

Criminal History Records Audit

Disposition Reporting
in Cook County



ILLINOIS
Criminal Justice Information Authority

September 1999

This audit was prepared by the Criminal History Records Audit Center, a division of the Research and Analysis Unit at the Illinois Criminal Justice Information Authority.

Illinois Criminal Justice Information Authority

George H. Ryan, Governor
Peter B. Bensinger, Chairman

Research and Analysis Unit

Dr. Gerard F. Ramker, Associate Director
James D'Archangelis, Project Manager

- Sharyn B. Hisler, Auditor
- Mark Myrent, Senior Research Analyst
- Karen S. Levy McCanna, Research Analyst

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120 S. Riverside Plaza, Suite 1016

Chicago, IL 60606-3997

312-793-8550

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Executive Summary

Law enforcement officers, state's attorneys, and other government officials regularly conduct background checks using the Computerized Criminal History database (CCH) maintained by the Illinois State Police. They rely on the CCH database to help identify repeat offenders, determine eligibility for certain jobs and licenses, and to enhance sentences of individuals convicted of second offenses. For background checks to be effective, the CCH database must contain accurate and complete information about arrests, charges, final dispositions, and sentences for all felony and class A and B misdemeanor offenses committed in Illinois.

This audit looks at the reporting of arrests and final court dispositions from Cook County to the Illinois State Police. Dispositions are the final orders of a judge on each charge against a defendant. In previous audits, the Authority found that the CCH database is incomplete because final court dispositions were not added in many instances. Without this information, prior convictions may not turn up on routine background checks.

The Clerk of the Circuit Court of Cook County requested this audit to help determine why many court dispositions are not posted to the CCH database even though they are reported to the Illinois State Police. To address these concerns, the Authority collected and analyzed a representative sample of arrest records and court cases, reviewed information processing procedures, and identified problems in meeting reporting requirements by Cook County law enforcement agencies and the Clerk of the Circuit Court. The audit concludes with a series of recommendations for improving criminal history reporting in Cook County.

Findings

Auditors collected information from arrest and court case records for offenses that occurred in Cook County in 1996. There are 3,501 arrests, 3,998 court cases and 5,029 charges with final dispositions in the audit sample, which permits the Authority to make highly reliable inferences about the *incomplete record rate* for all reportable offenses in Cook County from 1996. The incomplete record rate refers to the percentage of court cases and dispositions that were not added to state rap sheets. Among the major findings are:

- 51.7% of reportable dispositions were not posted to the CCH database;
- 53.9% of property offenses, 51.5% of offenses against the person and 49.5% of drug offenses did not have a reportable disposition on the CCH database; and
- 43.1% of the disposition *guilty* and 56.9% of the disposition *stricken off call with leave to reinstate (SOL)* were not posted to the CCH database.

Auditors determined most of the reasons why dispositions in the sample were not posted to the CCH database. They analyzed tracking numbers and statute citations on manual reporting forms and electronic databases to determine if they met information-processing requirements. Also, auditors looked at whether law enforcement agencies provided the Clerk of the Circuit Court with information and documents that are needed to report dispositions.

Dispositions can be added to the CCH database if law enforcement agencies report the underlying arrest and the Illinois State Police posts the information. Auditors found that 16.8% of arrests in Cook County were not added to the CCH database. Consequently, dispositions in the associated court cases could not be added either.

The Circuit Clerk's office must maintain and report the same exact tracking number as law enforcement agencies for a specific arrest. Auditors found that problems existed with tracking numbers for more than 45% of arrests that did not have a disposition on the CCH database. For a majority of these arrests, the prefix in tracking numbers maintained by the Chicago Police Department and the Circuit Clerk's office differed by one digit. Each agency followed standards set by the Illinois State Police and the Administrative Office of Illinois Courts for maintaining tracking numbers on these arrests and court cases. However, due to a breakdown in communications, the cause of which is unknown, each local agency followed different standards for using prefixes during the time frame of the sample. For the other arrests, auditors found that tracking numbers were not reported by suburban law enforcement agencies to the Circuit Clerk's office or the Circuit Clerk's office did not enter accurate and complete tracking numbers in suburban cases into their database.

Also, the Circuit Clerk's office must maintain and report accurate and complete statute citations for each case with a final disposition. Auditors found that the Circuit Clerk's office submitted inaccurate statute citations for 24.8% of arrests that did not have a disposition on the CCH database. For most of these arrests, the Circuit Clerk's office recorded a dash in a punctuation field that required a backslash for reporting statute citations electronically. As a result, the Illinois State Police's electronic information-processor could not accurately read the record. For a minority of arrests, the Circuit Clerk's office transcribed statute citations accurately from source documents submitted by law enforcement agencies to them, but the citation used did not meet reporting requirements. This occurred most commonly for solicitation, conspiracy, and attempt offenses.

Recommendations

The primary recommendation is that the Illinois State Police and the Clerk of the Circuit Court acquire dispositions from all court cases since 1996 that were not posted to the CCH database. Since 1998, the Illinois State Police have fully implemented a number of changes when processing disposition reports. With these improvements, final dispositions from 1996 and 1997 may now be able to be posted to the CCH database. Also, the audit recommends that local law enforcement agencies and the Circuit Clerk review internal information processing and reporting procedures and set up a forum for reviewing interagency computer-programming issues that affect criminal history reporting. These steps will help ensure that all felony and class A and B misdemeanor offenses are added to the CCH database and subsequent criminal background checks will reveal complete information about offenses that have occurred in Cook County.

Introduction

This audit addresses the problem of incomplete records on the Computerized Criminal History (CCH) database. The audit builds on the findings of the 1993-94 and 1995-96 audits, in which the Authority found that a majority of records did not have any court dispositions. Agency officials provided various reasons why court dispositions were not included on the CCH database. However, no systematic analysis has been conducted to verify the reasons and to determine the proportion of incomplete records that can be ascribed to them. This audit seeks to fill in the gaps.¹

Background

Federal Program Requirements

Funding for this audit is provided by the U.S. Department of Justice through the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant. Under the federal Crime Control Act of 1990, states must allocate at least 5% of Byrne Grant program funds for the improvement of criminal history records until certain goals are met. Since 1992, Illinois has been implementing its improvement plan, which includes regular audits of the Computerized Criminal History (CCH) database by the Illinois Criminal Justice Information Authority. The audits determine whether criminal history records comply with the timeliness, accuracy, and completeness requirements of the Byrne Grant program.

The Authority, the Illinois State Police, the Illinois Department of Corrections, the Administrative Office of the Illinois Courts, and representatives of local criminal justice agencies and courts developed Illinois' improvement plan. The plan, which follows guidelines published by the Bureau of Justice Assistance in 1991, must ensure that 95 percent of current records are accurate and complete.² In particular, the rules require that 95 percent of:

- current felony arrests and fingerprints are complete;
- current felony arrest records with fingerprints contain subsequent state's attorney and court dispositions upon termination of the cases; and
- current sentences to and releases from prison are available.

In addition, the Crime Control Act requires states to make a reasonable attempt to collect and maintain arrest, disposition, and incarceration information for 90% of felony arrests in the past five years. Furthermore all criminal history, master name index and fingerprint records from the past five years must be fully automated.

¹ The guide for the audit is "generally accepted government auditing standards." Auditors followed the relevant field work standards for planning audits, supervising staff, insuring compliance with laws and regulations, and establishing reliable sources of data and evidence. See United States General Accounting Office, *Government Auditing Standards, 1994 Revision*.

² United States Department of Justice, Bureau of Justice Assistance, *Guidance for the Improvement of Criminal Justice Records*, December 10, 1991.

Court Dispositions and their Uses

Court dispositions are the decisions made by a judge or jury on each charge brought against a defendant. For each charge, the court can find a person guilty or not guilty, dismiss charges for lack of sufficient evidence, strike the case off the call until further notice, or issue other orders. If a person is found guilty, the court will impose a sentence, such as probation, imprisonment, or community service. Under the Criminal Identification Act, these decisions are reportable to the Illinois State Police for felony and class A or B misdemeanor offenses and posted to a defendant's criminal history record.

This information is collected to assist the criminal justice system and other government sectors in making critical decisions about individuals with a criminal history record. For instance, state's attorneys can seek to enhance the sentences of individuals with prior convictions who are prosecuted for a second offense. School boards and liquor control commissions can deny employment or licenses to an applicant with a history of convictions. Also, under the Uniform Conviction Information Act, conviction records are publicly available for employment, licensing, and other purposes. To make these decisions possible, the CCH database must have accurate and complete information about final dispositions on all reportable charges.

Enhanced Sentencing

Defendants can receive enhanced sentences if they are convicted of a second or subsequent charge for certain sex crimes, for inflicting some types of bodily harm, for certain thefts, and for threatening public safety in specific circumstances. Under Illinois statutes, an enhanced sentence means "a sentence which is increased by a prior conviction from one classification of offense to another, higher level classification of offense."³ For example, the first conviction for domestic battery, 720 ILCS 5/12-3.2(a)(1), is a class A misdemeanor; a second and subsequent violation is a class 4 felony. The sentence for a class A misdemeanor can extend up to 365 days of incarceration, whereas a sentence for a class 4 felony can exceed 365 days.⁴

A prosecutor must indicate the state's intention to seek an enhanced sentence when filing formal charges in court. The charging document must describe the prior conviction. This lets defendants know that they are charged with a felony, which has a more serious sentence than a misdemeanor. For this process to work, criminal history records must provide a record of all prior convictions on the relevant charges. If convictions are not added, then prosecutors may not be able to pursue enhanced sentences.

³ Office of the State's Attorneys Appellate Prosecutor, *Illinois Uniform Complaint Book (1996 Revised)*, p. 832.

⁴ Among the sex offenses subject to enhanced sentencing are prostitution (5/11-14a) and obscenity (5/11-20(a)(1)). Also, inflicting the following types of bodily harm lead to enhanced sentencing: criminal housing management (5/12-5.1), hate crime, (5/12-7.1), stalking (5/12-7.3(a)(2)), criminal sexual assault (5/12-13(a)(3)), criminal sexual abuse (5/12-15(a)(2)), and child abandonment (5/12-21.5). Other offenses subject to enhanced sentencing include retail theft (5/16A-3(a)), false report of theft (5/12-3.1), unlawful use of theft detection shielding device (5/16-15(a)), odometer fraud (5/7-11), and unlawful use of weapons (5/24-1(a)(4)). Source: *Illinois Uniform Complaint Book (1996 Revised)*.

Background Check of Job or License Applicants

Criminal justice agencies need to know the court disposition when deciding whether to hire a person with an arrest on his or her record. The person may be eligible for a job if the court case was dismissed or stricken off call until further notice, if he or she was not guilty, or if the prosecutor decided not to proceed with all charges initially filed on a case. If final dispositions are not added to the CCH database, criminal justice agencies lack critical information for making balanced decisions about an applicant's suitability for a job.

A number of government agencies conduct criminal background checks that are required by law. If a background check reveals a prior conviction on certain offenses, then an applicant can be denied employment or a license. For instance, school districts cannot hire a person who was convicted of a class X felony or various sex offenses.⁵ Also, the Liquor Control Act of 1934 states that individuals shall be denied a liquor license if they have been convicted of any felonies, of keeping a house of prostitution, of any misdemeanor opposed to decency and morality, and other offenses.⁶ If convictions are not added to the CCH database, then school districts and liquor control commissions may not learn that an applicant is ineligible for a job or license.

Under the Uniform Conviction Information Act, the general public has access to conviction records on the CCH database. Conviction records must be complete for the general public to learn that an individual has had formal contact with the criminal justice system. The CCH database contains other information about a specific offense, such as where and when an arrest occurred, and the state's attorney's charging decision, but it is not available to the general public. Arrest and charging information is available to criminal justice agencies to help them identify suspects and analyze crime. Since the general public has limited access to information on the CCH database, they rely exclusively on conviction records to learn that an individual has been the subject of formal actions taken by the criminal justice community.

Criminal history records need to have accurate and complete information about final dispositions in order for these decisions to be made in a timely and efficient manner. This audit can help decision-makers by providing an objective analysis of the condition of state criminal history records and by making recommendations for improvement.

The audit concentrates on disposition reporting in Cook County. Since 1977, Cook County has accounted for nearly 63 percent of all arrests on criminal history records in Illinois. This figure has remained relatively consistent through the years, dipping to 52 percent in 1989 before climbing to more than 70 percent in 1993.⁷

⁵ 105 ILCS 5/10-21.9. Individuals will be barred from employment if they have been convicted of prostitution, pimping, exploitation of a child, criminal sexual assault, child pornography, public indecency, and other offenses.

⁶ 235 ILCS 5/6-2. See the *1996 Illinois Liquor Control Commission Administrative Guide*, pp 12-13, for administrative rules regarding ineligible applicants.

⁷ *Statistical Report on Arrests*, July 6, 1997, Illinois State Police.

Therefore, the condition of CCH records as a whole is greatly affected by disposition reporting from Cook County.

Dispositions in the Circuit Court of Cook County

There are three types of dispositions in the Circuit Court of Cook County: conviction dispositions, nonconviction dispositions, and interim dispositions.⁸ Conviction dispositions include the establishment of guilt and all subsequent sentences. Nonconviction dispositions refer to court decisions that do not establish guilt and conclude a case. Interim dispositions refer to actions taken by the court to bring proceedings to a temporary end. Usually, this occurs when a defendant fails to appear in court and a warrant is issued for his or her arrest. The court may issue a judgment of bond forfeiture or denote that a warrant has been issued. Until the defendant is brought back to court, the case is temporarily suspended.

In the record-keeping system used by the Circuit Court of Cook County, dispositions are coded according to the procedure for reaching a decision. For instance, an individual can be found guilty by a judge or by a jury. When a judge hands down a decision, the disposition is categorized as a “finding” of guilty, but when a jury reaches a decision, it is known as a “verdict” of guilty. Court clerks use separate codes for each disposition to denote the procedure used. In either case, the disposition is reportable to the Illinois State Police. When reporting the dispositions, the Circuit Clerk’s office converts its disposition codes into the generic codes used by the Illinois State Police to denote dispositions.

Table 1 lists the dispositions used in the Circuit Court of Cook County and compare them to the corresponding dispositions recorded on the CCH database.⁹

⁸ The typology was created by AOIC and is used by the Illinois State Police to classify information submitted by the Clerk of the Circuit Court. Illinois State Police, *CHRI User’s Manual: Appendix F*, 1995.

⁹ See Appendix 5 for descriptions of the different types of dispositions in the Circuit Court of Cook County.

