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✓ ILLINOIS DEPARTMENT OF CORRECTIONS-

✓ DETERMINATE SENTENCING IMPACT -

✓
Report to the Criminal Sentencing Commission

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Policy Development Division

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Illinois became the fourth state to adopt determinate sentencing when House Bill 1500 became effective on February 1, 1978. Since then Arizona and Alaska have passed determinate sentencing laws. Many other states and the federal government are considering similar changes.

The shift to determinacy clearly has roots in dissatisfaction with the long established indeterminate system. The most frequent criticism of indeterminate sentencing is that substantial variation in sentences occur. Actual time served in prison varies because of judicial discretion in setting different minimum and maximum sentences and because a parole board can fix the time of release anywhere between the minimum and maximum sentence. Even the place of conviction, rural or urban court, is thought by some to determine in part the sentence imposed. More restricted sentence ranges have been proposed to create more uniform sentencing patterns. The elimination of parole boards or the development of standard criteria for release have been suggested to reduce differences in this area.

Originally, in the 1870s, reformers encouraged a change to indeterminate sentencing to provide a flexible prison term that could be geared to rehabilitative progress of the individual. Parole boards and prison officials were to determine when successful rehabilitation had occurred. The effectiveness of rehabilitation and even the philosophy that underlies it are now being questioned.

Some advocates of determinate sentencing see a fixed, definite sentence as a means of lessening inmate unrest and violence. This unrest and violence might result from the uncertainty about a release date or anger over earlier release of others with similar crimes.

VARIATIONS OF DETERMINATE SENTENCING

Determinate sentencing as a general term includes a variety of systems, and each variation must be evaluated for its positive and negative aspects. The laws of three of the states that currently have determinate sentencing procedures show some of the variations feasible.

Maine

Maine was the first state to pass a determinate sentencing law. It allows broad judicial discretion of offenses within a statutory maximum sentence. Thus, five classes of offenses were established with different maximum sentences. All felonies and misdemeanors fall into one of these classes with a maximum allowable sentence of up to 20 years, 10 years, 5 years, 1 year or a half year.

California

Judges must choose the presumptive or middle term of three possible sentences unless mitigating or aggravating circumstances can be proven. For example, for the offense of second degree murder the presumptive sentence would be 6 years but either 5 or 7 years could be chosen depending upon the circumstances. Enhancements can be added on top of the base term for certain defined situations such as carrying a dangerous weapon or for prior convictions. Parole release is abolished, and the Community Release Board is established for considering good time and parole for those still under an indeterminate sentence. Supervision is also provided by the Board. Good time accrues at the rate of 3 months a year for good institutional behavior. An additional month can be earned for participation in various programs.

Indiana

Indiana has established high presumptive sentences but has provided broad discretion for judges by allowing for aggravating or mitigating circumstances. So, for instance, the highest presumptive term is 30 years but 20 years may be added or 10 years subtracted. Parole release is abolished but supervision is required upon release. Day-for-day good time exists in Indiana.

ILLINOIS' NEW LAW

Illinois does not maintain presumptive sentence such as is true of California or Indiana. Instead, sentence ranges have been narrowed. Judges still maintain considerable discretion through the use of extended sentences.

Specific aggravating and mitigating factors are enumerated in the new law to assist judges in selecting sentences. In addition, the judge must state for the record the factors which caused him to choose a particular sentence.

Class X

Class X is a new offense class which includes the following offenses: armed robbery, aggravated kidnapping for ransom, rape, deviate sexual assault, heinous battery, aggravated arson, armed violence with a firearm, knife or similar weapon, large controlled substance transactions, major conspiracies to commit controlled substance offenses, treason, home invasion and terrorism.

Habitual Offender

Habitual offender is a new designation in the determinate sentencing law. For sentencing purposes, a Class 1 or 2 offense will be considered

Class X, when the offender has twice previously been found guilty of a Class 2 or greater offense. In addition, any offender convicted for a third time of any of the following offenses will serve a mandatory life sentence: murder, rape, treason, deviate sexual assault, armed robbery, aggravated arson or aggravated kidnapping for ransom.

As previously, in most cases multiple sentences will run concurrently; however, if one of the offenses is a Class X or Class 1 offense and the victim was seriously injured, the judge may make the sentence for that offense run consecutively.

Alternatives to Incarceration

Probation is not allowed for offenders convicted of murder and Class X crimes. Sentences of probation, conditional discharge and work release are available to other offenders and the time to be served under these alternative dispositions has been decreased under the new law:

	Old Law	New Law*
Murder	Non-probationable	Non-Probationable
Class X felonies	Most of these are Not Probationable Under the present law	Non-Probationable
Class 1, and Class 2 Felonies	5 Years	4 Years
Class 3 and Class 4 Felonies	5 Years	30 Months
Misdemeanor	2 Years	1 Year
Petty Offense	1 Year	6 months

*Table provided by the Chicago Crime Commission

Prisoner Review Board:

Release by a Parole Board decision is abolished for offenders convicted under Illinois' new determinate sentencing law. The Prisoner Review Board is created which assumes many of the duties of the Parole Board. These duties include determining conditions for community supervision, ruling on released offenders who are cited for violations of these conditions and making parole release decisions for offenders committed under the previous indeterminate sentencing law. Under the new law an offender must serve a period of mandatory supervised release which is similar to the previous parole supervision. The time to be served during mandatory supervised release is less than the requirements under mandatory parole previously.*

	Mandatory Parole Under <u>Previous Law</u>	Mandatory Supervision Release Under <u>New Law</u>
Murder	5 years	3 years
Class X Felony	(Did Not Exist)	3 years
Class 1 Felony	5 years	2 years
Class 2 Felony	3 years	2 years
Class 3 Felony	3 years	1 years
Class 4 Felony	2 years	1 year

In addition, the Prisoner Review Board is empowered to hear and decide cases with respect to good conduct credit. (Good time under the new law is accumulated on a day-for-day basis. Thus, any prisoner who receives full good conduct credit by not breaking any institutional rules can reduce his imposed sentence by 50%.)

Criminal Sentencing Commission

As pointed out by the Judicial Council of America, a significant aspect to the new determinate sentencing law involves the establishment of the Criminal Sentencing Commission. The Commission's duties include.

- 1) Monitoring the fiscal impact and effect upon prison populations caused by the use of determinate sentences.
- 2) Determining the overall desirability and feasibility of determinate sentencing and reclassification of felonies.
3. Review of the Criminal Code and Code of Corrections and making recommendations on the best methods available for sentencing those convicted of criminal offenses.
- 4) Ascertaining the number and percentage of commitments to the Department of Corrections compared to the number and percentage of alternative dispositions imposed by the courts, by offense.
- 5) Develop standardized sentencing guidelines designed to provide for greater uniformity in the imposition of criminal sentences.
- 6) Making such other recommendations as the Commission deems necessary to promote certainty and fairness in the sentencing process.

In addition, the State Supreme Court may make rules to private statewide uniformity of sentencing.

The importance of such a commission to assess the impact of the new law cannot be overstressed. Determinate sentencing has its proponents and critics, and even within these two groups individuals donot agree as to what the impact of new sentencing procedures. It is therefore

essential that all of the new sentencing laws be carefully monitored for impact. This will not only provide a sounder basis for structuring new determining sentencing procedures, but will also indicate ways of improving determinate procedures currently in effect.

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SOME COMMENTS ABOUT THE DATA

1. Those inmates who received determinate sentences in the study actually consist of two subgroups: those who chose a determinate sentence (crime committed before February 1, 1978) and those who received a determinate sentence with no choice (crime committed after February 1, 1978). By including those who chose determinacy with the true determinate sentences the average sentence length may be artificially lowered; available Department of Corrections information did not permit separation of these two subgroups. Court data from Cook County indicates that as recently as September, 1978, up to 50% of those convicted had a choice of a determinate or indeterminate sentence. In addition, looking at just those individuals sentenced determinately, in almost one third (31%) of the 197 cases in which sentencing was determinate, offenders had a choice in sentencing. These individuals comprised a significant proportion of the determinate group, and their impact is substantial.

Further analysis shows that when given the choice, offenders chose determinate and indeterminate sentences at equal rates for all classes except Class M. All but one (15 or 16) offender sentenced to murder chose an indeterminate sentence. This would indicate:

- 1) The frequency of determinate sentences given for murder will greatly under-estimate the number of such determinate sentences that can be expected to be given in the future; and,
- 2) since the offense of murder provides for longer sentences than any other offense, the average sentence imposed for all offenses will be under-estimated.

2. Much of the data used in this report was gathered from the Department of Corrections' Information System. Although there are some problems with regards to the accuracy of some of the data, it represents the best available information.

Additionally, many of the tables report means or averages. It must be recognized that such measures are influenced by extreme cases with long sentences. So if a few very long sentences are imposed for a particular offense, it will increase the average sentence in a way which might misrepresent the actual sentencing for the majority of the cases.

The accuracy of some of the numbers in the tables was questionable. These numbers are indicated by shading.

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PURPOSE AND STRUCTURE OF THIS REPORT

Many questions exist concerning the impact of Illinois' new determinate sentencing law. Therefore, to be of greatest practical value, this report will be structured towards addressing a number of these questions. Although definitive statements cannot be made at this time - barely a year has passed since the enactment of the new law - data suggesting potential trends and patterns is available and will be discussed.

The major questions which will be addressed are:

- 1) Is the conviction rate increasing?
- 2) Is the imprisonment rate increasing?
- 3) Are the courts imposing longer sentences?
- 4) Are offenders serving longer prison terms?
- 5) How frequently are consecutive and extended sentences being imposed?
- 6) Are a greater percentage of more serious offenders being incarcerated?
- 7) What impact will the new law have on the prison population?

Additionally, questions exist concerning uniformity of sentencing:

- 8) Is the rate of conviction in different counties becoming more similar?
- 9) Are the lengths of sentences for similar offenses becoming more equivalent in different counties?
- 10) Statewide, is sentencing for offenders committed to the Department of Corrections becoming more uniform for specific offenses?

MAJOR FINDINGS

1) IS THE CONVICTION RATE INCREASING?

The overall increase in the state conviction rate of 1% between 1977 and 1978 (see table below) though insignificant in-and-of-itself, does demonstrate a trend which has occurred at least since 1973. The conviction rate for each year from 1973 to 1978 was 43%, 44%, 49%, 48%, 53% and 54%, respectively. In addition these rates clearly reflect an increasing number of individuals convicted as total state convictions has risen from 9,371 in 1973 to 15,642 in 1978.

Convictions - All Counties

	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Total Number Convicted	9371	13571	17388	18609	20178	15642
Percent Of All Disposed	43	44	49	48	53	54

The conviction rate for each downstate county in Illinois is indicated in the "Convictions By County" table. Changes in conviction rates vary widely among the counties, with some increasing, some decreasing and some remaining the same. However there was a tendency for the rate to increase between 1977 and 1978, as demonstrated by the 3% increase for downstate counties.

