

Measuring a felon's likelihood of receiving a prison sentence in Illinois

By Sharyn Adams
and David Olson, Ph.D.

For adults convicted of a felony in Illinois, the two most commonly used sentencing options are probation and prison. Probation involves the supervision of offenders in the community by probation officers, and frequently includes court-ordered treatment, community service, and payments of restitution, fees, and fines. A prison sentence involves incarceration in an institution operated by the Illinois Department of Corrections, where inmates may participate in educational, vocational, or treatment programs.

This *Trends and Issues Update* examines the likelihood of convicted felons being sentenced to prison in Illinois, how trends in this likelihood changed during the 1990s, how they varied across Illinois counties, and factors influencing the use of prison over probation as a sentencing option for convicted felons in the state. Proponents of deterrence and incapacitation consider the likelihood and severity of punishment to be the most important elements of criminal sentencing that can be influenced by justice practitioners and policymakers. More detailed analyses and descriptions of the methodologies used in this report are available online at <http://www.icjia.state.il.us/public/pdf/t&i/techappendix.pdf>.

Table 1

Felony offenses in Illinois

Felony class	Possible prison sentence length without aggravating circumstances	Probationable	Number and percentage of new prison sentences 1991-1999
Class M	20 years to life or death	No	5,062 (3%)
Class X	6 to 30 years	No	24,451 (13%)
Class 1	4 to 15 years	Yes	33,034 (17%)
Class 2	3 to 7 years	Yes	55,574 (29%)
Class 3	2 to 5 years	Yes	37,747 (19%)
Class 4	1 to 3 years	Yes	37,676 (19%)

Statewide sentencing trends

Under Illinois law, adults convicted of most Class 1, 2, 3, and 4 felonies can be sentenced to either probation or prison (Table 1). Class 1, 2, 3, and 4 felonies that do not allow a probation sentence include residential burglary, offenses involving 15 grams or more of cocaine, and a variety of other specific offenses, such as aggravated battery of a senior citizen (730 ILCS, 5/5-5-3). However, these offenses account for only about 5 percent of total prison sentences for Class 1, 2, 3, and 4 felonies. Thus, throughout this report, references to probationable offenses refer to Class 1, 2, 3, and 4 felonies.

Statewide during the 1990s, the number of felons sentenced to prison for Class 1, 2, 3, and 4 felonies increased 45 percent while probation sentences rose only 2 percent. As a result, the proportion of these felons receiving a prison sentence for a probationable offense increased from less than 38 percent to more than 42 percent by 1999. Thus, the likelihood of being sentenced to prison increased for crimes in which probation was an option.

Statewide trends were significantly influenced by Cook County, which accounted for more than 63 percent of all felons sentenced in Illinois during the 1990s.

