

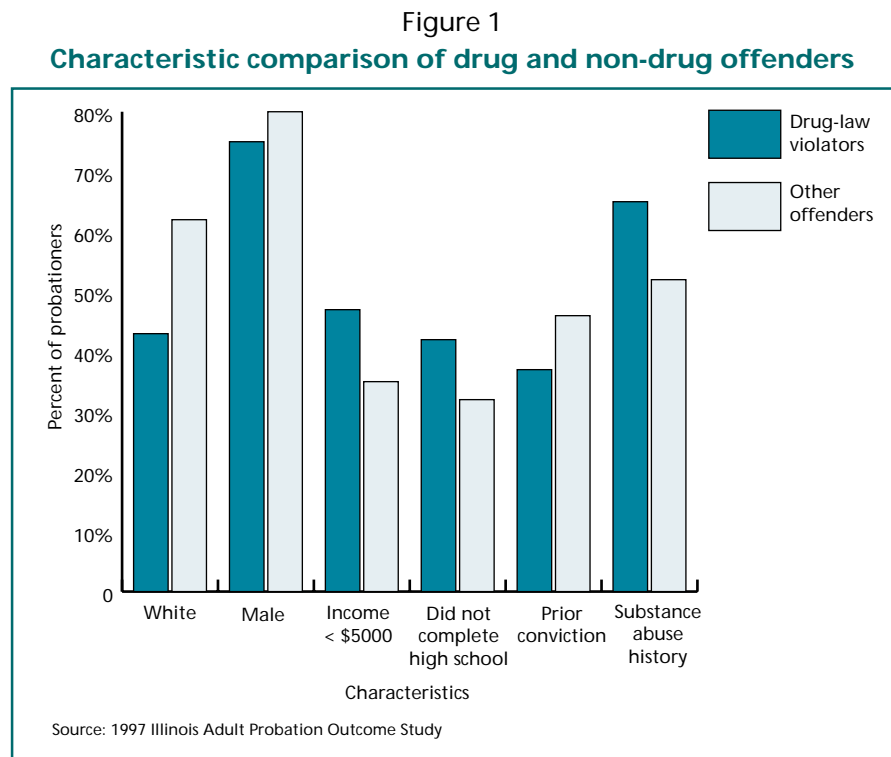
# Drug offenders on probation

By David Olson, Ph.D.

Since the mid-1980s, an increased emphasis on the enforcement of drug laws in Illinois has resulted in record numbers of arrests and convictions for selling or possessing illegal drugs. Drug arrests tripled between 1986 and 1998. The number of drug-law violators processed through the courts and convicted in Illinois climbed as a result, taxing both institutional and community-based correctional programs. The number of adults admitted to prison in Illinois for a drug offense increased dramatically during the mid-1980s and 1990s, from 1,107 in 1986 to almost 10,000 in 1999, accounting for 40 percent of total prison admissions that year.

Probation departments also have felt the effects of drug arrest and conviction increases. Between 1990 and 1995, 25 percent of adult probation sentences were for drug offenses. By 1995 the number of adults placed on probation with a drug offense as their most serious conviction exceeded those sentenced to prison. More than 11,100 adults were placed on probation, while 8,627 adults were admitted to prison.

Despite the substantial amount of resources and public policy focused on drug offenders, relatively little is known about the characteristics of those on probation for drug offenses, the sentences they receive, and their success under probation supervision. One perception is that because they were convicted of the same offense they are a relatively homogenous



population. An examination of their characteristics would help to determine if this is an accurate perception. It also is important to compare them to other types of probationers.

The latest study was undertaken to identify characteristics of drug offenders on probation in Illinois and compare them to those of other types of offenders.<sup>1</sup> The category of “drug offenders” included probationers convicted of a drug-law violation, while the category “non-drug offenders” included all other probationers except those convicted of driving under the influence. The variables examined and compared were grouped into three categories: probationer characteristics,

probation sentence characteristics, and case outcome measures. Through analyses of these data, the answers to two questions were sought. First, to what degree do probationers convicted of drug law violations differ from non-drug offenders across the variables considered? And second, to what extent does offense (drug versus non-drug) influence probation outcomes when other differences between the two groups are statistically controlled?

