



# Center for Criminal Justice Research, Policy & Practice: The Rise (and Partial Fall) of Illinois' Prison Population

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**Data Sources:** This research brief relied on published and unpublished data from the Illinois Department of Corrections, the Administrative Office of the Illinois Courts, the Illinois State Police, and the Illinois Criminal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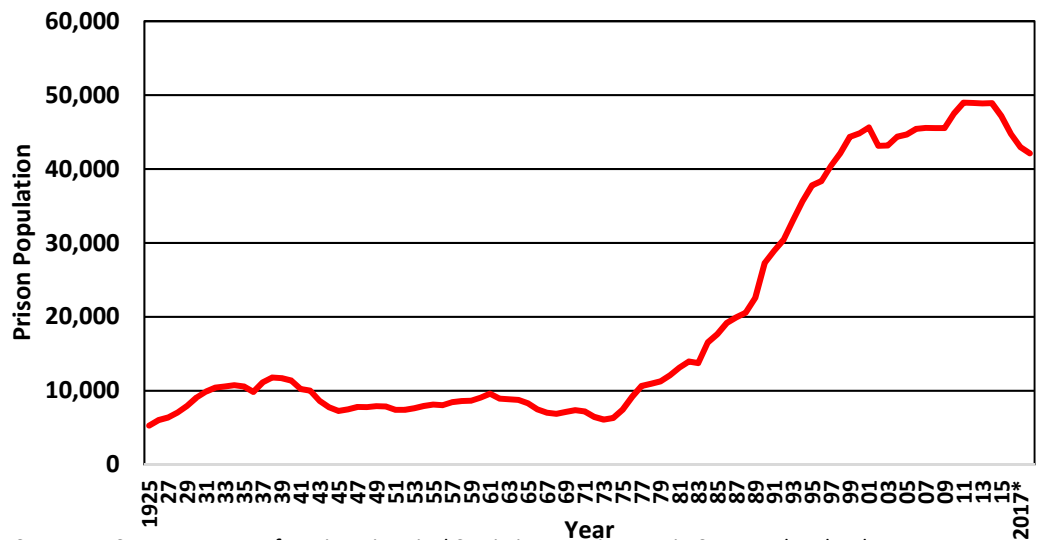
### INTRODUCTION

Between December 2014 and December 2017, the number of inmates held in Illinois prisons decreased 14%, falling from 48,278 to 41,427 (Figure 1). Although this represents the largest prison population decrease seen in Illinois since the early 1970s, the 41,427 inmates held in prison at the end of 2017 was still four-times the 9,749 incarcerated in 1976. There are two main factors that drive prison populations: admissions to prison and lengths of stay in prison. This research brief provides a broad overview of the factors that led to the increase in Illinois' population from the 1980s through the early 2000s, and what is behind the decrease over the past couple of years.

### *The Rise of Illinois' Prison Population*

During the 1980s and 1990s, the period when Illinois saw the most rapid growth in the prison population (Figure 1), there were increases in both admissions to and lengths of stay in prison. Part of the increase in admissions can be attributed to more crime. During the 1980s and into the early 1990s, the overall crime rate in Illinois increased 8%.<sup>i</sup> During the same period, the violent crime rate jumped by more than 140%, reaching its highest level ever in 1993. With this increase in crime, there were also increases in arrests for violent and property crimes. Specifically, between 1985 and 1993, the

**Figure 1: Illinois' Prison Population**



Source: U.S. Department of Justice Historical Statistics on Prisoners in State and Federal Institutions, 1925-1986 and published IDOC data. By state fiscal year, except \*2017 (12/31/17)

number of arrests for all violent crimes combined (including murder, criminal sexual assault, robbery, and aggravated assault/battery) increased more than 50%, and arrests specifically for murder increased almost 30%. Further, arrests for property crimes, which account for the largest share of arrests, went up 7% between 1985 and 1993.

