

HARD FACTS: An Analysis of Intimate Partner Violence and Sexual Assault Data from the Cook County Legal System

**A Report from the Family Violence and Sexual Assault Accountability Project
DePaul College of Law Schiller DuCanto & Fleck Family Law Center**

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Executive Summary

Findings

Orders of Protection

When issued by a court, an order of protection prohibits further abuse by one household or former household member against another on penalty of a criminal violation.

- The number of orders of protection obtained in Cook County's civil courts increased greatly (x 4) since 1995, with the largest increase occurring between 2002 (17,526) and 2003 (22,625).
- The number of plenary orders of protection, providing a stay-away order for up to 2 years, has steadily declined in Cook County. In 2003, 10,969 emergency orders of protection were sought (short term, 2 or 3 weeks). Only 1,994, or 18%, became plenary orders of protection (long term, up to 2 years). Yet, more than 7,500 extensions were granted, meaning that many victims returned to court one or more times, but still didn't get a plenary order of protection. In 2004 only 15% of emergency orders of protection became plenary orders of protection.
- The number of orders of protection obtained in criminal court has decreased since 1995, leaving some women whose cases do not proceed to completion without court-ordered protections.
- Approximately 34% of orders of protection in LEADS are not served or able to be served and may account for some of the orders that cannot be made into plenary status.

Violations of Orders of Protection

When a domestic offender disregards some portions of a court's order of protection, he (she) may be charged with violation of order of protection, a Class A misdemeanor.

- Reports to police of violations of orders of protection are increasing,* and although the total number of orders of protection issued in 2003 was 37,183, police received only 3,043 violation reports (8%). Of these only 41% were arrested.
- The number of prosecutions for violations of orders of protection remained steady between 2000 and 2003, but between 50-55% of cases were not dismissed and proceeded to disposition. Very few violations of orders of protection were prosecuted as felonies.

Domestic Battery Incident Reports, Arrests and Prosecutions

- There were 42,648 domestic batteries reported to police in Chicago in 2003 and an additional 11,090 in suburban Cook County, for a total of 53,738. Missing data for domestic battery incidents in Chicago for previous years does not enable us to calculate trends.
- Only 2% of those domestic battery incidents reported to police in Chicago in 2003 involved the use of a weapon.
- There were 10,803 arrests for domestic batteries in Chicago in 2003. This means approximately 25% of domestic battery incidents reported to police resulted in arrest.*
- The number of domestic batteries reported to the police and the number of domestic battery arrests increased between 2000-2003 in suburban Cook County.*

- 1,600 females were arrested for domestic battery in Chicago in 2003, representing nearly 15% of domestic battery arrests. For some, this number exceeds expectations. Researchers and advocates fear that some domestic violence victims are being inappropriately arrested for domestic battery based on false allegations of their abusers or misunderstandings by law enforcement.
- The number of misdemeanor domestic battery prosecutions rose from 2000 through 2003, with a large increase occurring between 2000 and 2001, for a total of 18,984 misdemeanor cases charged in Cook County in 2003.
- However, the number of cases dismissed before trial also increased from 71% in 2000 to 75% in 2003.
- Few domestic battery cases (92 cases in 2003) were prosecuted as felonies in Cook County, but those cases become complete prosecutions at a much higher rate (fewer of these cases are dismissed before trial).

Stalking

Nationally, stalking represents a serious and prevalent form of domestic abuse in the United States.

- Few stalking incident reports are compiled by police in Chicago and virtually none are compiled in suburban Cook County. There were a total of 286 incident reports* in Cook County in 2003.
- Few people were arrested for stalking in all of Cook County and that small number declined between 2001 and 2003, for a total of 22 in 2003.*
- As a result, few stalking cases were prosecuted, but a high percentage of those cases were prosecuted to adjudication (66% completed in 2003).

Sexual Assault and Sexual Abuse

- Sexual assault reports to the Chicago Police Department have declined from a high of 2,141 in 2001 to 1,921 in 2003, but the number of sexual abuse reports to the police have increased over the same period.*
- Weapons were used in approximately 17% – 25% of sexual assault incidents reported to police in 2001-2003. Thirteen percent of arrests for sexual assault and abuse resulted from cases when a weapon was used.
- In all years, approximately 20% of child sexual assault and sexual abuse incidents appeared to involve abuse by a family member.*
- The majority of arrests for sexual assault and abuse in Chicago result from cases with child victims.*
- The number of sexual assault and abuse prosecutions in Cook County increased from 2000 through 2003, for a total of 1,634 charges filed in 2003. Additionally, a higher percentage of these cases were being prosecuted to adjudication (38% of the cases were dismissed prior to adjudication in 2003 compared with 44% in 2000).

Intimate Partner Homicides

- There were 30 intimate partner homicides identified in Chicago in 2001, 19 in 2002, and 30 in 2003.
- The number of female intimate partner related homicide victims decreased over these three years while the number of male victims increased, which went against the national

trend. Even so, the number of male intimate partner homicides in Chicago was lower than the national average.

- Most offenders were current boyfriends, girlfriends, husbands, or wives, not an “ex.”

* Researchers acknowledge three consistent data limitations throughout this report: a different definition of “domestic,” broadening the number of family or household members, is used by police and courts; arrest data do not completely reflect the true number of domestic offenders; and data from suburban Cook County police departments may be incomplete.

Recommendations

These data mandate some further research and action.

Policy Recommendations

1. Investigate the low number of plenary orders of protection in Cook County and identify and implement methods to increase victim access to plenary orders of protection.
2. Further investigate the declining number of orders of protection issued in criminal courts in Cook County.
3. Investigate the large percentages of violations of orders of protection and domestic battery cases that are dismissed without a finding of guilt or innocence in Cook County.
4. Investigate the cases of women charged with domestic battery in Cook County.
5. Increase the number of stalking cases reported to the police and prosecuted through victim information and judicial, police, and prosecutor training.
6. Gather more information on the reasons that sexual assault and abuse cases are not charged or dismissed and the circumstances of these cases.
7. Implement an outreach program to encourage victims of sexual assault and sexual abuse to come forward with information to local police, and work with police departments to create environments in which victims will feel comfortable and safe in reporting.
8. Give the Chief, Sex Crimes Division in the Cook County State’s Attorney’s Office jurisdiction over the entire county, not just Chicago, and adequate back-up resources to support this expanded jurisdiction.
9. Implement formalized training for police officers, prosecutors, and judges in recognizing the signs of lethality.
10. Begin a formalized process of fatality review of intimate and former intimate partner homicide.

Data Collection Recommendations

1. Keep more detailed data of both petitioner and respondent on orders of protection, including gender, relationship of the parties, and unduplicated counts.
2. Program data systems to enable domestic batteries by intimates and former intimates to be reported separately.

3. Report an unduplicated number of domestic battery victims, to enable a count of the number of individuals affected by intimate partner violence to be calculated.
4. Track and report the number of sexual assault and sexual abuse cases involving adult victims charged and prosecuted in Cook County.
5. Code and track homicide cases so that an annual report of those involving intimate partners and former intimate partners can be published by police district.
6. Establish a new, centralized intimate partner violence monitoring effort for Cook County.

Introduction

Violence against women remains a serious problem in the United States. In 1995-1996, the U.S. Department of Justice commissioned a study that surveyed a nationally representative sample of 8,000 women 18 years of age and older. Table 1 below displays the results from that national survey and the expected number of local women in Cook County affected, based on the 2000 Census figures for women 18 years and older.***

Table 1 U.S. Department of Justice Rates of Violent Victimization Nationwide & in Cook County

	Within the Last 12 Months		Within Lifetime	
	National	Cook County	National	Cook County
Rape*	.3%	6,267	17.6%	36,766
Stalking	1.0%	20,890	8.1%	169,211
Physical Assault**	1.3%	27,157	22.1%	459,586

* The study used a definition of completed or attempted forced vaginal, oral, or anal penetration.

** Physical assault by an intimate partner.

*** Patricia Tjaden & Nancy Thoennes, *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, National Institute of Justice Research Brief, 1998.

To respond to this acute societal problem, the Chicago metropolitan area, like other jurisdictions, has developed a host of public and private mechanisms. These include temporary shelters for women fleeing violence, hotlines for information and referral, and special counseling and advocacy services for victims of violence. The legal system (police, prosecutors, and civil and criminal courts) is considered to have a special role in helping women become safe and preventing violence. Basic responses have included the following:

- Providing an immediate police response to a domestic violence call, generating an incident report, protecting the victim, separating the offender, arresting when there is probable cause that domestic violence has occurred, and providing the victim with written information about the laws, and local support and assistance;
- Issuing an order of protection, enforceable by arrest and conviction, prohibiting further violence;
- Initiating criminal prosecution for misdemeanor and felony domestic battery, with an array of penalties, including batterers' treatment programs along with other probationary monitoring, and felony upgrades for previous convictions;
- Creating and beginning to prosecute the new crime of stalking;
- Initiating criminal prosecution for sexual assault and sexual abuse; and
- Providing specialized domestic violence criminal courtrooms or court calls to increase access to additional resources and special assistance for victims.

By criminalizing intimate partner violence and sexual assault, the community sends the message to the abuser that his or her behavior will not be tolerated. Although the laws signal that this

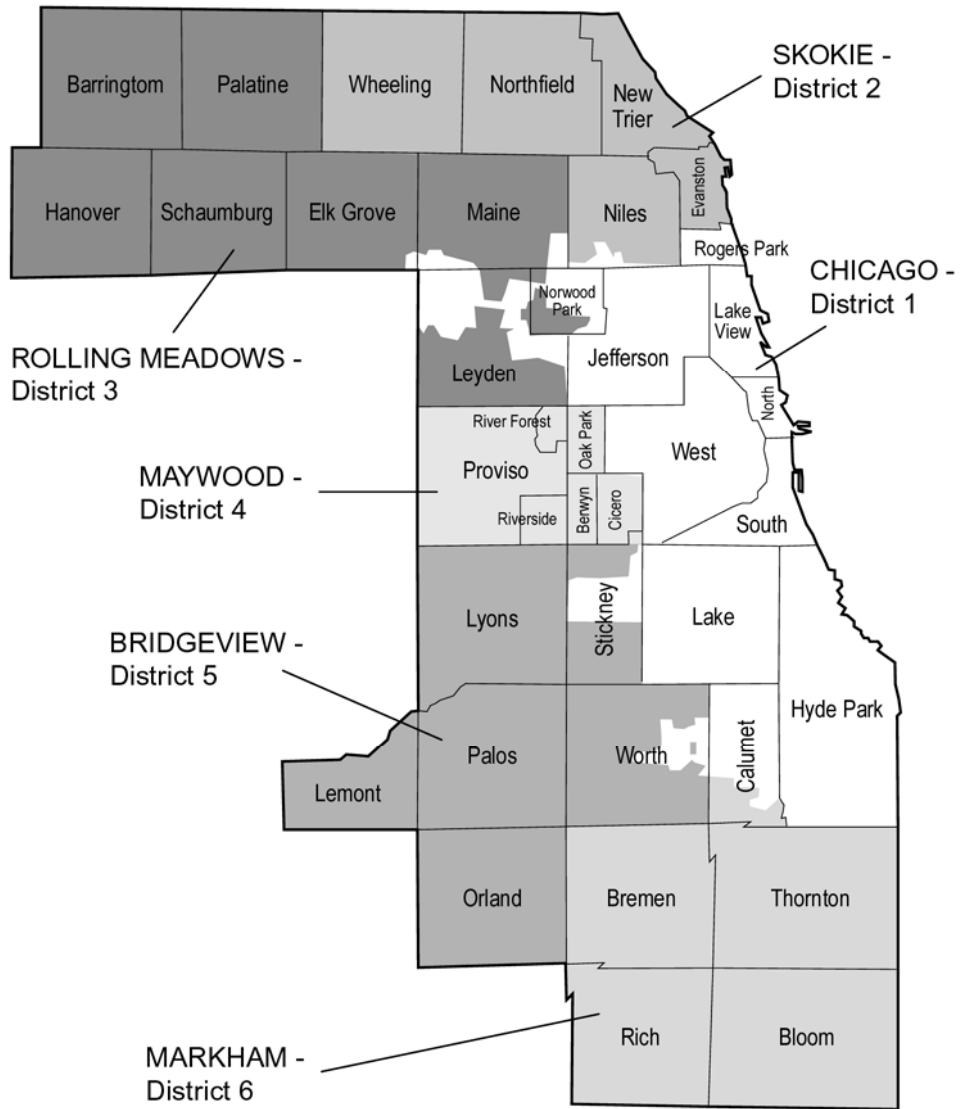
violence is no longer acceptable, only in practice can these responses provide a general community deterrent along with assistance in individual cases.

