



# Center for Criminal Justice Research, Policy & Practice: The Rise (and Partial Fall) of Adults in Illinois' Prisons from Winnebago County

## Research Brief

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**Data Sources:** This research brief relied on published and unpublished data from the Illinois Department of Corrections, the Administrative Office of the Illinois Courts, the Illinois State Police, and the Illinois Criminal Justice Information Authority.

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The Center promotes fair, informed, effective and ethical criminal justice approaches through collaborative interdisciplinary research, professional development and targeted projects.

## INTRODUCTION

Between June 2014 and June 2018, the number of men and women from Winnebago County who were held in Illinois prisons decreased almost 30%, falling from 1,632 to 1,168. This decline was the largest decrease in Winnebago County's prison population over the past 30 years. Yet, the number of prison inmates from Winnebago County at the end of state fiscal year 2018 was still three-times the number who were incarcerated from Winnebago County in 1988 (361). This research brief provides a broad overview of local and statewide trends in crime and criminal justice processing that contributed to the unprecedented growth in the number of Illinois prison inmates from Winnebago County through the 1980s, 1990s and early 2000s, as well as the recent decline in this segment of Illinois' prison population.<sup>1</sup>

### *The Rise of Winnebago County's Prison Population*

There are two main factors that drive prison populations: admissions to prison and lengths of stay in prison. During the 1980s and 1990s, the period when Winnebago (and Illinois as a whole) saw the most rapid growth in the prison population (Figure 1), there were dramatic increases in admissions to prison due to more crime and more arrests, while the impact of longer lengths of stay on this growth varied from county to county.



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

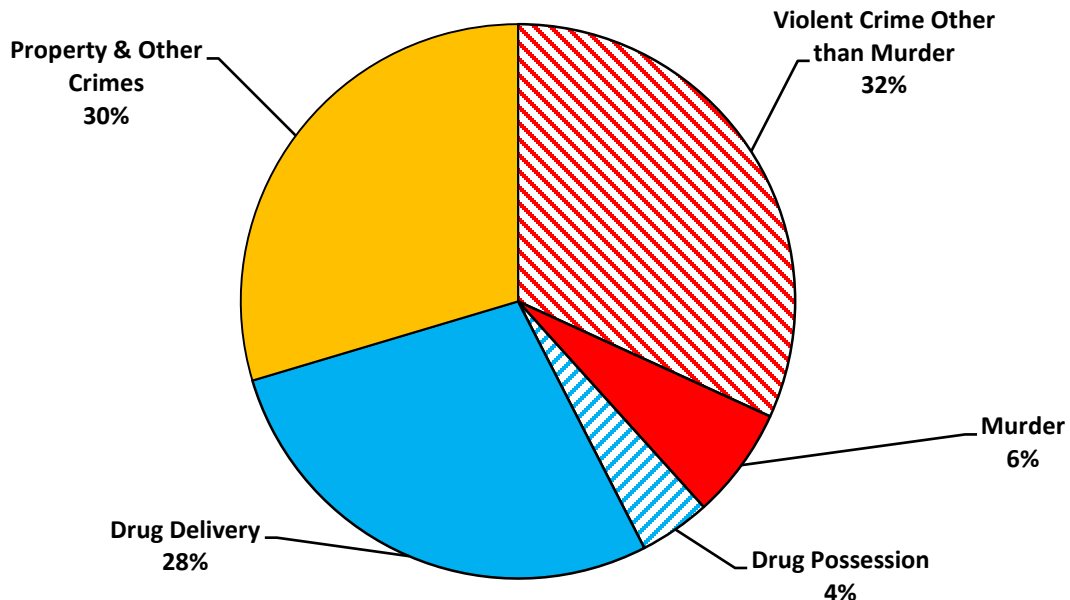
The total number of Index crimes in Winnebago County, for example, increased 18% between 1985 and 1993.<sup>ii</sup> The number of violent crimes, in particular, jumped by almost 90% during that period, reaching its highest level ever in 1993. These increases in crime were accompanied by increases in arrests for both property and violent crimes. For example, the number of arrests for all violent crimes (including murder, criminal sexual assault, robbery, and aggravated assault/battery) increased 48%, and arrests specifically for murder doubled between 1985 and 1993.

