

# CHAPTER I

## RECORDED FELONIES: AN ANALYSIS AND GENERAL SURVEY

### (I) INTRODUCTION

#### 1. *Regions Covered by the Survey.*

This study presents the results of a statistical analysis of what happened to 16,812 felony cases which entered the courts of twenty counties of Illinois, of the City of Chicago (tabulated apart from Cook County), and of 1,838 felony cases entering the courts of the neighboring city of Milwaukee, Wisconsin, during the year 1926. The original data were collected by enumerators employed by the Association during the summer of 1927, who went into the counties reported upon and secured the facts from the records of the courts. These facts were recorded on a schedule, a copy of which is appended to this report. The data on the schedules were transcribed to punch cards and tabulated by machine.

A glance at the map of the State will indicate that the counties selected represent the several sections of the State, as well as various types of communities, industrial, mining, agricultural, metropolitan. They range in size from Chicago, with 2,701,705 inhabitants, to Stark County, with 9,693, according to the census of 1920. They range in number of cases of felonies reported in this study from 12,543 in Chicago to 15 in Stark County. The inclusion of Milwaukee in this study was made because of its proximity to Chicago and because of the fact that it is frequently referred to as a city in which the courts are very "efficient."

Political subdivisions included in this survey, together with the population according to the U. S. Census of 1920; the number of felony cases reported in this study; and the proportion of the population living in places of 2,500 or more are presented in Table A-2.

These twenty-two political subdivisions have been grouped into eight classes, as follows:

- |                              |                                |
|------------------------------|--------------------------------|
| 1. Total Illinois            | 5. Seven less urban counties   |
| 2. Chicago                   | Marion                         |
| 3. Chicago and Cook County   | Vermilion                      |
| 4. Eight more urban counties | Adams                          |
| St. Clair                    | Knox                           |
| Macon                        | McLean                         |
| Sangamon                     | Kankakee                       |
| Peoria                       | Stephenson                     |
| La Salle                     | 6. Two strictly rural counties |
| Rock Island                  | Stark                          |
| Kane                         | Cumberland                     |
| Winnebago                    | 7. Williamson-Franklin         |
|                              | 8. Milwaukee                   |

## Illinois Crime Survey

TABLE A-2. FELONIES IN RELATION TO POPULATION OF REGIONS SURVEYED

	Population	Number of Felony Cases	Percentage of Population Urban
Chicago .....	2,701,705	12,543	100.0
Cook County.....	351,312	574	97.1 <sup>1</sup>
St. Clair County.....	136,520	654	67.1
Peoria County.....	111,710	514	71.6
Sangamon County.....	100,262	222	61.7
Kane County.....	97,499	297	75.3
LaSalle County.....	92,925	144	63.5
Rock Island County.....	92,297	181	83.6
Winnebago County.....	90,929	113	72.2
Vermilion County.....	86,162	336	54.0
McLean County.....	70,107	117	48.3
Macon County.....	65,175	168	67.2
Adams County.....	62,188	112	57.9
Williamson County.....	61,092	228	50.9
Franklin County.....	57,293	237	45.0
Knox County.....	46,727	89	56.8
Kankakee County.....	44,940	88	37.2
Stephenson County.....	37,743	82	52.1
Marion County.....	37,497	80	40.4
Cumberland County.....	12,858	18	00.0
Stark County.....	9,693	15	00.0
Milwaukee, Wis.....	457,147	1,838	100.0

The "more urban counties" showed in 1920 a population ranging from sixty to approximately eight-five per cent "urban"; i. e., living in incorporated places of 2,500 or more. The "less urban counties" ranged in this respect from about thirty-five to fifty-nine per cent. Stark and Cumberland were without any "urban" population, and hence are grouped as two purely rural counties. Williamson and Franklin Counties have attracted much attention in recent years because of certain conditions of lawlessness amounting almost to civil warfare. Chicago and Cook County are grouped because a large part of Cook County is a part of the urban community of which Chicago is the economic nucleus. Chicago is considered separate from Cook County only because of the fact that preliminary hearings are held, in Chicago, in the municipal court, and in the rest of the county in the justice of the peace courts. The trial court is the same for the whole county.

2. *Explanation of Statistical Method Used.* The basic pattern of this survey is that of the "Disposition Table." This is a device borrowed from the "Mortality Table" of the life insurance actuary; a part of such a mortality table is here given:<sup>2</sup>

AMERICAN EXPERIENCE MORTALITY TABLE<sup>3</sup>

Age	Number Living	Number Dying
10	100,000	749
11	99,251	746
12	98,505	743
88	2,146	744
95	3	3

<sup>1</sup> This percentage is for all of Cook County, including Chicago; the figures for population and number of felonies are exclusive of Chicago.

<sup>2</sup> The legal reader may think of a mortality table in terms of the probable after lifetime of a person at any age, in connection with the problem of determining money rights for an indefinite future period. The probable after lifetime is calculated from the basic data of the table, excerpts from which are cited here. See Whipple, *Vital Statistics*. Second Edition, New York, 1923, Ch. XV.

<sup>3</sup> *Ibid.*, p. 483.

## *Recorded Felonies: An Analysis and General Survey*

Similarly in this study we begin with the total number of cases entering the lower court on charges of felony. This number is the equivalent of the 100,000 entering at the base year of age ten in the table just reproduced in part. In the preliminary hearing a certain number of cases are "eliminated." *By this term is meant merely that they cease to progress beyond that point as felony cases.* A few of these result in punishment, after the felony charges have been reduced to accusations of misdemeanors; a few are certified to other courts; and are lost to our reckoning. The remainder of the eliminated may be said to have "died," to carry out the analogy of the actuary's table. Subtracting the Eliminated in the Preliminary Hearing from the total entering that stage, we have left those that go on to the grand jury. Here again elimination takes place; and the remainder go on to the trial court. The eliminations in this stage of procedure subtracted, we have left those whose guilt is established, either by plea or by action of judge or jury. Probation and other modification and appeals still further add to eliminations, and after these are subtracted we have left the cases in which sentence is executed.

It must be clearly understood that "elimination" is not equivalent to escape from merited punishment. For by no stretch of the imagination is it possible to assume that all the cases entering the preliminary hearing are those of guilty persons. The aim of this study is to show exactly what happens to cases in the courts; to learn at what points eliminations are most frequent, and how the several political subdivisions differ from each other in these respects. No attempt is made in this statistical part of the survey to evaluate the efficiency of the courts or even to suggest wherein such efficiency might be found to exist. That is a matter of interpretation. What this chapter aims to do is to present the facts of a statistical nature, leaving the interpretations to other collaborators.

The word "case" as used in this study may be defined as a legal action begun by arrest and continued through (or stopped in) the several procedural stages of preliminary hearing, grand jury, and trial court; this action prosecutes a charge (which may include several secondary charges, as where a crime has several elements or degrees) which involves the commission of a specific act. Thus a defendant might be, for a single robbery, charged with robbery, assault, and larceny. This would be one case. If he committed and was charged with three robberies, these would lead to three cases. In case of a joint trial of two or more defendants for the same act, the number of cases would equal the number of defendants. This is in a sense inconsistent with the previous definition, but it is basically sound in that two or more arrests are made, and two or more persons are found guilty or not guilty; and the outcome need not be the same for all.

The statistical methods employed in this study consist mainly of simple tabulations, reduced to percentages for purposes of comparison. A few slightly more complicated methods will be introduced occasionally.<sup>1</sup>

<sup>1</sup>A word of caution is to be introduced at this point. Common sense, as well as mathematical theory, forbids us to accept as equally reliable the statistical conclusions from a sample of ten cases and from a sample of two hundred cases. If we take out of a regiment of 2,500 men two samples of ten and two hundred, respectively, we know from experience that we can estimate the average size of all the men in the regiment

## Illinois Crime Survey

### (II) THE GENERAL DISPOSITION TABLE

3. *Explanation of the Table.* The General Disposition Table with its subdivisions is designated Table A. Since this table is too bulky for discussion, it has been condensed and also divided into several tables. Table A-2 shows the total number of recorded felonies by regions and populations. Table A-3 is a summary of the principal classifications of the whole Table A. The total number of all cases in each political subdivision is the base of Table A-2 and Table A-3. Tables A-4, A-5, A-6, A-7 are made up in the following manners: A-4 has as a base the total number of cases entering the preliminary hearings; A-5, the total number entering the grand jury; A-6, the total number entering the trial court; and A-7, the total number convicted or pleading guilty in the trial court. By this arrangement we are able to see clearly just what each stage of procedure accomplishes, on the basis of the number of cases entering that stage.

We shall first consider Table A-3.<sup>1</sup> Table A-3 is a condensation of Tables A-4 to A-8, omitting the details of the manner in which eliminations took place.

4. *Percentage of All Cases Resulting in Execution of Sentence.* This is the figure at the foot of the column (Table A-3). Though last to appear, it is in a sense the most important single figure in all our statistics. The reader will be struck first by the uniformity of the figures in this position. The first four columns show percentages ranging from 15.00 to 15.92; and the sixth column 14.62. Of course, certain of these uniformities are formal rather than significant. Chicago furnishes approximately seventy-five per cent of the total cases studied. It furnishes 95.6 per cent of all the cases in Cook County (as a whole). So naturally—here as elsewhere—the similarity between Chicago and Illinois as a whole, and between Chicago and Cook County as a whole, is not to be regarded as of importance.

much more reliably from the large sample than from the small. By "reliability" we mean simply this: If we picked out a second sample of ten and a second sample of 200, the averages of the samples of ten might be very different from each other, thus giving us different ideas of the average size of the men in the regiment; whereas, the average size estimated from the samples of two hundred would probably be very close together. What has been said of averages is also true of percentages. The larger the size of the sample which is taken as one hundred per cent, the more likely are we to find little change in percentages of parts of the sample, when another sample is used. The application of these principles is obvious; not to put too much reliance on the results of calculations of averages, percentages, etc., when the number of cases is small.

In all of the tables, percentages are given to the second place of decimals. This degree of accuracy is not necessary for the actual measurement. It does, however, make it possible to reconstruct the tables of actual numbers by multiplying the base of the percentages by the percentage; in this way it is possible to get any number on the original table of actual numbers. For example, there are 16,812 cases in Illinois; 0.07 per cent are eliminated without punishment after they have been declared guilty. This amounts to 11.7684, or 12 cases, which is the number originally found in the tables.

In one sense Table A-3 does not quite follow the procedure of the actuaries' "Mortality Table"; for in the City of Chicago not 12,543 cases enter the preliminary hearing, but 10,829. The difference between these two numbers is 1,714, the number of cases coming directly into the grand jury by way of "original" indictments, originating in the grand jury rather than in the preliminary hearing (see second row of Table A-4). The number of cases eliminated in the preliminary hearing is therefore given here as a percentage of *all* the cases, but not as a percentage of the cases actually entering this stage. But beginning with the grand jury the table may be said properly to be like a mortality table in the strictest sense of the term.



TABLE A-3  
SUMMARIZED DISPOSITION TABLE

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
TOTAL NUMBER OF CASES	16,812	100.00	12,543	100.00	13,117	100.00	2,293	100.00	904	100.00	33	100.00	465	100.00	1,838	100.00
ELIMINATED IN PRELIMINARY HEARING	7,340	43.66	6,124	48.83	6,361	48.49	667	29.09	254	28.10	8	24.24	50	10.75	319	17.36
Entering grand jury	9,472	56.34	6,419	51.17	6,756	51.51	1,626	70.91	650	71.90	25	75.76	415	89.25	1,519	82.64
ELIMINATED IN GRAND JURY	2,034	12.10	1,437	11.45	1,503	11.46	359	15.66	113	12.50	5	15.15	54	11.61		
Entering trial court	7,438	44.24	4,982	39.72	5,253	40.05	1,267	55.25	537	59.40	20	60.61	361	77.63	1,519	82.64
ELIMINATED IN TRIAL COURT	3,977	23.66	2,533	20.19	2,671	20.36	718	31.31	294	32.52	8	24.24	286	61.51	350	19.04
Guilty	3,461	20.59	2,449	19.53	2,582	19.68	549	23.94	243	26.88	12	36.36	75	16.13	1,169	63.60
PROBATION	782	4.65	510	4.07	554	4.22	176	7.67	49	5.42	1	3.03	2	.43	①501	②27.26
NEW TRIALS OR APPEALS	70	.42	47	.37	51	.39	6	.26	8	.89			5	1.08	7	.38
OTHER ELIMINATIONS AFTER GUILTY	12	.07	7	.06	9	.07	2	.09	1	.11						
Sentence executed, unchanged	2,583	15.37	1,871	14.92	1,954	14.90	365	15.92	185	20.46	11	33.33	68	14.62	661	35.96
Sentence executed, modified	14	.08	14	.11	14	.10										
TOTAL SENTENCES EXECUTED	2,597	15.45	1,885	15.03	1,968	15.00	365	15.92	185	20.46	11	33.33	68	14.62	661	35.96

①Includes 21 cases "Suspended Sentences."

## *Illinois Crime Survey*

The uniformity extends through the column of the eight more urban counties. The less urban and the strictly rural counties show a considerably larger proportion. Nevertheless, the slight number of cases—33—in the latter group warns us against drawing too much of a conclusion as to the meaning of the final figure for the other rural counties of the State, which are not included in our survey. Williamson and Franklin Counties fall below even the average of the State.

The question arises also as to whether some cases may not have been punished as misdemeanors in the preliminary hearing. For Illinois as a whole the number is seventeen, almost exactly one-tenth of one per cent (See Table A-4). We may therefore dismiss this as a negligible addition to the percentage of the executed sentences.

The position at which the percentage of executed sentences falls for Chicago, Cook County, Williamson and Franklin Counties, and the State is strikingly close to that of New York City; namely, 15.42.<sup>1</sup> It contrasts rather violently with that of Milwaukee—35.96.

5. *Eliminations in the Preliminary Hearing.* Here we have three distinct groupings: Chicago-Cook County in the first; the eight more urban, the seven less urban, and the rural counties in the second; and in the third, Williamson-Franklin; at, respectively, 48 to 49 per cent, 24 to 29 per cent, and at 11 per cent. This is in harmony with results in Missouri,<sup>2</sup> in that it shows a greater unwillingness outside of the large cities to eliminate cases in this stage of procedure. It is a startling fact that nearly 50 per cent of all cases and 57.47 per cent of all eliminations should fall into this class in Chicago. It indicates again the vast importance of the preliminary hearing in the conduct of felony cases in our large cities. Popular attention is nearly always centered on the trial court, though nearly 60 per cent of eliminations take place at the first stage. Contrast the small percentage (17.36) in Milwaukee.

6. *The Grand Jury Eliminations.* Here we have a very great degree of uniformity among the individual groups of jurisdiction: Chicago 11.45, more urban counties 15.66, less urban 12.50, rural 15.15, and Williamson-Franklin 11.61. The Grand Jury evidently still functions as a sifting machine of approximately equal importance throughout the various types of communities. It has by no means lost its importance, as in Missouri, and ranks with the grand jury in New York city.<sup>3</sup> Milwaukee shows no eliminations at this point, because of the use of the information instead of the indictment as the form of accusation.

7. *Trial Court Eliminations.* Obviously the trial court can act only on such cases as survive to that stage. It should therefore be noted that the Chicago and Cook County trial courts start out with approximately only 40 per cent of all cases; the more and less urban and rural counties with about 55 and 60 per cent; and Williamson-Franklin

<sup>1</sup> Report of the Crime Commission of New York State; Report of the Subcommittee on Statistics, pp. 95 to 174. Legislative Document No. 94, 1927. The reference here cited is on page 111.

<sup>2</sup> Missouri Crime Survey, N. Y. 1926, page 275.

<sup>3</sup> Op. cit., p. 111.

## *Recorded Felonies: An Analysis and General Survey*

with 78 per cent. Milwaukee having lost none in the grand jury and only 17 per cent in the preliminary hearing, naturally stands at the top. The eliminations for Chicago and Cook County are not high, slightly over 20 per cent; for the two rural counties slightly higher, 24 per cent; and for the more and the less urban counties at about 32 per cent. Williamson-Franklin, on the other hand, eliminate 61.5 per cent of all cases in this stage—over three-fifths. Milwaukee, despite a large group entering the trial court, eliminates only 19 per cent. The third aspect of this stage of procedure is found in the number of cases that are guilty. This includes, of course, all cases in which guilt is established, either by plea or by conviction. Chicago and Cook County have 20 per cent; the more and the less urban counties, 24 and 27 per cent; the rural, 36 per cent; and Williamson-Franklin only 16 per cent. Milwaukee, on the other hand, has a very high percentage, almost 64 per cent.

8. *Probation Eliminations.* In Illinois the use of probation seems to assume only modest proportions, though the range is considerable; from 0.43 per cent in Williamson-Franklin to 7.67 per cent in the more urban counties. Contrast these low percentages with Milwaukee's figure for probation, 27.26; over a quarter of all persons held for felonies, and, roughly, two-fifths of all the cases where guilt was established. Chicago-Cook County, with 4.22 per cent, occupies an intermediate position in the scale of Illinois groups.

9. *New Trials and Appeals Eliminations.* It is understood, of course, that this item may not represent the final disposition of cases.<sup>1</sup>

Some of the cases retried or sent up to higher courts may result in punishment; but of all the cases in one year these were not disposed of at the time of securing the data, so they are counted as "eliminated" within the technical meaning of that term. Whatever the significance of this group in a qualitative respect, they are quantitatively negligible, with only 0.37 per cent for Chicago, and the maximum 1.08 per cent in Williamson-Franklin. The smallest percentage, 0.26, is found in the more urban counties. The figure for Milwaukee is almost identical with that for Chicago.

10. *Other Eliminations.* Miscellaneous eliminations after guilt is established are numerically unimportant and will be considered later in the discussion of Table A-8. There also will be treated the modifications of sentence indicated in Table A-3.

### (III) THE PRELIMINARY HEARING ELIMINATIONS IN DETAIL

11. *Explanation of Table A-4.* Table A-4 sets forth what happens to cases in the preliminary hearing. The base of the percentages is in each jurisdiction the total number of cases less the number of original indictments; in other words, the number of cases that actually passed through the preliminary hearing stage of procedure.

<sup>1</sup> The ultimate disposition of some of these cases, together with other forms of elimination after guilt is established, is to be found in Tables A-81 and A-82.

**TABLE A-4**  
**CASES DISPOSED OF IN PRELIMINARY HEARING**  
 (Base of Percentages=Total number of cases entering preliminary hearing.)

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
<b>TOTAL NUMBER OF CASES</b>	16,812		12,543		13,117		2,293		904		33		465		1,838	
Original indictments	2,889		1,714		1,866		447		260		7		309			
<b>TOTAL CASES ENTERING PRELIMINARY HEARING</b>	13,923	100.00	10,829	100.00	11,251	100.00	1,846	100.00	644	100.00	26	100.00	156	100.00	1,838	100.00
1. Never apprehended	465	3.34	391	3.61	394	3.50	1	.05	67	10.40	3	11.54			16	.87
2. Error, no complaint	116	.83	116	1.07	116	1.03										
3. Complaint denied	35	.25	35	.32	35	.31										
4. Bond forfeited, not apprehended	73	.52	68	.63	68	.60	4	.22	1	.15					6	.33
5. Certified to other courts	116	.83	50	.46	72	.64	41	2.22	2	.31			1	.64	1	.05
6. Dismissed, want of prosecution	2,903	20.85	2,501	23.10	2,558	22.74	269	14.59	51	7.92	5	19.23	20	12.82	25	1.36
7. Nolle prosequi	882	6.33	766	7.08	801	7.12	58	3.14	17	2.64			6	3.85	32	1.74
8. Discharged	2,609	18.74	2,117	19.55	2,235	19.87	271	14.68	90	13.98			13	8.33	235	12.79
9. Reduced to misdemeanor, not punished	23	.18	12	.11	12	.11	11	.59								
10. Reduced to misdemeanor, punished	17	.12	3	.03	5	.04	7	.38	5	.78						
11. No order	25	.18	22	.20	22	.20	1	.05	2	.31						
12. Pending	8	.06	7	.06	7	.06	1	.05							4	.22
13. No record	68	.49	36	.33	36	.32	3	.16	19	2.95			10	6.41		
<b>TOTAL ELIMINATED</b>	7,340	52.72	6,124	56.55	6,361	56.54	667	36.13	254	39.44	8	30.77	50	32.05	319	17.36
Total going on	6,583	47.28	4,705	43.45	4,890	43.46	1,179	63.87	390	60.56	18	69.23	106	67.95	1,519	82.64
Original indictments	2,889		1,714		1,866		447		260		7		309			
Total cases entering grand jury	9,472		6,419		6,756		1,626		650		25		415		1,519	

## Recorded Felonies: An Analysis and General Survey

The order in which the various dispositions are arranged follows roughly the order which these dispositions follow relative to the actual hearing. The first four, for example, call for practically no action by the court. The others are connected with the hearing in one way or another. The order of our discussion, however, will be based on the proportional importance of the several dispositions.

"Total eliminated" represents the net activity of the lower court process. Nearly 60 per cent of the Chicago-Cook County cases are eliminated, whereas, roughly, one-third are so disposed of in the other jurisdictions. This contrasts sharply with the 17 per cent in the Milwaukee hearings.

12. *Summary of Chief Modes of Elimination.* In the summary Table A-41 immediately following we can see how important four of these dispositions are in relation to all the dispositions of this stage of procedure.

TABLE A-41. RELATIVE IMPORTANCE OF ELIMINATIONS IN PRELIMINARY HEARING

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
1. Never apprehended.....	3.34	3.61	3.50	.05	10.40	11.54		.87
2. Dismissed, want of pro- secution .....	20.85	23.10	22.74	14.59	7.92	19.23	12.82	1.36
3. Nolled .....	6.33	7.08	7.12	3.14	2.64		3.85	1.74
4. Discharged .....	18.74	19.55	19.87	14.68	13.98		8.33	12.79
5. Total of these four groups .....	49.26	53.34	53.23	32.46	34.94	30.77	25.00	16.76
6. Total eliminations in pre- liminary hearing.....	52.72	56.55	56.54	36.13	39.44	30.77	32.05	17.36
Percentage, item 5 ÷ item 6	93.4	94.3	94.1	89.8	88.6	100.0	78.0	96.5

From 78 to 100 per cent of all eliminations fall within these four groups. Five jurisdictions show over 93 per cent and one is almost 90. Whether the smaller proportions outside of Cook County (with the exception of the two rural counties, which have only 26 cases entering this stage) are significantly smaller than those within Cook County and Chicago is difficult to say. But they are obviously lower.

