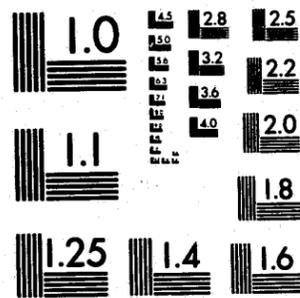National Criminal Justice Reference Service

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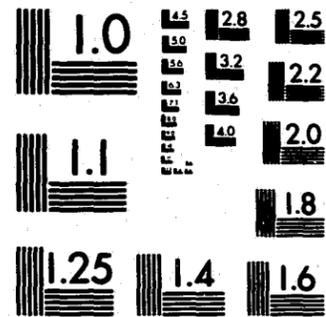
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USING EARLY RELEASE
TO RELIEVE PRISON CROWDING

A Dilemma in Public Policy

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ABSTRACT

Between 1980 and 1983, the Illinois Department of Corrections early released over 20,000 inmates in response to a prison crowding crisis. During this period, over 5,900 prison years were averted and the projected prison population was reduced by approximately 10 percent. NCCD's study evaluates the various effects of this far-reaching program on prisoners, prison crowding, local criminal justice system, and the public.

In terms of public safety, early release did not worsen the probability that an inmate would commit additional crimes once released. It was also learned that early release substantially accelerated the amount of crime suffered by the public, but contributed to less than one percent of all crimes reported in Illinois. The state crime rate actually declined while early release was operating. Although considerable prison costs were averted by the program, a substantial portion of these savings were eliminated after the volume and amount of economic losses experienced by the victims of early release crimes were accounted for.

The study provides no firm answers to the question of whether early release is good or bad correctional policy. For Illinois state officials, it served to temporarily restrain population growth until more permanent solutions to prison crowding could be enacted. However, early release accelerated the amount of crime suffered by the public and further discredited an already troubled criminal justice system. If nothing more, this research provides policymakers with a greater understanding of the potential consequences associated with early release as well as the limits of incapacitation (both positive and negative) as an effective strategy for controlling crime.

SUMMARY

Prison crowding has reached epidemic proportions in the United States. According to the Bureau of Justice Statistics (BJS), only 11 of the nation's prison systems were not overcrowded at year end of 1984 (BJS, 1985). Thirty-three of the state prison systems are facing court intervention in at least one of their major institutions as a result of overcrowding or improper operation of their facilities. It is no wonder then, that a recent survey by the National Institute of Justice (NIJ, 1984) of police chiefs, judges, prosecutors, public defenders, and correctional officials cited prison crowding as the number one problem facing the criminal justice system today. And, it is highly unlikely that the problem will soon disappear. Despite recent declines in crime rates and a leveling off of prison admissions, our nation's prison population continues to rise to historic levels as the effects of recent adopted sentencing laws begin to take hold (Austin and Krisberg, 1985).

One frequently cited solution to the prison crowding crisis has been the use of early release. Commonly referred to as a "back-end" solution, early release is used to reduce an inmate's expected period of imprisonment which, in turn, will accelerate the rate of prison releases. If the program is applied to a large proportion of the prison population, it can reduce the projected prison population substantially.

Early release is, of course, an extremely controversial approach to curbing prison crowding. Although the prison system will directly benefit from the relief of lowered prison populations, the public must also suffer the increased effects of accelerated prison releases which, in turn, can jeopardize public safety. One can also question how a well publicized early release program might adversely affect general deterrence. If it becomes common knowledge among the public that the state is reducing prison terms, then marginal offenders might be more inclined to engage in criminal activities. More importantly, the public may become further disenchanted with what they perceive as an ineffective criminal justice system.

The structure or method for early release has varied substantially from state to state depending on each jurisdiction's sentencing structure. For example, indeterminate sentencing states tend to use an accelerated parole board hearing method which allows inmates to appear before the parole board faster than would have happened normally. If a state has a determinate sentencing law, it tends to manipulate existing good time provisions to move up a predetermined inmate release date. Although the extent of early release is relatively unknown, the BJS reported that 17,365 inmates were released early in 1984 from 14 states. States with the largest number of early releases in 1984 were Georgia (7,425), Michigan (4,149), and Tennessee (3,742). These figures probably underestimate the actual amount of early release since several states are known to be awarding a substantial amount of good time credits largely in response to overcrowding conditions but do not officially designate these policies as early release.

OVERVIEW OF THE ILLINOIS EARLY RELEASE STUDY

This study evaluates the Illinois early release program. In terms of sheer numbers, this program stands alone as the nation's most ambitious early release efforts to date. From 1980 to 1983, over 21,000 inmates were released early by prison officials, representing approximately sixty percent of all prison releases. Early release was accomplished by selectively awarding inmates with satisfactory conduct additional good-time credits which were

deducted from the inmate's determinate sentence. The mean number of days awarded early releases by the Director of Corrections during this period was 105 days with a median of 90 days. In the aggregate, this amount of sentence reduction resulted in a twelve percent reduction in the prisoner's expected length of imprisonment.

Given the enormity of the program and its potential policy implications for other jurisdictions, NIJ awarded a research contract to the National Council on Crime and Delinquency (NCCD) to evaluate the following key impact issues:

o Did Early Release Reduce Prison Crowding?

o Did Early Release Increase Crime?

o What Were the Costs (Financial and Personal) of Early Release to the Criminal Justice System and the Public?

To answer these questions, a detailed data base was constructed on a random sample of 1,500 inmates released from the Illinois prison system from 1979-1982. The sample was designed to include inmates released before the introduction of the early release program and 30 months thereafter. Furthermore, since not all inmates were early released after 1980, the sample also includes inmates who completed their full prison term while early release was operating. Data were collected on the inmate's prior criminal history, institutional conduct, time served, method of prison release, social and personal characteristics, and criminal behavior after release from prison. A detailed inmate arrest history file was created making it possible to precisely estimate the amount of arrests that could be attributed to the early release program. If an inmate was released 45 days ahead of his original release date period, it was possible to determine how many arrests occurred during that 45 day "risk" period. Arrests occurring during the "risk" window represent those crimes which would have been averted had early release not

existed. This type of analysis was necessary to measure the amount of crime attributable to early release and the amount of harm suffered by the public as a result of the early release policy. Cost data were also assembled from a variety of studies and sources to estimate the relative cost-effectiveness of the program.

MAJOR FINDINGS

Did Early Release Reduce Crowding?

Between 1980 and 1984 it was estimated that over 5,900 prison man years were averted via the early release program. Had the program not existed, the prison population figures would have been ten percent higher than actually experienced.

This is not to say that the state was not taking actions to reduce prison admission or increase prison capacity. Through the work of a Governor's Task Force on Prison Overcrowding, recommendations were made and enacted prohibiting the commitment of misdemeanant offenders to state prison. An intensive probation supervision program was also funded to make probation a more viable sentencing alternative. Both of these actions, plus the demographic and crime rate trends of the state helped to reduce prison admissions.

Despite these "front-end" remedies, the most powerful force was the rapid expansion of bed capacity. Since 1980, Illinois appropriated over $786 million in capital development funds which have provided approximately 5,000 additional beds to the prison system. Many of these new beds were medium security facilities constructed and opened within a two year period from initial conception.

This triad strategy of regulating prison admission, selectively accelerating prison releases and expanding prison capacity resulted in Illinois never becoming crowded nor experiencing the attending costly consequences of operating an overcrowded prison system. This is not to say the problem has been solved. Current projections show an additional 5,000 beds will be needed over the next ten years as the effects of longer prison terms continue to be felt.

Did Early Release Increase Crime?

A number of analytic techniques were applied to address this complicated issue. In terms of prisoner recidivism, several levels of analysis consistently found that early release did not adversely impact the probability an inmate would be re-arrested or returned to prison. Time-series analysis of the overall prisoner recidivism rate (arrests and parole violations) remained unchanged both before and after the introduction of early release. More directly, prisoners selected for early release actually had a lower one year re-arrest rate (42 percent) compared to prisoners serving their full prison terms (49 percent). However, these differences were found not to be attributable to early release but to differences among the inmates selected for early release. Survival rate, suppression effect, and regression analyses further confirmed that early release neither accelerated or suppressed inmate criminal behavior. Items of institutional conduct, severity of current offense, prior criminal history and age were the more powerful predictors of recidivism. Simulations of three risk models found that approximately 25 percent of the released inmates were quite low public safety risks whereas 30 percent were extremely high public safety risks consistent with other studies of selective incapacitation. If Illinois had applied such risk criteria to their decisions to early release, the risk to public safety would have been minimized further.

The final area explored assessed the extent to which early release aggravated the Illinois crime problem in general. Accelerating the number of prison releases necessarily increases the amount of crime beyond the levels one would have experienced had early release not existed. It was estimated that 4,500 additional arrests could be directly attributed to early release from 1980 through 1983. This represents less than one percent of all similarly recorded arrests for all of Illinois during the same four year period.

Estimation techniques were also used to account for the amount of crimes not resulting in an arrest but which could be attributed to the re-arrested early releases. These estimates suggest that the actual amount of crime committed by early releases during their "risk window" could possibly exceed 60,000 crimes. The vast majority (70 percent) of these crimes did not involve violence or burglary. In terms of reported index crimes, they represented less than two percent of the total number of reported index crimes recorded in Illinois during the same time period.

What were the Costs of Early Release?

Assessing the costs and savings of early release was based on a number of tedious calculations and tenuous assumptions. Despite the methodological difficulties in such analyses, a number of important estimates were made which demonstrate the positive and negative consequences of such policies.

As much as $49 million in prison operating costs were averted by early release. This figure was based on actual cost figures used in Illinois to temporarily double-cell two 500 bed medium security facilities. A lower figure of $24 million was also estimated assuming that no additional custody staff would be required.

These substantial gains were offset in part by two broad categories of incurred costs associated with crimes committed by the early releases during their "risk window". Local criminal justice costs for investigating, arresting, detaining, prosecuting, defending, and sentencing the 4,500 early release arrests were estimated at $3.3 million. The second and most significant sources of incurred costs were economic losses to victims stemming from arrests, reported crimes, and unreported crimes. These costs represented the unrecovered value of property loss and medical services as reported on National Crime Survey reports. Cumulatively, they added up to as much as $13.6 million in estimated economic losses. And these costs did not include other factors such as loss of wages, changes in lifestyle, and the psychological pain and trauma associated with victimization.

POLICY IMPLICATIONS

The Dilemmas of Early Release

From the state's perspective, early release worked as intended. Prison crowding was minimized and substantial costs averted. Inmates with good prison conduct records were selectively released early, thus, maintaining prison discipline and minimizing the adverse impact on public safety. More importantly, valuable time was provided to allow Illinois to reduce their projected imbalance of prison beds and prison population.

However, from the perspective of police, prosecutors, judges, and the public early release was anything but a success. Police and prosecutors work to improve conviction rates and judges follow the mandate of the law to impose longer sentences. Moreover, a confused and often angry public finds it difficult to understand why thousands of inmates are being discharged early while they continued to be victimized at intolerable levels. And they take

little comfort in knowing that these prisoners would have been released within a few months regardless of the early release program.

When viewed as a long-termed credible solution to prison crowding, early release is a poor substitute for a more permanent, rational, and cost-effective sentencing policy. It provides an excessive amount of discretion for correctional administrators, may worsen public safety if high risk offenders are released long before their terms expire, violates principles of equity and certainty in sentencing as assumed by the court, and lessens the already low regard held by the public for the criminal justice system.

Early Release as Only a Temporary Solution

Early release can provide no more than a short-term solution to temporarily correct a chronic imbalance between a state's prison population and its capacity to house them in facilities which are safe, humane, and constitutional. This "imbalance" is the result of improper long-term planning by state and local governments that have incorrectly estimated or ignored the likely impact of recently adopted sentencing policies, the public's resistance to site new prisons in their community, and the enormous costs of imprisonment.

If Illinois policymakers had properly anticipated the rise in prison population growth resulting from its 1978 Determinate Sentencing legislation, it should have made one of two choices:

o   Modify the proposed legislation to lessen or eliminate the rate of prison growth; or

o   Immediately begin an ambitious capacity expansion program.

By delaying or ignoring both of these options, the state was headed on a direct course toward prison crowding. Eventually it was too late to do anything other than begin early release or do nothing and thus face the costly consequences associated with prison crowding including litigation, increased prison violence, and loss of inmate and staff lives.

These recurring problems of prison crowding can and should be avoided by enacting carefully constructed and properly analyzed legislation. States that find themselves "forced" to early release by the courts or by their own legislative standards are finally coming to grips with the realities of their recently enacted correctional and sentencing policies.

Prison crowding, both its causes and solutions, are wholly deterministic and need not be. If policymakers enact legislation and policies we can afford, the need for early release will disappear. However, one is not optimistic. Early release is likely to continue if only because the courts will continue to intervene in those states with deplorable and unconstitutional conditions of confinement. If a state is forced to adopt such a policy, this study has shown that by applying validated risk instruments to their release decision, the risk to public safety can be minimized. But early release should not be seen as a permanent solution to the overcrowding problem.

Rethinking the Utility of Incapacitation

This study has shown that relatively minor adjustments in the length of stay across a large proportion of prison admissions will produce effective controls on prison population growth. A significant proportion (25 percent) of released inmates were unlikely to be returned to prison or be arrested regardless of whether their prison terms were reduced by a few months.

If this is so, then our current sentencing policies should be reviewed to ensure that we are utilizing prison space in the most cost-effective manner without placing undue stress on the prison system. Too often, policymakers and the public think only in terms of the basic sentencing options: prison versus probation. And, if the sentence is prison, then the term is calibrated in years and not months, weeks, or days. Instead of focusing exclusively on

the front-end decision of who should be incarcerated, considerable progress can be gained by refining the question of "for how long?"

If substantial pools of inmates can be identified where moderate reductions in prison terms produces similar crime control effects, then associated problems of prison crowding and excessive operating and construction costs can be solved. Put differently, minimizing the use of criminal justice sanctions can also mean that persons with "low propensities to commit future crimes should be punished as inexpensively as possible" (Zedlewski, NIJ, 1985:21). Yet, we must also ensure that persons posing obvious threats to public safety serve their full terms as prescribed by law or be released with some level of supervision to enhance public safety. Utilitarian concerns of expensive and ineffective incarceration versus excessive risk to public safety must be evaluated in the context of due process, equal protection, and the proportionality of punishment.

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CHAPTER 1

INTRODUCTION

A.   The Problem of Prison Crowding

Virtually every American state is experiencing a severe crisis of prison crowding. The extent of the crisis has reached such proportions that a recent survey funded by the National Institute of Justice (NIJ) of 1400 police chiefs, judges, prosecutors, public defenders and correctional officials showed that prison and jail overcrowding is the most important criminal justice issue (NIJ 1984:1). James K. Stewart, the Director of NIJ, commented that the survey's results underscored how prison crowding was placing the entire criminal justice system under severe stress.

> "The survey revealed a criminal justice system under tremendous stress. Judges, prosecutors, public defenders, corrections commissioners, police and others felt overworked and underfunded. Caseloads were reported to be rising and prisons overcrowded at a time when budgets have been capped or cut and staffing levels slashed." (NIJ, 1984:1)

Prison crowding has led 34 states, District of Columbia, Puerto Rico, and the Virgin Islands to become involved in federal court proceedings challenging the constitutionality of their prison conditions (Corrections Digest, 1985). Chronic prison crowding increases staff and inmate tensions leading to more stringent lockup and disciplinary practices which, in turn, increases the likelihood of prison disturbances (Thornberry and Call, 1983). In crowded facilities, inmate work programs and other rehabilitation efforts are severely curtailed because of security problems posed by the crowding conditions. Moreover, crowding implies increased operating expenditures for more staff, for overtime and increased staff turnover due to heightened stress and greater safety risks.

Crowded correctional facilities and the problems those conditions create have also stimulated demand for additional prison capacity through new prison construction or renovation of existing facilities. The costs of prison construction and renovation are staggering - ranging from $30,000 for a minimum security bed to $100,000 for a maximum security cell. If one considers the additional expense of financing prison construction through bond measures and the operational costs for staffing these new facilities, these per bed cost estimates may represent only 10 to 20 percent of the total cost figure (Funke, 1985).

Few states enjoy the fiscal luxury of financing more prison capacity. Yet, each year legislators, governors and criminal justice officials endorse policies intended to send more offenders for longer prison terms to already crowded prisons. Current projections for the nation's prison system suggest that the prison population and incarceration rates will reach historic levels despite declines in arrests and dwindling prison commitment rates (Austin and Krisberg, 1985). While the public usually supports these "get tough policies", they are not always willing to vote for new taxes or bond measures to pay for more prisons. These political and fiscal forces create a public policy dilemma of crisis proportions - prison riots, needless loss of staff and inmate lives, and escalating expenditures seem the likely outcomes.

B. Early Release as a Short-Term Solution to Crowding

The "cause" of prison crowding, in its simplest terms, is a chronic and severe inbalance between prison capacity and prison population. Prison population size is driven by two dynamic and heavily policy determined factors: prison admissions and length of stay. Relatively minor changes in prison admission rates and/or lengths of stay often have profound effects on the size of the population which in turn can influence the need for additional prison capacity.

Consequently, the technocratic "solutions" to crowded correctional facilities have generally fallen into three categories (Harris, 1982):

1. Increasing Prison Capacity

   Efforts to expand correctional capacity through new construction/renovation or utilization of abandoned public buildings.

2. Reducing Prison Admissions

   "Front-end" solutions which attempt to regulate the flow of offenders into prison through the use of sentencing guidelines (e.g., Minnesota and Washington) or through financial subsidies to expand the use of local correctional resources (e.g., the Community Corrections Acts in Minnesota, Oregon, Virginia, California, and Colorado among others).

3. Reducing Length of Stay

   "Back-end" solutions which involve advancing the release dates of offenders who are near the end of their terms. This may be done through changes in routine "good time" credits or through emergency powers granted to the corrections department by the legislature (e.g., Michigan Emergency Powers Act). States such as Illinois, Georgia and Oklahoma have implemented some form of "early release" using existing authority of their departments of corrections or through parole authorities.

Of the three, reducing length of stay through early release measures has been defined as a short-term and emergency-only option. An attractive feature of early release is the relative ease by which some states can administratively adjust parole and good-time policies to accelerate prison exits. Increasing prison capacity is often an elaborated and time-consuming process aggravated by problems of siting new facilities and allocating funds for construction and operating expenses. Reforms of sentencing law also require substantial lead time as they must pass through what may be a highly contested legislative process. More significantly, once the legislation is passed, the effects of reduced prison admissions and sentence length will not be felt for several years. It is the existing prison population which will not fully exit for several years that will continue to have the most powerful impact on prison population size in the immediate future.

As prison crowding has increased so has the use of early release mechanisms to relieve management and budgetary pressures. In some states (Texas and Georgia) the courts have intervened and mandated the early release of inmates to relieve crowding conditions. Other states operating under court orders or consent decrees have developed their own methods and selection criteria for increasing parole or mandatory releases (Michigan, Illinois, Washington, Iowa, Florida, North Carolina, Virginia, and Tennessee).

The actual use or mechanism of early release varies according to the state's sentencing and correctional penal code structure. For example, states which have retained an indeterminate sentencing structure with parole can effectively increase prison releases by moving up an inmate's parole eligibility date and/or increasing the probability of parole for inmates appearing before the board. Michigan and Washington are example of this form of early release.

For states which have abolished parole and adopted a determinate sentencing model, the potential for expediting releases is more difficult and may require a creative interpretation of existing penal code provisions. In most instances, these states have made use of an alternative understanding of meritorious good-time provisions or created new provisions allowing inmates to receive special good-time credits in addition to those already provided by law. For example, the California legislature faced with a projected 65,000 inmate population by 1987 recently passed a work incentive good-time provision which allows inmates to earn work credits which can be deducted off their original sentences in addition to the statutorally awarded one-third deduction for "good behavior". According to current California projections, this increase in work credits is sharply reducing earlier projections by as much as 4,000 beds. Increasing the amount of good-time credits can also be used by

states with indeterminate legislation to either move up an inmate's eligibility for parole or maximum expiration date.

The expanded use of early release by states certainly provides a sense of irony given the recent trends in sentencing reform. Most of these states now using early release had passed major sentencing legislation reforms designed to restrict or abolish parole discretion and to increase prison terms for certain offenders. Without a parole release system to moderate prison exits, these states soon found their prisons overcrowded with insufficient funds or time to expand capacity. Consequently, they were faced with the difficult dilemma of either attempting to pass emergency legislation to increase prison release rates or have the courts intervene in the operations of the prison system by mandating early release. In either situation, the originial intention of sentencing legislation designed to extend prison terms was frequently circumvented by early release policies. Length of incarceration became more dependent upon: (1) a federal court's order, or (2) how crowded the prison system instead of the type of crime committed by the offender. As Jacobs (1981) and Parisi and Zillo (1983) have observed, prison officials have seized upon the use of good-time credits to manage their burgeoning prison populations. At the same time, they have introduced an added level of disparity into the sentencing process which, in part, may circumvent the original purposes of sentencing reform.

C. The Dark Side of Early Release

Early release clearly has immediate management and fiscal benefits to state prison systems. Reducing or moderating prison population growth translates into fewer violent incidents against staff and inmates, less tension, and real savings in the prison's operating expenses. Yet, there is a real and often neglected cost to early release which must also be accounted

for: financial and non-pecuniary costs levied upon the victims of early release.

Early release necessarily means that crimes which would not have been committed by released prisoners had they served their full term are now taking place. Incapacitation does prevent a certain percentage of crimes from occurring although there is considerable debate among criminologists on the extent of the incapacitation effect (Greenwood and Abrahamse, 1983; Gottfredson and Gottfredson, 1985; Larsen, 1983; Zedlewski, 1984).

Assessing the costs of early release must go beyond a simplistic calculation of recidivism rates for released prisoners. One must also attempt to account for the real financial losses attributive to early release related crimes reflecting property loss and damage, as well as medical expenses resulting from crimes of violence. Finally, non-pecuniary costs such as psychological harm or changes in lifestyle are examples of difficult to measure but equally significant consequences of an early release policy.

It is these victim costs which make early release such a difficult policy option for our elected officials. On one hand, they are responsible for maintaining a safe and humane prison system and, on the other hand, they have a primary responsibility to protect the public as well. It is a policy dilemma with no easy answers.

D. Previous Research on Early Release

Although a number of studies have evaluated the effects of the front-end strategies on controlling prison population growth (ABT, 1980; Minnesota Sentencing Guidelines Commission, 1982; Austin and Krisberg, 1982) there has been little research completed on the current efforts of states now using early release to reduce prison crowding. What follows is an overview of the most significant studies which have been completed over the past two decades.

The Florida Division of Corrections attempted to measure the impact of the U.S. Supreme Court decision in Gideon vs. Wainwright on selected crimes in Florida from April, 1963 to August, 1965 (Eichman, 1966). The Gideon releases, for whom the court mandated immediate release, were compared with a matched control group released at expiration of sentence. The two groups, however, differed on several variables creating a selection bias and confounding the analysis. The Gideon group had served less time than controls on their current sentence but had a higher proportion of both prior felon convictions and prior arrests compared to the controls. Conversely, a higher proportion of the control releases (71.9% vs. 64.8%) were classified at intake for maximum security custody. After approximately a 30-month follow-up period, the recidivism rate for Gideon releases was 13.6 percent compared to 24.4 percent for the controls.

