Research and program evaluation in Illinois: Studies on drug abuse and violent crime

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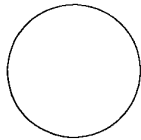
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ILLINOIS
CRIMINAL JUSTICE
INFORMATION AUTHORITY

A REVIEW OF INCARCERATED ILLINOIS CLASS 4 FELONY OFFENDERS: ARE ALTERNATIVE SANCTIONS APPROPRIATE?

Prepared for the
Illinois Criminal Justice Information Authority

by

Ernest L. Cowles, Ph.D.
and
Laura A. Gransky, M.S.

Center for Legal Studies
University of Illinois at Springfield

with the assistance of

Robert J. Jones, M.S.*
and
Steven P. Karr, M.S.*

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EXECUTIVE SUMMARY

Introduction

Since 1985, the Illinois prison population has steadily increased. By the end of calendar year (CY) 1994, 36,543 offenders were incarcerated in state correctional institutions. Within the system, the greatest increase (by class) of offenders has been those convicted of Class 4 felonies. In particular, new court admissions for offenses such as Possession of a Controlled Substance (PCS, which *does not* include cannabis), Retail Theft, Driving While Intoxicated (DWI), Driving with a Suspended License (DSL), and Theft all have increased since 1985. Specifically, the percent of offenders admitted for PCS has grown at the greatest magnitude-more than 350 percent since 1989. Despite these increases, and their resulting impact on Illinois' correctional system, little is known about the characteristics of the Class 4 population. This study was funded by the Illinois Criminal Justice Information Authority to provide correctional administrators and state policy-makers with a better understanding of this population.

Three primary goals served as the basis of this study: 1) to identify the scope of the increase in Illinois Class 4 offenders; 2) to develop a descriptive overview of the Class 4 population; and 3) to discuss whether this population, or part of it, is suitable for any type of diversionary programming.

Scope of the Study/Methodology

Over the past decade, the vast majority of all Class 4 felony offenders admitted to Illinois Department of Corrections' (IDOC) custody have been found guilty of only a few different offenses. The ultimate goal of this project was to ascertain whether it would be appropriate to divert a portion of the Class 4 population to free bed space in the state correctional facilities for more serious offenders (Class 3, 2, 1 and X, and those convicted of Murder). Therefore, only those offense groups containing enough offenders to have a significant impact on the total size of the Class 4 population were included. Based on this guideline, five offense groups were chosen:

Possession of a Controlled Substance (PCS), Theft, Retail Theft, Obstructing Justice, and Driving Related [(Driving While Intoxicated (DWI) and Driving with a Suspended License (DSL)]. [1] In CY 1994, these groups represented 85 percent of all Class 4 new court admissions. The findings presented in this report are based on the proportion of the Class 4 population consisting of these offender groups. From each of these five Class 4 offense groups, a 12.2 percent stratified sample of offenders was drawn. Offender demographic and offense characteristics were provided by the IDOC, while the Illinois State Police provided the researchers with a criminal history record, a rap sheet, for each offender. These rap sheets were coded, and the data were entered for analyses along with the demographic and offense information on each individual. Due to missing information and/or confusing prior history information on some offenders, some offenders were dropped from the study. However, each offense group had at least a 10-percent sample of usable information.

Findings and Recommendations

Question 1a: How has the Class 4 population changed over the past decade?

Over the past 10 years, the increase in the number of new court admissions for Class 4 felony offenders has been the most dramatic: 320 percent. From 1989 to 1994, the most common Class 4 offenses for which convictions were imposed included PCS, Retail Theft, Theft, DSL, Obstructing Justice, Deceptive Practice, DWI, and Cannabis Manufacture and Delivery. Together these offenses made up nearly 80 percent of the incarcerated Class 4 population each fiscal year. Within these groups, however, the increases in the number of offenders admitted were not constant. To illustrate, a 366-percent increase in the number of incarcerative sentences imposed for those convicted of PCS occurred between 1989 and 1994. This group constituted approximately 30 percent (n=420) of the entire Class 4 population in 1989, yet in five years, it had grown to represent 56 percent (n=1,955) of the population. In comparison, in 1989, 164 (12

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[1] Because the offenses of DSL and DWI produced small sample numbers, offenders incarcerated for these two offenses were combined into a single category titled "Driving Related" offenses.

percent of the Class 4 population) DSL offenders were incarcerated. While this population grew to 207 offenders by 1994, it only made up 5.9 percent of the total Class 4 population.

Question 1b: What caused the increase of Class 4 offenders incarcerated in Illinois?

Although statutory changes were enacted over the past decade, there did not appear to be any of a magnitude that could explain the rapid increase of the Class 4 population. Other explanations that could account for this increase include a shift in judicial attitude toward these offenders and/or changes in the offender pool. PCS offenders make up a significant proportion of offenders from Cook County (see below) and this jurisdiction commits most of the total incarcerated Class 4 population: thus, the PCS offense group is a driving force behind the growth of the Class 4 inmate population. Another more subtle factor may be that in 1988, funds became available in Illinois to set up a number of drug task forces and enhance metropolitan drug enforcement groups. The activities of these agencies, whose primary law enforcement focus is on "street" and "mid" level dealers, may account for part of the increase in PCS offenders being admitted to state custody.

Question 2a: What are the demographic and offense characteristics of Class 4 offenders?

The majority of Class 4 offenders are male. However, differences appeared when gender was considered by offense category. For example, while the overwhelming majority of PCS offenders is male, almost equal numbers of men and women are admitted to the IDOC for Retail Theft. With a range of 17 to 66 years, the average Class 4 offender is 30 years old. Age differences were statistically significant across the offense groups.

While most PCS offenders are committed from Cook County, all of the offenders convicted of Obstructing Justice were from other (non-Cook) geographical regions of the state. No other patterns appeared with respect to the offense categories. That is, inmates in the other offense categories were relatively evenly distributed with regard to the regions of commitment.

Although the majority of Class 4 offenders were identified as black, when holding offense was considered, differences appeared. While more than two-thirds of all offenders convicted of PCS or Retail Theft are black, most of those convicted of the Driving Related offenses are white. Some differences existed with respect to the average sentence length received by various groups; however, out of a range from one to six years, the average sentence received was two years.

Question 2b: What are the criminal histories of Class 4 offenders?

One of the more important areas in understanding the nature of the Class 4 population, and subsequently in assessing those offenders' suitability for alternative sanction programs, is the nature of prior criminal involvement. It appears that the Class 4 offenders in this study are not naive, young, first-time offenders caught up in their earliest adult criminal transgression. Rather, some of these people have lengthy arrest and conviction histories, and have been exposed to prior sanctions such as probation, imprisonment, jail terms, fines, costs and mandated restitution. Differences among the five groups emerged regarding the volume, type and seriousness of their prior criminal involvements. Those convicted of Retail Theft seemed to have the most criminally immersed lifestyle, with those incarcerated for Obstruction of Justice having the least sustained involvement.

Complicating the ability to develop differential sanctioning recommendations for the five offense groups is the fact that only one group, Theft, appeared to have a narrowly focused criminal orientation. The prior records of this group were predominately in the area of property crimes. By contrast, the PCS group, which might have been a prime target for alternative sanctions, appeared to have multitype offense histories dispersed across drug, property and even personal crimes. These histories may all be tied to a common substance abuse theme, however, the data used in this study were not sufficient to support such an inference.

As might be expected, the prior criminal histories of the study groups were related to age. The Driving Related offense group was the oldest at admission, followed by those incarcerated for Retail Theft. The Obstructing Justice sample was the youngest. Interestingly, however, all five of

the groups appeared to begin their involvement in criminal behavior (as measured by their age at the time of their first adult arrest) at approximately the same period in their adult life. Specifically, the impact of age on prior criminal histories seemed not to come as a simple function of age, but rather in terms of "time at-risk" between their initial involvement in criminal activity and their age at the time of their incarceration.

Question 3: Are there subgroups within this population for which alternative sanctions to the IDOC incarceration might be appropriate?

The results of this study suggest that the majority of these Class 4 offenders are "exactly where they should be." Prior histories for the sample groups seem, for the most part, extensive and varied. Many of these people, although incarcerated on the least serious felony classification, have prior criminal involvements that have resulted in prior imprisonment, jail time and probation. In essence, the incarcerated Class 4 offenders may be in prison as a result of not having refrained from continued criminal involvements despite having been subjected to prior sanctions. If this is the case, the group that may be most amenable to alternative sanction programs would be those whose incarceration has resulted from their first detected criminal offense. Projections based on the sample groups would suggest that upwards of 26 percent of those involved in Theft, eight percent of the Retail Theft group, 40 percent of the Obstructing Justice group, 18 percent of the PCS offenders, and 29 percent of the Driving Related (DWI and DSL) group might be included in such a "first offender" group. More intensive study of this group regarding substance abuse, public risk factors, and educational and job training needs might be an excellent approach to identifying a group that would be suitable for diversion from crowded IDOC facilities.

I. Introduction

Over the past 10 years Illinois has observed a dramatic increase in the number of Class 4 felony offenders incarcerated in the state's prisons. Despite this, little research has focused on the Class 4 population. To fill this void, the Illinois Criminal Justice Information Authority contracted with the Center for Legal Studies at the University of Illinois at Springfield to conduct an exploratory study. This would provide a descriptive overview of a sample of Class 4 felony offenders incarcerated in Illinois correctional facilities during the calendar year (CY) 1994. From this information, a review regarding the appropriateness of alternative sanctions for diverting this population, or a portion of it, from traditional incarceration was undertaken. The following discussion presents the findings of this study.

Three overarching research questions drove the design employed by the study. First, what was the impact of the increase in Class 4 offenders in the Illinois Department of Corrections during the past decade, and were there any readily observable system process changes (e.g., changes in Class 4 statutes) that might account for the increasing numbers in this class of offenders? Second, what are the characteristics of the incarcerated Class 4 population? Third, are there groups within this population for which alternative sanctions might be appropriate?

Results of the efforts to place the growth of the Class 4 population in perspective, and to examine possible process influences will be described in Section II. To address the second research question and eventually consider the third research inquiry, a random sample of CY 1994 Class 4 inmates was selected. Information on how the sample was selected and on data collection procedures is presented in Section III. Evaluation of demographic, offense, commitment and prior criminal history information on this sample was then used to develop a profile of the Class 4 population and to consider the appropriateness of diverting this population from mainstream correctional institutions into alternative sanctions. This information is included in sections IV through VI.

II. Historical Overview

Illinois Adult Prison Population Levels (1985-1994)

As presented in Figure 1.1, the Illinois adult prison population has steadily increased since 1985. Over this 10-year period, the IDOC has witnessed a near doubling (99.9 percent increase) of the adult population levels. However, this increase has not been equally constant across years. The sharpest population growth began in 1988 and continued through the end of CY 1994. At that time, 36,543 adult offenders were incarcerated in Illinois prisons (IDOC: 1995).

