

59168

U.S. Department of Justice
National Institute of Justice

59168

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Illinois Law Enforcement Commission

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

DATA ON EXTORTION
IN ILLINOIS

April 3, 1978

by James R. Coldren, Jr. and
Ruth A. Perrin

Statistical Analysis Center
Carolyn R. Block, Director

CRIMINAL JUSTICE INFORMATION SYSTEMS
J. David Coldren, Director

ILLINOIS LAW ENFORCEMENT COMMISSION
Daniel W. Weil, Chairman
James B. Zagel, Executive Director

NCJRS

JUL 11 1979

ACQUISITIONS

This report documents data available on crimes of extortion in Illinois. Extortion, called intimidation in Illinois law, is not one of the seven crimes designated by the Federal Bureau of Investigation (FBI) as Index Crimes¹; hence, little emphasis has been placed on maintaining easily retrievable information on cases of extortion. Then too, since extortion victims may fear that reporting their victimizations will bring them embarrassment or criminal prosecution, the occurrence of extortion is probably underrepresented in criminal justice system statistics. What data are available from the Illinois police, courts and corrections department are reviewed here for their completeness and accuracy.

Extortion can be loosely defined as any threat against the person or liberty of an individual, or against the property or reputation of an individual or corporation, with or without the intention to demand money or other object of value. Communication of such a threat is labelled "Intimidation" and is forbidden by the Illinois Revised Statutes Chapter 38, Section 12-6 (See Appendix A). The inter-state communication of such threats, the communication of threats against the President of the United States, the use of the U.S. mails to communicate a threat, and other similar offenses are labelled "Extortion" and are forbidden under Title 18 of the United States Criminal Code.

POLICE DATA

The Illinois Department of Law Enforcement (DLE) officially assumed the task of collecting crime data for Illinois in 1972. These data include offense, arrest, and police management information for the Index Crimes as required by the FBI, and for almost two hundred other offenses. Local police are required by law to submit crime information to DLE (Illinois Revised Statutes, Chapter 38, Sections 206-8). Since 1972, local police have been required to report data concerning the crime of intimidation. Since January of 1973, data have also been required on violations of the federal extortion offenses defined in Sections 875 and 876 of Title 18. These sections cover the interstate communication of threats and the use of the U.S. mails to communicate threats. (See Appendix A).

¹ The FBI has designated the following Index Crimes: Murder and Non-Negligent Manslaughter, Forcible Rape, Robbery, Assault, Burglary, Larceny, and Motor Vehicle Theft.

In theory then, DLE has both the power and the responsibility to collect arrest and offense data on intimidation and extortion in Illinois. Past research by the Statistical Analysis Center has shown, however, that data available from DLE on non-Index crimes such as intimidation and extortion are incomplete. It is likely that the greater emphasis placed on the collection of complete and valid data on Index crimes has led some local police officials to conclude that detailed reporting of non-Index crimes is unimportant.

The Chicago Police Department, which is responsible for the original collection of a large part of the state's crime data, reports information to DLE in essentially the same format as that used by DLE in reporting to the FBI. Chicago reports offense information only for Index crimes. They do report arrest data for some non-Index offenses, but the data on crimes of intimidation are included only within the aggregate category "All Other Offenses-Except Traffic". No data on federal extortion cases are reported to DLE by the Chicago Police. Only a search of the individual case files would reveal the number of cases of intimidation and extortion in the city of Chicago.

The following tables summarize the offense related data available from the Illinois Department of Law Enforcement.

Additional information (for example, police dispositions for adults and for juveniles, and twelve month offense trends,) can be obtained from standard reports generated by DLE. DLE accepts but may require several weeks to fill requests for data not contained in standard reports.

DLE's mailing address is included on a data source list appended to this report. In the near future, the Statistical Analysis Center will also make DLE's data available for secondary analysis. Any analysis of extortion data must, however, take into consideration the underreporting of that crime by victims to the police and by local police to DLE.

TABLE 1
OFFENSE SUMMARY - EXTORTION
AND INTIMIDATION IN ILLINOIS ^a

		Offenses Known	Unfounded		Referred to Responsible Jurisdiction	Offenses Actually Occurred
			#	%		
1976	Extortion	69	5	7	4	60
	Intimidation	258	6	2	8	244
1975	Extortion	63	2	3	3	58
	Intimidation	282	4	1	3	275
1974	Extortion	54	1	2	1	52
	Intimidation	277	5	2	2	270
1973	Extortion	43	1	2	2	40
	Intimidation	311	9	3	3	299
1972	Extortion	-	-	-	-	-
	Intimidation	432	19	4	0	413

SOURCE: Illinois Department of Law Enforcement,
Crime in Illinois. Springfield, 1972-1976.