Table 1
Conviction and Nonconviction Dispositions in the Circuit Court of
Cook County and on the CCH Database: A Comparison

<i>Dispositions in the Circuit Court of Cook County</i>	<i>Dispositions on the CCH Database</i>
<ul style="list-style-type: none"> Finding of guilty; Verdict of guilty 	Guilty
<ul style="list-style-type: none"> Motion for acquittal granted; Pleading of not guilty/finding of not guilty; Finding of not guilty; Verdict of not guilty 	Not guilty
<ul style="list-style-type: none"> Finding of not guilty by reason of insanity 	Not guilty/insane
<ul style="list-style-type: none"> Directed finding of not guilty 	Not guilty/directed verdict
<ul style="list-style-type: none"> Found guilty of lesser included offense 	Not guilty/guilty of lesser included offense
<ul style="list-style-type: none"> Nolle prosequi 	Nolle prosequi
<ul style="list-style-type: none"> Dismissed operation of the law; Dismissed - 4th term; Information or indictment dismissed; Information or indictment quashed; Dismissed 	Dismiss
<ul style="list-style-type: none"> Superseded by information; Superseded by direct indictment; Finding of probable cause – transfer to presiding judge 	Dismiss/superseded by indictment or information
<ul style="list-style-type: none"> Finding of no probable cause - dismissed 	Dismiss/no probable cause
<ul style="list-style-type: none"> Dismiss for want of prosecution 	Dismiss/want of prosecution
<ul style="list-style-type: none"> Non-suit; Bond forfeiture – non-suit 	Non-suit
<ul style="list-style-type: none"> Stricken off – leave reinstate (SOL); SOL warrant; SOL judgement on bond forfeiture; Bond forfeiture – SOL 	Stricken off with leave to reinstate
<ul style="list-style-type: none"> Death suggested/cause abated 	Death suggested/cause abated
<ul style="list-style-type: none"> Charge amended to misdemeanor; Charge amended 	Charge amended/reduced
<ul style="list-style-type: none"> Record expunged; Petition/expungment allowed 	Not reported

Criminal history records include a reportable disposition that can be either an interim or a nonconviction disposition: *stricken off call with leave to reinstate (SOL)*, as noted in Table 1. In the Circuit Court of Cook County, judges can suspend the hearing of a criminal case until further notice. When this occurs, the action is denoted as *SOL* on the defendant's docket. Frequently, the judgment is made after a witness does not show up in court to testify against a defendant. Rather than schedule a future court date, judges may decide to suspend further action on the case until the witness decides to testify.

The disposition *SOL* is reported to the Illinois State Police and posted to the defendant's criminal history record. If the case is not reinstated, then *SOL* becomes the permanent final disposition associated with the case. However, if the case is reinstated, then subsequent dispositions such as guilty or not guilty become the final disposition associated with the case and *SOL* becomes an interim disposition. In either case, *SOL* is reported to the Illinois State Police.

Also, criminal history records include a nonconviction disposition called *dismiss/superseded by indictment or information*, as noted in Table 1. The Circuit Clerk reports this disposition, which refers to the method used to initiate a felony case, to the Illinois State Police because it is considered a final disposition in Cook County. The structure of the Circuit Court and the felony case management system make this outcome possible.

The Structure of the Circuit Court and its Effect on Criminal History Reporting

In felony cases, proceedings are divided between two departments in the Circuit Court of Cook County: the Municipal Department and the Criminal Division of the County Department. When a person is arrested on felony charges, the Circuit Court holds a preliminary hearing in the Municipal Department to determine if sufficient evidence exists to warrant prosecuting the defendant. If it does, the state's attorney will subsequently bring formal charges against the individual through either an *information* or *indictment*.¹⁰ The proceedings are transferred to the Criminal Division of the County Department. In each department, the case will receive a final disposition that is reported to the Illinois State Police for inclusion on criminal history records.

Municipal Department

The Municipal Department refers to the six judicial districts in Cook County, each of which is known as a *municipal district*. The districts were set up to provide convenient access to court services for Cook County's dispersed population. District one covers the boundaries of the City of Chicago and has 26 branch courts at nine locations. Districts two through six divide suburban Cook County into five territories, each with its own courthouse. The district courthouses are located in Skokie, Rolling Meadows, Maywood, Bridgeview, and Markham.

¹⁰ An *information* refers to a document filed by the prosecutor outlining the charges he or she seeks to prove in court. An *indictment* refers to the formal written accusations submitted by the prosecutor to a grand jury. They will determine whether the accusation, if proven, would be sufficient to bring about a conviction.

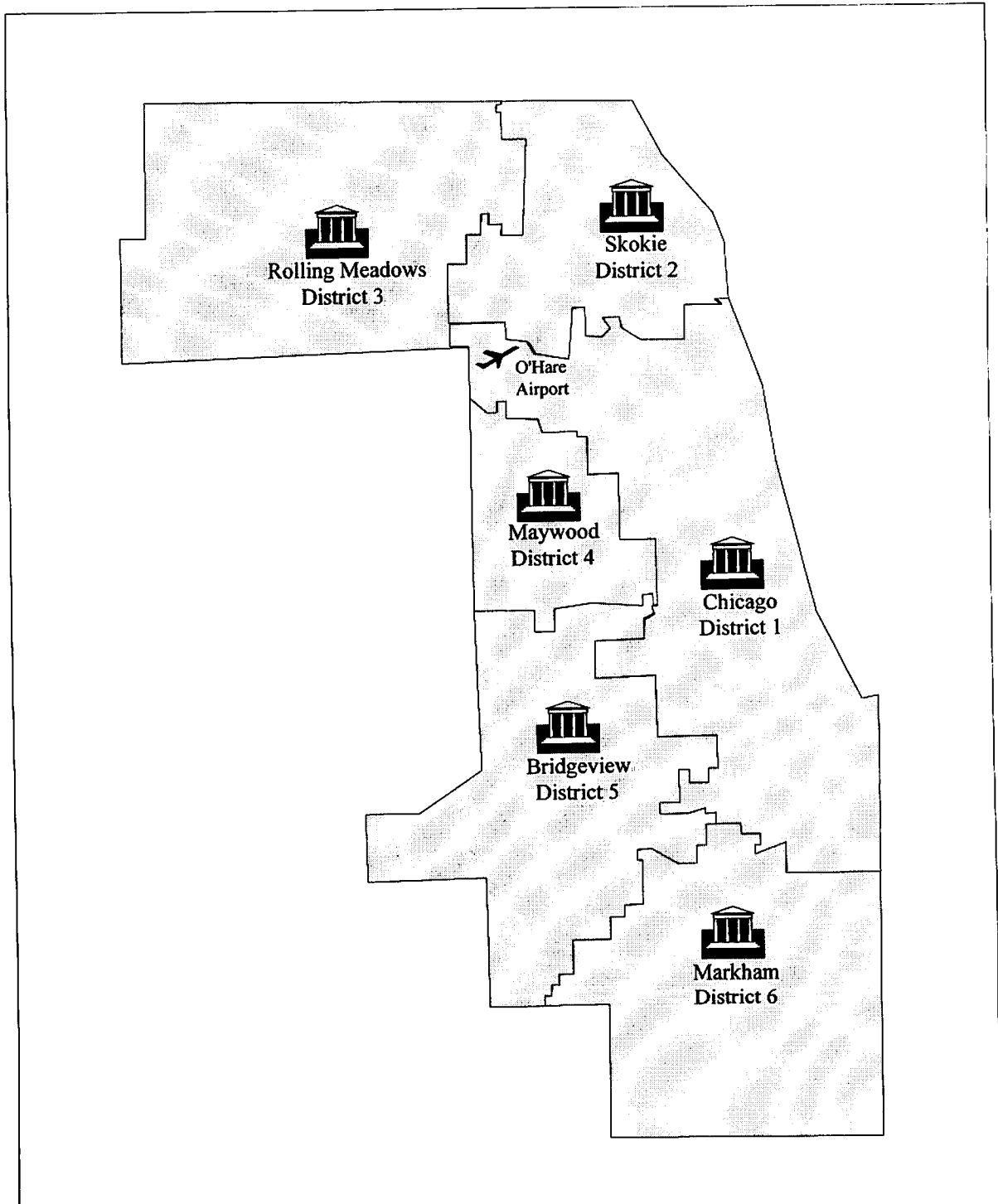
Although each district has separate and distinct boundaries, they belong to the Municipal Department to reflect the sole authority of the Circuit Court in these cases. Each municipal district “hears criminal and quasi-criminal actions and prosecutions commenced by complaint or information.”¹¹ This means that any individual arrested within the district will be prosecuted at the district courthouse for local ordinance violations and state criminal charges, including misdemeanors and felonies. In some suburban cases, felonies are prosecuted at the Criminal Division courthouse located at 26th Street and California Avenue in Chicago. In some Chicago cases, felonies are prosecuted at suburban courthouses to provide convenient access for witnesses who live outside of the city.

Map 1 illustrates the geographic boundaries of the six municipal districts in the Circuit Court of Cook County.

¹¹ General Orders 1.2, Circuit Court of Cook County – Aug. 1, 1996.

Map 1

Municipal Districts of Cook County



County Department

The County Department has jurisdiction over all cases at the trial level in Cook County. It is organized into seven divisions, including the Criminal Division, to reflect differences between law, chancery, domestic relations, county, probate, juvenile, and criminal cases. Each division has its own set of judges for handling caseloads.

“The Criminal Division hears criminal actions and prosecutions commenced by indictment or information...”¹² This means that any individual indicted by a grand jury or arrested on felony charges will be tried in the Criminal Division courts. In the suburbs, the Criminal Division courts are located in the municipal district courthouse. In Chicago, the Criminal Division courts are located near the Cook County Jail. Some Chicago cases are assigned to the Criminal Division courts in Districts 2 and 5, (Skokie and Bridgeview), and at the time of the audit, District 6 (Markham).

Transferring Cases

As previously noted, preliminary hearings in felony cases occur in the Municipal Department courts. If the judge finds probable cause exists to proceed with a case, the case is transferred from the Municipal Department to the Criminal Division where it starts anew. The Municipal Department case is closed out and receives a final disposition of “superseded by information,” “finding of probable cause – transfer to presiding judge,” or “superseded by indictment,” depending on the method used by the state’s attorney to initiate the Criminal Division case. In the subsequent Criminal Division case, the court will determine whether the defendant is guilty or not guilty, dismiss charge(s), or strike the case off the call until further notice.

The Circuit Court of Cook County is the only jurisdiction in Illinois to open and close two cases on felony charges in this manner.¹³ In all other jurisdictions, the same case follows a defendant from the beginning to the end of court proceedings. This process creates two distinct case numbers and increases the number of dispositions reported to the Illinois State Police on felony cases.

Reporting Final Dispositions

The Criminal Identification Act requires dispositions to be reported to the Illinois State Police on every court case with felony and class A or B misdemeanor charges. In Municipal Department misdemeanor cases and Criminal Division felony cases, a defendant can be found guilty or not guilty, the charges can be dismissed, or the state’s attorney can decide not to prosecute some or all charges after formally initiating proceedings. These decisions constitute a final disposition since no further action is taken on the case. The decisions are reportable to the Illinois State Police for addition to criminal history records.

¹² General Orders 2.1(f)

¹³ For purposes of this audit the various final dispositions that refer to the transfer of Municipal Department Cases to the Criminal Division are classified as *probable cause established*. See Appendix 1 for more information about the history of the Circuit Courts’ felony case management process.

In Municipal Department felony cases, charges can be dismissed, or the state's attorney may decide not to prosecute some or all charges after formally initiating proceedings. Also, the court may find probable cause exists to proceed with a trial and transfer the case to the Criminal Division. These decisions constitute a final disposition in the Municipal Department case. The decisions are reportable to the Illinois State Police for addition to criminal history records.

Illinois State Police Information Processing Requirements

The Circuit Clerk reports final dispositions from Municipal Department and Criminal Division cases electronically to the Illinois State Police. All reports are derived from information that is entered and maintained on two computer files, one for each department of the court. For reports to be accurate and complete, the Circuit Clerk must receive and enter tracking numbers known as *document control numbers* (DCNs) from law enforcement agencies, enter all dispositions, and meet standards set by the Administrative Office of Illinois Courts (AOIC) and the Illinois State Police for transmitting data.¹⁴ The Circuit Clerk must report the defendant's name, document control number (when available), statute citations, at least one final disposition on the case, and a unique agency identifier known as the NCIC number. The FBI issues the NCIC number to permit standardized reporting of information to the National Crime Information Center (NCIC) for inclusion on federal criminal history records. If any of this information is omitted or inaccurate, the Illinois State Police can reject a submission.

Document Control Numbers

To report an arrest, local police departments must send a state-issued or state-approved tracking card with a document control number (DCN) to the Illinois State Police and forward the number to the Circuit Clerk's office. The Chicago Police Department issues its own tracking number (central booking or "CB" number) instead of using a state-issued number. When a case receives a disposition, the Circuit Clerk is required to report the DCNs or CBs to the Illinois State Police along with case information.

The tracking number provides an efficient way for a computer to match an arrest to a court case. Upon receiving an arrest card from the suburbs or electronic submissions from Chicago, the Illinois State Police enter the DCN/CB number, offender, and offense information to the CCH database. Later, upon receiving a disposition report, the Illinois State Police use the DCN/CB number to search the criminal history records database for the underlying arrest. If the search results in a match, then the disposition can be posted to the arrest to complete the criminal history record.

Statute Citations

During 1996, which is the time frame of the audit sample, the Circuit Clerk reported dispositions to the Illinois State Police on magnetic tape using standards outlined

¹⁴ *Automated Disposition Reporting Data Dictionary, Version II*, Administrative Office of the Illinois Courts, 11/01/94.

by AOIC. The standards require that statute citations included in reported information must meet certain formats. Otherwise, the tape record can be rejected by the Illinois State Police and sent back to the Circuit Clerk for correction.

For example, the citation for disorderly conduct is “720 ILCS 5/26-1-a.” For the Illinois State Police to process this citation, the tape record has to meet the following criteria:

- the chapter number “720” can be up to four numeric characters and must be followed by one space;
- the next segment must contain the literal “ILCS” and be followed by one space;
- the act number, “5”, must be reported and cannot exceed five numeric characters, four of which must be whole numbers and the other character can be a decimal. The act number must always be followed by a slash with no space before or after; and
- the article and section number, “26-1-a,” can be up to 25 characters long and may include dashes and decimals.¹⁵

When the standards for reporting DCNs, statute citations, and other data elements are met, the Illinois State Police can add dispositions to the CCH database. Otherwise, they will return submissions with errors to the Circuit Clerk for correction and re-submission. The Circuit Clerk has implemented procedures to accomplish these tasks, some of which vary across municipal districts.

The Initiation and Disposition of Criminal Cases in Cook County

First Municipal District – City of Chicago

Arrests and Charges

All misdemeanor cases and felony cases through the preliminary hearing stage are heard at the branch courts. To begin criminal proceedings, the Chicago Police Department files three documents at the Circuit Clerk’s branch office. The document known as the *complaint* is recognized as the official charging document by judges for initiating a case. *Complaints* contain the names of the defendant and complainant, a description of the alleged offense, a statute citation for the charge, and the date and location of the offense. The Circuit Clerk’s office enters this information into the database.

The second document submitted is an *arrest report*. Although it is not required by the judiciary to initiate a case, an arrest report has information that can be used to track cases from the Chicago Police Department to the Circuit Clerk’s database. Among other things, arrest reports include the defendant’s date of birth, height, sex, race, and weight.

Arrest reports contain a *central booking number* (CB#), which is critical for processing offense, offender, and disposition reports as indicated earlier. This number is the Chicago Police Department’s equivalent to the Illinois State Police’s *document*

¹⁵ Ibid. p. 6-46.

control number (DCN). Each arrest report is assigned a unique CB number, which is reported to the Circuit Clerk and the Illinois State Police along with offense and offender information. The Circuit Clerk's reporting of dispositions is dependent on the Chicago Police Department providing the correct central booking number.