Because of the seriousness of this issue and the large amounts of money expended in operating the legal system, determining the effectiveness of the Cook County legal response is of primary importance. It is also vital to make this examination through hard data rather than through more subjective evaluations. The following questions guided this research project:

- ▶ Can we determine what data is available, what data needs to be collected, and how this data can best be collected and analyzed on a regular basis?
- ▶ Can we create benchmarks for future evaluations by analyzing official data from the systems?
- ▶ Can we obtain data to measure whether these outcomes are being met?
- ▶ Can other communities complete their own evaluations using the basic data set?

Beginning in January 2003, researchers made basic data requests for the years 2001, 2002, and 2003 from the Chicago Police Department and the Cook County Circuit Court. For suburban Cook County researchers used data reported by police jurisdictions to the Illinois Uniform Crime Reporting Program, maintained by the Illinois State Police. Piecing together the picture from three different data sets, each with its own set of challenges, limited the ability to make certain calculations. These are discussed more thoroughly on the next page. Throughout this report, researchers make every attempt to spell out the limitations of the data and to caution about its usage. At the conclusion of the report, researchers make recommendations for better data collection that can eliminate these problems and provide the public with the information it needs to determine the effectiveness of the civil and criminal legal system and whether it is acting to hold abusers accountable.

Figure 1 Circuit Court of Cook County Municipal Districts 1-6



A Few Notes on the Data

There are three consistent challenges from the data one should keep in mind while reading this report.

Data Note #1

Court and police data on orders of protection and domestic violence crimes will include all domestic incidents, based on the definition of family or household members included in the Illinois Domestic Violence Act (750 ILCS 60-201), which is much broader than incidents that occur between intimate partners. This makes it impossible to compare Illinois to national data and data from other states, and difficult to isolate the serious issue of intimate partner violence.

Data Note #2

Chicago arrest data do not reflect the true number of domestic offenders for a number of reasons, including:

- The Chicago Police Department reports only the highest ranking charge when making an arrest. If someone is arrested for domestic battery but consents to a search that reveals 1,000 pounds of cocaine, the arrest data will show a felony narcotics charge. The domestic battery will not be reflected in the data, although the individual is charged with both crimes.
- If the individual is arrested outside of Chicago for a crime committed in Chicago, this arrest will not be reported by the Chicago Police Department, even though a case may be heard in District One (Chicago).
- Misdemeanor cases can be “screened into court” in Cook County without a formal arrest process. If the perpetrator has fled the scene, the victim is given a police report and directed to the appropriate court. An assistant state’s attorney makes the decision to file criminal charges and seeks either a summons to court or a warrant for the offender’s arrest. This procedure enables victims to have the opportunity to take steps to initiate a criminal proceeding without depending on the police department. Large numbers of misdemeanor cases “screened into court” may depress arrest figures, and it is unclear whether cases proceeding via arrest warrants are included in arrest data.

Data Note #3

The data from suburban Cook County (non-Chicago) may be incomplete. Jurisdictions covering 20% of Cook County’s suburban population did not report for the years represented here, although they were required to do so, to the Illinois Uniform Crime Reporting Program. Some of these jurisdictions may have had no such crimes to report, and others may have failed to report at all; there is no way to know which. As a result, incidents and arrest data from suburban Cook County may be understated.

Orders of Protection

The Order of Protection (750 ILCS 60-102) is the centerpiece of the Illinois Domestic Violence Act. Any victims of abuse by family or household members may file for orders of protection, seeking to prevent further abuse. A victim may file a petition for an order of protection with an attorney or *pro se* (without an attorney) in civil court for an emergency order of protection. If granted, the judge shall issue a 21-day emergency order of protection, which is then served on the alleged abuser, called the respondent. Interim orders and extensions are methods that can keep an emergency order in place until a final hearing is held, at which time issuance of a plenary order is considered.

At a further hearing after the issuance of an emergency order of protection, the judge will consider issuance of a plenary order of protection which can extend up to two years. Once granted, the order can provide for many remedies, including: prohibiting further abuse, granting exclusive possession of residence, ordering respondent to stay away from the petitioner, and prohibiting respondent from entering or remaining present at the petitioner's school, place of employment, or other specified place. Additional remedies in the plenary order can include child custody, child support, and child visitation matters.

Unlike most other jurisdictions in the country, orders of protection can be obtained in criminal court along with criminal prosecutions for domestic battery and other crimes. Mutual orders of protection are prohibited by the Illinois Domestic Violence Act (750 ILCS 60-201).

Irrespective of which court orders it, violation of certain remedies of the order of protection is a Class A misdemeanor, carrying a penalty of up to one year's incarceration. If the offender was previously convicted of a violation of an order of protection, domestic battery, or a stalking offense, a violation of an order of protection can be charged as a Class 4 felony, which carries a penalty of one to three years. The court must impose a minimum penalty of 24 hours imprisonment for a conviction for a second violation of an order of protection.

Penalty for a violation of an order of protection can be a useful tool for a victim confronted with a persistent abuser. A conviction for a violation of an order of protection has the effect of raising the penalty of any subsequent domestic battery case: a future case may be charged as a Class 4 felony instead of a Class A misdemeanor.

Number of Orders of Protection Issued

As depicted in Table 2 below, the number of orders of protection issued in civil courts in Cook County has dramatically increased since 1995. In particular, a large increase occurred between 2002 and 2003 (from 17,526 to 22,625) and the number increased still further in 2004. (See Data Note #1 for limitations of this data, based on the definition of family violence.) It is also possible that the total number of orders of protection contains duplications for victims who seek a second order of protection against the same perpetrator within the same year.

During the same period, the number of orders of protection issued in criminal court has declined. The decrease remains steady and does not reflect any particularly large reduction in a particular year.

Although the number of criminal domestic battery cases has remained the same, the large increase in civil orders of protection in the same time period may reflect a routing of cases to the civil side, when some of the cases, due to their facts, might more properly belong in criminal court (where an order of protection can also be issued).

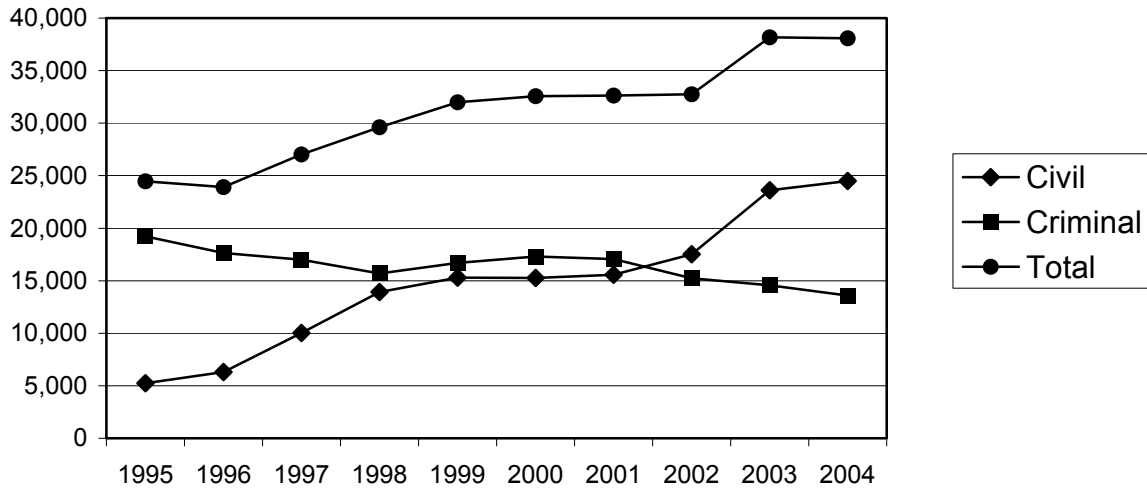
As seen in a later chapter, there was no corresponding decrease in the number of criminal domestic battery cases filed during this period. Although it is possible that some victims may pursue orders of protection in civil court as well, many victims in criminal court may be without an order of protection after their trial. This may be particularly problematic for victims (a large majority) whose criminal domestic battery charges do not proceed to adjudication.

Reliable data from the Cook County Circuit Court are not available on the gender of the petitioner and respondent in order of protection cases, making it difficult to determine how many abusers may be petitioning for an order of protection to preempt the actions of female victims.

Table 2 Domestic Violence Orders of Protection Cook County 1995-2004

Civil Orders	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Calendar YTD
1995	544	461	418	488	514	409	383	494	401	381	393	350	5,236
1996	394	360	360	420	388	389	589	762	675	718	603	633	6,291
1997	722	664	671	758	777	791	843	903	916	1,015	874	1,099	10,033
1998	1,094	1,075	1,112	1,160	1,028	1,101	1,110	1,051	1,436	1,251	1,247	1,269	13,934
1999	942	1,057	1,212	1,234	1,125	1,355	1,527	1,555	1,427	1,352	1,290	1,204	15,280
2000	1,150	1,137	1,373	1,175	1,260	1,255	1,329	1,401	1,338	1,426	1,338	1,093	15,275
2001	1,192	1,055	1,236	1,224	1,354	1,403	1,457	1,565	1,240	1,453	1,311	1,262	15,572
2002	1,441	1,272	1,324	1,441	1,551	1,497	1,636	1,731	1,494	1,640	1,239	1,260	17,526
2003	1,415	1,267	1,325	1,528	2,306	2,229	2,308	2,297	2,097	2,173	2,710	1,970	23,625
2004	1,801	1,859	1,639	2,068	2,014	2,151	2,077	2,046	2,146	2,948	1,844	1,886	24,479
Criminal Orders													
1995	1,485	1,282	1,526	1,449	1,677	2,140	1,699	1,959	1,595	1,588	1,416	1,439	19,255
1996	1,411	1,386	1,364	1,543	1,620	1,513	1,696	1,665	1,472	1,455	1,175	1,333	17,633
1997	1,199	1,288	1,370	1,486	1,535	1,554	1,704	1,430	1,633	1,446	1,070	1,285	17,000
1998	1,170	1,182	1,323	1,344	1,261	1,497	1,481	1,535	1,256	1,282	1,019	1,340	15,690
1999	1,170	1,334	1,643	1,332	1,279	1,513	1,526	1,563	1,445	1,215	1,290	1,394	16,704
2000	1,180	1,236	1,566	1,382	1,600	1,655	1,342	1,671	1,541	1,568	1,379	1,180	17,300
2001	1,418	1,207	1,500	1,440	1,568	1,606	1,639	1,626	1,150	1,503	1,306	1,083	17,046
2002	1,178	1,067	1,102	1,283	1,345	1,286	1,569	1,464	1,277	1,330	1,124	1,202	15,227
2003	1,294	991	1,059	1,238	1,099	1,163	1,098	1,383	1,337	1,304	1,247	1,345	14,558
2004	1,179	1,004	1,228	1,127	1,097	1,219	1,205	1,308	1,149	1,042	988	1,042	13,588
Total Orders													
1995	2,029	1,743	1,944	1,937	2,191	2,549	2,082	2,453	1,996	1,969	1,809	1,789	24,491
1996	1,805	1,746	1,724	1,963	2,008	1,902	2,285	2,427	2,147	2,173	1,778	1,966	23,924
1997	1,921	1,952	2,041	2,244	2,312	2,345	2,547	2,333	2,549	2,461	1,944	2,384	27,033
1998	2,264	2,257	2,435	2,504	2,289	2,598	2,591	2,586	2,692	2,533	2,266	2,609	29,624
1999	2,112	2,391	2,855	2,566	2,404	2,868	3,053	3,118	2,872	2,567	2,580	2,598	31,984
2000	2,330	2,373	2,939	2,557	2,860	2,910	2,671	3,072	2,879	2,994	2,717	2,273	32,575
2001	2,610	2,262	2,736	2,664	2,922	3,009	3,096	3,191	2,390	2,956	2,617	2,345	32,798
2002	2,619	2,339	2,426	2,724	2,896	2,783	3,205	3,195	2,771	2,970	2,363	2,462	32,753
2003	2,709	2,258	2,384	2,766	3,405	3,392	3,406	3,680	3,434	3,477	2,957	3,315	37,183
2004	2,980	2,863	2,867	3,195	3,111	3,370	3,282	3,354	3,295	2,990	2,832	2,928	37,067

Figure 2 Orders of Protection Cook County 1995-2004



Orders of Protection by District

As seen in Table 3 below, in 2004 Cook County Circuit Court districts issued varying numbers of orders of protection. Districts Two (Skokie) and District Five (Bridgeview) produced the least number of orders of protection. The breakdown is similar for the year 2003, with one exception: in District One, the number of plenary orders decreased by one half between 2003 and 2004 (See Table 4, below). Note: Cook County is a unified court district. Individuals from the suburbs may seek civil relief in District One (Chicago), as many attorneys prefer to file cases, including divorces, in Chicago for the sake of efficiency.

