



2013

Drivers of the Sentenced Population: Probation Analysis

David E. Olson

Loyola University Chicago, dolson1@luc.edu

Donald Stemen

Loyola University Chicago

Sema Taheri

Loyola University Chicago

Michelle D. Mioduszewski

Loyola University Chicago

Recommended Citation

Olson, D., Stemen, D., Taheri, S., Mioduszewski, M., Saltmarsh, K., & Groot, M.: Drivers of the Sentenced Population: Probation Analysis. Research Briefing, Illinois Sentencing Policy Advisory Council, Summer 2013, Springfield, Illinois.

This Research Publication is brought to you for free and open access by the Faculty Publications at Loyola eCommons. It has been accepted for inclusion in Criminal Justice & Criminology: Faculty Publications & Other Works by an authorized administrator of Loyola eCommons. For more information, please contact ecommons@luc.edu.



This work is licensed under a [Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 License](https://creativecommons.org/licenses/by-nc-nd/3.0/).



Summer 2013

Driver's of the Sentenced Population: Probation Analysis

Research Briefing

Council Members

Hon. Gino DiVito, Chair

Hon. Warren Wolfson, Vice-Chair

Sen. Kwame Raoul, Vice-Chair

Rep. Marcus Evans
Illinois House of Representatives

Rep. Dennis Reboletti
Illinois House of Representatives

Sen. Jason Barickman
Illinois State Senate

Robert Berlin
DuPage County State's Attorney

Colonel William G. Clay, III
Belleville Police Department

Jack Cutrone
Illinois Criminal Justice Information Authority

Margaret Egan
Cook County Sheriff

Ronald Holt
Purpose Over Pain

Michael Glick
Office of the Attorney General

Jeff Howard
Office of the Cook County Public Defender

Nicholas Kondelis
Illinois State Police

Adam Monreal
Prisoner Review Board

Michael Pelletier
Office of the State Appellate Defender

Alan Spellberg
Cook County State's Attorneys Office

Michael Tardy
Administrative Office of the Illinois Courts

Gladys Taylor
Illinois Department of Corrections

David Yellen
Loyola University Chicago School of Law

Key Findings

- The number of convicted felons sentenced to probation in Illinois spiked during the late 1980s through 2002, reaching 35,000 felony probation sentences in 2002 and accounting for over one-half of all sentences imposed on convicted felons. As with felons sentenced to prison, much of this growth in felony probation sentences during the 1990s was fueled by increases in the number of Class 4 felony sentences.

- Overall, the proportion of convicted felons sentenced to prison decreased between the mid-1990s and 2010, a pattern consistent across all felony classes (Class 1, 2, 3, and 4 felonies). The decreased use of probation for Class 1 and 2 felonies appeared to be primarily due to an increasing proportion of these crimes now being non-probationable (i.e., mandatory prison sentences), while the decreased use of probation for Class 3 and 4 felonies does not appear to be due to an increase in the number of these offenses being non-probationable.

- As a result of these changes, from the mid-1990s through the mid-2000s, an increasing proportion of felony probationers in Illinois were convicted of Class 4 felonies, the least serious of the felony offenses in Illinois, and a decreasing proportion of probationers were convicted of a Class 2 felony.

- Between 1993 and 2011, an increasing proportion of felony probationers in Illinois were accounted for by females, whites, Hispanics, and older probationers.

- The majority of felons discharged from probation were successfully terminated from supervision throughout the period examined. The proportion of felons discharged from probation as a result of a revocation of probation for either a technical violation or a new offense remained stable, and relatively low (at or below 10 percent statewide), throughout the time period examined.

- Success on probation can mean less reliance on prison, but failure on probation can result in commitment to the Illinois Department of Corrections. Individuals who had their probation revoked or were reconvicted of a new crime while on probation accounted for roughly 15 percent of all those sentenced to prison, a proportion that remained relatively stable through the time period examined.

