

Reducing Revocations Challenge: The Cook County (Chicago) Adult Probation Department and Loyola University Chicago Action Research Team Final Report

EXAMINING THE PREVALENCE AND FACTORS THAT INFLUENCE
PROBATION REVOCATION IN COOK COUNTY, ILLINOIS

RESEARCH REPORT

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Executive Summary

Over the past two decades, efforts to reduce the number of people in prison have frequently focused on probation as an alternative to incarceration. State and local criminal justice systems have adopted policies and practices that incentivize the use of probation (e.g., justice reinvestment models), while enhancing the quality of services available to those on probation to reduce recidivism (e.g., incorporation of the risk-needs-responsivity approach and Effective Practices in Community Supervision-EPICS). Reducing revocation rates (the percent of individuals on probation who violate and are subsequently resentenced, often to prison), offers additional opportunities to reduce incarceration, however, little is known about the extent and nature of probation revocations (both nationally and, specifically, in Illinois).

To address this gap in knowledge, in 2019, Arnold Ventures launched the Reducing Revocations Challenge to support local jurisdictions in examining the factors underlying probation failure, and the ways in which probation failures and revocations impact jail and prison admissions. Arnold Ventures supported 10 action research teams (ARTs) across the country in this effort, including the partnership between the Cook County Adult Probation Department (CCAPD) and Loyola University Chicago's Center for Criminal Justice Research, Policy and Practice. To gain insight into the rates, patterns, and possible solutions of probation violations and revocations, the Cook County ART performed analyses of case-level data for all 26,580 adult probation cases closed between 2017 and 2019, interviewed key justice system stakeholders, and surveyed probation officers.

The research found that the majority (74%) of people on probation had at least one formal violation of probation (VOP) petition filed in court; 35% with petitions that only alleged technical violations (e.g., no new arrest charge violations) and 39% with petitions that included a new arrest charge violation (with or without additional technical violations). Overall, 10% of all cases (and 14% of cases that had a VOP filed in the court) resulted in a revocation of probation. While the rate of revocation is relatively low, the consequence of revocation is considerable. Of those individuals whose probation cases were revoked, 72% were sentenced to prison and an additional 26% were committed to the Cook County Jail.

Beyond measuring the rates of probation violations and revocations, the research also sought to determine if specific characteristics of the person on probation, their case, or the community where they resided influenced the likelihood that a VOP petition was filed and/or the probation sentence was revoked. A number of characteristics increased the likelihood of a VOP petition being *filed*, regardless of the type of violation (i.e., one that involved

only technical violations or one that involved a new arrest charge), including:

- 1) the race of the person on probation (Black people on probation had a higher likelihood of a petition);
- 2) age (younger people on probation had a higher likelihood of a petition being filed);
- 3) the assessed risk level of the person on probation (the higher the risk, the higher the likelihood of a petition filed); and,
- 4) the reporting location of the case (District 1/Chicago cases had a higher likelihood of a petition being filed than suburban districts).

Other characteristics of the person on probation, their case, the community where they resided, or which specific courtroom the case originated from/was supervised were not as consistently or as strongly related to the filing of violation petitions. For example, the sex of the person on probation, the original conviction offense, sentence length, conditions of probation, and the rates of poverty and probation supervision in the neighborhood where the person lived were related to some of the types of petitions filed but not others (i.e., only related to those involving new arrest charges or only related to purely technical violations). For example, cases with conditions requiring treatment, drug testing, or community service were associated with higher rates of VOPs that included a new arrest but not VOPs that only included technical violations.

Similarly, a number of characteristics increased the likelihood that the probation sentence would be *revoked* and result in a commitment to prison or jail. The factors found to have the most consistent and strongest relationship with whether or not a probation case resulted in a *revocation* included:

- 1) the nature of the violation petition filed (e.g., a petition involving a new arrest charge was more likely to result in a revocation than a petition involving only a technical violation);
- 2) the risk level of the probationer (the higher the risk, the higher the likelihood of a revocation);
- 3) from which courtroom the case originated (cases heard in particular courtrooms had a higher likelihood of revocation than others); and,
- 4) the reporting location of the case (District 1/Chicago cases had a higher likelihood of a revocation than suburban districts).

While these were the strongest and most consistent factors associated with revocation, other characteristics, such as the sex of the person on probation, the original conviction offense, and the rate of probation supervision in the neighborhood where the person on probation lived were also related to revocation. Importantly, while age and race were related to having a VOP *filed*, these characteristics did not directly influence the likelihood of a *revocation*.

The most important factor that led to a revocation of probation was a VOP filed for a new arrest. Specifically, 18% of the cases that had violation petitions that included a new arrest charge were revoked, compared to 6% of the cases with violation petitions for only technical violations being



revoked. Those interviewed from the various stakeholder agencies all stated that it was rare to see a so-called “pure” technical violation actually result in a revocation of probation, occurring only for those on probation for an exceptionally serious crime, having violent tendencies, being mentally unstable, and being chronically noncompliant with conditions. Even in these instances, they noted, the individual would likely be sanctioned by the court multiple times before probation was revoked.

Given the strong influence VOPs involving new arrests had on revocations, and the disparity in rates of new arrest VOPs for Black people on probation and those in communities with high rates of probation supervision, it is important that the factors that drive these arrests be fully understood. The research found that Black people on probation were much more likely than whites to have a VOP filed involving a new arrest, even after taking into account factors well documented to have a relationship to recidivism (e.g., risk level, age, sex). Similarly, the research found that people on probation in Chicago (relative to those in the suburbs) and people living in communities with high rates of residents on probation supervision were also more likely to have VOPs filed that involved new arrest charges. These patterns may indicate more about policing practices and policies than they do about recidivism. Thus, while the research found that race did not have a direct relationship with whether or not the case was revoked, having a VOP petition that included a new arrest had the strongest effect, and Black people were more likely to have these types of VOP petitions.

Finally, the research also found that, while the specific courtroom the probation case originated from/was supervised through had *little influence* on whether or not VOP petitions were *filed*, the courtroom *did influence* if the VOP resulted in a *revocation* after taking into account other characteristics and factors of the person on probation and the case. The stakeholder interviews by the ART revealed that there is variation across courtrooms in the handling of violations. These findings likely reflect the fact that there are a large number of courtrooms/judges across Cook County handling criminal cases (66 that had 100 or more probation cases discharged during the study period), and each judge is independently elected and has considerable discretion in how they handle VOPs. This pattern may also reflect variation in how information is presented by the CCAPD at VOP hearings, such as what specific information about violations is emphasized and whether the information presented provides context regarding unmet criminogenic needs of the person on probation that may be driving violations.



Introduction

Over the past two decades, efforts to reduce the number of people in prison have frequently focused on probation as an alternative to incarceration. State and local criminal justice systems have adopted policies and practices that incentivize the use of probation (e.g., justice reinvestment models), while enhancing the quality of services available to those on probation to reduce recidivism (e.g., incorporation of the risk-needs-responsivity approach and Effective Practices in Community Supervision-EPICS). Reducing revocation rates (the percent of individuals on probation who violate their supervision and are subsequently resentenced, often to prison or jail), offers additional opportunities to reduce incarceration, however, little is known about the extent and nature of probation revocations (both nationally and, specifically, in Illinois). In one of the few assessments in Illinois, the Illinois Sentencing Policy Advisory Council (SPAC) found that, in 2010, approximately 15% (roughly 3,500) of those sentenced to prison in Illinois were individuals who had been on probation and were revoked/sentenced to prison on another charge.¹ To address this gap in knowledge, in 2019, Arnold Ventures launched the Reducing Revocations Challenge to support local jurisdictions in examining the factors underlying probation failure and the ways in which probation failures and revocations impact jail and prison admissions. Arnold Ventures supported 10 action research teams (ARTs) across the country in this effort, including the partnership between the Circuit Court of Cook County's Adult Probation Department (CCAPD) and Loyola University Chicago's Center for Criminal Justice Research, Policy and Practice.

Illinois' Circuit Court of Cook County (Chicago) is one of the largest unified court systems in the United States and includes one of the largest probation departments in the country. In Illinois, probation departments are operated at the county level under the judicial branch of government, and comply with standards promulgated by the Administrative Office of the Illinois Courts (AOIC). The Cook County Adult Probation Department (CCAPD) is responsible for the supervision of those convicted and sentenced in the Circuit Court of Cook County to a period of probation. The Circuit Court of Cook County includes six municipal districts. The First Municipal District covers Chicago, and the remaining five districts cover specific geographic areas of suburban Cook County (Skokie, Rolling Meadows, Maywood, Bridgeview and Markham). Within each district are criminal division courtrooms that are presided over by individual judges. It is within these courtrooms that individuals are tried and, if convicted, can be sentenced to probation.² Generally, the sentencing judge is then responsible for hearing any violations of probation (VOP) that may be filed, modifying probation conditions, and ultimately determining how the probation case will be terminated (e.g., satisfactory termination, revocation, etc.).

