

The courts

Introduction

Under the Illinois and U.S. constitutions and state and federal statutes, courts resolve disputes, interpret the law, and apply sanctions to lawbreakers. Courts are the final arbiters of the rules by which society is governed.

Criminal courts are based on an adversarial system in which representatives of the state (the state's attorney) and representatives of the accused (the defense attorney) argue the facts of a case before an impartial party, either a judge or jury. A criminal case is brought to trial after a state's attorney has decided that evidence collected by law enforcement officials warrants that charges be brought against a suspect, who from then on is referred to as the defendant.

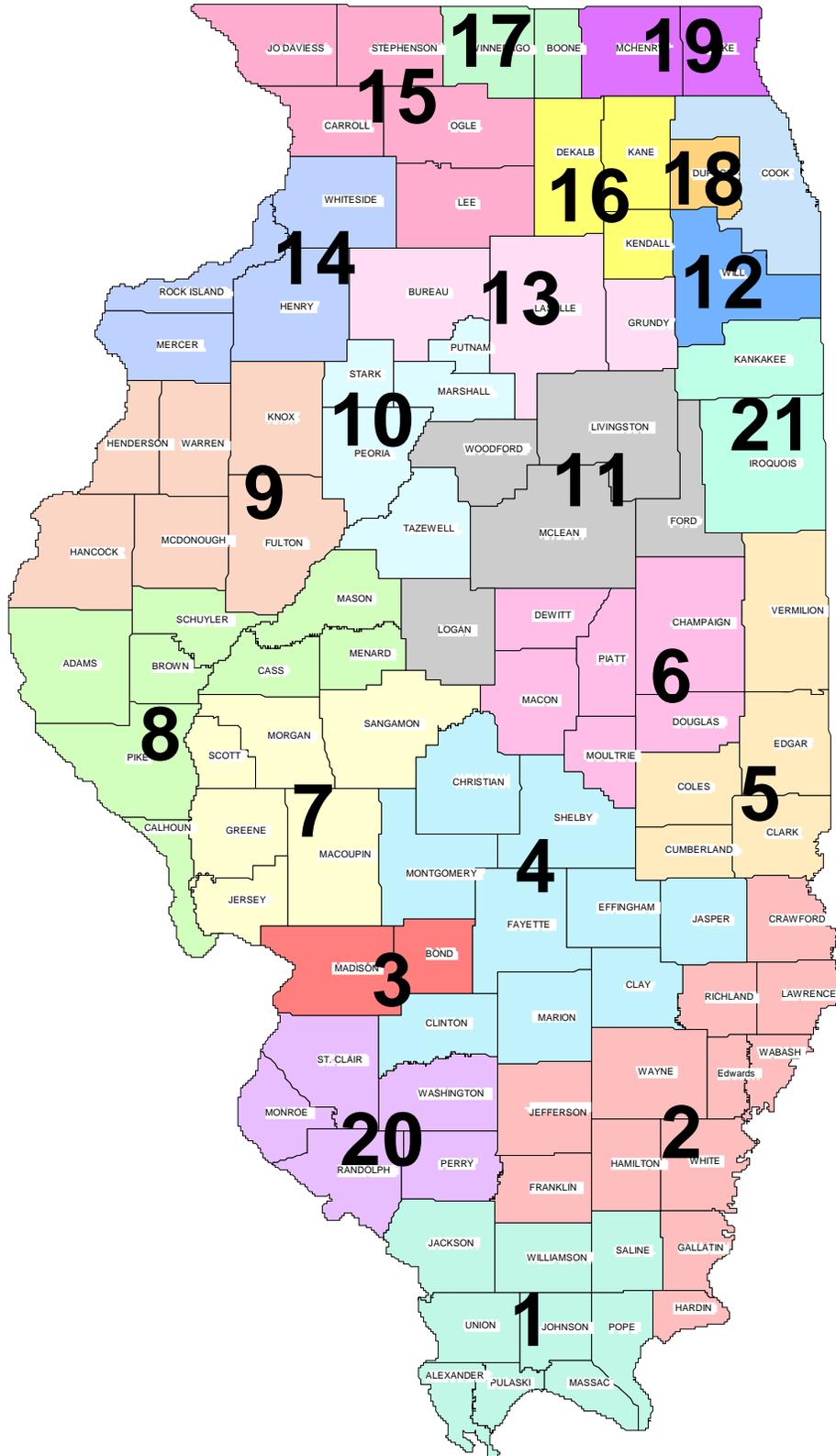
Beyond being a fair and impartial arena for resolving conflict, courts function as a final decision maker and answer the following questions: Should the defendant be granted release on bond? If so, what bond conditions and amount should be set? Does probable cause exist to move further with the criminal matter? Has evidence been presented which shows guilt beyond reasonable doubt? If a court or jury has handed down a conviction of guilt, what sentence should be imposed? Illinois courts also have post-trial duties, including community supervision of offenders on probation.

In 1964, Illinois became the first state in the nation to adopt a unified court system – a uniform statewide structure overseen by a single centralized administrating and rule-making agency. Prior to 1964, Illinois had a variety of courts in place at the local level, including circuit, justice-of-the-peace, and police magistrate courts. With the unification, all but the circuit courts were eliminated.

