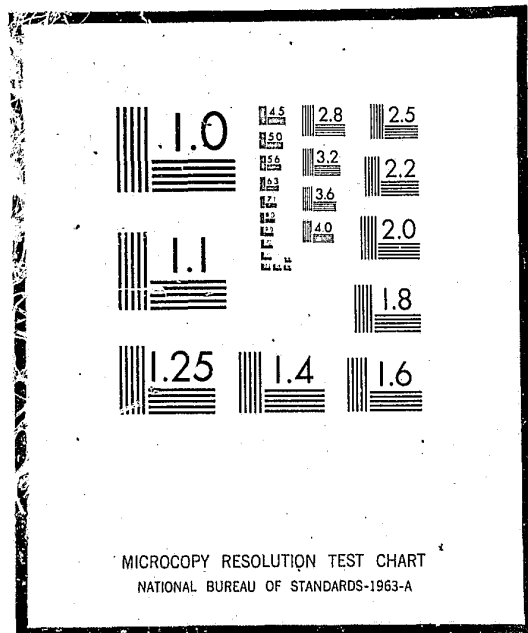


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A PLAN FOR EVALUATION OF THE PROSECUTION ASSISTANCE BUREAU  
OF THE ILLINOIS ATTORNEY GENERAL'S OFFICE

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A Plan for Evaluation of the Prosecution Assistance Bureau  
of the Illinois Attorney General's Office

Background

There are 102 counties in Illinois, each with its own State's Attorney. The State's Attorney is responsible for prosecuting the criminal cases arising in his county, regardless of their complexity or of the manpower and types of skills they require. Yet the State's Attorneys offices range in size from the Cook County State's Attorneys Office, with a huge staff, to the State's Attorneys Offices in rural counties, with only one lawyer. Most of the counties are in the latter category.

Although a major and complex felony case may be relatively rare for any one rural county, it is not uncommon that a number of counties may have such cases at the same time. According to the grant application, about six requests per week for state prosecutive assistance are received from local prosecutors. Not all of these are for felonies; some may involve cases in which the State's Attorney is disqualified from acting, others may involve civil actions involving a governmental body. When these cases occurred in the past, the

local prosecutor may have sought assistance from another county, from private attorneys, from the State Attorney General (Criminal Justice Division) or from other sources. The Attorney General's Office has not always been able to comply with these requests because of lack of available manpower.

Prosecution Assistance Bureau

The Prosecution Assistance Bureau (PAB) was established by the Illinois Attorney General's Office to render assistance to local prosecutors' offices in these cases. The PAB thus replaces the former situation in which the provision of assistance was ad hoc depending upon the extent of the Criminal Justice Division's commitments to its primary responsibilities. The PAB has explicit responsibility for providing assistance to local prosecutors. The PAB professional staff consists of approximately eight attorneys\* and three investigators. The investigators are experienced in homicide investigation, since a homicide is often the type of case for which local prosecutors request assistance. The existence of the PAB was made known to the State's Attorneys through letters, press releases, and oral presentations.

Requests for assistance are normally telephoned in to the PAB. Whether they are accepted or not is determined by

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\*That is, sixteen attorneys who divide their time between the PAB and the Financial Crimes Bureau.

the director and/or deputy director of the PAB, based on the apparent need, the availability of manpower, and the ability of the PAB staff to render the necessary assistance. The individuals assigned to the case travel to the county in which the case is to be tried to perform the necessary investigative, pretrial, and trial work. Since the case is normally an unusual one for the county (e.g., a capital crime or a complex case), more publicity is generated than would ordinarily be expected from a case handled locally. This publicity, as well as the case outcome, may affect the decision of other prosecutors (or of the same prosecutor) to request PAB assistance in the future.

#### Project Goals

The stated goals of the PAB are: "to prosecute and investigate at a high level of competence; ...to develop guidelines and priorities for assistance operations not dependent solely upon unstructured case by case or manpower availability criteria; ...to establish working relationships, satisfactory to both parties, between the [Illinois] Attorney General and the State's Attorneys and to articulate the basic principles underlying such relationships." (p. 5 of narrative of grant application). In addition, each case will be evaluated to determine whether it "justified the expenditure of the prosecutorial and investigative resources of a statewide prosecutorial assistance bureau." (p. 5).

