Members

Rep. Ralph Foley, Chairperson
Rep. Greg Steuerwald
Rep. Linda Lawson
Rep. Matt Pierce
Sen. Richard Bray
Sen. Randall Head
Sen. Greg Taylor
Sen. Lindel Hume
Judge John Marnocha
Judge Lance D. Hamner
Professor Craig Bradley
Attorney General Greg Zoeller
Commissioner Bruce Lemmon
David Powell
Larry Landis
Chief Justice Brent Dickson

CRIMINAL CODE EVALUATION COMMISSION

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Authority: *P.L. 182-2009(ss)*

MEETING MINUTES[1]

Meeting Date:	**September 6, 2012**
Meeting Time:	**10:30 A.M.**
Meeting Place:	**State House, 200 W. Washington St., 431**
Meeting City:	**Indianapolis, Indiana**
Meeting Number:	**1**

Members Present: **Rep. Ralph Foley, Chairperson; Rep. Greg Steuerwald; Rep. Linda Lawson; Rep. Matt Pierce; Sen. Richard Bray; Sen. Greg Taylor; Sen. Lindel Hume; Judge John Marnocha; Judge Lance D. Hamner; Commissioner Bruce Lemmon; David Powell; Larry Landis; Chief Justice Brent Dickson.**

Members Absent: **Sen. Randall Head; Professor Craig Bradley; Attorney General Greg Zoeller.**

Representative Ralph Foley, Chairman, called the meeting to order at 10:35 A.M. and asked the members to introduce themselves.

Discussion of the Commission's Goals for the Interim

Chairman Foley began the meeting by describing the recent efforts to evaluate Indiana's criminal statutes and sentencing laws. Chairman Foley stated that the goal of these efforts is to increase public safety.

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[1] These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at http://www.in.gov/legislative Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of $0.15 per page and mailing costs will be charged for hard copies.

Chairman Foley discussed provisions in the Indiana Constitution that call for Indiana's criminal penalties to be proportional to the nature of the offense and for the penal code to be founded on principles of reformation and not vindictive justice.

Chairman Foley also highlighted the legislation that this Commission prepared and is now law, including statutes that provide swift and certain sanctions for probation violations, risk assessment tools, improved victim notification procedures, and a comprehensive list of crimes in the Indiana Code that are not in Title 35.

Indiana Department of Correction Inmate Population

Randy Koester, Deputy Commissioner of Reentry at the Indiana Department of Correction (DOC), introduced Aaron Garner, Director of Research and Planning at DOC, and Tim Brown, Director of Legislative Affairs at DOC.

Mr. Garner gave a slide presentation[2] and provided testimony on prison population statistics and recent DOC population trends. Mr. Garner also provided a handout[3] detailing DOC new inmate admissions for 2009 -2011.

Mr. Koester spoke to the Commission about community corrections. Mr. Koester stated that community corrections includes work release and home detention. Mr. Koester also stated that 78 counties are currently receiving grant funding from the DOC for community corrections and 5 more counties will start receiving this grant funding at the end of 2012. As of September 4, 2012, there are 17,382 felons participating in community corrections in 78 counties and 2,589 of these felons are participating in work release. Additionally, there are 445 males and 30 females currently being housed in county jails serving time for the DOC. The current bed capacity in the county jails in all 92 counties in Indiana is 18,945.

Representative Pierce asked Mr. Koester about the funding for community corrections and suggested involving the Ways and Means committee and financial experts in the Criminal Code Evaluation Commission meetings to discuss implementing the funding resources into the budget. Representative Pierce also stated that Indiana needs to utilize best practices for corrections and for funding corrections services in the counties.

Mr. Koester responded to Representative Pierce's question by stating that DOC currently has an appropriation of $34,000,000 with 49% of this funding allotted to community corrections. Other community corrections funding is provided through user fees by the participants in the programs who can afford the fees.

In response to questions from Senator Taylor, Mr. Koester stated:

> (1) Per diem funding of an adult male offender at DOC is $52 per day. The marginal cost is between $13 and $15 per offender per day. Work release per diem costs are higher than home detention.
> (2) Per diem costs are lower for community corrections than for incarceration. Community corrections programs are only for individuals who have committed misdemeanors or class D felonies.

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[2]Attachment 1

[3]Attachment 2

In response to questions from David Powell, Mr. Koester stated:

> (1) The capacity in DOC facilities is based on functionality and utilities. If there are too many offenders at a facility, the facility may hit its operational capacity which means that DOC cannot operate and maintain fundamental correctional practices and still meet the constitutional protections of the inmates. DOC's current operational capacity is in the 90% range. In the past year, DOC opened a new annex housing unit in New Castle, a cell facility that holds around 500 level 1 maximum security offenders. This facility is now near full capacity. There are currently 650 empty general population beds available throughout the DOC.
> (2) An offender sentenced to the DOC is initially sent to the reception diagnostic center. An inmate who violates his or her probation usually will not be sent to the reception diagnostic center and that offender would be sent to the local facility where the crime was committed.
> (3) The average length of stay for an inmate at the reception diagnostic center is approximately two to three weeks.
> (4) There are offenders sent to the reception diagnostic center for a short time and are quickly released from the reception diagnostic center because their remaining sentence has been served while at the reception diagnostic center.

Larry Landis commented that 40% of inmates with Class B felony convictions were incarcerated at the DOC for drug dealing. Mr. Landis asked Mr. Koester how many offenders were charged with a B felony and sentenced to the DOC with a criminal conviction in which drug dealing occurred within a drug free zones. Mr. Landis suggested to Mr. Koester that DOC conduct research on the data and submit their findings to the Commission.

Data Analysis Work Group

G. Roger Jarjoura and Thomas D. Stucky gave a slide presentation[4] concerning low level felony incarceration and sentencing and provided the Commission with a report[5].

In response to a question from Senator Taylor, Mr. Jarjoura stated that based on their study, African-Americans had lower executed sentences than Caucasians. Further study would have to occur to determine if race plays a factor in executed sentencing.

Mr. Landis referred to the Prosecutor Interview Results listed in the handout stating that half of the prosecutors reported that they had no specific policies regarding which offenders would be sent to the DOC to serve their sentences. Mr. Landis asked Mr. Jarjoura if he did a survey of judges or defense attorneys to find out if they agree with the results.

Mr. Jarjoura replied to Mr. Landis that the work group did not survey judges or defense attorneys, just prosecutors.

Chairman Foley moved to adjourn. Senator Bray seconded the motion. The meeting was adjourned at 12:35 p.m.

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[4]Attachment 3

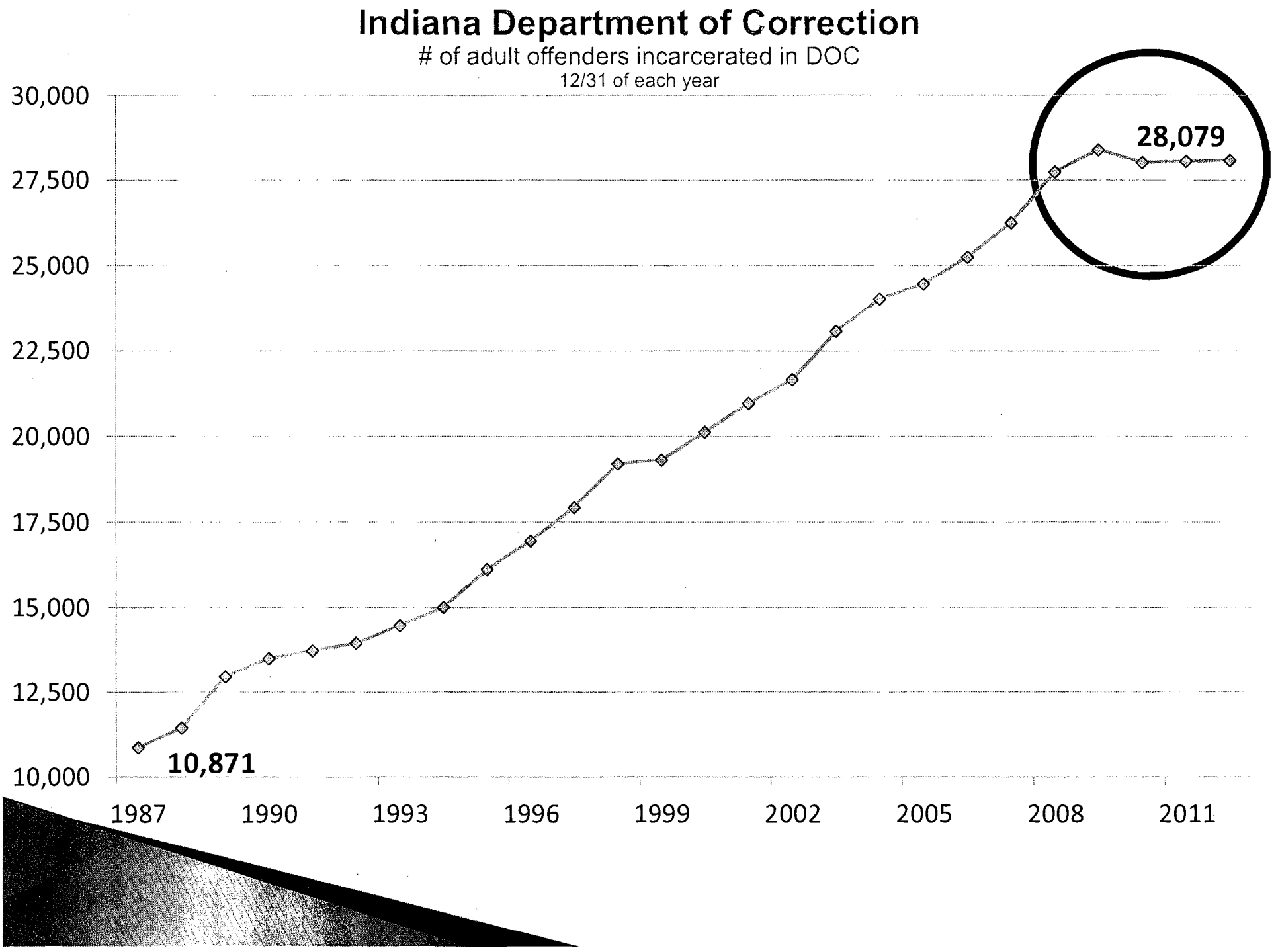
[5]Attachment 4

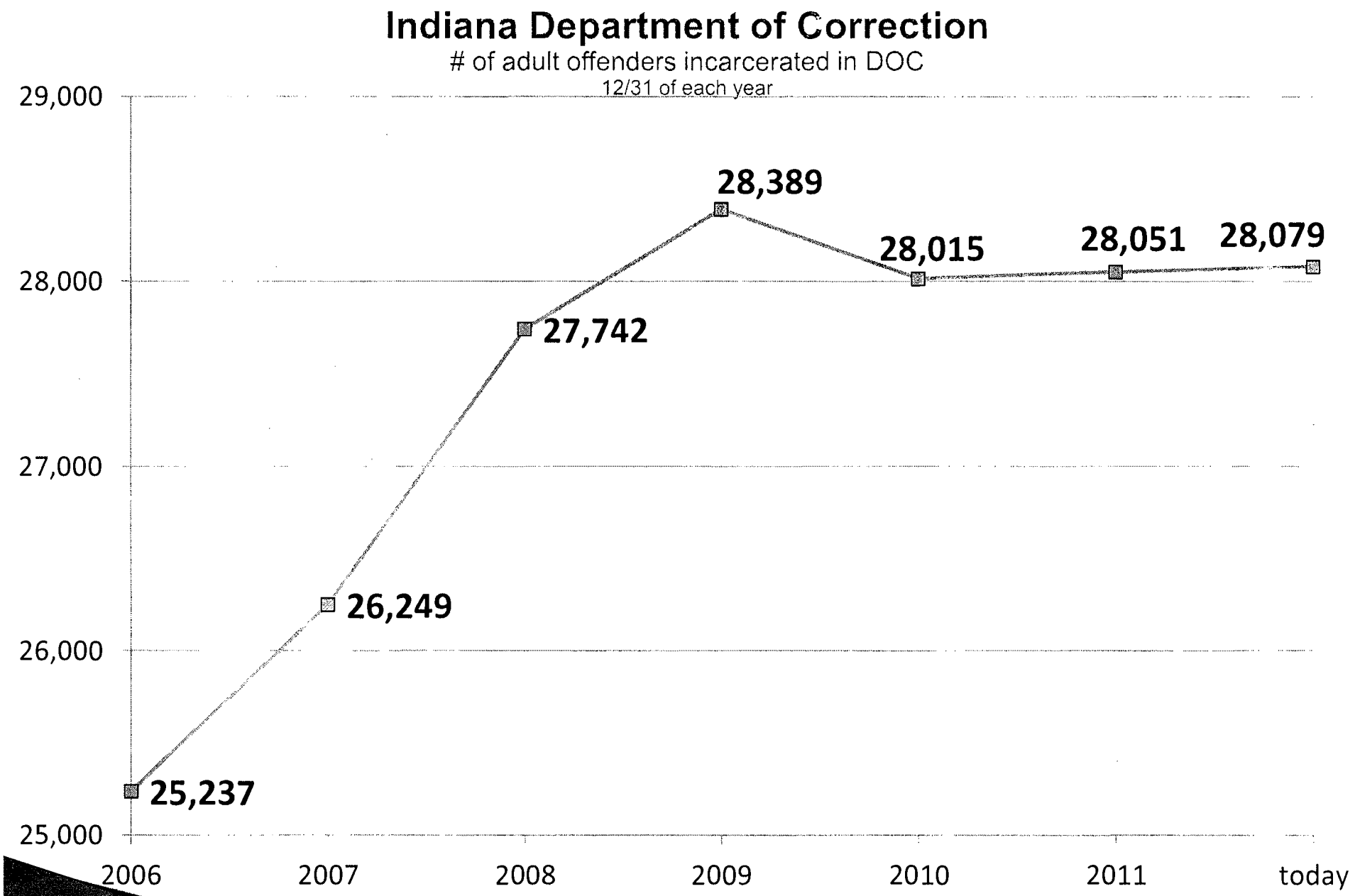
CCEC
9/6/12
Attachment 1

State of the Agency

Randy Koester
Aaron Garner

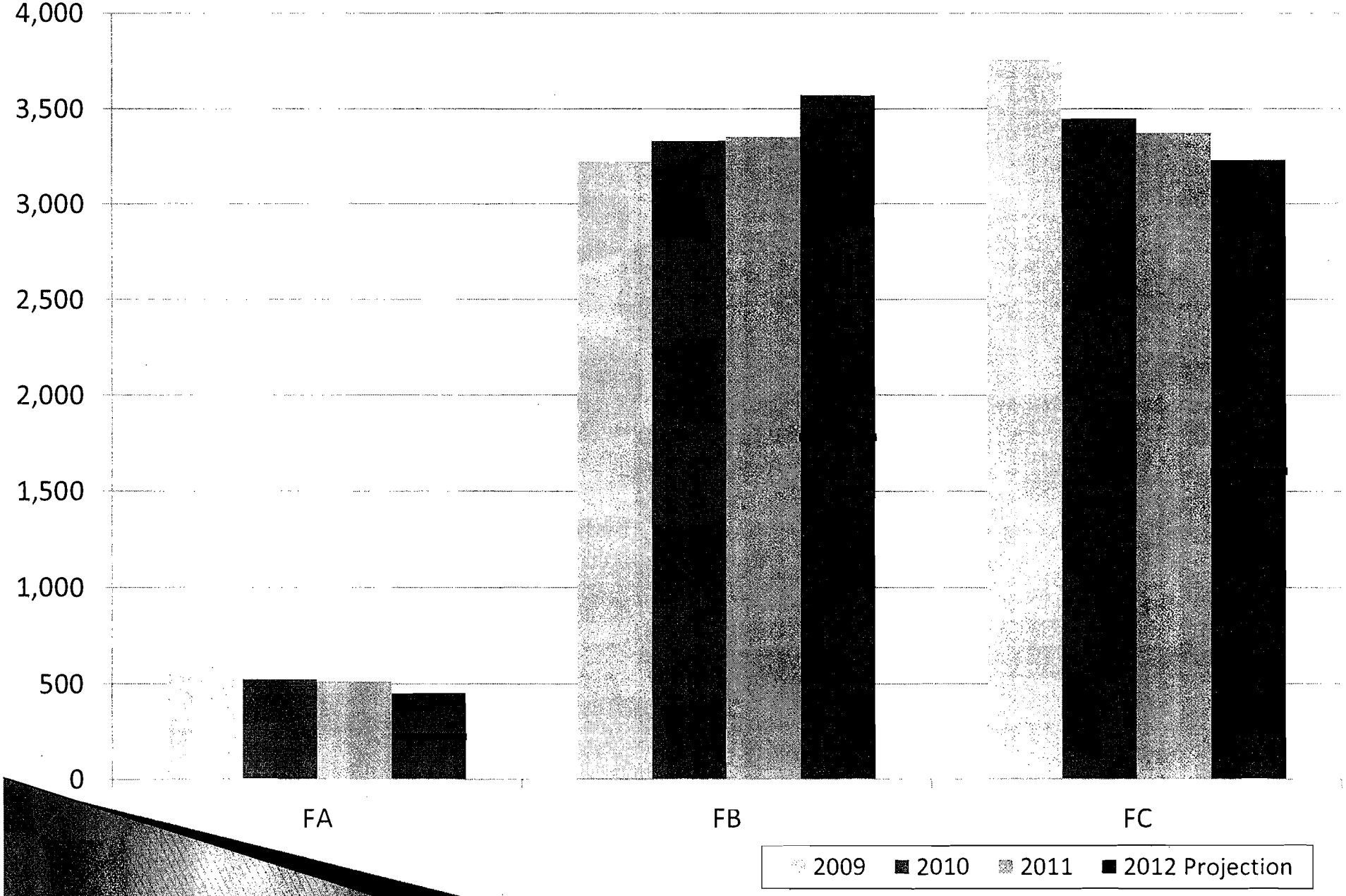
Indiana Department of Correction


Indiana Department of Correction
# of adult offenders incarcerated in DOC
12/31 of each year
30,000
27,500
25,000
22,500
20,000
17,500
15,000
12,500
10,000
28,079
10,871
1987
1990
1993
1996
1999
2002
2005
2008
2011


Indiana Department of Correction
# of adult offenders incarcerated in DOC
12/31 of each year
29,000
28,000
27,000
26,000
25,000
25,237
26,249
27,742
28,389
28,015
28,051
28,079
2006
2007
2008
2009
2010
2011
today

Indiana Department of Correction

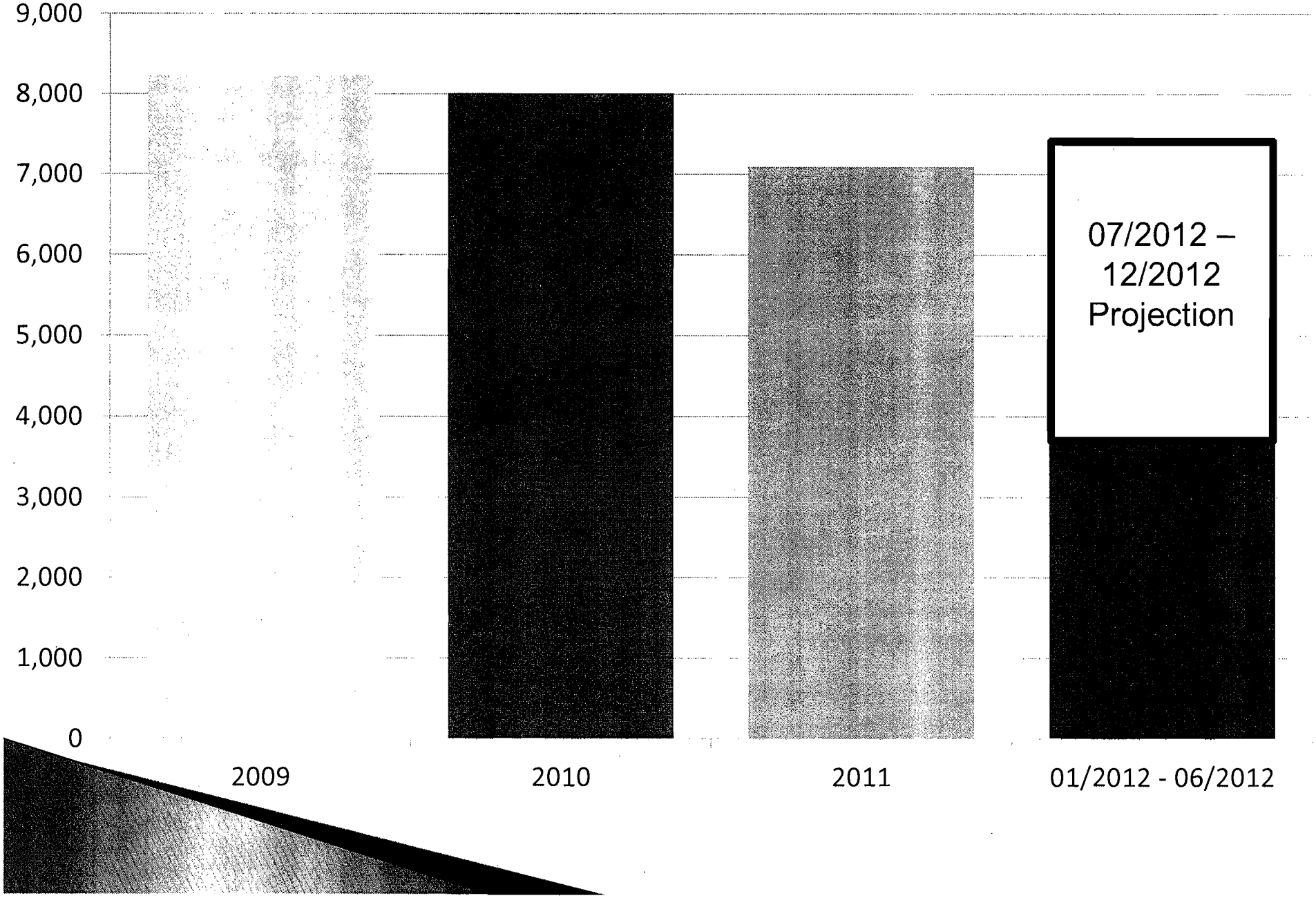
DOC New Admissions (no parole violators)



Indiana Department of Correction

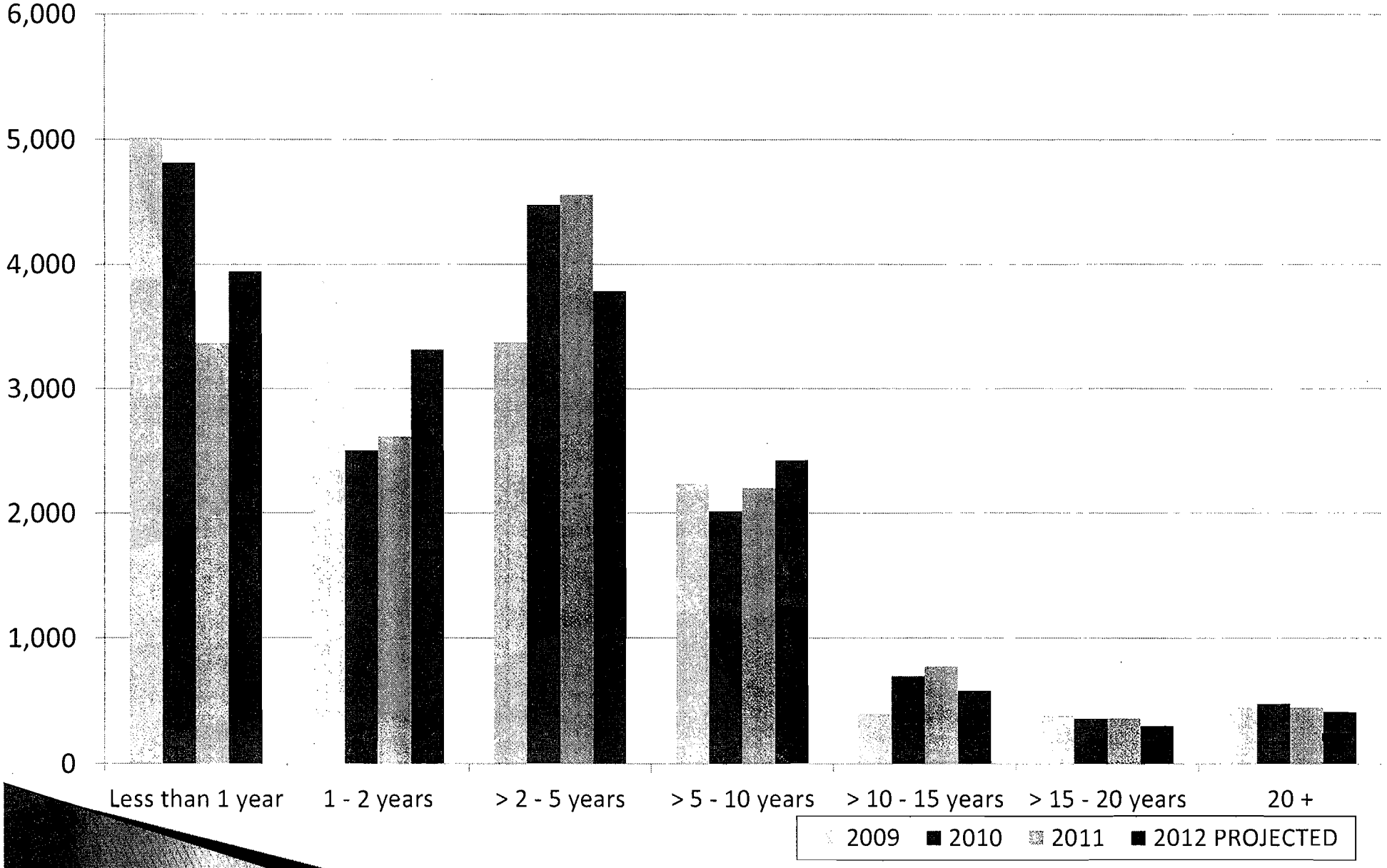
DOC New Admissions (no parole violators)

Class D Felony (most serious offense)



Indiana Department of Correction

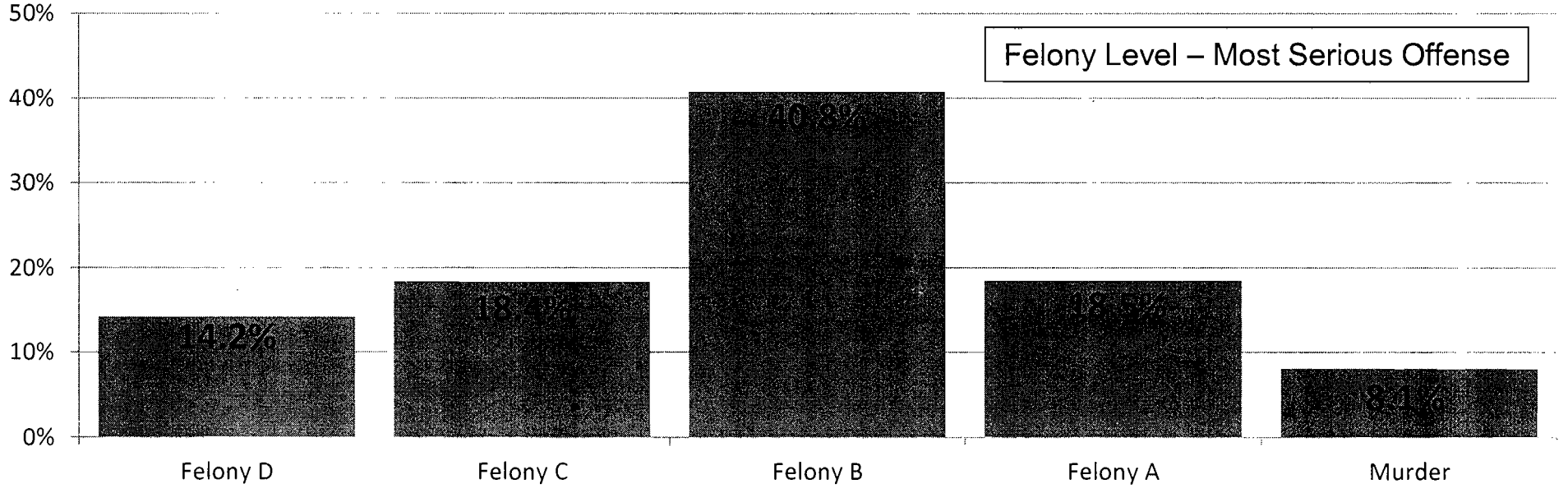
DOC New Admissions (no parole violators)

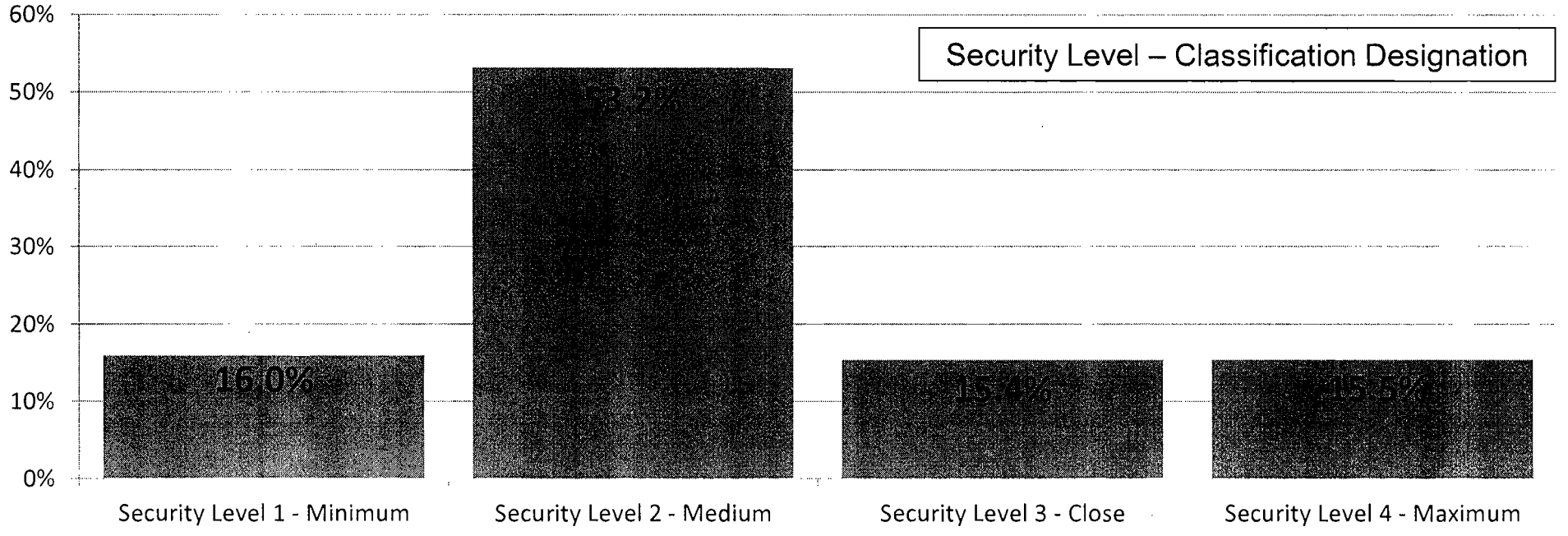


Indiana Department of Correction

% of adult offenders incarcerated in DOC

Snapshot Date: 09/01/2012

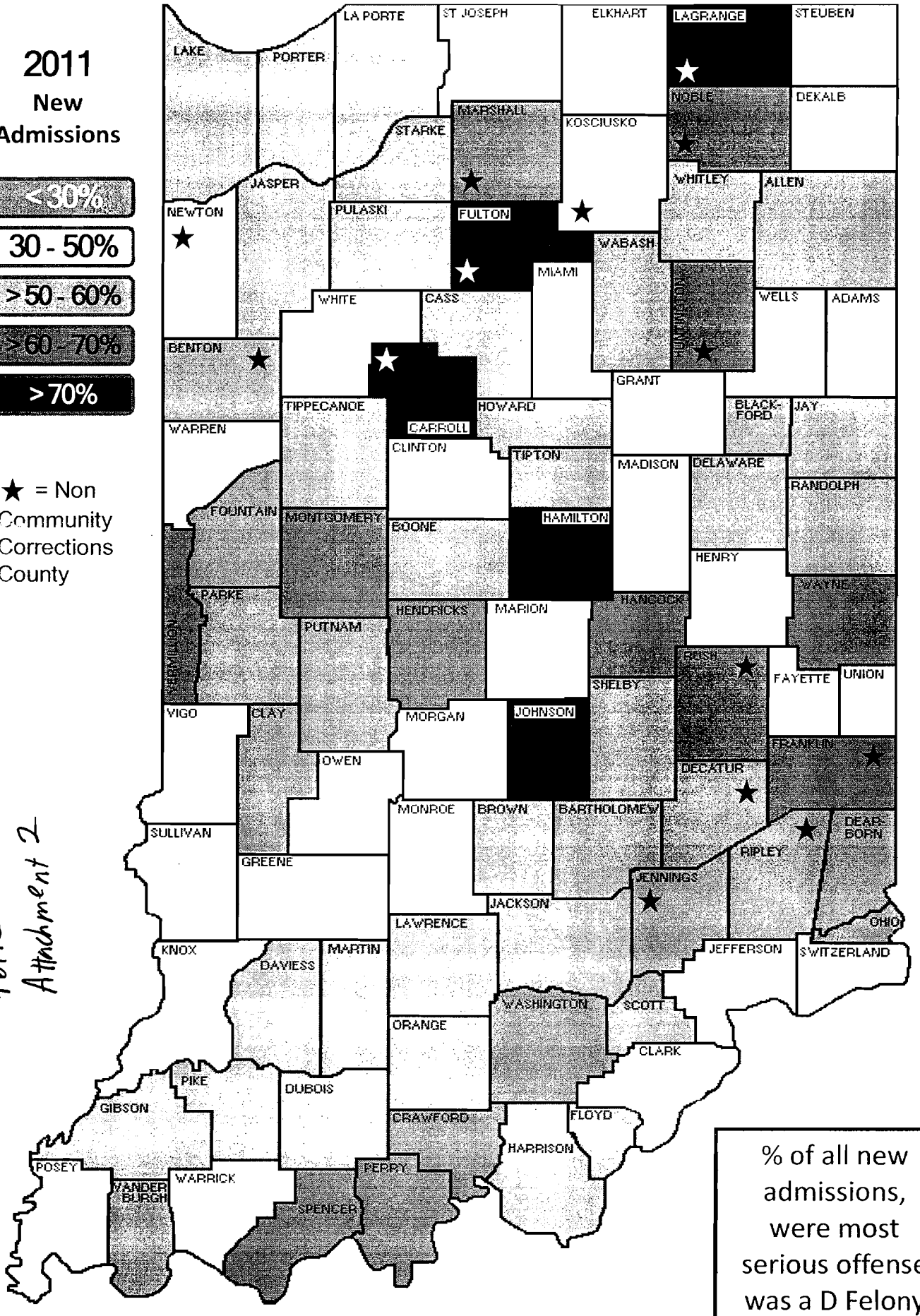




2011 New Admissions

- <30%
- 30 - 50%
- >50 - 60%
- >60 - 70%
- >70%

★ = Non Community Corrections County



% of all new admissions, were most serious offense was a D Felony

CCEC 9/6/12 Attachment 2

County of Commit	2011 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Johnson	348	274	78.7%
Carroll*	29	22	75.9%
Fulton*	43	32	74.4%
Hamilton	501	367	73.3%
LaGrange*	56	41	73.2%
Huntington*	211	146	69.2%
Franklin*	59	40	67.8%
Hancock	91	60	65.9%
Spencer	17	11	64.7%
Vermillion	25	16	64.0%
Hendricks	192	122	63.5%
Crawford	27	17	63.0%
Wayne	366	228	62.3%
Noble*	200	124	62.0%
Montgomery	125	77	61.6%
Perry	39	24	61.5%
Marshall*	80	49	61.3%
Rush*	67	41	61.2%
Washington	67	41	61.2%
Ripley*	87	52	59.8%
Scott	111	66	59.5%
Harrison	78	45	57.7%
Howard	170	98	57.6%
Allen	924	532	57.6%
Fountain	37	21	56.8%
Clay	67	38	56.7%
Boone	98	55	56.1%
Shelby	196	106	54.1%
Jennings*	102	55	53.9%
Benton*	13	7	53.8%
Jackson	103	55	53.4%
Vanderburgh	592	316	53.4%
Putnam	123	65	52.8%
Decatur*	106	56	52.8%
Orange	40	21	52.5%
Parke	48	25	52.1%
Blackford	43	22	51.2%
Starke	100	51	51.0%
Wabash	160	81	50.6%
Lawrence	84	42	50.0%
Ohio	28	14	50.0%
Tipton	2	1	50.0%
Dearborn	253	126	49.8%
Bartholomew	101	50	49.5%
STATEWIDE	**14,435**	**7,098**	**49.2%**
Monroe	178	87	48.9%
Posey	43	21	48.8%

