

State of Illinois Circuit Court of Cook County Criminal Division

Paul P. Biebel, Jr. Presiding Judge 2600 South California Avenue Suite 101 Chicago, Illinois 60608 (773) 674-3160 Fax: (773) 674-3093 TYY: (312) 603-6673

April 27, 2015

To: All Felony Court Judges Serving in the Leighton Criminal Courthouse

From: Paul P. Biebel, Jr. Presiding Judge

Re: Report on Judicial Activity for 2014

Cc: Chief Judge Timothy C. Evans

I am pleased to report to you about the outstanding and highly productive performance of the felony courts in the Leighton Criminal Courthouse for 2014.

The figures listed below are obtained from a report prepared by the State's Attorney's office based on daily reports from the First Chairs in each felony courtroom.

- 1) Juries: 302 9.74 per judge
- 2) Bench Trials: 2255 72.7 per judge
- 3) Total Trials: 2557 82.4 trials per judge
- 4) Hearings on Motions: 2081 67.1 per judge
- 5) Total contested events (Trials and Motions) 5638 149.5 per judge
- 6) Pleas of Guilty 13.058 421.2 per judge
- 7) Dispositions 16.545 534.3 per judge

These high numbers are truly impressive when one considers that our courts heard fewer pleas of guilty and presided over more bench trials in 2014 than in past years. This is undoubtedly due to the hard-line position taken by the State's Attorney's office in cases such as UUW and felony DUI cases.

1) Bench Trials:

2014 - 2255 2013 - 2054 2012 - 1855

2) Percentage of bench vs jury trials:

2014 - bench 88.1%, jury 11.9%

2013 – bench 87%, jury 13%

2012 – bench 85.6%, jury 14.4%

3) Total Trials:

2014 - 2558

2013 - 2360

2012 – 2165

4) Percentage of cases resulting in pleas of guilty:

2014 - 78.8%

2013 - 80.4%

2012 - 83.2%

5) Dispositions:

Virtually unchanged, despite the increasing number of bench trials:

2014 – 534.3 per judge

2013 – 534.7 per judge

2012 – 542.1 per judge

You should also be aware that Court Administrator Peter Coolsen has completed a report detailing the number of new felony case assignments and dispositions, as well as the annual clearance rates for the Criminal Division, regarding years 2012 – 2014.

This report was based on numbers provided by the Office of the Clerk of the Circuit Court. Although the disposition numbers differ somewhat from those kept by the State's Attorney's Office (the SAO does not keep assignment numbers) the clearance rates are, again, very impressive:

> 2014 - 106% 2013 - 98% 2012 - 102% 3 year average - 102%

Two further observations:

First, as noted at Page 18 of my September 9, 2014 report to Chief Judge Evans (copy attached as Appendix A), in addition to the large number of cases disposed of by our courts in 2014, there were also large numbers of post-disposition matters which were addressed. A significant portion of a judge's time at 26th Street is taken up with fitness issues as well as the consideration of post-conviction, section 2-1401, <u>habeas corpus</u>, and violations of probation. At present, we are unable to quantify the number of these activities, but we estimate that these efforts comprise 25% of the work-load of a felony trial court judge.

Second, unlike the many civil courts downtown which have one law clerk per judge, here at 26th Street we have only 5 attorney law-clerks who service nearly 40 judges. Consequently, in many instances the judges themselves have to perform legal research and prepare lengthy written orders, particularly regarding post-conviction petitions.

In my September 9, 2014 report I noted at page 18 that a 12 day review revealed that the population of the Cook County Jail exceeded 9000 on 11 of those days. Those numbers have significantly decreased since that time, due, in great measure, to different evaluative standards being utilized in Central Bond Court.

The recent prisoner count for a 12 day period is:

4/10/15	7,666	4/16/15	7,673
4/11/15	7,672	4/17/15	7,657
4/12/15	7,745	4/18/15	7,692
4/13/15	7,819	4/19/15	7,805
4/14/15	7,780	4/20/15	7,839
4/15/15	7,786	4/21/15	7,772

When one reviews the statistics included in this report, as well as those found in my September 9, 2014 report regarding the comparative performance of all the felony courts in Cook County for a 2 ½ year period through the first six months of 2014, and when one compares our performance numbers with the New York City courts, only one conclusion can be drawn: that the judges at 26th Street put in an extraordinary effort to fairly and promptly dispose of huge numbers of felony cases.