Also during the late 1980s and into the early 1990s, an increased emphasis on drug enforcement dramatically increased the number of arrests for violations of Illinois' Controlled Substances Act, which includes all drugs other than marijuana. For example, in just the five years between 1987 and 1992, arrests for violations of this Act increased 159%, totaling more than 37,000 in 1992.<sup>ii</sup> Arrests for these drug offenses continued to increase throughout the 1990s and exceeded 51,000 in 2001. 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 actually decreased during the late 1980s and into the early 1990s, 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>iii</sup>

As a result of this increase in arrests, the number of felony cases filed and disposed of in Illinois' courts 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>iv</sup> In addition to more felony cases being handled in Illinois' Circuit Courts during the 1980s and 1990s, there was also an increased likelihood of those convicted of a felony being sentenced to prison during this period. Specifically, during the mid- to late-1980s, 41% of all convicted felons in Illinois were sentenced to prison, but by the late 1990s, 45% of all convicted felons received prison sentences, with the proportion reaching 50% in 2009.<sup>v</sup> The increase in the proportion of convicted felons being sentenced to prison is likely due to an increase in the seriousness of the crimes being handled (e.g., an increase in murder and drug-delivery cases), an increasing number of crimes that carried a mandatory prison sentence upon conviction, as well as a generally more punitive sentencing approach that evolved during this "get tough on crime" era.

Another pattern evident 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 3 years, either as a result of a violation of their mandatory supervised release (i.e., a technical violation of their MSR) or a new sentence to prison. The recidivism rate among IDOC releasees in the late 1980s was 46%; by 2000, this had increased to 54% among those released in 2000. The impact of technical MSR violators returned to prison during the 1990s is evidenced by their increased representation in the overall prison population. For example, in 1989, less than 5% of those in prison in Illinois

were there because of technical violations of their MSR, but by 2001, 10% of those in prison were technical MSR violators.

Finally, the length of stay in prison during the 1990s also increased. This increase was the result of sentences to prison involving more serious crimes, 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 longer sentences imposed due to increasing punitiveness. Between 1990 and 2011, the average prison sentence increased 24% (an increase of roughly 24 additional months) for felons convicted of a Class X felony and 11-13 % (an increase of roughly 7 months) for Class 1 and Class 2 felonies.”<sup>vi</sup>

### Numerous factors led to the increase in Illinois' prison population

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

- CRIME AND 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
- THE LENGTH OF TIME SPENT IN PRISON INCREASED
- THE RATE AT WHICH PRISON RELEASEES RETURNED TO PRISON INCREASED.

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

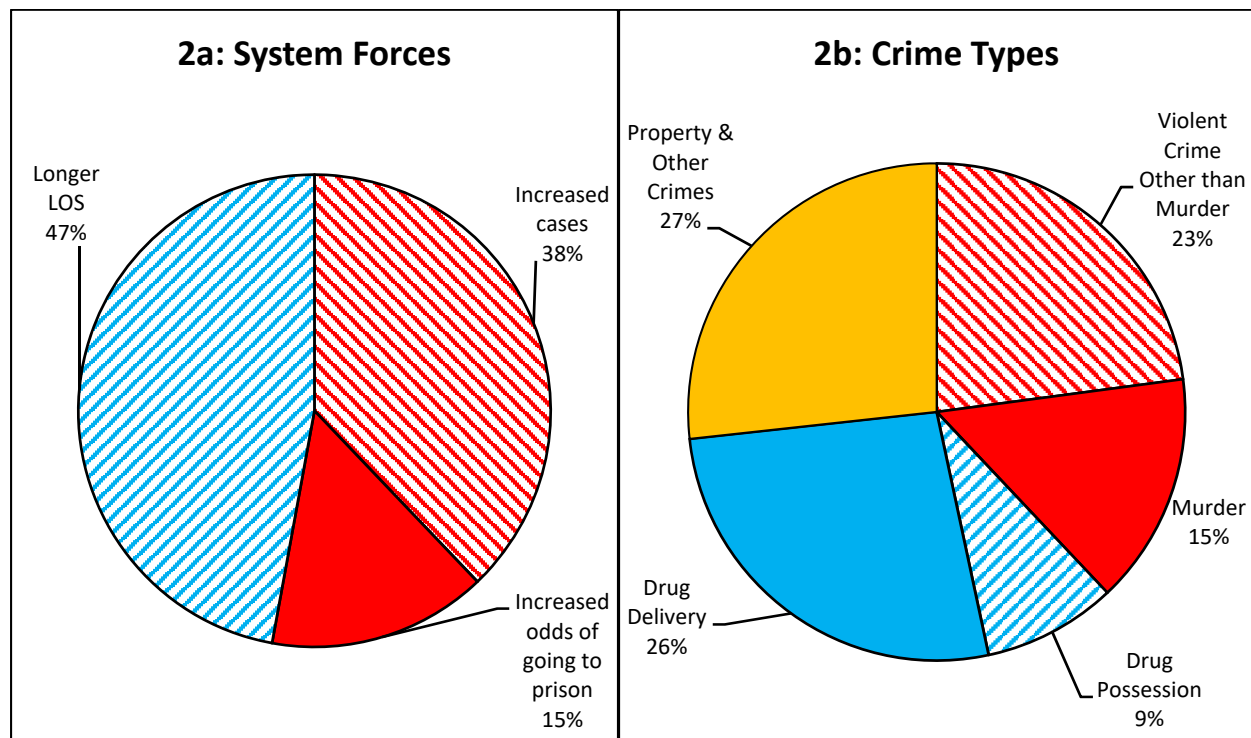
Combining all of these factors, it is estimated that 38% of the growth in Illinois' prison population between 1989 and 2000 was due to more felony cases entering the justice system, as a result of increased crime and arrests for drug-law violations. Almost one-half (47%) of the growth was due to longer lengths of stay in prison, and 15% of the growth was due to the higher odds of convicted felons being sentenced to prison during that period (Figure 2a). Embedded within these changes is also an increase in the recidivism rate during the period, and it is estimated that roughly one-quarter (27%) of the growth in Illinois' prison population during the 1989 to 2000 period was due to this factor.<sup>vii</sup>