Table 3 Orders of Protection by District in 2004

Originating Court	Calendar Year 2004 - Type of Order and Yearly Count			
	Emergency	Plenary	Interim	Extended
Civil				
District One	0	0	0	0
District Two	379	145	11	362
District Three	648	276	44	352
District Four	596	109	20	198
District Five	321	132	12	139
District Six	801	212	24	173
Dom. Rel. Dist. One	8,704	658	2,502	5,856
Child Support	409	189	34	164
Child Protection	5	0	4	0
Total Civil	11,863	1,721	2,651	7,244

Criminal				
District One	2,797	4,085	674	1,678
District Two	83	198	131	27
District Three	50	254	126	237
District Four	124	509	10	8
District Five	120	566	65	251
District Six	376	902	58	259
Dom. Rel. Dist. 1	0	0	0	0
Child Support	0	0	0	0
Child Protection	0	0	0	0
Total Criminal	3,550	6,514	1,064	2,460
Total Civil and Criminal	15,413	8,235	3,715	9,704

District One: Chicago
District Three: Rolling Meadows
District Five: Bridgeview

District Two: Skokie
District Four: Maywood
District Six: Markham

Plenary Orders of Protection

There are many challenges preventing Cook County circuit courts from issuing and victims from obtaining plenary orders, which are orders that can last up to two years. Emergency orders can be issued *ex parte*, without the respondent in court. Plenary orders cannot be issued without the alleged abuser receiving service of the relevant court documents and having the opportunity to appear in court. If the petitioner does not return or does not obtain a plenary order of protection, the emergency order, or its extension, will expire. Expired orders cannot be referenced by police officers in the computerized system to result in an arrest for their violation.

Therefore, researchers use the number of plenary orders of protection in any given year as one accountability benchmark. It is, however, important to remember that for some victims it may be unsafe to continue to pursue the plenary order or there may be the perception that the emergency order has had the desired effect, with further litigation causing greater safety difficulties. Victims must always be the judge of their own safety and that of their children. On the other hand, it is important to make certain that victims have good information about their choices and support from the legal system to pursue plenary orders of protection if they need them.

In 2003, of 10,969 emergency orders of protection in Cook County, 1,994, or 18%, became plenary orders. Almost 7,500 extensions were granted, indicating that many women victims were returning to court one or more times seeking protection beyond the 21 days granted in the emergency order. For this reason, it is likely that service difficulties can account for the fact that some emergency and interim orders do not become plenary orders. In 2004, of 11,863 emergency orders in Cook County, 1,721, or 15%, became plenary orders, a lower percentage than in 2003.

To obtain more information about service difficulties, researchers asked the Illinois State Police, which maintains the computerized database on orders of protection (LEADS), how many orders (all kinds, not expired) were currently in the system for Cook County. On January 1, 2005, there were 18,079 unexpired orders in the system. But of these, 6,091, or 34%, had not been served. Using this 34% as a rough estimate of cases with unsuccessful service in Cook County would suggest that approximately 3,700 emergency orders went unserved in all of 2004. It is likely that unserved orders of protection can account for some, but not all, of interim and extended orders.

In addition to service problems, some observers believe that the relatively large number of interim orders and extensions relates to the fact that the original order is granted within the context of a divorce proceeding in which the two parties have appeared. Low numbers of plenary orders may indicate that these interim orders last throughout the course of the divorce proceeding but are not converted into plenary orders at the end of the divorce, leaving the victim unprotected, when researchers have demonstrated that the prospect of violence after divorce or separation is at its highest.

The number of plenary orders of protection obtained in each district is reflected in Table 4 below. District One, Chicago, shows a precipitous drop in the number of plenary orders of protection issued between 2003 and 2004.

Table 4 Plenary Orders as Percentage of All Emergency Orders by District in Cook County

District	Year	
	2003	2004
District One	15%	8%
District Two	37%	38%
District Three	41%	43%
District Four	18%	18%
District Five	36%	41%
District Six	18%	26%

District One: Chicago
 District Three: Rolling Meadows
 District Five: Bridgeview

District Two: Skokie
 District Four: Maywood
 District Six: Markham

Conclusions and Recommendations

Policy Recommendation #1: Investigate the low number of plenary orders of protection issued in Cook County. Identify and implement methods to increase victim access to plenary orders of protection. The large increase in orders of protection in civil court and the corresponding decrease in criminal court in Cook County need investigation. So does the low number of cases becoming plenary orders which can be enforced by the legal system. The steep drop in plenary orders in Chicago (District One)

is cause for real concern, because police officers cannot enforce emergency orders that have expired.

Previous national research has revealed that some women are safer or feel safer with emergency orders of protection, and that for some, following through and making the order more permanent may compromise their safety. Lacking evidence, however, researchers cannot make assumptions or reach conclusions about whether victims with more or less serious injuries are receiving plenary orders of protection.

Investigating the reasons for the low numbers of plenary orders would be a good first step forward. Research with a sample of cases could answer the many questions and concerns that this data raise. Analysis of the large number of order extensions might also shed light on this issue. Comparison of practices and procedures in district courtrooms producing more plenary orders of protection also may provide more information.

Policy Recommendation #2: Investigate the declining number of orders of protection issued in criminal courts in Cook County. Stay-away orders are often a condition of bail upon release from arrest. These stay-away orders place brief restrictions on the abuser's contact with the victim. However, in these cases screened into court without arrest in misdemeanor cases in Cook County, this method of protection is absent. A sampling of court cases, along with interviews of state's attorneys and judges, may isolate problems or issues that contribute to the lack of protection of victims in criminal court.

Data Collection Recommendation #1: Keep more detailed data of both petitioner and respondent on orders of protection, including gender, relationship of the parties, and unduplicated counts. The retrievable data kept by the Cook County Circuit Court on orders of protection provides no additional data about the facts of the case or the relationship of the parties. Researchers cannot determine the gender of petitioners and respondents; for example, whether male petitioners are complaining about same sex respondents, and what proportion of the cases as a result might involve an abuser's racing to the courthouse first in a preemptive strike. Lack of data about gender of petitioners and respondents makes it impossible to address this issue. In addition, lack of information about the relationship of the parties makes it impossible to isolate the number of orders of protection involving intimate or formerly intimate parties, as opposed to other household members. Lastly, the number of orders of protection may be inflated because it might contain duplicated cases. For these reasons, coding of the cases with this information in the future by the Circuit Court would provide information important for future accountability studies.

Violations of Orders of Protection

Violation of some remedies of an order of protection is a Class A misdemeanor (720 ILCS 5/12 – 30).

Although arrest is not mandated for all domestic violence crimes in Illinois, Chicago Police Department policy does direct officers to arrest the domestic violence perpetrator for violation of an order of protection if probable cause exists. In addition, the offense of a violation of an order of protection may also be upgraded to a felony charge if the offender has a previous conviction for domestic battery or violation of an order of protection, or has a previous conviction for aggravated battery, stalking, aggravated stalking, unlawful restraint, or aggravated unlawful restraint.

Police Incident Reports

Incident reports for violation of orders of protection are declining in Chicago.

Table 5 Violation of Orders of Protection Incident Reports in Chicago

	2001	2002	2003
Female Victim	2,532	2,490	2,361
Male Victim	438	426	419
Total Victims	2,970	2,916	2,780

Chicago Police Department data provide more information about gender and race of the parties than court data. Of these victims, in any given year approximately 80% are non-White.

Police officers are completing slightly increasing numbers of incident reports for violation of orders of protection in suburban Cook County.

Table 6 Incident Reports for Violation of Orders of Protection in Suburban Cook County

	2001	2002	2003
Number of Incident Reports	247	193	263

The number of police incident reports for violations of orders of protection in Cook County (3,043 in 2003) is low compared to the number of orders of protection issued, numbering approximately 8% of the total number of orders of protection issued in 2003 (37,183). Keep in mind Data Note #3. Note also that the low number of orders of protection becoming plenary orders means that a great number expire and cannot be enforced through prosecution for their violation.

Arrests

As seen in Table 7 below, well under half the incident reports for violation of orders of protection resulted in arrest in Chicago, and the percentage has declined. Chicago arrest data do not reflect the true number of persons arrested for domestic violence related offenses. See Data Note #2.

Table 7 Arrests for Violation of Orders of Protection in Chicago

	2001	2002	2003
Female Offender	130	128	123
Male Offender	1,119	1,030	1,029
Total	1,249	1,158	1,152
Percentage of Incidents	42%	40%	41%

In suburban Cook County, the percentage of arrests, after a rise, has remained the same. Arrest rates in suburban Cook County, although slightly higher, were in the same general range of those in Chicago. Information is limited, as described in Data Note #3. For this reason, arrest rates as seen below are undoubtedly understated.

Table 8 Arrests for Violation of Orders of Protection in Suburban Cook County

Number of Arrests	96	87	102
Percentage of Incidents	39%	45%	39%

For all of Cook County, the percentage of arrests compared to incident reports has declined.

Table 9 Total Incident Reports and Arrests for Violation of Orders of Protection in Cook County

	2001	2002	2003
Number of Incident Reports	3,217	3,109	3,043
Number of Arrests	1,345	1,245	1,254
Percent	42%	40%	41%

Violation of Orders of Protection Cases Filed

The number of cases prosecuted in Cook County is obtained from Cook County Circuit Court Clerk's data. The number of cases brought for misdemeanors and felonies in Cook County has remained fairly steady over the last three years, but ever increasing percentages of cases were dismissed. The number of felony upgrades was low.

Table 10 Misdemeanor and Felony Violations of Order of Protection Cases Filed in Cook County

	2001	2002	2003
Misdemeanor	2,479	2,595	2,511
Number Dismissed	1,328	1,479	1,377
Percent Dismissed	54%	57%	55%
Felonies	116	114	93
Number Dismissed	28	24	19
Percent Dismissed	24%	21%	20%
Total Filed	2,595	2,709	2,604
Total Dismissed	1,356	1,503	1,396
Percent Dismissed	52%	55%	54%

Using these case figures as opposed to arrest figures, the percentage of cases reported by the police that result in a case filed in Chicago (District One) can be computed. (Researchers cannot compute for the entire county because of the previously discussed missing suburban arrest data.)

Table 11 Percentage of Violations of Order of Protection Incident Reports Charged in Chicago

2001	2002	2003
55%	61%	62%

Table 12 Percentage Violations of Order of Protection Incident Reports Charged in Chicago that are Not Dismissed

2001	2002	2003
27%	29%	30%

Researchers present data by court districts for readers in suburban Cook County who would like to compare the number of cases brought and the dismissal rates. In most instances, the percentage of cases proceeding to completion in the suburban areas of the county is lower than in Chicago (District One). As in Chicago, the rate of completion of misdemeanor cases lags that for felonies.