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Thank you all for your outstanding performance.

APPENDIX A



State of Illinois Circuit Court of Cook County Criminal Division

Paul P. Biebel, Jr. Presiding Judge

2600 South California Avenue Suite 101 Chicago, Illinois 60608 (773) 674-3160 Fax: (773) 674-3093 TYY: (312) 603-6673

September 9, 2014

To: Timothy C. Evans, Chief Judge

From: Paul P. Biebel, Jr., Presiding Judge $^{\land}$

Re: Comparative Statistics of the Felony Courts in Cook County

Recent conversations have led me to conclude that a detailed and comparative report should be prepared regarding the performances of the Leighton 26th Street Courthouse felony courts, the seven courts in the Skokie and Bridgeview courthouses handling Chicago felony cases, and the five suburban courthouses handling only suburban felony cases.

The statistics contained in this memorandum are obtained from the annual reports of the office of the Cook County State's Attorney. I have confidence in the accuracy of their figures because they are contained in reports submitted by the first chair prosecutors in each court, who obviously have the incentive to give correct numbers. (One exception is the 2014 numbers for the Skokie courts, as noted below).

A caveat is needed regarding the comparison of the 26th Street courts and the seven suburban courts hearing Chicago felony cases. Murder and sex cases from Chicago are only heard in the 26th Street courts. At the end of 2013 the 26th Street courts had an inventory of 464 murders. The complexity of these cases, coupled with the fact that only a few of them result in guilty pleas, impacts directly on the productivity level of the 26th Street courts. Additionally, the plea rate in the city courts in the suburbs are much higher than with the 26th Street courts. These factors all necessarily impact the disposition levels of these courts.

The high productivity level of the Criminal Division in general is evidenced by Exhibit A where a comparison is made regarding our Criminal Division's felony courts and the New York City felony courts in 2013. The report shows a comparable number of felony dispositions even though New York has over three times as many felony courts as our Criminal Division. (121 judges (NYC) vs 45 judges (Chicago)). (NYC – 23, 503 felony dispositions; Chicago- 23, 041).

Attached as Exhibit B are the felony statistics prepared by the State's Attorney's office for the period of January 1, 2014 through June 30, 2014. (As I reviewed this report, it appears that the numbers for the Skokie city and suburban courts are questionable. I am attempting to obtain an explanation).

On an annualized basis for 2014 the following statistics are obtained from that report:

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26th Street Courts: (31 Courts)

Juries – 378 – an average of 12.2 per judge

Benches – 2224 – 71.6 per judge

Motions – 1956 – 63 per judge

Nolles - 752 - 24.2 per judge

Pleas – 13,750 – 443.6 per judge

Dispositions – 17,014 – 551.6 per judge

Percentage of pleas – 80.39%

Skokie City

Revised figures to be obtained.

Bridgeview City

Juries – 16 – 5.34 per judge Benches – 138 – 46 per judge Motions – 412 – 137.2 per judge Nolles – 106 – 33.2 per judge Pleas – 1388 -462.6 per judge Dispositions – 1648 – 549.2 per judge Percentage of Pleas – 84.2%

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Skokie Suburban

Revised figures to be obtained.

Rolling Meadows

Juries – 8 – 4 per judge Benches – 50 – 25 per judge Motions – 164 – 82 per judge Nolles – 142 – 71 per judge Pleas – 1572 – 786 per judge

Dispositions – 1772 – 886 per judge

Percentage of Pleas – 88.7%

Maywood

Juries – 26 – 8.7 per judge Benches – 204 – 68 per judge Motions – 184 – 61.3 per judge Nolles – 68 – 22.6 per judge Pleas – 1625 – 542.6 per judge Dispositions – 1923 – 641 per judge Percentage of Pleas – 84.4%

Bridgeview Suburban

Juries – 20 – 10 per judge Benches – 66 – 33 per judge Motions – 102 – 51 per judge Nolles – 68 – 34 per judge Pleas – 1138 – 569 per judge Dispositions – 1292 – 646 per judge Percentage of Pleas – 88%

