



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

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## Center for Criminal Justice Research, Policy and Practice

The Center promotes fair, informed, effective and ethical criminal justice approaches through collaborative interdisciplinary research, professional development and targeted projects.

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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, McLean 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.<sup>1</sup> 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.

## McLean County's Criminal Justice System

McLean County, located in central Illinois, is the 13<sup>th</sup> largest county in Illinois, with an estimated population of 172,418 residents in 2016. Between 2010 and 2016 McLean County's population decreased by approximately 2 percent. McLean County has 21 cities and towns. Bloomington is the largest city in McLean County and the 12<sup>th</sup> most populated city in Illinois. People living in Bloomington account 45 percent of the entire county's population. The Criminal Justice system in McLean County can be generally 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 the workload and activities of all of the other justice system agencies in McLean County. The majority of policing services are provided by municipal police departments. The McLean County Sheriff's Office provides policing services to unincorporated areas of the county as well as to specific towns in McLean County. The County Sheriff also provides security for the courts and operates the county jail. Of the 21 incorporated cities and towns in McLean County, 16 operate their own police departments, with the City of Bloomington being the largest of these.<sup>2</sup> Each municipal police department has a chief of police, appointed by the mayor of each city. The McLean 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 jurisdictions, such as the Illinois State University Police Department and the McLean County Park Police Department. There is also a multi-jurisdictional policing task force that operates in the McLean County. Task Force 6 is a multi-jurisdictional drug task force that involves the cooperation and resource sharing among state, county

<sup>1</sup> 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.

<sup>2</sup> The following incorporated cities and towns are in McLean County: Anchor, Arrowsmith, Belleflower, Bloomington, Carlock, Chenoa, Colfax, Cooksville, Danvers, Downs, Ellsworth, Gridley, Heyworth, Hudson, LeRoy, Lexington, McLean, Normal, Saybrook, Stanford, and Towanda. All but Anchor, Arrowsmith, Belleflower, Carlock and Towanda operate their own police department.

and municipal law enforcement agencies in McLean County as well as a number of neighboring counties.<sup>3</sup> 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 McLean County, their case is referred to the McLean 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 McLean County State's Attorney's Office reviews arrest reports by the law enforcement agencies in McLean 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 McLean County Clerk of the Circuit Court. The case is then adjudicated within the circuit court. McLean County is part of Illinois' 11<sup>th</sup> Judicial Circuit, which includes Ford County, Livingston County, Logan County, McLean County and Woodford County. Illinois has 23 separate judicial circuits, some of which include single counties, while others, like the 11<sup>th</sup> 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 Chief Judge of the circuit also appoints a Public Defender who oversees the McLean County Public Defender's Office, an agency responsible for providing legal services to indigent persons arrested and charged with crimes in McLean County. The 11<sup>th</sup> Judicial Circuit, along with four other circuits in central Illinois, make up Illinois' Fourth Appellate District, which hears cases on appeal from the circuit courts within the district. The McLean County Sheriff's Office provides security to the McLean 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 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 McLean County Sheriff's Office operates the McLean County Jail, which serves multiple functions. First, the McLean County Jail serves as a centralized booking facility for the county, meaning all adults arrested in McLean County are processed through the jail prior to their release or appearance at bond court. For individuals who cannot post or who are denied bail, the McLean County Jail serves as a pre-trial detention facility. Individuals can also be sentenced to serve time (less than a year) in the McLean County Jail upon conviction. For those individuals convicted of a felony-level offense, depending on the nature of their

<sup>3</sup> Source: *Collaborating to fight drug crime: Profile of Task Force 6* published by Illinois Criminal Justice Information Authority, November 2012.

offense, they can be sentenced either to supervision in the community (probation) or to prison (for a year or more).

Those sentenced to probation in McLean County are supervised and referred to services by the McLean 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 and probation supervision fees, as well as participation in rehabilitative programs.

If someone convicted of a felony in McLean County is sentenced to prison, upon the imposition of that sentence the individual (if male) is transferred by the McLean 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 to the Logan Correctional Center R&C in Lincoln, Illinois). After the 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 (e.g., 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 McLean County

To understand how the justice system responds to crime in McLean 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 were *not* reported to the police.<sup>4</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>5</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, including: murder, rape (termed in Illinois as criminal sexual assault), robbery and aggravated assault/battery.<sup>6</sup> 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 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.

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

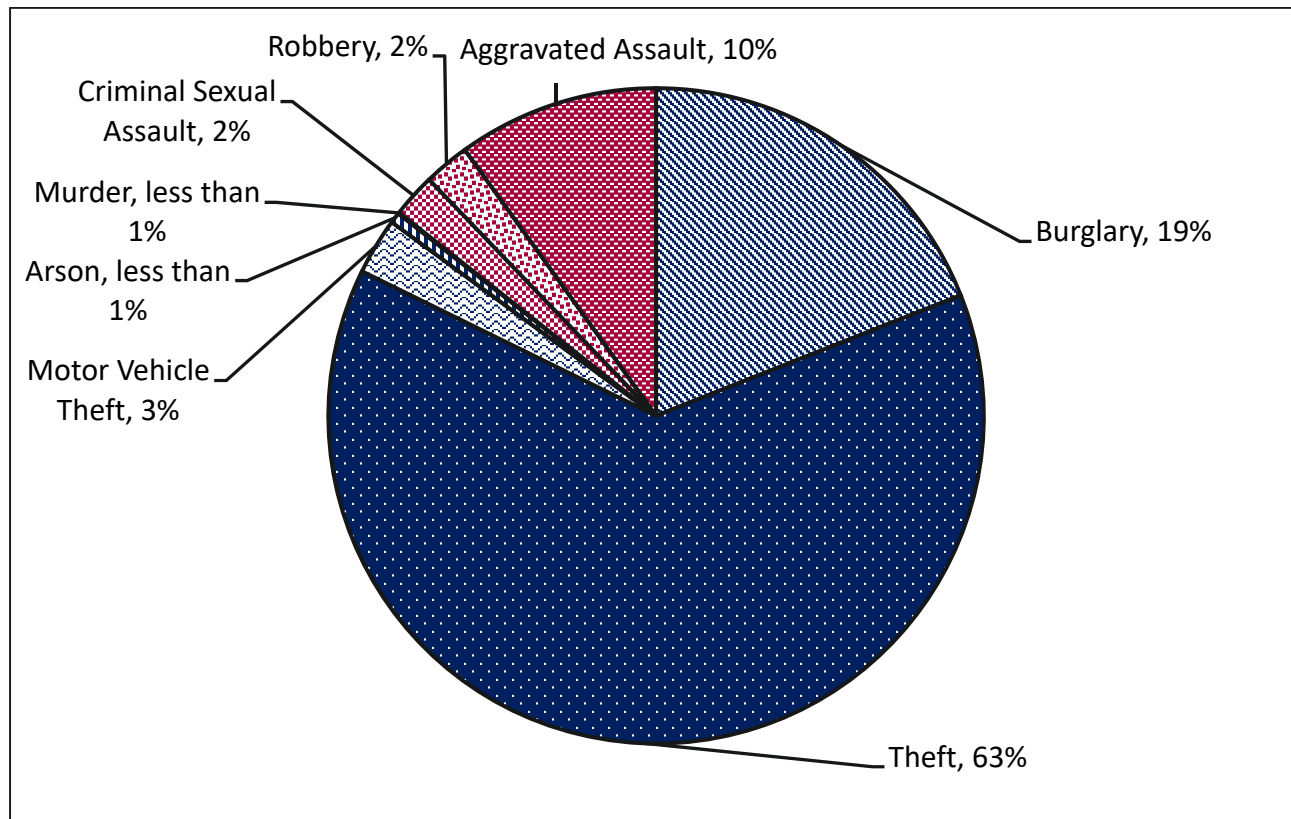
<sup>5</sup> See <https://www.ucrdatatool.gov/> for a detailed description of the Uniform Crime Reporting Program.