Another way to understand the changes in the size of Illinois' prison population is to examine the types of crimes for which individuals were incarcerated. Doing so reveals that between 1989 and 2000,<sup>viii</sup> almost 40% of the growth in Illinois' prison population can be attributed to an increase in the number of people

sentenced to prison because they had been convicted of a violent crime, while 35% of the increase was due to more drug-law violators in prison (Figure 2b).<sup>ix</sup> Just under 30% of the growth was due to more people in prison for property crimes. Thus, the types of crimes behind the growth of Illinois' prison population from 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 overall prison population growth in Illinois. For example, those sentenced to prison specifically for murder accounted for 15% of the overall growth in the prison population between 1989 and 2000, while drug delivery offenses accounted for 26% of the overall growth during that period. Further, 60% of the increase in Illinois' prison population was driven by admissions to prison from Cook County, while 40% was due to increases in admissions from the rest of Illinois.

**Figure 2: Factors Contributing to the Increase in Illinois' Prison Population from 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 reports.

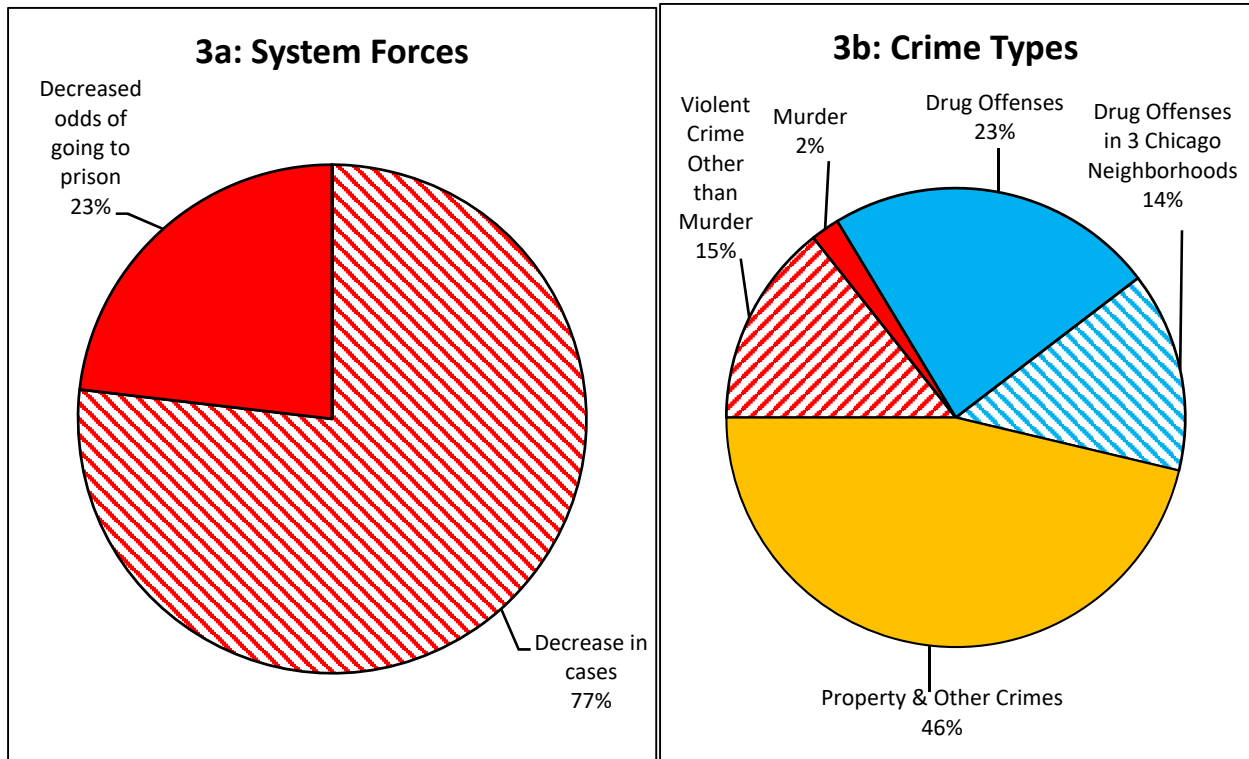
### ***The Recent Decrease in Illinois' Prison Population***