(1) When each row is regarded separately we note some wide deviations. Within row 1, *never apprehended*, the deviation is from zero to 11.54. It is impossible to conclude that increasing ruralness makes always for a greater frequency of this disposition, for the percentage in the eight more urban counties is almost zero. The question should also be raised here as to the responsibility of the court or prosecutor relative to such a class as this. That such cases are eliminated is clear, but it seems more like a result of poor police work than of any shortcomings of the court.

(2) With respect to *dismissal for want of prosecution*, it is obvious that here we have a very important type of disposition; more important in Chicago and Cook County than elsewhere, however. What this means is not clear. That prosecuting witnesses are more likely to be frightened away in

## Illinois Crime Survey

the metropolitan area than in the less urban regions may be the explanation, although here we have 19.23 per cent in the rural counties to explain, a percentage almost as high as that of Chicago; but again the small number of cases in these two counties must condition our guess.

(3) The case of the *nolle prosequi* is more obvious. Here the metropolis presents a frequency of practice obviously different from that of the other sections; this may simply represent the idiosyncrasy of a single office,—that of prosecutor of Cook County (which covers Chicago as well as the rest of Cook County). The *nolle* represents the almost uncontrolled power of the prosecutor and its relative frequency is roughly twice as great in Cook County as in the remainder of the State, and four times as great as in Milwaukee.

(4) The percentage of cases *discharged* is in Chicago and Cook County, as well as in the eight more urban counties, approximately equal to the percentage of cases “dismissed for want of prosecution.” However, in the less urban counties it is nearly twice that figure; in Williamson-Franklin about two-thirds; and in Milwaukee it is the only important type of elimination, both *nolles* and dismissals being very low.

(5) Reference was made in Section 4 to the presence in Table A-4 of a small group *reduced to misdemeanor, punished; and eliminated cases*. In one sense these do not belong here, as they were punished. In another sense, however, they are eliminated; for they “cease to progress as felony cases” (see Section 2). The smallness of the group (17 cases for the whole State) makes it unimportant to add them to the totals of the “punished.”

(6) Another small group is that of cases *reduced to a misdemeanor, not punished*. This group should, perhaps, be added to the “discharged.” Two groups *certified to other courts* and *pending* are also doubtful as eliminations in the final analysis. But because of the difficulty and in many cases the impossibility of following cases to other courts, these must be included in eliminated. “Pending” cases were pending at the time the data were secured from the record. This is probably an indication of at least a very slow movement through the courts, for not less than five or six months had elapsed between their appearance in court and the notation on the schedules of this survey of the fact that they were pending.

(7) Certain other small groups: *error, no complaint, complaint denied, no order, no record* fall under the heading of mistakes made by someone. The first two indicate that the court thought differently from policeman or complainant as to the validity of the charge. The last two indicate failures of the court to record or to act. *Bond forfeited, not apprehended* is an indication of one of the conspicuous weaknesses of our system of apprehending and trying persons accused of crime.

Interesting as are these small, individual groups, it still remains true that they are relatively unimportant, in all jurisdictions of Illinois here studied as well as in the City of Milwaukee.

TABLE A-5  
 CASES DISPOSED OF IN GRAND JURY  
 (Base of Percentages = Total number of cases entering grand jury.)

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
TOTAL ENTERING GRAND JURY	9,472	100.00	6,419	100.00	6,756	100.00	1,626	100.00	650	100.00	25	100.00	415	100.00		
1. Never presented	109	1.15					106	6.52	2	.31			1	.24		
2. No billed	1,628	17.19	1,344	20.93	1,388	20.54	177	10.89	61	9.38	2	8.00				
3. Indicted for misdemeanor	79	.83	37	.57	39	.58	29	1.78	11	1.69						
4. Pending	5	.05	1	.02	1	.02	4	.25								
5. No record	213	2.25	55	.86	75	1.11	43	2.64	39	6.00	3	12.00	53	12.77		
TOTAL ELIMINATED	2,034	21.47	1,437	22.38	1,503	22.25	359	22.08	113	17.38	5	20.00	54	13.01		
Total cases entering trial court	7,438	78.53	4,982	77.62	5,253	77.75	1,267	77.92	537	82.62	20	80.00	361	86.99	1,519	100.00

## Illinois Crime Survey

### (IV) THE GRAND JURY ELIMINATIONS IN DETAIL

13. *Explanation of Table A-5.* In Table A-5 we have a total elimination which runs for the several jurisdictions (save Williamson-Franklin) at about 20 per cent, with a total for the State of 21.47 per cent. Except in the two rural counties the group of cases "no billed" is proportionately the largest of the elimination classes, and in these two counties the total number of cases is only 25. There is, however, a notable difference in the importance of this group as between Chicago and Cook County on the one hand, and the fifteen counties more and less rural. In the former, "no bills" constitute about 92 per cent of all eliminations; in the eight more urban, 49 per cent; in the seven less urban, 54 per cent; and in the rural, 40 per cent. Williamson-Franklin show none at all.<sup>1</sup>

Another outstanding type of elimination is the one labeled "no record"; this is 35 per cent in the seven less urban, 60 per cent in the rural, and 98 per cent in Williamson-Franklin, of all eliminations. One other significant percentage is that for "never presented" in the eight more urban counties—6.52 per cent. These two classes, "never presented" and "no record," are indicative of some weakness or other in the handling of cases or in the recording of them. Milwaukee uses informations; hence no eliminations in the grand jury and no original indictments.

An interesting variant—small in proportion to the others—is the group "indicted for misdemeanor," which we have arbitrarily included in eliminations. "Pending" cases are quite negligible.

### (V) TRIAL COURT ELIMINATIONS IN DETAIL

14. *Explanation of Table A-6.* In the earlier stages of procedure we have in general several types of "elimination" and only one type of "going on." Here in the trial court eliminations are of many kinds, but in addition the cases not eliminated may display a variety of modes of treatment, as is indicated in that part of the Table A-6, which is under the general heading "Found Guilty."

Taking up the eliminations in the order of their appearance in the stub of Table A-6, we note first the "never apprehended" and "bond forfeited, not apprehended." For the state as a whole these two constitute 2.41 per cent of all cases entering the trial court, and varying percentages for the several jurisdictions. "Certified to other courts" and "defendant dead" are both numerically unimportant, amounting to only one half of one per cent.

15. *Cases Nolled and Stricken.* In the four items which follow we have a much more important group of dispositions. Certain facts can be brought out more clearly by a brief summarization of these items into two groups, those in which other indictments were not used to explain the nolle or the "striking" and those in which it was presented as the reason. The most interesting facts about these four classes are, first, that they constitute roughly one-fourth of all cases entering the

<sup>1</sup> Of the 415 cases entering the grand jury, 309 were original indictments; and it is not customary there to make a record of "no bills."



TABLE A-6  
CASES DISPOSED OF IN TRIAL COURT  
(Base of Percentages=Total number of cases entering trial court.)

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
TOTAL ENTERING TRIAL COURT	7,438	100.00	4,982	100.00	5,253	100.00	1,267	100.00	537	100.00	20	100.00	361	100.00	1,519	100.00
1. Never apprehended	87	1.17	41	.82	45	.86	31	2.45	5	.93			6	1.66	12	.79
2. Bond forfeited, not apprehended	92	1.24	72	1.45	79	1.50	8	.63	3	.56			2	.55	6	.40
3. Certified to other courts	18	.24	13	.26	15	.29	1	.08	2	.37						
4. Defendant dead	19	.26	9	.18	12	.23	3	.24					4	1.11	2	.13
5. Nolle prosequi	478	6.42	282	5.66	293	5.58	103	8.13	45	8.38			37	10.25	48	3.16
6. Nolle, acct. other indictments	115	1.55	8	.16	8	.15	69	5.45	13	2.42			25	6.93	36	2.37
7. Stricken, with leave to reinstate	511	6.87	374	7.51	392	7.46	63	4.97	35	6.52			21	5.82		
8. Stricken, account other indictments	871	11.70	690	13.85	729	13.88	105	8.29	24	4.47			13	3.60		
9. Dismissed, want of prosecution	218	2.92	206	4.12	216	4.11							2	.55	2	.13
10. Discharged by court	43	.58	28	.56	28	.53	3	.24	11	2.05			1	.28	170	11.19
11. Off call	43	.58	41	.82	43	.82										
12. Felony waived, tried by court, acquitted	293	3.94	271	5.45	293	5.58										
13. Felony waived, plead guilty, acquitted	4	.05	4	.08	4	.08										
14. Acquitted by jury	372	5.00	270	5.42	283	5.39	46	3.62	29	5.40			14	3.88	37	2.43
15. Mistrial	20	.27	6	.12	6	.11	2	.16	7	1.30			5	1.38	1	.07
16. Pending	793	10.67	218	4.38	225	4.28	284	22.41	120	22.35	8	40.00	156	43.21	1	.07
17. No record																
18. Tried by court, acquitted (Milw.)															35	2.30
TOTAL ELIMINATED	3,977	53.46	2,533	50.84	2,671	50.85	718	56.67	294	54.75	8	40.00	286	79.22	350	23.04
Found guilty																
19. Felony waived, convicted	281	3.78	266	5.33	281	5.35									4	.26
20. Tried by court, convicted off. chgd. (Milw.)															381	25.08
21. Felony waived, plead guilty, convicted	883	11.89	836	16.80	883	16.81										
22. Adjudged insane	12	.16	5	.10	6	.11	4	.32	2	.37					18	1.19
23. Plea accepted, guilty off. chgd.	949	12.75	419	8.41	453	8.62	315	24.86	136	25.32	9	45.00	36	9.98	689	45.35
24. Plea accepted, guilty lesser off.	980	13.17	723	14.51	750	14.28	157	12.39	62	11.55	1	5.00	10	2.77	16	1.05
25. Convicted off. charged by jury	299	4.02	175	3.51	184	3.50	65	5.13	31	5.77	2	10.00	17	4.71	47	3.09
26. Convicted lesser off. by jury	57	.77	25	.50	25	.48	8	.63	12	2.23			12	3.32	2	.13
27. Tried by court, convicted lesser off. (Milw.)															12	.79
TOTAL FOUND GUILTY	3,461	46.54	2,449	49.16	2,582	49.15	549	43.33	243	45.24	12	60.00	75	20.78	1,169	76.94

# Illinois Crime Survey

trial court; and second, their aggregate is uniform, outside of the seven less urban counties and the rural counties.

TABLE A-61. SUMMARY OF CASES NOLLED AND STRICKEN

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
5. Nolled .....	6.42	5.66	5.58	8.13	8.38		10.25	3.16
7. Stricken with leave to reinstate .....	6.87	7.51	7.46	4.97	6.52		5.82	
Total, items 5 and 7.....	13.29	13.17	13.04	13.10	14.90		16.07	3.16
6. Nolled, account other indictment .....	1.55	.16	.15	5.45	2.42		6.93	2.37
8. Stricken, account other indictment .....	11.70	13.85	13.88	8.29	4.47		3.60	
Total, items 6 and 8.....	13.25	14.01	14.03	13.74	6.89		10.53	2.37
Total, items 5, 6, 7 and 8..	26.54	27.18	27.07	26.84	21.79		26.60	5.53

The two rural counties show no use of the "nolle" or the "stricken," and the seven less urban counties a somewhat lesser use than the rest of the state. Since these forms of disposition represent largely the autocratic power of the prosecutor over the case, they must be considered as throwing light on the degree to which this power is used. The unalloyed exercise of this power is more clearly shown in 5 and 7, and the use of the power as a result of other conditions in the form of other indictments is shown in 6 and 8.<sup>1</sup>

16. *Relative Importance of Nolled and Stricken.* How important this group of dispositions is can be clearly shown by these facts:

TABLE A-62. RELATIVE IMPORTANCE OF "NOLLE" AND "STRICKEN"

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
(a) Nolle and stricken....	26.54	27.18	27.07	26.84	21.79		26.60	5.53
(b) All eliminations in trial court .....	53.46	50.84	50.85	56.67	54.75	40.00	79.22	23.04
(a) divided by (b).....	.50	.53	.53	.46	.40		.34	.24

<sup>1</sup>The question is sometimes raised as to whether figures based on cases such as the ones here used really show what is happening to the individual defendants. Do they represent approximately the proportions of dispositions which we should find if we took the *defendant*, not the *case*, as the unit of investigation? To answer this question a list of all *defendants* disposed of in Chicago during the period covered by this study was made, giving the disposition in each case. When these are totaled for the ultimate dispositions and compared with our tables based on *cases*, we get the following significant figures:

	Defendants		Cases	
	Number	Per Cent	Number	Per Cent
Total .....	8,969	100.00	12,543	100.00
Eliminated .....	7,051	78.62	10,094	80.47
Guilty .....	1,918	21.38	2,449	19.53
Probation .....	477	5.32	510	4.07
Appealed and new trials granted.....	43	.48	47	.37
Sentences vacated.....	6	.06	7	.06
Sentence executed.....	1,392	15.52	1,885	15.03

The differences between the percentages are seen to be comparatively small. The elimination of cases by nolle or striking, in the cases where there are other charges, are seen then to be consistent with justice equal to person and to cases.

## *Recorded Felonies: An Analysis and General Survey*

Almost exactly one-half of the eliminations in the trial courts of the state are of this general class. Chicago and Cook County are at the top, with 53 per cent so disposed of. Then, by equal steps, we come down to 46 for the eight more urban, to 40 for the seven less urban, to 34 per cent for Williamson-Franklin, and finally to zero for the two rural counties. Milwaukee shows less than one-fourth of the trial court eliminations in this general class, which does not there include the disposition "stricken with leave to reinstate."

### 17. *Relative Importance of Eliminations by Prosecutor.*

If now we add to these eliminations another, "dismissed for want of prosecution," on the ground that if any official of the court is responsible for them it is the prosecutor, we get the following summary:

TABLE A-63. RELATIVE IMPORTANCE OF ELIMINATIONS BY PROSECUTOR

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Nolled and stricken.....	26.54	27.18	27.07	26.84	21.79		26.60	5.53
Dismissed, want of prosecution .....	2.92	4.12	4.11				.55	.13
(a) Total .....	29.46	31.30	31.18	26.84	21.79		27.15	5.66
(b) All eliminations in trial court .....	53.46	50.84	50.85	56.67	54.75	40.00	79.22	23.04
(a) divided by (b) .....	.55	.62	.61	.46	.40		.34	.25

This increases in a notable manner the evidence for the responsibility of the prosecutor in Chicago and Cook County.

### 18. *Eliminations by the Judge.*

The next group, numbered from 10 to 13 inclusive, consists of actions by the judge rather than the prosecutor. Only one of them is numerically important, "felony waived, tried by court, acquitted," except in Milwaukee, where "discharged by the court" constitutes the largest single item of all eliminations; and to this item should be added No. 18, a disposition peculiar to Milwaukee, "tried by court, acquitted." Obviously this should be grouped with the other "court" dispositions.

TABLE A-64. ELIMINATIONS BY THE JUDGE

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
(a) Total elimination by judge .....	5.15	6.91	7.01	.24	2.05		.28	13.49
(b) Total eliminated in trial court.....	53.46	50.84	50.85	56.67	54.75	40.00	79.22	23.04
(a) divided by (b) .....	.10	.14	.14	.004	.037		.004	.59

The high figure for Chicago and Cook County is due to the not infrequent procedure here (unused in other parts of the State), by which the felony is

## Illinois Crime Survey

waived and the case tried by the court. Milwaukee's high percentage is due to waivers of jury trial with consequent trial by judge.

19. *Eliminations by the Jury.* Two types of elimination are chargeable to the petit jury—acquittals and mistrials. Of course, a mistrial may be followed by a second trial in which conviction is secured, but it counts for our purposes as an elimination.

TABLE A-65. ELIMINATIONS BY THE JURY

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
(a) Total eliminated by petit jury.....	5.27	5.54	5.50	3.78	6.70		5.26	2.50
(b) Total eliminated in trial court.....	53.46	50.84	50.85	56.67	54.75	40.00	79.22	23.04
(a) divided by (b).....	.10	.11	.11	.07	.12		.07	.11

The first point of importance in this summary table is the small proportion of all cases entering the trial court which are eliminated by the jury. The second follows from the fact that roughly only one-tenth of *all eliminations* are chargeable to the jury. This has some bearing on the question of the importance of poor juries. Defective an institution as the jury may be, it functions so seldom as an eliminating agency that it seems scarcely worth while to consider remedies for the evils supposed to be associated with it. It is worth noting that in spite of a general divergence between Milwaukee and Illinois in most of the facts noted so far, we find here a very close similarity between Cook County and the Wisconsin city.

20. *Cases Pending.* The last item of importance among eliminations in Table A-6 is the group of cases which are pending. Here we have four distinct classes: Milwaukee, with a very small fraction (one case, in fact); the two rural counties and Williamson-Franklin, at about 40 per cent; the more and the less urban counties, at about 22 per cent (almost identical); and Chicago-Cook County with slightly over 4 per cent. These figures probably reflect the much more dilatory movement of criminal prosecutions in the country compared with the city, due probably to the short terms of court in the country, as contrasted with the continuous court sessions of Cook County.

## (VI) FOUND GUILTY

21. *Explanation of Table A-7.* "Found Guilty" is a general classification, which includes all kinds of procedures leading to this result. In the second half of Table A-6, we showed these cases with percentages calculated on the base of all cases entering the trial court. In Table A-7 we show these same cases reduced to percentages of total guilty.

We shall first consider the second part of Table A-6.

TABLE A-7  
PERCENTAGE DISTRIBUTION OF GUILTY CASES  
(Base of Percentages=Total found guilty.)

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total found guilty	3,461	100.00	2,449	100.00	2,582	100.00	549	100.00	243	100.00	12	100.00	75	100.00	1,169	100.00
19. Felony waived, convicted	281	8.12	266	10.86	281	10.88									4	.34
20. Tried by court, convicted off. chgd. (Milw.)															381	32.59
21. Felony waived, plead guilty, convicted	883	25.51	836	34.14	883	34.20										
22. Adjudged insane	12	.35	5	.20	6	.23	4	.73	2	.82					18	1.54
23. Plea accepted, guilty off. chgd.	949	27.42	419	17.11	453	17.54	315	57.37	136	55.97	9	75.00	36	48.00	689	58.94
24. Plea accepted, guilty lesser off.	980	28.31	723	29.52	750	29.05	157	28.60	62	25.51	1	8.33	10	13.33	16	1.37
25. Convicted off. charged by jury	299	8.64	175	7.15	184	7.13	65	11.84	31	12.76	2	16.67	17	22.67	47	4.02
26. Convicted lesser off. by jury	57	1.65	25	1.02	25	.97	8	1.46	12	4.94			12	16.00	2	.17
27. Tried by court, convicted lesser off. (Milw.)															12	1.03

## Illinois Crime Survey

These figures appear, somewhat rearranged, in the following table:

TABLE A-71. CLASSIFICATION OF CASES FOUND GUILTY BY TYPE OF  
PROCEDURE LEADING TO DISPOSITION

(Basis of Table A-6)

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Count- ties	William- son and Franklin Counties	Mil- wau- kee
<i>Action by judge:</i>								
19. Felony waived, con- victed .....	3.78	5.33	5.35					.26
20. Tried by court, con- victed offense charged .....								25.08
27. Tried by court, con- victed lesser offense...								.79
Total .....	3.78	5.33	5.35					26.13
<i>Action on plea:</i>								
21. Felony waived, pleaded guilty, convicted.....	11.89	16.80	16.81					
23. Plea accepted, guilty offense charged.....	12.75	8.41	8.62	24.86	25.32	45.00	9.98	45.35
24. Plea accepted, guilty lesser offense.....	13.17	14.51	14.28	12.39	11.55	5.00	2.77	1.05
Total .....	37.81	39.72	39.71	37.25	36.87	50.00	12.75	46.40
<i>Action by jury:</i>								
25. Convicted off. charged	4.02	3.51	3.50	5.13	5.77	10.00	4.71	3.09
26. Convicted lesser offense	.77	.50	.48	.63	2.23		3.32	.13
Total .....	4.79	4.01	3.98	5.76	8.00	10.00	8.03	3.22
Adjudged insane.....	.16	.10	.11	.32	.37			1.19
Total guilty.....	46.54	49.16	49.15	43.33	45.24	60.00	20.78	76.94

The several types of dispositions are grouped according to the sort of procedure which led up to them: action by the judge, acceptance of plea, action by jury, and adjudgment of insanity. Each of these groups is totaled, as well as the whole.

22. *Action by the Judge.* A small percentage in Chicago and Cook County are found guilty by the judge, but only after the felony has been waived. None come into this class from other parts of Illinois. Milwaukee, however, disposes of 25.08 per cent (of all cases entering the trial court) as convictions by the judge for the offense charged, and of 0.79 per cent for lesser offenses.<sup>1</sup>

23. *Plea of Guilty.* We have included here "felony waived, plead guilty, convicted," since the reason for the "conviction" is the plea. Disregarding for the present the question of whether the plea was "guilty of the offense charged" or of a "lesser offense," we have then 39.71 per cent in Chicago-Cook County, 37.25 per cent in the eight more urban, and 36.87 per cent in the seven less urban counties; 50 per cent in the two rural and 12.75 per cent in Williamson-Franklin. Note also the

<sup>1</sup> Wisconsin procedure permits the defendant who pleads not guilty to waive jury trial. This accounts for the large proportion of these cases.

## *Recorded Felonies: An Analysis and General Survey*

high percentage in Milwaukee—nearly one-half of all cases entering the trial court—46.40 per cent.

24. *Action by the Jury.* The jury is relatively unimportant in Chicago-Cook County, increasing in importance as one goes to the more rural sections; and very low in Milwaukee. This matter of the importance of the jury will be brought up again later when the eliminating as well as convicting action of this agency will be considered.

25. *Adjudged Insane.* This class of cases has been included in "guilty" not because it involved punishment, but because it is not an "elimination." Milwaukee seems to use this disposition much more frequently than any of the Illinois jurisdictions. It is doubtful that there is ten times as much insanity among defendants in Milwaukee as in Chicago.

26. *Relative Importance of Pleas.* The relative importance of pleas of guilty of the offense charged and of pleas of guilty of lesser offense may be seen by taking only the cases in which pleas are "accepted." We note (Nos. 23 and 24) that in Chicago-Cook County the pleas to a lesser offense are almost twice as numerous as those to the offense charged (14.28 per cent to 8.62 per cent). If we add to the former those in which felony was waived, a plea of guilty entered and conviction had (16.81) the ratio of lesser to original charges is raised to 31.09 to 8.62, nearly four to one. In sharp contrast to the metropolitan figures we have a two to one ratio of original charges to lesser for the more and the less urban counties; about four to one for Williamson-Franklin; nine to one for the rural (very few cases, however) and about forty-four to one in Milwaukee.