<sup>6</sup> In 2014 the crimes of Human Trafficking-Commercial Sex Acts and Human Trafficking-Involuntary Servitude were added to the Crime Index. From 2014-2016, no offenses or arrests under these two categories were reported in McLean County through the UCR program.

## Crimes Reported in McLean County

In McLean County, the majority (86% between 2005 and 2016<sup>7</sup>) of all Index crimes reported to the police involved property Index crimes (Figure 1), a pattern similar to Illinois jurisdictions outside of McLean County, excluding Cook County.<sup>8</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 McLean County. Between 2010 and 2016, the number of property Index crimes reported to the police in McLean County decreased 33% (Figure 2), a trend similar to Illinois jurisdictions outside of McLean County, excluding Cook County.<sup>9</sup> In 2016, the property Index offense rate in McLean County was 1,515.7 per 100,000 residents, 8% lower than the rate of 1,644.9 per 100,000 residents in Illinois outside of Cook and McLean counties that year. In 2016, the City of Bloomington accounted for 51% of all property Index crimes reported to the police in McLean County.

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



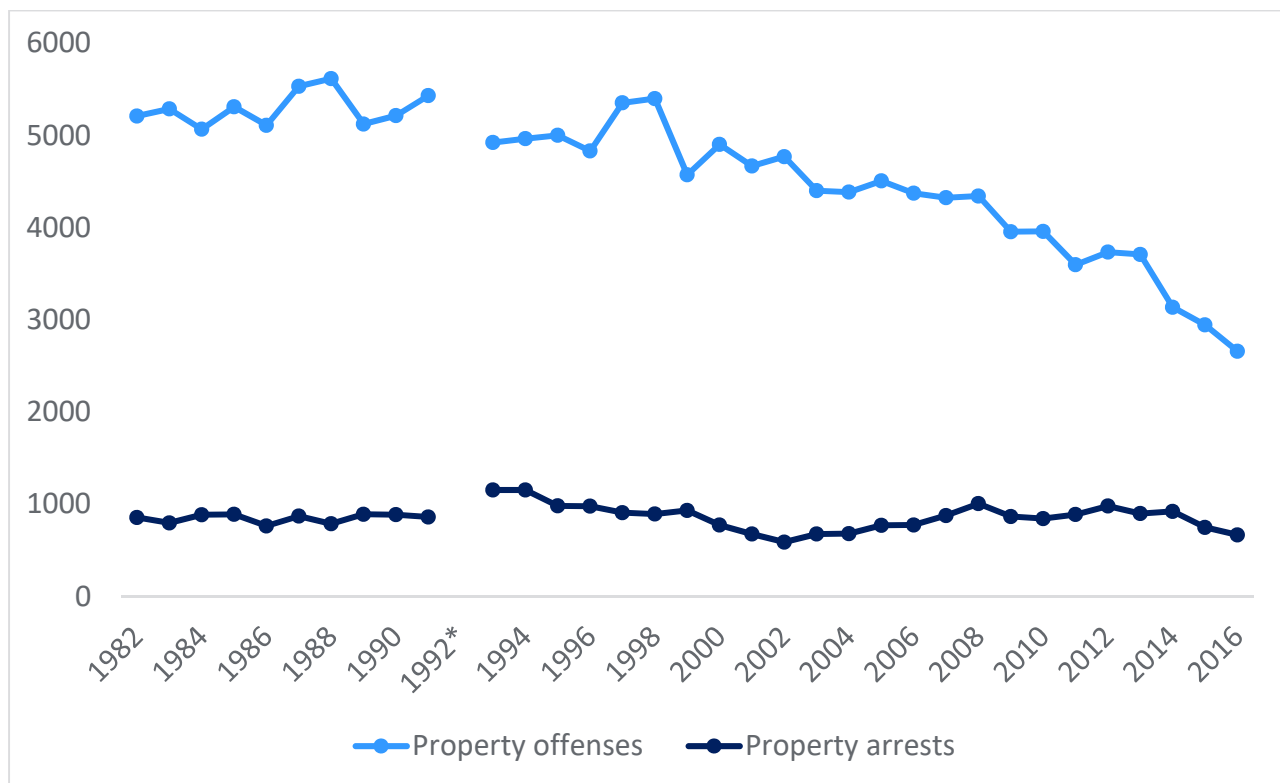
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

<sup>7</sup> 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>8</sup> Excluding Cook and McLean counties, property crime accounted for 87% 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.

<sup>9</sup> Between 2010 and 2016, in Illinois outside of Cook and McLean counties, the number of property Index crimes decreased by 23%.

**Figure 2. Uniform Crime Report (UCR) Offense and Arrest Numbers for Property Index Crimes in McLean County**



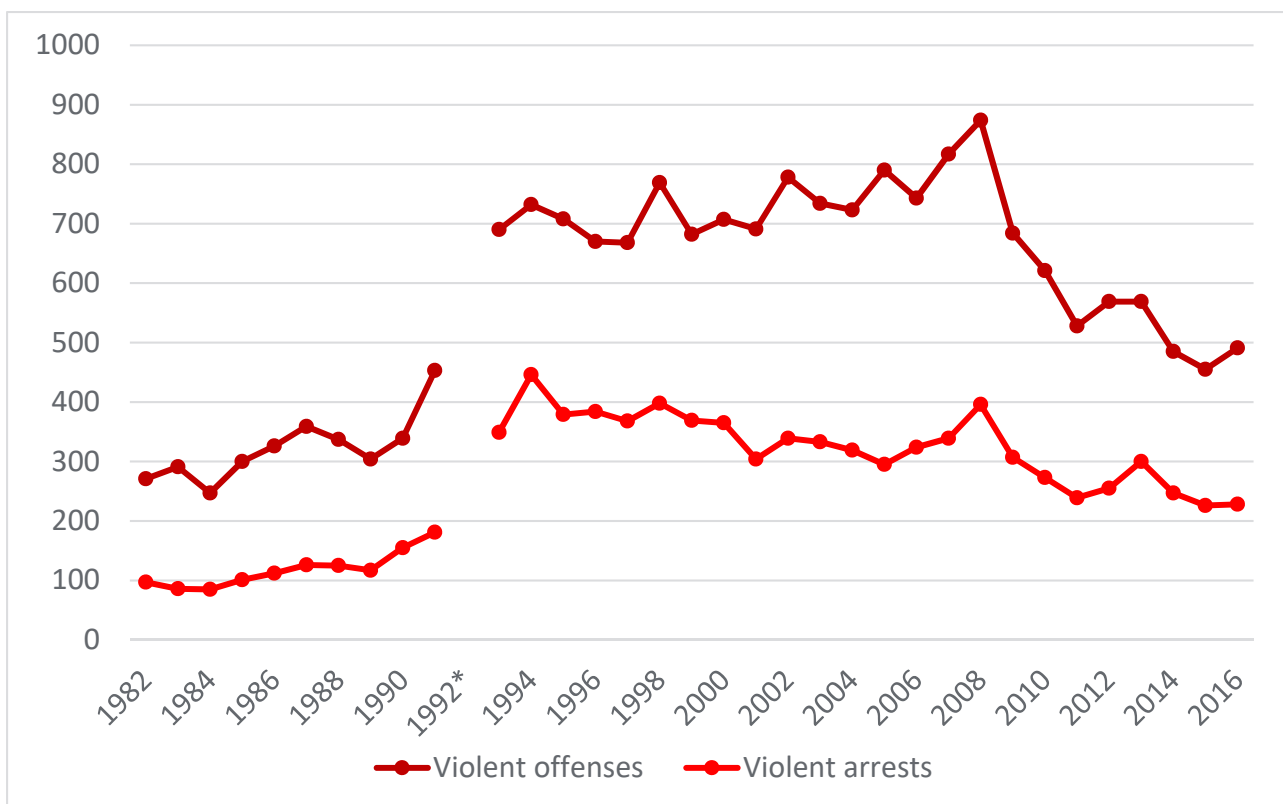
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data  
 \*Data omitted due to apparent reporting error in 1992

