

CRIMINAL JUSTICE SYSTEM UTILIZATION IN RURAL AREAS



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY
CENTER FOR JUSTICE RESEARCH AND EVALUATION

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Abstract: Criminal justice systems operating in rural areas have been overlooked and under-researched, creating an emphasis on urban criminal justice system knowledge and recommendations. In addition, many rural areas have fewer social and behavioral health services, longer travel distances for service appointments and corresponding transportation issues, a small pool of criminal justice practitioners, and outdated technology and infrastructure. Researchers explored literature on rural crime and criminal justice systems in Illinois and nationally and examined state data trends. Findings indicate Illinois' rural counties utilized the justice system more than urban counties, with higher rates of drug arrests, criminal court cases filed, probation caseloads, and prison admissions and exits.

Introduction

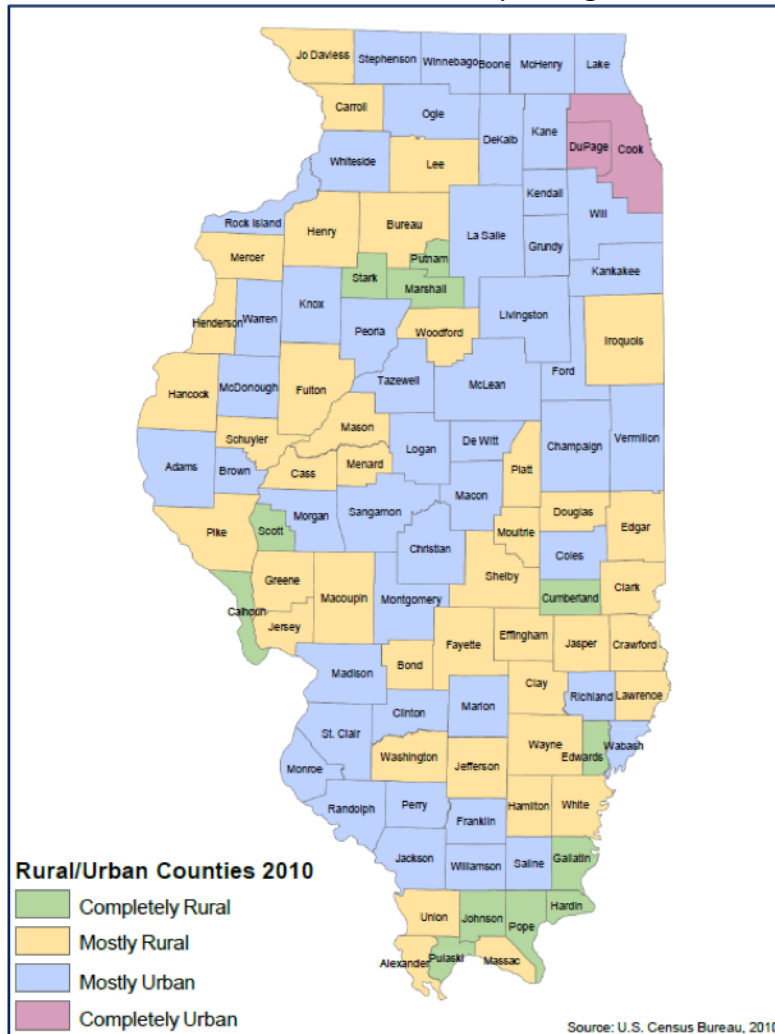
Criminal justice agencies in rural areas face unique challenges and circumstances. For example, victims' service providers in rural areas receive less funding to address the needs of rural populations than urban service providers, probation officers in rural jurisdictions experience difficulty providing treatment to probationers with mental health and substance use disorders due to limited treatment resources, and police officers experience great stress as a result of short staffing.¹ Additionally, long travel distances to criminal justice-related services create significant barriers to positive outcomes, such as probation success.² These challenges threaten the efficacy of rural criminal justice systems. It is important to understand the extent and nature of these problems unique to rural criminal justice systems so that they may be better addressed.³ It is important to remember that there are many types of rural areas that exist and that "rural inhabitants face similar challenges to their urban counterparts across a range of social, economic and political processes."⁴ Thus, as there is variation in urban neighborhoods, the same exists in rural areas.

