

# Cook County's Criminal Justice System: Trends and Issues Report

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## Center for Criminal Justice Research, Policy and Practice

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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 in a number of jurisdictions in Illinois. CJCCs convene elected and appointed executive-level policymakers to collaboratively address issues facing the justice system and its constituent agencies, and use a data-guided and structured planning process to identify, analyze, solve, and manage justice system issues. Although Cook County does not have a formal Criminal Justice Coordinating Council, there are a number of collaborative efforts underway that are bringing together justice policy makers, practitioners and other groups to address specific issues within Cook County’s justice system.

This report was developed by Loyola University Chicago 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. 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.

## Cook County's Criminal Justice System

With an estimated 5,277,575 residents in 2016, Cook County is the largest county in Illinois and one of the largest in the United States. Located in northeastern Illinois, Cook County's population increased almost 1% between 2010 and 2016. Cook County has more than 150 cities, towns and villages.<sup>2</sup> Chicago is by far the largest city in Cook County, accounting for 52% (2,714,017 residents) of the entire population in 2016. Indeed, Chicago is the largest city in Illinois and the third most populous city in the United States. The next most populated cities in Cook County are Cicero (84,375 residents), Evanston (75,930 residents) and Schaumburg (75,050 residents). The criminal justice system in Cook County can be generally divided into three major components: law enforcement and policing, the 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 the workload and activities of all of the other justice system agencies in Cook County. In terms of law enforcement and policing, the majority of policing services are provided by city and municipal police departments, with the Cook County Sheriff's Office also providing policing services to unincorporated areas of the county as well as to specific towns in Cook County (e.g., Ford Heights). The County Sheriff also provides security for the courts and operates the county jail. In total, there are 141 police departments in Cook County, with Chicago being the largest of these. Most of Cook County's cities, villages and towns operate their own police departments, and each municipal police department has a chief of police, appointed by the mayor of each city. The Cook 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

<sup>2</sup> The following incorporated cities are in Cook County: Berwyn, Blue Island, Burbank, Calumet City, Chicago, Chicago Heights, Country Club Hills, Countryside, Des Plaines, Elgin, Elmhurst, Evanston, Harvey, Hickory Hills, Hometown, Markham, Northlake, Oak Forest, Palos Heights, Palos Hills, Park Ridge, Prospect Heights, Rolling Meadows. For a list of the municipalities in Cook County, please see: <http://blog.cookcountyil.gov/economicdevelopment/wp-content/uploads/2013/06/Municipalities-and-Maps.pdf>

police departments with very specific jurisdictions, such as university police departments and the Union Pacific Railroad Police Department, as well as a variety of federal law enforcement agencies. Finally, there are also a number of multi-jurisdictional policing task forces that operate in the Cook County area that involve cooperation and resource sharing amongst federal, state and local law enforcement agencies, as well as private companies, to address specific types of crime (e.g., violent crime, financial crime).

### *Courts*

When an individual is arrested in Cook County, in most instances their case is referred to the Cook 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 Cook County State's Attorney's Office reviews arrest reports by the law enforcement agencies in Cook 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 Cook County Clerk of the Circuit Court. For some specific types of arrests—including misdemeanor arrests and arrests for felony drug-law violations—police directly file charges with the Clerk of the Circuit Court. The case is then adjudicated within the Cook County Circuit Court. Illinois has 23 separate judicial circuits. Some, such as Cook County, include single counties, while other circuits 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. In Cook County, the President of the County Board appoints a Public Defender, who oversees the Cook County Public Defender's Office, an agency responsible for providing legal services to indigent persons arrested and charged with crimes in Cook County. In other judicial circuits in Illinois, the Public Defender is appointed by the Circuit Court judiciary. The Cook County Circuit Court is the only judicial circuit in Illinois' First Appellate District, which hears cases on appeal from the circuit court. Finally, the Cook County Sheriff's Office provides security to the Cook County courts, both in the courthouses across the county as well as in the individual courtrooms.

### *Corrections*

The corrections component of the criminal justice system includes both institutional and 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 Cook County Sheriff's Office operates the Cook County Jail, which serves multiple functions. For those individuals who cannot post or who are denied bail during their bond court appearance, the Cook County Jail serves as a pre-trial detention facility.

Individuals can also be sentenced to serve time (less than a year) in the Cook County Jail upon conviction. Individuals convicted of a felony-level offense can be sentenced either to supervision in the community (probation) or to prison (for a year or more), depending on the nature of their offense. Offenders sentenced to probation in Cook County are supervised and referred to services by the Cook County Adult Probation Department (primarily felony probation cases) or the Cook County Social Services Department (primarily cases involving misdemeanors). The Probation and Social Services Departments are funded through a mix of county and state resources, and are 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. If individuals on probation fail to meet the terms of their probation or commit a new crime while under supervision, their probation may be revoked and a more severe sentence, such as prison or jail time, may be imposed.

If someone convicted of a felony in Cook County is sentenced to prison, upon the imposition of that sentence the individual (if male) is transferred by the Cook County Sheriff's Office to the Illinois Department of Corrections (IDOC) Reception and Classification (R&C) Center at the Stateville Correctional Center in Crest Hill, Illinois. Adult females are transferred by the Sheriff's Office 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 sentences, 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 the Illinois' Prisoner Review Board (PRB) sets the conditions of MSR (e.g., requirements to participate in programming in the community), under Illinois law they *do not* have the authority to determine whether or not 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 Cook County

To understand how the justice system responds to crime in Cook 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.<sup>7</sup> 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.<sup>8</sup> 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: murder, rape (termed in Illinois as criminal sexual assault), robbery and aggravated assault/battery.<sup>9</sup> In addition, there are four crimes used to calculate a Property Crime Index: burglary, larceny/theft, motor vehicle theft, and arson. Combined, these violent and property Index offenses are used to compute the total Crime Index. 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. However, there are also 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 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 difficult.

<sup>7</sup> See <https://www.bjs.gov/content/pub/pdf/cv15.pdf> for a detailed description of the National Crime Victimization Survey.

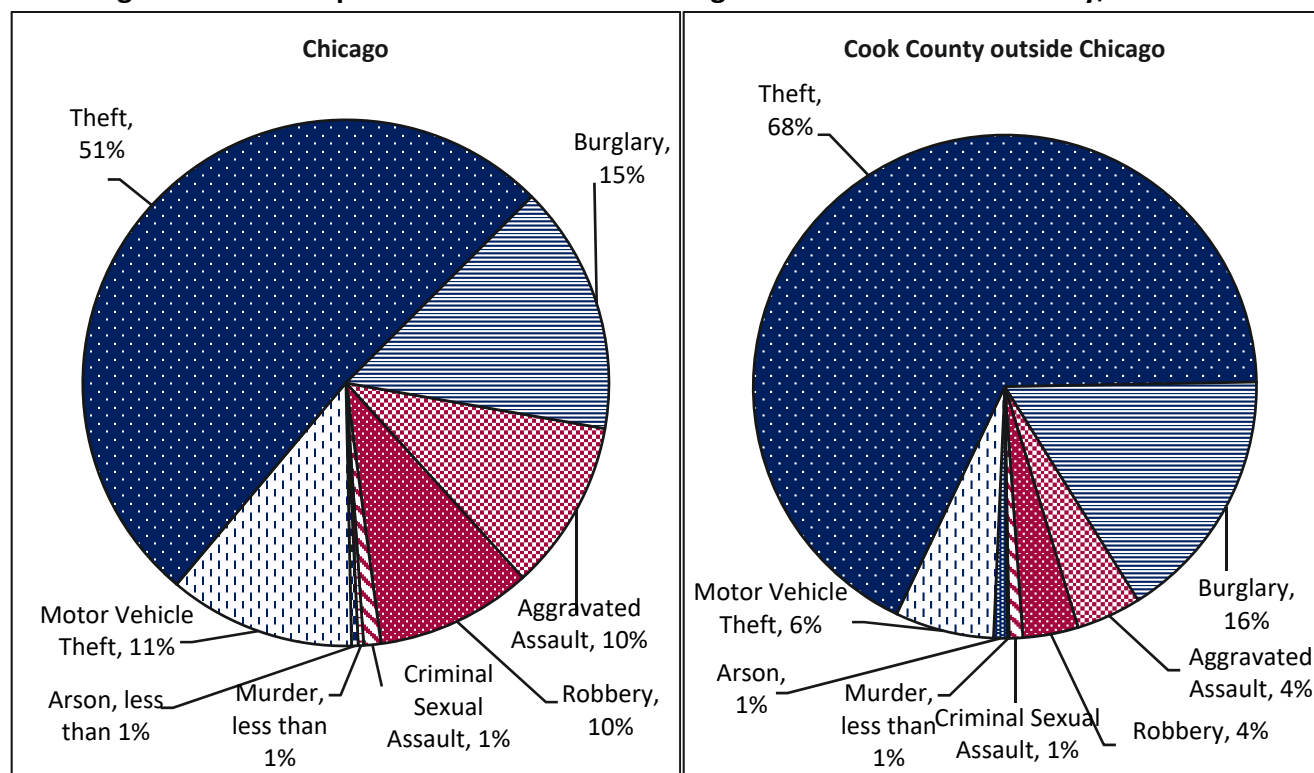
<sup>8</sup> See <https://www.ucrdatatool.gov/> for a detailed description of the Uniform Crime Reporting Program.

