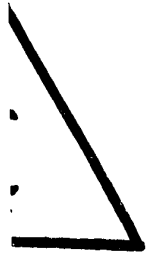


# PERFORMANCE EVALUATION

PROBATION  
IN  
TRANSITION

*Illinois Probation: 1970-1980*

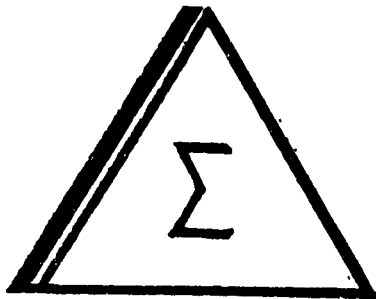
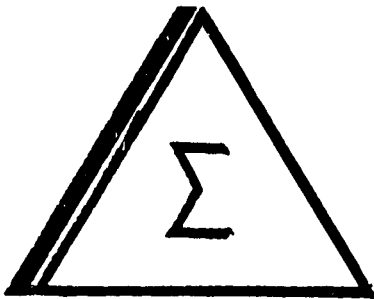
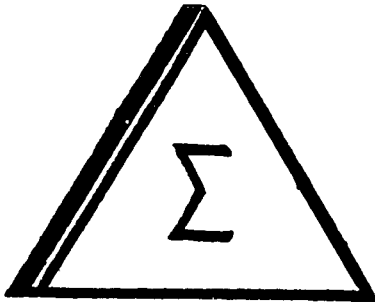
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PREPARED BY THE

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120 SOUTH RIVERSIDE PLAZA CHICAGO, ILLINOIS 60606



PROBATION IN TRANSITION

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PREPARED BY THE  
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January, 1980

Daniel W. Weil, Chairman and Acting Director  
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## Preface

This report reviews the progress that has occurred in the last decade in the Illinois adult and juvenile probation system. It is a positive report, reflecting significant change in the manner that probation services are staffed and organized in Illinois.

Notwithstanding the improvements, probation in Illinois is far from achieving its potential as an effective rehabilitative system. In contrast with the juvenile probation caseloads, adult probation caseloads are still intolerantly high, and there is serious question whether any substantive services are being provided. Consequently, an immediate need is to examine the service aspects of the adult probation system, a recommendation made in this report.

To dwell, however, on probation's ills would mask the tangible progress that has been made, particularly in the last few years in improving Illinois' adult and juvenile probation system. This report attempts to reflect these changes.

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## Introduction

Ten years ago, with some exceptions, probation departments in Illinois were largely staffed by poorly educated, untrained, more often than not politically appointed patronage workers who were in essence incapable of providing high quality probation services. In most instances, judges could not fully rely on pre-sentence investigation reports or even, in some cases, identify who wrote them. Records were inadequate or did not exist and in some jurisdictions it would be impossible for an outsider to discover who was suppose to be on probation. Many jurisdictions had only part-time officers or no probation service at all. A supervision caseload could be as high as 400, but then not all the cases may have been counted.<sup>1</sup>

Many of the system's problems still remain. Adult caseloads are intolerably high and little is known about the quality and impact of probation services. But, some remarkable improvements have occurred during the past ten years, particularly with respect to the number and quality of probation staff. Probation staff have almost tripled; services are being provided in many counties where none existed before; almost all counties in Illinois have full-time staff; a younger, better-educated individual is entering the profession; training programs have been initiated and subsequently institutionalized; record-keeping has been improved; specialized services are being offered in some areas; and a state supported salary subsidy extended to include adult probation officers.

### ILEC's Activity

Much of this improvement can be attributed to the over six million dollars in federal funds that had been invested in the upgrading of probation in Illinois.

ILEC, with the assistance of the Supreme Court Committee on Criminal Justice Programs, instituted a broad array of projects that appear to have had a positive impact on the upgrading of probation services. The program approach ILEC supported was basic. It's major purpose was to provide services where none existed; to increase efficiency through consolidation of departments; and to increase professionalism through training and education.

