

Winnebago County's Criminal Justice System: Trends and Issues Report

Center for Criminal Justice Research, Policy and Practice

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Table of Contents

Introduction	2
Winnebago County’s Criminal Justice System.....	3
<i>Law Enforcement & Policing</i>	3
<i>Courts</i>	4
<i>Corrections</i>	4
Reported Crime and Arrests in Winnebago County	6
<i>Crimes Reported in Winnebago County</i>	7
<i>Arrests in Winnebago County</i>	10
Criminal Court Filings and Dispositions in Winnebago County	14
Sentencing of Those Convicted of a Felony in Winnebago County.....	16
Changing Correctional Populations	20
Reentry and Recidivism of Those Released from Prison Who Return to Winnebago County	22
Conclusions and Future Research.....	25

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Introduction

In December 2016, the Illinois State Commission on Criminal Justice and Sentencing Reform recommended that the Illinois Criminal Justice Information Authority (ICJIA), the State’s criminal justice research and grant-making agency, provide technical assistance to local jurisdictions to form county level Criminal Justice Coordinating Councils (CJCCs). Loyola University Chicago’s Center for Criminal Justice Research, Policy and Practice has collaborated with ICJIA to support the development of these CJCCs. CJCCs convene elected and appointed executive-level policymakers, victim and other non-profit organizations and members of the public to collaboratively address issues facing the justice system and its constituent agencies. CJCCs use data-guided and structured planning processes to identify, analyze, solve, and manage justice system issues.

Through a competitive process, Winnebago County was selected to participate in a pilot project whereby technical assistance in the form of research, analysis, and facilitated strategic planning would be provided by the ICJIA and Loyola University. This report is one of the first stages of this process and is designed to provide criminal justice practitioners, policy makers, community organizers, and members of the general public with an understanding of how the adult criminal justice system is organized, how it functions, and how each component of the system is interrelated to the others. The data utilized in this report come exclusively from data and information available through state-level reporting mechanisms in Illinois, and thus allow for some comparisons to other jurisdictions in Illinois.¹ While more current, and more detailed data are available locally, part of the current effort is to better understand the utility of these state-level data for planning purposes.

Winnebago County's Criminal Justice System

Winnebago County, located in northern Illinois on the Wisconsin border, is the 7th largest county in Illinois, with an estimated population of 285,873 residents in 2016. Between 2010 and 2016, Winnebago County's population decreased 3%. Although Winnebago County has 17 cities and towns, the City of Rockford is by far the largest, accounting for 53% (152,871 residents) of the entire population of Winnebago County in 2016. Indeed, Rockford is the 3rd largest city in Illinois, smaller only to Chicago and Aurora. The criminal justice system in Winnebago County can be broadly divided into three major components: law enforcement and policing, courts, and corrections. Within each of these general components are a number of different agencies, operating with specific goals and purposes, and also operating across different branches and levels of government.

Law Enforcement & Policing

When crimes are reported to the police, or when police observe criminal behavior during the course of patrol or investigations, the arrest of an individual is the starting point for the rest of the justice system and impacts workload and activities of all of the other justice system agencies in Winnebago County. The majority of policing services are provided by municipal police departments. The Winnebago County Sheriff's Office provides policing services to unincorporated areas of the county as well as to specific towns in Winnebago County. The County Sheriff also provides security for the courts and operates the county jail. Of the 11 incorporated cities and towns in Winnebago County, nine operate their own police departments, with the City of Rockford being the largest of these.² Each municipal police department has a chief of police, appointed by the mayor of each city. The Winnebago County Sheriff's Office is led by an elected Sheriff. In addition to these municipal and county police agencies, there are a number of other police departments with very specific

¹ Comparisons in this report are made to Illinois outside of Cook County because Cook County trends tend to dramatically influence statewide patterns in crime and justice system activities..

² The following incorporated cities and towns are in Winnebago County: Cherry Valley, Durand, Loves Park, Machesney Park, New Milford, Pecatonica, Rockford, Rockton, Roscoe, South Beloit, and Winnebago. All but New Milford and Machesney Park operate their own police department.

jurisdictions, such as the Rockford Park District Police and the Rockford Airport Police. There is also a multi-jurisdictional policing task force that operates in the Winnebago County area. The State Line Area Narcotics Task-force (SLANT) is a multi-jurisdictional drug task force that involves the cooperation and resource sharing among state, county and municipal law enforcement agencies in Winnebago County as well as a number of neighboring counties.³ These law enforcement agencies are responsible for responding to reported incidents of criminal activity as well as engaging in patrol and investigations to prevent, detect, and uncover criminal activity.

Courts

When an individual is arrested in Winnebago County, their case is referred to the Winnebago County State's Attorney's Office, which is led by an elected State's Attorney. Each county in Illinois has a separately elected State's Attorney. The Winnebago County State's Attorney's Office reviews arrest reports by the law enforcement agencies in Winnebago County to determine if criminal charges should be filed in court, and if so, they initiate a criminal case by filing a case with the Office of the Winnebago County Clerk of the Circuit Court. The case is then adjudicated within the circuit court. Winnebago County is part of Illinois' 17th Judicial Circuit, which includes Winnebago County and Boone County. Illinois has 23 separate judicial circuits, some of which include single counties, while others, like the 17th Circuit, include multiple counties. Within each judicial circuit are elected Circuit Court Judges and appointed Associate Judges. It is within these circuit courts that criminal cases are adjudicated. Each judicial circuit is led by a Chief Judge, selected by and from the Circuit Court Judges within the judicial circuit. The Circuit Judges of the circuit also appoint a Public Defender, who oversees the Winnebago County Public Defender's Office, an agency responsible for providing legal services to indigent persons arrested and charged with crimes in Winnebago County. The 17th Judicial Circuit, along with five other circuits in northern Illinois, make up Illinois' Second Appellate District, which hears cases on appeal from the circuit courts within the district. The Winnebago County Sheriff's Office provides security to the Winnebago County courts, both in the courthouse as well as in the individual courtrooms.

Corrections

The corrections component of the criminal justice system includes both institutional as well as community-based correctional agencies responsible for supervising and detaining those charged with crimes as well as those convicted of offenses. These agencies have varying functions and operate at different levels and branches of government. For example, the Winnebago County Sheriff's Office operates the Winnebago County Jail, which serves multiple functions. First, the Winnebago County Jail serves as a centralized booking facility for the county, meaning all adults arrested in Winnebago County are processed through the jail prior to their release or appearance at bond court. For those

³ Illinois Criminal Justice Information Authority (2004): *Assessing Illinois' Metropolitan Enforcement Groups and Task Forces: A Profile of the State Line Area Narcotics Team*.

individuals who cannot post or are denied bail, the Winnebago County Jail serves as a pre-trial detention facility. Individuals can also be sentenced to serve time (less than a year) in the Winnebago County Jail upon conviction. For those individuals convicted of a felony-level offense, depending on the nature of their offense, they can be sentenced either to supervision in the community (probation) or to prison (for a year or more).

Offenders sentenced to probation in Winnebago County are supervised and referred to services by the Winnebago County Probation and Court Services Department. The Probation and Court Services Department is funded through a mix of county and state resources, and is under the judicial branch of government. When a sentence to probation is imposed, the individual is supervised in the community by probation officers. In addition to supervision, the conditions of probation often include payment of fines, restitution, probation supervision fees, as well as participation in rehabilitative programs. Through the Resource Intervention Center, those on probation in Winnebago County are able to access a wide array of services and programs designed to address their criminal behavior and reduce their risk to continue their involvement in crime. If an individual fails to meet the terms of their probation or commits a new crime while under supervision, their probation may be revoked and they may serve the prison time associated with their sentence.

If someone convicted of a felony in Winnebago County is sentenced to prison, upon the imposition of that sentence the offender (if male) is transferred by the Winnebago County Sheriff's Office to the Illinois Department of Corrections (IDOC) Reception and Classification (R&C) Center at the Stateville Correction Center in Crest Hill, Illinois. Adult females are transferred to the Logan Correctional Center R&C in Lincoln, Illinois. After inmates have been processed through the R&C, they are then transferred to one of Illinois' 27 prisons based on their security classification and needs.

Inmates then serve their prison sentence, and upon release, are supervised in the community under Mandatory Supervised Release (MSR, "parole") by parole officers that work for IDOC. Under Illinois' sentencing structure, inmates are released from prison after they have completed serving their court-imposed prison sentence, minus any sentence credits they may receive for time served in pre-trial detention, good conduct credits, or credits to their sentence for completing rehabilitative programming while in prison. Thus, while Illinois' Prisoner Review Board (PRB) sets the conditions of MSR (i.e., requirements to participate in programming in the community), under Illinois law they do not have the authority to determine whether someone should be released from prison. Individuals released from prison must have an approved host site where they will live, and most return back to the community where they lived before going to prison. The length of time individuals are supervised on MSR is set by state statute, and corresponds to the felony class of the crime for which they were sentenced to prison, generally ranging from 1 year (for Class 3 and 4 felonies) to 3 years (for Murder and Class X felonies). For sex offenders, their MSR period is indeterminate, with a minimum of 3 years and up to lifetime supervision. Those sentenced to prison for domestic violence offenses are

supervised on MSR for 4 years. If during the period of MSR an individual violates the conditions of their supervision set by the PRB, or is rearrested for a crime, their MSR can be revoked and they can be returned to prison to serve out a portion, or the remainder of, their MSR period.

Reported Crime and Arrests in Winnebago County

To understand how the justice system responds to crime in Winnebago County, it is first important to understand how much crime occurs and the number of individuals subsequently arrested.

