



COOK COUNTY STATE'S ATTORNEY

2016 DATA REPORT

2ND EDITION

KIMBERLY M. FOXX

FEBRUARY 2018





Dear Friends,

The Cook County State's Attorney's Office is the second-largest prosecutor's office in the country, serving the nation's second-largest county. County-wide, over 30,000 felony cases are presented to the Office for prosecution per year. And yet, for too long, there has been little information available about what happens with the cases our office prosecutes.

When I was sworn in as State's Attorney on December 1, 2016, I made a commitment to increasing the transparency and accountability of the State's Attorney's Office. This report, the first such report released by the SAO, is an important step toward the goal of operating the most open and engaged prosecutor's office in the country.

The work of the SAO is at the center of many of the most important conversations happening in the county today, from addressing violence and the proliferation of guns to reducing the population of our jails and prisons and expanding community-based treatment for mental health and substance abuse. As State's Attorney, I am committed to protecting public safety by focusing resources on serious and violent crimes, while working to minimize unnecessary contact with the justice system, which destabilizes communities, erodes trust, and undermines public safety.

None of that work can reach its full potential without a deep understanding of the current state of our office's operations – both qualitative and quantitative. This data report presents an overview of felony cases that came through the office in 2016 – the most recent complete year of data. It will be updated annually, beginning with a presentation of data from 2017 that we will release early next year.

With this report, we are also releasing the raw data that was used to produce it, which is available at www.cookcountystatesattorney.org. Through this data release, academic partners, researchers, and members of the public will be able to analyze over six years of case-level data from the SAO, and build on the analysis presented here to help us build a deeper understanding of the office's work, and what remains to be done.

Not all of the news is good; nor will change be instantaneous. But as I have often said when speaking on the topic of data and transparency: you cannot fix what you cannot measure. This report is a starting point, and provides important background that must inform the work ahead of us.

Sincerely,

KIMBERLY M. FOXX

Cook County State's Attorney

HOW TO READ THIS REPORT

When she took Office in December 2016, State's Attorney Foxx made increased transparency a top priority for her administration. This report, the first of its kind issued by the Cook County State's Attorney's Office ("SAO"), presents an overview of criminal prosecutions data in Cook County. The SAO plans to issue similar reports annually. The full data sets used to prepare this report are available for viewing and download at www.cookcountystatesattorney.org.

What this data describes:

Data is presented for three key stages of a case's movement through the criminal justice system:

Initiations: how defendants are charged with felony cases;

Dispositions: how those cases are resolved; and

Sentencing: for cases that result in a conviction, the type of sentence imposed.

Where this data comes from:

The Office of the Cook County State's Attorney employs roughly 750 Assistant State's Attorneys, assigned to five bureaus: Criminal Prosecutions, Special Prosecutions, Narcotics, Juvenile Justice, and Civil Actions.

This report presents data about **felony cases handled by the Criminal, Narcotics, and Special Prosecution Bureaus in 2016**. Data from these bureaus is stored in a single case management system (the "system"). This report summarizes data pulled from this system for the most recent complete calendar year: January 1 – December 31, 2016. In cases with multiple defendants, each defendant is treated as a separate entry. This report is based only on what is found electronically in the case management system. No other agency's data was used to prepare this report.

This report does not include information about cases processed through the Juvenile Justice and Civil Actions Bureaus, which use different case management systems. It also does not include information about misdemeanors. Data from the Office of the Circuit Court Clerk indicates that the SAO handled more than 260,000 misdemeanors in 2016, but there is no electronic misdemeanor case management system from which to pull office-wide data.



What this data does NOT describe:

This report provides a time-limited **snapshot** of cases in these three stages in 2016. **It does NOT, however, track individual cases from initiation to disposition and through sentencing.** Cases take time, and a case initiated in 2016 would not necessarily have reached disposition in 2016; similarly, cases that reached disposition in 2016 may have been initiated in earlier years. Thus, the universe of cases in the "initiation" category is not the same as the universe of cases in the "disposition" category, and the data in this report cannot, for example, be used to draw conclusions about a conviction rate by comparing initiation and disposition numbers. The SAO aims to present that kind of data of how cases move through the system in subsequent reports.

About the descriptive categories used throughout this report:

Race: An arresting law enforcement agency provides an arrestee's race to the SAO; the SAO does not separately inquire into race. Thus, the race data presented here reflects what is provided to the SAO by law enforcement. This accounts for the "other/not available" category, as not all arrest reports include race information.

