



Research Bulletin

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The justice system's response to drug offenses and substance abuse

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It is estimated that in 2000 nearly 800,000 Illinois residents used an illegal drug, more than 100,000 arrests for drug law violations were made, more than 80,000 Illinois residents were admitted to treatment for abuse of an illegal drug, and more than 14,000 people were sentenced to prison for drug crimes. While these figures can be staggering, it is important to examine the specific factors that have changed the nature and response to drug abuse seen in Illinois over the past 20 years.

This bulletin is a summary of ongoing research performed by the Authority as part of its responsibility to

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apply for and administer funds allocated by the U.S. Department of Justice through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

Measuring drug use in Illinois

Before exploring the justice system's efforts regarding drug law violations, it is important to put them into the larger context of drug use in Illinois.

One of the most frequently used methods to estimate the prevalence of drug use is through surveys of the general population. The Illinois Department of Human Services' Office of Alcoholism and Substance Abuse has conducted surveys of households and youth patterned after similar surveys done on a national level, as well as studies of arrestee, prison, and probation populations in Illinois. While self-reported involvement in criminal behavior, such as illegal drug use, is likely to be underreported, the results provide a lower bound for an estimate of drug use in Illinois.

The household surveys indicated that about 7.6 percent of adults in Illinois used an illegal drug at least once during 1998, up from an estimated 4.9 percent in 1990. This translates to nearly 800,000 Illinois residents reporting drug use in 1998. Rates were higher among members of criminal populations, with more than 60



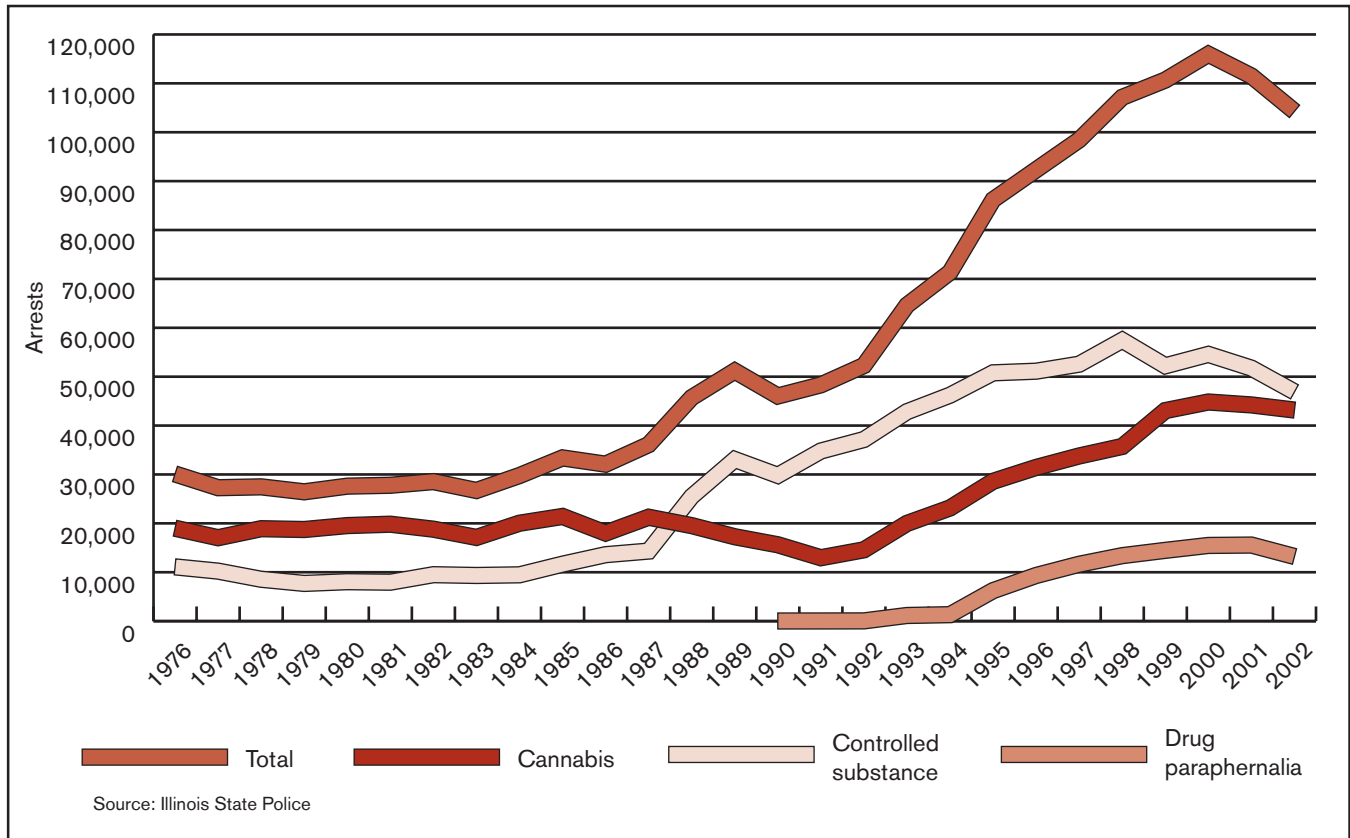
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Figure 1
Arrests for drug offenses in Illinois 1976-2002



