

Understanding the Use of Prison versus Probation

David Olson, Ph.D., Don Stemen, Ph.D.,
Amanda Ward, Ph.D., & Holly Michalak

Center for Criminal Justice Research, Policy & Practice

Presented at the 2019 Adult Redeploy Illinois & Criminal Justice
Coordinating Councils Summit, Bloomington, Illinois

May 14, 2019



Macro- versus micro-level changes in policy and practice

- Macro-level
 - Changes in levels of crime
 - Changes in attitudes regarding drug enforcement
 - Changes in support for “punitive” responses to crime
- Micro-level
 - How discretion is exercised
 - Very specific, discrete changes to policy and practice
- Specific Illinois efforts
- Specific efforts in Illinois counties/municipalities

Obstacles and challenges to reform

- “One size does not fit all” or “Chicago wags the dog”
- “All politics (and justice) is local”
- “No one is in charge”
- “You can’t handle the truth”
- “One good story is more compelling than all the objective data”
- “Out of sight, out of mind”



Obstacles and challenges to reform

- “One size does not fit all” & “Chicago wags the dog”
 - National problems cannot be understood by lumping all states together
 - State problems cannot be understood by lumping all counties together
 - County problems cannot be understood by lumping all municipalities together
 - » Municipal problems cannot be understood by lumping all neighborhoods together
 - » Neighborhood problems cannot be understood by lumping all residents together
- THUS, it is difficult to understand problems and craft solutions without zooming in



“No one is in charge”

- By design, no single elected official or agency is “in charge”
- All criminal justice agencies are interconnected
- The increases and decreases in crime due to factors beyond just what the criminal justice system does or does not do



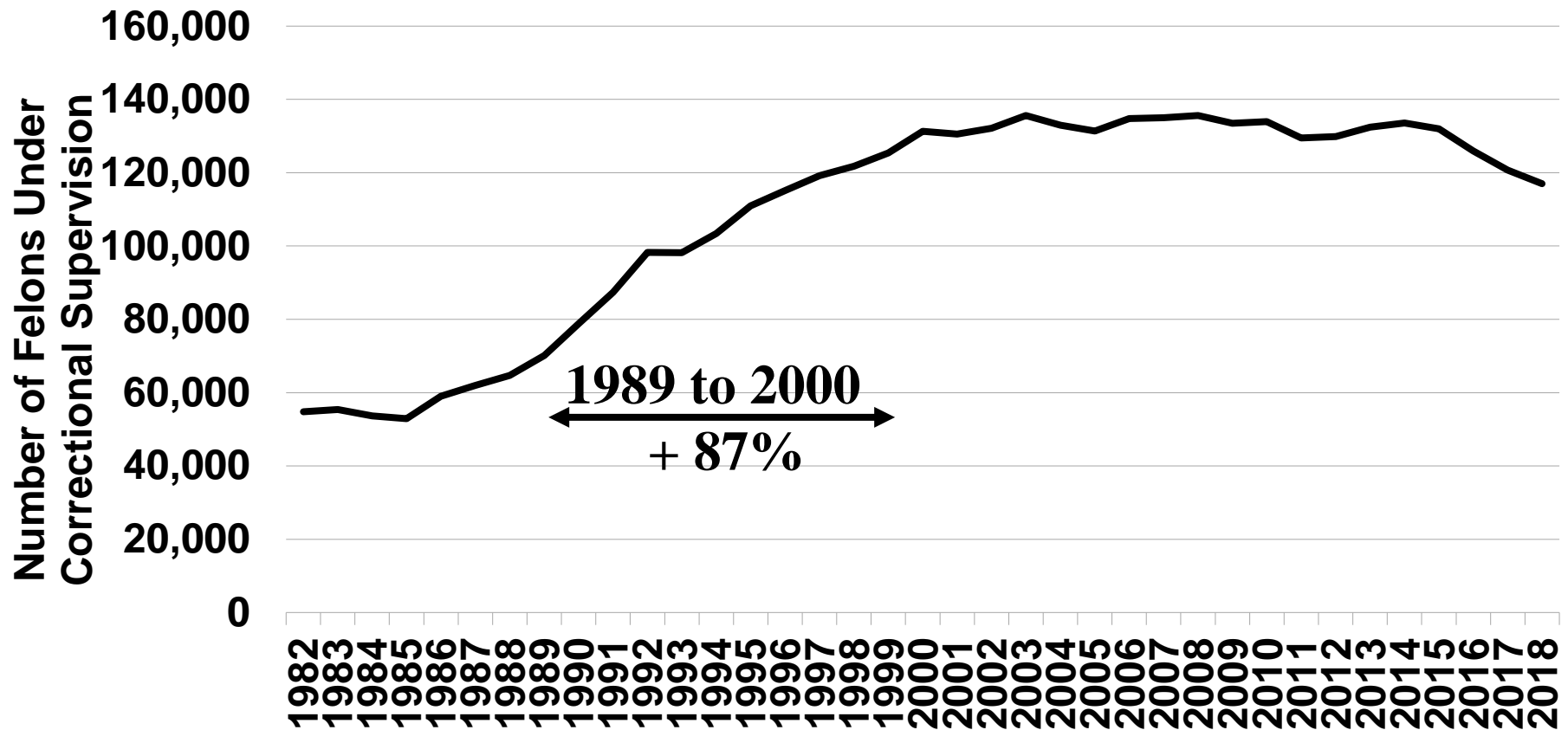
The Presumption of Probation

- “...the court shall impose a sentence of probation or conditional discharge upon an offender unless, having regard to the nature and circumstances of the offense, and to the history, character and condition of the offender, the court is of the opinion that (1) his imprisonment or periodic imprisonment is necessary for the protection of the public; or (2) probation or conditional discharge would deprecate the seriousness of the offender’s conduct and would be inconsistent with the ends of justice.” (730 ILCS 5/5-6-1(a)).

Determinants of Sentences Imposed on Those Convicted of a Felony in Illinois (CHRI)

- Offense, defendant and jurisdiction characteristics
- Strongest predictors of a prison vs. probation sentence in Illinois
 - *Felony class* of conviction offense
 - Prior criminal history (particularly *prior prison*)
 - Pre-trial detention
- Influential, but less so
 - Age, gender and race
- Independent effect of county where convicted
- Factors *vary* by county

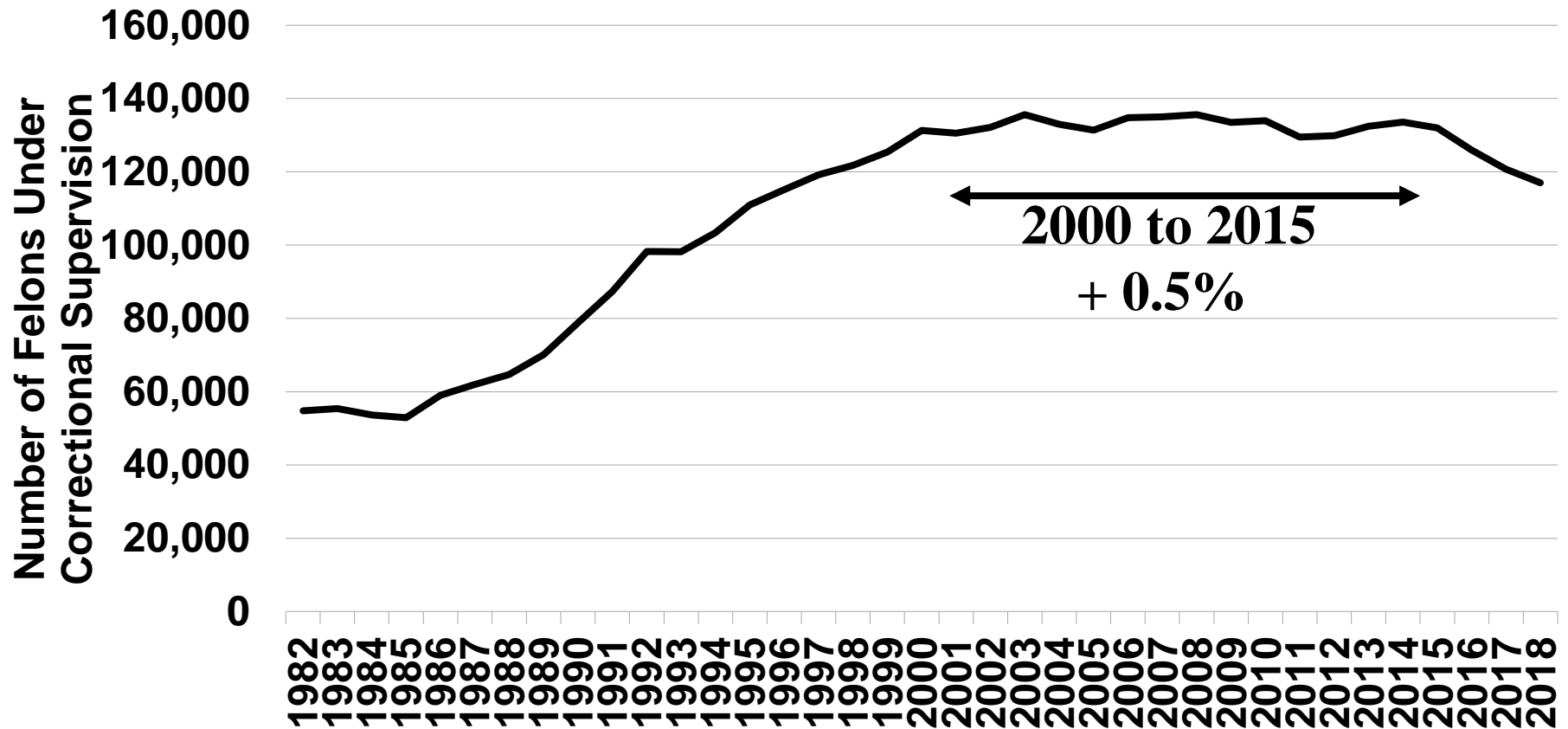
Total Adults Convicted of a Felony Under Correctional Supervision in Illinois



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of IDOC and Administrative Office of the Illinois Courts data; felony probation cases estimated



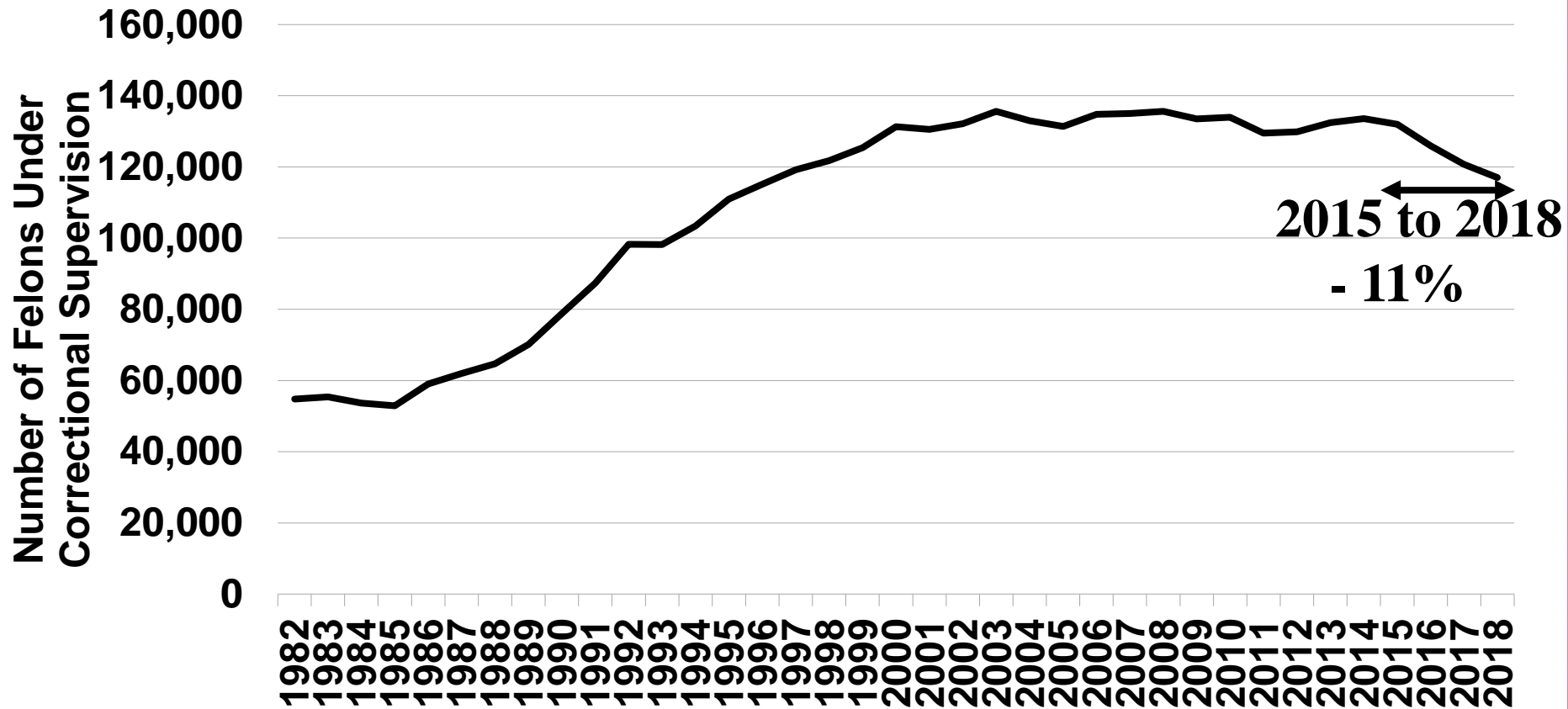
Total Adults Convicted of a Felony Under Correctional Supervision in Illinois