^aIncludes no Chicago data.

TABLE 2
CLEARANCE SUMMARY - EXTORTION
AND INTIMIDATION IN ILLINOIS^a

	<u>Fail to File</u>		<u>Other</u>		<u>Cleared by Arrest</u>		<u>Total Offenses Cleared</u>	
	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile	Adult	Juvenile
1976								
Extortion	3	1	0	0	5	3	12	20
Intimidation	26	2	12	1	78	9	128	52
1975								
Extortion	5	1	0	2	5	5	18	31
Intimidation	28	1	11	7	88	4	139	51
1974								
Extortion	3	1	1	0	3	5	13	25
Intimidation	34	2	17	6	84	8	151	56
1973								
Extortion	1	1	0	2	4	11	19	48
Intimidation	24	1	9	2	86	14	136	45
1972								
Extortion	-	-	-	-	-	-	-	-
Intimidation	38	0	11	0	134	13	196	47

SOURCE: Illinois Department of Law Enforcement,
Crime in Illinois. Springfield, 1972-1976.

^aIncludes no Chicago data.

COURTS DATA

Illinois State Courts

The Administrative Office of the Illinois Courts does not compile data on cases filed or convictions for each crime. DLE solicits convictions data by crime type from local police agencies, but presently almost no data are reported by those agencies. The quantity and quality of courts data collected by DLE may improve in the future, but currently the number of intimidation cases and convictions can be determined only by a case-by-case search of the files in the twenty-one Circuit Courts in Illinois.

The Criminal Division of the Cook County Circuit Court does compile data on the number of informations and indictments filed, and on the number of defendants charged for the crime of intimidation. These data are presented on Table 3 for 1973-1975. Intimidation cases disposed of in the Municipal and Juvenile Divisions of the Cook County Circuit Court are not reflected on Table 3. Violations of the federal extortion law are filed in federal courts and thus they also are not reported on Table 3.

U.S. Courts

Courts data for violations of the federal extortion statute may be obtained from both the Annual Report of the Administrative Office of the United States Courts, and the Sourcebook of Criminal Justice Statistics. Tables 4 through 8 are samples of the kinds of data which may be obtained from those sources. Please note that these data are totals for the United States. Illinois data cannot be identified within these totals.

TABLE 4
CASES OF EXTORTION, RACKETEERING,
AND THREATS FILED IN U.S. DISTRICT COURTS

<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>
383	332	402	353	394

SOURCE: U.S. Department of Justice, Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, Sourcebook of Criminal Justice Statistics 1976, p. 592.

TABLE 3
INTIMIDATION INDICTMENTS, INFORMATIONS,
AND DEFENDANTS IN THE CRIMINAL
DIVISION OF THE COOK COUNTY CIRCUIT COURT

	INDICTMENTS		INFORMATIONS	
	# INDICT.'s	# DEF.'s	# INFO.'s	# DEF.'s
1975	39	42	0	0
1974	39	43	-	-
1973	29	35	-	-

SOURCE: Administrative Office of the Illinois Courts,
Annual Report to the Supreme Court of Illinois.
 Chicago, 1975

TABLE 5
EXTORTION CASES COMMENCED AND
TERMINATED, AND DEFENDANTS DISPOSED OF
IN U.S. DISTRICT COURTS, FISCAL YEAR 1974

Cases filed ^a	153
Cases terminated ^b	176
Defendants filed ^a	199
Defendants terminated ^b	237
Dispositions in	Guilty 117
terminated cases	Not Guilty ^c 22
	Dismissed ^d 69
	Rule 20. 8
	Other ^e 21

SOURCE: U.S. Department of Justice, Law Enforcement Assistance
Administration, National Criminal Justice Information and
Statistics Service, Sourcebook of Criminal Justice Statistics - 1976

-
- a Excludes cases or defendants initiated by transfer under Rule 20.
 - b Includes cases or defendants terminated by transfer under Rule 20, and cases or defendants dismissed because of superseding indictments or informations.
 - c Includes verdicts of not guilty by reason of insanity.
 - d Includes Appellate defendants dismissed in favor of the U.S.
 - e Includes defendants involved in Appellate decisions and proceedings suspended indefinitely by the court.

