). During this 11-year period, these counties as a whole had a higher percentage of trial convictions than Cook County in most years; however, the percentages outside Cook County also fluctuated more than those in Cook County.

Statewide, 58 percent of all felony defendants adjudicated at trial between 1977 and 1987 were convicted. The yearly percentage ranged from 54 percent in 1984 and 1986 to 63 percent in 1987. Because the statewide pattern was driven largely by patterns in Cook County, the statewide percentages, like those in Cook County, were relatively high between 1979 and 1983, and highest in 1987.

Figure 3-13

Cook County accounts for the majority of felony defendants adjudicated at trial in Illinois.



Source: Administrative Office of the Illinois Courts

ARE CONVICTIONS BY GUILTY PLEA MORE COMMON FOR CERTAIN TYPES OF CRIMES?

Since the vast majority of felony defendant *adjudications* in Illinois result from guilty pleas, it is not surprising that guilty pleas also account for the overwhelming majority of *convictions* of felony defendants in the state. From 1977 through 1987, an average of 88 percent of the felony defendants convicted statewide pleaded guilty. On the average, 8 percent were convicted at bench trials and 4 percent at jury trials during this period.

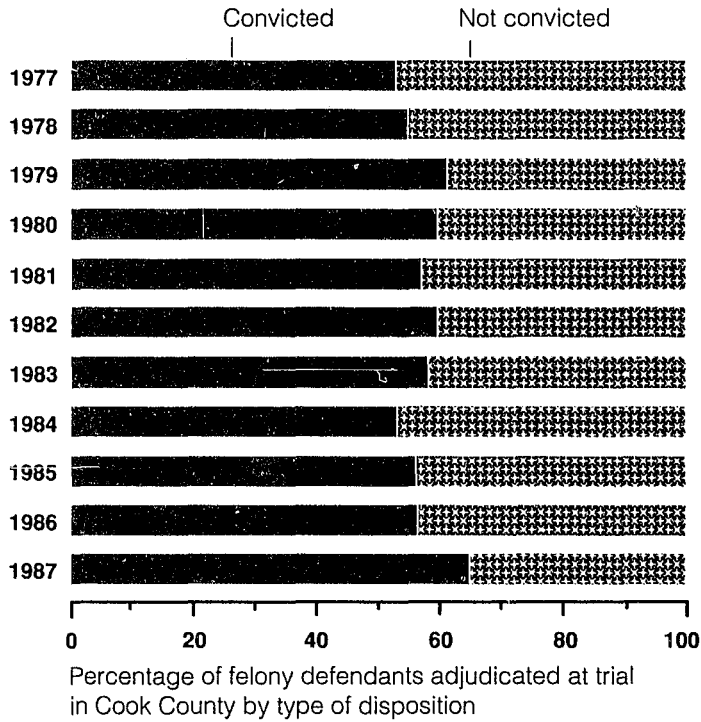
These overall percentages, however, mask differences in how convictions are achieved—whether by guilty plea, bench trial, or jury trial—for different classes of felonies. In general, as the seriousness of the charge increases, the likelihood that a conviction will result from a guilty plea diminishes. This trend is revealed in recent patterns in both Cook County and the remainder of the state.³⁹

In Cook County, for example, 24 percent of the offenders convicted of first-degree murder in 1987 pleaded guilty (Figure 3-16). For the less serious felonies, the percentages of offenders pleading guilty were much higher—83 percent for Class 1 offenses, 88 percent for Class 2, 90 percent for Class 3, and 92 percent for Class 4.

Conversely, as the seriousness of the offense increases, the percentage of convictions by bench and jury trials also increases in Cook County. In 1987, 46 percent of the Cook County defendants convicted of first-degree murder and 26 percent of those convicted of Class X crimes had bench trials. By contrast, only 7 percent of the defendants convicted of Class 4 felonies had bench trials. Likewise, only 1 percent each of the defendants convicted of

Figure 3-14

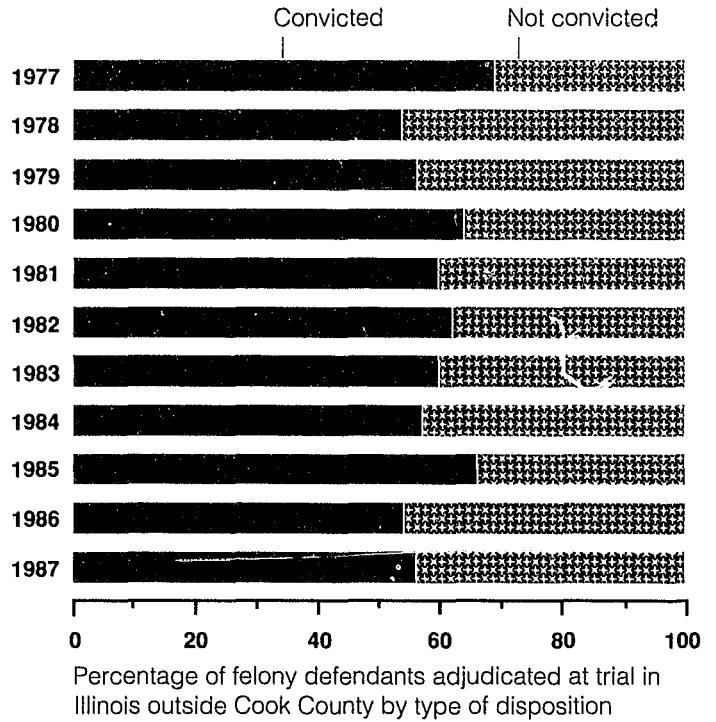
In Cook County, an average of 58 percent of all felony defendants who went to trial between 1977 and 1987 were convicted.



Source: Administrative Office of the Illinois Courts

Figure 3-15

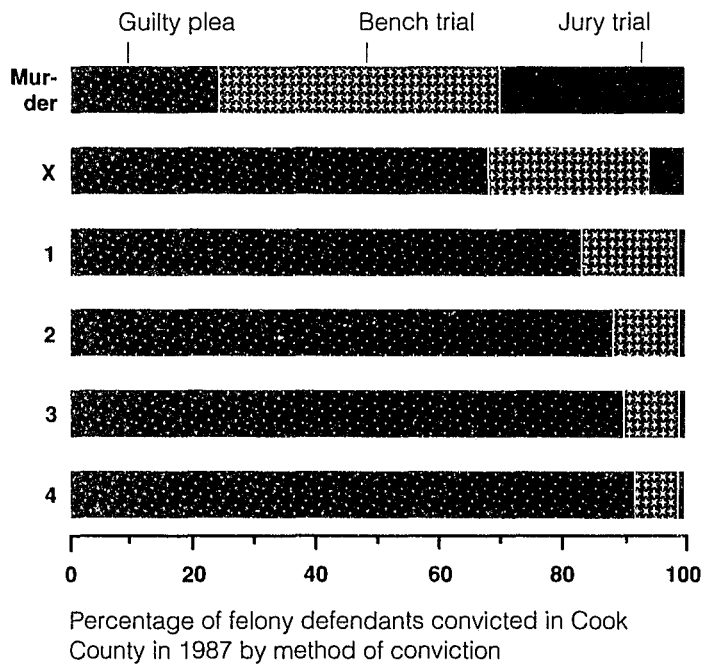
In Illinois outside Cook County, 60 percent of the felony defendants adjudicated at trial between 1977 and 1987 were convicted.



Source: Administrative Office of the Illinois Courts

Figure 3-16

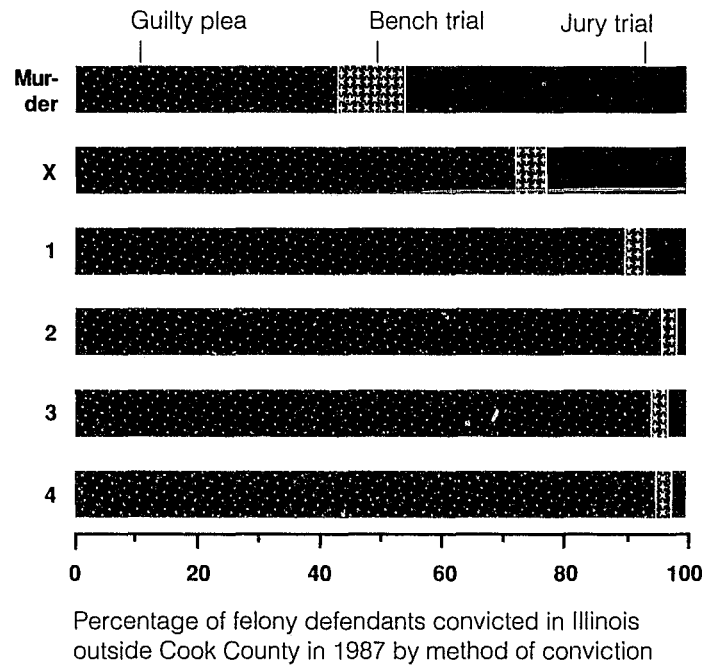
In Cook County, the vast majority of convicted felons plead guilty.



Source: Administrative Office of the Illinois Courts

Figure 3-17

In Illinois outside Cook County, an even larger majority of felony convictions result from guilty pleas.

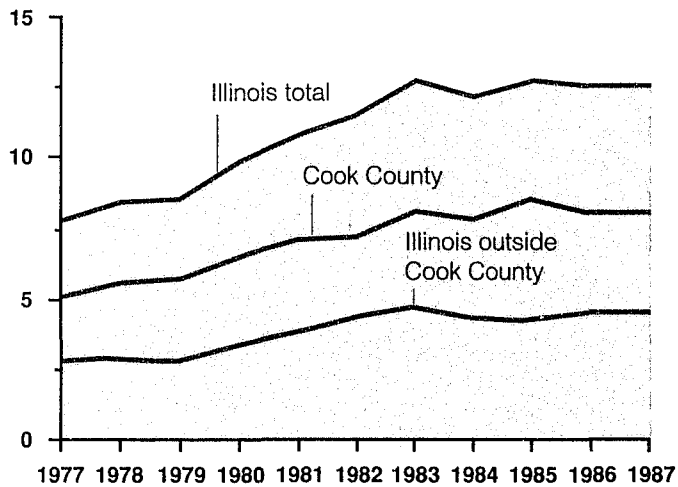


Source: Administrative Office of the Illinois Courts

Figure 3-18

The number of felony prison sentences imposed has leveled off in recent years, both in Cook County and the rest of the state.

Felony prison sentences (thousands)

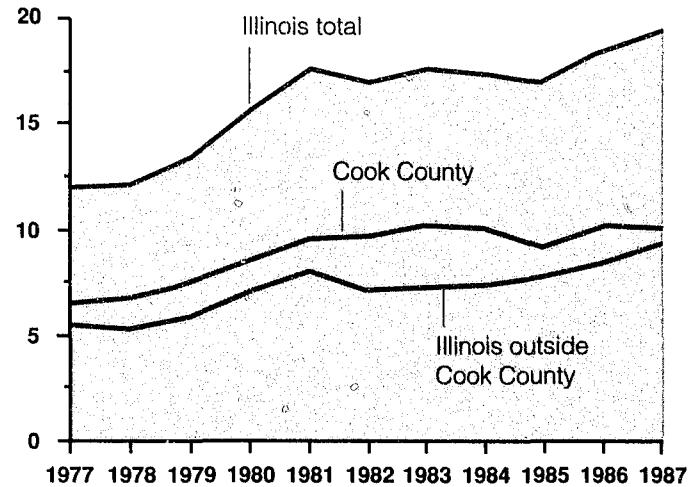


Source: Administrative Office of the Illinois Courts

Figure 3-19

The number of felony probation sentences imposed has generally increased throughout the state since 1977.

Felony probation sentences (thousands)



Source: Administrative Office of the Illinois Courts

Class 1-4 felonies in Cook County in 1987 had jury trials, compared with 6 percent of those convicted of Class X crimes and 30 percent of those convicted of first-degree murder.

In the remainder of the state, the 1987 trends were similar: the percentage of convictions resulting from trials was higher for the more serious offenses, while guilty pleas were more common for less serious crimes (Figure 3-17). Outside Cook County, however, higher percentages of felony defendants in all offense classes pleaded guilty than was the case in Cook County. For example, 43 percent of the murder defendants convicted in the counties outside Cook pleaded guilty in 1987, compared with 24 percent in Cook County (see note 39).

In addition, the percentage of offenders convicted at bench trials was lower in the counties outside Cook than it was in Cook County, while the percentage convicted at jury trials was higher outside Cook County. Among Class X offenders convicted in 1987, for example, 26 percent in Cook County had bench trials and 6 percent had jury trials. In the state's other 101 counties, the percentages were almost the reverse: 23 percent of the Class X offenders were convicted at jury trials and 5 percent at bench trials.

HOW MANY CONVICTED FELONS ARE SENTENCED TO IMPRISONMENT IN ILLINOIS?

Between 1977 and 1985, the number of prison sentences imposed by Illinois courts increased 63 percent, from 7,784 to 12,670. The number of prison sentences then remained fairly stable over the next two years, dropping slightly to

12,517 in 1987 (Figure 3-18).

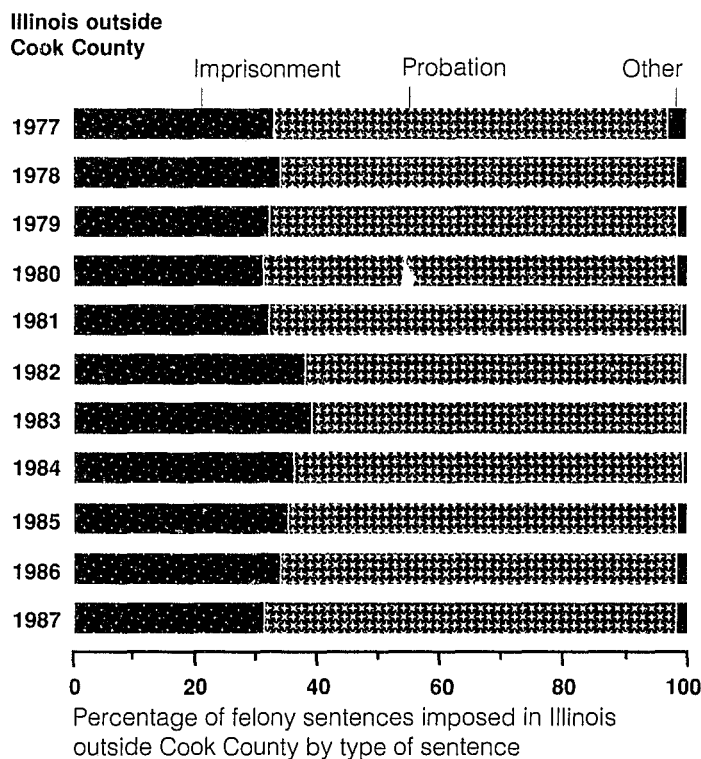
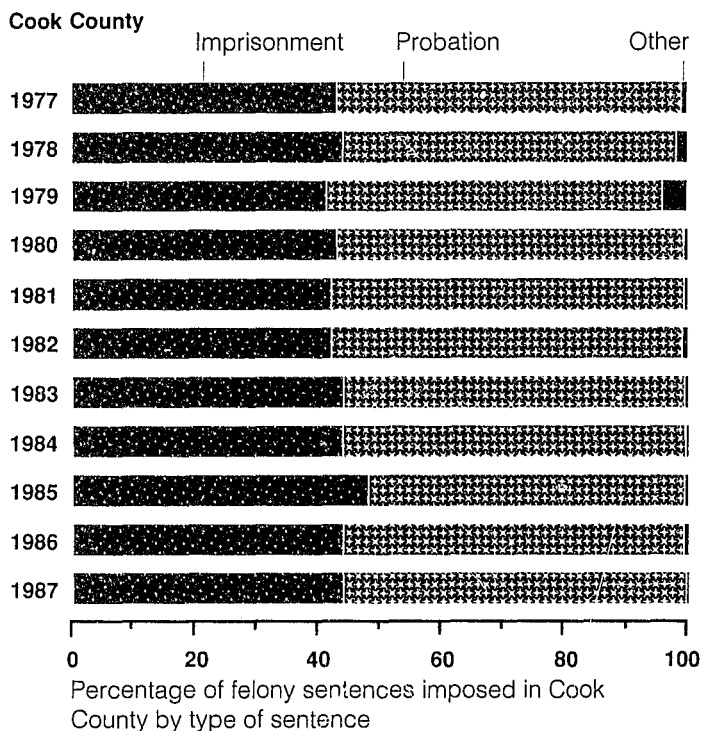
In Cook County, the number of sentences of imprisonment increased 58 percent between 1977 and 1983; outside Cook County, the number increased 72 percent. After 1983, however, trends in the two regions diverged. In Cook County, the number of prison sentences increased overall between 1983 and 1985, but then declined slightly through 1987. Outside Cook County, prison sentences declined between 1983 and 1985, and then increased slightly over the next two years.⁴⁰

Clearly, the increase in the total number of convictions between 1977 and 1987 was partially responsible for the large increase in the number of prison sentences imposed during this period. Statewide, the number of felony convictions rose from 20,178 in 1977 to 32,710 in 1987, a 62-percent increase.

But legislative actions probably contributed as well to increases in the number of felons sentenced to prison. In 1978, the Illinois General Assembly enacted the state's Class X law, which imposes mandatory prison sentences for certain serious crimes. Over the years, lawmakers have added to the list of Class X crimes—and so to the number of offenses carrying mandatory prison sentences. Recently, for example, aggravated criminal sexual assault (1984), delivery of a controlled substance in or around a school (1985), and controlled substance trafficking (1988)⁴¹ have been added to the list of Class X crimes. In addition, the General Assembly enacted the Habitual Criminals Act in 1978, which mandates a sentence of natural life imprisonment for offenders convicted of three Class X offenses within 20 years.⁴²

Figure 3-20

Larger percentages of convicted felons are sentenced to imprisonment in Cook County than in the rest of Illinois.



Source: Administrative Office of the Illinois Courts

HOW MANY CONVICTED FELONS ARE SENTENCED TO PROBATION?

Between 1977 and 1987, the number of felony sentences of probation imposed by the Illinois courts generally paralleled the overall trend for felony convictions.⁴³ Statewide, the number of probation sentences generally increased between 1977 and 1983, declined slightly in 1984 and 1985, and then increased again in 1986 and 1987 (Figure 3-19). In 1987, nearly 19,400 convicted felons were sentenced to probation in Illinois, or approximately 62 percent more than in 1977.

During this 11-year period, there was an overall 72-percent increase in the number of felony probation sentences imposed outside Cook County, with a 48-percent increase between 1978 and 1981 alone. The number of probation sentences declined 10 percent from 1981 to 1982, but then increased again over the next five years.

In Cook County, the overall increase in felony probation sentences was not as pronounced, but still amounted to a 54-percent rise between 1977 and 1987. Felony probation sentences in Cook County increased 57 percent between 1977 and 1983, but then declined 10 percent between 1983 and 1985. This decrease, however, was offset by a similar increase in 1986 and then a leveling off in 1987.

Overall increases in the number of felons sentenced to probation—in both Cook County and the remainder of the state—occurred despite the growth during this period in the number of non-probationable offenses that carry mandatory prison sentences (see previous question).

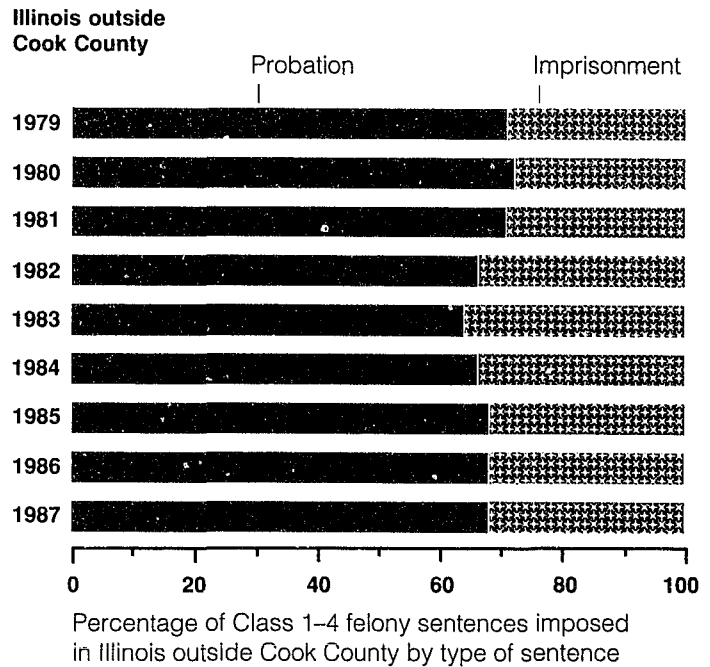
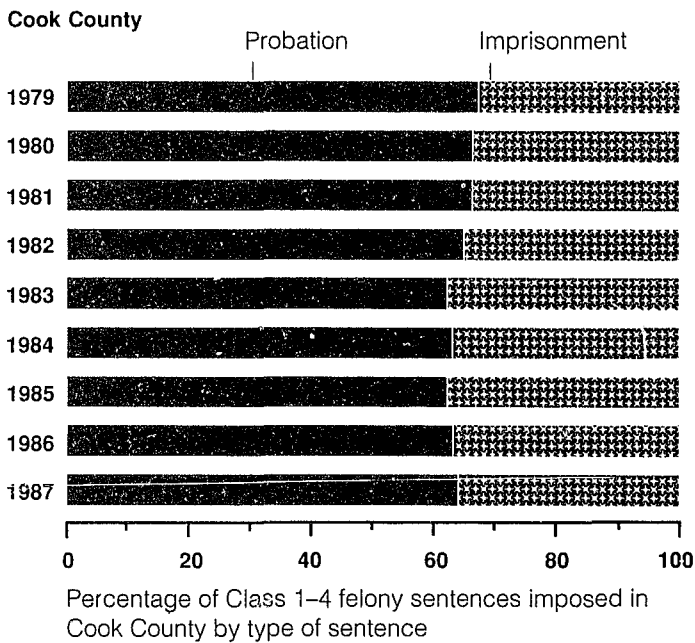
WHAT PROPORTION OF FELONS ARE SENTENCED TO IMPRISONMENT VERSUS PROBATION?

There are a variety of sentences that Illinois courts may impose, depending on the class of offense and the circumstances surrounding both the crime and the offender (see pages 100-103). For statistical purposes, sentences for felony convictions are divided into three categories: imprisonment, probation, and other sentences (such as periodic imprisonment in a local correctional institution or a judicial finding that the defendant is mentally unfit to be sentenced).⁴⁴ From 1977 through 1987, more convicted felons were sentenced to probation than to imprisonment and other sentences combined.

Statewide, the proportion of felons receiving each of the three types of sentences did not change much between 1977 and 1987. The annual percentage of felons sentenced to probation ranged from a low of 57 percent in 1985 to a high of 61 percent in 1980 and 1981. Imprison-

Figure 3-21

Probation is by far the most common sentence imposed for Class 1-4 felons in Cook County and the rest of Illinois.



Source: Administrative Office of the Illinois Courts (Probation Division)

ment, on the other hand, accounted for an average of 40 percent of all sentences between 1977 and 1987. Other sentences never accounted for more than 3 percent of felony sentences in any year between 1977 and 1987.

Perhaps more significant than these changes over time in statewide figures are the differences between Cook County and the remainder of the state in the proportion of convicted felons sentenced to imprisonment versus probation. Between 1977 and 1987—and especially after 1984—consistently higher percentages of convicted felons were sentenced to imprisonment in Cook County than in the rest of the state (Figure 3-20). In 1987, for example, 44 percent of convicted felons in Cook County were sentenced to prison, compared with 31 percent in the rest of the state.

Conversely, the counties outside Cook consistently had higher percentages of felony probation sentences than Cook County throughout this period. In Cook County, the annual percentage of felony sentences involving probation ranged from 52 percent to 57 percent; in the rest of the state, the range was between 60 percent and 67 percent.

HOW OFTEN IS PROBATION USED WHEN BOTH IMPRISONMENT AND PROBATION ARE SENTENCING OPTIONS?

Analyzing sentences of probation as a proportion of *all* felony sentences does not account for the fact that probation is not a sentencing option for certain felony offenses,

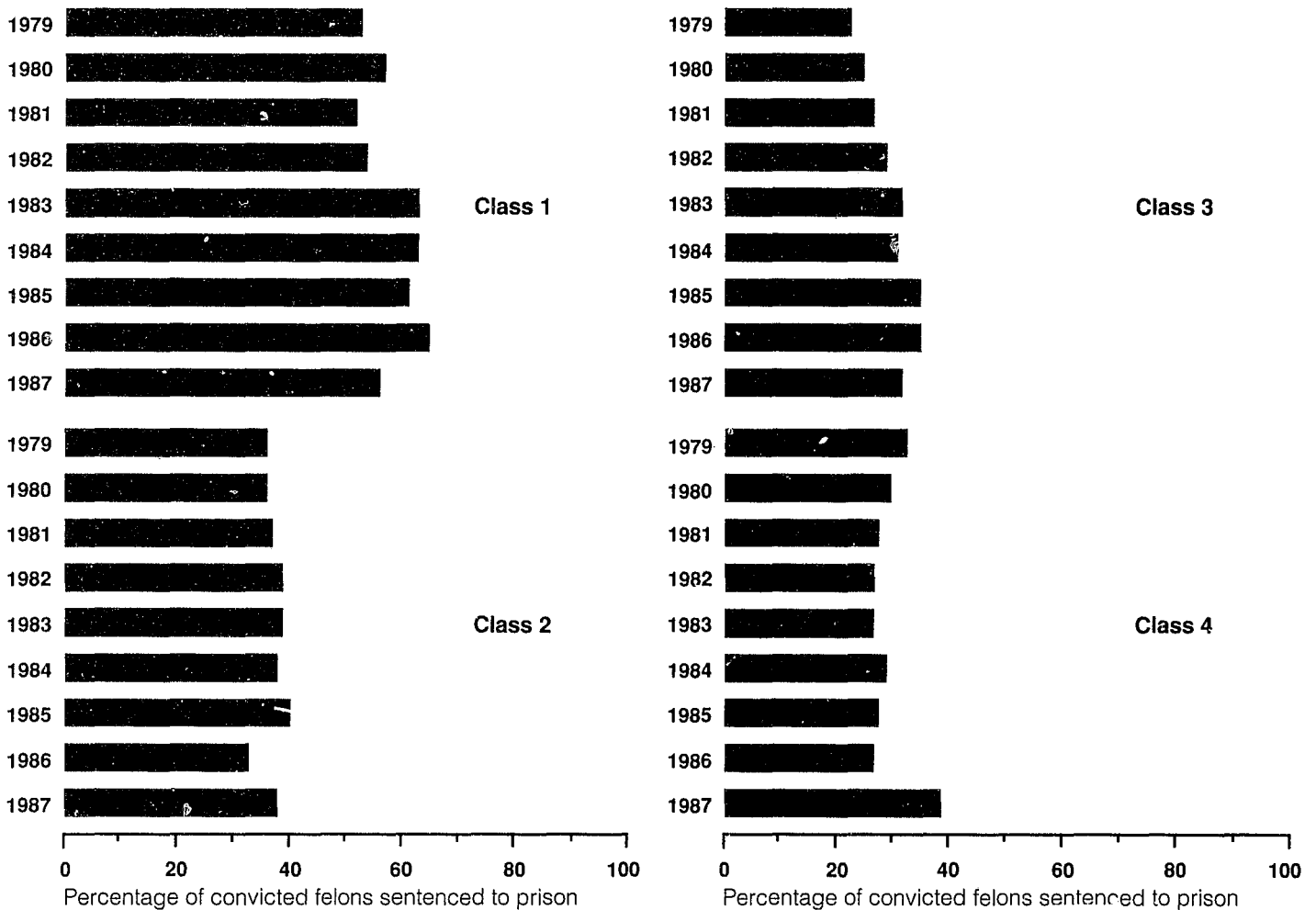
such as first-degree murder and Class X crimes, which carry mandatory prison sentences. A clearer picture of the use of probation as a sentencing option emerges when these non-probationable offenses are excluded and only sentences for Class 1-4 felonies, which generally allow the court to impose either probation or imprisonment, are analyzed.⁴⁵

As expected, probation is used even more among Class 1-4 felons than among convicted felons as a whole. In 1987, for example, 64 percent of Class 1-4 felons in Cook County were sentenced to probation, compared with 55 percent of all convicted felons in the county. The difference between probation usage rates for all felons and for Class 1-4 felons only was consistently higher in Cook County than in the rest of the state between 1979 and 1987. This suggests that, compared with the rest of the state, a larger proportion of the felons sentenced to prison in Cook County during those years were serious offenders (first-degree murderers, Class X criminals, and habitual offenders) who received mandatory prison sentences.

Compared with Cook County, the remainder of the state consistently had higher probation usage rates among Class 1-4 felons between 1979 and 1987, although the gap was not as large as when probation is examined as a percentage of all felony sentences (Figure 3-21). Likewise, the use of imprisonment for Class 1-4 felons was greater in Cook County than in the rest of the state during this period. From 1985 through 1987, however, imprisonment rates

Figure 3-22

Offenders convicted of Class 1 felonies are more likely to go to prison than those convicted of less serious felonies.



Source: Administrative Office of the Illinois Courts

among Class 1-4 felons in Cook County dropped slightly from 38 percent to 36 percent, with a corresponding shift toward the use of probation.

It is not readily apparent why, proportionally, probation is used more frequently for felony offenders outside Cook County than in Cook County. In other words, it could not be determined whether the variance can be attributed to differences in either sentencing policies or the characteristics—for example, the seriousness—of the offenses committed by felons in different parts of the state. The variance, which is more complex than can be addressed with these data, likely involves both of these factors, as well as others.

WHICH OFFENDERS ARE MOST LIKELY TO RECEIVE PRISON SENTENCES IN ILLINOIS?

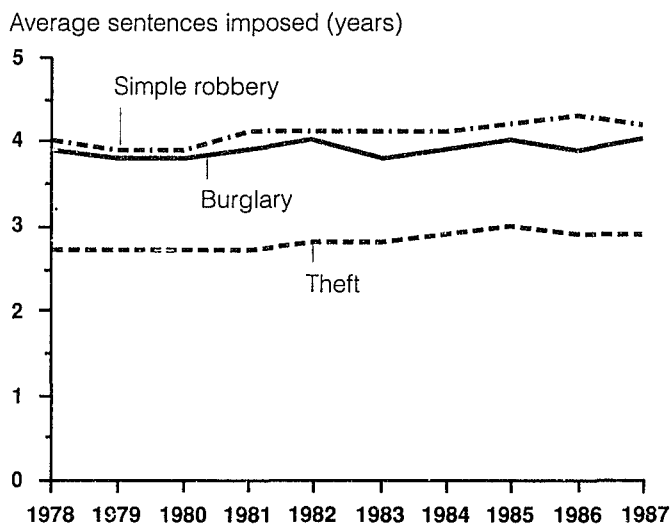
In Illinois, anyone convicted of either first-degree murder

(who is not sentenced to death) or a Class X offense, or anyone adjudged a habitual criminal, receives a mandatory prison sentence. Among other offenders who are eligible for either imprisonment or probation, the likelihood of receiving a prison sentence generally increases as the seriousness of the offense escalates: this was the case in both Cook County and the remainder of the state between 1979 and 1987. Regardless of the seriousness of the felony, however, an offender convicted of any Class 1-4 felony was more likely to go to prison in 1987 than in 1979, especially for Class 3 and 4 crimes.

Statewide, the majority of offenders convicted of Class 1 felonies between 1979 and 1987 were sentenced to prison (Figure 3-22).⁴⁶ The percentage ranged from 52 percent in 1981 to 65 percent in 1986. For Class 2, 3, and 4 offenders, the imprisonment rates were substantially lower, although the general trend of imprisonment for more

Figure 3-23

The average sentences imposed by Illinois courts for three less serious felonies have remained steady during the 1980s.



Source: Illinois Department of Corrections

serious crimes still held true in most years.

The percentage of Class 2 felons sentenced to prison statewide stayed about the same—between 36 percent and 40 percent—from 1979 through 1985, but then declined to 33 percent in 1986. In 1987, this percentage returned to its average of 38 percent. Among Class 3 felons, the percentage who were imprisoned rose steadily from 23 percent in 1979 to 32 percent in 1983 and 35 percent in 1985 and 1986. This percentage declined slightly in 1987 to 32 percent.

The most year-to-year variation in the percentage of offenders sentenced to prison occurred among Class 4 felons. The percentage declined from 33 percent in 1981 to 27 percent in 1982, generally leveled off for the next four years, and then increased sharply to 39 percent in 1987. Not only did the 1987 figure represent the highest percentage of Class 4 felons sentenced to prison during the nine-year period, but it also exceeded the proportion of Class 2 and 3 offenders who received prison sentences that year.

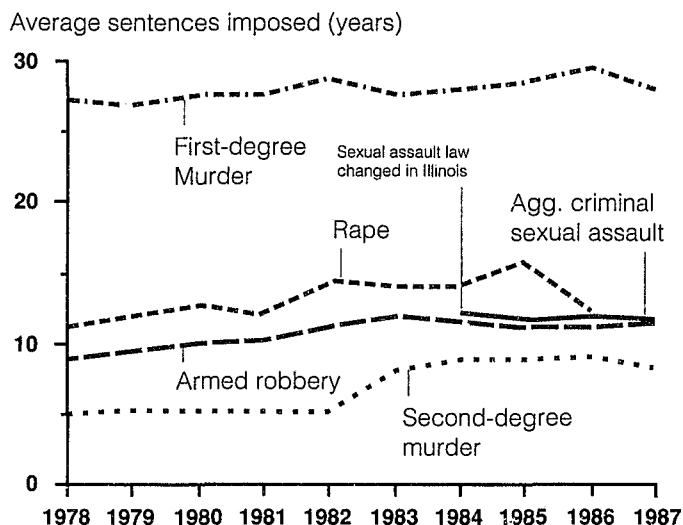
HOW LONG ARE THE PRISON SENTENCES IMPOSED FOR DIFFERENT CRIMES?

Sentencing practices in Illinois changed dramatically in 1978, when a system known as *indeterminate sentencing* was replaced with a *determinate*, or flat-time, structure.⁴⁷ Because of this basic change in policy, sentences imposed under the determinate structure cannot be compared with indeterminate sentences imposed before 1978. However, determinate sentences imposed for individual crimes since 1978 can be compared from year to year.

Between 1978 and 1987, the average sentences

Figure 3-24

The average sentences imposed for more serious felonies have generally increased.



Note: See text for details on changes in Illinois' sexual assault laws. Source: Illinois Department of Corrections

imposed by Illinois courts for three less serious felonies increased only slightly: simple robbery from 4 to 4.2 years, burglary from 3.9 to 4 years, and felony theft from 2.7 to 2.9 years (Figure 3-23). However, the average sentences imposed for the more serious felonies of first- and second-degree murder and armed robbery have generally increased since 1978 (Figure 3-24). The average sentence imposed for second-degree murder (formerly voluntary manslaughter) rose from 5 years in 1978 to 8.3 years in 1987, with a large increase occurring after 1982, when the crime was reclassified from a Class 2 to a Class 1 felony. For first-degree murder, the average sentence imposed rose from 27.2 years in 1978 to 29.4 years in 1986, although it decreased in 1987 to 27.9 years. The average sentence imposed for armed robbery increased from 8.8 years in 1978 to 11.4 years in 1987.

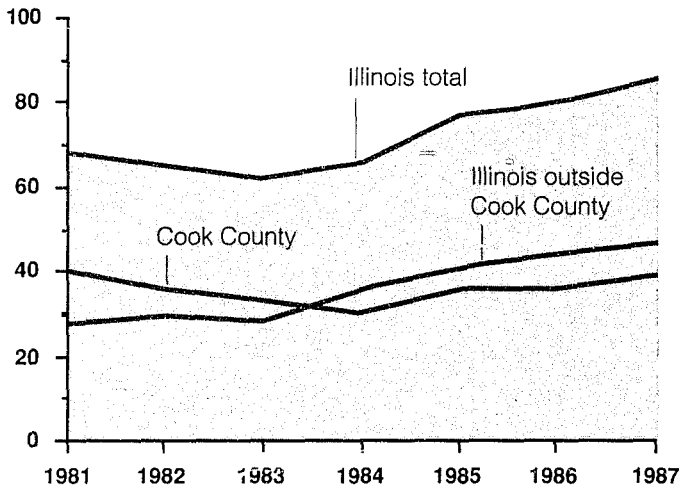
For serious sexual assault offenses, changes in sentences imposed are difficult to measure because Illinois' sexual assault laws have been substantially revised in recent years. The average sentence imposed for Class X rape offenses increased from 11 years in 1978 to 15.6 years in 1985, but dropped to 12.2 years in 1986. (There were no sentences imposed for rape in 1987 because in 1984 the crime of rape was repealed, and the comparable offense of aggravated criminal sexual assault was created. But because of natural delays in apprehending and prosecuting some offenders who committed rape under the old law, there were still some sentences for rape in 1985 and 1986.) Between 1984 and 1987, the average sentence for aggravated criminal sexual assault decreased slightly from 12.1 to 11.7 years.

WHAT ARE THE CASELOADS OF PROBATION DEPARTMENTS IN ILLINOIS?

The total year-end adult caseloads of Illinois' probation departments—including felony, misdemeanor, driving under the influence (DUI), traffic, supervised pretrial release, and administrative (non-active) cases, as well as probationers sentenced in other states but supervised in Illinois—was 27 percent higher in 1987 than in 1981 (Figure 3-25).

Figure 3-25
The adult caseloads of Illinois' probation departments have increased dramatically since 1983.

Year-end probation caseload (thousands)



Source: Administrative Office of the Illinois Courts (Probation Division)

Between 1981 and 1983, probation caseloads actually declined 9 percent statewide. Much of this decrease occurred in Cook County, where the year-end caseloads declined from nearly 40,000 in 1981 to approximately 33,200 in 1983 and 29,900 in 1984.⁴⁸ Over the next three years, however, caseloads in Cook County increased 30 percent, to 38,934 at the end of 1987.⁴⁹

Despite the reduction in the number of probationable offenses in Illinois, probation caseloads statewide began increasing steadily after 1983, from 61,507 that year to 85,543 in 1987. This 39-percent increase was due mainly to a substantial rise in the caseloads of probation departments outside Cook County. Between 1981 and 1987, the caseloads of these departments increased 69 percent, from 27,614 to more than 46,600.

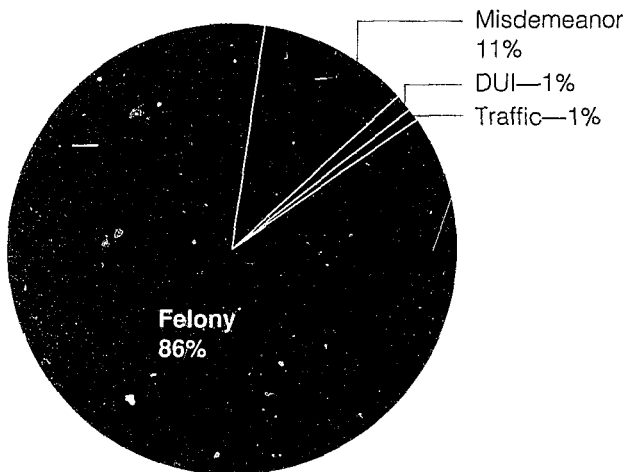
From 1984 through 1987, probation caseloads as a whole in the counties outside Cook were larger than those in Cook County, if both active and non-active cases are counted. However, when only active cases are included, Cook County continues to have larger probation caseloads, even after 1984, than in all of the other 101 counties in the state combined. In 1987, for example, Cook County's year-end active adult probation caseload was 32,392, compared with 28,349 in the rest of the state.

WHAT ARE THE CHARACTERISTICS OF ILLINOIS PROBATIONERS?

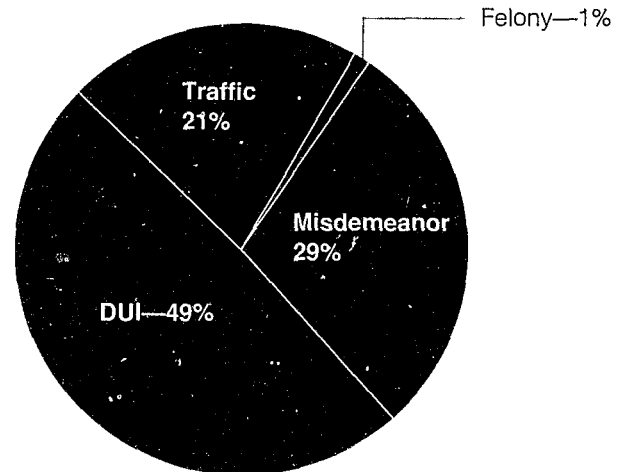
There are no statewide data on the demographic and criminal history characteristics of probationers in Illinois. How-

Figure 3-26
Felony cases make up the majority of the Cook County Adult Probation Department's caseload, while DUI cases constitute the largest portion of the Social Service Department's caseload.

Cook County Adult Probation Department caseload



Cook County Social Service Department caseload



Note: Numbers may not add up to 100 due to rounding.
 Source: Administrative Office of the Illinois Courts (Probation Division)

ever, some statistics are available from Cook County, where offenders normally under the supervision of a single probation department in other counties are instead supervised by two separate agencies—the Adult Probation Department, which handles probationers, and the Social Service Department, which handles persons sentenced to conditional discharge and those under court supervision (see pages 103-104 for more information).

The Cook County Adult Probation Department's caseload consists largely of adults sentenced to probation for felony offenses—86 percent of the total caseload in 1987 (Figure 3-26). That year, 11 percent of the department's caseload were convicted of misdemeanors, and approximately 1 percent each were convicted of traffic offenses and DUI.⁵⁰ The Cook County Social Service Department's caseload, on the other hand, included the following types of cases in 1987: 49 percent DUI, 29 percent misdemeanor, 21 percent traffic-related, and 1 percent felony.

Fifty-nine percent of the probationers supervised by the Cook County Adult Probation Department in 1987 were black, 30 percent were white, 10 percent were Hispanic, and 1 percent were of other races. Forty-five percent were between 21 and 30 years old, and approximately one-fifth each were between 18 and 20, and between 31 and 40. Five percent were aged 17 and younger, and 9 percent were 41 or older.⁵¹

HOW MANY PROBATIONERS PARTICIPATE IN INTENSIVE PROBATION SUPERVISION?

Although most offenders sentenced to probation in Illinois receive "regular" probation, some offenders are instead sentenced to Intensive Probation Supervision (IPS).⁵² The goal of IPS is to relieve prison crowding by targeting for intensive supervision by probation officers those offenders who would otherwise go to prison, but who are deemed not to pose a serious threat to the community. IPS involves a much higher level of supervision than regular probation—in the beginning of the IPS term it amounts to house arrest—and the conditions are stricter than with regular probation (for example, IPS probationers are ordered by the court to comply with curfew hours, and home visits by probation officers are frequent).

Between May 1984, when IPS began as a pilot program in Illinois, and August 1988, 1,864 adult offenders were admitted to IPS statewide. A total of 577 adults were still active participants in the program as of August 1, 1988, and another 164 had IPS revocation proceedings pending. Of the remaining 1,123 participants, nearly 57 percent had completed the program successfully—that is, they were not terminated from IPS because of an arrest or a technical violation of either program rules or any condition of their sentence (Figure 3-27). Another 36 percent had their IPS

Figure 3-27

By August 1988, about 57 percent of the offenders sentenced to Intensive Probation Supervision had completed the program successfully.

Outcomes for IPS participants between 1984 to 1988:

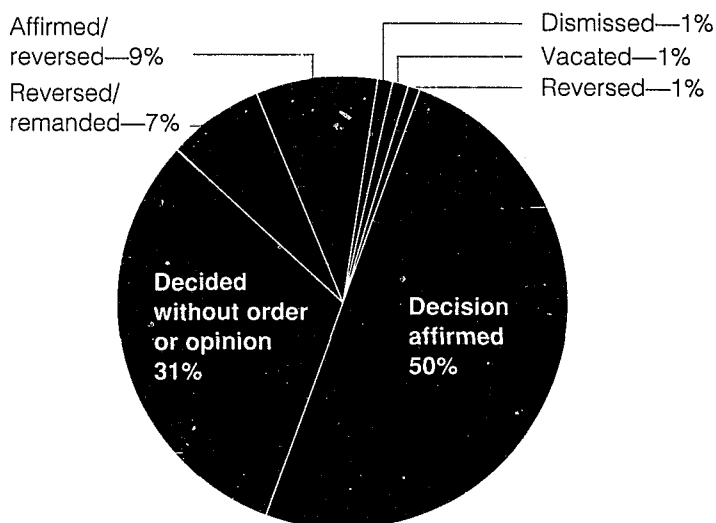
IPS outcome	Number of probationers	
Successful	635	(57%)
Sentence revoked (technical)	232	(21%)
Sentence revoked (new crime)	165	(15%)
Absconded	61	(5%)
Other	30	(3%)
Total	1,123	

Source: Administrative Office of the Illinois Courts (Probation Division)

Figure 3-28

In 81 percent of the 3,217 criminal appeals decided by the Illinois Appellate Court during 1987, the original court decision was allowed to stand.

Appellate Court decisions in 1987



Source: Administrative Office of the Illinois Courts

sentences revoked—21 percent for technical violations of program rules, 15 percent for arrests for new crimes. Five percent had absconded from the program, and 3 percent had other outcomes (such as death or a petition for resentencing to prison).

In addition to the 577 IPS adult probationers, there were 93 IPS juvenile probationers—all in Cook County—as of August 1, 1988. The total IPS caseload is managed by a staff of 68 probation officers in the 12 counties where the program is operating.

WHAT ARE THE OUTCOMES OF CRIMINAL APPEALS IN ILLINOIS?

A total of 3,217 criminal appeals were decided by the Illinois Appellate Court during 1987. In 81 percent of these appeals, the decisions of the trial court were allowed to stand: 50 percent were affirmed by Appellate Court order, and 31 percent were disposed of without order or opinion (Figure 3-28). (The latter occurs, for example, when the case is decided through stipulation of the facts by the parties or when one of the parties successfully motions to dismiss the appeal. Dispositions without order or opinion do not set any legal precedent.)

In the other 19 percent of the appeals decided in 1987, the Appellate Court modified the trial court decisions in some way: 1 percent were reversed, 7 percent were

reversed and remanded to the Circuit Court for further proceedings, 9 percent were affirmed in part or reversed in part, 1 percent were dismissed, and 1 percent were vacated. Any case in which the sentence that was originally imposed is vacated is remanded to the trial court. Another sentencing hearing is then held, and the trial court may hand down any sentence which could have been imposed originally.⁵³

Half of the criminal appeals decided by the Illinois Appellate Court in 1987 were disposed of within one year of the date they were filed, including 16 percent within six months.⁵⁴ Another 41 percent were decided between one and two years, 7 percent took between two and three years, and 2 percent required more than three years.

Notes

¹ The Illinois Supreme Court exercises original jurisdiction in habeas corpus matters. Also, any convictions in which a sentence of death is imposed or appeals in which an applicable federal or state statute was held invalid are appealed directly from the Circuit Court to the Illinois Supreme Court.

² Twenty-one of Illinois' 22 judicial circuits are numbered; the other circuit, which covers Cook County, is simply called the Circuit Court of Cook County.

³ When granted permission by the chief judge of the circuit, associate judges may preside over certain felony case functions.

⁴ For more information on the Cook County Circuit Court, see Christine A. Devitt and John D. Markovic, *The Pretrial Process in Cook County: An Analysis of Bond Decisions Made in Felony Cases During 1982-83* (Chicago: Illinois Criminal Justice Information Authority, 1987).

⁵ The County Division handles mental health, adoption, inheritance tax, and election supervision cases, as well as real estate tax objections, special assessments, condemnations of municipal property, annexations, and marriage petitions by minors.

⁶ Prior to a not-guilty verdict, the prosecution can file an interlocutory (non-final) appeal on certain pretrial rulings that affect the state's ability to proceed with the case. For example, the prosecution may appeal a court ruling that the defendant's confession be suppressed.

⁷ Decisions of the Illinois Supreme Court can be appealed to the federal appellate system and ultimately to the U.S. Supreme Court. In some instances, such as habeas corpus proceedings, an appeal may proceed directly from the state Supreme Court to the U.S. Supreme Court.

⁸ These totals include not only those Appellate Court justices who are elected by the voters, but also any Circuit Court judges assigned by the Illinois Supreme Court to serve on the Appellate Court as the business of the court requires. State law sets the number of Appellate Court justices who are elected from each judicial district: currently, 18 justices are elected from the 1st District, 6 from the 2nd, 4 from the 3rd, 4 from the 4th, and 6 from the 5th.

⁹ In misdemeanor cases, initial bond decisions may be made at the police station, in which case the defendants are usually released on their own recognizance. If the

case is not disposed of at the time of the initial court appearance, the judge may then make a separate bond decision.

¹⁰ A hearing must be held to determine whether bail should be denied to a defendant charged with a non-probationable offense when it is alleged that the defendant's release on bail would pose a real and present threat to the physical safety of any person (Illinois Constitution, Article 1, Section 9; Ill.Rev.Stat., ch. 38, par. 110-6.1).

¹¹ John Howard Association, Chicago.

¹² Cook County Department of Corrections.

¹³ Ill.Rev.Stat., ch. 38, par. 1401, et seq.

¹⁴ Defendants may waive their right to a preliminary hearing. If a defendant waives this right, the case goes directly to arraignment.

¹⁵ Ill.Rev.Stat., ch. 38, par. 103-5.

¹⁶ Ill.Rev.Stat., ch. 38, par. 9-1(g). See pages 102-103 for more information about the death penalty in Illinois.

¹⁷ *The National Survey on Punishment for Criminal Offenses* (1987), conducted by Joseph Jacoby and Christopher Dunn under a grant from the Bureau of Justice Statistics.

¹⁸ Under certain circumstances, a defendant who has been convicted of criminal sexual assault for a second or subsequent time (a Class X crime) but who is a family member of the victim may be sentenced to probation (Ill.Rev.Stat., ch. 38, par. 1005-5-3(e)).

¹⁹ Ill.Rev.Stat., ch. 38, par. 1005-6-1. Also see pages 100-103 for more information on the specific types of sentences that may be imposed in Illinois.

²⁰ The other nine states that use determinate sentencing are California, Connecticut, Florida, Indiana, Maine, Minnesota, New Mexico, North Carolina, and Washington state. The federal court system also uses a determinate sentencing structure. *Report to the Nation on Crime and Justice, Second edition* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 91.

²¹ A habitual offender is anyone who has been convicted twice of murder or a Class X felony and is subsequently convicted of a third murder or Class X offense (Ill.Rev.Stat., ch. 38, par. 33B-1).

²² Ill.Rev.Stat., ch. 56 1/2, par. 1407.

²³ Ill.Rev.Stat., ch. 56 1/2, par. 709.

²⁴ Ill.Rev.Stat., ch. 38, par. 1005-5-3.

²⁵ A sentence of probation cannot be imposed for convictions of first-degree murder, attempted first-degree murder, Class X felonies (see note 18), some serious violations of the Controlled Substances and Cannabis Control acts, a Class 2 or greater felony if the offender has been convicted of a Class 2 or greater felony within the past 10 years, and certain other felonies. In addition, probation cannot be imposed for those judged to be habitual offenders (see note 21), or when the offender is older than 21 and is convicted of a Class 1 or 2 felony after having been convicted of a Class 2 or greater felony two or more times on separate occasions (Ill.Rev.Stat., ch. 38, par. 1005-5-3).

²⁶ Ill.Rev.Stat., ch. 38, par. 1005-6-3.

²⁷ Illinois law (Ill.Rev.Stat., ch. 38, par. 1003-3-3) refers to "natural life imprisonment," which means the offender is sentenced to spend the rest of his or her life in prison without the possibility of release (except through executive clemency). Prior to Illinois' adoption of determinate sentencing in 1978, some offenders sentenced to "life" were actually eligible for release on parole.

²⁸ Fines in Illinois are set as follows: for felony offenses, \$10,000 or the amount specified for the offense, whichever is greater; for Class A misdemeanors, \$1,000 or the amount specified for the offense, whichever is greater; for Class B or C misdemeanors, \$500; and for petty offenses, \$500 or the amount specified for the offense, whichever is less (Ill.Rev.Stat., ch. 38, par. 1005-9-1).

²⁹ Ill.Rev.Stat., ch. 38, par. 1005-5-6.

³⁰ When consideration of the death penalty is requested by the prosecutor, the sentencing hearing is conducted before the jury that determined the defendant's guilt. If the defendant pleaded guilty to first-degree murder or was convicted at a bench trial, or if the court for good cause discharges the jury that determined the defendant's guilt, the sentencing hearing is conducted before a jury impaneled specifically for the sentencing proceeding. If the defendant waives a jury for the sentencing hearing, it is conducted before the court alone (Ill.Rev.Stat., ch. 38, par. 9-1).

³¹ *Capital Punishment 1987* (Washington, D.C.: Bureau of Justice Statistics, 1988).

³² Ill.Rev.Stat., ch. 38, par. 6-2. A finding of guilty but mentally ill is different from an acquittal by reason of insanity. Persons not guilty by reason of insanity are not criminally responsible for their conduct because, at the time of the crime, they lacked the substantial capacity to appreciate the criminality of their conduct or of the need to conform to the law, due to mental illness or a mental defect.

³³ "Supervision" is a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as imposed by the court. Upon successful completion of the supervision period, the defendant is discharged and a judgment dismissing the charge is entered (Ill.Rev.Stat., ch. 38, par. 1005-1-21).

³⁴ Under Illinois law, home confinement with or without electronic monitoring is an optional condition of both probation and periodic imprisonment. It can also be used to help monitor defendants released on bond pending trial.

³⁵ For a more complete discussion of electronic monitoring, see Roger Przybylski, *Electronically Monitored Home Confinement in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1988).

³⁶ Because of counting anomalies in Cook County that may artificially inflate the percentage of cases that are criminal matters, only the breakdown of case types in Illinois outside Cook County is examined. Also, only a portion of the juvenile cases are criminal in nature.

³⁷ Because of differences in counting procedures between Cook County and the remainder of the state, trends in misdemeanor case dispositions in these two regions cannot be compared. In Cook County, misdemeanor dispositions are counted in terms of charges, not cases. In addition, Cook County counts conservation and ordinance violations and some felony preliminary hearings along with misdemeanors in the misdemeanor disposition category.

³⁸ These figures also include adjudications of defendants charged with felony *and* misdemeanor offenses, but convicted of only the misdemeanor offense. Breakdowns of such convictions on an included misdemeanor by jury trial and bench trial are unavailable from AOIC and, therefore, were *not* included in the previous discussion of trends in bench and jury trials.

³⁹ Because of differences in how the manner of conviction is reported in Cook County versus the rest of the state, it is

necessary to examine the percentages of convictions by guilty plea, bench trial, and jury trial—by class of offense—separately for the two regions. AOIC records for Cook County do not include the number of guilty pleas accepted at preliminary hearings by class of offense; therefore, this number is not included in the breakdown of convictions by offense class. Cook County's relative percentages might be different if such figures were available.

⁴⁰ Note that trends in the *actual number* of prison sentences do not reflect the imprisonment *rate*, or the proportion of felony offenders who are sentenced to prison. This rate is discussed later in this chapter.

⁴¹ Controlled substance trafficking is a Class X offense under certain circumstances (Ill.Rev.Stat., ch. 56 1/2, par. 1401.1).

⁴² This law applies only when the three offenses occurred in separate incidents and the third crime took place after February 1, 1978, the effective date of the law.

⁴³ For statistical purposes only, "probation" on pages 112-114 includes any sentence involving probation or conditional discharge. While a sentence of probation requires the offender to be supervised by a probation officer, a sentence of conditional discharge is without probationary supervision but requires the offender to follow certain conditions imposed by the courts. Also, either of these sentences may or may not be in combination with other sentences, such as fines or periodic imprisonment.

⁴⁴ Sentences of probation may or may not be in combination with other sentences, such as fines or periodic imprisonment. Sentences of imprisonment may or may not be combined with fines.

⁴⁵ There are a few Class 1-4 felonies in which a sentence of probation is not allowed, but they were not excluded from the data set used in this analysis. Also, keep in mind that the number of probationable offenses has decreased over the years; thus, an apparent leveling off in the *number* of probation sentences in recent years may actually mask a slight increase in probation *usage*.

⁴⁶ See Figure 3-4 for examples of specific Class 1-4 felonies.

⁴⁷ See page 100 for a more thorough discussion of determinate sentencing.

⁴⁸ To make the Cook County figures comparable with

those in other jurisdictions, the Cook County totals include year-end caseloads from both the Adult Probation Department and the Social Service Department. See page 104 for more information about the types of people these two agencies supervise.

⁴⁹ The decrease in Cook County probation cases between 1981 and 1984 is partially attributable to improved record-keeping procedures—for example, the practice begun in 1983 of purging warrants 10 years and older and the new statewide probation caseload classification system that AOIC instituted in 1984. The 1985–1987 probation figures are probably more reliable than those from the early 1980s because of recordkeeping improvements and the installation in Cook County of an automated records system in late 1985.

⁵⁰ *Probation Division Statistical Report* (Springfield, Ill.: Ad-

ministrative Office of the Illinois Courts, 1987). The percentage of traffic and DUI offenders supervised by the Cook County Adult Probation Department is relatively low because most of these cases are handled by the county's Social Service Department, a separate agency.

⁵¹ The source of the demographic information only is the Cook County Adult Probation Department.

⁵² See page 104 for a more complete description of the IPS program in Illinois.

⁵³ Ill.Rev.Stat., ch. 38, par. 1005-5-3.

⁵⁴ AOIC records showing the elapsed time between the date of filing and the date of disposition for Appellate Court decisions in 1987 include only 3,210 of the 3,217 appeals AOIC reported as having been decided that year.

Drugs and the Courts

Analyzing exactly what happens to drug cases that are tried in Illinois' courts is difficult because, just as there are limited data about the filing of such cases, there is no statewide, central repository for information about the dispositions of drug cases either. Information about the sentences imposed on drug offenders in Illinois is also limited.

What disposition and sentencing information is available, however, seems to confirm recent trends in drug law enforcement and prosecution: criminal justice activity related to drugs is increasing in the 1980s as more drug offenders are arrested, prosecuted, convicted, and then sentenced to prison, often for longer periods of time. This increase in criminal justice activity has been coupled with an increase in the use of treatment alternatives for certain drug-abusing offenders—and a growing need for more treatment facilities in Illinois.

WHAT TRENDS ARE EVIDENT IN DRUG CONVICTIONS IN ILLINOIS?

Although statistics on how many drug offenders are convicted each year in Illinois are unavailable, data from various drug

law enforcement agencies do show two important trends: the number of convictions has generally increased in recent years, and convictions continue to outnumber acquittals by a large margin.