"It is important for researchers, the justice system, and society in general to pay greater attention to issues of rural crime and rural justice."

Cebulak, W. (2004). Why rural crime and justice matter. *Journal of Police and Criminal Psychology*, 19(1), 71-81.

In this article, rural and urban designations were identified using [United States Census Bureau](#) definitions. In Illinois, 52 counties (51%) were either completely rural (12%, n=12) or mostly rural (39%, n=40) (*Map 1*). Of the 52 completely or mostly rural counties, 48% are in the southern region of the state, 46% are in the central region, and 6% are in the northern region. Of the 12 completely rural counties, eight are in the southern region and four are in the central region. Some counties contain both rural and urban cities.

Map 1
Illinois Urban and Rural County Designations



Rural Area Challenges

Rural communities have been experiencing a decline in population. In Illinois, rural areas have decreased in population since 2013 and many areas have experienced an overall population decline for decades.⁵ Population decline, and its accompanying tax base reduction, places a strain on government funding for local services.⁶ In addition, a lack of social services, health care options, and public transportation impact the criminal justice system from law enforcement to prison reentry.

Service Availability in Rural Areas

Residents living in rural settings typically face more barriers to accessing services and care for physical and behavioral health issues than urban residents.⁷ Barriers include lack of resources, lack of transportation, and stigma related to treatment.⁸ Rural residents have reported higher

levels of embarrassment and concerns about lack of privacy regarding mental health treatment.⁹ As Smalley and colleagues (2010) explained, “when an entire town knows where the psychologist’s office is located, it is difficult for an individual to even park at that office without word spreading of his use of services.”¹⁰

Rural individuals who are justice-involved also face barriers. A study of urban and rural Ohio arrestees found 48% of all arrestees in urban counties had received treatment in the past compared to just 37% of arrestees held in rural counties.¹¹ Rural jails caring for those with behavioral health issues often lack the staff and treatment capacity to address the needs of that population.¹² A random sample study of adults in a rural jail found that 72% had indications of a severe substance use disorder, 54% had a major depressive episode within the prior year, 43% had a major depressive episode within the prior two months, and 48% could have been diagnosed with posttraumatic stress disorder.¹³

A study on mental health services in rural jails found that rural jails become de facto treatment centers for individuals with mental illness despite a dearth of available services, space, and training to handle that population.¹⁴ Another study found that rural jail treatment programs offer no treatment for co-occurring conditions,¹⁵ due, in part, to limited local treatment options.¹⁶ Treatment barriers pose a significant challenge for reentry in rural areas.¹⁷

Rural Transportation Issues

Research indicates a lack of transportation is a significant issue for rural residents involved in the criminal justice system.¹⁸ Access to transportation in rural areas is needed for healthcare services, employment, education opportunities, social services, basic consumer needs, and civic engagement.¹⁹ A 2019 ICJIA strategic planning committee made up of criminal justice stakeholders noted in rural areas, transportation as a significant barrier to services, attending court hearings, and meeting pretrial, probation, or parole requirements (e.g., drug testing, probation appointments, employment).²⁰ A survey of rural criminal justice and treatment practitioners and jail detainees found a lack of transportation to treatment services was one of the most serious challenges to community reentry.²¹ Programs that may ease service access despite transportation limitations include telehealth and mobile health services.²²

Rural Criminal Justice Systems

Rural Law Enforcement

Rural police departments face unique challenges in comparison to their urban counterparts. They have smaller budgets, which can create barriers to procuring the latest police technology and hiring staff.²³ Without adequate staffing, officers in rural areas wait longer for back up officers to arrive in critical or dangerous situations.²⁴ Rural departments often cover larger geographic areas than urban departments, which can add to the wait.²⁵ Research has shown that while urban police officers are more likely to experience stress related to administrative and organizational issues in their departments, rural police officers are more likely to experience stress as a result of emotional trauma and workload.²⁶ Additionally, rural departments may be less efficient due to a lack of modern technological capabilities available to their urban counterparts, such as wireless communication and data access.²⁷

