



**AN ASSESSMENT  
OF THE FELONY CASE PROCESS IN  
COOK COUNTY, ILLINOIS  
AND ITS IMPACT ON JAIL CROWDING**

**Technical Assistance Report**

**EXECUTIVE SUMMARY**

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**Bureau of Justice Assistance**

**ADJUDICATION TECHNICAL ASSISTANCE PROJECT**

A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and  
The American University School of Public Affairs.

## I. EXECUTIVE SUMMARY

### AN ASSESSMENT OF THE FELONY CASE PROCESS IN COOK COUNTY, ILLINOIS AND ITS IMPACT ON JAIL OVERCROWDING

This is a report of a five-month study of jail overcrowding and caseload management practices in Cook County, Illinois. The focus is upon caseload management practices as they affect the population level in the Cook County Jail. The overall objective of the study was to identify those practices that contribute to the present jail crowding situation and to recommend "doable" changes.

The study was jointly funded by the United States Department of Justice and Cook County. A total of eighty consultant days and a budget of \$31,000 were allocated for the effort, which entailed on-site observations of adjudication system agency operations, data collection, review and analysis, and interviews with over 100 county and state officials and community representatives. The study was conducted by a nine-member team headed by Charles D. Edelstein and coordinated by the Adjudication Technical Assistance Project (ATAP), a joint project of The American University and the Justice Department's Bureau of Justice Assistance. The major findings of the study are summarized below:

#### Summary of Findings

- o The felony adjudication process in Cook County is a principal contributor to the jail overcrowding situation because of overly long case processing times which have resulted in long lengths of stay for pretrial detainees at the County Jail.

- o The inefficiencies and dysfunctions which prevent the adjudication process from working properly are interrelated, and it is doubtful that any significant improvement will take place unless the contributing roles of each agency--principally, the Circuit Court, and the State's Attorney's and Public Defender Offices--are recognized and dealt with in concert.

o While modest additional resources are needed for the adjudication system agencies to effectively deal with the heavy criminal case workloads, the main need is not for increased capacity or resources, but for a change in the assumptions and practices of the local legal culture.

o While the Cook County judiciary is cognizant of the problems in the Cook County adjudication process and has been willing to implement a variety of innovations to increase the efficiency and quality of the judicial component of the process, these efforts have not been part of a coherent systematic plan for improving the adjudication system. Until the judiciary takes the initiative in forging a coordinated approach to adjudication system improvement, all of the piecemeal efforts of it and other agencies will only be stopgap measures and will divert attention from fundamental needs.

o Criteria for I-Bond releases under the Department of Correction's Administrative Mandatory Furlough (AMF) program have been primarily charge- and bond-driven and, save for the recently-initiated electronic monitoring/home confinement component of the AMF program, there is no supervision provided to the AMF program releasees. This situation and the increasing awareness that many of these releasees are re-arrested for new offenses has heightened public safety concerns among the citizens and other law enforcement agencies and has seriously exacerbated the tensions between the judicial and executive branches over this federal court-ordered release program.

o Comprehensive criminal justice system planning is non-existent in Cook County. Its absence hinders achievement of cost-effective criminal justice spending and poses a disincentive to coordinated efforts at system improvement.

o The absence of a pretrial services agency in Cook County has contributed to the jail overcrowding crisis. It has deprived the County of a mechanism by which the judiciary could more effectively carry out its constitutional and legislative responsibilities for pretrial release decisionmaking, and through which the judiciary could contribute responsibly to system-wide jail capacity management efforts in emergency situations.

• Community attitudes toward local government, in general, and the criminal justice system, in particular, have been influenced heavily--and negatively--by a number of major concerns: the public safety issues attendant on the AMF program; their perceptions that there is a lack of accountability and sense of urgency to improve the adjudication process; and the finger pointing that has accompanied the County's responses to the jail overcrowding situation. The contrast between public perceptions and the study team's impressions of the justice system leaders' professional motivation, sense of responsibility, and understanding of the interrelated nature of problems confronting the criminal justice system was marked. It reinforced the team's conclusions that while the abilities and motivation are present throughout the system, there needs to be a visible assertion of leadership responsibility by the judiciary for adjudication process improvements and by the County Commissioners for coordinated criminal justice planning.

o The national and local law enforcement initiatives on anti-drug abuse efforts has been the major factor in the changing mix and increased volume of cases that are entering the criminal justice system and which must be handled by adjudication system agencies. The absence of a County mechanism for comprehensive planning for drug abuse prevention and treatment, inadequate programs and resources for these needs, the absence of coordinated

criminal justice planning, and the concentration on capacity enhancement by all of the criminal justice agencies have combined to make a bad situation even worse.