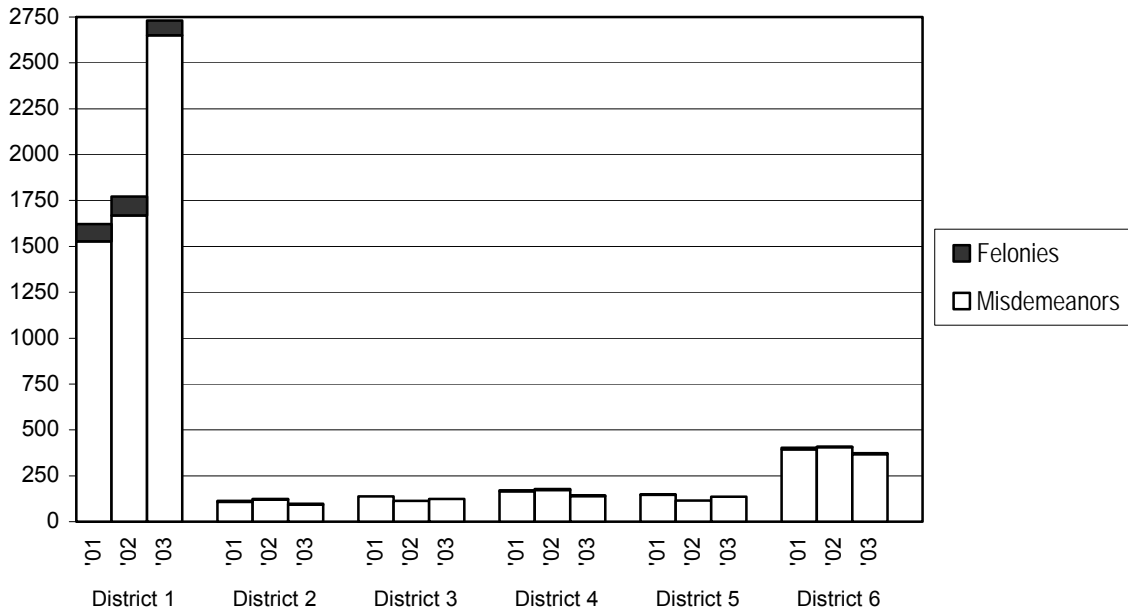
Table 13 Violations of Orders of Protection Charged in Cook County by District

Year/Violation Level	District					
	District 1	District 2	District 3	District 4	District 5	District 6
2001						
Number of Misdemeanors	1,528	108	137	165	147	394
Percent Dismissed	52%	58%	51%	59%	46%	58%
Number of Felonies	94	6	0	6	2	8
Percent Dismissed	26%	33%	0%	0%	0%	25%
2002						
Number of Misdemeanors	1,668	120	113	173	115	406
Percent Dismissed	54%	65%	48%	60%	64%	66%
Number of Felonies	103	3	1	5	0	2
Percent Dismissed	22%	33%	0%	0%	0%	0%
2003						
Number of Misdemeanors	2,651	93	123	140	136	368
Percent Dismissed	54%	61%	50%	61%	46%	61%
Number of Felonies	80	5	0	3	0	5
Percent Dismissed	21%	20%	0%	33%	0%	0%

District One: Chicago
 District Three: Rolling Meadows
 District Five: Bridgeview

District Two: Skokie
 District Four: Maywood
 District Six: Markham

Figure 3 Violations of Orders of Protection Charged in Cook County



Conclusions and Recommendations

Policy Recommendation #3: Investigate the large percentages of violations of orders of protection cases that are dismissed without a finding of guilt or innocence in Cook County. Increasing percentages of violation of orders of protection incidents charged in Chicago can go a long way toward conveying a message that an order of protection is not “just a piece of paper.” However, a majority of the misdemeanor cases brought in Cook County are dismissed without a finding of guilt or innocence. This occurrence may send a negative signal to abusers about the importance of an order of protection. However, many victims may prefer to dismiss the case because of fears of the abuser or coercion, and they should certainly be able to make decisions about their own safety. We need to know, however, whether case dismissals represent victims’ choices or whether they occur because court procedures or delays act as roadblocks to case completion.

Examination of a sample of violations of orders of protection cases could provide additional information to help determine the reason for the large dismissal rates for misdemeanor cases involving violation of orders of protection. In assessing the need for systems changes, it would be important to know whether the cases that are dismissed involve victims with the most serious injuries or the more minor ones, and what other factors might distinguish them.

Domestic Battery

Domestic Battery (720 ILCS 5/12-3.2) is defined as causing bodily harm to any family or household member. It is a Class A misdemeanor, but can also be a Class 4 felony if the offender has any prior conviction for domestic battery or violation of an order of protection.

A second conviction for domestic battery within five years requires a mandatory sentence of a minimum of 48 consecutive hours of imprisonment.

Aggravated domestic battery, (720 ILCS 5/12.3.3), a Class 2 felony, occurs when a person committing a domestic battery intentionally or knowingly causes great bodily harm, permanent disability, or disfigurement.

Reminder About Data Limitations

As previously discussed in Data Note #1, police incident and arrest records for domestic batteries are coded based on definitions in the Illinois Domestic Violence Act (750 ILCS 60/103) that are broader than intimate partners and can include parents, children, and other family members. For this reason, statistics presented here include domestic batteries of any family or household member. Batteries by intimates and former intimates are highly likely to be the majority of domestic batteries reported, but researchers cannot determine what percentage it might comprise. Additionally, researchers chose only to present data from Chicago for 2003 and could not detect longer term trends because the Chicago Police Department reported that imperfect case coding in earlier years may not have produced reliable figures. Historically, data collection systems were designed for case purposes, not necessarily for research purposes.

Domestic Battery Incident Reports in Chicago

In 2003, there were 35,779 domestic battery incidents involving female victims and 6,869 domestic battery incidents involving male victims written up by police officers, for a total of 42,648 incidents. Note: To determine if males were the victims of female or male batterers would require the police department to retrieve the data in a labor-intensive and expensive effort. Because the police report incidents, not the number of victims, the total number of incident reports may contain victims who called the police a number of times against the same abuser, thus overstating the number of victims abused.

The large majority of the victims were persons of color; 12% of these victims were White.

Only 2% of domestic battery incident reports in Chicago involved weapons.

Table 14 Domestic Battery Incident Reports Involving Weapons in Chicago in 2003

Type of weapon used	Number of Incidents
Handgun	13
Other Firearm	11
Knife/Cutting Instrument	331
Other Dangerous Weapon	458
Total	813
Percent of Incidents Involving Weapons	2%

Domestic Battery Incident Reports in Suburban Cook County

Suburban Cook County data available and reported to the Illinois Uniform Crime Reporting Program enabled researchers to determine trends for the last three years. The total number of police reported domestic related battery incidents increased in suburban Cook County from 2000-2003. Although the data from the suburban Cook County police departments may be incomplete (See Data Note #3), it still indicates increased domestic battery incident reports.

Table 15 Domestic Battery Incident Reports in Suburban Cook County

Year	Number of Incidents
2001	10,257
2002	10,944
2003	11,090

The total number of domestic battery incidents the police reported in Cook County for 2003 were at least 53,738.

Domestic Battery Arrests

Chicago

In 2003 in Chicago, 9,203 males and 1,600 females were arrested for domestic battery. With 42,648 police incident reports for domestic battery in Chicago, this represents an arrest rate of 25%. As explained previously in Data Note #2, because cases can be “screened” into court without arrest, arrest rates can undercount the number of misdemeanor cases police are involved in. It is also unclear whether cases arrested on a warrant are included in this data.

Even with possible missing data, the number of arrests for battery slightly increased in suburban Cook County between 2001 and 2003.

Table 16 Domestic Battery Arrests in Suburban Cook County

Year	Number of Arrests
2001	4,384
2002	4,784
2003	4,805

Domestic Battery Cases Filed

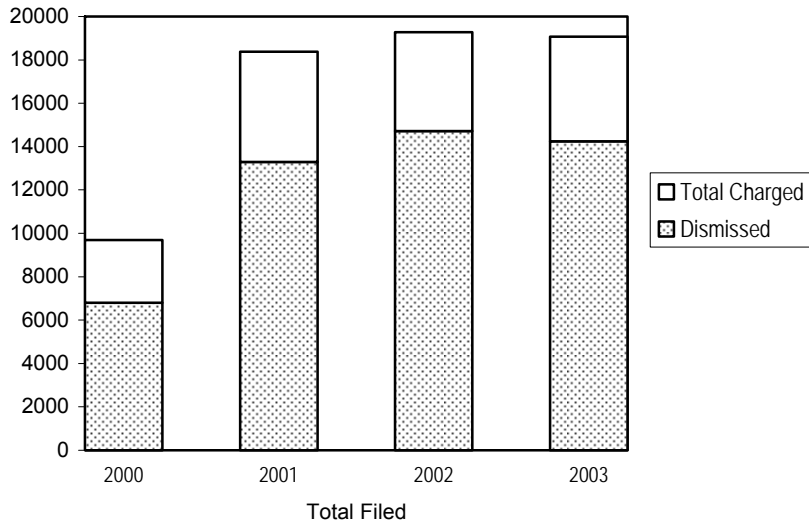
The number of domestic battery cases filed in Cook County has increased from 2000 through 2003, with a dramatic increase between 2000 and 2001. The large increase in charges filed between 2000 and 2001 resists explanation at this time. Advocates believe that some cases formally charged as misdemeanor sexual assault (an offense eliminated in January 2000) are now being treated as domestic batteries.

At the same time, the percentage of cases dismissed prior to adjudication increased. The vast majority of battery cases did not go to completion with an adjudication of guilt or innocence. The number of felony domestic battery cases charged remained low and was declining.

Table 17 Domestic Battery Charges in Cook County 2000-2003

	2000	2001	2002	2003
Misdemeanor	9,583	18,275	19,158	18,984
Number Dismissed	6,769	13,255	14,685	14,232
Percent Dismissed	71%	73%	77%	75%
Felonies	105	108	118	92
Number Dismissed	34	29	34	17
Percent Dismissed	32%	27%	29%	18%
Total Filed	9,688	18,383	19,276	19,076
Total Dismissed	6,803	13,284	14,719	14,249
Percent Dismissed	70%	72%	73%	75%

Figure 4 Domestic Battery Charges in Cook County



Data from the Cook County Circuit Court for 2003 demonstrate about 4,500 more cases filed than reported arrests, probably due to factors discussed previously. It is estimated that there are a minimum of 3,200 cases screened into court in 2003 or arrested on a warrant after screening. Given possible missing data from suburban Cook County, however, researchers can only calculate rates for Chicago, where the number of incidents to the number of cases filed can be compared.

Comparing the total number of cases filed to the total number of domestic battery police incident reports, the percentage of cases reported to the police that were charged is 45% for 2003 in Chicago. (This figure is imprecise, because some incident reports in one year may be prosecuted in another.) When the number of cases that were not dismissed is used, the percentage of cases with guilt or innocence adjudications fell to 11% of all the domestic related battery incidents reported to the police.