Although violent Index crimes account for a relatively small proportion (14% between 2005 and 2016) of all Index crimes reported to the police in McLean County, these involve the most serious offenses the justice system handles, including crimes such as 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 McLean County decreased 21% (Figure 3). By comparison, during this same time period the total number of violent Index crimes reported to the police in Illinois outside of Cook and McLean counties decreased 11%. In 2016, the violent Index offense rate in McLean County was 279.8 per 100,000 residents, slightly higher than the rate of 264.1 per 100,000 residents in Illinois outside of Cook and McLean counties that year. In 2016, the City of Bloomington accounted for 63% of all violent Index crimes reported to the police in McLean County.<sup>10</sup>

<sup>10</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 McLean County**



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data  
 \*Data omitted due to apparent reporting error in 1992

### *Arrests in McLean 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 McLean 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 though the amount of crime has not increased.

In general, between 2010 and 2016, the trends in arrests in McLean County for property Index crimes have mirrored the number of these offenses reported to the police; reported property Index *offenses* decreased 33% and *arrests* for property Index offenses fell 21%. Additionally, reported violent Index offenses decreased 21% between 2010 and 2016, and arrests for these offenses fell about 16%. This suggests that while the number of violent Index offenses and arrests are dropping, the proportion of violent Index crimes that result in an arrest is growing. 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 26% of property Index offenses and 50% of violent Index offenses reported to the police in the past few years (2013-2016) in McLean County resulted in an arrest. By comparison, in Illinois outside of Cook and McLean Counties the property crime “clearance rate” was 24%, while the “clearance rate” for violent crime was 45% during that time period. Thus, while the “clearance rate” for property crimes is somewhat lower, the “clearance rate” for violent crime is somewhat higher than Illinois outside of Cook and McLean Counties.

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>11</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.

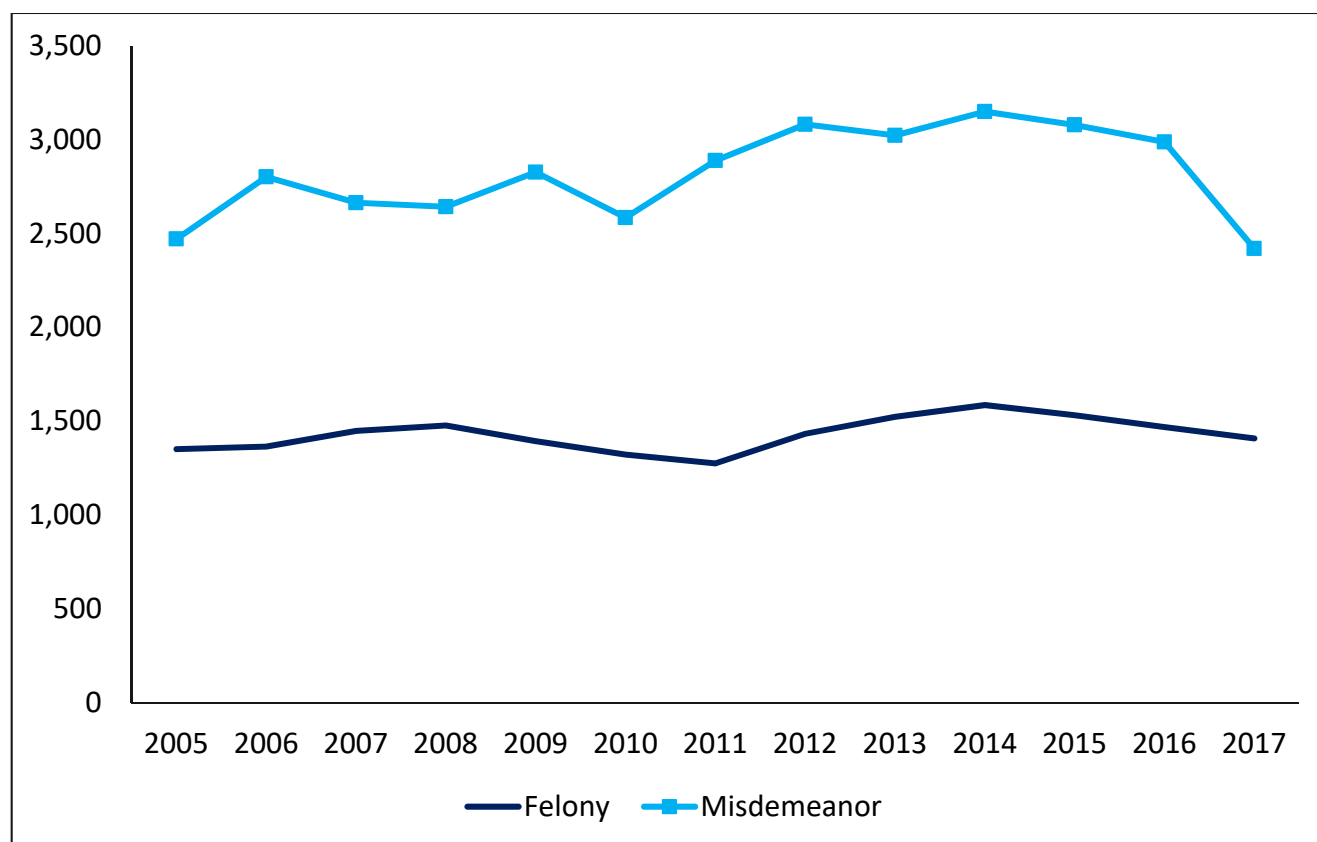
The CHRI data reported to the Illinois State Police by law enforcement agencies in McLean County reveal different trends than the Index crime arrest data. While the Index crime arrest data showed a decline in both property and violent arrests, the CHRI data indicates that between 2010 and 2016, arrests for all violent crimes increased roughly 11%, while arrests for all property crimes increased 7% and arrests for drug-law violations increased 11%.<sup>12</sup> This difference between the trends in arrests based on UCR versus the CHRI data is likely due to differences in how arrests are counted in UCR data, as well as the fact that CHRI includes more crime categories than what is reported through the UCR.