percent of arrestees in Illinois testing positive for an illegal drug at the time of their arrest, 55 percent of probationers being found to have used an illegal drug in the past year, and more than 75 percent of adult inmates reporting past-year illegal drug use.¹

With respect to drug use across specific demographic characteristics, such as age, race, and gender, household and high school surveys revealed that the overall use of illegal drugs is most prevalent among 17- to 25-year-olds, with roughly 40 percent of Illinois high school seniors and 22 percent of 18- to 24-year-olds reporting past-year use of an illegal drug during 1998. Past-year drug usage rates were fairly similar among whites and African-Americans, at 7.5 percent and 9.7 percent, respectively. Rates were lower among Hispanics at 5.1 percent. The difference in past-year drug use between males and females was a bit more pro-

nounced, with 10 percent of males and 5 percent of females reporting past-year drug use.

Criminal justice system indicators

Arrests

Statistics regarding the number of arrests for drug law violations can be used to illustrate the extent and nature of illegal drug abuse, and police response to the problem. These arrests have increased dramatically over the past 15 years, with variations across counties in the types of substances involved. Differences also are evident when arrests across the levels of the drug market hierarchy are examined.

Four primary levels of drug law enforcement exist in Illinois. At the highest level of the drug market are those involved in large-scale drug trafficking offenses and the importation of drugs. The U.S. Department of Justice’s Drug Enforcement Administration (DEA) targets these offenses and offenders, and frequently works with state and local law enforcement agencies to develop their cases. In 2001, the DEA made about

1,000 drug arrests in Illinois, with 80 percent involving drugs other than marijuana, such as cocaine and heroin, and drug trafficking and distribution offenses.

Mid-level dealers and distributors are often targeted by multi-jurisdictional drug units, such as metropolitan enforcement groups and task forces, or specialized drug units within individual police departments. Generally, these offenders are involved in moving and selling relatively large quantities of drugs, often across traditional jurisdictional boundaries. Among the 24 large local police departments in Illinois (employing more than 100 officers), 55 percent operated their own specialized drug unit. In addition, 21 separate multi-jurisdictional drug units also operate throughout Illinois to target these offenders, combining the resources of the Illinois State Police and more than 200 local law enforcement agencies. Multi-jurisdictional units operate in 69 of the 102 counties in Illinois.²

In 2002, multi-jurisdictional drug units made nearly 4,000 arrests for drug-law violations. These arrests were much more likely than arrests by local police departments to involve cocaine and heroin, and were primarily for drug sale and distribution offenses. The targets of these units were more likely to be sentenced to prison for their offenses than those arrested by local police departments, but had fewer prior arrests than drug offenders encountered by local police departments.³

Local police departments also frequently make arrests for drug sale offenses, although these arrests tend to involve smaller quantities of drugs, and are less likely to result in prison sentences than cases developed by the DEA or multi-jurisdictional task forces. In 2000, it is estimated that about 8,000 individuals were arrested for drug sales by local police departments.

Drug users are at the bottom rung of the drug market and numbered in excess of 700,000 in Illinois during 2000 based on OASA surveys. Of course, they don't all get arrested, and many engage in more than one drug law violation in a given year. But because the drug market hierarchy is heavily weighted on the bottom by users, the majority of arrests for drug law violations in Illinois – more than 71,000 during 1999 – involve drug possession, and are usually made by local police departments.

