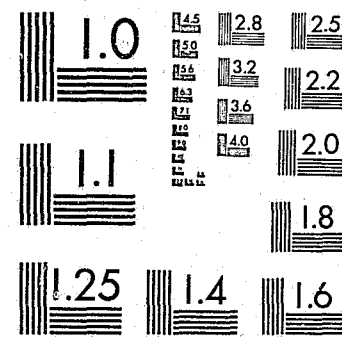


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

4/8/85

INTER-UNIVERSITY CONSORTIUM FOR
POLITICAL AND SOCIAL RESEARCH

PRETRIAL RELEASE DATA

(ICPSR 7538)

96130

ICPSR

Principal
Investigators

Stuart S. Nagel
Paul Wice
Marian Neff

University of Illinois at Urbana

First ICPSR Edition, 1977

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ACQUISITIONS

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First ICPSR Edition, 1977

U.S. Department of Justice
National Institute of Justice

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ACKNOWLEDGMENT OF ASSISTANCE

All manuscripts utilizing data made available through the Consortium should acknowledge that fact as well as identify the original collector of the data. The ICPSR council urges all users of ICPSR data facilities to follow some adaptation of this statement with the parentheses indicating items to be filled in appropriately or deleted by the individual user.

The data (and tabulations) utilized in this (publication) were made available (in part) by the Inter-university Consortium for Political and Social Research. The data for the Pretrial Release Data were originally collected by Stuart S. Nagel, Paul Wice, and Marian Neff. Neither the original collectors of the data nor the Consortium bear any responsibility for the analyses or interpretations presented here.

In order to provide funding agencies with essential information about the use of archival resources, and to facilitate the exchange of information about ICPSR participants' research activities, each user of the ICPSR data facilities is expected to send two copies of each completed manuscript or thesis abstract to the Consortium. Please indicate in the cover letter which data were used.

STUDY DESCRIPTION

The survey involved asking police chiefs, judges, prosecutors, defense attorneys, and bail project directors in 80 cities a variety of questions concerning the processing of arrested persons prior to trial. The research objectives included: 1) developing a model designed to determine the optimum percentage of defendants to hold prior to trial, 2) developing a model designed to make decisions on whether a defendant should be released or held in jail prior to trial, 3) comparing cities having bail reform projects with cities not having them, 4) comparing cities that require arrested persons to provide 10 percent of the bond with cities requiring 100 percent of the bond, and 5) determining the causes and effects of variations across cities in the percentage of defendants held in jail prior to trial.

The data were obtained by mailing questionnaires in 1969 to judges, prosecutors, defense attorneys, and bail project directors in 80 cities. Of the 280 questionnaires mailed 156 respondents or 56 percent sent back usable questionnaires. The questionnaire recipients were determined by consulting such directories as the A.B.A. Criminal Law Directory and the Martindale-Hubbell Legal Directory.

Related publications:

S. Nagel, R. Wice, and M. Neff,
Too Much or Too Little Policy: The Example of Pretrial Release
(Sage Publications, 1977).

S. Nagel and M. Neff,
Legal Policy Analysis: Finding an Optimum Level or Mix (Lexington-Heath, 1977).

S. Nagel and M. Neff,
"Legal Policy Optimizing Models," Journal of Legal Education (Spring, 1977).

CODING KEY

BAIL DATA

DECK ONE

Columns 1-3	Identification
Col. 4	Blank
Col. 5	Deck number 1 - Deck #1 2 - Ceck #2
Col. 6	Blank
Col. 7	Time between arrest and setting of bail 1 - Same day 2 - Next day 3 - More than one day
Col. 8	Time between arrest and release on ROR 1 - Same day 2 - Next day 3 - Between 2 days and a week 4 - More than a week
Col. 9	System of notification 1 - No 2 - Yes
Col. 10	How notification is made 1 - Phone call 2 - Letter 3 - Personal visit 4 - Written on court order 5 - Official publication 6 - Formal notice to appear 7 - Advised orally 8 - Others - bond orders
Col. 11	Dichotomy of notification (a) Place 1 - Notice given at the courthouse (formal notice, written on court order) 2 - Notice given after leaving courthouse (phone call, letter, etc.)
Col. 12	Dichotomy of notification (b) Oral vs. written 1 - Oral notice (phone call, visit) 2 - Written notice (letter, court order)
Col. 13	Separate detention facilities 1 - No 2 - Yes
Col. 14	Approximate jail costs per day per person 1 - \$1 2 - \$2 3 - \$3 4 - \$4 5 - \$5 6 - \$6 7 - \$7 8 - \$8 9 - \$9

