



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.

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

*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.<sup>1</sup> For example, Chicago data show that only one of every four reported violent offenses, like assault and battery, result in an arrest.<sup>2</sup> For robbery, only one in ten incidents result in an arrest.<sup>3</sup> 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.

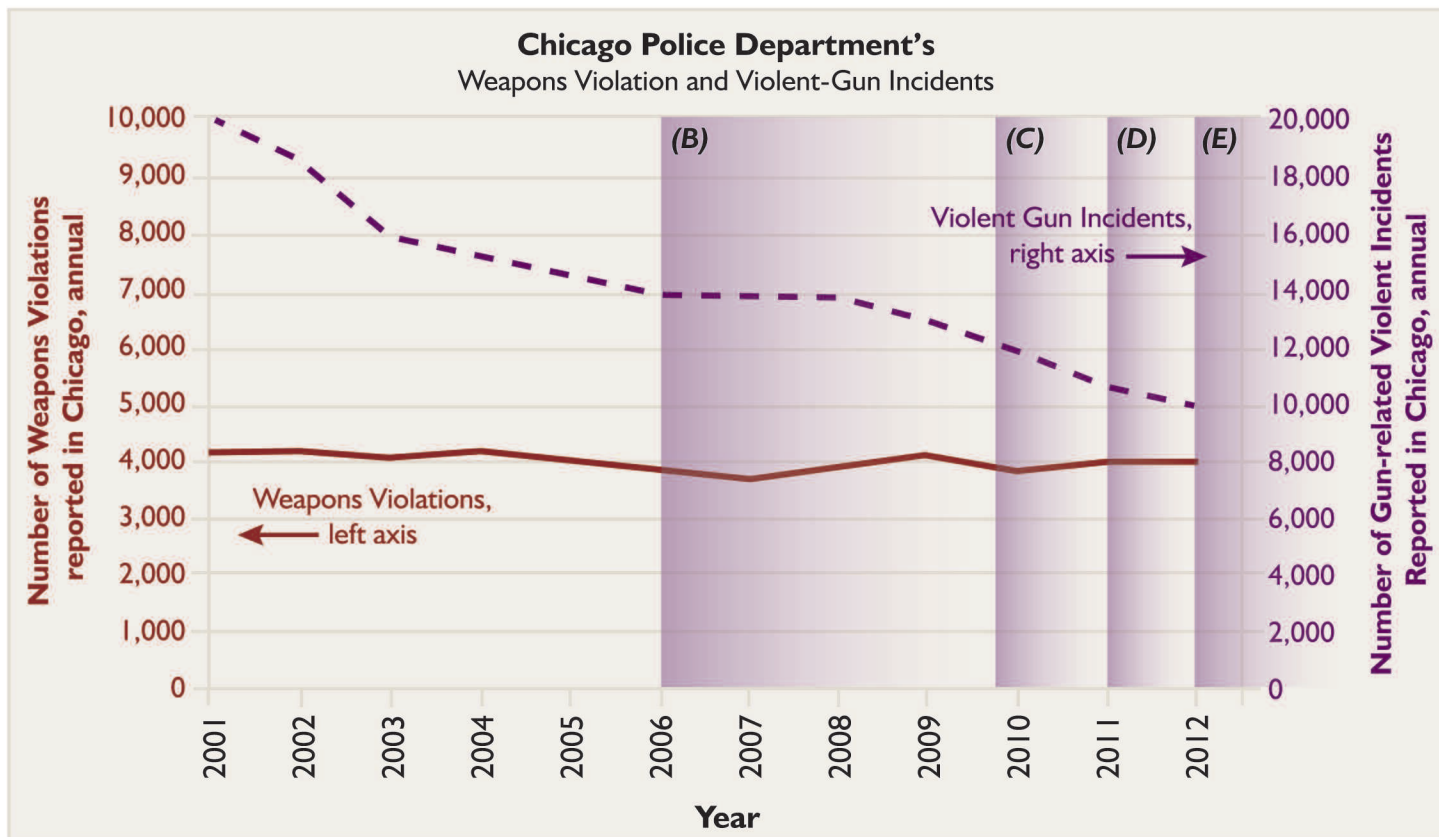
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<sup>1</sup> Reported offenses still may understate crime because of non-reporting. See United States Department of Justice, Bureau of Justice Statistics, National Crime Victimization Survey: 2012, October 2013, NCJ 243389, <http://www.bjs.gov/content/pub/pdf/cv12.pdf>,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

<sup>2</sup> 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).