Figure 1.1

Illinois Adult Prison Population, Calendar Years 1985 - 1994
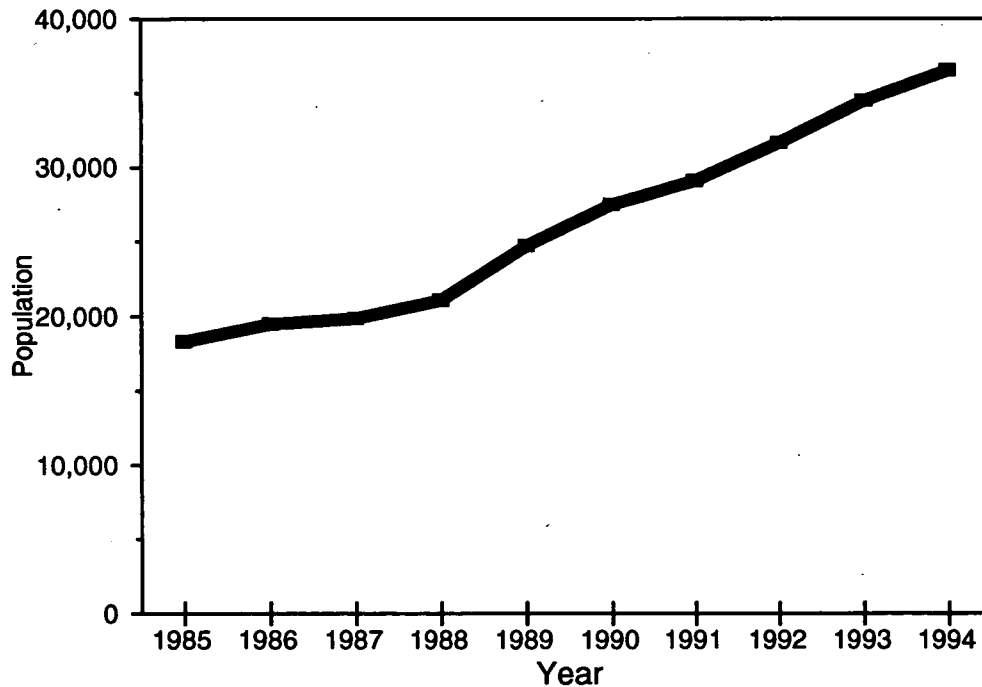
In Illinois, a variety of offense classifications are punishable by a term of incarceration in either a state or locally operated facility. As displayed in Table 1.1, these include 1st degree Murder, five felony classes, and three misdemeanor classes (Illinois General Assembly, 1989)[2]. Under each, both *usual* and *extended* term lengths may be prescribed, as well as a specification as to whether a term of probation may be substituted for incarceration[3]. To illustrate, a person convicted of a Class 2 felony offense may receive a usual term of three to seven years. However, under certain circumstances, this term may be doubled: from seven to 14 years. A person convicted of this class of offense may, however, receive a sentence less than the stated minimum when factors of mitigation apply, or may be given a probation term of up to four years instead of incarceration.

Table 1.1: Illinois Offense Classifications[1]

Class	Usual Term	Extended term	Probation instead[2]
1st Degree Murder	Death/Life without parole 20-60 years	60-100 years	not allowed
Felony X	6-30 years	30-60 years	not allowed
Felony 1	4-15 years	15-30 years	up to 4 years
Felony 2	3-7 years	7-14 years	up to 4 years
Felony 3	2-5 years	5-10 years	up to 30 months
Felony 4	1-3 years	3-6 years	up to 30 months
Misd A	under 1 year	-----	up to 1 year
Misd B	up to 6 months	-----	up to 1 year
Misd C	up to 30 days	-----	up to 1 year

[1] Information extracted from *Penalties for Crimes in Illinois*. Prepared by the Illinois General Assembly Legislative Research Unit, May 1989.
[2] Certain Class 1, 2, 3 and 4 offenses are not eligible for a term of probation.

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[2] Habitual Criminal and Sexually Dangerous Persons also are considered separate classifications. However, since they are not offenses, but rather adjudications, they have been excluded from this discussion. There also are petty offense and business offense classifications. They do not prescribe a period of imprisonment.

[3] Under certain circumstances, extended terms may be imposed. For example, if a person committed first degree murder on a peace officer while that officer was performing his/her duties, an extended term may be given to the offender. Additionally, sentence terms of less than the minimum also are allowed under mitigating circumstances.

In 1986, the IDOC stopped admitting misdemeanor offenders to state correctional institutions. This change was largely due to increased population levels in Illinois prisons and bed space needs for more serious offenders. Since then, these lower level offenders have been housed in locally operated jail facilities.

When broken down by offense class, data reveal that from 1985 to 1994, the increase in the number of admissions from court for Class 4 offenders has been the most dramatic (see Figure 1.2). During these years, the number of court admissions for Class 4 offenders increased 320 percent (from 943 to 3,961 offenders), while the more serious Class 3 court admissions increased at a much lower rate of 78.4 percent. The number of court admissions for Class 2, Class 1 and Class X offenders, and those convicted of Murder also increased substantially, although at rates less than their Class 4 counterparts (IDOC: 1995; IDOC: 1989).

Figure 1.2

Total Court Admissions by Offense Class, 1985 - 1994
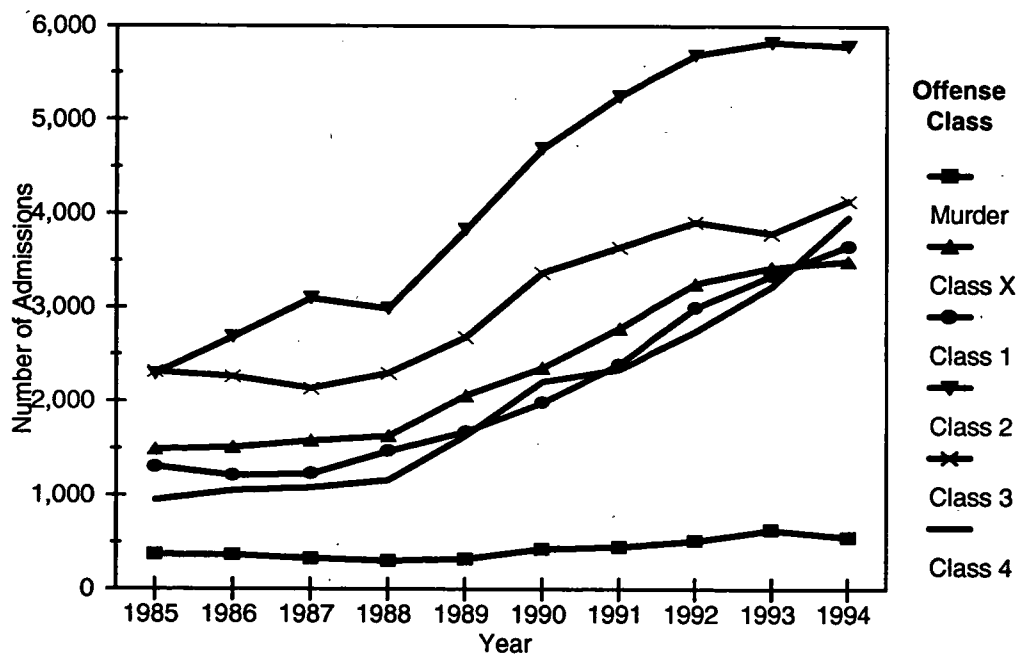
From 1989 to 1994, the most common Class 4 offenses for which prison sentences were imposed included the following: Unauthorized Possession of a Controlled Substance (PCS), Retail Theft, Theft, Driving with a Suspended License (DSL), Obstructing Justice, Deceptive Practice, Driving While Intoxicated (DWI), and Cannabis Manufacture and Delivery. Together these offenses made up more than 80 percent of the incarcerated Class 4 population each fiscal year. However, although the specific Class 4 offenses for which offenders are convicted have not dramatically changed over time (for example, PCS, Retail Theft, DWI), the increased rate of convictions for these specific offenses has influenced the makeup of this population. Since 1989, a 366 percent increase in the number of incarcerative sentences imposed for those convicted of PCS has occurred. This group constituted approximately 30 percent (n=420) of the entire Class 4 population in 1989, yet by 1994, it increased to 56 percent (n=1,955) of the population. The raw number of offenders convicted of various other Class 4 offenses also increased during this time (e.g., Retail Theft, Theft, and Obstructing Justice); however, as the percent of PCS convictions increased, the percent of convictions included in the total Class 4 population for other common offenses declined (see Figures 1.3a and 1.3b).

Figure 1.3a

1989 Class 4 Population
By Offense Categories

PCS (30.70%), Retail Theft (13.20%), Theft (11.30%), DSL (12.00%), Other (32.80%)
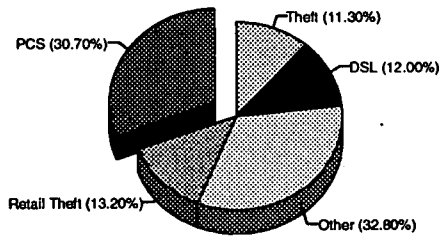
Figure 1.3b

1994 Class 4 Population
By Offense Categories

PCS (56.00%), Theft (6.30%), DSL (5.90%), Other (20.70%), Retail Theft (11.10%)
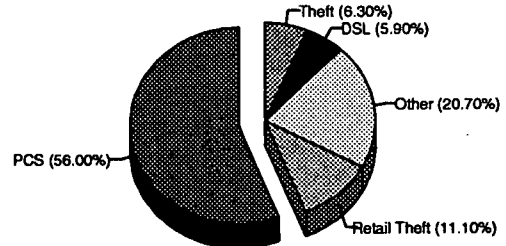
While there has been an increase in the number of incarcerative sentences imposed for those convicted of Class 4 offenses, the reason(s) surrounding the magnitude of the increase for this class when compared with the other offense classes is unknown. Further, explanations are also vague as to why such an increase in convictions for PCS occurred. Based on the rationale that perhaps these increases could be attributed to statutory changes, and to gain a better understanding of why these changes occurred, a review of the Illinois Compiled Statues (Criminal Code and the Unified Correction Code) was undertaken for Class 4 offenses. As most Class 4 offenders are incarcerated for one of six offenses, only statutory changes affecting the following offenses were investigated: 1) PCS, 2) Theft, 3) Retail Theft, 4) Obstructing Justice, 5) DWI and 6) DSL. This review covered all applicable statutes from 1985 to the present. The identified primary changes in the statutes during this time are detailed below.

Potential Impacts of Statutory Changes

(1) Possession of a Controlled Substance

Figure 1.4a, on the following page, displays the number of offenders admitted to IDOC custody for a Class 4 PCS offense from 1985 to 1994. While admissions were relatively stable from 1985 to 1988, since 1989 there has been a substantial increase in this population.

Figure 1.4a

Class 4 New Court Admissions
for PCS, FY 1985 - FY 1994

Figure: Bar chart titled "Class 4 New Court Admissions for PCS, FY 1985 - FY 1994". Y-axis "Number of Admissions" ranges from 0 to 2,500. Values by year: 1985: 169; 1986: 190; 1987: 217; 1988: 284; 1989: 420; 1990: 794; 1991: 957; 1992: 1,126; 1993: 1,499; 1994: 1,955.
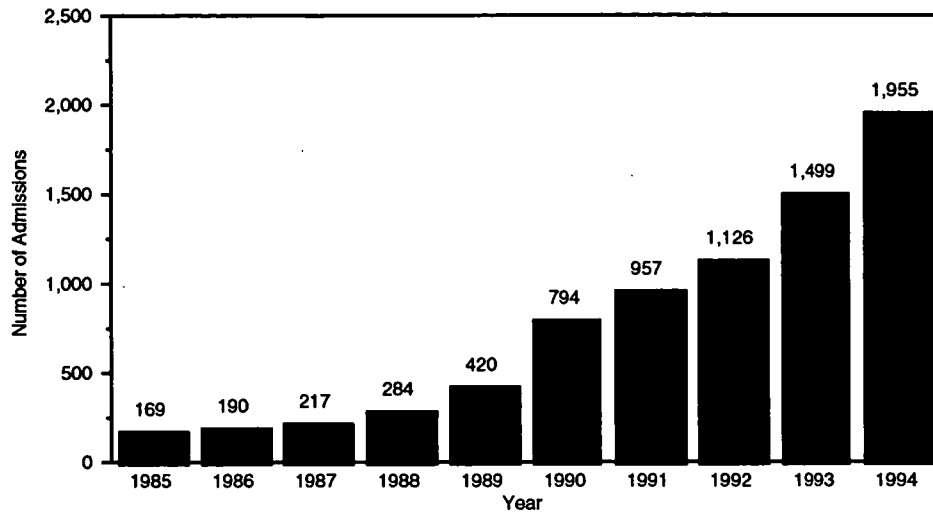
Further, as stated previously, the percent of the Class 4 population which is made up of PCS offenders has increased (see Figure 1.4b).

Figure 1.4b

Proportion of PCS Offenders
Class 4 Population, FY 1985 - FY 1994

Figure: Area chart titled "Proportion of PCS Offenders Class 4 Population, FY 1985 - FY 1994". Y-axis "Number of Admissions" ranges from 0 to 4,000. X-axis "Year" from 1985 to 1994. Legend: Remainder of Class 4 Population; PCS Offenders.

