



COOK COUNTY STATE'S ATTORNEY

2017 DATA REPORT

KIMBERLY M. FOXX

FEBRUARY 2018





Dear Friends,

Thank you for your interest in the Cook County State's Attorney's 2017 Annual Data Report. This report is our second such report, and represents an overview of the over 30,000 adult felony cases that are referred for prosecution each year.

As the second-largest prosecutor's office in the country, the Cook County State's Attorney's Office serves as the prosecuting body for over 100 law enforcement jurisdictions in a county of over 5 million people. The scope of the undertaking is enormous – but the public has often had little insight into our work.

I sought the office of State's Attorney committed to changing that dynamic. I am deeply committed to building strong data practices and infusing transparency into the daily operations of this office. In service of that goal, I have hired the SAO's first-ever Chief Data Officer, Matthew Saniie, who is responsible for managing our data program, including these reports.

It is important to note that this data isn't perfect. These are internal data used to do our jobs, and there can be fluidity as data entry can occur after the fact, and cases can change status and classification as they move their way through the office. Looking back at our 2016 data, we have found that we are already seeing improvement in our data entry practices since the issuance of our first report. As we move towards a more robust data program at the SAO, I am also proud to say that we are releasing underlying case-level data in a user-friendly format – going back over five years – on the Cook County Open Data Portal. This will truly be a fundamental shift in the way prosecutor's offices interact with the public, and I am proud to lead the field in transparency.

But transparency is not an exercise that I undertake just for transparency's sake. Our most important conversations around criminal justice – from bond reform to addressing gun violence – require us to make policy choices grounded in data. Public release of that data is critical to our ability to make credible, legitimate, and thoughtful decisions as prosecutors.

I recognize that there will be broad interest in this data, from across the ideological spectrum. For criminal justice reform advocates, this is a rich source of information about the impact of contact with the criminal justice system, and I hope that it will help drive difficult, but critically important, conversations about racial justice and equity. For law enforcement, this release represents an important source of information on case outcomes that can inform conversations about how to build strong cases in priority areas that have a key impact on public safety, such as carjackings and homicides. I welcome this interest. To that end, I am convening a broad range of voices to form a data advisory committee, to help push our thinking as we continue this work.

Finally, I would be remiss if I did not note that while data is a crucial part of our work, the criminal justice system is a fundamentally human exercise. The men and women of the Cook County State's Attorney's Office spend their days making difficult decisions in the service of justice. Our commitment to data and transparency does not replace that work – it is a tool to support it, helping us ask the right questions and identify potential areas of challenge and opportunity. I am grateful to these dedicated public servants for their commitment to serving justice, and with this release I dedicate myself, once more, to providing them the information and support they need to do their critically important work.

Sincerely,

KIMBERLY M. FOXX

Cook County State's Attorney

HOW TO READ THIS REPORT

Cook County State's Attorney Kimberly M. Foxx has made it a priority to build strong data capacity and operate with transparency into the work of the Office. This report is the second year-end data report issued by the State's Attorney's Office ("SAO"), and presents an overview of felony criminal prosecutions in Cook County in 2017. The pages that follow present a high-level overview of the data; full data sets can be accessed through the County's Open Data Portal. Inquiries about this data can be directed to SAOData@cookcountyil.gov.

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 2017**. Data from these bureaus is stored in a single case management system (the "system"). This report summarizes data for the most recent complete calendar year: January 1 – December 31, 2017, based on data extraction performed in January 2018. 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 400,000 misdemeanors in 2017, 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 2017. **It does NOT, however, track individual cases from initiation to disposition and through sentencing.** Cases take time, and a case initiated in 2017 would not necessarily have reached disposition in 2017; similarly, cases that reached disposition in 2017 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.