In 1971, a Federal court ordered the release of 586 criminally insane patients from the Bridgewater maximum security mental health unit. (Dixon vs. the Attorney General of the Commonwealth of Pennsylvania.) The patients were released to civil mental hospitals nearest their homes for re-evaluation by state officials. Eventually, 65 percent of these patients were released to the community. The remaining 35 percent were retained in custody and transferred to other state hospitals. Thornberry and Jacoby (1979) conducted a 48-month follow-up of the released patients and compared them with the in-community adjustment of typical expatients from other state mental hospitals. There were few differences between the Bridgewater releasees and the "typical" or "normal" mental health releases group. Although the Bridgewater patients were allegedly more dangerous and violent than other mental patients, the follow-up analysis found that they were neither more disruptive in the hospitals where they were confined, nor were they more violent after release than the so-called non-violent mental patient.

There is also an Israeli study reporting on the results of an Amnesty Law passed by the Israeli Knesset in 1967 which released inmates ahead of their scheduled release dates (Sebba, 1979). In all, 501 prisoners were released, 15,376 criminal investigations were closed, and thousands of prosecution files were closed. A group of 476 prisoners who received amnesty were compared with a control group drawn from a sample of releasees between January, 1965 and April, 1967. The control sample was weighted in favor of long termers to reduce the natural bias towards the presence of short termers in release cohorts. After three years, the amnestied group had a reconviction rate of 57.1 percent compared with the reconviction rate of 57.4 percent for the controls. About one-third (35.3 percent) of the amnestied offenders and 28.4 percent of the controls were returned to prison during the follow-up period.

Two recently published studies of early release was completed by Malak (1984) on inmates discharged from the Colorado prison system in 1983 and by Sims and O'Connel on Washington's early parole program (1985). A Colorado Supreme Court decision in February, 1983 held that inmates sentenced to the Department of Corrections must be credited for time served in county jails while awaiting trial (People vs. Chavez). This decision immediately shortened the prison terms of some 150 state prison inmates affected by the ruling by approximately 56 days. The research consisted of comparing the re-arrest rates of 126 early releases with 131 inmates serving their full terms for eight months after release. Results showed that the Chavez cases had similar rearrest rates (39.7 percent vs. 35.9 percent) but that the Chavez cases were less likely to commit violent crimes after release (15.4 percent vs. 24.3 percent). Moreover, the Chavez cases contained higher proportions of Blacks and older inmates charged with more violent crimes. The author concludes:

> The results of this study lend support to the concept of an emergency powers act and other types of early release programs as alternatives to be considered in relieving prison overcrowding. They also raise questions about the need for recent legislation which has increased sentence lengths for certain types of offenses, thus further aggravating the prison overcrowding situation. (Malak, 1984:11)

The Washington early parole program evaluation was funded by the U.S. Bureau of Justice Statistics and covered a far more ambitious program. From 1979 to 1984, over 1,600 inmates were paroled early during six separate periods of early release. The researchers used a pre-1979 release cohort of 1,867 inmates to determine the relative effectiveness of the program in terms of recidivism rates. In general, the early releases were slightly older, white, more likely to have been convicted of property offense, and have more prior prison admissions. The average amount of prison time reduced compared to the comparison group was 1.5 months. Overall, the recidivism rates of the early release were slightly lower or equal to the comparison groups using one, two, and three year follow-up return to prison (i.e., parole supervision failure) rates. However, the researchers also analyzed each of the six early release cohorts and found varying recidivism rates for each cohort. One cohort, in particular, had an excessive recidivism rate which led the authors to conclude that unless care is made in selecting who is released early, the risk to public safety can become excessive. No differences were found in the types of crimes committed by early releases compared to the comparison group. The researchers conclude that early release can provide only temporary relief to prison crowding but that the risk to public safety can be managed if low risk inmates are selected for early release.

E. Previous Research on Length of Prison Stay and Recidivism

Beginning with the research of Garrity (1956) and Glaser (1964), there has been a persistent interest in the relationship of time served to post-

release success. In the 1960's, the Research Division of the California Department of Corrections conducted a series of studies relating time served in prison and subsequent parole performance. For example, Mueller (1966) investigated parole outcomes for biennial release cohorts in which average time served had substantially changed from previous cohorts. He concluded:

> "There is no general consistent association of differ-
> ence in parole outcomes with changes in prison time-
> served." (Mueller, 1966:5)

Studies by Jaman (1968), and Jaman and Dickover (1969) compared multiple release cohorts receiving shorter and longer terms who were matched on such variables of age, race, and expected parole outcome. Both studies found that offenders serving longer terms did worse or, in some cases, as well as releasees who had served shorter terms. These studies illustrate the con-founding effects of both history and instrumentation, i.e., changing parole revocation policies and definitions of revocation over time. Moreover, it was often difficult to construct completely comparable study groups to isolate the effects of time served on post-release behavior.

Other studies examined the effect of sentence length on parole perfor-mance using matching techniques. Studies by Babst et al, (1972), Babst et al, (1976), Gottfredson et al, (1977) employed sophisticated analytic techniques to isolate the effects of time served among empirically derived typologies of parolees. For example, Gottfredson et al, (1977) examined the link between parole outcomes in nine risk groups using data on over 5,000 Ohio parolees. They report: (1) no relationship between time served and parole outcome for most of their subgroups, and (2) more complex patterns of relationship between time served and parole success in a few remaining risk groups.

Gottfredson and his associates suggest that while the relationship of sentence length and parole success is, in general, weak for most offenders,

some risk classification strategies can identify a few offender groups where this relationship is significantly stronger. Beck and Hoffman (1976) have also employed the risk groups approach in their examination of time served and parole success. These studies led to the adoption of parole guidelines by the U.S. Parole Board and in other states as well.

All of these studies compared offenders whose prison stays varied based on non-random selection processes. Thus, differences in recidivism rates might be attributable to the major independent variable (time served) or other independent variables introduced by the selection process. To overcome the selection bias problem, the California Department of Corrections in 1970 implemented the most rigorous study to date to better isolate the relationship of time served and parole outcomes.

The sampling was as follows: all male felons who received a parole date from March through August, 1970 constituted the initial study pool. Those with parole dates less than 6 months away were excluded as well as another 972 persons excluded from the experiment by the paroling authority due to offense, prior record, or institutional behavior factors. The final group of eligibles were randomly assigned into two groups: (1) those whose prison terms were reduced 6 months, and (2) those who served their normal terms. In all, 494 prisoners with reduced terms were compared with a group of 515 men whose terms were not reduced. After 12 months, the experimental group had a parole failure rate of 24.4 percent compared to 28.2 percent for controls. After a 24-month follow-up period, the parole failure rate of prisoners with shorter terms had increased to 47.4 percent versus 39.5 percent for the controls. Berecochea and Jaman (1981) in a re-analysis of the data conclude that these outcome difference are not statistically significant and that prison terms can be reduced without affecting recidivism to a major degree. The researchers

also examined differential failure rate, within certain offender typology groups and found no significant differences in parole outcome by time served for these groups.

Collectively, these studies offer an accumulation of evidence suggesting that prison terms can be reduced without increased recidivism rates. Because some of these studies are now outdated, or were tested under parole systems which no longer exist, were based on small samples or relied upon "parole revocation" as the single measure of recidivism, there is a need to test the concept under present-day conditions. It is also critical that more comprehensive analyses be done to insure that all costs of alternative release practices - in terms of injury to the victim and economic losses - are taken into consideration. If the rate of release increases in a given prison system, then one can expect that the rate of re-arrest, conviction, and harm to the community will also increase at some level even though the rates of recidivism remain constant. Determining the total "cost" of early release thus becomes a difficult but essential objective of any comprehensive evaluation of correctional policy if benefits are going to be tested against realistic estimates of costs.

F. The Illinois Early Release Program

From June, 1980 through July, 1983 the Illinois Department of Corrections (IDOC) operated the nation's most ambitious early release program to date to control its prison crowding problem. Over a three-year period the IDOC early release program produced the following results:

1. Over 10,000 inmates convicted of property crimes were released early through the IDOC's weekly Forced Release program.

2. In addition to Forced Released inmates, over 10,000 inmates representing all offenses also were released early through the awarding of meritorious good-time credits by the Director of Corrections.

3. In total, two thirds of the 30,000 prison exits from 1980 - 1983 were released early.

4. The average amount of imprisonment reduced by early release for these released prisoners was 90 days or a 13 percent reduction in their original prison term.

5. By July of 1983, the IDOC prison population had been reduced by approximately 2,500 inmates as a direct result of early release.

Significantly, Illinois' early release practices remain operational today, although significantly restricted by the Illinois Supreme Court in July 1983. Given the scope of the IDOC early release system and its relevance to the national crisis of prison crowding, the National Institute of Justice, research arm for the U.S. Department of Justice, awarded a research grant to the National Council on Crime and Delinquency (NCCD) to conduct a comprehensive evaluation of the Illinois early release program. With most of the states' prison systems overcrowded and limited ability to rapidly expand capacity, NIJ was interested in learning if early release was an effective short-term response which could be of value to other states without jeopardizing public safety. In the following chapters, four broadly defined objectives of the study will be addressed:

1. How was early release utilized in Illinois?

2. Did early release reduce prison crowding?

3. Did early release increase crime?

4. What were the costs (financial and personal) of early release to the criminal justice system and the public in terms of victims?

The following chapter describes the research design utilized to evaluate the Illinois program. Thereafter, each of these four research questions are addressed in considerable detail. A concluding chapter summarizes the study's findings and presents the policy implications of these results for other states now using or contemplating the use of early release.

CHAPTER 2

RESEARCH METHODS

Evaluating the effects of early release requires a comprehensive and flexible array of data to measure the various ways modifying prison terms can impact correctional systems, inmate behavior, and public safety. This study draws upon both aggregate data routinely provided by law enforcement, court, and correctional agencies to measure the flow of cases and offenders through the Illinois criminal justice system as well as a specially constructed study sample of prison exits to evaluate the process and impact of early release on offender behavior. Most of this section describes the overall research approach and the prison exit sample in terms of how it was constructed and its content.

A. Research Design

The results of this study are primarily based on a 1,552 case random sample of all inmates released from IDOC from July 1, 1979, through December 31, 1982. This sampling frame was designed to include inmates released one year before the introduction of the early release program and 30 months thereafter. Since early release did not begin until June, 1980, cases sampled prior to that date (N=355) reflect inmates serving their full prison terms and can be used to evaluate the impact of early release on aggregate inmate recidivism rates over time.

The remaining sampled cases (N=1,202) represent inmates released while the early release policy was operational. However, not all inmates released after June, 1980, qualified nor were selected for early release. Consequently, comparisons within this sub-sample can also be made of early released versus inmates serving their full prison term. This analysis becomes more complicated given that the amounts of prison terms reduced by the program

varied as did the selection criteria for granting early release. Whenever possible, appropriate statistical controls are introduced to counter differences among relevant dependent and independent variables.

A comment should also be made on the time period covered by the NCCD study sample. Although the early release program was significantly restricted by the Illinois Supreme Court on July 12, 1983, the program continues to operate today. Selecting only released inmates through December 31, 1982 was necessitated by the urgency of the study to produce preliminary results for Governor James Thompson's Task Force on Prison Overcrowding. It was also necessary to limit the sampling frame for purpose of allowing a minimal 12-month follow-up time frame for all sampled cases (i.e., cases released in December, 1982 would not be eligible for a 12-month following until December, 1983). Despite this limitation, the study is representative of the types of inmates being early released and the amount of prison terms being reduced.

B. Data Collected

For each sampled case, detailed data were collected on the inmate's prior criminal and juvenile history, the instant offense for which he/she was imprisoned, socio-demographic items, period of imprisonment including amount of prison term reduced by early release, institutional conduct, release plans, parole violations, and post-release arrest data. To collect all of these data required gaining access to two principle data sources: (1) the inmate's institutional jacket and (2) the inmates official arrest (rap sheet) record. Code sheets were constructed to collect information from these record sources as shown in Appendix A. NCCD trained local coders to complete each code sheet which were then forwarded to NCCD for edit checks and data entry. Reliability checks were routinely conducted to verify the accuracy of the coding process.

A unique system for coding all arrest records was used to permit a more flexible and rigorous analysis of recidivism rates. As described in greater detail in Chapter 5, this study utilizes three different recidivism measures (fixed length follow-up, survival rate analysis, and suppression effects) to measure the impact of early release on offender behavior. Consequently, in coding each inmate's criminal history, each arrest was treated as a separate event, dated, and merged with the inmate's jacket file. This creates a file of arrest events occurring both before and after the period of imprisonment in question and allows for varying follow-up periods for recidivism analysis. It also allows for simulations of two risk models (RAND Selective Incapacitation and the California Base Expectancy) which include very precise and dissimilar criterion items.

C. Sampling Procedures

Cases were selected from the IDOC's automated information system which records 99 percent of all Illinois prison exits. The only cases not tracked in this computer file are inmates who discharge after having served their entire prison terms. This group typically reflects (1) inmates who are disciplinary problems and have had all of their statutory good-time credits revoked or (2) those who refuse to be placed on mandatory parole supervision.

An SPSS random sample program was used to systematically select the initial 1600 case study sample (Table 2-1). This sample size reflected the minimum number of cases required to generate stable results while utilizing a number of multi-variate analytic techniques across a number of sub-populations. For example, we anticipated that several types of controlled analyses would be done to complete the recidivism analysis. This sample size reflected the number of cases needed to control for time periods as well as sub-populations of early released inmates versus inmates released after serving their full term.

TABLE 2-1

SUMMARY OF THE STUDY SAMPLE

Sampling Frame	All Prison Exits July 1, 1979 - December 31, 1982
Sampling Method Every 20th Case (SPSS Sample Program)	Systematic Random Sample
Population Sampled	Approximately 30,676 exits
Initial Sample Size	1,600 exits
Cases with Complete Inmate Jacket Records	1,557 exits
Cases with Complete Inmate Jackets and Arrest Records	1,430 exits

To collect all of the required data, inmate jacket and arrest history records were needed for each sampled case. Inevitably, the search for these records is never complete thus causing the deletion of some cases from the original sample. In total, 1,557 inmates jackets were located and coded. However, only 1,430 cases were found to have complete "rap" sheets. These 127 cases with no arrest records represent cases where the Illinois Bureau of Investigation (IBI) was unable to locate a current arrest history.

To test whether or not the 127 deleted cases biased the study's results, a comparison was made between the characteristics of the final study sample (N=1,428) versus the deleted cases (N=117) based upon information in the inmate's jacket. Thirty-four variables reflecting offense sentencing, socio-demographic, imprisonment, and release characteristics were selected for the comparative analysis. Only three were found to be statistically significant at the .05 level of significance (Table 2-2).*

- Heroin abuse reported in official records;
- Type of family situation inmate planned to be released to; and
- Institutional security level at time of release.

The magnitude and direction of these three variables suggests there is no systematic bias between the final study sample and the deleted cases.

D. Characteristics of the Illinois Prison Exit Sample

The extent to which the findings of this study can be generalized to other states depends upon the characteristics of the Illinois inmates. IDOC houses what is considered to be a fairly criminally sophisticated and urban inmate population. Although national data are difficult to obtain, U.S.

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* Depending upon the type of variable used, chi-square, contingency coefficient, Cramer's V or gamma tests of statistical significance were applied using SAS.

TABLE 2-2

Sampling Attrition Analysis

	Final Sample (N=1,428)	Deleted Cases (N=127)	Original Sample (N=1,557)
% With Reported History of Heroin Abuse	26.95%	17.80%	26.25%
Released From Prison To:			
Parents	53.09%	48.80%	52.74%
Wife/Spouse	10.24%	7.70%	9.99%
Relatives	18.02%	15.20%	17.79%
Friends	7.78%	8.80%	7.87%
Alone	2.88%	3.70%	2.90%
Other	7.99%	16.80%	8.70%
Institutional Security Level at Release			
Maximum	15.87%	9.32%	15.37%
Medium	43.61%	52.54%	44.29%
Minimum	40.52%	38.14%	40.34%

Department of Justice's 1978 national survey of prisons and jails found that the Illinois one-day population had the second highest proportion (69 percent) of inmates serving sentences for violent crime (Massachusetts was ranked number one with 82 percent). The Illinois prison system, like the other major state prison systems, also has had its share of organized and racially aligned gang members who have been credited with a general worsening of prison conditions (Irwin, 1982; Jacobs, 1978).

The specific characteristics of the released Illinois inmates sampled for this study reinforce these other studies showing that the Illinois inmates are not "lightweight" offenders. Table 2-3 summarizes the relevant characteristics of the released inmates in terms of their current offense, prior record, social characteristics at admission, institutional conduct, and characteristics at release. The following items are especially noteworthy:

- The most common offenses for which these inmates were sentenced to prison were burglary (26.3%), armed robbery (15.3%), simple robbery (10.2%), and theft (13.1%).

- A significant proportion of these inmates were convicted of multiple offenses (43.4%) and used a weapon in the crime (36.6%).

- These inmates have an average of eight prior felony or serious misdemeanor (non-traffic) arrests and two prior prison terms.

- In terms of social-demographic characteristics, the inmates are disproportionately male (95.2%), non-white (61.8%), unemployed at admission (39.0%), without skills above a laborer (67.3%), without a high school education (68.4%), and single (57.0%).

- A significant number were found to have official histories of alcohol abuse (28.2%) and heroin or barbituate abuse (26.9%).

- In terms of disciplinary conduct most inmates were in Disciplinary Grade A level at release (89.7%). However, a significant proportion had been demoted out of Grade A (31.0%) and/or placed in Administrative Segregation for disciplinary reasons (31.4%).

- The mean length of stay in prison was 723 days. If one includes time spent in jail prior to transfer to prison, the average period of total imprisonment increases to 884 days.

TABLE 2-3

Characteristics of Released Inmates

Final Study Sample (N=1,428)

Primary Convicted Offense	(N)	(%)	Occupational Level at Admission		
Murder	53	3.7	White Collar	33	2.3
Manslaughter	50	3.5	Sales/Clerical	90	6.3
Kidnapping	10	.7	Crafts/Operator/Transport	338	23.7
Robbery (Simple)	146	10.2	Laborers	691	48.5
Armed Robbery	218	15.3	Other	29	2.0
Rape	44	3.1	None	245	17.2
Assault	78	5.5			
Kidnapping	10	.7	Grades Completed at Admission	(N)	(%)
Arson	8	.6	0-8	224	15.8
Child Abuse	19	1.3	9-11	747	52.6
Other Crimes Against Person	27		High School Diploma	356	25.0
			College	94	6.6
Theft	187	13.1			
Burglary	376	26.3	Military Service		
Weapons	36	2.5	None	940	80.8
Forgery/Fraud	41	2.9	Honorable Discharge	130	11.2
Vandalism	17	1.2	Gen-Dishonorable Discharge	93	8.0
Other Property Crimes	16		Sex		
Possession of Controlled Substance	58	4.1	Male	1,361	95.2
			Female	69	4.8
Sale of Controlled Substance	21	1.5	Race		
Miscellaneous Offenses	29	2.0	White	546	38.2
			Black	819	57.3
Number of Criminal Counts			Hispanic	59	4.1
1	803	56.3	Other	6	.4
2	347	24.3			
3+	277	19.1	Employed Full or Part-Time at Admission	870	61.0
Weapon Used in Offense					
No Weapon Used	898	63.4			
Gun	334	23.6			
Other Weapon Used	184	13.0			

TABLE 2-3 (Cont.)

Marital Status at Admission	(N)	(%)
Single	807	57.0
Divorced/Widowed/Separated	230	16.2
Married/Common Law	379	26.8

Age at Admission	(N)	(%)
Under 18	102	7.2
19-24	657	46.2
25-30	365	25.7
31-40	228	16.0
41-50	50	3.5
51+	20	1.4

	(N)	(%)
History of Alcohol Abuse?	402	28.2
History of Heroin/Barbitate Abuse?	384	26.9

Area of Release		
Out of State	33	2.4
Cook County	849	62.2
Other Illinois Counties	483	35.4

Special Conditions of Parole Supervision Imposed	437	37.0

Disciplinary Grade at Release		
A - Good	1279	89.7
B - Fair	106	7.4
C - Poor	41	2.9
Ever Demoted Out of Disciplinary Grade A?	443	31.0
Ever Placed in Administrative Segregation?	448	31.4
Average Number of Prior Felony Arrests		8
Average Number of Prior Prison Terms		2
Average Length of Total Incarceration*	884 days	
Average Length of Prison Term**	723 days	

* Includes jail credits
** Deletes jail credits

CHAPTER 3

HOW AND WHY EARLY RELEASE WAS USED IN ILLINOIS

A. Introduction

The first task of this study was to understand the complex structure of early release in terms of how it operated in Illinois, the magnitude of the program, and external forces which encouraged as well as discouraged its use as a viable option for controlling population size. Although many states are now using some form of early release, Illinois implemented its program within the context of a determinate sentencing structure. The program was further complicated in that it operated on two levels: (1) a weekly Forced Release program reserved principally for property offenders and (2) early release for other prisoners. Consequently, the analysis includes research findings on both forms of early release as well as the total early release program. Furthermore, there were several political and administrative factors which led to prison crowding in Illinois and which also encouraged the administrative use of early release. Description of these factors and administrative processes are included to help other states determine if the Illinois program would be useful to their particular situation.

B. Criminal Justice Trends Prior to Early Release

Beginning in 1974, Illinois experienced a staggering growth in its prison population. The state almost doubled its prison population with a population of 6,100 in 1974 to nearly 11,000 by 1980. Close analysis of Illinois' rapid population growth shows that it was fueled not so much by escalating crime rates or net population growth but by large increases in felony convictions (Table 3-1). From 1974 to 1980, the number of court dispositions and convictions produced from felony arrests increased by 60 and 90 percent respectively. Explanation for these dramatic increases is largely

TABLE 3-1

Illinois Criminal Justice Trends
1974 - 1980

	1974	1980	% Change
State Risk Population* Age 15-39	4,215,571	4,698,670	11.4 %
Reported Index Crimes	564,568	592,989	5.0 %
Index Arrests	119,653	133,473	11.5 %
Felony Dispositions/Convictions			
Total Dispositions	30,661	49,176	60.3 %
Convictions	13,571	25,714	89.4 %
Conviction Rate	(44.3%)	(52.2%)	17.8 %
Sentences of Felony Convictions			
Prison	4,937	9,814	98.7 %
Probation	7,219	11,397	57.8 %
Probation & Jail	1,161	4,238	265.0 %
Jail	244	220	(0.4)%
Other	10	45	-
Prison Commitment Rate	(36.3%)	(38.1%)	5.7 %

Sources: * Illinois Bureau of the Budget, Population Tables (Raw Data)

Human Services Data Report: Part I, 1981-1983, Volume III
Illinois Department of Corrections.

economic. The state's prosecutors had become much more efficient in winning cases at the felony level because the number of prosecutors had also increased sharply. In Cook County (Chicago), which provides over 60 percent of all prison admissions, the number of prosecutorial staff had increased by 81.6 per-cent from 1974 to 1981. Interestingly, the state's at-risk population, reported felony crimes, felony arrests, and the felony conviction rate had also increased but at much slower rates. Fueled by the large increases in convictions, the volume of prison commitments almost doubled even though the prison commitment rate had remained largely unchanged. Clearly, there was a major effort by prosecutors and the courts to file more complaints and convict a larger proportion of felony arrests than had occurred in the past. As the courts resources grew, both prison admissions and the prison population doubled by 1980.