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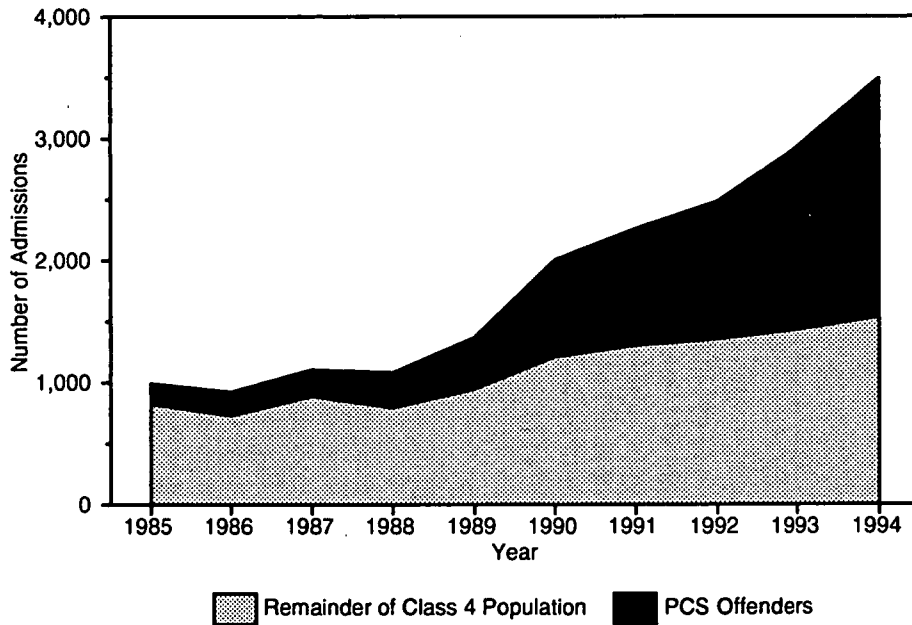
Statutory changes: In Illinois, possession of any amount of a controlled substance is considered a felony (for example, cocaine, heroin, LSD and other noncannabis substances). Throughout the years, enacted statutory changes have affected the felony class of a specific offense based on the amount of the substance a person possessed. Between 1985 and 1994, three Class 4 related changes pertaining to the Controlled Substances Act were enacted. They became effective in February 1987, January 1990 and September 1991, respectively. In 1987, the Act was amended to find anyone in possession of less than 15 grams of heroin, cocaine or morphine guilty of a Class 4 offense. Previously, this amount was possession of less than 30g. Similarly, in 1990, the possession criterion for LSD was lowered from less than 15g to less than 10g, and possession of less than 10g, or objects or segregated parts of an object or objects was added. However, one year later, the section targeting LSD was again amended to the previous levels of less than 15g of LSD or possession of less than 15g, or objects or segregated parts of an object or objects.

Effects: The law changes made regarding PCS should have decreased the number of offenders convicted of Class 4 felonies and increased the number of Class 1, 2 and 3 felons. That is, lowering the possession limit for a Class 4 felony from 30g to 15g of heroin, cocaine or morphine decreases the Class 4 population. However, this would only be true if the pool from which this population was drawn remained stable. When the amount of LSD was lowered from 15g to 10g, the pool of offenders who could be committed for a Class 4 offense should have decreased. Because this statute was again amended the following year, insufficient time existed to substantially affect the number of individuals convicted for a Class 4 LSD charge.

(2) Theft

Although fluctuations in the Class 4 Theft population were observed between 1985 and 1989, overall, the number of offenders admitted to IDOC for this offense has remained relatively stable (see Figure 1.5a).

Figure 1.5a

Class 4 New Court Admissions
for Theft, FY 1985 - FY 1994
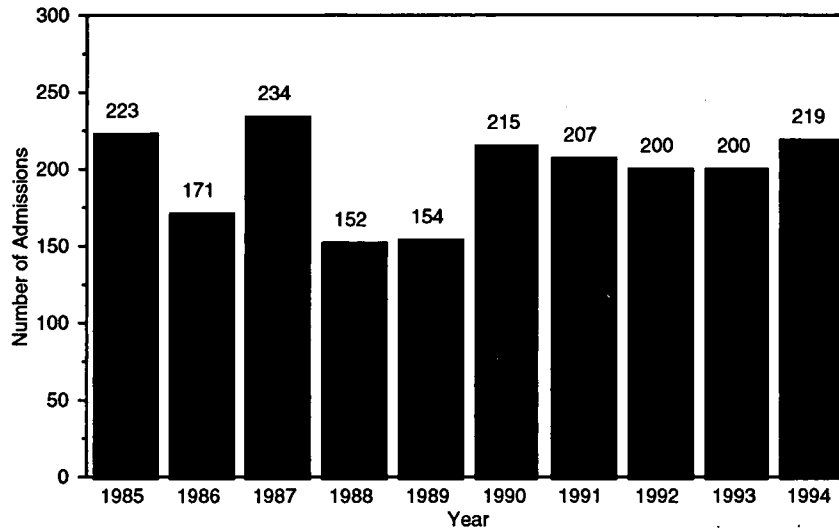
However, as illustrated by Figure 1.5b, the percent of all Class 4 offenders admitted for Theft charges has decreased over time because the overall Class 4 population has increased.

Figure 1.5b

Proportion of Theft Offenders
Class 4 Population, FY 1985 - FY 1994

Remainder of Class 4 Population   Theft Offenders
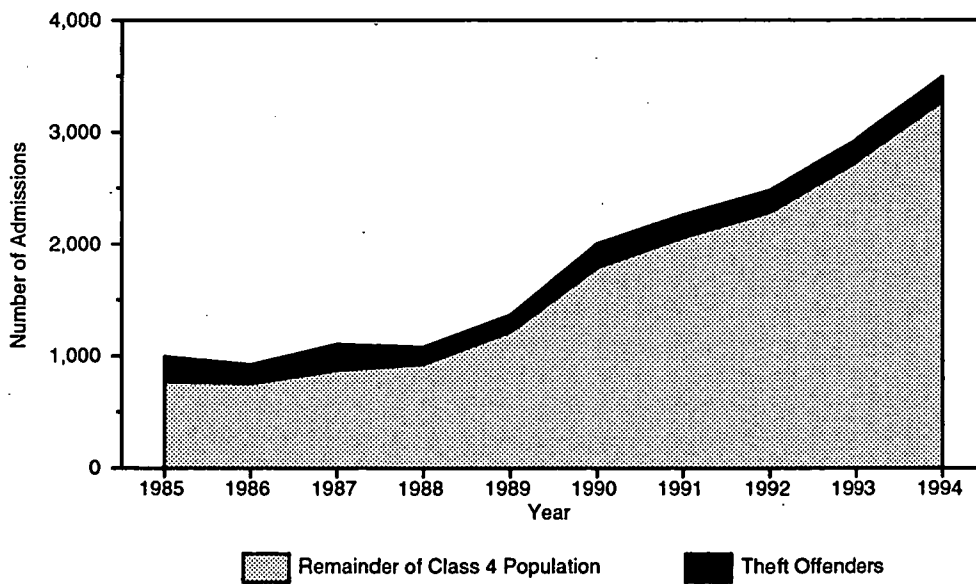
Statutory changes: In 1985, a person was charged with Class 4 felony Theft if the value of the item stolen was less than $300, and if this were a second or subsequent Theft offense, including Retail Theft. It also was defined as a Class 4 offense if the item was a firearm of any value, not taken from a person. In 1986, and again in 1988, the statute was amended. In July 1986, the statute was altered to state that if a person was convicted of Theft and had been *previously* convicted of Robbery, Armed Robbery, Burglary, Residential Burglary or Home Invasion, then the individual could be sentenced as a Class 4 offender. In 1988, Possession of Burglary Tools also was added to the list of identified prior offenses.

Effects: The pool of previous offenses, which upgrades the current offense, was expanded in the Theft category. This could increase the number of Class 4 repeat Theft and/or Burglary offenders in prison.

(3) Retail Theft

As illustrated by Figure 1.6a, over the past 10 years there has been a gradual increase in the number of Class 4 Retail Theft offenders admitted to the IDOC.

Figure 1.6a

Class 4 New Court Admissions for
Retail Theft, FY 1985 - FY 1994
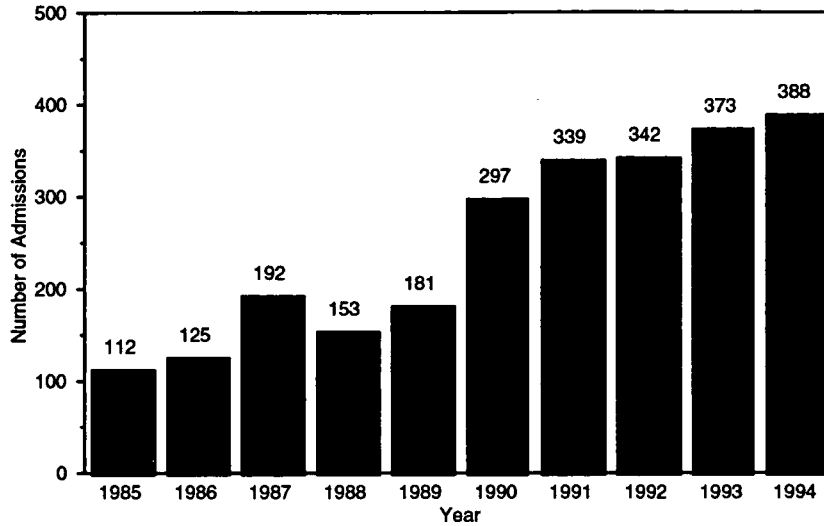
However, while this population has grown, it accounts for a small percent of all Class 4 offenders. Since 1985, the total percent of all Class 4 offenders admitted for Retail Theft has remained relatively low (Figure 1.6b).

Figure 1.6b

Proportion of Retail Theft Offenders
Class 4 Population, FY 1985 - FY 1994
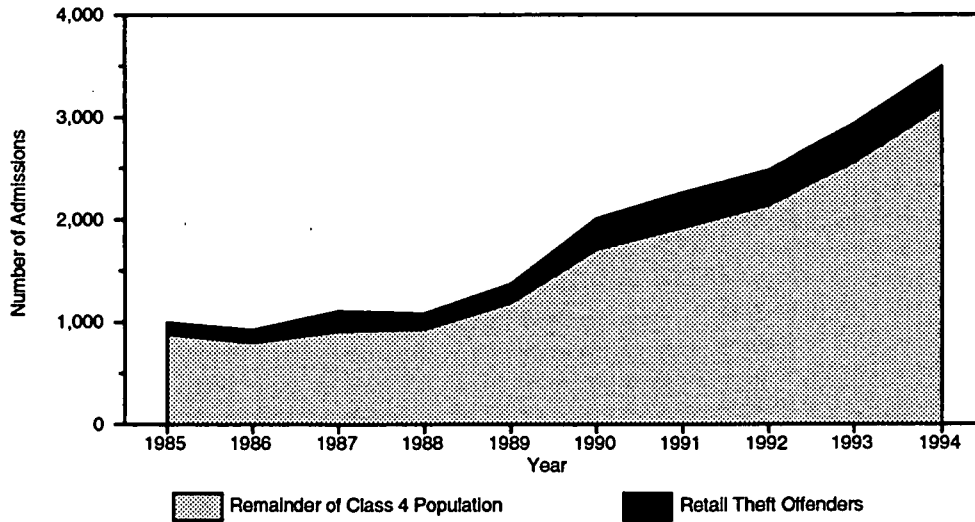
Statutory changes: In 1985, the Retail Theft statute stipulated that when a second or subsequent offense of Retail Theft occurred, and when the value in the instant offense did not exceed $150, a Class 4 offense had been committed. In 1988, the statute was expanded to include the use or possession of any "theft detection shielding device or remover" as a Class 4 offense. Also in 1988, people found guilty of Retail Theft (even less than $150) who had previous convictions of Theft, Robbery, Armed Robbery, Burglary, Residential Burglary, Possession of Burglary Tools, or Home Invasion, would receive a Class 4 sentence.

Effects: Listing a new offense (possession/use of electronic sensing device or remover) under Class 4 Retail Theft has the potential of increasing the number incarcerated. Further, the addition of multiple prior offenses expands the potential pool of convicted Retail Theft offenders who may receive a Class 4 sentence.

(4) Obstructing Justice

From 1985 to 1994, there was a dramatic increase in the number of Class 4 offenders admitted to the IDOC for Obstructing Justice. As illustrated by Figure 1.7a, only eight offenders were admitted in 1985, while by 1994, the number was 114, an increase of 1,325 percent.