Note: Different law enforcement agencies have various ways of reporting an arrestee's race as Hispanic or Latinx, including "white Hispanic," "Hispanic" "white/black Hispanic or Latinx," and "black Hispanic." Each of these descriptors is a separate category in the SAO's system. For ease of reading, and because not all agencies use the same descriptors, this report aggregates all four categories into a single "Hispanic/Latinx" category.

"City" and "Suburb": There are approximately 5.2 million residents in Cook County; of these, 2.7 million live in the City of Chicago and the balance live in the other 134 incorporated municipalities that lie in whole or in part in Cook County. For purposes of this report, "City" describes cases that originate with an arrest made by the Chicago Police Department; "suburb" designates cases that originate with one of the more than 100 other law enforcement agencies that fall within the jurisdiction of the Cook County State's Attorney.

Charges:

"Topline" charge: Many cases involve multiple charges stemming from the same incident. On a charging document, these various charges are called "counts." While each count in a case is entered into the system, attempting to summarize all of them in this report would be cumbersome. Therefore, for clarity and readability, this data report is based on Count 1 for each case, which is generally the most serious charge in a given case, and is commonly referred to as the "topline charge."

Offense category: The Illinois Criminal Code contains hundreds of distinct felony offenses, each with its own statutory citation. While each count of each case is entered into the SAO's system by its precise statutory citation, tracking these hundreds of citations quickly becomes unwieldy. To address this complexity, the SAO created several "offense categories" when it adopted the current case management

