

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

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

McHenry County's Criminal Justice System

McHenry County, located in northern Illinois on the Wisconsin border, is the 6th largest county in Illinois, with an estimated population of 307,083 residents in 2016. Between 2010 and 2016, McHenry County's population remained stable, increasing less than 1%. McHenry County has 30 cities and villages. The four largest cities, Crystal Lake, Lake in the Hills, McHenry, and Woodstock, each have between 25,000 and 41,000 residents. Combined they accounted for approximately 39% of the entire population of McHenry County in 2016. The criminal justice system in McHenry County can be broadly divided into three major components: law enforcement and policing, courts, and corrections. Within each of these general components are a number of different agencies, operating with specific goals and purposes, and also operating across different branches and levels of government.

Law Enforcement & Policing

When crimes are reported to the police, or when police observe criminal behavior during the course of patrol or investigations, the arrest of an individual is the starting point for the rest of the justice system. As such, arrests impact the workload and activities of all of the other justice system agencies in McHenry County. The majority of policing services are provided by municipal police departments. The McHenry County Sheriff's Office provides policing services to unincorporated areas of the county as well as to specific towns in McHenry County. The County Sheriff also provides security for the courts and operates the county jail. Of the 30 incorporated cities and villages in McHenry County, 27 operate their own police departments, with the Crystal Lake Police Department being the largest of these.² Each municipal police department has a chief of police, appointed by the mayor of each city. The McHenry County Sheriff's Office is led by an elected Sheriff. In addition to these municipal and

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

² The following incorporated cities and villages are in McHenry County: Algonquin, Barrington Hills, Bull Valley, Cary, Crystal Lake, Fox Lake, Fox River Grove, Greenwood, Harvard, Hebron, Holiday Hills, Huntley, Island Lake, Johnsburg, Lake in the Hills, Lakemoor, Lakewood, Marengo, McCullom Lake, McHenry, Oakwood Hills, Port Barrington, Prairie Grove, Richmond, Ringwood, Spring Grove, Trout Valley, Union, Wonder Lake, and Woodstock. All but Greenwood, Ringwood, and Trout Valley operate their own police department.

county police agencies, there are a number of other police departments with very specific jurisdictions, such as the Crystal Lake Park District Police and the McHenry County College Police Department. There is also a multi-jurisdictional policing task force that operates in the McHenry County area. The North Central Narcotics Task Force (NCNTF) is a multi-jurisdictional drug task force that involves the cooperation and resource sharing among state, county and municipal law enforcement agencies in McHenry County as well as a number of neighboring counties.³ These law enforcement agencies are responsible for responding to reported incidents of criminal activity as well as engaging in patrol and investigations to prevent, detect and uncover criminal activity.

Courts

When an individual is arrested in McHenry County, their case is referred to the McHenry 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 McHenry County State's Attorney's Office reviews arrest reports by the law enforcement agencies in McHenry 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 McHenry County Clerk of the Circuit Court. Criminal cases are then adjudicated within the circuit court. McHenry County is the only county in Illinois' 22nd Judicial Circuit. Illinois has 23 separate judicial circuits. Some judicial circuits, like the 22nd, are comprised of a single county while others 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 McHenry County Public Defender's Office, an agency responsible for providing legal services to indigent persons arrested and charged with crimes in McHenry County. The 22nd Judicial Circuit, along with five other circuits in northern Illinois, make up Illinois' Second Appellate District, which hears cases on appeal from the circuit courts within the district. The McHenry County Sheriff's Office provides security to the McHenry County courts, both in the courthouse as well as in the individual courtrooms.

Corrections

The corrections component of the criminal justice system includes both institutional as well as community-based correctional agencies responsible for supervising and detaining those charged with crimes as well as those convicted of offenses. These agencies have varying functions and operate at different levels and branches of government. For example, the McHenry County Sheriff's Office operates the McHenry County Jail, which serves multiple functions. First, for individuals who cannot post, or who are denied, bail, the McHenry County Jail serves as a pre-trial detention facility. In

³ Source: *Collaborating to Fight Drug Crime: Multijurisdictional Task Forces (A Profile of the North Central Narcotics Task Force)*

addition to serving as a pre-trial detention facility, individuals can also be sentenced to serve time (less than a year) in the McHenry County Jail upon conviction. For those individuals convicted of a felony-level offense, depending on the nature of their offense, they can be sentenced either to supervision in the community (probation) or to prison (for a year or more).

Offenders sentenced to probation in McHenry County are supervised and referred to services by the McHenry County Probation and Court Services Department. The Probation and Court Services Department is funded through a mix of county and state resources, and is under the judicial branch of government. When a sentence to probation is imposed, the individual is supervised in the community by probation officers. In addition to supervision, the conditions of probation often include payment of fines, restitution, probation supervision fees, as well as participation in rehabilitative programs. If an individual fails to meet the terms of their probation or commits a new crime while under supervision, their probation may be revoked and they may be given a more serious sanction, including serving prison time if the offense that resulted in their original probation sentence was a felony.

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

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

Reported Crime and Arrests in McHenry County

To understand how the justice system responds to crime in McHenry 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 crimes and 65% of property crimes were *not* reported to the police⁴. Reporting variations also exist within large crime categories (e.g., violent and property). Nationally, the majority of thefts (property) and sexual assaults (violent) are *not* reported to the police while the majority of motor vehicle thefts (property) and robbery (violent) *are* reported. Thus, when considering how much crime is reported to the police it is important to keep in mind that this represents only a portion of the crime that actually occurs.

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

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

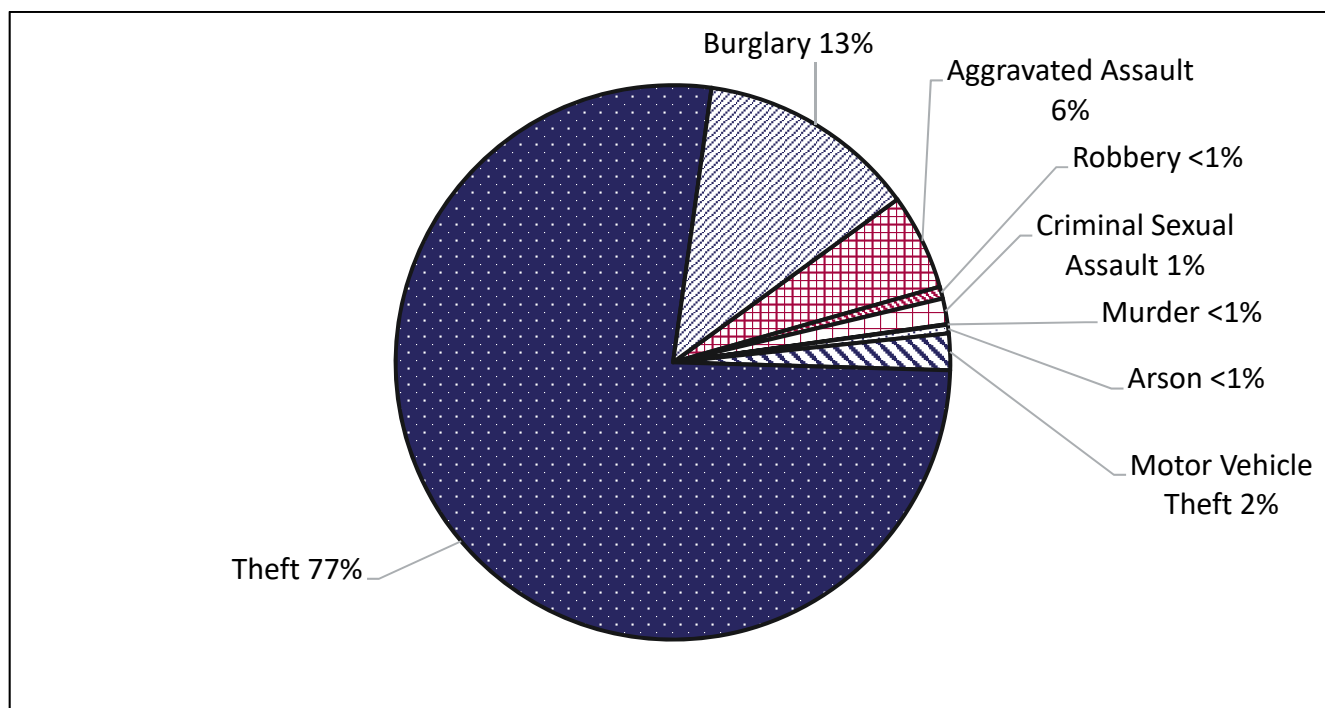
⁵ See <https://www.ucrdatatool.gov/> for a detailed description of the Uniform Crime Reporting Program.

