



ILLINOIS SENTENCING POLICY ADVISORY COUNCIL

2014 ANNUAL REPORT

Hon. Gino DiVito, Chairman

Hon. Warren Wolfson, Vice Chair

Senator Kwame Raoul, Vice Chair

<http://www.icjia.state.il.us/spac/index.cfm?metasection=publications>

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ILLINOIS SENTENCING POLICY ADVISORY COUNCIL

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EXECUTIVE SUMMARY

- **Purpose** – The Sentencing Policy Advisory Council’s purpose is to provide policy-makers with sound data and analysis to inform evidence-based public safety policy decisions.
- **Meetings & Membership** – SPAC held four meetings in 2014 and two new members joined the Council. Stuart Umholtz, Tazewell County State’s Attorney, replaced outgoing member Bob Berlin. Kathryn Bocanegra filled the vacancy for a community organization representative. Belleville Police Chief William Clay resigned his position on SPAC which will be filled by appointment by the members of SPAC at the earliest opportunity.
- **Staffing** – SPAC hired a research analyst in 2014 and received level funding for FY15 which supports the addition of two staff members, a data manager and an additional research analyst.
- **2014 Legislative Session Fiscal Impact Analysis** – SPAC analyzed a variety of sentencing bills including: sentence enhancements for unlawful use of a weapon; sentence reductions for possession of small amounts of cannabis and some controlled substances; and raising the property value thresholds for felony retail and property theft. The cannabis proposals afforded SPAC its first opportunity to analyze local jurisdiction cost and savings, concluding that savings would be realized on the local rather than the state level due to low incarceration rates for cannabis possession. SPAC also answered data questions for various members of the Joint Committee on Criminal Justice Reform (JCCJR).
- **Research** – SPAC published a trends analysis of how enhancements to unlawful use of a weapon (UW) sentences over a ten-year period affected public safety as measured by incident reports, convictions and recidivism rates, as well as the impact on the prison population. The report concluded that Illinois’ decline in gun and violent crime rates matched national trends, and that recidivism rates for UW offenders were consistent during this period. Consequently, it was not possible to conclude that the sentence enhancements had yielded the intended public safety benefits. There was, however, a measureable impact on the DOC population that was consistent with the DOC population projections for some of the enhancement bills. The report was provided to the members of the JCCJR and distributed to SPAC members, advocates, and members of the press. SPAC also produced an infographic showing the consumption of prison resources by class of crime to illustrate where the greatest costs were incurred. The trends analysis and infographic are included in the Appendix to this report. All SPAC reports, fiscal analysis, and graphs are available at:
<http://www.icjia.state.il.us/spac/index.cfm?metasection=publications>
- **Cost-Benefit Analysis** – SPAC continued to work with the Pew-MacArthur Results First cost-benefit analysis model, populating it with Illinois-specific data. SPAC continued to request data on the costs of probation programs and was able to collect local cost data from McLean County which was put into the cost-benefit model. SPAC also began compiling a program inventory with cost information for education programs within the Illinois Department of Corrections. This will be the starting point for more comprehensive program inventories to support the cost-benefit work.

- **The Crime Reduction Act** – Pursuant to the Crime Reduction Act, 730 ILCS 190/5 *et seq.*, three entities, Adult Redeploy Illinois (ARI), the Risk, Assets, Needs Assessment Task Force (RANA) and the Prisoner Review Board (PRB) are required to report data to SPAC annually. IDOC has just begun to implement the risk assessment tool, therefore, neither RANA nor the PRB have data to report. ARI is working with SPAC on data collection and reporting, and SPAC has access to quarterly data reports from ARI.

Introduction

The concept for the Sentencing Policy Advisory Council (SPAC) was developed by the Criminal Law Edit, Alignment and Reform (CLEAR) Commission. The CLEAR Commissioners made significant legislative recommendations concerning the Criminal Code of 1961 and the Unified Code of Corrections in an effort to reduce redundancy and reorganize sections to make them less confusing and easier for the public and practitioners to understand. CLEAR concluded that there was a need for more substantive analysis of the fiscal and social impact of sentencing policies. SPAC was created to collect, analyze and present data from all relevant sources to more accurately determine the consequences of sentencing policy decisions and to review the effectiveness and efficiency of current sentencing policies and practices. SPAC is also mandated to do system-wide fiscal impact analysis so that the impacts on local jurisdictions can be considered. SPAC reports directly to the Governor and the General Assembly. *See* 730 ILCS 5/5-8-8(f), Appendix.

The members of SPAC represent diverse viewpoints. SPAC members include legislators, retired judges, and a representative of the Illinois Attorney General, prosecutors, defense attorneys, representatives of the Administrative Office of the Illinois Courts, a victim advocate, law enforcement officials, academics, and a community-based organization. The directors of the Illinois State Police, Department of Corrections, Criminal Justice Information Authority and the Chairman of the Prisoner Review Board serve *ex officio*.

SPAC is chaired by the Honorable Gino DiVito. The Honorable Warren Wolfson and Senator Kwame Raoul are Vice-chairpersons.

SPAC is subject to the Open Meetings Act. Meeting agendas and minutes are posted on our website: <http://www.icjia.state.il.us/spac/index.cfm?metasection=meetings>.

Statement of Purpose

The purpose of SPAC is to review sentencing policies and practices and examine how those policies and practices impact the criminal justice system as a whole in the State of Illinois. In carrying out its duties, SPAC is mindful of and seeks to achieve the purposes of sentencing in Illinois, which are to:

- (1) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders;
- (2) forbid and prevent the commission of offenses;

- (3) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents; and
- (4) restore offenders to useful citizenship.

(see 730 ILCS 5/8-8(b); see also 730 ILCS 5/1-1-2)

Staffing and Budget

In 2014 SPAC was staffed by Kathy Saltmarsh, Executive Director; Samantha Gaddy, Senior Policy Advisor; Nathaniel Inglis Steinfeld, Research Director, and Mystik Miller, Research Analyst, who joined the SPAC staff in September, 2014.

SPAC is funded through a lump sum grant of \$668,000 passed through the Department of Corrections budget, and that amount was appropriated for FY2015.

SPAC also receives technical assistance from the Illinois Criminal Justice Information Authority (ICJIA) and administrative support from the Illinois Department of Corrections (IDOC) and Central Management Systems' (CMS) Public Safety Shared Services.

Fiscal and Cost-Benefit Analysis

Software and technical assistance in implementing the cost-benefit model is provided at no cost through the Pew-MacArthur Results First Project. This assistance continues to be critical to SPAC's implementation of the model. In July, SPAC staff, accompanied by IDOC's Chief Fiscal Officer, attended a meeting of all the states currently implementing the Pew-MacArthur Results First model. One of the primary benefits was hearing from states that have produced detailed program inventories for their prison systems and are now expanding to complete inventories in other areas that impact the system. SPAC is using a template developed in Rhode Island and working with IDOC to collect the data needed for a complete program inventory.

As the Pew-MacArthur Results First model becomes more fully populated with Illinois-specific data, SPAC's ability to produce system-wide fiscal analyses capability has improved. Several proposals to reduce penalties for cannabis possession provided an opportunity to breakout costs and savings for units of local government as well as state actors. SPAC also provided a comparison of three cannabis possession bills at the request of the sponsors. The comparison is included in the Appendix to this report. All fiscal impact analyses are available on SPAC's website: <http://www.icjia.state.il.us/spac/>.

Nate Inglis Steinfeld collaborated with two groups of students at his alma mater, the LaFollette School of Public Policy at the University of Wisconsin, on cost-benefit related projects. The first group undertook a cost-benefit analysis of implementing risk assessment in the IDOC. The students attended a SPAC meeting and met with IDOC officials to gather the information they needed to produce the report. To the best of our knowledge, this is the first cost-benefit analysis of risk assessment done by a sentencing commission in the United States. The full report will be distributed to stakeholders, posted on the SPAC and University of Wisconsin websites, and the students will be invited to present their findings to SPAC at the earliest opportunity.

For the second project, students in a program evaluation class worked with staff at IDOC to produce a plan for evaluating the newly implemented computerized GED classes at IDOC

facilities. The plan will be provided to IDOC and could become the basis for an RFP, or potentially the evaluation could be done by a graduate student at the University of Wisconsin. This is the first attempt at an outside evaluation plan for an IDOC educational program. The overall lack of program evaluations remains a challenge in terms of producing cost-benefit analysis of specific programs; however, the importance of doing program evaluations is part of the discussion of overall criminal justice reform.

A draft of SPAC's first cost-benefit report on the high cost of recidivism was distributed to members at the December 12, 2014 meeting. SPAC staff will meet with individual members to get their feedback on the report and finalize it for publication in 2015.

Research

Average Offender Profiles – Because a significant portion of sentencing policy is generated by high-profile, extreme cases, SPAC produced a series of average offender profiles to focus discussion on the more common offenders. Profiles were based on people exiting DOC from July 1, 2008 through June 1, 2009 (FY09) in order to allow an analysis of the average time served and recidivism patterns. Persistent themes emerged of individuals with low educational attainment, multiple arrests and several convictions in their criminal histories, and almost all were people of color. Recidivism patterns were also similar with most offenders committing lower level drug and property crimes when they recidivated. SPAC will be adding an average female and average DUI offender profile in the near future. These profiles are available at: <http://www.icjia.state.il.us/spac/index.cfm?metasection=publications&metapage=researchreports> and the profile for the average drug offender is included in the Appendix to this report.

Trends Analysis: Unlawful Use of Weapons – This analysis was done to gauge what, if any, impact on gun offenses and violent crime occurred following a series of sentence enhancements for unlawful use of a weapon offenses in the twelve years from 2000 to 2012. SPAC compared crime trends from Chicago and the state as a whole to national trends as reflected in FBI data, and the trends in the five largest states that did not pass sentence enhancements during that time period. To account for crimes that occur but do not produce an arrest or conviction, SPAC included incident-based reporting from the Chicago Police Department's data portal. The trends in Illinois closely mirrored the national and five-state trends examined, and recidivism rates for U UW offenses remained consistent after the passage of the sentence enhancements. Because there was no discernible difference between Illinois, the other five states, and national trends, it was not possible to conclude that the enhancements had the intended impact on public safety. The only measureable outcome was an increase in the prison population after each enhancement, most likely due to probation being eliminated as a sentence and the high number of U UW offenders returned to prison for violating their conditions of release. The Trends analysis is included in the Appendix to this report and is also available at http://www.icjia.state.il.us/spac/pdf/SPAC_Trends_Analysis_Report_09_2014.pdf.

Infographic of Prison Resources Consumed - SPAC produced an infographic to illustrate the level of resource consumption based on the class of offense and the number of violent and non-violent offenders within each class. The infographic illustrates the relationship between length of stay and prison resource consumption by comparing the number of bed years with the attendant cost broken down by violent and non-violent offenders for each felony classification. The disparity in resources consumed by long-term prisoners sentenced for serious crimes and those who spend short stints in DOC for non-violent offenses illustrates that permanently and sustainably reducing the prison population will require addressing both how long offenders

stay in prison for serious crimes and how many offenders are admitted to prison each year. The infographic is included in the Appendix to this report and is also available at: <http://www.icjia.state.il.us/spac/pdf/SPAC%20Prison%20Resource%20Graphic.pdf>.