A second but less important factor affecting population growth was the abolition of the state's indeterminate sentencing law in 1978 and adoption of a determinate sentencing structure. Although this sentencing reform was not the primary cause of prison population growth, it aggravated in several ways the trend which began in 1975. First, the legislation created six major classes of offenses as shown in Exhibit 3-1 for which convicted felons could be sentenced to prison: Class M (murder), Class X (robbery, assault, rape, kidnapping) Class 1 (attempt robbery, rape and drug sale), and Classes 2, 3, and 4 which represent property (burglary, theft, fraud, etc.) drug offenses (possession and sale) and simple robbery. Class X was the most significant sentencing category as it mandated that judges sentence offenders convicted of these crimes to prison with a range of six to thirty years with possible enhancements of 30-60 years. Offenders sentenced for these offenses began serving longer terms under the new law despite the fact that inmates were also

EXHIBIT 3-1

**Illinois Determinate Sentencing Categories
and Sentencing Ranges**

Felony Category	Regular Terms	Extended Terms	Examples
Murder	Life or 20-40 years		Murder
Class X	6-30 years	30-60 years	Rape; armed robbery; aggravated kidnapping
Class 1	4-15 years	15-60 years	Dealing in major narcotics
Class 2	3-7 years	7-14 years	Burglary; arson; robbery
Class 3	2-5 years	5-10 years	Theft (over $150); child abuse; involuntary man-slaughter; aggravated battery; sale of cannabis
Class 4	1-3 years	3-6 years	Possession of cannabis (30-50 grams); sale of child pornography; theft (under $150)

being awarded an increased rate of statutory good-time (day for day statutory good-time as opposed to the previous 1/3 statutory good-time system). This, in turn, created a "stacking" effect in the prison population which did not begin to take effect until several years after the legislation was adopted. As shown in Exhibit 3-2 the Class X, M, and 1 offenders are now serving substantially longer terms whereas the Class 2, 3, and 4 offenders are serving shorter terms.

Of equal significance was the law's provision to abolish discretionary parole release. Under determinate sentencing, inmates can only have their prison terms reduced by receiving their statutory good-time credits (day for day) and other forms of meritorious good-time (MGT) credits which could be awarded at the discretion of the Director of Corrections. In effect, the abolition of discretionary release to parole greatly restricted the state's ability to moderate prison population growth by monitoring parole board release rates and resulted in a continuing decline in prison exits.

Trends of reduced prison exits and increasing prison admissions worsened after 1978 as shown in Table 3-2. Admissions had more than doubled after 1974 as the courts sentenced more offenders to prison for felony arrests and were continuing to increase. However, prison exits did not keep pace with prison admissions after 1978 indicating that length of stay was steadily increasing with no parole board to regulate release rates.

Although many observers expressed fear that determinate sentencing would greatly expand the prison population, Illinois was not well prepared to provide the necessary resources for the rapidly growing prison system. This does not mean that no effort was made. In fact, Illinois greatly expanded its prison capacity by almost 4,000 beds from 1975 to 1980 representing a 50 percent increase. However, the capacity expansion program was simply

EXHIBIT 3-2

Impact of Determinate Sentencing
On Time Served
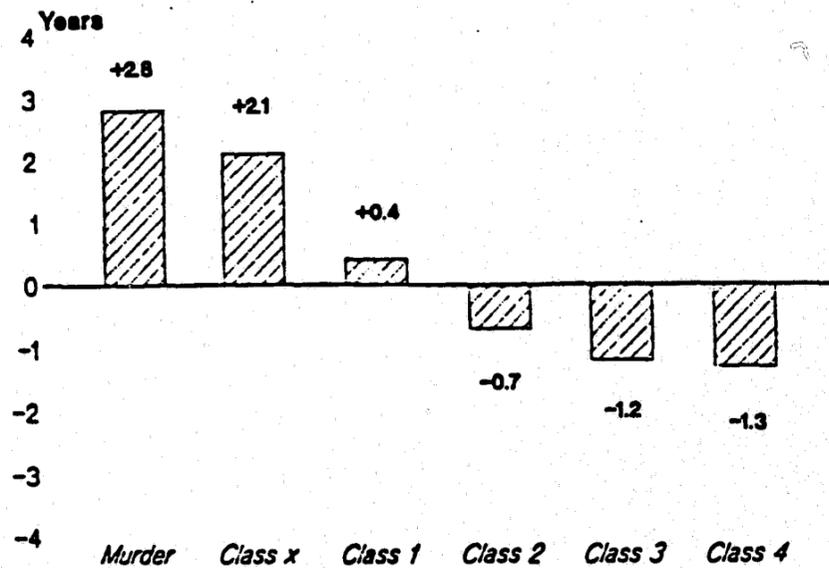
Source: Planning and Budget Division, Illinois
Department of Corrections

insufficient to keep pace with a more efficient court system and a tougher sentencing law.

With parole abolished, the only administrative means for the IDOC to effectively control population was to expand the use of awarding of MGT days (or credits) which would reduce prison terms and thus increase prison releases. It was hoped that a short-term policy of early release would buy the state sufficient time (3-4 years) to continue its prison capacity expansion program and thus meet the long-term projected growth in the prison population (IDOC, 1982).

A final point should be made on the "causes" of the Illinois prison crowding crisis. Like many other states, Illinois' difficulties also stemmed from a faulty planning process which allowed major changes in sentencing to occur without demanding an accompanying allocation of additional prison resources. Had the IDOC had a more sophisticated technology for projecting the impact of determinate sentencing, policy-makers would have at least been fully apprised of the long-term impact of their collective decision. This is not to say they would have acted differently and more responsibly. Indeed, there are several states with sophisticated projecting techniques which have ignored the consequences of their legislative actions. Prison crowding need not become an inevitable consequence of legislative change if responsible sentencing legislation and resource allocation becomes a priority with policy-makers.

C. Overview of The Early Release Program

Early release formally began on June 1, 1980 and has continued to the present. Prison terms are reduced by the IDOC through the discretionary awarding of MGT credits via authority granted the Director of Corrections (Illinois Revised Statues, Chapter 38, Section 1003-6-3 adopted in 1978). The

specific rules governing releases are set forth in departmental Administrative Regulation 864. As interpreted by IDOC officials, that regulation permits the Director to award up to 90 days of meritorious good-time credits at any one time. In other words, the Director can award as many MGT credits as he chooses as long as the awards do not exceed 90 days on any given day. For example, on three successive days the Director could award as much as 270 days for a given inmate. Given that the average length of time served in Illinois prison prior to 1980 was approximately 24 months, the ability to reduce an inmate's prison term by an unlimited number of 90 day increments represented a powerful tool for controlling population growth when widely applied to the prison population.

Authority to grant MGT credits, although adopted as part of the 1977 determinate sentencing law, had traditionally been a part of Illinois penal law. Under indeterminate sentencing it had been rarely used by Directors and only to expedite a parole board date for selected inmates. During the formulation of the 1977 determinate sentencing law, it was included as the legislature and IDOC officials negotiated on specific statutory language. But no one at that time thought of using the statute to authorize early release on such a massive scale.

1. Forced Release Program

The weekly Forced Release program actually worked as follows: Whenever the prison population exceeded its rated capacity, the Director identified inmates for early release who were nearing completion of their prison terms. The number of inmates selected for release had to do solely with the projected deficiency in prison exits required each week to prevent a net gain in prison growth. Each week IDOC would calculate the number of prison admissions expected to arrive from the major sources of prison commitments (primarily

Cook County, which represents over 60 percent of all prison admissions). IDOC would then estimate the number of releases to be discharged from prison. If there was an excess of prison admissions to prison releases on any given week, the Director would identify those offenders convicted of property crimes. A sufficient number of MGT credits would be awarded to those inmates nearing their release dates which would force an immediate release and thus maintain the desired balance of releases and admissions.

Inmates selected for early release had to meet the following criteria: (1) they must have been within the custody of IDC for at least 90 days; and (2) they must have been approved for release by the warden of the institution. Also, inmates who had violated work release conditions or who were previously in Forced Release (but returned to prison) were not eligible for Forced Release.

Initially, only property offenders with no prior prison commitment were eligible, but by September, 1982, the Forced Release program was expanded to inmates with non-violent priors in response to increased rates of prison admissions. All prison releases are placed on a fixed period (1-3 years) of mandatory community supervision until their sentence expires. The major difference between forced and "normal" releases is that forced releases were placed under supervision earlier (and for a longer period of time) than otherwise would have occurred.

2. The Other Form of Early Release

The Forced Release program was a well-structured program narrowly concerned with controlling prison population growth within the capacity of the prison system. As such, it was the most visible component of early release practices in Illinois. However, the Director was also utilizing his discretionary powers to award MGT time to inmates classified as ineligible for Forced Release.

As the Director began to increase the awarding of MGT days under the rubric of Forced Release, he also began to realize that the pool of inmates eligible for Forced Release would soon be exhausted. Consequently, while the Forced Release program was ongoing, the Director initiated a less formal program of awarding significant levels of MGT to other inmates. Although the purpose of this policy was never articulated, it functioned to "soften" the impending population effects of offenders sentenced to prison for extremely long periods of time as well as other inmates already being considered for Forced Release. As admissions and length of stay continued to build, this other form of early release became the most powerful system for controlling population growth. It is also the mechanism now being used by IDOC today.

Unlike the Forced Release program, MGT credits were awarded at any time during the inmate's incarceration. In these instances, prison wardens made recommendations to the Director to award MGT credits to selected inmates with satisfactory work and disciplinary records. The wardens understood that these credits would ultimately avoid a potential over-crowding problem and the Director encouraged his wardens to award MGT credits in all appropriate cases.

D. How Much Did Early Release Reduce Prison Terms?

Utilizing both mechanisms of early release produced substantial amounts of prison term reductions for most released inmates. Using estimates generated from the NCCD study sample and IDOC records, both the number of early releases and amount of MGT credits awarded steadily increased over time (Table 3-3). Approximately 60 percent of all prison releases were early releases for calendar years 1980-1983. If one looks just at all releases after early release began on June 1, 1980, approximately 69 percent of all releases through 1983 were early releases. And, both the amount of MGT credits being awarded and number of early release was steadily increasing. By 1982, 80 percent of all released inmates were receiving an average of 123 MGT credits.

TABLE 3-3

Estimated Number of Early Releases and Amount of MGT Credits Awarded To Early Releases Calendar Years 1980 - 1983

Calendar Year	All Exits	% Early Released	Early Releases	$\overline{X}$ MGT
1980	6,969	32.0	2,230	75 days
1981	8,444	59.6	5,066	88 days
1982	10,466	80.0	8,373	123 days
1983	9,480	60.0	5,688	90 days
TOTAL	35,359	60.4	21,357	105 days

Table 3-4 shows the distribution of MGT days for all inmates released between June 1, 1980 through December 31, 1982, again using the NCCD study sample. Thirty-one percent received no credits with sixty-nine percent of all releases receiving amounts ranging in the 30 - 120 day range. The largest amounts recorded in our sample exceeded 800 days.

Of the two early release mechanisms, the informal mechanism contributed most heavily to the entire early release program. Sixty percent of all early releases were of this type with a median of 90 MGT days compared to forty-one percent who were Forced Release cases, which received an average of 89 MGT days (Table 3-5). However, the greatest amount of MGT credits were awarded through the informal mechanism. If one combines both forms of MGT credits awarded by IDOC after June 1, 1980, the mean amount of MGT credits was 103 days with a median of 90 days for all early releases.*

Knowing the total amount of time served for each sampled case also allows one to calculate the proportionate reduction (R_I) in an inmate's period of imprisonment as attributable to the early release policy: In essence, this statistic represents the amount of incarceration avoided by early release. R_I is calculated as follows:

$$R_I = \frac{MGT}{(TS + MGT)}$$

Where R_I = Proportion of Incarceration Reduced Through Early Release
    TS = Time Served by Inmate (Prison Release Date - Custody Date)
    MGT = Number of MGT Days Awarded

One should note that TS reflects the date of custody which typically includes pretrial detention days which are subsequently credited to the inmate. This

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* The slight discrepancy of 103 days in Table 3-5 versus 105 days in Table 3-3 is caused by rounding error and estimation procedure applied to prison exit census figures generated from the NCCD sample.

TABLE 3-4

**Distribution of MGT Days Awarded
To Prison Release**

June 1, 1980 - December 31, 1982

Days	N	%
None	377	31.3
3-15	35	2.9
16-30	95	7.9
31-60	136	11.3
61-89	59	4.9
90	164	13.6
91-120	102	8.5
121-150	81	6.7
151-180	58	4.8
181-210	38	3.2
211-240	35	3.1
241-865	22	1.8

TABLE 3-5

**Meritorious Good-Time Credits Received
In Days By Method of Release***

	Forced Releases (N=340)		Other Early Releases (N=486)		All Early Releases (N=823)	
	Mean	Median	Mean	Median	Mean	Median
Forced Release Days	89	90	0	0	36	30
Other MGT Days	25	0	95	90	67	60
Total MGT Days	114	90	95	90	103	90
% of All Early Releases	(41.3%)		(59.7%)		(100.0%)	
% of All Prison Releases	(28.3%)		(40.4%)		(68.5%)	

* Includes inmates released from June 1, 1980 through December 31, 1982 who received
at least one day of MGT credits.

is done to ensure that the total amount of incapacitation (pretrial detention plus state prison) is captured in our analysis. Using this calculation, total incarceration of offenders who received MGT credits was reduced 12.5 percent from 1980-1982 by the early release program. If one merely looked at the reduction in prison stay (excluding jail time), the RI equals 19 percent.

How significant was early release in the total context of other factors which also determine how long an Illinois inmate stays in prison? Under Illinois law prisoners can have their original sentences reduced through three mechanisms as illustrated in Exhibit 3-3. The median sentence length for the released inmates was four years and is used here for illustrative purposes using actual data generated from the NCCD study sample. Day for day statutory good-time credits which are vested to the inmate at sentencing reduces the original sentence by 50 percent to 24 months. Jail credits for time spent under pretrial detention further reduces the prison term by another three months. Finally, the awarding of MGT credits through early release reduces the stay in prison an additional three months. Although the statutory good-time credits (which can be revoked for disciplinary reasons) are the largest factor reducing prison terms, early release when widely applied provided Illinois with a powerful tool for controlling population growth. Yet in the context of other factors which impact prison sentence lengths, it represents only a marginal factor.

E. Why Early Release Was Utilized in Illinois?

The preceeding pages have set forth partial explanations for the causes of prison crowding in Illinois and factors which led Illinois to adopt an early release program. However, these data do not really explain why Illinois officials supported and maintain its early release program for over three years despite considerable opposition. Many states have considered some form of early release but chose to either (1) not implement the proposed plan or (2) discontinue the policy after a short period of experimentation.

EXHIBIT 3-3

HOW PRISON STAY IS DETERMINED

SENTENCE LENGTH
IN MONTHS

FACTORS AFFECTING
LENGTH OF STAY

DAY FOR DAY
STATUTORY GOOD TIME CREDITS
(24 months - 50%)

JAIL CREDITS
(3 months - 6%)

EARLY RELEASE
(3 months - 6%)

ACTUAL PRISON STAY
(19 months - 38%)
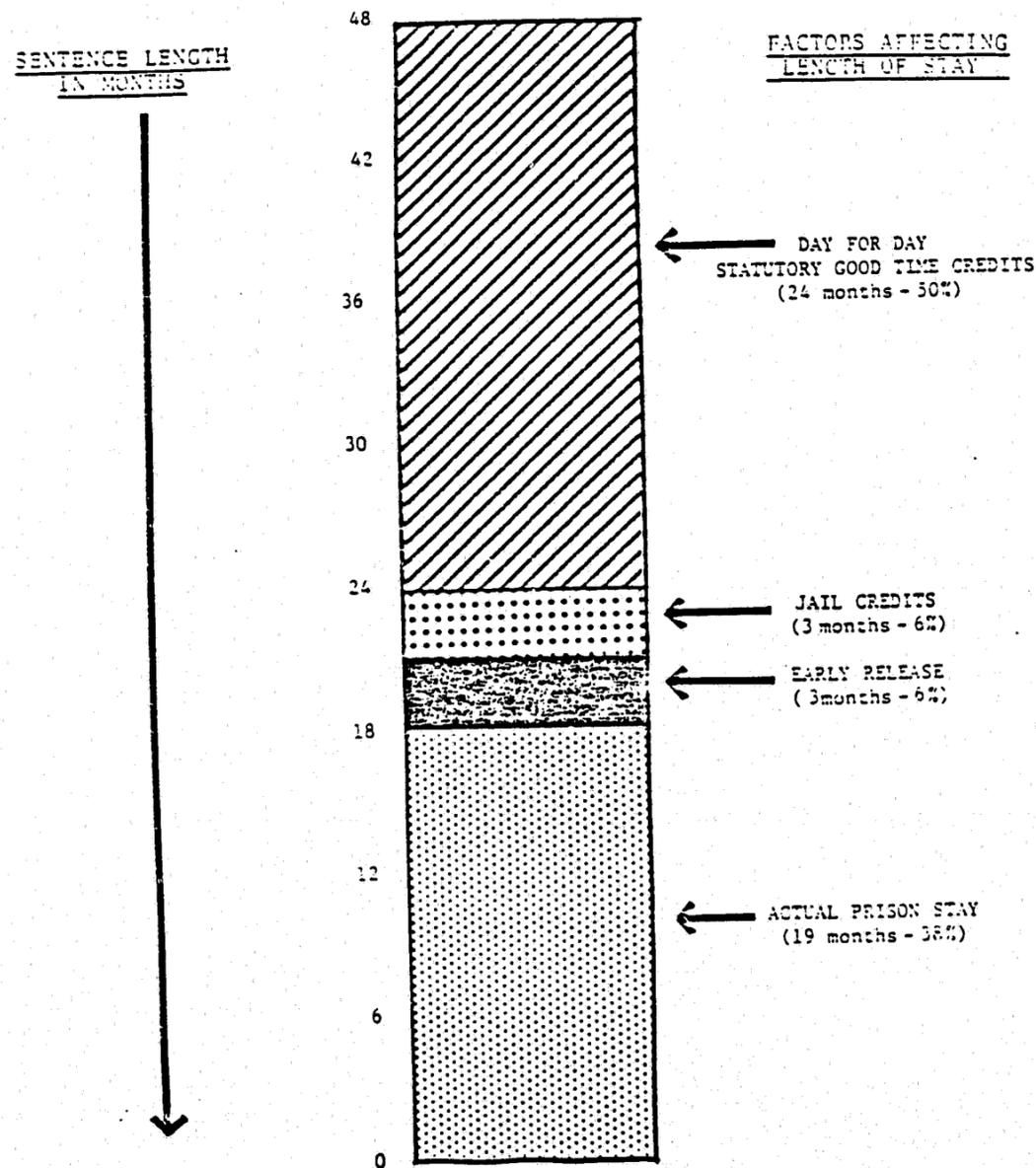
Early release is an extremely controversial concept with few allies. The public easily becomes outraged upon learning that inmates are not serving their full prison terms and continue to commit crimes against the public. Political figures find little value in openly supporting such a policy. Criminal justice officials (especially law enforcement, prosecutors, and judges) are openly angered that criminals are being sanctioned, in part, according to the vacancy rate of prison facilities. Given this level of opposition, what factors explain why Illinois has maintained such a massive program for such a long period of time?

1. A Recent Legacy of Violent Prison Riots

In July of 1978, a bloody prison riot occurred at the overcrowded IDOC Pontiac Correctional facility. By the time the IDOC had regained control of the facility from the rioting inmates, three guards had been killed, several others were severely injured, and considerable physical damage had occurred within the affected cellblocks. As a result of that riot, the state expended approximately $8.5 million to refurbish the Pontiac facility. Further costs were experienced some six years later when an Illinois Circuit Court awarded $750,000 in punitive damages against the state as a result of a civil liability suit filed by the family survivors of the murdered guards. These figures do not take into account the considerable amount of funds expended by the Attorney General's office since 1978 in litigation fees associated with the riot (estimated at $4.9 million). It should also be noted that none of the rioting inmates charged with the murders were successfully prosecuted; meaning that the state also was required to pay for the lawyers fees for the defendants.

At the time of this incident, Michael P. Lane, now the current IDOC Director who oversees the early release program, was a Deputy Director having

worked his way up through the departmental ranks. He recalls that the Pontiac riot had a lasting impact on both the department as well as himself to maintain safe and humane facilities and to never let their facilities become crowded. Early release became a pivotal mechanism for ensuring that the Illinois prisons never became crowded again. From his perspective, the primary duty of corrections is to house inmates in facilities that meet constitutional and state standards and law.

The Director's concern that overcrowding leads to increases in institutional violence is well founded in the research literature. Thornberry and Call (1983), in their careful review of those studies, evaluted the effects of prison crowding on inmate behavior and found a consistent relationship between overcrowding and its harmful effects on inmate behavior.

> With few exceptions, the empirical studies indicate that prison overcrowding has a number of serious negative consequences. Overcrowding is related to rule infractions, and assaultive behavior, especially in institutions that house younger inmates, and to the rate of communicable disease, illness complaints, psychiatric commitments, stress and hypertension, and death. (Thornberry and Call, 1983:351)

Committed to maintaining a safe prison system the Director decided to greatly expand the MGT awards despite growing criticisms of the practice by the media and key political and law enforcement officials. Whereas other correctional officials may have second thoughts on utilizing their existing authority to grant MGT or other good-time credits in such amounts to such a large number of inmates, Director Lane acted in an aggressive manner. His actions de facto forced other state officials to either provide substantial funds for additional bed capacity or allow the early release practice to continue and escalate in the face of increasing public opposition to the policy.

In retrospect, Director Lane's strategy proved to be highly successful. As shown in Table 3-6, the legislature increasingly appropriated funds for

TABLE 3-6

**Operational and Capital Expenditures
Fiscal Year 1980-1985 ***

	FY80	FY81	FY82	FY83	FY84	FY85
Appropriated Funds	$188.2	$246.6	$259.8	$262.4	$332.7	$378.5
Other Resources	4.8	5.8	2.7	4.1	3.9	3.0
TOTAL	$193.0	$252.4	$262.5	$266.5	$336.6	$381.5
Capital Development Board	112.5	93.0	91.5	147.9	185.8	156.2
TOTAL	$305.5	$345.4	$354.0	$414.4	$522.4	$537.7

* Taken from the Illinois State Budget - FY82 through FY85. Figures presented in millions of dollars.

both operational and capital expenditures. But this is possible only with the strong backing of the Governor.

2. Support From the Governor

Governor James Thompson was elected to office in 1978 based, in part, on his reputation as an aggressive U.S. Attorney who pledged to "get tough" with criminals. He was a strong supporter of the sentencing reform which abolished the parole board and increased sentence lengths for offenders convicted of violent crimes. Indeed, it was with some degree of irony that changes in Illinois' sentencing policies, as supported by Governor Thompson coupled with local prosecution practices, also created a prison crowding problem for the Governor who was now responsible for the care and safety of convicted felons and correctional staff.