## Drug and non-drug offender characteristics

Differences were found between drug and non-drug probationers across most variables measuring probationer

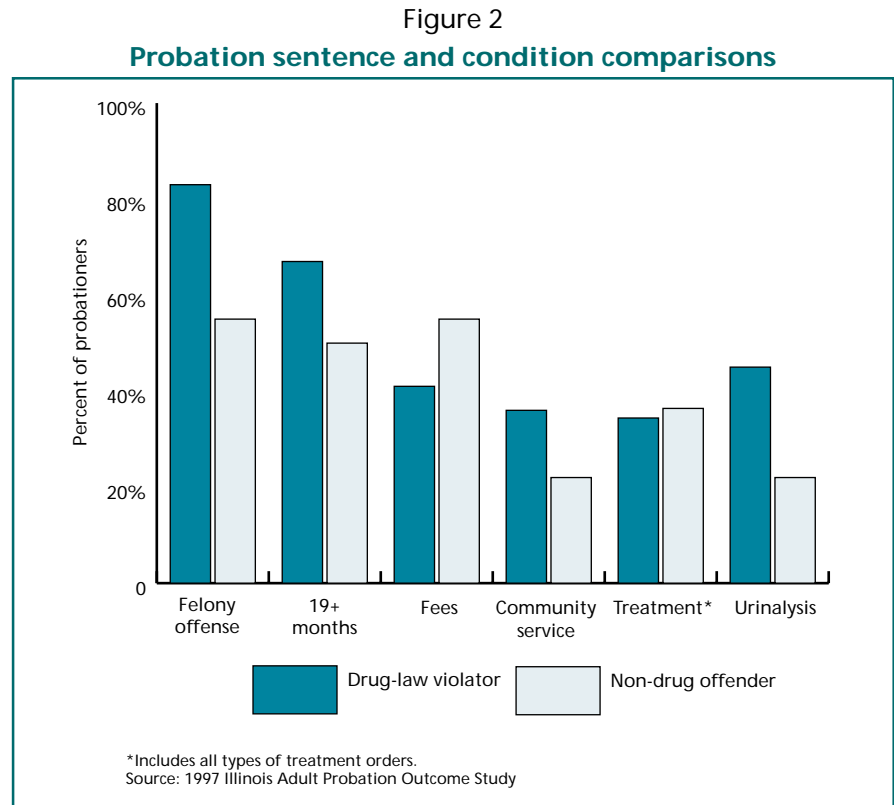
characteristics (Figure 1). Specifically, there were clear differences between drug and non-drug probationers when the distribution of race, income, educational achievement, criminal history, and substance abuse history were considered. On the other hand, gender and age differences between the two groups of probationers were less evident.

With respect to race, a much smaller proportion of those placed on probation for drug offenses were white than those on probation for non-drug offenses. Forty-three percent of adult drug offenders discharged from probation in Illinois were white, while 62 percent of non-drug offenders discharged were white.

Drug offenders on probation also had lower annual incomes. For example, 47 percent of drug offenders reported an annual income of \$5,000 or less, while 34 percent of non-drug offenders reported similar incomes. In addition, drug offenders on probation were more likely than their non-drug counterparts to be high-school dropouts (42 percent and 30 percent, respectively).

Differences also were noted when the criminal and substance abuse histories of the two groups were compared. Probationers convicted of drug offenses were less likely to have prior convictions, particularly for violent crimes, than those placed on probation for a non-drug offense. For example, 37 percent of the drug probationers had at least one prior adult conviction, while 46 percent of non-drug offenders studied had at least one prior conviction.

When substance abuse histories were compared, probationers convicted of a drug offense tended to have a higher prevalence of substance abuse, although more than one-half of non-drug probationers also were identified as having some type of substance abuse history. Thus, while the extent and nature of substance abuse was more serious among those on probation for a drug offense, probationers convicted of



non-drug offenses also had substantial substance abuse histories.