The Illinois criminal court system has three tiers: trial, or circuit, courts, the Illinois Appellate Court, and the Illinois Supreme Court. The majority of all criminal matters, both misdemeanor and felony, are heard and resolved in circuit courts. The circuit courts review the facts of a case and render a disposition on the defendant. The Illinois Appellate Court is a single intermediate court of appeals. The Illinois Supreme Court has either original or appellate jurisdiction, depending on the case.

Each Illinois county has at least one trial court organized within 22 judicial circuits statewide (*Map 1*).¹ These circuits can contain as many as 12 counties. Cook, DuPage, and Will each make up a single judicial circuit (Cook County does not have a circuit number).

Map 1
Map of judicial circuits in Illinois



State's attorneys

State's attorneys are the most visible criminal prosecutors in Illinois. Each county is served by a state's attorney, who is elected by the people of that county to a four-year term. They are empowered to commence and carry out all civil and criminal prosecutions in their counties. They also defend all actions and proceedings brought against their county or against county or state officers employed within the county. In addition, they are required to assist the attorney general when needed and to assist in appeals cases originating from their county.

The size and complexity of state's attorneys' offices vary considerably, and reflect the needs and available resources of each county. In large or densely populated counties, the state's attorney's office usually includes both the elected state's attorney and a staff of assistant prosecutors, investigators, and support personnel. In small, rural counties, the state's attorney often performs all prosecutorial functions with little or no assistance.

All state's attorneys perform the same basic functions in criminal cases: initial screening of charges, investigating and preparing cases, filing formal charges in court, coordinating the participation of witnesses and victims, negotiating pleas, participating in jury selection, administering pretrial and trial procedures, and making sentencing recommendations. State's attorneys, at their discretion, also handle criminal appeals. State's attorneys have wide discretion in deciding whether to seek indictments, file charges, or reduce charges in cases presented to them. Additionally, state's attorneys establish administrative policies and procedures that best serve, using available resources, the needs of their counties.

Public defenders

In Illinois, public defenders are appointed by the chief judge of the circuit court of the county in which they work. One exception to this is the appointment of the Cook County public defender, which is selected by the county board. In large counties, the public defender may be a full-time appointee with a large staff of attorneys. In smaller counties, the public defender may be the only public defense attorney in the county, and may work only part-time. In some counties, the circuit court contracts with private attorneys to provide public defense, either through long-term counteracts or on a case-by-case basis.

Illinois counties with 35,000 or more inhabitants are required to have a public defender's office. Counties with fewer than 35,000 people are not required to create this office but may do so if approved by the county board. Any two or more adjoining counties within the same judicial circuit may, by joint resolution of their county boards, create a common public defender's office.

Public defense attorneys provide representation to indigent clients at juvenile and adult circuit court hearings, while the clients are in police custody, and at post-conviction hearings, including appeals. Although these responsibilities generally apply to public

defenders throughout the state, the point at which public defenders enter criminal proceedings differs depending on county and available resources.

Sentencing

With every guilty verdict, a sentence is imposed. In most cases, a judge imposes the sentence at a subsequent sentencing hearing. While many factors may influence the sentence imposed by the court, including public sentiment regarding the role of punishment and availability of alternative sentencing options, the most influential are severity of the crime and defendant's criminal history.

In Illinois, felony and misdemeanor offenses are classified by degree of severity. In order of decreasing severity, these classifications are first degree murder; Class X felonies; Class 1, 2, 3, and 4 felonies; and Class A, B and C misdemeanors. State legislation mandates imprisonment for certain offenses, including all first degree murder cases where the death penalty is not imposed, almost all Class X offenses, and certain Class 1 and 2 felonies.² Probation or conditional discharge may be imposed for other offenses unless imprisonment is necessary to preserve public safety (730 ILCS 5/5-5-3). Misdemeanor incarceration sentences may not exceed one year.

Sentencing options

Under Illinois law, courts have several sentencing options. Depending on the offense, these options may be used singularly or in combination (730 ILCS 5/5-5-3) (*Table 3*).

Table 3	
Illinois sentencing options	
<i>Community-based sanctions</i>	
<ul style="list-style-type: none">• Intensive probation supervision• Home confinement/electronic monitoring• Conditional discharge• Probation (maximum, medium, or minimum supervision)<ul style="list-style-type: none">• Restitution to victims• Public/community service• Random drug testing• Mandatory treatment• Orders of protection• Specialized caseloads (DUI program, sex offender, other)• Supervision fees (conditional discharge, court supervision)• Fine/costs	
<i>Incarceration</i>	
<ul style="list-style-type: none">• Prison/jail• Impact incarceration (boot camps)• Periodic imprisonment/work release	
<i>Death penalty</i>	

Probation

Probation is the most frequently used sentencing option in Illinois, as well as throughout the United States. People sentenced to probation are released into the community under prescribed court-ordered conditions, always including supervision by a probation officer. The Administrative Office of the Illinois Courts Probation Division oversees and develops probation programs operated at the county level. Probation officers are employees of the individual circuit courts.

As with a prison sentence, probation sentence lengths vary but must fall within a statutorily defined range. While on probation, the offender must meet all court-ordered conditions without committing any new criminal offenses. If the court finds that an offender has violated terms of probation, the probation sentence may be revoked and replaced with imprisonment or other sentencing options.