In deciding how best to solve this dilemma, Governor Thompson repeatedly stated that the worse situation was to allow for an overcrowded prison system which would ultimately invite the intrusion of federal courts to "solve" what was ultimately a local problem. This overriding concern reluctantly led the Governor to accept early release as a temporary solution to a long-term problem. More specifically, he hoped (and eventually realized) that early release would buy the state sufficient time to expand prison capacity through an aggressive capital construction and rennovation program. From 1980 to 1983 the administration successfully secured sufficient funds to increase prison capacity by 3,000 beds. Nevertheless, a key ingredient for the success of early release was the Governor's continued support of the Director's actions over the turbulent three-year period.

F. Why Early Release Was Curtailed

The success of any policy is dependent both upon the support it receives from key policymakers as well as its ability to produce desired results. Not

surprisingly, the early release program was not without its criticism. To understand the controversy surrounding early release it's again important to understand sentencing reform in Illinois.

Determinate sentencing was adopted in Illinois in reaction to what was perceived by many as an arbitrary and overly liberal indeterminate sentencing structure. Support for determinate sentencing largely came from law-enforcement agencies, the state attorneys (i.e., district attorneys), and newly elected Governor Thompson. However, support was also marshalled by liberals who viewed indeterminate sentencing as arbitrary and unjust to inmates. A primary purpose of the Illinois determinate sentencing legislation was to infuse more certainty in sentencing and to extend prison terms for inmates charged with crimes against the person (Classes M, X, and 1).

As the IDOC began to expand its use of the Director's authority to award unlimited amounts of MGT credits, previous supporters of the sentencing reform began to publicly criticize the Director's actions. Despite the passage of determinate sentencing, inmates were beginning to be released in greater numbers and serve shorter prison terms. Table 3-7 shows that after early release had begun, the number of prison releases increased by almost 2,500 in 1981 and 2,000 in 1982. Similarly, the amount of time served in prison dropped from 2.1 years in 1978 to 1.4 years by 1983. As these data became available to state officials who had supported determinate sentencing the level of criticism increased dramatically.

Among the harshest critics of early release were the prosecutors, especially Richard M. Daley, State Attorney of Cook County. From his perspective early release was undermining his recently successful efforts to convict more offenders and sentence them to prison.

TABLE 3-7

Prison Releases and Average Length of Time Served
1977 - 1983

	Prison Releases	Time Served	
		Total Stay*	Prison Stay**
1977	6,062	-- Not Available --	
1978	7,778	2.6 yrs.	2.1 yrs.
1979	7,589	2.7 yrs.	2.2 yrs.
1980	6,969	2.3 yrs.	1.8 yrs.
1981	8,444	2.2 yrs.	1.8 yrs.
1982	10,466	2.3 yrs.	1.8 yrs.
1983	9,480	1.9 yrs.	1.4 yrs.

* Includes time served in jail prior to transfer to state prison.

** Represents time served in prison facilities only.

Source: Statistical Presentation 1983
          Planning and Budget Unit
          Illinois Department of Corrections

"Important progress has been made through the increased effectiveness of police and prosecutors, the expansion of the criminal court system in the early 1970s to meet rising levels of crime, the adoption of determinate sentencing and mandatory imprisonment in 1977, and the greater cooperation of victims, witnesses, and communities with law enforcement agencies.

Our current prison problem is very much the result of our real success in fighting crime. To try to solve that problem by punishing criminals less undermines our accomplishments and amounts to a surrender to the problem. The only responsible action is to provide the capacity necessary to house those who rightly belong in prison for their offenses against persons and property (Richard M. Daley, October 17, 1983)."

As law enforcement and prosecutors became increasingly vocal in their objections, the state's major newspapers began to run major feature stories in 1982 and 1983 with most editorials opposing early release. Political opposition reached its peak in the spring of 1983 when five state attorneys filed suits in their respective counties charging Director Lane had abused his authority. Specifically, these suits charged that IDOC could grant no more than 90 days of MGT for any inmate during the entire period of incarceration. Prior to 1983, there was little need to exceed the 90-day limit, but thereafter the Director had been forced to increasingly award multiple 90-day grants to keep the population stable.

To dramatize the increased use of early release, Richard Daley's office released specific examples of how much time was being granted to long-term offenders.

"Those who argue that the Department of Corrections' early release program was not turning loose violent criminals early would have to explain the following examples of some of the felons early released to Cook County in a single randomly selected week in May of this year:

1) an armed robber, twice before incarcerated for felonies, who served only two years and five months of a six-year sentence;

2) a rapist, twice before convicted of rape and once of armed robbery, who served only five years of a 12-year sentence;

3) an offender with a prior felony convection who served only four years of a 10-year sentence for attempting to murder a police officer;

4) an offender with two prior felony incarcerations who served 13 and one-half months of a four-year sentence for aggravated battery in which he wounded two individuals with a sawed-off shotgun;

5) an offender who served under 10 months of a three-year sentence for burglarizing a drug store and robbing a victim on the street, crimes which he committed while on probation for another robbery; and

6) an offender with four prior felony convictions and two incarcerations who served only three years and eight months of a nine-year sentence for five counts of armed robbery and an attempted murder of a police officer." (Richard Daley, October 13, 1983.)

By the summer of 1983, the outcry against early release became so intense that the Governor requested, by filing a writ of mandamus, that the Illinois Supreme Court immediately hear the five pending county suits. On July 12, 1983, the Court ordered a halt to the practice of awarding more than 90 days over the course of an inmate's incarceration. Importantly, the Court did not terminate the practice but only restricted its use. It also ruled that overcrowding per se was insufficient grounds for exceeding the 90-day limit short of a violation of the eighth amendment of the United State's constitution. Rather it is a local issue for the state's legislature to resolve. As mentioned earlier, the practice continues to the present with most inmates receiving 45 days of MGT credits.

G. Characteristics of the Early Releases

Before proceeding with the next chapter's analysis of the impact of early release on crime rates, it's important to determine how early releases differed from inmates serving their full terms. Such analysis identifies those

inmate characteristics which need to be controlled in evaluating the impact of early release on recidivism as well as understanding the residual results of the process by which inmates were selected for early release. The first level of analysis simply cross-tabulates relevant background characteristics of forced releases versus non-forced releases (Table 3-8).

Forced releases were found to differ from other inmates in the following ways:

- Disproportionately White
- Reported history of alcohol abuse (Juvenile and Adult)
- No Weapon used in current offense
- No special supervision conditions imposed by the Parole Board
- No history of Administrative Segregation
- Convicted of Offense Classes 2, 3, and 4.

Since forced releases and non-forced releases both received significant amounts of MGT time, the analysis is repeated using the broader R_I measure of early release (i.e., the proportion of state imprisonment reduced by awarding MGT credits). For purposes of this analysis released inmates were categorized according to the R_I variable using an ordinal scale reflecting the following quartile distribution of the R_I:

1. No MGT credits awarded
2. .001% - .070% reduction
3. .071% - .125% reduction
4. .126% - .211% reduction
5. .212% and above reduction

This refined measure of R_I takes into account that relatively minute reductions in prison stays should not necessarily be viewed as early releases (i. e., 3-20 days) and that inmates will have different perceptions on their status as an early releasee based upon the relative degree of sentence reduction. For example, an inmate serving a ten-year sentence will be less

TABLE 3-8

Background Characteristics Associated With Forced Releases

Background Variable	Forced Releases (N=302)	Non-Forced Releases (N=732)	Total Releases (N=1034)
Race			
White	46.04%	34.23%	37.58%
Black	48.97%	60.54%	57.25%
Hispanic	4.40%	5.01%	4.83%
Adult Alcohol Abuse	37.78%	27.33%	29.75%
Juvenile Alcohol Abuse	9.68%	5.54%	6.73%
Weapon Not Used In Offense	83.14%	58.31%	65.35%
No Special Release Conditions	69.71%	60.12%	62.83%
History of Admin. Segregation?	22.94%	33.49%	30.49%
Offense Class			
M	0.00%	1.74%	1.74%
X	0.00%	18.40%	18.40%
1	0.00%	5.21%	5.21%
2	48.60%	33.86%	37.26%
3	34.92%	26.09%	28.12%
4	13.41%	8.03%	9.27%

* Includes cases released after June 1, 1980 through December 31, 1982.

effected by the granting of 90 MGT credits compared to an inmate serving a two-year sentence.

Cross-tabulation of R_I with the same independent variables produces similar results to the Forced Release measure with a few exceptions. Race, alcohol abuse history, weapon usage, and history of administrative segregation again surface as variables associated with R_I. Additional factors not identified previously using the Forced Release variable are employment history prior to incarceration and three additional measures of institutional conduct (disciplinary grade at release, history of disciplinary grade demotion, and security level at release).

Multiple regression analysis (OLS) was then used to assess the relative strength of these factors in explaining variance in the proportion of time reduced by early release (Table 3-9). As with the Forced Release analysis the committing offense for which the inmate was presently incarcerated surfaces as the most important factor explaining variation in reducing prison terms. The direction of the relationship indicates that inmates serving time for property and drug offense had their sentences reduced at a greater rate compared to inmates convicted of more serious violent crimes.

The two other factors were found to be predictive of early release selection and reflected institutional conduct: (1) security level at release and (2) history of placement in administrative segregation. The direction of these relationships showed that inmates with poor disciplinary records and housed in maximum security were less likely to have their prison terms reduced via early release.

These findings, of course, are not surprising. Prison officials had stated they were purposely selecting inmates convicted of the less serious offense and with good institutional conduct records. What is interesting is

Table 3-9

Stepwise Regression Summary of
Items Predictive of Prison Term Reduction*

	Type II SS	F-Value	P
Incarcerated Offense Class	.286	25.26	.0001
History of Admin. Segregation	.142	12.55	.0004
Security Level at Release	.138	12.21	.0005
Education Level at Admission	.102	9.05	.0027
History of Juv. Incarceration	.063	5.55	.0187
Conditions Cost Release Supervision	.057	5.03	.0251
Race - (White)	.055	4.89	.0272
Weapon Used in Offense	.052	4.65	.0313
History of Marijuana Abuse	.046	4.14	.0422
History of Discip. Grade Demotion	.033	2.95	.0172
Sentence Length	.031	2.78	.0862
History of Adult Alcohol Abuse	.028	2.52	.1130
Summary		15.76	.0001

TOTAL R^2 = .161

* Includes cases released after June 1, 1980 through December 31, 1982.

that other items known to be associated with recidivism including age, drug use, juvenile record, and prior criminal record did not greatly increase our understanding of IDOC decisions to grant early release. This trend was undoubtedly guided more by practical considerations than by design. IDOC had few resources to conduct a risk assessment for hundreds of cases each month. However, the fact that most cases were granted early release independent of a review of risk factors should provide for interesting analysis of how early release affected recidivism rates. If these factors are associated with recidivism, then IDOC is indirectly selecting better public safety risks for early release.

H. Summary

The Illinois program represents one of the nation's most ambitious attempts to control prison crowding through early release. From 1980-1982 nearly two-thirds (or 20,000) inmates of all released inmates had their prison terms reduced by an average of 105 days. This represented an average 12.5 percent reduction in these inmates' expected period of imprisonment.

The selection process for designating inmates eligible for early release was not random. In general, early release inmates tended to have the following characteristics:

    1. Convicted of non-violent crime (Class 2, 3, and 4)
    2. Housed in minimum or medium security at release
    3. No history of disciplinary segregation

At the height of the early release program in the spring of 1983, the average prison stay of released inmates had been reduced from 2.1 years to 1.4 years. Early release was able to control prison population growth despite increasing prison admissions. However, by July of 1983 the program had become embroiled in such controversy that the practice was curtailed but not eliminated by the Illinois Supreme Court.

The political controversy surrounding early release in Illinois underscores the tenuous and volatile nature of early release programs. Although early release programs may be technically capable of solving prison crowding, they are usually viewed as politically controversial and likely to be of value on only a short-term basis. Similar proposals in California, New York, and Colorado have not been enacted legislatively largely because of their controversial nature. More recently, the pioneering Michigan Emergency Powers Act was recently terminated by the Governor. Indeed, if Illinois had required legislative approval for its program it too could have likely suffered a similiar fate. Only through the aggressive action of the Director coupled with support from the Governor was early release made possible.

The program continues today although the Director's authority is now restricted so that no inmate can receive more than 90 days of MGT credits. The durability of early release in Illinois suggests that once a reform with such fiscal implications is put in place for a significant amount of time, it becomes increasingly institutionalized. This is especially true for states like Illinois (and most recently, California) which have abolished parole and now rely heavily upon discretionary good-time provisions to moderate population size.

CHAPTER 4

DID EARLY RELEASE REDUCE PRISON CROWDING?

From IDOC's perspective, the primary objective of early release was to temporarily reduce the rate of population growth until such time that prison capacity could be expanded and/or until a more permanent solution could be achieved legislatively through sentencing reform. Chapter 3 showed that increasing amounts of MGT credits were awarded to an increasing number of inmates to keep pace with population growth. In this chapter we assess to what extent the Illinois early release program succeeded in achieving the desired balance of inmates and beds. More specifically, we will estimate how many beds were "saved" and continue to be saved via the now institutionalized early release program. These estimates are also used to produce correctional cost saving estimates in Chapter 6.

A. Short-Term Impact on Population Growth

We have already reported that approximately two-thirds of all inmates released through December, 1982 were awarded varying amounts of MGT credits with the majority receiving 90-100 MGT days. Exhibit 4-1 plots the total amount of MGT days awarded from July 1, 1980 through June 30, 1984 and shows that large amounts of MGT days were awarded through June 1983. These awards declined rapidly after the Supreme Court's decision on July 12, 1983. It is also interesting to note that by October 1983, the IDOC had begun once again to award MGT credits with an average of 50,000 MGT days per month through June of 1984. This amount has remained fairly stable to the present.

The immediate short-term effect of early release on population size is graphically portrayed in Exhibit 4-2. Here one can observe how effectively IDOC used MGT awards to constantly keep the population within the capacity of its institutions. A constant balancing act was required to increase or

Exhibit 4-1

Meritorious Good Time Days Awarded   FY 81 to FY 84

Data through May 1984
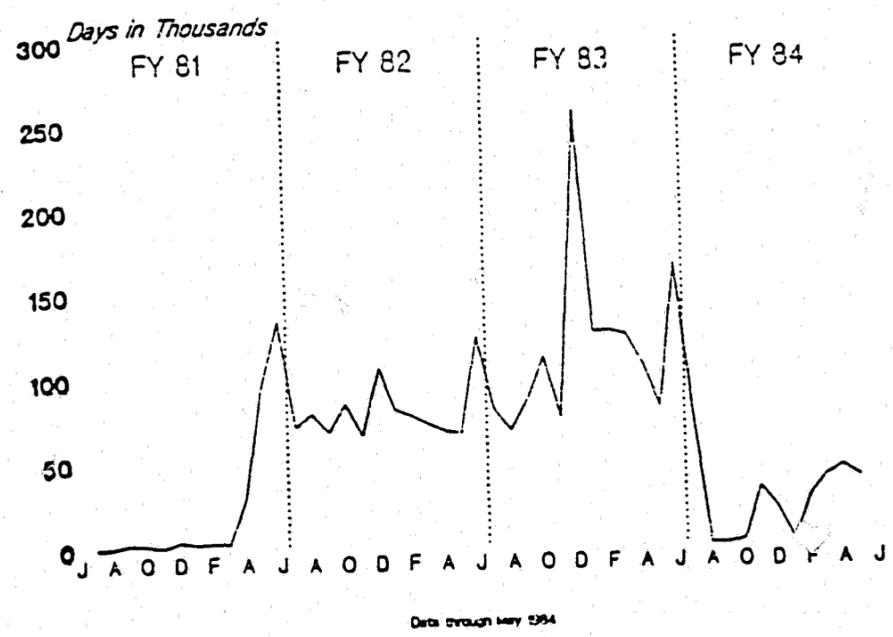
Source: IDOC Planning and Budget Division

Exhibit 4-2
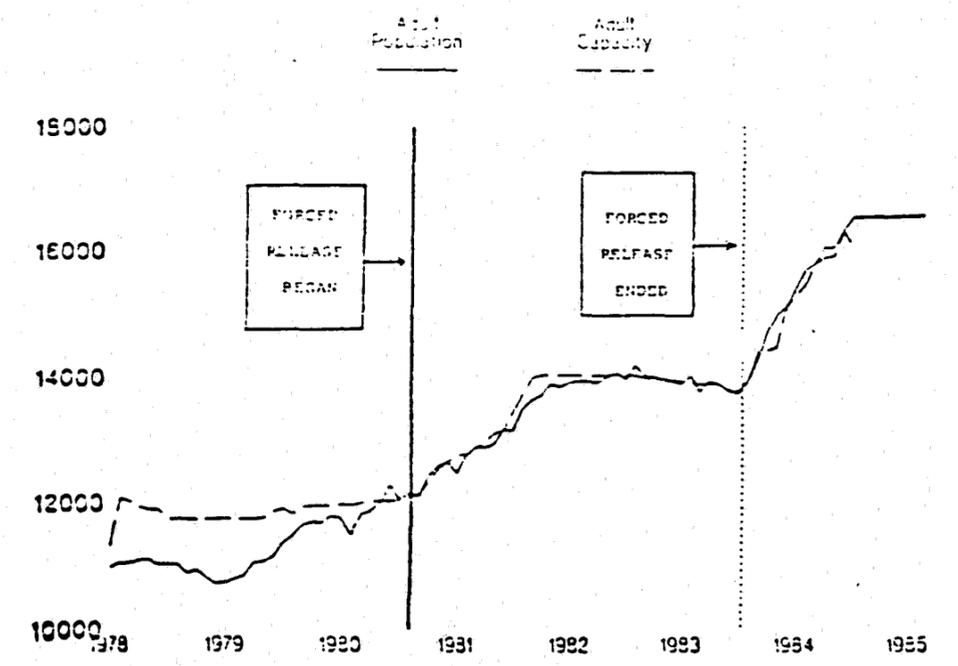
Source: IDOC Planning and Budget Division

decrease prison exits in relation to changes in prison admissions and prison capacity.

IDOC was able to rapidly expand its capacity after the Court's decision by redefining its limitations on existing prison space and by appropriating substantially more funds for the required new space (Table 4-2). A statutory limitation of 50 square feet of living space per inmate for new and renovated institutions was rescinded by the legislature allowing for more capacity per facility. Furthermore, $57 million in additional capital funds were appropriated in FY 1983 to increase IDOC's capacity by several thousand beds. With these and additional resources, the IDOC now expects to have a total bed capacity of 21,000 by 1986. (IDOC, 1983:26)

Table 4-2 also shows that in 1984 there was a significant decrease in prison admissions. Although the decrease was insufficient to match larger decreases in prison exits, it did lessen the impact of the 1983 Court's ruling. Three factors offer partial explanation for the decrease. In 1983, the legislature had also restricted commitments to prison for only offenders convicted of felonies. Misdemeanor offenders, while representing a small portion of the inmate population, did constitute several hundred prison admissions each year.

Secondly, the legislature also authorized in 1983 the funding of an intensive probation supervision program intended, in part, to divert prison commitments to intensive probation. Although this program is reported to have a slow period of implementation, it is now also believed to be making some impact on prison commitment rates.

A third and perhaps more powerful explanation lies in the steady decline in index crime arrests beginning in 1980 and continuing through the present. A more detailed presentation of state crime rate drops in relation to

TABLE 4-2

Prison Admissions, Releases, and Daily Population
Calendar Years 1970 -1984

	Prison Admissions	Prison Releases	Daily Population	Rated Capacity
Indeterminate Sentencing				
1970	4,927	6,300	8,100 *	N/A
1971	4,437	5,065	7,000 *	N/A
1972	4,375	4,656	6,200 *	N/A
1973	3,839	4,143	6,100 *	N/A
1974	4,544	4,461	6,100 *	N/A
1975	6,032	4,676	8,110	8,382
1976	6,457	4,797	10,026	11,371
1977	6,922	6,062	10,915	11,316
1978	7,423	7,778	10,654	11,742
Determinate Sentencing Begins				
1979	8,478	7,589	11,683	11,940
Early Release Begins				
1980	9,240	6,969	12,500	12,763
1981	9,858	8,444	13,994	14,470
1982	10,467	10,466	13,895	13,943
Early Release Restricted				
1983	11,084	9,480	15,437	15,318
1984	9,799	8,331	17,250	17,390

Source: Human Services Data Report: Part I, 1983-1985, Volume III. Illinois Department of Corrections.

demographic trends is made in Chapter 5. Regardless of the reasons for the decrease, its mere existence offers some direct explanation for the drop in prison admissions.*

B. Estimating The Prison Population Without Early Release

What would have been the size of the prison population had early release not existed? Two sources of information are required to answer this question: number of early releases per year and amount of MGT credits awarded per released inmate. The product of these two figures provides estimates on how much the prison population was reduced through early release. For example, if 1,000 inmates scheduled for release on December 31, 1982 had their terms reduced by one year, the population "saving" would be 1,000 inmates (or beds) who did not require housing, food, medical care and other forms of institutional care.

Using the same data presented in Chapter 3 from the NCCD study sample, estimates are presented in Table 4-3 on how many prison years or beds were saved through 1982. Bed saving estimates can be made by simply multiplying the number of early releases by length of time reduced converted into years as shown in Table 4-3. Although 1983 sample data were not collected, one can assume a continued increase in MGT awards beyond the 1982 levels through July 12, 1983 and a sharp decrease thereafter.

Using these data, the annual amount of averted prison years exceeded 2,800 by December, 1982 and dropped to 1,400 thereafter. In essence, this means that by 1982, IDOC was "floating" a 2,800 prison population in the

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*   A fourth reason cited by Chicago officials was the U.S. Department of Justice's "Operation Greylord" which led to the indictment of several criminal court judges on charges of bribery. With fewer judges available to sentence, court caseloads may have backed up and reduced court dispositions.

TABLE 4-3

Amount of Beds Saved Through Early Release
1980 - 1983

Calendar Year	Early Releases	X̄ MGT	Estimated Averted Prison Years
1980	2,230	75 days	458
1981	5,066	88 days	1,221
1982	8,373	123 days	2,822
1983	5,688	90 days	1,403
TOTAL	21,357	100 days	5,904

community who without MGT awards would have otherwise been imprisoned. If one pools the total averted prison years and the average population from 1980-1984, one can calculate that early release reduced the population by over 10 percent (5,904 averted beds ÷ 55,826 total daily population).

C. Long-Term Impact of Early Release

If the practice of early release is continuing, what is the long-term impact on future population growth? Table 4-4 portrays the current projection of the IDOC population through 1994.* Significantly, this projection produces a 21,000 population by 1993 - well within IDOC's plans to increase its prison capacity to 21,000 by 1986. Based upon these estimates the pace (and cost) of new construction has been substantially lessened and is within the fiscal limits of the state.