County of Commit	2011 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Marion	3,668	1,784	48.6%
St. Joseph	474	227	47.9%
Newton*	17	8	47.1%
Union	30	14	46.7%
Clinton	78	36	46.2%
Owen	22	10	45.5%
Madison	575	260	45.2%
Henry	72	32	44.4%
Steuben	46	20	43.5%
Switzerland	7	3	42.9%
Grant	165	70	42.4%
Miami	45	19	42.2%
Fayette	88	37	42.0%
Warrick	29	12	41.4%
Adams	59	24	40.7%
Morgan	57	23	40.4%
Elkhart	348	140	40.2%
Warren	10	4	40.0%
Wells	72	28	38.9%
Jefferson	57	22	38.6%
DeKalb	53	20	37.7%
Sullivan	51	19	37.3%
White	46	17	37.0%
Kosciusko*	125	44	35.2%
Greene	68	22	32.4%
Vigo	170	53	31.2%
Knox	26	8	30.8%
Clark	114	35	30.7%
Tippecanoe	238	71	29.8%
Whitley	34	9	26.5%
Porter	59	15	25.4%
Brown	8	2	25.0%
Jasper	12	3	25.0%
Randolph	16	4	25.0%
Delaware	143	32	22.4%
Pike	23	5	21.7%
Lake	439	89	20.3%
Cass	39	7	17.9%
Dubois	23	4	17.4%
Daviess	27	3	11.1%
Floyd	93	9	9.7%
Gibson	50	4	8.0%
Pulaski	13	1	7.7%
Jay	63	3	4.8%
LaPorte	136	6	4.4%
Martin	4	0	0.0%
Unknown	13	0	0.0%

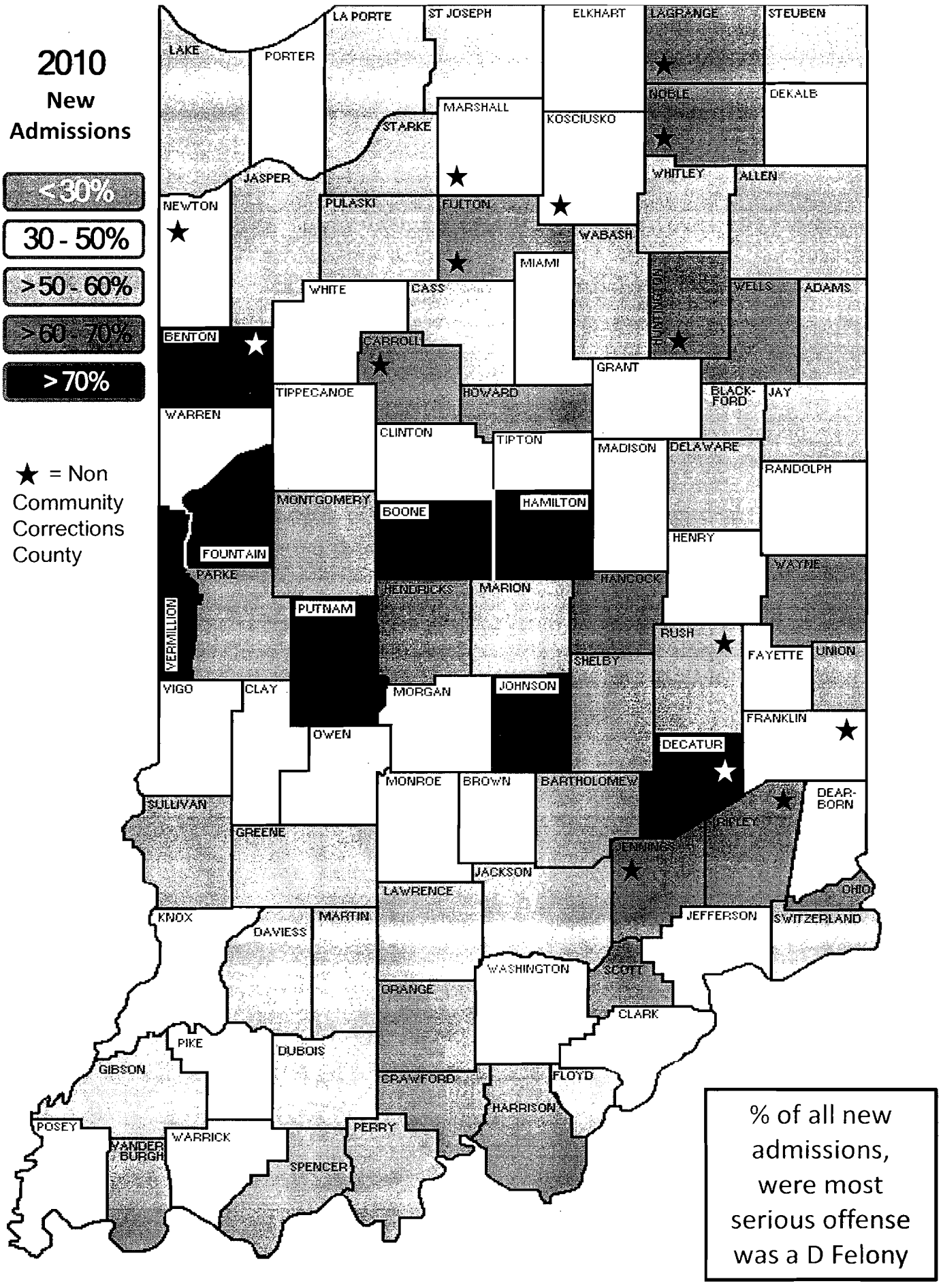
* = Non Community Corrections County

County of Commit	2011 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Adams	59	24	40.7%
Allen	924	532	57.6%
Bartholomew	101	50	49.5%
Benton*	13	7	53.8%
Blackford	43	22	51.2%
Boone	98	55	56.1%
Brown	8	2	25.0%
Carroll*	29	22	75.9%
Cass	39	7	17.9%
Clark	114	35	30.7%
Clay	67	38	56.7%
Clinton	78	36	46.2%
Crawford	27	17	63.0%
Daviess	27	3	11.1%
Dearborn	253	126	49.8%
Decatur*	106	56	52.8%
DeKalb	53	20	37.7%
Delaware	143	32	22.4%
Dubois	23	4	17.4%
Elkhart	348	140	40.2%
Fayette	88	37	42.0%
Floyd	93	9	9.7%
Fountain	37	21	56.8%
Franklin*	59	40	67.8%
Fulton*	43	32	74.4%
Gibson	50	4	8.0%
Grant	165	70	42.4%
Greene	68	22	32.4%
Hamilton	501	367	73.3%
Hancock	91	60	65.9%
Harrison	78	45	57.7%
Hendricks	192	122	63.5%
Henry	72	32	44.4%
Howard	170	98	57.6%
Huntington*	211	146	69.2%
Jackson	103	55	53.4%
Jasper	12	3	25.0%
Jay	63	3	4.8%
Jefferson	57	22	38.6%
Jennings*	102	55	53.9%
Johnson	348	274	78.7%
Knox	26	8	30.8%
Kosciusko*	125	44	35.2%
LaGrange*	56	41	73.2%
Lake	439	89	20.3%
LaPorte	136	6	4.4%
Lawrence	84	42	50.0%

County of Commit	2011 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Madison	575	260	45.2%
Marion	3,668	1,784	48.6%
Marshall*	80	49	61.3%
Martin	4	0	0.0%
Miami	45	19	42.2%
Monroe	178	87	48.9%
Montgomery	125	77	61.6%
Morgan	57	23	40.4%
Newton*	17	8	47.1%
Noble*	200	124	62.0%
Ohio	28	14	50.0%
Orange	40	21	52.5%
Owen	22	10	45.5%
Parke	48	25	52.1%
Perry	39	24	61.5%
Pike	23	5	21.7%
Porter	59	15	25.4%
Posey	43	21	48.8%
Pulaski	13	1	7.7%
Putnam	123	65	52.8%
Randolph	16	4	25.0%
Ripley*	87	52	59.8%
Rush*	67	41	61.2%
Scott	111	66	59.5%
Shelby	196	106	54.1%
Spencer	17	11	64.7%
St. Joseph	474	227	47.9%
Starke	100	51	51.0%
Steuben	46	20	43.5%
Sullivan	51	19	37.3%
Switzerland	7	3	42.9%
Tippecanoe	238	71	29.8%
Tipton	2	1	50.0%
Union	30	14	46.7%
Unknown	13	0	0.0%
Vanderburgh	592	316	53.4%
Vermillion	25	16	64.0%
Vigo	170	53	31.2%
Wabash	160	81	50.6%
Warren	10	4	40.0%
Warrick	29	12	41.4%
Washington	67	41	61.2%
Wayne	366	228	62.3%
Wells	72	28	38.9%
White	46	17	37.0%
Whitley	34	9	26.5%
STATEWIDE	**14,435**	**7,098**	**49.2%**

* = Non Community Corrections County

2010 New Admissions



% of all new admissions, were most serious offense was a D Felony

County of Commit	2010 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Vermillion	26	20	76.9%
Decatur*	93	70	75.3%
Benton*	11	8	72.7%
Hamilton	436	316	72.5%
Putnam	105	75	71.4%
Johnson	428	304	71.0%
Fountain	41	29	70.7%
Boone	120	84	70.0%
Harrison	129	89	69.0%
Ripley*	48	33	68.8%
Wayne	468	321	68.6%
Hendricks	185	125	67.6%
Wells	90	59	65.6%
Scott	115	75	65.2%
Crawford	37	24	64.9%
Noble*	249	160	64.3%
Jennings*	88	56	63.6%
Fulton*	41	26	63.4%
Hancock	101	64	63.4%
Ohio	35	22	62.9%
Carroll*	40	25	62.5%
Huntington*	241	150	62.2%
Howard	114	69	60.5%
LaGrange*	53	32	60.4%
Orange	25	15	60.0%
Vanderburgh	666	398	59.8%
Montgomery	109	65	59.6%
Parke	47	28	59.6%
Allen	1,010	590	58.4%
Sullivan	48	28	58.3%
Shelby	223	128	57.4%
Jackson	77	44	57.1%
Spencer	7	4	57.1%
Lawrence	82	46	56.1%
Adams	74	41	55.4%
Perry	38	21	55.3%
Starke	118	65	55.1%
St. Joseph	532	293	55.1%
Bartholomew	126	68	54.0%
Wabash	178	96	53.9%
Union	26	14	53.8%
Rush*	76	40	52.6%
Marion	4,211	2,197	52.2%
STATEWIDE	**15,429**	**8,013**	**51.9%**
Dearborn	255	128	50.2%
Clay	60	30	50.0%
Knox	26	13	50.0%

County of Commit	2010 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Morgan	84	42	50.0%
Randolph	20	10	50.0%
Tipton	4	2	50.0%
Warrick	42	21	50.0%
Washington	78	38	48.7%
Monroe	167	81	48.5%
Madison	503	240	47.7%
Marshall*	93	44	47.3%
Franklin*	53	25	47.2%
Kosciusko*	102	47	46.1%
Newton*	27	12	44.4%
Warren	7	3	42.9%
Pike	27	11	40.7%
Jefferson	67	27	40.3%
Clinton	88	35	39.8%
White	56	22	39.3%
DeKalb	69	27	39.1%
Owen	23	9	39.1%
Henry	83	32	38.6%
Brown	13	5	38.5%
Grant	204	78	38.2%
Posey	71	27	38.0%
Fayette	101	38	37.6%
Miami	28	10	35.7%
Vigo	202	71	35.1%
Tippecanoe	289	101	34.9%
Elkhart	306	103	33.7%
Porter	81	25	30.9%
Steuben	37	11	29.7%
Jasper	36	10	27.8%
Pulaski	15	4	26.7%
Lake	423	105	24.8%
Clark	57	14	24.6%
Delaware	120	29	24.2%
Daviess	30	7	23.3%
Whitley	22	5	22.7%
Greene	65	14	21.5%
Cass	62	11	17.7%
Jay	57	8	14.0%
Blackford	31	4	12.9%
Dubois	33	3	9.1%
Floyd	80	6	7.5%
LaPorte	108	7	6.5%
Gibson	42	1	2.4%
Martin	3	0	0.0%
Switzerland	4	0	0.0%
Unknown	8	0	0.0%

* = Non Community Corrections County

County of Commit	2010 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Adams	74	41	55.4%
Allen	1,010	590	58.4%
Bartholomew	126	68	54.0%
Benton*	11	8	72.7%
Blackford	31	4	12.9%
Boone	120	84	70.0%
Brown	13	5	38.5%
Carroll*	40	25	62.5%
Cass	62	11	17.7%
Clark	57	14	24.6%
Clay	60	30	50.0%
Clinton	88	35	39.8%
Crawford	37	24	64.9%
Daviess	30	7	23.3%
Dearborn	255	128	50.2%
Decatur*	93	70	75.3%
DeKalb	69	27	39.1%
Delaware	120	29	24.2%
Dubois	33	3	9.1%
Elkhart	306	103	33.7%
Fayette	101	38	37.6%
Floyd	80	6	7.5%
Fountain	41	29	70.7%
Franklin*	53	25	47.2%
Fulton*	41	26	63.4%
Gibson	42	1	2.4%
Grant	204	78	38.2%
Greene	65	14	21.5%
Hamilton	436	316	72.5%
Hancock	101	64	63.4%
Harrison	129	89	69.0%
Hendricks	185	125	67.6%
Henry	83	32	38.6%
Howard	114	69	60.5%
Huntington*	241	150	62.2%
Jackson	77	44	57.1%
Jasper	36	10	27.8%
Jay	57	8	14.0%
Jefferson	67	27	40.3%
Jennings*	88	56	63.6%
Johnson	428	304	71.0%
Knox	26	13	50.0%
Kosciusko*	102	47	46.1%
LaGrange*	53	32	60.4%
Lake	423	105	24.8%
LaPorte	108	7	6.5%
Lawrence	82	46	56.1%

County of Commit	2010 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Madison	503	240	47.7%
Marion	4,211	2,197	52.2%
Marshall*	93	44	47.3%
Martin	3	0	0.0%
Miami	28	10	35.7%
Monroe	167	81	48.5%
Montgomery	109	65	59.6%
Morgan	84	42	50.0%
Newton*	27	12	44.4%
Noble*	249	160	64.3%
Ohio	35	22	62.9%
Orange	25	15	60.0%
Owen	23	9	39.1%
Parke	47	28	59.6%
Perry	38	21	55.3%
Pike	27	11	40.7%
Porter	81	25	30.9%
Posey	71	27	38.0%
Pulaski	15	4	26.7%
Putnam	105	75	71.4%
Randolph	20	10	50.0%
Ripley*	48	33	68.8%
Rush*	76	40	52.6%
Scott	115	75	65.2%
Shelby	223	128	57.4%
Spencer	7	4	57.1%
St. Joseph	532	293	55.1%
Starke	118	65	55.1%
Steuben	37	11	29.7%
Sullivan	48	28	58.3%
Switzerland	4	0	0.0%
Tippecanoe	289	101	34.9%
Tipton	4	2	50.0%
Union	26	14	53.8%
Unknown	8	0	0.0%
Vanderburgh	666	398	59.8%
Vermillion	26	20	76.9%
Vigo	202	71	35.1%
Wabash	178	96	53.9%
Warren	7	3	42.9%
Warrick	42	21	50.0%
Washington	78	38	48.7%
Wayne	468	321	68.6%
Wells	90	59	65.6%
White	56	22	39.3%
Whitley	22	5	22.7%
STATEWIDE	**15,429**	**8,013**	**51.9%**

* = Non Community Corrections County

County of Commit	2009 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Franklin*	66	59	89.4%
Newton*	11	9	81.8%
Vermillion	34	27	79.4%
Carroll*	44	34	77.3%
Fulton*	62	45	72.6%
Ripley*	72	52	72.2%
Hendricks	219	158	72.1%
Hamilton	443	315	71.1%
Huntington*	264	186	70.5%
Boone	88	61	69.3%
Johnson	479	325	67.8%
Union	31	21	67.7%
Decatur*	102	69	67.6%
Bartholomew	141	93	66.0%
Whitley	26	17	65.4%
Jackson	125	81	64.8%
Rush*	62	40	64.5%
Crawford	45	29	64.4%
Marshall*	83	53	63.9%
Wayne	510	323	63.3%
Putnam	132	83	62.9%
Starke	113	71	62.8%
Jennings*	72	45	62.5%
Ohio	16	10	62.5%
Parke	48	30	62.5%
Perry	42	26	61.9%
DeKalb	55	34	61.8%
Montgomery	126	77	61.1%
Sullivan	57	34	59.6%
Allen	1,080	643	59.5%
Shelby	254	144	56.7%
Noble*	233	132	56.7%
Harrison	83	47	56.6%
Fayette	88	49	55.7%
Morgan	82	45	54.9%
LaGrange*	61	33	54.1%
Hancock	126	68	54.0%
Scott	80	43	53.8%
Jefferson	36	19	52.8%
Fountain	42	22	52.4%
STATEWIDE	**15,911**	**8,231**	**51.7%**
Marion	4,663	2,403	51.5%
Vanderburgh	519	266	51.3%
Adams	90	46	51.1%
Dearborn	246	125	50.8%
Spencer	6	3	50.0%
Wabash	144	72	50.0%

County of Commit	2009 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Monroe	179	85	47.5%
Howard	150	71	47.3%
St. Joseph	434	205	47.2%
Knox	32	15	46.9%
Wells	96	45	46.9%
Lawrence	73	34	46.6%
Henry	101	47	46.5%
Washington	67	31	46.3%
Madison	449	207	46.1%
Kosciusko*	141	64	45.4%
Steuben	49	22	44.9%
Owen	41	18	43.9%
Miami	87	38	43.7%
Warren	7	3	42.9%
Warrick	35	15	42.9%
Delaware	139	59	42.4%
Jasper	35	14	40.0%
Vigo	194	76	39.2%
Tippecanoe	258	100	38.8%
Posey	40	15	37.5%
Greene	59	22	37.3%
Elkhart	379	136	35.9%
Grant	205	73	35.6%
Brown	23	8	34.8%
Orange	18	6	33.3%
Clinton	40	13	32.5%
Benton*	13	4	30.8%
Clay	52	16	30.8%
Porter	66	19	28.8%
Jay	63	18	28.6%
White	53	15	28.3%
Lake	458	129	28.2%
Cass	45	10	22.2%
Pulaski	10	2	20.0%
Randolph	15	3	20.0%
Tipton	6	1	16.7%
Clark	69	10	14.5%
Pike	8	1	12.5%
Dubois	42	5	11.9%
Floyd	56	3	5.4%
Gibson	41	2	4.9%
Daviess	24	1	4.2%
LaPorte	105	3	2.9%
Blackford	18	0	0.0%
Martin	2	0	0.0%
Switzerland	4	0	0.0%
Unknown	29	0	0.0%

* = Non Community Corrections County

County of Commit	2009 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Adams	90	46	51.1%
Allen	1,080	643	59.5%
Bartholomew	141	93	66.0%
Benton*	13	4	30.8%
Blackford	18	0	0.0%
Boone	88	61	69.3%
Brown	23	8	34.8%
Carroll*	44	34	77.3%
Cass	45	10	22.2%
Clark	69	10	14.5%
Clay	52	16	30.8%
Clinton	40	13	32.5%
Crawford	45	29	64.4%
Daviess	24	1	4.2%
Dearborn	246	125	50.8%
Decatur*	102	69	67.6%
DeKalb	55	34	61.8%
Delaware	139	59	42.4%
Dubois	42	5	11.9%
Elkhart	379	136	35.9%
Fayette	88	49	55.7%
Floyd	56	3	5.4%
Fountain	42	22	52.4%
Franklin*	66	59	89.4%
Fulton*	62	45	72.6%
Gibson	41	2	4.9%
Grant	205	73	35.6%
Greene	59	22	37.3%
Hamilton	443	315	71.1%
Hancock	126	68	54.0%
Harrison	83	47	56.6%
Hendricks	219	158	72.1%
Henry	101	47	46.5%
Howard	150	71	47.3%
Huntington*	264	186	70.5%
Jackson	125	81	64.8%
Jasper	35	14	40.0%
Jay	63	18	28.6%
Jefferson	36	19	52.8%
Jennings*	72	45	62.5%
Johnson	479	325	67.8%
Knox	32	15	46.9%
Kosciusko*	141	64	45.4%
LaGrange*	61	33	54.1%
Lake	458	129	28.2%
LaPorte	105	3	2.9%
Lawrence	73	34	46.6%

County of Commit	2009 TOTAL NEW ADMISSIONS	FELONY D (Most Serious Offense)	% of ADMISSIONS MSO = Felony D
Madison	449	207	46.1%
Marion	4,663	2,403	51.5%
Marshall*	83	53	63.9%
Martin	2	0	0.0%
Miami	87	38	43.7%
Monroe	179	85	47.5%
Montgomery	126	77	61.1%
Morgan	82	45	54.9%
Newton*	11	9	81.8%
Noble*	233	132	56.7%
Ohio	16	10	62.5%
Orange	18	6	33.3%
Owen	41	18	43.9%
Parke	48	30	62.5%
Perry	42	26	61.9%
Pike	8	1	12.5%
Porter	66	19	28.8%
Posey	40	15	37.5%
Pulaski	10	2	20.0%
Putnam	132	83	62.9%
Randolph	15	3	20.0%
Ripley*	72	52	72.2%
Rush*	62	40	64.5%
Scott	80	43	53.8%
Shelby	254	144	56.7%
Spencer	6	3	50.0%
St. Joseph	434	205	47.2%
Starke	113	71	62.8%
Steuben	49	22	44.9%
Sullivan	57	34	59.6%
Switzerland	4	0	0.0%
Tippecanoe	258	100	38.8%
Tipton	6	1	16.7%
Union	31	21	67.7%
Unknown	29	0	0.0%
Vanderburgh	519	266	51.3%
Vermillion	34	27	79.4%
Vigo	194	76	39.2%
Wabash	144	72	50.0%
Warren	7	3	42.9%
Warrick	35	15	42.9%
Washington	67	31	46.3%
Wayne	510	323	63.3%
Wells	96	45	46.9%
White	53	15	28.3%
Whitley	26	17	65.4%
STATEWIDE	**15,911**	**8,231**	**51.7%**

* = Non Community Corrections County

% of ADMISSIONS MSO = Felony D			
County	2011	2010	2009
Color specific to respective year			
Adams	40.7%	55.4%	51.1%
Allen	57.6%	58.4%	59.5%
Bartholomew	49.5%	54.0%	66.0%
Benton*	53.8%	72.7%	30.8%
Blackford	51.2%	12.9%	0.0%
Boone	56.1%	70.0%	69.3%
Brown	25.0%	38.5%	34.8%
Carroll*	75.9%	62.5%	77.3%
Cass	17.9%	17.7%	22.2%
Clark	30.7%	24.6%	14.5%
Clay	56.7%	50.0%	30.8%
Clinton	46.2%	39.8%	32.5%
Crawford	63.0%	64.9%	64.4%
Daviess	11.1%	23.3%	4.2%
Dearborn	49.8%	50.2%	50.8%
Decatur*	52.8%	75.3%	67.6%
DeKalb	37.7%	39.1%	61.8%
Delaware	22.4%	24.2%	42.4%
Dubois	17.4%	9.1%	11.9%
Elkhart	40.2%	33.7%	35.9%
Fayette	42.0%	37.6%	55.7%
Floyd	9.7%	7.5%	5.4%
Fountain	56.8%	70.7%	52.4%
Franklin*	67.8%	47.2%	89.4%
Fulton*	74.4%	63.4%	72.6%
Gibson	8.0%	2.4%	4.9%
Grant	42.4%	38.2%	35.6%
Greene	32.4%	21.5%	37.3%
Hamilton	73.3%	72.5%	71.1%
Hancock	65.9%	63.4%	54.0%
Harrison	57.7%	69.0%	56.6%
Hendricks	63.5%	67.6%	72.1%
Henry	44.4%	38.6%	46.5%
Howard	57.6%	60.5%	47.3%
Huntington*	69.2%	62.2%	70.5%
Jackson	53.4%	57.1%	64.8%
Jasper	25.0%	27.8%	40.0%
Jay	4.8%	14.0%	28.6%
Jefferson	38.6%	40.3%	52.8%
Jennings*	53.9%	63.6%	62.5%
Johnson	78.7%	71.0%	67.8%
Knox	30.8%	50.0%	46.9%
Kosciusko*	35.2%	46.1%	45.4%
LaGrange*	73.2%	60.4%	54.1%
Lake	20.3%	24.8%	28.2%
LaPorte	4.4%	6.5%	2.9%
Lawrence	50.0%	56.1%	46.6%
STATEWIDE	49.2%	51.9%	51.7%

% of ADMISSIONS MSO = Felony D			
County	2011	2010	2009
Color specific to respective county			
Adams	40.7%	55.4%	51.1%
Allen	57.6%	58.4%	59.5%
Bartholomew	49.5%	54.0%	66.0%
Benton*	53.8%	72.7%	30.8%
Blackford	51.2%	12.9%	0.0%
Boone	56.1%	70.0%	69.3%
Brown	25.0%	38.5%	34.8%
Carroll*	75.9%	62.5%	77.3%
Cass	17.9%	17.7%	22.2%
Clark	30.7%	24.6%	14.5%
Clay	56.7%	50.0%	30.8%
Clinton	46.2%	39.8%	32.5%
Crawford	63.0%	64.9%	64.4%
Daviess	11.1%	23.3%	4.2%
Dearborn	49.8%	50.2%	50.8%
Decatur*	52.8%	75.3%	67.6%
DeKalb	37.7%	39.1%	61.8%
Delaware	22.4%	24.2%	42.4%
Dubois	17.4%	9.1%	11.9%
Elkhart	40.2%	33.7%	35.9%
Fayette	42.0%	37.6%	55.7%
Floyd	9.7%	7.5%	5.4%
Fountain	56.8%	70.7%	52.4%
Franklin*	67.8%	47.2%	89.4%
Fulton*	74.4%	63.4%	72.6%
Gibson	8.0%	2.4%	4.9%
Grant	42.4%	38.2%	35.6%
Greene	32.4%	21.5%	37.3%
Hamilton	73.3%	72.5%	71.1%
Hancock	65.9%	63.4%	54.0%
Harrison	57.7%	69.0%	56.6%
Hendricks	63.5%	67.6%	72.1%
Henry	44.4%	38.6%	46.5%
Howard	57.6%	60.5%	47.3%
Huntington*	69.2%	62.2%	70.5%
Jackson	53.4%	57.1%	64.8%
Jasper	25.0%	27.8%	40.0%
Jay	4.8%	14.0%	28.6%
Jefferson	38.6%	40.3%	52.8%
Jennings*	53.9%	63.6%	62.5%
Johnson	78.7%	71.0%	67.8%
Knox	30.8%	50.0%	46.9%
Kosciusko*	35.2%	46.1%	45.4%
LaGrange*	73.2%	60.4%	54.1%
Lake	20.3%	24.8%	28.2%
LaPorte	4.4%	6.5%	2.9%
Lawrence	50.0%	56.1%	46.6%
STATEWIDE	49.2%	51.9%	51.7%

Felony D - New Admissions			
County	2011	2010	2009
Color specific to respective county			
Adams	24	41	46
Allen	532	590	643
Bartholomew	50	68	93
Benton*	7	8	4
Blackford	22	4	0
Boone	55	84	61
Brown	2	5	8
Carroll*	22	25	34
Cass	7	11	10
Clark	35	14	10
Clay	38	30	16
Clinton	36	35	13
Crawford	17	24	29
Daviess	3	7	1
Dearborn	126	128	125
Decatur*	56	70	69
DeKalb	20	27	34
Delaware	32	29	59
Dubois	4	3	5
Elkhart	140	103	136
Fayette	37	38	49
Floyd	9	6	3
Fountain	21	29	22
Franklin*	40	25	59
Fulton*	32	26	45
Gibson	4	1	2
Grant	70	78	73
Greene	22	14	22
Hamilton	367	316	315
Hancock	60	64	68
Harrison	45	89	47
Hendricks	122	125	158
Henry	32	32	47
Howard	98	69	71
Huntington*	146	150	186
Jackson	55	44	81
Jasper	3	10	14
Jay	3	8	18
Jefferson	22	27	19
Jennings*	55	56	45
Johnson	274	304	325
Knox	8	13	15
Kosciusko*	44	47	64
LaGrange*	41	32	33
Lake	89	105	129
LaPorte	6	7	3
Lawrence	42	46	34
STATEWIDE	7,098	8,013	8,231

* = Non Community Corrections County

% of ADMISSIONS MSO = Felony D			
County	2011	2010	2009
Color specific to respective year			
Madison	45.2%	47.7%	46.1%
Marion	48.6%	52.2%	51.5%
Marshall*	61.3%	47.3%	63.9%
Martin	0.0%	0.0%	0.0%
Miami	42.2%	35.7%	43.7%
Monroe	48.9%	48.5%	47.5%
Montgomery	61.6%	59.6%	61.1%
Morgan	40.4%	50.0%	54.9%
Newton*	47.1%	44.4%	81.8%
Noble*	62.0%	64.3%	56.7%
Ohio	50.0%	62.9%	62.5%
Orange	52.5%	60.0%	33.3%
Owen	45.5%	39.1%	43.9%
Parke	52.1%	59.6%	62.5%
Perry	61.5%	55.3%	61.9%
Pike	21.7%	40.7%	12.5%
Porter	25.4%	30.9%	28.8%
Posey	48.8%	38.0%	37.5%
Pulaski	7.7%	26.7%	20.0%
Putnam	52.8%	71.4%	62.9%
Randolph	25.0%	50.0%	20.0%
Ripley*	59.8%	68.8%	72.2%
Rush*	61.2%	52.6%	64.5%
Scott	59.5%	65.2%	53.8%
Shelby	54.1%	57.4%	56.7%
Spencer	64.7%	57.1%	50.0%
St. Joseph	47.9%	55.1%	47.2%
Starke	51.0%	55.1%	62.8%
Steuben	43.5%	29.7%	44.9%
Sullivan	37.3%	58.3%	59.6%
Switzerland	42.9%	0.0%	0.0%
Tippecanoe	29.8%	34.9%	38.8%
Tipton	50.0%	50.0%	16.7%
Union	46.7%	53.8%	67.7%
Vanderburgh	53.4%	59.8%	51.3%
Vermillion	64.0%	76.9%	79.4%
Vigo	31.2%	35.1%	39.2%
Wabash	50.6%	53.9%	50.0%
Warren	40.0%	42.9%	42.9%
Warrick	41.4%	50.0%	42.9%
Washington	61.2%	48.7%	46.3%
Wayne	62.3%	68.6%	63.3%
Wells	38.9%	65.6%	46.9%
White	37.0%	39.3%	28.3%
Whitley	26.5%	22.7%	65.4%
STATEWIDE	49.2%	51.9%	51.7%

% of ADMISSIONS MSO = Felony D			
County	2011	2010	2009
Color specific to respective county			
Madison	45.2%	47.7%	46.1%
Marion	48.6%	52.2%	51.5%
Marshall*	61.3%	47.3%	63.9%
Martin	0.0%	0.0%	0.0%
Miami	42.2%	35.7%	43.7%
Monroe	48.9%	48.5%	47.5%
Montgomery	61.6%	59.6%	61.1%
Morgan	40.4%	50.0%	54.9%
Newton*	47.1%	44.4%	81.8%
Noble*	62.0%	64.3%	56.7%
Ohio	50.0%	62.9%	62.5%
Orange	52.5%	60.0%	33.3%
Owen	45.5%	39.1%	43.9%
Parke	52.1%	59.6%	62.5%
Perry	61.5%	55.3%	61.9%
Pike	21.7%	40.7%	12.5%
Porter	25.4%	30.9%	28.8%
Posey	48.8%	38.0%	37.5%
Pulaski	7.7%	26.7%	20.0%
Putnam	52.8%	71.4%	62.9%
Randolph	25.0%	50.0%	20.0%
Ripley*	59.8%	68.8%	72.2%
Rush*	61.2%	52.6%	64.5%
Scott	59.5%	65.2%	53.8%
Shelby	54.1%	57.4%	56.7%
Spencer	64.7%	57.1%	50.0%
St. Joseph	47.9%	55.1%	47.2%
Starke	51.0%	55.1%	62.8%
Steuben	43.5%	29.7%	44.9%
Sullivan	37.3%	58.3%	59.6%
Switzerland	42.9%	0.0%	0.0%
Tippecanoe	29.8%	34.9%	38.8%
Tipton	50.0%	50.0%	16.7%
Union	46.7%	53.8%	67.7%
Vanderburgh	53.4%	59.8%	51.3%
Vermillion	64.0%	76.9%	79.4%
Vigo	31.2%	35.1%	39.2%
Wabash	50.6%	53.9%	50.0%
Warren	40.0%	42.9%	42.9%
Warrick	41.4%	50.0%	42.9%
Washington	61.2%	48.7%	46.3%
Wayne	62.3%	68.6%	63.3%
Wells	38.9%	65.6%	46.9%
White	37.0%	39.3%	28.3%
Whitley	26.5%	22.7%	65.4%
STATEWIDE	49.2%	51.9%	51.7%

Felony D - New Admissions			
County	2011	2010	2009
Color specific to respective county			
Madison	260	240	207
Marion	1,784	2,197	2,403
Marshall*	49	44	53
Martin	0	0	0
Miami	19	10	38
Monroe	87	81	85
Montgomery	77	65	77
Morgan	23	42	45
Newton*	8	12	9
Noble*	124	160	132
Ohio	14	22	10
Orange	21	15	6
Owen	10	9	18
Parke	25	28	30
Perry	24	21	26
Pike	5	11	1
Porter	15	25	19
Posey	21	27	15
Pulaski	1	4	2
Putnam	65	75	83
Randolph	4	10	3
Ripley*	52	33	52
Rush*	41	40	40
Scott	66	75	43
Shelby	106	128	144
Spencer	11	4	3
St. Joseph	227	293	205
Starke	51	65	71
Steuben	20	11	22
Sullivan	19	28	34
Switzerland	3	0	0
Tippecanoe	71	101	100
Tipton	1	2	1
Union	14	14	21
Vanderburgh	316	398	266
Vermillion	16	20	27
Vigo	53	71	76
Wabash	81	96	72
Warren	4	3	3
Warrick	12	21	15
Washington	41	38	31
Wayne	228	321	323
Wells	28	59	45
White	17	22	15
Whitley	9	5	17
STATEWIDE	7,098	8,013	8,231

* = Non Community Corrections County

CCEC
9/6/12
Attachment 3

Review of IDOC Admission Cohort of FD and Select FC Offenders

Presentation to Indiana Criminal Code Evaluation Commission

September 6, 2012

G. Roger Jarjoura
Thomas D. Stucky

CENTER FOR CRIMINAL JUSTICE RESEARCH

SCHOOL OF PUBLIC AND ENVIRONMENTAL AFFAIRS
INDIANA UNIVERSITY
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Outline

- Background
- Questions for Study
- Data collection
- Results
- Conclusions
- Q & A

Background

- In 2011 CCEC forms DAWG
- 9/2011 DAWG met with Jarjoura/Stucky
- Agreed to conduct a study to better understand processes that ultimately result in offenders sentenced to IDOC where most serious conviction offense was FD or selected nonviolent C felonies
- Goal was to provide rich case-level data on all eligible cases for offenders admitted to IDOC from 6/1 – 8/31, 2011

Key Questions for Study

- Is conviction offense an accurate representation of facts of case?
  - What other charges might have been (were) filed?
  - What charges were dismissed as part of plea agreement?