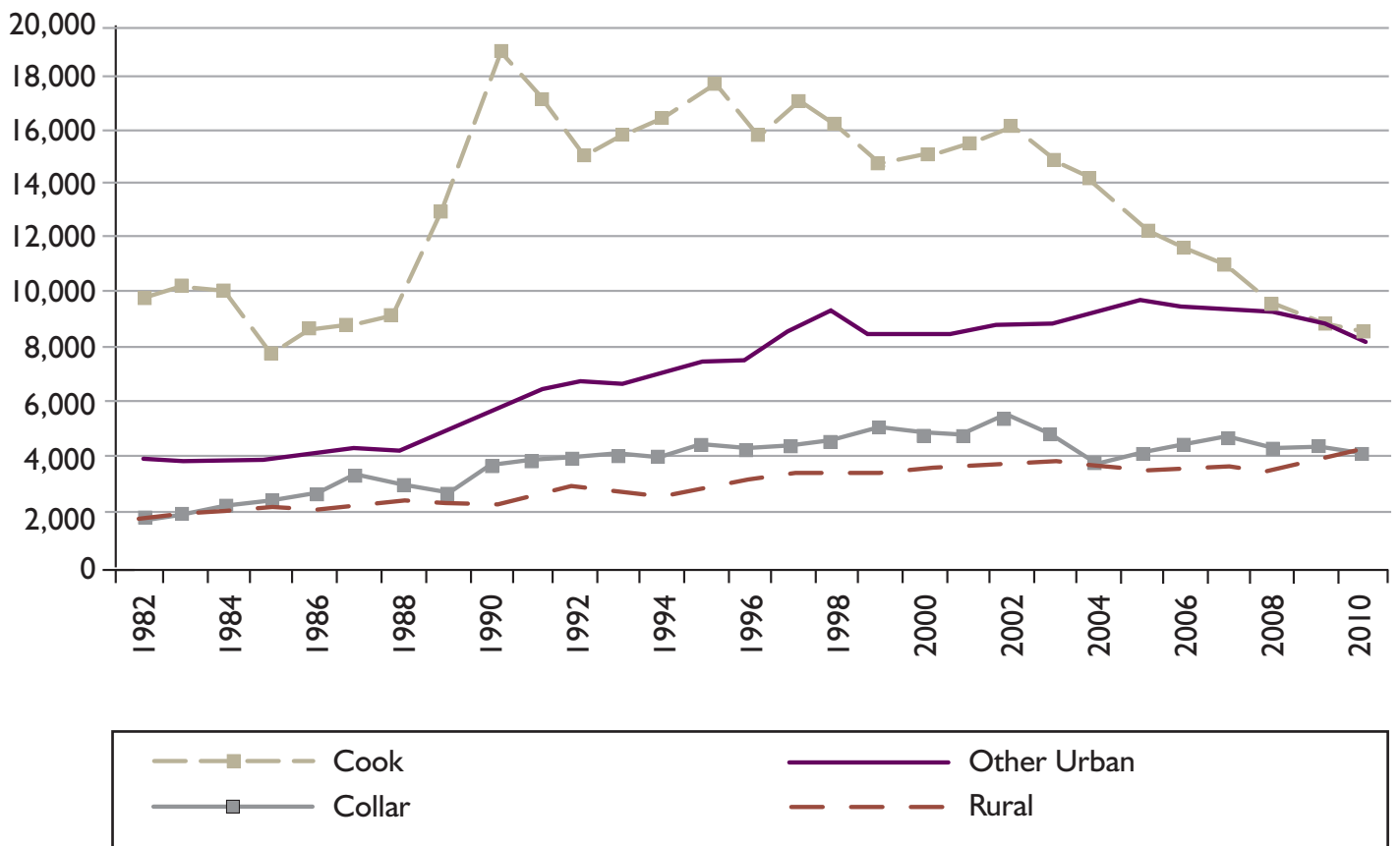
Introduction

Under Illinois' sentencing structure, the majority of those convicted of a felony can be sentenced to either supervision in the community under probation or a period of incarceration within Illinois' prison system. Between 1988 and 2000, the number of felons convicted and sentenced to probation statewide in Illinois increased from just over 18,000 in 1987 to nearly 34,000 by 2002, an 87 percent increase. However, between 2002 and 2010, the total number of convicted felons sentenced to probation statewide in Illinois decreased, falling to just below 25,000 in 2010. However, it is also important to note that when these statewide trends are disaggregated by region, some different patterns emerge. For example, as seen in Figure 1, trends in the number of felony probation sentences imposed varied considerably between Cook

County (which includes Chicago), the Collar Counties,¹ urban counties outside of Cook and the Collar County region, and Illinois' rural jurisdictions. Also, as described in the SPAC Illinois Felony Sentencing: A Retrospective Research Briefing (SPAC, 2011), the overall proportion of felons sentenced to probation statewide decreased gradually during the 1980s, 1990s and into the 2000s, although there are clearly some different patterns across regions of Illinois and when specific felony classes are examined. Statewide, the proportion of convicted felons sentenced to probation exceeded 50 percent during the 1990s, but during the period from 2000 to 2010, less than 50 percent of convicted felons were receiving probation sentences in Illinois.

The purpose of this Research Briefing is to provide more detailed analyses of the characteristics of felons placed on probation in Illinois during the 1990s through 2011, how these characteristics have changed over time and vary across jurisdictions in Illinois, the outcomes of probation sentences, and the degree to which probationers who have their sentences revoked impact admissions to the Illinois Department of Corrections. The primary data used to

Figure 1: Number of Felons Sentenced to Probation in Illinois, by Region



perform the analyses included in this Research Briefing were

¹ The Collar Counties include the five counties that are adjacent to Cook County/Chicago, and include Lake, McHenry, Kane, DuPage and Will counties.

generated from monthly data reports submitted by local probation departments in Illinois to the Administrative Office of the Illinois Courts' (AOIC) Probation Services Division. The Probation Services Division of AOIC was established by the Illinois Supreme Court and is responsible for the development, establishment, promulgation, and enforcement of uniform standards for probation services in Illinois as described in the Probation and Probation Officer Act (730 ILCS 110/15(1)). In addition, data regarding the number of probation sentences imposed in Illinois were obtained from the AOIC's Annual Report, data regarding the number of prison admissions were provided by the Illinois Department of Corrections (IDOC), and information regarding the number of probationable and non-probationable felons committed to IDOC was provided by the Illinois Criminal Justice Information Authority. The research presented in this Research Briefing was performed by faculty and graduate students in Loyola University Chicago's Department of Criminal Justice and Criminology, as well as staff from AOIC and the Illinois Sentencing Policy Advisory Council (SPAC).

The Sentencing of Convicted Felons to Probation versus Prison

In Illinois, felony crimes are classified into felony classes by the Illinois General Assembly. Class X felonies include the most serious offenses and require a determinate prison sentence of 6 to 30 years. Length of sentences that can be imposed, descend from Class 1, 2, 3, and 4 felonies. In addition to these felony classes, First Degree Murder is treated as its own offense in terms of felony classification and sentencing. When Illinois adopted a determinate sentencing structure in 1978, all crimes classified as Class 1 through 4 felonies were eligible to receive a probation sentence. Based on the Illinois Community Corrections Act, probation was the presumptive sentence. However, over time, legislative changes have been made to Illinois' sentencing policies which now require, depending on the felony class, that some offenses, or most offenses in the case of Class 1 felonies, are non-probationable and must result in a prison sentence within the allowable sentencing range. Given the aggregate nature of the data collected by the AOIC's Probation Services Division, it is not possible to examine the specific types of felony crimes those placed on probation were convicted of (i.e., drug-law violations, property offenses, etc). It is possible to examine the felony class of the conviction offenses from the AOIC data. Because the Cook County Adult Probation Department did not disaggregate the specific felony classes for probation intakes in the data reported to AOIC until

1996, it is not possible to examine statewide trends or trends in Cook County back to 1993 when the reporting began.

As would be expected, given that the felony class of the crime is related to the seriousness of the offense, a larger proportion of those felons convicted of a Class 3 or 4 felony received a probation sentence than those convicted of a Class 1 or 2 felony. Still, over the period examined in the current research, the proportion of convicted felons receiving probation for different felony classes changed. This was in part due to changes in legislation requiring prison sentences for certain Class 1 through 4 felonies, as well as changes in sentencing practices.

During the period examined, less than 40 percent of those convicted of a Class 1 felony, the most serious class other than Class X and murder, received a probation sentence, and, conversely, more than 60 percent received a prison sentence. The proportion of these Class 1 felons sentenced to prison where prison was required (i.e., the offense was non-probationable) under Illinois' sentencing policy increased dramatically and accounted for the majority of convicted Class 1 felons. For example, between 1995 and 2010 in Illinois outside of Cook County, the proportion of convicted Class 1 felons sentenced to prison because the offense was non-probationable increased from 40 percent to 60 percent. During that same period, the proportion of Class 1 felons that received a probation sentence decreased slightly—from 41 percent to 35 percent—and the proportion of Class 1 felons that received a prison sentence where probation was an option decreased even more—from 17 percent to 5 percent. Thus, between 1995 and 2010, in Illinois outside of Cook County, it appears that the increasing proportion of Class 1 felons sentenced to prison as a result of more of these offenses being non-probationable decreased the use of probation slightly, but had proportionately a larger impact on previously discretionary use of prison as a sentence.

