

Center for Criminal Justice Research, Policy & Practice: The Rise (and Partial Fall) of Adults in Illinois' Prisons from Cook 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Data Sources: This research brief relied on published and unpublished data from the Illinois Department of Corrections, the Administrative Office of the Illinois Courts, the Illinois State Police, and the Illinois Criminal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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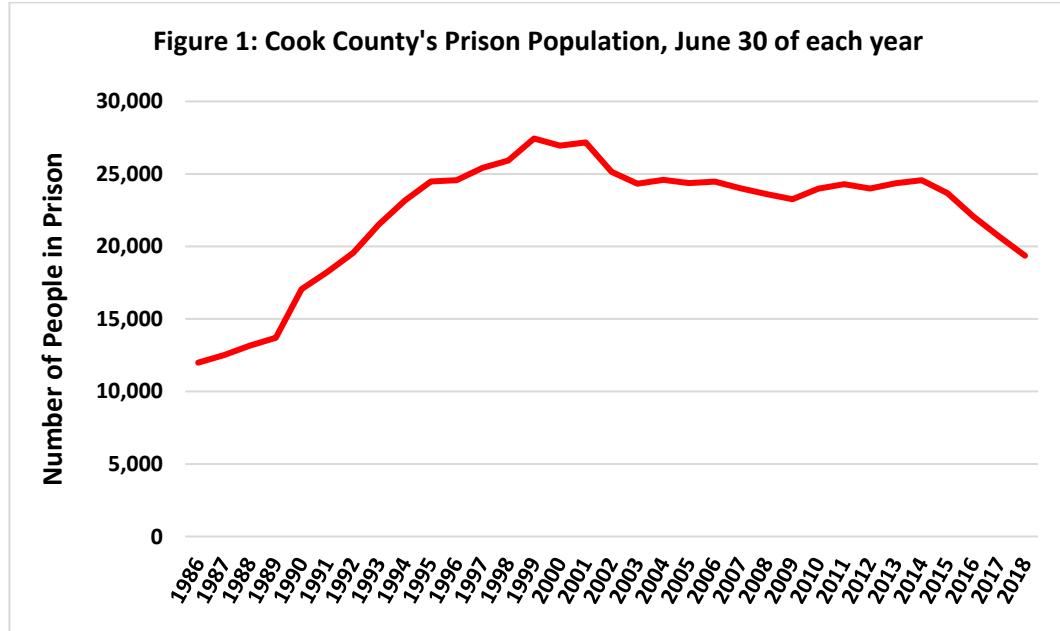
The Center promotes fair, informed, effective and ethical criminal justice approaches through collaborative interdisciplinary research, professional development and targeted projects.

INTRODUCTION

Between June 2014 and June 2018, the number of inmates held in Illinois prisons from Cook County decreased 21%, falling from 24,363 to 19,359. Although this represents the largest decrease in the number of people from Cook County in prison over the past 30 years, the 19,359 inmates held in prison from Cook County at the end of State Fiscal Year (SFY) 2018 was still almost 50% higher than the 13,164 incarcerated at the end of SFY 1988. 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 the number of people from Cook County incarcerated in Illinois' population from the 1980s through the early 2000s, and what is behind the decrease over the past few of years.ⁱ

The Rise of Cook County's Prison Population

During the 1980s and 1990s, the period when Cook County (and Illinois as a whole) 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. From 1983 to 1993, the overall crime rate in Cook County increased 13%.ⁱⁱ During that same time



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

period, the violent crime rate jumped by more than 97%, 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 1983 and 1993, the number of arrests for all violent crimes combined (including murder, criminal sexual assault, robbery, and aggravated assault/battery) increased 70%, and arrests specifically for murder increased almost 30%. Further, arrests for property crimes, which account for the largest share of arrests, went up 6% between 1983 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 six years between 1987 and 1993, arrests in Cook County for violations of this Act tripled, totaling almost 38,000.^{iv} Arrests for these drug-law violations continued to increase throughout the 1990s and peaked at 45,873 in 2000. 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 during the 1990s in Cook 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.^v