<sup>9</sup> In 2014 the crimes of Human Trafficking-Commercial Sex Acts and Human Trafficking-Involuntary Servitude were added to the Crime Index. In 2016, 13 offenses and 4 arrests under these two categories were reported in Cook County through the UCR program.

## Crimes Reported in Cook County

In Cook County, the majority (83% between 2005 and 2016)<sup>10</sup> of all Index crimes reported to the police involved property Index crimes (Figure 1), a pattern similar to Illinois jurisdictions outside of Cook County.<sup>11</sup> Because these property crimes account for such a large portion of all Index crimes reported to the police, trends in property Index crime tend to influence the total Index crime rate in Cook County. Between 2010 and 2016, the number of property Index crimes reported to the police in Cook County decreased 27% (Figure 2), a trend similar to the combined Illinois jurisdictions outside of Cook County.<sup>12</sup> The percent decrease in property crime between 2010 and 2016 in Cook County was also similar in both Chicago and suburban Cook County. In 2016, the property Index offense rate in Cook County was 2,544 per 100,000 residents, or 58% higher than the rate of 1,607.7 per 100,000 residents in Illinois outside of Cook County that year. In 2016, Chicago accounted for 66% of all property Index crimes reported to the police in Cook County. The 2016 property Index offense rate in Chicago was 3,212.7 per 100,000 residents, compared to 1,814.6 per 100,000 in the rest of Cook County combined.

**Figure 1. Crime Reported to the Police in Chicago vs. Suburban Cook County, 2005-2016**



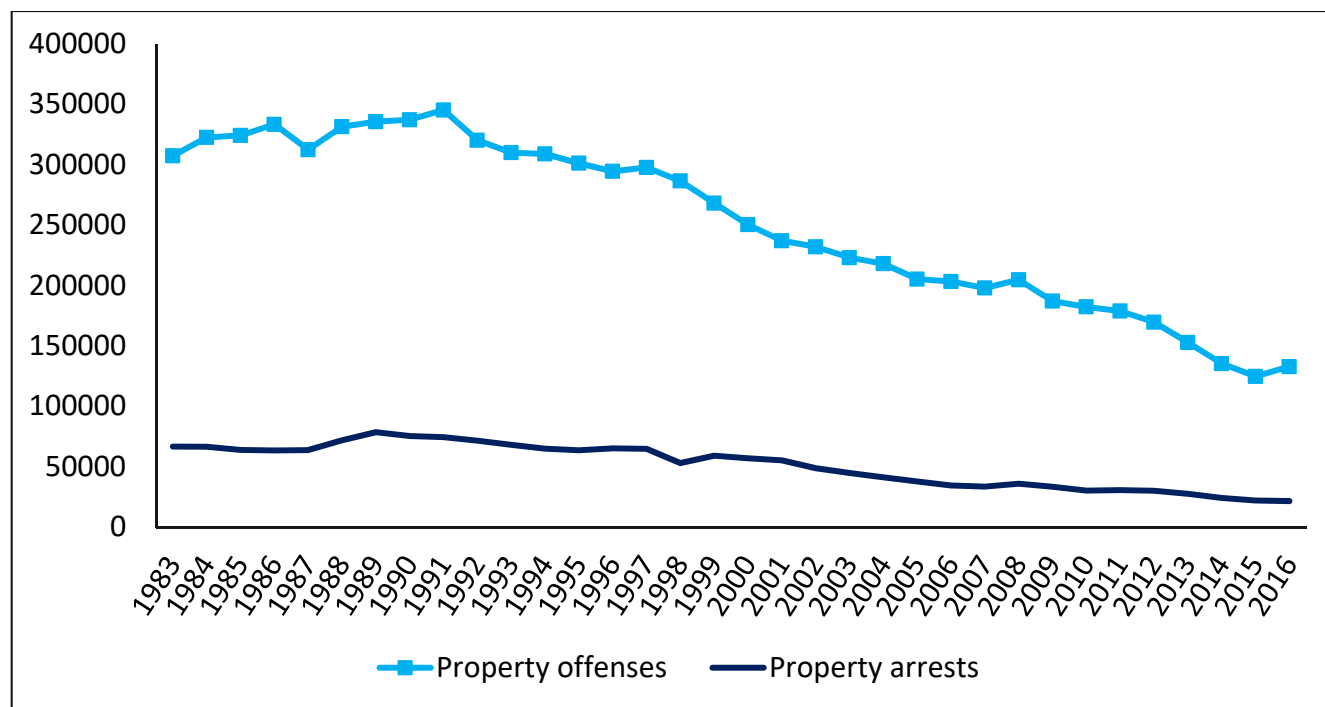
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

<sup>10</sup> Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

<sup>11</sup> Excluding Cook County, property crime accounted for 87% of all reported Index crime from 2005 to 2016. Source: Illinois State Police Annual Report. Analyses of published aggregate IUCR data Compiled by ICJIA by Loyola's Center for Criminal Justice Research, Policy and Practice.

<sup>12</sup> Between 2010 and 2016, in Illinois outside of Cook County the number of property Index crimes decreased by 25%. Source: Illinois State Police Annual Report. Analyses of published aggregate IUCR data Compiled by ICJIA by Loyola's Center for Criminal Justice Research, Policy and Practice.