Importantly, research conducted by the U.S. Department of Justice reveals that not all crime occurrences in the United States are reported to the police. For example, the 2015 National Crime Victimization Survey (NCVS) estimates that 45% of serious violent crime and 65% of property crime was *not* reported to the police.⁴ Reporting variations also exist within large crime categories (e.g., violent and property). Nationally, the majority of thefts (property) and sexual assaults (violent) are *not* reported to the police while the majority of motor vehicle thefts (property) and robbery (violent) *are* reported. Thus, when considering how much crime is reported to the police it is important to keep in mind that this represents only a portion of the crime that actually occurs.

One of the primary ways crime in communities is measured is through a reporting system called the Uniform Crime Reporting (UCR) program, whereby individual law enforcement agencies report specific data to the Illinois State Police.⁵ These data include information about the number and type of crimes reported to the law enforcement agency as well as the number and type of arrests made by the agency. Although not exhaustive of all crimes, a Crime Index, consisting of eight crimes that are considered to be the most serious and consistently defined across jurisdictions in the United States, has been used since the 1930s. Specifically, there are four crimes used to calculate a Violent Crime Index, including: murder, rape (termed in Illinois as criminal sexual assault), robbery and aggravated assault/battery.⁶ In addition, there are four crimes used to calculate a Property Crime Index, including: burglary, larceny/theft, motor vehicle theft, and arson. Combined, these violent and property Index offenses are used to compute the total Crime Index. While violent and property Index offenses usually come to the attention of the police through reports by crime victims and are consistently defined across the country, there are a number of other crimes that are often only detected by the police or legally defined differently across the country, such as drunk driving, drug sales and possession, and illegal possession of firearms. Thus, there are many common offenses that

⁴ See <https://www.bjs.gov/content/pub/pdf/cv15.pdf> for a detailed description of the National Crime Victimization Survey.

⁵ See <https://www.ucrdatatool.gov/> for a detailed description of the Uniform Crime Reporting Program.

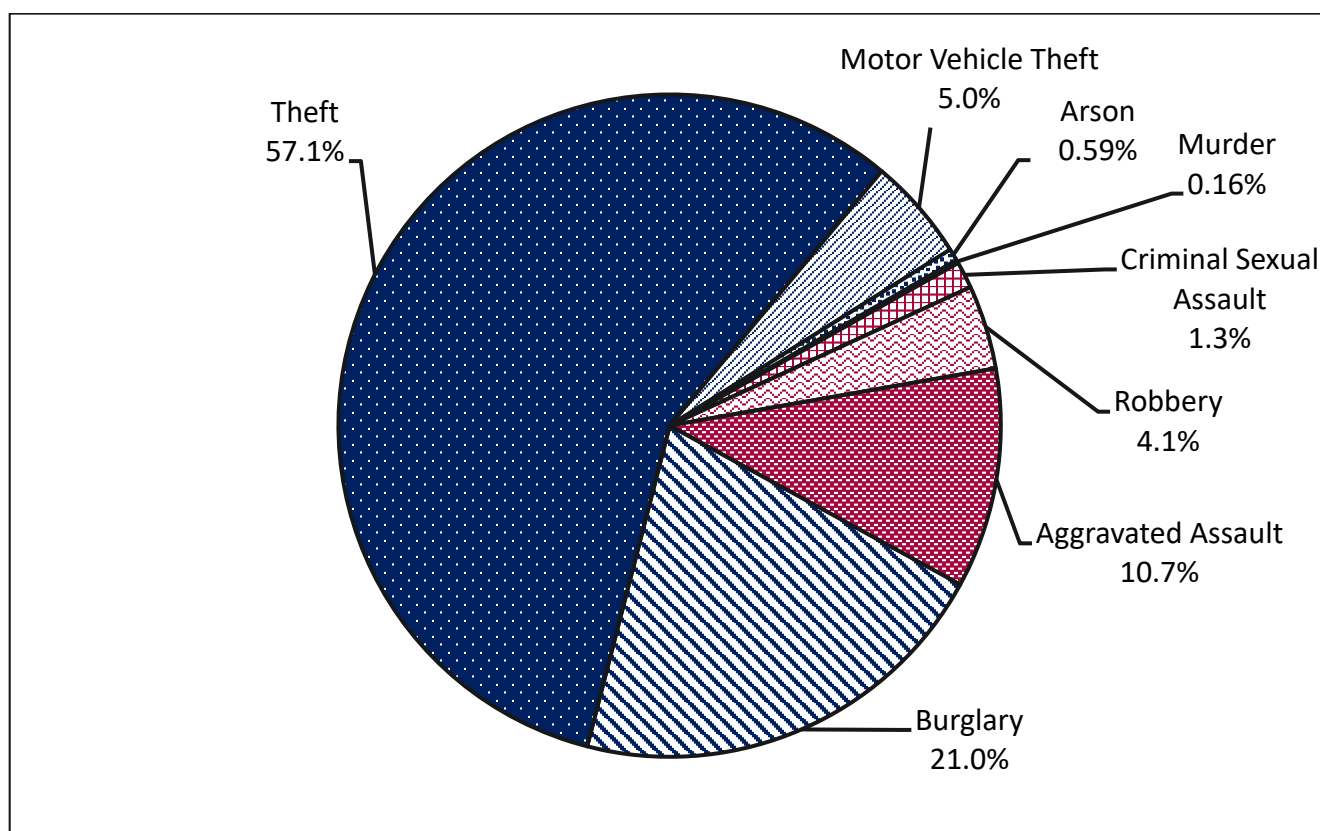
⁶ In 2014 the crimes of Human Trafficking-Commercial Sex Acts and Human Trafficking-Involuntary Servitude were added to the Crime Index. In 2016, one offense and one arrest was reported under the Human Trafficking-Commercial Sex Act, while no offenses or arrests were reported under the Human Trafficking-Involuntary Servitude category. In 2014 and 2015, no offenses or arrests under either category were reported in Winnebago County through the UCR program.

are not part of the Crime Index because they go unreported to the police or because their legal definition varies significantly across states rendering meaningful comparison impossible.

Crimes Reported in Winnebago County

In Winnebago County, the majority (84% between 2005 and 2016⁷) of all Index crimes reported to the police involved property Index crimes (Figure 1), a pattern similar to Illinois jurisdictions outside of Winnebago County, excluding Cook County.⁸

Figure 1. Crime Reported to the Police in Winnebago County, 2005-2016



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

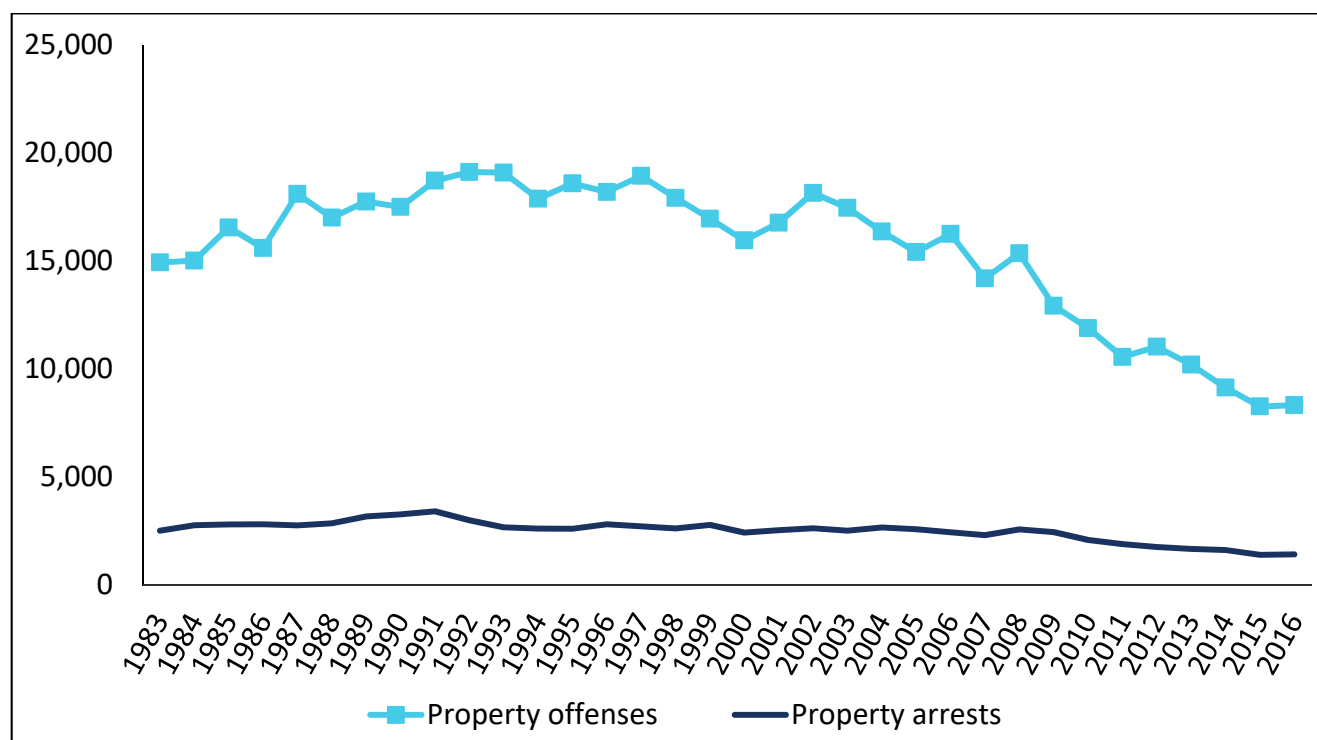
Because these property crimes account for such a large portion of all Index crimes reported to the police, trends in property Index crime tends to influence the total Index crime rate in Winnebago

⁷ Illinois State Police Annual Report. Analyses of published aggregate IUCR data by Loyola's Center for Criminal Justice Research, Policy and Practice.