⁶ In 2014 the crimes of Human Trafficking-Commercial Sex Acts and Human Trafficking-Involuntary Servitude were added to the Crime Index. In 2014 and 2015, no offenses or arrests under these two categories were reported in McHenry County through the UCR program.

Crimes Reported in McHenry County

In McHenry County, the majority (92% between 2005 and 2016)⁷ of all Index crimes reported to the police involved property Index crimes (Figure 1), a pattern similar to Illinois jurisdictions outside of McHenry County, excluding Cook County.⁸ Because these property crimes account for such a large portion of all Index crimes reported to the police, trends in property Index crime tends to influence the total Index crime rate in McHenry County. Between 2010 and 2016, the number of property Index crimes reported to the police in McHenry County decreased 34% (Figure 2), a trend similar to Illinois jurisdictions outside of McHenry County, excluding Cook County.⁹ In 2016, the property Index offense rate in McHenry County was 958.2 per 100,000 residents, or 41% lower than the rate of 1,634.5 per 100,000 residents in Illinois outside of Cook and McHenry counties that year. Combined, the four largest cities, Crystal Lake, Lake in the Hills, McHenry, and Woodstock, accounted for over half (54%) of all property Index crimes reported to the police in McHenry County in 2016. The largest city, Crystal Lake, reported 627 property Index crimes, 21% of the total property Index crimes reported to McHenry County police departments in 2016.

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



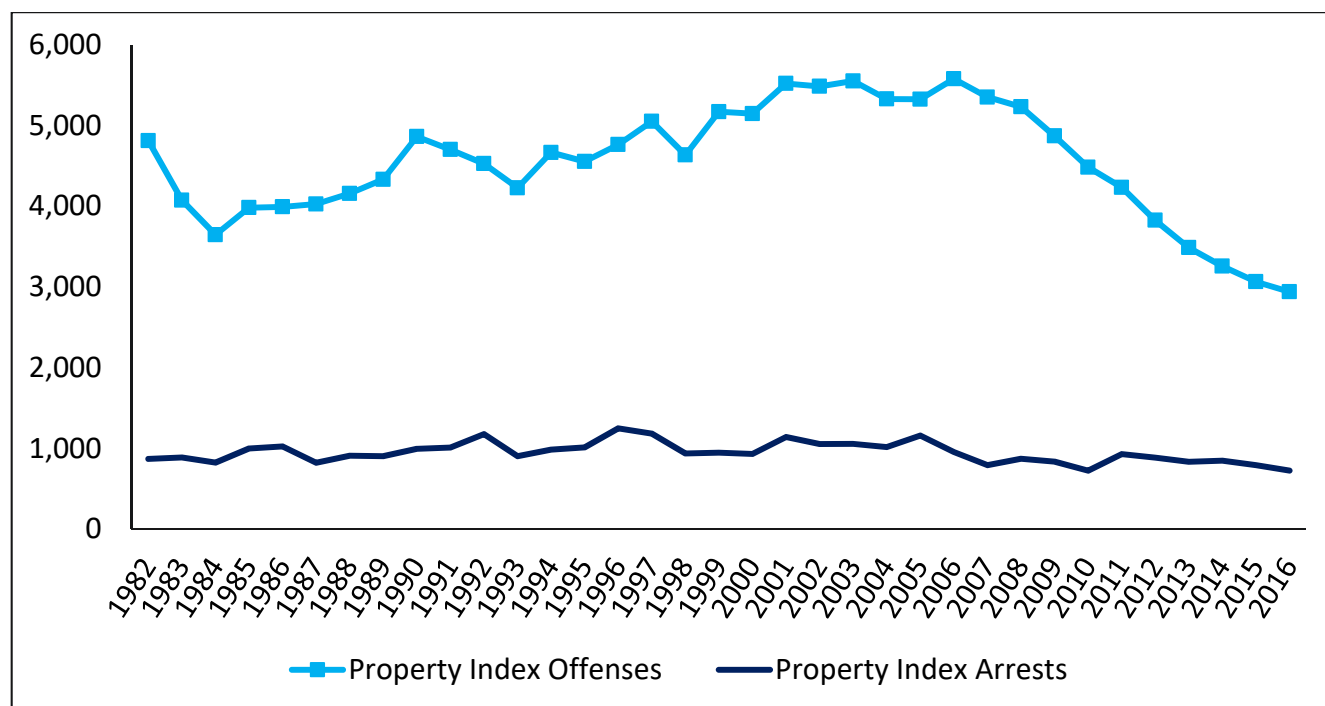
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

⁷ Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

⁸ Excluding Cook and McHenry 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.

⁹ Between 2010 and 2016, in Illinois outside of Cook and McHenry counties, the number of property Index crimes decreased by 28%.