CONVICTIONS BY COUNTY*

Circuit	County	1977			1978**		
		Total Convicted	Total Disposed	% Convicted	Total Convicted***	Total Disposed	Convicted
1st	Alexander	58	170	34	10	63	16
	Jackson	77	187	41	67	116	58
	Johnson	21	30	70	21	38	55
	Massac	32	75	43	18	73	25
	Pope	9	23	39	11	23	48
	Pulaski	11	94	12	2	68	3
	Saline	53	105	50	33	69	48
	Union	3	91	14	10	48	21
	Williamson	122	254	48	107	168	64
2nd	Crawford	18	51	35	17	64	27
	Edwards	10	35	29	4	13	31
	Franklin	39	143	27	40	146	27
	Gallatin	10	36	28	13	23	27
	Hamilton	4	22	18	10	29	34
	Hardin	4	15	27	3	11	27
	Jefferson	57	228	25	35	146	24
	Lawrence	18	69	26	10	32	31
	Richland	31	78	40	10	40	25
	Wabash	22	53	42	19	42	45
	Wayne	16	31	52	6	18	33
	White	27	70	39	39	56	70
3rd	Bond	17	30	57	24	31	77
	Madison	367	1014	36	286	453	63
4th	Christian	59	119	50	63	97	65
	Clay	19	67	55	20	41	49
	Effingham	41	75	55	22	63	35
	Fayette	22	80	28	20	48	42
	Jasper	19	52	37	2	16	13
	Marion	69	173	40	41	149	28
	Montgomery	68	129	53	36	58	62
	Shelby	15	35	43	30	44	68

* Supplied by the Administrative Office of the Courts

** Includes January through September only.

*** Does not include categories of: "Fine Only" or "Found Unfit To Stand Trial or To be Sexually Dangerous".

Circuit	County	1977			1978		
		Total Convicted	Total Disposed	% Convicted	Total Convicted	Total Disposed	% Convicted
5th	Clark	20	26	77	26	33	79
	Coles	128	191	67	119	146	82
	Cumberland	0	15	0	1	5	20
	Edgar	14	96	15	21	53	40
	Vermillion	181	317	57	92	200	46
6th	Champaign	216	702	31	169	469	36
	DeWitt	11	75	15	11	61	18
	Douglas	25	55	45	10	26	38
	Macon	194	714	27	139	251	55
	Moultrie	17	32	53	15	36	46
	Platt	20	75	27	2	11	18
7th	Greene	17	47	36	12	57	21
	Jersey	34	91	37	19	60	32
	Macoupin	28	81	35	19	48	40
	Morgan	52	122	43	40	101	40
	Sangamon	298	879	34	295	594	50
	Scott	0	9	0	3	11	27
8th	Adams	103	247	42	85	176	48
	Brown	4	18	22	3	30	10
	Calhoun	12	27	44	7	15	47
	Cass	16	40	40	6	26	23
	Mason	10	61	16	38	76	50
	Menard	18	40	45	15	37	41
	Pike	43	93	46	17	49	35
	Schuyler	1	7	14	-	11	0
9th	Fulton	40	107	37	42	110	38
	Hancock	14	59	24	5	43	12
	Henderson	11	52	21	10	18	56
	Knox	117	169	69	88	122	72
	McDonough	26	107	24	32	87	37
	Warren	66	144	46	33	85	39
10th	Marshall	16	58	28	-	20	0
	Peoria	569	969	59	448	690	65
	Putnam	4	16	25	3	9	33
	Stark	4	6	67	3	8	38
	Tazewell	153	245	62	163	264	62

Circuit	County	1977			1978		
		Total Convicted	Total Disposed	% Convicted	Total Convicted	Total Disposed	% Convicted
11th	Ford	18	70	26	10	44	23
	Livingston	129	268	48	123	203	61
	Logan	51	87	59	43	97	44
	McLean	204	455	45	95	260	37
	Woodford	53	115	46	51	100	51
12th	Iroquois	49	59	83	51	82	62
	Kankakee	179	309	58	133	231	58
	Will	313	578	54	268	550	49
13th	Bureau	23	132	17	18	67	27
	Grundy	18	50	36	8	77	10
	LaSalle	106	238	45	102	199	51
14th	Henry	45	143	31	49	119	41
	Mercer	22	70	31	9	27	33
	Rock Island	345	694	50	164	373	44
	Whiteside	101	281	36	53	132	40
15th	Carroll	25	51	49	15	37	41
	Jo Daviess	5	72	7	14	104	13
	Lee	121	273	44	118	189	62
	Ogle	66	144	46	53	93	57
	Stephenson	74	208	36	60	224	27
16th	DeKalb	101	180	56	72	88	82
	Kane	345	1235	28	239	966	25
	Kendall	19	94	20	14	63	22
17th	Boone	47	88	53	31	57	54
	Winnebago	458	1162	39	289	742	39
18th	DuPage	539	2169	25	408	1360	30
19th	Lake	370	546	68	293	642	46
	McHenry	209	407	51	154	318	48
20th	Monroe	14	33	42	14	24	58
	Perry	30	59	51	19	33	58
	Randolph	82	127	65	45	62	73
	St. Clair	405	647	63	304	588	52
	Washington	20	34	59	8	19	42
Down State Totals		8,453	20,773	41	6,367	14,538	44
Cook		11,725	17,235	68	9,275	14,234	65
State Totals		20,178	38,008	53	15,642	28,772	54

2) IS THE IMPRISONMENT RATE INCREASING?

As can be seen in the table of felony dispositions both downstate counties and Cook County showed increased rates of imprisonment between 1977 and 1978. In downstate counties offenders were committed to the Department of Corrections (DOC) at a rate 2% higher in 1978 than 1977, and Cook County's rate of use of DOC in sentencing increased 3%. The overall state increase was 3%. Consequently, the use of probation has dropped in downstate counties and Cook County, 2% and 4% respectively.

FELONY DISPOSITIONS*

	<u>Downstate</u>		<u>Cook</u>		
	<u>1977</u>	<u>1978**</u>	<u>1977</u>	<u>1978**</u>	<u>1978***</u>
DOC Imprisonment w or w/o Fine	2684	2232	5039	4275	5401
DOC Periodic Imprisonment w or w/o Fine	63	27	4	0	0
Total DOC Imprisonment	2747	2259	5043	4275	5401
% DOC Imprisonment	33%	35%	43%	46%	45%
Local Correctional Institution Imprisonment w or w/o Fine	183	126	149	137	193
% Local Correctional Institution Imprisonment	2%	2%	1%	1%	2%
All Probation or Cond. Discharge	5447	3983	6518	4863	6347
% Probation or Cond. Discharge	65%	63%	56%	52%	53%
TOTAL	8377	6383	11710	9275	11941
	<u>1977</u>		<u>1978</u>		
Overall % DOC Imprisonment (Downstate and Cook)		39%		42%	

*Supplied by the Administrative Office of the Courts. A study is currently being undertaken with DOC to determine the accuracy of this information. Data represents case flow not individual offenders.

**Includes January through September only.

***Includes January through December.

Looking at the fluctuation of imprisonment rates of previous years, it seems likely that recent increases are not necessarily indicative of a future trend. However, the actual number of offenders imprisoned has been rising, and has more than doubled in the past five years from 3371 in 1973 to 7790 in 1977.

Rate of Imprisonment*

	1973	1974	1975	1976	1977	1978**
Percent DOC Imprisonment						
Cook	46	37	36	43	43	46
Downstate	30	33	35	35	33	35
Percent Probation						
Cook	50	63	61	56	56	52
Downstate	60	61	60	60	65	63

* Supplied by the Administrative Office of the Courts

** Includes January through September only.

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3) ARE THE COURTS IMPOSING LONGER SENTENCES?

Table 1 shows determinate sentences imposed on offenders admitted to DOC during the first year under the new law. The number of cases, range of sentences imposed and the average sentence in years is given by offense within class. Data are presented for two 6 month intervals, as well as a total for the full year, in order to analyze any change in length of sentences imposed over the year. In this table, as in all others in this report, data based on less than 10 cases should not be considered reliable and conclusions from such data should be considered very tentative.

The table indicates a trend towards increased determinate sentences during months 7 through 12. Murder sentences increased 15.7 years and sentences for attempted murder increased 3.6 years on the average. Sentences for other offenses such as attempted rape, voluntary manslaughter, robbery, attempted robbery, aggravated battery, attempted theft and unlawful use of weapons also went up over the year. All other offenses showed no appreciable change or involved too few cases to draw conclusions.

Not shown in this table are sentences of life and death imposed during the 12 months of determinate sentencing. Life sentences were imposed in six cases of murder and upon one offender convicted of being sexually dangerous. Four offenders convicted of murder received a death sentence.

Indeterminate sentences imposed upon offenders admitted to DOC between February 1, 1977 and January 31, 1978 can be found in Table 2. The average minimum and maximum sentences can be used as a rough basis for comparing to the determinate sentences. Also included in this table is the actual time served by offenders released from DOC during this same time. These

DRAFT

average times served can be compared to the estimated times served (Table 3) by those admitted with a determinate sentence. (The estimated time served is one half the imposed sentence and is based on day-for-day good time). Changes over the year follow the same pattern towards longer times served as was true of imposed sentences.

A more direct comparison of determinate and indeterminate sentences is available in Table 4. Since times served is more easily compared and of greater significance in the long run, it is useful to compare determinate and indeterminate sentencing using this variable.

Table I
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DETERMINATE ADMISSIONS

Imposed Sentences

OFFENSE	Months 1 - 6			Months 7 - 12			Months 1 - 12		
	Cases	Range*	Ave.	Cases	Range	Ave.	Cases	Range	Ave.
CLASS M									
Murder	22	8.0-60.0	27.1	30	14.0-40.0	42.8	52	8.0-60.0	36.2
CLASS X									
Att. Murder	42	1.0-22.0	6.2	49	1.0-30.0	9.8	91	1.0-30.0	8.2
Armed Robbery	174	1.0-30.0	7.9	158	2.0-60.0	7.9	332	1.0-60.0	7.9
Rape	36	4.0-50.0	10.7	55	6.0-50.0	10.9	91	4.0-50.0	10.9
Dev. Sex Asslt.	3	6.0-60.0	25.3	7	6.0-20.0	9.7	10	6.0-60.0	14.4
Arm. Viol.	-	-----	-	-	-----	-	-	-----	-
Cntr. Subs-Man/Del	4	1.0-4.0	2.8	3	1.0-5.0	3.0	7	1.0-5.0	2.9
Cntr. Subs-Crim/Con	1	2.0-2.0	2.0	1	2.0-2.0	2.0	2	2.0-2.0	2.0
TOTAL	260	1.0-60.0	8.1	273	1.0-60.0	8.8	533	1.0-60.0	8.5
CLASS 1									
Att. Arm. Rob.	6	1.0-7.5	4.6	10	1.0-6.0	3.6	16	1.0-7.5	3.9
Att. Rape	14	1.0-7.0	3.1	13	1.0-15.0	4.5	27	1.0-15.0	3.7
Indec./Lib/Child	14	1.0-15.0	6.4	17	4.0-15.0	6.5	31	1.0-15.0	6.5
Aggr/Kidnp.	8	5.0-15.0	7.8	3	4.0-9.0	6.7	11	4.0-15.0	7.5
TOTAL	42	1.0-15.0	5.3	43	1.0-15.0	5.2	85	1.0-15.0	5.3
CLASS 2									
Kidnapping	2	3.0-4.0	3.5	1	6.0-6.0	6.0	3	3.0-6.0	4.3
Vol. Mansl.	72	1.0-10.0	4.6	73	3.0-14.0	5.2	145	1.0-14.0	5.0
Robbery	195	1.0-7.0	3.1	189	1.0-14.0	3.8	384	1.0-14.0	3.5
Burglary	319	1.0-8.0	3.3	362	1.0-9.0	3.5	681	1.0-9.0	3.4
Arson	16	1.0-5.0	2.4	9	3.0-6.0	3.9	25	1.0-6.0	2.9
TOTAL	604	1.0-10.0	3.4	634	1.0-14.0	3.8	1238	1.0-14.0	3.6

*Very long (beyond the extended sentence) or very short sentences are of questionable reliability.