Between 1980 and 1987, Illinois courts adjudicated 6,451 drug charges resulting from arrests made by the Illinois State Police (ISP) and the state's drug law enforcement task forces.¹ Of these, nearly 98 percent resulted in convictions, while about 2 percent ended in acquittals. Another 1,975 charges were dismissed.²

The annual number of ISP-initiated drug charges resulting in convictions more than tripled over the eight-year period, from 463 in 1980 to 1,402 in 1987 (DRUGS 3-1). The number of acquittals per year ranged from 6 to 34. As with most non-drug offenses, the vast majority of drug convictions are the result of guilty pleas: 84 percent of the ISP-initiated drug charges resulting in convictions between 1980 and 1987 were by guilty pleas, versus 9 percent by bench trials and 7 percent by jury trials.

Statistics from the state's metropolitan enforcement groups (MEGs) and the

U.S. Drug Enforcement Administration (DEA), both of which count defendants rather than charges, show similar trends.³ Between 1980 and 1987, the conviction rate was 98 percent among drug defendants arrested by the MEGs and 94 percent among those arrested by the DEA.

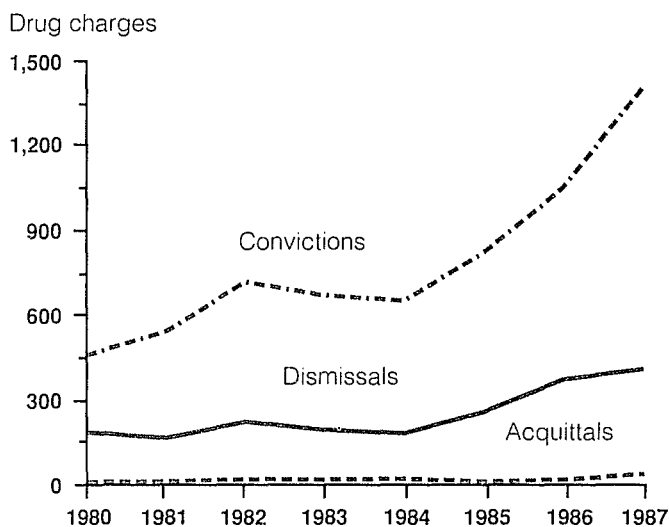
The number of defendants convicted following MEG arrests tended to fluctuate between 1980 and 1984, but then increased 28 percent over the next three years, reaching 860 in 1987 (DRUGS 3-2). The number of convictions following DEA arrests in Illinois declined 21 percent between 1985 and 1987, after more than tripling between 1980 and 1985 (DRUGS 3-3). In 1987, there were 393 DEA-initiated drug convictions in the state—still 152 percent more than in 1980.

WHAT TRENDS ARE EVIDENT IN CONVICTIONS FOR DELIVERY VERSUS POSSESSION CRIMES?

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

DRUGS 3-1

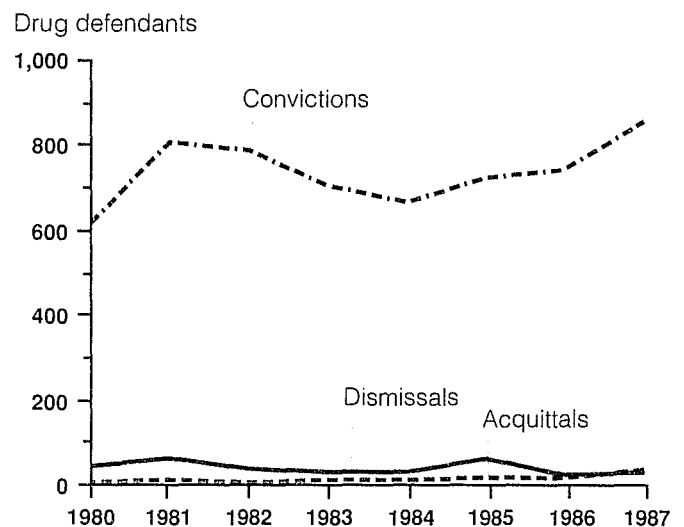
Convictions for drug charges initiated by ISP more than tripled between 1980 and 1987.



Source: Illinois State Police

DRUGS 3-2

The number of drug defendants convicted following MEG arrests has increased since 1984.



Source: Illinois metropolitan enforcement groups

matically during this decade, while convictions for possession have generally increased at a much slower rate.⁴

The number of convictions resulting from ISP-initiated drug delivery charges grew from 289 in 1980 to 1,126 in 1987, a nearly fourfold increase (DRUGS 3-4).

The increase in delivery convictions has been particularly large in recent years: 36 percent in 1985, 28.5 percent in 1986, and 35 percent in 1987. This overall pattern of increases is partially the result of a growing number of ISP-initiated convictions for drug conspiracy crimes.

From 3 in 1980, the number of conspiracy charge convictions grew to 90 in 1986 and 85 in 1987.

Convictions resulting from ISP-initiated drug possession charges decreased from 1980 through 1983, but then more than doubled over the next four years, reaching 227 in 1987. Throughout this period, there were also several convictions—between 24 and 59 a year—for other drug charges, including such offenses as possession of hypodermic needles.

Among both delivery and possession offenders arrested by the DEA in Illinois, convictions have also been generally higher in recent years.⁵ The number of DEA-initiated delivery convictions increased from 127 in 1980 to 357 in 1985, and then declined to 270 in 1987. Convictions of offenders arrested for possession increased from 22 in 1980 to 122 in 1985, and then leveled off through 1987.

ARE CONVICTIONS FOR COCAINE OFFENSES INCREASING IN ILLINOIS?

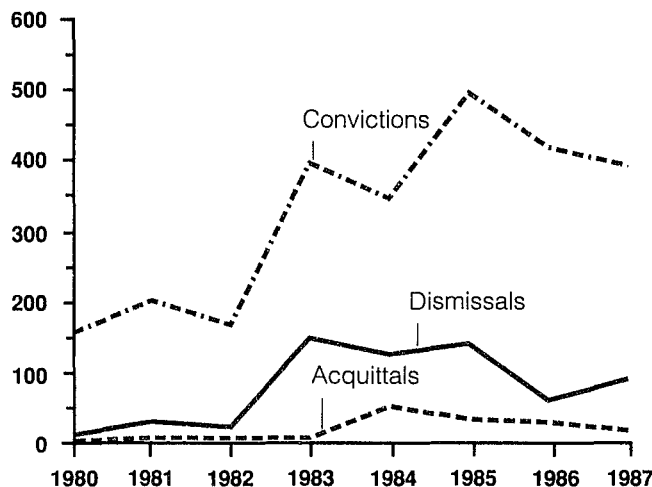
The emergence of cocaine as both a social problem as well as a law enforcement priority is reflected in recent statistics for convictions resulting from ISP and DEA drug arrests. In 1987, cocaine was involved in 49 percent of the ISP-initiated drug convictions and 62 percent of the DEA-initiated drug convictions in Illinois.

Among drug charges resulting from ISP arrests, 1987 was the first year since 1982 that convictions for cocaine exceeded convictions for cannabis. Convictions for both cocaine and cannabis have risen sharply in recent years, while

DRUGS 3-3

Convictions following DEA arrests in Illinois more than tripled between 1980 and 1985.

Drug defendants

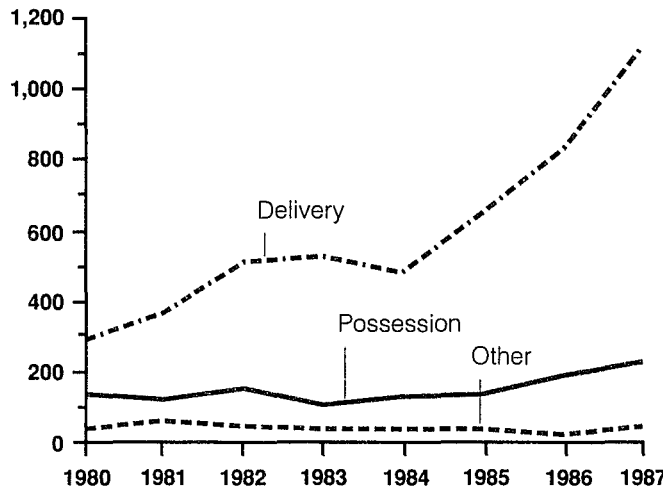


Source: U.S. Drug Enforcement Administration

DRUGS 3-4

Convictions for ISP-initiated drug delivery charges have increased dramatically in every year since 1984.

Drug charges resulting in conviction



Source: Illinois State Police

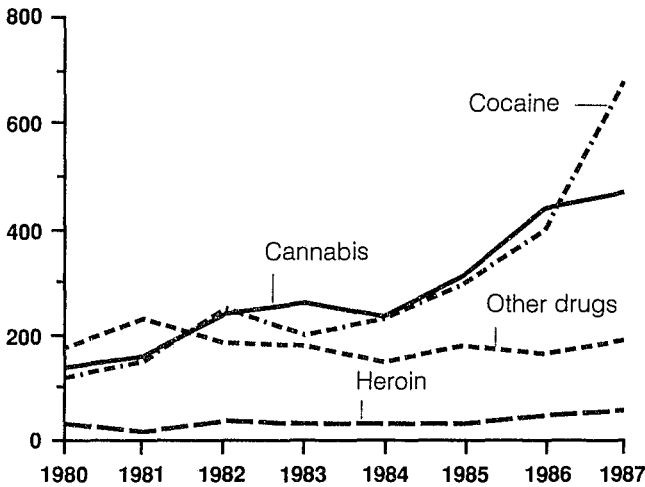
convictions for heroin and other dangerous drugs have remained relatively stable (DRUGS 3-5). Cocaine convictions increased 236 percent between 1980 and 1986, and then shot up another 71 percent in 1987, to 678. Cannabis convictions increased 237 percent overall between 1980 and 1987, when they reached 468. During this same period, convictions for heroin averaged 35 a year, and convictions for other dangerous drugs averaged 179 a year.⁶

The emergence of cocaine is even more striking among convictions of drug offenders arrested by the DEA in recent years (DRUGS 3-6). In 1980, cocaine accounted for 33 defendant convictions resulting from DEA arrests, or less than 22 percent of the agency's total number of drug convictions that year. Heroin, on the other hand, accounted for 46 percent of the 1980 drug convictions in Illinois. By 1986, the number of DEA-initiated cocaine convictions in Illinois had grown to

DRUGS 3-5

ISP-initiated convictions for cocaine-related drug offenses skyrocketed from 1983 to 1987.

Drug charges resulting in conviction



Source: Illinois State Police

282 (67 percent of the total drug convictions that year), while the number of heroin convictions had dropped to 39 (or 9 percent of the total). In 1987, cocaine convictions fell 14 percent, to 243, while heroin convictions more than doubled, to 89. Still, cocaine was involved in the majority of the 2,044 DEA-initiated drug convictions in Illinois between 1983 and 1987.

WHAT SENTENCES MAY THE COURTS IMPOSE ON CONVICTED DRUG OFFENDERS?

The sentences Illinois courts may impose on offenders convicted of different statutory classes of drug crimes are generally the same as those imposed on criminals convicted of non-drug offenses in the same crime classes (see Figure 3-5, page 101, for the probation and imprisonment terms for the different statutory classes of crimes in Illinois). For some serious drug crimes, however, there are special terms of incarceration and fines (DRUGS 3-7).

For example, Class X delivery of a controlled substance normally carries a prison sentence of 6 to 30 years and a fine of up to \$500,000. But for Class X delivery of especially large amounts of heroin, cocaine, morphine, or LSD, the sanctions are even more severe: for instance, up to 60 years in prison and a fine up to the equivalent of the street value of the drugs

for delivery of more than 900 grams of these substances. Similarly, offenders convicted of a Class 2 felony involving the production or possession of cannabis plants—in addition to possibly being sentenced to 3 to 7 years in prison and fined up to \$100,000—can be forced to pay the law enforcement costs related to investigating the crime and eradicating the plants.

WHAT TRENDS ARE EVIDENT IN THE SENTENCING OF DRUG OFFENDERS?

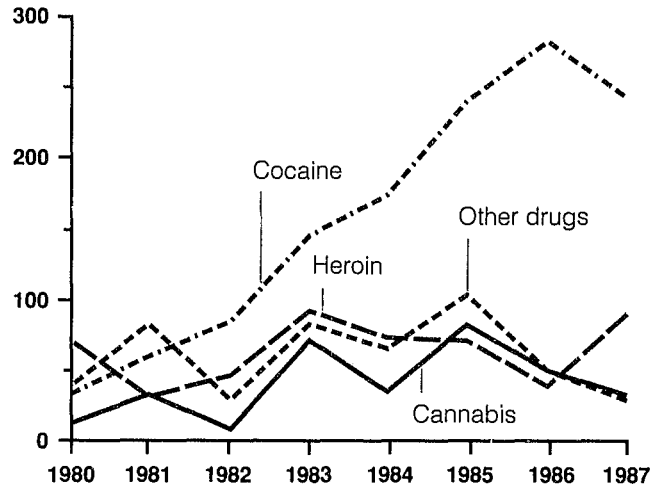
Available data indicate that the number of incarceration sentences imposed for drug offenses has increased substantially during the 1980s. Among drug convictions resulting from ISP arrests, the number of incarceration sentences has grown dramatically since 1980, and especially so since 1985 (DRUGS 3-8).⁷ In 1980, there were 188 such sentences of incarceration; by 1985, the number had more than doubled, to 410. Then, from 1985 through 1987, the number of incarceration sentences increased another 82 percent, reaching 746.

The number of probation sentences following ISP-initiated drug convictions was relatively stable between 1980 and 1987, and was far below the number of sentences of incarceration or other sentences (fines, conditional release, com-

DRUGS 3-6

Cocaine was involved in most DEA-initiated drug convictions between 1983 and 1987.

Drug defendants convicted



Source: U.S. Drug Enforcement Administration

munity service, and so on). The number of probation sentences ranged between 70 and 129 a year throughout this period, while the number of other sentences ranged from 202 to 531 a year. In recent years, however, the use of sentences other than prison or probation has increased sharply, more than doubling between 1984 and 1987.

Incarceration, then, accounted for nearly half of the sentences imposed for ISP-initiated drug convictions between 1980 and 1987 (DRUGS 3-9). The incarceration rate for these drug convictions ranged from 38 percent to 42 percent between 1980 and 1982, increased to 55 percent in 1984, and remained close to that level through 1987. The percentages of convictions resulting in probation or in other sentences besides imprisonment or probation have generally been lower in recent years than in the early 1980s. In 1987, when incarceration accounted for 53 percent of all sentences, probation made up 9 percent and other sentences, 38 percent.

For convictions resulting from DEA drug arrests in Illinois, imprisonment has been by far the most common sentence throughout the 1980s (DRUGS 3-10).⁸ In Illinois in 1987, for example, 74 percent of the sentences imposed as a result of DEA-initiated drug convictions involved

DRUGS 3-7

Some serious drug crimes carry special sentences and fines.

Offense	Incarceration	Fine
Class X felony		
Manuf./deliv./controlled substances	6-30 years For heroin, cocaine, morphine, LSD: ≥100, <400 grams — 9-40 years ≥400, <900 grams — 12-50 years 900+ grams — 15-60 years	Up to \$500,000 For these convictions, fines may be an amount up to street value of the drugs seized
Class 1 felony		
Manuf./deliv./controlled substances	4-15 years	Up to \$250,000
Possession/controlled substances	4-15 years	Up to \$200,000
	For heroin, cocaine, morphine, LSD: ≥100, <400 grams — 6-30 years ≥400, <900 grams — 8-40 years 900+ grams — 10-50 years	For these convictions, fines may be an amount up to street value of the drugs seized
Class 2 felony		
Manuf./deliv./controlled substances	3-7 years	Up to \$200,000
Manuf./delivery/cannabis	3-7 years	Up to \$100,000
Production, possess./cannabis plants	3-7 years	Up to \$100,000 Plus cost of investigation and eradication
Class 3 felony		
Manuf./deliv./controlled substances	2-5 years	Fines are as follows: Non-narcotic Sched. I, II — up to \$150,000 Schedule III — up to \$125,000 Schedule IV — up to \$100,000 Schedule V — up to \$75,000
Manuf./delivery/cannabis	2-5 years	Up to \$50,000
Production, possess./cannabis	2-5 years	Up to \$10,000
Class 4 felony		
Possess./controlled substances	1-3 years	Up to \$15,000
Manuf./delivery/cannabis	1-3 years	Up to \$10,000
Production, possess./cannabis	1-3 years	Up to \$10,000

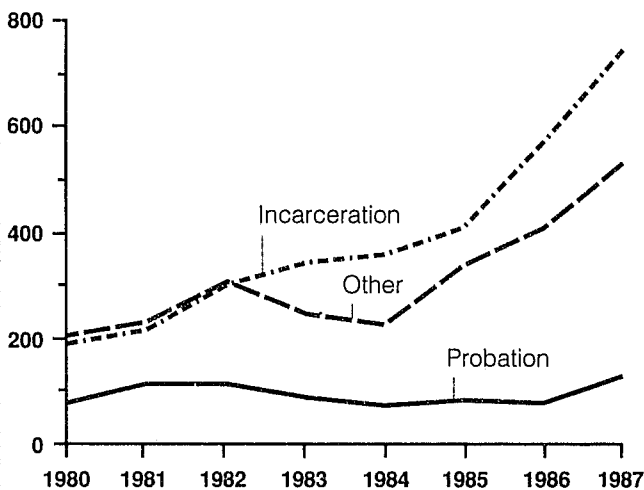
Note: Upon conviction for most Class 1-4 felony drug offenses, a sentence of probation may be imposed, usually for a first offense. Fines imposed for drug offenses are not less than the full street value of the drugs (Ill.Rev.Stat., ch. 38, par. 1005-9-1.1). See page 84 for more on charging decisions in drug cases.

Source: Ill.Rev.Stat., ch. 38, par. 1005-8-1, 9-1; ch. 56 1/2, par. 704, 705, 708, 1401, 1402

DRUGS 3-8

ISP-initiated drug convictions leading to incarceration nearly quadrupled in the 1980s.

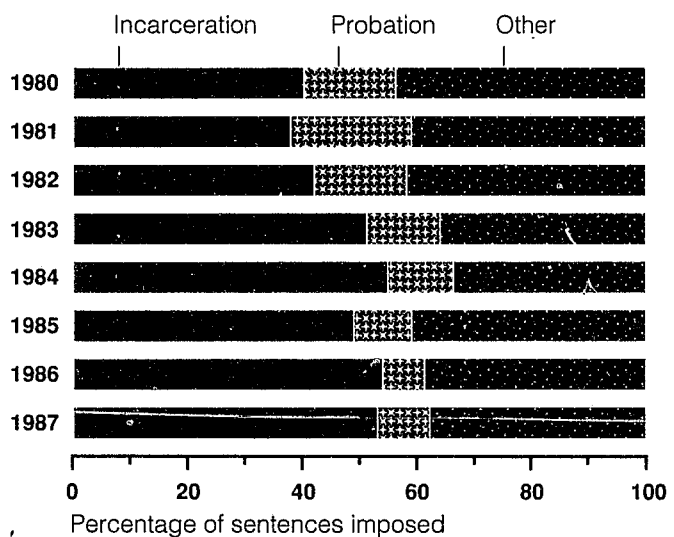
Drug charges resulting in conviction



Source: Illinois State Police

DRUGS 3-9

Incarceration accounts for half of the sentences imposed for ISP-initiated drug convictions.

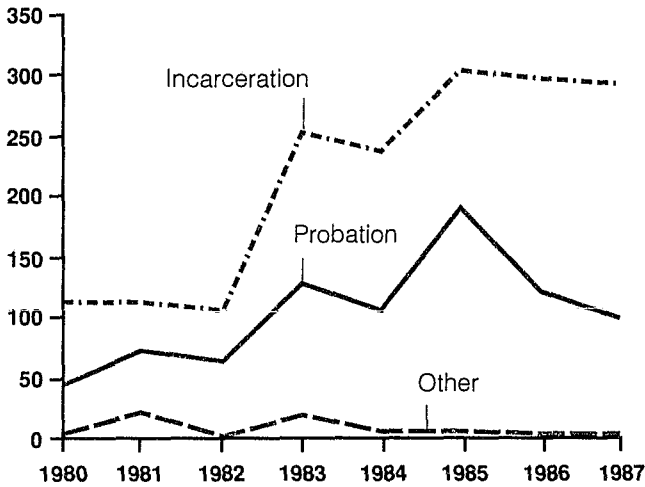


Source: Illinois State Police

DRUGS 3-10

Most DEA-initiated drug convictions in Illinois result in prison sentences.

Drug defendants convicted



Source: U.S. Drug Enforcement Administration

incarceration; 25 percent, probation; and 1 percent, other sentences. Sentences of imprisonment increased sharply in 1983 and again in 1985, and have been relatively stable since then. Sentences of probation generally increased between 1980 and 1985, but have decreased since then.

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

The length of the average sentence imposed on felony drug offenders committed to the Illinois Department of Corrections has increased slightly, but steadily, in recent years.⁹ From 3.4 years in 1983, the average sentence grew to 4.2 years in 1987, a 24-percent increase.

Most of this increase occurred among sentences for Class X and Class 1 felony drug offenders; sentences for Class 2 through Class 4 drug offenders have generally remained stable in recent years (DRUGS 3-11). For Class X drug offenders, the average prison sentence imposed in 1987 was 7.7 years, up from 7.1 years in both 1983 and 1986. For Class 1 offenders, the 1987 average sentence of 5.1 years was 19 percent higher than the 1986 average of 4.3 years, and 31 percent higher than the 1983 average of 3.9 years. In every year between 1983 and 1987, the average prison sentences

imposed for other drug felonies stayed at or near the same levels: 3.8 years for Class 2 offenders, 2.8 years for Class 3, and 1.8 years for Class 4.

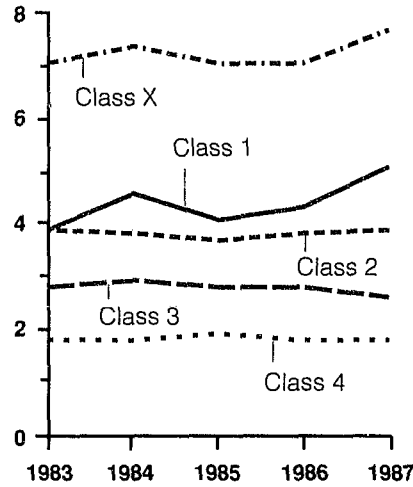
Average sentences imposed for federal drug offenses have also risen in recent years, both in Illinois and throughout the country. Among federal offenders nationwide sentenced to determinate periods of incarceration for drug crimes, average sentences increased from 3.8 years in 1980 to 4.5 years in 1983 and 5.1 years in 1986—an overall increase of 34 percent.¹⁰ The median length of federal prison sentences increased 17 percent during this seven-year period, from 3 years to 3.5 years.

Among drug offenders arrested by the DEA in Illinois and subsequently sentenced to prison, average sentence lengths have increased sharply since 1985, after generally fluctuating during the first half of the 1980s. In 1987, the average prison sentence imposed on DEA-arrested drug offenders in Illinois was 75 months (about 6.2 years). Since 1985, the sharpest increase in sentence lengths has occurred among convicted heroin offenders; after decreasing from 1982 (84 months) through 1985 (60 months), their average sentence lengths shot up to 96 months in 1987 (DRUGS 3-12). Sentence lengths for cocaine offend-

DRUGS 3-11

Sentence lengths for Class X and Class 1 drug offenders have increased in recent years.

Sentence length (years)



Source: Illinois Department of Corrections

ers have also grown since 1985, reaching 70 months in 1987. Sentence lengths for cannabis offenders have been generally lower in recent years—51 months in 1987—than they were between 1981 and 1985.

ARE THERE TREATMENT OPPORTUNITIES FOR DRUG-ABUSING OFFENDERS IN ILLINOIS?

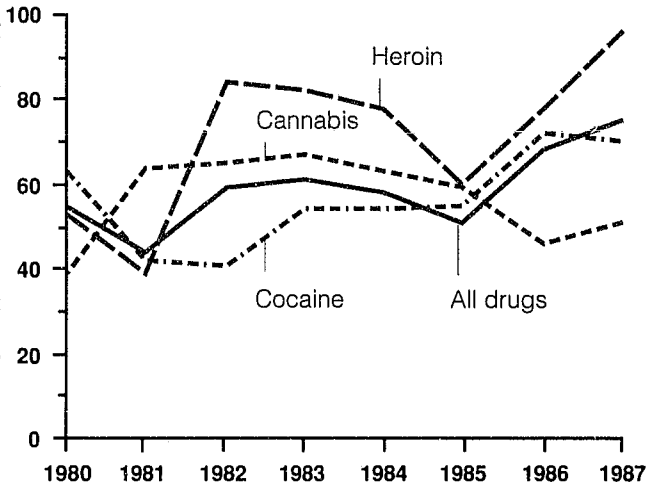
Providing some substance-abusing offenders with community-based treatment opportunities can be advantageous to both the offenders and society for several reasons:

- This approach can reduce criminal justice costs—and therefore community costs as well—by screening out certain offenders who are more apt to respond to treatment programs than to traditional prosecution and sentencing.
- Treatment may offer some offenders a meaningful opportunity to break the cycle of drugs and crime—to change their substance-abusing behavior and their predilection to commit crime.
- Treatment alternatives may even promote community protection by providing substance-abusing offenders with closer supervision than they may otherwise receive through regular probation or other sentencing alternatives besides prison.

DRUGS 3-12

Sentence lengths for DEA-initiated drug convictions in Illinois have generally increased since 1985.

Sentence length (months)



Source: U.S. Drug Enforcement Administration

In Illinois, community-based treatment services for drug-abusing offenders are available through the Illinois Department of Alcoholism and Substance Abuse (DASA), which provides a variety of services for alcoholism and drug addiction throughout the state.

WHAT IS THE ROLE OF THE COURTS IN PROVIDING DRUG TREATMENT OPPORTUNITIES?

Some substance abusers convicted of crimes are given the choice of obtaining drug treatment under Article X of the Alcoholism and Other Drug Dependency Act.¹¹ Provided that certain statutory requirements are met,¹² an addict or alcoholic who is convicted of a crime may elect to undergo treatment under the supervision of a licensed program designated by DASA.¹³ If an offender chooses treatment, a court-ordered examination is performed by a designated program to determine whether the offender is indeed an addict and whether or not rehabilitation through treatment is likely.

If the court finds that the offender is eligible for treatment and—on the basis of the examination—likely to be rehabilitated, the court may impose a sentence of probation, with treatment as a condition. In state fiscal year 1988, the courts sentenced 1,082 adult offenders to drug treatment under Article X.¹⁴ Courts may

also sentence substance-abusing offenders to undergo treatment as a condition of probation or supervision under Chapter 38 of the Illinois Revised Statutes.

WHAT IS TASC AND HOW DOES IT WORK?

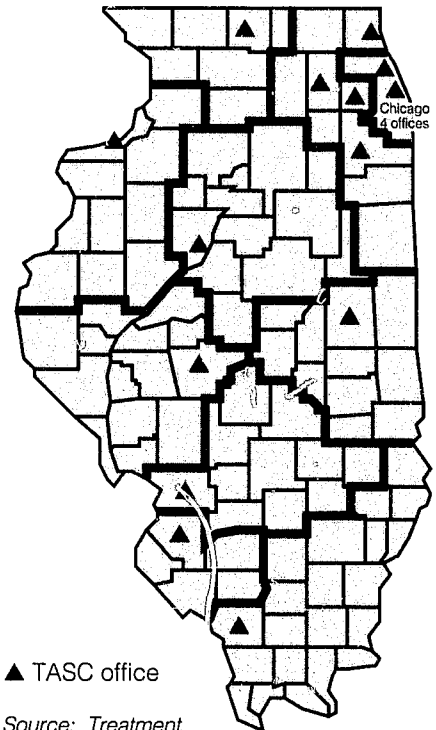
Substance-abusing offenders who elect treatment under Article X are sentenced to probation by the courts with the condition that they participate in treatment programs monitored by TASC (Treatment Alternatives for Special Clients—formerly Treatment Alternatives to Street Crimes), a non-profit agency that serves as a liaison among the criminal justice system, substance-abusing offenders sentenced under Article X, and the state's network of treatment programs. TASC is the only agency in Illinois meeting statutory requirements and designated by DASA to assess, place, and monitor substance-abusing offenders sentenced under Article X.

Begun in 1976 as a demonstration project for opiate abusers in Cook County, TASC has grown to include services for all types of drug-abusing adults who are under the jurisdiction of Illinois' courts, and programming for other special populations.¹⁵ The agency has 17 offices in its 10 areas, which cover the state's 22 judicial circuits (DRUGS 3-13).

TASC's goals are to identify substance-

DRUGS 3-13

TASC has 17 offices in its 10 areas, which cover the state's 22 judicial circuits.



Source: Treatment Alternatives for Special Clients

abusing offenders entering the criminal justice system, to evaluate eligible offenders and refer those found acceptable to appropriate treatment programs under Article X by order of the court, to monitor the offenders' performance, and to report back to the criminal justice system on their progress. TASC also provides services to some of the substance-abusing offenders sentenced to undergo treatment under Chapter 38. Here is how the TASC process works:

1. TASC court services personnel interview every offender who is referred to them by the courts, a defense attorney or public defender, a family member, or the offender. The interview, along with a review of the offender's criminal history record and other background information, determines whether the offender is an addict and likely to be rehabilitated.¹⁶
2. TASC presents the findings of its interview to the court, along with a recommendation of whether treatment is appropriate and, if so, the type of treatment. The judge then makes the final

determination on sentencing.

3. Offenders sentenced to TASC-monitored treatment as a condition of probation are placed in an appropriate treatment program. Offenders in treatment are monitored by TASC through personal contact between the offender and the treatment center staff. TASC then submits monthly progress reports to

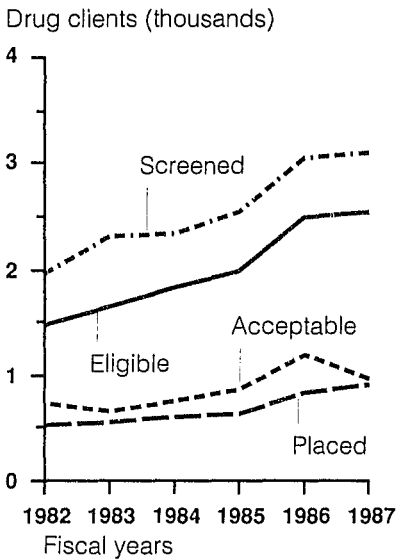
the court, to the offenders' probation officers, and to any other authorized criminal justice personnel. All probationers in TASC-monitored treatment are still supervised by a regular probation officer, in addition to TASC personnel.

4. One serious violation of the regulations, such as arrest for a drug, DUI, or violent offense, or three less serious violations, such as missing scheduled appointments, may result in an offender's expulsion from the program. These offenders may be resentenced, possibly to prison.

monitored treatment every year, concurrent increases in the number of people screened, found eligible, and accepted for treatment have resulted in a sharp rise in the number of people awaiting placement in TASC-monitored programs (DRUGS 3-15). Excluding DUI offenders, 67 people were on TASC's waiting list in February 1982, 119 in February 1985. Over the next year, the waiting list more than doubled, reaching 247 in February 1986, and then climbing to 275 in February 1988.

DRUGS 3-14

TASC is screening, and placing, an increasing number of drug-abusing offenders.



Source: *Treatment Alternatives for Special Clients*

HOW MANY TASC CLIENTS ARE PLACED IN TREATMENT?

The number of substance-abusing offenders handled by TASC has increased steadily since the early 1980s. Between fiscal 1982 and 1987, the number of drug-abusing offenders screened by TASC increased 58 percent. This increase in screenings has led to increases in the number of offenders found eligible, accepted, and actually placed in treatment. During the same period, the number found eligible for treatment increased 73 percent; the number accepted, 33 percent; and the number actually placed in treatment, 70 percent (DRUGS 3-14).

But despite the fact that more drug-abusing offenders are being placed in TASC-

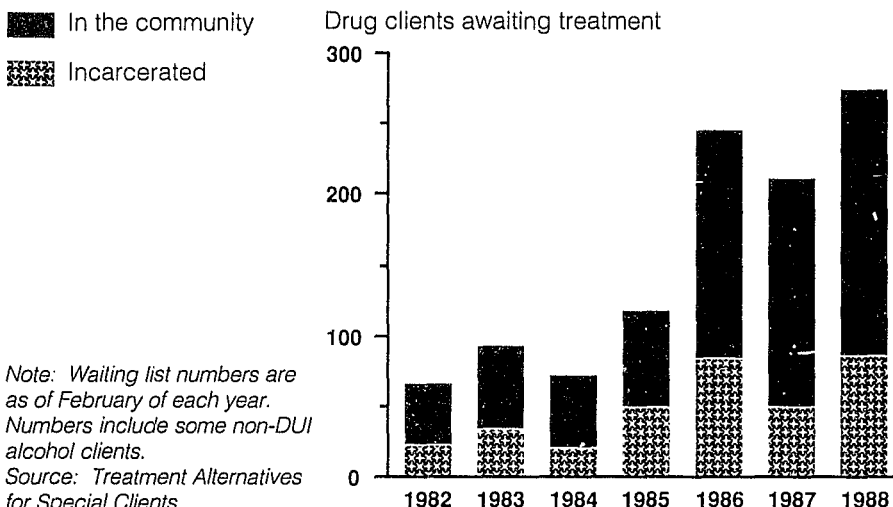
The lack of treatment facilities is not just a Chicago-area problem, but a statewide concern. Of the 275 substance-abusing offenders awaiting placement in TASC-monitored programs in February 1988, 128 were from Cook and the collar counties and 147 were from the remainder of the state.

Shortages of treatment facilities can affect not only individual offenders, but also correctional crowding and public safety. Of the same 275 offenders awaiting TASC-monitored treatment in February 1988, 86 were ordered incarcerated by judges until treatment spaces became available. The remaining 189 offenders were being monitored by TASC in the community pending placement in a drug treatment program.

Thus, while the number of substance-abusing offenders receiving community-based drug treatment is increasing, the demand for treatment resources is far from being met.¹⁷ The limited treatment resources available to substance-abusing offenders in Illinois are a source of increasing frustration for trial court judges statewide.

DRUGS 3-15

TASC's waiting list for drug-abusing offenders seeking treatment more than doubled between 1985 and 1988.



Note: Waiting list numbers are as of February of each year. Numbers include some non-DUI alcohol clients.
Source: *Treatment Alternatives for Special Clients*

WHAT ARE THE DEMOGRAPHIC AND CRIMINAL HISTORY PROFILES OF TASC CLIENTS?

The typical drug-abusing offender handled by TASC is a white male, aged 30 or younger, who has been arrested for burglary or another property crime. Most TASC clients have been arrested and convicted before—again, usually for some type of property crime—and are currently abusing cocaine or opiates.

The demographic makeup of TASC drug

DRUGS 3-16

Half of TASC's drug clients in fiscal year 1987 were charged with burglary or another property crime.

Primary charges against TASC drug clients in fiscal 1987:

Charge	Number of drug clients
Burglary	301 (33%)
Other property	182 (20%)
Drug crimes	131 (14%)
Robbery	30 (3%)
Other lesser	128 (14%)
Other	138 (15%)
Total	910

Note: Percentages do not add up to 100 because of rounding.

Source: Treatment Alternatives for Special Clients

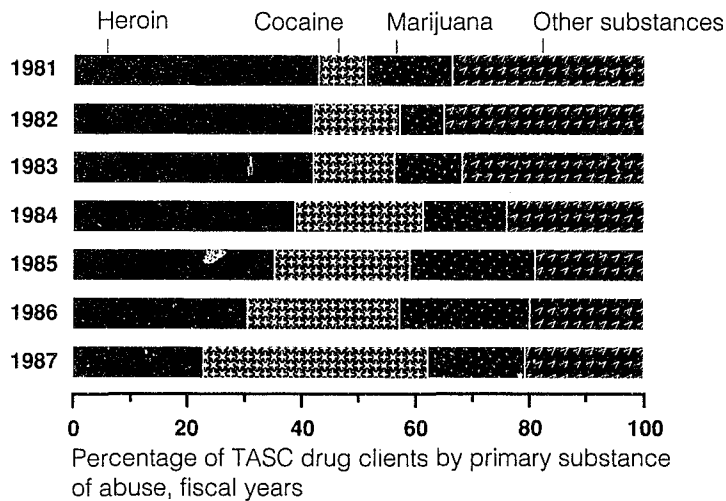
clients has changed little during the 1980s. In fiscal year 1987, as in previous years, males outnumbered females by approximately 6-to-1.¹⁸ That same year, 55 percent of the clients were white (a slight increase from fiscal 1981); 38 percent, black; and 6 percent, Hispanic. Nearly three-quarters of the TASC drug clients in fiscal 1987 were aged 17 to 30. Since fiscal 1981, the age breakdown has changed only slightly: a gradual increase in the proportion of clients in the youngest age group, 17 to 20, has been coupled with a similar percentage decrease of 21- to 25-year-olds.

In fiscal 1987, one-third of TASC's drug clients had been charged with burglary and 20 percent with other property crimes (DRUGS 3-16).¹⁹ These percentages were about the same for the entire period from fiscal 1981 through fiscal 1987. Fourteen percent of the TASC clients in fiscal 1987 were facing drug charges, a sharp drop from fiscal 1981 (21 percent) and fiscal 1982 (28 percent). The percentage of TASC clients accused of robbery has not exceeded 3 percent in any one year.

The use of cocaine among TASC drug clients has grown steadily over the years. Cocaine was the primary substance of abuse among 8 percent of the clients in fiscal 1981, but among 27 percent in fiscal 1986 (DRUGS 3-17). The next year, the

DRUGS 3-17

In 1987, more TASC drug clients were primarily abusing cocaine than any other drug.



Source: Treatment Alternatives for Special Clients

percentage of TASC clients primarily abusing cocaine rose sharply again, to 39 percent, making fiscal 1987 the first year in which heroin did not constitute the most abused drug among TASC clients.

The proportion of TASC clients primarily abusing heroin decreased from 43 percent in fiscal 1981 to 23 percent in fiscal 1987. The percentage primarily abusing marijuana, generally the third largest category, fluctuated between 8 percent and 23 percent a year. During this same period, there were decreases in the percentage primarily abusing other substances.

Many TASC clients abuse more than one drug. In fiscal 1987, 83.5 percent reported a secondary substance of abuse. Thirty-six percent reported alcohol as a secondary substance of abuse, 19 percent reported marijuana, and 18 percent cocaine. Poly-drug use is an important consideration for both treatment and criminal justice professionals, since research has shown it to be closely associated with repeat criminal activity.²⁰

HOW ARE PROBATION DEPARTMENTS INVOLVED WITH SUBSTANCE-ABUSING OFFENDERS?

While TASC plays an important role in linking the criminal justice system, the substance-abusing offender, and treat-

ment facilities, the overwhelming majority of substance-abusing offenders on probation in the state are not covered by Article X, but are placed instead on ordinary probation caseloads without the involvement of TASC. The Administrative Office of the Illinois Courts (AOIC) estimates that for every one substance-abusing offender in a TASC-monitored treatment program, 17 are on probation but not participating in TASC.

Although statistics on the number of substance abusers sentenced to probation annually in Illinois are not available, a study conducted by AOIC in December 1988 reveals the incidence of substance abuse within the current population of adult probationers.²¹

Of the nearly 50,000 adult probationers in Illinois in December 1988, approximately 20 percent were sentenced for drug offenses. And while approximately 15 percent of all probationers statewide had drug treatment as a special condition of their sentences, AOIC estimates that more than one-third were actually in need of drug treatment (DRUGS 3-18). Regardless of whether or not they are required to undergo treatment or whether or not they are participating in a TASC program, all of these substance abusers are managed by probation officers, who are ultimately responsible for seeing that

More than one-third of all adult probationers in Illinois are estimated to be in need of drug treatment.

Number of adults on probation (December 1988 survey)	49,823	
Number sentenced to probation for drug offenses	10,209	(20.5%)
Number of probationers with special conditions for drug treatment	7,531	(15.1%)
Estimated number of probationers in need of drug treatment	17,206	(34.5%)

Source: Administrative Office of the Illinois Courts (Probation Division)

the conditions of their court-ordered sentences are met.

HOW SUCCESSFUL IS TREATMENT FOR DRUG-ABUSING OFFENDERS?

The overall success of treatment for substance-abusing offenders cannot be accurately measured by simply counting the number of clients who successfully complete individual treatment programs. Treatment, after all, is "simply the clinical

event which initiates the ongoing, more complex cultural process of recovery."²² Recovery is a life-long process—a process that usually includes several relapses of drug use—and for many substance abusers, the passage of time is a necessary element in their recovery.²³

Treatment has been found both to foster long-range improvements in substance abusers and to produce short-term benefits as well.²⁴ For example, the level of drug abuse and crime by persons in

The Data

Just as there are limited data about the filing of drug cases in Illinois, there is no statewide, central repository for information about the dispositions of drug cases and the sentences imposed for drug convictions.

Although felony disposition and sentencing data are available on a statewide basis from the Administrative Office of the Illinois Courts (AOIC), the information is not available for specific offense types.³⁰ Thus, dispositions and sentences in drug cases cannot be identified using these data. And although statistics on drug cases may be recorded in some form at the local level, availability is problematic.

To achieve a general understanding of trends in drug disposition and sentence types in Illinois, information was obtained from various law enforcement agencies that maintain court-related statistics

concerning their arrests—the Illinois State Police (ISP) and the drug enforcement task forces, the metropolitan enforcement groups (MEGs), and the U.S. Drug Enforcement Administration (DEA).³¹ Although these agencies are involved in drug enforcement across the state, the court cases initiated by their arrests are not necessarily representative of all drug cases in Illinois. Several cautions regarding their data should be kept in mind.

First, the information reported by these agencies represents only a portion of all drug dispositions and sentences in Illinois. Second, since these agencies generally are involved in major drug cases, disposition and sentencing trends based on their data most likely reflect the handling of more serious drug offenders. Finally, because of counting differences between agencies—disposition and sen-

treatment is substantially lower than among substance abusers who are not in treatment.²⁵ And while not all people who successfully complete treatment programs remain free of drugs or crime for the rest of their lives, their levels of drug use and crime during periods of relapses are still lower than both their own pre-treatment levels and the levels of people who never received treatment in the first place.²⁶

Numerous factors, including many related to family, community, and cultural relationships, have been linked with treatment outcomes.²⁷ Recently, researchers have begun to pinpoint some criminal justice-related factors that influence the success of treatment programs. It has been found, for example, that persons entering drug treatment as a result of criminal justice referrals tend to be more successful than those who enter voluntarily.²⁸ Criminal justice referrals do better primarily because they tend to stay in treatment longer, which tends to reduce criminality.²⁹ Referrals also provide some drug abusers with the external pressure they need to seek out, remain in, and benefit from treatment.

tencing data reported by ISP and the task forces are based on charges, while statistics reported by the MEGs and the DEA are based on defendants—their data should not be directly compared or aggregated.

Information on length of prison sentences for drug offenders in Illinois is more readily available. Data obtained from the Illinois Department of Corrections reflect every offender in the state admitted to prison for a drug holding offense. Information on the length of sentences for federal drug offenders was obtained from the federal Bureau of Justice Statistics and the DEA.

Information on substance-abusing offenders and drug treatment were obtained from Treatment Alternatives for Special Clients (TASC, formerly Treatment Alternatives to Street Crimes) and AOIC's Probation Division.

Notes

¹ For the sake of simplicity, ISP and drug enforcement task force statistics are referred to as simply "ISP arrests," "ISP-initiated charges," or "ISP-initiated convictions."

² Dismissals may occur for a variety of reasons, and some are administrative in nature and do not involve final dispositions. For example, if a state's attorney decides to consolidate several cases, each with one defendant, into a single case with several defendants, the charges contained in the original cases may be counted as being dismissed. In addition, some charges originating from an information may be dismissed because more serious charges against the defendant are later contained in a grand jury indictment.

³ Conviction statistics reported by ISP should not be compared with those reported by MEGs or the DEA. ISP conviction statistics count charges, while MEG and DEA convictions count defendants. The two are not comparable because a single defendant may face more than one charge.

⁴ "Delivery" includes manufacture, intent to deliver, conspiracy, and other drug trafficking activities, as well as actual delivery of drugs.

⁵ Because ISP conviction statistics count charges and DEA conviction statistics count defendants, comparisons between the two should not be made.

⁶ Other dangerous drugs include hallucinogens, stimulants, depressants, and various other narcotics and illegal substances.

⁷ Since conviction on a particular drug charge can result in a sentence involving more than one sanction—such as incarceration plus a fine—the sentences imposed for ISP-initiated drug convictions were classified according to the most serious sanction involved. Incarceration sentences were defined as any sentence involving incarceration, probation sentences as any involving probation but not incarceration, and other sentences as any not involving incarceration or probation (such as a fine plus community service).

⁸ Because the sentence imposed on a convicted defendant can involve a combination of sanctions, the sentences imposed for DEA-initiated drug convictions were classified according to the most serious sanction involved.

⁹ Statistics on average sentence lengths cover criminals whose *holding offenses* were felony drug crimes. A holding offense is the charge on which the offender is convicted and held in prison. When there are multiple charges, the holding offense is the one that holds the offender in prison for the longest period of time.

¹⁰ These sentences of incarceration may be either alone or in combination with other sentences such as probation or fines. *Drug Law Violators, 1980-86* (Washington, D.C.: U.S. Bureau of Justice Statistics, 1988), p. 6.

¹¹ Ill.Rev.Stat., ch. 111 1/2, par. 6351-6361-3.

¹² An addict or alcoholic who is convicted of a crime may elect treatment unless (1) the offender has committed a violent crime; (2) the crime is a violation of Section 401, 402(a), 405, or 407 of the Illinois Controlled Substances Act or Section 4(d), 4(e), 5(d), 5(e), 7, or 9 of the Cannabis Control Act; (3) the offender has a record of two or more convictions of a violent crime; (4) other criminal felony proceedings are pending against the offender; (5) the offender is on probation or parole and the appropriate parole or probation authority does not consent to treatment; (6) the offender chose and was admitted to a designated program on two prior occasions within a two-year period; or (7) the offender has been convicted of residential burglary and has a record of one or more felony convictions.

¹³ Under Article X, courts may also certify an offender for treatment regardless of the offender's wishes.

¹⁴ Article X cases are commonly referred to as Chapter 111 1/2 cases.

¹⁵ TASC also serves substance-abusing

juveniles, adult alcoholic offenders, individuals charged with driving under the influence of alcohol or drugs, domestic violence offenders, and substance-abusing general assistance recipients. TASC also provides AIDS risk reduction education for substance-abusing offenders and female prostitutes.

¹⁶ State law makes certain serious or repeat offenders ineligible for TASC-monitored treatment programs (Ill.Rev.Stat., ch. 111 1/2, par. 6319). Also, TASC will accept only offenders who are truly addicted (not casual substance users), where there is a high likelihood of rehabilitation.

¹⁷ See also *Data Report: The Alcoholism and Other Drug Abuse Services System in Illinois* (Springfield, Ill.: Department of Alcoholism and Substance Abuse, 1988).

¹⁸ TASC's fiscal year is the same as the state's—July 1 through June 30 (fiscal 1987, for example, ran from July 1, 1986, through June 30, 1987).

¹⁹ In the figure DRUGS 3-16, "other property crimes" are primarily felony or misdemeanor thefts; "other lesser crimes" include contributing to the delinquency of a minor, criminal damage to property, deceptive practices, and intimidation. The "other" category includes probation violations or those cases where charge information is missing or unknown.

²⁰ *The Washington, D.C., Urine Testing Program for Arrestees and Defendants Awaiting Trial: A Summary of Interim Findings* (Washington, D.C.: D.C. Pretrial Services Agency, 1986). Also see Eric Wish, Elizabeth Brady, and Mary Cuadrado, *Urine Testing of Arrestees: Findings from Manhattan* (New York: Narcotic and Drug Research, Inc., 1986).

²¹ Data were submitted to AOIC by adult probation departments in 96 of Illinois' 102 counties. The study caseload data represent approximately 98.8 percent of the adult probation population under active supervision at that time. Gallatin, Hamilton, Hardin, Marshall, Putnam, and

Stark counties did not submit data to the study.

²² *The White House Conference for a Drug Free America: Final Report* (Washington, D.C.: U.S. Government Printing Office, 1988), p. 71.

²³ Edward C. Senay, "Clinical Implications of Drug Abuse Treatment Outcome Research," *Drug Abuse Treatment Evaluation: Strategies, Progress, and Prospects* (Washington, D.C.: National Institute on Drug Abuse, Research Monograph Series 51, 1984).

²⁴ M. Douglas Anglin and William H. McGlothlin, "Outcome of Narcotic Addict Treatment in California," *Drug Abuse Treatment Evaluation: Strategies, Progress, and Prospects* (Washington, D.C.: National Institute on Drug Abuse, Research Monograph Series 51, 1984).

²⁵ M. Douglas Anglin and George Speckart, "Narcotics Use and Crime: A Multisample, Multiperiod Analysis," *Criminology* (vol. 26, no. 2, May 1988).

²⁶ Harry K. Wexler, Douglas S. Lipton, and Bruce D. Johnson, "A Criminal Justice System Strategy for Treating Cocaine-Heroin Abusing Offenders in Custody," *Issues and Practices in Criminal Justice* (Washington, D.C.: National Institute of Justice, 1988).

²⁷ Jacqueline P. Ludford, "Progress in the Development of Cost-Effective Treatment for Drug Abusers," (Washington, D.C.: National Institute on Drug Abuse, Research Monograph Series 58, 1985).

²⁸ George Deleon, *Legal Pressure in Therapeutic Communities* (New York: Phoenix House, 1988); *Compulsory Treatment: A Review of Findings* (Washington, D.C.: National Institute on Drug Abuse, 1988), proceedings of 1987 meeting on drug treatment.

²⁹ Deleon, 1988; D. Dwayne Simpson, "National Treatment System Evaluation Based on the Drug Abuse Reporting Program (DARP) Followup Research," *Drug Abuse Treatment Evaluation: Strategies, Progress, and Prospects* (Washington, D.C.: National Institute on Drug Abuse, Research Monograph Series 51, 1984).

³⁰ Felony disposition and sentencing data reported by AOIC can be broken down by felony class only.

³¹ ISP and drug enforcement task force data were provided by ISP from their statewide Statistical Drug Database. MEG data were obtained from the MEGs operation and fiscal reports to the Illinois General Assembly (Springfield, Ill.: Illinois State Police, 1979-1987). DEA data were obtained from the DEA's computerized Defendant Statistical System.

DUI and the Courts

The "adjudication" of DUI cases in Illinois really involves two parallel processes: (1) administrative actions affecting the suspect's driving privileges and (2) court actions involving the trying of suspects—and the punishment and treatment of those who are convicted.

HOW ARE DRIVING PRIVILEGES AFFECTED BY A DUI ARREST?

Whenever an arrested driver either fails a chemical test or refuses to submit to one, his or her driving privileges are summarily suspended under state law, unless the suspension is successfully challenged in court (see below). A first offender who submits to a chemical test and registers a blood alcohol concentration (BAC) of .10 or greater automatically receives a three-month suspension of his or her driver's license. Refusal by a first offender to submit to a chemical test results in an automatic six-month suspension. Repeat offenders face a 12-month suspension in either case. These suspensions occur regardless of what happens to the offenders' criminal cases in court.

The officer making a DUI arrest gives notice of the summary suspension, confiscates the offender's driver's license, and issues the driver a temporary receipt to drive, which is valid for 45 days. The arresting officer then reports the arrest to the Circuit Court and the Illinois Secretary of State's Office. Unless the suspension is successfully challenged in the meantime, driving privileges are automatically suspended on the 46th day after the notice is given and the temporary receipt is issued by the arresting officer.

The driver may request a judicial hearing to challenge a summary suspension. The hearing must be conducted within 30 days of the request or on the first court date scheduled for consideration of the criminal charge. Legally, only four issues may be considered at the hearing challenging the suspension:

1. Whether the person was properly arrested
2. Whether there were reasonable

grounds to believe the person was driving or in physical control of the vehicle while under the influence of alcohol or drugs at the time of arrest

3. Whether the driver, after being advised of the impending summary suspension, refused to submit to chemical testing

4. Whether the driver, after being advised of the summary suspension, submitted to chemical testing which showed a BAC of .10 or greater

If the court rules in favor of the driver, the summary suspension is rescinded, driving privileges are restored, and the result of the hearing is entered on a copy of the driver's record that is used only by the Secretary of State's Office. (Insurance companies, for example, would not be made aware of the summary suspension.) A successful challenge of a summary suspension, however, is not considered proof of innocence with respect to the criminal charge against the suspect.

In 1987, the Secretary of State's Office issued 51,797 summary suspensions.

CAN PEOPLE ARRESTED FOR DUI RECEIVE TEMPORARY DRIVING PERMITS?

Following a summary suspension, first-time DUI offenders may ask the court to issue a judicial driving permit. Before the court may consider approving a permit, the offender must prove that a hardship would exist if driving privileges were suspended and provide a current professional alcohol and drug evaluation. The evaluation must be made by a program that is licensed by the Illinois Department of Alcoholism and Substance Abuse, in conformance with DASA rules and standards. The evaluation determines the nature and extent of the driver's use of alcohol or drugs.

If a judicial driving permit is issued, it cannot become effective before the 31st day of the suspension. A repeat offender is not eligible for a judicial driving permit but may apply to the Secretary of State's

Office for a restricted driving permit. A person with a restricted driving permit may drive to and from work, medical appointments, or alcohol rehabilitation when no other form of transportation is available. Repeat offenders with a summary suspension may not drive on a restricted driving permit until the 91st day of the suspension.




To obtain a restricted driving permit, motorists must meet certain criteria and appear before a hearing officer in the Secretary of State's Administrative Hearings Department. The offender must prove that a hardship would exist if driving privileges were suspended, provide a current professional drug and alcohol evaluation, and provide proof of remedial education or rehabilitation, when appropriate. The applicant's driving record is carefully reviewed and must indicate the driver would not threaten public safety if granted limited driving privileges.

In addition to the summary suspension process, the Secretary of State's Office has another means of removing dangerous drunken drivers from the road before the adjudicatory hearing: the office may administratively revoke the driver's license of a person charged with DUI who is involved in an accident resulting in a serious injury or a fatality. Driving privileges are revoked only after the office receives substantial evidence from a state's attorney. Administrative revocation is more stringent than a summary suspension, since the minimum revocation period is one year. Administrative revocations, however, may still be appealed through the administrative hearing process.

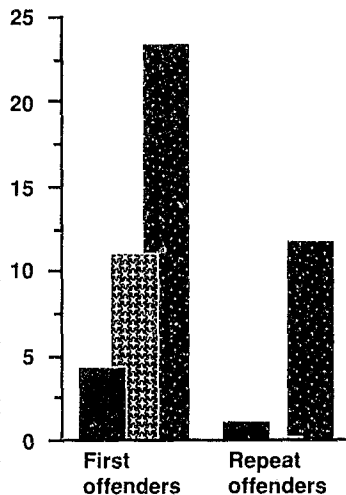
The authority to grant and remove driving privileges in DUI cases is shared by the Secretary of State's Office and the courts. The courts hear challenges to summary suspensions and requests for judicial driving permits, while the Secretary of State's Office hears requests for restricted driving permits, challenges to administrative revocations, and requests for license reinstatements. These current

DUI 3-1

First-time DUI offenders are more likely than repeat offenders to receive temporary driving permits.

-  Suspension rescinded
-  Permit granted
-  No permit

Summary suspensions in 1987 (thousands)



Source: Illinois Secretary of State's Office

divisions of responsibilities may change, however.

In August 1988, Secretary of State Jim Edgar filed a petition with the Illinois Supreme Court seeking recognition of the ability to file appeals in cases involving the issuance of court-ordered judicial driving permits. The petition argues that without such powers, "erroneous circuit court orders would be effectively shielded from appellate review and the Secretary of State will continuously be placed in the position of having to choose between: risking contempt of court or issuing judicial driving permits under circumstances not warranted by the law." The petition cited specific cases where the courts acted erroneously. In one case, for example, the Secretary of State's Office was ordered to issue a judicial driving permit to a driver who was not legally entitled to one because of previous DUI arrests. This petition is still under consideration by the Illinois Supreme Court.

DUI 3-2

Most DUI arrests in 1987 resulted in some form of court supervision.

Disposition	Number
Conviction	13,710 (33%)
Supervision only	4,963 (12%)
Supervision and referral	20,867 (50%)
Other	2,504 (6%)
Total	42,044

Note: This table includes 1987 DUI arrests disposed of as of June 1988. Percentages do not add up to 100 because of rounding. Source: Illinois Secretary of State's Office

HOW MANY DRIVER'S LICENSE SUSPENSIONS ARE RESCINDED?

DUI arrestees who fail or refuse a chemical test may request a judicial hearing to challenge the summary suspension. Although the number of persons requesting such hearings in 1987 is unknown, it is known that 5,446 DUI arrestees, or about 10.5 percent of all such arrestees in 1987, had their suspensions rescinded by the end of the year. The percentage was slightly higher for first offenders (11 percent) than for repeat offenders (8.5 percent).

When arrestees did not have their suspensions rescinded, the likelihood of obtaining a temporary driving permit was largely affected by whether the driver was a first-time or repeat offender (DUI 3-1). Only first-time offenders are eligible for a judicial driving permit, and almost 32 percent of the first-time offenders in 1987 who did not have their suspension rescinded received judicial driving permits by the end of that year. By contrast, of the repeat offenders who did not have their suspension rescinded, only 18 persons (0.1 percent) received a restricted driving permit by the end of the year.

WHAT COURT ACTIONS ARE TAKEN FOLLOWING A DUI ARREST?

In addition to actions taken to suspend or administratively revoke the license of a DUI arrestee, DUI cases may also be prosecuted in the courts like any other offense. If a person is convicted of DUI, his or her driver's license is automatically

revoked for a minimum of one year. The amount of time that driving privileges were lost due to a summary suspension, however, is credited to the revocation period. In addition to these administrative sanctions, a convicted DUI offender is also guilty of a Class A misdemeanor, and may be sentenced to jail for up to one year, fined up to \$1,000, or both. Persons convicted on a second DUI charge within a 20-year period face a minimum three-year license revocation. If the second conviction takes place within a five-year period, the offender is also required to spend a mandatory 48 hours in jail or to perform 10 days of community service.

There are also three aggravating circumstances under which the offense of DUI becomes a Class 4 felony and, as such, results in a minimum six-year license revocation, plus the possibility of imprisonment for one to three years, a fine of up to \$10,000, or both:

- A third or subsequent conviction for DUI
- A DUI violation where the person was driving a school bus with children on board
- A DUI violation involving an accident which resulted in great bodily harm, permanent disability, or disfigurement to another.

HOW MANY PEOPLE ARE CONVICTED OF DRUNKEN DRIVING IN ILLINOIS?

As of June 1988, dispositions were recorded on 42,044 DUI arrests made in Illinois in 1987, or 78 percent of the arrests made that year. Thirty-three percent of the cases that had been disposed of resulted in a conviction (DUI 3-2). Fifty percent of the cases resulted in court supervision in which offenders were referred to remedial education programs—the most common disposition. Another 12 percent resulted in court supervision without referral to a remedial program, and 6 percent resulted in other dispositions—usually convictions on some other charge besides DUI, such as reckless driving.