<sup>11</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>12</sup> Source: Criminal History Record Information (CHRI) generated by ICJIA Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice

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. Arrests for felonies increased while arrests for misdemeanors decreased between 2010 and 2017. Specifically, arrests for misdemeanor crimes dropped 6% during this period, with most of the drop between 2016 and 2017, while arrests for felony crimes increased 7% from 2010 to 2017 (Figure 4). Between 2010 and 2017, the increase in arrests for the least serious felony classes (Class 3 or 4 felonies) was fairly similar to the increase in arrests for the more serious felony classes (Class 2 or higher felonies).<sup>13</sup>

**Figure 4. Arrests in McLean 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

Another apparent trend in the characteristics of arrests in McLean County is that while total arrests decreased 5% between 2010 and 2017, different age groups experienced different trends. For

<sup>13</sup> Source: Criminal History Record Information (CHRI) generated by ICJIA Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice

example, the 2017 arrest rate of 18 to 24 year olds in McLean County was 490.7 arrests for every 10,000 residents in that age group, 26% lower than in 2010. By comparison, the 2017 arrest rate of 25 to 44 year-olds in McLean County was 426.6 per 10,000 residents in that age group (or over 13% lower than the arrest rate of the emerging adults). However, during the period from 2010 to 2017, the arrest rate of 25 to 44 year-olds in McLean County *increased* by 7%. Finally, the arrest rate in McLean County of those over the age of 44 was relatively low by comparison (96.1 arrest per 10,000 residents in that age group), but increased by 18% between 2010 and 2017. Over the period examined there has been little change in the distribution of arrestee characteristics in terms of gender (roughly 75% of arrestees in McLean County are male), and throughout the period examined the majority (between 55% and 60% annually) of arrestees were white.

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, 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>14</sup>

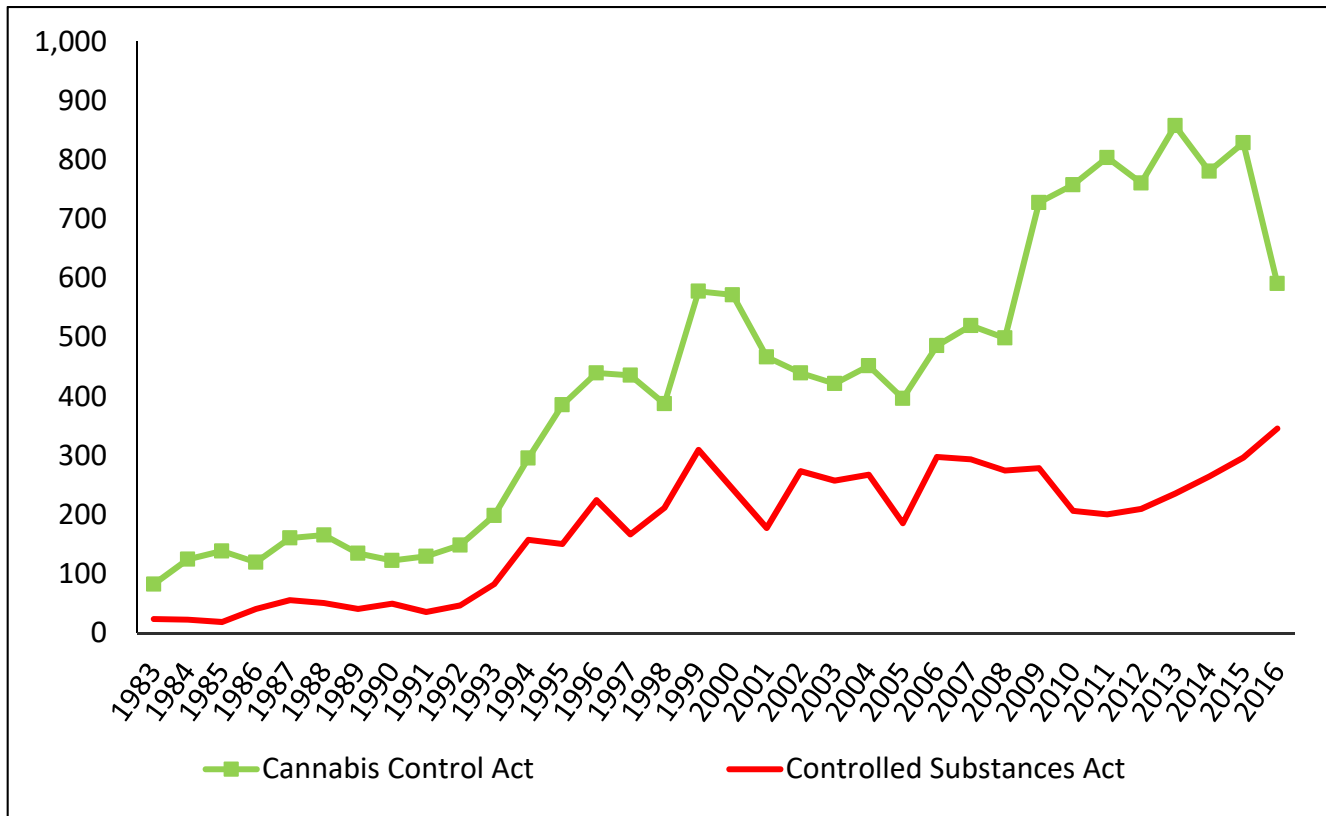
In McLean County, arrests for violations of the Controlled Substances Act increased dramatically during the mid-1990s and fueled a significant amount of the increases in the workload and activities of other criminal justice agencies in the county during that period (Figure 5). For example, prior to 1994 there were fewer than 100 arrests in McLean County annually for violations of the Controlled Substances Act. However, by 1996, more than 225 arrests were made in McLean County for offenses under this Act—a 171% increase from the 83 arrests made in 1993.

Following this peak in arrests for the Controlled Substances Act in 1999, arrests for these offenses fluctuated, but ultimately increased 67% between 2010 and 2016 (when they totaled 346). By comparison, counties in Illinois outside of Cook and McLean collectively saw a 14% increase in arrests for Controlled Substances Act offenses between 2010 and 2016. Arrests for violations of the Cannabis

<sup>14</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.

Control Act in McLean County decreased 22% between 2010 and 2016, a larger decrease than that seen in Illinois outside of Cook and McLean counties.<sup>15</sup>

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

When police arrest an individual in McLean County, the McLean 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.

<sup>15</sup> Based on UCR data, Cannabis Control Act arrests fell 7% between 2010 and 2016, driven primarily by a decrease in arrests for possession and likely related to a change in Illinois law that decriminalized possession of small amounts of the drug.

The total number of cases filed—civil, domestic relations, criminal, quasi-criminal, and juvenile- in McLean County in 2016 was 38,126, of which 11% (4,314 cases) were criminal cases.<sup>16</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 circuit court in McLean County is a relatively small percent of the overall cases filed and disposed of in the courts.

