

# Safe Neighborhood Reform Act

## January 1, 2018

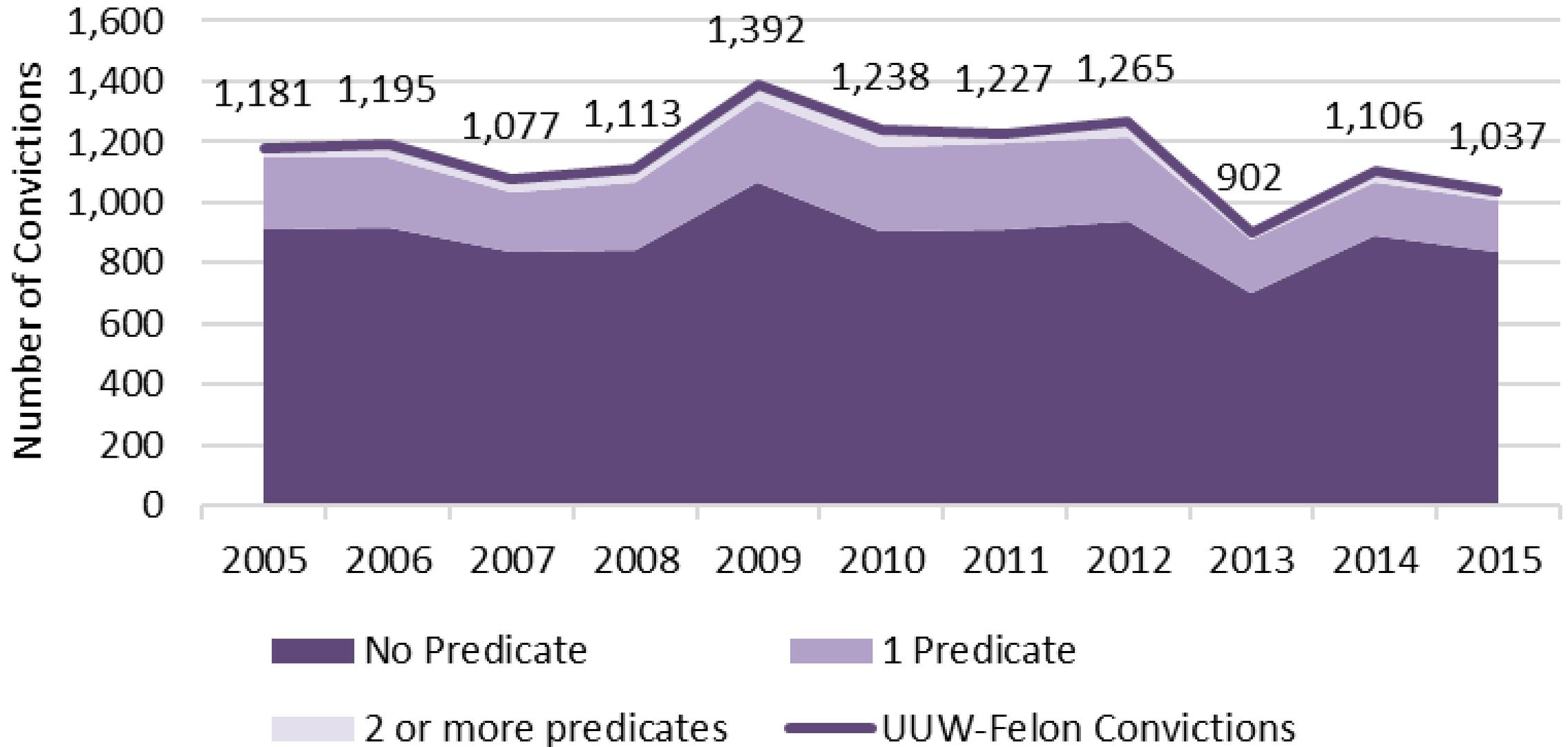
SPAC REGULAR MEETING – DECEMBER 2, 2022



# HISTORY OF SAFE NEIGHBORHOODS REFORM ACT

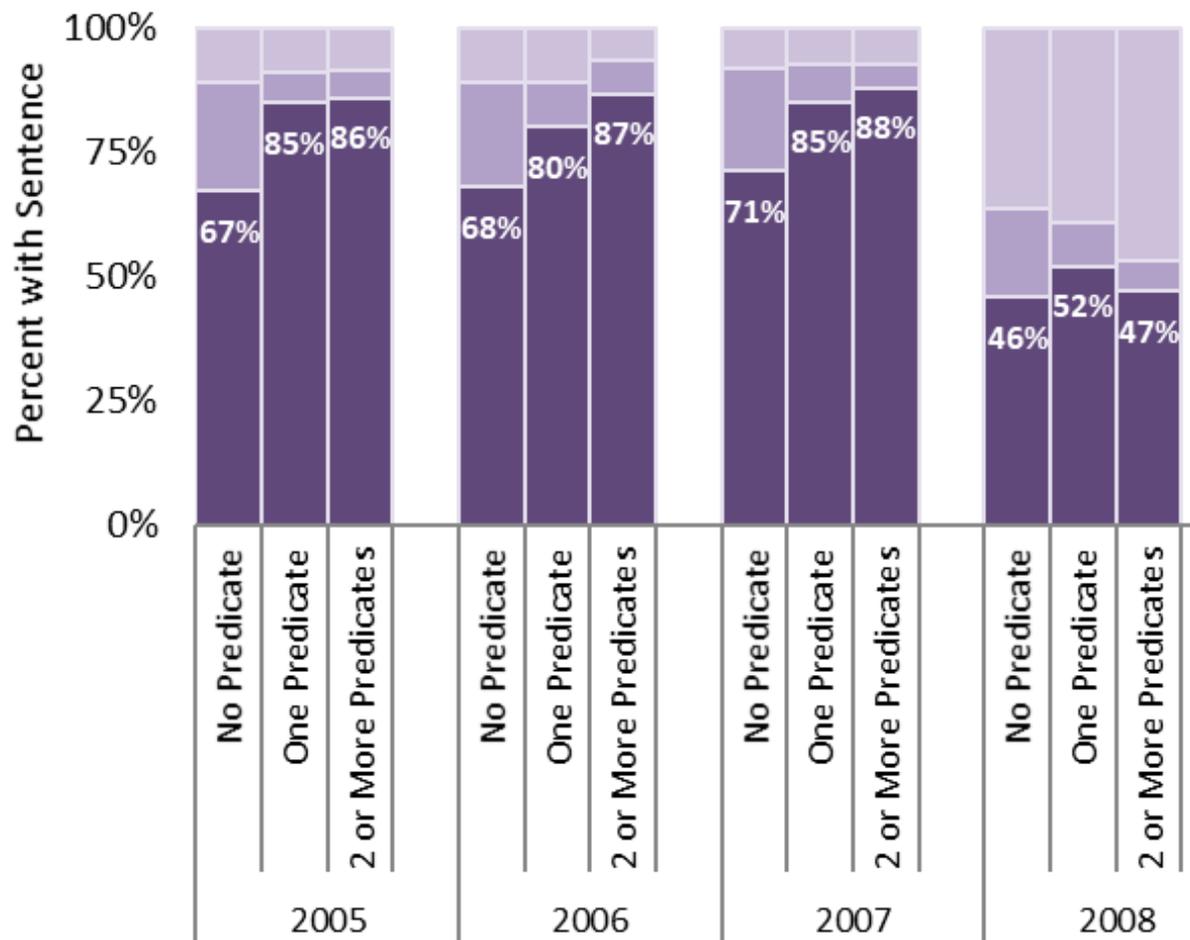