These percentages are similar to the

1986 year-end dispositions on 1986 arrests. Thirty-two percent of the dispositions on those arrests involved convictions; 46 percent, supervision plus referral; 15 percent, supervision only; and 7 percent, other dispositions.

Although acquittals and dismissals of DUI cases are not expressly reported to the Secretary of State's Office, an estimated number of acquittals and dismissals can be calculated from the number of arrests for which no other disposition was reported. Using this method, the Secretary of State's Office estimates that between 10 percent and 12 percent of the 55,104 Illinois DUI arrests reported to that office in 1986 resulted in acquittal of the defendant or dismissal of the case.¹

One consequence of a DUI conviction is administrative—automatic revocation of the offender's driver's license for a minimum of one year. Between 1981 and 1987, the number of revocations rose 217 percent, from 8,458 to 26,766 (DUI 3-3). There was a 4-percent drop in 1987, which paralleled a 6-percent decline in DUI arrests.

WHAT OTHER OFFENSES ARE ASSOCIATED WITH DRUNKEN DRIVING?

Besides the specific offense of DUI, there are related offenses that carry criminal penalties and, in certain cases, civil liabilities:

■ Vehicular reckless homicide, where the driver was under the influence of alcohol or drugs at the time of the violation, is a Class 3 felony. Class 3 felons can be sentenced to prison for up to five years and fined up to \$10,000.

■ Illegally transporting open liquor in a motor vehicle is a petty offense, and carries a maximum fine of \$500, plus a violation noted on the offender's driving record. A second conviction carries a 12-month license suspension.

■ Providing alcohol to a person under age 21 or knowingly permitting a drunken driver to operate a vehicle are Class A misdemeanors, carrying penalties of up to one year in jail, a fine of up to \$1,000, or both.

■ It is a Class B misdemeanor to allow gatherings of two or more persons at a residence where persons under age 18 are drinking alcohol and where the minors leave in an intoxicated condition. Penalties may amount to 30 days in jail and a \$500 fine.

■ It is a Class C misdemeanor for anyone to knowingly rent a hotel or motel room for use by persons under 21 to consume alcohol. Penalties may amount to 30 days in jail and a \$500 fine.

■ "Dram shop" laws prohibit the provision, delivery, or sale of alcohol by commercial liquor establishments to any minor, intoxicated person, or a person known to be under legal disability or in need of mental treatment. If an accident occurs as a result of alcohol being supplied to a person in one of these categories, the person or owner of the establishment that supplied the alcohol may be held liable in a civil suit. The liability is limited to \$30,000 for accidents involving property damage or personal injury. If a loss of means of support due to death or injury occurs, liability extends up to \$40,000.

HOW ARE DUI OFFENDERS' DRUG AND ALCOHOL PROBLEMS EVALUATED AND TREATED?

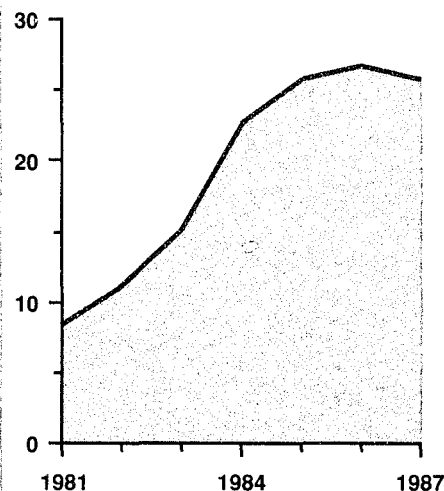
After a finding of guilt, a judge may either convict the DUI offender or else defer further proceedings and place the offender on court supervision. First, however, DUI offenders are required by law to undergo a professional evaluation to determine whether they have an alcohol or drug problem and the extent of that problem. The agencies that carry out these evaluations, as well as the guidelines for the evaluation process, are regulated by the Illinois Department of Alcoholism and Substance Abuse.

The agency selected to perform an evaluation on a DUI offender is usually chosen by the offender. The purpose of this evaluation is to select an appropriate recommendation to the Circuit Court regarding specific intervention services for the DUI offender. An evaluation is also required if the offender wishes to

DUI 3-3

The number of license revocations as a result of DUI convictions more than tripled between 1981 and 1986.

License revocations (thousands)



Note: Chart shows total number of licenses revoked regardless of the year of arrest.
Source: Illinois Secretary of State's Office

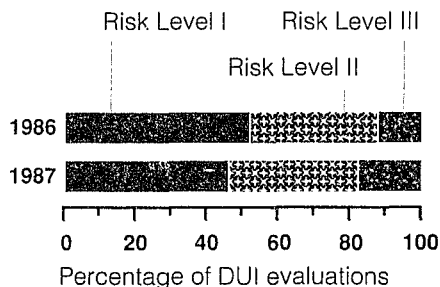
request either a judicial driving permit from the court or a restricted driving permit from the Secretary of State's Office. An offender need be evaluated only once to satisfy all of these requirements, as long as the driving permit is applied for within a reasonable amount of time after the evaluation is made.

The first part of the evaluation consists of an interview with the offender. In the interview, the assessment agency obtains demographic data, the offender's description of his or her own history of alcohol or drug use and its connection to other life problems, history of drunken driving, and history of prior treatment. The second part of the evaluation consists of corroborating the information supplied by the offender in the interview.

Part of this corroboration comes from a more structured interview, the Mortimer/Filkins Test, which is used to evaluate the extent of the offender's alcohol or drug problem. In addition, the evaluator collects information on the offender's driving record, as indicated on a driving abstract from the Secretary of State's Office. The evaluator also reviews the information

DUI 3-4

Approximately half of DUI evaluations performed in 1986 and 1987 resulted in Risk Level I classification.



Source: Illinois Department of Alcoholism and Substance Abuse

contained on the arrest report from the current DUI incident.

Based on the evaluation process, the offender is classified in one of the following levels:

- Level I—Non-problematic use (minimal risk)
- Level II—Problematic use (moderate risk)
- Level II—Problematic use (significant risk)
- Level III—Problematic use, dependent (high risk)

Minimum treatment requirements are established by DASA for each of the four classification levels. Specific treatment plans are devised by the assessment agencies.

Level I clients have no prior convictions or supervisions for DUI, a BAC of less than .20 at the time of arrest, and no other symptoms of alcohol or drug abuse within the past 12 months. They must complete at least 10 hours of alcohol and drug remedial education.

Level II, moderate risk, clients have no prior DUI convictions or supervisions, a BAC of .20 or higher at the time of arrest, and no other symptoms of alcohol or drug abuse within the past 12 months. They must complete at least 10 hours of remedial education, and at least 12 hours of alcohol and drug treatment.

Level II, significant risk, clients have prior DUI convictions or supervisions, a BAC of .20 or higher at the time of the most recent arrest, plus other symptoms of alcohol or drug abuse at the time of the evaluation. Their intervention plan must include at least 10 hours of remedial education, at least 20 hours of outpatient alcohol and drug treatment, and at least 14 hours of follow-up services.

Level III clients must have symptoms of alcohol or drug dependence. They are required to complete at least 75 hours of an intensive outpatient program or 75 hours of a less-intensive treatment program followed by at least 22 hours of follow-up services, or to complete a residential or inpatient program and at least 22 hours of follow-up services.

All alcohol and drug treatment programs for DUI offenders must be licensed by DASA.

The assessment agencies report the results of their evaluations and the treatment recommendations directly to the court. A shorter summary report is used for the hearing in which the offender requests a judicial driving permit. All interventions recommended by the assessment agency are paid for by the offender, unless the offender is indigent. In such cases, fees can be reduced or deferred. Offenders are allowed to choose among various remedial education or treatment providers, based on location, cost, and other factors. In 1988, there were 190 remedial education programs licensed by DASA to serve DUI offenders, as well as 241 licensed outpatient and 66 licensed residential drug and alcohol treatment programs that served Risk Level II and Risk Level III DUI offenders.

HOW MANY DRUNKEN DRIVERS RECEIVE EVALUATIONS FOR THE LEVEL OF RISK THEY POSE?

As of November 1988, there were 256 agencies licensed by DASA to provide alcohol and drug evaluations of DUI offenders following a finding of guilt, as required by law. Statewide, 57,755 DUI evaluations were performed in 1987, up slightly from 56,282 in 1986. Almost 46

percent of the 1987 evaluations resulted in Risk Level I classifications, about 36 percent were classified as Risk Level II, and 18 percent classified as Risk Level III (DUI 3-4). (Prior to July 1, 1988, Risk Level II was not subdivided into "moderate risk" and "significant risk.") These 1987 percentages are somewhat similar to the percentages recorded on 1986 DUI evaluations, except that the percentage made up by Risk Level I decreased slightly (from 52 percent to 46 percent), and Risk Level III increased slightly (from 12 percent to 18 percent), between 1986 and 1987.

The two largest assessment agencies in Illinois are Treatment Alternatives for Special Clients (TASC—formerly Treatment Alternatives to Street Crimes) and Central States Institute (CSI). TASC, a private non-profit organization, performed a total of 3,849 DUI evaluations during fiscal year 1988 on offenders referred from the Circuit courts of Boone, Madison, St. Clair, Sangamon, and Winnebago counties. This total was down 20 percent from the 4,815 DUI offenders evaluated in fiscal year 1987 in the same counties.

In Cook County, CSI, a Catholic Charities agency, provided evaluations of 14,887 DUI offenders in 1987 (which, according to CSI, made up between 80 percent and 85 percent of all evaluations ordered by the Cook County Circuit Court). The 1987 total is down 11 percent from the 16,697 evaluations that CSI performed in 1986.

Interestingly, evaluations by CSI and TASC resulted in risk level percentages that differed significantly both from statewide figures and from each other. During 1987, CSI evaluations resulted in 49 percent at Risk Level I, 42 percent at Risk Level II, and 9 percent at Risk Level III. By contrast, TASC evaluations in fiscal 1988 resulted in 20 percent at Risk Level I, 67 percent at Risk Level II, and 7 percent at Risk Level III (plus 6 percent unknown or missing). This variation may indicate that alcohol-related problems or DUI arrest criteria differ from region to region. It is also possible that, despite the guidelines provided to assessment

agencies by DASA, policy, subjective procedural differences, or both, influence the criteria used in classifying the risk levels of DUI offenders.

In the 2nd Judicial Circuit of Illinois, the Court Services Department handles DUI evaluations because of the insufficient number of private assessment agencies in that region.

HOW ARE DUI CASES MONITORED BY THE COURT?

In Cook County, social caseworkers from the Circuit Court's Social Service Department monitor DUI offenders' compliance with and completion of intervention programs ordered by the court. Outside Cook County, specially designated probation officers generally monitor DUI offenders, even if the offender was placed on court supervision or a conditional discharge rather than being sentenced to probation. In addition, many DUI offenders on court supervision statewide are now receiving services as part of the DUI Specialized Supervision Program that was developed by the Administrative Office of the Illinois Courts. Under this program, specially trained DUI probation officers provide counseling twice as often as is usually provided to supervision cases.

Besides conducting evaluations and making service referrals, TASC is also empowered to monitor cases for the court. For those DUI offenders on probation (an estimated 25 percent of TASC's caseload), case progress is reported to the offender's probation officer as well. TASC does not provide any of the intervention services directly.

In Cook County, DUI offenders who are classified as Risk Level I by CSI are referred to a remedial education program. CSI also monitors these clients' cases and reports their compliance back to the court. These clients are either on conditional discharge or on court supervision during the remedial education.

DUI offenders who are classified as Risk Level II or Risk Level III may still be referred to a remedial education program (as well as to alcohol or drug abuse treatment programs), but are monitored by the Social Service Department of Cook County Circuit Court.

The Social Service Department reports to the court the offender's compliance or non-compliance with each of the treatment requirements specified in the original court order. Any instances of non-compliance can result in a violation of the

offender's court order and, ultimately, in the imposition of a harsher disposition than the one originally imposed.

HOW ARE DUI OFFENDERS' DRIVING PRIVILEGES REINSTATED FOLLOWING REVOCATION?

A driver whose license has been revoked must meet several requirements before his or her driving privileges are reinstated:

- The driver must undergo an alcohol and drug evaluation. If an alcohol or drug problem is indicated, proof of treatment must be submitted.
- An alcohol and drug remedial education program must be completed.
- The driver must appear before a Secretary of State hearing officer. In this hearing, the driver must demonstrate that, if driving privileges were restored, public safety would not be endangered.

If the hearing officer decides in favor of reinstatement, the driver is also required to file proof of financial responsibility, pay a \$60 reinstatement fee, pass the full driver's license examination, and pay the appropriate application fee.

Notes

¹ This methodology can be applied to dispositions of 1986 DUI arrests, but not to 1987 arrests, because a significant percentage of the dispositions on 1987 arrests had not been reported to the Secretary of State's Office at the time this report was published. According to the Secretary of State's Office, however, nearly all of the dispositions on 1986 arrests have been reported.

AIDS and the Courts

The courts are confronted with many of the same issues facing prosecutors about the criminality of exposing someone to AIDS (see page 91). In addition, it is up to the judges in some cases to decide how AIDS should affect the sentencing of convicted offenders. Should offenders be tested for AIDS? Should offenders with AIDS be quarantined in jails and prisons to prevent spread of the human immunodeficiency virus (HIV)? Or, since AIDS is almost invariably fatal, should offenders with AIDS be released to the community both for humane reasons and to reduce the strain on the correctional system? What kind of special procedures, if any, are necessary in the courtroom to handle HIV-positive defendants? What kind of AIDS training is important for courtroom personnel?

WHAT CRIMINAL OFFENDERS ARE TESTED FOR AIDS?

In December 1987, the state began requiring Circuit courts to test convicted sex offenders and persons convicted of illegally distributing or using hypodermic needles or syringes for sexually transmittable diseases, including HIV.¹ Results of each test are returned to the judge who ordered it; dissemination of any information about the test is left up to the judge.

A survey of more than a dozen Illinois counties, however, revealed that while some counties have already begun testing sex and drug offenders, others are still in the process of developing testing protocol. And of the counties surveyed that have conducted tests under the new laws, all but one have tested only sex offenders. In the counties surveyed, all of the offenders have so far tested HIV-negative.

HIV antibody testing of offenders raises a number of issues that have not been addressed by state law. These include matters related to confidentiality and anonymity, proper identification and supervision of the offender being tested, sanctions against offenders who refuse to be tested, who can perform the tests,

procedures for notifying the courts that the tests have been performed, and procedures for delivering the test results to the judge who ordered them. Some criminal justice and medical officials have also expressed concern about the legal and professional ramifications of testing offenders:

- Should pre- and post-test counseling be provided for offenders who test positive, and who should provide it?
- When a judge decides that the victim of a sex offense should know that the offender tests HIV-positive, whose responsibility is it to contact the victim?
- Who counsels victims about test results and their potential implications?
- Once the victim knows the offender has tested HIV-positive, what becomes of the offender's rights to confidentiality?
- Should the victim be required to submit to testing?
- How will counties be reimbursed for performing the tests?

In addition, state law requires only one HIV antibody test to identify an offender as infected with HIV. Antibodies to HIV do not, however, show up in the bloodstream immediately upon infection (see page 20). If an offender had recently become infected, testing, which is required by the law, could miss that fact.

WHAT POLICIES AND PROCEDURES DO COURTS PERSONNEL FOLLOW WITH RESPECT TO AIDS?

In Illinois, controversy over how defendants with AIDS should be handled in court has not yet become a major issue, as it has in some other states. In Alabama, for example, three judges in three separate cases required HIV-infected defendants to enter guilty pleas and receive their sentences over the telephone. The defendant in one of the Alabama cases is appealing the ruling, contending that he was coerced into waiving his appearance before the judge.

And in Maryland, the American Civil Liberties Union is appealing a verdict in a trial in which court personnel wore plastic gloves in dealing with an HIV-infected defendant, contending that the defendant did not receive a fair trial.²

The American Bar Association's criminal justice section has recommended guidelines for courts that discourage differentiation of HIV-infected defendants unless the person is dangerous, an escape risk, or extremely ill.³ Thus far, Illinois courts generally have not developed specific policies or procedures with respect to AIDS. In fact, some officials argue there is no need for courts to develop specific AIDS-related policies and procedures precisely because HIV infection should have no bearing on courtroom protocol.

DO COURTS PERSONNEL IN ILLINOIS RECEIVE AIDS TRAINING?

AIDS training for courts personnel can help them protect themselves and reduce fear in cases where they are aware that a court participant is infected with HIV. In addition, a judge who has received AIDS training can better weigh the merits of charging or sentencing arguments in which AIDS is a factor.

During 1988, staff of the Cook County Probation Department received AIDS training from Treatment Alternatives for Special Clients (TASC—formerly Treatment Alternatives to Street Crimes), a private non-profit social service organization. TASC's training covers both protection from the disease and how probation officers can provide information to their clients about AIDS. TASC also provides AIDS information to all persons who are referred to it by the courts for evaluation and drug treatment.

In addition, Northwestern University, in collaboration with the Circuit Court of Cook County and the Administrative Office of the Illinois Courts, has undertaken a project to evaluate the effectiveness of AIDS education provided to courts personnel.⁴ During the project, probation and court service workers,

judges, and a sample of 100 probationers will be trained in how the HIV virus is transmitted, the availability of medical and social services for persons infected with the virus, and other issues.

HAS AIDS AFFECTED SENTENCING DECISIONS?

It is unclear if AIDS has affected sentencing decisions in Illinois or elsewhere. Some public defenders have argued that HIV-infected defendants who are eligible

might be more likely to receive probation if the court knew they had tested positive for HIV antibodies. This is because judges, knowing that AIDS is almost always fatal, might be more likely to grant early discharges to inmates with AIDS.⁵

The same argument has been made for offenders seeking executive clemency. At least one such clemency petition was filed in Illinois in 1987, but the inmate died before the petition was acted upon.

The Data

There is no way of knowing the HIV antibody status of the thousands of persons who are involved in criminal cases each year in Illinois. Figures on the number of persons convicted for sex and certain drug paraphernalia offenses

might become available in the future, as the law requiring testing of these offenders is used more widely. But the few offenders who have been tested under that law so far have all tested HIV-negative.

Notes

¹ Ill.Rev.Stat., ch. 38, par. 1005-5-3 (h); Ill.Rev.Stat., ch. 38, par. 1005-5-3 (g).

² Ronald Smothers, "AIDS-Infected Defendants Barred from Three Courtrooms in Alabama," *The New York Times* (December 14, 1988), p. 16.

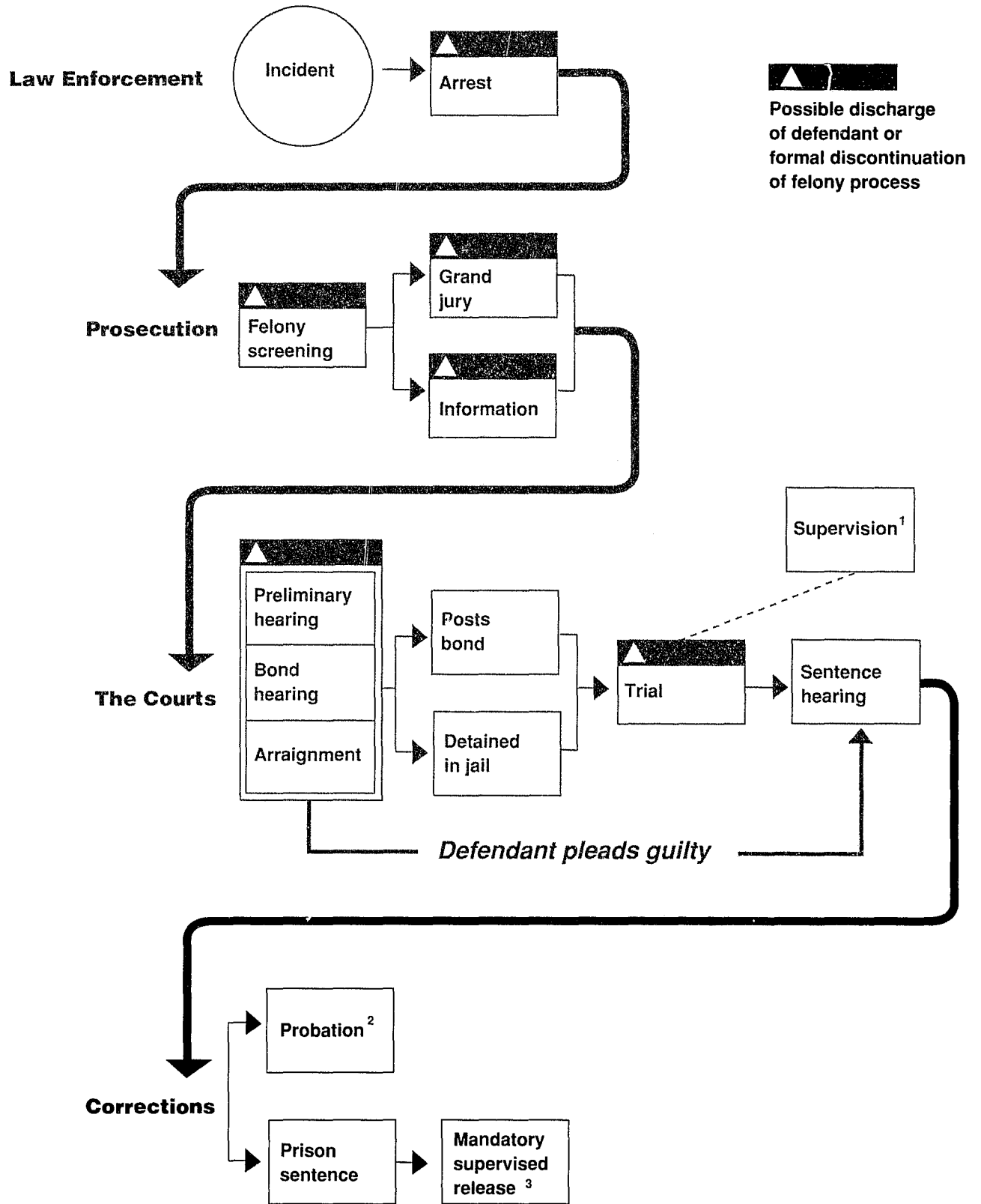
³ Diane Church, American Bar Association (telephone interview, December 15, 1988).

⁴ Dr. Art Lurigio, Research Director at the Circuit Court of Cook County, Adult

Probation Department (telephone interview, July 14, 1988). Dr. Lurigio is an assistant professor of psychology at Northwestern University. The training program, funded by the State Justice Institute, has received the endorsement of the Illinois Supreme Court.

⁵ Judy Bruka, President, Illinois Public Defenders Association (telephone interview, October 11, 1988).

An Overview of Felony Processing in Illinois



¹ After successful completion of court supervision, charges may be dismissed
² Or other form of court supervision, such as conditional discharge
³ Or other conditional release from prison



CORRECTIONS

Overview

Corrections in Illinois is not one unified system, but rather a group of independently operating systems—jails, prisons, probation, and parole. Local, state, and federal jurisdictions overlap one another, but their correctional systems are distinct. Each has problems and priorities of its own. Nevertheless, all correctional systems, to a certain extent, share four goals: retribution, deterrence, incapacitation, and rehabilitation.

- **Retribution.** On an individual level, retribution is vengeance. But sociologists also believe that retribution expresses social condemnation and reinforces the social values the criminal transgressed.¹
- **Deterrence.** General deterrence is punishment that is intended to serve as an example to the public at large, and thus to discourage the commission of crimes. Specific deterrence is punishment intended to discourage individual offenders from repeating their illegal activities.²
- **Incapacitation.** Incapacitation is the physical restraint of individuals to prevent them from committing crimes.
- **Rehabilitation.** Rehabilitation is providing an offender with educational, vocational, or therapeutic treatment, which may enable the person to re-enter society as a productive citizen.

In recent years, there has been a general resurgence of interest in retribution—"just deserts"—as a justification for imposing criminal sanctions.³ This chapter examines trends and issues in how these changes in the attitudes of lawmakers and the public have affected corrections in Illinois.

HOW ARE JAILS ORGANIZED IN ILLINOIS?

In Illinois, as in most of the United States, local and county jails serve two purposes: (1) housing people who have

been arrested for a crime and are awaiting trial and (2) housing offenders who have been convicted of relatively minor offenses. Illinois state prisons, on the other hand, house only offenders sentenced to a year or more of incarceration.

Illinois' jails are organized on both city and county levels. During state fiscal year 1987,⁴ 93 of the state's 102 counties operated county jails. During that year, 285,076 people spent at least one night in one of these county facilities.⁵ Counties with no jails typically have contractual arrangements with nearby counties to house their inmates.

In Illinois, as in much of the nation, county jails are administered by county sheriffs, who are elected to four-year terms. Although there are no statewide standards for jail personnel, Illinois law requires all officers working in jails throughout the state to receive five weeks of correctional officer training within the first six months of their employment.

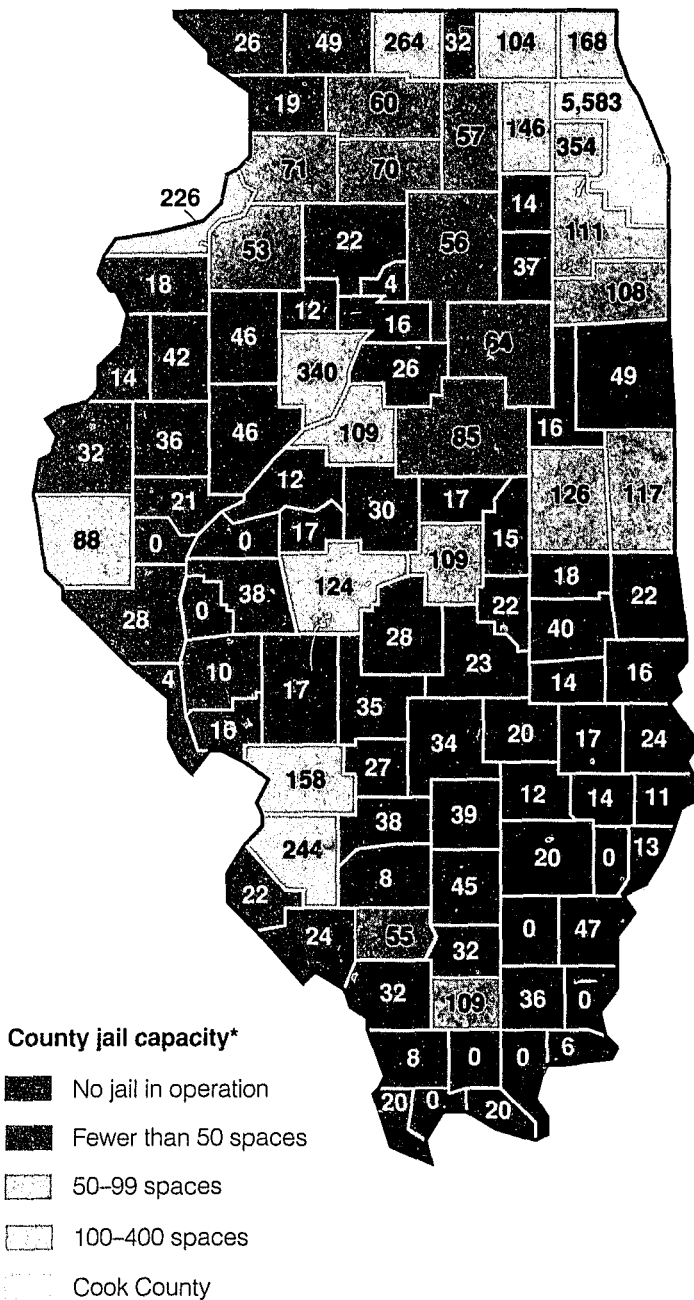
While two out of three jails in the United States were built to hold fewer than 50 inmates, closer to three out of four county jails in Illinois were built that small (Figure 4-1).⁶ Illinois' county jails range in size from those capable of holding just four prisoners to the Cook County Jail, which, with a total capacity of 5,583, is the largest single-site detention facility in the United States.⁷ Eighteen county jails in Illinois have the capacity to hold more than 100 inmates. These counties house 85 percent of the state's jail inmates.

The typical county jail in the United States was built before 1970.⁸ In Illinois, seven currently operating jails were built before 1900, and two of those date back to 1839. The majority of county jails in Illinois were built or renovated during the 1960s and 1970s. Since 1980, more than 30 facilities have been newly built or renovated.

In addition to county jails, there were 263 municipal detention facilities operated by local police departments

Figure 4-1

Almost three out of four county jails in Illinois were built to hold fewer than 50 inmates.



in Illinois at the end of fiscal 1987. During that year, 334,419 individuals were processed through Illinois municipal jails and lockups, with adult males making up 85 percent of that population.⁹

Illinois is also home to one federal jail, the Metropolitan Correctional Center (MCC), a 26-story facility

Figure 4-2

About two-thirds of Illinois' county jails had five or fewer violations of the state's county jail standards.

Violations of the Illinois county jail standards as documented in latest IDOC inspection reports as of March 1988:

Number of violations	Number of jails
None	37
1-5	27
6-10	17
11-15	9
21-40	3

Source: Illinois Department of Corrections (Detention Standards and Services Unit); Illinois Criminal Justice Information Authority

located in downtown Chicago. Opened in 1975, the MCC is one of 47 penal institutions operated by the Federal Bureau of Prisons.

The MCC's inmate population of approximately 550 includes male and female prisoners at all security levels, as well as pretrial and immigration detainees, sentenced and unsentenced individuals en route to federal courts and prisons, and sentenced offenders who constitute a facility work cadre.¹⁰

WHAT ARE THE STANDARDS FOR ILLINOIS JAILS?

Among the responsibilities of the Illinois Department of Corrections (IDOC) is the establishment and enforcement of state standards for the treatment of jail inmates and the physical conditions of county and local jails. There are more than 100 state standards for county jails and 25 state standards for municipal lockups. IDOC's Detention Standards and Services Unit is required by law to inspect all county jails and municipal lockups at least once a year to determine if they meet these state standards. If, for example, a jail fails to separate males from females, juveniles from adults, pretrial detainees from convicted criminals, or convicted misdemeanants from convicted felons, IDOC notifies the county officials that they must comply with state standards within six months. If standards are still being violated at the end of this period, IDOC may then ask the Illinois attorney general to take legal action.

As of March 1988, 37 of the 93 county jails in Illinois were in full compliance with state standards; 27 had from one to five violations (Figure 4-2). The number of physical non-compliances statewide decreased from 271 in fiscal 1986 to 240 in fiscal 1987.¹¹

Some Illinois standards deal with the provision of educational and recreational programs for inmates. In fiscal 1987, 72 of Illinois' 93 county jails provided recreational

programs for inmates, including out-of-cell activities, and 90 furnished library services. Seventy-nine county jails had a work release program. All 93 county jails offered religious services, counseling for family and employment problems, and treatment opportunities and referrals for drug abuse and alcoholism.¹²

WHO IS IN JAIL IN ILLINOIS?

In Illinois, county jails house both pretrial detainees—persons accused but not convicted of crimes—and misdemeanants—convicted offenders serving sentences of less than a year. Jails also temporarily house felons—convicted criminals awaiting transfer to prison or appearing in court on new charges. In addition, felons may serve time in jail as part of periodic imprisonment sentences.

A survey of jails across the country estimates that all U.S. jails held 295,873 inmates on June 30, 1987, a 32-percent increase over the 223,551 reported in a similar survey on June 30, 1983.¹³ The 1983 survey found that 47 percent of those inmates were pretrial detainees and 53 percent were convicted criminals.¹⁴ Ninety-three percent were male, and most were under 30 years of age, unmarried, and had very low incomes. Just over half were white. The average stay in jail was about 11 days.¹⁵

In Illinois, the makeup of county jail inmates generally reflects national patterns, although there are substantial differences in the breakdown of pretrial detainees and convicted offenders. In fiscal 1987, there were 285,076 inmates in county jails in the state. Of this total, 145,663 were in Cook County Jail, and the remainder (139,413) were in county jails in the rest of the state. Of those inmates housed in Cook County Jail, 14 percent were sentenced offenders, 86 percent were pretrial detainees. In the rest of the state, 27 percent of jail inmates were sentenced offenders and 73 percent were pretrial detainees. State-wide, 90 percent of county jail inmates were male. The average number of days served per inmate in Cook County was 14; in the remainder of the state it was nine.¹⁶

Sometimes felons are confined in jails because state prisons are crowded. At the end of 1987, 16 states held a total of 12,220 state prisoners in local jails because of crowding in their prisons.¹⁷ Overall, about 2 percent of the country's state prison population was incarcerated in jails on December 31, 1987, due to prison crowding. In Illinois at the end of 1986, 48 state prisoners were held in local jails because of prison crowding—0.2 percent of all Illinois prisoners at the time.¹⁸ At the end of 1987, no state prisoners were held in local jails in Illinois due to prison crowding.¹⁹

HOW BIG A PROBLEM IS SUICIDE IN ILLINOIS JAILS?

Suicide is the leading cause of death in our nation's jails. In a 1988 study, the National Center on Institutions and

Alternatives projected that the suicide rate in U.S. jails is nine times greater than that of the general population.²⁰

In 1986, Illinois ranked third in the nation in jail suicides with 25.²¹ To put this figure in perspective, there was only one suicide in all of the state prisons in Illinois in fiscal year 1987.²²

HOW ARE INDIVIDUALS RELEASED FROM ILLINOIS JAILS?

Inmates leave jail when they are released, placed on probation, or transferred to another facility. Generally, an inmate is released when, after being detained for trial, he or she is not convicted by the court or when, as a sentenced offender, his or her jail sentence is completed. An offender who is sentenced to a jail term combined with probation reports to a probation officer when released from jail. An offender who has been sentenced to a prison term may spend time in the county jail while waiting for placement at a state correctional facility. In this case, the inmate is transferred directly to the state prison.

In addition, defendants who are in jail awaiting trial may be released upon posting the cash bond set by the court, unless bond has been denied outright or a detainer has been filed by another criminal justice agency. Under certain circumstances, defendants awaiting trial may be released on their own recognizance by the sheriff to relieve jail crowding. For example, the Cook County Jail during 1988 released on their own recognizance more than 21,000 inmates awaiting trial in order to comply with a 1983 federal court order restricting the jail's population.²³

Credit for pretrial days spent in jail may be applied by the judge toward an incarceration sentence imposed upon conviction. In misdemeanor cases, where the sentence cannot exceed a year's incarceration in the county jail,²⁴ the judge may determine that the pretrial time spent in jail by a person unable to post bond satisfies the jail term set upon conviction. Defendants held before trial on bailable offenses may also be allowed a credit of \$5 for each day of incarceration toward any fine levied upon conviction, not to exceed the amount of fine.²⁵

Inmates serving sentences in a county jail are eligible for good-behavior time credits applied against their sentences. Offenders can reduce their sentences by one day for each day they serve in jail, with certain exceptions.²⁶ The jail administrator may also revoke some or all of the time credit allowance earned if an inmate violates the jail's rules of behavior.

HOW ARE STATE PRISONS ORGANIZED IN ILLINOIS?

The Illinois Department of Corrections (IDOC) is responsible for providing for the care, custody, and treatment of all persons sent to state prison, including both newly

sentenced offenders and offenders returned to prison for violating the conditions of their release. IDOC's mission is to protect the public "from criminal offenders through incarceration, supervision, and programs and services designed to return appropriate offenders to the community with skills and attitudes that will help them become useful and productive citizens."²⁷ The department's job is really twofold: to ensure public safety through the incarceration and supervision of offenders, and to meet the basic needs of inmates in its custody.

IDOC is led by the state director of corrections, a cabinet officer appointed by the Governor with the advice and consent of the Illinois Senate. The department is organized into three divisions, three support bureaus, and three advisory boards:

- **Division of Adult Institutions.** Provides custody for, meets the basic needs of, and offers program opportunities to all adults sentenced to prison by the courts and to all violators of release conditions who are returned to prison.
- **Community Services Division.** Monitors those offenders conditionally released from state correctional facilities to ensure the safety of the community and to help former inmates become productive citizens.
- **Juvenile Division.** Provides care, custody, rehabilitative programs, and after-care services for all juveniles committed to IDOC by the courts.
- **Bureau of Administration and Planning.** Oversees the administration, planning, and financial management of the department.
- **Bureau of Inspections and Audits.** Assesses IDOC operations and oversees the department's business practices.
- **Bureau of Employee and Inmate Services.** Handles personnel matters, labor relations, affirmative action issues, inmate and employee grievances, legal services, employee training, and department policies and directives.
- **Adult, Juvenile, and School advisory boards.** Advise the department on a variety of specialized policies and programs.

At the end of state fiscal year 1988, IDOC had more than 10,100 employees, making it one of the largest employers in Illinois government. More than 8,100 of these employees worked in state correctional facilities, either as correctional officers or as professional or support personnel. IDOC's total budget in fiscal 1988 was more than \$410 million; salaries for IDOC employees accounted for 62 percent of that total.²⁸ At the end of fiscal 1988, IDOC was responsible for approximately 35,500 adult and juve-

nile inmates and releasees under community supervision. From June 1, 1987, to June 1, 1988, Illinois' adult prison population increased by 428 inmates, while the total IDOC staff decreased by 135.²⁹

IDOC operates four maximum-, eight medium- (including one coed facility), and five minimum-security institutions; one all-security prison for women;³⁰ one psychiatric unit at the Menard Correctional Center; 11 community correctional centers; and seven work camps (Figure 4-3). Two additional medium-security institutions are scheduled for completion in 1989: Western Illinois in Mt. Sterling and Illinois River in Canton.

As of May 31, 1988, IDOC had an inmate population of 679 at its community correctional centers. These facilities, some of which are operated by IDOC and some of which are operated under contract by other organizations, are designed to ease the transition from institutional life to community life for a selected group of low-risk inmates.

HOW DOES IDOC PROCESS PRISONERS?

After they have been sentenced to prison by the courts, newly convicted offenders (or former inmates who have violated the conditions of their release) are transferred from a county jail to one of four IDOC reception and classification centers. Approximately 60 percent of all IDOC prisoners are processed at the reception and classification center of the Joliet Correctional Center. The remaining male inmates are processed at the Graham or Menard correctional centers, and all female prisoners are processed at the Dwight Correctional Center.

The reception and classification process usually takes from 1 to 10 days. During this time, inmates' identities are verified; their money and other personal property are surrendered and inventoried; their medical, psychological, educational, and vocational backgrounds are evaluated; and they are given physical examinations. IDOC then uses a classification system it developed to match the characteristics and needs of inmates with appropriate security levels, supervision, and available programs. On this basis, IDOC determines the institution to which each offender will be assigned. Assignments may also be influenced by other factors, such as crowding at specific institutions.

At least once a year, each prisoner is given a reclassification review to evaluate the suitability of the inmate's security classification. A standard scoring system developed by IDOC is used to assess the inmates' behavior in prison and to determine whether the prisoner should be reclassified. Inmates who are reclassified may be assigned to a different institution, have their security grade within the same institution changed, or receive new program assignments. This reclassification process is also needed to allocate space at recently constructed medium- and minimum-security institutions.³¹

Figure 4-3

By the end of 1989, Illinois will have 20 maximum-, medium-, and minimum-security prisons.

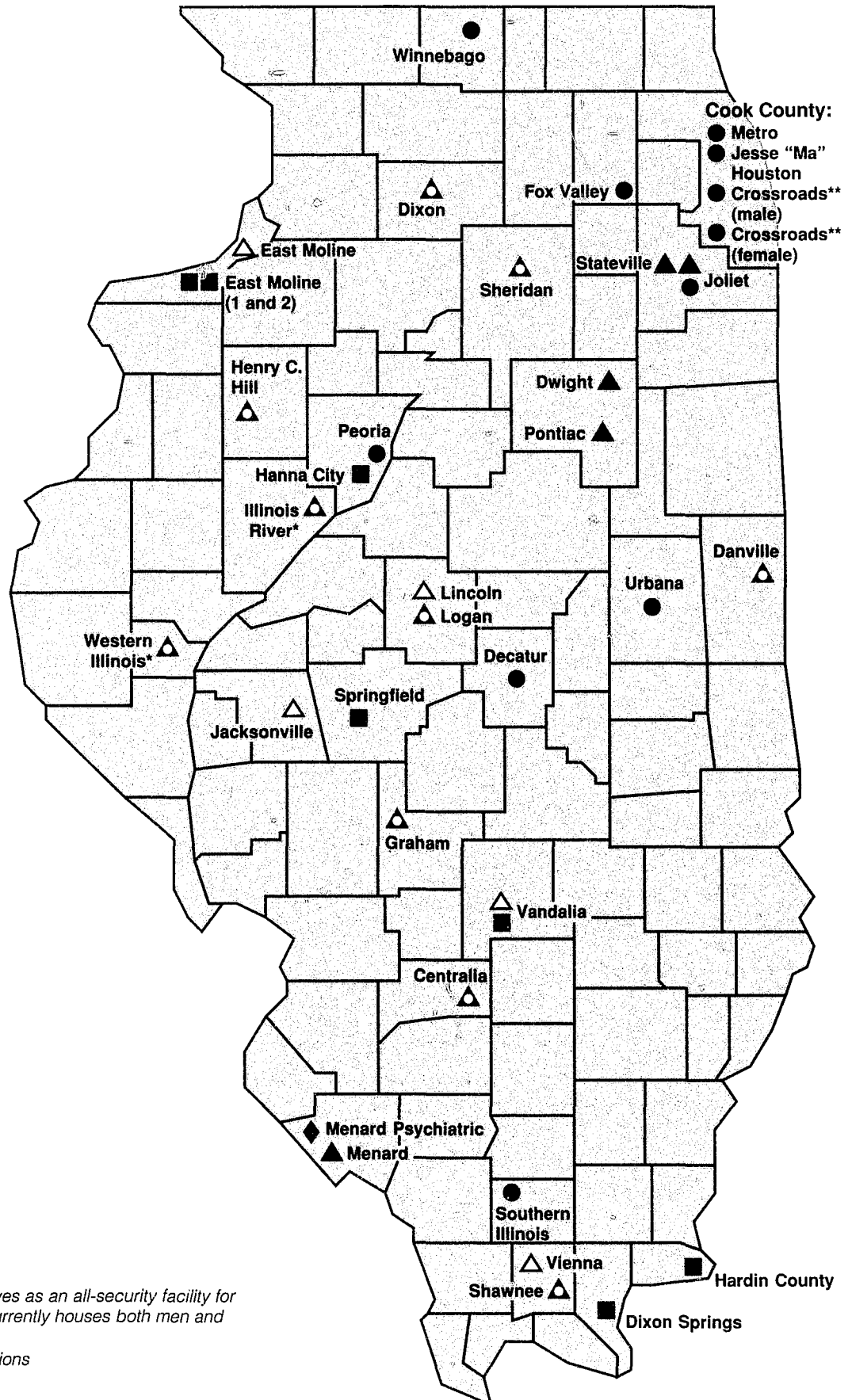
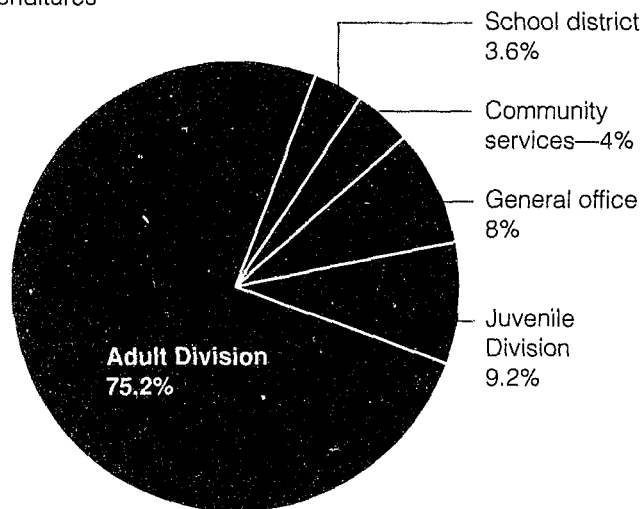


Figure 4-4

In fiscal 1987, the Illinois Department of Corrections spent more than \$14 million on education for Illinois' prison inmates—almost 4 percent of its total budget.

Illinois Department of Corrections fiscal 1987 expenditures



Source: Illinois Department of Corrections

WHAT PROGRAMS AND EDUCATIONAL OPPORTUNITIES ARE AVAILABLE TO STATE PRISONERS?

Once housed in prison, many inmates are given work assignments, the majority of which involve jobs within their institutions. In addition, Illinois Correctional Industries, a self-supporting division of IDOC, operates manufacturing, service, and agricultural work programs in several correctional centers. It employs nearly 1,000 inmates in more than 40 industrial operations, ranging from horticulture to advanced electronics. In addition, prisoners may participate in academic and vocational training.

The 1970 Illinois Constitution states that "a fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities." With this in mind, a separate school district, School District 428, was created solely for IDOC inmates. In fiscal year 1987, approximately 700 faculty members, college instructors, and support personnel in School District 428 served 38 percent of the state's inmate population. The school district accounted for almost 4 percent of all IDOC expenditures in fiscal 1987 (Figure 4-4). That year, School District 428 awarded 1,596 general education diplomas, 1,900 vocational certificates, 305 associate's degrees, and 12 bachelor's degrees to adult inmates.

The Illinois prison system has been involved in post-secondary education since 1954, when Menard Correctional Center became the first prison in the nation to

offer a class for college credit to inmates. Currently, college programs are offered at 26 separate adult and juvenile facilities by approximately 20 different private and public colleges and universities.³²

For some prisoners in Illinois, school is mandatory. For example, all inmates committed to IDOC's Adult Division are required to have 90 days of instruction in an Adult Basic Education (ABE) program if their composite Test of Adult Basic Education (TABE) scores are below the sixth-grade level in reading and math. During 1987, 1,205 inmates participated in mandatory ABE classes, then took the TABE exam. Of these, 108 chose not to stay in school beyond 90 days, even though they continued to fail to meet the minimum test requirements.³³ The overall failure rate for the program is estimated to be 8 percent.

HOW ARE INDIVIDUALS RELEASED FROM STATE PRISONS?

Until 1978, Illinois had an indeterminate sentencing system. Under this system, the prison sentence imposed on each inmate was for a range of time, such as from 5 to 10 years. Within limits set by state law or the sentencing judge, however, the exact date of release from prison for each inmate was determined by the state's old Parole and Pardon Board. In other words, an offender sentenced to 5 to 10 years in prison may have become eligible for—and subsequently released on—parole after serving only a year or two of the original sentence.

In February 1978, Illinois adopted a determinate sentencing plan. Under this system, a specific term of imprisonment, such as 10 years, is now set for each inmate. At the same time, parole has been largely phased out and replaced by a system called mandatory supervised release (MSR). Under determinate sentencing and MSR, each inmate is required to serve the full sentence imposed, minus one day of good-conduct credit for each day spent in prison, and a one-time credit of 90 days. In other words an offender sentenced to 10 years in prison will, if all good-conduct credits are earned, serve approximately four years and nine months in prison.

After completing the prison sentence, minus any good-conduct credits, the offender's release becomes mandatory. The person is still subject to community supervision while under MSR for a period of time specified by law for the particular sentence served. While living in the community, he or she must obey certain rules or face return to prison.

WHAT IS THE ROLE OF THE ILLINOIS PRISONER REVIEW BOARD?

The introduction of determinate sentencing and MSR in 1978 led to the abolition of IDOC's Parole and Pardon Board, which made decisions regarding the release of

inmates serving indeterminate sentences. At the same time, the Illinois Prisoner Review Board, a 12-member panel appointed by the Governor with the advice and consent of the Illinois Senate, was created. The Prisoner Review Board is primarily responsible for (1) establishing the conditions under which state prisoners are released, (2) deciding whether those conditions have been violated, and (3) hearing petitions for executive clemency.

When determinate sentencing was enacted, prisoners serving indeterminate sentences with minimum terms of less than 20 years were offered release dates by the Prisoner Review Board. Each of those inmates could accept the board's offer (and thereby waive future eligibility for parole), appeal for an earlier release date, or reject the offer and remain eligible for parole at a later date. Approximately 70 percent of the eligible prisoners ultimately accepted the board's offer, and their indeterminate sentences, in effect, became determinate.

The only adult parole hearings now conducted in Illinois involve serious offenders who were sentenced to lengthy terms before 1978 or prisoners who did not accept the offer of a release date. Consequently, the number of parole hearings has fallen dramatically since 1977 (Figure 4-5). In addition, the Prisoner Review Board is granting parole in fewer of the cases it hears. In 1978, the first year of its existence, the board considered 6,684 cases and granted parole in 3,823 of them, or about 57 percent. (By comparison, 2,602 prisoners were released under MSR that year.) In 1987, 924 parole cases were reviewed, but parole was granted in only 21 of them (or 2 percent). This lower percentage of parole cases granted probably can be attributed to the relatively long sentences received by offenders still serving indeterminate sentences and to the seriousness of the offenses.

WHAT IS COMMUNITY CORRECTIONS?

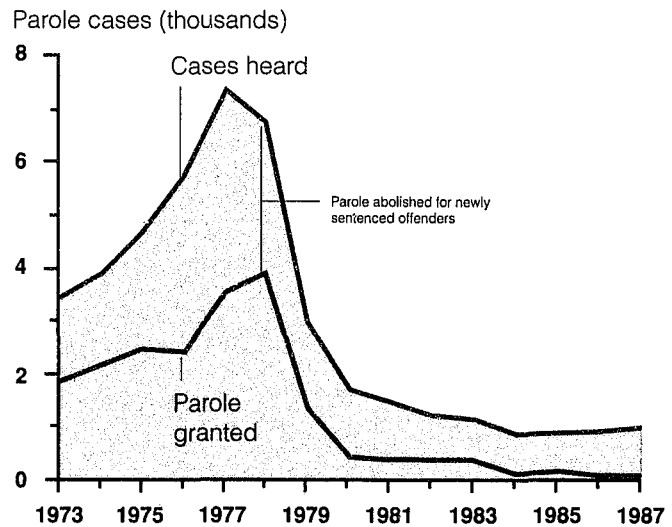
Corrections is more than jails and prisons. Community-based programs such as probation (both regular and intensive), parole, house arrest (with and without electronic monitoring), halfway houses, day fines (fines based on a percentage of the offender's daily net income), restitution, work release, and community service are also part of corrections in Illinois.³⁴

Nationwide, only a fraction of all persons under correctional supervision are in jails and prisons. Approximately two-thirds of the total national population under correctional supervision is on probation.³⁵ In this regard, Illinois mirrors the nation as a whole. As of June 30, 1987, the adult population under state supervision in Illinois consisted of three groups: 76,203 probationers (71 percent); 19,928 prison inmates (19 percent); and 10,477 releasees, both MSR and parole (10 percent).³⁶

Probation is administered by the courts in Illinois,

Figure 4-5

The number of parole cases heard and the number of cases in which parole was granted have both fallen dramatically since determinate sentencing was enacted in 1978.



Source: Illinois Prisoner Review Board

but MSR and parole are managed by IDOC's Community Services Division. Both parolees and offenders on MSR are supervised in the community by parole agents, who are IDOC employees.

IDOC's Community Services Division is responsible for running community correctional centers across the state. Low-risk inmates assigned to these work-release centers work in the community during the day, then return to the confinement of the centers at night. In fiscal 1987, these facilities had a total capacity of 731 beds statewide, accounting for nearly 4 percent of IDOC's adult inmate population.³⁷

House arrest is a type of sentence in which offenders are ordered by the court to remain confined in their residences for a portion of, or the duration of, their sentences. Offenders on house arrest may be permitted to leave their homes for work, medical attention, religious services, and other approved activities. They may also be required to perform community service or to pay fines to the court, restitution to their victims, and supervision fees to the probation department.

In some jurisdictions, electronic monitoring is used to verify the offenders' presence in their residences during curfew hours. Since 1986, two Illinois counties—Jackson and Lake—have used electronic monitoring for some offenders on probation or work release, as well as for some defendants awaiting trial. And beginning in 1989, electronic monitoring became a sentencing option under Illinois law for certain offenders statewide.³⁸

WHAT IS THE FEDERAL PRISON IN ILLINOIS?

The Federal Bureau of Prisons ranks its institutions in security levels from 1 to 6; the higher the number, the greater the security. Located 300 miles south of Chicago in Williamson County, the U.S. penitentiary in Marion is the only level 6 of the 47 penal institutions operated by the Federal Bureau of Prisons, and the only federal prison in Illinois.

Marion, which opened in 1963, houses those prisoners considered to be the most violent, dangerous, and escape-prone in the federal prison system. Ninety-eight percent of the inmates currently in Marion have a documented history of violence. On a contractual basis, Marion also holds state prisoners too violent or escape-prone for state systems to handle (as of September 1988, IDOC kept two of its prisoners at Marion). As of December 9, 1988, Marion had a rated capacity of 415 and an actual inmate population of 433—4 percent above capacity.

Since 1983, Marion has severely restricted inmate movement within the facility. Inmates are released individually from their cells only for such reasons as medical treatment and non-contact visits. They are also permitted to take part in recreational activities in small, controlled groups. The congregation of large numbers of inmates is no longer allowed. These restrictions were imposed following a period, from February 1980 to October 1983,

when there were 14 escape attempts, 10 group disturbances, 58 serious assaults on inmates, 33 attacks on staff, 9 inmate murders, and 2 murders of correctional officers. Given this history and the violent nature of the inmate population, security precautions at Marion are extremely tight, and inmates live under spartan and restrictive conditions.³⁹

There is some evidence that these measures have had their intended effect. As a general rule, inmates are allowed to transfer to a federal penitentiary with a lower security level only after they have demonstrated acceptable conduct at Marion for a minimum of two years. Since stricter controls were instituted at Marion in 1983, 300 inmates have been rotated out of the facility. As of July 1988, only 29 of these inmates have returned.

In addition, other federal penitentiaries have reported reduced levels of violence within their own inmate populations since the tighter security measures were imposed at Marion. By putting all of its most violent and dangerous inmates in one location, the federal prison system has made some progress in reducing violence throughout the system. Correctional officials across the nation have taken note of this, and at least three states—Indiana, Michigan, and Minnesota—have adopted the “Marion Model.”

The Data

The Illinois Department of Corrections' Planning and Budget Unit is the source of most of the data in this chapter. Prison population, admission, and release statistics are taken from IDOC fiscal year reports. Demographic data about prison inmates—such as age, race, and sex—are derived from counts made on June 30, the end of each state fiscal year.

Eight primary IDOC publications were used for this chapter:

1. *Adult Correctional Center Capacity Survey* (1986)
2. *Fiscal Year 1987 Annual Report*
3. *Fiscal Year 1987 Jail and Detention Statistics and Information*
4. *Human Services Data Report, Part 1: 1984–1986*
5. *Human Services Plan: Fiscal Years 1987–1989*
6. *Quarterly Report on Adult and Juvenile Facilities* (July 1, 1988)
7. *School District 428: Fiscal Year 1987 Annual Program Review*
8. *Statistical Presentation 1987*

Additional information on the Cook County Jail population was provided by the Cook County Department of Corrections through its Correctional Institution Management Information System.

Information about parole, the revocation of offenders' release, and executive clemency was gathered from the annual reports of the Illinois Prisoner Review Board. Recidivism data were gathered from the Illinois Criminal Justice Information Authority's Repeat Offender Project.

Trends and Issues



A growing inmate population is one of the main problems facing correctional managers at both the local and state levels in Illinois. In recent years, jails and prisons alike have experienced significant increases in the number of inmates they must house and manage. For example, 35,233 more inmates were processed through Illinois' county jails in 1987 than in 1981. Similarly, Illinois' adult prison population nearly doubled between 1978 and 1988, and now exceeds 21,000 inmates.

What factors have contributed to the growth in jail and prison populations? What are the consequences of correctional crowding? How have counties and the state responded? What are the characteristics of today's prisoners? Will the state's prison population continue to expand through the 1990s?

HOW PUNITIVE IS ILLINOIS?

One gauge of how punitive a state is is its total incarceration rate.⁴⁰ This rate measures the number of people in state and federal prisons, plus the number of juveniles being held in public facilities and the number of people being held in local jails, all divided by the number of people in the general population. In 1985, Illinois ranked 31st among the 50 states and the District of Columbia in total incarceration rate—259 per 100,000.⁴¹

When only state prisoners are examined, Illinois still appears moderate in terms of punitiveness. As of June 30, 1988, there were 177 state prisoners in Illinois per 100,000 population. That compares with a rate of 194 prisoners per 100,000 population in the Midwest, 220 in all states, and 237 in the entire nation (state and federal prisons combined).⁴²

Another measure of punitiveness, known as the total control rate, goes beyond the total incarceration rate to include adults on probation and parole. Illinois, which ranked 31st in total incarceration rate, ranked 25th in total control rate in 1985, with approximately 1,000 people under some form of correctional control per 100,000 state residents.⁴³

HOW HAS ILLINOIS' JAIL POPULATION CHANGED IN RECENT YEARS?

Illinois' jail population, whether measured by the total

number of inmates who spent time in jail during a year or by the average number of inmates in jail each day, increased dramatically during the 1980s.

Between state fiscal years 1981 and 1987, the yearly population—the total number of inmates occupying jail space during the year—of Illinois' jails (excluding Cook County) increased 28 percent, to a peak of 139,413 (Figure 4-6). Cook County Jail's total bookings were 9 percent higher in 1987 than in 1981. In 1988, bookings at the jail increased another 6 percent, peaking at 58,302.

Throughout the 1980s, the *average daily population* of the Cook County Jail remained higher than the average daily population of the county jails in the rest of Illinois combined (Figure 4-7). In addition, Cook County Jail inmates spent, on the average, more days in jail (14 in fiscal 1987) than did inmates in the state's other county jails (9 days in fiscal 1987).⁴⁴ In other words, on any given day, more inmates—serving more days in custody—are housed in the Cook County Jail than in all the other county jails in the state combined.

The average daily jail population for the entire state rose from 6,848 in fiscal 1982 to 9,121 in fiscal 1987. To accommodate this growing population, jail capacity statewide has expanded from 9,253 in fiscal 1982 to 10,834 in fiscal 1987 (Figure 4-8).

WHY HAVE JAIL POPULATIONS INCREASED?

Many factors probably contributed to recent increases in the population of Illinois county jails. One of these was a 1983 change in state law that required all convicted misdemeanants to serve their sentences locally rather than in state prison. This change in policy was largely designed to help control Illinois' growing prison population. However, as their jail populations grew, many counties were faced with similar problems—a lack of jail capacity and a shortage of funds to address the problem.

Jails house both pretrial detainees and sentenced offenders, and the ratio of these two groups in Illinois jails has varied over time. In Cook County, sentenced offenders accounted for 13 percent of all days served in jail during fiscal 1981 (Figure 4-9). This figure fluctuated only slightly in the following years, reaching 14 percent in fiscal 1987.