During 2010, in Cook County as well as the rest of Illinois, 60 percent of those convicted Class 1 felons were sentenced to prison due to the non-probationable nature of the offense, 35 percent were sentenced to probation, and 5 percent were sentenced to prison, even though probation was allowable. These patterns suggest that the increase in the number of Class 1 felonies that are now non-probationable did not necessarily dramatically impact the use of probation, but rather, codified or made

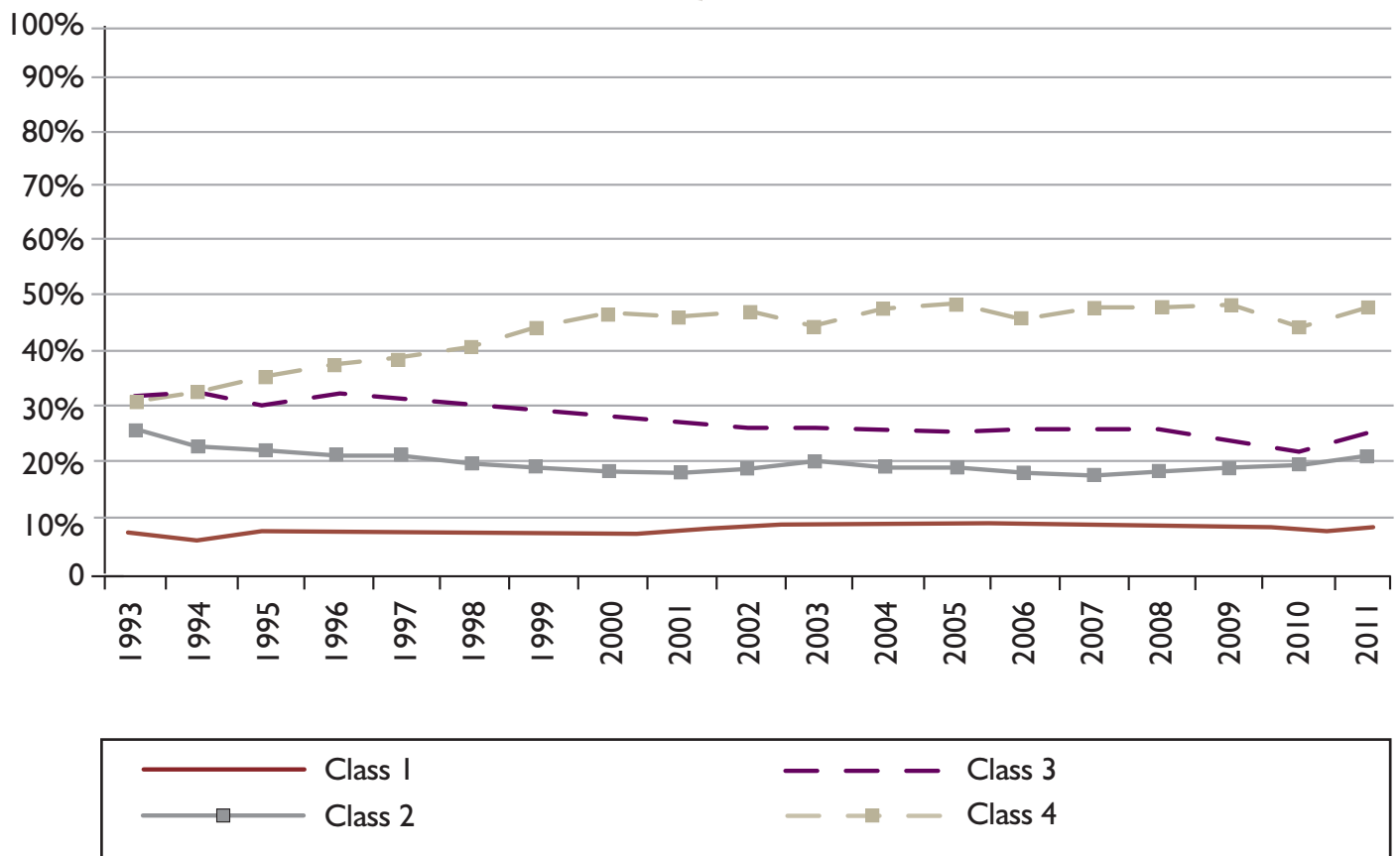
statewide policy what was likely already sentencing practice.

On the other hand, when sentencing patterns for those convicted of a Class 2 felony were examined, it was found that more of the reduced likelihood in these offenders being sentenced to probation during the 1990s and 2000s was due to an increasing proportion of these offenses requiring a prison sentence (i.e., they were non-probationable). In Cook County, for example, the proportion of felons convicted of a Class 2 felony that received a probation sentence fell from 60 percent in 2000 to roughly 40 percent by 2010. Conversely, the proportion of felons in Cook County convicted of a Class 2 felony that received a prison sentence due to the conviction offense being non-probationable increased from 35 percent in 2000 to more than 50 percent by 2010. A similar pattern—although not as dramatic a change—was also seen outside of Cook County, where the proportion of Class 2 felons sentenced to probation fell from 60 to 53 percent between 2000 and 2010, and the proportion of

Class 2 felons that received a prison sentence due to the conviction offense being non-probationable increased from 27 percent to more than 38 percent during that same period.

For Class 3 and 4 felonies, which have far fewer offenses that are non-probationable, the changing proportions of felons convicted of these offenses receiving a probation sentence has much less to do with sentencing policy related to non-probationable offenses as specified by the General Assembly. Still, the proportion of Class 3 and 4 felons receiving a probation sentence has decreased. For example, for those offenders convicted of a Class 4 felony in Cook County during 1997 and 1998, 70 percent were sentenced to probation. However, by 2010, that proportion had fallen to 50 percent. Of all those sentenced in Cook County in 2010 for a Class 3 or 4 felony, less than 10 percent involved mandatory prison sentences (i.e., were non-probationable). In other words, during the late 1990s the majority of felons convicted of a Class 4 felony in Cook County received a probation sentence, but by the mid-2000s, the majority of Class 4 felons in Cook County were receiving prison sentences, and this was not due to these crimes being non-probationable. Although a similar downward trend in the proportion of convicted Class 3 and 4 felons being sentenced to probation was seen outside of Cook County, the proportion receiving a probation sentence never

Figure 2: Percent of Felony Probation Sentences Outside Cook County, by Felony Class



fell below 58 percent, and again, non-probationable offenses accounted for less than 10 percent of the convicted Class 3 and 4 felons.