In the first few years the following strategy evolved as a guide to project development:

- No probation project would be funded until the completion of a professional probation management study in the circuit or the county. With the creation of the Supreme Court Committee on Criminal Justice Programs, responsibility for the conduct of these studies was given to the Committee.
- Downstate counties would be encouraged to consolidate their departments into a circuit-wide department, or where that was not possible, into multi-county probation departments.
- The elimination of part-time positions, and strict education and training requirements would be made conditions of each grant.
- For departments that could demonstrate sufficient administrative capacity for managing special programs, such programs would be encouraged.

- Legislative reform would be pursued in order to establish a State-wide probation department or, failing that, secure the extension of a probation subsidy program by the State that would have strict education, training, reporting, statistical, and standard setting requirements.

### Accomplishments

Between 1973 and 1979, probation management studies were completed in all Illinois Circuits with many of the recommendations of the Supreme Court Committee, and later of the Probation Division of the Administrative Office of the Courts, put into effect. The attempt to organize probation departments on a Circuit-wide basis was geared to more efficient use of limited resources, particularly in rural areas and to use a jurisdictional unit more aligned to the court structure.. The results have been mixed. At present only two circuits are fully organized on a Circuit-wide basis, but these were organized without the use of LEAA and ILEC funds! Most of the ILEC financed circuit departments desolved with the end of federal funding. Five circuits currently have circuit-wide adult probation departments, one currently using federal funds. One other circuit is organized on the basis of three districts of four counties each. It appears that a jurisdiction's willingness to Combine on a multi-jurisdictional basis, not federal funds, is the primary catalyst for success of such efforts.

Part-time probation personnel have all but been eliminated in Illinois. Only a few of the smaller counties still do not have full-time probation services.

A statewide approach to probation officer training was first accomplished through ILEC's creation of the probation service council of Illinois and has now become institutionalized within the Administrative Office of the Illinois Courts.

Specialized programs were funded particularly directed to juvenile probation services. These consisted of probation volunteer project, day probation for high risk juvenile offenders, prediction and caseload classification systems for adult and juvenile offenders, adult intake and investigation units, intensive supervision of high risk adult offenders, satellite neighborhood officers, youthful offender supervision units, and employment development specialists.

Various bills to restructure or support probation services in Illinois were considered by the Illinois General Assembly in the past few years, culminating in the passage of a probation subsidy act (P.S. 80-1483: HB 3027) in 1978. This Act provided \$400 per month state subsidy for all adult and juvenile probation officers who met minimum standards set by the Administrative Office of the Illinois Courts. Passage of this act was perhaps the most significant occurrence in probation in the past ten years in this state. In addition to its subsidy feature, the act established a Probation Division within the Administrative Office to administer the subsidy funds, to develop a state-wide training program, to collect uniform statistics and to develop standardize forms. The subsidy act also contains a broad mandate to assist in upgrading probation services throughout the state. It also has made it possible for local units of government to pick up funding of ILEC probation projects.



### Overview of Probation in Illinois - Where we are today

In a recent survey<sup>2</sup> conducted by the Probation Division of the Administrative Office of the Illinois Courts, 90 of the 102 counties provided financial and workload data. The 12 non-reporting counties were among the smaller counties. For 1979, the total amount budgeted for probation services by the 90 counties was \$30,130,328 of which \$23,434,162 were in county funds. The balance, \$6,696,166, was to be derived from the state subsidy program, the Illinois Law Enforcement Commission, CETA funds from service charges.

### The Adult System

At the end of 1978, the 90 counties reported 57,340 adults were under some form of probationary supervision, 64% in Cook County. Of all those receiving probation supervision, 24,554 were felons, 54% in Cook County. During 1978, probation officers conducted 13,762 pre-sentence investigations for the courts. Of these investigations, 31% were conducted by the Cook County Probation Department. The number of felony pre-sentence investigations statewide was 6,518, with 45% of these conducted in Cook County. Over 11,000 new felons were admitted to probation in 1978! This means that thousands of felons were placed on probation with no pre-sentence investigation -- a practice that is serious and questionable.