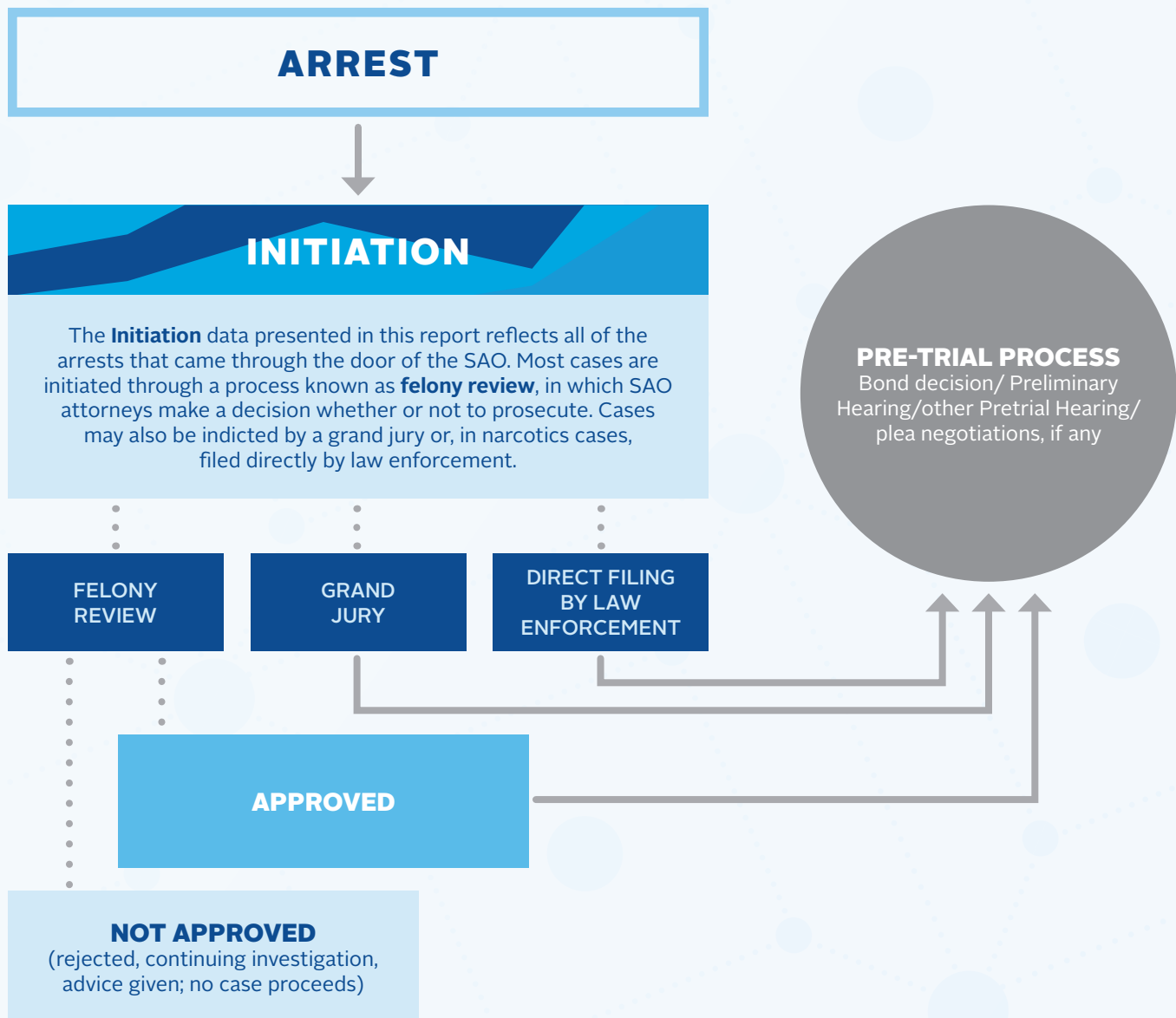


system in 2010. A case is broadly classified by offense category when it is entered into the system. For example, the Illinois Criminal Code contains more than 24 subsections for various unlawful use of a weapon; there are also separate sections for unlawful possession of a firearm, aggravated unlawful use of a weapon, and unlawful use of a weapon by a felon. All of those offenses are grouped into the **offense category** of "unlawful use of a weapon" in the SAO's system, and are presented that way in this report.

Note: While sorting by offense category is helpful for providing an overview, **it is not a perfect classification system.** A case's offense category is identified by the attorney who initiates the case in the computer system, and there is no formal list of statutory subsections that fall into each offense category. Additionally, a case's offense category does not typically get updated as a case makes its way through the system, even if charges are later amended. More precise information about specific charges can be found in the master data set that was released simultaneously with this report, which identifies the precise statutory subsections at issue in each charge for each case.

HOW CASES MOVE THROUGH THE SAO

The chart on these pages presents a visual representation of how cases move through the State's Attorney's Office. This data report presents information about three stages of that process: initiation (pp 6–7); dispositions (pp 8–9); and sentencing (pp 10–11).



DISPOSITION

Disposition is the culmination of the fact-finding process that leads to the resolution of a case.

NO CONVICTION

Dismissed

Nolle Prosequi

Verdict of Not Guilty
(jury trial)

Finding of Not Guilty
(bench trial)

Stricken off with leave to reinstate (SOL)

CONVICTION

Plea Guilty

Verdict of Guilty
(jury trial)

Finding of Guilty
(bench trial)

SENTENCING

Sentencing is the judgment imposed by the court on people who have been convicted. Each count for which there is a conviction receives a separate sentence; depending on the circumstances those sentences may be served concurrently or consecutively.

DETENTION

Prison

Jail

Boot camp

NON-DETENTION COURT OVERSIGHT

Probation

Supervision

Conditional discharge

INITIATIONS

This section provides information about how cases are initiated – that is, how an arrest turns into a “case” in the courts. There are three main ways a case is initiated:

Felony review: The SAO operates a Felony Review Unit (“FRU”) 24 hours a day, 365 days a year. Law enforcement officers call FRU to seek approval of most felony charges. FRU may do one of several things:

- **Approve:** FRU approves charges, and the case is filed.
- **Reject:** FRU does not approve charges, usually because the information presented does not satisfy the statutory requirements for a felony or because there is another evidentiary problem that will make proceeding on the case impossible.
- **Continuing Investigation (“CI”):** FRU may continue a case for further investigation if it appears there may be a basis for felony charges if additional information or evidence is collected. It is up to law enforcement to do additional investigation and decide whether to re-present a case to FRU.

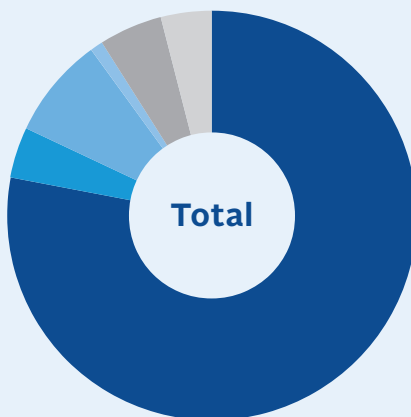
- **Advice:** A law enforcement agency called FRU for advice and did not seek formal charges, or called FRU regarding a juvenile case.