This projection model has two key assumptions: (1) that the annual number of prison commitments will remain constant and (2) that most (80 percent) inmates will continue to receive an average of 75 MGT credits. The admission assumption is grounded in a slightly increasing at-risk population as projected by Illinois demographers, a declining crime rate, and the recent implementation of an intensive felony probation supervision program. The MGT assumption is predicated upon current IDOC policy which continues to award MGT credits as long as they do not exceed 90 days for any one inmate. All budget projection requests for operating and capital funds are now expected to include the 75-day MGT rate. In other words, the "emergency" use of MGT credits is now institutionalized and functions as a safety valve permitting IDOC to maintain a population well within its bed capacity. However, if MGT credit

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* Projections based on the NCCD simulation model. This increase despite a flat admission rate is driven by the lengthy sentences of the Class M, X, and 1 offenders who now occupy over 55 percent of the daily population.

TABLE 4-4

Projected IDOC Population and Capacity
Calendar Years 1985-1994

Fiscal Year	Population	Planned Capacity
1985	17,672	17,598
1986	18,704	19,837
1987	19,105	20,831
1988	19,570	--
1989	20,004	--
1990	20,277	--
1991	20,828	--
1992	21,306	--
1993	21,607	--
1994	21,583	--

* Based on IDOC/NCCD simulation projection model. Numbers reflect mid-year projections.

** Based on IDOC internal planning documents.

assumption is removed from the projection model, the inmate population would increase by approximately 1,300 inmates by 1993 or approximately two additional 650 person prisons.

D. Summary

o   Over the four year period analyzed, 5,904 prison years were averted which represented a 10 percent reduction in the projected prison population had early release not existed.

o   Illinois ability to avoid overcrowding has also been tied to its ability to rapidly expand its bed capacity, a decreasing admission rate fueled by demographics and lower crime rates, and, legislative policy designed to divert convicted felons and misdemeanors from prison.

o   By restricting admissions, reducing length of stay by marginal amounts for a significant proportion of the inmate population, and increasing prison capacity, the Illinois prison system averted a prison crowding crisis.

CHAPTER 5

DID EARLY RELEASE INCREASE CRIME?

Increasing the rate of release from prison of offenders known to have a certain probability of recidivism will necessarily increase the amount of crime present in society. At issue is whether the practice of reducing an inmate's prison term by three to four months across a high proportion of prisoners produces a significant or insignificant increase in the total crime picture. And the question has important implications for incapacitation theory.

Incapacitation theory asserts that crime is directly reduced by isolating highly active offenders from society through imprisonment for substantial periods of time. As long as these offenders are incapacitated during their period of high criminal activity they are unable to commit crimes against the public. Selective incapacitation as promoted by Greenwood and Abrahamse (1982) takes the concept one step further by arguing that by carefully extending or reducing prison terms for high and low risk prisoners reductions could be achieved in crime rates as well reductions in prison population growth (Greenwood and Abrahamse, 1982). In this best of both worlds, Greenwood and Abrahamse found that inmates serving prison terms for robbery and burglary in three states are low or medium risk offenders who could have their prison terms reduced without significantly increasing crime rates. Only a minority of offenders are high risk inmates who should be incarcerated beyond their current sentence lengths as they are very likely to commit large numbers of crimes upon release (in excess of 250 per year). Incapacitation of these high risk offenders beyond current sentences produce the decline in crime rates.

Indiscriminate use of an early release theoretically weakens incapacitation effects by allowing the high risk offender (as well as low risk

offenders) to return sooner to the community and commit crimes that otherwise would not have occurred. However, if selectivity is used the extent of crime attributable to early release is reduced. The concept of preventing crime through incapacitation argument is quite weak in the context of the Illinois early release program where keeping inmates confined for an additional 90 days would serve to at best delay but not necessarily prevent crimes. Prevention through incapacitation is feasible only by lengthening prison terms by years (not days) for high risk inmates. This also assumes that a substantial number of society's crimes can be attributed to the relatively small number of inmates released each year. If not, crime rates in general will remain constant or perhaps even decrease despite the early release practice.

Several levels of analysis are done to determine if reducing prison terms (1) affected the probability that an inmate will again commit additional crimes and (2) substantively increased the amount of crime occurring in Illinois. Both parole revocation and the more sensitive police arrest measures are used to calculate various recidivism rates across a number of relevant comparison groups. Simulations of two well-known risk models (RAND Selective Incapacitation and California Base Expectancy) are also conducted to assess their overall predictive efficiency and to what extent early release negated selective incapacitation effects but releasing high risk prisoners whose terms should have been extended not reduced.

A. Definitions of Recidivism Data

Whenever recidivism rates are used to assess the relative success of a particular program or policy, a great deal of skepticism is injected into the findings by critics claiming that the data used to calculate recidivism rates were not valid. Parole violation rate, a frequent source of recidivism, is believed to be both unreliable and invalid. The criteria for violations is at

best uneven and easily manipulated by parole officers and boards. It is also believed by many that parole violations underestimate the actual amount of crime being committed by released inmates (i.e., Type II error). Self-report surveys may over-estimate actual criminality caused by a few offenders who greatly exaggerate the frequency of their criminal behavior. Arrest data suffers from criticisms of both over and under-estimating actual rates. Many arrests turn out not to be valid and many offenders are never arrested for crimes they actually committed (i.e., Type I error). Maltz (1984) concludes that no single source is wholly accurate and that whenever possible, multiple indicators of recidivism should be used. However, he also argues that arrest is the preferred middle ground indicator of recidivism in the context of avoiding Type I and Type II errors.

To strengthen the validity of these findings two forms of recidivism (R) are initially applied to the analysis: (1) official arrests (R_a) and (2) parole violations resulting in a return to prison (R_v). Arrest data were collected from the Illinois Bureau of Investigation (IBI) which has responsibility for maintaining statewide criminal records of all arrested adults in Illinois. The completeness of these arrest records is considered to be quite high according to Illinois law enforcement officials. All police agencies must participate in the automated system which requires that all felony arrests (Classes M, X, 1, 2, 3, and 4) and serious non-traffic misdemeanor arrests be reported via fingerprint cards to the IBI.* In general, IBI rap sheets provide an accurate arrest history of each inmate both prior to and

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* These misdemeanor offenses reflect charges of drug possession, property damage, and disorderly conduct. Traffic control violations (e.g., speeding, parking, etc.) are excluded. However, DUI, hit and run and other serious motor vehicle crimes are included.

after the period of incarceration being studied. They also allow precise estimations of how many arrests in Illinois are attributable to released inmates.

Prison records were also checked to determine which inmates were returned to prison within one year as parole violators (R_v) either (1) with a new sentence or (2) as a technical violator. Since all arrests of inmates on community supervision are reported to the IDOC supervision agents for review and appropriate action, one assumes that minor or inappropriate arrests do not result in a return to prison.

Nonetheless, both R_a and R_v do not adequately control for measurement errors which exclude released inmates who are never arrested but commit large amounts of crime. A mounting wave of evidence has resulted from a number of juvenile and adult studies (Petersilia, 1980; Peterson et al., 1980; Elliott, 1980; U.S. Department of Justice, 1974) showing that substantial amounts of crime are not captured in official reports to the police and even less in police arrests. The only known method for counting unreported crimes is through self-report interviews which could not be attempted here given the period of prison exits selected for this study (1979-1982). Consequently, the amount of crime committed by released inmates is under-stated but at some unknown level.

Finally, the problem of measurement (or instrumentation) bias is of less concern in evaluating the impact of early release on crime. One can assume, especially for the arrest data, that the measurement error is randomly distributed among the early and normal release groups. Police had no means of knowing who were the early releases which might produce a differential arrest policy for only the early releases.

B. Overall Recidivism Rates For All Prison Releases

Arrest data were the most flexible and powerful source for computing recidivism rates. Each arrest on the 1,428 rap sheets received was coded according to date of arrest, type of crime, disposition (if available), sentence (if available), and length of incarceration (if available or relevant). The length of incarceration(s) associated with each arrest was necessary to purify the time at risk (or street time). In total, the 1,428 sampled cases produced over 17,000 arrests reflecting both pre- and post-release crimes. These arrests were then sorted and merged with the inmate prison file to form a complete record of the inmate's entire arrest history, social characteristics, and imprisonment record. The structure of this comprehensive data file allowed computation of the following recidivism measures:

1. Fixed-Length Follow-Up Recidivism: Reflects the proportion of inmates re-arrested within a fixed period of time after release (12, 24, or 36 months). In this study the 12-month follow-up period is used as it allows for inclusion of the entire sample in the analysis. Also included were the types of crimes committed within the 12-month period.

2. Survival Rate Recidivism: Refers to the proportion of not yet arrested inmates arrested per unit of time (e.g., month, quarter, etc.). Also known as failure-rates.

3. Suppression Rate Recidivism: Refers to the arrest rate occurring after release compared to the arrest rate prior to incarceration within a fixed unit of time. In this study the average number of arrests occurring 12 months before and after imprisonment is used.

Parole revocation data were coded in a fashion which permitted computation of fixed rate measures for the 12-month time frame only. They obviously have no relevance to computing suppression rates or survival rates.

Table 5-1 presents recidivism rates for the entire 1,428 sample using these three measures. A significant proportion of the release sample were arrested: 44 percent within 12 months, 56 percent within 24 months, and 61 percent within 36 months. These fixed-length rates are consistent with other

TABLE 5-1

RECIDIVISM MEASURES AND RATES
1979-1982 RELEASES

I. Fixed Length Follow-Up Rates

A. Proportion Failing	N	% Arrested	Return to Prison *
12 Month Follow-Up	1,428	43.6	17.4
24 Month Follow-Up	748	51.9	N/A
36 Month Follow-Up	368	61.3	N/A

B. Type of Arrested Crimes (12 Month Follow-Up)

	N	%
Violent Offenses		
Murder	7	1.1
Assault (and Battery)	76	12.2
Robbery	50	8.0
Rape	9	1.4
Arson	3	0.5
Property Offenses		
Burglary	75	12.1
Theft	153	24.6
Vandalism	29	4.7
Weapons Violations	33	5.3
Drugs (Sale & Possession)	50	8.1
Traffic Violations (DUI Included)	38	6.1
Other (Misc., Fraud, Spouse Abuse, FTA, Interfere with Law Enforcement)	98	15.8
TOTAL	621	100.00

* Returned to prison with a new conviction and sentence or as a parole technical violator. Approximately one third of the 17.4% are parole technical violators.

TABLE 5-1 (Cont.)

II. Survival Rates (12 Months)

Internal	Surviving Cases	Arrested Cases	Monthly Arrest Rate
Month 1	1416	91	0.0643
Month 2	1325	72	0.0543
Month 3	1253	79	0.0630
Month 4	1174	76	0.0647
Month 5	1098	49	0.0446
Month 6	1049	38	0.0362
Month 7	1011	52	0.0514
Month 8	959	42	0.0438
Month 9	917	29	0.0316
Month 10	888	40	0.0450
Month 11	848	36	0.0425
Month 12	812	17	0.0209

III. Suppression Effects (12 Months of Street Time)

	Average Arrests 12 Months Prior to Imprisonment	Average Arrests 12 Months After Imprisonment	Suppression Effect
Original	2.47 arrests	.83 arrests	.664
Modified	1.47 arrests	.83 arrests	.436

recent studies of recidivism. Petersilia's et al., (1985) analysis of felony probationers from Oakland and Los Angeles, California also found that 65 percent were re-arrested at least once within a 40-month follow-up period while on probation. A study by the Illinois Criminal Justice Information Authority using a random sample of 411 inmates released from IDOC during April through June of 1983 also found that 44 percent were re-arrested within twelve months of release (ICJIA, 1984).

The 12-month parole violation rates resulting in return to prison were significantly lower than arrests but also consistent with other studies of parole performance.* The Bureau of Justice Statistics (BJS) which now collects Uniform Parole Reports (UPR) statistics surveyed 14 states which reported a 15 percent return rate to prison for parole violations within the first year of release (BJS, 1984). This rate is similar to previous statistics reported since 1965 by NCCD through the Uniform Parole Reports (UPR) project.

In terms of the types of crimes released inmates are arrested for within the 12-month period, less than 25 percent were arrests for violence. The most frequent offense types were:

- Theft (25 percent)
- Burglary (12 percent)
- Assault (12 percent)
- Robbery (8 percent)
- Drugs (sale and possession - 8 percent)

Failure rate analysis is more complicated but provides for a more dynamic picture of the post release arrest process. Arrest rates are calculated for

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* The low rate of return to prison is also consistent with Petersilia's critique of probation. Her analysis showed that of the 65 percent arrested within three years while only 22 percent were returned to prison after 40 months.

only those "survivors" who have not been arrested to date. For each month a new calculation is made by deleting cases who failed in the previous month which provides for a "moving" recidivism rate over time. As expected and consistent with other studies (Maltz, 1984) the rates are highest during the early months of release and gradually decline thereafter (Table 5-1).

Finally, suppression effects show a sharp reduction in the arrest rate after imprisonment. Inmates recorded a mean number of 2.47 felony arrests 12 months of street time prior to their current imprisonment. However, after imprisonment the arrest rate declines substantially to an annual mean rate of .83, also controlling for street time.

Some would argue that a more correct method for calculating the post release reduction effects would be to delete the arrest which triggered the current incarceration. Such a modified approach produces a .436 suppression ratio. Since all prison releases must have at least one prior arrest to be included in this sample, suppression ratios may erroneously attribute reductions in rates of offending to imprisonment when, in fact, it may only be a spurious relationship. The "suppression" effect may simply be an artifact of maturation or regression to the mean. On the other hand, removing the arrest leading to prison also means deleting real information on the offender's arrest pattern. In a fully deterministic model of punishment, one arrest would trigger incarceration with no criminal activity (and thus no arrests) after release. However, these cases would show no suppression effect.

Regardless of the correct method for calculation, both methods show substantial differences between pre- and post-incarceration arrest rates. These differences are consistent with previous studies in juvenile corrections which also reported substantial suppression effects in the .60 to .70 range regardless if the intervention is incarceration or probation (Maltz, 1984).

Considerable debate exists in the field as to whether these suppression effects occur due to either the intervention (in this case the intervention of imprisonment) or three other related forces: (1) maturation (2) regression to the mean or (3) selection artifacts. On a related matter, the presence of suppression effects raises serious questions on estimates of undetected crimes committed by criminals that would have occurred had incarceration not occurred (i.e., the assumption of a constant rate of offending over time). Incapacitation models of career criminality often assume constant rates of offending over time, independent of specific deterrence effects resulting from the experience of arrest, pretrial detention, prosecution, sentencing to probation, jail or prison, or maturation. These data, along with the survival rate analysis, suggest otherwise and argue that models using constant recidivism rates are exaggerating actual crime rates for released inmates.

In summary, the various measures of recidivism provide baseline measures on the prevalence, frequency, and form of recidivism upon which the impact of early release will be assessed. The most significant trends are as follows:

- Almost half of released inmates are re-arrested after one year of release. However, a much smaller proportion (17 percent) are actually returned to prison.

- The most frequent crimes committed by released inmates are not crimes of violence.

- Survival rate analysis shows that the rate of failure steadily declines over time.

- Suppression rate analysis shows that the arrest rate declines sharply after imprisonment.

C. Time Series Recidivism Rates Prior to and After The Introduction of Early Release.

The study sample allows comparisons of inmate re-arrest rates both before and after the introduction of the early release policy. Fixed-length arrest rates for the standardized 12-month risk period for all released inmates can

thus be compared over time. If early release was having an adverse affect, one would expect a rising re-arrest and/or parole return rate for inmates released after June 1, 1980, in relation to the growing reduction in prison terms. Conversely, if prison term reduction was not related to recidivism, the rates should remain fairly stable assuring no other factors intervene over time which could influence recidivism measures.

Table 5-2 reports the 12-month re-arrest and parole violation rates by six-month cohort intervals of released inmates. Over the 42-month period analyzed, there are some fluctuations but not in a consistent direction. Prior to early release, the base rates for arrest of those released ranged from 43.6 percent to 41.4 percent, well within the entire sample base rate of 43.6 percent. Thereafter, the rate decreased slightly until there was a major jump to 49.1 percent for inmates released during the last six months of 1981. Thereafter and during the most liberal use of early release, the rate returned to a more normal range of 44.2% to 41.9%. Thus, with the exception of the one six month interval the re-arrest rate remained quite stable.

Similar conclusions can be drawn using parole violation rates. Although there is a slight increase for inmates released during 1981 (20.3% rate), it then decreases in 1982 during which early release was at its highest peak.

One of two possible confounding factors in this analysis would be that inmates released during the Forced Release program were not comparable to inmates released the year prior to Forced Release. In other words, inmates released June 1, 1980 through December 31, 1982 represented different risks compared to inmates released prior to the early release program period. To determine the extent of this problem, cross-tabulations were completed on 35 variables by the two release periods.

TABLE 5-2

Proportion of Prison Releases Re-Arrested or Returned to Prison
Within Twelve Months of Release Date
By Six Month Release Periods

Recidivism Measure	Six Month Time Intervals							
	07/01/79* 12/31/79*	01/01/80* 06/01/80*	06/02/80 12/31/80	01/01/81 06/30/81	07/01/81 12/31/81	01/01/82 06/31/81	07/01/82 12/31/82	TOTAL
Re-Arrested	43.6%* (172)	41.4%* (128)	39.8% (201)	39.7% (209)	49.1% (222)	44.2% (190)	41.9% (244)	43.6% (1366)
Parole Violators Returned to Prison	15.4% (188)	17.3% (133)	17.9% (212)	20.3% (217)	20.3% (246)	13.1% (206)	17.2% (273)	17.4% (1483)

* Represents time periods prior to the implementation of Forced Release Policy.

Results showed that only nine variables were found to discriminate inmates released during these two release periods (Table 5-3). Inmates released prior to the early release program were more likely to have histories of adult and juvenile heroin/barbiturate abuse, and to use a weapon in the offense. Inmates released during the early release program had higher incidents of felony arrests and prison commitments and were more likely to have a history of alcohol abuse. The contradictory directions of these items may be the result of random measurement error or real changes in inmate characteristics. Regardless of the actual basis for these differences, inmates released prior to June 1980, may represent slightly lower risks but not at a level to reject preliminary evidence that early release had no relationship to inmate re-arrest and parole violation rates over time.

D. Recidivism Rates for Early Releases and Non-Early Releases

To more closely evaluate the effects of reducing prison terms on inmate recidivism, the study sample was separated according to early release categories and inmates serving their full terms. Since early release actually represents both forced releases and inmates receiving the other form of MGT credits, analysis is done first for forced releases versus non-forced releases and then by the proportion of prison term reduced (R_I) as defined in Chapter 3. This analysis is limited only to those inmates released while the early release program was operational (i.e., after June 1, 1980). This is done to control for factors such as change in arrest practices or inmate characteristics over time. Each of the three major recidivism measures are applied using only the arrest data.

1. Fixed length follow-up analysis (12 months).

Table 5-4 summarizes the fixed length recidivism rates by a number of release groups reflecting the amount of time reduced by early release. Prisoners who received no MGT credits reported the highest re-arrest rates

TABLE 5-3

Cross-Tabulation of Released Prisoner Characteristics
By Period of Release

	Pre Early Release (N=352)	Early Release (N=1190)	Total Releases (N-1542)
History of Alcohol Abuse	24.15%	29.75%	28.47%
History of Heroin/Barbiturate Abuse	31.53%	24.69%	26.25%
History of Juvenile Heroin/Barbiturate Abuse	7.71%	4.29%	5.06%
History of Marijuana Abuse	31.52%	44.87%	42.23%
Use of Weapon	43.68%	34.65%	36.69%
$\bar{x}$ Prior Felony Arrests	7.11	8.43	8.08
$\bar{x}$ Prior Prison Terms	1.67	1.89	1.84

TABLE 5-4

Proportion of Inmates Rearrested
Within 12 Months of Release
By Early Release Groups*

Incarceration Reduction	N	%
No Reduction	338	48.52
Prison Term Reduced	752	41.75
Amount Reduced (R_I)		
.001 - .070	184	40.76
.071 - .125	198	38.89
.126 - .211	189	40.21
.212 and above	181	47.51

* Includes only cases released after June 1, 1980 through December 31, 1982.

(48.52%) compared to those receiving some amount of MGT credits (41.75%).
Interestingly, all but one of the four release groups receiving MGT credits
report significantly lower re-arrest rates - that being those inmates having
their terms reduced by over 21 percent. Why this group has such a high rate
is discussed later on in this section.

We also examined the _types_ of crimes for which releases were re-
arrested. Table 5-5 contrasts the types of crimes for all releases after June
1, 1980 with those arrests occurring (1) just for the early releases and
(2) within the time frame for which early releases would have otherwise been
incarcerated had MGT credits not been granted. These results show that early
release arrests, compared to all releases, tend to be less likely for violent
crimes (homicide, rape, kidnapping, robbery and assault) and more likely for
property crimes (burglary, theft, auto theft and vandalism).*

2. Survival Rates

Similar results are shown using the quarterly survival rates (Table 5-6).
Using the R_I release categories, inmates with no reduction in their prison
term have the highest failure rate compared to inmates with prison term reduc-
tion with one exception: inmates having their terms reduced by more than
21 percent. This group again reports a significantly higher rate during
months 4-6 but thereafter drops off quite rapidly.

3. Suppression effects

Here a slightly different trend emerges then reported previously.
Although the no reduction group reports the lowest suppression effects (.632)

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* These rates differ somewhat from Table 5-1 due to different sample
selection criteria (i.e., only cases released after June 1, 1980).

TABLE 5-5

Type of Crime Arrested For
By Release Type

Offense Type	All Releases	Early Release Arrests*
Violent Crimes		
Homicide	1.3%	0.5%
Rape	1.3%	0.5%
Kidnapping	0.2%	0.0%
Robbery	6.4%	5.7%
Assault and Battery	11.8%	9.0%
Arson	0.4%	1.0%
Property		
Burglary	9.3%	13.7%
Theft	26.3%	29.2%
Auto Theft	1.7%	1.9%
Vandalism	6.1%	8.0%
Fraud	2.5%	0.0%
Other		
Weapon Violations	3.6%	4.3%
Other Sex Crimes	1.8%	0.5%
Controlled Substance	6.1%	6.2%
Motor Vehicle Offenses	6.2%	5.7%
Disorderly Conduct and Misc. Offenses	15.0%	14.8%

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* Refers only to those crimes occurring during the time frame for which early releases would have been incarcerated if MGT credits were not granted.

TABLE 5-6

Quarterly Survival Arrest Rates
By Early Release Group

Incarceration Reduction Levels	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4
No Reduction	19.4%	13.3%	12.4%	11.2%
Amount Reduced (R_I)				
.001 - .070	14.8%	13.3%	12.7%	11.5%
.071 - .125	17.2%	11.8%	9.4%	8.9%
.126 - .211	12.6%	12.1%	12.6%	10.6%
.212 and Above	16.8%	20.8%	13.9%	9.5%
All Releases	17.1%	13.9%	12.2%	10.5%

the over 21 percent group has a slightly above average .668 rate which means greater suppression of post-incarceration arrest rates.

Suppression effect analysis, despite its methodological weaknesses, does begin to clarify the relative importance of time reduction versus an inmate's overall risk level in explaining post-release behavior. By using the mean number of arrests prior to incarceration, the suppression effect measure partially controls for the inmate's risk level, since the extent of prior arrests has been found elsewhere to be a good predictor of future criminal behavior.

Table 5-7 shows that the no reduction group and the 21 percent R_I groups have both the highest pre-incarceration arrest rates and the highest post-incarceration rates. In other words, they contain the most criminally active inmates prior to imprisonment. One would then expect them to also have higher post-incarceration arrest rates which was shown earlier using the fixed-rate and survival rate recidivism measures.