The third document is a *transmittal sheet*. Every day, the Chicago Police Department prepares a list of all individuals arrested and brought to the branch court for criminal proceedings. The list has each person's name, CB number, statute citation, and case number. In most cases, the Circuit Clerk's office enters information from this document into the database.

As of July 1997, all of the personal identifiers, tracking numbers, and offense information are sent to the Circuit Clerk daily over dedicated telephone lines. The information duplicates data elements found on the complaint, arrest report, and transmittal sheet.

To guard against inaccurate or incomplete submissions, the Circuit Clerk reviews electronic filings from the Chicago Police Department. Using the CB number recorded on the transmittal sheet, clerks retrieve electronic records and compare data elements to corresponding information on the transmittal sheet or arrest report. If information is omitted or inaccurate, clerks contact the Chicago Police Department for clarification.

Meanwhile, upon arresting an individual, the Chicago Police Department transmits an electronic record of the arrest to the Illinois State Police via livescan. This automated device captures fingerprints directly from a subject's fingers and instantaneously transmits them to the Illinois State Police over dedicated telephone lines. Also, police enter arrest and demographic information at workstations connected to the livescan equipment. This information is transmitted to the Illinois State Police, matched up to the fingerprint submissions, and used to create or add to existing criminal history records.

Final Dispositions – Municipal Department

Each day, the Circuit Clerk's Management Information Systems department produces a document known as the *court sheet* for judges. It lists all cases on call for the day and is used by judges to enter official orders. Each charge and count is listed under the defendant's name for every case. There is room for judges to write down orders and sign the sheet to make orders official. At the end of court session, clerks record three digit codes next to each judicial order. Subsequently, data entry operators enter each code into the Circuit Clerk's Municipal Department case database.

The Circuit Clerk has a policy of returning copies of the court sheet to the judge when clerks receive a signed court sheet with incomplete orders. They keep track of copies sent and, if they do not receive the updates back in a timely manner, they send another copy to the judge for updating.

Final Dispositions - Criminal Division

Upon completion of a preliminary hearing in the Municipal Department, a felony case may be initiated in the Criminal Division. All of the municipal case material is physically transferred from the branch court to the Criminal Division courthouse in Chicago, where a new criminal case is initiated.¹⁶ During 1996, data entry operators re-entered the defendant's name, date of birth, charges filed, CB number, and other data elements previously entered in the Municipal Department case, using the charging documents filed by the state's attorney's office. As with Municipal Department cases, Criminal Division cases are listed on court sheets each day they are on call. Judges enter orders and court clerks record disposition codes on the court sheet, and data entry operators enter codes into the database from the court sheet.

Suburban Municipal Districts

Arrests and Charges

Suburban police officers submit the complaint and the Illinois State Police five-part reporting card, which contains the document control number, to the Circuit Clerk's office. Unlike Chicago, suburban police departments do not file booking information electronically nor regularly submit copies of local arrest reports to the Circuit Clerk's office. After a bond hearing, which usually occurs one to three days after a person is arrested, the case is formally initialized into the Circuit Clerk's database. Clerks enter information from the complaint and the Illinois State Police five-part reporting card into the database. If the Circuit Clerk does not receive the court copy of the state five-part reporting card, they will not have a document control number to enter for purposes of reporting dispositions.

Meanwhile, local police departments use the Illinois State Police five-part reporting card to submit fingerprints and offense information for addition to the CCH database. Arrests are reported daily in accordance with the Criminal Identification Act.

Final Dispositions – Municipal Department

Judges enter orders on the court sheet, clerks code the orders and data entry operators enter codes into the computer.¹⁷

Final Dispositions - Criminal Division

Upon completion of a preliminary hearing in the Municipal Department, a felony case may be initiated in the Criminal Division. The Criminal Division cases are filed at the 26th and California courthouse and will be heard at this location unless assigned to a

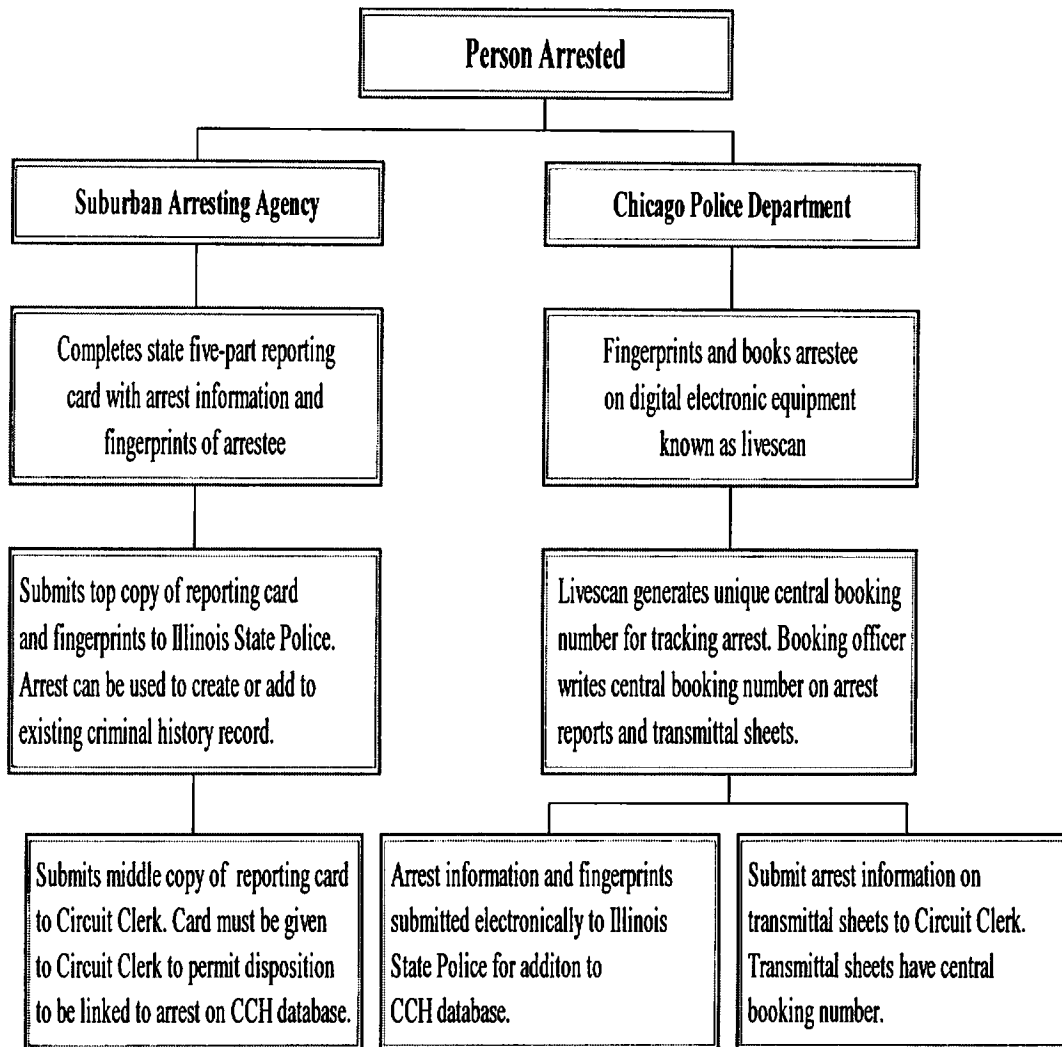
¹⁶ Some criminal cases originating in Chicago may be transferred to Districts 2 through 6 for trial.

¹⁷ At the time of the audit, judges in the third municipal district entered their orders on a form known as the *half sheet*. It provides a chronicle of day-to-day activities on a case and is filed in every case jacket. Each half-sheet is signed by a judge so the orders become official. Half sheets are pulled from individual files and then returned to the files after data entry is completed. In contrast, the court sheet has all cases listed continuously, which enables data entry operators to enter information very quickly into the database.

suburban district. At the felony courthouse in Chicago, data entry operators initiate a new case. They enter the defendant's name, date of birth, charges and counts filed, DCN and other data elements entered previously into the municipal case record. As with Municipal Department cases, Criminal Division cases are listed on court sheets each day they are on call. Judges enter orders and court clerks record disposition codes on the court sheet, and data entry operators enter codes into the database from the court sheet.¹⁸

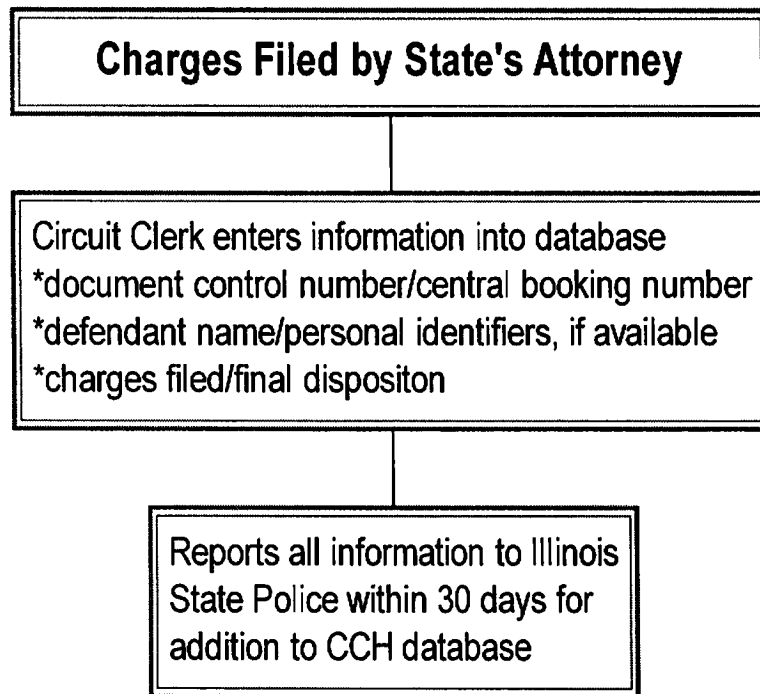
After a case is closed, the Circuit Clerk will report dispositions for each count to the Illinois State Police for addition to criminal history records. The following two flow charts summarize the steps taken by police departments in reporting arrests to the Circuit Clerk and the Illinois State Police and by the Circuit Clerk in reporting dispositions to the Illinois State Police.

Flowchart 1 Reporting Arrests to the Circuit Clerk and the Illinois State Police



¹⁸ In the third district, all court entries were made on the *half sheet* instead of the *court sheet* at the time of the audit.

Flowchart 2 Reporting Dispositions to the Illinois State Police



The flow of information between agencies can be measured by collecting a sample of arrests and associated dispositions from Cook County law enforcement agencies and the Circuit Clerk, determining how many were posted to criminal history records, and analyzing non-posted cases for problems in meeting reporting requirements.

Audit Methodology

The goal of the methodology is to collect a generally representative sample of arrests for analysis. Auditors set a standard for achieving a reliable sample size: the sample had to produce a 95% confidence level that the percentage of incomplete criminal history records comes within +/-3% of the incomplete record rate of all Cook County arrests for the sample year.

In order to estimate the incomplete record rate, auditors drew a sample of arrests from the population of arresting agencies in Cook County. Auditors selected the year 1996 for two reasons: 1) sufficient time has passed since arrests occurred to ensure that most of them have a final disposition; and 2) the sample and resulting data analysis reflects the most current reporting requirements under Illinois statutes. In 1996, suburban Cook County law enforcement agencies reported 50,000 arrests and Chicago reported

177,000 arrests on felony and class A and B misdemeanor offenses to the Illinois State Police for inclusion on criminal history records.¹⁹ The audit sample needed to include a minimum of 991 suburban arrests and 1,019 Chicago arrests, for a total of 2,010 arrests, to reach the desired confidence level and precision factor.²⁰

Furthermore, auditors subdivided suburban law enforcement agencies in the sample by location and size to reflect the distribution of arrests in Cook County.²¹ In suburban Cook County, law enforcement agencies are located throughout the five municipal districts. The sample included an equal number of reporting agencies per district. Also, the number of arrests per suburban agency varies considerably. The sample accounted for an equal number of large and small reporting agencies, by number of arrests, by municipal district. Finally, the time frame of the sample was dispersed throughout 1996 to make inferences about arrests that occurred in that year.

Selecting Suburban Cook County Arrests for the Sample

Felony and class A and B arrest totals by reporting agencies are not readily available from criminal history records. As a result, auditors used Uniform Crime Report (UCR) index arrest and drug arrest data as proxies to determine the arrest reporting volume and the “sizes” of the reporting agencies.²² (See Appendix 2 for a list of all UCR index and drug arrests by reporting agency and municipal district.)

Auditors constructed a database of 1996 index arrests and drug arrests from 121 of the 135 law enforcement agencies in suburban Cook County. Of the 14 agencies not included, 11 were excluded because they submit their arrests through the sheriff rather than directly to the Illinois State Police; three other agencies were removed because they made arrests throughout the entire county but reported arrest statistics through one municipal district. Unless eliminated, these agencies would have skewed the calculation of the median number of arrests in the municipal district where the arrests were reported. The 121 remaining agencies reported 30,585 index arrests and drug arrests. Subsequently, auditors categorized each agency by municipal district, calculated the monthly number of arrests for each agency, and determined the median number of arrests per district. The agencies were then categorized by size; large agencies had more arrests than the median per district, and small agencies had fewer arrests than the median.

Generating the Samples

Suburban Agencies

Several samples were drawn until a large enough sample was established to meet the desired confidence levels and precision factors. All suburban agencies had an equal opportunity of being randomly selected in each sample. In the second sample drawn, auditors identified a total of 1,205 arrests from 30 agencies, three large and three small

¹⁹ *Statistical Report on Arrests*, Illinois State Police, July 6, 1997.

²⁰ Arkin, Herbert, *Handbook of Sampling for Auditing and Accounting*, 1974, pp. 326 – 329.

²¹ See Appendix 2 for a listing of suburban Cook County arresting agencies by municipal district and size.

²² The *Uniform Crime Report* is the FBI’s national registry of arrest data in communities throughout the United States.

agencies per district, for review. This represents approximately 3.94% of the reportable index arrests and drug arrests for suburban Cook County in 1996.

Chicago Police Department

In 1996, the Chicago Police Department reported 177,000 felony and class A and B misdemeanor arrests to the Illinois State Police, an average of 485 arrests per day. Auditors randomly selected arrests for two days each in April 1996 and October 1996 for review. The selection criteria was expected to generate a sufficient number of arrests to produce a 95% confidence level that the incomplete record rate comes within +/-3% of the incomplete record rate of all 1996 Chicago arrests on criminal history records.

Data Collection

Arrests

Auditors used two primary sources to identify all reportable arrests during the sampling time frame: local law enforcement agencies and the Circuit Clerk's office. The Circuit Clerk keeps a record of the defendant's name, date of arrest, and arresting agency based on documents submitted by police departments and subsequently entered into the Municipal Department and Criminal Division databases to initiate a court case. Documents include complaints, bond slips, arrest reports and transmittal sheets (Chicago only) and the Circuit Clerk's copy of the state five-part reporting form. Consequently, an arrest on the Clerk's system is expected to be the same as an arrest submitted by a law enforcement agency to the Illinois State Police on felony and class A or B misdemeanor charges.