Grand Jury Indictment: The SAO may also present charges to a grand jury for approval; this is called an “indictment” or a “true bill” case. Some cases begin with a grand jury; some are first approved by FRU then re-indicted before the grand jury.

Direct Filing by Law Enforcement: Law enforcement may directly file charges in narcotics cases without FRU approval. The first time the SAO has any involvement in those cases is at preliminary hearing. In the data these are referred to as “bond set” cases. Because the SAO does not charge these cases, they are not included in the charts that follow even though, at over 8,000 cases per year, narcotics are the largest single category of felony cases initiated in Cook County.

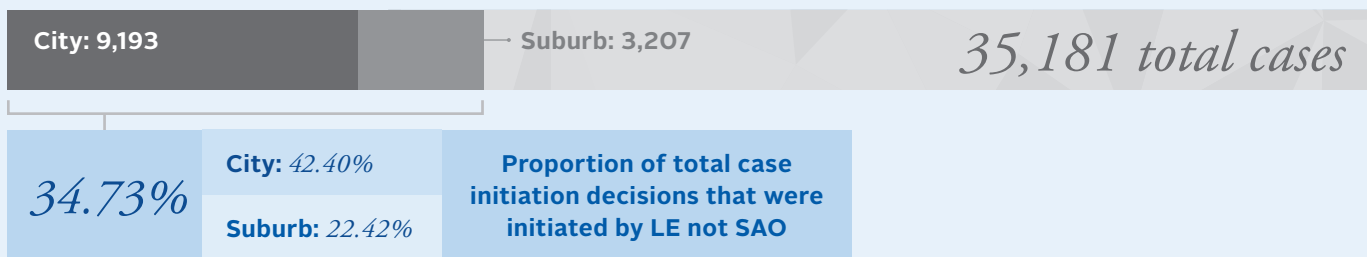
CASES PRESENTED TO SAO FOR INITIATION, CITY AND SUBURB

Approved by felony review	18,110
Indicted by true bill	1,010
Rejected	1,777
Advice given	39
Continuing investigation	1,133
Other	892
Total cases presented to SAO for initiation	22,961
Total number of cases considered (SAO initiations + LE initiations)	35,181



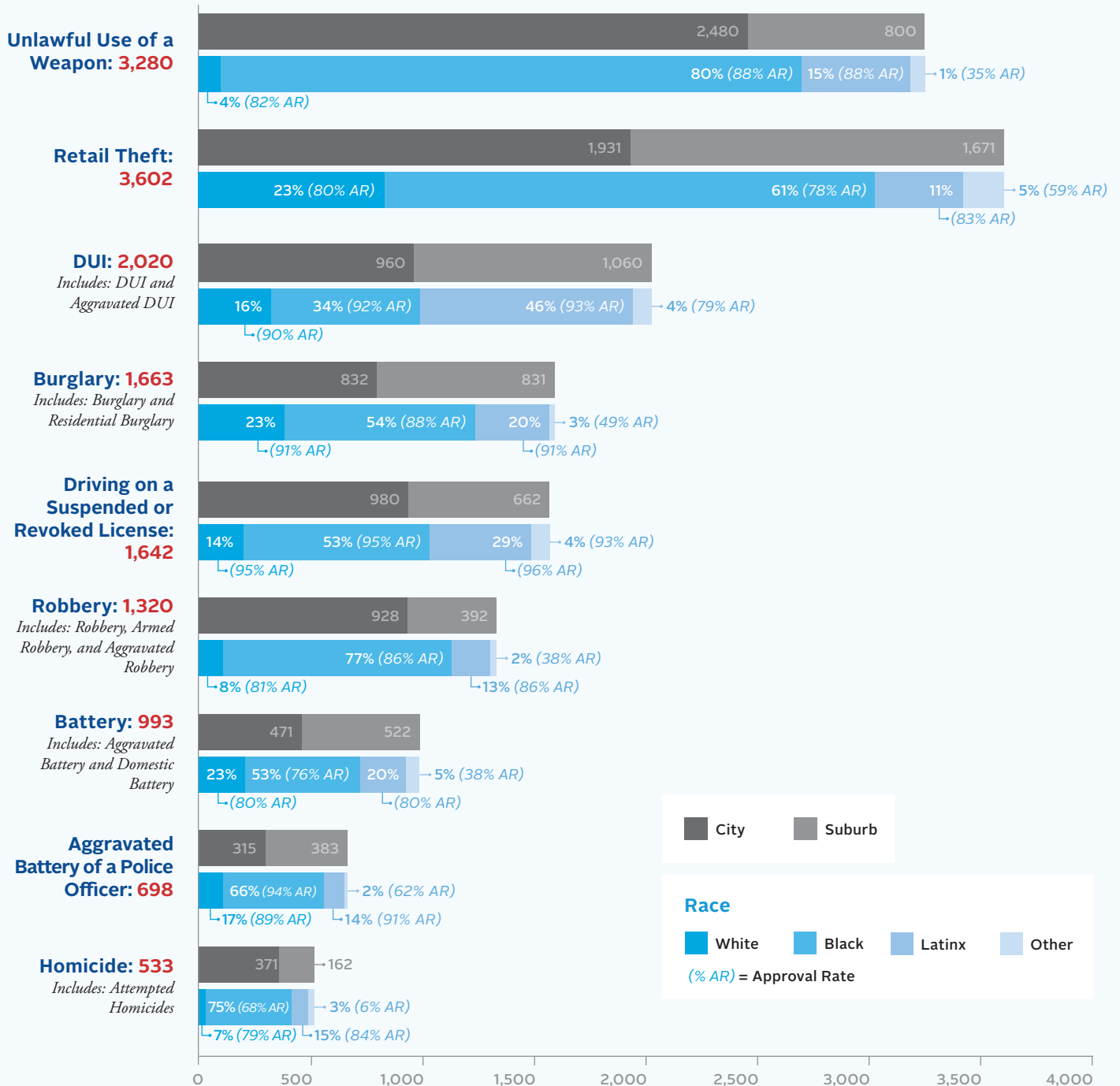
CASES INITIATED DIRECTLY BY LAW ENFORCEMENT (DRUG CASES)

