

PROSECUTION MANAGEMENT IN ILLINOIS

2001

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PROSECUTION MANAGEMENT IN ILLINOIS, 2001

INTRODUCTION

Illinois has 102 counties and a year 2000 population of 12.4 million. The largest county is Cook County with a population of 5.4 million and a prosecution staff of about 870 full and part-time attorneys. The next largest office in the state is DuPage County. Most of the 102 counties in Illinois are rural. The median¹ office has one assistant state's attorney position.

State's attorneys represent the counties and have jurisdiction over felonies, misdemeanors, juvenile and civil cases. Appellate work is handled by the Illinois State's Attorneys Appellate Prosecutor. All state's attorneys are elected to four year terms and all are full-time.

State's attorneys are located in the executive branch of government. The state's attorney position is funded by the state with salaries set by the legislature. The rest of the office, staff, space and equipment, is locally funded by the counties unless the county has a mental or correctional institution that receives state supplements.

The court system is unified as a court of general jurisdiction. The trial level court has circuit judges for felonies and associate judges for misdemeanors. There is no legislation that requires the state's attorney's office to review and authorize cases before they are filed in court.

In 2001 the Jefferson Institute conducted a management survey for the State's Attorneys Appellate Prosecutor. The Appellate Prosecutor receives funding from state and local sources. It is a multi-purpose agency with operational and training responsibilities. It conducts the appellate work for the counties, maintains a special prosecution unit and provides training and technical assistance to individual offices. It coordinates activities with the Illinois State's Attorneys Association which focuses on legislative matters and supervises training conferences.

¹ The median is the point where 50 percent of the offices are below the value and 50 percent are above the value.

It is important to maintain offices at reasonable staffing levels. However, when resources are strained, it is more important to manage them efficiently and effectively. Although good management is a goal for all prosecutors, it raises a set of questions. What is good management and how does one know when it has been achieved? If management needs to be improved, then how is this diagnosed and what are the performance measures that should be used? Finally, is there a need for additional funding and other resources to bring the management of prosecutors' offices up to an acceptable level? Some answers may be obtained by surveying prosecutors to identify the existence of good management practices throughout the state.

The survey was conducted in 2001 by the Jefferson Institute as part of its BJA funded program to Promote Innovation in Prosecution (Grant No. 97-DD-BX-0006). The results of the survey have been compiled in this report to provide information to the Prosecuting Attorneys Council and to serve as a baseline for determining the status ^{of} prosecution management statewide in ~~Illinois~~ ^{Missouri}. It also will be used as part of a larger effort to develop tools that can evaluate the management needs of prosecution statewide.

The results of the survey demonstrate that the nature of prosecution management varies among the ~~districts~~ ^{Counties} across the state. The results also provide the Prosecuting Attorneys Council with another source of information that can ~~be used~~ ^{they} to determine where additional resources are needed and of what type.

PURPOSE AND OBJECTIVES

The purpose of this report is to describe the state of prosecution management in Missouri and establish a baseline for future studies to monitor the management needs of prosecutors in the state.

METHODOLOGY

The assessment is based on a survey of prosecutors and their descriptions of the organization, management and operations of their offices. It describes their policies and how they are being implemented. Sixty-five of the 102 offices (or 64 percent) responded to the survey. The responses are representative of the distribution of the jurisdictions in the state.

The survey responses were compared to generally accepted management principles and the percent of offices indicating that they incorporate good management practices was calculated. The results produce a picture of the strengths and weaknesses of prosecution management statewide, and note areas that may need attention.

The survey focused on five basic management issues confronting every prosecutor's office regardless of size or type. They are:

1. Police-prosecutor interface
2. Intake and screening
3. Case management
4. Organization and administration
5. Space, equipment and automation

The focus of this report is the status of prosecution management statewide and the identification of areas where improvements are most feasible and may yield the greatest savings in the delivery of prosecution services.

ORGANIZATION OF THE REPORT

The report is divided into three sections.

In Section one, the criteria used to evaluate prosecution management are described. These criteria are stated in the form of generally accepted management principles. They represent goals for the essential functions of prosecution and allow the reader to identify practices that enhance or support these goals.