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



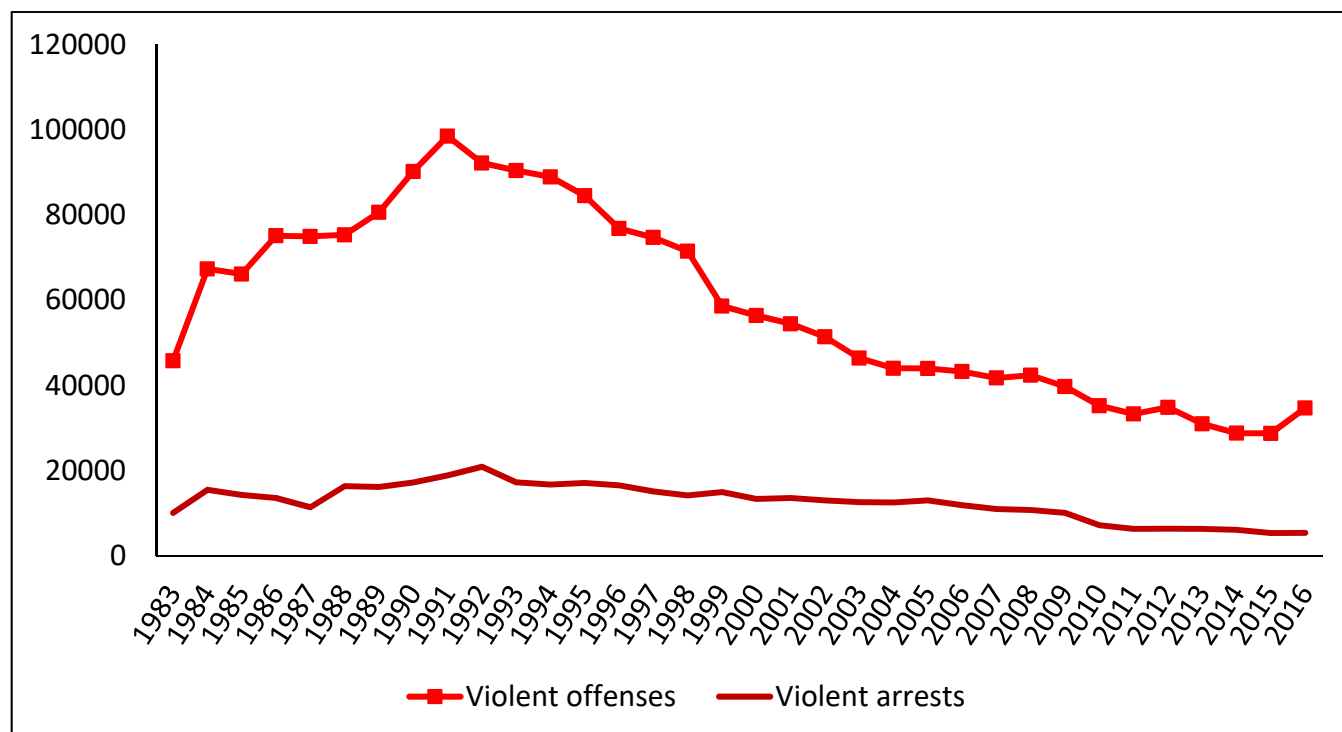
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

Although violent Index crimes account for a relatively small proportion (17% between 2005 and 2016 [Figure 1]) of all Index crimes reported to the police in Cook 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 Cook County decreased 2% (Figure 3), a change less dramatic than the decrease seen in Illinois outside of Cook County during that period (14% decrease). Between 2010 and 2016, violent crime in suburban Cook County *decreased* 17%, while violent crime in Chicago *increased* 1%. In 2016, the violent Index offense rate in Cook County was 664.9 per 100,000 residents, or more than double the rate of 258.1 per 100,000 residents in Illinois outside of Cook County that year. In 2016, Chicago accounted for 87% of all violent Index crimes reported to the police in Cook County.<sup>13</sup> Thus, in 2016, the violent Index crime rate in Chicago was 1,105.5 per 100,000, compared to 184.3 per 100,000 in the rest of Cook County.

<sup>13</sup> Source: Illinois State Police Annual Report, 2016: Analyses of aggregate, published I-UCR data by Loyola's Center for Criminal Justice Research, Policy and Practice



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



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

### *Arrests in Cook 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 Cook 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, there will likely be fewer arrests if crime decreases. However, if more crimes are reported, but police have little evidence to work with or victims are unable to provide the police with information regarding the perpetrators, making arrests will be more difficult and the arrest rate may not significantly increase. 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, even if the actual amount of crime has not increased.

Between 2010 and 2016, the trends in arrests in Cook County for property and violent Index crimes have generally mirrored the number of these offenses reported to the police (Figure 2 and Figure 3). The number of both violent and property index *offenses* were dropping steadily until 2015, at which point both began increasing, while the number of violent and property *arrests* continued dropping steadily through 2016. Thus, these data suggest that the proportion of both property and violent offenses that result in an arrest is *shrinking*. Reported property Index offenses decreased 27% and arrests for property Index offenses fell 29%. On the other hand, reported violent Index offenses decreased 2% between 2010 and 2016, but arrests for these offenses fell about 25%. While measuring crime clearance rates with just aggregate offense and arrest data has a number of limitations, comparing the number of reported offenses that result in an arrest to the total number of those crimes can provide a rough measure of how effective police are at solving crimes. Roughly 17% of property Index offenses and 19% of violent Index offenses reported to the police in the past few years (2013-2016) in Cook County resulted in an arrest. By comparison, in Illinois outside of Cook County the property crime “clearance rate” was 23% while the “clearance rate” for violent crime was 43% 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 Cook County than in the rest of Illinois combined. These differences in the clearance rate may be 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,<sup>14</sup> 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 Cook County reveal similar trends to the Index crime arrest data. Between 2010 and 2016, arrests for all violent crimes decreased 24%, while arrests for all property crimes fell 27% and arrests for drug-law violations decreased 61%.<sup>15</sup> Although arrests for drug-law violations decreased across all categories of offenses—

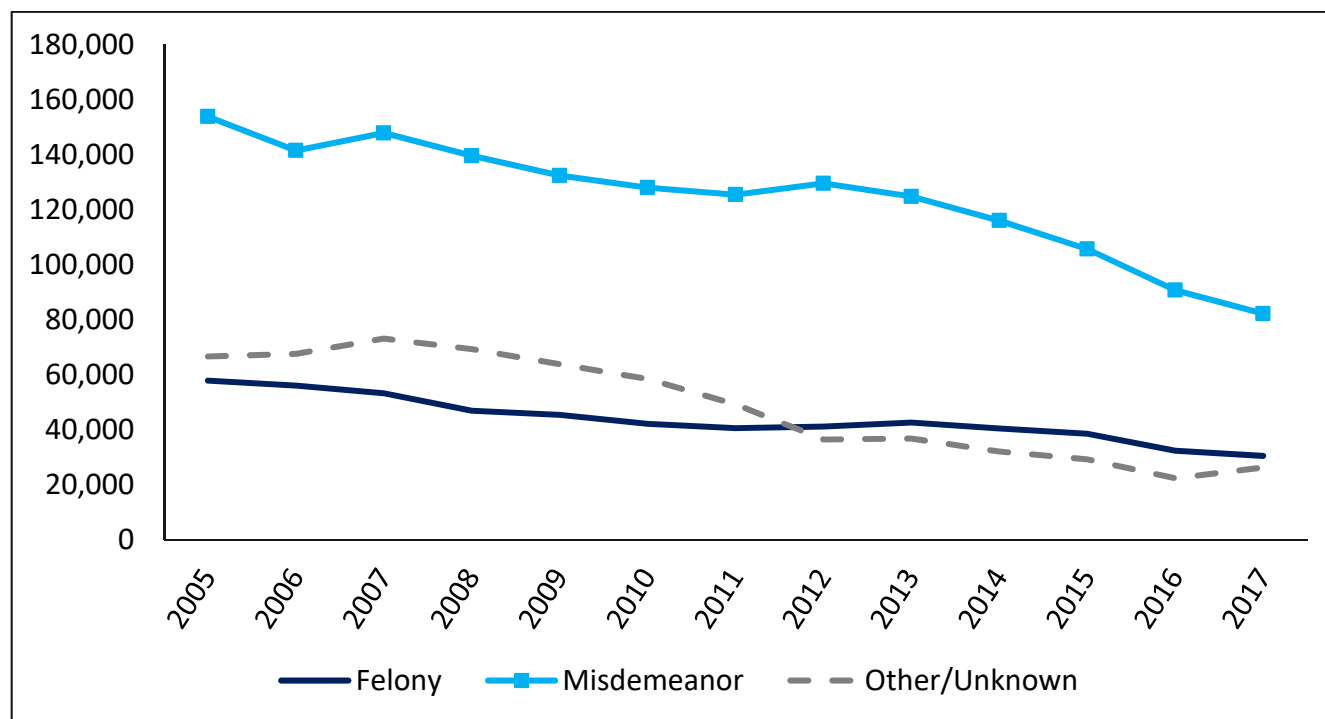
<sup>14</sup> State regulations require that police agencies submit arrest fingerprint cards to ISP within 24 hours of an arrest for all felony and Class A and B misdemeanor offenses. These contain not only the fingerprints of arrestees, but also arrestee demographic and arrest charge information.