Illinois House Bill 1500, which was passed by the General Assembly in 1977 and implemented on February 1, 1978, required a pre-sentence investigation to be conducted on all felony cases unless waived. This has led to a mixed response throughout the

state. In some counties, the adult pre-sentence workload had significantly increased while in other counties plea bargaining has reduced pre-sentence requests to a very low level. The defendant avoids a pre-sentence investigation as part of the agreement to plead guilty.

Throughout the state, pre-sentence investigation reports have been widely erratic in quality and quantity during the past decade. No uniform procedures existed, no mandatory data collection had been specified nor was there a uniform format. Probation management studies by the Administrative Office of the Illinois Courts repeatedly found that pre-sentence investigation reports simply were inadequate. In the future, some of these shortcomings may be corrected as a result of better training and other changes occurring in probation management.

In May, 1979, the Illinois Supreme Court approved a uniform pre-sentence report format that had been developed by the Illinois Judicial Conference Committee on Courts Services. The uniform report format also has been approved by the Conference of Illinois Chief Judges.

Pre-sentence reports frequently are requested in misdemeanor cases as well. Workload pressures, however, often preclude a thorough investigation of all such cases. Consequently, the Probation Division of the Administrative Office of the Illinois Courts is developing a shorter format for optional use in less serious misdemeanor cases.

Despite the expansion of the number of probation officers during the past decade, workloads have expanded even more rapidly due to the rise in the crime rate since 1969. For example, in 1969 only 2,661 new felons were placed on probation while

in 1977 the number of new felons totaled 11,965!<sup>3</sup> Adult supervisory caseloads remain high throughout the state. But so far, no one county has supported adult probation to the extent that minimal national standards could be met; that would allow workloads at levels that would permit dangerous offenders to be screened out by objective professional standards; that would ensure fewer non-dangerous offenders would be sent to prison; and that would reduce caseloads to the level that would allow probation officers to enforce the orders of the Courts. Although the Cook County Adult Probation Department has a professional staff of 223 individuals, the number of pre-sentence investigations and the supervision caseload is so high that the average caseload for a probation officer is about 200 probationers. In Illinois, the Departments with the lowest adult workloads still are carrying caseloads that are twice as many as called for by national standards.

As a result of these high caseloads, adult probation supervision in most counties remains an office-oriented function with very little routine field supervision.

The principle activities of adult probation officers may be classed as administration, supervision of probationers, and the provisions of court services, with the writing of pre-sentence investigation reports as the most time consuming court service provided. A 1977 ILEC study indicated that over 31% of the time of probation officers in metropolitan counties and over 44% of the time of probation officers in non-metropolitan counties was spent in administration and the provision of court services -- drastically reducing the time for supervision of probationers. If, as is true in many small counties, the officer also has responsibility for juvenile investigation and supervision, the obvious assumption is that supervision frequently is non-existent.

### Organization of Adult Probation

In Illinois, the provision of probation services always has been and still is largely a function of the counties. The Illinois Law Enforcement Commission encouraged the formation of a circuit-wide and multi-county probation departments. These departments, however, were not always sustained when federal funding terminated. The grants, nevertheless, were not ill-spent. For example, in the First Circuit, only two of the nine counties in the circuit had any probation services at the time the circuit-wide grant was awarded. At the present time, although the circuit is no longer organized on a circuit-wide basis, all counties are receiving full-time professional probation services. The 17th and 20th Circuits also have been organized on a circuit-wide basis without the use of federal funds. The 2nd Circuit is divided into 3 districts of four counties each. Each district has one probation officer serving both adults and juveniles. Four circuits -- the 9th, 13th, 16th and 17th -- have circuit-wide adult probation departments. Specialized adult probation officers are working in 14 counties. These counties are Madison, Vermilion, Champaign, Sangamon, Peoria, Tazewell, McClean, Will, Rock Island, Stephenson, DuPage, Lake, McHenry and Cook. In addition, Cook County has two departments serving adult probationers. These are the Cook County Adult Probation Department, serving the great majority of probationers in Cook County and the Cook County Social Service Department, which has the responsibility of certain misdemeanor and conditional release cases. The supervision caseload of the Adult Probation Department is over 31,000, while the Social Service Department has a supervision caseload of around 5,000. In all the other counties in Illinois, there is no division between adult and juvenile probation and the same probation officers provide services to both the adult and juvenile cases.