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

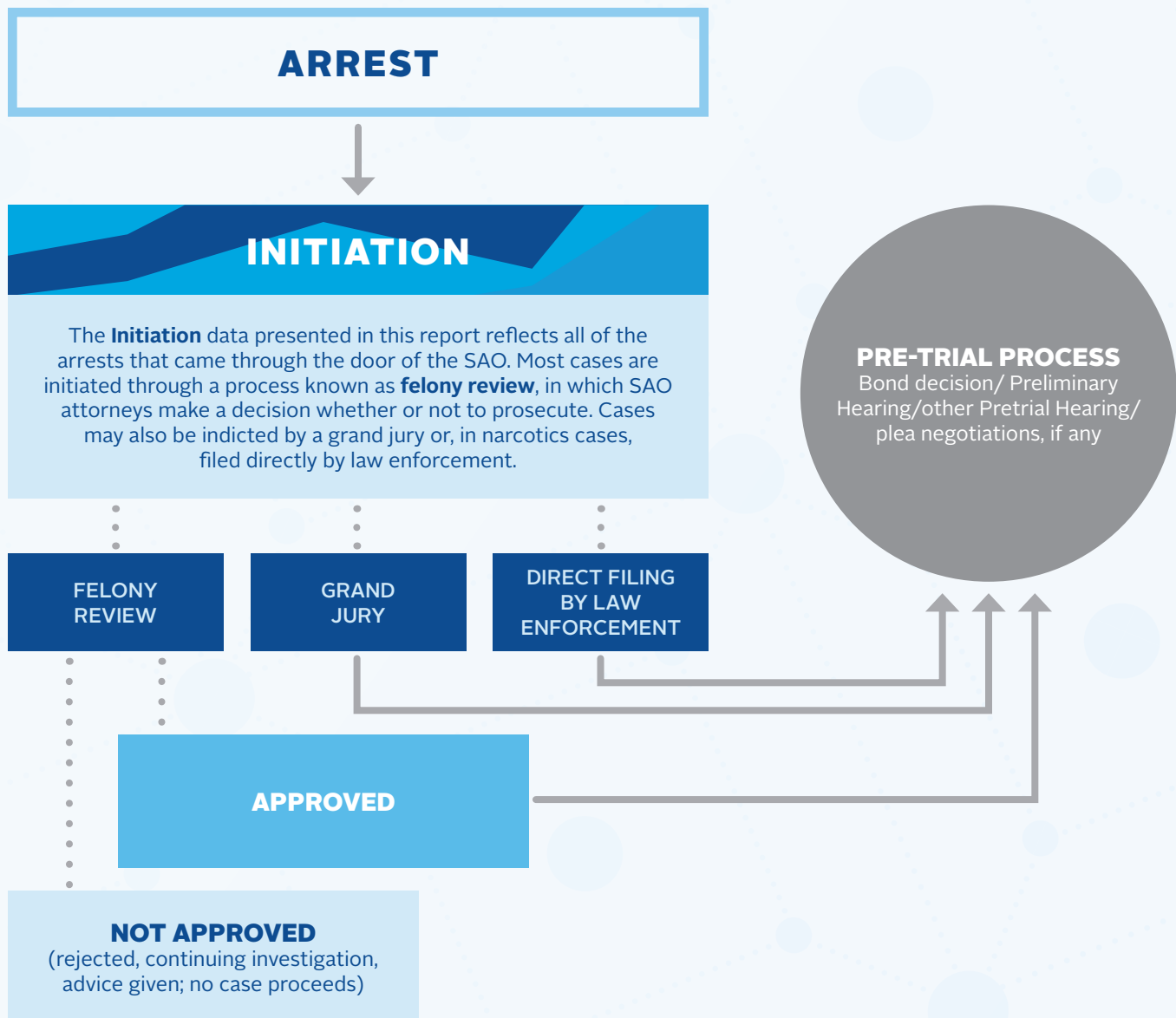


system in 2010. A case is broadly classified by offense category when it is entered into the system. For example, the Illinois Criminal Code contains more than 24 subsections for various unlawful use of a weapon; there are also separate sections for unlawful possession of a firearm, aggravated unlawful 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 released on the Cook County Open Data Portal, 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.