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

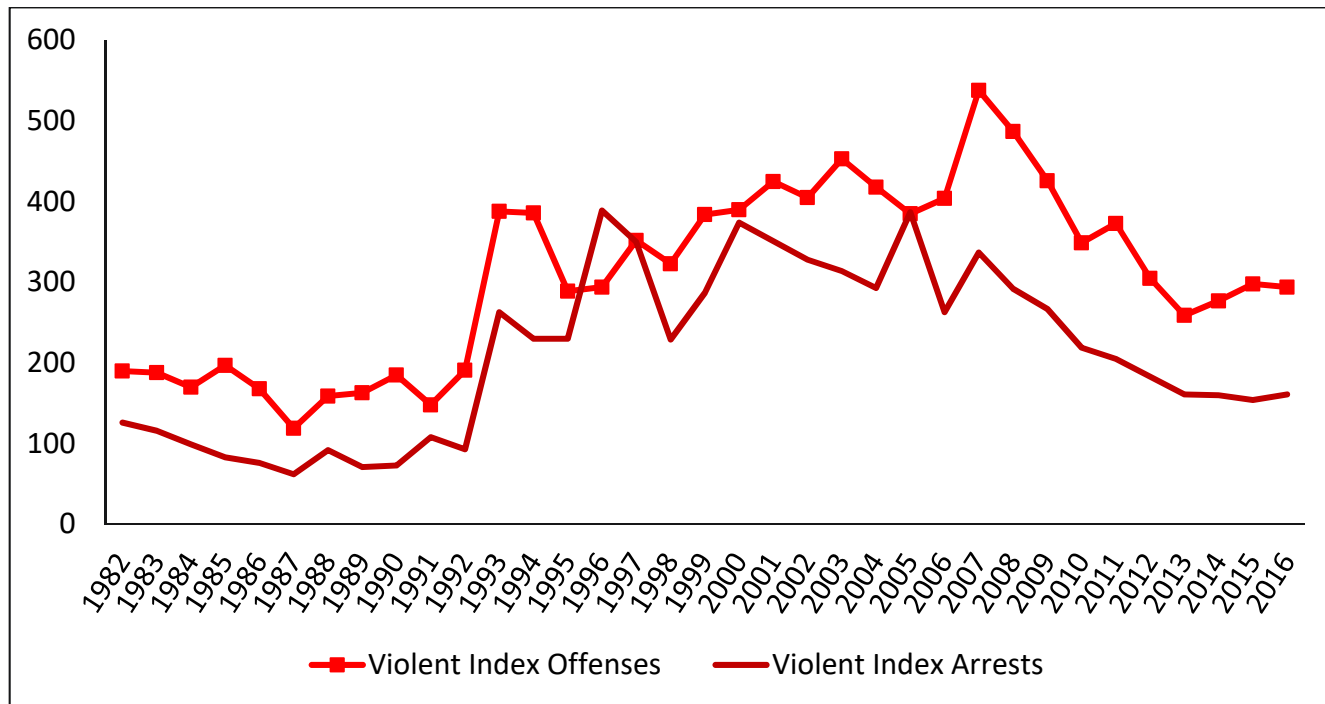


Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

Although violent Index crimes account for a relatively small proportion (8% between 2005 and 2016 [Figure 1]) of all Index crimes reported to the police in McHenry 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 McHenry County decreased by 24% (Figure 3). By comparison, the total number of violent Index crimes reported to the police in Illinois outside of Cook and McHenry counties decreased 29% between 2010 and 2016. In 2016, the violent Index offense rate in McHenry County was 96 per 100,000 residents, or 64% lower than the rate of 264.7 per 100,000 residents in Illinois outside of Cook and McHenry counties that year. Combined, the four largest cities, Crystal Lake, Lake in the Hills, McHenry, and Woodstock, accounted for nearly half (48%) of all violent Index crimes reported to the police in McHenry County.¹⁰ The largest city, Crystal Lake reported 44 violent Index crimes, 15% of the total property Index crimes reported to McHenry County police departments in 2016.

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

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



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

Arrests in McHenry 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 McHenry 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. This will lead to 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 McHenry County for violent Index crimes have mirrored the number of these offenses reported to the police; reported violent Index offenses

decreased 24% and arrests for violent Index offenses fell about 26% (Figure 3). On the other hand, while reported property Index offenses decreased by 34% between 2010 and 2016, arrests for these offenses remained stable (increased 0.1%) (Figure 2). 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 25% of property Index offenses and 56% of violent Index offenses reported to the police in the past few years (2013-2016) in McHenry County resulted in an arrest. By comparison, in Illinois outside of Cook and McHenry 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 similar between the two jurisdictions, the “clearance rate” for violent crimes is higher in McHenry County than the remainder of the state.

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,¹¹ 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 McHenry County reveal similar trends to the Index crime arrest data. Between 2010 and 2016, arrests for all violent crimes decreased 17%, while arrests for all property crimes fell 10% and arrests for drug-law violations decreased 12%.¹²

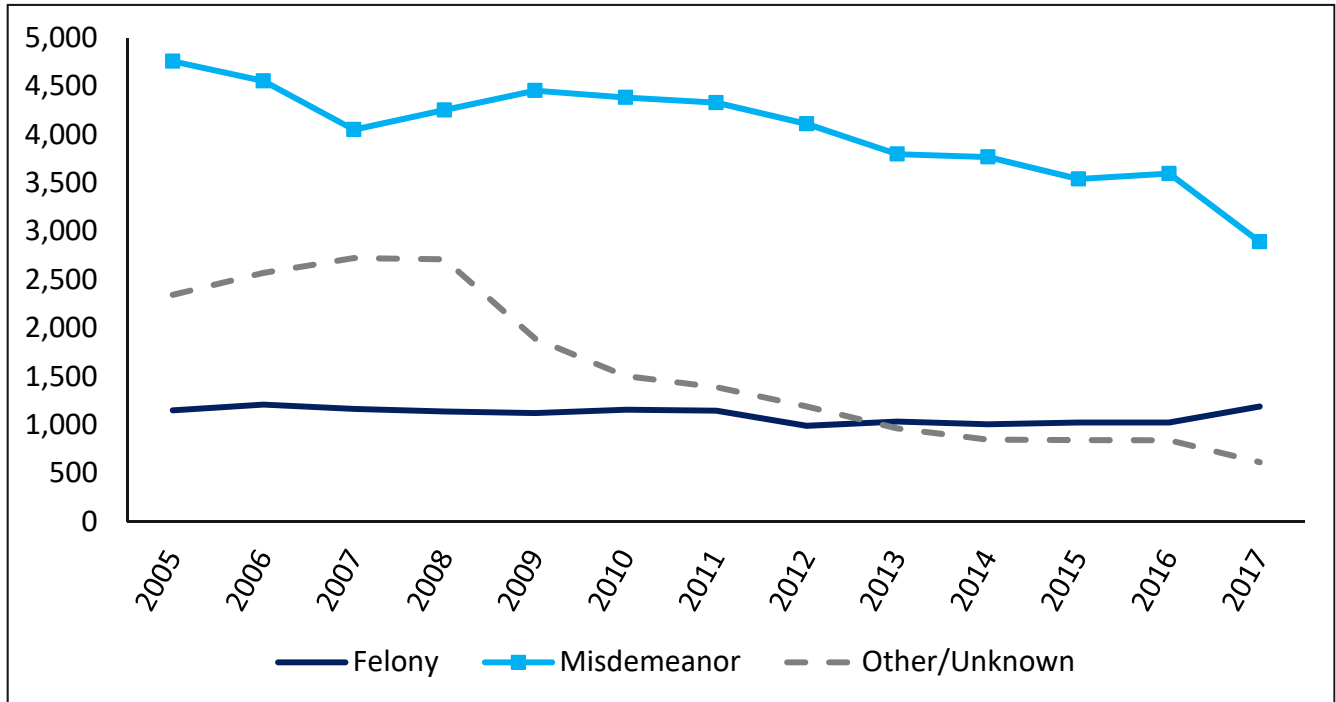
Under Illinois law, crimes are classified as either misdemeanors or felonies. For some crimes, whether the offense is a felony or a misdemeanor depends on specific characteristics of the arrestee, the victim or the crime that may not be known at the time of the arrest (e.g., prior convictions for similar offenses), and thus are classified at the point of arrest as “other” or “unknown.” From a legal standpoint, felony offenses are more serious since a conviction for these offenses can result in a

¹¹ 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. See <https://www.povertyactionlab.org/sites/default/files/documents/CHRI%20Ad%20Hoc%20Data%20Dictionary%202006-10-30.pdf> for a detailed description of the Illinois Criminal History Record Information reporting requirements.