Since all of the early released groups had relatively similar suppression rates, it also suggests that the 21 percent and over group had other characteristics which put them at a greater risk to be re-arrested independent of the R_I factor. The central question to be pursued in the next section is what other factors are associated with post-release arrest independent of the R_I effects.

E. Other Factors Predictive of Recidivism

A more rigorous test for assessing the independent effects of R_I on recidivism is to do multivariate analysis using regression techniques. Such analysis has related policy implications for states setting criteria for determining eligibility for early release; are they using appropriate criteria, and if not, what criteria should be used for determining early release.

To identify the relevant criterion variables, bivariate analysis was first done of 35 factors by the proportion of inmates' re-arrests within 12 months of

TABLE 5-7

**Twelve Month Follow-Up Suppression Effects
By Early Release Group**

Incarceration Reduction	$\bar{x}$ Annual Arrests 1 Year Before Prison	$\bar{x}$ Annual Arrests 1 Year After Prison	Suppression Effect
No Reduction	2.69	.99	.632
Amount Reduced			
.001 - .070	2.14	.69	.678
.071 - .125	2.17	.80	.631
.126 - .211	2.50	.67	.732
.212 and above	2.53	.84	.668
All Releases	2.48	.84	.661

release. Eighteen items were found to be associated with higher rates of re-arrest as shown in Table 5-8. Significantly, neither the absolute amount of MGT credits nor R_I proved to be associated with re-arrest. Amount of time-served was inversely related to re-arrest (i.e., increasing amounts of time-served associated with decreasing arrest rates) but this variable is also associated with other relevant predictor variables - especially type of offense committed to prison and age.

A series of stepwise multiple regression analyses were then done to sort out which of these 18 items were the best predictors of post-release recidivism. Length of time served, MGT days, and R_I were also entered to determine their relationship among these other variables. The regressions used Ordinary Least Squares (OLS) with the dependent variable of mean number of arrests within one year of release. Separate runs were done according to three classes of released inmates:

1. All released inmates
2. Early Releases
3. Non Early Releases

Results show that age and prior arrests are consistent predictors of post-release arrest (Table 5-9). Conversely time served, R_I, and total MGT credits failed to enter the regression equation. And the Tot R^2 of these equations is quite modest.

More exhaustive analysis was also done using a dichotomous dependent variable (arrested/not arrested) for only more serious arrests (murder, man-slaughter, assault, robbery, kidnapping, burglary, and auto theft) within a logistic regression model with similar results. The emerging policy implication is that relatively minor adjustments in time-served have little influence on the probability of recidivism compared to the more powerful factors predictive of recidivism.

TABLE 5-8

Factors Associated With Re-Arrest Within One Year of Release

Items	Re-Arrest Rate
A. Personal Characteristics	
Race (black)	.493
Employment (unemployed at admission)	.506
Marital Status (single-never married)	.490
Age (under age 24 at release)	.523
B. History of Heroin/Barbituate Abuse	.550
C. Prior Criminal History	
Prior Felony Arrests (12 or more)	.676
Prior Jail Sentence (1 or more)	.548
Prior Probation Sentence (1 or more)	.521
Prior Prison Sentence (3 or more)	.684
Prior Juvenile Commitment (1 or more)	.593
D. Instant Offense	
No Weapon Involved	.483
Offense Class (2, 3, 4)	.470
E. Incarceration Factors	
Disciplinary Grade at Release (B or C)	.514
History of Demotion to Grade B or C	.511
Security Level at Release (maximum)	.534
History of Adm. Segregation	.493
Time Served (less than 625 days)	.516
Parole Record (returned this term)	
F. Community Supervision	
Special Conditions Imposed	.477
Released to Parents	.486
Overall Re-Arrest Rate	.436

TABLE 5-9

Stepwise Multiple Regression Analyses
On Mean Number of Post-Release Arrests

Model I - All Releases

Variable Entered	Beta	Type II SS	F	Prob F
Prior Arrests	.051	93.75	72.07	.0001
Age at Release	-.301	44.78	34.43	.0001
Prior Parole Violation	.457	22.56	17.34	.0001
Weapon Use	-.272	15.43	11.86	.0006
Prior Imprisonment	.059	6.58	5.06	.0247
Prior Juvenile Commitment*	-.250	5.89	4.53	.0336
Security Level at Release	-.207	5.89	4.52	.0336

Total R Square = .216

Model II - Early Releases Only

	Beta	Type II SS	F	Prob F
Prior Arrests	.058	122.14	103.76	.0001
Age at Release	-.305	29.83	25.34	.0001
Weapon Use*	-.364	18.40	15.63	.0001
Prior Parole Violation	.488	11.55	9.81	.0018

Total R Square = .200

Model III - Non Early Releases

	Beta	Type II SS	F	Prob F
Prior Arrests	.055	52.08	35.59	.0001
Age at Release	-.340	22.67	15.49	.0001
Discp. Grade Demotion	-.376	14.61	9.98	.0017
Prior Imprisonment	.112	9.53	6.51	.0110
Offense Class	.282	8.05	5.50	.0194
Prior Parole Violation	.318	7.18	4.91	.0272

Total R Square = .232

* Variable coded so that 1 = yes and 2 = no.

F. Risk Model Simulations

A related objective of this research was to learn if well known risk models could be validated on the Illinois sample. In particular, considerable interest was focused on the controversial RAND selective incapacitation scale: a post-dictive scale based on the self-reports of incarcerated inmates in California, Texas, and Michigan (Greenwood and Abrahamse, 1982). Could similar results be achieved using official data on Illinois prisoners and how would this model classify the early releases?

In addition to RANDS's Selective Incapacitation scale, the 1961 California Base Expectancy scale was also simulated. The items used in both models are shown on the following page. Both models were found to effectively sort inmates according to actual probabilities of re-arrest (Table 5-10). This finding is perhaps more remarkable given the known difficulties of transferring models developed on unique study samples to more generic and less precise data bases. It is also noteworthy that using each model's risk categories shows that the estimated proportion of high risk inmates released from Illinois prisons ranges from 11.2 percent (RAND SI) to 11.4 percent (California BE).

A third model was then constructed using the results of this study (hereafter referred to as NCCD SI). This scale uses ten factors as shown on the following page. Compared to the BE and RAND SI, the NCCD SI, shows a better fit in sorting inmates according to observed re-arrest rates (Table 5-11). This higher level of predictiveness is a function of being able to fine tune predictor items within a unique construction data base. One can expect some level of deterioration of these scores if applied to a validation sample. Nevertheless, it also suggests that more accurate risk models can be constructed within the confines of official data files and by including items reflecting the inmate's in-custody behavior.

TABLE 5-10

California Base Expectancy and
RAND Selective Incapacitation Scales

Proportion of Releases Re-Arrested
Within 12 Months of Release

BE Score	N	%	Re-Arrest Rate
30 - 34	18	1.3	0.0%
25 - 39	14	1.0	28.6%
20 - 24	194	13.6	19.6%
15 - 19	259	18.1	31.3%
10 - 14	474	33.1	50.4%
5 - 9	308	21.5	51.3%
0 - 4	163	11.4	65.6%
TOTAL	1430	100.0	43.8%

	RAND SI	N	%	Re-Arrest Rate
Low	0	80	5.7	23.6%
	1	331	23.4	32.0%
Medium	2	514	36.3	45.3%
	3	332	23.5	47.3%
High	4	104	7.3	67.3%
	5	44	3.1	63.6%
	6	10	0.7	70.0%
	7	0	0.0	0
TOTAL		1415	100.0	43.7%

RAND Selective Incapacitation Model

1. Incarcerated more than half of the two-year period preceding the most recent arrest. Yes = 1, No = 0.

2. A prior conviction for the crime type that is being predicted.

3. Juvenile conviction prior to age 16. Yes = 1, No = 0.

4. Commitment to a state or federal juvenile facility. Yes = 1, No = 0.

5. Heroin or barbiturate use in the two-year period preceding the current arrest. Yes = 1, No = 0.

6. Heroin or barbiturate use as a juvenile. Yes = 1, No = 0.

7. Employed less than half of the two-year period preceding the current arrest. Yes = 1, No = 0.

Scale: High   4-7
       Medium 2-3
       Low   0-1

1961 California BE Model

Calculation of Base Expectancy Raw Scores

No Prior Record.....................................10

Limited Prior Record (Not more than two jail
  or juvenile or one prison commitment)...............4

Homicide, Assault, or Sex as most serious
  commitment offense under this serial number.........6

Not Burglary, Forgery, or NSF Checks as most
  serious commitment offense under this serial
  number..2

Age 30 or Older in year of release to parole..........3

No History of any Opiate Use.........................8

Original Commitment..................................1

    TOTAL Possible Score   34

Scale:	Low Risk	30 - 34
		25 - 29
	Medium Risk	20 - 24
		15 - 19
		10 - 14
	High Risk	0 - 11

NCCD Selective Incapacitation Model

Offense Class		Age at Release	
Class M	= 0	45 + years	= 0
Classes X & 1	= 1	30-44 years	= 1
Classes 2-3	= 2	24-29 years	= 2
Class 4	= 3	18-23 years	= 3

Prior Arrests		Prior Parole Violation	
0 - 3	= 0	No	= 0
4 - 6	= 1	Yes	= 3
7 - 11	= 2		
12 +	= 3		

Prior Juvenile Commitment		Weapon Used in Offense	
No	= 0	Yes	= 0
Yes	= 3	No	= 3

Prior Imprisonment (Jail or Prison)		History of Heroin/Barbituate Abuse	
None	= 0	No	= 0
1	= 1	Yes	= 3
2	= 2		
3	= 3		

History of Disciplinary Grade Demotion		Security Level at Release	
No	= 0	Min/Med	= 0
Yes	= 3	Max	= 3

Scale:	0 - 5	Low/Low Risk
	6 - 10	Low Risk
	11 - 14	Moderate Risk
	15 - 20	High Risk
	21 & Above	High/High Risk

TABLE 5 - 11

Simulation of NCCD SI Scale On All Released Inmates

Category	Points	N	%	% Re-Arrested
Low/Low Risk	0 - 5	92	6.5	4.2
Low Risk	6 - 10	481	34.0	23.5
Moderate Risk	11 - 14	498	35.2	46.9
High Risk	15 - 20	308	21.8	67.7
High/High Risk	21 +	37	2.6	86.5

TABLE 5-12

Early Release Membership and Length of Time Served by SI Risk Levels

Risk Category	Proportion of Releases*	Proportion of Inmates Within Risk Class Receiving MGT Credits**	Median Time Served
RAND SI			
Low	29.1%	62.29%	639 days
Moderate	59.8%	55.56%	633 days
High	11.1%	44.03%	739 days
NCCD SI			
Low/Low	6.5%	46.74%	981 days
Low	34.0%	58.21%	595 days
Moderate	35.2%	60.64%	615 days
High	21.8%	51.62%	688 days
High/High	2.6%	32.43%	841 days

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* Column percentages
** Row percentages

Focusing exclusively on the RAND and NCCD models, we then cross-tabulated risk levels by both early release membership and amount of time-served. Our interest was to learn if the early releases tended to represent lower public safety risks and/or were serving shorter prison terms. Both the RAND and NCCD scales were used since they have the smoothest re-arrest probability distributions and are of the greatest interest to IDOC and other state officials.

Although the relationships are modest, they are systematic (Table 5-12). Inmates not selected for early release (i.e., not receiving MGT credits) also served longer terms and represented the higher public safety risks. The major exception to these trends is the NCCD SI Low/Low risks who tended not to receive MGT credits and had lengthier periods of incarceration. This is undoubtably a residual effect of incorporating the class of crime for which an inmate was imprisoned in the NCCD SI scale. For example, convicted murderers (including manslaughter) tend to be overrepresented in this group and also have minimal prior criminal records, good institutional conduct records, are older at the time of release but also serve lengthier prison terms. They also tend not to be selected for early release by virtue of their crimes. The RAND SI model did not use the instant offense factor as it was constructed on homogenous classes of robbers and burglars only.

In general, the early releases were better public safety risks not because they served shorter terms but because IDOC's criteria for early release favored good institutional conduct and lower security levels which were also inversely related to recidivism. This interaction is more clearly shown in Table 5-13 which summarizes these primary factors associated either with early release selection and/or re-arrest. For example, inmates committed to prison for property crimes were more likely to be selected for early release (a positive relationship) but also were more likely to be re-arrested (also a positive

TABLE 5-13

Primary Factors Associated with
Early Release Selection and Re-Arrest Probabilities

	Early Release	Re-Arrest
Offense Class - Property	+	(+)
History of Administrative Segregation	-	(+)
Maximum Security at Release	-	+
Prior Felony Arrests	0	+
Age at Release	0	+
History of Heroin/Barb Abuse	0	+
SI Scales-High Risk	(-)	+

+   indicates significant positive relationship
-   indicates significant negative relationship
0   indicates no relationship
( ) indicates moderate statistical relationship

relationship). This compares with security level at release where inmates in maximum security were less likely to be early released (-) but more likely to be re-arrested (+).

More importantly, the table shows that three important predictors of re-arrest (age, felony arrests, and drug use) were not used for selecting inmates for early release. This is not to say that they would be of any substantial public safety value if adopted by IDOC, since early release could only advance mandated release dates by 90 days. Perhaps a more practical application of these risk models might be to impose tighter supervision standards for the mandated or early period of parole/community supervision, to modify current sentencing legislation to adjust current prison terms in light of these results or for states with indeterminate sentencing structures and discretionary parole release.

G. Impact of Early Release on Total State Crime Rates

Concern has also been expressed that releasing inmates ahead of their scheduled release dates increases the risk to the public safety by raising the crime rate. News stories frequently describe sensational crimes committed by parolees or recently discharged inmates who could not have committed these crimes if they had served much longer prison terms.

There is no question that these tragic incidents have and probably will continue to occur in the future. As long as prisons contain some portion of dangerous offenders committed to violent lifestyles and who are not sentenced to extremely lengthy prison terms, an unknown but certain amount of crime will be committed by released prisoners. However, one must also remember that the proportion of crime attributable to released inmates can be quite small in comparison to crimes committed by adults and juveniles on probation or those not under the court's jurisdiction.

At issue with early release programs is the extent to which they aggravate the already excessive rate of crime in our society. To evaluate this question, a number of calculations were made to estimate the proportion of crimes committed state-wide which can be attributed to early release. These estimates are based on the number of arrests attributable to early releases during the window of time they otherwise would have been incapacitated had early release not existed. This number can then be compared on an annual basis with total arrests for the state population. The methodology and data used for making such estimates are as follows.

The amount of crime (measured by arrests) attributable to the early release program (ER crime) is a function of the following equation:

$$ERC_{(t)} = ER_{(t)} * A_{(t)} * C/A * P_{(t)}$$

Where:

$ERC_{(t)}$ = Early Release Crimes occurring during time (t).

$ER_{(t)}$ = Number of inmates released during time (t).

$A_{(t)}$ = Arrests per unit of time (t) for early releases.

C/A = Crimes committed per arrested early released inmate.

$P_{(t)}$ = Proportion of early release crimes committed during time (t) occurring within the "risk window".

Note that $P_{(t)}$ is actually a function of the number of MGT days awarded and how many arrests occurred during the "risk window".

This "risk window" is defined as the inmate's release date plus the number of MGT days awarded. For example, if an inmate is released on January 1, 1981 and received 30 MGT days, his "risk window" is the time between January 1 and January 31, 1981. All arrests occurring during this time period are attributed to the early release policy. These arrests were calculated using the NCCD sample on an individual basis with the pooled estimates applied to the total release populations as shown in Table 5-14.

Table 5-14

IMPACT OF EARLY RELEASE ON STATE CRIME RATES

	1980	1981	1982	1983	TOTAL
A. Total State Arrests 1/	241,936	249,996	252,256	226,991	971,179
B. Total Prison Releases 2/	6,969	8,444	10,466	9,480	35,359
C. Number of Early Releases 3/	2,230	5,066	8,373	5,688	21,357
D. Early Releases Arrested Within 12 Months 4/	932	2,118	3,499	2,376	8,927
E. Total Crimes Committed by Early Releases Within 12 Mos. 5/	1,665	3,785	6,253	4,246	15,953
F. Proportion of Crimes Occurring Within Early Release "Window" 6/	320	920	2,232	1,032	4,504
G. Proportion of State Arrests Attributable to Early Release Crimes (G/A)	.001	.004	.009	.005	.005

1/ Includes all Fingerprint Arrest Cards Received. Source: Illinois Criminal Justice Information Authority. The Compiler Vol. 5, No. 1.

2/ Illinois Department of Corrections, Planning and Budget Division.

3/ Based on progressive estimates of .320 (1980), .596 (1981 and 1983), and .800 (1982) early release rate.

4/ Based on pooled estimate of .418 re-arrest rate for all early releases.

5/ Based on pooled estimate of 1.787 arrests per inmate arrested.

6/ Based on progressive estimates of .192 arrests occurring within 75 days of release for 1980 and 1983 releases, .243 arrests occurring within 90 days for 1981 releases and .357 arrests occurring with 120 days for 1982 releases.

During the four calendar years of 1980-1983 for which follow-up arrest data were collected on the NCCD sample of prison releases, 971,179 police fingerprint arrest cards were collected by the Illinois Bureau of Investigation (IBI) (Table 5-14). These arrest cards represent all felony arrests by the state's law enforcement agencies as well as all serious misdemeanor offenses. Each arrest card is then entered on the state's criminal record "rap" sheet system which was also the basis for calculating re-arrest rates for the NCCD sample. Using the same IBI data base allows one to estimate the proportion of Illinois crimes resulting in an arrest reported to the IBI which were committed by early released inmates.

Note that for each year, year-specific calculations are done to reflect variations in state-wide arrests, number of prison releases, number of early releases, and amount of MGT awards. This is done to illustrate how the amount of arrests attributable to early release varies according to the numbers of early releases arrest, rate for early releases, and amount of MGT credits.

For example, in 1980, 32 percent of all prison exits were early releases compared to 1982 when the early release rate accelerated to 80 percent. The amount of MGT awards granted each year also varied which also influenced the amount of crime associated with early release. As the early release "window" expands so also does the amount of crime attributable to the early release program. In 1980, the median amount of MGT awards was 75 days compared to 1982 when it rose to 120 days, thus increasing risk of victimization to society. This methodology also illustrates how modifying both the rate and amount of MGT awards affected crime rates. In 1980, only one-tenth of one percent of the felony arrests were attributed to early release compared to five-tenths of one percent in 1982.

During this three-year period, approximately 35,000 inmates were released and approximately 66 percent (or 21,357) were early released. Approximately 42 percent (9,802) were arrested within 12 months of release and were arrested an average of 1.79 times producing a total of 15,953 arrests. Of this number 4,504 arrests occurred during the early release window.* In absolute numbers this is a large number of arrests but when compared to the totality of comparable arrests occurring statewide, it accounts for less than one percent. The amount of arrests generated by early release was highest in 1982 at which time both the release rate and length of the window were greatest.

The fact that early released prisoners generate a large volume of arrests but a small proportion of the state's overall arrests rate also explains how the state's crime rate was <u>decreasing</u> while early release practices were <u>increasing</u>. Table 5-15 summarizes the 1974-1982 crime picture for Illinois. Reported index crimes (murder, manslaughter, robbery, assault, arson, burglary, theft, larceny, and motor vehicle theft) and arrests have fluctuated but, in general, have remained fairly stable since 1974. Calendar year 1980 was one of the peak years for both reported crimes and arrests. Thereafter, and quite coincidentally, reported crimes and arrests have declined steadily despite the increased use of early release which produced shorter prison terms and more prison exits.

One popular explanation for the decreasing crime rate is the aging male risk population (Blumstein et al, 1980). Males aged 15-19 have been steadily decreasing since 1975 along with males aged 20-24 who began decreasing in 1980 (Table 5-15). As this population continues to shrink, one can anticipate

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*   An alternative and more straightforward method to calculate amount of arrests attributable to early release is to simply multiply the number of beds saved (5,904) times the annual arrest rate for early releases (.748) or 4,416 arrests.

TABLE 5-15

Illinois' Reported Index Crimes, Arrests, and Risk Populations

	Crime		Male Risk Population		
	Reported Index Crimes	Arrests	15-19	20-24	25-29
1974	564,568	119,653	545,342	462,576	393,993
1975	596,071	126,114	553,169	478,549	400,995
1976	560,716	119,271	551,347	489,530	418,554
1977	547,553	116,554	549,531	500,511	436,122
1978	545,874	120,816	547,727	511,501	453,686
1979	573,438	122,481	545,911	522,482	471,254
1980	593,426	133,473	544,089	533,463	488,813
1981	562,547	123,137	534,791	530,382	495,044
1982	546,426	119,888	525,505	527,300	501,273
% Change 1980-1982	-7.9%	-10.2%	-3.4%	-1.2%	+2.5%

decreasing crime rates. There are other factors which could also explain these decreases including increased commitments to prison, some of which are for extremely lengthy terms, changes in social attitudes toward crime, shifting patterns of criminal careers, and social programs aimed at improving the education, medical care, housing, and family environment of youth and young adults. Separating out the relative effects of these interacting forces is beyond the scope of this study. Yet, it appears that minor modification of prison terms alone has had a marginal impact on the total amount of crime occurring in Illinois.

H. Impact of Early Release on Index Crimes

Although the volume of arrests attributable to early release may represent a small proportion of total arrests, could it be that they do represent a significant proportion of those index crimes for which people are sentenced to prison? To test this question we compared the total amount of reported index crimes estimated to be attributable to early release with Illinois state-wide reported index crimes.

Table 5-16 illustrates how we estimated reported index crimes for early releases. We have already estimated that approximately 4,504 arrests were caused by early release. Using data from the NCCD sample on the types of crimes for which early releases were re-arrested during their risk window (see Table 5-5) we then distributed the 4,504 arrests by crime type. With rounding error this produces a total of 4,511 arrests with the largest categories being arrests for theft and disorderly conduct.

To estimate the amount of reported crimes attributable to early release, we then multiplied the reciprocal of the known reporting rate times the actual number of arrests within each crime type. These reporting rates were based on Chicago Police Department statistics which reflect 30 percent of the crime

Table 5-16

**Estimation of Reported Crimes
Attributable to Early Release
By Crime Type**

Crime Type	Offense Distribution [1]	Early Release Arrests [1]	Index Reporting Rate [2]	Estimated Reported Crimes [4]
Homicide	.005	23	1.000	23
Rape	.005	23	.710	32
Robbery	.056	252	.370	681
Assault/Battery	.089	401	.156	2,571
Arson	.010	45	.172	262
Burglary	.136	613	.248	2,472
Theft	.291	1,311	.412	3,182
Motor Vehicle Theft	.018	81	.116	698
Vandalism	.079	356	.116[3]	3,069
Weapons Violation	.042	189	N/A	189
Other Sex	.005	23	N/A	23
Controlled Substance	.061	275	N/A	275
Motor Vehicle Violation	.057	257	N/A	257
Disorderly Conduct	.147	662	N/A	662
TOTAL		4,511		14,396

[1] See Table 5-5.

[2] Crime in Illinois, 1983. Chicago Police Department statistics, pp 143-171.