Section two summarizes the results of the survey statewide and highlights management strengths and weaknesses within each of the five areas.

Section three presents the detailed results of the practices used within each management area.

Appendix A contains a copy of the survey instrument.

I. CRITERIA FOR EVALUATING PROSECUTION MANAGEMENT

Assessing the delivery of services to the public requires standards and performance measures that can serve as a baseline against which actual operations are compared. Assessing the delivery of prosecution services is no different. What is needed are standards or principles against which prosecution practices can be compared.

A set of Generally Accepted Prosecution Management Principles (GAPMAP) has emerged over time from commissions such as the *National Advisory Commission on Criminal Justice Standards and Goals: Courts (1973)*, professional organizations such as the American Bar Association *Standards for Criminal Justice for Prosecution Function and Defense Function*, National District Attorneys Association's *National Prosecution Standards, Second Edition (1991)*.

They also stem from generally accepted management principles as espoused by the American Society of Public Administration, and as observed in practice by criminal justice researchers including the staff of the Jefferson Institute and its teams of experts and practitioners. Many prosecution management principles may also be found in the *Prosecutor's Guides to Intake and Screening (1998)*, *Case Management (1999)*, *Management Information (1999)* and *Police-Prosecutor Relations (1999)* developed by the Jefferson Institute for Justice Studies as part of the Promoting Innovation in Prosecution project. A discussion of performance management issues is also published in *Basic Issues in Prosecution and Public Defender Performance (1982)*.

GAPMAP is merely a compilation of some of the management principles that have been tested over time and found to be reliable.

The value of management principles lies in their ability to:

1. Relate prosecutor goals and objectives to the basic functions of prosecution - intake, adjudication, post-conviction activity and the interface with law enforcement
2. Establish a baseline for assessing the level of prosecution management in an office or statewide
3. Identify functional areas that are in compliance with management principles and note areas that are deficient
4. Assist in the development of prosecution programs and plans that increase compliance with GAPMAP.

GAPMAP sets forth principles for prosecution management and operations in the following areas:

- * The police/prosecutor interface
- * Intake and screening
- * Case management
- * Organization and administration
- * Space, equipment and automation

Management principles are rules or codes of conduct that enable prosecutors to deliver prosecution services efficiently, effectively, and equitably. They are implemented by policies and practices. Compliance with management principles may be measured by the number of policies and practices that are used which support or enhance the principles.

For example, prosecutors' offices that have written guidelines for the types of cases that should be declined or conditions when further investigations should be ordered are more likely to have better control over what is accepted for prosecution than offices with *ad hoc* procedures.²

To test compliance with generally accepted management principles, a set of practices were identified for each of the five areas. These practices serve as indicators of conditions that are consistent with the management principles. If the practices are not in evidence, then the principle being examined is noted

² Some prosecutors may caution that although management principles represent laudable goals, they are not achievable because they lack resources or have little or no control over the inefficient practices of others. Quite the opposite is true. Good management increases the productivity of the office and strong leadership influences the practices of others.

as being deficient. If they are in existence, then we assume that there is compliance.

For example, if the chief prosecutor and the heads of the law enforcement agencies meet regularly, then this practice is consistent with the GAPMAP principle that supports regular open communication between the prosecutor and law enforcement agencies at the policymaking level. As the number of practices that are consistent with a principle increases, so does the strength of the compliance.

In this assessment each GAPMAP area was represented by a number of practices or indicators of good management. They are distributed as follows:

<u>Management area</u>	<u>Number of practices</u>
Police-prosecutor interface	29
Intake and screening	20
Case management	17
Organization & Administration	15
Space, equipment & automation	9
Total	90

The statewide scope of the survey examines the delivery of prosecution services at the state level. For example, one practice that strengthens intake and charging decisions is using experienced trial attorneys for review and charging. The statewide examination looks at the percent of offices that use this practice. A high percent of use reflects the acceptance of a good management practice statewide. On the other hand, if most offices allow any assistant to review cases and make charging decisions, then the Prosecuting Attorney's Council might consider developing workshops or communications to assist prosecutors in reviewing their practices in this area.