Additional goals were also articulated in the grant application narrative (p. 2): "to determine whether the experience of the [Prosecution Assistance] Bureau justifies its continued existence," and to "give insight into the troubling question of the future shape and development of the small county prosecutor's office and the Attorney General's Office in Illinois and other states."

Thus, the project should be evaluated on two levels: how well does the PAB carry out its intended functions, and how does it affect the evolving relationship between State's Attorneys and the Attorney General?

#### PAB Evaluation

Figure 1 represents the flow of information concerning the PAB. The following discussion is based on this figure.

Local prosecutors request assistance of the PAB (Box 1). Based on the PAB's priorities (Box 2) and present workload (and possibly other considerations, such as the need to respond to even low-priority requests, if only to build up confidence in the PAB and establish a harmonious working relationship between the PAB and State's Attorneys), the request is either honored or denied. If it is denied (Box 3), the local prosecutor is so informed and given the reasons for its rejection. This rejection may have two possible consequences: either the local prosecutor decides that the PAB's rejection was arbitrary and he is inhibited from requesting assistance

in the future, or he decides that the rejection was valid and incorporates the PAB's priorities into his own future requests for assistance.

The development of priorities (Box 2) is a stated project goal. One aspect of the evaluation should be to determine what these priorities are; the reasons governing their selection; whether they have been announced to the intended audience (i.e., the local prosecutors); the degree to which the prosecutors are aware of them; the degree to which the PAB adheres to them; and the prosecutors' views on the appropriateness of the priorities.

Once the request is accepted, the investigators and attorneys travel to the county in which the prosecution is to take place. The result of their efforts (Box 4) may be a trial or a plea, or it may be decided that the state has no case or that the evidence does not warrant prosecuting. The local prosecutor may be strongly involved in the case, or may be kept apprised of progress but on the periphery of the actual case development. Once the case is completed, the results are communicated to the individual local prosecutor and to the director of the PAB.

Publicity (Box 5) is a frequent concomitant of the PAB's activity, since it often takes on cases too difficult for the local prosecutor or cases which have generated some controversy. This publicity is rather important to an elected official; if it casts his office in a good light (regardless of the outcome of the case, regardless of his participation or lack of participation in the case), he will be favorably disposed toward the PAB; if it does not reflect favorably on his office, he will not be favorably disposed; or if the out-of-county lawyers grab all of the limelight without attempting to share it with the local State's Attorney, he may resent the PAB. This may affect his decision to request PAB assistance in the future.

#### Data Required from State's Attorneys

Based on this brief analysis of the interaction of the PAB with local prosecutors, it would appear that the primary evaluative data are to be obtained from the PAB's clients--the State's Attorneys. All State's Attorneys should be sent a questionnaire containing questions designed to elicit the following information:

1. Size and Workload of the Office.
  - . Number of attorneys (full-time equivalents).
  - . Number of cases in 1975--felony, misdemeanor, civil.
  - . Number of trials, number of court days.

2. Knowledge of PAB.
  - . Awareness of PAB.
  - . Awareness of its goals.
  - . Awareness of the types of cases it will take, the type it will not.
  - . Knowledge of PAB activity in other counties.
3. Experience with PAB--Denials.
  - . Number of requests.
  - . Number of denials.
  - . For each denial: reasons given for denial; assessments of those reasons.
4. Experience with PAB--Acceptances.
  - . Number of acceptances.
  - . For each case:
    - . Number of people from PAB who entered case.
    - . Extent of State's Attorney's participation.
    - . Results of case.
    - . Extent of States Attorney's satisfaction with results.
    - . Type of publicity generated by case.
    - . How it reflected on State's Attorney.
5. Future Relations with PAB.
  - . Will State's Attorney avail himself of PAB in future?
  - . In what kind of cases?
  - . Are there any constraints he would put on PABs?
  - . How does the PAB affect State's Attorneys' atonomy?

- . Are there other effects on the relations between the State's Attorney's Office and the Attorney General's Office?

Data to be Obtained from PAB.