When looked at by felony offense class, it is evident from the current analyses that changes in sentencing patterns in Cook County, specifically for Class 2 and Class 4 felonies, appear to be driving a lot of the statewide trend towards a smaller percent of felons receiving a probation sentence. Some of this appears to be the result of an increasing proportion of Class 2 felonies being non-probationable i.e., changes to Illinois' sentencing policy. Some of it also appears to be due to changes in sentencing practice for Class 4 felons i.e., even though the offense may be probationable, the offender is receiving a prison sentence.

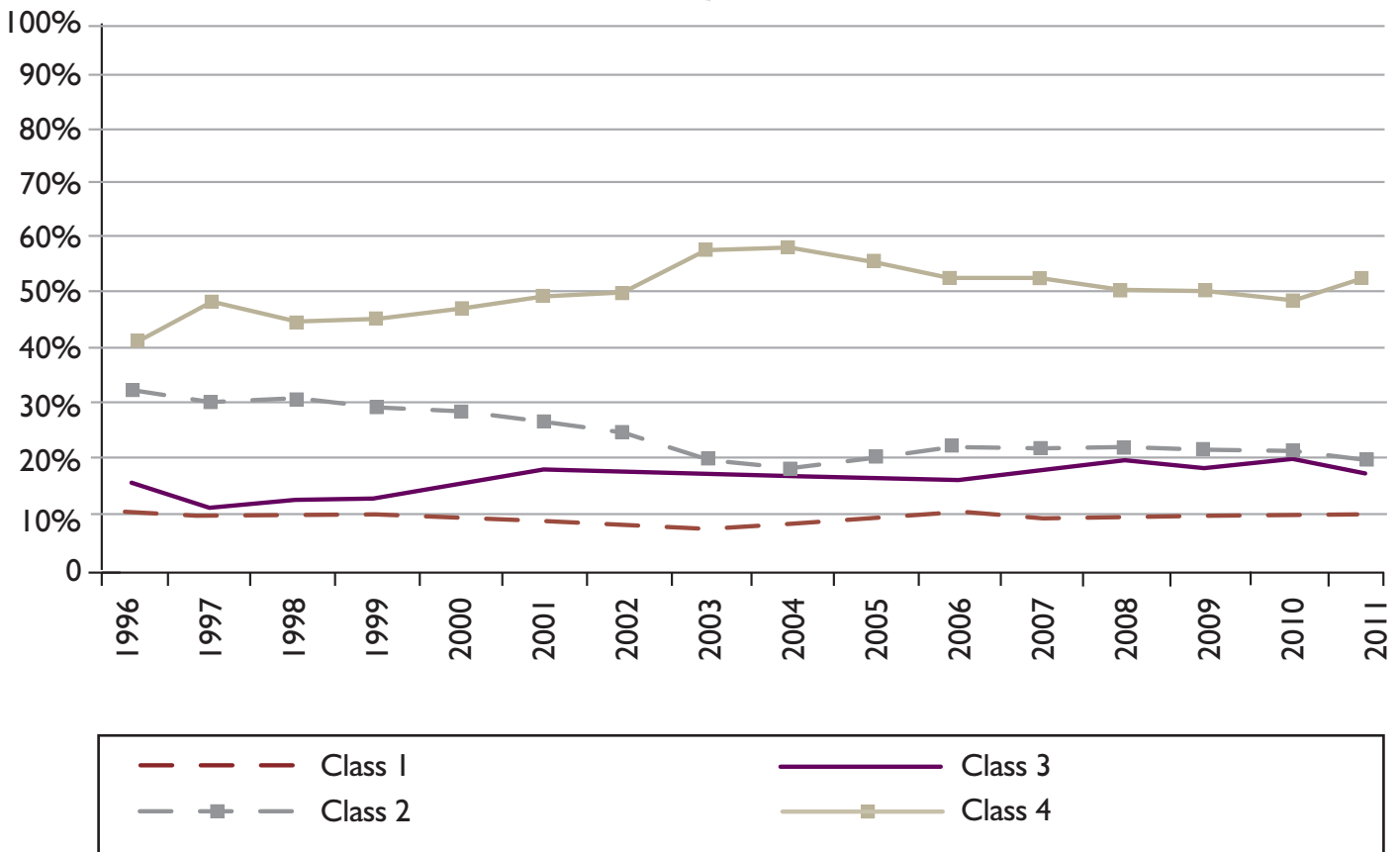
Characteristics of the Felony Offenses Among those Placed on Probation

As described previously, individuals convicted of Class 1 through 4 felonies can be sentenced to probation, although,

increasingly, more and more of those convicted of Class 1 and 2 felonies are being convicted for offenses that are no longer eligible to receive a probation sentence. Historically, Class 3 and 4 felons have been more likely to receive a probation sentence than those convicted of Class 1 and 2 felonies. As a result of these patterns, Class 4 felons accounted for the largest proportion of felons placed on probation in Illinois during the period examined, and also accounted for an increasing proportion of felons placed on probation.

Statewide in 2011, roughly 50 percent of all felons sentenced to probation in Illinois had been convicted of a Class 4 felony (Figure 3). By comparison, in the mid-1990s, less than 40 percent of all felons placed on probation had been convicted of a Class 4 felony. In Cook County, the proportion of felons placed on probation that were convicted of a Class 4 felony increased and accounted for the largest category of felons placed on probation in Cook County during the period from 1996 to 2011. Similarly, outside of Cook County, the proportion of felons placed on probation who were convicted of a Class 4 felony also increased, from 30 percent in 1993 to 47 percent during the period from 2004 through 2011. Out of the 102 counties in Illinois, during the period from 2009 through

Figure 3: Percent of Felony Probation Sentences in Cook County, by Felony Class



2011, Class 4 felons accounted for 50 percent or more of felons placed on probation in 37 of Illinois' 102 counties (and 8 of the 15 largest jurisdictions in the state). At the other end of the felony continuum, a relatively small proportion of felons placed on probation in Illinois were convicted of a Class 1 felony—the most serious felony class for which probation may still be an option (but as described above, increasingly is not an option due to the offenses being non-probationable). In 2011, and indeed for the entire period examined, 10 percent or less of all felons placed on probation statewide in Illinois had been convicted of a Class 1 felony.