<sup>3</sup> 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.

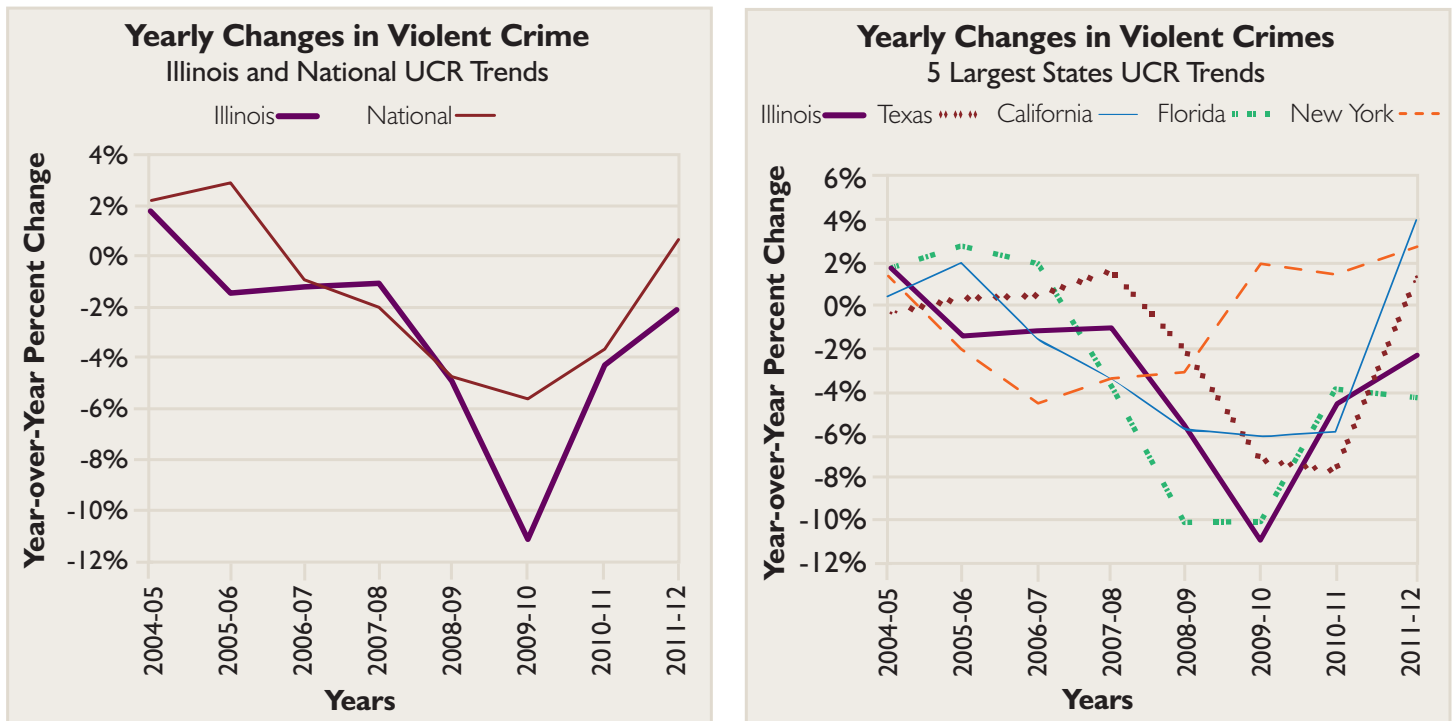
Source: SPAC analysis of CPD Data Portal data