By using two sources, auditors could establish with greater certainty that the number of reportable arrests included in the sample reflects the number of reportable arrests that actually occurred during the sampling time frame. To begin, the Circuit Clerk's office generated a list of suburban cases that resulted from an arrest occurring in April and October 1996 and from the Chicago Police Department for two days in each of these months. The list accounted for felony and class A and B misdemeanor cases filed by the 30 suburban police departments and by the Chicago Police Department during the sampling time frame. The list included the defendant's name and date of birth, court case number, arrest date, arresting agency, the first four charges or counts filed, and the document control number/central booking number when available.²³ Subsequently, auditors asked police departments to submit copies of arrest reports and state five-part reporting forms for each record on the Circuit Clerk's list and for all other arrests on felony and class A and B misdemeanors that occurred in the sampling time frame.

The next step was to compare arrest information provided by police departments to arrest information provided by the Circuit Clerk. This enabled auditors to:

²³ A *charge* refers to a specific offense, such as retail theft, whereas a *count* refers to the number of occurrences of a criminal offense. The first four charges recorded on the Circuit Clerk's database can be multiple counts of the same charge or a single count of multiple charges.

- capture arrests that may not have resulted in a case filing;
- identify case filings for which arrest documents may not be available from police departments; and
- verify the accuracy of arrest dates provided by the Circuit Clerk's office for arrests on their case list. Auditors matched the arrest dates on the Circuit Clerk's list to the arrest dates on police department reports. If the arrest dates provided by police departments matched the Circuit Clerk's arrest dates, or was within the sample time frame, the arrest and subsequent court case was included in the sample. If the arrest report indicated a date that did not occur within the time frame, the arrest was eliminated from the sample.

In the second instance, auditors looked for documentation in the Circuit Clerk's office to verify that the arrest occurred as indicated. Auditors pulled court files in search of bond slips, complaints, arrest reports, or state five-part reporting forms and made copies upon finding such documents.

Court Cases

For many arrests in the sample, more than one court case was filed in either the Municipal or the Criminal Divisions.²⁴ The Circuit Clerk's printout listed each case separately by case number. These were then merged into one audit record to prevent the arrest from being counted twice when analyzing data.

Auditors reviewed the Circuit Clerk's database for final dispositions on each case. They collected conviction and nonconviction dispositions on each count up to a maximum of four counts per case. The disposition *stricken off call with leave to reinstate (SOL)*, which can either be a nonconviction or interim disposition, was collected when it was the last activity on a case. In cases with five or more counts, auditors recorded the first four counts indicated since they are the most serious charges filed on a case. Also, in cases where the last entry was a continuance, the issuance of a warrant, or a judgment of bond forfeiture, auditors classified the case as open.

If a count does not have a disposition recorded on the Circuit Clerk's database, then it will not be posted to the CCH database. When looking up each case, auditors counted the number of charges that did not include a final disposition and the case was completed. For each concluded case with one or more charges that did not have a disposition recorded on the Circuit Clerk's system, auditors requested copies of the court sheet to determine if all charges received a disposition.²⁵

In some cases, a defendant is found guilty of a lower class of offense than for which he or she was initially charged. When this occurs, the actual charge for which the

²⁴ Depending on the nature of the alleged offense, the state's attorney can file more than one case against an individual. Usually, this occurs when a defendant is charged with multiple counts of the same crime. When the crimes occur over a period of time, such as burglary, the state's attorney may file a separate case for each burglary charge. However, if the crime occurred all at once, such as one-night burglary spree, the state's attorney may file one case that includes multiple counts of burglary.

²⁵ A "completed" case meets one of two criteria: 1) dispositions and sentences were issued on the same date; or 2) sentences were decided on a later date than dispositions and no activities other than a continuance occurred in the interim. The source of this information is the Circuit Clerk's database.

person is guilty may not be recorded on the Circuit Clerk's database. Instead, the database may indicate the original charges filed and the final dispositions "charge amended to misdemeanor," "charge amended," or "guilty of lesser included offense." The Circuit Clerk can only update charges on the database upon receiving an amended complaint from prosecutors or an amended court sheet signed by the judge. If the Circuit Clerk does not receive either document, then they will report the original charges filed on the case to the Illinois State Police along with the final dispositions "charge amended to misdemeanor," "charge amended," or "guilty of lesser included offense." Auditors flagged these cases for further analysis.

Criminal History Records (CCH database)

Auditors looked up each arrest on the CCH database. In most cases, they used the document control numbers to search for arrest and disposition records. When document control numbers were not available, auditors conducted a name-based search.

Result of Data Collection

The audit sample needed to include a minimum of 2,010 arrests to meet the 95% confidence level established for the sample. The sample includes 3,501 reportable arrests. Consequently, the audit can state with 95% confidence that the incomplete record rate in the sample comes within +/-3% of the true incomplete record rate on the CCH database for all reportable arrests which occurred in Cook County in 1996.

Each arrest in the sample occurred during the sample time frame, has at least one felony or class A or B misdemeanor charge, and is reportable to the Illinois State Police for inclusion on a person's criminal history record. The sources of arrest documentation are listed in Table 2, as follows:

Table 2
Sources of Arrest
Documentation

Source of Documentation	Number of Arrests
Police departments and Circuit Clerk	3,149
Police departments only	154
Circuit Clerk only	198
Total	3,501

The sample includes 3,149 arrests (89.9%) documented by police departments and the Circuit Clerk, 154 arrests (4.4%) documented solely by police departments, and 198 arrests (5.6%) identified by the Circuit Clerk only. Of the 198 arrests identified by the Circuit Clerk, 139 had a document control number. In the remaining 59 cases, auditors retrieved copies of bond slips and/or complaints to document that the arrest occurred.

The Circuit Clerk's arrest records were more likely to match the Chicago Police Department's records than suburban police departments' records included in the sample

(99.3% compared to 79.4%). Of the 154 arrests identified by police departments only, 149 originated in the suburbs and five in Chicago.²⁶ Of the 198 arrests reported only by the Circuit Clerk's office, 191 originated in suburban Cook County and seven were from Chicago.²⁷

Court Cases

There were 3,998 court cases associated with the 3,501 arrests in the sample, for an average of 1.14 cases per arrest. In most instances, multiple court cases occurred when a Municipal Department case and a subsequent Criminal Division case were filed on the same arrest.

Court Charges

There were 5,027 charges associated with the court cases that had final dispositions. Of the 5,027 charges, 4,914 had a final disposition and 113 charges did not have a disposition even though the Circuit Clerk's database indicated the case was closed. In addition, there were two charges that were unreadable on the Circuit Clerk's printout and database but had final dispositions.

Of the 5,027 charges, 4,123 occurred in Municipal Department cases and 906 occurred in Criminal Division cases. The crimes include almost all of the offenses enumerated under the Criminal Code of 1961 and other public acts, including:

- offenses against property, such as theft, burglary, and deception;
- offenses against the person, such as battery, homicide, and sexual assault;
- offenses against public health, safety and decency, which ranges from disorderly conduct to unlawful possession of deadly weapons; and
- drug offenses.²⁸

Dispositions

There were 4,916 final dispositions in the sample, of which 4,914 were associated with readable charges and two were associated with unreadable charges. The dispositions included guilty, not guilty, stricken off call with leave to reinstate (SOL), dismissed, nolle prosequi, findings of probable cause, and others. Of these dispositions, 4,025 occurred in Municipal Department cases and 891 occurred in Criminal Division cases.

Table 3 provides a summary of the data collected from police departments and the Circuit Clerk for the audit.

²⁶ Each suburban district identified the following number of arrests: district 2 had 22 arrests; district 3 had 21 arrests; district 4 had 12 arrests; district 5 had 40 arrests; and district 6 had 54 arrests.

²⁷ The breakdown by suburban municipal district is as follows: district 2 had 74 arrests, district 3 had 13 arrests, district 4 had 37 arrests, district 5 had 31 arrests, and district 6 had 36 arrests.

²⁸ See Appendix 4 for a description of each criminal offense in the sample.

Table 3
Events in Audit Sample

Type of Event	Number in Sample
Arrests	3,501
Court Cases	3,998
Court Charges	5,029
Final Dispositions	4,916

Findings

The completeness of records on the CCH database can be measured for each of the four types of events in the audit sample. Auditors calculated:

- the number of arrests with no court information recorded on the CCH database;
- the number of Municipal Department and/or Criminal Division cases with dispositions that were not posted to the CCH database ;
- the number and type of charges that do not have a disposition on the CCH database even though they received a disposition in court; and
- the number and type of dispositions that were not posted to the CCH database.

The first measure views incomplete records based on the occurrence of an arrest. However, not all arrests lead to a disposition. The second measure addresses this concern by focussing on court cases for which a disposition has occurred. However, not all court cases lead to a conviction. The third and fourth measures demonstrate the effectiveness of the CCH database in identifying individuals with convictions and/or other dispositions on their record.

Arrests with no Final Dispositions on CCH Database

There were no final dispositions on the CCH database for 1,898 out of 3,501 arrests in the sample. However, not all of these arrests resulted in a final disposition. There were 142 arrests for which the court case was open at the time of the audit, no charges were filed, or the case had been expunged from the Circuit Court but the arrest remained on the CCH database. This means that 1,756 arrests had final dispositions that were not posted to the CCH database.

Court Cases not posted to CCH Database

There are three scenarios in which Cook County court cases may not be posted to the CCH database:

- a case is filed in the Municipal Department only and was not posted to the CCH database;
- a case is filed in the Municipal Department, transferred to the Criminal Division, and the final dispositions from both cases are not posted to the CCH database; and
- a case is filed in the Municipal Department, transferred to the Criminal Division, and the final disposition from either case is not posted to the CCH database.

Of the 3,998 court cases in the sample, 2,014 had dispositions that were not posted to the CCH database (50.3%). The breakdown is as follows:

- there were 1,615 instances in which cases were filed only in the Municipal Department and were not added to the CCH database
- there were 100 instances in which the Municipal Department and Criminal Division cases were not added to the CCH database, 50 from each department;
- there were 259 instances in which the Municipal Department case was not added and the Criminal Division case was posted to the CCH database.
- there were 40 instances in which the Criminal Division case was not added and the Municipal Department case was posted to the CCH database.

Court Charges not posted to CCH Database

The Circuit Clerk's database reflects the charges filed against defendants. There were 5,027 counts of criminal offenses on the database and two counts that were unreadable. Of the readable counts, 4,914 had a final disposition and 113 did not have a disposition even though the case was closed. Each of the 5,027 counts should have been posted to the CCH database.

Table 4 compares the counts on the Circuit Clerk's database to the counts that were not posted to the CCH database, by type of offense.

Table 4
Court Charges:
Circuit Clerk's Database vs. CCH Database

Charges²⁹	Number on Clerk's Database	Number Not Posted to CCH	Percentage Not Posted to CCH
Property Offenses	1,630	879	53.9
Offenses Against the Person	1,263	651	51.5
Drug Offenses	1,073	532	49.5
Offenses Against Public Health, Safety, and Decency	835	413	49.4
Other Offenses	226	128	56.6
Total	5,027	2,603	51.7%

Dispositions not posted to CCH Database

There were 4,916 dispositions on the Circuit Clerk's database, of which 4,914 were associated with readable charges and two dispositions were associated with unreadable charges. Auditors calculated the number and type of dispositions not posted to the CCH database. Table 5 compares the number of dispositions on the Circuit Clerk's database to the number not recorded the CCH database, by type of disposition.

Table 5
Final Dispositions:
Circuit Clerk's Database vs. CCH Database

Final Dispositions	Number on Clerk's Database	Number Not Posted to CCH	Percentage Not Posted to CCH
Stricken off Call with Leave to Reinstate (SOL)	1,847	1,051	56.9
Guilty	1,419	612	43.1
Probable Cause Established	666	374	56.1
Nolle Prosequi	600	222	37.0
Dismissed	176	132	75.0
Other	85	62	72.9
Not Guilty	123	37	30.0
Omitted (from Clerk's database)	113	113	100.0
Total	5,029	2,603	51.7%

²⁹ The category *other* includes solicitation, conspiracy, and attempt and violations of the following acts: Hazing Act, Obscene Phone Call Act, and the Neglected Children Offense Act. See Appendix 3 for tables that list the number of charges that do not have dispositions on the CCH database, by offense type.

Using all four measures of incomplete records, auditors confirmed that a problem exists with arrests that do not have any dispositions on the CCH database. The problem has consequences - critical information about the guilt of offenders is not included on the CCH database. This affects the usefulness of the CCH database for conducting a background check.

Why Dispositions were not posted to CCH Database

As previously noted, of the 3,501 arrests in the sample, 1,898 did not have a disposition posted to the CCH database. Auditors analyzed the data and source documents collected to determine why the CCH database was incomplete for 54% of reportable arrests in Cook County in 1996. Table 6 provides a breakdown of the reasons why the CCH database has incomplete records.

Table 6
Reasons for Incomplete Records
on CCH Database

Reason(s) Why	Number	Percentage
Arrest was not posted to CCH	585	30.8
Case open – no disposition yet	109	5.7
No charges filed on arrests	32	1.7
Case expunged – no disposition reportable	1	0.1
Problem with DCN, only	394	20.7
Problem with DCN and statute citation ³⁰	479	25.2
Problem with statute citation, only ³¹	81	4.2
Unable to determine why	217	11.4
Total	1,898	100.0%

The largest single reason why dispositions were not posted to the CCH database is that the underlying arrest was not posted (30.8%). A disposition can only be posted if the arrest was previously posted to criminal history records. Also, slightly more than 50% of dispositions were not posted due to problems with document control numbers (DCNs) and/or statute citations. In 7.5% of cases, arrests are included on criminal history records for which no disposition is expected. This occurs when court cases are still open, no charges are filed on the arrest, or the case has been expunged. Finally, auditors could not determine why dispositions associated with 11.3% of arrests were not posted to the CCH database.

³⁰ Since 479 of 1,898 audit cases have two types of problems, they can be counted twice to arrive at a total of 2,377 problems identified in the audit.

³¹ Includes 11 cases in which auditors had insufficient information to review DCNs.

Problems with Arrests

Dispositions can only be posted to the CCH database if law enforcement agencies report the underlying arrest and the Illinois State Police posts the arrest to the CCH database. Auditors found 585 instances of arrests that were not posted. In other words, 30.8% of dispositions could not be posted to the CCH databases because the underlying arrest was not added. Auditors found that dispositions associated with these arrests were sent to the Illinois State Police and posted to the "pending" file in 241 instances. As of December 1998, the "pending" file contains 619,034 dispositions from all 102 counties in Illinois for which an arrest has not been submitted. If the arrests are posted to the CCH database, then the dispositions can be posted, too.

By Location

Table 7 provides a breakdown of the number and percentage of arrests in Chicago and suburban municipal districts that were not posted to the CCH database.

Table 7
Arrests not posted to the CCH Database

Municipal District	Number of Arrests in Sample	Number Not Posted to CCH	Percentage Not Posted to CCH
Chicago	1,854	279	15.0
Suburban Cook County	1,647	306	18.6
Total	3,501	585	16.7%

About 16.7% of the arrests in the sample are not included on criminal history records. Fifteen percent of Chicago Police Department arrests were not added to criminal history records, compared to 18.6% of arrests from suburban police departments.

By Sizes of Agencies

There are 15 large and 15 small suburban reporting agencies in the audit. Of the 1,647 suburban arrests in the sample, 1,373 were submitted by large agencies and 274 were supplied by small agencies. Table 8 identifies the number and percentage of arrests that were not added to criminal history records by agency size.