The majority (82%) of those supervised by the CCAPD have been convicted of a felony offense, and over the past few years, there has been increasing reliance in Cook County on probation as the

¹ Olson, D., Stemen, D., Taheri, S., Mioduszewski, M., Saltmarsh, K., & Groot, M.: *Drivers of the Sentenced Population: Probation Analysis*. Research Briefing, Illinois Sentencing Policy Advisory Council, Summer 2013.

² Among the discharged probation cases studied for this project, there were 66 unique courtrooms/judges that each discharged more than 100 probation cases during the study period.



sentence imposed for those convicted of a felony offense. Between the early 2000s and 2017, the majority (i.e., more than 50%) of those convicted of a felony in Cook County were sentenced to prison; since 2018, the majority of those convicted of a felony in Cook County have been sentenced to probation. Given this increased reliance on probation, it is critical to examine the degree to which those sentenced to probation successfully matriculate through their sentence, and importantly, the rate at which those placed on probation are revoked and subsequently sentenced to jail or prison.

To understand the rates, patterns, and possible solutions of probation violations and revocations, the Cook County ART analyzed case-level data for all 26,580 adult probation cases closed between 2017 and 2019, interviewed and held focus groups with key justice system stakeholders, and surveyed probation officers and supervisors. The core goal of the research was to identify and describe what factors influence the likelihood that probation cases result in a VOP being filed and ultimately revoked (i.e., how do cases get funneled to revocation). To elaborate, a portion of those discharged from probation will have committed some type of violation of their probation. Of those who violated conditions of probation or were arrested for new charges while on probation, a portion will have a VOP filed in the circuit court. Finally, of those who have a VOP filed, a portion will ultimately have their probation sentence revoked.

Methods

To examine and understand the factors that influence the likelihood of a case progressing through this funnel, the Cook County ART took a mixed methods approach, combining both quantitative and qualitative data to perform the research. The quantitative analyses utilized detailed, case level data provided to the research team by the CCAPD for all adults discharged from probation supervision from 2017 through 2019. This selection criteria yielded a total of 26,580 cases over the three-year period. The cases were analyzed to understand and describe the characteristics of those discharged from probation, the nature of the probation sentence (e.g., conviction offense, sentence length and conditions), the characteristics and prevalence of VOP petitions filed in court, how the court responded to those violations, and whether these probation cases were revoked. The case data included electronic narrative notes from probation officers regarding violations. These notes were coded and translated into discrete variables that were used in the analyses. In addition, the CCAPD provided information that allowed the ART to identify the neighborhood where the probationer was living, which allowed for the characteristics of the neighborhoods to also be included in the analyses.³ Individuals on probation living within a neighborhood share a common context that may influence whether an individual violates the conditions of their probation or has a new arrest charge. These case-level data were analyzed using a number of

³ The census tract was used at the geographic unit representing “neighborhood” in the analyses. The specific characteristics of the neighborhoods included concentrated disadvantage, a measure of racial and ethnic diversity, the percent of the population in the neighborhood that was Black, and the rate of residents on probation. For more detail on how these variables were computed, please refer to the technical report for the project.



different statistical techniques⁴ that allowed the research team to describe the characteristics of those discharged from probation and their sentence, and the influence these characteristics had on case outcomes (i.e., violations filed and revocation).

To supplement the case analysis and understand how local policy influences case matriculation, the ART reviewed current state law and policy, and local administrative directives within the CCAPD, regarding the handling of probation violations and revocations. To examine how existing legal and administrative policies are interpreted and enacted into practice, the research also included focus groups, interviews and surveys with criminal justice practitioners within three agencies that respond to probation violations. Specifically, 24 supervisory-level criminal justice practitioners in the Cook County Adult Probation Department, the Cook County State’s Attorney’s Office and the Cook County Public Defender’s Office were interviewed or participated in focus groups. In addition, an online survey was distributed to 186 officers and supervisors in the Cook County Adult Probation Department, with 39 (a 21% response rate) completing the voluntary survey. The survey questions incorporated themes and issues identified through the interviews, and sought to elicit structured responses to questions and statements regarding officers’ views and responses to non-compliant behavior. Findings from the interviews, focus groups and survey results are discussed throughout this report in relation to the findings from the case-level data analysis.⁵

Findings

The Characteristics of those Discharged from Probation

Figure 1 below (and Table 1 in the Appendix) provides a summary description of the population of adults discharged from probation in Cook County, Illinois, between 2017 and 2019, including demographic and case characteristics, and probation sentence outcomes. As seen in Figure 1, the population of adults discharged from probation were predominantly male (80%), Black (57%), and under 36 years old (59%). The representation of Black people among the probation population is disproportionately high compared to their representation in the general population but is relatively consistent with their representation among those convicted of a felony in Cook County.⁶ The average age of the individual at sentencing was 34.5 years old.

⁴ Case level data were analyzed using descriptive statistics as well as bivariate and multivariate regression techniques. These multivariate statistical methods allowed the researchers to statistically control for, and isolate, the influence of each variable included in the analyses of outcomes (i.e., violations filed and revocations). These statistical techniques also identified which variables had the most/strongest influence on the outcomes. For a more detailed description of the statistical methods used and detailed results of these analyses, please refer to the technical report for the project.

⁵ For a more detailed description of the interview protocols, survey questions and survey responses, please refer to the technical report for the project.

⁶ In Cook County, roughly 24% of the overall adult population is Black, 42% is white, non-Hispanic and 26% is Hispanic (Source: <https://www.census.gov/quickfacts/fact/table/cookcountyillinois/PST120219>). Among those convicted of a felony in Cook County between 2017 and 2019, 67% were Black, 13% were white, non-Hispanic and 18% were Hispanic (Source: <https://www.cookcountystatesattorney.org/about/felony-dashboard>).



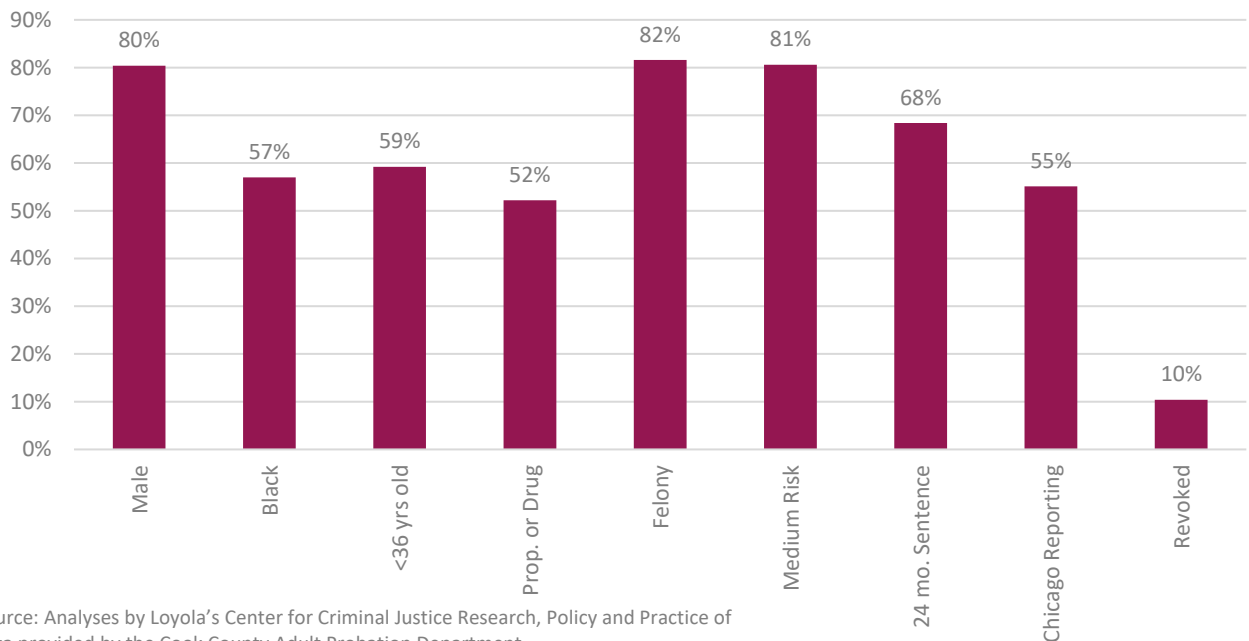
Overall, the majority of those discharged from probation during the period examined were originally sentenced to probation for non-violent crimes, with property crimes and drug-law violations combined accounting for just over one-half (52%) of the cases. Further, roughly 82% of all of the offenses that resulted in the original sentence to probation were felony-level offenses, with Class 4 felonies (the least serious felony class) accounting for 44% of all cases. The average length of the sentences to probation among the cohort of discharged cases was 23 months, with roughly two-thirds (68%) of the cases receiving a sentence of 24 months. Roughly 22% of the cases were given sentences less than 24 months and just under 10% received sentences longer than 24 months. Although a substantial portion of the cases (8%) were missing information regarding the individual's risk level, *of those cases with information regarding the risk level*, roughly 9% were classified as high risk (high and very-high combined), 11% as low risk, and the remaining 80% as medium risk (low-medium, medium and high-medium combined).