⁸ Excluding Cook and Winnebago counties, property crime accounted for 88% of all reported Index crime from 2005 to 2016. Comparisons are made to Illinois outside of Cook County because Cook County trends tend to dramatically influence statewide patterns in crime and justice system activities.

County. Between 2010 and 2016, the number of property Index crimes reported to the police in Winnebago County decreased 30% (Figure 2), a trend similar to Illinois jurisdictions outside of Winnebago County, excluding Cook County.¹⁰ In 2016, the property Index offense rate in Winnebago County was 2,934.4 per 100,000 residents, or 88% higher than the rate of 1,557.2 per 100,000 residents in Illinois outside of Cook and Winnebago counties that year. In 2016, the City of Rockford accounted for 68% of all property Index crimes reported to the police in Winnebago County.

Figure 2. Uniform Crime Report (UCR) Offense and Arrest Numbers for Property Index Crimes in Winnebago County, 1983-2016



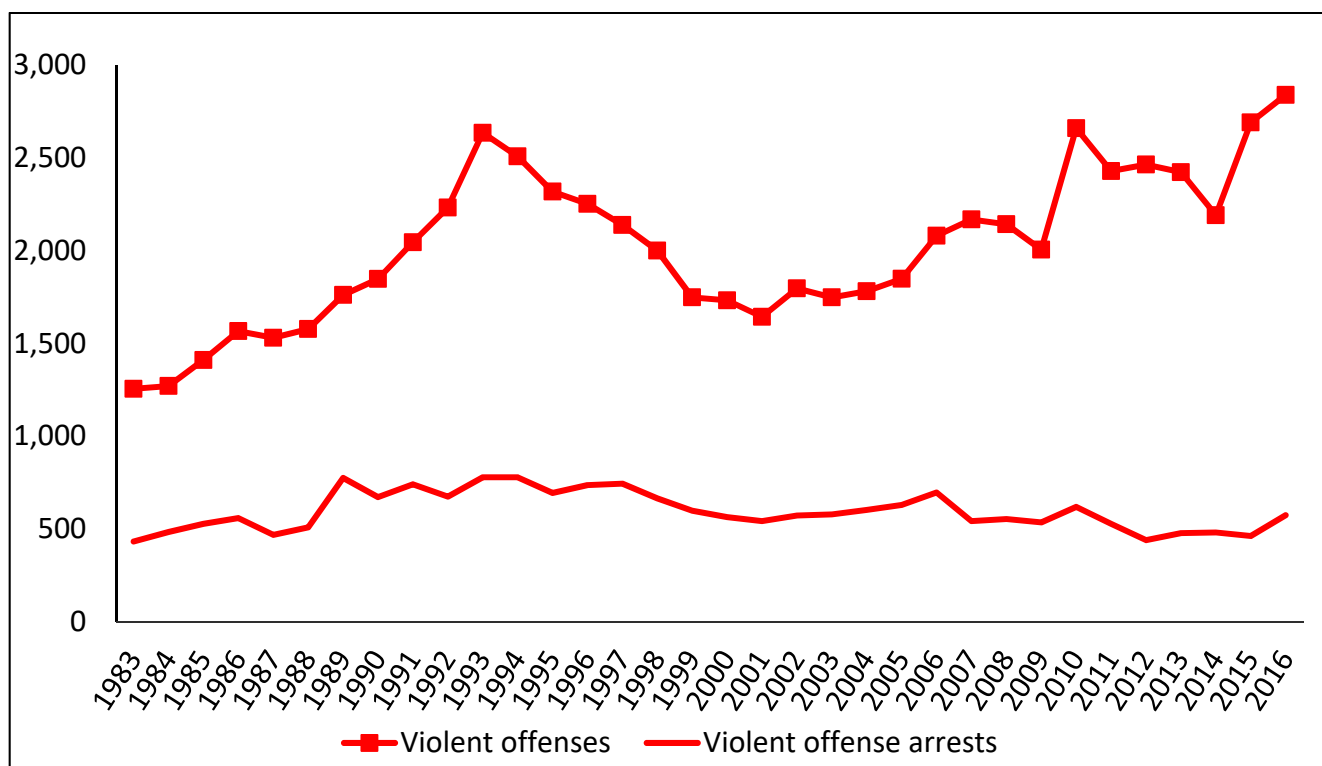
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

Although violent Index crimes account for a relatively small proportion (approximately 17% between 2005 and 2016 [Figure 1]) of all Index crimes reported to the police in Winnebago County, these involve the most serious offenses the justice system handles, including murder, battery with a firearm, and criminal sexual assault. Between 2010 and 2016, the total number of violent Index crimes reported to the police in Winnebago County increased 7% (Figure 3). By comparison, the total

¹⁰ Between 2010 and 2016, in Illinois outside of Cook and Winnebago counties, the number of property Index crimes decreased by 25%.

number of violent Index crimes reported to the police in Illinois outside of Cook and Winnebago counties decreased 16% between 2010 and 2016. In 2016, the violent Index offense rate in Winnebago County was 999.6 per 100,000 residents, or over four-times higher than the rate of 229.8 per 100,000 residents in Illinois outside of Cook and Winnebago counties that year. In 2016, the City of Rockford accounted for 86% of all violent Index crimes reported to the police in Winnebago County.¹¹ Further, in recent years there have been substantial increases in specific violent offenses. For example, although aggravated battery with a firearm accounted for 11% of all Index crimes reported to the police in Rockford, the number of these offenses increased 40% between 2014 and 2016.

Figure 3. Uniform Crime Report (UCR) Offense and Arrest Numbers for Violent Index Crimes in Winnebago County, 1983-2016



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

¹¹ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

Arrests in Winnebago County

When crimes are reported to the police, or when police observe criminal behavior during the course of patrol or investigations, the arrest of an individual is the starting point for the rest of the justice system and impacts the workload and activities of all of the other justice system agencies in Winnebago County. There are a number of factors that can influence the number and rate of arrests, including the amount of crime, the nature of crime and victimization, and what police departments and officers focus their resources and attention towards. For example, if crime decreases, that will likely lead to fewer arrests. Further, if crimes are reported, but police have little evidence to work with or victims are unable to provide the police with information regarding the perpetrator, making an arrest in the case will be more difficult. Finally, if there are specific criminal behaviors that the public demands the police “do something about,” such as visible signs of drug activity, prostitution, or drunk driving, the police may increase their attention towards these offenses in response to these expectations from the public, resulting in dramatic increases in arrests for some crimes.

In general, between 2010 and 2016, the trends in arrests in Winnebago County for property Index crimes have mirrored the number of these offenses reported to the police; reported property Index offenses decreased 30% and arrests for property Index offenses fell 32% (Figure 2). On the other hand, while reported violent Index offenses decreased 6% between 2010 and 2016, arrests for these offenses fell about 23% (Figure 3). Measuring crime clearance rates with just aggregate offense and arrest data has a number of limitations. However, comparing the number of reported offenses that result in an arrest to those that do not can provide a rough measure of how effective police are at solving crimes. Roughly 17% of property Index offenses and 20% of violent Index offenses reported to the police in the past few years (2013-2016) in Winnebago County resulted in an arrest. By comparison, in Illinois outside of Cook and Winnebago Counties the property crime “clearance rate” was 24% while the “clearance rate” for violent crime was 49% during that time period. Thus, while the “clearance rate” for property crimes is similar, the “clearance rate” for violent crimes it is much lower in Winnebago County. This is most likely due to differences in the nature of the violent Index crimes (i.e., the degree to which victim and offender know each other) across the regions, which impacts the ability to arrest offenders.

In addition to utilizing aggregate data reported through the Uniform Crime Report (UCR) program, it is possible to examine trends in arrest and characteristics of arrestees in more detail by using information collected during the processing of an individual through the justice system. In Illinois, when law enforcement agencies carry out a custodial arrest (an arrest that involves the fingerprinting of an individual), specific information about that arrest is reported to the Illinois Criminal History Record Information (CHRI) system, which comprises the criminal history record for each individual arrested in Illinois and is maintained by the Illinois State Police. The advantage of this information is

that it contains information on arrests for all crimes,¹² and is not restricted to only the Index offenses. Further, unlike the aggregate UCR data, the CHRI data contains information regarding the age, race and gender of the arrestee, allowing for a better understanding of the characteristics of those arrested in Illinois.