The system is not able to deal effectively in either the pretrial or post-conviction stages of the process with the various typologies of defendants in drug cases because of the lack of case screening and diagnostic and treatment resources. The result is that individuals who do not belong in the felony adjudication process are being washed out after expenditure of system resources and without any effort to change their behavior; drug abuse offenders who belong in the adjudication process are being released pretrial without community-based treatment and monitoring or are being kept in jail only because of the absence of such resources; and judicial sentencing decisions are restricted by the lack of both institutional and out-patient resources for drug abusers. The result is unnecessary added pressure on jail capacity, higher recidivism rates, and a narrowing of options for effective judicial decisionmaking. Closing the gap between available resources for substance abuse treatment and the need for such resources was viewed by the study team as equivalent in importance to the creation of a pretrial services agency, in terms of the structural ability of the Cook County adjudication system to perform effectively. ✓

Key recommendations are summarized below and followed by a complete list of the study's recommendations without commentary. The report itself is voluminous and we do not expect that many will read it in its entirety. But for a more complete understanding of the problems facing the Cook County Criminal Justice System and fair and accurate representation of our conclusions, we hope that the community's opinion makers will make the effort.

### Key Recommendations Summarized

o The leadership of the Cook County Criminal Justice System must accept joint responsibility for jail capacity management and agree to work cooperatively to eliminate jail crowding and to establish and maintain equilibrium in the County's criminal justice system.

o A Cook County Criminal Justice Coordinating Council, bringing together the top criminal justice policy makers, local government officials and community leaders, and a Principals Committee, consisting of senior criminal justice agency staff with the authority to address and resolve interagency conflicts in implementing a system-wide improvement plan, must be created, staffed and meet regularly.

o An adequately funded pretrial services agency with the capacity to deliver a full range of pretrial release options, from least to most restrictive, must be established as soon as possible.

o The Department of Corrections must take immediate steps to provide a range of community monitoring and supervision options for those pretrial detainees released under the jail's I-Bond program in order to address public safety concerns, and take other measures designed to reduce interagency tensions and system dysfunctions that the federal court-ordered mandatory release program is creating.

o The Circuit Court of Cook County must take control of the criminal docket and accept responsibility for the prompt and fair disposition of cases.

o The Circuit Court of Cook County must adopt and strictly enforce time standards for case disposition in line with national

standards and pursuant to a locally-developed plan designed to meet or exceed ABA standards within three years, and must immediately implement a program to dispose of most cases in which the defendant is incarcerated pre-trial within 90 days of arrest.

o The Criminal Division of the Circuit Court must adopt and employ the concepts and tools of caseflow management, including:

- automatic blind filing and assignment of cases at inception;
- rule-mandated complete, early and automatic out-of-court discovery;
- a strict continuance policy which is carefully monitored;
- setting of trial and motion dates at arraignment; and
- a willingness to monitor and enforce compliance by bench and bar with established policies, procedures and goals of the court improvement program.

o In order for the Circuit Court to effectively manage its criminal docket and monitor compliance of the bench with case processing improvement goals, the Court must have an automated caseflow information system, a fully staffed criminal court administrator's office and adequate secretarial/clerical support.

o The Clerk of the Circuit Court must establish an Adjudication Research Unit fully dedicated to support of the coordinated criminal justice planning and criminal courts case management improvement programs that are the central thrust of the study team's recommendations.

o The State's Attorney's Office must establish a felony drug case screening unit, adopt policies that will result in better case screening and more flexible plea negotiation, and should increase the percentage of experienced prosecutors at the early stages of case screening, filing and presentation.

o Both the Public Defender's Office and the State's Attorney's Office must implement policies that discourage case delay, including prohibitions on requesting or acquiescing in continuance requests and dispelling beliefs that staff promotions are based on trial disposition rates.

o The Board of Commissioners should establish an Office of Criminal Justice Planning and Analysis to provide it with independent assessments of criminal justice needs, performance and expenditures; take steps to link appropriations for individual justice agencies with the progress of each agency toward pre-established management improvement goals and system-wide long-term goals; and should substantially support expansion of community-based substance abuse treatment and offender rehabilitation resources.

A complete list of the Study Team's recommendations is presented below. Commentary on each of the recommendations is presented in Section IV of the report.