Collaborative Partnerships

SPAC continues to be represented on the Adult Redeploy Illinois (ARI) Oversight Board. ARI continues to add sites and has completed its first process evaluation. Outcome evaluations of the sites will be completed when sufficient data is available. Kathy Saltmarsh, Samantha Gaddy and Nate Inglis Steinfeld attended the ARI All-Sites Meeting where sites shared their challenges and successes as well as hearing from experts on housing, employment training and issues with behavioral health in the context of diversion, with a robust discussion of medically assisted treatment of addiction. Although the Risk, Assets, Needs Assessment (RANA) Task Force has been disbanded, SPAC participates in periodic updates on implementation of RANA. Kathy Saltmarsh, Nate Inglis Steinfeld and Samantha Gaddy also participated in the planning for IDOC's application for a Second Chance Act grant. IDOC received the grant and the focus is on implementing risk assessment for re-entry purposes.

In August, the National Association of Sentencing Commissions' (NASC) annual conference was held in New Haven, Connecticut. Kathy Saltmarsh, Samantha Gaddy and Nate Inglis Steinfeld attended presentations on drug court standards and certification, where it was noted that Illinois was the last state to hire a problem solving courts liaison. Issues addressed at the conference included; the impact of sentencing policy changes on administering prison systems, which featured prison directors from three states; and a presentation on the pressing need to use risk/needs assessment to appropriately sentence people with addiction and mental health issues, where it was pointed out that focusing diversion programs only on low-level non-violent offenders was exactly the opposite approach the system should take as these resources are better spent on high risk, high need offenders.

Nate Inglis Steinfeld and Kathy Saltmarsh also attended the Results First Initiative (RFI) annual State Convening in Santa Fe, New Mexico with 16 other states that are involved in implementing the Pew-MacArthur Results First model. As in the past, it was clear from the outset that the other states doing this work have far greater staff resources devoted to collecting cost and program data. Several states have used the RFI model to analyze outcomes and shift funding to the programs that produce the best outcomes. Nate Inglis Steinfeld attended a special session for technical experts that outlined changes to the model and Kathy Saltmarsh focused on the sessions involving states that had passed legislation to incorporate evaluation and cost-benefit analysis into the assessment of reform outcomes. The RFI team also provided a database that integrates nine individual clearinghouses on evidence-based practices into one tool, with programs ranked as evidence-based, promising, or not effective. The tool includes over 900 programs that have been evaluated nationally over time, with 172 programs from adult criminal justice. The other programs are from the other policy areas for which the cost-benefit tool can be used. As of the drafting of this report, the number of states implementing the cost-benefit analysis model has grown to 21.

Outreach

Data collection and analysis became the basis for several invitations to Nate Inglis Steinfeld to present on criminal justice data and how SPAC uses data. Due to a number of data requests directed to SPAC, SPAC and ICJIA hosted a data seminar to educate researchers about what criminal justice data is collected, how it is reported and how to properly request data. The

Criminal History Reporting Information data was presented by ICJIA's Chris Devitt-Wesley and Mark Powers; IDOC data was presented by Sharon Shipinski and Steve Karr, and local criminal justice datasets were presented by Dave Olson of Loyola University of Chicago. Attendees came from the Chicago Federal Reserve, Argonne National Laboratories, the MacArthur Foundation, several local universities, local nonprofit organizations, and members of the media. SPAC hopes to expand the pool of research partners through these types of presentations and plans to do a data meeting in downstate Illinois in 2015.

Nate Inglis Steinfeld presented on how SPAC uses criminal justice data to the following groups:

- The Chicago School of Data conference - improved data collection and sharing, and broader privacy issues.
- Loyola University Chicago's Masters of Urban Affairs and Public Policy School - criminal justice data, public service careers, and the need for quality program evaluations.
- The Justice Research and Statistics Association - Nate and Mark Myrent from ICJIA did a special post-conference session on using administrative records in the criminal justice context.
- Kathy joined Nate for a presentation to the TASC leadership team on how SPAC was using data to look at the system in a variety of ways as well as in the development of the cost-benefit analysis model. The group had a robust discussion of a variety of issues.

Nate also participated in several information sharing projects:

- Illinois Framework's legal, privacy, and confidentiality subcommittee.
- CJIA's National Governors Association project to connect Lake and St. Clair counties' data to IDOC and state resources.

These activities help to connect SPAC to other researchers and develop a broader knowledge of information sharing and privacy concerns, data use, and innovative approaches to analyzing the criminal justice system.

Conclusion

In 2014, SPAC focused on developing the tools to improve data collection and the best analytical procedures to fully support policy makers with reliable, objective, and easily accessible analysis of complex criminal justice issues. SPAC's fiscal analysis capability progressed significantly and SPAC continued to participate in the greater discussion of cost effective strategies that enhance public safety while deterring criminal conduct. As the capability to do cost-benefit analysis on Illinois programs develops, SPAC will be able to provide a powerful tool to prioritize public spending on criminal justice programs.

APPENDIX - THE ENABLING STATUTE - as amended by Public Act 98-0065

(730 ILCS 5/5-8-8)

Sec. 5-8-8. Illinois Sentencing Policy Advisory Council.

(a) Creation. There is created under the jurisdiction of the Governor the Illinois Sentencing Policy Advisory Council, hereinafter referred to as the Council.

(b) Purposes and goals. The purpose of the Council is to review sentencing policies and practices and examine how these policies and practices impact the criminal justice system as a whole in the State of Illinois. In carrying out its duties, the Council shall be mindful of and aim to achieve the purposes of sentencing in Illinois, which are set out in Section 1-1-2 of this Code:

- (1) prescribe sanctions proportionate to the seriousness of the offenses and permit the recognition of differences in rehabilitation possibilities among individual offenders;
- (2) forbid and prevent the commission of offenses;
- (3) prevent arbitrary or oppressive treatment of persons adjudicated offenders or delinquents; and
- (4) restore offenders to useful citizenship.

(c) Council composition.

- (1) The Council shall consist of the following members:
 - (A) the President of the Senate, or his or her designee;
 - (B) the Minority Leader of the Senate, or his or her designee;
 - (C) the Speaker of the House, or his or her designee;
 - (D) the Minority Leader of the House, or his or her designee;
 - (E) the Governor, or his or her designee;
 - (F) the Attorney General, or his or her designee;
 - (G) two retired judges, who may have been circuit, appellate, or supreme court judges; retired judges appointed prior to the effective date of this amendatory Act of the 98th General Assembly shall be selected by the members of the Council designated in clauses (c)(1)(A) through (L), and retired judges appointed on or after the effective date of this amendatory Act of the 98th General Assembly shall be appointed by the Chief Justice of the Illinois Supreme Court;

- (G-5) two sitting judges, who may be circuit, appellate, or supreme court judges, appointed by the Chief Justice of the Supreme Court; one member appointed under this paragraph (G-5) shall be selected from the Circuit Court of Cook County or the First Judicial District, and one member appointed under this paragraph (G-5) shall be selected from a judicial circuit or district other than the Circuit Court of Cook County or the First Judicial District;
 - (H) the Cook County State's Attorney, or his or her designee;
 - (I) the Cook County Public Defender, or his or her designee;
 - (J) a State's Attorney not from Cook County, appointed by the State's Attorney's Appellate Prosecutor;
 - (K) the State Appellate Defender, or his or her designee;
 - (L) the Director of the Administrative Office of the Illinois Courts, or his or her designee;
 - (M) a victim of a violent felony or a representative of a crime victims' organization, selected by the members of the Council designated in clauses (c)(1)(A) through (L);
 - (N) a representative of a community-based organization, selected by the members of the Council designated in clauses (c)(1)(A) through (L);
 - (O) a criminal justice academic researcher, to be selected by the members of the Council designated in clauses (c)(1)(A) through (L);
 - (P) a representative of law enforcement from a unit of local government to be selected by the members of the Council designated in clauses (c)(1)(A) through (L);
 - (Q) a sheriff selected by the members of the Council designated in clauses (c)(1)(A) through (L); and
 - (R) ex-officio members shall include:
 - (i) the Director of Corrections, or his or her designee;
 - (ii) the Chair of the Prisoner Review Board, or his or her designee;
 - (iii) the Director of the Illinois State Police, or his or her designee; and
 - (iv) the Director of the Illinois Criminal Justice Information Authority, or his or her designee.
- (1.5) The Chair and Vice Chair shall be elected from among its members by a majority of the members of the Council.

- (2) Members of the Council who serve because of their public office or position, or those who are designated as members by such officials, shall serve only as long as they hold such office or position.
 - (3) Council members shall serve without compensation but shall be reimbursed for travel and per diem expenses incurred in their work for the Council.
 - (4) The Council may exercise any power, perform any function, take any action, or do anything in furtherance of its purposes and goals upon the appointment of a quorum of its members. The term of office of each member of the Council ends on the date of repeal of this amendatory Act of the 96th General Assembly.
- (d) Duties. The Council shall perform, as resources permit, duties including:
- (1) Collect and analyze information including sentencing data, crime trends, and existing correctional resources to support legislative and executive action affecting the use of correctional resources on the State and local levels.
 - (2) Prepare criminal justice population projections annually, including correctional and community-based supervision populations.
 - (3) Analyze data relevant to proposed sentencing legislation and its effect on current policies or practices, and provide information to support evidence-based sentencing.
 - (4) Ensure that adequate resources and facilities are available for carrying out sentences imposed on offenders and that rational priorities are established for the use of those resources. To do so, the Council shall prepare criminal justice resource statements, identifying the fiscal and practical effects of proposed criminal sentencing legislation, including, but not limited to, the correctional population, court processes, and county or local government resources.
 - (5) Perform such other studies or tasks pertaining to sentencing policies as may be requested by the Governor or the Illinois General Assembly.
 - (6) Perform such other functions as may be required by law or as are necessary to carry out the purposes and goals of the Council prescribed in subsection (b).
- (e) Authority.
- (1) The Council shall have the power to perform the functions necessary to carry out its duties, purposes and goals under this Act. In so doing, the Council shall utilize information and analysis developed by the Illinois Criminal Justice Information Authority, the Administrative Office of the Illinois Courts, and the Illinois Department of Corrections.
 - (2) Upon request from the Council, each executive agency and department of State and local government shall provide information and records to the Council in the execution of its duties.

(f) Report. The Council shall report in writing annually to the General Assembly, the Illinois Supreme Court, and the Governor.

(g) This Section is repealed on December 31, 2015.

(Source: P.A. 97-775, eff. 7-13-12; 98-65, eff. 7-15-13.)