However, the pattern was quite different in the rest

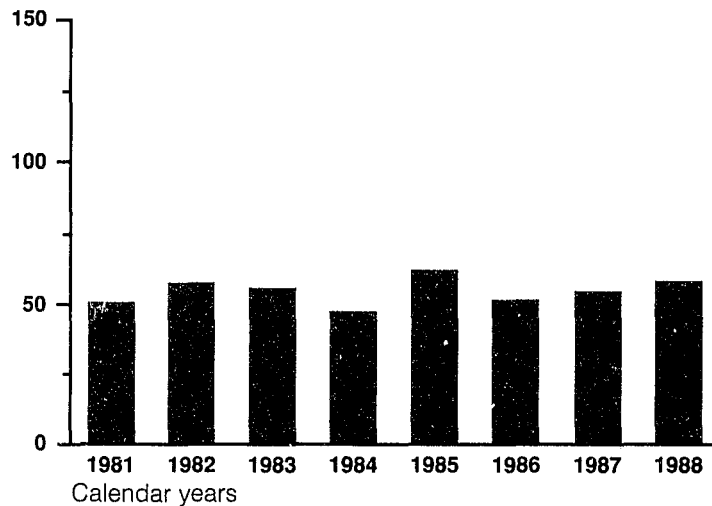
of the state. In the remaining large counties—those with jails with a capacity exceeding 100 inmates (see Figure 4-1)—the percentage of jail days that were served by sentenced offenders rose from 18 percent in fiscal 1981 to 23 percent in fiscal 1987. An even larger increase occurred in those counties with jails having a capacity of fewer than 100 inmates. Sentenced offenders there served 26 percent of all jail days in fiscal 1981, but 33 percent in fiscal 1987.

HOW HAS CROWDING AFFECTED COOK COUNTY JAIL?

As the largest jail in Illinois, Cook County Jail was particularly affected by the growth in inmate population. Between state fiscal years 1981 and 1983, the average daily population of Cook County Jail increased by more than 1,250 inmates, to 5,123. After fiscal 1983, the daily population stabilized at about 5,000, with each inmate spending an average of 15 days in custody. In fiscal

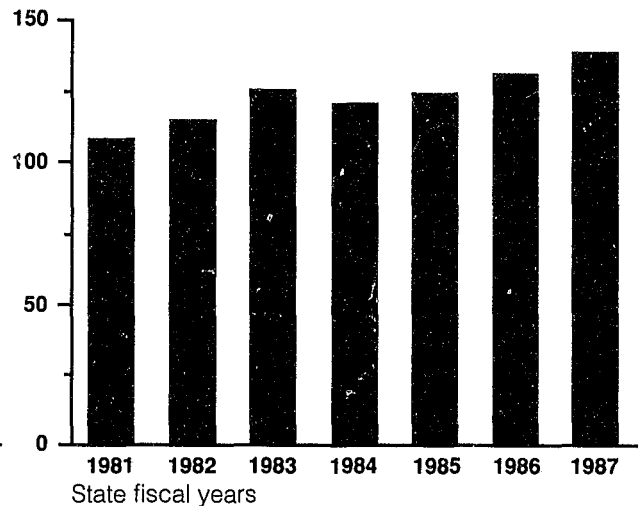
Figure 4-6
The yearly inmate population of Illinois' jails has increased steadily in recent years.

Yearly Cook County Jail bookings (thousands)





Source: Cook County Department of Corrections

Total yearly jail population for Illinois counties outside Cook (thousands)

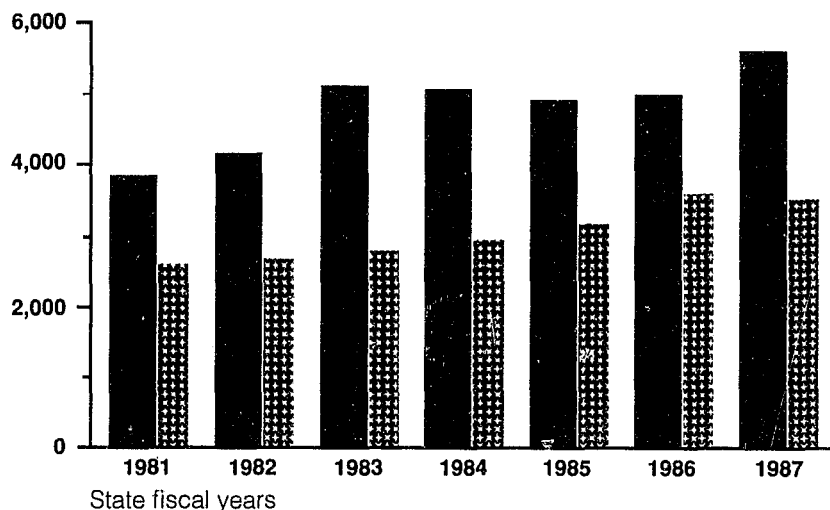


Source: Illinois Department of Corrections

Figure 4-7
Throughout the 1980s, the average daily population of the Cook County Jail exceeded the average daily population of all other county jails in Illinois combined.

 Cook County Jail
 County jails in Illinois outside Cook County

Average daily jail population



Source: Illinois Department of Corrections

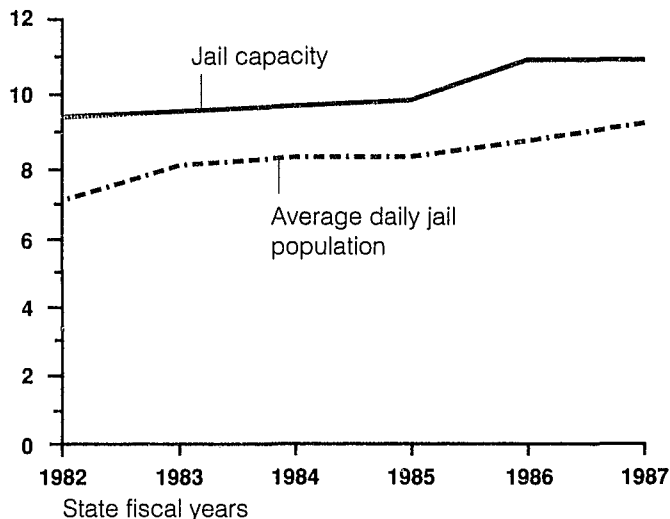
1981, the average length of stay was about 13 days.

Increases in Cook County Jail's population prompted the U.S. District Court in Chicago to issue an order in 1983 to reduce crowding at the jail. A federal judge has since threatened to fine the county \$1,000 per day for each day the inmate population exceeds the number of beds in the facility. County officials responded by increasing the capacity of the facility, while releasing some defendants on their own recognizance. More than 500 beds were added to the jail in 1985 (which followed a \$150 million construction project in the early 1970s to expand and modernize the jail). In addition, jail officials have begun to release as many as 80 to 100 accused felons on individual recognizance bonds on certain days to prevent inmates from having to sleep on the jail floor, in violation of the federal court order. In July 1988, jail authorities started releasing on their own recognizance defendants with bonds of up to \$50,000.

The Cook County Board has responded to the latest jail crowding crisis by tentatively approving the county sheriff's proposal to build a 750-bed addition to the jail. Other alternatives, such as moving the jail's Periodic Imprisonment Unit out of the jail to a community setting and using electronically monitored home confinement for some defendants, are also being pursued. Despite these efforts, the county was still fined approximately \$55,000 in early 1989 for persistent crowding in violation of the federal court order.

Figure 4-8
In the 1980s, Illinois expanded its jail capacity to accommodate a growing jail population.

Jail capacity and average daily jail population in Illinois (thousands)



Source: Illinois Department of Corrections

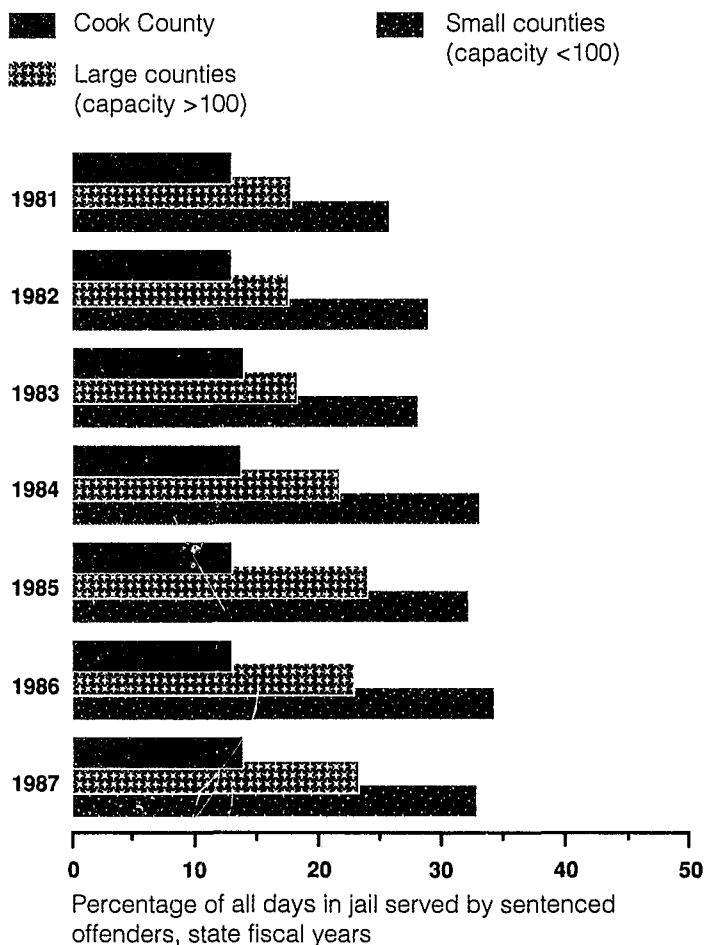
HOW HAS ILLINOIS' STATE PRISON POPULATION CHANGED DURING THE LAST FIVE DECADES?

After increasing from the mid-1940s to the early 1960s, and then decreasing steadily from the mid-1960s to the mid-1970s, Illinois' adult prison population has grown at an unprecedented pace over the last 15 years. Today, more prisoners are housed in adult institutions than at any time in the state's history.

Illinois has nearly twice as many state prisoners today as it did in 1942, when there were nearly 11,000 (Figure 4-10). During World War II, the number of prisoners declined sharply for two reasons: a decrease in prison admissions (mostly the result of more men entering the military) and a surge in the number of people released from prison (largely because of a special parole program that allowed 3,300 male inmates to leave prison and join the armed forces).

After the war, the state's prison population began

Figure 4-9
The percentage of all days in jail served by sentenced offenders has generally increased in counties outside Cook.

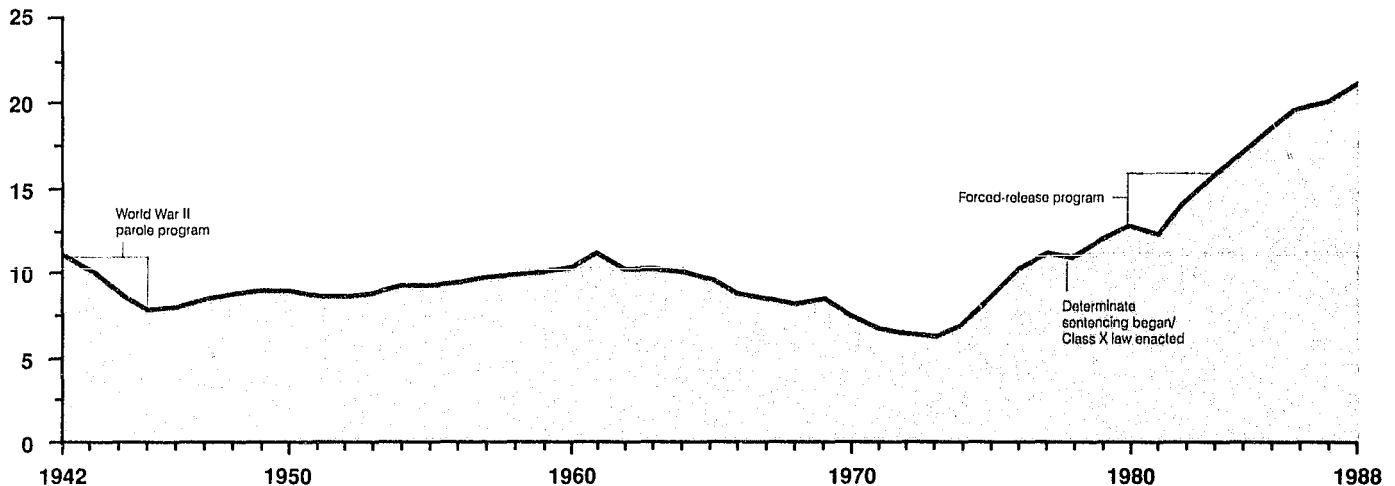


Source: Illinois Department of Corrections

Figure 4-10

At the end of 1988, Illinois' prisons held approximately 21,000 inmates, more than triple the population in 1973.

End-of-calendar-year adult prison population (thousands)



Source: Illinois Department of Corrections

to increase slowly until, in 1961, it reached the 1942 level once again. The IDOC population then decreased over the next 12 years, reaching a low of about 6,000 inmates in 1973. This decline was largely a product of the times, as correctional officials nationwide began to emphasize programs that diverted offenders away from prison and toward community-based alternatives.⁴⁵ During this period, imprisonment was viewed largely as a last resort for many offenders, and alternatives to traditional incarceration were encouraged.

By 1980, however, crime rates began to increase, as did resources for the criminal justice system. That year, the state's prison population was more than 12,500—and growing rapidly. By the end of 1987, the prison population was 19,850; and at the end of 1988, it was 21,081.

From 1980 through 1987, Illinois' adult prison population increased 85 percent. During this same period, prison populations increased 72 percent in the Midwest, 75 percent in all states, and 76.5 percent in the nation as a whole, including the federal prison system.⁴⁶ In June 1988, there were 20,554 state prison inmates in Illinois, a 3-percent increase over the total of 19,928 a year earlier.⁴⁷ Illinois now has the seventh largest state prison population in the United States, after California, New York, Texas, Florida, Michigan, and Ohio (Figure 4-11).⁴⁸

WHY THE DRAMATIC INCREASE IN ILLINOIS' PRISON POPULATION?

Three elements affect any prison population: the current number of inmates, the number of offenders entering

Figure 4-11

Illinois has the seventh largest prison population in the United States.

State	June 30, 1988 prison population	June 30, 1987 prison population	Percent increase
California	72,121	64,737	11.4
New York	42,251	39,799	6.2
Texas	39,652	38,595	2.7
Florida	33,681	32,771	2.8
Michigan	26,133	22,334	17.0
Ohio	25,051	23,332	7.4
Illinois	20,554	19,928	3.1
Georgia	18,686	18,191	2.7
North Carolina	17,295	16,948	2.0
Pennsylvania	17,242	15,884	8.5

Source: Bureau of Justice Statistics

prison, and the number leaving prison. The recent surge in Illinois' prison population is related to many factors, including legislative, administrative, and judicial changes. Two changes in particular helped spur this population explosion:

1. **Determinate sentencing.** In February 1978, Illinois instituted a determinate, or flat-time, sentencing structure (see page 100 for more information about determinate sentencing). Under determinate sentencing, inmates convicted of more serious offenses are expected to spend more time in prison than did offenders for comparable crimes under the old indeterminate sentencing system.

2. **Class X crimes.** Also in 1978, Illinois lawmakers created a new class of felony offenses—Class X. Class X offenses include such serious crimes as attempted murder, armed robbery, and aggravated criminal sexual assault. The most significant effect of the law, in terms of the state's prison population, is that Class X offenders are not eligible for alternative sentences such as probation or conditional discharge. Instead, all Class X criminals must serve time in prison.⁴⁹

At the beginning of 1978, just before these two policies were implemented, there were fewer than 11,000 adult prisoners in Illinois. By the end of 1988, the prison population had nearly doubled, to more than 21,000 inmates.

Demographic factors have also exacerbated prison population growth. Crime is correlated with age, and the post-World War II baby boom produced a record number of people in the 1970s and 1980s who were in the crime-prone age groups—the teens and early to mid-20s. The bulge in the number of offenders in this age group created by the baby boom is now slowly working its way through the criminal justice system, contributing to the current level of crowding in prisons. The baby boomers will, in turn, have children of their own, causing an expected “echo boom” of persons in the crime-prone years in the early part of the next century.⁵⁰

HOW HAVE PRISON ADMISSIONS AND RELEASES CHANGED IN RECENT YEARS?

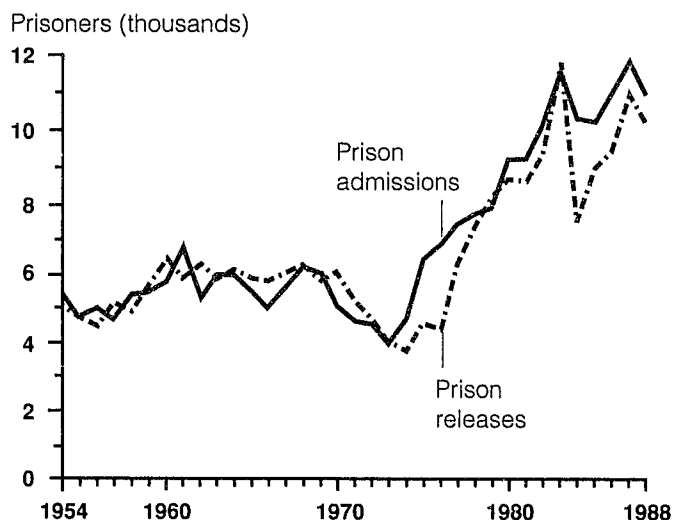
Between 1954 and 1973, the number of offenders entering prison in Illinois exceeded 6,000 per year only once—in 1961. In 1973, the number of admissions even dipped below 4,000. Since then, however, admissions have increased dramatically, fueled in part by enactment of the state's Class X law, which mandates a prison sentence for certain serious crimes (Figure 4-12).

There were 9,022 admissions to prison in fiscal 1980 and 11,503 in fiscal 1983. That year, Illinois lawmakers, in an attempt to reduce admissions, enacted a law mandating that all misdemeanants sentenced to incarceration serve their time in county jails instead of state prisons. This law had the effect of reducing admissions temporarily to 10,148 in fiscal 1984 and 10,058 in fiscal 1985, although they soon increased again. In fiscal 1987, there were 11,766 admissions to state prison, and in fiscal 1988, there were 10,864.

The number of inmates released from Illinois prisons generally followed the pattern of admissions during the 1950s, 1960s, and early 1970s. Between 1954 and 1974, the number of releases per year ranged from a low of about 3,500 in 1974 to a high of more than 6,200 in

Figure 4-12

Since 1973, admissions to Illinois prisons have increased dramatically.



Note: 1954–1977 figures are based on average end-of-month prison population data; 1978–1988 figures are based on end-of-fiscal-year prison population data.

Source: Illinois Department of Corrections (1978–1988 figures); Illinois Criminal Justice Information Authority (1954–1977 figures)

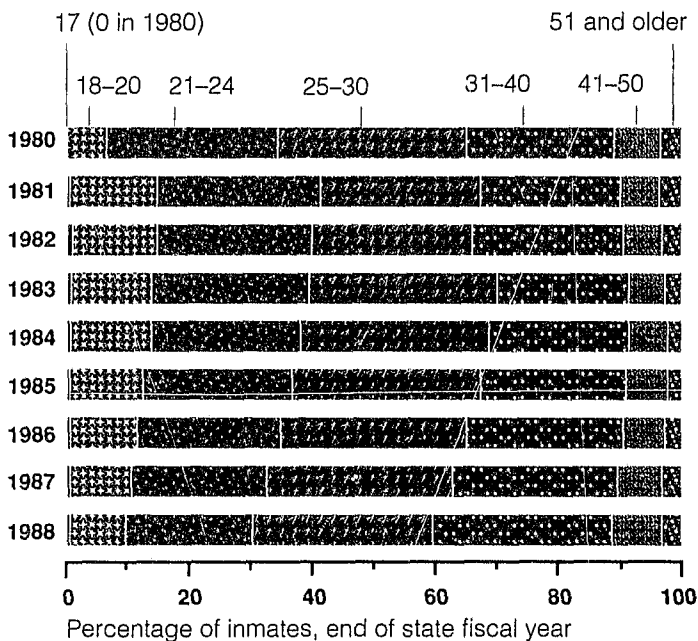
1960. After 1974, releases began to increase, reaching an all-time high of 11,755 in fiscal 1983. In fiscal 1988, 10,119 inmates were released from prison in Illinois.

Part of the increase in releases in the early 1980s was the result of the state's forced-release program, which was a plan to control crowding in state prisons. Under this program, which began in June 1980, the director of corrections reduced certain inmates' sentences by awarding multiple 90-day increments of meritorious good time to be applied to the inmates' sentences. This time was given in addition to the regular, day-for-day good-conduct credits that all inmates can earn. Forced-release made many inmates eligible for release sooner than they would have been without the extra good-conduct credits subtracted from their sentences. In July 1983, however, the Illinois Supreme Court invalidated the practice. The Court ruled that state law allows the corrections director to award only one 90-day increment of meritorious good time to each inmate, not the multiple awards that were being given out.

During the three years the forced-release program was in effect, more than 10,000 prisoners were released early. Even so, admissions continued to outpace releases in most years. In other words, despite efforts to lower the prison population by excluding misdemeanants from prison and to increase releases through forced-release, Illinois' prison population continued to grow.

Figure 4-13

The proportion of younger inmates in prison in Illinois has declined in recent years.



Source: Illinois Department of Corrections

HAS THE DEMOGRAPHIC PROFILE OF ILLINOIS PRISON INMATES CHANGED?

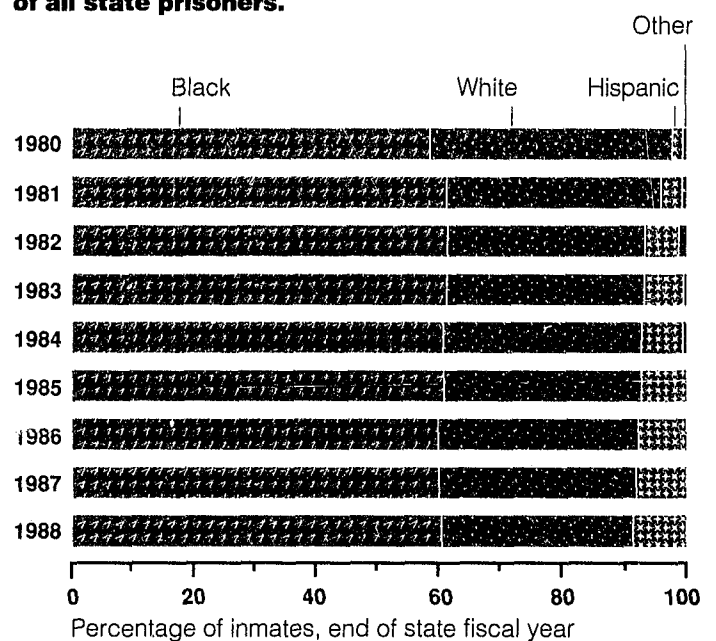
Although Illinois is now incarcerating more offenders, the demographic makeup of the inmate population has not changed substantially since 1980. For example, the age distribution of prisoners has remained fairly consistent, although the proportion of younger inmates has decreased steadily in recent years (Figure 4-13). Between June 1981 and June 1988, the proportion of inmates aged 18 to 24 declined almost 11 percentage points, while the proportion of 25- to 40-year-old prisoners increased by a similar amount. This aging trend is likely to continue for the next several years, for regardless of the age of the offenders who will enter prison in the coming years, the age distribution will be influenced by the fact that current prisoners serving determinate sentences for serious crimes will remain in custody later into their lives.

Although the number of black prisoners in Illinois has risen dramatically in the 1980s, their percentage of the inmate population has remained stable at about 60 percent (Figure 4-14). Blacks, who make up approximately 13 percent of the general population in Illinois, made up slightly more than 60 percent of the inmate population at the end of fiscal 1988.

The percentage of Illinois prison inmates who are Hispanic rose from less than 2 percent in June 1980 to more than 8 percent in June 1988. Hispanics constitute roughly 5 percent of the general population in Illinois. The

Figure 4-14

Although blacks make up only 13 percent of the Illinois population, they account for about 60 percent of all state prisoners.



Source: Illinois Department of Corrections

percentage of white inmates decreased from 39 percent in June 1980 to 31 percent in June 1988. Whites make up approximately 80 percent of the state's population.

HOW MANY WOMEN ARE IN ILLINOIS PRISONS?

The record number of inmates in the nation's prisons includes a growing, albeit small, number of female prisoners. On June 30, 1988, there were 30,834 female inmates in state and federal prisons nationwide, or about 5 percent of the total.⁵¹ The female prison population has grown at a faster rate than the male prison population every year since 1981.

At the end of 1987, there were 779 female inmates in Illinois prisons, or 2 percent more than a year earlier. Illinois ranked ninth nationally in the number of female inmates at the end of 1987.⁵² Women constitute 4 percent of all state prison inmates in Illinois.

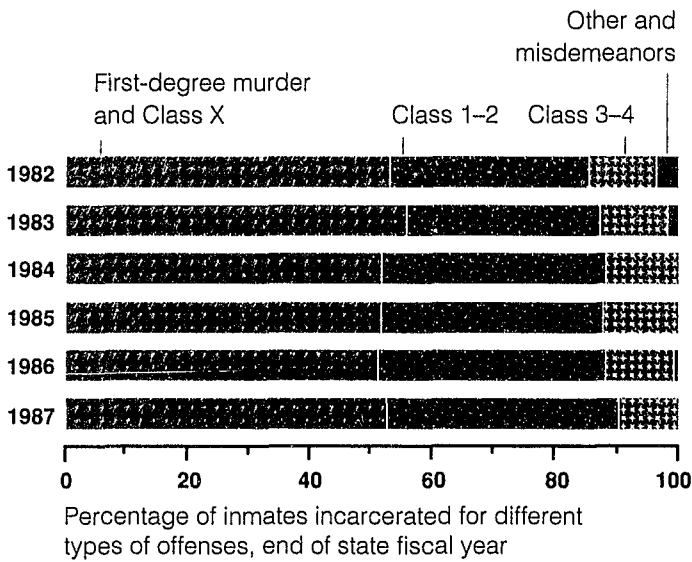
To house the growing number of female prisoners, IDOC in February 1987 began placing a small number of women in the previously all-male Logan Correctional Center. This marked the first time since the mid-1970s that Illinois operated a coed prison, and Logan is now one of the nation's few coed medium-security prisons.

IS ILLINOIS INCARCERATING THE MOST SERIOUS OFFENDERS?

Determinate sentencing and Class X laws not only contributed to an increase in the number of prisoners in

Figure 4-15

First-degree murderers and Class X felons make up more than half of the prison population in Illinois.



Source: Illinois Department of Corrections

Illinois, but also slowed the pace at which the most serious offenders move through the prison system. The result has been a concentration of serious offenders in the state's prison population.

Offenders incarcerated for the most serious crimes—first-degree murder, Class X felonies, and Class 1 felonies—made up slightly more than one-third of all prisoners in June 1977 and approximately one-half in June 1980. Since June 1983, however, these most serious offenders have accounted for two-thirds of the state's prison population. First-degree murderers and Class X felons alone constituted 53 percent of the prison population at the end of fiscal 1987. If Class 1 and Class 2 felons are included, these serious offenders make up 90 percent of the prison population in Illinois (Figure 4-15).

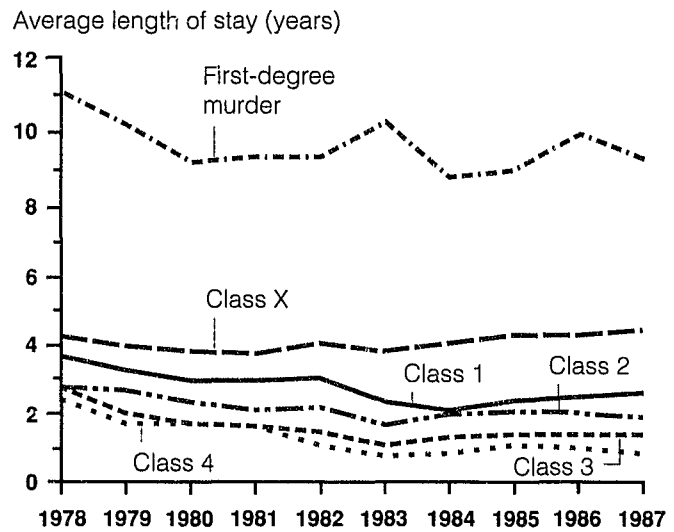
ARE OFFENDERS IN ILLINOIS SERVING LONGER PRISON SENTENCES?

Illinois' determinate sentencing law was designed, among other things, to increase prison sentences for offenders convicted of the most serious crimes. It is still somewhat difficult to measure this effect because inmates released from prison since the law took effect in 1978 include both inmates who completed relatively short determinate sentences and some who served relatively long indeterminate sentences. In recent years, however, the transition to a population of prisoners serving determinate sentences has been nearly complete. The proportion of released prisoners who served determinate sentences grew from about 3 percent of all releases in 1978 to 99 percent in 1987.

Determinate sentencing already appears to have

Figure 4-16

Average lengths of stay for offenders convicted of less serious crimes have fallen in recent years.



Source: Illinois Department of Corrections

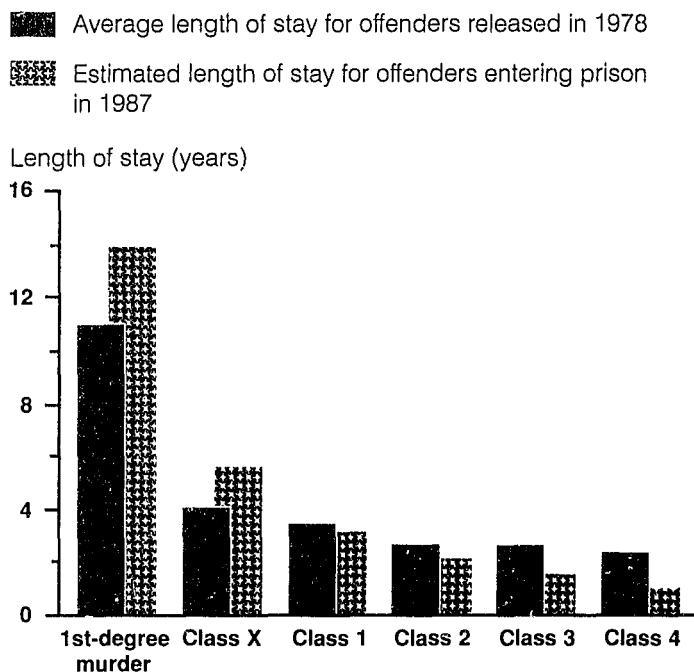
affected the average length of stay for inmates who served time for the relatively less serious Class 3 and Class 4 felons.⁵³ The average length of stay for these offenders fell from more than two years for those released in 1978 to slightly more than one year for those Class 3 felons released in 1987, and to less than one year for those Class 4 offenders released in 1987 (Figure 4-16). Average lengths of stay for prisoners convicted of Class 1 and Class 2 felonies also declined by about one year each during this period.

Among offenders imprisoned for the two most serious classes of crimes—first-degree murder and Class X offenses—the full effects of determinate sentencing have yet to be felt.⁵⁴ Class X offenders released in 1987 (including a small portion who served indeterminate sentences) spent only a few more months in prison than comparable offenders released in 1978. Inmates convicted of murder who were released in 1987 actually served almost two years less time in prison than comparable offenders released in 1978.

Another way to measure the effect of determinate sentencing for serious crimes is to compare the length of stay for prisoners released in 1978 with the estimated length of stay for offenders entering prison in 1987.⁵⁵ Offenders convicted of murder in 1987 can expect to serve an average of 14 years in prison—or three years longer than the time actually served by convicted murderers released in 1978 (Figure 4-17). Class X offenders sentenced in 1987 can expect to serve about 5.6 years in prison, or about 1.5 years more than comparable offenders who were released in 1978 actually served. For Class 1, 2, 3, and 4

Figure 4-17

Offenders convicted of first-degree murder in 1987 can expect to serve three more years in prison than convicted murderers released in 1978.



Source: Illinois Department of Corrections

felons sentenced in 1987, the estimated length of stay should be between 4 months and 16 months less than 1978 levels.

HOW MANY PRISONERS ARE ON DEATH ROW IN ILLINOIS?

In 1972, the U.S. Supreme Court, in the case of *Furman v. Georgia*, ruled that the arbitrary or capricious application of the death penalty constituted cruel and unusual punishment. By striking down the death penalty as it was then applied, the Supreme Court invalidated the death sentences of more than 600 condemned prisoners across the country. Many states responded by revising their capital punishment statutes to meet the new standards established by the Court. Illinois reinstated its death penalty in 1977.

By 1987, 37 states had constitutionally valid death penalty laws. At the end of the year, 34 states reported a total of 1,984 prisoners on death row. Illinois ranked fifth nationally in the number of condemned prisoners, after Florida, Texas, California, and Georgia.⁵⁶

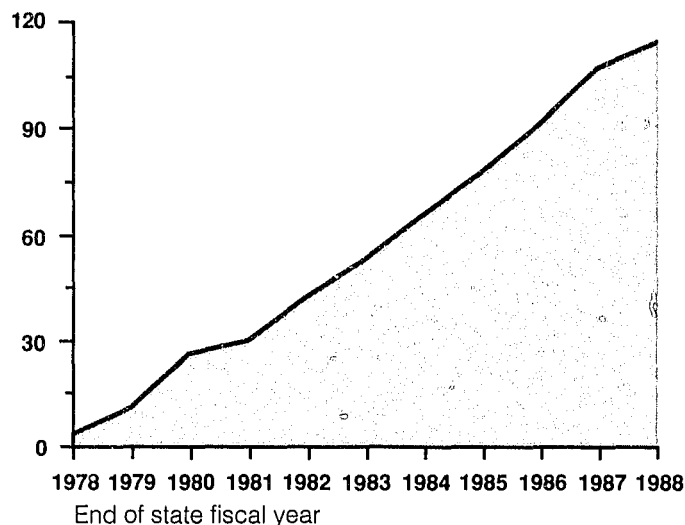
Since 1930, Illinois has executed 90 inmates. The last execution of a state prisoner took place in 1949. Cook County, which used to have its own electric chair, executed the last inmate in the state in 1962.

There is a nine-step appeals process for capital punishment cases in Illinois (see page 103). Since the

Figure 4-18

On June 30, 1988, there were 114 prisoners on death row in Illinois.

Prisoners on death row



Note: Illinois has not executed anyone since the reinstatement of capital punishment in 1977.

Source: Illinois Department of Corrections

death penalty was reinstated in 1977, no inmate has, as yet, exhausted the appellate process and been executed. Consequently, the number of prisoners on death row in Illinois has risen from three at the end of fiscal 1978 to 114 at the end of fiscal 1988 (Figure 4-18). IDOC currently houses its death row inmates at two facilities: the Menard and Pontiac correctional centers.

WHAT IS PRISON CAPACITY?

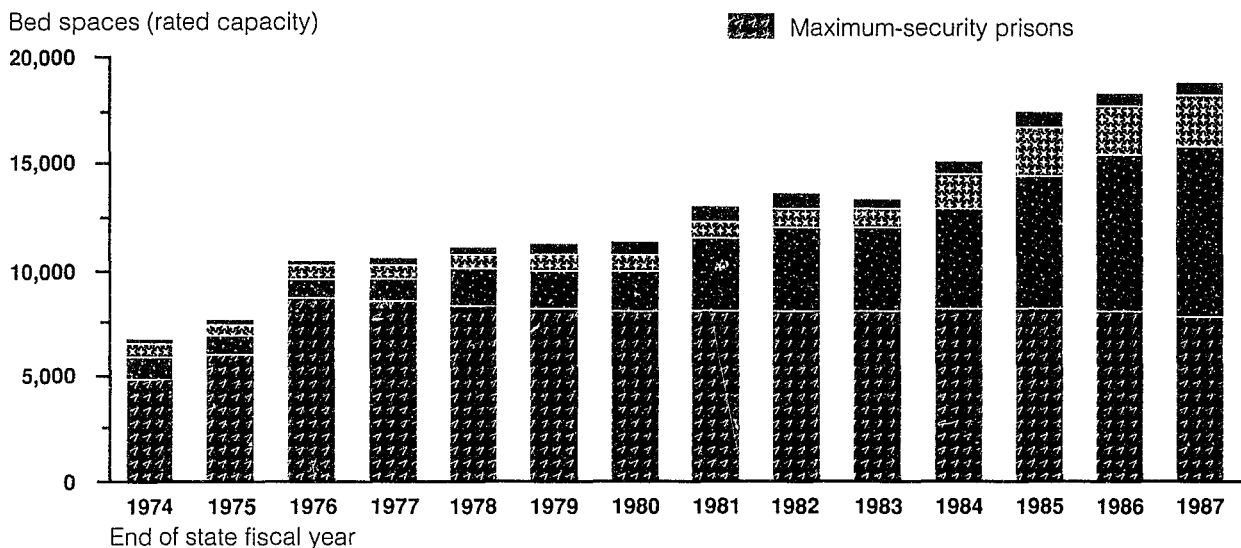
Ideally, the number of prison inmates should never exceed the capacity of the institutions designed to house them. Over the years, as Illinois' inmate population has fluctuated, so has the capacity of the state's prison system. But because there are different definitions of capacity, confusion exists about exactly when a prison is full and should not house additional inmates.

One common definition is *design capacity*, or the number of inmates which a correctional facility was originally designed to house or currently has a capacity to house as a result of design modifications, exclusive of extraordinary arrangements to accommodate crowded conditions.⁵⁷ Design capacity, in other words, is the number of inmates who can be housed and served in a facility, based on the original architectural design and any subsequent modifications. The design capacity of an institution cannot change without new construction.

Increasing prison design capacity is an expensive proposition. Nationally, the average cost per prisoner of constructing a minimum-security facility is \$22,263; for a

Figure 4-19

The rated capacity of Illinois' prison system nearly tripled between June 1974 and June 1987.



Source: Illinois Department of Corrections

medium-security facility, it is \$36,430; and for a maximum-security facility, \$39,695. The type of construction is a major cost factor. Building new institutions almost always costs more than renovating existing facilities. The average cost for an addition to an existing facility is \$32,102 per inmate, while the average cost for a new, independent institution is \$37,367 per inmate.⁵⁸ It should be noted, however, that new facilities afford the opportunity to design for maximum operating efficiency. A 1986 IDOC analysis of inmate costs estimated that it cost \$17,562 per year to house an inmate in a newly constructed facility, compared to \$27,675 in a renovated facility.⁵⁹

Creating additional design capacity is also time-consuming. Many steps are involved in the construction of a new facility: the decision to build must be made, a site must be agreed upon (with approval by the local community), funds must be authorized and appropriated by the General Assembly, architectural plans must be drawn, and construction must be undertaken. The entire process can take from four to seven years, or more.⁶⁰

In addition to design capacity, prison capacity is also defined in terms of *rated capacity*—an administrative determination of the maximum number of inmates who can be housed and provided with basic services.⁶¹ Rated capacity is determined by correctional administrators based on the interrelationship of the physical structure of the prison and its inmate population. Several factors are involved in rated capacity judgments, including the physical size and classification of an institution, the size and classification of the inmate population, the support facilities required to

operate the institution, other services needed to meet inmates' basic needs, and the security and safety of both prison staff and inmates.

Because rated capacity is an administrative judgment based on so many factors, it can be revised, both upward and downward, without the construction of new prison space. For example, a change from single- to double-celling of some inmates can increase an institution's rated capacity. Several different events have prompted revisions in rated capacity, both in Illinois and throughout the country, over the years. These include a surge in the offender population, changes in correctional policies, and special designations of facilities for various purposes, such as housing mentally ill offenders.

WHAT IS THE RATED CAPACITY OF ILLINOIS PRISONS?

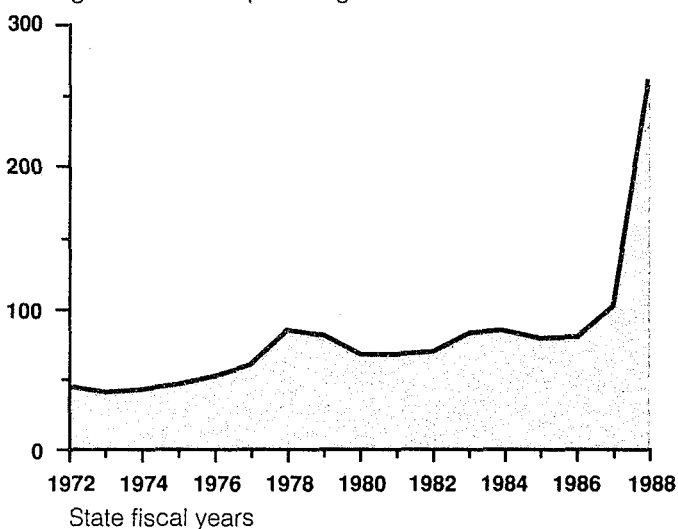
Although rated capacity figures do not necessarily reflect the desirable operational capacity of an institution, prison capacity in Illinois has historically been measured in those terms. The total rated capacity of Illinois' adult prison system (excluding farms and work camps) grew from 6,713 bed spaces in June 1974 to 18,882 in June 1987, a 181-percent increase (Figure 4-19). More than half of this increase occurred in medium-security facilities, where rated capacity grew by 7,128 spaces. As a result, a substantially greater proportion of the state's inmate population is now housed in medium-security prisons than ever before.

Rated capacity also increased substantially in both maximum- and minimum-security facilities between fiscal

Figure 4-20

The average caseload for parole agents in Illinois more than tripled between fiscal years 1986 and 1988.

Average caseload for parole agents



Source: Illinois Department of Corrections

years 1974 and 1987—the former by more than 2,800 spaces and the latter by 1,700. During this same period, the rated capacity of IDOC's community correctional centers increased by about 500 spaces. The rated capacity of the department's work camps grew by more than 700 spaces, while the rated capacity of its farms decreased slightly.

At the end of 1987, Illinois prisons had a design capacity of 16,303, a rated capacity of 19,911, and a total inmate population of 19,850.⁶² As of July 1988, the maximum-security institutions were operating at 93 percent of rated capacity and 146 percent of design capacity. Systemwide, IDOC's Adult Division was operating at 103 percent of rated capacity and 125 percent of design capacity.⁶³

WHAT IS THE MOST ACCURATE MEASURE OF PRISON CAPACITY?

As an institution grows older, design capacity becomes less meaningful as housing adjustments are made, and a rated capacity is developed for the institution. Many corrections officials believe, however, that a third measure of capacity is needed, because rated capacity often reflects housing decisions based on need rather than optimal housing conditions. IDOC has developed one such measure: *ideal capacity*.

According to IDOC, "the ideal capacity reflects the number of housing units designated for a distinct class of inmates and selected housing configurations of single, double, multiple, or dorm settings, with allowances for special utilization. The facility must have adequate support facilities and program services that meet basic needs and

staffing to ensure the safe and orderly operation of the facility."⁶⁴

In effect, ideal capacity is a compromise between outdated original design capacity and often inappropriately stretched rated capacity. The new measure, according to IDOC, will honor the facility's original design limitations while reflecting current differing security requirements. In 1986, the ideal capacity of Illinois prisons was 14,560 inmates, 21 percent less than the 1986 rated capacity of 18,418. At the end of 1988, rated capacity was 20,100 and ideal capacity was 16,492.

WHAT ARE THE CONSEQUENCES OF PRISON CROWDING?

As the number of inmates increases in any prison, space designed for education, medical care, programming, and recreation is often commandeered for dormitory use. Kitchen and laundry facilities quickly become overburdened. Moreover, assault rates tend to be higher in prisons housing inmates in dormitories, and in prisons where the available space is appreciably less than 60 square feet per inmate. Crowding, then, has seriously disruptive effects in that it heightens tensions, and makes control and regulation of disputes more difficult.⁶⁵

Because of the inherent danger involved in crowding the most serious offenders into institutions that, on the average, are about 100 years old, IDOC in recent years has attempted to limit double-celling in maximum-security prisons, and to avoid it altogether in the newer medium- and minimum-security institutions. As of July 1, 1988, 50 percent of the inmates systemwide were in single cells, 33 percent shared a cell with one other person, and 17 percent shared a cell with more than one other inmate.⁶⁶

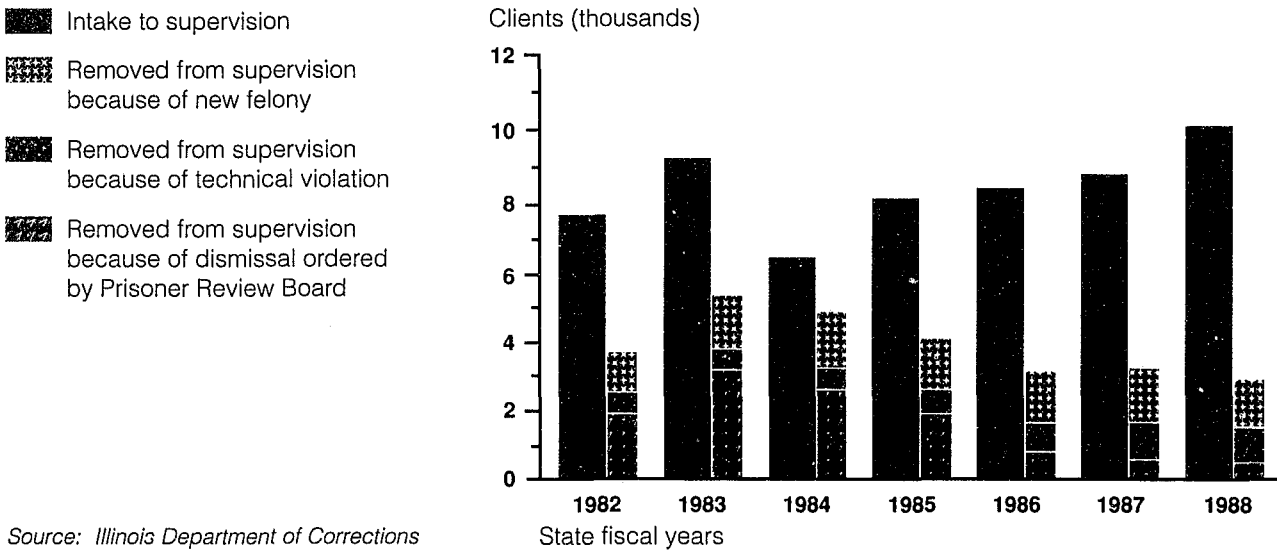
HOW HAVE STAFFING LEVELS FOR SUPERVISION OF RELEASEES CHANGED?

Statewide budget constraints have forced cutbacks in the last few years in the number of parole agents in Illinois. In 1987 alone, 66 parole agents and 11 supervisors were laid off. Between December 1985 and September 1987, the state's mandatory supervised release (MSR) and parole population increased 15.5 percent, while the number of parole agents decreased 64 percent. In fiscal 1973, the average caseload for parole agents across the state was 41; in fiscal 1987, it was 101; and in fiscal 1988, it was 261 (Figure 4-20).

Meanwhile, the number of prisoners released into state supervision in Illinois exceeded 10,000 for the first time in fiscal 1988 (Figure 4-21). At the end of the year, there were 46 state parole agents in Illinois supervising 11,997 releasees. In response to the excessive caseloads, 13 parole agents were hired in October 1988, and plans call for the remainder of those laid off in recent years to be recalled in fiscal 1989.

Figure 4-21

In fiscal 1988, the number of prisoners released into state supervision in Illinois exceeded 10,000.



Source: Illinois Department of Corrections

HOW MANY OFFENDERS VIOLATE THE CONDITIONS OF THEIR RELEASE?

Offenders who allegedly violate the conditions of either parole (if they served indeterminate sentences) or MSR (if they served determinate sentences) are brought before the Illinois Prisoner Review Board for a revocation hearing. If the review board finds that a former inmate did indeed violate the conditions of release, it can order the offender back to prison or it may reinstate the release status. Since determinate sentencing and MSR took effect in 1978, the number of revocation hearings—and the number of releases revoked—have increased steadily (Figure 4-22).

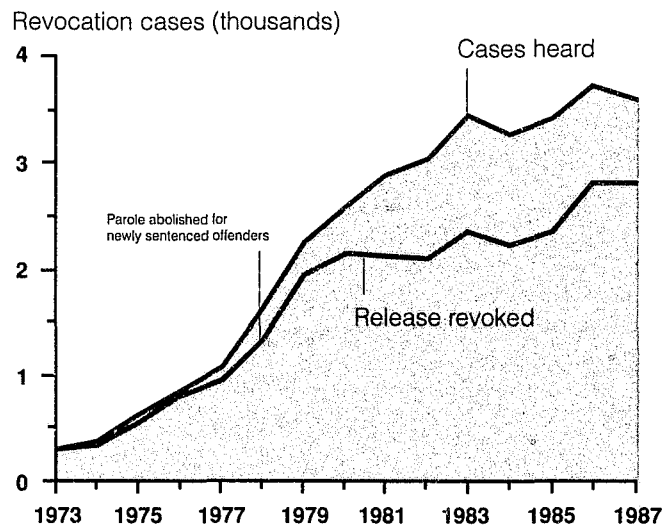
At the same time, the percentage of cases revoked has declined. From 1973 through 1977, authorities revoked nearly nine out of every 10 cases they heard. After determinate sentencing took effect and the number of revocation cases increased dramatically, the percentage of cases revoked began to decline. In fact, between 1981 and 1982, the number of cases revoked declined, even though the number of revocation hearings continued to increase. Since 1982, there have been more than 3,000 revocation hearings each year in Illinois. There were 3,604 revocation hearings in 1987, resulting in 2,806 revocations, or a revocation rate of 78 percent.⁶⁷

HOW MANY REQUESTS ARE THERE FOR EXECUTIVE CLEMENCY?

The Prisoner Review Board hears two types of executive clemency cases: commutations, in which offenders request reductions in their prison sentences, and pardons, in which offenders ask to be released from further punishment for their crimes.

Figure 4-22

More former prison inmates in Illinois are found to be violating their terms of release.

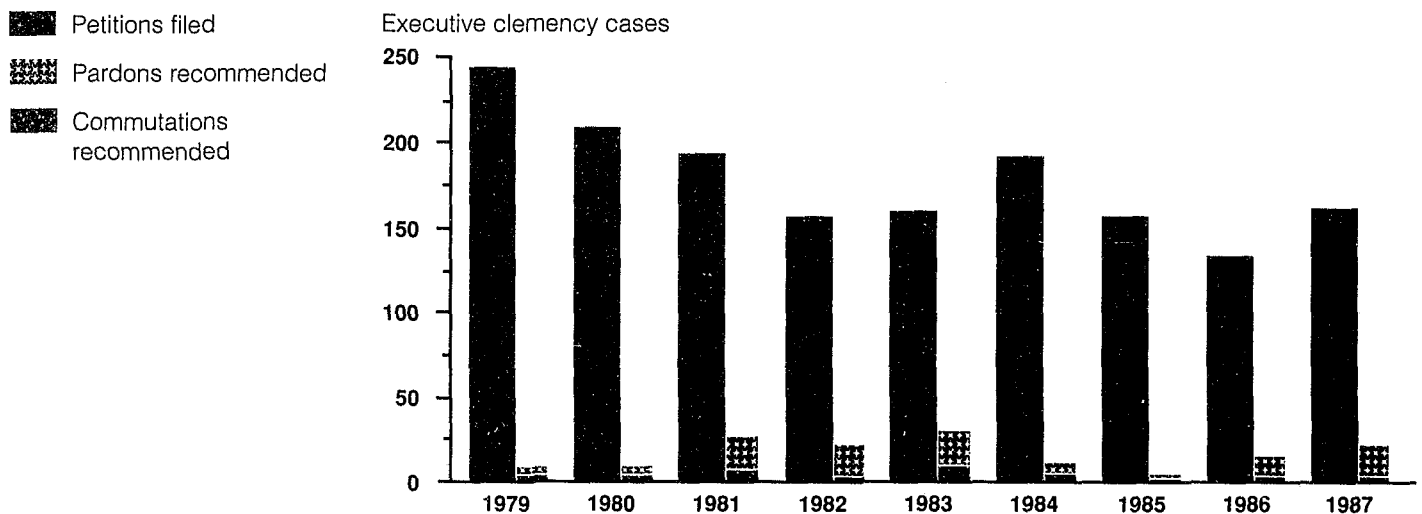


Source: Illinois Prisoner Review Board

More than 1,600 executive clemency petitions were filed with the review board between 1979 and 1987. During this period, the board recommended that 42 commutations and 110 pardons be granted, or 9 percent of all executive clemency requests it received (Figure 4-23). All clemency petitions recommended by the Prisoner Review Board must ultimately be approved by the Governor. Most of the successful petitions involve former inmates who have been in the community long enough to demonstrate that they are unlikely to commit new crimes.

Figure 4-23

Very few petitions for executive clemency result in commutations or pardons.



Source: Illinois Prisoner Review Board

WHAT IS THE EXTENT OF RECIDIVISM IN ILLINOIS?

One of the most important criminal justice findings in recent years is that a relatively small proportion of criminals commit a large number of crimes. In 1972, in the first of two large cohort studies in Philadelphia, researchers found that 6 percent of the offenders studied were chronic offenders who accounted for 52 percent of all juvenile arrests, three-fifths of all aggravated assaults, and three-fourths of all rapes.⁶⁸ In the second study, in 1982, 7.5 percent of the offenders studied were chronic offenders who accounted for 61 percent of all juvenile arrests and 69 percent of the serious crimes committed by the entire group.⁶⁹ Such findings have prompted criminal justice authorities to take a closer look at repeat offenders.

To gain a better understanding of what happens to inmates after they are released from prison in Illinois, and to more accurately gauge recidivism in the state, the Illinois Criminal Justice Information Authority undertook the Repeat Offender Project (ROP) in 1984. The ROP study tracked the criminal activity of a cohort of 769 inmates who were discharged from IDOC during April, May, and June of 1983.⁷⁰ The state criminal history records of these offenders revealed the following:⁷¹

- 62 percent were arrested at least once during the three years following their release from prison.
- The average number of arrests per offender after release from prison was 2, although this number ranged from 1 to 18; one-quarter of the offenders had 4 or more arrests following their release.

- The 477 offenders who were rearrested were involved in nearly 1,300 arrests during the three years following their release from prison; the majority of these arrests were for property-related crimes, while slightly more than one-quarter were for violent offenses.
- More than 36 percent of the former inmates were incarcerated again in an Illinois prison at least once during the three-year period.
- The 278 offenders who were reincarcerated were responsible for 357 commitments to state prison.

In addition to following the traditional method of measuring recidivism at the end of fixed intervals (such as 5 or 10 years), Authority researchers, using a technique called *survival analysis*, also examined the pace of recidivism during those time intervals.⁷² Survival analysis revealed that a former inmate's chances of being arrested again are greatest during the first nine months following release from prison, and that the risk of arrest decreases over time.

In other words, the longer a former prisoner "survives"—that is, the longer an individual avoids being rearrested or reincarcerated—the more likely it is that he or she will not recidivate. Seventy percent of the offenders in the ROP sample had survived 6 months after they had been released from prison, 60 percent were still surviving after 12 months, and 52 percent continued to survive after 18 months (Figure 4-24).

Throughout the ROP study, Authority researchers tried to pinpoint the variables that most accurately predicted the likelihood of an offender being arrested again after being released from prison. The Authority found the best indicator

of future criminal activity to be the extent of an offender's prior criminal history. In other words, the more prior arrests and prior incarcerations an offender had, the more likely it was that he or she would be arrested or incarcerated again.

Seventy-nine percent of the ROP offenders who had 11 or more prior arrests were arrested again within three years of release from prison, compared with 71 percent of those who had 7 to 10 prior arrests, 58 percent of those with 4 to 6 prior arrests, and 46 percent of those with 1 to 3 prior arrests. This relationship between prior criminal history and recidivism is very strong, and is not accounted for by other factors such as the offender's race or age or the types of crimes the offender previously committed.⁷³

Are the research results in Illinois consistent with the findings of national studies? A 1987 national study of recidivism rates of 3,995 parolees between the ages of 17 and 22 found that the number of prior arrests is strongly related to the probability of rearrest and reincarceration. Seventy-two percent of the parolees with six or more prior arrests were reincarcerated within six years of release, as compared to 42 percent of the young parolees with only one prior arrest.⁷⁴

A 1979 survey of 11,397 inmates in state prisons nationwide found that an estimated 61 percent of offenders admitted to prison in 1979 had previously been incarcerated as a juvenile, an adult, or both. Of the remaining 39 percent (those entering prison for the first time), nearly 60 percent had prior convictions resulting in probation.⁷⁵ Based on self-reports of how long it took these offenders to return to prison by 1979, it is estimated that nearly half of all offenders who are released from prison will return within 20 years of release. Most recidivism, however, takes place within the first three years after release from prison. An estimated 60 percent of those who will return to prison within 20 years will do so by the end of their third year.⁷⁶

Furthermore, time served in prison seems to have no consistent impact on recidivism rates of young parolees. Those who serve sentences of six months or less are about as likely to be rearrested as those who serve more than two years in prison.⁷⁷

HOW WILL ILLINOIS' PRISON POPULATION CHANGE IN THE FUTURE?

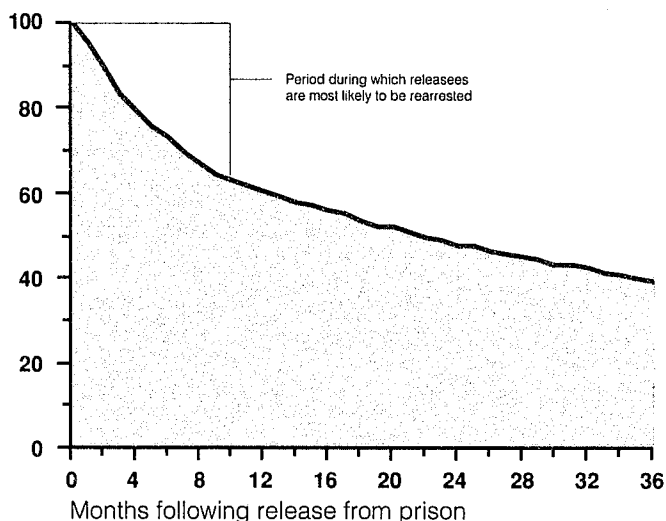
Using a variety of historical and demographic data, IDOC has calculated how it expects the state's prison population to change in the next several years.⁷⁸ Three different trends were projected through fiscal 1998: the number of admissions, the number of exits, and the overall population. The results indicate that Illinois' prison population is expected to continue to reach record levels into the 1990s (Figure 4-25).

The number of inmates admitted to prison (including both new admissions and felony defaulters) is expected to gradually increase over the next several years,

Figure 4-24

The longer a former inmate avoids being rearrested or reincarcerated, the more likely it is that he or she will not recidivate.