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

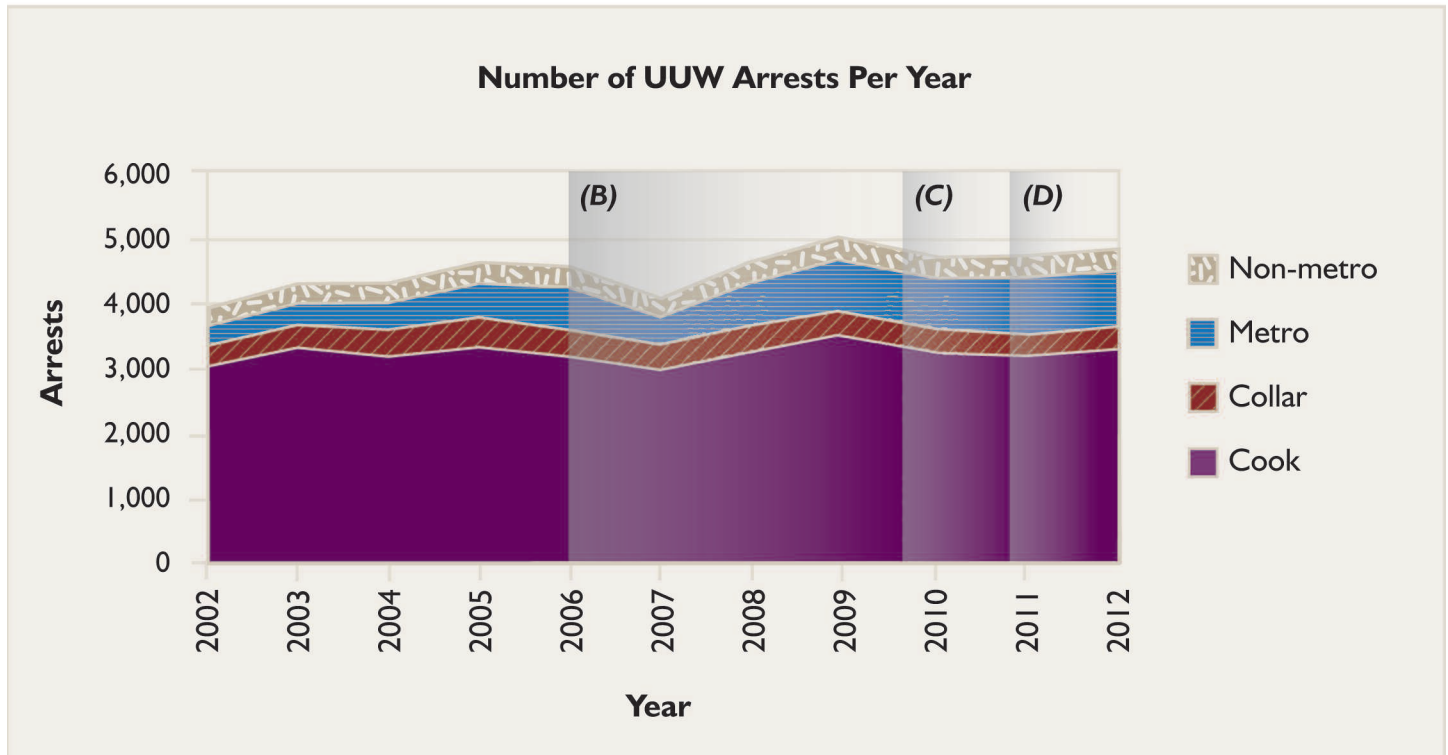
The downward trend in violent crime is consistent with national trends. As seen in *Figure 3*, Illinois' violent crime has followed the general patterns of national violent crime. Nationally, researchers have studied the perplexing and important relationship between declining crime rates and harsher 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 50,000<sup>4</sup> 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