Also during the late 1980s and into the early 1990s, a growing emphasis on drug enforcement in Winnebago County dramatically increased the number of arrests for violations of Illinois' Controlled Substances Act, which includes all drugs other than marijuana. For example, in the five years between 1987 and 1992, arrests for violations of this Act in Winnebago County increased 400%, totaling almost 400.<sup>iii</sup> Arrests for these drug offenses continued to increase throughout the 1990s and exceeded 600 in 1999. Importantly, almost every offense under Illinois' Controlled Substances Act is a felony-level offense, and thus subject to a possible prison sentence upon conviction. Arrests for violations of Illinois' Cannabis Control Act also increased dramatically during the late 1980s and 1990s in Winnebago County. However, since almost all of the arrests made under the Cannabis Control Act are misdemeanor offenses, changes in arrests for these offenses tend to have little impact on admissions to prison.<sup>iv</sup>

As a result of increases in arrests, the number of felony cases filed and disposed of in Winnebago County more than doubled between the late 1980s and early 2000s. Under Illinois law, anyone convicted of a felony can be sentenced to prison, and for specific felony crimes a prison sentence is mandatory.<sup>v</sup> However, while there were more felony cases being handled in the Winnebago County courts during the 1980s and 1990s, there was little substantive change in the likelihood of those convicted of a felony being sentenced to prison during this period. Specifically, during the late-1980s, 36% of all those convicted of a felony in Winnebago County were sentenced to prison, and by the late 1990s, 34% of all those convicted of a felony received prison sentences, with the proportion reaching 39% by the 2004-2006 time period.<sup>vi</sup> Put another way, the increase in admissions to prison from Winnebago County during this time period can be explained by increases in the volume of felony cases in Winnebago County, not by shifts in how the Winnebago County Circuit Court sentenced felony-level cases.

Another way to understand the changes in the size of Illinois' prison population from Winnebago County is to examine the types of crimes for which individuals were incarcerated during this time period. Doing so reveals that between 1989 and 2000,<sup>vii</sup> almost 40% of the growth in the number of people in prison from Winnebago County can be attributed to an increase in the number of people sentenced to prison because they had been convicted of a violent crime, while 32% of the increase was due to more drug-law violators in prison (Figure 2).<sup>viii</sup> Thirty percent of the growth was due to more people in prison from Winnebago County

**Figure 2: Crime Types Contributing to the Increase in the Prison Population from Winnebago County Between 1989 to 2000**



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy and Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit & Administrative Office of the Illinois Courts (AOIC) published

for property crimes. Thus, the types of crimes behind the growth of the prison population from Winnebago County between 1989 to 2000 were quite broad and varied, and no single crime type or category (i.e., violent, property, or drug-law violations) accounted for the majority of the increase in the prison population. That said, there were a few specific offenses responsible for a substantial proportion of the growth in the prison population from Winnebago County. For example, men and women sentenced to prison specifically for drug delivery offenses accounted for 28% of the overall growth in the number of people in prison during the 1989 to 2000 period. As a result of these patterns, 48% of those in prison from Winnebago County on June 30, 2000 had been convicted of a violent crime, 24% for a drug-law violation and the remaining 28% for property and other crimes.

Another trend that contributed to prison admissions from Winnebago County during the 1990s was an increase in the recidivism rate of those released from prison in Illinois. The Illinois Department of Corrections (IDOC) defines recidivism as someone released from prison being returned to prison within three years, either as a result of a violation of their mandatory

supervised release (i.e., a technical violation of their MSR) or a new conviction and sentence to prison. The recidivism rate among all IDOC releasees statewide in the late 1980s was 46%. During the 1990's, the recidivism rate increased; amongst those released in 2000, 54% were returned to prison within three years. The impact of technical MSR violators who returned to prison during the 1990s from Winnebago County is evidenced by their increased representation in the overall prison population. For example, in 1989, 7% of those in prison from Winnebago County were there because of technical violations of their MSR, but by 2001, 13% of those in prison from Winnebago County were technical MSR violators.