Percentage of releasees not arrested again, 1983 sample

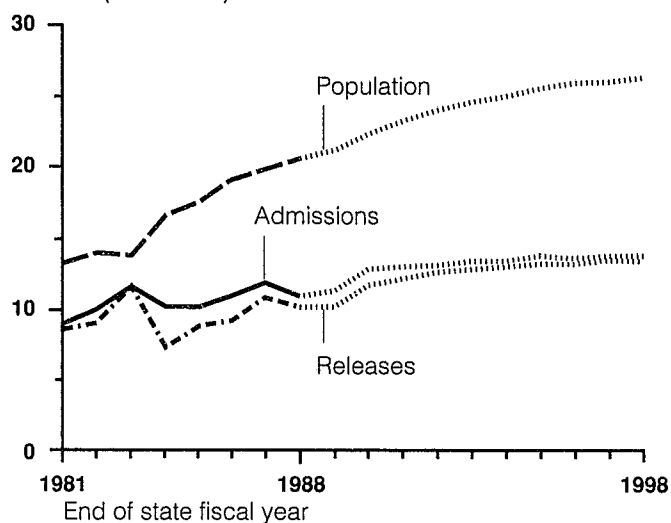


Source: Illinois Criminal Justice Information Authority

Figure 4-25

By 1998, the Illinois Department of Corrections projects there will be nearly 26,500 inmates in Illinois prisons.

Inmates (thousands)



Source: Illinois Department of Corrections

stabilizing at about 13,700 admissions by fiscal 1998. Releases too are expected to generally increase, reaching approximately 13,500 by fiscal 1998. The average daily prison population, however, is expected to continue to increase, surpassing 22,000 in fiscal 1990, and 25,000 in fiscal 1994. By fiscal 1998, according to IDOC projections, there will be approximately 26,500 inmates in Illinois prisons.

Notes

- ¹ Gerald Robin, *Introduction to the Criminal Justice System* (New York: Harper and Row, 1980), p. 291.
- ² George G. Cole, *The American System of Criminal Justice* (Monterey, Calif.: Brooks/Cole Publishing Co., 1986), p. 456.
- ³ James Inciardi, *Criminal Justice* (San Diego: Harcourt Brace Jovanovich Publishers, 1987), p. 449.
- ⁴ Illinois fiscal years run from July 1 through June 30 (for example, fiscal year 1987 began July 1, 1986, and ended June 30, 1987).
- ⁵ *Fiscal Year 1987 Jail and Detention Statistics and Information* (Springfield, Ill.: Illinois Department of Corrections, 1987), p. 17.
- ⁶ *Report to the Nation on Crime and Justice, Second edition* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 106.
- ⁷ Los Angeles County, California, actually houses three times as many jail inmates (16,865) as Cook County, but in seven separate facilities around the county. *National Jail and Adult Detention Directory, 1986-1988* (College Park, Md.: American Correctional Association, 1986), p. 327.
- ⁸ Sue Titus Reid, *Criminal Justice: Procedures and Issues* (St. Paul, Minn.: West Publishing Company, 1987), p. 405.
- ⁹ *Fiscal Year 1987 Jail and Detention Statistics and Information, 1987*, p. 43.
- ¹⁰ *Facilities* (Washington, D.C.: Federal Bureau of Prisons, 1987) p. 15; Gladys Lavelle, researcher, Federal Bureau of Prisons (personal communication, August 31, 1988).
- ¹¹ Margaret Poethig, "State sees to improvements in county jails," *The Compiler* (Chicago: Illinois Criminal Justice Information Authority, Spring 1988), pp. 6-7.
- ¹² *Fiscal Year 1987 Jail and Detention Statistics and Information, 1987*, p. 1
- ¹³ *Jail Inmates 1987* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 1.
- ¹⁴ Inciardi, 1987, p. 531
- ¹⁵ Cole, 1986, pp. 360, 506. The Bureau of Justice Statistics estimates this 1983 length of stay figure is accurate in 1988 (personal communication with Thomas Hester, Bureau of Justice Statistics, August 30, 1988).
- ¹⁶ *Fiscal Year 1987 Jail and Detention Statistics and Information, 1987*, p. 17.
- ¹⁷ *Prisoners in 1987* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 4.
- ¹⁸ All 48 were women, due to crowding at Dwight Correctional Center, Illinois' only all-female prison.
- ¹⁹ *Prisoners in 1987, 1988*, p. 4.
- ²⁰ *National Study of Jail Suicides: Seven Years Later* (Alexandria, Va.: National Center on Institutions and Alternatives, Jail Suicide Prevention Information Task Force, 1988), p. 3
- ²¹ "Jail Suicide Rate Nine Times Greater than that of the General Population," *Corrections Digest* (June 29, 1988), pp. 1-3.
- ²² *National Jail and Adult Detention Directory, 1986-1988, 1986*, p. xxvi
- ²³ Cook County Department of Corrections.
- ²⁴ Under Illinois law, a misdemeanor sentence of incarceration cannot exceed 364 days.
- ²⁵ Ill.Rev.Stat., ch. 38, par. 110-14. There is no reimbursement of any kind to persons who are held pretrial for lack of bond funds and who are subsequently acquitted or not prosecuted.
- ²⁶ Ill.Rev.Stat., ch. 75, par. 32.
- ²⁷ *Human Services Data Report, Part 1: 1984-1986* (Springfield, Ill.: Illinois Department of Corrections, 1986), vol. III, p. 4.
- ²⁸ Illinois Department of Corrections.
- ²⁹ *Quarterly Report on Adult and Juvenile Facilities* (Springfield, Ill.: Illinois Department of Corrections, July 1, 1988).
- ³⁰ The Dwight Correctional Center houses maximum-, medium-, and minimum-security female prisoners. However, for analytical purposes in this report, Dwight is considered a maximum-security facility.
- ³¹ *Human Services Data Report, Part 1, 1986*, p. 67.
- ³² *School District 428: Fiscal Year 1987 Annual Program Review* (Springfield, Ill.: Illinois Department of Corrections, 1987), p. 1.

- ³³ "School District Continues Battle Against Illiteracy," *Perspectives* (Springfield, Ill.: Illinois Department of Corrections, July 1988), p. 1.
- ³⁴ While probation is an aspect of corrections, it is administered by the courts in Illinois, and is therefore covered in Chapter 3.
- ³⁵ *Report to the Nation on Crime and Justice, Second edition*, 1988, p. 104.
- ³⁶ *1988 Directory: Juvenile and Adult Correctional Departments, Institutions, Agencies, and Paroling Authorities* (College Park, Md.: American Correctional Association, 1988), pp. xxii, xxx.
- ³⁷ *Fiscal Year 1987 Annual Report* (Springfield, Ill.: Illinois Department of Corrections, 1988), p. 19.
- ³⁸ Ill.Rev.Stat., ch. 38, par. 1005-6-3, 1005-7-1. For more information about electronic monitoring, see Roger Przybylski, *Electronically Monitored Home Confinement in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1988).
- ³⁹ As recently as July 22, 1988, in the case of *Bruscino v. Carlson*, the U.S. Court of Appeals for the Seventh Circuit upheld the right of the Federal Bureau of Prisons to employ stringent measures to control the inmate population at Marion.
- ⁴⁰ Punitiveness is not only a reflection of state legislatures and the judiciary. It is also indicative of how aggressive police and prosecutors are in bringing incidents to the attention of the courts.
- ⁴¹ *Ranking the Nation's Most Punitive States* (San Francisco: National Council on Crime and Delinquency, 1988), p. 2.
- ⁴² Bureau of Justice Statistics (news release, September 11, 1988).
- ⁴³ *Ranking the Nation's Most Punitive States*, 1988, p. 3.
- ⁴⁴ *Fiscal Year 1987 Jail and Detention Statistics and Information*, 1987, p. 17.
- ⁴⁵ See, for example, *Challenge of Crime in a Free Society* (Washington, D.C.: President's Commission on Law Enforcement and the Administration of Justice, 1967), pp. 159-185; or Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford University Press, 1980), p. 234.
- ⁴⁶ *Prisoners in 1987*, 1988. Note that BJS and IDOC prison statistics presented in this chapter are not comparable because of differences in data definitions and time periods in which data were collected.
- ⁴⁷ Bureau of Justice Statistics (news release, September 11, 1988).
- ⁴⁸ Bureau of Justice Statistics (news release, September 11, 1988).
- ⁴⁹ Some non-Class X felonies, such as residential burglary or aggravated battery of a senior citizen, carry mandatory prison sentences as well.
- ⁵⁰ See the introduction to this report for a discussion of expected changes in demographics and criminal justice activity in the coming years, particularly activity related to drugs.
- ⁵¹ Bureau of Justice Statistics (news release, September 11, 1988).
- ⁵² *Prisoners in 1987*, 1988, p. 3.
- ⁵³ Length of stay is the total amount of time offenders are incarcerated, including the time they spend in state prisons, county jails, mental health facilities, and juvenile institutions while under the auspices of IDOC for the current offense.
- ⁵⁴ In the years immediately following enactment of determinate sentencing in Illinois, the population of inmates released for the most serious crimes still included many prisoners who were completing indeterminate sentences. Only after almost all offenders serving indeterminate sentences exit prison can the full effects of determinate sentencing be known.
- ⁵⁵ The estimated length of stay for offenders entering prison in 1987 assumes that each prisoner will earn the full day-for-day good-conduct credits, plus one 90-day block of meritorious good time.
- ⁵⁶ *Capital Punishment 1987* (Washington, D.C.: Bureau of Justice Statistics, 1988), p. 1.
- ⁵⁷ *Adult Correctional Center Capacity Survey* (Springfield, Ill.: Illinois Department of Corrections, 1986), p. 6.
- ⁵⁸ *National Directory of Corrections Construction, Second Edition*, (Washington, D.C.: National Institute of Justice/American Correctional Association, 1988), p. 5.
- ⁵⁹ Nola Joyce and Daniel Bosse, "Design Comparisons—Choosing an Option to Meet Demands," *Corrections Today* (April 1986), p. 78.
- ⁶⁰ In certain cases where a design prototype and fast-track construction are used, this time can be cut substantially. Alfred Blumstein, *Prison Crowding* (Washington, D.C.: National Institute of Justice, 1985), p. 2.
- ⁶¹ *Adult Correctional Center Capacity Survey*, 1986, p. 7.
- ⁶² *Prisoners in 1987*, 1988, p. 5. See note 46.

- ⁶³ *Quarterly Report on Adult and Juvenile Facilities*, July 1, 1988.
- ⁶⁴ *Adult Correctional Center Capacity Survey*, 1986, p. 29.
- ⁶⁵ David Farrington, Lloyd Ohlin, and James Q. Wilson, *Understanding and Controlling Crime* (New York: Springer-Verlag, 1986), pp. 145–146.
- ⁶⁶ *Quarterly Report on Adult and Juvenile Facilities*, July 1, 1988, p. 6.
- ⁶⁷ *Prisoner Review Board, 10th Annual Report* (Springfield, Ill.: Illinois Prisoner Review Board, 1988), p. 16.
- ⁶⁸ Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972).
- ⁶⁹ Marvin E. Wolfgang and Paul E. Tracy, "The 1945 and 1958 Birth Cohorts: A Comparison of the Prevalence, Incidence, and Severity of Delinquency Behavior," cited in Farrington, Ohlin, and Wilson, 1986; Elliott Currie, *Confronting Crime: An American Challenge* (New York: Partheon Books, 1985), p. 84; Farrington, Ohlin, and Wilson, 1986, p. 50.
- ⁷⁰ The ROP sample is representative of the prison population in Illinois at the time the sample was drawn in 1983. For example, more than 97 percent of the inmates in the sample were male, slightly more than half were black, 80 percent were between the ages of 18 and 34 when they were released from prison (the average age at release was 28), 73 percent reported their marital status as single, and 53 percent said they had not finished high school at the time they were admitted to prison.
- ⁷¹ The primary source of criminal history data in the ROP study is the Computerized Criminal History system maintained by the Illinois State Police. See *Repeat Offenders in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1985) for a detailed explanation of the ROP methodology and data sources.
- ⁷² See John D. Markovic, *The Pace of Recidivism in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1986), for a detailed discussion of survival analysis.
- ⁷³ See Roger Przybylski, *The Impact of Prior Criminal History on Recidivism in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1986) for a thorough explanation of the relationship between prior criminal history and recidivism.
- ⁷⁴ *Report to the Nation on Crime and Justice, Second edition*, p. 111.
- ⁷⁵ *Examining Recidivism* (Washington, D.C.: Bureau of Justice Statistics, 1985), p. 1.
- ⁷⁶ *Examining Recidivism*, 1985, pp. 1–2.
- ⁷⁷ *Recidivism of Young Parolees* (Washington, D.C.: Bureau of Justice Statistics, 1987), p. 1.
- ⁷⁸ *Adult Correctional Center Capacity Survey*, 1986, pp. 96–99.

Drugs and Corrections

Approximately 1 out of every 10 inmates admitted to Illinois state prisons from the courts is serving a sentence for a felony drug offense.¹ This percentage, however, does not come close to representing the number of prison inmates involved with drugs. Many inmates were using drugs or were involved in drug-related criminal activity at the time of their arrests, but ended up serving sentences for other, non-drug offenses. A 1986 survey of inmates in state correctional facilities nationwide found that 43 percent were using illegal drugs on a daily or near daily basis in the month before committing the offense for which they were incarcerated.²

The large number of drug-abusing offenders in Illinois prisons has created new challenges for the Illinois Department of Corrections (IDOC). These include providing meaningful treatment for substance-abusing offenders in institutional custody and stopping the flow of drugs into state prisons.

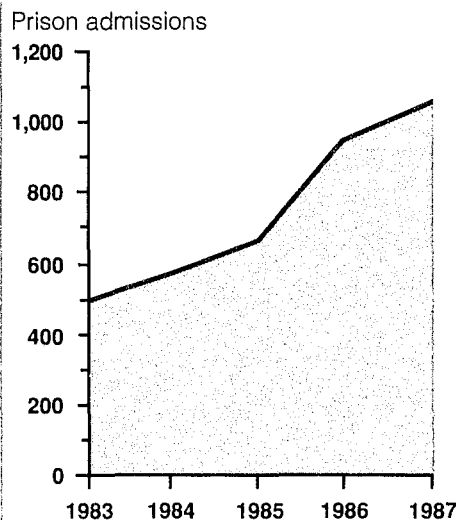
HOW MANY DRUG OFFENDERS ARE ADMITTED TO ILLINOIS PRISONS EVERY YEAR?

The number of admissions to Illinois prisons for drug offenses has risen dramatically in recent years. Between 1983 and 1987, admissions to IDOC for drug offenses more than doubled, reaching 1,066 in 1987 (DRUGS 4-1). The proportion of all admissions that drug offenders make up also increased steadily during this period. In 1983, drug offenders made up fewer than 6 percent of all prison admissions by the courts in Illinois, but in 1987 they accounted for more than 11 percent.³

In addition, an increasing number of drug offenders sentenced to prison in Illinois have been convicted of the most serious drug crimes—Class X offenses. Between 1983 and 1987, offenders convicted of Class X drug crimes accounted for the largest rise in prison admissions among all types of drug offenders, an increase of 269 percent (DRUGS 4-2). In each year between 1983 and 1987,

DRUGS 4-1

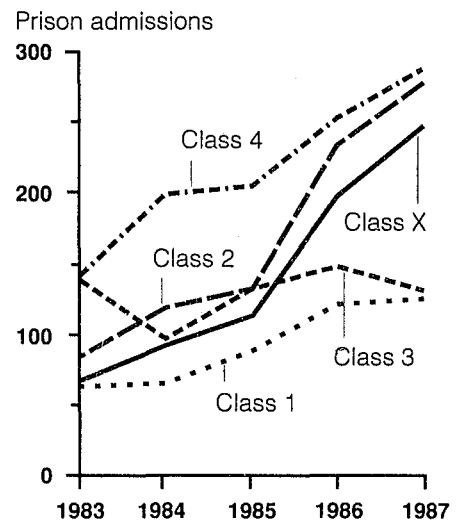
Between 1983 and 1987, admissions to IDOC for drug offenses more than doubled.



Source: Illinois Department of Corrections

DRUGS 4-2

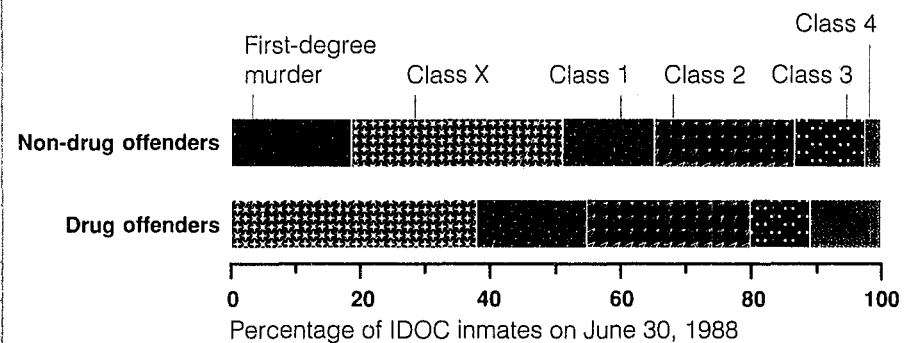
Class X offenders accounted for the largest rise in prison admissions for drug offenders.



Source: Illinois Department of Corrections

DRUGS 4-3

More than half of all drug offenders in Illinois prisons have been convicted of Class X or Class 1 offenses.



Source: Illinois Department of Corrections

Class 4 offenders accounted for the largest proportion of admissions to IDOC for drug crimes. Still, the proportion of prison admissions involving Class X drug offenders grew the most overall during this period. Class X offenders accounted for 13.5 percent of all drug offender admissions in 1983, but more than 23 percent in 1987. In contrast, the proportion of admissions comprising the other classes of drug offenders generally declined, except among Class 2 offenders, where the proportion rose slightly.

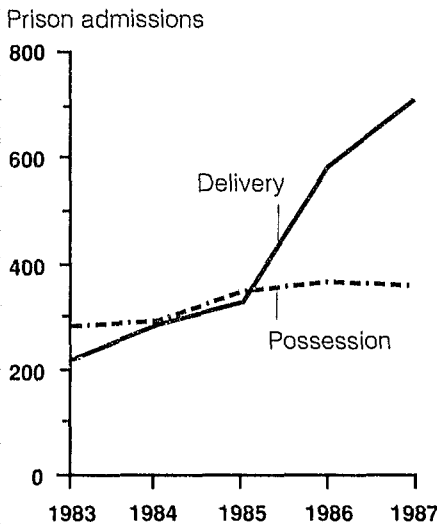
On June 30, 1988, serious drug offenders—those convicted of Class X and 1 felonies—made up 55 percent of all drug offenders in state prison (DRUGS 4-3). Thirty-eight percent of all drug offenders in prison on that date were admitted for Class X crimes.

WHAT TYPES OF CRIMES ARE DRUG OFFENDERS INCARCERATED FOR?

The numbers of offenders admitted to prison in Illinois for drug delivery crimes⁴

DRUGS 4-4

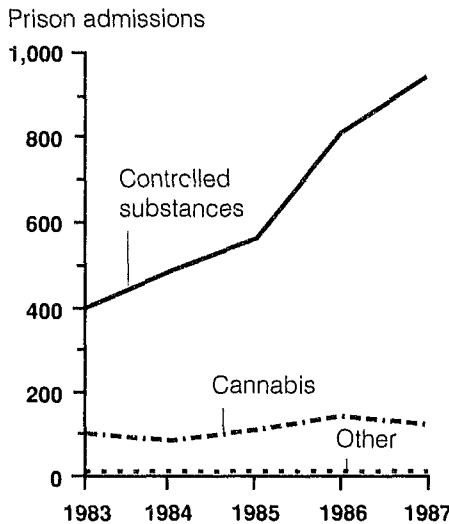
Illinois prison admissions for drug delivery offenses have risen sharply since 1985.



Source: Illinois Department of Corrections

DRUGS 4-5

IDOC admissions for controlled substance offenses more than doubled between 1983 and 1987.



Source: Illinois Department of Corrections

at 942 in 1987. Admissions of offenders convicted of marijuana-related crimes increased 13 percent during this three-year period, peaking at 139 in 1986.

WHAT IS THE DEMOGRAPHIC PROFILE OF DRUG OFFENDERS IN ILLINOIS PRISONS?

For almost every demographic category, the profile of drug offenders in Illinois prisons in June 1988 was different from the profile of non-drug offenders. In some cases, the differences were substantial.⁵

For example, the racial composition of the drug offender population was more evenly mixed than the composition of non-drug offenders. Although blacks made up the greatest proportion of both drug and non-drug offenders, they constituted a much smaller proportion of drug offenders than of non-drug offenders—a difference of almost 20 percentage points (DRUGS 4-6).

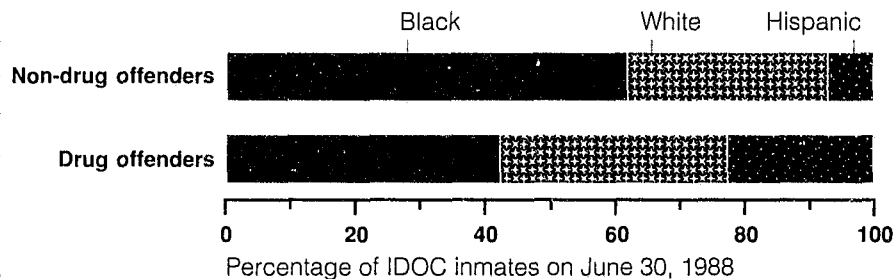
For white and Hispanic prisoners, the opposite was true: their proportion of drug offenders in prison was greater than their proportion of non-drug offenders. Whites accounted for 31 percent of all non-drug offenders, but 36 percent of all drug offenders, in prison at the end of state fiscal year 1988. The proportion of drug offenders in prison who were Hispanic (22 percent) was more than three times the proportion of non-drug offenders who were Hispanic (7 percent).

Because males make up such a large proportion of the total Illinois prison population, differences in the gender makeup of drug and non-drug offenders were less striking than differences in the racial makeup; yet, differences did exist. Males still made up more than 92 percent of the prisoners serving sentences for drug offenses on June 30, 1988. But the 8 percent of drug offenders in prison who were females was more than twice their proportion of non-drug offenders (3.5 percent).

The population of drug offenders in Illinois prisons is also generally older than the population of non-drug offenders. At the end of fiscal 1988, inmates aged 24

DRUGS 4-6

A higher percentage of whites and Hispanics are imprisoned in Illinois for drug offenses than for non-drug offenses.



Note: Fewer than 1 percent of drug and non-drug offenders in IDOC are of other races. Source: Illinois Department of Corrections

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

In 1983, the number of prison admissions involving offenders convicted of drug delivery crimes was about 22 percent lower than the number convicted of drug possession offenses. By 1987, however, admissions of delivery offenders were nearly twice the admissions of possession violators (DRUGS 4-4). Between

1985 and 1987, admissions of delivery offenders increased more than 119 percent, to 710 in 1987. Admissions of possession offenders were relatively stable after 1984, peaking at 367 in 1986.

In 1987, the number of prison admissions involving offenders convicted of controlled substance crimes was almost eight times the number of admissions of offenders convicted of cannabis violations (DRUGS 4-5). Like the pattern of drug delivery admissions, admissions of controlled substance offenders grew sharply between 1985 and 1987, peaking

and younger accounted for more than 31 percent of all non-drug offenders, compared with less than 20 percent of all drug offenders. Conversely, prisoners aged 30 and older accounted for about 44 percent of all non-drug offenders, but almost 56 percent of all drug offenders (DRUGS 4-7). The percentages of 25- to 29-year-olds were almost identical for both groups—approximately one-quarter.

Nearly two-thirds of all drug offenders in Illinois prisons on June 30, 1988, were committed by courts in Cook County. Courts in the five collar counties of DuPage, Kane, Lake, McHenry, and Will committed more than 13 percent, and courts in the rest of the state committed 21 percent. The proportion of drug offenders committed from both Cook County and the five collar counties is slightly higher than the proportion of non-drug offenders committed from those counties. In the rest of the state, the proportion of drug offenders committed to IDOC is slightly lower than the proportion committed for non-drug crimes.

ARE DRUG OFFENDERS IN ILLINOIS SERVING LONGER PRISON SENTENCES?

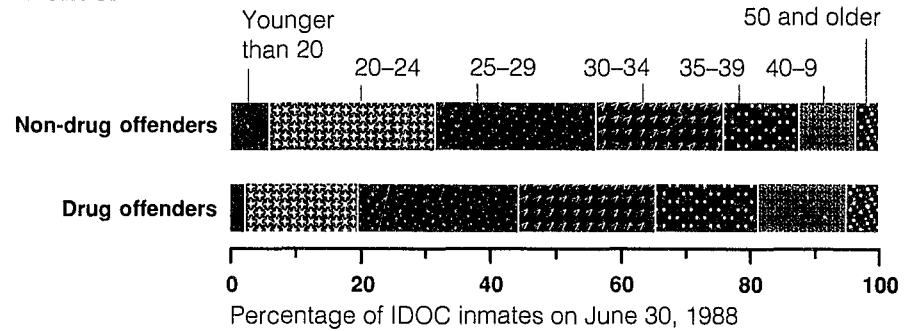
The average length of stay for drug offenders released from Illinois prisons in recent years increased more than 30 percent, from 1.1 years for those released in 1983 to 1.4 years for those released in 1987.⁶ However, increases in length of stay occurred only among offenders convicted of the most serious classes of drug offenses.

The average length of stay for Class X drug offenders increased from 2.2 years for those released in 1983 to 3.2 years for those released in 1987 (DRUGS 4-8). For Class 1 drug offenders, the average length of stay increased from 1.4 years to 1.9 years during this period. For drug offenders convicted of Class 2 crimes, the average length of stay increased slightly, and for Class 3 and 4 offenders, the average length of stay was almost identical in every year between 1983 and 1987.

Among adults recently released from prison nationwide for *federal* drug of-

DRUGS 4-7

Drug offenders in Illinois prisons are generally older than non-drug offenders.



Source: Illinois Department of Corrections

fenses, the average length of stay was 3.2 years.⁷

WHAT IS THE NATURE OF THE DRUG PROBLEM INSIDE ILLINOIS PRISONS?

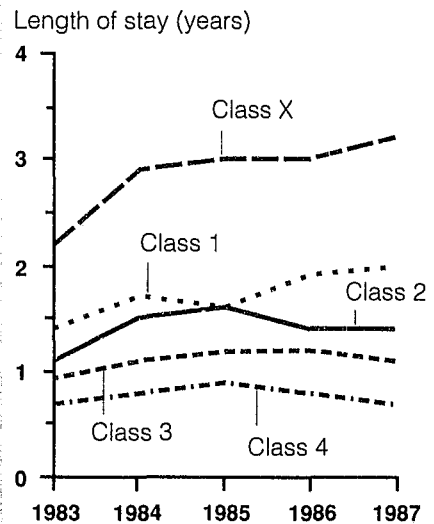
Drugs inside Illinois prisons is a two-part problem. First, a large number of inmates entering prison have been regularly abusing drugs and are in need of treatment. Second, many prison inmates continue to have access to contraband drugs smuggled in by employees and visitors, a situation that poses security problems for the entire prison system.

Based on recent self-reports of drug use by adult prisoners in Illinois, IDOC estimates that more than half of all adult inmates are candidates for some level of substance abuse treatment. Nearly one-quarter of adult male prisoners admit to using two or more drugs, and among female prisoners, 56 percent of those admitting drug use report abusing cocaine or cocaine and heroin.⁸ Because adult prisoners who report histories of substance abuse are more likely to return to prison than adults who report no such history of abuse, providing treatment to substance-abusing offenders may be an important factor in reducing drug abuse and crime among these people after they are released.

However, substance abuse among inmates often continues inside Illinois' prisons. In the latter part of 1987, for example, two state prisoners died of apparent drug overdoses: one in a co-

DRUGS 4-8

Average length of stay in prison for Class X and Class 1 drug offenders has increased.



Source: Illinois Department of Corrections

caine-related incident at the Pontiac Correctional Center, the other in a PCP-related incident at the Graham Correctional Center.⁹

IDOC reports that drugs and alcohol are being smuggled into institutions by employees, visitors, and vendors, and are then distributed to inmates through gang-controlled networks. In the last six months of 1987, for example, 636 inmates, 21 prison employees, and 98 visitors were involved in contraband drug- or alcohol-related incidents inside prison. Another 111 incidents occurred in which drugs or alcohol were found but

DRUGS 4-9

Contraband drug- and alcohol-related incidents occurred in Illinois prisons of every security level during the last six months of 1987.

Facility security level	Number of inmates involved	Number of staff involved	Number of visitors involved	Number of other incidents	Total	Average daily population	Rate per 100 inmates
Maximum	291	18	78	60	447	7,308	6.12
Medium	278	3	12	45	338	7,086	4.77
Minimum	67	0	8	6	81	3,550	2.28
Total	636	21	98	111	866	17,944	4.83

Note: Includes all IDOC institutions (except Dwight Correctional Center and the Menard psychiatric unit) from July 1, 1987, to December 31, 1987.

Source: Illinois Department of Corrections

could not be linked to an individual (DRUGS 4-9).

Inside prison, as on the outside, gangs use violence to gain power and to control the drug trade.¹⁰ The problem is most serious in maximum-security institutions, where the rate of drug- or alcohol-related incidents was more than 6 per 100 inmates in the second half of 1987.

WHAT IS IDOC DOING TO DISRUPT THE FLOW OF DRUGS INTO PRISON?

In 1988, IDOC outlined the measures it was taking to reduce the smuggling of drugs into Illinois prisons. The measures include the following:

- Random searches of employees, visitors, and vendors.
- Drug testing of all new job applicants and of any current employee suspected of abusing drugs. Applicants testing positive will not be hired; current employees testing positive will be discharged if a breach of safety or security was involved. If no security breach was involved, current employees testing positive will be suspended until they have successfully completed a substance abuse treatment program. Random testing of employees will not be conducted.
- New training to increase the capabilities of IDOC's Canine Unit, which works to detect illegal drugs in prison.
- Stepped-up prosecutions of employees and non-employees who bring in contraband or are involved in other illegal activities.

■ Emphasis on the Employee Assistance Program, which provides assistance to employees with substance abuse and other personal problems.

WHAT PROGRAMS EXIST TO TREAT JAIL INMATES WHO HAVE SUBSTANCE ABUSE PROBLEMS?

According to IDOC's Detention Standards and Services Unit, all 93 county jails in Illinois offer inmates at least some form of drug abuse treatment. In many counties, this treatment involves primarily counseling and referrals to community-based programs. In other counties, treatment programs inside jails are more formal and extensive.

One of the most comprehensive in-jail treatment programs in Illinois—and one that serves as a model for many other county and state correctional facilities—is offered to Cook County Jail inmates by the Gateway Foundation and Cermak Health Services. Gateway is a non-profit organization that has been providing drug orientation and counseling services to jail inmates in Cook County since 1969. Cermak Health Services is the health service provider for the Cook County Department of Corrections, providing substance abuse treatment services that augment those offered by Gateway.

The goal of Cook County Jail's Substance Abuse Treatment Center (SATC) is to prevent further criminal activity resulting from substance abuse among jail inmates. SATC provides a therapeutic

community designed to prepare jail inmates for other substance abuse treatment upon their release from the jail. The SATC men's program can handle 300 clients at a time. It occupies a nine-dormitory building that is part of the jail facility. Although no specific housing unit is designated for female offenders, one Gateway counselor is available full-time for women who need substance abuse treatment services.

During state fiscal year 1988, 263 Cook County Jail inmates were admitted to SATC. This was a 36-percent increase over the 194 admissions in fiscal 1987.¹¹

WHAT SUBSTANCE ABUSE PROGRAMS ARE AVAILABLE FOR OFFENDERS IN STATE PRISONS?

At the beginning of 1988, drug education programs for state prisoners were available in three adult and one juvenile institution in Illinois, and long-term substance abuse therapy groups existed in four adult institutions. These programs, however, did not begin to meet the needs of Illinois prisoners for drug education and treatment services. Although participation in IDOC's substance abuse education programs and therapy groups has generally been low, the level has risen rapidly in recent years, growing from 240 participants in state fiscal year 1986 to 390 participants in the first 11 months of fiscal 1988.

In August 1988, IDOC started expanding its drug education program for substance-abusing offenders in adult and juvenile institutions throughout Illinois,

and the department began offering expanded treatment opportunities to female prisoners with drug problems. The recent IDOC initiative has three parts:

1. Offender education. By July 1, 1989, IDOC plans to have an ongoing substance abuse education program in all of its adult and juvenile institutions. The program will provide inmates who have histories of substance abuse with the opportunity to gain current information on the causes and consequences of drug abuse, and to take part in a detailed self-analysis of their personal use of drugs and alcohol. Classes will be open to all inmates on a voluntary basis, with as many as 1,500 participants expected annually.

2. Treatment program for female inmates. Recidivism appears to be exceptionally high among female offenders

who report histories of drug abuse.¹² To address this problem, IDOC in late 1988 established a 30-bed substance abuse treatment program in the Dwight Correctional Center, Illinois' only all-female prison. The program is modeled after the Gateway Foundation program at the Cook County Jail and is staffed by Gateway treatment personnel. The Dwight program includes intensive group and individual therapy for substance abusers.

3. Community reintegration. To further reduce the number of women who return to prison because of drug abuse, IDOC is increasing from 14 to 20 the number of spaces in community treatment programs for substance-abusing offenders at Dwight. Community-based treatment offers offenders support as they try to remain drug-free while returning to the community.

The Data

The Illinois Department of Corrections (IDOC) is the source of most of the data in this section. Statistics on drug offenders admitted to Illinois prisons, the demographic profile of drug offenders in IDOC institutions on June 30, 1988, and data on the average length of stay for drug offenders were all obtained directly from IDOC.

Statistics on IDOC inmates participating in drug education and treatment programs were also obtained directly from IDOC. Other information on the drug problem inside Illinois prisons and the way IDOC is responding to it was obtained from IDOC's *Human Services Plan* for fiscal years 1987-1989.

Information on the drug treatment program at the Cook County Jail was obtained from the Gateway Foundation.

Notes

¹ Of the 19,143 state prisoners on June 30, 1988, who had been sentenced directly by the courts, more than 9 percent were in custody for felony drug holding offenses. In 1987, more than 11 percent of all prisoners admitted by the courts were in custody for drug holding offenses. When there are multiple charges that result in conviction, the holding offense is the one that holds the offender in prison for the longest period of time.

² *Drug Use and Crime: State Prison Inmate Survey, 1986* (Washington, D.C.: Bureau of Justice Statistics, 1986), p. 1.

³ These admission figures cover only those felons who are sentenced to incarceration directly by the courts. They do not include offenders who are returned to prison for violating the conditions of their release or for other reasons.

⁴ "Delivery" includes manufacture, intent to deliver, conspiracy, and other drug trafficking activities, as well as actual delivery of drugs.

⁵ The demographic profile of Illinois prison inmates is based on a snapshot of the IDOC prison population on June 30, 1988, the end of state fiscal year 1988.

⁶ About three-quarters of this time is actually spent in prison; the rest is spent in jail or in other facilities where time served may be credited against the prison sentence.

⁷ This figure represents the average length of stay for adults convicted of federal drug offenses who had their initial parole hearing between July 1, 1979, and June 30, 1980, and who were released prior to January 1, 1987, or had a release date scheduled by the Parole Commission for a later date. *Sentencing and Time Served, Federal Offenses and Offenders* (Washington, D.C.: Bureau of Justice Statistics, 1987), p. 4.

⁸ Illinois Department of Corrections (Interagency Agreement No. 3733 with the Illinois Criminal Justice Information Authority, 1988), p. A-1.

⁹ *Human Services Plan, Fiscal Years 1987-1989* (Springfield, Ill.: Illinois Department of Corrections, 1988), vol. III, sec. I.

¹⁰ *Human Services Plan, Fiscal Years 1987-1989, 1988*, vol. III, sec. I.

¹¹ State fiscal years run from July 1 through June 30 (for example, fiscal 1988 began July 1, 1987, and ended June 30, 1988).

¹² IDOC reports that 72 percent of female offenders released in 1984 who then returned to prison reported histories of drug abuse, while 40 percent of the female releasees who did not return to prison reported drug abuse. For males, 67 percent who returned to prison had histories of drug abuse, compared with 50 percent who did not return to prison.

DUI and Corrections

Although most drunken drivers receive some sort of administrative sanction, such as the revocation of their driving privileges, criminal penalties may also result from a DUI conviction. Under the standard Class A misdemeanor offense of DUI, a fine, a jail sentence or term of probation, or both may be imposed. The offender may also be placed on conditional discharge in lieu of jail or probation. For the aggravated forms of DUI, which are Class 4 felonies, a prison sentence may be imposed instead of a jail term.

Comprehensive sentencing data for DUI cases are unavailable in Illinois. However, the number of DUI offenders sentenced to probation and the number admitted to Illinois prisons are available from the Probation Division of the Administrative Office of the Illinois Courts and from the Illinois Department of Corrections, respectively.

The number of DUI offenders admitted to state prisons has been quite small since 1983, the last year that misdemeanants could serve sentences of incarceration in prison in Illinois. There were 140 DUI offenders admitted that year—87 where DUI was the most serious, or holding, charge, and 53 where DUI was a lesser, secondary charge. Since that time, there was one prison admission for DUI in 1984, none in 1985, and five in 1986. In all of these cases, DUI was not the holding charge. In 1987, there were 20 DUI admissions to Illinois prisons—13 where DUI was the holding charge, and seven where it was not.

It is not known exactly how many DUI offenders in Illinois receive jail sentences. In Cook County, however, a recent analysis revealed that DUI was the third most common offense for inmates in the Periodic Imprisonment Unit of the county jail.¹ In January 1988, 31 of the 349 inmates in the Periodic Imprisonment Unit had DUI as the holding offense for which they

were sentenced. It is also possible that other inmates were sentenced to periodic imprisonment with DUI as a lesser charge. Since many judges are interested in keeping DUI offenders off the streets during periods associated with social drinking, they will often sentence drunken drivers to weekend incarceration and allow them to work or to receive educational, medical, or counseling assistance during the weekdays.

Nationwide, the Bureau of Justice Statistics (BJS) estimated in June 1983 that approximately 13,000 offenders, or 6 percent of the adult population in the nation's jails, were serving sentences following DUI convictions.² Another 1,800 inmates, or about 1 percent of the total, were charged with DUI and awaiting trial. BJS found that about 48 percent of the persons jailed for DUI had previous DUI convictions.

In Illinois, 8,914 DUI offenders were admitted to probation in 1987. This total is up 13 percent from the 1986 figure (7,884), but down 6 percent from the 1985 total (9,463). DUI offenders now make up a large portion of the statewide adult probation caseload. In 1984, nearly 13 percent of the total adult probation caseload involved DUI cases. By the end of 1987, that percentage had grown to 23 percent of the total adult caseload. However, because some counties also handle non-conviction supervision cases in their probation departments, it is unclear how many of the state's DUI probation cases were convictions and how many were unconvicted supervisions or conditional discharges.

In 1986, the Illinois General Assembly created and funded the first probation officer positions specifically designated for DUI. There are currently 75 DUI probation officers in the state to handle the DUI caseload. Approximately \$1.6 million has been allocated in fiscal year 1989 to fund these positions.³

DUI 4-1

Almost all DUI offenders in Cook County are assigned to supervision or conditional discharge rather than probation.

	Probation	Social services
1985	1,377	2,686
1986	709	4,880
1987	157	6,337

Source: Circuit Court of Cook County

In recent years in Cook County, there has been a definite trend toward assigning DUI offenders to supervision or conditional discharge rather than sentencing them to probation (DUI 4-1). Supervision and conditional discharge dispositions take advantage of the highly structured intervention program that has been incorporated into the basic operations of the Circuit Court's Social Service Department, which monitors all supervision and conditional discharge cases in Cook County. During 1987, the department's caseworkers handled 6,337 DUI cases.

DUI offenders are often required to complete some form of public service employment. The nature of this employment can range from manual labor to highly professional areas of specialization. During 1987, 4,141 DUI offenders in Illinois were ordered to perform public service employment. Collectively, they completed more than 265,000 hours of work.

Notes

¹ *The Periodic Imprisonment Program in Cook County Jail* (Chicago: Illinois Criminal Justice Information Authority, 1988).

² Lawrence A. Greenfield, *Drunk Driving* (Washington, D.C.: Bureau of Justice Statistics, 1988).

³ In Cook County, the funded positions are Social Service Department caseworkers rather than probation officers.

AIDS and Corrections

When the seriousness of the problem of AIDS first became widely recognized in the early 1980s, many criminal justice experts feared that correctional institutions would be overwhelmed with problems related to the condition. Correctional personnel were concerned because, like law enforcement officers, they may encounter blood and body fluids—and thus the risk of infection with the human immunodeficiency virus (HIV)—in the course of their work. Inmates, too, were concerned because so many of them have engaged in high-risk behavior, and some are violent, even predatory, engaging in acts that can transmit HIV.

In response to these concerns, many correctional facilities developed plans to address the problem of AIDS. An effective correctional response to AIDS can accomplish many things: it can protect individual staff and inmates; limit the spread of the disease in the institution and outside, after inmates are released; and promote humane and fair treatment for all inmates. Additionally, one of the main goals of a facility's response to AIDS is to allay unsubstantiated fears of both staff and inmates.

HOW EXTENSIVE IS AIDS AMONG PRISON INMATES NATIONWIDE?

As of October 1987, there was a cumulative total of 1,964 confirmed AIDS cases in local, state, and federal correctional facilities throughout the United States—a 59-percent increase over the 1986 total and a 150-percent increase over 1985. Forty-five percent of the prisoners who made up the 1987 cumulative total died of AIDS while in custody.¹ In state prisons nationwide, the number of inmates confirmed to have AIDS increased from 433 in November 1985 to 1,223 in November 1987, a 182-percent rise.²

Ninety-five percent of the prison inmates with AIDS nationwide were male. Approximately 58 percent were black, 32 percent were white, and 10 percent were Hispanic. Approximately two-thirds were attributed to intravenous drug abuse.³

HOW EXTENSIVE IS AIDS AMONG STATE PRISONERS IN ILLINOIS?

The Illinois Department of Corrections (IDOC) reported 24 AIDS cases—involving 23 men and one woman—from November 1984 to September 1988. Thirteen of these cases were diagnosed during the first nine months of 1988. This sharp increase could be due to various factors:

1. The national Centers for Disease Control (CDC) have broadened the diagnostic criteria that identify a person as having AIDS.⁴
2. IDOC's medical staff have become more familiar with the various symptoms of AIDS.
3. Intravenous drug abuse or sexual contact with HIV-infected partners may be more common among persons sentenced to IDOC.

Of the 13 inmates diagnosed with AIDS in 1988, seven have died. They lived an average of about 25 days after diagnosis. Of the remaining inmates, three were diagnosed in February, and one each in July, August, and October. Nine of the 11 inmates diagnosed with AIDS prior to 1988 have died. They lived an average of 100 days after diagnosis. Of the remaining two inmates, one was diagnosed in February 1985 and one in April 1987. Despite the life span disparity between the two groups of inmates—those diagnosed before 1988 and those diagnosed during that year—there is little difference in the time between admission to IDOC and diagnosis of AIDS for each group (10.4 months for the pre-1988 group and 8.3 months for the 1988 group).

Of the inmates with AIDS who were alive as of October 1988, four were still housed in IDOC institutions and four were on mandatory supervised release.

Sixteen of the 24 IDOC inmates diagnosed with AIDS had abused intravenous drugs (including the one female inmate with AIDS). Five more had both abused intravenous drugs and engaged in homo-

sexual or bisexual activity. The percentage of IDOC inmates with AIDS who abused intravenous drugs—87.5 percent—greatly exceeds the percentage of AIDS cases in the general population that can be attributed to intravenous drug abuse, both nationally (24 percent) and in Illinois (15 percent). In addition, the percentage of IDOC inmates with AIDS who abused intravenous drugs exceeds the national percentage of inmates with AIDS who abused intravenous drugs by 21 percentage points. These differences, however, may be due to the relatively small number of cases diagnosed so far at IDOC.

Of the 24 IDOC inmates diagnosed with AIDS, 12 were black, 10 of whom had abused intravenous drugs; eight were Hispanic, all of whom had abused intravenous drugs; and four were white, three of whom had abused intravenous drugs.

IS AIDS BEING SPREAD INSIDE ILLINOIS PRISONS?

Thus far there is no proof that any prison inmate in Illinois with AIDS contracted the condition while in IDOC custody. To examine this issue further, however, IDOC in April 1988 initiated a blind study, funded by CDC, to determine the incidence and transmittal rate of AIDS in prison.

Blood samples are being drawn from 2,500 incoming inmates who have been incarcerated at least 90 days (for example, in a county jail) before being admitted to IDOC and who will remain incarcerated in IDOC for at least one year. Choosing blood samples from inmates who have been incarcerated for 90 days increases the probability that HIV antibodies from infections contracted prior to incarceration will have already appeared before the blood is drawn, since antibodies usually appear within 12 weeks of infection (see page 20). These samples will be frozen, and the same 2,500 inmates will have fresh samples drawn one year later. If any of the new samples test positive for HIV antibodies, the corresponding original sample will be com-

pared with it. If the original sample tests negative, it can reasonably be assumed that HIV infection probably occurred during incarceration. IDOC expects to complete the study in the fall of 1990.⁵

IDOC is also conducting two sero-prevalence studies to help determine the current extent of HIV infection among Illinois prisoners. Preliminary analyses show an HIV prevalence rate in IDOC facilities that, contrary to some expectations, is growing more slowly than the rate among a comparable group in the general population.⁶ Sero-prevalence studies done at other correctional facilities throughout the United States (for example, in New Mexico and Michigan prisons) show HIV prevalence rates below 1 percent. The overall HIV infection rate among state and federal correctional inmates is, however, substantially higher than the infection rate for the general population, with 54 cases of HIV infection per 100,000 prison inmates as opposed to 9 cases per 100,000 in the general population.⁷

To fight the spread of AIDS, correctional facilities have adopted a variety of approaches. Some facilities, specifically in Mississippi, New York City, and Vermont, make condoms available to their inmates. Because IDOC does not allow inmates to have conjugal visits, and because condoms are considered contraband, condoms are not distributed to prison inmates in Illinois. Most facilities, both in Illinois and nationwide, provide information to inmates about AIDS and how it is spread (see below).

HOW EXTENSIVE IS AIDS AT COOK COUNTY JAIL?

The Cook County Department of Corrections (CCDOC) reported 18 AIDS cases—all but one male—from the fall of 1983 to the fall of 1988. Nine were intravenous drug abusers, and one other inmate was identified as both an intravenous drug abuser and a homosexual or bisexual. Six were black, seven were white, and four were Hispanic. The race of one inmate with AIDS was not recorded.

Over the last three years, there has been an average of three AIDS-related deaths per year at the Cook County Jail. Some

Cook County judges, however, grant early discharges to inmates with AIDS, thus possibly reducing the number who might have died at the jail.

WHEN ARE INMATES TESTED FOR HIV?

No correctional facility in Illinois routinely tests inmates for HIV antibodies when they enter jail or prison, nor does any facility offer HIV testing to all inmates, even at an inmate's request. Inmates who are sexually assaulted or injured in such a way that they may have been exposed to HIV while in custody are offered testing.

CCDOC does not specifically monitor inmates and pretrial detainees who have engaged in activities that put them at risk of AIDS prior to incarceration. Inmates in high-risk categories are generally treated no differently than are other incarcerated persons. Those inmates entering CCDOC who are obviously ill are tested and given appropriate treatment for any illness.

IDOC does monitor inmates who are at a high risk of developing AIDS. IDOC inmates are considered to be at a high risk of developing AIDS if they meet one of two general criteria: (1) both having symptoms of HIV infection and having engaged in high-risk behavior (such as sharing needles or engaging in high-risk sexual activity), or (2) having engaged in high-risk behavior with someone known to be infected with HIV.⁸

High-risk inmates receive a medical examination every three months, which includes blood tests. As of September 30, 1988, IDOC was monitoring about 139 of its inmates. An inmate is removed from the high-risk category at the discretion of a doctor or upon discharge from IDOC or death.

ARE HIV-POSITIVE DETAINEES AND INMATES QUARANTINED?

When the Chicago Police Department learns that a person in its custody is HIV-positive, based on information from the arrestee, medical personnel, or another person, such as a family member, the arrestee is kept isolated in the department's lockup. The National Sheriffs'

Association recommends a similar policy, in order to prevent the spread of AIDS among inmates and for the HIV-infected arrestee's own safety. According to the association, an isolated arrestee will be safe from common communicable illnesses that other persons might spread. Such illnesses can be fatal to a person with AIDS.⁹

Sheriffs' departments throughout Illinois vary in their procedures for holding HIV-infected arrestees. Their policies range from complete isolation to holding them in the general population.

At Cook County Jail, HIV-infected inmates are not isolated from the general population unless they are so ill that they require medical treatment. Similarly, at all Illinois adult correctional facilities, inmates who test positive for HIV but generally don't show symptoms of AIDS-related complex (ARC) or AIDS are housed with the general inmate population. Inmates with AIDS and ARC are also housed with the general population, unless they are so seriously ill that they must be transferred to the medical unit. Only the medical and dental staff of the institution know the results of an individual inmate's HIV test.

Unlike HIV-infected inmates in some other states, HIV-infected inmates in Illinois prisons are allowed the same visitation privileges as are uninfected inmates, including physical contact. Visitors of HIV-infected inmates at CCDOC are also allowed physical contact.¹⁰

HOW ARE INMATES EDUCATED ABOUT AIDS?

Educating inmates about AIDS is important not only for reducing the spread of the condition inside prison, but also for reducing the chances of inmates contracting AIDS after they are released. In fact, correctional officials may be the only source of accurate AIDS information for many of those at highest risk of developing AIDS—intravenous drug abusers.

IDOC holds monthly educational programs for inmates on how HIV is transmitted and how to avoid HIV infection.

Inmates also receive information from handouts, articles in prison newspapers, medical bulletins, videotapes, and question-and-answer sessions with medical staff.

In addition, IDOC provides inmates about to be released with information about high-risk behavior and the need for persons engaged in such behavior to be tested for HIV. Releasees also receive a list of HIV antibody counseling and testing centers located throughout the state that offer free services.

CCDOC also provides its inmates with lectures, pamphlets, and videotapes on

how HIV is transmitted and how to avoid infection.

HOW ARE CORRECTIONAL PERSONNEL IN ILLINOIS TRAINED ABOUT AIDS?

The AIDS precautions that Illinois correctional staff are trained to follow, like the training for law enforcement officers, are based on guidelines recommended by CDC (see page 64). AIDS training for correctional personnel in Illinois is based on the same principles of non-discrimination and reasonable precautions in high-risk situations.

In addition to training for their security

staffs, both IDOC and CCDOC require their laboratory, medical, and dental staff to wear gloves and eye goggles in situations where they may be exposed to splashing blood or when they have contact with mucous membranes, broken skin, or body fluids. These workers are also reminded to use extreme caution when handling sharp instruments such as needles and scalpels.

CCDOC and IDOC staff who have been exposed to HIV or another infectious disease in the course of their duties are offered tests for HIV antibodies and hepatitis B, but only when the medical staff determine that such tests are justified.¹¹

The Data

Because AIDS is such a new problem for the Illinois criminal justice system, there are very little data on the topic. Of the cumulative total of 2,131 Illinois AIDS cases that the Illinois Department of Public Health had recorded as of October 28, 1988, for persons aged 13 and older, only 41, or 2 percent, were inmates of IDOC or CCDOC.

Notes

¹ *AIDS in Correctional Facilities: Issues and Options* (Washington, D.C.: National Institute of Justice, 1988), p. 23.

² National Institute of Justice, 1988, p. 27.

³ The information in this report is based on a survey of all state and federal prisons and the nation's largest city and county jails. Although the survey's overall response rate was greater than 95 percent, only 30 percent responded to the survey question asking for the race of HIV-infected inmates. (National Institute of Justice, 1988, p. 26.)

⁴ In September 1987, the Centers for Disease Control added some non-infectious and non-cancerous, but life-threatening, conditions to its list of AIDS-indicator diseases. HIV wasting syndrome is the most common of these—it involves sudden, substantial involuntary weight loss, plus either chronic diarrhea or chronic weakness and persistent fever. (National Institute of Justice, 1988, pp. 5, 130.)

⁵ Judith Coe, Public Health Coordinator, Illinois Department of Corrections (tele-

phone interview, November 1, 1988).

⁶ "Illinois DOC Medical Director Says AIDS in Prison is a 'Very Manageable Problem,'" *Corrections Digest* (November 11, 1987), p. 4.

⁷ National Institute of Justice, 1988, p. 25.

⁸ *AIDS Manual* (Springfield, Ill.: Illinois Department of Corrections, 1987), chapter VI, p. 7.

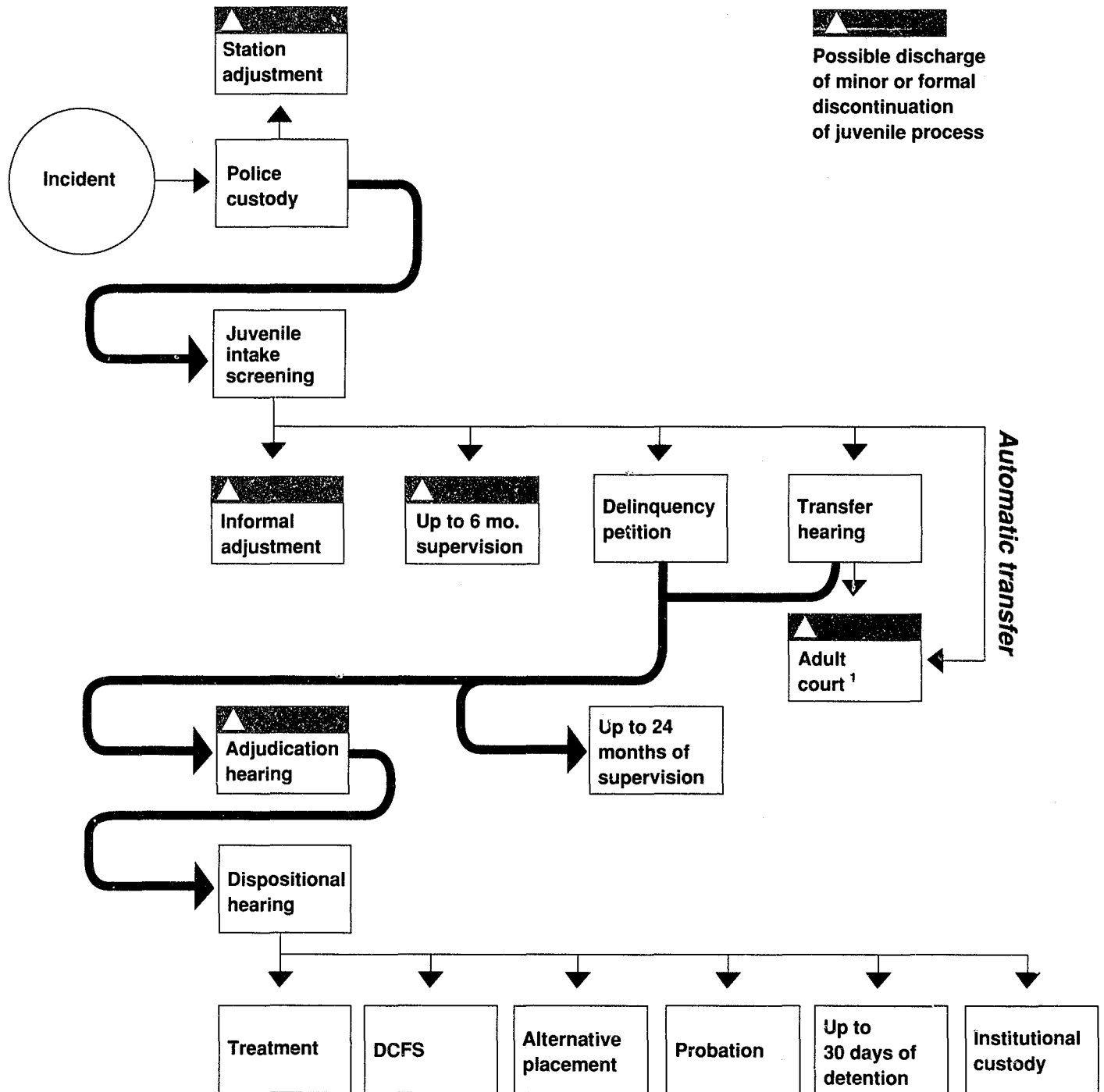
⁹ Anita T. Laszlo and Marilyn B. Ayres, *AIDS: Improving the Response of the Correctional System* (Washington, D.C.: National Sheriffs' Association, 1986), p. 52.


¹⁰ Judy Greenspan, "NPP Gathers Statistics on AIDS in Prison," *The National Prison Project Journal* (Summer, 1988), p. 8.

¹¹ Illinois Department of Corrections, 1987, chapter VII, p. 4; *Law Enforcement and AIDS: Questions of Justice and Care* (Chicago: Loyola University of Chicago, 1987), p. 43.

An Overview of Juvenile Processing in Illinois

(For a juvenile charged with an offense that would be criminal if committed by an adult)



 Possible discharge of minor or formal discontinuation of juvenile process

¹ Begin adult felony process at preliminary hearing

JUVENILE JUSTICE

Overview

In 1899, Illinois created the first juvenile court in the United States. This move was more than simply a management decision: it was a formal recognition that young offenders have special problems and needs that can be best met through a system distinct from the one used for adult offenders. Throughout this century, the legal mandates of juvenile justice in Illinois have undergone many changes, but juvenile justice has remained largely separate from the adult criminal justice system.

Juvenile courts, not just in Illinois but throughout the country, were established under the doctrine of *parens patriae*, whereby the state acts as the guardian or responsible authority for a minor in order to protect the youth from dangerous conduct or harmful environments. The goal of the juvenile justice system is not to punish young people, but rather to provide individualized treatment and guidance. The juvenile justice system has developed different courtroom procedures and services for minors who have different kinds of problems, such as delinquent, runaway, or addictive behavior, or who need a new or safer home environment either temporarily or through permanent adoption.

This approach is based on two ideas: first, that juveniles are developmentally incapable of forming the necessary criminal intent to be held responsible for their actions, and second, that juveniles are still impressionable enough to be diverted from further criminal behavior. In the juvenile justice system, then, the *offender* is generally more important than the *offense*. Under this concept, the “procedures of the court have been intentionally non-adversarial, the terminology intentionally non-criminal, and its powers intentionally vast.”¹ The juvenile courts’ philosophy and goals are to help youth be responsible for their behavior—especially delinquents aged 13 and older.

In recent years, however, juvenile justice professionals have come to recognize that a small group of juvenile offenders do indeed commit serious, habitual crimes

that require a more punitive response. As a result, Illinois’ juvenile justice system is now pursuing a dichotomous set of goals—providing treatment for the majority of juveniles who are involved in relatively minor incidents, as well as incapacitating those young offenders who are truly dangerous. This chapter examines how the state’s juvenile justice system has responded to this challenge.

WHAT IS THE JUVENILE JUSTICE SYSTEM?