¹² 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.

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 misdemeanors versus felony offenses, different patterns were evident. Arrests for misdemeanors *decreased* 34% between 2010 and 2017, while arrests for felony crimes *increased* 3% during the same period (Figure 4). Even more specifically, arrests for the least serious felony classes (Class 3 or 4 felonies) decreased 7% between 2010 and 2017, while arrests for the more serious felony classes (Class 2 or higher felonies) increased 27% during this period. Thus, while there are fewer arrests entering the justice system in McHenry County, a larger share of those arrests appear to involve more serious, felony-level crimes.

Figure 4. Arrests in McHenry 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 McHenry 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” due to their chronological age being that of an adult, but research has shown that cognitively this age group still tends to exhibit immaturity when it comes to impulsivity and decision making.¹³ Between 2010 and 2017, the number of arrests involving 18-24 year olds overall declined 45%, while those involving adults 25 and older declined by 27%. The 2017 arrest rate of 18 to 24 year olds in McHenry County was 517 arrests for every 10,000 residents in that age group, 51% lower than in 2010. By comparison, the 2017 arrest rate of 25 to 44 year-olds in McHenry County was 402 per 10,000 residents in that age group. During the period from 2010 to 2017, the arrest rate of 25 to 44 year-olds in McHenry County fell by 21% to 319 arrests per 10,000 residents in that age group. Finally, the arrest rate in McHenry County of those over the age of 44 was relatively low by comparison, and was down 29% between 2010 and 2017.

Over the period examined there has been little change in the distribution of arrestee characteristics in terms of gender. From 2010-2017, arrests decreased for both males (36%) and females (26%), and the proportion of arrestees in McHenry who identified as male remained constant at around 75%. Arrests in McHenry 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 to 2017, the total number of arrests reported through CHRI in McHenry County decreased 13%, but whites experienced an 18% *decrease* in arrests, while non-whites experienced an 8% *increase* in arrests. Because whites have experienced a decrease in arrests while non-whites experienced an increase, the proportion of those arrested who were identified as white fell from 81% in 2015 to 76% in 2017.

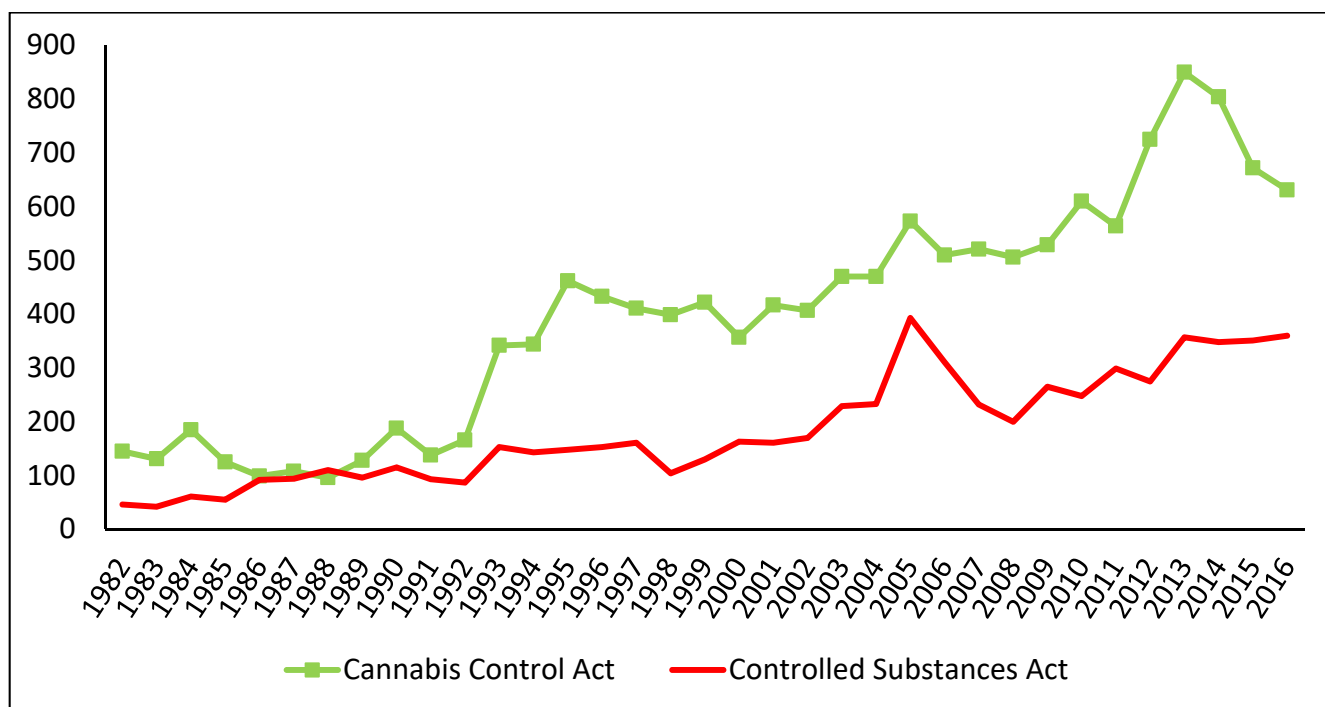
It is also possible to examine the long-term trends in arrests for drug-law violations through data reported to the UCR program in Illinois. These analyses are useful to illustrate how public expectations for police to address specific issues can result in large increases in arrests for specific crimes. During the 1980s concern was raised at the national level about the dangers of drug use and the illicit drug market, and the prevailing view 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

¹³ Loeber, R., & Farrington, D. 2012. *From juvenile delinquency to adult crime: Criminal careers, justice policy, and prevention*. New York: Oxford University Press.

Illinois' Controlled Substances Act, while offenses involving marijuana are classified under the Cannabis Control Act. Importantly, almost every offense under Illinois' Controlled Substance Act is a felony-level offense, and thus 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.¹⁴

In McHenry County, arrests for violations of the Controlled Substances Act increased dramatically during the early 2000s (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 2000 there were fewer than 200 arrests in McHenry County annually for violations of the Controlled Substances Act. However, by 2005, almost 400 arrests were made in McHenry County for offenses under this Act—a 754% increase from the 46 arrests made in 1982. Following this peak in arrests for the Controlled Substances Act in 2005, arrests for these offenses fluctuated but ultimately increased 45% between 2010 and 2016, when arrests totaled 360. By comparison, Illinois outside of Cook and McHenry counties also saw an increase (18%) in arrests for Controlled Substances Act offenses between 2010 and 2016.

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



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

¹⁴ In 2016, Illinois law changed and small amounts of cannabis are no longer subject to state criminal penalties. The drop in arrests for violations of the Cannabis Control Act between 2015 and 2016 reflects this change.