- If offenders were not going to go to IDOC for conviction offenses, then what are alternatives?
  - Are there viable (keeping in mind public safety) options at local level?
  - Are there community-based options available in jurisdiction?
  - What policies exist to support or discourage use of community-based or local sentencing alternatives to IDOC?
    - Policies of courts
    - Policies internal to prosecutor's office

Key Questions for Study

- If offenders are being sentenced to IDOC as result of probation violations, is use of incarceration at state level necessary/warranted?
  - What are facts related to violations?
  - What local alternatives are available as alternative sanctions for probation violations?
  - Are there additional facts that would support conclusion that incarceration at state level is necessary response?

- If offenders are serving short terms in IDOC, is this a function of the original sentence?
  - How is jail time credit being factored in?
  - Is there a requirement in place that leads to "walk through" admissions when going to prison might be avoided?
  - What other factors are influencing differences between length of sentence & actual length of time spent in IDOC facilities?

What This Study is Not

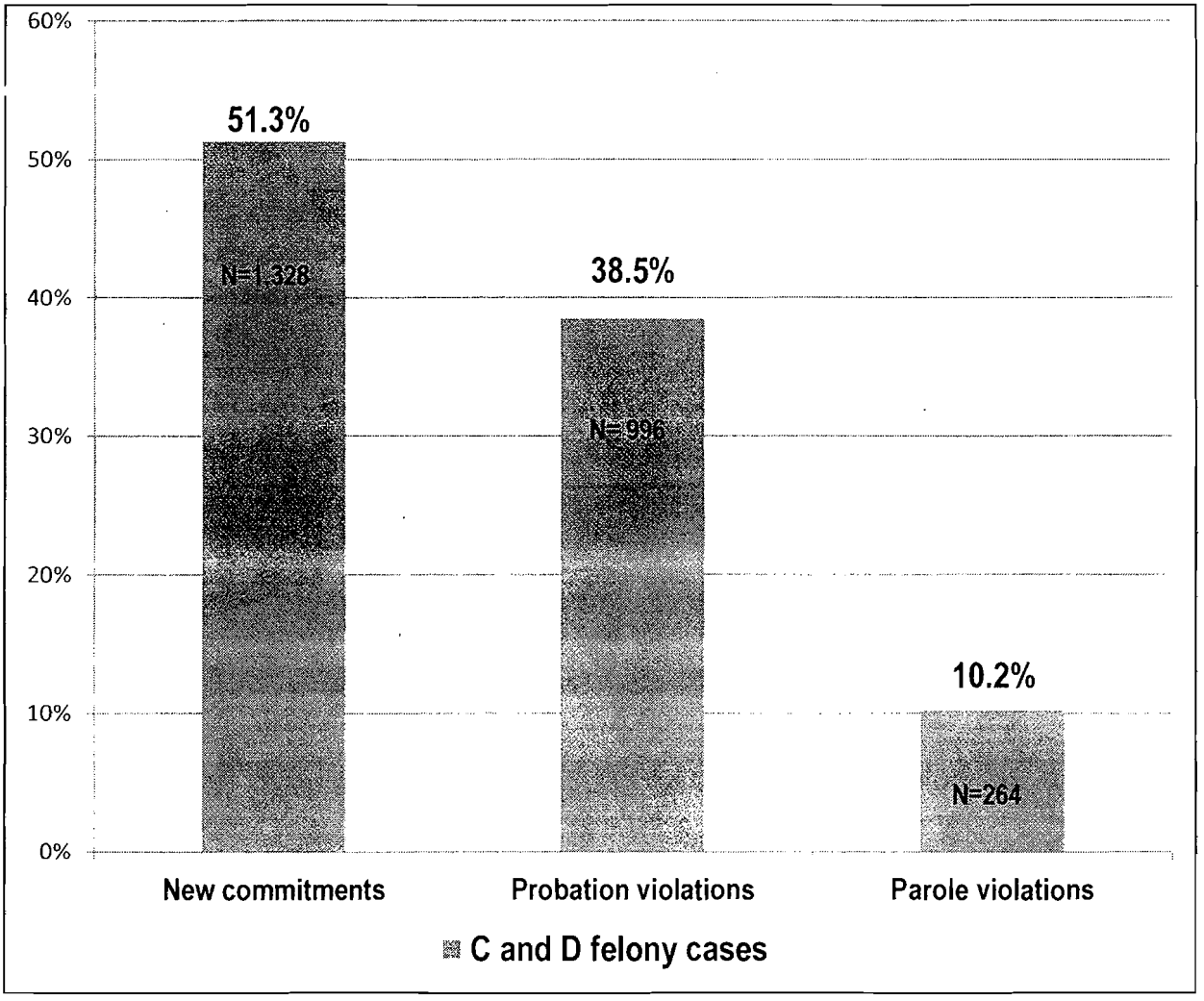
- An assessment of charging practices – we have no data on the vast majority of D felony cases that do not end in a prison sentence
- An examination of sentencing practices related to *all* D felonies and nonviolent C felonies
- An evaluation of community corrections programs or probation

Data collection

- 84 of 92 counties had eligible cases
- All 83 affected prosecutors were contacted
- List of cases sent to them
- Data were compiled
  - by county prosecutor & staff
  - by phone interview
  - by CCJR staff traveling to county to compile data
- Once data collected, forms were reviewed & information was entered into database
- Of 2,730 cause numbers eligible for study, information was available for analyses on 2,708 cases
- 2,334 offenders

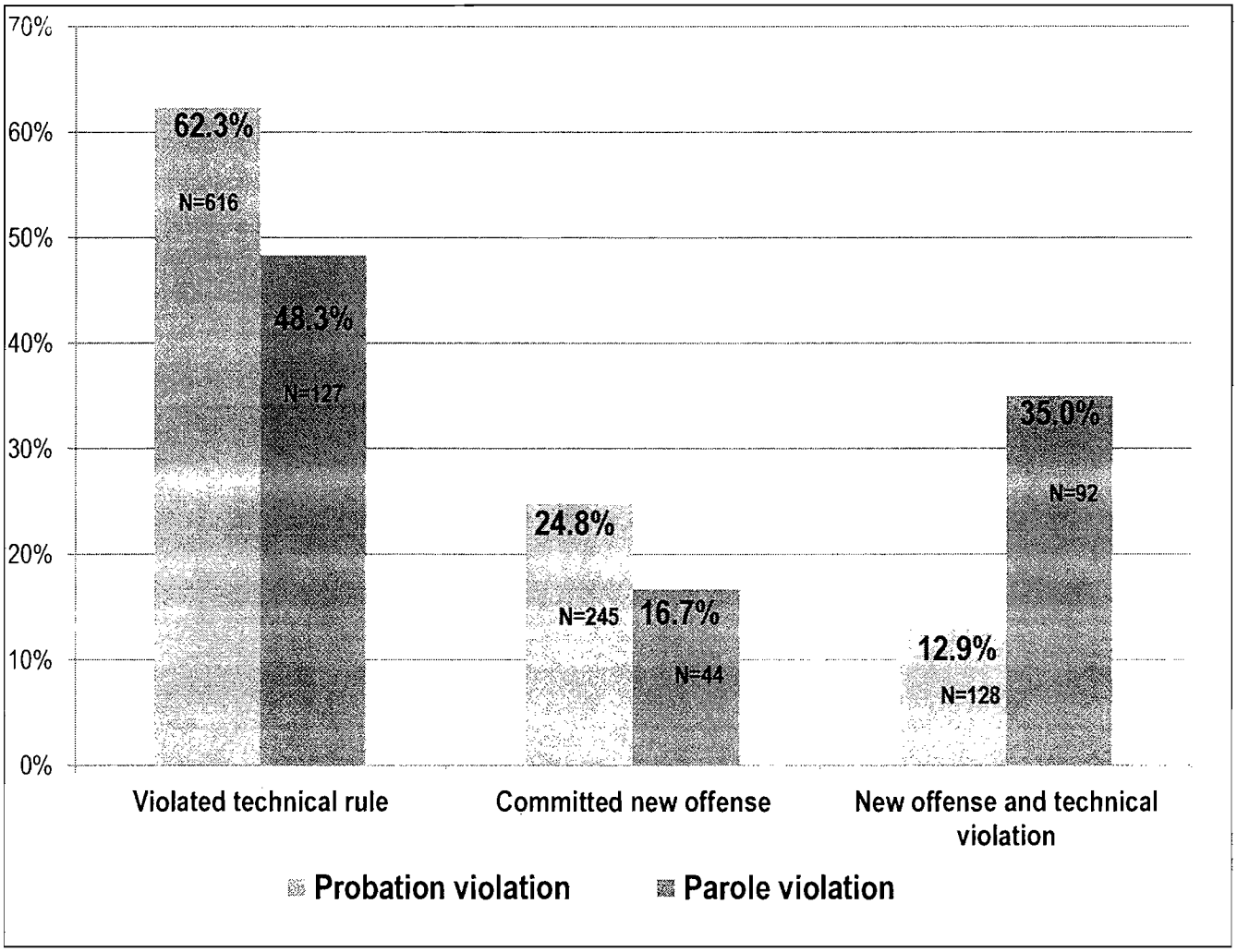
Types of Admission

- 2,708 total cases for 2,334 offenders
- 2,588 D and C felony cases



Types of Admission

- 62% of probation violation cases & 48% of parole violations were admitted for technical violations only

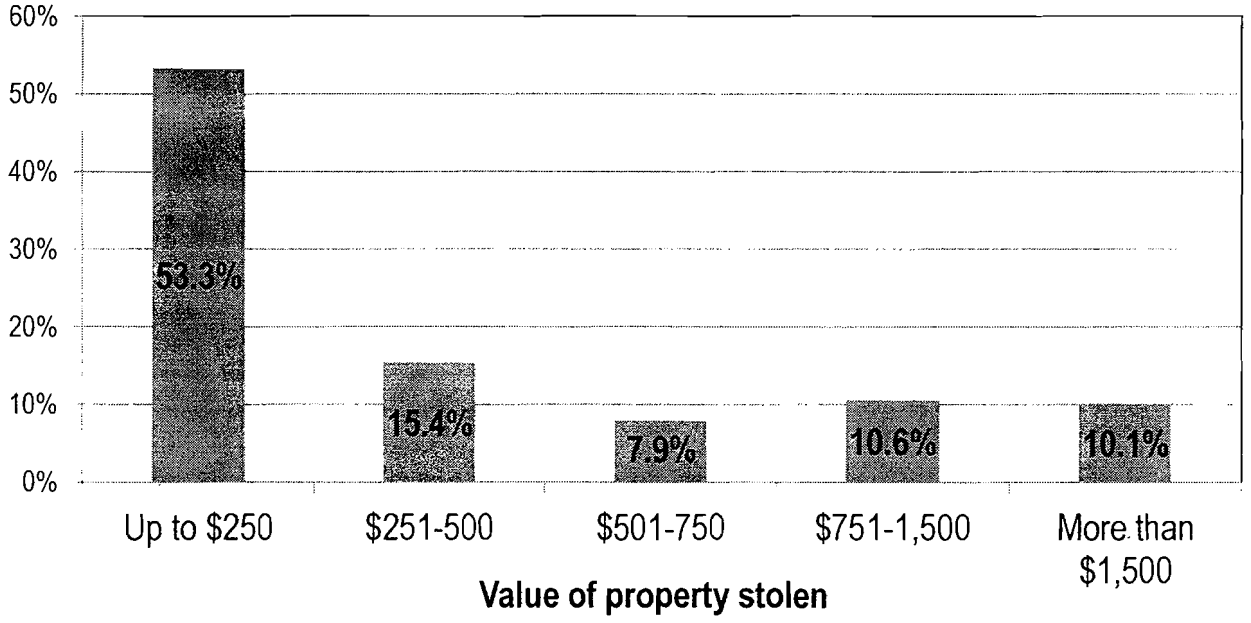


Demographics

- Average age: 32 for probation violators - 38 for parole violators
- 80 + % were male
- For FD NC cases, about 70% White, 25% Black
- For FD probation violation cases, 65% White, 32% Black
- For FD parole violations, 56% of cases White, 40% Black

Crime Characteristics

- More than 1/4 of FD cases were theft or receiving stolen property
- Where known, estimated value of property stolen in NC theft cases was < $250 in 53% of cases & < $750 in nearly 80% of cases
- Shoplifting (theft from retail store) about ½ of NC FD theft cases
- FD level drug possession about ¼ of cases
- OWI w/prior about 14% of FD NC cases



Crime Characteristics

- < 15% of FD NC violent offenses
- < 5% sex offenses
- 38% of eligible FC NC cases & 62% of probation violations were forgery
- 29% of eligible FC NC cases & 20% of probation violations were operating vehicle after lifetime suspension
- 1/4 of FC NC & 12% of probation violation cases were possession of cocaine, narcotics, or methamphetamines

Case Characteristics

Case characteristics	FD	FC
Sentence result of plea agreement	93%	94%
Sentence open	21%	32%
No sentence modifications	47%	47%
Plea agreement, plea to lesser offense	7%	15%
Plea agreement, charges not filed/dismissed	18%	23%
Plea agreement, other cases/causes dismissed	51%	58%
At sentencing, court aware of pending cases	26%	29%
Any part of sentence non-suspendable	55%	70%
Previous convictions as adult/juvenile	90%	92%
Previous probation violations	73%	80%
Percent of all offenders with CC experience	27%	29%
Percent on CC with at least one failure	76%	81%

Case Characteristics

- More than 2/3 had 3 + prior convictions
- More than 3/4 of NC cases had 1+ prior felony conviction
- About 20% of NC cases, 16% of probation violation cases, & 31% of parole violation cases had 1+ prior violent felony convictions
- < 40% had prior felony drug convictions
- Few race/ethnicity differences noted in case characteristics
- Dealing charges dropped in 19% of drug possessions
- Burglary/robbery charges dropped in 6% FD thefts

Prior convictions	New commitments	Probation violations	Parole violations
Total	5.5	4.2	5.8
All felony	2.3	2.1	3.7
Violent felony	0.3	0.54	0.8
Drug felony	1.0	0.8	1.3

Prior Community Supervision & Prison Experience

- 86% of FD & 90% of FC NC cases involved offenders w/ prior community supervision experience
- 74% of FD NC & 81% of FC NC cases had prior probation violations
- About 55% of C & FD NC had 1 type of prior community supervision (CS) sentence
- 31% of FD cases 36% of FC cases had 2+ types of prior CS

Prior Community Supervision & Prison Experience

- 74% of FD NC & 81% of FC NC cases had failed on at least one type of CS.
- Of those w/ prior community corrections sentences, about 3/4 of FD NC cases & 81% of FC NC cases had 1+ violations
- For NC cases, 2/3 of FD & 71% of FC cases had previously been to IDOC.
- For probation violation cases, 58% of FD cases & 66% of FC cases had previously been to IDOC

Types of prior community supervision failure	FD	FC
0	26%	19%
1	52%	53%
2	18%	21%
3+	5%	7%
Total	100%	100%

Sentence Characteristics

- Executed sentences were < 1 year for half of FD NC cases & 55% of FD probation violations
- 45% of FD NC cases & 1/3 of probation violation cases had executed sentences of 18 months or more
- For FC offenders, executed sentences were 18 months or longer for 94% of NC & 64% of probation violations
- 40% of NC but only 5% of probation violation cases had some portion of total sentence suspended
- More than 90% of forgery cases had executed sentences of 18 months or more

Sentence Length in Days	Executed sentence %
D felony new commitments	
Less than 1 year	51%
More than 18 months	45%
Average	551.9
D felony probation violations	
Less than 1 year	55%
More than 18 months	33%
Average	441.1
C felony new commitments	
Less than 1 year	5%
More than 18 months	94%
Average	1301.5
C felony probation violations	
Less than 1 year	27%
More than 18 months	64%
Average	833.3

Jail Credit

- 41% of FD NC cases & 1/2 of FD probation violation cases earned 30 days or less of jail credit
- 17% of FD probation violation cases but 41% of FC NC earned 181+ jail credit days

Jail Credit Days	New commitments	Probation violations
	%	%
D felony		
30 days or less	41%	50%
More than 180 days	24%	17%
Average	**116.0**	**88.3**
C felony		
30 days or less	26%	39%
More than 180 days	41%	30%
Average	**191.3**	**169.9**

Jail Credit

- For NC cases, 9% of FD cases & 3% of FC cases served entire IDOC sentence in jail
- For Probation violation cases, 4% of FD cases & 1% of FC cases served entire IDOC sentence in jail
- For those who served entire IDOC sentence in local jail, 71% of NC cases & 86% of probation violation sentences < 61 days

Expected LOS

- About 20% of FD NC & probation violation cases expected LOS of 60 days or less
- More than 1/2 had an expected LOS of 180 days or less
- Less than 30% of FD cases had expected LOS of 271+ days
- For FC cases, 37% of NC cases & 71% of probation violation cases had an expected LOS of 1 year or less
- Overall, expected LOS increased as number of prior convictions increased

Expected LOS	New commitments	Probation violations
	%	%
D felony		
Up to 60 days	19%	20%
61-180 days	35%	39%
More than 270 days	28%	27%
Average	217.9	176.4
C felony		
Up to 60 days	2%	12%
61-180 days	5%	19%
More than 270 days	86%	51%
Average	555.1	332.8

Actual LOS

- For FD cases, 41% of NC cases, 46% of probation violation cases, & 65% of parole violation cases had an actual LOS of 120 days or less
- For FC cases, 31% of NC cases, 57% of probation violations, & 72% of parole violation cases had LOS of 270 days or less
- For FD cases, 17% of NC, 9% of probation violations, & 6% of parole violation cases had an actual LOS of longer than one year
- For FC cases, 1/2 of NC, 1/4 of probation violation cases, & 15% of parole violations had actual LOS days of more than 365 days

LOS Days	New commitment	Probation violation	Parole violation
D felony			
1-120	41%	46%	65%
366 +	17%	9%	6%
Average LOS	235.3	186.2	127.6
C felony			
1-270	31%	57%	72%
366 +	50%	25%	15%
Average LOS	512.2	342.9	196.7

Actual LOS

- Longer LOS days were associated w/ higher average numbers of prior convictions
- Non-suspendable sentences also were associated w/ higher LOS days

Actual LOS	Average jail credit days		Any part of sentence non-suspendable (% of cases)	
	D felony	C felony	D felony	C felony
1-60	95	330	40%	67%
61-120	109	369	56%	22%
121-180	135	93	49%	77%
181-270	132	157	56%	77%
271-365	106	121	59%	70%
366 +	126	195	69%	70%
Total	**116**	**191**	**55%**	**70%**

Expected LOS v. Actual LOS

- Generally actual LOS corresponded to expected LOS
- The correspondence between expected LOS & actual LOS varied somewhat & generally declined as range of days of expected LOS & actual LOS increased for FD cases

Actual length of stay	Expected length of stay						
	One-60	61-120	121-180	181-270	271-365	366+	Total
1-60	75%	8%	5%	4%	4%	4%	**19%**
61-120	10%	68%	19%	8%	4%	4%	**22%**
121-180	6%	8%	51%	13%	8%	2%	**13%**
181-270	4%	7%	12%	50%	26%	9%	**17%**
271-365	4%	7%	5%	9%	34%	21%	**12%**
366 +	2%	3%	7%	16%	25%	61%	**17%**

Multiple Regression Results

- For NC cases significant predictors of executed sentence days
  - jail credit (+)
  - number of prior felony convictions (+)
  - whether there was more than one cause associated w/ case (+)
  - number of types of prior community supervision failures (+)
  - Black offenders (-)
  - First time in IDOC (-)
  - Having burglary/robbery charges or dealing charges reduced to theft or drug possession
- For NC cases unrelated factors
  - Offense seriousness
  - Community corrections county
- Technical violation or new offense not related to executed sentence length for violations
- For thefts, estimated value of goods taken not associated w/ executed sentence or actual LOS

Prosecutor Interview Results

- Most said individual case characteristics drove decision of IDOC versus community
- Most common factors cited for sentence to DOC:
  - Criminal history
  - offense seriousness
  - prior community supervision failures
  - sentence enhancements
- 1/2 of prosecutors reported that they (or courts) had no specific policies regarding which offenders when to IDOC
- About 15% of prosecutors noted they almost never send FD cases to IDOC

Prosecutor Interview Results

Most frequently noted by prosecutors as available sentencing alternatives in county	%
Probation	80%
Work release	77%
Community corrections	76%
Home detention	70%
Local jail sentence	49%
Electronic monitoring	44%
Substance abuse programs	23%
Drug court	20%

Prosecutor Interview Results

- 1/3 reported had no concerns about existing community supervision programs in their counties,
- Many said more programs were needed

Select prosecutor concerns related to viability or capacity of sentencing alternatives in county	%
No concerns	33%
More program options needed	27%
Funding	23%
Lack of resources	16%
Jail capacity issues	14%

Conclusions

- Sentence length is strongly associated with criminal history and previous involvement in the criminal justice system.
- Although rare, when more serious charges are dismissed as part of a plea agreement, the sentence length is typically longer.
- During the study period, many counties had very few IDOC FD and eligible FC cases.
- Some prosecutors stated that they almost never send D felony cases to IDOC.
- Many prosecutors expressed a desire for more community-based alternatives, particularly related to substance abuse and mental health treatment.

Conclusions (cont.)

- In the study, probation violations cases often had current violations and a history of previous failure on community supervision.
- The majority of probation revocations and half of parole revocations have not committed a new criminal offense.
- Short IDOC terms are generally a reflection of the original sentence.
- Jail credit time is substantial for many, especially C felony cases.
- A note about data going forward: JTAC project
- Q & A

Review of IDOC Admission Cohort of D Felony and Select C Felony Offenders

A Report Submitted to the Data Analysis Work Group
and the Indiana Criminal Justice Institute

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Executive Summary

In 2011, the Indiana State Legislature's Criminal Code Evaluation Commission formed a committee, since called the Data Analysis Work Group (DAWG), led by Representative Ralph Foley and consisting of members from the IDOC, the Indiana State Legislature, and the Indiana Prosecuting Attorneys Council (IPAC). One goal of this group was to examine why certain low-level and nonviolent felony offenders spend very short periods of incarceration (often less than 365 days) in the Indiana Department of Correction (IDOC). In September 2011, representatives of the Indiana University Public Policy Institute's Center for Criminal Justice Research (CCJR) met with DAWG committee members to discuss the possibility of collecting data to understand the issues that lead to short periods of incarceration in IDOC for low-level and nonviolent felony offenders.

CCJR was contracted to conduct a study to better understand the processes that ultimately result in offenders sentenced to IDOC where the most serious conviction offense is a D felony or selected nonviolent C felonies. CCJR's goal for the study was to provide rich case-level data on all D felony cases and the eligible nonviolent C felonies that were admitted to the IDOC for a three-month period in 2011 to inform policy discussions surrounding efforts to change incarceration practices in the state of Indiana.

This study was designed to answer the following questions:

1. Is the conviction offense an accurate representation of the facts of the case?
    a. What other charges might have been (were) filed?
    b. What charges were dismissed as part of a plea agreement that ended with a D felony conviction?

2. If the offenders were not going to go to IDOC for the conviction offenses, then what are the alternatives?
    a. Are there viable (keeping in mind public safety) options at the local level?
    b. Are there community-based options available in that jurisdiction?
    c. What policies exist to support or discourage the use of community-based or local sentencing alternatives to IDOC?
        i. Policies of the courts in that jurisdiction
        ii. Policies internal to the prosecutor's office in that jurisdiction

3. If the offenders are being sentenced to IDOC as a result of probation violations, is the use of incarceration at the state level necessary/warranted?
    a. What are the facts related to the violations?
    b. What local alternatives are available as alternative sanctions for probation violations?
    c. Are there additional facts that would support a conclusion that incarceration at the state level is the necessary response?

4. If the offenders are serving short terms in IDOC, is this a function of the original sentence?
    a. How is jail time credit being factored in?
    b. Is there a requirement in place that leads to "walk through" admissions when going to prison might be avoided?

c. What other factors are influencing the differences between the length of sentence and the actual length of time spent in IDOC facilities?

To address these questions, CCJR studied all admissions to IDOC in which the most serious conviction offense was a D felony and select C felonies from June 1 through August 31, 2011. Data variables needed to answer the above questions were discussed and reviewed with the DAWG committee and ultimately two data collection instruments (one for direct commitments from the court at sentencing on a new conviction, and one for parole and probation violation cases) were developed to collect the needed information. IDOC provided a list of eligible admissions during that three-month window. In all, 84 counties sent cases to IDOC during the period under examination here. The elected prosecutors from those counties were interviewed regarding policies at the local level (internal to the agency and from the courts) that shape charging and sentencing decisions leading to IDOC sentences, and characteristics of the local landscape with regard to the availability of community-based alternatives, specific focuses of prosecution in that jurisdiction, and particular local concerns about crime trends and persistent criminal problems.

All 83 affected elected prosecutors were contacted and a list of offenders that fell into the study group from their respective county was sent via email to them. Data were either compiled by the county prosecutor and staff, by phone interview (if there was only one or two offenders in study group), or CCJR staff traveling to the county to compile the data. Once all the data were collected, all data collection forms were reviewed and the information was entered into a database designed specifically for this project.

Of 2,730 cause numbers eligible for inclusion the study, information was available for analyses on 2,708 cases. Note that this exceeds the total number of offenders somewhat because an offender could have more than one cause number included in the data. The number of individual offenders in the study was 2,334. Direct admissions to IDOC from a new conviction accounted for just over half the sample (51 percent), 39 percent were violations (generally probation violation) of some form of community supervision (other than parole), and 10 percent of admissions were parole violations.

Summary of Findings

Demographics

- The average age ranged from 32 for probation violators to 38 for parole violators.
- More than 80 percent of offenders were male.
- For D felony new commitment cases, approximately 70 percent were white and 25 percent were Black. For D felony probation violation cases, 65 percent were white and 32 percent were Black. For D felony parole violations, 56 percent of cases were white and 40 percent were Black.

Types of Admission

- Of 2,708 cases, 51 percent were new conviction cases, 39 percent were probation violations and 10 percent were parole violations.
- Sixty-two percent of probation violation cases and 48 percent of parole violations were admitted to IDOC for technical violations only.

Crime Characteristics

- More than 25 percent of D felony cases were theft or receiving stolen property.
- Where known, estimated value of property stolen in new commitment theft cases was $250 or less in 53 percent of cases and $750 or less in nearly 80 percent of cases.
- Cases described as shoplifting (theft from a retail store) accounted for approximately half of all new court commitment D felony theft cases.
- D felony level drug possession accounted for just less than one-quarter of cases.
- Operating a vehicle while intoxicated with a prior conviction, accounted for 14 percent of D felony new commitment cases.
- Less than 15 percent of D felony new commitment cases involved violent offenses and less than five percent involved sex offenses.
- 38 percent of C felony new commitment cases eligible for inclusion in the study and 62 percent of probation violations were for forgery.
- 29 percent of C felony new commitment cases eligible for inclusion in the study and 20 percent of probation violations were for operating a vehicle after lifetime suspension.
- One-quarter of C felony new commitments in the study and 12 percent of probation violation cases were for possession of cocaine, narcotics, or methamphetamines.

Case Characteristics

- Approximately 93 percent of cases were resolved through plea agreement.
- More than 90 percent of new commitment cases in the study had a prior conviction and more than two thirds had three or more prior convictions.
- More than three-quarters of new commitment cases involved offenders with at least one prior felony conviction.
- About 20 percent of new commitment cases, 16 percent of probation violation cases, and 31 percent of parole violation cases had one or more prior violent felony convictions.
- Less than 40 percent had prior felony drug convictions.
- 25 percent of cases had additional cases pending at the time of sentencing.
- The sentence was binding in more than three-quarters of the new commitment cases.
- Some portion of the sentence was non-suspendable in more than 55 percent D felony new commitment cases and 70 percent of C felony new court commitment cases.
- Few differences in case characteristics were noted between cases involving white and black offenders.
- Approximately 53 percent of new commitment cases involved some sentence modification (plea to reduced charge, cases/causes dismissed, other charges not filed).
- 18 percent of D felony and 23 percent of C felony cases had charges not filed or dismissed.
- The plea agreement was a reduction to a lesser offense in 7 percent of D felony cases and 15 percent of C felony cases.
- Other charges were often dismissed or not filed, and often these cases were felonies, but few of these cases involved violent offenses.
- Dealing charges were dropped in 19 percent of drug possession cases (56/295).
- Burglary or robbery charges were dropped in six percent (18 of 320) D felony theft cases.

Prior Community Supervision and Prison Experience

- 86 percent of D felony cases and 90 percent of C felony new commitment cases involved offenders with prior community supervision experience.
- 74 percent of D felony new commitment cases and 81 percent of C felony new commitment cases involved individuals with previous probation violations.
- Approximately 55 percent of C and D felony new commitment cases involved offenders with only one type of prior community supervision sentence; but 31 percent of D felony cases 36 percent of C felony cases involved offenders with two or more types of prior community supervision sentences.
- 74 percent of D felony new commitments and 81 percent of C felony new commitment cases had failed on at least one type of community supervision.
- Of those with prior community corrections sentences, approximately three-quarters of D felony new commitment cases and 81 percent of C felony new commitment cases had at least one violation of that sentence.
- For new commitment cases, 66 percent of D felony and 71 percent of C felony cases involved offenders who had previously been to IDOC.
- For probation violation cases, 58 percent of D felony cases and 66 percent of C felony cases had previously been to IDOC.

Sentence Characteristics

- Executed sentences were less than one year for half of D felony new commitment cases and 55 percent of D felony probation violations. Forty-five percent of D felony new commitment cases and 33 percent of probation violation cases had executed sentences of 18 months or more.
- For C felony offenders, executed sentences were 18 months or longer for 94 percent of new commitments and 64 percent of probation violations.
- 40 percent of new court commitments but only 5 percent of probation violation cases had some portion of the total sentence suspended.
- More than 90 percent of forgery cases had executed sentences of 18 months or more.