DETERMINATE ADMISSIONS

Imposed Sentences

OFFENSE	Months 1 - 6			Months 7 - 12			Months 1 - 12		
	Cases	Range	Ave.	Cases	Range	Ave.	Cases	Range	Ave.
CLASS 3									
Att. Robb.	28	1.0-6.0	2.5	24	2.0-9.0	3.1	52	1.0-9.0	2.8
Att. Burg.	18	1.0-5.0	2.5	31	1.0-4.5	2.5	49	1.0-5.0	2.5
Invol. Mansl.	18	1.0-3.3	3.3	12	1.0-7.0	3.3	30	1.0-7.0	3.3
Aggr. Batt. (disfig.)	6	2.0-7.0	3.2	13	2.0-5.0	3.0	19	2.0-7.0	3.1
Aggr. Batt. (wpm,sub)	76	1.0-7.0	2.7	72	1.0-8.0	3.1	148	1.0-8.0	2.9
Forgery	39	1.0-5.0	2.6	51	1.0-5.0	2.5	90	0.3-5.0	2.5
Theft	87	1.0-5.0	2.2	188	1.0-5.0	2.4	275	1.0-5.0	2.3
TOTAL	272	1.0-7.0	2.5	391	0.3-9.0	2.6	663	0.3-9.0	2.6
CLASS 4									
Att. Theft	10	1.0-2.0	1.3	14	1.0-6.0	1.8	24	1.0-6.0	1.6
Reck. Homicide	2	1.0-2.5	1.7	4	1.0-2.0	1.4	6	1.0-2.5	1.5
Unl. Use Wpn.	21	1.0-5.0	2.7	13	2.0-20.0	3.7	34	1.0-20.0	3.1
Unl. Restraint	9	1.0-10.0	3.2	11	1.0-3.0	1.7	20	1.0-10.0	2.3
TOTAL	42	1.0-10.0	2.4	42	1.0-20.0	2.3	84	1.0-20.0	2.4
OTHERS									
Drugs (various)	11	1.0-3.0	2.1	43	1.0-30.0	3.6	54	1.0-30.0	3.2
Motor Veh. Off.	30	1.0-3.0	1.5	-	1.0-4.0	-	30	1.0-4.0	1.5
Escape (Various)	1	3.0-3.0	2.9	5	3.0-3.0	2.9	6	3.0-3.0	3.0
Viol. Bail Bond	3	2.0-3.0	2.3	16	1.0-6.5	1.8	19	1.0-6.5	1.9
Crim. Dam. Prop.	10	1.0-2.0	1.2	12	1.0-2.5	1.6	22	1.0-2.5	1.5
TOTAL	55	1.0-3.0	1.6	275	1.0-30.0	2.8	131	1.0-30.0	2.3
MISDEMEANANTS									
Battery	2	1.0-1.0	1.0	1	1.0-1.0	1.0	3	1.0-1.0	1.0
Decept. Pract.	-	-----	-	2	1.0-2.0	1.4	2	1.0-2.0	1.4
Driv. under Infl. Alco.	-	-----	-	-	-----	-	-	-----	-
Resist./Obs. Officer	-	-----	-	-	-----	-	-	-----	-
Escape (various)	5	1.0-18.0	5.6	6	2.0-4.2	3.0	11	1.0-18.0	4.2
TOTAL	7	1.0-18.0	4.3	9	1.0-4.2	2.4	16	1.0-18.0	3.1
TOTALS & AVERAGES	1304	0.5-30.0	4.5	1498	0.5-30.0	5.5	2802	0.3-30.0	4.9

DRAFT
TABLE 2
INDETERMINATE ADMISSIONS AND RELEASES

OFFENSE	<u>Imposed Sentences*</u>				<u>Time Served**</u>			
	<u>Cases</u>	<u>Range***</u>	<u>Ave. Min.</u>	<u>Ave. Max.</u>	<u>Cases</u>	<u>Jail Time</u>	<u>Range</u>	<u>Ave.</u>
CLASS M								
Murder	241	6.3-90.0	35.9	72.8	18	0.8	2.5-28.5	10.0
CLASS X								
Att. Murder	102	1.0-40.0	8.7	17.4	33	-	1.6-12.1	6.2
Armed Rob.	732	1.0-75.0	5.6	10.7	364	1.5	0.6-77.6	3.9
Rape	136	4.0-75.0	9.1	19.2	61	0.9	0.5-31.8	4.1
Dev. Sex. Asslt.	19	4.0-20.0	7.0	16.1	4	0.7	2.0-6.0	4.1
Armed Violence	-	-----	-	-	-	-	-----	-
Cntr. Subs.-Manu/Del	18	1.0-4.0	1.7	4.4	16	0.3	0.8-3.1	1.4
Cntr. Subs.-Crim Con	1	1.0-1.0	1.0	3.0	-	-	-----	-
Total	1008	1.0-75.0	6.3	12.5	478	-	0.5-77.6	4.0
CLASS 1								
Att. Armed Rob.	2	1.0-4.0	2.5	7.5	2	0.3	2.1-2.1	1.5
Att. Rape	20	1.0-6.7	2.2	6.2	15	0.6	0.5-2.8	2.0
Indec. Lib. w/Child	51	1.0-30.0	6.7	13.4	12	-	2.7-4.7	9.8
Aggr. Kidnapping	12	1.0-7.0	4.0	8.5	5	0.8	2.3-7.5	3.6
Total	85	1.0-30.0	5.2	10.9	34	-	0.5-7.5	5.0
CLASS 2								
Kidnapping	7	1.0-2.0	1.4	4.6	3	0.2	2.3-3.4	2.2
Vol. Mansl.	92	1.0-6.5	3.1	11.1	73	0.9	0.8-12.7	3.3
Robbery	607	1.0-10.0	1.7	4.9	444	-	0.7-77.6	4.2
Burglary	1007	0.4-10.0	1.7	4.5	662	-	0.4-77.9	2.9
Arson	31	1.0-4.0	1.6	5.6	11	0.5	4.6-8.6	2.4
Total	1774	0.4-10.0	1.8	5.0	1193	-	0.4-77.9	3.4
CLASS 3								
Att. Robbery	75	1.0-6.0	1.8	5.5	58	0.8	0.7-5.7	2.2
Att. Burglary	54	1.0-5.0	1.4	3.6	21	0.4	0.8-9.0	1.5
Invol. Mansl.	31	1.0-4.0	1.7	6.0	22	0.6	0.3-4.0	2.2
Aggr. Batt. (disfig.)	21	1.0-10.0	2.2	6.4	22	0.7	1.4-6.3	2.7
Aggr. Batt. (wpn, sub.)	171	0.7-10.0	2.0	4.7	68	-	0.7-4.5	3.9
Forgery	98	1.0-4.0	1.5	4.5	67	0.4	0.7-4.1	1.6
Theft	472	0.2-5.0	1.1	2.6	133	1.9	0.7-77.5	2.7
Total	922	0.2-10.0	1.4	3.7	391	-	0.3-77.5	2.6

OFFENSE	Imposed Sentences*				Time Served**			
	Cases	Range***	Ave. Min.	Ave. Max.	Cases	Jail Time	Range	Ave.
CLASS 4								
Att. Theft	27	0.2-2.0	1.0	1.8	8	0.4	0.8-1.3	0.9
Reck. Homicide	10	1.0-1.0	1.0	2.7	3	0.4	0.8-0.9	0.8
Unl. Use Wpn.	70	0.2-4.0	1.3	2.9	27	-	0.7-3.6	4.2
Unl. Restraint	6	1.0-1.5	1.1	1.8	3	0.2	0.8-1.6	1.1
Total	113	0.2-4.0	1.2	2.6	41	-	0.7-3.6	3.1
OTHERS								
Drugs (various)	52	1.0-7.0	1.1	2.9	82	1.9	0.7-77.7	2.5
Motor Veh. Off.	62	0.2-1.0	0.6	0.7	3	0.4	1.0-1.0	0.9
Escape (various)	3		3.1	4.2	1	0.4	- - - - -	2.1
Violation Bail Bond	20	1.0-2.0	1.1	2.3	-	-	1.0-1.1	-
Crim Damage Prop.	52	0.3-2.0	0.8	1.2	7	0.2	0.8-2.0	1.2
Total	189	0.2-7.0	0.9	1.7	93	-	0.7-77.7	2.3
MISDEMEANANTS								
Battery	75	0.2-2.0	0.7	0.9	1	0.4	-----	0.8
Decep. Practices	47	0.2-1.0	0.7	0.7	-	-	-----	-
Driv. Infl. Alcohol	38	0.2-1.0	0.6	0.6	-	-	-----	-
Resist/OBs Officer	25	0.2-1.0	0.6	0.6	-	-	-----	-
Escape (various)	21	0.3-3.0	1.2	2.3	7	0.5	0.8-4.0	1.7
Total	206	0.2-3.0	0.7	0.9	8	-	0.8-4.0	1.6
TOTALS & AVERAGES	4508	0.2-90.0	4.5	9.8	2256	-	0.3-77.9	3.4

