

*Data on Legal Dispositions, and Dates as Cross References*

In more than 11,000 cases there is a date of death.<sup>302</sup> The date of death and the name of the victim can be a reference to coroner's records. The dates for legal dispositions sometimes include: date of arrest, date of coroner's judgment, date of grand jury decision, and date of sentence.<sup>303</sup> Over 100 cases are identified as resulting in a death sentence being imposed, and 79 cases are listed as resulting in the defendant being executed.<sup>304</sup>

There are approximately 6000 cases with a date for the coroner's decision. There are over 3000 cases with a date of arrest, the majority of which are probably cases in which the defendant was arrested at the scene of the homicide, although the practice was to record the arrest as taking place at the precinct station.

The coroner's inquest was entirely the responsibility of the police.<sup>305</sup> The coroner's records and transcripts of hearings would presumably include a great deal of additional detail about these cases.<sup>306</sup>

<sup>301</sup> Oberman, *supra* note 212, (beginning the analysis of that very interesting set of cases).

<sup>302</sup> For those very few cases in which there was only a month and a year, and not an exact day of death, the date of the 15th of the month was entered for date of death. That was a small number of cases, less than 50 cases out of a database of more than 11,000 cases. *Infra* app.A.

<sup>303</sup> For a very small number of cases there are dates for which clemency was granted, or the date of an execution, or the date of a reversal on appeal and the date of a retrial.

<sup>304</sup> See Derral Cheatwood, *Capital Punishment for the Crime of Homicide in Chicago: 1870-1930*, 92 J. CRIM. L. & CRIMINOLOGY 843 (2002) (forthcoming in this volume) (analyzing the death sentences in the data set).

<sup>305</sup> Lashly, *supra* note 167, at 598 ("The police are on hand at every [coroner's] inquest, and, in fact, the whole burden of assembling the evidence and presenting it is upon them"). The Report on Homicide in the 1929 Illinois Crime Survey only looked at cases during 1926 and 1927, but there is no reason to think that this was not the procedure in place during the entire period.

*See also id.* at 595:

The task of gathering the evidence and rounding up the witnesses for the coroner's inquest is left entirely to the police. In many cases the police will file a charge of murder or manslaughter in the municipal court against the person or persons indicated by their investigation as guilty of an offense, merely in order to hold the accused . . . .

<sup>306</sup> Even though the coroner's inquest included witnesses and a jury, it was not a final

There are more than 8000 cases in the data set for which a coroner's verdict is recorded. In other words, there are an additional 2000 cases where the result of the coroner's decision is recorded, but the date of the coroner's decision is not included.

Over 3000 cases include the name of the trial court judge.<sup>307</sup> These names can be alphabetized and sorted by date in their present form. Particularly interesting to researchers studying political behavior and corruption is the possible relationship between disposition and elections, or the relationship between sentencing and the election cycle for judges,<sup>308</sup> and sentencing and certain watershed events such as the Haymarket trials, the "Red Scare" and race riot of 1919, the imposition of Prohibition, the Pullman Strike, or World War I.<sup>309</sup>

There are sentencing dates for about a quarter of the data set. About 2000 cases are explicitly identified as jury verdicts. The record includes outcome at trial for more than 2000 cases. Of these, there are over 1300 where the outcome is identified as guilty of murder, felony murder or manslaughter.<sup>310</sup> More than 40 defendants were identified as having been found not guilty by reason of insanity. Under a controversial law of the day, the verdict of not guilty by reason of insanity was required to be handed down by a jury. The records for insanity acquitees may be obtainable from contemporaneous hospital records.

Over 1000 cases indicate that they resulted in an acquittal, presumably by a jury. Cases that were dismissed or stricken off by a

legal disposition:

[The coroner's verdict is] "merely advisory" and limited to a determination of the causes of death. Neither the police, the state's attorney, or the grand jury is bound by the findings of the coroner's jury and the verdict is not admissible as evidence in civil suits for the purpose of establishing personal liability or a defense to a suit where death is charged, or for the purpose of establishing any other issue between private litigants. In practice, however, the coroner's verdicts are a very potent factor in the determination of many important questions. . . .