27. *"Found Guilty" on Another Basis.* Table A-7 reduces the figures of the "guilty" part of Table A-6 to percentages of total guilty; and from the former we abstract the following sub-table, which is exactly the same as the immediately preceding one, save for the base of the percentages. This reveals the interesting facts that Chicago-Cook County bring 81 per cent of the guilty to that point on pleas; the eight more urban counties 86 per cent; the seven less urban, 81; the rural, 83; and Williamson-Franklin and Milwaukee, 61 and 60 respectively.

TABLE A-72. CLASSIFICATION BY TYPE OF PROCEDURE LEADING TO DISPOSITION

(Basis of Table A-7)

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Total guilty.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
<i>Action by judge:</i>								
19. Felony waived, con- victed .....	8.12	10.86	10.88					.34
20. Tried by court, con- victed offense charged								32.59
27. Tried by court, con- victed lesser offense...								1.03
Total .....	8.12	10.86	10.88					33.96

# Illinois Crime Survey

TABLE A-72—CONCLUDED. CLASSIFICATION BY TYPE OF PROCEDURE LEADING TO DISPOSITION

(Basis of Table A-7)

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- waukee
<i>Action on plea:</i>								
21. Felony waived, pleaded guilty, convicted.....	25.51	34.14	34.20					
23. Plea accepted, guilty offense charged.....	27.42	17.11	17.54	57.37	55.97	75.00	48.00	58.94
24. Plea accepted, guilty lesser offense.....	28.31	29.52	29.05	28.60	25.51	8.33	13.33	1.37
Total .....	81.24	80.77	80.79	85.97	81.48	83.33	61.33	60.31
<i>Action by jury:</i>								
25. Convicted off. charged	8.64	7.15	7.13	11.84	12.76	16.67	22.67	4.02
26. Convicted lesser offense	1.65	1.02	.97	1.46	4.94		16.00	.17
Total .....	10.29	8.17	8.10	13.30	17.70	16.67	38.67	4.19
Adjudged insane.....	.35	.20	.23	.73	.82			1.54

The judge has, in Chicago-Cook County, only 10.88 per cent on his score and 33.96 in Milwaukee, while the jury is at 8.10 per cent in Chicago-Cook County, 38.67 per cent in Williamson-Franklin, with three figures intermediate of 13.30, 17.70, and 16.67. Milwaukee falls far below with only 4.19 per cent of guilty arriving at that stage via the jury trial.

In the next two sub-tables we revert to a question mentioned in Section 23; namely, the proportion of cases eventuating as guilty of the offense charged compared with the result "guilty of a lesser offense." In these two tables (differing from each other only in the base of the percentages employed) all dispositions, whether at hands of judge or jury, or guilty on plea, are classified on this basis of "lesser" or "original" charge:

TABLE A-73. PROPORTION OF CASES GUILTY OF LESSER OFFENSE

(Base—Total Cases Entering Trial Court)

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- waukee
<i>Guilty of lesser offense:</i>								
19. Felony waived, convicted .....	3.78	5.33	5.35					.26
27. Tried by court, convicted lesser offense...								.79
21. Felony waived, pleaded guilty, convicted.....	11.89	16.80	16.81					
24. Plea accepted, guilty lesser offense.....	13.17	14.51	14.28	12.39	11.55	5.00	2.77	1.05
26. Convicted lesser offense, by jury.....	.77	.50	.48	.63	2.23		3.32	.13
Total .....	29.61	37.14	36.92	13.02	13.78	5.00	6.09	2.23



*Recorded Felonies: An Analysis and General Survey*

TABLE A-73—CONCLUDED. PROPORTION OF CASES GUILTY OF LESSER OFFENSE

*(Base—Total Cases Entering Trial Court)*

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
<i>Guilty of offense charged:</i>								
20. Tried by court, convicted offense charged								25.08
23. Plea accepted, guilty offense charged.....	12.75	8.41	8.62	24.86	25.32	45.00	9.98	45.35
25. Convicted offense charged, by jury.....	4.02	3.51	3.50	5.13	5.77	10.00	4.71	3.09
Total .....	16.77	11.92	12.12	29.99	31.09	55.00	14.69	73.52

The outstanding facts of these sub-tables are found in the ratios of the subtotals of the two classes of cases. For Chicago-Cook County the ratio of lesser to original charge is 36.92 to 12.12, more than 3 to 1. For the more and the less urban counties the relationship is reversed and the ratio is slightly over 2 to 1, as is true in the case of Williamson-Franklin. But in the two rural counties it is 11 to 1 and in Milwaukee 33 to 1. In other words, only in the metropolis do we find a large proportion of persons guilty of offenses less than those originally charged.

A slightly different aspect of the case is found in the companion table immediately following:

TABLE A-74. PROPORTION OF CASES GUILTY OF LESSER OFFENSE

*(Base—Total Cases Guilty)*

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
<i>Guilty of lesser offense:</i>								
19. Felony waived, convicted .....	8.12	10.86	10.88					.34
27. Tried by court, convicted lesser offense...								1.03
21. Felony waived, pleaded guilty, convicted.....	25.51	34.14	34.20					
24. Plea accepted, guilty lesser offense.....	28.31	29.52	29.05	28.60	25.51	8.33	13.33	1.37
26. Convicted lesser offense, by jury.....	1.65	1.02	.97	1.46	4.94		16.00	.17
Total .....	63.59	75.54	75.10	30.06	30.45	8.33	29.33	2.91
<i>Guilty of offense charged:</i>								
20. Tried by court, convicted offense charged								32.59
23. Plea accepted, guilty offense charged.....	27.42	17.11	17.54	57.37	55.97	75.00	48.00	58.94
25. Convicted offense charged, by jury.....	8.64	7.15	7.13	11.84	12.76	16.67	22.67	4.02
Total .....	36.06	24.26	24.67	69.21	68.73	91.67	70.67	95.55

This table indicates quite clearly that in Chicago-Cook County 75 per cent of the guilty cases fall in the category of lesser charges; while in the more and in the less urban counties, and in Williamson-Franklin only 30

## *Illinois Crime Survey*

per cent are in this class; in the rural only 8.33 per cent; and in Milwaukee only 2.91 per cent.

### (VII) DISPOSITIONS AFTER GUILT HAS BEEN ESTABLISHED, IN DETAIL

The facts on this topic are found in Table A-8. They fall under two general heads: Probation and Modifications; and New Trials and Appeals.

29. *Probation and Modifications.* Probation is the only important item, proportionately. It constitutes from 2.67 per cent of all guilty cases in Williamson-Franklin to 32.06 per cent in the eight more urban counties, with a top point in Milwaukee of 42.86 per cent. Chicago-Cook County and the seven less urban counties have an intermediate position, with 21.46 and 20.16 per cent, respectively. It may be said with fairness that probation is as yet not fully acclimated in the air of the rural sections, if the figures just cited are of any significance. As for the other modifications, they indicate merely the great flexibility of our system, in which justice apparently can be done at almost any time after the matter of guilt has once been settled.

30. *New Trials and Appeals.* Here again "eliminations" are relatively unimportant. No distinct trends from urban to rural are seen and as usual, Milwaukee shows a small proportion of eliminations.

The ultimate outcome of cases in which new trials were given, mistrials took place, and appeals were taken, has been ascertained to some degree by a check made some time after the original collection of the data appearing in the several parts of Table A. The total number of these is so small that the percentages are highly unreliable. They are given here with the warning that their paucity calls for.

31. *New Trials Granted.* The outstanding point about this table is the comparison of the percentage eliminated in the retrial with the percentages eliminated in all the cases passing into the trial court. It is apparent that the chances are somewhat better for a defendant on the first trial than on the second, as the percentage eliminated among all cases is generally higher than that of those eliminated on retrial.

TABLE A-81. SUMMARY OF RESULTS OF NEW TRIALS GRANTED

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	William- son and Franklin Counties
Total number.....	43	29	33	2	7	1
Percentage .....	100.00	100.00	100.00	100.00	100.00	100.00
Guilty .....	53.49	55.17	60.61	50.00	28.58	100.00
Eliminated .....	46.51	44.83	39.39	50.00	71.42	
Pending .....	6.97			50.00	14.29	
Total eliminated.....	53.46	50.84	50.85	56.67	54.75	79.22
(Table A-6)						

32. *Retrials after Mistrials.* Here the numbers are even smaller than in the preceding class, but as before, it is apparent that retrial holds less hope than the original trial held.

TABLE A-8  
PROBATION, MODIFICATIONS, NEW TRIALS, AND APPEALS  
(Base of Percentages=Total found guilty.)

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total found guilty	3,461	100.00	2,449	100.00	2,582	100.00	549	100.00	243	100.00	12	100.00	75	100.00	1,169	100.00
1. Probation	782	22.59	510	20.82	554	21.46	176	32.06	49	20.16	1	8.33	2	2.67	①501	①42.86
2. Term reduced	8	.23	8	.33	8	.31										
3. Sentence vacated, defendant released	12	.35	7	.29	9	.35	2	.36	1	.41						
4. Sentence vacated, tried for lesser offense, convicted	1	.03	1	.04	1	.04										
5. Sentence vacated, plead guilty lesser offense	5	.14	5	.20	5	.20										
6. New trial granted	44	1.27	29	1.19	33	1.28	3	.55	7	2.88			1	1.33	6	.51
7. Appealed	26	.75	18	.73	18	.70	3	.55	1	.41			4	5.33	1	.09
Total sentences executed, unchanged	2,583	74.64	1,871	76.40	1,954	75.68	365	66.48	185	76.13	11	91.67	68	90.67	661	56.54
Total sentences executed, modified	14	.41	14	.57	14	.54										
Total sentences executed	2,597	75.05	1,885	76.97	1,968	76.22	365	66.48	185	76.13	11	91.67	68	90.67	661	56.54

①Includes 21 cases "Suspended Sentences."

## Illinois Crime Survey

TABLE A-82. SUMMARY OF RESULTS OF RETRIAL OF MISTRIALS

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	William- son and Franklin Counties
Total number.....	20	6	6	2	7	5
Percentage .....	100.00	100.00	100.00	100.00	100.00	100.00
Guilty .....	55.00	83.33	83.33	50.00	14.28	60.00
Eliminated .....	45.00	16.67	16.67	50.00	85.72	40.00
Pending .....	30.00			50.00	42.85	40.00
Total eliminated.....	53.46	50.84	50.85	56.67	54.75	79.22

(Table A-6)

33. *Appeals.* Only a small part of the appeals had been adjudicated when the check was made. Only two jurisdictions are mentioned. Cook County had none of these cases, so Chicago and Chicago-Cook County were identical; the eight more urban, the seven less urban, and Williamson-Franklin Counties had altogether eight cases, or 3, 1 and 4, respectively; and all these save one in the latter group were pending, and of that one there was no record. In Illinois and Chicago the six cases adjudicated were divided four and two between affirmances and reversals. The remaining twenty cases were pending (19 cases) or "no record" (1 case).

TABLE A-83. SUMMARY OF RESULTS OF APPEALS

	Illinois	Chicago
Total number.....	26	18
Percentage .....	100.00	100.00
Reversed .....	3.85	5.56
Reversed and annulled.....	3.85	5.56
Affirmed .....	15.38	22.22
Pending .....	73.07	66.66
No record .....	3.85	

34. *Summary of Sentences Executed.* These three rows appended at the bottom of Table A-8 give us what we might call the absolute net execution of sentence. They are secured as follows: from the total guilty are subtracted "probation," "sentence vacated defendant released," and "new trials and appeals." This gives the third row, total sentences executed. Subtracting from that figure the sum of "terms reduced," "sentence vacated, tried for lesser offense, convicted," and "sentence vacated, pleaded guilty to lesser offense," we get the total sentences executed unchanged, the first row of the three.

### (VIII) SUMMARY OF THE ROLES OF JUDGE, PROSECUTOR, AND JURY

The three succeeding tables are composites, material for which has been taken from the several stages of procedure, to show the role which each of the three principal agencies of justice plays in the procedure as a whole. These percentages are all based on the total number of cases entering the machine of justice; i. e., the number entering the preliminary hearing plus the number entering as original indictments. Because of the mixed origins of these figures it was necessary to base the percentages on the one universal base,—total of all cases. They therefore represent the percentage of all cases disposed of by each of the agencies.

## *Recorded Felonies: An Analysis and General Survey*

35. *The Judge.* Here, as in the case of the prosecutor, we shall consider only the eliminations. This is one-sided, but the other side is, of course, understood as the complement of the figures here presented. It should also be noted that the word "judge" is used generically. It means in the preliminary hearing the justice of the peace, the judge of the police court, or the judge of the municipal court, as the case may be, and in the trial court, the judge of that rank. It would perhaps be better to say that we are considering the judicial functions rather than the judge.

TABLE A-9. TOTAL ELIMINATED BY JUDICIAL ACTION  
(Base of percentages—all cases, wherever entering)

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Number of all cases.....	16,812	12,543	13,117	2,293	904	33	465	1,838
Percentage .....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
<i>Preliminary hearing:</i>								
8. Discharged .....	15.52	16.88	17.04	11.82	9.96		2.80	12.79
9. Reduced to misdemeanor, not punished	.14	.09	.09	.48				
Total .....	15.66	16.97	17.13	12.30	9.96		2.80	12.79
<i>Trial court:</i>								
10. Discharged by court...	.26	.22	.21	.13	1.22		.22	9.25
11. Off call.....	.26	.33	.33					
12. Felony waived, tried by court, acquitted....	1.74	2.16	2.23					
13. Felony waived, pleaded guilty, acqtd. by court	.02	.03	.03					
Total .....	2.28	2.74	2.80	.13	1.22		.22	9.25
<i>Disposition after guilty:</i>								
1. Probation .....	4.65	4.07	4.22	7.67	5.42	3.03	.43	27.26
4. Sentence vacated.....	.07	.05	.09	.09	.11			
3. New trial granted....	.26	.23	.25	.13	.77		.22	.33
Total, after guilty....	4.98	4.35	4.54	7.89	6.30	3.03	.65	27.59
Grand Total.....	22.92	24.06	24.47	20.32	17.48	3.03	3.67	49.63
Grand Total, less probation	18.27	19.99	20.25	13.65	12.06		3.24	22.37

From this table it appears that the judicial power in Milwaukee eliminates almost 50 per cent of all cases entering the courts. The highest percentage in Illinois is that of Chicago-Cook County, and is less than a fourth,—24.47 per cent. From this point we have a gradual decline in the more and the less urban counties (20.32 and 17.48) and a very small percentage in the rural territory and Williamson-Franklin Counties. When we look at the individual types of dispositions we see that well over half (27.26 per cent) of the 49.63 per cent eliminated by judges in Milwaukee is in one type of disposition—probation. Chicago-Cook County is only slightly under Milwaukee for judge-eliminations less probation.

When we compare the subtotals of judge-eliminations in the preliminary hearing with the grand totals of all judge-eliminations we note that for every group in Illinois (except the two rural counties) the preliminary hearing eliminations are more than half of the total. In Milwaukee they are slightly over one-fourth. Judge-made eliminations are therefore small in

## Illinois Crime Survey

the trial court, except in Milwaukee. Comment has been made on the share of probation in the total result.

### 36. The Prosecutor.

TABLE A-10. TOTAL ELIMINATED BY ACTION OF THE PROSECUTOR

(Base of percentages—all cases wherever entering)

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Number of all cases.....	16,812	12,543	13,117	2,293	904	331	465	1,838
Percentage .....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
<i>Preliminary hearing:</i>								
6. Dismissed, want of pros.	17.27	19.94	19.50	11.73	5.64	15.15	4.30	1.36
7. Nolle .....	5.25	6.11	6.11	2.53	1.88		1.29	1.74
<i>Trial court:</i>								
9. Dismissed, want of pros.	1.30	1.64	1.65				.43	.11
5. Nolle .....	2.84	2.25	2.23	4.49	4.98		7.96	2.61
6. Nolle account other in- dictments .....	.68	.06	.06	3.01	1.44		5.38	1.96
7. Stricken, leave to rein- state .....	3.04	2.98	2.99	2.75	3.87		4.52	
8. Stricken, leave to rein- state account other in- dictments .....	5.18	5.50	5.56	4.58	2.65		2.80	
Total .....	35.56	38.48	38.10	29.09	20.46	15.15	26.68	7.78

The total of elimination decreases as one passes from Chicago to the eight more and the seven less urban counties and to the rural counties. Williamson-Franklin are somewhat higher but not notably so. Milwaukee's prosecutor seems to exercise relatively little power. In every case except Milwaukee, dismissed for want of prosecution (in both courts) is the largest single item of eliminations, running up to over one-half in Chicago-Cook County. The maximum use of the nolle is found in Williamson-Franklin Counties. In fact, we may generalize to the extent of suggesting that the nolle is, in general, used more as one passes from the more to the less urban regions, though this seems not to carry as far as the strictly rural counties, which show no nolle. On the other hand, their prosecutors eliminate all their cases in dismissed for want of prosecution.

The comparison of eliminations by prosecutor with judicial eliminations may prove suggestive.

TABLE A-11. COMPARATIVE ELIMINATIONS BY JUDGE AND BY PROSECUTOR

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
(a) Percentage of all cases eliminated by judge..	22.92	24.06	24.47	20.32	17.48	3.03	3.67	49.63
(b) Percentage of all cases elim. by prosecutor...	35.56	38.48	38.10	29.09	20.46	15.15	26.68	7.78
(b) divided by (a).....	1.55	1.60	1.56	1.43	1.17	5.00	7.27	.16

Throughout Illinois the prosecutor eliminates more—generally very much more—than the judges. The ratios of prosecutor-eliminations to judge-eliminations is indicated in the third row of this table.

Here we are considering not only eliminations, but  
 37. The Jury convictions as well.

# Recorded Felonies: An Analysis and General Survey

TABLE A-12. PERCENTAGES OF DISPOSITIONS OF CASES ACTED ON BY JURY

(Base, total number of cases entering trial court)

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
<i>Elimination in trial court:</i>								
14. Acquitted by jury.....	5.00	5.42	5.39	3.62	5.40		3.88	2.43
15. Mistrial .....	.27	.12	.11	.16	1.30		1.38	.07
Total .....	5.27	5.54	5.50	3.78	6.70		5.26	2.50
<i>Found guilty by jury:</i>								
25. Convicted off. charged, by jury .....	4.02	3.51	3.50	5.13	5.77	10.00	4.71	3.09
26. Convicted lesser offense by jury .....	.77	.50	.48	.63	2.23		3.32	.13
Total .....	4.79	4.01	3.98	5.76	8.00	10.00	8.03	3.22
Grand Total.....	10.06	9.55	9.48	9.54	14.70	10.00	13.29	5.72
<i>Reduction to Base of All Cases</i>								
Grand Total.....	10.06	9.55	9.48	9.54	14.70	10.00	13.29	5.72
Per cent of total cases en- tering trial court.....	44.25	39.72	40.05	55.26	59.40	60.61	77.63	82.64
Per cent of total cases which reach a jury.....	4.45	3.79	3.80	5.27	8.73	6.06	10.32	4.73

The table enumerates first the percentages of cases eliminated and convicted by the jury on the base of the number of cases entering the trial court. The second last row of the table gives the percentages which cases entering the trial court are of all cases; and by multiplying this latter figure by the grand total, we secure the last row, which shows what percentage of all cases are handled by a jury.

This percentage is low, ranging from 3.79 in Chicago to 10.32 in Williamson-Franklin. It is not necessary to repeat here what was said above as to the relatively slight importance of the petit jury. When only 4.45 per cent of all cases ever get to the jury, the advisability of great expenditure of effort to reform juries would seem doubtful.

Another aspect of the situation is revealed in the following table, in which all the cases coming to the jury are taken as the base of the percentages of jury dispositions, including both convictions and eliminations.

TABLE A-13. ACTION OF THE JURY

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Total cases tried by jury..	748	476	498	121	79	2	48	87
Percentage .....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
14. Acquitted by jury....	49.74	56.72	56.83	38.02	36.71		29.17	42.53
15. Mistrials .....	2.67	1.26	1.20	1.65	8.86		10.41	1.15
Total eliminated by jury .....	52.41	57.98	58.03	39.67	45.57		39.58	43.68
25. Convicted of offense charged, by jury.....	39.97	36.77	36.95	53.72	39.24	100.00	35.42	54.02
26. Convicted of lesser of- fense by jury.....	7.62	5.25	5.02	6.61	15.19		25.00	2.30
Total convicted by jury	47.59	42.02	41.97	60.33	54.43	100.00	60.42	56.32

## *Illinois Crime Survey*

In this table we see that the petit jury in Chicago-Cook County eliminates nearly 60 per cent of all its cases (58.03); whereas the other groups in Illinois (barring the rural counties) are well below that figure, touching 40 and 46 per cent, while Milwaukee is at 44. Straight acquittals account for all except a small percentage, save in the seven less urban and the Williamson-Franklin groups, where they rise to the importance of 9 and 10 per cent respectively. Milwaukee is almost identical with Cook County here.

In the metropolis, however, juries are much less likely to soften the blow of verdict of guilty by admitting a lesser charge. Chicago-Cook County shows only 5.02 per cent in this group, while the eight more urban counties go up to 6.6; the seven less urban to 15.19; and Williamson-Franklin to 25.00. Milwaukee, as usual, is low on a semi-elimination. It is also interesting to note that convictions of offense charged are slightly more and slightly less numerous proportionately in the seven less urban and in the Williamson-Franklin group than in Chicago-Cook County.

### (IX) NATURE OF THE CHARGE, COMPARED AS TO DISPOSITION

39. *Classification of Offenses.* The classification of charges used here is a modification of that recommended by the United States Census in the pamphlet entitled "Instructions for Compiling Criminal Statistics." The following arrangement shows the manner of adaptation:

<i>Census List</i>	
1. Homicide	16. Vagrancy
2. Rape	17. Violating traffic or motor vehicle laws
3. Robbery	18. Violating municipal ordinances
4. Assault	19. Others
5. Burglary	
6. Forgery	<i>Survey List</i>
7. Larceny (including embezzlement, fraud, and having stolen property)	1. Homicide
8. Carrying weapons	2. Rape
9. Sex offenses except rape	3. Robbery
10. Non-support or neglect of family	4. Assault
11. Violating drug laws	5. Burglary
12. Violating liquor laws	6. Forgery
13. Driving while intoxicated	7. Embezzlement and fraud
14. Drunkenness	8. Larceny
15. Disorderly conduct	9. Carrying concealed weapons
	10. Sex crimes
	11. Liquor
	12. Miscellaneous

Beyond number 10 of the census list we have groups of offenses which are largely—though not universally—misdemeanors. While it is true that the earlier items of the list are not all felonies, still most felonies are there included. "Larceny" in the census list has been split into two classes—"embezzlement and fraud" and "larceny."