Misdemeanor court filings in McLean County have historically outnumbered felony filings by a 2 to 1 ratio. However, between 2010 and 2016 misdemeanor filings in McLean County decreased, while felony filings increased. As a result, the ratio of misdemeanor to felony filings in 2016 was roughly 1 to 1.4. The increase in felony filings can be partly explained by the fact, as described earlier, arrests for felony level offenses increased. On the other hand, between 2010 and 2016, misdemeanor case filings in McLean County fell 17% (Figure 6), inconsistent with the *increase* in misdemeanor arrests seen during that period (Figure 4). This decrease in misdemeanor filings in McLean County is generally consistent with the trends seen in Illinois outside of Cook and McLean counties, where they decreased 26% between 2010 and 2016.

The long-term trend in the number of felony cases filed in McLean 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 (Figure 5). Between 1987 and 1996, felony filings in McLean County increased 140%—from 621 to 1,490. More recently, between 2010 and 2016, felony filings in McLean County increased 19%, consistent with the increase in felony arrests (CHRI) during that period. This trend in felony filings in McLean County is different than the trend experienced in Illinois outside of Cook and McLean counties, where felony filings *decreased* 6% between 2010 and 2016.

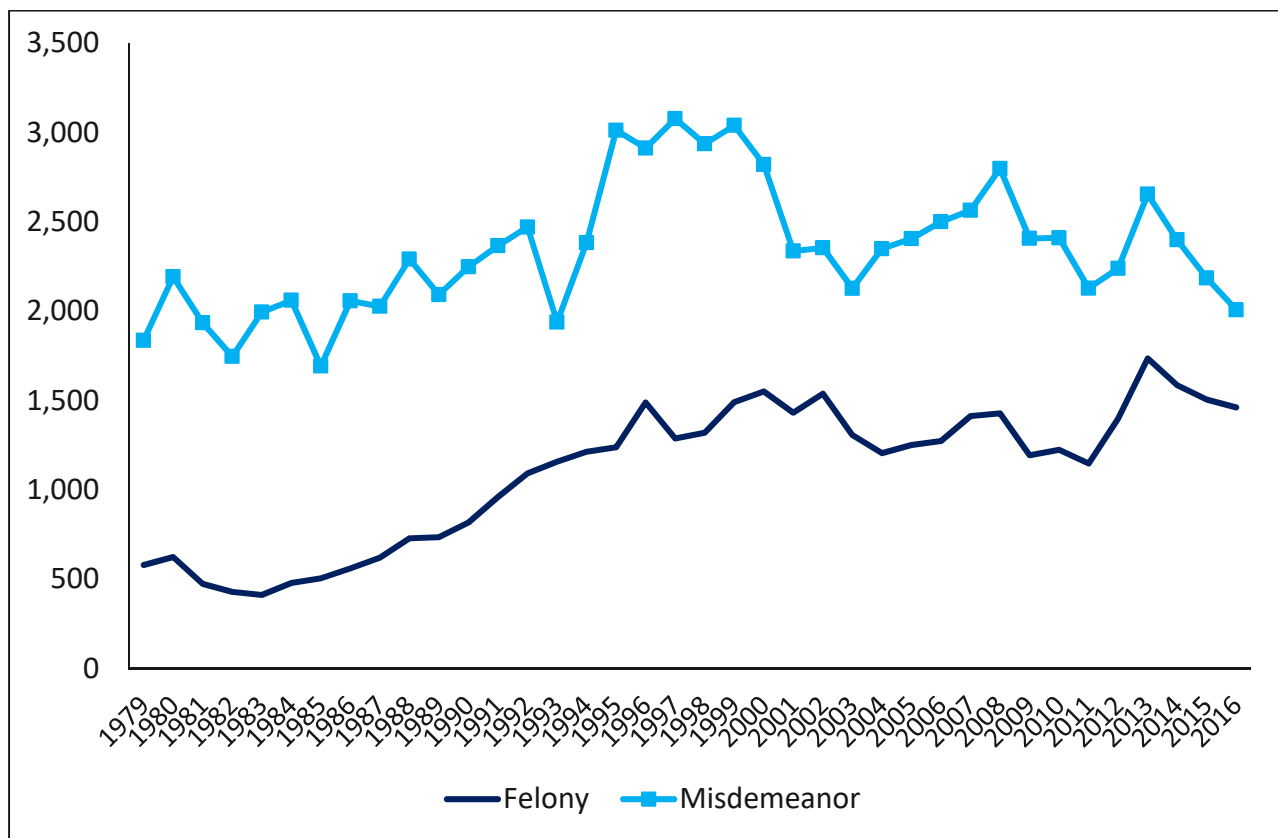
Of the felony cases filed in McLean County each year, the majority result in the defendant being convicted. During 2016, 68% of the felony defendants in McLean County who had their cases disposed of were convicted of a felony offense, a rate similar to Illinois outside of Cook and McLean counties.<sup>17</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. Over the past 15 years, 96% of all felony convictions in McLean County were the result of a guilty plea, and less than 6% of all felony defendants processed through the McLean County court for a felony between 2010

<sup>16</sup> Source: Administrative Office of Illinois Courts Annual Report, 2016. Analyses performed by Loyola's Center for Criminal Justice Research, Policy and Practice.

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

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 36% were not convicted at trial.<sup>18</sup>

**Figure 6. Felony and Misdemeanor Cases Filed in McLean 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.

## Sentencing of Those Convicted of a Felony in McLean 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 McLean 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 Murder, Class X felonies, and then Class 1 through 4 felonies. Class 4 felonies are the least serious

<sup>18</sup> Source: Administrative Office of Illinois Courts Annual Report, 2016. Analyses performed by Loyola's Center for Criminal Justice Research, Policy and Practice.