*Admissions from Feb. 1, 1977 to Jan. 31, 1978

**Releases from Feb. 1, 1977 to Jan. 31, 1978

***For minimum sentences

SUPPLIED BY THE DEPARTMENT OF CORRECTIONS

DRAFT
TABLE 3
DETERMINATE ADMISSIONS
ESTIMATED TIME SERVED

OFFENSE	MONTHS 1-6				MONTHS 7-12				MONTHS 1-12			
	Cases	Jail Time	Range*	Ave.	Cases	Jail Time	Range	Ave.	Cases	Jail Time	Range	Ave.
CLASS M												
Murder	22	0.9	4.0-30.0	13.5	30	1.1	7.0-20.0	21.4	52	1.0	4.0-30.0	18.1
CLASS X												
Att. Murder	42	0.9	0.5-11.0	3.1	49	0.6	0.5-15.0	4.9	91	0.7	0.5-15.0	4.1
Armed Robbery	174	0.7	0.5-15.0	4.0	158	0.6	1.0-30.0	4.0	332	0.7	0.5-30.0	4.0
Rape	36	0.6	2.0-25.0	5.4	55	0.7	3.0-25.0	5.5	91	0.7	2.0-25.0	5.4
Dev. Sex. Asslt.	3	0.8	3.0-30.0	12.7	7	0.5	3.0-10.0	4.9	10	0.7	3.0-30.0	7.2
Arm. Viol.	---	---	-----	---	---	---	-----	---	---	---	-----	---
Cntr. Subs.-Manu/Del.	4	0.8	0.5-2.0	1.4	3	0.3	0.5-2.5	1.5	7	0.6	0.5-2.5	1.4
Cntr. Subs.-Crim. Con.	1	---	1.0-1.0	1.0	1	0.3	1.0-1.0	1.0	2	0.3	1.0-1.0	1.0
TOTAL	260	---	0.5-30.0	4.1	273	---	0.5-30.0	4.4	533	---	0.5-30.0	4.3
CLASS 1												
Att. Arm. Robbery	6	0.3	0.5-3.7	2.3	10	0.5	0.5-3.0	1.8	16	0.4	0.5-3.7	2.0
Att. Rape	14	0.9	0.5-3.5	1.5	13	0.4	0.5-7.5	2.2	27	0.7	0.5-7.5	1.9
Indec. Lib. w/Child	14	0.5	3.0-30.0	3.2	17	0.3	3.0-10.0	3.3	31	0.4	3.0-30.0	3.2
Aggr. Kidnapping	8	0.6	2.5-7.5	3.9	3	0.5	2.0-4.5	3.3	11	0.6	2.0-7.5	3.7
TOTAL	42	---	0.5-30.0	2.6	43	---	0.5-10.0	2.6	85	---	0.5-30.0	2.6
CLASS 2												
Kidnapping	2	0.3	1.5-2.0	1.8	1	0.6	3.0-3.0	3.0	3	0.4	1.5-3.0	2.2
Vol. Manslaughter	67	1.1	0.5-5.0	2.3	72	0.9	1.5-7.0	2.6	145	1.0	0.5-7.0	2.5
Robbery	195	1.1	0.5-3.5	1.6	189	0.6	0.5-7.0	1.9	384	0.9	0.5-7.0	1.7
Burglary	319	---	0.5-4.0	1.6	362	0.4	0.5-4.5	1.8	681	0.4	0.5-4.5	1.7
Arson	16	---	0.5-2.5	1.2	9	0.4	1.5-3.0	1.9	25	0.4	0.5-3.0	1.5
TOTAL	599	---	0.5-5.0	1.7	633	---	0.5-7.0	1.9	1238	---	0.5-7.0	1.8

*Very long (beyond one half the extended sentence) or very short sentences are of questionable reliability.

DRAFT
TABLE 3
DETERMINATE ADMISSIONS
ESTIMATED TIME SERVED

OFFENSE	MONTHS 1-6				MONTHS 7-12				MONTHS 1-12			
	Cases	Jail Time	Range	Ave.	Cases	Jail Time	Range	Ave.	Cases	Jail Time	Range	Ave.
CLASS 3												
Att. Robbery	28	---	0.5-3.0	1.2	24	0.6	1.0-4.5	1.5	52	0.6	0.5-4.5	1.4
Att. Burglary	18	0.4	0.5-2.5	1.3	31	0.4	0.5-2.2	1.3	49	0.4	0.5-2.5	1.3
Invol. Manslaughter	18	1.1	0.5-3.5	1.6	12	---	0.5-2.5	1.6	30	1.1	0.5-3.5	1.6
Aggr. Batt. (disfig.)	6	0.4	1.0-3.5	1.6	13	0.3	1.0-2.5	1.5	19	0.3	1.0-3.5	1.5
Aggr. Batt. (wpn., sub.)	76	1.9	0.5-3.5	1.4	72	0.5	0.5-4.0	1.6	148	1.3	0.5-4.0	1.5
Forgery	39	0.3	0.5-2.5	1.3	51	0.4	0.2-2.5	1.2	90	0.3	0.2-2.5	1.3
Theft	87	0.4	0.5-2.5	1.1	188	0.3	0.5-2.5	1.2	275	0.4	0.5-2.5	1.2
TOTAL	272	---	0.5-3.5	1.3	391	---	0.2-4.5	1.3	663	---	0.2-4.5	1.3
CLASS 4												
Att. Theft	10	---	0.5-1.0	0.6	14	---	0.5-3.0	0.9	24	---	0.5-3.0	0.8
Reck. Homicide	2	---	0.5-1.2	0.9	4	0.2	0.5-1.0	0.7	6	0.2	0.5-1.2	0.7
Unl. Use Weapon	21	0.4	0.5-2.5	1.3	13	0.3	1.0-10.0	1.9	34	0.4	0.5-10.5	1.5
Unl. Restraint	9	---	0.5-5.0	1.6	11	0.4	0.5-1.5	0.8	20	0.4	0.5-5.0	1.2
TOTAL	42	---	0.5-2.5	1.2	42	---	0.5-10.0	1.2	84	---	0.5-10.5	1.2
OTHERS												
Drugs	11	0.2	0.5-1.5	1.1	43	0.3	0.5-2.0	1.6	54	0.3	0.5-15.0	1.5
Motor Veh. Off.	6	0.4	0.5-1.5	0.8	24	---	0.5-2.0	0.8	30	0.4	0.5-2.0	0.8
Escape (various)	1	0.5	1.5-1.5	1.5	5	0.3	1.5-1.5	1.5	6	0.4	1.5-1.5	1.5
Violation Bail Bond	3	0.5	1.0-1.5	1.2	16	0.5	0.5-3.2	0.9	19	0.5	0.5-3.2	0.9
Crim. Damage Property	10	0.3	0.5-1.0	0.6	12	0.4	0.5-1.2	0.8	22	0.3	0.5-1.2	0.7
TOTAL	31	---	0.5-1.5	0.9	100	---	0.5-3.2	1.2	131	---	0.5-3.2	1.1
MISDEMEANANTS												
Battery	2	0.6	0.5-0.5	0.5	1	0.4	0.5-0.5	0.5	3	0.5	0.5-0.5	0.5
Decep. Practices	-	---	-----	---	3	0.2	0.5-1.0	0.7	3	0.2	0.5-1.0	0.7
Driv. Under Infl. Alc.	-	---	-----	---	-	---	-----	---	-	---	-----	---
Resist/Obs. Officer	-	---	-----	---	-	---	-----	---	-	---	-----	---
Escape (various)	5	0.8	0.5-9.0	2.8	6	0.3	1.0-2.2	1.5	11	0.6	0.5-9.0	2.1
TOTAL	7	---	0.5-9.0	2.1	10	---	0.5-2.2	1.2	20	---	0.5-9.0	1.6
TOTALS & AVERAGES	1275	---	0.5-9.0	2.3	1522	---	0.2-30.0	2.5	2806	---	0.2-30.0	2.4

SUPPLIED BY THE DEPARTMENT OF CORRECTIONS

TABLE 4
DETERMINATE AND INDETERMINATE COMPARISONS

OFFENSE	IMPOSED SENTENCES				TIME SERVED			
	<u>Determinate</u> cases	<u>ave.</u>	<u>Indeterminate*</u> ave. min.	<u>cases</u>	<u>Determinate</u> cases	<u>ave.</u>	<u>Indeterminate**</u> ave.	<u>cases</u>
CLASS M								
Murder	52	36.2	35.9	241	52	18.1	10.0	18
CLASS X								
Att. Murder	91	8.2	8.7	102	91	4.1	6.2	33
Armed Rob.	332	7.9	5.6	732	332	4.0	3.9	364
Rape	91	10.9	9.1	136	91	5.4	4.1	61
Dev. Sex. Asslt.	10	14.4	7.0	19	10	7.2	4.1	4
Armed Violence	---	---	---	---	---	---	---	---
Cntr. Subs.-Manu/Del.	7	2.9	1.7	18	7	1.4	1.4	16
Cntr. Subs.-Crim. Con.	2	2.0	1.0	1	2	1.0	---	---
TOTAL	533	8.5	6.3	1008	533	4.3	4.0	478
CLASS 1								
Att. Arm. Rob.	16	3.9	2.5	2	16	2.0	1.5	2
Att. Rape	27	3.7	2.2	20	27	1.9	2.0	15
Indec. Lib. w/Child	31	6.5	6.7	51	31	3.2	9.8	12
Aggr. Kidnapping	11	7.5	4.0	12	11	3.7	3.6	5
TOTAL	85	5.3	5.2	85	85	2.6	5.0	34
CLASS 2								
Kidnapping	3	4.3	1.4	7	3	2.2	2.2	3
Vol. Mansl.	145	5.0	3.1	92	145	2.5	3.3	73
Robbery	384	3.5	1.7	607	384	1.7	4.2	444
Burglary	681	3.4	1.7	1007	681	1.7	2.9	662
Arson	25	2.9	1.6	31	25	1.5	2.4	11
TOTAL	1238	3.6	1.8	1744	1238	1.8	3.4	1193
CLASS 3								
Att. Robbery	52	2.8	1.8	75	52	1.4	2.2	58
Att. Burglary	49	2.5	1.4	54	49	1.3	1.5	21
Invol. Mansl.	30	3.3	1.7	31	30	1.6	2.2	22
Aggr. Batt. (disfig.)	19	3.1	2.2	21	19	1.5	2.7	22
Aggr. Batt. (wpn, sub)	148	2.9	2.0	171	148	1.5	3.9	68
Forgery	90	2.5	1.5	98	90	1.3	1.6	67
Theft	275	2.3	1.1	472	275	1.2	2.7	133
TOTAL	663	2.6	1.4	922	663	1.3	2.6	391
CLASS 4								
Att. Theft	24	1.6	1.0	27	24	0.8	0.9	8
Reck. Homicide	6	1.5	1.0	10	6	0.7	0.8	3
Unl. Use Wpn.	34	3.1	1.3	70	34	1.5	4.2	27
Unl. Restraint	20	2.3	1.1	6	20	1.2	1.1	3
TOTAL	84	2.4	1.2	113	84	1.2	3.1	41

*Admissions from Feb. 1, 1977 to Jan. 31, 1978

**Releases from Feb. 1, 1977 to Jan. 31, 1978

TABLE 4
DETERMINATE AND INDETERMINATE COMPARISONS

OFFENSE	IMPOSED SENTENCES				TIME SERVED			
	Determinate		Indeterminate*		Determinate		Indeterminate	
	cases	ave.	ave. min.	cases	cases	ave.	ave.	cases
OTHERS								
Drugs (various)	54	3.2	1.1	52	54	1.5	2.5	82
Motor Veh. Off.	30	1.5	0.6	62	30	0.8	0.9	3
Escape (various)	6	3.0	3.1	3	6	1.5	2.1	1
Violation Bail Bond	19	1.9	1.1	20	19	0.9	---	---
Crim. Damage Prop.	22	1.5	0.8	52	22	0.7	1.2	7
TOTAL	131	2.3	0.9	189	131	1.1	2.3	93
MISDEMEANANTS								
Battery	3	1.0	0.7	75	3	0.5	0.8	1
Decep. Practices	2	1.4	0.7	47	3	0.7	---	---
Driv. Infl. Alcoh.	---	---	0.6	38	---	---	---	---
Resis/Obs. Officer	---	---	0.6	25	---	---	---	---
Escape (various)	11	4.2	1.2	21	11	2.1	1.7	7
TOTAL	16	3.1	0.7	206	17	1.6	1.6	8
TOTALS & AVERAGES	2802	4.9	4.5	4508	2803	2.4	3.4	2256

*One case omitted due to unreliability of imposed sentence.