Jail Credit

- 41 percent of D felony new court commitments cases and half of D felony probation violation cases earned 30 days or less of jail credit.
- 17 percent of D felony probation violation cases but 41 percent of C felony new court commitments earned 180 or more days of jail credit.
- The average days of jail credit was 88 days for D felony probation violations and 191 days for C felony new commitment cases.
- For new commitment cases, nine percent of D felony cases and 3 percent of C felony cases served their entire IDOC sentence in a local jail.
- For Probation violation cases, four percent of D felony cases and 1 percent of C felony cases served their entire IDOC sentence in a local jail.
- For those who served their entire IDOC sentence in a local jail, 71 percent of new commitment cases and 86 percent of probation violation cases involved sentences of 60 days or less.

Expected Length of Stay

- Approximately 20 percent of D felony new commitment and probation violation cases had an expected LOS of 60 days or less. More than half of each had an expected LOS of 180 days or less.
- Less than 30 percent of D felony cases had an expected LOS of 271 days or more.
- For C felony cases, 37 percent of new court commitment cases and 71 percent of probation violation cases had an expected LOS of one year or less.
- Overall, the expected LOS increased as the number of prior convictions increased.

Length of Stay

- For D felony cases, the average LOS was 235 days for new commitments, 186 days for probation violation cases, and 128 days for parole violators.
- For C felony cases, average actual length of stay in IDOC was 512 days for new commitment cases, 343 days for probation violation cases, and 197 days for parole violation cases.
- For D felony cases, 41 percent of new commitment cases, 46 percent of probation violation cases, and 65 percent of parole violation cases had an actual LOS of 120 days or less.
- For C felony cases, 31 percent of new commitment cases, 57 percent of probation violations, and 72 percent of parole violation cases had LOS's of 270 days or less.
- For D felony cases, 17 percent of new commitments, 9 percent of probation violations, and 6 percent of parole violation cases had an actual LOS of longer than one year.
- For C felony cases, half of new commitments, one-quarter of probation violation cases, and 15 percent of parole violations had actual LOS days of more than 365 days.
- Longer LOS days were associated with higher average numbers of prior convictions.
- Non-suspendable sentences also were associated with higher LOS days.
- Most cases had actual LOS day ranges (e.g., 1-60) that corresponded to their expected LOS range.

Expected Length of Stay versus Actual Length of Stay

- Generally the actual length of stay corresponded to the expected LOS (executed sentence minus jail credit days and then divided by two).
- The correspondence between expected LOS and actual LOS varied somewhat and generally declined as the range of days of expected LOS and actual LOS increased for D felony cases.

Multiple Regression Results

- For new court commitment cases, jail credit, the number of prior felony convictions, whether there was more than one cause associated with a case, and the number of types of prior community supervision failures were statistically significantly associated with executed sentence length.
- Black offenders and those who were first time entrants to IDOC had statistically significantly shorter sentences for new commitment cases.
- Offense seriousness and being in a community corrections county were unrelated to executed sentence for new commitments, and whether the offense was a technical violation or a new criminal offense was not a significant predictor of executed sentence length for probation violation cases.
- For theft cases where the information was known, estimated value of the items taken was not associated with executed sentence or actual LOS days, controlling for other factors in the multiple regression
- Having burglary/robbery charges or dealing charges reduced to theft or drug possession, were associated with statistically significantly longer executed sentences in supplementary multiple regression analyses.

Prosecutors Survey Responses

- Most prosecutors said that individual case characteristics drove decision of IDOC versus community sanctions.
- Criminal history, offense seriousness, prior community supervisions failures, and sentence enhancements were most common factors noted as reasons for sending individuals to IDOC.
- Half of prosecutors reported that they (or the courts) had no specific policies regarding which offenders when to IDOC.
- Approximately 15 percent of prosecutors noted they almost never send D felony cases to the IDOC.
- A few prosecutors cited judges' policies (11 percent) or the availability of alternative programs such as drug courts or treatment programs as reasons for sending or not sending individuals to IDOC.
- Probation, work release, community corrections, home detention, local jail sentences, and electronic monitoring were most-commonly mentioned community alternatives to IDOC.
- Few mentioned substance abuse programs, drug courts, diversion programs community service, or other alternatives.
- One-third of prosecutors reported that they had no concerns about existing community supervision programs in their counties, but most prosecutors expressed that more programs were needed.
- Concerns mentioned included limited program options, insufficient funding or a general lack of resources and jail capacity.

CCEC
9/6/12
Attachment 4

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Review of IDOC Admission Cohort of felony D and select felony C offenders

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Executive Summary

In 2011, the Indiana State Legislature's Criminal Code Evaluation Commission formed a committee, since called the Data Analysis Work Group (DAWG), led by Representative Ralph Foley and consisting of members from the IDOC, the Indiana State Legislature, and the Indiana Prosecuting Attorneys Council (IPAC). One goal of this group was to examine why certain low-level and nonviolent felony offenders spend very short periods of incarceration (often less than 365 days) in the Indiana Department of Correction (IDOC). In September 2011, representatives of the Indiana University Public Policy Institute's Center for Criminal Justice Research (CCJR) met with DAWG committee members to discuss the possibility of collecting data to understand the issues that lead to short periods of incarceration in IDOC for low-level and nonviolent felony offenders.

CCJR was contracted to conduct a study to better understand the processes that ultimately result in offenders sentenced to IDOC where the most serious conviction offense is a D felony or selected nonviolent C felonies. CCJR's goal for the study was to provide rich case-level data on all D felony cases and the eligible nonviolent C felonies that were admitted to the IDOC for a three-month period in 2011 to inform policy discussions surrounding efforts to change incarceration practices in the state of Indiana.

This study was designed to answer the following questions:

1. Is the conviction offense an accurate representation of the facts of the case?
    a. What other charges might have been (were) filed?
    b. What charges were dismissed as part of a plea agreement that ended with a D felony conviction?

2. If the offenders were not going to go to IDOC for the conviction offenses, then what are the alternatives?
    a. Are there viable (keeping in mind public safety) options at the local level?
    b. Are there community-based options available in that jurisdiction?
    c. What policies exist to support or discourage the use of community-based or local sentencing alternatives to IDOC?
        i. Policies of the courts in that jurisdiction
        ii. Policies internal to the prosecutor's office in that jurisdiction

3. If the offenders are being sentenced to IDOC as a result of probation violations, is the use of incarceration at the state level necessary/warranted?
    a. What are the facts related to the violations?
    b. What local alternatives are available as alternative sanctions for probation violations?
    c. Are there additional facts that would support a conclusion that incarceration at the state level is the necessary response?

4. If the offenders are serving short terms in IDOC, is this a function of the original sentence?
    a. How is jail time credit being factored in?
    b. Is there a requirement in place that leads to "walk through" admissions when going to prison might be avoided?

c. What other factors are influencing the differences between the length of sentence and the actual length of time spent in IDOC facilities?

To address these questions, CCJR studied all admissions to IDOC in which the most serious conviction offense was a D felony and select C felonies from June 1 through August 31, 2011. Data variables needed to answer the above questions were discussed and reviewed with the DAWG committee and ultimately two data collection instruments (one for direct commitments from the court at sentencing on a new conviction, and one for parole and probation violation cases) were developed to collect the needed information. IDOC provided a list of eligible admissions during that three-month window. In all, 84 counties sent cases to IDOC during the period under examination here. The elected prosecutors from those counties were interviewed regarding policies at the local level (internal to the agency and from the courts) that shape charging and sentencing decisions leading to IDOC sentences, and characteristics of the local landscape with regard to the availability of community-based alternatives, specific focuses of prosecution in that jurisdiction, and particular local concerns about crime trends and persistent criminal problems.

All 83 affected elected prosecutors were contacted and a list of offenders that fell into the study group from their respective county was sent via email to them. Data were either compiled by the county prosecutor and staff, by phone interview (if there was only one or two offenders in study group), or CCJR staff traveling to the county to compile the data. Once all the data were collected, all data collection forms were reviewed and the information was entered into a database designed specifically for this project.

Of 2,730 cause numbers eligible for inclusion the study, information was available for analyses on 2,708 cases. Note that this exceeds the total number of offenders somewhat because an offender could have more than one cause number included in the data. The number of individual offenders in the study was 2,334. Direct admissions to IDOC from a new conviction accounted for just over half the sample (51 percent), 39 percent were violations (generally probation violation) of some form of community supervision (other than parole), and 10 percent of admissions were parole violations.

Summary of Findings

Demographics

- The average age ranged from 32 for probation violators to 38 for parole violators.
- More than 80 percent of offenders were male.
- For D felony new commitment cases, approximately 70 percent were white and 25 percent were Black. For D felony probation violation cases, 65 percent were white and 32 percent were Black. For D felony parole violations, 56 percent of cases were white and 40 percent were Black.

Types of Admission

- Of 2,708 cases, 51 percent were new conviction cases, 39 percent were probation violations and 10 percent were parole violations.
- Sixty-two percent of probation violation cases and 48 percent of parole violations were admitted to IDOC for technical violations only.

Crime Characteristics

- More than 25 percent of D felony cases were theft or receiving stolen property.
- Where known, estimated value of property stolen in new commitment theft cases was $250 or less in 53 percent of cases and $750 or less in nearly 80 percent of cases.
- Cases described as shoplifting (theft from a retail store) accounted for approximately half of all new court commitment D felony theft cases.
- D felony level drug possession accounted for just less than one-quarter of cases.
- Operating a vehicle while intoxicated with a prior conviction, accounted for 14 percent of D felony new commitment cases.
- Less than 15 percent of D felony new commitment cases involved violent offenses and less than five percent involved sex offenses.
- 38 percent of C felony new commitment cases eligible for inclusion in the study and 62 percent of probation violations were for forgery.
- 29 percent of C felony new commitment cases eligible for inclusion in the study and 20 percent of probation violations were for operating a vehicle after lifetime suspension.
- One-quarter of C felony new commitments in the study and 12 percent of probation violation cases were for possession of cocaine, narcotics, or methamphetamines.

Case Characteristics

- Approximately 93 percent of cases were resolved through plea agreement.
- More than 90 percent of new commitment cases in the study had a prior conviction and more than two thirds had three or more prior convictions.
- More than three-quarters of new commitment cases involved offenders with at least one prior felony conviction.
- About 20 percent of new commitment cases, 16 percent of probation violation cases, and 31 percent of parole violation cases had one or more prior violent felony convictions.
- Less than 40 percent had prior felony drug convictions.
- 25 percent of cases had additional cases pending at the time of sentencing.
- The sentence was binding in more than three-quarters of the new commitment cases.
- Some portion of the sentence was non-suspendable in more than 55 percent D felony new commitment cases and 70 percent of C felony new court commitment cases.
- Few differences in case characteristics were noted between cases involving white and black offenders.
- Approximately 53 percent of new commitment cases involved some sentence modification (plea to reduced charge, cases/causes dismissed, other charges not filed).
- 18 percent of D felony and 23 percent of C felony cases had charges not filed or dismissed.
- The plea agreement was a reduction to a lesser offense in 7 percent of D felony cases and 15 percent of C felony cases.
- Other charges were often dismissed or not filed, and often these cases were felonies, but few of these cases involved violent offenses.
- Dealing charges were dropped in 19 percent of drug possession cases (56/295).
- Burglary or robbery charges were dropped in six percent (18 of 320) D felony theft cases.

Prior Community Supervision and Prison Experience

- 86 percent of D felony cases and 90 percent of C felony new commitment cases involved offenders with prior community supervision experience.
- 74 percent of D felony new commitment cases and 81 percent of C felony new commitment cases involved individuals with previous probation violations.
- Approximately 55 percent of C and D felony new commitment cases involved offenders with only one type of prior community supervision sentence; but 31 percent of D felony cases 36 percent of C felony cases involved offenders with two or more types of prior community supervision sentences.
- 74 percent of D felony new commitments and 81 percent of C felony new commitment cases had failed on at least one type of community supervision.
- Of those with prior community corrections sentences, approximately three-quarters of D felony new commitment cases and 81 percent of C felony new commitment cases had at least one violation of that sentence.
- For new commitment cases, 66 percent of D felony and 71 percent of C felony cases involved offenders who had previously been to IDOC.
- For probation violation cases, 58 percent of D felony cases and 66 percent of C felony cases had previously been to IDOC.

Sentence Characteristics

- Executed sentences were less than one year for half of D felony new commitment cases and 55 percent of D felony probation violations. Forty-five percent of D felony new commitment cases and 33 percent of probation violation cases had executed sentences of 18 months or more.
- For C felony offenders, executed sentences were 18 months or longer for 94 percent of new commitments and 64 percent of probation violations.
- 40 percent of new court commitments but only 5 percent of probation violation cases had some portion of the total sentence suspended.
- More than 90 percent of forgery cases had executed sentences of 18 months or more.

Jail Credit

- 41 percent of D felony new court commitments cases and half of D felony probation violation cases earned 30 days or less of jail credit.
- 17 percent of D felony probation violation cases but 41 percent of C felony new court commitments earned 180 or more days of jail credit.
- The average days of jail credit was 88 days for D felony probation violations and 191 days for C felony new commitment cases.
- For new commitment cases, nine percent of D felony cases and 3 percent of C felony cases served their entire IDOC sentence in a local jail.
- For Probation violation cases, four percent of D felony cases and 1 percent of C felony cases served their entire IDOC sentence in a local jail.
- For those who served their entire IDOC sentence in a local jail, 71 percent of new commitment cases and 86 percent of probation violation cases involved sentences of 60 days or less.

Expected Length of Stay

- Approximately 20 percent of D felony new commitment and probation violation cases had an expected LOS of 60 days or less. More than half of each had an expected LOS of 180 days or less.
- Less than 30 percent of D felony cases had an expected LOS of 271 days or more.
- For C felony cases, 37 percent of new court commitment cases and 71 percent of probation violation cases had an expected LOS of one year or less.
- Overall, the expected LOS increased as the number of prior convictions increased.

Length of Stay

- For D felony cases, the average LOS was 235 days for new commitments, 186 days for probation violation cases, and 128 days for parole violators.
- For C felony cases, average actual length of stay in IDOC was 512 days for new commitment cases, 343 days for probation violation cases, and 197 days for parole violation cases.
- For D felony cases, 41 percent of new commitment cases, 46 percent of probation violation cases, and 65 percent of parole violation cases had an actual LOS of 120 days or less.
- For C felony cases, 31 percent of new commitment cases, 57 percent of probation violations, and 72 percent of parole violation cases had LOS's of 270 days or less.
- For D felony cases, 17 percent of new commitments, 9 percent of probation violations, and 6 percent of parole violation cases had an actual LOS of longer than one year.
- For C felony cases, half of new commitments, one-quarter of probation violation cases, and 15 percent of parole violations had actual LOS days of more than 365 days.
- Longer LOS days were associated with higher average numbers of prior convictions.
- Non-suspendable sentences also were associated with higher LOS days.
- Most cases had actual LOS day ranges (e.g., 1-60) that corresponded to their expected LOS range.

Expected Length of Stay versus Actual Length of Stay

- Generally the actual length of stay corresponded to the expected LOS (executed sentence minus jail credit days and then divided by two).
- The correspondence between expected LOS and actual LOS varied somewhat and generally declined as the range of days of expected LOS and actual LOS increased for D felony cases.

Multiple Regression Results

- For new court commitment cases, jail credit, the number of prior felony convictions, whether there was more than one cause associated with a case, and the number of types of prior community supervision failures were statistically significantly associated with executed sentence length.
- Black offenders and those who were first time entrants to IDOC had statistically significantly shorter sentences for new commitment cases.
- Offense seriousness and being in a community corrections county were unrelated to executed sentence for new commitments, and whether the offense was a technical violation or a new criminal offense was not a significant predictor of executed sentence length for probation violation cases.
- For theft cases where the information was known, estimated value of the items taken was not associated with executed sentence or actual LOS days, controlling for other factors in the multiple regression
- Having burglary/robbery charges or dealing charges reduced to theft or drug possession, were associated with statistically significantly longer executed sentences in supplementary multiple regression analyses.

Prosecutors Survey Responses

- Most prosecutors said that individual case characteristics drove decision of IDOC versus community sanctions.
- Criminal history, offense seriousness, prior community supervisions failures, and sentence enhancements were most common factors noted as reasons for sending individuals to IDOC.
- Half of prosecutors reported that they (or the courts) had no specific policies regarding which offenders when to IDOC.
- Approximately 15 percent of prosecutors noted they almost never send D felony cases to the IDOC.
- A few prosecutors cited judges' policies (11 percent) or the availability of alternative programs such as drug courts or treatment programs as reasons for sending or not sending individuals to IDOC.
- Probation, work release, community corrections, home detention, local jail sentences, and electronic monitoring were most-commonly mentioned community alternatives to IDOC.
- Few mentioned substance abuse programs, drug courts, diversion programs community service, or other alternatives.
- One-third of prosecutors reported that they had no concerns about existing community supervision programs in their counties, but most prosecutors expressed that more programs were needed.
- Concerns mentioned included limited program options, insufficient funding or a general lack of resources and jail capacity.

Project Description

In 2011, the Indiana State Legislature's Criminal Code Evaluation Commission formed the Data Analysis Work Group (DAWG), led by State Representative Ralph Foley. One goal of this group was to examine why certain low-level and nonviolent felony offenders spend very short periods of incarceration in the Indiana Department of Correction (IDOC). In September 2011, representatives of the Indiana University Center for Criminal Justice Research (CCJR) met with DAWG committee members to discuss the possibility of collecting data to understand the issues that lead to short periods of incarceration in IDOC for low-level and nonviolent felony offenders.

Data show that for a majority of admissions to IDOC the most serious conviction offense is a D felony. The data also show that among all the releases for a one-year period, nearly two-thirds of the offenders served less than 365 days. On their face, these data suggest that targeting D felons serving less than one year in prison is a way to achieve substantial reductions in the prison population. Yet, when someone is admitted to prison with the most serious conviction offense a D felony and with less than one year of time to serve (taking into account good time calculations), these two facts may not convey the whole story. Broad policy changes that address either the offense level or the amount of executed prison time may potentially fall short if the ultimate goal is to reduce the prison population.

The purpose of this study was to better understand the processes that ultimately result in the sentencing of an offender to IDOC where the most serious conviction offense is a D felony (or selected nonviolent C felonies as discussed below). Our goal was to provide rich case-level data on all D felony cases that were admitted to the IDOC for a three-month period in 2011 to inform policy discussions surrounding efforts to change incarceration practices in the state of Indiana.

This study was designed to answer the following questions:

1. Is the conviction offense an accurate representation of the facts of the case?
    a. What other charges might have been (were) filed?
    b. What charges were dismissed as part of a plea agreement that ended with a D felony conviction?

2. If the offenders were not going to go to IDOC for the conviction offenses, then what are the alternatives?
    a. Are there viable (keeping in mind public safety) options at the local level?
    b. Are there community-based options available in that jurisdiction?
    c. What policies exist to support or discourage the use of community-based or local sentencing alternatives to IDOC?
        i. Policies of the courts in that jurisdiction
        ii. Policies internal to the prosecutor's office in that jurisdiction

3. If the offenders are being sentenced to IDOC as a result of probation violations, is the use of incarceration at the state level necessary/warranted?
    a. What are the facts related to the violations?
    b. What local alternatives are available as alternative sanctions for probation violations?
    c. Are there additional facts that would support a conclusion that incarceration at the state level is the necessary response?

4. If the offenders are serving short terms in IDOC, is this a function of the original sentence?
    a. How is jail time credit being factored in?
    b. Is there a requirement in place that leads to "walk through" admissions when going to prison might be avoided?
    c. What other factors are influencing the differences between the length of sentence and the actual length of time spent in IDOC facilities?

Study Design/ Data Collection

To address these questions, we studied all admissions to IDOC in which the most serious conviction offense was a D felony from June 1 through August 31, 2011. Following initial discussions it was determined that a select group of C felonies would also be included in the study, including: forgery, operating a vehicle after lifetime suspension, possession of cocaine, possession of methamphetamine, possession of a controlled substance, and dealing marijuana.

The final number of cases meeting these criteria was 2,730. Note that this number exceeds the number of individual offenders because a single offender could have more than one case associated with a particular term of incarceration. The goal was to generate a database that linked offender criminal history and other background characteristics and instant case characteristics (See appendices A and B for the information collected on new commitment and probation and parole violation cases). The rationale for selecting this sample included:

- The complexities related to decisions made by prosecutors and courts are important to understand.
- It was necessary to gather data in sufficient detail that allowed us to capture and examine these complexities.
- Limiting the sample size allowed us to increase the level of detail within the data collected.

Given the number and diversity of jurisdictions across the state, it is important to look at every case within a set time frame. Decisions to limit the study to only certain types of D felony cases or to include only certain jurisdictions (even if that decision were the result of a high-quality sampling procedure) could leave the study open to criticism once the results were presented. If the ultimate goal is the adoption of a strategy that works for the state of Indiana, then it is important to include the entire state in the analysis, if possible.

It was determined that a universe of cases over a three-month period would be large enough to get an accurate picture of case processing but small enough to be able to collect in-depth data on all cases in a reasonably cost-efficient and expedient manner.

Steps in the study:

1. Identify the universe of cases for the study in consultation with IDOC (Eight counties had no offenders meeting the criteria for inclusion in the sample).
2. Design data collection instruments, including a set of interview questions for prosecutors and a structure for information on each case to be examined

3. Design a structure for the database
4. Secure approval from the Indiana University Institutional Review Board (IRB)
5. Conduct an initial interview with elected prosecutors focusing on the following:
    a. policies at the local level (internal to the agency and from the courts) that shape charging and sentencing decisions leading to IDOC sentences
    b. characteristics of the local landscape with regard to the availability of community-based alternatives, specific focuses of prosecution in that jurisdiction, and particular local concerns about crime trends and persistent criminal problems
    c. a data collection plan for the cases from that county
6. Develop a data collection template and get it approved by DAWG
7. Where necessary, collect data or assist prosecutors in collecting data
8. Clean, code, and process the data so that it could be effectively entered into the database
9. Follow-up on cases where gaps in the information were found
10. Analyze the data to examine the questions of the study
11. Present analyses for feedback
12. Complete a draft report and allow members of DAWG and other stakeholders to provide their perspectives or raise questions
13. Finalize the report

A list of current county prosecutors was provided to the research team. All 83[1] affected county prosecutors were contacted regarding data collection procedures for cases in their counties from November 15 through December 22, 2011.

Since the information collected for cases in which the offender was sentenced to prison differed in a number of ways from the information collected for the cases sent to prison as a result of the revocation of probation, community corrections, or parole, we developed two distinct data collection forms. One form was to be completed for each case on our list (Appendix A is the new commitment form and Appendix B is the violation form). A list of the admission cohort from each county was generated from a master list that we received from IDOC. We negotiated with each prosecutor to establish a data collection plan in each county. The plans involved some combination of the following strategies:

- The data collection forms could be completed by the staff of the prosecutor's office

- The form(s) could be completed via a phone interview—a strategy that was reasonable for those counties with one or two offenders in the admission cohort or when the forms were in need of some additional information after our processing

- Our team was able to gather quite a bit of data from accessing databases such as Doxpop, Odyssey, Proslink, or JUSTIS (specific to Marion County)

- Our team traveling to the county and completing the forms on-site

61 counties opted to compile their own information initially. Information for two counties was compiled via phone. For the remaining counties, CCJR staff went to the county and compiled the information.

[1] One elected prosecutor has joint jurisdiction over Dearborn and Ohio counties.

The data collection process was labor-intensive for both county and CCJR staff. Many different files needed to be accessed to compile the needed information. Data for each case came from a variety of sources including: court records, files from prosecutors, probation files, pre-sentence investigation reports, as well as databases such as Doxpop, Odyssey, JUSTIS, and Proslink. In some cases, the information was not in just one location, but in different offices. This meant contacting various offices to gain access and determine times for visits or follow up on missing information. We were assisted in gaining access to the required information through outreach efforts by the Indiana Prosecuting Attorneys Council (IPAC) and by a court order signed by the Indiana Supreme Court.

Once the paper forms were completed and sent to CCJR, the information was reviewed by CCJR staff for completeness. A follow-up visit or phone call was necessary for clarification purposes or to complete missing information. Information from the data forms was then entered into a database developed specifically for this project, cleaned, coded and processed to prepare for analysis.

Description of the Sample

Cases were divided into three categories based on the source of the IDOC admission: new criminal sentence from the court (new court commitment), violation of some term or condition of community supervision resulting in revocation of probation or community corrections (hereinafter referred to as probation violation), and violations of parole (parole violation).

Our goal in this study was to examine sentencing practices across the entire state. While we collected data at the county level, our intention is not to assess or compare counties on their sentencing practices. We selected a three-month window that was closest to the start of our data collection, and assumed there is nothing unique about this three-month period, so that estimates from this data might be projected to annual figures.

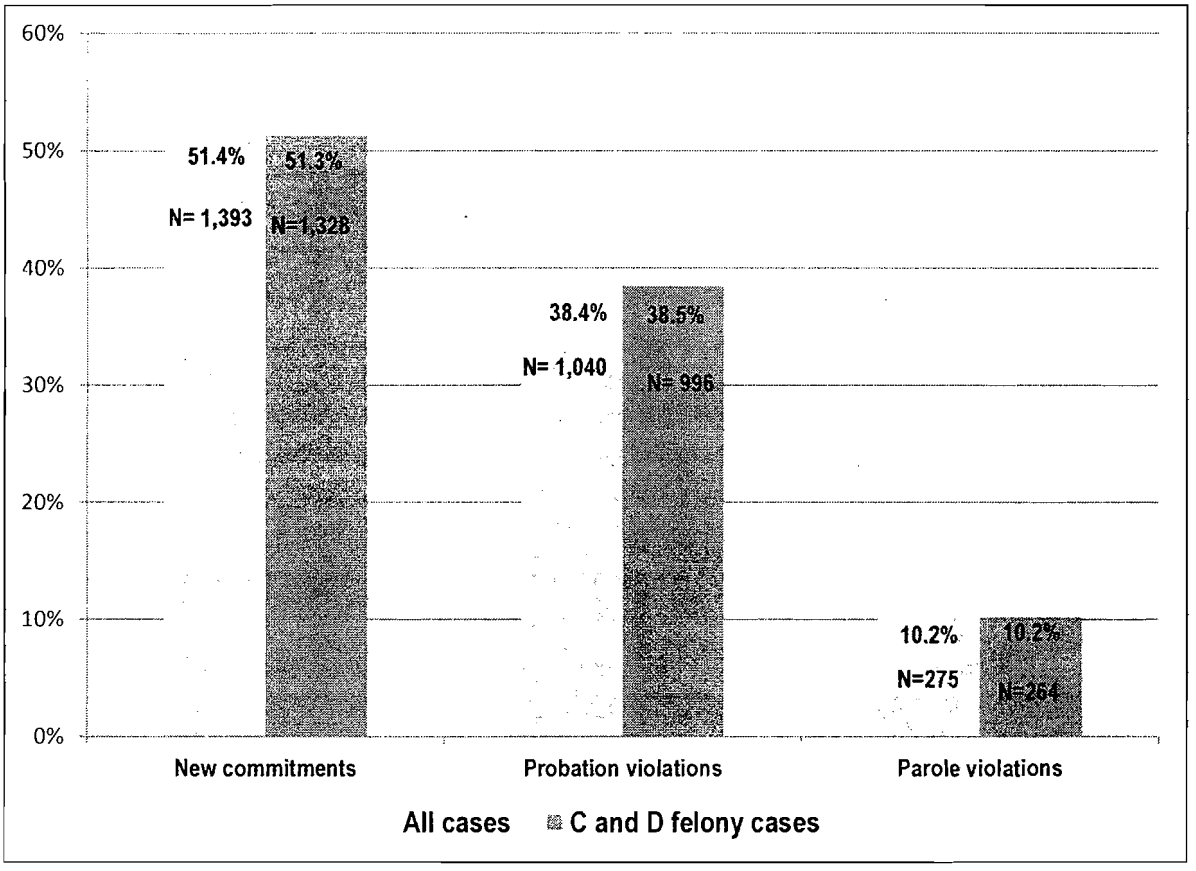
The study was designed to only gather information on those cases sentenced to IDOC. The focus here is not to judge the validity of the particular sentences, but to examine practices that might be adjusted to lower the prison population in Indiana. The cases we examined in this study, namely the D felony cases and the nonviolent C felony cases, were selected because there is a sense that the development of alternative community-based sentences is going to be most acceptable for these types of cases.

An alternative approach would be a study of all offenders who could have been sent to IDOC for D and selected C felony offenses. Such a study would indeed yield valuable information but would be much more difficult to complete in a timely fashion because it would require identification of a relevant set of cases from all 92 Indiana counties prior to beginning data collection. Additionally, identifying which cases to include would be substantially more complex because cases adjudicated during a three- month window, for example, could have begun during a large time span prior to that adjudication window. Such a study would be substantially more labor intensive and time consuming and was not considered feasible within the time horizon envisioned by the group requesting the information.

Of 2,730 cause numbers eligible for inclusion in the study, information was available for analyses on 2,708 cases (Figure 1). Note that this exceeds the total number of offenders somewhat because an offender could have more than one cause number included in the data. The number of individual offenders in the study was 2,334. As we noted, cases were identified by three broad sources of admission. Just over half the sample (51 percent) were direct

admissions to IDOC from a new conviction, 38 percent were violations of some form of community supervision (other than parole) which we refer to here, generally, as probation violations. Finally, 10 percent of admissions were parole violations. Although our interest was in D and the selected C felony cases, some offenders had more than one case associated with their admission to IDOC. Therefore, to get an accurate picture of the factors that affected sentencing, it was necessary to collect information on all cases associated with an admission to IDOC. We restrict our analyses for the remainder of the report to those D and selected C felony offenses. As shown in Figure 1, the distribution of cases is nearly identical whether the entire 2,708 cases are included or the 2,588 D and C felony cases are included.

Figure 1. Percentage of cases by source of admission to IDOC



As shown in Table 1, the large majority of offenders in the study for both the full sample and the D and selected C felony cases were male. As might be expected, given that the largest percentage of all cases in the study were D felonies, the full sample characteristics and the D felony characteristics match pretty closely by gender, age, and race/ethnicity. Offenders associated with C felony cases appeared to be somewhat older than D felony cases for both new commitments and probation violations. D and C felony parole violation cases were somewhat more likely to involve Black offenders than new commitment cases, particularly for D felony cases. Hispanics and those of other races or ethnicity comprised less than seven percent of all types of cases.

Table 1. Demographic characteristics of cases

Case Type	Mean age	Male		Female		White		Black		Hispanic		Other		Total	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
New commitments															
All cases	34.7	1,146	82%	247	18%	954	69%	351	25%	53	4%	35	3%	**1,393**	**100%**
D felony	34.5	972	82%	213	18%	830	70%	290	25%	42	4%	23	2%	**1,185**	**100%**
C felony	36.1	119	83%	24	17%	78	55%	47	33%	9	6%	9	6%	**143**	**100%**
Probation violations															
All cases	32.7	808	78%	232	22%	664	64%	334	32%	24	2%	18	2%	**1,040**	**100%**
D felony	32.4	670	78%	187	22%	554	65%	273	32%	18	2%	12	1%	**857**	**100%**
C felony	34.6	101	73%	38	27%	79	57%	49	35%	5	4%	6	4%	**139**	**100%**
Parole violations															
All cases	37.9	226	82%	49	18%	160	58%	109	40%	5	2%	1	0%	**275**	**100%**
D felony	38.3	181	83%	37	17%	121	56%	91	42%	5	2%	1	1%	**218**	**100%**
C felony	36.7	37	80%	9	20%	29	63%	17	37%	0	0%	0	0%	**46**	**100%**

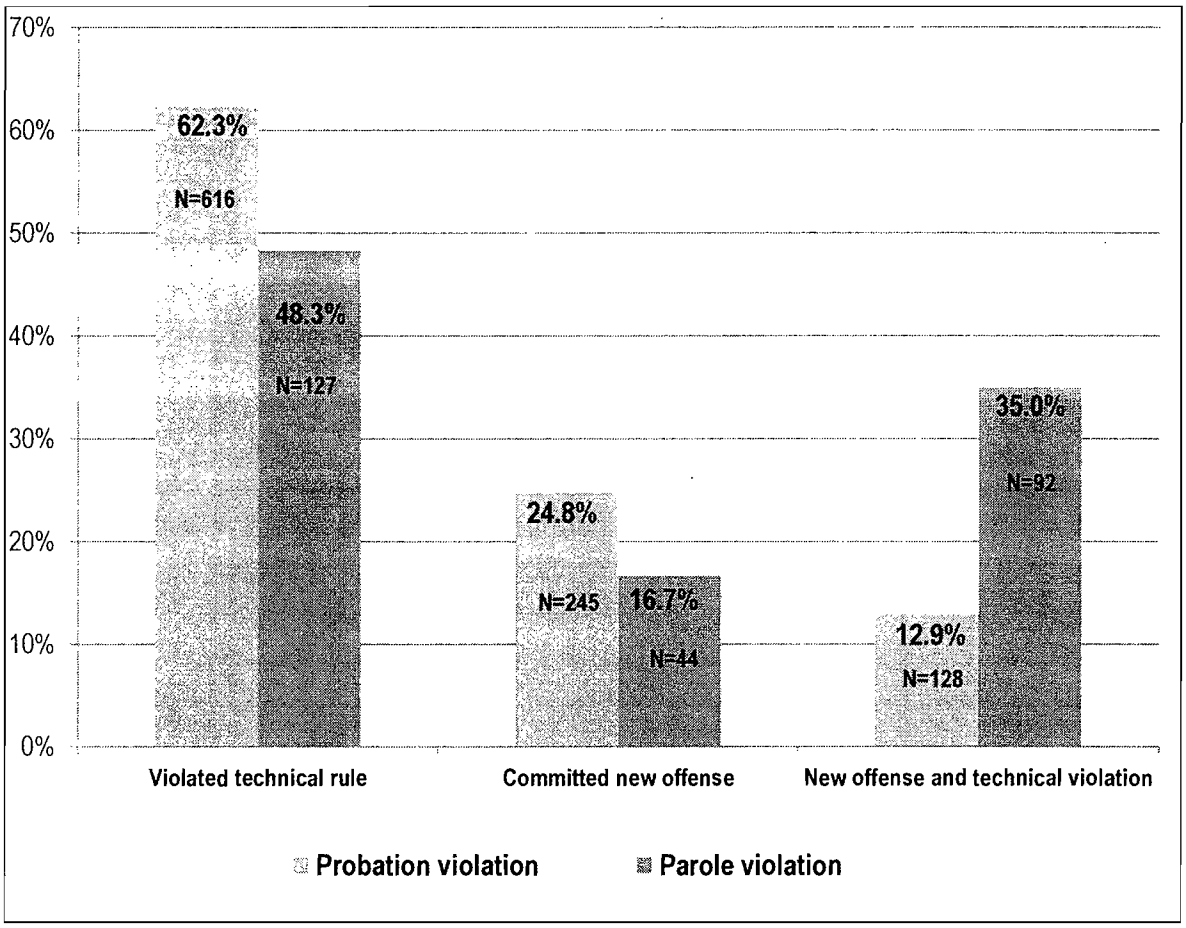
Source: IDOC data

Notes: Percent totals may not sum to 100 due to rounding. Total C and D felony cases equal 2,588 out of 2,708 total cases, representing 95.6 percent of all cases. All cases included additional cases that were associated with the D and C felony offenses of conviction for certain offenders. Because the study focused on C and D felony conviction cases, only these are included in the remaining analyses. Race/ethnicity data was coded consistent with the definitions provided by IDOC and may vary from other race/ethnicity categorization schemes.