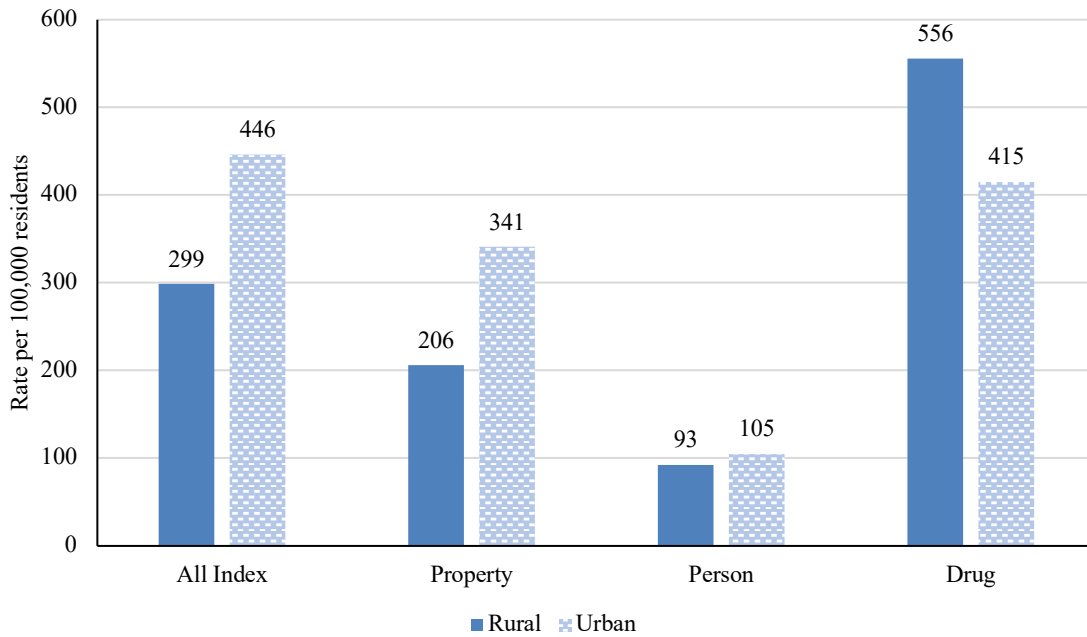
Illinois rural offenses reported to police. The 2018 [Illinois Uniform Crime Report \(I-UCR\)](#), indicates 9,999 rural index offenses (person and property offenses)²⁸ were reported to police that year. The rural offense rate was 1,168 per 100,000 people, about half the urban county rate of 2,329 per 100,000 people.

Rural counties reported lower person and property offense rates. Rural county property offenses were reported at a rate of 995 per 100,000 in property offenses in 2018, while the urban county property offenses were reported at a rate of 1,918 per 100,000. The rural county rate of reported person offenses that year was 174 per 100,000 people; urban counties saw a rate of 411 per 100,000 people.

Illinois rural arrests. Rural counties reported 2,556 arrests for index offenses in 2018 at a rate of 299 arrests per 100,000 residents.²⁹ Urban counties reported 53,085 index arrests at a rate of 446 per 100,000 people. In Cook County, 23,887 arrests were recorded for an even higher rate of about 460 per 100,000 people.

Notably, the rural Illinois counties drug arrest rate in 2018 was 556 per 100,000 compared to 415 per 100,000 in urban counties. This may suggest drug use or possession is more common in rural counties or that rural law enforcement departments place greater emphasis on making drug arrests. *Figure 1* offers comparisons of arrest rates for urban and rural counties.