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of IDOC and Administrative Office of the Illinois Courts data; felony probation cases estimated



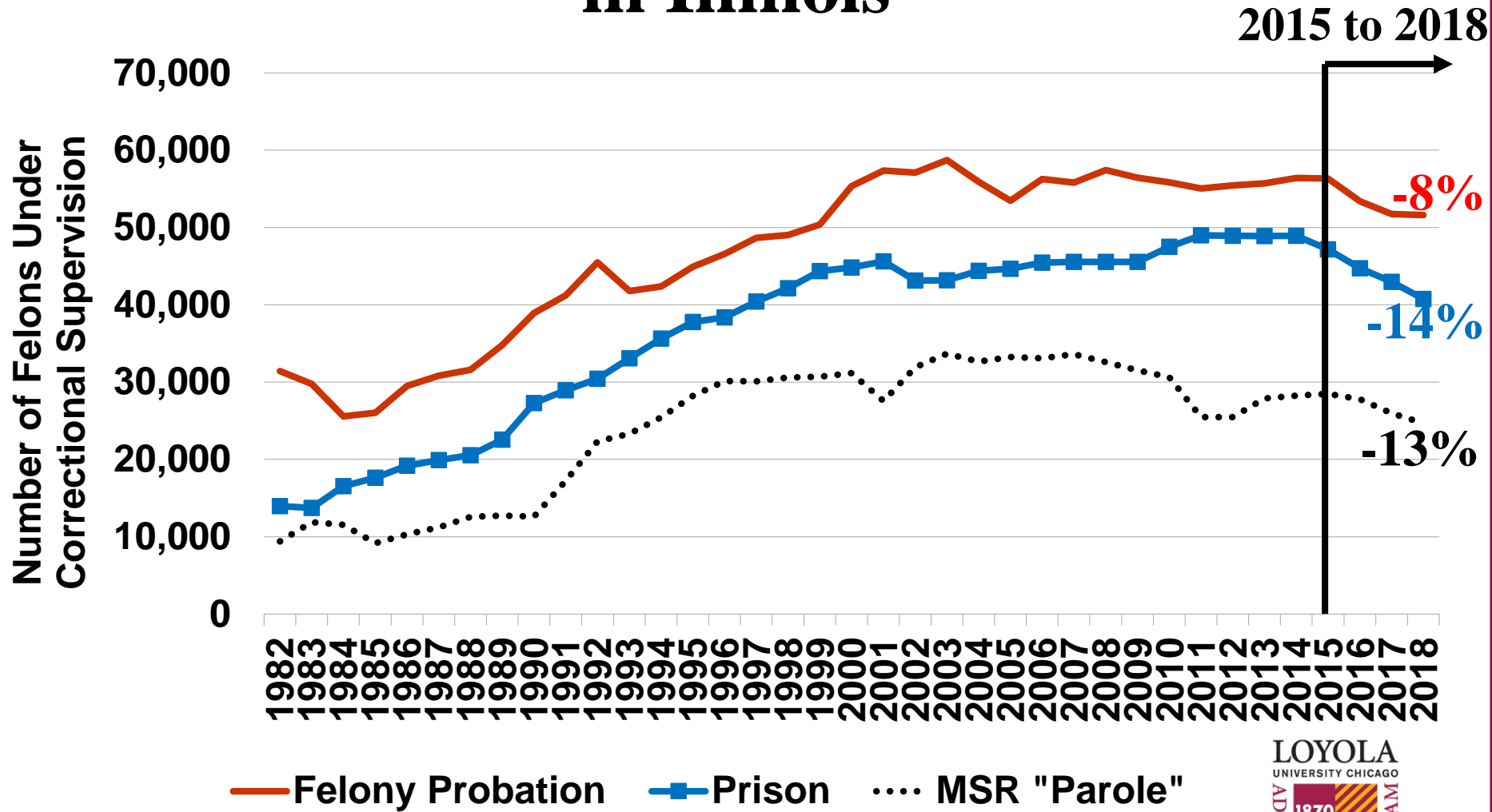
Total Adults Convicted of a Felony Under Correctional Supervision in Illinois



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of IDOC and Administrative Office of the Illinois Courts data; felony probation cases estimated



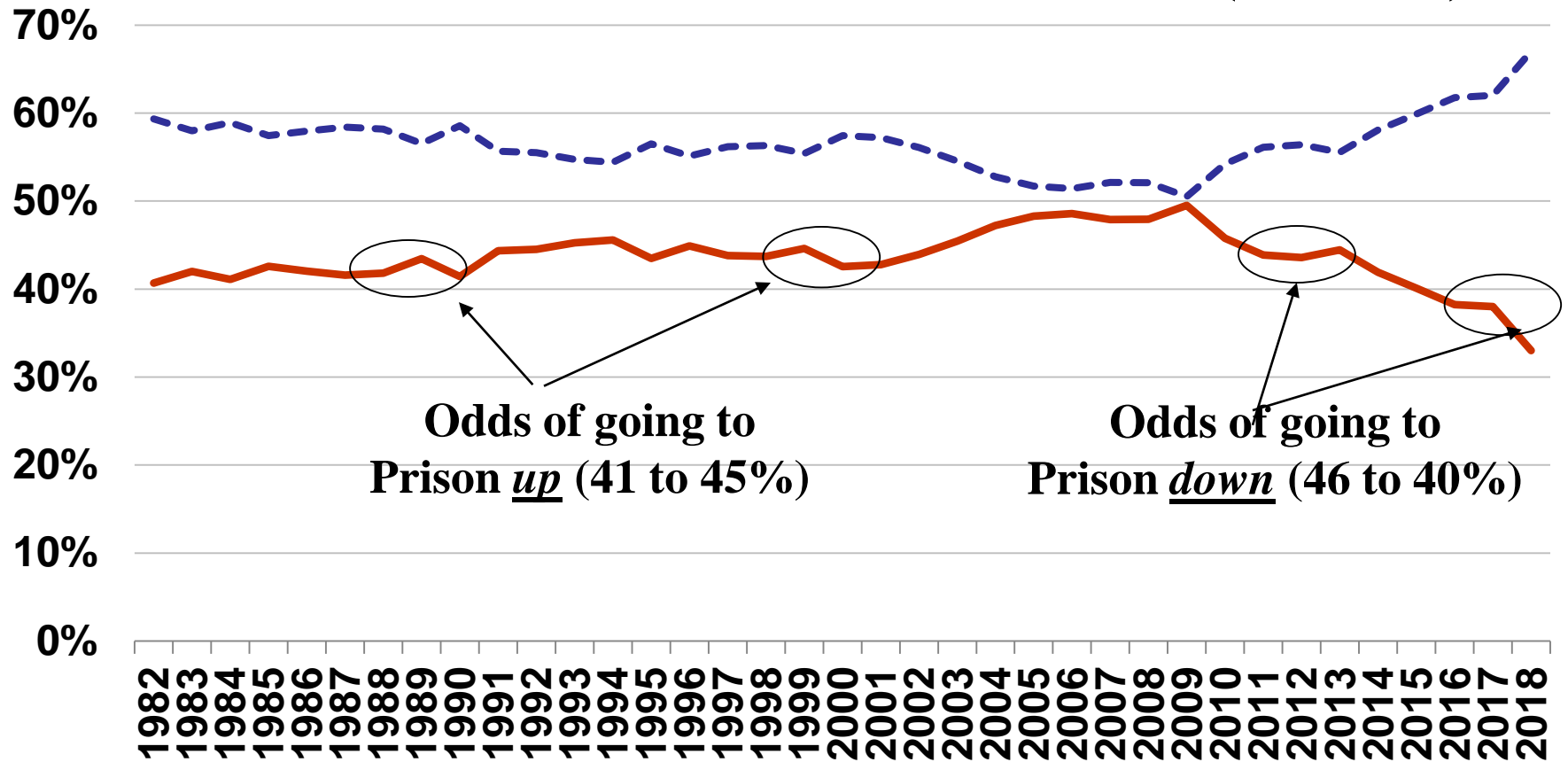
Trends in Felony Correctional Populations in Illinois



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of IDOC and Administrative Office of the Illinois Courts data; felony probation cases estimated



Percent of Convicted Felons Sentenced to Prison vs Probation in Illinois (X 102)



Odds of going to Prison up (41 to 45%)

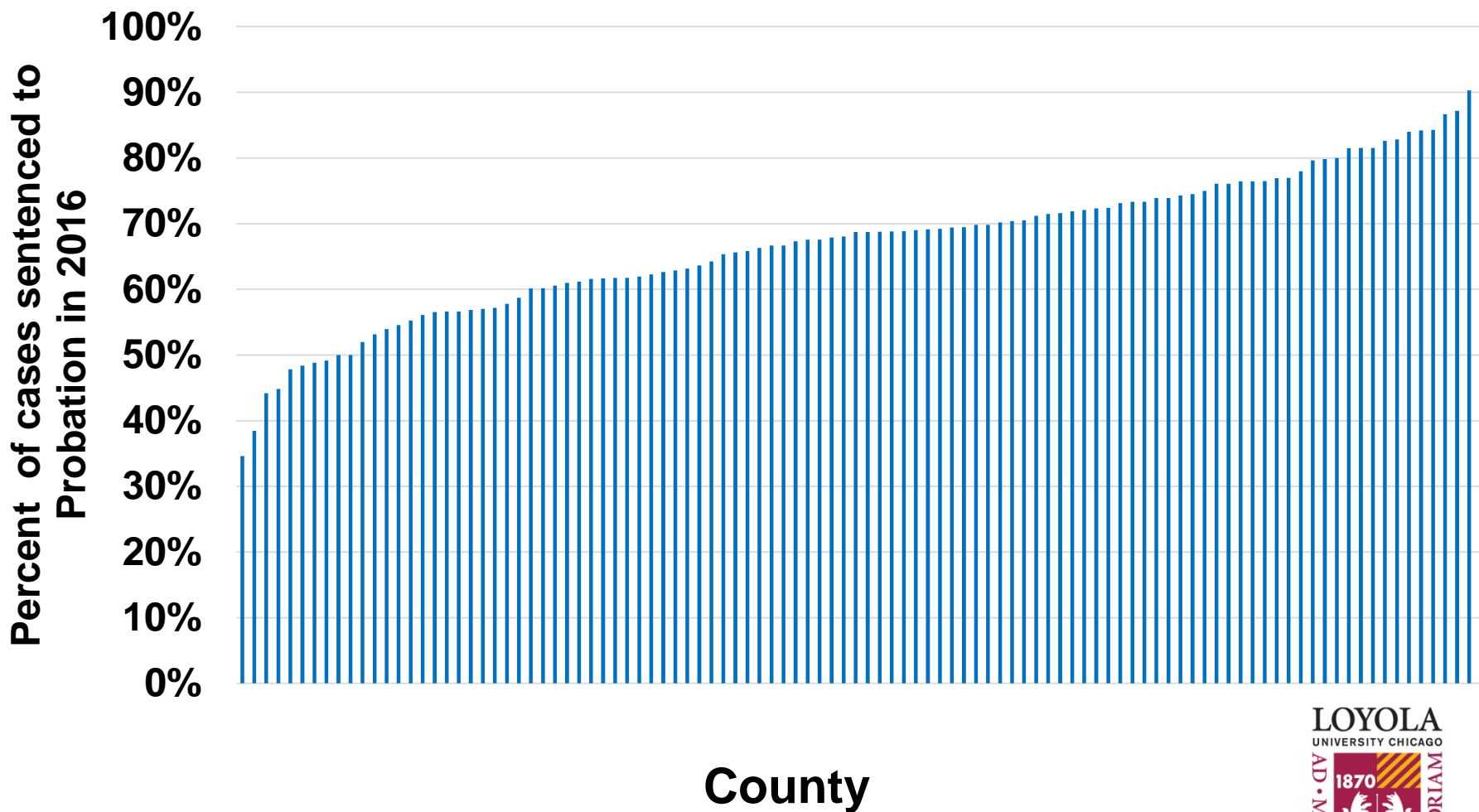
Odds of going to Prison down (46 to 40%)