<u>Markham</u>

Juries - 92 - 18.4 per judge

Benches - 162 - 32.4 judges

Motions - 400 - 80 per judge

Nolles – 154 – 30.8 per judge

Pleas - 2384 - 476.8 per judge

Dispositions - 2292 - 558.4 per judge

Percentage of Pleas - 85.4%

In summary, the annualized 2014 numbers reveal that the 26th Street courts have a much higher number of trials compared with the other courts and a much lower percentage of cases which resulted in pleas of guilty. As noted above, these realities are the result of a higher percentage of more serious cases – murders, class X, gun and felony DUI cases - coupled with the hard-line approach taken by the State's Attorney in the 26th Street courts.

Summary

Trials - Juries and benches, (2014 annualized)

26th Street

2261 - 83.8 per judge

Bridgeview City

154 - 51.3 per judge

Rolling Meadows

58 – 29 per judge

Maywood

230 – 76.6 per judge

Bridgeview Suburban

86 – 43 per judge

<u>Markham</u>

254 – 50.8 per judge

Dispositions (2014 annualized)

26th Street

17, 014 – 551.8 per judge

Bridgeview City

1648 – 549.2 per judge

Rolling Meadows

1772 – 886 per judge

Maywood

1926 – 642 per judge

Bridgeview Suburban

1292 – 646 per judge

<u>Markham</u>

2792 - 558.4 per judge

Pleas and Plea Percentages (2014 annualized)

26th Street

13,750 - 443.6 per judge/ 80.39%

Bridgeview City

1388 - 462.6 per judge/ 84.2%

Rolling Meadows

1572 – 786 per judge/ 88.7%

Maywood

1628 - 542.6 per judge/ 84.5%

Bridgeview Suburban

1138 – 569 per judge/88%

<u>Markham</u>

2384 - 476.8 per judge/ 85.4%

The 2013 figures provided by the State's Attorney's office show the same trend as seen with the 2014 annualized numbers: The 26th Street courts experienced a high average number of trials and a significantly lower plea rate than the other felony courts (except for the Maywood courts for this single year).

26th Street Courts (30 Courts)

Juries – 306 – 10.2 per judge

Benches - 2054 - 68.5 per judge

Motions - 1881 - 62.7 per judge

Nolles - 776 - 25.9 per judge

Pleas - 17,897 - 429.9 per judge

Dispositions - 16,041 - 534.7 per judge

Percentage of Pleas - 80.4%

Skokie City

Juries – 5 – 1.25 per judge

Benches – 190 – 47.5 per judge

Motions – 381 – 95.25 per judge

Nolles – 42 – 10.5 per judge

Pleas – 1967 – 491.75 per judge

Dispositions – 2204 – 551 per judge

Percentage of Pleas – 89.2%

Bridgeview City

Juries – 11 – 3.66 per judge

Benches – 108 – 36 per judge

Motions - 305 - 101.67 per judge

Nolles – 141 – 47 per judge

Pleas - 1429 - 476.3 per judge

Dispositions - 1687 - 562.3 per judge

Percentage of Pleas – 84.7%

Skokie Suburban

Juries – 10 – 5 per judge

Benches – 88 – 44 per judge

Motions – 138 – 69 per judge

Nolles – 24 – 12 per judge

Pleas – 818 – 409 per judge

Dispositions – 940 – 470 per judge

Percentage of Pleas – 87%

Rolling Meadows

Juries – 8 – 4 per judge Benches – 28 – 14 per judge Motions – 149 – 74.5 per judge Nolles – 93 – 46.5 per judge Pleas – 1098 – 549 per judge Dispositions – 1226 – 613 per judge Percentage of Pleas – 89.5%

Maywood

Juries – 18 – 6 per judge

Benches - 262 - 87.3 per judge

Motions – 245 – 81.6 per judge

Nolles – 58 – 19.3 per judge

Pleas – 1281 – 427 per judge

Dispositions – 1619 – 539.6 per judge

Percentage of Pleas – 79.1%

Bridgeview Suburban

Juries – 14 – 7 per judge Benches – 45 – 22.5 per judge Motions – 155 – 77.5 per judge Nolles – 72 – 36 per judge Pleas – 1420 – 710 per judge Dispositions – 1540 – 770 per judge Percentage of Pleas – 92.2%

<u>Markham</u>

Juries – 64 – 12.8 per judge Benches – 139 – 27.8 per judge Motions – 213 – 42.6 per judge Nolles – 141 – 28.2 per judge Pleas – 2005 – 401 per judge

Dispositions – 2349 – 469.8 per judge

Percentage of Pleas – 85.3%

A comparison of the average of the 30 26th Street courts with the average of the fourteen suburban courts in 2013 is also instructive.