Conditional discharge

Conditional discharge allows an offender to return to the community after sentencing (730 ILCS 5/5-1-4). A conditional discharge sentence is usually imposed when the court believes the offense was not severe enough to warrant probation. Possible conditions and consequences of conditional discharge sentences are the same as those of normal probation. Despite its name, the individual is not discharged at the conclusion of the sentence and the conviction remains in the individual's criminal history.

Periodic imprisonment

Periodic imprisonment is more punitive than probation and may be applied to all offenses except first degree murder, and Class X and Class 1 felonies. Periodic imprisonment often is used in combination with probation. It requires the offender to report to a correctional facility, usually a county jail, for a portion of every day or for a designated number of days during the week. Periodic imprisonment enables offenders to remain employed or in school while serving their sentences.

Incarceration

Incarceration is confinement in a county jail or a state correctional facility. Illinois' determinate sentencing structure and truth-in-sentencing laws define the sentence range that convicted offenders must serve in jail or prison, based on the type of offense. The maximum penalty for a misdemeanor conviction is a sentence of incarceration in a county jail for no more than 364 days.

Repair of criminal damage to property

As a part of their sentence, offenders may be sentenced to clean up or make repairs to any properties that were damaged or destroyed during the commission of a crime (730 ILCS 5/5-5-3 (b) (5)).

Fines

Fines are often used in combination with other sentences. State law establishes the maximum amount the court can order an offender to pay, and the fine must be used in combination with another sentence when the offense is a felony (730 ILCS 5/5-9-1). Fines are often used to recoup some of the costs of processing a defendant through the court system.

Restitution

When restitution is ordered by the court, the offender is usually required to pay the victim for physical or monetary loss incurred as the result of the offender's criminal act, or to provide services in lieu of money. State law mandates that the courts must order restitution in all cases where there is a bodily injury or damage to property (730 ILCS 5/5-5-6). Like fines, restitution is often used in combination with another type of sentence, such as probation. However, neither restitution nor a fine can be the sole disposition for a felony conviction (730 ILCS 5/5-5/3 (b)).

Other conditions and options

Beyond these sentencing options, statutes also permit judges to place additional conditions on offenders as a part of their sentences. In most cases these conditions include mandatory drug testing, completion of a drug treatment program, or completion of a set number of community service hours. Another option is house arrest, wherein an offender is released into the community with severe restrictions on his or her mobility. In most cases house arrest subjects must remain within their residence at all times. Courts will allow offenders time outside their residences under specific circumstances, such as for employment, education, medical services, or substance abuse treatment. House arrest predominately employs electronic monitoring devices, usually a band worn around an offender's ankle. The anklet signals a law enforcement officer when an offender has violated their allowed radius of movement. House arrest and electronic monitoring are often used in combination as a condition of probation or conditional discharge.

Organization of probation departments

Probation systems in the United States differ according to the branch of government under which they operate (executive or judicial) and the level of government under which they operate (state or local). The Illinois probation system is operated by the courts—the judicial branch—rather than by an intergovernmental commission, which is part of the executive branch. Probation supervision is administered locally by individual

departments. The Administrative Office of the Illinois Courts Probation Division oversees provision of statewide probation services.

The administration of each probation department in Illinois varies according to the needs and resources of each county or circuit. Most Illinois counties have a single probation department that oversees all criminal supervision caseloads, including probation, conditional discharge, and court supervision.³ The Circuit Court of Cook County, however, has separate departments for supervising individuals sentenced to probation and those sentenced to conditional discharge or court supervision. Offenders sentenced to probation are overseen by the Cook County Adult Probation Department, while those sentenced to conditional discharge or court supervision are supervised by the Cook County Social Service Department.

Several Illinois counties operate various specialized probation programs to meet caseload and programming needs, including intensive probation supervision (IPS) and specialized DUI caseload probation programs. IPS provides a dispositional alternative to incarceration, allowing the court to place certain types of felony offenders into a highly structured community supervision program. Conditions of IPS may include increased probation office appointments, electronic home monitoring, remote breath analysis, and unannounced home visits, all in order to ensure that the offender is maintaining a crime-free lifestyle. The specialized DUI supervision program targets DUI offenders who have been identified by probation officers as high risk for repeating the offense.

Court trends

The Administrative Office of the Illinois Courts (AOIC) provided most of the data presented in this chapter in annual reports, and statistical reports and summaries.

Probation caseload data are supplemented with more detailed information on the characteristics of adult and juvenile probationers that was compiled in the 2000 Illinois Probation Outcome Study. Conducted by AOIC, the Authority, and local probation departments, the study collected detailed data for 3,364 adult and 821 juvenile probationers discharged November 2000.

Adult court activity in Illinois

Although Illinois has one of the better court reporting systems in the country, AOIC only collects aggregate data on court filings, dispositions, and probation caseloads. Statewide data on court filings, dispositions, and convictions by offense type are not available.