Table 8
Suburban Arrests not posted to the CCH Database by Agency Size

Agency Size	Number of Arrests in Sample	Number of Arrests Not Posted to CCH	Percentage of Arrests Not Posted to CCH	Range of Arrests Not Posted to CCH
Large	1,373	235	17.1	4.7% - 49.0%
Small	274	71	25.9	0.0% - 90.0%
Total	1,647	306	18.7%	NA

Arrests from smaller reporting agencies are less likely to be posted to criminal history records than for larger agencies, 25.9% compared to 17.1%. Also, the range for smaller agencies is greater than for large agencies.

Chicago Arrests

One hundred and sixty-three arrests on a single count of either *criminal trespass to real property* or *disorderly conduct* were not added to the CCH database in the sample. This accounts for about 60% of the 279 Chicago Police Department arrests that were not added to the CCH database.

Criminal Trespass to Real Property (720 ILCS 5/21-3)

Criminal trespass to real property became a reportable offense as of January 1, 1996 when the charge was upgraded from a class C to a class B misdemeanor.³² There were 90 Chicago arrests on this charge in the sample, all of which had CB numbers. Only four were posted to the CCH database.

Disorderly Conduct (720 ILCS 5/26-1, 2, 3, or 4)

The sample included 73 Chicago arrests on the single charge *disorderly conduct*. Depending on the nature of the offense, the charge can be classified as a class A, B, or C misdemeanor, or a class 4 felony. Only five of the arrests were posted to criminal history records.

Of the 68 arrests for disorderly conduct that were not included on criminal history records, the statute citation did not include the section number (5/26-1) in 11 instances. The remaining 57 statute citations did not include all or part of the subsection and/or paragraph portion of the statute. The subsection determines the classification of the charge. Most frequently, the citation read 720 ILCS 5/26-1.³³

Suburban Arrests

The audit was able to account for 174 of the 306 suburban arrests in the sample that were not added to the CCH database (56.1%).

- There is no record of either a document control number or a state five-part reporting card being completed for 81 arrests. Even when auditors conducted a name-based search of the CCH database, they could not locate the arrests;
- There were 57 arrests for which police departments did not provide documentation to auditors even though the Circuit Clerk's office had a verified DCN on the database. This suggests that police departments may not have submitted the state five-part reporting card to the Illinois State Police for these arrests;
- 27 arrests did not have a statute citation on the state reporting form. In 19 of these cases, the arrest occurred on warrants, most of which were issued when

³² Public Act 86-1300, *Illinois Legislative Service*, 1995, number 10, p. 3601.

³³ According to the Illinois State Police, the statute citation 720 ILCS 5/26-1 is a reportable offense.

defendants forfeited bond. The reporting forms indicated the underlying court case, but not the charge. Since the statute citations are omitted, the Illinois State Police are unable to add the arrest to criminal history records; and

- 9 arrests had an erroneous statute cited on the reporting form. The statute citation 720 ILCS 5/110-3, which refers to the procedure for issuing a warrant when a defendant fails to comply with the terms of a bail bond, was cited in seven of these cases. The statute does not describe a reportable offense. If a submission does not include a reportable statute citation, the Illinois State Police cannot add the arrest to a criminal history record.

Open, Expunged or no Court Cases

At the time of the audit, 109 court cases were open and the underlying arrest had been posted to the CCH database. One case had been expunged from the Circuit Court and the underlying arrest had been posted to the CCH database. Finally, auditors found 32 instances in which an arrest occurred and was posted to the CCH database, but no charges were filed. Many of these arrests occurred on warrants, such as bond forfeiture warrants, for which a charge of violation of bail bond was not filed in court. Therefore, no dispositions are created for these arrests.

Problems with Tracking Numbers and Statute Citations

Dispositions were not posted to the CCH database for 954 arrests (50.2%) due to problems with document control numbers, central booking numbers, and statute citations maintained by the Circuit Clerk's office. At the suggestion of the Circuit Clerk's office, and with the help of its staff, auditors retrieved court files for the affected cases and reviewed source documents used for entering information into the Circuit Clerk's database. The goal was to determine if:

- source documents were submitted by law enforcement agencies to the Circuit Clerk's office;
- tracking numbers and statute citations were accurate and complete on source documents; and
- the Circuit Clerk's office entered tracking numbers and statute citations into the database as they exactly appeared on source documents.

Document Control Numbers

For 72 arrests, the Circuit Clerk did not have a record of the document control number on the database. Without the number the Illinois State Police cannot process a disposition submission. Auditors were able to retrieve court files in 67 of these cases to determine whether the Circuit Clerk received a state five-part reporting form with a document control number. For 25 arrests, there was no copy on file, which suggests that the Circuit Clerk did not receive a reporting card. However, for 42 arrests, the Circuit Clerk had a state five-part reporting card on file but the document control number was not entered into the database.

For 45 arrests, the Circuit Clerk's database contained seven of the nine digits in the document control number. Auditors were able to retrieve court files for 37 of those arrests to determine if the document control number on the state five-part reporting card had nine digits. In each case, the number had the requisite nine digits, but the Circuit Clerk's office appears to have entered only seven digits.

The seven digits DCN problem may result from the bifurcated fields used in misdemeanor cases for entering a document control number into the database. The Circuit Clerk's office has separate data entry screens for felonies and misdemeanors. Information is entered into separate fields for each data element. In misdemeanor cases, the field for document control numbers is separated into two sections; one field is 2 digits in length and the other field has room for seven digits. When entering the nine-digit document control number, clerks are required to split the number between the two fields. It is possible that two digits may not have been entered in cases with seven digit document control numbers.

Central Booking Numbers

The first digit of the CB number on the Circuit Clerk's system does not match the first digit on the Chicago Police Department's CB number for 756 arrests. There are zeroes instead of the letter "C" on the Clerk's system. All of the Chicago arrests begin with the letter "C" on the CCH database. Since the first digits do not match, the Illinois State Police are not able to match the court submission to the arrest submission.

The Chicago Police Department's computer generates the central booking number, which is independent from the Illinois State Police's computer. Since the two computer systems are independent, there is a risk that each agency could issue the same number. If that were to occur, the Illinois State Police would not be able to distinguish one arrest from another when the time came to add them to the CCH database. In order to prevent this outcome, a single digit prefix is attached to the central booking number by the Chicago Police Department's computer. The prefix can be either an alphabetic or numeric character.

The Chicago Police Department uses CB numbers to help keep track of the arrest on paper documents and databases. Each arrest receives a unique number, which are eight digits long. When the arrest is reported to the Illinois State Police, the prefix is attached to the electronic submission to clearly identify Chicago as the source of information. Meanwhile, the Chicago Police Department transmits the eight-digit CB number to the Circuit Clerk's office without the prefix when the case is initiated. When reporting final dispositions to the Illinois State Police, the Circuit Clerk adds the prefix to the eight-digit number previously entered into the database.

For this part of the reporting system to work, the Chicago Police Department, the Circuit Clerk, and the Illinois State Police must share the same exact prefix. The Circuit Clerk's office reports that they were instructed to report zeroes as the prefix during the time frame of the sample. However, the prefix was changed from a zero to the letter "C" in transmissions between the Chicago Police Department and the Illinois State Police. The Circuit Clerk's office reports that they were not informed of the change until after the period of the audit sample. From an unspecified date, the prefix "C" was attached to

each CB number when reporting final dispositions to the Illinois State Police. Until that date, the Circuit Clerk submitted all dispositions using a zero as the CB number prefix pursuant to instructions received.

Table 9 provides a summary of the types of problems with tracking numbers associated with the court cases that were not posted to the CCH database.

Table 9
Types of Problems with
Tracking Numbers

Problem	Number of Arrests	Percentage of Arrests
"C" vs. "O" prefix	756	86.5
Seven digit DCN	45	5.1
Circuit Clerk did not enter DCN	42	4.8
No DCN given to Circuit Clerk	25	2.8
Undetermined source	5	.1
Total	873	100.0%

Statute Citations

The completeness, spacing, and punctuation of statute citations on the Circuit Clerk's database reflect the way they are reported to the Illinois State Police. The Circuit Clerk's policy is to enter citations exactly as they appear on the *complaint* in suburban districts and *transmittal sheets* in Chicago since they are used to initiate a case. Statute citations are entered into an open text field on data entry screens. Auditors copied statute citations exactly as they appeared on the Circuit Clerk's database to see if they met the *Data Dictionary* standards for accuracy and completeness (see pages 12-13 of the audit for a description of format requirements). Subsequently, auditors counted the number of instances in which statute citations deviated from the standards.

Auditors found problems with statute citations on the Circuit Clerk's database for 560 arrests, of which 455 occurred in Chicago and 105 in suburban municipal districts. In these cases, auditors and staff at the Circuit Clerk's office retrieved court files to determine if the statute citation was accurate and complete on transmittal sheets and complaints and if data entry operators transcribed information accurately and completely into the database.

For 429 arrests, a dash is used instead of a slash to separate the act from the article section in the citation on the Circuit Clerk's database. The *Data Dictionary* notes that a slash must be used in this field for a computer to recognize where the act ends and the article begins. Almost all of these cases occurred in Chicago. In each instance, the citation was reported to the Circuit Clerk's office on transmittal sheets. Auditors were able to retrieve 371 transmittal sheets to determine if citations contained dashes or slashes. The goal was to determine whether the Circuit Clerk's office entered citations exactly as they appeared on the sheets, including the punctuation. For 344 arrests, the citation on transmittal sheets contained a slash; for 27 arrests, the citation contained a

dash. Therefore, for the vast majority of these arrests, the Circuit Clerk's office did not enter citations exactly as they appeared.

For another 54 arrests, mostly in suburban districts, a slash is omitted between the act and article fields on the Circuit Clerk's database. Auditors were able to retrieve 50 *complaints* to determine if the citations were punctuated to meet format requirements. For 49 of the 50 arrests, a slash was used to punctuate the citation, but was not entered into the Circuit Clerk's database.

For 31 arrests, the act or article was omitted on the Circuit Clerk's database, or reflected a non-existent citation. Auditors were able to retrieve *complaints* in 28 of these cases for review. In 6 instances, the *complaints* did not include an act or article, or reflected no such numerical citation under Illinois statutes. For 22 of these arrests, the Circuit Clerk's office made an error in entering the information.

For 23 arrests, all in Chicago, the statutes cited on the Circuit Clerk's database are 720 ILCS 5/8-1, 2, or 3. They are the citations for solicitation, conspiracy, and attempt. These statute citations do not meet reporting requirements. Arresting agencies are required to report the citation for a specific offense, such as murder, burglary, credit card fraud, followed by the inchoate codes "S, C, or A" to indicate the actions solicitation, conspiracy, or attempt. Auditors were able to retrieve *transmittal sheets* for each of these cases to determine whether the Circuit Clerk's office entered the citation exactly as it appeared. For each arrest, the statute cited was 720 ILCS 5/8- 1, 2, or 3 and was entered into the Circuit Clerk's database as such.

Finally, for 23 additional arrests, the Circuit Clerk's database has citations with misplaced slashes and other typographic errors. Auditors were able to retrieve *complaints* for 21 of these cases. In every instance, the citation on the *complaint* was punctuated correctly.

Table 10 provides a summary of the types of problems with statute citations associated with the court charges.

Table 10
Types of Problems with
Statute Citations

Reason	Number of Arrests	Percentage of Arrests
Dash used instead of backslash	429	76.5
Backslash omitted	54	9.6
Act or article omitted	31	5.7
Inchoate offense (S,C,A)	23	4.3
Misplaced slash/typographic	23	4.1
Total	560	100.0%

Based on the review of 493 source documents, auditors established that the Circuit Clerk's office did not accurately transcribe punctuation and/or alphanumeric characters for 436 arrests in the sample.

Other

Dispositions not added to the Circuit Clerk's Database

As noted in Table 5, auditors found 113 charges that did not have dispositions on the Circuit Clerk's database even though the case was closed (2.2%). Since the Circuit Clerk's database does not have dispositions for these charges, the CCH database does not include them as well. Auditors requested copies of court sheets on the judgment dates to determine if all charges received a disposition.

Each court sheet lists the cases on the judges' call for a specific date. For each case, the case number and the defendant's name is listed on the first line. The second and subsequent lines list each count for every charge against the defendant. Next to every charge is blank space on which judges' write their orders. To the right of the judges' section is a section for court clerks to enter computer codes for each order. Subsequently, a data entry operator enters the codes into the computer. Auditors reviewed the judges' section to determine if an order was indicated and subsequently coded.

Auditors were able to retrieve court sheets for 43 of the 113 charges. The reasons why dispositions were not posted to the Circuit Clerk's database are:

- for 12 charges, an order exists next to the charge but was never coded by a clerk;
- for 12 charges, an order exists next to the first charge and a line is drawn down the page to cover the additional charges on the case. None of the charges covered by the line are coded for data entry;
- for 8 charges, one order exists next to the first charge but no line or other marks were used to indicate the status of the remaining charges;
- for 3 charges, an order was written on the defendant's name line but did not specify which charges were covered;
- for 3 charges, the judge's order was written over two lines. This handwriting can be interpreted in two ways; 1) the judge meant for the order to cover either charges; or 2) the judge could not fit the order on one line since the space between the lines is small;
- for 3 charges, the court sheet is illegible; and
- for 2 charges, the case was forwarded to another date. No additional information about those court dates appeared on the Circuit Clerk's database.

Amended Charges

During a case, a prosecutor may make a motion to amend charges against the defendant to conform to the proof and evidence presented more closely. A charge may be reduced from a felony to a misdemeanor or from a higher to a lower felony classification. Consequently, the defendant may be found guilty of the amended charge. The disposition "charge amended" will be reported to the Illinois State Police instead of the disposition "guilty."

Auditors found the disposition "charge amended" was posted to criminal history records in 43 of the 1,603 complete records (2.6%). In 37 of these cases, the statute cited

was the same as the original charge filed on the case and recorded on the Circuit Clerk's database. The amended charge is not included on the criminal history record or the Circuit Clerk's database. Therefore, criminal history records users will not know the actual charge for which the person was found guilty.

Lesser Included Offenses

When a judge formally announces the charges in court, he or she will also issue instructions which state that the defendant is charged with all "included offenses."³⁴ For example, the charge "armed robbery" includes the offenses "aggravated robbery" and "robbery." A defendant can be charged with armed robbery but found guilty of the lesser offense "robbery" if, during the course of the case, the prosecution establishes that robbery occurred but was unable to prove the defendant was armed.

The Circuit Clerk's office enters the disposition "guilty of lesser included offense" into the database and reports it as such to the Illinois State Police for inclusion on criminal history records. Auditors found the disposition posted to criminal history records in 4 of the 1,603 complete records (0.2%). In two of the four cases, the statute cited was the same as the original charge filed on the case and recorded on the Circuit Clerk's database. The lesser-included charge is not indicated on the criminal history record or the Circuit Clerk's database. Therefore, criminal history record users will not know the actual charge for which the person was found guilty.

Summary of Findings

The audit found that records on the CCH database continue to be incomplete. Slightly more than 50% of court dispositions were not posted even though they should have been posted. Auditors established various reasons why dispositions were not posted.

Problems with Arrests

Disposition can only be posted to the CCH database if law enforcement agencies submit arrest reports and fingerprints and the Illinois State Police posts the arrest. The audit found that 30.8% of reportable dispositions that were not added to the CCH database could not be posted since the arrest had not been posted previously.