Col. 15	Average length of time spent in jail prior to trial	
	1 - Less than a week	5 - Three months to 4 months
	2 - One week to a month	6 - Four months to 6 months
	3 - One month to two months	7 - Over 6 months
	4 - Two months to 3 months	
Col. 16	Time detained \pm 3 months	
	1 - Less than 3 months	
	2 - Three months and longer	
Col. 17	Bail set by statute or ordinance	
	1 - Set by discretion of judge	
	2 - Set by statute or ordinance	
Col. 18	Bondsman available	
	1 - No	
	2 - Yes	
Col. 19	Verification system in use	
	1 - No	
	2 - Yes	
Cols. 20 - 35	Statistical Data	
	0 - 0-9%	6 - 60-69%
	1 - 10-19%	7 - 70-79%
	2 - 20-29%	8 - 80-89%
	3 - 30-39%	9 - 90-100%
	4 - 40-49%	
	5 - 50-59%	
Col. 20	Number of defendants arraigned	
Col. 21	Percentage of defendants interviewed for ROR	
Col. 22	Percentage of defendants recommended for ROR	
Col. 23	Percentage of defendants released on own recognizance	
Col. 24	Percentage of defendants released on bail payment	
Col. 25	Percentage of defendants detained in jail	
Col. 26	Percentage of defendants failed to show	
Col. 27	Percentage of defendants ROR'd who failed to show	
Col. 28	Percentage of defendants released on bail who failed to show	
Col. 29	Percentage of defendants rearrested for new crime	
Col. 30	Percentage of defendants rearrested for new crime - ROR'd	

Col. 31	Percentage of defendants rearrested for new crime - released on bail
Col. 32	Percentage of defendants found guilty - those detained in jail
Col. 33	Percentage of defendants found guilty - those ROR'd
Col. 34	Percentage of defendants found guilty - those released on bail
Col. 35	Percentage of defendants who used bondsmen
Cols. 36-50	5-year trend of statistical data
	1 - Decrease
	2 - No change
	3 - Increase
Col. 36	5-yr. trend - % interviewed for ROR
Col. 37	5-yr. trend - % recommended for ROR
Col. 38	5-yr. trend - % receiving ROR
Col. 39	5-yr. trend - % released on bail payment
Col. 40	5-yr. trend - % detained in jail
Col. 41	5-yr. trend - % failed to show
Col. 42	5-yr. trend - % failed to show - ROR'd
Col. 43	5-yr. trend - % failed to show - paid bail
Col. 44	5-yr. trend - % rearrested - total
Col. 45	5-yr. trend - % rearrested - ROR'd
Col. 46	5-yr. trend - % rearrested - paid bail
Col. 47	5-yr. trend - % detained found guilty
Col. 48	5-yr. trend - % ROR'd found guilty
Col. 49	5-yr. trend - % paid bail found guilty
Col. 50	5-yr. trend - % using bondsmen
Cols. 51-60	Pre-release criteria
	1 - Not important
	2 - Slightly important
	3 - Moderately important
	4 - Extremely important
Col. 51	Present charge
Col. 52	Past criminal record
Col. 53	Likelihood of committing a future crime