26th Street	<u>Suburban</u>
<u>Juries</u>	<u>Juries</u>
10.2	8.14
Benches	Benches
68.5	40.1
Motions	Motions
62.7	64.2
<u>Nolles</u>	<u>Nolles</u>
25.9	27.7
<u>Pleas</u>	<u>Pleas</u>
429.9	473
<u>Dispositions</u>	<u>Dispositions</u>
534.7	548
<u>% of Pleas</u>	<u>% of Pleas</u>
80.4%	86.3%

Again, here we see a significantly higher trial rate and a significantly lower plea rate with the 26th Street Courts when the averages of the courts are compared, yet these courts have virtually the same disposition numbers.

The State's Attorney's figures for 2012 indicate the same reality:

26th Street (30 Courts)

Juries – 310 – 10.3 per judge

Benches – 1855 – 61.8 per judge

Motions - 1932 - 64.4 per judge

Nolles – 732 – 24.4 per judge

Pleas - 13,547 - 451.5 per judge

Dispositions - 12,265 - 542.1 per judge

Percentage of Pleas – 83.2%

Skokie City

Juries -6 - 1.5 per judge

Benches - 170 - 42.5 per judge

Motions - 346 - 86.5 per judge

Nolles – 53 – 13.25 per judge

Pleas – 2140 – 535 per judge

Dispositions - 2713 - 592.25 per judge

Percentage of Pleas – 90.3%

Bridgeview City

Juries – 16 – 5.33 per judge Benches – 55 – 18.3 per judge Motions – 253 – 84.3 per judge Nolles – 111 – 37 per judge Pleas – 1616 – 538.6 per judge Dispositions – 1798 – 599.3 per judge Percentage of Pleas – 89.9%

Skokie Suburban

Juries – 8 – 4 per judge Benches – 81 – 40.5 per judge Motions – 152 – 76 per judge Nolles – 29 – 14.5 per judge Pleas – 881 – 440.5 per judge Dispositions – 999 – 499.5 per judge

Percentage of Pleas – 88.1%

Rolling Meadows

Juries – 7 – 3.5 per judge Benches – 28 – 14 per judge Motions – 174 – 87 per judge Nolles – 62 – 31 per judge Pleas – 1104 – 552 per judge Dispositions – 1164 – 582 per judge Percentage of Pleas – 94.8%

Maywood

Juries – 18 – 6 per judge Benches – 207 – 69 per judge Motions – 221 – 73.6 per judge Nolles – 64 – 21.3 per judge Pleas – 1287 – 429 per judge Dispositions – 1564 – 521.3 per judge Percentage of Pleas – 82.2%

Bridgeview Suburban Juries – 10 – 5 per judge Benches – 20 – 10 per judge Motions – 225 – 112.5 per judge Nolles – 127 - 63.5 per judge Pleas – 1296 – 648 per judge Dispositions – 1464 – 732 per judge Percentage of Pleas – 88.5%

<u>Markham</u>

Juries – 70 – 14 per judge Benches – 140 – 28 per judge Motions – 333 – 66.6 per judge Nolles – 162 – 32.4 per judge Pleas – 1977 – 395.4 per judge Dispositions – 2340 – 460 per judge Percentage of Pleas – 84.48% Immediately below is a 2012 comparison of the performance average of the 26th Street courts with the average of the 14 suburban courts.