— Prison - - - Probation/Other

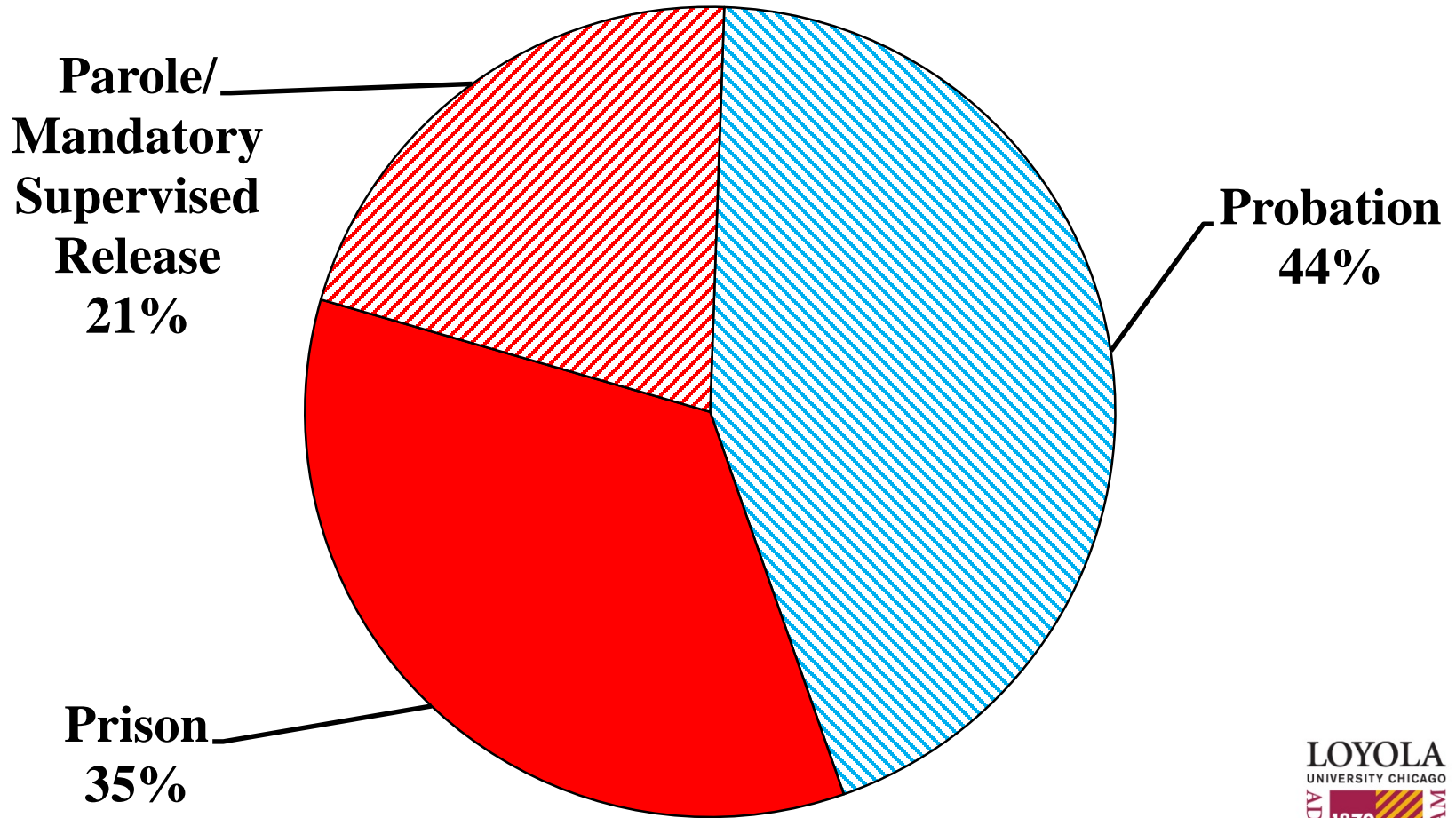


Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of AOIC annual court statistics with adjustments made to address reporting issues.

Percent of Convicted Felons Sentenced to Probation in 2016, Varies by County



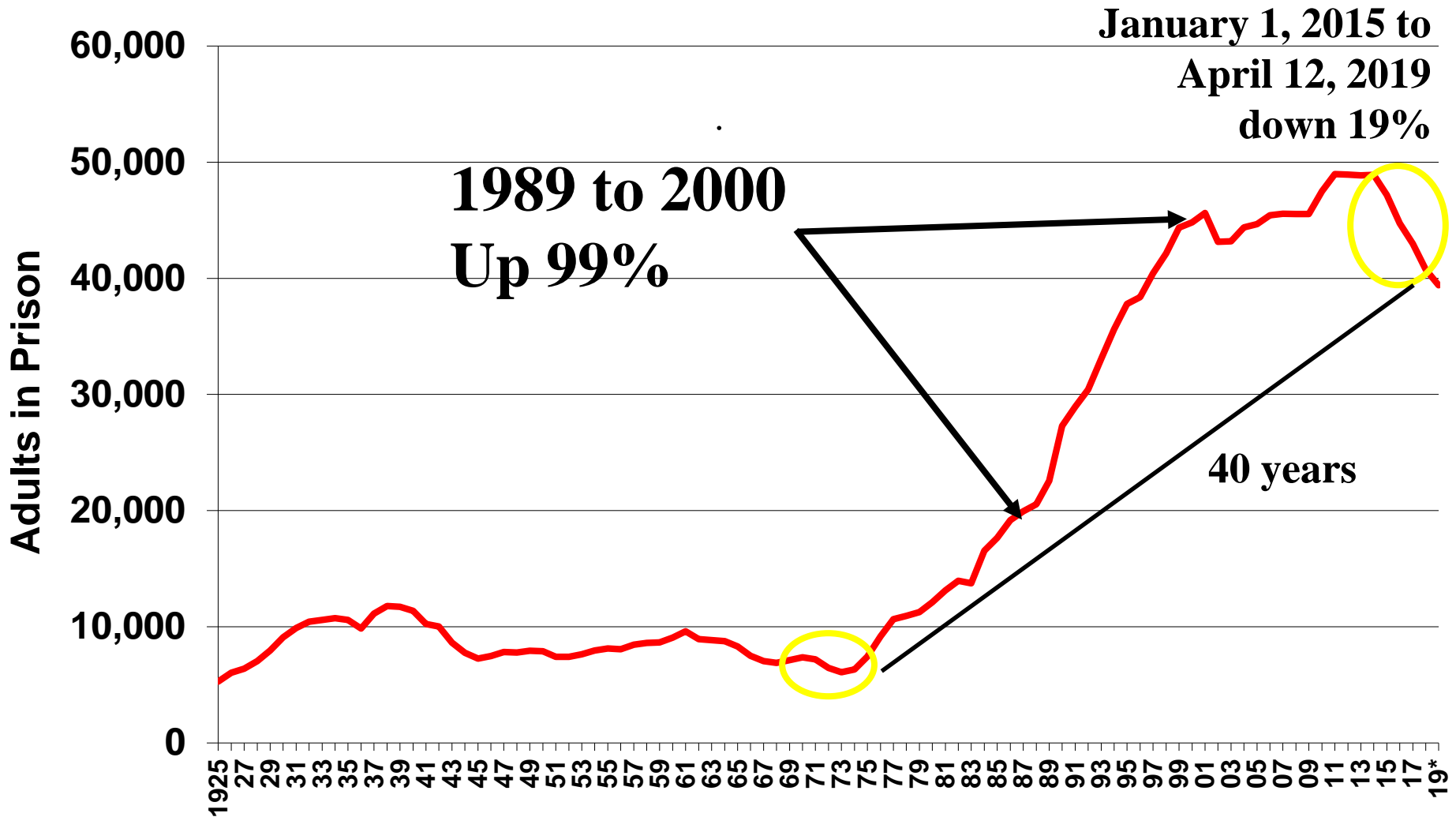
117,000 Illinois Adults Under Supervision of Justice System for a Felony, Statewide 2018



Preparing people to lead extraordinary lives

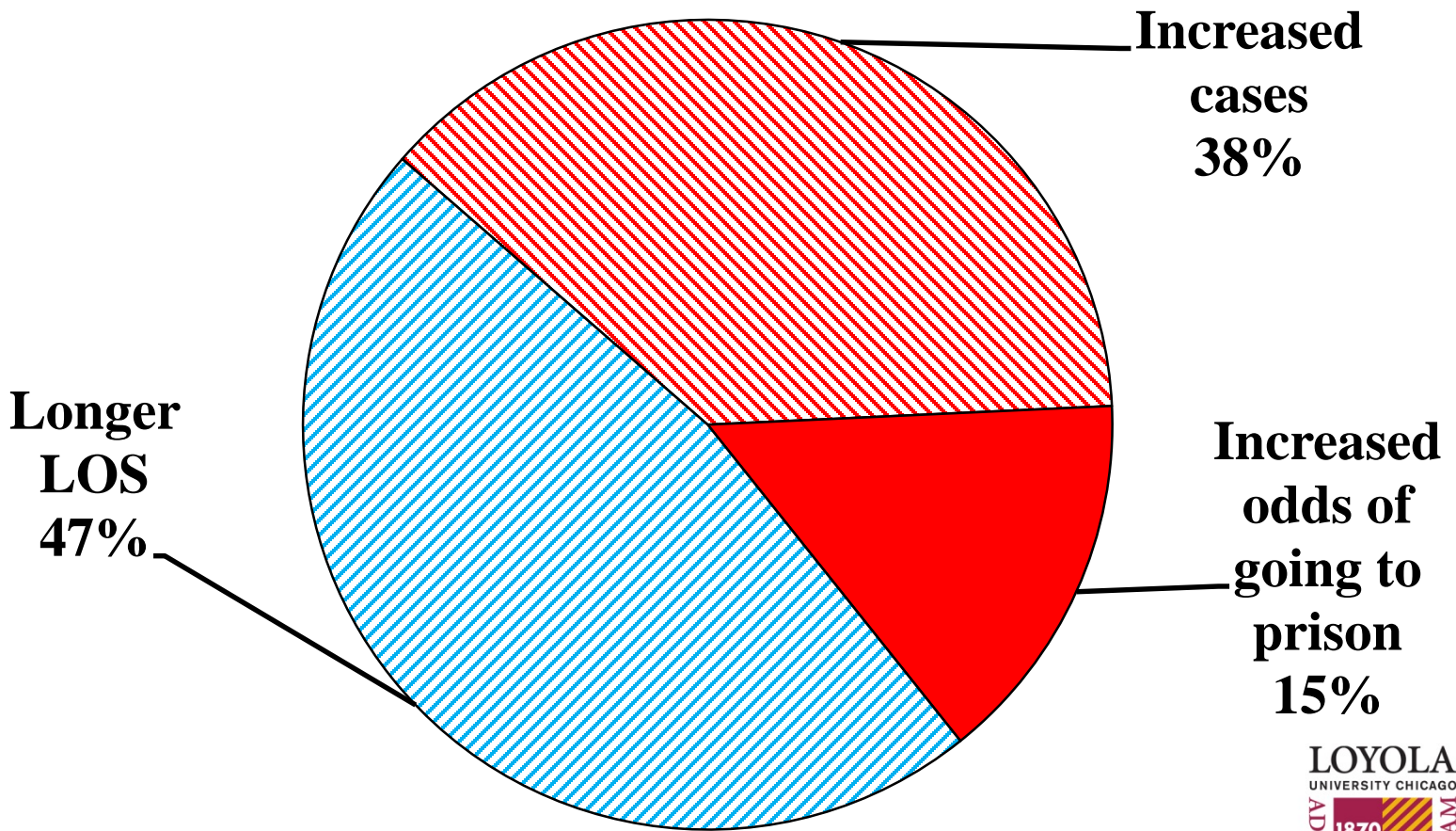
Source: Analyses by Loyola's Center of Research, Policy and Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit & AOIC published reports