- Col. 54 Present employment
- Col. 55 References
- Col. 56 Length of present employment
- Col. 57 Living with family
- Col. 58 How long has he lived in city
- Col. 59 How long at his present address
- Col. 60 Has he previously been released on bail and appeared (past appearance record)
- Col. 61 Are these criteria weighted
1 - No
2 - Yes
- Col. 62 Do they have a bail reform program
1 - No
2 - Yes
- Col. 63 Starting date of program
1 - 1963 and earlier
2 - 1964
3 - 1965
4 - 1966
5 - 1967
6 - 1968
7 - 1969
- Col. 64 Dichotomy of starting date
1 - Before 1965
2 - 1965 and after
- Col. 65 Sponsor of program
1 - Probation
2 - Legal aid officer
3 - Bar association
4 - The courts
5 - Foundation
6 - Parole Board
7 - Legal Services
8 - ACLU
9 - Misc.
- Col. 66 Dichotomy of sponsor
1 - Private
2 - Public (governmental)
- Col. 67 Source of staff
1 - Probation officers
2 - Judges
3 - Court administrators
4 - Bail investigators
5 - Misc. paid personnel
6 - Law Students
7 - Vista volunteers
8 - Attorneys
9 - Misc. volunteers

- Col. 68 Dichotomy of service of staff
1 - Regular paid officers of court
2 - Volunteers
- Col. 69 Source of funds
1 - City
2 - State
3 - Federal
4 - Bar association
5 - Private foundations
6 - No cost
7 - Misc.
- Col. 70 Dichotomy of source of funds
1 - Governmental
2 - Private
- Col. 71 Types of charges
1 - Misdemeanors
2 - Lesser felonies
3 - Lesser felonies and misdemeanors
4 - Felonies
5 - Felonies and misdemeanors
6 - Felonies and lesser felonies
7 - Felonies, lesser felonies, and misdemeanors
- Col. 72 Dichotomy of types of charges
1 - Misdemeanors, and/or lesser felonies
2 - Felonies and lesser felonies
- Col. 73 Expansion of bail project
1 - No
2 - Yes
- Cols. 74-76 Attitudes toward the administration of bail - Part III of Questionnaire
1 - Disagree strongly (--) 4 - Agree, but not strongly (+)
2 - Disagree but not strongly (-) 5 - Agree strongly (++)
3 - Undecided (0)
- Col. 74 Role of the bondsmen
- Col. 75 Negative view of bondsmen
- Col. 76 Role of the presiding judge
- Cols. 77-80 Blank

CODING KEY - DECK TWO

6

Cols. 1-3	Identification number
Col. 4	Blank
Col. 5	Deck number 1 - Deck #1 2 - Deck #2
Col. 6	Blank
Cols. 7-24	Attitudes toward the administration of bail (continued) 1 - Disagree strongly (--) 4 - Agree, but not strongly (+) 2 - Disagree but not strongly (-) 5 - Agree strongly (++) 3 - Undecided (0)
Col. 7	Positive view of preventive detention
Col. 8	Preventive detention reduces crime rate
Col. 9	Present system of bail is acceptable
Col. 10	Increased number ROR'd will increase crime rate
Col. 11	Number of defendants ROR'd is too great
Col. 12	Defendant's chances of acquittal affected by pretrial detention
Col. 13	Bail amount is manipulated to detain defendant
Col. 14	Positive view of bail reform projects
Col. 15	Positive view of third party parole
Col. 16	Positive view of daytime release
Col. 17	Positive view of conditional release
Col. 18	Bail is usually set too high
Col. 19	Bail should be lowered to more realistic amounts
Col. 20	Need to enforce laws on bail jumpers
Col. 21	Positive view of cash bail alternative
Col. 22	Importance of a speedy trial
Col. 23	Prosecuting attorney plays significant role
Col. 24	Pretrial detention facilities are overcrowded
Cols. 25-44	Demographic characteristics of 72 cities