Table B-1 presents a brief summary showing the number and percentages of the several classes of charges brought against the defendants in the preliminary hearing. It does not include all cases, because of the fact that original indictments begin in the grand jury and hence are not considered



TABLE B-1  
CLASSIFICATION OF CASES BY CHARGE IN PRELIMINARY HEARING \*

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total cases	13,923	100.00	10,829	100.00	11,251	100.00	1,846	100.00	644	100.00	26	100.00	156	100.00	1,338	100.00
Homicide	366	2.63	317	3.00	325	2.89	29	1.59	7	1.09			6	3.85	33	1.80
Rape	687	4.93	531	4.90	560	4.98	79	4.28	32	4.97	3	11.54	13	8.33	198	10.77
Robbery	2,603	18.70	2,271	20.97	2,332	20.73	230	12.46	30	4.66	4	15.38	6	3.85	59	3.21
Assault	577	4.14	370	3.41	388	3.45	122	6.61	47	7.30			20	12.82	102	5.55
Burglary	1,588	11.41	1,191	11.00	1,236	10.98	236	12.78	78	12.11	9	34.62	29	18.59	158	8.60
Forgery	257	1.85	113	1.04	126	1.12	79	4.28	48	7.45			4	2.56	145	7.89
Embezzlement and Frauds	3,246	23.31	2,796	25.80	2,869	25.50	267	14.46	86	13.35	7	26.92	17	10.90	170	9.25
Larceny	3,921	28.16	2,707	24.98	2,871	25.52	699	37.87	291	45.19	3	11.54	57	36.54	228	12.41
Carrying Concealed Weapons	9	.07	9	.08	9	.08										
Sex Crimes	116	.83	95	.87	100	.89	11	.60	5	.77					170	9.25
Liquor																
Miscellaneous	553	3.97	429	3.95	435	3.86	94	5.09	20	3.11			4	2.56	575	31.27

## Illinois Crime Survey

here. Nor is it safe to assume that these charges remain unchanged throughout the subsequent course of the procedure. The grand jury may change the charge, due perhaps to the discovery of new facts between preliminary hearing and the grand jury hearing. For example, a case may appear first as robbery and felonious assault, which would be classed as robbery in our records; if now the victim were to die, it would become homicide, which would be regarded as the more serious offense under the circumstances. It is because of these two confusing factors that the Table B-1 is limited to charges in the preliminary hearing.

40. *Frequency.* Perhaps the easiest way of summarizing these relations is to study the ranks of these charges when arranged in the order of their frequencies.

TABLE B-2. CHARGES RANKING ACCORDING TO FREQUENCY

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
	A	B	C	D	E	F	G	H
Homicide .....	8	8	8	9	9		6	10
Rape .....	5	5	5	7	6	4	5	3
Robbery .....	3	3	3	4	7	3	6	9
Assault .....	6	7	7	5	5		3	8
Burglary .....	4	4	4	3	3	1	2	6
Forgery .....	9	9	9	7	4		8	7
Embezzlement and Fraud..	2	1	2	2	2	2	4	4
Larceny .....	1	2	1	1	1	4	1	2
Carrying concealed weapons	11	11	11					
Sex crimes .....	10	10	10	10	10			4
Miscellaneous .....	7	6	6	6	8		8	1

For the state as a whole we have a clear priority for offenses against property; larceny, embezzlement and fraud, burglary, robbery; all these rank ahead of the ranking offense against the person, rape. This order remains practically the same for Chicago and the Chicago-Cook County combination: so much so that the sum of the differences between ranks of the same charge in columns A and B is only 4, and between A and C is only 2. This is due, of course, to the fact that 75 per cent of the Illinois cases are in Cook County. Between Chicago-Cook County and the eight more urban counties there is little shift—a total of rank differences of 9. Between Chicago-Cook County and the seven less urban counties, this total increases to 16. The small number of classes of charges in the two strictly rural counties makes comparison difficult. However, the comparison between Chicago-Cook County and Williamson-Franklin Counties gives only a difference total of 16. Milwaukee, however, deviates more from the type of Chicago-Cook County than other Illinois jurisdictions; the total rank difference being no less than 29.

### 41. *Proportions of Most Frequent Offenses.*

The relative proportions of these various charges, rather than their rank, may be summarized briefly by ascertaining what proportion the four most numerous crimes of Illinois (larceny, embezzlement and fraud, robbery, and burglary) are of the total, for each jurisdiction.

*Recorded Felonies: An Analysis and General Survey*

TABLE B-3. COMBINED PERCENTAGES OF LARCENY, EMBEZZLEMENT AND FRAUD, ROBBERY, AND BURGLARY

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Larceny .....	28.16	24.98	25.52	37.87	45.19	11.54	36.54	12.41
Embezzlement and fraud..	23.31	25.80	25.50	14.46	13.35	26.92	10.90	9.25
Robbery .....	18.70	20.97	20.73	12.46	4.66	15.38	3.85	3.21
Burglary .....	11.41	11.00	10.98	12.78	12.11	34.62	18.59	8.60
Total .....	81.42	82.75	82.73	77.57	71.89	88.46	69.88	33.47

Except in Milwaukee we have an overwhelming majority of all charges falling into these four categories. It is unfortunate that the number of cases is so small in the two rural counties, which quite surpass even Chicago. It has usually been believed that crimes against property were relatively more numerous in the city, and less numerous in the country. These figures discourage the belief that this is universally true.

On the other hand, we note a steady downward trend from Chicago-Cook County through the more and the less urban counties to Williamson-Franklin; which leads us to doubt the validity of the figures for the rural territory. Milwaukee is notably divergent from the type of Illinois.

Within this table itself we note that crimes of deception and stealth (the first two rows) are over half of these cases in all the groups save the two rural counties. Robbery is prominent in Chicago, but surprisingly high in the two rural counties as well. The high percentage for burglary in the latter is another abnormal figure which may be due solely to the small number of cases entering the preliminary hearing (26).

42. *Crimes Against the Person.*

TABLE B-4. COMBINED PERCENTAGES OF CRIMES AGAINST THE PERSON: HOMICIDE, ASSAULT, RAPE, AND SEX CRIMES OTHER THAN RAPE

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Homicide .....	2.63	3.00	2.89	1.57	1.09		3.85	1.80
Assault .....	4.14	3.41	3.45	6.61	7.30		12.82	5.55
Rape .....	4.93	4.90	4.98	4.28	4.97	11.54	8.33	10.77
Sex crimes .....	.83	.87	.89	.60	.77			9.25
Total .....	12.53	12.18	12.21	13.06	14.13	11.54	25.00	27.37

The totals of crimes against the persons (as they may be designated, though certain of the sex crimes other than rape are not exactly so described) are small. We find three typical figures—one around 12 per cent for Chicago-Cook County, more urban counties, and the rural; one at 14.13 per cent for the less urban, and approximately 25 per cent for Williamson-Franklin and Milwaukee. These totals are, of course, small because they represent most of the residuals after the crimes against property have been subtracted.

In Chicago-Cook County and Milwaukee rape has the largest value, and in the rural it is the only charge here listed. In the other three groups assaults are numerically most important.

## Illinois Crime Survey

43. *Compared as to Disposition.* In Table B-5 we have a summary disposition table of each various class of charges in each jurisdiction. There are two obvious bases of comparisons: we may compare the dispositions of the various charges in a given jurisdiction; or we may compare the dispositions of a given charge in the several jurisdictions.<sup>1</sup>

44. *Same: Compared as to Stage of Elimination.* In making the horizontal comparisons we shall use as a kind of norm the percentages in the dispositions of all cases irrespective of charge, given in the last column to the right. This is the average for all and will serve as the only standard our figures afford.

TABLE B-6. RATIOS OF THE PERCENTAGES OF MAJOR DISPOSITIONS OF EACH GROUP OF CHARGES TO THE PERCENTAGES OF THE MAJOR DISPOSITIONS OF ALL CASES, REDUCED TO INDICES TOTAL ILLINOIS

	All Charges	Homicide	Rape	Robbery	Assault	Burglary	Forgery	Embezzlement	Larceny	Carrying Concealed Weapon	Sex Crimes	Misc.
Eliminated in preliminary hearing .....	100	94	94	52	97	58	69	147	120	92	78	106
Eliminated in grand jury .....	100	44	152	156	102	85	58	85	91		143	51
Eliminated in trial court .....	100	152	99	113	129	114	142	74	71	225	103	187
Guilty .....	100	85	86	153	72	182	141	39	95	32	118	16

Considering first the "guilty" row we note a wide divergence in these indices, from 16 to 182. The charges that have a less than average percentage of "guilty," that show an index under 100, are homicide, rape, assault, embezzlement and fraud, larceny, carrying concealed weapons, and miscellaneous. Robbery, burglary, forgery, and sex crimes are above 100. There is here no clear demarcation between offenses against property and offenses against the person; both classes are found above and below the norm. The same is true of the other dispositions. There seems then to be no regularity of disposition associable with the nature of the charge. If there were, it should show up in the general table for the whole state.

This fact is what might be expected. In the first place most of these "charges" are groups of individual crimes: e. g., homicide includes all unjustifiable homicides, infanticides, all manslaughter, all murders; larceny includes common theft, grand larceny, pocket picking, shoplifting, stealing, theft. So that we do not have a single individual offense but a variety of them. Moreover, each defendant presents his own personal factors, such as his acquaintance with officers, his previous career, his age, etc. Our figures then represent an exceedingly heterogeneous set of facts. It would be unsafe to draw conclusions as to what would happen in a particular group of cases unless the constituent cases were all alike in all important respects, which

<sup>1</sup> It should be called to the reader's attention that Tables B-1 and B-5 do not have the same totals. The former is based on the number of cases entering the preliminary hearing under a given charge. The totals in the latter are secured by adding together the number of those guilty plus the eliminations in the three preceding stages; modifications and eliminations are added as subsidiary parts after the row labeled "guilty," and equal the total guilty. The 100 per cent at the top of the percentage column is the sum of the first four numbers in the column, from the top down.

## CLASSIFICATION OF CHARGES BY DISPOSITIONS

(Base of Percentages=Total number of charges.)

Total Illinois	Homicide	Rape	Robbery	Assaults	Burglary	Forgery	Embezzlement and Frauds	Larceny	Carrying Concealed Weapons	Sex Crimes	Liquor	Miscellaneous	Total
TOTAL CASES.....	672	757	3,150	730	2,109	386	3,582	4,374	15	144	2	891	16,812
Percentage.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Eliminated in preliminary hearing.....	41.23	41.08	22.92	42.33	25.37	30.31	64.10	52.75	40.00	34.02		46.13	43.66
Eliminated in grand jury.....	5.35	18.36	18.82	12.33	10.34	7.00	10.36	10.98		17.36		6.17	12.10
Eliminated in trial court.....	36.01	23.38	26.73	30.56	26.89	33.68	17.58	16.63	53.33	24.31	50.00	44.33	23.65
GUILTY.....	17.41	17.18	31.53	14.78	37.40	29.01	7.96	19.64	6.67	24.31	50.00	3.37	20.59
Probation and modifications.....	.15	3.70	2.98	2.60	9.06	12.18	2.87	7.07		6.95		.67	4.81
New trials and appeals.....	2.08	.79	.64		.28	.26	.34	.16		.69		.34	4.42
SENTENCES EXECUTED, UNCHANGED.....	15.18	12.69	27.91	11.78	28.06	16.57	4.75	12.43	6.67	16.67	50.00	2.36	15.36

  

Chicago	Homicide	Rape	Robbery	Assaults	Burglary	Forgery	Embezzlement and Frauds	Larceny	Carrying Concealed Weapons	Sex Crimes	Liquor	Miscellaneous	Total
TOTAL CASES.....	567	540	2,696	461	1,433	171	2,854	2,968	15	114		724	12,543
Percentage.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00		100.00	100.00
Eliminated in preliminary hearing.....	47.44	49.26	22.55	50.54	31.47	39.77	70.71	60.98	40.00	41.22		48.07	48.82
Eliminated in grand jury.....	3.00	17.41	20.40	7.81	11.10	5.26	10.55	7.31		18.42		4.56	11.46
Eliminated in trial court.....	33.68	16.85	24.74	25.81	21.84	33.92	11.17	14.02	53.33	20.18		45.30	20.20
GUILTY.....	15.88	16.48	32.31	15.84	35.59	21.05	7.57	17.69	6.67	20.18		2.07	19.52
Probation and modifications.....	.18	3.70	2.74	2.60	8.65	8.19	2.94	6.50		4.39		.55	4.23
New trials and appeals.....	1.41	.93	.63		.07	.58	.39			.88		.41	.37
SENTENCES EXECUTED, UNCHANGED.....	14.29	11.85	28.94	13.24	26.87	12.28	4.24	11.19	6.67	14.91		1.11	14.92

  

Chicago and Cook County	Homicide	Rape	Robbery	Assaults	Burglary	Forgery	Embezzlement and Frauds	Larceny	Carrying Concealed Weapons	Sex Crimes	Liquor	Miscellaneous	Total
TOTAL CASES.....	577	584	2,774	485	1,529	189	2,944	3,163	15	120		737	13,117
Percentage.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00		100.00	100.00
Eliminated in preliminary hearing.....	47.31	48.12	22.96	49.28	30.67	41.80	70.18	60.45	40.00	40.00		47.63	48.49
Eliminated in grand jury.....	3.12	16.95	20.04	8.45	10.99	5.29	10.70	7.56		18.34		4.75	11.46
Eliminated in trial court.....	33.80	17.29	24.91	26.39	22.83	31.74	11.45	14.01	53.33	20.00		45.45	20.36
GUILTY.....	15.77	17.64	32.09	15.88	35.51	21.17	7.67	17.98	6.67	21.76		2.17	19.69
Probation and modifications.....	.17	3.60	2.74	2.68	8.89	7.94	3.02	6.76		5.83		.68	4.40
New trials and appeals.....	1.39	1.03	.72		.07	.53	.37			.83		.41	.39
SENTENCES EXECUTED, UNCHANGED.....	14.21	13.01	28.63	13.20	26.55	12.70	4.28	11.22	6.67	15.00		1.08	14.90

TABLE B-5—Continued  
CLASSIFICATION OF CHARGES BY DISPOSITIONS  
(Base of Percentages=Total number of charges.)

Eight More Urban Counties	Homicide	Rape	Robbery	Assaults	Burglary	Forgery	Embezzlement and Frauds	Larceny	Carrying Concealed Weapons	Sex Crimes	Liquor	Miscellaneous	Total
TOTAL CASES.....	55	100	287	140	285	115	387	811		16		97	2,293
Percentage.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00		100.00		100.00	100.00
Eliminated in preliminary hearing.....	5.45	23.00	25.09	35.00	15.09	15.65	37.98	32.55				49.49	29.09
Eliminated in grand jury.....	23.64	18.00	10.10	22.14	11.23	10.44	10.08	20.72		12.50		15.46	15.66
Eliminated in trial court.....	38.18	39.00	37.98	27.14	29.47	40.00	42.38	22.81		37.50		26.80	31.31
GUILTY.....	32.73	20.00	26.83	15.72	44.21	33.91	9.56	23.92		50.00		8.25	23.94
Probation and modifications.....		6.00	5.23	2.86	14.74	16.52	2.58	9.62		18.75		1.03	7.76
New trials and appeals.....	7.27				.35			.12					.26
SENTENCES EXECUTED, UNCHANGED.....	25.46	14.00	21.60	12.86	29.12	17.39	6.98	14.18		31.25		7.22	15.92
Seven Less Urban Counties	Homicide	Rape	Robbery	Assaults	Burglary	Forgery	Embezzlement and Frauds	Larceny	Carrying Concealed Weapons	Sex Crimes	Liquor	Miscellaneous	Total
TOTAL CASES.....	10	48	46	54	157	71	172	302		8		36	904
Percentage.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00		100.00		100.00	100.00
Eliminated in preliminary hearing.....		12.50	15.22	27.78	8.28	26.76	38.95	37.75		12.50		33.33	28.10
Eliminated in grand jury.....	20.00	22.92	17.39	16.67	7.64	2.82	6.98	17.22		12.50		11.11	12.50
Eliminated in trial court.....	40.00	52.08	28.26	46.30	36.94	26.76	41.86	19.54		62.50		38.89	32.52
GUILTY.....	40.00	12.50	39.13	9.26	47.14	43.66	12.21	25.49		12.50		16.67	26.88
Probation and modifications.....		2.08	6.52	3.70	7.01	18.31	2.33	5.30					5.53
New trials and appeals.....	10.00				1.91		.58	.99					.89
SENTENCES EXECUTED, UNCHANGED.....	30.00	10.42	32.61	5.56	38.22	25.35	9.30	19.20		12.50		16.67	20.46
Two Strictly Rural Counties	Homicide	Rape	Robbery	Assaults	Burglary	Forgery	Embezzlement and Frauds	Larceny	Carrying Concealed Weapons	Sex Crimes	Liquor	Miscellaneous	Total
TOTAL CASES.....		4	4		15		7	3					33
Percentage.....		100.00	100.00		100.00		100.00	100.00					100.00
Eliminated in preliminary hearing.....													24.25
Eliminated in grand jury.....		75.00			13.33			33.33					15.15
Eliminated in trial court.....		25.00	100.00		20.00								24.24
GUILTY.....					66.67			66.67					36.36
Probation and modifications.....					6.67								3.03
New trials and appeals.....													
SENTENCES EXECUTED, UNCHANGED.....					60.00			66.67					33.33

TABLE B-5—Concluded  
 CLASSIFICATION OF CHARGES BY DISPOSITIONS  
 (Base of Percentages = Total number of charges.)

Williamson and Franklin	Homicide	Rape	Robbery	Assaults	Burglary	Forgery	Embezzlement and Frauds	Larceny	Carrying Concealed Weapons	Sex Crimes	Liquor	Miscellaneous	Total
TOTAL CASES.....	31	21	38	51	123	11	72	95			2	21	465
Percentage.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00			100.00	100.00	100.00
Eliminated in preliminary hearing.....	3.23	4.76	15.79	11.76	8.13	9.09	12.50	16.84					10.75
Eliminated in grand jury.....	9.68	33.10		17.65	3.25	27.27	6.94	22.10				4.76	11.61
Eliminated in trial court.....	70.96	52.38	65.79	62.75	59.35	45.46	79.17	42.11			50.00	95.24	61.51
GUILTY.....	16.13	4.76	18.42	7.84	29.27	18.18	1.39	18.95			50.00		16.13
Probation and modifications.....	3.23				.81			1.05					.43
New trials and appeals.....	12.90				.81			3.16					1.08
SENTENCES EXECUTED, UNCHANGED....		4.76	18.42	7.84	27.65	18.18	1.39	14.74			50.00		14.62

  

Milwaukee	Homicide	Rape	Robbery	Assaults	Burglary	Forgery	Embezzlement and Frauds	Larceny	Carrying Concealed Weapons	Sex Crimes	Liquor	Miscellaneous	Total
TOTAL CASES.....	33	198	59	102	158	145	170	228					1,838
Percentage.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00		170		575	100.00
Eliminated in preliminary hearing.....	9.09	10.10	3.39	12.75	4.43	2.76	34.71	16.67		100.00		100.00	100.00
Eliminated in grand jury.....										24.12		22.96	17.36
Eliminated in trial court.....	48.49	21.72	23.73	26.47	5.06	6.90	20.59	13.16		17.65		23.82	19.04
GUILTY.....	42.42	68.18	72.88	60.78	90.51	90.34	44.70	70.17		58.23		53.22	63.60
Probation and modifications.....	12.12	11.11	6.78	12.75	44.31	40.69	15.88	25.44		8.82		39.83	27.26
New trials and appeals.....		1.01										.87	.38
SENTENCES EXECUTED, UNCHANGED....	30.30	56.06	66.10	48.03	46.20	49.65	28.82	44.73		49.41		12.52	35.96

## Illinois Crime Survey

they are not. On purely theoretical grounds we might expect therefore that our results would deviate from an arbitrary norm like an average, but we could not foretell in which direction, nor how much.

On the basis of these results and analyses we shall therefore omit a similar analysis of the individual sections of this table, especially as it would give an amount of space to this topic which it does not warrant in relation to the general discussion.

45. *Same: Compared as to Jurisdictions.* The vertical comparisons of the figures in Table B-5 are given in a corresponding form in the following arrangement:

TABLE B-7. RATIOS OF THE PERCENTAGES OF THE GUILTY IN THE INDIVIDUAL JURISDICTIONS TO THE PERCENTAGES IN THE STATE, FOR THE SAME CHARGES, REDUCED TO INDICES

	All Charges	Homicide	Rape	Robbery	Assault	Burglary	Forgery	Embezz.	Larceny	Carrying Conc. Weapon	Sex Crimes	Misc.
Entire state .....	100	100	100	100	100	100	100	100	100	100	100	100
Chicago .....	95	91	96	102	107	95	73	95	90		83	61
Chicago-Cook County	96	91	103	102	107	95	73	96	91		89	64
Eight more urban cos.	116	188	116	85	106	118	117	120	121		205	245
Seven less urban cos.	131	230	73	124	63	126	150	153	129		51	495
Williamson-Franklin.	78	93	28	58	53	78	63	17	96			
Milwaukee .....	309	244	397	231	411	242	311	562	357		239	1579

Here the base of the indices is the percentage of guilty in each charge in the whole state. At the left is the column of "all charges," to which reference may first be made. It is clear from this column that the various jurisdictions (the two rural being omitted throughout because of the small number of cases in any charge) show varying degrees of power to convict. Chicago-Cook County and Williamson-Franklin are below the grand total average, and the more and the less urban counties, together with Milwaukee, above; the latter very far above. Similarly in the other columns, these differences crop out. The relatively consistent indices for Chicago and for Chicago-Cook County are explained largely on the basis of their composing 75 per cent of all cases, though this does not hold true, of course, of all the individual charge groups. The more and the less urban are more diversified, as is Williamson-Franklin. Milwaukee's indices are high and of great divergence.