DRAFT

4) ARE OFFENDERS SERVING LONGER PRISON TERMS?

Time served has increased under determinate sentencing for murder and rape by 8.1 and 1.3 years respectively. Time served for attempted murder showed a decline of 2.1 years on the average. Data on the other Class X and 1 crimes either show no change or are based on too few cases.

Many of the Class 2, 3 and 4 offenses show decreases in time served when indeterminate and determinate cases are compared. This includes the more frequently occurring offenses such as robbery, burglary, aggravated battery and theft. In addition, statistical analyses (analysis of variance) showed that there was a significant difference in time served for Classes 2, 3 and 4 when determinate and indeterminate offender groups were compared ($F=16.10$; $p<.001$). Additionally, the indeterminate group was compared to each of the two 6 month determinate groups. Using planned comparisons in the analysis of variance procedure, both determinate groups were found to be significantly lower in average time served ($t=4.34$ and 5.04 ; $p<.001$ for both comparisons). The results are partially due to the large number of cases (as the number of cases increases, the statistical test is more likely to indicate a significant difference). However, the means of these three

groups - 3.1 years, 1.7 years and 1.6 years for the indeterminate group and each of the two determinate groups, respectively - substantiate a real difference between the indeterminate group and determinate group.

The substantial decreases in time served might be expected to impact the Department of Corrections in a significant manner. However, the limits of the reliability of the data, as well as a preliminary indication that longer sentences were being imposed during the second 6 months of determinate sentencing, suggest that conclusions based on these data might be premature.

DRAFT

5) HOW FREQUENTLY ARE CONSECUTIVE AND EXTENDED SENTENCES BEING IMPOSED?

The following information was available for consecutive sentences imposed upon offenders admitted to Department of Corrections:

<u>OFFENSE</u>	<u>Number of consecutive sentences</u>	
	<u>Determinate</u>	<u>Indeterminate</u>
Murder	1	5
Att. Murder	1	-
Arm. Robbery	1	3
Rape	-	4
Burglary	-	2
Att. Robbery	1	-
Att. Robbery (disfig)	-	1
Aggrav. Batt. (wpn. Sub.)	1	-
Forgery	-	2
Theft	2	1
Drugs (various)	-	2
Escape (Various)	1	2
Criminal Trespass to land	-	1
Miscell. (non-traffic)	-	1
Total:	8	24

Since the use of extended sentences is quite recent, such information is not currently available from the Corrections' information system.

Attempts will be made to retrieve this information for future reports.

DRAFT

6) ARE A GREATER PERCENTAGE OF MORE SERIOUS OFFENDERS BEING INCARCERATED

The table below indicates a slightly greater percentage of de-
 terminate admissions for Class 2 and Class 3 offenses. These
 figures should be interpreted with care, however, since many offenders
 sentenced after February 1, 1978 may have chosen an indeterminate sen-
 tence rather than a long determinate one for the more serious offenses.

<u>CLASS</u>	<u>ADMISSIONS</u> <u>DETERMINE</u>		<u>INDETERMINE</u>	
	<u>Cases</u>	<u>% of Total</u>	<u>Cases</u>	<u>% of Total</u>
M	52	1.8	241	5.3
X	544	19.0	1022	22.7
1	84	3.0	85	1.9
2	1238	44.0	1244	38.6
3	663	24.0	922	20.4
4	84	3.0	113	2.5
Others	128	4.6	189	4.2
Misdemeanants	18	0.6	200	4.4
 TOTAL	 2812	 100.0	 4522	 100.0

7) WHAT IMPACT WILL THE NEW LAW HAVE ON THE PRISON POPULATION?

Since 1973 increases in the average daily prison population have been substantial. Although the increase between 1973 and 1974 was only 132, jumps in the population of 1066, 1793 and 1277 followed.

Average Daily Population

1970	7268
1971	6475
1972	6196
1973	6005
1974	6137
1975	7203
1976	8996
1977	10273
1978	10613

New admissions from the court and the number of offenders paroled are important factors in determining the size of the prison population. The table below shows steadily increasing numbers of new admissions beginning with 1974 and reaching a peak in 1976. In both 1977 and 1978 the number of new admissions declined from the 1976 figure. This is similar to the pattern displayed in the average daily population. The average daily population increased rapidly in the years 1974 through 1977, but then moderated in 1978. Parole also contributed to the tailing off of the population increase as the greatest number of paroles--3480 and 3984--were granted in 1977 and 1978, respectively.

New Admissions From Court

	<u>Felonies Only</u>	<u>All Admissions</u>
1970	2435	4537
1971	2366	4182
1972	2539	4085
1973	3300	3659
1974	3966	4391
1975	4733	5682
1976	5123	5952
1977	4846	5797
1978	4977	5661

Release By Parole

	<u># of Cases Heard</u>	<u># Of Paroles Granted</u>	<u>% Of Paroles Granted</u>
1972	3156	1932	61
1973	3252	1788	55
1974	4056	2220	55
1975	4584	2400	52
1976	5616	2328	41
1977	7296	3480	48
1978	6924	3984	58

8) IS THE RATE OF CONVICTION IN DIFFERENT COUNTIES BECOMING MORE SIMILAR?

The state figures indicated only an insignificant increase in the rate of conviction. However, the state figures mask changes occurring between Cook County and the downstate counties. Between 1977 and 1978, Cook County's rate of conviction dropped from 68% to 65%, while the rate for downstate counties increased from 41% to 44%. This does give preliminary indication that conviction rates may be becoming more uniform between Cook County and the other counties in the state. The increasing rate of convictions in downstate counties has been occurring at least since 1973, as conviction rates have risen steadily from 29% in 1973 to 37% in 1976. On the other hand, the conviction rate for Cook County has fluctuated slightly, averaging out to 65%. The narrowing of the difference between conviction rates downstate and in Cook County thus seems to be part of an established pattern.

FELONY CONVICTIONS*

	1977		
	<u>Total Convicted</u>	<u>Total Disposed Of</u>	<u>% Convicted</u>
Downstate totals	8,453	20,773	41
Cook	11,725	17,235	68
State Totals	20,178	38,008	53

	1978		
	<u>Total Convicted</u>	<u>Total Disposed Of</u>	<u>% Convicted</u>
Downstate Totals	6,367	14,538	44
Cook	9,275	14,234	65
State Totals	15,642	28,772	54

*Supplied by the Administrative Office of the Courts. This data represents case flow not individual offenders.

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9) ARE THE LENGTHS OF SENTENCES FOR SIMILAR OFFENSES
BECOMING MORE EQUIVALENT IN DIFFERENT COUNTIES?

Under determinate sentencing the difference in imposed sentences between Cook County and all other counties seems to be increasing. For instance, for Class 2, 3, and 4 offenses, before the new law the difference was only 0.1 years; under determinate sentencing the difference is 0.3 years. Likewise for offenses in Classes M, X and 1, the difference between Cook and the other counties has gone up from 0.2 years to 3.7 years. One note of caution, these differences may be due to a number of extraneous factors. There is reason to believe that offenders who were given a choice in sentencing, chose not to be sentenced determinately for murder. This would lower the average sentence imposed for Class M, X and 1 considerably. In light of the fact that compared to downstate counties, Cook County committed twice as many Class M, X and 1 offenders to DOC under the new law, it is reasonable to assume that the widening in average sentences imposed - at least for Class M, X and 1 crimes - is a temporary result of allowing offenders to choose indeterminate sentencing.

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10) STATEWIDE, IS SENTENCING OF OFFENDERS COMMITTED TO THE DEPARTMENT OF CORRECTIONS BECOMING MORE UNIFORM FOR SPECIFIC OFFENSES?

The distribution of sentences imposed and times served for offenders admitted to DOC for seven offenses is shown in Tables 5 and 6. The imposed sentences or times served are shown across the top of the table. These column headings actually represent a range of sentences greater than the previous heading but no greater than the heading being read. The data represents the percentage of offenders with that offense who received a particular sentence or served a particular number of years. So, in Table 6 the first row ("Murder") shows a 33.3 under the 10.0 column for years served. This indicates that 33.3% of all murderers (under determinate sentencing) served an estimated time of more than 9.0 years but no greater than 10 years.

Figures 1 through 7 display the distributions for time served for each offense. Determinately and indeterminately sentenced offenders are included. The data for these figures have been regrouped to make the figures easier to interpret. The columns in Table 6 which had small percentages (less than 5)) were grouped with adjoining columns. The dotted lines in these figures indicate the extreme ends of the axis where the scale has changed. Each bar of the graph represents a range of years served which extends from one vertical dotted line to the next.

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The distribution for murder (Figure 1) shows a high frequency (80.4%) of determinate years served in the 9 to 15 year range while only 44.4% of the indeterminate years served were in this range. The 7 to 9 year indeterminate range includes one third (33.4%) of the murders while less than 10% of the offenders sentenced determinately served less than 9 years. Thus, most determinate sentences fall into a smaller range.

The new law provides a sentencing range of 20 TO 40 years (10 TO 20 years estimated to be served); this may account for the greater uniformity found under determinate sentencing.

Mainly due to a large percentage of indeterminate offenders serving between 2.5 and 3.0 years (36.4%), indeterminate sentences show a greater uniformity for attempted murder (Figure 2). Three quarters of offenders sentenced indeterminately served between 2 and 5 years, whereas only 57.2% of those sentenced determinately fell into this range. The same is true for the offense of rape. Over 85% of the offenders sentenced indeterminately served 5 years or less compared to 66% of those individuals sentenced determinately (Figure 3).

In contrast 84.4% of those sentenced determinately for robbery served two years or less while only 60.8% of the offenders sentenced indeterminately served two years or less (Figure 4). Figure 5 also shows greater uniformity for determinate sentences served, largely due to the fact that 68.1% of the determinate theft offenders served one year or less. For the range of sentences served up to 1.5 years, 89.5% of the determinate sentences and 61.7% of the indeterminate sentences fell into this range. Also, although the highest determinate sentence served was 2.5 years, 11.5% of the offenders sentenced indeterminately served longer sentences.