REVISED ON APRIL 22, 2014¹
Multiple Bills for Cannabis Control Act
RECLASSIFICATION & SENTENCE REDUCTIONS FOR CANNABIS OFFENSES
720 ILCS 550 SECTIONS 4, 5, 5.2, AND 8

The tables below summarize the SPAC estimates of the costs of the several Cannabis Control Act proposals under consideration. For each proposal, SPAC used data from 2010 through 2012 to calculate average sentence lengths, the number of offenders, and costs under each subsection. SPAC then calculated the expected costs and the difference, either positive or negative, which represents the change in costs had the proposals been in effect for those years. The total benefits include both local and state costs avoided and revenue generated from petty offense fines.

The table to the right breaks out the total benefits into state and local categories. The cost of mandatory supervised release, a required term of supervision administered by the Illinois Department of Corrections (IDOC) after release from prison, is not included due to data limitations. Negative benefits are additional costs that would have been incurred had the proposal been in effect.

	HB4299	HB5708	HB4091
	Mitchell	Cassidy	Zalewski
Local Detention Benefits	\$386,588	\$3,811,011	\$1,947,950
Local Probation Benefits	\$19,262,517	\$20,408,703	\$18,853,425
Total Local Benefits	\$19,649,105	\$24,219,714	\$20,801,375
State Prison Benefits	\$2,515,813	\$1,245,210	\$2,060,440
State Supervision Benefits	\$0	\$0	\$0
Total State Benefits	\$2,515,813	\$1,245,210	\$2,060,440
Total Costs Avoided (Benefits)	\$22,164,918	\$25,464,924	\$22,861,815
Revenue	\$885,630	\$891,100	\$2,110,160
Total Benefits	\$23,050,548	\$26,356,024	\$24,971,974

The table below shows the benefits divided by subsection of the Cannabis Control Act:

Current 720 ILCS 550 Section:	Statute Description	HB4299 Benefits	HB5708 Benefits	HB4091 Benefits
4(a)	Possession Less Than 2.5 grams Cannabis	\$7,145,162	\$7,145,162	\$7,244,571
4(b)	Possession 2.5 to 10 grams Cannabis	\$7,367,561	\$7,367,561	\$7,142,664
4(c)	Possession 10 to 30 grams Cannabis	\$8,732,929	\$12,633,367	\$11,521,418
4(d)	Possession 30 to 500 grams Cannabis	-\$1,161,660	-\$790,066	-\$790,066
4(f)	Possession 2,000 to 5,000 grams Cannabis			-\$1,577
5(a)	Manufacture or Delivery Less Than 2.5 grams	\$144,978		\$0
5(b)	Manufacture or Delivery 2.5 to 10 grams	\$1,429,865		-\$364,679
5(c)	Manufacture or Delivery 10 to 30 grams	-\$977,727		\$192,585
5(d)	Manufacture or Delivery 30 to 500 grams			\$748,713
5(f)	Manufacture or Delivery 2,000 to 5,000 grams			-\$706,372
8(a)	Possession of Cannabis Plants, Fewer Than 5	\$347,151		
8(b)	Possession of Cannabis Plants, 5 to 20 Plants	\$22,290		
5.2	Manufacture or Delivery near a School			-\$15,281
	TOTAL BENEFITS	\$23,050,548	\$26,356,024	\$24,971,974

The estimates use the following costs:

Custody type:	Amount
Local Jail Cost	\$15,256
Local Probation	\$1,800
State Prison Marginal Cost	\$5,961

To calculate the cost of public spending on this offense for 2010 through 2012, SPAC used Criminal History Reporting Information (CHRI) and IDOC data on the number of arrests, convictions, admissions to prison and probation and the average length of stay in criminal justice facilities. During these three years, the data show:

Cannabis	Possession			Manufacture or Delivery			Other	Plant Production
	2010	2011	2012	2010	2011	2012	2010-2012	2010-2012
Arrests	49,050	44,615	41,423	4,413	4,101	4,010	3,650	1,269
Convictions	5,840	4,942	3,128	1,524	1,475	1,371	650	323
Probation	780	730	705	783	758	689	264	183
Withheld Judgments	3,242	2,717	1,746	355	347	325		
IDOC Admissions	253	215	243	452	426	396	180	39
Average Sentence Imposed	2.2 yrs	2.2 yrs	2.0 yrs	3.3 yrs	3.4 yrs	3.5 yrs	3.5 yrs	3.0 yrs
Average Prison Time Served	0.5 yrs	0.6 yrs	0.7 yrs	1.0 yrs	1.0 yrs	1.2 yrs	1.1 yrs	0.8 yrs
Average Pretrial Detention Period	0.2 yrs	0.3 yrs	0.3 yrs	0.3 yrs	0.3 yrs	0.3 yrs	0.3 yrs	0.2 yrs
Total time in custody (years)	0.7	0.9	1.0	1.3	1.3	1.5	1.4	1.0

NOTE: The differences in arrest, conviction and sentencing numbers reflect the effect of charging decisions, plea bargains, and trial outcomes. Many individuals arrested for cannabis possession or possession with intent have charges dropped without a guilty plea or trial. Other cases receive probation sentences that are not technically convictions but instead “withheld judgment” adjudications. Once an offender successfully completes probation, the charges are withdrawn. The withheld judgment totals count only the subsection of cannabis cases charged under offenses altered by the legislative proposals analyzed here.

¹ SPAC updated the cannabis analyses to correct the number of arrests for Cannabis Possession of between 2.5 and 10 grams and the number of withheld judgments with supervision requirements for Cannabis Possession of between 10 and 30 grams in Illinois from 2010 to 2012. The latter change increased the potential benefits in all three legislative proposals. The potential benefits increased because more offenders than originally identified would be removed from probation caseloads.

Joe D.O. (Drug Felon)

26 of every 100 inmates leaving state prison had controlled substance sentences in SFY 2009.

Who is the average inmate coming out of state prison? What crime did he or she commit? How long did he or she spend in the system? What was his or her experience? To begin answering these questions, SPAC analyzed state prison releases from July 2008 to June 2009 (SFY 2009) to create an average “profile” using the most often occurring characteristics, as well as average and median (50th percentile) lengths of stay. The composite result, the hypothetical Joe, follows one average offender’s experience to promote discussion of the regular DOC inmate released from state prison.

D.O. is a black male, born in Illinois as a U.S. citizen, and is 31. He considers himself single and reported to the Illinois Department of Corrections (DOC) that he completed high school.

- For every 100 drug felons released in SFY 2009, 10 were women.
- 75 were black, 17 white, 8 Hispanic.
- 84 were born in Illinois, 96 born in the United States.
 - o After Illinois, the next largest birthplaces were Mississippi (3) and Mexico (3).
- 25 of these 100 drug felons were younger than 25, but the average was in his 30s.
- 76 were single like D.O.; 15 reported being married, 6 divorced.
- D.O. might have exaggerated on his education, but he probably completed at least half of high school (20 of the 100 reported completing high school, another 15 GEDs, and 9 some college, graduate, or technical schooling).

After being arrested for possession of a controlled substance in early 2008 in Cook County, D.O. spent **92 days (3 months) in local jail** prior to sentencing.

- A few of the 100 with long pre-custody jail time pulled the average upwards to 132 days (4 months).

Before this incident, D.O. had been **arrested 18 times before** (at least 6 of which were for drug offenses, 5 were property offenses, and 3 were person (i.e., violent) offenses).

- From those 18 arrests, D.O. has been convicted of 2 felony drug offenses, 1 felony property, and 1 felony person offenses. D.O. has at least 2 other convictions (for misdemeanors).

D.O. was charged with felony drug possession and received a **1-year-and-3-month sentence for a Possession of a Controlled Substance violation, a Class 4 felony**.

- 58 of 100 drug offenders released in SFY 2009 received a sentence for Possession while 41 received a sentence for Manufacture or Delivery.
- 23 of 100 drug offenders had returned to prison on technical violations of their mandatory supervised release (MSR) terms prior to their release in SFY 2009.
- D.O. was one of the 52 of the 100 felons whose highest holding offense-class was a Class 4 felony.
 - o 23 were held on Class 1 felonies;
 - o 17 were held on Class 2 felonies;
 - o 6 were held on Class X felonies.

D.O. was not limited in good-time credits under Truth-In-Sentencing laws.

- 1 of every 100 drug offenders faced TIS terms in SFY 2009 (same as admissions in SFY 2012).

D.O. spent **6 months in state prison**. DOC credited D.O. 3 months for his 92 days in local jail.

- A few of the 100 released drug offenders with long sentences brought the average up to 12 months of actual time served.

D.O. was **released from Stateville CC** on Friday, August 8, 2008.

- 10 of the 100 drug offenders released were from Stateville (a maximum security facility). 10 were from Pinckneyville (medium) and 7 from Vienna (minimum) CCs. Sheridan (medium) released 4 in SFY 2009.
- 6 were released from adult transition centers (ATC) and 1 from electronic monitoring by DOC.

D.O. was **released to Mandatory Supervised Release**, as required by statute, for 1 year. By June 2012 (3 years from release), D.O. was **rearrested 3 times**.

- Most likely arrested for drug, property, or other (category) offenses.
- Of all the arrests, likely to be convicted for 1 drug offense.
- 12 of drug offenders released in 2009 had been returned to prison for violating conditions of supervised release where they served the remainder of their time before being discharged without further supervision.



January 2014

Trends Unlawful Use of a Weapon Analysis

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Question Presented

Has increasing the sentencing penalties for unlawful use of a weapon offenses had a positive effect on public safety over the last 10 years?

This report uses basic trend analysis to examine whether the increased penalties for unlawful use of a weapon (UW) offenses preceded any change in measurable public safety outcomes. In this report, measurable public safety outcomes are the number of reported violent gun crime offenses and the rate that UW offenders are reconvicted of crime within three years of release (i.e., recidivism). If the UW penalty enhancements were effective deterrents, fewer violent gun crimes would be committed and UW offenders would be less willing to risk reconviction after release from prison.

	Page
This analysis finds minimal effects on the public safety outcomes:	
<ul style="list-style-type: none"> • The 10-year trends for UW crimes and overall violent crime, represented by incidents reported in Chicago, matched national downward trends in violent crime 	5
<ul style="list-style-type: none"> • Arrest data indicate that Cook County accounted for 65% of all UW arrests in 2012 	7
<ul style="list-style-type: none"> • Recidivism rates for UW offenders are similar immediately before and after the sentencing enhancements 	8
This analysis finds an increase in the number of prisoners held by the state:	
<ul style="list-style-type: none"> • The Illinois Department of Corrections (IDOC) prisoner population increased after each penalty enhancement 	10
This analysis concludes that the increase in UW prisoners is likely caused by the cumulative effect of (1) a decrease in the use of probation and (2) an increase in technical violations of UW offenders on supervised release	14

The Sentencing Policy Advisory Council prepared this report with the assistance of the Illinois Criminal Justice Information Authority and data from the Illinois Department of Corrections.