<sup>15</sup> Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of Criminal History Record Information (CHRI) generated by ICJIA.

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 slightly larger (down 36%) than the drop in felony arrests (down 28% [Figure 4]).<sup>16</sup> Further, the decrease in arrests for the least serious felony classes (Class 3 or 4 felonies) was much larger (down 32%) than the drop in arrests for the more serious felony classes (Class 2 or higher felonies) (down 17%). For some crimes, whether the offense is a felony or a misdemeanor depends on specific characteristics of the arrestee, the victim or the crime that may not be known at the time of the arrest (e.g., prior convictions for similar offenses), and thus are classified at the point of arrest as “other” or “unknown.” Arrests classified as “other” or “unknown” dropped 55% from 2010-2017.

**Figure 4. Arrests in Cook County, by Crime 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.

<sup>16</sup> Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of Criminal History Record Information (CHRI) generated by ICJIA.

Another apparent trend in the characteristics of arrests in Cook 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.<sup>18</sup> Between 2010 and 2017, the total number of arrests involving 18-24 year olds declined 51%, while those involving adults 25 and older declined by 33%. Between 2010 and 2016, the number of arrests for property crimes involving 18-24 year olds declined by 34% while the number of arrests for property crimes involving adults 25 and over declined by 22%. Strikingly, the number of arrests for violent crimes involving 18-24 year olds in Cook County declined by 37% while those involving adults over 25 years old declined by just 16% between 2010 and 2016.

Arrests in Cook 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 Cook County decreased 20%, and the percent decrease in arrests for whites was the same as for non-whites. However, while the percent change in arrests was similar for whites and non-whites between 2015 and 2017, non-whites accounted for the majority of arrests. Specifically, 81% of the total arrests in 2017 in Cook County were accounted for by non-whites. In terms of the gender of those arrested, from 2010-2017, arrests decreased for both males (down 41%) and females (down 29%), and the proportion of arrestees in Cook County accounted for by men remained constant, around 80%.

It is also possible to examine the long-term trends in arrests for drug-law violations with 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.

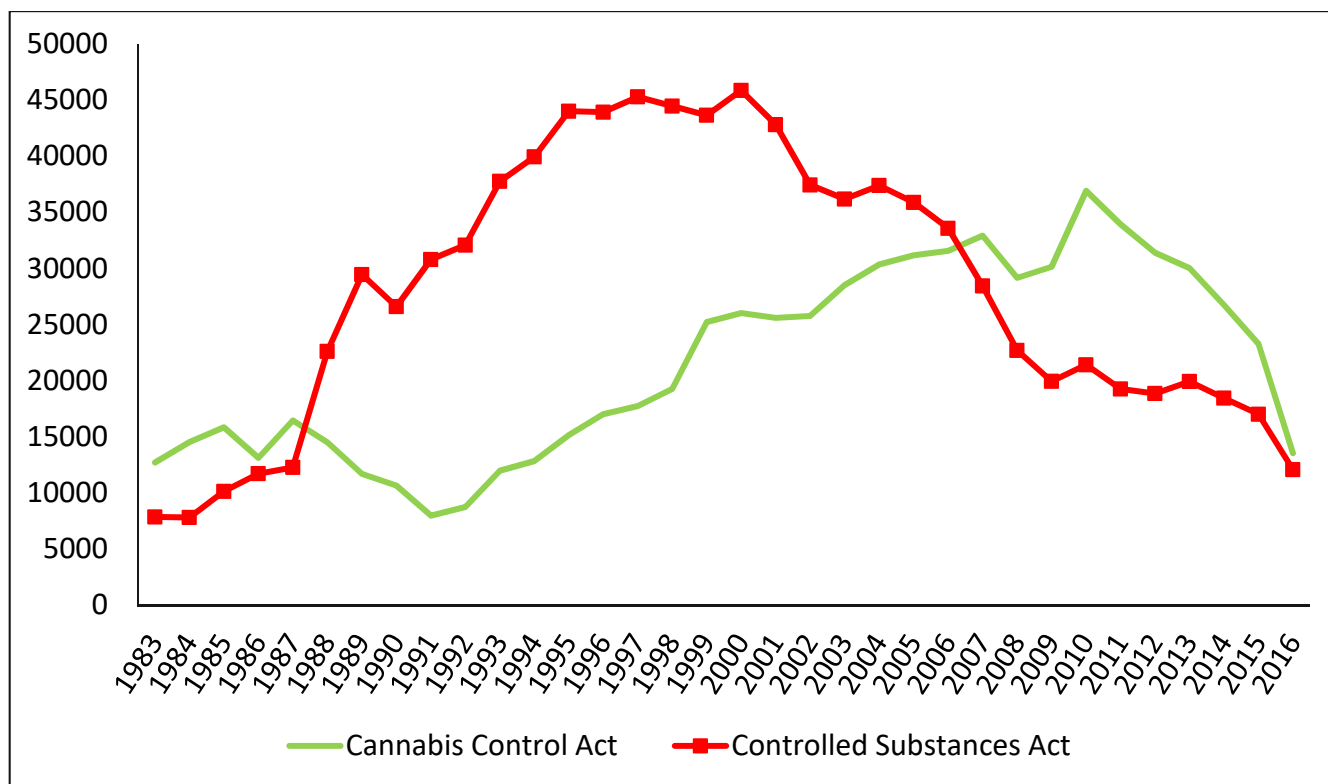
In Illinois, the illegal possession and sale of these substances are articulated in Illinois’ Controlled Substances Act, while offenses involving marijuana are classified under the Cannabis Control Act. Importantly, almost every offense under Illinois’ Controlled Substances Act is a felony-level offense,

<sup>18</sup> Loeber, R., & Farrington, D. 2012. *From juvenile delinquency to adult crime: Criminal careers, justice policy, and prevention*. New York: Oxford University Press.

and thus is subject to a possible prison sentence upon conviction. Arrests for violations of Illinois' Cannabis Control Act, on the other hand, are primarily classified as misdemeanor offenses.<sup>19</sup>

In Cook County, arrests for violations of the Controlled Substances Act increased dramatically 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 1985 there were fewer than 8,000 arrests in Cook County annually for violations of the Controlled Substances Act. However, by 2000, more than 45,000 arrests were made in Cook County for offenses under this Act—a 479% increase. Following this peak in arrests for the Controlled Substances Act in 2000, arrests for these offenses decreased, falling 74% between 2000 and 2016, when they totaled just over 12,000. By comparison, Illinois outside of Cook County saw a 15% increase in arrests for Controlled Substances Act offenses between 2000 and 2016.

**Figure 5. Trends in Arrests for Drug-law violations in Cook County**



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

<sup>19</sup> In 2016, Illinois law changed, resulting in the possession of small amounts of cannabis no longer being subject to state criminal penalties. Thus, the drop in arrests for violations of the Cannabis Control Act between 2015 and 2016 reflects this change.

## Criminal Court Filings and Dispositions in Cook County

When police arrest an individual in Cook County, the Cook 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. As described earlier, for some specific types of crimes, police are able to directly file charges. 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.