*Id.* at 596.

<sup>307</sup> There are records of 3,338 judge names, of which 250 different judge names are included. This is approximately 20% of the total number of cases. *Infra* app.A.

<sup>308</sup> The name of the judge, in addition to the name of the victim and defendant and the date of the offense, used as tracking information for the police officers can serve a similar purpose a century later. Cases assigned to a judge presumably stayed with that judge. A researcher interested in a particular judge, and knowing something about that judge, can identify a judge's term of office and time of reelection, and then look at that judge's decisions in relation to those events. The obituaries of judges will be useful to identify the reputation and political affiliation of individual judges for this research. *Id.*

<sup>309</sup> See Brooks & Raphael, *supra* note 90.

<sup>310</sup> See *infra*, app.B.

judge<sup>311</sup> were so indicated.<sup>312</sup> Over 450 cases were listed as “stricken off” or postponed or dismissed, without a conviction being entered. This set of cases may well be those in which there was questionable judicial behavior, or they may simply be cases where there were no witnesses, or insufficient evidence for further prosecution.

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<sup>311</sup> The 1929 Illinois Crime Survey finds in the murder cases a total of 37 cases (5.28%, N=701) which were “S.O.L.” or “stricken off.” By contrast, 88 (12.55%, N=701) of the murder cases were dismissed at the Grand Jury, and 153 (21.82%, N=701) were found guilty. Lashly, *supra* note 167, at 627 (Tbl. 18, Disposition of Principals and Accessories Named by Coroner or Booked by Police in Murder Cases for 1926 and 1927).

<sup>312</sup> If the number and proportion of jury verdicts is accurate, and the number of acquittals is accurate, then half of all jury verdicts were acquittals, a figure which seems high by today’s standards. For the period 1926 and 1927, the 1929 Illinois Crime Survey found a total of 114 acquittals, or 16.26% of all murders, for both 1926 and 1927, approximately the same number of cases (113) in which there was no record of arrest or prosecution [N=701]. Similarly, the Survey found 34 acquittals, or less than 10% of all cases which were not murders [N=349], including the approximately 10% of cases where there was no prosecution because no person was arrested or the defendant died prior to trial, *Id.* at 627.

<sup>313</sup> The 1929 Illinois Crime Survey included a detailed and sophisticated analysis of homicides in Cook County for the years 1926 and 1927 in *Chapter XIII Homicide*, which summarizes its data as follows:

This report covers all homicides in Cook County, including Chicago, in the years 1926 and 1927. Fourteen hundred thirty-eight cases were considered, of which 739 were in 1926 and 699 in 1927. The cases were selected according to verdicts of coroner’s juries and were divided as follows: murder, manslaughter (including automobile deaths), abortion of undisclosed origin, violent deaths of undetermined motives, and cases, including killings by police officers, in which the coroner’s jury found the death to be justified and the defendants were released. In addition to the foregoing cases, 376 instances of homicide were picked up where the police had filed charges of murder or manslaughter against the killers, but the coroner’s juries thereafter exonerated the persons held and they were released. There were 380 verdicts of murder found by coroner’s juries in 1926, and exactly the same number in 1927. Three hundred twenty-eight of the murders in 1926 were in the City of Chicago and 52 in Cook County outside of Chicago. In 1927, 333 murders were committed in Chicago and 47 in the county area outside of the city. . . .

*Id.* at 634–35.

<sup>314</sup>The 1929 Illinois Crime Survey also notes:

The police of the City of Chicago, however, have no authority outside of the city. . . . The records of the Police Department of the City of Chicago, therefore, [which is this database] contain only those deaths which occurred within the city limits. . . . Very often the person killed in the