Information to be obtained from the PAB includes:

1. Requests.
  - . Number of requests for assistance per month.
  - . Types of requests (i.e., categorization of cases).
  - . For each category, number of denials (and reasons given for denials) and number of acceptances.
2. Results.
  - . Conviction rate.
  - . Reasons for non-convictions.
3. Policies.
  - . Guidelines for acceptance or rejection.
  - . Are they written down?
  - . Have they been communicated to State's Attorneys?
  - . Have they been communicated to the State's Attorney Study Commission?\*
  - . How does the PAB affect the autonomy of State's Attorneys and other relationships between them and the Attorney General?

The information from the State's Attorneys should be obtained after at least one year of full PAB operation. The first two categories of information from the PAB should be

\*The State's Attorney Study Commission was established by the Illinois General Assembly to look into problems of State's Attorneys and their relationship with the Illinois Attorney General.

obtained weekly (or monthly, if the weekly data are too sparse to be useful) throughout the life of the PAB. The third category of PAB information should be obtained at the same time as the information is obtained from the State's Attorneys, so that they can be compared.\*

#### Case Request Sheets

Every time a request for PAB assistance is made, the individual handling the request should record the following information:

- . Date of request.
- . Requesting county/prosecutor.
- . PAB staff member taking the request.
- . Nature of request (type of case, reason for requesting PAB assistance, State's Attorney's estimate of number of lawyers and investigators needed, State's Attorney's estimate of time they will be required, etc.).
- . Decision (i.e., acceptance or rejection of request, other).
- . Reason given for decision.
- . Person making decision.
- . Date.
- . Actual manpower used (to be filled in by trial

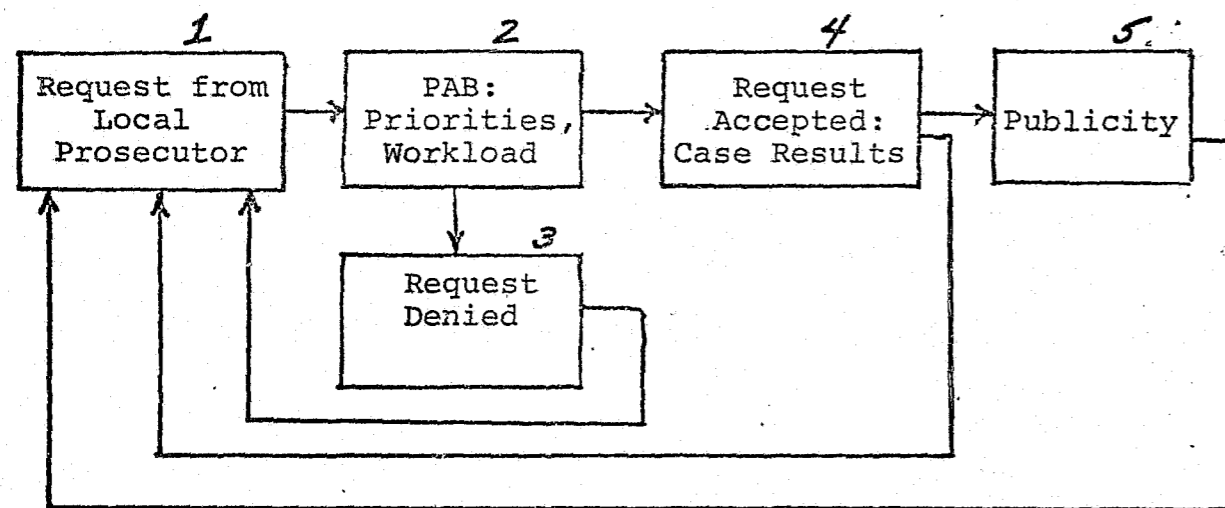
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\*The PAB should consider collecting this information on a routine basis (not just during the evaluation period), and disseminating it to all State's Attorneys. This will keep them appraised of PAB activity and policies, and of the types of cases the PAB has been taking.

lawyer).

- . Attorney man-days
- . Investigator man-days.
- . Final disposition of case.
- . Additional information.
- . Attach any press clippings generated by case.

This information should be useful in providing for accountability of the PAB. It will also be of assistance in collecting the summary evaluative information described in the preceding section.



**END**

Figure 1 Information Flow in the Prosecution Assistance Bureau