State of Illinois
Illinois Sentencing Policy Advisory Council

SPAC

Fall 2018

Research Briefing

Council Members

Key Takeaways

• In 2017, misdemeanor arrests accounted for 71% of all adult arrests and 59% of all guilty dispositions submitted to and reported in the State's Criminal History Record Information (CHRI) data system.

• 78% of people with reported misdemeanor guilty dispositions never get convicted of a felony, but 52% of convicted felons have prior misdemeanor dispositions.

• 16% of misdemeanor guilty dispositions began as felony arrests, with the most prevalent being Class 3 and 4 felonies.

• 92% of convictions were for Class A misdemeanors; driving under the influence was the most common offense.

• The average age at arrest was 33 years old.

• 45% of misdemeanants in 2014 were rearrested and 24% were reconvicted within three years of the first disposition. Overall, only 8% of all misdemeanants had any felony conviction within three years.

• 47% of guilty dispositions were orders to court supervision. This disposition results in charges being dismissed without a conviction if the court-imposed conditions are met.

• Other than the offense itself, criminal history was the most significant factor in the type of sentence imposed and the term of the sentence.

• The differences between black and non-black defendants' case outcomes were not statistically significant when controlling for criminal histories.

• Gender was statistically significant after controlling for other demographic factors and criminal history: men were 27% less likely than women to receive court supervision for the same offense.

• 20% of misdemeanor sentences include some credit for time served in jail prior to final disposition.

Introduction

Policy work in the criminal justice arena often focuses on felonies, with the more serious or notorious offenses getting the bulk of the attention. The volume of misdemeanor arrests and dispositions far outstrips those for felony offenses, yet we know little about this kind of offender or how they are sentenced. Over half of the people in State prisons have a history of misdemeanor arrests and one or more convictions. However, most people arrested for or convicted of a misdemeanor do not go on to commit felonies. As with felonies, criminal history remains the most significant factor in determining the sentence imposed. The reader should bear in mind that many misdemeanors move into felony classifications based on second or subsequent offenses.

Misdemeanor offenses, by definition, cannot result in a prison sentence. These cases most often involve such crimes as driving under the influence, retail theft, simple battery, and domestic battery. They are processed quickly relative to felonies, but they still require resources for law enforcement, courts and lawyers, jails, and probation. For most people who get arrested, this misdemeanor processing is their only experience with the criminal justice system.

This report focuses on the offense characteristics, dispositions, criminal history, and demographics for 2017 arrests and dispositions and recidivism patterns for a 2014 group of misdemeanants. The report is organized by the decision points in the system and includes demographic analysis based on race, gender, and geographic region.

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METHODOLOGY

The Illinois Sentencing Policy Advisory Council (SPAC) used two data sources for this report: the Criminal History Record Information system (CHRI) and the annual reports of the Administrative Office of the Illinois Courts (AOIC). Unless otherwise indicated, SPAC produced all analysis and figures using CHRI data.

The overall consistency in the trends from both datasets supported SPAC's confidence in their validity and reliability for these purposes. SPAC attributes any inconsistencies in the data to differences in reporting processes and the purposes of each system: CHRI is an administrative dataset maintained for law enforcement and recordkeeping purposes, including the rap sheets used by police, prosecutors and defense attorneys, judges, and other users of criminal justice data. SPAC aggregated these individual records to produce this report. The AOIC reports are produced from a survey of court administrators collected for purposes of court administration, compiled as annual aggregate statistics by AOIC staff from submissions by circuit clerks and other judicial personnel.

DEFINITIONS AND TERMS

- Misdemeanors are divided into three classes:

  ○ Class A: up to 1-year jail term, up to 2 years of probation, maximum fine of $2,500.

  ○ Class B: up to 6-months jail term, up to 2 years of probation, maximum fine of $1,500.

  ○ Class C: up to 30-days jail term, up to 2 years of probation, maximum fine of $1,500.

  ○ Illinois Criminal Identification Act (20 ILCS 2630/5) requires Class A and Class B misdemeanors to be reported into CHRI.

- **Guilty disposition -** For purposes of this report, the term "guilty disposition" or "disposition" is used to describe cases in which there is either a court supervision order, which results in a dismissal of charges with no record of conviction, or a judgment of conviction.[1]

- **Court supervision** (730 ILCS 5/5-6-1 and 730 ILCS 5/5-1-21) is a "disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered." In other words, the court withholds the guilty judgment and, unless a violation of the court orders occurs, the guilty judgment is dismissed.[2]

- **Conditional discharge** (730 ILCS 5/5-4.5-5 et seq. and 730 ILCS 5/5-1-4) is a "sentence of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court." Under conditional discharge, the judgment of conviction remains on the individual's record.

- Throughout the report, race and gender are derived from CHRI arrest records, which are either self-identified or as indicated by the arresting law enforcement officer at the time of the arrest.

- Offense types are categorized by the Illinois Uniform Crime Reporting (IUCR) system, as defined by the Illinois State Police (ISP).

- Where percentages are shown in tables and figures, the totals may not equal 100% due to rounding.

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[1] This report discusses other dispositions separately—including the decision to not file or to dismiss criminal charges. These other dispositions are sometimes final but not guilty outcomes and, for this report, analyzed separately.
[2] Because of the practical effects of court supervision, the State's administrative data refer to this disposition as a "withheld judgment" and with court supervision orders stored in the sentencing fields.

ARRESTS, CHARGES, DISPOSITIONS, AND SENTENCES

In 2017, misdemeanors accounted for 71% of the adult arrests (Figure 1) and 59% of the dispositions in CHRI (Figure 2) in Illinois. Arrests for both types of offenses rose slightly from 2002 through 2007, most likely due to improved data reporting,[3] then began a steady decline. The decline is more pronounced for misdemeanors in both aggregate number—over a 100,000 fewer arrests—and as a percentage of the peak—arrests down 38% from the peak in 2007.[4]

Figure 1: Arrest Trends in Illinois 2002-2017

Arrest Trends in Illinois

Misdemeanor Arrests   Felony Arrests
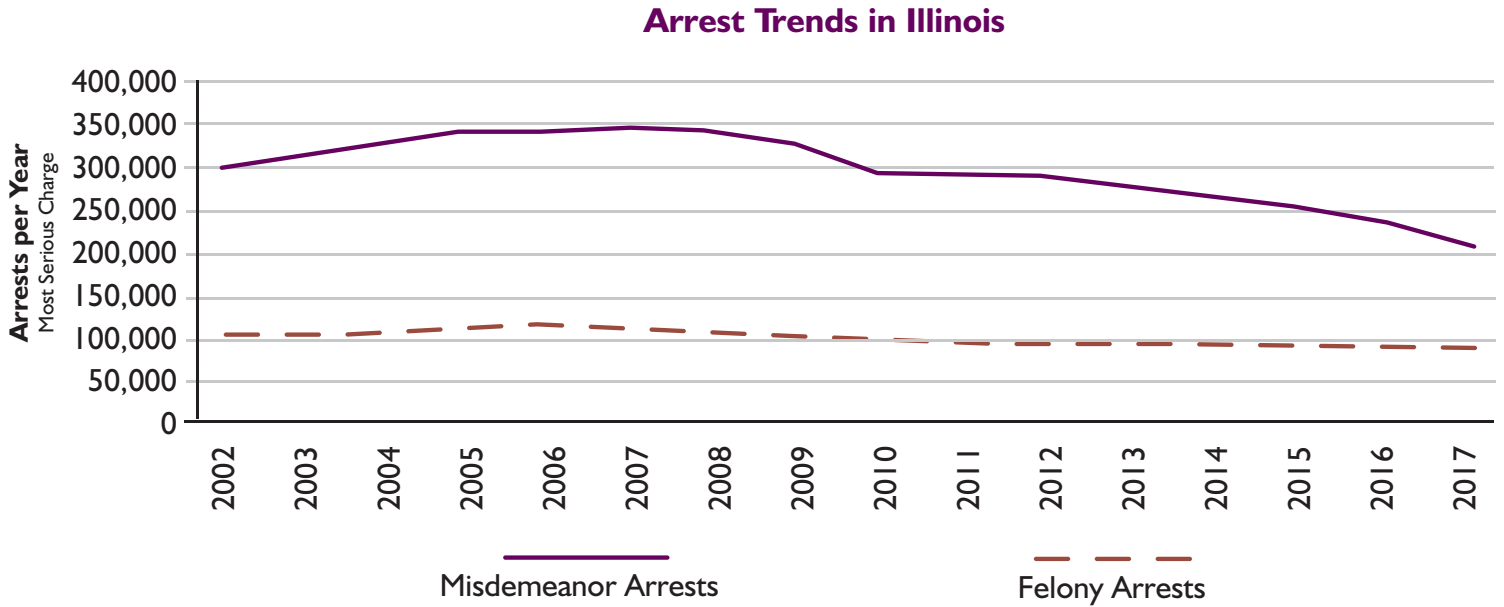
Figure 2: Guilty Disposition Trends in Illinois 2002-2017