Illinois Adult Prison Population

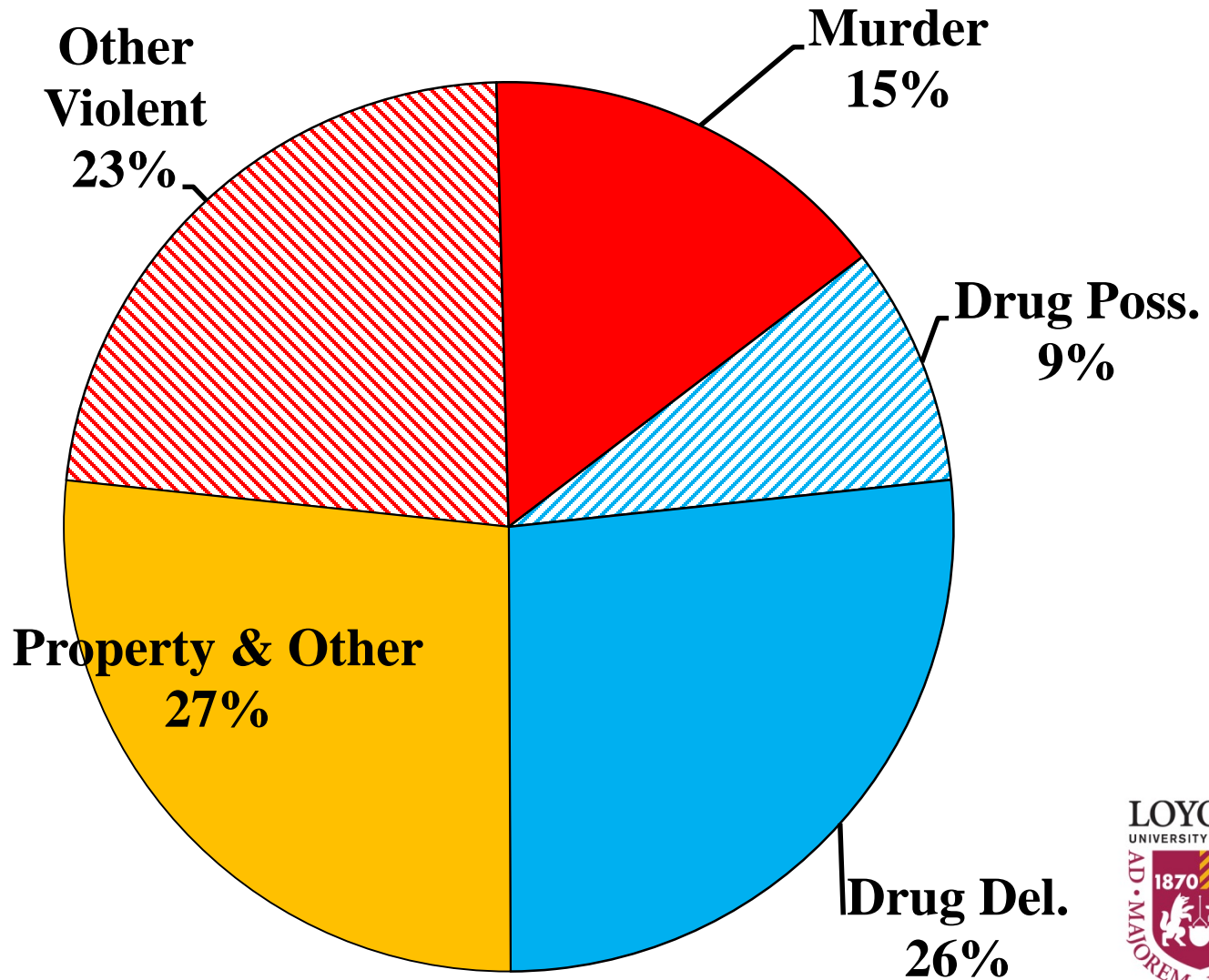


Source: U.S. Department of Justice Historical Statistics on Prisoners in State and Federal Institutions, 1925-1986 and published IDOC data

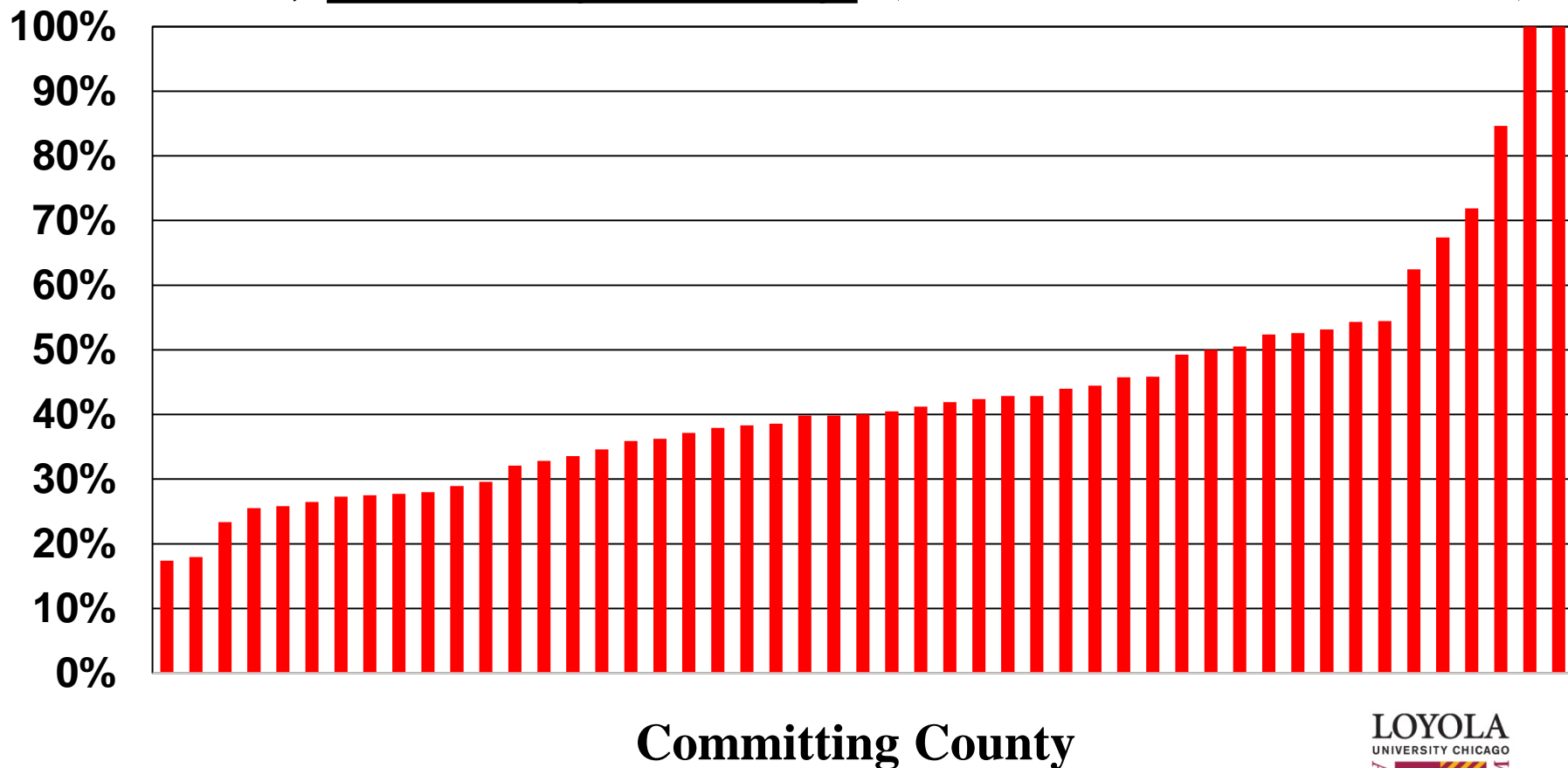
Causes of the increase in Illinois' statewide prison population between 1989 and 2000?



Causes of the statewide increase in Illinois' prison population-1989 to 2000



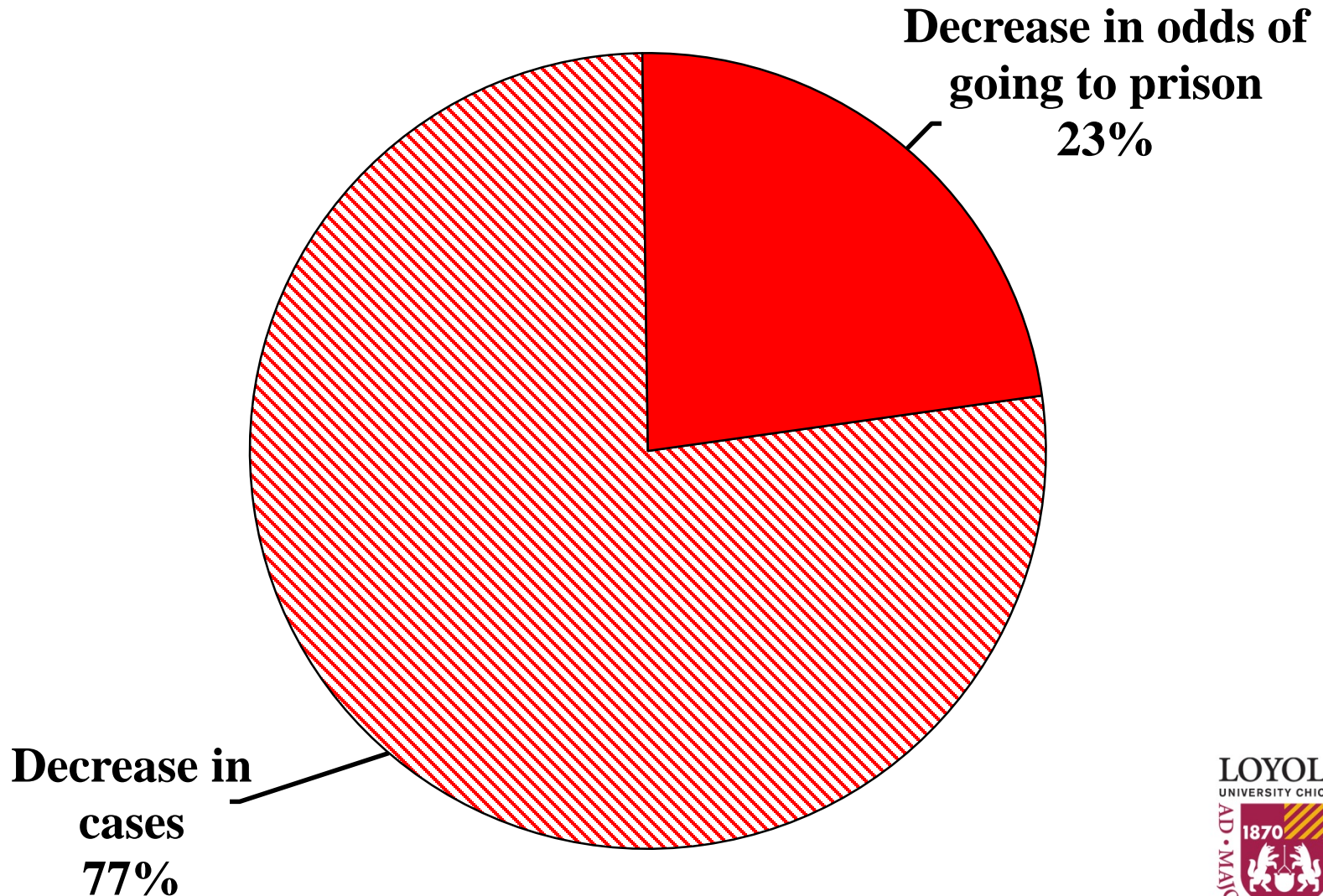
Percent of 1989 to 2000 Prison Population Growth Due to More Sentences for Violent Offenses, *Varies by County* (50 or more inmates)