7

Col. 25	Bail reform city 1 - No 2 - Yes
Col. 26	Region of the country 1 - New England 2 - Middle Atlantic 3 - South 4 - Midwest 5 - Southwest 6 - Plains and Rockies 7 - Far West
Col. 27	Population 1 - Under 50,000 2 - 50,000-99,999 3 - 100,000-199,999 4 - 200,000-299,999 5 - 300,000-399,999 6 - 400,000-499,999 7 - 500,000-749,999 8 - 750,000-999,999 9 - Over a million
Col. 28	Non-white population 1 - Under 2% 2 - 2-5.9% 3 - 6 to 9.9% 4 - 10 to 13.9% 5 - 14 to 17.9% 6 - 18 to 21.9% 7 - 22 to 25.9% 8 - 26 to 29.9% 9 - 30% and over
Col. 29	Percent working in manufacturing 1 - Less than 3% 2 - 4 to 8.9% 3 - 9 to 13.9% 4 - 14 to 18.9% 5 - 19 to 23.9% 6 - 24 to 28.9% 7 - 29 to 33.9% 8 - 34 to 38.9% 9 - Over 39%
Col. 30	Median income 1 - Under \$3,000 2 - \$3001-\$4000 3 - \$4001-\$5000 4 - \$5001-\$6000 5 - \$6001-\$7000 6 - \$7001-\$8000 7 - \$8001-\$9000 8 - Over \$9,000
Col. 31	Percent earning under \$3,000 1 - Less than 3% 2 - 4-7.9% 3 - 8-11.9% 4 - 12-15.9% 5 - 16-19.9% 6 - 20-23.9% 7 - 24-27.9% 8 - 28-31.9% 9 - Over 31.9%
Col. 32	1967 crime rate 1 - Under 1400 2 - 1400-1599 3 - 1600-1799 4 - 1800-1999 5 - 2000-2199 6 - 2200-2399 7 - 2400-2599 8 - 2600-2799 9 - Over 2800
Col. 33	1962 crime rate. 1 - Under 1400 2 - 1400-1599 3 - 1600-1799 4 - 1800-1999 5 - 2000-2199 6 - 2200-2399 7 - 2400-2599 8 - 2600-2799 9 - Over 2800

Col. 34 1967 homicide rate
 1 - Less than 3.9 per 100,000
 2 - 4-7.9
 3 - 8-11.9
 4 - 12-15.9
 5 - 16-19.9
 6 - 20 and above

Col. 35 1967 burglary rate
 1 - Under 499 per 100,000
 2 - 500-699
 3 - 700-899
 4 - 900-1099
 5 - 1100-1299
 6 - 1300 and above

Col. 36 Dichotomy of region
 1 - East
 2 - West

Col. 37 Dichotomy of region
 1 - North
 2 - South

Col. 38 Population
 1 - Under 500,000
 2 - 500,000 and above

Col. 39 Non-white population
 1 - Under 13%
 2 - 13% and above

Col. 40 Manufacturing class
 1 - 23.9% and below
 2 - 24% and above

Col. 41 Median income
 1 - \$5999 and below
 2 - \$6000 and above

Col. 42 1967 crime rate per 100,000
 1 - 1999 and below
 2 - 2000 and above

Col. 43 1962 crime rate
 1 - 1399 and below
 2 - 1400 and above

Col. 44 1967 homicide rate
 1 - 10.9 per 100,000 and below
 2 - 11 and above

Col. 45 Blank

RAIL QUESTIONNAIRE

GENERAL INSTRUCTIONS:

1. All questions requesting statistical information refer to the year 1968, unless otherwise specified.
2. If you are unable to answer any question, please leave it blank and continue on to the next question.
3. Please read the instructions offered at the beginning of each section of the questionnaire.

PART I. ORGANIZATION AND PROCEDURE IN PRE-TRIAL RELEASE

Instructions: If alternative answers are offered please check your choice.

1. What is the approximate average time between arrest and the setting of bail?
 Same day _____ Next day _____ More than one day _____
2. What is the approximate average time between arrest and the determination of whether the accused will be released on his own recognizance? (The release of a defendant prior to his trial without his having to put up a money deposit. His release is based upon his being identified as a good risk not to flee or commit further crimes.) _____
3. Is there a system of notification to tell the defendant when he must appear in court?
 Yes _____ No _____
 If yes, how is the notification made?
 Phone call _____ Personal visit _____
 Letter _____ Other (specify) _____
4. Were the pre-trial detainees separated in the detention facility from the inmates who were serving sentences?
 Yes _____ No _____
5. What are the approximate jail costs per day per inmate?
 \$1 _____ \$4 _____
 \$2 _____ \$5 _____
 \$3 _____ Other (specify) _____
6. What would you estimate was the average length of time spent in jail before trial for each detained defendant? _____
7. Is the amount of bail which is required for each type of crime specified in either a state or local statute or ordinance?
 Yes _____ No _____
8. Is a bondsman available to help the accused raise the required bail?
 Yes _____ No _____
9. Is a verification system used to check on the validity of the information given by the defendant?
 Yes _____ No _____

PART II. APPROXIMATE STATISTICAL DATA

1. The number of individuals arraigned (brought before a magistrate or judge to determine whether the individual should be released prior to his trial). _____

Instructions: In any of the following questions in which an approximate percentage is requested, please use one of the letters listed below which corresponds to a percentage interval. All statistics refer to the year 1968.