Disposition Trends in Illinois

Total Misdemeanor   Total Felony
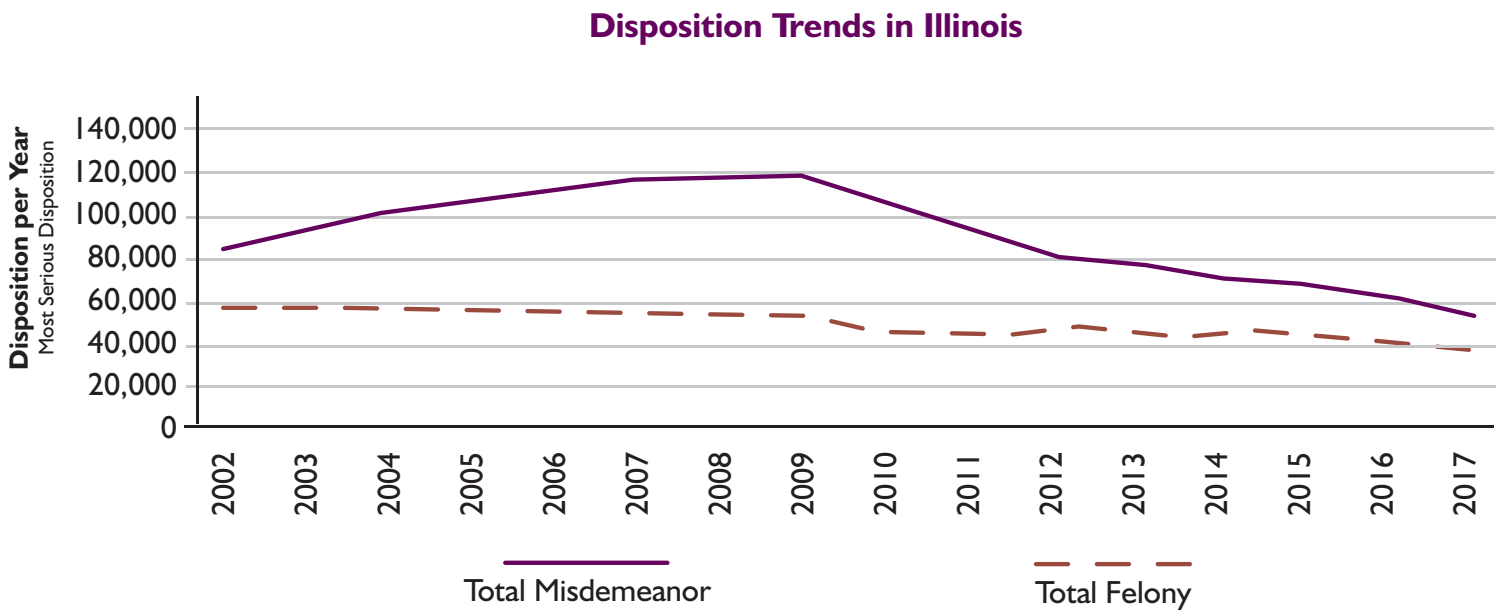
[3]Improved data reporting can be new jurisdictions reporting their data into CHRI or can jurisdictions that already reported to CHRI being more accurate in their categorizations of arrests.
[4]Some of the decrease in misdemeanor arrests is from changes in local and State policies regarding cannabis. In July 2012, the City of Chicago passed a municipal ordinance violation for marijuana possession. In July 2016, the State of Illinois decriminalized possession of small amounts of marijuana. Pub. Act 99-697.

From the peak in 2007, misdemeanor arrests, charges, and convictions have steadily decreased. Figure 3 below displays all misdemeanor arrests, charges, and dispositions from all available sources, including cases that have felony counts in addition to the misdemeanor charges. Misdemeanor charges decreased 55% and misdemeanor dispositions decreased 45% from 2007 to 2016. The annual reports from the AOIC also show consistent declines in misdemeanor cases filed from 2002 until 2016, the last available year of court data.

Figure 3: Misdemeanor Trends 2002-2016

Misdemeanor Arrests, Charges Filed, Dispositions

Misdemeanor Arrests   Misdemeanor Filings   Misdemeanor Dispositions
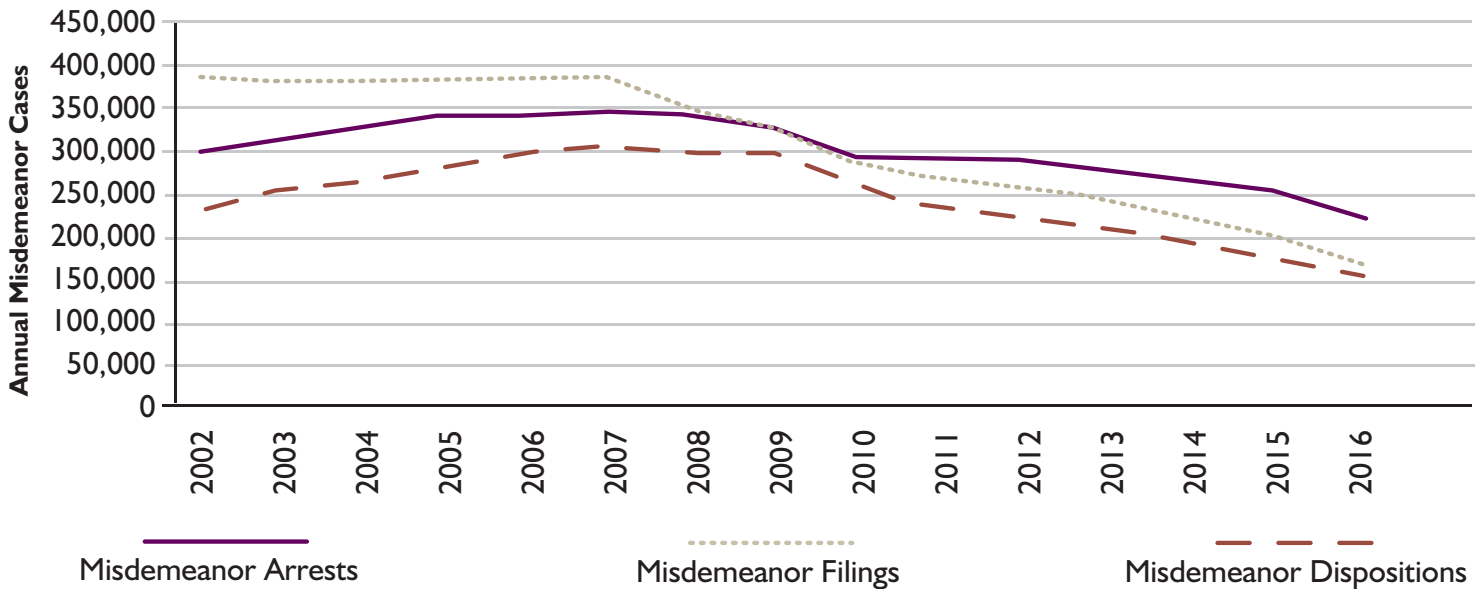
Source: SPAC analusis of CHRI data and AOIC annual statistical reports.