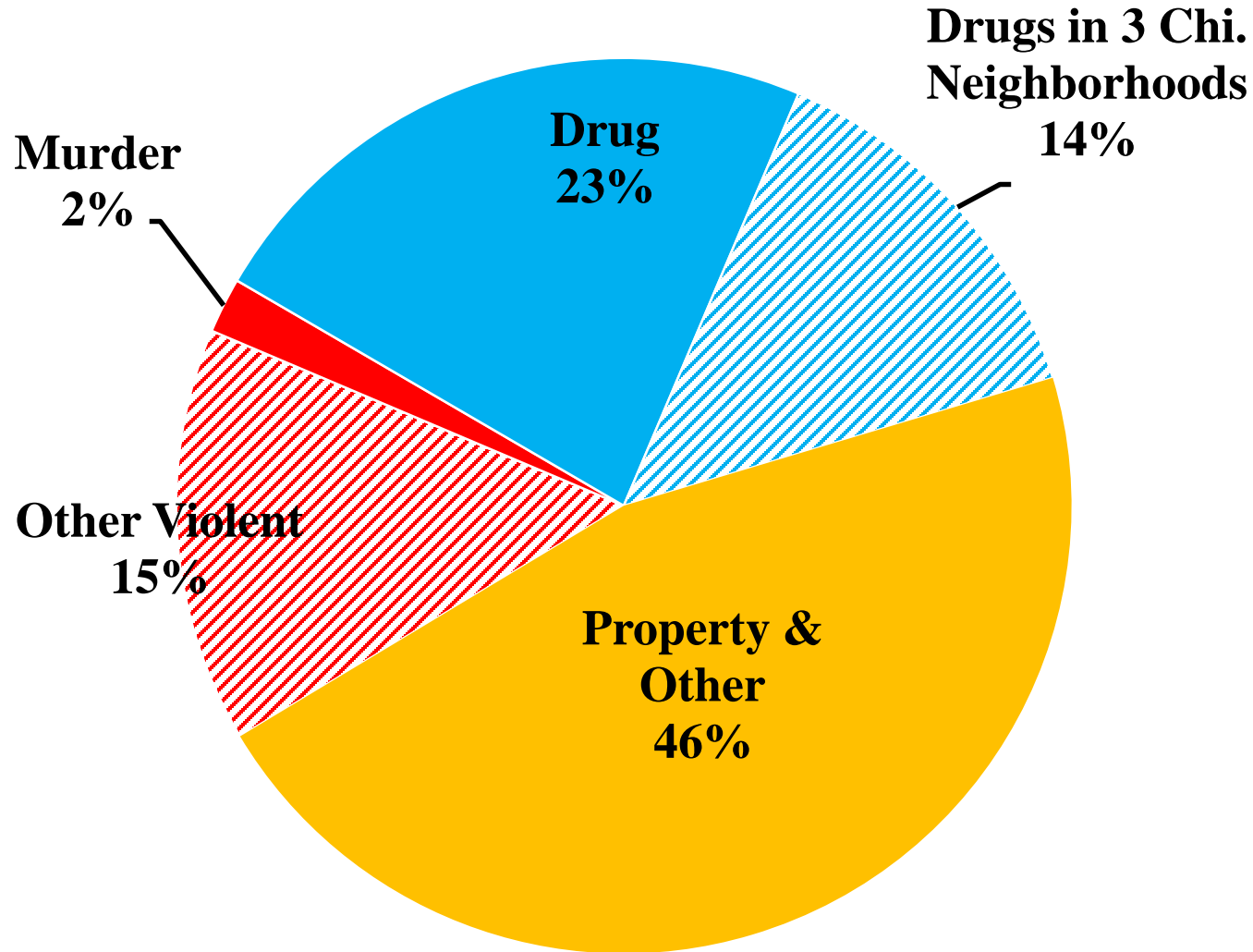
Source: Analyses by Loyola's Center of Research, Policy and Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit

Preparing people to lead extraordinary lives

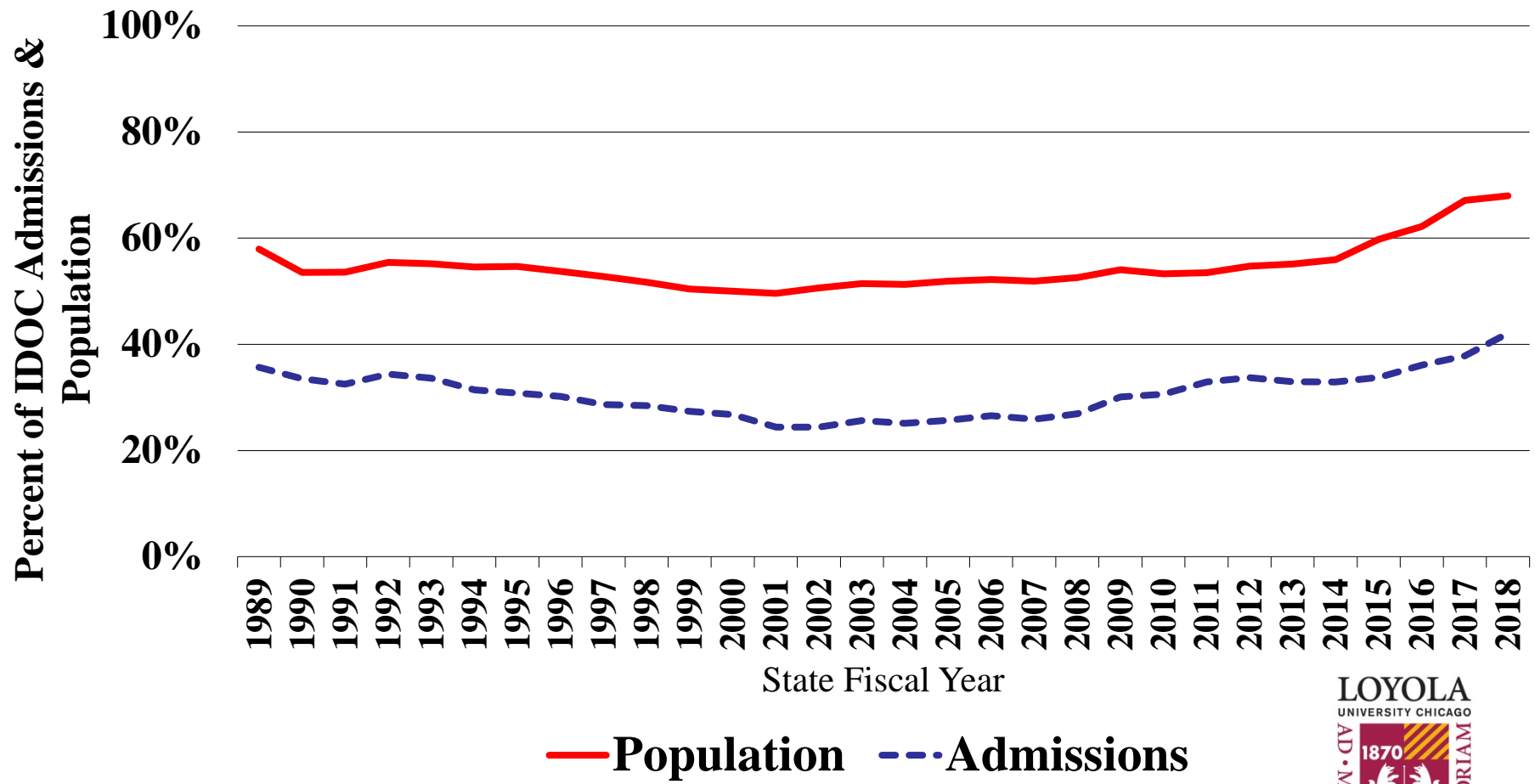
Causes of statewide reduction in Illinois' prison population, 2015-2018



Cause of statewide reduction in Illinois' prison population, 2015-2018



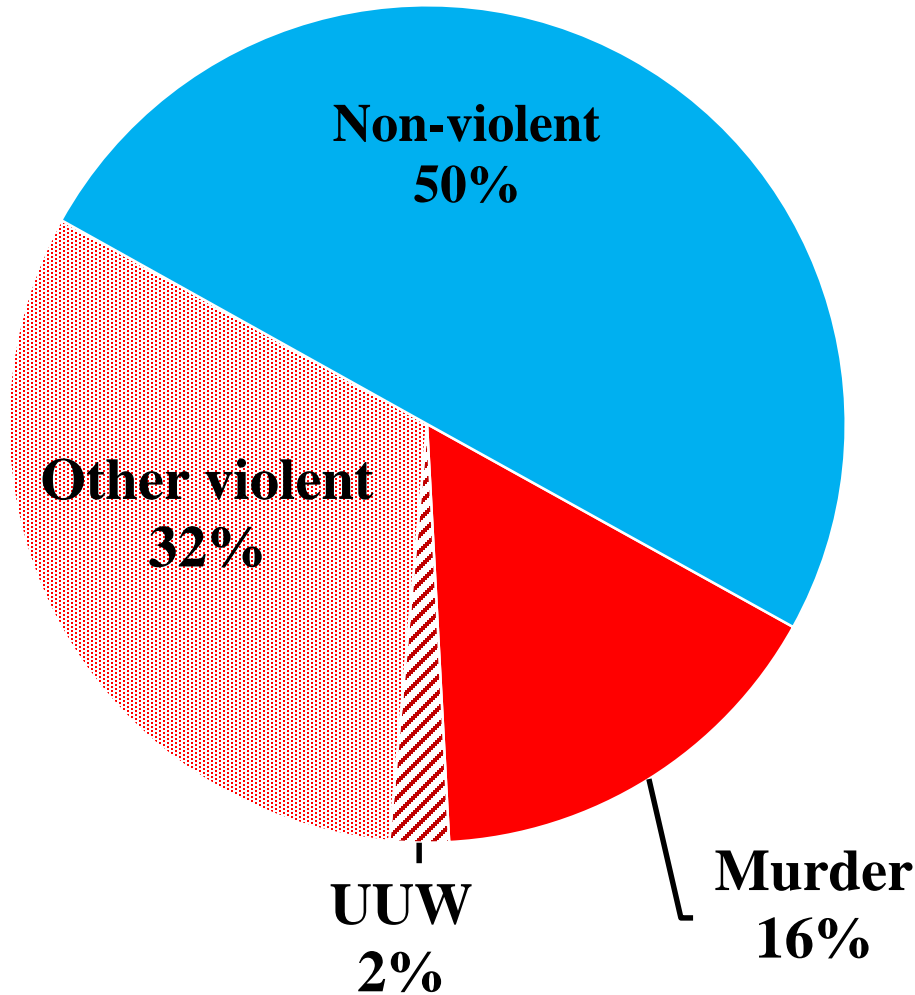
Focus prison resources on violent, high risk individuals: Percent of IDOC Admissions & Population Accounted for by Violent Offenses



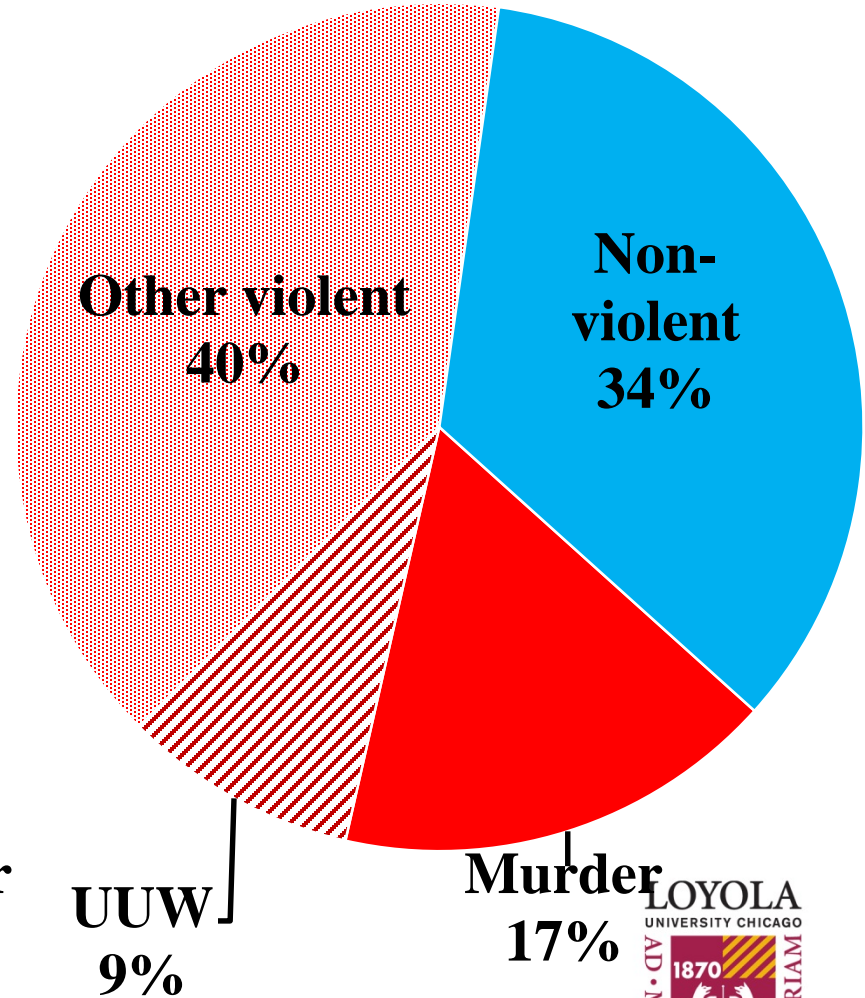
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of IDOC data provided by the IDOC Planning and Research Unit.