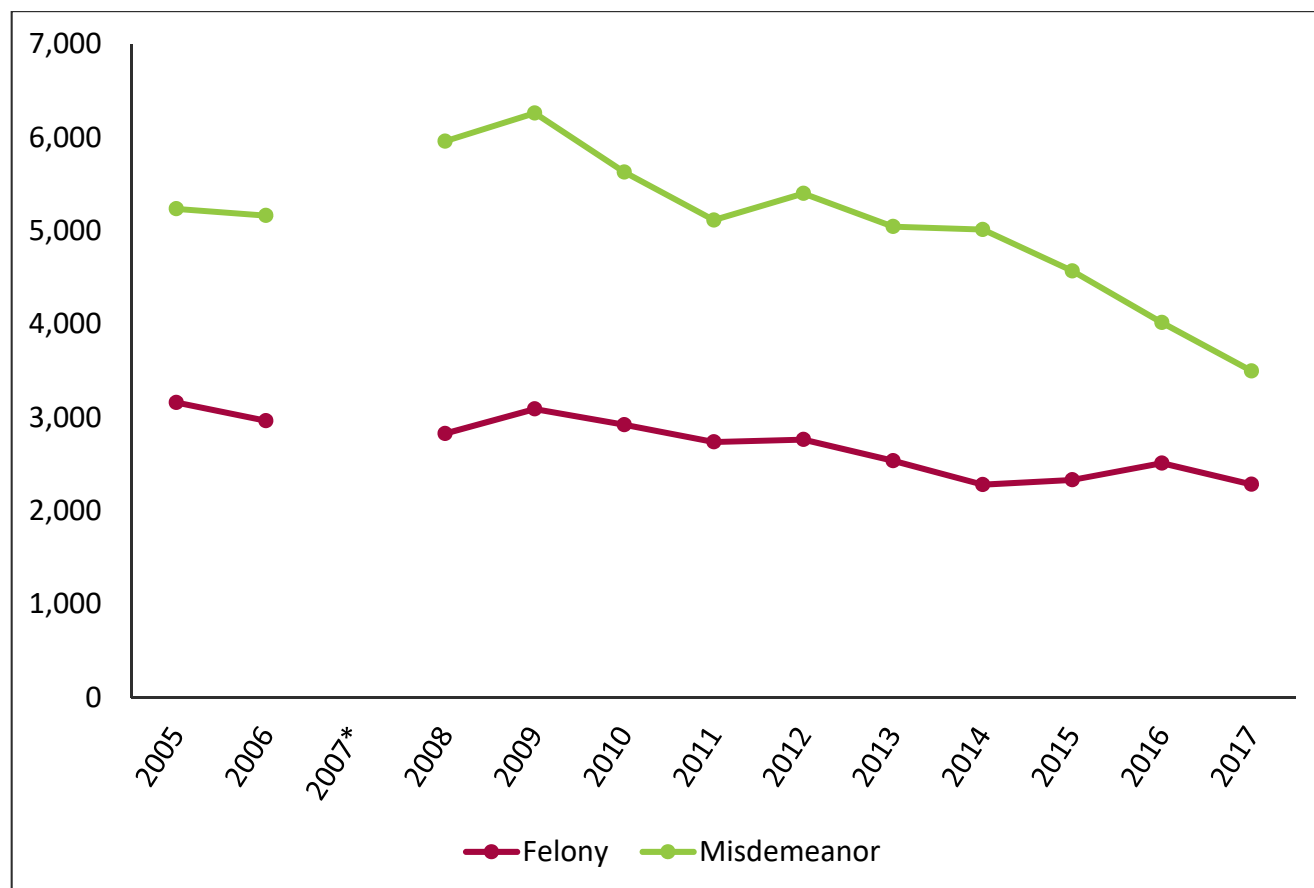
The CHRI data reported to the Illinois State Police by law enforcement agencies in Winnebago County reveal similar trends to the Index crime arrest data. Between 2010 and 2016, arrests for all violent crimes decreased 15%, while arrests for all property crimes fell 38% and arrests for drug-law violations decreased 23%.¹³ Although arrests for drug-law violations decreased across all categories of offenses—including both the Cannabis Control Act and Controlled Substances Act, and for possession and sale/delivery offenses, the decrease was much larger for cannabis offenses than for Controlled Substance Act offenses.

Under Illinois law, crimes are classified as either misdemeanors or felonies. From a legal standpoint, felony offenses are more serious since a conviction for these offenses can result in a prison sentence, and a felony conviction has potentially significant implications for employment, housing, and eligibility for various government services. When arrest trends were examined specifically to differentiate between misdemeanor versus felony offenses, different patterns were evident. Although arrests for both felonies and misdemeanors decreased between 2010 and 2017, the decrease in arrests for misdemeanor crimes was much larger (down 38%) than the drop in felony arrests (down 22% [Figure 4]). Further, the decrease in arrests for the least serious felony classes (Class 3 or 4 felonies) was much larger than the drop in arrests for the more serious felony classes (Class 2 or higher felonies). Specifically, between 2010 and 2017, arrests for Class 3 and 4 felonies decreased 28%, while arrests for Class 2 or higher felonies fell by 10%. Thus, while there are fewer arrests entering the justice system in Winnebago County, a larger share of those arrests appear to involve more serious, felony-level crimes and a larger share are violent offenses.

¹² State regulations require that police agencies submit arrest fingerprint cards to the Illinois State Police (ISP) within 24 hours of an arrest for all felony and Class A and B misdemeanor offenses. These contain not only the fingerprints of arrestees, but also arrestee demographic and arrest charge information. See <https://www.povertyactionlab.org/sites/default/files/documents/CHRI%20Ad%20Hoc%20Data%20Dictionary%202006-10-30.pdf> for a detailed description of the Illinois Criminal History Record Information reporting requirements.

¹³ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of Criminal History Record Information (CHRI) data generated and provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority.

Figure 4. Arrests in Winnebago County, by Arrest Class



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of CHRI data generated and provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority.

*Data omitted due to apparent reporting error in 2007

Another apparent trend in the characteristics of arrests in Winnebago County is that a substantial portion of the decrease in arrests between 2010 and 2017 was the result of fewer arrests of younger adults, specifically those between the ages of 18 and 24. This population is often referred to as “emerging adults” because, despite having reached social and legal adulthood, research has shown that cognitively this age group still tends to exhibit immaturity when it comes to impulsivity and decision making.¹⁴ Between 2010 and 2017, the number of arrests involving 18-24 year olds overall declined 52%, while those involving adults 25 and older declined by 27%. The 2017 arrest rate of 18 to 24 year olds in Winnebago County was 679 arrests for every 10,000 residents in that age group, 47% lower than in 2010. By comparison, the 2017 arrest rate of 25 to 44 year-olds in Winnebago County was 489 per 10,000 residents in that age group (or almost 28% lower than the arrest rate of the emerging adults). During the period from 2010 to 2017, the arrest rate of 25 to 44 year-olds in

¹⁴ Loeber, R., & Farrington, D. 2012. *From juvenile delinquency to adult crime: Criminal careers, justice policy, and prevention*. New York: Oxford University Press.

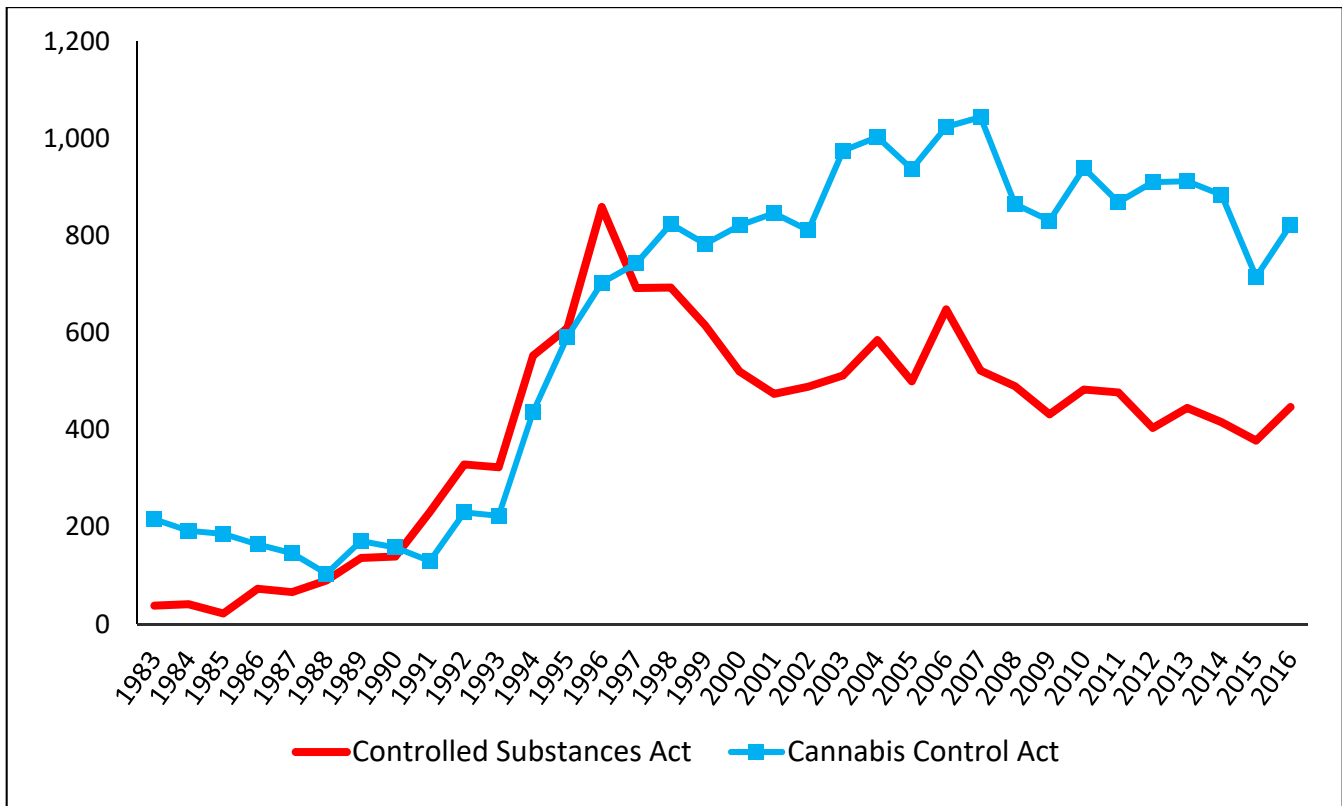
Winnebago County fell by 23%. Finally, the arrest rate in Winnebago County of those over the age of 44 was relatively low by comparison (97 arrests for every 10,000 residents in that age group) and was down 34% between 2010 and 2017.