Total cases initiated by LE: **12,220**



TOP REFERRED FELONY CHARGES, BY CITY AND SUBURB AND BY RACE, WITH APPROVAL RATES

The table below shows felony offense categories commonly charged by the SAO, including the racial breakdown of cases presented to FRU and approval rate (“%AR”) by race for presented charges. A reminder: narcotics cases are directly filed by law enforcement; for that reason racial and city v. suburb data are not available for those cases. Additionally, while misdemeanor offenses exist in many of these categories (e.g. battery,) this chart describes felony charges only.



Note: With the exception of homicide, these offense categories are presented in ranked order of frequency with which they are presented to FRU. Homicides are included due to the seriousness of the offense and the significant challenges Cook County is currently experiencing with an elevated homicide rate.

DISPOSITION

This section presents data about disposition outcomes of cases concluded in 2016. A reminder: this data does not track the same cases as the initiations data on the preceding pages; rather, it is a separate snapshot of cases that reached disposition in 2016.

Once a case is initiated, it can conclude in one of several ways:

- A finding of guilt by a trier of fact: coded in the data as **verdict of guilty** (jury trial) or **finding of guilty** (bench trial).
- A finding of not guilty by a trier of fact: coded in the data as **verdict of not guilty** (jury trial), **finding of not guilty** (bench trial).
- A **plea of guilty**, either to the original or a less-serious offense, or a plea of guilty but mentally ill.
- A decision by the SAO to *nolle prosequi* (not proceed) on a case.
- A **dismissal after a loss of a pre-trial motion**, such as a motion to suppress evidence.
- A dismissal after a court makes a **finding of no probable cause**.
- A **“bond forfeiture warrant,”** indicating the case cannot proceed because the defendant has failed to reappear for court.
- A finding that addresses the mental illness of a defendant, such as **not guilty by reason of insanity**, or **“not not guilty,”** which involves civil commitment of defendants found unfit to stand trial against whom there is significant evidence indicating they committed the charged offense.
- The death of the defendant before disposition (**“death suggested.”**)

Disposition	Retail Theft: 2,933	UUW - Unlawful Use of Weapon: 2,597	DUI: 2,094 <i>Includes: DUI and Aggravated DUI</i>	Burglary: 1,608 <i>Includes: Burglary and Residential Burglary</i>
Plea of Guilty, Amended Charge, Lesser Included, PG but Mentally Ill	1,943	1,454	1,692	1,276
Verdict Guilty	1	19	8	5
Finding Guilty	123	329	146	172
Verdict Not Guilty	0	18	2	3
Finding Not Guilty	6	356	74	33
FNG Reason Insanity, Finding “Not Not Guilty”	0	9	0	4
Finding of No Probable Cause	184	10	82	10
<i>Nolle Prosequi</i>	618	380	56	84
Case Dismissed	34	0	0	5
Bond Forfeiture Warrant	4	0	25	10
Death Suggested	20	22	9	6