Problems with Information Reported to the Circuit Clerk

For a disposition to post to the CCH database, the Circuit Clerk's submission must contain accurate and complete tracking numbers and statute citations. However, the Circuit Clerk's office must receive accurate and complete tracking numbers and statute citations from law enforcement agencies to meet the reporting requirements. The audit found that the Circuit Clerk did not always receive accurate and complete tracking numbers and statute citations from law enforcement agencies. The problems included:

³⁴ The definition is "an offense which (a) is established by proof of the same or less than all of the facts or a less culpable mental state (or both), than that which is required to establish the commission of the offense charged, or (b) consists of an attempt to commit the offense charged or an offense included therein." 720 ILCS 5/2-9

Tracking Numbers

- The Circuit Clerk did not receive copies of the state five-part reporting card for 1.4% of suburban arrests. Therefore, they did not have a document control number available for reporting the disposition.

Statute Citations

- The Chicago Police Department submitted statute citations for solicitation, conspiracy and attempt to the Circuit Clerk that did not meet reporting requirements in 1.3% of cases not posted to the CCH database.

Problems with Communications between Local Agencies

A major breakdown in communications may have occurred between the Chicago Police Department and the Circuit Clerk's office in processing central booking number prefixes. The Circuit Clerk's office reports that they were not informed of a programming change in the prefix from an "O" to a "C." As a result, central booking numbers on their database did not match the central booking numbers reported to the Illinois State Police in 43.0% of cases not posted to the CCH database.

Problems with Data Entry by Circuit Clerk's Office

About 24.8% of cases not posted to the CCH database were caused by data entry errors in statute citations by the Circuit Clerk's office. In these cases, the alphanumeric characters and/or punctuation of statute citations were transcribed inaccurately from source documents by the Circuit Clerk's office. Most of these errors were caused by the use of dashes instead of slashes in punctuating citations.

The Circuit Clerk's office received a state five-part reporting card but did not enter the document control number into the database in 2.4% of the cases. Consequently, a document control number would not have been included when reporting the disposition to the Illinois State Police for posting to the CCH database.

Actions Taken

The audit sample was from 1996. Since then, Cook County reporting agencies and the Illinois State Police have implemented a number of changes in information processing that are designed to improve the timeliness, accuracy and completeness of criminal history records. Primarily, reporting agencies replaced manual reporting forms or magnetic tapes with daily electronic data interchanges. Other changes addressed specific findings in the audit.

Changes in Electronic Data Interchanges

The criminal justice community in Cook County has implemented several major technological changes. Most of the manual reporting procedures existent in 1996 have been replaced, including:

- The Chicago Police Department now files cases on-line and in real time with the Circuit Court. All arrest and demographic information about arrestees is transmitted daily via dedicated telephone lines to the Circuit Clerk's office.
- In suburban Cook County, the Sheriff's Office has set up livescan machines in the municipal courthouses and other locations to permit digital fingerprinting and electronic information reporting.
- The Circuit Clerk now reports dispositions on-line and in real time to the Illinois State Police.

Programming Changes

Several reporting agencies implemented new computer programs to improve criminal history reporting.

- The Chicago Police Department and the Circuit Clerk's office addressed the problem of incompatible prefixes attached to central booking numbers.
- The Circuit Clerk implemented a program to unite the digits of the document control numbers when dispositions are reported to the Illinois State Police.
- In 1998, the Illinois State Police implemented a computer program to override punctuation errors. As long as reporting agencies submit statute citations with accurate and complete alphanumeric characters, the Illinois State Police will be able to post submissions to the CCH database.

Circuit Clerk Procedural Review

Based on a review of cases in the audit, the Circuit Clerk's office is reviewing procedures for entering document control numbers in suburban cases. The audit found a number of instances in which the Circuit Clerk received a state five-part reporting card but did not enter the document control number into the database.

Taken together, all of the changes in electronic data interchanges, programming, and data entry procedures are expected to improve the timeliness, accuracy and completeness of criminal history reporting from Cook County.

Recommended Actions

The criminal justice system and the community at large rely on the completeness of the CCH database. A host of important decisions – including enhanced sentencing, employment, and licensing – are made based on the information contained in the CCH database. For these decisions to be made, court dispositions must be recorded accurately and fully on the CCH database. However, as revealed in this audit, more than 50% of reportable court dispositions were not posted to CCH during 1996. Consequently, background checks will not reveal critical information about the guilt or innocence of individuals with an arrest on their record.

Implement a Disposition Acquisition Plan

1) To rectify these omissions, the Cook County Circuit Clerk should work with the Illinois State Police to acquire dispositions that were not posted to the CCH database for all arrests that have occurred since 1996. With some modification to submission reports, dispositions may be able to be posted to the CCH database. For instance, the Circuit Clerk may want to consider resubmitting dispositions for Chicago arrests by substituting the letter "C" in central booking numbers that began with zeroes.

According to the Circuit Clerk's office and the Illinois State Police, computer programs were fully implemented in 1998 to handle disposition submissions that had punctuation errors in statute citations. The programs enable the Illinois State Police's computer to look strictly at the alphanumeric characters in the statute citation. As long as the Circuit Clerk submits a statute with an accurate chapter, act, article, and section, the citation can meet reporting requirements. This suggests that dispositions from 1996 and 1997 could pass reporting requirements today if they were submitted again.

As part of the plan, the Circuit Clerk's office should review all suburban cases with reportable charges that do not have a document control number on their database. The audit demonstrated that the Circuit Clerk's office received but did not enter document control numbers into their database for a small percentage of cases that were not posted to the CCH database. The review may turn up additional cases in which a document control number is available for reporting the disposition.

2) The Circuit Clerk and the Illinois State Police should not acquire final dispositions of "probable cause established" in Municipal Department cases. In these cases, the more important information is the final disposition in the Criminal Division case, where the court decides whether a person is guilty of the charges filed by the state's attorney. These dispositions are more useful to police departments, state's attorneys and other users of the CCH database in making decisions about repeat offenders.

Interagency Tasks

Several problems in criminal history reporting can only be addressed by criminal justice agencies working together. The audit has identified two problems that should be addressed by an interagency task force on criminal history reporting in Cook County:

- 1) the inefficient use of resources in processing the disposition "findings of probable cause"; and
 - 2) problems with electronic data interchanges.
- 1a) The practice of reporting "findings of probable cause" in Municipal Department cases and subsequent dispositions from Criminal Division cases is inefficient. Two case numbers, two sets of charges, and two sets of final dispositions for the same offense are reported to the Illinois State Police for addition to the CCH database. To process this extra information consumes time, resources, and computer memory, all of which could be made available for other activities. In these instances, dispositions should only be reported in the Criminal Division case.

1b) The Illinois State Police, the Circuit Court of Cook County, and the Administrative Office of Illinois Courts (AOIC) should redefine the disposition “probable cause established” as an interim disposition. At present, it is defined as a final disposition because it concludes a Municipal Department case. However, additional activity will occur in the Criminal Division after a finding of probable cause is established. Therefore, the finding should be defined more accurately as an interim disposition.

2a) There appears to have been a breakdown in communications between the Chicago Police Department, the Circuit Clerk’s office, and the Illinois State Police in processing central booking numbers electronically. To prevent similar breakdowns in the future, Cook County reporting agencies should develop a regular forum for sharing information about changes in computer programs. The Cook County Information Committee, which coordinates administrative, procedural, and network planning issues for criminal justice agencies, may serve as a model for addressing computer-programming issues.

2b) As jurisdictions in Illinois move forward with integration of criminal justice information systems, they should develop a forum for agencies to identify and solve computer-programming issues. This can help prevent breakdowns in communications that affect the timeliness, accuracy, and completeness of criminal history records.

Illinois State Police

The Illinois State Police maintain several files of disposition submissions that could not be posted to the CCH database. Dispositions are usually forwarded to these files when the underlying arrest is not posted. The Illinois State Police should analyze these files to determine whether trends or anomalies in the data point at problems with specific charges, arresting agencies, tracking numbers, and other data elements. The resulting analysis can be used by local agencies to identify sources of problems in criminal history reporting.

Law Enforcement Agency Procedural Review

The audit identified several issues with document control numbers and statute citations for local law enforcement agencies to address to improve arrest reporting.

Suburban Law Enforcement Agencies

1) The state five-part reporting card does not appear to have been completed for many suburban arrests in the sample. Without it, an arrest and subsequent court disposition can not be posted to the CCH database. Suburban Cook County agencies should ensure that reporting cards are completed and submitted to the Circuit Clerk and the Illinois State Police for processing.

2) Suburban agencies should consider booking arrestees on livescan machines located throughout Cook County at municipal district courthouses and other sites. Livescan machines transmit digital images of fingerprints and arrest information to the Illinois State Police. They can also transmit arrest charges, identifying information about defendants, and document control numbers to the Circuit Clerk’s office daily via dedicated telephone lines. Since all electronic data interchanges would have a document

control number, the Circuit Clerk's office would be able to submit the number with every disposition report. This enables the Illinois State Police to link the disposition to a previously submitted arrest.

Chicago Police Department

- 1) The Chicago Police Department should review procedures for reporting several misdemeanor offenses: disorderly conduct and criminal trespass to property. For disorderly conduct, the statute citation should include the section and paragraph. This can help determine whether the offense is a reportable class A or B misdemeanor. In the case of criminal trespass to property, the Chicago Police Department should determine if procedures are in place today to report this offense via livescan to the Illinois State Police.
- 2) The Chicago Police Department should follow the standards set by the Illinois State Police and the Administrative Office of the Illinois Courts for citing solicitation, conspiracy, and attempt offenses when filing these charges in the Circuit Clerk's office and reporting the offense for addition to the CCH database.

Appendix 1

Criminal Cases and the Structure of the Circuit Court of Cook County

The practice of filing a municipal case and a subsequent criminal case on the same event reflects the two-tiered departmental structure of the Circuit Court. A municipal case originates in the Municipal Department, whereas a subsequent criminal case originates in the Criminal Division of the County Department. No other circuit court in Illinois has a two-tiered case filing procedure or two-tiered departmental structure.

The Circuit Court of Cook County has employed this structure and process ever since unification occurred in 1964. In that year, the Circuit Court assumed sole jurisdiction over all criminal cases at the trial level originating in Cook County. In doing so, they kept the same decentralized court structure and continued the practice of transferring cases between courts as had existed prior to unification.

Before 1964, there were city, village, and town courts located throughout Cook County.³⁵ In criminal matters, these courts heard misdemeanor cases in their entirety and felonies through the preliminary hearing. For instance, the Municipal Court of Chicago had jurisdiction over several classes of criminal offenses committed within the City of Chicago. It included, "... all criminal cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary; all other criminal cases which the laws in force from time to time may permit to be prosecuted otherwise than on indictment by a grand jury, and all criminal cases of whatever nature which may be transferred to it by change of venue or otherwise by any other court of competent jurisdiction."³⁶

Prior to unification, cases were routinely transferred from local courts to the then-existing Criminal Court of Cook County.³⁷ The court consisted of one building, which was located at 26th Street and California Avenue in Chicago. A new case number and docket was created to reflect the change in venue. Hence, a municipal case number was assigned to the case in Municipal Court and a criminal case number was assigned to the new case arising in the Criminal Courts. When a felony case was transferred to the Criminal Court, the Municipal Court case ended and received a final disposition of "superseded."

After unification, cases continued to be transferred, but instead of occurring between two courts of separate jurisdiction, they were transferred between two departments within a single court of original and unlimited jurisdiction. Today, after a finding of probable cause occurs, felony cases are transferred from the Municipal Department to the Criminal Division of the County Department.³⁸

³⁵ Lepawsky, Albert, *The Judicial System of Metropolitan Chicago*, Chicago: University of Chicago Press, 1932, pp. 22-37.

³⁶ The Municipal Court Manual of the Municipal Court of Chicago, 1950, p. 84.

³⁷ Ibid., p. 102.

³⁸ Rule 15.1(a), Assignment of Cases to the Criminal Division, Rules of the Circuit Court of Cook County, 1997 Sullivan's Law Directory, p. 693r.

Appendix 2

Suburban Cook County Arresting Agencies by Number of Index and Drug Arrests in 1996

As noted in the audit methodology, auditors sought to establish with 95% certainty that the incomplete record rate in the sample comes within +/- 3% of the true incomplete record rate on criminal history records. To reach this goal, auditors needed to identify a minimum of 991 suburban arrests over a two-month period for analysis. Also, the sample included a representative distribution of reporting agencies based on their location and size.

The charts below list each reporting agency according to their geographic location and size. Each agency had an equal opportunity of being selected at random for the audit. Of the 121 reporting agencies listed below, three large and three small agencies per municipal district were randomly selected for inclusion in the audit.

District 2 - Skokie Median Number of Arrests: 147

Larger Agencies	Number of Arrests	Smaller Agencies	Number of Arrests
Evanston	1,034	Northbrook	135
Skokie	876	Wilmette	119
Lincolnwood	469	Winnetka	35
Niles	433	Glencoe	30
Des Plaines	301	Northfield	15
Park Ridge	154	Kenilworth	10
Morton Grove	152	Golf	0
Glenview	147		

District 3 – Rolling Meadows Median Number of Arrests: 247

Larger Agencies	Number of Arrests	Smaller Agencies	Number of Arrests
Schaumburg	1138	Rolling Meadows	160
Mt. Prospect	696	Prospect Heights	99
Norridge	561	Harwood Heights	91
Hoffman Estates	528	Bartlett	87
Elk Grove	521	Schiller Park	74
Arlington Heights	418	Barrington	67
Palatine	359	Barrington Hills	22
Streamwood	324	South Barrington	22
Wheeling	314	Rosemont	10
Hanover Park	269	Inverness	7
Buffalo Grove	247		

District 4 – Maywood
Median Number of Arrests: 214

Larger Agencies	Number of Arrests	Smaller Agencies	Number of Arrests
Cicero	1,073	River Forest	161
Maywood	875	Brookfield	115
Oak Park	642	Westchester	114
North Riverside	600	Hillside	110
Forest Park	458	Elmwood	108
Franklin Park	411	Stone Park	81
Broadview	337	Riverside	69
Melrose Park	316	La Grange Park	65
Berwyn	278	River Grove	36
Northlake	243	Berkeley	35
Bellwood	214		

District 5 – Bridgeview
Median Number of Arrests: 119

Larger Agencies	Number of Arrests	Smaller Agencies	Number of Arrests
Orland Park	968	Stickney	108
Burbank	671	Alsip	102
Evergreen Park	559	Hickory Hills	89
Oak Lawn	542	Lemont	47
Bedford Park	410	Western Springs	45
Chicago Ridge	239	Willow Springs	40
Bridgeview	215	Merrionette Park	34
Orland Hills	212	Palos Hills	25
Justice	177	Worth	25
Summit	171	McCook	22
Hodgkins	170	Hometown	17
Countryside	167	Forest View	6
Lyons	134	Palos Park	5
Palos Heights	122	Indian Head Park	2
La Grange	119		

District 6 – Markham
Median Number of Arrests: 177

Larger Agencies	Number of Arrests	Smaller Agencies	Number of Arrests
Calumet City	1270	Glenwood	159
Chicago Heights	981	Oak Forest	148
Matteson	798	Midlothian	137
Harvey	544	Calumet Park	130
		South Chicago Heights	126
Park Forest	532	Crestwood	125
Tinley Park	358	Steger	115
Lansing	346	Phoenix	106
Blue Island	338	Posen	87
Country Club Hills	328	Dixmoor	78
Dolton	235	Richton Park	71
Ford Heights	234	Lynwood	64
Homewood	219	Flossmoor	60
Markham	210	Burnham	55
Sauk Village	199	East Hazel Crest	47
Hazel Crest	191	Olympia Fields	28
South Holland	183	Thornton	19
Robbins	179		
Riverdale	177		

Source: Index Arrests and Drug Arrests – 1996 *Uniform Crime Report* (UCR)

Appendix 3

Charges with Dispositions not Posted to Criminal History Records

The charts below compare the number of charges with final dispositions on the Circuit Clerk's database to the number of charges with final dispositions that were not posted to criminal history records. Each charge describes an offense cited in chapter 720 of Illinois Compiled Statutes. For example, the charge of retail theft is cited in chapter 720, act 5, and article 16A. For a listing of included offenses, see Appendix 4.