As a result of this increase in arrests, the number of felony cases filed and disposed of in Cook 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.^{vi} In addition to more felony cases being handled in the Cook County courts during the 1980s and 1990s, there was also a slight increase in the likelihood of those convicted of a felony being sentenced to prison during this period. Specifically, during the late-1980s, 48% of all those convicted of a felony in Cook County were sentenced to prison, and by the late 1990s, 51% of all those convicted of a felony received prison sentences, with the proportion reaching 57% by the 2004-2006 time period.^{vii} The increase in the proportion of convicted felons being sentenced to prison is likely due to a number of factors, such as 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 and early 2000s was an increase in the recidivism rate of those from Cook County 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

(MSR) or a new sentence to prison. The recidivism rate among Cook County releases from IDOC during SFY 1991 was 45%; this recidivism rate increased to 54% among those from Cook County released in SFY 2000, and peaked at 57% among SFY 2001 releasees.^{viii} The impact of technical MSR violators returned to prison from Cook County during the 1990s is evidenced by their increased representation in the overall prison population. For example, in 1989, only 3% of those in Illinois' prisons from Cook County were there because of technical violations of their MSR, but by 2001, 8.5% of those in prison from Cook County were technical MSR violators.^{ix}

Finally, the length of stay in prison for those incarcerated from Cook County also increased during the 1990s. For example, of those *in* prison from Cook County on June 30, 1989, the average length of time spent in prison was 2.6 years. Of those in prison on that same date in 2000, the average length of time spent in prison was 3.2 years. This increase was the result of

Numerous factors led to the increase in Cook County's 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 96% INCREASE IN THE NUMBER OF PEOPLE IN PRISON FROM COOK COUNTY BETWEEN 1989 AND 2000.

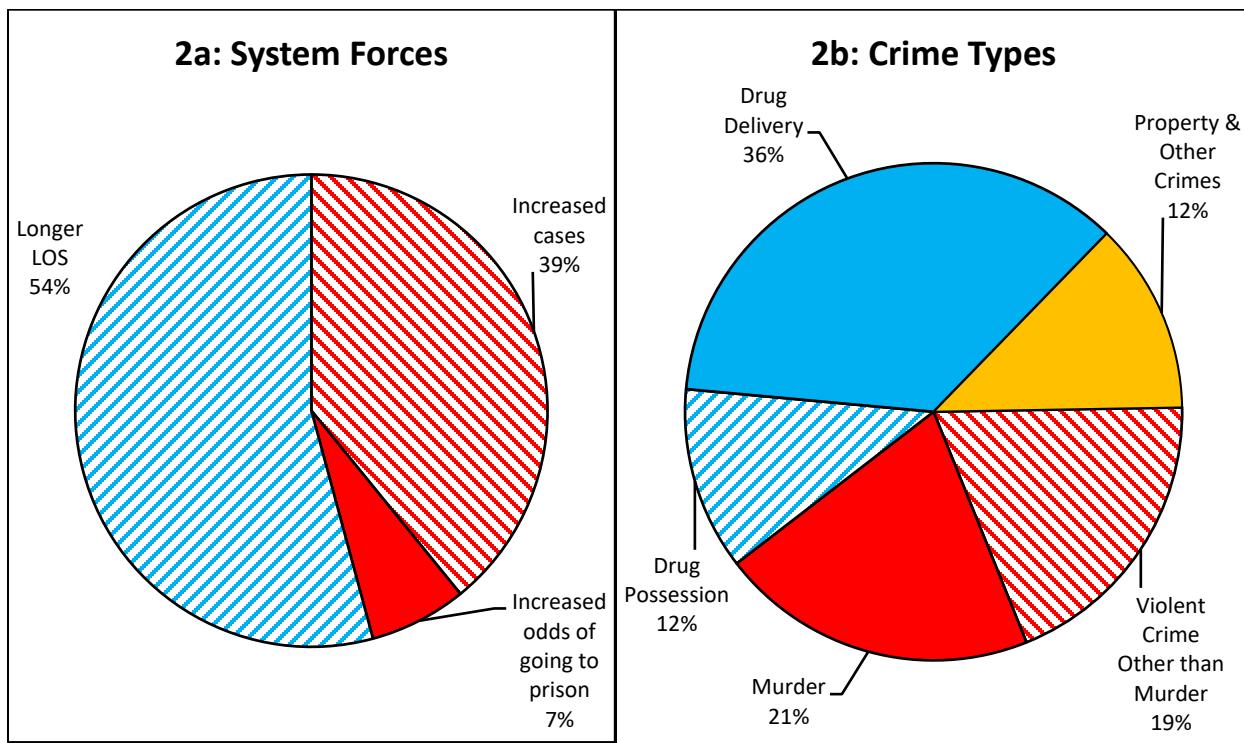
sentences to prison involving more serious crimes, changes to Illinois' law that increased the possible sentence that could be imposed, legislative changes that restricted the amount of good conduct credit that could be awarded, particularly among those sentenced to prison for more serious felony class offenses, and longer sentences imposed due to increasing punitiveness.