List of Recommendations Without Commentary

o For Action by the Board of Commissioners

RECOMMENDATION NUMBER 1: THE ESTABLISHMENT OF A PRETRIAL SERVICES AGENCY IN COOK COUNTY IS ESSENTIAL IF THE CRIMINAL JUSTICE SYSTEM IS TO BE STABILIZED.

RECOMMENDATION NUMBER 2: THE BOARD SHOULD IMMEDIATELY APPROPRIATE FUNDS FOR THE ESTABLISHMENT OF A PRETRIAL SERVICES AGENCY AND SEEK REIMBURSEMENT FROM THE STATE ON A RETROACTIVE BASIS IF NECESSARY.



RECOMMENDATION NUMBER 3: THE COUNTY MUST CONSIDER APPROPRIATING SUBSTANTIAL FUNDS FOR THE ESTABLISHMENT AND EXPANSION OF COMMUNITY-BASED TREATMENT RESOURCES TO PROVIDE EFFECTIVE DIVERSION, PRETRIAL RELEASE AND SENTENCING OPTIONS FOR THE CRIMINAL JUSTICE SYSTEM.

RECOMMENDATION NUMBER 4: THE COUNTY COMMISSIONERS SHOULD REQUEST EACH OF THE CRIMINAL JUSTICE AGENCIES WHICH IT FUNDS TO DEVELOP AND SUBMIT TO THE BOARD A THREE- TO FIVE-YEAR MANAGEMENT IMPROVEMENT PLAN WITH SPECIFIC GOALS AND OBJECTIVES RELATING TO EFFICIENCY AND PRODUCTIVITY IMPROVEMENTS AND COST-SAVINGS MEASURES AS A REFERENCE DOCUMENT FOR THE BOARD WHEN CONSIDERING BUDGET REQUESTS FROM THOSE AGENCIES.

RECOMMENDATION NUMBER 5: THE COUNTY COMMISSIONERS SHOULD ESTABLISH AN OFFICE OF CRIMINAL JUSTICE PLANNING AND ANALYSIS, HEADED BY A SENIOR PROFESSIONAL RECRUITED THROUGH A NATIONAL SEARCH, TO ADVISE THE BOARD ON MATTERS RELATING TO THE PLANNING, OPERATION, ANALYSIS, AND FINANCING OF THE COUNTY CRIMINAL JUSTICE SYSTEM.

RECOMMENDATION NUMBER 6: THE COUNTY COMMISSIONERS SHOULD FUND A LONG-TERM CRIMINAL JUSTICE RESOURCE NEEDS STUDY.

RECOMMENDATION NUMBER 7: THE COUNTY COMMISSIONERS SHOULD CREATE AN OFFICE OF SUBSTANCE ABUSE CONTROL WITHIN THE EXECUTIVE BRANCH OF COOK COUNTY GOVERNMENT.

o For Action by the Circuit Court

RECOMMENDATION NUMBER 8: THE CRIMINAL DIVISION PRESIDING JUDGE, IN CONSULTATION WITH HIS BENCH AND THE OFFICE OF THE CHIEF JUDGE, SHOULD ESTABLISH BY ADMINISTRATIVE ORDER TIME STANDARDS FOR THE PROCESSING OF FELONY CASES IN THE CRIMINAL DIVISION THAT WILL

RESULT IN THE COURT'S CASE PROCESSING TIME MEETING OR EXCEEDING ABA STANDARDS WITHIN A THREE YEAR PERIOD.

RECOMMENDATION NUMBER 9: THE COURT SHOULD PROMPTLY ADOPT BY RULE A TWO TRACK DIFFERENTIATED CASE MANAGEMENT SYSTEM WITH A VIEW TO PHASING IN A FOUR TRACK DIFFERENTIATED CASE MANAGEMENT SYSTEM OVER THE NEXT THREE YEARS.

RECOMMENDATION NUMBER 10: THE COURT SHOULD INSTITUTE AN AUTOMATIC BLIND CASE ASSIGNMENT SYSTEM WHEN THE FELONY COMPLAINT IS FILED IN THE PRELIMINARY HEARING COURT OR WHEN A FELONY CASE IS INITIATED BY INDICTMENT.

RECOMMENDATION NUMBER 11: CONSIDERATION SHOULD BE GIVEN TO TRANSFERRING THE FIRST MUNICIPAL DISTRICT PRELIMINARY HEARING COURTS FROM THE MUNICIPAL DEPARTMENT OF THE CIRCUIT COURT TO THE CRIMINAL DIVISION OF THE COUNTY DEPARTMENT OF THE CIRCUIT COURT.