Figure 1
*Illinois Rural and Urban County Arrest Rates by Offense Type, 2018 (per 100,000 residents)**



Source: ICJIA analysis of I-UCR data and U.S. Census Bureau population data

Note: I-UCR data for Calhoun, Hamilton, Lawrence, Pope, and Pulaski counties were missing for 2018 and were excluded from analysis.

Rural Jail Detention

Illinois is host to 43 county jails in rural counties and 49 county jails in urban counties. The Bureau of Justice Statistics reported a count of 2,600 jails in small, rural counties across the country in 2017.³⁰ A survey of rural jail administrators found that the top four problems facing rural jails included:

- Funding for jail operations and programming.
- Programming for inmates, such as Alcoholics Anonymous, Narcotics Anonymous, and 12-step programs.
- Retention and recruiting of correctional officers as a result of smaller candidate pools and staff leaving for opportunities in larger agencies.
- Jail overcrowding.³¹

Jail use. In 2017, the Vera Institute of Justice reported small counties have fueled growing jail populations since the 1970s,³² with small county jail populations increasing sevenfold between 1970 and 2014.³³ This growth may have been prompted by an increased use of pretrial detention across the country, which rose in rural areas 436% from 1970 to 2013—while jail populations in urban areas have sharply declined.³⁴

In addition to the organic growth in jail population, some rural jails have built out capacity in excess of what is needed locally in order to “rent out” available beds for overcrowded state and

federal prisons, county jails, and immigration detention to generate local revenue.³⁵ In the United States between the 1970s and 2013, the rate at which jails in rural counties held individuals from another jurisdiction increased 888%, while the rate in urban areas increased 134%.³⁶

Pretrial jail detention. Pretrial detention prior to conviction has been hotly debated as it may be overused, unfairly disadvantage those who cannot afford release through money bail, and contribute to harsher sentencing.³⁷ Between 1970 and 2013, the rate of pretrial detention in rural counties increased 436% across the United States.³⁸ This may be due in part to shortages of judges available to hear cases resulting in fewer opportunities for a case to proceed in a timely fashion, a lack of programs available to divert individuals, an inability to afford bail bonds, and a shortage of pretrial services.³⁹ Urban areas typically have more pretrial personnel (such as judges, public defenders, and court administrators) and diversion programs that can reduce the number of individuals held pretrial than rural counties.⁴⁰

Rural County Court Systems

People involved in the justice system in rural areas often have to travel greater distances to comply with the conditions of parole or probation programming requirements which they must attend in person. Other challenges include small court and attorney staff sizes creating greater workloads, and limited legal, social, and health service resources.⁴¹ The Justice Management Institute recommended the following to ease challenges for both court administrators and those who are justice-involved:

- *Enhance technology*, such as hardware and software infrastructure as well as technical support.
- *Improve procedures and practices to assist self-represented defendants*, including easy to understand forms/ documents and training for staff so defendants receive important and helpful information.
- *Overcome language barriers* through the provision of court interpreters and technology.
- *Increase availability of substance use and mental health treatment services*, especially for those that may face transportation barriers in the community.
- *Modernize antiquated court facilities* including security and technology upgrades.
- *Enhance indigent defense services*, such as supervision of appointed attorneys and proper compensation for public defenders/ assigned council.⁴²

The American Bar Association has identified a lack of legal representation as a crisis point in rural America.⁴³ While nearly 20% of the U.S. population lives in rural areas, just 2% of small law firms are located in rural counties.⁴⁴ Reports indicate some rural counties have no attorneys within 100 miles.⁴⁵ This shortage can have a negative impact on rural residents, who, without legal representation, become at risk for eviction, serious injury from domestic violence, and exploitation by those in positions of power.⁴⁶