felony-level offense 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>

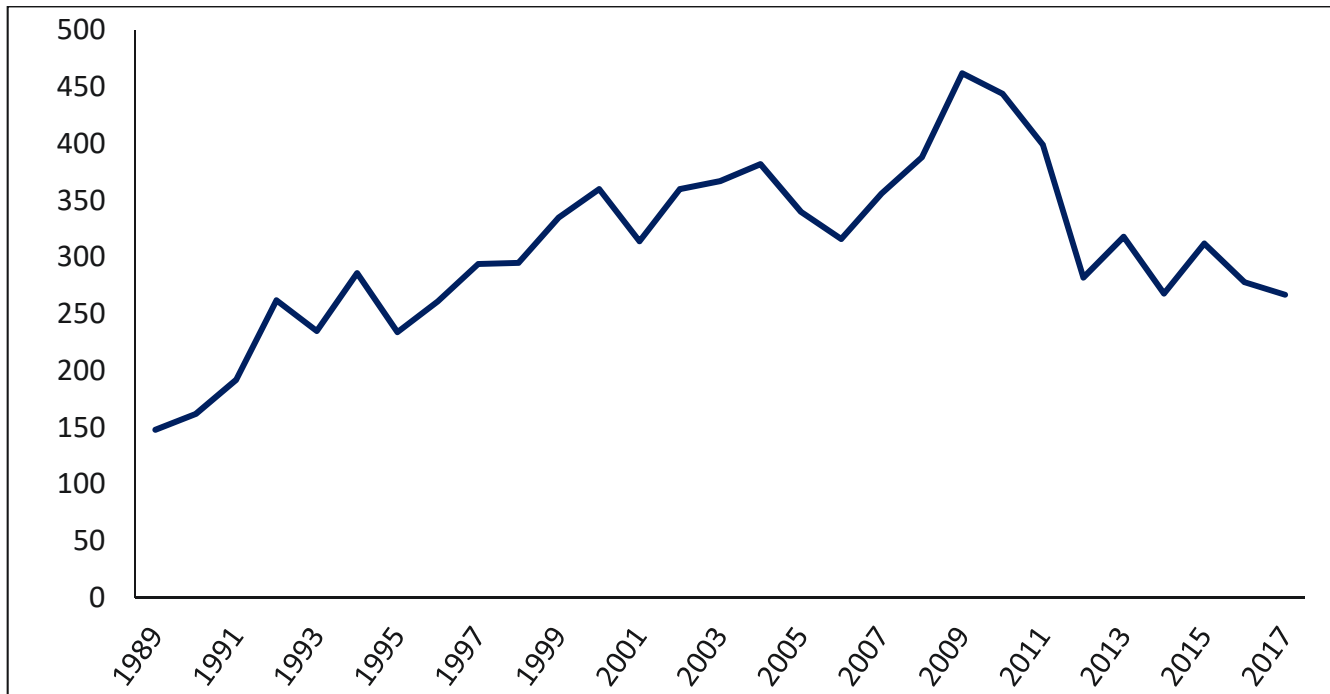
There are a couple of different methods that can be used to examine and understand sentencing patterns for felony-level offenses. First is to consider the sheer number of individuals convicted of a felony and sentenced in McLean County. These analyses reveal that, despite felony arrests and case filings increasing between 2010 and 2016, the overall number of sentences imposed on convicted felons remained essentially the same during that period (decreased by 1%), a trend slightly different from that seen in the rest of Illinois.<sup>19</sup> Further, when the types of sentences were disaggregated, some different patterns emerged. For example, the number of sentences to probation *increased* almost 40% between 2010 and 2016, from 503 to 704, while the number of sentences to prison *decreased* 37% during that period. By comparison, in Illinois outside of Cook and McLean counties, sentences to probation *decreased* 4%, and prison sentences *decreased* 26%. More current data from the Illinois Department of Corrections (IDOC) confirms this trend: between state fiscal years (SFY) 2010 and 2017, IDOC received 40% fewer inmates sentenced from McLean County, falling from 444 to 267, a larger decrease than seen in the rest of Illinois outside of Cook and McLean counties.<sup>20</sup> In fact, the admissions to IDOC from McLean County in SFY 2017 was the lowest number since 1996 (Figure 8).

<sup>19</sup> Between 2010 and 2016, the number of sentences imposed on convicted felons in Illinois outside of Cook and McLean counties decreased 8%. 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.

<sup>20</sup> IDOC received 29% fewer inmates sentenced from Illinois outside of McLean and Cook counties between SFY 2010 and 2017.



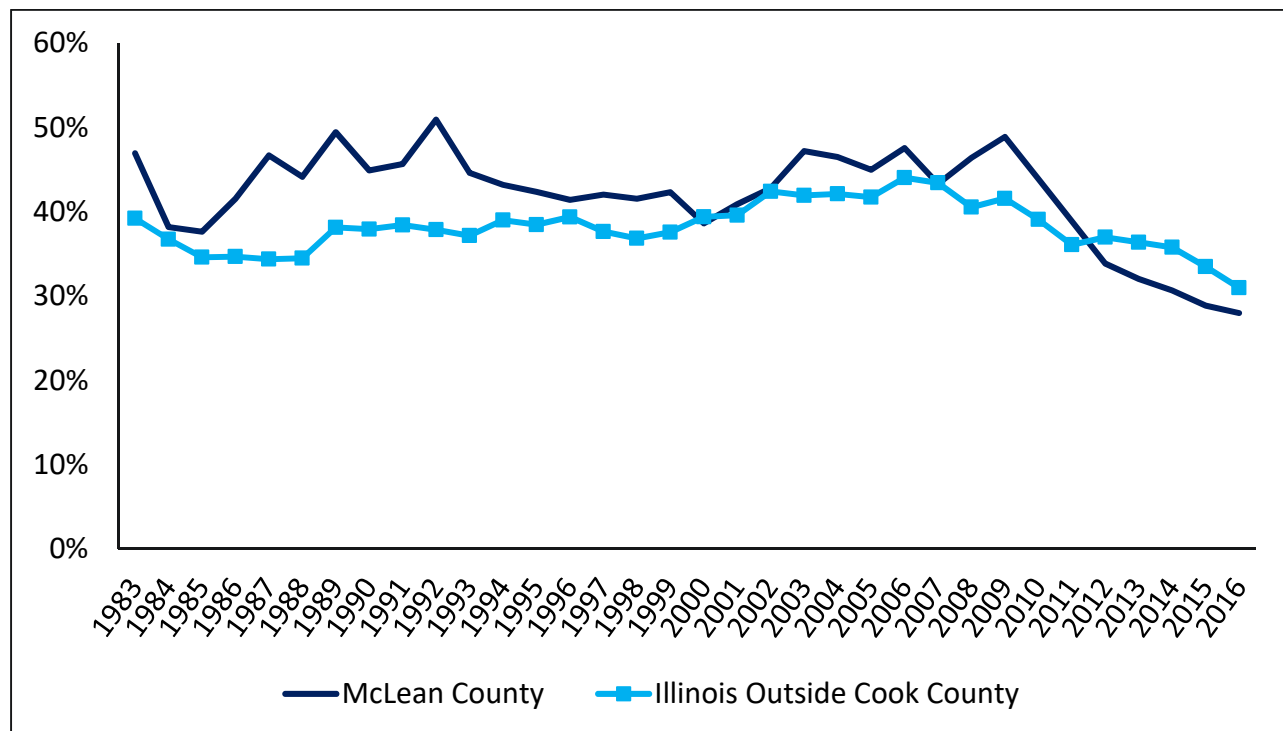
**Figure 8. McLean County Total Court Admissions to IDOC by Felony Class**



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*, in McLean 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 McLean County decreased from 44% to 28% (Figure 9). In Illinois outside of Cook and McLean counties, the percent of convicted felons sentenced to prison decreased from 39% in 2010 to 32% in 2016. Importantly, the percent of convicted felons being sentenced to prison in McLean has decreased steadily since 2009, when 49% of convicted felons were sentenced to prison. During this period of a lower rate of prison utilization, the overall Index crime rate in McLean County also decreased consistently. 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 McLean County is lower than when compared to Illinois as a whole.

**Figure 9. Percent of Felons Convicted in McLean 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 McLean County using CHRI data 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 whether the individual received credit for time served (a proxy for pre-trial detention).<sup>21</sup> Within the sample examined of those arrested and ultimately convicted of a felony-level offense during the 2012 to 2014 period, 35% were sentenced to prison. However, the likelihood of getting a prison sentence varied by criminal history. Of those who had previously been sentenced to prison, 64% received a prison sentence for the current conviction, compared to 22% of those who had never previously been sentenced to prison. As would be expected, all of those convicted of Murder or a Class X felony were sentenced to prison since these offenses are non-probationable. Of those convicted of a Class 1 felony, 77% were sentenced to prison, compared to 22% of those convicted of a Class 4 felony being sentenced to prison.