Results

As noted above, we will break down most of the findings by the source of commitment to IDOC (new commitment, probation violation, parole violation). Figure 2 shows the reasons why parole and probation violations were sent or returned to IDOC. Approximately 62 percent of probation violation cases and 48 percent of parole violation cases were admitted to IDOC for technical violations only. The remaining 38 percent of probation violation cases and 52 percent of parole violation cases involved the commission of a new criminal offense.

Figure 2. Percent of violation cases by type of violation and type of supervision



Note: Information not available for seven probation violation cases and 1 parole violation case.

Characteristics of Conviction Offenses

It is important while considering characteristics of conviction offenses to bear in mind that these conviction offense characteristics should only be considered representative of offenders entering the IDOC and would not necessarily be representative of the percentages one would expect to find if all cases for all offenders across the entire state (those who entered IDOC and those who did not) were included. On the other hand, since we are looking at all of the cases for a three-month period, the volume of cases could be extrapolated to an annual figure by multiplying by a factor of four.

Table 2 shows the most serious offense of conviction by category for D felony cases in the study broken down by source of entry to IDOC (new court commitment or probation/parole violation). The table shows that 33 percent of D felony new court commitment cases, 41 percent of probation violation cases, and 44 percent of parole violation cases were property offense convictions. Next most common were drug offenses (approximately 20 percent of all cases), followed by vehicular offenses. Together property, drug, and vehicular offenses comprised more

than three-quarters of the most serious offenses of conviction for the D felony cases sent to IDOC in the study. Less than 13 percent of cases involved violent offenses and only 3 percent were convicted of sex offenses for both new court commitments and probation violations. Parole violation cases were somewhat more likely to involve a violent offense (17 percent) or a sex offense (7 percent). The most common offense of conviction for D felony offenders in the study was theft/receiving stolen property, accounting for 26 percent of new commitment and parole

Table 2. D felony most serious offense of conviction by source of admission to IDOC

Offense	New commitment		Probation violation		Parole violation	
	N	%	N	%	N	%
Property	**389**	**33%**	**355**	**41%**	**95**	**44%**
Theft; receiving stolen property	308	26%	273	32%	57	26%
Auto theft; receiving stolen auto parts	25	2%	24	3%	14	6%
Residential entry	21	2%	22	3%	6	3%
Attempted theft	12	1%	5	1%	5	2%
Fraud	4	0%	12	1%	2	1%
All other property	19	2%	19	2%	11	5%
Drug	**274**	**23%**	**184**	**21%**	**40**	**18%**
Possession of cocaine or narcotic or methamphetamine	81	7%	51	6%	16	7%
Possession of controlled substance	76	6%	44	5%	10	5%
Possession of marijuana or hashish	47	4%	46	5%	3	1%
Possession paraphernalia	23	2%	12	1%	3	1%
Possession of precursor over 10 grams	16	1%	4	0%	0	0%
Dealing in marijuana or hashish	9	1%	5	1%	3	1%
Prescription offenses	8	1%	2	0%	0	0%
All other drug offenses	14	1%	20	2%	5	2%
Vehicular	**228**	**19%**	**127**	**15%**	**20**	**9%**
Operating vehicle while intoxicated, prior conviction	170	14%	95	11%	12	6%
Habitual traffic violator (operating a vehicle as)	24	2%	13	2%	5	2%
Operating vehicle while suspended as habitual violator	17	1%	12	1%	2	1%
Operating vehicle while intoxicated, SBI	13	1%	7	1%	1	0%
Failure to stop resulting in SBI/death	4	0%	0	0%	0	0%
Violent	**144**	**12%**	**101**	**12%**	**37**	**17%**
Resisting law enforcement	35	3%	19	2%	3	1%
Domestic battery	29	2%	26	3%	10	5%
Strangulation	21	2%	14	2%	4	2%
Battery	20	2%	19	2%	4	2%
Intimidation	17	1%	10	1%	7	3%
Criminal confinement	13	1%	8	1%	7	3%
All other violent offenses	9	1%	5	1%	2	1%
Sex	**41**	**3%**	**22**	**3%**	**15**	**7%**
Failure to register as sex offender	21	2%	7	1%	3	1%
Prostitution	6	1%	9	1%	2	1%
Sexual battery	5	0%	1	0%	4	2%
All other sex offenses	9	1%	5	1%	6	3%

Table 2. D felony most serious offense of conviction by source of admission to IDOC (continued)

Offense	New commitment		Probation violation		Parole violation	
	N	%	N	%	N	%
Other	**109**	**9%**	**68**	**8%**	**11**	**5%**
Escape	29	2%	3	0%	5	2%
Neglect of a dependent	11	1%	6	1%	0	0%
Invasion of privacy	14	1%	7	1%	1	0%
Failure to return to lawful detention	8	1%	2	0%	2	1%
Nonsupport of a dependent child	8	1%	14	2%	0	0%
Criminal recklessness	12	1%	19	2%	1	0%
Maintaining a common nuisance	14	1%	12	1%	2	1%
All other offenses	13	1%	5	1%	0	0%
Total	**1,185**	**100%**	**857**	**100%**	**218**	**100%**

Sources: New commitment and violation forms

Notes: Percent totals may not sum to 100 due to rounding. SBI refers to serious bodily injury. For new commitment cases *all other property* offenses includes attempted auto theft, attempted check fraud, attempted fraud, attempted residential entry, check fraud, conspiracy to commit theft/ receiving stolen property, counterfeiting, criminal trespass. home improvement fraud, identity deception (class d felony), and receiving stolen parts; *all other drug offenses* includes possession legend drug, possession of ammonia with intent to manufacture, attempted possession of cocaine, attempted prescription, conspiracy to deal marijuana, dealing in a counterfeit substance, dealing in schedule V controlled substance, dealing substance represented to be controlled substance, manufacturing/ possessing/transporting/ distributing/ using hoax device replica, obtaining a controlled substance by fraud or deceit, unlawful possession of a syringe, and unlawful sale of a precursor; *all other violent offenses* includes: arson, battery by body waste, battery on a police officer, pointing a firearm, and stalking; *all other sex offenses* includes possession of child pornography, child exploitation, child seduction, child solicitation, dissemination of matter harmful, public indecency, sexual misconduct with a minor, vicarious sexual gratification, and voyeurism; *all other offenses* includes assisting a criminal, criminal mischief, failure to appear, failure to report a dead body and removing the body from the scene, false reporting or informing, improper disposal of dead animal, neglect of a dependent child selling, obstruction of justice, perjury, and professional gambling. For probation violations *all other property* includes check fraud, conspiracy to commit theft/receiving stolen property, criminal trespass, identity deception, attempted auto theft, attempted fraud, and counterfeiting; *all other drug offenses* includes possession of a legend drug, possession of precursor over 10 grams, unlawful possession of a syringe, dealing in a counterfeit substance, dealing in a substance represented to be a controlled substance; manufacturing/possessing/transporting/distributing/using hoax device or replica, possession of ammonia with intent to manufacture, dealing in a schedule V controlled substance, obtaining a controlled substance by fraud or deceit, and possession of a controlled substance; other violent offenses includes arson, battery by body waste, battery on a police officer, pointing a firearm; *all other sex offenses* includes child exploitation; child seduction, public indecency, sexual battery, sexual misconduct with a minor, and voyeurism; *all other offenses* includes assisting a criminal, criminal mischief, neglect of a dependent child selling, and perjury. For parole violations, *all other drug offenses* includes attempted possession of cocaine, dealing in a schedule V controlled substance. dealing substance representing to be a controlled substance, unlawful possession of a syringe; *all other sex offenses* includes sexual misconduct with a minor, possession of child pornography and public indecency; *all other violent offenses* includes battery by body waste; *all other property offenses* includes criminal trespass, receiving stolen property, identity deception, attempted check fraud, attempted residential entry and check fraud.

violation cases and 32 percent of probation violators. Operating a vehicle while intoxicated (with a prior), accounting for approximately 14 percent of new commitment cases, 11 percent of probation violation cases, and 6 percent of parole violation cases. D felony level drug possession accounted for approximately 23 percent of new commitment cases, 21 percent of probation violation, and 18 percent of parole violation cases. Table 2 also shows an array of other most serious offenses of conviction, but these each represent only a small percentage of all cases.

Table 3. C felony most serious offense of conviction by source of admission to IDOC

Offense	New commitment		Probation violations		Parole violations	
	N	%	N	%	N	%
Forgery	54	38%	86	62%	23	50%
Operating vehicle after license forfeited for life	41	29%	28	20%	6	13%
Possession of cocaine or narcotic or methamphetamine	35	24%	16	12%	14	30%
Dealing in marijuana or hashish	9	6%	2	1%	1	2%
Possession of controlled substance	4	3%	5	4%	2	4%
Other	0	0%	2	1%	0	0%
Total	**143**	**100%**	**139**	**100%**	**46**	**100%**

Sources: New commitment and violation forms

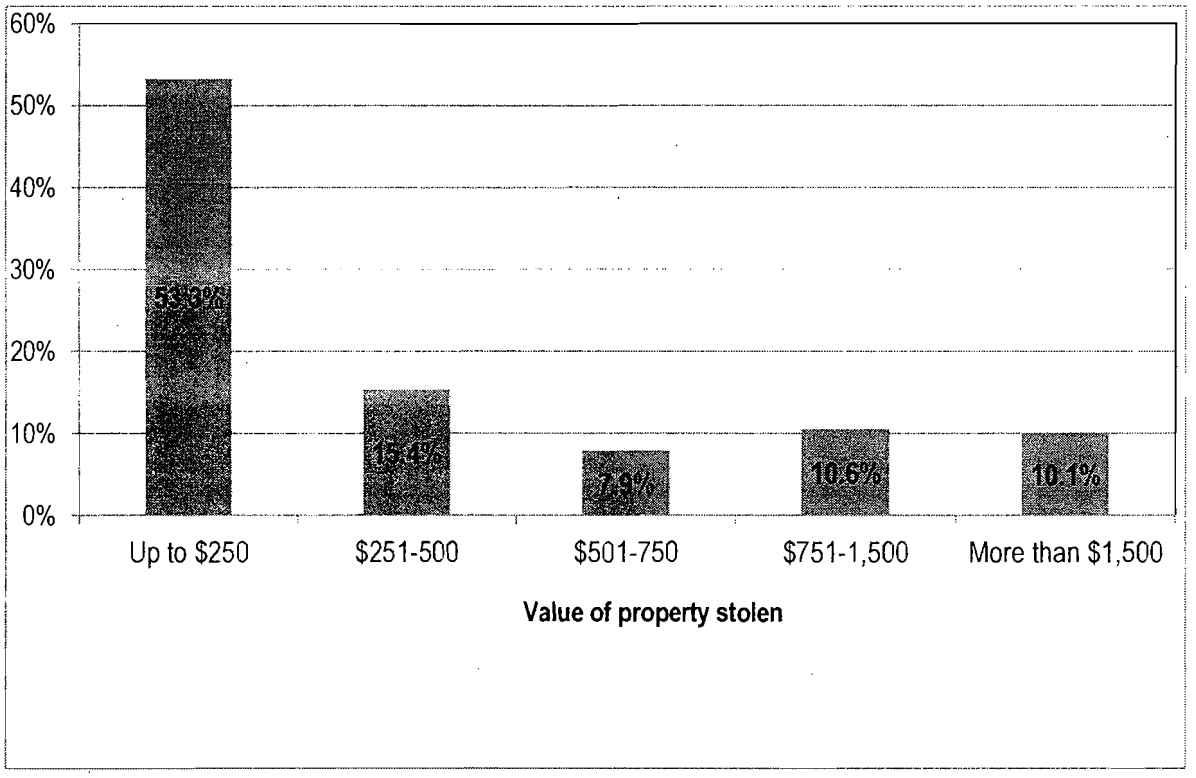
Notes: Percent totals may not sum to 100 due to rounding. For new commitment cases, three C felony theft cases were excluded from analysis. For probation violation cases, *other* category includes one case each of attempted fraud on financial institution and attempted possession of methamphetamines in excess of 3 grams.

Table 3 (above) shows the most serious offenses of conviction for the C felony cases included in the study. Recall that these cases were specifically chosen for inclusion in the study by conviction offense and therefore, are not representative of all C felony cases. In our sample, approximately 38 percent of C felony new commitment cases, 62 percent of probation and 50 percent of parole violation cases were for forgery. Another 29 percent of new commitment cases, 20 percent of probation violation cases, and 13 percent of parole violation cases were for operating a vehicle after lifetime suspension. Additionally, 24 percent of new commitment cases, 12 percent of probation violation cases, and 30 percent of parole violation cases were for possession of cocaine, narcotics, or methamphetamines.

Theft Case Information

As shown in Table 2, the most frequent offenses of conviction for D felony offenders sent to IDOC in the current study were theft and related offenses such as receiving stolen property. Figure 2 shows the estimated value of the property stolen for new court commitment cases. Estimated value of the property was available for approximately 70 percent of the new court commitment cases (227/313). The estimated value of the property stolen was $250 or less in 53 percent of new commitment cases sent to IDOC and $750 or less in nearly 80 percent of the new commitment theft cases in the study. Only slightly more than 10 percent of the cases had an estimated value of the property stolen greater than $1,500. Shoplifting, which refers to thefts from a retail store, accounted for approximately half (154/309) of all new court commitment D felony theft cases sent to the IDOC in the study (not shown in a table).

Figure 3. Estimated value of property stolen, new commitment theft cases



Note: Estimated value of property stolen was available for 221 of 320 D felony theft cases.

Case Characteristics

Table 4 shows that 93 percent of all D felony and 94 percent of all C felony new commitment cases in the study were resolved through plea agreements. One of the issues of interest in the study was the degree to which the charge of conviction accurately represented the charges that could have been filed in a given case. Prosecutors were specifically asked to give information on charge reductions and charges that were dismissed or not filed as part of a plea agreement. In the cases that were sentenced as a result of a plea agreement, about 47 percent did not involve any of the modifications tracked in this study: reductions in charges, charges not filed, and charges dismissed as part of the plea of the agreement.

In approximately half of all D felony cases and 58 percent of C felony cases, charges in other cases (or causes) were dismissed as part of the plea agreement. Charges were not filed or were dismissed (within the same cause) for 18 percent of D felony cases and 23 percent of C felony cases. The plea agreement included a reduction to a lesser offense in 7 percent of D felony cases and 15 percent of C felony cases. During sentencing there were additional cases pending approximately one-quarter of the time for D felony cases and 29 percent of C felony cases. It is possible that more than one of these modifications can be true of a particular case. It is interesting to note that in D felony theft cases, approximately two-thirds of the cases involved no sentence modification.

Table 4. Case characteristics by offense type, new court commitment cases

Case characteristics	Total		Theft		Drug possession		Vehicular		Forgery		Drug dealing	
	N	%	N	%	N	%	N	%	N	%	N	%
D felony												
Sentence result of plea agreement	1,104	93%	291	91%	240	94%	214	96%	Not applicable		9	90%
Sentence open	253	21%	59	18%	52	20%	57	26%			4	40%
No sentence modifications	558	47%	213	67%	104	41%	62	28%			3	30%
Plea agreement, plea to lesser offense	86	7%	13	4%	33	13%	3	1%			1	10%
Plea agreement, charges not filed/dismissed	208	18%	57	18%	39	15%	49	22%			2	20%
Plea agreement, other cases/causes dismissed	609	51%	109	34%	149	58%	161	72%			8	80%
At sentencing, court aware of pending cases	311	26%	95	30%	67	26%	48	22%			5	50%
Any part of sentence non-suspendable	648	55%	190	59%	130	51%	123	55%			3	30%
Previous convictions as adult/juvenile	1,069	90%	297	93%	229	89%	206	92%			9	90%
Previous probation violation	861	73%	238	75%	189	74%	153	69%			6	60%
Percent of all offenders with CC experience	323	27%	81	25%	66	26%	58	26%			4	40%
Percent on CC with at least one failure	245/323	76%	60/81	74%	48/66	73%	38/58	66%			3/4	75%
C felony												
Sentence result of plea agreement	135	94%	Three cases excluded		38	97%	37	95%	49	92%	8	89%
Sentence open	46	32%			10	26%	12	31%	18	34%	5	56%
No sentence modifications	67	47%			5	13%	31	79%	26	49%	3	100%
Plea agreement, plea to lesser offense	21	15%			19	49%	0	0%	1	2%	1	11%
Plea agreement, charges not filed/dismissed	33	23%			14	36%	5	13%	12	23%	2	22%
Plea agreement, other cases/causes dismissed	83	58%			24	62%	11	28%	41	77%	6	67%
At sentencing, court aware of pending cases	42	29%			7	18%	8	21%	25	47%	1	11%
Any part of sentence non-suspendable	100	70%			22	56%	30	77%	40	75%	5	56%
Previous convictions as adult/juvenile	131	92%			31	79%	37	95%	52	98%	8	89%
Previous probation violation	115	80%			25	64%	37	95%	43	81%	7	78%
Percent of all offenders with CC experience	42	29%			5	13%	19	49%	17	32%	0	0%
Percent on CC with at least one failure	34/42	81%			5/5	100%	15/19	79%	13/17	76%	0	0%

Source: New commitment forms

Notes: Percent totals may not sum to 100 due to rounding. CC refers to community corrections. Number of responses varies across questions due to missing data that could not be completed in follow up with counties. To obtain the total N for each cell, divide the N value by the decimal

value of the percent value. Theft category includes 308 D felony theft/receiving stolen property cases and 12 attempted theft cases. It does not include auto theft. Three C felony theft cases are excluded. Forgery is a C felony offense only.

The sentence was open (not binding) in 21 percent of D felony cases and nearly one-third of C felony cases, but was more likely to be open in C felony vehicular, drug dealing, and forgery cases. Some portion of the sentence was non-suspendable in 55 percent of D felony cases and 70 percent of C felony cases.

The data do not appear to show that many offenders were sent to IDOC for first-time, single D or C felony offenses. Nearly all offenders in the sample had a prior criminal history and a large majority had previously violated terms of their probation/parole. More than 90 percent of all C and D new commitment cases in the study had a prior conviction as an adult or juvenile. Similarly, a large majority of the cases included in the study that were sent to IDOC from new court commitments had prior probation/parole violations, including 73 percent of D felony cases and 80 percent of C felony cases.

Table 4 also shows that although previous experience with community corrections is not necessarily extensive in this sample, many of those with previous community corrections sentences had at least one prior failure. Overall, offenders in less than 30 percent of C and D felony cases had previously been on community corrections. Of those who had been on community corrections in the past, a large percentage had failed to successfully complete a community corrections sentence at least once, including 76 percent of D felony cases and 81 percent of C felony cases.

Table 5 shows characteristics of new court commitment cases broken down by race and ethnicity. Overall, there are relatively few differences in case characteristics between cases involving white and black offenders in the study. In terms of criminal history, more than nine in ten cases involved offenders with previous convictions for black and white race/ethnicity categories. Percentages for Hispanic and other were 88 and 81 percent, respectively. Blacks were somewhat more likely to have a portion of the sentence be non-suspendable (62 vs. 56 percent) and a greater percentage had prior probation violations (81 vs. 72 percent). Blacks were also more likely to have been sentenced to community corrections previously (37 vs. 25 percent), and also somewhat more likely to have failed at least once (82 vs. 73 percent).

Table 5. Case characteristics of new commitments by race/ethnicity

Case characteristics	White		Black		Hispanic		Other		Total	
	N	%	N	%	N	%	N	%	N	%
Sentence result of plea agreement	848	93%	316	94%	44	86%	31	97%	1,239	93%
Sentence open	210	23%	77	23%	6	12%	6	19%	299	23%
No sentence modifications	432	48%	160	47%	20	39%	13	41%	625	47%
Plea agreement, other cases/causes dismissed	473	52%	170	50%	30	59%	19	59%	692	52%
Plea agreement, charges not filed/dismissed	163	18%	67	20%	7	14%	4	13%	241	18%
Plea agreement, plea to lesser offense	78	9%	20	6%	2	4%	7	22%	107	8%
At sentencing, court aware of pending cases	239	26%	94	28%	9	18%	11	34%	353	27%
Any part of sentence non-suspendable	504	56%	209	62%	17	33%	18	56%	748	56%
Previous convictions as adult/juvenile	818	90%	311	92%	45	88%	26	81%	1,200	90%
Previous probation violations	656	72%	271	81%	28	55%	21	66%	976	74%
Percent of all offenders with CC experience	222	25%	123	37%	15	29%	5	16%	365	28%
Percent on CC with at least one failure	161/222	73%	101/123	82%	12/15	75%	5/5	100%	279/365	76%

Source: New commitment forms

Notes: Percent totals may not sum to 100 due to rounding. Number of responses varies across questions due to a small amount of missing data that could not be completed in follow up with counties. To obtain the total N for each cell, divide the N value by the decimal value of the corresponding percent value. CC refers to community corrections.

Table 6 provides details on the modifications that happened as a result of the plea agreement. As we saw in Table 4, it was relatively rare (seven percent for D felony cases and 15 percent for C felony cases) for the plea agreement to involve a plea to a lesser offense. Yet, when there was a plea to a lesser offense, the vast majority of time (88 percent for both D and C felony cases) a higher felony charge was dismissed. It was also the case that often pleading guilty to a lesser offense meant that a higher-level drug offense was dismissed (89 percent for C felony cases and 43 percent for D felony cases). In about one-fifth of the cases, the plea agreement involved not filing charges that the case may have warranted. When the plea agreement involved such a modification, the charges that were not filed were often a habitual offender enhancement (in 67 percent of the D felony cases and 50 percent of the C felony cases) or a drug felony charge (32 percent of D felony cases and 40 percent of C felony cases). By far, the most likely type of modification as part of a plea agreement involved the dismissal of other charges. It was rare for the dismissed charges to be violent felony charges or even habitual offender enhancements that had been filed. In nearly one-third of the cases where charges were dismissed as part of the plea agreement, the dismissed charges were either higher felony charges, misdemeanors or drug felony charges.

Table 6. Other charges dismissed or not filed, new court commitments

Sentence modifications	Felony level	
	D felony	C felony
Plea to lesser offense		
Plea to lesser offense, higher level felony dismissed (15b)	88%	89%
Plea to lesser offense, drug felony dismissed (15b)	43%	89%
Plea to lesser offense, violent felony dismissed (15b)	29%	0%
Plea to lesser offense, misdemeanor dismissed (15b)	7%	11%
Charge not filed		
Higher level felony not filed (15c)	8%	35%
Drug felony not filed (15c)	32%	40%
Violent felony not filed (15c)	5%	0%
Misdemeanor not filed (15c)	19%	15%
Habitual offender enhancement not filed (15c)	67%	50%
Case dismissed		
Higher level felony dismissed (15d)	15%	32%
Drug felony dismissed (15d)	30%	33%
Violent felony dismissed (15d)	13%	7%
Misdemeanor dismissed (15d)	70%	37%
Habitual offender enhancement dismissed (15d)	6%	9%

Source: New commitment forms

Note: 15b, 15c, and 15d refer to the questions on the new commitment form (see Appendix A).

Exploring Prior Criminal History

As noted above, more than 90 percent of cases in the study involved offenders with some prior criminal history. Table 7 explores this issue in greater detail. Approximately 70 percent of new commitment cases in the study had three or more prior convictions of some kind, whereas 61 percent of probation violations and 82 percent of parole violation had three or more prior convictions. For felony convictions, only one-quarter of new commitment cases, 29 percent of probation violation cases, and 18 percent of parole violation cases involved offenders with no prior felony convictions. An additional quarter of new commitments and probation violation cases involved offenders with only one prior felony conviction. For parole violation cases, the percentage with only one prior felony conviction was somewhat lower at 16 percent.

Approximately half of new commitment cases, 46 percent of probation violation cases, and 66 percent of parole violation cases had more than one prior felony conviction. In terms of the types of felony convictions, the large majority of new commitment cases had zero prior violent felony convictions (80 percent). About 84 percent of probation violation cases and approximately 69 percent of parole violation cases also had no prior violent felony convictions. In terms of prior drug felony convictions, 64 percent of new commitments, 74 percent of probation violation cases and 62 percent of parole violation cases involved offenders with no prior felony drug convictions. In terms of the average number of prior offenses, for those directly committed from a new conviction, overall the average was 5.5 prior convictions, 2.3 felony convictions, 1.0 drug felony, and 0.3 violent felony convictions.

Table 7. Number of prior convictions by type of and source of commitment

Prior convictions	Total		All felony		Violent felony		Drug felony	
	N	%	N	%	N	%	N	%
New commitments								
Zero	121	9%	336	25%	1058	80%	853	64%
1	108	8%	320	24%	198	15%	292	22%
2	171	13%	237	18%	46	3%	111	8%
3-5	404	31%	294	22%	20	2%	64	5%
6-9	290	22%	94	7%	2	0%	4	0%
10 +	230	17%	43	3%	0	0%	0	0%
Total	**1,324**	**100%**	**1,324**	**100%**	**1,324**	**100%**	**1,324**	**100%**
Average	**5.5**		**2.3**		**0.3**		**1.0**	
Probation violations								
Zero	123	12%	286	29%	827	84%	727	74%
1	92	9%	247	25%	125	13%	171	17%
2	166	17%	205	21%	27	3%	73	7%
3-5	319	32%	193	20%	10	1%	17	2%
6-9	179	18%	44	4%	0	0%	1	0%
10 +	110	11%	14	1%	0	0%	0	0%
Total	**989**	**100%**	**989**	**100%**	**989**	**100%**	**989**	**100%**
Average	**4.2**		**2.1**		**0.54**		**0.8**	
Parole violations								
Zero	14	5%	47	18%	183	69%	163	62%
1	14	5%	43	16%	55	21%	55	21%
2	30	11%	47	18%	22	8%	26	10%
3-5	57	22%	72	27%	2	1%	17	6%
6-9	78	30%	41	16%	2	1%	3	1%
10 +	82	31%	14	5%	0	0%	0	0%
Total	**264**	**100%**	**264**	**100%**	**264**	**100%**	**264**	**100%**
Average	**5.8**		**3.7**		**0.8**		**1.3**	

Sources: New commitment, violation forms, and criminal history data

Notes: Percent totals may not sum to 100 due to rounding. Criminal history information was not available for four new commitment cases and seven probation violation cases. Average refers to statistical mean.

Prior Supervision Experience

One important question that motivated the study was the exploration of experiences with alternatives to incarceration. To explore this issue, several questions were included in the data collection instruments examining the types of community supervision that offenders had previously been sentenced to and whether they had ever failed the terms of these community-based sentences. Community supervision included, for example, probation, community corrections, home detention, electronic monitoring, and work release, among others. Although it was beyond the scope of the study to determine the actual number of times an offender had been on community supervision of each type, it was feasible to know the types of supervision that had been tried with each offender. Thus, we could not ascertain, for example, the number of previous times an offender was on probation, but we could determine whether the person had ever been on probation, and whether they had ever failed at it. If anything, the information

presented here on community supervision experiences, likely underestimates the extent of prior community supervision because of the lack of a centralized database with standardized definitions.

Table 8 shows the number of different types of prior community supervision experienced for C and D felony new commitment cases by offense type. Overall only 14 percent D felony cases and 10 percent of C felony cases experienced no prior community supervision. Around 80 percent of D felony and C felony cases included one or two types of prior community supervision for the offender (Note, again, that it is possible that an offender could have been on one type of community supervision more than once and still be in this category).

Table 8. Number of types of community supervision to which offender previously sentenced, new commitments

N of types of prior community supervision	Theft offenses		Drug possession offenses		Vehicular offenses		Forgery		Drug dealing offenses		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
D felony												
Zero	49	15%	36	14%	27	12%	Not applicable		0	0%	**168**	**14%**
1	178	56%	149	58%	131	59%			6	60%	**653**	**55%**
2	75	23%	52	20%	49	22%			3	30%	**275**	**23%**
3+	18	6%	19	7%	16	7%			1	10%	**89**	**8%**
Total	**320**	**100%**	**256**	**100%**	**223**	**100%**			**10**	**100%**	**1,185**	**100%**
C felony												
Zero	three cases excluded		8	21%	0	0%	5	9%	1	11%	**14**	**10%**
1			23	59%	17	44%	28	53%	7	78%	**78**	**55%**
2			8	21%	13	33%	16	30%	1	11%	**38**	**27%**
3+			0	0%	9	23%	4	8%	0	0%	**13**	**9%**
Total			**39**	**100%**	**39**	**100%**	**53**	**100%**	**9**	**100%**	**143**	**100%**

Source: New commitment forms

Notes: Percent totals may not sum to 100 due to rounding. Numbers refer to the number of types of prior community supervision not the number of times an offender was on community supervision. So an offender with three probation periods but no other form of community supervision would be counted as one. Information on the number of prior times on community supervision was not available. Theft category includes 308 D felony theft/receiving stolen property cases and 12 attempted theft cases. It does not include auto theft. Forgery is a C felony offense.

Table 9 shows the percentage of cases involving offenders that had been reported as failing prior community supervision. It is important to keep in mind that the number here refers to the number of types of community supervision failure not the total number of times failing on community supervision. Thus, an offender could have failed multiple times on probation but if they had only been placed on probation they would be listed in the *one* category because they had failed on one type of supervision. Overall, about 26 percent of D felony cases and 19 percent of C felony cases in the study involved offenders who had no failures of prior community supervision. Just over half of both C and D felony cases in the study with previous failures had failed on one type of community supervision, and 18 percent D felony offenders and 21 percent of C felony offenders had failed on two or more types of community supervision. Information for the D felony drug dealing offense category and the C felony offense categories by crime type should be interpreted with caution due to the small number of cases in each category.

Table 9. Number of types of community supervision on which offender had previously failed, new commitments

N of types of failure on prior community supervision	Theft offenses		Drug possession offenses		Vehicular offenses		Forgery		Drug dealing offenses		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
D felony cases												
Zero	80	25%	61	24%	67	30%	Not applicable		3	30%	**304**	**26%**
1	170	53%	145	57%	116	52%			4	40%	**614**	**52%**
2	60	19%	40	16%	30	13%			3	30%	**210**	**18%**
3 +	10	3%	10	4%	10	4%			0	0%	**57**	**5%**
Total	**320**	**100%**	**256**	**100%**	**223**	**100%**			**10**	**100%**	**1,185**	**100%**
C felony cases												
Zero	Three cases excluded		14	36%	1	3%	10	19%	2	22%	**27**	**19%**
1			19	49%	21	54%	27	51%	7	78%	**76**	**53%**
2			6	15%	10	26%	13	25%	0	0%	**30**	**21%**
3 +			0	0%	7	18%	3	6%	0	0%	**10**	**7%**
Total			**39**	**100%**	**39**	**100%**	**53**	**100%**	**9**	**100%**	**143**	**100%**

Source: New commitment forms

Notes: Percent totals may not sum to 100 due to rounding. Numbers refer to the number of types of prior community supervision upon which the offender has had a failure not the number of times an offender failed on community supervision. So an offender with three probation failures but no other form of community supervision failure would be counted as one. Information on the total number of failures on community supervision was not available. Theft category includes 308 D felony theft/receiving stolen property cases and 12 attempted theft cases. It does not include auto theft. Forgery is a C felony offense.

Sentence Length Information from Courts

In this section we explore sentence length in greater detail. Table 10 shows the breakdown of total, executed, and suspended sentences for new court commitment and probation violation cases by C and D felony level. Total sentence refers to the actual sentence in days for which the offender was sentenced for all charges or causes in the case. Executed sentence refers to the portion of the total sentence that is assigned by the court to be served in IDOC. Suspended sentence refers to the portion of the total sentence that is currently suspended and can be instituted at a later date under certain conditions, usually the violation of some condition of supervision or the commission of a new offense.