While numerous factors led to the increase in Illinois' prison population, the increased incarceration from Winnebago County was primarily due to more crime and arrests

DURING THE 1980S AND 1990S, MULTIPLE, SIMULTANEOUS FORCES LED TO BOTH INCREASED ADMISSIONS TO PRISON AND LONGER LENGTHS OF STAY.

- CRIME & ARRESTS INCREASED
- MORE FELONY DRUG ARRESTS OCCURRED DUE TO A SHIFT IN ENFORCEMENT EFFORTS
- THE PROBABILITY OF THOSE CONVICTED OF A FELONY BEING SENTENCED TO PRISON INCREASED (STATEWIDE, BUT NOT EVIDENT IN WINNEBAGO COUNTY)
- THE LENGTH OF TIME SPENT IN PRISON INCREASED (STATEWIDE, BUT NOT EVIDENT IN WINNEBAGO COUNTY)
- THE RATE AT WHICH PRISON RELEASEES RETURNED TO PRISON INCREASED

COLLECTIVELY, THESE CHANGES LED TO A 100% INCREASE IN ILLINOIS' PRISON POPULATION, AND A 190% INCREASE IN THE PRISON POPULATION FROM WINNEBAGO COUNTY BETWEEN 1989 AND 2000.

Finally, while the length of stay in prison increased statewide during the 1990s<sup>ix</sup>, there was actually a slight *decrease* in the length of prison stay for men and women from Winnebago County. <sup>x</sup>

*In sum, the growth in the number of people in prison from Winnebago County between 1989 and 2000 was due to more felony cases entering the justice system, as a result of increased crime and arrests for violent and property crimes, as well as drug-law violations. Embedded within this increase in felony cases and arrests was also an increase in the recidivism rate during the period. Statewide, an estimated one-quarter (27%) of the growth in Illinois' prison population during the 1989 to 2000 period was due to this factor.*<sup>xi</sup>

Although two of the factors that influenced prison populations statewide during the 1990s was an increase in the odds of someone convicted of a felony being sentenced to prison and an overall increase in the length of stay for prison admissions, neither of these factors influenced the growth in the prison

population from Winnebago County. Indeed, during this time period, the likelihood of those convicted of a felony in Winnebago County receiving a prison sentence remained the same and the length of stay for those sentenced to prison from Winnebago County actually declined slightly.