RECOMMENDATION NUMBER 12: THE CENTRAL ARRAIGNMENT COURT IN THE CRIMINAL DIVISION SHOULD BE DISCONTINUED AND DEFENDANTS SHOULD BE ARRAIGNED IN THE CRIMINAL COURT TO WHICH THEIR CASES ARE ASSIGNED FOR TRIAL.

RECOMMENDATION NUMBER 13: THE TRIAL DATE FOR A CASE SHOULD BE SET AT THE TIME OF THE ARRAIGNMENT IN CRIMINAL COURT.

RECOMMENDATION NUMBER 14: MOTION HEARING AND PRETRIAL CONFERENCE DATES ALSO SHOULD BE SET AT THE TIME OF ARRAIGNMENT.

RECOMMENDATION NUMBER 15: DISCOVERY RULES SHOULD BE RE-WRITTEN TO MANDATE COMPLETE, EARLY AND AUTOMATIC RECIPROCAL DISCOVERY, WHICH SHOULD BE PERFORMED WITHOUT COURT HEARINGS AND DONE OUT OF COURT.

**RECOMMENDATION NUMBER 16:** ALL COUNSEL OF RECORD SHOULD BE REQUIRED TO CONFER IN GOOD FAITH REGARDING DISCOVERY, MOTIONS, PLEA DISCUSSIONS, TRIAL PREPARATION AND SCHEDULING.

**RECOMMENDATION NUMBER 17:** THE COURT SHOULD ADOPT A STRICT CONTINUANCE POLICY AND ALL REQUESTS FOR THE CONTINUANCE OF A TRIAL DATE SHOULD BE SUBMITTED TO THE PRESIDING JUDGE.

**RECOMMENDATION NUMBER 18:** THE TRIAL JUDGE SHOULD IDENTIFY THE PRIORITY CASES AT THE CALENDAR CALL THE WEEK PRECEDING THE TRIAL.

**RECOMMENDATION NUMBER 19:** IN ORDER TO ESTABLISH TRIAL DATE CREDIBILITY, THE COURT SHOULD EXPAND ITS BACKUP TRIAL JUDGE CAPACITY AND RETAIN THE PRESIDING JUDGE'S BACKUP RELIEF JUDGE.

**RECOMMENDATION NUMBER 20:** IN ORDER TO PROVIDE COURTROOM SPACE FOR THE BACKUP JUDGES AND FOR EXPANSION, ALL BUT TWO OF THE LARGE COURTROOMS ON THE UPPER FLOORS OF THE CRIMINAL COURTS BUILDING SHOULD BE CONVERTED INTO SMALLER COURT ROOMS AND ADJACENT CHAMBERS.

**RECOMMENDATION NUMBER 21:** THE COURT SHOULD CONSIDER TRYING ALL CASES OF INCARCERATED DEFENDANTS AT THE CRIMINAL COURTS BUILDING.

**RECOMMENDATION NUMBER 22:** WITNESS SUBPOENAS SHOULD BE ISSUED WITHIN TWO WEEKS AFTER ARRAIGNMENT AND A REMINDER NOTICE AUTOMATICALLY MAILED TWO WEEKS PRIOR TO TRIAL.

**RECOMMENDATION NUMBER 23:** THE COURT ADMINISTRATORS OFFICE OR A CONSULTANT UNDER ITS DIRECTION SHOULD REVIEW THE ADEQUACY OF THE STATE'S ATTORNEY'S AND PUBLIC DEFENDER'S WITNESS PROGRAMS AND THE RULE-MANDATED WITNESS CENTRAL AGENCY.

**RECOMMENDATION NUMBER 24:** THE APPEARANCE OF THE DEFENDANT IN COURT SHOULD BE REQUIRED ONLY WHEN MANDATED BY LAW OR NECESSARY FOR THE PARTICULAR HEARING.

**RECOMMENDATION NUMBER 25:** THE COURT ADMINISTRATOR'S OFFICE SHOULD MONITOR THE PROMPT APPEARANCE OF ASSISTANT STATE'S ATTORNEYS AND ASSISTANT PUBLIC DEFENDERS AT THE TIME THE COURT IS SCHEDULED TO START.

**RECOMMENDATION NUMBER 26:** THE RIGHT OF THE PARTIES TO REMOVE A CASE FROM THE ASSIGNED JUDGE WITHOUT A SHOWING OF GOOD CAUSE SHOULD BE ELIMINATED.