Table 18 Domestic Battery Charges by Cook County Court District

Year/District	Number Charged	Number Dismissed	Percent Dismissed
2000			
District One	3,519	2,311	66%
District Two	511	356	70%
District Three	896	495	55%
District Four	911	593	65%
District Five	677	537	79%
District Six	3,168	2,511	79%

2001			
District One	11,353	8,260	73%
District Two	991	415	42%
District Three	862	443	51%
District Four	1,576	1,164	74%
District Five	900	607	67%
District Six	3,116	2,375	76%
2002			
District One	12,228	9,421	77%
District Two	526	392	75%
District Three	894	540	60%
District Four	1,668	1,203	72%
District Five	788	647	82%
District Six	3,109	2,516	81%
2003			
District One	12,180	9,077	75%
District Two	537	419	78%
District Three	931	620	67%
District Four	1,650	1,159	70%
District Five	965	750	78%
District Six	2,813	2,224	79%

District One: Chicago

District Three: Rolling Meadows

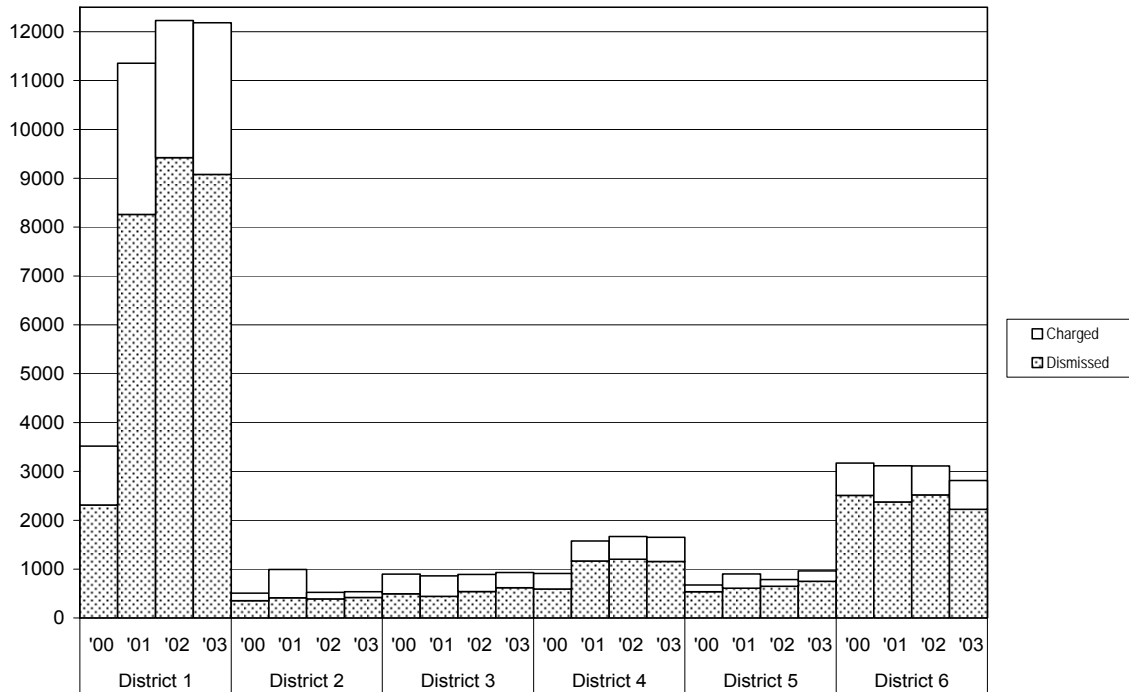
District Five: Bridgeview

District Two: Skokie

District Four: Maywood

District Six: Markham

Figure 5 Domestic Battery Charges by District



Dismissal rates from 2000 through 2003 increased in domestic battery cases, with the exception of District Four, which has shown a decrease from 74% to 70% within the same time period. District Six continued to lead with the highest percentage of cases dismissed prior to adjudication. Chicago began with a smaller number of cases in 2000, and a 66% dismissal rate, which quickly climbed when the number of cases increased in 2001. Despite minor case increases since then, the dismissal rate continued to rise. Some domestic violence victims request dismissal because of fear, coercion, and a host of other barriers exacerbated by prosecuting their alleged offenders. Domestic violence advocates continue to strongly encourage prosecutors to consider a victim's preference for prosecution or dismissal. However, high dismissal rates preclude public accountability for the crime of battery and linkage of the perpetrator, if found guilty, to abuser education services and further monitoring.

It is important to make certain that court procedures do not serve as roadblocks or discourage victims who do wish to proceed. Common roadblocks often mentioned by state's attorneys and advocates include: late arrival of the petitioner to court, causing the case to be dismissed; confusion about court dates when the defendant has been given a different date in bond court; the need for multiple court appearances due to continuances, which discourage petitioners; and victims not understanding what is going on in open court.

National Comparisons

How does the number of domestic battery incidents the police report compare to the national average? The National Violence Against Women Survey, a large nationwide survey of persons 18 years of age and over, commissioned by the U.S. Department of Justice and completed in 1995-1996, found that 1.8% of women surveyed had been physically assaulted or stalked within the last 12 months.* Using Census figures in Cook County, this extrapolates into 37,603 incidents involving intimate or formerly intimate partners alone.

How many of these incidents can we expect to be reported to the police? The U.S. Department of Justice, from analysis of its own twice-a-year survey data from 1992-2000 (NCVS), found that 53% of women (surveyed) who were assaulted did report that to the police.** It could then be expected that 53% of the 37,603 incidents would be reported, or 19,929 incidents. In Chicago, female victims in 2003 reported 35,779 incidents of domestic battery. These 35,779 incident reports, however, represented more than just intimate partners, and also included other household members. In addition, a victim of domestic battery may have reported to the police more than one time during the year. Because there is no way to gauge the number of repeat calls to the police from the same victim, it is difficult to compare Chicago's reporting rate with national figures.

Conclusions and Recommendations

Policy Recommendation #4: Investigate the cases of women charged with domestic battery in Cook County. The arrest of a minimum of 1,600 females for domestic battery

in Chicago is a cause for concern. National data and advocate experience suggest that all of these women may not be batterers. Instead, some may be victims of false accusations from abusers. Some of these cases could include woman-on-woman battery, but researchers cannot determine how many.

Nor could researchers determine how many of these cases involving arrested women are charged and adjudicated. Tracking the gender of the perpetrators and victims in each case, and the circumstances of the cases, would enable these cases involving women perpetrators to be further investigated.

* Patricia Tjaden & Nancy Thoennes, *Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey*, National Institute of Justice Research Brief, 1998.

** Shannon M. Catalano, *Criminal Victimization, 2003*, Bureau of Justice Statistics, 2004.

Policy Recommendation #5: Gather and examine more information about dismissed domestic battery cases to investigate the high rate of case dismissals. Generally rising rates of dismissals is cause for concern. Although victims can obtain some help just from bringing a prosecution, the failure to complete it may truly endanger them. There is no way of knowing whether the cases dismissed involve the worst threats or injuries, weapons, or the most minor injuries. From this data, there is also no way of knowing whether cases that are screened into court instead of via the arrest process are more likely to be dismissed or not. If case dismissals occur among the more serious cases, then efforts to provide education, assistance, and support to victims of family violence should be enhanced.

Data Collection Recommendation #2: The Circuit Court should code each domestic battery case charged by gender of victim and perpetrator. Detailed coding will enable reliable data to be tracked, and will enable research enumerated in Policy Recommendation #4 (above) to occur around the issue of women defendants.

Data Collection Recommendation #3: Program data systems to enable domestic batteries by intimates and former intimates to be reported separately. This information is available but programming is needed to retrieve it. Sorting of all cases by the police department and the court system for intimate or former intimate partners would enable better monitoring of domestic violence cases involving intimate partners as opposed to household members, and allow more comparisons with national data.

Data Collection Recommendation #4: Police departments should report an unduplicated number of domestic battery victims. This will enable a count of the number of individuals affected by intimate partner violence to be calculated.

Stalking

A person commits Stalking (720 ILCS 5/12-7/3) when he or she, knowingly and without lawful justification, on at least two separate occasions, follows another person or places the person under surveillance, or any combination thereof and:

- At any time transmits a threat of immediate or future bodily harm, sexual assault, confinement, or restraint directed towards that person or a family member of that person;
- Places that person in reasonable apprehension of immediate or future bodily harm, sexual assault, confinement, or restraint; or
- Places that person in reasonable apprehension that a family member will receive immediate or future bodily harm, sexual assault, confinement, or restraint.

Aggravated stalking occurs when, in the process of committing the offense of stalking, bodily harm is caused, the victim is confined or restrained, or an order of protection is violated.

Stalking Incident Reports

The number of stalking incidents compiled by the Chicago Police Department for the crime of stalking are depicted in Table 19, and demonstrate, for female victims, a small increase over time.

Table 19 Stalking Incident Reports in Chicago

	2001	2002	2003
Female Victims	213	206	239
Male Victims	52	26	46
Total	265	232	285

Incident reports in suburban Cook County (non-Chicago Cook) are negligible, although as described in Data Note #3, data may be missing.

Table 20 Incident Reports and Arrests for Stalking in Suburban Cook County

	2000	2001	2002	2003
Number of Incidents	0	0	1	1

Stalking Arrests

The number of persons arrested for stalking remains small and has declined over the past three years in Chicago.

Table 21 Chicago Arrests for Stalking

	2001	2002	2003
Female Offender	1	3	1
Male Offender	26	19	20
Total	27	22	21

Arrests in suburban Cook County are also negligible.

Table 22 Stalking Arrests in Suburban Cook County

	2000	2001	2002	2003
Number of Arrests	0	0	0	1

Stalking Cases Prosecuted

The total number of stalking cases filed in Cook County in 2003 demonstrates a decrease over those charged in 2002 and those in previous years, as depicted in the table below. However, fewer cases are dismissed before trial, increasing the percentage of cases going to final adjudication.

Table 23 Stalking Cases Filed and Completed in Cook County

	2000	2001	2002	2003
Number of Cases Charged	53	51	74	42
Number of Cases Dismissed	24	12	26	14
Percent Dismissed	45%	24%	35%	33%

As explained previously in Data Note #2, the number of total charges brought in any given year exceeds the number of arrests.

Over 80% of all stalking charges brought in Cook County occurred in District One (Chicago), as illustrated in Table 24.

Table 24 Stalking Cases Filed by District in Cook County

	2000	2001	2002	2003
District One	44 (83%)	40 (78%)	63 (85%)	35 (83%)
District Two	3	6	8	0
District Three	0	0	0	4
District Four	5	1	2	0
District Five	1	0	0	3
District Six	0	4	1	0
Total	53	51	74	42

District One: Chicago
 District Three: Rolling Meadows
 District Five: Bridgeview

District Two: Skokie
 District Four: Maywood
 District Six: Markham

Percentage of Stalking Cases Filed

Researchers cannot calculate the percentage of prosecutions over incidents the police report because of missing data from suburban Cook County, as described in Data Note #3. The percentage can be calculated for Chicago, using police and court data from District One. The percentage of stalking incidents prosecuted remained low.

Table 25 Percentage of Stalking Incident Reports Charged in Chicago

2001	2002	2003
16%	27%	12%

Note: This comparison is imprecise because cases reported to the Chicago Police Department are not necessarily prosecuted in the same year.

Table 26 Percentage of Stalking Incident Reports Going to Adjudication in Chicago

2001	2002	2003
13%	23%	9%

National Comparisons

Stalking cases are not tracked by the U.S. Department of Justice in Uniform Crime Reports or the National Criminal Victimization Survey. The National Violence Against Women Survey, commissioned by the Department of Justice, which interviewed 8,000 women and 8,000 men between 1995 and 1996, reported on stalking incidents throughout

one's lifetime and within the previous 12 months. The percentage of those surveyed who were stalked was 10.3% lifetime and 1.4% in the previous 12 months.* With 3,978,922 persons over the age of 18 in Cook County in the last Census, this would compute to 55,704 persons within the last 12 months stalked. Clearly, the number of incidents coming to the attention of law enforcement personnel reflected by the data in this chapter indicate that few of these stalking incidents were being reported or recognized as stalking when reported.

Conclusion and Recommendations

Policy Recommendation #6: Increase the number of stalking cases reported to the police and prosecuted through victim information and judicial, police, and prosecutor training. Stalking is one of the most terrifying abuser tactics that victims endure, and the low number of stalking arrests and charges is a cause for grave concern. All systems need training about stalking and the stalking law and how it can be used as a tool to eliminate serious abuse in Cook County. It may be that victims may not know to report the second incident, which will trigger a stalking arrest. Given the high national statistics on stalking prevalence, women and girls in Cook County need written information about the law and how they can use it to keep themselves and their children safe from an abuser who stalks them.

Policy Recommendation #7: Increase the number of stalking prosecutions by examining the Illinois stalking law; learning from police, prosecutors, and judges about barriers presented by the law to successful prosecutions; and considering changes to the law.

**Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey, National Institute of Justice, 2000.*

Sexual Assault and Sexual Abuse

This section reports on various crimes of sexual assault and sexual abuse. Perpetrators involve strangers, intimates, family members, and others known to the victim that occurred between 2001 and 2003 in Cook County. Children up to the age of 18 are included as child victims.