METHODOLOGY

Identifying the specific effects of legislation on public safety would require significant time and resources to sufficiently control for overall crime trends and other real-world factors. Consequently, the basic trend analysis used here is suggestive, but not dispositive, of the relationship between legislative changes and crime effects over the past decade. Further study, which requires more time and resources, is necessary to find appropriate controls and methods to isolate and identify the effects.

This report analyzes public safety outcomes for U UW by a felon (U UW-Felon), aggravated U UW (Agg U UW), and U UW by a street gang member (U UW-Gang). For the recidivism rate analysis, this report excludes several statutory changes because too few convictions and releases have occurred since implementation. For example, a U UW-Gang arrest and conviction in 2011 does not have three years of post-release for full recidivism analysis.

STATUTORY DEFINITIONS

Unlawful use of a weapon criminalizes possession of a weapon under certain circumstances. The weapon, which statutorily includes a range of firearms and other weapons, does not have to be used to establish the offense. U UW is not statutorily classified as a violent offense, although a common belief is that those who are convicted of a U UW offense may be predisposed to committing violent crimes with weapons.

The most frequent type of U UW offense that results in arrest is **aggravated unlawful use of a weapon** (Agg U UW). 720 ILCS 5/24-1.6. The offense occurs when a person who does not have, and may not be eligible for, a Firearm Owner's Identification (FOID) card, is outside his or her home and in possession of an accessible firearm, loaded or unloaded. Other types of firearms and circumstances can meet the elements of Agg U UW, but the most significant factor is the lack of a FOID card.

The second most common type of U UW offense that results in an arrest, **unlawful use of a weapon by a felon** (U UW-Felon), hinges on the status of the possessor, i.e., the person has a prior felony under Illinois law. 720 ILCS 5/24-1.1. The type of prior felony conviction determines whether the U UW-Felon offense is a Class 3 or Class 2 felony. Under current state and federal law, convicted felons cannot legally possess a firearm.

As with U UW-Felon, **unlawful use of a weapon by a gang member** (U UW-Gang) hinges on the individual's status as a street gang member. 720 ILCS 5/24-1.8. U UW-Gang was established in 2009 and comparatively few individuals have been convicted of this offense.

LEGISLATIVE TIMELINE

This analysis tracks trends in crime, recidivism rates, and the IDOC population before and after the following changes to the U UW sentences:

- 1/1/2000 U UW-Felon moved from a Class 3 felony to a Class 2 felony if the offender was previously convicted of a forcible felony, a felony FOID Act violation, or other enumerated felonies.
- 4/13/2000 Agg U UW created; first offense is a Class 4 felony, a second or subsequent offense is a Class 2 felony.
- 1/1/2006 Second or subsequent U UW-Felon and Agg U UW offenses become Class 2 felonies ineligible for probation.
- 12/3/2009 Class 2 felony of U UW-Gang created; U UW-Gang first offenses are eligible for probation if the gun is not loaded. A second or subsequent offense is ineligible for probation.
- 1/1/2011 Probation eliminated for Agg U UW first offense if there is an accessible, loaded gun and the offender has no FOID card.
- 1/1/2012 Eliminated probation for all U UW-Felon offenses.

The next page presents a visual depiction of this timeline with the applicable Public Acts (P.A.).

Figure 1. Timeline of UUW Offense Legislation

UUW FELONY OFFENSES' LEGISLATIVE HISTORY



Letters identify the legislation on graphs presented throughout this report.

UUW OFFENSE TRENDS

These UUW sentencing enhancements were intended to deter UUW offenses. In 2006, the sponsor of the bill eliminating probation argued it would send “a strong message” of deterrence to offenders because they would know that they were going to prison. If the sentencing changes worked, both violent gun crimes and the number of UUW violations would fall because fewer felons, gang members, and those without a FOID card would carry a gun and risk the increased sanction.

To test whether fewer offenses occurred after the enhancements, SPAC turned to the only incident-based crime data publicly available in Illinois: the Chicago Police Department’s offense data. The incident counts represent the public’s experience of crime because, unlike arrest or conviction data, the reported incidents are not affected by non-arrests or plea agreements.¹ For example, Chicago data show that only one of every four reported violent offenses, like assault and battery, result in an arrest.² For robbery, only one in ten incidents result in an arrest.³ The state’s Criminal History Report Information (CHRI) database contains only incidents resulting in an arrest. However, using offense statistics limits this analysis because it is only available for Chicago and can only measure crimes reported to police.

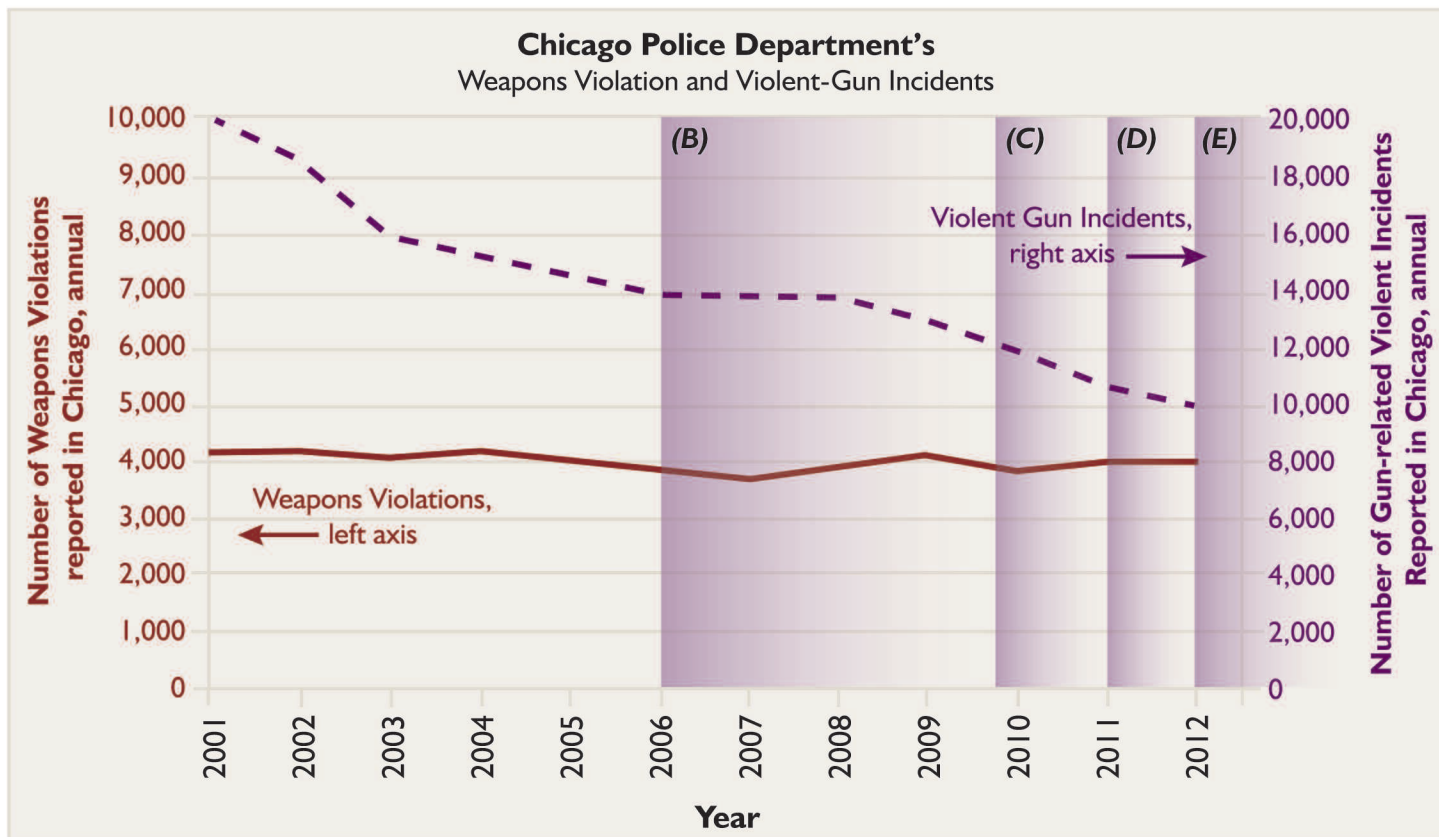
Figure 2 shows the trends in violent offenses with a gun or firearm and UUW offenses in Chicago. The shaded regions on the graph represent the effective dates of UUW enhancements and new offenses.

¹ Reported offenses still may understate crime because of non-reporting. See United States Department of Justice, Bureau of Justice Statistics, National Crime Victimization Survey: 2012, October 2013, NCJ 243389, <http://www.bjs.gov/content/pub/pdf/cv12.pdf>, accessed on December 23, 2013 (“In 2012, 44% of violent victimizations and 54% of serious violent victimizations were reported to the police.”).

² City of Chicago, Chicago Police Department, <https://data.cityofchicago.org/Public-Safety/Crimes-2001-to-present/ijzp-q8t2>, accessed on December 4, 2013 (filtered to only incident and arrest data from 2011).

³ City of Chicago, id. (only 2011). Misdemeanor violent offenses have higher arrest rates; for example, 78% of 2011’s public peace violation incidents result in arrest.

Figure 2. Number of Weapons Violations and Violent-Gun Offenses in Chicago



The shaded regions in the above chart represent:

- (B) PA. 94-072, which made second UUW-Felon a Class 2 offense; and made second and subsequent Agg UUW and UUW-Felon offenses non-probationable.
- (C) PA. 96-829, which created UUW-Gang offense.
- (D) PA. 96-1107, which made the first offense of Agg UUW non-probationable if the gun is accessible without a FOID card.
- (E) PA. 97-237, which made all UUW-Felon offenses non-probationable if the gun is accessible.