**RECOMMENDATION NUMBER 27:** ALL CASES AGAINST ONE DEFENDANT SHOULD BE HEARD BY THE SAME JUDGE.

**RECOMMENDATION NUMBER 28:** ALL JUDGES OF THE CRIMINAL DIVISION SHOULD MEET AND SEEK TO ADOPT A UNIFORM CALENDARING SYSTEM.

**RECOMMENDATION NUMBER 29:** THE COURT SHOULD CONSIDER ADOPTING A STAGGERED CALENDAR SYSTEM IN ORDER TO IMPROVE COURTROOM EFFICIENCY AND ENHANCE PREDICTABILITY IN WITNESS AND ATTORNEY SCHEDULING.

**RECOMMENDATION NUMBER 30:** THERE SHOULD BE A SPLIT JURY CALL, WITH HALF OF THE JURORS REPORTING AT EIGHT A.M AND THE BALANCE AT NINE, SO THAT JURY TRIALS CAN BEGIN PROMPTLY.

**RECOMMENDATION NUMBER 31:** WHEN A DEFENDANT IS CHARGED WITH A PROBATION VIOLATION AND A NEW CHARGE, THE FORMER SHOULD BE HEARD FIRST IN THE EVENT THE DISPOSITION OF THE VIOLATION PETITION OBTAINES THE NEED FOR PROCEEDING WITH THE NEW CHARGE.

RECOMMENDATION NUMBER 32: HEARINGS ON VIOLATIONS OF PROBATION SHOULD BE HELD IN THE COURT WHICH PLACED THE DEFENDANT ON PROBATION OR IN THE COURT WHICH HAS JURISDICTION OVER A NEW CHARGE.

RECOMMENDATION NUMBER 33: PAROLE VIOLATION HEARINGS SHOULD BE HELD AS PROMPTLY AS POSSIBLE CONSISTENT WITH DUE PROCESS REQUIREMENTS TO REDUCE DEMANDS ON COUNTY JAIL SPACE BY STATE-SENTENCED OFFENDERS.

RECOMMENDATION NUMBER 34: THE COURT SHOULD UNDERTAKE A POLICY REVIEW OF THE EFFICACY OF CONTINUING THE SPECIALIZED BRANCH COURTS IN LIGHT OF THE INCREASING PRESSURE ON JUDICIAL MANPOWER IN THE CIRCUIT COURT'S FELONY (AND MISDEMEANOR) COURTS.

RECOMMENDATION NUMBER 35: THE COURT SHOULD ESTABLISH A FULLY STAFFED DIVISION OF THE COURT ADMINISTRATOR'S OFFICE AT THE CRIMINAL COURTS BUILDING TO SUPPORT THE CASE MANAGEMENT IMPROVEMENT EFFORTS OF THE CRIMINAL DIVISION.

RECOMMENDATION NUMBER 36: THE COURT SHOULD HAVE ADEQUATE SECRETARIAL/WORD PROCESSING SUPPORT TO FACILITATE CASE MANAGEMENT EFFICIENCY.

RECOMMENDATION NUMBER 37: THE COURT SHOULD ESTABLISH A COOK COUNTY COURT JUDICIAL COLLEGE, APPROPRIATELY STAFFED, TO PROVIDE CONTINUING IN-HOUSE EDUCATION FOR THE TRIAL JUDICIARY.

RECOMMENDATION NUMBER 38: JUDGES SHOULD BE PROVIDED WITH BENCH BOOKS CONTAINING JUDICIAL POLICIES AND PROCEDURES RELATING TO CALENDAR MANAGEMENT AND CASE PROCESSING, AS WELL AS WITH VIDEO-TAPED AND OTHER ORIENTATION MATERIALS, WHICH CAN EASE THE TRANSITION OF LAWYERS TO BECOMING JUDGES AND HELP JUDGES WHO ARE TEMPORARILY OR PERMANENTLY TRANSFERRED FROM THE CIVIL DIVISIONS OF THE COURT TO SERVE IN THE CRIMINAL DIVISION.

RECOMMENDATION NUMBER 39: THE COURT SHOULD AUTHORIZE AN IN-DEPTH STUDY OF ITS LONG-TERM MANAGEMENT INFORMATION SYSTEM NEEDS.

RECOMMENDATION NUMBER 40: WHATEVER INFORMATION SYSTEM IS SELECTED FOR THE COURT, IT MUST BE ABLE TO TRACK CASES FROM INCEPTION IN THE MUNICIPAL COURT TO CONCLUSION IN THE TRIAL COURT.