Driving on a Suspended or Revoked License: 1,427	Robbery: 1,115 <i>Includes: Robbery, Armed Robbery, and Aggravated Robbery</i>	Aggravated Battery of a Police Officer: 622	Battery: 759 <i>Includes: Aggravated Battery and Domestic Battery</i>	Homicide: 306 <i>Includes: Attempted Homicide</i>
1,181	779	494	553	125
2	12	7	8	57
95	158	52	87	74
1	5	10	6	13
3	44	13	34	16
0	0	1	2	0
10	10	10	9	0
120	99	33	52	17
1	0	1	3	0
8	0	1	1	0
6	8	0	4	4

SENTENCING

After disposition, a person who is convicted gets sentenced by the court to detention, or to release with conditions imposed by the court. The most common sentences include:

Prison: a sentence of one year or more of incarceration, served in the Illinois Department of Corrections.

Jail: a sentence of less than one year served in county jail; a sentence of felony probation may also include a requirement to serve time in Cook County Jail.

Boot Camp: a program of military activities, physical exercise, labor-intensive work, and substance abuse treatment; successful completion of boot camp may lead to a sentence reduced to time served and placement on supervision.

Probation: mandatory compliance with court-ordered conditions for a specific period of time, monitored by a probation officer.

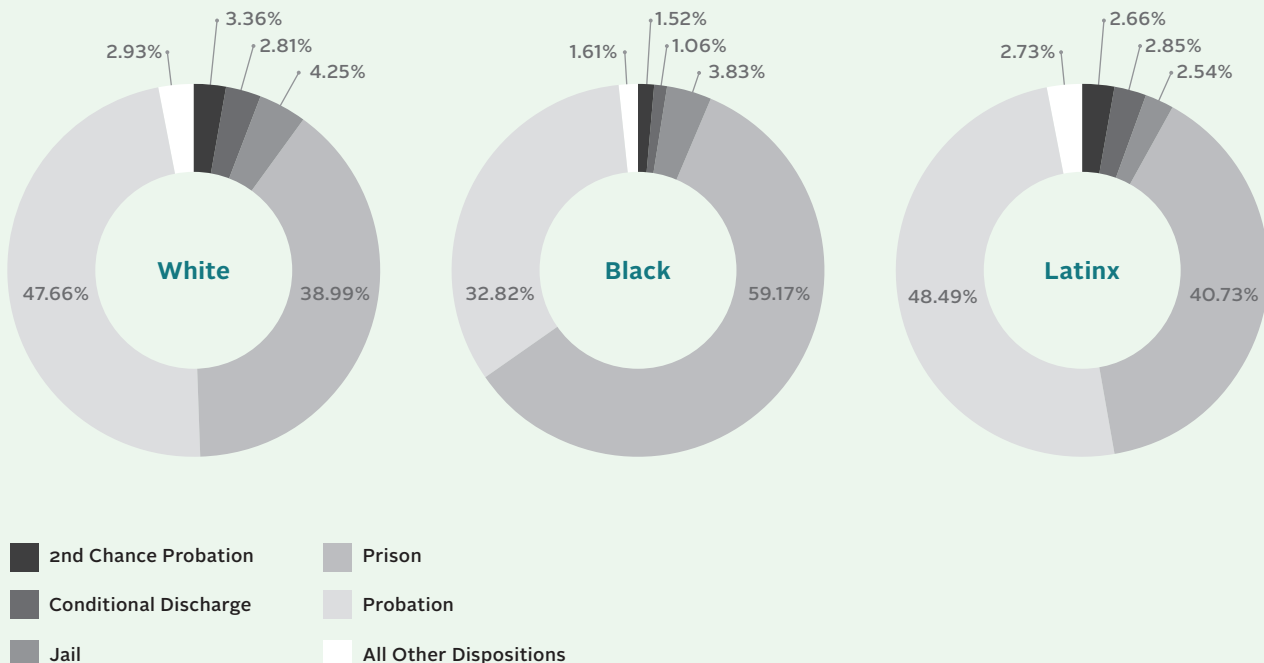
Conditional discharge: mandatory compliance with court-ordered conditions for a specific period of time, usually without the supervision of a probation officer.