# UUW-Felon Convictions



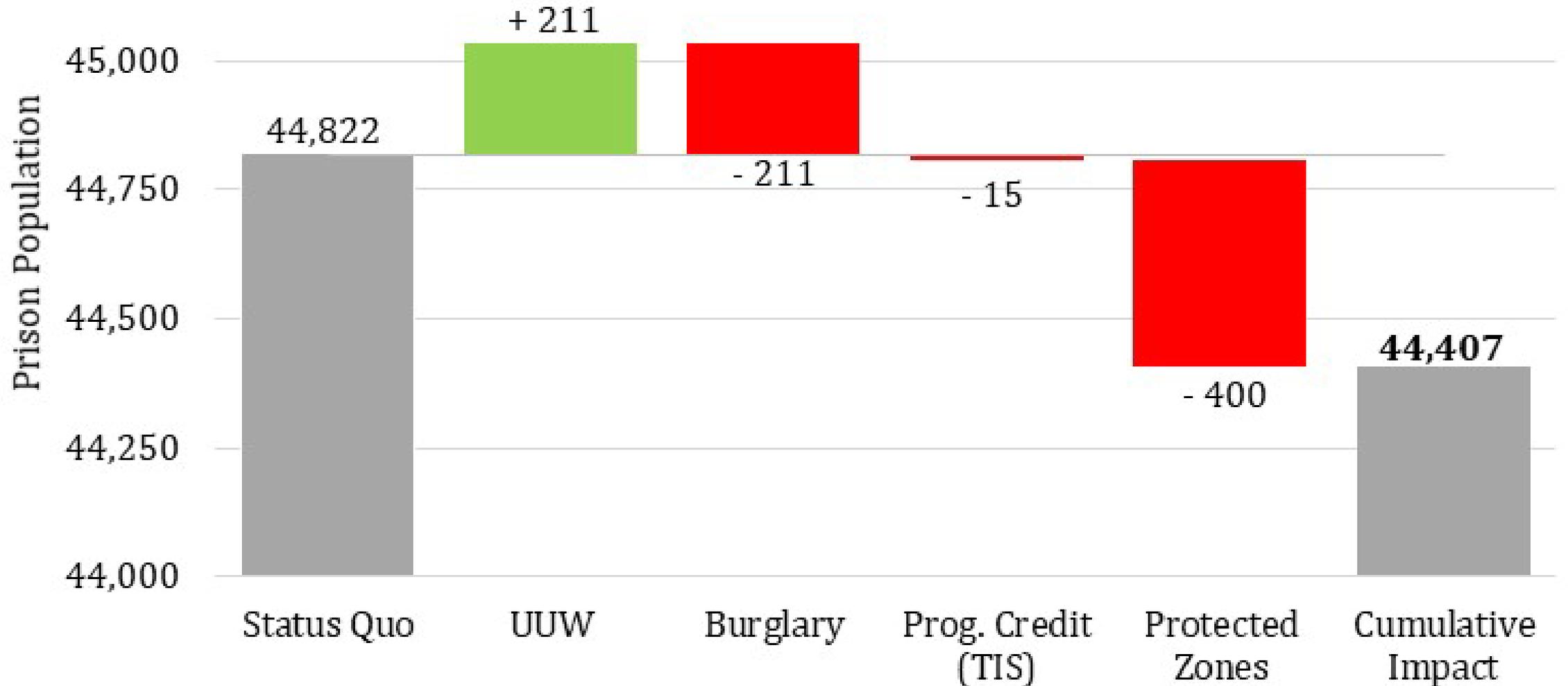
## UW-Felon Sentences by Prediacte History