The juvenile courts in Illinois have jurisdiction over minors who are abused, neglected, or dependent; minors who have committed *status offenses*, such as chronic truancy or running away (offenses that would not be criminal if committed by an adult); minors who are addicts or alcoholics; and minors who are delinquent—who commit offenses that would be criminal if committed by an adult. To meet the dual goals of individually treating young people who are in relatively minor trouble and incapacitating those who are dangerous offenders, the network of agencies serving juveniles has grown substantially over the years.

At several stages in the process of handling young people, juvenile justice professionals must make decisions regarding the various dispositions that minors are eligible for. These decisions must balance the best interests of the youth with a concern for public safety. While this chapter focuses primarily on those young people who enter the juvenile justice system because of behavior that violates the law, juvenile justice professionals recognize that many young offenders have additional problems that affect such decisions as whether to file a formal petition or to divert the youth from court, whether to allow the juvenile to remain at home or to place the youth in an alternative setting, and whether to refer the juvenile to counseling or other intervention services.

The term *juvenile justice system* may really be a misnomer in Illinois. Instead of functioning as a unified

system, the different agencies that deal with young offenders operate largely as a loose confederation or network. These agencies include the following:

- Law enforcement agencies, such as local police departments, county sheriffs, and the Illinois State Police
- The courts (both juvenile and criminal) and court services agencies, such as juvenile probation departments
- State's attorneys' offices
- The Juvenile Division of the Illinois Department of Corrections (IDOC)
- The Illinois Department of Children and Family Services and the child welfare services it licenses
- The Illinois Department of Mental Health and Developmental Disabilities
- The Illinois Department of Alcoholism and Substance Abuse
- Private social service organizations that provide crisis intervention, foster care, other residential placement, treatment for substance abuse, family counseling, and other services
- Schools

Each of these agencies has different responsibilities involving different types of juveniles. Some agencies, such as law enforcement departments, may get involved in almost every type of juvenile case. Others, such as social service organizations, may come into contact with only those juveniles who are referred to them and who meet the organization's eligibility criteria. For adjudicated delinquents, the primary service agency is the juvenile court services agency in each Illinois judicial circuit.

HOW DO JUVENILES ENTER THE SYSTEM?

When a person under the age of 17 breaks the law in Illinois and the police become involved, the manner in which the youth is handled is immediately—and significantly—different from the way the criminal justice system processes an adult suspect. The juvenile system is generally more informal than the adult system, and beginning with the police, juvenile authorities have many more options available to them. Even the terminology of juvenile justice is markedly different. For example, young people are technically *taken into custody* rather than *arrested*. Therefore, the so-called juvenile arrest statistics contained in the Illinois Uniform Crime Reports are technically mislabeled.

Many police and sheriffs' departments in Illinois have specially trained juvenile officers. When a juvenile is taken into custody, a juvenile officer (or a regular officer if the department doesn't have a juvenile officer) has several options for handling the youth. One of the most common

options is the *station adjustment*, an informal disposition that officers may give in lieu of proceeding with formal court action. Station adjustments can be as simple as requiring a juvenile to cooperate more closely with parents or guardians, or as detailed as assigning a juvenile to a structured rehabilitation or counseling program.

When police decide a station adjustment is inappropriate, juveniles in most parts of the state are referred to a court process known as intake screening. Depending on the seriousness of the offense, the juvenile may be detained (in a juvenile detention center, for example) prior to the intake screening or may remain at home until the time of the intake process. Intake screening is administered jointly by the juvenile probation office and the state's attorney's office in the county. In each case, intake screening personnel have four options:

1. Recommend that the case be filed in Juvenile Court. Juveniles who are suspected of having committed an offense—as well as other classes of minors requiring the court's attention—are referred to the Juvenile Court through a delinquency petition. A delinquency petition is a request that the Juvenile Court, in the person of the judge, declare a minor to be a ward of the court because the minor is delinquent or requires authoritative intervention, or because the minor is abused, neglected, dependent, or addicted to drugs. Declaring a minor to be a ward of the court means that the Juvenile Court has authority, or jurisdiction, over the minor in a similar way that a "wise and just parent" has authority over his or her child.
2. Make an informal adjustment similar to the station adjustment issued by law enforcement agencies.
3. Place the juvenile under supervision for up to six months.
4. Move to have the juvenile transferred to adult court (by motion of the state's attorney).

In addition to those juveniles suspected of committing crimes, five other classes of young people may be handled by juvenile justice officials:

1. **Minors requiring authoritative intervention (MRAI).** These are youths under age 18 who have run away or who are so far beyond the control of their parents or guardians that their physical safety is in immediate danger. These juveniles have refused to return home and cannot agree with their parents or guardians on alternative, voluntary residential placement.
2. **Addicted minors.** These are minors under age 21 who are addicted to alcohol or drugs, as defined under Illinois' Alcoholism and Other Drug Dependency Act.²
3. **Neglected or abused minors.** Neglected minors are

juveniles under age 18 who do not receive necessary support or education, who are abandoned by their parents or guardians, or whose environments are harmful to their welfare; abused minors are those under age 18 who have been physically or sexually abused.

4. **Dependent minors.** These are juveniles under age 18 whose parents or guardians are deceased or disabled or who are without proper care (though not through the fault of the parent or guardian), or whose parents or guardians wish to relinquish all parental rights.
5. **Truants in need of supervision.** A juvenile under age 21 who is reported by a regional superintendent of schools (in a county of fewer than 2 million people) to be a chronic truant, for whom all other preventive and remedial school and community resources have failed or who refused such services, may be adjudged a truant minor in need of supervision.³

WHEN ARE JUVENILES PLACED IN DETENTION?

After a juvenile is taken into custody, a decision regarding temporary detention must be made. If the offense is of such a serious nature that the juvenile is perceived to threaten public safety, the juvenile may be placed in temporary detention until the delinquency hearing.⁴

All counties in Illinois are required to maintain or have access to such temporary detention facilities. Under certain circumstances and with certain restrictions, some counties, particularly smaller ones, may either detain juveniles in the county jail (as long as they are segregated from adult inmates) or contract with larger counties to house the juveniles. Larger counties typically have a designated temporary juvenile detention facility. Cook County, for example, has such a facility within the Cook County Juvenile Court. The Cook County Temporary Juvenile Detention Center in Chicago had an average daily population of 350 detained juveniles during 1987.

County juvenile detention facilities may be used for juveniles who have been accused of committing delinquent acts and for those who have been adjudicated delinquent. However, juvenile detention facilities are used only for short periods of detention. Adjudicated juveniles who receive longer dispositions are referred to IDOC juvenile facilities.

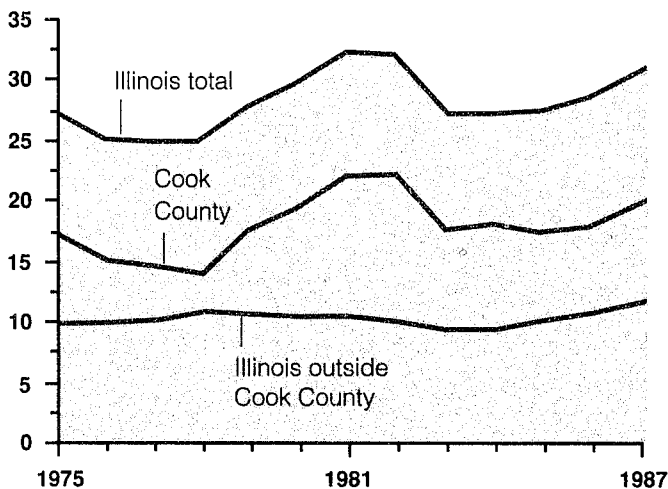
A bill recently passed by both houses of the Illinois General Assembly, HB 3498, changes the procedures for incarcerating delinquent minors. The bill, which will go into effect July 1, 1989, will make the following changes to the Juvenile Court Act of 1987:

- Redefine when detention begins
- Provide a new definition for non-secure custody
- Require that a probation officer (in jurisdictions with

Figure 5-1

Nearly two-thirds of Illinois' Juvenile Court cases are filed in Cook County.

Juvenile cases filed (thousands)



Source: Administrative Office of the Illinois Courts (Annual Report)

populations of less than 3 million) make the decision to place a delinquent minor in detention

- Require that an alleged delinquent may be kept in a local (county or city) jail for only up to six hours prior to release or transfer.

WHAT TYPES OF CASES ARE FILED IN JUVENILE COURT IN ILLINOIS?

If a juvenile at intake screening receives an informal adjustment or is placed under supervision, the youth remains under the jurisdiction of intake screening personnel. If either action proves unsuccessful, a petition may be filed in Juvenile Court.

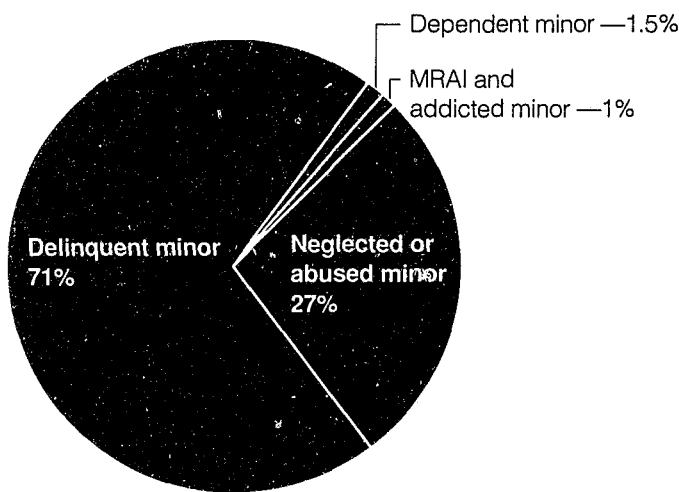
A petition may include one or more offenses that occurred in a single incident, and a juvenile who has more than one problem (for example, a delinquent minor who is also a runaway) may require more than one type of petition. In Juvenile Court, each petition is counted as a separate case.

More than 367,000 cases—delinquency, MRAI, addicted minor, dependency, and neglect and abuse—were filed in Illinois' Juvenile courts between 1975 and 1987 (Figure 5-1). Close to two-thirds of those cases were filed in Cook County, where the yearly number of juvenile cases ranged from a low of about 14,200 in 1978 to a high of more than 22,100 in 1982. In the rest of the state, the number of juvenile cases filed each year remained close to 10,000 through 1986, and then rose to 11,294 in 1987.

More than 70 percent of the juvenile cases filed in Illinois in 1987 involved alleged delinquent minors (Figure 5-2). Cases of neglected or abused minors accounted for

Figure 5-2

Most juvenile cases filed in Illinois in 1987 involved delinquent minors.



Note: Percentages do not add up to 100 because of rounding.
Source: Administrative Office of the Illinois Courts
(Probation Division)

most of the remaining cases, while petitions for dependent minors and for minors requiring authoritative intervention/addicted minors made up about 1 percent each.⁵

Before 1983, status offenders and addicted minors were both handled under one type of petition—the *minor otherwise in need of supervision* petition. When Illinois' Juvenile Court Act was amended in 1983, two new types of petitions were created: minors requiring authoritative intervention and addicted minors. Now, a runaway or incorrigible youth is classified as an MRAI and, as such, cannot be adjudicated unless three conditions are met:

1. Alternatives recommended by police and social service agencies prove unsuccessful.
2. The minor has been taken into limited non-secure custody for a specified number of days.
3. The minor and the minor's parents cannot agree to a plan for voluntary residential placement or the continuation of this type of placement.

Given these requirements for MRAI cases, relatively few juveniles fit the MRAI definition precisely—hence the relatively low number of MRAI petitions filed. In 1987, for example, 273 MRAI petitions were filed, or about 1 percent of all juvenile petitions filed statewide that year. Of these petitions, 88 were filed in Cook County. Some cases referred to the Juvenile courts as possible MRAI petitions are diverted and may end up being filed under another type

of petition, such as a delinquency or neglect petition; others may be referred to social service agencies.

WHEN ARE JUVENILES TRIED IN ADULT COURT?

Although most young offenders in Illinois are handled by the Juvenile Court, some juveniles suspected of serious crimes can be tried in adult court instead. Illinois' Juvenile Court Act permits state's attorneys to ask Juvenile Court judges to transfer certain suspected juvenile offenders to adult court. In addition, juveniles themselves, with the consent of counsel, may request a transfer to adult court.

In order to be tried in adult court, the juvenile must be aged 13 or older, and the youth must be accused of an offense that would be criminal if committed by an adult. The request for transfer is reviewed by a Juvenile Court judge in what was formerly known as a 702 hearing.⁶ If the judge determines it is in the best interests of the minor and the public not to proceed in Juvenile Court, the judge may order the juvenile tried in adult court.

In addition, Illinois law since 1982 has required that some juvenile suspects be transferred to adult court automatically. Any juvenile charged with first-degree murder, aggravated criminal sexual assault, or armed robbery with a firearm who was at least 15 years old at the time of offense must be tried in adult court. In 1986, certain drug crimes and weapon violations committed in or near a school were added to the list of offenses carrying an automatic transfer.

WHAT HAPPENS AFTER A DELINQUENCY PETITION IS FILED?

Three types of Juvenile Court hearings may occur after a delinquency petition is filed:

1. **Detention hearing.** This hearing addresses all informational matters that must be handled before the case may proceed, including the finding of probable cause and related detention decisions. The judge may also, in certain circumstances, declare the juvenile a ward of the court under the Juvenile Court Act. This provision, formerly called 4-7 supervision,⁷ allows the court to order investigations and evaluations, and to set conditions of supervision including school attendance, public service, victim restitution, and so on.
2. **Adjudicatory hearing.** Often called "the trial," this hearing must take place within 30 days of the detention hearing, or within 10 days if the juvenile is in custody. There are three phases to this hearing: plea, evidence, and decision. If there is a finding of delinquency, the case is then continued for a dispositional

hearing. Before this hearing occurs, the court may order investigations into the juvenile's background or evaluations of the juvenile and his or her family.

- 3. Dispositional hearing.** This hearing takes into consideration all information available, including written or oral reports, which will help the court select a disposition that serves the best interest of the juvenile and public safety. Testimony from other involved parties and professionals may be taken into consideration at this hearing.

Delinquency proceedings in juvenile justice are patterned after criminal proceedings in the adult system. For example, juvenile detainees are guaranteed due process of law, they are presumed innocent until proven guilty, and the burden of proof in juvenile delinquency proceedings rests with the prosecution. Most cases, however, do not go to trial. In the pre-adjudication stage, plea bargaining is common, and most youth enter an admission to one or more offenses on the petition.

WHAT DISPOSITIONS MAY JUVENILE COURTS ORDER?

There are a variety of possible dispositions for a juvenile found to be delinquent. The court may commit the offender to one of seven youth centers operated by the Illinois Department of Corrections, or it may order the youth detained in a local juvenile facility for up to 30 days. The juvenile may also be put on probation or enrolled in a treatment or supervision program. Finally, the court may order some combination of these dispositions.⁸

For non-delinquency adjudications, several dispositions are also possible.⁹ For example, minors requiring authoritative intervention and minors found to be neglected or abused may be referred to the Illinois Department of Children and Family Services (DCFS), released to their parents or guardians and placed under supervision, or ordered partially or completely emancipated. If a minor is found to be abused or neglected as a result of physical abuse by parents or guardians, the minor cannot be returned to the parents or guardians until a hearing is held to determine their fitness. In the meantime, the minor is usually referred to DCFS or placed with another relative.

WHAT IS THE ROLE OF JUVENILE PROBATION OFFICERS?

In most large Juvenile courts, a court services unit, which may have any number of juvenile probation officers, provides services to the court. Since these officers are officials of the court, their main duties are to conduct investigations for and make recommendations to the judge, particularly after a minor has been adjudicated delinquent. In addition, when a youth receives either court-ordered supervision or probation, the probation officer is required to see the youth at least once a month. The probation officer may provide additional services to the youth and his or her family, and may also refer them to other court services or community agencies.

All Circuit courts in Illinois provide juvenile probation services, which are the primary services for both accused and adjudicated delinquents. In some jurisdictions, juvenile probation departments provide pre-court intake screening services, which include a variety of intervention strategies designed to divert offenders from the formal court process. For adjudicated delinquents, the primary function of juvenile probation is to provide the court with investigative and case supervision services. In addition to monitoring compliance with court-imposed conditions, probation departments typically operate both direct and referral services. Direct services range from general counseling to specific treatment and supervision strategies for specialized caseloads. Referral services range from referrals for professional assessment and psychological services to placements for residential treatment services.

In 1987, there were 678 officers involved in juvenile probation statewide.¹⁰ Of these, 181 were full-time juvenile probation officers outside Cook County. An additional 143 probation officers outside Cook County divided their time between juveniles and adults. Cook County had 354 juvenile probation officers in 1987. Nearly 3,400 dispositional orders for probation were issued in Cook County in 1987.¹¹

Cook County's Court Services Unit not only includes probation officers, but also provides a variety of other services to augment the work of the probation officer. These services include providing advocates, volunteers, family therapy, and clinical evaluations for juveniles, and continuing training for the probation officers themselves.

The Data

This chapter includes statistical data about three components of Illinois' juvenile justice system: law enforcement, the courts, and corrections. Most of the data sources in this chapter are the same as those used in earlier chapters that cover the corresponding components of the adult system. For the most part, the same data quality issues outlined in those chapters apply here as well.

In addition, there are special concerns associated with interpreting juvenile justice data. One of these involves the term *juvenile arrest*. Technically, juveniles are not *arrested*; they are *taken into custody*. But to remain consistent with the recordkeeping terminology used by the Illinois State Police (ISP), the term juvenile arrest is used here as well. Juvenile arrest refers to any time a juvenile is taken into custody for any length of time and a record of the action is created.

The sources of juvenile arrest statistics used here are the Illinois Uniform Crime Reports (I-UCR) and the Chicago Police Department's Research and Development Division and its Crime Analysis Unit. As explained in Chapter 1, tabulating statewide crime statistics is complicated by inconsistencies over time in the way arrest and offense information is reported to ISP by certain jurisdictions. One difference in particular has a major effect on the calculation of juvenile arrest data: Chicago Police Department arrest data are reported to the I-UCR in an aggregate format; therefore, arrest totals for specific age groups are, in certain cases, estimated by ISP.

To ensure that juvenile arrest data in this report are as accurate as possible, the age-specific arrest totals for Chicago index crimes were obtained directly from the police department's Research and Development Division for the years 1977 through 1987. Data for earlier years are unavailable; therefore, ISP figures are used. Further detail on the age ranges of murder arrestees was provided by the

Chicago Police Department's Crime Analysis Unit. Due to some unresolved data issues, juvenile arrest data for criminal sexual assault and aggravated assault were not analyzed in this report. (See Chapter 1 for a more detailed explanation of arrest and offense data quality issues.)

In addition, I-UCR arrest statistics for juveniles may undercount the actual number of juveniles who come into contact with police (see Chapter 1). This is because law enforcement agencies issue station adjustments in many cases involving juveniles. Since some agencies may not report station adjustments to ISP, no comprehensive statewide statistics about them exist.¹² However, station adjustments *are* included in Chicago arrest figures.

Courts information in this chapter is largely from the Administrative Office of the Illinois Courts, which collects statistics about all juvenile and criminal courts in the state. However, these data may also undercount the real number of juveniles going through Juvenile Court. This is because intake screening personnel and judges, like law enforcement officers, can refer juveniles to informal treatment programs. And although data on the number of juveniles referred to intake screening are available, there are no statewide statistics on the types of referrals these intake screening units make.

Additional courts information was obtained from the Juvenile Court of Cook County. This information deals exclusively with juveniles in Cook County, who make up almost two-thirds of all juvenile delinquency cases in Illinois.

Finally, data about juveniles in institutional custody or under institutional supervision come from the Illinois Department of Corrections. These IDOC figures are based on state fiscal years, which run from July 1 through June 30 (for example, fiscal 1987 began July 1, 1986, and ended June 30, 1987).

Trends and Issues

In response to growing public concern over juvenile crime—particularly gang-related crime and violent offenses—Illinois lawmakers enacted several measures in the early 1980s aimed at serious juvenile offenders. Under one of these laws, juveniles who repeatedly commit serious crimes are no longer eligible for alternative treatment programs; instead, they must be committed to juvenile detention facilities.¹³ Another law requires young people accused of certain very serious crimes to be tried in adult court.¹⁴

What prompted this legislative concern over serious young offenders? How much juvenile crime is there in Illinois, and what types of offenses do young people commit? How many juveniles are adjudicated and convicted each year? What sanctions do they typically receive? The rest of this chapter examines these and other issues about juvenile justice in Illinois. The traditional justice functions—law enforcement, adjudication, and corrections—are explored in detail. The services performed by other agencies, such as schools and mental health and social service organizations, though extremely important, are not covered in this report.

HOW MANY JUVENILES ARE TAKEN INTO POLICE CUSTODY IN ILLINOIS?

Under Illinois law, any person younger than age 17 who is accused of violating (or attempting to violate) any federal or state law or any municipal ordinance is treated as a juvenile. While there are no comprehensive statistics on the number of crimes committed by juveniles in the state, data are available on the number of juveniles who are arrested (technically, *taken into police custody*).

In 1987, juveniles were involved in close to 85,350 arrests in Illinois, or about one in five arrests statewide (Figure 5-3).¹⁵ Nearly 14,400 juvenile arrests that year, or almost 17 percent of the juvenile total, were for felonies. The remaining 70,959 juvenile arrests were for misdemeanors. Juveniles accounted for approximately 19 percent of all felony arrests and nearly 20 percent of all misdemeanor arrests in Illinois in 1987. Juveniles were involved in almost 28 percent of all index crime arrests statewide in 1987.

HOW DO VIOLENT CRIME ARREST RATES FOR JUVENILES AND ADULTS COMPARE?

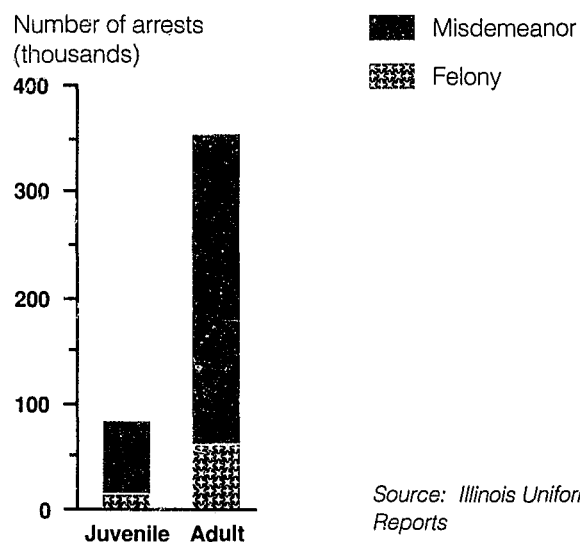
Summary arrest figures provide some indication of how many juveniles come into contact with police in Illinois. Another way to measure juvenile involvement in crime is to compare juvenile arrest rates with adult arrest rates. For these comparisons, juveniles are defined as persons aged 5 to 16 and adults are defined as persons aged 17 to 59.¹⁶

For the two violent crimes analyzed—murder and robbery—the comparison of juvenile and adult arrest rates revealed different trends.¹⁷ Adults in both Chicago and the rest of the state have a much higher arrest rate for murder than juveniles in their respective regions (Figure 5-4). In contrast, juvenile robbery arrest rates are at least as high as those of adults and, in the case of Chicago in the 1980s, juvenile rates are substantially higher than the adult rates (Figure 5-5).

In both Chicago and the rest of the state, juvenile arrest rates for murder were lower than respective adult arrest rates between 1972 and 1987, although rates for juveniles in Chicago were higher than adult rates in the rest of Illinois. In Chicago, the juvenile murder arrest rate

Figure 5-3

Juveniles accounted for one out of every five arrests in Illinois in 1987.



Source: Illinois Uniform Crime Reports

ranged from 10 to 18 arrests per 100,000 population between 1972 and 1987, while the adult rate ranged from 34 to 51. In the rest of the state, the juvenile murder arrest rate never exceeded 1.5 arrests per 100,000 in any year between 1972 and 1987; the arrest rate for adults ranged from about 3 to nearly 7 over the same period.

Like murder, robbery arrest rates for both juveniles and adults were higher in Chicago than in the rest of the state from 1972 through 1987. But unlike murder, where

adult rates were higher than respective juvenile rates, juvenile robbery arrest rates were nearly identical to or higher than the rates for adults, both in Illinois outside Chicago and in Chicago. Since 1976, the juvenile arrest rate for robbery in Chicago has been higher than the city's adult rate.

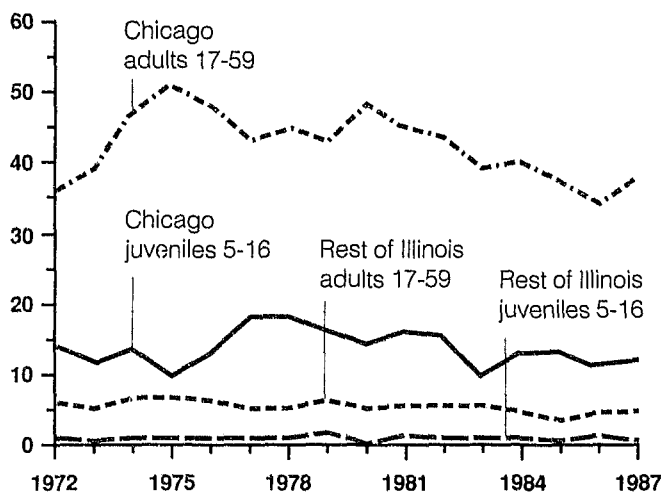
HOW DO PROPERTY CRIME ARREST RATES FOR JUVENILES AND ADULTS COMPARE?

For the three property crimes analyzed—burglary, larceny/

Figure 5-4

Murder arrest rates are higher for adults than for juveniles in both Chicago and the rest of the state.

Murder arrests per 100,000 people

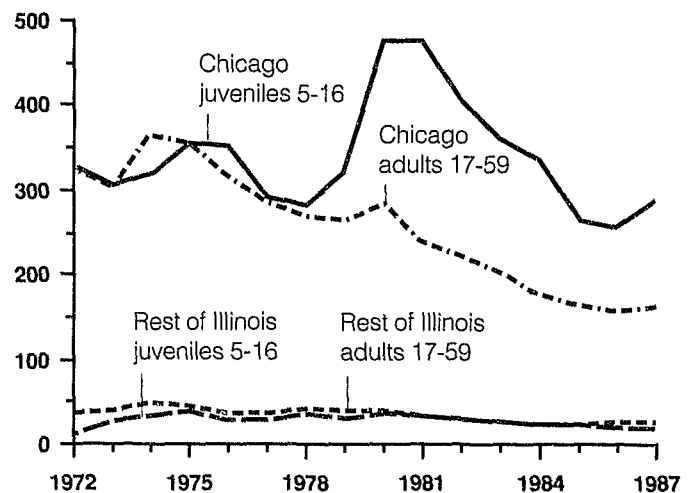


Source: Illinois Uniform Crime Reports; Illinois Bureau of the Budget

Figure 5-5

Robbery arrest rates for Chicago juveniles are substantially higher than for Chicago adults.

Robbery arrests per 100,000 people

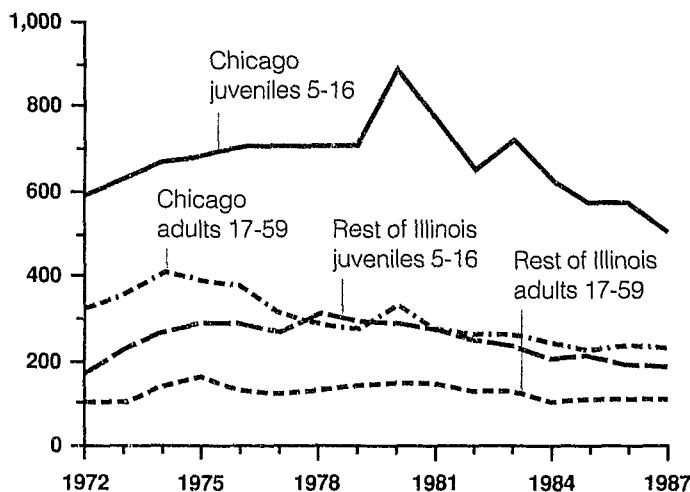


Source: Illinois Uniform Crime Reports; Illinois Bureau of the Budget

Figure 5-6

Burglary arrest rates are much higher for juveniles than for adults in Chicago and in the rest of Illinois.

Burglary arrests per 100,000 people

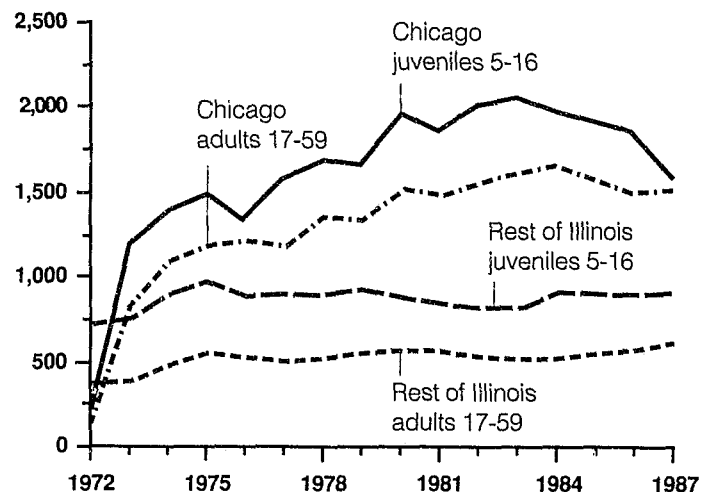


Source: Illinois Uniform Crime Reports; Illinois Bureau of the Budget

Figure 5-7

In Chicago, juvenile and adult larceny/theft arrest rates neared the same level in 1987.

Larceny/theft arrests per 100,000 people



Source: Illinois Uniform Crime Reports; Illinois Bureau of the Budget

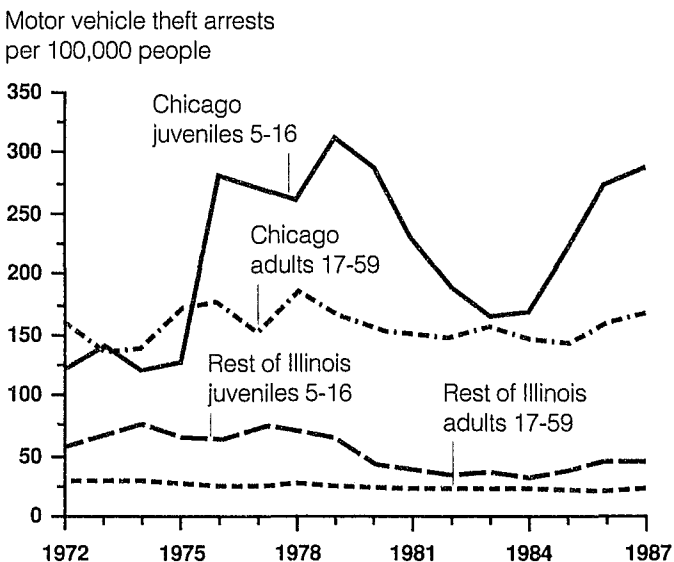
theft, and motor vehicle theft—the arrest rates for juveniles have been consistently, and in some cases substantially, higher than the arrest rates for adults. This was true both in Chicago and in the rest of the state, and for most years between 1972 and 1987.

In both Chicago and the rest of Illinois, juvenile arrest rates for burglary were much higher than respective adult arrest rates in every year (Figure 5-6). The arrest patterns between 1972 and 1987 for the two age groups were also similar in both regions. In Chicago and the rest of Illinois, burglary arrest rates for juveniles have declined sharply in the 1980s, following a pattern of increases in the previous decade.

Like burglary, juvenile arrest rates for larceny/theft have been higher than respective adult rates, both in Chicago and in the rest of the state (Figure 5-7). In 1987, however, the arrest rate for juveniles in Chicago declined sharply while the adult rate remained stable, bringing the rates for the two age groups to almost the same level for the first time in at least 16 years.¹⁸ In Chicago, the larceny/theft arrest rate for juveniles generally increased until 1983. In the rest of Illinois, the juvenile arrest rate increased from 1972 to 1975, remained relatively stable until 1984, when it increased 11 percent, and was stable again through 1987.

For motor vehicle theft, juvenile arrest rates fluctuated greatly between 1972 and 1987, especially in Chicago, while adult arrest rates tended to be more stable (Figure 5-8). Still, throughout this period, juvenile arrest rates were generally higher than the adult rates—the juvenile rates were higher in every year outside Chicago and in all but three years in the 1970s in Chicago.

Figure 5-8
Since 1976, juvenile arrest rates for motor vehicle theft have been higher than adult rates statewide.



Source: Illinois Uniform Crime Reports; Illinois Bureau of the Budget

HOW MANY DELINQUENCY PETITIONS ARE FILED EACH YEAR IN ILLINOIS?

Nearly 164,000 delinquency petitions were filed in Illinois between 1980 and 1987, for an average of about 20,500 a year (Figure 5-9).¹⁹ The number of petitions ranged from a high of nearly 21,800 in 1981 to a low of about 19,300 in 1984. Since 1984, petitions filed have been increasing again, reaching almost 21,200 in 1987. Nearly 13,900 of these petitions were filed in Cook County, and more than 7,300 were filed in the remainder of the state.²⁰

WHAT TYPES OF OFFENSES ARE JUVENILES CHARGED WITH?

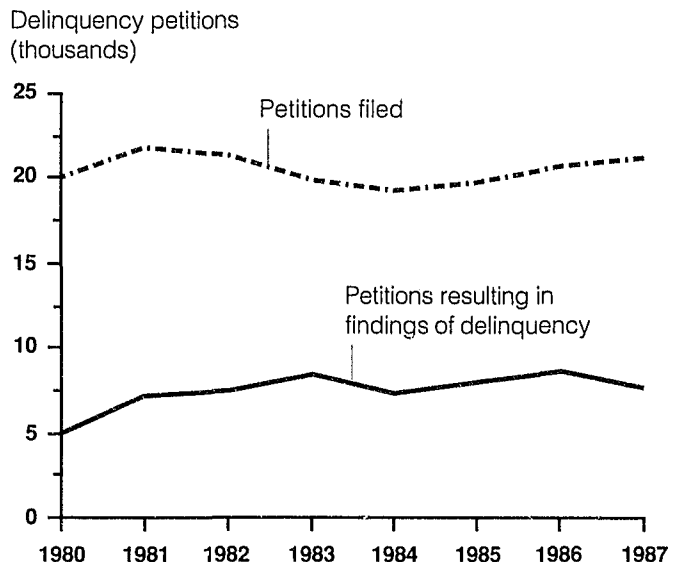
More than 18,600 offenses were included in the 13,885 delinquency petitions filed in Cook County in 1987. Fifty-three percent of these offenses involved property crimes, while slightly more than 34 percent were for violent crimes against persons (Figure 5-10).²¹ Another 13 percent involved other crimes, including weapon (5 percent) or drug (3 percent) violations.

Almost 20 percent of the property offenses named in the delinquency petitions were for burglary or attempted burglary. Thirty-four percent of the violent offenses involved simple assault and battery (and related offenses). The more serious aggravated battery and aggravated assault offenses (and related crimes) accounted for 32 percent of the violent offenses.

WHAT PERCENTAGE OF JUVENILE SUSPECTS ARE FOUND DELINQUENT?

About 36 percent of the delinquency petitions filed in Illinois between 1980 and 1987 resulted in findings of delin-

Figure 5-9
The number of delinquency petitions filed in Illinois has increased since 1984.



Source: Administrative Office of the Illinois Courts (Probation Division)

Figure 5-10

In 1987, most delinquency petitions filed in Cook County involved property offenses.

Property offenses	
Burglary	1,985
Theft over \$300, auto theft, and arson	965
Lesser theft offenses	2,685
Lesser property offenses	4,316
Subtotal	9,951 (53%)
Violent offenses	
Homicide/manslaughter	53
Aggravated battery/assault	2,015
Armed robbery	229
Robbery	1,204
Sex offenses	644
Battery/assault	2,108
Subtotal	6,253 (34%)
Other offenses	
Weapons charges	940
Drug charges	624
Miscellaneous charges	843
Subtotal	2,407 (13%)
Total charges filed	18,611

Note: See note 21 for definitions of some crime categories.
 Source: Juvenile Court of Cook County

quency, although this percentage has been generally higher in recent years (see Figure 5-9).²² In 1980, juveniles were found delinquent in about 25 percent of the petitions disposed of statewide. In 1981, however, when the number of delinquency petitions filed in the state reached an eight-year high, approximately one-third of the petitions disposed of that year resulted in findings of delinquency.

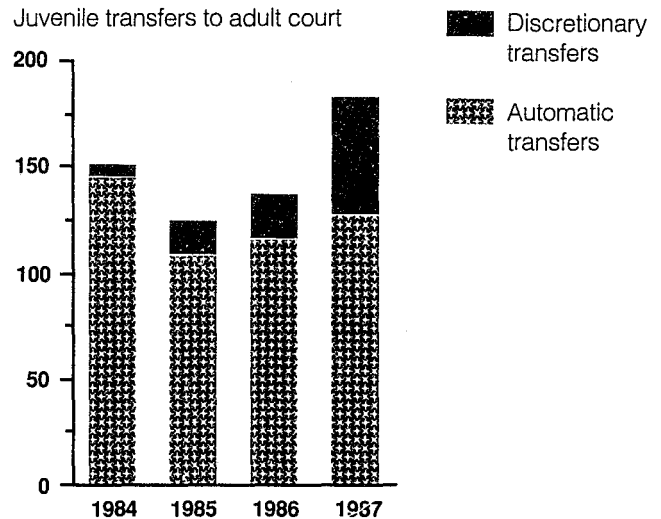
Over the next few years, the number of delinquency petition filings declined slightly, but the percentage of petitions resulting in findings of delinquency generally increased, to 35 percent in 1982 and 43 percent in 1983. Although there was a slight decrease to 38 percent in 1984, more than 40 percent of the delinquency petitions filed in 1985 resulted in findings of delinquency. In 1986, the percentage of delinquency findings remained at about that level, but declined to 36 percent in 1987.

HOW MANY JUVENILES ARE TRIED AS ADULTS IN ILLINOIS?

A juvenile in Illinois may be transferred to adult court and prosecuted under the state's criminal laws in one of three ways. The first involves a *discretionary transfer* initiated by a state's attorney and ordered by a Juvenile Court judge following a transfer hearing. The second type of transfer is *automatic* under state law for juveniles accused of certain serious crimes. The third is on the request of the juvenile, with the consent of counsel. (See page 178 for more infor-

Figure 5-11

The number of transfers of juveniles to adult court in Cook County has increased since 1985.



Source: Juvenile Court of Cook County

mation about how juveniles are transferred to adult court.)

Reliable statewide statistics on the number of transfer hearings and the number of juveniles tried as adults in Illinois are unavailable. However, data from Cook County (where, presumably, a large percentage of the transfers in the state occur) indicate that nearly 600 juveniles were tried as adults between 1984 and 1987, with most of these resulting from automatic transfers.

After the automatic transfer law took effect in 1982, the number of discretionary transfers in Cook County began to decline as more cases that previously would have gone through transfer hearings were instead automatically transferred to adult court. In recent years, however, automatic transfers have been lower than the 145 recorded in 1984. Discretionary transfers, meanwhile, have risen from seven in 1984 to 56 in 1987 (Figure 5-11). Still, between 1984 and 1987, there were nearly five times as many automatic transfers as discretionary transfers in Cook County.

WHAT TYPES OF DISPOSITIONS DO JUVENILE OFFENDERS RECEIVE?

A juvenile found delinquent in Illinois may receive one or more of the 10 types of dispositions specified in the Juvenile Court Act:

1. Probation
2. Conditional discharge
3. Placement outside the juvenile's home
4. Drug or alcohol treatment
5. Commitment to the Illinois Department of Children and Family Services

6. Detention for up to 30 days in a county facility
7. Commitment to the Illinois Department of Corrections' Juvenile Division
8. Emancipation²³
9. Restitution (if damage occurs)
10. Order of protection (if required)

Probation is by far the most common disposition for all adjudicated delinquents. Statewide, approximately 85 percent of all adjudicated delinquents are placed on probation.²⁴

Only juveniles aged 13 or older who have been adjudicated delinquent, or who have been convicted and sentenced as an adult, may be committed to the Illinois Department of Corrections (IDOC) for either institutionalization in a youth center or assignment to a program of community-based supervision. Providing care, custody, rehabilitation, and after-care services for young offenders that the courts commit to IDOC is the responsibility of the department's Juvenile Division. IDOC operates seven youth centers, which provide institutional programs and services for juvenile offenders (Figure 5-12).

In addition, IDOC's six field services offices provide a variety of programs for young offenders who are back in the community. Field services are delivered either directly through IDOC staff or through other agencies the department contracts with. These services include parole, supervision of juveniles on extended or authorized absence from IDOC youth centers, alternative placements for youth unable to return home, and support services such as counseling and educational, vocational, and on-the-job training. Youths committed to IDOC are still under court jurisdiction until they are recommended for final discharge by the court.

HOW MANY JUVENILES ARE IN CUSTODY IN COOK COUNTY?

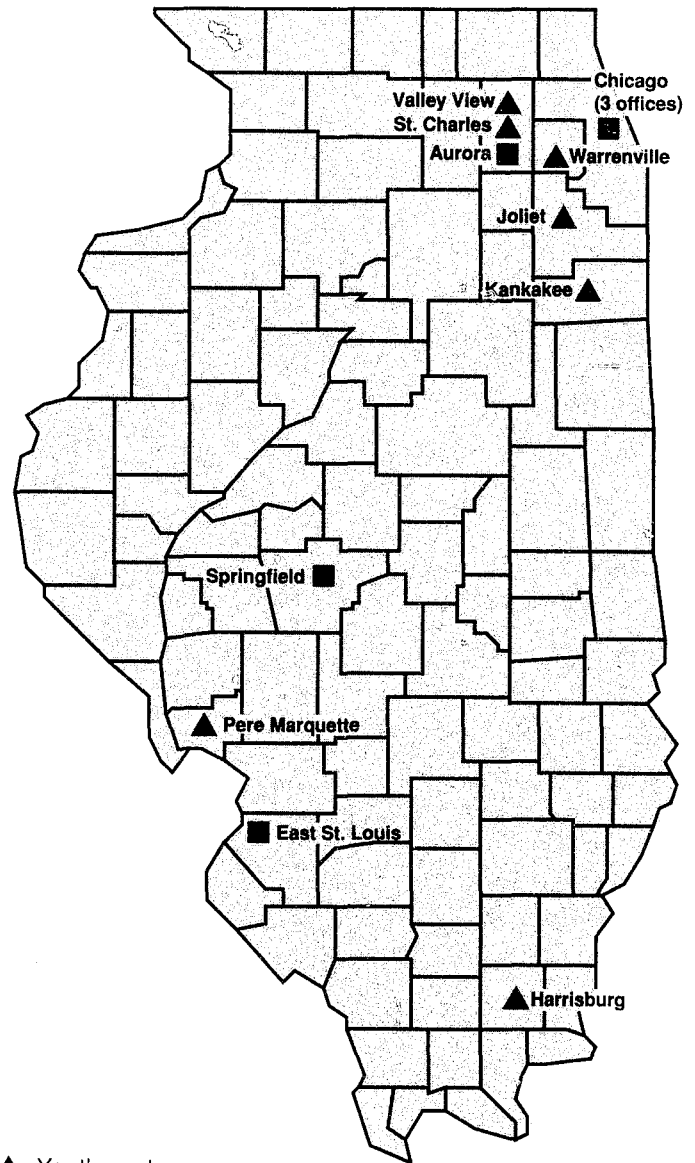
In 1987, the Cook County Temporary Juvenile Detention Center in Chicago had an average daily population of almost 350 juveniles. A total of 9,689 youths, 89 percent of them male, were admitted to the facility in 1987.

Unlike IDOC facilities, which handle only sentenced youth, the detention facilities in Cook and other counties house juveniles for a variety of reasons, both before and after adjudication:

- When the juvenile is being held in detention while waiting for a hearing
- When probable cause has been found and the juvenile is being held for trial
- When the juvenile is waiting for release upon request of another agency
- When the juvenile has been adjudicated delinquent and is waiting for a disposition

Figure 5-12

Illinois has seven youth centers for juvenile offenders.



- ▲ Youth centers
- Field services district offices

Source: Illinois Department of Corrections

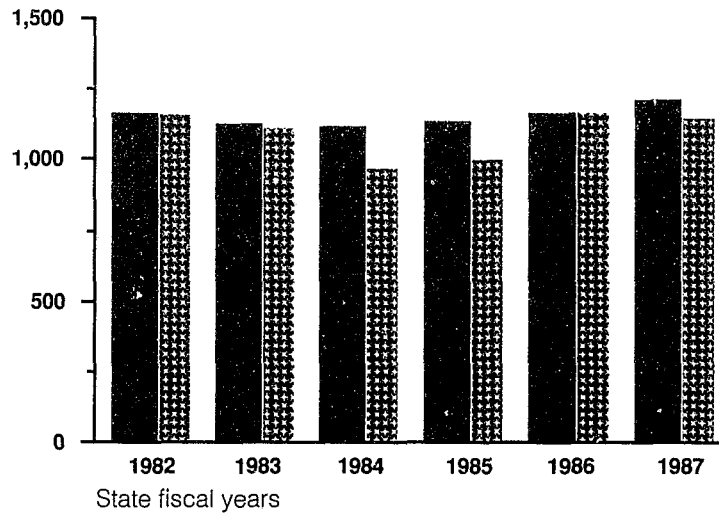
- When the detention is part of the disposition for up to 30 days or part of a disposition to Intensive Probation Supervision
- When the juvenile is being held for extradition to another jurisdiction
- When the juvenile is being held at the request of immigration officials
- When the juvenile is being held for prosecution as an adult

Figure 5-13

On any given day, a majority of juveniles in IDOC are in institutional custody.

■ Institutional custody
 ▨ Field services supervision

Average daily juvenile population in IDOC custody

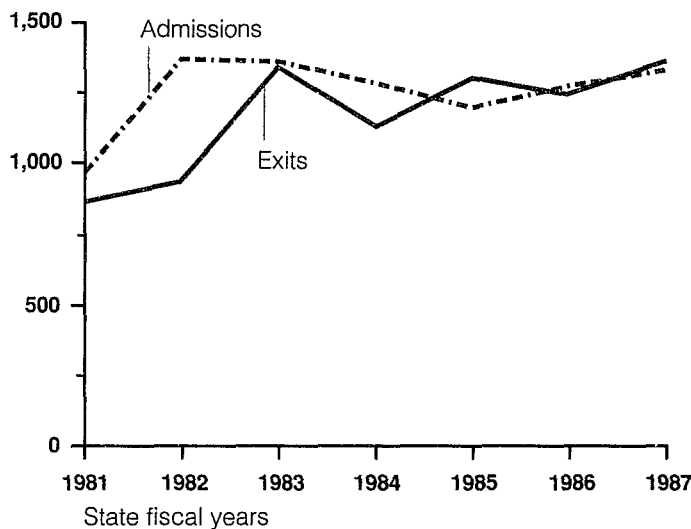


Source: Illinois Department of Corrections

Figure 5-14

Admissions to IDOC institutional custody have increased since fiscal 1985.

Juveniles in IDOC institutional custody



Source: Illinois Department of Corrections

1. Those housed in IDOC youth centers
2. Those on extended or authorized absence from IDOC youth centers²⁵
3. Those under administrative placement (that is, under the custody of a youth center but housed in a mental health center, residential treatment center, or other specialized facility) or in administrative custody (that is, detained in a local jail or other detention facility after being taken into custody for another crime while on parole or specialized absence).

Juveniles committed to IDOC typically progress from institutional custody to field services supervision, although they may be returned to a juvenile facility if their parole is revoked or if they are adjudicated delinquent for a new crime. While a large portion of the juvenile population is always in transition between institutional custody and field services supervision, slightly more juveniles are usually in institutional custody at any given time. During state fiscal year 1987, the average daily population of juveniles in institutional custody was 1,215, while the average daily population under field services supervision was 1,148 (Figure 5-13).²⁶

Between fiscal years 1981 and 1987, a total of 8,830 juveniles, or an average of 1,261 a year, were admitted to IDOC institutional custody. The number of admissions increased 41 percent between fiscal 1981 and fiscal 1982, but then declined by approximately 13 percent over the next three years (Figure 5-14). Between fiscal 1985 and fiscal 1987, however, admissions rose 11 percent.

Meanwhile, the number of juveniles released from institutional custody averaged 1,176 a year between fiscal 1981 and fiscal 1987, or 85 less than the average number of admissions per year. The number of releases increased

- When the juvenile is being held in contempt of court (up to six months)

Juveniles in Cook County who are sentenced to longer periods of institutional custody are transferred from the Temporary Juvenile Detention Center to an appropriate IDOC facility. IDOC may, under the law, keep youths until they reach the age of 21.

HOW MANY JUVENILES ARE IN STATE INSTITUTIONAL CUSTODY?

Juveniles in institutional custody in Illinois include three different groups of young people:

42 percent in fiscal 1983, declined 15 percent the next year, and then increased 15 percent in fiscal 1985. That year, the number of releases exceeded the number of admissions by slightly more than 100 juveniles. Releases declined 5 percent in fiscal 1986, but rose again in fiscal 1987 to exceed admissions by 42 juveniles.

Most of the juveniles in institutional custody are housed in IDOC's seven youth centers. During fiscal 1987, for example, juveniles in IDOC youth centers accounted for more than 90 percent of the average daily institutional custody population (Figure 5-15).

Juveniles in institutional custody who are not housed in IDOC youth centers are instead on some sort of specialized leave program. These programs are designed both to integrate young offenders back into the community and to administratively control the youth center population. Juveniles on extended or authorized absence represented anywhere from 6 percent to 13 percent of the average daily institutional custody population in each year from fiscal 1982 through fiscal 1987. In fiscal 1987, this group accounted for 7 percent of the institutional custody population. Juveniles under administrative placement or in administrative custody form the smallest group in institutional custody: they never accounted for more than 5.3 percent of the average daily population in any one year since fiscal 1982, and they made up only about 2 percent of the population during fiscal 1987.

UNDER WHAT CIRCUMSTANCES ARE JUVENILES ADMITTED TO STATE INSTITUTIONAL CUSTODY?

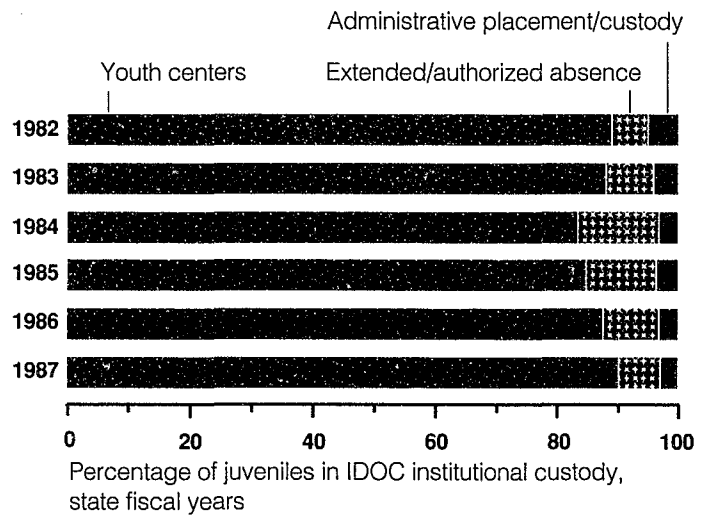
The majority of juveniles admitted to institutional custody each year have received *new* convictions. In other words, these juveniles were not under IDOC's jurisdiction at the time of their conviction. Newly convicted juveniles include those adjudicated delinquent in Juvenile Court and those convicted and sentenced in adult court.

But the percentage of admissions involving new convictions has declined in recent years, with concomitant increases in the percentage of admissions involving juveniles already under IDOC's jurisdiction—either under field services supervision or in a facility serving time on a previous conviction. Juveniles under field services supervision (on parole or on extended or authorized absence) who violate the conditions of their release or who are convicted on another charge are considered *parole violators*. Juveniles already serving time in facilities who are subsequently convicted on another pending charge are considered *recommitments*.

In fiscal 1982, juveniles newly adjudicated and sentenced in Juvenile Court made up 79 percent of all admissions to institutional custody, but in fiscal 1984, that percentage had decreased to less than 60 percent (Figure 5-16). This drop was offset by increases in the proportion

Figure 5-15

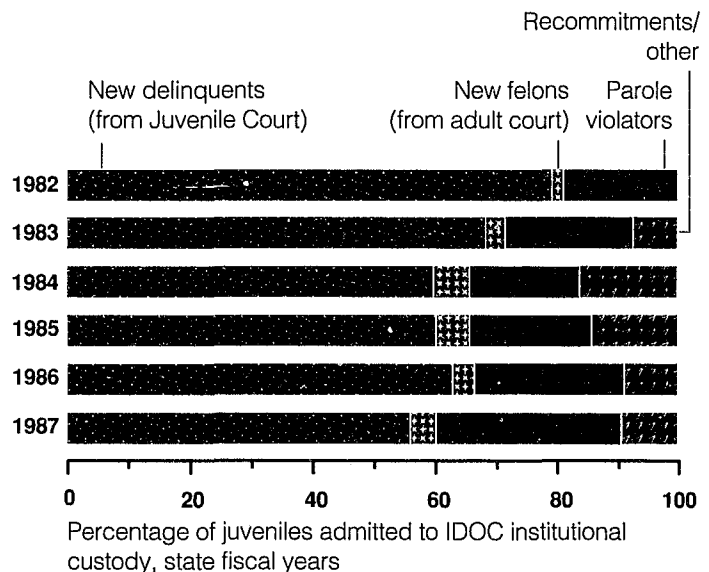
Most juveniles in IDOC institutional custody are housed in youth centers.



Source: Illinois Department of Corrections

Figure 5-16

The proportion of juveniles admitted to IDOC institutional custody who are newly convicted has fallen.



Source: Illinois Department of Corrections

of two other admission types: juveniles newly convicted in adult court and recommitments.²⁷ The number of juveniles admitted as parole violators was relatively stable between fiscal years 1982 and 1984.

After 1984, however, admissions due to parole violations increased sharply, from almost 19 percent to almost 31 percent in fiscal 1987. The proportions of each of the three other admission types generally decreased during this period.

Although juveniles tried in adult court still represent a relatively small proportion of institutional custody admissions—about 4 percent in fiscal 1987—these serious offenders will remain in IDOC institutional custody longer than other juvenile offenders. Length of stay for these juveniles increased 47 percent between fiscal 1983 and fiscal 1986, when it exceeded 25 months.²⁸

Since fiscal 1983, those juveniles committed to IDOC for any type of felony offense—from first-degree murder through Class 4 felonies—have consistently made up approximately three-quarters of all juveniles in institu-

tional custody (Figure 5-17). The proportion of juveniles committed for the most serious of these crimes—first-degree murder and Class X and 1 felonies—was 16 percentage points higher in fiscal 1986 (40 percent) than in fiscal 1982 (24 percent). In fiscal 1987, these juveniles accounted for approximately 38 percent of the total institutional custody population.

WHAT IS THE DEMOGRAPHIC PROFILE OF JUVENILES IN STATE INSTITUTIONAL CUSTODY?

The basic demographic profile of juveniles in IDOC institutional custody has not changed significantly in the past few years.²⁹ At the end of fiscal 1987, males continued to make up about 95 percent of all juveniles in institutional custody, and about 60 percent of the juvenile offenders had come from Cook County. This latter figure, however, was about 7 percentage points lower than the percentage at the end of fiscal 1982.

There was also little change in the racial makeup of the juveniles in institutional custody. The proportion who were black was 58 percent in June 1982 and 59 percent in June 1987, while the proportion who were white decreased from 34 percent to 31 percent during the same period (Figure 5-18). Hispanics accounted for between 7 percent and 9 percent of the population during the six years.

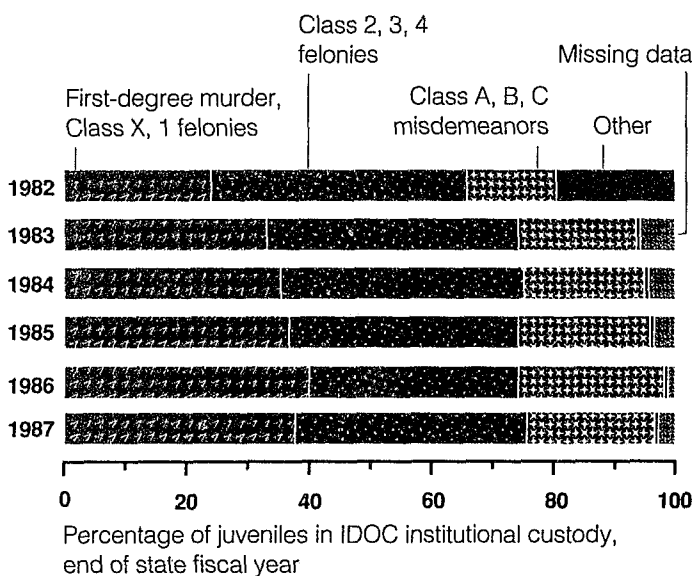
The age distribution of juveniles in institutional custody has also remained fairly stable, although there was a gradual aging of this population between fiscal years 1982 and 1987. Slight decreases in the proportion of 15- and 16-year-olds were offset by increases in the proportion of 17- through 20-year-olds (Figure 5-19). Two factors may help explain this trend:

1. Longer lengths of stay for juvenile offenders. Between fiscal 1982 and fiscal 1985, the average length of stay for delinquent minors rose from 11.5 months to 15 months, while the length of stay for juveniles tried as adults increased from about 17.5 months to more than two years.
2. An increase in the proportion of juveniles tried as adults who are being incarcerated. Juvenile offenders tried as adults are most likely to serve the longest sentences. Steady increases in the length of stay for juveniles tried as adults may also explain the higher proportion of 19- and 20-year-olds in institutional custody.

A disproportionately high percentage of juveniles in IDOC institutional custody are aged 16 and 17. These juveniles accounted for 58 percent of all 13- to 20-year-olds in institutional custody at the end of fiscal 1987. This figure is approximately 2.5 times greater than the percentage these two ages represented of all 13- to 20-year-olds in the state's population in 1987.³⁰

Figure 5-17

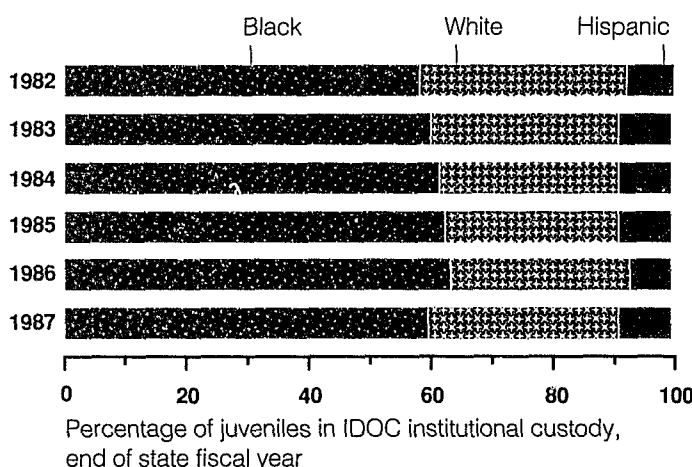
Most juveniles in IDOC institutional custody have been convicted of felony offenses.