Combining all of these factors, the majority (54%) of the growth in the number of people in prison from Cook County between 1989 and 2000 was due to longer lengths of stay in prison, while 39% of the growth can be attributed to more felony cases entering the justice system, as a result of increased crime and arrests for drug-law violations.

Finally, the slight increase in the percent of those convicted of a felony in Cook County being sentenced to prison during that period accounted for 7% of the growth in number of people in prison from Cook County between 1989 and 2000 (Figure 2a).

Another way to understand the changes in the size of Illinois' prison population from Cook County is to examine the types of crimes for which individuals were incarcerated. Doing so reveals that between SFY 1989 and 2000,^{xii} almost 21% of the growth in the prison population from Cook County can be attributed to an increase in the number of people sentenced to prison for murder, and an additional 19% of the growth due to more people in prison for other violent crimes (Figure 2b). Combined, 40% of the increase in the prison population from Cook County was due to more people in prison for violent crimes. On the other hand, almost one-half (48%) of the increase was due to more drug-law violators in prison. Specifically, 36% of the increase in the prison population from Cook County was due to more people in prison for drug delivery and 12% of the increase was the result of more people in prison for drug possession (Figure 2b).^{xiii} Finally, 12% of the growth was due to more people in prison for property crimes. Thus, the types of crimes behind the growth of the prison population from SFY 1989 to 2000 were quite broad and varied, and no single crime type or category (i.e., violent, property, or drug delivery/drug possession) accounted for the majority of the increase in the prison population.

Figure 2: Factors Contributing to the Increase in Illinois' Prison Population from Cook County 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 Cook County's Prison Population

Between 1986 and 2014, the prison population from Cook County experienced year-over-year increases in all but 8 of those 28 years (Figure 1), resulting in a prison population that went from fewer than 12,000 inmates in 1986 to a record 24,564 by 2014. However, in recent years, the steady and substantial growth in the number of people in prison in Illinois from Cook County has reversed, decreasing 21% between June 30, 2014 and June 30, 2018. Indeed, the decreases four years in a row in the prison population from Cook County from SFY 2014 to 2018 was the first time during the 30+ years examined where there was as sustained a decrease in the prison population from Cook County. Looked at another way, the number of people in prison from Cook County on June 30, 2018 was the lowest since 1991 (Figure 1).