- | | |
|----------|-----------|
| a. 0-9 % | f. 50-59 |
| b. 10-19 | g. 60-69 |
| c. 20-29 | h. 70-79 |
| d. 30-39 | i. 80-89 |
| e. 40-49 | j. 90-100 |

- 36 2. % of arraigned individuals interviewed by non-judicial personnel for possible release on their own recognizance.
- 37 2.2 3. % of arraigned individuals recommended by the above non-judicial personnel for pre-trial release on their own recognizance.
- 38 3.8 4. % of arraigned individuals released on their own recognizance.
- 39 2.1 5. % of arraigned individuals released due to payment of bail.
- 40 2.1 6. % of arraigned individuals detained in jail prior to trial.
- 41 2.6 7. % of arraigned individuals who were released prior to their trial and failed to show up in court for their trial.
- 42 2.7 a. % of arraigned individuals released on their own recognizance who failed to show up in court for their trial.
- 43 2.1 b. % of arraigned individuals released on payment of bail who failed to show up in court.
- 44 2.1 8. % of arraigned individuals who were released prior to their trial who were arrested for committing another crime while released.
- 45 3.4 a. % of arraigned individuals released on their own recognizance who were arrested for committing another crime while released prior to trial.
- 46 1.8 b. % of arraigned individuals released on payment of bail who were arrested for committing another crime while released prior to trial.
- 47 1.1 9. % of persons detained in jail prior to trial who were found guilty.
- 48 1.1 a. % of persons released on their own recognizance who were found guilty.
- 49 1.1 b. % of persons released on payment of bail who were found guilty.
- 50 1.1 10. % of arraigned individuals who use bondsmen to raise the necessary bail.

TRENDS--To indicate trends during the last five years concerning the ten questions just answered, please go over each question again and place one of the following symbols next to the question number:

+ increase, 0 no change, - decrease

PART III. ATTITUDES TOWARD ADMINISTRATION OF BAIL IN MY COMMUNITY

Instructions: Please indicate your attitude toward each of the following statements by inserting one of the following symbols in the blank space next to each statement.

- ++ agree strongly
+ agree but not strongly
0 undecided
- disagree but not strongly
-- disagree strongly

74 1. The bondsmen play a crucial role in the administration of bail.

75 2. The power of the bondsmen should be increased.

73
79

3. The presiding judge plays the most significant role in determining the size of the bond.
4. We ought to make more use of preventive detention (i.e., the practice of either denying bail or setting bail at an unattainably high amount in order to imprison a person who might present a particular danger to society if left free before trial).
5. An increased use of preventive detention will help reduce the crime rate regardless of the other effects.
6. The present system of bail, based on the defendant's ability to raise the required bond, is a good procedure for determining pre-trial release.
7. The increasing number of defendants released on their own recognizance is partly responsible for the increasing crime rate.
8. The number of defendants released on their own recognizance has increased too greatly in recent years.
9. A defendant's chances for acquittal are influenced by whether or not he was detained in jail prior to his trial.
10. The bail amount is regularly manipulated by the courts to accomplish a form of preventive detention.
11. A bail reform program which released selected defendants through a standardized fact-finding mechanism is a good system for administering bail.
12. A good alternative or modification to the present bail system for some individuals is the third party parole where the defendant is paroled in the custody of a willing private third party such as his attorney or a local minister.
13. A good alternative or modification to the present bail system for some individuals is daytime release where the accused is permitted to leave for outside employment during the day but must be required to return to jail at night.
14. A good alternative or modification to the present bail system is supervised release where the accused is released conditioned on remaining within the court's jurisdiction and periodic check-ins with the policy, probation office, or court.
15. Bail is often set too high for the average man to meet.
16. In order to tailor the bail system more closely to the accused's financial capabilities, bail should be lowered to more realistic levels.
17. More frequently enforced penal sanctions would deter bail jumpers more strongly than forfeiture of the bond.
18. The use of cash bail fixed by statute or court rule in accordance with the crime is a good improvement to the present bail system.
19. A great improvement to the current administration of bail issue would be to afford the accused a more prompt trial.
20. The prosecuting attorney plays a significant role in determining the size of the bond.
21. The detention facilities for pre-trial detainees are overcrowded in our city.