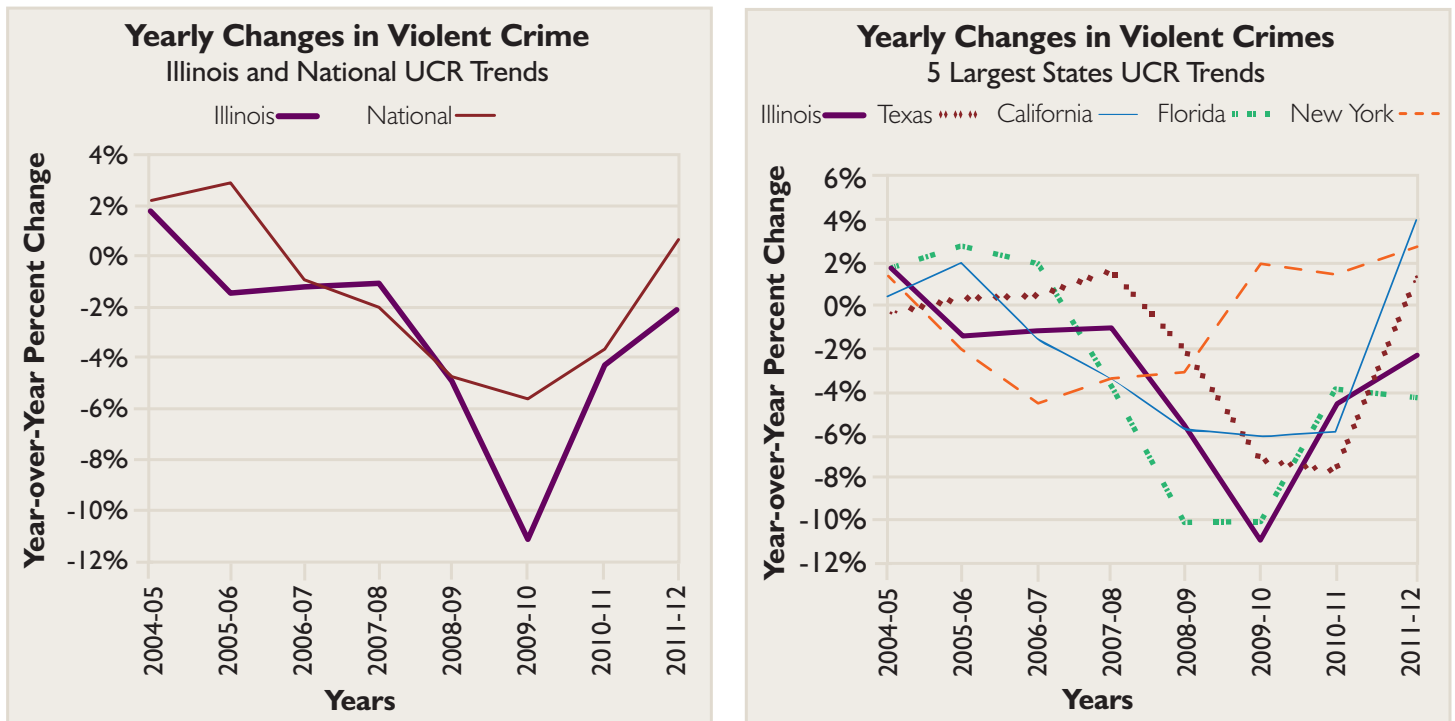
Source: SPAC analysis of CPD Data Portal data

The purple, dotted line in *Figure 2* represents the total number of violent offenses per year in Chicago that were either murders or involved a firearm. It shows a downward trend from over 20,000 in 2001 to roughly 10,000 in 2012. From 2001 to 2006, reported violent offenses with guns declined by 29%; from 2006 to 2010 after the legislative change, violent offenses declined by 18%. This decrease parallels the overall decline in violent crime (including crimes without guns or firearms) for Illinois.

The solid line represents weapons violation offenses. Weapons violations offenses are the number of UUW offenses reported to or discovered by police. The number of these offenses has remained constant in Chicago, with a low of 3,543 in 2007 and a high of 4,164 in 2009. UUW offenses did increase from 2007 to 2009 perhaps because of increased arrest and charges by police and prosecutors after the 2006 legislation. The UUW offenses then decreased to slightly below 2005 levels by 2012.

If the recent UUW changes had an impact on either gun crimes or weapons violations, the number of offenses in both lines would drop faster after the laws' effective dates. The decrease in violent offenses could be expected, although the percent decrease *after* the legislative change would be expected to be larger. To examine whether the overall decrease is unique to Illinois' UUW laws, SPAC examined the trends in violent Uniform Crime Report (UCR) crimes nationally and in other large states. These other large states (California, Texas, New York, and Florida) did not change weapon offense sentences and should have no relation to the Illinois crime trends. Instead, the UCR trends in Illinois roughly followed the national trends (*Figure 3, left*) and those of three of the four other large states (*Figure 3, right*).

Figure 3. Yearly Changes in the Violent Crimes Reported by FBI, National and 5 Largest State Trends



Source: SPAC analysis of national UCR data

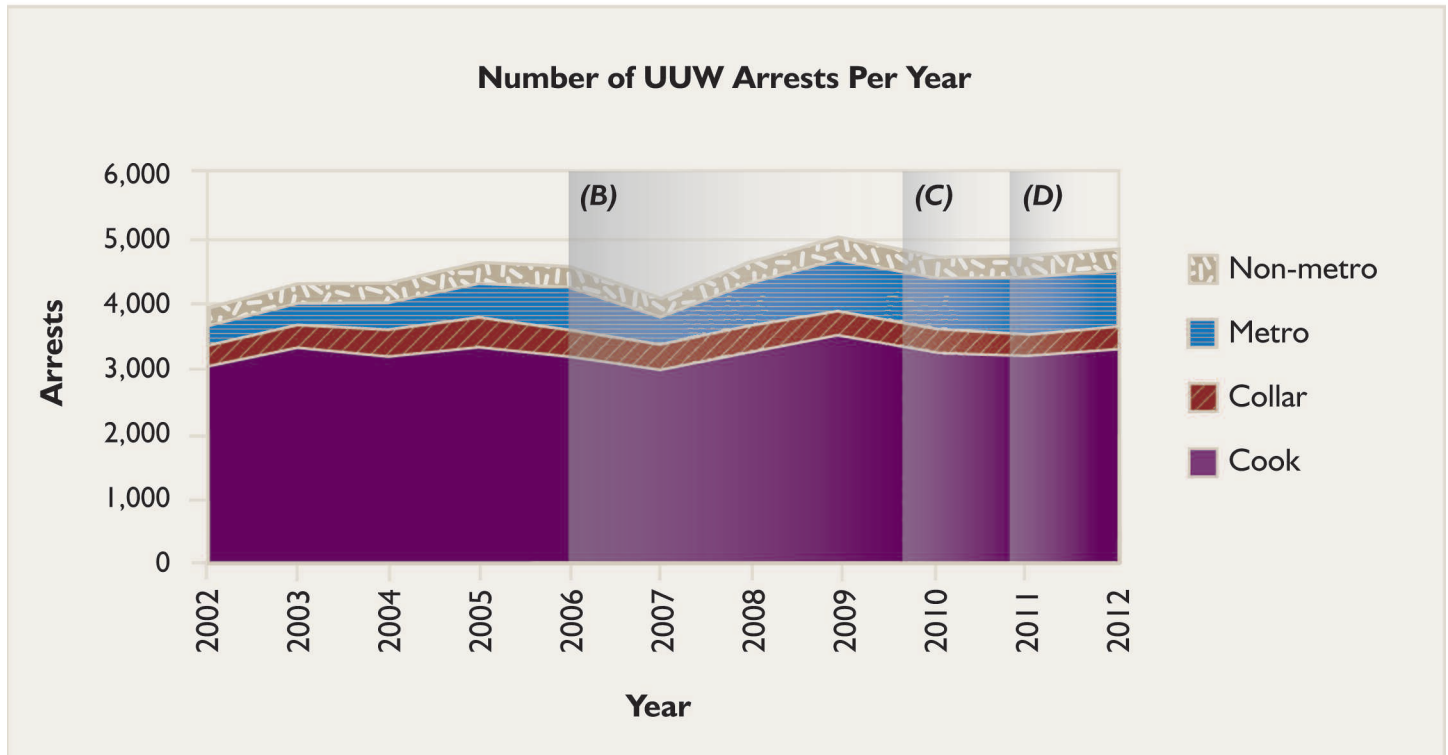
The downward trend in violent crime is consistent with national trends. As seen in *Figure 3*, Illinois' violent crime has followed the general patterns of national violent crime. Nationally, researchers have studied the perplexing and important relationship between declining crime rates and harsher sentences for years (sources in *References Appendix*). Despite study, the relationship is not well understood. Some experts have concluded that 25% of the declining crime rate is attributable to sentencing. Others suggest the effect is as low as 10% or as high as 40%. Overall, the studies suggest that over half of recent crime rate reductions are attributable to factors other than harsher sentences.

ARRESTS OF U UW OFFENDERS

The Chicago Police Department's offense statistics are not representative of the entire state. One-third of all U UW arrests are made outside of Cook County, according to fingerprint arrest cards submitted to the State Police's Criminal History Record Information (CHRI) system. The remainder of this report uses statewide data.

In *Figure 4*, the 2012 data show Cook County accounts for 65% of the total U UW arrests for the state. The collar counties (DuPage, Kane, Lake, McHenry, and Will counties) account for 9% of the arrests. Counties with a metropolitan area population greater than 50,000⁴ accounted for 18%, while non-metro counties accounted for 8% of statewide U UW arrests.

Figure 4. Number of U UW Arrests per Year, Grouped by Geographic Area



The shaded regions in the above chart represent:

(B) P.A. 94-072, which made second U UW-Felon a Class 2 offense; and made second and subsequent Agg U UW and U UW-Felon offenses non-probationable.

(C) P.A. 96-829, which created U UW-Gang offense.

(D) P.A. 96-1107, which made the first offense of Agg U UW non-probationable if the gun is accessible without a FOID card.

Source: SPAC analysis of CHRI data

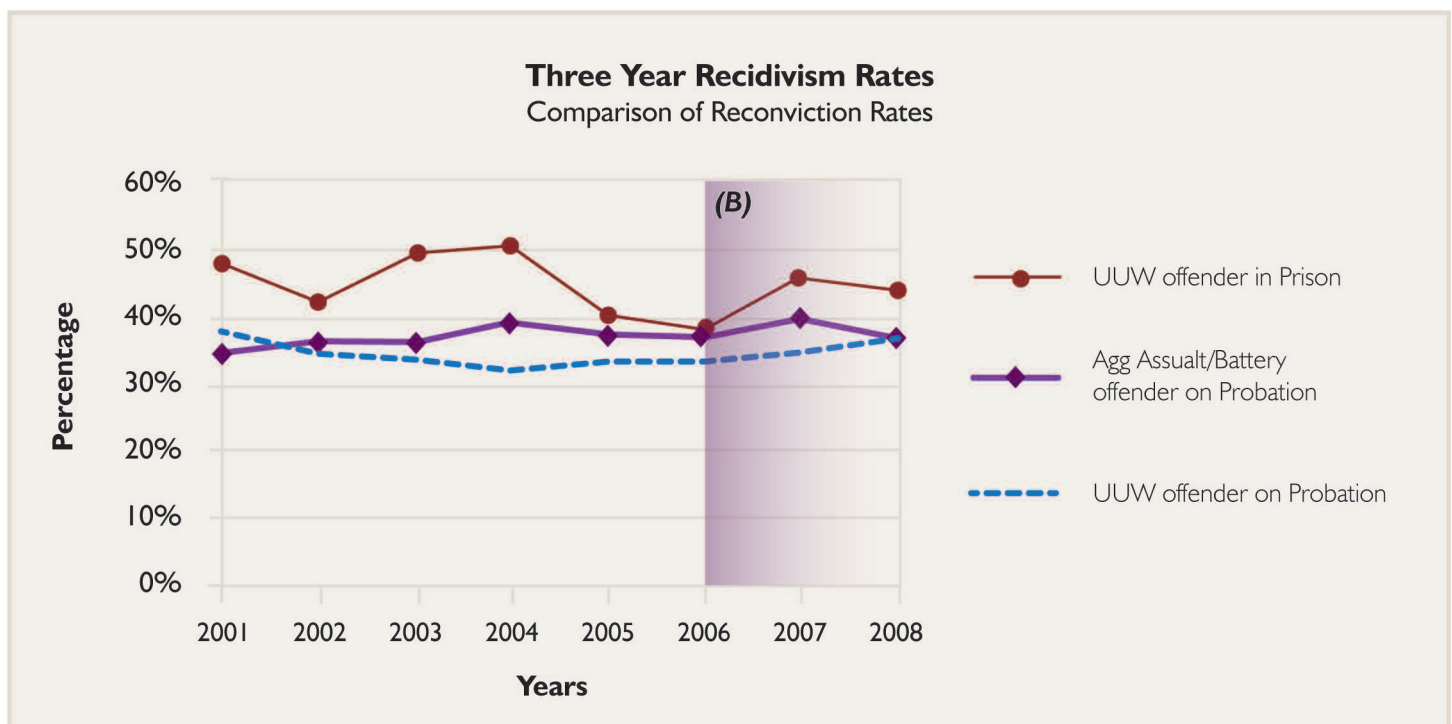
⁴ Outside of Cook County or the five collar counties, the metro counties are Champaign, McLean, Macon, Madison, Peoria, St. Clair, Sangamon, and Winnebago.