### ***The Recent Decrease in Illinois' Prison Population***

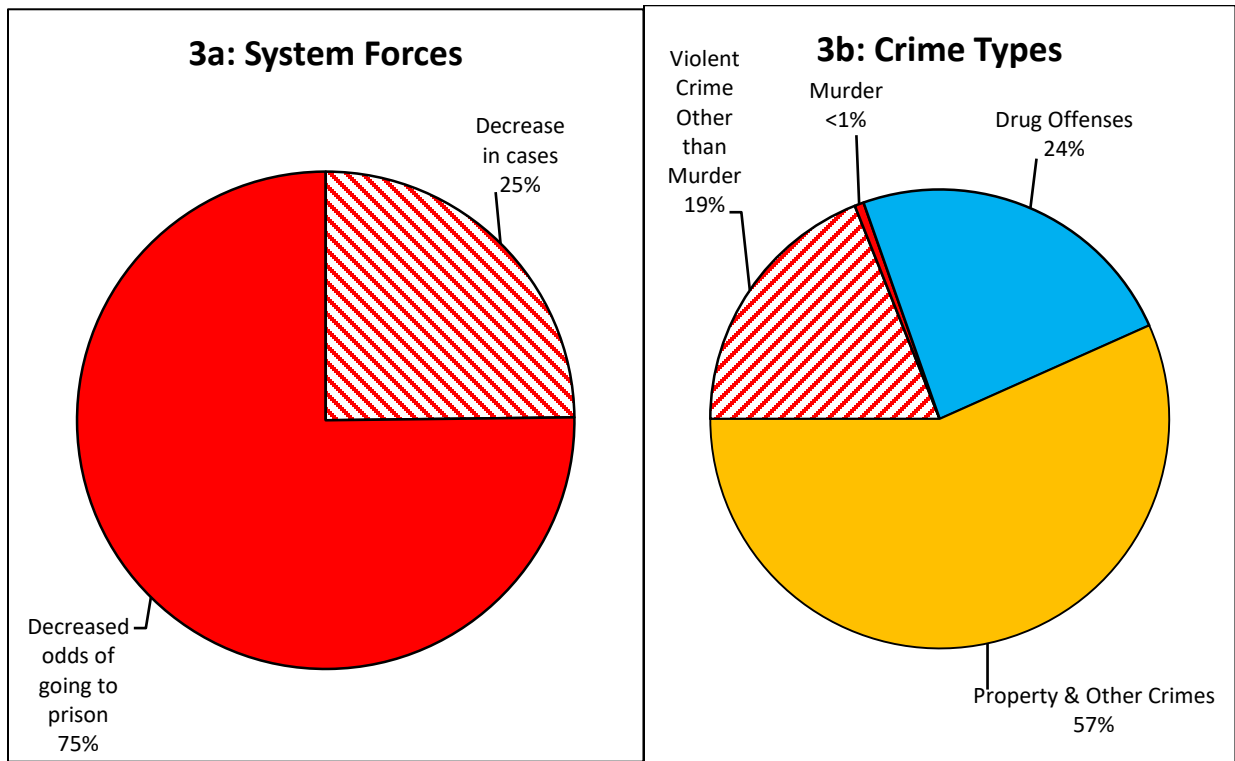
Between 1986 and 2013, the prison population from Winnebago County experienced year-over-year growth in all but 5 years (Figure 1), resulting in a prison population that went from fewer than 400 inmates in 1986 to its highest number ever (1,636) by 2013.<sup>xii</sup> However, in recent years, the steady and substantial growth in the number of people in prison in Illinois from Winnebago County has reversed, decreasing 28% between June 2014 and June 2018. Indeed, the five subsequent year-over-year *decreases* in the prison population from Winnebago County from 2014 to 2018 was the first period during the 30+ years examined here that there were more than two successive year-over-year decreases.

This *decline* can be explained by reversals of the same trends that drove the *increase* during the 1990s: changes in crime rates, arrest patterns, sentencing practices, and recidivism rates. The smaller prison population from Winnebago County is the result of an overall *decrease* in crime and arrests, and a reduced emphasis on drug enforcement, all of which decreased felony filings in Winnebago County. In addition, in recent years there has been a lower likelihood of individuals being sentenced to prison upon conviction for a felony, and a lower recidivism rate. For example, between 2013 and 2017, arrests for felony-level offenses in Winnebago County fell 10%<sup>xiii</sup>, leading to a similar decrease in felony filings in the courts.<sup>xiv</sup> Further, between 2010 and 2016, the proportion of those individuals convicted of a felony and subsequently sentenced to prison also decreased, from 31% in 2010 to 20% in 2016. Finally, the rate at which those released from prison were returned to prison within three years, either as a result of a technical violation of their MSR or a new arrest and sentence to prison (i.e., recidivism), also decreased statewide. For example, 62% those released from prison in 2007 who returned to Winnebago County were arrested within three years of release, compared to 56% of those released during the 2012-2014 time period.<sup>xv</sup> All of these factors collectively led to a 30% drop in the number of admissions to prison from Winnebago County between 2014 and 2018. Thus, the majority (75%) of the decrease in the number of people in prison from Winnebago County can be attributed to a lower likelihood of those convicted of a felony being sentenced to prison, while 25% of the decrease is due to fewer felony cases moving through the system in Winnebago County (Figure 3a).

Further, while the types of crimes that fueled the *increase* in the prison population from Winnebago County between 1989 and 2000 were *varied* (see Figure 2), most of the decrease

between 2015 and 2018 has been due to fewer people in prison for property crimes and drug-law violations (Figure 3). Eighty-one percent of the decrease in prison admissions during this time period was the result of fewer individuals in prison for property crimes (57%) and drug-law violations (24%) (Figure 3b). As a result of these changes, 72% of those in prison from Winnebago County on June 30, 2018 were convicted of a violent crime, compared to 48% among those in prison on the same date in 2000.