PART IV. PRE-RELEASE CRITERIA

Instructions: In determining whether a defendant is to be released prior to trial, how important are each of the following criteria used in evaluating the defendant using the following symbols:

87 7.

70

68

30

34

22

32

42

83

52

43

78

50

44

72

48

77

78

65

4
+++ Extremely important
++ Moderately important
+ Slightly important
0 Not important

1. Present charge
2. Past criminal record
3. Likelihood of committing a future crime
4. Present employment
5. References
6. Length of present employment
7. Living with his family
8. How long he has lived in the city
9. How long he has lived at his present address
10. Has he previously been released on parole or bail, and if so, has he appeared on time

Are the above criteria weighted according to a point scoring system in your community?

Yes _____ No _____

PART V. BAIL REFORM PROGRAMS

1. Does your city utilize a bail reform program? (A program providing for the release of many persons prior to trial without having to put up a money deposit. Release is based upon being identified as a good risk which is determined by a standardized fact-finding mechanism such as the objective formula used by the Vera Foundation.)

Yes _____ No _____

If your city does not have a bail reform program as above defined, you need not answer the rest of the questions.

2. What was the starting date of your program? _____
3. Who is the sponsor of controlling agency in the program?
Probation Department _____ The courts _____
Legal Aid officers _____ Other (specify) _____
Bar Association _____
4. Who interviews defendants for factual information relevant to pre-trial release?
Probation officers _____ Only Judges _____
Law students _____ Other (specify) _____
VISTA volunteers _____
5. What is the source of funds for financing the project?
City _____ Bar Association _____
State _____ Other (specify) _____
Federal _____
6. What types of crimes does your program have jurisdiction over?
Felonies _____ Misdemeanors _____
Lesser felonies _____ Other (specify) _____
7. Has the bail reform project been expanded since its beginning?
Yes _____ No _____

Thank you again for your cooperation.

Appendix B: City Classification

Reform Cities

Albuquerque, New Mexico
Austin, Texas
Baltimore, Maryland
Berkeley, California
Clinton, New York
Cleveland, Ohio
Colorado Springs, Colorado
Columbus, Ohio
Crown Point, Indiana
Denver, Colorado
Des Moines, Iowa
Detroit, Michigan
Herkimer, New York
Houston, Texas
Indianapolis, Indiana
Long Beach, California

Los Angeles, California
Madison, Wisconsin
Martinez, California
New York City, New York
Oakland, California
Reading, Pennsylvania
Redwood, California
St. Louis, Missouri
Salt Lake City, Utah
San Francisco, California
Santa Barbara, California
Seattle, Washington
Syracuse, New York
Tulsa, Oklahoma
Washington, D.C.

Traditional Cities

Atlanta, Georgia
Boise, Idaho
Boston, Massachusetts
Cedar Rapids, Iowa
Charleston, West Virginia
Chattanooga, Tennessee
Corpus Christi, Texas
Dallas, Texas
El Paso, Texas
Flint, Michigan
Gainesville, Florida
Galveston, Texas
Glendale, California
Hackensack, New Jersey
Holidaysburg, Pennsylvania
Jackson, Mississippi

Jacksonville, Florida
Kansas City, Kansas
Lancaster, Pennsylvania
Memphis, Tennessee
New Orleans, Louisiana
Ogden, Utah
Oklahoma City, Oklahoma
Pasadena, California
Philadelphia, Pennsylvania
Rockville, Maryland
San Antonio, Texas
San Diego, California
San Mateo, California
Spokane, Washington
Trenton, New Jersey
Wichita, Kansas

Illinois Cities

Bloomington
Chicago
Decatur
Elgin

Galesburg
Kankakee
Springfield
Waukegan
Wheaton