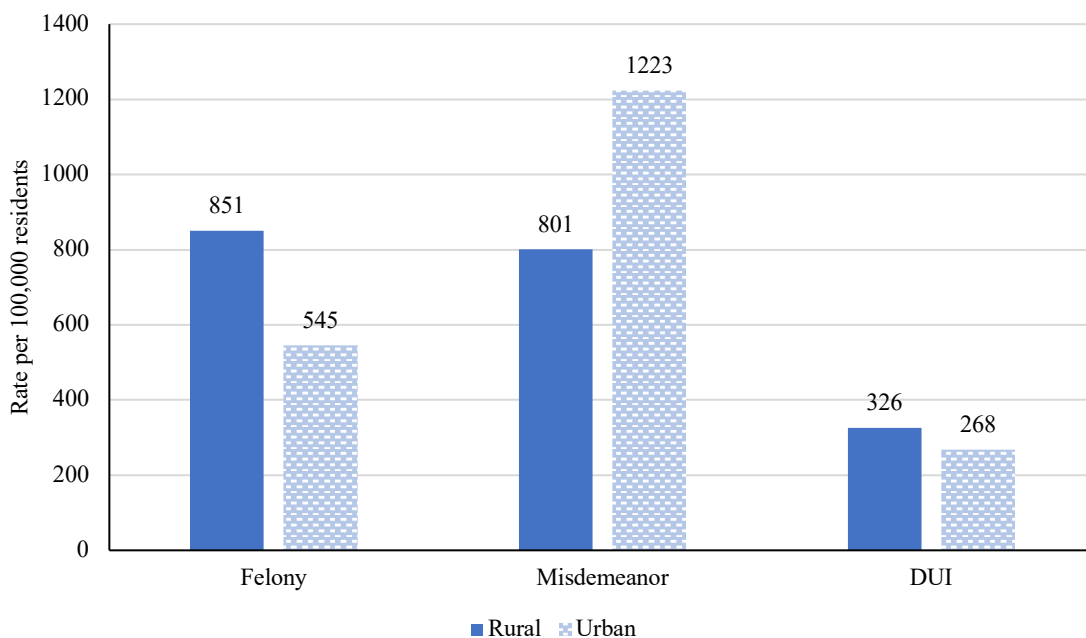
The 6th amendment affords individuals accused of a crime certain rights, including access to counsel. If not provided an attorney, the defendant's constitutional rights have been violated.⁴⁷ A survey of rural pretrial programs found 51% reported a defense attorney was present at the defendants' initial appearance, suggesting constitutional rights violations occur in rural

America.⁴⁸ In Illinois, counties with a population over 35,000 must have an Office of the Public Defender through which counsel is appointed. Counties with a population less than 35,000 may choose to provide counsel to the public in any manner they determine.⁴⁹

In addition to the fact that attorneys are in greater demand in rural areas, there are higher rates of poverty in rural areas as well, which further exacerbates the problem.⁵⁰ To fill the need, many rural counties hire private attorneys to take public defender cases. Wisconsin journalists reported 40% of the state’s indigent defendant cases were handled by private attorneys.⁵¹ Contractual attorneys often must travel long distances to meet clients and attend their court hearings at lower rates of pay, limiting the attraction to rural legal work.⁵²

Illinois rural court data. The 2017 rate of criminal cases filed in courts in rural counties of Illinois was 1,977 per 100,000 residents, compared to the 2,036 criminal cases filed per 100,000 residents in urban counties. Data indicates rural counties handle more felony and driving under the influence (DUI)⁵³ cases compared to urban counties, which see more misdemeanor cases (*Figure 2*).

Figure 2
Court Case Filing Rates by Type in Rural and Urban Counties, 2017 (per 100,000 residents)



Source: ICJIA analysis of Administrative Office of Illinois Courts Data and U.S. Census Bureau Data

Rural prosecutors in Illinois may be more likely to file felony charges against individuals. Pfaff (2014) argues that prosecutors’ willingness to file more charges per arrest has been a key driver of prison populations.⁵⁴