The substantial decrease in the proportion of convicted felons sentenced to prison in McLean County since 2010 is likely due to a number of factors occurring simultaneously. First, McLean County

<sup>21</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

participated in Adult Redeploy Illinois (ARI) starting in 2011. ARI is a program aimed at modifying how the justice system handles non-violent offenders, treating them in the community rather than sentencing those individuals to prison. Second, it is possible that the creation of the McLean County Criminal Justice Coordinating Council (CJCC) in 2011 made a difference. The CJCC increased coordination and communication among justice agencies in McLean County which led to changes in practices and policies that may have influenced sentencing. The McLean County CJCC was originally created to address jail crowding and led to the implementation of a variety of policies and practices to address this issue. It is possible that as a result of lower rates of pre-trial detention, the odds of a prison sentence being imposed also fell. Indeed, as seen above, the proxy measure for pre-trial detention was one of the strongest predictors of who was sentenced to prison. If the number and proportion of convicted felons being detained pre-trial fell during this time period, so too would the likelihood of a prison sentence. It is also possible that the characteristics of the cases moving through the system have changed, such as a smaller proportion of the cases involving more serious felony classes, fewer convicted offenders having a history of prior prison sentences, or, as described, fewer being held pre-trial. Collectively, the enhancements to diversionary programs through ARI, changes in policy and practice regarding pre-trial detention, and some changes in the characteristics of individuals matriculating through the felony courts all likely play a part in explaining the decreased use of prison from McLean County. More detailed, and more current, analyses of the factors influencing sentencing practices and patterns in McLean 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 individuals convicted of a felony in McLean 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 McLean County in the past decade described above, led to changes in the number of felons under the custody of the criminal justice system in/from McLean County.

As described above, the majority of those convicted of a felony in McLean County (and in most Illinois counties) are sentenced to probation. As a result, probation is where the largest category of those convicted of a felony under the custody of the justice system are supervised. Between the mid-1980s and the early 2000s, the number of those convicted of a felony on probation in McLean County nearly tripled, from just over 256 in 1986 to more than 800 by 1999 (Figure 10).<sup>22</sup> The use of probation as a sentence decreased during the late 1990s and early 2000s. However, as a result of an increased use of probation in sentencing those convicted of a felony in McLean County over the past 6 years, the number of felons on probation at year-end have also increased, climbing from 809 on December 31,

<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.

2010 to 1,025 on that same date in 2016, a 27% increase.<sup>23</sup> By comparison, the number of those convicted of a felony on probation at year-end in Illinois outside of Cook and McLean counties *decreased* 5% during that same time period. At the end of 2016, there were a total of 2,321 people convicted of a felony under the custody of the justice system (including probation, prison and MSR) from McLean County, with 44% of them supervised on probation.<sup>24</sup>

The long-term trends in the number of individuals *in prison* from McLean 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 2012 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 300 adults in Illinois' prisons from McLean County, but by the end of SFY 2012 there was 3-times more (983 [Figure 10]).<sup>25</sup> However, as a result of the decrease in crime and a lower likelihood of those convicted of a felony being sentenced to prison, the number of people in prison from McLean County at the end of SFY 2017 was 852, or 13% lower than on that same date in 2012. By comparison, the number of people in prison at the end of SFY 2017 from Illinois outside of Cook and McLean counties was only 5% lower than at the end of SFY 2010. Of the 2,161 people convicted of a felony under the custody of the justice system (including probation, prison and MSR) from McLean County at the end of 2016, 40% were incarcerated in an Illinois state prison.

Finally, as described previously, once inmates have served their sentence they are released from prison onto MSR. Of the 2,161 people convicted of a felony under the custody of the justice system (including probation, prison and MSR) from McLean County at the end of 2016, 12% of them were being supervised by IDOC parole agents in McLean County.<sup>26</sup> Generally, the number of people on MSR in McLean 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 McLean County, more than one-half (53%) of the those convicted of a felony from McLean County and under the jurisdiction of the justice system were under the custody/supervision of IDOC, with the remainder on probation.

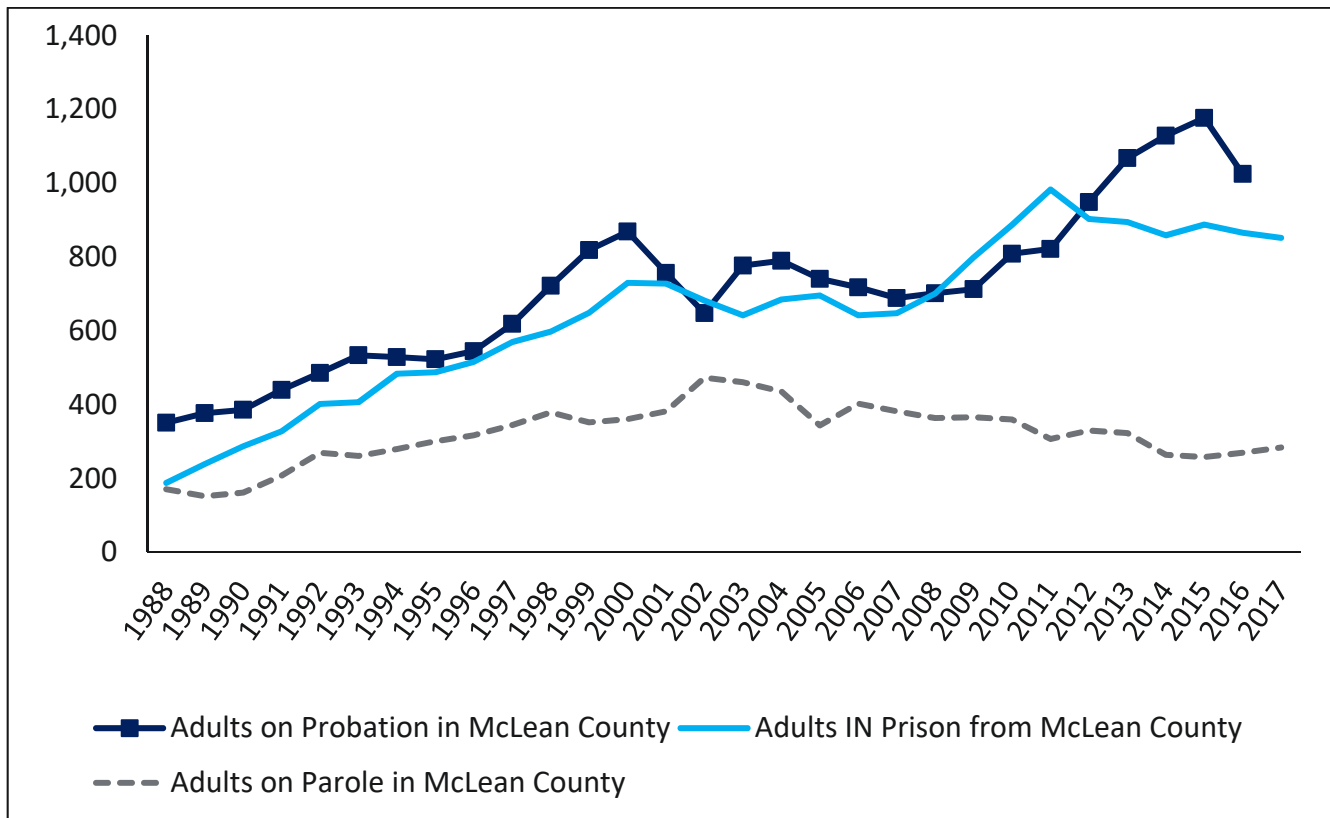
<sup>23</sup> Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