Misdemeanor and felony filings

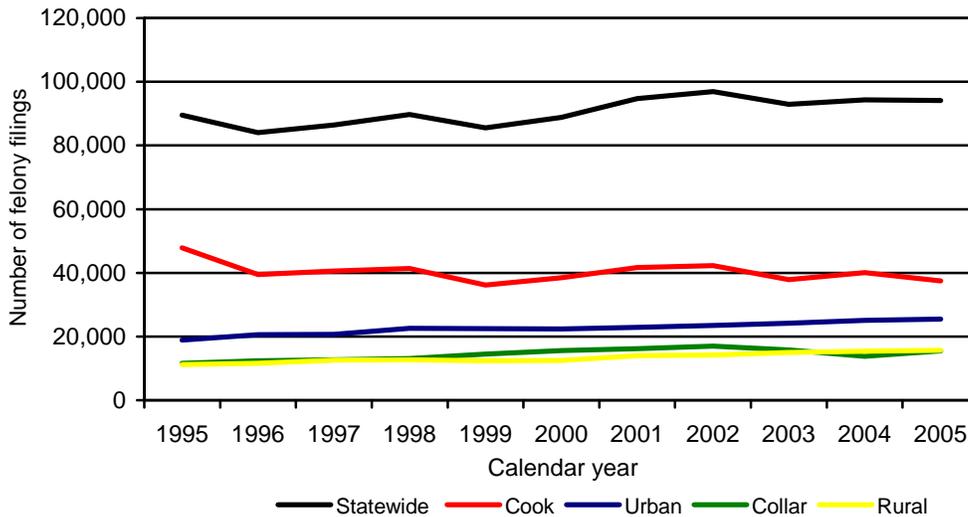
The Administrative Office of the Illinois Courts reports data on criminal court cases in two categories: misdemeanors and felonies. After screening a case and determining that it warrants further action, the state's attorney must file formal charges in court. Misdemeanor cases are less serious than felonies and are punishable by probation

sentence of two years or less and less than one year of incarceration. Felony cases, on the other hand, are more serious. Sentences may include a probation term of up to four years and incarceration for more than one year. Reporting practices differ across time and across counties by number of filings. For example, when two or more defendants are involved in a single case, some state’s attorneys file a single case charging all suspects, while others file a separate case for each individual.

In 2005, felony and misdemeanor filings accounted for 11 percent of all cases filed in Illinois courts (criminal, civil, traffic, family, and other). In 2005, felony and misdemeanor filings accounted for 16 percent of all cases filed in Cook County, 9 percent of all cases filed in urban and rural counties, and 5 percent of all cases filed in collar counties.

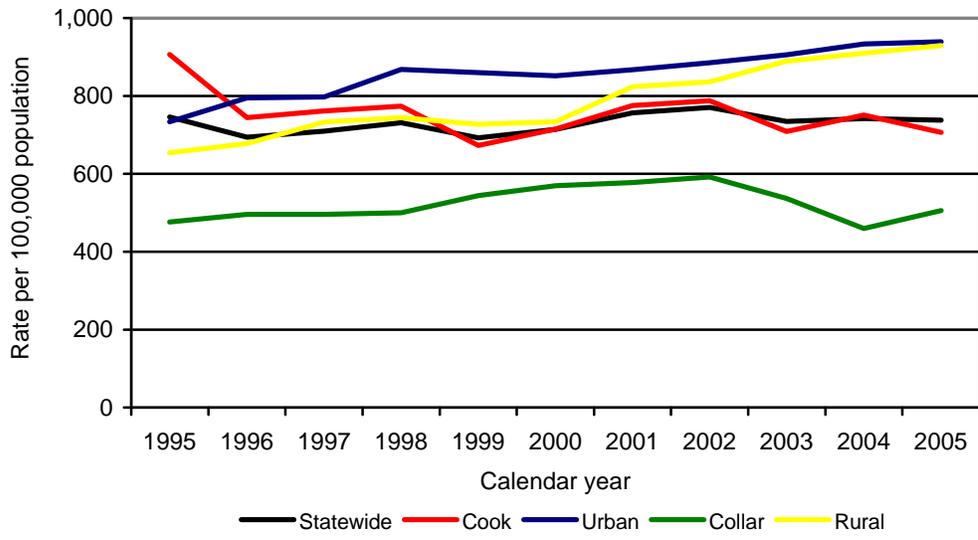
Between 1995 and 2005, the number of felony filings in Illinois increased 5 percent, from 89,565 to 94,125 (*Figure 42*). In 2005, felony filings increased by about 34 percent in urban and collar counties and by 40 percent in rural counties. In Cook County, felony filings decreased 22 percent, from 47,880 in 1995 to 37,474 in 2005.