Too much reliance cannot be put on these indices, of course, because of the varying numbers of cases in the several classes. Nor is any very profound relationship established here between results of trials and locality and type of charge. On the whole this chapter must be said to be inconclusive.

### (X) SENTENCES EXECUTED

46. *Explanation of Table C-1 (Classified Summary).* The analysis of sentences is made in three tables: Table C, the general basic table; Table C-1, a summary of the several kinds of sentences; and Table C-2, a combination of the percentages of each major type of sentence in the several jurisdictions. Table C will be found in the appendix to this chapter, as our discussion will center about C-1 and C-2.



CLASSIFIED SUMMARY OF SENTENCES

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total sentences executed	2625	100.00	1906	100.00	1994	100.00	364	100.00	185	100.00	11	100.00	71	100.00	649	100.00
Definite term sentence	1154	43.96	954	50.05	1006	50.45	88	24.18	51	27.57	1	9.09	8	11.27	265	40.83
Indefinite term sentence	1440	54.86	938	49.21	972	48.75	266	73.08	131	70.81	10	90.91	61	85.92	305	47.00
Fined and imprisoned	918	34.97	802	42.08	848	42.53	27	7.42	35	18.92	1	9.09	7	9.86	12	1.85
Fined only	31	1.18	14	.74	16	.80	10	2.75	3	1.62			2	2.81	79	12.17
Institutions	2596	98.90	1888	99.06	1975	99.05	358	98.35	183	98.92	11	100.00	60	97.18	588	90.60

## *Illinois Crime Survey*

Table C-1 is made up as follows: The totals, at the heads of the columns, are composed of the "definite term," "indefinite term," and "fined only." "Fined and sentenced" includes some definite and some indefinite sentences, and hence is a duplication of parts of these two classes. The totals for institutions are not the same as the totals for sentences.<sup>1</sup>

Of all sentences executed only a small percentage in Illinois, or any of the separate jurisdictions are "fined only"—an average for the state of 1.18 per cent, and a range from zero in the rural to 2.81 in Williamson-Franklin. In Milwaukee the percentage is almost equal to one-eighth of the total sentences. This slight percentage in Illinois is easy to explain, in view of the fact that our cases are all chosen as felonies in the initial stages at least. Milwaukee's large use of the fine only may be related to its high figure for probation, noted in chapter one. On the other hand, we find slightly over one-third of the Illinois sentences—42.53 per cent in Chicago-Cook County—in the class "fined and sentenced."

Definite term sentences show large percentages in Chicago-Cook County (one-half of the total) and small percentages from 27.57 to 9.09 in the other portions of the state. Milwaukee is intermediate with 40.83 per cent. Just the opposite is true of the indefinite term sentences; where Chicago-Cook County stands at slightly under 50 per cent and the rest of the state runs from 70.81 to 90.91 per cent. Milwaukee is again intermediate, with 47.00 per cent.

The outstanding fact in this group (Table C-2)  
is the massing of cases in the shorter sentence classes.  
Of all Illinois cases, 54 per cent, and as high as 86

47. *Definite Term Sentences.*

<sup>1</sup> The relationship between the totals of Table C-1 and of Tables A-3 and A-6 is brought out in the following Adjustment Table, which also harmonizes the totals of cases institutionalized with cases sentenced.

ADJUSTMENT OF TOTALS OF TABLE A-3 TO TOTALS OF TABLE C-1

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
1. Total guilty (Table A-3) .....	3,461	2,449	2,582	549	243	12	75	1,169
2. Total probation (Table A-3) .....	782	510	554	176	49	1	2	501
3. 1 less 2 .....	2,679	1,939	2,028	373	194	11	73	668
4. Insane (not sentenced) .....	12	5	6	4	2			18
5. 3 less 4 .....	2,667	1,934	2,022	369	192	11	73	650
6. Adjustments <sup>2</sup> .....	42	28	28	5	7		2	1
7. Total sentences executed (same as in Table C-1) .....	2,625	1,906	1,994	364	185	11	71	649
8. Sent to institutions (Table C-1) .....	2,596	1,888	1,975	358	183	11	69	588
9. Fined only and death sentence .....	41	23	25	10	4		2	79
10. 8 plus 9 .....	2,637	1,911	2,000	368	187	11	71	667
11. Less insane (not sentenced) .....	12	5	6	4	2			18
12. Remainder—same as 7 .....	2,625	1,906	1,994	364	185	11	71	649

<sup>2</sup> Cases in which new trials, modifications, and failure to pronounce sentence necessitated a subtraction from total guilty.

TABLE C-2  
PERCENTAGE DISTRIBUTION OF SENTENCES OF EACH MAJOR TYPE

	Class 1. Definite Term Sentences									Class 2. Indefinite Term Sentences							
	Total Illinois	Chica-go	Chica-go and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Strictly Rural Counties	Wil-iam-son and Frank-lin	Mil-wau-kee		Total Illinois	Chica-go	Chica-go and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Strictly Rural Counties	Wil-iam-son and Frank-lin	Mil-wau-kee
Total Cases (100%)	1154	954	1006	88	51	1	8	265	Total Cases (100%)	1440	938	972	266	131	10	61	305
Under 1 year	53.90	49.05	49.80	84.09	86.28	100.00	25.00	23.02	Under 1 year	.07	.11	.10					.66
1-4 years	40.47	45.80	45.03	9.09	7.84		25.00	67.92	1-5 years	1.67	1.40	1.44	1.13	1.53	20.00	4.92	79.01
5-9 years	.69	.11	.40	2.27	1.96		12.50	5.28	1- (6-10) years	41.32	42.22	41.67	43.98	40.46	20.00	29.51	8.20
10-14 years	1.39	1.36	1.29	3.41				1.51	1- (14-25) years	21.60	12.26	13.17	32.71	45.80	60.00	49.18	1.64
15-19 years	.43	.53	.50						1-Life	3.19	3.41	3.29	4.14	.76		3.28	
20-39 years	1.22	1.15	1.09	1.14	3.92			.38	2-15 years								2.30
40 years and over	1.90	2.00	1.89				37.50	1.89	3-20 years	25.76	34.43	33.95	11.28	6.11		4.92	3.93
									3-30 years								3.93
									5-25 years	.35	.53	.52					.33
									5-Life								
									10-Life	5.00	4.48	4.83	5.26	4.58		8.19	
									14-Life	.35	.11	.10	1.50				
									Death	.69	.96	.93		.76			

TABLE C-2—Concluded

	Class 3. Fined and Sentenced to Imprisonment								Class 4. Fined Only							
	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Strictly Rural Counties	Williamson and Franklin	Milwaukee	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Strictly Rural Counties	Williamson and Franklin	Milwaukee
Total Cases (100%)	918	802	848	27	35	1	7	12	31	14	16	10	3		2	79
Under \$10	81.37	85.91	85.73	18.52	40.00		14.28		3.23	7.14	6.25					
\$10-24	2.07	1.12	1.18	7.41	20.00											5.07
\$25-49	5.34	4.86	4.95		14.29	100.00	14.28		22.58	42.86	37.50		33.33			13.92
\$50-74	1.42	.50	.59	14.81	11.42				12.90	7.14	12.50	10.00	33.33			13.92
\$75-99	.44	.13	.12	7.41			14.29		12.90	14.29	12.50	20.00				
\$100-499	8.70	6.86	6.84	51.85	14.29		42.86	100.00	48.39	28.57	31.25	70.00	33.34		100.00	65.82
\$500-999	.33	.37	.35													1.27
\$1000 and over	.33	.25	.24				14.29									

  

INSTITUTIONS									
	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Strictly Rural Counties	Williamson and Franklin	Milwaukee	
Total Cases (100%)	2596	1888	1975	358	183	11	69	588	Total Cases (100%)
Joliet Penitentiary	31.62	34.54	34.48	32.96	8.74	9.09	7.25	26.36	Waupun Penitentiary
Chester Penitentiary	8.21			26.81	44.81	45.46	43.48	2.72	Industrial Home (Women)
Pontiac Reformatory	19.99	20.69	20.30	15.92	18.58	27.27	34.78	12.25	State Reformatory
Insane	.46	.27	.30	1.12	1.09			3.06	Insane
Jail	8.36	6.37	6.28	18.72	13.11		2.90	1.02	Jail
State Farm	1.20			2.79	9.84	9.09	2.90		
Workhouse	29.58	38.08	38.59		3.28			54.59	Workhouse
Geneva (Girls)	.08	.05	.05			9.09			
St. Charles (Boys)	.50			1.68	.55		8.69		

## *Recorded Felonies: An Analysis and General Survey*

per cent in the less urban counties, are within the limit of one year; Milwaukee having only 23 per cent here. In the total under five years are 94 per cent of all Illinois cases, a figure which is fairly constant save in the rural and Williamson-Franklin groups, where the numbers are too small to be statistically significant. The figure for Milwaukee, 90.94 per cent, closely approximates it. The remainder of this sub-table shows nothing very significant save the curious emphasis on 10-14 and 20-39, and the small number in the 5-9 and 15-19 groups. The 37.50 per cent in Williamson-Franklin, in the class 40 and over, actually represents only 3 cases out of a total of 8.

48. *Indefinite Term Sentences.*<sup>1</sup> For Illinois there are three classes (Table C-2) that include a large portion of all. These are the 1 to (6-10), 1 to (14-25) and the 3 to 20. The totals for these three groups of sentences are as follows:

Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	Williamson and Franklin Counties	Milwaukee
88.68	88.91	88.79	87.97	92.37	80.00	83.61	13.77

Here we have a close uniformity, broken only by the exceptional case of Milwaukee. Milwaukee shows a high percentage (79.01) in the 1-5 grouping, which would indicate in general a lighter type of sentence; though it is obvious that nothing can be safely concluded from the data of sentence alone, if one does not know the practice of the penal authorities in discharging or paroling prisoners.

One other group of sentences to imprisonment is notable—the class 10-life, which in Illinois is 5 per cent of the total of these groups. The death sentence, as usual, is a tiny fraction of the “indefinite term” sentences, where it is located merely for convenience; only .69 per cent of the indefinite term sentences; only 10 cases out 16,812 or .06 per cent; 6 in 10,000. Even checked against total homicides (672—Table B-5) it is less than one and one-half in 100.

49. *Fined and Sentenced, and Fined Only.* All that is given in the first of these two sub-tables (Table C-2) is the distribution of the fines. This is, of course, inconclusive, since the length of the prison sentence is not indicated. While it would be desirable to have both these facts about the sentence revealed together, practically it would present a table almost impossibly complicated; and so only one part is revealed here. It should be remembered that all the sentences to imprisonment connected with this table of “fined and sentenced” were presented in either the first or second of the tables immediately preceding this.

Obviously no statistical reliance can be placed on the small samples in the rural, the Williamson-Franklin and the Milwaukee columns, and very

<sup>1</sup>A word of explanation is called for here. The term is indicated as 1-(6-10) or 1-(14-25). This is due to the fact that the individual sentences range from the lower limit (generally one) to a maximum; e. g., 1 to 2 years, 1 to 5 years, 1 to 7 years, 1 to life, or 5 to 20 years, etc. When these were grouped it resulted in the double maximum, e. g., (6-10) in the first example above. That simply means that all of the sentences ranging between 1-6 and 1-10 are there included. It is obvious that any definite evaluation of what such sentence means in actual time served would have to await a statistical study of the time served by men who have been discharged after serving such a sentence. The maximum time is kept in the table because it seems desirable to have some record of it, and not merely a minimum.

## *Illinois Crime Survey*

little elsewhere outside of Chicago-Cook County. In Chicago-Cook County fines scarcely rise above the magnitude of a tip to the state: 85.73 per cent of all fines there are under ten dollars. There is an apparent increase over the \$10-\$24 group in the \$25-\$49 class. But it should be remembered: first, that fines tend to group themselves about round numbers, such as 10, 25, 50, and 100; second, the changes in the size of the class intervals from \$10 to \$15, to \$25, to \$500, make the percentages (e. g., in the \$100-\$499 group) appear numerous when actually they are not so, for in the \$100-\$499 class we have a range of \$400 which is 40 times the range in the first class. If you divide the percentage 8.70 by 40, you have an average per cent for each \$10 group of about .22.

In the "fined only" group, where only the total for Illinois is significantly large, nearly one half of all the fines are between \$100 and \$500. In Milwaukee the percentage rises even higher—to 65.82 per cent, or nearly two-thirds.

### 50. *Institutional Distribution of Sentences (Table C-2).*

From Chicago-Cook County and the eight more urban counties, Joliet draws about a third of all the cases; whereas, the remainder of the state—apparently for geographical reasons—has only small percentages; around 8 per cent. Chester draws heavily from the last three columns and moderately from the eight more urban counties. Pontiac is roughly constant through the more and the less urban, rising in the rural and in the Williamson-Franklin groups. A small total in the rural makes its figures less reliable.

Jail sentences are little used in Cook County; more used in the more and the less urban counties; and scarcely at all in Williamson-Franklin. Except in the less urban counties, the state farm draws but few prisoners. The workhouse naturally looms larger in Chicago-Cook County; nearly 40 per cent are sentenced there. For Milwaukee we find a good majority (54.59 per cent) sentenced to the workhouse; about one-fourth to the penitentiary; one-eighth to the state reformatory.

It may be noted here that while Milwaukee courts find a much larger percentage of cases guilty than courts in Illinois, they put a much larger percentage on probation (see Table A-3) and their sentences include many more "fined only." In the definite term sentences they have fewer "under one year" and more "1-4 years" than Chicago; and in the indefinite term sentences they use extensively the "1-5 year" class. And finally, the workhouse takes more than half of their cases.

## (XI) PLEAS ANALYZED AS TO DISPOSITIONS

### 51. *Explanation of Tables D-1 and D-2.*

The purpose of this chapter is to inquire into the relationship between the pleas and the dispositions of cases. The trading of a plea of guilty for a lesser sentence (not considered here) or for probation or other modification, has frequently been found to be a common practice in the trial courts of other states. Changes in plea, nearly always to guilty, and sometimes to guilty of a lesser offense, have been involved in this process.

TABLE D-1  
 CASES ENTERING TRIAL COURT, CLASSIFIED BY DISPOSITION, WITH THE PERCENTAGE DISTRIBUTION OF THE SEVERAL TYPES OF  
 PLEAS FOR EACH DISPOSITION.

	TOTAL-ILLINOIS										CHICAGO									
	Eliminated		Guilty		Probation		Modification		New Trials and Appeals		Eliminated		Guilty		Probation		Modification		New Trials and Appeals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
All cases, total	3977	100.00	3461	100.00	782	100.00	26	100.00	70	100.00	2533	100.00	2449	100.00	510	100.00	21	100.00	47	100.00
Not guilty, Not guilty	730	18.35	643	18.58	89	11.38	5	19.23	55	78.58	575	22.69	468	19.11	78	15.29	5	23.81	37	78.72
Guilty, Guilty			359	10.37	151	19.31	2	7.70	5	7.14			70	2.86	37	7.26			5	10.64
Guilty, Guilty Lesser Offense			80	2.31	11	1.41							60	2.45	5	.98				
Guilty Lesser Offense, Same			195	5.64	48	6.14	4	15.38					127	5.19	31	6.08	3	14.29		
Total			634	18.32	210	26.86	6	23.08	5	7.14			257	10.49	73	14.32	3	14.29	5	10.64
Not guilty, Guilty	2	.05	585	16.90	208	26.60	4	15.38	5	7.14	1	.04	349	14.25	129	25.29	3	14.29	1	2.13
Not guilty, Guilty Lesser Offense	15	.38	1587	45.85	270	34.53	11	42.31	5	7.14	12	.48	1372	56.02	230	45.10	10	47.61	4	8.51
Total	17	.43	2172	62.76	478	61.13	15	57.69	10	14.28	13	.52	1721	70.27	359	70.39	13	61.90	5	10.64
Not guilty, Not arraigned	2332	58.64	①2	.06							1843	72.76	①2	.08						
Never arraigned	877	22.05									102	4.03								
Total	3209	80.69	①2	.06							1945	76.79	①2	.08						
Other pleas	21	.53	10	.29	5	.64							1	.04						

① Insane, classed with guilty.

TABLE D-1--Continued  
CASES ENTERING TRIAL COURT, CLASSIFIED BY DISPOSITION, WITH THE PERCENTAGE DISTRIBUTION OF THE SEVERAL TYPES OF PLEAS FOR EACH DISPOSITION

	CHICAGO AND COOK COUNTY										EIGHT MORE URBAN COUNTIES									
	Eliminated		Guilty		Probation		Modification		New Trials and Appeals		Eliminated		Guilty		Probation		Modification		New Trials and Appeals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
All cases, total	2671	100.00	2582	100.00	554	100.00	23	100.00	51	100.00	718	100.00	549	100.00	176	100.00	2	100.00	6	100.00
Not guilty, Not guilty	610	22.84	493	19.09	84	15.16	5	21.74	38	74.52	56	7.80	75	13.66	2	1.14			5	83.33
Guilty, Guilty			79	3.06	42	7.58	2	8.70	5	9.80			181	32.97	97	55.11				
Guilty, Guilty Lesser Offense			64	2.48	6	1.08							13	2.37	3	1.70				
Guilty Lesser Offense, Same			132	5.11	33	5.96	3	13.04					39	7.10	10	5.68	1	50.00		
Total			275	10.65	81	14.62	5	21.74	5	9.80			233	42.44	110	62.49	1	50.00		
Not guilty, Guilty	1	.04	374	14.48	138	24.91	3	13.04	4	7.84	1	.14	131	23.86	47	26.71	1	50.00		
Not guilty, Guilty Lesser Offense	13	.49	1437	55.65	251	45.31	10	43.48	4	7.84			104	18.94	14	7.96			1	16.67
Total	14	.53	1811	70.14	389	70.22	13	56.52	8	15.68	1	.14	235	42.81	61	34.67	1	50.00	1	16.67
Not guilty, Not arraigned	1935	72.44	①2	.08							256	35.65								
Never arraigned	111	4.15									391	54.46								
Total	2046	76.59	①2	.08							647	90.11								
Other pleas	1	.04	1	.04							14	1.95	6	1.09	3	1.70				

①Insane, classed with guilty.



TABLE D-1—Continued

CASES ENTERING TRIAL COURT, CLASSIFIED BY DISPOSITION, WITH THE PERCENTAGE DISTRIBUTION OF THE SEVERAL TYPES OF PLEAS FOR EACH DISPOSITION

	SEVEN LESS URBAN COUNTIES										TWO STRICTLY RURAL COUNTIES									
	Eliminated		Guilty		Probation		Modification		New Trials and Appeals		Eliminated		Guilty		Probation		Modification		New Trials and Appeals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
All cases, total	294	100.00	243	100.00	49	100.00	1	100.00	8	100.00	8	100.00	12	100.00	1	100.00				
Not guilty, Not guilty	45	15.31	44	18.11	1	2.04			7	87.50			2	16.67						
Guilty, Guilty			56	23.05	12	24.49							7	58.33						
Guilty, Guilty Lesser Offense			3	1.23	2	4.08														
Guilty Lesser Offense, Same			15	6.17	5	10.20														
Total			74	30.45	19	39.77							7	58.33						
Not guilty, Guilty			78	32.10	22	44.91			1	12.50			2	16.67	1	100.00				
Not guilty, Guilty Lesser Offense	2	.68	44	18.11	5	10.20	1	100.00					1	8.33						
Total	2	.68	122	50.21	27	55.11	1	100.00	1	12.50			3	25.00	1	100.00				
Not guilty, Not arraigned	138	46.94									3	37.50								
Never arraigned	105	35.71									5	62.50								
Total	243	82.65									8	100.00								
Other pleas	4	1.36	3	1.23	2	4.08														

**TABLE D-1—Concluded**  
**CASES ENTERING TRIAL COURT, CLASSIFIED BY DISPOSITION, WITH THE PERCENTAGE DISTRIBUTION OF THE SEVERAL TYPES OF PLEAS FOR EACH DISPOSITION**

	WILLIAMSON AND FRANKLIN										MILWAUKEE									
	Eliminated		Guilty		Probation		Modification		New Trials and Appeals		Eliminated		Guilty		Probation		Modification		New Trials and Appeals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
All cases, total	286	100.00	75	100.00	2	100.00			5	100.00	350	100.00	1169	100.00	501	100.00			7	100.00
Not guilty, Not guilty	19	6.64	29	38.67	2	100.00			5	100.00	74	21.14	450	38.49	173	34.53			4	57.14
Guilty, Guilty			36	48.00							1	.29	653	55.86	311	62.08			3	42.86
Guilty, Guilty Lesser Offense																				
Guilty Lesser Offense, Same			9	12.00									5	.43	2	.40				
Total			45	60.00							1	.29	658	56.29	313	62.48			3	42.86
Not guilty, Guilty													40	3.42	13	2.59				
Not guilty, Guilty Lesser Offense			1	1.33									11	.94	2	.40				
Total			1	1.33									51	4.36	15	2.99				
Not guilty, Not arraigned											204	58.29								
Never arraigned	265	92.66									65	18.57	①8	.68						
Total	265	92.66									269	76.86	①8	.68						
Other pleas	2	.70									6	1.71	2	.17						

① Insane, classed with guilty

**TABLE D-2**  
**CASES ENTERING TRIAL COURT, CLASSIFIED BY DISPOSITION AND BY TYPE OF PLEA, WITH PERCENTAGE DISTRIBUTION OF DISPOSITIONS FOR EACH TYPE OF PLEA**

	TOTAL—ILLINOIS												CHICAGO											
	Total Entering Trial Court		Eliminated		Guilty		Probation		Modification		New Trials and Appeals		Total Entering Trial Court		Eliminated		Guilty		Probation		Modification		New Trials and Appeals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
All cases, total	7438	100.00	3977	53.47	3461	46.53	782	10.51	26	.35	70	.94	4982	100.00	2533	50.84	2449	49.16	510	10.24	21	.42	47	.94
Not guilty, Not guilty	1373	100.00	730	53.17	643	46.83	89	6.48	5	.36	55	4.01	1043	100.00	575	55.13	468	44.87	78	7.48	5	.48	37	3.55
Guilty, Guilty	359	100.00			359	100.00	151	42.06	2	.56	5	1.39	70	100.00			70	100.00	37	52.86			5	7.14
Guilty, Guilty Lesser Off.	80	100.00			80	100.00	11	13.75					60	100.00			60	100.00	5	8.33				
Guilty Lesser Off., Same	195	100.00			195	100.00	48	24.62	4	2.05			127	100.00			127	100.00	31	24.41	3	2.36		
Total	634	100.00			634	100.00	210	33.12	6	.95	5	.79	257	100.00			257	100.00	73	28.40	3	1.17	5	1.95
Not guilty, Guilty	587	100.00	2	.34	585	99.66	208	35.43	4	.68	5	.85	350	100.00	1	.28	349	99.72	129	36.86	3	.85	1	.28
Not guilty, Guilty Lesser Offense	1602	100.00	15	.94	1587	99.06	270	16.85	11	.69	5	.31	1384	100.00	12	.87	1372	99.13	230	16.62	10	.72		
Total	2189	100.00	17	.78	2172	99.22	478	21.84	15	.68	10	.46	1734	100.00	13	.75	1721	99.25	359	20.70	13	.75	1	.06
Not guilty, Not arraigned	2334	100.00	2332	99.91	①2	.09							1845	100.00	1843	99.89	①2	.11						
Never arraigned	877	100.00	877	100.00									102	100.00	102	100.00								
Total	3211	100.00	3209	99.94	①2	.06							1947	100.00	1945	99.90	①2	.10						
Other pleas	31	100.00	21	67.74	10	32.26	5	16.32					1	100.00			1	100.00						

① Insane, classed with guilty.