TABLE 5
D R A F T
DISTRIBUTION OF IMPOSED SENTENCES*
DETERMINATE

OFFENSE	CASES	-Years Imposed-																							More than 75
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>15</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>45</u>	<u>50</u>	<u>55</u>	<u>60</u>	<u>65</u>	<u>70</u>	<u>75</u>	
Murder	51	-	-	-	-	-	-	-	1.9	-	-	9.6	32.7	13.4	13.4	1.9	19.2	-	3.8	-	1.9	-	-	-	-
Att. Mur.	91	6.6	4.4	2.2	13.2	7.7	14.3	11.0	11.0	3.3	9.9	4.4	5.5	5.5	1.1	-	-	-	-	-	-	-	-	-	-
Rape	91	-	-	-	1.1	-	26.4	17.6	14.3	1.1	5.5	20.9	7.7	-	3.3	-	-	-	2.2	-	-	-	-	-	-
Pobbery	384	7.8	8.9	38.6	29.3	8.8	2.5	3.1	0.3	-	0.5	0.3	-	-	-	-	-	-	-	-	-	-	-	-	-
Arm. Rob.	332	0.3	0.6	0.6	5.1	0.3	41.6	15.1	15.7	3.6	5.1	7.2	3.3	0.3	0.3	-	-	-	0.3	-	0.3	-	-	-	-
Burglary	681	8.5	5.5	57.3	21.5	9.2	4.8	2.8	0.1	0.1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Theft	275	10.2	58.0	21.6	7.6	2.9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

INDETERMINATE

		-Years Imposed-																							
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>15</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>45</u>	<u>50</u>	<u>55</u>	<u>60</u>	<u>65</u>	<u>70</u>	<u>75</u>	More than 75
Murder	241	-	-	-	-	-	0.4	-	-	-	-	46	13.7	8.7	3.7	1.2	2.5	0.8	7.1	-	3.3	-	0.4	5.0	3.7
Att. Mur.	102	4.9	3.0	3.9	31.4	18.6	10.8	2.9	2.9	-	9.8	4.4	2.0	1.0	-	-	1.0	-	1.0	-	2.0	-	-	-	1.0
Rape	136	-	-	-	47.8	9.6	9.6	2.2	7.4	0.7	6.6	4.3	4.4	0.7	2.9	0.7	-	1.5	-	-	-	-	-	1.5	-
Robbery	607	49.9	35.3	8.3	2.5	1.6	0.7	0.7	-	-	0.2	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Arm. Rob.	732	0.5	1.2	0.1	58.1	16.6	7.9	3.4	3.7	0.3	4.2	1.3	1.2	0.3	0.7	-	-	-	-	-	-	-	-	0.1	0.1
Burglary	1007	58.3	23.4	9.9	4.9	2.3	0.9	0.2	0.1	-	0.1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Theft	472	79.6	15.0	3.8	1.0	0.2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

*For each offense, percentage of offenders receiving each sentence

SUPPLIED BY THE DEPARTMENT OF CORRECTIONS

TABLE 6
D R A F T
DISTRIBUTION OF TIMES SERVED*
DETERMINATE

-Years Served-

OFFENSE	CASES	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10.0	15	20	More than 20
Murder	52	-	-	-	-	-	-	2.0	-	-	-	-	2.0	7.8	-	-	-	-	-	33.3	27.5	19.6	7.8
Att. Mur.	91	11.0	2.2	13.2	7.7	14.3	11.0	11.0	3.3	9.9	-	2.2	-	-	2.2	2.2	-	-	-	3.3	6.6	-	-
Rape	91	-	-	1.1	-	26.4	17.6	14.3	1.1	5.5	-	11.0	-	3.3	6.6	1.1	1.1	1.1	-	4.4	3.3	-	2.2
Robbery	384	16.9	38.4	29.1	8.8	2.6	3.1	0.3	-	0.5	-	-	-	0.3	-	-	-	-	-	-	-	-	-
Arm. Rob.	332	0.9	0.6	5.4	0.6	41.4	15.0	15.6	3.6	5.1	1.5	2.4	0.9	0.6	1.8	-	-	2.1	-	1.2	0.6	-	0.6
Burglary	681	14.2	47.1	21.6	9.2	4.8	2.8	0.1	0.1	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Theft	275	68.1	21.4	7.6	2.9	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

INDETERMINATE

-Years Served-

Murder	18	-	-	-	5.6	-	5.6	5.6	-	-	-	-	-	-	5.6	11.1	11.1	5.6	-	-	44.4	-	5.6
Att. Mur.	33	3.0	-	3.0	3.0	36.4	9.1	15.2	6.1	6.1	-	-	3.0	3.0	-	3.0	-	-	3.0	-	3.0	-	3.0
Rape	61	1.6	-	1.6	-	44.3	13.1	16.4	6.6	1.6	-	1.6	3.3	3.3	-	1.6	1.6	1.6	-	-	-	-	1.6
Robbery	444	27.5	16.4	16.9	14.4	9.2	5.9	2.9	1.6	0.7	-	-	0.5	0.2	0.2	-	-	-	-	0.2	0.2	-	3.2
Arm. Rob.	364	0.8	1.9	0.3	2.5	50.0	14.8	12.9	4.4	3.3	2.2	1.1	1.1	0.5	0.3	1.4	-	0.3	-	0.5	0.8	-	0.8
Burglary	662	38.2	17.2	17.1	11.8	5.3	3.6	2.0	0.8	0.5	0.3	0.2	-	-	0.3	-	0.3	0.2	-	-	-	0.2	1.7
Theft	133	41.4	20.3	14.3	12.8	0.8	4.5	2.3	0.8	-	-	-	0.8	0.8	-	-	-	-	-	-	-	-	1.5

*For each offense, percentage of offenders serving a specific number of years

SUPPLIED BY THE DEPARTMENT OF CORRECTIONS

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The distribution of time served for burglary offenders (Figure 6) is fairly consistent up to 4.5 years, with 100% of those sentenced determinately and 96% of those sentenced indeterminately falling into this range. The shorter range of 0 to 2 years includes 82.9% and 72.5% of each of the groups respectively. Similarly, there seems to be little difference in uniformity between indeterminate and determinate sentences served for armed robbery (Figure 7).

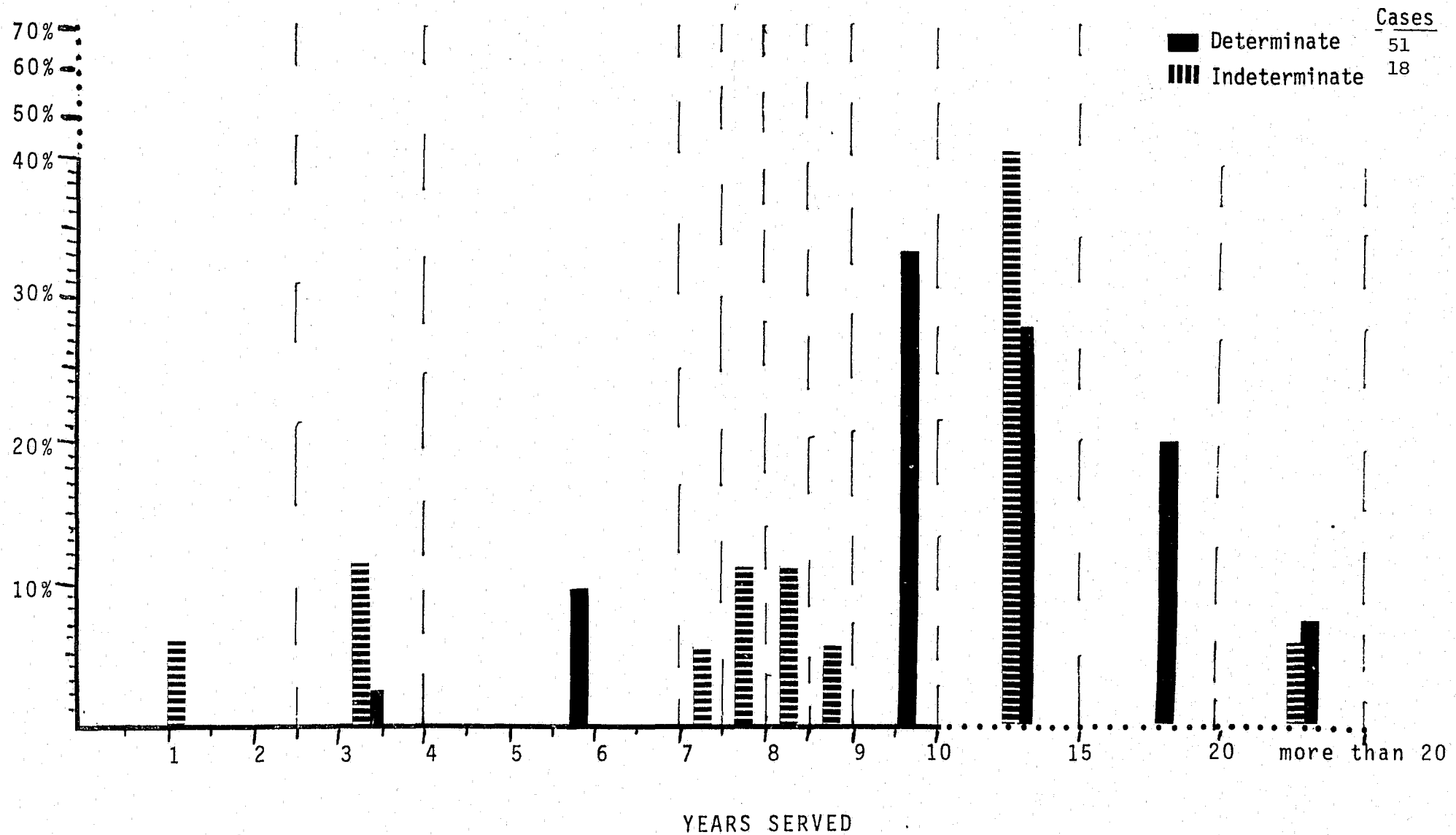
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SUMMARY

Conclusions in this report have been described as tentative owing to the preliminary nature of the data. Information will continue to be collected and analyzed for determining the impact of determinate sentencing in Illinois. Additional time and data will allow for both refinement and expansion of this report. In particular, a more complete analysis of uniformity in sentencing across counties will be undertaken, as well as an assessment of the new law's effect upon plea bargaining.