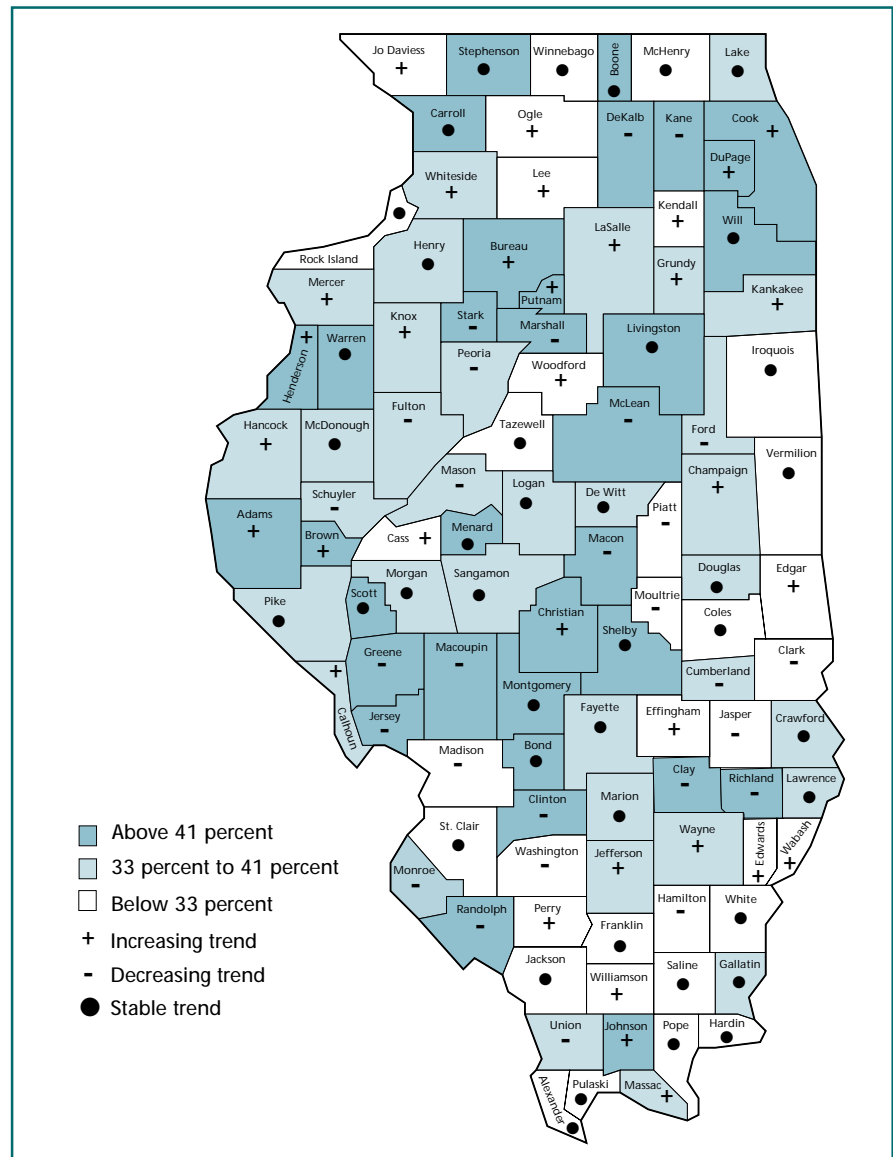
The number of felons sentenced in Illinois for Class M and X offenses fell more than 25 percent between 1991 and 1999. As a result, the proportion of sentences to prison involving Class M and X offenses also decreased to less than 10 percent. By comparison, during the early 1990s, almost 20 percent of prison sentences in Illinois were for a non-probationable, Class M or X offense. Considerable differences in the proportion of prison sentences involving Class M and X offenses were evident across individual counties in Illinois during the 1990s: in 23 counties fewer than 5 percent of all prison admissions were for Class M or X offenses, while in nine counties, including some of Illinois' largest, 20 percent or more of the prison admissions were for these offenses.

County trends

Although statewide data indicate that about 40 percent of felons convicted of probationable felonies were sentenced to prison during the 1990s, there were some rather dramatic differences across individual counties when the likelihood of incarceration was examined (Figure 1). During the 1990s, the proportion of felons convicted of probationable offenses being sentenced to prison ranged from 41 percent or more in 34 counties to below 33 percent in 34 counties. A positive correlation was seen between the county population and the proportion of probationable felons sentenced to prison. Larger counties, which tended to have higher crime rates, sentenced slightly larger proportions of probationable felons to prison than did smaller counties.

Also examined were county-specific trends in the proportion of convicted felons sentenced to prison between 1990 and 1999. In 34 counties, the likelihood of being sentenced to prison increased during the 1990s, while 29 counties experienced a downward trend in the proportion of convicted felons sentenced to prison.

Figure 1
Percent of probationable felons sentenced to prison during the 1990s



The 39 remaining counties had stable trends.

In general, a slight correlation was found between the trend in the likelihood of being sentenced to prison and the size of the jurisdiction. Larger counties were more likely to experience an increase in the likelihood of probationable offenses resulting in a prison sentence. There also was a slight correlation between the proportion of convicted felons sentenced to prison and the trends in this proportion. Among the 34 counties with the highest likelihood of incarceration for

a felony, the likelihood of being sentenced to prison increased in nine, decreased in 14, and remained stable in 11. Of the 34 counties with the lowest likelihood of incarceration for a felony, the likelihood of being sentenced to prison increased in 13, decreased in seven, and remained stable in 14.

Prison sentence length for probationable felonies

While useful in determining severity of prison sentences, sentence lengths

in and of themselves do not necessarily tell the whole story. Considering the sentence length relative to what could have been imposed, such as the statutory maximum for the specific felony offense class, is more telling. Dividing actual sentence lengths for each county during the 1990s by the allowable maximum resulted in the average percent of maximum allowable sentences imposed.

Across all counties during the 1990s, the average prison sentence imposed was 57 percent of what the maximum length under Illinois statutes would allow. However, as with the likelihood of being sentenced to prison for a probationable offense, there was variation across Illinois when this measure of sentence severity was examined. In 33 counties, allowable sentences imposed averaged 60 percent or higher, while in 31 counties this ratio was between 55 and 59 percent, and in 38 counties it was 54 percent or below. There was not as much variation in the proportion of maximum sentences imposed as there was in the proportion of convicted felons sentenced to prison. Thus, while the use of prison over probation appears to have varied considerably across Illinois' during the 1990s, when it came to imposing a sentence length on those being sent to prison, there was less cross-county variation.