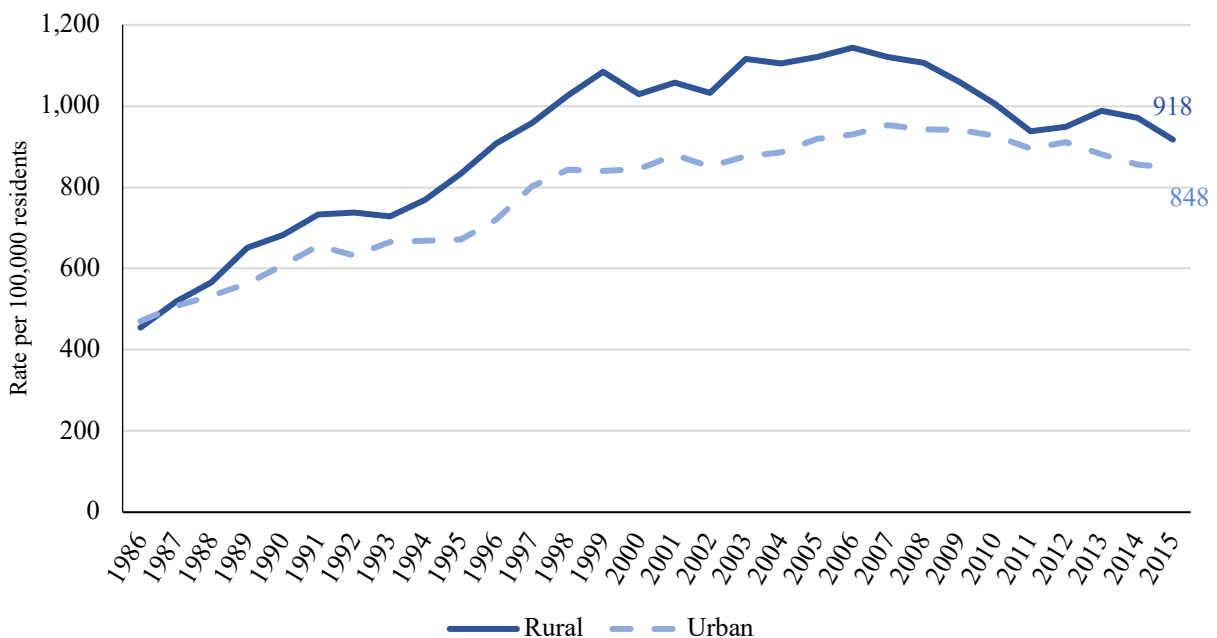
Rural Probation Departments

Rural probation officers also experience unique challenges. Research indicates probation officers in rural areas tend to perform more generalized than specialized roles compared to their urban counterparts.⁵⁵ Specialized probation officers typically handle smaller caseloads of high risk and high need clients, such as those with a mental health disorder or substance use disorder.

Specialized probation programs have been shown to be effective at reducing recidivism.⁵⁶ Urban probation departments have more officers who can be assigned to a specialized caseload, while rural probation officers complete multiple duties, including presentence investigations, pretrial supervision, and probation supervision.⁵⁷ In addition, a study of electronic monitoring officers in the United Kingdom found that those in rural areas were particularly burdened by long travel distances to clients.⁵⁸

Rural Illinois probation data. Rural counties carry higher rates of active probation cases. In 2015, the rate of active rural adult probation cases was 918 per 100,000 residents, while urban counties saw 848 active adult probation cases per 100,000 residents (*Figure 3*). The rate of active adult probation cases (per 100,000 residents) for felony and misdemeanor convictions was higher in rural probation departments than in urban probation departments.

Figure 3
Active Probation Case Rates in Rural and Urban Counties, 1986-2015 (per 100,000 residents)



Source: ICJIA analysis of Administrative Office of Illinois Courts Data and U.S. Census Bureau Data

Probation is typically considered an alternative to prison, but often probation is given for crimes that could have resulted in fines or non-supervisory punishments.⁵⁹ This practice, deemed “net widening,” increases court-ordered supervision caseloads and appears to be occurring in rural

Illinois. Probationers are at greater risk for incarceration upon violating their terms of probation and this trend may impact the incarceration rate in rural counties.