DISTRIBUTION OF TIME SERVED

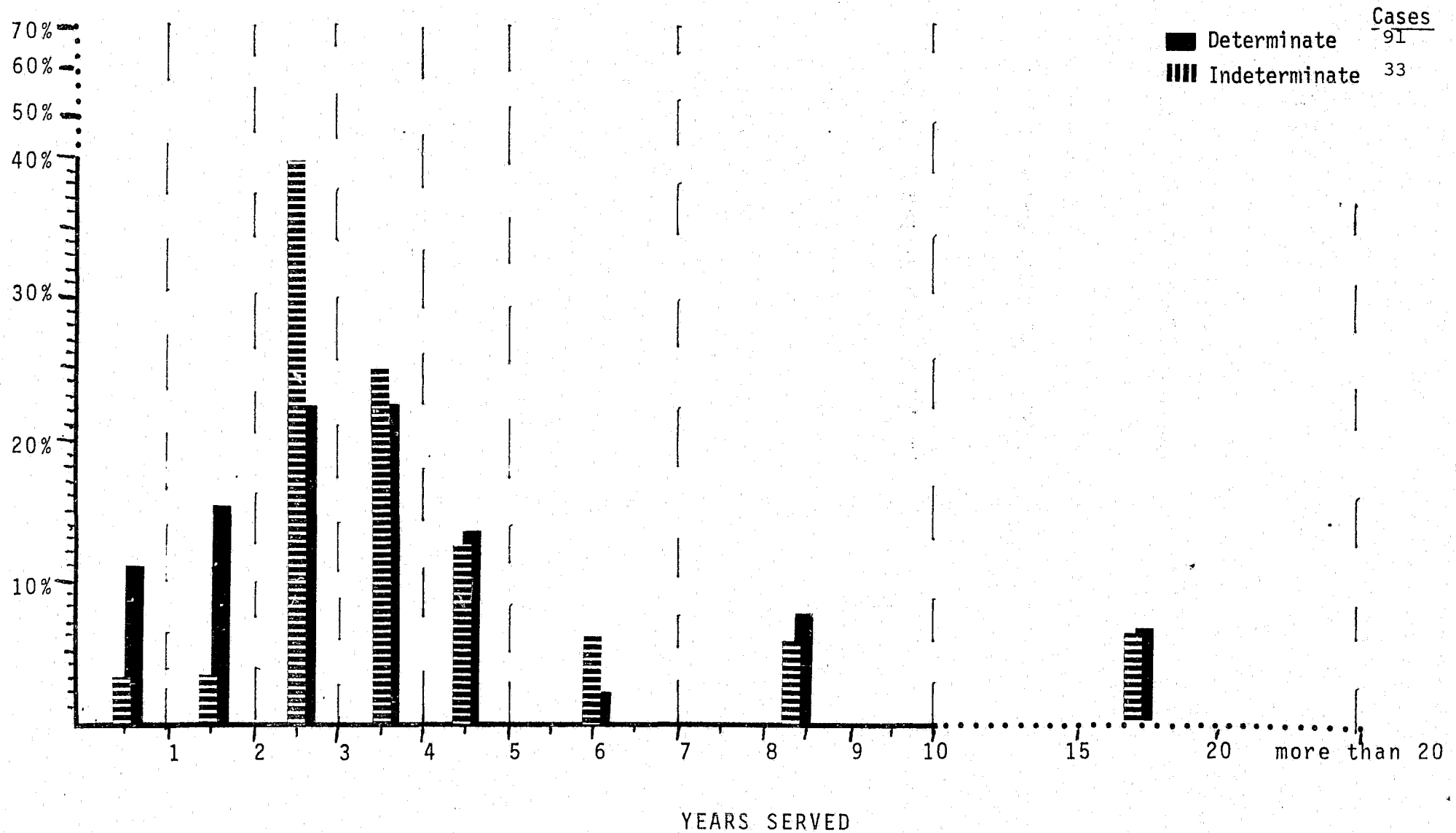
Figure 1

MURDER



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DISTRIBUTION OF TIME SERVED
Figure 2
ATTEMPTED MURDER

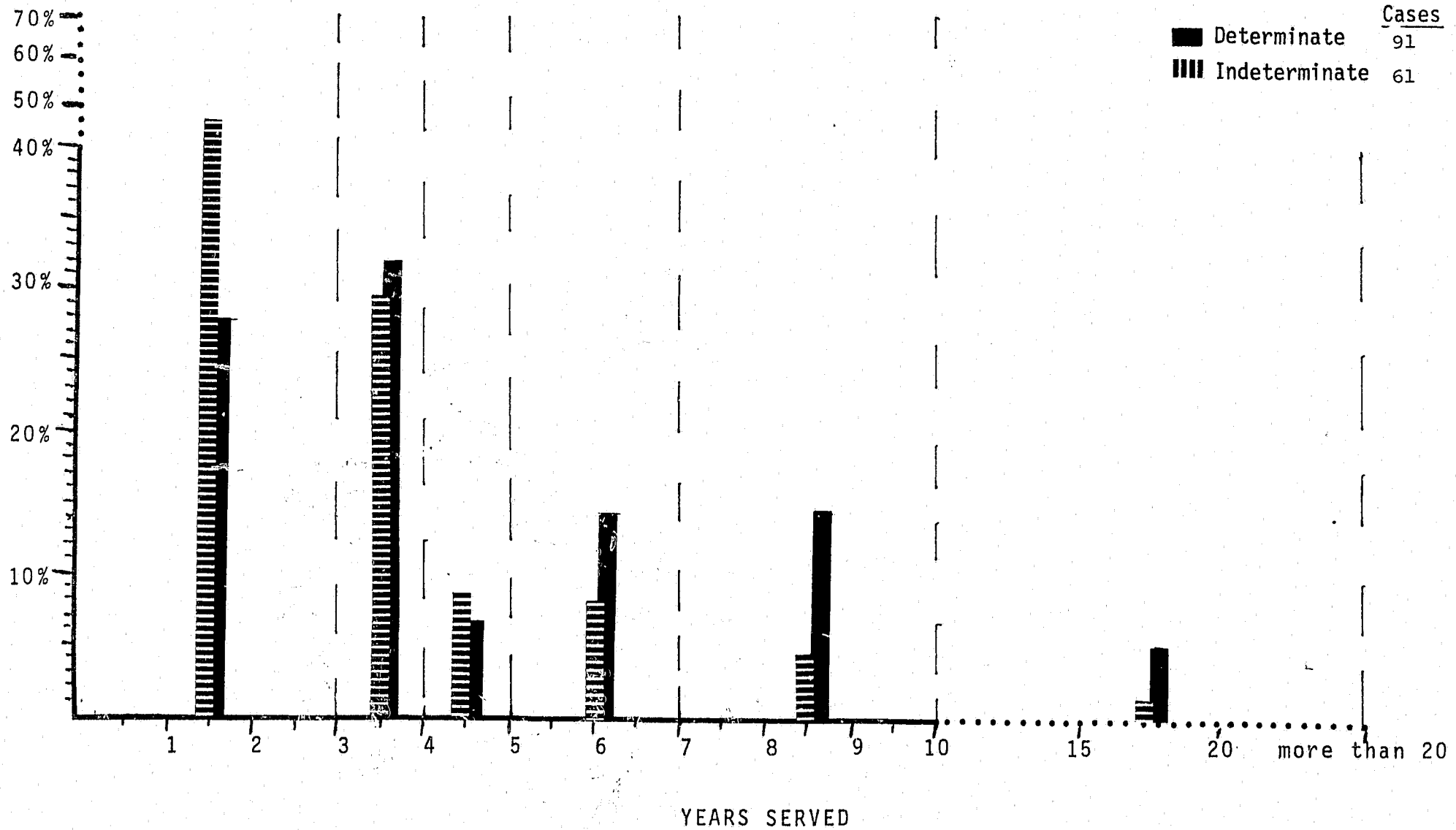
43



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DISTRIBUTION OF TIME SERVED
Figure 3

44

RAPE



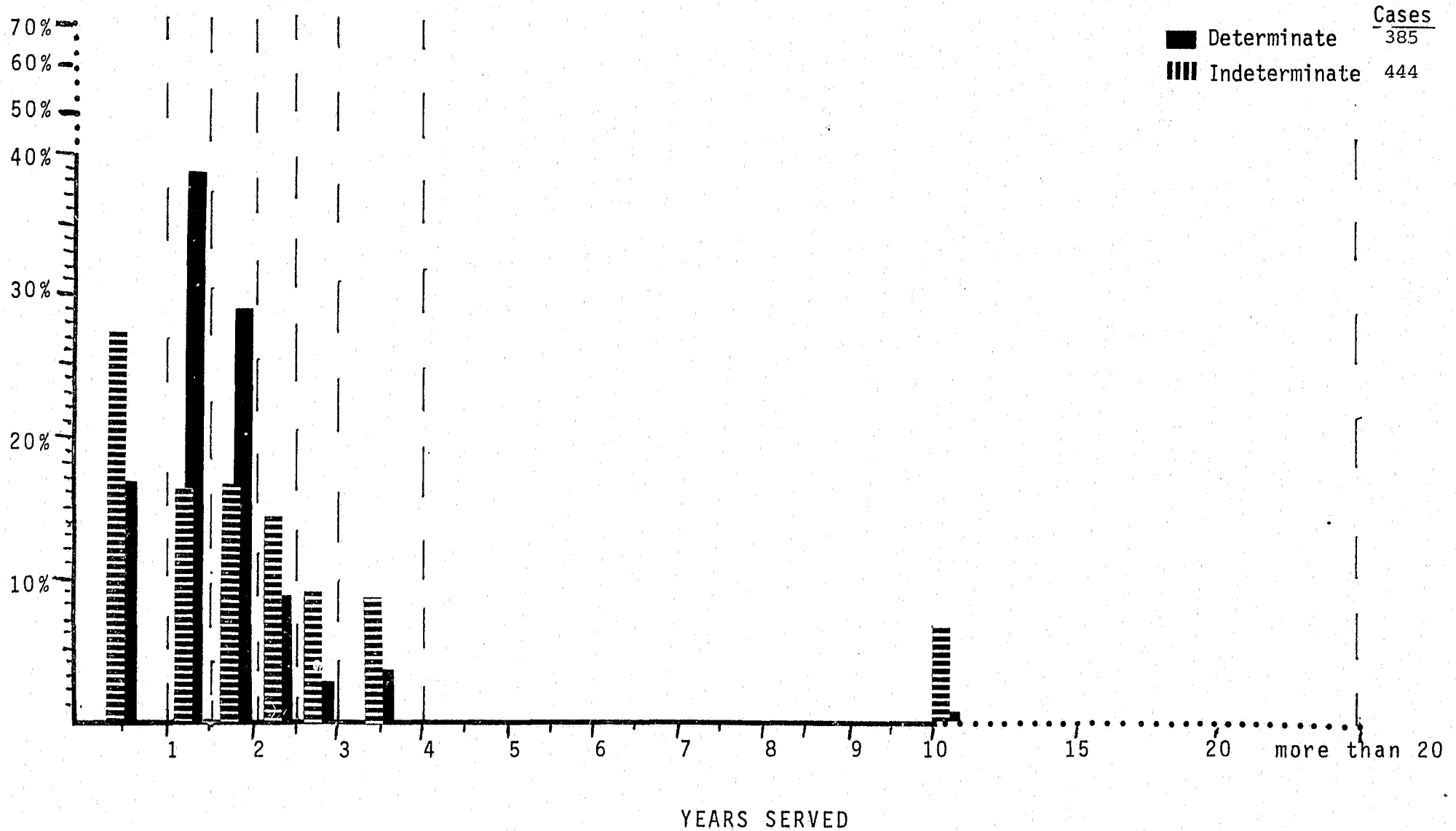
Supplied By The Department of Corrections