■ Prison    ■ Probation    ■ Other / Missing



# Average Annual Projected SB1722 - SA4 Changes in Prison Population

■ Base   ■ Increase   ■ Decrease



PRESUMPTIVE  
MINIMUM  
SENTENCE



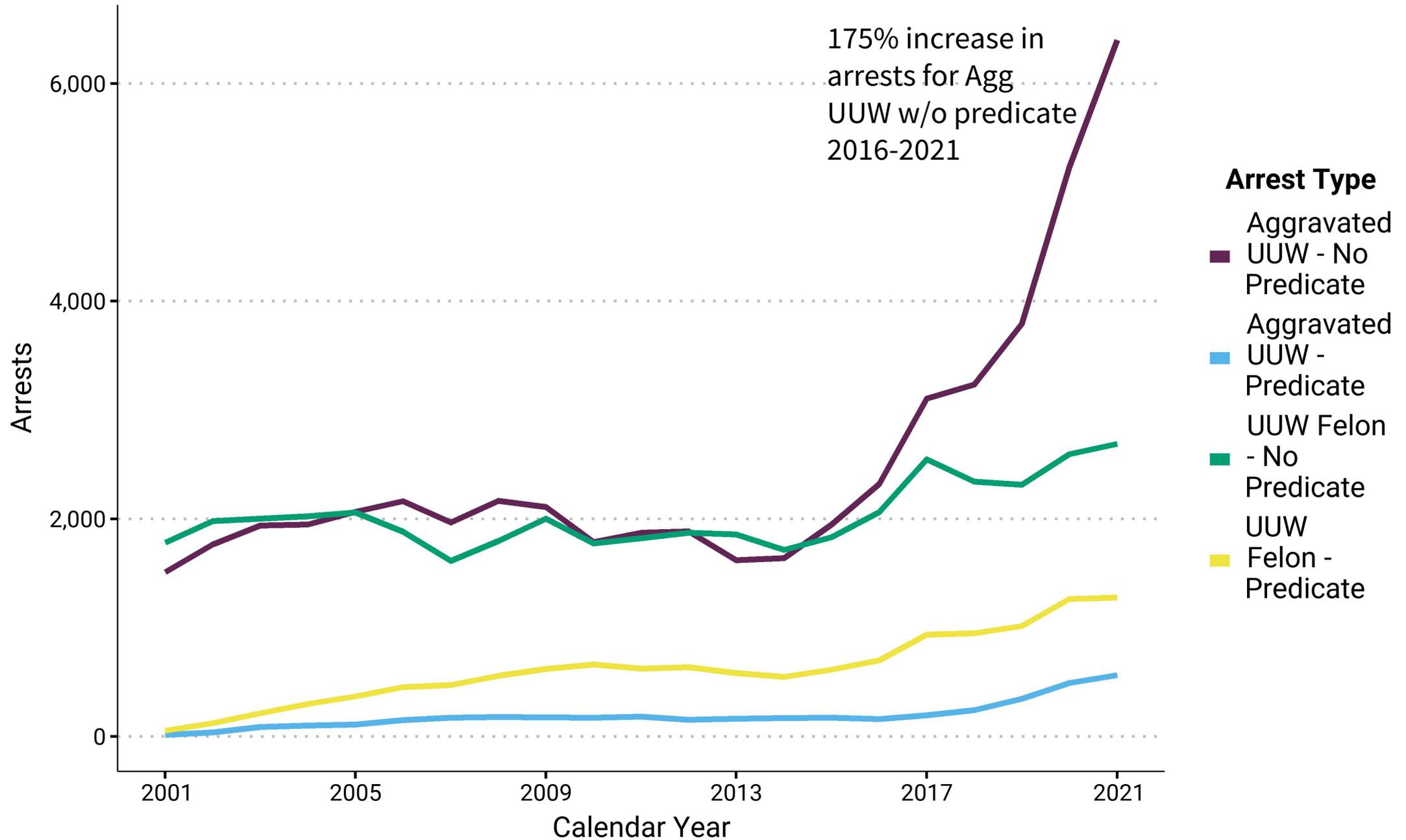
# How was UUW Sentencing changed?