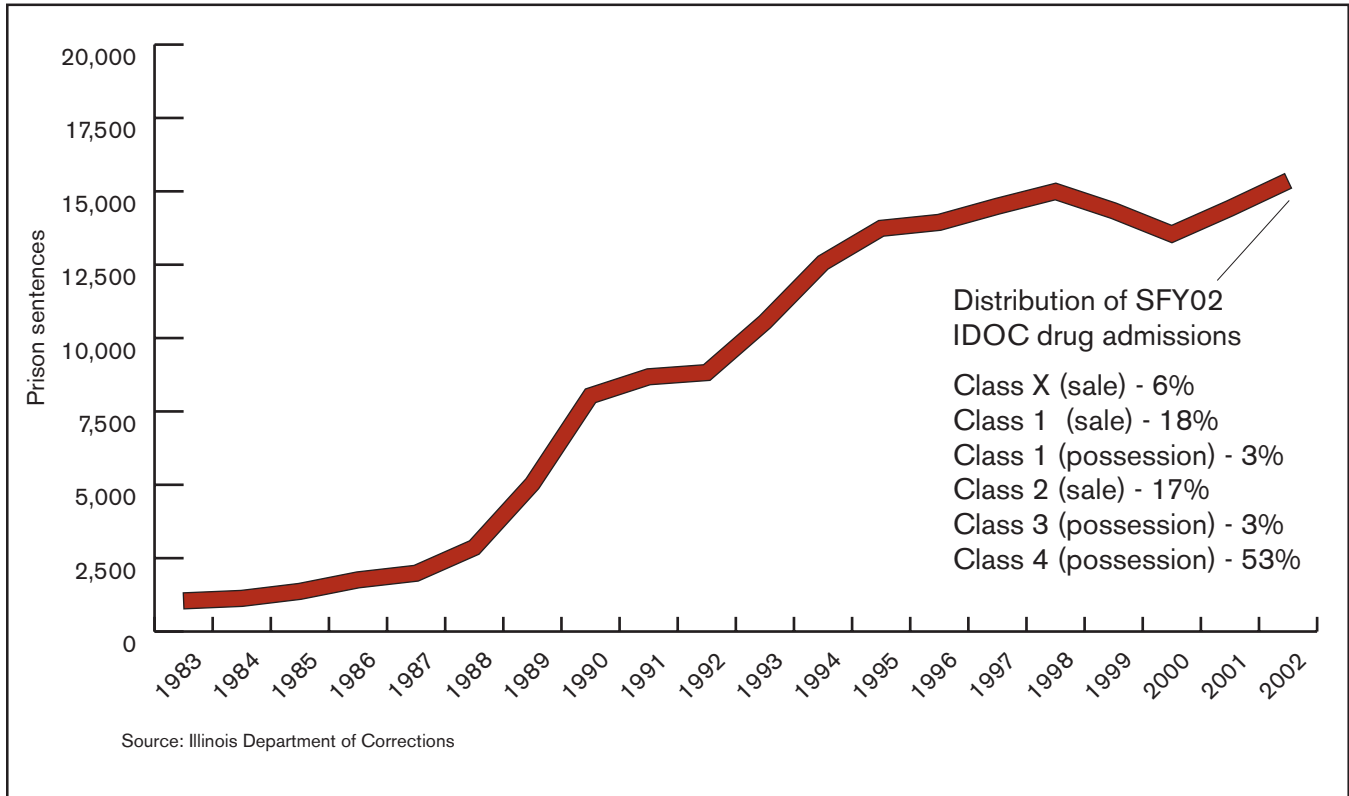
Statewide, arrests for violations of Illinois' Controlled Substances Act, prohibiting the production, sale, delivery, and possession of drugs such as cocaine, heroin, LSD, and methamphetamine, more than tripled during the late 1980s, and continued to increase during most of the 1990s, before decreasing between 1998 and 2002 (Figure 1). When trends in arrests for violations of the Controlled Substances Act were examined across different types of jurisdictions in Illinois, it is interesting to note that the period between 1987 and 1990 saw the largest increases in urban areas, including Cook County, the collar counties, and other metropolitan areas of the state. However, within rural jurisdictions, the large increase in arrests for violations of the Controlled Substances Act was not seen until the *mid-1990s*, fueled in large part by the increase in methamphetamine use and production in those areas. By 2002, Controlled Substance Act arrest rates in rural jurisdictions were equal to or exceeded rates in urban areas outside of Cook County.