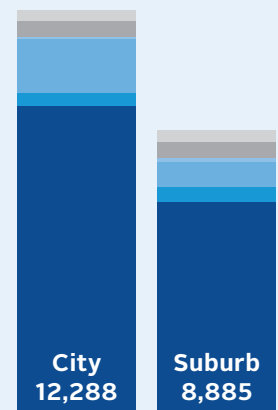
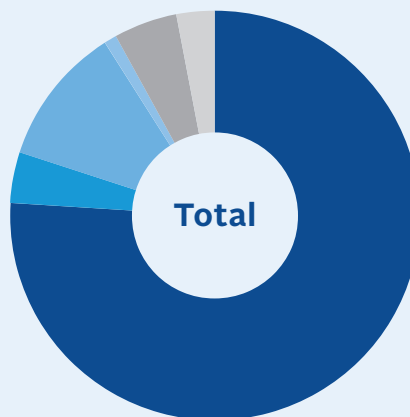
- **Advice:** A law enforcement agency called FRU for advice and did not seek formal charges, or called FRU regarding a juvenile case.

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 narcotics are the largest single category of felony cases initiated in Cook County. This is also an area in which data collection and entry has been imperfect, and where we have seen greatest shifts in data over time.

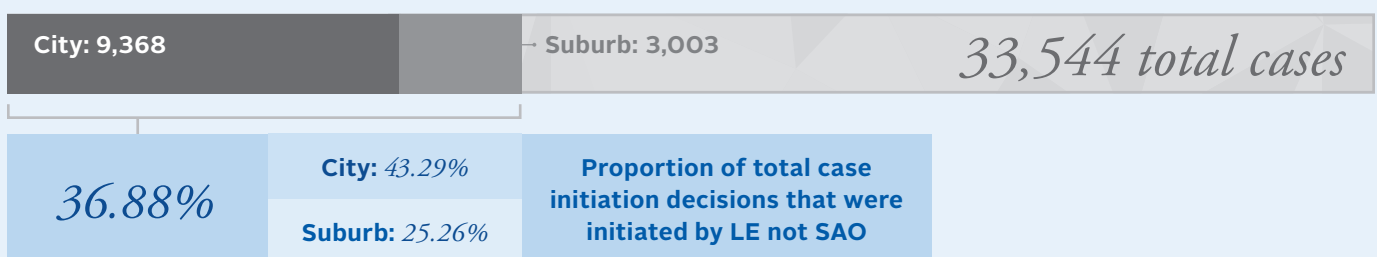
CASES PRESENTED TO SAO FOR INITIATION, CITY AND SUBURB

Approved by felony review	16,089
Indicted by true bill	859
Rejected	2,469
Advice given	24
Continuing investigation	1,081
Other	651
Total cases presented to SAO for initiation	21,173
Total number of cases considered (SAO initiations + LE initiations)	33,544