- Presumptive longer minimum prison sentence based on criminal history
  - Aggravated UUW – six years minimum
  - UUW-felon – seven years minimum
- 26 qualifying predicate offenses include various firearm and violent crimes
- Downward departure allowed based on individual circumstances

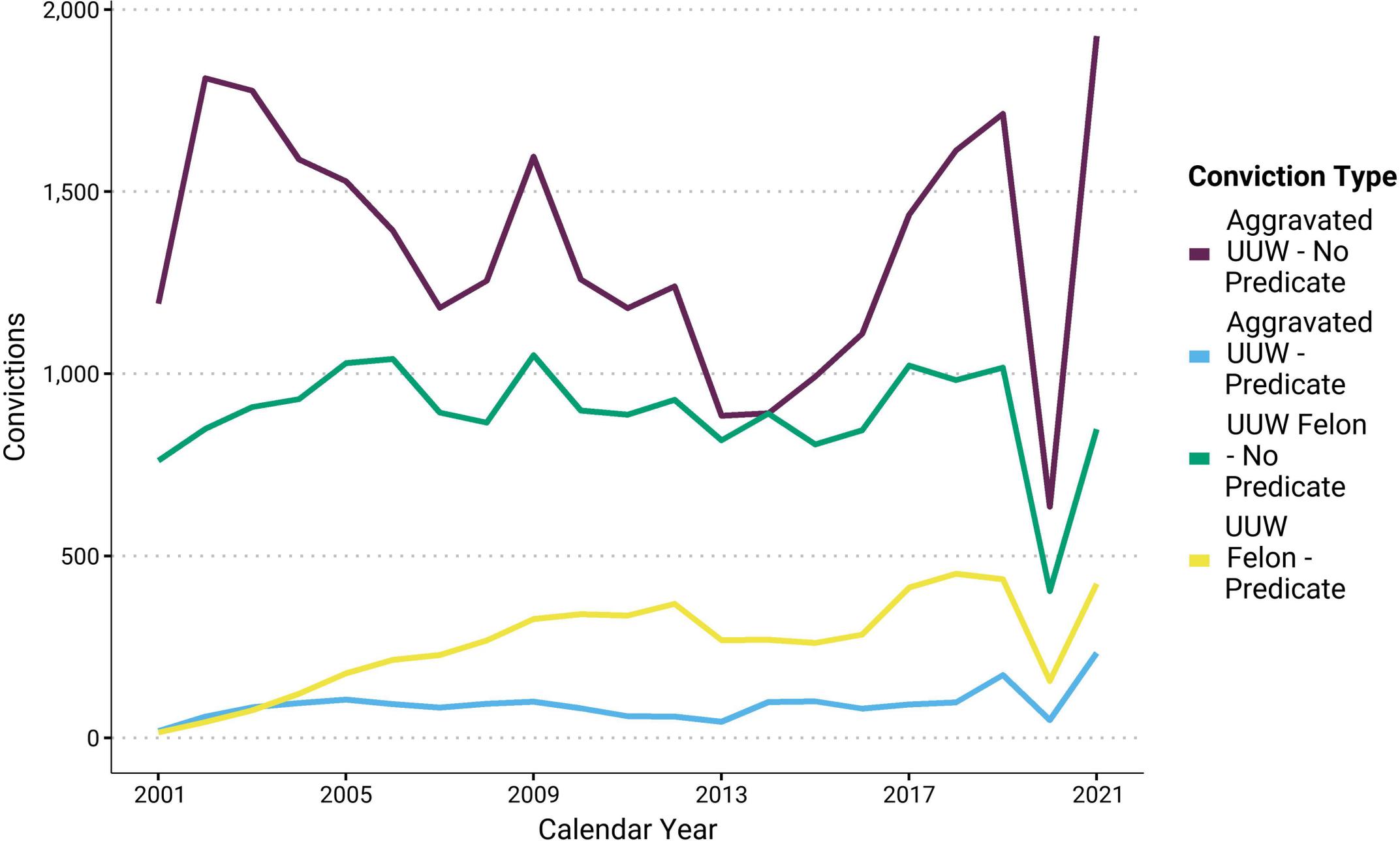
# Departure Reasons – Data Collection

- Data collection languages was dropped from final bill
- SPAC developed Sentencing Order in 2020
  - Approved by Conference of Chief Judges
  - Clerks instructed to submit to SPAC via email
- SPAC received only a tiny fraction of forms, even after reminders and case numbers were sent
- Not representative enough to provide reliable analysis

# Arrests by Predicate Status



# Convictions by Predicate Status



# Admissions to IDOC by UUW Type



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# Research Questions

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- Was there an increase in sentencing at the new presumptive minimum for those with a predicate conviction?
  - Was there any change for those without predicate convictions?
  - Did changes make sense given the timing of the arrest and sentencing?