Criminal Sexual Assault (720 ILCS 5/12-13), a Class 1 felony, involves sexual penetration by use of force or threat of force. It also covers:

- an act of sexual penetration when the accused knew that the victim was unable to understand the nature of the act or unable to give knowing consent; or
- an act of sexual penetration when the victim was under 18 years of age and penetrated by a family member; or
- an act of sexual penetration with a victim who was at least 13 years of age but under 18, and the accused was 17 years of age or over and held a position of trust, authority, or supervision in relation to the victim.

Aggravated Criminal Sexual Assault (720 ILCS 5/12-14), a Class X felony, involves sexual assault when in the course of conduct dangerous weapons were used, or bodily harm occurred, or other defined circumstances.

Criminal Sexual Abuse (720 ILCS 5/12-15) involves sexual conduct by the threat of force or force, or with a victim unable to give knowing consent under certain circumstances spelled out by the statute.

Aggravated Criminal Sexual Abuse (720 ILCS 5/12-16), a Class 2 felony, involves sexual abuse involving use or threats of use of dangerous weapons, the causing of bodily harm, and other circumstances.

This report will provide information for both sexual assault and sexual abuse cases.

Sexual Assault Incident Reports in Chicago

The number of sexual assault incidents reported by the Chicago Police Department declined from 2001 through 2003.

Table 26 Chicago Sexual Assault Incident Reports

	2001	2002	2003
Female Victims	1,942	1,928	1,726
Male Victims	195	190	186
Gender of Victim Unavailable	4	1	9
Total	2,141	2,119	1,921

Sexual Abuse Incident Reports in Chicago

The number of sexual abuse incidents reported by the Chicago Police Department increased between 2001 and 2003. These reports of sexual abuse include a broad range of offenses, including indecent solicitation and inappropriate sexual conduct.

Table 27 Chicago Sexual Abuse Incident Reports

	2001	2002	2003
Female Victims	1,868	1,948	2,031
Male Victims	248	294	334
Gender of Victim Unavailable	27	15	29
Total	2,142	2,257	2,394

Table 28 Total Sexual Assault and Sexual Abuse Incident Reports in Chicago

2001	2002	2003
4,283	4,376	4,315

Victim Race/Ethnicity

About 80% of the cases brought to the attention of the Chicago Police Department for sexual assault involved victims who were persons of color. The yearly National Crime Victimization Survey (NCVS) conducted by the National Institute of Justice found that between 1992 and 2000, violence against Black victims (49%) was reported at significantly higher percentages than violence against White victims, and at a somewhat higher percentage than violence against Asian victims.* Data from Chicago demonstrate that victims of color are also much more likely than the national average to report cases of sexual assault and abuse. These data should not be taken to indicate that Blacks experience more sexual assault; it is possible that victims with the fewest outside resources seek the most assistance from the criminal legal system.

* Timothy C. Hart & Callie Rennison, *Reporting Crime to the Police, 1992-2000*, Bureau of Justice Statistics, 2003.

Table 29 Number of Chicago Sexual Assault Incident Reports by Race/Ethnicity

	2001	2002	2003
American Indian	0	1	0
Asian/Pacific Islander	15	15	15
Black	1,485	1,454	1,296
Black Hispanic	5	7	5
White Hispanic	359	325	325
White	264	313	268
Race of Victim Unavailable	9	3	11

Incident Reports Involving Children Victimized by Family Members

The Chicago Police Department data break out cases involving sexual assault and sexual abuse of children by family members and other household members, using the expanded definition in the Illinois Domestic Violence Act. Incident data are not available, however, for cases of children abused by non-family members. In 2003, about 20% of all incident reports of sexual assault and sexual abuse involved sexual abuse of children in their own families.

Table 30 Sexual Assault Incident Reports Involving Children Victimized by Household Members in Chicago

	2001	2002	2003
Total Number of Sexual Assault Incidents	2,141	2,119	1,921
Number of Incidents Involving Children	349	308	337
Percent of Total	16%	15%	18%
Number of Incidents Involving Female Victims	278	247	267
Percent of Total	80%	80%	79%
Number of Incidents Involving Male Victims	68	61	69
Percent of Total	19%	20%	20%
Gender of Victim Unavailable	3	0	1
Percent Unavailable	0.8%	0.0%	0.3%

**Table 31 Sexual Abuse Incident Reports Involving Children
Victimized by Household Members in Chicago**

	2001	2002	2003
Total Number of Sexual Abuse Incidents	2,143	2,257	2,394
Number of Incidents Involving Children	383	439	500
Percent of Total	18%	19%	21%
Number of Incidents Involving Female Victims	321	346	383
Percent of Total	84%	79%	77%
Number of Incidents Involving Male Victims	61	93	111
Percent of Total	16%	21%	22%
Gender of Victim Unavailable	1	0	6
Percent Unavailable	0.0%	0.0%	0.0%

Incident Reports in Suburban Cook County (Non-Chicago)

The low number of sexual assault and abuse police incident reports in suburban Cook County is striking, and has declined. Remember the limitations on this data as described in Data Note #3.

**Table 32 Sexual Assault and Sexual Abuse Incident Reports to Police Districts
in Suburban Cook County**

	2000	2001	2002	2003
Sexual Assault	94	90	36	36
Sexual Abuse	35	77	48	35

Sexual Assault and Sexual Abuse Arrests

Following is data on arrests from Chicago and suburban Cook County. When arrests are compared to the number of charges filed, charges filed exceed the number of arrests in both Chicago and the rest of Cook County. Keep in mind these data are subject to the same limitations explained in Data Notes #2 and #3.

**Table 33 Arrests for Sexual Assault and Sexual Abuse
City of Chicago**

	2001	2002	2003
Sexual Assault			
Female Perpetrator	5	2	4
Male Perpetrator	430	381	375
Total	435	383	379
Sexual Abuse			
Female Perpetrator	15	11	13
Male Perpetrator	509	430	400
Total	614	441	413

**Table 34 Arrests for Sexual Assault and Sexual Abuse
Suburban Cook County**

	2000	2001	2002	2003
Sexual Assault	45	36	16	13
Sexual Abuse	11	22	9	6

Arrests in Cases Involving Child Victims

Although the arrest data in Chicago may not reflect the true number of persons arrested for sexual assault and abuse, some data about the arrests is useful in understanding which cases are proceeding to charges and adjudication in Chicago. Almost two-thirds of the cases in which arrests were made in Chicago for sexual assault involved victims who were children (up to age 18). In the sexual abuse category, between 48% and 52% of the victims were children during the three-year period between 2000 and 2003.

Even though there may be some missing arrest data, it can safely be said that large numbers of sexual assault cases and sexual abuse cases in which arrests occurred in Chicago involved children as victims.

Sexual Assault and Sexual Abuse Charges Filed In Cook County

The total number of charges filed in Cook County rose early, but held steady towards the end. The percent of these cases that were dismissed prior to adjudication has fallen. It is important to note that with the elimination of the sexual assault misdemeanor offense in Illinois in January 2000, some cases, formerly charged as felony sexual assault, may now be charged as misdemeanor batteries, and for this reason this research is unable to track these cases.

**Table 35 Total Sexual Assault and Sexual Abuse Charges
Filed in Cook County**

	2000	2001	2002	2003
Number of Charges Filed	1,159	1,459	1,604	1,634
Percent Dismissed Prior to Adjudication	44%	42%	41%	38%

Table 36 Total Sexual Assault Charges Filed in Cook County

	2000	2001	2002	2003
Number of Charges Filed	566	730	794	738
Percent Dismissed Prior to Adjudication	42%	38%	40%	36%

Table 37 Total Sexual Abuse Charges Filed in Cook County

	2000	2001	2002	2003
Number of Charges Filed	593	649	810	896
Percent Dismissed Prior to Adjudication	47%	49%	44%	40%

Sexual Assault and Sexual Abuse Charges by District in Cook County

To enable comparisons to be made by district, data is presented here on the number of charges filed and the percent dismissed for a four-year period beginning in 2000.

Almost 90% of the charges filed stem from District One, Chicago. The number of charges there increased each year, and the percentage dismissed fell.

The other districts showed a mixed picture. In some, such as District Six, Markham, the number of charges decreased over time. District Three, Rolling Meadows, and District Five, Bridgeview, showed a widely fluctuating charge and dismissal rate. The Census population of suburban Cook County over age 14 is 1,948,765. The low number of sexual assault and abuse cases filed in suburban Cook County (Districts Two through Six), 128, is no doubt the result of low number of reports to local police.

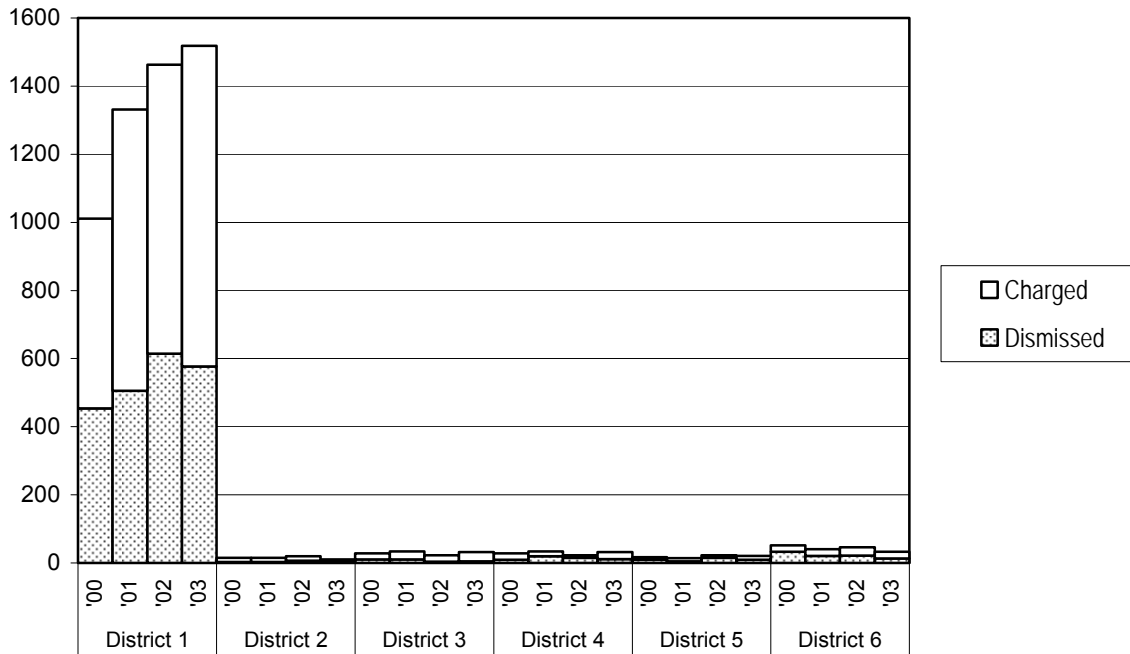
Table 38 Sexual Assault and Abuse Charges and Charges Dismissed in Cook County by District

	2000	2001	2002	2003
District One				
Number of Charges	1,011	1,331	1,463	1,518
Percent Dismissed	45%	38%	42%	38%
District Two				
Number of Charges	15	15	20	10
Percent Dismissed	20%	20%	35%	30%
District Three				
Number of Charges	28	34	23	32
Percent Dismissed	36%	29%	17%	16%
District Four				
Number of Charges	28	34	23	32
Percent Dismissed	32%	58%	67%	33%
District Five				
Number of Charges	17	14	23	21
Percent Dismissed	53%	36%	65%	43%
District Six				
Number of Charges	52	40	46	33
Percent Dismissed	63%	53%	48%	39%

District One: Chicago
 District Three: Rolling Meadows
 District Five: Bridgeview

District Two: Skokie
 District Four: Maywood
 District Six: Markham

Figure 6 Sexual Assault and Abuse Charges by District



Percent of Incident Reports Being Charged with Sexual Assault and Abuse

The total number of sexual assault and sexual abuse incident reports is available for Chicago, so researchers can calculate the percentage of charges filed from incidents reported to police. (These calculations cannot be made for the county as a whole due to possible missing incident report data from suburban Cook County.) A little over a third of the sexual assault and abuse incident reports in Chicago resulted in criminal charges filed. Less than one quarter of cases proceeded to adjudication. Over the last three years the number of cases dismissed decreased.