Supervision: compliance with court-ordered conditions while conviction is suspended. Successful completion results in release without a conviction. Note: only misdemeanors can receive a supervision sentence; while this report does not include misdemeanor charges, a case may receive supervision if it was initially charged as a felony then reduced to a misdemeanor through a plea or a finding of guilty on a lesser offense.

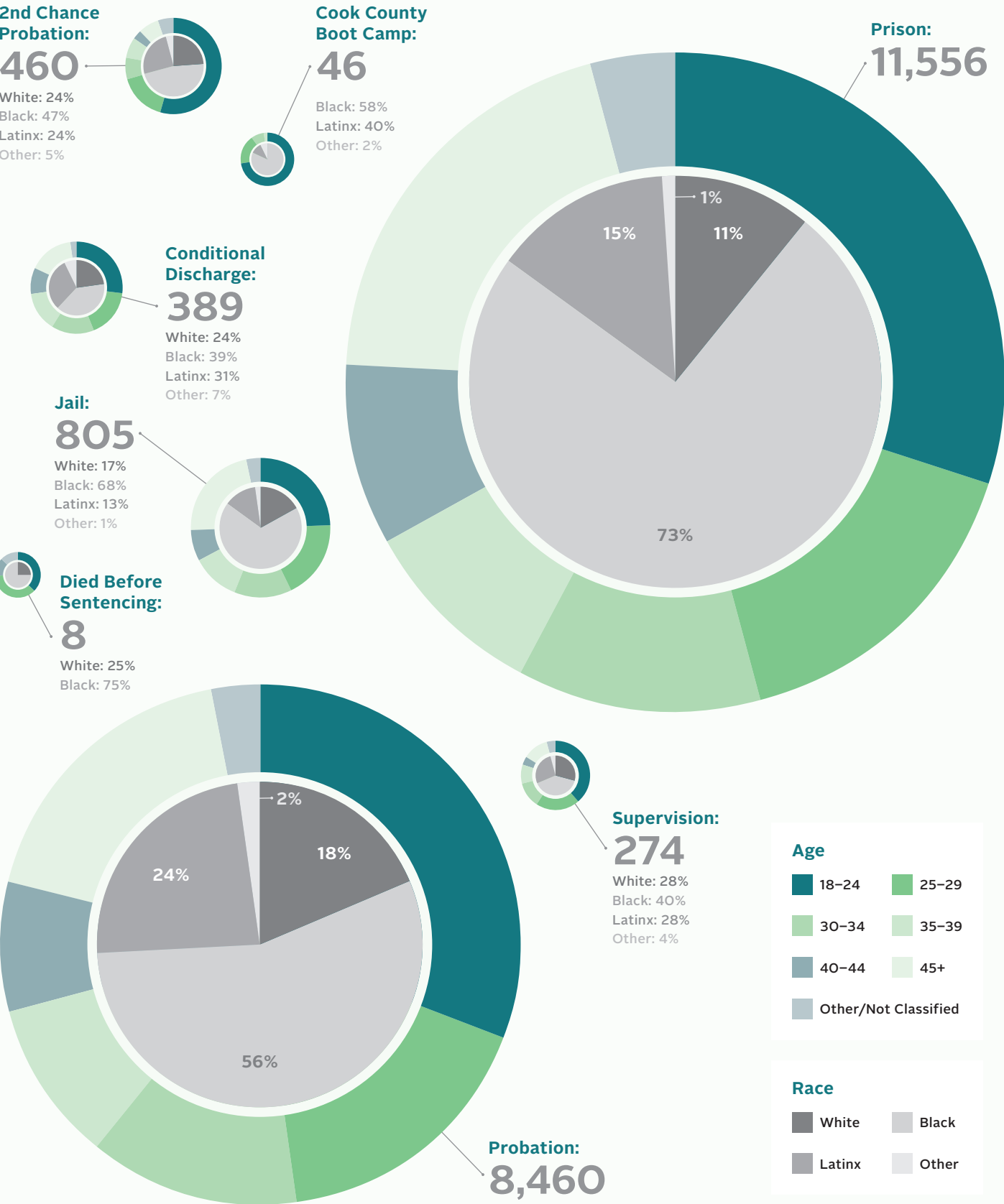
SENTENCES IMPOSED ON DEFENDANTS BY THE COURTS, BY RACE

An individual defendant's sentence is determined in part by the statutory sentencing range for the offense of conviction; however, these data are presented in the aggregate, and do not distinguish by offense.