Over the period examined there has been little change in the distribution of arrestee characteristics in terms of gender. From 2010-2017, arrests decreased for both males (down 37%) and females (down 33%), and the proportion of arrestees in Winnebago County who identified as male remained constant at around 71%. Arrests in Winnebago County were also analyzed by race, however, during the time period examined changes were made to how race was reported through CHRI. Specifically, since 2015, agencies have had the option of reporting Hispanic as a unique category within the race field in CHRI. Prior to 2015, there was no ability in CHRI to indicate that the arrestee was Hispanic, and these arrests were primarily recorded as “white.” Thus, the ability to examine trends over time in the racial composition of arrestees is limited to just the 2015 to 2017 period. Overall, from 2015-2017, the total number of arrests reported through CHRI in Winnebago County decreased 15%, but the percent decrease in arrests for whites (a 24% decrease) was larger than for non-whites (a 5% decrease). Because whites have experienced a larger decrease in arrests compared to non-whites, the proportion of those arrested who were identified as white fell from 53% in 2015 to 47% in 2017.

It is also possible to examine the long-term trends in arrests for drug-law violations through data reported to the UCR program in Illinois. These analyses are useful to illustrate how public expectations for police to address specific issues can result in large increases in arrests for specific crimes. During the 1980s concern was raised at the national level about the dangers of drug use and the illicit drug market, and the prevailing view was that an appropriate response to this behavior and market would be to increase enforcement efforts and focus on this behavior. The response at the local level across most cities in the United States was to increase the enforcement of drug-laws, particularly those involving substances other than marijuana, such as cocaine, heroin and methamphetamine. In Illinois, the illegal possession and sale of these substances are articulated in Illinois’ Controlled Substances Act, while offenses involving marijuana are classified under the Cannabis Control Act.

Arrests for violations of the Controlled Substances Act increased dramatically in Winnebago County during the late 1980s and early 1990s (Figure 5), and fueled a significant amount of the increases in the workload and activities of other criminal justice agencies in the county during that period. For example, prior to 1989 there were fewer than 100 arrests in Winnebago County annually for violations of the Controlled Substances Act. However, by 1996, more than 850 arrests were made in Winnebago County for offenses under this Act—an 850% increase from the 90 arrests made in 1988. Following this peak in arrests for the Controlled Substances Act in 1996, arrests for these offenses decreased, and fell 7% between 2010 and 2016, when they totaled less than 450. By comparison, Illinois outside of Cook and Winnebago counties saw a 16% increase for arrests for Controlled Substances Act offenses between 2010 and 2016.

Figure 5. Trends in Arrests for Drug-law Violations in Winnebago County



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

Criminal Court Filings and Dispositions in Winnebago County

When police arrest an individual in Winnebago County, the Winnebago County State's Attorney's Office reviews the arrest charges, determines if filing charges in the Circuit Court are warranted, and, if so, the appropriate charges to be filed. The State's Attorney's Office has a great deal of discretion in deciding whether to file a criminal charge and what type and severity of charge to file. Broadly, the circuit courts and Illinois' criminal law distinguishes between misdemeanor and felony-level offenses, and this classification has implications both for the processes used to handle the cases in court as well as the potential sentences that can be imposed upon conviction.

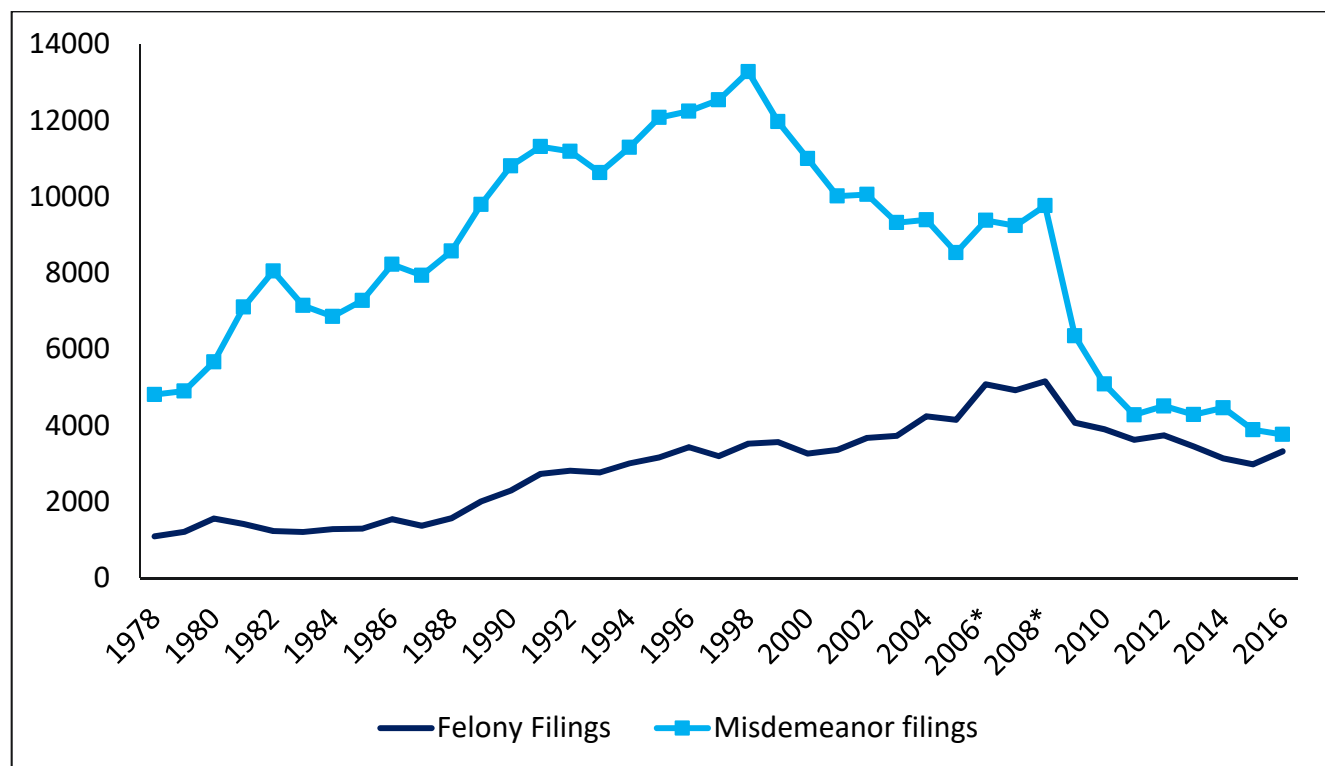
The total number of cases filed—civil, domestic relations, criminal, quasi-criminal, and juvenile- in Winnebago County in 2016 was 62,496, of which 13% (8,381 cases) were criminal cases.¹⁵ These

¹⁵ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

criminal cases included felony, misdemeanor, and driving under the influence of alcohol (DUI) cases. Thus, it is important to keep in mind that the proportion of criminal cases handled by the circuit court in Winnebago County is a relatively small percent of the overall cases filed and disposed of in the courts.

Misdemeanor court filings in Winnebago County have historically outnumbered felony filings by a 4 to 1 ratio. However, between 2010 and 2016, misdemeanor filings decreased at a faster rate than felony filings. As a result, misdemeanor filings in 2016 outnumbered felony filings only slightly (1.1 to 1). This shift can be partly explained by the fact that, as described earlier, arrests for misdemeanor-level offenses have decreased more than felony arrests. Between 2010 and 2016, misdemeanor case filings in Winnebago County fell 26%, which was consistent with the decrease in misdemeanor arrests seen during that period (Figure 4). This decrease in misdemeanor filings in Winnebago County is also consistent with trends seen in Illinois outside of Cook and Winnebago counties, where misdemeanor filings also decreased 26% between 2010 and 2016.

Figure 6. Felony and Misdemeanor Cases Filed in Winnebago County



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

*The number of felony filings in 2006-2008 may have reflected the number of *charges* rather than the number of *cases* being reported to AOIC.

The long-term trend in the number of felony cases filed in Winnebago County reveals a large and steady increase in felony filings during the 1980s, 1990s and into the 2000s (Figure 6), consistent with increases in crime and arrests in the 1980s and 1990s, and increases in arrests for felony drug-law violations. Between 1987 and 1996, felony filings in Winnebago County increased 149%—from 1,380 to 3,441—and increased another 49% from 1996 to nearly 2006. The number of felony filings peaked at 5,164 in 2008 before beginning to decline. Between 2010 and 2016, felony filings in Winnebago County decreased 15%, again, consistent with the decrease in felony arrests (down 28%) during that period (Figure 4). Further, this trend in felony filings in Winnebago County is somewhat larger than the 4% decrease in felony filings in Illinois outside of Cook and Winnebago counties between 2010 and 2016.

The majority of felony cases filed in Winnebago County each year result in the defendant being convicted. During 2016, 61% of the felony defendants in Winnebago County who had their cases disposed of were convicted of a felony offense, a rate similar to Illinois outside of Cook and Winnebago counties.¹⁷ Most of the felony cases that did not result in a conviction were dismissed by the State's Attorney's Office, usually because it was determined there was not sufficient evidence to obtain a conviction, witnesses were not willing to testify, or it was determined that pursuing a conviction was not in the interests of justice. Most of those who were convicted pled guilty to the crime, and very rarely were defendants charged with a felony found not guilty as a result of a trial. Over the past 15 years, 98% of all felony convictions in Winnebago County were the result of a guilty plea, and less than 3% of all felony defendants processed through the Winnebago County court for a felony between 2010 and 2016 went to trial. Of that small percent of felony defendants who opted for a trial—either a jury trial or a bench trial—roughly 55% were not convicted at trial.¹⁸

Sentencing of Those Convicted of a Felony in Winnebago County

In Illinois, the possible sentences that can be imposed on those convicted of a felony-level offense are dictated by state statute, with the minimum and maximum allowable sentences to either prison or probation set by state law. In Winnebago County, as in most Illinois counties, the majority of people convicted of a felony offense are sentenced to probation rather than prison. Illinois' felony crimes are grouped into specific felony classes by the Illinois General Assembly, ranging from First Degree

¹⁷ Excluding Winnebago and Cook counties, 62% of the felony defendants in Illinois who had their cases disposed of were convicted of a felony offense.