**Figure 3: Causes of the Decrease in Winnebago County Prison Population from 2014 to 2018**



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of data provided by the Illinois Department of Corrections’ Planning and Research Unit, AOIC published reports and Chicago Police Department on-line data.

While the increased number of people in prison from Winnebago County during the 1990s was not due to longer lengths of stay in prison, lengths of stay in prison *have* increased over the past decade. The average time spent in prison for men and women from Winnebago County was 1,165 days among those in prison on June 30<sup>th</sup>, 2014. By comparison, of those in prison from Winnebago County on June 30<sup>th</sup>, 2018, the average time spent in prison was more than a year longer (1,595 days).

This increase in length of stay is partly due to shifts in correctional policy, but also a shift in the types of crimes resulting in prison sentences from Winnebago County. The awarding of

Meritorious Good Time (MGT), which allowed inmates to be released early for good behavior, was suspended by the state in 2011 and eligibility was restricted significantly. In addition, sentence lengths increased as a result of the percentage those in prison from Winnebago County who were convicted of a violent crime increasing (see above).

### Conclusions

The unprecedented increase in the prison population from Winnebago County during the 1980s, 1990's and early 2000's can largely explained by increases in the number of felony cases being handled by the justice system in the county. However, no single factor can explain why prison admissions from Winnebago County rose so dramatically during 1980s and 1990s. Indeed, the increase in prison admissions seen during this time period reflects the complex interplay between crime and criminal justice responses to crime that are both shaped by local, state-wide and larger social forces. The increase in violent and property crimes, which resulted in more arrests for these offenses, seen in Winnebago County during the 1980's and 1990's were likely driven by the same broad economic and social forces that influenced crime rates in

Changes to policy and practice in Winnebago County shifted the use of prison to those convicted of violent crimes in the last decade

WHILE ALMOST 40% OF THE GROWTH IN THE NUMBER OF PEOPLE FROM WINNEBAGO COUNTY IN PRISON DURING THE 1990S WAS DUE TO MORE PEOPLE IN PRISON FOR VIOLENT CRIMES, RELATIVELY LITTLE OF THE DECREASE BETWEEN 2014 AND 2018 WAS DUE TO FEWER PEOPLE IN PRISON FOR VIOLENT CRIMES. IN 2000, 48% OF THOSE IN PRISON FROM WINNEBAGO COUNTY WERE SENTENCED TO PRISON FOR A VIOLENT CRIME. ON JUNE 30, 2018, 72% OF THOSE IN PRISON FROM WINNEBAGO COUNTY WERE SENTENCED TO PRISON FOR VIOLENT CRIMES; ONE IN SEVEN (15%) PEOPLE IN PRISON IN FROM WINNEBAGO COUNTY ON 6/30/18 WAS IN PRISON ON FIRST DEGREE MURDER CHARGES.

Illinois (and nationwide), such as unemployment. Other trends seen in Winnebago County, such as the increased enforcement of drug-laws (resulting in more arrests, case filings, and sentences) also reflected a larger national shift in policy choices regarding appropriate responses to what were seen as public safety issues.

It is also important to note how local trends in Winnebago County have differed from other counties and from Illinois as a whole. Indeed, the factors and types of crimes that drove the statewide increase in incarceration from the 1980s through the early 2000s varied considerably across Illinois' diverse 102 counties. In some counties, changes in sentencing practices, such as the increase in the proportion of those convicted of a felony who were sentenced to prison, contributed to the

growth in the number of people admitted to Illinois prison. Winnebago County, however, did not experience these sentencing shifts. Further, in contrast to statewide trends, the average length of stay of those in prison during this time period remained stable for inmates from Winnebago County.