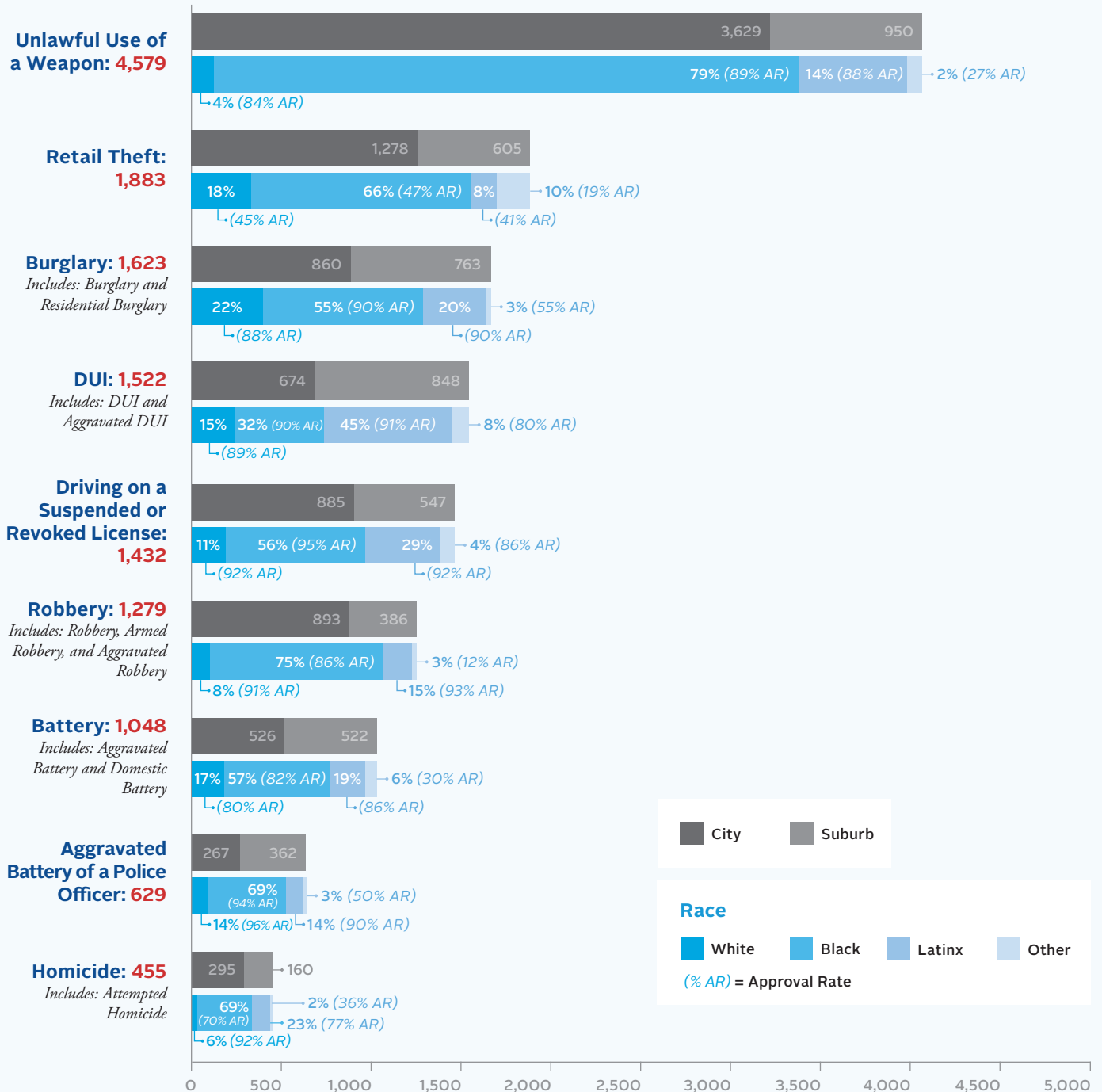
CASES INITIATED DIRECTLY BY LAW ENFORCEMENT (DRUG CASES)

Total cases initiated by LE: **12,371**



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.



DISPOSITION

This section presents data about disposition outcomes of cases concluded in 2017. 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 2017.

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	UUV - Unlawful Use of Weapon: 3,378	DUI: 1,754 <i>Includes: DUI and Aggravated DUI</i>	Burglary: 1,478 <i>Includes: Burglary and Residential Burglary</i>	Retail Theft: 1,388
Plea of Guilty, Amended Charge, Lesser Included, PG but Mentally Ill	2,389	1,469	1,308	907
Verdict Guilty	21	4	5	1
Finding Guilty	165	47	46	41
Verdict Not Guilty	22	3	2	1
Finding Not Guilty	253	61	14	1
FNG Reason Insanity, Finding “Not Not Guilty”	10	0	2	0
Finding of No Probable Cause	19	72	7	57
Nolle Prosequi	482	64	75	311
Case Dismissed	2	2	10	58
Bond Forfeiture Warrant	2	22	3	6
Death Suggested	13	10	6	5