Criminal Court Filings and Dispositions in McHenry County

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

The total number of cases filed—civil, domestic relations, criminal, quasi-criminal, and juvenile- in McHenry County in 2017 was 55,913, of which 7% (4,034 cases) were criminal cases.¹⁵ 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 McHenry County is a relatively small percent of the overall cases filed and disposed of in the courts.

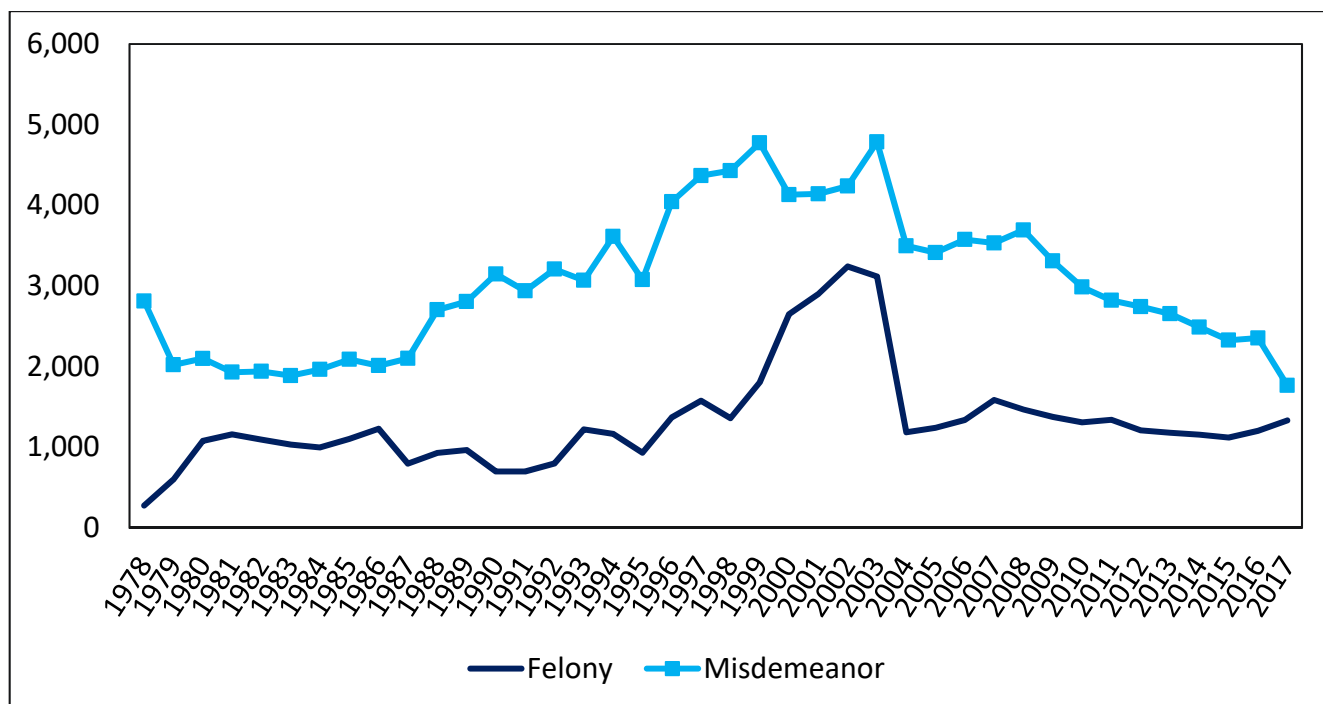
Misdemeanor court filings in McHenry County have historically outnumbered felony filings by a 3 to 1 ratio. However, between 2010 and 2017 the number of felony filings increased while the number of misdemeanor filings decreased.

As a result, the gap between felony and misdemeanor filings has narrowed and misdemeanor filings now outnumber felony filings by less than 2 to 1. This shift can be partly explained by the fact that, as described earlier, arrests for misdemeanor-level offenses have decreased more than felony arrests. Between 2010 and 2017, misdemeanor case filings in McHenry County fell 41%, which was, again, consistent with the decrease in misdemeanor arrests seen during that period. This decrease in misdemeanor filings in McHenry County was also consistent with the trends seen in Illinois outside of Cook and McHenry counties, where they decreased by 35% between 2010 and 2017.

The long-term trend in the number of felony cases filed in McHenry County reveals a large and steady increase in felony filings during the 1980s, 1990s and into the 2000s, consistent with increases in crime and arrests in the 1980s and 1990s, and increases in arrests for felony drug-law violations (Figure 5 and Figure 6). Between 2010 and 2017, felony filings in McHenry County increased about 2%, again consistent with the increase in felony arrests during that period (up 3%). Further, this trend in felony filings in McHenry County is also similar to the trend experienced in Illinois outside of Cook and McHenry counties, where they increased by just over 1% between 2010 and 2017.

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

Figure 6. Felony and Misdemeanor Cases Filed in McHenry County



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.

Sentencing of Those Convicted of a Felony in McHenry 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 McHenry 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 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
1st 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

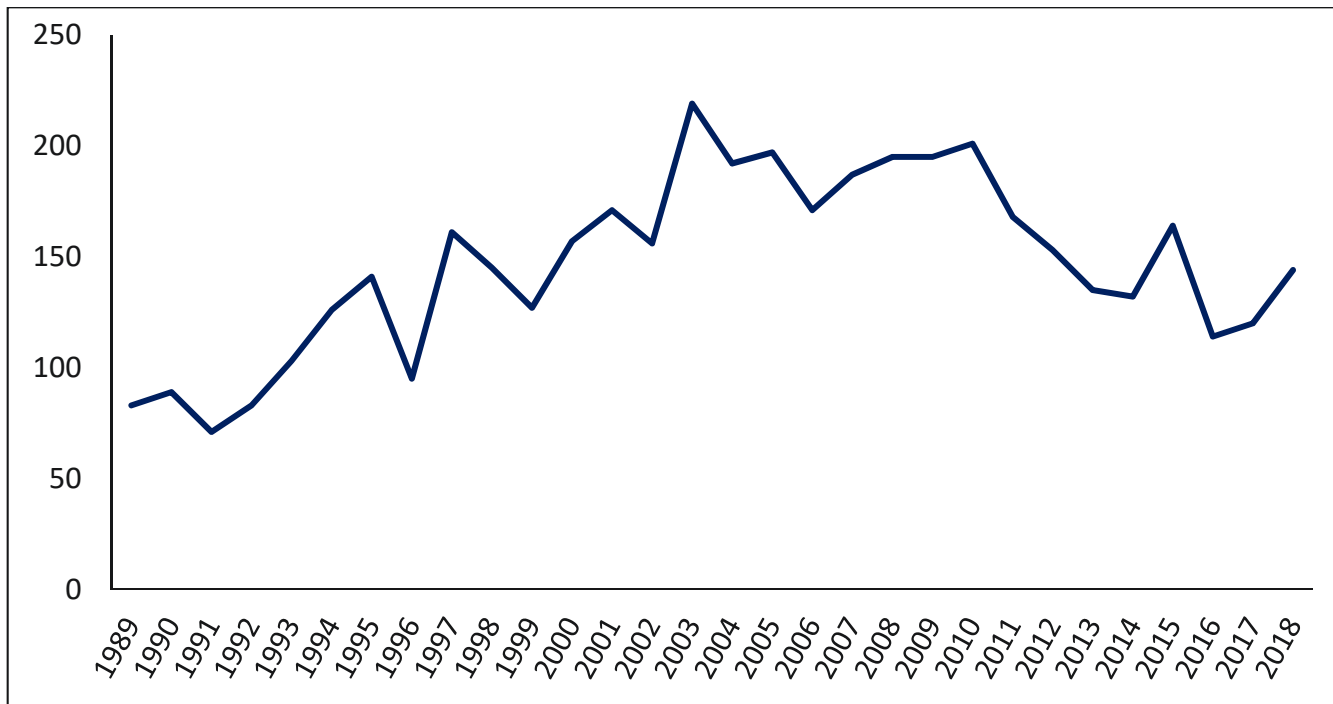
Source: 2014. "Penalties for Crimes in Illinois," published online by the Illinois General Assembly Legislative Research Unit. <http://ilga.gov/commission/lru/2014PFC.pdf>