Figure 42
Felony court filings in Illinois, 1995-2005



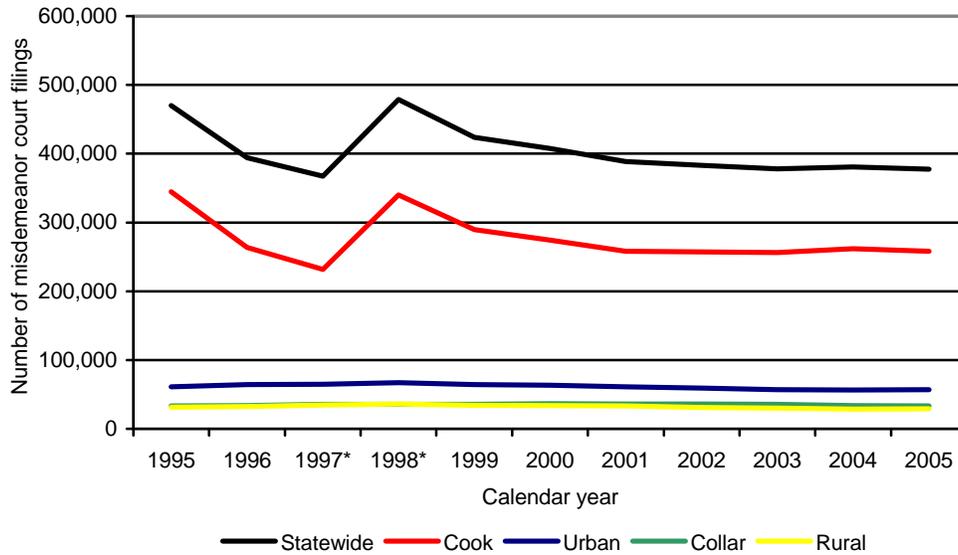
Between 1995 and 2005, the felony filing rate in Illinois decreased slightly from 746 cases to 737 cases per 100,000 persons (*Figure 43*). While the rate increased 6 percent in collar counties, 28 percent in urban counties, and 42 percent in rural counties, Cook County reported a decrease of 22 percent in the felony filing rate. The rural county rate increased from 654 to 930 cases per 100,000 population from 1995 to 2005.

Figure 43
Felony court filing rates in Illinois, 1995-2005



Misdemeanor filings decreased 20 percent statewide, from 469,966 in 1995 to 377,711 in 2005. The number of misdemeanor filings decreased by 7 percent in both urban and rural counties, and by 25 percent in Cook County. Collar counties experienced a 1 percent increase (Figure 44).

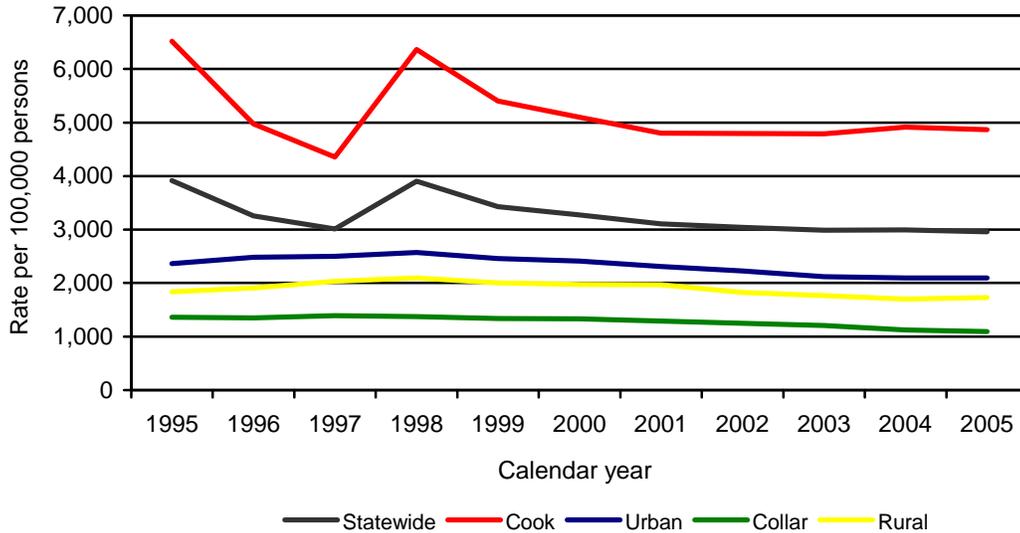
Figure 44
Misdemeanor court filings in Illinois, 1995-2005



*Source: Cook County Court Services

Between 1995 and 2005, the misdemeanor filing rate in Illinois decreased 24 percent, from 3,914 cases to 2,959 cases per 100,000 persons. Cook County reported the largest decrease with 25 percent, followed by decreases of 20 percent in the collar counties, 11 percent in urban counties and 6 percent in the rural counties (*Figure 45*).