### Sentencing differences

Several sanctions can be imposed as conditions of probation in Illinois. Depending on the offender and offense, these options may be used singularly or in combination, and include restitution to victims, community service, random drug testing, mandatory treatment, and payment of fees or fines. However, the degree to which some of these additional sanctions were imposed varied between types of probationers (Figure 2). Probationers convicted of a drug offense were more likely than non-drug probationers to be convicted of a felony offense, be ordered to perform community service, and undergo drug treatment. Drug offenders also were more than twice as likely to be ordered by the court to submit to urinalysis. On the other hand, drug offenders placed on probation were less likely than their non-drug counterparts to be ordered to pay court costs and probation supervision fees. Further, no statistical differences were evident between drug and

non-drug probationers when overall court-orders to treatment were compared — combining treatment for alcohol or drug abuse, mental health issues, or domestic violence. Across both groups of probationers, slightly more than one-third had some treatment ordered as a condition of probation. However, among those on probation for a drug-law violation, almost all of the treatment orders were specifically for drug abuse.

### Probation case outcomes

Unlike the previous analyses which found several differences between drug and non-drug offenders across various probationer and sentencing characteristics, few differences were found when measures of case outcomes were compared (Figure 3). When comparisons were made between drug and non-drug probationers with respect to whether or not the probation sentence was revoked, a slight difference was evident. Almost 19 percent of drug offenders had their probation revoked, while just less than 15 percent of non-drug probationers

had their probation revoked. Closer examination of the reasons for revocation revealed that drug offenders were more likely to have their probation revoked because of a technical violation, while the non-drug offenders were more likely to have their probation rescinded because of a new arrest.

Differences were evident when the average number of technical violations for each group was compared. Drug probationers averaged 1.59 technical violations each, while non-drug probationers averaged one violation each. This difference could be a result of court-ordered urinalyses taken by drug probationers as a condition of probation. Drug probationers also received longer sentences on average, which may have placed them at a higher risk for technical violations.

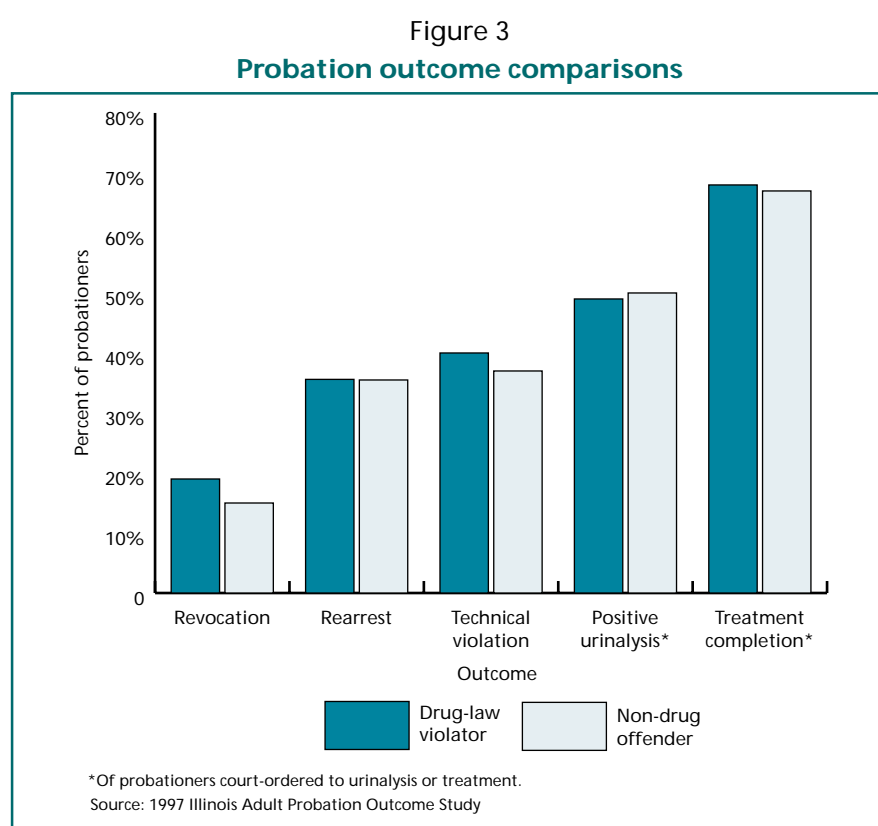
No differences were evident between the two groups with respect to treatment outcomes and urinalysis results of drug and non-drug probationers. The majority of drug and non-drug probationers ordered to participate in treatment either completed or were still enrolled in treatment when they were discharged from probation. About one-third of both groups ordered to treatment failed to complete treatment and were not actively enrolled in treatment at case discharge.