There are a couple of different methods for examining and understanding sentencing patterns. First is to consider the sheer number of individuals convicted of a felony and sentenced in McHenry County. These analyses reveal that, as a result of felony arrests and case filings increasing between 2010 and 2017, the *number* of sentences imposed on individuals convicted of a felony also increased about 5% during that period, a trend contrary to that seen in the rest of Illinois.¹⁷ However, when the types of sentences were disaggregated, some different patterns emerged. For example, the number of sentences to probation increased 22% between 2010 and 2017, while the number of sentences to prison decreased 23% during that period. By comparison, in Illinois outside of Cook and McHenry counties, sentences to probation decreased less than 1%, and prison sentences fell by 25%. More current data from the Illinois Department of Corrections (IDOC) confirms this trend: between state fiscal years (SFY) 2010 and 2018, IDOC received 28% fewer inmates sentenced from McHenry County, falling from 201 to 144, slightly lower than the decrease seen in the rest of Illinois (Figure 8).¹⁸

¹⁷ Excluding Cook and McHenry County the number of sentences imposed on individuals convicted of a felony decreased by 8% from 2010-2017. Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports

¹⁸ IDOC received 34% fewer inmates sentenced from Illinois outside of McHenry and Cook counties between SFY 2010 and 2018.

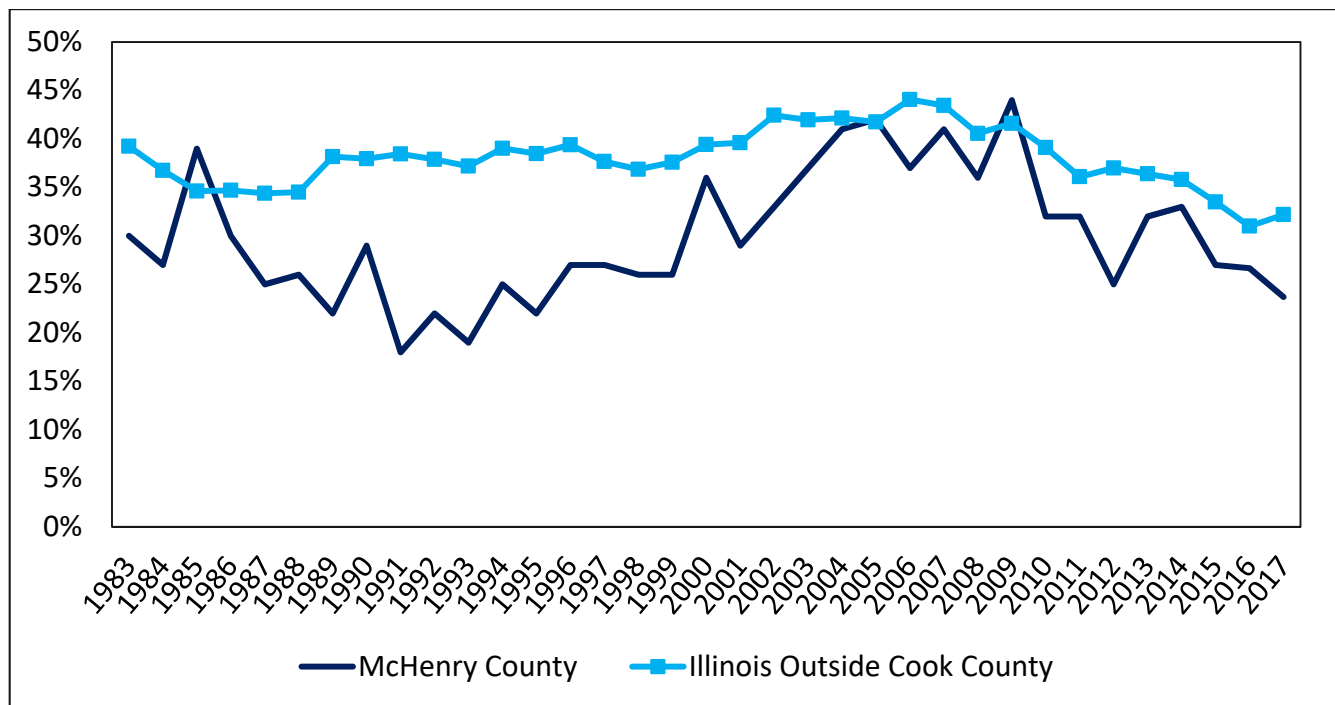
Figure 8. McHenry County Total Court Admissions to IDOC



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

Another way to examine the sentencing patterns for those convicted of a felony offense is to examine the percent of those convicted of a felony (i.e., eligible to be sentenced to prison) that receive a prison sentence. Doing so reveals that, as a result of the number of prison sentences decreasing faster than the number of probation sentences in McHenry County the *proportion* of those with a felony conviction who are sentenced to prison has also decreased. For example, between 2010 and 2017, the percent of those with a felony conviction sentenced to prison in McHenry County decreased from 32% to 24% (Figure 9). In Illinois outside of Cook and McHenry counties, the percent of individuals with a felony conviction sentenced to prison decreased from 39% in 2010 to 32% in 2017. During this period of a lower rate of prison utilization, as described earlier, the overall Index crime rate in McHenry County also decreased consistently. Some of the differences across jurisdictions in the likelihood of persons convicted of a felony 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 McHenry County are lower than when compared to Illinois as a whole.*

Figure 9. Percent of Individuals Convicted of a Felony in McHenry 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 individuals convicted of a felony in McHenry County using CHRI data¹⁹ revealed that the two most influential factors were the felony class of the conviction offense and whether the individual convicted of a felony had been previously sentenced to prison. Within the sample examined of those arrested, and ultimately convicted of a felony-level offense during the 2012 to 2014 period, 29% were sentenced to prison overall. However, of those convicted of a Class 1 felony, 73% were sentenced to prison, compared to 18% of those convicted of a Class 4 felony. Similarly, of those who had previously been sentenced to prison, 53% received a prison sentence for the current conviction, compared to 21% of those who had never previously been sentenced to prison. Finally, 25% of individuals with a felony conviction between 18 and 24 were sentenced to prison, compared to 30% of those 25 and older. Of those convicted of a felony, men were slightly more likely to be sentenced to prison after controlling for the influence of other characteristics, while the defendant's race did not appear to be related to whether or not a prison sentence was imposed.