Figure 45
Misdemeanor court filing rates in Illinois, 1995-2005

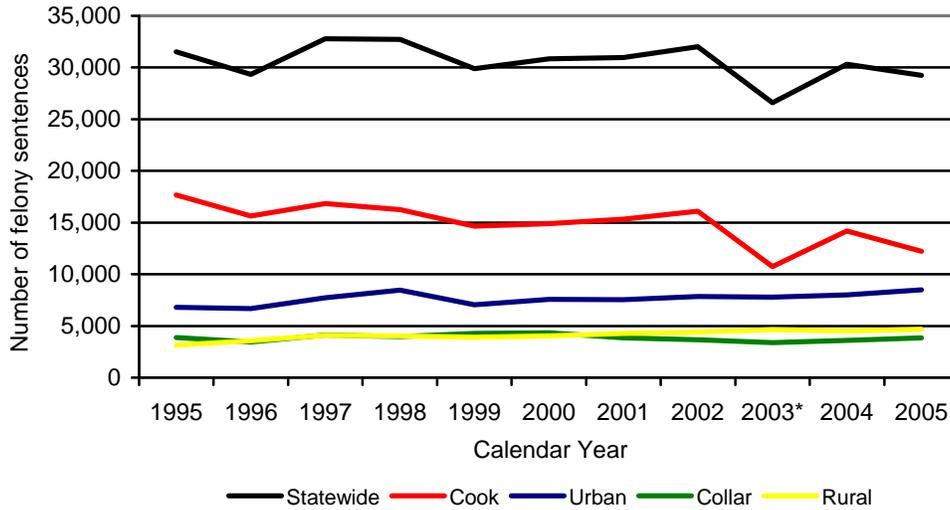


Possible penalties for a felony offense include prison incarceration, probation, and conditional discharge, the latter two of which may include periodic imprisonment or home confinement. A number of factors influence the type and length of sentence imposed on convicted felons, including the severity of the crime, the offender’s criminal and social history, safety of the community, and legislation affecting certain types of offenses. Some types of convictions require a prison sentence by state statute.

Between 1995 and 2005 the number of felony offenders sentenced in Illinois increased 5 percent, from 59,889 to 63,069. The number of felony offenders sentenced increased 47 percent in urban counties and 15 percent in collar counties. In rural counties, the number of felony offenders sentenced increased 59 percent, from 6,043 to 9,597. Cook County showed an 18 percent drop in felony offender sentences, from 35,917 in 1995 to 29,291 in 2005.

The number of convicted felons sentenced to probation during this period decreased 7 percent statewide (*Figure 46*). Cook County experienced the largest decrease at 31 percent, from 17,680 in 1995 to 12,206 in 2005. Collar counties reported a slight decrease from 3,874 to 3,849 during the same time period. The number of felons sentenced to probation increased by 25 percent in urban counties and by 49 percent in rural counties.

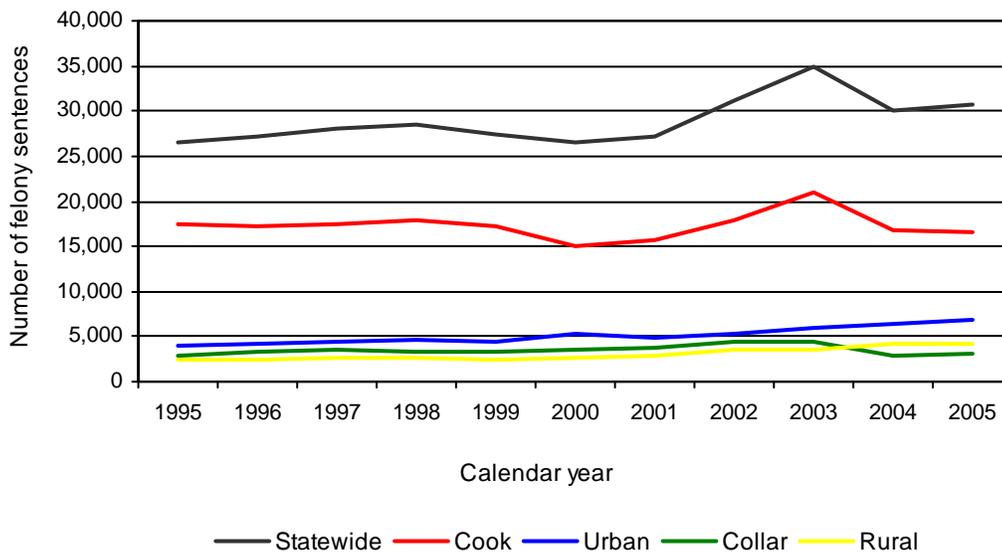
Figure 46
Felony sentences to probation, 1995-2005



*Source: Cook County Court Services

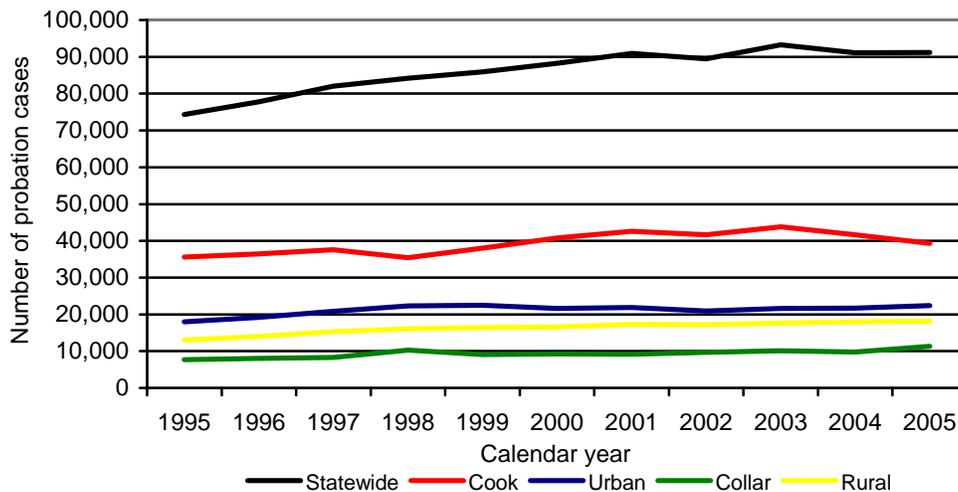
The number of convicted felons sentenced to IDOC increased 15 percent statewide between 1995 and 2005. Urban and rural counties saw the largest increase at about 70 percent each, with urban counties rising from 4,018 to 6,831 and rural counties jumping from 2,427 to 4,103. Collar counties saw a 14 percent increase in felons sentenced, from 2,780 to 3,170. Cook County experienced a 4 percent decrease, from 17,377 in 1995 to 16,617 in 2005 (*Figure 47*).