Illinois' Statewide Prison Population

2000



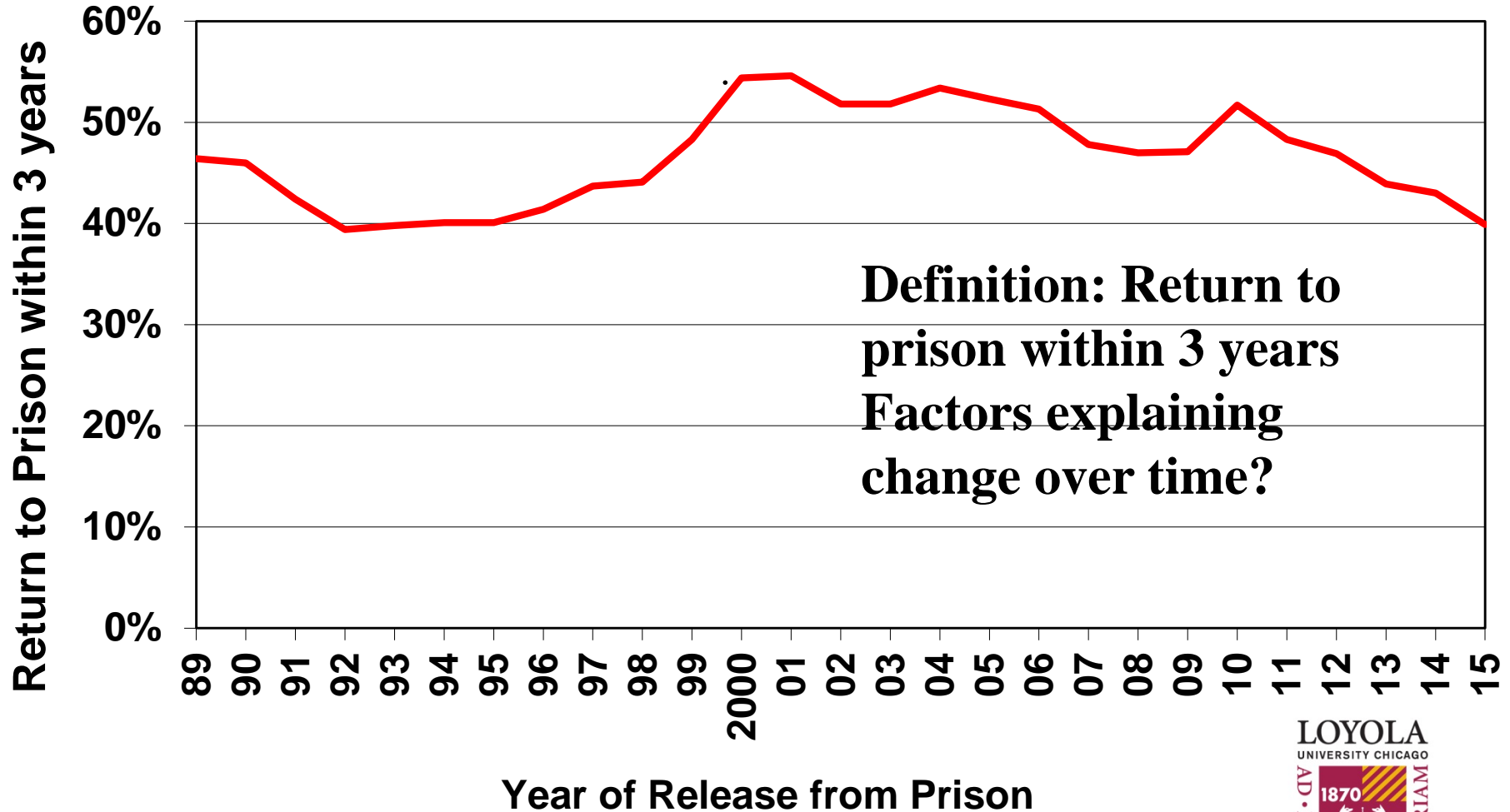
2018



Source: Analyses by Loyola's Center of Research, Policy and Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit

Preparing people to lead extraordinary lives

Illinois Adult Prison Recidivism Rate: The Need for a Sophisticated Understanding

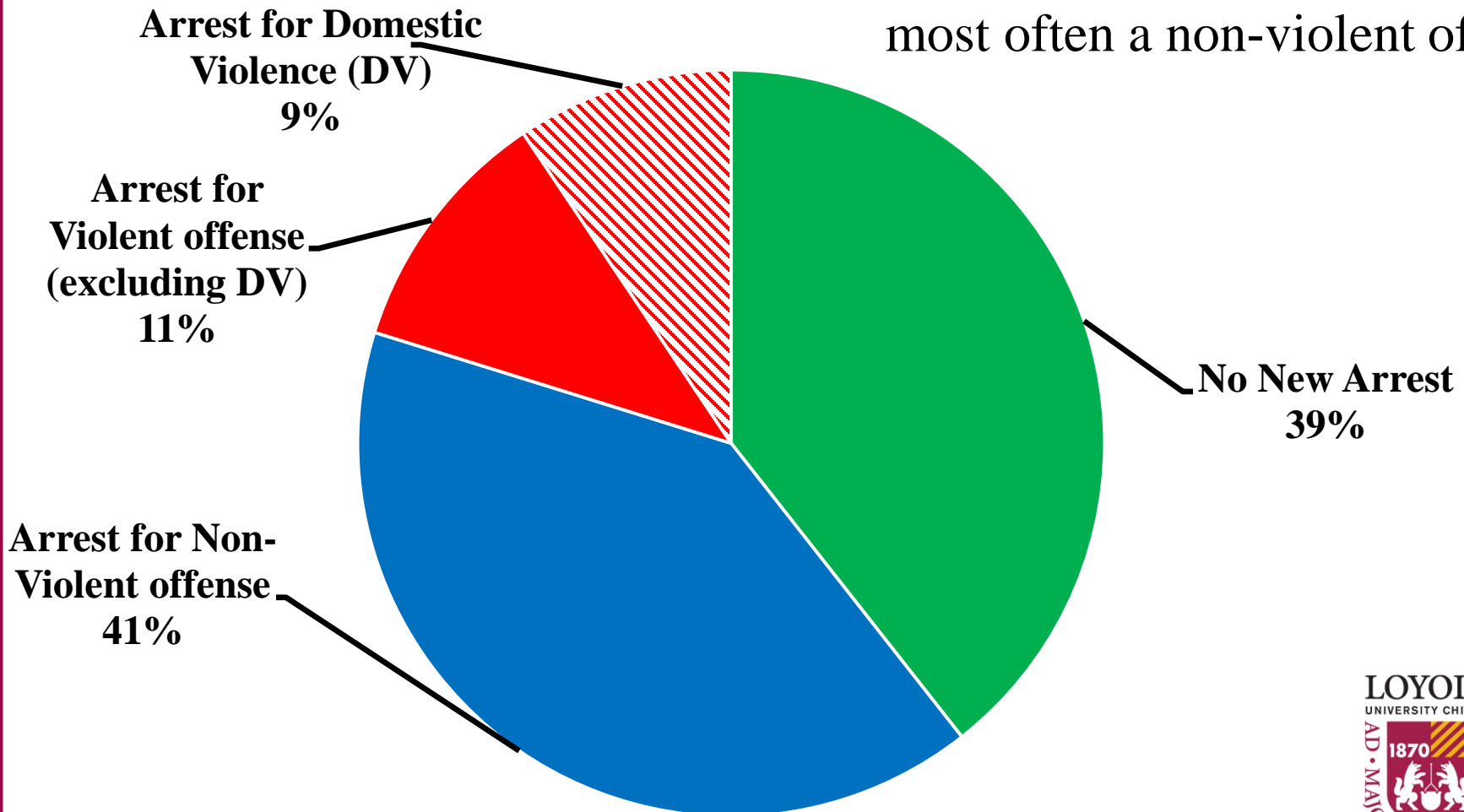


Source: Illinois Department of Corrections Planning and Research Unit



3-Year Post-Release Rearrest Rates Among Statewide IDOC Exits

61% arrested for something,
most often a non-violent offense

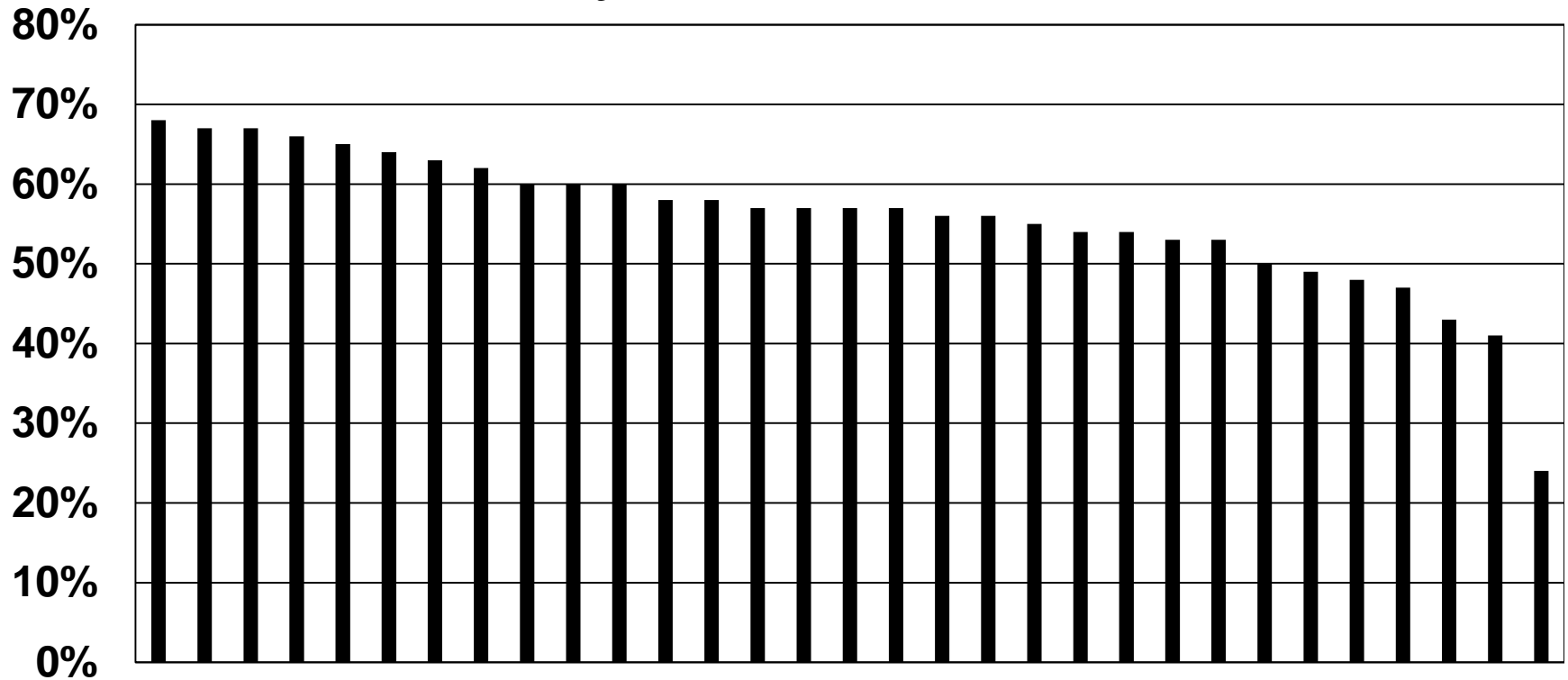


Preparing people to lead extraordinary lives

Source: Analyses by Loyola's Center of Research, Policy and Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit and CHRI data generated and provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority

3-Yr Post-Release Arrest Rate, SFY 2011-2015

IDOC Exits, by County of Release (30 largest counties by number of releases)



County Release to After Prison Sentence



Source: Analyses by Loyola's Center of Research, Policy and Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit and CHRI data generated and provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority

Felony Probationers

- Over the past decade we know statewide
 - Felony probationers getting older
 - Males account for majority of felony intakes, but women an increasing portion
 - Decrease in proportion of felony probation intakes accounted for by African-Americans, larger share accounted for by whites
 - Most are Class 3 & 4 felonies, and proportion growing slightly
 - Decreasing proportion for drug-law violations
 - Long-term outcomes not fully known