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

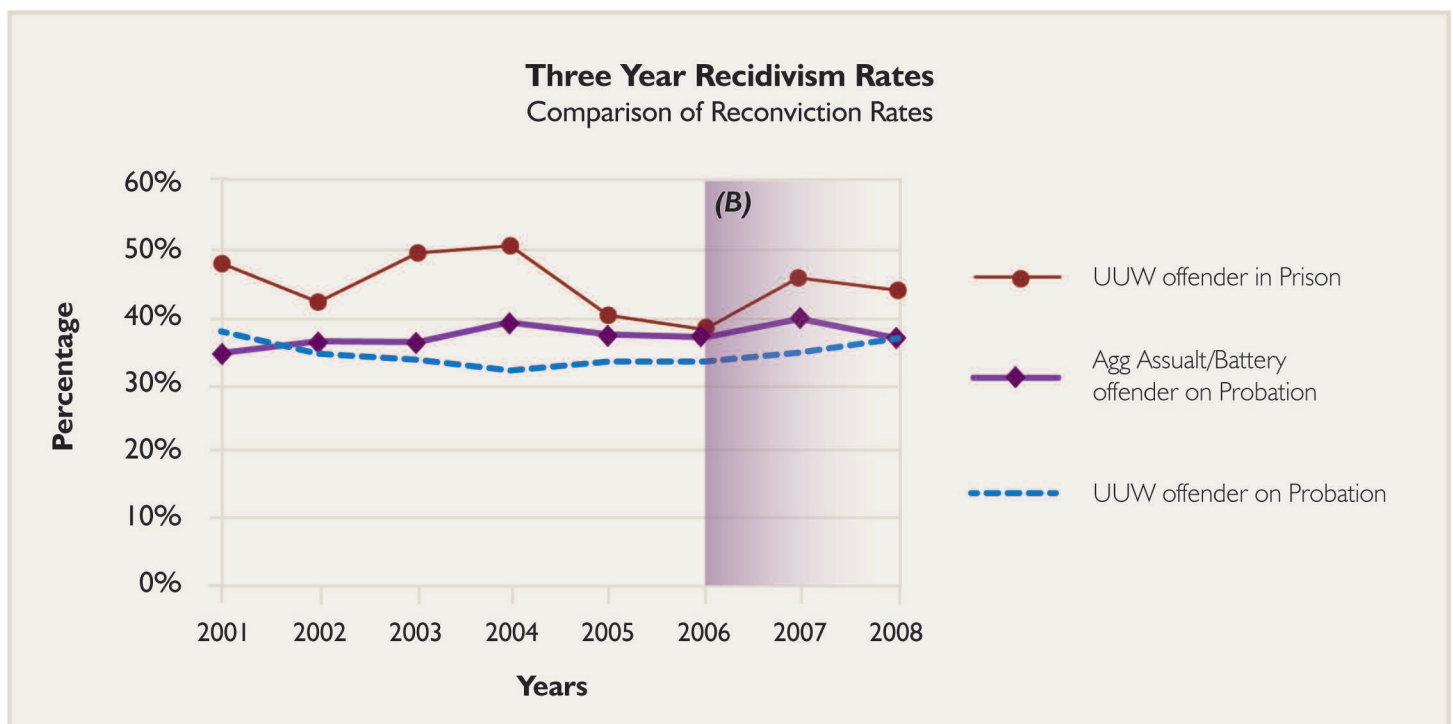


## RECIDIVISM FOR UUW OFFENDERS

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.<sup>5</sup>

Recidivism rates for UUW offenders have fallen under all measures since 2001.<sup>6</sup> 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.<sup>7</sup>

**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

<sup>5</sup> 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>.

<sup>6</sup> 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.

<sup>7</sup> 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**

<b>Aggravated Battery or Assault, Felony Class 3 and 4</b>			
	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%
<b>UYW Offenses, Felony Class 3 or 4</b>			
	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%