[3] Lowest reporting rate of the above offenses is used for vandalism for which no actual reporting rate is available.

[4] Calculated as follows: Arrests x 1/Reporting Rate.

data in Illinois. Reporting rates are not available for five non-index crime types but this is of little concern here.

With these limitations the total amount of crimes reported to police attributable to early release from 1980-1983 was 14,396 crimes.* If we just include the most serious index crimes of homicide, rape, robbery, arson, assault, and burglary, the total is reduced to 6,041. This is a large number, but how does it compare with the state-wide totals for index crimes? Table 5-17 shows that between 1980-1983, there were 787,703 reported index crimes with early releases contributing to less than one percent of these crimes. One must again conclude early release had minimal impact on the more severe crimes reported by the public to police.

I. Summary

-   Early release had no impact on the overall rates of re-arrest and parole violations for all released inmates.

-   Early releases had lower re-arrest rates and were arrested for fewer violent crimes than non-early releases.

-   Early release increased the total amount of crime reported to police in Illinois but at a rate of less than one percent. This finding is also true for the more serious index crimes reported to police.

-   During the period that early release has been operational, the state crime rate steadily decreased.

-   Both the RAND SI and California BE risk models were found to be moderately predictive of re-arrest. A specially constructed NCCD model improved the level of prediction partially because it includes in-custody behavior items and was fitted to the unique characteristics of a construction sample.

-   Using these risk models, it was determined that early releases represented moderately lower risks to public safety than inmates not granted early release. This selection criteria minimized the level of crime attributable to early release.

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* This estimate is actually low as it fails to account for multiple offenders per arrest and unreported crimes. Please refer to Chapter 6 for a corrected total accounting for both of these biases. When corrected, the amount of reported crimes could exceed 12,000 which would represent less than two percent of the total number of reported crimes.

TABLE 5-17

Comparison of Estimated Reported Early Release Index Crimes Versus State-Wide Reported Index Crimes 1980-1983

	Index Early Release Crimes	Index Illinois Crimes	Ratio of ER/Illinois
Homicide	23	4,681	.005
Rape	32	12,701	.003
Robbery	681	101,072	.007
Assault	2,571	105,608	.025
Arson	262	18,453	.014
Burglary	2,472	545,188	.005
TOTALS	6,041	787,703	.008

Sources: UCR (1980-1982) and Crime in Illinois, 1983.

CHAPTER 6

DID EARLY RELEASE REDUCE COSTS?

A. Introduction

The final analysis estimates the overall cost savings of early release. This analysis not only estimates the direct benefit of averted prison costs but also the associated costs of releasing greater numbers of prisoners into the community to local criminal justice agencies and to the public. Increasing the number of prison releases means more crime which translates into more work for the police, prosecutors, public defenders, jails, and the courts. More significantly, the public will also suffer direct monetary costs of property loss and medical care associated with these additional crimes. Furthermore, there will be the costs of victims' pain and emotional trauma which cannot be directly measured in economic terms.

The cost-benefit analysis is done within the context of a dynamic model of offenders circulating at fluctuating rates through a multi-component criminal justice system with relatively fixed operating expenditures. Early release is assumed to trigger a short-term and only incremental (i.e., increase in these fixed expenditures. If the system is overloaded (or underutilized) on a temporary basis, additional costs (or savings) are primarily marginal (Funke, 1985). Cost models which are static and assume non-interaction of offenders among the various legal statuses or events (i.e., arrest, pretrial detention, probation, jail, prison, and parole) ascribed costs per criminal justice event (units of arrest, prosecution, disposition, imprisonment days). By failing to take into account that minor and temporary fluctuations in the volume of work have only marginal or incremental cost

consequences, static models often exaggerate the financial benefits of early release or other prison alternatives.

For example, one cannot assume a direct increase in correctional operating costs for each additional prisoner incarcerated above an institution's rated capacity since additional staff are not required. Indeed, many states have found that double-celling is considerably cheaper than constructing new prisons with additional staff. Similarly, there is not a direct additional cost for each additional arrest, prosecution, and court disposition of criminals beyond the normal volume experienced by local criminal justice agencies. Instead, these agencies will handle the accelerated number of arrests attributable to early release within their allocated resources. This assumption seems especially relevant to the Illinois experience where we already observed a declining crime rate during the early release experiment.

B. Major Categories of Costs/Savings

In computing the overall costs of early release, the following four areas of costs are considered:

1. Averted Prison Operating Costs
2. Incurred Parole Supervision Costs
3. Incurred Local Criminal Justice Processing Costs
4. Incurred Victim Monetary Costs

Each of these areas of cost is discussed below in terms of (1) how they are related to the early release policy and (2) which cost items are included in the analysis.

1. Averted Prison Costs

The primary cost beneficiary of an early release program is to the state prison system which temporarily postpones prison operating costs. By releasing inmates faster and thus reducing lengths of time-served, a certain reduction in the projected prison population is realized. Consequently, the projected operational costs associated with housing, feeding, and supervising

the inmate population is less than would otherwise have occurred. Construction or capital costs are not included consistent with the assumption of early release being a temporary solution to crowding. Although, capital costs were eventually incurred, early release simply provided additional time for Illinois officials to proceed with their planned and well financed capacity expansion program.

On the surface this type of cost analysis appears to be quite straight-forward: calculate how much the projected inmate population was reduced by early release (annualized population reduction) and multiply that number times the operating cost per inmate. However, since overcrowding a facility is less costly than single-celling, marginal operating costs figures are used. For example, if the average housing cost per inmate is $17,000 per year, the cost of double-celling additional inmates is substantially lower since additional staff are not required and personnel expenses typically comprise 80 percent of an institution's operating budget (excluding central office administrative expenses). Double celling may only increase those costs for the less expensive prison budget items (food, linen, utilities, etc.). Estimating the costs of housing double-celled inmates is thus largely dependent upon an agency's decision on how much additional staff coverage is required to safely control overcrowded facilities. For purposes of this analysis, two estimates are presented reflecting two scenarios of the state either adding or not adding personnel to double-celled facilities.

Prison cost data used here are based on the actual expenditures of IDOC for two institutions which were double-celled in 1983 to produce increased

capacity. As such, they provide an empirical basis to estimate what the costs of overcrowding in Illinois would have been had early release not occurred.*

2. Incurred Parole Supervision Costs

Although Illinois abolished its parole board in 1978, it retained the use of mandatory parole supervision for all releases. The length and conditions of parole, now called "community" supervision, are dictated both by law and the reconstituted parole board now referred to as the Prisoner Review Board. Released inmates can serve as few as one and as long as three years of community supervision unless the Board issues an earlier discharge notice.

The cost consequences of early release for parole are a function of supervising additional offenders who otherwise would have been incarcerated. As more prisoners are released early, they enter the parole supervision phase faster and therefore increase the parole population. Similar to the costs of incarceration, the fiscal burden of assuming additional offenders on parole represents an incremental increase in supervision costs. The key cost factor to account for would be the addition of parole agents to handle the additional parole supervision caseload.

In computing these costs, actual IDOC expenditure data for the community supervision (parole) are used. In actuality, no additional parole agents were hired during the early release program and the parole supervision population

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* Two other possible cost factors should be briefly mentioned: (1) the costs of a prison riot, and (2) litigation fees. Chapter 3 noted that a primary motivating factor in Illinois for using early release was to minimize the potential for another prison riot similar to the 1978 Pontiac disturbance. That particular riot cost Illinois almost $14 million in physical plant damages, death benefits and workman's compensation, and attorney fees awarded to the families and legal counsel of the murdered guards. Similarly, the costs of litigation in response to suits emanating from riots or overcrowded conditions can also be included as potential expenses avoided via population reduction efforts.

remained fairly stable. And, as will be discussed later on, this absence of growth in the parole population also was a reflection of correctional policy to discharge early offenders from supervision and minimize correctional expenditures.

3. Incurred Local Criminal Justice Costs

Releasing inmates early means that some portion of these offenders will commit crimes during the time they otherwise would have been imprisoned. For each of the 4,504 arrests attributed to early release, there are associated local criminal justice costs for police, jails, and the courts. Furthermore, one must also account for police investigation costs for reported crimes which do not culminate in an arrest. Consistent with prison and parole estimates, these costs are assumed to be short-term incremental costs since additional police, prosecutors, public defenders, judges, and jail staff were not specifically hired to handle the additional early release arrests. In fact, the number of Illinois police officers actually declined from 25,509 in 1980 to 25,252 by 1983 (Illinois Criminal Justice Authority). The Cook County State's Attorney Office also indicated that additional court personnel were not hired in response to the early release program.

For these reasons, marginal cost estimates are again used. A recent study by the Center for Urban Analysis (1984) of the San Jose, California criminal justice system found that 70 percent of police, jail and court expenses are personnel items. Consequently, for purposes of this analysis, we decided to apply a 30 percent marginal cost rate to the calculated local criminal justice costs.*

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* This 30 percent rate may be excessively high given that many police and court agencies expend over 90 percent of their operating costs in personnel items.

It was not possible to locate actual expenditure data reflecting the costs of a police investigation, arrest, prosecution, defense, court disposition, and pretrial detention in Illinois. Consequently, we used cost estimates for these local criminal justice events as published in a recent study by Larsen (1983, 1984). Larsen's analysis is an extremely detailed cost analysis and allows for cost estimates for specific crimes. Its primary weakness is that it reflects costs for arrest made in a western state which may not be representative of such costs incurred in Illinois.

4. Victim Monetary Costs

Costs analysis must also take into account the costs to victims attributable to those crimes committed by early released inmates. If the policy is to increase the rate of release, then one can expect an associated increase in the volume of crimes occurring within the community. Furthermore, one needs to account for victim costs stemming from arrests, crimes reported to police but not cleared and un-reported crimes. The latter two are especially relevant since such a large volume of crimes never result in an arrest by law enforcement agencies.

The difficulty in making accurate victim-cost estimates lies in determining the volume and victim losses associated with: (1) crimes resulting in an arrest, (2) crimes reported with no arrest, and (3) unreported crimes. In this section, the major assumptions used in the analysis are drawn from previous studies in other jurisdictions as well as data collected for this study.

(a) Crimes Resulting in an Arrest

The least controversial estimate to produce is the amount of property loss and medical costs attributable to the 4,504 early release arrests. Victim monetary costs per arrest were based on either Illinois arrest data or the National Crime Survey (NCS) victimization data. The NCS data were used

most frequently as it includes medical costs as well as property losses for the offenses of rape, assault, and robbery, for which official arrest data provide no information. NCS also provides for an estimated recovery of monetary loss from successful insurance claims or recovered stolen property.

(b) Reported and Unreported Crimes

The second and more difficult estimate was the number and associated costs of crimes committed by the early releases which were: (1) reported to law enforcement but did not resulted in arrest and (2) were never reported to police. Self-report surveys and clearance rates statistics have consistently shown that the amount of un-reported crime for some offenses can be twenty times higher than official data for certain crimes.

Two recent studies (Greenwood and Abrahamse, 1982 and Larsen, 1983) have provided intriguing but limited findings in this regard. Both studies were based on a fairly select group of offenders. RAND's career criminal self-report survey data represent a prison stock population sample of convicted robbers and burglars - an offender group which constitutes only 52 percent of Illinois' prison exits. The study by Larsen (1983), which concludes that community corrections is more than twice as expensive as prison, was based on 112 burglars convicted in Phoenix, Arizona.

RAND's sample was post-dictive meaning that it captured self-reported crimes two years prior to the current period of incarceration. The problem with using RAND's estimates is that this study along with several others in the juvenile area (Cox and Murray, 1980; NCCD, 1984) report a decreasing rate of offending after imprisonment (and other court interventions). Since most suppression effects are in the magnitude of a 50 to 70 percent reduction, post-release self-report crime rates can be expected to be lower than the post-dictive rates found in the RAND study.

To compensate for these methodological problems, a technique used by Blumstein and Cohen (1979) to total estimate crimes per arrest was used. This method for estimating the extent of reported and unreported crime associated with an arrest is based on the NCS victimization data and official arrest crime rates. Specifically, their model was as follows:

$$\text{Crime Rate} = \frac{\text{Arrest Rate}}{\text{Probability of Arrest Per Crime}}$$

The difficulty, of course, lies in making an accurate estimate of probability of arrest per crime. Without going into great detail, this rate is calculated by first dividing the number of reported crimes by the reporting rate as measured in the victimization survey. This is done separately for each crime type as each category entails unique reporting rates. These rates are then adjusted by a factor of two to account for multiple offenders per arrest (Blumstein and Cohen, 1979:577-9). Ideally, these computations would be based on Illinois specific data but this was not possible. Illinois index crime and arrest rates were used to estimate the amount of reported crimes attributable to early release. However, no NCS data exist for Illinois alone which mandated the use of the 1981 national victimization survey data.

This technique has two key assumptions which significanlty limit the validity of the estimate. First, crimes committed by the total universe of offenders and may not be representative of a specific offender populations. In the case of selectively released prisoners, this bias is especially relevant. We have already noted the reduction in arrest rates for these prisoners after release compared to their pre-incarceration rates. It might also be argued that the amount of reported and unreported crime is lower for the early releases than for offenders in general by virtue of thier age alone which is generally higher than for more active offenders (Blumstein, 1985).

Second, it is assumed that all offenders have the same risk of arrest and that false arrests are relatively rare events. Here again, the special status of inmates release to parole supervision with extensive arrest records raises a potential bias in our estimates. A strong case can be made that ex-prisoners are indeed more vulnerable to arrests by virtue of their prior record and the presence of parole agents with powers of arrest. If this is true, the estimates of crimes per arrest using aggregate data may again be overestimated.

The total economic losses to victims generated by reported and unreported crimes are again based on the NCS results and/or Illinois police arrest data previously used to estimate victim losses associated with early release arrests.*

C. Cost Calculations

1. Averted Prison Operating Costs

Table 6-1 details the cost components for double-celling 400 inmates at two Illinois medium security facilities during 1983. Our assumption is that if early release had <u>not</u> been used these operating costs would have been required to house the additional 5,904 inmates from 1980-1983 as estimated in Chapter 4.

Closer inspection of Table 6-1 shows that the personnel items of salary, retirement and social security represent the major cost items in double-celling. The other cost items reflect the need for increased food, medical, commodities, and inmate salaries and programs. With all of these costs

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* There is no real need to break out victim losses for arrests, reported crimes, and un-reported crimes. We do so here only to highlight the magnitude of victim losses associated with un-reported crimes.

TABLE 6-1

Actual FY 1984 Operational Costs
Of Double-Celling 400 Inmates

Budget Item	Costs
A. Salaries (49 new staff)	$1,517,160
B. Retirement (49 new staff)	81,840
C. Social Security (49 new staff)	102,000
D. Contractual Services (food, medical)	403,560
E. Travel - Staff	2,880
F. Commodities	780,480
G. Auto Equipment Operations	16,320
H. Inmate Payroll (SMIC)	78,720
I. Inmate Discharge and Gate Money	33,840
J. Required School Programming	302,640
K. Total (A thru J)	$3,319,440
L. Without 49 Additional Staff (Less A,B,C)	$1,618,440
Costs Per Double-Celled Inmate (K ÷ 400)	$8,299
Excluding Added Personnel Costs (L ÷ 400)	$4,046
Institutional Housing Costs/Inmate	$14,180
Total IDOC Costs/Inmate (includes admin costs)	$17,666

Averted Prison Costs - High Estimate - 5,904 inmates x $8,299/year = $48,997,296
Averted Prison Costs - Low Estimate - 5,104 inmates x $4,046/year = $23,887,584

Source: IDOC Budget and Planning Division

included, the cost of double-celling is $8,299 or about half of the $17,666 inmate per year housing cost figure used by IDOC to budget for a capacity level inmate population.*

If Illinois had not added additional staff as the system was forced into double-celling, personnel costs could be deleted and the actual double-celling costs would drop to $4,046 per year or approximately 23 percent of the $17,666 annual operating cost figure.

Applying these two rates to the 5,904 inmate population reduction estimate produces widely different but substantially large averted costs. Using the $8,299 rate, an estimated $49 million in averted costs is produced, whereas the $4,046 double-celling rate nets only $24 million in averted costs.

2. Incurred Parole Supervision Costs

Costs associated with supervising released inmates in the community are substantially less than prison housing costs (Table 6-2). Using FY 1983 IDOC figures, the costs of supervising a 9,757 parole "stock" population is esti-mated to be $554 per year of offender supervision. As Table 6-2 shows, most of these costs (over 80 percent) are personnel items of salaries, retirement, and social security.

If one assumes that the increased load on the parole system resulted in no additional staff, then the marginal costs of early release drops to $104 per each additional supervised released inmate. In fact, IDOC did not increase its parole agent staff and that it also "early released" offenders from parole supervision. Although the number of new intake (or more accurately noted as prison releases) increased by over 3,000 from 1981 to

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* The $17,666 figure includes both institutional and central administrative support costs.

TABLE 6-2

**Actual FY 1983 Community
Supervision Cost Calculation
For 9,757 Caseload**

Budget Item	Costs
A. Salaries	$4,167,200
B. Retirement	185,100
C. Social Security	241,100
D. Contractual Services (Rent)	209,600
E. Travel-Staff	266,700
F. Commodities	25,400
G. Auto Equipment Operations	68,900
H. Telecommunications	230,200
I. Other Costs	12,400
J. Total (A thru I)	$5,406,600
K. Excluding Personnel Costs (A,B,C)	$1,013,400

Costs Per Supervised Offender (J/9,757)	$554	(100%)
Excluding Additional Personnel Costs (K/9,757)	$104	(19%)

Incurred Parole Costs - 1,441 parolees x $104 = $149,864

Source: IDOC Budget and Planning Division

1983, the parole stock population increased by only 1,441. More importantly, the number of parole agents, which is the most important cost item, actually decreased during this same period (from 129 agents in 1981 to 116 agents by 1984). Interviews with IDOC staff indicated that parole staff were encouraged to recommend early discharge from parole to maintain reasonable caseload sizes without increasing supervision costs.

Since there were no additional personnel costs associated with early release, parole supervision costs were based on the lower $104 per inmate rate. Given that the parole supervision population increased by only 1,441 through the early discharge policy, then the total costs incurred by the parole system as a result of early release was only $149,864.

3. Incurred Local Criminal Justice Costs

Police costs of arrests and reported crimes attributable to early release are estimated first. The reported crime estimate is necessary to calculate costs associated with police investigations of reported crimes which frequently do not result in an arrest. Arrest costs reflect law enforcement activities of taking physical custody of suspect and competing required paper work and court testimony. It is also necessary to break out these costs by crime type since the amount of police work associated with serious felonies is much lower than for petty misdemeanors like disorderly conduct and traffic violations. Table 6-3 summarizes the estimated costs of police investigations and arrests using crime data presented in Table 5-15. Approximately $1.7 million was allocated to police investigations of the 14,396 reported crimes and $266,100 to the 4,511 arrests.* Using the 30 percent marginal cost rate,

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* The 4,511 arrest number is a function of rounding error caused by disaggregating total early release arrests (4,504) by crime type.

TABLE 6-3

Estimation of Law Enforcement Costs Associated With Early Release By Crime Type

Crime Type	Reported Early Release Crimes [1]	Cost/ Investigation [2]	Total	Arrests	Cost/ Arrest [3]	Total
Homicide	23	$312	$ 7,176	23	$156	$ 3,588
Rape	32	264	8,448	23	132	3,036
Robbery	681	173	117,813	252	87	21,924
Assault	2,571	146	375,366	401	73	29,273
Arson	262	76	19,912	45	38	1,710
Burglary	2,472	172	425,184	613	88	53,944
Theft	3,182	108	343,656	1,311	54	70,794
Auto Theft	698	123	85,854	81	62	5,022
Vandalism	3,069	76	233,244	356	38	13,528
Weapons	189	57 [3]	10,773	189	29	5,481
Other Sex	23	114	2,622	23	57	1,311
Drugs	275	251	69,025	275	126	34,650
Auto Violations	257	57 [3]	14,649	257	29	7,453
Disorderly Conduct	662	57	37,734	662	29	19,198
TOTALS	**14,396**		**$1,751,456**	**4,511**	**4,511**	**$270,912**

Law Enforcement Costs Attributed to Early Release $525,437 [4] $ 81,274 [4]

[1] See Table 5-15

[2] Larsen (1983), op cit. Some adjustments have been made for robbery, theft, drugs, and vandalism to form composite estimates for crime types.

[3] Weapons and Auto Violation investigative costs not available from Larsen. Disorderly Conduct rate substituted.

[4] Assumes all additional costs were short-term incremental costs reflecting .30 of total costs.

law enforcement costs incurred due to early release crimes are estimated at $525,437.

Pretrial detention costs were then estimated. The average number of detention days per early release arrest based on the NCCD sample was 17 days. Assuming an average per day cost similar to the IDOC daily cost of $48.40 would produce a detention cost of $3,711,650 ($48.40/day x 17 days x 4,511 arrests). Again, invoking the same 23 percent and 47 percent marginal cost assumptions used in Table 6-1 to calculate IDOC's double-celling costs produces a high cost of $1.744 million (47 percent marginal rate) and a low cost of $853,680 (23 percent marginal rate) attributable to early release.

For those arrests resulting in charges being filed and prosecuted, additional criminal justice expenses are incurred reflecting the added work of the courts, prosecutors, and public defenders. However, not all arrests resulted in further court processing. According to the NCCD sample, 23 percent of those arrests with a located final disposition had no charges filed or charges were later dropped with authority to reinstate charges should the legal circumstances surrounding the case change. Applying this 23 percent dismissal rate to the 4,511 arrests results in 3,475 charges. Using Larsen's cost data for court processing results in a $3.9 million figure. Invoking the 30 percent marginal rate lowers the court estimate to $1.2 million (Table 6-4).*

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* These costs are based on a number of other published cost studies or on the budgets of various public agencies in Phoenix and may be overstating court costs for early release arrests. We say this noting that 78 percent of the early release cases were processed as misdemeanor crimes and handled through the less expensive lower court (or Municipal Court as referred to in other jurisdictions). The Santa Clara study referenced above showed that the court costs of processing a case through Municipal Court was $40 per case compared to a $1,540 cost per case for the Superior Court (Center for Urban Analysis, 1984).

TABLE 6-4

Estimation of Total Court and Sentencing Costs By Crime Type

Crime Type	Early Release[1] Charged Cases	Costs Per Case[2]	Total
Homicide	18	$5,321	$94,158
Rape	18	2,837	51,066
Robbery	194	2,501	485,194
Assault	309	2,340	723,060
Arson	35	2,340	81,900
Burglary	472	2,307	1,088,904
Theft	1,009	786	793,074
Auto Theft	62	1,336	82,832
Vandalism	274	484	132,616
Weapons	146	153 [3]	22,338
Other Sex	18	811	14,598
Drugs	212	923	195,676
Auto Violations	198	153 [3]	30,294
Disorderly Conduct	510	153	78,030
TOTALS	3,475		$3,873,740
COURT COSTS ATTRIBUTED TO EARLY RELEASE			$1,162,122 [4]

1/ Adjusted to reflect that 23 percent of arrests, were not prosecuted due to charges being dropped or strickened with leave to reinstate.

2/ Reflects all court, prosecution, and defense costs as documented by Larsen (1983).