Figure 1.7a

Class 4 New Court Admissions for Obstructing Justice, FY 1985 - FY 1994
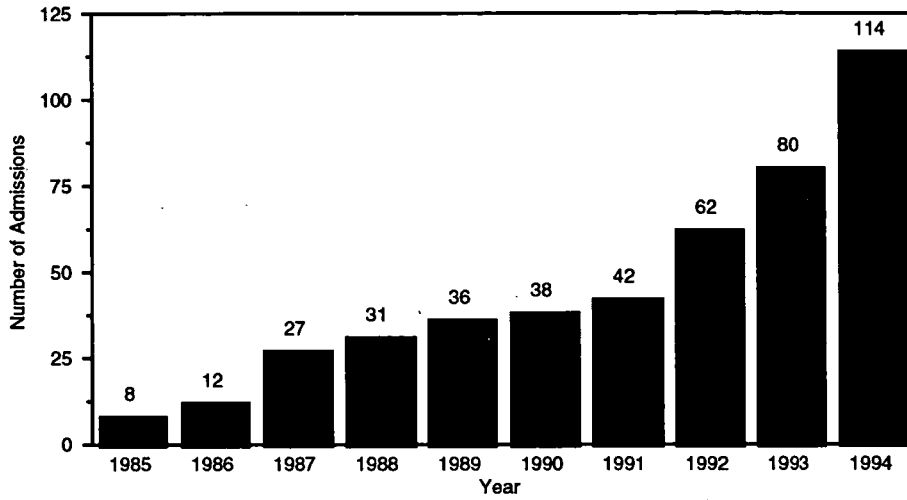
Those convicted of Obstructing Justice displayed the largest increase of all offense groups within the Class 4 population; however, because they represent such a small portion of the entire class, the proportion of the larger incarcerated Class 4 population consisting of those convicted of Obstructing Justice offenses has remained low since 1985 (Figure 1.7b).

Figure 1.7b

Proportion of Obstructing Justice Offenders Class 4 Population, FY 1985 - FY 1994
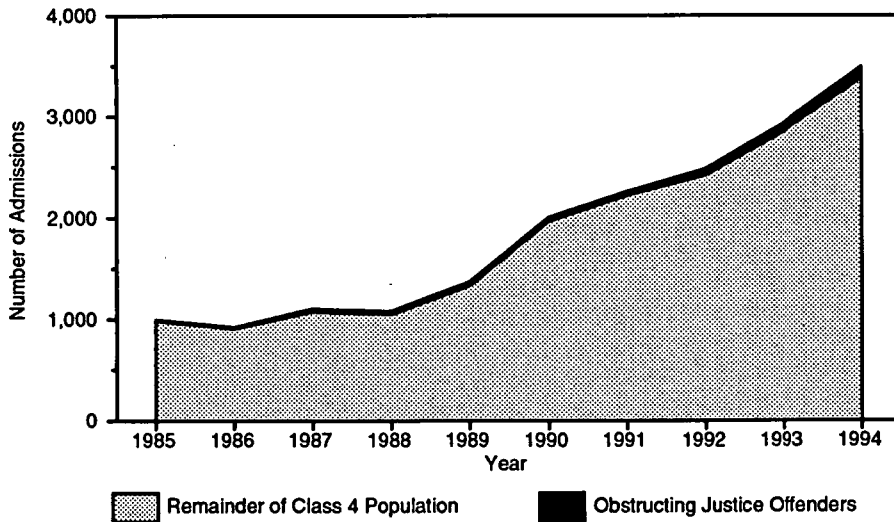
Statutory changes: Between 1985 and 1995, the Class 4 Obstructing Justice statute was not amended.

(5) Driving While Intoxicated

From 1985 to 1991, fewer than 100 offenders were admitted annually to the IDOC for the DWI Class 4 offense. While increases in this group were observed from 1987 to 1992, since then it has decreased (see Figure 1.8a).

Figure 1.8a

Class 4 New Court Admissions for Driving While Intoxicated, FY 1985 - FY 1994
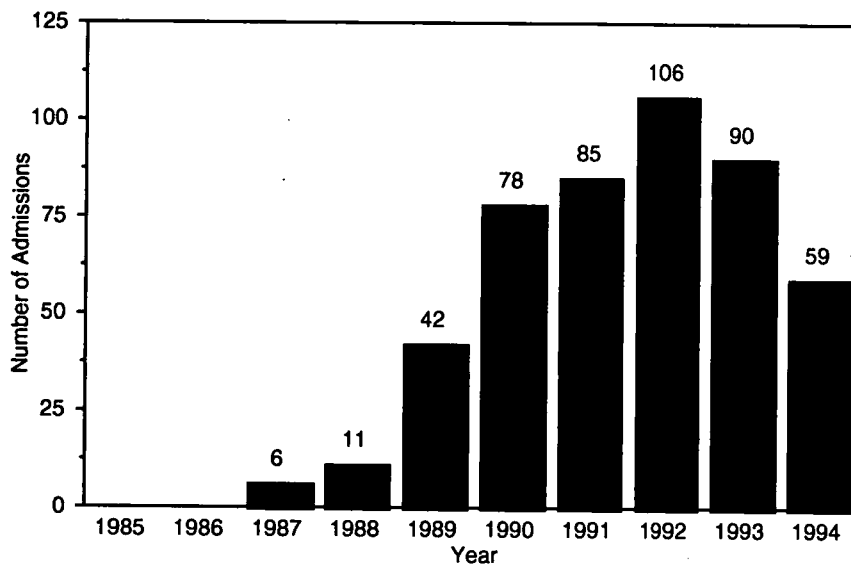
*In FYs 1985 and 1986, there were no new court DWI admissions.

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As was found with many other Class 4 offenses, the DWI population has not been growing at a rate that would impact the composition of total Class 4 admissions (Figure 1.8b).

Figure 1.8b

Proportion of DWI Offenders
Class 4 Population, FY 1985 - FY 1994
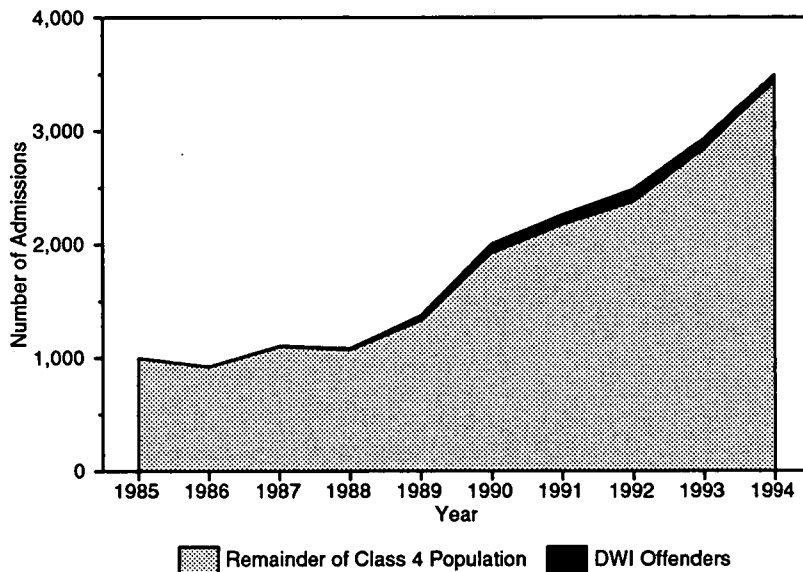
Statutory changes: In 1985, the Class 4 DWI statute indicated than an offense had been committed if the person had been found guilty of a DWI while driving a school bus with children on board, or if the person committed a DWI that caused great bodily harm, permanent disability, or disfigurement to another. Effective January 1988, this statute was amended to include that a third DWI, under any circumstance, would result in a Class 4 conviction. Four years later, an additional Class 4 provision was added. It is a Class 4 felony if the individual is guilty of a DWI for the second time and if the first DWI offense caused death (Reckless Homicide) or great bodily harm or injury to an individual.

Effects: Because more Class 4 charges are possible, these changes in the DWI law could potentially increase the number of Class 4 felons. In particular, it is believed that including those convicted for a third DWI as a Class 4 offender has the potential to significantly increase the Class 4 DWI offender population.

(6) Driving with a Suspended License

In 1985, no offenders were admitted to the IDOC for the Class 4 offense of DSL (see Figure 1.9a).   Since then, a steady growth in this population has occurred. By 1994, 207 Class 4 offenders were admitted to the IDOC for DSL.

Figure 1.9a

Class 4 New Court Admissions for Driving with a Suspended License, FY 1985 - FY 1994
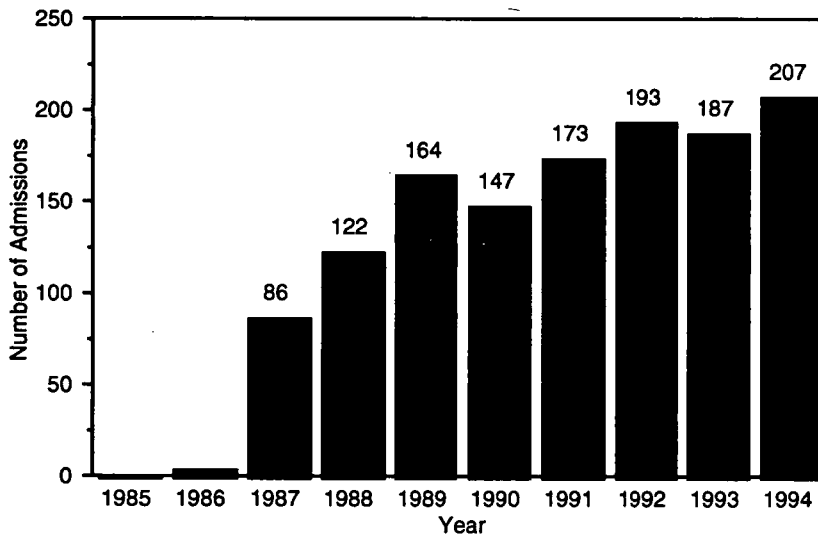
However, because they represent such a small portion of all Class 4 offenders, this growth has not influenced the composition of total Class 4 offenders. As illustrated by Figure 1.9b, the portion of the total Class 4 population consisting of DSL offenders remained low between 1987 and 1994.

Figure 1.9b

Proportion of DSL Offenders
Class 4 Population, FY 1985 - FY 1994
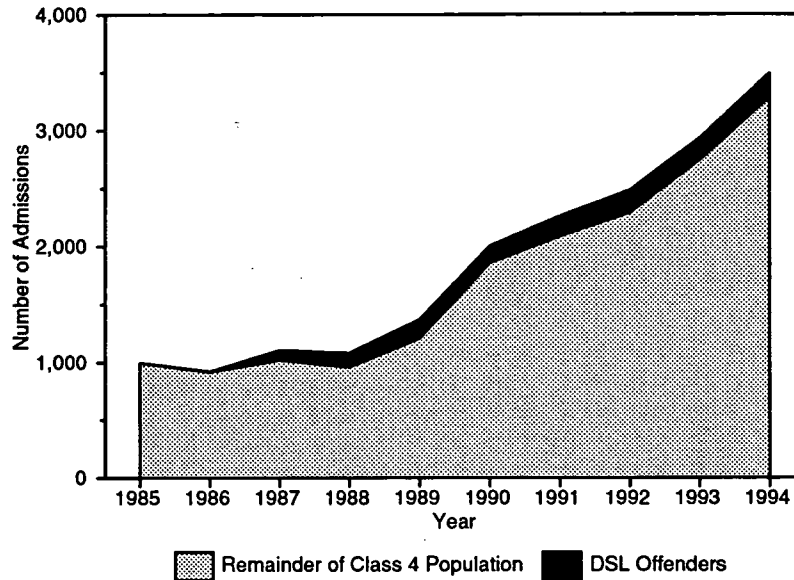
Statutory changes: In 1985, the statute for the Class 4 offense of DSL stated the following: any person convicted for their second or subsequent offense of DSL was guilty of a Class 4 felony if the original suspension involved a Violation of Transfer of Registration, DUI, or was related to Reckless Homicide. Effective January 1995, a statutory, summary suspension was added to the listing of original suspensions.

Effects: Because this change would only affect a small population who had a previous statutory, summary suspension of their license, the number of Class 4 felons convicted of DSL would not change substantially. More important, this change did not occur until January 1995. Therefore, it could not account for increases in the number of DSL offenders incarcerated in or before CY 1994.