Chart 1
Property Offenses

Charges with Final Dispositions	Number on Clerk's Database	Number Not Posted to CCH
Damage/Trespass to Property	442	313
Retail Theft	429	192
Theft and Related Offenses	383	220
Burglary	184	71
Robbery	96	43
Deception	89	40
Arson	7	0
Total	1,630	879

Chart 2
Offenses against the Person

Charges with Final Dispositions	Number on Clerk's Database	Number Not Posted to CCH
Bodily Harm – assaults and batteries	1,133	586
Sex Offenses	57	42
Homicide	37	8
Kidnapping/Related Offenses	18	7
Offenses against Children	16	8
Total	1,263	651

Chart 3
Drug Offenses

Possession or Delivery Charges with Final Dispositions	Number on Clerk's Database	Number Not Posted to CCH
Controlled Substances	770	352
Cannabis	244	151
Drug Paraphernalia	59	29
Total	1,073	532

Chart 4
**Offenses against Public Health,
Safety, and Decency**

Charges with Final Dispositions	Number on Clerk's Database	Number Not Posted to CCH
Unlawful Use of Deadly Weapons	416	143
Disorderly Conduct	94	82
Reportable Traffic	98	52
Mob Action	78	63
Interference with Public Officers	71	39
Gambling	21	8
Harassing Phone Calls	20	14
Interference with Judicial Procedures	21	8
Credit and Debit Card Offenses	16	3
Total	835	413

Chart 5
Other Offenses

Charges with Final Dispositions	Number on Clerk's Database	Number Not posted to CCH
Solicitation, Conspiracy, or Attempt	94	59
Miscellaneous	132	69
Total	226	128

Appendix 4

Glossary Reportable Offenses

The glossary includes descriptions of all reportable felony and class A or B misdemeanor offenses cited under Illinois Compiled Statutes, by chapter, articles, and section.

Offenses Directed against the Person

Bodily Harm – 720 ILCS 5/12. *Battery:* aggravated assault, battery, domestic battery, aggravated battery, heinous battery, aggravated battery with a firearm, aggravated battery of a child, aggravated battery of a senior citizen, drug induced infliction of aggravated battery to a child athlete, drug induced infliction of great bodily harm, abuse and gross neglect of a long term care facility resident. *Sexually Related Offenses:* criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, aggravated criminal sexual abuse. *Other:* vehicular endangerment, criminal neglect of an elderly or disabled person, tampering with food, drugs or cosmetics, reckless conduct, criminal housing management, gross neglect by common carriers, intimidation, aggravated intimidation, compelling organization membership of persons, interfering with the reporting of domestic violence, compelling confession or information by force or threat, hate crime, stalking, aggravated stalking, threatening public officials, home invasion, vehicular invasion, criminal transmission of HIV, sale of body parts, child abandonment, endangering the life or health of a child, violation of an order of protection, inducement to commit suicide, ritual mutilation, ritualized abuse of a child, and female genital mutilation.

Eavesdropping – 720 ILCS 5/14.

Homicide – 720 ILCS 5/9. Homicide includes first degree murder, second degree murder, involuntary manslaughter, reckless homicide, and concealment of homicidal death.

Kidnapping and Related Offenses – 720 ILCS 5/10. Kidnapping and related offenses include aggravated kidnapping, unlawful restraint, forcible detention, child abduction, harboring a runaway, and aiding and abetting child abduction.

Offenses against Children – 720 ILCS 130/2 and 720 ILCS 150. Offenses against children include contributing to dependency or neglect of child, contributing to delinquency of child, abandonment of children by school bus driver and permitting sexual abuse of a child.

Sex Offenses – 720 ILCS 5/11. Sex offenses include indecent solicitation of a child, indecent solicitation of an adult, adultery, fornication, public indecency, sexual exploitation of a child, custodial sexual misconduct, presence within school zone by child sex offenders, sexual relations within families, bigamy, and marrying a bigamist. Sex

offenses also include prostitution, solicitation of a sexual act, soliciting for a prostitute, soliciting for a juvenile prostitute, pandering, keeping a place of prostitution, keeping a place of juvenile prostitution, patronizing a prostitute, patronizing a juvenile prostitute, pimping, juvenile pimping, exploitation of a child, obscenity, child pornography, and distribution of harmful material.

Offense Directed against Property

Arson – 720 ILCS 5/20. Arson includes aggravated arson and possession of explosive or incendiary devices.

Burglary – 720 ILCS 5/19. Burglary includes possession of burglary tools, residential burglary, criminal trespass to residence, and criminal fortification of a residence or building.

Damage and Trespass to Property – 720 ILCS 5/21. Damage to property includes criminal damage of fire fighting apparatus, hydrants or equipment, institutional vandalism, criminal defacement of property, criminal damage to government supported property, and jackrocks. Trespass to property includes criminal trespass to vehicles, criminal trespass to real property, criminal trespass to State supported land, criminal trespass to restricted areas and restricted landing areas at airports, and unauthorized possession or storage of weapons.

Deception – 720 ILCS 5/17, 5/17A and 5/17B. Deception includes false personation as a veteran in seeking employment or public office, solicitation of advertisements in firefighters', law enforcement or police officers' magazine without current certificate, forgery, obstructing gas, water, and electric meters, obstructing service meters, disqualification for state benefits, and deceptive altering or sale of coins. Fraud includes state benefits fraud, promotion of pyramid sales schemes, health care benefits fraud, public aid wire fraud, public aid mail fraud, odometer fraud, hour meter fraud, fraudulent land sales, acknowledgement of fraudulent conveyance, fraudulent production of infant, fraudulent issuance of stock, an officer signing fraudulent stock, false information on an application for employment, and WIC fraud.

Retail Theft – 720 ILCS 5/16A. The offense of retail theft includes taking possession of any merchandise for sale in a retail mercantile establishment with the intention of depriving the merchant permanently of the possession without paying the value of such merchandise, or altering, transferring or removing any label price tag, marking or under-rings with the intention of depriving the merchant of the full retail value of the merchandise. Retail theft also includes removal of a shopping cart from the premises, representing to a merchant that he is the lawful owner of property knowing such representation is false, possessing or using any theft detection shielding device or theft detection device remover, and obtaining or exerting unauthorized control over property of the owner.

Robbery – 720 ILCS 5/18. Robbery includes armed robbery, vehicular hijacking, aggravated vehicular hijacking, and aggravated robbery.

Theft and Related Offenses – 720 ILCS 5/16, 5/16C, 5/16D, 5/16E, and 5/16F. Theft and related offenses include financial exploitation of an elderly or disabled person, theft of labor or services or use of property, false report of theft and other losses, theft from coin-operated machines, and unlawful possession of a key or device to open coin-operated machines. Theft also includes unlawful use of recorded sounds or images, unlawful use of unidentified sound or audio visual recordings, cable television service offenses, unauthorized use of television interception or decoding device, unlawful sale of household appliances, computer crime, delivery container crime, and wireless service theft.

Offenses Directed against Public Health, Safety, and Decency

Bribery – 720 ILCS 5/29, 5/29A, 5/29B and 5/29C. Bribery includes bribery in contest, offering a bribe, accepting a bribe, failure to report offer of bribe, commercial bribery, money laundering, and international terrorism.

Credit Card and Debit Card Offenses – 720 ILCS 250. The Illinois Credit Card and Debit Card Act includes making a false statement for purpose of procuring a card, receiving a card without cardholders' consent, receiving lost or mislaid card, selling or purchasing of a card, and use of card without cardholders' consent. Also included is utilization of account number or code with intent to defraud, receiving money or goods with intent to defraud, and a person other than cardholder signing card. The Credit Card and Debit Card Act also includes alteration of card/possession of altered card, counterfeiting/possession of counterfeited card, possession of incomplete card, possession of machinery plates designed to reproduce cards, deposits with intent to defraud, and fraudulent use of electronic transmission.

Deadly Weapons – 720 ILCS 5/24. Deadly weapons includes unlawful use or possession of weapons by felons or persons in the custody of the Department of Corrections facilities, unlawful use of armor piercing bullets, unlawful sale of firearms, unlawful possession of firearms and firearm ammunition, unlawful discharge of armor piercing bullets, unlawful sale or delivery of firearms on the premises of any school, and unlawful sale of firearms by liquor licensee. Deadly weapons also includes manufacture, sale or transfer of bullets represented to be armor piercing bullets, aggravated discharge of a firearm, reckless discharge of a firearm, gunrunning, register of sales by dealer, and defacing identification marks of firearms.

Disorderly Conduct – 720 ILCS 5/26. Disorderly conduct includes transmitting or causing a false alarm of fire, bomb, criminal offense, ambulance request or calling "911" to transmit a false alarm. It also includes transmitting a false report to the Department of Public Health, the Department of Children and Family Services, any public safety agency, and false reports under Article II of "An Act in relation to victims of violence and abuse". Disorderly conduct also includes interference with emergency communication, entering property of another and for lewd purposes looks into a dwelling through a window or other opening, and unauthorized videotaping

Gambling and Related Offenses – 720 ILCS 5/28. Gambling includes syndicated gambling, keeping a gambling place, and registration of federal gambling stamps.

Interference with Judicial Procedures – 720 ILCS 5/32. Interference with judicial procedures includes perjury, subornation of perjury, communicating with jurors and witnesses, harassment of one who has served or is serving and their family members, accepting a bribe to excuse persons from jury duty, and witnesses accepting payments before judgment or verdict in a trial. Interference also includes false personation of an attorney, judicial, or governmental official, false personation of a peace officer, aggravated false personation of a peace officer, false personation of a parent or legal guardian, performance of unauthorized acts, simulating legal process, tampering with public records, violation of bail bond, and unlawful claim or encumbrance of title.

Interference with Public Officers - 720 ILCS 5/31 and 5/31A. Interference with public officers includes resisting or obstructing a peace officer or correctional institution employee, disarming a peace officer, obstructing service of process, obstructing justice, concealing or aiding a fugitive, failure to report to a penal institution or to report for periodic imprisonment, aiding escape, and interference with penal institution.

Mob Action and Related Offenses – 720 ILCS 5/25. Mob action consists of the use of force or violence disturbing the public peace by 2 or more persons acting together and without authority of law, any participant in a mob action who by violence inflicts injury to a person or property, and a participant who does not withdraw upon command of a peace officer.

Obscene Phone Calls – 720 ILCS 135. The Obscene Phone Call Act includes transmission of obscene messages and harassment by telephone.

Reportable Traffic – 625 ILCS 5/4 and 5/11. Reportable traffic includes anti-theft laws and abandoned vehicle laws, vehicle theft conspiracy, aggravated offenses relating to motor vehicles and other vehicles, organizer of an aggravated vehicle theft conspiracy, offenses relating to possession of titles and registration, offenses relating to disposition of titles and registration, and offenses relating to deletion or falsification of information on title document. Reportable traffic also includes fleeing or attempting to elude police officer, aggravated fleeing or attempt to elude a police officer, display of unauthorized signs, signals or markings, interference with official traffic-control devices or railroad signs/signals, unlawful use or damage to highways, appurtenances and structures, unlawfully altered person with disabilities license plate or parking decal or device, fraudulent person with disabilities license plate or parking decal or device, and failure to carry a manifest. Also included is motor vehicle accidents involving death or personal injuries, accident involving damage to vehicle, duty to give information and render aid, duty upon damaging unattended vehicle or other property, driving while under the influence of alcohol, other drug, or combination of both, reckless driving, aggravated reckless driving, and oscillating, rotating or flashing lights on motor vehicles.

Treason and Related Offenses – 720 ILCS 5/30. Treason includes misprision of treason and advocating overthrow of government.

Drug Offenses

Cannabis Control – 720 ILCS 550. The Cannabis Control Act includes possession of more than 2.5 grams of any substance containing cannabis, manufacture or delivery of cannabis, cannabis trafficking, delivery of cannabis on school grounds, unauthorized production or possession of cannabis sativa plant, and calculated criminal cannabis conspiracy.

Controlled Substances – 720 ILCS 570. The Illinois Controlled Substance Act includes manufacture or delivery of controlled substance, possession, controlled substance trafficking, chemical breakdown of illicit controlled substance, and the manufacture, advertisement or possession with intent to manufacture or distribute “look-alike” substances. The Act also includes calculated criminal drug conspiracy, criminal drug conspiracy, streetgang criminal drug conspiracy, miscellaneous violations, and permitting a building to be used to manufacture or deliver a controlled substance. Also included is the delivery of controlled, counterfeit or look-alike substance to persons under 18 years of age at truck stops, safety rest areas, school property or places of religious worship, persons 18 or older using, engaging or employing persons under 18 to deliver controlled, counterfeit or look-alike substances, and delivery of a controlled substance to a pregnant woman.

Drug Paraphernalia Control – 720 ILCS 600. The Drug Paraphernalia Control Act includes sale or delivery and possession of drug paraphernalia.

Appendix 5

Glossary Final Dispositions in the Circuit Court of Cook County³⁹

Dismissed: An order or judgement finally disposing of an action, suit, or motion without trial of the issues involved or without any further consideration or hearing. The dispositions are denoted as 1) dismissed operation of the law; 2) dismissed – 4th term; 3) information or indictment dismissed; 4) information or indictment quashed; 5) dismissed; 6) finding of no probable cause – dismissed; and 7) dismiss for want of prosecution.

Guilty: The evidence indicates beyond a reasonable doubt, or to a moral certainty, that the defendant committed the crime. Dispositions are denoted as 1) finding of guilty; 2) verdict of guilty; 3) guilty of lesser-included offense; and 4) charge amended.

Nolle Prosequi: A formal entry upon the record by the prosecuting attorney, by which he declares that he “will no further prosecute” the case. It is a voluntary withdrawal by the prosecuting attorney from proceedings on a criminal charge. Dispositions are denoted as *nolle prosequi*.

Not Guilty: The evidence does not indicate beyond a reasonable doubt, or to a moral certainty, that the defendant committed the crime. The dispositions are denoted as 1) motion for acquittal granted; 2) pleading of not guilty/finding of not guilty; 3) finding of not guilty; 4) verdict of not guilty; 5) finding of not guilty by reason of insanity; and 6) directed finding of not guilty.