Nearly all of the decrease in Illinois' prison population from Winnebago County seen over the last few years can be attributed to less crime and fewer arrests (particularly for felony drug crimes) coupled with changes in sentencing practices that reduced the likelihood of those convicted of a felony being sentenced to prison. As a result of these changes, Winnebago County's use of prison is increasingly focused on the incarceration of those convicted of *violent crimes*. For example, of those sentenced to prison from Winnebago County in SFY 2018, more than one-half (52%) were convicted of a violent crime, whereas during the period from 2000 to 2010, less than 30% of those sentenced to prison from Winnebago County had been convicted of a violent offense. As a result of these shifts, by June 30, 2018, 72% of those in prison from Winnebago County had been sentenced to prison for a violent crime.

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<sup>i</sup> These analyses also build on prior research by the Center published in the report titled "Winnebago County's Criminal Justice System: Trends and Issues Report" available at <https://luc.edu/ccj/countyreports/>.

<sup>ii</sup> Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data. The violent crime rate is calculated using four violent index crimes: including murder, criminal sexual assault, robbery, and aggravated assault/battery. The property crime rate is calculated using four property index crimes: burglary, theft, motor vehicle theft, and arson. The overall crime rate is calculated using the combination of these eight crimes.

<sup>iii</sup> Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

<sup>iv</sup> Illustrative of this is the fact that during the 29 years from Illinois' state fiscal years (SFY) 1989 through 2017 there were fewer than 16,000 sentences to prison in Illinois for cannabis offenses out of more than 660,000 people sentenced to prison in Illinois during that period. Out of the 15,963 sentences to prison for cannabis offenses, 4,582 were for possession and the remaining 11,381 were for delivery, production or sale of cannabis. Possession of 100 grams or more of cannabis, or 30 grams or more if previously convicted of possession of 100 grams or more, is a felony offense and subject to a possible prison sentence.

<sup>v</sup> Source: 2014 "Penalties for Crimes in Illinois" published online by the Illinois General Assembly Legislative Research Unit.

<http://ilga.gov/commission/lru/2014PFC.pdf>

<sup>vi</sup> Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

<sup>vii</sup> Based on state fiscal year data.

<sup>viii</sup> Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

<sup>ix</sup> The increase in the length of prison stays across Illinois can be explained by an increase in serious felony-class offenses with higher prison term limits, changes to Illinois' law that increased the possible sentence that could be imposed, legislative changes that restricted the amount of good conduct credit that could be awarded, particularly among those sentenced to prison for more serious felony class offenses, and increasingly punitive sentencing practices.

<sup>x</sup> Among those in prison at the end of fiscal years 1989 and 2000, the average time served in prison at that point in time decreased 89 days, from an average of 1,004 days among those in prison on June 30, 1989 to an average of 914 days served in prison among those in prison on June 30, 2000. Among those released from prison in 1989 and 2000, the actual amount of time served in prison increased slightly, from an average of 524 days served in prison among those exiting prison in 1989 to an average of 540 days among those exiting prison in 2000.

<sup>xi</sup> Sentencing patterns in 1987 were compared to 2003. To determine the proportion due to changes in likelihood, percent of felons to prison in 1987 was applied to total sentences in 2003 and difference was determined).

<sup>xii</sup> IDOC reported the highest inmate population of 49,401 on February 9, 2013. See

[https://www2.illinois.gov/idoc/reportsandstatistics/Documents/Final\\_Fact\\_Sheet\\_Department\\_Data\\_FY2016.pdf](https://www2.illinois.gov/idoc/reportsandstatistics/Documents/Final_Fact_Sheet_Department_Data_FY2016.pdf)

<sup>xiii</sup> Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate Criminal History Record Information (CHRI) provided by the Illinois Criminal Justice Information Authority's Research and Analysis Unit and published I-UCR data.

<sup>xiv</sup> Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of aggregate, published data from the Administrative Office of the Illinois Courts' Annual reports.

<sup>xv</sup> Analyses of arrests within 3 years of exit was limited specifically to those who completed a court sentence and were released from prison. The recidivism in Winnebago County presented here is specifically for new arrests, while the statewide recidivism figures cited are based on the percent of those released from prison that return to prison within 3 years.