Driving on a Suspended or Revoked License: 1,348	Robbery: 1,141 <i>Includes: Robbery, Armed Robbery, and Aggravated Robbery</i>	Aggravated Battery of a Police Officer: 662	Battery: 788 <i>Includes: Aggravated Battery and Domestic Battery</i>	Homicide: 340 <i>Includes: Attempted Homicide</i>
1,080	956	561	627	183
1	7	4	8	57
17	49	25	38	43
0	1	2	4	11
6	40	10	37	16
0	2	6	6	4
69	8	6	4	0
164	76	45	58	24
4	1	2	3	0
2	0	0	1	0
5	1	1	2	2

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.

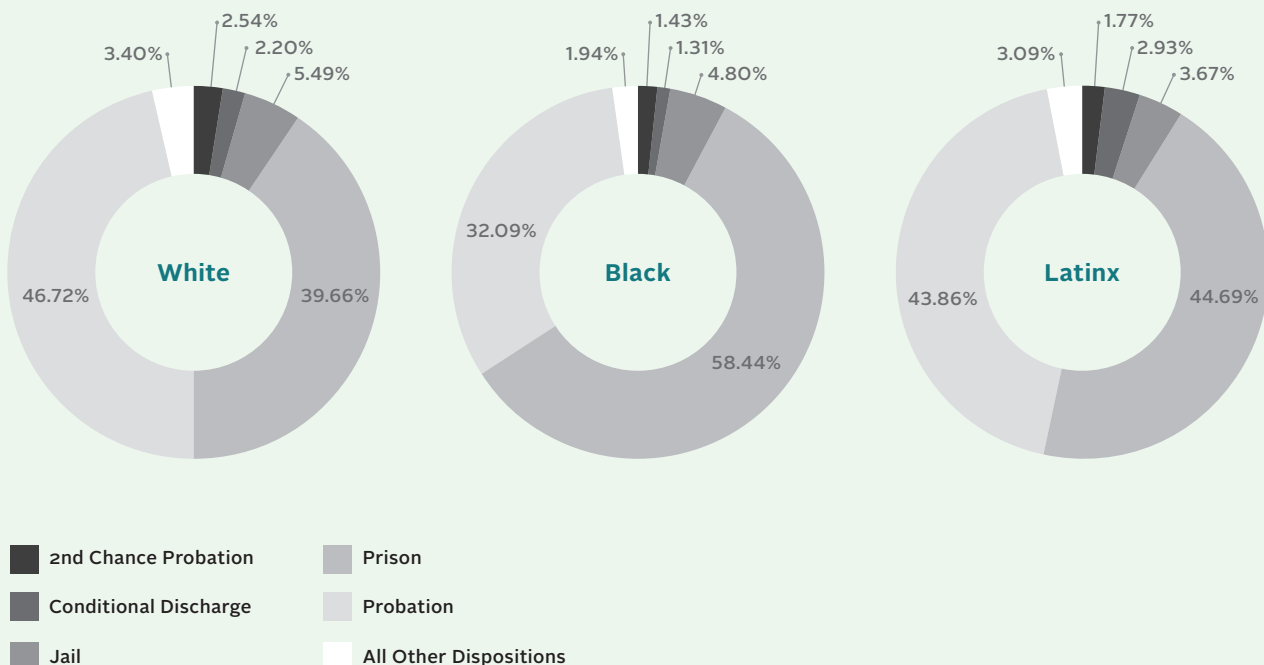
Conditional discharge: mandatory compliance with court-ordered conditions for a specific period of time, usually without the supervision of a probation officer.

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.