26 th Street	Suburban
<u>Juries</u>	<u>Juries</u>
10.3	8.1
Benches	Benches
68.1	34
Motions	<u>Motions</u>
64.4	78.9
<u>Nolles</u>	<u>Nolles</u>
24.4	31.7
<u>Pleas</u>	<u>Pleas</u>
451.5	453.2
Dispositions	<u>Dispositions</u>
542.1	527
<u>% of Pleas</u>	<u>% of Pleas</u>
83.2%	85.9%

It should be noted that plea rate for 2012 was higher for the 26th Street courts than that recorded for 2013 and 2014 (83.2% vs 80.4%). Additionally, the number of bench trials has significantly increased from the 2012 figure. (2012 – 1855/2013 - 2054/2014 – 2224 (annualized)). This is due to the hardened position of the State's Attorney regarding certain crimes, as noted above, which thereby requires jury and bench trials, rather than pleas of guilty in order to obtain resolution.

In sum, the above figures for a three year period indicate that the 26th Street courts compare favorably in total dispositions with the other Cook County felony courts notwithstanding the generally more difficult nature of the cases heard, which thereby results in significantly less pleas of guilty and, substantially more trials at 26th Street.

This necessarily slows the process of total court proceedings.

It is important to note that, for several years the Cook County felony courts, particularly the 26th Street courts, have been faulted in the press for causing jail overcrowding. The reality however, is that Cook County Jail is not overcrowded and has not been overcrowded for a lengthy period of time.

My staff receives a daily report as to the jail population. The capacity of jail is 10,150 beds. The highest count recorded in the last six months is 9453 inmates. Included immediately below are recent population figures:

8/28/14	9,015	9/3/14	9,252
8/29/14	9,025	9/4/14	9,146
8/30/14	8,969	9/5/14	9,105
8/31/14	9,129	9/6/14	9,089
9/1/14	9,248	9/7/14	9,190
9/2/14	9,258	9/8/14	9,215

There is another report being prepared using figures provided by the office of the Circuit Court Clerk. We have had some problems with the accuracy of some of Clerk Brown's figures. However this report will reveal in clear terms that the assignment of cases to the 26th Street courts has decreased, yet the number of cases disposed by these courts has remained stable. This has resulted in a significantly increased disposition rate this year over 2013.

One further reality must be considered when reviewing the performance of the 26th Street courts. Approximately 25 per cent of a judge's time at 26th Street is taken up in considering matters not quantified above: 1) All felony fitness cases in Cook County are heard by the 26th Street felony courts; 2) The 26th Street judges,p as well as all felony judges, have to consider and rule upon large numbers of post-conviction cases as well as Section 2-1401 and habeas corpus motions; 3) All felony judges have massive numbers of violation of probation motions to consider. Indeed, the generally accepted figure is that within three years fully one-half of those sentenced to probation or released from jail or prison will be back within the grasp of the criminal justice system. Some judges devote up to one court day per week hearing violations of probation matters. (Unfortunately, we have been unable to receive accurate numbers concerning the extent of these judicial activities).

To conclude: I am very proud of the performance of the capable and hard-working judges who ably and fairly serve in the Leighton Criminal Courthouse. The number of bench and jury trials heard is truly impressive. And their disposition levels rival that of other Cook County felony courts with generally less complex caseloads and significantly higher plea rates.

I trust you concur.

EXHIBIT A

A Comparison of 2013 Felony Cases between the Criminal Court of the City of New York¹ and the Criminal Division of the Circuit Court of Cook County

May, 2014

NYC Criminal Court

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The Criminal Court of the City of New York is a court of citywide jurisdiction which has 107 authorized judgeships. It serves the five boroughs which make up New York City including Manhattan, Queens, Brooklyn, the Bronx and Staten Island (Richmond County). The Criminal Court is administered by an Administrative Judge who has five Supervising Judges, each having oversight for one of the five boroughs.

The NYC Criminal Court handles misdemeanors, summonses (issued by police officers for minor violations) and early stage felonies. The NYC Criminal Court has only preliminary jurisdiction over felony cases which are arraigned in the Criminal Court. These cases are typically adjourned to a Felony Waiver Part to await the decision of the Grand Jury on whether the defendant should stand trial on the felony charges. Felony cases are transferred to the Supreme Court (i.e. the trial court) after a grand jury votes on indictment. This step in the New York City criminal case process is comparable to the point at which felony cases are assigned to the Criminal Division in the Circuit Court of Cook County.