The long-range purpose of a statewide assessment is to identify strengths and weaknesses in the delivery of prosecution services. The reader may use this knowledge to make long-term improvements using a variety of techniques such as training, workshops, technical assistance, demonstration projects and developing new materials and statewide management guidelines.

GENERALLY ACCEPTED PROSECUTION MANAGEMENT PRINCIPLES

The following are the management principles that were used for each of the assessment areas and the policies and/or practices that reflect them.

Police-Prosecutor Interface

Prosecutors should use practices that enhance and support communication, coordination and collaboration between law enforcement agencies and the prosecutor's activities. These practices may include:

1. Regularly scheduled communication with law enforcement about policy and priorities
2. Timely, complete and responsive investigative reports
3. Availability of prosecutors to law enforcement
4. Close coordination and joint programs between investigators and prosecutors
5. Law enforcement involvement in case processing and outcomes
6. Efficient use of prosecution and law enforcement time

Intake and Screening

Prosecutors should use practices that enhance and support the ability of the office to make decisions about acceptance and charging that are uniform and consistent with office policy, are based on complete investigative information and are made in a timely manner. These practices may include:

1. Charging and declination policies communicated to all interested parties
2. Charging decisions uniformly made consistent with policy
3. Felony and misdemeanor cases reviewed prior to filing in the court or at the earliest possible time
4. Charging decisions made by experienced trial attorneys - no assistant shopping

5. Procedures that monitor requests for additional information
6. Citizen complaints screened initially by law enforcement, not magistrate or prosecutor

Case Management

Prosecutors should use practices that support the ability of the prosecutor to dispose of cases with acceptable sanctions or outcomes in a timely manner and with the least use of resources. These practices may include:

1. The concept of differentiated case management³
2. The use of alternatives to criminal prosecution
3. Administrative not adversarial prosecution
4. Reductions in case processing time
5. Accountability in the decision making process
6. Uniform and consistent plea negotiation and dismissal policies

Organization and Administration

Prosecutors should use practices that increase productivity, encourage problem-solving, support accountability, and increase innovation and change. Practices may include:

1. Leadership and openness to change
2. Availability and use of management information
3. Management and operations by teams if feasible
4. Accountability
5. Use of alternative funding sources
6. Community involvement

³ For a complete discussion of the DCM concept, see the Special Issue "Swift and Effective Justice: New Approaches to Drug Cases in the States" of *the Justice System Journal*, Vol. 17/1, 1994 National Center for State Courts, Williamsburg VA

Space, Equipment and Automation

Prosecutors should have sufficient space, adequate equipment and up-to-date technology to enable them to work comfortably, safely and productively.

Sufficiency includes:

1. **Space to support all the activities of the office including:**
Reception/waiting, conferences and interviews, legal research, staff amenities, work stations for support staff, investigators and victim-witness services, case preparation and training.
2. **Adequate equipment including:**
Up-to-date copiers, fax machines, telephone answering systems, pagers, cell phones, personal computers for each employee with Internet and e-mail access.
3. **Management information systems**
Integrated with law enforcement and court systems, and other specialized activities, e.g. juveniles, child support enforcement, etc.
Satisfying the management and operational information needs of prosecutors.