RECOMMENDATION NUMBER 41: WHATEVER INFORMATION SYSTEM IS SELECTED, IT MUST BE ABLE TO INTERFACE WITH THE COOK COUNTY DEPARTMENT OF CORRECTIONS JAIL MANAGEMENT INFORMATION SYSTEM.

RECOMMENDATION NUMBER 42: UNTIL A DECISION IS MADE REGARDING THE FUTURE DEVELOPMENT OF THE COURT'S INFORMATION PROCESSES CAPABILITY, THE EXISTING CLERK'S SYSTEM SHOULD BE REPROGRAMMED TO PROVIDE THE REPORTS NECESSARY FOR THE COURT TO BEGIN TO MANAGE THE CASEFLOW.

RECOMMENDATION NUMBER 43: PARTS 14 AND 15 OF THE CIRCUIT COURT RULES SHOULD BE REVISED TO INCORPORATE AND/OR SUPPORT THE POLICY AND PROCEDURAL CHANGES CONTAINED IN THE RECOMMENDATIONS THAT ARE ADOPTED BY THE COURT AND SHOULD SPECIFY SANCTIONS THE COURT WILL IMPOSE ON ATTORNEYS FOR FAILURE TO COMPLY WITH THEM.

o For Action by the Circuit Court Clerk's Office

RECOMMENDATION NUMBER 44: THE CLERK OF THE CIRCUIT COURT SHOULD ESTABLISH AN ADJUDICATION RESEARCH UNIT TO PROVIDE FULL-TIME SUPPORT TO THE RECOMMENDED OFFICE OF CRIMINAL JUSTICE PLANNING AND ANALYSIS, TO THE PRINCIPALS COMMITTEE. (See Section V., "Organizing For Change") AND TO THE CRIMINAL CASE PROCESSING AND OTHER MANAGEMENT IMPROVEMENT INITIATIVES OF THE CIRCUIT COURT,

o For Action by the State's Attorney's Office and the Public Defender's Office

RECOMMENDATION NUMBER 45: INSTITUTE IN THE STATE'S ATTORNEY'S OFFICE AN OFFICE-WIDE POLICY REQUIRING PROOF BEYOND A REASONABLE DOUBT BEFORE THE FILING OF CHARGES IN ANY CRIMINAL CASE.

RECOMMENDATION NUMBER 46: ELIMINATE THE "ADS OVERRIDE" MECHANISM WHICH PERMITS THE POLICE DEPARTMENT TO OVERRIDE AN ASSISTANT STATE'S ATTORNEY'S DECISION NOT TO FILE A CASE OR TO FILE IT AT A DIFFERENT OFFENSE LEVEL THAN THAT DESIRED BY THE ARRESTING OFFICER.

RECOMMENDATION NUMBER 47: THE STATE'S ATTORNEY'S OFFICE SHOULD REVIEW IT RESOURCE ALLOCATION TO THE FELONY REVIEW FUNCTION.

RECOMMENDATION NUMBER 48: ASSIGN MORE EXPERIENCED ASSISTANT STATE'S ATTORNEYS TO THE FELONY SCREENING SECTION AND THE PRELIMINARY HEARING DIVISION TO IMPROVE THE QUALITY OF CASE SCREENING AND TO INCREASE THE POSSIBILITIES FOR REALISTIC PLEA NEGOTIATION AT THE EARLY STAGES OF A CASE.

RECOMMENDATION NUMBER 49: THE STATE'S ATTORNEY'S OFFICE SHOULD ESTABLISH A NARCOTICS CASE FELONY SCREENING UNIT AND ATTACH TO THAT UNIT RESPONSIBILITY FOR RECOMMENDING DEFENDANTS FOR DRUG ABUSE TREATMENT DIVERSION PROGRAMS.

RECOMMENDATION NUMBER 50: GIVE TRIAL ASSISTANTS (ESPECIALLY FIRST CHAIRS) GREATER DISCRETION IN THE NEGOTIATION OF CASES AND ELIMINATE THE PRACTICE OF "MINI-TRIALS TO COURT" WHICH ARE ACTUALLY "SLOW PLEAS".

RECOMMENDATION NUMBER 51: ASSISTANT STATE'S ATTORNEYS SHOULD NOT BE ROTATED FROM A FELONY COURTROOM UNLESS HE/SHE HAS BEEN IN THAT COURTROOM AT LEAST ONE YEAR, IF NOT LONGER. IN ADDITION, SEASONED

ASSISTANT STATE'S ATTORNEYS SHOULD BE PROVIDED TO THE SUBURBAN COURTS.