Just over one-half (55%) of the cases included in the analyses were supervised in Chicago (the 1st Municipal District), and the remaining 45% of cases were supervised across the other 5 municipal districts of the Circuit Court of Cook County.⁷ Although not presented in tabular form, the probation cases examined were distributed across a large number of individual courtrooms/judges. For example, there were 66 different courtrooms/judges that had 100 or more probation cases discharged during the study period. These 66 different courtrooms/judges collectively accounted for 95% of the 26,580 discharged cases analyzed. Finally, when the discharge status of the closed cases were examined, just over one-half (55%) of the cases were classified as being satisfactorily discharged, and 10% ended with a revocation of probation. Roughly 17% of cases were unsatisfactorily terminated, meaning the case was closed and did not result in additional sanctions, but specific conditions may not have been met. While an “unsatisfactory termination” may be considered a “positive” outcome from the perspective of the individual on probation since their sentence is over, it is a designation that could potentially influence future sentencing decisions if the discharged individual were to be charged and convicted in the future. The remaining 18% of cases included those that were missing information regarding the reason for case closure, closed due to the death of the person on probation, or cases that were transferred to other jurisdictions.

⁷ The majority of cases are supervised in the same district where they were sentenced. Regardless of where probationers are supervised in the county, usually any violations of probation will be heard by the sentencing judge in the district where the sentence was originally imposed.



Figure 1: Characteristics of Discharged Cases, 2017 to 2019



Conditions of Probation

When someone is sentenced to probation in Cook County, there are standard conditions required of all individuals on probation. These conditions include not violating any criminal statutes, refraining from possessing a firearm or other dangerous weapon, notifying the probation department of a change of address, not leaving the state without permission, and complying with reporting and treatment requirements (see Sentencing Order in the Appendix). In addition to these standard conditions, a number of additional conditions can also be ordered (see Appendix). Examining and understanding the extent and nature of conditions is important in any assessment of probation violations or revocations, as non-compliance with conditions can be a reason for a VOP being filed and, potentially, the revocation of the probation sentence.

When the specific conditions imposed as part of the probation sentence were examined for the research cohort (Table 2), there were relatively few additional conditions (beyond the standard conditions) imposed on the majority of discharged cases. For example, the specific conditions that were imposed on the majority (i.e., more than 50%) of probation cases included the imposition of financial conditions (94%) and DNA Indexing (58%) (i.e., the requirement in Illinois that those convicted of a felony or other statutorily specified offenses submit DNA samples). The next most prevalent conditions ordered as part of the probation sentence included drug testing (imposed on 44% of the cases), community service (29%), alcohol or drug treatment (22%), and no-contact orders (15%). Fewer than 10% of the cases included conditions related to victim-impact panels



(9%), being supervised on a specialized caseload (e.g., drug court/intensive drug program, intensive probation supervision, sex offender probation) (9%), participation in educational programming (5%), domestic violence treatment (5%), electronic monitoring (5%), or anger management (4%). Combined, 42% of the discharged cases had some type of treatment program (drug, alcohol, behavioral health, TASC, domestic violence or anger management) as a condition of the sentence. Most probation officers and supervisors surveyed from the CCAPD “agreed” or “strongly agreed” that conditions were reasonable (81%) and that most people on probation were capable of meeting the terms of their conditions (84%).⁸

Table 2: Court Imposed Conditions of Probation

	Number	Percent (N= 26,580)
Fees (Court, Probation, etc.)	24,936	93.8%
DNA Indexing	15,312	57.6%
Drug Testing	11,692	44.0%
Community Service	7,589	28.6%
Any Treatment (Alcohol, drug, mental health, domestic violence, anger management)	11,180	42.1%
Alcohol Treatment	5,603	21.5%
Behavioral Health	3,512	13.2%
Treatment Alternatives for Safe Communities (TASC)	2,399	9.0%
Domestic Violence	1,417	5.0%
Anger Management	927	3.5%
Sex Offender Services	314	1.2%
Avoid Contact/Restraining Order	4,072	15.3%
Specialized Sentence/Supervision Strategy	2,331	8.8%
Victim Impact Panel	2,336	8.8%
Jail	1,511	5.7%
Education	1,367	5.1%
Electronic Monitoring	1,284	4.8%

Interview and focus group participants with the CCAPD, the Cook County Public Defender’s Office (CCPDO) and the Cook County State’s Attorney’s Office (CCSAO) indicated that individuals on probation have difficulty meeting some conditions more than others. In particular, respondents from all agencies reported that people on probation often struggle to meet their court ordered restitution and probation fees. They noted that most who do not pay their probation fees and/or restitution are simply unable to do so due to financial hardship. Indeed, the public defenders noted that in order to qualify for their services, their clients on probation must qualify as indigent.

⁸ Please refer to the technical report for the project for tables detailing the survey methodology and responses.



Probation officers who participated in the survey estimated that an average of 68% of the people on their caseload had difficulty meeting their fee requirements.⁹ When asked to identify three reasons that best explain why some people on probation experienced difficulty meeting this condition prior to COVID-19, the most prevalent reason identified by CCAPD respondents was that they couldn't afford to pay (92% chose this reason). Respondents were also asked to select two additional reasons, and the two other reasons that received the most frequent responses were that some people on probation "did not think they would be sanctioned or punished" (58% chose this reason) and that some people on probation "believed the fees were unfair" (55% chose this reason).

Consistent with what was found in the analyses of case-level data, interview participants from all of the agencies agreed that it is quite rare for non-compliance with financial conditions (failure to pay fees or restitution) to result in a court sanction or probation revocation, although these forms of non-compliance are often reported to judges in VOP hearings.¹⁰ The CCAPD will typically modify or waive *probation* fees on a sliding scale for individuals who can demonstrate financial hardship. *Restitution*, however, is court-ordered and cannot be adjusted or waived by the probation department. According to the respondents interviewed, when an individual does not pay their restitution, judges typically reduce restitution expectations, extend probation to allow additional time to pay a restitution balance or waive the restitution balance and terminate an individual unsatisfactorily. While not specifically or exclusively due to this reason, 24% of the discharged cases were on probation beyond their initially scheduled end date.¹¹ The assistant state's attorneys expressed some concern that people on probation who *can* pay restitution may strategically choose not to, knowing that judges are highly unlikely to sanction them with jail time or revoke their probation. Indeed, because of this, some assistant state's attorneys negotiate an "up front" payment of restitution.

Another theme that emerged from interviews, exclusively with representatives from the CCAPD and CCPDO, was concern that some people on probation were unable to meet the conditions of

⁹ This finding potentially conflicts with the previously reported survey finding that most officers and supervisors (83%) agreed that most probationers were capable of meeting their conditions. It's possible that when considering overall "ability to meet conditions," officers and supervisors overlook or downplay fees because the CCAPD is typically willing to modify or waive these fees if a probationer is able to demonstrate financial hardship.

¹⁰ Based on the research team's analyses of probation officer narrative notes regarding VOP petitions, very few specifically noted *failure to pay restitution* (4.6% of all cases with a VOP filed) as an issue, whereas a much larger portion of probation officer notes included mention of failure to pay court fees (42%) and probation supervision fees (70%) in the violation petitions. It is important to note that when a petition is filed for a new arrest charge, probation officers also provide the judge with information regarding other areas of non-compliance (e.g., failure to pay). Thus, while a substantial portion of notes indicated failure to pay court and probation supervision fees, most petitions filed were primarily filed due to new arrest charges. Further, these notes may be indicating that not all financial requirements had yet been paid, but the timing of the petition being filed is such that the probationer still has time to come into compliance and make all payments.

¹¹ One-half of all cases were closed on or before the scheduled termination date, however, cases may not be officially closed by the court on the exact date it was scheduled to due to court scheduling. When analyses included cases that were closed within 30 days of their scheduled termination date, 24% were closed beyond that 30 day window.



their probation because they were overburdened with too many conditions. Those who identified over-conditioning as a problem pointed specifically to individuals who had multiple time-consuming and/or costly requirements, such as community service combined with treatment and anger management counseling. In some instances, they noted, the requirements of in-patient treatment may conflict with requirements to participate in activities like community service. When asked if they agreed with the statement, “Some probationers fail probation because they have too many conditions,” 60% of CCAPD survey respondents expressed either agreement or strong agreement with the statement. Further, three quarters of respondents (75%) either agreed or strongly agreed with the statement, “Most probationers who do not meet the conditions of their probation are unable to do so because they lack the necessary resources (transportation, income, childcare, social support).”

The Matriculation of Cases from Violations to Revocations

Overall Case Matriculation

To understand the extent and nature of violations of probation and revocations, and what factors increase the likelihood of these outcomes, the analyses progressed from simple, descriptive information to more complex statistical analyses. These analyses provide an overview of the funneling of cases from violations of probation petitions being filed and ultimately being revoked, as well as the defendant and case characteristics associated with these outcomes. For example, of those discharged from supervision, how many, and what percent, had a violation filed with the court, and what individual and case characteristics were associated with a violation being filed? Finally, of those who had a VOP filed, how many, and what percent, had a revocation of probation, and what individual and case characteristics were associated with a violation filed resulting in a revocation?