Obstacles and challenges to understanding probation & developing policy

- “One size does not fit all”
 - It is **NOT** Chicago/Cook County vs. “Downstate”
- Statewide AOIC standards, but each county operates within different environments, with different crime problems and probation populations, and varying resources
 - Funding for probation is complex and county-specific: reliance on local taxes, state salary reimbursements, and supervision fees, plus state and federal grants

Understanding the Outcomes of Probation Sentences

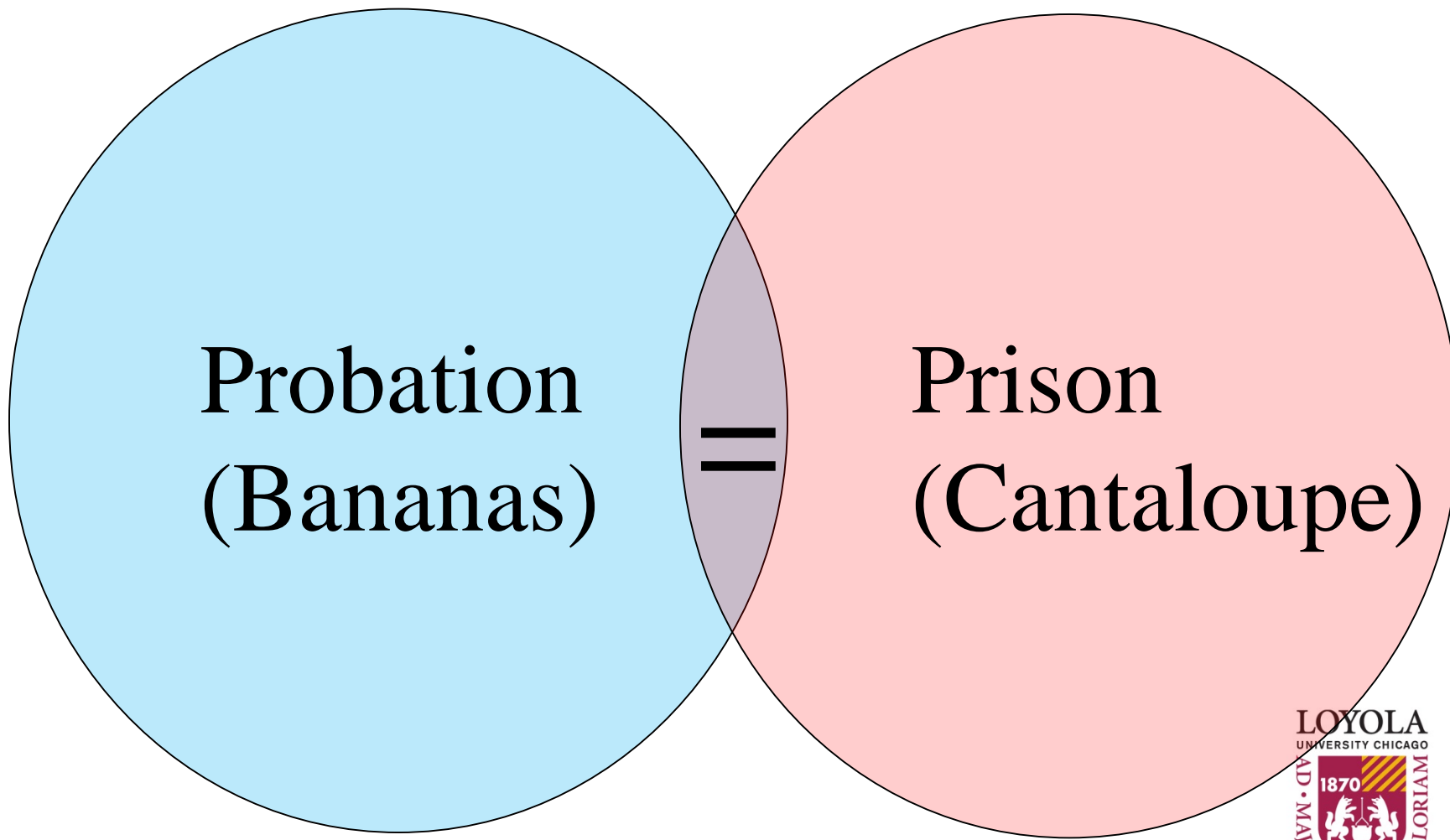
- We know short-term outcomes: most probation cases are satisfactorily terminated and the minority end in revocation or unsatisfactory termination. It also varies by county/department.
- Recidivism? It's not the only outcome that matters, but knowing it and understanding it is crucial. We also know meeting criminogenic needs reduces recidivism, but we don't know the degree to which needs are met.

Understanding the Use of Prison versus Probation

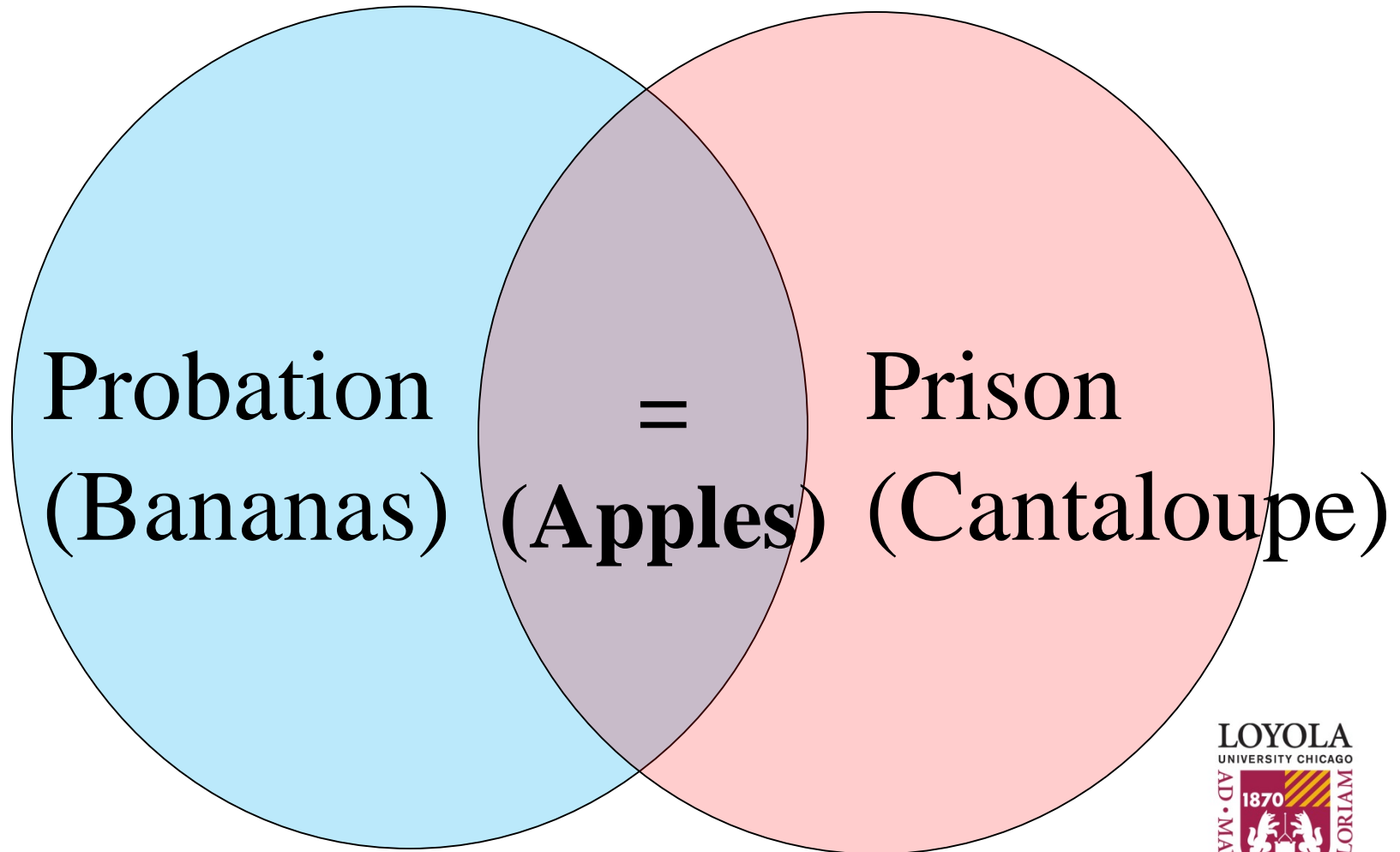
- What does prison accomplish? What are the goals of prison?
 - Punish, deter, incapacitate, rehabilitate
- What is the cost of prison?
 - Average Annual Cost \$27,945 (SPAC)
- What is the cost of parole/MSR? (\$2,841)
- What is the cost of probation? (\$1,808)
- Cost of recidivism



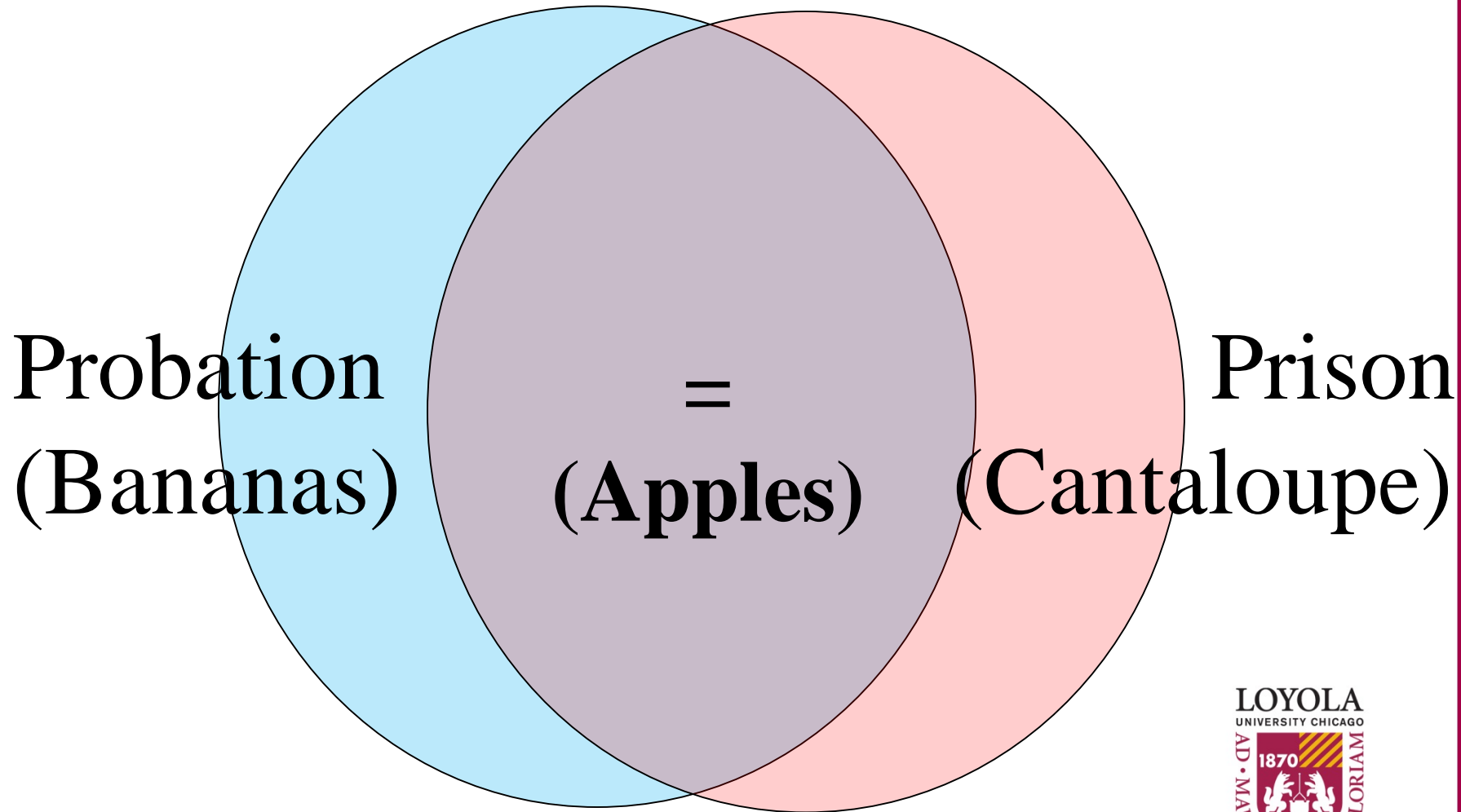
Probationer & Prison Inmate Characteristics & Risk (in Theory)