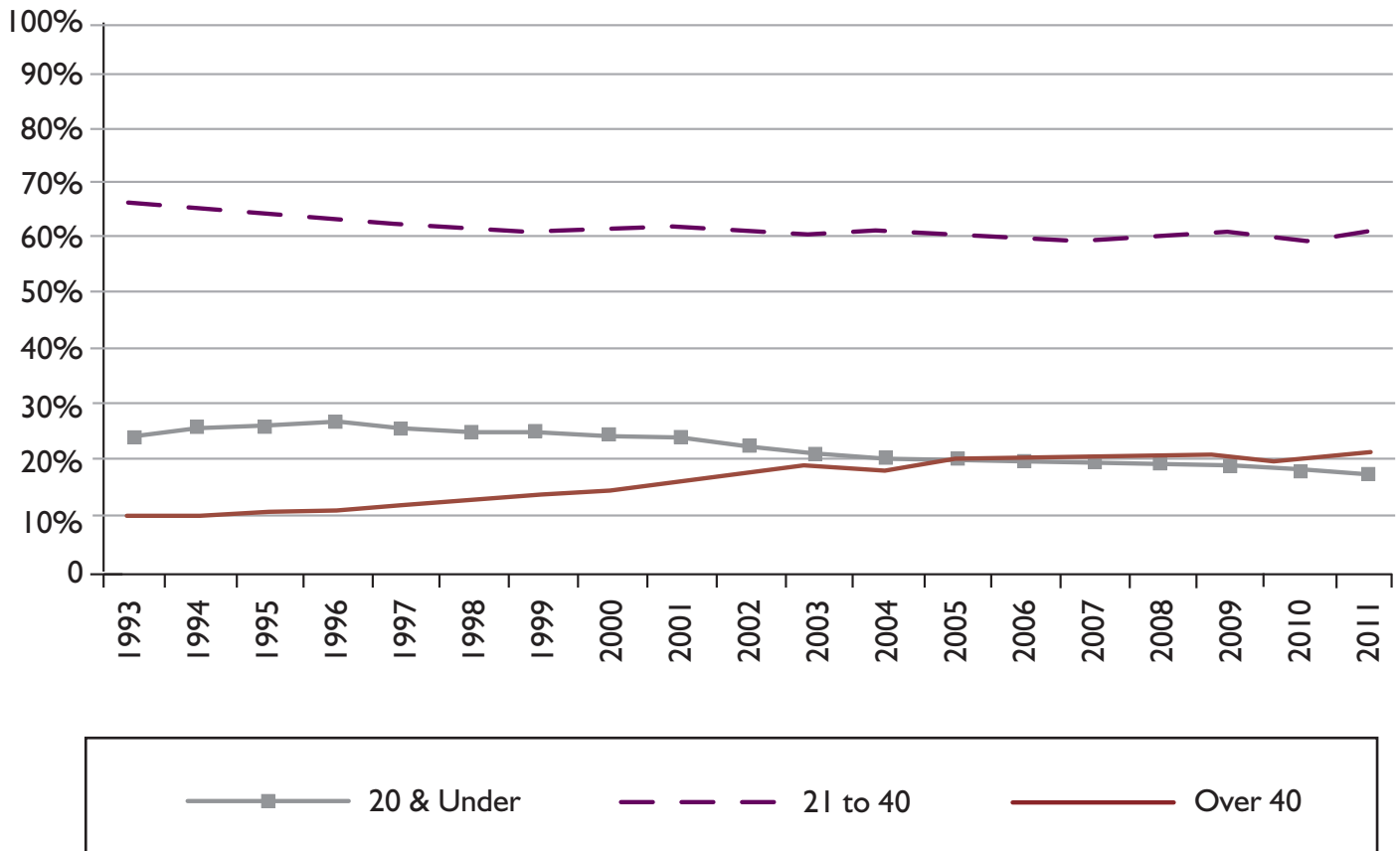
Thus, much of the growth in the number of felons placed on probation during the 1990s and into the early 2000s can be attributed to increases in the number and proportion of felony probationers convicted of a Class 4 felony. Based on a study of probation outcomes in 2000, it was determined then that 53 percent of all Class 4 felons discharged from probation had been convicted of a drug-law violation. This pattern is generally consistent with previous analyses of what has driven

admissions to Illinois' prison system since the late 1980s. Among those admitted to prison in Illinois, an increasing proportion of admissions were accounted for by individuals convicted of Class 4 felonies, driven primarily by drug-law violations.

Felony Probationer Demographic Characteristics

During the period from 1993 to 2011, the proportion of felons placed on probation accounted for by males decreased slightly, from 83 percent of all felons placed on probation in 1993 to 76 percent in 2002, and then up to 78 percent by 2011. Females, on the other hand, increased as a proportion of felons placed on probation, from 17 percent of those placed on probation in 1993 to 24 percent in 2002 and then 22 percent by 2011. Thus, while the majority of those placed on probation for a felony were male throughout the period examined, an increasing proportion of felony probationers statewide in Illinois are being accounted for by females, particularly during the period that saw a dramatic increase in the proportion of felony probation cases accounted for by Class 4 felonies. There was also some variation across jurisdictions in the proportion of felony probationers accounted for by males versus females over the time period examined. For example, during the period

Figure 4: Percent of Felony Probation Admissions, by Age



from 2009 to 2011, females accounted for 30 percent or more of all convicted felons placed on probation in 34 of Illinois' 102 counties but less than 20 percent of felony probationers in 5 counties.