Summarized in Table 3 and Figure 2 are broad overviews of the matriculation of the discharged cases through the following stages: 1) having violations of probation filed, 2) having violations that were filed result in a revocation of probation, and 3) having revocations result in subsequent sentences to prison or jail. As seen in Table 3, of the 26,580 cases discharged from probation during the period from 2017 to 2019, the majority (75%) had at least one VOP petition filed with the court during the period of the probation supervision. However, despite the large volume and rate of VOPs being filed, a relatively small percent of petitions actually resulted in the revocation of the probation sentence. Overall, roughly 10% of all cases, and 14% of the cases that had a violation petition filed were revoked. Almost all revoked cases resulted in a custodial sentence.



Table 3: General description of case matriculation

	Number	Percent of all discharged cases (N=26,580)
Total discharged cases	26,580	100.0%
Cases with a violation of probation filed in court	19,789	74.5%
New arrest w/ or w/o technical violation	10,397	39.1%
No new arrest, but a technical violation	9,392	35.3%
Cases with a revocation of probation	2,770	10.4% (14% of cases w/VOP)
Cases with a revocation committed to prison	1,986	7.5% (10% of cases w/VOP, 72% of revoked cases)
Cases with a revocation sentenced to jail	710	2.7% (3.6% of cases w/VOP, 26% of revoked cases)

Of the cases with a VOP filed for a new arrest charge, detailed analyses of the probation officer notes resulted in only about 51% of the cases indicating anything specific about the nature of the new arrest charge (i.e., a felony or a misdemeanor or the specific type of crime). It is likely that because the CCSAO files most of the VOPs involving new arrest, probation officers do not include those details in their notes and may just reference the CCSAO VOP petition. Of those cases with an indication of the nature of the new arrest charge, the majority were non-violent crimes. For example, almost one-half (46%) indicated a traffic charge, roughly 25% indicated an arrest for a drug-law violation, and 16% indicated an arrest for a property crime. One-quarter (25%) of those with a VOP for a new arrest and with information noted about the nature of the offense indicated a violent crime charge. Because VOP petitions involving new arrest charges can include multiple arrests these percentages add up to more than 100%.

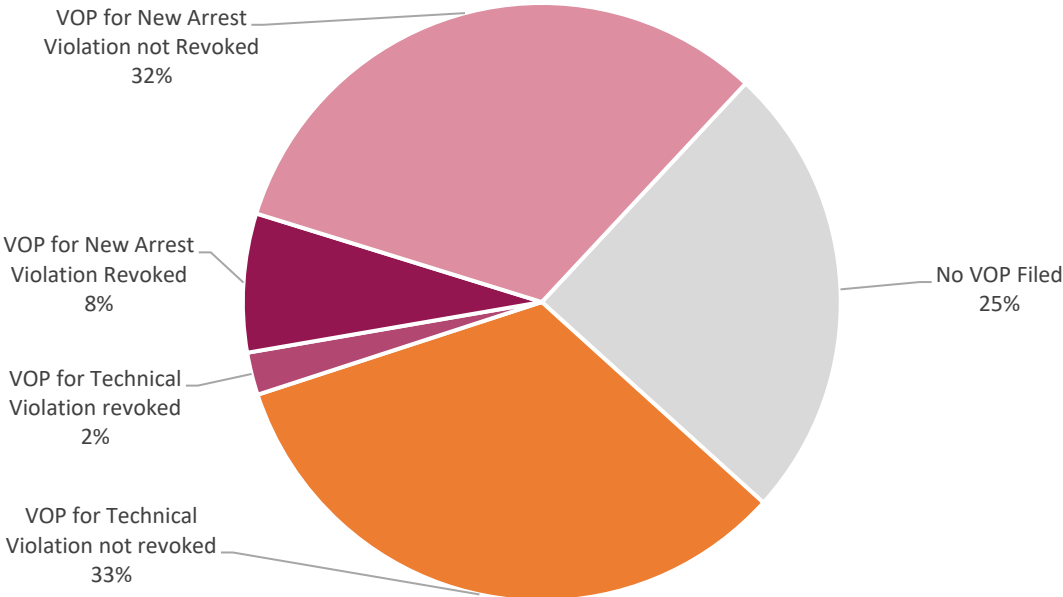
On the other hand, of the cases with a VOP filed for a technical violation without a new arrest charge, detailed analyses of the probation officer notes resulted in 95% of the cases indicating something about the nature of the violations (e.g., failure to report, failure to comply with probation, failure to pay fees, fines or restitution, failure to comply with treatment, positive drug tests, etc.). Of those cases with an indication of the nature of the technical violation, 76% indicated a failure to pay probation fees, 50% indicated a failure to pay court fees, 30% indicated a failure to comply with probation, 27% indicated a failure to report, and 21% indicated positive drug tests. As with petitions involving an arrest, VOP petitions involving technical violations include multiple violations, resulting in these percentages adding up to more than 100%.

Figure 2 presents the information on case outcomes for those discharged from probation between 2017 and 2019 in a slightly different way to provide the larger context of the percent of cases that were revoked. Overall, only 2% of discharged cases had their probation sentence revoked for a



technical violation, while 8% of cases were revoked as a result of a petition that included a new arrest charge. Thus, while those on probation have numerous conditions of probation (described in Table 2 above), which often lead to VOPs being filed, relatively few result in a revocation. Somewhat higher (8%) is the proportion of cases revoked because of a VOP for a new arrest.

Figure 2: Discharged Cases, by Type of Probation Violation Filed and Revocation Outcome



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of data provided by the Cook County Adult Probation Department

Policy and Practice for Filing Violations of Probation (VOP)

As seen in Table 3 and Figure 2, the majority (75%) of cases had at least one VOP petition filed with the court during the period of probation supervision. Of those cases that had a VOP filed, just under one-half (9,392 of the 19,789, or 47%) were for technical violations and did not include any new arrest violations. On the other hand, 53% (10,397 of the 19,789) of the cases that had a VOP filed were for violations that included a new arrest (either with or without other technical violations). A VOP can be considered the beginning of the path to revocation, as these are the hearings that bring violations to the attention of the sentencing judge. These hearings are meant for the most serious of violations and can be initiated by either the CCSAO or the CCAPD. The CCSAO automatically files a VOP if, during the course of felony review for newly referred arrests, it is determined that the person will be charged with a felony and is on probation. This process has implications on bond hearings for people on probation arrested for felonies; it appears that, in most instances, those on probation appearing in bond court on new felony arrests are held in detention until the case can appear before the original sentencing judge on the violation. Once



notified of an arrest, the CCAPD files a supplemental petition to bring all technical violations and unmet conditions to the attention of the court.

In addition, probation officers are required to file a petition for a VOP if, during an arrest check, they discover that the individual was arrested for a misdemeanor or traffic offense that the CCSAO did not identify since these cases don't go through felony review. If there was a felony arrest or direct indictment where the CCSAO did not previously file for VOP, probation officers are also required to file a VOP. Put another way, probation officers are required to file a VOP for any new arrest when the CCSAO has not already filed a VOP for the arrest. Probation officers are also required to file a VOP if the person on probation failed to appear for their initial appointment and made no contact with the officer, or if they failed to appear following an administrative sanction for repeated failures to appear. Finally, probation officers must file a VOP if the person on probation tampered with their electronic monitoring/GPS equipment or if they violated an order of protection.

A VOP is not required, but can be utilized in instances where an individual on probation repeatedly engages in the same negative behavior or fails to complete an administrative sanction. Under Illinois law (750 ILCS 5/5-6-1), the chief judge of each circuit court is required to adopt a "system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of probation, conditional discharge or disposition of supervision." These sanctions are administered by the CCAPD, who are under the purview of the circuit court. Cook County has developed Administrative Sanction Response protocols that identify common ways that individuals on supervision may violate the terms and conditions of their probation (e.g., poor reporting habits, positive drug reports, failure to attend/complete court ordered programs or evaluations, etc.) and categorizes the degree and severity of those violations (Low, Moderate, High). These protocols were implemented in March of 2019 and replaced the previous "Technical Violation of Probation" policy. The protocols suggest multiple intermediate sanctions for each level of severity and encourage officers to consider any responsivity factors that may prevent individuals on their caseloads from completing a chosen sanction. If the person continues in the negative behavior, or fails to complete the sanction, the officer consults with a supervisor to determine if higher sanctions are warranted or if the officer should prepare the case for a VOP petition.

Discretion in Defining What Warrants a VOP

As per the Sanctions and Incentives policy, officers are instructed to administer an internal sanction in response to common forms of non-compliance that could be considered a technical violation (e.g., failing to report, failing a drug test, failing to sign up or attend community service, etc.), rather than bringing it to the immediate attention of the court by filing a VOP. All administered sanctions are signed by the person on probation, the probation officer, and supervisor, and submitted to the circuit court for approval or revision.