3/ Costs not available for these charges. Disorderly conduct rates substituted.

4/ Assumes all costs were marginal increases with no additional court personnel costs @ 30 percent of all costs.

Finally, some early releases were returned to prison and must also be accounted for. Our assumption, again, is that the probability of return is unchanged but the speed of return is increased, thus increasing prison intake above what it would have been without early release. Calculations were done from NCCD sample to estimate what proportion of the early releases were returned to prison during the risk window* (Table 6-5). A total of 961 early releases were estimated to have been returned to prison due to early release. Since they were released approximately 90 days earlier, they were assumed to have returned to prison 90 days sooner and thus occupy an additional 235 cells (961 returnees x 90 days/365 = 235 prison years). Incarceration costs were then applied to these figures as done for the previous incarceration cost estimates. Additional prison costs thus ranged from $1,995 million (47 percent marginal rate) to $976,376 (23 percent marginal rate).

4. Monetary Costs to Victims

The first step in calculating victim costs is to estimate the amount of economic loss stemming from official crimes including those resulting in an arrest or reported crime. Total economic losses were calculated for all index crimes as well as vandalism. Crimes of disorderly conduct, motor vehicle violations, drug possession and sale, other sex crimes, and weapons possession violations were excluded as they have no direct monetary losses for victims.**

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* Ideally we should complete a similar cost estimate for early releases receiving local sanctions of jail and probation, and, savings generated from fines.

** Other sex crimes principally represent sex with minor, lewd conduct (public exposure).

TABLE 6-5

Estimation of Return to Prison Costs for Early Releases

Total Early Releases 1/	21,357
Proportion Returned to Prison Within 12 Months	18 %
Early Releases Returned	3,844
Proportion Returned Within 90 Days	.25
Returned Early Releases Subject to Cost Analysis	961
Estimated Additional Prison Years (961 x 90 Days/365)	235 years

Incurred Prison Costs - High Estimate (235 x $8,299 = $1,950,265)
Incurred Prison Costs - Low Estimate (235 x 4,046 = 950,810)

1/ See Table 5-14

Crime specific NCS victim losses are then applied to the estimated number of reported crimes attributed to early release as presented previously in Table 5-16. Using these methods, an unadjusted figure of $5.5 million in monetary losses is arrived at (Table 6-6.). However, one must also account for recovery of property losses and reimbursed medical claims. The NCS estimates that 36 percent of all economic losses are recovered. Applying this pooled rate to the $5.5 million results in a residual $3.5 million estimate.

The second type of victim loss stems from early release crimes not reported to police. Multiplying the crime specific NCS reporting rate times the number of reported index crimes generates an estimated total crimes per arrest. This is done separately for each crime category. As illustrated in Table 6-7, the probability of a crime occurring per arrest varies significantly according to crime type. For example, there were an estimated 2,106 rapes with only 790 arrests, or a rate of 2.668 rapes per arrest. This compares with only 1,298 arrests for assault for an estimated 18,120 actual assaults or a rate of 13.966 assaults per arrest.

These crimes per arrest rates are then applied to the 4,511 early release arrests to estimate the total number of early release crimes (less reported crimes). Using this estimation technique produces a total of 30,610 crimes of which 16,214 were not reported to police. The most frequent crimes, as expected, were theft, assault, burglary, and vandalism. NCS victim loss rates per crime category are then applied to these 16,214 unreported crimes to arrive at an additional $5.2 million in economic losses attributed to unreported early release arrests (Table 6-8). Adjusting this total for the 36 percent recovery rate reduces the economic loss to $3.3 million.

TABLE 6-6

Estimated Monetary Losses
Attributable To Early Release Crimes
Reported and Arrests By Crime Type

Crime Type	Reported Crimes and Arrests	Mean Monetary Loss to Victims [1]	Total Monetary Victim Loss
Rape	32	$ 357	$ 11,424
Robbery	681	441	300,321
Assault	2,571	287	737,877
Arson	262	1,906 [2]	499,372
Burglary	2,472	777	1,238,472
Theft	3,182	146	464,572
Motor Vehicle Theft	698	2,544	1,775,712
Vandalism	3,069	143 [3]	438,867
Possession of Weapon	189	0	0
Other Sex Crimes	23	0	0
Controlled Substance	275	0	0
Motor Vehicle Offense	257	0	0
Disorderly Conduct	662	0	0
TOTAL	**14,396**	**$ 380**	**$5,466,612**
ADJUSTED FOR .36 RECOVERY RATE		**$ 243**	**$3,498,635**

[1] Mean costs computed from published aggregate data. These figures include medical expense losses as reported in the 1981 NCS. See The Economic Cost of Crime to Victims, BJS, (April) 1984, Table 3, p.4.

[2] Based on Cook County Police arrest statistics. See Crime in Illinois, 1983, pp. 160-161.

[3] Based on Downstate police arrest statistics - not available for Cook County. See Crime in Illinois, 1983, p. 29.

TABLE 6-7

Estimating Probability of Crimes Per Arrest
By Crime Type

Crime Type	Crimes Reported To Police[1]	NCS Reporting Rate[2]	Estimated Crimes[3]	Arrests	Crime Per Arrest
Homicide	668	N/A	668	979	.682
Rape	1,112	.528	2,106	790	2.668
Robbery	16,307	.562	29,016	6,037	4.809
Assault	8,317	.459	18,120	1,298	13.966
Arson	1,651	N/A	1,651	284	5.814
Burglary	32,249	.493	65,414	8,002	8.199
Theft	92,388	.269	343,450	38,089	9.023
Auto Theft	30,850	.724	42,610	3,577	5.814
TOTALS	183,542		503,035	59,056	8.518

[1] Crime In Illinois, 1983. Chicago Police Department statistics.

[2] Criminal Victimization In The United States, 1982. Bureau of Justice Statistics, U.S. Department of Justice, p. 70.

[3] Computed by multiplying crimes reported to police by 1/NCS reporting rate.

TABLE 6-8

Estimated Victim Losses Attributable To
Early Release Crimes Without Arrest or Report
By Crime Type

Crime Type	Early Release Arrests	Crimes Per Arrest Rate	Early Release Crimes	Less Reported Crimes	Mean Monetary Loss	Total [1]
Rape	23	2.668	61	29	$ 357	$ 10,353
Robbery	252	4.809	1,212	531	441	234,171
Assault	401	13.966	5,600	3,029	287	869,323
Arson	45	5.814	262	0	1,906	0
Burglary	613	8.199	5,014	2,542	777	1,975,134
Theft	1,311	9.023	11,829	8,647	146	1,262,462
Auto Theft	81	11.907	964	266	2,544	679,704
Vandalism	356	11.907 [2]	4,239	1,170	143	167,310
Possession of Weapons	189	N/A	189	N/A	0	0
Other Sex Crimes	23	N/A	23	N/A	0	0
Controlled Substance	275	N/A	275	N/A	0	0
Motor Vehicle Offense	257	N/A	257	N/A	0	0
Disorderly Conduct	662	N/A	662	N/A	0	0
TOTALS	4,511		30,610	16,214		$5,198,457
ADJUSTED FOR .36 RECOVERY RATE						$3,327.013

[1] See Table 6-6.

[2] Not available for Chicago. These rates are based on available non-Cook County statistics. See Crime In Illinois, p. 29.

A final adjustment is necessary to account for multiple offenders which substantially increases the estimates of crimes per arrest and victim economic loss. Blumstein and Cohen (1979) observed that failing to account for multiple offenders associated with each crime overestimates the probability of arrest per crime and, therefore, underestimates the amount of crime associated with each arrest. Using 1972 through 1975 victimization data, they estimated the mean number of offenders per arrest to be two. They also found considerable variability between crimes of violence requiring victim confrontation (robbery, rape, and assault) and little data on property crimes where victim confrontation is relatively rare.

If we had used Blumstein and Cohen's estimate for multiple offenders for all offenses, the amount of crime attributable to early release would double from 30,610 to over 61,000 and the total economic losses of victims would increase from $6.8 million to $13.6 million.*

However, one must use caution in accepting these estimates corrected for multiple offenders. Such crimes tend to be committed by juveniles and not adult offenders (NCS, 1982; Blumstein and Cohen, 1979). Moreover, using the mean again distorts the fact that most offenses (70 percent) are committed by single offenders (NCS, 1982). Until follow-up studies are completed on released inmates which directly measure total crimes and extent of victim loss associated with such crimes, our estimates on the cost of early release and other sentencing policies will remain clouded.

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* Some will argue that this analysis greatly understates actual victim costs. As Larsen (1983) notes, one can also include costs such as target hardening and real estate devaluation, loss of wages, and costs associated with changes of lifestyle (increased use of taxis versus public transporation). Including these target hardening costs (both reported and unreported) as used by Larsen would add an additional $3.3 million.

D. **Summary**

Summarizing all of the major cost items shows that early release maintains an overall balance of savings regardless of whether one uses the high or low cost assumptions (Table 6-9). The cost savings of early release to corrections are substantial with relatively lower costs to local public criminal justice agencies stemming from arrests of the early releases. However, monetary losses to victims are considerable.

These results are in agreeement with two previous studies (McGuire, 1978, and Bloom and Singer, 1979) but conflict with Larsen (1983) and Zedlewski (1984). The differences between these studies are wholly driven by assumptions on the amount of unreported crimes and economic losses associated with these crimes as well as the type of offenders studied. Furthermore, there are a number of cost factors which could not be empirically estimated. Excluded are averted costs of prison violence or riots possibly associated with overcrowding as well as additional victim costs related to changes in lifestyle, loss of employment opportunities, and costs borne by both the victim's and inmate's family. Depending upon one's assumptions the cost savings of early release could be substantially lower or higher.

TABLE 6-9

Early Release Cost Summary

	High Estimates [1]	Low Estimates
Averted Prison Prison Costs	$48,997,296	$23,887,584
Incurred Parole Suppression Costs	(162,833)	(162,833)
Incurred Investigations and Arrests Costs	(606,711)	(606,711)
Incurred Pretrial Detention Costs	(853,680)	(1,744,476)
Incurred Court Processing Costs	(1,162,122)	(1,162,122)
Incurred Return to Prison Costs	(950,810)	(1,950,265)
Incurred Victim Property and Medical Costs	(6,825,648) [2]	(6,825,648) [2]
Net Savings/(Costs)	$31,609,844	$4,609,881

[1] Reflects differential assumptions on the marginal operating costs of operating an overcrowded prison or jail facility.

[2] Includes corrected estimates for number of crimes per early release arrest taking into account multiple offenders per crime.

CHAPTER 7

SUMMARY OF FINDINGS AND POLICY IMPLICATIONS

We began this report by observing that most of the nation's prison systems are overcrowded and that many states are seeking to control population growth through a variety of early release mechanisms. The Illinois experience provides a glimpse at one major effort to control prison crowding by shortening approximately three months off the expected prison term for a majority of its inmates. Although the characteristics and administration of the Illinois program are unique to that state's sentencing structure, the strategy of adjusting length of stay through largely "backend" and administrative mechanisms are common to many early release strategies. This final chapter summarizes the major findings of the Illinois experience as they relate to the original research questions and translates them into policy implications bearing on the overall utility of early release.

A. Major Research Findings

1. Was Early Release an Effective Means for Controlling Prison Overcrowding?

Yes - but only on a short-term basis. The dual system of a highly structured forced release program as well as the more informal system of awarding MGT credits was effective in maintaining the prison population at its designated capacity level and reduced the projected population by 10 percent from 1980 through 1983. Over 5,900 prison man-years were saved by the Illinois program. However, it must be emphasized that early release programs have a short and volatile lifespan. The Illinois program, although curtailed by the state's Supreme Court, has continued to operate but at a much slower rate. The recent termination of the Michigan Emergency Powers Act as well as the failure of similar proposals in California, Colorado, and New York to receive

legislative or executive branch approval illustrate that early release programs are unlikely to provide a long-term solution to a state's overcrowding problem. More permanent solutions can only occur by modifying sentencing, good-time, parole policies and/or by expanding prison bed capacity.

2. Did Early Releases Have a Higher Recidivism Rate than Other Releases?

No. Reducing an inmate's expected length of stay by the median amount of 90 days had no impact on the probability that an inmate would be re-arrested or returned to prison. This finding is consistent with other studies reviewed earlier. Early released inmates actually had a lower re-arrest rate (42 percent) than releases serving their full terms (49 percent). Differences in recidivism rates, however, reflect Illinois' criteria for selecting lower risks for early release and not the influence of incarceration length. Specifically, the inmate's commitment offense, conduct while in prison, and security level at release were found to be associated with both selection for early release and probability of re-arrest.

On a more global level, we also learned that the rate of re-arrest steadily decreased for most inmates after the first few months of release and that over 25 percent of all releases could be classified as low risks according to several risk models (RAND, California BE, NCCD). Conversely, over 30 percent could be classified as high risk offenders according to these same models. Modifying the length of stay for these two risk groups could produce a more cost efficient approach to sentencing (i.e., lowering length of stay for low risk and increasing length of stay for high risk inmates while maintaining a stable prison population size).

3. Did Early Release Increase the Amount of Crime in Illinois?

Yes. As the rate of release from prison increases, inmates who would otherwise be incapacitated will contribute to the overall crime rate. Knowing the number of early releases, their re-arrest rate, and the amount of prison term reduced allows one to estimate the number of arrests attributable to early release. Between 1980 and 1983, early release was estimated to have caused an additional 4,500 arrests. Taking into account crimes not resulting in arrest, early release may also have caused an additional 14,400 reported crimes, and at least 16,200 unreported crimes. Although these are substantial numbers and represent a grave threat to public safety, they represent less than one percent of all state-wide arrests and less than 1 percent of all reported index crimes. Seventy percent of these crimes were property or public nuisance crimes excluding burglaries. Moreover, the actual crime rate in Illinois (both reported and arrests) steadily declined during the time that release was being used. Although early release did increase the absolute amount of crime that otherwise would have occurred, it had a marginal effect on the overall crime problem in Illinois.

4. Did Early Release Avert Criminal Justice Costs?

Yes. As much as $49 million in state funds were saved by reducing prison terms an average of three months. Even when taking into account the estimated costs associated with increased parole populations, arrests, and court processing, the overall savings generated by early release to public agencies remained substantially high.

5. Was Early Release Cost Effective After Taking Into Account the Monetary Costs to Victims?

Unknown. Various estimates of crimes committed against victims produced substantial economic losses. Indeed, victim economic losses were the primary cost factor offsetting the large gains realized by reducing the projected

prison population. Although a large number of reported and unreported crimes were estimated to be committed by released inmates, their economic damage is less than the savings realized by the prison system for three reasons:

- o Small amounts of documented loss and medical expenses per offense,

- o Significant recovery rates for these losses through insurance claims, and

- o Large numbers of crimes (over 25 percent) with no direct victim loss (disorderly conduct, weapon possesion, drug possession, drug sale and motor vehicle offenses.

However, if one includes other cost items, the economic benefits of early release may be outweighted by victim costs. More research is required on the rate of offending by released inmates and costs of the crimes to society before definitive statements can be made on the relative costs of early release and other forms of alternatives to current sentencing structures.

B. Policy Implications

1. The Dilemmas of Early Release

From the state's perspective, early release worked as intended. Prison crowding was minimized and substantial costs averted. Inmates with good prison conduct records were selectively released early, thus, maintaining prison discipline and minimizing the adverse impact on public safety. More importantly, valuable time was provided to allow Illinois to reduce the imbalance of prison beds and prison population.

However, from the prosecutor's, court, and public's perspective early release is anything but a success even though it may have saved the state millions in revenue. Prosecutors work to improve conviction rates and judges follow the mandate of the law to impose longer sentences. Moreover, a

confused and often angry public finds it difficult to understand why thousands of inmates are being discharged early while they continued to be victimized at intolerable levels. And they take little comfort in knowing that these prisoners would have been released within a few months regardless of the early release program.

Thus, when viewed as a long-termed credible solution to prison crowding, early release is a poor substitute for a rational and cost-effective sentencing policy. It provides an excessive amount of discretion for correctional administrators, may worsen public safety if high risk offenders are released long before their terms expire, violates principles of equity and certainty in sentencing as assumed by the court, and lessens the already low regard held by the public for the criminal justice system.

2. Is Early Release Necessary?

Early release can provide no more than a short-term solution to temporarily correct a chronic imbalance between a state's prison population and its capacity to house them in facilities which are safe, humane, and constitutional. This "imbalance" is the result of improper long-term planning by state and local governments that have incorrectly estimated or ignored the likely impact of recently adopted sentencing policies, the public's resistance to site new prisons in their community, and the enormous costs of imprisonment. Put directly, they have passed sentencing legislation which they cannot or do not intend to pay for.

If Illinois policymakers had properly anticipated the rise in prison population growth resulting from its 1978 Determinate Sentencing legislation, it should have made one of two choices:

- o Modify the proposed legislation to lessen or eliminate the rate of prison growth; or

- o Immediately begin an ambitious capacity expansion program.

By delaying or ignoring both of these options, the state was headed on a direct course toward prison crowding. Eventually it was too late to do anything other than begin early release or do nothing and thus face the costly consequences associated with prison crowding including litigation, increased prison violence, and loss of inmate and staff lives.

These recurring problems of prison crowding can and should be avoided by enacting carefully constructed and properly analyzed legislation. States that find themsleves "forced" to early release by the courts or by their own legislative standards are finally coming to grips with the realities of their recently enacted correctional and sentencing policies.

Prison crowding, both its causes and solutions, are wholly deterministic and need not be. If policymakers enact legislation and policies we can afford, the need for early release will disappear. However, one is not optimistic. Early release is likely to continue if only because the courts will continue to intervene in those states with deplorable and unconstitutional conditions of confinement. If a state is forced to adopt such a policy, this study has shown that by applying validated risk instruments to their release decision, the risk to public safety can be minimized. But early release should not be seen as a permanent solution to the overcrowding problem.

3. Rethinking the Utility of Incapacitation

This study has shown that relatively minor adjustments in the length of stay across a large proportion of prison admissions will produce effective controls on prison population growth without adversely affecting the risk to public safety. Indeed, crime rates can even decline with such a policy in place as more powerful forces in our society work to suppress crime rates. We specifically learned that a significant proportion (25 percent) of inmates are

unlikely to be returned to prison or be arrested regardless of whether their prison terms are reduced by 90 days or less. One could expect the same result if their terms had been increased by these increments of time.

If this is so, then we should carefully scrutinize our current sentencing policies to ensure that we are utilizing prison space in the most cost-effective manner without placing undue stress on the prison system. Too often, policymakers and the public think only in terms of the basic sentencing options: prison versus probation. And, if the sentence is prison, then the term is calibrated in years and not months, weeks, or days. Instead of focusing exclusively on the front-end decision of who should be incarcerated, considerable progress can be gained by refining the question of "for how long?"

If substantial pools of inmates can be identified where moderate reductions in prison terms produces similar crime control effects, then associated problems of prison crowding and excessive operating and construction costs can be solved. Put differently, minimizing the use of criminal justice sanctions can also mean that persons with "low propensities to commit future crimes should be punished as inexpensively as possible" (Zedlewski, NIJ, 1985:21). Yet, we must also ensure that persons posing obvious threats to public safety serve their full terms as prescribed by law or be released with some level of supervision to protect public safety. Utilitarian concerns of expensive and ineffective incarceration versus excessive risk to public safety must be evaluated in the context of due process, equal protection, and the proportionality of punishment.

The mathematics of controlling prison size by making minor adjustments in length of stay without worsening public safety can be illustrated as follows. In 1984, the nation's prison population reached 464,000. Knowing the size of

the nation's resident population and the number of admissions (estimated at 240,000 per year) allows one to estimate a national average length of prison stay of approximately 23 months (CJI, 1984:10).

If the average length of stay were reduced by 90 days for 30 percent of the nation's new intake into prison (72,000 prison admissions) it would eventually produce a net reduction of 18,000 prisoners on an average daily population basis assuming admissions remained constant over time.* Conversely, if we increased the length of stay by 90 days for the same 30 percent of new intake, the population would increase by 18,000 inmates. The size of these fluctuations represent prison populations larger than only seven prison systems (Texas, California, Florida, Illinois, New York, Ohio, and Federal Prison System). And if such fluctuations have minimal impact on public safety by carefully selecting low-risk offenders for release, then the cost-effectiveness of current sentencing practices should be questioned on utilitarian grounds alone.

C. Future Research Needs

1. Self-Report Recidivism Studies of Released Inmates

With the exeption of Larsen's (1983) study, there has been no major study of released prisoners using self-report questionnaires. Indeed, the often cited RAND post-conviction self-report survey of 2,100 imprisoned burglars and robbers is frequently misused to estimate post-conviction crime rates. We know from this study and the comparatively richer body of self-report research in the juvenile field that the recidivism rate is not constant and that offender crime rates decrease substantially after court intervention. Conse-

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* Thirty percent is used as it represents the proportion of Illinois prison releases found to be of low risk for re-arrest and possessing satisfactory prison conduct records.

quently, it may well be that both post-incarceration and the types of crimes being committed by released inmates are substantially different from the pre-incarceration rates.

The only direct means to measure these rates is to conduct self-report surveys of released inmates covering some standard period of observation (i.e., 12 or 24 month follow-up period). There are severe methodological difficulties associated with completing such research. Maintaining credibility in the offender's responses made while under the jurisdiction of the state's correctional system will of course be problematic. Moreover, significant levels of respondent loss will also have to be controlled. Finally, there will be the issue of safety of the interviewers, who necessarily will be required to interview a certain number of high risk offenders.

Despite these methodological difficulties, the potential for improving our knowledge on the effects of incarceration demands that a number of these studies should be tried. Without such information, policymakers will be forced to make difficult decisions regarding sentencing policy without the benefit of knowing the consequences of their actions on public safety.

2. Victim Loss Studies of Recidivism

Closely aligned to the need for self-report recidivism studies is an urgent need for more detailed studies of the costs of prisoner recidivism. It's not enough to know the recidivism rate, one must also know the types of crime and the actual losses to victims as a result of the crimes. Specifically, items such as actual loss of property, wages loss, medical costs, and recovery ratios must be known. If an arrest occurs, what were the costs and associated costs of a criminal justice processing if it occurred at all?

Presently, we must rely on the costs of crime in general which may be very different from the costs of crimes committed by released inmates. These data could then be used to more accurately estimate costs of alternative sentencing policies.

3. Estimating the Impact of Reform on the Criminal Justice System

Prison crowding is "caused" by an inability to accurately project population growth and/or adequately provide resources for that growth. As offender-based management information systems become more sophisticated, it will become increasingly possible to more accurately project future correctional populations.

But even with the increased availability of offender flow data, states will need to develop more sophisticated projection models which are capable of modeling narrowly defined reforms for specific crime types as well as wholesale changes in sentencing good-time and release practices (i.e., abolition of parole, determinate sentencing, etc.). It will also be possible to model changes not only in prison populations, but also associated changes in probation, parole, and jail (sentenced) populations. If prison intake increases, will probation and parole caseload and jail population be affected? How will the security and custody levels of residual prison populations be affected?

These are the kinds of questions policymakers will be increasingly demanding their correctional administrators to answer. Better methods and additional training in these techniques of policy analysis are needed so that states avoid the unnecessary costs of policies which fail to enhance public safety or improve the worsening conditions of our nation's prisons and jails.

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