Based on analyses of drugs seized by police departments across Illinois, it appears that cocaine and heroin account for the majority of Controlled Substances Act arrests in urban jurisdictions, while methamphetamine accounts for the majority of arrests in rural jurisdictions. Also, 71 percent of arrests for violations of the Controlled Substances Act are made in Chicago, and almost every violation of the Controlled Substances Act is a felony, and therefore can result in a prison sentence.

On the other hand, statewide arrests for violations of the Cannabis Control Act actually decreased during the mid-1980s through the early 1990s, before rebounding and increasing. Similar trends were seen across the different regions of Illinois, and were consistent with national trends in marijuana use. Unlike arrests for violations of the Controlled Substances Act, arrests for violations of the Cannabis Control Act are primarily made *outside* of Chicago (55 percent) and frequently involve misdemeanor offenses.

Finally, arrests for violations of the Drug Paraphernalia Control Act have increased dramatically since the law was amended in 1994 to include possession of drug paraphernalia, from fewer than 1,500 per year in the early 1990s to more than 13,000 by 2002. While arrests

Figure 2
Illinois prison sentences for drug offenses 1983-2002



for violations of Illinois' Hypodermic Syringes and Needles Act have increased over the last decade, the statewide numbers have remained relatively low — at or below 1,000 per year.

Overall, the majority of arrests for drug law violations in Illinois involved individuals over the age of 16 (adults), males, and non-whites. However there were substantial differences in the racial characteristics of arrestees when examined across drug laws and geographic regions in the state. For example, more than 80 percent of those arrested for violations of the Controlled Substances Act in 1999 were non-white, compared to 55 percent of those arrested for Cannabis Control Act offenses. Similarly, 86 percent of those arrested for drug law violations in Cook County and Chicago were non-white, compared to 37 percent of those arrested outside of Cook County and Chicago.

Males account for the majority of drug arrests in Illinois, regardless of the types of drug offenses considered. In 1999, males accounted for between 80

and 90 percent of all drug arrests, regardless of region or type of violation.

Sentences imposed on drug law violators

As a result of the increased focus on the enforcement of drug law violations and arrests for these offenses, an increasing number of offenders have been convicted and sentenced in Illinois.

But to fully understand the sentencing of drug offenders, it is important to distinguish between sentences imposed in federal and state courts in Illinois and to understand how drug offenses are classified and viewed under Illinois law. Most drug offenders in Illinois are tried, convicted, and sentenced in state courts. This is particularly important when considering the sentencing of these offenders, since drug offenses prosecuted federally are much more likely than those in state courts to carry mandatory minimum prison sentences, especially those involving crack cocaine. During the 1990s and through 2002, an annual average of nearly 500 drug law violators in Illinois were convicted and sentenced in the federal courts, and 95 percent of these convictions resulted in federal prison

sentences. The majority of cases processed through the federal courts involve large quantities of drugs and primarily trafficking charges. By comparison, it is estimated that more than 30,000 drug offenders were tried, convicted, and sentenced in state courts in 2000.

It is also important to understand how drug offenses are classified under Illinois law, as misdemeanors and felonies, and within each of these categories, the specific offense classes and possible sentences. As stated earlier, almost every violation of the Controlled Substances Act is a felony and can result in a prison sentence. On the other hand, most offenses identified under the Cannabis Control Act are misdemeanors, which cannot result in a sentence to prison, but could result in a sentence of incarceration in a county jail for up to 364 days.

Overall, it is estimated that about 50 percent of all felony drug law violators convicted in state courts were sentenced to probation, while the remaining 50 percent received a prison sentence. However, there are a number of specific factors that appear to influence which drug offenders are sentenced to probation rather than prison. Those convicted of selling drugs were five times more likely to be sentenced to prison than those convicted of felony drug possession, as were older drug offenders, males, minorities, and those sentenced in Cook County, even after other offender characteristics were statistically controlled. It also appears that orders to drug treatment mitigate the use of prison sentences for drug offenders, possibly indicating that the availability or acceptance of drug treatment may reduce the likelihood of prison sentences for drug offenses.⁴

Probation sentences for drug violations

Although there are limited data available regarding the specific characteristics of probation sentences in Illinois, through periodic data collection efforts by the Administrative Office of the Illinois Courts, it is possible to assess the impact of increased drug arrests on community corrections in Illinois. One clear pattern is that, like prison sentences, an increasing proportion of offenders placed on probation in Illinois were convicted of drug law violations. From 1990 to 2000, the estimated number of adult probationers convicted of a drug law violation increased from just under 16,000 to nearly 21,000. By 2000, drug law violations accounted for roughly 24 percent of all adult proba-

tioners in Illinois, and 42 percent of all adult probationers serving a sentence for a felony.