Other: Other dispositions include: 1) *Death suggested – cause abated* – due to the defendants death, the case has been ended; 2) *nonsuit* – total failure of plaintiff to prove his case; 3) *case expunged* – process where a court case is destroyed or sealed; 4) *court recuses self* – the court disqualifies itself from hearing a case; 5) special orders; 6) conditional discharge; 7) court supervision; and 8) no order on count.

Probable Cause Established: A reasonable ground for belief in certain alleged facts that would induce a person to believe that the accused person had committed the crime charged. In Cook County felony cases, a disposition of probable cause established will close out the case in the municipal district court and open the case in the Criminal Division court. The municipal district dispositions are denoted as 1) finding of probable cause – transfer to presiding judge; 2) superseded by indictment; 3) superseded by information; 4) superseded and nolle prosequi; and 5) superseded and SOL.

Stricken off Call with Leave to Reinstate (SOL): To direct the removal of a case from the record or docket, while reserving the right to recall or reinstate the case at a later date. The dispositions are denoted as 1) SOL warrant; 2) SOL judgement on bond forfeiture; 3) bond forfeiture – SOL; and 4) SOL.

³⁹ All legal definitions are from *Black's Law Dictionary*, Sixth Edition, 1990.



AURELIA PUCINSKI
CLERK OF THE COURT

OFFICE OF THE CIRCUIT COURT CLERK OF COOK COUNTY

Richard J. Daley Center
Room 1001
Chicago, Illinois 60602
(312) 603-5030
FAX (312) 603-4557
www.cookcountyclerkofcourt.org

August 23, 1999

Mr. Peter B. Bensinger, Chairman
Illinois Criminal Justice Information Authority
120 South Riverside Plaza - 10th Floor
Chicago, Illinois 60606

RE: Audit of the Criminal History Records of the Illinois State Police

Dear Chairman Bensinger,

Throughout my tenure as Clerk of the Circuit Court I have strived to provide the public with information in a timely, efficient and ethical manner. To meet this goal the Clerk's Office has a policy in place that provides day to day self auditing procedures. Also, the Clerk's Office has a statutory requirement to submit dispositions of certain criminal cases to the Illinois State Police for inclusion on rap sheets. It was discovered that dispositions were being reported but not posted to the Illinois State Police Computerized Criminal History database (CCH). I wanted to know why.

I requested this audit by the Illinois Criminal Justice Information Authority to find any problems in the data collection process and transmission of dispositions to the Illinois State Police. The goal was to define the problem, establish the cause and find a solution. While past audits were able to quantify dispositions not getting posted they fell short in establishing the cause and coming up with solutions.

The audit identified several types of problems, of which 3 were the most significant:

- 1.) Chicago Police Department tracking numbers (31.8%)
- 2.) Arrest not submitted to Illinois State Police by police agencies (24.6%)
- 3.) Statute citations submitted with dashes, not backslashes, by Clerk's Office immediately following the recodification of Illinois Statutes (18%)



Printed on RECYCLED PAPER



MISSION STATEMENT

The mission of the office of the Clerk of the Circuit Court of Cook County is to serve the citizens of Cook County and the participants in the judicial system in a timely, efficient and ethical manner. All services, information and court records will be provided with courtesy and cost efficiency.

The largest number of problems with booking numbers related to Central Booking numbers from Chicago Police Department cases that did not match with corresponding cases reported by the Clerk's Office. More than 31% of the problems associated with dispositions not posted were caused by the use of a "C" as the first prefix in the Central Booking Number as reported electronically by the Chicago Police Department to the Illinois State Police.

The Chicago Police Department assigns it's own series of booking numbers to arrest events. The booking number is then sent electronically to both the State Police and the Clerk's Office. The Administrative Office of Illinois Court's Data Dictionary specifies a format for the booking number. One of the specifications is that it shall be 9 characters.

The booking numbers that were being assigned by the Chicago Police Department were 7 characters. The dictionary specifications called for the Clerk to place the letters CB in the first two positions of the booking number to create the 9 character format when reporting the disposition to the State Police. This was done electronically, not by data entry.

This practice continued until the Chicago Police Department began assigning 8 digit booking numbers. The 8 character format did not permit the insertion of the letters CB, as that would have expanded the field to 10 characters. The booking number is contained in the electronic transmission of arrest information to the Clerk from the Chicago Police Department. In those transmissions all booking numbers were prefixed with a zero in the first position followed by 8 numeric characters. During this same time period, the Chicago Police Department electronically reported these same booking numbers with the letter C in the first position to the Illinois State Police. The Clerk's Office reported the disposition as usual: an electronic zero followed by 8 numeric characters added by the data entry operator.

When the Clerk's Office was informed by a Illinois State Police programmer that the booking numbers being reported to the State Police had the letter C in the first position, the Clerk's Office modified its reporting programs. The program replaced the zero in the first position with the letter C to match the booking number as it was reported to the State Police by the Chicago Police Department. This program change allows the reported disposition to post to the State Police System. Since the reporting programs have been modified this issue is no longer considered a problem.

However, had this problem not been identified, court dispositions arising from arrests by the Chicago Police Department would not have been posted to the State Criminal History Records. The impact on the State Criminal History would have been significant as the Chicago Police Department is the largest law enforcement agency in the State. During the calendar year of 1996, the year being audited, the Chicago Police Department arrested approximately 177,000 individuals charged with a felony or class A or B misdemeanor.

The Clerk's Office is in the process of establishing the exact date on which the change from 7 characters to 8 characters took place. The previously affected court dispositions will be resubmitted to the Illinois State Police.

On a smaller scale the study also revealed that another contributing factor was the expansion of the Document Control Numbers from seven digits to nine digits by other police agencies. The Clerk's Office was not immediately notified of the change which created a matching problem at the CCH database. Once advised of the change the Clerk's system was modified to accommodate the nine digit Document Control Numbers.

Page 3.

The impact of these unilateral changes by our law enforcement partners clearly demonstrates the need for interagency communication on programming and operational policy and procedures that affect criminal history reporting *before* changes are made.

The study also revealed that dispositions reported to the Illinois State Police by the Clerk's Office were not being posted. More than 24.6% of the problems resulted from law enforcement agencies not reporting the corresponding arrest to the Illinois State Police or to the Circuit Clerk's Office or they were reported inaccurately.

These findings highlight the importance of law enforcement agencies submitting records of arrests to the Illinois State Police and the Circuit Clerk's Office for every arrest.

Another area that affects dispositions being posted on the CCH database are statute citations. The Illinois State Police and the Administrative Office of Illinois Courts have citation criteria that must be met before dispositions are posted. These standards are found in the Data Dictionary. This includes recording alpha and numeric sequences that match Illinois statutes. Statutory citation problems occur when citations reported by the Clerk's Office don't match the standards found in the Data Dictionary. The most frequent problem with citations (18%) occurred when data entry operators used a dash in the place of a backslash between the Act and the Article.

Data entry operators were accustomed to entering the dashes under the Chapter 38 Illinois Revised Statutes format. The Illinois Compiled Statutes changed the dash to a backslash. Some data entry operators continued using the dash instead of the backslash. It should be noted that Act and Article numbers were entered correctly in these cases. Data entry operators have since been retrained and this is no longer a problem.

In addition, the Illinois State Police developed a computer program that recognizes and corrects punctuation errors. Therefore, all of the dispositions that previously could not be posted can be posted now. I intend to resubmit these cases at the completion of this audit report.

A review of this audit indicates that 57% of the incomplete records are the result of problems originating outside the Clerk's Office and that another 18%, in the Clerk's Office, have already been identified and resolved. The enclosed Criminal History Audit Summary and bar graph outline the problems identified in the audit, the action already taken by the Clerk's Office or a recommended remedy.

I have been happy to work with the Authority on this comprehensive audit. With this information we can continue to improve criminal history reporting in dramatic and important ways.

Sincerely,



Aurelia Pucinski
Clerk of the Circuit Court

enc: two

CRIMINAL HISTORY RECORDS AUDIT SUMMARY

ARRESTS WITH COMPLETE INFORMATION 1603
 ARRESTS WITH INCOMPLETE INFORMATION 1898
 TOTAL ARRESTS 3501

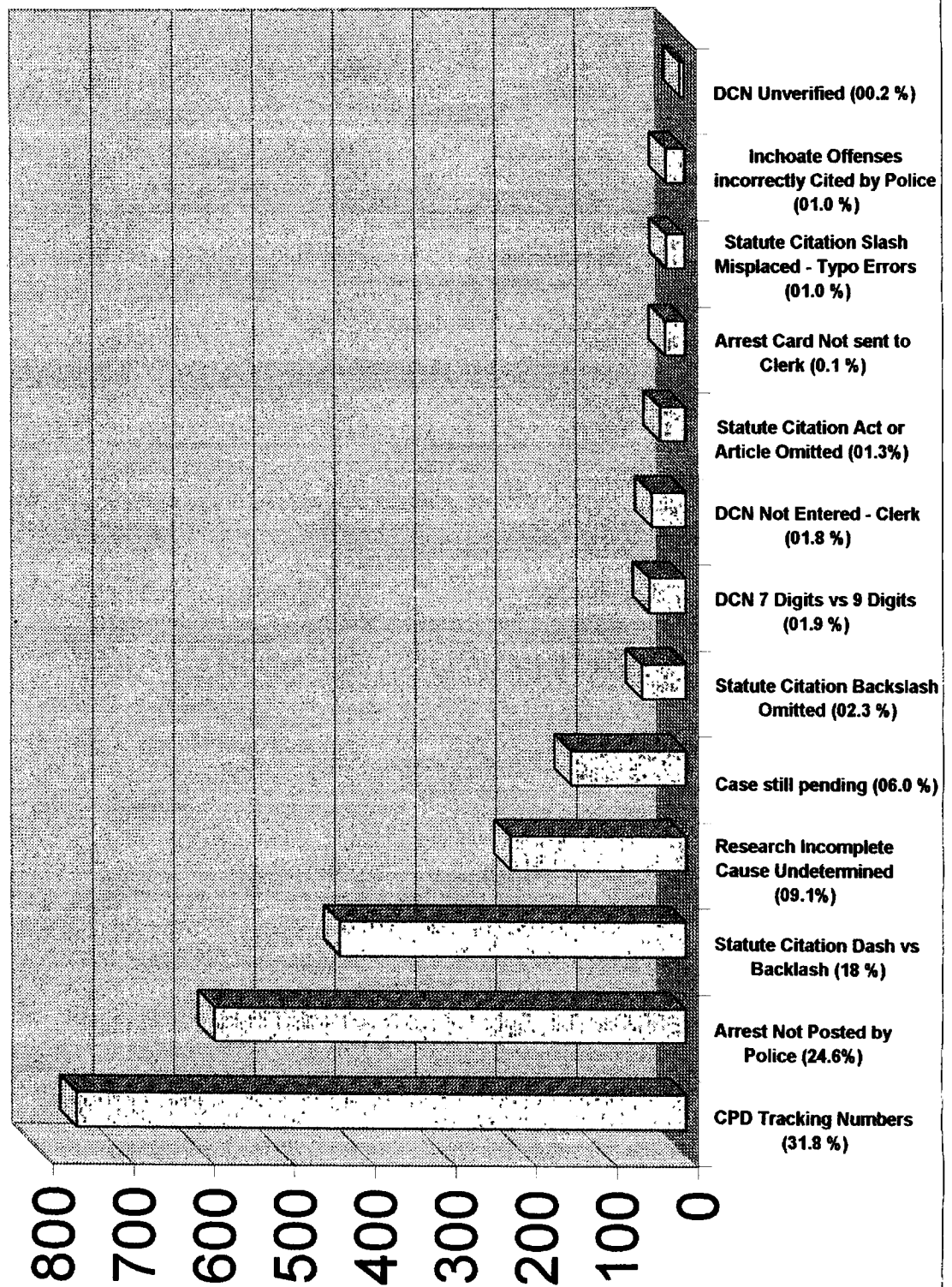
TOTAL PROBLEMS ASSOCIATED WITH INCOMPLETE ARREST INFORMATION 2377¹

¹ Some incomplete records involved more than one problem per arrest

Problem Type	Number of Problems	Percentage of Problems	Remedy
Case Pending-No Charge Filed-Expunged	142	06.0	None Required
Unilateral Change in Tracking Number Chicago Police Department	756	31.8	(No Longer An Issue) Modification of Clerk's Reporting Program
Arrest Not Posted by Police	585	24.6	Inform law enforcement of the importance of arrest card submissions
Arrest Card Not Sent To Clerk	25	01.0	Inform law enforcement of the importance of arrest card submissions
Inchoate Offenses Not Correctly Cited by Police	23	01.0	Retrain agencies on the AOIC requirements
Statute Citations Dash instead of Backslash	429	18.0	(No Longer An Issue) Program developed that corrects punctuation errors - Data entry operators retrained
Statute Citations Backslash Omitted	54	02.3	Same suggestion as for the previous statute citation issues
Act or Article Omitted	31	01.3	
Misplaced Slash/Typographic Errors	23	01.0	
Document Control Number Recorded 7 of the 9 Digits	45	01.9	Clerk's system was changed to accept the 9 digit DCN
Document Control Number Not Entered by Clerk	42	01.8	Clerk will enter DCN if received after case was initiated
Research Incomplete	217	09.1	Cause of Incomplete Information unknown Research continues
Document Control Number Unverified	5	00.2	
TOTALS	2377	100.0	

INCOMPLETE RECORDS

1,898 Arrests Resulted in 2,377 Problems





ILLINOIS STATE POLICE

Office of the Director

George H. Ryan
Governor

Sam W. Nolen
Director

August 24, 1999

Dr. Candice Kane, Executive Director
Illinois Criminal Justice Information Authority
120 South Riverside Plaza
Chicago, Illinois 60606

Dear Dr. Kane:

The Illinois State Police has reviewed the Criminal History Records Audit: Disposition Reporting in Cook County conducted by the Illinois Criminal Justice Information Authority. This audit stresses the importance of completeness in criminal history systems by concentrating on disposition reporting in Cook County.

Timely, accurate and complete criminal history record information is critical to making informed decisions regarding the arrest, prosecution, and sentencing of individuals. The Illinois State Police has developed several plans to address some of the issues in the audit.

1. Using grant funds, the Illinois State Police has automated the reporting of court dispositions to the Bureau of Identification. This method has been implemented in Peoria, Du Page, and Cook Counties. In addition, Cook County received grant funds to participate in this program.
2. The Computerized Criminal History System was redesigned and implemented in July 1999. Several design enhancements were included that will improve processing and posting of dispositions.
3. ISP has established and implemented a disposition plan that focuses on acquiring missing dispositions.

The Illinois State Police remains committed to improving the accuracy, completeness, and timeliness of CHRI and will actively work with Cook County to improve the system. Efforts are now underway to resolve other issues raised in this report.

Respectfully,

A handwritten signature in dark ink that reads "Sam W. Nolen".

Sam W. Nolen
Director

The seal of the State of Illinois is a circular emblem. It features a central five-pointed star. The words "OFFICE OF THE ATTORNEY GENERAL" are written in a circle around the star. The date "JANUARY 1818" is at the bottom. The words "THE STATE OF ILLINOIS" are written in a larger circle at the top.

ILLINOIS

Criminal Justice Information Authority

120 S. Riverside Plaza, Suite 1016

Chicago, Illinois 60606

312-793-8550, TDD: 312-793-4170, Fax: 312-793-8422

www.icjia.state.il.us

George H. Ryan, Governor
Peter B. Bensinger, Chairman