Summary of Statutory Changes

Although there have been modifications to the Illinois statutes that could result in increases in the number of offenders charged with certain Class 4 felony offenses, many of these changes are minimal. It is believed they would only affect a small portion of the population. Furthermore, with respect to PCS offenders, no statutorily based explanations exist to account for their dramatic increase in the Class 4 population. However, in 1988 funding in Illinois became available to implement a number of drug task forces and enhance metropolitan drug enforcement groups. The increase in PCS offenders could be attributed, in part, to the enhanced enforcement of drug-related laws, particularly the "street" and "mid-level" dealers that are primary targets of these multi-jurisdictional efforts. In addition, during this period there was a dramatic increase in arrests for possession of a controlled substance in Chicago. Other explanations that could account for this increase include a shift in judicial attitude toward these offenders and/or changes in the offender pool.

III. Methodology

To complete this evaluation, it was necessary to collect demographic, offense, and criminal history data for each offender. The demographic and offense data were provided by the IDOC, while the criminal histories of each offender were provided by the Illinois State Police. Criminal history record information includes the following elements:

> ... descriptions or notations of arrests, detentions, indictments, information, pretrial proceedings, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any dispositions arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release (ICJIA, 1995: A2)

These histories were presented in the form of "rap sheets" which included the available computerized criminal history record of each offender.

Sample Selection

Work on the project officially began on April 1, 1995. Computer printouts of the Class 4 population were received by project staff from the IDOC. Printouts included FY 1989 through FY 1993 new court admission populations and provided data on the following variables: holding offense, race, gender, age, committing county, offense type and maximum sentence length. From this information, a profile of the Class 4 offenders was developed. Based on this profile, project staff decided that stratifying on the variable "holding offense" was necessary.

In early May 1995, project staff provided the IDOC with two primary sample parameters. First, the sample was to include no less than 10 percent of Class 4 felony offenders admitted to the IDOC during CY 1994. Second, the sample was to include only offenders with one of the most

frequent eight holding offenses[4], stratified on the holding offense.

Once the sample was drawn, project staff received printouts of the sample based on each holding offense category. For each sample group, a breakdown of all variables of interest was prepared. Because of the small number of offenders in the sample with holding offenses for Deceptive Practice (n=10) and Criminal Damage to Property (n=8), the individuals in these offense categories were dropped from the study. It was believed by project staff that the impact of a possible diversion of these groups from prison would be small, and therefore, their inclusion would not be germane to this study. Because the offenses of DSL and DWI also produced small sample numbers, offenders incarcerated for these two offenses were combined into a single category titled "Driving Related" offenses. Of the remaining four holding offense groups, only the offense of Theft needed to be redrawn; the other three samples closely reflected their respective population. Based on this information, the two samples (i.e., Theft and combined Driving Related offenses) were redrawn by the IDOC. Each of these new samples was similar to their respective population on all variables of interest (see Appendix A).

By mid-June 1995, the sample selection was completed. The stratified sample consisted of 412 (12.2 percent) Class 4 felony offenders admitted to the IDOC during CY 1994. To receive the rap sheets, however, it was first necessary to obtain a data file from the IDOC that included each offender's SID (State Identification) number in a format useable by the Illinois State Police. This file was received by project staff on July 21, 1995. Using offender fingerprints would have been a more reliable method of ensuring the appropriate rap sheets were received (due to aliases, matching offender names with rap sheets is often difficult); however, because SIDs are issued only after the offender has been fingerprinted, they are considered reliable.

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[4] Includes Unauthorized PCS, Retail Theft, Theft, DSL, Obstructing Justice, Deceptive Practice, Criminal Damage to Property, and DWI.

Coding

To provide objectivity and greater rating reliability, two consultants who had experience with criminal history offense identification coded all rap sheets. Several meetings were held while the coding form was being developed to obtain the consultants' input and to deal with potential coding problems. Sample coding was completed to obtain acceptable interrater reliability. Yet, in the ensuing coding process, numerous problems were encountered. For example, many rap sheets were difficult to interpret, and connecting the events of a specific offense proved frustrating. Further, certain important events (i.e., arrest, filing, disposition, or custodial receipt) were often missing. Because of these concerns, it was decided that the individuals would code information exactly as it appeared on the rap sheets, and that the researchers would make corrections of obvious rap sheet entry problems in the subsequent data compilation. Although events were linked by matching court case numbers, this information was sometimes missing. Therefore, the project staff used their best judgment, and linked events based on the dates each event occurred[5].

Once coding was completed, Center research staff examined each form. A number of rap sheets were dropped from the study for two major reasons: 1) the instant offense (offense that brought the offender into the sample) could not be identified (this included cases in which it appeared the offender had been sentenced for a more serious offense than Class 4), and 2) even when the instant offense was identified, too much missing information made the subject's prior criminal history incomprehensible. However, all attempts were made to ensure at least a 10 percent sample of each Class 4 offense group, and this goal was achieved.

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[5]For a complete evaluation of Illinois' Criminal History Records, see: *A Comprehensive Examination of the Illinois Criminal History Records Information (CHRI) System*. Illinois Criminal Justice Information Authority: August, 1995.

IV. Demographic and Offense Characteristics of Sample Offenders

As displayed in Table 3.1, 85.9 percent of all offenders were male, while 14.1 percent were female. Furthermore, approximately three-fourths were black (76.0 percent), while 19.5 percent were white. The remaining sample offenders were identified as either Hispanic (4.2 percent) or American Indian (0.3 percent). Most of the offenders were under the age of 32; 24.3 percent were 23 years old or younger, 20.3 percent were 24 to 27 years old, and 18.1 percent were between 28 and 31. The average age of all sample offenders was 30.3 years old, while the range in ages varied from 17 to 66 years old.

Table 3.1: Sample -- Offender Demographic Characteristics

	n	%
Gender		
Male	304	85.9%
Female	50	14.1%
Total	354	100.0%
Race/Ethnic Identification		
Black	269	76.0%
White	69	19.5%
Hispanic	15	4.2%
American Indian	1	0.3%
Total	354	100.0%
Age		
23 years old or less	86	24.3%
24 to 27 years	72	20.3%
28 to 31 years	64	18.1%
32 to 37 years	66	18.6%
38 years or older	66	18.6%
Total	354	99.9%[1]

Mean: 30.3 years   Median: 29.0 years
Standard deviation: 8.7 years   Range: 17 to 66 years

[1] Totals over or under 100% are due to rounding.

Information regarding offense characteristics is displayed in Table 3.2. More than 70 percent of all offenders were incarcerated for PCS, while an additional 10.5 percent were found guilty of Retail Theft. The remaining offenders were convicted of Driving Related charges (7.9 percent), Theft (6.5 percent), or Obstructing Justice (4.2 percent).

While the usual sentence length given to a Class 4 offender is between one and three years, as displayed in Table 3.2, more lengthy sentences have been imposed. Although most offenders received one, two or three year sentences (35.6 percent, 38.7 percent, and 18.4 percent, respectively), 7.4 percent (n=26) received extended terms. The average sentence length was two years, while the range was between one and six years.

Table 3.3 presents information regarding offender demographics based on holding offense categories. While more than three-fourths of all offenders with holding offenses for either PCS or Retail Theft were black, most sample offenders convicted of both Obstructing Justice and the Driving Related offenses were white. Approximately 60 percent of all offenders with a holding offense for Theft were black, while the remaining 39.1 percent are white.

The majority of all offenders convicted of PCS, Theft, Obstructing Justice, and the Driving Related offenses were male. Conversely, over half the offenders found guilty of Retail Theft were female (54.1 percent).

Table 3.2: Sample -- Offense Characteristics

	n	%
Holding Offense		
PCS	251	70.9%
Theft	23	6.5%
Retail theft	37	10.5%
Obstructing justice	15	4.2%
Driving Related offenses	28	7.9%
Total	354	100.0%
Commitment Region		
Cook County	224	63.3%
Northern Illinois	30	8.5%
North Central Illinois	36	10.2%
Central Illinois	39	11.0%
Southern Illinois	25	7.1%
Total	354	100.1%[1]
Maximum Sentence Length		
One year	126	35.6%
Two years	137	38.7%
Three years	65	18.4%
Four years	13	3.7%
Five years	10	2.9%
Six years	3	0.8%
Total	354	100.0%

Mean: 2.0 years   Median: 2.0 years
Standard deviation: 1.0 years   Range: 1 to 6 years

[1] Totals over or under 100% are due to rounding.

Table 3.3: Sample -- Offender Demographics by Holding Offense

	PCS	Theft	Retail Theft	Obs. Justice	Driving
	% (n)	% (n)	% (n)	% (n)	% (n)
Racial Identification					
Black	87.3% (n=219)	60.9% (n=14)	78.4% (n=29)	40.0% (n=6)	3.6% (n=1)
White	8.4% (n=21)	39.1% (n=9)	16.2% (n=6)	60.0% (n=9)	85.7% (n=24)
Hispanic	4.4% (n=11)	0.0% (n=0)	2.7% (n=1)	0.0% (n=0)	10.7% (n=3)
American Indian	0.0% (n=0)	0.0% (n=0)	2.7% (n=1)	0.0% (n=0)	0.0% (n=0)
Total	100.1%[1] (n=251)	100.0% (n=25)	100.0% (n=37)	100.0% (n=15)	100.0% (n=28)
Gender					
Male	92.0% (n=231)	73.9% (n=17)	45.9% (n=17)	86.7% (n=13)	92.9% (n=26)
Female	8.0% (n=20)	26.1% (n=6)	54.1% (n=20)	13.3% (n=2)	7.1% (n=2)
Total	100.0% (n=251)	100.0% (n=23)	100.0% (n=37)	100.0% (n=15)	100.0% (n=28)

[1] Totals over or under 100% are due to rounding.

The majority (63.3 percent) of offenders were committed into state custody from Cook County, while the fewest (7.1 percent) were from southern Illinois. The remaining offenders were from northern Illinois (8.5 percent), north central Illinois (10.2 percent), or central Illinois (11.0 percent). Appendix B presents a map showing the regional breakdown of Illinois as used in this study. Considering the region of commitment by ofense type, more than 80 percent of all offenders convicted of PCS were from Cook County (see Table 3.4). Across the remaining four holding offenses, the region of commitment was much more evenly distributed. For example, of the offenders committed for Retail Theft, approximately 30 percent were from Cook County, 21.6 percent were from northern Illinois, 10.8 percent from north central Illinois, 27 percent from Central Illinois, while the remaining 10.8 percent were committed from southern Illinois.

Table 3.4: Sample -- Region of Commitment by Holding Offense

	PCS	Theft	Retail Theft	Obs. Justice	Driving
	% (n)	% (n)	% (n)	% (n)	% (n)
Region of Commitment					
Cook County	83.3% (n=209)	13.0% (n=3)	29.7% (n=11)	0.0% (n=0)	3.6% (n=1)
Northern IL	4.4% (n=11)	4.3% (n=1)	21.6% (n=8)	33.3% (n=5)	17.9% (n=5)
N. Central IL	6.0% (n=15)	13.0% (n=3)	10.8% (n=4)	13.3% (n=2)	42.9% (n=12)
Central IL	4.4% (n=11)	39.1% (n=9)	27.0% (n=10)	40.0% (n=6)	10.7% (n=3)
Southern IL	2.0% (n=5)	30.4% (n=7)	10.8% (n=4)	13.3% (n=2)	25.0% (n=7)
Total	100.1%[1] (n=251)	99.8%[1] (n=23)	99.9%[1] (n=37)	99.9%[1] (n=15)	100.1%[1] (n=28)

[1] Totals over or under 100% are due to rounding.

As presented in Table 3.5, the average age of offenders convicted varied based on holding offense. As a group, the youngest average age was associated with those committed for Obstructing Justice (25.5), followed by those committed for PCS (29.3). The oldest group included those convicted of the Driving Related offenses (37.7) and Retail Theft (33.1). These differences were statistically significant at the .01 level[6]. However, due to concerns regarding the sample sizes, the analysis was repeated, with the PCS category removed. Again, age at admission was statistically different across the groups at the .01 level[7].

Few differences were observed across the five groups with respect to sentence lengths. However, those convicted of PCS charges received the shortest sentences (mean of 1.9 years), while those incarcerated with Theft charges received the longest sentences (mean of 2.4 years). All groups exhibited a median sentence length of two years.