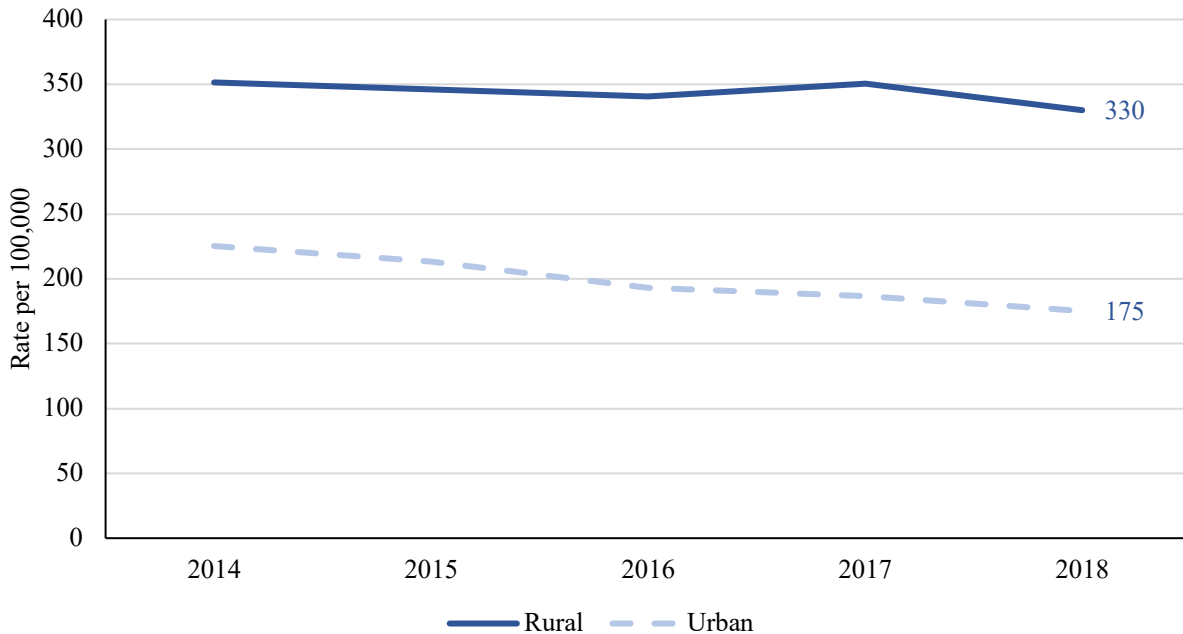
Rural Use of Prison

Rural counties across the country are increasingly sending more individuals to prison. According to a 2016 New York Times analysis, counties that contain less than 100,000 residents have increased prison admissions despite declining crime rates.⁶⁰ In the 1990s, many officials from rural areas advocated for prison construction within their communities as a way to increase economic development.⁶¹ However, research indicates prisons do not always provide the economic growth communities desire and prison development may actually detrimentally impact those communities.⁶² For example, studies have shown that prisons often employ residents from outside the community and communities suffer negative environmental impacts due to pressure on water and wastewater infrastructure.⁶³

Rural Illinois prison and reentry data. Between 2014 and 2018, the rate of admissions to prison from rural counties was consistently higher than the urban county rate. Additionally, urban counties saw a greater decrease in admission rates, while rural county admission rates remained relatively stable; urban county admissions decreased 22% while rural county admissions decreased 6% (*Figure 4*).

Figure 4

Rate Prison Admissions by Urban and Rural Counties, 2014-2018 (per 100,000 residents)



Source: ICJIA analysis of Illinois Department of Corrections Admissions & U.S. Census Bureau population data

In 2018, the rate of admission to prison from rural counties in Illinois was almost twice that of urban counties; however, there was no corresponding higher index offense rate or arrest rate. In

fact, after controlling for varying demographics, criminal history, and prior convictions, the likelihood of receiving a prison sentence was found to be significantly dependent on the county from which the defendant was sentenced.⁶⁴ As such, practices unique to more rural court circuits may result in more admissions to prison than urban court circuits.