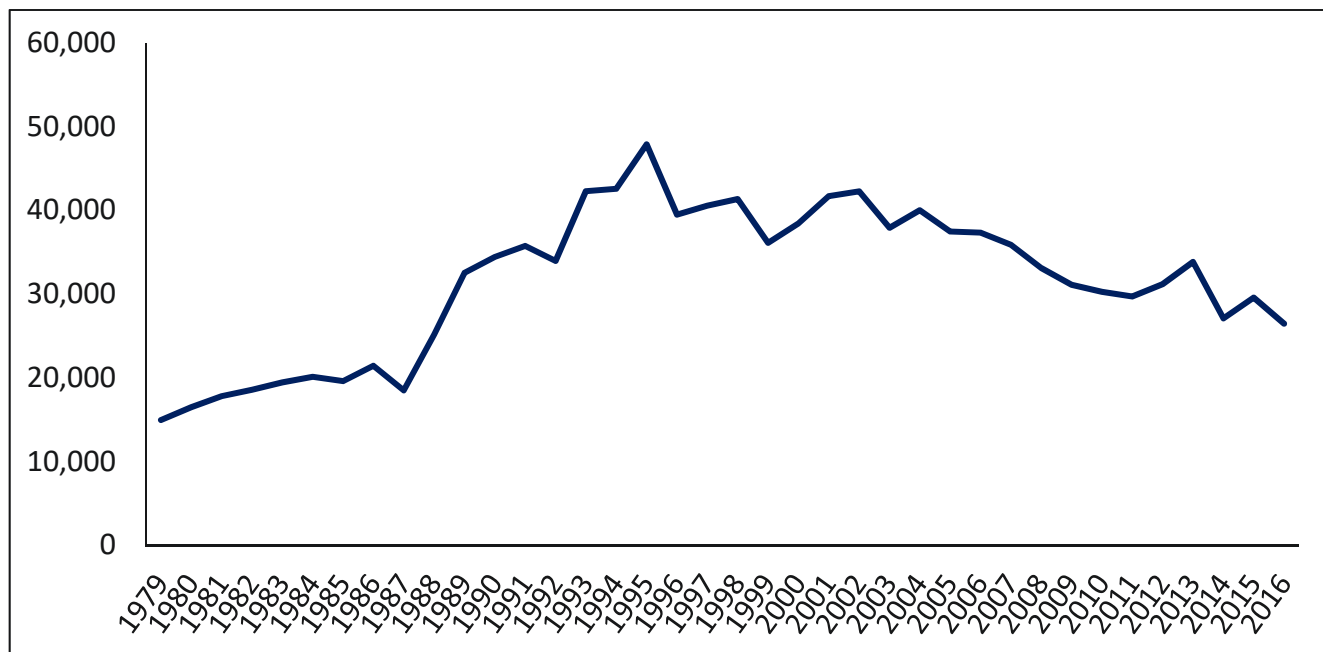
The total number of cases filed—civil, domestic relations, criminal, quasi-criminal, and juvenile- in Cook County in 2016 was 1,015,097 of which 13% (132,315 cases) were criminal cases.<sup>20</sup> These criminal cases included felony, misdemeanor, and driving under the influence of alcohol (DUI) cases. Thus, it is important to keep in mind that the proportion of criminal cases handled by the Cook County Circuit Court is a relatively small percent of the overall cases filed and disposed of in the courts.

Misdemeanor court filings in Cook County have historically outnumbered felony filings by an 8 to 1 ratio. However, between 2010 and 2016 the number of misdemeanor filings decreased more than the number of felony filings decreased; misdemeanor cases filings decreased 49% while felony case filings decreased 13%. As a result, the gap between felony and misdemeanor filings has narrowed and misdemeanor filings now outnumber felony filings 3.6 to 1. The rapid decline in misdemeanor case filings in Cook County between 2010 and 2016 can be partly explained by declines in misdemeanor arrests during this time period; between 2010 and 2016, misdemeanor arrests decreased by 29%. It should be noted, however, that the decline in misdemeanor case filings (49%) outpaced the decline in misdemeanor arrests (29%) and was higher than the rate of decrease seen in Illinois outside of Cook County, where misdemeanor filings decreased 17% between 2010 and 2016.

The long-term trend in the number of felony cases filed in Cook County reveals a large and steady increase in felony filings during the 1980s, and 1990s consistent with increases in crime and arrests in the 1980s and 1990s, and increases in arrests for felony drug-law violations (Figure 6). Between 1987 and the peak in 1995, felony filings in Cook County increased 159%—from 18,503 to 47,880. During the more recent period, between 2010 and 2016, felony filings in Cook County decreased 13%, although, not as large as the 28% decrease in felony arrests during that period. This trend in fewer felony filings in Cook County is also similar to the trend experienced in Illinois outside of Cook County, where they decreased 5% between 2010 and 2016.

<sup>20</sup> 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.

Figure 6. Felony Cases Filed in Cook 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.

Of the felony cases filed in Cook County each year, the majority result in the defendant being convicted. During 2016, 72% of the felony defendants in Cook County who had their cases disposed of were convicted of a felony offense, a rate higher than Illinois outside of Cook County.<sup>22</sup> 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. Between 2014 and 2016, 96% of all felony convictions in Cook County were the result of a guilty plea, and 10% of all defendants processed through the Cook County court for a felony between 2014 and 2016 went to trial. In 2016, of the felony defendants who opted for a trial—either a jury or a bench trial—roughly 67% were not convicted at trial, a rate much higher than in Illinois outside of Cook County.<sup>23</sup>

<sup>22</sup> Source: Administrative Office of Illinois Courts Annual Report, 2016. Analyses performed by Loyola's Center for Criminal Justice Research, Policy and Practice. The majority, 62%, of felony cases disposed of outside of Cook County resulted in a felony conviction.

<sup>23</sup> By comparison, outside of Cook County 27% of the felony cases disposed of through a trial did not result in a conviction.

## Sentencing of Those Convicted of a Felony in Cook 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 Cook County, unlike most Illinois counties, the majority of people convicted of a felony offense are sentenced to prison rather than probation. Illinois' felony crimes are grouped into specific felony classes by the Illinois General Assembly, ranging from First Degree 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 <sup>st</sup> 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>

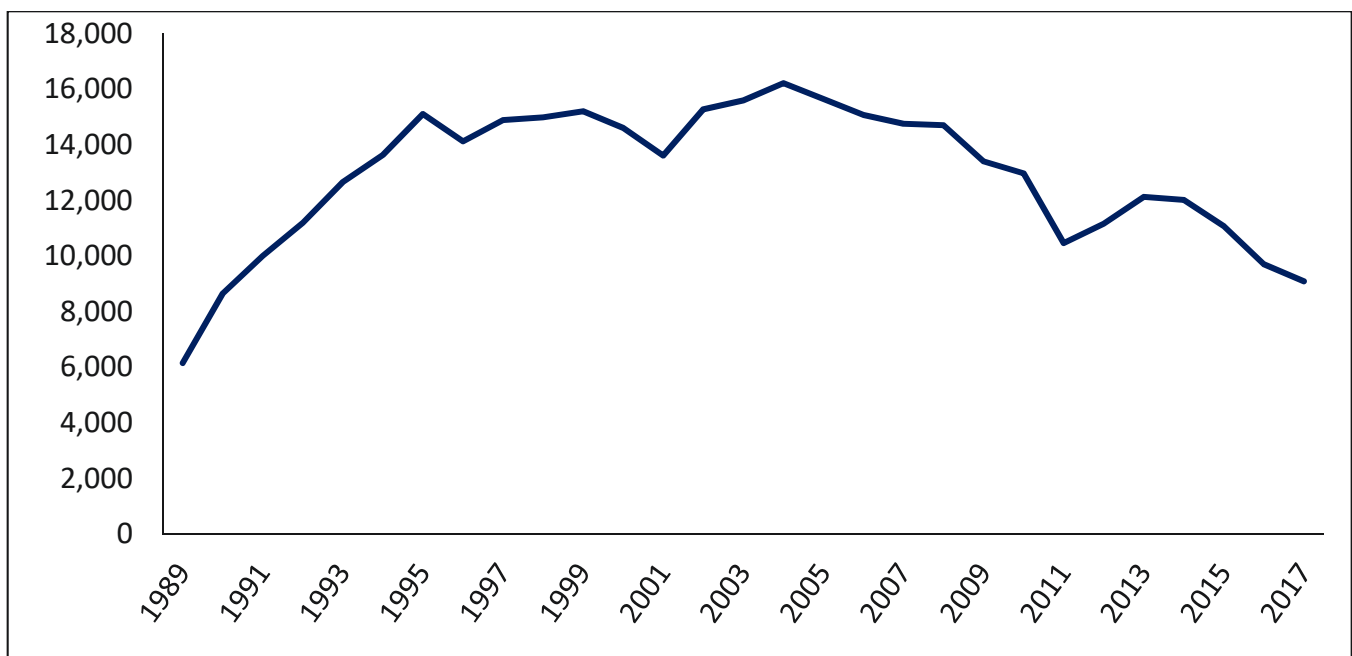
There are a couple of different methods that can be used to examine and understand sentencing patterns for felony-level offenses. First is to consider the sheer number of individuals convicted of a felony and sentenced in Cook County. These analyses reveal that, as a result of felony arrests and case filings decreasing between 2010 and 2016, the number of sentences imposed on convicted felons also decreased 28% during that period, a rate of decrease considerably larger than that seen in the rest of Illinois.<sup>24</sup> However, when the types of sentences were disaggregated, some different patterns emerged. For example, the number of sentences to probation decreased by 54% between 2010 and 2016 while the number of sentences to prison decreased 20% during that period. By comparison, in Illinois outside