Figure 47
Felony sentences to IDOC, 1995-2005



Between Dec. 31, 1995, and Dec. 31, 2005, the number of active adult probation cases in Illinois increased by 23 percent, from 74,349 to 91,186 (*Figure 48*). Active adult probation cases in Cook County increased 10 percent, from 35,602 to 39,293, while urban cases increased 25 percent, collar county cases increased 47 percent, and rural county cases increased 39 percent. In 2005, felony offenders accounted for 65 percent of the state’s active adult probation caseload, 92 percent of the Cook County caseload, 57 percent of urban county caseloads, 58 percent of collar county caseloads, and 46 percent of rural county caseloads.

Figure 48
Total active adult probation cases in Illinois, 1995-2005



The active adult probation caseload rate in Illinois increased 14 percent between 1995 and 2005, from 626 to 714 cases per 100,000 persons. Rate increases also were seen in Cook, urban, collar, and rural counties. Rural counties experienced the greatest increase, at 41 percent, from 765 to 1076 cases per 100,000 persons. Cook County’s adult probation caseload rate increased 8 percent, from 686 to 741 cases per 100,000 persons.

Courts and court services needs assessment survey

A 2005 statewide needs assessment was coordinated by the Authority, with a survey of 1,561 criminal and juvenile justice professionals. Court clerks, public defenders, state’s attorneys, judges, and probation officers were among those surveyed. Respondents were asked to identify major workload contributors, worsening problems in their fields, and alternative strategies for reducing drug use and violence.

Twenty-two percent of the court clerks who responded said specialized drug, mental health and domestic violence courts and arbitration services had been established in their counties. Major workload contributors for clerks were traffic, criminal, small claims, and civil cases. Clerks selected illicit drug dealing, drug and alcohol use, and juvenile crime as worsening problems.

In state fiscal year 2004, public defenders handled an average of 374 cases per attorney. Major workload contributors were drug possession, drug sale, domestic violence, and juvenile cases. Many said plea bargaining, the issuance of too many charges by law enforcement, and mandatory sentencing also added to their workloads. Fifty-seven percent called for major improvements in mental health treatment, and 53 percent advocated improvements in each of three areas: community services, drug treatment, and sex offender treatment. Fifty-nine percent of public defenders called for improving the timeliness of DNA processing and 54 percent wanted more timeliness in drug processing. Public defenders also cited increased education and employment opportunities, youth prevention programs, drug treatment, and offender monitoring as strategies for reducing drug use and violence.

State's attorneys handled an average caseload of 1,047 cases in state fiscal year 2004. The bulk of state's attorneys' workloads included cases involving driving while intoxicated, domestic violence, and drug possession. Plea bargains and jury trials also contributed to their workloads.

Both state's attorneys and public defenders reported that heavy workloads caused increases in the use of plea bargaining. Fifty-three percent of state's attorneys said DNA processing needed to improve and 43 percent said drug processing needed improvement. More than half noted that electronic filing also needed enhancement.

Many state's attorney offices operated specialized units, with 27 percent reporting operation of juvenile crimes units and 26 percent reporting operation of domestic violence units. Most state's attorney offices also employed victim/witness assistance staff. Fifty-three percent of state's attorneys called for mental health treatment as a diversionary or sentencing alternative and 48 percent wanted drug treatment as an alternative.

The five judges responding to the survey rated domestic violence, juvenile crime, and violence against women as areas that showed improvement, but they stressed the need for major increases in numbers of public defenders, translators, and interpreters. Day reporting centers, balanced and restorative justice, and short-term community incarceration were diversionary or sentencing alternatives identified as needing development, while fine collection procedures and evidence-based probation services were noted as court management procedures needing development.

Probation officers indicated that for state fiscal year 2004, the average number of probationers under supervision per department was 1,276, while the average number of probation officers per department was 26. The average number of individuals under pre-trial supervision was 165. Officers indicated responsibilities contributing to their workload included offender supervision, intake, pre-sentence investigations, urine collection, and community services. Officers recommended more drug treatment and youth prevention programs to reduce drug use and violence. They cited identity theft, drug and alcohol use, and drug dealing as worsening problems.

Conclusion

The following are conclusions from the data on court filings and probation caseloads.

- In 2005, felony and misdemeanor filings accounted for 11 percent of all cases filed in Illinois courts (criminal, civil, traffic, family, and other).
- In 2005, felony filings increased by about 34 percent in urban and collar counties and by 40 percent in rural counties. In Cook County, felony filings decreased 22 percent, while misdemeanor filings decreased 20 percent statewide.
- Between 1995 and 2005 the number of felony offenders sentenced in Illinois increased 5 percent, from 59,889 to 63,069.
- The number of convicted felons sentenced to probation during this period decreased 7 percent statewide, with Cook County experiencing the largest decrease at 31 percent.
- Between Dec. 31, 1995, and Dec. 31, 2005, the number of active adult probation cases in Illinois increased by 23 percent, from 74,349 to 91,186.
- In 2005, felony offenders accounted for 65 percent of the state's active adult probation caseload, 92 percent of the Cook County caseload, 57 percent of urban county caseloads, 58 percent of collar county caseloads, and 46 percent of rural county caseloads.