Counties that most often sentenced felons to prison for probationable offenses did not necessarily impose the longest possible sentences on offenders. In fact, there was very little correlation between the likelihood of being sentenced to prison and the length of sentence imposed.

Class M and X offenses and prison sentences

The impact that Class M and X felonies have on the frequency of prison sentences varied considerably across Illinois. About 15 percent of the felons sentenced to prison in Illinois

during the 1990s were convicted of a Class M or X felony. However, on a county-by-county basis, the percentage of felons sentenced to prison convicted of these non-probationable offenses ranged from 15 percent or greater in nine counties to 3 percent or less in 15 others. The nine counties in which Class M and X offenses accounted for the largest proportion of prison sentences consisted of six rural counties and three urban counties. The 15 counties with the lowest proportion consisted of 13 rural and two urban counties.

As was seen in the statewide trends, across most individual counties the proportion of prison sentences accounted for by Class M and X offenses decreased or remained stable, and low, during the 1990s. Between 1990 and 1999, eight counties experienced an increase in Class M and X offenses as a proportion of prison sentences, while a clear downward trend was seen in 13 counties. In the remaining 81 counties, Class M and X as a proportion of prison sentences remained stable.

Among the nine counties with the highest percentage of prison admissions for Class M and X felonies, three showed an increase in the proportion of prison sentences involving Class M and X offenses, while one showed a decrease in this proportion. Of the 15 counties with the lowest percentage of prison sentences involving Class M or X offenses, one showed a decrease in the proportion during the 1990s, while the remaining 14 stayed relatively stable.

The offenses influencing these trends also varied from county to county. In Cook County, offenders sentenced to prison for armed robbery and large quantity drug-sale offenses decreased. On the other hand, Winnebago County experienced an increase in the proportion of prison sentences involving Class M and X offenses being fueled, in large part, by a dramatic increase in the number of Class X drug delivery offenses.

Individual factors influencing prison sentencing

Although the preceding analyses have clearly shown that the likelihood of going to prison varies considerably from county to county, much of this variation could be influenced by how the nature of crime and offenders varies from county to county. And while the sentencing environment of individual counties may influence whether or not a prison sentence is imposed, factors related to the nature of the offense and the characteristics of the offender tend to have a greater influence in sentencing decisions. To examine the role individual offender characteristics play in a felon's sentence to prison, data were examined on a sample of more than 3,000 felons sentenced to probation or prison for probationable offenses in Illinois during 1995.

The unique effects and contributions that age, race, gender, offense, seriousness of the offender's criminal history, and the population of the county had on the likelihood of a prison sentence were measured, and the results confirmed previous research. Younger felons, males, minorities, felons convicted of drug sale offenses, those with more serious criminal histories (as indicated by a prior sentence to prison), and those sentenced in larger counties were more likely to be sentenced to prison. Each of these factors had an independent effect on increasing the likelihood of being sentenced to prison.

The factors that appeared to have the largest influence over whether someone would be sentenced to prison were the offense, prior criminal history, and the population of the jurisdiction. Of convicted felons included in the analyses, those sentenced to prison in the past were five times more likely to be sentenced to prison for another offense than those without a prior Illinois Department of Corrections commitment. Similarly, someone convicted of a felony drug sale offense was more than six times as likely to be sentenced to prison than someone convicted of felony drug possession,

and being male almost doubled the odds of being sentenced to prison.

The role race played in the likelihood of incarceration also is important to note. Minorities were almost 50 percent more likely to be sentenced to prison than whites.

Conclusions

Across almost every county in Illinois, the majority of individuals convicted of a probationable felony receive a sentence to probation. The likelihood of being sentenced to prison for a probationable offense exceeded 50 percent in only nine counties during the 1990s. Still, trends across individual Illinois counties in the proportion of probationable felonies resulting in a prison sentence varied considerably, with roughly one-third of the counties seeing an increase, one third seeing a decrease, and one-third seeing a stable trend. In addition, the proportion of prison sentences involving non-probationable, or Class M and X felonies, is relatively low across all

counties, and stable or decreasing across most counties. However, while there was considerable variation across Illinois counties in the use of prison as a sentence when probation was an option, when sentences to prison were imposed, the sentence length, relative to the maximum of what could have been imposed, was much more consistent across each Illinois county.

In terms of individual characteristics that increase the odds of a convicted felon being sentenced to prison, conviction offense and prior criminal history have the most substantial influence, although demographic factors, including age, gender, and race also appear to play a role.

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