<sup>24</sup> Excluding Cook County the number of sentences imposed on convicted felons decreased by 9% from 2010-2016



of Cook County, sentences to probation decreased 3%, and prison sentences fell by 26%. More current data from the Illinois Department of Corrections (IDOC) confirms this trend: between state fiscal years (SFY) 2010 and 2017, IDOC received 30% fewer inmates sentenced from Cook County, falling from 12,974 to 9,095, proportionately similar to the decrease seen in the rest of Illinois.<sup>25</sup> In fact, the admissions to IDOC from Cook County in SFY 2017 was the lowest number since 1990 (Figure 8). In the mid-1990s, sentences to prison from Cook County accounted for two-thirds of the statewide admissions to IDOC, but by SFY 2017, just under one-half (49.5%) of statewide prison sentences came from Cook County.

**Figure 8. Cook 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.

More detailed analyses of data provided by IDOC reveals that a decrease in sentences to prison for drug-law violations and other non-violent crimes has driven the majority of this decrease. Specifically, fewer admissions to prison from Cook County for felony convictions related to Illinois' Controlled Substances Act (i.e., drugs involving substances other than marijuana) accounted for 37% of the overall decrease in sentences to prison from Cook County between 2010 and 2017.<sup>27</sup> The changes in admissions to prison from Cook County also illustrates how changes in arrests in specific communities can have broad impacts on the entire justice system. For example, it is estimated that the decrease in

<sup>25</sup> IDOC received 29% fewer inmates sentenced from Illinois outside of Cook County between SFY 2010 and 2017.

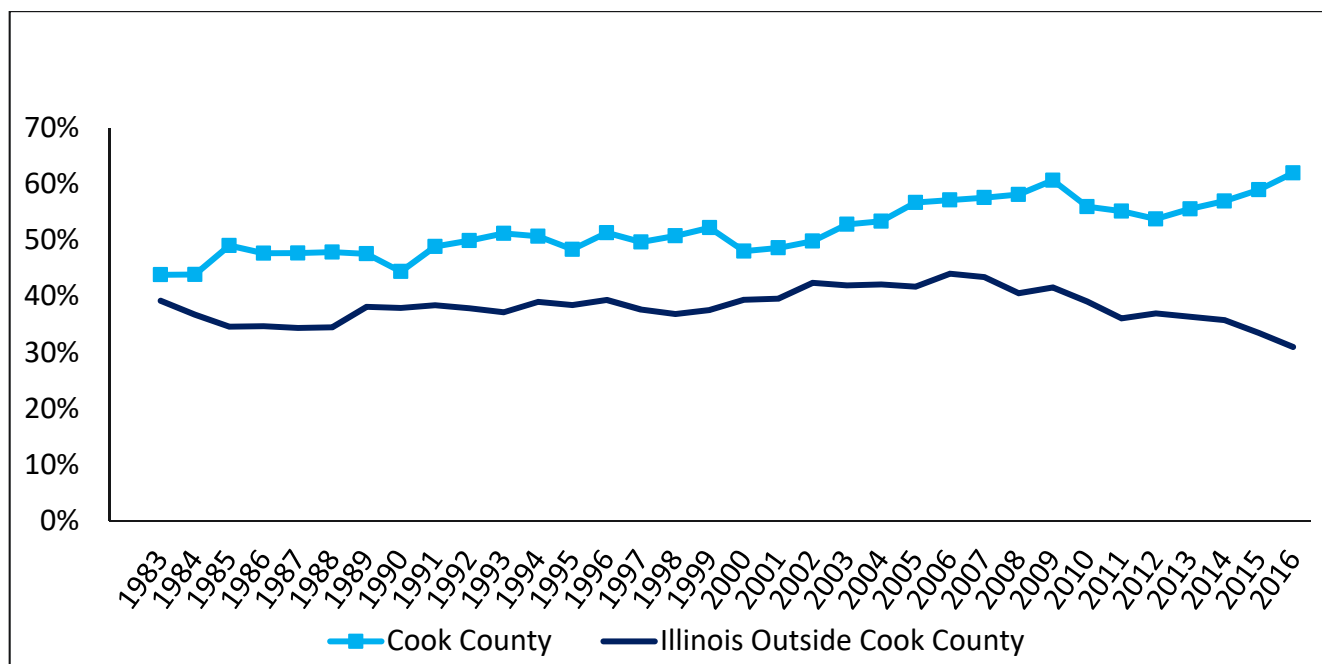
<sup>27</sup> Sentences to IDOC from Cook County for violations of Illinois' Controlled Substances Act fell from 3,752 to 2,320.

felony drug arrests in 3 specific police districts in Chicago between 2001 and 2017 is responsible for more than 40% of the statewide decrease in admissions to prison during that period.<sup>28</sup>

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 while the overall number of prison sentences decreased between 2010 and 2016, the proportion of convicted felons in Cook County who were sentenced to prison grew. For example, between 2010 and 2016, the percent of convicted felons sentenced to prison in Cook County increased from 56% to 62% (Figure 9). In Illinois outside of Cook County, the percent of convicted felons sentenced to prison *decreased* from 39% in 2010 to 32% in 2016. Importantly, the overall Index crime rate declined consistently across Illinois' counties regardless of whether their utilization of prison decreased (as it did in most large counties) or increased (as it did in Cook County). This suggests that the overall decline in Cook County's Index crime rate is not a result of the increasing likelihood of prison incarceration. Some of the differences across jurisdictions in the likelihood of convicted felons being sentenced to prison can be explained 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 Cook County are higher when compared to Illinois as a whole.*

<sup>28</sup> Between 2001 and 2017, arrests for drugs other than cannabis in Chicago decreased from 27,519 to 5,551 based on analyses of data provided through the Chicago Police Department data portal. Three police districts accounted for 47% of the overall decrease in these felony drug arrests in Chicago between 2001 and 2017, including Districts 2, 12, and 15. During that same time period, admissions to prison from Cook County for these drug offenses decreased from 6,742 in 2001 to 2,320 in 2017. Combining the drop in arrests in the three police districts to the drop in admissions to prison for drug offenses from Cook County, it is estimated that this drop in drug arrests is responsible for 1,959 of the 4,152 fewer sentences to prison for drug offenses from Cook County between 2001 and 2017. Statewide, between 2001 and 2017, there were 4,598 fewer sentences to prison for all crimes. Thus, the estimated 1,959 fewer admissions due to fewer drug arrests in these three police districts accounts for 42% of the statewide decrease in admissions to prison between 2001 and 2017.