ARRESTS

Offense Type

In 2017, most arrests that included misdemeanors were traffic related, including driving under the influence. Domestic battery offenses were 14% of all misdemeanor arrests, while other battery and assault arrests comprised another 11% of the arrests. Property offenses, including retail theft, theft, and criminal damage, were 13% of the arrests, while drug and alcohol possession or sales offenses were 4% of the arrests.

Figure 4: Misdemeanor Arrest Offenses in 2017

IUCR Offense	Arrests	Percent
Traffic	43,706	25%
Driving Under the Influence (DUI)	24,989	14%
Domestic Battery	24,133	14%
Retail Theft	14,172	8%
Battery	10,650	6%
Criminal Trespass	6,848	4%
Criminal Damage to Property	4,511	3%
Theft Under $300	3,625	2%
Resist, Obstruct, Disarm an Officer	3,185	2%
Aggravated Battery	3,167	2%
All Other Disorderly Conduct	2,920	2%
Assault	2,900	2%
Obstructing Justice	2,663	2%
Possession of Cannabis	2,600	1%
Aggravated Assault	2,379	1%
Criminal Trespass to Vehicle	2,370	1%
Possession of Drug Equipment	2,166	1%
Reckless Conduct	1,194	1%
All other*	18,898	11%
Total 2017 Misdemeanor Arrests	177,076	100%

* "All other" includes crimes that the Illinois Uniform Crime Reporting system classifies as Other Criminal Offenses, Other Disorderly Conduct Offenses, Other Sex Offenses, and other offenses infrequently used.

Class of Offense

Approximately 75% of the 48,708 cases analyzed began with misdemeanor arrests. Class A misdemeanors accounted for 72%, or 34,862 of the 48,708 cases; Class B accounted for 3%, or 1,245 cases; and Class C misdemeanors accounted for 1%, or 725 cases.

Another 16% of misdemeanor dispositions began as felony arrests, with the most prevalent being Class 3 and 4 felonies. These cases involved felony arrests but the most serious disposition is classified as a misdemeanor, due to plea bargaining, convictions of lesser offenses, and charges being dropped or a finding of not guilty on the more serious charges.

Figure 5: Most Serious Arrest Class for 2017 Misdemeanor Dispositions

Offense Class	Arrests	Percent
Class X	152	<1%
Class 1	469	1%
Class 2	1,324	3%
Class 3	2,038	4%
Class 4	3,940	8%
Class A	34,862	72%
Class B	1,245	3%
Class C	725	2%
Unknown	3,953	8%
Total	48,708	100%

[5]CHRI mandates Class A and Class B misdemeanors be reported to the State's database. Many jurisdictions also report Class C and other offenses, although those are not required by law.

CHARGING

Arrests but No Charges or Disposition

SPAC found that most arrests have no dispositions recorded. This is due to a variety of factors: criminal charges are not filed, the charges are dismissed, the defendant is found not guilty, or the disposition is simply not reported. In addition, there may be some 2017 arrests that are still pending although misdemeanor cases generally are processed quickly. The least likely outcome of a misdemeanor arrest is an acquittal, primarily due to the small number of cases that go to trial.

Summons Charges

Misdemeanor cases can be initiated through a summons process. The unique feature of summons cases is that police do not make a formal arrest to initiate the case. The summons charge process instead begins with a resident filing a criminal complaint with a warrant officer assigned to the court. After review, the warrant officer may draft a complaint and the resident must swear to the alleged facts and sign it. [a]

The court reviews the complaint and can issue the summons that orders the defendant to appear in court on the misdemeanor charge. If the resident does not appear in court the case is dismissed. Otherwise, the case follows standard misdemeanor procedures. CHRI data were insufficient to identify and analyze misdemeanor cases initiated by summons.

[a] Representatives from Cook County State's Attorney's Office described this process at the June 15, 2018, SPAC meeting. Practices differ between judges, but generally an Assistant State's Attorney reviews the summons before the warrant officer presents the complaint to the judge. Further, in Cook County, the warrant officer will only accept the complaint if the police department has a case report on file regarding the alleged crime.

Charge Outcomes

State CHRI data show a range of misdemeanor arrests and charges that result in guilty dispositions across the State. Figure 6 below shows misdemeanor conviction rates of between 50% in rural counties and 34% in urban counties. SPAC analysis discovered missing court data in

many cases from Cook County, resulting in a high number of arrests without dispositions.   This result likely misconstrues how Cook County processes misdemeanor cases and the results are not shown in Figure 6.

Figure 6: Outcomes by Region in 2016

Collar

1%
17%
43%
39%

- No Further Action
- Not Guilty
- Dismissed
- Any Conviction

Urban

0%
10%
34%
56%

- No Further Action
- Not Guilty
- Dismissed
- Any Conviction

Rural

0%
15%
50%
35%

- No Further Action
- Not Guilty
- Dismissed
- Any Conviction
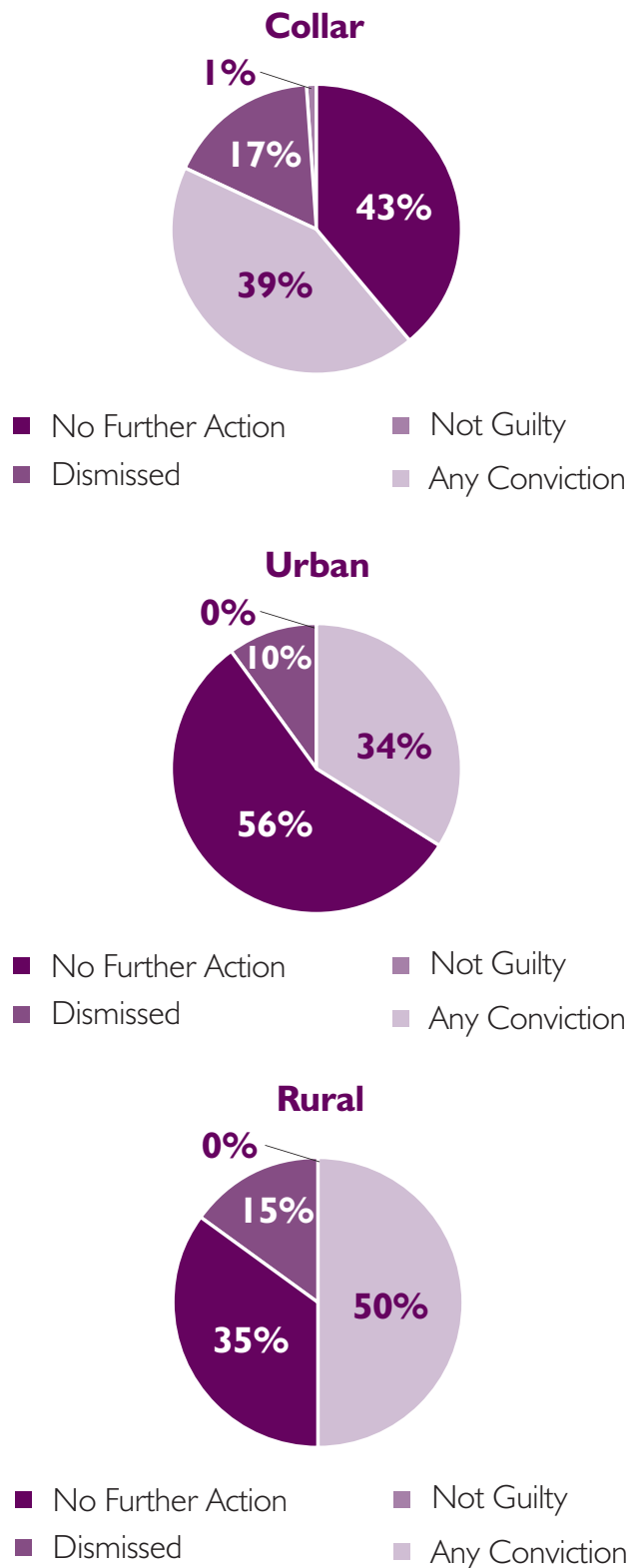
Mob action, assault, and prostitution arrests are the most likely offenses to not proceed to charging and disposition. Overall, 70% of misdemeanor arrests had missing dispositions, charges dismissed or a not-guilty disposition.