TABLE 6
APPEALS FROM U.S. DISTRICT COURTS
FILED IN U.S. COURT OF APPEALS
FOR EXTORTION, RACKETEERING, AND
THREATS, FISCAL YEARS 1970-1975

<u>'70</u>	<u>'71</u>	<u>'72</u>	<u>'73</u>	<u>'74</u>	<u>'75</u>	<u>'70-75</u>	<u>'74-75</u>
204	285	288	369	392	424	107.8	8.2

SOURCE: U.S. Department of Justice, Law Enforcement Assistance Administration,
National Criminal Justice Information and Statistics Service.
Sourcebook of Criminal Justice Statistics - 1976. p. 617

TABLE 7
DEFENDANTS CONVICTED IN U.S. DISTRICT
COURTS FOR EXTORTION, RACKETEERING
AND THREATS, BY LENGTH OF SENTENCE,
FISCAL YEAR 1975

Total Defendants Sentenced	439
Total Imprisoned	241
Split Sentence ^b	26
Imprison - 1 year 1 day, and under	25
ment ^a Over 1 year 1 day to 3 years	55
3-5 years	56
5 years and more	79
Probation	176
Fine	21
Other	1
Average sentence, in months	55.5

SOURCE: U.S. Department of Justice, Law Enforcement Assistance
Administration, National Criminal Justice Information and
Statistics Service, Sourcebook of Criminal Justice Statistics - 1976.
p. 612

^a Includes sentences of more than six months which are followed by a term of probation (mixed sentences).

^b A split sentence is a sentence on a one count indictment of six months or less in a jail-type institution, followed by a term of probation, (18 U.S.C. 3651). Included in these figures are mixed sentences involving confinement on one-count, to be followed by a term of probation on one or more other counts.

TABLE 8
CONVICTIONS IN EXTORTION CASES
BROUGHT BY U.S. POSTAL INSPECTION
SERVICE, FISCAL YEARS, 1967-1974

<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>
24	31	31	18	12	28	35	24

SOURCE: U.S. Department of Justice, Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, Sourcebook of Criminal Justice Statistics - 1976, p. 612

CORRECTIONS DATA

The Illinois Department of Corrections periodically compiles data concerning the number of people in state correctional institutions and on parole for each crime type. The tables below summarize data currently available for the crime of intimidation.

TABLE 9
NUMBER OF INDIVIDUALS IN
STATE CORRECTIONAL FACILITIES
OR ON PAROLE FOR INTIMIDATION OFFENSES
AS OF 1/31/78^a

<u>PRISON</u>		<u>PAROLE</u>	
CONVICTED FOR INTIMIDATION <u>ONLY</u>	<u>MULTIPLE CONVICTION</u>	CONVICTED FOR INTIMIDATION <u>ONLY</u>	<u>MULTIPLE CONVICTION</u>
10	5	5	2

SOURCE: Illinois Department of Corrections, Public Information Division

^a Includes individuals sentenced to or on parole from state facilities, and individuals temporarily housed in state facilities.

TABLE 10
NUMBER OF INDIVIDUALS SENTENCED
TO CORRECTIONAL FACILITIES OR ON PAROLE
FOR INTIMIDATION OFFENSES,
BETWEEN JANUARY 1, and MARCH 1, 1978

<u>PRISON</u>	<u>PAROLE SUPERVISION</u> ^a		
<u>CONVICTED FOR</u> <u>INTIMIDATION</u> <u>ONLY</u>	<u>MULTIPLE</u> <u>CONVICTION</u>	<u>CONVICTED FOR</u> <u>INTIMIDATION</u> <u>ONLY</u>	<u>MULTIPLE</u> <u>CONVICTION</u>
9	35	2	8
	<u>STATUTORY PAROLE</u> ^b		
	<u>CONVICTED FOR</u> <u>INTIMIDATION</u>	<u>MULTIPLE</u> <u>CONVICTION</u>	
	0	3	

SOURCE: Illinois Department of Corrections, Public Information Division

^a Parole Supervision: Paroled after minimum sentence has been served.

^b Statutory Parole: Paroled after maximum sentence has been served.

SUMMARY

Research into the crime of extortion in Illinois is made difficult by the scarcity of germane data. The data listed above should only be used with the caution suggested by these three problem areas:

1. Victims of extortion may be reluctant to report the crime to the police. Hence, police data may underestimate the occurrence of extortion.
2. Reporting of extortion data by local police to the Illinois Department of Law Enforcement is incomplete. Conclusions based on these data must be considered tentative.
3. Very little information is collected from the courts on extortion in Illinois. Currently only a case-by-case search of the court files will provide sufficient data for research on extortion cases in Illinois courts.