TABLE D-2—Continued  
 CASES ENTERING TRIAL COURT, CLASSIFIED BY DISPOSITION AND BY TYPE OF PLEA, WITH PERCENTAGE DISTRIBUTION OF  
 DISPOSITIONS FOR EACH TYPE OF PLEA

	CHICAGO AND COOK COUNTY											EIGHT MORE URBAN COUNTIES												
	Total Entering Trial Court		Eliminated		Guilty		Probation		Modification		New Trials and Appeals		Total Entering Trial Court		Eliminated		Guilty		Probation		Modification		New Trials and Appeals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
All cases, total	5253	100.00	2671	50.85	2582	49.15	554	10.55	23	.44	51	.97	1267	100.00	718	56.67	549	43.33	176	13.89	2	.16	6	.47
Not guilty, Not guilty	1103	100.00	610	55.30	493	44.70	84	7.62	5	.45	38	3.45	131	100.00	56	42.75	75	57.25	2	1.53			5	3.82
Guilty, Guilty	79	100.00			79	100.00	42	53.16	2	2.53	5	6.33	181	100.00			181	100.00	97	53.59				
Guilty, Guilty Lesser Offense	64	100.00			64	100.00	6	9.38					13	100.00			13	100.00	3	23.08				
Guilty Lesser Offense, Same	132	100.00			132	100.00	33	25.00	3	2.27			39	100.00			39	100.00	10	25.64	1	2.56		
Total	275	100.00			275	100.00	81	29.45	5	1.82	5	1.82	233	100.00			233	100.00	110	47.21	1	.43		
Not guilty, Guilty	375	100.00	1	.27	374	99.73	138	36.80	3	.80	4	1.07	132	100.00	1	.76	131	99.24	47	35.61	1	.76		
Not guilty, Guilty Lesser Offense	1450	100.00	13	.90	1437	99.10	251	17.31	10	.69	4	.28	104	100.00			104	100.00	14	13.46			1	.99
Total	1825	100.00	14	.77	1811	99.23	389	21.32	13	.71	8	.44	236	100.00	1	.42	235	99.58	61	25.85	1	.42	1	.42
Not guilty, Not arraigned	1937	100.00	1935	99.90	Ⓢ2	.10							256	100.00	256	100.00								
Never arraigned	111	100.00	111	100.00									391	100.00	391	100.00								
Total	2048	100.00	2046	99.90	Ⓢ2	.10							647	100.00	647	100.00								
Other pleas	2	100.00	1	50.00	1	50.00							20	100.00	14	70.00	6	30.00	3	15.00				

② Insane, classed with guilty.

TABLE D-2—Continued  
CASES ENTERING TRIAL COURT, CLASSIFIED BY DISPOSITION AND BY TYPE OF PLEA, WITH PERCENTAGE DISTRIBUTION OF DISPOSITIONS FOR EACH TYPE OF PLEA

	SEVEN LESS URBAN COUNTIES												TWO STRICTLY RURAL COUNTIES											
	Total Entering Trial Court		Eliminated		Guilty		Probation		Modification		New Trials and Appeals		Total Entering Trial Court		Eliminated		Guilty		Probation		Modification		New Trials and Appeals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
All cases, total	537	100.00	294	54.75	243	45.25	49	9.12	1	.19	8	1.49	20	100.00	8	40.00	12	60.00	1	5.00				
Not guilty, Not guilty	89	100.00	45	50.56	44	49.44	1	1.12			7	7.87	2	100.00			2	100.00						
Guilty, Guilty	56	100.00			56	100.00	12	21.43					7	100.00			7	100.00						
Guilty, Guilty Lesser Offense	3	100.00			3	100.00	2	66.67																
Guilty Lesser Off., Same	15	100.00			15	100.00	5	33.33																
Total	74	100.00			74	100.00	19	25.68					7	100.00			7	100.00						
Not guilty, Guilty	78	100.00			78	100.00	22	28.21			1	1.28	2	100.00			2	100.00	1	50.00				
Not guilty, Guilty Lesser Offense	46	100.00	2	4.35	44	95.65	5	10.87	1	2.17			1	100.00			1	100.00						
Total	124	100.00	2	1.61	122	98.39	27	21.77	1	.81	1	.81	3	100.00			3	100.00	1	33.33				
Not guilty, Not arraigned	138	100.00	138	100.00									3	100.00	3	100.00								
Never arraigned	105	100.00	105	100.00									5	100.00	5	100.00								
Total	243	100.00	243	100.00									8	100.00	8	100.00								
Other pleas	7	100.00	4	57.14	3	42.86	2	28.57																

**TABLE D-2—Concluded**  
**CASES ENTERING TRIAL COURT, CLASSIFIED BY DISPOSITION AND BY TYPE OF PLEA, WITH PERCENTAGE DISTRIBUTION OF DISPOSITIONS FOR EACH TYPE OF PLEA**

	WILLIAMSON AND FRANKLIN											MILWAUKEE												
	Total Entering Trial Court		Eliminated		Guilty		Probation		Modification		New Trials and Appeals		Total Entering Trial Court		Eliminated		Guilty		Probation		Modification		New Trials and Appeals	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
All cases, total	361	100.00	286	79.22	75	20.78	2	.55			5	1.39	1519	100.00	350	23.04	1169	76.96	501	32.98			7	.46
Not guilty, Not guilty	48	100.00	19	39.58	29	60.42	2	4.17			5	10.42	524	100.00	74	14.12	450	85.88	173	33.02			4	.76
Guilty, Guilty	36	100.00			36	100.00							654	100.00	1	.15	653	99.85	311	47.55			3	.46
Guilty, Guilty Lesser Offense																								
Guilty Lesser Off., Same	9	100.00			9	100.00							5	100.00			5	100.00	2	40.00				
Total	45	100.00			45	100.00							659	100.00	1	.15	658	99.85	313	47.57			3	.45
Not guilty, Guilty													40	100.00			40	100.00	13	32.50				
Not guilty, Guilty Lesser Offense	1	100.00			1	100.00							11	100.00			11	100.00	2	18.18				
Total	1	100.00			1	100.00							51	100.00			51	100.00	15	29.41				
Not guilty, Not arraigned																								
Never arraigned	265	100.00	265	100.00									204	100.00	204	100.00								
Total	265	100.00	265	100.00									73	100.00	65	89.04	①8	10.96						
Other pleas	2	100.00	2	100.00									277	100.00	269	97.11	①8	2.89						
													8	100.00	6	75.00	2	25.00						

①Insane, classed with guilty.

① Insane, classed with guilty.

## *Recorded Felonies: An Analysis and General Survey*

The data upon which this chapter is based are to be found in two tables, D-1 and D-2. These differ only in the manner in which the percentages are calculated.

In Table D-1 all the eliminated cases which had entered the trial court are distributed in the first pair of columns among the several types of pleas, which are the vertical classes of the table. Similarly the "guilty" cases are given in the second pair of columns. The succeeding three pairs contain the probation cases, modified cases, and new trial and appeal cases, respectively. In this table the percentages are calculated on the base of the total number in each of these groups; i. e., vertically.

In Table D-2 the first pair of columns contains the sum of pairs two and three, the numbers of which are identical with those of one and two of Table D-1. Column one in Table D-2 is then the column showing the distribution of all cases entering the trial court among the several classes of pleas. In this table the bases of the percentages are the numbers in column one; percentages are calculated horizontally. This table is essentially a kind of disposition table similar to the parts of Table A-3.

### 52. *Distribution of Pleas, Regardless of Disposition.*

A glance at Table D-2 shows a five-fold grouping of pleas based on the combinations of the first and second pleas (plea at first arraignment, and at second appearance in court, if there was a second appearance). The grouping is as follows:

- a. Not guilty, not guilty.
- b. Original plea guilty, second plea guilty.
  - aa. Guilty as charged, guilty as charged.
  - bb. Guilty as charged, guilty of lesser offense.
  - cc. Guilty of lesser offense, guilty of lesser offense.
- c. Original plea not guilty, second plea guilty.
- d. No second plea, because of lack of second arraignment.
  - aa. Not guilty, then not arraigned.
  - bb. Never arraigned.
- e. Other pleas (scattering and very few).

### 53. *Guilty and Not Guilty, Compared.*

In the summarizing of these tables only the percentages will be given and the classes will be somewhat differently arranged from those in the basic tables.

The first summary is as follows:

TABLE D-3. PERCENTAGE DISTRIBUTION OF CASES ENTERING TRIAL COURT BY PRINCIPAL CLASSES OF PLEAS

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- waukee
Total .....	7,438	4,982	5,253	1,267	537	20	361	1,519
Not guilty—not guilty....	18.46	20.94	21.00	10.34	16.57	10.00	13.30	34.50
Not guilty—not arraigned	31.38	37.03	36.87	20.20	25.70	15.00		13.43
Total .....	49.84	57.97	57.87	30.54	42.27	25.00	13.30	47.93
Guilty .....	37.95	39.96	39.98	37.02	36.87	50.00	12.74	46.74
Miscellaneous pleas .....	.42	.02	.04	1.58	1.30		.55	.53
Never arraigned .....	11.79	2.05	2.11	30.86	19.56	25.00	73.41	4.80

## Illinois Crime Survey

Here we have, first, all cases in which not guilty is either the last or the only plea offered. The class "not guilty, then not arraigned" is one leading always to elimination, (the two cases of "guilty" in this group are cases of "insanity" classified arbitrarily with the "guilty"). A glance at the forms of disposition counted as "eliminations" in Table A-6 will reveal a large number of such forms which are consistent with a plea of "not guilty"; e. g., all the "nolle" and "stricken" dispositions. These two types of "not guilty" pleas total for the state 49.84 per cent of all cases entering the trial court. Chicago and Cook County are highest (57.87 per cent) and Williamson-Franklin lowest. It is also interesting that Milwaukee, generally at variance with Chicago, here shows a relatively high percentage, though about 10 under Chicago. The two constituent groups of pleas in this general "not guilty" group show one type of uniformity throughout the state, with the exception of Williamson-Franklin: the "not guilty-not guilty" group is always smaller (sometimes slightly more than one-half) than the "not guilty, not arraigned." Here Milwaukee deviates sharply from the Illinois norm; the relationship is reversed and the first class is almost three times the second.

The percentage of the "guilty" runs fairly uniform through Chicago-Cook County and the more and the less urban counties (at about 38 per cent); goes up to 50 per cent in the two rural counties (negligible by reason of the small number of cases); and drops to 12.74 per cent in Williamson-Franklin counties. Milwaukee is higher in this group—46.74 per cent.

The cases in which no plea was ever made, or none recorded, are 11.79 per cent for the state. In Chicago-Cook County this group is negligible; in the more urban counties is high (30.86 per cent); lower in the less urban counties (19.56 per cent); higher in the rural; and very large (73.41 per cent) in Williamson-Franklin. It is almost as small in Milwaukee as in Chicago.

54. *Guilty of a Lesser Offense.* The second summary table classifies those pleading guilty (as determined by the second plea) into two groups: those pleading guilty of the offense charged, and those pleading guilty of a lesser offense.

TABLE D-4. PERCENTAGE DISTRIBUTION OF FINAL PLEAS OF GUILTY AS GUILTY OF OFFENSE CHARGED, AND GUILTY OF LESSER OFFENSE

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Total guilty .....	2,823	1,991	2,150	469	198	10	46	710
Total guilty, per cent.....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Total guilty offense chgd..	33.51	21.10	21.62	66.74	67.68	90.00	78.26	97.75
Total guilty lesser offense	66.49	78.90	78.38	33.26	32.32	10.00	21.74	2.25

Here we have three distinct groups: Chicago-Cook County with 78.38 per cent pleading to a lesser offense; the rest of the state ranging (except for rural counties) between 21.74 and 33.26 per cent; and Milwaukee at 2.25 per cent.



## Recorded Felonies: An Analysis and General Survey

55. *Change of Plea.* The third grouping is based on the criterion of change of plea. All the cases in which final pleas were made are grouped as unchanged and changed, and these classes in turn are subdivided according to the first plea, as guilty or not guilty. The percentage unchanged is lowest in Chicago-Cook County (41.03); it rises through the more and the less urban counties to a maximum in Williamson-Franklin, where nearly 99 per cent are so classed. Milwaukee is of almost equal rank (in this respect) as the last named group. Here we have one of the few clear-cut cases of a general trend of a percentage as we pass from metropolitan to urban, to rural jurisdictions.

TABLE D-5. PERCENTAGE DISTRIBUTION OF FINAL PLEAS BETWEEN UNCHANGED AND CHANGED PLEAS

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Total final pleas made (ex- clusive of "others")....	4,196	3,034	3,203	600	287	12	94	1,234
Percentage of total pleas...	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Not guilty, not guilty....	32.71	34.38	34.44	21.83	31.01	16.67	51.06	42.46
Guilty, unchanged.....	13.21	6.49	6.59	36.67	24.74	58.33	47.88	53.41
Total unchanged.....	45.92	40.87	41.03	58.50	55.75	75.00	98.94	95.87
Not guilty, changed.....	52.17	57.15	56.98	39.33	43.20	25.00	1.06	4.13
Guilty, changed.....	1.91	1.98	1.99	2.17	1.05			
Total changed.....	54.08	59.13	58.97	41.50	44.25	25.00	1.06	4.13

56. *Final Pleas.* The fourth grouping of these figures has as a base only the final pleas of guilty. The first group is that of the unchanged. Here we find a small percentage in Chicago-Cook County (10.05 per cent), a much greater in the more and the less urban (46.91 and 35.86 per cent) and an exceedingly high percentage in the remainder of the state, amounting to almost 98 per cent in Williamson-Franklin. Milwaukee also is high. The significance of the low percentage of unchanged pleas in Chicago-Cook County points to a quite general practice of making a first plea of not guilty, and then reducing it. What effect such a reduction has upon disposition remains to be seen.

TABLE D-6. PERCENTAGE DISTRIBUTION OF FINAL PLEAS OF GUILTY AS UNCHANGED PLEAS, AND AS CHANGED PLEAS

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Two Rural Counties	William- son and Franklin Counties	Mil- wau- kee
Total guilty (final).....	2,823	1,991	2,100	469	198	10	46	710
Total guilty (final), per- centage .....	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Guilty offense charged, un- changed .....	12.72	3.51	3.76	38.59	28.28	70.00	78.26	92.11
Guilty lesser off., unchanged	6.91	6.38	6.29	8.32	7.58		19.57	.70
Total .....	19.63	9.89	10.05	46.91	35.86	70.00	97.83	92.81
Not guilty, guilty off. chgd.	20.79	17.58	17.86	28.14	39.39	20.00		5.64
Not guilty, guilty lesser off.	56.75	69.51	69.05	22.18	23.23	10.00	2.17	1.55
Total .....	77.54	87.09	86.91	50.32	62.62	30.00	2.17	7.19
Guilty offense charged, guilty lesser offense.....	2.83	3.02	3.04	2.77	1.52			

### *Illinois Crime Survey*

One of the most puzzling of the problems presented by this table is the class of pleas "guilty of offense charged, changed to guilty of a lesser offense." Of course, a man may mistakenly plead to the wrong offense, and then be given the opportunity to retract that plea in favor of another.

57. *General Comments.* Turning now to Table D-2, we shall consider briefly some of the outstanding facts there set forth.

It was pointed out at the beginning of this chapter that each row of this table is a miniature disposition table, in which the total number of pleas of the particular kind indicated is the base of the percentages of the succeeding types of dispositions. By comparing the percentages of any two rows in the same column, one secures some notion of the relative association of the given disposition with the given types of pleas. Looking then at the summary for all Illinois we see first several outstanding facts: (1) of those who plead not guilty both times, slightly over half are eliminated and slightly under half are guilty; (2) of those who plead guilty on the first plea none are eliminated; (3) of those who plead not guilty and then shift to guilty only a very small proportion are eliminated; (4) of those who plead guilty once and are thereafter not arraigned, all are eliminated [save two cases of insanity reckoned arbitrarily with the guilty (see Table A-6)]; and (5) of those never arraigned or pleading, all are eliminated. Obviously the latter two classes may be regarded as practically identical.

All of these results, save perhaps the first, are logical concomitants of the respective types of pleas. There is no way of deciding what the basic factors are that produce the almost even division of the "not guilty, not guilty" plea. Perhaps some light is thrown on this by the facts set forth in chapter one with respect to the several types of disposition—by jury, by prosecutor, etc.

Possibly the most significant points in this table are the results *after* guilt is established. The only numerically impressive class of dispositions is that of probation. Here the interesting fact is, that, while 89 out of 643 cases pleading "not guilty, unchanged" (or 13.84 per cent), are given probation, of those who plead "guilty-guilty," 42.06 per cent are put on probation; of those who plead "guilty," then "guilty of a lesser offense," 13.75 per cent; of those who plead "guilty of a lesser offense, unchanged," 24.62 per cent; and of those who plead "guilty" to begin with (the total of these three), 33.12 per cent are put on probation. Evidently, then, the chances of getting probation are roughly two and one-half times as great if one pleads guilty to begin with as they are if one pleads not guilty and sticks to it.

Similarly, in the next group, of those who first plead not guilty and then change the plea to guilty, 35 per cent approximately<sup>1</sup> are put on probation, and of those who plead not guilty and then change to guilty of a lesser offense, 16 per cent are given probation; and of these two groups together, 21 per cent are given probation. This indicates that changes in pleas are less effective than original pleas of guilty, but still about one-half

<sup>1</sup> The totals guilty here are almost 100 per cent and the percentages of probation given are approximately the same as if the base were 100 per cent exactly, as in the preceding classes.

### *Recorded Felonies: An Analysis and General Survey*

more efficient than unchanged not guilty pleas in producing probation as a result.

58. *Jurisdictions Compared.* Turning now to Chicago-Cook County, we find these proportions approximately retained: the "guilty-guilty" plea is slightly more effective here, as is also the "not guilty-not guilty"—17.04 per cent against 13.84 per cent in the state as a whole.

In the eight more urban counties, the "not guilty-not guilty" have less than half eliminated (only 42.75 per cent) and this plea is almost never followed by probation. On the other hand, probation is here much more generously awarded than in Chicago-Cook County to those who plead guilty originally; 47.21 per cent compared with 29.45; and the proportion of those changing the plea to guilty who are put on probation is slightly higher than in Chicago-Cook County.

With respect to all these points the seven less urban counties more nearly approximate the Chicago-Cook County pattern than those just mentioned. The numbers in the rural counties are too small to make discussion valuable.

Only one or two points stand out in Williamson-Franklin; the high percentage of "guilties" on the unchanged plea of "not guilty"; and the very slight use of probation.

Milwaukee, of course, presents marked divergences from the Illinois and Chicago-Cook County pattern. First of all, 85.88 per cent of all "not guilty-not guilty" pleas are followed by the ascertainment of guilty (cf. Chicago-Cook County 44.70 per cent). Of these "guilty" cases no less than 38.44 per cent are put on probation. But the proportions in the probation groups for original not guilty pleas are less than one-half larger than for the "not guilty-not guilty"; and the changed pleas result in a relatively high proportion of probation also—29.41 per cent as against 21 (approximately) in Chicago-Cook County. These are, of course, not unexpected results, when one considers the fact that 32.06 per cent of all cases guilty are put on probation in Milwaukee.

Of the other modifications and of new trials and appeals, the percentages are too small to be significant.

In conclusion then, it would seem safe to generalize to this extent at least: that the plea most likely to result in probation is always an original plea of guilty; next best, save in Milwaukee, a change to guilty from not guilty; and least likely, the plea of not guilty, unchanged.

In Table D-1 the sum of the column is the base of the percentages, instead of the sum of the row, as in Table D-2; in the former we can see at a glance the relative contributions of the several pleas to the given disposition.

In Illinois 18.58 per cent of the guilty have plead not guilty, unchanged; about the same per cent plead guilty as a first plea; and 62.76 per cent have changed a plea to guilty. Probation shows fewer "not guilty unchanged" pleas (11.38 per cent); more original guilty pleas (26.86); and almost the same proportion of changed pleas (61.13 per cent). Modifications for the whole state number only 26, and their percentages, therefore, are not very

### *Illinois Crime Survey*

significant; but the percentage distribution is not far from that of the guilty column. New trials and appeals show, of course, the largest per cent among those who plead "not guilty unchanged," but it is interesting to note that 21.42 per cent of these occurred where the plea had been guilty, first or last, and two-thirds of these were where pleas were changed.

In Chicago-Cook County the "guilty" column shows a very high percentage in the changed pleas, a low one in the original guilty pleas, and an average (based on Illinois) in the "not guilty unchanged" plea. Percentages of probation are much like the percentages of guilty. In the more urban we find the "guilty" disposition devoted largely and equally to the two major types of pleas of guilty, with 42.44 and 42.81 respectively for original and changed pleas of guilty. Probation here seems more likely in the case of the original pleas of guilty and less so in the changed pleas of guilty (62.49 to 34.67 per cent).

In the seven less urban counties, the guilty show an almost average percentage in the "not guilty unchanged" plea; less than the immediately previous group of jurisdictions in the original guilty pleas (30.45 to 42.44 per cent); and more in the changed plea group (50.21 to 42.81 per cent). In the last two classes these jurisdictions are above the average for the state in the original guilty pleas (30.45 to 18.32 per cent); and below the average on changed pleas (50.21 to 42.81 per cent). Here practically no application of probation takes place in the "not guilty-not guilty" class (1 case, 2.04 per cent), and 39.77 and 55.11 per cent for original guilty pleas and changed pleas respectively.