The rate of prison exits to rural and urban counties followed a similar trend. In 2017, rural counties saw a rate of 57 exits per 100,000 residents to rural counties, while urban counties recorded 34 exits per 100,000 residents.⁶⁵ However, the parole population was not greater in rural counties.⁶⁶ In 2017, the rate of persons on parole was 170 per 100,000 residents in rural counties and 200 per 100,000 residents from urban counties.⁶⁷

Rural Reentry

Those returning to rural areas after serving prison time face unique challenges. Rural residents are paid lower wages, travel longer distances for services and employment, have fewer affordable housing rental units, and are more likely to be poor than their urban counterparts.⁶⁸ Though some argue that those returning from prison in rural locales face tougher barriers to accessing reentry services, a study comparing rural and urban programming (i.e., substance use, employment, housing, mental health treatment services, etc.) showed that rural counties actually had more programs per capita than urban counties.⁶⁹ Further, researchers found social services available in rural counties were unevenly distributed—some counties were much better suited at providing services to returning citizens than others and returning citizens may have to compete with current citizens for these resources.⁷⁰

A study comparing rural probationers (n = 720) to urban probationers (n = 753) found some statistically significant demographic differences and examined their likelihoods of receiving treatment for substance use disorders.⁷¹ The authors found that rural probationers were more likely to be female, white, younger (average age of 34), and not have completed high school. They also found that urban probationers were more likely to have ever been arrested before the age of 18 years old and to have ever been incarcerated. However, rural probationers were more likely to have been arrested for a drug offense.⁷² Additionally, rural probationers were less likely than urban probationers to have ever received treatment for a substance use disorder despite being more likely to use cocaine/crack, prescription opiates, sedatives, amphetamines, hallucinogens, and inhalants.⁷³ Another study found that probationers in rural locations in Illinois were more likely to be white, have low incomes, have a history of substance use disorders, and successfully complete their probation sentence.⁷⁴ However, considering these studies use data from roughly 1997 to 2004⁷⁵, the findings of these studies may not be reliable.

More recent research on incarcerated persons nearing reentry may help to provide an updated understanding on rural-urban differences among those in community corrections. One study using data collected from 2012 to 2014 suggests that those anticipating release to rural communities are more likely to be white, receive income from wages or a salary, have full-time employment, and be incarcerated for a violent crime or sex offense.⁷⁶ In terms of plans to utilize services, more urban respondents indicated they would utilize housing services as well as employment services regarding how to keep a job.⁷⁷ One limitation with this research is the relatively small sample size (n = 130), which limits the generalizability of these findings. Future

research with representative samples and more recent data will help to update our understandings of rural-urban differences among probation and other community corrections populations.

Conclusion

Despite operating with a unique set of barriers, rural criminal justice systems are overlooked as an area of study. Rural residents face transportation challenges, a lack of social services, criminal justice staff shortages, and limited financial resources. These issues can have an impact on each facet of the justice system. In policing, these issues can result in decreased officer safety, as officers are forced to make the difficult decision between responding to a call alone or wasting precious time waiting for backup to arrive.⁷⁸ In the court system, issues lead to fewer available court dates, increased pretrial detention, and potential constitutional rights violations due to lack of appointed counsel.

It also appears that rural counties in Illinois utilize the criminal justice system more than their urban counterparts. In recent years, rural counties have had higher rates of drug arrests, criminal court cases filed, probation caseloads, and prison admissions and exits than urban counties. This may be due in part to the fact that rural areas lack sufficient resources to try to address the underlying root causes of criminality. Further, it appears that a push for criminal justice reform and decarceration has disproportionately occurred in urban areas.⁷⁹ In general, rural areas in Illinois and the United States are in need of further study to understand the complex relationships within these communities and determine effective responses.

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