¹⁹ 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.

Changing Correctional Populations

For those convicted of a felony in McHenry County and serving their sentence, there are three possible jurisdictions under which they 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 McHenry 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 McHenry County.

As described above, the majority of those convicted of felony in McHenry County (and in most Illinois counties) are sentenced to probation. As a result, probation is where the largest category of individuals with a felony conviction 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 McHenry County increased four-fold, from just over 250 in 1986 to more than 450 by 1997 (Figure 10)²⁰. The use of probation as a sentence actually decreased during the late 1990s but probation sentences began to rise in the mid-2000s, peaking at 619 individuals with a felony conviction on probation in 2012. Over the past 7 years, the number of those with a felony conviction on probation at year-end has decreased again, falling from 573 on December 31, 2010 to 484 on that same date in 2017, a 16% decrease. By comparison, the number of individuals with a felony conviction on probation at year-end in Illinois outside of Cook and McHenry counties decreased 3% during that same time period. At the end of 2017, there were a total of 930 individuals convicted of a felony under the custody of the justice system (including probation, prison and MSR) from McHenry County, with 52% of them supervised on probation.

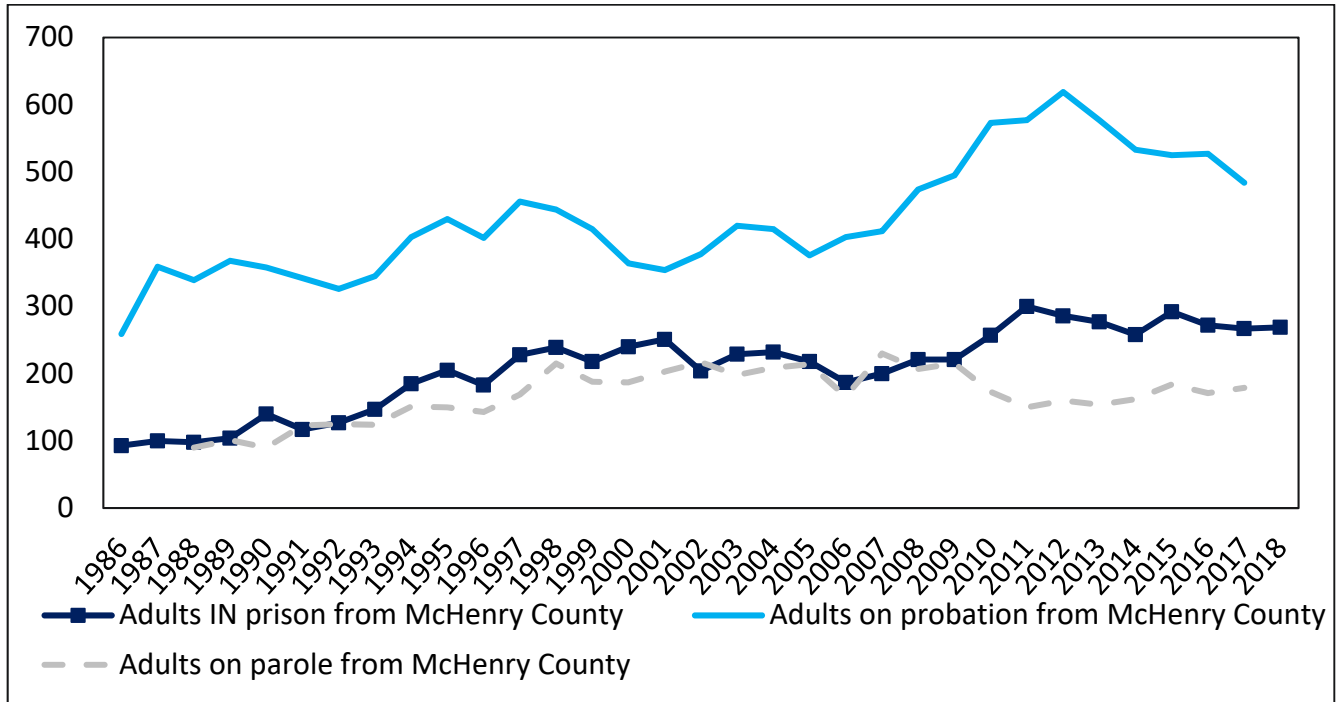
The long-term trends in the number of individuals in prison from McHenry County, as a result of either being sentenced to prison or being returned to prison as a technical MSR violator, increased dramatically during the 1990s through 2010 as a result of increases in crime, arrests, and the proportion of individuals convicted of a felony being sentenced to prison during much of that time period. For example, at the end of the state fiscal year (SFY) 1990 there were 140 adults in Illinois’ prisons from McHenry County, but by the end of SFY 2010 there were almost twice as many (257) (Figure 10).²¹ However, despite the decrease in crime, felony arrests and filings, and a lower likelihood of individuals convicted of a felony being sentenced to prison, the number of people in prison from McHenry County at the end of SFY 2018 was 269, or 5% higher than on that same date in 2010. By comparison, the number of people in prison at the end of SFY 2018 from Illinois outside of Cook and McHenry counties was almost 9% lower than at the end of SFY 2010. Of the 930 individuals

²⁰ 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.

²¹ Source: Analyses of data provided by the IDOC Planning and Research Unit by Loyola’s Center for Criminal Justice Research, Policy and Practice

convicted of a felony under the custody of the justice system (including probation, prison and MSR) from McHenry County at the end of 2017, 29% of them were incarcerated in an Illinois state prison.

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

This apparent contradiction—fewer admissions to prison (Figure 8) and a lower probability of going to prison (Figure 9), but slightly more people *in* prison (Figure 10) —can be partly explained by shifts in the types of crimes that people were being sentenced to prison for during this time period. Since 2010, an increasing proportion of prison sentences have been for more serious types of crimes that are associated with longer sentences and longer lengths of stay in prison. For example, during SFY 2010, 24% of those sentenced to prison from McHenry County were convicted of a violent offense; in SFY 2018, 46% of those sentenced to prison were convicted of a violent offense. As the proportion of prison sentences from McHenry County that involved violent offenses increased, so did the average *length of the prison sentence* imposed.

Among those sentenced to IDOC from McHenry County in SFY 2010, the average prison sentence was 3.4 years, whereas the average sentence imposed in SFY 2018 was 3.8 years. Correspondingly, the proportion of people in prison from McHenry County who were convicted and sentenced to prison for a violent crime also increased. On June 30, 2005, 36% of those in prison from McHenry County had been convicted of a violent crime. On June 30, 2010, 43% of those in prison from McHenry

County had been convicted of a violent crime. Finally, by June 30, 2018, 57% of those in prison from McHenry County had been convicted of a violent crime. Put plainly, the overall number of people in prison from McHenry County grew despite a decrease in admissions from McHenry because a larger proportion of people in prison from McHenry were serving longer sentences for more serious crimes.