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[6] $p=.000 / F=8.757$

[7] $p=.000/ F=9.0604$

Table 3.5: Sample -- Age and Sentence Length by Holding Offense

		Mean	Std. Dev.	Median	Minimum	Maximum
Age						
PCS	251	29.3	8.5	27	17	56
Theft	23	29.7	8.3	29	18	49
Retail theft	37	33.1	6.8	33	23	56
Obstructing justice	15	25.5	5.0	25	17	35
Driving related offenses	28	37.7	9.9	35	24	66
Total sample	354	30.3	8.7	29	17	66
Sentence in Years						
PCS	251	1.9	1.1	2.0	1.0	6.0
Theft	23	2.4	0.9	2.0	1.0	5.0
Retail theft	37	2.1	0.8	2.0	1.0	4.0
Obstructing justice	15	2.3	0.9	2.0	1.0	5.0
Driving related offenses	28	2.3	1.2	2.0	1.0	6.0
Total sample	354	2.0	1.0	2.0	1.0	6.0

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V. Offenders' Prior Criminal Involvement

As previously indicated, reviewing and extracting information from the Class 4 offenders' rap sheets made attempts to accurately gauge the scope and nature of prior criminal involvements difficult. Problems in this process alluded to earlier, (such as missing information) suggest that the criminal history information analyzed reflects an *underestimation* of these individuals' involvement in criminal behavior. Among the primary considerations addressed in this section are whether these offenders, who are incarcerated on the lowest-level charges that can bring an offender into the IDOC, are young, relatively naive "first" offenders as might be surmised given their charges and short sentences, or seasoned lawbreakers who were simply caught on a minor offense. Obviously, differences between the two offender types would have major implications regarding the suitability of alternative/treatment sanctions. Several key variables were examined that might serve to identify such offender types and to determine if differences existed among the sample groups.

The Amount and Nature of Prior Criminal Involvement

One of the more important areas in understanding the nature of the Class 4 population, and subsequently in assessing their suitability for alternative sanction programs, is the extent of their prior criminal involvement. Such involvement may be characterized along two dimensions: the amount or volume of prior criminal behavior and the nature or seriousness of prior offenses. The prior criminal behavior displayed on these two dimensions may suggest very different criminal behavior patterns. To illustrate, an individual who displays a high frequency, but less serious level of offending, many arrests and convictions for Retail Theft and Prostitution for example, would be viewed differently from the offender who has few prior arrests and convictions, but more serious involvement with violence.

Overall, the study's results revealed a surprising volume of prior criminal behavior by the Class 4 offenders. As shown in Table 4.1, the general level of this activity refutes the notion that these individuals are primarily inexperienced offenders incarcerated as the result of a singular

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criminal act.   Here, two measures of the frequency of criminal involvement were considered-the number of prior arrests revealed on the offender's rap sheet and the number of prior arrests leading to convictions. Of the five sample groups, those convicted of Retail Theft showed the highest volumes of prior criminal involvement on both measures, followed by those imprisoned on Driving Related offenses, PCS, Theft and Obstructing Justice charges, in that order. Keeping in mind the caveat discussed above (that the records reviewed likely underestimate the amount of criminal behavior), the fact that individuals imprisoned for Retail Theft had, on average, 17 prior arrests and five prior convictions, suggests a sustained criminal lifestyle. Even the group imprisoned for the offense of Obstructing Justice, which displays the smallest number of arrests and arrests leading to convictions, had some prior contact with the justice system.

Table 4.1: Number of Prior Arrests Leading to Conviction and Total Number of Prior Arrests by Offender Sample Groups

Holding Offense	Mean	Median	Minimum	Maximum
Retail Theft (n=37)				
Number of convictions	5	4	0	12
Number of arrests	17	13	0	79
Possession of a Controlled Substance (n=251)				
Number of convictions	2	2	0	14
Number of arrests	9	8	0	64
Driving Related (n=28)				
Number of convictions	4	4	0	12
Number of arrests	9	11	0	22
Theft (n=23)				
Number of convictions	3	4	0	7
Number of arrests	8	7	0	23
Obstructing Justice (n=15)				
Number of convictions	2	2	0	5
Number of arrests	6	5	0	19

Another measure of both the frequency and the severity of prior criminal involvement is the number of the various types of sentences that offenders had received for prior convictions. These indicators come with a certain amount of imprecision due to unevenness in sentencing practices throughout the state, and of difficultly in ranking the severity of various sanctions. However, because one goal of the present study was to consider the appropriateness of different sanctions for Class 4 offenders, knowledge of the types and volume of various types of prior sanctions that these offenders had experienced was considered valuable. Results of these analyses suggest that the sample groups may have distinguishable prior sentencing patterns.

As detailed in Table 4.2 on the following page, those convicted of Retail Theft seem to have a more extensive prior criminal involvement as reflected by having the highest mean ranking for sanctions involving imprisonment and second highest for probation, with more than two prior imprisonments and more than one prior probation on average. Offenders in the Theft group, by contrast, have the highest mean rankings of the five groups for prior combined prison/jail and probation dispositions, and for straight probation, but rank fourth of the five groups in terms of imprisonments. This suggests that this group engaged in criminal behavior that resulted in probation-type sentences more frequently than the other four, but that their offenses led to imprisonment less frequently than all but the group incarcerated for Obstructing Justice. The group incarcerated for the Driving Related offenses had the highest mean ranking for convictions resulting in fines, costs and restitutions, and surprisingly, this group had the second highest mean ranking for prior imprisonments among those studied. Overall, the group presently imprisoned for Retail Theft would appear to have the most serious criminal history as indexed by convictions, while those serving time for Obstructing Justice would have the least. The largest group, those presently incarcerated for PCS, who potentially could have the most significant system impact if diverted from prison bed space, appear to rank in the lower middle among the five groups as to criminal history severity when viewed from this perspective.

Table 4.2: Sentences Received for Prior Offense by Sample Groups

	Mean	Ranking*	Median	Minimum	Maximum
Prior Terms of Imprisonment					
PCS	1.49	3	0	0	15
Retail theft	2.03	1	1	0	12
Theft	·1.26	4	1	0	5
Driving related	1.82	2	1	0	12
Obstructing justice	0.53	5	0	0	3
Prior Probation/Prison/Jail Combination					
PCS	0.34	4	0	0	5
Retail theft	0.54	2	0	0	4
Theft	0.83	1	0	0	5
Driving related	0.39	3	0	0	4
Obstructing justice	0.07	5	0	0	1
Prior Probations					
PCS	0.76	4	0	0	10
Retail theft	1.05	2	1	0	4
Theft	1.22	1	0	0	10
Driving related	0.93	3	0	0	5
Obstructing justice	0.53	5	0	0	4
Prior Jail Terms					
PCS	0.29	4	0	0	5
Retail theft	0.89	1	0	0	6
Theft	0.43	3	0	0	3
Driving related	0.54	2	0	0	4
Obstructing justice	0.20	5	0	0	1
Prior Fines, Costs, or Restitution					
PCS	0.16	5	0	0	5
Retail theft	0.62	3	0	0	8
Theft	0.22	4	0	0	2
Driving related	1.29	1	0	0	11
Obstructing justice	0.67	2	0	0	3

* Ranking among the five sample groups based on mean number of sentencing type dispositions.

Table 4.3 provides an overview of the nature of prior criminal behavior for the five sample groups. As displayed in the table, those currently incarcerated on PCS charges had the highest average number of prior convictions for drug crimes (average = .87) and, as might be expected, an accompanying greater range zero to 10 in the number of prior drug convictions. Interestingly, the PCS group also had the highest average number of prior convictions for crimes against a person (average = .65), again with the largest range, zero to 11. This finding appears to counter the notion that these drug offenders are involved in illegal drug activities only. Further, those currently imprisoned for the property offenses of Theft and Retail Theft were most likely to have been convicted of prior property offenses (Theft, average =3.26; Retail Theft, average =3.85). The fact that the Theft group averaged more than three prior property convictions, while the Retail Theft group averaged nearly four, suggests a high level of prior criminal involvement when compared to the other groups and offense categories.

Further analyses of these trends, which provide a more detailed examination of the consistency in the type of prior offense behaviors exhibited by these felons, reinforce these findings. Table 4.4 depicts the type of offense involvement for up to five prior arrests (leading to guilty findings) for each of the five sample groups, and provides information on the relative number of offender involvements.[8] Several intriguing patterns emerge when the data are considered in this fashion. Turning to the first offender group displayed in the table, those presently serving time for Theft, a clear pattern of involvement, primarily in property crimes, emerges. Of the 74 percent (17) of the Theft offenders who committed a prior offense, more than three-quarters (76.5 percent) were involved in another property crime. This propensity toward involvement in property crimes increased to 86.7 percent for the 15 (65 percent) Theft offenders involved in two prior offenses, to 92.3 percent for the 13 (56 percent) involved in three prior crimes, to 100 percent of the 11 (48 percent) Theft offenders involved in four prior offenses. It then dropped slightly to 90 percent for the 10 (43 percent) involved in five prior offenses. This pattern of offender behavior suggests an apparent proclivity toward property offenses by this group that may be strengthened by those Theft offenders with continuing criminal involvements.

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[8] Data regarding specifics on a maximum of 20 prior offenses were collected; however, due to small group sizes and the fact that few offenders had higher numbers of prior offenses, the analyses presented here considered only up to five prior convictions.

Table 4.3: Comparison of Prior Criminal Histories for the Five Sample Groups

Prior Offenses[1]	PCS	Retail Theft	Theft	Driving Related	Obstructing Justice
Prior Convictions for Drug Crimes					
Mean	.87	.38	.09	.00	.07
Median	.00	.00	.00	.00	.00
Range	0 - 10	0 - 4	0 - 1	0	0
Prior Convictions Person Crimes					
Mean	.65	.38	.30	.33	.40
Median	.00	.00	.00	.00	.00
Range	0 - 11	0 - 4	0 - 2	0 - 1	0 - 1
Prior Convictions Property Crimes					
Mean	1.04	3.85	3.26	.00	.93
Median	.00	3.0	3.0	.00	1.0
Range	0 - 14	0 - 19	0 - 10	0	0 - 3
Prior Convictions Miscellaneous (including DWI)					
Mean	.36	.37	.22	.33	.53
Median	.00	.00	.00	.00	.00
Range	0 - 14	0 - 4	0 - 2	0 - 1	0 - 3
Prior Convictions Miscellaneous (other)					
Mean	.14	.11	.04	.00	.00
Median	.00	.00	.00	.00	.00
Range	0 - 4	0 - 2	0 - 1	0	0

[1] Outliers have been eliminated from calculations; the maximum number of priors that were countered for an individual was 20.

A different pattern surfaces regarding the Retail Theft offender group. First, a much higher proportion of the sample appears to have engaged in prior criminal offenses. Thirty-four of the 37 offenders (91 percent) in the sample had a prior criminal involvement. Fifty-one percent (19) of the group had five prior recorded offenses. It also is noted that the coding of prior offenses was carried out to a maximum of twenty prior offenses (presented in Table 4.3) and that

three individuals in the sample group had recorded priors beyond the 20.[9] Besides the higher percentage of individuals with prior offenses within this group, a greater variety in the type of prior offenses also is evident among the Retail Theft offender group. Again looking at Table 4.3, we see a noticeably greater proportion of this group involved in crimes against a person than was seen by the second property offender group, those convicted of Theft. Moreover, a higher portion of the Retail Theft group is involved in prior drug offenses and in the miscellaneous category that includes the Driving Related offenses. The combined volume and type of offenses suggest a more extensive criminal involvement of the Retail Theft group when compared with the Theft group.

Inspection of the type of prior offenses for the large PCS incarcerated sample group also yielded some additional unexpected findings. First, a fairly high attrition rate exists with regard to the percentage of the sample engaging in multiple prior crimes. That is, about 81 percent of the sample had been involved in one prior offense, yet, only 39 percent evidenced three prior involvements and less than one-quarter (23 percent) appeared to have been involved in five prior offenses. This is a much lower percentage of this offender sample than was seen for either of the Theft groups. Further, at each of the prior offense levels, about one-third of the group was involved in drug crimes. Yet a comparable percentage was involved in property crimes, and about 20 percent had recorded crimes against a person in each of the five prior offenses. A smaller but identifiable group also displayed involvement in the miscellaneous category that included DWI. In total, these findings would reinforce the notion that the PCS offenders in this sample engage in a variety of criminal behaviors beyond just drug-related offenses, including crimes against people. This behavior may be related to drug abuse, such as committing robberies or thefts to obtain cash for buying drugs, but the data collected for this study does not provide the capability to address this issue. Additional study of the large drug offender (PCS) Class 4 category might prove worthwhile in terms of considering the appropriateness of alternative drug treatment sanctions for this population.