Further, it is estimated that one-half of all adult probationers in Illinois, regardless of their conviction offense, have a current or prior substance abuse problem involving illegal drugs. The existence of a substance abuse problem was one of the strongest factors contributing to recidivism among this population. Probationers with a substance abuse problem were two-and-a-half times more likely to get arrested again while on probation.⁵

Another trend found when examining the characteristics of probation sentences in Illinois is the increased utilization of substance abuse treatment as a condition of these sentences. For example, among probationers convicted of a non-DUI offense, the proportion with substance abuse treatment ordered increased from less than 12 percent in 1990 to 35 percent by 2000.

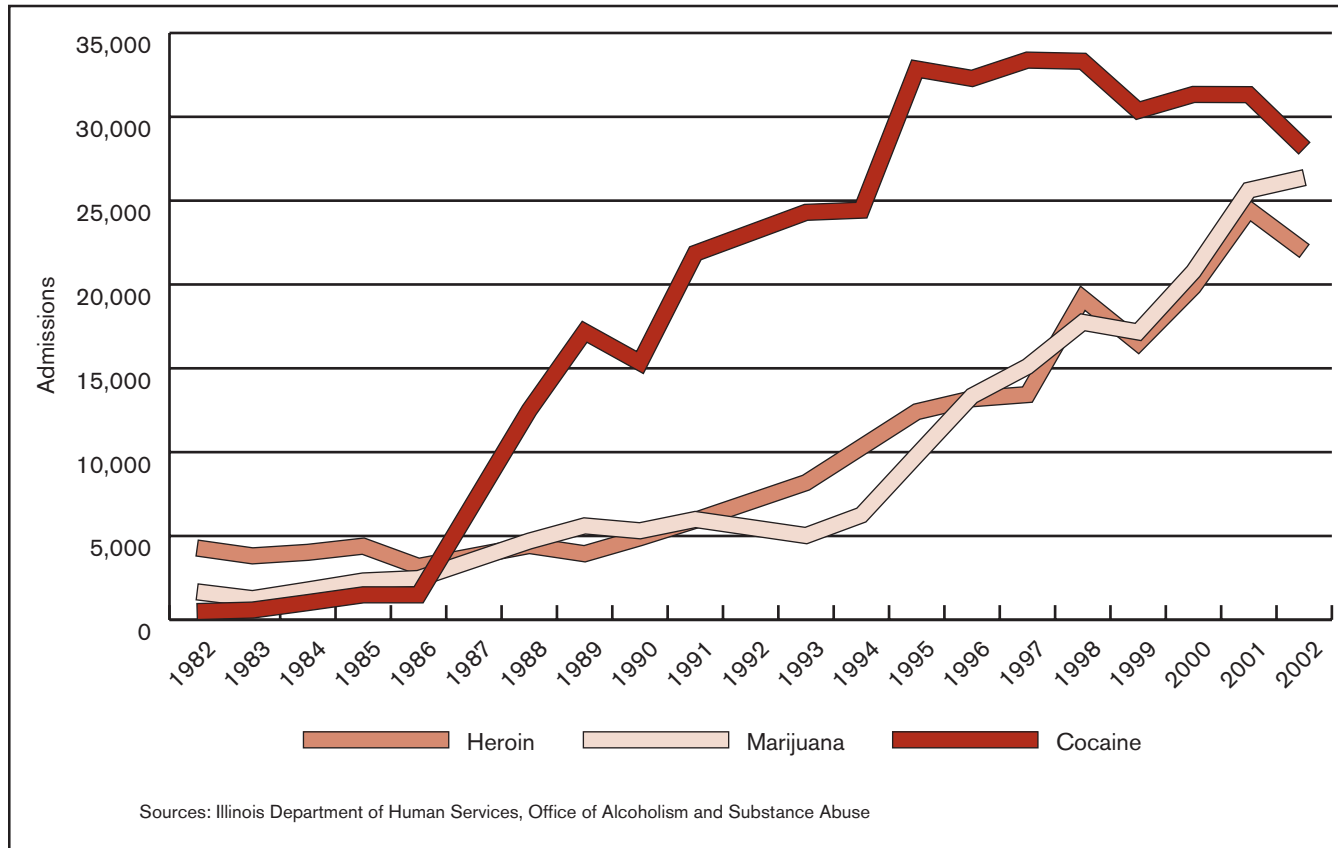
There also appear to be some regional differences in the utilization of substance abuse treatment among drug law violators on probation. In Cook County, where two-thirds of all felony drug probationers in Illinois are supervised, 30 percent of probationers discharged in 2000 were ordered or referred to drug treatment. By comparison, more than 70 percent of drug offenders on probation in other urban and rural areas of the state were ordered to substance abuse treatment.