Finally, as described previously, once an inmate has served their sentence they are released from prison onto MSR. Of the 930 individuals convicted of a felony under the custody of the justice system (including probation, prison and MSR)²³ from McHenry County at the end of 2017, 19% of them were being supervised by IDOC parole agents in McHenry County. Generally, the number of people on MSR in McHenry 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 McHenry County, almost one-half (46%) of the sentenced individuals convicted of a felony from McHenry 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 McHenry 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 McHenry County, for example, 2% of all the admissions to prison from McHenry County between SFY 2010 and 2018 were for murder. Thus, most individuals sentenced to prison are released, and for the most part, those individuals who are sentenced to prison from McHenry County return back to McHenry County upon their release. Among those returning from prison to McHenry County between SFY 2011 and 2015, less than one-half were originally sentenced to prison in McHenry County.²⁴ Further, of those released from prison and returning to McHenry County, a significant portion return to specific neighborhoods. Indeed, 35% of all prison releasees coming back to McHenry County returned to three specific zip codes: 60014 (Crystal Lake, IL), 60050 (McHenry, IL), and 60098 (Woodstock, IL). Again, most inmates released from prison return back to where they lived prior to prison, usually living with family members or friends.

However, it is important to keep in mind that most individuals sentenced to prison from, and returning to, McHenry County were not incarcerated in prisons in close proximity to McHenry County. In fact, only 45% of the inmates who returned to McHenry County from prison were housed in

²³ 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

²⁴ 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.

correctional centers in IDOC's Northern District of Illinois, limiting the ability of family members and community organizations to maintain or establish contact and positive relationships that could support reentry and reintegration.

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 McHenry 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 McHenry County. These analyses revealed that, overall, 58% 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).²⁵ 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.

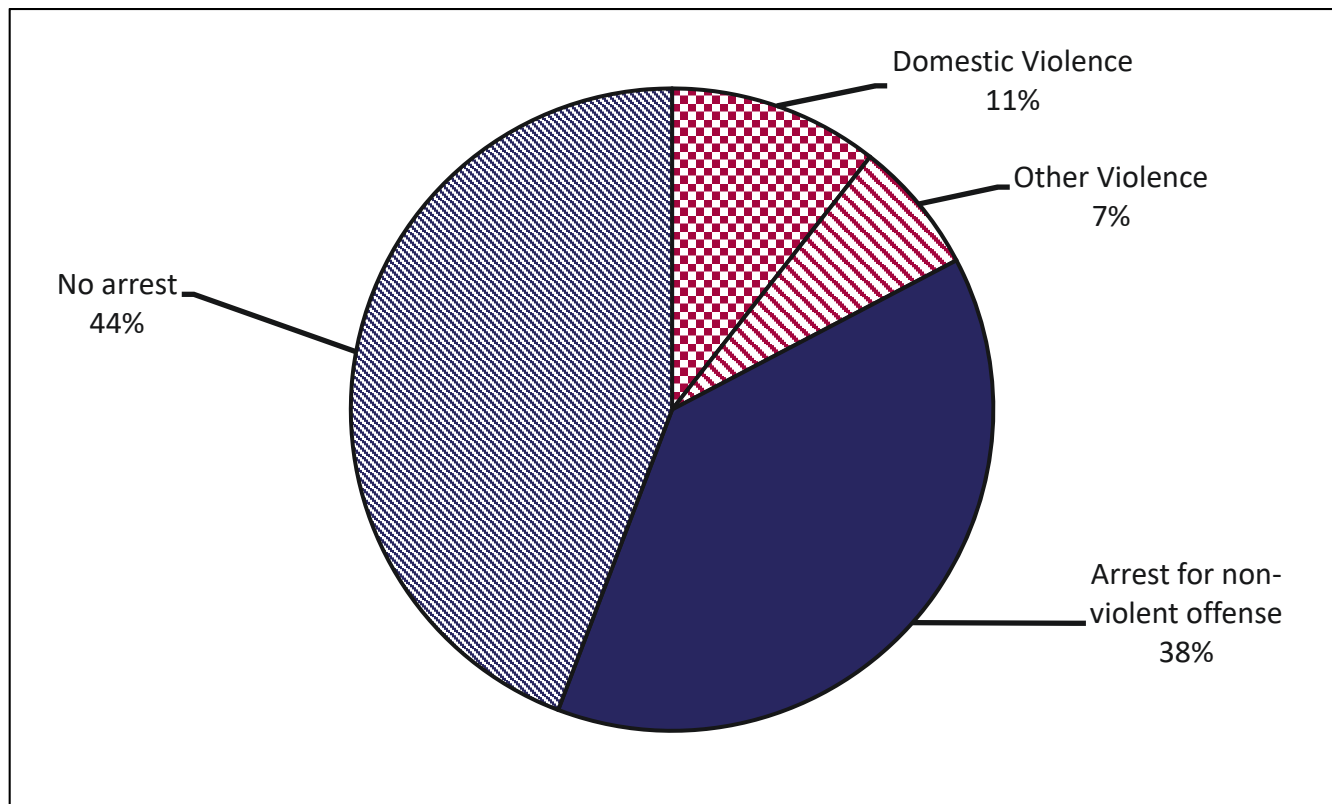
Often when the public hears or thinks about prison releasees committing new crimes, offenses such as murder or shootings come to mind. However, it is important to note that most of those that were arrested following their release from prison were arrested for non-violent crimes. Overall, 19 percent of those released from prison and returned to McHenry County were arrested for a violent crime within three years of their release, and the majority of these arrests involved crimes of domestic violence.²⁶ Specifically, 14% of McHenry County releasees from IDOC were arrested for a domestic violence offense, while 5% were arrested for some other type of violent crime (Figure 11). Further, this 14% domestic violence recidivism rate among those released to McHenry 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.

²⁵ During the same time period, 58% of those released from prison to any county in Illinois were arrested within 3 years of release

²⁶ 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

Finally, a small percent of those released from prison and returned to McHenry 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 (1%).

Figure 11. Examining Recidivism of Adult IDOC Releasees Returned to McHenry 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 McHenry County criminal justice system. Similar to what has been seen across the country, and in Illinois, the overall crime rate in McHenry County has decreased consistently over the past 15 years, driven primarily by a decrease in property crime.

As a result of the overall decrease in crime in McHenry County, arrests in McHenry County have also decreased in the past 10 years, resulting in fewer criminal court filings. With fewer court filings, and a clear shift in sentencing practices in McHenry County, the number and proportion of persons with a felony conviction sentenced to prison in McHenry County has decreased, while the proportion and

number of individuals convicted of a felony sentenced to probation in the county has increased. Indeed, one of the recommendations by leading scholars and practitioners in the field is that strengthening probation is one of the critical elements needed to reduce the reliance on incarceration as a primary response to crime, particularly non-violent crimes.

It is clear that McHenry County practitioners and policy makers have recognized this, increasing their utilization of probation, while implementing evidence-based practices (EBPs) for their probation population. These EBPs include practices such as the use of validated risk and needs assessments, and the provision of enhanced therapeutic services through a Mental Health Court since 2007 and a Drug Court since 2011. Over the next year, Loyola will continue to work with the McHenry County Criminal Justice Coordinating Council to develop a strategic plan for the county's justice system and conduct more research and analyses on more specific topics to assist with this effort.

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, Joe Schasane, John Specker, M.A., Donald Stemen, Ph.D., Amanda Ward, Ph.D., and Lauren Weisner.