II. SUMMARY OF FINDINGS

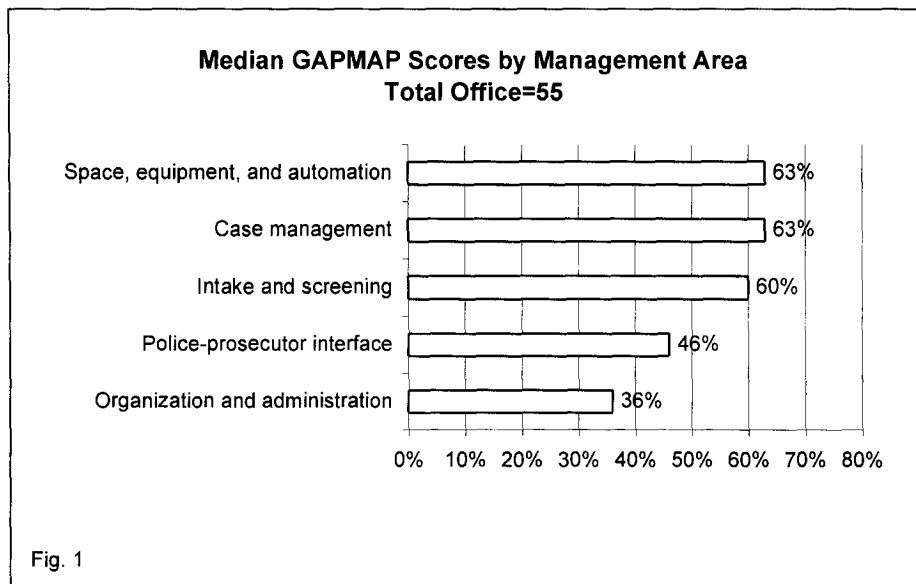
In this section we present a summary of the survey results. The findings are organized into the five management areas: police-prosecutor interface; intake and screening; case management; organization and administration; and, space, equipment and automation.

We assess compliance with GAPMAP by recording the percent of offices that have practices conforming to generally accepted management principles within each of the five areas and then weight the practices by their relative importance to the establishment of good management in each area.

For example, if 23 percent of the offices state that they have regularly scheduled meetings with the chiefs of law enforcement agencies and 63 percent state they have meetings as needed, the 23 percent is the score that is recorded for the assessment because it conforms to the principle.

Summary of levels of compliance

Statewide the median level of compliance is 55. The highest levels of management are recorded for space, equipment, and automation and case management (63 percent), Intake and screening has the third highest compliance level (58 percent). The lowest scores are recorded for the police/prosecutor interface (46 percent and organization and administration (36 percent). (Figure 1).



Of great interest is the uniformly high levels of compliance in all areas. Four of the five management areas have compliance rates in the 60 percent range; the exception being organization and administration which has a 56 percent compliance rate.

The questions that the reader should ask are: are these results adequate; how high can compliance levels be raised; and, how can it be accomplished. Answers may be found by looking at each of the management areas and identifying where strengths and weaknesses appear to exist.

In the following sections, we describe the results of the prosecutors' survey completed by 55 offices for each of the five GAPMAP areas. Generally, the findings are stated either as the percent of offices responding to each question, or as the median of a distribution.

The findings follow a standard format. First there is a statement about the importance of each practice to GAPMAP principles. The statement describes the value of the practice and why it is an indicator of the management principle being discussed. Then the results of the Michigan survey are presented either as the percent of offices responding to each question or as the median of the distribution of responses.

The responses are generally presented as graphs. The bottom left hand corner identifies the question in the survey. The bottom right hand corner identifies the number (n) of responses.

III. COMPLIANCE LEVELS IN EACH MANAGEMENT AREA

POLICE-PROSECUTOR INTERFACE

Prosecutor offices were examined for their use of practices that enhance and support the interface between law enforcement agencies and the prosecutor's activities. These practices include:

1. Regularly scheduled communication with law enforcement about policy and priorities
2. Timely, complete and responsive investigative reports
3. Availability of prosecutors to law enforcement
4. Close coordination and joint programs between investigators and prosecutors
5. Law enforcement involvement in case processing and outcomes
6. Efficient utilization of prosecution and law enforcement time

Summary of Statewide Compliance Levels

The median state level of compliance for the police-prosecutor interface is 46 percent. The range of scores among individual offices is between 100 percent and 15 percent. The wide variation in responses suggests that there is a real opportunity to improve parts of the police-prosecutor interface and thereby improve communication, coordination, and collaboration. It appears that there are many positive working relations among the departments and the prosecutor but the interface suggests some weaknesses in the areas of coordinating at the policy making levels and the availability of prosecutor to help or train law enforcement.