APPENDIX A
UNITED STATES CRIMINAL CODE ANNOTATED,
TITLE 18, CHAPTER 41, SECTIONS 875-876.

875 Interstate communications

(a) Whoever transmits in interstate commerce any communication containing any demand or request for a ransom or reward for the release of any kidnapped person, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

(b) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

(c) Whoever transmits in interstate commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

(d) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate commerce any communication containing any threat to injure the property or reputation of the addressee or of another or the reputation of a deceased person or any threat to accuse the addressee or any other person of a crime, shall be fined not more than \$500 or imprisoned not more than two years, or both.

APPENDIX A (cont'd)

876. Mailing threatening communications

Whoever knowingly deposits in any post office or authorized depository for mail matter, to be sent or delivered by the Postal Service or knowingly causes to be delivered by the Postal Service according to the direction thereon, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person, and containing any demand or request for ransom or reward for the release of any kidnaped person, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

Whoever, with intent to extort from any person any money or other thing of value, so deposits, or causes to be delivered, as aforesaid, any communication containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than \$5,000 or imprisoned not more than twenty years, or both.

Whoever knowingly so deposits or causes to be delivered as aforesaid, any communication with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to kidnap any person or any threat to injure the person of the addressee or of another, shall be fined not more than \$1,000 or imprisoned not more than five years, or both.

Whoever, with intent to extort from any person any money or other thing of value, knowingly so deposits or causes to be delivered, as aforesaid, any communication, with or without a name or designating mark subscribed thereto, addressed to any other person and containing any threat to injure the property or reputation of the addressee or of another, or the reputation of a deceased person, or any threat to accuse the addressee or any other person of a crime, shall be fined not more than \$500 or imprisoned not more than two years, or both.

APPENDIX A (cont'd)
ILLINOIS REVISED STATUTES, CHAPTER 38, SECTION 12-6:

Intimidation

(a) A person commits intimidation when, with intent to cause another to perform or to omit the performance of any act, he communicates to another a threat to perform without lawful authority any of the following acts:

- (1) Inflict physical harm on the person threatened or any other person or on property; or
- (2) Subject any person to physical confinement or restraint; or
- (3) Commit any criminal offense; or
- (4) Accuse any person of an offense; or
- (5) Expose any person to hatred, contempt or ridicule; or
- (6) Take action as a public official against anyone or anything, or withhold official action, or cause such action or withholding; or
- (7) Bring about or continue a strike, boycott or other collective action.

(b) Penalty.

A person convicted of intimidation shall be fined not to exceed \$5,000 or imprisoned in a penal institution other than the penitentiary not to exceed one year or in the penitentiary from one to five years, or both fined and imprisoned.

Laws 1961, p. 1983, paragraph 12-6, eff. Jan. 1, 1962.
Amended by Laws 1965, p. 387, paragraph 1, eff. July 1, 1965.

APPENDIX B
DATA SOURCES

1. The Illinois Department of Law Enforcement
Criminal Justice Information Services Division
1035 Outer Park Drive
Springfield, Illinois
217-782-7980
2. The Administrative Office of the Illinois Courts
Room 2010
30 North Michigan Avenue
Chicago, Illinois
312-793-3250
3. The Administrative Office of the U.S. Courts
U.S. Supreme Court Building
One First Street, N.E.
Washington, D.C. 20544
4. Illinois Corrections Information System
Illinois Department of Corrections
201 Armory Building
Springfield, Illinois 62706
5. Statistical Analysis Center
Criminal Justice Information Systems
Illinois Law Enforcement Commission
120 South Riverside Plaza
Chicago, Illinois 60606
312-454-1560

APPENDIX C
REFERENCES

Administrative Office of the Illinois Courts

1975 Annual Report to the Supreme Court Committee.
Chicago.

Illinois

1976 Illinois Revised Statutes; Chapter 38, Section 12-6.

Illinois Department of Law Enforcement

1976 Crime in Illinois. Springfield.

United States

United States Criminal Code Annotated, Title 18,
Sections 875-876.

United States Department of Justice

1977 Sourcebook of Criminal Justice Statistics - 1976.
Washington D.C.: U.S. Government Printing Office.