Notwithstanding the vast improvement in the probation system in Illinois, a few counties still have only part-time probation officers. A large number of counties have only one or two individuals serving the courts and probationers. Frequently these smaller counties also lack adequate clerical personnel. Probation officers may handle their own record-keeping and typing of pre-sentence investigation reports, thus reducing the amount of time available either for investigations or for supervision of probationers. Often travel funds also are inadequate, thus encouraging probation supervision to be office-oriented. It was to consolidate and make more efficient use of limited resources that organizational efforts to structure circuit-wide probation projects took place in rural areas.

#### The Juvenile System

The picture of juvenile probation in Illinois is a much brighter one. A number of factors have contributed to this situation. In general, there is a greater willingness to spend more money on juveniles than on adult offenders. Proportionally, there is a wider availability of federal and state funds from a variety of sources. There has existed in Illinois a Juvenile Probation Subsidy Act since 1966. Finally, there is present a greater willingness to invoke national standards when dealing with young people.

In the past decade, there also has been developed a wide variety of special diversion programs for juveniles all with the intent of keeping young people out of the court system. As a result, compared to the adult situation in Illinois, probation workloads are far lighter. For example, of the 90 counties reporting in the recent survey conducted by the Probation Division, only 10,392 juveniles

were on the probation caseloads statewide in the categories of Continued Under Supervision, Informal Supervision and DCFS Placement Monitoring.

In 1978, 21,766 petitions were filed statewide. But these covered all the categories of Delinquency, Minors In Need of Supervision (MINS), Neglect and Dependent. There were 14,530 delinquency petitions filed in 1978 and 5,005 delinquency adjudications.<sup>4</sup> One result of this is that in nearly every county in Illinois national standards for juvenile probation and related workloads have been met. In fact, in some counties the standards may have been exceeded to the extent that individual juvenile probation officers may have too little work to do.

There also has been a greater willingness to institute innovative programming in juvenile services. Efforts have been made to find alternatives to detention. A number of juvenile intake screening projects have been created. Volunteers have been widely used. Although problems are present in individual localities, the outlook is much brighter for juvenile probation in Illinois than it is for adult probation services.

#### The Organization of Juvenile Probation

Notwithstanding that probation services in Illinois primarily are organized county by county, some creative efforts to use existing resources more efficiently has occurred. The 2nd Circuit is divided into three districts, with a single probation officer serving juveniles and adults in that district. The 17th and 20th Circuit are organized on a circuit-wide basis with the 17th Circuit providing

specialized juvenile services. The individual counties in the 9th and 13th Circuits provide specialized juvenile services as do three counties in the 16th Circuit. The 14 counties that provide specialized adult services also provide specialized juvenile services. In all the other counties the probation officers serve both juveniles and adults.

#### Probation Staff

In 1969, there were about 400 probation officers in Illinois. At present, there are over 1,300. As of June, 1979, 1,239 of these officers are eligible for the state subsidy. Of those eligible, 621 are working in Cook County.

The existing probation staff a decade ago rarely had specialized training for the delivery of probation services. They were largely recruited from the rank of teachers, the ministry and former law enforcement officers.