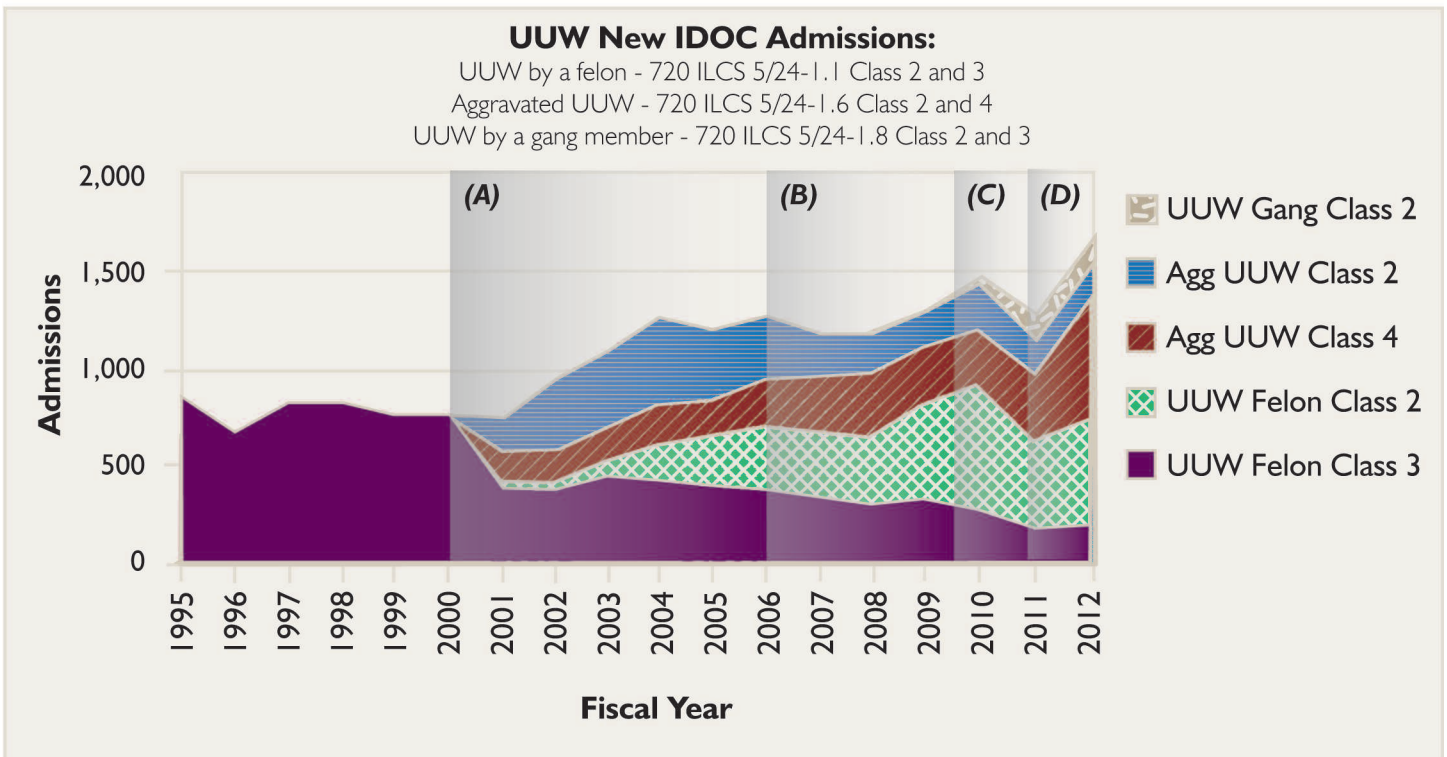
\*Recidivism rates are cumulative: two years after release from IDOC custody, 36% of this cohort had committed and been convicted of a new offense.  
**Source:** SPAC analysis of IDOC exit data and CHRI data

## 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.<sup>8</sup> There were no Class 3 UW-Gang admissions during the period examined.