Similar patterns were found when urinalysis as a condition of probation was examined. There was an increase of urinalysis as a probation condition during the 1990s, and by 2000, 50 percent of drug offenders on probation statewide had urinalysis as part of their probation sentence. However, regionally the use of urinalysis as a condition of probation for drug offenders varied, from 31 percent in Cook County to 75 percent in other urban jurisdictions.

Prison sentences for drug offenses

Statistics on the number of people sentenced to prison for drug offenses provide another indicator regarding the extent and nature of the drug problem across Illinois, and the justice system's response to it. As stated, few violations of the Cannabis Control Act are felony offenses. As a result, few prison sentences

Figure 3
Statewide OASA-funded drug treatment admissions



involve marijuana (less than 3 percent during state fiscal year 2002.). Thus, almost all prison sentences for drug offenses in Illinois involve Controlled Substances Act violations, primarily involving cocaine, heroin and methamphetamine.

During the 1980s and early 1990s, Illinois experienced an unprecedented increase in prison sentences for drug offenses, from fewer than 1,000 per year during the early 1980s to its peak of more than 15,000 in 2002 (Figure 2). By 2002, drug offenses accounted for 43 percent of all prison admissions in Illinois, compared to 15 percent during 1988. However, it is important to note that much of this increase can be explained by the dramatic increase in arrests for felony drug offenses, and roughly 75 percent of these sentences are imposed in Cook County.

In addition to the increase in arrests for felony drug offenses, changes in Illinois law have also contributed to the increase in prison sentences. Three changes in Illinois law over the last 15 years had an impact on prison sentences for drug law violators. They were: 1)

a reduction in the quantity/weight of cocaine, heroin and methamphetamine that correspond to more serious felony offense classes, 2) an expansion in the number of offenses which are non-probationable, and 3) provisions that allow for drug offenses committed under specific circumstances to qualify for more serious offense classes.

For example, the minimum weight for sale/delivery of cocaine, a Class X felony, which is non-probationable and requires a six-year minimum sentence, dropped from 30 grams to 15 grams. Class 1 possession dropped from 30 to 15 grams in 1988. In 1990, the legislature again modified the laws, making possession of 15 grams or more of cocaine or heroin a non-probationable offense requiring a prison sentence of at least four years.

Between 1992 and 2002, the number of prison sentences for Class 1 felony drug possession increased 70 percent, to 305 by 2002. Class X felony prison sentences tend to be the longest, averaging more than nine years, but they decreased in number from about

900 in 1990 to less than 600 in 2002. During the 1980s, however, admissions to prison in Illinois for Class X felony drug offenses jumped from fewer than 100 in 1983 to more than 900 by 1990.

Still, Class 4 felony possession of a controlled substance offenses have accounted for the largest category of prison admissions in Illinois since the mid-1990s. During 2002, more than 7,000 prison sentences were imposed for Class 4 felony possession offenses, or 20 percent of all prison sentences that year. These offenses carry a possible prison sentence of one to three years. Prison sentences in Illinois for Class 4 possession offenses, which by statute involve less than 15 grams of cocaine, heroin, or methamphetamine, averaged 19 months during 2002, although the actual length of time spent in IDOC was just more than five months. The disparity between sentence length and length of time served is due to inmates receiving various good conduct credits, as well as credit for time served in a county jail awaiting trial.