In 1978, when the Probation Division of the Administrative Office of the Illinois Courts was established, personnel inventories were required of all probation personnel who would receive the subsidy. Analysis of the data collected revealed that of the 1,300 probation officers in the State, 937 were hired prior to January 1, 1978, and therefore were eligible for the subsidy under the grandfather clause in the Act. Of these, the great majority or 731 also met the education and experience requirements established for new personnel.\* Four years

\* Four years of college or two years of college and two years experience.

of college had been completed by 506 probation officers and 278 had Masters Degrees. Fourteen probation officers currently are attending school working toward their Bachelors Degree; 95 are seeking Masters Degrees; and 37 are in law school or working on requirements for Ph.D's. In addition, the data also indicated that 694 probation officers presently receiving probation subsidy reimbursement had relevant professional experience prior to entering the probation profession. These findings indicate a significant upgrading in the educational level of probation officers in Illinois over the past eight years.

The minimum salary required for an officer to be eligible for the subsidy is \$11,000 per year. During the month of June, 1979, the subsidy was paid to 1,191 probation officers amounting to \$490,510 for the month. From the time the subsidy legislation went into effect on January 1, 1979, the share of probation and court services expenditure has been increased from 2.5 million to 6.5 million annually. This represents more than 20% of the approximately 30 million dollars annually spent for probation and court services in Illinois.

The United States Department of Labor's Comprehensive Employment and Training Act (CETA) also has had significant impact on the number of probation staff in Illinois. Approximately 70 probation officers presently are employed with CETA funds. It should be noted that those persons employed with CETA funds do not receive the state Probation subsidy until they are placed on the county payroll under General Revenue Funds.

#### Training

Prior to 1979, there was little or no organized probation training activity in



Illinois with the exception of occasional workshops sponsored by the Illinois Probation Association and Southern Illinois University. In 1972, the ILEC-initiated Probation Services Council of Illinois, a private non-profit organization made up of professionals in the field of probation and education, was funded to conduct regularly scheduled training for probation personnel, who participated on a voluntary basis. This training program eventually was conducted by the Center for Legal Studies of Sangamon State University using ILEC grant funds. The Probation Division of the Administrative Office of the Illinois Courts has continued this statewide effort through contracts with Sangamon State University and the Cook County Criminal Justice Leadership and Development Training Program to properly meet all the training needs of Illinois probation personnel. Award of these contracts was preceded by a detailed training needs assessment focused on individual officers' training priorities related to skills needed to adequately perform the duties and responsibilities under the new statute. The Cook County program also includes training for first-line supervisory personnel.

#### Support Services, Record-keeping and Statistics

The lack of adequate clerical support services remains a major problem in the probation offices of the rural counties although there has been some improvement with the availability of federal CETA funds for hiring of clerical staff. As previously mentioned, probation staff often have to spend time on clerical duties including, in some instances, typing their own reports. Obviously, this takes away time that could have been profitably used for investigation and supervision. Occasionally, even in a county as large as Cook County, which has a large clerical workpool, the workload is so heavy and so many investigation reports have to be

processed that the clerical staff fall behind in producing reports. Thus, support for improving work processing techniques could have significant benefits in some probation departments.

In some rural counties, office space for probation departments remains a problem. There appears to be some movement toward decentralization into the neighborhoods as in many areas the probation officers have moved their operations base outside of the courthouse -- a trend favored by national standards. This is true in Cook County and many of the "collar" counties in northern Illinois.

One of the major problems facing probation in Illinois in the early 1970' was a lack of adequate case records and a lack of any workload statistics. This was due in part to the heavy caseloads carried by most probation personnel as well as to lack of training. There has been significant improvement in this situation and under a provision of House Bill 3207 the state soon will have uniform and comprehensive record-keeping and statistical reporting system for all probation departments. The target date for implementation of this system is January 1, 1980. The realization of the need for adequate statistics also has resulted in the automation of probation records in some of the metropolitan counties as a spin-off of court management systems. Automated probation record-keeping is expected to proliferate in the coming years. The Cook County Adult Probation Department in particular could benefit from an automated probation information system.

#### The Other Side of the Coin

There is no denying that there have been improvements in the probation system in

Illinois especially in the past few years. But we must not become complacent and self-satisfied. Major problems prevail in rural areas, but in particular, statewide in the adult probation system. The extraordinary caseload size prohibits the delivery of all but prefatory probation services. Placement on probation implies that the probationer will be supervised and also will receive rehabilitative services. There is little data to support whether or not such services are provided, which itself is a problem, but current caseload size suggest that such services are not provide to any degree, if at all.