Table 1: Demographic Characteristics of Felons Placed on Probation in Illinois

	1993	2002	2011
Gender			
Percent Male	83%	76%	78%
Percent Female	17%	24%	22%
Race/Ethnicity			
Percent White	40%	42%	48%
Percent Black	52%	47%	37%
Percent Hispanic	8%	10%	13%
Other	0%	1%	2%
Age			
20 & Under	24%	22%	17%
21-40	66%	61%	62%
Over 40	10%	17%	22%

Similarly, over the 1993 to 2011 period examined, there were also gradual, but substantive, statewide and regional changes in the age and racial characteristics of felons placed on probation. Statewide, the proportion of felons placed on probation accounted for by Blacks decreased from just over 50 percent between 1993 and 1997 to less than 40 percent during 2010 and 2011. On the other hand, the proportion of felons sentenced to probation accounted for by Whites increased from roughly 40 percent in the early to mid-1990s to approximately 50 percent by 2011. The proportion of felons placed on probation statewide accounted for by Hispanics also increased slightly during the time period examined, from just below 8 percent in 1993 to just over 12 percent in 2011. When the racial composition of felons placed on probation was examined regionally, similar trends were evident, with decreasing proportions of felony

probationers accounted for by Blacks, and increasing proportions accounted for by Whites and Hispanics, although the overall percentages varied considerably by region. For example, in Cook County, Blacks accounted for more than 70 percent of all felony probationers throughout the 1990s before decreasing to just below 60 percent in 2011; in contrast, in the rest of Illinois whites accounted for between 60 and 70 percent of felony probationers during the period examined, blacks accounted for 25 to 30 percent of felony probationers, and Hispanics increased from roughly 5 percent of felony probationers in the early 1990s to 10 percent in 2011. During the period from 2009 to 2011, Hispanics accounted for 15 percent or more of all felons placed on probation in 7 of Illinois' 102 counties, and 5 of these 7 counties were among the 15 largest sentencing jurisdictions in Illinois.

In terms of the age of those placed on probation, the majority—60 to 70 percent—of felons placed on probation during the time period examined were between the ages of 21 and 40 (Figure 4). However, there is some indication in the data that the age of felons sentenced to probation has been increasing. For example, the proportion of felons placed on probation accounted for by those over the age of 40 increased from 10 percent in 1993 to 22 percent in 2011. Between 2009 and 2011, felony probationers over the age of 40 accounted for 25 percent or more of all felons placed on probation in 14 of Illinois' 102 counties, and none of these 14 counties were among the 15 largest sentencing counties in the state. Even more specifically, the percent of felons 51 years old or older increased from 2 percent in 1993 to 9 percent in 2011.

Further, the proportion of adult felony probationers accounted for by those under the age of 21 (i.e., between 17 and 20) decreased statewide during the period examined, from roughly 25 percent in the early to mid-1990s to less than 20 percent in 2011. These patterns were generally consistent across each of the regions of Illinois examined.

Thus, over the 19 year period examined in this research bulletin, an increasing proportion of felons placed on probation are accounted for by female offenders, although males still account for the majority of felony probationers,

an increasing proportion of probationers have been accounted for by white and Hispanic felons, and an increasing proportion of felony probationers in Illinois are being accounted for by older individuals. For the most part, these trends were consistent across Cook County, the Collar Counties, other urban areas outside of Cook and the Collar Counties, and Illinois' rural counties.

Outcomes of Felony Probation Sentences

Individuals sentenced to probation can be discharged from probation supervision through a number of different mechanisms. Probation departments report to AOIC a number of different categories for case discharged,² but for the analyses summarized below, the reasons for discharged were grouped into one of three categories: 1) scheduled/early termination³ or transferred to another jurisdiction, 2) revocation/alternative IDOC commitment,⁴ and 3) unsatisfactory termination.⁵ Excluded from these analyses were cases that were discharged due to being transferred to another jurisdiction, the category of "other" discharges due to an inability to determine the underlying reason (positive, negative or neutral) for the discharge, and those placed on absconder/warrant status.⁶

During the period from 1993 through 2011, the majority of felons discharged from probation supervision in Illinois were discharged successfully, meaning they completed their sentence as scheduled, were terminated early from probation due to satisfaction of all probation conditions, or

they were transferred to another jurisdiction. Specifically, in Illinois outside of Cook County during 2011, more than two-thirds (69 percent) of all felony probation cases discharged from supervision were satisfactory terminations, compared to 16 percent being terminated unsatisfactorily and roughly 15 percent being terminated as a result of a probation revocation or a commitment to IDOC for a separate case. Between 1993 and 2005 in Illinois outside of Cook County, the proportion of felony probationers discharged as a result of a revocation or an unsatisfactory termination increased, with this increase coinciding with an increase in the risk classification of probationers during that time period.⁷ For example, between 1993 and 2005, the proportion of felony probationers outside of Cook County classified as Medium or Maximum risk increased from 74 percent to 83 percent of the felony probationers, while those assessed as minimum risk fell from 25 percent to 17 percent during that same period. Among those felony probationers discharged from supervision in Cook County a somewhat different pattern emerged from the analyses. In Cook County, since the late 1990s, roughly 60 percent of closed felony probation cases were discharged satisfactorily, just under 40 percent were discharged unsatisfactorily and the remaining cases in Cook County were discharged as a result of a revocation of probation.

When the outcomes of felony probation sentences and levels of probationer risk were compared across all counties for the combined 2009 through 2011 period, there was a moderate correlation between the aggregate level of risk (i.e., what percent of felony probation cases were minimum or maximum risk and the percent of probation discharges

² Data collected by AOIC from county probation departments included the categories of scheduled termination, early termination, absconder/warrant, revoked-technical violation, revoked-new offense, alternate IDOC commitment (a prison sentence for another offense without a revocation), unsatisfactory termination, transferred to another jurisdiction, and "other" (used to classify cases that do not fit into one of the above categories).

³ For individuals who successfully complete their probation sentence, they are discharged as a result of having fulfilled all of the sentence requirements, including completion of court-ordered treatment, payment of fines, fees and restitution, and completion of any court-ordered community service.

