

The PFA & SPAC: Considering the Impact of Pretrial Reform on Sentencing Practices

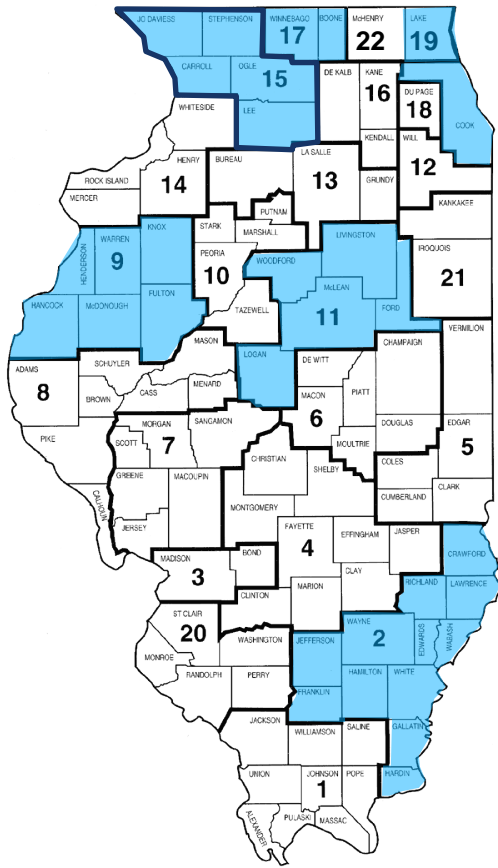


Don Stemen & David Olson
Loyola University Chicago



Loyola Chicago

**Center For
Criminal Justice**



Loyola's Evaluation of the PFA

- Support
 - National Institute of Justice, Arnold Ventures, and MacArthur Foundation
- Multi-method approach
 - surveys, interviews, focus groups, observations, admin. data; pre-post design
- Focused on 32 of Illinois' 102 counties
 - Cook County (Chicago), 19th, 17th, 15th, 11th, 9th, and 2nd Circuit
- Collaborating with Office of Statewide Pretrial Services (OSPS)
 - Detention hearing outcomes and use of EM/pretrial supervision in 72 counties



How would these potential changes due to PFA impact sentencing?

- Some defendants will have *less* (no) pretrial detention
 - E.g., Class 4 drug possession, probationable property crimes
- Some defendants will have *same* level/amount of pretrial detention
 - E.g., Murder, Class X Agg. Battery Firearm
- Some defendants will have *more* (longer) pretrial detention
 - E.g., Domestic battery



How would these potential changes due to PFA impact sentencing?

- Some defendants will have *more time* spent on pretrial supervision
 - E.g., counties that did not previously have pretrial supervision
- Some defendants will have *more time* spent on EM/GPS
 - E.g., counties that did not previously have EM/GPS + cases that previously posted bond quickly but now on EM
- Some defendants will have same or less time on pretrial supervision or EM/GPS



How would these potential changes due to PFA impact sentencing?

Change in the use of probation or prison due to

- Success or failure on pretrial release
- Compliance or non-compliance with pretrial supervision or EM/GPS
- Willingness to plea due to change in detention status
- Degree to which pretrial detention factors into plea offer/sentencing decision



Loyola Chicago

**Center For
Criminal Justice**

How will the elimination of cash bail posted impact sentencing?

- Absence of posted cash bail to satisfy fees, fines & restitution
 - Will actual sentences (probation vs. prison) change without easy ability to impose & satisfy financial conditions?
 - Will financial conditions of sentences change without the “escrow” account?
 - Will rates of probation violations for non-compliance with financial conditions change?



PFA Scenarios and Impact on Sentencing?

Class 3 and 4 drug-law violations and property crimes

- Non-detainable
- Most currently get probation
- Those sentenced to IDOC in SFY 2023, median pretrial jail credit 3 months (outside Cook), 7 months in Cook
- Would sentencing change if successful on pretrial release but no jail time? More probation?
- Would sentencing change if not successful on pretrial release and no jail time? Less probation?



Loyola Chicago

Center For
Criminal Justice

PFA Scenarios and Impact on Sentencing

Class A Misdemeanor Domestic Battery

- Detainable
- Most don't result in conviction
- Would conviction/plea rates increase if higher use of detention?
- Would rate of charges being dropped increase if higher use of detention?
- Would sentencing practices change as a result of more pretrial detention?



Loyola Chicago

**Center For
Criminal Justice**

loyolaccj.org/



Loyola Chicago

**Center For
Criminal Justice**