Williamson-Franklin Counties are quite divergent from the average; 38.67 per cent of the guilty plead "not guilty unchanged," and 60 per cent of them plead guilty originally. The changed pleas are negligible.

Milwaukee has an unusually high percentage of "guilty" dispositions in the "not guilty unchanged" pleas class; a slightly smaller percentage in the original pleas of guilty than that in Illinois; and a small percentage in the change of plea classes. It is also apparently wiser to plead "not guilty-not guilty," or to make an original plea of guilty than to change a plea if it is desired to be put on probation, as the percentages 34.53, 62.48, and 2.99 seem to indicate in that column.

#### (XII) BAIL, ANALYZED AS TO DISPOSITION

59. *Explanation  
of Table E.*

In Table E is presented a comparison of the percentage distribution of major types of dispositions for bailed cases and for all cases *within* the following groups: eliminated in preliminary hearing; eliminated in grand jury; eliminated in trial court; guilty in trial court; entering trial court. Due to the method of tabulating, we are unable to present a disposition table of the type of chapter one for preliminary hearing or grand jury. In these two groups we have only the distributions within the eliminations in the two stages of procedure, and not the percentage of eliminations and of cases going on to the next stage. In the trial court cases, however, we have both types of data. The last section shows the percentages of the relationship of bail to the basic problem of disposition; namely, was the case eliminated

# RELATION OF BAIL TO DISPOSITION

	TOTAL ILLINOIS			CHICAGO			CHICAGO AND COOK COUNTY			EIGHT MORE URBAN COUNTIES		
	Bailed		All Cases %	Bailed		All Cases %	Bailed		All Cases %	Bailed		All Cases %
	No.	%		No.	%		No.	%		No.	%	
Eliminated Preliminary Hearing:												
10. Discharged	1033	40.67	35.54	945	42.17	34.57	945	42.09	35.14	77	29.39	40.63
11. Nolle Prosequi	239	9.41	12.02	204	9.10	12.51	205	9.13	12.59	29	11.07	8.70
12. Dismissed, want of Prosecution	1127	44.37	39.55	976	43.55	40.84	979	43.61	40.21	136	51.91	40.33
13-22. Other eliminations	141	5.55	12.89	116	5.18	12.08	116	5.17	12.06	20	7.63	10.34
TOTAL	2540	100.00	100.00	2241	100.00	100.00	2245	100.00	100.00	262	100.00	100.00
Eliminated Grand Jury:												
02. No Billed	365	70.74	80.04	231	88.17	93.53	233	88.26	92.35	97	54.49	49.30
01, 03, 06. Other eliminations	151	29.26	19.96	31	11.83	6.47	31	11.74	7.65	81	45.51	50.70
TOTAL	516	100.00	100.00	262	100.00	100.00	264	100.00	100.00	178	100.00	100.00
Eliminated Trial Court:												
30-35. Nolle, Stricken, Discharged, etc.	693	42.83	56.22	522	49.81	62.69	550	50.00	62.37	89	28.90	47.77
44-46-48. Acquitted, by Jury or Court	364	22.50	16.82	311	29.68	21.52	322	29.27	21.72	21	6.82	6.41
36-43-53. Pending and other eliminations	561	34.67	26.96	215	20.52	15.79	228	20.73	15.91	198	64.28	45.82
TOTAL	1618	100.00	100.00	1048	100.00	100.00	1100	100.00	100.00	308	100.00	100.00
Guilty:												
45-47-50-52-55. Guilty Lesser Offense	430	64.47	63.59	350	74.79	75.54	371	74.95	75.29	36	31.86	30.05
49-51. Guilty Offense charged	236	35.38	36.06	118	25.21	24.25	124	25.05	24.67	76	67.26	69.22
54. Adjudged Insane	1	.15	.35			.21			.04	1	.88	.73
TOTAL	667	100.00	100.00	468	100.00	100.00	495	100.00	100.00	113	100.00	100.00
Eliminated and Guilty, Trial Court:												
Eliminated	1618	70.81	53.46	1048	69.13	50.84	1100	68.96	50.85	308	73.16	56.67
Guilty	667	29.19	46.54	468	30.87	49.16	495	31.04	49.15	113	26.84	43.33
TOTAL	2285	100.00	100.00	1516	100.00	100.00	1595	100.00	100.00	421	100.00	100.00

TABLE E—Concluded  
RELATION OF BAIL TO DISPOSITION

	SEVEN LESS URBAN COUNTIES			TWO RURAL COUNTIES			WILLIAMSON AND FRANKLIN			MILWAUKEE		
	Bailed		All Cases %	Bailed		All Cases %	Bailed		All Cases %	Bailed		All Cases %
	No.	%		No.	%		No.	%		No.	%	
Eliminated Preliminary Hearing:												
10. Discharged	11	34.38	35.43						26.00	47	63.51	73.67
11. Nolle Prosequi	5	15.62	6.69						12.00	15	20.27	10.03
12. Dismissed, want of Prosecution	11	34.38	20.08			62.50	1	100.00	40.00	5	6.76	7.84
13-22. Other eliminations	5	15.62	37.80			37.50			22.00	7	9.46	8.46
TOTAL	32	100.00	100.00			100.00	1	100.00	100.00	74	100.00	100.00
Eliminated Grand Jury:												
02. No Billed	35	61.40	53.98			40.00						
01, 03, 06. Other eliminations	22	38.60	46.02	2	100.00	60.00	15	100.00	100.00			
TOTAL	57	100.00	100.00	2	100.00	100.00	15	100.00	100.00			
Eliminated Trial Court:												
30-35. Nolle, Stricken, Discharged, etc.	36	34.62	43.54				18	17.14	34.62	11	57.90	73.14
44-46-48. Acquitted, by Jury or Court	14	13.46	9.86				7	6.67	4.89	1	5.26	20.57
36-43-53. Pending and other eliminations	54	51.92	46.60	1	100.00	100.00	80	76.19	60.49	7	38.84	6.29
TOTAL	104	100.00	100.00	1	100.00	100.00	105	100.00	100.00	19	100.00	100.00
Guilty:												
45-47-50-52-55. Guilty Lesser Offense	19	38.78	30.45			8.33	4	44.94	29.33	11	64.71	35.50
49-51. Guilty Offense charged	30	61.22	68.73	1	100.00	91.67	5	55.56	70.67	5	29.41	62.96
54. Adjudged Insane			.82							1	5.88	1.54
TOTAL	49	100.00	100.00	1	100.00	100.00	9	100.00	100.00	17	100.00	100.00
Eliminated and Guilty, Trial Court:												
Eliminated	104	67.97	54.75	1	50.00	40.00	105	92.11	79.22	19	52.78	23.04
Guilty	49	32.03	45.25	1	50.00	60.00	9	7.89	20.78	17	47.22	76.96
TOTAL	153	100.00	100.00	2	100.00	100.00	114	100.00	100.00	36	100.00	100.00

## *Recorded Felonies: An Analysis and General Survey*

or guilty? Because of the importance of this question, the last section will be discussed first. The ultimate classes of dispositions have been combined into summary groups, which constitute the stub of the table.

60. *Summary.* For Illinois as a whole, for Chicago-Cook County, and the more and the less urban counties we have (Table E) a decided association of bail with elimination; e. g., in Illinois 70.81 per cent as compared with 53.46 per cent in all cases. The relation is the same, though both percentages are higher in Williamson-Franklin Counties; and it is the same, though lower, in Milwaukee. This suggests either that the cases which are weaker (from the state's point of view) are more likely to be bailed, or that the fact of bail may play a role in the determination of innocence. What this role is it is impossible, of course, to state with certainty, but it may be connected with the value of delay to the defendant.

61. *Preliminary Hearing.* The relationships may be summarized in this manner; wherever the percentage of a given disposition among the bailed cases is greater than that among all cases a plus mark (+) will be set down; where less, a minus sign(—).

TABLE E-1. ELIMINATED IN PRELIMINARY HEARING

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	Mil- waukee
Discharged .....	+	+	+	—	—	+
Nolle prosequi.....	—	—	—	+	+	—
Dismissed, want of prosecution....	+	+	+	+	+	—
Other dispositions.....	—	—	—	—	—	+

Omitting the two rural and Williamson-Franklin Counties because of small numbers or no cases, we see that bail is associated in Illinois, Chicago and Cook County with a larger percentage of dispositions by "discharge" and "dismissal for want of prosecution" and with a lesser percentage of "nolle prosequi" and "other dispositions." The more and the less urban reverse this relationship for "discharged" and "nolle prosequi," but keep it for the other two, as in Chicago-Cook County. As usual Milwaukee differs.

62. *Grand Jury.* In the grand jury the percentage distribution of eliminations is of no particular importance, but is nevertheless summarized as follows:

TABLE E-2. ELIMINATED IN GRAND JURY

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	William- son and Franklin Counties
No billed.....	—	—	—	+	+	+
Other dispositions.....	+	+	+	—	—	+

The main fact here is that "other dispositions" are relatively more numerous in Chicago-Cook County and less numerous in the rest of the State. Milwaukee eliminates no cases in the grand jury, hence is absent from this table.

## Illinois Crime Survey

### 63. *Eliminated in the Trial Court.*

TABLE E-3. ELIMINATED IN TRIAL COURT

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	William- son and Franklin Counties	Mil- waukee
Discharged, nolle, stricken.....	—	—	—	—	—	—	—
Acquitted by jury or court.....	+	+	+	+	+	+	—
Pending or others.....	+	+	+	+	+	+	+

Here we have an almost perfect uniformity. Throughout the various jurisdictions the eliminations by the prosecutor are less where bail is used than in the total of all cases. Acquittals by jury or court are greater in each section of Illinois, but less in Milwaukee (the only deviation in this table). "Pending" and "other" eliminations are greater in all the jurisdictions.

### 64. *Guilty in the Trial Court.*

TABLE E-4. GUILTY IN TRIAL COURT

	Total Illinois	Chicago	Chicago and Cook County	Eight More Urban Counties	Seven Less Urban Counties	William- son and Franklin Counties	Mil- waukee
Guilty of lesser offense.....	+	—	—	+	+	+	+
Guilty of offense charged.....	—	+	+	—	—	—	—

"Guilty of lesser offense" reveals in Chicago and Cook County a slighter tendency (though the difference is really negligible) of bailed cases to fall into this class; correspondingly the relationships are reversed in the "guilty of offense charged." Taking the state as a whole we see almost no tendency for bail primarily to be associated with one or the other of these types of disposition. In Milwaukee, however, there seems to be a much greater association of bail with guilt of lesser degree, and less association of bail with guilt of offense charged.

## (XIII) ASSIGNMENT OF COUNSEL, ANALYZED AS TO DISPOSITION OF CASES

65. *Explanation of Table F.* One of the questions arising from time to time in the analysis of the operation of our trial courts is that of the value of our system of assigning counsel to indigent defendants. In Table F we have a summary of the facts revealed by our investigation.

This table gives, in paired columns, by jurisdictional groups, the percentage eliminated and the percentage guilty, in the first of the two columns of each pair for the cases in which counsel were assigned, and in the second for all cases entering the trial courts. Unfortunately the data were impossible to obtain for Chicago and Cook County, save on two cases. The table represents, therefore, the results for Illinois outside of Chicago.

In every Illinois group we find the percentage of guilty cases larger in the group to whom counsel were assigned than in the total cases. Expressing the relationship of the percentage guilty (with assigned counsel) to the



TABLE F  
RELATION OF ASSIGNED COUNSEL TO DISPOSITION

	Total Illinois		Chicago		Chicago and Cook County		Eight More Urban Counties		Seven Less Urban Counties		Two Strictly Rural Counties		Williamson and Franklin		Milwaukee	
	As-signed Counsel	All Cases	As-signed Counsel	All Cases	As-signed Counsel	All Cases	As-signed Counsel	All Cases	As-signed Counsel	All Cases	As-signed Counsel	All Cases	As-signed Counsel	All Cases	As-signed Counsel	All Cases
Number entering Trial Court	315	7438	2	4982	2	5253	218	1267	71	537	4	20	20	361	126	1519
Percentage entering Trial Court	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
Per cent Eliminated	35.56	53.47		50.84		50.85	39.91	56.67	21.13	54.75	50.00	40.00	40.00	79.22	22.22	23.04
Per cent Guilty	64.44	46.53	100.00	49.16	100.00	49.15	60.09	43.33	78.87	45.25	50.00	60.00	60.00	20.78	77.78	76.96

## *Illinois Crime Survey*

percentage guilty (of all cases) in the form of ratios, we have the following summary:

Total Illinois .....	138 to 100
Eight more urban counties.....	139 to 100
Seven less urban counties.....	174 to 100
Williamson-Franklin .....	195 to 100
Milwaukee .....	101 to 100

(Chicago and the two rural counties are omitted because of the small numbers of cases).

Except in Milwaukee, it seems advisable for a defendant to pick his own counsel. The causes of this situation are complicated by differences in local practice. Moreover, the comparison of percentages is not quite fair, since the numbers in the second column of each pair are usually very much larger than those in the first; nevertheless, the results raise some questions.

### (XIV) TIME ELAPSED IN RELATION TO DISPOSITION

66. *Explanation of Table G.* Five time intervals are considered in this study; they are calculated by days from the first to the second of the stages in each class:

- A. Complaint to disposition in the trial court.
- B. Complaint to disposition in preliminary hearing.
- C. Disposition in preliminary hearing to disposition in grand jury.
- D. Disposition in grand jury to arraignment in trial court.
- E. Arraignment in trial court to disposition in trial court.

Outside of Cook County, including Chicago, it was in general impossible to find in the records the date of arraignment; therefore the intervals D and E are combined as E for these jurisdictions, and time interval C is calculated only for Chicago and Cook County.

The process of summarization is as follows: The median<sup>1</sup> time interval was calculated for each county, for each disposition and time interval. Because of the unreliability of the median of a small number of cases, where there were less than fifteen time intervals reported for any disposition in any county the median was not calculated.

<sup>1</sup> The "median" is that value above which and below which 50 per cent of the cases in any distribution fall; e. g., eleven time intervals are as follows:

Order in Which Found	Arranged in Order of Magnitude
66 days	49 days
57	57
49	62
68	64
80	66—median
81	68
85	71
62	80
71	81
64	85
86	86

Here 66 days is the median time interval: there are five cases larger than 66 and five smaller. The principal advantage of the median lies in the fact that it is uninfluenced by the size of the extreme variations. The ordinary average or mean is very sensitive to extreme variations. A single case, sufficiently divergent from the great mass of cases, can increase or decrease the mean very pronouncedly.

## *Recorded Felonies: An Analysis and General Survey*

For the combined groups of counties the means of these medians were used, each median being weighted by the number of cases of which it was the median. The numbers of cases in these tables are not the same as those of the disposition tables, because of the omission of the data for groups under fifteen and also because the dates were not always available in the records.

67. *Time Interval A:* In the "Total Illinois" row we find (Table G-1) cases eliminated in the preliminary hearing taking roughly 10.5 days; cases eliminated in grand jury approximately twice that amount; and cases eliminated in the trial court over ten times that amount. The average time interval for cases which are found guilty is 42.8 days less than for those which are eliminated. Most of the guilty cases were pleaded guilty, so that the correspondence between the figure for all guilty cases and for pleas accepted (67.90 and 66.84) is to be expected. The retarding effect of trial, as distinguished from acceptance of plea, is discovered in the figure 105.96, the median number of days for cases found guilty by a jury, and for cases in which the judge tried the case directly, 76.65.

The figures for Chicago and Cook County are very close together, and fairly close to those for the whole State, which is quite natural considering the fact that Chicago-Cook County constitute numerically a large part of the numbers for the whole state. It should be noted, however, that save for the group eliminated in the grand jury we have in the metropolitan area a slightly larger time period than in the state as a whole.

It follows from the last comparison that the remainder of the state should show considerably smaller time intervals than Chicago. This is borne out in nearly all the points of comparison. The eight more urban counties are faster in the preliminary hearing, slower in the grand jury, much faster in eliminated cases of the trial court, and slightly faster in the guilty and the various types of the guilty (acceptance of plea and trial by jury). We note also that jury trials are longer than acceptances, and acceptances are much shorter than "guilties" in general. The seven less urban counties show a very brief interval in cases eliminated in the preliminary hearing; a long period in the cases eliminated in the grand jury. This may be traceable to the delays arising from the term system of holding court. On the other hand, the group eliminated in preliminary hearing is slightly under the average for the state; the guilty group as a whole and the plea accepted group are very low. The small number of jury trials almost equals Chicago in duration of this time interval. The contrast between trial by jury cases and plea accepted cases is very marked in these seven jurisdictions. Williamson-Franklin is in general low—in some instances very low; e.g., the 6.88 in the plea accepted group. Milwaukee shows the highest time interval of all for eliminated in preliminary hearing—about half that of Chicago for eliminated in trial court, and about one-fourth in plea accepted and all guilty cases. Jury trials are much lower than in any Illinois group save the eight more urban counties. The group of cases here reported as convicted by the judge alone shows an extraordinarily small interval.

The general conclusions to be drawn from this table are (1) trials ending unsuccessfully for the state take much more time than the successful

TABLE G-1—TIME INTERVALS  
TIME INTERVAL A  
COMPLAINT TO DISPOSITION IN THE TRIAL COURT

	Eliminated in Preliminary Hearing		Eliminated in Grand Jury		Eliminated in Trial Court		Guilty		Plea Accepted		Convicted by Jury		Found Guilty by Court	
	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.
Total Illinois	6702	10.45	1578	23.33	3056	110.70	3413	67.90	2758	66.84	262	105.96	281	76.65
Chicago	5624	11.27	1309	18.04	2210	112.88	2437	74.35	1974	71.19	197	113.21	266	77.31
Chicago and Cook County	5857	10.90	1348	18.75	2332	113.35	2569	73.56	2082	70.48	197	113.21	281	76.65
Eight more Urban Counties	660	8.23	190	44.95	379	81.79	543	65.84	472	63.04	21	65.00		
Seven less Urban Counties	154	4.11	40	7.50	122	110.50	226	48.47	158	48.11	26	112.50		
Two rural Counties														
Williamson and Franklin	31	5.25			123	30.92	75	21.07	46	6.88	18	65.00		
Milwaukee	292	16.88			350	57.25	1149	17.22	704	15.55	49	75.00	395	23.17

## *Recorded Felonies: An Analysis and General Survey*

ones; (2) this brevity is largely due to the predominance of pleas accepted in the guilty group; (3) trial by jury in general takes much more time than acceptance of pleas; (4) in general, speed of trial is greater outside of the Metropolis; (5) Milwaukee shows mostly short intervals, some of them remarkably short.

68. *Time Interval B:  
Complaint to Disposition  
in Preliminary Hearing.*

The outstanding fact here (Table G-2) is simply this: cases eliminated in the preliminary hearing show uniformly a greater, sometimes much greater, period in this stage than cases progressing to further stages; and there is a fair uniformity in this time interval in all the cases passing beyond the preliminary hearing. A comparison of the several jurisdictions in the median column of eliminations in the preliminary hearing shows Chicago high; down-state low, and Milwaukee very high.

69. *Time Interval C:  
Disposition in Preliminary  
Hearing to Disposition  
in Grand Jury.*

In Table G-3 we find no such marked difference between the time interval of the eliminated cases in the grand jury and the time interval in the subsequent classes as the one we found in the case of time interval B. In the whole State, and Chicago and Cook County, there is slight change as one passes from the first median to the successive medians. There is some difference in the eight more urban counties, but it is not nearly so marked as in the preceding time interval section (B). A still slighter difference is seen in the case of the seven less urban counties. Milwaukee has no eliminations in the grand jury and shows a roughly uniform series of medians.

70. *Time Interval D:  
Disposition in Grand  
Jury to Arraignment  
in Trial Court.*

Since the date of arraignment was not found outside of Chicago-Cook County, we have (Table G-4) only the figures for these two jurisdictions together with their total, here labeled "Total Illinois." These medians are quite uniform throughout, horizontally and vertically, and hence show no significant tendencies related to disposition.

71. *Time Interval E:  
Arraignment in Trial  
Court to Disposition  
in Trial Court.*

Here (Table G-5) we find again the marked influences of the procedure on the time interval, which was noted in the discussion under A. Cases eliminated in the trial court, in Chicago-Cook County, and the total State take over twice the time which the guilty cases consume. The acceptance of a plea is the principal factor in speeding up these guilty cases, for the jury trial slows cases down to the standard of eliminated cases. Trial and conviction by the court is seen also to be a means of expediting disposition. This tendency is slightly less in the eight more urban counties; but in the seven less urban counties the difference is greatly increased—over three to one—and in Williamson-Franklin it is nearly five to one.