Figure 7: Frequency of Arrests without Guilty Dispositions, by Offense in 2016

IUCR Offense	Percent of Arrests with Not Guilty or Missing Dispositions
Gambling, Betting or Wagering	97%
Mob Action	89%
Assault	89%
Criminal Trespass to a Vehicle	86%
Prostitution	84%
Reckless Conduct	82%
Theft of Labor or Services	81%
Criminal Trespass to State-Supported Land	80%
Theft of Lost or Mislaid Property	80%
Other Criminal Offenses	80%
Battery	79%
Domestic Battery	78%
Criminal Trespass to Real Property	78%
Overall, Misdemeanor Cases Without Guilty Dispositions	70%

The missing dispositions are according to CHRI data. The results do not necessarily reflect cases without final dispositions but instead could reflect data error or nonreporting of county records. Note that this analysis used 2016 data to limit the likelihood that missing records were end-of-year arrests remaining in court processes.

Felony to Misdemeanor Reductions

SPAC analyzed the offense class and demographics of the 2017 cases that began as felony arrests and ended with misdemeanor dispositions. Of the 48,708 cases, 16%

initially had a felony arrest charge, mostly Class 3 or 4. A small percentage of the more serious felony arrests also resulted in misdemeanor dispositions.[6] This downgrade in offense class is consistent with the practice of pleading felonies down to misdemeanors to more quickly resolve a case. Figure 8 below shows the originating offense class for misdemeanor dispositions.

Figure 8: Felony Arrest Class for Cases Disposed of as Misdemeanors in 2017

Arrest Class	Number of Cases	Percent
Class X	152	2%
Class 1	469	6%
Class 2	1,324	17%
Class 3	2,038	26%
Class 4	3,940	50%
Total	7,923	100%

Property cases and person offenses, including battery, assault, reckless conduct, and unlawful restraint among other crimes, account for the majority (59%) of the cases reduced from felonies to misdemeanors, followed by drug and DUI offenses, with the lowest percentage of reductions for weapon (3%), which includes unlawful storage of weapons, unlawful use of a weapon (UUW), and Firearm Owner Identification (FOID) violations, and sex offenses (1%).

Figure 9: Felony to Misdemeanor Reductions by Offense Type in 2017

Offense Type	Frequency	Percent
Property Offense	2,355	30%
Person Offense	2,302	29%
Drug Offense	931	12%
DUI Offense	811	10%
Other Criminal Offense	795	10%
Traffic Offense	402	5%
Weapon Offense	256	3%
Sex Offense	49	1%
Registry Offense	22	<1%
Total	7,923	100%

[6]The analysis used the identified offense classification as indicated in the administrative records. Attempted crimes, also known as inchoate offenses, result in a reduction in the offense classification which is often correctly recorded in the CHRI system. Data entry issues likely exist and were unable to be fully resolved for consistent analysis.

Overall, this report shows disposition data from CHRI. Through discussion with other agencies, many misdemeanor court dispositions from Cook County do not appear in CHRI. The missing records may obscure some trends from Cook County where there was a case disposition despite not appearing in CHRI records. This is a significant issue; however, this report captures the best overall picture of misdemeanor cases based on the available data.

DISPOSITION

Convictions and Court Supervision

In 2017, there were 25,992 misdemeanor convictions (53%), 20,685 court supervision orders (43%), and 2,031 sentences to supervision following a conviction that occurred. Almost all of these cases were for Class A misdemeanors: 92% were convicted of Class A misdemeanor offenses, 6% were Class B misdemeanors, and 2% were Class C misdemeanors. The distribution misdemeanor classes was similar for the court supervision dispositions.

The distinction between court supervision and a conviction is important in terms of the collateral consequences of a criminal record. Because court supervision dispositions are not convictions, they are not reported for employment background checks under the standard Uniform Conviction Information Act request (20 ILCS 2635/7). Court supervision will appear on credit background checks and for some licensing or placement background checks. Finally, law enforcement and court system actors continue to have access to court supervision orders until the record is expunged. The advantages court supervision provide an additional incentive for complying with the court-ordered conditions.

Figure 10: Misdemeanor Dispositions by Class in 2017

Classification	Number of Convictions	Percent of Convictions	Number of Court Supervision Orders	Percent of Supervision Orders
Class A Misdemeanor	23,792	92%	18,727	91%
Class B Misdemeanor	1,473	6%	1,111	5%
Class C Misdemeanor	727	2%	847	4%
Total	25,992	100%	20,685	100%

Figure 11: Misdemeanor Dispositions by Offenses in 2017

Offense Type	Percent of Total Offense Type		Total Number	Percent of Total Cases
	Conviction	Court Supervision		
DUI	29%	71%	11,410	23%
Person Offense	74%	26%	11,036	23%
Property Offense	59%	41%	10,268	21%
Traffic Offense	49%	51%	7,917	16%
Other Criminal Offense	54%	46%	5,023	10%
Drug Offense	59%	41%	2,308	5%
Weapon Offense	71%	29%	445	1%
Sex Offense	64%	36%	253	1%
Registry Offense	90%*	10%*	--*	<1%*
Total	25,992	22,716	48,708	100%
Percent	53%	43%	100%	

* Too few cases to report; rounded results shown.

Offense Type

Driving under the influence (DUI) was the most common misdemeanor offense type, followed by person and property offenses. Weapon and sex offenses make up a very small percentage of the total number of 2017 misdemeanor dispositions.

Court supervision orders are a large percentage of DUI and other driving offense dispositions. Registry offenses occur the least often but are more likely to result in a conviction compared to the other offense types. About 75% of person offenses and about 70% of weapons offenses result in a conviction.

SENTENCING

Misdemeanor sentencing can involve one or a combination of:

(1) Court Supervision, a conditional and revocable release without probation supervision;[7]

(2) Conditional discharge, a conditional and revocable release without supervision;

(3) Probation, release under the supervision of a probation officer;

(4) Incarceration in local jails for up to 365 days for a Class A misdemeanor; and

(5) Other sanctions, including community service, restitution, fines, and other conditions set by the sentencing judge.

One case can have multiple sentences imposed. For example, a case may begin as a conditional discharge with a community service and restitution component but if conditions are violated the defendant could be resentenced to probation or jail. For this report, SPAC reviewed the first four types of sentences— court supervision, conditional discharge, probation, and jail—regardless of when the sentence was imposed relative to discharge of the sentence.

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[7]Court supervision is a disposition rather than a sentence but, for purposes of this report, the supervision order is treated as a sanction for the guilty disposition.

The types of sentences imposed are shown at right in Figure 12. Most cases (42%) received a sentence to court supervision. Jail and an additional sanction accounted for 20% of the sentences imposed.

Supervision and conditional discharge place similar requirements on the defendant and neither require monitoring or reporting to a probation officer.[8] Hoewever, the court may impose conditions such as drug treatment or anger management classes that must be satisfied for the sentence to be discharged.

Sentences for both court supervision and convictions vary (Figure 13). Of those convicted, 20% received a conditional discharge, 20% received jail terms, 35% received jail terms plus conditional discharge, and 11% received a sentence of probation.