As described earlier, the sanctions matrix instructs probation officers to consider the nature of the non-compliance and the individual's risk level when determining whether or not to administer a sanction (rather than petition for a VOP) and what kind of sanction to apply. The ART's interviews and focus groups with CCAPD deputy chiefs and supervisors indicated that judicial preference plays an unofficial, but significant, role in an officer's decision about whether or not to respond to non-compliance with an internal sanction or a VOP petition. Some judges make it a special condition of probation for all cases that all forms of non-compliance must be filed as a VOP for a technical violation in their courtrooms. Other judges instruct officers via the special conditions not to utilize internal sanctions with specific cases or under specific circumstances. Surveys with probation officers and supervisors indicate that these instructions greatly influence officer decision-making. When asked to identify the factors that had the strongest influence on whether or not to file a VOP or to respond with an internal sanction, the most popular response was "judge's preference" with 81% of respondents choosing it among the top three most important considerations. This was followed by whether or not the behavior was repeated (70%) and the sanctions and incentives policy (60%).

Probation Officer Utilization of Sanctions and Incentives

Interviews with the CCAPD deputy chiefs and supervisors noted that the goal of implementing the Administrative Sanctions Response protocol was to decrease the burden of VOPs for technical violations on circuit court processes, and provide more structured, evidence-based and uniform responses to behavior (both compliance and non-compliance). The Administrative Sanction Response protocols differ from the previous handling of non-compliance (formerly referred to as the Technical Violation of Probation—TVOP--policy) in that it offers a more structured and nuanced matrix for officer responses to common non-compliant behavior. The previous TVOP policy also allowed probation officers to administer sanctions for less serious violations of probation and instructed officers to consider the severity of the probation offense and needs of the individual on probation to determine the severity of the sanction. The TVOP also provided guidelines for determining the severity of a probation offense and sanction.

The Sanctions and Incentives Matrix builds on this framework by providing explicit and detailed examples of what qualifies as "low," "moderate" or "high" severity of behavior within each category of common probation violation (ex: poor reporting habits, low program participation, positive drug results, etc.) as well as options for sanctions that match the level of severity and the needs of the individual on probation. This more detailed matrix provides officers with an easier tool for determining an appropriate sanction. In addition, by explicitly listing what the common probation violations are, the Sanctions and Incentives Matrix provides a more comprehensive explanation of what forms of noncompliance fall under the policy. For example, the previous TVOP policy did not explicitly list failing a drug test as behavior could be handled in-house or that should be brought to the attention of the court. The Sanctions and Incentives policy includes "failing a drug test" as one of the major categories of common non-compliance and in doing so makes it clear that this kind of non-compliance should be dealt with in-house rather than bringing it to the



immediate attention of the court through a VOP. The Sanctions and Incentives policy also differs from the TVOP policy in that it explicitly instructs officers to provide incentives for compliance ranging from verbal encouragement to recommendations for early termination. Finally, the protocol requires that officers record all sanctions and incentives and submit those records to the circuit court.

CCAPD deputy chiefs and supervisors noted that officers were generally receptive to the new tool, particularly the clear guidelines on how to respond to non-compliance. Those who appreciated the tool, they noted, tended to see it as codifying practices they were already engaging in, such as considering risk and severity of non-compliance in responding to behavior that would be considered technical violations if filed with the court and offering encouragement to those who are meeting the conditions of their probation. Others expressed skepticism that the CCAPD was capable of providing meaningful incentives to people on probation and that those incentives would persuade individuals on probation to remain compliant. Additionally, there was widespread concern about the additional paperwork that this policy entails. The policy requires officers to meet with the individual on probation to discuss the non-compliant behavior and explain the sanction being administered. Then, the individual on probation, the officer and their supervisor all sign paperwork documenting the sanction. When asked whether the officers under their supervision were indeed filing administrative sanctions with the court and if those filings were burdensome, the supervisors interviewed for this study noted that many officers under their supervision were utilizing the matrix and filling out the appropriate paperwork for sanctions, but that the implementation of the policy was interrupted by COVID-19 and the suspension of sanctions.

Sixty-six percent of survey respondents agreed or strongly agreed with the statement, “When a probationer is meeting their conditions of probation, they deserve an incentive or reward,” and 72% agreed or strongly agreed that “incentives or rewards from POs [probation officers] are effective at encouraging probationers to meet the terms of their probation.” When asked to identify the three most effective forms of incentives, the three most popular responses were verbal praise (76% of respondents chose this), decreased reporting requirements (54% of respondents chose) and recommending early terminations (54%). These three incentives were also the most often used, with 83% of survey respondents identifying verbal praise as amongst the top three incentives they used, 42% identifying decreased reporting requirements and 31% identifying recommending early termination. However, only 31% expressed any agreement that the “CCAPD has adequate resources to provide appropriate incentives to probationers.”

Many (64%) of survey respondents agreed or strongly agreed with the statement, “Sanctions from POs are effective at encouraging probationers to meet the conditions of their probation.” When asked to identify the three most effective sanctions that a PO can use, the three most selected sanctions were to refer the individual to treatment (53% chose this option), initiating at problem solving discussion (41%), and increasing the frequency of reporting (38%). Formal reprimands followed closely with 35% of survey respondents placing this option among the top three. When



asked to identify the three sanctions they used the most often, referral to treatment (59%), increasing drug testing frequency (47%), and increasing frequency of reporting (38%) were the most prevalent answers among survey participants.

Just over half (53%) of survey respondents agreed or strongly agreed that they had “received adequate training on using the sanctions and incentives chart” and one-half (50%) expressed any agreement that they “consult the Sanctions and Incentives Chart when probationers under my supervision are noncompliant.” Given these responses and the timing of the initial policy implementation (in the year prior to COVID-19), additional training may be warranted.

Factors Associated with a Violation of Probation (VOP) Being Filed

Quantitative analyses of the case-level data identified a number of factors that influenced the likelihood that a VOP petition would be filed. Further, these factors were consistent when the analyses separately examined if a VOP petition was filed that included a new arrest charge or if a VOP included only technical violations. The factors that increased the likelihood that a VOP petition would be filed for someone on probation included:¹²

- 1) the race of the person on probation (Black people on probation had a higher likelihood of a petition being filed than whites);
- 2) age (younger people on probation had a higher likelihood of a petition being filed than older people)
- 3) the assessed risk level of the person on probation (the higher the risk, the higher the likelihood of a petition filed);
- 4) The reporting location of the case (District 1/Chicago cases had a higher likelihood of a petition being filed than suburban districts).

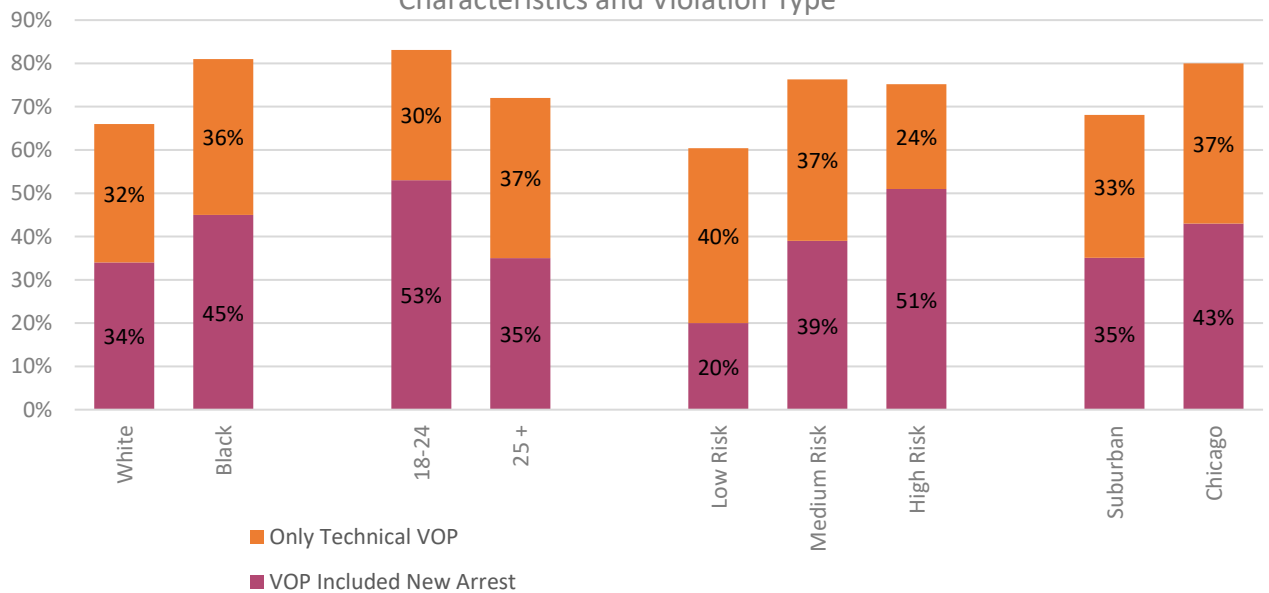
Figure 3 illustrates the differences in the VOP filing rate across these specific variables, separating the VOP rates by those that involved a new arrest versus those VOPs that only included technical violations. As seen in Figure 3, the overall rate of VOPs filed involving Blacks on probation was 81%, compared to 66% among whites, but much of this difference is attributed to a higher rate of VOPs filed that involved new arrest charges. Similarly, the higher overall rate of VOPs filed involving young adults (18-24 year olds) (83%) when compared to those 25 and older (72%) is driven by the higher rate of VOPs involving new arrest charges. In fact, the majority of VOPs of young adults involved new arrests while the majority of VOPs involving older adults were for purely technical violations. A similar pattern was evident when VOP rates were examined by the

¹² These relationships were evident in both the bivariate and multivariate analyses. The variables included in the multivariate analyses included race, sex, age, type of offense resulting in the probation sentence (e.g., property, drug-law violation, etc.) and if it was for a felony or misdemeanor, risk level based on initial risk assessment, sentence length, reporting location, if the case received a specialized probation sentence, if the case had treatment ordered, if the case had drug testing ordered, and if the case had community service ordered. Separate sets of analyses were performed that added the community-level characteristics and the specific courtroom to the models. For more information about the statistical models please refer to the technical report.



assessed risk level: high-risk cases had higher VOP rates, and the majority of VOP filings involved new arrests; among the low-risk cases, most VOPs involved technical violations and the overall VOP rate was lower. Finally, when VOP rates were compared for cases supervised in Chicago versus suburban Cook County, a somewhat similar pattern emerged: Chicago cases were more likely to see VOPs filed for both new arrests and technical violations than cases in suburban Cook County.