For D felony new commitment cases, 22 percent of total sentences and approximately half of executed sentences were for 365 days or less. For D felony probation violation cases, 53 percent of total sentences and 55 percent of executed sentences were for one year or less. In terms of suspensions of a portion of the total sentence, 40 percent of D felony new court commitments had some portion of the total sentence suspended, whereas only five percent of D felony probation violation cases had any portion of the sentence suspended. Seventy-one percent of the total sentences and 45 percent of the executed sentences were for longer than 18 months for D felony new commitment cases. For D felony probation violation cases, 36 percent of total sentences and 33 percent of executed sentences were for longer than 18

Table 10. Sentence length by source of admission and felony level

Days	Total sentence		Executed sentence		Suspended sentence	
	N	%	N	%	N	%
D felony new commitments						
Zero	0	0%	0	0%	709	60%
1-180	83	7%	271	23%	32	3%
181-365	175	15%	326	28%	178	15%
366-540	80	7%	62	5%	75	6%
541-730	460	39%	323	27%	128	11%
731-910	47	4%	35	3%	23	2%
911-1,095	259	22%	115	10%	32	3%
1095 +	81	7%	54	5%	8	1%
Total	1,185	100%	1,185	100%	1,185	100%
Average	767.2		551.9		217.2	
D felony probation violations						
Zero	0	0%	0	0%	807	95%
1-180	212	25%	232	27%	8	1%
181-365	240	28%	241	28%	18	2%
366-540	96	11%	93	11%	4	0%
541-730	205	24%	199	23%	10	1%
731-910	32	4%	27	3%	1	0%
911-1,095	56	7%	51	6%	2	0%
1095 +	9	1%	7	1%	0	0%
Total	850	100%	850	100%	850	100%
Average	449.8		441.1		22.3	
C felony new commitments						
Zero	0	0%	0	0%	86	60%
1-180	0	0%	1	1%	1	1%
181-365	0	0%	6	4%	7	5%
366-540	1	1%	1	1%	1	1%
541-730	28	20%	42	29%	19	13%
731-910	0	0%	0	0%	1	1%
911-1,095	14	10%	22	15%	11	8%
1095 +	100	70%	71	50%	17	12%
Total	143	100%	143	100%	143	100%
Average	1690.9		1301.5		388.9	
C felony probation violations						
Zero	0	0%	0	0%	131	94%
1-180	15	11%	15	11%	1	1%
181-365	18	13%	22	16%	2	1%
366-540	14	10%	13	9%	0	0%
541-730	42	30%	42	30%	5	4%
731-910	6	4%	7	5%	0	0%
911-1,095	14	10%	15	11%	0	0%
1095 +	30	22%	25	18%	0	0%
Total	139	100%	139	100%	139	100%
Average	863.5		833.3		29.3	

Sources: New commitment and violation forms

Notes: Percent totals may not sum to 100 due to rounding. Information not available for seven D felony probation violation cases or any parole violation cases. Three C felony thefts not included.

months. For C felony cases, 100 percent of total sentence and 94 percent of executed sentences were for 18 months or longer (540+ days). For C felony probation violation cases, 76 percent of total and 73 percent of executed sentences were for 18 months or longer.

Table 11 shows the total, executed, and suspended sentence information by category of offense for new court commitment cases by C and D felony level. For D level felonies, approximately half of all executed sentences were for one year or less, ranging from 48 percent of theft cases to 54 percent of vehicular offense cases, with the exception of drug dealing which had only ten D felony cases in the study.

For C felony cases, executed sentences of two or more years (730 or more days) ranged from 51 percent of vehicular offense cases to 72 percent of drug possession cases. Because executed sentences drive the length of stay in IDOC, a significant proportion of D felony offenders in the sample could expect to spend less than one year in prison even if they earned no jail time credit or one for one credit. Jail credit days and one for one credit inevitably shorten these stays in an IDOC facility.

Table 11. Sentence length by crime type and felony level, new commitment cases

Days	D felony						C felony					
	Total		Executed		Suspended		Total		Executed		Suspended	
	N	%	N	%	N	%	N	%	N	%	N	%
Theft												
Zero	0	0%	0	0%	207	65%	Three cases excluded					
1-180	25	8%	67	21%	7	2%						
181-365	51	16%	88	28%	50	16%						
366-540	17	5%	16	5%	19	6%						
541-730	142	44%	101	32%	32	10%						
731-910	12	4%	9	3%	1	0%						
911-1,095	58	18%	26	8%	3	1%						
1095 +	15	5%	13	4%	1	0%						
Total	**320**	**100%**	**320**	**100%**	**320**	**100%**						
Drug possession												
Zero	0	0%	0	0%	162	63%	0	0%	0	0%	23	59%
1-180	25	10%	65	25%	6	2%	0	0%	1	3%	0	0%
181-365	42	16%	66	26%	38	15%	0	0%	0	0%	3	8%
366-540	19	7%	13	5%	14	5%	1	3%	1	3%	1	3%
541-730	86	34%	63	25%	25	10%	5	13%	9	23%	7	18%
731-910	15	6%	11	4%	66	26%	0	0%	0	0%	0	0%
911-1,095	51	20%	27	11%	3	1%	3	8%	6	15%	3	8%
1095 +	18	7%	11	4%	2	1%	30	77%	22	56%	2	5%
Total	**256**	**100%**	**256**	**100%**	**256**	**100%**	**39**	**100%**	**39**	**100%**	**39**	**100%**

Table 11. Sentence length by crime type and felony level, new commitment cases (continued)

Days	D felony						C felony					
	Total		Executed		Suspended		Total		Executed		Suspended	
	N	%	N	%	N	%	N	%	N	%	N	%
Vehicular offenses												
Zero	0	0%	0	0%	104	47%	0	0%	0	0%	25	64%
1-180	11	5%	71	32%	11	5%	0	0%	0	0%	1	3%
181-365	17	8%	50	22%	27	12%	0	0%	1	3%	2	5%
366-540	18	8%	9	4%	23	10%	0	0%	0	0%	0	0%
541-730	85	38%	53	24%	31	14%	13	33%	18	46%	3	8%
731-910	12	5%	10	4%	6	3%	0	0%	0	0%	0	0%
911-1,095	59	26%	16	7%	20	9%	3	8%	6	15%	2	5%
1095 +	21	9%	14	6%	1	0%	23	59%	14	36%	6	15%
Total	**223**	**100%**	**223**	**100%**	**223**	**100%**	**39**	**100%**	**39**	**100%**	**39**	**100%**
Forgery												
Zero	Not applicable						0	0%	0	0%	30	57%
1-180							0	0%	0	0%	0	0%
181-365							0	0%	4	8%	2	4%
366-540							0	0%	0	0%	0	0%
541-730							7	13%	12	23%	8	15%
731-910							0	0%	0	0%	0	0%
911-1,095							5	9%	8	15%	6	11%
1095 +							41	77%	29	55%	7	13%
Total							**53**	**100%**	**53**	**100%**	**53**	**100%**

Source: New commitment forms

Notes: Percent totals may not sum to 100 due to rounding. D felony theft category includes 308 theft/ receiving stolen property cases and 12 attempted theft cases. It does not include auto theft. Forgery is a C felony offense. Drug dealing offenses include nine cases each of D and C felony marijuana/ hashish dealing, and one case each of conspiracy to deal marijuana, dealing in a counterfeit substance, dealing in schedule V controlled substance, dealing substance represented to be controlled substance, and unlawful sale of a precursor. Vehicular offenses include the following D felony offenses: operating a vehicle while intoxicated (with previous violation), operating a vehicle as habitual traffic violator, operating vehicle while license suspended as a habitual violator, and operating a vehicle while intoxicated causing serious bodily injury. C felony vehicular offenses consisted of operating a vehicle after license forfeited for life. C felony drug possession included possession of cocaine, narcotic or methamphetamine, and possession of a controlled substance. D felony drug possession offenses included possession of cocaine or narcotic or methamphetamine, possession of a controlled substance, possession of marijuana or hashish, possession paraphernalia, possession of precursor over 10 grams, prescription offenses, and 16 other D felony drug offenses. Three C felony theft cases are excluded.

Table 12 (above) shows the total, executed, and suspended sentence information for probation violation cases by type of violation (new criminal offense, technical violation of supervision, or both) broken down by C and D felony level. In terms of executed sentence, for D felony probation violation cases, approximately half of cases involving a new criminal offense and cases involving both technical violations of supervision and a new criminal offense had executed sentences of one year or less. This percentage increased to 59 percent of cases involving technical violations of supervision rules only. For C felony cases, executed sentences of 2 years or more (more than 730 days) were given in 6 percent of cases in which the violation involved only a new offense, 19 percent of cases involving both technical violations and a new criminal offense, and 31 percent of cases with only technical rule violations.

Table 12. Sentence length by violation type and felony level, probation violations

Days	D felony						C felony					
	Total		Executed		Suspended		Total		Executed		Suspended	
	N	%	N	%	N	%	N	%	N	%	N	%
Committed new offense												
Zero	0	0%	0	0%	202	96%	0	0%	0	0%	29	97%
1-180	45	21%	49	23%	1	0%	3	1%	2	1%	0	0%
181-365	59	28%	58	27%	4	2%	1	0%	2	1%	0	0%
366-540	22	10%	23	11%	1	0%	4	2%	4	2%	0	0%
541-730	58	27%	55	26%	3	1%	5	2%	6	2%	1	3%
731-910	8	4%	8	4%	0	0%	2	1%	2	1%	0	0%
911-1,095	15	7%	16	8%	0	0%	6	2%	6	2%	0	0%
1095 +	4	2%	2	1%	0	0%	9	4%	8	3%	0	0%
Total	**211**	**100%**	**211**	**100%**	**211**	**100%**	**30**	**100%**	**30**	**100%**	**30**	**100%**
Violated technical condition of supervision												
Zero	0	0%	0	0%	489	94%	0	0%	0	0%	81	94%
1-180	147	28%	162	31%	5	1%	11	13%	11	13%	0	0%
181-365	143	28%	145	28%	12	2%	11	13%	13	15%	1	1%
366-540	51	10%	47	9%	3	1%	6	7%	6	7%	0	0%
541-730	119	23%	116	22%	7	1%	29	34%	29	34%	4	5%
731-910	20	4%	16	3%	1	0%	4	5%	5	6%	0	0%
911-1,095	35	7%	29	6%	2	0%	8	9%	9	10%	0	0%
1095 +	4	1%	4	1%	0	0%	17	20%	13	15%	0	0%
Total	**519**	**100%**	**519**	**100%**	**519**	**100%**	**86**	**100%**	**86**	**100%**	**86**	**100%**
New offense and violation of condition of supervision												
Zero	0	0%	0	0%	108	96%	0	0%	0	0%	14	88%
1-180	19	17%	20	18%	2	2%	1	6%	2	13%	1	6%
181-365	36	32%	36	32%	2	2%	4	25%	5	31%	1	6%
366-540	21	19%	21	19%	0	0%	4	25%	3	19%	0	0%
541-730	25	22%	25	22%	0	0%	4	25%	3	19%	0	0%
731-910	4	4%	3	3%	0	0%	0	0%	0	0%	0	0%
911-1,095	6	5%	6	5%	0	0%	0	0%	0	0%	0	0%
1095 +	1	1%	1	1%	0	0%	3	19%	3	19%	0	0%
Total	**112**	**100%**	**112**	**100%**	**112**	**100%**	**16**	**100%**	**16**	**100%**	**16**	**100%**

Source: Violation forms

Notes: Percent totals may not sum to 100 due to rounding. Information on total. executed. and suspended sentence was not available for 13 probation violation cases or any parole violation cases. Total sentence refers to the maximum sentence for which the offender could be sentenced for all charges or causes in the case. Executed sentence refers to the maximum term of the sentence that is currently expected to be served. Suspended sentence refers to the portion of the total sentence that is currently suspended and can be instituted at a later date under certain conditions. usually the violation of some condition of supervision or the commission of a new offense.

Table 13. Jail credit days by source of admission to IDOC

Days	New commitments		Probation violations	
	N	%	N	%
D felony				
Zero	135	11%	241	28%
1-30	353	30%	187	22%
31-60	74	6%	91	11%
61-120	177	15%	125	15%
121-180	158	13%	66	8%
181-270	109	9%	47	6%
271-365	118	10%	46	5%
366 +	61	5%	47	6%
Total	**1,185**	**100%**	**850**	**100%**
Average	**116.0**		**88.3**	
C felony				
Zero	6	4%	36	26%
1-30	32	22%	18	13%
31-60	14	10%	21	15%
61-120	12	8%	14	10%
121-180	20	14%	7	5%
181-270	13	9%	6	4%
271-365	23	16%	15	11%
366 +	23	16%	21	15%
Total	**143**	**100%**	**138**	**100%**
Average	**191.3**		**169.9**	

Sources: New commitment and violation forms

Notes: Percent totals may not sum to 100 due to rounding. Jail credit refers to the number of days spent in a local jail that the judge gave them credit for toward their sentence. The executed sentence is typically reduced by the amount of this credit. Information was not available for seven D felony and one C felony probation violation cases.

Table 13 (above) shows a breakdown of cases with numbers of days of jail credit for new court commitment and probation violation cases by felony level. In terms of jail credit, 41 percent of D felony new court commitments and half of probation violation cases earned 30 days or less of jail credit. For C felony offenders, 26 percent of new commitment cases and 44 percent of probation violation cases earned 30 days or less of jail credit. Twenty-four percent of D felony new commitment cases and 17 percent of probation violation cases earned more than 180 days of jail credit. For C felony offenders, 30 percent of probation violation cases and 41 percent of new court commitments earned more than 180 days of jail credit. For D felony new commitments the average jail credit was 116 days and for probation violations the average was 88 days. For C felony new commitments the average jail credit was 191 days and for probation violations the average jail credit was 170 days. These jail credit days inevitably shorten the time offenders will spend of their executed sentences in IDOC.

Table 14. Jail credit by offense type, new commitments

Days	Theft		Drug possession		Vehicular		Forgery		Drug dealing		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
D felony												
Zero	37	12%	23	9%	20	9%	Not applicable		1	10%	135	11%
1-30	84	26%	90	35%	108	48%			2	20%	353	30%
31-60	25	8%	11	4%	12	5%			0	0%	74	6%
61-120	45	14%	32	13%	27	12%			1	10%	177	15%
121-180	49	15%	33	13%	19	9%			1	10%	158	13%
181-240	33	10%	21	8%	18	8%			2	20%	109	9%
241-365	33	10%	24	9%	11	5%			2	20%	118	10%
366 +	14	4%	22	9%	8	4%			1	10%	61	5%
Total	320	100%	256	100%	223	100%			10	100%	1,185	100%
C felony												
Zero	Three cases excluded		1	3%	1	3%	3	6%	0	0%	6	4%
1-30			13	33%	13	33%	4	8%	2	22%	32	22%
31-60			2	5%	4	10%	6	11%	1	11%	14	10%
61-120			1	3%	4	10%	6	11%	1	11%	12	8%
121-180			4	10%	6	15%	9	17%	1	11%	20	14%
181-240			4	10%	2	5%	5	9%	1	11%	13	9%
241-365			4	10%	8	21%	10	19%	1	11%	23	16%
366 +			10	26%	1	3%	10	19%	2	22%	23	16%
Total			39	100%	39	100%	53	100%	9	100%	143	100%

Source: New commitment forms

Notes: Percent totals may not sum to 100 due to rounding. Jail credit refers to the number of days spent in a local jail. The executed sentence is typically reduced by the amount of this credit. D felony theft category includes 308 theft/ receiving stolen property cases and 12 attempted theft cases. It does not include auto theft. Forgery is a C felony offense. Drug dealing offenses include nine cases each of D and C felony marijuana/ hashish dealing, and one case each of conspiracy to deal marijuana, dealing in a counterfeit substance, dealing in schedule V controlled substance, dealing substance represented to be controlled substance, and unlawful sale of a precursor. Vehicular offenses include the following D felony offenses: operating a vehicle while intoxicated (with previous violation), operating a vehicle as habitual traffic violator, operating vehicle while license suspended as a habitual violator, and operating a vehicle while intoxicated causing serious bodily injury. C felony vehicular offenses consisted of operating a vehicle after license forfeited for life. C felony drug possession included possession of cocaine or narcotic or methamphetamine, and possession of a controlled substance. D felony drug possession offenses included possession of cocaine or narcotic or methamphetamine. possession of a controlled substance. possession of marijuana or hashish. possession paraphernalia, possession of precursor over 10 grams, prescription offenses. and 16 other D felony drug offenses. Three C felony theft cases are excluded.

Table 14 (above) shows a breakdown of the days of jail credit earned by offense type for new court commitments by felony level. Overall, approximately 41 percent of D felony new commitment cases earned 30 days or less of jail credit, but the percentages varied by offense type. Approximately 38 percent of theft cases, 44 percent of drug possession cases, and 57 percent of vehicular offenses earned 30 days or less of jail credit. For C felony cases, overall 26 percent earned 30 days or fewer of jail credit but this ranged from 14 percent for forgery cases to 36 percent for drug possession and vehicular offenses. Conversely, 24 percent of all D felony and 41 percent of all C felony new commitment cases earned more than180 days of jail credit.

To examine the number of days a convicted felon would expect to spend in the IDOC, we calculated an *expected length of stay*, which is the executed sentence in days minus jail credit days and then divided by two (to account for the likely "good-time" credit that can be expected to be earned for most offenders). For some offenders, some portion or the entire sentence can be served in a local jail through contract with IDOC. Although not shown in a table, this was only true for only a small proportion of offenders in the study. For new commitment cases, nine percent of D felony cases and 3 percent of C felony cases served their entire IDOC sentence in a local jail. For Probation violation cases, four percent of D felony cases and 1 percent of C felony cases served their entire IDOC sentence in a local jail. For those who served their entire IDOC sentence in a local jail, 71 percent of new commitment cases and 86 percent of probation violation cases involved sentences of 60 days or less.

Table 15 shows the expected LOS by source of admission to IDOC broken down by felony level. For D felony offenders approximately 20 percent of both new court commitments and probation violation cases had an expected LOS of 30 days or less. Approximately 55 percent of new commitment cases and 59 percent of probation violation cases had expected LOS days calculated to be 180 days or fewer. Only 28 percent of new commitment and 27 percent of probation violation cases had expected LOS days of more than 9 months (271 or more days). For C felony cases, 37 percent of new commitments and 71 percent of probation violation cases had expected LOS days of less than 366 days. In terms of averages, D felony new court commitment cases had an average expected LOS of 218 days (about 7 months), whereas probation violation cases had an average expected LOS of 176 days (about 6 months). For C felony cases, new commitment cases had an average expected LOS of 555 days (18.5 months) and probation violation cases had an average expected LOS of 333 days (about 11 months).

Table 15. Expected length of stay by source of admission to IDOC

Days	New commitments		Probation violations	
	N	%	N	%
		D felony		
1-60	226	19%	169	20%
61-120	275	23%	191	23%
121-180	146	12%	138	16%
181-270	199	17%	178	21%
271-365	171	14%	108	20%
366 +	168	14%	60	7%
Total	**1,185**	**100%**	**844**	**100%**
Average	**217.9**		**176.4**	
		C felony		
1-60	3	2%	16	12%
61-120	3	2%	14	10%
121-180	4	3%	12	9%
181-270	10	7%	24	18%
271-365	33	23%	30	22%
366 +	90	63%	39	29%
Total	**143**	**100%**	**135**	**100%**
Average	**555.1**		**332.8**	

Sources: New commitment and violation forms

Notes: Percent totals may not sum to 100 due to rounding. Expected LOS is calculated as the executed sentence in days divided by two and then any jail credit days are subtracted from this value. Generally, offenders can be expected to earn two days of credit in IDOC for each day served, assuming good behavior. There are a few offenses for which this credit is not available but none of the offenses in this study met these criteria. Information was not available for thirteen D felony and four C felony probation violation cases.

Table 16 shows the breakdown of expected LOS by offense type and felony level for new commitment cases. Overall, 42 percent of D felony new commitment cases had an expected LOS of 120 days or less, and this ranged from 43 percent for drug possession and theft cases to 49 percent for vehicular cases. D felony drug dealing had only ten cases so the 30 percent figure should be interpreted with caution. At the other end of the spectrum, 14 percent of D felony offenders had an expected LOS of more than one year (366 or more days), and this varied little by crime type. For C felony offenders, 63 percent of new commitment cases overall had an expected LOS of one year or more and this ranged from 51 percent for vehicular offenses to 68 percent for forgery cases.

Table 16. Expected length of stay by offense type, new commitments

Days	Theft		Drug possession		Vehicular		Forgery		Drug dealing		Other		total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
D felony														
1-60	55	17%	46	18%	60	27%	Not applicable		1	10%	64	17%	**226**	**19%**
61-120	82	26%	63	25%	49	22%			2	20%	79	21%	**275**	**23%**
121-180	36	11%	33	13%	22	10%			0	0%	55	15%	**146**	**12%**
181-270	59	18%	39	15%	29	13%			3	30%	69	18%	**199**	**17%**
271-365	47	15%	38	15%	28	13%			1	10%	57	15%	**171**	**14%**
366 +	41	13%	37	14%	35	16%			3	30%	52	14%	**168**	**14%**
Total	**320**	**100%**	**256**	**100%**	**223**	**100%**			**10**	**100%**	**376**	**100%**	**1,185**	**100%**
C felony														
1-60			0	0%	1	3%	1	2%	1	11%			**3**	**2%**
61-120			1	3%	0	0%	2	4%	0	0%			**3**	**2%**
121-180			0	0%	1	3%	3	6%	0	0%			**4**	**3%**
181-270			2	5%	4	10%	3	6%	1	11%			**10**	**7%**
271-365			10	26%	13	33%	8	15%	2	22%			**33**	**23%**
366 +			26	67%	20	51%	36	68%	5	56%			**90**	**63%**
Total			**39**	**100%**	**39**	**100%**	**53**	**100%**	**9**	**100%**			**143**	**100%**

Source: New commitment forms

Notes: Percent totals may not sum to 100 due to rounding. Expected LOS is calculated as the executed sentence in days (minus any jail credit days) divided by two. Generally, offenders are expected to earn two days of credit in IDOC for each day served, assuming good behavior. There are a few offenses for which this credit is not available but none of the offenses in this study met these criteria. D felony theft category includes 308 theft/ receiving stolen property cases and 12 attempted theft cases. It does not include auto theft. Forgery is a C felony offense. Drug dealing offenses include nine cases each of D and C felony marijuana/ hashish dealing, and one case each of conspiracy to deal marijuana, dealing in a counterfeit substance, dealing in schedule V controlled substance, dealing substance represented to be controlled substance, and unlawful sale of a precursor. Vehicular offenses include the following D felony offenses: operating a vehicle while intoxicated (with previous violation), operating a vehicle as habitual traffic violator, operating vehicle while license suspended as a habitual violator, and operating a vehicle while intoxicated causing serious bodily injury. C felony vehicular offenses consisted of operating a vehicle after license forfeited for life. C felony drug possession included possession of cocaine or narcotic or methamphetamine, and possession of a controlled substance. D felony drug possession offenses included possession of cocaine or narcotic or methamphetamine, possession of a

controlled substance, possession of marijuana or hashish, possession paraphernalia, possession of precursor over 10 grams, prescription offenses, and 16 other D felony drug offenses. Three C felony theft cases s are excluded.

To explore the relationship between prior convictions and expected LOS, we examined the expected LOS cross-classified with the number of prior convictions, prior felony convictions, prior violent felony convictions, and prior drug felony convictions. The results of this analysis are shown in Table 17 (next page). Overall, the table shows that the expected LOS increases somewhat with increasing numbers of prior convictions, and this appears to generally be true for all prior convictions, prior felony convictions, prior violent felony convictions, and drug felony convictions. For example, 23 percent of new court commitment cases with zero prior convictions had an expected LOS of more than 270 days compared with 43 percent of those with six or more prior convictions. Similarly, 23 percent of those with no prior felony convictions but 45 percent of those with six or more prior felony convictions had sentences of 271 days or more. For violent felonies, 32 percent of those with no prior violent felony convictions but 61 percent of those with three to five prior violent felony convictions had an expected LOS of 271 days or more.

Table 18 (below) shows the expected LOS for probation violation cases by the number of prior overall, felony, violent felony, and drug felony convictions. For the overall number of prior convictions, there is a steady increase in the percentage of cases with an expected LOS of more than 180 days as the number of prior convictions increases from 38 percent of cases with zero prior convictions to 48 percent of cases with six or more prior convictions. The pattern is less obvious for prior felony convictions, where the percentage of cases with 181 or more days of expected LOS ranges from 42 percent to 46 percent, except for cases with six or more prior convictions where 57 percent of cases had an expected LOS of more than 180 days. For prior violent felony convictions, 45 percent of cases with zero prior violent felony convictions, 42 percent of cases with one and 54 percent of cases with two prior violent felony convictions had an expected LOS of more than 180 days.

Table 17. Expected length of stay by prior convictions, new commitments

Days	None		1 prior conviction		2 prior convictions		3-5 prior convictions		6 + prior convictions		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
All prior convictions												
1-60	37	31%	30	28%	33	19%	66	16%	63	12%	**229**	**17%**
61-120	30	25%	15	14%	48	28%	90	22%	92	18%	**275**	**21%**
121-180	15	12%	12	11%	20	12%	46	11%	57	11%	**150**	**11%**
181-270	11	9%	17	16%	23	13%	75	19%	82	16%	**208**	**16%**
271-365	11	9%	15	14%	29	17%	55	14%	94	18%	**204**	**15%**
366 +	17	14%	19	18%	18	11%	72	18%	132	25%	**258**	**19%**
Total	**121**	**100%**	**108**	**100%**	**171**	**100%**	**404**	**100%**	**520**	**100%**	**1,324**	**100%**
Prior felony convictions												
1-60	100	30%	58	18%	32	14%	24	8%	15	11%	**229**	**17%**
61-120	84	25%	62	19%	56	24%	50	17%	23	17%	**275**	**21%**
121-180	33	10%	38	12%	30	13%	37	13%	12	9%	**150**	**11%**
181-270	42	13%	59	18%	35	15%	50	17%	22	16%	**208**	**16%**
271-365	31	9%	51	16%	43	18%	55	19%	24	18%	**204**	**15%**
366 +	46	14%	52	16%	41	17%	78	27%	41	30%	**258**	**19%**
Total	**336**	**100%**	**320**	**100%**	**237**	**100%**	**294**	**100%**	**137**	**100%**	**1,324**	**100%**
Prior violent felony convictions												
1-60	202	18%	18	9%	5	10%	3	13%	1	50%	**229**	**17%**
61-120	221	20%	47	23%	4	8%	2	9%	1	50%	**275**	**21%**
121-180	115	10%	28	14%	7	15%	0	0%	0	0%	**150**	**11%**
181-270	167	15%	32	15%	8	17%	1	4%	0	0%	**208**	**16%**
271-365	152	14%	35	17%	13	27%	4	17%	0	0%	**204**	**15%**
366 +	201	18%	38	18%	9	19%	10	43%	0	0%	**258**	**19%**
Total	**1058**	**95%**	**198**	**96%**	**46**	**96%**	**20**	**87%**	**2**	**100%**	**1,324**	**100%**
Prior drug felony convictions												
1-60	171	19%	35	12%	19	16%	4	6%	0	0%	**229**	**17%**
61-120	184	21%	56	18%	17	14%	17	25%	1	25%	**275**	**21%**
121-180	94	11%	35	12%	15	13%	5	7%	1	25%	**150**	**11%**
181-270	135	15%	47	15%	13	11%	13	19%	0	0%	**208**	**16%**
271-365	121	14%	55	18%	19	16%	8	12%	1	25%	**204**	**15%**
366 +	148	17%	64	21%	28	23%	17	25%	1	25%	**258**	**19%**
Total	**853**	**96%**	**292**	**96%**	**111**	**93%**	**64**	**94%**	**4**	**100%**	**1,324**	**100%**

Source: New commitment forms

Notes: Percent totals may not sum to 100 due to rounding. Expected LOS is calculated as the executed sentence in days minus any jail credit days and then divided by two. Generally, offenders are expected to earn two days of credit in IDOC for each day served, assuming good behavior. There are a few offenses for which this credit is not available but none of the offenses in this study met these criteria.

Table 18. Expected length of stay by prior convictions, probation violation cases

Days	None		1 prior conviction		2 prior convictions		3-5 prior convictions		6 + prior convictions		Total	
	N	%	N	%	N	%	N	%	N	%	N	%
Prior convictions												
1-60	27	22%	22	24%	30	19%	52	17%	52	18%	**183**	**19%**
61-120	30	25%	16	18%	35	22%	66	21%	55	19%	**202**	**21%**
121-180	19	16%	17	19%	23	15%	50	16%	40	14%	**149**	**15%**
181-270	13	11%	22	24%	39	25%	71	23%	56	20%	**201**	**21%**
271-365	16	13%	11	12%	17	11%	44	14%	49	17%	**137**	**14%**
366 +	17	14%	3	3%	14	9%	32	10%	33	12%	**99**	**10%**
Total	**122**	**100%**	**91**	**100%**	**158**	**100%**	**315**	**100%**	**285**	**100%**	**971**	**100%**
Prior felony convictions												
1-60	51	18%	59	25%	34	17%	30	16%	9	16%	**183**	**19%**
61-120	61	22%	41	17%	47	23%	42	22%	11	19%	**202**	**21%**
121-180	50	18%	33	14%	31	15%	30	16%	5	9%	**149**	**15%**
181-270	52	19%	59	25%	41	20%	36	19%	13	22%	**201**	**21%**
271-365	37	13%	26	11%	30	15%	35	19%	9	16%	**137**	**14%**
366 +	30	11%	22	9%	21	10%	15	8%	11	19%	**99**	**10%**
Total	**281**	**100%**	**240**	**100%**	**204**	**100%**	**188**	**100%**	**58**	**100%**	**971**	**100%**
Prior violent felony convictions												
1-60	159	20%	20	16%	3	12%	1	10%	2	100%	**183**	**19%**
61-120	166	20%	29	23%	7	27%	0	0%	0	0%	**202**	**21%**
121-180	121	15%	24	19%	2	8%	2	20%	0	0%	**149**	**15%**
181-270	164	20%	25	20%	9	35%	3	30%	0	0%	**201**	**21%**
271-365	112	14%	18	14%	4	15%	3	30%	0	0%	**137**	**14%**
366 +	88	11%	9	7%	1	4%	1	10%	0	0%	**99**	**10%**
Total	**810**	**100%**	**125**	**100%**	**26**	**100%**	**10**	**100%**	**2**	**100%**	**971**	**100%**
Prior drug felony convictions												
1-60	127	18%	40	24%	14	19%	2	13%	0	0%	**183**	**19%**
61-120	150	21%	36	21%	12	17%	4	25%	0	0%	**202**	**21%**
121-180	116	16%	22	13%	7	10%	4	25%	0	0%	**149**	**15%**
181-270	152	21%	32	19%	14	19%	2	13%	1	100%	**201**	**21%**
271-365	98	14%	23	14%	13	18%	3	19%	0	0%	**137**	**14%**
366 +	71	10%	15	9%	12	17%	1	6%	0	0%	**99**	**10%**
Total	**714**	**100%**	**168**	**100%**	**72**	**100%**	**16**	**100%**	**1**	**100%**	**971**	**100%**

Source: Violation forms

Notes: Percent totals may not sum to 100 due to rounding. Expected LOS is calculated as the executed sentence in days (minus any jail credit days) divided by two. Generally, offenders are expected to earn two days of credit in IDOC for each day served. assuming good behavior. There are a few offenses for which this credit is not available but none of the offenses in this study met these criteria. Prior convictions can include felonies or misdemeanors. Information was not available for 25 probation violation cases.

Length of Stay

IDOC provided information on the length of stay (LOS) for the offenders in the study. Note that LOS refers to the days under IDOC supervision. Of course, offender behavior, earned time, credit time, and laws which allow for early release (community transition program) play a role in actual LOS in IDOC. Although offenders are typically in an IDOC facility during this time, some

offenders are housed in local jails under a supervision agreement between the jailing county and IDOC.

Table 19 shows the actual LOS in ranges of days and averages for D and C felony cases by source of admission. For D felony new commitment cases, the average actual LOS was 235 days. For D felony probation violation cases the average LOS was 186 days, and for parole violation cases average LOS was 128 days. For C felony cases, the average LOS for new commitments was 512 days, for probation violations 343 days, and for parole violation cases the average LOS was 197 days.

Table 19 also shows the range of days of LOS by source of commitment to IDOC. Approximately 41 percent of D felony new commitment cases had an actual LOS in IDOC of 120 days or less. This percentage increased to 46 percent of probation violation cases and 64 percent of parole violation cases. For C felony offenders, 31 percent of new commitment cases, 57 percent of probation violation cases, and 72 percent of parole violation cases had actual LOS's of 270 days or less.

When reviewing the data for parole violators, it is important to remember that probation violation and parole violation cases are handled differently within the system. Regarding the length of stay for a parole violator, it must be noted that a parole violator has already spent a portion of their original sentence in IDOC and been released to the community to serve the remainder of their time. Each offender is given specific rules to obey while on parole.

IDOC has developed a rule violation matrix which determines the sanction(s) for rule violations. In some cases, the matrix allows for alternative sanctions, other than returning the offender to IDOC. For example, a first time low level grade on the matrix due to a violation (i.e., unauthorized change of residence), would generally result in a documented verbal reprimand, along with the re-evaluation of case plan goals, treatment plans, and intervention strategies, and not return to an IDOC facility.

If the offender is returned to IDOC, it is usually to the facility from which the offender was originally released with a date to go before the Parole Board for a Parole Revocation Hearing. When the offender is sent back to IDOC it is possible to be held for a couple weeks while waiting for a hearing. When parole is violated, the Board makes discretionary decisions regarding the reinstatement of parole of offenders whose parole has been revoked. Once they are seen by the Parole Board, they will either be released back to the community and continued on parole, or remain in an IDOC facility to complete the remainder of their time. Note that the length of stay for those continued on parole will be very short – one to two weeks, until a parole placement can be investigated and approved by the Parole District.

Instead of continuing the offender on parole, the Parole Board can decide to have the offender serve the remainder or a portion of the remainder of their sentence in an IDOC facility. The length of stay of these offenders would generally be until their new projected release date. If more than one year remains to be served, the parolee is then seen on an annual basis by the Parole Board.

If the offender, while on parole, commits a new offense, this offense is to be served consecutively to their current paroled sentence(s). In which case, the length of stay for these violators can be considerably longer. Thus, the length of stay for parole violators can vary between a few days to several years.