Probationer & Prison Inmate Characteristics & Risk



Probationer & Prison Inmate Characteristics & Risk



Probationer & Prison Inmate Characteristics & Risk

Probation

Prison and
Probation
(Apples)

Prison



Research Question

- Are recidivism rates different for those sentenced to probation vs. prison, and can we make an “apples to apples” comparison?
- Large jurisdiction in Illinois
 - All persons sentenced to probation for a felony and all persons released from prison (excluding Class X and Murder cases)
 - Over the study period, there were roughly 1,600 of each group
 - Examination of rearrest within 2-years for any offense and for a violent offense



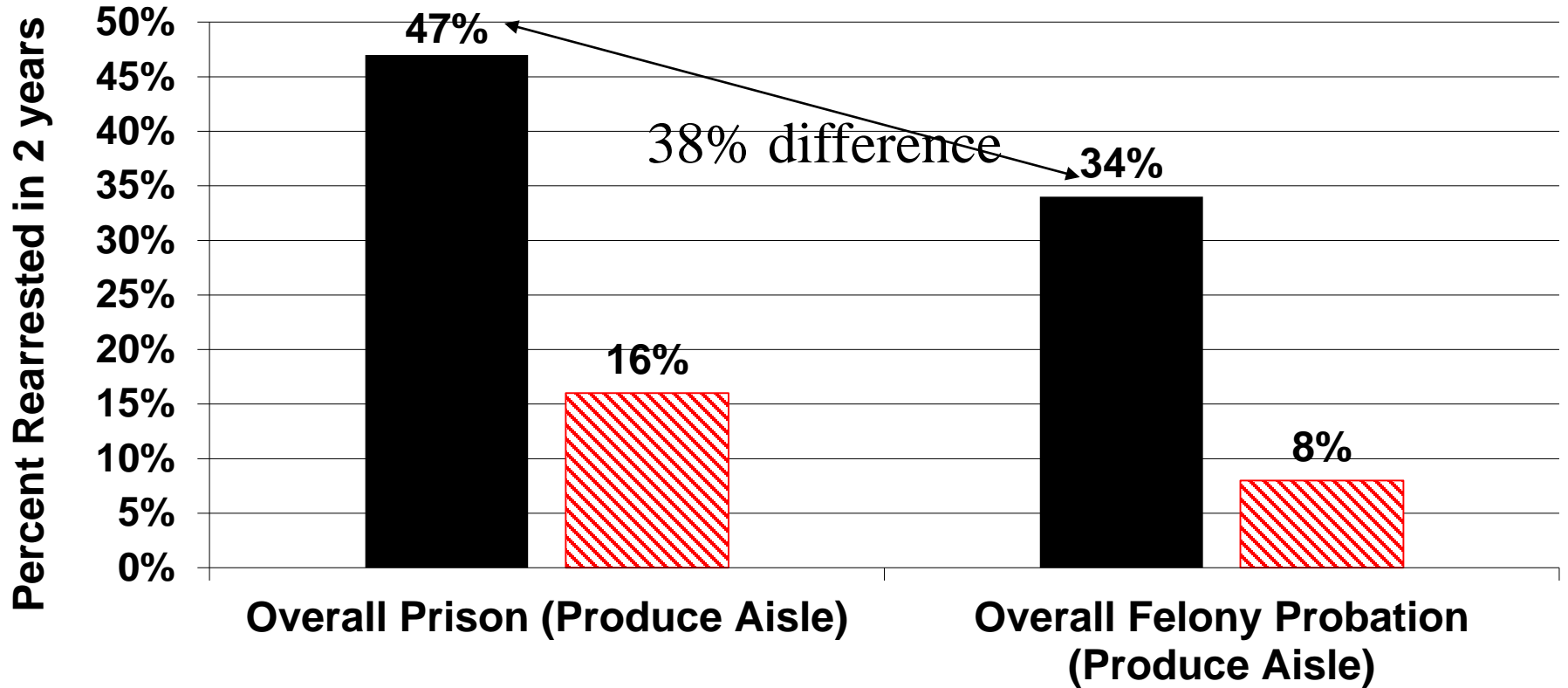
Comparing Probation to Prison Recidivism

Characteristics matched on to develop apples to apples comparison (Propensity Score Matching)

- Age
- Gender
- Race
- Current Charge type
- Current Charge Class
- Prior arrests
- Prior DV arrests
- Prior other Violent arrests
- Same time period in community
- Same community



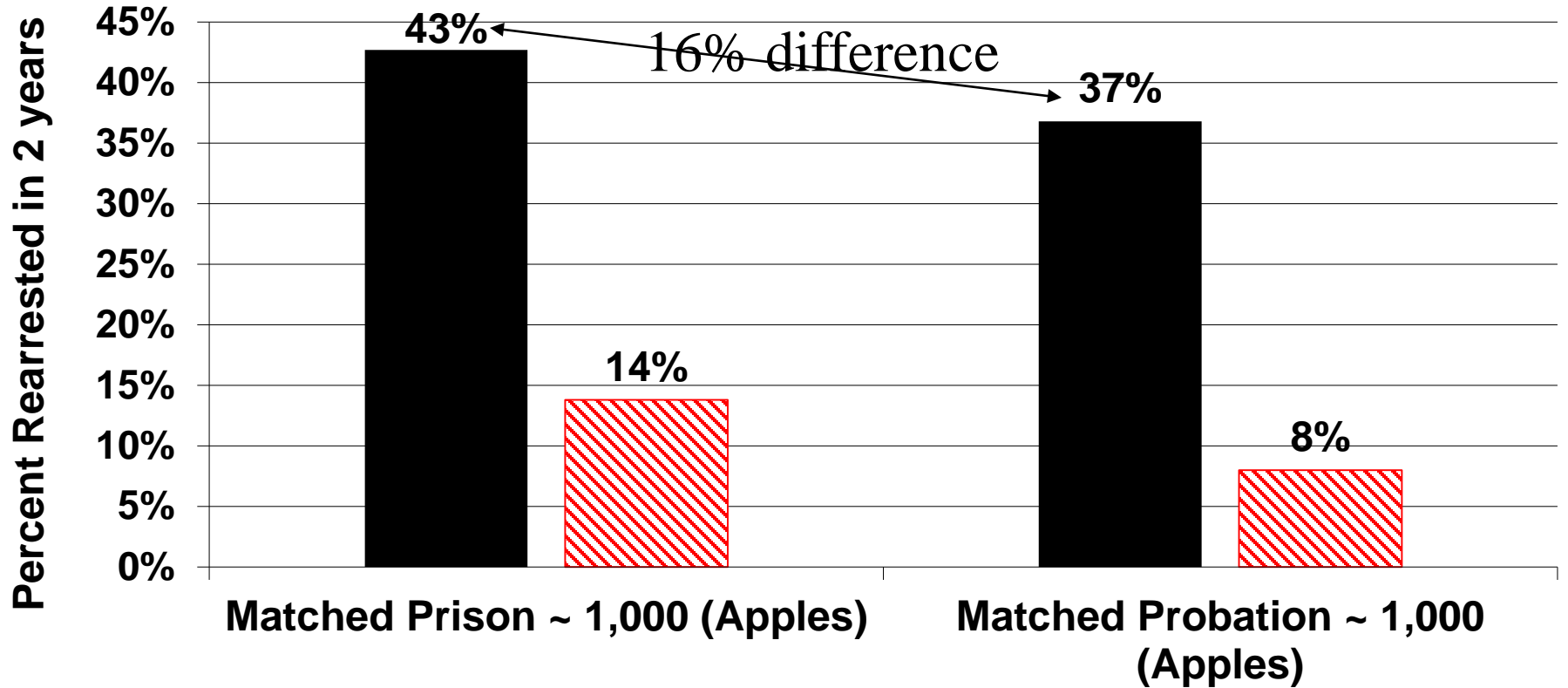
2-Year Recidivism Rates, Prison Exits & Probation Admissions *



* Only those cases with 2 years elapsed since prison exit & probation admission, excluding deceased
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of Data
Provided by a Large Illinois County

- Any Arrest
- ▨ Arrest for Violent Offense

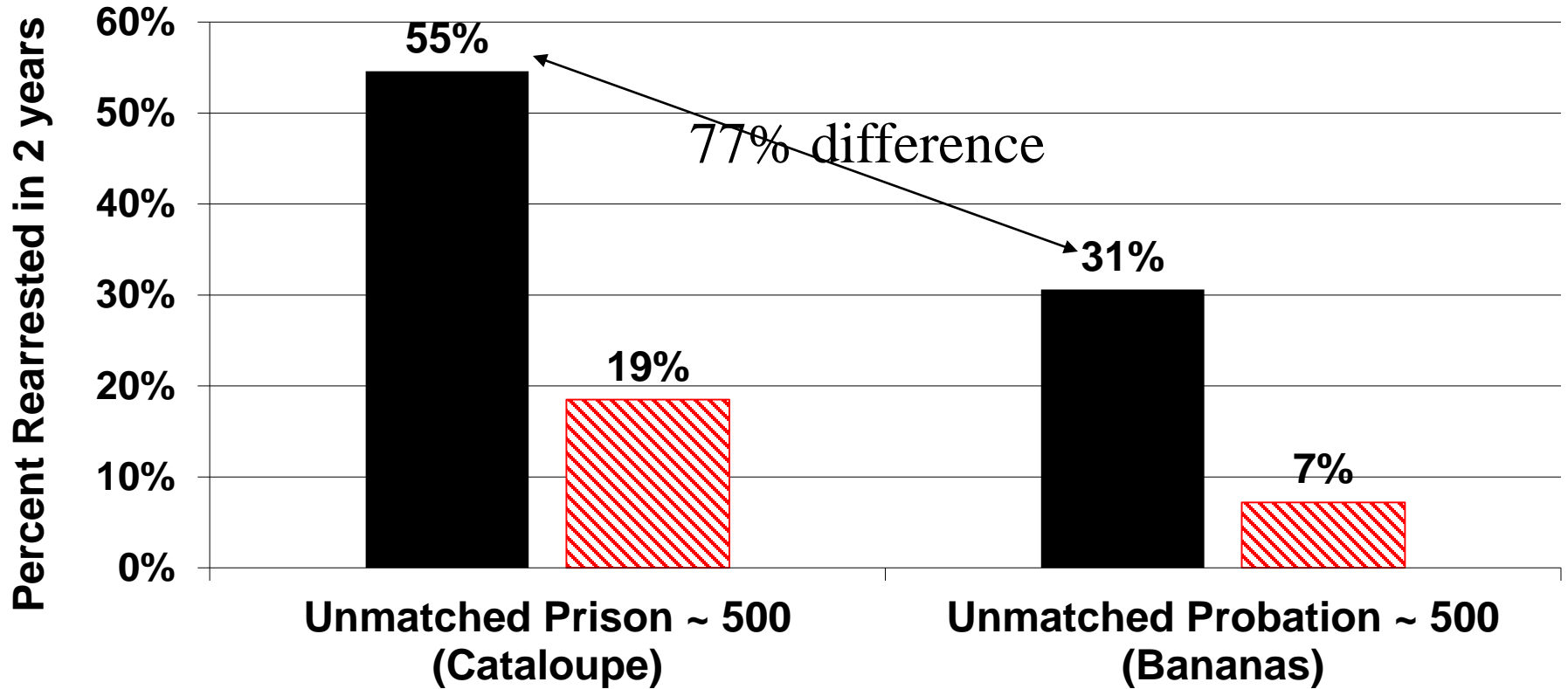
2-Year Recidivism Rates, Prison Exits & Probation Admissions *



* Only those cases with 2 years elapsed since prison exit & probation admission, excluding deceased
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of Data
Provided by a Large Illinois County

- Any Arrest
- ▨ Arrest for Violent Offense

2-Year Recidivism Rates, Prison Exits & Probation Admissions *



* Only those cases with 2 years elapsed since prison exit & probation admission, excluding deceased
Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of Data
Provided by a Large County

■ Any Arrest
▨ Arrest for Violent Offense

Where do we go from here

- Continue to improve our understanding of sentencing practices & outcomes (SPAC)
- Continue supporting and building local capacity & communication between state and local agencies
 - ICJIA/ARI partnerships to support planning, implementation and evaluation of efforts to reduce use of prison to increase public safety
 - Loyola/ICJIA partnership to support County Criminal Justice Coordinating Councils (CJCCs)
 - Loyola/IPCSA/AOIC partnership to support local probation research & recidivism analyses