Similarly, no statistical differences were evident among drug and non-drug probationers when urinalysis results were compared. Among probationers tested, one-half of both drug and non-drug probationers tested positive at least once.

However, it is important to note that 45 percent of drug probationers were court-ordered to undergo urinalysis, while testing was required for only 22 percent of non-drug offenders (Figure 2). Of those court-ordered to receive urinalysis, drug probationers averaged 4.4 urine tests and non-drug probationers averaged 2.4 tests.

### Explaining case outcomes

Although there appeared to be few differences in probation case outcomes when the two groups of



probationers were compared, these analyses may mask differences because of the influence multiple variables had on case outcomes. For example, while non-drug probationers had more extensive criminal histories than drug offenders, drug offenders had lower levels of income and educational achievement, and more extensive prior histories of drug abuse — all factors associated with a higher risk of negative case outcome. Thus, in order to isolate the effects of conviction offenses on case outcomes, while taking into account the other differences, analyses were performed which controlled for differences between probationers.

Age, race, income, education, prior involvement in the criminal justice system, and a history of drug abuse were all found to be factors independently associated with probation outcomes. For example, probationers with a prior conviction were more than twice as likely to have their probation revoked or have a new arrest while on probation regardless of other factors, such as

age, conviction offense, and income. Similarly, probationers with a history of drug abuse were more than twice as likely to have their probation revoked than those without a drug abuse history. When the independent influence of the conviction offense was examined, probationers convicted of a drug offense were actually less likely to be arrested again and receive technical violations regardless of other probationer differences, such as race, income, education, and prior criminal history.

### Conclusions

Probationers convicted of drug-law violations tend to have a number of unique characteristics. They tend to be slightly younger minorities, report lower levels of income and educational achievement, and have more extensive substance abuse histories and less extensive criminal histories. Their sentences tend to be longer and involve community service and urinalysis as a condition of probation. Interestingly, despite the higher prevalence of substance abuse

history, no differences in overall orders to treatment were evident when the two groups of offenders were compared. When case outcomes were examined, those convicted of a drug offense were less likely to be rearrested or receive technical violations than other probationers.

These findings have a number of implications for criminal justice policymakers and practitioners. First is the clear need for sentencing decisions to be based on information beyond the current charge, such as educational and vocational needs and the extent and nature of the individual's substance abuse history. Although those convicted of drug offenses had a higher prevalence of substance abuse, more than one-half of non-drug offenders also had this risk factor in their backgrounds. Another finding is that despite the high prevalence of substance abuse among both groups of probationers, only about one-third of probationers

were ordered to treatment as a condition of their sentences. Given the impact a history of substance abuse has on probation outcomes, practitioners and policymakers need to better understand the reasons for the relatively low use of treatment orders as a condition of probation. Some possible explanations may be a lack of information regarding substance abuse at the time of sentencing, lack of treatment availability, or the concern that the inclusion of too many probation conditions may lead to technical violations.

<sup>1</sup>For a detailed description of the data used, see Olson, D.E. and Adkins, R. (1998): *Results of the 1997 Illinois Adult Probation Outcome Study*. Illinois Criminal Justice Information Authority, Chicago, Ill.

— *David Olson is an assistant professor of criminal justice at Loyola University Chicago, and a senior research scientist with the Authority's Research and Analysis Unit.*

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