Figure 3: Violation of Probation Petition Filing Rate, by Individual and Case Characteristics and Violation Type



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of data provided by the CCAPD

Specific conditions of probation also appeared to have some influence on whether VOP petitions were filed, although they were not as strong or as consistent as the previously listed factors. Interestingly, those on specialized caseloads were less likely to have VOP petitions filed overall, and specifically for VOPs that involved new arrest charges or only technical violations. From the interviews with stakeholders, it appears that for these specialized caseloads, violations of probation are often handled during routine case status hearings and therefore do not require a VOP to bring the case back before the judge. Other frequently imposed conditions, including treatment, drug testing and community service were associated with an increased likelihood of VOP petitions being filed where a new arrest was involved, but not VOPs for only technical violations. This suggests that these conditions may be imposed more often on those at higher risk of new arrest, but it does not appear that these conditions drive VOPs being filed for purely technical violations. In addition, the amount of influence these conditions had on VOPs being filed were small relative to the factors previously listed.

Finally, other characteristics of the person on probation and their sentence had smaller and less consistent influences on whether VOPs were filed. For example, females were less likely than



males to have a VOP filed involving a new arrest, more likely than males to have a VOP filed for purely technical violations, and overall (combing all forms of VOPs), not statistically different than males. Similarly, longer sentences increased the likelihood of a VOP for a new arrest but decreased the chances of a VOP for only technical violations. The type of crime the person was on probation for was also related to VOPs being filed, with those on probation for a property or drug law violation being more likely to have VOPs than those on probation for violent crimes, weapon offenses or other offenses (e.g., DUI). Lastly, whether someone was on probation for a felony or a misdemeanor offense had no relationship with having VOPs filed.

When analyses were performed to examine if neighborhood-level characteristics, along with the individual-level characteristics of the person on probation, influenced whether or not the case had a violation filed, several patterns emerged. First, those on probation in neighborhoods that had higher rates of concentrated disadvantage and higher rates of residents under probation supervision were more likely to have VOP petitions filed. In other words, as rates of poverty in the neighborhood where the person on probation lived increased so too did the likelihood of having a VOP filed. Similarly, as the rate of adults under probation supervision increased within a neighborhood, so too did an individual's likelihood of having a VOP filed. The only neighborhood-level characteristic that appeared to be related specifically to a VOP involving a new arrest was the rate of adults under supervision: the higher the supervision rate in the neighborhood, the higher the likelihood of a VOP involving a new arrest. This may suggest that neighborhoods with high rates of people on probation are also neighborhoods with higher rates of policing activity, which would potentially lead to a higher likelihood of being arrested.

Finally, when the analyses included which specific courtroom/judge the case was being supervised through, this was found to have only a slight relationship to whether or not a petition was filed, after accounting for the characteristics of the person on probation and their case characteristics (e.g., the age, race, sex, risk level, sentence length, etc.). This finding likely reflects the fact that most VOP petitions filed do not involve a lot of discretion as to whether or not a petition gets filed, particularly for those involving a new arrest charge. This small influence of the courtroom/judge on the rate of violations filed may also reflect what emerged from the interviews, focus groups and surveys: that individual judicial preference plays a role in whether or not VOPs are filed for specific types of purely technical violations.

Factors Associated with Revocation of Probation

Despite the large volume and rate of violations of probation being filed, a relatively small percent of these petitions actually resulted in the revocation of the probation sentence. Overall, roughly 10% of *all* cases, and 14% of the cases *that had a violation petition filed* were revoked. Higher rates of revocation were seen among those petitions filed that included a new arrest compared to those with petitions filed for purely technical violations. Specifically, 18% of the cases that had violation petitions that included a new arrest charge were revoked, compared to 6% of the cases with violation petitions for only technical violations being revoked (Figure 4). Put another way, of



the cases that were revoked, 78% had a petition that involved a new arrest, while 22% of the cases that were revoked included only technical violation petitions.

Interviews and focus groups with CCAPD supervisors, assistant state’s attorneys and public defenders confirmed that most violations of probation that are brought to the attention of the court that are not accompanied by a new arrest result in a court ordered sanction and an opportunity to become compliant. Those interviewed noted that, in most instances, if an individual repeatedly fails to fulfill the conditions of their probation, but is not arrested for a new offense, their probation would be terminated unsatisfactorily. However, those interviewed suggested there is some variability in outcomes depending on the type of non-compliance. As noted previously, failure to pay fees and/or restitution rarely result in a court ordered sanction. This is illustrated by the fact that, while many people on probation have violations of probation filed (75%), most are not revoked. Overall, 10% of all cases examined were revoked, whereas almost 17% were terminated “unsatisfactorily.”

Indeed, those interviewed from the various stakeholder agencies all stated that it was rare to see a so-called “pure” technical violation actually result in a revocation of probation, which is consistent with the research finding described above that only 6% of cases that had technical violation filed with the court (and no new arrests) were revoked. When asked to describe the kind of case that would be revoked on a technical violation, they provided examples in which the individual experienced a combination of exacerbating factors. These factors included being on probation for an exceptionally serious crime, having violent tendencies, being mentally unstable, and being chronically noncompliant with conditions (refusing treatment, not registering as a sex offender, etc.). Even in these instances, they noted, the individual would likely be sanctioned by the court multiple times before their probation was ultimately revoked. Among those individuals who had petitions filed only for purely technical violations and who ultimately had their sentence revoked, they were on probation for an average of 16 months before being revoked. There is also some variability in the extent to which judges are willing to continue to grant probationers additional opportunities to become compliant after a technical VOP. Those interviewed from both the CCSAO and CCPDO noted that while some judges had structured rules about the number of technical violations a person could have before they were terminated unsatisfactorily (e.g., “three strikes”), others were willing to grant individuals “chance after chance” to meet the conditions of their probation until they reached the end of their probation sentence.

Another potential exception, discussed only by the public defenders, would be instances in which the individual had been arrested and charged with a crime, but the public defender was able to successfully motion to suppress the evidence because the person was searched without probable cause. In these instances, the assistant state’s attorney can instead file for a technical VOP and pursue a revocation of probation. It is easier to pursue the technical VOP in these instances because the public defenders do not have the right to file a motion to suppress evidence of a technical VOP and the Assistant State’s Attorney can prove that by preponderance of the evidence that the individual has committed another offense while on probation.



Analyses were also performed to examine the degree to which individual and case characteristics were correlated with whether or not the case resulted in the revocation of probation. There are two different ways these rates of revocation can be considered or examined: 1) what percent of *all* cases resulted in a revocation, and 2) what percent of *cases that had a violation petition filed* were revoked. The first set of analyses reveal which individual characteristics are associated with ultimately having their case revoked, whereas the second set of analyses limits the analyses to only those cases at risk of revocation as a result of a petition being filed. The factors found to have the most consistent and strongest relationship with whether or not a probation case resulted in a revocation included:¹³

- 1) the nature of the violation petition filed (e.g., a petition involving a new arrest charge was more likely to result in a revocation than a petition involving only a technical violation);
- 2) the risk level of the probationer (the higher the risk, the higher the likelihood of a revocation);
- 3) from which courtroom the case originated/was supervised ;
- 4) the reporting location of the case (District 1/Chicago cases had a higher likelihood of revocation than suburban districts);

Figure 4 illustrates the differences in the revocation rate across these specific variables. Those that had a VOP filed that involved a new arrest charge were more than twice as likely to be revoked than those with only a technical VOP filed. Similarly, those on probation classified as high risk were two- to four-times more likely to be revoked than those classified as low or medium risk. To illustrate the variation in revocation rates across the more than 60 courtrooms in Cook County that discharged 100 or more probation cases during the study period, Figure 4 shows how in 12 of these courtrooms the revocation rates were 5% or lower, whereas in 9 courtrooms the revocation rates exceeded 20%.