Table 39 Sexual Assault and Sexual Abuse Charges Compared to Sexual Assault and Sexual Abuse Incidents Reports in Chicago

	2001	2002	2003
Cases Charged	31%	23%	35%
Cases Charged and Not Dismissed	18%	19%	22%

National Comparisons

Reporting to the Police

The National Uniform Crime Reports (UCR) tracks data reported to the FBI annually on crime incidents reported to police. UCR data indicate that reports to the police for sexual assault (not for other sex crimes, including statutory rape) were 1.9% lower in 2003 than 2002 and were 8.6% below the number of forcible rapes reported in 1994.* These data have been interpreted by some to indicate that the amount of forcible rape is decreasing in the nation.

Two times a year, U.S. Census Bureau personnel interview household members in a nationally representative sample of approximately 42,000 households (about 76,000 people). About 160,000 interviews of persons age 12 and older are conducted annually. This National Crime Victimization Survey (NCVS), conducted for the U.S. Department of Justice, collects information on crimes, whether or not they were reported to law enforcement, enabling a scientifically accurate picture of crime in America to emerge. The research also uses a broader definition of sexual assault than the UCR, including attempted rape and other unwanted sexual contact. The NCVS revealed that only a portion of rape and sexual assault experienced between 1992 and 2000 was actually reported to police. During this time period, 41% of the persons who said they were assaulted or sexually abused by a stranger reported the crime to the police, and only 27% of individuals sexually assaulted or sexually abused by a non-stranger reported. Nationally, the number of victims who reported to the police continued to decline, and in 2003, only 39% of all sexual assault and abuse cases were reported to the police.**

How does Cook County compare to national trends in terms of reporting of sexual assault and abuse to police? To answer this question, researchers must first calculate the number of sexual assaults occurring in the general population. Using the NCVS prevalence figures for this purpose (resulting in a conservative estimate because NCVS data are generally determined to be lower than in other studies), a 2003 prevalence rate of .8 cases per 1,000 persons twelve years or older was found.

Applying this percentage to the Cook County population (using population aged 14 and older), would result in 3361 potential or probable sexual assault incidents to occur in any given year. The number actually reported to the police, approximately 1,900 is higher than the national average.

Victims surveyed in the NCVS put forth many reasons for failure to report, including “private/personal matter” (23%), and fear of reprisal (12%). Researchers believe that increased reporting to the police is, however, an important goal for the system for the following reasons:

- It allows police and communities to better understand the extent of this particular crime and to better strategize about preventing it. The community’s better understanding can help destigmatize victims and encourage more survivors to come forward.

- In cases in which the victim does not wish to proceed with a criminal prosecution, police officers can provide key information to them about medical and counseling resources available in the community.
- Many rapists have proven to be recidivists. For this reason, the earlier they are identified, the more potential assaults can be prevented, either by getting them off the streets or by creating severe consequences for behavior before it has become a pattern. Once a crime of sexual assault or abuse is reported to law enforcement officials, the police can encourage completion of a rape kit by a medical provider that ensures that the perpetrator's DNA enters a central registry where it could prove useful for identifying the rapist in another case.

National Cases Charged

National UCR data for 2003 reveal a 5% decrease in the number of persons arrested for forcible rape. (Remember, UCR data exclude other sexual offenses, including statutory rape.) Ten-year trend data (1994-2003) indicate a 22.3% drop in the number of persons arrested for forcible rape in the U.S.**** The small increase in prosecutions in Cook County for sexual assault between 2000 and 2003 (234 case increase) contradicts the national trend in decreased arrests.

* Bureau of Justice Statistics, *Crime in the United States, 2003*.

** Timothy C. Hart & Callie Rennison, *Reporting Crime to the Police, 1992-2000*, Bureau of Justice Statistics, 2003.

*** Kilpatrick, Edmunds, & Seymour. *Rape in America: A Report to the Nation*. National Crime Victims Center, 1992.

**** Bureau of Justice Statistics, *Crime in the United States, 2003*.

Conclusions and Recommendations

Policy Recommendation #8: Implement an outreach program to encourage victims of sexual assault and sexual abuse to come forward with information to local police, and work with police departments to create environments in which victims will feel comfortable and safe in reporting. Cook County's number of sexual assaults reported to the police, well below national average, is grounds for concern. Accurate reporting to the police assists the community in crime prevention and helps hold perpetrators accountable. Police, prosecutors, and the media all have a part to play in communicating the information that victims should come forward to report, even if they do not want to proceed with prosecution. Reporting to the police also provides the opportunity to provide crime victims with linkages to needed health and counseling services, as well as access to crime victim compensation funds. Police officers and detectives should revisit procedures and undergo training in more victim-sensitive procedures which might encourage more reporting.

Policy Recommendation #9: Give the Chief, Sex Crimes Division in the Cook County State's Attorney's Office jurisdiction over the entire county, not just

Chicago, and adequate back-up resources to support this expanded jurisdiction. The low number of cases filed in suburban Cook County may reflect decreased incident reporting. The data, however, show that even as police reports have declined in Chicago, the number of charges filed have increased, pointing to the initial success of the effort of the Cook County State's Attorney's Office to increase prosecutions when merited in Chicago. For this reason we recommend extension of this effort to the entire county.

Policy Recommendation #10: Gather more information on the reasons that sexual assault and abuse cases are not charged or are dismissed and the circumstances of these cases. When cases do not go to trial after being charged, the message is sent to the alleged rapist – and all rapists in general – that they will not be held accountable. More information about these cases that are dismissed, and the cases that do go to trial, would be helpful. Research would enable the system to identify barriers to completion of case prosecutions.

Data Collection Recommendation #5: Track the number of sexual assault and sexual abuse cases involving adult victims charged and prosecuted in Cook County. There are grounds to believe that the bulk of sexual assault and abuse cases prosecuted involve child victims and not adults. Absence of information about the percentage of cases charged involving adults makes it impossible to effectively monitor the prosecution of sexual assault and abuse cases in Cook County.

Intimate Partner Homicides

This report can present data for homicides involving intimate and former intimate partners in the City of Chicago. Data on homicides reported by suburban Cook County police districts does not identify homicides by intimate partners. Given the large number of police jurisdictions in suburban Cook County, researchers were not able to independently compute the number of homicides involving intimate partners in suburban Cook County.

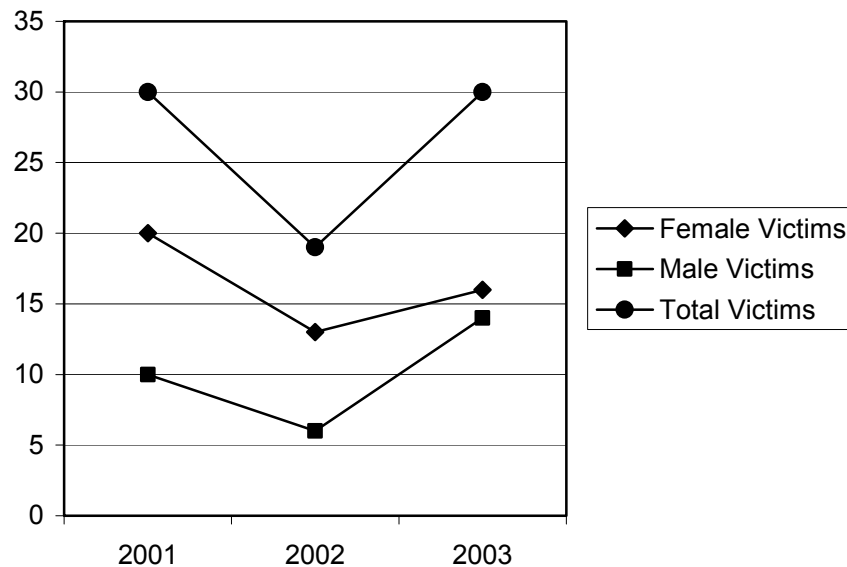
Intimate Partner Related Homicides in Chicago

Using a definition, unlike the rest of this report, which only includes persons who were killed by intimate and former intimate partners (as opposed to other family and household members), the Chicago Police Department data demonstrated a small decline in female victims and an increase in male victims killed by their partners.

Table 40 Intimate Partner Violence Related Homicides in Chicago

	2001	2002	2003
Female Victims	20	13	16
Male Victims	10	6	14
Total Victims	30	19	30

Figure 7 Intimate Partner Violence Related Homicides in Chicago



Relationships

In the majority of homicides involving intimate and former intimate partners in Chicago, the victim was a current boyfriend, girlfriend, or husband or wife, not an “ex,” although certainly the parties might have been in the process of separating. No other details about the situations of these homicide victims can be reported here. Researchers do not know, for example, whether victims had tried and failed to safely leave their abusers, or whether they knew about or used assistance from the legal system or community-based programs.

**Table 41 Chicago Intimate Partner Related Homicides:
Relationship of Victim to Offender**

Female Victims				
Victim Relationship	Offender Relationship	2001	2002	2003
Ex-girlfriend	Ex-boyfriend	2	1	4
Ex-girlfriend	Ex-girlfriend	1	0	0
Ex-wife	Ex-husband	1	0	1
Girlfriend	Boyfriend	9	5	5
Wife	Husband	7	6	5
Living as Wife	Living as Husband	0	1	1
Male Victims				
Victim Relationship	Offender Relationship	2001	2002	2003
Boyfriend	Girlfriend	5	4	11
Boyfriend	Boyfriend	2	0	0
Husband	Wife	2	0	1
Ex-boyfriend	Ex-girlfriend	0	1	2
Living as Husband	Living as Wife	1	1	0

Race/Ethnicity

The overwhelming majority of intimate partner homicide victims in Chicago were persons of color.

Table 42 Race/Ethnicity of Victims of Intimate Partner Related Homicides in Chicago (by Number and Percent Representation)

Race/Ethnicity	2001		2002		2003	
	Number	Percent	Number	Percent	Number	Percent
White	2	6%	5	26%	5	17%
Black	26	87%	10	53%	22	73%
White Hispanic	2	6%	4	21%	3	10%
Total	30		19		30	

Age of Victims

The majority of intimate partner related homicide victims in Chicago were aged 30-49.

Table 43 Age of Victims of Intimate Partner Related Homicides in Chicago

Age Range	2001	2002	2003
16 – 19	2	0	4
20 – 29	5	7	8
30 – 39	9	4	4
40 – 49	9	6	11
50 – 59	4	2	3
60+	1	0	0

National Comparisons

According to the U.S. Department of Justice, the number of men murdered by intimates nationally dropped 71% between 1976 and 2002.* The increase in male victims by 2003 in Chicago cuts against this national trend. The number of men killed by their intimate partners is considered an important benchmark in domestic violence research. If women victims can avail themselves of assistance through either the legal system or through community-based providers, it is thought that they might not have recourse to homicide.

The number of women killed by intimates has been stable nationally for two decades. After 1993, the number declined, reaching the lowest level recorded in 2001, and remained there in 2002. That the number of female victims has climbed again since 2002 in Chicago is thus also not a good sign.

Conclusions and Recommendations

Policy Recommendation #11: Implement formalized training for police officers, prosecutors, and judges in recognizing the signs of lethality. Homicides involving intimate or former intimate partners may be potentially more preventable than many other murders; the path leading up to the final event is usually littered with signals of potential tragedy, and often, although not always, the victim has made a request for help from one system or another. Protocols should be established so that when such a request is made to the legal system and one or more indices of lethality appear to be present, the system should make certain that advocacy and safety planning resources are immediately made available to victims.

* Bureau of Justice Statistics, *Homicide Trends in the U.S.*, accessed at www.ojp.usdoj.gov/bjs/homicide/intimates.htm on 1/18/05.