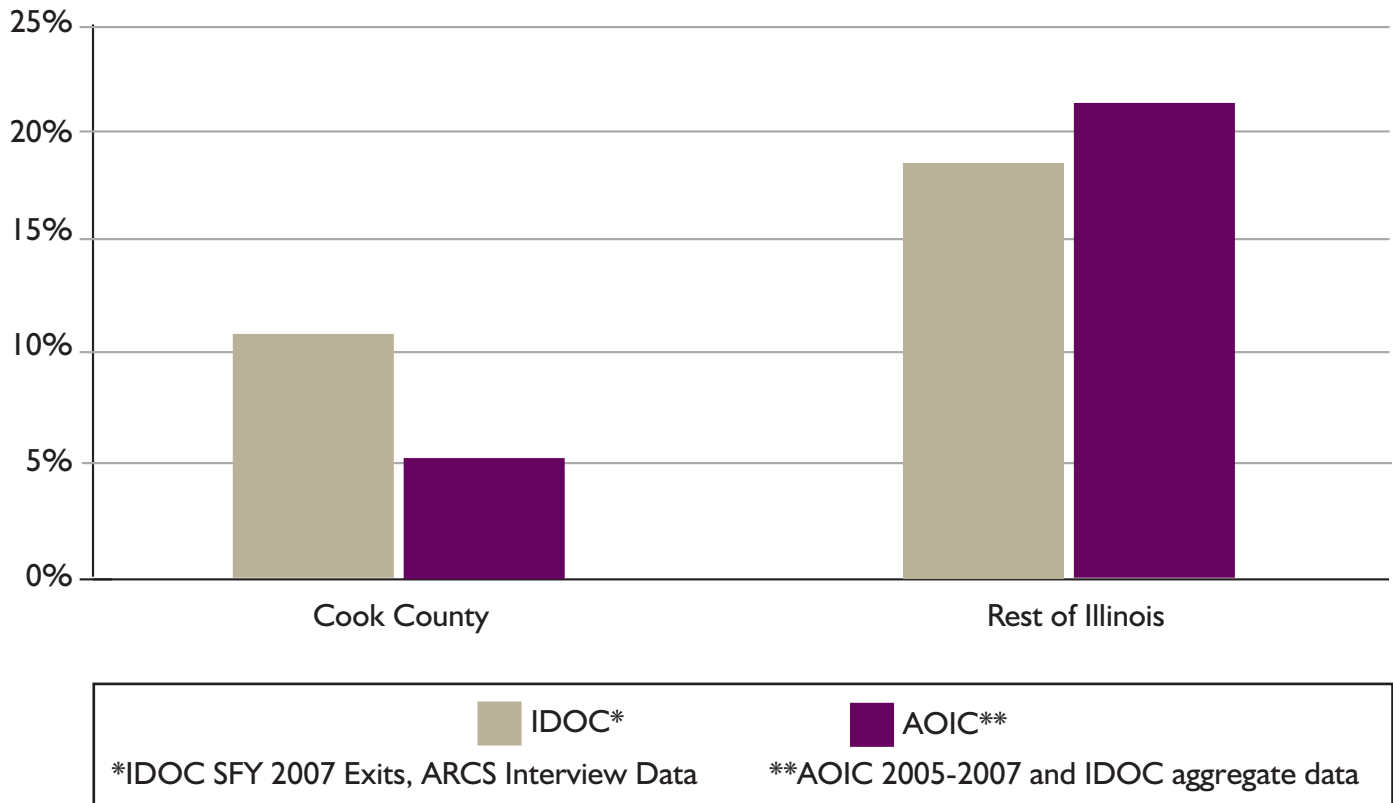
⁴ For those individuals who violate conditions of their probation sentence, such as testing positive for drug use, failing to comply with treatment orders, or being rearrested for a new crime, they can be brought back before the sentencing judge for a violation of probation hearing. If a judge finds that a violation has occurred, they can modify the conditions set forth on the original probation sentence, or they can revoke the original probation sentence and impose a new sentence. Based on case-level data collected as part of the Illinois Probation Outcome Study in 2000, 68 percent of felons who had their probation sentence revoked were sentenced to prison and an additional 17 percent were sentenced to jail. Thus, among felons who had their probation sentence revoked in Illinois, 85 percent received a sentence of incarceration, primarily in prison but some to jail, as a result of the revocation. Thus, the number and proportion of felony probationers who have their sentenced revoked has a direct impact on admissions into Illinois' prison system and to some degree admissions to local jails.

⁵ Probationers who are discharged "unsatisfactorily" are finished with their probation sentence, but there were aspects of the sentence that were not fully completed, such as failing to pay all of the court-ordered fees or fines.

⁶ In Cook County a large proportion of cases are dropped from the active caseload status by being placed in an absconder/warrant status for administrative reasons to ensure that these cases are not reflected in caseload measures as active cases. In 2011, 18 percent of all felony cases closed in Cook County were categorized as absconder/warrant cases, compared to 6 percent of all felony cases closed outside of Cook County.

⁷ Beginning in 2005, the Administrative Office of the Illinois Courts' Probation Services Division began working with local probation departments to implement a new risk assessment instrument, which resulted in a dramatic change in the risk classification of felony probationers which limits the ability to compare probationer assessed risk over the entire time period due to the use of two different risk assessment instruments and resulting scores.

Figure 5: Percent of IDOC Admissions Accounted for by Offenders on Probation Immediately Before Prison Admission, Based on AOIC Aggregate & IDOC Interview Data



that were positive).⁸ However, despite this correlation, even in counties where relatively large proportions of probationers were classified as medium or high risk, the majority of felony probation cases were discharged positively.

Measuring the Impact of Probation Revocations on Prison Admissions

Given the nature of the data collected by AOIC, it is not possible to determine the characteristics of those who, while on probation, either had their probation sentences revoked or who were sentenced to prison on another case while under probation supervision. However, based on the data reported to AOIC by the local probation

departments, it is possible to determine the overall number of people who, while on probation, were committed to the Illinois Department of Corrections. Coupling these data with information available from the Illinois Department of Corrections (IDOC) regarding the number of individuals sentenced to prison, it is possible to determine what percent of those sentenced to prison had been on probation immediately before their commitment to IDOC, either for a technical violation or a new conviction.

Based on existing AOIC data, it is estimated that during calendar 2010 there were roughly 3,500 (3,400 in 2011) probationers in Illinois who were committed to IDOC either as a result of a probation revocation or a new conviction and sentenced to prison. During calendar year

⁸ Spearman's Rho (due to skewness of measures) was -.30 between the county-level aggregate for the 2009 to 2011 period of the percent of probation cases classified as maximum risk and the percent of cases discharged positively (scheduled or early termination). Pearson's r (due to no skewness of measures) was .26 between the county-level aggregate for the 2009 to 2011 period of the percent of probation cases classified as minimum risk and the percent of cases discharged positively (scheduled or early termination).

2010 there were approximately 22,600 prison admissions resulting from court-imposed prison sentences (i.e., excluding those admitted to prison for technical violations of their Mandatory Supervised Release—MSR/parole”). Taken together, these data indicate that approximately 15 percent of felons sentenced to prison in Illinois in 2010 were accounted for by those who had been on probation immediately before being committed to IDOC. Analyses of these data over time suggest that the proportion of prison admissions in Illinois accounted for by those who had been on probation immediately before being admitted to prison has remained relatively stable and consistent, although in sheer numbers probation populations and prison admissions have both grown. When looked at regionally, it appears that a smaller proportion of prison admissions from Cook County have involved individuals who had been on probation when sentenced to prison than is the case outside of Cook County. For example, based on the method of combining AOIC and IDOC data, it is estimated that about 10 percent of all 2010 IDOC admissions from Cook County involved individuals who had been on probation when committed to IDOC, compared to 26 percent outside of Cook County (Figure 5).