Strengths

In Illinois law enforcement agencies can file cases in the court without prosecutor review. As a result, the prosecutor is affected by the quality of the cases built by the police. The quality of the reports and evidence collected by the largest law enforcement agencies in a jurisdiction are rated good to

excellent by two thirds of the prosecutors. Smaller agencies do not fare as well. Because law enforcement agencies are the initiators of court cases, it is not surprising that about 70 percent of the prosecutors report that they Police are responsive to requests for additional information and present few problems as witnesses in court.

Weaknesses

The major weaknesses in this interface appear to focus on the operational interaction between the police and prosecutors and the limited coordination at the policy making level. With the exception of helping law enforcement with search warrants, there is relatively little interaction in investigations, presence at the crime scene and little notification or training in new legislation, report writing, and evidence protection. It appears that greater communication and interaction in these areas should improve the evidentiary strength of cases especially since the prosecutor does not have the statutory authority to review and authorize charges. Only 22 percent of the prosecutors reported having regularly scheduled meetings with police chiefs and only 44 percent regularly notify the chief of case dispositions. This limited communication places both agencies at a disadvantage in coordinating priorities and developing consistent policies that can be implemented with limited conflict.

In the next sections, we examine each of the practices and report the survey results.

1. Regularly scheduled communication with law enforcement policymakers



Prosecutors typically deal with multiple law enforcement agencies, a condition that increases the need for good communication and coordination at the highest policy levels as well as operationally.

Multiple law enforcement agencies require extra emphasis on communication and coordination. The median number of agencies referring cases is 6.

In Illinois,



The median number of law enforcement agencies referring cases to a prosecutor's office is 6.



The fewest number of agencies is 2, the largest is 150.

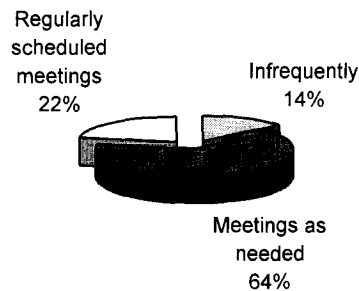
QB1



Communication and coordination are key factors in improving the interface between police and prosecutors. Regularly scheduled meetings with the chief policy makers in law enforcement and the prosecutor allow the two parts of the criminal justice system to exchange ideas, discuss issues and establish policies that are more likely to succeed when implemented.

Only 22 % of prosecutors hold regularly scheduled meetings with the chiefs of local law enforcement agencies to discuss mutual problems and priorities.