Note: the online data sets include data on Asian and American Indian defendants but the numbers are too small to be presented visually here.

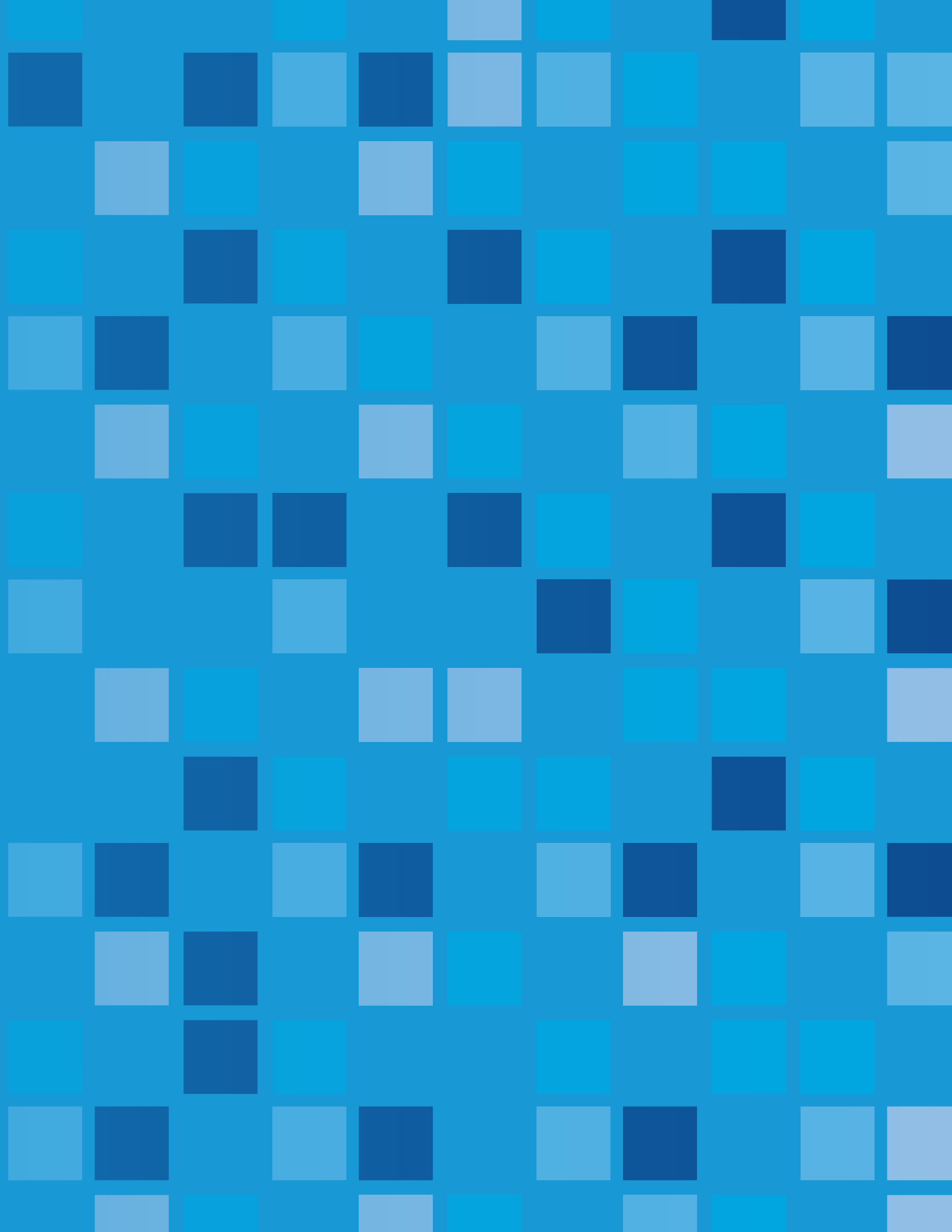


TOTAL DEFENDANTS WHO RECEIVED EACH SENTENCE, BY RACE AND AGE



CONCLUSION

This report represents a first step towards sharing information with the public about the work of the Cook County State's Attorney's Office. With this release, the SAO seeks to increase the transparency of its work, in order to continue important conversations taking place throughout the county about the criminal justice system. Going forward, the SAO is committed to continuing to share data, in service of the larger goal of building a justice system that is more transparent, equitable, and fair.





69 W. WASHINGTON, SUITE 3200
CHICAGO, ILLINOIS 60602
(312) 603-1880