Source: Illinois Department of Corrections

Figure 5-18

The racial makeup of juveniles in IDOC institutional custody has remained relatively stable.



Source: Illinois Department of Corrections

Both 15- and 18-year-olds are also overrepresented in the state's institutional custody population, though not by as much as 16- and 17-year-olds. Because juveniles sentenced in adult court may be transferred to an adult institution at age 17, the proportion of youths aged 19 and older in juvenile institutional custody tends to be lower than their proportion of Illinois' 13- to 20-year-old population.

WHAT IS THE CONNECTION BETWEEN JUVENILE DELINQUENCY AND ADULT CRIME?

Throughout the juvenile justice process, authorities look for appropriate dispositions that meet the special needs of young offenders. The goal is to identify delinquent behavior early on, and then to take meaningful steps to prevent a young offender from becoming an adult criminal.

Juvenile delinquency, of course, does not inevitably lead to a life of adult crime. A central issue in juvenile justice research is to identify factors that distinguish people who do continue criminal activity after early encounters with police from those who do not. Various studies have found the characteristics of juvenile delinquency to be the most reliable predictor of an adult criminal career.³¹ Juveniles who engage in serious crime at an early age are those most likely to continue to commit crimes as adults. But when juvenile delinquency is absent, sporadic, or minor in nature, an adult criminal career is unlikely.

Research has also uncovered other factors that may explain the link between juvenile and adult offense patterns. One study suggests that the age at which an offender has his or her first recorded police contact shapes that person's subsequent criminal career: the earlier the contact, the greater the likelihood that a relatively serious criminal career will follow.³² In addition, there is evidence that the more serious the first police contact, the greater the likelihood that subsequent police contacts will follow.³³

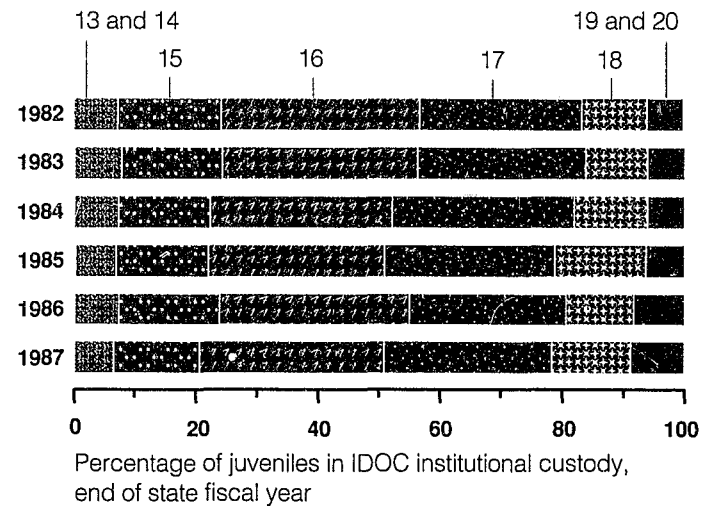
Another common notion is that as career criminals gain experience, they engage in increasingly more serious crimes than those they committed as juveniles. However, the evidence to support this hypothesis is relatively weak, except that, as already noted, the beginning of a criminal career at a young age tends to involve minor offenses. Studies have shown that the seriousness of the crimes committed does not systematically increase over time as juvenile offenders become adult criminals.³⁴

Other researchers have investigated the question of how offense rates vary over a person's criminal career. Their studies seem to indicate that offense rates are highest during the juvenile years, but then decrease during the adult years.³⁵ In the characteristic pattern, delinquent activity begins at about age 14, the offense rate increases until the early 20s, and then tends to decline thereafter until age 30, when the majority of criminal careers end.

Research has also suggested different motivations

Figure 5-19

Nearly 60 percent of the juveniles in IDOC institutional custody are aged 16 and 17.



Source: Illinois Department of Corrections

for juvenile and adult offenders. While juvenile crime is often motivated by excitement, attention, and peer recognition, the motivation tends to shift to instrumental needs in later years. In other words, adults tend to commit crimes for what they yield (for example, habitual stealing to support day-to-day necessities).³⁶

Finally, there are some indications that criminal sanctions applied to juvenile offenders may actually be counterproductive in stemming future criminal activity. One study showed that as the number of contacts a juvenile had with police before the age of 18 grew, and as the seriousness of the sanctions the juvenile received also increased, the juvenile tended to have more police contacts after turning 18.³⁷ Of course, this result may simply indicate that criminal sanctions tend to be selective: sanctions are more likely to be applied against offenders who are correctly perceived as serious. But it may also be reasonable to assume that a young person's experience in jail or prison fosters "professional" relationships with other criminals, generates frustration with society, and compounds the difficulty an offender has in obtaining legitimate employment after being released. Consequently, incarceration may create pressures to continue a criminal career.

WHAT IS BEING DONE TO INTERRUPT DELINQUENCY CAREERS?

Research has cited many factors believed to be associated with long-term criminal activity. The next step is to use this information to identify those juvenile offenders who are likely to perpetuate their criminal activities as adults so that the system can effectively intervene first. In Illinois, however, as in many other states, the philosophy that distin-

guishes juvenile justice from criminal justice promotes the confidentiality of juvenile records. While this approach may protect young offenders from negative labeling that could interfere with their rehabilitation, and may guard against other misuses of the information, it can also inhibit the flow of information about juvenile offenders who may eventually become career criminals.³⁸

To address the problem of repeat juvenile offenders, the federal Office of Juvenile Justice and Delinquency Prevention has begun developing, in certain regions of the country, pilot information systems on serious, habitual young offenders and those involved with drugs. Eventually, the federal agency plans to implement these regional systems throughout the country. By collecting information on juvenile career criminals, these programs could help identify critical links between juvenile delinquency and adult crime.

Steps are also being taken in Illinois to help reduce recidivism among juvenile offenders. In 1984, the Juvenile Court of Cook County established an Intensive Probation

Supervision (IPS) program for non-violent, high-risk, repeat juvenile offenders who would otherwise have been committed to IDOC. This highly structured, community-based program includes probation officer availability 24 hours a day, an initial detention of 30 days, and subsequent home detention. Juveniles assigned to this program may be asked to perform community service or provide victim restitution. The level of supervision in the program is reduced as juveniles show a satisfactory response to program guidelines.

The Cook County Juvenile Court has also established an early offender program targeted at children aged 10 to 14 who have received their first finding of delinquency. Caseloads for probation officers in this program are limited to 12, so that multiple contacts per week and other services can be provided.³⁹

The ultimate goal of these and other local programs is to prevent young offenders from having further involvement with either the juvenile or the criminal justice system.

Notes

¹ Barbara Boland, "Fighting Crime: The Problem of Adolescents," *The Journal of Criminal Law and Criminology* 71 (Summer 1980), pp. 94-97.

² Ill.Rev.Stat., ch. 111 1/2, par. 6351-3.

³ Ill. Rev. Stat., ch. 37, par. 803-33.

⁴ This procedure is Cook County policy. Other counties may have varying policies and procedures within Juvenile Court Act guidelines.

⁵ The percentage of dependent minor petitions includes only those petitions filed outside Cook County. In Cook County, dependent minor and neglected or abused minor petitions are counted under the same category—neglected or abused minors. Therefore, the statewide percentage of neglected or abused minor petitions is artificially high, while the percentage of dependent minor petitions is artificially low. Also, although addicted minors may be considered a unique category, AOIC's Probation Division reports the filing of addicted minor petitions together with MRAI filings. No addicted minor petitions were filed in Cook County in 1987, which suggests that these minors either were referred to social service agencies or were handled through some other type of petition, such as a delinquent minor petition.

⁶ The Juvenile Court Act statute number authorizing this hearing, formerly 702, is now 805-4.

⁷ The Juvenile Court Act statute number for this action, formerly 4-7, is now 805-19.

⁸ Under Illinois law, the commitment of a delinquent to IDOC is for an indeterminate term, which is automatically terminated when the juvenile becomes 21. The case is periodically reviewed by the Illinois Prisoner Review Board, which may discharge the juvenile at an earlier date. The delinquent may also be discharged from custody at the discretion of the Juvenile Court.

⁹ Non-delinquency proceedings are patterned after civil proceedings. The burden of proof is *preponderance of evidence*, not the *beyond a reasonable doubt* standard used in delinquency proceedings, and hearsay is more admissible than in delinquency proceedings.

¹⁰ Administrative Office of the Illinois Courts.

¹¹ Juvenile Court of Cook County.

¹² In the same way, I-UCR *adult* arrest statistics probably undercount the actual number of police contacts with adults. For example, a fight between neighbors in a local tavern may result in a complaint that was "handled" by

police, rather than an arrest for assault. For more information about UCR arrest statistics in Illinois, see Louise S. Miller and Carolyn R. Block, *Introduction to Illinois Uniform Crime Reports* (Chicago: Illinois Criminal Justice Information Authority, 1985).

¹³ Ill.Rev.Stat., ch. 37, par. 805-35.

¹⁴ Ill.Rev.Stat., ch. 37, par. 805-4.

¹⁵ Remember, however, that these arrest statistics probably *undercount* juvenile involvement in crime because police informally adjust many less serious cases involving juveniles. At the same time, because several juveniles are often arrested for a single offense, arrest figures may *overestimate* the number of offenses committed by juveniles.

¹⁶ Children younger than 5 and adults 60 and older were excluded because, statistically, they account for very few arrests.

¹⁷ Juvenile arrest statistics for criminal sexual assault and aggravated assault were not analyzed because of data quality issues that have not yet been resolved.

¹⁸ Although the adult and juvenile arrest rates for larceny/theft were even closer in 1972, the low rates in that year may reflect reporting changes in Chicago.

¹⁹ Statistics on the number of delinquency petitions filed were unavailable for the following counties in the years indicated:

1980—Hancock, Jasper, Macoupin, Mercer, Peoria, Pope, and Whiteside

1981—Jasper, Macoupin, and Stark

1982—Calhoun, Clinton, Johnson, Macoupin, Marion, Massac, and Stark

1983—Clinton, Coles, Cumberland, Jasper, and Montgomery

1984—Jasper and Stark

1985—Bond, Montgomery, and Stark

1986—Putnam and Stark

1987—Coles, Cumberland, Massac, and Shelby

²⁰ Several petitions may be filed from one delinquency incident, and a single petition may have one or more counts or offenses.

²¹ For each crime category in Figure 5-10, attempted offenses are included in the total if an attempt is indeed a statutory offense. Other definitions are as follows:

■ "Lesser theft offenses" include theft of goods valued at less than \$300, theft from a person, retail theft,

attempts of these crimes, and various minor theft charges.

■ "Lesser property offenses" include bribery, forgery, solicitation, possession of stolen property, possession of a stolen auto, criminal trespass to land, criminal damage to property, attempts of these crimes (where applicable), and other lesser property crimes.

■ "Aggravated battery/assault" includes kidnapping, unlawful restraint, aggravated arson, heinous battery, and attempted kidnapping.

■ "Sex offenses" include criminal sexual assault, criminal sexual abuse, aggravated criminal sexual assault, aggravated criminal sexual abuse, attempts of these crimes, and sexual relations within the family.

■ "Miscellaneous charges" include intimidation, mob action, and attempted mob action.

²² In calculating the percentage of delinquency petitions that resulted in findings of actual delinquency, only those counties for which AOIC published both delinquency petition totals and delinquency adjudication totals were included. As a result, the following counties were *not* included in the calculations for the years indicated:

1980—Coles, Cumberland, DuPage, Hancock, Jasper, Macoupin, Mercer, Peoria, Pope, and Whiteside

1981—Coles, Cumberland, Jasper, Macoupin, and Stark

1982—Calhoun, Clinton, Coles, Cumberland, Johnson, Macoupin, Marion, Massac, and Stark

1983—Clinton, Coles, Cumberland, Jasper, Montgomery, and Peoria

1984—Jasper and Stark

1985—Bond, Montgomery, and Stark

1986—Putnam and Stark

1987—Coles, Cumberland, Massac, and Shelby

²³ Emancipation applies to any minor aged 16 or older who has been completely or partially emancipated under the Emancipation of Mature Minors Act (Ill.Rev.Stat., ch. 40, par. 1102). With the approval of a minor's parents or guardians, the court may allow a mature minor to live wholly or partially independent from parents or guardians, if the minor has demonstrated the ability to manage his or her own affairs. Under this act, the minor has the right to enter into valid legal contracts and has other rights ordered by the court. Partial emancipation provides only

those rights specified by court order.

²⁴ Probation Division of the Administrative Office of the Illinois Courts.

²⁵ Although juveniles on extended or authorized absence are supervised by the field services program of IDOC's Juvenile Division, they are still considered to be in institutional custody.

²⁶ Illinois fiscal years run from July 1 through June 30 (for example, fiscal 1987 began July 1, 1986, and ended June 30, 1987).

²⁷ The "Recommitments/other" category in Figure 5-16 also includes juveniles admitted to institutional custody on court evaluations.

²⁸ Juveniles convicted in adult court must complete the determinate sentence imposed by the judge, minus any day-for-day or meritorious good time they earn. On the other hand, the Illinois Prisoner Review Board, not the Juvenile Court judge, determines the length of stay for juveniles adjudicated and sentenced in Juvenile Court. Sentences for habitual juvenile offenders, however, are determined by judges.

²⁹ Data describing the sex, race, age, and crime class of the IDOC institutional custody population include youth on extended or authorized absence during fiscal years 1982 through 1985. However, this group is excluded from these categories beginning with fiscal 1986 data because of a change in IDOC reporting practices.

³⁰ IDOC excluded 21-year-olds from its grouped, age-specific statistics after fiscal 1986. Before fiscal 1986, 21-year-olds were included.

³¹ See, for example, the following: Marvin Wolfgang, "Crime in a Birth Cohort," *Proceedings of the American Philosophical Society* 177 (1973), pp. 404-411; Wolfgang, *From Boy to Man—From Delinquency to*

Crime (paper presented at the national Symposium on the Serious Juvenile Offender, 1977); Wolfgang, Robert Figlio, and Thorsten Sellin, *Delinquency in a Birth Cohort* (Chicago: University of Chicago Press, 1972); Michael R. Olson, *A Longitudinal Analysis of Official Criminal Careers* (doctoral dissertation, University of Iowa, 1977); Lyle W. Shannon, "A Longitudinal Study of Delinquency and Crime," in *Quantitative Studies in Criminology* (Beverly Hills, Calif.: Sage Publications, 1978); Shannon, *A Cohort Study of the Relationship of Adult Criminal Careers and Juvenile Crime* (paper presented at the University of Stockholm, Sweden, 1978); and David Pritchard, "Stable Predictors of Recidivism: A Summary," *Criminology* 17 (1979), pp. 15-21.

³² Olson, 1977, and Shannon, 1978.

³³ Wolfgang, Figlio, and Sellin, 1972.

³⁴ Shannon, 1978, and Wolfgang, 1977.

³⁵ Joan Petersilia, Peter W. Greenwood, and Marvin Lavin, *Criminal Careers of Habitual Felons* (Washington, D.C.: U.S. Government Printing Office, 1978).

³⁶ See, for example, Petersilia, Greenwood, and Lavin, 1978; Daniel Glaser, "The Classification of Offenses and Offenders," in *The Handbook of Criminology* (Skokie, Ill.: Rand McNally, 1974); and Mark Peterson, Harriet Braiker, and Sue Polich, *Doing Crime: A Survey of California Inmates* (Santa Monica, Calif.: The Rand Corporation, 1980).

³⁷ Shannon, 1978.

³⁸ *Juvenile Justice Information Policies in Illinois* (Chicago: Illinois Criminal Justice Information Authority, 1986).

³⁹ Juvenile Court of Cook County.

Drugs and Juvenile Justice

Although there are indications that illegal drug abuse may be declining among young people nationwide, the *availability* of many drugs still appears to be high. In 1987, for example, nearly 85 percent of the high school seniors interviewed in a national survey thought it would be "fairly easy" or "very easy" to obtain marijuana, nearly two-thirds thought it would be easy to obtain amphetamines, and approximately half thought it would be easy to obtain tranquilizers.¹ As for cocaine, perceived availability has grown sharply in recent years: more than 54 percent of the students surveyed in 1987 said it would be fairly easy or very easy to obtain, compared to 37 percent of those surveyed in 1975. Furthermore, officials believe that these trends in the perceived availability of drugs tend to mirror trends in the actual availability of the substances.

To combat the problem of juvenile drug abuse in Illinois—to cut the availability of drugs and to reduce demand for them—officials are relying on not only tougher enforcement but also stepped-up prevention and education efforts that are aimed at children of younger and younger ages.

WHAT DRUGS ARE YOUNG PEOPLE ABUSING?

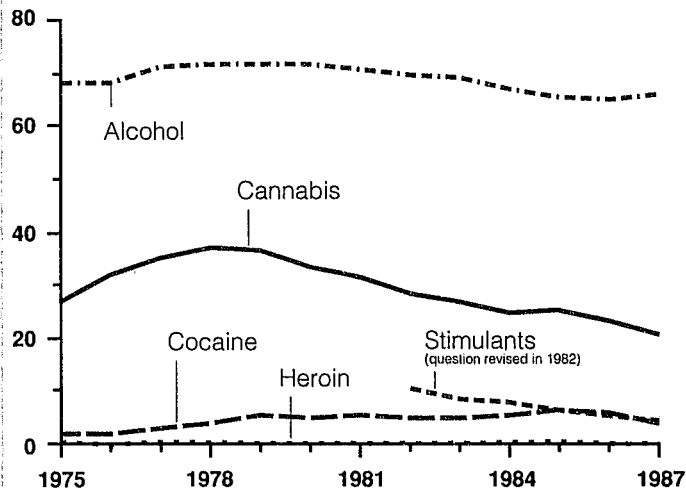
Although the availability of cocaine appears to be increasing among high school seniors, the percentage of them actually abusing cocaine has apparently declined in recent years, according to an annual survey of high school seniors conducted for the National Institute on Drug Abuse (NIDA).² This trend appears to be true not just for cocaine: abuse of marijuana, heroin, and psychedelic and psychotherapeutic drugs also appears to be decreasing.

Alcohol continues to be by far the most commonly abused substance among high school seniors in the United States (DRUGS 5-1). Two-thirds of those surveyed for NIDA in 1987 said they had used alcohol in the previous 30 days; more than 92 percent had used alcohol at some time in their lives. Neither percentage has changed substantially since

DRUGS 5-1

Abuse of most illegal drugs among high school seniors has declined in recent years.

Percentage of high school seniors saying they have abused a substance within the past 30 days



Source: National Institute on Drug Abuse

1975, the year the survey was first conducted.

Abuse of marijuana, on the other hand, has fallen throughout the 1980s. Twenty-one percent of high school seniors in 1987 said they had used marijuana in the last 30 days. This was 15.5 percentage points lower than in 1979, the peak year for marijuana use as measured by the high school survey. Similarly, 50 percent of those surveyed in 1987 said they had used marijuana in their lifetimes, down from more than 60 percent in 1979.

Compared with alcohol and marijuana, abuse of other drugs by high school seniors remains low. In 1982, almost 11 percent said they had used stimulants in the previous 30 days, but by 1987 the number had fallen to approximately 5 percent. About 5 percent of the seniors surveyed between 1979 and 1984 said they had used cocaine in the last 30 days. The number jumped to almost 7 percent in 1985, but then fell to about 4 percent in 1987. The percentage of high school seniors who said they had ever used cocaine has also declined recently,

from 17 percent in 1985 to 15 percent in 1987.

When *all* high school and junior high school students are surveyed, substance abuse is lower than among just high school seniors, although many of the abuse patterns are similar. A 1987-88 survey found almost 1 of every 2 senior high school students (grades 9 through 12) acknowledged using alcohol at least once in the previous year, and more than 1 in 5 said they had used marijuana. Alcohol and marijuana were also the most abused substances among junior high students (grades 6 through 8). For both junior and senior high school students, reported use of cocaine, stimulants, depressants, and hallucinogens was below 5 percent.³

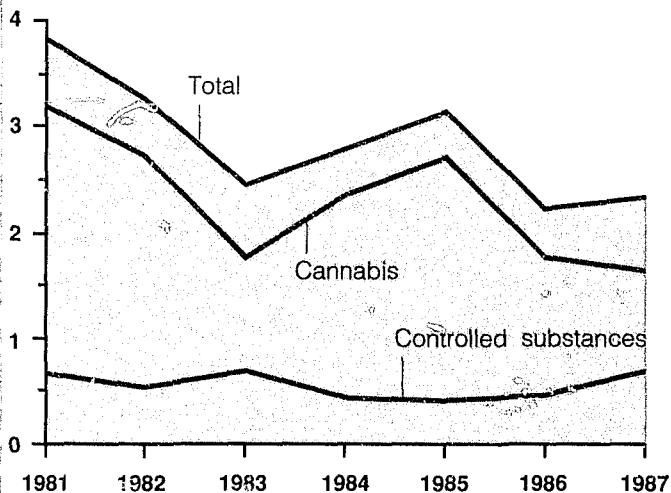
HOW MANY JUVENILES ARE ARRESTED FOR DRUG OFFENSES IN ILLINOIS?

Overall, the number of juveniles arrested for drug offenses in Illinois has decreased during the 1980s (DRUGS 5-2).⁴ The number of juvenile drug arrests in 1987

DRUGS 5-2

Juvenile arrests for controlled substances have increased in recent years, while arrests for cannabis have declined.

Arrests of juveniles (thousands)



Source: Illinois Uniform Crime Reports

DRUGS 5-3

Nearly one-quarter of all juvenile probationers in Illinois are estimated to be in need of drug treatment.

Number of juveniles on probation (December 1988 survey)	9,900
Number sentenced to probation for drug offenses	598 (6%)
Number of juvenile probationers with special conditions for drug treatment	943 (9.5%)
Estimated number of juvenile probationers in need of drug treatment	2,177 (22%)

Source: Administrative Office of the Illinois Courts (Probation Division)

was about one-third lower than the number of arrests in 1981.⁵ Furthermore, juveniles in 1981 were involved in about 13 percent of all arrests (juveniles and adults) for cannabis and controlled substance violations in the state, but fewer than 7 percent of all drug arrests six years later.

In 1987, approximately 70 percent of the 2,307 juvenile drug arrests statewide were for cannabis-related offenses; the remaining 30 percent involved controlled substance offenses. Despite the large difference between the two, their numbers have been converging in recent

years. The number of juveniles arrested for cannabis violations decreased 40 percent between 1985 and 1987. Juvenile arrests for controlled substance offenses, on the other hand, increased almost 64 percent during the same three years.

HOW MANY JUVENILE DELINQUENCY PETITIONS INVOLVE DRUGS?

There are no statewide statistics on the number of delinquency petitions that involve drug offenses in Illinois. In Cook County, however, where the majority of the state's delinquency petitions are filed,

drug offenses make up a relatively small proportion of the offenses involved.

About 3 percent of the 19,109 offenses included in delinquency petitions filed in Cook County in 1985 involved drugs. Two years later, when delinquency petitions in the county included 18,611 offenses, drugs again accounted for approximately 3 percent of all offenses.

HOW MANY JUVENILES ARE ON PROBATION OR IN INSTITUTIONAL CUSTODY FOR DRUG OFFENSES?

As with information on delinquency petition filings, statewide data on the number of juveniles actually adjudicated delinquent for drug offenses, and on the specific types of dispositions they receive, are unavailable in Illinois. However, a statewide survey of probation departments by the Administrative Office of the Illinois Courts (AOIC) provides some indication of how many juvenile drug offenders receive probation.

According to the survey, 598 juveniles were on probation for drug offenses in December 1988. This represented about 6 percent of the total number of juveniles on probation in the state. Close to 10 percent of the juveniles on probation, regardless of their offenses, had special sentencing conditions calling for drug treatment. Overall, AOIC estimates that nearly one-quarter of all juvenile probationers in the state are in need of drug treatment (DRUGS 5-3).

Compared with the number of juvenile offenders on probation for drug offenses, an even smaller number are committed to institutional custody with the Illinois Department of Corrections (IDOC). In 1987, only 5 of 1,004 Juvenile Court admissions to IDOC involved drug offenses. During the three previous years, when more than 2,700 juveniles were admitted to IDOC by the courts, only 22 were for drug offenses. As with probationers, however, it is likely that many of the juveniles in institutional custody for other offense types have been abusing drugs and are in need of treatment.

WHAT IS THE LEVEL OF DRUG ABUSE AMONG SERIOUS JUVENILE OFFENDERS?

Although a relatively small number of offenders reach the later stages of the juvenile justice system specifically because of drug law violations, there is evidence that many serious juvenile offenders of all types are substance abusers. Studies, for example, indicate a strong association between alcohol use and criminal behavior. One analysis of 138 offenders in a Midwestern juvenile correctional facility revealed that 65 percent of those who had committed serious crimes—aggravated assault and arson, for instance—abused alcohol.⁶ So did 85 percent of those who had committed less serious crimes.

Abuse of substances other than alcohol also appears to be high among serious juvenile offenders. A 1987 national survey of youth in long-term, state-operated juvenile institutions found that more than 63 percent had at some time abused a drug on a regular basis (meaning at least once a week for at least a month).⁷ The percentage was slightly lower for youths under age 18 and slightly higher for those 18 and older. More than 31 percent of all juveniles in custody said they had been regular abusers of a major drug—heroin, cocaine, LSD, or PCP—at some time in their lives (DRUGS 5-4).

In addition, nearly 40 percent said they were under the influence of drugs at the time they committed the offense for which they were being held. Nearly 59 percent said they had used any drug—31 percent had used a major drug—within the month of the current offense.

Among those youth in custody who admitted ever using drugs, the median age at which they *first* used any drug was 12; the median age for first *regular* drug use was 13. About 19 percent first used drugs before age 10, and more than 71 percent had first used drugs before age 14.

WHAT IS BEING DONE TO COMBAT DRUG ABUSE AMONG JUVENILES IN ILLINOIS?

The 1987-88 PRIDE Questionnaire found that more than half of the junior and senior high school students nationwide thought

beer and wine coolers were "fairly easy" or "very easy" to obtain. Nearly 26 percent said the same for marijuana, and more than 12 percent for cocaine.

With this and other studies showing that drugs are not only available to, but are also being used by, children in their pre-teen years, officials in Illinois have begun aiming drug abuse education and prevention programs at younger and younger schoolchildren. The theory is that for drug abuse education to be effective, it must begin *before* young people have been exposed to drugs.

One program that many local law enforcement agencies in Illinois participate in is called DARE, for Drug Abuse Resistance Education. Begun in Los Angeles in 1983, DARE first came to Illinois in 1986 as a cooperative effort of the Illinois State Police (ISP), the State Board of Education, the Illinois Department of Alcoholism and Substance Abuse (DASA), and local educators and police officials.

Law enforcement officers who participate in DARE receive 80 hours of training at the ISP Training Academy in Springfield. After training, the uniformed officers

spend one hour a week for 17 weeks in the classroom with grade school students, primarily fifth- and sixth-graders. The focus is on four areas:

1. Providing students with accurate information about alcohol and drugs
2. Teaching them decision-making skills
3. Showing students how to resist peer pressure
4. Giving them ideas for alternatives to drug use

Through September 1988, the DARE curriculum had reached more than 45,000 students in 283 Illinois school districts. Nationwide, about 1.5 million students have completed the program. In Illinois, officers from 145 different law enforcement agencies have received DARE training.

Over the last few years, the National Crime Prevention Council, through its McGruff campaign, has also concentrated largely on drug abuse prevention. Using public service announcements, literature, and other materials, McGruff has been telling both teenagers and pre-

DRUGS 5-4

Most youth in long-term, state-operated juvenile institutions in 1987 had regularly abused some type of drug.

Type of drug use	Percent of all youth in custody	Younger than age 18	Age 18 and older
Ever used any drug on a regular basis*	63.1%	59.7%	72.3%
Ever used a major drug on a regular basis**	31.4	27.5	41.9
Used any drug in the month before the current offense	58.7	57.5	61.8
Used a major drug in the month before the current offense**	30.8	28.5	37.0
Under the influence of drugs at time of the current offense	39.4	39.1	40.3

* Used once a week or more for at least a month.

**Major drugs include heroin, cocaine, LSD, and PCP.

Source: Bureau of Justice Statistics

teens that "winners don't use drugs" and that there are healthy alternatives to drug abuse. In Illinois, approximately 465 county and local law enforcement agencies participate in McGruff's crime prevention campaign.

Some of Illinois' drug abuse treatment,

education, and prevention services for juveniles are funded through the Juvenile Drug Abuse Fund, established in 1984 and administered by DASA.⁸ The fund receives 12.5 percent of all fines collected under Illinois' Cannabis Control, Controlled Substances, and Narcotics Profit Forfeiture acts. An aver-

age of \$6,000 per month was deposited in the fund during its first 31 months. The balance in the fund at that time was more than \$170,000. Among other things, the fund has been used to support InTouch, a DASA substance abuse prevention program that is based in Illinois schools.

The Data

Information on substance abuse among juveniles was obtained from the National Institute on Drug Abuse's annual survey of approximately 17,000 high school seniors nationwide, conducted by the University of Michigan Institute for Social Research, and from a survey of 203,062 junior high and high school students in 24 states conducted by Parents' Resource Institute for Drug Education (PRIDE) during the 1987-1988 school year. One limitation of both surveys is that they do not measure substance abuse among school dropouts.

Juvenile drug arrest data come from the Illinois Uniform Crime Reports. Information on delinquency petitions filed, juveniles on probation for drug offenses, and drug treatment for juvenile probationers was obtained from the Administrative Office of the Illinois Courts. Information on juveniles in institutional custody for drug offenses was obtained from the Illinois Department of Corrections.

Two studies of drug abuse among juvenile offenders were used: a 1982 study of a rural Midwestern juvenile correctional facility, cited in the National Clearinghouse for Alcohol Information's February 1986 *Alcohol Resources: Update*, and the Bureau of Justice Statistics' 1987 survey of 2,621 youths confined in state-run facilities in 26 states nationwide.

Information on the Drug Abuse Resistance Education (DARE) program in Illinois was provided by the Illinois State Police.

Notes

¹ Lloyd D. Johnston, Patrick M. O'Malley, and Jerald G. Bachman, *Illicit Drug Use, Smoking, and Drinking by America's High School Students, College Students, and Young Adults: 1975-1987* (Rockville, Md.: National Institute on Drug Abuse, 1988).

² Johnston *et al.*, 1988.

³ Responses to the PRIDE Questionnaire by 203,062 junior and senior high school students (grades 6 through 12) in 24 states during the 1987-88 school year; conducted by Parents' Resource Institute for Drug Education (PRIDE), Atlanta, Georgia.

⁴ Statistics on juvenile drug arrests may not accurately reflect the number of juveniles actually involved with drugs and apprehended by the police. This is because an unknown number of the juveniles taken into custody for drug offenses, just like many of those apprehended for other crimes, are dealt with informally through *station adjustments*.

⁵ Juvenile arrest figures do not include arrests made by the state's metropolitan enforcement groups (MEGs).

⁶ R. Jenson, "Severity of delinquent offense and alcohol involvement among residents from a rural midwestern juvenile correctional facility," *Juvenile and Family Court Journal* (vol. 33, no. 4, 1982), cited in *Alcohol Resources: Update* (Rockville, Md.: National Clearinghouse for Alcohol Information, February 1986).

⁷ Allen J. Beck, Susan A. Kline, and Lawrence A. Greenfeld, *Survey of Youth in Custody, 1987* (Washington, D.C.: Bureau of Justice Statistics, 1988). The findings are based on personal interviews with a nationally representative sample of 2,621 youths from the more than 25,000 youths confined in state-run juvenile facilities. Interviews were conducted in 50 institutions in 26 states during 1987.

⁸ Ill.Rev.Stat., ch. 38, par. 1005-9-1.2; ch. 56 1/2, pars. 710.2, 1413, 1655.2.

DUI and Juvenile Justice

In Illinois, the legal drinking age is 21, although the minimum age at which a person can obtain a driver's license is 16.¹ Even so, drivers under the age of 21 are involved in 18 percent of the alcohol-related fatal traffic accidents in Illinois, although they make up only 10 percent of licensed drivers in the state. And 8 percent of drivers arrested for driving under the influence of alcohol or drugs in Illinois in 1987 were under 21.

Between 1986 and 1987, however, the number of people under 21 who were arrested for DUI declined 19 percent, from 5,190 in 1986 to 4,191 in 1987. DUI arrests of persons aged 21 and older also dropped, but only by 7 percent.

The administrative sanctions against DUI offenders under age 21 are tougher than those for older offenders. Upon conviction, a first offender's license is revoked for a minimum of two years, and the offender may not apply for a restricted driving permit until the second year of the revocation. After the two-year revocation period is up, the offender may apply to the Illinois Secretary of State's Office for reinstatement of his or her driver's li-

cense. If reinstatement is denied, the Secretary of State's Office may extend the restricted driving permit (if one was issued) one year at a time until the driver reaches age 21.

Illinois has recently instituted a number of laws and administrative procedures specifically designed to deter young people from drinking and driving. In 1985, the Secretary of State's Office began clearly marking and color-coding the licenses of drivers under age 21. And in 1987, legislation was passed making it illegal to sell identification cards similar to Illinois driver's licenses and increasing the penalties for fraudulently obtaining official Illinois identification cards or driver's licenses.

For repeat DUI offenders under 21, the penalties as of January 1988 have become even more severe. Driving privileges are revoked for at least three years—or until the offender reaches 21, whichever is longer—for a second DUI conviction. As for drunken drivers 21 or older, a third conviction results in a minimum six-year revocation and is classified as a Class 4 felony, with a maximum fine of \$10,000.

Notes

¹ Instruction permits may be obtained at age 15, provided the person obtaining the permit is enrolled in a driver's education course. In addition, no license is needed to operate a motor vehicle temporarily on a highway or between farm buildings and farm land for the purpose of conducting farm operations (Ill.Rev.Stat., ch. 95 1/2, par. 6-102).

AIDS and Juvenile Justice

Studies show young people often report knowing the least about AIDS.¹ Still, less than 1 percent of people with AIDS nationally are between the ages of 13 and 19. A 1987 American Correctional Association survey found no AIDS cases among juveniles housed at 64 correctional and detention centers nationwide. The survey did find that 46 juvenile detainees had tested positive for the human immunodeficiency virus (HIV).²

Researchers at both the National Cancer Institute and the Centers for Disease Control have found that teenagers appear to be more resistant to AIDS than adults. Studies by both organizations have found that hemophilic teenagers infected with HIV were significantly less likely to develop AIDS or had a longer incubation period than HIV-positive hemophilic adults.³

Illinois' one known HIV-positive juvenile detainee, diagnosed with AIDS-related complex, had been detained at the Illi-

nois Department of Corrections (IDOC), but is now on mandatory supervised release.

Of the 12 county juvenile detention centers in Illinois, nine provide detainees with some form of AIDS education, and eight have provided information or training to staff. In July 1988, IDOC approved use of its seven-unit AIDS training curriculum for juvenile detainees. All detainees will receive training as part of their regular school curriculum.

The Cook County Temporary Juvenile Detention Center offers an AIDS education program as part of its sex education curriculum, which is the same as the Chicago Board of Education's curriculum. AIDS and sex education materials are also provided to Cook County's detainees by The Neon Street Program: Center for Youth; Cook County Hospital; and the Chicago Department of Health, subject to review and approval by the Board of Education.

Notes

¹ *A Statewide Survey Regarding Awareness and Attitudes Towards AIDS* (Springfield, Ill.: Illinois Department of Public Health, January 1987 and Summer 1988).

² *AIDS Survey* (College Park Md.: American Correctional Association, 1987), pp. 2, 4.

³ Dr. Janine Jason, Centers for Disease Control (telephone interview, November 14, 1988).

APPENDIX A

Glossary

Words or phrases in italics have separate glossary entries.

abused minor. Anyone under age 18 who has been physically or sexually abused by a caretaker.

acquit. To release or discharge from an accusation; to legally certify the innocence of a *defendant* charged with a crime.

addicted minor. Anyone under age 21 who is an addict or an alcoholic as defined in the Illinois Alcoholism and Other Drug Dependency Act (Ill.Rev.Stat., ch. 111 1/2, par. 6351-1 et seq.).

adjudicate. To decide, settle, or decree judicially.

adjudicatory hearing. The fact-finding stage of *juvenile* proceedings.

administrative custody. The status that describes a *juvenile* who is detained in a local *jail* or other detention facility while on *parole* or on *extended or authorized absence* from the *Illinois Department of Corrections*.

Administrative Office of the Illinois Courts. The administrative arm of the *Illinois Supreme Court* that oversees the operations of all subordinate courts in the state, including the *Illinois Appellate Court* and the *Circuit courts*. AOIC also supervises the operations of individual *probation* departments in Illinois.

administrative placement. The status that describes a *juvenile* who is under the *institutional custody* of the *Illinois Department of Corrections*, but who is housed in a mental health center, residential treatment center, or other specialized facility.

admissions. See *prison admissions*.

adult. Generally, any criminal offender aged 17 or older at the time of the offense. See also *juvenile*.

age-specific arrest rates. The number of *arrests* for a specific age group divided by the number of people in that age group for a certain year; age-specific arrest rates in this report are expressed as the number of arrests per 100,000 population.

aggravated assault. See *index aggravated assault*.

aggravating circumstances. Any circumstances accompanying the commission of a crime that increase its enormity or add to its injurious consequences, but which are above and beyond the essential constituents of the crime itself. See also *mitigating circumstances*.

AOIC. See *Administrative Office of the Illinois Courts*.

appeal. A request by either the prosecution or the defense that a higher (appellate) court review the decision of a lower (trial) court or administrative agency.

appellate court. Any higher court whose function is to ensure that the law was properly interpreted and applied in particular cases tried in the lower (trial) courts. See *Illinois Appellate Court* and *Illinois Supreme Court*.

arbitration. The referral of a dispute to an impartial third person by the parties to the dispute, who agree in advance to abide by the arbiter's decision following a hearing at which both parties have an opportunity to be heard. See also *mediation*.

ARIMA. AutoRegressive Integrated Moving Average, which is a standard method for forecasting various types of data, including criminal justice data.

arraignment. A court hearing in which the identity of the *defendant* is established, the defendant is informed of the *charges* that have been filed, and the defendant enters a *plea* of guilty or not guilty to the charges.

arrest. The taking into police custody of someone believed

to have committed a crime, regardless of whether or not the person is formally charged. See also *charge, preliminary hearing*.

arrest warrant. A document issued by a judicial officer that directs law enforcement officers to arrest a person who has been accused of a specific *offense*.

arson. See *index arson*.

associate judge. A judge of the *Circuit Court* who, in criminal proceedings, is usually limited to presiding over *misdemeanor* cases or sometimes *pretrial proceedings* in *felony* cases; associate judges also hear *juvenile* cases. Associate judges are appointed by the chief judge of the *judicial circuit*. See also *circuit judge*.

authorized absence. See *extended or authorized absence*.

automatic transfer. The automatic movement of a suspected *juvenile* offender to adult court for prosecution. In Illinois, any juvenile charged with first-degree murder, aggravated criminal sexual assault, armed robbery with a firearm, or certain drug or weapons violations committed in or near a school, who was at least 15 years old at the time of the *offense*, must be tried as an adult. See also *discretionary transfer*.

bail. Money or property that a *defendant* pledges to the court, or actually deposits with the court, to secure release from legal custody pending further criminal proceedings following an *arrest*. In Illinois, the amount of cash bail required is usually 10 percent of the bail amount set by the court. See also *bond*.

bench trial. In criminal proceedings, a trial in which there is no jury and in which a judge decides all issues of fact and law in the case. See also *jury trial*.

Bill of Rights for Victims and Witnesses of Violent Crime. A 1984 Illinois law designed to ensure that violent crime victims and witnesses are treated fairly and compassionately (Ill.Rev.Stat., ch. 38, par. 1401 et seq.). Among other things, the law requires criminal justice officials to keep victims informed of developments in their cases and to help victims seek emotional and monetary assistance.

bond. A document that guarantees the *defendant* will appear for future court dates as required and that records the pledge of money or property to be paid to the court if the defendant does not appear. See also *bail*.

bond hearing. A *pretrial proceeding* in which the *defendant* is formally notified of the *charges* that have been filed and a *bond* is set to ensure the defendant will appear at subsequent court dates.

burglary. See *index burglary*.

CCH. See *Computerized Criminal History system*.

charge. An allegation that a specific person has committed a specific *offense*. Charges are recorded in various *charging documents*, such as a *complaint, information, or indictment*.

charging document. A formal written statement submitted to the court that alleges a specific person has committed a specific *offense*. Charging documents include *complaints, indictments, and informations*.

Circuit Court. A trial-level court that hears and resolves *felony, misdemeanor, and juvenile* cases, as well as some non-criminal cases. In Illinois, these trial courts are organized into 22 *judicial circuits*.

circuit judge. A judge of the *Circuit Court*, elected to a six-year term by the voters in that *judicial circuit*. In criminal proceedings, circuit judges usually preside over *felony* cases only; they also may hear *juvenile* matters. See also *associate judge*.

Class X. A statutory *offense class* established for sentencing purposes that includes such serious *felonies* as attempted murder, armed robbery, and aggravated criminal sexual assault. Class X offenders are not eligible for alternative sentences such as *probation* or *conditional discharge*; instead, they must serve time in *prison*.

clearance. See *offenses cleared, clearance rate*.

clearance rate. The number of *offenses cleared* divided by the number of *reported offenses* during the same time period, expressed as a percentage.

collar counties. Generally, the six counties in the immediate Chicago area: DuPage, Kane, Lake, McHenry, Will, and suburban Cook.

community correctional center. A community-based correctional facility that offers selected low-risk inmates the opportunity to make the transition from institutional life to the community through a structured intermediate step. Some community correctional centers are operated directly by the *Illinois Department of Corrections*, while other centers are operated under contract with other organizations.

commutation. A type of *executive clemency* in which an offender's *prison* sentence is reduced. A commutation generally does not connote forgiveness; rather, it is used to shorten an excessively or unusually long sentence. See also *pardon*.

complaint. A sworn, written statement, usually signed by the victim or another citizen witness and presented to a court, which charges a specific person or persons with the commission of an *offense*. See also *indictment* and *information*.

Computerized Criminal History system. The state central repository for criminal history record information, operated by the *Illinois State Police*.

conditional discharge. A court-imposed sentence similar to *probation*, except that the level of supervision of the offender is limited. Technically, it is "a sentence or disposition of conditional and revocable release without probationary supervision but under such conditions as may be imposed by the court" (Ill.Rev.Stat., ch. 38, par. 1005-1-4).

conservation violation. A breach of laws regarding protection of the environment.

Crime Index. A group of eight crime categories that together give some indication of the level, fluctuation, and distribution of reported crime in the United States as a whole, in individual states, and in local jurisdictions. Four of these *index crimes* are *violent crimes—murder, sexual assault, robbery, and aggravated assault*—and four are *property crimes—burglary, larceny/theft, motor vehicle theft, and arson*.

crime rate. The number of *reported offenses* divided by the population at risk. Crime rates in this report are represented as the number of reported offenses per 100,000 population.

Crime Victims Compensation program. A state program, administered by the *Illinois Attorney General's Office* and the *Illinois Court of Claims*, that compensates innocent violent crime victims for expenses incurred as a direct result of their victimizations—for example, medical costs, counseling, and loss of earnings.

criminal sexual assault. See *index sexual assault*.

D-bond. See *detainer bond*.

DCFS. See *Illinois Department of Children and Family Services*.

defendant. A person formally accused of an *offense* by the filing in court of a *charging document*.

defendant disposition. The class of prosecutorial or judicial action which terminates or provisionally halts proceedings regarding a given *defendant* in a criminal case after *charges* have been filed in court.

delinquency petition. A formal written statement alleging that a specific *juvenile* committed actions or conduct which, if committed by an *adult*, would be in violation of criminal law.

delinquent minor. A person under age 17 but at least 13 who has who has attempted or committed a delinquent act—an action for which an *adult* could be prosecuted in criminal court.

dependent minor. A person under age 18 whose parents or guardians are deceased, disabled, or, through no fault of the parents or guardians, unable to provide medical or other remedial care.

design capacity. The number of inmates that a correctional facility was originally designed to house or currently has a capacity to house as a result of planned modifications, excluding extraordinary arrangements to accommodate crowded conditions. See also *ideal capacity* and *rated capacity*.

detainer bond. A type of *bond* in which the *defendant* is required to post money or property to secure release pending trial. Typically, 10 percent of the full bail amount must be posted, or the defendant will be detained in the county *jail* until the case is resolved or until the bond is reduced and then met. See also *individual recognizance bond*.

determinate sentencing. A type of criminal sentencing structure used in Illinois since 1978. Under determinate sentencing, each offender is sentenced to a fixed number of years in *prison* without the possibility of *parole*. Sentences can be reduced only through the accumulation of *good-conduct credits*. See also *indeterminate sentencing*.

discretionary transfer. The optional movement of a suspected *juvenile* offender to adult court for prosecution. In Illinois, a *state's attorney* may ask a juvenile court judge to transfer to adult court any juvenile aged 13 or older who has been charged with an offense that would be a criminal act if committed by an adult. The discretionary transfer occurs only after a *transfer hearing* has been conducted specifically for that purpose. State law also provides for the *automatic transfer* of juveniles accused of certain very serious crimes.

disposition. Generally, an action by a criminal or juvenile justice agency that signifies that a portion of the justice process is complete and jurisdiction is terminated or transferred to another agency. In most cases, "disposition" refers to the ultimate outcome of a criminal case. See also *defendant disposition* and *trial disposition*.

dispositional hearing. In *juvenile* proceedings, the hearing to determine whether the juvenile will become a ward of the court and, if so, which disposition is in the best interest of the minor and the public.

double-celling. The practice of housing two or more inmates in a space originally designed for one.

emancipation. The status that describes any minor aged 16 or older who has been completely or partially emancipated under the Emancipation of Mature Minors Act (Ill.Rev.Stat., ch. 40, par. 1102), and is therefore allowed to live wholly or partially independent from parents or guardi-

ans, to enter into legal contracts, and to exercise other rights ordered by the court.

executive clemency. An action by the Governor in which the severity of punishment of a single person or a group of persons is reduced or the punishment is stopped altogether. In Illinois, executive clemency includes both *commutations* and *pardons*.

extended absence. See *extended or authorized absence*.

extended or authorized absence. The status of a *juvenile* who is in *institutional custody* with the *Illinois Department of Corrections*, but who is on a specialized leave program.

felony. A criminal *offense* that is punishable by a sentence in state *prison* of one year or more or by a sentence of death. See also *misdemeanor*.

felony defaulters. Former *prison* inmates who are on *mandatory supervised release*, but who then violate the conditions of their release; felony defaulters may be returned to prison to complete their original sentence. See also *determinate sentencing*.

felony review. The process by which *state's attorneys* and their staffs review cases for possible *felony charges* and decide what prosecutorial action, if any, should be taken.

first-degree murder. A statutory *offense class* that covers only those homicides in which an individual intends to kill or do great bodily harm to another person, knows that such acts will create a strong probability of death or great bodily harm, or is attempting or committing another forcible *felony*.

flat-time sentencing. See *determinate sentencing*.

forced-release. A program, in effect in Illinois from June 1980 until July 1983, designed to control *prison* crowding. Under forced-release, certain non-violent offenders were released from prison sooner than they otherwise would have been. This occurred because the inmates were awarded multiple increments of 90-day meritorious *good-conduct credits*, in addition to the regular day-for-day credits inmates can earn.

good-conduct credit. An amount of time deducted from the overall time an inmate serves in *prison* or *jail*, usually earned through good behavior during incarceration. In Illinois, state prisoners can earn one day of "good time" for each day they spend in prison, plus one block of 90 days of meritorious good time. Jail inmates can also earn one day of good time for each day in jail.

grand jury. A body of persons who have been selected to hear evidence against accused persons and to determine whether the evidence is sufficient to bring those persons to

trial. A grand jury may also be impaneled to investigate criminal activity generally or to investigate the conduct of public agencies and officials. Ordinarily, a *state's attorney* presents the grand jury with a list of *charges* and evidence related to a specific criminal event, and the grand jury must decide whether or not to return an *indictment*.

I-bond. See *individual recognizance bond*.

ideal capacity. A relatively new measure of *prison capacity* developed by the *Illinois Department of Corrections*. Ideal capacity reflects the number of housing units designated for a distinct class of inmates and selected housing configurations, with allowances for special housing utilization.

IDOC. See *Illinois Department of Corrections*.

Illinois Appellate Court. The first court of appeal for all cases adjudicated in the *Circuit courts*, except for cases involving the death penalty. There are five Appellate Court districts in Illinois.

Illinois Attorney General. Illinois' top legal officer, who is elected to a four-year term by the voters statewide. Although involved primarily in civil matters, the Attorney General's Office initiates some criminal proceedings (for example, violations of anti-pollution laws) and represents the state in criminal appeals before the *Illinois Supreme Court* and the U.S. Supreme Court. The office also investigates claims under the state's *Crime Victims Compensation program*.

Illinois Court of Claims. A seven-member court that hears and determines various allegations against the state, including cases regarding contractual disputes, torts committed by agents of the state, and time unjustly served by innocent persons in state *prison*. The Court of Claims also has authority to render decisions and make awards to violent crime victims under Illinois' *Crime Victims Compensation program*.

Illinois Department of Children and Family Services. A state agency that seeks to protect children and strengthen family life. Various young people who enter the *juvenile justice system*—*abused minors*, *addicted minors*, *dependent minors*, *delinquent minors*, *minors requiring authoritative intervention*, and *neglected minors*—may be referred to DCFS for treatment or residential placement.

Illinois Department of Corrections. The state agency responsible for the care, custody, and treatment of all persons sent to state *prison*. Some of IDOC's responsibilities also include monitoring offenders in *community correctional centers*, monitoring offenders on *mandatory supervised release* and *parole*, providing custody and care for *juveniles* committed by the courts, and setting standards for and inspecting county and local *jails*.

Illinois Prisoner Review Board. A board of citizens appointed by the Governor who set conditions for *mandatory supervised release* and make *parole* decisions.

Illinois State Police. The chief state-level law enforcement agency providing police protection and enforcing criminal statutes in Illinois. ISP is responsible for such activities as patrolling state highways, investigating major crimes (such as large-scale drug *offenses*), and assisting local law enforcement agencies with short-term needs. ISP also compiles *Illinois Uniform Crime Reports* and maintains the state's *Computerized Criminal History system*.

Illinois Supreme Court. The highest tribunal in the state, which hears selected *appeals* from the *Illinois Appellate Court* and which oversees the operations of all subordinate courts in the state through its *Administrative Office of the Illinois Courts*. The Supreme Court includes seven justices who are elected to 10-year terms by voters in the justices' respective Appellate Court districts.

Illinois Uniform Crime Reports. A statewide program operated by the *Illinois State Police* to collect police-level crime statistics—including *offenses*, *arrests*, and employment data—from local law enforcement agencies throughout Illinois. *Uniform Crime Reports* are collected nationally by the Federal Bureau of Investigation.

incident-level reporting. A method of reporting *Uniform Crime Reports* in which local law enforcement agencies submit detailed information about individual *offenses* and *arrests*, not just monthly summaries. Illinois is one of only a few states to require incident-level reporting in its state *UCR* program.

indeterminate sentencing. A type of criminal sentencing structure used for *adults* in Illinois until 1978 and still used for juveniles. Under indeterminate sentencing, the commitment is not for a single specific period of time (such as three years), but is instead for a range of time (such as two to five years). In addition, prisoners are generally eligible for release on *parole* after serving only a fraction of their sentences. See also *determinate sentencing*.

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

index arson. The willful or malicious burning, or attempt to burn, with or without intent to defraud, of a dwelling house, public building, motor vehicle, aircraft, or personal property of another. Arson became an *index crime* only in 1980,

and, because of definitional differences, pre-1980 arson data cannot be compared with index arson figures.

index burglary. The unlawful entry of a structure to commit a felony or theft. Index burglary includes attempted burglary, forcible entry, and unlawful entry (no force).

index crime. See *Crime Index*.

index larceny/theft. The unlawful taking or stealing of property or articles without the use of force, violence, or fraud. Index larceny/theft includes theft, attempted theft, burglary from a motor vehicle, and attempted burglary from a motor vehicle.

index motor vehicle theft. The unlawful taking or stealing of a motor vehicle (automobile, truck, bus, and other vehicle), or the attempted theft of a motor vehicle.

index murder. The willful killing of a person. Index murder includes murder and voluntary manslaughter, in which a person's death is caused by the gross negligence of any individual other than the victim. See also *first-degree murder* and *Supplementary Homicide Reports*.

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

index sexual assault. All sexual assaults, completed and attempted, aggravated and non-aggravated. "Aggravated" means that serious bodily harm, or the threat of serious bodily harm, is involved. Until July 1, 1984, "rape" was defined as the carnal knowledge of a female, forcibly and against her will.

indictment. A written statement, also called a true bill, presented by a *grand jury* to a court, which charges a specific person or persons with the commission of an *offense*. See also *complaint* and *information*.

individual recognizance bond. A type of *bond* in which the *defendant* is not required to post money or property to secure release pending trial, but is instead released on a pledge that he or she will appear at future court proceedings. Defendants who receive I-bonds may still be liable to the court for a specified bond amount should they fail to appear in court. See also *detainer bond*.

information. A sworn, written statement, signed by a *state's attorney* and presented to a court, which charges a specific person or persons with the commission of an *offense*. See also *complaint*, *indictment*, and *preliminary hearing*.

institutional custody. The status that describes a *juvenile* who has been committed by the courts to the *Illinois Department of Corrections* and who is in an IDOC *youth center*, on *extended or authorized absence*, or under *administrative placement* or in *administrative custody*.

intake screening. The process, administered jointly by *probation* and *state's attorney's* personnel in a county, to initially determine what should be done in a *juvenile* case referred by the police. Intake screening personnel have four options: recommend that a *delinquency petition* be filed in juvenile court, make an informal adjustment, place the juvenile under supervision, or move to have the case transferred to adult court through a *transfer hearing*.

Intensive Probation Supervision. A rigorous, three-phase *probation* program that is usually the first year of a three- or four-year sentence of regular probation. IPS probationers have frequent, face-to-face visits with probation officers, and they must abide by a curfew, perform community service, undergo drug testing, and follow any other conditions set by the sentencing judge.

interim disposition. A temporary court disposition.

IPS. See *Intensive Probation Supervision*.

ISP. See *Illinois State Police*.

I-UCR. See *Illinois Uniform Crime Reports*.

jail. A confinement facility, usually operated by a county or municipality, that detains suspects awaiting trial, offenders sentenced to less than a year of incarceration, and offenders awaiting transfer to the state *prison* system. See also *lockup* and *prison*.

judicial circuit. A geographic area, usually containing several counties, in which trial courts (*Circuit courts*) are located. There are 22 judicial circuits in Illinois.

jury trial. In criminal proceedings, a trial in which a jury is impaneled to determine the issues of fact in a case and to render a verdict. See also *bench trial*.

juvenile. Generally, any criminal offender under the age of 17 at the time of the offense. See also *adult* and *minor*.

larceny/theft. See *index larceny/theft*.

length of stay. The time an offender is incarcerated, including the time spent in state *prisons*, county *jails*, mental health facilities, and *juvenile* institutions while under the auspices of the *Illinois Department of Corrections* for the current *offense*.

lockup. A temporary confinement facility operated by a municipality. See also *jail*.

mandatory supervised release. The system under which offenders who complete *determinate sentences* in Illinois are released from *prison* under conditions set by the *Illinois Prisoner Review Board*. Previously, offenders who served *indeterminate sentences* were released on *parole*. Under determinate sentencing, prisoners who complete the sentences imposed by the courts (minus any *good-conduct*

credits they earn) must be released from prison and placed under community supervision.

mediation. The act of a third person who mediates between two contending parties in order to persuade them to adjust or settle their dispute. Unlike an arbitrator, a mediator does not have the ability to render a judgment or to make a decision that is binding on the disputing parties. See also *arbitration*.

minor. Any person under age 21 who is subject to *juvenile* court proceedings because of a statutorily defined event or condition caused by or affecting the person. See also *abused minor*, *addicted minor*, *delinquent minor*, *dependent minor*, *minor requiring authoritative intervention*, and *neglected minor*.

minor requiring authoritative intervention. A person under age 18 who has run away from home or who is so far beyond the control of parents or guardians that the young person's physical safety is in danger. An MRAI is someone who has refused to return home and cannot agree with parents or guardians on alternative, voluntary, residential placement.

misdemeanor. A criminal offense for which a sentence of imprisonment of less than one year, in a facility other than a state *prison*, may be imposed. See also *felony*.

mitigating circumstances. Circumstances that do not justify or excuse the offense, but that may be considered as extenuating or reducing the degree of moral culpability. See also *aggravating circumstances*.

motor vehicle theft. See *index motor vehicle theft*.

MRAI. See *minor requiring authoritative intervention*.

MSR. See *mandatory supervised release*.

murder. See *index murder*.

natural life imprisonment. Imprisonment until the offender dies naturally, without the possibility of release.

neglected minor. A person under age 18 who does not receive necessary support or education, or whose environment is harmful to the minor's welfare.

no true bill. The decision by a *grand jury* not to return an *indictment* against a *defendant* based on the allegations and evidence presented by the *prosecutor*.

nolle prosequi. A formal entry on the court record that indicates the *prosecutor* will not pursue the action against the *defendant*.

nolo contendere. A *plea* in a criminal case that does not contest the *charge*, but neither admits guilt nor claims innocence. A plea of *nolo contendere*, however, may still be followed by conviction and sentencing.

non-conviction dispositions. Cases in which the *defendant* is acquitted at trial and cases that are dismissed during *pretrial proceedings*.

non-index crimes. Approximately 200 types of crime, besides the eight *index crimes*, for which the *Illinois State Police* collects *offense* and *arrest* data. These 200 crime types range from relatively minor offenses (for example, playing dice games) to some more serious crimes (aggravated kidnapping), and from very infrequent crimes (criminal defamation) to more common ones (possession of cannabis).