This pattern between Cook County and the rest of Illinois, and the proportion of prison admissions accounted for by individuals who had been on probation when committed to IDOC, is consistent with analyses performed using data collected by IDOC during the Reception and Classification process of new inmates. When inmates are admitted to IDOC they go through a series of assessments and interviews, and the information is captured through the Automated Reception and Classification System (ARCS). One of the questions the newly admitted inmates are asked is whether they “were on county probation prior to the offense that brings you here [to prison].” Based on responses to this question, among a cohort of inmates released from prison in state fiscal year 2007, 14 percent of those released from prison following a court-imposed sentence (as opposed to technical MSR violators) indicated that they were on county probation prior to coming to IDOC. Among those sentenced to prison from Cook County, 10.7 percent indicated they were on probation prior to the offense that brought them to prison. By comparison, among those sentenced to prison from outside of Cook County, 18.3 percent indicated they were on probation prior to the offense that brought them to prison. Part of this difference between Cook County and the rest of Illinois may be explained by the preceding analyses, which found a relatively smaller percent of felony probation cases in Cook County discharged through a revocation, but

a higher proportion discharged due to either unsatisfactory termination or the case being placed on absconder/warrant status.

Thus, approximately 15 percent of all inmates sentenced to prison statewide were individuals who had been on probation at the time they had been sentenced to prison, either as a result of a technical probation violation or as a result of a new conviction. In recent years, this translates to roughly 3,500 probationers who end up being sentenced to prison, and while the sheer number has increased from the 1990s, the percent of prison admissions accounted for by these probationers has not changed much in the past 19 years. Thus, a fairly substantial number of those sentenced to prison enter prison having already been on probation for a period of time, have had an assessment of risks and needs performed, and may have also been involved in treatment and services in the community before their subsequent revocation and commitment to IDOC. Further, across Illinois’ individual counties there was a significant amount of variation in the proportion of prison admissions accounted for by offenders who had been on probation at the time of their sentencing to IDOC.

Conclusions

In one of the first systematic analyses of data collected by the Administrative Office of the Illinois Courts’ Probation Division, a number of useful and informative conclusions can be made that helps to better understand the growth in felony probation sentences in Illinois. Some of these patterns are consistent with what probation professionals in Illinois have likely recognized as they work with their caseloads on a daily basis, while other findings provide objective, quantifiable measures that can be useful for criminal justice planning and policy making in Illinois. By combining information from multiple sources, including the previously completed SPAC report titled Illinois Felony Sentencing: A Retrospective Research Briefing (SPAC, 2011), much of the increase in felony probation sentences during the 1990s and into the early 2000s can be attributed to a dramatic increase in arrests for all crime types, but most notably, increased arrests for felony-level possession of a Controlled Substance. This helps to explain the growth in the number and proportion of felons sentenced to probation who have been convicted of a Class 4 felony. In addition, as a result of an increasing proportion of Class 1 and 2 felonies in Illinois being non-

probationable, and therefore requiring a prison sentence be imposed upon conviction, an increasing proportion of felony probation cases are accounted for by Class 4 felonies, and the majority of Class 1 and 2 felons convicted in Illinois are sentenced to prison for crimes where probation was not a statutorily viable sentencing option. Thus, relatively small, and decreasing proportions of felony probation cases in Illinois involve Class 1 or 2 felonies.

Similarly, much of the decrease in statewide felony probation sentences since 2002 is related to not only the overall reduction in reported crime during the period, and as a result, arrest, but also a reduction in arrests for violations of the Controlled Substances Act. Further, with increasing proportions of Class 1 and 2 felonies accounted for by crimes for which probation cannot be imposed, this too has contributed to the statewide decrease in felony probation sentences being utilized.

The demographic characteristics of felons placed on probation in Illinois between 1993 and 2011 have also gradually changed between 1992 and 2011. Although males still account for the majority of felony probationers in Illinois, the proportion accounted for by females has increased statewide, as well as across each of the four general types of jurisdictions in Illinois—Cook County/Chicago, the Collar Counties, urban areas outside of Cook and the Collar County region and Illinois' rural communities. Similarly, there have been significant shifts in the racial characteristics of felons on probation in Illinois, with decreasing proportions of felony probationers being accounted for by Blacks, and increasing proportions accounted for by Whites and Hispanics. Overall, felony probationers in Illinois also appeared to be getting slightly older during the period examined. By 2011, roughly 1 out of every 5 felony probationers in Illinois was over the age of 40, compared to 1 out of every 10 in 1993. Indeed, by 2011, almost 1 out of every 10 felony probationers in Illinois was 50 years old or older.

Finally, the effectiveness of probation across Illinois' counties also has a clear impact on the state's prison system, and is, to some degree, influenced by the level of risk felony probationers present. Statewide, and across most Illinois counties, the majority of felony probationers are successfully discharged from supervision. The proportion of felony probationers in Illinois that had their sentence revoked, which usually leads to a subsequent prison sentence, remained relatively low and stable

through the 1993 to 2011 time period examined for the current analyses. Statewide, only about 15 percent of all admissions to prison involved individuals who had been on probation immediately before being sentenced to prison, although this varied considerably between Cook County and the rest of Illinois, as well as across the individual counties. Indeed, analyses of data collected from the 2000 Illinois Probation Outcome Study illustrates that these positive impacts of probation are not just short-lived: among felony probationers satisfactorily discharged from supervision in 2000, more than 70 percent had not been rearrested for a new felony 8 years post-probation discharge, including those who were classified as maximum risk while on probation in 2000.

This Research Bulletin was written collaboratively by David E. Olson, Ph.D., Donald Stemen, Ph.D., Sema Taheri, M.A., and Michelle Midduszewski, all from Loyola University Chicago; Kathy Saltmarsh, SPAC Executive Director; and Margie Groot and Rich Adkins, both from the Administrative Office of the Illinois Courts' (AOIC) Probation Services Division. The analyses presented in this report are based on analyses performed by members of the Loyola University Chicago research team of AOIC Probation Services Division data.