Between 1974 and 2013, Illinois' prison population experienced year-over-year increases in all but 6 of those 40 years (Figure 1), resulting in a prison population that went from fewer than 10,000 inmates in the mid-1970s to nearly 50,000 by early 2013.<sup>x</sup> However, in recent years, the steady and substantial growth in the Illinois prison population has reversed, decreasing 14% between December 2014 and December 2017. Indeed, the three subsequent year-over-year decreases in Illinois' prison population from 2014 to 2017 was the first time since the 1970 to 1973 period there were three successive year-over-year decreases in Illinois' prison population.

This decline can be explained by some of the same factors that drove the increase during the 1990s: changes in crime rates, arrest patterns, sentencing practices, and recidivism rates. The smaller prison population in Illinois is the result of an overall decrease in crime and arrests, a reduced emphasis on drug enforcement, all of which decreased felony filings in Illinois, a lower likelihood of 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 Illinois fell 10%<sup>xi</sup>, leading to a decrease in felony filings in the courts.<sup>xii</sup> Further, between 2010 and 2016, the proportion of those individuals convicted of a felony and subsequently sentenced to prison also decreased, from 46% in 2010 to 42% 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 sentence to prison (i.e., recidivism), also decreased. Specifically, among those released from prison in 2014, 43% were returned to prison within three years, compared to 52% of those released from prison in 2010. All of these factors collectively led to an 18% drop in the number of admissions to prison in Illinois between 2014 and 2017. Thus, the majority (77%) of the decrease in Illinois' prison population can be attributed to fewer felony cases moving through the system, while just under one-quarter of the drop (23%) is the result of a lower likelihood that those convicted of a felony are being sentenced to prison (Figure 3a).

Further, while the types of crimes that fueled the increase in Illinois' prison population between 1989 and 2000 were *varied* (see Figure 2b), most of the decrease between 2015 and 2017 has been due to fewer people in prison for property crimes and drug-law violations (Figure 3). For example, 84% of the decrease in prison admissions during this time period was the result of fewer individuals in prison for property crimes (46%) and drug-law violations (38%) (Figure 3b). Further, while admissions from Cook County accounted for 60% of the increase in the prison population during the 1990s, even more (72%) of the recent decrease in Illinois' prison population was due to fewer people in prison from Cook County. Indeed, a substantial portion (14%) of the statewide decrease in Illinois' prison population is attributable specifically to fewer arrests for felony drug-law violations in three specific police districts in Chicago (Figure 3b).

**Figure 3: Causes of the Decrease in Illinois' Prison Population from 2015 to 2017**



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.

In addition, a substantial portion of the increase in the prison population during the 1990s was due to longer lengths of stay in prison, however, none of the decrease seen recently is due to shorter lengths of stay in prison. In fact, lengths of stay in prison among those exiting prison continued to increase through 2017, particularly after the awarding of Meritorious Good Time (MGT) was suspended in 2011 and eligibility was restricted significantly. Prior to the suspension of this sentence credit, 88% of released inmates received a 2 to 3 month sentence credit that shortened their length of stay, but as a result of the modified eligibility criteria that followed, only 12% of those released from prison in 2016 had received this credit.<sup>xiii</sup> As a result, the length of stay in prison increased between 2010 and 2017.<sup>xiv</sup>