# UUW Prison-Sentenced People

- Typical prison sentence is for a black male from Cook County
- UUW-Felon on average was 28 years old, had 10 prior arrests and 2 prior convictions
- Aggravated UUW on average was 24 years old, had 7 prior arrests and 1 prior conviction
- Most common prior predicate convictions were Aggravated UUW or UUW-felon

## Results – Did the Probability of a Longer Sentence Change?

- After adjusting for other factors, people with prior predicate convictions, who were arrested and sentenced after the effective date of the Act, were twice as likely to be sentenced to 6+ years for Aggravated U UW or 7+ years for U UW-felon
- There was no statistically or substantive difference in sentence length for those without predicates

FIRST TIME  
WEAPON  
OFFENDER  
PROGRAM



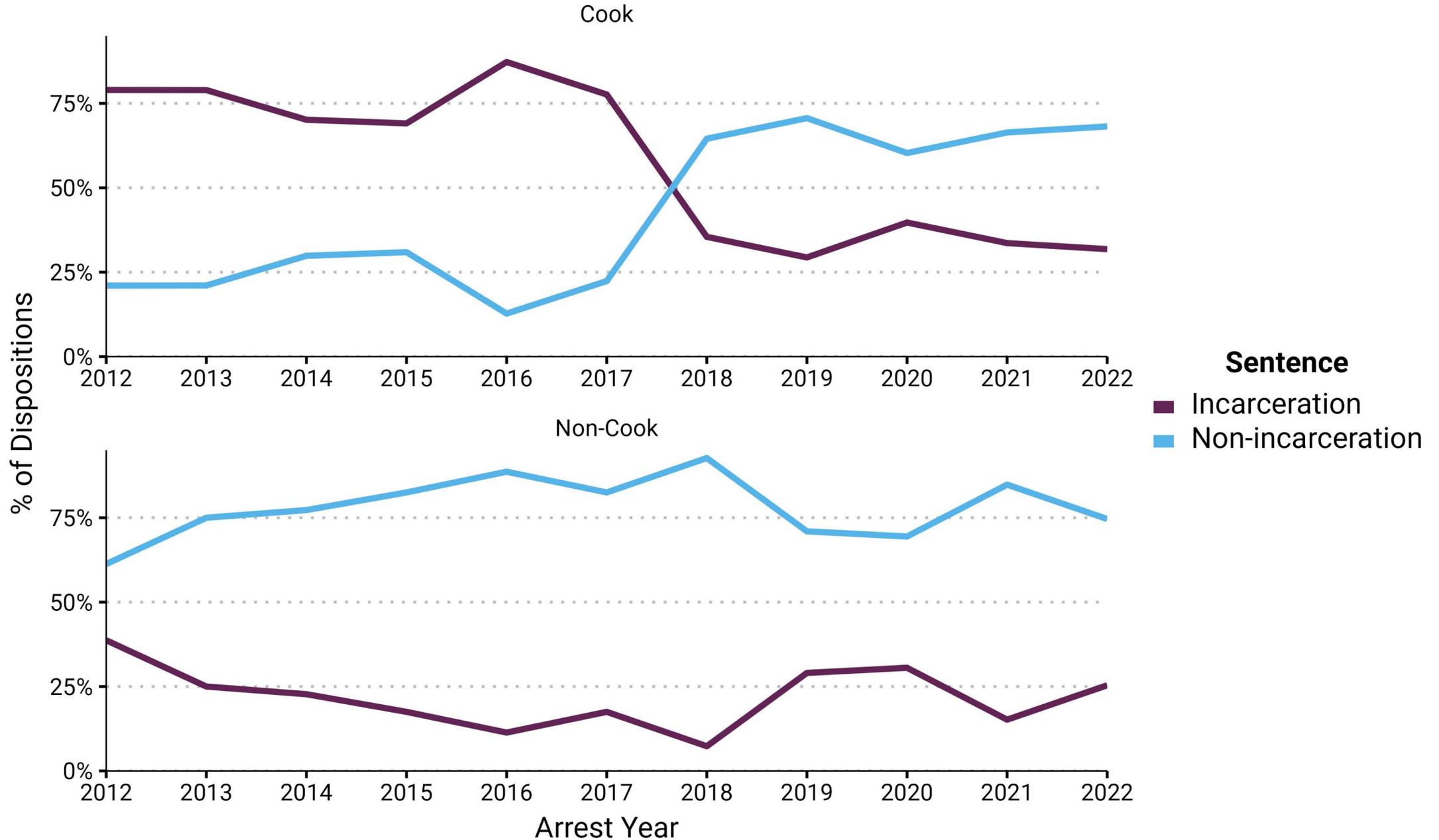
# First Time Weapons Offender Program (FTWOP)