Percent of Offices by Frequency of Meetings with Law Enforcement



QB11

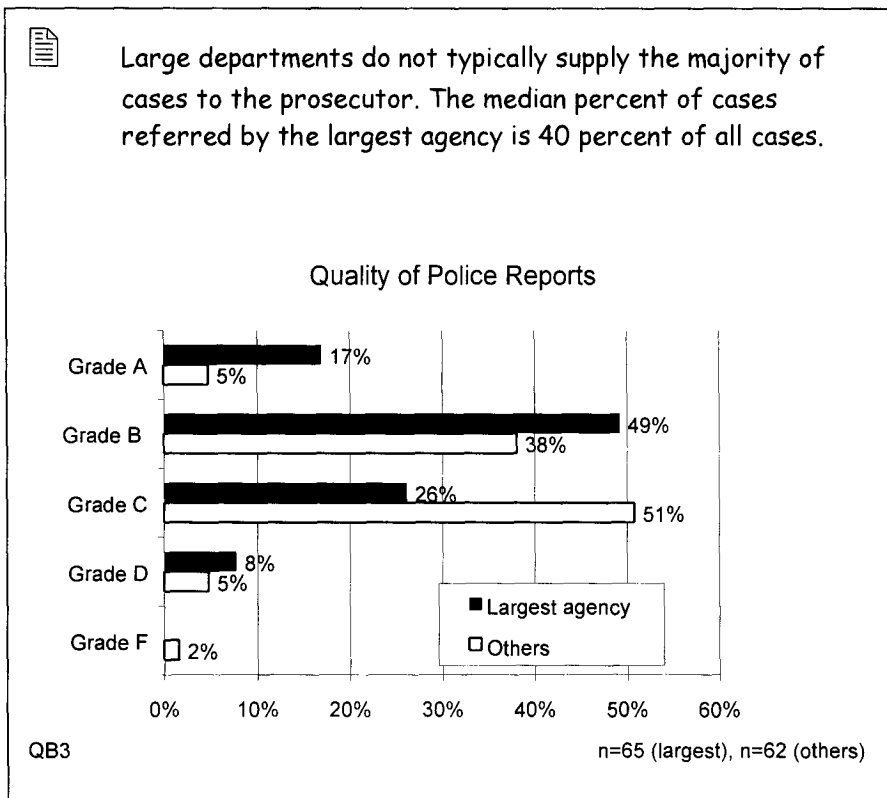
n=63

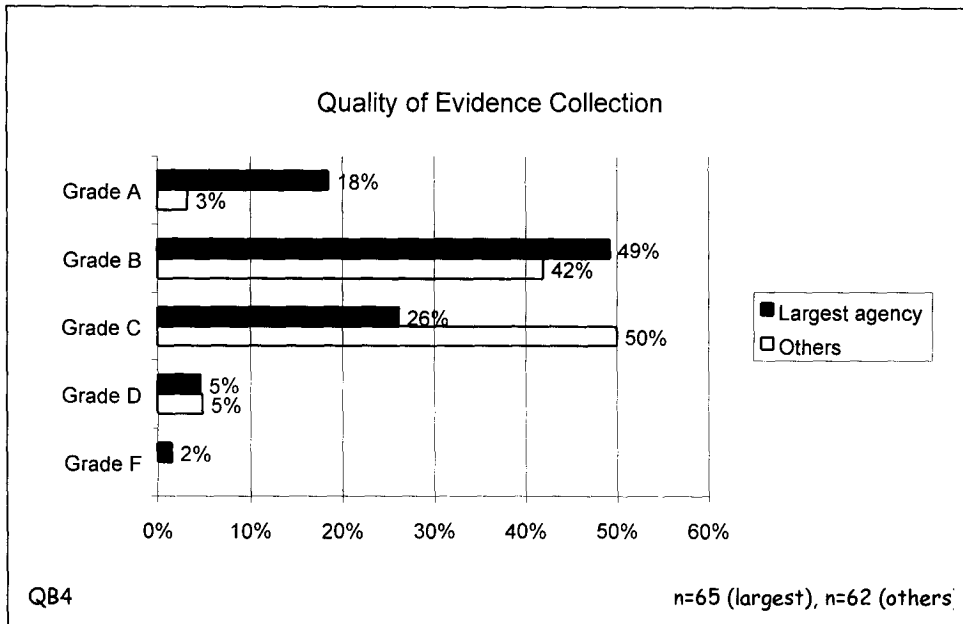
2. Timely, complete and responsive investigative reports



When prosecutors have multiple law enforcement agencies in their jurisdictions, they encounter wide variations in the quality of reports, evidence collection and handling because of differences in employment criteria, training, and pay. Many of the problems associated with multiple agencies are reduced if one agency supplies most of the caseload to the office. Generally prosecutors receive higher quality reports from large departments than from smaller ones.

The median grade for the quality of police reports is B for the largest agency, and C for the others.