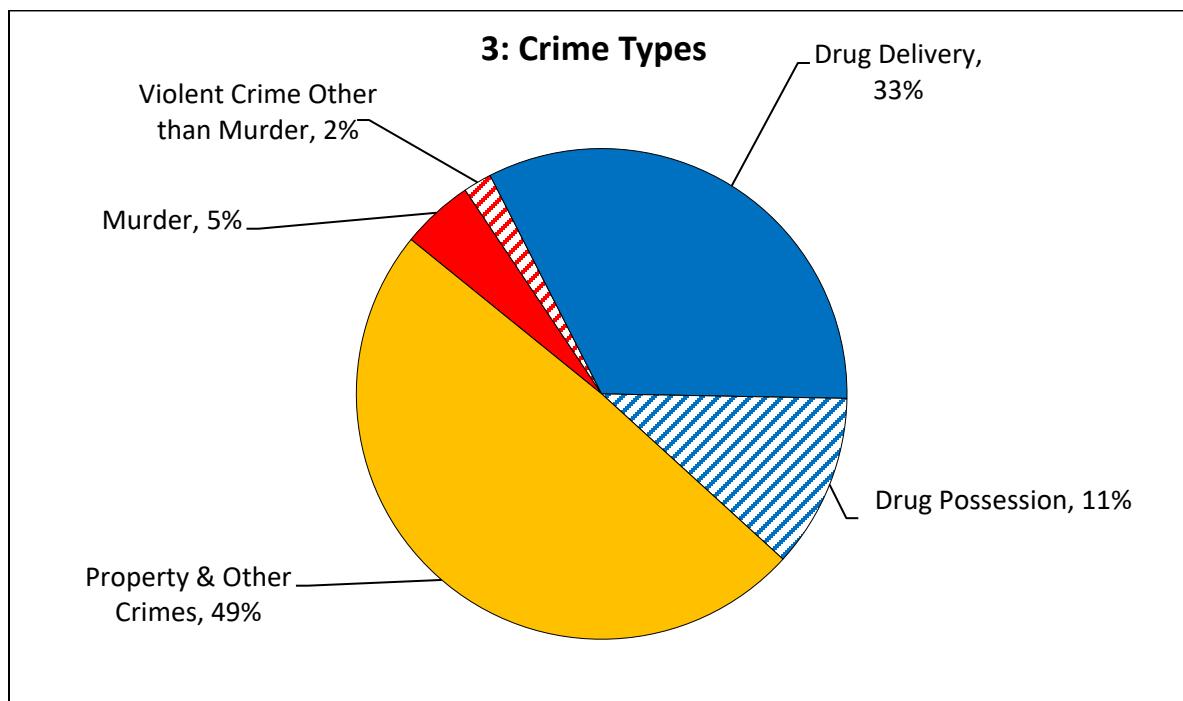
This decline can be explained by some of the same factors that drove the increase during the 1990s: changes in crime rates, arrest patterns, and recidivism rates. The smaller prison population from Cook County is primarily the result of an overall decrease in crime and arrests, and a reduced emphasis on drug enforcement, all of which decreased felony filings in Cook County. For example, between 2013 and 2017, arrests for felony-level offenses in Cook County fell 28%^{xv}, leading to a similar decrease in felony filings in the courts.^{xvi} While the odds of being sentenced to prison increased slightly during the 1990s in Cook County, it does not appear that the proportion of those convicted of a felony in Cook County sentenced to prison has changed much in the past few years, and thus has not impacted the prison population recently.

In addition, the rate at which those released 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. Among those from Cook County released from prison in SFY 2011, one-half (50.4%) were returned to prison within three years, compared to 41% of those released from prison in SFY 2015. Another measure of recidivism of those released from prison to Cook County—rearrest for a new crime—also revealed a decrease between 2007 and the 2012 to 2014 time period.^{xvii} Specifically, among those released to Cook County from prison in SFY 2007, 77% were arrested for a new crime within three years, compared to 68% of those released from prison between SFY 2011 and 2014. All of these factors collectively led to a 33% decrease in the number of people sentenced to prison from Cook County between SFY 2014 and 2018.

Further, while a substantial amount of the increase in the prison population from Cook County between SFY 1989 and 2000 was due to violent crimes (see Figure 2b), almost all (93%) of the decrease between SFY 2014 and 2018 has been due to fewer people in prison for property crimes and drug-law violations (Figure 3). Specifically, 49% of the decrease in the prison population during this time period was the result of fewer individuals in prison for property crimes and 44% of the decrease was due to fewer people in prison for drug-law violations

(Figure 3).^{xviii} These patterns also are indicative of a change in the types of crimes for which those in Cook County are being sentenced to prison. For example, during SFY 2014, 30% of those sentenced to prison from Cook County were convicted of a violent crime, but by SFY 2018, 47% of those sentenced to prison from Cook County had been convicted of a violent crime.

Figure 3: Causes of the Decrease in Cook 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.

Also, while a substantial portion of the increase in the prison population during the 1990s was due to longer lengths of stay in prison, none of the decrease seen recently is due to shorter lengths of stay in prison. In fact, lengths of stay in prison among those in prison and exiting prison from Cook County continued to increase through 2018, particularly after the awarding of Meritorious Good Time (MGT) was suspended in 2011 and eligibility was significantly restricted. Among those *in* prison from Cook County on June 30, 2014, the average length of stay in prison was 4.6 years, compared to an average of 6 years among those in prison on June 30, 2018.