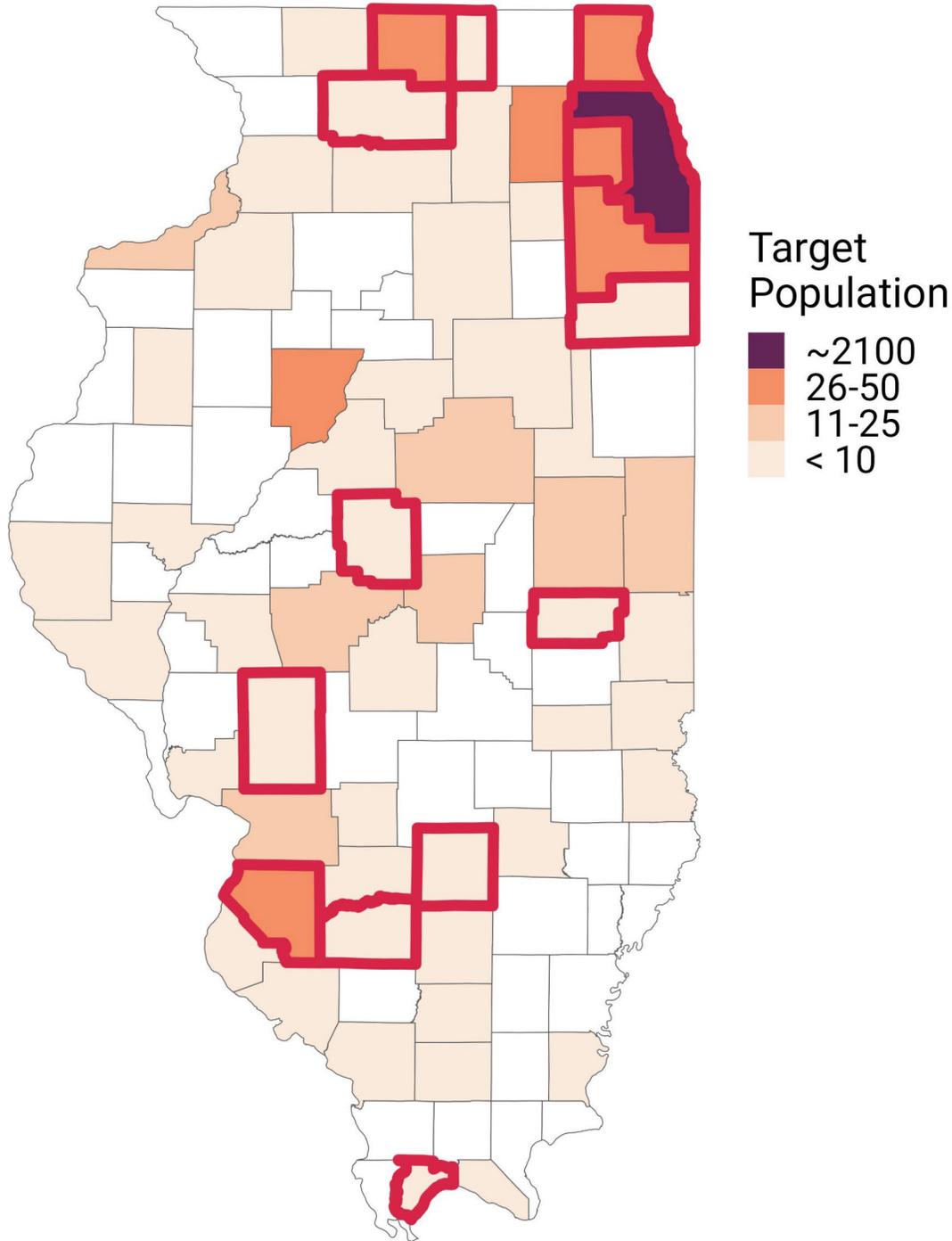
- Created as an alternative to incarceration — does not result in a conviction
- Eligibility:
  - 18-20 years old
  - Charged with certain UUWs
  - No prior conviction – adult or juvenile – for a violent crime
  - No existing protection order
- Defendant pleads guilty but judgment is not entered
- Upon successful completion, defendant is discharged and charges are dismissed