**Figure 9. Percent of Felons Convicted in Cook 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 Cook County using CHRI data<sup>29</sup> revealed that the three most influential factors were the defendant receiving credit for time served in jail,<sup>30</sup> if the defendant had prior prison sentences and if they had prior convictions. Within the sample examined of those arrested and ultimately convicted of a felony-level offense during the 2012 to 2014 period, 57% were sentenced to prison overall. However, of those who had previously been sentenced to prison, 81% received a prison sentence for the current conviction, compared to 40% of those who had never previously been sentenced to prison.

The substantial increase in the proportion of convicted felons sentenced to prison in Cook County in recent years is likely due to a number of factors occurring simultaneously. First, it is possible that the mix of cases being handled in the felony courts has changed as a result of changes in arrest patterns. For example, as described earlier, a higher percent of the felony arrests occurring in Cook County involve more serious felony classes. Further, with a smaller proportion of the arrests involving drug-

<sup>29</sup> Source: Analyses by Loyola's Center of Research, Policy and 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

<sup>30</sup> Although CHRI does not capture a defendant's pretrial status, a proxy measure was created that captures whether a convicted defendant received any credit for time served. CHRI only captures credit for time served when an individual is sentenced; in such instances, CHRI reports how many days of credit for time served the individual received as part of the imposed sentence.

law violations and a larger proportion accounted for by crimes of violence, it is possible that some of this change over time is due to more serious cases. Finally, it is possible that due to the increase in murders and gun violence that occurred in Chicago in 2015 and 2016, the use of prison increased across all felony offenses in an effort to be more punitive and responsive to public concerns.

## Changing Correctional Populations

There are three possible jurisdictions under which people convicted of a felony and serving their sentence in Cook 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 Cook County in the past decade described above, have led to changes in the number of those convicted of a felony under the custody of the criminal justice system in/from Cook County.

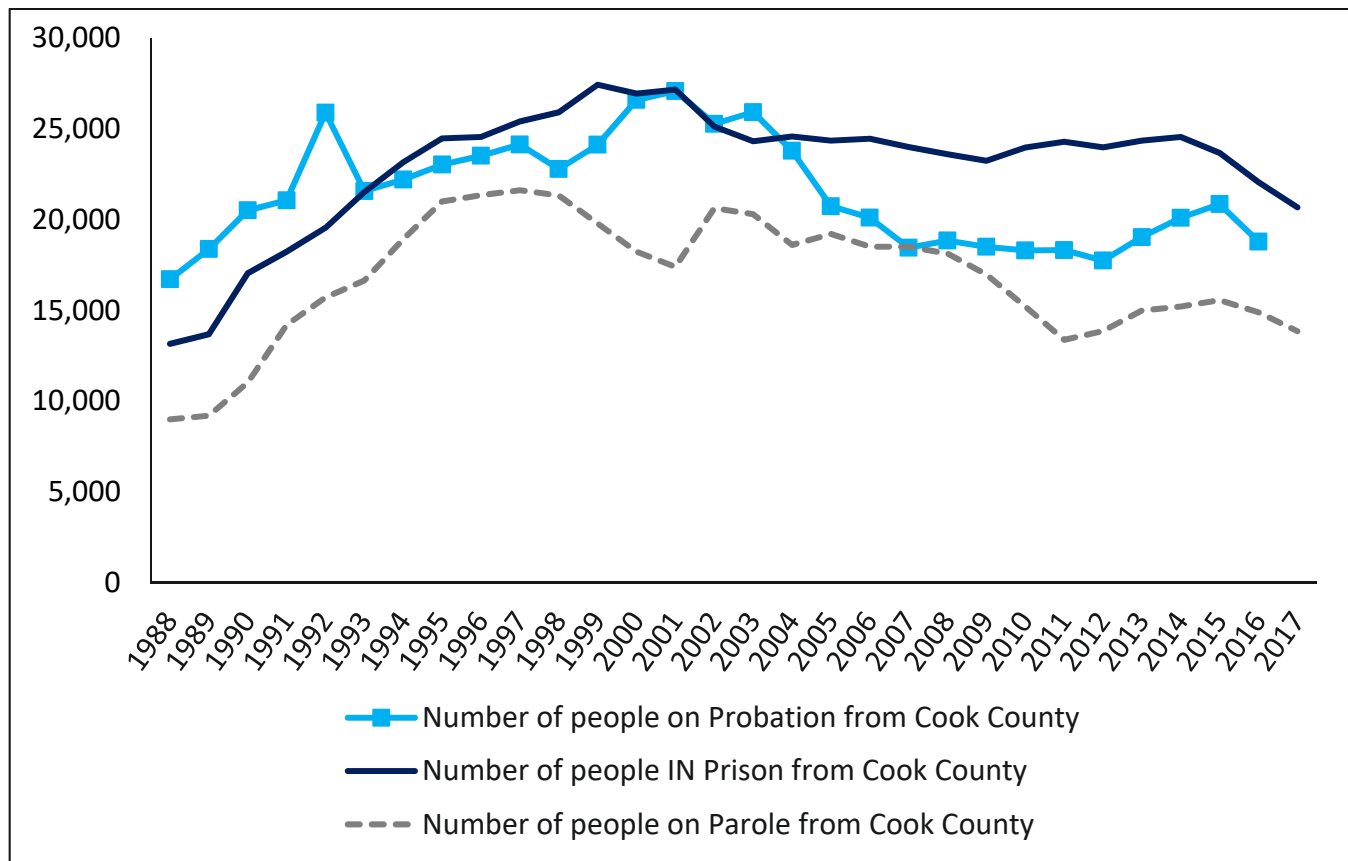
As described above, the majority of those convicted of a felony in Cook County are sentenced to prison, not probation. Indeed, Cook County is one of the few counties in Illinois where this is the case. Between the late-1980’s and early 2000’s, the *number* of those convicted of a felony on probation in Cook County increased dramatically. In 1988, 16,723 people convicted of a felony were on probation in Cook County; by 2003, the number had risen to 25,929, a 55% increase (Figure 10).<sup>31</sup> Despite this increase in overall numbers, however, the *percentage* of those convicted of a felony on probation actually *declined* during this time period due to the increased likelihood of those convicted of a felony receiving prison sentences. In 1988, the 16,723 people convicted of a felony on probation in Cook County represented 43% of all those convicted of a felony from Cook County under the custody of the criminal justice system (e.g., on probation, in prison or on MSR/parole). By 2003, 37% of those convicted of a felony under the custody of the criminal justice system were on probation, and by 2016, only one-third (33%) of those convicted of a felony from Cook County under the custody of the justice system were on probation. By comparison, as a result of a decreasing proportion of those convicted of a felony being sentenced to prison outside of Cook County (Figure 9), almost one-half (45%) of the total people convicted of a felony under the custody of the criminal justice system are on probation in Illinois outside of Cook County.

The long-term trends in the number of individuals *in prison* from Cook 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 early 2000s 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 17,056 adults in Illinois’ prisons

<sup>31</sup> Administrative Office of Illinois Courts, Annual Report 2016. Analyses performed by Loyola’s Center for Criminal Justice Research, Policy and Practice.

from Cook County, but by the end of SFY 2010 there were 23,985 (Figure 10).<sup>32</sup> However, as a result of less crime, and fewer arrests and court filings for felony offenses since 2010, the number of people from Cook County in prison has also decreased. The number of people in prison from Cook County at the end of SFY 2017 was 22,065, or 8% 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 County was 2% lower than at the end of SFY 2010. Of the 55,764 felons under the custody of the justice system (including probation, prison and MSR) from Cook County at the end of 2016, 40% of them were incarcerated in an Illinois state prison.