Notes

¹ Illinois has 21 numbered judicial circuits and the Circuit Court of Cook County.

² Under certain circumstances, a defendant who has been convicted of a criminal sexual assault, but who is a family member of the victim, may be sentenced to probation (730 ILCS 5/5-5-3(e)).

³ Supervision is a disposition of conditional and revocable release without probationary supervision, but under such conditions that reporting requirements may be imposed by the court. Upon successful completion of the supervision period, the defendant is discharged and a judgment dismissing the charge is entered (730 ILCS 5/5-1-21).

Special issue

Forensic DNA evidence

One of the best crime-solving tools of the 21st century, DNA, or deoxyribonucleic acid, represents the intersection of science and criminal justice. Forensic DNA evidence has the ability to solve criminal cases—and even prevent future crime—but the use of DNA to identify and convict criminal offenders is relatively new.

DNA, the fundamental building block for an individual's entire genetic makeup, is the same in every cell and is unique to each individual, except in the case of identical twins, who share identical DNA. Biological samples that contain DNA include blood, skin, semen, hair, and saliva, all of which constitute crime scene evidence. Because of DNA's uniqueness to individuals, DNA testing is a valuable criminal justice tool that can both identify and rule out criminal suspects.

Crime scene DNA collection

Law enforcement officers are responsible for collecting forensic DNA evidence at crime scenes. The first responding officer must secure the crime scene, identify potential evidence, and preserve that evidence. This task can be challenging because potential evidence containing DNA may not always be visible.

The 2003 National Forensic DNA Study Report revealed that many law enforcement agencies continue to misunderstand the potential benefits of DNA testing. Law enforcement agencies may regard DNA as a tool for prosecution rather than investigation, but prosecutors can use DNA evidence to identify a defendant, as well as to corroborate or challenge testimony and validate or refute evidence.

Convicted offender DNA collection

All convicted felony offenders, including juveniles, have been required to submit DNA samples in Illinois since 2002. At the time of booking, buccal swabs are used to scrape the inside of the cheek and collect DNA. Convicted offender samples are then submitted to a national database. In 2005, Illinois State Police labs received 60,375 DNA samples of convicted offenders and analyzed 108,928.

Victim DNA collection

Victim service providers, crime scene technicians, nurse examiners, and other medical personnel are expected to know how to identify, collect, transport, and store DNA evidence taken from sexual assault victims. Sexual assault nurse examiners complete training on conducting forensic and physical examinations and completing the Illinois State Police Sexual Assault Evidence Collection Kit.

Missing persons DNA collection

To potentially identify missing persons, DNA recovered from biological remains is compared to DNA originating from a victim or the victim's relatives. The victim's DNA can be taken from medical specimens or personal items such as a toothbrush or hairbrush. Blood-related relatives also may provide comparison samples.

Forensic DNA testing

Forensic DNA test results can be interpreted as inclusive, exclusive, or inconclusive. When the DNA profile of a victim or suspect is consistent with the DNA profile from a crime scene, the person is included as a possible source of evidence. If no suspect exists, the samples are entered into CODIS, the national database, and may produce a hit. When a DNA profile of a victim or suspect is inconsistent with DNA taken at the crime scene, an individual can be excluded as the donor of the evidence. Exclusion does not always imply innocence. Results are inconclusive when testing can neither include nor exclude an individual as the source of biological evidence. Insufficient quality or quantity of DNA can cause inconclusive results.

DNA evidence neither eliminates the need for traditional investigation techniques nor guarantees an arrest or subsequent conviction. Many crime scenes have little or no DNA evidence. DNA evidence cannot show when a perpetrator was at a crime scene or for how long. In addition, legitimate reasons may exist for a person's DNA to be at a crime scene. Findings are interpreted in the context of other evidence in the case.

Post-conviction DNA testing

Forensic DNA also may exonerate an innocent individual. Typically, defense attorneys screen cases to determine whether DNA testing could help exonerate their clients. After consulting with the defense, the prosecutor decides if it is appropriate to notify the victim or victim's family of the re-opening of a case. If warranted, a judge can order old evidence tested, in addition to ordering DNA samples from relatives or third parties. If results are favorable to the inmate and no alternative explanation exists, the judge may grant a request to vacate the conviction.

In the United States, 180 individuals have been exonerated by post-conviction DNA testing. Illinois has exonerated 20 individuals through DNA. The National Institute of Justice studied 28 cases, including five from Illinois, in which DNA helped exonerate individuals. Most were sexual assault cases from the mid-to late 1980s. These cases often relied on eyewitness identification and forensic evidence to convict. Many defendants had previous encounters with local law enforcement. In addition, these cases alleged government misconduct such as perjury, withholding evidence from the defense, and erroneous lab tests. Before exoneration, the defendants spent an average of seven years in prison.