¹⁸ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

Murder, Class X felonies, and then Class 1 through 4 felonies. Class 4 felonies are the least serious felony-level offenses in Illinois, and allow a sentence of up to 30 months of probation or between 1 and 3 years in prison (Figure 7). As the seriousness of the felony conviction offense class increases (i.e., goes from 4 to 1, to X and Murder), the statutorily allowable sentence also increases. All Class X felonies require the imposition of a prison sentence of 6 to 30 years, and all Murder convictions carry a mandatory prison sentence of 20 to 60 years (or longer, up to natural life, depending on specific elements of the crime being present).

Figure 7. Penalties for Felony Crimes in Illinois

Category of Crime	Usual Prison Term	Probation Term	Length of MSR (Post-prison supervision)
1 st Degree Murder	20-60 years	Not allowed	3 years
Class X	6-30 years	Not allowed	3 years
Class 1	4-15 years	Up to 4 years	2 years
Class 2	3-7 years	Up to 4 years	2 years
Class 3	2-5 years	Up to 2 ½ years	1 year
Class 4	1-3 years	Up to 2 ½ years	1 year

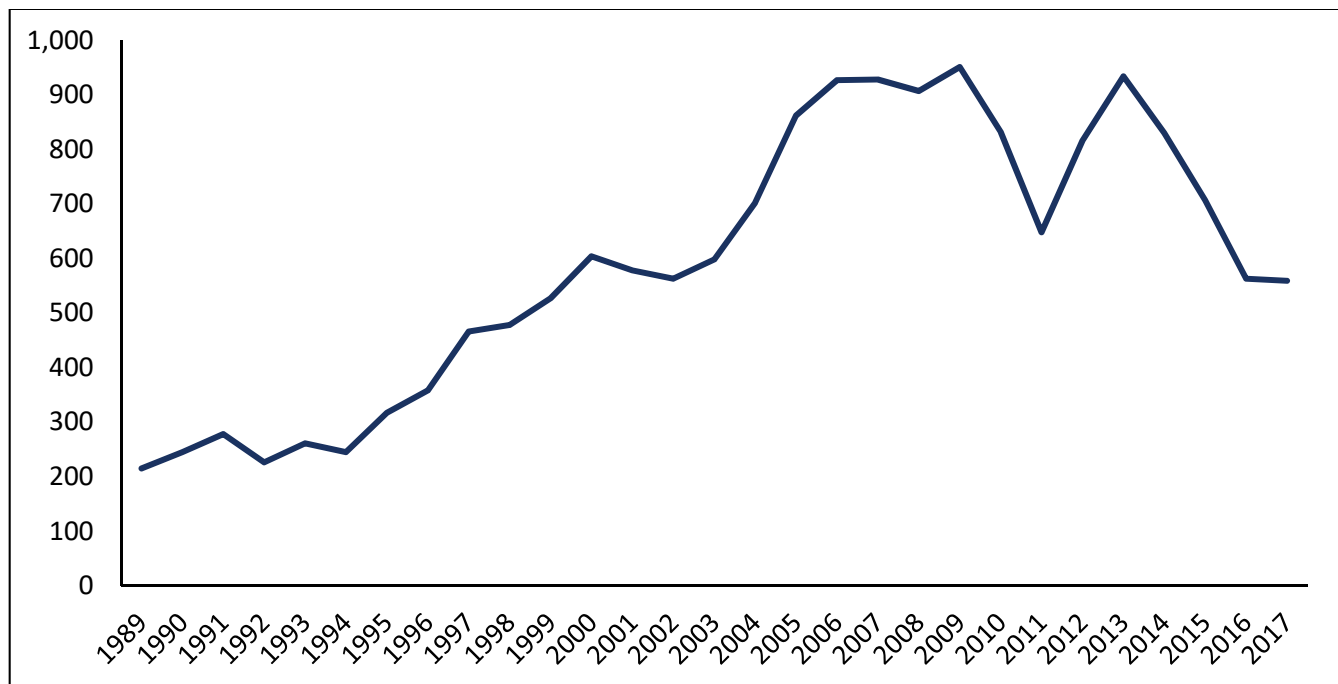
Source: 2014. "Penalties for Crimes in Illinois," published online by the Illinois General Assembly Legislative Research Unit. <http://ilga.gov/commission/lru/2014PFC.pdf>

When examining sentencing trends, there are multiple ways to consider the characteristics of those convicted and sentenced for felony-level offenses. First is to consider the sheer number of individuals convicted of a felony and sentenced in Winnebago County. These analyses reveal that, as a result of felony arrests and case filings decreasing between 2010 and 2016, the *overall number* of sentences imposed on convicted felons also decreased 10% during that period, a trend similar to that seen in the rest of Illinois.¹⁹ However, when the types of sentences were disaggregated, some different patterns emerged. For example, between 2010 and 2016, the number of sentences to probation *increased* almost 4%, while the number of sentences to prison *decreased* 40%. By comparison, in Illinois outside of Cook and Winnebago counties, sentences to probation *decreased* 3%, and prison sentences fell by 25%. More current data from the Illinois Department of Corrections (IDOC) confirms this trend: between state fiscal years (SFY) 2010 and 2017, IDOC received 33% fewer inmates sentenced from Winnebago County, falling from 832 to 559, proportionately similar to the decrease

¹⁹ Between 2010 and 2016, the number of sentences imposed on convicted felons in Illinois outside of Winnebago and Cook County decreased by 9%. Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

seen in the rest of Illinois.²⁰ In fact, the admissions to IDOC from Winnebago County in SFY 2017 was the lowest number since 1999 (Figure 8).

Figure 8. Winnebago County Total Court Admissions to IDOC



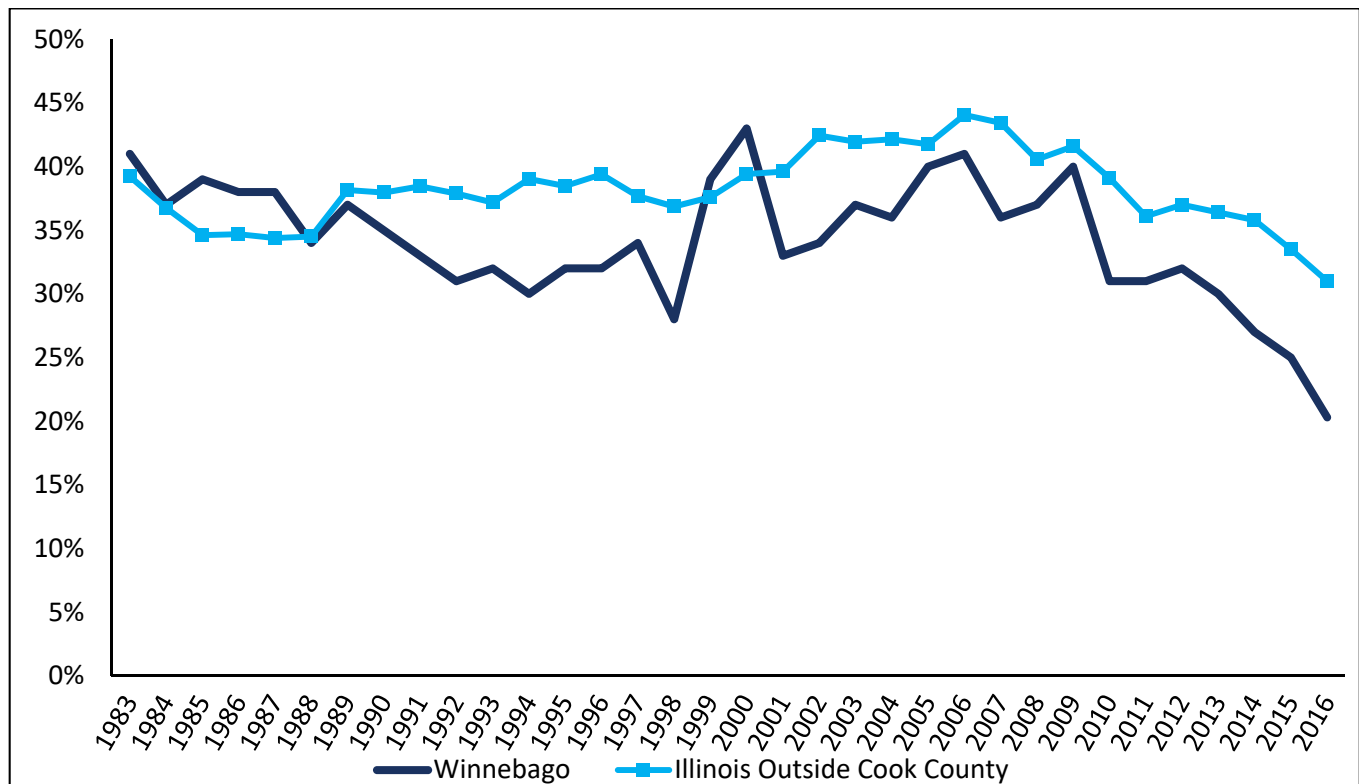
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit.