RECIDIVISM FOR UUW OFFENDERS

A second major goal of sentence enhancements for UUW offenses is to discourage offenders from committing crimes after they return to the community. If the increased UUW sanctions work as intended, fewer of these felons will be arrested, convicted, and re-incarcerated for crimes committed within three years of their release, i.e., they will have lower rates of recidivism due to the deterrent effect of the enhancements.⁵

Recidivism rates for UUW offenders have fallen under all measures since 2001.⁶ The percent of convictions for additional crimes within three years has fallen for both UUW offenders released from prison (red dotted line in *Figure 5*) and those on probation (blue dashed line in *Figure 5*). For those released from prison, the rate was 48% in 2001 and fell to 45% in 2008, the most recent year with sufficient data. For UUW offenders on probation, the rate was 38% in 2001 and 37% in 2008. However, this downward trend is not distinguishable from recidivism rates for other violent offenders that were not affected by the increased UUW sanctions. The purple line with diamonds in *Figure 5* shows how both rates are similar to those of aggravated assault and battery offenders on probation.⁷

Figure 5. Reconviction Recidivism Rates over Three Years



Year based on the sentencing date for probationers and the release date for prisoner sentences. Recidivism rates here are only for Class 3 and 4 felonies.

The shaded regions in the above chart represent:

(B) P.A. 94-072, which made second UUW-Felon a Class 2 offense; and made second and subsequent Agg UUW and UUW-Felon offenses non-probationable.

Source: SPAC analysis of IDOC admissions data and CHRI data

⁵ Ill. H. Transcripts of Floor Debate, "H.B. 524," 94th Gen. Assembly (March 16, 2005), p. 214-15, available at <http://ilga.gov/house/transcripts/htrans94/09400031.pdf>.

⁶ SPAC studies recidivism over a three-year time period following an individual's return to the community (i.e., released from an IDOC facility or being placed on probation). The rate can be measured by arrest, conviction, or re-incarceration. Following national conventions, SPAC uses the conviction rate because it requires a judicial determination that the crime occurred. Other rates have advantages; for example, arrest recidivism rates are inclusive of new offenses where the offender does not appear before a judge to be "reconvicted" but rather re-enters prison as a technical violator. SPAC follows the national convention and uses reconviction recidivism rates.

⁷ For a comparison group, SPAC finds aggravated assault and battery felons with Class 3 or 4 sentences the most comparable to felons with UUW sentences. First, this group has demonstrated a willingness to use violent force. Second, the group serves comparable lengths of sentences. Third, aggravated assaults and batteries did not have significant legislative changes during the period studied. Thus, this group allows a reasonable comparison with UUW offenders.

The higher reconviction rate for those released from prison is likely due to offenders with more serious criminal histories getting prison sentences more frequently. Of UYW offenders sentenced to community supervision in 2007, 2008, or 2009, only 9% were reconvicted for violent crimes within three years, 11% for property crimes, 18% for drug crimes, and 18% for other crimes. In comparison, of the probationers originally convicted of aggravated assault or battery, 16% were reconvicted for violent crimes within three years of release. Further study would be necessary to isolate the effect of criminal history and risk.

When offenders are grouped into cohorts, the cohort analysis highlights the difference in recidivism rates before and after the legislative change. Here, three cohorts are used for both UYW offenders and a comparable group, offenders convicted of Class 3 or 4 assault or battery felonies. The cohorts are (A) any felons committed to IDOC under pre-2003 laws, (B) felons committed to IDOC under 2003-2005 laws, and (C) felons committed after the legislative change in 2006. This analysis excludes more recent admissions because the post-release data on these offenders is not sufficient for meaningful analysis.

If the legislative changes worked as intended, the 2006-2008 UYW cohort's recidivism rates should be lower than any prior cohort and this change should not be the same as the recidivism rates for the comparison group of Class 3 or 4 assault or battery felonies. Instead, *Figure 6* shows that the different cohorts have strikingly similar recidivism rates. In fact, the three-year reconviction rate for aggravated battery or assault felons fell from 49% to 47%, whereas UYW recidivism rates increased slightly after the sentencing enhancement in 2006 (from 44% to 45%).

Figure 6. Reconviction Recidivism Rates for UYW Offenders over Three Years

Aggravated Battery or Assault, Felony Class 3 and 4			
	One year from release	Two years from release	Three years from release
Pre-2003	18%	36%*	47%
2003 to 2005	20%	38%	49%
2006 to 2009	20%	37%	47%
UYW Offenses, Felony Class 3 or 4			
	One year from release	Two years from release	Three years from release
Pre-2003	18%	36%	48%
2003 to 2005	18%	35%	44%
2006 to 2009	18%	35%	45%

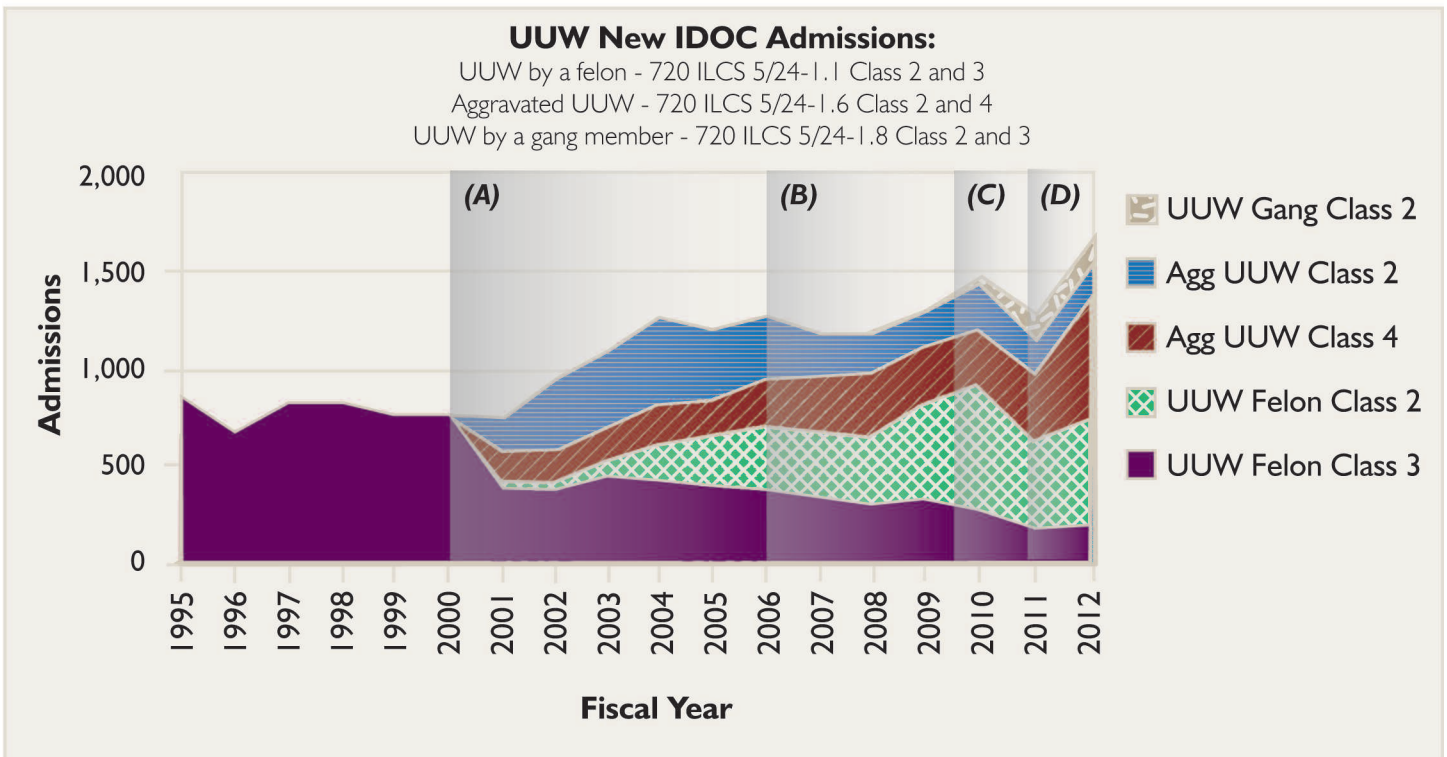
*Recidivism rates are cumulative: two years after release from IDOC custody, 36% of this cohort had committed and been convicted of a new offense.
Source: SPAC analysis of IDOC exit data and CHRI data

UW PRISON POPULATION

To gauge the affect on Illinois' prison population of these sentence enhancements this report looks at both admissions and stock population. Stock population is defined as the prison population on June 30 of each year. The sentencing enhancements since 2000 have had significant impacts on the IDOC prison population. Despite fairly consistent arrests (*Figure 4*), each year saw more UW offenders admitted to IDOC following the sentence enhancements (*Figure 7*). The stock population has increased by approximately 1,000 UW offenders over this time span (*Figure 10*).

Figure 7 shows that UW offenders' new admissions to IDOC (i.e., including second or subsequent convictions but excluding technical violation admissions) increased from under 1,000 people admitted per year in the early 2000's to 1,500 per year by 2012. In 2003, 42% of all admissions for UW offenses were Class 2 felonies. By 2012, 52% of admissions for UW offenses were Class 2 felonies.⁸ There were no Class 3 UW-Gang admissions during the period examined.