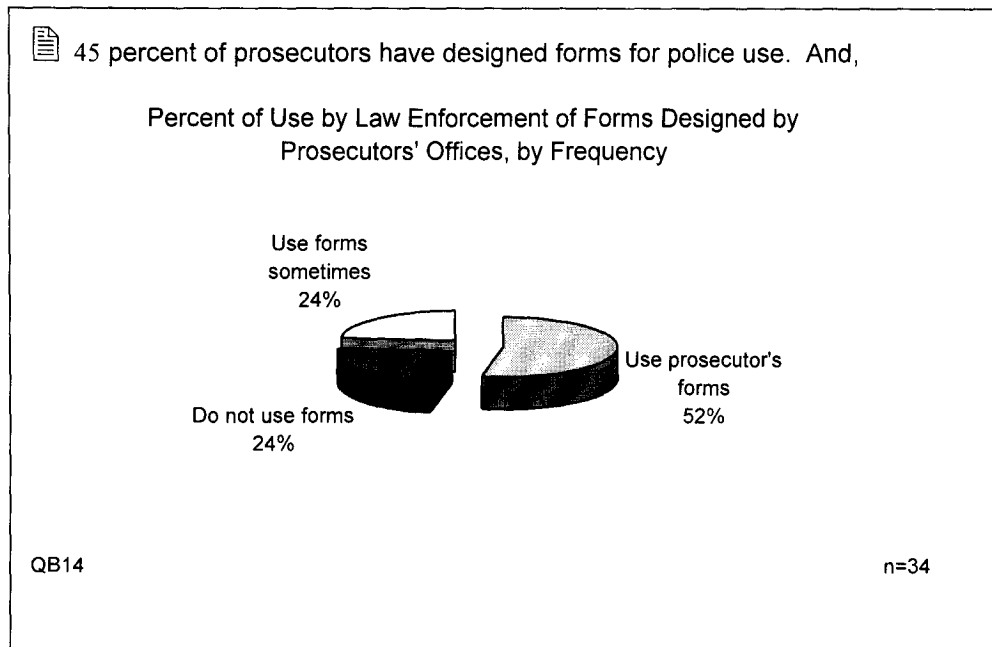


The median grade for the quality of evidence collection is B for the largest agency and C for the others.



Investigative reports are the foundation upon which prosecution builds its cases. They should contain sufficient information for prosecution. If prosecutors develop forms for law enforcement use, they increase their chances of obtaining needed information.

45 percent of prosecutors have designed report forms for law enforcement use. But they are used regularly by law enforcement only about half of the time (52 percent).





Timely reports from law enforcement are important for proper charging decisions. Delays in submitting reports produce delays in charging that may provoke other problems. One may be unnecessary cost to the public if pretrial detention is ordered and the case is ultimately declined or dismissed. Another may be the release of defendants who should be detained. Charging decisions should be made before cases are given formal status in the court system. Prosecutors should control the gate to the court. Their ability to do so is weakened if reports are not submitted in a timely fashion after an arrest.

In Illinois,

Median Number of Days to Receive Felony Reports for:

Violent Crimes	1.5
Property crimes	2
Drug crimes	2

Percent of Offices Receiving Reports in 10 Days or Less for:

Violent Crimes	89%
Property crimes	88%
Drug crimes	83%

QB7

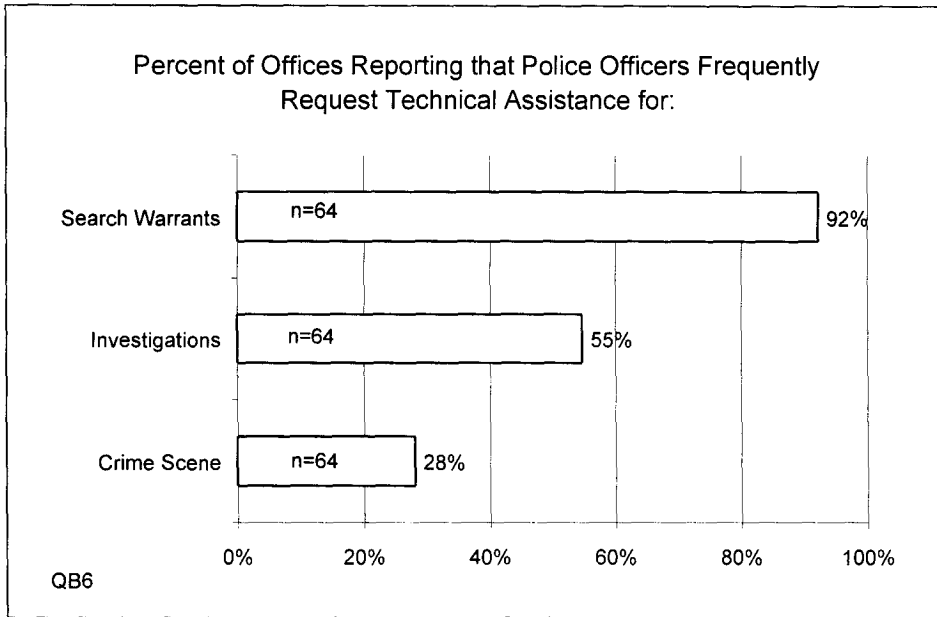
Most of the prosecutors (over 80%) indicate that police reports are being forwarded to them in a timely fashion.