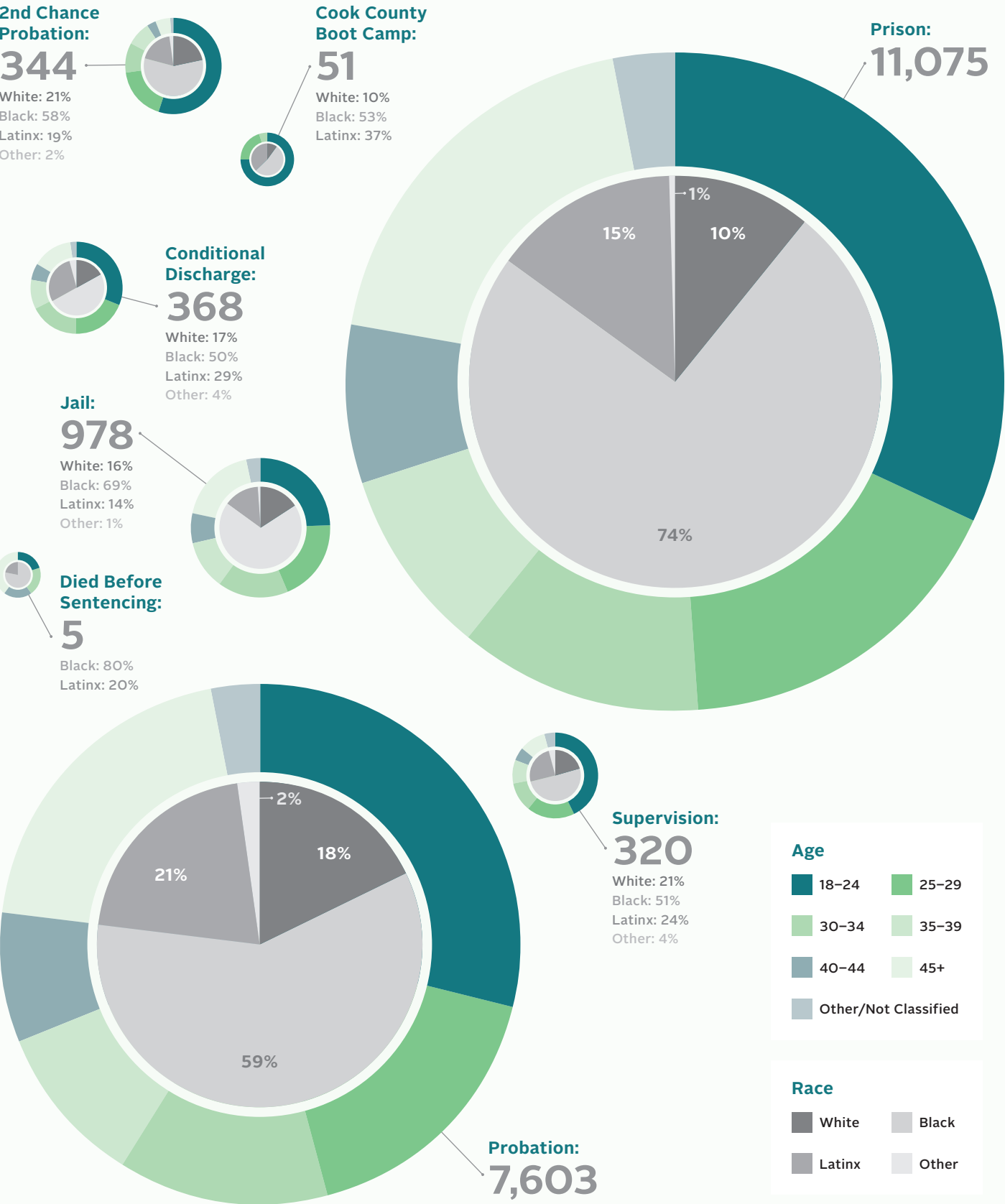
SENTENCES IMPOSED ON DEFENDANTS BY THE COURTS, BY RACE

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 also include data on Asian and American Indian defendants but the numbers are too small to be presented visually here.*