Figure 7. UW New Admissions into IDOC⁹



The shaded regions in the above chart represent:

- (A) P.A. 91-544, which elevated UW-Felon to Class 2 felony if offender was previously convicted of an enumerated felony; and P.A. 91-690, which enhanced Agg UW to a Class 2 felony for a subsequent offense.
- (B) P.A. 94-072, which made second UW-Felon a Class 2 offense; and made second and subsequent Agg UW and UW-Felon offenses non-probationable.
- (C) P.A. 96-829, which created UW-Gang offense.
- (D) P.A. 96-1107, which made the first offense of Agg UW non-probationable if the gun is accessible without a FOID card.

Source: Source: SPAC analysis of IDOC admissions data

⁸ For more information on past prison admission statistics, please see the IDOC's Statistical Presentations, <http://www2.illinois.gov/idoc/reportsandstatistics/Pages/OtherReports.aspx>.

⁹ New admissions exclude admissions to IDOC due to technical violations.

The increase in new admissions to IDOC is likely caused by a decrease in probation sentences for UUW offenses. Probation sentences for UUW offenders decreased from 46% of all UUW sentences in 2001 to 40% in 2010 (Figure 8). This decrease in the proportion of sentences with probation aligned with a slight increase in conviction rates, resulting in an increase in total number of UUW offenders admitted into IDOC (see Figures 7 and 10). Importantly, the percentage of UUW offenders sentenced to probation will likely continue to decrease as more UUW offenses are made non-probationable.

Figure 8. Percent of All UUW Convictions Sentenced to Probation

	Calendar Year											
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Percent of convictions sentenced to probation	46%	47%	44%	42%	40%	42%	42%	41%	40%	40%	29%	22%

Source: SPAC analysis of IDOC and CHRI data

In addition to increased admissions for new UUW offenses, IDOC has seen an increase in UUW offenders returning to prison for supervision violations. Figure 9 shows that both new admissions and technical violation admissions increased over the past 10 years. The increase in technical violations has nearly tripled from 2001 to 2012.¹⁰

Figure 9. UUW Admissions to IDOC by New Offense and Technical Violation

	Calendar Year											
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
New admissions to IDOC (Figure 7)	806	989	1,117	1,212	1,165	1,231	1,179	1,182	1,338	1,486	1,239	1,571
Technical violation admissions to IDOC	225	254	258	401	621	571	416	479	686	788	801	610

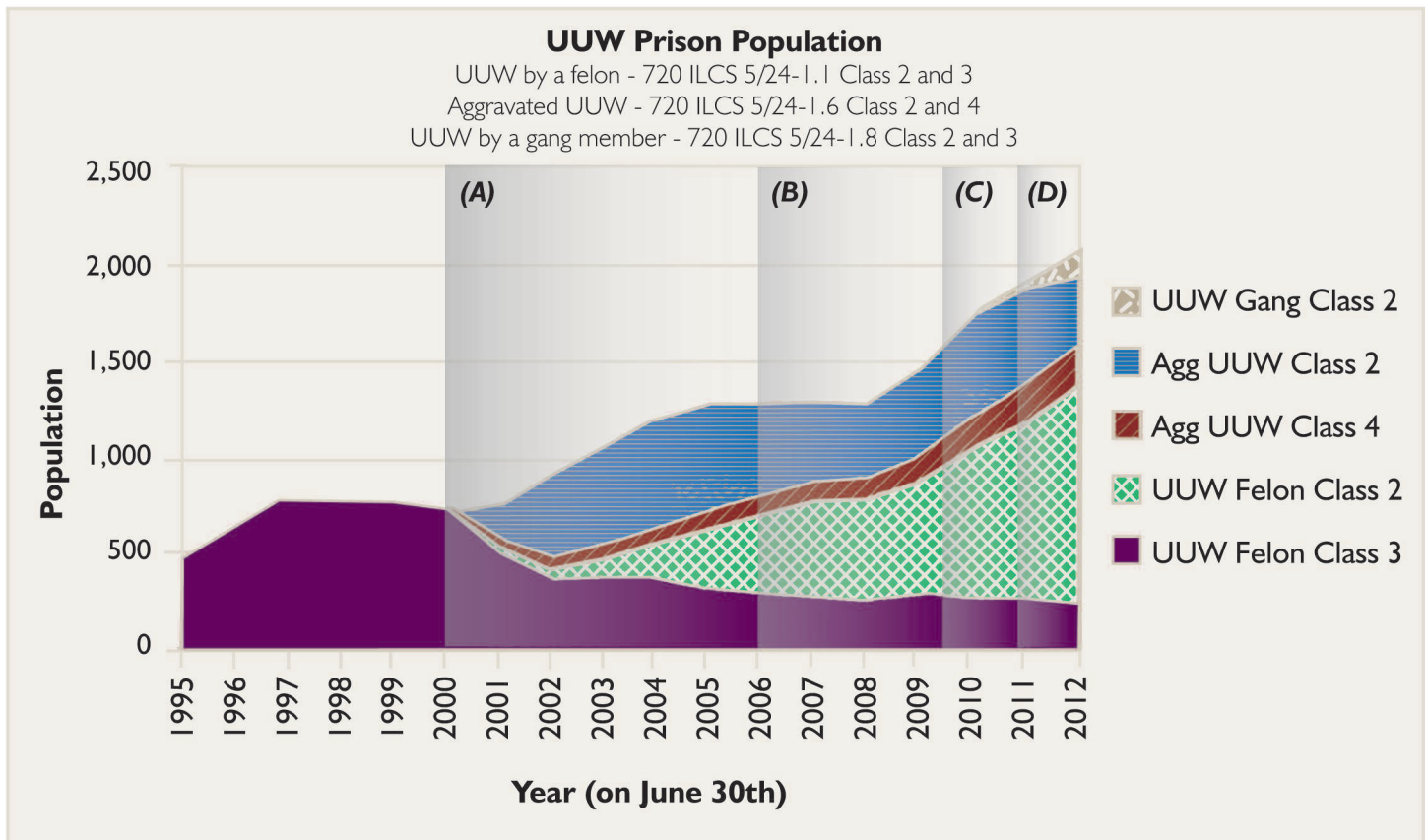
Source: SPAC analysis of IDOC and CHRI data

¹⁰ This report examines legislative changes to UUW offenses and does not consider the effects of suspending discretionary sentence credits during this time period.

The IDOC stock population presents a snapshot of the prison population each year, allowing for a study of trends over time. Every year since 2000 has seen more U UW offenders held by IDOC with an overall increase of over 1,000 U UW offenders since 2001 (a 50% increase). The trend coincides with the reclassification of second or subsequent offenses as Class 2 felonies in 2000 and the addition of U UW-Gang at the end of 2009.

Figure 10 shows that, on June 30, 2001, there were just 742 U UW offenders in IDOC. These 742 offenders were 1.6% of the total population in 2001. By June 30, 2012, there were 2,053 (a 177% increase). In 2012, U UW offenders comprised 4.2% of the total number of IDOC inmates.¹¹ During this time period, the severity of the felony class also rose. Prior to 2000, there were no Class 2 U UW prisoners. By 2012, IDOC held 1,493 Class 2 U UW offenders.

Figure 10. U UW Prison Population in IDOC, as of June 30th Each Year



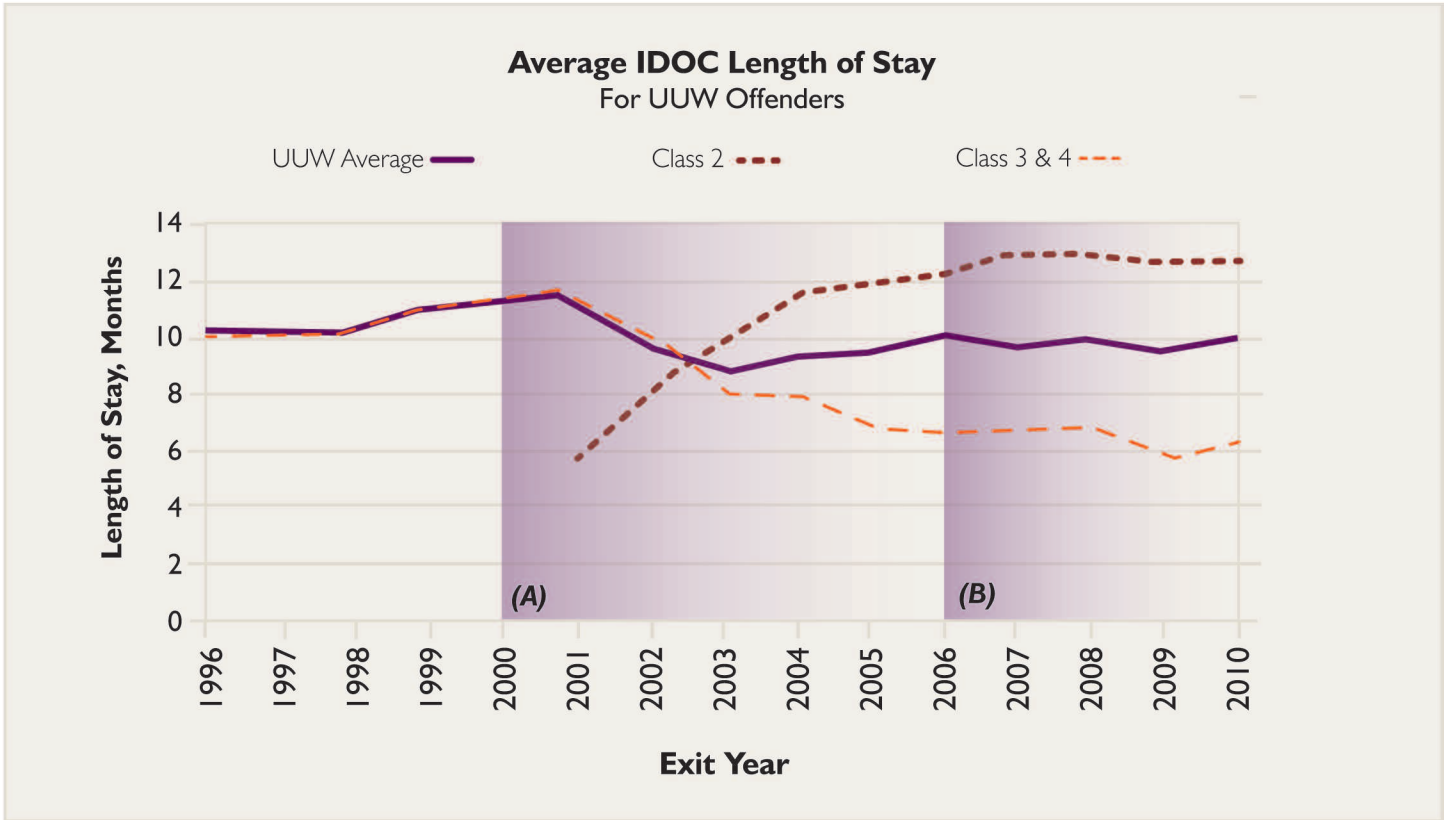
The shaded regions in the above chart represent:

- (A) P.A. 91-544, which elevated U UW-Felon to Class 2 felony if offender was previously convicted of an enumerated felony; and P.A. 91-690, which created Agg U UW and enhanced it to a Class 2 felony for a subsequent offense.
- (B) P.A. 94-072, which made second U UW-Felon a Class 2 offense; and made second and subsequent Agg U UW and U UW-Felon offenses non-probationable.
- (C) P.A. 96-829, which created U UW-Gang offense.
- (D) P.A. 96-1107, which made the first offense of Agg U UW non-probationable if the gun is accessible without a FOID card.