RECOMMENDATION NUMBER 52: THE PRACTICE OF ON-THE-RECORD DISCOVERY SHOULD BE ELIMINATED AND THE ASSISTANT STATE'S ATTORNEYS SHOULD TENDER DISCOVERY TO DEFENSE COUNSEL AT THE EARLIEST POSSIBLE DATE, WHETHER IT IS REQUIRED BY LOCAL RULE OR NOT.

RECOMMENDATION NUMBER 53: THE STATE'S ATTORNEY AND THE PUBLIC DEFENDER SHOULD ESTABLISH AN OFFICE ATMOSPHERE WHICH ENCOURAGES THE NEGOTIATION OF CASES WHICH ARE OBVIOUSLY NOT GOING TO BE TRIED AT THE EARLIEST OPPORTUNITY POSSIBLE.

RECOMMENDATION NUMBER 54: BOTH THE STATE'S ATTORNEY'S OFFICE AND THE PUBLIC DEFENDER'S OFFICE SHOULD ESTABLISH A CLEAR POLICY AGAINST REQUESTING CONTINUANCES AND ACCEDING TO CONTINUANCES REQUESTED BY OPPOSING COUNSEL.

RECOMMENDATION NUMBER 55: BOTH THE STATE'S ATTORNEY'S OFFICE AND THE PUBLIC DEFENDER'S OFFICE SHOULD REVIEW OFFICE POLICIES AND ELIMINATE ANY THAT, BY TYING PROMOTIONS OR SALARY INCREASES TO THE NUMBER OF CASES TRIED, MAY BE COUNTER-PRODUCTIVE TO THE FAIR AND EXPEDITIOUS RESOLUTION OF CASES.

RECOMMENDATION NUMBER 56: ASSISTANT STATE'S ATTORNEYS AND ASSISTANT PUBLIC DEFENDERS STAFFING THE TRIAL COURTS SHOULD ENGAGE IN PRETRIAL CONFERENCES IN ORDER TO ESTIMATE TRIAL READINESS AND WITNESS PROBLEMS, AND THEIR RESPECTIVE OFFICES SHOULD INCORPORATE IN-HOUSE TRAINING ON THE CONDUCT OF SUCH CONFERENCES.

RECOMMENDATION NUMBER 57: THE SUBSTITUTION OF JUDGE (SOJ) RULE SHOULD NOT BE INVOKED BY THE STATE OR THE DEFENSE UNLESS IT IS SHOWN THAT A JUDGE HAS A PARTICULAR BIAS, PREJUDICE OR INTEREST IN THE INSTANT CASE.



RECOMMENDATION NUMBER 58: THE PUBLIC DEFENDER'S OFFICE, USING EXISTING RESOURCES, SHOULD ESTABLISH A SPECIAL UNIT CONSISTING OF TWO APPELLATE AND TWO TRIAL ATTORNEYS TO REVIEW PRETRIAL RELEASE DECISIONS AND SEEK APPELLATE REVIEW OF SELECTED CASES TO DETER EXCESSES IN BAIL SETTING PRACTICES.

RECOMMENDATION NUMBER 59: THE STATE'S ATTORNEY'S OFFICE SHOULD ADOPT A POLICY AND APPROPRIATE GUIDELINES FOR DECLINING PROSECUTION OF SPECIFIED TYPES OF NEW CHARGES AGAINST A PROBATIONER OR PAROLEE IF A PROBATION/PAROLE VIOLATION HEARING HELD BEFORE ADJUDICATION OF THE PENDING CHARGE RESULTS IN THE DEFENDANT BEING SENTENCED TO STATE PRISON.

- o For Action by the Sheriff's Department/Department of Corrections

RECOMMENDATION NUMBER 60: THE SHERIFF'S DEPARTMENT SHOULD IMMEDIATELY ALLOCATE STAFF AND RELATED RESOURCES TO THE FUNCTION OF MAINTAINING CONTACT WITH AND SOME LEVEL OF COMMUNITY SUPERVISION FOR PRETRIAL DETAINEES RELEASED ON I-BONDS UNDER THE AMF PROGRAM.

RECOMMENDATION NUMBER 61: THE CCDOC SHOULD DESIGNATE A TEMPORARY AMF ADVISORY GROUP CONSISTING OF REPRESENTATIVES OF THE PROBATION DEPARTMENT, CCDOC CLASSIFICATION STAFF, AND REPRESENTATIVES OF COMMUNITY TREATMENT ORGANIZATIONS TO DEVELOP SCREENING CRITERIA AND POST-RELEASE SUPERVISION SCHEMES FOR DIFFERENT TYPES OF OFFENDERS WHO MAY BE CANDIDATES FOR I-BOND RELEASE.