Figure 12: Misdemeanor Sentences Imposed in 2017

Sanction Imposed	Number of Sentences	Percent
Court Supervision	20,244	42%
Jail and Additional Sanction	9,918	20%
Jail Only	5,329	11%
Conditional Discharge	5,308	11%
Probation	3,334	7%
Other	2,262	5%
Missing	2,179	4%
Supervision & Conditional Discharge	134	<1%
Total	48,708	100%

Figure 13: Misdemeanor Sentences and Disposition Types in 2017

Sanction Imposed	Misdemeanor Conviction	Court Supervision	Cases with Both Dispositions	Total	Percent
Court Supervision	0%	~100%*	~100%	20,244	42%
Conditional Discharge	20%	0%	0%	5,308	11%
Both Supervision & Cond. Discharge	0%	0%	5%	134	0%
Jail and Additional Sanction	35%	2%	25%	991	20%
Jail	20%	0%	1%	5,329	11%
Probation	11%	1%	8%	3,334	7%
Other	6%	4%	2%	2,262	5%
Missing Sentence	8%	0%	0%	2,179	4%
Total	25,992	20,685	2,031	48,708	100%
Percent	53%	42%	4%	100%	

* Note: court supervision is considered both a sanction imposed and a disposition. A small number of cases had supervision as an interim disposition but some other sanction; these cases are not shown in Figure 13.

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[8] **Court supervision** is a "disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered," while **conditional discharge** is, in effect, a sentence to supervision but without the option of dismissing the judgment.

Sentence Term

For most misdemeanors, the sentence can include fines, community supervision for up to 2 years if sentenced to probation, and/or under 1 year in jail for a Class A misdemeanor. Class B and C misdemeanors have shorter jail terms—180 or 30 days, respectively—and lower maximum fines.

The mean and median sentence terms are generally consistent across offense types and by race. For most cases, misdemeanor supervision and conditional discharge sentences are one year, probation is 1.5 years and jail terms are usually 30 days, although the averages (means) are higher because of some cases receiving longer sentences. Weapon and sex offenses had the longest median jail sentences, both above 50 days, while most of the other offense types received closer to a 30-day jail sentence. Weapon, sex, and registry offenses have the highest median credit time served while most other offenses are in the single digit number of days for credit time served.

Figure 14: Court Supervision Sentence Lengths (Days) and Offense Types in 2017

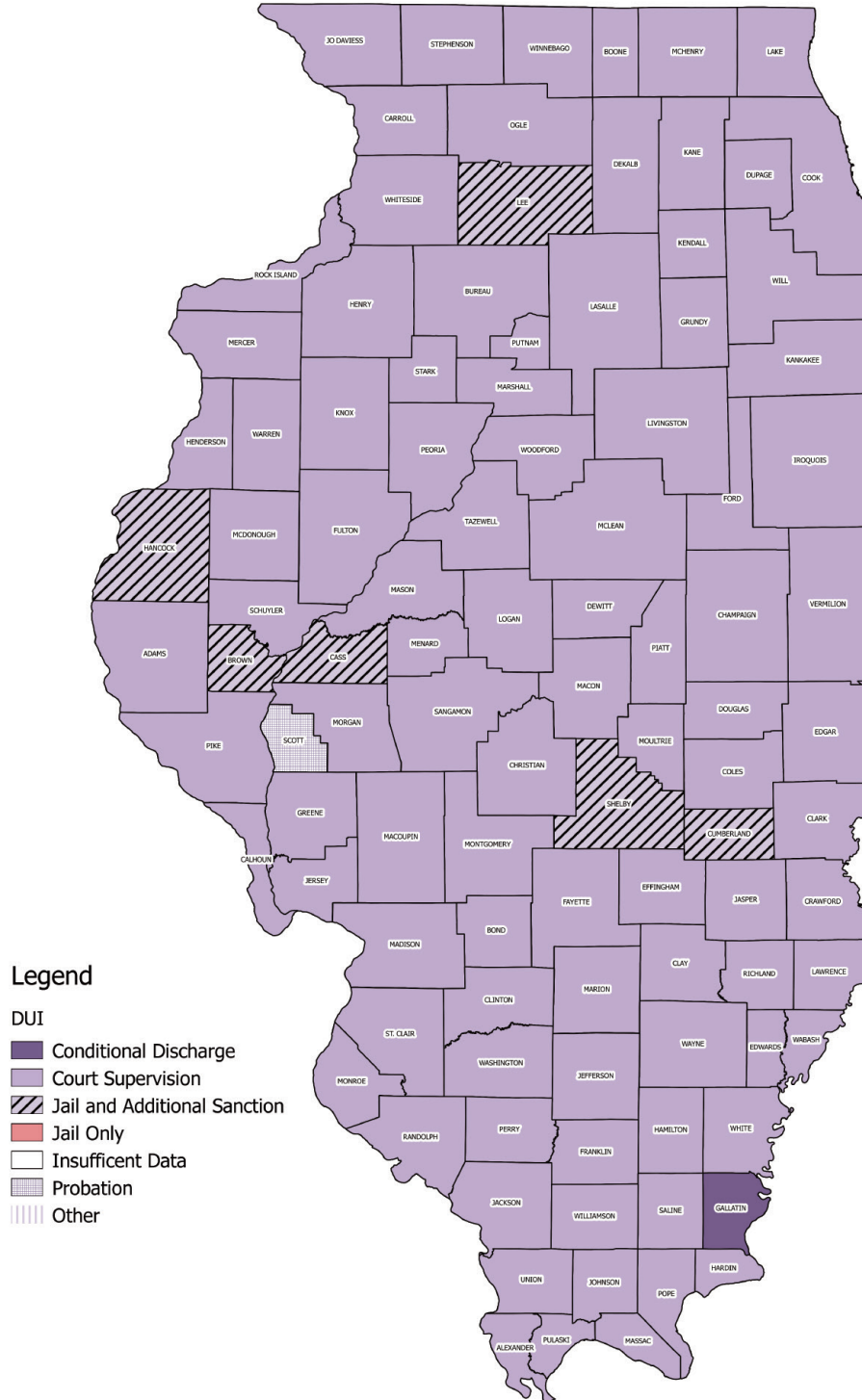| Offense Type	Supervision			Probation			Jail			Credit Time Served (Pretrial Jail)		
	Mean	Median	Cases	Mean	Median	Cases	Mean	Median	Cases	Mean	Median	Cases
Person N=2,651	471	**360**	2,618	48	**5**	55	15	**4**	57	11	**2**	64
Property N=3,888	366	**360**	3,822	58	**5**	101	18	**6**	57	13	**3**	90
Weapon N=112	388	**360**	109	150	**10**	<10	--	**--**	--	11	**11**	<10
Sex Offense N=84	420	**360**	84	5	**5**	<10	64	**64**	<10	18	**18**	<10
Drug Offense N=714	400	**360**	674	387	**720**	45	48	**5**	20	3	**2**	21
Registry Offense N<10	396	**360**	<10	--	**--**	--	--	**--**	--	--	**--**	--
DUI N=7,290	486	**360**	7,220	7	**5**	36	30	**4**	66	20	**2**	67
Traffic N=3,839	313	**360**	3,136	19	**10**	<10	12	**10**	31	8	**4**	39
Other N=2,101	429	**360**	2,061	118	**5**	57	16	**2**	41	4	**2**	47

Figure 15: Misdemeanor Conviction Sentence Lengths (Days) and Offense Types in 2017

Offense Type	Conditional Discharge			Probation			Jail			Credit Time Served (Pretrial Jail)		
	Mean	**Median**	Cases	Mean	**Median**	Cases	Mean	**Median**	Cases	Mean	**Median**	Cases
Person N=8,143	477	**360**	3,259	536	**540**	2,748	82	**30**	4,802	34	**8**	3,670
Property N=6,021	453	**360**	2,602	529	**540**	1,112	85	**30**	3,078	38	**7**	2,396
Weapon N=314	474	**360**	102	591	**720**	154	88	**56**	85	73	**11**	117
Sex Offense N=162	462	**360**	64	561	**720**	65	122	**60**	81	120	**16**	56
Drug Offense N=1,360	438	**360**	493	506	**540**	325	61	**30**	597	35	**10**	493
Registry Offense N=42	556	**540**	10	468	**450**	12	78	**41**	20	21	**13**	10
DUI N=3,311	542	**360**	863	595	**720**	1,506	58	**30**	1,769	17	**2**	863
Traffic N=3,908	472	**360**	642	513	**540**	201	52	**29**	1,467	21	**4**	642
Other N=2,731	442	**360**	840	535	**540**	610	104	**24**	1,245	20	**5**	840

Sentencing Maps

For the top misdemeanor offenses, SPAC created maps that show the most frequent sanction imposed for the top crimes by county. Counties that recorded no misdemeanor dispositions in 2017 are shown as "Insufficient Data" and are unfilled on the maps below.