Source: Source: SPAC analysis of IDOC stock population data

¹¹ More information is available in IDOC's Annual Reports at <http://www2.illinois.gov/idoc/reportsandstatistics/Pages/AnnualReports.aspx>. Please note that IDOC includes offenses other than U UW offenses under the category of "Weapons" on page 45 of the 2012 annual report.

Figure 11. Average IDOC Length of Stay for All UUW Felony Offenders



The shaded regions in the above chart represent:

- (A) P.A. 91-544, which elevated UUW-Felon to Class 2 felony if offender was previously convicted of an enumerated felony; and P.A. 91-690, which created Agg UUW and enhanced it to a Class 2 felony for a subsequent offense.
- (B) P.A. 94-072, which made second UUW-Felon a Class 2 offense; and made second and subsequent Agg UUW and UUW-Felon offenses non-probationable.

Source: SPAC analysis of IDOC exit data

The average length of stay in IDOC prisons for UUW offenders overall did not substantially change despite the increasing minimum sentences. The IDOC length of stay does not include the time spent in detention prior to disposition, which adds to the offender's time in custody. Judges do not consider this additional time of incarceration, but a day-for-day credit is administratively given when an offender enters prison.

In 2000, all UUW offenders were Class 3 or 4 felons and spent an average of 11.1 months in state prisons. By 2012, Class 3 and 4 UUW felons had an average length of stay of 6.1 months, but Class 2 UUW felons spent 12.5 months on average in an IDOC prison. Thus, the average length of stay for UUW offenders was unchanged. The changes over time are shown in Figure 11.

Importantly, all of the upward trends in admissions, inmate population, and length of stay occur after the significant UUW legislation, matching the expectations for increased IDOC population and costs.¹² Increased admissions and length of stay both contributed to the higher total prison population.

¹² IDOC projected a 10-year increase in inmates of 1,642 and the associated long-term costs to the state. See IDOC Fiscal Note for H.B. 524, available at <http://www.ilga.gov/legislation/billstatus.asp?DocNum=0524&GAID=8&GA=94&DocTypeID=HB&LegID=14895&SessionID=50&SpecSess=> (law making the second or subsequent UUW-Felon offense a Class 2 and both UUW-Felon and Agg UUW non-probationable for subsequent offenses).

OVERALL TRENDS

The legislative changes have had direct impacts on the number of people incarcerated for U UW offenses. *Figures 2 and 4* show that the numbers of offenses and arrests have remained fairly constant since 2001. Over the same time period, *Figures 7 and 10* show how the new statutes and felony classes have added to the number of U UW prisoners and changed the felony classes of those individuals. The cause of the increase in prisoners arises from the cumulative effect of: (1) a decrease in the use of probation and (2) an increase in the number of U UW offenders returned to IDOC for violations of supervised release.

From arrest to custody, there are three paths to the IDOC prisons for a U UW offender:

- (A) Arrest, conviction, and sentences for a U UW offense,
- (B) Arrest for a non-U UW offense but plead guilty to a U UW offense as a result of a plea agreement, or
- (C) Violation of the terms of supervision after being released from custody on a U UW offense.

For option (A), the rates of conviction for U UW offenders have remained fairly constant since 2001. This result implies that the sentencing enhancements did not change the likelihood of a U UW arrestee receiving a U UW conviction.

For option (B), U UW offenses have been used less often, to resolve higher charges through plea agreements (i.e., the most serious charge is not a U UW offense, but the most serious admission charge is a U UW offense). In other words, the number of U UW admissions due to plea agreements has fallen over time.

Probation sentences under either option (A) or (B) for U UW offenders decreased from 46% of all U UW sentences in 2001 to 40% in 2010 (*Figure 8*). This decrease in the proportion of sentences of probation aligned with a slight increase in conviction rates, resulting in an increase in total number of U UW offenders admitted to IDOC (see *Figures 7 and 10*).

For option (C), IDOC data show technical violations of mandatory supervised release (i.e., the supervision of IDOC prisoners released to the community). The number of technical admissions nearly tripled from 2001 to 2012, from 225 individuals in 2001 to 610 in 2012 (*Figure 9*). This increase directly impacted the IDOC prison population and admissions.

The measurable public safety outcomes are inconclusive as to whether the deterrent or incapacitation effects occurred. The data show:

- The number of U UW offenses reported to the Chicago Police Department has remained fairly constant since 2001.
- The number of violent crimes reported by the State of Illinois has fallen steadily since 2001. This decrease follows similar trends from three of the other four largest U.S. states and does not appear to relate to any change in U UW sentences.
- The number of U UW arrests across Illinois has risen modestly since 2002.
- The number of U UW convictions has risen modestly since 2002, proportionate to the arrest increases.
- Recidivism rates for U UW offenders are similar before and after the enhancements.
- Despite a steady number of U UW offenses and arrests, the significant increase in prison admissions stems from the cumulative effect of (1) a decrease in the use of probation and (2) an increase in the number of U UW offenders returned to IDOC for violations of supervised release. These factors all contribute to the steady increase in the IDOC population.

The methods used here are suggestive, not dispositive, of the relationship between legal changes and crime effects. The most apparent relationship is that the IDOC prisoner population was directly affected by the legislation due to new and harsher felony sentences.

If the legislation deterred violent gun crime, the decrease in the number of offenses reported after the legislation would also be seen in a reduced recidivism rate and be significantly different from national trends. Because the data do not reflect a clear, causal relationship or a significant difference from national trends, it is not possible with this report's methods to conclude that the sentencing enhancements over the past 10 years have had a measurable effect on public safety.

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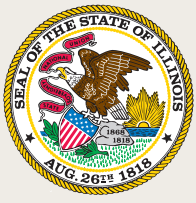
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PRISON RESOURCE CONSUMPTION BY OFFENSE CLASS

To illustrate how different offense classes consume resources, SPAC analyzed the data for the average number of exits in each class for 2011, 2012 and 2013. Each figure represents 100 offenders. Resources consumed are expressed in bed-years and dollars. The per capita cost for housing one inmate for one year is \$21,600, which was multiplied by the bed-years consumed by the entire offense class. The larger the figure, the longer the average stay and the greater the magnitude of resources used. The figures are scaled to the violent Class 1 offenders' length of stay, meaning First Degree Murder offenders take 5.2 times as many resources as violent Class 1 offenders and nonviolent Class 4 offenders take 1/10th as many resources.

NOTE: Across all offense classes, many offenders spend significant time detained in local jails prior to being sentenced. This chart does not include the LOS or costs of pre-disposition detention.

WHAT IS A BED-YEAR?

A one year length of stay in DOC = 365 bed-days or 1 bed-year.

4 offenders with 90 day lengths of stay (LOS) are approximately equal to 1 offender with a 365 day LOS.

A ten-year LOS consumes 3,652 bed-days (due to leap years).

40 offenders with LOS of 90 days = 1 offender with a 3,600 day LOS.

Legend

Violent Offender



Nonviolent Offender



One Figure = 100 Offenders

Larger Figures = Longer Length of Stay

Source: SPAC analysis of IDOC exit data

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Prison Resource Consumption by Offense Class

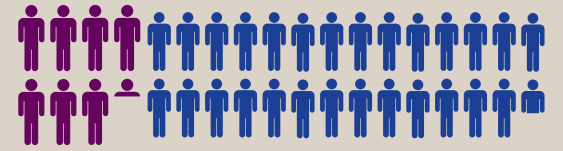
Class 4

611 violent offenders released with average stay of 0.78 years.
 7,129 non-violent offenders released with average stay of 0.65 years.
 Requires 5,122 bed-years, or \$110.6 million in spending.



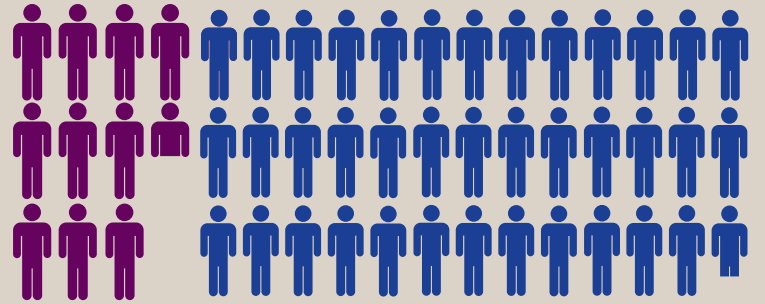
Class 3

720 violent offenders released with average stay of 1.14 years.
 2,769 non-violent offenders released with average stay of 1.07 years.
 Requires 3,786 bed-years, or \$81.8 million in spending.



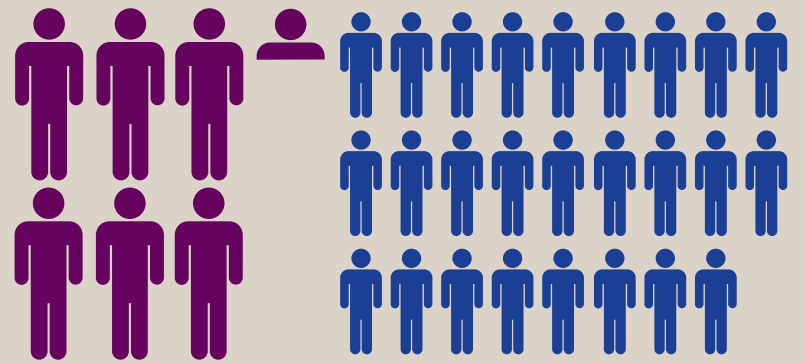
Class 2

1,045 violent offenders released with average stay of 1.73 years.
 3,876 non-violent offenders released with average stay of 1.61 years.
 Requires 8,032 bed-years, or \$173.5 million in spending.



Class 1

635 violent offenders released with average stay of 3.09 years.
 2,611 non-violent offenders released with average stay of 1.91 years.
 Requires 6,954 bed-years, or \$150.2 million in spending.



Class X

1,028 violent offenders released with average stay of 6.45 years.
 547 non-violent offenders released with average stay of 3.78 years.
 Requires 8,697 bed-years, or \$187.9 million in spending.



First Degree Murder

273 offenders released with average stay of 16.1 years.
 Requires 4,394 bed-years of space, or \$95 million in spending.

NOTE: If these 273 offenders had been sentenced under the current 100% truth-in-sentencing requirement, their average length of stay would be 40 years, translating into 10,920 bed-years and requiring \$235.9 million in spending.