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

Finally, as described previously, once an inmate has served their sentence they are released from prison onto MSR. Of the 55,764 people convicted of a felony under the custody of the justice system (including

<sup>32</sup> Source: Analyses of data provided by the IDOC Planning and Research Unit by Loyola’s Center for Criminal Justice Research, Policy and Practice.

probation, prison and MSR)<sup>33</sup> from Cook County at the end of 2016, 27% of them were being supervised by IDOC parole agents in Cook County. Generally, the number of people on MSR in Cook 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 Cook County, about two-thirds (66%) of the those sentenced for a felony from Cook County and under the jurisdiction of the justice system were under the custody/supervision of IDOC, with the remainder on probation.

## Reentry and Recidivism of Those Released from Prison Who Return to Cook 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 Cook County, for example, less than 5% of all the admissions to prison from Cook County between SFY 2010 and 2017 were for murder. Thus, most individuals sentenced to prison are released, and for the most part, those individuals who are sentenced to prison from Cook County return back to Cook County upon their release. Among those returning from prison to Cook County between SFY 2011 and 2015, 86% were originally sentenced to prison in Cook County.<sup>34</sup> Further, of those released from prison and returning to Cook County, the majority returned to specific areas within Chicago. Indeed, 32% returned to a contiguous group of neighborhoods on the west-side of the city.<sup>35</sup> Most inmates released from prison return back to where they lived prior to prison, usually living with family members or friends.

However, it is also important to keep in mind that most individuals sentenced to prison from, and returning to, Cook County, were not incarcerated in prisons in close proximity to Cook County/Chicago. In fact, only 36% of the inmates who returned to Cook County from prison were housed in correctional centers in IDOC's Northern District 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.

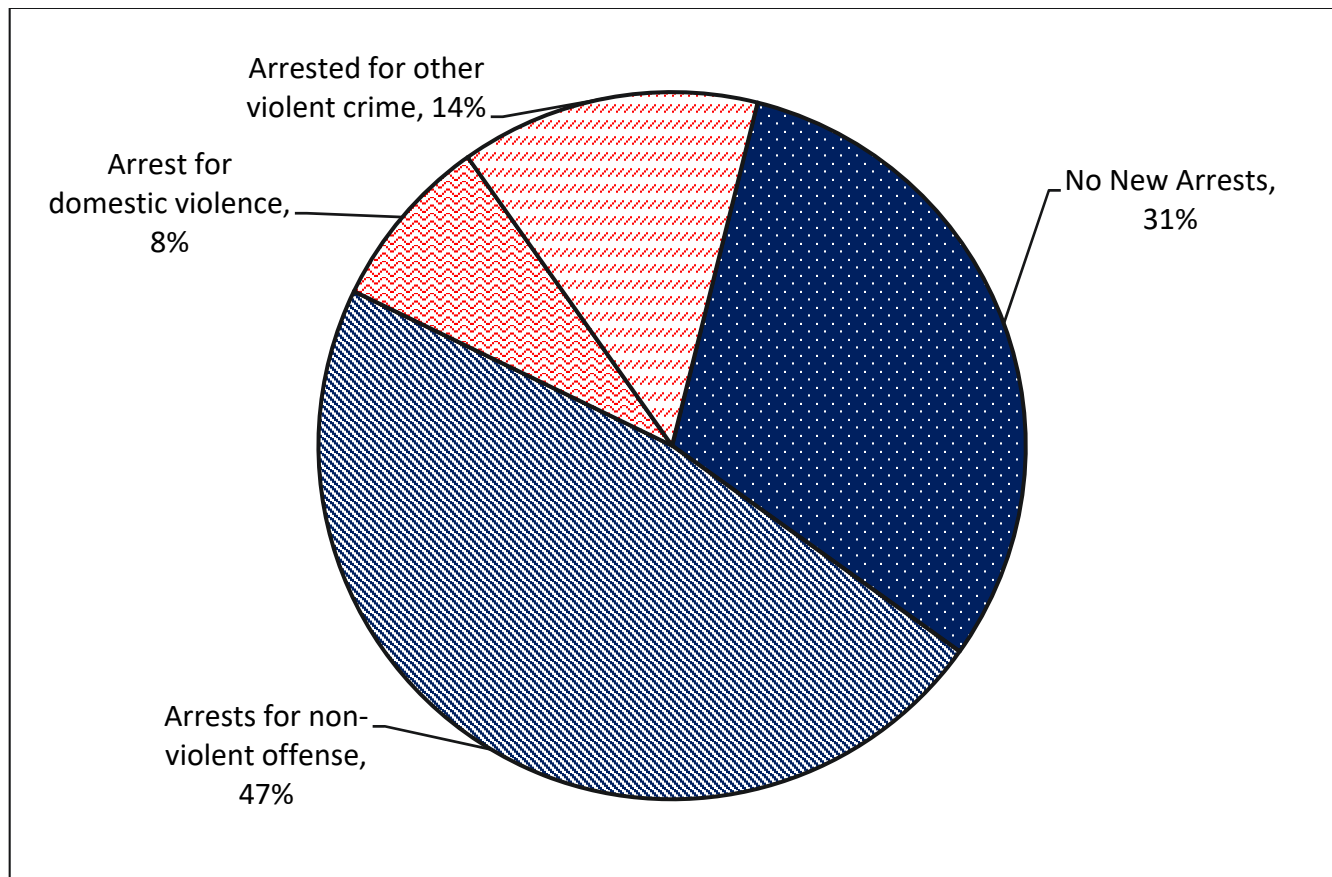
Of particular concern for many, and one of the measures used to gauge the effectiveness of correctional interventions, is the degree to which those processed through the criminal justice system recidivate, or continue to engage in criminal behaviors. Although measuring someone's involvement in

<sup>33</sup> Source: Analyses of data provided by the IDOC Planning and Research Unit and aggregate AOIC data by Loyola's Center for Criminal Justice Research, Policy and Practice

<sup>34</sup> Source: Analyses by Loyola's Center of Research, Policy and 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.

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 in Cook 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 Cook County. These analyses revealed that, overall, 68% 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).<sup>36</sup> Consistent with prior research on the topic, the releasee's age and criminal history were the two strongest predictors of whether or not they were rearrested: younger individuals and those with more extensive criminal histories had the highest recidivism rates.

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



<sup>36</sup> Source: Analyses by Loyola's Center of Research, Policy and 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 releasees committing new crimes, offenses such as murder or shootings come to mind. It is important to note that most of those that were arrested following their release from prison were arrested for non-violent crimes. Twenty-two percent of those who returned to Cook County from prison were arrested for a violent crime within three years of their release, and a significant portion of these arrests involved crimes of domestic violence.<sup>37</sup> Specifically, 8% of Cook County releasees from IDOC were arrested for a domestic violence offense, while 14% were arrested for some other type of violent crime (Figure 11). This 8% domestic violence recidivism rate among those released to Cook County was slightly lower 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 Cook 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 (4%).

## Conclusions and Future Research

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

As a result of the overall decrease in crime in Cook County, and evident shifts in drug enforcement practice since the 1990s, arrests in Cook County have also decreased in the past 10 years, resulting in fewer criminal court filings. With fewer court filings, the *number* of convicted felons sentenced to prison and probation in Cook County has decreased. Despite these decreases, however, the *proportion* of convicted felons sentenced to prison (rather than probation) in Cook County has increased. This pattern deviates from Illinois as whole, where most counties have increased their use of probation as a sentence for convicted felons. 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.

*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.*

<sup>37</sup> Source: Analyses by Loyola's Center of Research, Policy and 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.