Battery

Legend

Battery
- Conditional Discharge
- Court Supervision
- Jail and additional Sanction
- Jail Only
- Insufficent Data
- Probation

Domestic Battery

Legend

Domestic Battery

- Conditional Discharge
- Court Supervision
- Jail and Additional Sanction
- Jail Only
- Insufficent Data
- Probation
- Other

Driving Under the Influence

Legend

DUI
- Conditional Discharge
- Court Supervision
- Jail and Additional Sanction
- Jail Only
- Insuffcient Data
- Probation
- Other

Retial Theft

Legend

Retail Theft

- ■ Conditional Discharge
- ■ Court Supervision
- ▨ Jail and Additional Sanction
- ■ Jail Only
- □ Insufficent Data
- ▦ Probation
- ▥ Other

RECIDIVISM ANALYSIS

Rearrests

Using a cohort of 2014 convictions and supervision dispositions, SPAC examined both arrests and convictions to determine recidivism rates.   Less than half (45%) of the individuals were rearrested within three years. Less than a quarter (24%) had a reconviction in the three-year follow-up period. Most of the recidivism that occurred happened within one year of the original disposition.

Individuals who were rearrested within the three-year period had more prior arrests and convictions in their criminal histories than those that did not recidivate. Individuals who were not rearrested during the follow-up period had an average of 2.8 prior arrests (median: 1), while individuals who were rearrested had an average of 7.1 prior arrests (median: 4) on their records. For those rearrested and reconvicted during the follow-up period, they had an average of 8.3 prior arrests (median: 5).

Figure 16: Recidivism Rates at 1 and 3 Years for 2014 Misdemeanants

Outcome	Arrest		Conviction	
Time Period	One Year	Three Years	One Year	Three Years
Recidivism Rate	28%	45%	17%	24%

Recidivism and Original Offense Type

Individuals with misdemeanor dispositions for DUI, traffic, and other offenses (including, disorderly conduct, obstructing justice, and neglect of a child) generally had lower rearrest recidivism rates than other types of offenses.   For example, those adjudicated for DUI offenses had a three-year rearrest rate of under 30% while those adjudicated for person or property offenses had a rearrest rate of about 50%. Figure 17 below shows the percent of individuals that got rearrested by the offense type of the original misdemeanor conviction.

Figure 17: Rearrest Recidivism Rates at 3 Years by Offense Type

	Not Arrested	Arrested	Total
DUI	71%	29%	15,195
Person Offense	48%	52%	14,120
Property Offense	45%	55%	13,908
Traffic Offense	56%	44%	8,172
Drug Offense	50%	50%	8,025
Other Criminal Offense	56%	44%	7,441
Sex Offense	48%	52%	503
Weapon Offense	49%	51%	304
Registry Offense	48%	52%	62
Total Misdemeanor Average	55%	45%	67,730

Recidivism and Original Disposition Type

Only 34% of the individuals who had a court supervision disposition were rearrested within three years while 55% of individuals who were convicted of a misdemeanor offense were rearrested within the same period.

Figure 18: Rearrest Recidivism Rates at 3 Years by Disposition Type

Original Case Disposition	Not Arrested	Arrested	Total
Court Supervision	66%	34%	30,151
Conviction	46%	55%	37,579

The same trend is apparent when looking at reconvictions by original disposition type. Only 14% of the individuals who received court supervision had an additional conviction within three years compared to 31% of the individuals who were convicted of their misdemeanor offense.

Figure 19: Reconviction Recidivism Rates at 3 Years by Disposition Type

Original Case Disposition	Not Reconvicted	Reconvicted	Total
Court Supervision	86%	14%	30,151
Conviction	69%	31%	37,579

Individuals who were convicted on the 2014 misdemeanor disposition were more likely to recidivate. The recidivism events (rearrest and reconviction) were often for more serious offense classes, including felonies, than the type of offenses committed by those who received court supervision.

Recidivism Event Type

Individuals who were rearrested within three years were most often rearrested for another misdemeanor offense (61%). Class 4 felonies accounted for 11% of the rearrests. More serious offenses including Class 1 and higher felonies accounted for less than 5% of all total rearrests.

Figure 20: Rearrest Recidivism at 3 Years and Rearrest Offense Class

Offense Class	Number of Individuals	Percent
Murder	21	0.1%
Class X	429	1%
Class 1	684	2%
Class 2	1,160	4%
Class 3	1,517	5%
Class 4	3,328	11%
Misdemeanor	18,810	61%
Unknown	4,764	16%
Total Rearrested	30,715	45%*
No Rearrest	37,015	65%*
Total	67,730	100%*

* Percent of total 2014 misdemeanants.

Convictions mirror arrests with more than 60% of the reconvictions being for misdemeanor offenses. Class 1 and higher reconvictions accounted for less than 1% of the total cases. Overall, only 8% of all misdemeanants had any felony conviction within three years of their 2014 disposition.

Figure 21: Reconviction Recidivism at 3 Years and Reconviction Offense Class

Conviction Class	Number of Individuals	Percent
Murder & Class X	123	1%
Class 1	404	3%
Class 2	1,089	7%
Class 3	1,262	8%
Class 4	2,811	18%
Misdemeanor	9,888	62%
Unknown	384	1%
Total Reconvicted	15,961	24%*
No Reconviction	51,769	76%*
Total	67,730	100%*

* Percent of total 2014 misdemeanants.

DEMOGRAPHICS

There are distinct demographic differences in how cases are charged and resolved. Region, race, and gender play out differently in misdemeanor cases than in felonies and the demographic differences do not reflect the State's population.

Figure 22 shows the region and race demographics from the 2016 American Community, provided by the U.S. Census Bureau's American Fact Finder:

Figure 22: Population of Illinois, Race and Region in 2016

	Cook	Collar	Urban	Rural	Total	Percent
White	57%	78%	80%	92%	9,270,907	72%
Black	24%	6%	13%	4%	1,837,612	14%
Other	19%	15%	7%	4%	1,743,165	14%
Total	5,227,575	3,152,480	2,314,098	2,157,531	12,851,684	100%
Percent	41%	25%	18%	17%	100%	

On average, the people arrested and convicted of misdemeanors are in their thirties. Criminal history influences misdemeanor outcomes, however when controlling for criminal history gender is statistically significant but race is not. These differences raise many of the same questions about consistency and fairness that arise for felonies.

Charges by Region

The AOIC publishes misdemeanor charges and dispositions by county. The AOIC disposition counts by county differ from the CHRI data: according to the AOIC, as of 2016 Cook County still accounts for more than half of Illinois' newly filed and disposed misdemeanor cases in 2016. Comparatively, CHRI data show Cook County with a small percent of the State's misdemeanor dispositions, likely because of the high proportion of Cook's misdemeanor cases that are dismissed.