Finally, regarding the type of prior criminal involvements for the remaining two sample groups, the Obstructing Justice crimes and Driving Related offenses, no clear offense type patterns were evidenced. The proportion of offenders involved in the various types of offenses

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[9] It was, in fact, within this group that one individual appeared with 79 prior arrests.

seem to vary with the specific prior offense incident and is likely an artifact of the relatively small number of subjects in each of these groups.

**Table 4.4: Type of Prior Arrests by Current Incarceration**

	Person		Property		Drug		Misc 1		Misc 2		Total	
	cnt	%	cnt	%	cnt	%	cnt	%	cnt	%	cnt	%
1st Prior												
PCS	42	20.6%	54	26.5%	67	32.8%	26	12.7%	15	7.4%	204	100.0%
Retail theft	7	20.6%	24	70.6%	1	2.9%	1	2.9%	1	2.9%	34	100.0%
Theft	1	5.9%	13	76.5%	1	5.9%	2	11.8%	0	0.0%	17	100.0%
Driving related	2	10.0%	9	45.0%	2	10.0%	6	30.0%	1	5.0%	20	100.0%
Obst. justice	1	11.1%	6	66.7%	0	0.0%	2	22.2%	0	0.0%	9	100.0%
2nd Prior												
PCS	31	21.2%	46	30.3%	44	33.3%	17	11.1%	8	3.0%	146	100.0%
Retail theft	5	16.7%	20	68.0%	2	12.0%	2	8.0%	1	4.0%	30	100.0%
Theft	1	6.7%	13	86.7%	0	0.0%	1	6.7%	0	0.0%	15	100.0%
Driving related	3	15.0%	6	30.0%	3	15.0%	8	40.0%	0	0.0%	20	100.0%
Obst. justice	1	11.1%	3	33.3%	1	11.1%	4	44.4%	0	0.0%	9	100.0%
3rd Prior												
PCS	22	22.2%	30	30.3%	33	33.3%	11	11.1%	3	3.0%	99	100.0%
Retail theft	2	8.0%	17	68.0%	3	12.0%	2	8.0%	1	4.0%	25	100.0%
Theft	1	7.7%	12	92.3%	0	0.0%	0	0.0%	0	0.0%	13	100.0%
Driving related	3	20.0%	7	46.7%	1	6.7%	4	26.7%	0	0.0%	15	100.0%
Obst. justice	3	50.0%	2	33.3%	0	0.0%	1	16.7%	0	0.0%	6	100.0%
4th Prior												
PCS	15	18.3%	26	31.7%	27	32.9%	11	13.4%	3	3.7%	82	100.0%
Retail theft	4	18.2%	14	63.6%	29	9.1%	2	9.1%	0	0.0%	22	100.0%
Theft	0	0.0%	11	100.0%	0	0.0%	0	0.0%	0	0.0%	11	100.0%
Driving related	3	21.4%	5	35.7%	1	7.1%	4	28.6%	1	7.1%	14	100.0%
Obst. justice	0	0.0%	3	75.0%	0	0.0%	1	25.0%	0	0.0%	4	100.0%
5th Prior												
PCS	8	13.6%	19	32.2%	18	30.5%	11	18.6%	3	5.1%	59	100.0%
Retail theft	3	15.8%	13	68.4%	1	5.5%	2	10.5%	0	0.0%	19	100.0%
Theft	1	10.0%	9	90.0%	0	0.0%	0	0.0%	0	0.0%	10	100.0%
Driving related	3	20.0%	5	33.3%	1	6.7%	5	33.3%	1	6.7%	15	100.0%
Obst. justice	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%

Age

As indicated in the previous section, significant differences were seen in the ages at admission for the offender sample groups (see Table 3.5). Those offenders sentenced for Driving Related crimes were the oldest, followed by those incarcerated for Retail Theft. Those serving time for Obstructing Justice and PCS were the youngest. Due to "time at-risk" it would be assumed that older Class 4 inmates would have higher numbers of arrests and convictions. Indeed, a significant low-moderate bivariate correlation (Pearson r=.38, p=.000) was found between age at admission and prior arrests and between age at admission and prior arrests leading to convictions (Pearson r=.35, p=.000). Further inspection of this relationship for the individual sample groups, however, revealed significant bivariate relationships for only two of the samples. PCS offenders had moderate bivariate correlations between age at admission and number of arrests (Pearson r=.44, p=.000), as did offenders involved in Retail Theft (Pearson r=.52, p=.001). PCS offenders also displayed significant, but lower, bivariate correlations between age at admission and number of arrests leading to guilty findings (Pearson r=.33, p=.000) as did the Retail Theft group (Pearson r=.42, p=.01).

Further analysis was undertaken which employed a more sophisticated approach to measuring "time at-risk" by considering the elapsed time between the offenders' age at first arrest and their incarceration on the instant offense. While the age of first arrest may be a questionable measure of criminal behavior, it was believed that this would provide at least a rough indicator of the age at which these individuals were identified violating the criminal law as adults. Figure 4.1 on the following page displays the time between the modal ages of first arrest and the modal ages of the offenders' current incarceration.

Figure 4.1

Offender Ages at First Arrest
and Prison Imprisonment*
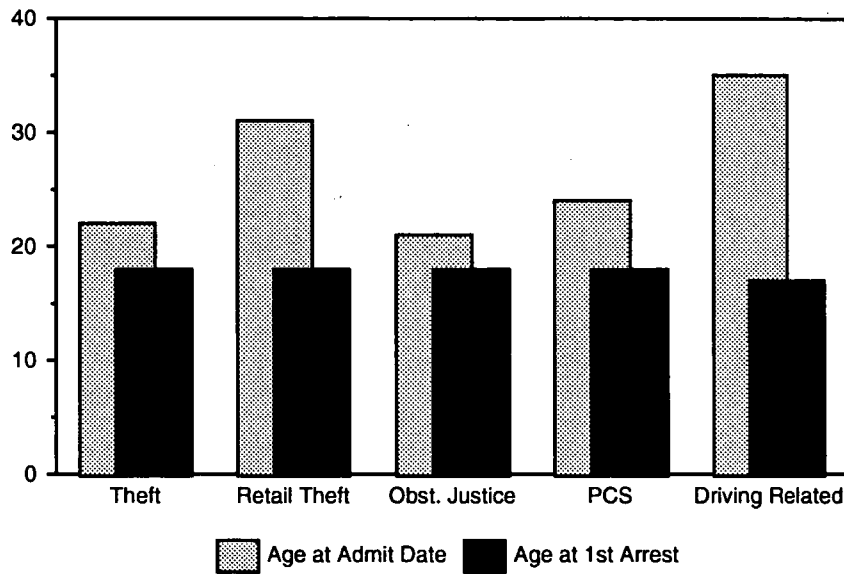
*Modal ages were used because it was believed they best reflected the most common age of offenders at
first arrest and prison admission. Outliers affected the calculation of mean and median ages.

As seen in the figure, the modal ages of first arrest varied little among the five sample groups, but
the time between these first arrests and their instant incarceration varied sizably. The group
incarcerated in the Obstructing Justice sample had an average "window" of crime involvement
time of just five years. By contrast, those imprisoned for Driving Related offenses had a much
larger window of slightly more than 14 years. Between these two extremes, the "at-risk" time
frame varied from 9.4 years for the PCS group, to 10.6 years for the Theft sample, to 12.3 years
for the Retail Theft sample. This suggests that a driving factor in the amount of criminal
involvement seen for the incarcerated Class 4 offenders is the time available between their entry
into adult criminal behavior (as indicated by their age at first arrest) and their incarceration.
Significant bivariate relationships between this "time at-risk" period and the number of arrests
recorded (Pearson $r=.57$, $p=.000$) and the number of arrests leading to guilty findings (Pearson
$r=.55$, $p=.000$) was indeed observed for the total sample. Similar analyses considering the
relationship between arrests leading to conviction and the "time at-risk" variable found significant
relationships for all five sample groups. In summary, these analyses do confirm a relationship

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between offender age and criminal involvement for those individuals in this study. However, the key factor is not the offender's absolute age, but the "time at-risk" between the age at which the offender begins criminal involvement (measured at first arrest) and their incarceration.

VI. Summary and Recommendations

This study was directed at filling informational gaps regarding the rapidly growing Class 4 offender population incarcerated within the IDOC. It was hoped that a descriptive overview of the population and its growth, a review of relevant statutory changes that might be driving the increases in this group, and analyses of key dimensions of the offender's criminal behavior might be used to develop recommendations for policy-makers on how best to deal with the burgeoning Class 4 population. Three overarching research questions drove the methodology employed in the study. First, what was the scope of the increase of Class 4 offenders in the IDOC within the past 10 years? Were there any readily observable system changes, such as statutory changes, that might account for the growth in this population? Second, what are the characteristics of these incarcerated Class 4 offenders? Third, are there groups within this population for which alternative sanctions might be appropriate, thus saving valuable correctional bed space and accompanying imprisonment costs for more serious offenders?

Regarding the first area of inquiry, the incarcerated Class 4 population has increased about 320 percent since 1989. Six major population groups make up the majority of the larger Class 4 population, and hence have largely been responsible for its growth. Among these six groups are offenders admitted to the IDOC for Theft, Retail Theft, Obstructing Justice, DWI, DSL and PCS offenses. These offenders became the primary focus of this inquiry because they account for the majority of the Class 4 population. In addition, representative samples were drawn for each of these groups. The small sample numbers of DWI and DSL ultimately resulted in combining these offense groups. Across all five groups, the magnitude of increases has been noticeable for those serving prison time for Obstructing Justice, DSL (which dramatically increased in 1987, but has since leveled off) and DWI (which reflected a striking increase from 1986 through 1992, then began to taper off through the beginning of this year). However, in spite of the growth in these offense groups, individually they remain a relatively small influence on the total growth of the Class 4 population. The group convicted of PCS has been the major factor in the expanding Class 4 inmate population. It also was determined that most of the Class 4 sentences from the Cook County courts were for these PCS offenses. Thus, it seems that much of the growth in the Class 4

group is due to the volume of cases for PCS that are coming from Cook County.

With regard to the potential influence of statute changes on the Class 4 population, only one of the primary offense categories studied appeared to have undergone changes that may have accounted for significant population increases. Effective in 1988, the DWI statute was amended to include the fact that a third DWI would result in a Class 4 conviction. A sizeable increase in the Class 4 DWI population occurred between 1988 and 1990, with increases continuing until 1992. However, in 1992 an additional Class 4 provision was added, yet the population has decreased since then, undermining a strictly statutory explanation for the changes in population. Moreover, statutory changes in the PCS statute that hypothetically should have reduced this Class 4 offense group (by pushing some prior Class 4 Possession offenders into higher offense classes) did not decrease the number of these offenders. Rather, the offense group continued to grow, likely because of a larger offender pool and possible criminal justice process changes. Thus, the increases seen in the Class 4 incarcerated population may be attributed to changes in the characteristics of the offending population and/or changes in arrest patterns of this group.

Regarding the second research question, it would appear that the Class 4 offenders in this study are not naive, young, first-time offenders involved in their first incident of adult criminal activity. Rather, some of these individuals have lengthy arrest and conviction histories, and have been exposed to prior sanctions such as probation, imprisonment, jail terms, fines, costs and mandated restitution. Differences among the five sample groups emerged regarding the volume, type and seriousness of their prior criminal involvements. Those convicted of Retail Theft seemed to have the most criminally immersed lifestyle, while those incarcerated for Obstruction of Justice have the least sustained involvement. The PCS group varied little as to prior volume, type, and seriousness of their criminal activity, falling near the middle among the five groups.

Complicating the ability to develop differential sanctioning recommendations for the five offense groups is the fact that only one offense sample, Theft, appeared to have a narrowly focused criminal orientation. The prior criminal record of this group predominately reflected property crimes. By contrast, the PCS group, which might have been a prime target for

alternative sanctions, appeared to have multi-type offense histories including drug, property and even personal crimes. These histories may all be tied to a common substance abuse theme; however, the data used in this study were not sufficient to support such an inference.