Another way to examine the sentencing patterns for those convicted of a felony offense is to examine the *percent* of those convicted of a felony (i.e., eligible to be sentenced to prison) that receive a prison sentence. Doing so reveals that, as a result of the number of prison sentences decreasing, while probation sentences increased slightly, in Winnebago County the *proportion* of convicted felons sentenced to prison has also decreased. For example, between 2010 and 2016, the percent of convicted felons sentenced to prison in Winnebago County decreased from 31% to 20% (Figure 9). In Illinois outside of Cook and Winnebago counties, the percent of convicted felons sentenced to prison decreased from 42% in 2010 to 32% in 2016. Importantly, the percent of convicted felons being sentenced to prison in Winnebago has decreased steadily since 2006, when more than 40% of convicted felons were sentenced to prison. During this period of a lower rate of prison utilization, the overall Index crime rate in Winnebago County also decreased consistently. Some of the differences across jurisdictions in the likelihood of convicted felons being sentenced to prison can be explained

²⁰ IDOC received 29% fewer inmates sentenced from Illinois outside of Winnebago and Cook counties between SFY 2010 and 2017. Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual Reports.

by differences in the types of conviction offenses (i.e., more serious felony classes) or differences in the seriousness of the offender (i.e., more extensive criminal history). However, even after statistically controlling for the influence of the conviction offense and offender characteristics, *the odds of being sentenced to prison in Winnebago County are lower than when compared to Illinois as a whole*. This likely reflects a higher utilization of treatment courts and rehabilitative programs.

Figure 9. Percent of Felons Convicted in Winnebago County Sentenced to Prison



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

Detailed analyses of the characteristics that influenced the imposition of prison sentences on convicted felons in Winnebago County using CHRI data²¹ revealed that the three most influential factors were the felony class of the conviction offense, whether the convicted felon had been previously sentenced to prison, and the convicted felon's age. Convicted felons were more likely to be sentenced if they were convicted of a serious felony, if they had been previously sentenced to

²¹ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit and CHRI data generated and provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority.

prison, or if they were younger offenders (those between 18 and 24). Within the sample examined of those arrested, and ultimately convicted for of a felony-level offense during the 2012 to 2014 period, 37% were sentenced to prison overall. However, of those who had previously been sentenced to prison, 62% received a prison sentence for the current conviction, compared to 29% of those who had never previously been sentenced to prison. As would be expected, 100% of those convicted of Murder or a Class X felony were sentenced to prison, while 23% of those convicted of a Class 4 felony were sentenced to prison. Finally, 43% of convicted felons between 18 and 24 were sentenced to prison, compared to 35% of those 25 and older. Of those convicted of a felony, men were slightly more likely to be sentenced to prison after controlling for the influence of other characteristics, while the defendant's race did not appear to be related to whether or not a prison sentence was imposed.

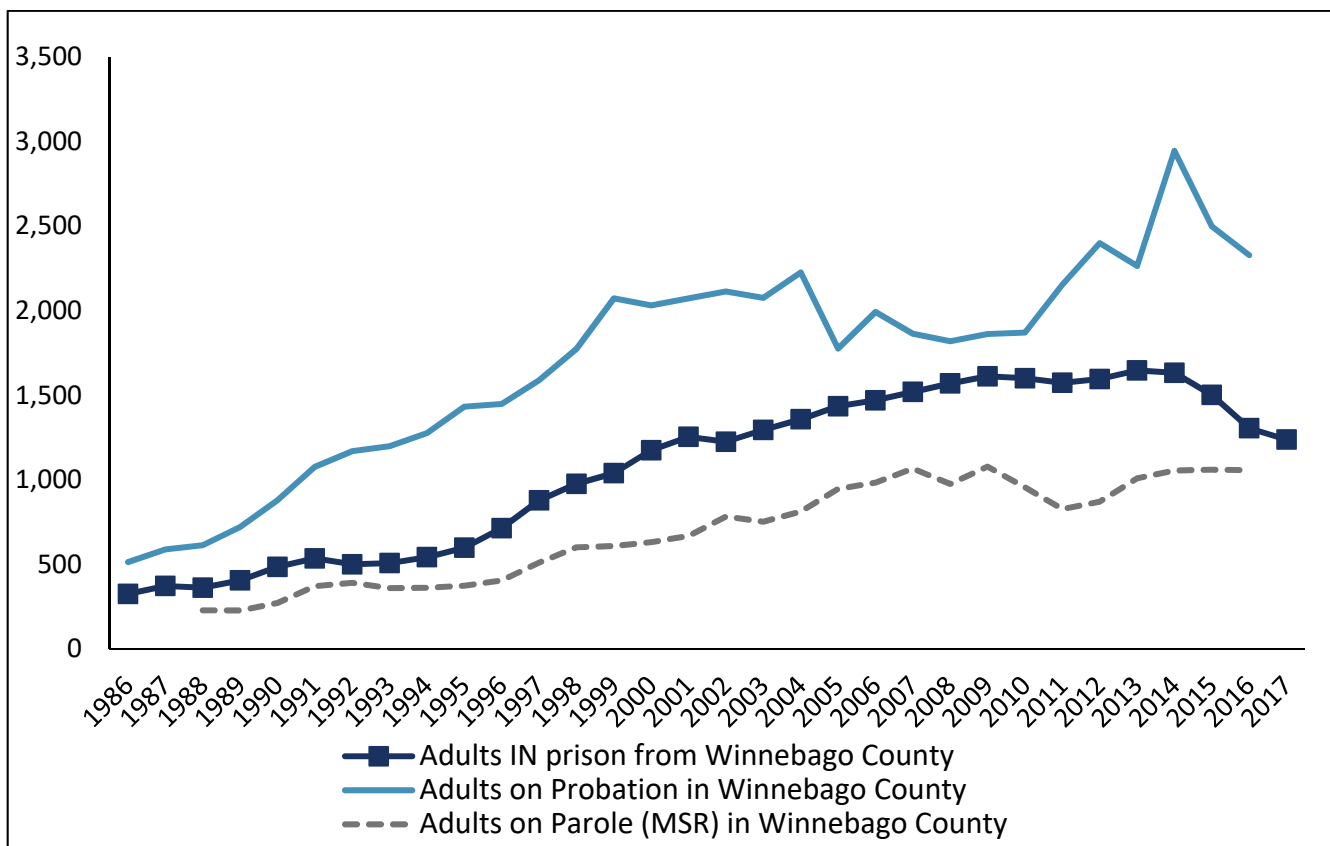
The substantial decrease in the proportion of convicted felons sentenced to prison in Winnebago County is likely due to a number of factors occurring simultaneously. First, Winnebago County enhanced and expanded a number of their diversionary programs designed to reduce their reliance on prison and enhance the services provided to felony offenders on probation supervision. Second, it is possible that as a result of a newly elected State's Attorney in 2008, there was a change in the practices and policy within the State's Attorney's Office. It is also possible that the characteristics of the cases moving through the system have changed. Arrest data suggests that fewer of the cases in Winnebago County during this time period involved younger offenders, a characteristic found to increase the imposition of a prison sentence. Collectively, the enhancements to the diversionary programs, changes in policy and practice, and some changes in the characteristics of those matriculating through the felony courts all likely played a part in explaining this decreased use of prison in Winnebago County. More detailed, and more current, analyses of the factors influencing sentencing practices and patterns in Winnebago County will be conducted in the future as part of the CJCC strategic planning efforts to better understand what has led to these changes.

Changing Correctional Populations

There are three possible jurisdictions under which people convicted of a felony in Winnebago County can be supervised: in prison, on probation or on Mandatory Supervised Release (MSR or "parole"). Increases in crime and arrests during the 1980s and 1990s, coupled with the changing sentencing practices for those convicted of a felony in Winnebago County in the past decade described above, have led to changes in the number of felons under the custody of the criminal justice system in/from Winnebago County.

As described above, the majority of convicted felons in Winnebago County (and in most Illinois counties) are sentenced to probation. As a result, probation is where the largest category of felons under the custody of the justice system are supervised. Between the mid-1980s and the early 2000s, the number of felons on probation in Winnebago County increased four-fold, from just over 500 in 1986 to more than 2,000 by 1999 (Figure 10).²² The use of probation as sentence actually decreased during the late 1990's and early 2000's. However, an increase in the use of probation in sentencing convicted felons in Winnebago County over the past 6 years has led to an overall increase in the number of felons on probation. The number of felons on probation at year-end in Winnebago climbed from 1,870 on December 31, 2010 to 2,328 on that same date in 2016, a 24% increase. By comparison, the number of felons on probation at year-end in Illinois outside of Cook and Winnebago counties *decreased* 6% during that same time period. At the end of 2016, there were a total of 4,688 felons under the custody of the justice system (including probation, prison and MSR) from Winnebago County, with 49% of them supervised on probation.

Figure 10. Prison, Felony Probation, and “Parole” (MSR) Population in Winnebago County



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of IDOC data provided by IDOC’s Planning and Research Unit, aggregate published data by IDOC, and aggregate published AOIC data.

²² Analyses by Loyola’s Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administration Office of the Illinois Courts’ Annual reports.

The long-term trends in the number of individuals *in prison* from Winnebago County, as a result of either being sentenced to prison or being returned to prison as a technical MSR violator, increased dramatically during the 1990s through 2010 as a result of increases in crime, arrests, and the proportion of convicted felons being sentenced to prison during much of that time period. For example, at the end of the state fiscal year (SFY) 1990 there were fewer than 500 adults in Illinois' prisons from Winnebago County, but by the end of SFY 2010 there were 3-times more (1,600 [Figure 10]).²⁴ However, the decrease in crime, felony arrests and filings, combined with the lower likelihood of felons being sentenced to prison, the number of people in prison from Winnebago County at the end of SFY 2017 was 1,237, or 23% lower than on that same date in 2010. By comparison, the number of people in prison at the end of SFY 2017 from Illinois outside of Cook and Winnebago counties was only 4% lower than at the end of SFY 2010. Of the 4,688 felons under the custody of the justice system (including probation, prison and MSR) from Winnebago County at the end of 2016, 28% of them were incarcerated in an Illinois state prison.