Charges Dismissed by Region and Demographics

There are many misdemeanor arrests that do not have final dispositions each year, particularly in Cook County. Although administrative data could not definitively confirm the reasons for this, these arrests either had no charges filed or charges were dismissed/stricken in court early in the case processing.[9] Some of these data may also be missing due to a failure to report or data entry errors.

Figure 23: Arrests with Missing/Unavailable Dispositions by Race in 2016

	Cook	Collar	Urban	Rural	Total	Percent
Black	53%	25%	41%	21%	57,107	45%
White	22%	47%	54%	75%	43,767	34%
Hispanic	24%	23%	4%	3%	24,001	19%
Other	2%	5%	1%	1%	2,519	2%
Total	81,574	14,999	19,753	11,062	127,394	100%
Percent	64%	12%	16%	9%	100%	

Figure 24: Arrests with Missing/Unavailable Dispositions by Gender in 2016

	Cook	Collar	Urban	Rural	Total	Percent
Female	22%	25%	30%	29%	30,819	24%
Male	78%	75%	70%	71%	96,555	76%
Total	81,574	14,999	19,753	11,062	127,394	100%
Percent	64%	12%	16%	9%	100%	

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[9]An additional possibility is that some of these cases were initiated by summons. See Summons Charges, page 7.

Charge Reductions – Felony to Misdemeanor Reductions and Race

The frequency of downgrades from felony-to-misdemeanor classification differs by race. Of the 7,923 cases that began as felony arrests and resulted in a misdemeanor conviction or court supervision, white defendants accounted for 55% of the cases while black defendants accounted for 37%. Analysis of each racial group showed that 14% of the cases with white defendants and 21% with black defendants began with felony arrests (fourth column in Figure 25 below).

Figure 25: Felony to Misdemeanor Reductions by Race in 2017

	Total Misdemeanor Dispositions	Felony Arrests Reduced to Misdemeanors	Percent of Total Misdemeanors Reduced	Within Race, Percent Reduced
White	30,318	4,329	55%	14%
Black	13,894	2,918	37%	21%
Other	4,496	676	9%	15%
Total	48,708	7,923	100%	

It is not possible to identify the reasons for these differences, however every case disposition can be influenced by the charges filed and the available evidence with which to prosecute, as well as the system's interest in quickly resolving cases.

Case Disposition and Race & Region

There were 25,992 convictions and 20,685 court supervision dispositions in 2017. Rural areas had the largest number of misdemeanor guilty dispositions across the State (36%), compared to 30% from urban counties, 25% from collar counties, and 9% from Cook County.

Figure 26: Misdemeanor Dispositions by Race & Region in 2017

	Cook	Collar	Urban	Rural	Total	Percent
White	24%	55%	57%	81%	30,318	62%
Black	60%	26%	37%	15%	13,894	29%
Other	16%	19%	6%	4%	4,496	9%
Total	4,388	12,254	14,483	17,583	48,708	100%
Percent	9%	25%	30%	36%	100%	

Most defendants from Cook County were black, comprising 60% of Cook misdemeanor dispositions, while white defendants were the majority for the rest of the State.

Fifty-nine percent of black defendants were convicted, compared to 52% of white defendants, and 44% of individuals from other races. This difference is largely driven by different criminal histories; controlling for criminal histories, the differences between black and white case outcomes were not statistically significant.

Figure 27: Misdemeanor Dispositions by Region in 2017

Region	Misdemeanor Conviction	Court Supervision	Cases with Both Dispositions	Total	Percent
Cook	57%	39%	4%	4,388	9%
Collar	45%	49%	6%	12,254	25%
Urban	55%	42%	3%	14,483	30%
Rural	57%	39%	4%	17,583	36%
Total	25,992	20,685	2,031	48,708	100%
Percent	53%	43%	4%	100%	

A small number of cases, 2,031, had both a conviction and court supervision, likely indicating that the defendant was originally sentenced to conditional supervision, violated the conditions imposed, and got resentenced on a judgment of conviction.

Case Disposition by County

Cook and DuPage counties have the highest number of convictions and court supervisions. Within Cook County, the majority of the 4,388 misdemeanor cases originate from a suburban jurisdiction (57%) while 43% originate from the City of Chicago in 2017.

Figure 28: Misdemeanor Dispositions and County in 2017

County	Convictions	Percent
Cook	4,388	9%
DuPage	4,204	9%
Lake	2,865	6%
Will	2,387	5%
McLean	2,003	4%
Winnebago	1,826	4%
Madison	1,723	4%
Sangamon	1,556	3%
McHenry	1,466	3%
Peoria	1,458	3%*
Other	24,832	51%*
Total	48,708	100%*

Case Disposition and Age & Criminal History

The average age of an individual with a misdemeanor disposition in 2017 was 32.5 (median: 29). Looking at the group as a whole, 27% had no prior arrests and 53% had no more than 2 prior arrests. Those who had prior arrests were infrequently convicted.

Figure 29: Misdemeanor Defendants' Age and Criminal History in 2017

	Mean	Median
Arrest Age	32.5	29
Prior Arrests	5.1	2
Prior Convictions	1.5	0

When examining criminal history by disposition type, people who received a misdemeanor conviction had a higher number of prior arrests than those individuals that received court supervision.[10]

- Of people convicted of misdemeanors:
  - An average of 7.4 prior arrests (median: 4) and 2.2 convictions (median: 1).
  - 12% had never been arrested before and 38% had no prior convictions.
- Of people who received court supervision:
  - An average of 2.3 arrests (median: 1) and 75% had 2 or fewer prior arrests.
  - 44% had never been arrested before and 77% had no prior convictions, which resulted in the average of prior convictions being less than 1.

[10]730 ILCS 5/5-6-1(c)-(s) specifies when a defendant is ineligible for court supervision disposition, including many second or subsequent offenses.

Black defendants had an average age of 30.6 (median: 27), compared to an average age of 33.6 (median: 31) for white defendants. When examining criminal histories, black defendants had more system involvement: an average of 8 prior arrests (median: 4) compared to 4 prior arrests (median: 2) for white defendants. Black defendants also had an average of 2.2 prior convictions (median: 1), while white defendants had an average of 1.3 prior convictions (median: 0).

In broad terms, black defendants had twice the number of prior arrests and convictions as white defendants, which likely explains the differences in conviction percentage between races. This description does not explain how differences are driven by policing practices or other broader social and economic factors that affect the criminal justice system involvement of black defendants.

Case Disposition and Race & Gender

Race and gender differences are evident across the board in misdemeanor cases. White defendants account for 62% of the misdemeanor dispositions, black defendants account for 29%, and other races account for the remaining 9% of cases. Males account for 71% of the defendants but are less likely to get court supervision than are females. These demographics are different from felony defendants in terms of gender and race. Women are a larger percent of misdemeanor defendants and blacks are a smaller percentage of misdemeanor defendants compared to felony cases.

Figure 30: Misdemeanor Dispositions by Race & Gender in 2017

	Male	Female	Total	Percent
White	21,093	9,223	30,318	62%
Black	9,771	4,122	13,894	29%
Other	3,468	1,022	4,496	9%
Total	34,332	14,367	48,708	100%
Percent	71%	29%	100%	

Case Disposition and Gender & Criminal History

Male defendants had a higher percentage of convictions (57%) than female defendants (44%). Females received court supervision in 52% of the cases compared to males who received supervision in 39% of the cases. Males and females were nearly identical in terms of average age at arrest, approximately 33 years old (median: 29).

Males had a more extensive criminal history than females, with an average of 5.8 prior arrests (median: 3), while females had an average of 3.1 prior arrests (median: 1). Males had an average of 1.8 prior convictions (median: 0), while females had an average of 0.8 (median: 0). Gender was statistically significant after controlling for age, race, county, and prior arrests; males were 27% less likely to receive court supervision than females for the same offense.