As might be expected, the prior criminal histories of the study groups were tied to age. Those convicted of the Driving Related offenses were the oldest group at admission, followed by those incarcerated for Retail Theft. The Obstructing Justice sample was the youngest, followed by PCS. However, offenders in all five of the groups appeared to begin their involvement in criminal behavior (as measured by their age at the time of their first adult arrest) at the same time. The impact of age on prior criminal histories seemed not to come as a simple function of age, but as a function of their "time at-risk," the time between their initial involvement in criminal activity and their age at the time of incarceration.

Interestingly, nearly one-half the Class 4 Retail Theft group is female; male offenders made up the vast majority of the other offender groups. Other differences across the groups were observed with respect to committing county and race. For example, although most of the PCS offenders were committed from Cook County, this was true for less than 35 percent of all other Class 4 offenders. Their region of commitment was more evenly distributed across the state. With respect to race, most of the PCS and Retail Theft offenders were black, while more Driving Related offenders were white.

Turning to the third research question (Are there groups within this population for which alternative sanctions might be appropriate, thus saving valuable correctional bed space for more serious offenders?), the results of this study seem to suggest that the majority of these Class 4 offenders are "exactly where they should be." Prior histories for the sample groups seem, for the most part, extensive and varied. Many of these individuals, although incarcerated on the least serious felony classification, have prior criminal involvements that have resulted in prior imprisonment, jail times and probation. In essence, the incarcerated Class 4 offenders may be in prison as a result of not having refrained from continued criminal involvements despite having been subjected to prior sanctions. If this is the case, the group that may be most amenable to

alternative sanction programs would be those whose incarceration has resulted from their first detected criminal offense. Again, keeping in mind that the criminal history data available for this study likely omit a substantial number of criminal incidents, projections based on the sample groups would suggest that upwards of 26 percent of those involved in Theft, 8 percent of the Retail Theft group, 40 percent of the Obstructing Justice group, 18 percent of the PCS offenders, and 29 percent of the Driving Related (DWI and DSL) group might be included in such a "first offender" group. More intensive study of this group regarding substance abuse, public risk factors and educational and job training needs might be an excellent approach to identifying a group who would be suitable for a diversion from crowded IDOC facilities.

REFERENCES

Illinois Criminal Justice Information Authority. (August, 1995). *A Comprehensive Examination of the Illinois Criminal History Records Information (CHRI) System.* Chicago, IL: Illinois Criminal Justice Information Authority.

Illinois Department of Corrections. (1995). *Statistical Presentation: 1994.* Springfield, IL: Illinois Department of Corrections.

Illinois Department of Corrections. (1989). *Statistical Presentation: 1998.* Springfield, IL: Illinois Department of Corrections.

Appendix A

Appendix A: Class 4 Population and Sample(s) Characteristics

Possession of a Controlled Substance											
	Gender			Racial Identification			Committing County			Maximum Sentence	Age at Admit to Prison
Sub-Population (N=2395)	7.8% 92.2%	(188) (2,207)	female male	85.1% 8.7% 5.9% 0.2% 0.1%	(2,038) (208) (142) (4) (3)	black white hispanic indian asian	83.7% 7.1% 3.6% 3.6% 2.1%	(2,004) (169) (86) (86) (50)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range: 1-18 yrs. Mean: 1.82 Std. Dev: 1.04 Median: 1.5	Range: 17-63 yrs. Mean: 29 Std. Dev: 7.87 Median: 28
Initial Sample Selected (n=293 / 12.2%)	7.8% 92.2%	(23) (270)	female male	87.4% 7.8% 4.8%	(256) (23) (14)	black white hispanic	83.3% 5.5% 5.5% 4.1% 1.7%	(244) (16) (16) (12) (5)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range: 1-8 years Mean: 1.89 Std. Dev: 1.10 Median: 1.5	Range: 17-60 years Mean: 29.35 Std. Dev: 8.69 Median: 27
Sample Used (n=252 / 10.6%)	8.0% 92.0%	(20) (231)	female male	87.3% 8.4% 4.4%	(219) (21) (11)	black white hispanic	83.3% 4.4% 6.0% 4.4% 2.0%	(209) (11) (15) (11) (5)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range: 1-6 years Mean: 1.93 Std. Dev: 1.06 Median: 2	Range: 17-56 years Mean: 29.34 Std. Dev: 8.47 Median: 27

Theft											
	Gender			Racial Identification			Committing County			Maximum Sentence	Age at Admit to Prison
Sub-Population (N=230)	22.6% 77.4%	(52) (178)	female male	57.4% 40.9% 1.3% 0.4%	(132) (94) (3) (1)	black white hispanic asian	12.6% 9.1% 8.3% 34.8% 35.2%	(29) (21) (19) (80) (81)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range: 1-10 years Mean: 2.39 Std. Dev: 1.16 Median: 2	Range: 18-59 years Mean: 30.38 Std. Dev: 8.37 Median: 30
Initial Sample Selected (n=28 / 12.2%)	25.0% 75.0%	(7) (21)	female male	60.9% 39.1%	(14) (9)	black white	14.3% 3.6% 14.3% 42.9% 25.0%	(4) (1) (4) (12) (7)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range: 1-5 years Mean: 2.29 Std. Dev: .96 Median: 2	Range: 18-49 years Mean: 30.71 Std. Dev: .86 Median: 29.5
Sample Used (n=23 / 10.0%)	26.1% 73.9%	(6) (17)	female male	60.9% 39.1%	(14) (9)	black white	13.0% 4.3% 13.0% 39.1% 30.4%	(3) (1) (3) (9) (7)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range: 1-5 Mean: 2.39 Std. Dev: 0.94 Median: 2	Range: 18-49 years Mean: 30.38 Std. Dev: 8.34 Median: 29

Appendix A: Class 4 Population and Sample(s) Characteristics (continued)

Retail Theft									
	Gender			Racial Identification			Committing County		Maximum Sentence	Age at Admit to Prison
Sub-Population (N=363)	48.5% (176) female 51.5% (187) male			71.3% (259) black 25.1% (91) white 3.0% (11) hispanic 0.1% (1) indian 0.1% (1) asian			30.9% (112) Cook Cty 19.6% (71) North. IL 15.4% (56) N. Cent. IL 21.8% (79) Central, IL 12.4% (45) South. IL		Range: 1-6 years Mean: 2.20 Std. Dev: .97 Median: 2	Range: 18-59 years Mean: 33.98 Std. Dev: 7.41 Median: 33
Initial Sample Selected (n=44 / 12.1%)	52.3% (23) female 47.7% (21) male			72.7% (32) black 20.5% (9) white 4.5% (2) hispanic 2.3% (1) indian			36.4% (16) Cook Cty 18.2% (8) North. IL 11.4% (5) N. Cent. IL 22.7% (10) Central, IL 11.4% (5) South. IL		Range: 1-4 years Mean: 1.95 Std. Dev: .76 Median: 2	Range: 23-56 years Mean: 33.75 Std. Dev:6.741 Median: 33
Sample Used (n=37 / 10.2%)	54.1% (20) female 45.9% (17) male			78.4% (29) black 16.2% (6) white 2.7% (1) hispanic 2.7% (1) indian			29.7% (11) Cook Cty 21.6% (8) North. IL 10.8% (4) N. Cent. IL 27.0% (10) Central, IL 10.8% (4) South. IL		Range: 1-4 years Mean: 2.08 Std. Dev: .76 Median: 2	Range: 23-56 years Mean: 33.11 Std. Dev: 6.83 Median: 33
Obstructing Justice									
	Gender			Racial Identification			Committing County		Maximum Sentence	Age at Admit to Prison
Sub-Population (N=124)	9.7% (12) female 90.3% (120) male			53.2% (66) black 45.2% (56) white 1.6% (2) hispanic			0.8% (1) Cook Cty 26.6% (33) North. IL 15.3% (19) N. Cent. IL 47.6% (59) Central, IL 9.7% (12) South. IL		Range: 1-6 years Mean: 2.01 Std. Dev: .93 Median: 2	Range: 17-55 years Mean: 27.20 Std. Dev: 6.68 Median: 26
Initial Sample Selected (n=15 / 12.1%)	13.3% (2) female 86.7% (13) male			40.0% (6) black 60.0% (9) white			33.3% (5) North. IL 13.3% (2) N. Cent. IL 40.0% (6) Central, IL 13.3% (2) South. IL		Range: 1-5 years Mean: 2.00 Std. Dev: 1.00 Median: 1.5	Range: 17-35 years Mean: 25.47 Std. Dev: 5.03 Median: 25
Sample Used (n=15 / 12.1%))	13.3% (2) female 86.7% (13) male			40.0% (6) black 60.0% (9) white			33.3% (5) North. IL 13.3% (2) N. Cent. IL 40.0% (6) Central, IL 13.3% (2) South. IL		Range: 1-5 years Mean: 2.27 Std. Dev: .88 Median: 1.5	Range: 17-35 years Mean: 25.47 Std. Dev: 5.03 Median: 25

Appendix A: Class 4 Population and Sample(s) Characteristics (continued)

Driving Related Offenses (DWI and Driving with a Suspended License)												
	Gender			Racial Identification			Committing County			Maximum Sentence	Age at Admit to Prison
Sub-Population (N=259)	3.5% 96.5%	(9) (250)	female male	7.0% 87.0% 5.5% 0.5%	(18) (225) (15) (1)	black white hispanic indian	9.7% 22.0% 26.6% 20.5% 21.2%	(25) (57) (69) (53) (55)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range: 1-6 years Mean: 2.07 Std. Dev: .99 Median: 2	Range: 20-68 years Mean: 36.39 Std. Dev: 8.58 Median: 34
Initial Sample Selected (n=32 / 12.4%)	6.3% 93.8%	(2) (30)	female male	3.1% 875% 9.4%	(1) (28) (3)	black white hispanic	6.3% 15.6% 43.8% 9.4% 25.8%	(2) (5) (14) (3) (8)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range 1-6 years: Mean: 2.13 Std. Dev: 1.17 Median: 1.75	Range: 24-66 years Mean: 36.84 Std. Dev: 9.60 Median: 35
Sample Used (n=27 / 10.4%)	7.1% 92.9%	(2) (26)	female male	3.6% 85.7%1 0.7%	(1) (24) (3)	black white hispanic	3.6% 17.9% 42.9% 10.7% 25.0%	(1) (5) (12) (3) (7)	Cook Cty North. IL N. Cent. IL Central, IL South. IL	Range :1-6 Mean: 2.32 Std. Dev: 1.19 Median: 2	Range: 24-66 years Mean: 37.71 Std. Dev: 9.88 Median: 35

Appendix B

Counties labeled on map (reading approximately from top):

JO DAVIESS, STEPHENSON, WINNEBAGO, BOONE, MC HENRY, LAKE
CARROLL, OGLE, DE KALB, KANE, COOK
WHITESIDE, LEE, DU PAGE
HENRY, BUREAU, LA SALLE, KENDALL, WILL
ROCK ISLAND, MERCER, KENDALL, GRUNDY, KANKAKEE
KNOX, STARK, PUTNAM, MARSHALL, LIVINGSTON, IROQUOIS
WARREN, PEORIA, WOODFORD
HENDERSON, MC DONOUGH, FULTON, TAZEWELL, MC LEAN, FORD, VERMILION
HANCOCK, MASON, LOGAN, CHAMPAIGN
ADAMS, SCHUYLER, MENARD, DE WITT, PIATT
BROWN, CASS, MACON
PIKE, MORGAN, SANGAMON, DOUGLAS, EDGAR
SCOTT, CHRISTIAN, MOULTRIE, COLES
GREENE, MACOUPIN, SHELBY, CLARK
CALHOUN, MONTGOMERY, CUMBERLAND
JERSEY, FAYETTE, EFFINGHAM, JASPER
MADISON, BOND, CLAY, CRAWFORD
MARION, RICHLAND, LAWRENCE
CLINTON, WAYNE, WABASH
ST CLAIR, WASHINGTON, JEFFERSON, EDWARDS
MONROE, HAMILTON, WHITE
RANDOLPH, PERRY, FRANKLIN
JACKSON, SALINE, GALLATIN
WILLIAMSON
UNION, JOHNSON, POPE, HARDIN
ALEXANDER, PULASKI, MASSAC

1 = Cook County
2 = Northern IL
3 = N. Central IL
4 = Central IL
5 = Southern IL

Judicial Districts

Source : Administrative Office of the Illinois Courts