The actual length of time served by inmates convicted of drug possession offenses is also considerably shorter than what Illinois residents believe. For example, in a 1996 survey of Illinois residents conducted by Northern Illinois University, the perception among the general public was that those sentenced to prison for cocaine possession served an average of three years.⁶

Substance abuse treatment admissions

The demand for publicly funded substance abuse treatment services has exceeded availability in Illinois since the early 1980s, although resources for substance abuse treatment services increased dramatically in the mid-1980s. As a result, the number of individuals admitted — either voluntarily or as a result of a court order — to a state-funded substance abuse treatment for abuse of an illegal drug skyrocketed. During 1982, fewer than 9,000 people were admitted to a substance abuse treatment program. By 1989, this figure had climbed to more than 34,000. In 2002, more than 81,000 Illinois residents were admitted to a treatment program for abuse of an illegal drug, with cocaine, heroin and marijuana accounting for 94 percent of these admissions (Figure 3). Although admissions associated with methamphetamine abuse were relatively low – roughly 2,100 during 2002- this represents a

dramatic increase from the mid-1990s, and appears to be concentrated in Illinois' rural communities.⁷

Admissions for cocaine abuse began to increase dramatically in 1987, and have remained the number one illegal substance of abuse among admissions. The increased cocaine abuse treatment admissions coincided with the expansion of the crack cocaine market and an increased focus by law enforcement on the drug. Similarly, the decrease since 1998 is correlated with a decrease in arrests for offenses involving cocaine. In recent years, there has been a resurgence in treatment admissions for heroin and marijuana, which appears to be correlated with increases in use of these drugs, as well as increased arrests for offenses involving these substances.

There has been a direct impact of increasing drug arrests on drug treatment admissions in Illinois over the past two decades. During 2002, 40 percent of all treatment admissions for abuse of illegal substances were referrals from the justice system, compared to 30 percent during the late 1980s. Research also has confirmed the beneficial impact substance abuse treatment can have on substance abusing criminal populations. A study by the Illinois Department of Human Services' Office of Alcoholism and Substance Abuse found a substantial reduction in drug use and other criminal activity following completion of treatment⁸ and other studies have confirmed the reduction in recidivism attributable to completion of treatment among IDOC boot camp and female inmates⁹ and Illinois probationers.

Conclusions

Given the trends and patterns presented, a number of general conclusions can be made regarding the extent and nature of the drug problem in Illinois, and the justice system's response to it.

Law enforcement agencies have increased their ability to identify and arrest drug law violators, including those involved in drug distribution networks. In the mid- to late-1980s, when drug use among the general population was decreasing, arrests for drug possession increased dramatically.

The justice system also increased its capacity to identify and punish those involved in drug sales. This was accomplished by some of Illinois' largest police

departments, which have formed or expanded specialized, in-house drug units. Other jurisdictions, through the financial support of funds administered by the Authority, have formed or expanded multi-jurisdictional drug task forces or metropolitan enforcement groups (MEGs). Research shows that the capacity of local drug enforcement efforts have been greatly enhanced by MEGs and task forces, and the offenses and offenders targeted by these multi-jurisdictional units are more serious than those identified with traditional law enforcement strategies.

The sentencing of drug offenders in Illinois has also changed considerably. The number of probation sentences imposed on drug law violators has increased, as has the utilization of drug treatment and urinalysis. Still, a relatively small proportion of substance abusing probationers received treatment.

Prison sentences imposed on drug law violators have undergone considerable change in Illinois over the past two decades as well. The number of offenders sentenced to prison for these offenses has increased dramatically, fueled in large part by the increase in arrests for felony drug offenses, but also by changes to sentencing laws prohibiting the use of probation for certain types of drug offenses.

It also is important to consider these various indicators collectively and place them into a larger context. It is estimated that nearly 800,000 Illinois residents used an illegal drug in 1998, while about 100,000 people were arrested, 53,000 people were admitted to substance abuse treatment, and 15,000 people were sentenced to prison in Illinois for drug offenses that year. More drug offenders are placed into substance abuse treatment than sentenced to prison. Still, many are concerned that prison sentences for certain low-level drug offenses are unwarranted, and fail to address the rehabilitative needs of those sentenced. Part of this concern may be justified, particularly when one considers that the actual amount of time served in prison by these offenders is less than five months. On the other hand, prior research in Illinois shows that large portions of these low-level drug offenders have extensive criminal histories, including prior convictions for violent crimes. Many were already on probation for a felony when arrested for the crime that resulted in their incarceration.¹⁰

Collectively, the information presented in this summary reveals that both the justice system and the treatment system have increased their ability to identify and process those involved in drug use and sales, ranging from being better able to arrest those involved in the drug market, to increasing the capacity to provide substance abuse treatment. Improvements continue to emerge. Illinois drug courts have increased in popularity and effectiveness, and increasingly treatment is being delivered to both community corrections populations, and those who are incarcerated. In addition, research has consistently found that treatment can reduce both drug use and subsequent criminal behavior.

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