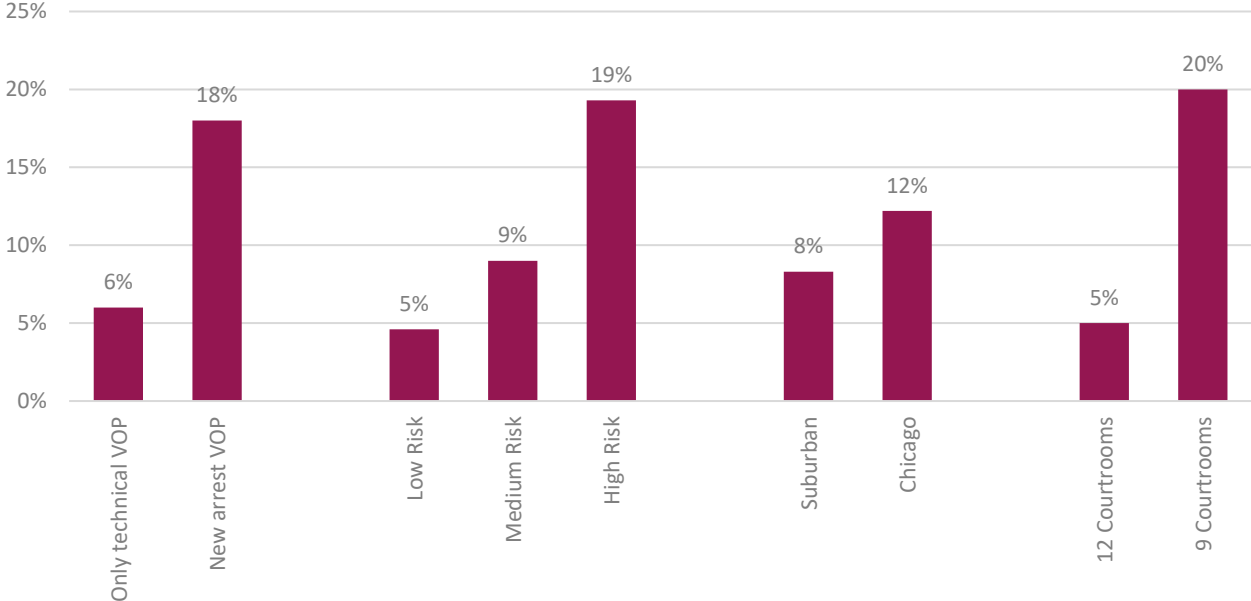
Thus, it appears that the specific courtroom the probation case originates from/is assigned to plays a substantial role in whether or not the case results in a revocation after statistically accounting for other characteristics of the person on probation and their case, but less of a role in whether or not petitions were filed. This makes sense, since the judge of a courtroom does not directly influence whether or not violation petitions are filed, particularly for new arrest charges that are often determined by the CCSAO. Still, some judges may have preferences that specific

¹³ These relationships were evident in both the bivariate and multivariate analyses. The variables included in the multivariate analyses included race, sex, age, type of offense resulting in the probation sentence (e.g., property, drug-law violation, etc.) and if it was for a felony or misdemeanor, risk level based on initial risk assessment, sentence length, reporting location, if the case received a specialized probation sentence, and the nature of the VOP petition filed (i.e., none, only technical, only new arrest, both new arrest and technical violation). Separate sets of analyses were performed that added the community-level characteristics and the specific courtroom to the models. For more information about the statistical models please refer to the technical report.



types of technical violations result in a VOP petition, or that arrests for minor crimes be filed as VOPs even if the CCSAO does not file these violations.

Figure 4: Revocation Rate, by Individual and Case Characteristics (All Cases)



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy and Practice of data provided by the CCAPD

In addition, while not a strong relationship relative to those listed above, males were more likely than females to have their probation revoked, as were those on probation for property crimes relative to other types of offenses. Similarly, those people on probation in neighborhoods with higher rates of residents under probation supervision were more likely to have their probation case revoked than those in communities with lower rates of people on probation. Importantly, there were a number of factors that did not appear to independently increase the likelihood of a case being revoked, including if they were on probation for a felony offense versus a misdemeanor, the length of the probation sentence, the age of the person on probation, or if they were on a specialized caseload. The finding that age was related to VOPs *being filed* (Figure 3) is consistent with prior research on community supervision outcomes. The finding that younger people on probation were not revoked at higher rates than older people may suggest that practitioners are taking into consideration an individual’s status as an emerging adult when considering how to best respond to violations of probation short of revocation. Through a variety of projects with Cook County stakeholders, Loyola has held a number of forums and made numerous presentations to increase the understanding and recognition of the concept of emerging adults (18 to 24 year-olds), while legally being adults, are not cognitively adults.



Finally, of those cases that were revoked, almost all (98%) received a subsequent sentence of incarceration, the form of which (i.e., prison or jail) depended on the class of the original probation sentence. The vast majority (72%) resulted in a subsequent sentence to prison and the additional 26% were subsequently sentenced to jail. Of those on probation for a felony-level offense who were revoked, 83% were sentenced to prison as a result of the revocation and an additional 14% were sentenced to jail. On the other hand, of those who were on probation for a misdemeanor-level offense and revoked, 91% were sentenced to jail and 9% were sentenced to prison.¹⁴ To place these revocations resulting in a prison sentence into a larger context, the 1,986 revocations that resulted in a prison sentence among the three-year study cohort accounted for 9% of all of the sentences to prison from Cook County during those three years.¹⁵

Conclusion

Through the support of Arnold Ventures' Reducing Revocations Challenge, the Cook County Adult Probation Department (CCAPD) and Loyola University Chicago action research team (ART) performed the most detailed and sophisticated examination of probation violations and revocations in Cook County to date. This research not only documented the rates of VOPs and revocation of probation sentences, but also identified numerous factors that increase the likelihood of probation violations matriculating to a revocation. The rate of VOPs filed were fairly evenly split between those that involved a new arrest and those that included only technical violations. However, those that involved a new arrest were more likely to result in a revocation. Still, most cases with a VOP that included new arrest charges were *not* revoked: 18% of cases with a VOP that included a new arrest resulted in a revocation, compared to 6% of those cases that included only technical VOP petitions. The low rate of VOPs involving technical violations resulting in a revocation was consistent with the views of stakeholders interviewed for the project. Overall, 10% of cases discharged from 2017 to 2019 in Cook County were revoked and subsequently sentenced to either prison or jail. This relatively low rate of probation revocation, nonetheless, translates into a substantial number of people being sentenced to prison from Cook County. Specifically, the 1,986 revocations that resulted in a prison sentence between 2017 and 2019 accounted for 9% of the 22,496 people sentenced to prison from Cook County during that period.

Because petitions involving a new arrest charge had the strongest influence on the likelihood that a VOP resulted in a revocation, better understanding what influences the likelihood of these arrests is critical. The research found that Black people on probation were much more likely than

¹⁴ It is possible that the form of incarceration recorded in were not always accurate in the distinction between prison and jail. Generally someone on probation for a misdemeanor offense who is revoked cannot be sentenced to prison unless they are *convicted* as a result of a new offense while on probation and that new offense is a felony.

¹⁵ During the period from 2017 to 2019, there were a total of 22,496 admissions to prison in Illinois from Cook County as a result of a court-imposed sentence. Based on statewide data in Illinois, it appears that the rate of revocation for felony cases in Cook County is very similar to the rate in Illinois outside of Cook County, but the proportion of admissions to prison accounted for by probation revocations is lower in Cook County than the rest of the state. For example, during the period from 2018 to 2019 in Illinois outside of Cook County, 9.5% of felony cases closed were the result of a revocation, and probationers sentenced to prison accounted for roughly 20% of all prison admissions.



white people to have a VOP filed involving a new arrest, even after taking into account factors well documented to have a relationship to recidivism (e.g., risk level, age, sex). Similarly, the research found that those on probation in Chicago (relative to those in the suburbs) and those living in communities with high rates of probation supervision were also more likely to have VOPs filed that involved new arrest charges. Given these patterns, it is likely that the differences in rates of VOPs for new arrests reflects more about policing patterns and practices than actual involvement in criminal behavior. Again, even after accounting for characteristics that would account for differences in recidivism, Black people and those in communities with high rates of residents on probation were still more likely to have VOPs for new arrest filed. While the research found that race *did not* have a *direct* relationship with whether or not the case was revoked, having a VOP petition that included a new arrest had the strongest effect, and Black people were more likely to have these types of VOP petitions.

Finally, the research also found that, while the specific courtroom the probation case originated from/was supervised through had *little influence* on whether or not VOP petitions were *filed*, the courtroom *did influence* whether or not the VOP resulted in a *revocation* after taking into account other characteristics and factors of the person on probation and the case. Further, the stakeholder interviews revealed that there is variation across courtrooms in the handling of violations. These findings likely reflect the fact that there are a large number of courtrooms/judges across Cook County handling criminal cases (66 that had 100 or more probation cases discharged during the study period), and each judge is independently elected and has considerable discretion in how they handle VOPs. This pattern may also reflect variation in how information is presented by the CCAPD at VOP hearings, such as what specific information about violations is emphasized and whether the information presented provides context regarding unmet criminogenic needs of the person on probation that may be driving violations.