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DISTRIBUTION OF TIME SERVED

45

Figure 4

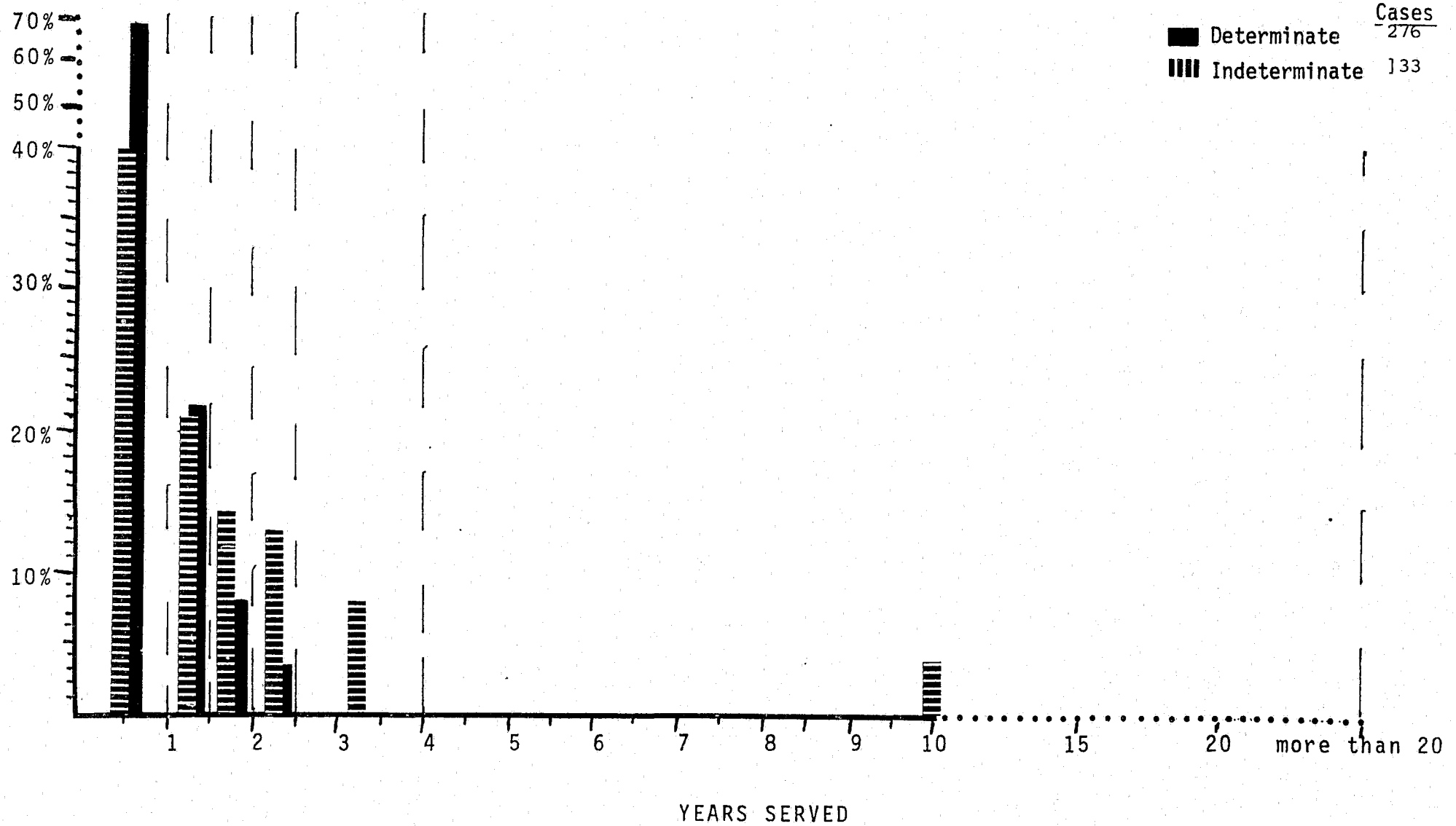
ROBBERY



DISTRIBUTION OF TIME SERVED

Figure 5

THEFT

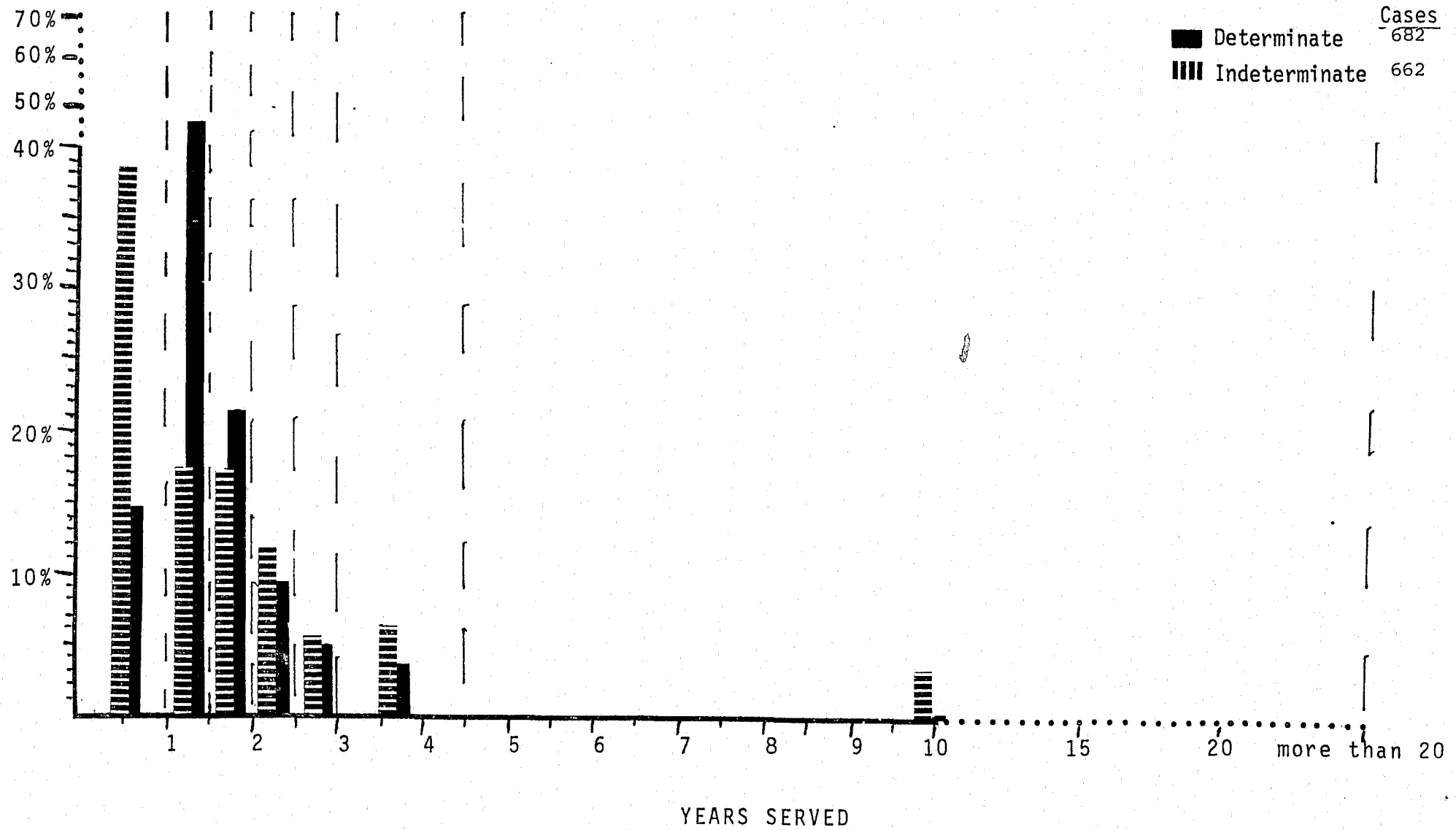


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DISTRIBUTION OF TIME SERVED

47

Figure 6

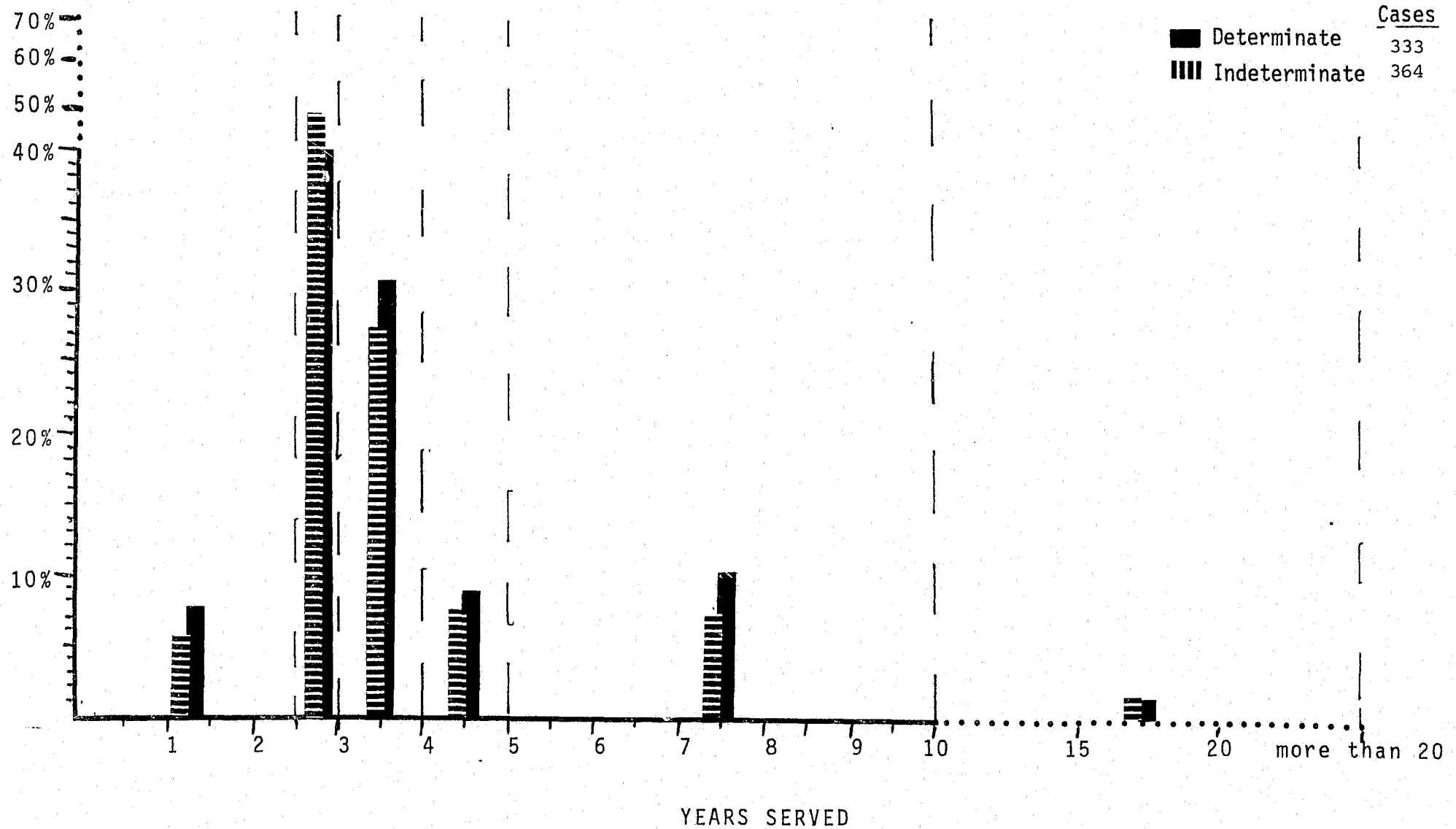
BURGLARY



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DISTRIBUTION OF TIME SERVED

48

Figure 7
ARMED ROBBERY



END