OBTS. See *offender-based transaction statistics*.

offender-based transaction statistics. Criminal justice statistics that are recorded in such a way that the identities of offenders (and suspected offenders) are preserved throughout data collection and analysis. This method provides a mechanism for linking events in different parts of the criminal justice system and for analyzing the flow of offenders and alleged offenders through the system. Illinois does not maintain OBTS.

offense. An act committed or omitted in violation of a law forbidding or commanding such an act.

offense class. The statutorily defined grouping of different criminal *offenses* for purposes of establishing severity and criminal sanctions. In Illinois, there are six classes of *felony* offenses—*first-degree murder*, *Class X*, and *Class 1* through *Class 4*—and three classes of *misdemeanor* offenses—*Class A* through *Class C*, as well as petty and business offenses.

offenses actually occurring. An *I-UCR* classification that equals the number of *offenses known to the police*, minus both *unfounded offenses* and *offenses referred to another jurisdiction*. “Offenses actually occurring” is the most commonly used *I-UCR* crime statistic, and when crime figures are published with no other definition, they are usually offenses actually occurring. In this report, “offenses actually occurring” (in *I-UCR* terminology) are called *reported offenses*.

offenses cleared. Crimes “cleared by *arrest*” (when at least one suspect is arrested for the *offense*) and crimes “cleared exceptionally” (when police identify the likely offender, but for exceptional reasons—such as the death of the suspect—they cannot make an arrest). In addition, crimes are considered cleared by some jurisdictions if no *complaint* is filed or no suspect is prosecuted. See also *clearance rate*.

offenses known to the police. An *I-UCR* classification for all crimes that come to the attention of law enforcement authorities. Note that “offenses known to the police” do not

necessarily equal *reported offenses*.

offenses referred to another jurisdiction. An *I-UCR* classification for crimes that come to the attention of law enforcement authorities in one jurisdiction, but are determined, upon further investigation, to have actually occurred in another jurisdiction.

ordinance violation. A violation of a rule enacted by the legislative body of a municipal corporation, such as a dog leash law.

pardon. A type of *executive clemency* in which an offender is released from further punishment for a crime. See also *commutation*.

parole. The system under which offenders who serve *indeterminate sentences* in Illinois are conditionally released from *prison*. Under indeterminate sentencing, offenders are given parole hearings every few years to determine their eligibility for release. Once released, these offenders are supervised in the community by IDOC staff. Parole for adults was replaced by *mandatory supervised release* for all new cases when *determinate sentencing* was implemented in Illinois in 1978. Parole remains in effect for the release of *juvenile delinquents*.

peremptory challenge. Challenge of a prospective juror by either the prosecution or the defense without assigning a reason for the challenge.

periodic imprisonment. A sentence of imprisonment in which the offender may be released for certain hours of the day or certain days of the week, or both, in order to work, to seek employment, to obtain treatment, or for any other purpose identified by the court. See also *work release*.

plea. A *defendant's* formal answer in court that he or she is guilty or not guilty to the *offense* charged, or does not contest the *charge*. See also *nolo contendere*.

plea conference. The pretrial setting in which *plea negotiations* take place.

plea negotiations. *Pretrial proceedings* in which prosecutorial or judicial concessions—commonly a lesser *charge*, the dismissal of other pending charges, a recommendation by the *prosecutor* for a reduced sentence, or a combination of concessions—are offered in return for a *plea* of guilty from the *defendant*.

preliminary hearing. A *pretrial proceeding* held to establish *probable cause* in any criminal case initiated through an *information*. See also *grand jury*.

pretrial detainee. Someone suspected of or charged with a crime who was either denied *bond* or could not meet the bond amount that was set, and is therefore detained in *jail* while awaiting trial.

pretrial proceedings. A general term for the series of judicial proceedings—*bond hearing, preliminary hearing, arraignment, plea conference*, etc.—that occur before a criminal trial commences.

prison. A state confinement facility operated for the incarceration and correction of adjudicated felons in Illinois. See also *jail*.

prison admissions. The number of inmates entering *prison*, including both offenders newly sentenced by the courts and *felony defaulters*.

prison capacity. See *design capacity, ideal capacity, and rated capacity*.

prison releases. The number of inmates leaving *prison*, including all inmates who receive *mandatory supervised release, parole*, or other types of discharges.

probable cause. A set of facts and circumstances that would induce a reasonably intelligent and prudent person to believe that a crime had occurred and that a particular person had committed it. See also *preliminary hearing*.

probation. A court *disposition* in which the offender is allowed to remain in the community under the supervision of a probation officer for a specific time period and under certain conditions, as set forth by law and/or by the court. If the person fails to meet the conditions, the court may revoke probation and order another sanction. See also *Intensive Probation Supervision*.

property crime. In this report, a general classification for the four *index crimes* of *burglary, larceny/theft, motor vehicle theft, and arson*.

property index crime. See *property crime*.

prosecutor. See *state's attorney*.

public defender. An attorney employed by a government agency, or by a private organization under contract to a unit of government, for the purpose of providing defense services to indigent persons.

rape. See *sexual assault*.

rated capacity. An administrative determination of the maximum number of inmates who can be housed and provided with basic services in a correctional institution. See also *design capacity* and *ideal capacity*.

releases. See *prison releases*.

remanded. The sending of a case from an *appellate court* back to the court in which the case originated, in order that some further action may be taken there. See also *appeal* and *Illinois Appellate Court*.

reported offenses. Those *offenses* that are known to the

police, minus any *unfounded offenses* and *offenses referred to another jurisdiction*. In this report, "reported offenses" are the same as *offenses actually occurring* (in *I-UCR* terminology).

robbery. See *index robbery*.

sexual assault. See *index sexual assault*.

SHR. See *Supplementary Homicide Reports*.

SOL. See *stricken off the record with leave to reinstate*.

state's attorney. The highest-ranking law enforcement officer in each county in Illinois. The state's attorney, who is elected to a four-year term by the voters in the county, commences and carries out all criminal and juvenile proceedings in the county and deals with some civil matters as well.

station adjustment. An informal *disposition* in a *juvenile* case issued by law enforcement officers in lieu of proceeding with formal court action. Station adjustments can be simple (requiring a juvenile to cooperate more closely with parents or guardians) or detailed (assigning a juvenile to a structured rehabilitation or counseling program), and they are not legally binding.

status offenders. Juveniles whose behavior violates the law only because of their status as juveniles. For example, running away is a status offense because the status of the perpetrator—that of a *juvenile*—is a necessary element of the offense, since the same behavior by an *adult* would not violate the law.

statutory class. See *offense class*.

stricken off the record with leave to reinstate. A device by which the prosecutor dismisses the *charges* for the time being, but is allowed to resume criminal proceedings in the case at a later date.

subpoena. A command to appear at a certain time and place to give testimony upon a certain matter.

supervision. A type of court *disposition* in which a *defendant* is allowed to remain in the community without the supervision of a probation officer, but must comply with certain court-ordered conditions of release. If such conditions are met, criminal charges are dismissed.

Supplementary Homicide Reports. An *I-UCR* data set that contains detailed information about homicides in Illinois, including information about victims, offenders, circumstances of the crimes, and weapons.

sworn law enforcement officer. An employee of a law enforcement agency who is an officer sworn to carry out law enforcement duties, including *arrests*.

theft. See *larceny/theft*.

transfer hearing. A *juvenile court* hearing to decide whether a case involving a juvenile aged 13 or older who is suspected of a serious crime should remain in the juvenile system or should be moved to adult court for prosecution. See also *automatic transfer* and *discretionary transfer*.

trial disposition. A *disposition*—either a conviction or an acquittal—resulting from a criminal trial. This category does not include cases that are dismissed during *pretrial proceedings*. See also *non-conviction disposition*.

truant minor in need of supervision. A minor under age 21 who is reported by a regional superintendent of schools (in a county of fewer than 2 million people) to be a chronic truant, for whom all other preventive and remedial school and community resources have failed or who refused such services, may be adjudged a truant minor in need of supervision.

true bill. See *indictment*.

UCR. See *Uniform Crime Reports*.

unfounded offenses. An *I-UCR* classification for incidents that were originally reported to the police as crimes, but further investigation indicated that no crimes, or different crimes, actually occurred.

Uniform Crime Reports. A nationwide program operated by the Federal Bureau of Investigation to collect police-level crime statistics—including *offenses*, *arrests*, and employment data—from local law enforcement agencies throughout the country. In Illinois, UCR statistics are compiled by the *Illinois State Police*. See also *Illinois Uniform Crime Reports*.

victim impact statement. A written statement, prepared by a crime victim in conjunction with the *state's attorney's* office and presented orally at a sentencing hearing, that describes the impact of the offender's criminal behavior on the victim. The court must consider this statement, along

with all other appropriate factors, in determining the offender's sentence.

victim-witness coordinator. A person, usually employed by a *state's attorney's* office, who provides support to crime victims and witnesses throughout the court process. Services typically provided by victim-witness coordinators include the following: orientation to the operations and physical layout of the court; explanation of the roles of judges, *prosecutors*, and defense attorneys; and assistance in activities outside court, such as completing compensation forms and securing follow-up services in community programs.

victims' bill of rights. See *Bill of Rights for Victims and Witnesses of Violent Crime*.

violent crime. In this report, a general classification for the four *index crimes of murder, sexual assault, robbery, and aggravated assault*.

violent index crime. See *violent crime*.

voluntary manslaughter. See *index murder*.

warrant calendar. A device for managing criminal cases that have been temporarily suspended because the *defendants* have failed to appear in court as required. It is called a warrant calendar because an *arrest warrant* has been issued for the defendant in this type of case.

work release. A correctional program in which incarcerated offenders are allowed to leave a correctional institution or facility during reasonable hours to work, attend school, obtain treatment, or to pursue other purposes identified by correctional officials. Work release is meant to assist the offender's rehabilitation without causing undue risk to public safety. See also *periodic imprisonment*.

youth center. Generally, any facility used for *juvenile* housing and programs. In this report, an *Illinois Department of Corrections* Juvenile Division facility for the care and custody of youths committed by the courts.

APPENDIX B

Projections Methodology

This appendix explains how the offense and arrest predictions presented in *Trends and Issues 89* (including the drug arrest projections in the introduction) were calculated. Keep in mind that, just as with the historical offense figures included in this report, all offense projections refer to *reported index crimes*.

HOW WERE OFFENSE PROJECTIONS CALCULATED?

Projections of the number of offenses expected in Illinois from 1988 through the year 2000 were calculated for three geographic areas—Chicago, the collar counties (DuPage, Kane, Lake, McHenry, Will, and suburban Cook), and the remainder of the state—and for seven index crimes—murder, criminal sexual assault, robbery, aggravated assault, burglary, larceny/theft, and motor vehicle theft. (Arson was not included in either the historical figures or the projections because consistent statewide data are not available before 1981.) In other words, 21 different offense projections were calculated (seven crimes in each of three geographic areas).

Although the offense projections in this report are presented as yearly totals, they were calculated using monthly data. A statistical method called ARIMA was used to identify a model for each type of crime within each geographic area. This model was the best description of previous month-to-month offense patterns—that is, the relationship between the number of offenses in each month and the number in the preceding months. Assuming the same patterns will continue in the future, offenses for each month from January 1988 through December 2000 were projected. These monthly projections were then totaled to

produce the yearly figures presented in this report. Details of each of the 21 models and monthly projections are available from the Authority.

The assumption that past patterns will continue in the future is more valid for the near future than for the long term. Therefore, readers should have more confidence in the offense projections for 1988 than in the 1992 predictions. Similarly, the projections for 1992 should be viewed with more confidence than those for the year 2000.

Population was *not* taken into account in the offense projections because preliminary analysis revealed no consistent relationship between changes over time in the number of people in each geographic area and changes over time in the number of reported offenses occurring in those places. The only information used to predict future offenses was past offenses. In other words, these projections are the simplest, most basic ones possible. They do not account for any variable—unemployment trends or changes in the age, race, or gender distribution of the population, for example—that might affect future offense totals.

In addition, the offense projections do not take into account the possibility of changes in crime-reporting practices, such as the change that occurred in Chicago in 1983 and 1984 or the statewide change from “forcible rape” to “criminal sexual assault” in July 1984. Because of the dramatic change in how the Chicago Police Department counts offenses, readers should have more confidence in the projections for the collar counties and the rest of Illinois than in the predictions for Chicago. Similarly, because of the change in the definition of rape/sexual assault, projections of this crime in any of the three geographic areas will be rough.

HOW WERE ARREST PROJECTIONS FOR INDEX CRIMES CALCULATED?

Like the offense predictions, arrest projections were calculated for each of seven index crimes: murder, criminal sexual assault, robbery, aggravated assault, burglary, larceny/theft, and motor vehicle theft (as in the offense projections, arson was excluded from the arrest predictions). However, the method used to calculate these arrest projections was completely different from the method used to calculate the offense projections. For one thing, the arrest projections cover only two geographic areas—Chicago and the remainder of Illinois—not the three used in the offense projections. This breakdown in the arrest projections was necessary because of the limits of available population data.

The arrest projections also were calculated using more information than was used in the offense projections, which were based solely on past offenses. By contrast, the arrest projections took into account the number of people in the state's population. Because population data are available only as yearly totals, not as monthly figures, previous month-to-month arrest patterns could not be described. Instead, arrest rates were calculated for different age groups for every year from 1972 through 1987. The year-to-year pattern of these arrest rates was then described (see pages 42–44).

Using population projections for each age group through the year 2000 (see pages 210–212 for information about estimating and projecting population figures), and assuming that future arrest rates for each age group will be similar to past arrest rates, the likely numbers of arrests were calculated for each age group in each year from 1988 through 2000. By adding up the anticipated number of arrests involving the different age groups, the total number of arrests for each type of crime was derived for Chicago and for the rest of the state. These figures were then added to produce statewide totals.

Arrest rates were calculated for eight different age groups: people aged 5 to 9, 10 to 14, 15 and 16, 17 to 19, 20 to 24, 25 to 29, 30 to 59, and 60 and older. In national Uniform Crime Reports data, these age groups consistently exhibit differences in arrest rates for every index crime (see *Age-Specific Arrest Rates, 1965-1983* [Washington, D.C.: Federal Bureau of Investigation, 1984]). Keep in mind, however, that *arrest* rates for juveniles aged 16 and younger actually represent the rates at which these young people are *taken into custody*. In a strict sense, these rates are not comparable to adult arrest rates. The juvenile rates were calculated anyway to make the analysis comprehensive, although only adult arrests are included in the projections for individual crime types. (For more information about juvenile arrest statistics, see Chapter 5.) Age-specific arrest rates for each geographic area were calcu-

lated by dividing the number of arrests for a specific age group by the number of people in that age group and that area for a certain year, and multiplying by 100,000.

A major issue in calculating the arrest projections was the choice of the arrest rate to be used as the basis for the predictions in each age group. Age-specific arrest rates vary greatly across the different age groups. The chance of arrest is often highest for the 17- to 19-year-old age group, but this is not always the case. In addition, rates within each age group vary considerably from year to year. In fact, the year-to-year fluctuation in arrest rates within a single age group and geographic area was often greater than the difference in arrest rates for different age groups. Furthermore, the arrest rates did not increase or decrease in a smooth pattern from year to year; instead, they often changed radically from one year to the next.

To predict the number of arrests in the year 2000 for a specific age group, we had to account for the fact that the propensity for people in that group to be arrested was much higher in some years than in others. In addition, rates for violent crime arrests followed a completely different pattern over time than the rates for property crime arrests. If we assume that the age-specific arrest rates of the 1980s will continue through the 1990s, we can expect a low number of arrests for violent crimes and a high number of arrests for property crimes in the coming years. This would occur because for violent crimes, we would be assuming that the lowest arrest rates over the 1972–1987 period will prevail in the coming years. For property crimes, we would be assuming the opposite: that the highest arrest rates over the 15-year period will predominate. Neither assumption is probably completely correct.

As a choice of the single most likely set of arrest rates for calculating projections, we used in most cases an *average* of the arrest rates for each age group during the seven years from 1981 through 1987. (Exceptions to this rule are noted in the text accompanying each projection, pages 44–47.) Thus, arrest projections through the year 2000 for each index crime, each age group, and each geographic area were calculated using two pieces of information:

1. The projected number of people in each age group, in Chicago and in the rest of Illinois, in each year, based on the methods discussed on pages 210–212
2. The average arrest rate for each crime for each age group, in Chicago and in the rest of the state, for the years 1981 through 1987 (in most cases)

This *best guess* assumes that age-specific arrest rates between 1988 and 2000 will not differ substantially from the rates of the previous seven years. However, actual arrest rates from 1972 through 1980 were often much higher or lower than arrest rates from 1981 through 1987.

Therefore, the assumption that these earlier rates will not prevail in the future may not be supportable. Because most age groups had relatively low violent crime arrest rates and relatively high property crime arrest rates in the first half of the 1980s, the projections are probably low for violent crime arrests and high for property crime arrests.

Most age groups followed the same historical pattern over time in arrest rates. If this pattern continues in the future, the errors in projected arrests will probably be about the same for each age group. The projected number of violent crime arrests for each age group will be lower than the actual number of arrests in the year 2000 if arrest rates for violent crime return to the high levels of the mid-1970s. However, the relative number of people in each age group who are arrested in 2000 will probably be the same as our best-guess projection: the number of older arrestees will continue to increase through 2000 when compared with the number of younger people who are arrested.

In the same way, the projected number of property crime arrests for each group will probably be higher than the actual number in the year 2000 if arrest rates for property crimes return to the low level of 1972 or even the relatively low level of 1977. Regardless of which pattern prevails, the number of older people arrested for property crimes will continue to increase, relative to the number of younger arrestees. From 1972 through 1981, younger people predominated among those adults arrested for property crimes in Illinois. In the 1980s, however, this pattern began to change, and by 2000, the most common age group for property crime arrestees will be 30- to 59-year-olds.

Given the rapid fluctuation of arrest rates in the past, there is no reason to assume they will not change as much in the future. In fact, there is reason to assume these rates will indeed fluctuate as much in the future as they did in the past. Arrest projections reflect the actual variation in arrest rates since 1972, from the years with the lowest rates to those with the highest. These past rates were the result of both public policy and societal changes that occurred at the time, and similar types of changes could easily happen again.

HOW WERE AGE-SPECIFIC POPULATION FIGURES ESTIMATED AND PROJECTED?

To calculate the age-specific arrest rates for this report, it was necessary to estimate the populations of both Chicago and Illinois outside Chicago from 1970 through the year 2000 for eight different age groups: people aged 5 to 9, 10 to 14, 15 and 16, 17 to 19, 20 to 24, 25 to 29, 30 to 59, and 60 and older. Although there are estimates of age-specific populations for Census years and estimates of total county populations in five-year age categories for every five years, there are no published, age-specific population data for

every year and every age for specific geographic areas in the state.

Age-specific population estimates for the entire state and for each county in the state are available from the Illinois Bureau of the Budget (BOB), but these estimates are reported in five-year age categories (0–4, 5–9, 10–14, 15–19, and so on). Therefore, in order to estimate separate juvenile and adult populations using these data, the 15- and 16-year-olds had to be extracted from the 15–19 age group. In addition, to compare Chicago arrest rates with those in the rest of Illinois, it was necessary to have age-specific population estimates for Chicago. Finally, because the Chicago Police Department uses different age categories (under 18, 18–20, 21–24, 25–44, and 45 and older) for some analyses in its statistical reports, it was necessary to calculate a second age-specific population estimate for Chicago to correspond with available police data.

Following are summaries of the methods used to perform five different population calculations for this report:

- **Estimating yearly age-specific populations for Illinois.** Age-specific population estimates for Illinois, in five-year intervals from 1970 through the year 2010, were taken directly from two Illinois BOB reports: *Illinois Population Trends from 1970–2025* (July 1984) and *Illinois Population Trends from 1980–2025* (June 1987). Age-specific populations for the years between these intervals were interpolated from the BOB figures. To estimate the populations of the three geographic areas for which arrests rates were examined (total Illinois, Chicago, and Illinois outside Chicago), we estimated total Illinois first, Chicago next, and then subtracted the Chicago figure from the total Illinois figure to produce the Illinois outside Chicago estimate.
- **Estimating yearly age-specific populations for Chicago.** To estimate age-specific populations for Chicago, we used Chicago Department of Planning data based on the 1970 and 1980 U.S. Census and on recently updated estimates. (The Authority is grateful to Marie Bousfield of the Chicago Department of Planning for her assistance and advice in using these data.) The *total* Chicago populations for every year from 1970 through 2000 were taken from the Department of Planning report, *Estimates of the Population of Chicago by Race and Age: 1985* (August 1986, page 2), and from an addendum to that report. Age-specific populations were determined for the years 1970 and 1980 by taking the proportion of different age groups from the Census data and multiplying those proportions by the total population estimates in the Department of Planning report.

For 1975 and 1985, we used Department of Planning estimates when they were available for the specific age groups that were needed. When these estimates were not available, we used appropriate age-cohort proportions. For example, to estimate the population of 10- to 14-year-olds in 1975 from the Department of Planning estimate for 5- to 14-year-olds that year (this estimate was taken from the department's report, *Changes in the Socioeconomic Characteristics of Chicago's Population, 1970–1975*, page 4), we calculated the proportion that 5- to 9-year-olds made up of all 0- to 9-year-olds in the 1970 Census, and then multiplied this proportion by the 5- to 14-year-old population estimate for 1975. A similar process was used to estimate the age-specific populations for 1985, using 1985 updated totals from the Department of Planning report, *Population by Race and Age in Chicago's Community Areas* (June 1987), and age-specific proportions from the department's report, *Population Forecast for the City of Chicago 1980–2010* (December 1987).

Age-specific populations for the years between 1970, 1975, and 1980 were interpolated from these figures. For the years 1981 through 1984 and 1986 through 1989, age-specific proportions from the December 1987 report were applied to the above totals. The total populations of the age-specific populations from 1990 through the year 2010 were taken from the December 1987 report.

- **Separating 15- and 16-year-olds from the 15–19 age category in Illinois.** To separate 15- and 16-year-olds from the total number of 15- to 19-year-olds in Illinois as a whole in 1975, we used the proportion that 10- and 11-year-olds made up of all 10- to 14-year-olds in the 1970 Census, and then multiplied that proportion by the population of 15- to 19-year-olds in 1975. The same technique was used for 1985, 1990, and 1995, using 1980 Census data to estimate the proportions. For 1985, the proportion of 10- and 11-year-olds of the 10–14 Census population in 1980 was used. For 1990, the proportion of 5- and 6-year-olds of the 5–9 1980 Census population was used. And for 1995, the proportion of those younger than age 2 of the 0–4 1980 Census population was used. For the years 2000 and 2010, the same proportion that was used for 1995 was multiplied by the 15- to 19-year-old population. Straight interpolation was then used to determine the number of 15- and 16-year-olds in the rest of the years.
- **Separating 15- and 16-year-olds from the 15–19 age category in Chicago.** To separate 15- and 16-year-olds from the total 15- to 19-year-old population group in Chicago, we used the same method as for

total Illinois. However, for 1990 through the year 2010, the numbers of 15- and 16-year-olds within the 15–19 populations were obtained directly from Chicago Department of Planning report, *Population Forecast for the City of Chicago 1980–2010*.

- **Estimating age-specific populations for use in age-specific drug arrest rates in Chicago.** The Chicago Police Department, in its published crime reports such as the *Annual Statistical Summary*, uses different age categories (under 18 [5–17], 18–20, 21–24, 25–44, and 45 and older) than do other data sources used in this report. Drug arrest data for specific ages in Chicago were available only for these age categories. In order to calculate drug arrest rates for these age groups, it was necessary to modify the Chicago age-specific population estimates that were already calculated for the following age categories: 5–9, 10–14, 15–16, 17–19, 20–24, 25–29, 30–59, and 60 and older. To do this, it was first necessary to estimate the populations of 17-, 20-, and 30- to 44-year-olds. These estimates were then either subtracted from or added to the previous population estimates to produce new age-specific population estimates.

For example, to find the population of 17-year-olds in Chicago for 1975, the proportion that 12-year-olds made up of all 12- to 14-year-olds in the 1970 Census was used (since these were the people who would be aged 17 in 1975). A similar technique was used to estimate the populations of 20-year-olds and 30- to 44-year-olds in Chicago. Estimates of these three population groups—17-year-olds, 20-year-olds, and 30- to 44-year-olds—combined with the previous age-specific population estimates, permitted the calculation of the age-specific populations needed to determine arrest rates from the Chicago Police Department data. For example, to determine the population of 5- to 17-year-olds (under 18 in police department data), we added the population estimates for those aged 5 to 9, 10 to 14, and 15 and 16 to the new 17-year-old population estimate.

HOW WERE ARREST PROJECTIONS FOR DRUG CRIMES CALCULATED?

Arrests for drug violations were projected separately for adults in Chicago and for adults in Illinois outside Chicago; the two were then combined to determine statewide totals for every year from 1988 through 2000. In these projections, drug violations include those crimes that fall under Illinois' Cannabis Control Act (Ill.Rev.Stat., ch. 56 1/2, par. 701–719), Controlled Substances Act (Ill.Rev.Stat., ch. 56 1/2, par. 1100–1413), and Hypodermic Syringes and Needles Act (Ill.Rev.Stat., ch. 38, par. 22-50 et seq.).

Historical arrest data for Chicago were obtained from the Chicago Police Department's *Annual Statistical Summary* publication. These data include arrests for opium, cocaine, and their derivatives; marijuana; synthetic narcotics; and other dangerous, non-narcotic drugs. Historical data for Illinois outside Chicago were obtained from two sources: the Illinois Uniform Crime Reports (I-UCR) and the *Operational and Fiscal Reports to the Illinois General Assembly* of the state's metropolitan enforcement groups (MEGs). Both of these are maintained and published by the Illinois State Police.

The MEG figures, however, do not separate juvenile arrests from adult arrests or Chicago data from data for the rest of Illinois. To estimate adult MEG arrests in a given year, we used the proportion of all I-UCR drug arrests (excluding Chicago) that involved adults in that year. In 1987, for example, 91.9 percent of the I-UCR drug arrests in Illinois outside Chicago were of adults. This proportion was multiplied by the total number of MEG arrests in 1987 to yield the estimated number of adults arrested by the MEGs that year. In addition, the arrest totals for Illinois outside Chicago include *all* MEG arrests, even though a small number of these are made in Chicago. It is estimated, however, that in any given year MEG arrests in Chicago represent less than 1 percent of the total number of arrests made by the Chicago Police Department for drug violations. Therefore, MEG arrests in Chicago would have little impact on the Chicago totals.

Projections of the total number of adults arrested for drug offenses from 1988 through the year 2000 take into account both past arrest trends and the implications of recent legislative and policy changes toward drug abuse. From 1981 through 1987, age-specific arrest rates in Chicago for drug violations changed sharply from year to year, probably reflecting these policy changes toward drugs. (Age-specific arrest rate information for Illinois outside Chicago was available only for 1987, not for earlier years, at the time these projections were done.) A number of factors—law enforcement priorities, recent legislation, and public opinion, among others—indicate that aggressive public policies toward drugs are likely to continue in the future.

Among all adult age groups, drug arrest rates in Chicago increased sharply between 1981 and 1987. Among 17-year-olds, for example, the increase was approximately 80 percent. However, the year-to-year change in the rates was much higher in some years than in others. Assuming that recent policy changes indicate that drug arrest rates will continue to increase in the future, the average year-to-year *change* in age-specific arrest rates from 1981 through 1987 was used to estimate the probable year-to-year change in arrest rates in the future. The average year-to-year change in arrest rates was 8.3 percent for 17-year-

olds, 9.9 percent for 18- to 20-year-olds, 7.5 percent for 21- to 24-year-olds, 7.4 percent for 25- to 44-year-olds, and 7.3 percent for people aged 45 and older. These average age-specific rate changes were multiplied by each year's age-specific arrest rate to estimate future arrest rates for each age group in Chicago.

The effect of this method, of course, is to produce a projected number of arrests that increases exponentially (tempered by the projected population). This is the increase that would occur *if* the average year-to-year change in arrest rates for the seven years from 1981 through 1987 continues. The decision to use a constantly increasing rate is based on recent drug arrest trends for adults in Chicago and on policy and legislative changes that have recently taken place. These rate projections do not seem to be outside the realm of possibility, since preliminary analysis indicates that projected adult drug arrest rates for Chicago for the 1990s are, in most cases, the same or lower than current rates in other large U.S. cities.

This method of using an increasing rate was done only for Chicago projections. To calculate drug arrest projections for Illinois outside Chicago, age-specific arrest rates for 1987 were determined, and these rates were then multiplied by age-specific population projections (see pages 210–212 for information about estimating and projecting age-specific population figures). The decision *not* to use an increasing rate for Illinois outside Chicago was based on the fact that unlike Chicago, where the drug arrest rate has been increasing at a substantial rate, the rest of Illinois has not experienced a similar increase. Between 1975 and 1987, the total number of adult arrests for drug violations in Chicago increased 69 percent, from 13,895 to 23,517. During this same period, adult arrests in the remainder of Illinois increased only 11 percent, from 10,275 in 1975 to 11,379 in 1987.

Similarly, the arrest projections for index violent and index property crimes were not calculated using an increasing rate, because *total* adult arrest rates for these crimes have remained at a relatively constant level in recent years. Also, there do not appear to be any significant changes on the horizon in the policies related to arrests for these violent and property crimes.

HOW WERE OFFENSE RATES FOR JURISDICTIONS OF DIFFERENT POPULATION SIZES DETERMINED?

Figures 1-8 (page 35) and 1-17 (page 38) present crime rates in four types of Illinois jurisdictions of varying sizes: Chicago, other large municipalities, small municipalities, and rural areas. The population estimates of these different jurisdictions were done by the Illinois State Police and are presented in its annual publication, *Crime in Illinois*.

The jurisdictions are defined as follows:

- **Chicago.** The entire city of Chicago.
- **Other large municipalities.** This is a U.S. Census Bureau designation for cities (or twin municipalities) within a Standard Metropolitan Statistical Area (SMSA) that have more than 50,000 people and exhibit characteristics of a major metropolitan center. In Illinois in 1987, these cities were Arlington Heights, Aurora, Bloomington–Normal, Champaign–Urbana–Rantoul, Cicero, Decatur, Des Plaines, East St. Louis, Elgin, Evanston, Joliet, Kankakee, Moline–Rock Island, Mt. Prospect, Oak Lawn, Oak Park, Peoria, Rockford, Schaumburg, Skokie, Springfield, and Waukegan. (Chicago was excluded because it has its own category.)
- **Small municipalities.** These include (1) suburban areas with a population of 50,000 or less, including the counties within an SMSA, and (2) other cities and towns outside of SMSAs and surrounded by rural areas.
- **Rural areas.** Rural areas are the unincorporated portions of counties outside of SMSAs.

APPENDIX C

Using the Data

Although *Trends and Issues 89* is meant to be a comprehensive summary of criminal justice statistics in Illinois, there are some limitations to the data. Within each chapter, a section called *The Data* contains specific information about using or interpreting the statistics presented in that chapter. This appendix covers limitations on comparing information presented in *different* chapters of the report.

Because *Trends and Issues 89* includes detailed information on every component of Illinois' criminal justice system—law enforcement, prosecution, the courts, and corrections—readers may be tempted to do a simple cross-comparison of data from different system components. Such a comparison, using the latest data available in each chapter, might look something like this:

- Total felony arrests (1987): 75,480
- Total felony cases filed (1987): 49,001
- Total felony convictions (1987): 32,710
- Total felony sentences (1987): 32,336
- Total prison admissions (1987): 11,766

These numbers, however, do not represent a single cohort of offenders or even arrest events. The figures are drawn from a variety of different agencies using different units of measurement. In addition, the figures cover different time periods. In no way do they represent the flow of people or cases through the state's criminal justice system. Trying to extract such a flow from these numbers, or from other statistics in this report, would be misleading.

Some basic data-quality problems prohibit simplistic comparisons and analyses across system components. For example:

- It is dangerous to analyze or compare summary, or aggregate, data. Typically, the greater the aggregation, the higher the likelihood of error. For example, most law enforcement statistics are generated at the local level; however, the courts maintain no local data but instead keep records at the county level. As a result, law enforcement statistics cannot be compared with court statistics unless they are summarized by county.
- The dates of the most recent data available tend to vary among agencies and jurisdictions. In many parts of this report, the most recent data come from 1987. However, certain statistics, such as the number of felony offenders prosecuted (charged by information or indictment) in Cook County, are available only through 1984. In addition, some figures are reported in calendar years, while others cover state (or in some cases, county) fiscal years. Comparing data from different years would be inappropriate and misleading.
- Certain agencies measure people, others measure cases, and still others measure charges. Even within the same agency, some statistics count people, while others count cases (for example, law enforcement agencies measure arrests in terms of people but offenses in terms of cases). In addition, the merging of cases can result in the misrepresentation of system

activity. For instance, one person can be arrested and charged with 20 offenses, but the final court action may reflect only one conviction. This difference between people and cases causes fundamental problems when trying to compare data across different types of criminal justice agencies.

- Pending cases within certain agencies, such as the courts, may carry over into subsequent recordkeeping periods. This makes it impossible to accurately compare data within that system component. For example, the aggregate data on felony convictions in a given year may include not only cases filed during that year but also pending cases filed in previous years. This problem also occurs in law enforcement: the offenses cleared in a given year may not necessarily correspond to the arrests made during that year.

The combined result of these and other considerations is that data from various sections of this report cannot be synthesized for easy comparison and analysis. (For more information about this issue, see Carolyn R. Block, *How to Trace Crimes Through the Illinois Criminal Justice System* [Chi-

cago: Illinois Criminal Justice Information Authority, 1981].)

Sometime in the future, however, such comparisons may be possible in Illinois through the use of offender-based transaction statistics, or OBTS. An OBTS system would track the activities of each offender from the time the person enters the criminal justice system to the time he or she leaves it. This, in turn, would support the type of aggregate data analysis that would allow researchers to answer questions such as the following: How many people are arrested each year? Of those, how many are charged in court? Of those, how many are convicted? and so on. In other words, an OBTS system would be an important step in solving the broad data-quality problems outlined in this appendix and in answering the cross-component questions that cannot be addressed with the data in this report.

In the meantime, readers are warned against making simplistic data comparisons across different components of the criminal justice system. The data presented in each chapter of *Trends and Issues 89* are useful in understanding how that part of the system works in Illinois. However, the data are not building blocks for larger, systemwide analyses.

APPENDIX D

Legislation

The 85th Illinois General Assembly considered—and passed—dozens of pieces of criminal justice legislation during its 1987 and 1988 sessions. While these bills covered a myriad of criminal justice problems and issues, some common themes did emerge:

- The General Assembly continued to expand the rights of crime victims and increase penalties for offenders who victimize disabled persons, senior citizens, and other particularly vulnerable classes of citizens.
- The General Assembly passed several bills affecting court procedures in sex offense and child abuse cases. Many of these changes—including videotaped testimony, greater use of hearsay testimony, and closer scrutiny of court delays—are designed to make the judicial process easier on the victims of these crimes.
- Lawmakers addressed one of today's most pressing criminal justice issues—drug abuse. For example, the General Assembly created several new drug offenses, including drug-induced homicide, and it established a drug tax stamp program intended to provide additional criminal sanctions and financial penalties for traffickers.

This legislative appendix summarizes much of the significant criminal justice legislation passed by the 85th Illinois General Assembly and signed into law by Governor James R. Thompson as of October 31, 1988. It is by no means an exhaustive list of criminal justice legislation enacted by this General Assembly. Rather, it is a summary of the more important legislation affecting different aspects of the criminal justice system.

These new laws are organized by topic, including some that correspond to the chapter titles of this report, as well as to the report's special issues of drugs, AIDS, and DUI. Each summary includes brief descriptions of the new legislation, the public act numbers, and the effective dates of the laws. Copies of public acts are available free of

charge from the Illinois Secretary of State, Index Department, 217-782-7017.

AIDS

Quarantines. Authorizes the isolation of a person or quarantine of a place to prevent the spread of sexually transmissible diseases. *PA 85-681; effective January 1, 1988.*

Testing of offenders. Provides that a defendant convicted of certain offenses related to prostitution, sexual assault, or possession of a hypodermic needle shall undergo medical testing for any sexually transmissible disease, including acquired immune deficiency syndrome. *PA 85-935; effective December 2, 1987.*

Services for drug abusers with AIDS. Requires the Illinois Department of Alcoholism and Substance Abuse to include in its annual comprehensive state plan a statement of the need for services to reduce the spread of AIDS and to provide treatment and care of persons with AIDS and AIDS-related complex whose infections are related to intravenous drug use. Also provides for AIDS training and education for program personnel engaged in alcoholism or drug abuse and dependency programs. *PA 85-1205; effective August 30, 1988.*

CORRECTIONS

Multiple-celling of jail inmates. No more than two inmates may be housed in a single cell or detention room in county and municipal jails and houses of correction. Also requires convicted felons to be housed in accordance with a local jail authority's classification system. *PA 85-164; effective January 1, 1988.*

Panel on women offenders. Establishes a Subcommittee on Women Offenders to the Adult Advisory Board of the Illinois Department of Corrections. The subcommittee shall

advise on all policy matters and programs of the department regarding custody, care, study, discipline, training, and treatment of women in state correctional institutions and for the care and supervision of women released on parole. *PA 85-624; effective September 9, 1987.*

Offender payment of sheriff's costs. Costs which shall be paid by any convicted offender include reasonable costs incurred by a sheriff for serving arrest warrants, for picking up the offender in a county other than county the person was convicted in, and for picking up the offender from any location outside Illinois. *PA 85-645; effective January 1, 1988.*

Restriction of good-behavior credits. Individuals sentenced to probation or conditional discharge for a felony are not entitled to any good-behavior allowance if sentenced under civil contempt or when a condition of the sentence is that the individual serve a periodic imprisonment sentence. *PA 85-836; effective January 1, 1988.*

Good-behavior allowance and length of stay. If an offender is convicted of an offense requiring a mandatory minimum sentence, the good-behavior allowance may not reduce the sentence below that mandatory minimum. *PA 85-878; effective January 1, 1988.*

FOIA exemptions. Clarifies the list of Illinois Freedom of Information Act exemptions to specifically include certain records compiled by law enforcement or correctional agencies for law enforcement purposes and records related to the security of correctional institutions and detention facilities. *PA 85-1357; effective January 1, 1989.*

COURTS

Offender fees for record-keeping costs. Adds felonies to the types of offenses where the defendant may be required to pay a fee to help defray the expense of automated recordkeeping systems in the Circuit courts. *PA 85-237; effective January 1, 1988.*

Right to jury trial. A jury trial shall be held for prosecutions for first-degree murder, a Class X felony, criminal sexual assault, or a felony violation of the Cannabis Control Act or the Illinois Controlled Substances Act, unless waived in writing by both the state and the defendant. *PA 85-463; effective January 1, 1988. (See the Illinois Supreme Court case of People ex rel Daley v. Joyce, 126 Ill. 2d 209 [1988] regarding the constitutionality of this public act.)*

Criminal responsibility of intoxicated offenders. Provides that a person who is in an intoxicated or drugged condition is criminally responsible for his or her conduct unless such condition is so extreme as to suspend the power of reason and render the person incapable of per-

forming a specific intent which is an element of the offense. State law previously provided that the condition must negate the existence of a mental state which is an element of the offense. *PA 85-670; effective January 1, 1988.*

Pretrial detention guidelines. Establishes guidelines and procedures for pretrial detention. Requires the state to reimburse counties for persons detained without bail. Allows the court, in certain cases, to detain defendants without bail if it determines that the release of such defendants would pose a real and present threat to the physical safety of any person or persons. *PA 85-892; effective November 4, 1987.*

Witness qualification. Every person, regardless of age, is qualified to be a witness unless the person is incapable of expressing himself or herself regarding the matter or is incapable of understanding the duty of a witness to tell the truth. *PA 85-1190; effective January 1, 1989.*

Alternative sentencing programs. Amends the act providing for a system of probation which encourages utilization of appropriate sentencing alternatives to imprisonment in state-operated institutions; allows residential alternative sentencing programs for less serious felony offenders and delinquent juveniles. *PA 85-1208; effective August 30, 1988.*

Probation fees. Requires the court to impose upon an offender sentenced to probation, as a condition of probation, a maximum \$25-a-month fee to be deposited into a new probation services fund in each county for the purchase of services for probationers with special needs and of equipment for use by the county's probation department. *PA 85-1256; effective January 1, 1989.*

Home confinement. Allows the court, as a condition of bail-bond, probation, or periodic imprisonment, to place a defendant under home confinement with or without the use of electronic monitoring devices. *PA 85-1287; effective January 1, 1989.*

CRIMES AND CRIMINAL SANCTIONS

Consecutive sentences for pretrial release crimes. Requires that if a person charged with a felony commits a separate felony while on pretrial release, sentences imposed upon conviction of these felonies be served consecutively, regardless of the order in which the judgments are entered. *PA 85-258; effective January 1, 1988.*

Extended sentences for murder of peace officers. Except when an offender is sentenced to death or natural life imprisonment, the court may impose an extended term sentence on an offender convicted of first-degree murder of an on-duty peace officer or fireman when the offender

knew or should have known that the victim was a peace officer or fireman. *PA 85-349; effective January 1, 1988.*

Death penalty eligibility. Removes the element of premeditation from the aggravating factors for the death penalty when the defendant has been convicted of murdering two or more people and the deaths were the result of an intent to kill more than one person, or of separate acts which the defendant knew would cause death or create a strong probability of death to the murdered individual or another. *PA 85-404; effective January 1, 1988.*

Resentencing and revocation of release. When an offender, whose probation, conditional discharge, or supervision has been revoked, is resentenced, time served on probation, conditional discharge, or supervision shall no longer be credited toward the sentence of imprisonment, unless the court orders otherwise. *PA 85-628; effective January 1, 1988.*

Sentences for first-degree murder. Changes the maximum sentence imposed for first-degree murder, when no aggravating factors are present, from 40 years to 60 years. Also changes the minimum sentence for an extended term for first-degree murder from 40 years to 60 years and the maximum sentence from 80 years to 100 years. *PA 85-902; effective January 1, 1988.*

Contributing to criminal delinquency of a juvenile. Creates the offense of contributing to the criminal delinquency of a juvenile, which occurs when anyone aged 21 or older solicits, compels, or directs a minor under the age of 17 to commit a felony. *PA 85-906; effective November 23, 1987.*

Solicitation of murder. Creates the offenses of, and defines the penalties for, solicitation of murder and solicitation of murder for hire. Also adjusts class levels of theft of property depending on the amount stolen. *PA 85-1030; effective June 30, 1988.*

Juvenile prostitution. Creates the offense of keeping a place of juvenile prostitution, and subjects persons convicted of that offense, or of exploitation of a child or child pornography, to the forfeiture of their assets. Also requires the court to order a financially capable defendant to pay for a victim's counseling services in the case of a sex offense against a minor. *PA 85-1194; effective August 19, 1988.*

Consecutive sentences for felonies committed in detention. If a person charged with a felony or convicted of a felony commits a separate felony while detained in a county jail or detention facility, the sentence following conviction of the separate felony shall be consecutive to the original sentence. *PA 85-1293; effective January 1, 1989.*

Offenses of interfering with public contracts. Creates criminal offenses relating to the interference with public

contracts, including bid rigging, bid rotating, disclosure of bidding information by a public official, interference with contract submission and award by public officials, kickbacks, and bribery of an inspector employed by a contractor. *PA 85-1295; effective January 1, 1989.*

Definition of home invasion. A person commits the offense of home invasion when he or she enters the dwelling place of another person and remains in the dwelling place until he or she has reason to know that others are present. It is an affirmative defense if the person leaves the premises or surrenders peacefully when he or she learns that others are present. *PA 85-1387; effective September 2, 1988.*

Ethnic intimidation. Amends the offense of ethnic intimidation to include criminal trespass to a residence and criminal trespass to real property as elements of the offense. *PA 85-1388; effective January 1, 1989.*

CRIMINAL HISTORY INFORMATION

School employee background checks. Amends the School Code regarding criminal background investigations. Provides that authorization for a background investigation be furnished by applicants for school district employment. Also clarifies the procedure for substitute teacher applicants seeking employment in more than one school district. *PA 85-781; effective January 1, 1988.*

Standards for requesting CHRI. Authorizes the Illinois State Police to prescribe uniform standards for requesting and furnishing criminal history record information to state and local units of government, military installations, and private child-care organizations. *PA 85-921; effective July 1, 1988.*

Public access to conviction data. Creates the Illinois Uniform Conviction Information Act, making conviction data on any individual's state-level criminal history record available to the public and establishing policy for disseminating that conviction information. *PA 85-922; effective July 1, 1990.*

DRIVING UNDER THE INFLUENCE (DUI)

Notification of drunken boating. Requires the court to notify the Illinois Department of Conservation whenever any person is convicted of operating a watercraft under the influence of alcohol, another drug, or a combination thereof. *PA 85-147; effective January 1, 1988.*

Restoration of driving privileges. Extends, in certain circumstances, the amount of time a person must wait before his or her revoked driver's license can be restored. Also provides that a person convicted of DUI for a third or

subsequent time shall be guilty of a Class 4 felony rather than a Class A misdemeanor. *PA 85-303; effective January 1, 1988.*

Preliminary breath screening. If a police officer has probable cause to believe a person is violating or has violated DUI laws, the officer may now request the person to submit to a preliminary breath screening test prior to an arrest. *PA 85-484; effective January 1, 1988.*

Vehicle impoundment. When a peace officer reasonably believes a person under arrest for DUI is likely, upon release, to commit a subsequent DUI violation, the arresting officer shall have the person's vehicle impounded for a period not to exceed six hours after the time of arrest. Also states conditions under which the vehicle may be returned prior to the six-hour period. *PA 85-1237; effective January 1, 1989.*

DRUGS

Treatment alternatives. An addict convicted of certain crimes may choose treatment and be placed on probation by the court. Upon successful completion of the treatment and probation, the court may vacate the judgment of conviction and dismiss the criminal proceedings. *PA 85-498; effective January 1, 1988.*

Drug offenses in public parks. Provides for enhanced penalties if a person violates the Illinois Controlled Substances Act while in or around any public park. *PA 85-616; effective January 1, 1988.*

Drug tax stamps. Creates the Cannabis and Controlled Substances Tax Act, which requires dealers to purchase tax stamps for specified amounts of cannabis or controlled substances, and provides criminal and financial penalties for violating the act. *PA 85-663; effective January 1, 1988.*

Juvenile drug abuse prevention. Money from the Juvenile Drug Abuse Fund, previously used for the funding of programs and services for drug abuse treatment, shall also be used in prevention and education programs on drug abuse for juveniles. *PA 85-734; effective January 1, 1988.*

Offense of controlled substances trafficking. Creates the offense of controlled substances trafficking, making it a crime to bring controlled or counterfeit substances into the state with the purpose or intent to manufacture or deliver such substances. *PA 85-743; effective September 22, 1987.*

Drug-induced homicide. Defines the Class X offense of, and sentence for, drug-induced homicide. Also gives the Illinois Secretary of State the discretionary authority to suspend or revoke the driver's license of a person convicted of illegal possession of specified amounts of controlled sub-

stances or cannabis while operating a motor vehicle. *PA 85-1259; effective January 1, 1989.*

Interstate controlled substances trafficking. Adds to the offense of controlled substances trafficking situations in which a person had the purpose or intent to manufacture or deliver the controlled substance in this or any other state. *PA 85-1294; effective January 1, 1989.*

Offense of cannabis trafficking. Creates the offense of cannabis trafficking when a person brings 2,500 grams or more of cannabis into Illinois for the purpose of manufacture or delivery or with the intent to manufacture or deliver in this or any other state or country. *PA 85-1388; effective January 1, 1989.*

FIREARMS

Redefinition of unlawful possession of firearms. Deletes from the definition of the offense of unlawful possession of firearms and firearm ammunition situations in which the person has been previously convicted of a felony and has any firearm or firearm ammunition in his or her possession (unlawful use of a weapon by a felon, however, is a separate offense). *PA 85-669; effective January 1, 1988.*

Firearm look-alikes. Makes it the offense of aggravated assault when a person, in committing an assault, uses a device substantially similar in appearance to a firearm. *PA 85-804; effective January 1, 1988.*

Acquisition of FOID cards. Permits a person to acquire an Illinois Firearm Owner's Identification Card if 20 years have elapsed since the person's conviction for a forcible felony or at least 20 years have passed since the end of the person's prison term related to that conviction. *PA 85-920; effective December 1, 1987.*

JUVENILE JUSTICE

Population projections of juveniles in custody. The Illinois Department of Corrections shall quarterly report population projections for its Juvenile Division. *PA 85-252; effective September 2, 1987.*

Victim access to information. Allows victims access to information about offenders who are minors not only upon formal adjudication, as was the law, but when an informal, alternative adjustment plan is used. *PA 85-435; effective September 15, 1987.*

Juvenile Court Act reorganization. Reorganizes the Juvenile Court Act and establishes the Juvenile Court Act of 1987. *PA 85-601; effective January 1, 1988.*

Fingerprinting of minors. Law enforcement officers or agencies shall furnish the Illinois State Police with copies of

fingerprints and descriptions of any minor alleged to have committed a forcible felony or the offense of unlawful use of a weapon. *PA 85-635; effective January 1, 1988.*

Orders of protection. An order of protection shall be issued in juvenile proceedings when the recipient of the order has been convicted of certain sex crimes, child abuse, or an offense that resulted in the death of a child, or has violated a previous order of protection. Persons named in the order who are not parents or guardians are not entitled to appointment of counsel or access to court files. *PA 85-720; effective January 1, 1988.*

Class X probation terms. The period of probation for a juvenile found to be delinquent for a Class X felony shall be at least five years. *PA 85-739; effective January 1, 1988.*

Adjudicatory hearing dates. Changes procedures and policies in setting adjudicatory hearing dates for abuse, neglect, or dependency cases in order to more quickly determine families' needs and to reunify families if appropriate. *PA 85-1029; effective July 1, 1988.*

Truant minors in need of supervision. Defines a truant minor in need of supervision and the kinds of dispositional orders for such truant minors. Requires a minor to be represented by counsel at a detention or shelter hearing, and adds to the detention and shelter care hearing procedures. *PA 85-1235; effective August 30, 1988.*

LAW ENFORCEMENT

Good-faith seizure of evidence. The court shall not suppress evidence in a criminal proceeding if it determines that the evidence was seized in good faith by the police. *PA 85-388; effective September 14, 1987.*

Protecting identities of witnesses, officers. Allows the Illinois State Police to register fictitious vital records, such as birth and death certificates, in order to protect witnesses or law enforcement officers with new identities. *PA 85-829; effective January 1, 1988.*

Bias-motivated crime. Requires the Illinois State Police to collect and disseminate information on crimes motivated by race, color, religion, or national origin, if funds are made available to upgrade the Illinois Uniform Crime Reports system. *PA 85-904; effective July 1, 1988.*

Child luring. Adds to the offense of child abduction situations in which a child is intentionally lured into a building, house trailer, or dwelling place for other than lawful purposes. *PA 85-1191; effective January 1, 1989*

Non-consensual electronic surveillance. Permits non-consensual electronic surveillance by law enforcement agencies in kidnapping, hostage, or terrorist situations with-

out the consent of the court; for certain drug investigations, permits non-consensual electronic surveillance with the consent of the court. *PA 85-1203; effective January 1, 1989.*

Expansion of theft offense. Adds to the offense of theft situations in which a person obtains or exerts control over property in the custody of any law enforcement agency when the property is explicitly represented as being stolen. *PA 85-1296; effective January 1, 1989.*

PROSECUTION

Challenges to pretrial service agency reports. Allows the prosecuting attorney to challenge the factual findings, conclusions, and recommendations in the written reports of a pretrial service agency. *PA 85-405; effective January 1, 1988.*

Appellate prosecutor's responsibilities. The Office of the State's Attorneys Appellate Prosecutor may represent the citizens of Illinois in all cases on appeal which emanate from a judicial district containing fewer than 3 million people and may assist county state's attorneys in the discharge of their duties under the Illinois Controlled Substances Act and the Narcotics Profit Forfeiture Act. *PA 85-617; effective January 1, 1988.*

Post-traumatic stress syndrome testimony. In a prosecution for criminal sexual abuse or assault, expert testimony relating to post-traumatic stress syndrome is admissible as evidence. *PA 85-671; effective January 1, 1988.*

Post-traumatic stress syndrome experts. In a prosecution for an illegal sexual act, testimony by any expert, rather than testimony from only a behavioral psychologist, psychiatrist, or physician, regarding post-traumatic stress syndrome is admissible as evidence. *PA 85-1279; effective January 1, 1989.*

SEX OFFENSES AND CHILD ABUSE

Access to child abuse records. Those facilities licensed by the Illinois Department of Alcoholism and Substance Abuse in which children reside are now allowed access to Illinois Department of Children and Family Services records of reports of child abuse. *PA 85-344; effective January 1, 1988.*

Court delays. The court shall consider the adverse impact of a delay or continuance on the well-being of a child or witness in the prosecution of criminal sexual assault or abuse involving a victim or witness under the age of 18. *PA 85-364; effective January 1, 1988.*

Offense of permitting sexual abuse. Creates the offense of permitting the sexual abuse of a child, a Class A misde-

meanor, where the parent or step-parent allows or permits an act of criminal sexual abuse or criminal sexual assault upon his or her child under the age of 17. *PA 85-365; effective January 1, 1988.*

Spouse testimony. When a child under the age of 18 is the victim of criminal sexual abuse or assault while under the custody of either spouse, the husband and wife may testify about communications or admissions made by either during the marriage. *PA 85-499; effective January 1, 1988.*

Victim and offender ages. Amends the offenses of criminal sexual abuse and aggravated criminal sexual abuse regarding the ages of the victim and perpetrator. *PA 85-651; effective January 1, 1988.*

Hearsay testimony. Expands the exception to the hearsay rule in a prosecution for a sexual act perpetrated upon a child under the age of 13 to allow testimony of an out-of-court statement under certain conditions. Also makes a second or subsequent conviction for criminal sexual assault a Class X felony. *PA 85-837; effective January 1, 1988.*

Habitual offenders. Adds criminal sexual assault to the list of offenses for which judgment of habitual criminal is based. *PA 85-872; effective January 1, 1988.*

Videotaped testimony. Permits and specifies procedures for allowing the videotaping of the testimony of a child victim in a prosecution of sexual abuse or assault offenses if the victim was 12 years of age or younger; allows the defendant to be present at the making of the recording. *PA 85-881; effective January 1, 1988.*

Child abuse prevention. Designates the Illinois Department of Children and Family Services as the single state agency for planning and coordinating child abuse and neglect prevention programs and services. *PA 85-984; effective December 21, 1987.*

Sexual assault definition. Expands definition of criminal sexual assault (and aggravated criminal sexual assault) to include situations in which the victim is at least 13 years old but under 18 years old, and the perpetrator is at least 17 years old and is the person responsible for the child's welfare. *PA 85-1030; effective June 30, 1988.*

Driving privileges of sex offenders. Deletes the law that required the revocation of the driver's license of a person convicted of a sex offense; gives the Illinois Secretary of State discretionary authority to revoke the driving privileges of these offenders. *PA 85-1259; effective January 1, 1989.*

Training in reporting child abuse. The Illinois Department of Children and Family Services is to conduct a study in order to develop a plan for training persons required to report suspected child abuse or neglect, including judges,

state's attorneys, and other personnel who have contact with children and families. *PA 85-1394; effective September 2, 1988.*

VICTIM-WITNESS RIGHTS

Informing victim of time served. Amends the Bill of Rights for Victims and Witnesses of Violent Crime to require a victim to be informed at the sentencing hearing of the minimum amount of time during which a defendant may actually be physically imprisoned. *PA 85-482 and PA 85-674; effective January 1, 1988.*

Victim impact statements. Requires the court, in determining the amount of bail and the conditions of release, to consider a victim impact statement and the victim's concern about further contact with the defendant if the defendant is released on bail. *PA 85-513; effective January 1, 1988.*

Victim notification. Amends the Bill of Rights for Victims and Witnesses of Violent Crime to require the state's attorney to notify a victim of any hearings in the case and if the victim's presence is necessary. Upon specific request, the state's attorney must also notify the victim of any offer of a plea bargain to the defendant, any appeal taken by the defendant, or any petition for post-conviction review filed by the defendant. *PA 85-550; effective January 1, 1988.*

Release of information about juvenile victims. Provides that only a minor's parent or legal guardian can sign for the release of evidence and information concerning the alleged sexual assault for which the minor was treated. *PA 85-577; effective September 18, 1987.*

Prohibition on lie detector tests. Prohibits officials from requiring the victim of a sex offense to take a lie detector test as a condition for proceeding with the investigation, charging, or prosecution of such offense. *PA 85-664; effective January 1, 1988.*

Restitution for victims of sex offenses. A court may order a convicted sex offender to pay the cost of the victim's medical, psychiatric, rehabilitative, or psychological treatment. *PA 85-688; effective January 1, 1988.*

Sex offenses against handicapped, elderly victims. Increases the offenses of assault, criminal sexual assault, and criminal sexual abuse to aggravated offenses if the victim is physically handicapped or at least 60 years old. Also increases the penalty for robbery from a Class 2 felony to a Class 1 felony if the victim is handicapped or at least 60 years old. *PA 85-691; effective January 1, 1988.*

Theft against elderly victims. The offense of theft by deception is a Class 2 felony if the offender obtained money or property valued at \$5,000 or more from a victim

aged 60 or older. *PA 85-753; effective January 1, 1988.*

Restitution for elderly victims. For all convictions for crimes committed against persons aged 65 or older where the victim has suffered injury or damage to property, the court shall order the defendant to pay restitution to the victim. Also allows the court to order seizure of the defendant's property to satisfy the order of restitution. *PA 85-840; effective January 1, 1988.*

Battery against handicapped, child victims. Increases the offense of battery to aggravated battery when a person knows the victim is physically handicapped. Also increases the offense of aggravated battery of a child to a Class 1 felony from a Class 2 felony if the defendant commits a subsequent offense of aggravated battery of a child within a three-year period from conviction or discharge. *PA 85-996; effective January 13, 1988.*

Battery against a senior citizen. Increases the offense of battery to aggravated battery when a person, in committing battery, intentionally or knowingly causes great bodily harm or permanent disability or disfigurement to an individual aged 60 or older. Aggravated battery of a senior citizen is a Class 2 felony that carries a mandatory prison sentence. *PA 85-1177; effective January 1, 1989.*

Elder abuse and neglect. Creates the Elder Abuse and Neglect Act, which gives the Illinois Department on Aging the responsibility to establish, design, and manage a program of services for persons aged 60 or older who have

been victims of elder abuse or neglect. *PA 85-1184; effective August 13, 1988.*

Eligibility for victim compensation. Redefines the term *victim* in the Crime Victims Compensation Act to include the parent of a child victim and a child who personally witnesses a violent crime perpetrated or attempted against a relative. Also, when applicable, requires victim and witness assistance centers to enter into networking agreements to provide for special needs of child victims of violent crimes. *PA 85-1190; effective January 1, 1989.*

Services for child victims of sex offenses. Amends the Crime Victims Compensation Act to allow victim and witness assistance centers to provide special counseling facilities and rehabilitation services for child victims of sex offenses. Also allows money forfeited to the state by persons convicted of certain sex offenses to be accepted into the Violent Crime Victims Assistance Fund. *PA 85-1193; effective January 1, 1989.*

Crimes against mentally ill victims. Adds severely or profoundly mentally ill persons who are institutionalized to the definition of *victim* for the offenses of aggravated kidnapping, child abduction, soliciting for a juvenile prostitute, juvenile pimping, exploitation of a child, child pornography, aggravated battery of a child, and aggravated criminal sexual assault and abuse. *PA 85-1392; effective January 1, 1989.*

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