3. Availability of prosecutors to law enforcement



The police-prosecutor interface is strengthened by teamwork.

A team approach improves working relationships and helps prosecutors obtain appropriate dispositions. When team concepts are operational, there are high levels of communication and interaction. One indicator of teamwork is the frequency with which investigators seek advice and assistance from prosecutors about investigations, activity at the crime scene or search warrants.



Prosecutors are more likely to interact with law enforcement when preparing search warrants (92 percent) than during investigations (55 percent) or at crime scenes (28 percent).

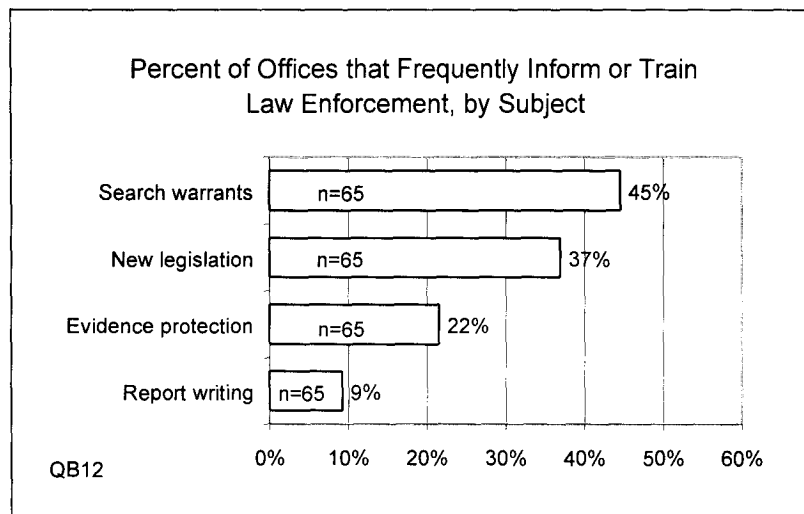


Police-prosecutor relationships are a two way street.

Prosecutors should keep police informed about new legislation and assist departments that need additional training or help in the basic areas of report writing, evidence protection or search warrants. Even small prosecutor offices can provide information or on-the-job training to law enforcement. If agencies work as a team, sharing common goals, we would expect to find high levels of communication and training. The frequency with which information and training are provided to law enforcement indicates the level of interaction between the two agencies.

Statewide, nearly five out of ten prosecutors frequently assist law enforcement with search warrants.

Almost four in ten inform them about new legislation. Much less assistance is provided for evidence protection and report writing.



4. Close coordination and joint programs between investigators and prosecutors

The advantages of close working relations between law enforcement agencies and prosecutors are many, including:

- Prosecutors can provide informal on-the-job training to police
- Both agencies, law enforcement and prosecutors, gain an understanding of the needs and demands faced by each other
- Police are more responsive to prosecutors' requests and accountability is increased in both agencies
- Coordinating with law enforcement on mutually agreed upon priorities can expand the relatively limited resources of prosecutors






The prosecutor's participation in joint programs is one

indicator of the level of police-prosecutor coordination. Joint programs with law enforcement may include career criminal programs, violent offender prosecution programs, domestic violence, child sexual abuse and drug programs. Grant funding agencies have played a major role in fostering coordination with increases in funding opportunities and emphasis on joint police-prosecutor programs.

Three out of five prosecutors (60 percent) participate in at least one joint police/prosecutor programs. Most prevalent are domestic violence, child sex abuse and drugs.

In Illinois,

-  60 percent of prosecuting attorneys' offices have joint programs with law enforcement.
-  The median number of programs in these offices is one.
-  The most prevalent programs focus on domestic violence (41 percent), child sex abuse (41 percent) and drugs (39 percent).

QB5