**Figure 7. UW New Admissions into IDOC<sup>9</sup>**



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

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

<sup>9</sup> 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.<sup>10</sup>

**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

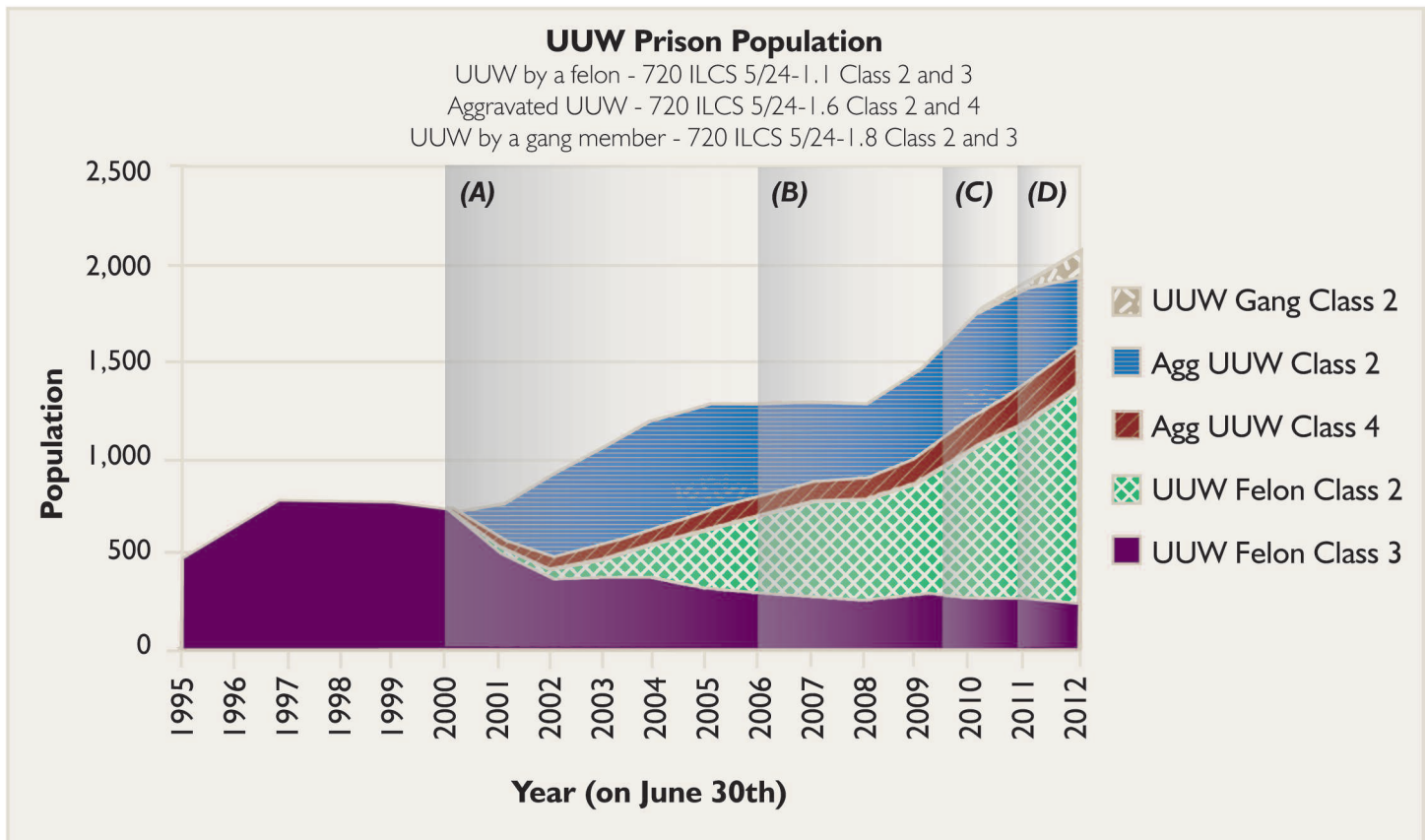
*Source:* SPAC analysis of IDOC and CHRI data

<sup>10</sup> 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 UUW offenders held by IDOC with an overall increase of over 1,000 UUW 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 UUW-Gang at the end of 2009.

Figure 10 shows that, on June 30, 2001, there were just 742 UUW 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, UUW offenders comprised 4.2% of the total number of IDOC inmates.<sup>11</sup> During this time period, the severity of the felony class also rose. Prior to 2000, there were no Class 2 UUW prisoners. By 2012, IDOC held 1,493 Class 2 UUW offenders.