Sentencing and Race

The types of sentences imposed on misdemeanor defendants differed by race but, once imposed, were consistent across races. For example, black people sentenced for misdemeanors received conditional discharge or supervision in 61% of the sentences, whereas white and other defendants received such sentences in about 69% of cases.

	White			Black			Other		
	Mean	**Median**	Percent of Cases with Sentence*	Mean	**Median**	Percent of Cases with Sentence*	Mean	**Median**	Percent of Cases with Sentence*
Supervision	433	**360**	47%	386	**360**	39%	405	**360**	51%
Conditional Discharge	480	**360**	23%	461	**360**	23%	447	**360**	19%
Total: Supervision & Conditional Discharge	*449*	***360***	*70%*	*414*	***360***	*62%*	*417*	***360***	***70%***
Probation	537	**540**	15%	506	**540**	14%	501	**540**	14%
Jail	84	**30**	27%	63	**30**	34%	63	**30**	20%
Credit Time Served	31	**6**	18%	31	**7**	27%	34	**4.5**	13%
Total			30,318			13,894			4,496

* Note: the percentages are based on the total sentences imposed, including cases where multiple sentences are imposed on one defendant. This differs from Figure 12, which counts each defendant once in each sentence type.

PEOPLE WITH FREQUENT MISDEMEANOR ARRESTS & DISPOSITIONS

One in ten of all misdemeanor arrests involved individuals arrested four or more times in that year. These frequent offenders comprise a large percent of yearly misdemeanor activity even though they are a small percent of the total number of individual people arrested for misdemeanors. The unique aspects of these frequent offenders are best identified using a statistical technique that identifies and classifies misdemeanors into understandable groups of similar cases.

The technique, latent class analysis, creates classes based demographics, criminal history, the type of disposition, and recidivism.[11] Latent class analysis minimizes differences within each of the three groups as much as possible,

allowing policymakers to view these three groups as representative of how misdemeanors differ across the studied factors.

The groups are not empirically observed, rather they are typologies that represent clusters of similar-type cases. Three groups identified and classified through this statistical approach:

1. **Group 1**, 52% of the misdemeanor cases:

   a. Individuals who were first arrested after their 19th birthday, with almost no prior felony or misdemeanor arrests or convictions.

   b. Predominately not from Cook County, mostly not black, and mostly male.

   c. Individuals in this group who recidivate were most likely receive court supervision, if anything;

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[11]Latent Class Analysis was performed using the poLCA package in R. The class structure was selected based on the best fitting model using the Bayesian Information Criterion statistic. A detailed description of the technique, mathematical calculations, and the package can be found at https://www.jstatsoft.org/article/view/v042i10.

74% have no further arrests within three years of the conviction.

d. Rearrest recidivism rate is 26% over three years.

2. **Group 2**, 18% of the misdemeanor cases:

a. Individuals who frequently had a first arrest before their 19th birthday, with many prior arrests for felonies and/or misdemeanors, as well as many prior convictions.

b. Predominately not from Cook County and mostly male; about half of this group is black.

c. Individuals in this group who recidivate were most likely to be convicted of a misdemeanor; 24% have no further arrests within three years of the conviction. Over a third will have more than 3 rearrests within three years.

d. Rearrest recidivism rate is 76% over three years.

3. **Group 3**, 30% of the misdemeanor cases:

a. Almost all of these individuals were first arrested before their 25th birthday, with few prior felony or misdemeanor arrests but some prior convictions for both felonies or misdemeanors.

b. Predominately male from outside Cook County and mostly not black.

c. Individuals in this group who recidivate were most likely to be convicted of a misdemeanor; 43% have no further arrests within three years of the conviction.

d. Rearrest recidivism rate is 57% over three years.

Group 1 individuals were highly likely to receive a court supervision order compared to Group 2 individuals, which were nearly the opposite in criminal histories and recidivism. As with statistical risk assessment tools, criminal history is correlated with the type of disposition,

sentence, and recidivism rates. In summary, about half of all cases had very little criminal justice system involvement and under twenty percent had extensive criminal justice system involvement.

Figure 33 on the following page lists the three typologies identified by the statistical technique.

Stated in terms of frequencies of people and cases, individuals arrested just once and those arrested multiple times comprise almost equal portions of the total number of misdemeanor arrests. For example, of the individuals arrested for misdemeanors between 2015 and 2017, 74% have just one misdemeanor arrest and 26% have multiple misdemeanor arrests; of those that have multiple arrests, they account for almost half of all misdemeanor arrests over those three years (49%).

Figure 32: Latent Class Analysis of Misdemeanor Convictions and Supervision in 2014

		Group 1	Group 2	Group 3
Percent of cases		52%	18%	30%
Disposition Type	Convicted	31%	91%	73%
	Withheld Judgement & Supervision	69%	9%	27%
Sex	Female	36%	13%	24%
	Male	64%	87%	76%
Race	Non-Black	81%	49%	69%
	Black	19%	51%	32%
Cook	Non-Cook	88%	78%	86%
	Cook	12%	23%	14%
Age at First Arrest	Under 19	18%	71%	52%
	19-24	39%	22%	31%
	25 or older	43%	7%	17%
Prior Misdemeanor Arrests	0-2 misdemeanor arrests	98%	11%	56%
	3-4 misdemeanor arrests	2%	17%	29%
	5-6 misdemeanor arrests	0%	19%	11%
	7+ misdemeanor arrests	0%	53%	5%
Prior Felony Arrests	0-1 felony arrests	100%	23%	80%
	2 felony arrests	0%	17%	15%
	3 felony arrests	0%	15%	4%
	4+ felony arrests	0%	45%	2%
Prior Convictions	0-1 convictions	92%	2%	30%
	2 convictions	8%	5%	36%
	3 convictions	0%	10%	22%
	4+ convictions	0%	84%	12%
Recidivism Arrests Within 3 Years	No rearrests	74%	24%	43%
	1 rearrest	17%	22%	23%
	2 rearrests	5%	16%	14%
	3+ rearrests	5%	38%	20%

DATA SELECTION AND ISSUES

SPAC analyzed CHRI data on misdemeanor cases with dispositions reported in 2017 were selected from CHRI data maintained by the Illinois Criminal Justice Information Authority (ICJIA). Each case selected met the following criteria:

- Cases were selected by unique document control numbers (DCN). DCNs may have multiple charges, or counts, but will have only one person per DCN.

- The most severe initial conviction or court supervision class was A, B, or C misdemeanor. Cases that had both a misdemeanor conviction and a felony supervision[12] were included if the two dispositions occurred on the same day or the felony was after the misdemeanor.

- All juvenile records were excluded.

- Some cases had additional dispositions in a different year but at least one misdemeanor conviction or court supervision order occurring in 2017.

- 48,708 cases met these criteria.

- Court supervision dispositions, as well as some eligible convictions, may be expunged from State records after a statutory period. Because the records are expunged, SPAC cannot estimate the number of those cases, types of offenses, or demographics of these people with guilty misdemeanor dispositions.

- SPAC compared the results with data from the AOIC annual statistical reports. While the totals were not directly comparable, the similar trends give confidence in the overall reporting from both CHRI and AOIC, especially in the most recent years.

- Disposition data are reported as found in CHRI. Through discussion with other agencies, many misdemeanor dispositions from Cook County could not be found in CHRI. The missing records may obscure some trends from Cook County where there was a case disposition despite not appearing in CHRI records. This is a significant issue; however, this report captures the best possible overall picture of misdemeanor cases as shown by the available data.

- For the recidivism analysis, the same criteria were applied to data from calendar year 2014 so that rearrests and reconvictions could be counted for a three-year follow-up period. Recidivism timing was based on the rearrest date. A reconviction was counted as a recidivism event if the arrest date for that conviction was within three years of the 2014 disposition.

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[12]Court supervision may be issued for some felony offenses, including, for example, drug offenses under what are called 710 and 1410 probation. See 720 ILCS 550/10, 720 ILCS 570/410, and 720 ILCS 646/70.

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