Finally, as described previously, once an inmate has served their sentence they are released from prison onto MSR. Of the 4,688 felons under the custody of the justice system (including probation, prison and MSR)²⁵ from Winnebago County at the end of 2016, 22% of them were being supervised by IDOC parole agents in Winnebago County. Generally, the number of people on MSR in Winnebago County has followed the trends in releases from IDOC, which is influenced by the admissions in previous years (Figure 10). Thus, when the number of those in prison is combined with those on MSR in Winnebago County, more than one-half (51%) of the sentenced felons from Winnebago County and under the jurisdiction of the justice system were under the custody/supervision of IDOC.

Reentry and Recidivism of Those Released from Prison Who Return to Winnebago County

An important tenet within the area of sentencing and prison populations is that almost everybody sentenced to prison will eventually be released from prison. Although individuals convicted of murder serve extremely long sentences and a substantial portion are never released, these individuals account for a very small percent of all admissions to prison. In Winnebago County, for example, less than 1% of all the admissions to prison from Winnebago County between SFY 2010 and 2017 were for murder. Thus, most individuals sentenced to prison are released, and for the most part, those

²⁴ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit.

²⁵ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports and data provided by the Illinois Department of Corrections' Planning and Research Unit.

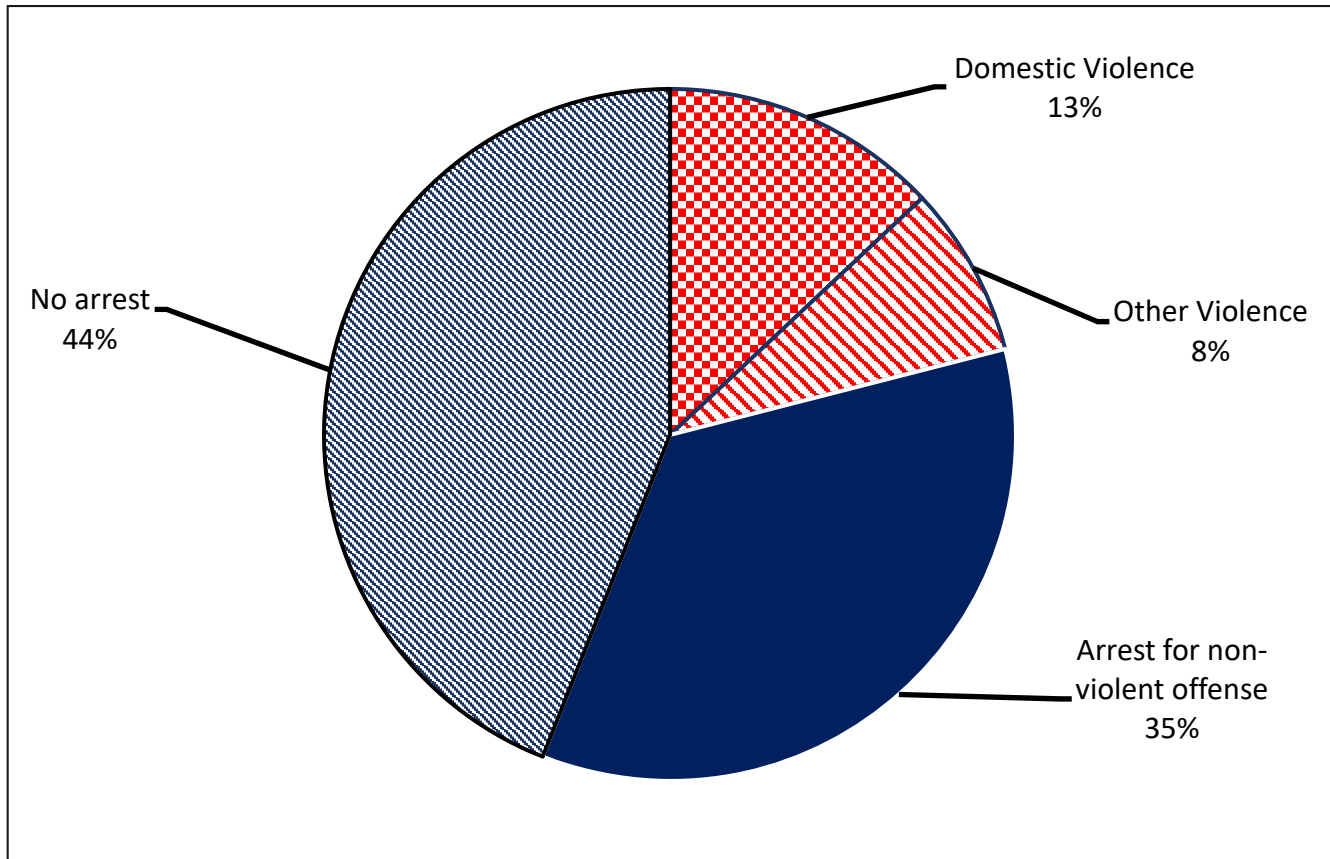
individuals who are sentenced to prison from Winnebago County return back to Winnebago County upon their release. Among those returning from prison to Winnebago County between SFY 2011 and 2015, 84% were originally sentenced to prison in Winnebago County.²⁶ Further, of those released from prison and returning to Winnebago County, the majority return to very specific neighborhoods within Rockford. Indeed, 87% of all prison releasees coming back to Winnebago County returned to Rockford, and two-thirds (68%) of all releasees coming back to Winnebago County returned to four specific zip-codes in Rockford: 61101, 61102, 61103, and 61104. Again, most inmates released from prison return back to where they lived prior to prison, usually living with family members or friends.

It's important to keep in mind that most individuals sentenced to prison from, and returning to, Winnebago County, were not incarcerated in prisons in close proximity to Winnebago County. In fact, only 31% of the inmates who returned to Winnebago County from prison were housed in IDOC correctional centers in the northern part of Illinois, limiting the ability of family members and community organizations that could support re-entry and reintegration from maintaining or establishing positive relationships and contact with those in prison.

Of particular concern for many, and one of the measures used to gauge the effectiveness of correctional interventions, is the degree to which those processed through the criminal justice system recidivate, or continue to engage in criminal behaviors. Although measuring someone's involvement in criminal behavior is difficult, given that such a large portion of crimes are not reported or known to the police, one way that recidivism has been measured is whether or not someone is rearrested for a new crime following the imposition or completion of their sentence. To examine recidivism among those released from prison who returned to Winnebago County, data were collected and analyses were performed to determine the rate and patterns of rearrest among those released from IDOC between SFY 2011 to 2014 who returned to Winnebago County. These analyses revealed that, overall, 56% of those released from prison were rearrested for any type of crime within three years of their release, a rate statistically similar to that seen in Illinois as a whole (Figure 11). Consistent with prior research on the topic, the releasee's age and criminal history were the two strongest predictors of whether they were rearrested; younger individuals and those with more extensive criminal histories had the highest recidivism rates.

²⁶ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit.

Figure 11. Examining Recidivism of Adult IDOC Releasees Returned to Winnebago County, Crimes of Violence



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit and CHRI data generated and provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority.

Often when the public hears or thinks about prison releases committing new crimes, offense such as murders or shootings come to mind. However, it is important to note that most of those that were arrested following their release from prison were arrested for non-violent crimes. Overall, 22% of those released from prison and returned to Winnebago County were arrested for a violent crime within three years of their release, and the majority of these arrests involved crimes of domestic violence. Specifically, 13% of Winnebago County releasees from IDOC were arrested for a domestic violence offense, while 8% were arrested for some other type of violent crime (Figure 11). This 13% domestic violence recidivism rate among those released to Winnebago County was slightly higher than the 11% rate seen among those released from prison in the rest of Illinois. Domestic violence is clearly a serious offense. Arrests for domestic violence also have significant implications for MSR supervision and revocation, since under Illinois law anyone on MSR who is rearrested for a domestic

violence offense must have a warrant issued to revoke their MSR and be returned to prison as an MSR violator. Finally, a small percent of those released from prison and returned to Winnebago County were arrested for offenses involving either the illegal possession of a firearm (6%) or the use of a firearm in the commission of a crime (5%).

Conclusions and Future Research

The analyses presented in this report highlight some of the major trends and issues within the Winnebago County criminal justice system. Similar to what has been seen across the country, and in Illinois, the overall crime rate in Winnebago County has decreased consistently over the past 15 years, driven primarily by a decrease in property crime.

As a result of the overall decrease in crime in Winnebago County, and evident shifts in drug enforcement practice since the 1990s, arrests in Winnebago County have also decreased in the past 10 years, resulting in fewer criminal court filings. With fewer court filings, and a clear shift in sentencing practices in Winnebago County, the number and proportion of convicted felons sentenced to prison in Winnebago County has decreased, while the proportion and number of felons sentenced to probation in the county has increased. Indeed, one of the recommendations by leading scholars and practitioners in the field is that strengthening probation is one of the critical elements needed to reduce the reliance on incarceration as a primary response to crime. It is clear that Winnebago County practitioners and policy makers have recognized this, increasing their utilization of probation, while implementing evidence-based practices (EBPs) for their probation population. These EBPs include practices such as the use of validated risk and needs assessments, the provision of therapeutic services through the RIC, and a commitment and desire to more fully evaluate the effectiveness of probation as a sentence through an evaluation that will be performed by Loyola, ICJIA and presented to the CJCC.

The following staff from Loyola's Center for Criminal Justice Research, Policy, and Practice were involved in the analyses, writing and formatting of this report (in alphabetical order): Claire Fischer, Carly McCabe, David Olson, Ph.D., Henry Otto, John Specker, M.A., Donald Stemen, Ph.D., and Amanda Ward, Ph.D.