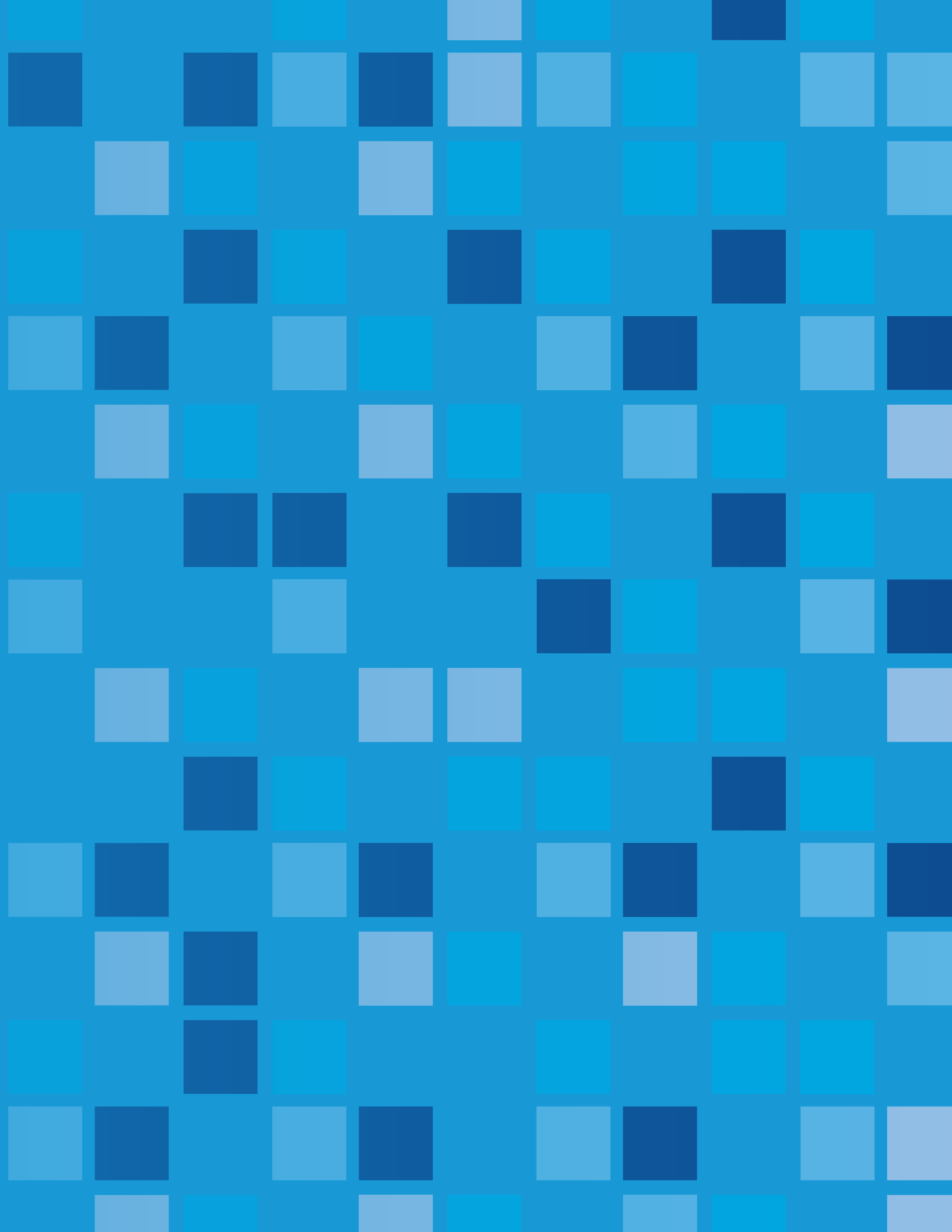


TOTAL DEFENDANTS WHO RECEIVED EACH SENTENCE, BY RACE AND AGE



CONCLUSION

This report of 2017 data presents a snapshot of initiations, disposition, and sentence, as captured by the Cook County State's Attorney's Case management system at the time of this report. It is the hope of the State's Attorney's Office that this continued work of publicly releasing and discussing data will serve the public interest in building a fair, equitable, and just criminal justice system.





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