Policy Recommendation #12: Begin a formalized process of fatality review of intimate and former intimate partner homicide. Homicide cases involving intimate partners need to be researched to help determine whether and in what manner the victims attempted to obtain assistance from the legal system and how the system might be improved to prevent another homicide. Many states have domestic violence fatality teams. Legislation is required to resolve liability and confidentiality issues for domestic violence fatality review teams.

Data Collection Recommendation #6: Code and track intimate and former intimate partner homicide cases by police district to produce an annual report. The use of a broader household definition of “domestic” precludes monitoring of homicides involving intimate partners and national comparisons. The lack of a central registry of intimate partner related homicides in Illinois is surprising. The Illinois Uniform Crime Reporting Program, which receives homicide reports from all police districts should request information and report intimate partner homicides each year by county, allowing for annual statewide monitoring.

Summary of Data
Four-year Cook County Trends (2000-2003)

▲ increased ▼ decreased = remained the same

Orders of Protection

Number of orders in civil court ▲
 Number of orders in criminal court ▼
 Number of plenary orders ▼

Violation of Orders of Protection

Number of incidents reported to police ▼
 Number of arrests ▼
 Number of charges filed =
 % of charges dismissed ▲

Domestic Battery*

Number of charges filed ▲
 Percent of charges dismissed ▲

Stalking

Number of incidents reported to police ▲
 Number of arrests ▼
 Number of charges filed ▼
 Percent of charges dismissed ▼

Sexual Assault and Abuse

Number of incidents reported to police ▼
 Number of arrests ▼
 Charges filed ▲
 Percent of charges dismissed ▼

Domestic Violence Related Homicides

Number of female victims ▼
 Number of male victims ▲

* Missing data for domestic battery incidents in Chicago and understatement of arrests due to “screening in” of cases in lieu of arrests makes existing police data unreliable and will not be reported here.

Policy Recommendations

Policy Recommendation #1: Investigate the low number of plenary orders of protection issued in Cook County. Identify and implement methods to increase victim access to plenary orders of protection.

The large increase in orders of protection in civil court and corresponding decrease in criminal court needs investigation. So does the low number of cases becoming plenary orders which can be enforced by the legal system. The steep drop in plenary orders in Chicago (District One) is cause for real concern.

It can be assumed that some women are made safer by emergency orders of protection, and that for some, following through and making the order more permanent may compromise their safety because of the nature of the abuser. Lacking evidence, however, researchers can make no assumptions or reach conclusions about whether victims with more or less serious injuries are receiving plenary orders of protection.

Investigating the reasons for the low numbers of plenary orders would be a good first step forward. Research with a sample of cases could answer the many questions and concerns that this data raise. Analysis of the large number of order extensions might also shed light on this issue. Comparison of practices and procedures in district courtrooms producing more plenary orders of protection also may provide more information.

Policy Recommendation #2: Investigate the declining number of orders of protection issued in criminal courts in Cook County. Stay-away orders are often a condition of bail upon release from arrest. These stay-away orders place brief restrictions on the abuser's contact with the victim. However, in these cases screened in to court without arrest in misdemeanor cases in Cook County, this method of protection is absent. A sampling of court cases, along with interviews of state's attorneys and judges, may isolate problems or issues that contribute to the lack of protection of victims in criminal court.

Policy Recommendation #3: Investigate the large percentages of violations of orders of protection cases that are dismissed without a finding of guilt or innocence in Cook County. Increasing percentages of violation of orders of protection incidents charged in Chicago can go a long way toward conveying a message that an order of protection is not "just a piece of paper." However, a majority of the misdemeanor cases brought in Cook County are dismissed without a finding of guilt or innocence. This occurrence may send a negative signal to abusers about the importance of an order of protection. However, many victims may prefer to dismiss the case because of fears of the abuser or coercion, and they should certainly be able to make decisions about their own safety. We need to know, however, whether case dismissals represent victims' choices or whether they occur because court procedures or delays act as roadblocks to case completion.

Examination of a sample of violations of orders of protection cases could provide additional information to help determine the reason for the large dismissal rates for

misdemeanor cases involving violation of orders of protection. It would be helpful to know whether the cases that are dismissed involve victims with the most serious injuries or the more minor ones, and what other factors might distinguish them.

Policy Recommendation #4: Investigate the cases of women charged with domestic battery in Cook County. The arrest of a minimum of 1,600 females for domestic battery in Chicago is a cause for concern. National data and advocate experience suggest that all of these women may not be batterers. Instead, some may be victims of false accusations from abusers. Some of these cases could include woman-on-woman battery, but researchers cannot determine how many.

Nor could researchers determine how many of these cases involving women defendants are charged. Tracking the gender of the perpetrators and victims in each case, and the circumstances of the cases, would enable these cases to be further investigated.

Policy Recommendation #5: Gather and examine more information about dismissed domestic battery cases to investigate the high rate of case dismissals. Generally rising rates of dismissals is cause for concern. Although victims can obtain some help just from bringing a prosecution, the failure to complete it may truly endanger them. From this data there is no way of knowing whether the cases dismissed involve the worst threats or injuries, weapons, or the most minor injuries. There is also no way of knowing whether cases that are screened into court instead of via the arrest process are more likely to be dismissed or not. If case dismissals occur among the more serious cases, then efforts to provide education, assistance, and support to victims of family violence should be enhanced.

Policy Recommendation #6: Increase the number of stalking cases reported to the police and prosecuted through victim information and judicial, police, and prosecutor training. Stalking is one of the most terrifying abuser tactics that victims endure, and the low number of stalking arrests and charges is a cause for grave concern. All systems need training about stalking and the stalking law and how it can be used as a tool to eliminate serious abuse in Cook County. It may be that victims may not know to report the second incident, which will trigger a stalking arrest. Given the high national statistics on stalking prevalence, women and girls in Cook County need written information about the law and how they can use it to keep themselves and their children safe from an abuser who stalks them.

Policy Recommendation #7: Increase the number of stalking prosecutions by examining the Illinois stalking law; learning from police, prosecutors, and judges about barriers presented by the law to successful prosecutions; and considering changes to the law.

Policy Recommendation #8: Implement an outreach program to encourage victims of sexual assault and sexual abuse to come forward with information to local police, and work with police departments to create environments in which victims will feel comfortable and safe in reporting. Cook County's number of sexual assaults reported

to the police, well below national average, is grounds for concern. Accurate reporting to the police assists the community in crime prevention and helps hold perpetrators accountable. Police, prosecutors, and the media all have a part to play in communicating the information that victims should come forward to report, even if they do not want to proceed with prosecution. Reporting to the police also provides the opportunity to provide crime victims with linkages to needed health and counseling services, as well as access to crime victim compensation funds. Police officers and detectives should revisit procedures and undergo training in more victim-sensitive procedures which might encourage more reporting.

Policy Recommendation #9: Give the Chief, Sex Crimes Division in the Cook County State’s Attorney’s Office jurisdiction over the entire county, not just Chicago, and adequate back-up resources to support this expanded jurisdiction. The low number of cases filed in suburban Cook County may reflect decreased incident reporting. The data, however, show that even as police reports have declined in Chicago, the number of charges filed have increased, pointing to the initial success of the effort of the Cook County State’s Attorney’s Office to increase prosecutions when merited in Chicago. For this reason we recommend extension of this effort to the entire county.

Policy Recommendation #10: Gather more information on the reasons that sexual assault and abuse cases are not charged or dismissed and the circumstances of these cases. When cases do not go to trial after being charged, the message is sent to the alleged rapist – and all rapists in general – that they will not be held accountable. More information about these cases that are dismissed, and the cases that do go to trial, would be helpful. Research would enable the system to identify barriers to completion of case prosecutions.

Policy Recommendation #11: Implement formalized training for police officers, prosecutors, and judges in recognizing the signs of lethality. Homicides involving intimate or former intimate partners may be potentially more preventable than many other murders; the path leading up to the final event is usually littered with signals of potential tragedy, and often, although not always, the victim has made a request for help from one system or another. Protocols should be established so that when such a request is made to the legal system and one or more indices of lethality appear to be present, the system should make certain that advocacy and safety planning resources are immediately made available to victims.

Policy Recommendation #12: Begin a formalized process of fatality review of intimate and former intimate partner homicide. Homicide cases involving intimate partners need to be researched to help determine whether and in what manner the victims attempted to obtain assistance from the legal system and how the system might be improved to prevent another homicide. Many states have domestic violence fatality teams. Legislation is required to resolve liability and confidentiality issues for domestic violence fatality review teams.

Data Collection Recommendations

Data Collection Recommendation #1: Keep more detailed data of both petitioner and respondent on orders of protection, including gender, relationship of the parties, and unduplicated counts. The retrievable data kept by the Cook County Circuit Court on orders of protection provides no additional data about the facts of the case or the relationship of the parties. Researchers cannot determine the gender of petitioners and respondents; for example, whether male petitioners are complaining about same sex respondents, and what proportion of the cases as a result might involve an abuser's racing to the courthouse first in a preemptive strike. Lack of data about gender of petitioners and respondents makes it impossible to address this issue. In addition, lack of information about the relationship of the parties makes it impossible to isolate the number of orders of protection involving intimate or formerly intimate parties, as opposed to other household members. Lastly, the number of orders of protection may be inflated because it might contain duplicated cases. For these reasons, coding of the cases with this information in the future by the Circuit Court would provide information important for future accountability studies.

Data Collection Recommendation #2: The Circuit Court should code each domestic battery case charged by gender of victim and perpetrator to enable reliable data to be tracked, and to enable research enumerated in Policy Recommendation #4 (above) to occur around the issue of women defendants.

Data Collection Recommendation #3: Program data systems to enable domestic batteries by intimates and former intimates to be reported separately. This information is available but programming is needed to retrieve it. Sorting of all cases by the police department and the court system for intimate or former intimate partners would enable better monitoring of domestic violence cases involving intimate partners as opposed to household members, and allow more comparisons with national data.

Data Collection Recommendation #4: Police departments should report an unduplicated number of domestic battery victims, to enable a count of the number of individuals affected by intimate partner violence to be calculated.

Data Collection Recommendation #5: Track the number of sexual assault and sexual abuse cases involving adult victims charged and prosecuted in Cook County. There are grounds to believe that the bulk of sexual assault and abuse cases prosecuted involve child victims and not adults. Absence of information about the percentage of cases charged involving adults makes it impossible to effectively monitor the prosecution of sexual assault and abuse cases in Cook County.

Data Collection Recommendation #6: Code and track homicide cases so that an annual report of those involving intimate partners or former intimate partners can be published by police district. We have seen that the use of a broader household definition of “domestic” precludes monitoring of homicides involving intimate partners and national comparisons. The lack of a central registry of intimate partner related homicides in Illinois is surprising. The Illinois Uniform Crime Reporting Program, which receives homicide reports from all police districts, should request information and report intimate partner homicides each year by county, allowing for annual monitoring.

Data Collection Recommendation #7: Establish a new, centralized intimate partner violence monitoring effort for Cook County. As this report has shown, data collected from the legal system can provide important information about the county’s efforts to respond to and prevent domestic violence. Were the systems to make coding changes and use uniform definitions of intimate partner violence which did not include all household members, much valuable information could be collected. This data also needs to be centrally reported, analyzed, and disseminated to the community. The Illinois Criminal Justice Information Authority is one natural centralized place, as is the Illinois Uniform Crime Reporting Program, or the Illinois Attorney General’s office. Each county could benefit from such a centralized system.

The state of Wisconsin has developed a computerized Domestic Abuse Reporting Form that collects information on incidents, arrests, charges, and dispositions reported to the Department of Justice (similar to the Illinois Office of the Attorney General). Each actor in the system completes the relevant part of the computerized form as the case progresses. Due to the large number of cases in Milwaukee County, more limited information is provided, but arrests, charges, and sentencing information are available. Although this system may not work in a county as large as Cook County, some additional data collection and centralization should be explored. We understand that the Illinois Uniform Crime Reporting Program is now developing a new incident-based data system, including, at a minimum, the reporting of all offenses committed for each incident, victim-to-offender relationships, disposition of incidents, and the age, sex, and race/ethnicity of victims and offenders. Comparison of the projected system with that of Wisconsin’s would be useful, as would the speediest as possible implementation of such a new system.