Table 19. Length of stay by source of admission to IDOC

LOS Days	New commitment		Probation violation		Parole violation	
	N	%	N	%	N	%
			D felony			
1-60	222	19%	190	22%	84	39%
61-120	266	22%	209	24%	56	26%
121-180	152	13%	143	17%	25	11%
181-270	203	17%	148	17%	31	14%
271-365	146	12%	92	11%	9	4%
366 +	196	17%	75	9%	13	6%
Total	**1,185**	**100%**	**857**	**100%**	**218**	**100%**
Average LOS	**235.3**		**186.2**		**127.6**	
Range (days)	**1 - 3,223**		**2 - 1,601**		**7 - 710**	
			C felony			
1-60	9	6%	21	15%	13	28%
61-120	9	6%	21	15%	9	20%
121-180	5	3%	14	10%	5	11%
181-270	22	15%	23	17%	6	13%
271-365	26	18%	25	18%	6	13%
366 +	71	50%	35	25%	7	15%
Total	**143**	**100%**	**139**	100%	**46**	100%
Average LOS	**512.2**		**342.9**		**196.7**	
Range (days)	**1 - 2,556**		**4 - 1,869**		**13 - 733**	

Sources: New commitment forms, violation forms, and IDOC data

Notes: Percent totals may not sum to 100 due to rounding. Length of stay is the actual number of days under IDOC supervision. These days are typically spent in an IDOC facility but can be spent in a local jail under contract with IDOC. Executed sentence, offender behavior, earned time, credit time, and laws which allow for early release (community transition program) all play a role in actual LOS in IDOC. Length of stay can vary substantially for parole violation cases, due to variation in the proportion of sentences that parole violators have left at the time of their violation.

To develop a better understanding of the factors that drive length of stay, we examined the LOS by prior criminal convictions and whether any part of the sentences was non-suspendable (for new commitment cases), as well as the average jail credit days for new commitment and probation violation cases by felony level (Table 20). The average number of convictions and felony convictions appears to be associated with actual LOS for D felony new commitment cases. For example, the average number of prior convictions increases from 3.8 to 7.2 as actual LOS increased from the one to 60 days category to more than one year. A similar pattern emerges when considering the average number of prior felony convictions for D felony new commits and for D felony probation violation cases. For C felony new commitments, this pattern is not nearly as consistent.

Whether a sentence is non-suspendable is determined by statute. It appears that there is a relationship for D felony new commitment cases between the percentage of cases where some portion of the sentence is non-suspendable and the actual LOS. For C felony new commitment cases, the pattern is not as clear. For average jail credit, there also appears to be a relationship between the average jail credit days and the LOS. Especially for C felony offenders, higher average jail credit days are associated with shorter LOS day ranges. This pattern is less consistent for D felony cases.

Table 20. Average jail credit, prior convictions, and percent of cases with some portion of sentence non-suspendable across actual LOS day ranges by felony level, new commitments

Days	Average prior convictions		Average prior felony convictions		Average jail credit days		Any part of sentence non-suspendable (percentage of cases)	
	D felony	C felony	D felony	C felony	D felony	C felony	D felony	C felony
New commitments								
1-60	3.8	9.7	1.3	6.9	95	330	40%	67%
61-120	4.7	4.3	2.0	1.9	109	369	56%	22%
121-180	5.8	3.8	2.4	1.6	135	93	49%	77%
181-270	5.9	5.9	2.3	1.9	132	157	56%	77%
271-365	6.6	5.3	2.7	2.0	106	121	59%	70%
366 +	7.2	5.8	3.6	2.7	126	195	69%	70%
Total	**5.5**	**5.8**	**2.3**	**2.6**	**116**	**191**	**55%**	**70%**
Probation violations								
1-60	3.9	5.5	1.6	1.7	85	193	Information not available	
61-120	3.8	3.9	1.7	2.0	82	225		
121-180	4.0	4.0	1.5	2.1	98	188		
181-270	4.9	5.8	1.7	2.9	100	119		
271-365	4.7	5.1	1.9	2.0	75	163		
366 +	5.9	5.2	2.7	2.7	89	158		
Total	**4.3**	**5.0**	**1.8**	**2.3**	**88**	**171**		
Parole violations								
1-60	7.0	5.5	3.0	3.0	Information not available		Information not available	
61-120	7.0	6.0	3.1	2.4				
121-180	12.2	4.0	4.3	1.8				
181-270	8.4	6.2	4.1	3.8				
271-365	14.0	10.5	5.9	5.7				
366 +	7.1	7.4	4.5	5.7				
Total	**8.1**	**6.5**	**3.5**	**3.6**				

Sources: New commitment forms, violation forms, and IDOC data

Notes: Percent totals may not sum to 100 due to rounding. LOS is the actual number of days under IDOC supervision. These days are typically spent in an IDOC facility but can be spent in a local jail under contract with IDOC. Executed sentence, offender behavior, earned time, credit time, and laws which allow for early release (community transition program) all play a role in actual LOS in IDOC.

Table 21 shows information on the length of stay by the number of prior convictions and race/ethnicity of the offender. Recall that few of the cases in the study involved offenders that were in the Hispanic or other categories so one should view these percentages with caution. To understand the meaning of the values in the table, consider the top left set of cells. This area of the table provides information about those cases involving offenders with zero prior convictions and an actual LOS of 1-60 days by race. The particular cell value provides the percentage of offenders in that race/ethnicity category and number of prior convictions with the particular range of actual LOS days. Thus, the top left cell means that 32 percent of cases involving white offenders with zero prior convictions had an actual LOS of 1-60 days. To compare across race/ethnicity categories, one can look within each number of prior convictions category and LOS category. The complexity of the table makes generalizations by race/ethnicity somewhat more difficult but large scale differences are not apparent between whites and blacks in Table 21. Cases involving black offenders are somewhat less likely to be in the 1-60 day actual LOS

category when they have one to two or three to five prior convictions, and more likely to be in the LOS category for more than one year. But this pattern is not consistent for other LOS or prior conviction categories.

Table 21. Actual length of stay by number of prior convictions and race, new commitments

Prior convictions	Race/ ethnicity	IDOC actual length of stay (days)													
		1-60		61-120		121-180		181-270		271-365		366 +		Total	
		N	%	N	%	N	%	N	%	N	%	N	%	N	%
Zero	White	27	32%	25	29%	7	8%	5	6%	8	9%	13	15%	85	100%
	Black	7	28%	6	24%	4	16%	2	8%	3	12%	3	12%	25	100%
	Hispanic/other	4	36%	3	27%	0	0%	1	9%	3	27%	0	0%	11	100%
	Total	38	31%	34	28%	11	9%	8	7%	14	12%	16	13%	121	100%
1-2	White	51	25%	47	23%	25	12%	41	20%	19	9%	19	9%	202	100%
	Black	7	14%	11	22%	13	26%	5	10%	5	10%	9	18%	50	100%
	Hispanic/other	12	44%	3	11%	1	4%	3	11%	4	15%	4	15%	27	100%
	Total	70	25%	61	22%	39	14%	49	18%	28	10%	32	11%	279	100%
3-5	White	50	17%	63	22%	33	11%	50	17%	35	12%	57	20%	288	100%
	Black	9	10%	24	28%	11	13%	14	16%	9	10%	19	22%	86	100%
	Hispanic/other	4	13%	7	23%	3	10%	3	10%	4	13%	9	30%	30	100%
	Total	63	16%	94	23%	47	12%	67	17%	48	12%	85	21%	404	100%
6 +	White	34	10%	50	15%	39	12%	68	21%	51	15%	88	27%	330	100%
	Black	23	13%	32	18%	20	11%	30	17%	28	16%	41	24%	174	100%
	Hispanic/other	3	20%	1	7%	1	7%	3	20%	2	13%	5	33%	15	100%
	Total	60	12%	83	16%	60	12%	101	19%	81	16%	134	26%	519	100%
Total	White	162	18%	185	20%	104	11%	164	18%	113	12%	177	20%	905	100%
	Black	46	14%	73	22%	48	14%	51	15%	45	13%	72	21%	335	100%
	Hispanic/other	23	45%	14	27%	5	10%	10	20%	13	25%	18	35%	51	100%
	Total	231	17%	272	21%	157	12%	225	17%	171	13%	267	20%	1323	100%

Sources: New commitment forms and IDOC data

Notes: Percent totals may not sum to 1 00 due to rounding. Prior convictions can include felonies or misdemeanors. Length of stay (LOS) is the actual number of days under IDOC supervision. These days are typically spent in an IDOC facility but can be spent in a local jail under contract with IDOC. Executed sentence, offender behavior, earned time, credit time, and laws which allow for early release (community transition program) all play a role in actual LOS in IDOC. Information was not available for five cases.

Actual vs. Expected Length of Stay

To get a sense of the degree to which actual sentence lengths in the IDOC generally tracked the expected LOS, we compared them for both new commitment cases and probation violation cases by felony level in Table 22. Generally, all else being equal, one would expect that a short expected LOS would correspond to short actual LOS. The cells for corresponding actual LOS range (e.g., 1-60) and expected LOS range (1-60) in days are highlighted in grey in Table 22. For D felony new commitment and probation violation cases, the largest percentage in each column is the highlighted cell, which means that the largest percentage of cases (both new commitment cases and probation violation cases) had actual LOS day ranges in IDOC that corresponded to their expected LOS range. This correspondence was higher for shorter actual LOS/expected LOS ranges and decreased as both ranges increased for both D felony new commitment cases and probation violation cases. For C felonies, as might be expected, sentence ranges tended to be much longer. Interestingly, for C felony new commitment cases, the degree of correspondence (the percentage in the highlighted cell) actually increased as the

actual LOS/expected LOS range increased. For C felony probation violation cases, the correspondence pattern was strong but did not obviously increase or decrease as actual LOS/expected LOS increased.

Table 22. Actual length of stay by expected length of stay by source of admission to IDOC

Actual length of stay	Expected length of stay													
	One-60		61-120		121-180		181-270		271-365		366+		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
D felony new commitments														
1-60	170	75%	23	8%	8	5%	8	4%	7	4%	6	4%	**222**	**19%**
61-120	22	10%	186	68%	28	19%	16	8%	7	4%	7	4%	**266**	**22%**
121-180	13	6%	22	8%	75	51%	26	13%	13	8%	3	2%	**152**	**13%**
181-270	9	4%	18	7%	17	12%	100	50%	44	26%	15	9%	**203**	**17%**
271-365	8	4%	19	7%	8	5%	18	9%	58	34%	35	21%	**146**	**12%**
366 +	4	2%	7	3%	10	7%	31	16%	42	25%	102	61%	**196**	**17%**
Total	**226**	**100%**	**275**	**100%**	**146**	**100%**	**199**	**100%**	**171**	**100%**	**168**	**100%**	**1,185**	**100%**
D felony probation violations														
1-60	147	87%	25	13%	3	2%	9	5%	2	2%	0	0%	**186**	**22%**
61-120	12	7%	139	73%	31	22%	19	11%	3	3%	4	7%	**208**	**25%**
121-180	2	1%	7	4%	83	60%	40	22%	9	8%	1	2%	**142**	**17%**
181-270	3	2%	10	5%	9	7%	79	44%	32	30%	10	17%	**143**	**17%**
271-365	3	2%	5	3%	8	6%	22	12%	34	31%	19	32%	**91**	**11%**
366 +	2	1%	5	3%	4	3%	9	5%	28	26%	26	43%	**74**	**9%**
Total	**169**	**100%**	**191**	**100%**	**138**	**100%**	**178**	**100%**	**108**	**100%**	**60**	**100%**	**844**	**100%**
C felony new commitments														
1-60	2	67%	0	0%	0	0%	3	30%	1	3%	3	3%	**9**	**6%**
61-120	0	0%	3	100%	2	50%	1	10%	0	0%	3	3%	**9**	**6%**
121-180	0	0%	0	0%	2	50%	0	0%	2	6%	1	1%	**5**	**4%**
181-270	0	0%	0	0%	0	0%	6	60%	11	33%	5	6%	**22**	**15%**
271-365	1	33%	0	0%	0	0%	0	0%	15	45%	10	11%	**26**	**18%**
366 +	0	0%	0	0%	0	0%	0	0%	4	12%	67	75%	**71**	**50%**
Total	**3**	**100%**	**3**	**100%**	**4**	**100%**	**10**	**100%**	**33**	**100%**	**89**	**100%**	**142**	**100%**
C felony probation violations														
1-60	13	81%	0	0%	0	0%	1	4%	2	7%	4	10%	**20**	**15%**
61-120	2	13%	13	93%	2	17%	2	8%	2	7%	0	0%	**21**	**16%**
121-180	0	0%	0	0%	6	50%	6	25%	1	3%	0	0%	**13**	**10%**
181-270	1	6%	1	7%	1	8%	8	33%	10	33%	2	5%	**23**	**17%**
271-365	0	0%	0	0%	0	0%	3	13%	12	40%	9	23%	**24**	**18%**
366 +	0	0%	0	0%	3	25%	4	17%	3	10%	24	62%	**34**	**25%**
Total	**16**	**100%**	**14**	**100%**	**12**	**100%**	**24**	**100%**	**30**	**100%**	**39**	**100%**	**135**	**100%**

Sources: New commitment forms, violation forms, and IDOC data

Notes: Percent totals may not sum to 100 due to rounding. Expected LOS is calculated as the executed sentence (minus any jail credit days) divided by two. Generally, offenders are expected to earn two days of credit in IDOC for each day served, assuming good behavior. There are a few offenses for which this credit is not available but none of the offenses in this study met these criteria. Length of stay (LOS) is the actual number of days under IDOC supervision. These days are typically spent in an IDOC facility but can be spent in a local jail under contract with IDOC. Executed sentence, offender behavior, earned time, credit time, and laws which allow for early release (community transition program) all play a role in actual LOS in IDOC. Information was not available for one C felony new commitment case. Information was also not available for thirteen D felony probation violation cases and five C felony cases.

Table 23 shows a similar comparison of expected LOS ranges and actual LOS day ranges for probation violation cases by the type of violation. Recall that offenders can have their probation revoked due to technical violations of the conditions of their community supervision, commission of a new criminal offense, or both. Once again, a similar pattern of correspondence is shown in Table 23, meaning that for large percentages of cases, the expected LOS range corresponded to the actual LOS range in IDOC. This correspondence was highest for those with the shortest expected LOS days (1-60 days), up to 93 percent of cases with technical violations only. The correspondence was generally lower for longer expected LOS days.

Table 23. Actual length of stay by expected length of stay by violation type, probation violations

Actual length of stay	Expected length of stay													
	One-60		61-120		121-180		181-270		271-365		366+		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
New offense														
1-60	26	70%	2	6%	0	0%	3	5%	2	5%	1	3%	**34**	**14%**
61-120	5	14%	22	61%	6	16%	7	13%	0	0%	1	3%	**41**	**17%**
121-180	2	5%	3	8%	19	51%	7	13%	3	7%	0	0%	**34**	**14%**
181-270	1	3%	3	8%	4	11%	23	41%	11	26%	2	6%	**44**	**18%**
271-365	2	5%	3	8%	4	11%	11	20%	16	38%	9	28%	**45**	**19%**
366 +	1	3%	3	8%	4	11%	5	9%	10	24%	19	59%	**42**	**18%**
Total	**37**	**100%**	**36**	**100%**	**37**	**100%**	**56**	**100%**	**42**	**100%**	**32**	**100%**	**240**	**100%**
technical violation only														
1-60	121	92%	22	16%	3	3%	7	6%	2	3%	3	5%	**158**	**26%**
61-120	6	5%	106	76%	25	26%	11	10%	5	6%	3	5%	**156**	**26%**
121-180	0	0%	2	1%	62	65%	33	30%	5	6%	1	2%	**102**	**17%**
181-270	3	2%	6	4%	2	2%	44	40%	26	33%	9	16%	**91**	**15%**
271-365	1	1%	1	1%	2	2%	10	9%	26	33%	17	30%	**57**	**9%**
366 +	1	1%	2	1%	1	1%	4	4%	15	19%	23	41%	**47**	**8%**
Total	**132**	**100%**	**139**	**100%**	**95**	**100%**	**109**	**100%**	**79**	**100%**	**56**	**100%**	**610**	**100%**
New offense and technical violation														
1-60	13	81%	1	3%	0	0%	0	0%	0	0%	0	0%	**14**	**11%**
61-120	3	19%	24	80%	1	6%	2	6%	0	0%	0	0%	**30**	**24%**
121-180	0	0%	2	7%	9	53%	6	17%	2	12%	0	0%	**19**	**15%**
181-270	0	0%	2	7%	3	18%	20	56%	5	29%	1	10%	**31**	**25%**
271-365	0	0%	1	3%	2	12%	4	11%	4	24%	2	20%	**13**	**10%**
366 +	0	0%	0	0%	2	12%	4	11%	6	35%	7	70%	**19**	**15%**
Total	**16**	**100%**	**30**	**100%**	**17**	**100%**	**36**	**100%**	**17**	**100%**	**10**	**100%**	**126**	**100%**

Sources: Violation forms and IDOC data

Notes: Percent totals may not sum to 100 due to rounding. Expected LOS is calculated as the executed sentence in days (minus any jail credit days) divided by two. Generally, offenders are expected to earn two days of credit in IDOC for each day served, assuming good behavior. There are a few offenses for which this credit is not available but none of the offenses in this study met these criteria. Length of stay is the actual number of days under IDOC supervision. These days are typically spent in an IDOC facility but can be spent in a local jail under contract with IDOC. Executed sentence, offender behavior, earned time, credit time, and laws which allow for early release (community transition program) all play a role in actual LOS in IDOC.

Table 24. Actual length of stay by expected length of stay by offense type, new commitments

Actual length of stay	Expected length of stay													
	1-60		61-120		121-180		181-270		271-365		366+		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Theft (D felony only)														
1-60	38	69%	5	6%	2	6%	2	3%	2	4%	1	2%	**50**	**16%**
61-120	6	11%	50	61%	2	6%	7	12%	2	4%	3	7%	**70**	**22%**
121-180	4	7%	7	9%	21	58%	8	14%	5	11%	1	2%	**46**	**14%**
181-270	3	5%	10	12%	5	14%	25	42%	9	19%	4	10%	**56**	**18%**
271-365	2	4%	6	7%	2	6%	4	7%	16	34%	5	12%	**35**	**11%**
366 +	2	4%	4	5%	4	11%	13	22%	13	28%	27	66%	**63**	**20%**
Total	**55**	**100%**	**82**	**100%**	**36**	**100%**	**59**	**100%**	**47**	**100%**	**41**	**100%**	**320**	**100%**
Drug Possession (both C and D felony)														
1-60	37	80%	5	8%	2	6%	0	0%	0	0%	1	2%	**45**	**15%**
61-120	2	4%	44	69%	5	15%	6	15%	0	0%	2	3%	**59**	**20%**
121-180	2	4%	7	11%	21	64%	8	20%	4	8%	1	2%	**43**	**15%**
181-270	1	2%	3	5%	3	9%	21	51%	16	33%	2	3%	**46**	**16%**
271-365	2	4%	5	8%	1	3%	3	7%	22	46%	15	24%	**48**	**16%**
366 +	2	4%	0	0%	1	3%	3	7%	6	13%	42	67%	**54**	**18%**
Total	**46**	**100%**	**64**	**100%**	**33**	**100%**	**41**	**100%**	**48**	**100%**	**63**	**100%**	**295**	**100%**
Vehicular (both C and D felony)														
1-60	49	80%	3	6%	2	9%	2	6%	5	12%	5	12%	**65**	**25%**
61-120	4	7%	38	78%	6	26%	1	3%	2	5%	2	5%	**55**	**21%**
121-180	3	5%	1	2%	10	43%	1	3%	2	5%	2	5%	**17**	**7%**
181-270	4	7%	2	4%	4	17%	21	64%	13	32%	13	32%	**49**	**19%**
271-365	1	2%	4	8%	1	4%	4	12%	11	27%	11	27%	**30**	**11%**
366 +	0	0%	1	2%	0	0%	4	12%	8	20%	8	20%	**45**	**17%**
Total	**61**	**100%**	**49**	**100%**	**23**	**100%**	**33**	**100%**	**41**	**100%**	**41**	**100%**	**261**	**100%**
Forgery (C felony)														
1-60	1	100%	0	0%	0	0%	1	33%	0	0%	1	3%	**3**	**6%**
61-120	0	0%	2	100%	2	67%	0	0%	0	0%	1	3%	**5**	**9%**
121-180	0	0%	0	0%	1	33%	0	0%	0	0%	1	3%	**2**	**4%**
181-270	0	0%	0	0%	0	0%	2	67%	3	38%	2	6%	**7**	**13%**
271-365	0	0%	0	0%	0	0%	0	0%	4	50%	3	8%	**7**	**13%**
366 +	0	0%	0	0%	0	0%	0	0%	1	13%	28	78%	**29**	**55%**
Total	**1**	**100%**	**2**	**100%**	**3**	**100%**	**3**	**100%**	**8**	**100%**	**36**	**100%**	**53**	**100%**

Sources: New commitment forms, violation forms, and IDOC data

Notes: Percent totals may not sum to 100 due to rounding. Expected LOS is calculated as the executed sentence in days (minus any jail credit days) divided by two. Generally, offenders are expected to earn two days of credit in IDOC for each day served, assuming good behavior. There are a few offenses for which this credit is not available but none of the offenses in this study met these criteria. Length of stay is the actual number of days under IDOC supervision. These days are typically spent in an IDOC facility but can be spent in a local jail under contract with IDOC. Theft category includes 308 D felony theft/receiving stolen property cases and 12 attempted theft cases. It does not include auto theft. Forgery is a C felony offense. Drug dealing offenses include nine cases each of D and C felony marijuana/ hashish dealing, and one case each of conspiracy to deal marijuana, dealing in a counterfeit substance, dealing in schedule V controlled substance, dealing substance represented to be controlled substance, and unlawful sale of a precursor. Vehicular offenses include the following D felony offenses: 170 cases of operating a vehicle while intoxicated (with previous violation), 24 cases of operating a vehicle as habitual traffic violator, 17 cases of operating vehicle while license suspended as a habitual violator, 13 cases of operating a vehicle while intoxicated causing serious bodily injury, as well as 41 C felony cases of operating a vehicle after license forfeited for life. Drug possession includes 35 C felony cases of possession of cocaine or narcotic or methamphetamine, four C felony cases of possession of a controlled substance, and the following D felony offenses, 81

cases of possession of cocaine or narcotic or methamphetamine, 76 cases of possession of a controlled substance, 47 cases of possession of marijuana or hashish, 23 cases of possession paraphernalia, 16 cases of possession of precursor over 10 grams, eight prescription offenses, and 16 other drug offenses. Executed sentence, offender behavior, earned time, credit time, and laws which allow for early release (community transition program) all play a role in actual LOS in IDOC.

In Table 24 (above) we compare the actual length of stay reported by IDOC with the expected LOS by offense type for new commitment cases. As noted, one would expect that the highest percentage of cases would appear in the cell where the two corresponding values intersect (highlighted in grey). Therefore, starting at the top left of the table, 69 percent of the theft offense cases with an expected LOS of 1 - 60 days also had actual reported lengths of stay in IDOC of 1 - 60 days. A similar pattern generally appeared for the other offenses. It should be noted that generalizations for forgery should be made cautiously due to the small number of cases (N = 53) that were eligible for inclusion in the study. The highest percentages in each offense category would be expected to flow in a left to right downward diagonal corresponding to longer expected and actual stays and this pattern is generally apparent in Table 24.

Multiple Regression Analyses

To further examine the factors that influence sentence length for the cases in the study, we employed a statistical technical called multiple regression analysis. Multiple regression analysis allows factors to be examined while statistically controlling for other factors that may also influence an outcome. Table 25 shows the results of two regression equations, one for new commitment cases and the other for probation violation cases. We considered several different factors that might be expected to influence the executed sentence because the executed sentence generally determines the upper limit of the amount of time an offender would spend in IDOC. The interpretation of regression coefficients is generally the effect of a unit change in the factor of interest on the outcome of the equation. Because the outcome here is expressed in days, one can interpret the B coefficients as the difference in the number of days in executed sentence for each unit change in the variable of interest. The sign of the coefficient determines whether the association is positive or negative. Thus, for example, new commitment cases involving female offenders could be expected to have on average about 70 fewer days of executed sentence compared to cases with male offenders, controlling for the other factors in the study. The last column (significance) refers to the probability that these results would be seen due to random chance. For the female new court commitment cases, the significance level is 0.056, which means that the likelihood that the particular results seen in the equation would occur due to random chance is 5.6 percent. Generally, significance levels less than 0.05 are considered statistically significant.

Table 25 shows that for new commitment cases the number of jail credit days, the number of prior felony convictions, whether there was more than one cause associated with a case, and the number of types of prior community supervision failures were statistically significantly associated with days of executed sentence. Black offenders and those who were first time entrants to IDOC had statistically significantly shorter executed sentences for new commitment cases. Offense seriousness and being in a community corrections county were not associated with executed sentence length for new commitment cases.

For probation violation cases the significant predictors of executed sentence were the number of types of prior community supervision failure, whether there was more than one cause associated with a case, whether it was the first violation in a case, and the jail credit days. Somewhat surprisingly, offense seriousness was significantly *negatively* related to probation violation executed sentence. Whether the offense was a technical violation or a new criminal

offense was not a significant predictor of executed sentence length for probation violation cases, but if the violation was the first filed in a case, executed sentences were statistically significantly shorter.

Table 25. Regression results predicting executed sentence for new commitment and probation violation cases

Variable	New commitments				Probation violations			
	B	Std error	Beta	P	B	Std error	Beta	P
Constant	303.461	85.346		.000	435.244	106.266		.000
Age at admission	2.397	1.387	.046	.084	2.198	1.441	.048	.127
Black	-93.105	33.462	-.074	.005	-36.264	31.727	-.036	.253
Hispanic	20.392	72.861	.007	.780	13.073	94.272	.004	.890
Female	-70.494	36.877	-.049	.056	-38.355	34.518	-.034	.267
Jail credit in days	1.159	.092	.320	.000	.832	.088	.289	.000
Extent of previous community supervision failure	56.984	18.278	.083	.002	35.624	17.606	.065	.043
Number of previous felony convictions	12.926	5.557	.068	.020	-8.237	12.678	-.023	.516
Offense seriousness	-6.149	15.119	-.010	.684	-8.111	16.479	.153	.000
Community corrections county	78.886	46.296	.044	.089	-10.031	56.736	-.006	.860
More than one cause involved	112.014	28.698	.101	.000	161.441	33.948	.153	.000
First time case for IDOC	-110.950	29.598	-.100	.000	-24.374	32.388	-.024	.452
Violation due to new criminal offense					-17.319	43.960	-.018	.694
Technical rule violation					-64.313	48.657	-.059	.187
First violation filed in case					-71.988	29.685	-.075	.015
N	1,328				969			
R-squared	0.165				0.140			

Sources: New commitment forms, violation forms and IDOC data

Notes: The B coefficient refers to the change in the outcome (days of executed sentence) for a unit change in the independent variable. The standard error is a general measure of the amount of variability around the mean of the variable. Larger standard errors mean the range of values is larger. The beta coefficient is a standardized measure of the effect of the independent variable on the dependent variable, so that the relative size of effects of independent variables can be directly compared to each other. The p value is the probability that the results seen in the regression analysis would occur due to random chance. So a p value of 0.03 means that there is a three percent likelihood that the results would occur due to random chance. Generally, one considers p values of less than 0.05 to be statistically significant. Information was not available for 27 probation violation cases. Offense seriousness is a scale that ranks violent offenses higher than non-violent offenses, and among the nonviolent offenses drug offenses are considered more serious than property offenses and public order offenses are ranked as the least serious.

Exploring D Felony Theft Cases

As we noted above, theft cases accounted for the largest percentage of D felony cases in the study (N=320). Therefore, we examined this offense in some detail. Table 26 shows information on the executed sentence and the actual LOS in IDOC by the estimated value of the goods stolen in the 221 theft cases where this information was available. The overall mean executed sentence for these theft cases was 555 days and the average actual LOS was approximately 261 days. Comparing average executed sentences and average actual LOS days by different categories of value of goods taken does not suggest any clear pattern of increasing executed sentence length or days of actual LOS as the value of the goods taken increases. Overall, the average actual LOS for all 236 theft offenders for which estimated value of property stolen was available was 268 days. The shortest average executed sentences and

actual LOS days were for cases with an estimated value of property stolen from $750 - $1,000 and the longest was for estimated values of property from $250 - $500.

Because averages can be deceiving if a few values are extremely high or low, the median value is also included in the table. The median value is the amount for which half of the sample values are greater and half of the sample values are smaller. Thus, for the entire 221 offenders for which the estimated value of the property stolen was available, the overall median executed sentence was 540 days and the median actual LOS was 180 days. Thus, 110 had actual LOS values of equal to or less than this number and 110 offenders had an actual LOS greater than 181 days. Perhaps somewhat surprisingly the median executed sentences were longer for cases with an estimated value of the goods taken of $750 or less than for cases with estimated values of greater than $750. Median actual LOS days for offenders who were estimated to have stolen up to $250 were nearly identical to offenders with estimated values of $750 or more. It is important to keep in mind that these are estimated values but the data do not suggest that executed sentences or actual LOS days in IDOC increases with the value of property stolen.

Table 26. Comparing executed sentence and actual length of stay for estimated value of items stolen

Variable	Up to $250	$250-500	$501-750	$751-1,500	More than $1,500	Total
			Executed sentence			
Mean	522.0	669.2	600.3	494.2	585.6	**555.3**
N	121	35	18	24	23	**221**
Std. Deviation	343.1	481.6	470.6	337.3	627.0	**414.4**
Minimum	30	30	60	0	20	**0**
Maximum	2,738	2,190	2,190	1,460	2,920	**2,920**
Median	540.0	545.0	542.5	365.0	365.0	**540.0**
			Length of stay			
Mean	245.0	312.8	288.1	227.1	280.0	**261.0**
N	121	35	18	24	23	**221**
Std. Deviation	318.9	274.0	272.5	214.8	330.6	**298.9**
Minimum	3	11	30	28	7	**3**
Maximum	2,556	1,074	936	882	1,367	**2,556**
Median	171.0	244.0	239.5	171.0	178.0	**180.0**

Sources: New commitment forms, violation forms, and IDOC data.

To examine the relationship between the value of the goods stolen and sentence length further, we conducted an additional series of multiple regression analyses predicting executed sentence for theft cases. Table 27 shows the results of three regression analyses. The first set of results includes all 320 D felony theft cases. The second set is identical to the first but includes only the 221 cases for which estimated value of the goods taken was available for comparison. The pattern of results is very similar. Thus, the predictors of executed sentence do not appear to be affected by the reduction in the number of cases due to having estimated value information for certain cases. The final set of results (right side of the table) includes a variable called *estimated value* which is the estimated value of the goods taken in dollars for each case for which it is available (the last row of the table). This variable is not statistically significant which means that the estimated value of the goods is not a significant predictor of the executed sentence, once other factors are controlled for statistically.

Table 27. Regression results predicting executed sentence for theft cases

Variable	All theft cases			Theft cases estimated value of property known			Value of property included in model			Controlling for reduction from burglary/robbery to theft		
	B	Std. error	P	B	Std. error	P	B	Std. error	P	B	Std. error	P
Constant	349.88	131.59	.008	253.91	137.29	.066	250.97	137.37	.069	216.240	125.25	.086
Age at admission	2.02	2.45	.411	3.52	2.67	.189	3.29	2.68	.222	2.910	2.48	.241
Black	-103.49	58.72	.079	-107.62	62.45	.086	-105.48	62.51	.093	-67.160	57.93	.248
Hispanic	101.22	244.22	.679									
Female	-94.37	58.23	.106	-64.02	64.05	.319	-64.92	64.07	.312	-62.710	60.11	.298
Jail credit in days	0.82	0.18	.000	0.89	0.20	.000	0.88	0.20	.000	.870	0.19	.000
First time case for IDOC	-165.79	52.80	.002	-157.54	58.88	.008	-163.48	59.25	.006	164.560	55.21	.003
More than one cause	60.38	51.36	.241	15.79	58.71	.788	16.33	58.73	.781	-22.330	56.34	.692
N of prior community supervision failure types	54.96	34.46	.112	59.44	39.46	.134	57.98	39.51	.144	68.770	36.75	.063
N of prior felony convictions	5.64	7.69	.464	0.18	8.08	.982	0.32	8.08	.969	.095	7.45	.990
CC county	65.78	102.65	.522	143.59	103.81	.168	147.04	103.91	.159	124.890	94.65	.189
Shoplifting case	-12.20	50.80	.810	-35.06	56.33	.534	-25.87	57.20	.651	32.800	53.79	.543
Estimated value							.004	.004	.352	.006	.004	.151
Reduced from burglary/robbery										334.350	130.210	.011
N	313			221			221			221		
R-squared	.163			.188			0.192			0.243		

Sources: New commitment forms, violation forms and IDOC data

Notes: The B coefficient refers to the change in the outcome (days of executed sentence) for a unit change in the independent variable. The standard error is a general measure of the amount of variability around the mean of the variable. Larger standard errors mean the range of values is larger. The beta coefficient is not included in this table to conserve space. Beta values for table are available from the authors upon request. The p value is the probability that the results seen in the regression analysis would occur due to random chance. So a p value of 0.03 means that there is a three percent likelihood that the results would occur due to random chance. Generally, one considers p values of less than 0.05 to be statistically significant. There are no Hispanics in this sample of thefts containing estimated theft values, so that variable is removed from the second and third models. Offense seriousness is a scale that ranks violent offenses higher than non-violent offenses, and among the nonviolent offenses drug offenses are considered more serious than property offenses and public order offenses are ranked as the least serious.

Information from Interviews with Prosecutors

To gain more information on the views of prosecutors, we gathered information through semi-structured phone interviews at the onset of the study. These interviews were designed to understand the factors that influenced sentencing practices as well as the degree to which local community supervision alternatives to incarceration in IDOC were seen as viable. Appendix 3 is the survey instrument used to interview the prosecutors. Responses were recorded by four interviewers and then collated and grouped into the responses shown in tables 27 through 30. In all, information was available for analysis from 79 semi-structured interviews with county prosecutors.

Table 28. What factors typically lead you to sentence someone to IDOC versus a sentence to a local or community corrections program?