**Figure 10. UUW Prison Population in IDOC, as of June 30th Each Year**



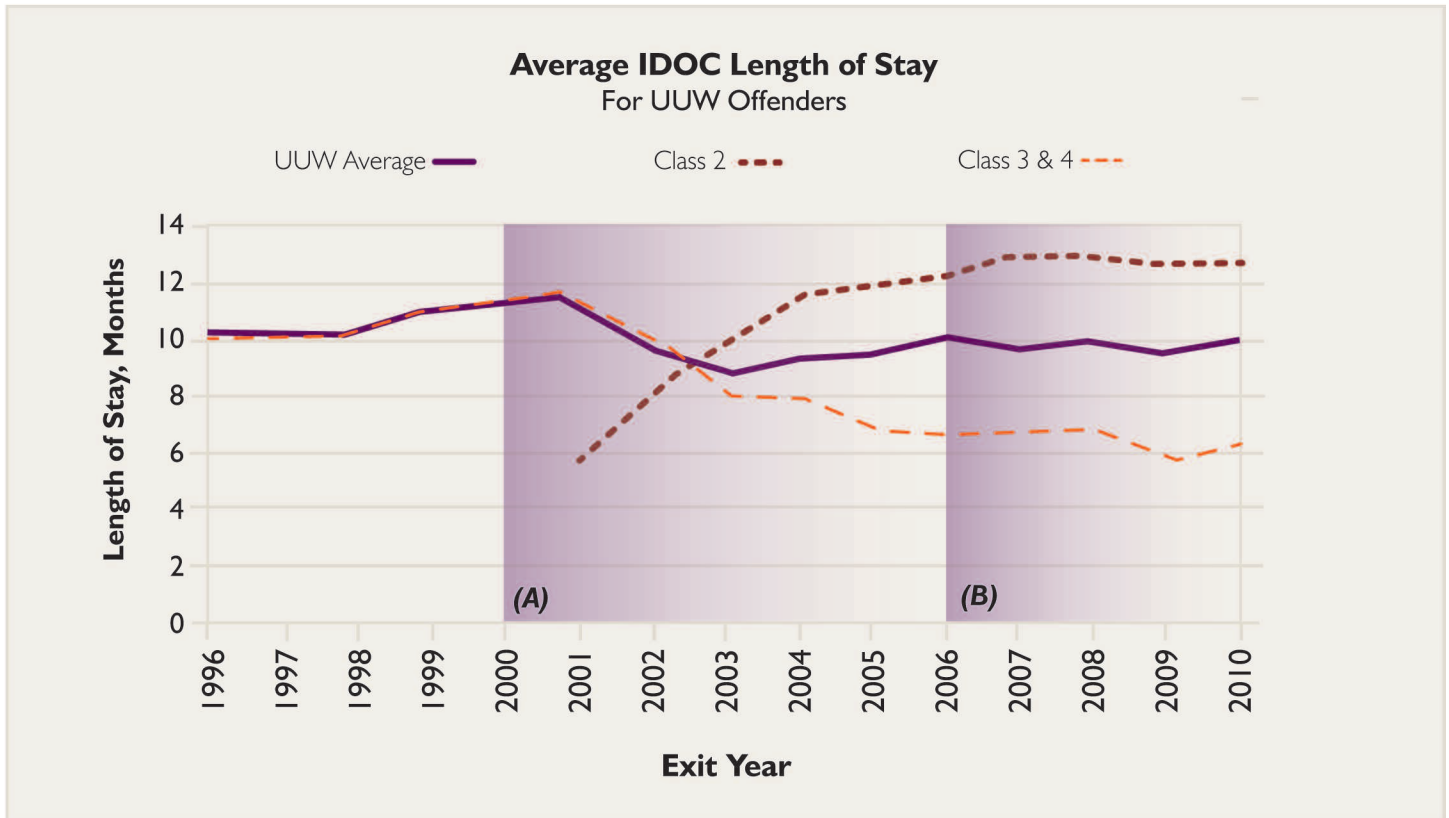
The shaded regions in the above chart represent:

- (A) P.A. 91-544, which elevated 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.
- (C) P.A. 96-829, which created UUW-Gang offense.
- (D) P.A. 96-1107, which made the first offense of Agg UUW non-probationable if the gun is accessible without a FOID card.

Source: Source: SPAC analysis of IDOC stock population data

<sup>11</sup> 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 UUW 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.<sup>12</sup> Increased admissions and length of stay both contributed to the higher total prison population.

<sup>12</sup> 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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For more information, please contact:

Kathy Saltmarsh  
Executive Director  
(217) 558-4749  
[Kathy.Saltmarsh@Illinois.gov](mailto:Kathy.Saltmarsh@Illinois.gov)

  
<http://www.icjia.state.il.us/spac/>

Nathaniel Inglis Steinfeld  
Research Director  
(312) 758-2948  
[Nate.Steinfeld@Illinois.gov](mailto:Nate.Steinfeld@Illinois.gov)