### Conclusions

There were numerous factors that drove the dramatic increase in Illinois' prison population during 1980s and 1990s, and no single factor can be described as being the primary reason for prison population growth. Some of these factors, such as the increase in arrests for violent and property crimes, were driven by larger social forces that influence the crime rate. Other changes, such as the increased enforcement of drug-laws, resulting in more arrests, case filings,

and sentences, were policy choices in response to what were seen as public safety issues. Other changes, such as the increase in the proportion of those convicted of a felony who were sentenced to prison, were influenced by shifts in criminal justice policy (i.e., more crimes carrying mandatory prison sentences) and local practice, along with a change in the characteristics of cases moving through the courts. Time spent in prison also increased as a result of policy makers reclassifying crimes into more serious, higher-level felony classes, implementing Truth-in-Sentencing for specific offenses, and restricting the degree to which inmates in prison can reduce their length of stay through sentence credits. Collectively, these forces can explain why Illinois' prison population increased from fewer than 20,000 in the mid-1980s to 49,401 on February 9, 2013, the highest recorded prison population in Illinois history.

Little of the decrease in Illinois' prison population has been due to fewer people in prison for violent crimes

ALTHOUGH NEARLY 40% OF THE GROWTH IN ILLINOIS' PRISON POPULATION DURING THE 1990S WAS DUE TO MORE PEOPLE IN PRISON FOR VIOLENT CRIMES, VERY LITTLE OF THE DECREASE IN ILLINOIS' PRISON POPULATION BETWEEN 2015 AND 2017 WAS DUE TO A REDUCTION IN PEOPLE IN PRISON FOR VIOLENT CRIMES. IN 2000, 50% OF THOSE IN PRISON IN ILLINOIS WERE SENTENCED TO PRISON FOR A VIOLENT CRIME. ON DECEMBER 31, 2017, TWO-THIRDS (67%) OF ILLINOIS' PRISON POPULATION WAS SENTENCED TO PRISON FOR VIOLENT CRIMES; ONE IN SIX (16.7%) PEOPLE IN PRISON IN ILLINOIS ON THAT DATE WAS SENTENCED TO PRISON FOR FIRST DEGREE MURDER.

By comparison, nearly all of the decrease in Illinois' prison population 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 across a number of large jurisdictions. Further, the decrease in the recidivism rates of prison releasees seen over the past few years may also be attributable, at least in part, to the changes in drug enforcement evident recently; between 2010 and 2016, for example, arrests for violations of Illinois Controlled Substances Act fell 13% statewide. As a result, the likelihood of those released from prison being arrested for these offenses, and subsequently returned to prison either with a new sentences or as a result of violating their MSR with a new arrest,

has also fallen. IDOC has also sought to implement a number of large-scale, evidence-based rehabilitative programs over the past 10-15 years, including the Therapeutic Community (TC) programs at the Sheridan Correctional Center and the Southwestern Illinois Correctional Center (SWICC) for inmates identified as in need of substance abuse treatment.

While the analyses presented in this report highlight the major factors driving the use of prison as a response to crime in Illinois, it is important to note that Illinois is comprised of hundreds of separate criminal justice agencies, operating across communities with very diverse crime issues and resources to respond to this crime. It is important to realize that the types of crimes that drive admissions to prison vary significantly across Illinois' 102 counties, as does the degree to which those convicted of a felony receive a prison sentence. As part of its support for county-level Criminal Justice Coordinating Councils (CJCCs), Loyola's Center for Criminal Justice Research, Policy and Practice is performing analyses similar to that presented in this report for a number of specific counties to help improve the understanding of how and why prison utilization varies across Illinois.

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

<sup>iii</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>iv</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>v</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>vi</sup> Source: 2013. "Research Briefing- Drivers of the Sentenced Population: Length of Time Served in Prison." Illinois Sentencing Policy Advising Council. <http://www.icjia.state.il.us/spac/pdf/SPAC%20Report%20Time%20Served%209-13.pdf>

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

<sup>ix</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>x</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>xi</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>xii</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>xiii</sup> See David Olson's March 26, 2015 presentation to the Illinois Commission on Criminal Justice and Sentencing Reform at <http://www.icjia.state.il.us/cjreform2015/about/meetings.html> .

<sup>xiv</sup> For a detailed illustration of how length of stay has increased by felony class and gender, see the following link: <https://www2.illinois.gov/idoc/reportsandstatistics/Documents/Length%20of%20Stay%20by%20Gender%20FY06%20thru%20FY17%20180503.pdf>