Appendix

Table 1: Demographic and Case Characteristics

	Number	Percent
Sex		
Male	21,379	80.4%
Female	5,142	19.3%
Missing/other	59	0.2%
Total	26,580	100%
Race		
White	5,301	19.9%
Black	15,156	57.0%
Hispanic	5,649	21.3%
Other	474	1.8%
Total	26,580	100%
Average Age at Sentencing (in years)	34.5 years of age	
Age Categories		
18 to 20	1,150	4.3%
20 to 24	5,389	20.3%
25 to 35	9,196	34.6%
36 to 49	6,782	25.5%
50 and Older	3,928	14.8%
Missing	135	0.5%
Total	26,580	100%
Probation Offense Type		
Property	6,279	23.6%
Drug-Law Violations	7,610	28.6%
Weapon Possession	1,134	4.3%
Person	4,673	17.6%
Sex	461	1.7%
Other (e.g., DUI)	5,924	22.3%
Missing	499	1.9%
Total	26,580	100%
Probation Offense Class		
Class 1 Felony	1,729	6.5%
Class 2 Felony	4,064	15.3%
Class 3 Felony	4,541	17.1%
Class 4 Felony	11,468	42.8%
Misdemeanor	4,625	17.4%
Other	253	1.0%
Total	26,580	100%
Probation Offense Class (Grouped)		



Felony	21,702	81.6%
Misdemeanor	4,625	17.4%
Other/missing	253	1.0%
Total	26,580	100%
Initial Risk Level (Collapsed Categories)		
Low	2,609	9.8% (10.7% of non-missing cases)
Medium	19,695	74.1% (80.6% of non-missing cases)
High	2,135	8.0% (8.7% of non-missing cases)
Missing	2,141	8.1%
Total	26,580	100%
Average sentence length (in months)	23 months	
Sentence Length (in ranges)		
12 Months or Less	2,885	10.9%
13 to 23 Months	2,902	10.9%
24 Months	18,176	68.4%
25 to 30 Months	1,790	6.7%
31 Months or More	825	3.1%
Missing	2	0.0%
Total	26,580	100%
Reporting Location		
Chicago (1 st Municipal District)	14,654	55.1%
Skokie (2 nd Municipal District)	2,547	9.6%
Rolling Meadows (3 rd Municipal District)	2,360	8.9%
Maywood (4 th Municipal District)	2,028	7.6%
Bridgeview (5 th Municipal District)	2,014	7.6%
Markham (6 th Municipal District)	2,830	10.6%
Other/Missing	147	0.6%
Total	26,580	100%
Discharge Status		
Satisfactory	14,681	55.1%
Unsatisfactory	4,471	16.8%
Revoked	2,770	10.4%
Transferred	375	1.4%
Other	3,743	14.1%
Total	26,580	100%



Cook County Circuit Court Sentencing Order



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,

or

A Municipal Corporation

v.

Defendant

Criminal Division

Municipal District No. _____

Br/Rm _____

Case No. _____

Statute Citation: _____

AOIC Code: _____

IR No. _____ SID No. _____

CB No. _____

SENTENCING ORDER

SOCIAL SERVICE ADULT PROBATION

SUPERVISION CONDITIONAL DISCHARGE STANDARD PROBATION

IT IS HEREBY ORDERED that

the Defendant is sentenced to a term of _____ Years Months Days

Scheduled Termination Date: _____

Misdemeanor Felony Standard Probation

Adult Probation Drug Court Adult Probation Mental Health Court Adult Probation Veterans Court

Adult Probation ACT Court Adult Probation Mental Health Unit

Adult Probation Sex Offender Program (additional requirements - see additional order)

Other _____

Special Probation includes the following statutory requirements:

720 ILCS 550/10 (550 Probation Cannabis Control Act) 24 months' probation, no less than 30 hours community service, minimum of 3 periodic drug tests

720 ILCS 570/410 (410 Probation Controlled Substances Act) 24 months' probation, no less than 30 hours community service, minimum of 3 periodic drug tests

720 ILCS 646/70 (Methamphetamine Control & Community Protection Act) 24 months' probation, no less than 30 hours community service, minimum of 3 periodic drug tests

730 ILCS 5/5-6-3.6 (1st Time Weapon Offender) 18-24 months' probation, minimum of 50 hours community service, both school and employment, periodic drug testing

730 ILCS 5/5-6-3.4 (Second Chance) no less than 24 months' probation, minimum of 30 hours community service, high school diploma/GED and employment, minimum of 3 periodic drug tests

720 ILCS 5/12C-15 (Child Endangerment Probation) no less than 2 years' probation, cooperate with all requirements and recommendations with the Department of Children and Family Services (DCFS).

Reporting (All DUI orders are reporting) Non-Reporting

Limited Reporting (Monitor community service or restitution only)

It is further ordered Defendant shall comply with the conditions specified below.

STANDARD CONDITIONS

If reporting is ordered, the Defendant shall report immediately to the Social Service or Adult Probation Department as indicated in the above Sentencing Order and pay that department such sum as determined by the department in accordance with the standard probation fee guide. Said fee not to exceed \$50.00 per month.

Pay all fines, costs, fees, assessments, reimbursements and restitutions (if applicable, additional order required.).

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois

cookcountyclerkofcourt.org

- Not violate the criminal statutes of any jurisdiction.
- Refrain from possessing a firearm or any other dangerous weapons.
- Notify monitoring agency of change of address.
- Not leave the State of Illinois without consent of the court or monitoring Agency.
- Comply with reporting and treatment requirements as determined by the Adult Probation or Social Service Department's assessment. Any treatment requirements not specified elsewhere on this order that would cause a financial hardship shall be reviewed by the court after being imposed.

DRUG/ALCOHOL/DUI RELATED CONDITIONS

- Complete drug/alcohol evaluation and treatment recommendations.
- Submit to random drug testing as determined by the monitoring agency or treatment provider.
- Zero Tolerance for Drugs/Alcohol.
- Remote Alcohol Monitoring.
- Transdermal Alcohol Monitoring.
- Breath Alcohol Ignition Interlock Device.
- Complete Traffic Safety School.
- Complete TASC Program.
- DUI Offenders Classified Level A Monitoring, report immediately to Central States Institute of Addictions and commence the following treatment intervention program within sixty (60) days of this order:
 - Minimum Moderate Significant
- DUI Offenders Classified Level B or C Monitoring, report immediately to:
 - Social Service Department Adult Probation Department and complete a drug/alcohol evaluation within thirty (30) days, fully comply with the intervention plan and commence the following treatment intervention program within sixty (60) days of this order:
 - Minimum Moderate Significant High
- Attend a Victim Impact Panel.
- File proof of financial responsibility with the Secretary of State.
- Surrender Driver's License to Clerk of the Court.
- Pay all Driver's License reinstatement fees.

SPECIAL CONDITIONS

- Home Confinement through Adult Probation until _____ (Additional Order Required).
- GPS device through Adult Probation until _____ at \$10 per day (Additional Order Required).
- Submit to searches by Adult Probation of person and residence when there is reasonable suspicion to require it (high risk probationers only).
- Obtain a GED.
- Perform _____ hours of community service as directed by the Social Service or Adult Probation Department Community Service Program.
- Perform _____ days of Sheriff's Work Alternative Program (S.W.A.P.) (773) 674-0716.
 - Weekends Allowed
- Avoid contact with: _____
- Complete mental health evaluation and treatment recommendations.
- Register as a Violent Offender Against Youth.
- Register as an Animal Abuser with the Cook County Sheriff.
- DNA Indexing.
- Complete Anger Management Counseling and any other recommendations per assessment, which may include an evaluation and/or treatment for alcohol and drug abuse, mental health, parenting or sexual abuse.

DOMESTIC VIOLENCE

- Comply with all lawful court orders including an Order of Protection.
- Complete Domestic Violence Counseling and any other recommendations per assessment, which may include an evaluation and/or treatment for alcohol and drug abuse, mental health, parenting or sexual abuse.

SEX OFFENDER

- Additional conditions required - see additional order.
- Complete evaluation and treatment recommendations for sex offenders.
- Register as a sex offender.
- STD/HIV Testing.

RESTITUTION

Make restitution to:

_____ in the amount of \$ _____, payable through the Social Service
 Department or Adult Probation Department at the rate of \$ _____,
 per _____ with final payment due on or before _____.

OTHER _____

ADDITIONAL ORDERS

Next Court Date: _____

I acknowledge receipt of this Order and agree to abide by the specified conditions. I agree to accept notices by regular mail at the address provided to the monitoring agency and to answer questions asked by the Court related to my behavior. I understand that a failure to comply with the conditions of this Order, or refusal to participate, or withdrawal or discharge from a required program, plan, or testing will be considered a violation of this Order and will be reported to the Court; and may result in a re-sentencing imposing the maximum penalty as provided for the offense.

(Defendant's Name)

(Defendant's Signature)

Defendant DOB: _____

Address: _____ City: _____

State: _____ Zip: _____

Telephone: _____ Email: _____

Prepared by: _____

ENTERED:

Dated: _____

 Judge Judge's No.