Conclusions

There were numerous factors that drove the dramatic increase in the number of people sentenced to, and in prison from Cook County during the 1980s and 1990s, and no single factor can be described as being the primary reason for the 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 various sentence credits. Collectively, these forces can explain why the prison population from Cook County increased from fewer than 12,000 in the mid-1980s to 27,441 on June 30, 1999, historically the highest recorded prison population from Cook County.

By comparison, nearly all of the decrease in the number of people in prison from Cook County over the last few years can be attributed to less crime and fewer arrests, particularly for felony

Little of the decrease in people from Cook County incarcerated in prison has been due to fewer people in prison for violent crimes

ALTHOUGH 40% OF THE GROWTH IN THE NUMBER OF PEOPLE FROM COOK COUNTY IN PRISON DURING THE 1990S WAS DUE TO MORE PEOPLE IN PRISON FOR VIOLENT CRIMES, VERY LITTLE OF THE DECREASE BETWEEN 2014 AND 2018 WAS DUE TO A REDUCTION IN PEOPLE IN PRISON FOR VIOLENT CRIMES.

IN 2000, 51% OF THOSE IN PRISON FROM COOK COUNTY WERE SENTENCED TO PRISON FOR A VIOLENT CRIME. ON JUNE 30, 2018, 75% OF THOSE IN PRISON FROM COOK COUNTY WERE SENTENCED TO PRISON FOR VIOLENT CRIMES; ALMOST ONE IN FOUR (23.4%) PEOPLE IN PRISON FROM COOK COUNTY ON THAT DATE WAS SENTENCED TO PRISON FOR FIRST DEGREE MURDER.

drug crimes and other non-violent crimes. Further, the decrease in the recidivism rate of those sent to prison from, and returning to, Cook County over the past decade has also contributed to fewer people in prison from Cook County. The decrease in the recidivism rate can 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 43% in Cook County. As a result, the likelihood of those released from prison being arrested, and subsequently returned to prison, has also fallen. For example, 55% of those from Cook County who were released from prison in SFY 2010 were returned to prison within 3 years for either a violation of their MSR or a new conviction and sentence, compared to 41% of those released in SFY 2015.

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

ⁱⁱ 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.

^{iv} Analyses by Loyola’s Center for Criminal Justice Research, Policy & Practice of aggregate, published I-UCR data.

^v Illustrative of this is the fact that during the 30 years from Illinois’ state fiscal years (SFY) 1989 through 2018 there were fewer than 7,200 sentences to prison from Cook County for cannabis offenses out of more than 382,000 people sentenced to prison from Cook County during that period. Out of the 7,175 sentences to prison for cannabis offenses from Cook County, 2,471 were for possession and the remaining 4,704 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.

^{vi} Source: 2014 “Penalties for Crimes in Illinois” published online by the Illinois General Assembly Legislative Research Unit. <http://ilga.gov/commission/lru/2014PFC.pdf>

^{vii} 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.

^{viii} Historic recidivism rates from the 1992 and 2003 Illinois Department of Corrections’ Statistical Presentation reports.

^{ix} This pattern of a larger share of those in prison from Cook County being there due to violations of their MSR continued, and by the end of SFY 2010, 13% of those in prison from Cook County were there due to MSR violations.

^{xii} Based on state fiscal year data.

^{xiii} 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.

^{xv} 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.

^{xvi} 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.

^{xvii} Recent recidivism rates published by IDOC retrieved from

https://www2.illinois.gov/doc/reportsandstatistics/Documents/Recidivism%20FY10_FY15_Trends.pdf on 12/10/18.

^{xviii} In December 2016, the Cook County State’s Attorney’s Office changed the threshold for what her office would consider felony retail theft from \$500 to \$1,000 (<https://www.cookcountystatesattorney.org/about/kimberly-fox>), resulting in a 73% decrease between SFY 2014 and 2018 in Cook County admissions to prison for retail theft. As a result of this change, fewer people in prison for retail theft accounted for 9% of the *overall* decrease in the prison population from Cook County between SFY 2014 and 2018.