There are innumerable incidents where offenders repeatedly are placed on probation despite known additional offenses. While this is permissible by statute, it does raise the question of how probation is used -- particularly in the large jurisdictions.

### Recommendations<sup>5</sup>

There are a number of recommendations for action that should be considered in the immediate future:

- Probation Management Information System

The most pressing need in probation in Illinois is for information on how the system operates. Although we now have a central repository for information (the Probation Division of the Administrative Office of the Courts), this is merely a beginning. We have little or no real knowledge statewide of the type of offenders on probation, how often individuals have been on probation, or, for what offenses. We know little about recidivism rates and even less about what services are

provided. In short, while we now have uniform caseload and officer data, we need offender and performance data in order to make sound management decisions. A probation management information system is imperative!

- Reducing Adult Caseloads

The heavy caseload figures of some departments are most likely artificially inflated. More realistic caseloads would emerge if the following steps were implemented. 1) Probationers who have moved out of the state under terms of the inter-state compact should not be included in caseloads figures. 2) Probationers who have absconded should be brought to the attention of the court, a bench warrant should be issued, and the probationers should be dropped from the caseload count. 3) Felons who have made a successful adjustment after 18 months should be returned to court to have their probation terminated. 4) Individuals on probation for misdemeanors who have made a successful adjustment should be taken back to court, and terminated after six months. 5) Non-support cases should be handled by the court clerk or the states attorneys office. 6) The institution of Deferred Prosecution Programs could reduce some referrals to probation departments. 7) The wider use of fines only could reduce referrals to probation departments. 8) Judicious use of trained volunteer in probation personnel for pre-trial supervision under Release on Recognizance programs could help reduce the workload as well as using these trained volunteers for preparing misdemeanor pre-sentence investigation reports.

At the same time probation decision-making should be examined especially with

respect to the placement of felons on probation without a pre-sentence investigation.

- Caseload Classification

Training should be provided for all probation personnel in the use of classification and prediction techniques. Not only to be used in pre-sentence investigation reports, but in managing the caseload for division into minimum, medium and intensive supervision. The development of case classification systems will enable each probation department to identify those cases in need of maximum or intensive supervision. This will allow the larger department to form intensive supervision units in which experienced probation officers can work closely with small caseloads of 20 to 25 probationers identified as needing this type of close supervision.

- Volunteers in Probation

Volunteers have had widespread use throughout the country and throughout the State of Illinois. They have been particularly effective in providing specialized services to juvenile probation. An effective limited use can also be made of volunteers in pre-trial supervision and in pre-sentence investigation of misdemeanor defendants.

- FOOTNOTES -

1. John Howard Association: "Probation in Illinois - A Politically Entrenched Overburdened "Non-System" 1972.

Other Sources: The Illinois Law Enforcement Commission's Plans 1969 and 1970.

2. Survey results were obtained in April, 1979. The \$30,382,511 figure encompasses the budgets for all agencies eligible for the probation subsidy and thus includes budgets for Child Care agencies and Detention homes. For probation services proper, in 1979 \$23,882,972 had been budgeted. This figure is comparable to the \$19,138,002 reported as expended in 1977 in the study conducted by Thomas W. Langford and Associates, Criminal Justice Expenditures of Illinois Counties. (The Illinois Law Enforcement Commission, Performance Evaluation Division: 1980) This latter figure, however does not include expenditures for fringe benefits and costs of space and utilities which were reported in the study in a separate category.
3. Administrative Office of the Illinois Courts' Annual Report, 1977.
4. Probation Division Administrative Office of the Illinois Courts.
5. Many of the recommendations contained in this section were mentioned at various times in probation management studies conducted by the Supreme Court Committee on Criminal Justice Programs and more recently the Probation Division, Administrative Office of the Illinois Courts.

**END**