New York City Trial Courts Felony Case Assignments and Dispositions

There are a total of 121 judges sitting in the Supreme Court, Criminal Term, throughout the five boroughs, including Manhattan (31judges), Bronx (30judges) Kings (35 judges), Queens (22 judges) and Richmond (3 judges) In 2013, there were a total of 21,836 new felony filings in the Supreme Court and 23,503 felony dispositions for a clearance rate of 107%¹. During this period the Supreme Court disposed of 19,296 felony cases by plea, 1005 by jury verdict and 134 cases by "non- jury verdict" or bench trial, 2,374 by dismissal and 694 "other".

¹ Information was taken from telephone interviews with Justin A. Barry, Chief Clerk, Circuit Court of NYC in March, 2014 and from the 2013 Annual Report of the Criminal Court of the City of New York.

A Comparison of 2013 Felony Cases between the Criminal Court of the City of New York¹ and the Criminal Division of the Circuit Court of Cook County

May, 2014

Criminal Division, Circuit Court of Cook County: New Case Assignments and Dispositions

There are 38 felony judges assigned to the Criminal Division of the Circuit Court of Cook County. In 2013, the Division assigned a total of 22,849 cases to criminal division judges and had 23,041 dispositions for a clearance rate of 101%. During this period, the Criminal Division disposed of 19,338 felony cases by plea, 296 by jury trial, 2,069 by bench trial, 1,138 by nolle, 132 pre-trial dismissal and 68 "other".

Criminal Division, Circuit Court of Cook County compared to the Supreme Court of the City of New York by Type of Felony Dispositons

Felony Dispositions by Type 2013	NYC Supremts Gourie clamina Franco (<u>1921</u> /judges))		Circuit court of Court Sourity Crimitica (court (N=4): Jackos)	
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Plea	19,296	82.0%	19,338	84.0%
Bench Trial	134	.1%	2,069	9.0%
Jury Trial	1005	4.2%	296	1%
Nolle/	0	0	1,138	5.0%
Pre-trial Dismissal	2,374	10.1%	132	.5%
Other	694	3.0%	68	.2%
2013 Total Dispositions	23,503	100%	23,041	100%

Summary and Analysis

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In 2013, the two courts were very comparable in terms of the numbers of felony cases assigned and disposed of by felony judges. Both courts had a clearance rate over 100% and disposed of more cases than came into the system. However, in terms of the types of dispositions, the Cook County Criminal Division had a trial rate of 10% while New York City's trial rate was less than half of that at 4.2%. Also, the NYC courts had a nolle

A Comparison of 2013 Felony Cases between the Criminal Court of the City of New York¹ and the Criminal Division of the Circuit Court of Cook County

May, 2014

and pre-trial dismissal rate that was twice as high as that of the Circuit Court of Cook County. Finally, the two courts varied significantly in terms of judicial resources in that the NYC Supreme Court had over three times as many felony court judges (N=121) as did the Criminal Division of the Circuit Court of Cook County (N=38) handling the same size felony caseload of about 23,000 new felonies a year.

Peter Coolsen, Court Administrator Criminal Division, Circuit Court of Cook County



Unit	Juries	Bench	Motions	Pleas	Nolles	Dispos.
11B (6)	29	206	193	1346	87	1668
11C (7)	53	229	246	1609	77	1968
12B (6)	40	289	222	1289	76	1694
12C (6)	32	148	147	1406	78	1664
12D (6)	35	240	170	1225	58	1558
Bridgeview City (3)	8	69	206	694	53	824
Skokie City (4)	3	34	85	379	13	429
City Total (45)	200	1215	1269	7948	442	9805
26 th St Rooms Total (38)	189	1112	978	6875	376	8552
Skokie Suburban (2)	5	94	211	955	21	1075
Rolling Meadows (2)	4	25	82	786	71	886
Maywood (3)	13	102	92	814	34	963
Bridgeview Suburban (2)	10	33	51	569	34	646
Markham (5)	46	81	200	1192	77	1396
Suburban Total (14)	78	335	636	4316	237	4966
County Total (52)	278	1550	2247	12264	679	14771

Felony Statistics: Jan. 1- June 30, 2014

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