Response	N	%
Case characteristics		
Criminal history	72	91%
Seriousness of the offense	50	63%
Violations	25	32%
Less restrictive placements failed	12	15%
Past participation in community corrections	10	13%
Defendant background	11	14%
Enhancements	10	13%
Victim preference	6	8%
Non-suspendable sentence	6	8%
Age of defendant	3	4%
Mental history	2	3%
Strength of evidence	2	3%
Offender willing to participate	1	1%
Defendant statutorily protected	1	1%
Giving up something in exchange for information	1	1%
Local characteristics		
Jails not equipped for long-term	4	5%
Drug treatment preferred	3	4%
Active community corrections programs	2	3%
Community with significant crime problem	1	1%
Lack of community supervision options	1	1%
IDOC characteristics		
IDOC offers more programs than jail	3	4%
IDOC allows substance abusers to dry out	2	3%
IDOC carries more punishment	1	1%
Costs should be borne by state, not county	1	1%

Source: Phone survey of Indiana county prosecutors

Notes: Prosecutors' verbal responses to phone interview question later coded into categories. Percent refers to the total number of mentions out of 79. Percents do not sum to 100 percent because prosecutors' could have more than one response.

The first question we asked prosecutors was: *What factors typically lead you to sentence someone to IDOC versus a sentence to a local or community corrections program*. Responses

fell into one of three general categories: case characteristics, local characteristics, or IDOC characteristics. Table 28 (above) shows the frequency of times prosecutors mentioned the responses listed. Most responses concerned characteristics of individual cases such as the offender's criminal history, the seriousness of the offense, degree to which prior community supervision alternatives had failed, and whether there are sentence enhancements. Local characteristics were mentioned by a few prosecutors such as jails not being equipped for long-term supervision, drug treatment was preferred, and the county had an active community corrections program. Only a few prosecutors referred to IDOC characteristics but three prosecutors mentioned that the programming options were greater in IDOC and two noted that the IDOC allows substance abusers to dry out.

Table 29. What specific policies or practices of the criminal courts in your county have implications for which offenders are sentenced to IDOC?

Response	N	%
No specific policies	37	47%
Case characteristics		
Criminal history	27	34%
Seriousness of offense	25	32%
Probation violations	11	14%
Less restrictive placements failed	9	11%
Non-suspendable	5	6%
Follow plea agreements	5	6%
Enhancements	2	3%
Other options not work	1	1%
Open sentencing for plea agreements	1	1%
Sentence length	1	1%
Victim preference	1	1%
Local characteristics		
County size	11	14%
Policies or programs		
Almost never sentence D felonies to IDOC	12	15%
Judges' policies	9	11%
Alternative programs	7	9%
Treatment programs for drug issues	7	9%
Drug court	5	6%
Working toward uniformity across prosecutors and courts	2	3%
Not all sentenced to IDOC, are sent to IDOC	1	1%
Sentencing guidelines	1	1%
Felons to IDOC, misdemeanors to jail	1	1%

Source: Phone survey of Indiana county prosecutors

Notes: Prosecutors' verbal responses to phone interview question later coded into categories. Semi-structured interviews were conducted with 79 prosecutors. Percents do not sum to 100 percent because prosecutors' could have more than one response.

The next question asked of prosecutors was: *What specific policies or practices of the criminal courts in your county have implications for which offenders are sentenced to IDOC?* As shown in Table 29, the largest response to this question was that the county court or prosecutor's office had no specific policies regarding which offenders went to IDOC, which was just less than half of prosecutors surveyed. Next most common were similar case characteristics to responses for the first question such as criminal history, offense seriousness, and if less restrictive placements have failed. Only one local characteristic was mentioned, which was county size, mentioned by 14 percent of prosecutors. Prosecutors that did cite specific policies most often stated that they try not to send D felony cases to the IDOC (15 percent). Others cited the judges' policies (11 percent) or the availability of alternative programs such as drug courts or treatment programs.

Table 30. What alternatives to IDOC are available in your county?

Response	N	%
Probation	63	80%
Work release	61	77%
Community corrections	60	76%
Home detention	55	70%
Local jail sentence	39	49%
Electronic monitoring	35	44%
Substance abuse programs	18	23%
Drug court	16	20%
Diversion programs	9	11%
Community service	8	10%
Counseling	4	5%
Cognitive focused programs	4	5%
Anger management	3	4%
Rehab facilities	3	4%
Community transition program	3	4%
Day Reporting	3	4%
Halfway house	3	4%
Court services programs	2	3%
Domestic violence programs	2	3%
Mental health court	2	3%
Work crew	2	3%
Problem solving courts	2	3%
Infraction deferral program	1	1%
Hallway program	1	1%

Source: Phone survey of Indiana county prosecutors

Notes: Prosecutors' verbal responses to phone interview question later coded into categories. Percent refers to the total number of mentions out of 79. Percents do not sum to 100 percent because prosecutors' could have more than one response.

Table 30 shows the responses of prosecutors to the question: *What alternatives to IDOC are available in your county?* Among the types of community supervision alternatives reported as available by prosecutors, probation was most common at 80 percent, followed by work release (77 percent), community corrections (76 percent), home detention (70 percent), local jail

sentences (49 percent), and electronic monitoring (44 percent). Only 23 percent of prosecutors mentioned substance abuse programs and 20 percent mentioned drug courts. Only 11 percent mentioned diversion programs and 10 percent mentioned community service. A variety of other programs were mentioned by five percent or fewer of prosecutors.

Prosecutors were also asked: *Do you have concerns about the viability or capacity of the alternatives that are available in your county?* As shown in Table 31, approximately one third responded that they had no concerns about the community supervision programs in their counties. Just over one-quarter cited a desire to have more program options and 23 percent saw funding as a concern. Sixteen percent described a general lack of resources and 14 percent cited jail capacity issues. Eight percent noted that many offenders cannot afford community corrections programs and several other responses were mentioned by six or fewer percent of responding prosecutors.

Table 31. Do you have concerns about the viability or capacity of the alternatives that are available in your county?

Response	N	%
No concerns	26	33%
More program options needed	21	27%
Funding	18	23%
Lack of resources	13	16%
Jail capacity issues	11	14%
People can't afford community corrections	6	8%
Programs not secure	5	6%
Gaps in treatment	5	6%
Disparity between rural and urban areas	4	5%
Not enough structure	3	4%
Prison not always best option	2	3%
IDOC capacity	2	3%
Reliability of IDOC services	2	3%
Loss of programs	1	1%
Drug problems	1	1%
Transitioned out	1	1%
Offenders with mental illness	2	3%
Legislature needs to mandate the county councils	1	1%

Source: Phone survey of Indiana county prosecutors

Notes: Prosecutors' verbal responses to phone interview question later coded into categories. Percent refers to the total number of mentions out of 79. Percents do not sum to 100 percent because prosecutors' could have more than one response.

Summary of Findings

Demographics

- The average age ranged from 32 for probation violators to 38 for parole violators.
- More than 80 percent of offenders were male.
- For D felony new commitment cases, approximately 70 percent were white and 25 percent were Black. For D felony probation violation cases, 65 percent were white and 32 percent were Black. For D felony parole violations, 56 percent of cases were white and 40 percent were Black.

Types of Admission

- Of 2,708 cases, 51 percent were new conviction cases, 39 percent were probation violations and 10 percent were parole violations.
- Sixty-two percent of probation violation cases and 48 percent of parole violations were admitted to IDOC for technical violations only.

Crime Characteristics

- More than 25 percent of D felony cases were theft or receiving stolen property.
- Where known, estimated value of property stolen in new commitment theft cases was $250 or less in 53 percent of cases and $750 or less in nearly 80 percent of cases.
- Cases described as shoplifting (theft from a retail store) accounted for approximately half of all new court commitment D felony theft cases.
- D felony level drug possession accounted for just less than one-quarter of cases.
- Operating a vehicle while intoxicated with a prior conviction, accounted for 14 percent of D felony new commitment cases.
- Less than 15 percent of D felony new commitment cases involved violent offenses and less than five percent involved sex offenses.
- 38 percent of C felony new commitment cases eligible for inclusion in the study and 62 percent of probation violations were for forgery.
- 29 percent of C felony new commitment cases eligible for inclusion in the study and 20 percent of probation violations were for operating a vehicle after lifetime suspension.
- One-quarter of C felony new commitments in the study and 12 percent of probation violation cases were for possession of cocaine, narcotics, or methamphetamines.

Case Characteristics

- Approximately 93 percent of cases were resolved through plea agreement.
- More than 90 percent of new commitment cases in the study had a prior conviction and more than two thirds had three or more prior convictions.
- More than three-quarters of new commitment cases involved offenders with at least one prior felony conviction.
- About 20 percent of new commitment cases, 16 percent of probation violation cases, and 31 percent of parole violation cases had one or more prior violent felony convictions.
- Less than 40 percent had prior felony drug convictions.
- 25 percent of cases had additional cases pending at the time of sentencing.
- The sentence was binding in more than three-quarters of the new commitment cases.
- Some portion of the sentence was non-suspendable in more than 55 percent D felony new commitment cases and 70 percent of C felony new court commitment cases.

- Few differences in case characteristics were noted between cases involving white and black offenders.
- Approximately 53 percent of new commitment cases involved some sentence modification (plea to reduced charge, cases/causes dismissed, other charges not filed).
- 18 percent of D felony and 23 percent of C felony cases had charges not filed or dismissed.
- The plea agreement was a reduction to a lesser offense in 7 percent of D felony cases and 15 percent of C felony cases.
- Other charges were often dismissed or not filed, and often these cases were felonies, but few of these cases involved violent offenses.
- Dealing charges were dropped in 19 percent of drug possession cases (56/295).
- Burglary or robbery charges were dropped in six percent (18 of 320) D felony theft cases.

Prior Community Supervision and Prison Experience

- 86 percent of D felony cases and 90 percent of C felony new commitment cases involved offenders with prior community supervision experience.
- 74 percent of D felony new commitment cases and 81 percent of C felony new commitment cases involved individuals with previous probation violations.
- Approximately 55 percent of C and D felony new commitment cases involved offenders with only one type of prior community supervision sentence; but 31 percent of D felony cases 36 percent of C felony cases involved offenders with two or more types of prior community supervision sentences.
- 74 percent of D felony new commitments and 81 percent of C felony new commitment cases had failed on at least one type of community supervision.
- Of those with prior community corrections sentences, approximately three-quarters of D felony new commitment cases and 81 percent of C felony new commitment cases had at least one violation of that sentence.
- For new commitment cases, 66 percent of D felony and 71 percent of C felony cases involved offenders who had previously been to IDOC.
- For probation violation cases, 58 percent of D felony cases and 66 percent of C felony cases had previously been to IDOC.

Sentence Characteristics

- Executed sentences were less than one year for half of D felony new commitment cases and 55 percent of D felony probation violations. Forty-five percent of D felony new commitment cases and 33 percent of probation violation cases had executed sentences of 18 months or more.
- For C felony offenders, executed sentences were 18 months or longer for 94 percent of new commitments and 64 percent of probation violations.
- 40 percent of new court commitments but only 5 percent of probation violation cases had some portion of the total sentence suspended.
- More than 90 percent of forgery cases had executed sentences of 18 months or more.

Jail Credit

- 41 percent of D felony new court commitments cases and half of D felony probation violation cases earned 30 days or less of jail credit.
- 17 percent of D felony probation violation cases but 41 percent of C felony new court commitments earned 180 or more days of jail credit.
- The average days of jail credit was 88 days for D felony probation violations and 191 days for C felony new commitment cases.
- For new commitment cases, nine percent of D felony cases and 3 percent of C felony cases served their entire IDOC sentence in a local jail.
- For Probation violation cases, four percent of D felony cases and 1 percent of C felony cases served their entire IDOC sentence in a local jail.
- For those who served their entire IDOC sentence in a local jail, 71 percent of new commitment cases and 86 percent of probation violation cases involved sentences of 60 days or less.

Expected Length of Stay

- Approximately 20 percent of D felony new commitment and probation violation cases had an expected LOS of 60 days or less. More than half of each had an expected LOS of 180 days or less.
- Less than 30 percent of D felony cases had an expected LOS of 271 days or more.
- For C felony cases, 37 percent of new court commitment cases and 71 percent of probation violation cases had an expected LOS of one year or less.
- Overall, the expected LOS increased as the number of prior convictions increased.

Length of Stay

- For D felony cases, the average LOS was 235 days for new commitments, 186 days for probation violation cases, and 128 days for parole violators.
- For C felony cases, average actual length of stay in IDOC was 512 days for new commitment cases, 343 days for probation violation cases, and 197 days for parole violation cases.
- For D felony cases, 41 percent of new commitment cases, 46 percent of probation violation cases, and 65 percent of parole violation cases had an actual LOS of 120 days or less.
- For C felony cases, 31 percent of new commitment cases, 57 percent of probation violations, and 72 percent of parole violation cases had LOS's of 270 days or less.
- For D felony cases, 17 percent of new commitments, 9 percent of probation violations, and 6 percent of parole violation cases had an actual LOS of longer than one year.
- For C felony cases, half of new commitments, one-quarter of probation violation cases, and 15 percent of parole violations had actual LOS days of more than 365 days.
- Longer LOS days were associated with higher average numbers of prior convictions.
- Non-suspendable sentences also were associated with higher LOS days.
- Most cases had actual LOS day ranges (e.g., 1-60) that corresponded to their expected LOS range.

Expected Length of Stay versus Actual Length of Stay

- Generally the actual length of stay corresponded to the expected LOS (executed sentence minus jail credit days and then divided by two).
- The correspondence between expected LOS and actual LOS varied somewhat and generally declined as the range of days of expected LOS and actual LOS increased for D felony cases.

Multiple Regression Results

- For new court commitment cases, jail credit, the number of prior felony convictions, whether there was more than one cause associated with a case, and the number of types of prior community supervision failures were statistically significantly associated with executed sentence length.
- Black offenders and those who were first time entrants to IDOC had statistically significantly shorter sentences for new commitment cases.
- Offense seriousness and being in a community corrections county were unrelated to executed sentence for new commitments, and whether the offense was a technical violation or a new criminal offense was not a significant predictor of executed sentence length for probation violation cases.
- For theft cases where the information was known, estimated value of the items taken was not associated with executed sentence or actual LOS days, controlling for other factors in the multiple regression
- Having burglary/robbery charges or dealing charges reduced to theft or drug possession, were associated with statistically significantly longer executed sentences in supplementary multiple regression analyses.

Prosecutors Survey Responses

- Most prosecutors said that individual case characteristics drove decision of IDOC versus community sanctions.
- Criminal history, offense seriousness, prior community supervisions failures, and sentence enhancements were most common factors noted as reasons for sending individuals to IDOC.
- Half of prosecutors reported that they (or the courts) had no specific policies regarding which offenders when to IDOC.
- Approximately 15 percent of prosecutors noted they almost never send D felony cases to the IDOC.
- A few prosecutors cited judges' policies (11 percent) or the availability of alternative programs such as drug courts or treatment programs as reasons for sending or not sending individuals to IDOC.
- Probation, work release, community corrections, home detention, local jail sentences, and electronic monitoring were most-commonly mentioned community alternatives to IDOC.
- Few mentioned substance abuse programs, drug courts, diversion programs community service, or other alternatives.
- One-third of prosecutors reported that they had no concerns about existing community supervision programs in their counties, but most prosecutors expressed that more programs were needed.
- Concerns mentioned included limited program options, insufficient funding or a general lack of resources and jail capacity.

Conclusions

This study began with four broad questions. The first question was whether the conviction offense was an accurate representation of the facts of the case. For many cases, we found that there were other causes or cases that were dismissed or in a few cases pled to lower levels, but few cases involved violent crimes. More than half of new commitment cases involved sentences where some portion was non-suspendable. During sentencing the court was aware of additional pending cases about one fourth of the time. The sentence was binding in more than three-quarters of the cases.

Nearly all cases in the study involved offenders with prior convictions and many offenders had prior felony convictions. Few, however, had prior violent felony convictions. The largest single category of offenses in the study was theft and the estimated value of property stolen was most often less than $250 dollars. D felony drug possession accounted for less than one-quarter of cases. Less than 15 percent of D felony cases involved violent offenses and less than five percent involved sex offenses.

The second question in the study was whether there are adequate alternatives to incarceration if the offender was not sent to IDOC. To get a sense of the prosecutors' views on this issue, we conducted semi-structured phone interviews. Prosecutors mentioned a number of alternative programs to IDOC that were available in their community such as probation, work release, community corrections, home detention, local jail sentences, and electronic monitoring. Few prosecutors mentioned substance abuse programs, drug courts, diversion programs, community service, or other alternative programs. About one third reported no concerns about the community supervision programs in their counties. Concerns mentioned by prosecutors included needing more program options, funding or a general lack of resources and in some cases, jail capacity.

The study did find that a large majority of offenders had some prior community supervision experience and many of them had at least one type of failure while on community supervision (usually probation). However, less than one-third were reported to have been on more than one type of community supervision.

Most prosecutors said that individual case characteristics drove the choice of IDOC versus community sanctions and this was consistent with the findings of our regression analyses predicting executed sentence lengths. Half of prosecutors reported that they (or the courts) had no specific policies regarding which offenders went to IDOC. Fifteen percent of prosecutors stated that rarely send D felony cases to the IDOC. A few prosecutors cited judges' policies (11 percent) or the availability of alternative programs such as drug courts or treatment programs.

The third question in the study was, if offenders are being sentenced to IDOC as a result of probation violations, is the use of incarceration necessary/warranted? This question is more difficult to answer with this data because it involves an individual judgment on when incarceration is necessary or warranted and different individuals can view the same set of facts and come to different conclusions. In this study, nearly two thirds of probation violations and half of parole violation cases were admitted to IDOC for technical violations only. As we noted, however, many individuals appeared to have had some level of prior community supervision experience and failure. More than 70 percent had previous probation violations, and although a small proportion of offenders in the study had been on community corrections in the past, many of those sentenced to community corrections had failed it at least once. More than half of cases

in the study involved offenders who had one type of prior community supervision experience but less than one-third had two or more.

The final question was if offenders are serving short terms in IDOC, is this a function of the original sentence? The short answer is yes. Approximately half of all D felony cases had executed sentences of one year or less. About 40 percent of new court commitments and 5 percent of probation violation cases had some portion of the total sentence suspended. Jail credit appears to play a fairly large role in the amount of time spent in IDOC. For D felony offenders approximately 41 percent of new court commitments cases and half of probation cases earned 30 days or less of jail credit, but average days of jail credit ranged from 88 to 191 days

To determine what amount of time each offender could be expected to spend in IDOC, we calculated an expected LOS value for each case which took into account jail credit days and the one for one "good time" credit that these cases can generally expect in IDOC with good behavior. Approximately 20 percent cases had an expected LOS of 60 days or fewer. Seventy percent of D felony cases had an expected LOS of 9 months or less.

Most cases had actual LOS day ranges (e.g., 1-60) that corresponded to their expected LOS range. In terms of actual LOS, half of new commitment cases and more than 60 percent of probation violation cases had an actual LOS of 180 days or less. Less than one-quarter of cases had an actual LOS of longer than one year. Longer LOS days were generally associated with higher average numbers of prior convictions. Non-suspendable sentences also were associated with higher LOS days.

We also ran a multiple regression analysis to examine the predictors of executed sentence length. It appears that case characteristics drove executed sentence. For new court commitment cases, jail credit, the number of prior felony convictions, whether there was more than one cause associated with a case, and the number of types of prior community supervision failures were predictors of executed sentence length. Black offenders and those who were first time entrants to IDOC had statistically significantly shorter sentences for new commitment cases. For probation violation cases, the number of types of prior community supervision failure, whether there was more than one cause associated with a case, whether it was the first violation in a case, and jail credit days were statistically significant predictors of sentence length. Offense seriousness and being in a community corrections county were unrelated to executed sentence for new commitment cases, and whether the offense was a technical violation or a new criminal offense was not a significant predictor of executed sentence length for probation violation cases.

We conclude by noting that the collection of case level data for this project required the assistance of a great many individuals from prosecutor's offices, courts, probation offices and many others and was extremely labor intensive. Recent developments suggest that such efforts will be substantially less labor intensive in the future due to the development of a new statewide data collection system to capture abstract of judgment information for all felony cases which is being implemented by the Judicial Technology Automation Committee.

Appendix 1. DAWG PROJECT DATA COLLECTION FORM
NEW COMMITMENTS

1. Name of Offender: _____ DOC #: _____

2. Cause #: ___ ___ ___ ___ ___ -___ ___ ___ ___-___ ___-___ ___ ___ ___ ___ ___

3. Sex (Circle correct value):

Male	0
Female	1

4. Date of Birth:

Month ____ ____

Day ____ ____

Year ____ ____

5. Date of Admission:

Month ____ ____

Day ____ ____

Year ____ ____

6. Offense(s):

Count #	Name of offense	Level

7. Name of Prosecutor in case: _____

8. Name of Judge in case: _____

9. Name of Defense Attorney in case: _____

10. Did the defendant receive any type of credits towards their sentence?

a) Pre-commitment credit	No	0
	Yes	1
b) Use of "shock probation" and modification of sentence statute?	No	0
	Yes	1
c) Other credits against the sentence (Example: earn GED in jail program)	No	0
	Yes	1

If Other, Please explain: _____

_____

_____

11. How much pre-commitment credit was awarded?

Years	____ ____ ____ ____
Months	____ ____ ____ ____
Days	____ ____ ____ ____

12. What was the sentence imposed in the case?

a) Total:	Years	____ ____ ____ ____
	Months	____ ____ ____ ____
	Days	____ ____ ____ ____
b) Executed:	Years	____ ____ ____ ____
	Months	____ ____ ____ ____
	Days	____ ____ ____ ____
c) Suspended:	Years	____ ____ ____ ____
	Months	____ ____ ____ ____
	Days	____ ____ ____ ____

13. Was sentence ordered to run consecutively or concurrently?

Consecutively	0
Concurrently	1
N/A	9

Explain: _____

_____

14. Where was the executed portion of the sentence to be served?

DOC Facility	0
Probation	1
Community Corrections	2
Other: _____	3

a) Was the suspended portion of the sentence to be served after or before the executed sentence?

After	0
Before	1
N/A	9

b) Was the defendant sentenced to any form of supervision during the suspended portion of the sentence?

No	0
Yes	1

If yes, what form of supervision?

Parole	0
Probation	1
Community Corrections	2
Other: _____	3
N/A	9

15. Was the sentence the result of a plea agreement?

No	0
Yes	1

15a. If the sentence was the result of a plea agreement, was the agreed sentence open or binding?

Open (left up to judge)	0
Binding (spelled out in agreement)	1
N/A	9

15b. If the sentence was the result of a plea agreement, was the plea to a lesser offense?

No	0
Yes	1

N/A 9

If yes, which charges were filed, then dismissed:

_____
_____
_____
_____
_____

15c. If the sentence was the result of a plea agreement, were there charges that could have been filed but were not (including habitual offender enhancements)?

No 0
Yes 1
N/A 9

If yes, list charges: _____
_____
_____
_____
_____

15d. If the sentence was the result of a plea agreement, were other counts or other cases with separate cause numbers dismissed as part of the plea?

No 0
Yes 1
N/A 9

If yes, list the specific Charges/Causes dismissed:

_____
_____
_____
_____
_____

16. During the sentencing for this case, was the court aware of any open (pending) cases in any jurisdiction?

No 0
Yes 1
N/A 9

If yes, list pending cases: _____
_____
_____
_____
_____

17. Was any part of the sentence non-suspendable?

No 0
Yes 1

If yes, what is the reason: _____
_____
_____

18. Did the judge find any aggravating factors when imposing the sentence?
(*Only relevant in open sentences*)

No	0
Yes	1
N/A	9

If yes, specify: _____
_____
_____

19. Did the judge find any mitigating factors when imposing the sentence?
(*Only relevant in open sentences*)

No	0
Yes	1
N/A	9

If yes, specify: _____
_____
_____

20. Was a pre-sentence investigation (PSI) report prepared in this case?

No	0
Yes	1

21. Did the offender have a history of other felony or misdemeanor arrests or convictions, or previous juvenile adjudications?

No	0
Yes	1

If yes, list offenses or attach criminal history:
_____
_____
_____
_____

22. Was the offender previously under community supervision for other offenses?

a) Pre-trial diversion

No	0
Yes	1
Not Sure	2

If yes, was it successfully completed every time?

No	0
Yes	1
N/A	9

b) Probation (adult/juvenile)

No	0
Yes	1
Not Sure	2

If yes, was it successfully completed every time?

No	0
Yes	1
N/A	9

c) Community Corrections	No	0
	Yes	1
	Not Sure	2
If yes, was it successfully completed every time?	No	0
	Yes	1
	N/A	9
d) Work release	No	0
	Yes	1
	Not Sure	2
If yes, was it successfully completed every time?	No	0
	Yes	1
	N/A	9
e) Problem-solving court programs (drug court, reentry court)	No	0
	Yes	1
	Not Sure	2
If yes, was it successfully completed every time?	No	0
	Yes	1
	N/A	9

23. Was restitution ordered in this case?	No	0
	Yes	1

If so, how much: $_____

Current status of restitution: _____

24. Were risk assessment tools employed in this case?	No	0
	Yes	1
25. Was the offense a theft offense?	No	0
	Yes	1

If yes:

a) List property obtained: _____

_____

_____

b) If known, what was the approximate value? $_____

c) Was it a shoplifting case?	No	0
	Yes	1
	N/A	9

26. Was the offense a forgery offense?

No	0
Yes	1

If yes:

a) Please describe the nature of the case:
(*For example, was it a forged prescription, a forged check, a forged will, forged trademarks, etc.*)

_____

_____

a) If known, what was the approximate value? $_____

27. Was the offense a drug offense?

No	0
Yes	1

If yes:

a) Was there an enhancement due to:

Amount of drug

No	0
Yes	1
N/A	9

- If yes, list the amount:

_____

_____

Location within 1,000 feet of a school

No	0
Yes	1
N/A	9

Use of a firearm

No	0
Yes	1
N/A	9

Habitual substance offender

No	0
Yes	1
N/A	9

Sale to a child

No	0
Yes	1
N/A	9

Other? Please specify:

_____

_____

Appendix 2. DAWG PROJECT DATA COLLECTION FORM
VIOLATIONS

1. Name of Offender: _____ DOC #: _____

2. Cause #: __ __ __ __ __ -__ __ __ __-__ __-__ __ __ __ __ __

3. Sex (Circle correct value): Male 0
Female 1

4. Date of Birth: Month ____ ____
Day ____ ____
Year ____ ____

5. Date of Admission: Month ____ ____
Day ____ ____
Year ____ ____

6a. Offense(s) Convicted:

Count #	Name of offense	Level

6b. Offense(s) Dismissed:

Count #	Name of offense	Level

7. Name of Prosecutor in case: _____

8. Name of Judge in case: _____

9. Name of Defense Attorney in case: _____

10. Was the offender sentenced to the DOC due to a violation of a local program such as probation or community corrections?

No	0
Yes	1

a) If so, was it the result of the commission of a new criminal offense?

No	0
Yes	1
N/A	9

If yes, list offense(s): _____

_____

_____

b) Was it the result of some other violation, such as a "technical violation"?

No	0
Yes	1
N/A	9

Was the violation non-participation in an assigned program?

No	0
Yes	1
N/A	9

If yes, what evidence was provided?

_____

_____

Was the violation noncompliance related to a drug test?

No	0
Yes	1
N/A	9

If yes:

- Did the offender take the drug test?

No	0
Yes	1
N/A	9

  - If yes, what were the results?

    _____

    _____

- Did the offender fail to appear for the test?

No	0
Yes	1
N/A	9

- Did the offender appear for the test, but fail to take the test?

No	0
Yes	1
N/A	9

If it is another type of violation, please explain:

_____

_____

11. Was this the first violation filed in this case?

No	0
Yes	1

a) If NOT, how many previous violations were there? _____

12. Did the defendant receive any type of credits towards their sentence?

a) Pre-commitment credit

No	0
Yes	1

b) Use of "shock probation" and modification of sentence statute?

No	0
Yes	1

c) Other credits against the sentence (Example: earn GED in jail program)

No	0
Yes	1

If yes, please explain: _____

_____

_____

_____

13. How much pre-commitment credit was awarded for the original sentence?

Years ____ ____ ____ ____

Months ____ ____ ____ ____

Days ____ ____ ____ ____

14. What was the original sentence imposed in the case?

a) Total:

Years ____ ____ ____ ____

Months ____ ____ ____ ____

Days ____ ____ ____ ____

b) Executed:

Years ____ ____ ____ ____

Months ____ ____ ____ ____

Days ____ ____ ____ ____

c) Suspended: Years ____ ____ ____ ____

Months ____ ____ ____ ____

Days ____ ____ ____ ____

15. Where was the executed portion of the sentence to be served?

DOC Facility	0
Probation	1
Community Corrections	2
Other: _____	3
N/A	9

a) Was the suspended portion of the sentence to be served after or before the executed sentence?

After	0
Before	1
N/A	9

b) Was the defendant sentenced to any form of supervision following the executed portion of the sentence?

No	0
Yes	1
N/A	9

If yes, what form of supervision?

Parole	0
Probation	1
Community Corrections	2
Other: _____	3
N/A	9

16.1 How much pre-commitment credit was awarded towards the violation sentence?

Years ____ ____ ____ ____

Months ____ ____ ____ ____

Days ____ ____ ____ ____

16.2 What was the sentence imposed as a result of the violation?

a) Total: Years ____ ____ ____ ____

Months ____ ____ ____ ____

	Days	___ ___ ___ ___
b) Executed:	Years	___ ___ ___ ___
	Months	___ ___ ___ ___
	Days	___ ___ ___ ___
c) Suspended:	Years	___ ___ ___ ___
	Months	___ ___ ___ ___
	Days	___ ___ ___ ___

17. Did the offender have a history of other felony or misdemeanor arrests or convictions, or previous juvenile adjudications?

No	0
Yes	1

If yes, list offenses or attach criminal history:

_____
_____
_____
_____

18. Was the offender previously under community supervision for other offenses?

a) Pre-trial diversion	No	0
	Yes	1
	Not Sure	2
If yes, was it successfully completed?	No	0
	Yes	1
	N/A	9
b) Probation (adult/juvenile)	No	0
	Yes	1
	Not Sure	2
If yes, was it successfully completed?	No	0
	Yes	1
	N/A	9

c) Community Corrections	No	0
	Yes	1
	Not Sure	2
If yes, was it successfully completed?	No	0
	Yes	1
	N/A	9
d) Work release	No	0
	Yes	1
	Not Sure	2
If yes, was it successfully completed?	No	0
	Yes	1
	N/A	9
e) Problem-solving court programs (drug court, reentry court)	No	0
	Yes	1
	Not Sure	2
If yes, was it successfully completed?	No	0
	Yes	1
	N/A	9

19. Was restitution ordered in this case?	No	0
	Yes	1

If so, how much: $_____

Current status of restitution: _____

_____

20. Were risk assessment tools employed in this case?	No	0
	Yes	1
21. Was the offense a theft offense?	No	0
	Yes	1

If yes:

a) List property obtained: _____

_____

_____

b) If known, what was the approximate value? $_____

c) Was it a shoplifting case?

No	0
Yes	1
N/A	9

22. Was the offense a forgery offense?

No	0
Yes	1

If yes:

a) Please describe the nature of the case:
(*For example, was it a forged prescription, a forged check, a forged will, forged trademarks, etc.*)

_____
_____
_____

a) If known, what was the approximate value? $_____

23. Was the offense a drug offense?

No	0
Yes	1

If yes:

a) Was there an enhancement due to:

Amount of drug

No	0
Yes	1
N/A	9

- If yes, list the amount:

_____
_____

Location within 1,000 feet of a school

No	0
Yes	1
N/A	9

Use of a firearm

No	0
Yes	1
N/A	9

Habitual substance offender

No	0
Yes	1
N/A	9

Sale to a child

No	0
Yes	1
N/A	9

Other? Please specify: _____

Appendix 3. INFORMATIONAL INTERVIEW WITH COUNTY PROSECUTOR

Prosecutor of: _____ County
Person interviewed: _____
Date: _____
Number of cases to review _____
Email _____

We have been asked to look at cases and provide comprehensive information on all persons admitted to the Indiana Department of Correction (IDOC) during the period of June 1, 2011 to August 31, 2011 with a Felony D offense as the most serious offense, as well as a few select Felony C cases. During the design phase of this project, it was determined that the ideal source of background information on each of these cases was the local prosecutor's office. We will also seek information from the probation department for those cases that were sent to IDOC as a result of a probation revocation.

There are two purposes to this interview today.

First, as the elected prosecutor for your county, we would like to learn as much from you as we can about the sentencing practices in your county, particularly in the case of D Felonies and the select C Felonies and the availability of viable options for sentencing offenders to community-based programs as alternatives to sentences to IDOC.

Second, we would like to work out the arrangements for how we will compile all the data on the cases. Our goal is to collect the data as quickly as possible, and to have all of the required data collected, processed, and ready for analysis by three months from this day (give specific date).

Part I.

1. What factors are most important to you in deciding when to argue for a sentence to IDOC versus a sentence to a local or community corrections program?

2. What specific policies or practices of the criminal courts in your county have implications for which offenders are sentenced to IDOC?

3. What alternatives to IDOC are available in your county?

4. Do you have any concerns about the viability or capacity of the alternatives that are available in your county?

5. In what ways is information made available prior to sentencing to you or the court from risk assessments and/or pre-sentence investigations?

6. If available, how much influence does such information have?

Part II.

1. Take a look at the data collection form and the list of cases that you received from us prior to this interview. We would like to ascertain how we might gather the data we are looking for in the time frame we are working with. Here are some potential scenarios:
   a. You may have a **staff member that can complete the form** on each of the cases on the list (the data can be entered into an **online form** we can provide access to OR can be provided to us on **paper forms**).
   b. We may conduct a **phone interview** with someone in your office that can answer the specific questions while we record the data.
   c. You may provide us with **access to an online data management** system where we can look up the information from secure computers on the IUPUI campus or a data dump that includes all the data points.
   d. We may **send our staff** to your office to compile the information (either from paper files or from a computer database).

   Which of these options would work best for your office?

   GET EMAIL:

   What are our next steps?
2. How can we determine if there are significant factors that informed your decision in offering a plea agreement in a particular case?
3. How can we determine if the particular case is one in which the prison sentence is non-suspendable?
4. How can we determine if the particular case is one in which the person might fit the definition of an habitual offender?

5. Are there other types of factors that are influential in your decision making relative to IDOC sentences that we might not be trying to capture? If so, how might we access that information?
6. Are there pieces of data that we are looking for that can only be gathered by speaking with someone in your office? If so, what might these be? How can we gather this information?

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