# Analysis

- No required data collection
- CHRI code was created for FTWOP but rarely used
- SPAC identified the target population – i.e. those who met eligibility criteria
  - Due to data limitations, all factors not accounted for
- Analysis looks at guilty dispositions:
  - Standard convictions
  - Withheld judgments

# Sentences for UUW Charges of Target Population





# Number of Guilty Dispositions for Target Population by County Since 2018

Highlighted: Counties With Any FTWOP Cases

# Cook County File Review

- Public statements from CCSAO indicated FTWOP was being used
- No indication of that in the data – only 13 cases were identified as FTWOP
- SPAC did a review a manual review of cases that appeared eligible but had a conviction
- Findings:
  - The majority had FTWOP as the sentence
  - A few specifically indicated no judgment should be entered

# Cook County Probation Case Numbers

- Cook County's Probation Department tracks FTWOP and provided number of intake cases per year

Year	Prob. FTWOP	Target Pop.	Percent
2018	261	437	59.7%
2019	287	395	72.7%
2020	121	204	59.3%
2021	344	589	58.4%
2022	309	487	63.4%

# Fixing the Problem

- Consensus that a problem exists
  - Clerk's office provided information regarding their process and case management system
  - SPAC has participated in conversations with stakeholders
  - Working towards a solution
- Stakeholders:
    - Cook County Circuit Clerk's Office
    - Cook County Public Defender's Office
    - Cook County Court Chief Judge's Office
    - Administrative Office of Illinois Courts
    - Illinois State Police, Bureau of Identification

# QUALITATIVE & QUANTITATIVE RESEARCH





What do we really want to know?

# Qualitative and Quantitative Research

- “The numbers can’t answer some of the most important questions”
- In isolation, qualitative and quantitative cannot provide a comprehensive understanding
- Quantitative research with administrative data that SPAC has access to is good for identifying if disparities and anomalies in sentencing exist
  - However, the data does not often have the information necessary to indicate why they exist and how they are created

# Where Qualitative Research May Help

- UUW – prior SPAC meeting was sort of a qualitative interview with our three incarcerated panelists; a common theme was that the potential sentence had little influence on their decision to carry a gun and was outweighed by needing to survive
- FTWOP – why do some jurisdictions use it? For example, there is one small county in the state has used it more than we expected
- Use of sentence credits
- TIS – in the 1990s, if qualitative research was done with court actors involved in sentencing, would our prediction for the impact of TIS have changed?
- Much of our work product is fiscal impacts, but recent research on public opinion on resentencing for long sentences indicates that the fiscal impact is the least important reason



# ILLINOIS SENTENCING POLICY ADVISORY COUNCIL

DECEMBER 2<sup>ND</sup>, 2022