The guilty cases in the more and the less urban counties show the same general tendencies as the metropolitan guilty cases, but they are much less pronounced in their range; they have also smaller intervals than Chicago-

**TABLE G-2—TIME INTERVALS**  
**TIME INTERVAL B**  
**COMPLAINT TO DISPOSITION IN THE PRELIMINARY HEARING**

	Eliminated in Preliminary Hearing		Eliminated in Grand Jury		Eliminated in Trial Court		Guilty		Plea Accepted		Convicted by Jury		Found Guilty by Court	
	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.
Total Illinois	6702	10.45	1880	2.09	1986	3.08	2397	2.05	2003	2.04	145	1.78	195	1.85
Chicago	5624	11.26	1389	1.84	1439	3.07	1823	1.79	1518	1.78	110	1.81	195	1.85
Chicago and Cook County	5857	10.89	1442	1.83	1502	3.01	1880	1.79	1568	1.77	110	1.81	195	1.85
Eight more Urban Counties	660	8.24	324	3.31	380	3.38	408	3.35	348	3.37	18	1.56		
Seven less Urban Counties	154	4.11	61	2.03	67	3.80	109	1.73	87	1.70	17	1.85		
Two rural Counties														
Williamson and Franklin	31	5.25	53	1.82	37	1.80								
Milwaukee	292	16.88			350	4.50	1151	1.98	705	1.89	49	8.83	396	3.29

TABLE G-3—TIME INTERVALS  
 TIME INTERVAL C  
 DISPOSITION IN THE PRELIMINARY HEARING TO DISPOSITION IN GRAND JURY

	Eliminated in Preliminary Hearing		Eliminated in Grand Jury		Eliminated in Trial Court		Guilty		Plea Accepted		Convicted by Jury		Found Guilty by Court	
	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.
Total Illinois			1516	18.86	1955	23.09	2380	18.81	1989	18.08	145	22.99	194	13.33
Chicago			1312	13.84	1431	15.96	1820	13.07	1516	12.91	110	13.80	194	13.33
Chicago and Cook County			1348	14.57	1491	16.18	1875	13.49	1565	13.21	110	13.80	194	13.33
Eight more Urban Counties			128	49.58	363	40.97	398	37.75	339	37.77	18	30.00		
Seven less Urban Counties			40	65.00	64	61.70	107	41.62	85	29.17	17	75.00		
Two rural Counties														
Williamson and Franklin														
Milwaukee					306	9.14	1151	7.57	705	7.04	49	14.50	396	8.21

TABLE G-4—TIME INTERVALS  
TIME INTERVAL D  
DISPOSITION IN GRAND JURY TO ARRAIGNMENT IN TRIAL COURT

	Eliminated in Preliminary Hearing		Eliminated in Grand Jury		Eliminated in Trial Court		Guilty		Plea Accepted		Convicted by Jury		Found Guilty by Court	
	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.
Total Illinois					2569	24.90	2571	24.71	2082	24.26	200	25.00	265	25.90
Chicago					2439	25.01	2439	24.88	1974	24.49	200	25.00	265	25.90
Chicago and Cook County					2569	24.90	2571	24.71	2082	24.26	200	25.00	265	25.90
Eight more Urban Counties														
Seven less Urban Counties														
Two rural Counties														
Williamson and Franklin														
Milwaukee														



TABLE G-5—TIME INTERVALS  
TIME INTERVAL E  
ARRAIGNMENT IN TRIAL COURT TO DISPOSITION IN TRIAL COURT

	Eliminated in Preliminary Hearing		Eliminated in Grand Jury		Eliminated in Trial Court		Guilty		Plea Accepted		Convicted by Jury		Found Guilty by Court	
	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.	No.	Med.
Total Illinois					2905	59.78	3414	26.73	2758	25.15	262	57.95	280	30.43
Chicago					2185	59.30	2436	28.64	1974	27.12	197	63.57	265	29.75
Chicago and Cook County					2307	60.50	2568	28.38	2082	26.85	197	63.57	280	30.43
Eight more Urban Counties					354	40.27	545	23.06	472	21.68	21	33.38		
Seven less Urban Counties					122	64.62	226	18.76	158	18.74	26	30.33		
Two rural Counties														
Williamson and Franklin					122	97.99	75	20.85	46	5.87	18	65.00		
Milwaukee					300	11.00	1151	1.80	705	1.72	49	6.88	396	1.93

## Illinois Crime Survey

Cook County. Williamson-Franklin shows the same tendencies, but with a wide proportionate up and down swing.

In Milwaukee we find an astonishing speed within the trial court. The cases that are eliminated take 11 days; and barring jury trials, the average time interval for guilty cases is 1.7 days. It is a demonstration of the possibility of rapid court action—even in the United States.

### (XV) SUMMARY OF FOREGOING ANALYSIS

72. *Disposition of Cases in General.* For the state as a whole, out of, every 100 arrests for felonies, 15 eventuate in a sentence which is executed. Excepting Williamson-Franklin Counties, the jurisdictions outside of Chicago show a somewhat higher ratio. Nearly one-half of all cases—44 per cent—are eliminated in the preliminary hearing; in Chicago the ratio is 49 per cent. The remainder of the state is uniformly lower in this respect. The Grand Jury in Illinois still functions as an important agency of elimination, dropping out about one-eighth of all cases, quite uniformly throughout the State. In the trial court 24 per cent are eliminated in the State as a whole; a smaller proportion in Chicago; a larger in most of the rest of the State. Probation eliminates about one case in twenty. Mistrials and appeals are numerically unimportant. In the state as a whole 93 per cent of all eliminations in the preliminary hearing are found to be cases that are never apprehended, nolle, discharged outright, or dismissed for want of prosecution. In all of Illinois 27 per cent of all cases entering the trial court are eliminated by nolle or are "stricken with leave to reinstate." The prosecutor is responsible for 55 per cent of all eliminations in the trial court (total state). The judge is responsible for 10 per cent of the eliminations in the trial court. The jury is responsible for 10 per cent of the eliminations in the trial court. Of all Illinois cases that are found or plead guilty, the action of the judge is definitive in 8 per cent; of the jury in 10 per cent; and 81 per cent of the cases plead guilty.

In Chicago 12 per cent of the cases entering the trial court are found or plead guilty of the offense charged; and 37 per cent of a lesser offense; while in the remainder of the state the proportions are roughly reversed. Considering both preliminary hearing and trial court, the judiciary in all Illinois is responsible for the elimination of 23 per cent of all cases entering by arrest; the prosecutor for 36 per cent; and only 4.5 per cent of all the cases are disposed of by the petit jury.

73. *Nature of Charge in Its Significance for Disposition.* In the whole state 81 per cent of the charges made against defendants were of the four "gainful" crimes of larceny, embezzlement and fraud, robbery, and burglary; Chicago and Cook County stood slightly above this point (82 per cent); the two rural counties higher (88 per cent) and the rest of the state lower. Crimes against the person were 12.5 per cent of the total in the state as a whole, with slight variation save in Williamson-Franklin, where the proportion is doubled. There is no clearly defined trend in the relationship of charge and disposition. Taking the percentage "guilty" in the entire state for each type of offense as 100 we find that within a given jurisdiction the charges vary among themselves

## *Recorded Felonies: An Analysis and General Survey*

somewhat extensively; but that no general trend is discoverable other than that shown between the several jurisdictions in Part 1 of this chapter.

74. *Sentences.* In Illinois as a whole only one per cent of the sentences are "fined only"; 3 per cent are "fined and sentenced" (to a term of imprisonment); 44 per cent given a definite term and 55 per cent an indefinite term. (The "fined and sentenced" are included in the definite or indefinite term groups; which accounts for the failure of these figures to add up to 100 per cent). Ninety-nine per cent of all sentences result in imprisonment. Definite term sentences in Illinois as a whole are 54 per cent within the limit of one year; in the less urban counties 86 per cent are of this length; 94 per cent of all in Illinois are under 5 years.

The indefinite term sentences fall to the extent of 89 per cent in Illinois as a whole within three types; those in which the minimum term set is one year and the maximum from 6 to 10 years; those in which the minimum is one year and the maximum from 14 to 25 years; and those in which the minimum is 3 and the maximum 20 years.

Life sentences (10 years to life) are 5 per cent of the indefinite sentences.

Death sentences are .69 per cent of the indefinite term sentences, if they can be so classified; and .06 of one per cent of all arrests: 10 cases in 16,812.

For Illinois about 8 per cent of the persons sentenced to imprisonment are sent to jail; 30 per cent to workhouses; 32 per cent to Joliet; 8 per cent to Chester; 20 per cent to Pontiac.

75. *Pleas and Dispositions.* Almost exactly one-half of all cases entering the trial court plead not guilty; the other half plead guilty. These are the ultimate pleas offered. In Chicago-Cook County the "not guilty" pleas are 58 per cent of these cases. Of those pleading guilty ultimately, in Illinois as a whole 34 per cent, in Chicago-Cook County 22 per cent, plead guilty of the offense charged; the remainder guilty of a lesser offense.

Of all final pleas 46 per cent are unchanged from the first; in Chicago 41 per cent; the remainder are changed, either from not guilty to guilty or from guilty of offense charged to guilty of a lesser offense.

The chances of being put on probation are about two and a half times as great after an original plea of guilty than after a plea of not guilty persisted in.

Changes in pleas are less effective than pleas of guilty persisted in, so far as securing probation is concerned.

76. *Bail and Disposition.* In the preliminary hearing, cases bailed have a better chance of elimination than cases in general, both in Illinois as a whole and in Chicago-Cook County. In the trial court eliminated cases in every jurisdiction of the state show these results: Less elimination by nolle, discharge, stricken with leave; more elimination by acquittal, or by pending; than in the cases as a whole.

Of the cases guilty in the trial court, the bailed cases guilty of a lesser offense are more numerous in the state as a whole and less numerous in

## *Illinois Crime Survey*

Chicago and Cook County than cases in general, and exactly the opposite is true of cases guilty of the offense charged.

77. *Assigned Counsel and Disposition.* Throughout Illinois (except Chicago and Cook County, for which there were no data) the chances of being adjudged or of pleading guilty are greater for assigned counsel cases than for all cases in general in the ratio of from 138 to 195 to 100.

78. *Time Elapsed in Its Relation to Disposition.* The average time elapsing from complaint to disposition in trial court increases with the number of stages before disposition. Cases which are disposed of in the trial court as guilty take 68 days; eliminated take 111 days. The short period for guilty cases is evidently due to the short period for pleas of guilty cases; 67 days. In general, time intervals are shorter outside of Chicago. Jury trials in general take much more time than pleas of guilty.

### (XVI) COMPARISON OF MILWAUKEE AND CHICAGO

#### 79. *Disposition in General.*

	Milwaukee Per Cent	Chicago Per Cent
Guilty .....	63.60	19.53
Eliminated in preliminary hearing.....	17.36	48.83
Eliminated in grand jury.....	0.00	11.45
Eliminated in trial court.....	19.04	20.19
On probation .....	27.26	4.07
Sentences executed .....	35.96	15.03

#### 1. Preliminary hearing:

The same types of eliminations produce approximately the same total percentage of all eliminations in the two cities.

#### 2. Trial court:

Of all cases entering the trial court Milwaukee eliminates 5.53 per cent by nolle (no "stricken" cases) and Chicago 27.18 per cent by nolle and "stricken" dispositions.

3. Eliminations by the prosecutor in the trial court are about one-half as important as a means of elimination in Milwaukee as in Chicago.

4. Due to a law whereby jury trials may be waived by the defendant, and trial by the judge substituted, the judge in Milwaukee is responsible for six times the proportion of elimination that the judge in Chicago is responsible for.

5. The jury is about as important in Milwaukee as the jury in Chicago.

6. Milwaukee disposes of as guilty a much larger percentage of cases on the original charge than Chicago; and a much smaller percentage on a lesser charge.

	Milwaukee Per Cent	Chicago Per Cent
Original charge .....	73.52	11.92
Lesser charge .....	2.23	37.14

80. *Nature of Charge.* Milwaukee deviates more from the percentage distribution of Chicago-Cook County than does any portion of Illinois outside of Chicago. Milwaukee has 33.47 per cent of all cases in the four principal crimes against property; Chicago

### *Recorded Felonies: An Analysis and General Survey*

82.75 per cent. Milwaukee has 27.37 per cent of all cases in the four principal crimes against the person; Chicago 12.18 per cent.

#### 81. *Sentences.*

Total sentences executed:

	Milwaukee Per Cent	Chicago Per Cent
Definite term sentences.....	40.83	50.05
Indefinite term sentences.....	47.00	49.21
Fined and sentenced.....	1.85	42.08
Fined only .....	12.17	.74
Institutional commitments .....	90.60	99.06

Definite term sentences:

	Milwaukee Per Cent	Chicago Per Cent
Under one year.....	23.02	49.05
Under five years.....	90.94	94.85

Indefinite term sentences:

	Milwaukee Per Cent	Chicago Per Cent
One to five years.....	79.01	1.49
One to from six to ten years.....	8.20	42.22

Institution to which sentenced:

	Milwaukee Per Cent	Chicago Per Cent
Jail .....	1.02	6.37
Workhouse .....	54.59	38.08
Insane hospital .....	3.06	.27
Penitentiary .....	26.36	34.54
Reformatory .....	12.25	20.69

82. *Pleas.* In Chicago 58 per cent, in Milwaukee 48 per cent of all cases entering the trial court plead not guilty, without changing. In Chicago 79 per cent of final pleas of guilty were of lesser offenses; in Milwaukee 2 per cent. In Chicago 41 per cent of all final pleas were unchanged from the original; in Milwaukee 96 per cent. Milwaukee has been shown to use probation more than Chicago. This is borne out in the relationship between pleas and probation.

	Milwaukee Per Cent	Chicago Per Cent
Not guilty, not guilty.....	38.44	16.67
Guilty, guilty; guilty, guilty of lesser offense; guilty of lesser offense, unchanged—total .....	40.00	28.40
Not guilty, then guilty.....	29.41	20.70

83. *Bail.* In general Milwaukee shows tendencies opposite to Chicago in this matter: i. e., where Chicago shows bail to be advantageous to the defendant, Milwaukee shows the opposite.

84. *Assignment of Counsel.* Chicago afforded no figures on this level, hence no comparison is possible.

85. *Time Intervals.* In Chicago cases eliminated in the Preliminary Hearing took 11.27 days; Milwaukee 16.88 days. Trial court eliminations required 112.88 days in Chicago; 57.25 in Milwaukee. Guilty on pleas required 71.19 days in Chicago; 15.55 in Milwaukee. Guilty on trials by court took 77.31 days in Chicago, only 23.17 days in Milwaukee. In cases convicted by juries Chicago required 113.21 days and Milwaukee 75.00 days.

APPENDIX: TABLE C  
SUMMARY OF SENTENCES

TOTAL FOR ILLINOIS

	Definite Term Sentences		Indefinite Term Sentences		Fined and Sentenced to Imprisonment			Fined Only		Institutions		
	No.	%		No.	%		No.	%	No.	%		
Total	1154	100.00	Total	1440	100.00	Total	918	100.00	Total	2596	100.00	
Under 1 year	622	53.90	Under 1 year	1	.07	Under \$10	747	81.37	Joliet Pen.	821	31.62	
1-4 years	467	40.47	1-5 years	24	1.67	\$10-24	19	2.07	Chester Pen.	213	8.21	
5-9 years	8	.69	1- (6-10) years	595	41.32	\$25-49	49	5.34	Pontiac Ref	519	19.99	
10-14 years	16	1.39	1- (14-25) years	311	21.60	\$50-74	13	1.42	Insane	12	.46	
15-19 years	5	.43	1-Life	46	3.19	\$75-99	4	.44	Jail	217	8.36	
20-39 years	14	1.22	2-15 years			\$100-499	80	8.70	State Farm	31	1.20	
40 years and over	22	1.90	3-20 years	371	25.76	\$500-999	3	.33	Workhouse	768	29.58	
			5-25 years	5	.35	\$1,000 and over	3	.33	Geneva (Girls)	2	.08	
			5-Life						St. Charles (Boys)	13	.50	
			10-Life	72	5.00							
			14-Life	5	.35							
			Death	10	.69							

CHICAGO

	Definite Term Sentences		Indefinite Term Sentences		Fined and Sentenced to Imprisonment			Fined Only		Institutions			
	No.	%		No.	%		No.	%		No.	%		
Total	954	100.00	Total	938	100.00	Total	802	100.00	14	100.00	Total	1888	100.00
Under 1 year	468	49.05	Under 1 year	1	.11	Under \$10	689	85.91	1	7.14	Joliet Pen.	652	34.54
1-4 years	437	45.80	1-5 years	14	1.49	\$10-24	9	1.12			Chester Pen.		
5-9 years	1	.11	1- (6-10) years	396	42.22	\$25-49	39	4.86	6	42.86	Pontiac Ref.	390	20.69
10-14 years	13	1.36	1- (14-25) years	115	12.26	\$50-74	4	.50	1	7.14	Insane	5	.27
15-19 years	5	.53	1-Life	32	3.41	\$75-99	1	.13	2	14.29	Jail	120	6.37
20-39 years	11	1.15	2-15 years			\$100-499	55	6.86	4	28.57	State Farm		
40 years and over	19	2.00	3-20 years	323	34.43	\$500-999	3	.37			Workhouse	720	38.08
			5-25 years	5	.53	\$1,000 and over	2	.25			Geneva (Girls)	1	.05
			5-Life								St. Charles (Boys)		
			10-Life	42	4.48								
			14-Life	1	.11								
			Death	9	.96								

TABLE C—Continued

CHICAGO AND COOK COUNTY

	Definite Term Sentences		Indefinite Term Sentences		Fined and Sentenced to Imprisonment		Fined Only		Institutions		
	No.	%		No.	%		No.	%		No.	%
Total	1006	100.00	Total	972	100.00	Total	848	100.00	Total	1975	100.00
Under 1 year	501	49.80	Under 1 year	1	.10	Under \$10	727	85.73	Joliet Pen.	681	34.48
1-4 years	453	45.03	1-5 years	14	1.44	\$10-24	10	1.18	Chester Pen.		
5-9 years	4	.40	1- (6-10) years	405	41.67	\$25-49	42	4.95	Pontiac Ref.	401	20.30
10-14 years	13	1.29	1- (14-25) years	128	13.17	\$50-74	5	.59	Insane	6	.30
15-19 years	5	.50	1-Life	32	3.29	\$75-99	1	.12	Jail	124	6.28
20-39 years	11	1.09	2-15 years			\$100-499	58	6.84	State Farm		
40 years and over	19	1.89	3-20 years	330	33.95	\$500-999	3	.35	Workhouse	762	38.59
			5-25 years	5	.52	\$1,000 and over	2	.24	Geneva (Girls)	1	.05
			5-Life						St. Charles (Boys)		
			10-Life	47	4.83						
			14-Life	1	.10						
			Death	9	.93						

EIGHT MORE URBAN COUNTIES

	Definite Term Sentences		Indefinite Term Sentences		Fined and Sentenced to Imprisonment			Fined Only		Institutions		
	No.	%		No.	%		No.	%		No.	%	
Total	88	100.00	Total	266	100.00	Total	27	100.00	Total	358	100.00	
Under 1 year	74	84.09	Under 1 year			Under \$10	5	18.52	Joliet Pen.	118	32.96	
1-4 years	8	9.09	1-5 years	3	1.13	\$10-24	2	7.41	Chester Pen.	96	26.81	
5-9 years	2	2.27	1- (6-10) years	117	43.98	\$25-49			Pontiac Ref.	57	15.92	
10-14 years	3	3.41	1- (14-25) years	87	32.71	\$50-74	4	14.81	Insane	4	1.12	
15-19 years			1-Life	11	4.14	\$75-99	2	7.41	Jail	67	18.72	
20-39 years	1	1.14	2-15 years			\$100-499	14	51.85	State Farm	10	2.79	
40 years and over			3-20 years	30	11.28	\$500-999			Workhouse			
			5-25 years			\$1,000 and over			Geneva (Girls)			
			5-Life						St. Charles (Boys)	6	1.68	
			10-Life	14	5.26							
			14-Life	4	1.50							
			Death									

TABLE C—Continued

SEVEN LESS URBAN COUNTIES

	Definite Term Sentences		Indefinite Term Sentences		Fined and Sentenced to Imprisonment			Fined Only		Institutions			
	No.	%		No.	%		No.	%		No.	%		
Total	51	100.00	Total	131	100.00	Total	35	100.00	3	100.00	Total	183	100.00
Under 1 year	44	86.28	Under 1 year			Under \$10	14	40.00			Joliet Pen.	16	8.74
1-4 years	4	7.84	1-5 years	2	1.53	\$10-24	7	20.00			Chester Pen.	82	44.81
5-9 years	1	1.96	1- (6-10) years	53	40.46	\$25-49	5	14.29	1	33.33	Pontiac Ref.	34	18.58
10-14 years			1- (14-25) years	60	45.80	\$50-74	4	11.42	1	33.33	Insane	2	1.09
15-19 years			1-Life	1	.76	\$75-99					Jail	24	13.11
20-39 years	2	3.92	2-15 years			\$100-499	5	14.29	1	33.34	State Farm	18	9.84
40 years and over			3-20 years	8	6.11	\$500-999					Workhouse	6	3.28
			5-25 years			\$1,000 and over					Geneva (Girls)		
			5-Life								St. Charles (Boys)	1	.55
			10-Life	6	4.58								
			14-Life										
			Death	1	.76								

TWO STRICTLY RURAL COUNTIES

	Definite Term Sentences		Indefinite Term Sentences		Fined and Sentenced to Imprisonment			Fined Only		Institutions		
	No.	%		No.	%		No.	%		No.	%	
Total	1	100.00	Total	10	100.00	Total	1	100.00		Total	11	100.00
Under 1 year	1	100.00	Under 1 year			Under \$10				Joliet Pen.	1	9.09
1-4 years			1-5 years	2	20.00	\$10-24				Chester Pen.	5	45.46
5-9 years			1- (6-10) years	2	20.00	\$25-49	1	100.00		Pontiac Ref.	3	27.27
10-14 years			1- (14-25) years	6	60.00	\$50-74				Insane		
15-19 years			1-Life			\$75-99				Jail		
20-39 years			2-15 years			\$100-499				State Farm	1	9.09
40 years and over			3-20 years			\$500-999				Workhouse		
			5-25 years			\$1,000 and over				Geneva (Girls)	1	9.09
			5-Life							St. Charles (Boys)		
			10-Life									
			14-Life									
			Death									



WILLIAMSON AND FRANKLIN

[illegible]

# ILLINOIS ASSOCIATION FOR CRIMINAL JUSTICE

Serial No. \_\_\_\_\_

## Schedule of Felony Case Histories

County \_\_\_\_\_

6	PRELIMINARY HEARING		TRIAL COURT		
	Name	Date Arraigned	192	Docket No.	29
7	Docket No.	Bailed	Counsel Assigned		30
	Charge	Number Continuances Defdt.	State		31
8	Date Complaint	192	Date Arrest	192	32
9	Bailed	Set for Hearing	192		33
10	Number of Continuances Defdt.	State			34
11	Nature of Disposition	Plea at Trial	Date Final Disp.	192	
	Date of Disposition	Disposition			35
		Nolle Prosequi			36
12	GRAND JURY		Stricken from Docket, Leave to Reinstate.		
	Docket No.	Discharged by Court			
13	Ind	No. B	Date	192	
	Indictment Charge	Discharged—Want of Prosecution.			
		Certified to Other Courts.			
14		Defendant Dead.			
15		Bail Forfeited, Never Apprehended.			
16		Venue Changed.			
17		Mistrial.			
18		Acquitted, Jury Trial.			
19		Plea Accepted, Guilty Offense Charged.			
20		Plea Accepted, Guilty Lesser Offense.			
21		Convicted Offense Charged, Jury Trial.			
22		Convicted Lesser Offense, Jury Trial.			
23		Other Dispositions			
24	TIME STUDY		NATURE OF SENTENCE		
25	Complaint to Disp. P. H. Days	Life	Death	Term	37
26	Disp. P. H. to Disp. G. J. Days	Institution			38
27	Disp. G. J. to Arr. T. C. Days	Amount of Fine			39
28	Arr. T. C. to Disp. T. C. Days	Probation	Modif. of Sent.		40
	Total Elapsed Time	New Trial Granted	Appealed		41
	Days				42
					43
					44
					45