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

<sup>25</sup> Source: Analyses of data provided by the IDOC Planning and Research Unit by Loyola's Center for Criminal Justice Research, Policy and Practice

<sup>26</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

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



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

## Reentry and Recidivism of Those Released from Prison Who Return to McLean 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. For example, less than 1% of all the admissions to prison from McLean County between SFY 2010 and 2017 were for murder. Thus, most individuals sentenced to prison are released. Most inmates released from prison return back to where they lived prior to prison, usually living with family members or friends. For example, a substantial portion of those *sentenced to* prison in McLean County *did not return* to McLean County upon release from prison. Specifically, among those released from prison between 2011 and 2015 who had originally been sentenced in McLean County, almost one-half (48%) returned to some other county in Illinois. Among those *returning to* McLean County from prison during the same time period, 75% were originally sentenced to prison in McLean County and 25% had been sentenced to prison in

another county.<sup>27</sup> Further, of those released from prison and returning to McLean County, the majority return to very specific neighborhoods within the Bloomington-Normal metropolitan area. Indeed, 85% of all prison releasees coming back to McLean County returned to three specific zip-codes (61707, 61761, and 61704) in the Bloomington-Normal metropolitan area.

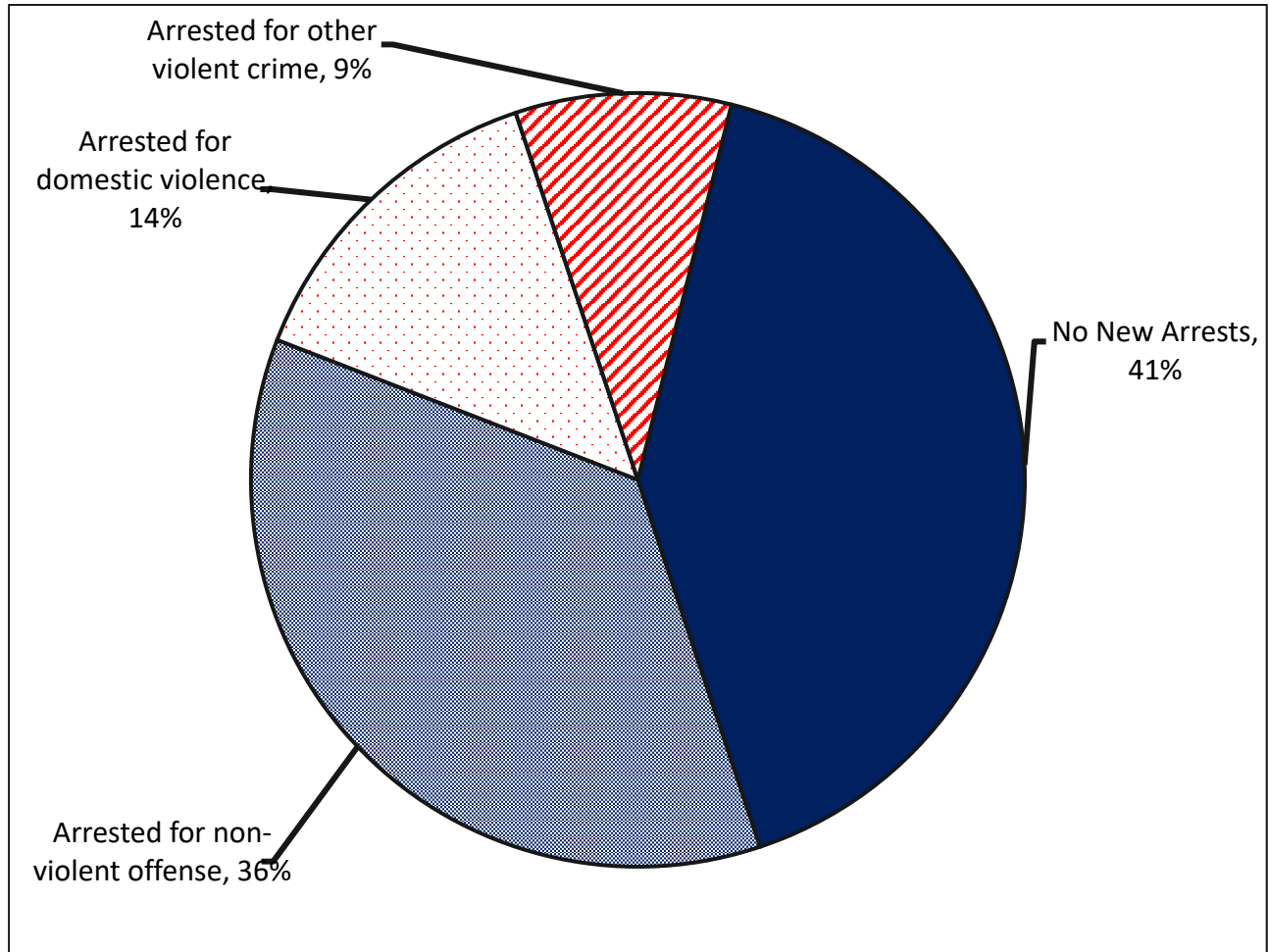
Of particular concern for many, and one of the measures used to gauge the effectiveness of correctional interventions, is the degree to which those processed through the criminal justice system recidivate, or continue to engage in criminal behaviors. Although measuring someone's involvement in criminal 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 McLean 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 McLean County. These analyses revealed that, overall, 59% 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>28</sup> 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.

Often when the public hears or thinks about prison releasees committing new crimes, offenses such as murder or shootings come to mind. However, it is important to note that most of those that were arrested following their release from prison were generally arrested for non-violent crimes. Twenty-three percent of those released from prison and returned to McLean 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, 14% of McLean County releasees from IDOC were arrested for a domestic violence offense, while 9% were arrested for some other type of violent crime (Figure 11). Further, this 14% domestic violence recidivism rate among those released to McLean County was slightly higher than the 11% rate seen 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 McLean County were arrested for offenses involving either the illegal possession of a firearm (3%) or the use of a firearm in the commission of a crime (2%).

<sup>27</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.

<sup>28</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

**Figure 11. Examining Recidivism of Adult IDOC Releasees Returned to McLean 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.

## Conclusions and Future Research

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

this report (2010 to 2015/2016), the property and violent Index crime rate decreased, but increases were seen in some types of arrests reported through CHRI (e.g., felony arrests) and felony court filings. Despite this increase in arrests and felony filings, a clear shift in sentencing practices in McLean County has resulted in a decrease in the number and proportion of convicted felons sentenced to prison in McLean County, and an increase in the proportion and number of felons sentenced to probation in the county. It is likely that the effort to reduce the reliance on pre-trial detention-the original goal of the McLean County Criminal Justice Coordinating Council-has also influenced sentencing practices in the county, and resulted in probation being used more often as a sentence in lieu of prison. During this period of time when the reliance on prison as a response to crime has decreased, the crime rate in McLean County has continued to decrease.

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 McLean County practitioners and policy makers have recognized this, increasing their utilization of probation, while implementing evidence-based practices (EBPs) for their probation population. In light of the increased utilization of probation, and to ensure that probation sentences are achieving their goals, the McLean County CJCC has made a commitment to more fully evaluate the effectiveness of probation as a sentence through an evaluation that will be performed by collaboratively by Illinois State University's Stevenson Center, Loyola, ICJIA and 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.*