RECOMMENDATION NUMBER 62: THE CORRECTIONS DEPARTMENT SHOULD PREPARE AND DISTRIBUTE TO COOK COUNTY JUSTICE AGENCY HEADS A STATISTICAL REPORT AND AN ANALYTICAL NARRATIVE REPORT ON THE JAIL PRETRIAL POPULATION ON A MONTHLY BASIS.

RECOMMENDATION NUMBER 63: THE DEPARTMENT OF CORRECTIONS SHOULD TAKE MEASURES TO FACILITATE GREATER ACCESS BY PUBLIC DEFENDER ATTORNEYS TO THEIR CLIENTS IN THE INSTITUTION.

RECOMMENDATION NUMBER 64: COUNTY JAIL INMATES READY FOR TRANSPORTATION TO THE STATE PRISON SYSTEM SHOULD BE TRANSPORTED MORE FREQUENTLY THAN ONCE A WEEK.

o For Action by the Probation Department

RECOMMENDATION NUMBER 65: PRESENTENCE INVESTIGATIONS SHOULD BE DELIVERED TO THE COURT IN SUFFICIENT TIME TO PERMIT SENTENCING WITHIN 21 DAYS OF CONVICTION.

RECOMMENDATION NUMBER 66: THE STANDARD FORM PRESENTENCE INVESTIGATION SHOULD BE ABANDONED, AND A "CHINESE MENU" PSI BE CREATED SO THAT THE DECISION-MAKER CAN REQUEST ONLY THAT INFORMATION NEEDED FOR THE SENTENCE DECISION.

RECOMMENDATION NUMBER 67: THE PROBATION DEPARTMENT'S INTENSIVE PROBATION PROGRAM, WHICH PROVIDES VISUAL CHECKS FOR COMPLIANCE WITH CONDITIONS OF PROBATION, SHOULD BE EXPANDED AS AN OPTION TO COUNTY JAIL SENTENCES.

RECOMMENDATION NUMBER 68: THE PROBATION DEPARTMENT SHOULD UNDERTAKE A FORMAL SURVEY OF OUT-PATIENT AND RESIDENTIAL TREATMENT PROGRAMS WITH RESPECT TO BOTH CAPACITY AND EFFECTIVENESS AND MAKE RECOMMENDATIONS FOR RESOURCE NEEDS TO THE PRINCIPALS COMMITTEE.

RECOMMENDATION NUMBER 69: THE PRESIDING JUDGE OF THE CRIMINAL DIVISION, THE COURT ADMINISTRATOR, THE COOK COUNTY CHIEF PROBATION OFFICER, AND THE REGIONAL REPRESENTATIVE OF THE ILLINOIS PAROLE AUTHORITY SHOULD MEET TO DISCUSS PROBATION AND PAROLE VIOLATIONS PROCEDURES AND POLICIES WITH THE OBJECTIVE OF EXPEDITING SUCH

HEARINGS AND REDUCING THE PRESSURE ON THE JAIL POPULATION THIS CATEGORY OF DEFENDANT POSES.

o For Action by the Pretrial Services Agency

RECOMMENDATION NUMBER 70: THE PRETRIAL SERVICES AGENCY SHOULD BE GIVEN THE CENTRAL ROLE IN DETERMINING WHICH PRETRIAL DETAINEES SHOULD BE CONSIDERED FOR RELEASE TO MAINTAIN COMPLIANCE WITH THE COURT-MANDATED POPULATION CAP, AND UNDER WHAT CONDITIONS, AND MAKE SUCH RECOMMENDATIONS TO THE JUDICIARY FOR POTENTIAL POPULATION RELIEF BEFORE THE CCDOC IS FORCED TO MAKE AMF DECISIONS ON ITS OWN AUTHORITY IN ORDER NOT TO VIOLATE THE FEDERAL COURT ORDER.

RECOMMENDATION NUMBER 71: THE PRETRIAL SERVICES AGENCY SHOULD SCREEN ALL FELONY ARRESTEES DETAINED UNTIL BOND REVIEW COURT AND PREPARE WRITTEN REPORTS FOR THEM.

RECOMMENDATION NUMBER 72: THE PRETRIAL SERVICES PROGRAM SHOULD IMMEDIATELY BEGIN A DATA GATHERING PROCESS THAT WILL ALLOW FOR THE ONGOING MONITORING OF THE EFFECTIVENESS OF PRETRIAL RELEASE PRACTICES IN THE COUNTY.